

DATE: January 1, 2025
FROM: Julie Ocken
RE: **Update Packet #212**

This code update packet includes Zoning Code changes from:

- Housing Compliance Adjustment SB1537 Ord. No. 191942 (contact: Phil Nameny)
- Name changing of BDS to PP&D (contact: Morgan Tracy)

Chapter	Remove Pages	Insert Pages	Changed because of
33.10	All	All	SB1537
33.110	7-52	7-52	SB1537; BDS to PP&D
33.120	1-64	1-64	typo; SB1537; BDS to PP&D
33.130	1-2, 9-10, 15-50	1-2, 9-10, 15-50	SB1537; BDS to PP&D
33.140	11-12	11-12	BDS to PP&D
33.150	25-26	25-26	BDS to PP&D
33.203	All	All	typo; BDS to PP&D
33.207	3-6	3-6	BDS to PP&D
33.237	5-6	5-6	BDS to PP&D
33.243	All	All	BDS to PP&D
33.248	5-10	5-10	BDS to PP&D
33.254	1-2	1-2	BDS to PP&D
33.258	1-14	1-14	BDS to PP&D
33.262	1-2	1-2	BDS to PP&D
33.266	7-8, 13-14, 31-38	7-8, 13-14, 31-38	SB1537; BDS to PP&D
33.272	1-2	1-2	BDS to PP&D
33.281	5-6	5-6	BDS to PP&D
33.296	3-4	3-4	BDS to PP&D
33.410	3-4	3-4	BDS to PP&D
33.430	17-18, 31-46	17-18, 31-46	BDS to PP&D
33.440	7-12	7-12	BDS to PP&D
33.445	3-4, 9-42	3-4, 9-42	typo; BDS to PP&D
33.465	13-26	13-26	BDS to PP&D
33.475	9-18, 31-42	9-18, 31-42	BDS to PP&D
33.508	7-8, 19-32	7-8, 19-32	BDS to PP&D
33.510	19-72	19-72	SB1537; BDS to PP&D
33.515	13-14, 33-34	13-14, 33-34	BDS to PP&D
33.521	5-6	5-6	BDS to PP&D
33.526	1-18	1-18	SB1537; BDS to PP&D
33.532	3-10	3-10	SB1537; BDS to PP&D
33.536	3-14	3-14	SB1537; BDS to PP&D
33.537	3-4	3-4	BDS to PP&D
33.538	3-4	3-4	BDS to PP&D
33.550	1-2	1-2	BDS to PP&D
33.561	1-8	1-8	SB1537; BDS to PP&D
33.562	5-18	5-18	SB1537; BDS to PP&D

33.563	1-6	1-6	SB1537; BDS to PP&D
33.564	1-6	1-6	SB1537
33.565	15-18	15-18	BDS to PP&D
33.583	1-6	1-6	SB1537
33.595	7-14	7-14	SB1537
33.610	All	All	typo; SB1537
33.630	5-6	5-6	BDS to PP&D
33.636	All	All	BDS to PP&D
33.640	All	All	BDS to PP&D
33.652	All	All	BDS to PP&D
33.654	5-6, 11-12	5-6, 11-12	BDS to PP&D
33.660	3-4	3-4	BDS to PP&D
33.662	3-4	3-4	BDS to PP&D
33.664	3-4	3-4	BDS to PP&D
33.668	All	All	BDS to PP&D
33.670	All	All	BDS to PP&D
33.671	All	All	BDS to PP&D
33.675	All	All	BDS to PP&D
33.676	All	All	BDS to PP&D
33.677	All	All	SB1537; BDS to PP&D
33.700	All	All	SB1537; BDS to PP&D
33.705	All	All	BDS to PP&D
33.710	All	All	BDS to PP&D
33.720	All	All	BDS to PP&D
33.730	All	All	BDS to PP&D
33.750	All	All	BDS to PP&D
33.805	All	All	SB1537
33.810	All	All	BDS to PP&D
33.825	5-6	5-6	BDS to PP&D
33.850	All	All	BDS to PP&D
33.852	All	All	BDS to PP&D
33.854	7-8	7-8	BDS to PP&D
33.855	All	All	BDS to PP&D
33.865	All	All	BDS to PP&D
33.900	1-4	1-4	BDS to PP&D
33.910	All	All	BDS to PP&D

33.10 Legal Framework and Relationships

10

Sections:

- 33.10.010 Purpose
- 33.10.020 Official Names
- 33.10.030 When the Zoning Code Applies
- 33.10.040 Other City, Regional, State, and Federal Regulations
- 33.10.050 Official Zoning Maps
- 33.10.060 Comprehensive Plan Designations
- 33.10.070 Severability

33.10.010 Purpose

The zoning code is intended to implement Portland's Comprehensive Plan and related land use plans in a manner which protects the health, safety, and general welfare of the citizens of Portland.

33.10.020 Official Names

The official name of this Title is "Title 33, Planning and Zoning" and it may be referred to as "Title 33" or the "zoning code".

33.10.030 When the Zoning Code Applies

- A. All land and water.** The zoning code applies to all land and water within the City of Portland except as provided in Subsections B., C., and D. below. All land divisions, uses and development must comply with all of the requirements specified in the zoning code for that location.
- B. Clarification for rights-of-way.** Land within private rights-of-way, including rail rights-of-way and utility rights-of-way, is regulated by Title 33. Land within public rights-of-way is regulated by Title 17, Public Improvements, and not by Title 33, except in the following situations where both Titles apply:
 - 1. The act of creating or dedicating public rights-of-way through a land division;
 - 2. Structures that project from private property over rights-of way, such as oriel windows;
 - 3. Proposals for park-and-ride facilities for mass transit;
 - 4. Development within rights-of-way in the design, historic resource, greenway, river, environmental conservation, environmental protection, pleasant valley natural resource, and scenic resource overlay zones, including the creation of new rights-of-way and the expansion of existing rights-of-way. In this situation, the regulations and standards of the base zones, plan districts and 200 series of chapters do not apply.
- C. Clarification for waterbodies.** The siting of fills or structures on or over waterbodies is subject to the zoning code provisions. The zoning code does not regulate shipping, dredging, boating, and other similar uses on or in water bodies. The zoning code does regulate dredging in the Willamette River Central and South reaches and the Greenway

overlay zone in the South Waterfront Subdistrict of the Central City but does not regulate dredging on or in any other portion of the Willamette River or any other water body.

- D. **Private rights-of-way.** The creation of private rights-of-way is regulated by Title 33, Planning and Zoning. Street improvements in private rights-of-way are allowed by right in all zones.

33.10.040 Other City, Regional, State, and Federal Regulations

- A. **Compliance required.** In addition to the requirements of the zoning code, all uses and development must comply with all other applicable City, regional, state, and federal regulations.
- B. **References to other regulations.** All references in the zoning code to other City, regional, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of regional, state, or federal regulations.
- C. **Current versions and citations.** All references to other City, regional, state, or federal regulations in the zoning code refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, zoning code requirements for compliance are no longer in effect.

33.10.050 Official Zoning Maps

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

33.10.060 Comprehensive Plan Designations

- A. **Mapping format.** The Official Zoning Maps also show the Comprehensive Plan designations. Where the zoning map symbol is a corresponding zone of the Comprehensive Plan designation, only the zoning map symbol is shown for an area. Where the zoning map symbol is a less intense zone than the Comprehensive Plan designation, the area of the differing Comprehensive Plan designation is outlined with a dotted line and the Comprehensive Plan designation is shown in parentheses.

- B. Map symbols.** Where there is only one corresponding zone for a Comprehensive Plan designation, the map symbol for the designation is the same symbol as for the corresponding zone. Where there is more than one corresponding zone for a Comprehensive Plan designation, the map symbols are as follows:

Comprehensive Plan Designation	Map Symbol
Mixed Use – Urban Center	MU – U
Mixed Use – Civic Corridor	MU – C
Mixed Use – Neighborhood	MU – N
Mixed Use – Dispersed	MU – D
Institutional Campus	CI
Mixed Employment	ME
Industrial Sanctuary	IS

33.10.070 Severability

If any portion of the zoning code is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the zoning code, and in no way affects the validity of the remainder of the zoning code.

(Amended by: Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 178657, effective 9/3/04; Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21; Ord. No. 191477, effective 3/1/24; Ord. No. 191779, effective 10/1/24; Ord. No. 191942, effective 1/1/25.)

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

Yes = allowed; No = prohibited.

33.110.202 When Primary Structures are Allowed

- A. Purpose.** The regulations of this section allow for development of primary structures on lots and lots of record that are an adequate size, but do not legitimize plots that were divided after subdivision and partitioning regulations were established. The regulations ensure that development on a site will in most cases be able to comply with all site development standards. The regulations also allow development of primary structures on lots that were large enough in the past, but were reduced by condemnation or required dedications for right-of-way.
- B. Adjustments.** Except as allowed by C.4.a and C.5, adjustments to this section are prohibited.
- C. Primary structures allowed.** Development of a primary structure is allowed as follows:
 1. On a lot created on or after July 26, 1979;

2. On a lot created through the Planned Development or Planned Unit Development process;
3. On a lot, lot of record, lot remnant, or combinations thereof that did not abut a lot, lot of record, or lot remnant under the same ownership on July 26, 1979, and has not abutted a lot, lot of record, or lot remnant under the same ownership since July 26, 1979;
4. On a lot or adjusted lot or combination thereof that either:
 - a. Meets the minimum lot size requirements stated in Table 110-3. Until January 2, 2032, adjustments to reduce the minimum lot size requirements by up to 10 percent may be requested. Beginning January 2, 2032, adjustments are prohibited; or
 - b. Does not meet the minimum lot size requirements stated in Table 110-3 but meets all of the following:
 - (1) No portion of the lot, adjusted lot or combination is in an Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zone;
 - (2) No portion of the lot, adjusted lot or combination is in the combined flood hazard area; and
 - (3) The lot, adjusted lot or combination has an average slope of less than 25 percent.
5. On a lot of record or lot remnant or combination thereof that meets the minimum lot size requirements of Table 110-3. Until January 2, 2032, adjustments to reduce the minimum lot size requirements by up to 10 percent may be requested. Beginning January 2, 2032, adjustments are prohibited.

D. Plots. Development is prohibited on plots that are not lots, adjusted lots, lots of record, lot remnants, or tracts.

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

Notes:

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

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

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

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

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

33.110.205 Minimum Dwelling Unit Density

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

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

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

[2] Including accessory dwelling units.

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

33.110.210 Floor Area Ratios

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

the existing street-facing façade of the existing primary residential structure may be altered to add additional floor area.

33.110.215 Height

A. Purpose. The height standards serve several purposes:

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

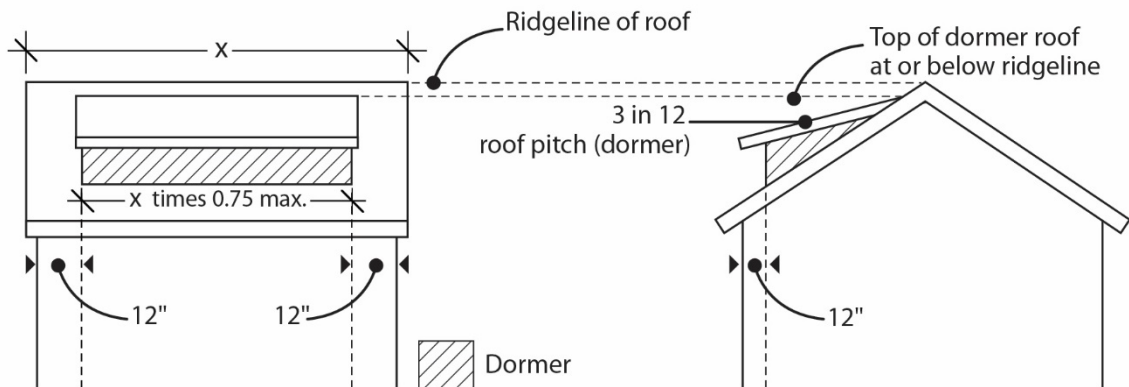
B. Maximum height. The maximum height allowed is stated in Table 110-4. The maximum height standards for detached and connected accessory structures are stated in 33.110.245, Detached and Connected Accessory Structures. The maximum height standard for narrow lots is stated in 33.110.260, Additional Development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

C. Exceptions to the maximum height.

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

- b. For pitched, hipped or gambrel roofs, the roof mounted solar panel must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.

Figure 110-1
Dormers



D. Alternative height limits for steeply sloping lots.

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

33.110.220 Setbacks

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

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

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

C. Extensions into required building setbacks.

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

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

D. Exceptions to the required setbacks.

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

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

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

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

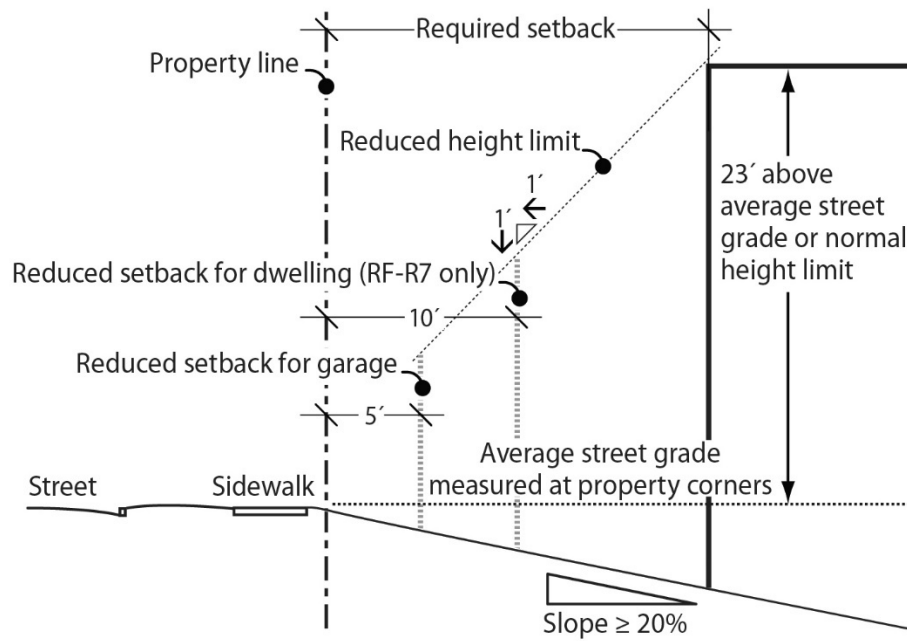
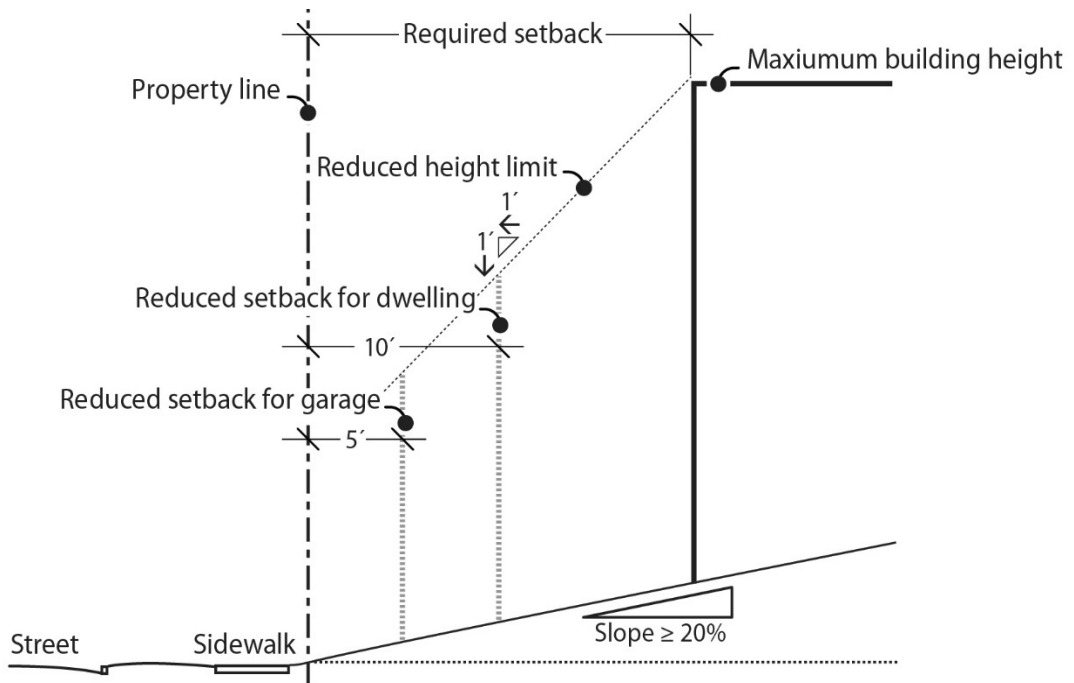
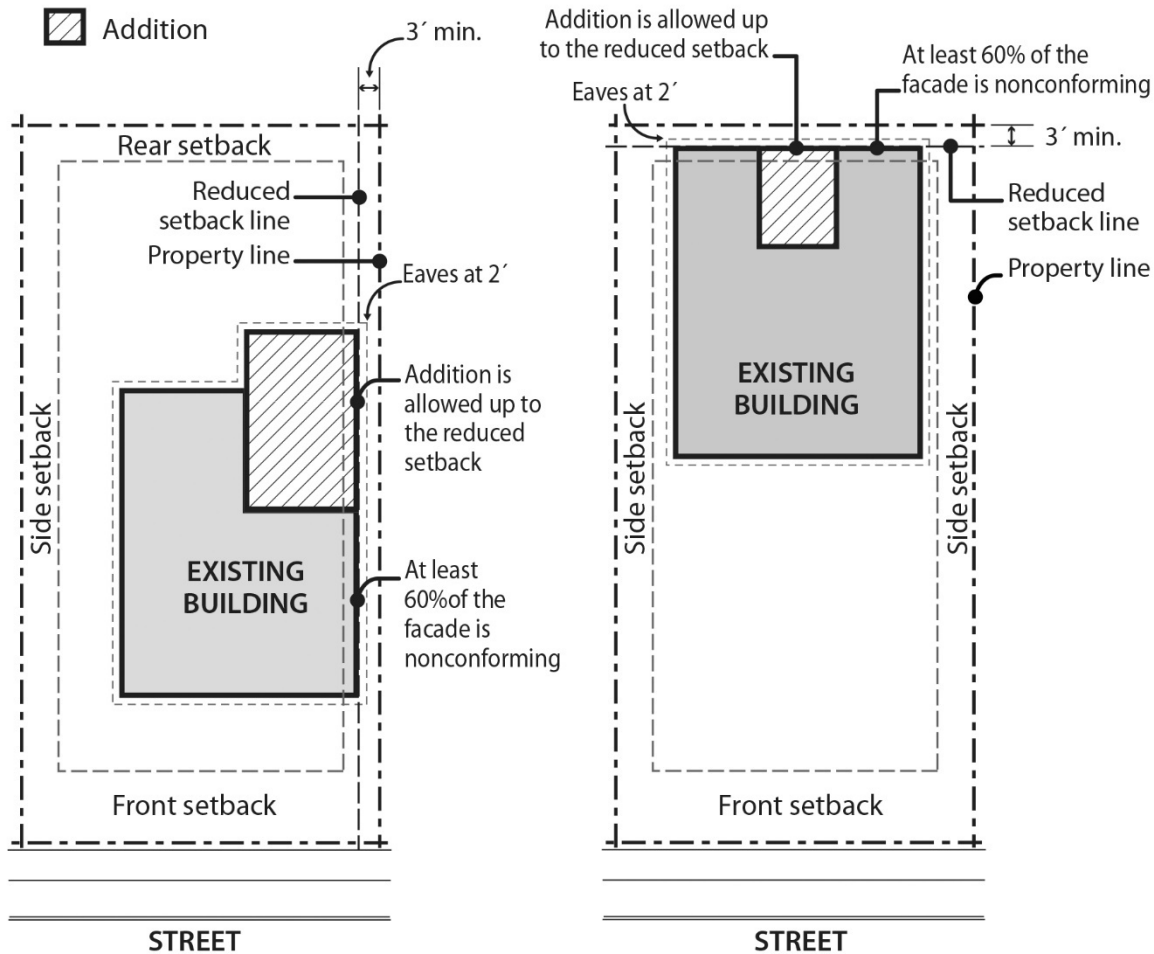


Figure 110-3
Exceptions To Front Building Setback And Garage Entrance Setback—Uphill



**Figure 110-4
Established Building Lines**



33.110.225 Building Coverage

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

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

33.110.227 Trees

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

33.110.230 Main Entrances

A. Purpose. These standards:

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

B. Where these standards apply.

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

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

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

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

Figure 110-5
Main Entrance Facing the Street

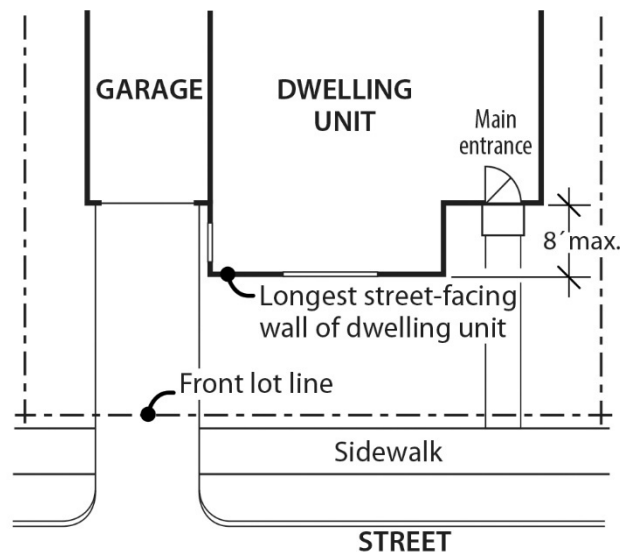


Figure 110-6
Main Entrance Opening onto a Porch

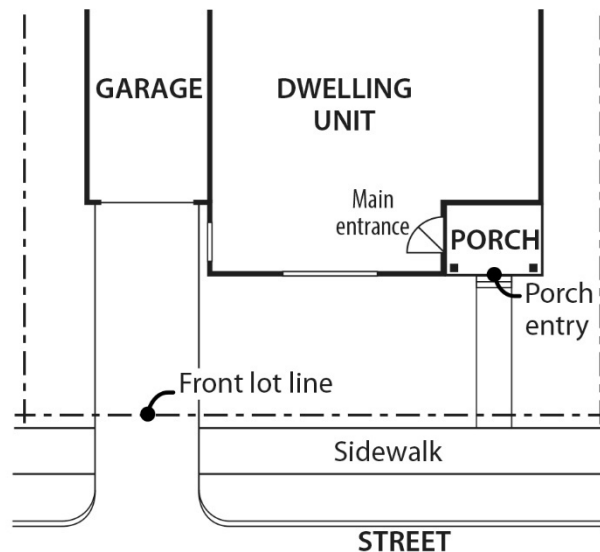
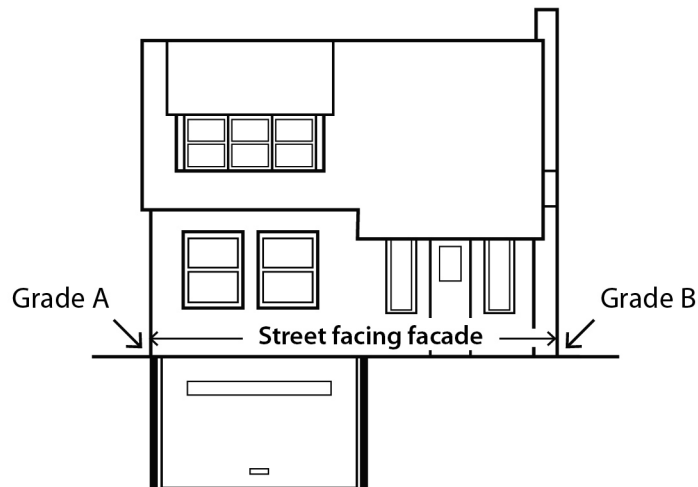


Figure 110-7
Calculation of Grade: (Grade A + Grade B) / 2



33.110.235 Street-Facing Facades

A. Purpose. The standards:

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

B. Where the standards apply.

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

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

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

33.110.240 Required Outdoor Areas

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

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

C. Requirements.

1. The required outdoor area must be a contiguous area and may be on the ground or above ground.
2. The area must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed. Required outdoor area may not be used as vehicle area.

3. General landscaped areas that are included as part of the required outdoor area may extend into the required side and rear building setback, but the required outdoor area may not be located in the front building setback.

33.110.245 Detached and Connected Accessory Structures

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

water collection cisterns, and covered decks or patios that are not connected to the primary structure. Connected covered accessory structures include accessory structures that are connected to a primary structure via a roofed structure such as a breezeway. The standards of this subsection do not apply to the portion of the structure that connects the accessory structure to the primary structure. Garages are also subject to the standards of 33.110.250.

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

- b. The building coverage of each detached covered accessory structure and each connected covered accessory structure may not be greater than the building coverage of the smallest primary structure, or 900 square feet, whichever is greater.
4. Additional development standards. The following additional standards apply to detached covered accessory structures and connected covered accessory structures that are more than 15 feet high. Additions to existing structures that do not meet a standard are exempt from that standard.
 - a. Exterior finish materials. The exterior finish materials must meet one of the following:
 - (1) The exterior finish material must be the same in type, size and placement as the exterior finish material of a primary structure; or
 - (2) Siding must be made from wood, composite boards, vinyl or aluminum products, and the siding must be composed in a shingle pattern, or in a horizontal clapboard or shiplap pattern. The boards in the pattern must be 6 inches or less in width.
 - b. Roof Pitch. The pitch of the roof with the highest ridgeline-must meet one of the following:
 - (1) The pitch of the roof with the highest ridgeline must be the same as the pitch of the roof with the highest ridgeline of a primary structure; or
 - (2) The pitch of the roof with the highest ridgeline must be at least 6/12.
 - c. Trim. The trim must meet one of the following:
 - (1) The trim must be the same in type, size, and location as the trim used on a primary structure; or
 - (2) The trim around all windows and doors must be at least 3 ½ inches wide.
 - d. Windows. The windows on all street facing facades must meet one of the following:
 - (1) The windows must match those on the street facing facade of a primary structure in orientation (horizontal or vertical); or
 - (2) Each window must be square or vertical – at least as tall as it is wide.
 - e. Eaves. The eaves must meet one of the following:
 - (1) The eaves must project from the building walls the same distance as the eaves on a primary structure;
 - (2) The eaves must project from the building walls at least 1 foot on all elevations; or
 - (3) If the primary structure has no eaves, no eaves are required.

D. Detached uncovered vertical structures. Detached uncovered vertical structures are items such as flag poles, trellises, arbors and other garden structures, play structures, antennas, satellite receiving dishes, detached structures that hold electric vehicle chargers, and lamp posts. The following standards apply to detached uncovered vertical structures. Fences are addressed in 33.110.275:

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

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

33.110.250 Additional Development Standards for Garages

A. Purpose. These standards:

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

B. Existing detached garages.

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

C. Length of street-facing garage wall.

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

facade of each unit. In all other situations, the standard applies to the total length of the street-facing facades; and

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

D. Street lot line setbacks.

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

- (2) The porch must have a solid roof; and
- (3) The roof may not be more than 12 feet above the floor of the porch.

Figure 110-8
Length of Street-Facing Garage Wall

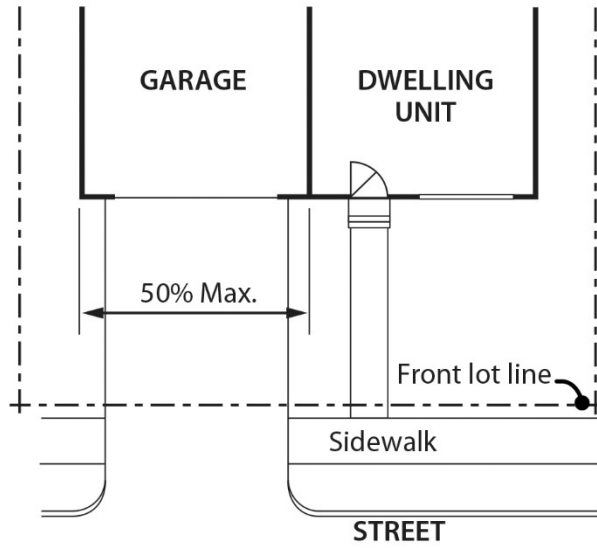


Figure 110-9
Combined Length of Street-Facing Garage Wall

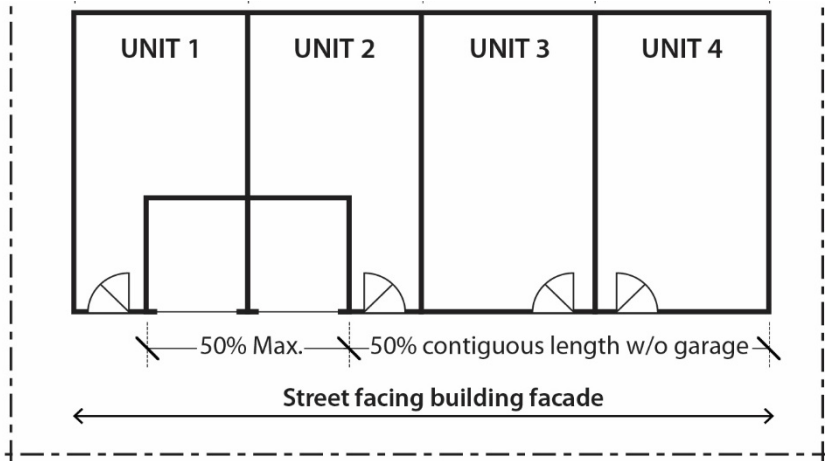
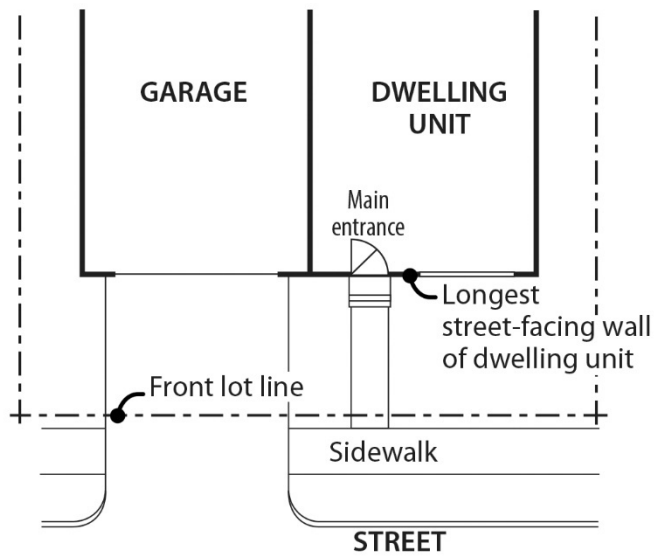
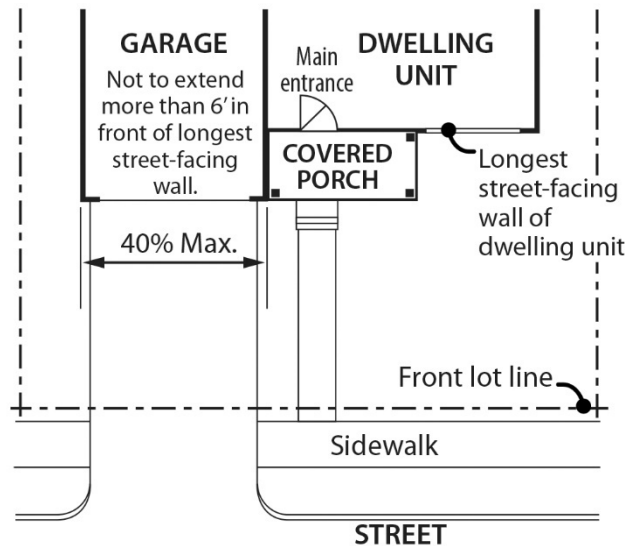


Figure 110-10
Street Lot Line Setback



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



33.110.255 Additional Development Standards for Flag Lots

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

B. Flag lot standards.

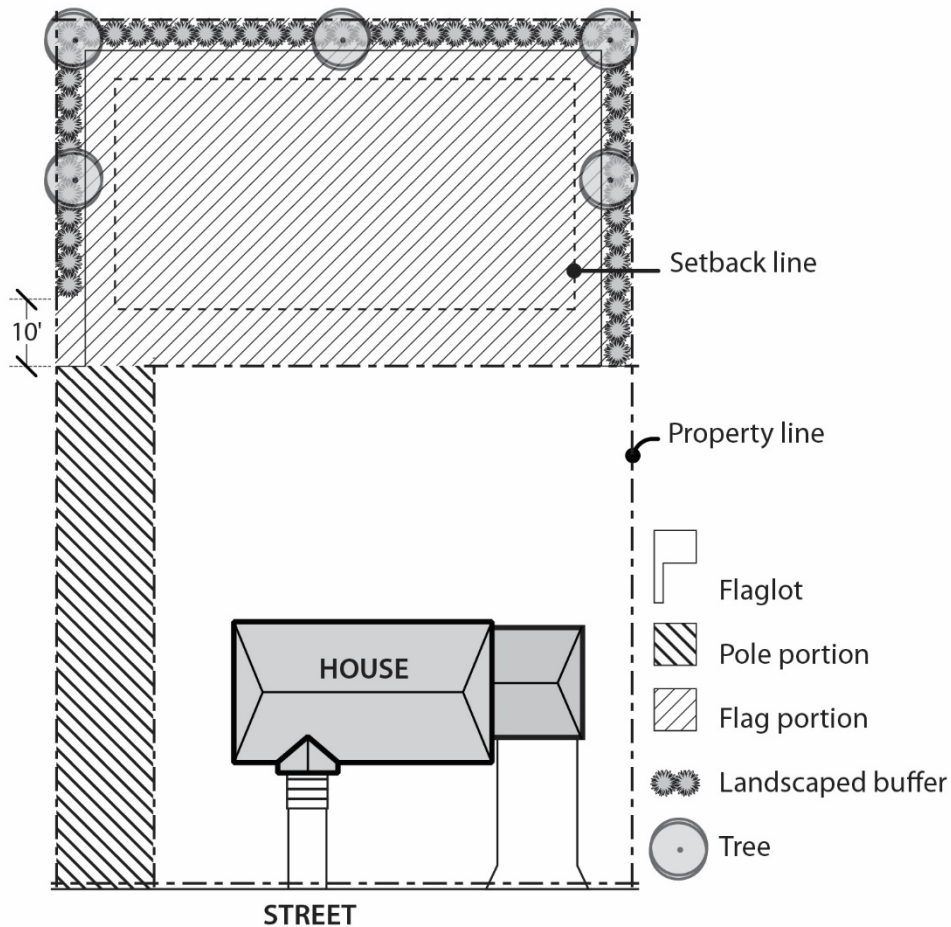
1. Large flag lots. The following standards apply to flag lots that are 3,000 square feet or more in area. Only the area of the flag portion of the flag lot is included when calculating area. The pole portion of the flag lot is not included. See Figure 110-11:
 - a. Setbacks. Large flag lots have required building setbacks that are the same along all lot lines. The required setbacks are:

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

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

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

Figure 110-12
Flag Lot Description and Buffer



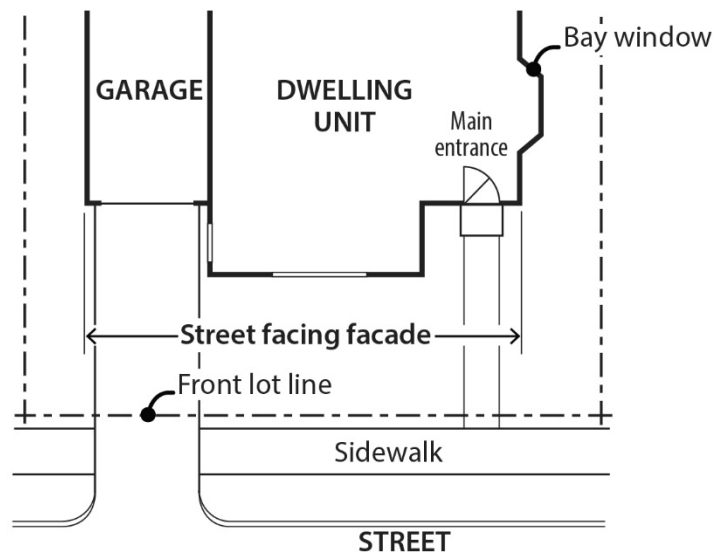
2. Small flag lots. The following standards apply to flag lots where the flag portion of the lot is less than 3,000 square feet in area:
 - a. Setbacks. Small flag lots have a 5 foot required building setback along all lot lines;
 - b. Building coverage. Only the area of the flag portion of the flag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

33.110.260 Additional Development Standards for Narrow Lots

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

1. Floor area ratio. In the R5 zone, the maximum floor area ratio for attached houses is the same as the maximum floor area ratio in the R2.5 zone stated in Table 110-4.
2. Maximum height. The maximum height allowed for all primary structures is 1.5 times the width of the structure, up to the maximum height limit listed in Table 110-4. Attached houses are exempt from this standard but are still subject to the maximum height limit listed in Table 110-4. For the purposes of this Paragraph, width is the length of the street-facing facade of the structure. See Figure 110-13.

Figure 110-13
Width of Street-Facing Facade



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

33.110.263 Additional Development Standards for Shared Courts, Common Greens and Alleys in Private Ownership

A. Purpose. These standards:

- Promote courtyard-oriented housing by facilitating the use of common greens and shared courts as part of housing projects;
- Allow a greater sense of enclosure within common greens and shared courts;
- Ensure adequate open area within shared courts and common greens;
- Allow the shared court or common green to be utilized as a shared yard; and
- Limit the potential traffic impacts from development on shared courts.

B. When these standards apply. The following standards apply to:

1. Development on lots with a front lot line on a common green or shared court; and
2. Development in a common green, shared court, or privately owned alley.

C. Standards.

1. Housing types allowed. On a lot with a front lot line on a shared court, housing types are limited to a house, house with one ADU, attached house, attached house with one ADU, or duplex.
2. Setbacks.
 - a. The front and side minimum building setbacks from common greens and shared courts are reduced to 3 feet. Eaves, awnings, and trellises are allowed in this setback; and
 - b. The garage entrance 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.
3. Building coverage. The building coverage on lots with a front lot line on a shared court or common green is 5 percent greater than the building coverage of the base zone.
4. Minimum required outdoor area. For lots with a front lot line on a shared court or common green, the minimum size of required outdoor area is 48 square feet per dwelling unit with a minimum dimension of 6 feet. The standards in 33.110.240.C continue to apply.
5. Garages facing shared courts. For garages accessory to houses or attached houses that are less than 22 feet wide that face a shared court, the length of the garage wall facing the shared court may be up to 12 feet long if there is interior living area above the garage. The living area must be set back no more than 4 feet from the garage wall facing the shared court.
6. The following standards apply to accessory structures in common greens, shared courts, and alleys in private ownership.
 - a. Detached accessory structures for the common use of residents are allowed within common greens and shared courts but are not allowed in privately owned alleys. Detached accessory structures include gazebos, garden structures, greenhouses, picnic areas, play structures and bike parking areas;
 - b. Structures for enclosing recycling or waste disposal are allowed within common greens, shared courts, and privately owned alleys;
 - c. Accessory structures in common greens, shared courts, and privately owned alleys may be up to 15 feet high;
 - d. The accessory structure must be setback at least 10 feet from a public street. The minimum setback from all other edges of the right-of-way is 3 feet; and

- e. The combined building coverage of all accessory structures located in common green, shared court, or privately owned alley tracts may not exceed 15 percent. In shared courts, at least 250 square feet must remain uncovered. In common greens, at least 400 square feet must remain uncovered.

33.110.265 Residential Infill Options

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

5. Floor area. The maximum floor area ratio may be combined and shared among the attached house lots. However, the floor area ratio on any lot cannot exceed .05 more than the base zone maximum allows for the site.

D. Duplexes.

1. Duplexes consisting of two primary dwelling units in one structure are allowed on lots in the R20 through R2.5 zones.
2. Duplexes consisting of two detached primary dwelling units are allowed on lots in the R20 through R2.5 zones, and must meet the following standards. Unless specifically allowed below, adjustments are prohibited:
 - a. Existing dwelling unit. The lot must contain a primary dwelling unit that received final inspection at least 5 years ago.
 - b. Maximum height. The maximum height allowed for the dwelling unit that is not the existing primary dwelling unit is 25 feet. Adjustments to this standard may be requested prior to January 2, 2032. Beginning January 2, 2032, adjustments are prohibited.

E. Triplexes and fourplexes. Triplexes and fourplexes that meet the following standards are allowed in the R20 through R2.5 zones. Triplexes and fourplexes are prohibited on lots that do not have frontage on a maintained street, except lots that have frontage on a private street that connects to a maintained street, and lots that have frontage on a self-contained pedestrian connection created solely for pedestrians and bicycles that connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement.

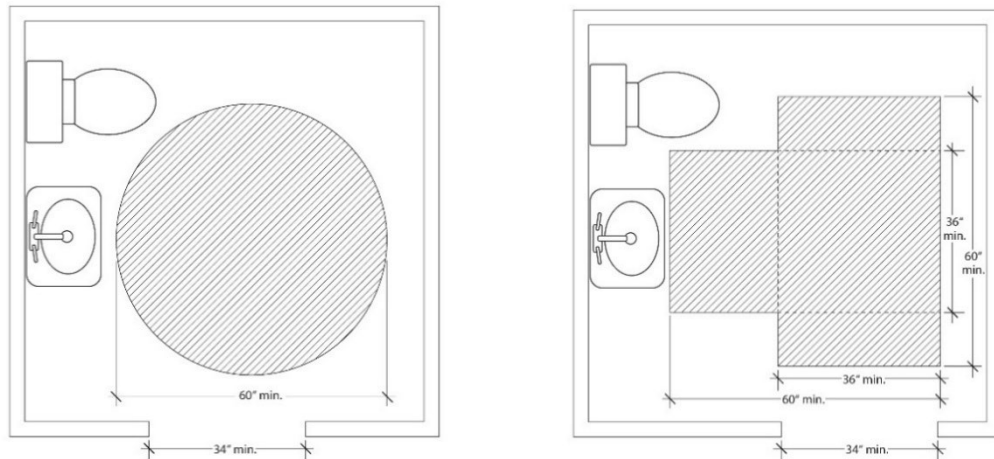
1. Density. Up to a maximum of four dwelling units are allowed.
2. Minimum lot area. Lots for triplexes and fourplexes must meet the minimum lot area requirement shown in Table 110-7. Adjustments to reduce the required minimum lot area by up to 10 percent may be requested prior to January 1, 2032. Beginning January 2, 2032, adjustments are prohibited.

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

3. Visitability.
 - a. Purpose. Visitability standards ensure that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:
 - Promote a diverse supply of more physically accessible housing;
 - Allow people of all ages and abilities to easily enter and visit the residence;

- Foster community interaction by reducing barriers that can lead to social isolation; and
 - Enhance public safety for all residents and visitors.
- b. Visitable unit standard. Unless exempted by Subparagraph E.3.c., at least one dwelling unit on the lot must meet all of the following visitability standards:
- (1) Visitable entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
 - (2) Visitable bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;
 - (3) Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and
 - (4) Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.
- c. Exemptions. The following are exempt from the standards of this Paragraph:
- (1) Lots with an average slope of 20 percent or greater;
 - (2) Lots where there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.
 - (3) Conversion of an existing residential structure to a triplex or fourplex.

Figure 110-14
Visitable Bathroom Clearances



- F. Affordable fourplexes and multi-dwelling structures.** Fourplexes and multi-dwelling structures with no more than six dwelling units are allowed in the R20 through R2.5 zones when the following standards are met. Fourplexes and multi-dwelling structures are prohibited on lots that do not have frontage on a maintained street, except lots that have frontage on a private street that connects to a maintained street, and lots that have frontage on a self-contained pedestrian connection created solely for pedestrians and bicycles that connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement.
1. Density. A maximum of six dwelling units are allowed. More than six dwelling units are prohibited.
 2. Affordability. 50 percent of the total number of dwelling units on the site must be affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. The applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this option and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for the development but is not required in order to apply for a land use review. Adjustments are prohibited.
 3. Minimum lot area. Lots for affordable fourplexes and multi-dwelling structures must meet the minimum lot area requirement shown in Table 110-7. Adjustments to reduce the required minimum lot area by up to 10 percent may be requested prior to January 1, 2032. Beginning January 1, 2032, adjustments are prohibited.
 4. Maximum FAR. The maximum FAR is 1.2 to 1. Adjustments are prohibited.
 5. Maximum Height. The maximum height is 35 feet. Adjustments to this standard may be requested prior to January 2, 2032. Beginning January 2, 2032, adjustments are prohibited.
 6. Building Coverage.
 - a. Generally. The maximum building coverage allowed is stated in 33.110.225.

- b. Exception. The maximum building coverage allowed per lot is 60 percent. In this case, the maximum height allowed is reduced to 25 feet. Adjustments are prohibited.
7. Required outdoor area.
 - a. Generally. Outdoor area is required as stated in 33.110.240.
 - b. Exception. At least 48 square feet of outdoor area must be provided per dwelling unit. Each outdoor area must be designed so that a 4-foot x 6-foot square will fit entirely within it. The outdoor area must be directly accessible to the unit. Areas used for pedestrian circulation to more than one dwelling unit do not count towards meeting this standard. If the area is at ground level, it may extend into the entire required side and rear setback. The requirements of 33.110.240.C continue to apply. Adjustments are prohibited.
8. Visitability.
 - a. Purpose. The visitability standard ensures that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:
 - Promote a diverse supply of more physically accessible housing;
 - Allow people of all ages and abilities to easily enter and visit the residence;
 - Foster community interaction by reducing barriers that can lead to social isolation; and
 - Enhance public safety for all residents and visitors.
 - b. VISIBLE unit standard. Unless exempted by Subparagraph F.8.c., at least two dwelling units on the lot must meet all of the following visitability standards:
 - (1) VISIBLE entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
 - (2) VISIBLE bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visible bathroom must be on the same floor as the visible entrance or be accessible from the visible entrance via a ramp, elevator or lift. Adjustments are prohibited;
 - (3) VISIBLE living area. There must be at least 200 square feet of living area on the same floor as the visible entrance or 200 square feet of living area must be accessible from the visible entrance via a ramp, elevator or lift. Adjustments are prohibited; and
 - (4) VISIBLE doors. All door openings between and including the visible entrance, visible living area, and the visible bathroom must be at least 34 inches wide. Adjustments are prohibited.

- c. Exemptions. The following are exempt from the standards of this Paragraph:
 - (1) Lots with an average slope of 20 percent or greater;
 - (2) Lots where there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.
 - (3) Conversion of an existing residential structure to a fourplex or multi-dwelling structure.
- G. Cottage cluster.** Cottage clusters that meet the following standards are allowed on sites in the R10 through R2.5 zones. Cottage clusters are prohibited on sites that do not have frontage on a maintained street, except sites that have frontage on a private street that connects to a maintained street, and sites that have frontage on a self-contained pedestrian connection created solely for pedestrians and bicycles that connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement. Except as allowed below, adjustments to the following standards are prohibited.
1. Minimum site dimensions. Adjustments to reduce the minimum required site dimensions by up to 10 percent may be requested prior to January 2, 2032. Beginning January 2, 2032, adjustments are prohibited.
 - a. Minimum site area.
 - (1) R10 and R7. In the R10 and R7 zones, cottage cluster sites must be at least 7,000 square feet in area.
 - (2) R5 and R2.5. In the R5 and R2.5 zones, cottages clusters sites must be at least 5,000 square feet in area.
 - b. Minimum site width. Cottage cluster sites must be at least 36 feet wide. Site width for a cottage cluster is measured as lot width is measured. See 33.930.100.
 2. Maximum area. Cottage cluster sites must not be greater than one acre. Adjustments to increase the area by up to 10 percent above this standard may be requested prior to January 2, 2032, if an adjustment to the maximum number of dwelling units is also requested. Beginning January 2, 2032, adjustments are prohibited.
 3. Minimum density. The minimum number of dwelling units required is 3 or the minimum number stated in Table 110-8 whichever is greater.

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

4. Maximum dwelling units. The maximum number of dwelling units allowed on a cottage cluster site is 16. Adjustments to this standard may be requested prior to January 2, 2032. Beginning January 2, 2032, adjustments are prohibited.

5. Floor area. Cottage clusters are exempt from 33.110.210, Floor Area Ratio. However, the maximum average floor area for the cottage cluster site is 1,400 square feet per dwelling unit, including the floor area for attached accessory structures. The applicant may choose to exclude the floor area of any existing dwelling units that received final inspection at least 5 years ago from the average. The maximum floor area allowed for a detached or connected accessory structure is 400 square feet.
6. Maximum height. The maximum height allowed is 25 feet. Existing dwelling units that received final inspection at least 5 years ago that exceed this maximum height are allowed but the height cannot be increased. The maximum height standards for detached and connected accessory structures are stated in 33.110.245, Detached and Connected Accessory Structures.
7. Separation. Dwelling units within the cottage cluster site must be separated by at least 6 feet.
8. Building coverage. Cottage clusters are exempt from 33.110.225. Building Coverage. The following building coverage standards apply:
 - a. The maximum building coverage allowed for each dwelling unit is 900 square feet and includes attached accessory structures. Existing dwelling units that received final inspection at least 5 years ago that exceed this limit are allowed but the building coverage cannot be increased; and
 - b. The building coverage of a detached or connected covered accessory structure may not be greater than the building coverage of the smallest primary structure.
9. Common outdoor area. The following common outdoor area standards apply to cottage clusters. Cottage clusters are exempt from 33.110.240:
 - a. The total amount of common outdoor area required is 150 square feet per dwelling unit if all the dwelling units are separated by at least 10 feet, or 200 square feet per dwelling unit if any of the dwelling units are separated by less than 10 feet. Adjustments to reduce the total required amount of common outdoor area by up to 25 percent may be requested prior to January 2, 2032. Beginning January 2, 2032, adjustments are prohibited.
 - b. Each common outdoor area:
 - (1) Must be at least 450 square feet in area. Required pedestrian connections located adjacent to or within a common outdoor area count toward this minimum size;
 - (2) Must measure at least 15 feet in all directions. Required pedestrian connections located adjacent to or within a common outdoor area are included in this minimum width; and
 - (3) Must be located outside the required front setback.
 - c. Each required common outdoor area must be surfaced with landscaping, pavers, decking, or sport court paving to allow the shared area to be used for active or

passive recreational use. No more than 50 percent of the total common outdoor area can be in an impervious surface. Common outdoor area may not be used as vehicle area. No feature of a dwelling unit may extend into the common outdoor area, and the common outdoor area may not contain structures that are not specifically an amenity for the user of the common outdoor area including bike storage lockers and trash enclosures.

- d. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, picnic areas, and open recreational facilities.
10. Dwelling unit orientation. Dwelling units located within 25 feet of a street property line must meet the base zone main entrance standards of 33.110.230. All other dwellings units are exempt from 33.110.230 but must meet the following dwelling unit orientation standards. Adjustments to the following standards may be requested prior to January 2, 2032. Beginning January 2, 2032, adjustments are prohibited:
 - a. At least 50 percent of the dwelling units that are exempt from 33.110.230 must:
 - (1) Have at least one main entrance facing a common outdoor area; and
 - (2) Be located within 10 feet of the common outdoor area, measured from the closest point of the façade with the main entrance to the nearest edge of the common outdoor area.
 - b. Dwelling units that do not have a main entrance facing the common outdoor area or street must have at least one main entrance facing a pedestrian connection that is connected to the common outdoor area.
 11. Windows. Cottage clusters are exempt from 33.110.235.C. However, 15 percent of the area of the façade with the required main entrance must be windows or main entrance doors. Adjustments to this standard may be requested prior to January 2, 2032, however adjustments to reduce the percentage required below 12 percent are prohibited. Beginning January 2, 2032, all adjustments are prohibited. Windows used to meet this standard must allow views from the building to the street, pedestrian connection or common outdoor area. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard.
 12. Pedestrian connections.
 - a. A pedestrian connection system is required that connects the main entrances of all of the dwelling units on the site to the street and to common outdoor areas. Sidewalks within the right-of-way can be included as part of the pedestrian connection system.
 - b. The pedestrian connection system must be hard surfaced and must be at least 3 feet wide for sites with 3 or 4 dwelling units and 4 feet wide for sites with 5 or more dwelling units.

13. Visitability.

- a. Purpose. The visitability standard ensures that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:
 - Promote a diverse supply of more physically accessible housing;
 - Allow people of all ages and abilities to easily enter and visit the residence;
 - Foster community interaction by reducing barriers that can lead to social isolation; and
 - Enhance public safety for all residents and visitors.
- b. VISIBLE unit standard. Unless exempted by Subparagraph G.13.c., at least 33 percent of the dwelling units on the cottage cluster site must meet all of the following visitability standards:
 - (1) VISIBLE entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
 - (2) VISIBLE bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visible bathroom must be on the same floor as the visible entrance or be accessible from the visible entrance via a ramp, elevator or lift;
 - (3) VISIBLE living area. There must be at least 200 square feet of living area on the same floor as the visible entrance or 200 square feet of living area must be accessible from the visible entrance via a ramp, elevator or lift; and
 - (4) VISIBLE doors. All door openings between and including the visible entrance, visible living area, and the visible bathroom must be at least 34 inches wide.
- c. Exemption. The following are exempt from this Paragraph:
 - (1) Lots with an average slope of 20 percent or greater are exempt; and
 - (2) Lots that are less than 7,000 square feet in area when there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.

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

33.110.270 Institutional Development Standards

- A. Purpose.** The general base zone development standards are designed for residential buildings. Different development standards are needed for institutional uses which may be

allowed in single-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.

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

C. The standards.

1. The development standards are stated in Table 110-9. If not addressed in this section, the regular base zone development standards apply.
2. Setbacks on a transit street or in a Pedestrian District.
 - a. Purpose. The purpose of these regulations is to reduce reliance on the automobile and encourage pedestrians and transit riders by ensuring safe and convenient pedestrian access to buildings.
 - b. Building setbacks on a transit street or in a Pedestrian District. Buildings on a transit street or in a Pedestrian District must meet the provisions of 33.120.220.C.
 - c. Conflicts.
 - (1) If the depth of the minimum building setback or buffering standards conflicts with the maximum building setback standard, the depth of the maximum building setback standard supersedes the depth of the minimum building setback and buffering standards.
 - (2) If the depth of the minimum setback standard for detached accessory structures conflicts with the depth of the minimum buffering standard, the depth of the minimum buffering standard supersedes the depth of the minimum setback standard for detached accessory structures.
 - d. Exception. Development that is not subject to conditional use review under Section 33.815.040 is exempt from the maximum transit street setback requirement.
3. Exterior storage. Exterior storage of materials or equipment is prohibited.
4. Outdoor activity facilities. Except as specified in paragraph C.5. below, outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated. Where the outdoor activity facility abuts R-zoned properties in School uses, the required setback is reduced to zero.
5. Recreational fields for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

6. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an abutting R zoned lot:
 - a. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;
 - b. A screen around the equipment that is as tall as the tallest part of the equipment; or
 - c. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.
7. Electrical substations. In addition to the standards in Table 110-9, the entire perimeter of electrical substations, including the street lot line (except for the access point), must be landscaped to the L3 standards stated in Chapter 33.248. This landscaping must be planted on the outside of any security fence. Electrical substations that are in a fully enclosed building are exempt from this requirement.
8. Grassy areas. Grassy play areas, golf courses, cemeteries, and natural areas are not subject to the L3 landscaping standard of Table 110-9 and are exempt from the setback standard of Paragraph 4, above.
9. Garbage and recycling collection areas. All exterior garbage cans. Garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening. See Section 17.102.270, Business and Multifamily Complexes Required to Recycle, of the Portland City Code for additional requirements for recycling areas.
10. Pedestrian standards. The on-site pedestrian circulation system must meet the standards of Section 33.120.255, Pedestrian Standards.

Table 110-9 Institutional Development Standards [1]	
Minimum Site Area for New Uses	10,000 sq. ft.
Maximum Floor Area Ratio [2]	0.5 to 1
Maximum Height [3]	50 ft.
Minimum Building Setbacks [2]	1 ft. back for every 2 ft. of bldg. height, but in no case less than 15 ft.
Maximum Building Setback Transit Street or Pedestrian District [7]	20 ft. or per CU/IMP review
Table 110-9 Institutional Development Standards [1]	
Maximum Building Coverage [2]	50% of site area

Minimum Landscaped Area [2,4]	25% of site area to the L1 standard
Buffering from Abutting Residential Zone [5]	15 ft. to L3 standard
Buffering Across a Street from a Residential Zone [5]	15 ft. to L1 standard
Setbacks for All Detached Accessory Structures Except Fences [6]	10 ft.
Parking and Loading	See Chapter 33.266
Signs	See Title 32, Signs and Related Regulations

Notes:

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

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

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

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

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

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

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

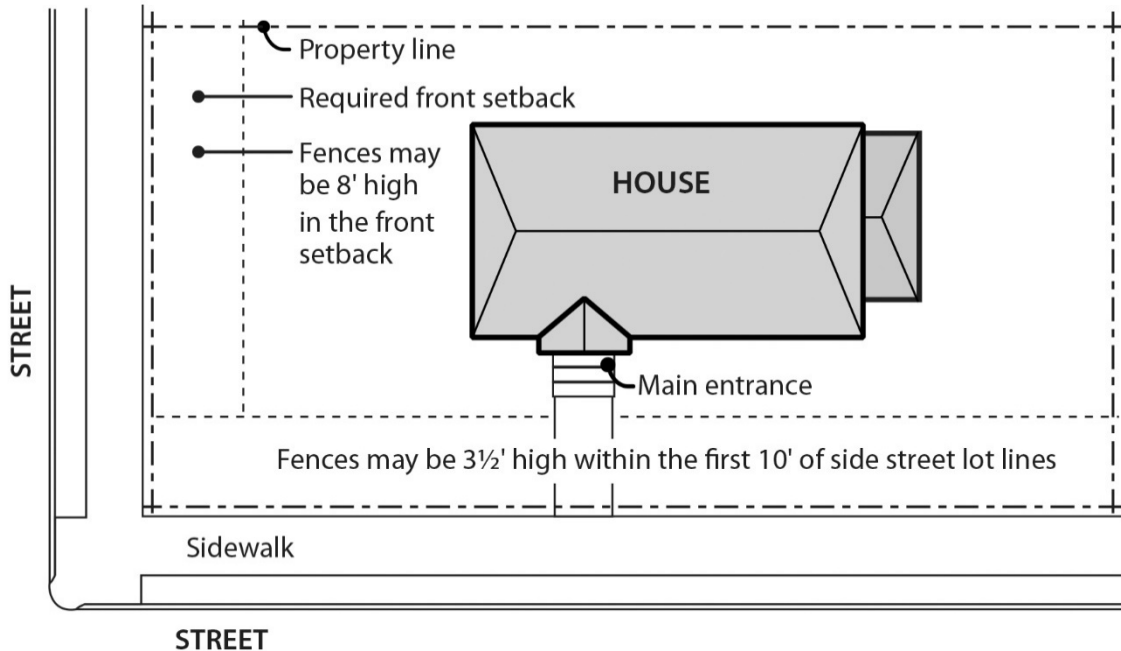
[7] The maximum building setbacks are described in 33.110.270.C.

33.110.275 Fences

- A. Purpose.** The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.
- B. Types of fences.** The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location and height.**
 1. Front building setbacks. Fences up to 3-1/2 feet high are allowed in required front building setbacks, or between the front lot line and the front building line of the primary structure, whichever is less.
 2. Side and rear building setbacks.

- a. Fences up to 8 feet high are allowed in required side or rear building setbacks that do not abut a pedestrian connection.
 - b. Fences abutting a pedestrian connection.
 - (1) Fences up to 8 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is at least 30 feet wide.
 - (2) Fences up to 3-1/2 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide.
3. Exceptions for corner lots. On corner lots, if the main entrance is on the facade facing the side street lot line, the applicant may elect to meet the following instead of C.1 and C.2. See Figure 110-15.
- a. Fences up to 3-1/2 feet high are allowed within the first 10 feet of the side street lot line.
 - b. Fences up to 3-1/2 feet high are allowed in required setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide;
 - c. Fences up to 8 feet high are allowed in the required front building setback, outside of the area subject to 3_a.
 - d. Fences up to 8 feet high are allowed in all other side or rear building setbacks.
4. Not in building setbacks. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

Figure 110-15
Fence Height Option on Corner Lots



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

33.110.280 Retaining Walls

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

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

C. Standards.

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

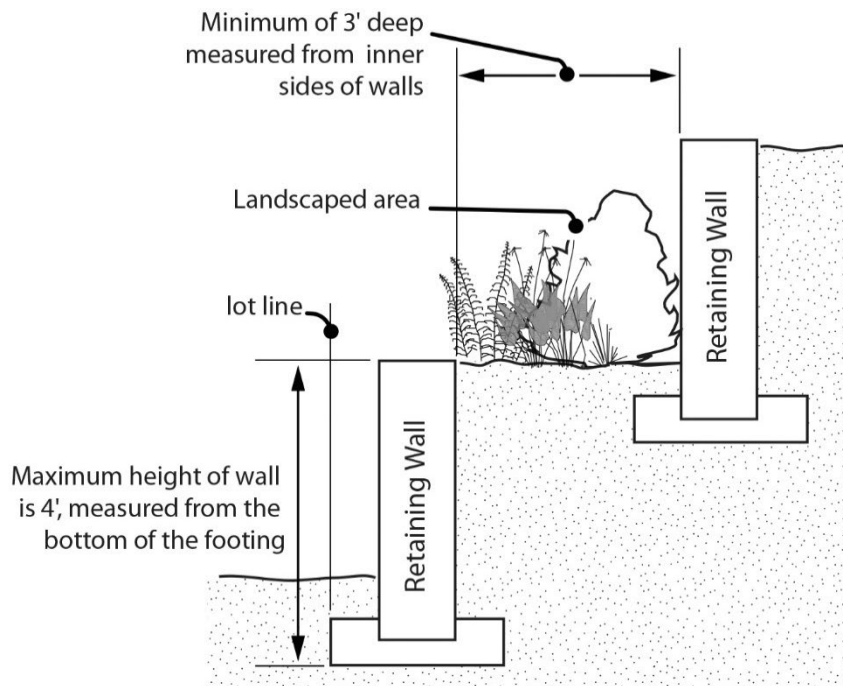
33.110.285 Demolitions

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

33.110.290 Nonconforming Development

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

**Figure 110-16
Retaining Walls**



33.110.292 Parking and Loading

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

33.110.295 Signs

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

33.110.296 Recycling Areas

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

(Amended by: Ord. No.165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166313, effective 4/9/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 173533, effective 8/2/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/9/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177643, effective 7/10/03; Ord. No. 177701, effective 8/30/03; Ord. No. 177975, effective 11/14/03; Ord. No. 178045, effective 12/10/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178927, effective 12/31/04; Ord. No. 179092, effective 4/1/05; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184235, effective 11/26/10; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15. Ord. No. 187471, effective 1/1/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 190093, effective 9/11/20 and 8/1/2021; Ord. No. 190380, effective 4/30/21 and 8/1/2021; Ord. No. 190851, effective 6/30/22; Ord. No. 190978, effective 8/31/22; Ord. No. 191164, effective 3/31/23; Ord. No 191477, effective 3/1/24; Ord. No. 191779, effective 10/1/24; Ord. No. 191848, effective 10/1/24; Ord. No. 191942, effective 1/1/25.)

33.120 Multi-Dwelling Zones

120

Sections:

General

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

Use Regulations

- 33.120.100 Primary Uses

Development Standards

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

33.120.330 Street and Pedestrian Connections

Supplemental Information

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

General

33.120.010 Purpose

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

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

33.120.020 List of the Multi-Dwelling Zones

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

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

33.120.030 Characteristics Of The Zones

- A. RM1 zone.** The RM1 zone is a low-scale multi-dwelling zone that is generally applied in locations intended to provide a transition in scale to single-dwelling residential areas, such as the edges of mixed-use centers and civic corridors, and along or near neighborhood corridors. Allowed housing is characterized by one to three story buildings that relate to

the patterns of residential neighborhoods, but at a somewhat larger scale and building coverage than allowed in the single-dwelling zones. The major types of new development 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. RM2 zone.** The RM2 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 RM1 zone, while still 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. RM3 zone.** The RM3 zone is a medium to high density multi-dwelling zone applied near the Central City, and in centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended for compact, urban development with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets. This zone is intended for areas where the established residential character includes landscaped front setbacks. Allowed housing is characterized by mid-rise buildings up to six stories tall. The Design overlay zone is applied to this zone.
- D. RM4 zone.** The RM4 zone is a high density, urban-scale multi-dwelling zone applied near the Central City, and in town centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended to be an intensely urban zone with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets, with buildings located close to sidewalks with little or no front setback. This is a mid-rise to high-rise zone with buildings of up to seven or more stories. The Design overlay zone is applied to this zone.
- E. 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. The Design overlay zone is applied to this zone.
- F. RMP zone.** The RMP zone is a low-scale multi-dwelling zone that allows manufactured dwelling parks. Allowed density may be up to 29 units per acre. Allowed housing is manufactured dwellings that are assembled off-site. Units are generally surrounded by vehicle circulation systems, pedestrian pathways and open area, often resulting in lower building coverage than other multi-dwelling zones. Development is compatible with low- and medium-density single-dwelling development and multi-dwelling development. Generally, RMP zoning will be applied on large sites.

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

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

A. Neighborhood contact I.

1. Neighborhood contact I requirements. When proposed development will add at least 10,000 square feet and not more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. All the steps in 33.705.020.A. must be completed before an application for a building permit can be submitted.
2. Exemption. If the proposed development has already met the neighborhood contact requirements as part of a land use review process, it is exempt from the neighborhood contact requirements.

B. Neighborhood contact II.

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

Use Regulations

33.120.100 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. Retail Sales And Service and Office uses. This regulation applies to all parts of Table 120-1 that have a [1].
 - a. Limited uses. Retail Sales And Service and Office uses are allowed when:
 - (1) Retail Sales And Service and Office use on Civic and Neighborhood corridors. Retail Sales And Service and Office uses are allowed, up to the following amounts, on sites that abut a Civic or Neighborhood corridor shown on Map 120-1. All of the Retail Sales And Service and Office uses allowed by this Subsubparagraph must be located on the ground floor within 100 feet of the street lot line adjacent to the Civic or Neighborhood corridor and there can be no exterior activities associated with the use except for outdoor seating:
 - In the RM1 and RM2 zones, each use allowed by this Subsubparagraph is limited to 1,000 square feet of net building area up to a total combined floor area ratio of .25 to 1 for all of the uses allowed by this Subsubparagraph. More than .25 to 1 total on the site and more than 1,000 square feet per use is prohibited; and
 - In the RM3, RM4, and RX zones, each use allowed by this Subsubparagraph is limited to 2,000 square feet of net building area up to a total combined floor area ratio of .4 to 1 for all of the uses allowed by this Subsubparagraph. More than .4 to 1 total on the site and more than 2,000 square feet per use is prohibited;
 - (2) Retail Sales And Service and Office use in the RM3 and RM4 zones. Retail Sales and Service and Office uses are allowed in multi-dwelling buildings in the RM3 and RM4 zones. Each use allowed by this Subsubparagraph is limited to 1,000 square of net building area up to a total combined floor to area ratio of .1 to 1 for all of the uses allowed by this Subsubparagraph. More than .1 to 1 total on the site and more than 1,000 square feet per use is prohibited. The uses allowed by this Subsubparagraph must be located entirely within the building and must have no external doors or signs visible from the exterior of the building. Development of a use allowed by this Subsubparagraph must not result in reduction of existing dwelling units.
 - b. Conditional uses. Retail plant nurseries that do not meet the standards of Subparagraph B.1.a. are a conditional use.
2. Commercial Parking in RX. This regulation applies to all parts of Table 120-1 that have a [2]. 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.
3. Community Service and Schools in RX. This regulation applies to all parts of Table 120-1 that have a [3]. Most Community Service uses are regulated by Chapter 33.815,

Conditional Uses. Short term, mass, and outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.

- 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.
4. Community Service in RM1 through RM4 and RMP. This regulation applies to all parts of Table 120-1 that have a [4]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term, mass, and outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.
5. Parks And Open Areas. This regulation applies to all parts of Table 120-1 that have a [5]. 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.
6. Daycare. This regulation applies to all parts of Table 120-1 that have a [6]. Daycare uses are allowed as follows:
- a. Allowed use. Daycare uses are allowed by right if located in within a building that currently contains or did contain a College, Medical Center, School, Religious Institution, or a Community Service use.
 - b. Limited use. Daycare uses are allowed when:
 - (1) The total amount of Daycare use on the site does not exceed 3,000 square feet of net building area. The total amount allowed does not include outdoor play area; and
 - (2) All of the Daycare use, except for outdoor play area, is located on the ground floor.

- c. Conditional uses. Daycare uses that do not meet Subparagraph B.6.a. or b. are a conditional use.
7. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 120-1 that have a [7]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
8. Basic Utilities. These regulations apply to all parts of Table 120-1 that have a [8].
 - 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. All other Basic Utilities are a conditional use except in the RX zone where all other Basic Utilities are allowed but 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.
9. Agriculture. This regulation applies to all parts of Table 120-1 that have a [9]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, it is prohibited.
10. Retail Sales and Service in the RMP zone. This regulation applies to all parts of Table 120-1 that have note [10]. Recreational vehicle parks are allowed by right in the RMP zone. All other Retail Sales And Service uses are prohibited.

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.

Table 120-1 Multi-Dwelling Zone Primary Uses						
Use Categories	RM1	RM2	RM3	RM4	RX	RMP
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	Y	Y	Y	Y	Y	N
Commercial Categories						
Retail Sales And Service	L [1]	L [1]	L [1]	L [1]	L [1]	L [10]
Office	L [1]	L [1]	L [1]	L [1]	L [1]	N
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	CU [2]	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	N
Industrial Categories						
Manufacturing And Production	N	N	N	N	N	N
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	N
Bulk Fossil Fuel Terminal	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]
Community Service	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [3]	L/CU [4]
Parks And Open Areas	L/CU [5]	L/CU [5]	Y	Y	Y	L/CU [5]
Schools	CU	CU	CU	CU	L/CU [3]	CU
Colleges	CU	CU	CU	CU	CU	CU
Medical Centers	CU	CU	CU	CU	CU	CU
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	Y	L/CU [6]
Other Categories						
Agriculture	L [9]	L [9]	L [9]	L [9]	L [9]	L [9]
Aviation And Surface Passenger Terminals	N	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

Development Standards

33.120.200 Housing Types Allowed

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

Table 120-2 Housing Types Allowed In The Multi-Dwelling Zones						
Housing Type	RM1	RM2	RM3	RM4	RX	RMP
House	Yes	Yes	Yes	Yes	Yes	No
Attached House (See 33.120.270 C.)	Yes	Yes	Yes	Yes	Yes	No
Accessory dwelling unit (See 33.205)	Yes	Yes	Yes	Yes	Yes	No
Duplex	Yes	Yes	Yes	Yes	Yes	No
Attached Duplex (See 33.120.270.F)	Yes	Yes	Yes	Yes	Yes	No
Triplex	Yes	Yes	Yes	Yes	Yes	No
Fourplex	Yes	Yes	Yes	Yes	Yes	No
Multi-Dwelling Structure	Yes	Yes	Yes	Yes	Yes	No
Cottage Cluster	Yes	No	No	No	No	No
Multi-Dwelling Development	Yes	Yes	Yes	Yes	Yes	Yes [1]
Manufactured Dwelling (See Chapter 33.251)	Yes	Yes	Yes	Yes	Yes	Yes [2]
Manufactured Dwelling Park (See Chapter 33.251)	Yes	No	No	No	No	Yes
Houseboat (See Chapter 33.236)	Yes	Yes	Yes	Yes	Yes	No
Congregate Housing Facility	Yes	Yes	Yes	Yes	Yes	No

Yes = allowed; No = prohibited.

Notes:

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

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

33.120.205 When Primary Structures are Allowed

- A. Purpose.** The regulations of this section require lots, adjusted lots, lot remnants, and lots of record to be an adequate size so that new development on a site will in most cases be able to comply with all site development standards, including density. 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 lots, adjusted lots, lot remnants, 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. Primary structures allowed.** Development of a primary structure is allowed as follows:
1. On a lot or adjusted lot created on or after July 26, 1979;
 2. On a lot created through the Planned Development or Planned Unit Development process;
 3. On a lot, adjusted lot, lot remnant or lot of record that did not abut a lot, adjusted lot, lot remnant, or lot of record, under the same ownership on July 26, 1979, and has not abutted a lot, adjusted lot, lot remnant, or lot of record under the same ownership since July 26, 1979;
 4. On a lot or adjusted lot or combination thereof that either:
 - a. Meets the minimum lot size requirements in Table 120-3; or
 - b. Does not meet the lot size requirements in Table 120-3, but meets all of the following:
 - (1) No portion of the lot, adjusted lot or combination is in an Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zone;
 - (2) No portion of the lot, adjusted lot or combination is in the combined flood hazard area; and
 - (3) The lot, adjusted lot or combination has an average slope of less than 25 percent.
 5. On a lot of record or lot remnant or combination thereof that meets the minimum lot size requirements of Table 120-3.

Table 120-3	
Minimum Lot Size Requirements	
RM1 through RM4 Zones	
Lot	33 feet wide and 4,000 sq. ft.
Adjusted Lot	
Lot Remnant	
Lot of Record	
RX Zone	
Lot	10 foot front lot line
Adjusted Lot	
Lot Remnant	
Lot of Record	
RMP Zone	
Lot	70 feet wide and 10,000 sq. ft.
Adjusted Lot	
Lot Remnant	
Lot of Record	

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

33.120.206 Minimum Required Site Frontage for Development

- A. Purpose.** The purpose of the minimum required site frontage standard is to ensure that sites in and around certain centers in Eastern Portland have sufficient street frontage and site area to:
- Accommodate new streets where pedestrian, bicycle and vehicular connectivity is lacking;
 - Foster efficient site design;
 - Allow for buildings with an orientation to the street; and
 - Provide opportunities to create outdoor space and preserve trees.
- B. Where the standard applies.** The minimum required site frontage standard applies in the multi-dwelling zones to sites shown on Map 120-2.
- C. Minimum required site frontage standard.**
1. Standard. If the site is more than 160 feet deep, new dwelling units are prohibited unless the site has at least 90 feet of frontage on a street. Adjustments to reduce the required amount of frontage by up to 10 percent may be requested prior to January 2, 2032. Beginning January 2, 2032, adjustments are prohibited.
 2. Exceptions. The following exceptions apply:
 - a. Adding an accessory dwelling unit to a lot with an existing house, existing attached house, existing manufactured home, or existing duplex is allowed;
 - b. Development is allowed on a site when all of the lots that share a side lot line with the development site meets at least one of the following:
 - (1) The lot is zoned multi-dwelling and meets the minimum density standard for the base zone;
 - (2) The lot is zoned multi-dwelling and has at least three primary dwelling units on the lot; or
 - (3) The lot is not zoned multi-dwelling.
 - c. Development approved through a Planned Development Review is allowed. See Chapter 33.270, Planned Development.

Table 120-4 Summary of Development Standards in Multi-Dwelling Zones						
Standard	RM1	RM2	RM3	RM4	RX	RMP
Maximum FAR (See 33.120.210)	FAR of 1 to 1	FAR of 1.5 to 1	FAR of 2 to 1	FAR of 4 to 1 or 3 to 1	FAR of 4 to 1	NA
Maximum Density (See 33.120.212)	none	none	none	none	none	1 unit per 1,500 sq. ft. of site area
Maximum Density with Affordable Housing Bonus (See 33.120.212.C)	NA	NA	NA	NA	NA	1 unit per 1,000 sq. ft. of site area
Minimum Density (See 33.120.213)	1 unit per 2,500 sq. ft. of site area	1 unit per 1,450 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	1 unit per 500 sq. ft. of site area	1 unit per 1,875 sq. ft. of site area
Base Height (See 33.120.215)	35 ft.	45 ft.	65 ft.	75/100 ft.	100 ft.	35 ft.
Step-down Height (see 33.120.215.B.2 - Within 25 ft. of lot line abutting RF-R2.5 zones - Within 15 ft. of lot line across a local service street from RF – R2.5 Zones	35 ft. 35 ft.	35 ft. 45 ft.	35 ft. 45 ft.	35 ft. 45 ft.	35 ft. 45 ft.	35 ft. 35 ft.
Minimum Setbacks - Front building setback - Side and rear building setback. - Garage entrance setback (See 33.120.220)	10 ft. 5 ft. [1] 18 ft.	10 ft. 5 ft. [1] 5/18 ft.	10 ft. 5/10 ft. [1] 5/18 ft.	5 ft. 5/10 ft. [1] 5/18 ft.	0 ft. 0 ft. 5/18 ft.	10 ft. 10 ft. 18 ft.
Maximum Setbacks (See 33.120.220) Transit Street or Pedestrian District	20 ft.	20 ft.	20 ft.	10 ft.	10 ft.	NA
Max. Building Coverage (See 33.120.225)	50% of site area	60/70% of site area	85% of site area	85% of site area	100% of site area	50% of site area
Max. Building Length (See 33.120.230)	Yes	Yes	No	No	No	Yes
Min. Landscaped Area (See 33.120.235)	30% of site area	20% of site area	15% of site area	15% of site area	none	30% of site area
Required Outdoor Areas (See 33.120.240)	Yes	Yes	Yes	Yes	No	See 33.251

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

33.120.210 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. FAR standard.** The maximum floor area ratios are stated in Table 120-4 and apply to all uses and development. In the RM4 zone the maximum FAR is 4 to 1, except in Historic Districts and Conservation Districts, where the maximum FAR is 3 to 1. Floor area ratio is not applicable in the RMP zone. There is no maximum limit on the number of dwelling units within the allowable floor area, but the units must comply with all building and housing code requirements. Additional floor area may be allowed through bonus options described in Section 33.120.211, or transferred as described in Subsection D. Maximum FAR does not apply to one alteration or addition of up to 250 square feet when the alteration or addition is to a primary structure that received final inspection at least 5 years ago. This exception is allowed once every 5 years. Adjustments to the maximum floor area ratios are prohibited. Floor area does not include the following:
1. Floor area for structured parking when at least 50 percent, or 6, of the parking spaces in the structure, whichever is greater, have at least a Level 2 charger adjacent to the space, up to a maximum of 0.5 to 1;
 2. Floor area for required long term bicycle parking that is not located in a dwelling unit, up to a maximum of 0.5 to 1; and
 3. Floor area for indoor common area used to meet the requirements of Section 33.120.240.
- C. Maximum increase in FAR.** An increase in FAR using bonuses and transfers of more than is stated in Table 120-5 is prohibited. This total FAR includes FAR transferred from another site, and any additional FAR allowed from bonus options.
- D. Transfer of FAR.** FAR may be transferred from one site to another subject to the following:
1. Sending site. FAR may be transferred from:
 - a. A site where all existing dwelling units are affordable to those earning no more than 60 percent of the area median family income. In order to qualify for this transfer, the applicant must provide a letter from the Portland Housing Bureau certifying that this affordability standard and any administrative requirements have been met. The letter must be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review;
 - b. A site where trees that are at least 12 inches in diameter are preserved. The maximum amount of floor area that may be transferred for each preserved tree is indicated in Table 120-5, however the maximum amount of FAR that can be transferred may not exceed the total amount of unused FAR on the site. This transfer provision does not apply to dead, dying or dangerous, or nuisance trees. To qualify for this transfer, a report is required from the City Forester or a

- certified arborist documenting that the trees to be preserved are not nuisance trees and are not dead, dying or dangerous; or
- c. A site that contains a Historic or Conservation Landmark or a contributing resource in a Historic or Conservation District. Sites that are eligible to send floor area through this transfer are allowed to transfer:
- (1) Unused FAR up to the maximum FAR allowed by the zone; and
 - (2) An additional amount equivalent to 50 percent of the maximum FAR for the zone. To qualify to transfer this additional amount of FAR, Portland Permitting & Development must verify that the landmark or contributing resource on the site meets one of the following:
 - If the building is classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the American Society of Civil Engineers (ASCE) 41- BPOE improvement standard as defined in City of Portland Title 24.85;
 - If the building is classified as Risk category III or IV, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the ASCE41- BPON improvement standard as defined in City of Portland Title 24.85; or
 - The owner of the landmark or contributing resource has entered into a phased seismic agreement with the City of Portland as described in Section 24.85.
2. Receiving site. The transfer must be to a site zoned RM1, RM2, RM3, RM4, RX, CM1, CM2, CM3, or CE outside of the Central City plan district. Transferring to a site zoned RMP is prohibited. Transferring to a site where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years is prohibited unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure on the site that was demolished was an accessory structure, or the demolition was approved through demolition review.
3. Maximum increase in FAR. An increase in FAR on the receiving site of more than 1 to 1 from a transfer is prohibited. In addition, the total FAR on the receiving site, including FAR from transfers and bonuses, may not exceed the overall maximum FAR with other bonuses stated in Table 120-56.
4. Covenants. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and is attached to, and recorded with, the deeds of both the site transferring and the site receiving the density. The covenant must reflect the respective increase and decrease of potential FAR. In addition, the covenant for the site where trees will be preserved must:
- (a) Require that all trees be preserved for at least 50 years; and
 - (b) Require that any tree covered by the covenant that is dead, dying or dangerous be removed and replaced within a 12-month period. The trees must be determined to be dead, dying, or dangerous by the City Forester or a certified arborist. If a tree covered by the covenant is removed in violation of the

requirements of this Section, or is dead, dying, or dangerous as the result of a violation, Tree Review is required.

Table 120-5				
Transferable Floor Area for Tree Preservation in Multi-Dwelling Zones				
Diameter of Tree Preserved	Transferable Floor Area for Each Tree (by zone)			
	RM1	RM2	RM3	RM4 & RX
12 to 19 inches	1,000 sq. ft.	1,500 sq. ft.	2,000 sq. ft.	4,000 sq. ft.
20 to 35 inches	2,000 sq. ft.	3,000 sq. ft.	4,000 sq. ft.	8,000 sq. ft.
36 inches or greater	4,000 sq. ft.	6,000 sq. ft.	8,000 sq. ft.	16,000 sq. ft.

33.120.211 Floor Area Bonus Options

- A. Purpose and description.** The bonus options allow additional floor area as an incentive for development that includes affordable housing, family-sized units, or units that are physically accessible to people of all abilities. The bonus options are designed to allow additional development intensity in a manner that is consistent with the purposes of the multi-dwelling zones.
- B. General floor area bonus regulations.**
 1. The floor area bonus options in this section are only allowed in the RM1, RM2, RM3, RM4, and RX zones outside the Central City and Gateway plan districts. Sites where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years are not eligible to use bonus options unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure on the site that was demolished was an accessory structure, or the demolition was approved through demolition review.
 2. More than one bonus may be used up to the overall maximum per site stated in Table 120-6. Adjustments to the maximum amount of floor area obtainable through bonuses are prohibited.
 3. The increment of additional FAR allowed per bonus is stated in Table 120-6 and described in Subsection C.
 4. The bonus option standards must be met in full to receive the bonus.

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

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

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

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

C. Bonus options.

1. Inclusionary housing bonus option. Maximum FAR may be increased as stated in Table 120-6 if one of the following is met:
 - a. Mandatory inclusionary housing. Bonus FAR is allowed up to the maximum with inclusionary housing bonus stated in Table 120-6 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 120-6 when one of the following voluntary bonus options is met:
 - (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter must be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review; or

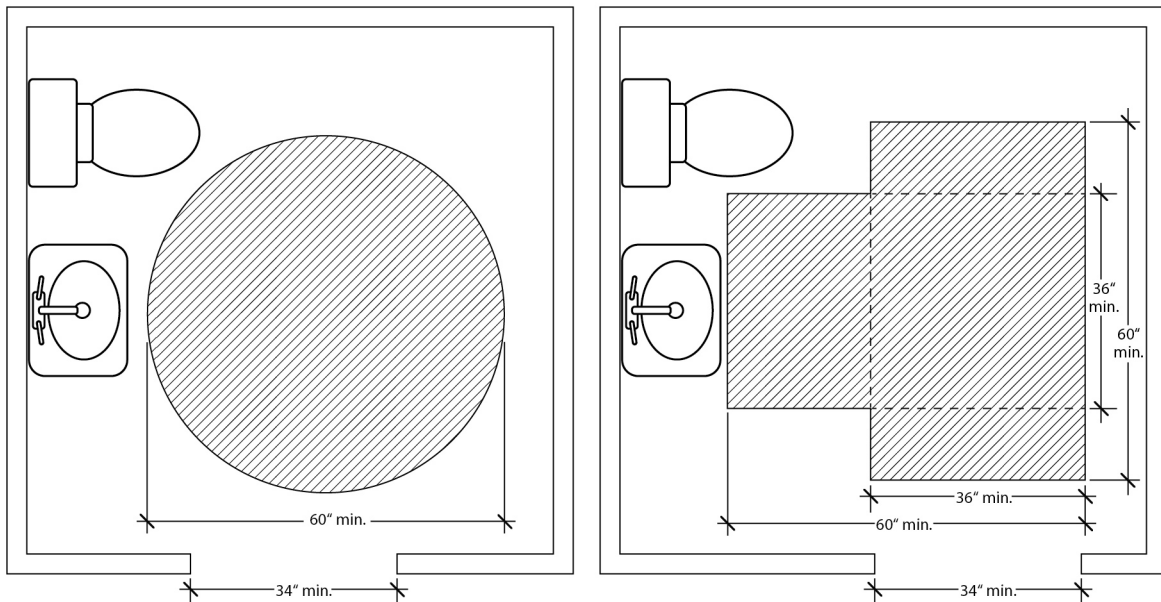
- (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from Portland Permitting & Development. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development but is not required in order to apply for a land use review.
2. Deeper housing affordability bonus option. Bonus FAR is allowed up to the maximum with deeper housing affordability bonus as stated in Table 120-6 when at least 50 percent of all the dwelling units on the site are affordable to those earning no more than 60 percent of area median family income or an affordability level established by Title 30. Projects taking advantage of this bonus are also allowed an additional 10 feet of base height and an additional 10 percent of building coverage beyond the limits for the zone stated in Table 120-4. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for the development but is not required in order to apply for a land use review.
3. Three-bedroom unit bonus option. Bonus FAR is allowed up to the maximum with three-bedroom unit bonus as stated in Table 120-6 if at least 50 percent of the dwelling units on the site have at least three bedrooms and are affordable to those earning no more than 100 percent of the area median family income. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the required three-bedroom units meet the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau.
4. Visitable units bonus option. Bonus FAR is allowed up to the maximum with visitable units bonus as stated in Table 120-6 when at least 25 percent of all the dwelling units on the site meet the following visitability standards, except that this bonus is not available for projects with buildings that are required by the Oregon Structural Specialty Code to include Type A or Type B accessible units:
 - a. Visitable entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8;
 - b. Visitable bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 120-1. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;

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

33.120.212 Maximum Density

- A. **Purpose.** The maximum number of dwellings per unit of land, the maximum density, is controlled in the RMP zone so that housing can match the availability of public services and the availability of support commercial areas. The standards also allow the housing density to be matched with the carrying capacity of the land. In addition, the density standard is used as one type of control of overall building bulk. The bonus density options allow additional floor area as an incentive for providing affordable housing.
- B. **Maximum density.** The maximum density for the RMP zone is stated in Table 120-4. There is no maximum density for any other multi-dwelling zone. All new housing built, or converted from other uses, must be on sites large enough to comply with the density standards. The number of units allowed on a site is based on the presumption that all site development standards will be met. The allowed density is not a special right that justifies adjusting other development standards.
- C. **RMP zone affordable housing bonus option.** In the RMP zone, maximum density can be increased up to the maximum with RMP affordable housing bonus stated in Table 120-4 when at least 50 percent of all of the dwelling units on the site are affordable to those earning no more than 60 percent of area median family income. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.
- D. **Transfer of density.**
 - 1. Density may be transferred from a site zoned RMP to a site zoned RM1, RM2, RM3, or RM4 outside of the Central City plan district. When density will be transferred from a site zoned RMP, one dwelling unit is equal to 800 square feet of floor area. Transfers of density or FAR to a site zoned RMP is prohibited.
 - 2. The property owner must execute a covenant with the City that is attached to, and recorded with, the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant for the receiving site must meet the requirements of Section 33.700.060.

Figure 120-1
Visitable Bathroom Clearances



33.120.213 Minimum Density

- A. Purpose.** The minimum density standards ensure that the service capacity is effectively utilized and that the City's housing goals are met. The standards also ensure that incremental development will not preclude the ability to meet the intended development intensity of the zoning of a site.
- B. Minimum density.** The minimum density requirements for the multi-dwelling zones are stated in Table 120-4. Group living uses are exempt from minimum density requirements. Land within an Environmental zone may be subtracted from the calculation of minimum density.
1. If units are being added to a site with an existing building with residential units, the minimum density is reduced by two units.
 2. In the RMP zone, if maximum density is two units then minimum density is two units. If maximum density is one unit, minimum density is one unit.
 3. On sites where trees that are 12 or more inches in diameter are proposed for preservation, minimum density may be reduced as follows:
 - a. The maximum allowed reduction in minimum density is shown in Table 120-7.
 - b. When this provision is used to reduce density, the owner must execute a covenant with the City. The covenant is not required if the site is also part of a proposed Land Division. The covenant must:
 - (1) Require that all trees used to reduce the minimum density be preserved for at least 10 years;

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

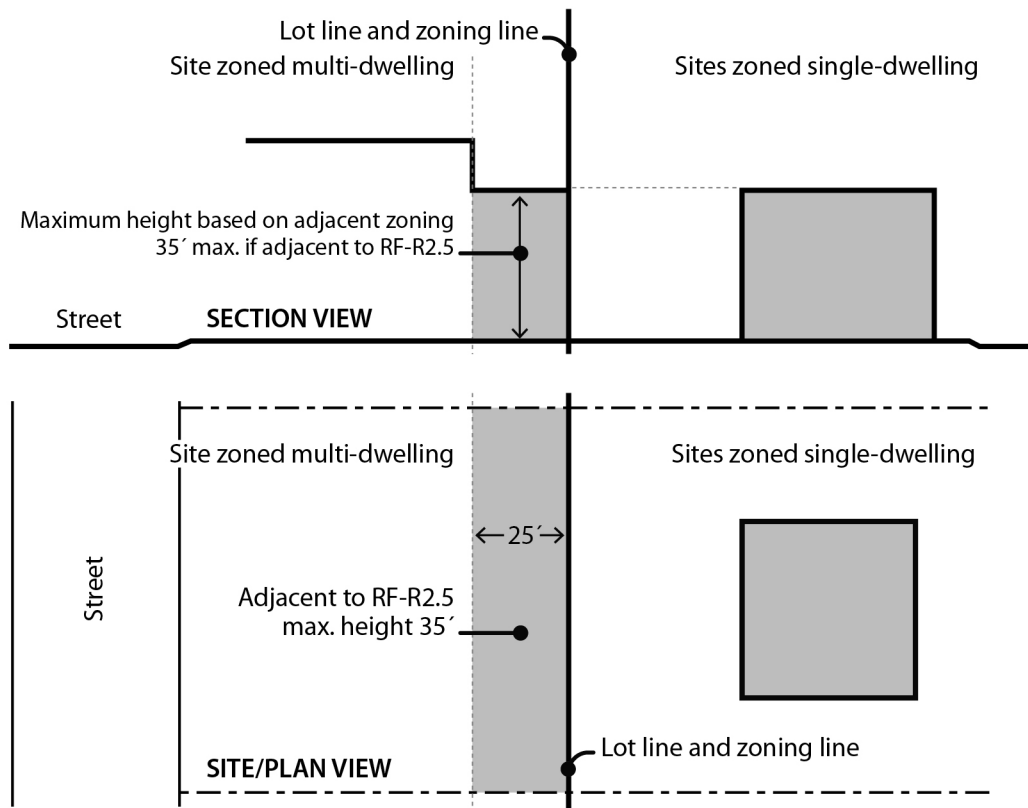
Table 120-7 Reduction in Minimum Residential Density from Tree Preservation		
Required Minimum Residential Density	No. of 12-Inch Trees To Be Preserved	Reduction of Minimum Residential Density
Up to 7 units	1	1
8-12 units	1	1
	2 or more	2
13-17 units	1	1
	2	2
	3 or more	3
18 or more units	1	1
	2	2
	3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

33.120.215 Height

- A. Purpose.** The height standards serve several purposes:
 - They promote a reasonable building scale and relationship of one residence to another;
 - They promote options for privacy for neighboring properties; and
 - They reflect the general building scale of multi-dwelling development in the City's neighborhoods.
- B. Height standard.**
 - 1. Base height. The base heights allowed in the multi-dwelling zones are stated in Table 120-4. The maximum height standard for institutional uses is stated in 33.120.275, Development Standards for Institutions. The maximum height standards for detached accessory structures are stated in 33.120.280, Detached Accessory Structures. In the RM4 zone the base height is 75 feet, except as follows:
 - a. On sites that are not within a Historic or Conservation district but are within 500 feet of a transit street with 20-minute peak hour service the base height is 100 feet; and
 - b. On sites within 1,000 feet of a transit station the base height is 100 feet, including on sites that are within a Historic or Conservation district.

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

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



C. Exceptions to the maximum height.

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

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

33.120.220 Setbacks

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

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

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

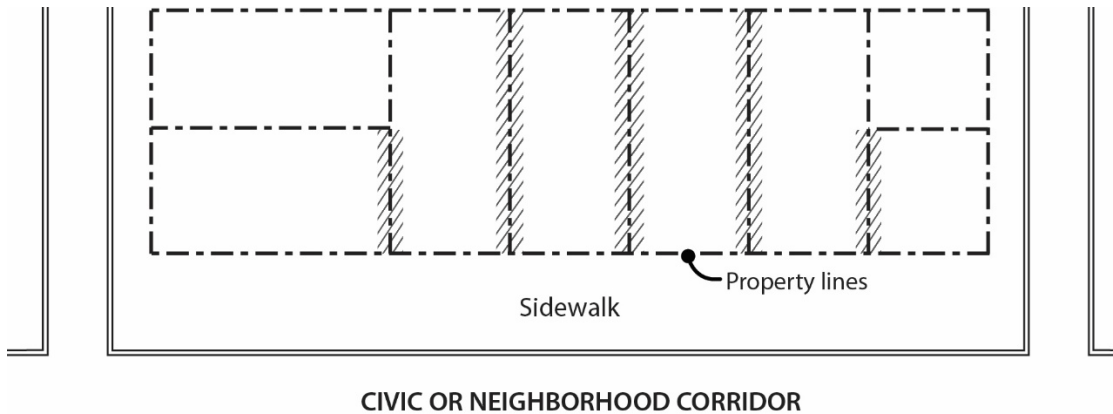
1. Generally. The required minimum building setbacks, if any, are stated in Table 120-4. In the RM3 and RM4 zones, the minimum side and rear building setbacks apply as follows:
 - a. Buildings that are up to 55 feet tall. The required minimum side and rear building setback for buildings that are up to 55 feet tall is 5 feet. Minor projections allowed by Paragraph 33.120.215.C do not count toward this height measurement; and
 - b. Buildings more than 55 feet tall. The required minimum side and rear building setback for buildings that are more than 55 feet tall is 10 feet from a side or rear lot line that is not a street lot line, and 5 feet from a side or rear lot line that is a street lot line.
2. Eastern Pattern Area minimum rear building setback.
 - a. Minimum rear building setback. In the RM1, RM2, RM3 and RM4 zones in the Eastern Pattern Area the required minimum rear building setback is an amount equal to 25 percent of the total depth of the site. No more than 50 percent of the Eastern Pattern Area rear setback can be vehicle area. The Eastern Pattern Area is shown on Map 120-3.
 - b. Exemptions. The following are exempt from the Eastern Pattern Area minimum rear building setback. When a site is exempt from the Eastern Pattern Area minimum rear building setback, the base zone required minimum rear building setback stated in Table 120-4 applies:
 - (1) Corner lots and lots that are up to 100 feet deep are exempt from the Eastern Pattern Area minimum rear building setback; and
 - (2) Sites where at least 10 percent of the total site area is outdoor common area and the common areas measure at least 30 feet in all directions are exempt from the Eastern Pattern Area minimum rear setback.
 - (3) Cottage clusters allowed under section 33.120.270.G.
3. Exceptions to the required building setbacks.
 - a. Setback matching. The minimum front and side street building setbacks and the setback of decks, balconies, and porches may be reduced to match the setback on an abutting lot.
 - b. Raised ground floor. In the RM2 and RM3 zones the minimum front building setback may be reduced to 5 feet, and in the RM4 zone the minimum front and side street building setbacks may be reduced to zero feet, for buildings where the finished floor of ground floor residential units is between 2 feet and 5 feet


above the grade of the closest adjoining sidewalk. This exception does not apply in the Eastern Pattern Area shown on Map 120-3.

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

- j. Inner Pattern Area. In the RM2, RM3, and RM4 zones in the Inner Pattern Area, on sites that abut a Civic or Neighborhood Corridor shown on Map 120-1, no setback is required from a lot line that abuts a property that also has a lot line on a Civic or Neighborhood Corridor. See Figure 120-3. However, windows in the walls of dwelling units must be setback a minimum of 5 feet from a lot line that abuts another property and this setback area must be a minimum width of 12 feet or the width of the residential window, whichever is greater.

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



 Locations where no setbacks are required.

C. Maximum building setbacks.

1. Maximum building setbacks on a transit street or in a Pedestrian District. The required maximum building setbacks, if any, are stated in Table 120-4, 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.
 - (1) Where an existing building is being altered, the standards apply to the ground level, street-facing facade of the entire building. See Figures 120-4 and 120-5.
 - (2) Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all the buildings. See Figures 120-6 and 120-7.
 - (3) For buildings where all of the floor area is in residential use, the street-facing facade of an open porch that meets the following standards is included as part of the ground level, street-facing facade of the building:

- For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
 - The porch must have at least one entrance facing the street; and
 - The porch must have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.
- b. Outside a Pedestrian District. Where the site is not in a Pedestrian District:
- (1) One transit street. Where the site is adjacent to one transit street, the standard must be met on the transit street frontage;
 - (2) Two non-intersecting transit streets. Where the site is adjacent to two transit streets that do not intersect:
 - The standard must be met on the frontage of the street with the highest transit classification. If both streets have the same highest classification, the applicant may choose on which street to meet the standard;
 - If one of the transit streets intersects a City Walkway, the standard must be met along both the street with the highest transit classification and the City Walkway;
 - (3) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, the standard must be met on the frontages of the two streets with the highest transit classifications. If more than two streets have the same highest transit classification, the applicant may choose on which two streets to meet the standard;
- c. In a Pedestrian District. Where the site is in a Pedestrian District, the maximum building setback standard applies to all street frontages, with the following exceptions:
- (1) Through lots. If the site is a through lot, the maximum setback standard only applies to the street with the highest transit street classification. If multiple streets have the same highest transit street classification, the applicant may choose on which street to apply the standard.
 - (2) Three or more street frontages. If the site has street lot lines on three or more streets, the maximum setback standard only applies to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit street classifications. If multiple streets have the same highest transit street classification, the applicant may choose on which streets to apply the standard.

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

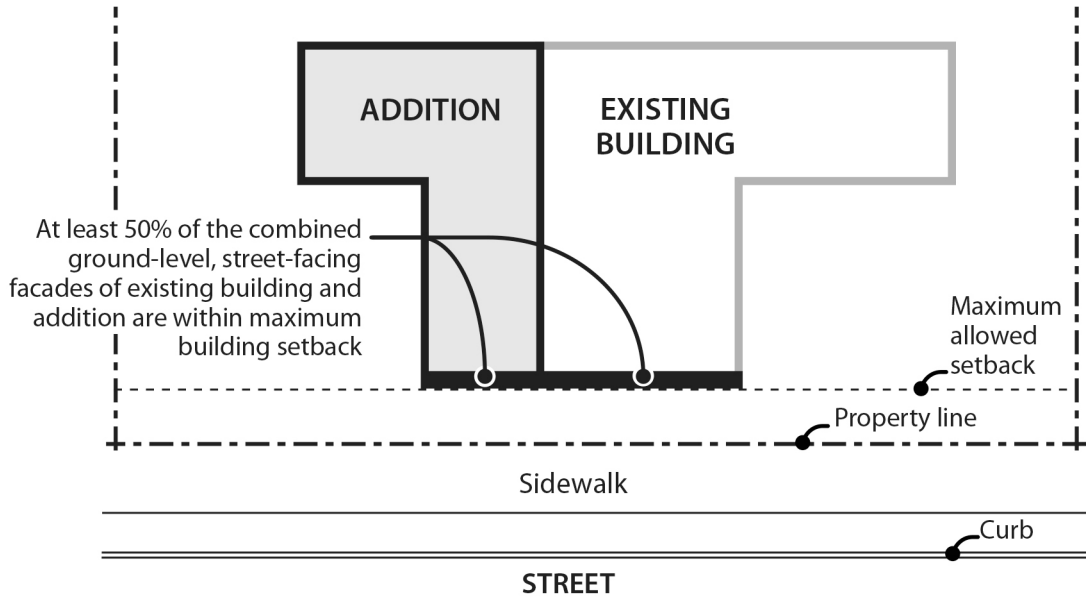
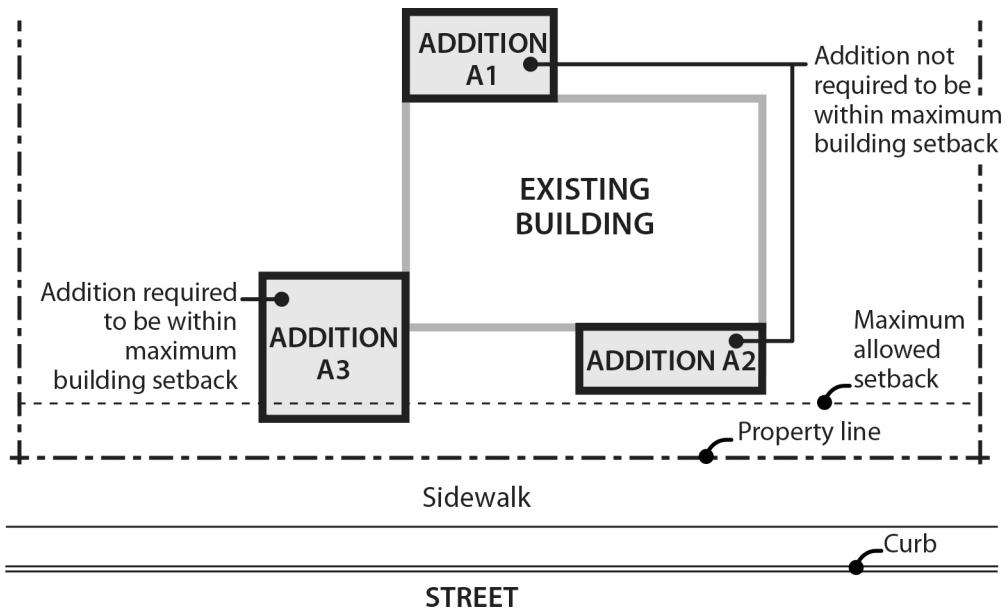


Figure 120-5
Alterations to Existing Building



Notes:

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

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

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

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

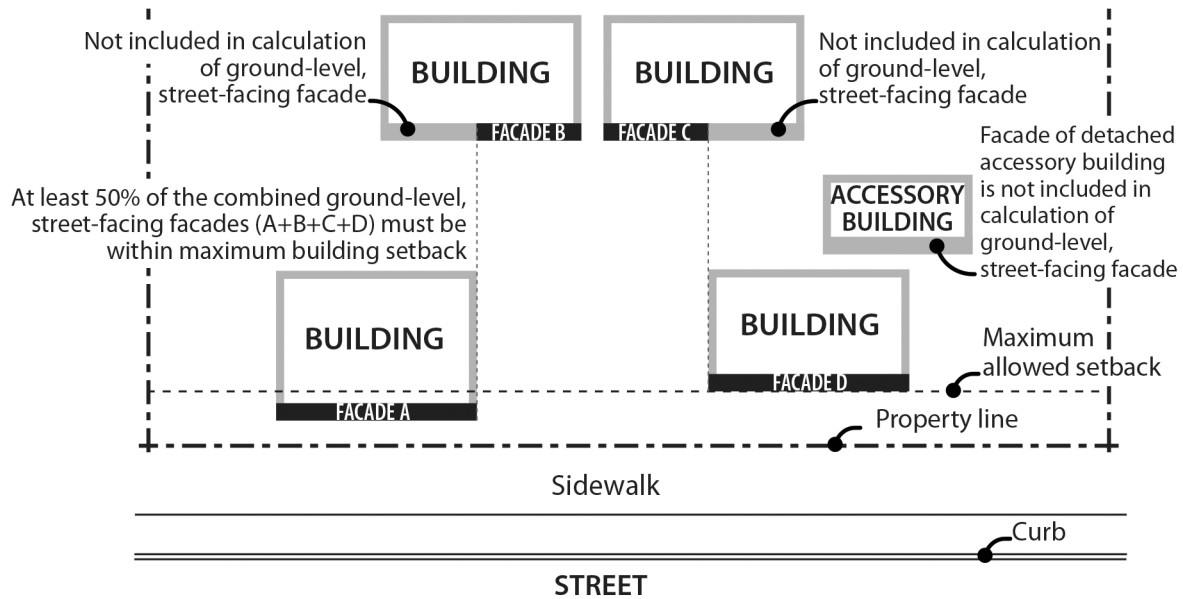
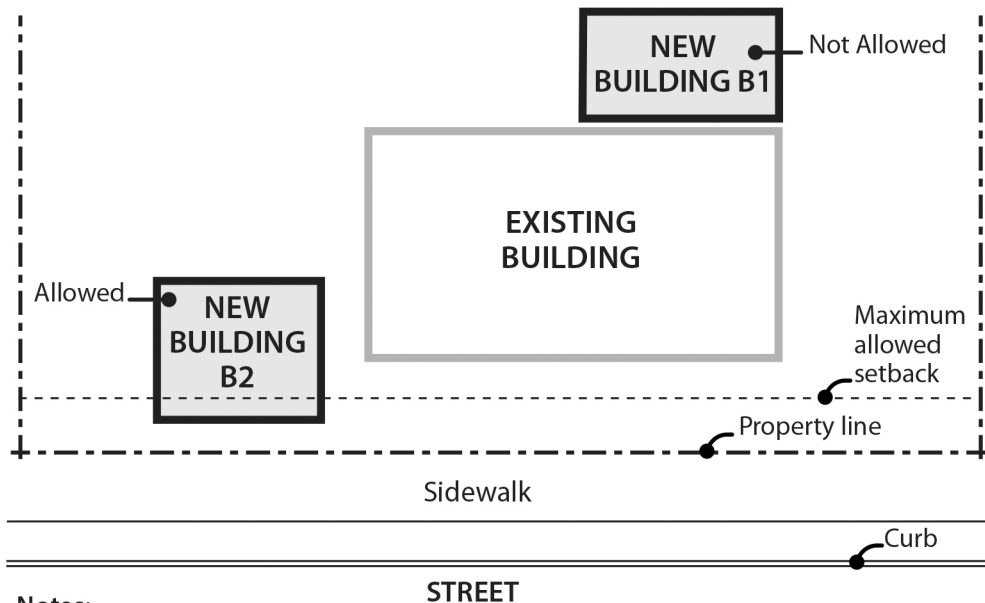


Figure 120-7
New Buildings On Sites With Buildings That Do Not Meet The Maximum Building Setback



Notes:

New Building B1. Not allowed because it moves site further out of conformance with maximum setback standard.
New Building B2. Because building increases length of combined street-facing facade on the site, 100% of building facade must be within maximum setback until maximum setback standard for site is met.

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

D. Extensions into required building setbacks.

1. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback, except as indicated. However, the feature must be at least 3 feet from a lot line, except as allowed in 33.120.270, Alternative Development Options:
 - a. Chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;
 - b. Wheelchair ramps, water collection cisterns and stormwater planters that do not meet the standards of Paragraph D.4;
 - c. Decks, stairways, and uncovered balconies that do not meet the standard for Paragraph D.4, but only along a street lot line; and
 - d. Bays and bay windows but only along a street lot line and must meet the following requirements:
 - (1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;
 - (2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block; and
 - (3) Bays and bay windows must cantilever beyond the foundation of the building.
2. Building eaves may project up to 2 feet into a required setback, provided the eave is at least 3 feet from a lot line.
3. Canopies and awnings may extend up to 5 feet into a required setback along a street lot line.
4. The following minor features may extend into entire required building setbacks:
 - a. Utility connections attached to the building that are required to provide services, such as water electricity and other similar utility services;
 - b. Gutters and downspouts that drain stormwater off a roof of the structure;
 - c. Stormwater planters that are no more than 2-1/2 feet above the ground;
 - d. Water collection cisterns that are 6 feet or less in height;

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

E. Garage entrance and structured parking setback.

1. Garage entrance setback. The garage entrance setback is stated in Table 120-4. See Chapter 33.910, Definitions, for a description. The walls of the garage structure are subject to 33.120.283 and the applicable front, side, or rear building setbacks.
 - a. In the RM2, RM3, RM4, and RX zone, the garage entrance must be either 5 feet or closer to the street lot line, or 18 feet or farther from the street lot line. If the garage entrance is located within 5 feet of the front lot line, it may not be closer to the lot line than the facade of the residential portion of the building.
 - b. Exceptions. No setback is required from a lot line abutting an alley. However, the Bureau of Transportation may require the garage entrance to be set back to ensure adequate turning radius into the garage.
2. Setbacks for structured parking. Structured parking that allows exiting in a forward motion is subject to the setback requirements for buildings. Structured parking that does not allow exiting in a forward motion is subject to the garage entrance setback standard stated in Table 120-4.

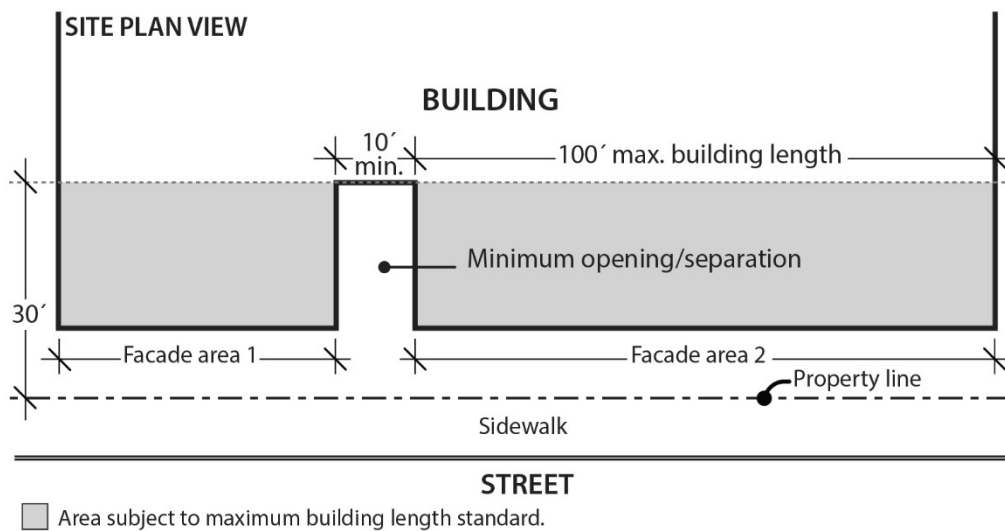
33.120.225 Building Coverage

- 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 120-4. In the RM2 zone, maximum building coverage on sites that abut a Civic Corridor or Neighborhood Corridor shown on Map 120-1 is 70 percent of site area. Maximum building coverage on all other RM2 sites is 60 percent of site area.
- C. Exception.** Structured parking that is no more than 6 feet above grade at any point, except as indicated below, does not count toward building coverage if the structured parking does not have floor area above it, and the structured parking is covered by landscaping or an outdoor common area. Vehicle or pedestrian access into the structured parking is exempt from the calculation of grade, if the access is no more than 20 feet wide.

33.120.230 Building Length and Façade Articulation

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

Figure 120-8
Maximum Building Length



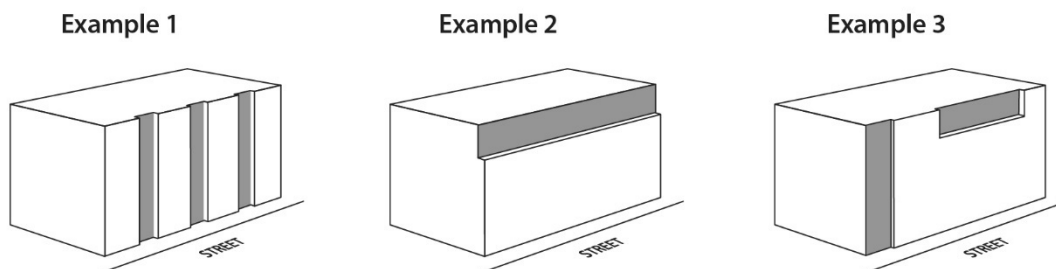
C. Façade articulation

1. Where the standard applies. This standard applies in the RM2 through RM4 zones as follows. Development that includes a residential use is exempt from this standard until January 1, 2029:
 - a. In the RM2 zone, the standard applies to buildings more than 35 feet high that have facade areas of more than 3,500 square feet within 20 feet of a street property line.
 - b. In the RM3 and RM4 zones, the standard applies to buildings more than 45 feet high that have facade areas of more than 4,500 square feet within 20 feet of a street property line.
 - c. Portions of building facades that are vertically separated by a gap of at least 10 feet in width extending at least 30 feet in depth from the street property line are

considered to be separate facades areas for the purposes of the facade area measurements. See Figure 120-8.

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

Figure 120-9
Facade Articulation



33.120.231 Main Entrances

- A. Purpose.** The main entrance standards:
- Together with the window and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
 - Enhance public safety for residents and visitors and provide opportunities for community interaction;
 - Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
 - Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.
- B. Where these standards apply.**
1. The standards of this section apply to all residential structure types in the multi-dwelling zones except for accessory dwelling units, manufactured dwelling parks, and houseboat moorages. For multi-dwelling development, the standards apply only to residential structures that are located within 40 feet of a street lot line.
 2. Where a proposal is for an alteration or addition to existing development, the standards apply only to the portion being altered or added.
 3. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the standards apply to the transit street. If there is no transit street, the applicant may choose on which frontage to meet the standards. If there is more than

one transit street, the standards apply to the street with the highest transit street classification. If all streets have the same transit street classification, the applicant may choose on which frontage to meet the standards.

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

C. Main entrance.

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

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

Figure 120-10
Main Entrance Facing the Street

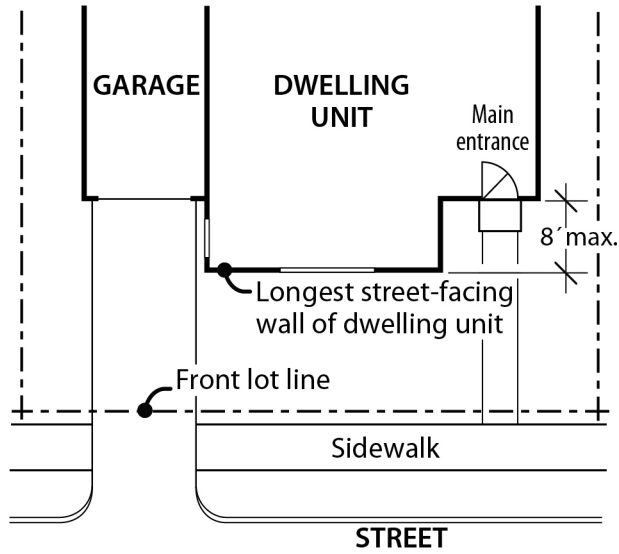


Figure 120-11
Main Entrance Opening Onto a Porch

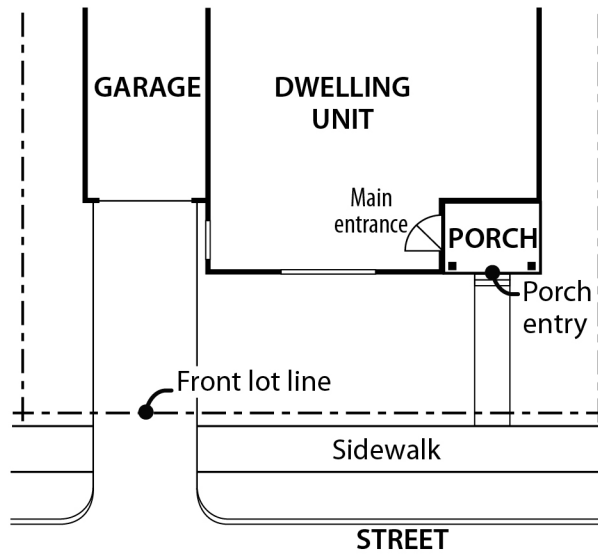
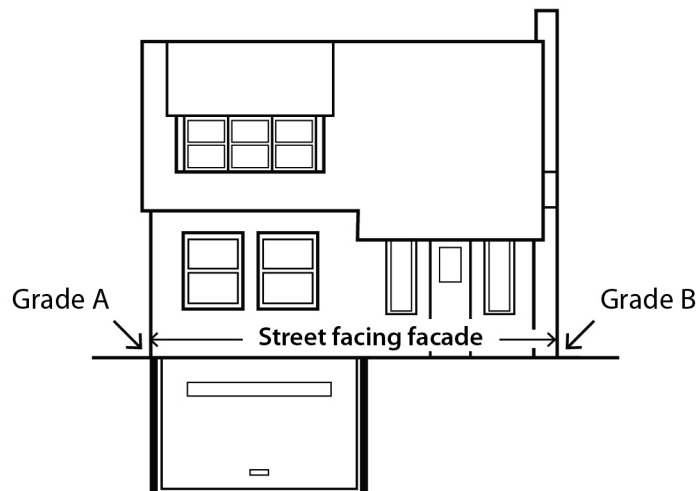


Figure 120-12
Calculation of Grade: (Elevation A + Elevation B) / 2



33.120.232 Street-Facing Facades

A. Purpose. The standards:

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

B. Where these standards apply.

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

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

33.120.235 Landscaped Areas

- A. Purpose.** The standards for landscaped areas are intended to enhance the overall appearance of residential developments and institutional campuses in multi-dwelling zones. The landscaping improves the residential character of the area, breaks up large expanses of paved areas and structures, provides privacy to the residents, and provides separation from streets. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater run-off by providing a non-paved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife.
- B. Minimum landscaped areas.** The required amount of landscaped area is stated in Table 120-4. Sites developed with a house, attached house, duplex, or manufactured dwelling park are exempt from this standard. Any required landscaping, such as for required setbacks or parking lots, applies toward the minimum required landscaped area.
1. Except as allowed by Paragraph B.2., required landscaped areas must:
 - a. Be at ground level or in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements; and
 - b. Comply with at least the L1 standard described in Chapter 33.248, Landscaping and Screening. However, up to one-third of the required landscaped area may be improved for active or passive recreational use or for use by pedestrians. Examples of active or passive recreational use include walkways, play areas, plazas, picnic areas, garden plots, and unenclosed recreational facilities.

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

C. Additional landscaping standards.

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

33.120.237 Trees

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

33.120.240 Required Outdoor and Common Areas

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

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

C. Size, location and configuration.

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

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

33.120.250 Screening

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

3. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.

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

33.120.255 Pedestrian Standards

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

pedestrian entrance. However, if at least 50 percent of a street facing facade is within 10 feet of the street, no connection is required to that street.

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

33.120.260 Recycling Areas

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

33.120.270 Alternative Development Options

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

project up to one foot into the reduced side setback. All building setbacks around the perimeter of the land division site are those of the base zone.

- E. Attached duplexes.** The attached duplex regulations allow for an alternative housing type that promotes owner-occupied structures, the efficient use of land, and for energy-conserving housing.
1. Lot size. Each attached duplex must be on a lot that complies with the lot size standard for new lots of the base zone.
 2. Building setbacks. The side building setback on the side containing the common wall is reduced to zero.
 3. Number of units. A maximum of 2 units per lot and 4 units per structure is allowed.
- F. Cottage cluster.** Cottage clusters that meet the following standards are allowed in the RM1 zone. Cottage clusters are prohibited on sites that do not have frontage on a maintained street, except sites that have frontage on a private street that connects to a maintained street, and sites that have frontage on a self-contained pedestrian connection created solely for pedestrians and bicycles that connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement. Except as allowed below, adjustments to the following standards are prohibited.
1. Minimum site dimensions. Adjustments to reduce the minimum required site dimensions by up to 10 percent may be requested prior to January 2, 2032. Beginning January 2, 2032, adjustments are prohibited.
 - a. Minimum site area. Cottages cluster sites must be at least 5,000 square feet in area.
 - b. Minimum site width. Cottage cluster sites must be at least 36 feet wide. Site width for a cottage cluster is measured as lot width is measured. See 33.930.100.
 2. Maximum area. Cottage cluster sites must not be greater than 40,000 square feet. Adjustments to increase the area by up to 10 percent above this standard may be requested prior to January 2, 2032, if an adjustment to the maximum number of dwelling units is also requested. Beginning January 2, 2032, adjustments are prohibited.
 3. Maximum dwelling units. The maximum number of dwelling units allowed on a cottage cluster site is 16. Adjustments to this standard may be requested prior to January 2, 2032. Beginning January 2, 2032, adjustments are prohibited.
 4. Floor area. Cottage clusters are exempt from 33.120.210, Floor Area Ratio. However, the maximum average floor area for all dwelling units on the cottage cluster site is 1,400 square feet, including the floor area for attached accessory structures. The applicant may choose to exclude the floor area of any existing dwelling units that received final inspection at least 5 years ago from the average. The maximum floor area allowed for a detached accessory structure is 400 square feet.
 5. Maximum height. The maximum height allowed is 25 feet. Existing dwelling units that that received final inspection at least 5 years ago exceed this maximum height are

allowed but the height cannot be increased. The maximum height standards for detached accessory structures are stated in 33.120.280, Detached Accessory Structures.

6. Separation. Dwelling units within the cottage cluster site must be separated by 6 feet.
7. Building coverage. Cottage clusters are exempt from 33.120.225. Building Coverage. The following building coverage standards apply:
 - a. The maximum building coverage allowed for each dwelling unit is 900 square feet and includes attached accessory structures. Existing dwelling units that received final inspection at least 5 years ago that exceed this limit are allowed but the building coverage cannot be increased; and
 - b. The building coverage of a detached covered accessory structure may not be greater than the building coverage of the smallest primary structure.
8. Common outdoor area. The following common outdoor area standards apply to cottage clusters. Cottage clusters are exempt from 33.120.240:
 - a. The total amount of common outdoor area required is 150 square feet per dwelling unit if all the dwelling units are separated by at least 10 feet or 200 square feet per dwelling unit if any of the dwelling units are separated by less than 10 feet. Adjustments to reduce the total required amount of common outdoor area by up to 25 percent may be requested prior to January 2, 2032. Beginning January 2, 2032, adjustments are prohibited.
 - b. Each common outdoor area:
 - (1) Must be at least 450 square feet in area. Required pedestrian connections located adjacent to or within a common outdoor area count toward this minimum size;
 - (2) Must measure at least 15 feet in all directions. Required pedestrian connections located adjacent to or within a common outdoor area are included in this minimum width; and
 - (3) Must be located outside the required front setback.
 - c. Each required common outdoor area must be surfaced with landscaping, pavers, decking, or sport court paving to allow the shared area to be used for active or passive recreational use. No more than 50 percent of the total common outdoor area can be in an impervious surface. Common outdoor area may not be used as vehicle area. No feature of a dwelling unit may extend into the common outdoor area, and the common outdoor area may not contain structures that are not specifically an amenity for the user of the common outdoor area including bike storage lockers and trash enclosures.
 - d. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, picnic areas, and open recreational facilities.

9. Dwelling unit orientation. Dwelling units located within 25 feet of a street property line must meet the base zone main entrance standards of 33.120.231, Main Entrances. All other dwellings units are exempt from 33.120.231 but must meet the following dwelling unit orientation standards. Adjustments to the following standards may be requested prior to January 2, 2032. Beginning January 2, 2032, adjustments are prohibited:
 - a. At least 50 percent of the dwelling units that are exempt from 33.120.231 must:
 - (1) Have at least one main entrance facing a common outdoor area; and
 - (2) Be located within 10 feet of the common outdoor area, measured from the closest point of the facade with the main entrance to the nearest edge of the common outdoor area.
 - b. Dwelling units that do not have a main entrance facing the common outdoor area or street must have at least one main entrance facing a pedestrian connection that is connected to the common outdoor area.
10. Windows. Cottage clusters are exempt from 33.120.232.C. However, 15 percent of the area of the façade with the required main entrance must be windows or main entrance doors. Adjustments to this standard may be requested prior to January 2, 2032, however adjustments to reduce the percentage required below 12 percent are prohibited. Beginning January 2, 2032, all adjustments are prohibited. Windows used to meet this standard must allow views from the building to the street, pedestrian connection, or common outdoor area. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard.
11. Visitability.
 - a. Purpose. The visitability standard ensures that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:
 - Promote a diverse supply of more physically accessible housing;
 - Allow people of all ages and abilities to easily enter and visit the residence;
 - Foster community interaction by reducing barriers that can lead to social isolation; and
 - Enhance public safety for all residents and visitors.
 - b. VISIBLE unit standard. Unless exempted by Subparagraph G.11.c., at least 33 percent of the dwelling units on the cottage cluster site must meet all of the following visitability standards:
 - (1) VISIBLE entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
 - (2) VISIBLE bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to

accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift;

- (3) Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift; and
 - (4) Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide.
- c. Exemption. The following are exempt from this Paragraph:
- (1) Lots with an average slope of 20 percent or greater are exempt; and
 - (2) Lots that are less than 7,000 square feet in area when there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.

G. Planned Development. See Chapter 33.270, Planned Development.

33.120.275 Development Standards for Institutions

- A. Purpose.** The general base zone development standards in the multi-dwelling zones are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in multi-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.
- B. Use categories to which these standards apply.** Except for Daycare uses, the standards of this section apply to uses in the institutional group of use categories in the multi-dwelling zones, whether allowed by right, allowed with limitations, or subject to a conditional use review. Daycare uses are subject to the regular base zone development standards. The standards of this section apply to new development, exterior alterations, and conversions to institutional uses. Recreational fields used for organized sports on a school, school site, or in a park, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.
- C. The standards.**
1. The development standards are stated in Table 120-8. 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 120-8, 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.4, 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.

Table 120-8 Institutional Development Standards [1]	
Minimum Site Area for New Uses	10,000 sq. ft.
Maximum Floor Area Ratio [2]	2 to 1
Maximum Height [3]	75 ft.
Minimum Building Setbacks [2]	1 ft. back for every 2 ft. of bldg. height, but in no case less than 10 ft.
Maximum Building Coverage [2]	70% of site area
Minimum Landscaped Area [2,4]	20% of site area
Buffering from Abutting Residential Zone [5]	10 ft. to L3 standard
Buffering Across a Street from a Residential Zone [5]	10 ft. to L1 standard
Setbacks for All Detached Accessory Structures Except Fences	10 ft.
Parking and Loading	See Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management
Signs	See Title 32, Signs and Related Regulations

Notes:

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

[2] For campus-type developments, the entire campus is treated as one site. Setbacks are only measured from the perimeter of the site. The setbacks in this table only supersede the setbacks required in Table 120-4. The normal regulations for projections into setbacks and for detached accessory structures still apply.

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

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

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

33.120.280 Detached Accessory Structures

- A. Purpose.** This section regulates detached structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards limit the height and bulk of the structures and promote compatibility of design for larger accessory structures when they are in conjunction with single-dwelling development. The standards provide for necessary access around structures, help maintain privacy to abutting lots, provide flexibility for the location of accessory structures, and maintain open front yard areas.
- B. General standards.**
1. The regulations of this section apply to all accessory structures. Additional regulations for accessory dwelling units are stated in Chapter 33.205.
 2. Detached accessory structures are allowed on a site only in conjunction with a primary building and may not exist on a site prior to the construction of the primary structure, except as allowed by Paragraph B.3, below.
 3. A detached accessory structure that becomes the only structure on a lot as the result of a land division, a property line adjustment, a lot confirmation, or a demolition of the primary structure may remain on the lot if the owner has executed a covenant with the City that meets the requirements of Section 33.700.060.
 - a. For a land division, the covenant must require the owner to remove the accessory structure if, within two years of final plat approval, a primary structure has not been built and received final inspection. The covenant must be executed with the City prior to final plat approval.
 - b. For a property line adjustment or a lot confirmation, the covenant must require the owner to remove the accessory structure if a primary structure has not been built and received final inspection within two years. The two years begins on the date the letter from PP&D approving the property line adjustment or lot confirmation is mailed. The covenant must be executed with the City before the final letter from PP&D is issued.
 - c. For a demolition of a primary structure, the covenant must require the owner to remove the accessory structure if a new primary structure has not been built and received final inspection within two years of the demolition of the old primary structure. The two years begins on the date of the final inspection of the demolition. The covenant must be executed with the City prior to the issuance of the demolition permit.
- C. Detached covered accessory structures.** Detached covered accessory structures are items such as garages, greenhouse, artist's studios, guest houses, accessory dwelling units, laundry or community buildings, storage buildings, covered bicycle parking, wood sheds, water collection cisterns, and covered decks or patios. The following standards apply to all

detached covered accessory buildings. Garages are also subject to the standards of 33.120.283.

1. Height. In general, the height standard of the base zone apply to detached covered accessory structures. The maximum height allowed for detached covered structures that are accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot is 20 feet.
2. Setbacks. Except as follows, detached covered accessory structures are subject to required building setbacks. See the additional regulations for garages in 33.120.283.
 - a. Water collection cisterns that are 6 feet or less in height are allowed in side and rear setbacks.
 - b. Detached covered accessory structures are allowed in the side and rear building setbacks, if all of the following are met:
 - (1) The structure is at least 10 feet from a street lot line or no closer to a street line than the closest primary building, whichever distance is greater;
 - (2) The structure's footprint has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
 - (3) If more than one structure is within the setback, the combined length of all structures in the setback adjacent to each property line is no more than 24 feet;
 - (4) The structure is no more than 15 feet high, and the walls of the structure are no more than 10 feet high, excluding the portion of the wall within a gable;
 - (5) The portion of the structure within the setback must be screened from adjoining lots by a fence unless it is enclosed within the setback by a wall. Screening is not required for enclosed structures. Screening must comply with the F2 standards of Chapter 33.248, Landscaping and Screening;
 - (6) Walls located within the setback may not have doors or windows facing the adjacent lot line;
 - (7) The structure does not have a rooftop deck; and
 - (8) Dormers are set back at least 5 feet from the side and rear lot lines that abut another lot.
3. Building coverage. The following additional building coverage standards apply to detached covered accessory structures.
 - a. The combined building coverage of all detached covered accessory structures may not exceed 20 percent of the total area of the site.
 - b. The building coverage of a detached covered accessory structure may not be greater than the building coverage of the primary structure.

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

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

dishes, detached structures that hold electric vehicle chargers, and lamp posts. The following standards apply to uncovered vertical structures. Fences are addressed in Section 33.120.285 below:

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

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

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

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

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

33.120.282 Additional Development Standards for Shared Courts, Common Greens, and Alleys in Private Ownership.

A. Purpose. These standards:

- Promote courtyard-oriented housing by facilitating the use of common greens and shared courts as part of housing projects;
- Allow a greater sense of enclosure within common greens and shared courts;
- Ensure adequate open area within shared courts and common greens;

- Allow the shared court or common green to be utilized as a shared yard; and
- Limit the potential traffic impacts from development on shared courts.

B. When these standards apply. The following standards apply to:

1. Development on lots with a front lot line on a common green or shared court; and
2. Development in a common green, shared court, or privately owned alley.

C. Standards

1. Housing types allowed. On a lot with a front lot line on a shared court, housing types are limited to a house, house with one ADU, attached house, attached house with one ADU, attached duplex or duplex.
2. Minimum density in RM1 and RM2 zones. For lots with a front lot line on a shared court or common green, the minimum density in the RM1 zone is 1 unit per 3,000 square feet and the minimum density in the RM2 zone is 1 unit per 2,000 square feet;
3. Setbacks.
 - a. The front and side minimum building setbacks from common greens and shared courts are reduced to 3 feet. Eaves, awnings, and trellises are allowed in this setback; and
 - b. The garage entrance 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.
4. Building coverage. The building coverage on lots with a front lot line on a shared court or common green is 5 percent greater than the building coverage of the base zone.
5. Minimum landscaped area. The minimum landscape area on lots with a front lot line on a shared court or common green is 5 percent less than the minimum landscape area of the base zone.
6. Garages facing shared courts. For garages accessory to houses or attached houses that are less than 22 feet wide and that face a shared court, the length of the garage wall facing the shared court may be up to 12 feet long if there is interior living area above the garage. The living area must be set back no more than 4 feet from the garage wall facing the shared court.
7. The following standards apply to accessory structures in common greens, shared courts, and privately owned alleys.
 - a. Detached accessory structures for the common use of residents are allowed within common greens and shared courts but are not allowed in privately owned alleys. Detached accessory structures include gazebos, garden structures, greenhouses, picnic areas, play structures and bike parking areas;
 - b. Structures for enclosing recycling or waste disposal are allowed within common greens, shared courts, and privately owned alleys;

- c. Accessory structures in common greens, shared courts, and privately owned alleys may be up to 15 feet high;
- d. The accessory structure must be setback at least 10 feet from a public street. The minimum setback from all other edges of the right-of-way is 3 feet; and
- e. The combined building coverage of all accessory structures located in common greens, shared courts or privately owned alley tracts may not exceed 15 percent. In shared courts, at least 250 square feet must remain uncovered. In common greens, at least 400 square feet must remain uncovered.

33.120.283 Additional Development Standards for Structured Parking and Garages

A. Purpose. These standards:

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

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

C. Existing detached garages.

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

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

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

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

E. Street lot line setbacks.

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

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

Figure 120-13
Length of Street-Facing Garage Wall

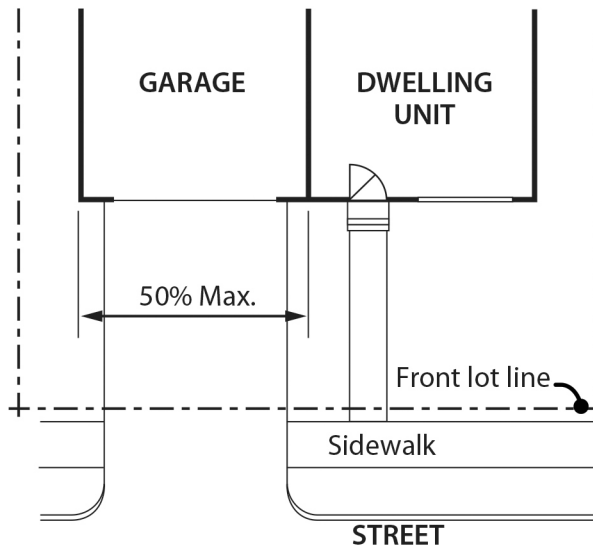


Figure 120-14
Combined Length of Street-Facing Garage Wall

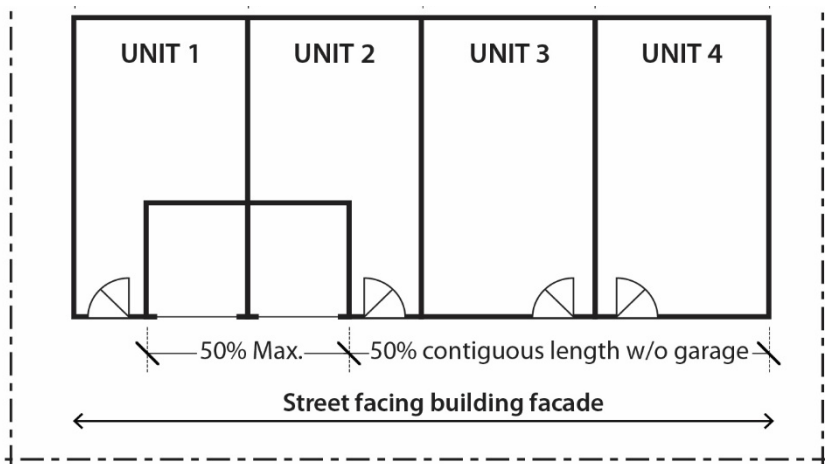


Figure 120-15
Street Lot Line Setback

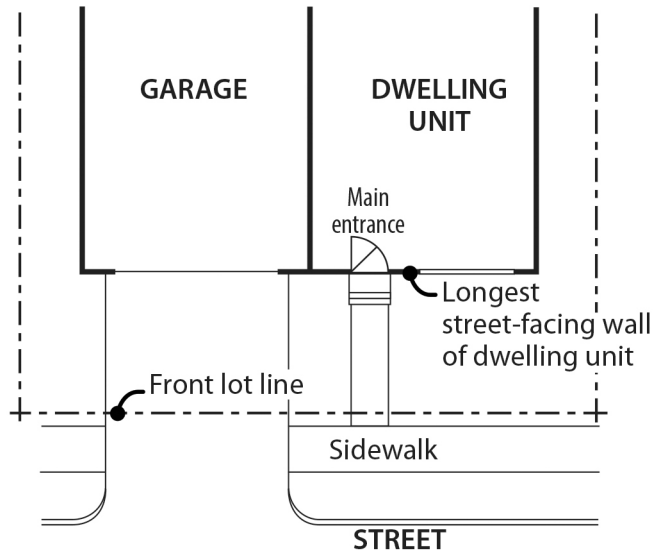
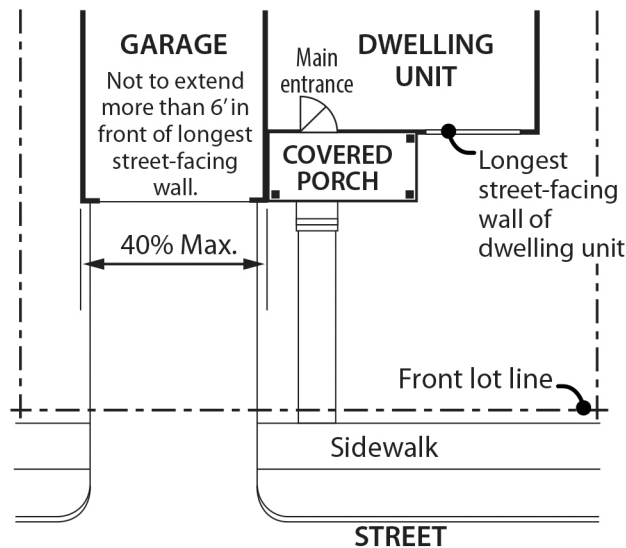


Figure 120-16
Garage Front Setback Exception



33.120.284 Additional Development Standards for Flag Lots

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

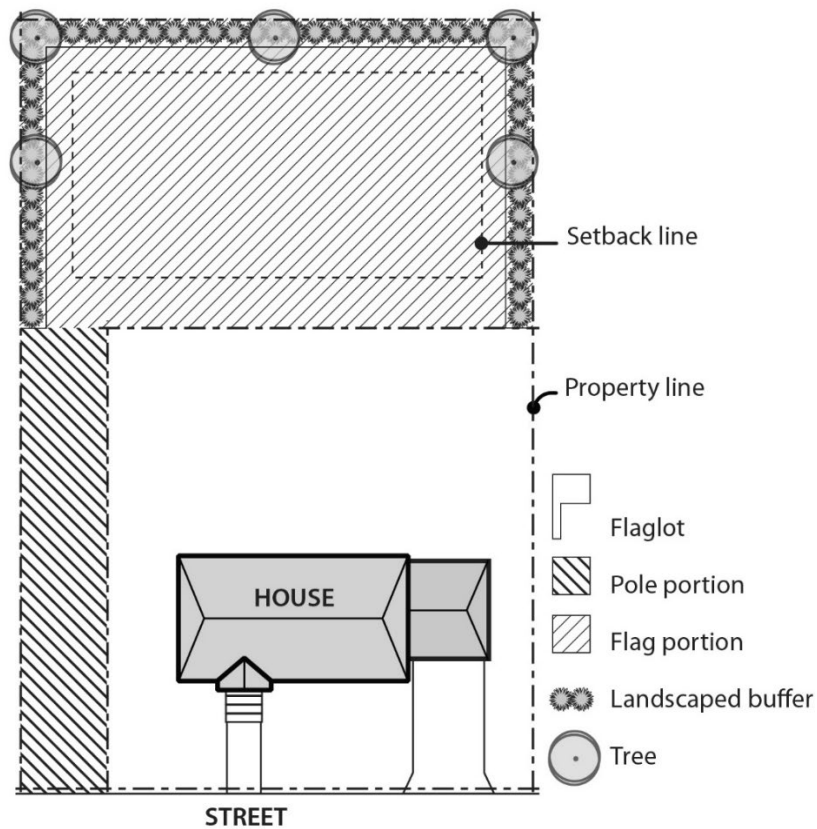
C. Standards.

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

Zone	Setback
RM1, RM2, RM3, RM4	10 feet

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

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



33.120.285 Fences

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

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

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

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

33.120.290 Demolitions

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

33.120.300 Nonconforming Development

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

33.120.305 Parking, Loading, and Transportation and Parking Demand Management

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

33.120.310 Signs

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

33.120.320 Inclusionary Housing

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

33.120.330 Street and Pedestrian Connections

A. Large site pedestrian connectivity.

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

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

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

effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176193, effective 2/1/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177920, effective 11/8/03; Ord. No. 178423, effective 6/18/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 178927, effective 12/31/04; Ord. No. 179845, effective 1/20/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182072, effective 8/22/08; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/21/09; Ord. No. 183598, effective 4/24/10; No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 08/28/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188162, effective 2/1/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20 and 8/1/21; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 190978, effective 8/31/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24; Ord. No. 191848, effective 10/1/24; Ord. No. 191942, effective 1/1/25.)

33.130 Commercial/Mixed Use Zones

130

Sections:

General

- 33.130.010 Purpose
- 33.130.020 List of the Commercial/Mixed Use Zones
- 33.130.030 Characteristics of the Zones
- 33.130.040 Other Zoning Regulations
- 33.130.050 Neighborhood Contact

Use Regulations

- 33.130.100 Primary Uses
- 33.130.110 Accessory Uses
- 33.130.130 Nuisance-Related Impacts

Development Standards

- 33.130.200 Lot Size
- 33.130.205 Floor Area Ratio
- 33.130.207 Minimum Density
- 33.130.210 Height
- 33.130.212 Floor Area and Height Bonus Options
- 33.130.215 Setbacks
- 33.130.220 Building Coverage
- 33.130.222 Building Length and Façade Articulation
- 33.130.225 Landscaped Areas
- 33.130.227 Trees
- 33.130.228 Required Outdoor Areas
- 33.130.230 Windows
- 33.130.235 Screening
- 33.130.240 Pedestrian Standards
- 33.130.242 Transit Street Main Entrance
- 33.130.245 Exterior Display, Storage, and Work Activities
- 33.130.250 General Requirements for Small Housing Types
- 33.130.255 Trucks and Equipment
- 33.130.260 Drive-Through Facilities
- 33.130.265 Detached Accessory Structures
- 33.130.270 Fences
- 33.130.275 Demolitions
- 33.130.285 Nonconforming Development
- 33.130.290 Parking, Loading, and Transportation Demand Management
- 33.130.292 Street and Pedestrian Connections
- 33.130.295 Signs
- 33.130.305 Superblock Requirements
- 33.130.310 Recycling Areas

Supplemental Information

Map 130-1 Civic Corridors with Required Setbacks

Map 130-2 Pattern Areas

Map 130-3 Civic and Neighborhood Corridors

General

33.130.010 Purpose

The commercial/mixed use zones are intended for commercial and mixed use areas of the City as designated on the Comprehensive Plan map. These zones implement the vision, guiding principles, and goals and policies of the Comprehensive Plan, and encourage economic prosperity, human health, environmental health, equity, and resilience. These zones are primarily distinguished by the uses allowed and the intensity of development allowed. The zones allow a mix of commercial activities, housing, and employment uses that reflect the different types of centers and corridors described in the Urban Design chapter of the Comprehensive Plan, and also accommodate smaller, dispersed commercial and mixed use areas to provide opportunities for services in areas between the centers and corridors.

The commercial/mixed use zones are intended to serve local neighborhood areas, larger districts, as well as broader citywide or regional markets. The regulations promote uses and development that support healthy complete neighborhoods—places where people of all ages and abilities have safe and convenient access to the goods and services they need in their daily life, and where people have the opportunity to live active lifestyles. The zones encourage quality and innovative design, and facilitate creation of great places and great streets.

The development standards are designed to allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed.

33.130.020 List of the Commercial/Mixed Use Zones

The full and short names of the commercial/mixed use zones and their map symbols are listed below. When this Title refers to the commercial/mixed use zones, it is referring to the zones listed here.

Full Name	Short Name / Map Symbol
Commercial Residential	CR
Commercial/Mixed Use 1	CM1
Commercial/Mixed Use 2	CM2
Commercial/Mixed Use 3	CM3
Commercial Employment	CE
Central Commercial	CX

33.130.030 Characteristics of the Zones

- A. Commercial Residential zone.** The Commercial Residential (CR) zone is a low-intensity zone for small and isolated sites in residential neighborhoods. The zone is intended to be applied in limited situations on local streets and neighborhood collectors in areas that are predominately zoned single-dwelling residential. The zone encourages the provision of small scale retail and service uses for surrounding residential areas. Uses are restricted in size to promote a local orientation, and to limit adverse impacts on surrounding residential areas. Where commercial uses are not present, residential density is limited to provide

Table 130-1 Commercial/Mixed Use Zone Primary Uses						
Use Categories	CR	CM1	CM2	CM3	CE	CX
Other Categories						
Agriculture	L [9]	L [9]	L/CU [10]	L/CU [11]	L/CU [11]	L/CU [10]
Aviation and Surface Passenger Terminals	N	N	N	N	CU	CU
Detention Facilities	N	N	N	CU	CU	CU
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	N	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]
Rail Lines and Utility Corridors	N	CU	CU	CU	CU	CU

Y = Yes, Allowed

CU = Conditional Use Review Required

L = Allowed, But Special
Limitations

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.130.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Development Standards

33.130.200 Lot Size

There is no required minimum lot size for development of land in commercial/mixed use zones. Creation of new lots is subject to the regulations of Chapter 33.613, Lots in Commercial/Mixed Use Zones.

33.130.205 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. The bonus FAR options allow additional floor area as an incentive for providing affordable housing.
- B. FAR standard.** The maximum floor area ratios are stated in Table 130-2 and apply to all uses and development. Additional floor area may be allowed through bonus options, as described in Section 33.130.212, or transferred from historic resources per Subsection C. Adjustments to the maximum floor area ratios are prohibited. Except in the CR zone, floor area does not include the following:
1. Floor area for structured parking when at least 50 percent, or 6, of the parking spaces in the structure, whichever is greater, have at least a Level 2 charger adjacent to the space, up to a maximum of 0.5 to 1;
 2. Floor area for required long term bicycle parking that is not located in a dwelling unit, up to a maximum of 0.5 to 1; and

3. Floor area for indoor common area used to meet the requirements of Section 33.130.228.

C. Transfer of floor area from historic resources. Floor area ratios may be transferred from a site that contains a historic resource as follows:

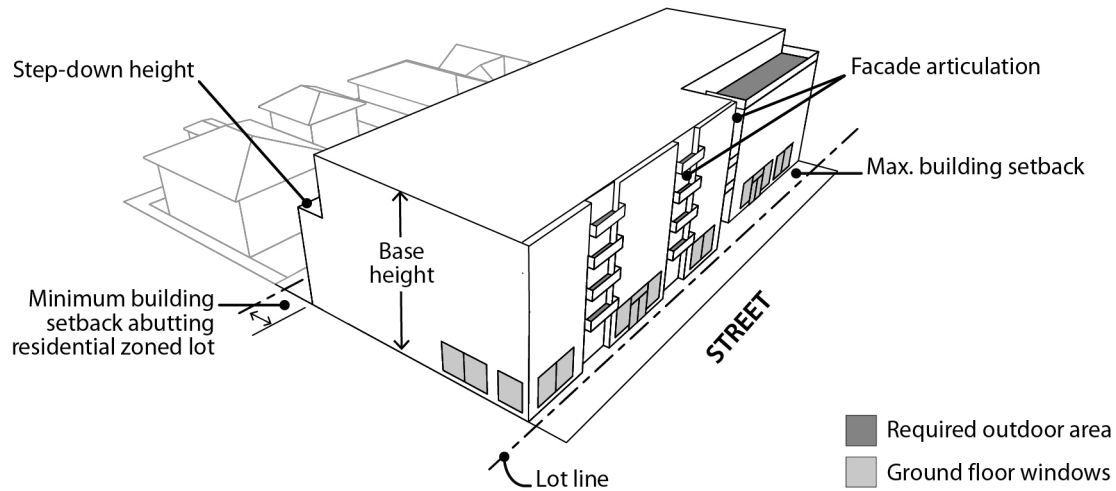
1. Sending sites. FAR may be transferred from a site that contains a Historic or Conservation Landmark or a contributing resource in a Historic or Conservation District. Sites that are eligible to send floor area through this transfer are allowed to transfer:
 - a. Unused FAR up to the maximum FAR allowed by the zone; and
 - b. An additional amount equivalent to 50 percent of the maximum FAR for the zone. To qualify to transfer this additional amount of FAR, Portland Permitting & Development must verify that the landmark or contributing resource on the site meets one of the following:
 - (1) If the building is classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the American Society of Civil Engineers (ASCE) 41- BPOE improvement standard as defined in City of Portland Title 24.85;
 - (2) If the building is classified as Risk category III or IV, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the ASCE41-BPON improvement standard as defined in City of Portland Title 24.85; or
 - (3) The owner of the landmark or contributing resource has entered into a phased seismic agreement with the City of Portland as described in Section 24.85.
2. Receiving site. The transfer must be to a site that is zoned CM1, CM2, CM3, CE, CX, RM1, RM2, RM3, RM4, or RX outside of the Central City plan district. Transferring to a site that is zoned CR is prohibited. Transferring to a site where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years is prohibited unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure on the site that was demolished was an accessory structure, or the demolition was approved through demolition review.
3. Maximum increase in FAR in the CM1, CM2, CM3, and CE zones. In the CM1, CM2, CM3, and CE zones, the total FAR on the receiving site may not exceed the maximum FAR with bonuses identified on Table 130-3. This total FAR includes FAR transferred from historic resources, and any additional FAR allowed at the receiving site from bonus options, or from other transfers. In addition, an increase on the receiving site of more than the following due to a historic resource transfer is prohibited:
 - a. 0.5 to 1 in the CM1 zone;
 - b. 0.75 to 1 in the CM2 zone;
 - c. 1 to 1 in the CM3 zone;

Table 130-2 Summary of Development Standards in Commercial/Mixed Use Zones						
Standards	CR	CM1	CM2	CM3	CE	CX
Maximum FAR (see 33.130.205 and 33.130.212)	1 to 1 [1]	1.5 to 1	2.5 to 1	3 to 1	2.5 to 1	4 to 1
- Bonus FAR (see 33.130.212)	NA	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3
Minimum Density (see 33.130.207)	NA	NA	1 unit per 1,450 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	NA	NA
Base Height (see 33.130.210.B.1)	30 ft.	35 ft.	45 ft.	65 ft.	45 ft.	75 ft.
Step-down Height (see 33.130.210.B.2)						
- Within 25 ft. of lot line abutting RF-R2.5 zones	NA	NA	35 ft.	35 ft.	35 ft.	35 ft.
- Within 25 ft. of lot line abutting RM1 and RMP Zones	NA	NA	45 ft.	45 ft.	45 ft.	45 ft.
- Within 15 ft. of lot line across a local service street from RF – R2.5 zones and RM1 and RMP zones	NA	NA	45 ft.	45 ft.	45 ft.	45 ft.
- Bonus Height (see 33.130.212)	NA	NA	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3
Min. Building Setbacks (see 33.130.215.B)						
- Street Lot Line	none	none	none	none	none	none
- Street Lot Line abutting selected Civic Corridors	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
- Street Lot Line across a local street from an RF – RM2 or RMP Zone.	none	none	5 or 10 ft.	5 or 10 ft.	5 or 10 ft.	5 or 10 ft.
Min. Building Setbacks (see 33.130.215.B)						
- Lot Line Abutting OS, RX, C, E, or I Zoned Lot	none	none	none	none	none	none
- Lot Line Abutting RF – RM4, RMP, or IR zoned Lot	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Max. Building Setbacks (see 33.130.215.C)						
- Street Lot Line	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
- Street Lot Line Abutting Selected Civic Corridors	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Max. Building Coverage (% of site area)						
- Inner Pattern Area	85%	85%	100%	100%	85%	100%
- Eastern, Western, and River Pattern Areas (see 33.130.220)	75%	75%	85%	85%	75%	100%
Min. Landscaped Area (% of site area) (see 33.130.225)	15%	15%	15%	15%	15%	None
Landscape Buffer Abutting an RF – RM4 or RMP Zoned Lot (see 33.130.215.B)	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3
Required Residential Outdoor Area (see 33.130.228)	Yes	Yes	Yes	Yes	Yes	No
Ground Floor Window Standards (see 33.130.230.B)	Yes	Yes	Yes	Yes	Yes	Yes

Notes:

[1] On sites that do not have a Retail Sales And Service or Office use, maximum density for Household Living is 1 unit per 2,500 square feet of site area.

**Example Illustration:
Some building form and setback development standards**



33.130.212 Floor Area and Height Bonus Options

- A. Purpose.** The bonus options allow additional floor area and an increase in height as an incentive for development that provides a public or community benefit. The bonus can be gained in exchange for providing affordable housing or affordable commercial space in conjunction with new development.
- B. General floor area and height bonus option regulations.**
1. Unless specified below, the bonus options in this section are allowed only in the CM1, CM2, CM3, and CE zones, and in the CX zone outside the Central City and Gateway plan districts. Sites where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years are not eligible to use bonus options unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure on the site that was demolished was an accessory structure, or the demolition was approved through demolition review.
 2. The bonus options refer to an administrative agency or qualified administrator. The administrative and reporting requirements of each bonus must be met to the satisfaction of the named agency or administrator. The named agencies are authorized to publish administrative rules with clear and objective administrative requirements.
 3. More than one bonus option may be used up to the overall maximums per site stated in Table 130-3. For development without any residential use, and for mixed use development that proposes fewer than 20 dwelling units and does not voluntarily provide units on the site per the standards of 33.245.040.A, the affordable commercial space bonus option must be used up to the maximum increment allowed for the zone before any other bonus is allowed. Except as follows, adjustments to the maximum FAR and height obtainable through bonuses are prohibited. Until January 2, 2032, adjustments to increase the bonus height may be requested for new buildings

when at least 75 percent of the total floor area is in a residential use. In this case, adjustments to increase the bonus height by more than 20 percent of the base height limit shown in Table 130-2, or 10 feet, whichever is greater, are prohibited.

4. The increment of additional floor area ratio allowed per bonus is stated in Table 130-3 and described in Subsections C through E.
5. The increment of additional height allowed per bonus is stated in Table 130-3, except that additional height is not allowed where the step-down height limits of 33.130.210.B.2 apply.

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

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

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

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

1. Mandatory inclusionary housing. Bonus height and FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the increment of additional FAR allowed as stated in Table 130-3. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met; or
2. Voluntary inclusionary housing. Maximum height and FAR may be increased as stated in Table 130-3 when one of the following voluntary bonus options is met:
 - a. Bonus height and FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies

with 33.245.040 and .050, up to the increment of additional FAR allowed as stated in Table 130-3. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

- b. Bonus height and FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from Portland Permitting & Development. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

D. Affordable commercial space bonus. Proposals that provide on-site affordable commercial space, or pay into the Affordable Commercial Space Fund, may increase maximum height and FAR if all of the following are met. Floor area may be increased by 2 square feet for each square foot of on-site affordable commercial space provided, up to the maximum stated in Table 130-3. Floor area may be increased by 1 square foot for each square foot purchased through the Affordable Commercial Space Fund, up to the maximum stated in Table 130-3:

1. The applicant must submit with the development application a letter from the Portland Development Commission certifying that any program administrative requirements have been met; and
2. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built as a result of this bonus will meet the administrative requirements of the Portland Development Commission or qualified administrator.

E. Planned Development bonus. Proposals that provide a combination of affordable housing, a publicly accessible plaza or park, and energy efficient buildings may increase maximum height and FAR as stated in Table 130-3 if approved through a Planned Development Review and Design Review (see Chapter 33.270 and Chapter 33.854). The site must be at least two acres in size to be eligible for this bonus. Sites located within Historic or Conservation districts are not eligible to use this bonus.

33.130.215 Setbacks

A. Purpose. The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial/mixed use zones. The setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial/mixed use development that will maintain light, air, and the potential for privacy for adjacent residential zones.

The front setback requirements for Civic Corridors in Eastern and Western pattern areas provide opportunities for additional pedestrian space and separation from the vehicle traffic along these major streets to create an environment for building users and pedestrians that is less impacted by close proximity to traffic, and provide opportunities for front landscaping reflective of the vegetated characteristics of these neighborhood pattern areas.

The minimum building setbacks along local service streets adjacent to residential zones work together with requirements for step downs in building height (33.130.210.B.2.b.) to ensure that there is a transition in street frontage characteristics to lower scale residential zones. In these situations, the building setback regulations promote street frontages with landscaping and residential uses to provide a transition and a cohesive street environment with similar street frontage characteristics on both sides of the street, and limit exterior display and storage to minimize impacts to nearby residentially-zoned areas.

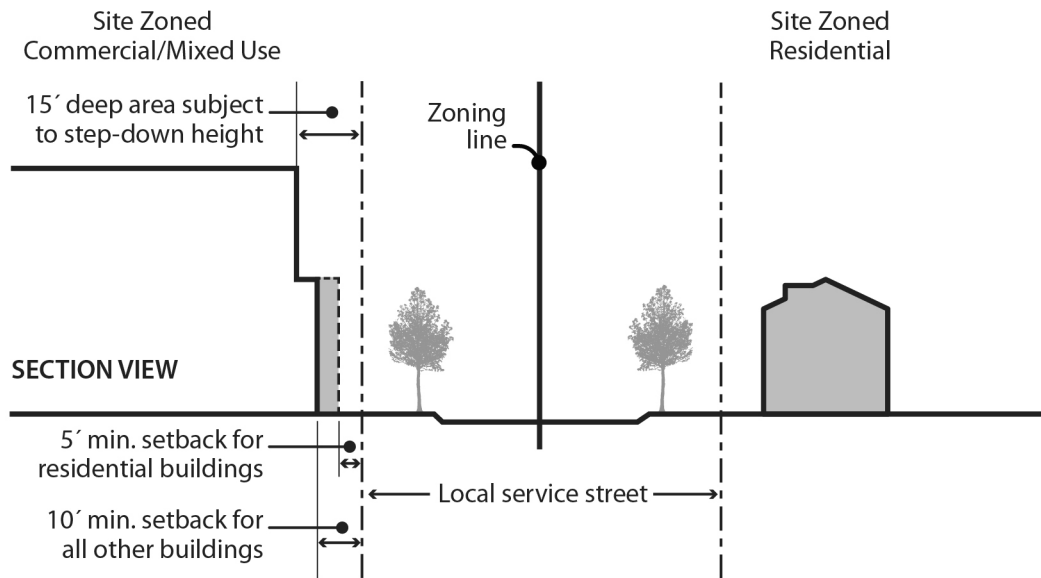
B. Minimum building setbacks. Minimum required building setbacks are listed below and summarized in Table 130-2. Unless otherwise specified in this section, the minimum required setbacks apply to all buildings and structures on a site. Setbacks for exterior development are stated in 33.130.245, and setbacks for parking areas are stated in Chapter 33.266, Parking, Loading and Transportation and Parking Demand Management.

1. Required setbacks from a street lot line. Unless as specified below, there is no minimum required setback from a street lot line:
 - a. The minimum setback required from a street lot line adjacent to a Civic Corridor shown on Map 130-1 is 10 feet.
 - b. The following minimum setbacks are required from a street lot line on the portion of the site that is across a local service street from an RF through RM2 or RMP zone. The setbacks do not apply in the CR or CM1 zones, or on or within 100 feet of a transit street:
 - (1) Buildings that are entirely in a residential use, and portions of buildings with dwelling units on the ground floor, must be set back 5 feet from a street lot line facing an RF through RM2 or RMP zone. The setback must be landscaped to at least the L1 standard. Vehicle access is not allowed through the setback unless the local service street facing the residential zone is the only frontage for the site. Up to one third of the setback area can be hard surfaced for pedestrian or bicycle access. Exterior display and storage is not allowed within the setback.
 - (2) All other buildings must be set back 10 feet from a street lot line facing an RF through RM2 or RMP zone. The setback must be landscaped to at least the L1 standard. Vehicle access is not allowed through the setback unless the local service street facing the residential zone is the only frontage for the site. Up to one third of the setback area can be hard surfaced for pedestrian or bicycle access. Exterior display and storage is not allowed within the setback. See Figure 130-2.
 - c. See 33.130.250.D for the required garage entrance setback for a garage that is accessory to a house, attached house, manufactured home, or duplex.

- d. Structured parking that does not allow exiting in a forward motion must be set back 18 feet from the street lot line. See 33.266.130.C.

Figure 130-2

Building Setbacks and Step-Down Height Across a Local Service Street from Residential Zones



- 2. Required setbacks from a lot line that is not a street lot line:
 - a. There is no minimum setback required from a lot line that abuts an OS, RX, C, E or CI zone. And, no setback is required from an internal lot line that is also a zoning line on sites with split zoning.
 - b. Except as follows, the required minimum setback from a lot line that abuts an RF through RM4, RMP, or IR zone is 10 feet. The required setback area must be landscaped to the L3 standard. Areas paved for pedestrian or bicycle use can be located in the required building setback area, but may not extend closer than 5 feet to a lot line abutting an RF through RM4 or RMP zone.
 - (1) In the Inner Pattern Area on sites that abut a Civic or Neighborhood Corridor shown on Map 130-3 no setback is required from a lot line that abuts a property in the RM2-RM4 zones that also has a lot line on a Civic or Neighborhood Corridor.
 - (2) Buildings that are 15 feet or less in height are exempt from the required setback.
 - (3) For both exceptions, any setback provided that is 5 feet or greater in depth must be landscaped to at least the L3 standard for a distance of up to 10 feet from the lot line. This means that if the building is setback 3 feet, no landscaping is required, but if the building is setback 15 feet, then the first 10 feet measured from the lot line must be landscaped.

- c. Windows in the walls of dwelling units must be setback a minimum of 5 feet from a lot line that abuts a C, E, I, or CI zoned lot. Windows of dwelling units that also have other windows facing a street lot line or facing a dedicated open space that is at least 10 feet in depth, such as a required setback or required outdoor area, are exempt from this standard. The setback area must be a minimum width of 12 feet or the width of the residential window, whichever is greater.
3. Extensions into required building setbacks and buffering requirements of Table 130-2.
 - a. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback. However, except for building eaves and stormwater planters, they may not extend closer than 5 feet to a lot line abutting an RF – RM4 or RMP zoned lot.
 - (1) Eaves, chimneys, fireplace inserts and vents, mechanical equipment, fire escapes, water collection cisterns and stormwater planters;
 - (2) Stairways and wheelchair ramps that do not meet the standard of Subparagraph B.3.b below; and
 - (3) Bays and bay windows may extend into a street setback, but not a required setback abutting an RF – RM4 or RMP zoned lot, and also must meet the following requirements:
 - 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;
 - At least 30 percent of the area of the bay which faces the street lot line requiring the setback must be glazing or glass block;
 - Bays and bay windows must cantilever beyond the foundation of the building; and
 - The bay may not include any doors.
 - b. The following minor features of a building are allowed to fully extend into required building setbacks, but may not extend closer than 5 feet to a lot line abutting an RF – RM4 or RMP zoned lot.
 - (1) Uncovered decks, stairways, and wheelchair ramps with surfaces that are no more than 2-1/2 feet above the ground;
 - (2) On lots that slope down from the street, vehicular and pedestrian entry bridges with surfaces that are no more than 2-1/2 feet above the average sidewalk elevation; and
 - (3) Canopies, marquees, awnings, and similar features may fully extend into a street setback.
 - c. Uncovered decks are allowed to fully extend into required street setbacks.

4. Detached accessory structures. For sites entirely in residential use, detached accessory structures are subject to the multi-dwelling zone standards of Section 33.120.280. The setback standards for detached accessory structures are stated in 33.130.265 below. Fences are addressed in 33.130.270 below.
- C. Maximum building setbacks.** Except as stated in Subsection E., the maximum building setback standards are stated below.
1. Maximum setback standards. Unless otherwise specified, the maximum a building can be set back from a street lot line is 10 feet, except on Civic Corridors shown on Map 130-1, where the maximum set back is 20 feet. At least 50 percent of the length of the ground level street-facing facade of the building must meet the maximum setback standard.
 2. Applying the standard.
 - a. Where an existing building is being altered, the standards apply to the ground level, street-facing facade of the entire building. See Figures 130-3 and 130-4.
 - b. 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 of the buildings. See Figures 130-5 and 130-6.
 - c. In the CR, CM1, CM2, CM3, and CX zones, and in the CE zone within a Pedestrian District, 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 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 or streets to apply the standard.
 - d. In the CE zone outside of pedestrian districts, the maximum setback standard only applies to transit streets unless the site does not have a street lot line on a transit street. If the site does not have a street lot line on a transit street, then the maximum setback standard applies to one street, and if there is more than one street, the applicant may choose which street to apply the standard. If the site has street lot lines on three or more transit streets, the maximum setback standard applies only to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit classification. If multiple transit streets have the same highest street classification, the applicant may choose which streets to apply the standard.
 - e. 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:
 - (1) 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;
 - (2) The porch must have at least one entrance facing the street; and

- (3) 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.
3. Exception. The maximum building setbacks do not apply to primary structures under 500 square feet in floor area, or to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 130-5.

D. Improvements in the setback area between a building and a street lot line.

1. General standard. The land between any building and a street lot line must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. This area may be counted towards any minimum landscaped area requirements. Vegetated stormwater management facilities used to meet Bureau of Environmental Services stormwater management requirements, and residential outdoor areas, such as play areas and garden plots, as well as vehicle areas and exterior display, storage, and work activities, if allowed, are exempt from this standard. Bicycle parking may be located in the area between a building and a street lot line when the area is hard surfaced.
2. Improvements within transit street maximum building setbacks. Along transit streets, at least 50 percent of the setback area between the street lot line and the portion of the building that complies with the maximum building setback must be hard surfaced for use by pedestrians. Buildings entirely in a residential use are exempt from this standard.

Figure 130-3
Alteration to Existing Building in Conformance with Maximum Setback Standard

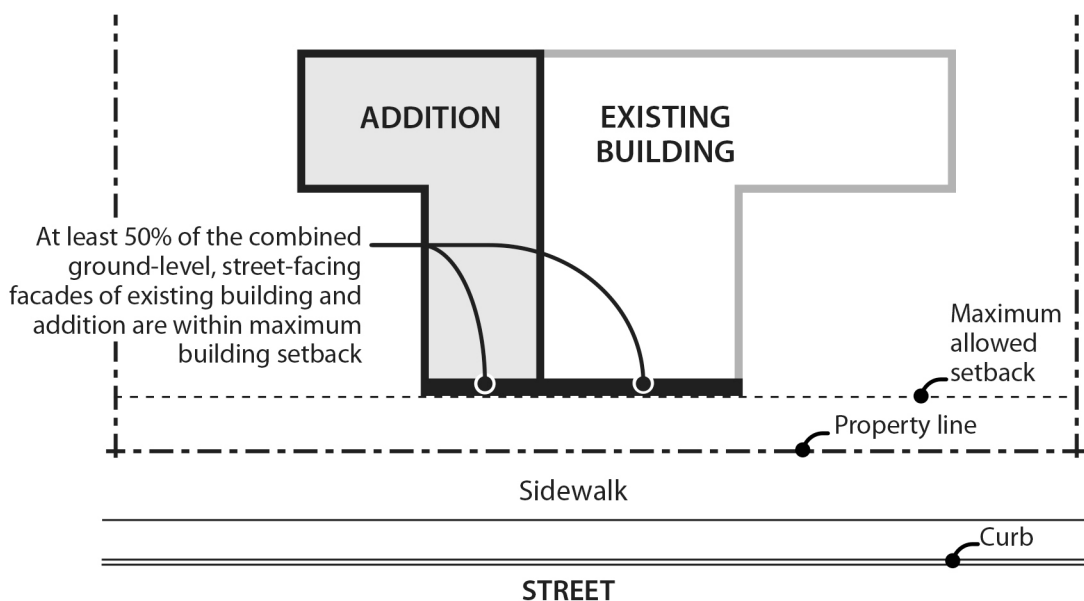
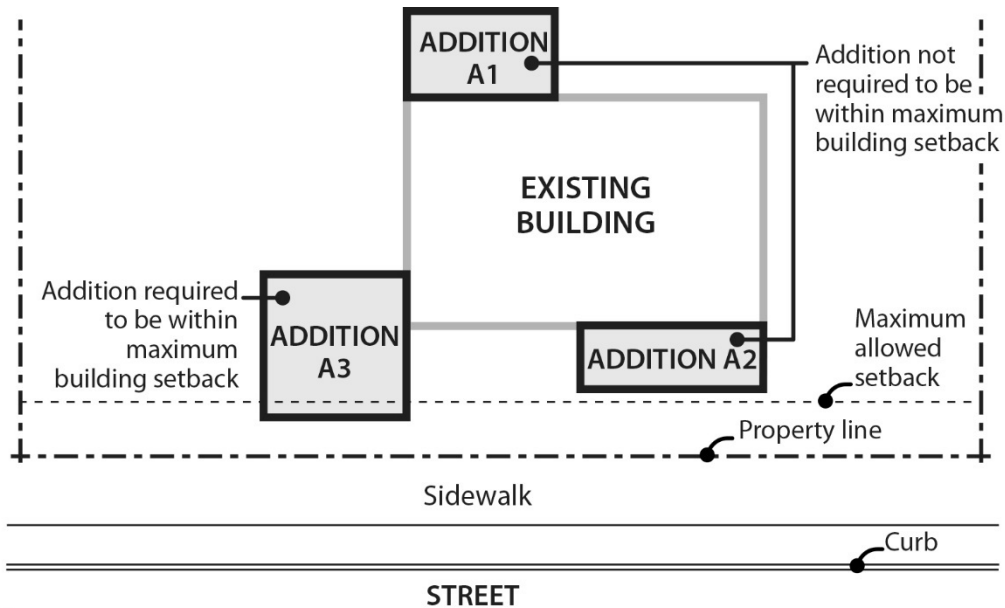


Figure 130-4
Alterations to Existing Building



Notes:

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

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

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

Figure 130-5
Calculating Maximum Building Setback When More Than One Building On Site

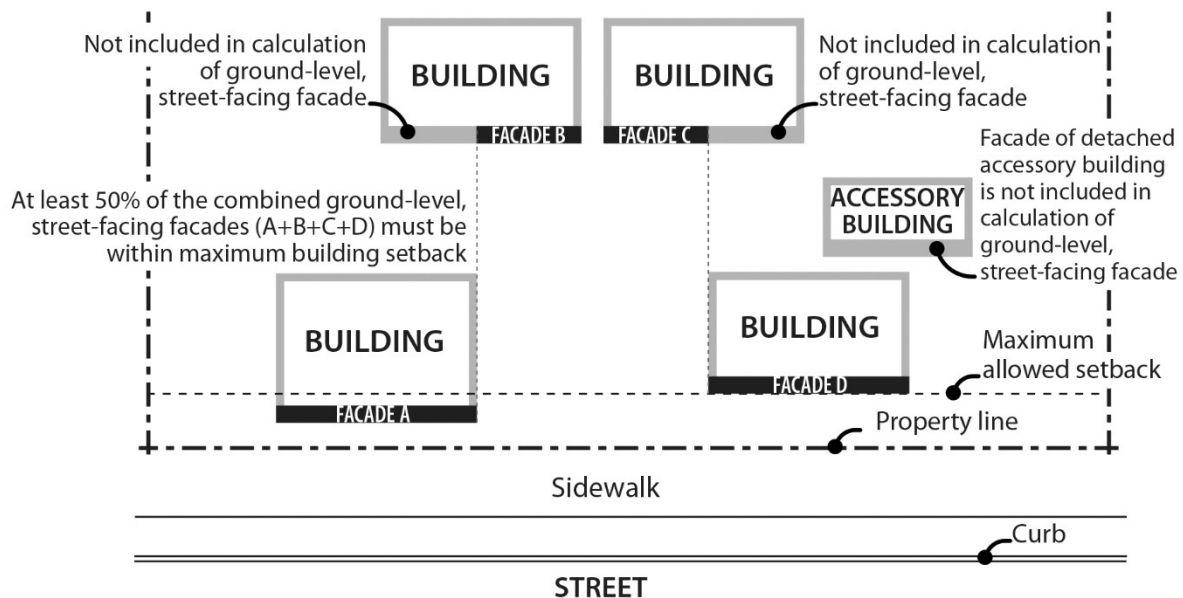
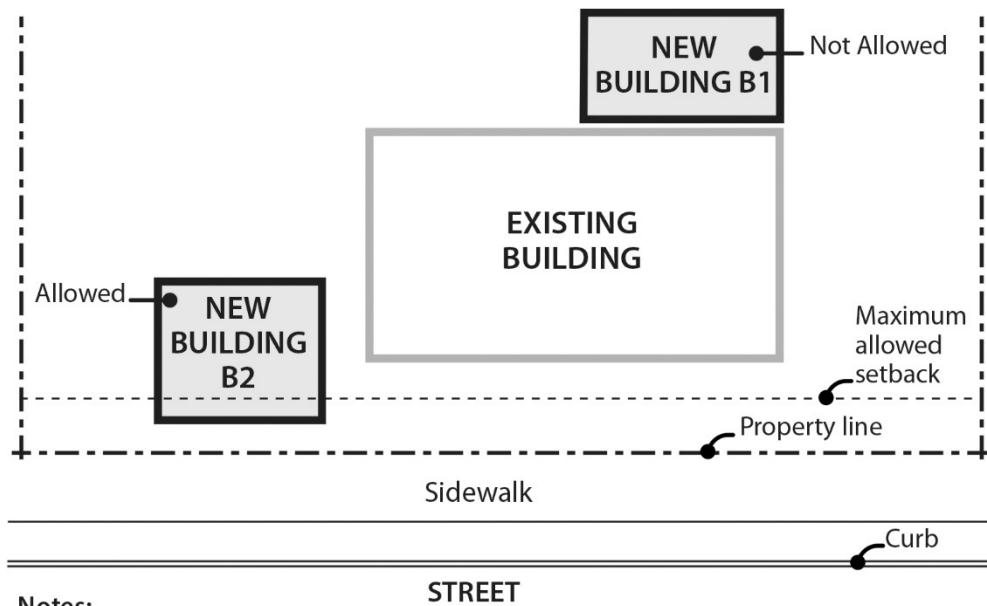


Figure 130-6
New Buildings on Sites with Buildings That Do Not Meet the Maximum Building Setback



Notes:

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

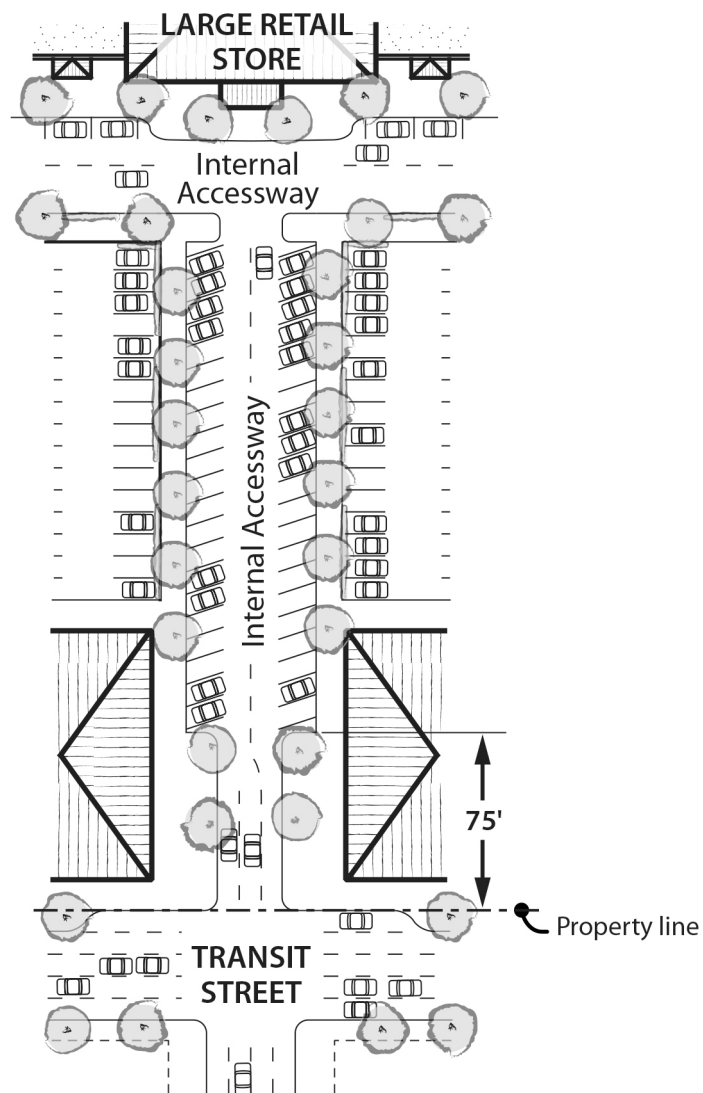
New Building B2. Because building increases length of combined street-facing facade on the site, 100% of building facade must be within maximum setback until maximum setback standard for site is met.

E. Alternative maximum building setback for large retailers.

1. Purpose. The intent of the regulations is to allow deeper street setbacks for very large retail stores locating along transit streets or in Pedestrian Districts in exchange for a pedestrian and transit-friendly main street type of development. These large retail sites can still be transit-supportive and pedestrian-friendly by placing smaller buildings close to the street and by creating an internal circulation system that is similar to streets in order to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks and provide connectivity within the site and to adjacent streets and uses.
2. Regulation. Sites that have at least one building with at least 60,000 square feet of floor area in Retail Sales and Service use are exempt from the maximum setback requirement of Table 130-2 and the vehicle area frontage limitations of 33.266.130.C.3 if all of the requirements of this paragraph are met. For sites with frontage on more than one transit street or more than one street in a Pedestrian District, this exemption may be used only along one transit street frontage or frontage along a street in a Pedestrian District.
 - a. Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a Pedestrian District. These buildings must be constructed before or at the same time as the large retail store;

- b. Internal circulation system. An internal circulation system that meets the following standards must be provided:
- (1) Internal accessways that are similar to streets must divide the site into parking areas that are no greater than 55,000 square feet;
 - (2) These accessways must connect to the transit street, or street in a Pedestrian District, at least every 250 feet;
 - (3) Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides and one of the following must be met:
 - The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or
 - The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard, except that trees cannot be grouped.
 - (4) Along each internal accessway that intersects a transit street, parking must be provided between both sidewalks and the auto travel lanes except for within 75 feet of the transit street intersection, measured from the street lot line, where parking is not allowed;
 - (5) Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure 130-7, at the intersections of internal accessways that have parking; and
 - (6) The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.
- c. Connections between sites. This standard applies to all commercial, office, or institutional development that is adjacent to sites either developed for Commercial or Institutional use, or zoned C, E, I, CI, or IR. The system must connect the buildings on the site to these adjacent sites.

Figure 130-7
Internal Circulation System



33.130.220 Building Coverage

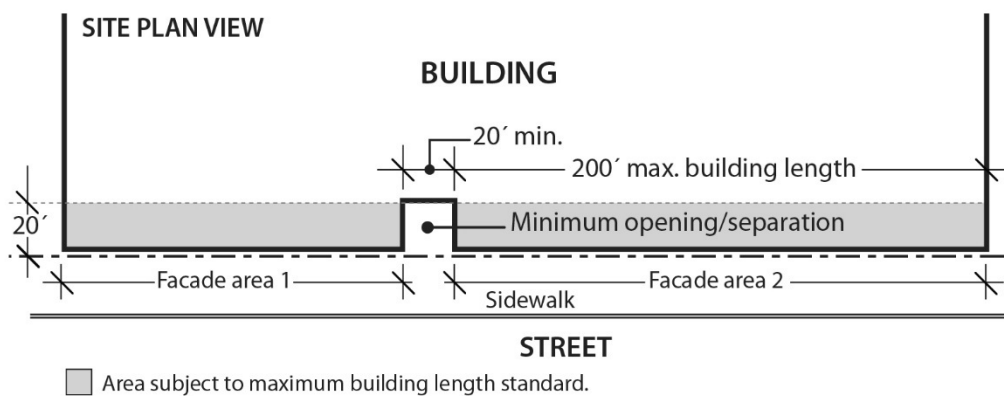
- A. Purpose.** The building coverage standards limit the footprint of buildings and work with the FAR, height, and setback standards to control the overall scale of development. The standards promote development consistent with the desired character of the zone. The standards allow a high degree of lot coverage in the Inner Neighborhoods pattern area to reflect the urban development patterns and continuous building frontages of the area. The standards for Eastern and Western pattern areas work in conjunction with landscaping requirements to respond to the less intensely developed characteristics of these areas.

- B. Building coverage standards.** The maximum building coverage standards are stated in Table 130-2, and the standards apply based on pattern area geography. Map 130-2 identifies the pattern areas. Maximum building coverage applies to all buildings and covered structures.

33.130.222 Building Length and Facade Articulation

- A. Purpose.** These standards, along with the height and setback standards, limit the bulk of buildings close to the street. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and patterns of Portland’s commercial/mixed-use areas and add visual interest and variety to the street environment.
- B. Maximum building length.** In the CR, CM1, CM2, CM3, and CE zones, the maximum building length for the portion of a building located within 20 feet of a street lot line is 200 feet. The portions of buildings subject to this standard must be separated by a minimum of 20 feet when located on the same site. See Figure 130-8.

Figure 130-8
Maximum Building Length



C. Facade articulation.

1. Where the standard applies. This standard applies in the CM2, CM3 and CE zones as follows. Development that includes a residential use is exempt from this standard until January 1, 2029:
 - a. In the CM2 and CE zones, the standard applies to buildings more than 35 feet high that have facade areas of more than 3,500 square feet within 20 feet of a street property line.
 - b. In the CM3 zone, the standard applies to buildings more than 45 feet high that have facade areas of more than 4,500 square feet within 20 feet of a street property line.
 - c. Portions of building facades that are vertically separated by a gap of at least 10 feet in width extending at least 20 feet in depth from the street property line are

considered to be separate facade areas for the purposes of the facade area measurements. See Figure 130-9.

2. The standard. At least 25 percent of the area of a street-facing facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind or project out from the primary facade plane, but projections into street right-of-way, and balconies that do not count toward floor area do not count toward meeting this standard. See Figure 130-10.

Figure 130-9
Facade Articulation

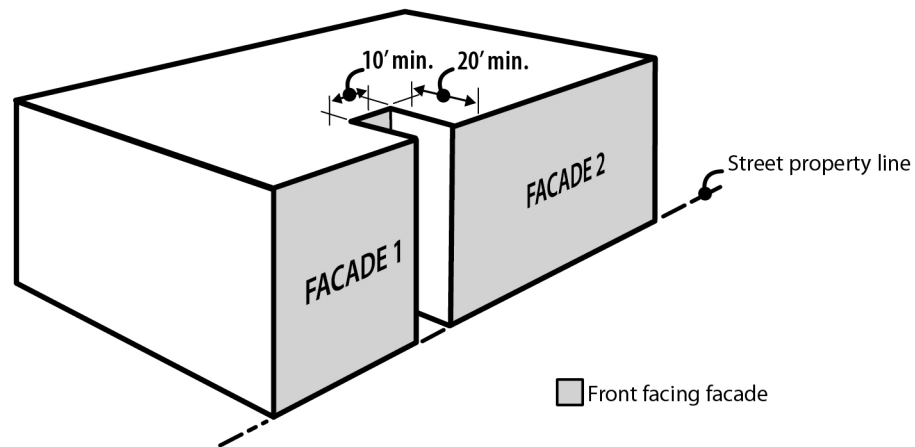
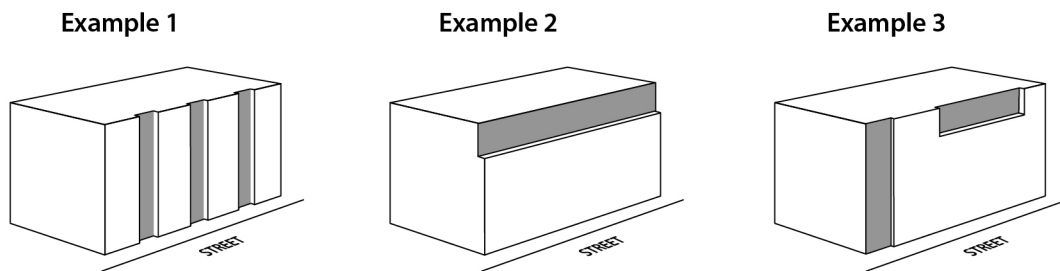


Figure 130-10
Facade Articulation



33.130.225 Landscaped Areas

- A. **Purpose.** Landscaping is required in some zones because it is attractive and it helps to soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing unpaved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife. As an alternative to conventional landscaping, a range of urban green options are provided in the CM2 and CM3 zones in the Inner Neighborhoods pattern area

to reflect this area's more urban development patterns and historic storefront commercial characteristics. Landscaping is required for all commercial/mixed use-zoned lands abutting R zoned lands and as screening for parking lots (see Chapter 33.266) to provide buffering and promote livability.

B. Minimum landscaped area. The minimum amount of required landscaped area is stated in Table 130-2. Any required landscaping, such as for required setbacks or parking lots, applies towards meeting the minimum amount of required landscaped area. Sites developed with a house, attached house or duplex are exempt from the required minimum landscaped area standard. The required landscape area must meet one of the following:

1. Unless allowed by Paragraph B.2., required landscaped areas must:
 - a. Be at ground level, except when in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements; and
 - b. Comply with at least the L1 standard described in Chapter 33.248, Landscaping and Screening, or be a vegetated stormwater management facility that meets minimum Bureau of Environmental Services stormwater management requirements. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples of active or passive recreational use include walkways, play areas, plazas, picnic areas, garden plots, and unenclosed recreational facilities.
2. Urban green alternative landscaped area. In the CM2 and CM3 zones in the Inner pattern area shown on Map 130-2, one or more of the following may be used to meet the required landscape area:
 - a. Ecoroof. An ecoroof area may apply toward meeting the required landscaped area standard at a ratio of 4 square feet of ecoroof area for every 1 square foot of required landscaped area. The ecoroof area must be approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual.
 - b. Large trees. The minimum required landscaped area may be reduced to 10 percent of site area when the site includes an area with minimum dimensions of 30 feet by 30 feet planted with at least one large-canopy tree. An existing large-canopy tree can be used to meet this requirement, subject to the Tree Protection Specifications of Title 11 (Section 11.60.030). Large canopy trees are defined in Section 33.248.030, Plant Materials. At least 50 percent of the ground area within this space must be planted with ground cover plants and the remainder may be hard-surfaced for use by pedestrians.
 - c. Raised landscaped areas. Landscaped areas raised above ground level may be used to meet the minimum landscaped area standard when landscaped to at least the L1 standard and soil depth is a minimum of 30 inches. Large trees are not allowed in raised landscaped area used to meet this alternative.

- d. Pervious pavement. Up to 50 percent of the required landscaped area may be improved for pedestrian use, such as walkways and plazas, if the area is surfaced with pervious pavement approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual. If this provision is used, no impervious surfaces can be counted toward meeting the minimum landscaped area standard.

33.130.227 Trees

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

33.130.228 Required Outdoor Areas

- A. Purpose.** The required outdoor areas standards ensure opportunities for residents to have on-site access to outdoor space for recreation, relaxation, natural area, or growing food. Required outdoor areas are an important aspect for addressing the livability of a property with residential units by providing residents with opportunities for outdoor activities, some options for outdoor privacy, and a healthy environment. The standards ensure that outdoor areas are located so that residents have convenient access. These standards also allow for outdoor area requirements to be met by indoor community facilities because they provide opportunities for recreation or gathering.
- B. Requirements.**
 1. Amount required:
 - a. On sites that are up to 20,000 square feet in total area, at least 36 square feet of outdoor area is required for each dwelling unit on the site;
 - b. For sites that are more than 20,000 square feet in total area, at least 48 square feet of outdoor area is required for each dwelling unit on the site;
 - c. For any site with a congregate housing facility, at least 10 percent total site area must be provided as 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 areas, such as outdoor courtyards and play areas, or indoor recreational facilities or community rooms. There also may be a combination of individual and common areas.
 - a. Individual unit outdoor areas. Where a separate outdoor area is provided for an individual unit, it must be designed so that a 4-foot by 6-foot dimension will fit entirely within it. The outdoor area must be directly accessible to the unit. Balconies that extend over street right-of-way count towards meeting this standard. Areas used for pedestrian circulation to more than one dwelling unit do not count towards meeting the required outdoor area. If the area is at ground level it may extend up to 5 feet into a required front setback, and may extend into required side and rear setbacks as long as the area is not closer than 5 feet to a lot line abutting an RF through RM4 zoned lot.
 - b. Common areas. There are two types of common area:

- (1) Outdoor common area. Where outdoor areas are common, shared areas, each area must be designed so that it is at least 500 square feet in area and must measure at least 20 feet in all directions. The outdoor common area must be located within 20 feet of a building entrance providing access to residential units.
 - (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 and each common area must meet B.2.b above, and together must provide a total amount of space equivalent to the combined amount of outdoor area required for each dwelling unit.
3. Surfacing materials. Required outdoor areas must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for active or passive recreational use.
 4. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area. Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, roof-top patios, picnic areas, and open recreational facilities.

33.130.230 Windows

A. Windows in street-facing facades.

1. Purpose. This standard:
 - Ensures that there is a visual connection between the living area of the residence and the street;
 - Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
 - Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.
2. Where this standard applies. This standard applies to street-facing facades of buildings. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade.
3. Windows in street-facing facades. At least 15 percent of the area of each facade that faces a street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard a door must be at the main entrance and face the

street lot line. For structures subject to ground floor window requirements, windows used to meet ground floor window requirements may also be used to meet this standard.

4. Exemptions:

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

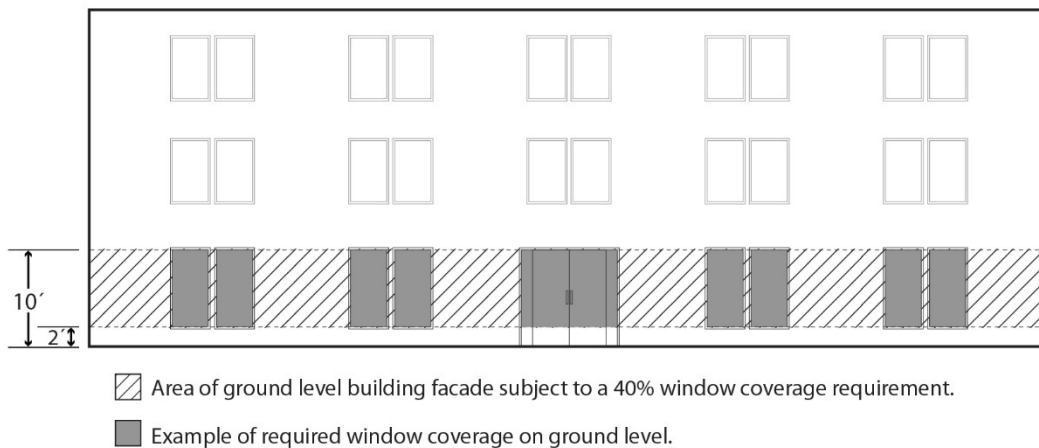
B. Ground floor windows.

1. Purpose. In the commercial/mixed use zones, blank walls on the ground level of buildings are limited in order to:
 - Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
 - Encourage continuity of retail and service uses;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
 - Avoid a monotonous pedestrian environment.
2. Ground floor window standard for wall area that is not the wall of a dwelling unit. The following standards apply to the portions of a ground floor wall of a street-facing facade that is not the wall of a dwelling unit:
 - a. General standard.
 - (1) Windows must cover at least 40 percent of the ground floor wall area of street-facing facades that are 20 feet or closer to a street lot line or a publicly-accessible plaza. For the purposes of this standard, ground floor wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade, and include openings in the walls of structured parking. See Figure 130-11.
 - (2) If the lot has more than one street frontage, then the following apply:
 - The ground floor window standard in Subsubparagraph B.2.a(1) applies to the facade that faces the highest transit street classification. All other ground level street-facing facades that are 20 feet or closer to the street lot line must have windows that cover 25 percent of the ground level wall area. Transit street classifications are identified in the Transportation Element of the Comprehensive Plan.
 - If two or more streets have the same highest transit street classification, then the applicant may choose on which of those streets to meet the higher standard in Subsubparagraph B.2.a(1).
 - The walls of structured parking that are part of a street-facing facade that is not required to meet the higher standard in Subsubparagraph

B.2.a(1) may be set back at least 5 feet and landscaped to the L2 standard instead of providing 25 percent windows.

- b. Exemptions:
 - (1) Houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes are exempt from this Section;
 - (2) Ground floor street-facing walls of dwelling units must meet the standards in Paragraph B.4; and
 - (3) One opening for vehicular access to onsite parking area.
- 3. Qualifying window features. Required ground floor window areas must be windows that allow views into working areas, lobbies, stairwells, residential units or residential building common areas; glazing in pedestrian entrances; or display windows that are at least 24 inches deep set into a wall. Windows into storage areas, vehicle parking areas, mechanical and utility areas, garbage and recycling areas, and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. Except for the windows of residential units and clerestory windows located above doors or other windows, the bottom of qualifying windows must be no more than 4 feet above the adjacent exterior grade.

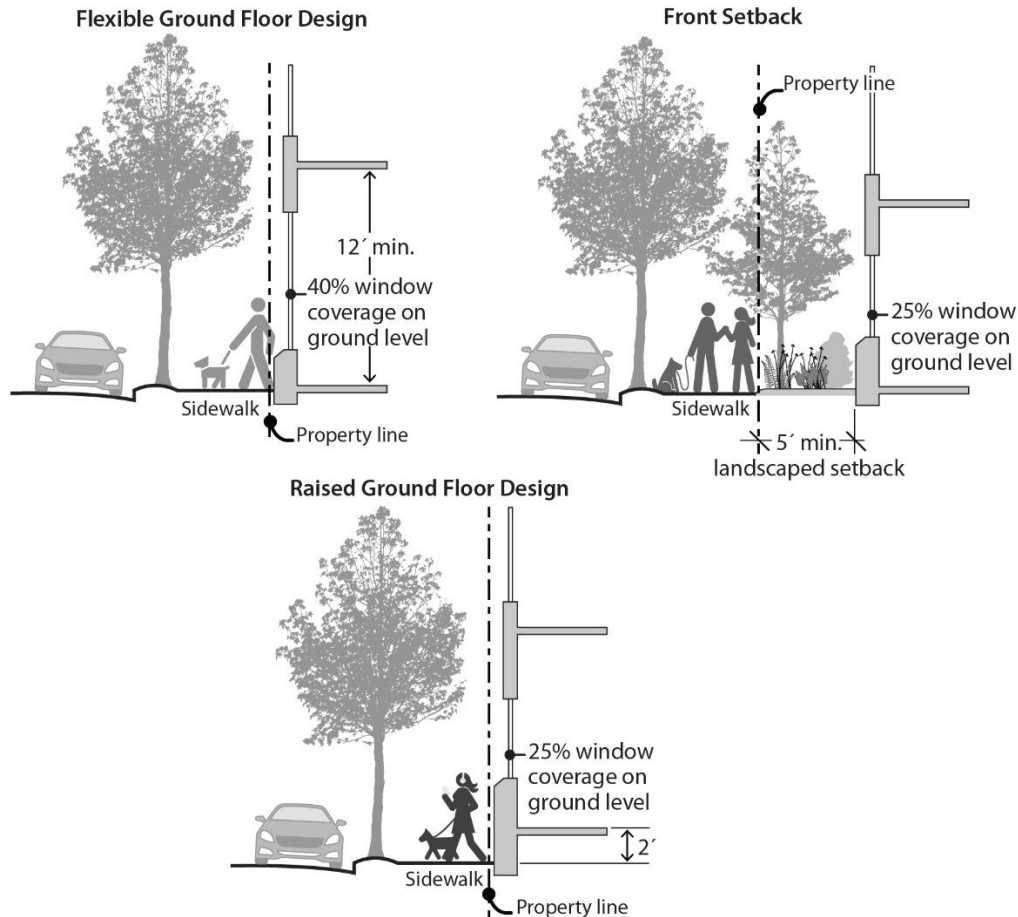
Figure 130-11
Ground Floor Windows



- 4. Ground floor window and frontage standards for dwelling units. The ground floor wall area of street-facing facades of dwelling units that are 20 feet or closer to a street lot line must meet at least one of the following standards. For the purpose of these standards, ground floor wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade, and include openings in the walls of structured parking. See Figure 130-11:
 - a. Flexible ground floor design. The ground floor window standard of Subparagraph B.2.a(1) must be met, and the ground level of the building must be designed and constructed as follows:

- (1) The distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 - (2) The area meeting this standard must be at least 25 feet deep, measured from the street-facing facade; and
 - (3) Each unit must include a front entrance that is located at the level of the finished grade and can be accessed without steps.
- b. Front setback.
- (1) The portions of the building with residential dwelling units on the ground-floor must be set back at least 5 feet from the street lot line. The setback must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians; and
 - (2) Windows must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.
- c. Raised ground floor.
- (1) The portion of the building with residential dwelling units on the ground-floor must have the finished floor of each residential unit at least 2 feet above the grade of the closest adjoining sidewalk.
 - (2) Window must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.

Figure 130-12
Ground Floor Window Options for Dwelling Units



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

33.130.235 Screening

- A. Purpose.** The screening standards address specific unsightly features which detract from the appearance of commercial/mixed use 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.

33.130.240 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.
- 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. The on-site pedestrian circulation system must provide connections as specified below:
 - a. Connection between streets and entrances.
 - (1) Sites with one street frontage.
 - Generally. 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. If a building is located within 40 feet of a street lot line, and all of the floor area in the building is in a Household Living use, then there must be at least one connection between one main entrance and the adjacent street. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.
 - Tree preservation. If a tree that is at least 12 inches in diameter is proposed for preservation, and the location of the tree or its root protection zone would prevent the standard of this paragraph from being met, the connection may be up to 200 percent of the straight line distance.

- (2) Sites with more than one street frontage. Where the site has more than one street frontage, the following must be met:
 - The standard of Subparagraph 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;
 - An additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance. However, if at least 50 percent of a street facing facade is within 10 feet of the street, no connection is required to that street.
 - b. Internal connections. The system must connect all main entrances on the site and provide connections to other areas of the site used by building occupants, including parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities. Pedestrian connections to public sidewalks may substitute for internal connections for main entrances that are within 10 feet of a public sidewalk.
2. Materials.
 - a. The circulation system must be hard-surfaced and be at least 6 feet wide. On sites where all of the floor area is in Household Living, segments of the circulation system that provide access to no more than 4 units may be 3 feet wide.
 - b. Except as allowed in Subparagraph B.2.d., 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 B.2.d., 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. On sites where all the floor area is in a Household Living use, the pedestrian circulation system may be located 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.

33.130.242 Transit Street Main Entrance

- A. Purpose.** Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.

B. Applicability.

1. Generally. All sites with at least one frontage on a transit street, and where any of the floor area on the site is in nonresidential uses, or residential use in a multi-dwelling structure, must meet the following standards. If the site has frontage on more than one transit street, the standards of Subsection C, below, must be met on at least one of the transit streets;
2. Small housing types. Houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes must meet the standards of 33.130.250.B, Residential Main Entrance, instead of the requirements of this section.

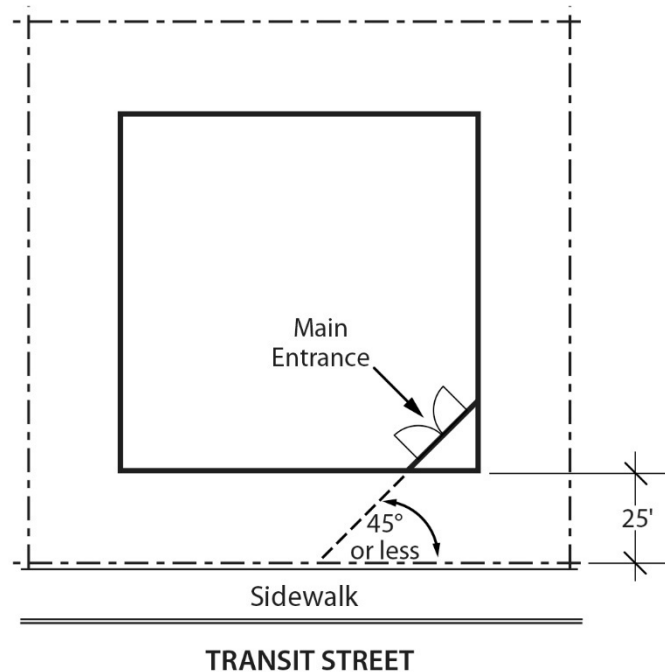
C. Location. For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor, and one main entrance to a multi-dwelling structure must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:

1. Be within 25 feet of the transit street;
2. Allow pedestrians to both enter and exit the building; and
3. Meet one of the following:
 - a. Face the transit street;
 - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 130-13; or
 - c. If it is an entrance to a multi-dwelling structure:
 - (1) Face a courtyard at least 15 feet in width that abuts the transit street and that is landscaped to at least the L1 level, or hard-surfaced for use by pedestrians; and
 - (2) Be within 60 feet of the transit street.

D. Distance between entrances. For portions of a building subject to the maximum building setback, a minimum of one entrance is required for every 200 feet of building length.

E. Unlocked during regular business hours. Each main entrance to nonresidential uses that meets the standards of Subsection C and D must be unlocked during regular business hours.

Figure 130-13
Transit Street Main Entrance



33.130.245 Exterior Display, Storage, and Work Activities

A. Purpose. The standards of this section are intended to assure that exterior display, storage, and work activities:

- Will be consistent with the desired character of the zone;
- Will not be a detriment to the overall appearance of a commercial/mixed use area;
- Will not have adverse impacts on adjacent properties, especially those zoned residential; and
- Will not have an adverse impact on the environment.

B. Exterior display.

1. CR zone. Exterior display of goods is not allowed.
2. CM1, CM2, CM3, and CX zones. Exterior display of goods is allowed except for the display of motor vehicles, recreational vehicles, motor vehicle parts and supplies, building materials, and the display of goods associated with an industrial use.
3. CE zone. Exterior display of goods is allowed except for the display of goods associated with industrial uses. Exterior display areas for motor vehicles and trailers must be set back at least 5 feet from street lot lines and be landscaped to at least the L1 standard.
4. Exterior display landscape screening abutting R zones. Exterior display areas must be set back at least 5 feet from lot lines abutting R zones and be landscaped to at least the L3 standard.

C. Exterior storage.

1. Exterior storage is not allowed in the CR, CM1, CM2, CM3, and CX zones.
2. Exterior storage is allowed in the CE zone if the storage area complies with the standards of this paragraph. Exterior storage is limited to 20 percent of the site area for all uses except lumber yards and other building material stores. All exterior storage areas must be set back 5 feet from nonstreet lot lines and 10 feet from street lot lines, with the setback area landscaped to at least the L3 standard.

D. Exterior work activities. Exterior work activities are prohibited in the commercial/mixed use zones except for the propagation and sale of plants, sales of motor vehicle fuels, and car washes, which are allowed. Exterior work activities related to sales of motor vehicle fuels and car washes are not allowed within 25 feet of a lot line that abuts a residential zone.

E. Other exterior activities. The following exterior activities are allowed in the commercial/mixed use zones: outdoor eating areas, entertainment and recreation activities that are commonly performed outside, and outdoor markets and vendor stalls.

F. Paving. All exterior display and storage areas, except for plant nurseries, must be paved.

33.130.250 General Requirements for Small Housing Types

A. Generally. Except as specified in this section, all development—residential, mixed-use, and nonresidential—must meet the other development standards for the zone such as height, setbacks, and building coverage.

B. Residential main entrance.

1. Purpose. These 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 of lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.
2. Where these standards apply.
 - a. The standards of this subsection apply to houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes in the commercial/mixed use zones.

- b. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added.
 - c. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street lot line, the applicant may choose on which frontage to meet the standards.
 - d. 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.
3. Location. At least one main entrance for each structure must:
- a. Be within 8 feet of the longest street-facing wall of the structure; and
 - b. Either:
 - (1) Face the street, See Figure 130-14;
 - (2) Be at an angle of up to 45 degrees from the street; or
 - (3) Open onto a porch. See Figure 130-15. The porch must:
 - Be at least 25 square feet in area;
 - Have at least one entrance facing the street; and
 - Have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with lattice or other open material if no more than 70 percent of the area of the material is open.
4. Duplexes on corner lots. Where a duplex is on a corner lot, the requirements of Paragraph C.3, above, must be met for both dwelling units. Both main entrances may face the same street.

Figure 130-14
Main Entrance Facing the Street

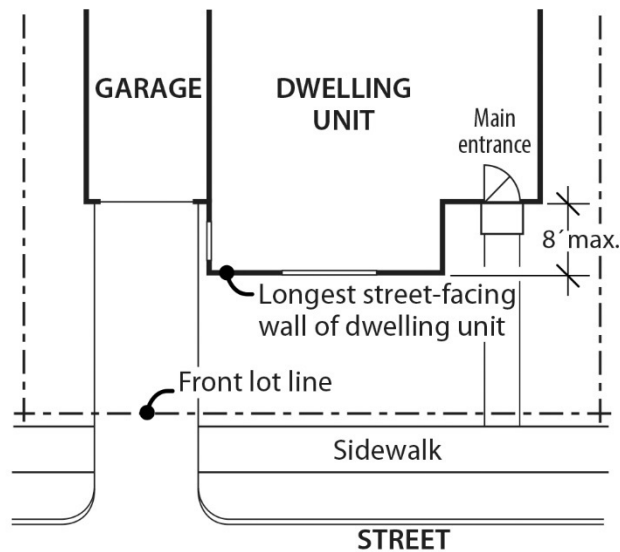
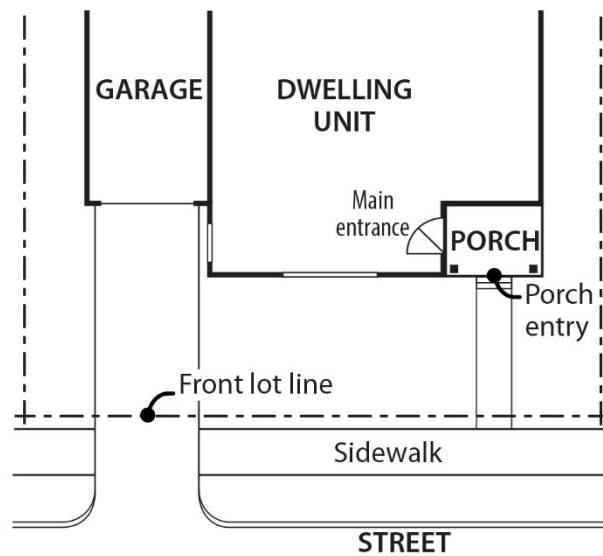


Figure 130-15
Main Entrance Opening On to a Porch



C. Garages.

1. Purpose. These standards:

- Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;

- Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
 - Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
 - Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk;
 - Enhance public safety by preventing garages from blocking views of the street from inside the residence;
 - Prevent cars from overhanging the street or sidewalk; and
 - Provide for adequate visibility for a driver backing out of a garage.
2. Where these standards apply. The requirements of Paragraphs D.3, D.4 and D.5, below, apply to houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes. When a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. 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.
3. Length of street-facing garage wall. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building facade. See Figure 130-16. For attached houses and attached duplexes, the standard applies to the combined length of the street-facing facades of the attached units.
4. Street lot line setbacks.
- a. Generally. 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 130-17.
 - b. 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:
 - (1) The street-facing garage wall is 40 percent or less of the length of the building facade; and
 - (2) 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 130-18. The porch must meet the following:
 - The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
 - The porch must have a solid roof; and
 - The roof may not be more than 12 feet above the floor of the porch.
 - c. Exemption. 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.

- Garage entrance setback. The garage entrance must be either 5 feet or closer to the street property line, or 18 feet or farther from the street property line. If the garage entrance is located within 5 feet of the front property line, it may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.

Figure 130-16
Length of Street Facing Garage Wall

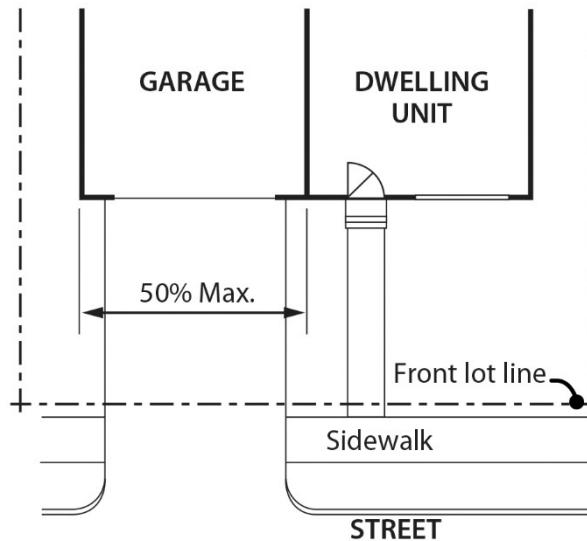


Figure 130-17
Street Lot Line Setback

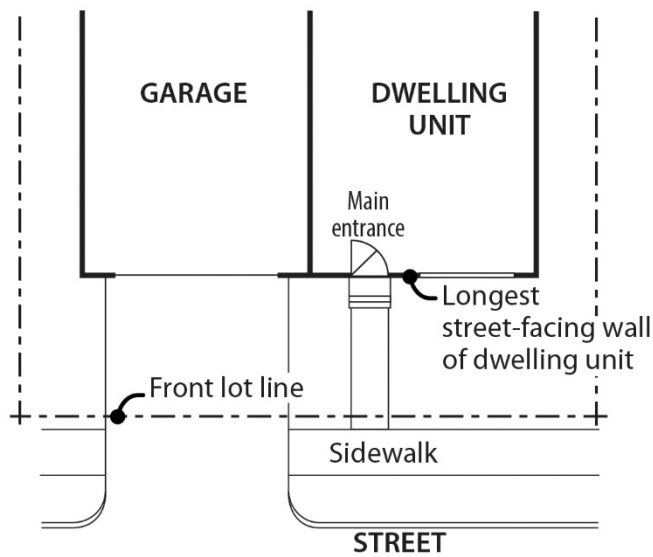
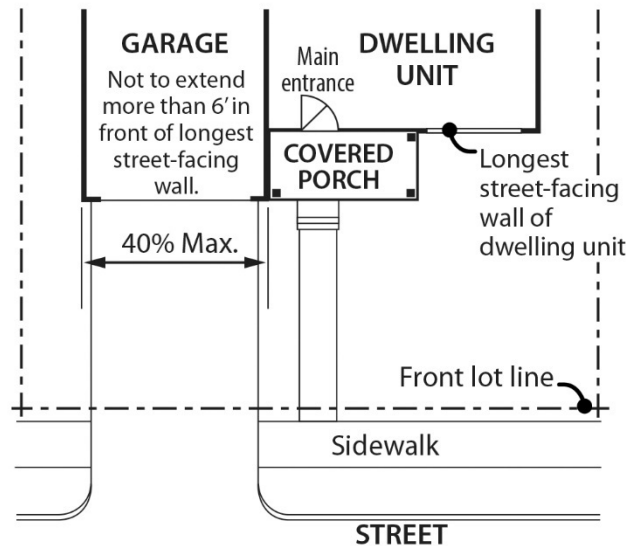


Figure 130-18
Garage Front Setback Exception



33.130.255 Trucks and Equipment

- A. Purpose.** The parking and storage of trucks and equipment is regulated to ensure that it will be consistent with the desired character of the commercial/mixed use zones and to limit adverse effects on adjacent residential lands.
- B. Truck and equipment parking standards.** The standards for truck and equipment parking apply to business vehicles that are parked regularly at a site. The regulations do not apply to pick-up and delivery activities, to the use of vehicles during construction, or to services at the site which occur on an intermittent and short term basis. The truck categories are defined in Chapter 33.910.
1. Light trucks. The parking of passenger vehicles, light trucks, and similar equipment is allowed in all commercial/mixed use zone areas that comply with the development standards for parking areas.
 2. Medium trucks. The parking of pickup trucks in the medium truck category is allowed in all commercial/mixed use zones. The parking of all other medium trucks and similar equipment is allowed only in the CE and CM3 zone. Truck parking areas must comply with the development standards for auto parking areas.
 3. Heavy trucks. The parking of heavy trucks and similar equipment is not allowed in any commercial/mixed use zone.

33.130.260 Drive-Through Facilities

- A. Purpose.** The drive-through facility regulations support the desired character of the commercial/mixed use zones that are intended to be pedestrian-oriented, while allowing the continuation and improvement of existing drive-through facilities in some of these

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

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

33.130.265 Detached Accessory Structures

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

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

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

C. Setbacks.

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

33.130.270 Fences

- A. Purpose.** The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.
- B. Types of fences.** The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location and heights.**
 1. Fences abutting street lot lines and pedestrian connections. Within 10 feet of a street lot line or lot line that abuts a pedestrian connection, fences that meet the following standards are allowed:
 - a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.
 - b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.
 2. Fences abutting other lot lines. Fences up to 8 feet high are allowed in required building setbacks along all other lot lines.
 3. Fences in all other locations. The height for fences in locations other than described in Paragraphs C.1 and C.2 is the same as the regular height limits of the zone.
- D. Reference to other regulations.** Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.130.275 Demolitions

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

33.130.285 Nonconforming Development

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

33.130.290 Parking, Loading, and Transportation and Parking Demand Management

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

33.130.292 Street and Pedestrian Connections

A. Large site pedestrian connectivity.

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

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

33.130.295 Signs

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

33.130.305 Superblock Requirements

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

33.130.310 Recycling Areas

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

(Amended by: Ord. No. 165594, effective 7/8/92; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169099, effective 8/18/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173533, effective 8/2/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179845, effective 1/20/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 08/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190978, effective 8/31/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24; Ord. No. 191942, effective 1/1/25.)

- B. Other nuisances.** Other nuisances are regulated by Title 29, Property and Maintenance Regulations.

33.140.140 On-Site Waste Disposal

On-site disposal of solid wastes generated by a use is subject to the same regulations as for uses in the Waste-Related use category. See Table 140-1.

Development Standards

33.140.200 Lot Size

Lot size regulations are in Chapters 33.614 and 33.615.

33.140.205 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. The floor area standards.** The FARs are stated in Table 140-2. The FAR standards of plan districts supersede the FAR standards of this chapter.
- C. Bonus FAR.** In the EX zone, bonus FAR is allowed as follows. Sites in the other employment and industrial zones are not eligible to use the bonus options. Adjustments to this Subsection, or to the maximum floor area allowed through the following bonuses, are prohibited:
1. Mandatory inclusionary housing. Bonus FAR is allowed up to the maximum FAR with inclusionary housing bonus stated in Table 140-2 for development that triggers the requirements of 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the maximum FAR with bonus stated in Table 140-2. 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 FAR up to the maximum FAR with inclusionary housing bonus stated in Table 140-2 is allowed when one of the following is met:
 - a. Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the maximum FAR with bonus stated in Table 140-2. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or
 - b. Bonus 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 Portland Permitting & Development. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

- D. Transfer of FAR from historic resources in the EX Zone.** Floor area ratios may be transferred from a site zoned EX that contains a Historic or Conservation Landmark or contributing resource in a Historic or Conservation District as follows:
1. Maximum increase in FAR. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from historic resources, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers.
 2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by Subsection C;
 3. Receiving site. The transfer must be to a site that is:
 - a. Zoned C or EX; and
 - b. Within the recognized neighborhood where the Historic or Conservation Landmark or contributing resource in a Historic or Conservation District is located, or to any site within two miles of the Historic or Conservation Landmark or contributing resource in a Historic or Conservation District; and
 4. The property owner executes 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 FAR. The covenants for both sites must meet the requirements of Section 33.700.060, Covenants with the City.
- E. Transfer of FAR from historic resources in the EG Zones.** Floor area may be transferred from a site zoned EG1 or EG2 that contains a Historic or Conservation Landmark or contributing resource in a Historic or Conservation District as follows:
1. Maximum increase in FAR. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from historic resources, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers.
 2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by Subsection C;
 3. Receiving site. The transfer must be to a site that is:
 - a. Zoned EG1 or EG2; and

33.150.277 Drive-Through Facilities

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

33.150.280 Detached Accessory Structures

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

33.150.285 Fences

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

D. Reference to other regulations

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

33.150.290 Demolitions

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

33.150.295 Nonconforming Development

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

33.150.300 Parking, Loading, and Transportation and Parking Demand Management

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

33.150.305 Signs

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

33.150.310 Superblock Requirements

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

33.150.315 Recycling Areas

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

(Adopted by Ord. No. 188177, effective 5/24/18. Amended by Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190477, effective 8/1/21; Ord. No. 190978, effective 8/31/22; Ord. No. 191310, effective 6/30/23; Ord. No. 191779, effective 10/1/24.)

33.203 Accessory Home Occupations

203

Sections:

- 33.203.010 Purpose
- 33.203.015 Adjustments and Modifications
- 33.203.020 Description of Type A and Type B Accessory Home Occupations
- 33.203.030 Use-Related Regulations
- 33.203.040 Site-Related Standards
- 33.203.050 Impact-Related Standards
- 33.203.060 Type B Home Occupation Permit

33.203.010 Purpose

Accessory home occupations are activities accessory to uses in the Household Living category. They have special regulations that apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations ensure that the accessory home occupation remains subordinate to the residential use, and that the residential viability of the dwelling is maintained. The regulations recognize that many types of jobs can be done in a home with little or no effects on the surrounding neighborhood.

33.203.015 Adjustments and Modifications

Adjustments and modifications to the requirements of this chapter are prohibited.

33.203.020 Description of Type A and Type B Accessory Home Occupations

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

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

33.203.030 Use-Related Regulations

- A. Allowed uses.** The intent of the regulations of this chapter is to establish performance standards for all accessory home occupations rather than to limit the allowed uses to a

specific list. Uses which comply with the standards of this chapter are allowed by right unless specifically listed in Subsection B. below.

B. Prohibited uses.

1. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited.
2. Accessory home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
3. A Type B accessory home occupation is prohibited in a dwelling unit with any accessory short-term rental.

C. Additional Type B home occupation regulations. The following additional regulations apply to Type B home occupations.

1. Hours. Customers may visit the site only during the hours of 7 am to 9 pm.
2. Nonresident employees. One nonresident employee is allowed with a Type B home occupation. For the purpose of this Chapter, the term "one nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
3. Customers. Up to 15 customers or clients may visit the site in a day.
4. Retail sales. Retail sales of goods must be entirely accessory to any services provided on the site (such as hair care products sold as an accessory to hair cutting).
5. Number of Type B home occupations. More than one Type B home occupation per dwelling unit is prohibited.

33.203.040 Site-Related Standards

A. Outdoor activities.

1. All activities associated with an accessory home occupation must be in completely enclosed structures on the site, excluding activities or services that, by their nature, must be conducted off site. Examples of accessory home occupations where activities or services must be conducted off site include house painting, landscape maintenance, or chauffeuring services.
2. Exterior storage or display of goods or equipment is prohibited.

B. Appearance of structure and site. The dwelling and site must remain residential in appearance and characteristics. Internal or external changes which will make the dwelling appear less residential in nature or function are prohibited. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting.

33.203.050 Impact-Related Standards

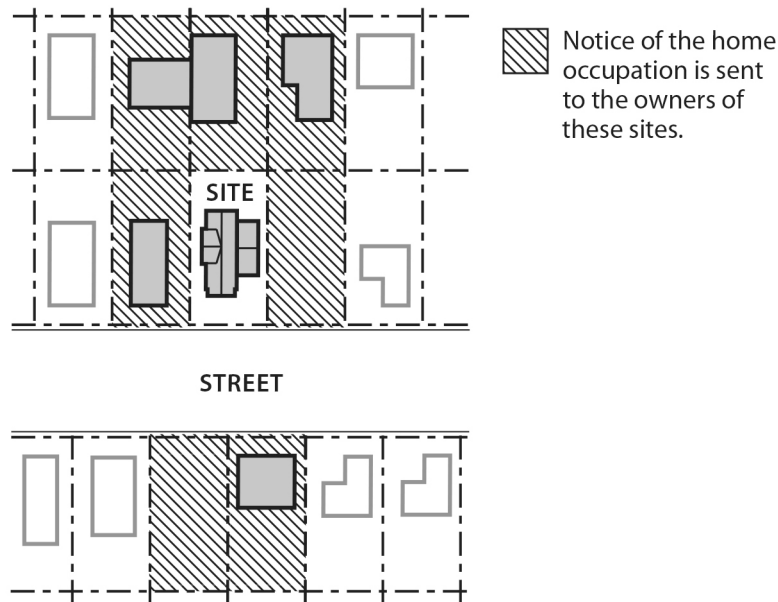
- A. Nuisances.** Accessory home occupations are regulated by the standards contained in Chapter 33.262, Off-Site Impacts, except noise, which is regulated by Subsection C. below.
- B. Hazardous substances.** Hazardous substances are prohibited, except that consumer quantities are allowed. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care and household use.
- C. Noise.** The maximum noise level for a home occupation is 50 dBA. Noise level measurements are taken at the property line. Home occupations that propose to use power tools must document in advance that the home occupation will meet the 50 dBA standard.
- D. Vehicles.** No more than one vehicle may be used in association with the home occupation. The maximum size of the vehicle used in association with the home occupation is a pickup truck in the medium truck category.
- E. Deliveries.** Truck deliveries or pick-ups of supplies or products, associated with the home occupation, are allowed at the home only between 8 am and 5 pm. Vehicles used for delivery and pick-up may not include heavy trucks.

33.203.060 Type B Home Occupation Permit

- A. Purpose.** Permits for Type B home occupations must be obtained from PP&D prior to their establishment, to ensure the following:
 - That the applicant is aware of the provisions of this chapter which govern accessory home occupations;
 - That the City has all information necessary to evaluate whether the proposal initially meets and continues to meet code regulations; and
 - That the distribution and location of Type B home occupations can be documented.
- B. Procedure.** A home occupation permit for Type B home occupations will be issued by PP&D for a two year period. It is the responsibility of the applicant to obtain the permit every two years. The review process requires the applicant to agree to abide with the requirements of this chapter and sign a form showing agreement to these conditions and documentation that the proposal is a Type B home occupation. The applicant must demonstrate compliance with the neighborhood notice requirement, described in Subsection C. below.
- C. Neighborhood notice.**
 1. **Purpose.** The purpose of this requirement is to notify the neighborhood association and nearby property owners of the establishment of a Type B accessory home occupation, the type of activities which will occur, and the regulations under which the use must operate.

2. Process.
 - a. Notice content. The applicant must complete a notice which describes the standards set forth in this chapter, the type of business activities to take place at the site, the hours of operation, and either the nonresident employee or the expected number of customers on a daily basis.
 - b. Notice recipients. All recognized organizations whose boundaries include the site must receive the notice. In addition, all owners of the property abutting or across the street from the site must receive the notice. See Figure 203-1 for a description of the notice area. The applicant must submit to PP&D a list of the addresses notified, a copy of the notice which was sent, and a signed statement verifying that this requirement has been met. It is the responsibility of the applicant to gather the information to fulfill this requirement.

Figure 203-1
Home Occupation Notice Area



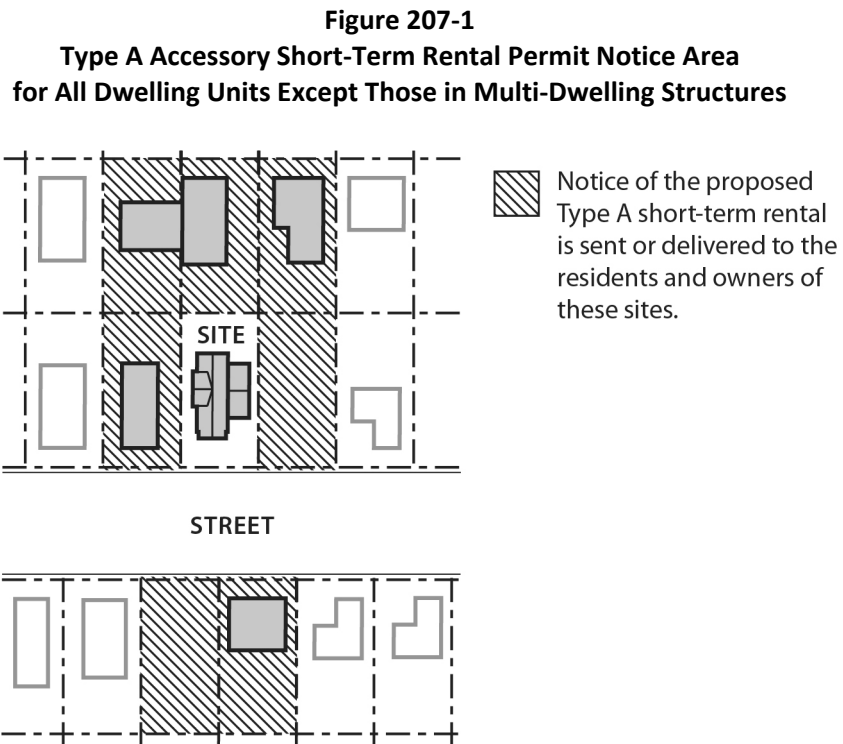
- D. Revocation.** A Type B home occupation permit can be revoked for failure to comply with the regulations of this Chapter, through the procedures identified in Section 3.30.040 of Title 3, Administration. When a Type B home occupation permit has been revoked, a new Type B home occupation permit will not be issued to the applicant or other persons residing with the applicant for 2 years.

(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 171879, effective 2/2/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 176469, effective 7/1/02; Ord. No. 178509, effective 7/16/04; Ord. No. 182429, effective 1/16/09; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 187216, effective 7/24/15; Ord. No. 191779, effective 10/1/24.)

unit, but the maximum number of bedrooms on the site that can be rented to overnight guests is 2.

3. Detached accessory structures. A bedroom in a detached accessory structure can be rented to overnight guests, and counts toward the maximum size limit.
 4. Bedroom requirements. Portland Permitting & Development must verify that each bedroom to be rented to overnight guests:
 - a. Met the building code requirements for a sleeping room at the time it was created or converted. Bedrooms in multi-dwelling structures and in triplexes are exempt from this requirement;
 - b. Has a smoke detector that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and
 - c. Is located on the floor of a dwelling unit equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have a carbon monoxide source, then a carbon monoxide alarm is not required.
 5. Number of guests. The maximum number of guests occupying a Type A accessory short-term rental may not exceed 5.
 6. Employees. Nonresident employees are prohibited. Hired service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed.
 7. Services to overnight guests and visitors. Serving alcohol and food to overnight guests and visitors is allowed and may be subject to other county or state requirements.
 8. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are prohibited with a Type A accessory short-term rental. A historic resource may be open to the public for 4 hours one day each year if required as part of a historic preservation grant or incentive program. This is not considered a commercial meeting.
 9. A Type B accessory home occupation is prohibited with a Type A accessory short-term rental.
 10. Advertisements. No advertisement can state more than the approved number of bedrooms or guests for a Type A accessory short-term rental. This includes any wording, images, or descriptions that indicate a higher capacity available for the approved number of bedrooms or guests allowed.
- C. Type A accessory short-term rental permit.** The resident of a dwelling unit with a Type A accessory short-term rental must obtain a permit from Portland Permitting & Development. It is the responsibility of the resident to obtain the permit every two years. The permit requires the resident, and operator if the operator is not the resident, to agree to abide by the requirements of this section, and document that the required notification requirements have been met:

1. Notification. The resident must:
 - a. Prepare a notification letter that:
 - (1) Describes the operation and the number of bedrooms that will be rented to overnight guests;
 - (2) Includes information on how to contact the resident, and the operator if the operator is not the resident, by phone; and
 - (3) Describes how the standards in Subsection .040.A and B are met.
 - b. Mail or deliver the notification letter as follows:
 - (1) All residential structure types except multi-dwelling structures. If the Type A accessory short-term rental is in a dwelling unit in a residential structure other than a multi-dwelling structure, then the notification letter must be mailed or delivered to all recognized organizations whose boundaries include the accessory short-term rental, and all residents and owners of property abutting or across the street from the accessory short-term rental. See Figure 207-1.
 - (2) Multi-dwelling structures. If the Type A accessory short-term rental is in a dwelling unit in a multi-dwelling structure, then the notification letter must be mailed or delivered to all recognized organizations whose boundaries include the accessory short-term rental, the property manager if there is one, and all residents and owners of dwelling units abutting, across the hall from, above, and below the accessory short-term rental.
2. Required information for permit. In order to apply for a Type A accessory short-term rental permit, the resident or operator must submit to Portland Permitting & Development:
 - a. Two copies of the completed application form bearing the address of the property, and the name, signature, address, and telephone number of the following:
 - (1) Resident;
 - (2) Operator; and
 - (3) Property owner or their authorized agent.
 - b. A copy of the notification letter.



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

33.207.050 Type B Accessory Short-Term Rentals

A. Use-related regulations.

1. Accessory use. A Type B accessory short-term rental must be accessory to a residential use on a site. This means that a resident must occupy the dwelling unit for at least 270 days during each calendar year, and unless allowed by Paragraph .050.B.2 or .050.B.3, the bedrooms rented to guests must be within the dwelling unit that the resident occupies.
2. Conditional use review. In residential and campus institutional zones, A Type B accessory short-term rental requires a conditional use review. A Type B accessory short-term rental that proposes commercial meetings is processed through a Type III procedure. All other Type B accessory short-term rentals are processed through a Type II procedure. The approval criteria are stated in 33.815.105, Institutional and Other Uses in R Zones.
3. Allowed structure type. A Type B accessory short-term rental is allowed in all residential structure types when accessory to a residential use.

4. Cap. The number of dwelling units in a multi-dwelling structure, triplex, fourplex, or cottage cluster that can have an accessory short-term rental is limited to 1 unit or 25 percent of the total number of units in the structure or on the site, whichever is greater.
5. Prohibition.
 - a. Type B accessory short-term rentals are prohibited in commercial/mixed use, employment, and industrial zones.
 - b. Accessory short-term rentals are prohibited in a building subject to Chapter 13 of the Uniform Building Code (1970 edition) in effect on September 7, 1972, except when the Fire Marshal's Office has determined that the building has a fire sprinkler system that protects the exitways.

B. Standards.

1. Maximum size. Type B accessory short-term rental is limited to renting a maximum of 5 bedrooms to overnight guests. In the single-dwelling zones, a Type B accessory short-term rental over this size limit is prohibited.
2. Accessory dwelling units. On sites with an accessory dwelling unit, the resident can live in the primary or accessory dwelling unit and rent bedrooms in either dwelling unit.
3. Detached accessory structures. A bedroom in a detached accessory structure can be rented to overnight guests, and counts toward the maximum size limit.
4. Bedroom requirements. Portland Permitting & Development must verify that each bedroom to be rented to overnight guests:
 - a. Met the building code requirements for a sleeping room at the time it was created or converted. Bedrooms in multi-dwelling structures and in triplexes are exempt from this requirement;
 - b. Has a smoke detector that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and
 - c. Is located on the floor of a dwelling unit equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have a carbon monoxide source, then a carbon monoxide alarm is not required.
5. Number of residents and overnight guests. The total number of residents and overnight guests occupying a dwelling unit with a Type B accessory short-term rental may be limited as part of a conditional use approval.
6. Employees. Nonresident employees for activities such as booking rooms and food preparation may be approved as part of the conditional use review. Hired service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored as part of a conditional use approval.

33.237.500 Neighbor Notification and Meeting

- A. Purpose.** The requirements of this section allow neighbors an opportunity to become aware of and comment, in an informal manner, on a proposal before operations begin. By sharing information and concerns, all involved have the opportunity to identify ways to improve a proposal, and to resolve conflicts. While the comments from the neighbors are not binding, a collaborative approach is encouraged.
- B. When Neighbor Notification and Meeting is required.** Neighbor Notification and Meeting is required as specified in Section 33.237.100 and Table 237-2.
- C. Notification.**
1. A letter must be sent to the owners of property within 150 feet of the site, to the Neighborhood Association for the area, and to the Planning and Zoning Section of the Land Use Division of Portland Permitting & Development. The letter must be sent by US Mail, FedEx, UPS, or similar service. The letter may not be sent electronically or delivered by hand.
 2. The letter must:
 - a. Describe the proposal in detail;
 - b. Include information on how to contact the person or organization making the proposal;
 - c. Show the location of the site on a map, and give the address of the site; and
 - d. Invite people to a meeting to discuss the proposal, specifying the date, time, and location of the meeting.
 3. The letter must be mailed at least 14 days before the meeting.
 4. At least one copy of the letter must be posted on the site.
 - a. A copy of the letter must be placed on each street frontage of the site. If a street frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access.
 - b. Letters must be posted at least 14 days before the meeting, and may not be removed before the meeting.
 5. A copy of the letter and the mailing list must be retained in the files of the person or organization making the proposal.
- D. Meeting.** A meeting to discuss the proposal must be held at a location within the boundaries of the neighborhood association that the site is within. The person making the proposal must attend the meeting.

33.237.550 Farmers Markets

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

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

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

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

33.243 Helicopter Landing Facilities

243

Sections:

- 33.243.010 Purpose
- 33.243.020 Objectives
- 33.243.030 Zones Allowed and Use Related Regulations
- 33.243.040 Approval Procedures
- 33.243.050 Standards
- 33.243.060 Required Information
- 33.243.070 Approval Criteria
- 33.243.080 Helicopter Landing Facilities approved prior to January 1, 1988
- 33.243.090 Monitoring

33.243.010 Purpose

Helicopter landing facilities (HLFs) have unique land use impacts, needs, benefits and characteristics. This chapter provides criteria for the evaluation of proposals for helicopter landing facilities when not located at airports. The criteria ensure that HLFs are consistent with the public interest and safety, and that impacts on surrounding land uses are reduced.

33.243.020 Objectives

The following objectives are used to guide the decision-making process in the siting of helicopter landing facilities:

- A. Limit development of facilities in residential zones to situations where public benefits outweigh the negative impacts;
- B. Require more protection against impacts from HLFs in residential and some mixed-use zones than in commercial and industrial zones;
- C. Encourage the consolidation of HLFs and the preplanning for HLFs during the master planning process;
- D. Encourage the operators of proposed and existing HLFs to coordinate activities and to operate in a manner sensitive to the land uses in flight paths and in nearby areas; and
- E. Locate HLFs so that they may take advantage of existing natural flight corridors such as freeways and industrial areas.

33.243.030 Zones Allowed and Use Related Regulations

- A. **Zones where HLFs allowed.** Helicopter landing facilities are allowed as shown in Table 243-1.

Table 243-1 Zones Where HLFs are Allowed		
	OS, R, CR, CM1, CI, IR	CM2, CM3, CE, CX, E, I
HLF as primary use	Prohibited	CU
HLF as accessory use	CU	CU

- B. Accessory HLFs in the R, CR, CM1, CI, and IR zones.** Accessory HLFs in the R, CR, CM1, CI, and IR zones may only be approved when accessory to medical centers. Only one helicopter is allowed to be located on the site, either permanently or temporarily. Only trips which support the primary use are allowed.
- C. Refueling.** Refueling facilities are allowed in conjunction with an approved HLF, if approved by the Fire Marshal.
- D. Repair facilities.** Repair facilities are allowed only in the I zones. Minor or emergency repairs and routine maintenance are allowed in all zones.

33.243.040 Standards

A. Safety standards.

1. Federal Standards. Public HLFs must meet the most stringent safety standards since they are used by pilots of varying familiarity with the flight path locations, typical wind effects, and facility layout. To meet this highest level of safety, such facilities must meet all recommended standards of the FAA Heliport Design Guide, AC150/5390. The review body must include any conditions of approval recommended by the FAA as a condition of approval.
2. State Standards. Private HLFs must also meet safety standards as required by the Aeronautics Division of the State of Oregon.
3. Fire Safety Standards. All HLFs must meet fire suppression and safety standards of the Fire Marshal.

B. Development standards.

1. Minimum site area. The site area and physical facilities must be able to accommodate aircraft parking and landing pads, motor vehicle and emergency equipment access and parking, buffering and screening, and sufficient helicopter parking spaces to allow the landing of approaching aircraft without delay.
2. Setbacks and minimum distances from residential zones. The review body may impose setbacks and minimum distances from residential zones for HLFs as follows:
 - a. A distance of 200 feet will be used as a guideline for setbacks for all HLFs developed within residential zones. The distance in commercial and industrial zones is 50 feet, except that for sites abutting residentially zoned land the distance is the 200 feet. All setbacks will be measured from the edge of the landing pad.
 - b. These distances may be increased or decreased by the review body upon consideration of such factors as the number of flights, hours of operation, types

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

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

33.243.050 Approval Procedures

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

A. Conditional use review.

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

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

C. Other reviews.

1. **State review.** The applicant must obtain provisional approval from the State of Oregon Aeronautics Division prior to submitting the conditional use permit application to PP&D.
 2. **FAA review.** For facilities which require Federal Aviation Administration (FAA) approval, the applicant must file FAA Form 7480 "Notice of Landing Area Proposal" and must comply with all FAA regulations prior to the issuance of a building permit.
- D. Master plans.** Any use submitting a conditional use master plan must include any anticipated HLFs as part of the master plan. The review body may require a master plan when an HLF is proposed as part of a conditional use.

33.243.060 Required Information

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

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

- H. Airport Noise Impact Boundary Analysis.** A copy of the applicant's Airport Noise Impact Boundary Analysis and comments as provided by the State of Oregon Department of Environmental Quality review.
- I. Consolidations.** Discussion on the feasibility of consolidating the proposed facility with other nearby facilities.

33.243.070 Approval Criteria

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

33.243.080 Helicopter Landing Facilities approved prior to January 1, 1988

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

33.243.090 Monitoring

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

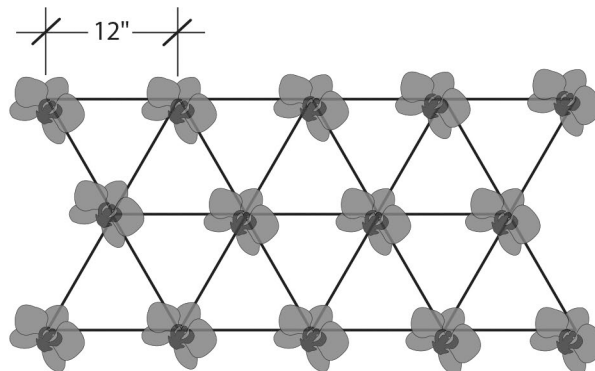
- A. A flight log of all flights.** The log should include origin and destination of trips, the time and date, and purpose. The applicant must log any deviations from any conditions of approval and the reason for the deviation(s). A copy of the log must be submitted to PP&D every 6 months and must be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

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

1. Ground cover required. All of the landscaped area that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for ground cover plants.
2. Size and spacing. Ground cover plants other than grasses must be at least the four-inch pot size. Area planted in ground cover plants other than grass seed or sod must be planted in triangular spacing (see Figure 248-3) at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three years.

To use a ground cover plant not listed in the Portland Tree and Landscaping Manual, the applicant must provide Portland Permitting & Development with an objective source of information about the plant's requirements for spacing. Applicants are encouraged to provide information about the plant's watering needs, sun or shade preference, and climate zone hardiness. This information can come from published sources, Internet sources, or nursery information, for example, cut sheets.

Figure 248-3
Example of Ground Cover Planting on Twelve-Inch Centers



- B. Shrubs.** All shrubs must be of sufficient size and number to meet the required standards within 3 years of planting. Shrubs must be at least the one-gallon container size at planting.
- C. Trees.**
 1. Planting size. Trees may be broadleaf or conifers and must meet the following:
 - a. Broadleaf trees at the time of planting must be fully branched and must be a minimum of 1.5 caliper inches.
 - b. Conifer trees at the time of planting must be fully branched and a minimum of 5 feet in height.
 - c. Specific planting size requirements related to the mitigation, remediation, or restoration of landscaped areas in overlay zones and plan districts supersede the minimums of this paragraph. These minimum requirements do not apply to trees approved through an Environmental Review, or Pleasant Valley Resource Review to be used for mitigation, remediation, or restoration.

2. Size category.
 - a. Trees are categorized as small, medium, or large using the formulas in C.2.c. The Portland Tree and Landscaping Manual's suggested plant lists include the size categories recognized by PP&D for many trees.
 - b. To determine the size category of a tree not listed in the Portland Tree and Landscaping Manual, the applicant must provide PP&D with an objective source of information about the tree's mature height, crown spread, and growth rate. This information can come from published sources, Internet sources, or nursery information such as cut sheets. PP&D will assign the tree to one of the size categories using the formulas in C.2.c, and will periodically update the suggested tree list to include newly categorized trees.
 - c. The size of a tree is calculated according to the following formulas, which incorporate the estimated height and crown spread of a mature specimen and on the species' growth rate:
 - (1) Small trees have a canopy factor of less than 40, medium trees have a canopy factor from 40 to 90, and large trees have a canopy factor greater than 90;
 - (2) Mature height of tree x Mature canopy spread x Growth rate factor x 0.01 = Canopy factor;
 - (3) The growth rate factor is 3 for fast-growing trees, 2 for medium-growing trees, and 1 for slow-growing trees.
3. Existing trees may be used to meet the standards of this chapter, as described in Paragraph D.1. Existing trees must be protected as specified in Title 11, Trees. See Chapter 11.60, Technical Specifications.

D. Plant material choices and preparation.

1. Existing vegetation. Existing vegetation except those plants listed on the Nuisance Plants List may be used to meet the standards, if protected and maintained during the construction phase of the development. Existing trees are counted as follows:
 - a. Each tree at least 1.5 inches and less than 6 inches in diameter counts as one small tree;
 - b. Each tree 6 or more inches in diameter counts as 1 medium tree for each full 6 inch increment. For example, a 19-inch tree would count as three medium trees, while an 11-inch tree would count as one medium tree;
2. Selection of materials. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Arborescent shrubs from the *Portland Plant List* may not be used to meet the tree requirement.
3. Plant diversity.

- a. Trees. If there are more than 8 required trees, no more than 40 percent of them can be of one species. If there are more than 24 required trees, no more than 24 percent of them can be of one species. This standard applies only to trees being planted to meet the regulations of this Title, not to existing trees.
 - b. Shrubs. If there are more than 25 required shrubs, no more than 75 percent of them can be of one species.
 - c. Plants may be selected from the Portland Tree and Landscaping Manual's suggested plant lists or other sources.
4. Nuisance plants. Plants listed on the Nuisance Plants List are prohibited from being planted in City-required landscaped areas.
 5. Landscaped area preparation. All new required landscaped areas must be cleared of groundcovers and shrubs on the Nuisance Plants List. All plants on the Nuisance Plant List must be removed from the lower 6 feet of the trees to be preserved in the landscaped area. Trees listed on the Nuisance Plants List are not required to be removed.
- E. Exceeding standards.** Landscaping materials that exceed the standards may be substituted for the minimums so long as all fence or vegetation height limitations are met, including the vision clearance standards of Title 16, Vehicles and Traffic.
- F. Complying with the standards.** It is the applicant's responsibility to show that the landscaping materials proposed will comply with the regulations of this chapter.

33.248.040 Installation and Maintenance

- A. Installation.** All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.
- B. Maintenance.** Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced in kind. A fine may be levied if the landscaping has not been maintained, and new plants required to be planted.
- C. Irrigation.** The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All landscaped areas must provide an irrigation system, as stated in option 1, 2, or 3.
1. Option 1. A permanent built-in irrigation system with an automatic controller.
 2. Option 2. An irrigation system designed and certified by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants will become established. The system does not have to be permanent if the plants chosen can survive adequately on their own once established.

3. Option 3. Irrigation by hand. If the applicant chooses this option, an inspection will be required one year after final inspection to ensure that the landscaping has become established. An inspection fee, paid at the time of permit application, will be required.
- D. **Protection.** All required landscaped areas, particularly trees and shrubs, must be protected from potential damage by adjacent uses and development, including parking and storage areas.
- E. **Topping prohibited.** Topping is an extreme form of crown reduction. Topping of trees that are required by this Title is prohibited; required trees must be allowed to grow in their natural form. Topping is regulated as a tree removal by this Title and Title 11, Trees.

33.248.050 Landscaped Areas on Corner Lots

All landscaped areas on corner lots must meet the vision clearance standards of Section 16.70.800 of Title 16, Vehicles and Traffic. If high shrubs or other sight-obscuring screening is required by this Title, low screening must be substituted within vision clearance areas.

33.248.060 Landscape and Tree Plans

- A. **Landscape plans.** Landscape plans must be submitted showing all landscaped areas. Plans must be drawn to scale and show type, size, number, and placement of materials. Materials must be identified with both their scientific and common names. Any required irrigation system must also be shown.
- B. **Tree plans.** A tree plan may be required to comply with Chapter 11.50, Trees in Development Situations.
- C. **Tree protection.** Where existing trees are used to meet the landscape standards or tree preservation requirements of this Title, tree protection meeting the requirements of Chapter 11.60, Technical Specifications must be shown on the landscape or tree plan.

33.248.070 Completion of Landscaping

The installation of any required landscaping may be deferred during the summer or winter months to the next planting season, but never for more than 6 months. All required landscaping must be installed prior to final inspection.

33.248.080 Street Trees

Street trees are not subject to the regulations of this chapter and are not counted toward any landscaping required by this chapter. See Title 11, Trees, for street tree requirements.

33.248.090 Mitigation and Restoration Plantings

Plantings intended to mitigate for the loss of natural resource values are subject to the following requirements. Where these requirements conflict with other requirements of this chapter, these requirements take precedence.

- A. **Plant Source.** Plant materials must be native and selected from the *Portland Plant List*. They must be non-clonal in origin, seed source must be as local as possible, and plants must be nursery propagated unless transplanted from on-site areas approved for disturbance. These requirements must be included in the Mitigation Plan specifications.

- B. Plant Materials.** The Mitigation Plan must specify that plant materials are to be used for restoration purposes. Generally, this means that standard nursery practices for growing landscape plants, such as use of pesticides, fungicides or fertilizers, and the staking of trees must not be employed.
- C. Nuisance Plants.** Plants listed on the Nuisance Plants List are prohibited from being planted in mitigation areas, and may not be counted as existing vegetation.
- D. Landscaped Area Preparation.** All new required mitigation areas must be cleared or groundcovers and shrubs listed on the Nuisance Plants List. If the site is within the Environmental Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, the River Natural Overlay Zone, the River Water Quality Overlay Zone, or the River Environmental Overlay Zone, then trees listed on the Nuisance Plants List must be removed from the required mitigation area.
- E. Installation.** Plant materials must be supported only when necessary due to extreme winds at the planting site. Where support is necessary, stakes, guy wires or other measures must be removed as soon as the plant can support itself.
- F. Irrigation.** The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. New plantings must be manually watered regularly during the first growing season. During later seasons, watering must be done as needed to ensure survival of the plants.
- G. Monitoring and Reporting.** Monitoring of landscape areas is the ongoing responsibility of the property owner. Plants that die must be replaced in kind. Written proof that all specifications of this section have been met must be provided one year after the planting is completed. The property owner must provide this documentation to PP&D.

(Amended by: Ord. No. 165594, effective 7/8/92; Ord. No. 166572, effective 6/25/93; Ord. No. 173533, effective 8/2/99; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02; Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 179316, effective 7/8/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183534, effective 7/1/10; Ord. No. 184524, effective 7/1/11; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20.)

33.254 Mining and Waste-Related Uses

254

Sections:

- 33.254.010 Purpose
- 33.254.020 Limitations
- 33.254.030 Location and Vehicle Access
- 33.254.040 Operations
- 33.254.050 Traffic Impact Study
- 33.254.060 Nuisance Mitigation Plan
- 33.254.070 Reclamation Plan for Landfills
- 33.254.080 Setbacks, Landscaping, and Screening
- 33.254.090 Activities in Required Setbacks
- 33.254.100 Underground Utilities

33.254.010 Purpose

These regulations:

- Reduce the impacts and nuisances resulting from mining and waste-related uses on surrounding land uses;
- Reduce the transportation impacts from these uses;
- Ensure that land used for these purposes is restored so that it may be reused; and
- Provide security measures so that these land uses are not a safety hazard to other land uses or to nearby residents.

33.254.020 Limitations

- A. Accessory uses.** Concrete batching, asphalt mixing, rock crushing, or clay bulking in connection with a Mining use are prohibited except in IH and IG zones.
- B. Hazardous wastes.** The disposal of hazardous wastes, as defined by OAR 340.100 to 340.110, is prohibited.

33.254.030 Location and Vehicle Access

Uses must be located so that vehicle access is restricted to Major City Traffic Streets or to streets in Freight Districts, as designated in the Transportation Element of the Comprehensive Plan.

33.254.040 Operations

- A. On-site queueing.** The site layout must include adequate areas to accommodate the peak number of vehicles expected to come to the site at any one time.
- B. Processing of waste products.** In the case of Waste-Related uses other than landfills and composting operations, all activities relating to the receiving, sorting, processing, storage, transfer, and shipping of wastes must take place entirely within enclosed structures. The transfer of waste products from one vehicle or container to another vehicle or container and the cleaning of such vehicles or containers must be done within a containment area

designed to ensure that waste materials will be confined so as to not enter the groundwater or any water body.

- C. Liquid waste pretreatment.** The use, if other than a sewage treatment facility, must provide pretreatment of any liquids being discharged into the City's stormwater or sanitary disposal system. The pretreatment must meet the standards of the Bureau of Environmental Services.
- D. Posted information.** A sign must be posted near the entrance to the site, stating the telephone number(s) where a representative of the use may be reached at all times.

33.254.050 Traffic Impact Study

A traffic impact study must be submitted for the proposed use. As part of the study, measures must be proposed for mitigating traffic impacts resulting from vehicles going to and from the site. The study must also include a plan and mechanisms to ensure that traffic, especially trucks, travel primarily on truck streets or Major City Traffic Streets when near the site. The traffic study must include information on proposed access points, hours of operation, types of vehicles, and number of trips.

33.254.060 Nuisance Mitigation Plan

The applicant must submit a mitigation plan that addresses potential nuisance impacts which might be created by the proposed use. The plan must include the following components:

- A. Off-site impacts.** The plan must document that the use will comply with the off-site impact standards stated in Chapter 33.262;
- B. Litter.** For Waste-Related uses, the plan must address litter generated on the site and litter along roadways leading to the use that is generated by vehicles coming to the site. The plan must also address illegally dumped waste products near the site. The plan must provide for regular litter removal. The plan must also include means to limit litter from vehicles coming to site; and
- C. Dust, mud, and vector control.** The plan must provide mechanisms to limit impacts from dust, mud, and disease carrying organisms such as rats and mosquitoes.

33.254.070 Reclamation Plan for Landfills

The applicant for a landfill use in the Waste-Related use category must submit a reclamation plan. The Bureau of Environmental Services and PP&D will provide a technical review of the plan. Mining uses are subject to State requirements for reclamation plans.

- A. Contents of the reclamation plan.** The reclamation plan must include the following:
 1. Phasing and schedule of work to be conducted;
 2. Phasing and schedule of reclamation to be conducted;
 3. Materials to be used in the reclamation;
 4. The effect of the reclamation on surface and subsurface drainage patterns;
 5. Plans for future use of the land; and

33.258 Nonconforming Situations

258

Sections:

- 33.258.010 Purpose
- 33.258.030 Types of Nonconforming Situations
- 33.258.035 Where These Regulations Apply
- 33.258.037 Documenting Conforming Development
- 33.258.038 Documenting A Nonconforming Situation
- 33.258.040 Regulations that Apply to All Nonconforming Situations
- 33.258.050 Nonconforming Uses
- 33.258.060 Nonconforming Residential Densities
- 33.258.065 Nonconforming Lots, Lots of Record, and Lot Remnants in Single-Dwelling Zones
- 33.258.070 Nonconforming Development
- 33.258.075 Determination of Legal Nonconforming Status
- 33.258.080 Nonconforming Situation Reviews

33.258.010 Purpose

Nonconforming situations are created when the application of a specific zone to a site changes, or a zoning regulation changes. As part of the change, existing uses, density, or development might no longer be allowed. The intent of the change is not to force all noncomplying situations to be immediately brought into conformance. Instead, the intent is to guide future uses and development in a new direction consistent with City policy, and, eventually, bring them into conformance.

This chapter provides methods to determine whether situations have legal nonconforming status. This is based on whether they were allowed when established, and if they have been maintained over time. This chapter also provides a method to review and limit nonconforming situations when changes to those situations are proposed. The intent is to protect the character of the area by reducing the negative impacts from nonconforming situations. At the same time, the regulations assure that the uses and development may continue and that the zoning regulations will not cause unnecessary burdens.

Nonconforming situations that have a lesser impact on the immediate area have fewer restrictions than those with greater impacts. Nonconforming uses in residential zones are treated more strictly than those in commercial/mixed use, employment, industrial, or campus institutional zones to protect the livability and character of residential neighborhoods. In contrast, nonconforming residential developments in residential zones are treated more liberally because they do not represent a major disruption to the neighborhood and they provide needed housing opportunities in the City.

33.258.030 Types of Nonconforming Situations

A specific site may be nonconforming because it contains either a nonconforming use, an allowed residential use that exceeds the allowed density, a nonconforming development, or a combination of these. Nonconforming uses, nonconforming residential densities, and nonconforming development are defined in Chapter 33.910, Definitions.

33.258.035 Where These Regulations Apply

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

33.258.037 Documenting Conforming Development

Sites with nonconforming development must come into compliance with certain development standards in some situations, as required by Paragraph 33.258.070.D.2. To streamline the permitting process, applicants may request that sites that are in compliance be certified by PP&D as in compliance with the development standards listed in Paragraph 33.258.070.D.2.

33.258.038 Documenting A Nonconforming Situation

The applicant must provide evidence to show that the situation was allowed when established and was maintained over time. If the applicant provides standard evidence from the list below, the Director of PP&D will determine if the evidence is satisfactory. The Director of PP&D will also determine, based on the evidence, what the current legal use is, using the definitions in Chapter 33.910 and the use categories in Chapter 33.920. If the applicant provides evidence other than the standard evidence listed below, a Determination of Legal Nonconforming Status is required. (See 33.258.075.)

- A. Situation allowed when established.** Standard evidence that the situation was allowed when established is:
 - 1. Building, land use, or development permits; or
 - 2. Zoning codes or maps;

- B. Situation maintained over time.** Standard evidence that the use has been maintained over time is:
 - 1. Utility bills;
 - 2. Income tax records;
 - 3. Business licenses;
 - 4. Listings in telephone, business, or Polk directories;
 - 5. Advertisements in dated publications;
 - 6. Building, land use, or development permits;
 - 7. Insurance policies;
 - 8. Leases;
 - 9. Dated aerial photos;
 - 10. Insurance maps that identify use or development, such as the Sanborn Maps; or
 - 11. Land use and development inventories prepared by a government agency.

33.258.040 Regulations that Apply to All Nonconforming Situations

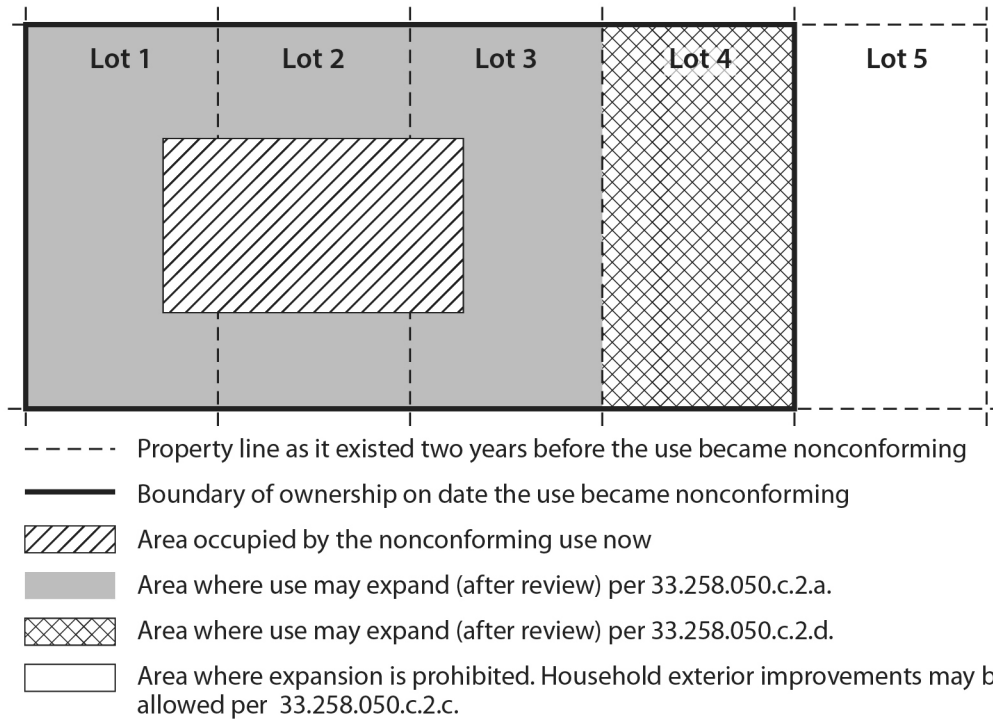
- A. **Ownership.** The status of a nonconforming situation is not affected by changes in ownership.
- B. **Change to a conforming situation.** A nonconforming situation may be changed to a conforming situation by right. Once a conforming situation occupies the site, the nonconforming rights are lost and a nonconforming situation may not be re-established.
- C. **Change to conditional use.** A nonconforming use may change to a conditional use if approved through a conditional use review. Some previously nonconforming uses receive automatic conditional use status, as described in 33.815.030. Once a conditional use occupies the site, the nonconforming rights are lost and a nonconforming use may not be re-established.
- D. **Maintenance.** Normal maintenance and repair of nonconforming situations is allowed.

33.258.050 Nonconforming Uses

- A. **Continued operation.** Nonconforming uses may continue to operate. Changes in operations, such as changes in ownership, hours of operation and the addition or subtraction of accessory uses, are allowed. However, nonconforming uses in residential zones may not extend their hours of operation into the period of 11 pm to 6 am.
- B. **Change of use in the same use category.** A change to a different use in the same use category, such as a change from one type of Community Services use to another type of Community Services use, is allowed by right, provided that the off-site impact standards of Chapter 33.262, Off-Site Impacts, are met. The applicant must document in advance that the nonconforming use will meet the off-site impact standards. For changes of use within the same use category which do not meet the off-site impact standards, the change may be allowed through a nonconforming situation review.
- C. **Change of use in a different category.** A change to a use in a different use category which is prohibited by the base zone may be allowed through a nonconforming situation review. In R zones, a change from a nonconforming nonresidential use to an allowed residential use that exceeds the allowed density may be allowed through a nonconforming situation review. An example of this is conversion of a storefront in an R7 zone (nonconforming use) to a triplex (allowed use, nonconforming residential density).
- D. **Expansions.** Nonconforming uses may expand under certain circumstances. Exterior improvements may expand by increasing the amount of land used. Changing the exterior use, for example from parking to storage, is an expansion of exterior storage. Adding parking spaces to an existing lot is also an expansion. However, increasing the amount of goods stored on an existing exterior storage area is a change in operations, not an expansion. Examples of expansion of gross building area include expanding a nonconforming use into a newly constructed building or addition on the site, and expanding the amount of gross building area occupied by a nonconforming use within an existing building.

Expansion of nonconforming uses and development is generally limited to the area bounded by the property lines of the use as they existed two years before the use became nonconforming. The property lines are the lines nearest to the land area occupied by the

Figure 258-2
Area of Possible Expansion - C, E, and I Zones



2. C, E, I, and CI zones. The standards stated below apply to all nonconforming uses in C, E, I, and CI zones.
 - a. Except as allowed by Subparagraph C.2.b, below, expansions of gross building area or exterior improvements, when proposed within the property lines as they existed two years before the use became nonconforming, may be approved through a nonconforming situation review. The development standards of the base zone, overlay zone, and plan district must be met for the expansion.
 - b. In EG1, EG2, and I zones, expansions of gross building area for nonconforming Household Living uses, when proposed within the property lines as they existed two years before the use became nonconforming, are allowed if all of the following are met:
 - (1) The expansion will not increase the gross building area by more than 500 square feet over the floor area that existed when the use became nonconforming. Expansions that increase the gross building area by more than 500 square feet over the gross building area that existed when the use became nonconforming may be requested through a nonconforming situation review;
 - (2) The expansion must comply with development standards of the base zone, overlay zone, and plan district; and
 - (3) The addition of new dwelling units is prohibited.

- c. In E and I zones, expansions of exterior improvements for nonconforming Household Living uses are allowed if they comply with the development standards of the base zone, overlay zone, and plan district.
- d. Expansion of gross building area or exterior improvements, when proposed beyond the property lines as they existed two years before the use became nonconforming, is prohibited, except in the following situation:
 - (1) The property proposed for expansion is abutting at least one of the property lines of the nonconforming use as they existed two years before the use became nonconforming; and
 - (2) The property proposed for expansion was in the same ownership as the property holding the nonconforming use when it became nonconforming; and
 - (3) The zoning regulations on the property proposed for expansion would have allowed the use at the time the existing situation became nonconforming; and
 - (4) The expansion is approved through a nonconforming situation review.

E. Loss of nonconforming use status.

- 1. Discontinuance. If a nonconforming use is discontinued for 3 continuous years, the nonconforming use rights are lost. If a nonconforming use ceases operations, even if the structure or materials related to the use remain, the use has been discontinued. If a nonconforming use changes to another use without obtaining all building, land use, and development permits that would have been required at the time of the change, the legal nonconforming use has been discontinued. A nonconforming use that has been discontinued for more than 3 continuous years may request re-establishment through a nonconforming situation review. Re-establishment of a nonconforming use that has been discontinued for 5 or more continuous years is prohibited.
- 2. Accidental destruction. When a structure containing a nonconforming use is damaged by fire or other causes beyond the control of the owner, the re-establishment of the nonconforming use is prohibited if the repair cost of the structure is more than 75 percent of its assessed value.
- 3. Intentional destruction. When a structure containing a nonconforming use is intentionally damaged by fire or other causes within the control of the owner, the re-establishment of the nonconforming use is prohibited.

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. The following apply to sites where the minimum residential density standard is not met:
 - (1) In multi-dwelling zones, there may not be a net decrease in the number of dwelling units, and the site may not move further out of compliance with base zone development standards. Generally, when dwelling units are being added to a site that is nonconforming in minimum density, the site must be brought into conformance with the minimum density requirement. However, units may be added to the site without coming all the way into conformance with the minimum residential density standard in the following situations:
 - An accessory dwelling unit is being added to an existing house, attached house, duplex, or manufactured home;
 - Dwelling units are being added within an existing structure and the footprint of the existing structure is not being enlarged;
 - Dwelling units are being added to a site in the RMP zone;
 - The site is within the combined flood hazard area or potential landslide hazard area.
 - (2) In all other zones, 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.
2. 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 33.120.205.C.

B. Discontinuance and damage.

1. Building unoccupied but standing. Nonconforming residential density rights continue even when a building has been unoccupied for any length of time.
2. Accidental damage or destruction.
 - a. More than one dwelling unit. When there is more than one dwelling unit on a site, and when the site is nonconforming for residential density, the following applies if a structure containing dwelling units is damaged or destroyed by fire or other causes beyond the control of the owner:
 - (1) If the structure is rebuilt within 5 years, nonconforming residential density rights are maintained;

- (2) If the structure is not rebuilt within 5 years, the nonconforming residential density rights are lost, and the site is considered vacant;
- (3) If the repair cost is more than 75 percent of the assessed value of the structure, the new structure must comply with one of the following, whichever is less restrictive:
 - The development standards (except for density) that would apply to new development on the site; or
 - The development standards (except for density) that would apply to new development in the RM1 zone.
- b. One dwelling unit. When there is only one dwelling unit on a site, and when the site is nonconforming for residential density, the following applies if the structure containing the dwelling unit is damaged or destroyed by fire or other causes beyond the control of the owner:
 - (1) If the repair cost is 75 percent or less of the assessed value of the structure, nonconforming residential density rights are maintained and the structure may be rebuilt;
 - (2) If the repair cost is more than 75 percent of the assessed value of the structure, the structure may be rebuilt within 5 years if it complies with the development standards (except for density) that would apply to new development on the site;
 - (3) If the repair cost is more than 75 percent of the assessed value of the structure, and the structure is not rebuilt within 5 years, the nonconforming residential density rights are lost, and the site is considered vacant.
3. Intentional damage, destruction or demolition. When a structure that is nonconforming for residential density is intentionally damaged, destroyed or demolished by fire or other causes within the control of the owner, the nonconforming residential density rights are lost, and the new development must meet all development standards for the site.

33.258.065 Nonconforming Lots, Lots of Record, and Lot Remnants in Single-Dwelling Zones

- A. Changes to Dwellings.** Existing dwelling units on nonconforming lots, lots of record, or lot remnants may continue, may be removed or enlarged, and amenities may be added to the site, but the building may not move further out of compliance with the base zone development standards.
- B. Damage.**
 1. When a nonconforming lot, lot of record, or lot remnant contains a dwelling unit that is damaged or destroyed by fire or by other causes beyond the control of the owner, the structure may be rebuilt as specified in 33.258.070.E.
 2. When a nonconforming lot, lot of record, or lot remnant contains a dwelling unit that is intentionally damaged or demolished, the structure may be rebuilt if it complies with the development standards that would apply to new development on the site.

33.258.070 Nonconforming Development

- A. Purpose.** This section is primarily aimed at upgrading nonconforming development elements that affect the appearance and impacts of a site. It is not intended to require extensive changes that would be extremely impractical such as moving or lowering buildings.
- B. Continued operation.** Nonconforming developments may continue unless specifically limited by Subsection D. below or other regulations in this Title.
- C. Changes.**
1. Changes to the site that do not alter the nonconforming development are allowed.
 2. Changes to the nonconforming development are allowed as follows:
 - a. Changes that bring the nonconforming development closer to conformance are allowed; and
 - b. Changes to the nonconforming development that do not move it closer to conformance are subject to the adjustment process unless prohibited.
- D. Development that must be brought into conformance.** The regulations of this subsection are divided into two types of situations, depending upon whether the use is also nonconforming or not. These regulations apply except where superseded by more specific regulations in the code.
1. Nonconforming development with a new nonconforming use or new non-conforming residential density. When there is a change to a different non-conforming use, or a change from a nonconforming nonresidential use to a non-conforming residential density, the following nonconforming development must be brought into compliance with the development standards that apply to the site (base, overlay, plan district, special use, tree density standards in Title 11):
 - a. Landscaping and trees required for the following areas:
 - Exterior display, storage, and work activity areas;
 - Setbacks for surface parking and exterior development areas;
 - Interior parking lot landscaping;
 - Existing building setbacks;
 - Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements); and
 - On-site tree density standards of Subsection 11.50.050.C.
 - b. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;
 - c. Bicycle parking by upgrading existing bicycle parking and providing additional spaces in order to comply with 33.266.200 and 33.266.210;
 - d. Screening; and
 - e. Paving of surface parking and exterior storage and display areas.

2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. Nonconforming development associated with an existing nonconforming use, an allowed use, a limited use, or a conditional use, must meet the requirements stated below. When alterations are made that are over the threshold of Subparagraph D.2.a., the site must be brought into conformance with the development standards listed in Subparagraph D.2.b. The value of the alterations is based on the entire project, not individual building permits. Sites with residential uses are exempt from the requirements until January 1, 2029.
 - a. Thresholds triggering compliance. The standards of Subparagraph D.2.b., below, must be met when the value of the proposed alterations on the site, as determined by PP&D, is more than \$356,000. The following alterations and improvements do not count toward the threshold:
 - (1) Replace a manufactured dwelling in a manufactured dwelling park;
 - (2) Alterations required by approved fire/life safety agreements;
 - (3) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
 - (4) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;
 - (5) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and
 - (6) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.
 - (7) Energy efficiency or renewable energy improvements that meet the Public Purpose Administrator incentive criteria whether or not the project applies for and receives the incentive;
 - (8) Landscaping required by 33.475.220;
 - (9) Removal or remediation of hazardous substances conducted under ORS 465.200-545 & 900; and
 - (10) The installation of electric bike and electric vehicle chargers and accessory equipment.
 - b. Standards which must be met. Development not complying with the development standards listed below must be brought into conformance or receive an adjustment.
 - (1) Landscaping and trees required for the following areas:
 - Exterior display, storage, and work activity areas;
 - Setbacks for surface parking and exterior development areas;
 - Interior parking lot landscaping;
 - Existing building setbacks;

- Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements); and
 - On-site tree density standards of Subsection 11.50.050.C.
- (2) Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;
- (3) Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 33.266.200, Bicycle Parking as follows:
- Major remodeling projects must meet the standards for all bicycle parking;
 - Sites with accessory surface parking must meet the standards for all bicycle parking;
 - In all other situations, the amounts and standards for short-term bicycle parking must be met.
- (4) Screening; and
- (5) Required paving of surface parking and exterior storage and display areas.
- c. Area of required improvements.
- (1) Generally. Except as provided in D.2.c(2), below, required improvements must be made for the entire site.
- (2) Exception for sites with ground leases or permanent utility easements. Required improvements may be limited to a smaller area if there is a ground lease or permanent utility easement for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease or permanent utility easement will be considered as a separate site for purposes of required improvements. The applicant must meet the following:
- The signed ground lease, utility easement – or excerpts from the lease document or utility easement – must be submitted to PP&D. The portions of the lease or utility easement must include the following:
 - The term of the lease or utility easement. There must be at least one year remaining on the ground lease or utility easement; and
 - A legal description of the boundaries of the lease or utility easement.
 - The boundaries of the ground lease or utility easement must be shown on the site plan submitted with the building permit application;
 - The area of the lease or utility easement must include all existing and any proposed development that is required for, or is used exclusively by, uses within the area of the lease or easement; and
 - Screening is not required along the boundaries of ground leases or utility easement that are interior to the site.
- d. Timing and cost of required improvements. The applicant may choose one of the following options for making the required improvements:

- (1) Option 1. Under Option 1, required improvements must be made as part of the alteration that triggers the required improvements. However, the cost of required improvements is limited to 10 percent of the value of the proposed alterations. It is the responsibility of the applicant to document the value of the required improvements. When all required improvements are not being made, the applicant may choose which of the improvements listed in Subparagraph D.2.b to make. If improvements to nonconforming development are also required by regulations in a plan district or overlay zone, those improvements must be made before those listed in Subparagraph D.2.b.
- (2) Option 2. Under Option 2, the required improvements may be made over several years, based on the compliance period identified in Table 258-1. However, by the end of the compliance period, the site must be brought fully into compliance with the standards listed in Subparagraph D.2.b. When this option is chosen, the following applies:
 - Before a building permit is issued, the applicant must submit the following to PP&D:
 - Application. An application, including a Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in subparagraph D.2.b.
 - Covenant. The City-approved covenant, which is available in the Development Services Center, is required. The covenant identifies development on the site that does not meet the standards listed in subparagraph D.2.b, and requires the owner to bring that development fully into compliance with this Title. The covenant also specifies the date by which the owner will bring the nonconforming development into full compliance. The date must be within the compliance periods set out in Table 258-1. The covenant must be recorded as specified in Subsection 33.700.060.B.
 - The nonconforming development identified in the Nonconforming Development Assessment must be brought into full conformance with the requirements of this Title that are in effect on the date when the permit application is submitted. The compliance period begins when a building permit is issued for alterations to the site of more than \$356,000. The compliance periods are based on the size of the site. The compliance periods are identified in Table 258-1.
 - By the end of the compliance period, the applicant or owner must request that the site be certified by PP&D as in compliance with the standards listed in Subparagraph D.2.b. on the date when the permit application was submitted. A permit documenting full conformance with these standards is required and must receive final inspection approval prior to PP&D certification.
 - If certification is requested by the end of the compliance period and PP&D certifies the site as in compliance, a two-year grace period begins. The grace period begins at the end of the compliance period, even if PP&D certifies the site before the end of the compliance period. During

the grace period, no upgrades to nonconforming development are required.

- If certification is not requested, or if the site is not fully in conformance by the end of the compliance period, no additional building permits will be issued until the site is certified.
- If the regulations referred to by Subparagraph D.2.b, or in D.2.b itself, are amended after the Nonconforming Development Assessment is received by PP&D, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant must, at the end of the grace period, address the new nonconforming development using Option 1 or Option 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant, and compliance period will be required for the new nonconforming development.

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

E. Loss of nonconforming development status.

1. Discontinuance. If a nonconforming exterior development, such as an exterior storage area, is unused for 3 continuous years, the nonconforming rights are lost and a nonconforming exterior development may not be re-established. If the exterior development is unused for less than 3 continuous years, a nonconforming exterior development may be re-established, unless stated otherwise in Subsection D. above.
2. Destruction. When a structure or other development that has nonconforming elements is removed or intentionally destroyed, replacement structures and other development must comply with the development standards of the base zone, overlay zone and plan district. When a structure that has non-conforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the structure may be rebuilt using the same structure footprint. An adjustment is required to allow the replacement structure to be more out of compliance with the development standards than the previous structure. However, detached garages in residential zones are subject to the provisions for accessory structures of 33.110.250 and 33.120.280 (Single-Dwelling and Multi-Dwelling chapters, respectively).

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

- G. Nonconforming signs.** The regulations for nonconforming signs are stated in Title 32, Signs and Related Regulations.

33.258.075 Determination of Legal Nonconforming Status Review

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

33.258.080 Nonconforming Situation Review

- A. Procedure.** A nonconforming situation review is processed through a Type II procedure.
- B. Approval criteria.** The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:
1. With mitigation measures, there will be no net increase in overall detrimental impacts (over the impacts of the last legal use or development) on the surrounding area taking into account factors such as:
 - a. The hours of operation;
 - b. Vehicle trips to the site and impact on surrounding on-street parking;
 - c. Noise, vibration, dust, odor, fumes, glare, and smoke;
 - d. Potential for increased litter; and
 - e. The amount, location, and nature of any outside displays, storage, or activities; and
 2. If the nonconforming use is in an OS, R, or IR zone, and if any changes are proposed to the site, the appearance of the new use or development will not lessen the residential

33.262 Off-Site Impacts

262

Sections

- 33.262.010 Purpose
- 33.262.020 Applying These Regulations
- 33.262.030 Exemptions
- 33.262.040 Relationship to Other Regulations
- 33.262.050 Noise
- 33.262.060 Vibration
- 33.262.070 Odor
- 33.262.080 Glare
- 33.262.090 Measurements
- 33.262.100 Documentation in Advance

33.262.010 Purpose

The regulations of this chapter are designed to protect all uses in the R, C, CI, IR, and OS zones from certain objectionable off-site impacts associated with nonresidential uses. These impacts include noise, vibration, odors, and glare. The standards ensure that uses provide adequate control measures or locate in areas where the community is protected from health hazards and nuisances. The use of objective standards provides a measurable means of determining specified off-site impacts. This method protects specific industries or firms from exclusion in a zone based solely on the general characteristics of similar industries in the past.

33.262.020 Applying These Regulations

Nonresidential uses in all zones which cause off-site impacts on uses in the R, C, CI, IR, and OS zones are required to meet the standards of this chapter. Exempted equipment and facilities are stated in 33.262.030 below.

33.262.030 Exemptions

The off-site impact standards do not apply to machinery, equipment, and facilities which were at the site and in compliance with existing regulations at the effective date of these regulations. Any new or additional machinery, equipment, and facilities must comply with the standards of this chapter. Documentation is the responsibility of the proprietor of the use if there is any question about when the equipment was brought to the site.

33.262.040 Relationship to Other Regulations

The off-site impact standards are in addition to all other regulations of the City Code. The standards do not replace or supersede regulations of the Department of Environmental Quality (DEQ), relevant county regulations, or standards such as the Uniform Fire Code.

33.262.050 Noise

The City noise standards are stated in Title 18, Noise Control. In addition, the Department of Environmental Quality has regulations which apply to firms adjacent to or near noise sensitive uses such as dwellings, religious institutions, schools, and hospitals.

33.262.060 Vibration

- A. **Vibration standard.** Continuous, frequent, or repetitive vibrations which exceed 0.002g peak may not be produced. In general, this means that a person of normal sensitivities should not be able to feel any vibrations.
- B. **Exceptions.** Vibrations from temporary construction and vehicles which leave the site (such as trucks, trains, airplanes and helicopters) are exempt. Vibrations lasting less than 5 minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.
- C. **Measurement.** Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration.

33.262.070 Odor

- A. **Odor standard.** Continuous, frequent, or repetitive odors may not be produced. The odor threshold is the point at which an odor may just be detected
- B. **Exception.** An odor detected for less than 15 minutes per day is exempt.

33.262.080 Glare

- A. **Glare standard.** Glare is illumination caused by all types of lighting and from high temperature processes such as welding or metallurgical refining. Glare may not directly, or indirectly from reflection, cause illumination on other properties in excess of a measurement of 0.5 foot candles of light.
- B. **Strobe lights.** Strobe lights visible from another property are not allowed.

33.262.090 Measurements

- A. Measurements for compliance with these standards are made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.
- B. If the City does not have the equipment or expertise to measure and evaluate a specific complaint, it may request assistance from another agency or may contract with an independent expert to perform such measurements. The City may accept measurements made by an independent expert hired by the controller or operator of the off-site impact source. If the City contracts to have measurements made and no violation is found, the City will bear the expense, if any, of the measurements. If a violation is found, City expenses will be charged to the violator. Nonpayment of the costs is a violation of the Code, and enforced through the provisions of Title 22.

33.262.100 Documentation in Advance

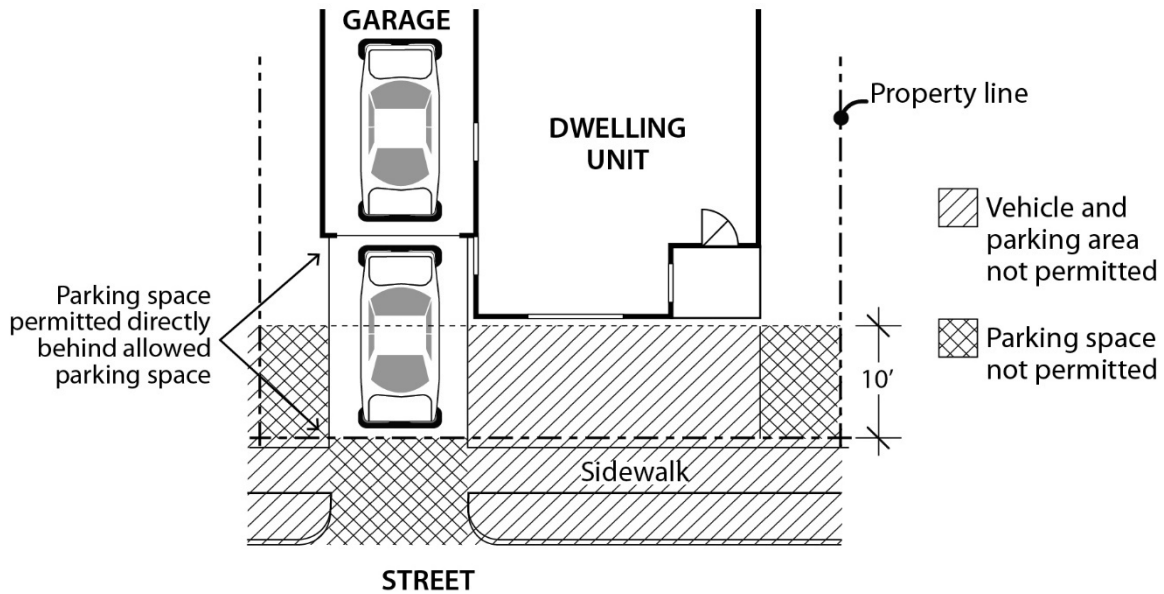
In situations where the Director of PP&D is empowered to require documentation in advance that a proposed use will conform with these standards, all of the following additional information is required of the applicant prior to approving a building permit:

- A. **Use description.** A description of the use or activity regarding processes, materials used, storage, waste disposal, types of machinery and other such items as it relates to off-site impacts. However, the applicant is not required to reveal any trade secrets which would

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

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

Figure 266-1
Parking Space Locations



Section 33.266.140 below. Mechanical parking systems are exempt from the parking space dimensions in Table 266-4.

3. Parking for disabled persons. Portland Permitting & Development 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.

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

Notes:

[1] See Figure 266-4.

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

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

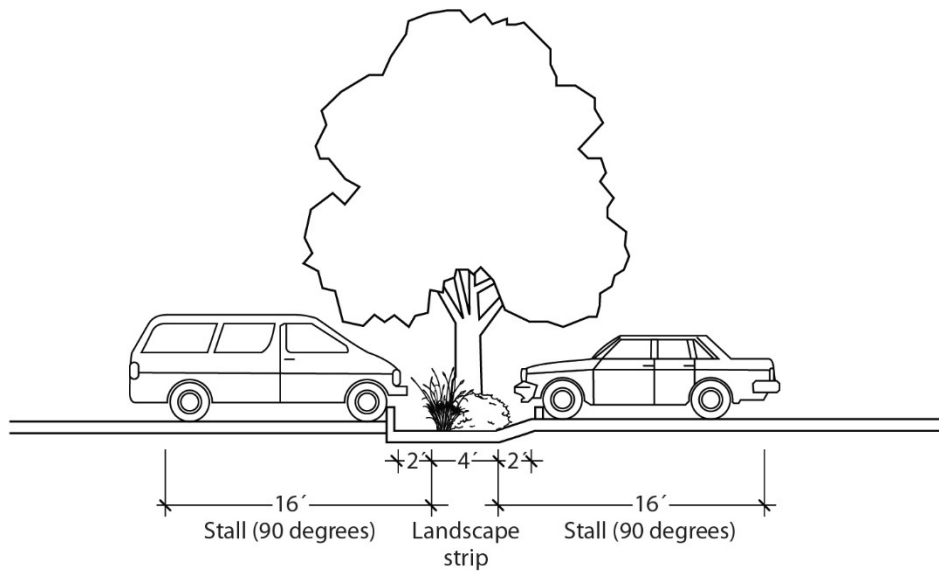
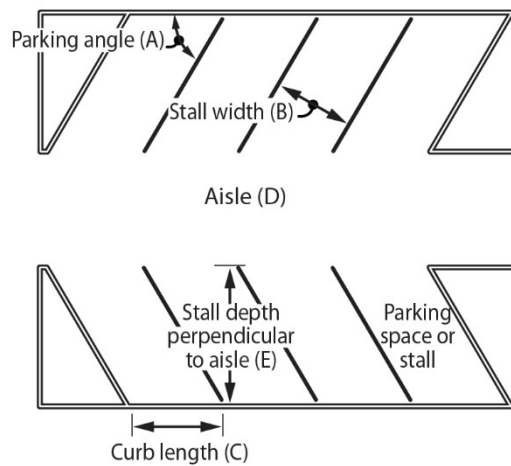


Figure 266-4
Parking Dimension Factors



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

- d. If applicable, information adequate to illustrate the racks and spaces that satisfy the minimum horizontal requirement, and the racks and spaces that accommodate a larger bicycle footprint.

D. Standards for Long-Term Bicycle Parking.

1. General Standards. Long-term bicycle parking must be provided in lockers or racks that meet the following standards. The following general standards apply to long-term bicycle parking:
 - a. Location standards. Long-term bicycle parking must be provided in one or more of the following locations. School uses are only allowed to choose between Subsubparagraph (1) or (5) or a combination of (1) and (5):
 - (1) Within a building outside of dwelling units, including on the ground floor or on individual building floors;
 - (2) Within dwelling units. Long-term bicycle parking is allowed in dwelling units as follows. Long-term bicycle parking provided in a dwelling unit is exempt from the standards of Paragraph C.2, but all other standards in Subsection C apply. Adjustments and modifications to this Subsubparagraph may be requested prior to January 2, 2032. Beginning January 2, 2032, adjustments and modifications to this Subsubparagraph are prohibited:
 - Sites containing residential development with 12 or fewer dwelling units may provide up to 100 percent of required long-term bicycle parking spaces in the dwelling units. For buildings with no elevators, long-term bicycle parking spaces are only allowed in ground floor dwelling units. Only two spaces per dwelling unit count toward the total required long-term bicycle parking spaces.
 - For all other residential development, up to 50 percent of the required long-term bicycle parking spaces may be provide within dwelling units. For buildings with no elevators, long-term bicycle parking spaces are only allowed in ground floor units. Only two spaces per dwelling unit count toward the total required long-term bicycle parking spaces.
 - (3) On-site, including in parking areas and structured parking;
 - (4) In an area where the closest point is within 300 feet of the site; or
 - (5) For Schools, long-term bicycle parking must be placed where the closest space is within 100 feet of a main entrance.
 - b. For sites with multiple primary uses, long-term bicycle parking must be provided in an area that can be accessed from each use. If bicycle parking is provided in a common area on the site, the area must be accessible for all tenants.
 - c. Covered bicycle parking. All long-term bicycle parking must be covered. Where covered bicycle parking is not within a building or locker, the cover must be:
 - (1) Permanent;
 - (2) Impervious; and

- (3) The cover must project out a minimum of 2 feet beyond the bicycle parking spaces on the portion of the structure that is not enclosed by a wall.
2. Security standards.
 - a. Long-term bicycle parking must meet the following security standards:
 - (1) Long-term bicycle parking for residential uses must be provided in one of the following:
 - A restricted access, lockable room or enclosure, designated primarily for bicycle parking;
 - A bicycle locker; or
 - In a residential dwelling unit meeting Subsubparagraph 1.a.(2), above.
 - (2) Long-term bicycle parking for all other uses must be located in one of the following locations. For Schools, a minimum of 10 percent of bicycle parking must be located in the following:
 - A restricted access, lockable room or enclosure; or
 - A bicycle locker.
 - b. All access routes and the bicycle parking spaces must be lighted to a level where the system can be used at night by the employees and residents.
3. Additional development standards. The following standards apply to sites with more than 20 long-term bicycle parking spaces:
 - a. Minimum number of horizontal bicycle parking spaces. At least 30 percent of spaces must be in a horizontal rack, or on the lower level of a stacked bicycle parking rack. For Schools (K-8), all spaces located outside of the building must be in a horizontal rack.
 - b. Parking for larger bicycle space. At least 5 percent of spaces must accommodate a larger bicycle space, placed in a horizontal rack. These spaces may be included to meet the requirement for Subparagraph D.3.a. See Figure 266-14. Development that includes a residential use is exempt from this standard until January 1, 2029.
 - c. Electrical outlet requirement. At least 5 percent of spaces must have electrical sockets accessible to the spaces. Each electrical socket must be accessible to horizontal bicycle parking spaces.

E. Standards for Short-term Bicycle Parking

1. Development Standards. Short-term bicycle parking must meet the following standards:
 - a. Location Standards. Short-term bicycle parking must meet the following location standards:
 - (1) On-site, outside a building;
 - (2) At the same grade as the sidewalk or at a location that can be reached by an accessible route; and
 - (3) Within the following distances of the main entrance:

- Building with one main entrance. For a building with one main entrance, the bicycle parking must be within 50 feet of the main entrance to the building as measured along the most direct pedestrian access route. (See Figure 266-15)
 - Building with more than one main entrance. For a building with more than one main entrance, the bicycle parking must be along all façades with a main entrance, and within 50 feet of at least one main entrance on each façade that has a main entrance, as measured along the most direct pedestrian access route. (See Figure 266-16)
 - Sites with more than one primary building. For sites that have more than one primary building, but are not an institutional campus, the bicycle parking must be within 50 feet of a main entrance as measured along the most direct pedestrian access route, and must be distributed to serve all primary buildings (See Figure 266-17);
 - Institutional Campus. On an institutional campus with more than one building or main entrance, the bicycle parking must be either:
 - Within 50 feet of a main entrance as measured along the most direct pedestrian access route; or
 - If the short-term bicycle parking is more than 50 feet from a main entrance, it must be in a common bicycle parking location along a pedestrian access route.
- b. Bicycle Parking Fund
- (1) This option may be used if any of the required short-term bicycle parking cannot be provided on site in a way that complies with all of the standards in Subsection C and E. This option may not be used if:
 - There are surface parking areas, plazas, exterior courtyards, or other open areas on the site, other than required landscaping;
 - Those open areas are large enough, separately or in combination, to accommodate all short-term bicycle parking; and
 - The open areas meet the location requirements of Subparagraph E.1.a., above.
 - (2) Fund use and administration. The Bicycle Parking Fund is collected and administered by the Bureau of Transportation. The funds collected will be used to install bicycle parking and associated improvements in the right-of-way.

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

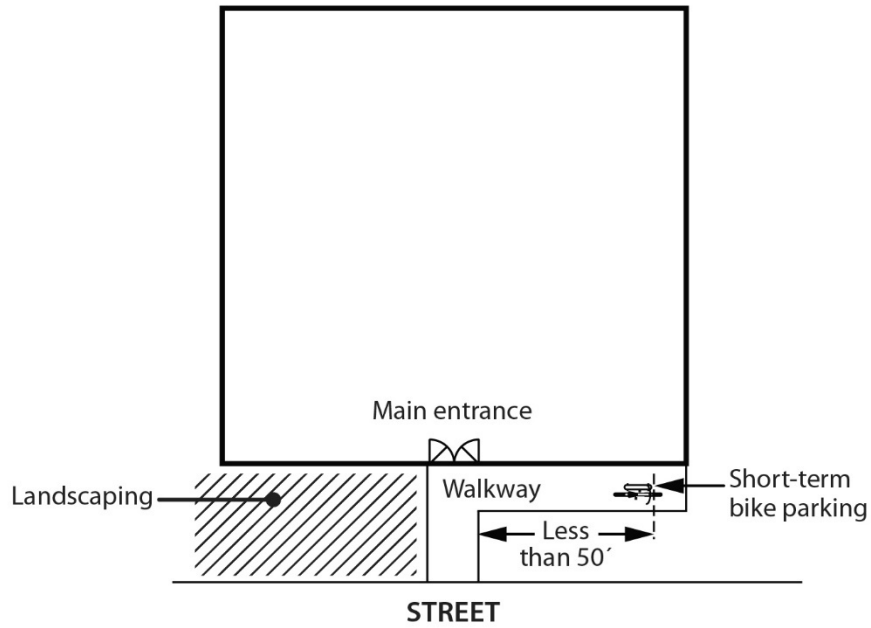


Figure 266-16
Short-term bike parking – one building, multiple entrances

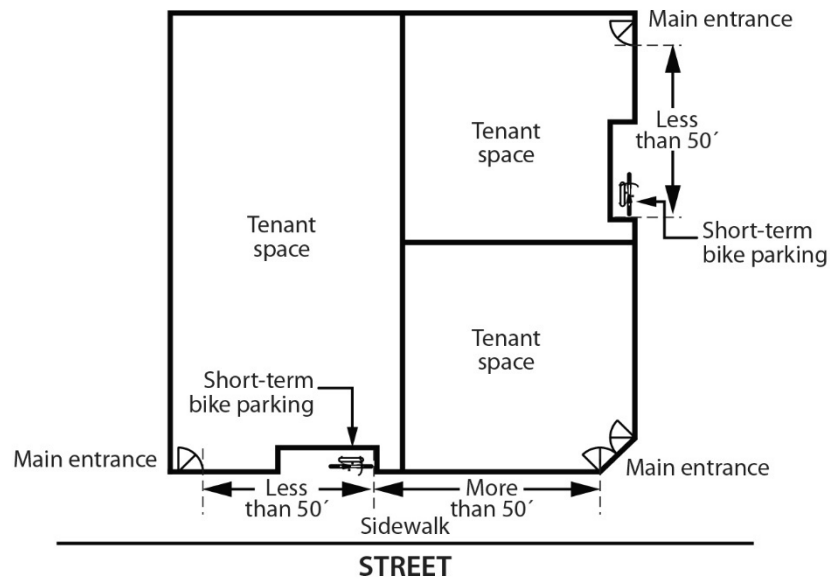
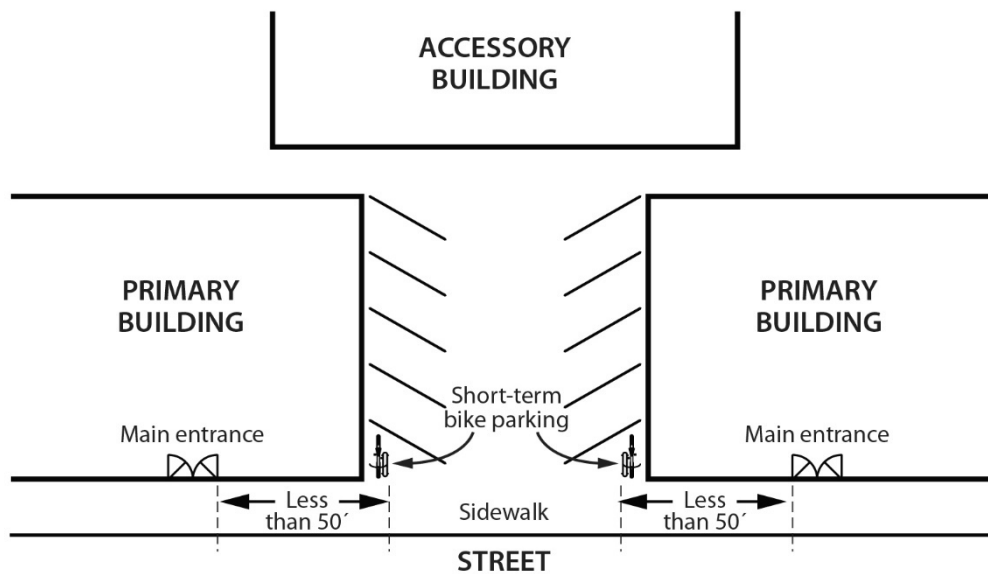


Figure 266-17
Short-term bike parking – multiple buildings, multiple entrances



Loading

33.266.310 Loading Standards

- A. Purpose.** A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.
- B. Where these regulations apply.** The regulations of this section apply to all required and non-required loading areas.
- C. Number of loading spaces.**
 - 1. Buildings where all of the floor area is in Household Living uses must meet the standards of this Paragraph.
 - a. One loading space meeting Standard B is required where there are more than 50 dwelling units in the building and the site abuts a street that is not a streetcar alignment or light rail alignment.
 - b. One loading space meeting Standard B is required where there are more than 20 dwelling units in a building located on a site whose only street frontage is on a streetcar alignment or light rail alignment.
 - c. One loading space meeting Standard A or two loading spaces meeting Standard B are required when there are more than 100 dwelling units in the building. This standard does not apply until January 1, 2029.

2. Buildings where any of the floor area is in uses other than Household Living must meet the standards of this Paragraph.
 - a. Buildings with any amount of net building area in Household Living and with less than 20,000 square feet of floor area in uses other than Household Living are subject to the standards in C.1. above.
 - b. One loading space meeting Standard A is required for buildings with at least 20,000 and up to 50,000 square feet of net building area in uses other than Household Living.
 - c. Two loading spaces meeting Standard A are required for buildings with more than 50,000 square feet of net building area in uses other than Household Living.
- D. Size of loading spaces.** Required loading spaces must meet the standards of this subsection.
1. Standard A: the loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.
 2. Standard B: The loading space must be at least 18 feet long, 9 feet wide, and have a clearance of 10 feet.
- E. Placement, setbacks and landscaping.** Loading areas must comply with the setback and perimeter landscaping standards stated in Table 266-8 below. When parking areas are prohibited or not allowed between a building and a street, loading areas are also prohibited or not allowed.
- F. Forward motion.**
1. Outside the Central City plan district. Outside the Central City plan district, loading facilities generally must be designed so that vehicles enter and exit the site in a forward motion. Standard B loading spaces that are accessed from a Local Service Traffic Street are exempt from this requirement
 2. In the Central City plan district. In the Central City plan district, loading facilities that abut a light rail or streetcar alignment must be designed so that vehicles enter and exit the site in a forward motion.
- G. Paving.** In order to control dust and mud, all loading areas must be paved.

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

Transportation and Parking Demand Management

33.266.410 Transportation and Parking Demand Management

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

33.266.420 Transportation Impact Review in the Campus Institutional Zones

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

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

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

Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No 189784, effective 3/1/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190380, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24; Ord. No. 191942, effective 1/1/25.)

33.272 Major Public Trails

272

Sections:

- 33.272.010 Purpose
- 33.272.020 Where These Regulation Apply
- 33.272.030 Dedication of Public Right-Of-Way or Easement
- 33.272.040 Construction of the Trail
- 33.272.050 Trail Standards
- 33.272.060 Use of Trail
- 33.272.070 Hours of Use
- 33.272.080 Trespass
- 33.272.090 Trail Maintenance and Liability
- 33.272.100 Standards for City Acceptance of Deeded Land

33.272.010 Purpose

The major public trail requirements are intended to:

- Increase recreational opportunities within the City of Portland and connect these recreational opportunities with a regional recreational trail system;
- Support active modes of transportation and provide connections to other transportation systems;
- Increase public access to and along the Willamette River and to other significant natural resource areas;
- Provide emergency vehicle access;
- Provide access to increase public safety;
- Assist in flood protection and control;
- Assist in shoreline anchoring;
- Implement the City's Comprehensive Plan policies regarding public trails;
- Help create a pleasant, aesthetically pleasing urban environment; and
- Provide consistent standards for trail development.

33.272.020 Where These Regulations Apply

- A. General.** The regulations of this chapter apply to all sites that have the major public trail symbol designation shown on the Official Zoning Maps. The regulations of this chapter apply when a proposed development will increase the use of the trail system or will contribute to the need for additional trail facilities, and application of the regulations is determined to be roughly proportional to the impacts of the proposed development. Portland Permitting & Development is authorized to develop and maintain administrative rules establishing a clear and objective formula for rough proportionality. A determination that the regulations of this chapter do not apply does not preclude acquisition and construction of a public trail through other legal means.
- B. Exception.** The regulations of this chapter do not apply when the proposal is for the removal or remediation of hazardous substances and the actions are conducted in compliance with state law under ORS. Chapter 465.

- C. Columbia South Shore Plan District.** Sites in the Columbia South Shore Slough Trail area and Cross-Levee Trail area must also comply with the regulations of 33.515.260. These areas are shown on Map 515-4.
- D. South Waterfront subdistrict of the Central City Plan District.** Sites in the South Waterfront subdistrict of the Central City Plan District must also comply with the regulations of 33.510.253. The regulations of that section specify when major public trails must be constructed within the South Waterfront subdistrict.

33.272.030 Dedication of a Public Right-Of-Way or Easement

All applicants for a land use review or for building permits on lands designated with a major public trail symbol on the zoning map may be required to grant an easement for the trail. The easement must be recorded with the County Recorder/Auditor's Office as part of recording an approved land use review decision, and finalized prior to obtaining a final certificate of occupancy. The land may be donated to the City instead of granting an easement when the standards of Section 33.272.100 are met. Trails shown adjacent to public rights-of-way may be constructed in the public right-of-way, subject to approval from the Portland Bureau of Transportation.

33.272.040 Construction of Trails

- A. Single-dwelling zones.** The construction of the major public trail in single-dwelling residential zones is only required for land divisions and Planned Developments. Construction of the trail is not required as part of development on an existing single-dwelling lot.
- B. All other zones.** Construction of the major public trail is required on lands designated with a major public trail symbol on the zoning maps in any of the following situations:
 - 1. When there is new development;
 - 2. When exterior alterations to existing development are 35 percent or greater of the assessed improvement value of the total improvements on the site; or
 - 3. When there is a land division or Planned Development.
- C. Prior to certificate of occupancy.** The trail must be constructed prior to the issuance of a certificate of occupancy, unless the site is eligible for the trust fund provisions of 33.515.260.B, or the special timing provisions of 33.510.253.D.4.

33.272.050 Trail standards.

A major public trail must comply with the standards of Portland Parks and Recreation for recreational trails or, where the trail is located in a public right-of-way, it must comply with the standards of the Portland Bureau of Transportation.

33.272.060 Use of Trail

Public use and conduct on the major public trail are subject to the regulations in Chapter 12, Prohibited Conduct, of Title 20, Parks and Recreation; and Chapter 50, Columbia South Shore Slough Trail of Title 20 except as otherwise limited by the terms of an easement between the applicant and the City.

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

33.281.055 Loss of Conditional Use Status on School Sites.

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

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

Regulations in C and E zones

33.281.060 Use Regulations

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

Development Standards

33.281.100 General Standards

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

33.281.110 Building Coverage and Floor Area Ratio

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

33.281.120 Special Event Parking

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

33.281.130 Bus Loading

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

33.281.140 Landscaping

This section states exceptions to the normal landscaping requirements.

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

33.281.150 Temporary Structures

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

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

4. The market manager must retain organic certification information on site and must post a sign in a prominent location that reads "Questions about organic certification? Contact market manager," and that also includes a phone number for the market manager.

E. Fairs, carnivals, and other major public gatherings.

1. In the CI1 and RF through RM4 and RMP zones, fairs, carnivals and other major public gatherings are allowed for up to 9 consecutive days at a site with an existing institutional use. The 9 days does not include up to 5 total days to set up and breakdown the event. Two events are allowed per calendar year.
2. In the IR zone, fairs, carnivals and other major public gatherings are allowed for up to 9 consecutive days at a site with an existing institutional use. Temporary events must be listed in the institution's approved mission statement and impact mitigation plan. The 9 days does not include up to 5 total days to set up and breakdown the event. Two events are allowed per calendar year.
3. In the RX, C, E, I, and CI2 zones, fairs and carnivals and other major public gatherings are allowed for up to 2 consecutive weeks at any one time. The 2 weeks does not include up to 5 total days to set up and breakdown the event. The time between events must be 4 times as long as the duration of the last event.
4. In the OS zone, fairs, carnivals, and other major public gatherings are allowed by right. A permit is required from the Bureau of Parks when such activities occur in public parks and open spaces.

F. Construction activities

1. Use of existing house or manufactured dwelling. In the IR, CI1, and RF through RM4 and RMP zones, an existing house or a manufactured dwelling may be used temporarily for a residence while a permanent residence is being constructed. The existing house or manufactured dwelling may remain on the site until the completion of the construction, or for not more than 2 years, whichever time period is less. The existing house or manufactured dwelling must be removed within 1 month after approval of final occupancy for the new residence. A performance bond or other surety must be posted in conformance with 33.700.050, Performance Guarantees, to ensure removal of the existing house or manufactured dwelling.
2. Building relocation. In all zones except the OS zone, a site may be used once per year to store a building for up to 6 months while the building is awaiting permanent placement. Site development standards of this Title do not apply to the building while it is being stored; however other city requirements may still apply such as stormwater management and erosion control. A performance bond in conformance with 33.700.050, Performance Guarantees or other form acceptable to the Director of PP&D must be posted to ensure removal of the building if is not permanently placed within 6 months.

3. Construction parking. In all zones, temporary parking areas are allowed 30 days prior to and during construction on the site. They must be removed within 1 month of issuance of a certificate of occupancy for the construction. The land must be restored to the condition it was in before the development of the temporary parking area unless an alternative development has been approved for the location. A performance bond or other surety must be posted in conformance with 33.700.050, Performance Guarantees, to ensure removal.
4. Construction staging areas
 - a. General construction projects. Staging areas for construction projects in the RM4, RX, C, E, and CI2 zones are allowed 30 days prior to and during construction on the site subject to subparagraph .030.F.4.c. The staging area may be located off-site, however in no case can the staging area be located within an OS or single-dwelling zone.
 - b. Public utility projects. Staging areas for public utility improvement projects, such as the installation of sewer pipes, water pipes, and transportation improvements, are allowed in all zones and are subject to the regulations below.
 - c. Staging area standards. Adjustments to the following standards are prohibited
 - (1) Staging areas that last more than one year require that a community relations representative is designated for the project. The community relations representative must be available to respond to neighbors related to the operation of the staging area. The community relations representative must also be available to meet on at least a quarterly basis with the affected neighborhood association and business association until the staging area is removed.
 - (2) Staging areas located within an Environmental, River Environmental, River Natural, or Pleasant Valley Natural Resource overlay zone are subject to the regulations for a permanent use regardless of the length of time the staging area will be in place.
 - (3) Dust, mud and erosion control. During the construction project, erosion control measures must be maintained in order to reduce dust on the site and to reduce dust and mud on adjacent streets from vehicles entering and leaving the site. During the length of the project, the site must be enclosed or protected in a manner to prevent on-site erosion and to prevent sediment from leaving the site.
 - (4) Final condition. When the construction project is final, the staging area must be prepared and seeded with a mixture of 100 percent perennial rye grass to create a low maintenance vegetative ground cover. This requirement does not apply to portions of the staging area that were paved before the project started. In the RX, C, E, I, and CI2 zones the staging area may be graveled instead of seeded; however gravel is not allowed within 5 feet of lot lines. Seeding is required within 5 feet of the lot lines.

Figure 410-1
Buffer for C Zones

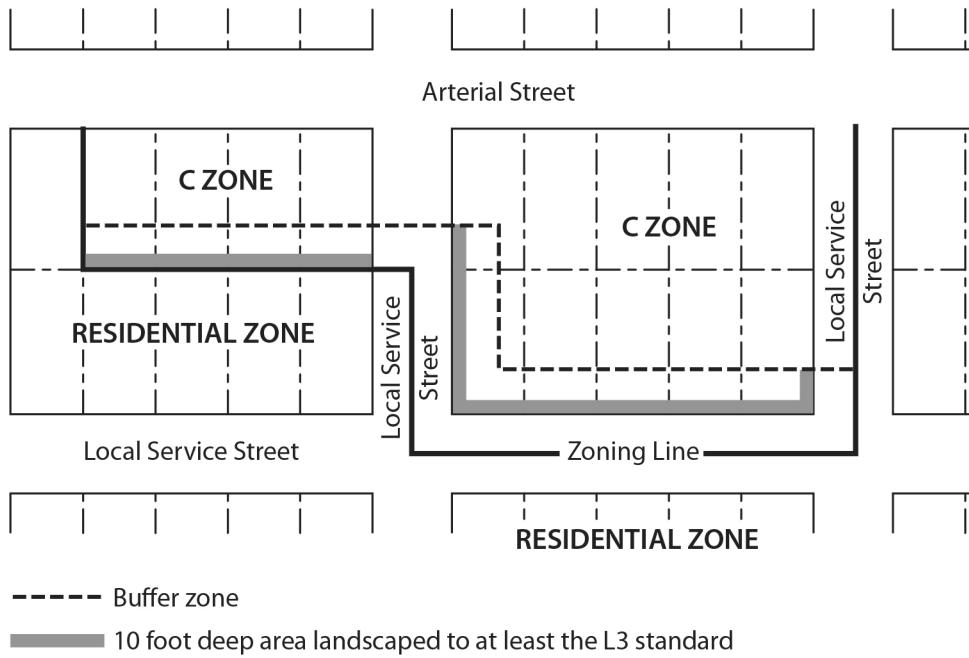
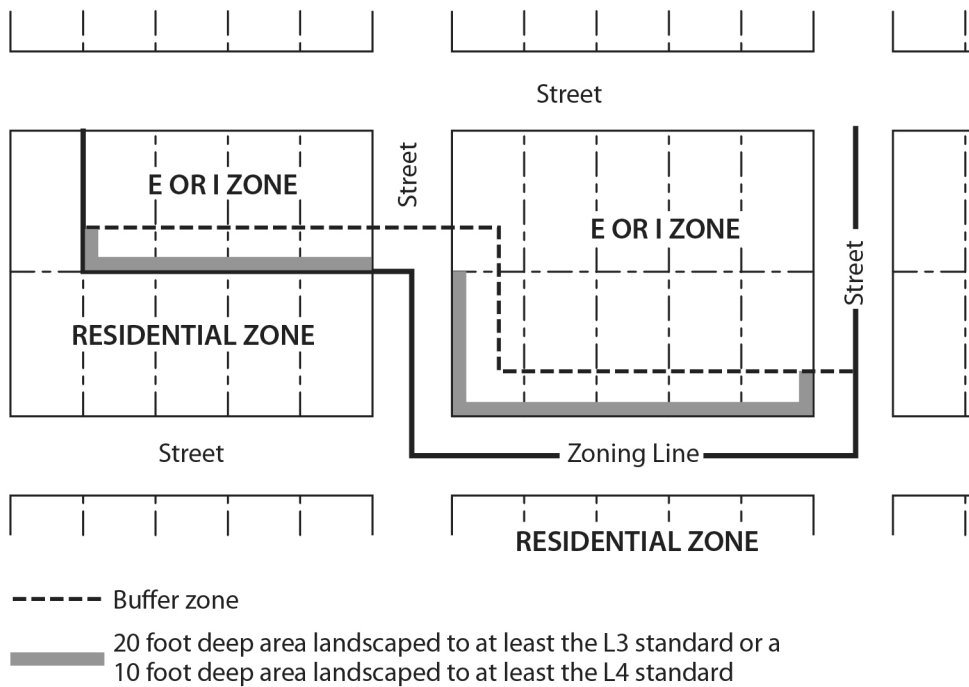


Figure 410-2
Buffer in the E and I Zones



33.410.080 Off-Site Impacts

All development in the Buffer zone is subject to the regulations of Chapter 33.262, Off-site Impacts. If the Director of PP&D determines that the proposed use or development may not meet the off-site impact standards, the Director of PP&D may require the applicant to document that the standards will be met, as stated in 33.262.100, Documentation in Advance.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 170704, effective 1/1/97; Ord. No. 171589, effective 11/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 179980, effective 4/22/06; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

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

- K.** Replacement trees must be at least one-half inch in diameter; shrubs must be in at least a 1-gallon container or the equivalent in ball and burlap. All trees and shrubs must be selected from the *Portland Plant List* and planted on the site within the environmental zone. Conifers must be replaced with conifers and shrubs must consist of at least two different species;

L. Nuisance plants.

1. Remove plants on the Nuisance Plants List in an area on the site that is equal to 50 percent of the size of the proposed permanent disturbance area, or from the entire site, whichever is less.
2. Plant removal must occur outside of the permanent and temporary disturbance areas.
3. Nuisance plant removal entails actions such as the removal of: roots, the above ground portion of the plant, and the seeds of the plant such that existing non-nuisance or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants.
4. The cleared area must be replanted as follows:
 - a. Seed the entire area of removal with a native grass seed.
 - b. Install seven groundcover plants and two shrubs per 50 square feet. Groundcover plants must be a minimum size of four-inch pots and the shrubs a minimum size of one gallon pots.
 - c. Install one native tree that is at least one-half inch in diameter for every nuisance tree over 6 inches in diameter that is removed.
 - d. Planting native species listed on the *Portland Plant List* is required.

M. All vegetation planted in a resource area is native and listed on the *Portland Plant List*. Plants listed on the Nuisance Plants List are prohibited;

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

Note:

[1] Within the combined flood hazard area located outside of the IH, IG2 and EG2 zones, Option A requires at least 3 native trees to be planted.

[2] Option B is not applicable within the combined flood hazard area except on lots zoned IH, IG2 or EG2.

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

- C. Temporary disturbance areas caused by the tree removal must be replanted to meet one of the following options. Shrubs planted to meet this standard may be counted towards meeting the replacement requirements shown in Table 430-3:
 - 1. Option 1. Three shrubs and four other plants must be planted for every 100 square feet of temporary disturbance area; or
 - 2. Option 2. Three shrubs must be planted for every 100 square feet of temporary disturbance area and the remainder of the temporary disturbance area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; and
- D. Replacement plantings must meet the planting standards in 33.430.140.K.

Environmental Review

33.430.210 Purpose

Environmental review is intended to:

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

33.430.220 When Environmental Review is Required

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

33.430.230 Procedure

Environmental reviews are processed through the following procedures:

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

33.430.240 Supplemental Application Requirements

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

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

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

- 1. The existing conditions site plan must show the following for the entire site:
 - a. Combined flood hazard area and floodway boundaries;
 - b. Boundaries of the resource area and the transition area. These boundaries may be scaled in relation to property lines from the Official City Zoning Maps;
 - c. Topography shown by contour lines at two foot vertical contours in areas of slopes less than ten percent and at five foot vertical contours in areas of slopes ten percent or greater;

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

- c. Distribution outline, species composition, size, number, and spacing of shrubs to be planted;
- d. Location, species, number, and size of each tree to be planted;
- e. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
- f. Water bodies to be created, including depth;
- g. Water sources to be used, including volumes; and
- h. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

B. Supplemental narrative. The following is required:

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

3. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts that result from the chosen development alternative or violation as identified in the impact evaluation. A mitigation or remediation plan includes:
 - a. Resources and functional values to be restored, created, or enhanced on the mitigation or remediation site;
 - b. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
 - c. Construction timetables;
 - d. Operations and maintenance practices;
 - e. Monitoring and evaluation procedures;
 - f. Remedial actions for unsuccessful mitigation; and
 - g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

33.430.250 Approval Criteria

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

A. Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, septic systems, land divisions, Property Line Adjustments, Replats, Planned Developments, and Planned Unit Developments. Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below, have been met:

1. General criteria for public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, septic systems, land divisions, Property Line Adjustments, replats, Planned Developments, and Planned Unit Developments:
 - a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone;
 - b. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;
 - c. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;
 - d. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

- e. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.
2. Public safety facilities. The public benefits of the proposal outweigh all significant detrimental impacts;
 3. Rights-of-way, driveways, walkways, outfalls, utilities, and septic systems;
 - a. The location, design, and construction method of any outfall or utility proposed within the resource area of an environmental protection zone has the least significant detrimental impact to the identified resources and functional values of other practicable alternatives including alternatives outside the resource area of the environmental protection zone;
 - b. There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and
 - c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts.
 4. Land divisions, Property Line Adjustments, replats, Planned Developments, and Planned Unit Developments:
 - a. Proposed uses and development must be outside the resource area of the Environmental Protection zone except as provided under Paragraph A.3 above. Other resource areas of Environmental Protection zones must be in environmental resource tracts;
 - b. There are no practicable arrangements for the proposed lots, tracts, roads, or parcels within the same site, that would allow for the provision of significantly more of the building sites, vehicular access, utility service areas, and other development on lands outside resource areas of a conservation zone; and
 - c. Development, including building sites, vehicular access and utilities, within the resource area of a conservation zone must have the least amount of detrimental impact on identified resources and functional values as is practicable. Significantly different but practicable development alternatives, including alternative housing types or a reduction in the number of proposed or required units or lots, may be required if the alternative will have less impact on the identified resources and functional values than the proposed development.
- B. Resource enhancement projects.** In resource areas of environmental zones, resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all of the following are met:
1. There will be no loss of total resource area;
 2. There will be no significant detrimental impact on any resources and functional values; and
 3. There will be a significant improvement of at least one functional value.

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

2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;
3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;
4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;
5. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and
6. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

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

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

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

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

33.430.260 Performance Guarantees

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

33.430.270 Special Evaluation by a Professional

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

33.430.280 Modifications That Will Better Meet Environmental Review Requirements

The review body may consider modifications for lot dimension standards or site-related development standards as part of the environmental review process. Except as specified in 33.610.200 and 33.611.200, the review body may not consider modifications to standards for which adjustments are prohibited. Modifications are done as part of the environmental review process and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use, number of units, or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations. For modifications to lot dimension standards, the review body must also find that the development will not significantly detract from the livability or appearance of the area.

Natural Resource Management Plans

33.430.310 Purpose

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

33.430.320 Scope

Natural resource management plans must cover large ecosystems such as a forests, creeks, sloughs, or watersheds. These plans must address all resources and functional values conserved and

protected by environmental zones within the plan boundaries. The plan must also address all significant detrimental impacts of uses allowed by the plan.

33.430.330 Procedure

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

33.430.340 Components

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

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

33.430.350 Approval Criteria for Adoption and Amendment.

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

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

Corrections to Violations of This Chapter

33.430.400 Purpose

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

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

33.430.405 Correction Options

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

A. When these options may be used.

1. If all of the following are met, the applicant may choose Option One, Option Two, or Option Three:
 - a. Tree removal:
 - (1) Only non-native trees have been removed;
 - (2) No more than 12 diameter inches of native trees have been removed; or
 - (3) No more than one of the following has been removed:
 - A Madrone 4 inches or less;
 - A Garry Oak 4 inches or less; or
 - A Pacific Yew 2 inches or less;
 - b. No development, exterior alteration, or exterior improvement has occurred below the top of bank or within a wetland, stream channel, drainageway, or waterbody.
 - c. The proposal will remove all illegal development; and
 - d. The proposal will replant illegal clearing.
2. If any of the following apply, the applicant may not use Option One, but may chose either Option Two or Option Three:
 - a. Tree removal. More than 12 diameter inches of native trees have been removed;
 - b. More than one of the following has been removed:
 - (1) A Madrone 4 inches or less;
 - (2) A Garry Oak 4 inches or less;
 - (3) A Pacific Yew 2 inches or less;
 - c. Any of the following has been removed:
 - (1) A Madrone larger than 4 inches;
 - (2) A Garry Oak larger than 4 inches; or
 - (3) A Pacific Yew larger than 2 inches.
3. If the applicant cannot meet Options One or Two, Option Three must be used.
4. If the violation also violates a condition of approval of a land use review and no trees have been removed, the applicant may choose Option One or the process described in Section 33.730.140. The applicant may not choose Options Two or Three.
5. If the violation also violates a condition of approval of a land use review, and trees have been removed, the applicant must use the process described in Section 33.730.140. The applicant may not choose one of the options in this section.

B. Option One, Remove and Repair. This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this subsection must be met, and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these requirements are prohibited.

1. All items and materials placed in the area of violation are removed and no new disturbance area is created;
2. Any soil compaction resulting from the violation is tilled or otherwise broken up to a depth of 6 inches prior to planting; and
3. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:
 - a. The area disturbed by the violation activity must be replanted;
 - b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*;
 - c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in B.3.b. must be planted on the site for every 50 square feet disturbed;
 - d. Any plants on the Nuisance Plants List on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
 - e. Trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 1-gallon size. All other species must be a minimum of 4-inch pots; and
 - f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.
4. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size.

C. Option Two, Retain and Mitigate. This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these standards are prohibited.

1. The applicable standards of Section 33.430.140 through .190 must be met; and
2. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:

- a. The area disturbed by the violation activity must be replanted;
 - b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*.
 - c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in C.2.b must be planted on the site for every 50 square feet disturbed;
 - d. Any plants on the Nuisance Plants List on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
 - e. Trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 1-gallon size. All other species must be a minimum of 4-inch pots; and
 - f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.
3. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size.

D. Option Three, Environmental Review. This option requires Environmental Review, using the approval criteria and procedures below:

1. Approval criteria. The approval criteria of Subsection 33.430.250.G must be met.
2. Review procedures. Reviews are processed as follows:
 - a. Type III. The following situations require a Type III review:
 - (1) The removal of trees that exceeds the quantity of environmental standard 33.430.140.J.
 - (2) Any development, exterior alteration, or exterior improvement within or below top of bank of a wetland, stream channel, drainageway, or waterbody.
 - b. Type II. All other environmental reviews to correct environmental code violations are processed through a Type II procedure.
 - c. All environmental reviews must provide the information required in Section 33.430.240, Supplemental Application Requirements.

33.430.407 Recurring Violations of This Chapter

- A. Recurring violations on a site.** Sites where there have been more than one environmental violation while in the same ownership may be subject to fines under Title 3.

- B. Recurring violations by an individual or business.** Individuals or businesses who have committed more than one environmental violation may be subject to fines under Title 3.

Notice and Review Procedure

33.430.410 Purpose

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

33.430.420 When These Regulations Apply

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

33.430.430 Procedure

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

- A. Application.** The applicant must submit a site plan with an application for a permit. The site plan must contain all information required by 33.430.130, Permit Application Requirements, and any additional information required for a building permit or development permit review.
- B. Notice of an application.**
1. Notice on website. Upon receipt of a complete application for a building or development permit, the Director of PP&D will post a notice of the application on the PP&D website and mail a notice of the request to all recognized organizations within 400 feet of the site. The posted notice of the application will contain at least the following information:
 - A statement that a building or development permit has been applied for that is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, or 33.430.405.C.
 - The legal description and address of the site;
 - A copy of the site plan;
 - The place where information on the matter may be examined and a telephone number to call; and
 - A statement that copies of information on the matter may be obtained for a fee equal to the City's cost for providing the copies.

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

2. E-mailed notice to recognized neighborhood associations. At the time a notice is posted on the PP&D website, the Director of PP&D will e-mail information about the internet posting to all recognized neighborhood associations and neighborhood coalition offices within 400 feet of the site. When an e-mail address is not available, the notice will be mailed to the neighborhood association and coalition office.
- C. Posting the site and marking development.** The applicant must post notice information on the site and identify disturbance areas as specified below.
1. Posting notice on the site. The applicant must place a public notice about the request on the site when the application is deemed complete by Portland Permitting & Development. A posted notice must be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. The posted notice will contain the same information as the notice posted on the internet.
 2. Marking proposed development on site. Prior to inspection of the site, the applicant will mark all trees over six inches diameter to be removed on the site and the building and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material.
- D. Site inspection.** A PP&D inspector will inspect the site prior to issuance of the permit and will provide the Director of PP&D with one of the following:
1. An inspection report that confirms the accuracy of the site plan and conformance with the applicable development standards; or
 2. A check sheet identifying the deficiencies in the plan. Deficiencies must be corrected before a building permit is approved, or they may be addressed through environmental review as described in Sections 33.430.210 through 33.430.280.
- E. Comments.** Any interested person may comment on the permit application by writing and specifically identifying errors or non-compliance with development standards.
- F. Response to comments.** If a comment is received, the Director of PP&D will respond in writing or in a manner suitable to the comment. The response will specifically address each comment that concerns compliance with the development standards of Section 33.430.140 through .190. The Director of PP&D will recheck permits for compliance with development standards and approve the permit if compliance is reaffirmed or when identified deficiencies are corrected, and when all applicable standards and regulations of the Zoning Code are met.

(Amended by: Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169375, effective 10/4/95; Ord. No. 171219, effective 7/1/97; Ord. No. 171260, effective 7/12/97; Ord. No. 171740, effective 11/14/97; Ord. No. 173015, effective 2/12/99; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178961, effective 6/13/05; Ord. No. 179540, effective 9/26/05; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183598, effective 4/24/10; Ord. No. 183534, effective 7/1/10; Ord. No. 184235, effective 11/26/10; Ord. No. 183534 and Ord. No. 184524, effective 7/1/11; Ord. No. 184944, effective 11/18/11; Ord. No. 185915, effective 5/1/13; Ord. No. 184944, effective 12/31/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189002, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 190834, effective 10/1/22; Ord. No. 191477, effective 3/1/24.)

33.440.220 Floor Area Ratios

The maximum floor area ratio (FAR) is 2 to 1 for the first 200 feet inland measured from the ordinary high water line, except in any of the following situations:

- A. The site is already subject to a more restrictive FAR; or
- B. The use is an industrial use in an IH or IG base zone.

33.440.230 Landscaping

- A. **Required landscaping.** Landscaping must be provided to conserve or re-establish vegetative cover within or riverward of the greenway setback. The landscaping must comply with the standards specified below. This is in addition to any landscape requirements of other chapters of this Title. The greenway landscape requirements may be included in any overall percentage-of-site landscape requirements of the base zone. Landscaping is not required where it would significantly interfere with a river-dependent or river-related use or development, or where the Fire Marshal finds that it would pose a safety hazard.
- B. **Landscaping standards.** Required greenway landscaping must comply with the standards stated below.
 - 1. A minimum of one tree for every 20 feet of river frontage.
 - 2. A minimum of one shrub for every two feet of river frontage. However, if the greenway trail is proposed to be wider than 12 feet, the shrub calculations will be based on a minimum of one shrub per 25 square feet of area within and riverward of the greenway setback that is not paved or reveted. Areas of high human use which provide public access to the river, such as a beach, are exempt from the shrub calculations.
 - 3. Remaining areas which are not paved or reveted surfaces must have living ground cover.
 - 4. All trees and shrubs are to be planted generally within and riverward of the greenway setback.
 - 5. The standards are for calculation purposes only, and do not require or imply linear planting. Grouping of trees and shrubs is encouraged, particularly on the riverbank.
- C. **Native plants.** All landscaping must comply with the native plant requirement of the Willamette Greenway Plan.
- D. **Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use.** The regulations of this subsection apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use. When alterations are made to a site that does not meet the standards of this section, and the alterations are over the threshold of Paragraph D.1, below, the site must be brought into conformance with the development standards listed in Subsections A, B, and C, above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by

Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.

1. **Thresholds triggering compliance.** The standards of Subsections A, B, and C must be met when the value of the proposed alterations on the site, as determined by PP&D, is more than \$356,000. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.
2. **Area of required improvements.** Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.
3. **Timing and cost of required improvements.** The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in Subparagraph 33.258.070.D.2.b, the standards of Subsections A, B, and C, above, are also included.

33.440.240 Major Public Trails

- A. Purpose.** Major public trails provide public access to and along both sides of the Willamette River. Major public trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. Major public trail requirements.** All sites with a major public trail symbol shown on the Official Zoning Maps must comply with the requirements of Chapter 33.272, Major Public Trails, provide and install the official Greenway Trail signs as required by the Parks Bureau, and meet the trail design guidelines contained in the Willamette Greenway Plan.
- C. Major public trails in the River Natural and River Water Quality zones.** Major public trails must be designed to minimize disturbances on the natural environment of the River Natural and River Water Quality zoned lands.

33.440.250 Public Viewpoints

- A. Purpose.** Public viewpoints provide stopping places along the Greenway trail and the Willamette River where the public can view and enjoy the natural, scenic, recreational, and economic qualities of the Greenway. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. Viewpoint requirements.** All sites designated with a viewpoint symbol on the Willamette Greenway Plan are required to provide a public viewpoint. The viewpoint must meet the viewpoint design guidelines contained in the Willamette Greenway Plan. In addition, the viewpoint must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Public Recreational Trails. In order to qualify for the maintenance and liability provisions, the viewpoint must be located along the physically continuous trail segment.

33.440.260 View Corridors

- A. Purpose.** View corridors provide visual access and connections to the river for neighborhoods and business districts who might otherwise be visually cut-off from the

river. View corridors are generally extensions of existing public rights-of-way through to the river. View corridors are one tool used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

- B. Provision of corridors.** All view corridors identified in the Willamette Greenway Plan must meet the view corridor design guidelines contained in the Willamette Greenway Plan.

33.440.270 Nonconforming Uses and Development

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

- A.** The development may continue.
- B.** The development may be changed to an allowed river-dependent or river-related development by right.
- C.** The development may be changed to another nonconforming development if within a building. If it is outdoors, it may not be changed to another nonconforming development.
- D.** The development may be expanded, but not within or riverward of the greenway setback except in the River Water Quality zone. In the River Water Quality zone, development may be expanded within the greenway setback when the building coverage of the development is not increased.

Greenway Review

33.440.300 Purpose

Greenway review ensures that all proposed changes to a site are consistent with the Willamette Greenway Plan, the Willamette Greenway design guidelines and, where applicable, the water quality element of Title 3 of Metro's Urban Growth Management Functional Plan. The purpose of greenway review is to ensure that:

- Development will not have a detrimental impact on the use and functioning of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities and natural habitat of lands along the river;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback;
- Practicable alternative development options are considered, including outside the River Water Quality zone setback; and
- Mitigation and enhancement activities are considered for development within the River Water Quality zone.

33.440.310 When Greenway Review Applies

Unless exempted in 33.440.320 below, the following items are subject to greenway review:

- A.** New development;

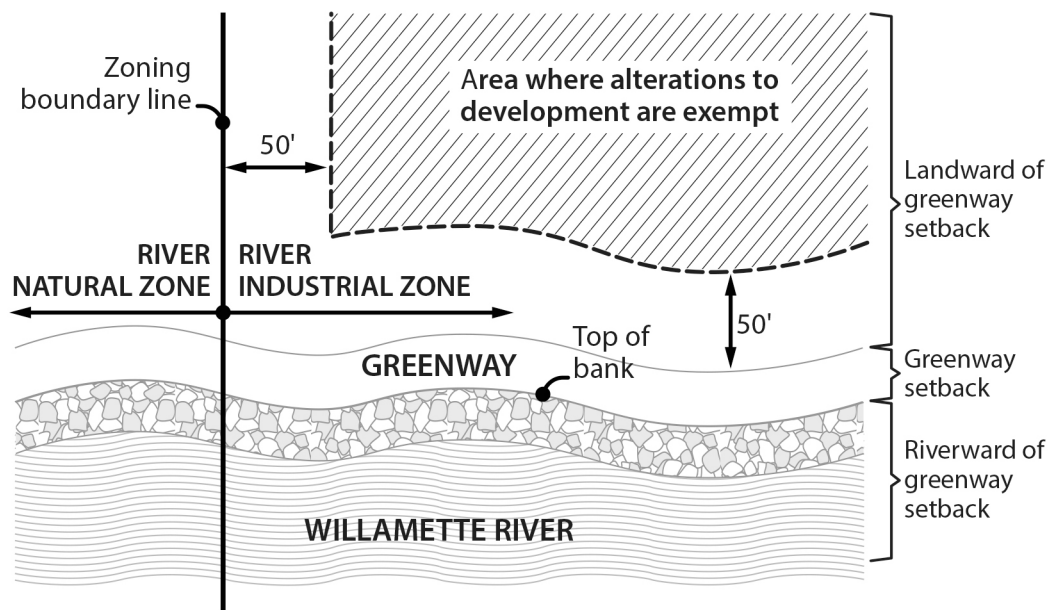
- B. Exterior alterations to development, including the removal of trees and shrubs and the application of herbicides;
- C. A change of use or development within or riverward of the greenway setback, where the use or development is no longer river-dependent or river-related;
- D. Changes to the land and structures in the water, including excavations and fills, bridges, and docks;
- E. The dedication or extension of rights-of-way and any new development or improvements in rights-of-way when within the River Natural zone or within or riverward of the greenway setback;
- F. Non river-dependent or river-related primary uses in the River Industrial Zone; and
- G. Non river-dependent or river-related primary uses in the River Water Quality Zone.

33.440.320 Exemptions from Greenway Review

Greenway review is not required for any of the situations listed below. The situations listed below are still subject to the Greenway development standards. When no development is proposed, removal of trees allowed under the exemptions below are subject to the tree permit requirements of Title 11, Trees. Exempt situations are:

- A. As illustrated in Figure 440-4, alterations to development in the River Industrial zone that are outside of the areas listed below:
 - 1. The greenway setback;
 - 2. Riverward of the greenway setback;
 - 3. Within 50 feet landward of the greenway setback; or
 - 4. Within 50 feet of River Natural zoned land;
- B. Alterations to development landward of the greenway setback when not in or within 50 feet of River Natural zoned land, that either do not require a building permit or are valued at less than \$25,000;
- C. Changes to the interior of a building where there are no exterior alterations;
- D. Development of or changes to the greenway trail or access paths provided that all development standards including the standards of Chapter 33.272, Major Public Trails, are met. Development of or changes in a viewpoint or view corridor, as indicated on Map 440-1, will require greenway review;
- E. Activities allowed by the base zone which are usual and necessary for the use and enjoyment of an existing house, including the modification of existing accessory structures or facilities, and the construction of driveways;
- F. Excavations and fills under 50 cubic yards;
- G. The normal maintenance and repair necessary for an existing development;

Figure 440-4
Exemptions from Greenway Review



- H. Dredging, channel maintenance, and the removal of gravel from rivers;
- I. Emergency procedures necessary for the safety or protection of property. In the River Water Quality overlay zone setback, temporary emergency procedures for the safety or protection of property that result in permanent measures must meet the regulations of this chapter after the emergency has passed;
- J. The placement of up to 4 single piles, or 2 multiple-pile dolphins for each 100 feet of shoreline for an existing river-dependent or river-related use;
- K. Signs;
- L. Removal of vegetation on the Nuisance Plants List; and
- M. Removal of trees not located within or riverward of the greenway setback or within the boundaries of the n and q overlays. However, trees removed using this exemption continue to be subject to other applicable regulations of this title and Title 11, Trees.

33.440.330 Procedures

All development that does not require a Greenway Goal Exception is processed through the Type II procedure. All development that requires a Greenway Goal Exception is processed through a Type III procedure, and must be approved by City Council. See Chapter 33.840, Greenway Goal Exception and Chapter 33.850, Statewide Planning Goal Exceptions.

33.440.340 Notice to State Parks and Recreation Division.

PP&D will forward a copy of all applications for greenway review to the Parks and Recreation Division of the Oregon Department of Transportation. The applications will be sent certified mail-return receipt requested. The notice of decision on all greenway reviews will also be forwarded to the Parks and Recreation Division.

33.440.345 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, Application Requirements, the information below is required for Greenway review applications.

- A. Supplemental site plans.** One copy of each plan must be at a scale of at least one inch to 100 feet.
1. An existing conditions site plan, showing the following:
 - a. Topography shown by contour lines at two foot vertical contours in areas of slope less than 10 percent and at five foot vertical contours in areas of slope ten percent or greater;
 - b. The top of bank and the setback area and the structures and topographic contours referenced to determine the top of bank. The site plan depicting the top of bank must be drawn accurately to scale, and be suitable for reproduction on paper no smaller than 8.5 x 11 inches and no larger than 36 x 48 inches. The scale of the drawing must be between 1 inch = 50 feet, and 1 inch = 10 feet. Ground elevations must be shown by contour lines at 2-foot vertical intervals. See the definition of top of bank in 33.910.030;
 - c. Distribution outline of shrubs and ground covers with a list of most abundant species;
 - d. Trees identified by species, including the location of the drip line;
 - e. Streams, wetlands, other water bodies, and drainage patterns, using arrows to indicate the direction of major drainage flow;
 - f. Existing improvements such as structures, buildings, utility lines, fences, paved areas, roads, culverts, and bridges;
 - g. Areas of known soil or groundwater contamination, areas of uncontained hazardous materials, and underground storage tanks; and
 - h. Stormwater management facilities.
 2. A development proposal site plan including:
 - a. A grading plan showing proposed alteration of the ground at two foot vertical contours in areas of slopes less than 10 percent and at five foot vertical contours in areas of slopes ten percent or greater;
 - b. Proposed improvements such as structures, buildings, utility lines, fences, paved areas, roads, culverts, bridges; stormwater facilities; and
 - c. Areas where existing topography and vegetation will be left undisturbed.
 3. A construction management site plan including:
 - a. Areas that will be disturbed, including equipment maneuvering areas;
 - b. Location of site access and egress;

- B. Map symbols.** Boundaries of Historic Landmarks, Conservation Landmarks, National Register Landmarks, Historic Districts, Conservation Districts, and National Register Districts are shown on the Official Zoning Maps.

33.445.050 Adoption of Design Guidelines

Design guidelines for Historic Districts and Conservation Districts are recommended by the Historic Landmarks Commission and adopted by City Council. These guidelines are used for historic resource review, which is required for some alterations and new development proposals affecting certain historic resources. Historic resource review ensures the conservation and enhancement of the special characteristics of historic resources.

33.445.060 Notice of Building and Housing Code Violations

When Portland Permitting & Development declares a Historic Landmark, Conservation Landmark, National Register Landmark, or contributing resource in a Historic District, Conservation District, or National Register District to be a dangerous building or posts a landmark to remain vacant, Portland Permitting & Development will notify the Historic Landmarks Commission of such action and of the specific code violations. The notice must be sent within ten working days of the action. The notice provides the Historic Landmarks Commission and the community the opportunity to inform the owner of potential rehabilitation programs and benefits or to pursue public or private acquisition and restoration of the historic resource.

Landmarks

33.445.100 Historic Landmark

A. Designation of a Historic Landmark

1. National Register listing. Structures, objects, and sites listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 are automatically identified as Historic Landmarks on the Official Zoning Maps. For Historic Landmarks that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, any expansion of the boundary by the federal Keeper of the National Register of Historic Places is automatically identified on the Official Zoning Maps. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
2. City designation. City designation of a Historic Landmark may be established through a legislative or quasi-judicial procedure. Designating a City Historic Landmark includes establishing a new Historic Landmark, expanding the boundaries of an existing Historic Landmark, and reclassifying a noncontributing resource as contributing within the boundaries of an existing Historic Landmark:
 - a. Legislative designation. Historic Landmark designation may be established through a legislative procedure using the approval criteria of Section 33.846.030.D; or
 - b. Quasi-judicial designation. Historic Landmark designation may be established through a quasi-judicial procedure; historic designation review is required.

B. Removal of a Historic Landmark designation

1. Removal of a resource's City designation as a Historic Landmark requires historic designation removal review or a legislative procedure using the approval criteria of Section 33.846.040.C except when the resource is destroyed or demolished as specified in Paragraphs B.3. and B.4. Removing a resource's City designation includes removing an existing Historic Landmark designation, changing a Historic Landmark designation to Conservation Landmark designation, reducing the boundaries of an existing Historic Landmark, and reclassifying a contributing resource as noncontributing within the boundary of an existing Historic Landmark.
2. For Historic Landmarks that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, the following is required:
 - a. Removal by the federal Keeper of the National Register of Historic Places automatically removes Historic Landmark designation. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
 - b. Removing a resource's designation as Historic Landmark or changing the resource's designation from Historic Landmark to Conservation Landmark requires historic designation removal review or a legislative procedure using the approval criteria of Section 33.846.040.C.
3. If the Historic Landmark is destroyed by causes beyond the control of the owner, its Historic Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
4. If the Historic Landmark is demolished, after approval of demolition through demolition review, its Historic Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

C. Relocation of a Historic Landmark. Relocating a Historic Landmark requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation. When a Historic Landmark or contributing resource is relocated after approval of relocation through historic resource review, the designation is automatically removed from the sending site and is automatically added to the receiving site. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

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

1. When historic resource review is required. Unless exempted by Paragraph D.2., the following proposals within the boundaries of a Historic Landmark are subject to historic resource review:
 - a. Exterior alterations;

Figure 445-1
Solar Energy System, Skylight and Roof Hatch Location on a Landmark Rooftop

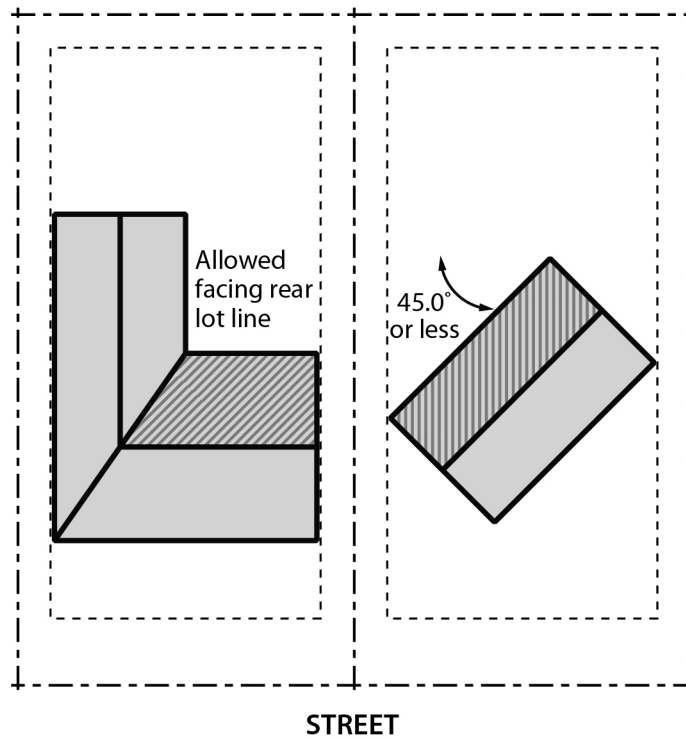
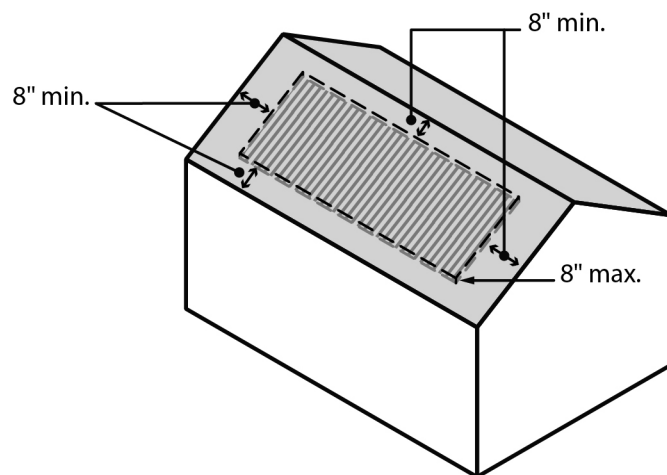


Figure 445-2
Solar Energy Systems on a Pitched Roof



- E. Demolition of a Historic Landmark.** Demolition of a Historic Landmark requires demolition review to ensure the landmark's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.

1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a Historic Landmark and demolition of a contributing resource is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of Historic Landmarks, and demolition of contributing resources, when demolition is required because:
 - (1) Portland Permitting & Development requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 - c. Historic Landmark trees subject to Section 11.20.060 of Title 11, Heritage Trees;
 - d. Alterations to Historic Landmarks or contributing resources that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and

- c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.110 Conservation Landmark

- A. Designation of a Conservation Landmark.** A Conservation Landmark may be designated through a legislative or quasi-judicial procedure. Designating a Conservation Landmark includes establishing a new Conservation Landmark, expanding the boundaries of an existing Conservation Landmark, and reclassifying a noncontributing resource as contributing within the boundaries of an existing Conservation Landmark.
 1. Legislative designation. Conservation Landmark designation may be established through a legislative procedure using the approval criteria of Section 33.846.030.D; or
 2. Quasi-judicial designation. Conservation Landmark designation may be established through a quasi-judicial procedure; historic designation review is required.
- B. Removal of a Conservation Landmark designation**
 1. Removal of a resource's City designation as a Conservation Landmark requires historic designation removal review or a legislative procedure using the approval criteria of Section 33.846.040.C except when the resource is destroyed or demolished as specified in Paragraphs B.2. and B.3. Removing a resource's City designation includes removing an existing Conservation Landmark designation, reducing the boundary of an existing Conservation Landmark, and reclassifying a contributing resource as noncontributing within the boundaries of an existing Conservation Landmark.
 2. If the resource is destroyed by causes beyond the control of the owner, its Conservation Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
 3. If the resource is demolished, after approval of demolition through demolition review, its Conservation Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- C. Relocation of a Conservation Landmark.** Relocating a Conservation Landmark requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
 1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a Conservation Landmark, including relocating a contributing resource, is subject to historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:
 - a. Relocating a noncontributing resource;
 - b. Relocating a Conservation Landmark, including relocating contributing resources, 10 feet or less in any direction within the boundary of the Conservation Landmark; and

- c. Relocating a detached accessory structure, including those that are identified as a contributing resource.
 3. When a Conservation Landmark or contributing resource is relocated, the designation is automatically removed from the sending site and is automatically added to the receiving site. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- D. Development within a Conservation Landmark boundary.** Certain development within the boundary of a Conservation Landmark requires historic resource review to ensure the landmark's historic value is considered prior to or during the development process. When historic resource review is required, the Community Design Standards may be used as an alternative for some proposals. See Section 33.445.500.
 1. When historic resource review is required. Unless exempted by Paragraph D.2., the following proposals within the boundaries of a Conservation Landmark are subject to historic resource review:
 - a. Exterior alterations;
 - b. Building a new structure within the boundary of a Conservation Landmark;
 - c. Installation or alteration of exterior signs; and
 - d. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review.
 2. Exempt from historic resource review.
 - a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Conservation Landmark documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations can be installed and removed without destroying existing materials;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and
 - (3) The seismic improvements do not penetrate through the exterior walls;

- f. Public Art as defined in Chapter 5.74;
- g. Landscaping unless the landscaping is identified in the Conservation Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- h. Parking lot landscaping that meets the standards of this Title;
- i. New or existing paths unless the path is specifically identified in the Conservation Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the facade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone, unless the sign or sign structure is mounted through mortar joints on a masonry wall;
- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing facade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment and associated ductwork will be installed has a pitch of 1/12 or less;
 - (2) The mechanical equipment and associated ductwork is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The equipment and associated ductwork has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;
 - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and

- (3) The hose, conduit, tube, or has a matte finish or is painted to match the facade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;
- s. Rooftop vents on roofs if the vent and associated elements such as pipes, conduits and covers, when the following are met:
 - (1) The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - (2) The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - (3) The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of vent height above the roof surface or top of parapet; and
 - (4) The proposed vent and associated elements has a matte finish or is painted to match the roof.
- t. Solar energy systems when the following are met:
 - (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
 - The solar energy systems must be screened from the street by:
 - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back from the roof edges facing the street 4 feet for each foot of solar energy system height.
 - (2) When the solar energy system is on a pitched roof the following must be met:
 - The roof surface must be clad in asphalt composite shingles or metal;
 - The roof must face a rear lot line or face within 45 degrees of the rear lot line. See Figure 445-1;

- The system must be mounted flush with the plane of the system parallel to the roof surface; and
 - The system must not be more than 8 inches from the surface of the roof and must be set back at least 8 inches from the roof edge and ridgeline. See Figure 445-2.
- u. Skylights or roof hatches when the following are met:
- (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 45 degrees of the rear lot line, see Figure 445-1.
- v. Replacement of vinyl, fiberglass, or aluminum windows with wood or metal-clad wood windows when the following are met:
- (1) The structure was built before 1940;
 - (2) The windows are on a non-street-facing facade;
 - (3) The replacement windows are installed exactly within the existing window openings; and
 - (4) The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape; and
- x. Construction of a detached accessory structure when the following are met:
- (1) The structure is not more than 200 square feet in total floor area; and
 - (2) The structure is at least 40 feet from a front property line and, if on a corner lot, at least 20 feet from a side street lot line.
- E. Demolition of a Conservation Landmark.** Demolition of a Conservation Landmark requires demolition review to ensure the landmark's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.
1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a Conservation Landmark and demolition of a contributing resource is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;

- c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review.
- a. Demolition of noncontributing resources;
 - b. Demolition of Conservation Landmarks, and demolition of contributing resources, when demolition is required because:
 - (1) Portland Permitting & Development requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 - c. Alterations to Conservation Landmarks or contributing resources that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review;
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
- a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.120 National Register Landmark

- A. Listing of a National Register Landmark.** Structures, objects, and sites listed by the federal Keeper of the National Register of Historic Places after January 27, 2017 are automatically identified on the Official Zoning Maps as National Register Landmarks. Listing by the federal Keeper of the National Register of Historic Places also includes expanding the boundaries of

the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

- B. Removal of a National Register Landmark listing.** A National Register Landmark that is removed by the federal Keeper of the National Register of Historic Places is automatically removed from the Official Zoning Maps. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- C. Relocation of a National Register Landmark.** Relocating a National Register Landmark requires historic resource review to ensure the landmark's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a National Register Landmark, including relocating a contributing resource, is subject to historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:
 - a. Relocating a noncontributing resource;
 - b. Relocating a National Register Landmark, including relocating contributing resources, 10 feet or less in any direction within the boundary of the National Register Landmark; and
 - c. Relocating a detached accessory structure including those that are identified as a contributing resource.
 3. When a National Register Landmark or contributing resource is relocated, the designation is automatically removed from the sending site and is automatically added to the receiving site. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- D. Development within a National Register Landmark boundary.** Historic resource review is not required for development within the boundary of a National Register Landmark. However, an applicant may voluntarily apply for historic resource review to be exempt from demolition review. See Section 33.445.120.E.2.d.
- E. Demolition of a National Register Landmark.** Demolition of a National Register Landmark requires demolition review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.
1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a National Register Landmark and demolition of a contributing resource is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;

- c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
 2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of National Register Landmarks, and demolition of contributing resources, when demolition is required because:
 - (1) Portland Permitting & Development requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Alterations to National Register Landmarks, or contributing resources, that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations were approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
 3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

Districts

33.445.200 Historic District

A. Designation of a Historic District

1. National Register listing. Districts listed by the federal Keeper of the National Register of Historic Places or before January 27, 2017 are automatically identified as Historic Districts on the Official Zoning Maps. For Historic Districts that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, any expansion of the boundary by the federal Keeper of the National Register of Historic Places is also automatically identified on the Official Zoning Maps. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
2. City designation. City designation of a Historic District may be established through a legislative or quasi-judicial procedure. City designation of Historic Districts includes establishing new Historic Districts, expanding the boundaries of existing Historic Districts, and reclassifying noncontributing resources as contributing resources within the boundary of existing Historic Districts.
 - a. Legislative designation. New Historic Districts must be established through a legislative procedure. Expanding the boundaries of an existing Historic District and reclassifying a noncontributing resource as contributing may be done through a legislative procedure. When designation is done legislatively, the approval criteria of Section 33.846.030.D apply.
 - b. Quasi-judicial designation. Expanding the boundaries of an existing Historic District and reclassifying a noncontributing resource as contributing may be done quasi-judicially. Historic designation review is required. Establishing a new Historic District quasi-judicially is prohibited.

B. Removal of a Historic District designation

1. Removal of a resource's City designation as a Historic District or changing the City designation from Historic District to Conservation District requires a legislative procedure using the approval criteria of Section 33.846.040.C.
2. For Historic Districts that have not been listed by the federal Keeper of the National Register of Historic Places, reclassifying a contributing resource to noncontributing or reducing the boundary requires historic designation removal review.
3. For Historic Districts that have been listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, removal by the federal Keeper of the National Register of Historic Places automatically removes the Historic District designation. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map

Amendments for Historic Resources. Removing a resource's designation as Historic District or changing the designation from Historic District to Conservation District requires a legislative procedure using the approval criteria of Section 33.846.040.C.

- C. Relocation of a contributing resource in a Historic District.** Relocating a contributing resource in a Historic District requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
- D. Development in a Historic District.** Certain development within a Historic District requires historic resource review to ensure the resource's historic value is considered prior to or during the development process.
1. When historic resource review is required. Unless exempted by Paragraph D.2, the following proposals in a Historic District are subject to historic resource review:
 - a. Exterior alterations;
 - b. Building a new structure;
 - c. Installation or alteration of exterior signs;
 - d. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review; and
 - e. Painting an unpainted exterior surface.
 2. Exempt from historic resource review.
 - a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Historic District documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations will not alter the exterior features of a resource having such features specifically listed in the Historic District documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and

- (3) The seismic improvements do not penetrate through the exterior walls;
- f. Public Art as defined in Chapter 5.74;
- g. Landscaping unless the landscaping is identified in the Historic District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- h. Parking lot landscaping that meets the standards of this Title;
- i. New or existing paths unless the path is specifically identified in the Historic District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the facade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone unless the sign or sign structure is mounted through mortar joints on a masonry wall;
- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing facade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment and associated ductwork will be installed has a pitch of 1/12 or less;
 - (2) The mechanical equipment and associated ductwork is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The equipment and associated ductwork has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;

- (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and
 - (3) The hose, conduit, tube, or pipe has a matte finish or is painted to match the facade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;
- s. Vents that meet the following:
- (1) Wall vents. Vents installed on walls must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:
 - Be on a non-street facing facade;
 - Project no more than 12 inches from the wall;
 - Be no more than 1 square foot in area., Area is width times height;
 - Be at least 1 foot away from architectural features such as windows, doors, window and door trim, cornices and other ornamental features, except when located at or below finish first floor framing; and
 - Be painted to match the adjacent surface.
 - (2) Rooftop vents. Vents installed on roofs, and associated elements such as pipes, conduit and covers, must meet the following:
 - The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of height above the roof surface or top of parapet; and
 - The proposed vent and associated elements has a matte finish or is painted to match the roof.
- t. Solar energy systems when the following are met:
- (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and

- The solar energy systems must also be screened from the street by:
 - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back 3 feet from the roof edge.
- (2) When the solar energy system is on a pitched roof the following must be met:
 - The system must be mounted flush with the plane of the system parallel to the roof surface; and
 - The system must not be more than 8 inches from the surface of the roof and must be set back at least 8 inches from the roof edge and ridgeline. See Figure 445-2.
- u. Skylights or roof hatches when the following are met:
 - (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 90 degrees of the rear lot line, see Figure 445-3.
- v. Replacement of windows as follows:
 - (1) Replacement of vinyl, fiberglass, or aluminum windows is exempt on all resources in all zones when the following are met:
 - On contributing resources:
 - The structure was built before 1940;
 - The new windows are wood or metal-clad wood;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - On noncontributing resources:
 - The building received final inspection at least five years ago;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;

- (2) Replacement of windows in single-dwelling zones is also exempt when the following are met:
 - On contributing resources:
 - The existing windows face the rear lot line;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - On noncontributing resources:
 - The building is at least 5 years old;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Changes to exterior fire escapes that meet the following:
 - (1) Removal of fire escapes when required by the Fire Marshal; or
 - (2) Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape;
- x. Construction of a new detached accessory structure as follows:
 - (1) In residential zones, construction of a new detached accessory structure is exempt when the structure is not more than 200 square feet in total floor area and the structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line. Construction of a new detached accessory structure that is greater than 200 square feet in total floor area is exempt when the following are met:
 - The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
 - The structure is at least 40 feet from a front lot line, and if on a corner, 20 feet from a side street lot line;
 - The structure is no more than 15 feet high, and the walls of the structure are not more than 10 feet high, excluding the portion of the wall within a gable;

- Windows and doors are made of wood, metal clad wood, or fiberglass;
 - Window glass is recessed at least 2 inches from the outside edge of the exterior wall;
 - If there is a contributing resource on the site, the exterior finish material matches the primary exterior finish material of the contributing resource in type, thickness, and exposure; and
 - If there is no contributing resource on the site, the exterior finish material is made from wood or composite boards at least ½ inch in thickness and composed in a shingle, horizontal clapboard, or shiplap pattern that is 6 inches or less in exposure;
- (2) In all other zones, construction of a detached accessory structure is exempt when the following are met:
- The structure is not more than 200 square feet in total floor area; and
 - The structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line;
- y. Alterations to existing basement windows and installation of new basement windows, when the following are met:
- (1) New windows are wood, metal-clad wood, or fiberglass;
 - (2) The window glass is recessed at least 2 inches from the outside edge of the exterior wall; and
 - (3) At least 50 percent of the area of the new window opening is below grade. See Figure 445-4.
- z. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as a contributing resource;
- aa. Removal of the exterior portion of an internal chimney if the only externally visible portion of the chimney is above the roof;
- ab. Installation of seismic straps if the straps are placed no more than 4 feet above the adjacent grade and painted to match the adjacent surface;
- ac. Fences and retaining walls that meet the standards of this Title;
- ad. Radon mitigation systems on non-street facing facades;
- ae. Eco-roofs installed on existing buildings when the roof is flat or surrounded by a parapet that is at least 12 inches higher than the highest part of the eco-roof surface. When eco-roofs are proposed as part of a project that includes elements subject to historic resource review, the eco-roofs are not exempt. Plants must be species that do not characteristically exceed 12 inches in height at mature growth;
- af. Decks that are no more than 2-1/2 feet above the ground; and

- ag. Alterations to noncontributing resources when the following are met:
- (1) The alterations affect only non-street-facing facades; and
 - (2) The total combined area altered on all facades is not more than 150 square feet.

Figure 445-3
Skylight and Roof Hatch Location on a District Rooftop

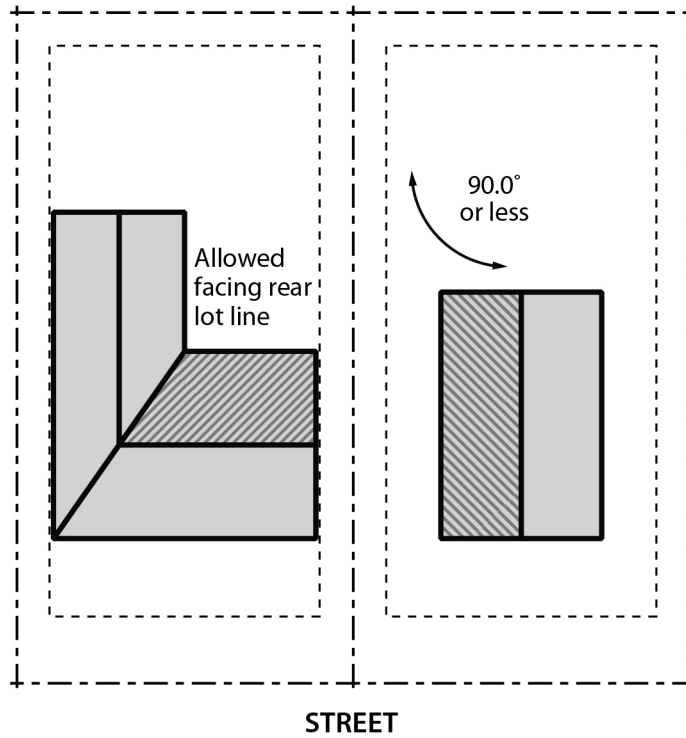
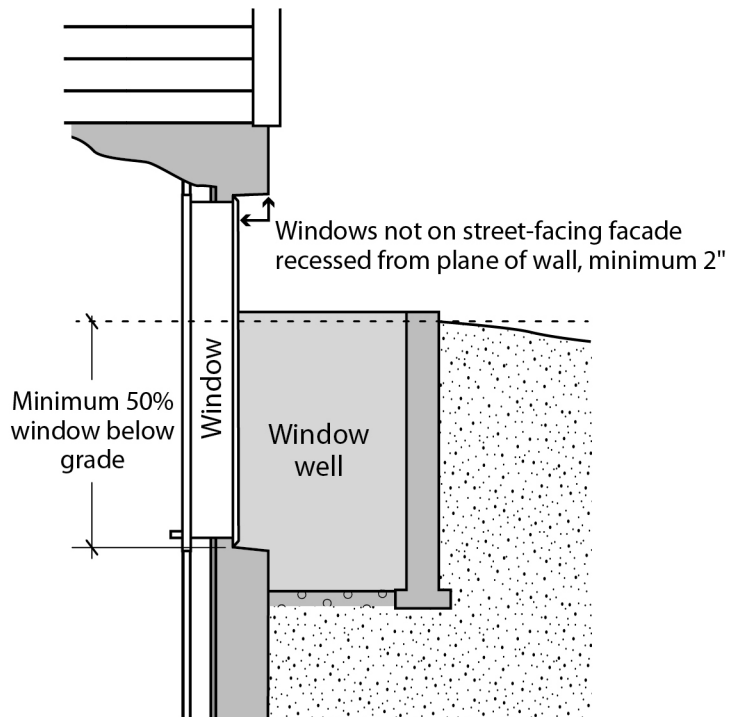


Figure 445-4
Basement Windows



E. Demolition of resources in a Historic District. Conservation Landmarks in a Historic District that are not identified as contributing to the historic significance of the Historic District are subject to the regulations of Section 33.445.110.E. National Register Landmarks in a Historic District that are not identified as contributing to the historic significance of the Historic District are subject to the regulations of Section 33.445.120.E. Significant Resources in a Historic District that are not identified as contributing to the historic significance of the Historic District are subject to the regulations of Section 33.445.330. Demolition of contributing resources within a Historic District requires demolition review to ensure their historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.

1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a contributing resource in a Historic District is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Historic Districts when demolition is required because:
 - (1) Portland Permitting & Development requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:

- (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
- a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.210 Conservation District

- A. Designation of a Conservation District.** Conservation Districts may be designated through a legislative or quasi-judicial procedure. Designating City Conservation Districts includes establishing new Conservation Districts, expanding the boundaries of existing Conservation Districts, and reclassifying noncontributing resources as contributing resources within the boundary of existing Conservation Districts.
1. Legislative designation. Conservation District designation may be established through a legislative procedure using the approval criteria of Section 33.846.030.D.
 2. Quasi-judicial designation. Expanding the boundaries of existing Conservation Districts and reclassifying noncontributing resources as contributing may be done quasi-judicially. Historic designation review is required. Establishing a new Conservation District quasi-judicially is prohibited.
- B. Removal of a Conservation District designation.** Removal of a resource's City designation as a Conservation District requires a legislative procedure using the approval criteria of Section 33.846.040.C. However, reclassifying a contributing resource to noncontributing or reducing the boundary of a Conservation District is allowed quasi-judicially through historic designation removal review.
- C. Relocation of a contributing resource in a Conservation District.** Relocating a contributing resource in a Conservation District requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a contributing resource in a Conservation District requires historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:

- a. Relocating a noncontributing resource;
 - b. Relocating a contributing resource 10 feet or less in any direction; and
 - c. Relocating a detached accessory structure, including those that are identified as a contributing resource.
- D. Development in a Conservation District.** Certain development within a Conservation District requires historic resource review to ensure the resource's historic value is considered prior to or during the development process. When historic resource review is required, the Community Design Standards may be used as an alternative for some proposals. See Section 33.445.500.
1. When historic resource review is required. Unless exempted by Paragraph D.2., the following proposals in a Conservation District are subject to historic resource review:
 - a. Exterior alterations;
 - b. Building a new structure;
 - c. Installation or alteration of exterior signs; and
 - d. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review.
 2. Exempt from historic resource review.
 - a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Conservation District documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations will not alter the exterior features of a resource having such features specifically listed in the Conservation District documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and
 - (3) The seismic improvements do not penetrate through the exterior walls;
 - f. Public Art as defined in Chapter 5.74;

- g. Landscaping unless the landscaping is identified in the Conservation District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- h. Parking lot landscaping that meets the standards of this Title;
- i. New or existing paths unless the path is specifically identified in the Conservation District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the facade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone unless the sign or sign structure is mounted through mortar joints on a masonry wall;
- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing facade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment and associated ductwork will be installed has a pitch of 1/12 or less;
 - (2) The mechanical equipment and associated ductwork is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The equipment and associated ductwork has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;
 - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and

- (3) The hose, conduit, tube, or pipe has a matte finish or is painted to match the facade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;
- s. Vents that meet the following:
 - (1) Wall vents. Vents installed on walls must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:
 - Be on a non-street facing facade;
 - Project no more than 12 inches from the wall;
 - Be no more than 1 square foot in area. Area is width times height;
 - Be at least 1 foot away from architectural features such as windows, doors, window and door trim, cornices and other ornamental features, except when located at or below finish first floor framing; and
 - Be painted to match the adjacent surface.
 - (2) Rooftop vents. Vents installed on roofs, and associated elements such as pipes, conduit and covers, must meet the following:
 - The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of height above the roof surface or top of parapet; and
 - The proposed vent and associated elements has a matte finish or is painted to match the roof.
- t. Solar energy systems when the following are met:
 - (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
 - The solar energy systems must also be screened from the street by:

- An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back 3 feet from the roof edge.
 - (2) When the solar energy system is on a pitched roof, the solar energy system must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 - (3) Photovoltaic roofing shingles or tiles may be directly applied to the roof surface;
 - (4) Photovoltaic glazing may be integrated into windows or skylights.
- u. Skylights or roof hatches when the following are met:
 - (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 90 degrees of the rear lot line, see Figure 445-3.
- v. Replacement of windows as follows:
 - (1) Replacement of vinyl, fiberglass, or aluminum windows is exempt on all resources in all zones when the following are met:
 - On contributing resources:
 - The structure was built before 1940;
 - The new windows are wood or metal-clad wood;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - On noncontributing resources:
 - The building received final inspection at least five years ago;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;

- (2) Replacement of windows in single-dwelling zones is also exempt when the following are met:
 - On contributing resources:
 - The existing windows face the rear lot line;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - On noncontributing resources:
 - The building is at least 5 years old;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Changes to exterior fire escapes that meet the following:
 - (1) Removal of fire escapes when required by the Fire Marshal; or
 - (2) Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape;
- x. Construction of a new detached accessory structure as follows:
 - (1) In residential zones, construction of a new detached accessory structure is exempt when the structure is not more than 200 square feet in total floor area and the structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line. Construction of a new detached accessory structure that is greater than 200 square feet in total floor area is exempt when the following are met:
 - The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
 - The structure is at least 40 feet from a front lot line, and if on a corner, 20 feet from a side street lot line;
 - The structure is no more than 15 feet high, and the walls of the structure are not more than 10 feet high, excluding the portion of the wall within a gable;

- Windows and doors are made of wood, metal clad wood, or fiberglass;
 - Window glass is recessed at least 2 inches from the outside edge of the exterior wall;
 - If there is a contributing resource on the site, the exterior finish material matches the primary exterior finish material of the contributing resource in type, thickness, and exposure; and
 - If there is no contributing resource on the site, the exterior finish material is made from wood or composite boards at least ½ inch in thickness and composed in a shingle, horizontal clapboard, or shiplap pattern that is 6 inches or less in exposure;
- (2) In all other zones, construction of a detached accessory structure is exempt when the following are met:
- The structure is not more than 200 square feet in total floor area; and
 - The structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line;
- y. Alterations to existing basement windows and installation of new basement windows, when the following are met:
- (1) New windows are wood, metal-clad wood, or fiberglass;
 - (2) The window glass is recessed at least 2 inches from the outside edge of the exterior wall; and
 - (3) At least 50 percent of the area of the new window opening is below grade. See Figure 445-4.
- z. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as a contributing resource;
- aa. Removal of the exterior portion of an internal chimney if the only externally visible portion of the chimney is above the roof;
- ab. Installation of seismic straps if the straps are placed no more than 4 feet above the adjacent grade and painted to match the adjacent surface;
- ac. Fences and retaining walls that meet the standards of this Title;
- ad. Radon mitigation systems on non-street facing facades;
- ae. Eco-roofs installed on existing buildings when the roof is flat or surrounded by a parapet that is at least 12 inches higher than the highest part of the eco-roof surface. When eco-roofs are proposed as part of a project that includes elements subject to historic resource review, the eco-roofs are not exempt. Plants must be species that do not characteristically exceed 12 inches in height at mature growth;
- af. Decks that are no more than 2-1/2 feet above the ground; and

- ag. Alterations to noncontributing resources when the following are met:
 - (1) The alterations affect only non-street-facing facades; and
 - (2) The total combined area altered on all facades is not more than 150 square feet.

E. Demolition of resources in a Conservation District. Historic Landmarks in a Conservation District are subject to the regulations of Section 33.445.100.E. Conservation Landmarks in a Conservation District that are not identified as contributing to the historic significance of the Conservation District are subject to the regulations of Section 33.445.110.E. National Register Landmarks in a Conservation District that are not identified as contributing to the historic significance of the Conservation District are subject to the regulations of Section 33.445.120.E. Significant Resources in a Conservation District that are not identified as contributing to the historic significance of the Conservation District are subject to the regulations of Section 33.445.330. Demolition of contributing resources in a Conservation District requires demolition review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.

1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a contributing resource in a Conservation District is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Conservation Districts when demolition is required because:
 - (1) Portland Permitting & Development requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or

- (2) The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.220 National Register District

- A. Listing of a National Register District.** Districts listed by the federal Keeper of the National Register of Historic Places after January 27, 2017 are automatically identified on the Official Zoning Maps as National Register Districts. Listing by the federal Keeper of the National Register of Historic Places also includes expanding of the boundaries of the listed resource. 33.855.075, Automatic Map Amendments for Historic Resources.
- B. Removal of a National Register District listing.** National Register Districts that are removed by the federal Keeper of the National Register of Historic Places are automatically removed from the Official Zoning Maps. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- C. Relocation of a contributing resource in a National Register District.** Relocating a contributing resource in a National Register District requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
 1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a contributing resource in a National Register District requires historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:

- a. Relocating a noncontributing resource;
 - b. Relocating a contributing resource 10 feet or less in any direction; and
 - c. Relocating a detached accessory structure, including those that are identified as a contributing resource.
- D. Development in a National Register District.** Historic resource review is not required for development within the boundary of a National Register District. However, an applicant may voluntarily apply for historic resource review to be exempt from demolition review. See Section 33.445.220.E.2.d.
- E. Demolition of resources in a National Register District.** Historic Landmarks in a National Register District are subject to the regulations of Section 33.445.100.E. Conservation Landmarks in a National Register District are subject to the regulations of Section 33.445.110.E. National Register Landmarks in a National Register District that are not identified as contributing to the historic significance of the National Register District are subject to the regulations of Section 33.445.120.E. Significant Resources in a National Register District that are not identified as contributing to the historic significance of the National Register District are subject to the regulations of Section 33.445.330. Demolition of a contributing resource in a National Register District requires demolition review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.
1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a contributing resource in a National Register District is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
 2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Conservation Districts when demolition is required because:
 - (1) Portland Permitting & Development requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of

- the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
- (2) The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
- c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
- a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

Significant Resources

33.445.300 Identifying a Significant Resource

Identifying a Significant Resource in the Historic Resource Inventory requires a legislative procedure.

33.445.310 Removal of Significant Resource Identification

Removal of a resource's identification as a Significant Resource in the Historic Resource Inventory requires a legislative procedure except as follows:

- A. Removal after destruction.** If the Significant Resource is destroyed by causes beyond the control of the owner, its identification as a Significant Resource in the Historic Resource Inventory is automatically removed.
- B. Removal after demolition.** If the Significant Resource is demolished after approval through demolition review or after 120-day delay, its identification as a Significant Resource in the Historic Resource Inventory is automatically removed.

33.445.320 Relocation of a Significant Resource

When a Significant Resource is relocated, the Historic Resource Inventory is automatically amended to reflect the Significant Resource's new location.

33.445.330 Demolition of a Significant Resource

- A. Demolition of a Significant Resource.** Demolition of a Significant Resource requires 120-day delay. See 33.445.340. For the purposes of this Chapter, demolition is defined as:
1. Total demolition;
 2. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 3. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 4. Alterations that result in:
 - a. The removal of 50 percent or more of the total exterior wall area of a structure; and
 - b. The removal of 50 percent or more of the total roof area of a structure; or
 5. For structures that are not buildings, an alteration that results in removal of 50 percent or more of the structure.
- B. Exempt from 120-day delay.** The following are exempt from 120-day delay:
1. Demolition of noncontributing resources;
 2. Significant Resources that are required to be demolished because:
 - a. Portland Permitting & Development requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - b. The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 3. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 4. Significant Resources that are located in the public right-of-way and are less than 2 feet in height.

33.445.340 120-Day Delay

- A. Purpose.** 120-day delay allows time for consideration of alternatives to demolition, such as rehabilitation, reuse, relocation, or architectural salvage.
- B. Suspension of permit issuance.** During the 120-day delay period, no permit for the demolition or exterior alteration of a Significant Resource may be issued. This suspension of permit issuance does not apply to relocation of a Significant Resource during the 120-day delay period.

- C. Procedure for 120-Day Delay.** 120-day delay is a nondiscretionary administrative process with public notice but no hearing. Decisions are made by the Director of PP&D and are final.
1. **Application.** The applicant must submit an application for a demolition or other permit that qualifies as demolition as defined by Subsection 33.445.330.A. Current or historic photographs of the features of the resource that were included when the resource was identified as a Significant Resource must be included with the application for a demolition or other permit that qualifies as demolition as defined by Subsection 33.445.330.A.
 2. **Notice of application.**
 - a. **Posting notice on the site.** Within 14 days of applying for a demolition or other alteration that qualifies as demolition as defined by Subsection 33.445.330.A, the applicant must post a notice on the site of the historic resource proposed for demolition. The posting must meet the following requirements:
 - (1) **Number and location of posted notices.** Notice must be placed on each frontage of the site occupied by the Significant Resource. Notices must be posted within 10 feet of the street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access;
 - (2) **Content of the posted notice.** The notice must include the following information:
 - The date of the posted notice.
 - The address of the resource proposed for demolition.
 - A statement specifying what action triggered the 120-day delay procedure and this notice.
 - A statement that during the 120-day delay period, no building permit for the demolition or exterior alteration of a Significant Resource requested to be demolished may be issued, other than a permit for relocation of the resource.
 - A statement that the purpose of the 120-day delay is to allow time for notice and consideration of alternatives to demolition, including restoration, relocation, or salvage of materials.
 - A statement that building permits may be issued after the date on which the 120-day delay has ended.
 - The name, address, and telephone number of the owner or the party acting as an agent for the owner.
 - (3) **Removal of the posted notice.** The posted notice must not be removed until the date on which the permit for demolition is issued. The posted notice must be removed within 30 days of that date.
 - b. **Mailed notice.** Within 14 days of receiving the application for a demolition or other alteration that qualifies as demolition as defined by this Chapter, the Director of PP&D will mail a notice of the proposed demolition to all properties

within 150 feet of the site of the resource, all recognized organizations within 1,000 feet of the site of the resource, and to the State Historic Preservation Office. The notice will include the same information as in Subsubparagraph C.2.a.(2).

3. Decision. The Director of PP&D will issue the permit 120 days after receiving the application if the applicant submits a letter stating that the applicant responded to all offers to relocate the resource, or to salvage elements of the resource during demolition. The letter must also identify those who submitted offers, and the applicant's response to those offers.

Historic Preservation Incentives

33.445.400 Historic Preservation Incentives

- A. **Purpose.** Historic preservation incentives increase the potential for historic resources to be preserved, rehabilitated, and reused. Incentives make preservation and rehabilitation more attractive to tenants and owners of historic resources because they provide use flexibility and economic opportunities. Some incentives also allow for broader public access to certain historic resources.
- B. **Eligibility for historic preservation incentives.** The following are eligible for historic resource incentives:
 1. Historic Landmarks and Conservation Landmarks are eligible to use all of the historic preservation incentives in Subsection C. The incentives only apply within the boundary of the Historic Landmark or Conservation Landmark;
 2. Sites in Historic or Conservation Districts that have at least one contributing resource are eligible to use all of the incentives in Subsection C except for the incentives in Paragraphs C.9 and C.10;
 3. Sites in Historic Districts that have no contributing resources are only eligible to use the incentives in Paragraph C.1 and C.2.
- C. **Incentives.** The following incentives are allowed. Adjustments to the incentives are prohibited:
 1. Residential infill. Except as stated in Subparagraph C.1.c., multi-dwelling structures and multi-dwelling development that meet the following standards are allowed on sites zoned R7, R5, R2.5, or CR within the boundary of a Historic Landmark, Conservation Landmark, or Historic District and are allowed on sites zoned R7, R5, R2.5, or CR within a Conservation District when the site contains at least one contributing resource:
 - a. Density. There is no limit on the number of dwelling units allowed on the site;
 - b. Maximum FAR.
 - (1) R7. Maximum FAR in R7 is 0.7 to 1;
 - (2) R5. Maximum FAR in R5 is 0.8 to 1;

- G. The Division of State Lands has approved any work that requires excavation or fill in a wetland.

33.465.180 Standards for Mitigation

The following standards apply to required mitigation. All of the standards must be met.

- A. **Size of mitigation area.** Mitigation must occur at a 2:1 ratio of mitigation area to proposed disturbance area;
- B. **Location of mitigation area.**
 - 1. Generally. Mitigation must occur in the Pleasant Valley Natural Resources overlay zone on the site where the disturbance occurs, except as allowed by B.2, below;
 - 2. Rights-of-way and utilities in the right-of-way. If the disturbance is associated with a right-of-way or utility in the right-of-way, the mitigation must occur in the Kelley Creek watershed.
- C. **Nuisance plants.** Plants listed on the Nuisance Plants List must be removed within the mitigation area;
- D. **Required plants and planting densities.** One tree, three shrubs, and four other plants are required to be planted for every 100 square feet of mitigation area. Plants must be native plants selected from the *Portland Plant List*. Plants required to meet other requirements of this title count toward the mitigation plantings of this section;
- E. **Plant diversity.** If more than 10 trees, shrubs or groundcover plants are used to meet the above standard, then no more than 50 percent of the trees, shrubs or groundcover plants may be of the same genus. If more than 40 trees, shrubs or groundcover plants are used, then no more than 25 percent of the plants may be of the same genus;
- F. **Plant size.** Trees must be a minimum ½-inch caliper or bareroot unless they are oak or madrone which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots; and
- G. The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met.

Pleasant Valley Resource Review

33.465.210 Purpose

Pleasant Valley Resource review is intended to:

- A. Prevent harm to identified resources and functional values, compensate for unavoidable harm, and ensure the success of mitigation and enhancement activities;
- B. Provide a mechanism to modify the development standards of this chapter if the proposed development can meet the purpose of these regulations;
- C. Provide flexibility for unusual situations. The review provides for consideration of alternative designs for development that have the least impact on protected resources,

and more exacting control over development in the Pleasant Valley Natural Resources overlay zone;

- D. Allow for more accurate maps and more certainty for property owners by allowing for the location of the Pleasant Valley Natural Resources overlay zone boundary to be modified when permitted changes to a resource occur or when the boundary location is determined more precisely on a specific site through a more detailed study; and
- E. Provide for the replacement of resources and functional values that are lost through violations of this chapter.

33.465.220 When Pleasant Valley Resource Review is Required

Pleasant Valley resource review is required for all development in the Pleasant Valley Natural Resources overlay zone that does not meet the development standards of Sections 33.465.150 through .180 and for violations of this chapter. Pleasant Valley Resource review is also required when an applicant wishes to fine-tune the zone boundary location based on a detailed study. The City Council, Planning Commission, or Director of PP&D may initiate a Pleasant Valley resource review for Pleasant Valley Natural Resources overlay zone boundary amendments to reflect permitted changes in the location or quality of resources or functional values. Removal of zone boundaries are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments. The zone boundary change procedure does not apply to changes caused by violations of this chapter. The procedure for violations of this chapter is described in Section 33.465.400.

33.465.230 Procedure

Pleasant Valley Resource reviews are processed through the following procedures:

- A. Resource enhancement activities are processed through the Type Ix procedure.
- B. The following are processed through the Type II procedure:
 - 1. Roads, driveways, walkways, stormwater disposal, and buried connections to existing utility lines;
 - 2. Major public trails;
 - 3. Public safety facilities;
 - 4. Mitigation;
 - 5. Pleasant Valley Natural Resources overlay zone boundary modifications; and
 - 6. All other uses and development in the Pleasant Valley Natural Resources overlay zone.

33.465.240 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, the following information is required for a Pleasant Valley resource review application:

- A. **Supplemental site plan requirements.** One copy of each plan must be at a scale of at last one inch to 100 feet. Site plans must show existing conditions, conditions existing prior to a violation, proposed development, and construction management. A mitigation site plan is required whenever the proposed development will result in unavoidable significant

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

1. Site plans must show the following:
 - a. For the entire site:
 - Combined flood hazard area and floodway boundaries;
 - Boundaries of the Pleasant Valley Natural Resources overlay zone. These boundaries may be scaled in relation to property lines from the Official City Zoning Maps;
 - Topography shown by contour lines at two-foot vertical contours in areas of slopes less than ten percent and at five-foot vertical contours in areas of slopes ten percent or greater;
 - Drainage patterns, using arrows to indicate the direction of major drainage flow; and
 - Existing improvements such as structures, or buildings, utility lines, fences, etc.
 - b. In areas of the site that have been or will be disturbed:
 - Distribution outline of shrubs and ground covers, with a list of most abundant species;
 - A grading plan showing proposed alteration of the ground at two-foot vertical contours in areas of slopes less than ten percent and at five-foot vertical contours in areas of slopes ten percent or greater; and
 - Trees greater than six inches in diameter, identified by species. In the case of violations also indicate those that were cut or damaged by stump diameter and species.
 - c. In areas of the site that are and will remain undisturbed: Tree crown cover outline, and generalized species composition.
2. A construction management site plan including:
 - Areas that will be permanently disturbed;
 - Areas that will be temporarily disturbed, including equipment maneuvering areas and the location of perimeter controls;
 - Areas where existing topography and vegetation will be left undisturbed;
 - Location of site access and egress;
 - Equipment and material staging and stockpile areas;
 - Erosion control measures; and
 - Measures to protect trees and vegetation. Tree protection must meet the requirements of Chapter 11.60, Technical Specifications.

3. A mitigation or remediation site plan including:
 - Dams, weirs, or other in-water structures;
 - Distribution outline, species composition, and percent cover of ground covers to be seeded or planted;
 - Distribution outline, species composition, size, and spacing of shrubs to be planted;
 - Location, species, and size of each tree to be planted;
 - Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
 - Water bodies to be created, including depth;
 - Water sources to be used, including volumes; and
 - Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

B. Supplemental narrative. The following is required:

1. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular site. The alternatives must be evaluated on the basis of their impact on the resources and functional values of the site. In the case of a violation, the impact evaluation is used to determine the nature and scope of the significant detrimental impacts. To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system. The impact evaluation is based on the resources and functional values identified as significant in the *Pleasant Valley Natural Resources Protection Plan*;
 - a. An impact evaluation includes:
 - (1) Identification, by characteristics and quantity, of the resources and their functional values found on the site;
 - (2) Evaluation of alternative locations, design modifications, or alternative methods of development to determine which options reduce the significant detrimental impacts on the identified resources and functional values of the site; and
 - (3) Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable.
 - b. An impact evaluation for a violation includes:
 - (1) Description, by characteristics and quantity, of the resources and functional values on the site prior to the violation; and
 - (2) Determination of the impact of the violation on the resources and functional values.

2. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining resources and functional values at and near the construction site and provide a description of how undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, construction equipment controlled, and the timing of construction; and
3. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts that result from the chosen development alternative or violation as identified in the impact evaluation. A mitigation or remediation plan includes:
 - Resources and functional values to be restored, created, or enhanced on the mitigation or remediation site;
 - Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
 - Construction timetables;
 - Operations and maintenance practices;
 - Monitoring and evaluation procedures;
 - Remedial actions for unsuccessful mitigation; and
 - Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

33.465.250 Approval Criteria

A Pleasant Valley resource review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When Pleasant Valley resource review is required because a proposal does not meet one or more of the development standards, the approval criteria will be applied only to the aspect of the proposal that does not meet the development standard or standards.

- A. Resource enhancement projects.** In the Pleasant Valley Natural Resources overlay zone, resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all of the following are met:
 1. There will be no loss of total resource area;
 2. There will be no significant detrimental impact on any resources and functional values; and
 3. There will be significant improvement to or addition of at least one functional value.
- B. Modification of zone boundaries.** Modifications of Pleasant Valley Natural Resources overlay zone boundaries that reflect permitted changes in the location or quality of resource areas will be approved upon finding that the applicant's statement demonstrates that either Paragraph B.1 or B.2, below, are met. For the minor modification of Pleasant Valley Natural Resources overlay zone boundaries based on a more detailed site-specific study, the applicant's impact evaluation must demonstrate that Paragraph B.3, below, is met.

1. Successful mitigation. An approved mitigation plan has been successful and a new, restored, or enhanced resource exists which, depending on its degree of significance, should be included in the Pleasant Valley Natural Resources overlay zone; or
 2. Approved loss of resource area. All of the following must be met:
 - a. All approved development in the Pleasant Valley Natural Resources overlay zone has been completed;
 - b. All mitigation required for the approved development has been successful; and
 - c. The identified resources and functional values on the developed site no longer exist, or have been subject to a significant detrimental impact.
 3. The proposed Pleasant Valley Natural Resources overlay zone boundary location accurately reflects the location of the resources and functional values on the site. The resources are identified in the *Pleasant Valley Natural Resources Protection Plan*.
- C. Other development in the Pleasant Valley Natural Resources overlay zone.** Development within the Pleasant Valley Natural Resources overlay zone will be approved if the applicant's impact evaluation demonstrates that all of the following are met:
1. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the Pleasant Valley Natural Resources overlay zone;
 2. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;
 3. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for; and
 4. There will be no detrimental impact to the migration, rearing, feeding or spawning of fish.
- D. Corrections to violations.** For corrections to violations the application must meet all applicable approval criteria stated in Subsections A. through C., above, and D.1, 2.b and 2.c, below. If these criteria cannot be met, then the applicant's remediation plan must demonstrate that all of the following are met:
1. The remediation is done in the same area as the violation; and
 2. The remediation plan demonstrates that after its implementation there will be:
 - a. No permanent loss of any type of resource or functional value;
 - b. A significant improvement of at least one functional value; and
 - c. There will be minimal loss of resources and functional values during remediation until the full remediation program is established.
- E. Alternative mitigation.** Where mitigation is proposed that does not meet Section 33.465.180, Mitigation, these approval criteria must be met. Mitigation will be approved if all of the following are met:

1. The proposed mitigation occurs at a minimum 2:1 ratio of mitigation area to proposed disturbance area;
2. The proposed mitigation results in a significant improvement of at least one functional value;
3. There will be no detrimental impact on identified resources and functional values in areas designated to be left undisturbed;
4. Where the proposed mitigation includes alteration or replacement of development in a stream channel, wetland, or other water body, there will be no detrimental impact related to the migration, rearing, feeding, or spawning of fish;
5. The applicant owns the mitigation site, possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program, or can demonstrate legal authority to acquire the property through eminent domain.

33.465.260 Performance Guarantees

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

33.465.270 Special Evaluation by a Professional

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

33.465.280 Modifications That Will Better Meet Pleasant Valley Resource Review Requirements

The review body may consider modifications for site-related development standards as part of the Pleasant Valley resource review process. These modifications are done as part of the Pleasant Valley resource review process and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use, number of units, or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations.

Natural Resource Management Plans

33.465.310 Purpose

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

33.465.320 Scope

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

33.465.330 Procedure

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

33.465.340 Components

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

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

33.465.350 Approval Criteria for Adoption and Amendment

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

- A. Compliance with Sections 33.465.310 through .350;
- B. Compliance with Statewide Planning Goals and the Portland Comprehensive Plan; and
- C. If the natural resource management plan is approved as part of a plan district, the criteria for adoption of plan districts in Section 33.500.050 are met.

Corrections to Violations of This Chapter

33.465.400 Purpose

The purpose of Sections 33.465.400 and .405 is to ensure the timely restoration and remediation of natural resources and functional values that have been degraded due to a violation of this chapter.

These sections establish a process to determine which review requirements will be applied to remedy a violation that takes place in the Pleasant Valley natural resources overlay zone. The type of review required depends on the circumstances of the violation. Section 33.465.405 details methods for correcting such violations and Title 3 of the City Code details the enforcement penalties.

33.465.405 Correction Options

Applicants must choose one of the following options to correct violations of this chapter.

A. When these options may be used.

1. If all of the following are met, the applicant may choose Option One, Option Two, or Option Three:
 - a. Tree removal:
 - (1) Only non-native trees have been removed;
 - (2) No more than 12 diameter inches of native trees have been removed; or
 - (3) No more than one of the following has been removed;
 - A Madrone 4 inches or less;
 - A Garry Oak 4 inches or less; or
 - A Pacific Yew 2 inches or less;
 - b. The proposal will remove all illegal development; and
 - c. The proposal will replant illegal clearing.
2. If any of the following apply, the applicant may not use Option One, but may choose either Option Two or Option Three:
 - a. Tree removal. More than 12 diameter inches of native trees have been removed;
 - b. More than one of the following has been removed:
 - (1) A Madrone 4 inches or less;
 - (2) A Garry Oak 4 inches or less;
 - (3) A Pacific Yew 2 inches or less;
 - c. Any of the following has been removed:
 - (1) A Madrone larger than 4 inches;
 - (2) A Garry Oak larger than 4 inches; or
 - (3) A Pacific Yew larger than 2 inches.
3. If the applicant cannot meet Options One or Two, Option Three must be used.
4. If the violation also violates a condition of approval of a land use review and no trees have been removed, the applicant may choose Option One or the process described in Section 33.730.140. The applicant may not choose Options Two or Three.
5. If the violation also violates a condition of approval of a land use review, and trees have been removed, the applicant must use the process described in section 33.730.140. The applicant may not choose one of the options in this section.

B. Option One, Remove and Repair. This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this subsection must be met, and the notice and review procedure described in Sections 33.465.410 through 33.465.430 must be followed. Adjustments and modifications to these requirements are prohibited.

1. All items and materials placed in the area of violation are removed using hand-held equipment and no new disturbance area is created;
2. Any soil compaction resulting from the violation is tilled or otherwise broken up to a depth of 6 inches prior to planting; and
3. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:
 - a. The area disturbed by the violation activity must be replanted;
 - b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*;
 - c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in B.3.b must be planted on the site for every 50 square feet disturbed;
 - d. Any plant listed on the Nuisance Plants List on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
 - e. Trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3- to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 1-gallon size. All other species must be a minimum of 4-inch pots; and
 - f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.
4. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3- to 5-gallon size.

C. Option Two, Retain and Mitigate. This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met and the notice and review procedure described in Sections 33.465.410 through 33.465.430 must be followed. Adjustments and modifications to these standards are prohibited.

1. The applicable standards of Section 33.465.150 through .170 must be met; and
2. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:

- a. The area disturbed by the violation activity must be replanted;
 - b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*.
 - c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in C.2.b must be planted on the site for every 50 square feet disturbed;
 - d. Any plant listed on the Nuisance Plants List in the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
 - e. Trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3- to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 1-gallon size. All other species must be a minimum of 4-inch pots; and
 - f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.
3. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3- to 5-gallon size.
- D. Option Three, Pleasant Valley Resource Review.** This option requires Pleasant Valley resource review, using the approval criteria and procedures below:
1. Approval criteria. The approval criteria of Subsection 33.465.250.D must be met.
 2. Review procedures. Reviews are processed as follows:
 - a. Type III. The following situations require a Type III review:
 - (1) The removal of trees that exceeds the quantity of standard 33.465.150.E.
 - (2) Any development, exterior alteration, or exterior improvement within a wetland, stream channel, drainageway, or waterbody.
 - b. Type II. All other Pleasant Valley resource reviews to correct violations of this chapter are processed through a Type II procedure.
 - c. All Pleasant Valley resource reviews must provide the information required in Section 33.465.240, Supplemental Application Requirements.

33.465.407 Recurring Violations of This Chapter

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

Notice and Review Procedure

33.465.410 Purpose

The purpose of this notice and review procedure is to provide for participation by the applicant and the public in the process of permitting development in areas having identified significant resources and functional values.

33.465.420 When These Regulations Apply

These regulations apply when a building permit or development permit application is requested within the resource area of the Pleasant Valley Natural Resources overlay zone and is subject to the development standards of Section 33.465.110 through .180. These regulations do not apply to building permit or development permit applications for development that has been approved through Pleasant Valley resource review.

33.465.430 Procedure

Applications for building permits or development permits that qualify under 33.465.420 will be processed according to the following procedures:

- A. Application.** The applicant must submit a site plan with an application for a permit. The site plan must contain all information required by 33.465.130, Permit Application Requirements, and any additional information required for a building permit or development permit review.

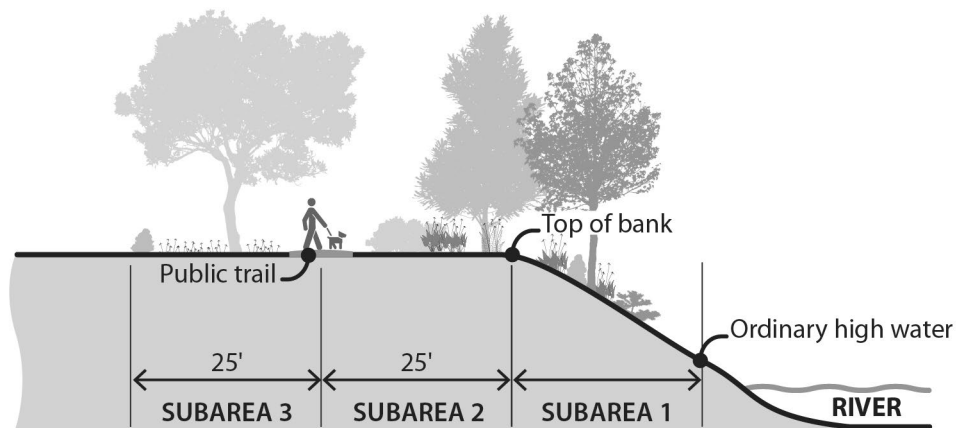
- B. Notice of an application.**
 1. Notice on website. Upon receipt of a complete application for a building or development permit, the Director of PP&D will post a notice of the application on the PP&D website and mail a notice of the request to all recognized organizations within 400 feet of the site. The posted notice of the application will contain at least the following information:
 - a. A statement that a building or development permit has been applied for that is subject to the development standards of Section 33.465.110 through .180.
 - b. The legal description and address of the site;
 - c. A copy of the site plan;
 - d. The place where information on the matter may be examined and a telephone number to call;
 - e. A statement that copies of information on the matter may be obtained for a fee equal to the City's cost for providing the copies; and
 - f. The notice will remain on the website until the permit is issued and administrative decision is made, or until the application is withdrawn.
 2. E-mailed notice to recognized neighborhood associations. At the time a notice is posted on the PP&D website, the Director of PP&D will e-mail information about the internet posting to all recognized neighborhood associations and neighborhood

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

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

(Added by: Ord. No. 178961, effective 6/13/05. Amended by: Ord. No. 181357, effective 11/9/07; Ord. No. 183534, effective 7/1/10; Ord. No. 184235, effective 11/26/10; Ord. No. 183534, effective 7/1/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190851, effective 6/30/22; Ord. No. 190834, effective 10/1/22; Ord. No. 191477, effective 3/1/24.)

**Figure 475-3
Landscaping Area**



- b. Vegetation planted to meet the resource enhancement standards of 33.475.440.H or the mitigation standards of 33.475.440.L may be counted towards meeting the landscaping standard.
- c. Exceptions.
 - (1) Landscaping is not required within portions of sites where contamination removal or remediation actions meet the standards of 33.475.500;
 - (2) Landscaping is not required where the Fire Marshal finds that it would pose a safety hazard;
 - (3) Trees and shrubs are not required within utility easements but the area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre;
 - (4) Trees and shrubs are not required within a Scenic overlay zone but the area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. Trees may not be planted within a Scenic overlay zone; or
 - (5) If the area to be landscaped within subarea 1 has an average slope of 30 percent or steeper (30 percent slope represents a rise over run ratio of 1:3.3) and the area with an average slope of 30 percent or steeper is armored with rip rap, or the area within subarea 1 has rip rap that is at least four feet deep, then the required subarea 1 landscaping may be planted on an area of the site that is landward of the river setback but within the River overlay zones, or the applicant may pay a revegetation fee-in-lieu as described below. If the landscaping will be provided on-site, the total area outside of subarea 1 to be landscaped must be equivalent in size to the area that would have been required to be landscaped in subarea 1. More than one landscaped area may be provided to achieve the total, but other required landscaping may not count toward the total:
 - Revegetation fee-in-lieu use and administration. The revegetation fee is collected by Portland Permitting & Development and is administered by

the Bureau of Environmental Services (BES). The fees collected are used for revegetation projects on public or private property within the River Environmental overlay zone.

- Calculation of required fee-in-lieu contributions. Applicants must contribute the cost to purchase and plant trees, shrubs and groundcover plants as set out in the next bullet. The cost to purchase and plant trees and plants will be adjusted annually as determined by the Director of BES based on current market prices for materials, labor and maintenance.
- Required fee-in-lieu contribution. The applicant must contribute the cost to purchase, plant and maintain one tree, three shrubs and four ground cover plants per 100 square feet of required planting area before a building permit will be issued. The fee calculation will be rounded up to the next multiple of \$10. The minimum area to be used in this calculation is 100 square feet. Calculations that are not a multiple of 100 will be rounded up to the next multiple of 100.

Table 475-1 Landscaping Planting Density			
Subarea	Planting Density 1: Small Trees[1]	Planting Density 2: Medium Trees[1]	Planting Density 3: Large Trees[1]
Landscaping Subarea 1	At least one tree, three shrubs, and four other ground cover plants must be planted for every 100 square feet of subarea. Trees may be clustered. All plants must be native.	At least one tree, six shrubs, and eight other ground cover plants must be planted for every 200 square feet of subarea. Trees may be clustered. All plants must be native.	At least one tree, nine shrubs, and 12 other ground cover plants must be planted for every 300 square feet of subarea. Trees may be clustered. All plants must be native.
Landscaping Subarea 2	Option 1: Same as Subarea 1 Option 2. At least one tree and three shrubs must be planted for every 100 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. Trees may be clustered.	Option 1: Same as Subarea 1 Option 2: At least one tree and six shrubs must be planted for every 200 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. Trees may be clustered.	Option 1: Same as Subarea 1 Option 2. At least one tree and nine shrubs must be planted for every 300 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre Trees may be clustered.
Landscaping Subarea 3	At least one tree must be planted for every 100 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. If shrubs are provided, a minimum 3 shrubs must be planted for every 100 square feet of subarea. Trees may be clustered.	At least one tree must be planted for every 200 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. If shrubs are provided, a minimum of 6 shrubs must be planted for every 200 square feet of subarea. Trees may be clustered.	At least one tree must be planted for every 300 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. If shrubs are provided, a minimum of 9 shrubs must be planted for every 300 square feet of subarea. Trees may be clustered.

[1]Tree size is based on Title 11.60.020.C Canopy Size

C. Landscaped area site preparation. Before installing the required landscaping, the following standards must be met:

1. All prohibited and nuisance plants listed on the *Portland Plant List* must be removed within and riverward of the river setback.
2. All structures and debris located within and riverward of the river setback must be removed except for river-dependent and river-related structures, non-conforming development, erosion control measures, flood control facilities, large wood, and bioengineered structures. Examples of bioengineered structures include bundles of plant materials or soil cells wrapped in biodegradable fabrics.
3. If the area to be planted is not currently vegetated, the soil must be amended with 12 inches of growing medium. If the planting area is in subarea 1 has an average slope of 30 percent or steeper (30 percent slope represents a rise over run ratio of 1:3.3), and is armored with rip rap, the growing medium may be placed in planting wells. The composition of the growing medium must meet one of the following:
 - a. For all planting areas located outside of the combined flood hazard area, the growing medium must be a blend of loamy soil, sand, and compost that is 30 to 40 percent plant material compost (by volume); or
 - b. For all planting areas located within the combined flood hazard area, the growing medium must be a blend of loamy soil, sand, small gravels and compost. A landscape architect or civil engineer must certify that the growing medium is adequate to support the establishment and growth of vegetation, and that any growing medium to be located in subarea 1 is heavier than water.
4. Placement of the growing medium is not allowed when the ground is frozen or saturated; and
5. Temporary erosion control measures are required until permanent stabilization measures are functional. Temporary erosion control measures must be biodegradable or removed after permanent stabilization measures are functional or within 3 years, whichever is sooner.

D. Plant requirements. Trees must be a minimum ½-inch caliper, bareroot, or live stakes, unless they are oak or madrone, which may be one gallon size. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent. For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species must be used.

E. Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use. The regulations of this subsection apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use. When alterations are made to a site that does not meet the requirements of this section, and the alterations are over the threshold of Paragraph E.1, the site must be brought into conformance with the development standards of this Section. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.

1. Thresholds triggering compliance. The requirements of Subsections B, C, and D must be met when the value of the proposed alterations on the site, as determined by PP&D, is more than \$307,800. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.
2. Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites with Ground Leases, required improvements must be made to the entire site.
3. Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in Subparagraph 33.258.070.D.2.b, the standards of Subsections A, B, C, and D, above, are also included.

33.475.225 Residential Docks

- A. Purpose.** The residential docks standard is intended to:
- Limit the impacts of new docks on shallow water habitat areas, which are critical for the survival of a variety of aquatic species;
 - Minimize harmful shading that predatory fish species use to prey on fish species listed under the Endangered Species Act;
 - Minimize disruption to water flow patterns and natural sediment transport along the shoreline; and
 - Maintain access to important foraging areas for waterfowl and other wildlife.
- B. Residential dock standards.** The following standards apply to new floating boat docking structures located in a residential zone.
1. The total square footage of the new floating boat docking structure must not exceed 200 square feet. Adjustments are prohibited; and
 2. The new floating boat docking structure may not be located within shallow water habitat. Adjustments are prohibited. Modifications are allowed through river review.

33.475.230 Exterior Lighting

- A. Purpose.** The standards for exterior lighting are intended to:
- Minimize light glare and light spill from artificial lighting and associated negative impacts on fish and wildlife and their habitats;
 - Reduce light pollution and glare impacts on residential developments;
 - Maintain public safety and security along public trails, in parks, along public streets, and on piers and gangways; and
 - Provide flexibility for river-dependent operations associated with docks.
- B. General standards.** The following standards apply to all exterior lights located within the River General overlay zone.
1. Exterior lights must not project light upward or to the side of the fixture;
 2. The top and sides of all exterior light fixtures must be shielded with 100 percent opaque materials; and

3. Lamps must fall below 3000K or within an S/P ratio range of 1 to 1.2.

C. Additional standards for areas near the Willamette River. The following standards apply to all permanent exterior lights located within and riverward of the river setback, and all permanent exterior lights located within 25 feet landward of the river setback. Exterior lights within Governor Tom McCall Waterfront Park, and exterior lights within public streets are exempt from this Subsection:

1. Exterior lights are allowed only if the lights are for the following uses or development:
 - a. Park and Open Area uses;
 - b. The major public trail;
 - c. A public viewing area; or
 - d. River-dependent or river-related development.
2. Structures that support exterior light fixtures must be set back at least 5 feet from the top of bank of the Willamette River unless the structure that supports the exterior light fixture is located on a dock, pier and gangway, and must be setback at least 30 feet from any other stream, drainageway, wetland or water body (top of bank is shown on Map 475-2);
3. Structures that support exterior light fixtures must be spaced at least 25 feet apart; and
4. Exterior lights must not project directly into the Willamette River.

33.475.235 Bird-safe Glazing

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

B. Development subject to the bird-safe exterior glazing standards. The bird-safe glazing standards apply to new buildings and major remodeling projects in the South Reach. See Map 475-1. For new buildings, the standards apply per facade when the facade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. For major remodeling projects, the standards apply per facade when at least 75 percent of the facade is altered and the altered facade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. The standards also apply to glazing located directly adjacent to an ecoroof, roof garden, or other vegetated or landscaped roof area. The standards do not apply to houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes, triplexes, historic landmarks, and contributing resources in historic or conservation districts.

C. Bird-safe exterior glazing standards. At least 90 percent of the windows and glazing on the following portions of each facade must choose treatment patterns and application techniques from the *Portland Bird Safe Windows List*:

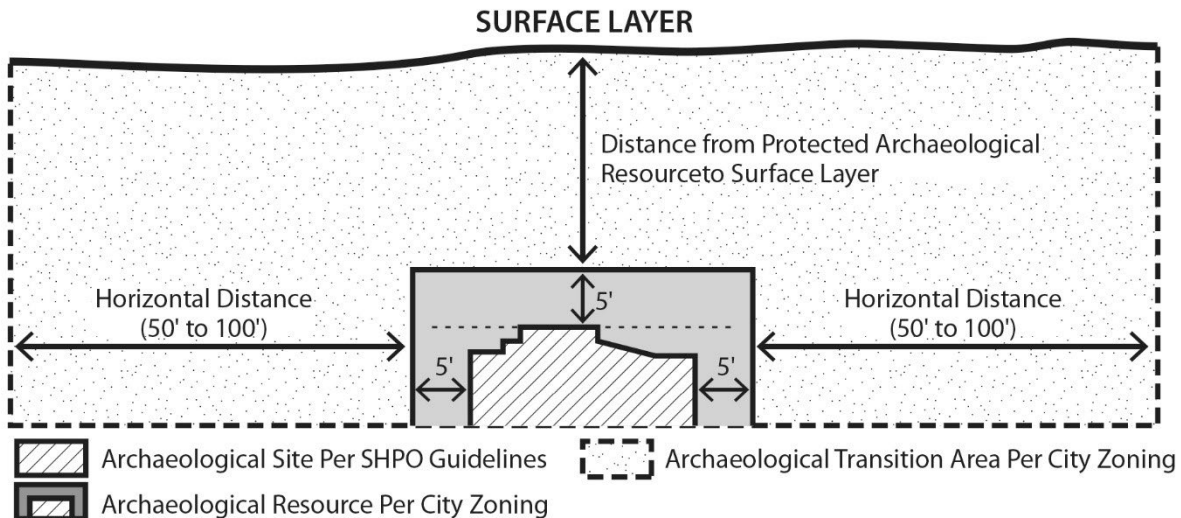
1. Windows and glazing, including glazed balcony railings, located within the first 60 feet of the building measured from the grade adjacent to the facade;
2. Windows and glazing located within the first 15 feet of the building above an adjacent ecoroof, roof garden, or other vegetated or landscaped roof area; and
3. The glazed portions of sky bridges or fences.

33.475.245 Archaeological Resources Protection

- A. Purpose.** Archaeological and historical evidence shows that Native Americans lived along the Columbia and Willamette rivers in the Portland region prior to European American contact and settlement. Pre-contact archaeological resources have historic, cultural, and scientific value to the general public and associated Native American tribes, whose ancestors lived in the area and harvested natural resources for subsistence and spiritual/ceremonial uses. Of special concern is the potential for ground disturbing activities to uncover human remains and archaeological resources that may be eligible for listing on the National Register of Historic Places. The regulations of this section provide a process to survey areas with a high probability of having archaeological resources prior to ground disturbing activities and development and to protect any identified archaeological resources and their functional values.
- B. Definitions.** The following definitions apply for the purposes of implementing this section:
1. Archaeological resource. A resource identified by the State Historic Preservation Office (SHPO) that meets one or both of the following:
 - a. An archaeological site associated with use by Native Americans prior to European-American contact that meets SHPO guidelines plus a 5-foot vertical buffer and a 5-foot horizontal buffer. The vertical buffer extends directly above the most shallow archaeological materials found in the site records. The horizontal buffer extends sideways from the archaeological resource. See Figure 475-4; or
 - b. A property of traditional religious and cultural importance as identified by SHPO and documented in writing by an appropriate tribe.
 2. Transition area. The transition area is the area directly between the archaeological resource and the surface layer and extends horizontally from the edge of the archaeological resource, as described below. See Figure 475-4. Archaeological features associated with a resource may also be encountered in the transition area:
 - a. For burials and villages, the horizontal distance is 100 feet from the archaeological resource.
 - b. For seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, the horizontal distance is 50 feet from the archaeological resource.
 3. Appropriate tribe. One or more tribes identified by the Oregon Legislative Commission on Indian Services or the Washington Governor's Office of Indian Affairs as having the greatest interest in the archaeological resource.

4. Qualified archaeologist. An archaeologist on the SHPO list of qualified archaeologists knowledgeable in Native American lifeways in the Portland Basin in the pre-contact period.
5. Consultation with appropriate tribes. A process that follows SHPO procedures for tribal consultation on state archaeological permits.

Figure 475-4
Archeological Resource Subarea



- C. **Where these regulations apply.** The regulations of this section apply within the high sensitivity areas shown on Map 475-4.
- D. **When these regulations apply.** The regulations of this section apply to new development and alterations to existing development when the development causes more than 200 square feet of disturbance within the high sensitivity area.
- E. **Archaeological resource identification.** Prior to new development or alteration to existing development, the applicant must identify whether archaeological resources exist in the high sensitivity area. If archaeological resources exist, then the regulations of Subsections F. and G. apply. If no archaeological resources exist, then the regulations of Subsection F. and G. do not apply. The applicant must identify whether archaeological resources exist using one of the following two methods:
 1. Written documentation. The applicant must provide documentation that specifies that the high sensitivity area has been previously surveyed and that no archaeological resource was identified. The written documentation must be a certification letter from SHPO or a zoning confirmation letter from the Portland Bureau of Planning and Sustainability; or
 2. Archaeological survey. The applicant must conduct an archaeological survey to determine whether archaeological resources exist in the high sensitivity area. The archaeological survey must meet the following standards:

- a. A qualified archaeologist must perform the survey in consultation with appropriate tribes.
- b. The survey must include a pedestrian visual inspection of the ground surface of the high sensitivity area. The methodology of the pedestrian visual inspection shall be determined by the qualified archaeologist.
- c. The survey must include a subsurface investigation with at least 1 subsurface probe. The methodology of the subsurface investigation, including the number, location and dimensions of subsurface probes shall be determined by the qualified archaeologist.
- d. A survey report describing the methodology of the survey and whether any archaeological resources were found in the high sensitivity area must be submitted to the Bureau of Planning and Sustainability. If no archaeological resource is found, BPS will provide a zoning confirmation letter to the applicant waiving any additional compliance with this section. If the survey identifies an archaeological resource, the applicant must provide the following additional materials. In the interest of not disclosing the location of archaeological resources, the materials required below will be stamped "Confidential: Sensitive Information." Bureau of Planning and Sustainability and Portland Permitting & Development staff will treat these materials in accordance with the City's nondisclosure policies:
 - (1) Site plan. A site plan, at a scale of 1 inch = 50 feet or larger, showing the building footprints, underground utilities and all other proposed ground disturbing activities, and an estimated ground disturbance depth. The site plan must show the existing topography of the site;
 - (2) Archaeological survey map. A map showing the locations of all subsurface probes completed for the site;
 - (3) Archaeological resource map. A map showing the boundaries of all archaeological resources that are recorded with SHPO or encountered during the archaeological survey. The map must also show the transition area associated with each archaeological resource and any conservation easements intended to protect archaeological resources. The Bureau of Planning and Sustainability will maintain a confidential atlas of identified archaeological resources within the archaeological sensitivity areas shown on Map 475-4; and
 - (4) SHPO archaeological reports. Any archaeological reports related to the site filed with SHPO.

F. Archaeological resource classification. When an archaeological resource has been identified, a qualified archaeologist must classify the archaeological resource as one or more of the following types:

1. Burial. A burial is an archaeological resource where there is evidence of human remains or funerary objects, as defined in Oregon Administrative Rules.

2. Village. A village is an archaeological resource where there is evidence of a relatively permanent residential location typically occupied during the winter and on an annual basis. Archaeological evidence may include remains of structures, storage pits, and midden deposits.
 3. Seasonal campsite. A seasonal campsite is an archaeological resource where there is evidence of organized activity in extracting and processing resources on a seasonal basis.
 4. Activity area. An activity area is an archaeological resource where specific activity (e.g., roasting camas bulbs or stone tool making) took place.
 5. Traditional, sacred, or cultural use site. A traditional, sacred, or cultural use site is an archaeological resource where there is evidence of a sacred or ceremonial site, and may include vision quest sites, sites of other sacred ceremonies, and sweat lodge sites.
- G. Archaeological resource protection standards.** The following standards apply to identified archaeological resources:
1. Application of development standards. Where more than one archaeological resource is identified together:
 - a. If one of the archaeological resources is a burial, the standards for burials apply to all resources;
 - b. If any of the archaeological resources are villages; or traditional, sacred, or cultural use sites, and there is no burial, the standards for villages; or traditional, sacred, or cultural use sites apply to all resources;
 - c. If all of the archaeological resources are seasonal campsites or activity areas, the standards for seasonal campsites or activity areas apply to all resources.
 2. Ground disturbing activities within the archaeological resource and transition area are prohibited except as follows:
 - a. Ongoing and low-impact activities. Except for the archaeological resource area of burials, the following ongoing and low-impact activities are allowed in archaeological resource and transition areas:
 - (1) Maintenance, repair, and replacement of existing structures, exterior improvements, roads, boat launch areas, and utilities when the activity does not enlarge the existing disturbance area horizontally or vertically;
 - (2) Maintenance of lawns and landscape areas, including the installation of new irrigation and drainage facilities, and new erosion control features;
 - (3) Change of crop type or farming technique on land currently in agricultural use;
 - (4) Alterations of buildings that do not increase building coverage;
 - (5) Operation, maintenance, and repair of the following existing facilities: irrigation systems, drainage facilities and conveyance channels, stormwater detention areas, pumping stations, erosion control and soil stabilization

- (3) Within the disturbance area for installation or replacement of stormwater outfalls;
 - (4) Within a public trail;
 - (5) Within a public viewing area associated with a viewpoint designated in the *Central City Scenic Resources Protection Plan* or *River Plan / South Reach Scenic Resources Protection Plan*;
 - (6) Within a Scenic overlay zone;
 - (7) Within a resource enhancement area;
 - (8) Within the disturbance area associated with development in a City of Portland park; or
 - (9) Within the disturbance area associated with a residential structure.
- e. Trees less than 3 inches in diameter planted within a resource enhancement area may be removed when the relevant subarea standards of Table 475-1 are met. For the purposes of this standard, approved resource enhancement area means the area meets the resource enhancement standards of Subsection H., or was approved through a land use review.
5. Except for dead, dying and dangerous trees, vegetation removal or pruning within the riparian buffer area is prohibited between April 15 and July 31.
6. Trees removed must be replaced as shown in Table 475-2 and must meet the following:
- a. Replacement vegetation must meet all of the following:
 - (1) Trees must be a minimum ½-inch caliper, bareroot or live stakes, unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent;
 - (2) The planting must occur within the River Overlay zones. Trees must not be planted within a Scenic overlay zone. If the vegetation is not planted on the applicant's site, then the applicant must own the property or possess a legal instrument, such as an easement or deed restriction, that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the mitigation. If tree removal on the project site is located in the combined flood hazard area, tree planting must also be within the combined flood hazard area; and
 - (3) The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met. When at least five trees are planted for replacement, written proof that all specifications of 33.248.090 have been met must be provided annually for three years after planting is complete. The requirement for three years of written proof does not apply if all of the trees being removed are dead, dying, or dangerous trees, as determined by

the City Forester or an arborist, or are nuisance trees. In this case, written proof that all specifications of 33.248.090 have been met must be provided one year after the planting is complete. The property owner must provide this documentation to Portland Permitting & Development; and

- b. Vegetation planted to meet the landscaping requirements of 33.475.220 may be counted towards meeting the tree replacement standard.

Table 475 – 2		
Tree Replacement in River Environmental Overlay Zone		
Size of tree to be removed (inches in diameter)	Option A (no. of native trees to be planted)	Option B (combination of native trees and shrubs)
At least 1.5 and up to 6	1	Not applicable
More than 6 and up to 20	3	Not applicable
More than 20 and up to 25	5	3 trees and 6 shrubs
More than 25 and up to 30	7	5 trees and 9 shrubs
More than 30	10	7 trees and 12 shrubs

- L. **Standards for mitigation.** The following standards apply to mitigation required by Subsections A., C., J., O., and P.
 - 1. Mitigation ratio. Mitigation must be provided as follows:
 - a. On-site mitigation and mitigation purchased from a City-approved mitigation bank must occur at a minimum 1.5:1 ratio of mitigation area to project disturbance area;
 - b. All other mitigation must occur at a minimum 3:1 ratio of mitigation area to project disturbance area.
 - 2. Location of mitigation. The mitigation area must be located as follows:
 - a. If mitigation will be provided as credits from a mitigation bank, the credits must be purchased from a City-approved mitigation bank located along the Lower Willamette River that is as close as possible to the disturbance area;
 - b. All other mitigation areas must be located in the River Environmental overlay zone and if the disturbance area is located within the combined flood hazard area, the mitigation area must also be located within the combined flood hazard area.
 - 3. If the mitigation area is not on the site where the disturbance occurs and is not credits purchased from a City-approved mitigation bank, then the applicant must own the property or possess a legal instrument, such as an easement or deed restriction that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the mitigation;
 - 4. Nuisance plants identified on the *Portland Plant List* must be removed within the area to be replanted. Trees removed to meet this Paragraph must be replaced as specified in Subsection K.;

5. Plantings required for tree removal, as specified in Subsection K., can be counted towards mitigation if the planting is located within the River Environmental overlay zone or in an area that is contiguous to the River Environmental overlay zone;
6. Required planting density standards are specified in Table 475-3. Trees may be clustered. Trees must not be planted within a view corridor. Plants must be selected from the *Portland Plant List*;

Table 475-3 Planting Density			
	Small Trees[1]	Medium Trees[1]	Large Trees[1]
Planting Density	<p>One tree and one of the following two options for every 100 square feet:</p> <p>Option 1: Three shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or</p> <p>Option 2: Three shrub and four other groundcover plants.</p>	<p>One tree and one of the following two options for every 200 square feet:</p> <p>Option 1: Six shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or</p> <p>Option 2: Six shrub and eight other groundcover plants.</p>	<p>One tree and one of the following two options for every 300 square feet:</p> <p>Option 1: Nine shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or</p> <p>Option 2: Nine shrub and 12 other groundcover plants.</p>

[1] Tree size is based on Title 11.60.020.C Canopy Size

7. For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species must be used; and
8. Trees must be a minimum ½-inch caliper, bareroot or live stake, unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent; and
9. The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met. When the mitigation area is 1,000 square feet or greater, written proof that all specifications of 33.248.090 have been met must be provided annually for three years after planting is complete. The requirement for three years of written proof does not apply when the mitigation area is less than 1,000 square feet. In this case, written proof that all specifications of 33.248.090 have been met must be provided one year after the planting is complete. The property owner must provide this documentation to Portland Permitting & Development.

M. Standards for application of soil amendments. The following standards apply to the application of soil amendments:

1. The depth of the soil amendment must be no more than 12 inches;
2. The soil must not be applied below the ordinary high water mark of the Willamette River, streams, or other water body, or within 30 feet of a wetland;
3. The composition of the growing medium must meet one of the following:

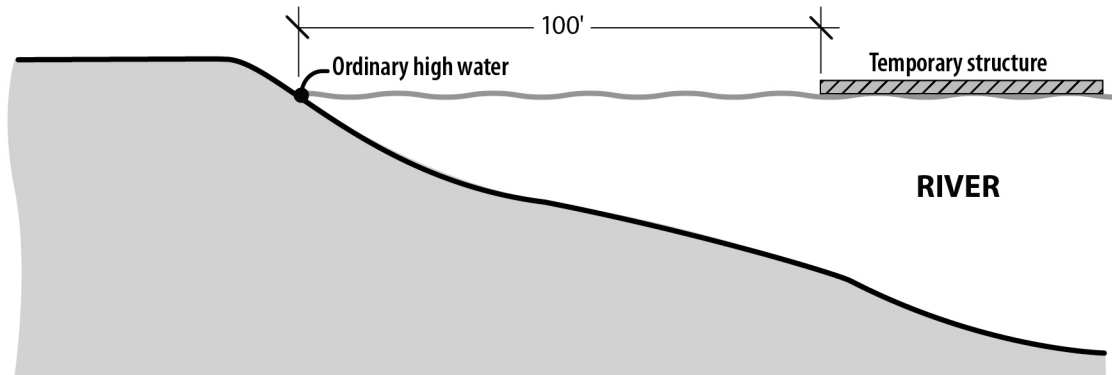
- a. For all planting areas located outside of the combined flood hazard area, the growing medium must be a blend of loamy soil, sand, and compost that is 30 to 40 percent plant material compost (by volume); or
 - b. For all planting areas located within the combined flood hazard area, the growing medium must be a blend of loamy soil, sand, small gravels and compost. A landscape architect or civil engineer must certify that the growing medium is adequate to support the establishment and growth of vegetation, and is heavier than water.
4. Placement of soil is not allowed when the ground is frozen or saturated; and
 5. Temporary erosion control measures are required until permanent stabilization measures are functional. Temporary erosion control measures must be biodegradable or removed after permanent stabilization measures are functional or within 3 years, whichever is sooner.

N. Standards for placement of temporary structures for a seasonal public swimming area.

The following standards apply to temporary structures for a seasonal public swimming area:

1. One land-based structure exclusively for storing life-safety equipment is allowed per site and must not exceed 300 square feet of floor area;
2. Temporary floating structures are allowed and must meet the following standards:
 - a. More than one floating structure is allowed per site, but no more than 8 floating structures are allowed per reach of the Willamette River;
 - b. The floating structure must be free-floating or attached to an existing dock, pier or piling. Free floating means that the structure is anchored to the river bottom and is not accessible from the riverbank via anything other than the water;
 - c. The structure must not have walls or a roof; and
 - d. The structure must be at least 100 feet away from the riverbank. The 100 feet is measured horizontally from the ordinary high water mark. See Figure 475-6;
3. All work necessary to install and remove temporary structures is allowed only between July 1 and October 31. All temporary structures must be removed by October 31; and
4. The swimming area must be open to the public.

**Figure 475-6
Floating Structures**



O. Standards for all residential structure types. The following standards apply to all residential structure types.

1. The maximum disturbance area allowed within the River Environmental overlay zone on the site is determined by subtracting all portions of the site outside the River Environmental overlay zone boundary from the number listed in Table 475-4.

Table 475-4 Maximum Disturbance Area Allowed			
	RF, R20, and R10	R5	All Other Zones
Maximum Disturbance Area	5,000 sq. ft. [1]	2,500 sq. ft. [1]	50% of the base zone building coverage

[1] Subtract the amount of area on the site outside the River Environmental overlay zone from the number given in the table.

2. The disturbance area must be located outside of the riparian buffer area and must be set back at least:
 - a. Five feet landward of the river setback; and
 - b. Thirty feet from the edge of any identified wetland or the top of bank of any identified-water body located landward of the river setback.
3. Vegetation removal is allowed as specified in Subsection K.
4. The minimum front and street building setback and garage entrance setback of the base zone may be reduced to any distance between the base zone minimum and zero. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to any distance between the base zone minimum and zero. Parking spaces may be allowed within the first 10 feet from a front lot line, and within a minimum side street setback.

5. Except as stated in Paragraph O.6, mitigation is required as specified in Subsection L.
 6. For alterations to existing development where the existing disturbance area now exceeds the limitations of Table 475-4, alterations are allowed within the existing disturbance area if the following are met:
 - a. The existing disturbance area may not be expanded; and
 - b. Increases in building coverage and exterior improvement area are allowed if the mitigation requirements specified in Paragraphs L.2. through L.8. are met for an area equivalent in size to at least 50 percent of the increase in building coverage and exterior improvement area. If the proposed development is less than 100 square feet, the minimum mitigation area will be 50 square feet.
- P. Standards for existing residential docks.** The following standards apply to replacing or altering or repairing floating boat dock structures that existed on March 1, 2021, that are located in a residential zone:
1. If the floating boat dock structure has a total square footage greater than 200 square feet, the total square footage of the floating portions must be reduced by at least 25 percent; and
 2. The non-floating portions of the floating boat dock structure must remain in the same location and must not increase in size.
- Q. Standards for land divisions and Planned Developments.** The following standards apply to land divisions and Planned Developments.
1. All development is landward the river setback;
 2. All development is outside the combined flood hazard area;
 3. Where there is a house on the site that is in the combined flood hazard area, it may remain if a new lot is created that meets the following:
 - a. The existing house will remain; and
 - b. A new lot is created to contain the existing house as well as a future building site at least five feet from the combined flood hazard area. For the purpose of this subsection, "building site" means an area of any shape in which a square 40 feet by 40 feet will fit;
 4. Areas of the combined flood hazard area that are outside of lots being created under the provisions of Paragraph P.3. are located entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowner's Association, by a public agency, or by a non-profit organization;
 5. The total amount of disturbance area allowed within the River Environmental overlay zone is either the amount listed in Table 475-5 or 1 acre, whichever is less, minus the amount of area outside the River Environmental overlay zone;

Table 475-5 Maximum Disturbance Area for a Land Division and PD Allowed Within the River Environmental Overlay Zone [1]						
	OS and RF Zone	R20 Zone	R10 Zone	R7 Zone	R5 Zone	All Other Zones
Maximum Disturbance Area	5% of site area	12% of site area	15% of site area	17% of site area	22% of site area	50% of the base zone building coverage

Notes:

[1] Disturbance area includes utility construction.

6. Areas of the River Environmental overlay zone outside designated disturbance areas must be placed entirely within environmental resource tracts. The tracts must be owned in common by all the owners of the land division site, by a Homeowner’s Association, by a public agency, or by a non-profit organization;
7. Streets, alleys, walkways, and stormwater facilities are not created within 50 feet of an identified wetland or water body;
8. New right-of-way and roadway widths do not exceed the maximums listed in Table 475-6;
9. Utility construction must meet the applicable standards of Subsection B. Private utility lines on a lot where the entire area of the lot is approved to be disturbed and where the private utility line provides connecting service directly to the lot from a public system are exempt from this standard;
10. Installation of stormwater outfalls is allowed as specified in Subsection C;
11. Vegetation removal is allowed as specified in Subsection K.; and
12. Mitigation is required as specified in Subsection L.

Table 475-6 Maximum Right-of-way and Roadway Widths			
Base Zone	Type of Street	Right-of Way Width	Roadway Width
OS and RF – R7	Through	35 feet	20 feet
R5	Through	40 feet	20 feet
R2.5 – IR and C, E, I, and CI	Through	40 feet	28 feet
OS and RF – R5	Dead-end	35 feet	20 feet
R2.5 - IR and C, E, I, and CI	Dead-end	40 feet	28 feet

R. Standards for Property Line Adjustments. The following standards apply to Property Line Adjustments (PLAs) in the River Environmental overlay zone. For purposes of this section, the site of a Property Line Adjustment is the two properties affected by the relocation of the common property line. All of the standards must be met.

1. A Property Line Adjustment may not result in any property being entirely in the River Environmental overlay zone, unless that property is entirely in the River Environmental overlay zone before the PLA, or the property will be dedicated or limited by deed restriction to the uses allowed in the OS zone.

2. The amount of area on each property that is outside of the resource area of the environmental overlay zone may not be reduced below the square footage in Table 475-7. A property that contains less than the area listed in Table 475-7 outside of the resource area of the environmental overlay zone may not move further out of conformance with Table 475-7.

Table 475-7				
Minimum Area Required Outside of the River Environmental Overlay Zone				
	OS through R10 Zones	R7 Zone	R5 Zone	All Other Zones
Maximum Area Required	5% of site area	17% of site area	22% of site area	50% of the base zone building coverage

33.475.450 Corrections to Violations of the River Environmental Overlay Zone Regulations

- A. Purpose.** The purpose of the correction regulations is to ensure the timely restoration of natural resources and functional values that have been degraded due to a violation of the River Environmental overlay zone.

These regulations establish a process to determine which review requirements will be applied to remedy a violation that takes place in the River Environmental overlay zone. The type of review required depends on the circumstances of the violation. Section 33.475.450.B details methods for correcting such violations and Title 3 of the City Code details the enforcement penalties.

- B. Correction Options.** Applicants must choose one of the following options to correct a river environmental code violation.

1. When these options may be used.
 - a. If all of the following are met, the applicant may choose Option One, Option Two, or Option Three:
 - (1) No more than 12 diameter inches of trees were removed;
 - (2) No ground disturbance occurred riverward of the top of bank of the Willamette River, in the riparian buffer area, or within 30 feet of a wetland or the top of bank of a stream or other water body. See Map 475-2 for top of bank;
 - (3) The correction will remove all illegal development; and
 - (4) The correction will replant illegal clearing.
 - b. If any of the following occurred, the applicant may not use Option One, but may choose either Option Two or Option Three:
 - (1) More than 12 diameter inches of trees were removed;
 - (2) A Madrone, Garry Oak, or Pacific Yew larger than 3 inches was removed; or

- must be a minimum of two-gallon size. All other species must be a minimum of four-inch pots;
- (6) The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met; and
 - (7) For violations involving the removal of trees, two times the number of diameter inches removed must be planted on the site, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum ½ inch in diameter unless they are oak, Madrone, or conifer, which may be three- to five-gallon size.
3. Option Two, Retain and Mitigate. This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met. Adjustments and modifications to these standards are prohibited.
- a. The applicable standards of paragraphs 33.475.440 must be met; and
 - b. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:
 - (1) The area disturbed by the violation activity must be replanted to meet the standards of Table 475-3;
 - (2) For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species are used. Plants must be native and selected from the *Portland Plant List*.
 - (3) A second area, equal in size to the area disturbed by the violation activity, must also be replanted to meet the standards of Table 475-3;
 - (4) Any Nuisance or Prohibited Plants listed on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
 - (5) Trees must be a minimum ½ inch in diameter, bareroot or live stake, unless they are oak, madrone, or conifer, which may be three- to five-gallon size. No more than 10 percent of the trees may be oak or madrone. Trees must not be planted within a Scenic overlay zone. Trees may be clustered. Shrubs must be a minimum of two-gallon size. All other species must be a minimum of four-inch pots; and
 - (6) The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met. When the planting area exceeds 1,000 square feet, written proof that all specifications of 33.248.090 have been met must be provided annually for three years after planting is complete. The requirement for three years of written proof does not apply when the planting area is less than 1,000 square feet. In this case, written proof that

all specifications of 33.248.090 have been met must be provided one year after the planting is complete. The property owner must provide this documentation to Portland Permitting & Development; and

- c. For violations involving the removal of trees, two times the number of diameter inches removed must be planted on the site, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum ½-inch in diameter unless they are oak, Madrone, or conifer, which may be three- to five-gallon size.
4. Option Three, River Review. This option requires River Review, using the approval criteria and procedures below:
 - a. Approval criteria. The applicable approval criteria of Subsection 33.865.120 must be met.
 - b. Review procedures. Reviews are processed as follows:
 - (1) Type III. A Type III review is required for any development, exterior alteration, or exterior improvement within a wetland, stream channel, drainageway, or water body.
 - (2) Type II. All other reviews to correct violations are processed through a Type II procedure.
 - (3) All River Reviews must provide the information required in Section 33.865.040, Supplemental Application Requirements.

Clean Up of Contaminated Sites

33.475.500 Removal or Remediation of Hazardous Substances

- A. General.** The following regulations are substantive requirements that apply to actions taken to remove or remediate hazardous substances. All of the regulations must be met unless one or more are demonstrated to be impracticable pursuant to subsection G, below.
- B. Where these regulations apply.** The regulations of this section apply to the portion of the site located within the boundaries of the removal or remediation action.
- C. Review procedure.**
 1. Except as described in Paragraph C.2., compliance with these regulations is processed through a Type II procedure.
 2. If the action to remove or remediate hazardous substances is subject to this Code but exempt from procedural requirements, the action must comply with the substantive requirements of these regulations to the extent required under state or federal law and the person performing the action must notify the City that the action is exempt. A person conducting a cleanup otherwise exempted from the procedural requirements may choose to obtain a permit.

- D. Relationship to other regulations in this chapter.** Actions to remove or remediate hazardous substances that are approved or selected under Oregon or federal cleanup law are exempt from the procedural requirements of Chapter 33.475. Any part of an action that is not in itself a remedial or removal action must meet all other applicable regulations and procedural requirements of this chapter.
- E. Regulations that apply to actions to remove or remediate hazardous substances.** The following regulations apply to proposals for the removal or remediation of hazardous substances:
1. The removal or remedial actions and the final remedy must not preclude the use of the site consistent with the uses allowed by the base zone or an approved conditional use. If the site is within the River Industrial overlay zone or riverward of the river setback, the final remedy must allow the use of the site for river-dependent or river-related activities unless the site is found to be unsuitable for river-dependent or river-related uses. Generally, this means that the final remedy must allow development of major public trails, dredging necessary to establish or maintain navigation to and from riverfront sites, the placement of piles or dolphins, or the development of a marine facility, dock, or wharf or other river-dependent or river-related structure;
 2. Buildings, structures and equipment required as part of removal or remediation actions must be located and designed taking into account the purpose of the river setback standard which is to keep structures at least 50 feet away from the top of bank of the river, reserve space for public access to the river and development of major public trails, and allow for natural resource enhancement (top of bank is shown on Map 475-2); and
 3. Water quality treatment facilities must be located outside of the River Environmental overlay zone.
- F. Regulations that apply to actions to remove or remediate hazardous substances that occur in specific areas.** The following regulations apply to actions within the River Environmental overlay zone to remove or remediate hazardous substances based on specific locations:
1. The following regulations apply to areas landward of the top of bank (top of bank is shown on Map 475-2):
 - a. Disturbance of the ground and removal of native vegetation must be avoided outside of the actual soil removal areas. If avoiding disturbance or native vegetation removal is not practicable, disturbance and removal must be minimized.
 - b. Where ground disturbance or removal of native vegetation cannot be avoided, the area must be replanted. The replanting standards are as follows:
 - (1) Nuisance and prohibited plants identified on the *Portland Plant List* must be removed within the area to be replanted and within 10 feet of any plantings;
 - (2) Planting density. The replanting area must meet one of the following plant and planting density standards specified in Table 475-8. Trees may be

- b. Trades from one category to another are allowed as specified in Table 508-1;
 - c. Applicants may request approval of a proposal that exceeds the limits of Table 508-1 by submitting a Transportation Impact Analysis (TIA). See Subsection C.
4. As building permits are issued and when conversions are made as specified in Table 508-1, PP&D will maintain records as to the amounts remaining in each use category.
 5. Transferring trips or allocations between Subdistrict A and B is prohibited.
- C. Cascade Station/Portland International Center Transportation Impact Analysis Review.** An applicant may propose development that exceeds the allocation limits of Table 508-1 through a land use review that is based on a Transportation Impact Analysis (TIA). This approach allows an applicant more flexibility but is more complex to use. In addition to the application requirements of Section 33.730.060, the applicant must prepare a TIA that includes the elements and analysis listed in 33.852.105. The TIA may be used to exceed the maximum allocation limits in Table 508-1 or to establish lower trip generation rates. The TIA may not be used to exceed the total trips in Table 508-1.

Table 508-1			
Use Allocations and Respective Allowable Conversion Relationships			
Use	Base Use Allocations Allowed	Minimum Allocations After Trades	Allowable Trades [3]
Subdistrict A			
Office, Meeting Rooms and Exhibition Areas greater than 20,000 square feet [1], Daycare, Colleges	1,115,000 sq. ft.	557,500 sq. ft.	370 sq. ft. office to 1 hotel room
Hotel, Meeting Rooms and Exhibition Areas less than 20,000 square feet [1]	250 rooms	250 rooms	1 hotel room to 370 sq. ft. office
Quick Vehicle Servicing [2]	1 facility, up to 12 fueling positions	None	1 facility to 72,000 sq. ft. office [4]
Retail Sales And Service, including Restaurants	807,500 sq. ft.	403,750 sq. ft.	900 sq. ft. retail to 700 sq. ft. office 470 sq. ft. retail to 1 hotel room
Total Trips Subdistrict A: 2,085			
Subdistrict B			
Office, Meeting Rooms and Exhibition Areas greater than 20,000 square feet [1], Daycare, Colleges	304,000 sq. ft.	152,000 sq. ft.	100 sq. ft. office to 400 sq. ft. industrial 370 sq. ft. office to 1 hotel room
Hotel, Meeting Rooms and Exhibition Areas less than 20,000 square feet [1]	260 rooms	130 rooms	1 hotel room to 370 sq. ft. office 1 hotel room to 1,500 sq. ft. industrial
Retail Sales And Service, including Restaurants	30,000 sq. ft.	15,000 sq. ft.	900 sq. ft. retail to 700 sq. ft. office 470 sq. ft. retail to 1 hotel room

Table 508-1 Use Allocations and Respective Allowable Conversion Relationships			
Use	Base Use Allocations Allowed	Minimum Allocations After Trades	Allowable Trades [3]
Industrial Uses	2,100,000 sq. ft.	1,050,000 sq. ft.	400 sq. ft. industrial to 100 sq. ft. office 1,500 sq. ft. industrial to 1 hotel room
Car Rental Facilities (including operations, service, storage and refueling facilities), Aviation and Surface Passenger Terminals, Commercial Parking	100 acres (No maximum limit on building square footage)	None	None
Total Trips Subdistrict B: 1,426			
Total Trips Subdistricts A and B: 3,511			

Notes:

[1] Conference facilities, such as exhibition and meeting areas, are classified as Major Event Entertainment Uses. In this plan district, they are allowed only if built in conjunction with a hotel (see 33.508.120.A). If the net building area devoted to these uses is less than 20,000 square feet, it is considered accessory to the hotel, and is regulated by the plan district as a hotel, so there is no maximum square footage. If, however, the net building area is 20,000 square feet or more, it is regulated the same as Office Uses, and is subject to the same maximum square footage as office uses.

[2] Fueling positions are the maximum number of vehicles that can be fueled simultaneously. Therefore, 12 fueling positions would allow 12 cars to fuel at one time. For example, if each pump had two fueling areas/nozzles (one each side), there could be up to 6 pumps.

[3] Allowable trades read from left to right only. For example, Subdistrict A Retail can be traded to Subdistrict A Office at a ratio of 900 sq. ft. of retail to 700 sq. ft. of office. However, Subdistrict A Office cannot be traded to Subdistrict A Retail as there is no such ratio listed. Trades down to the minimums are allowed. Trades below the minimums are prohibited.

[4] Quick Vehicle Service is not divisible; the facility may be converted to 72,000 sq. ft. of office, but fractions (such as trading 6 fueling positions to 36,000 sq. ft. of office) are not allowed.

33.508.230 Development and Design Standards in Subdistrict A

- A. Purpose.** These provisions ensure that the location and scale of buildings, parking and circulation areas within Subdistrict A provide a convenient and attractive environment for pedestrians, transit users, customers and employees that come to the area. The focus for design in Subdistrict A includes the Cascades Parkway and Mt. Hood Avenue light rail station areas and the Park Blocks. Transit-supportive building and site design and pedestrian linkages are sought near the station areas as a means to link the station areas and development elsewhere in the subdistrict. The light rail stations, Park Blocks and retail, office, and entertainment uses work together to create a unique place.
- B. Where these regulations apply.** The regulations of Subsection C apply to all development in Subdistrict A of the plan district. The regulations of Subsection D apply to development in the Build-To Line Area shown on Figure 508-1. The regulations of Subsection E apply to development in the Cascades Parkway Station Area shown on Figure 508-4. The regulations of Subsection F apply to development in the Mt. Hood Avenue Station Area shown on Figure 508-5.

B. Private streets.

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

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

Figure 508-8
Street Requirements in Subdistrict A

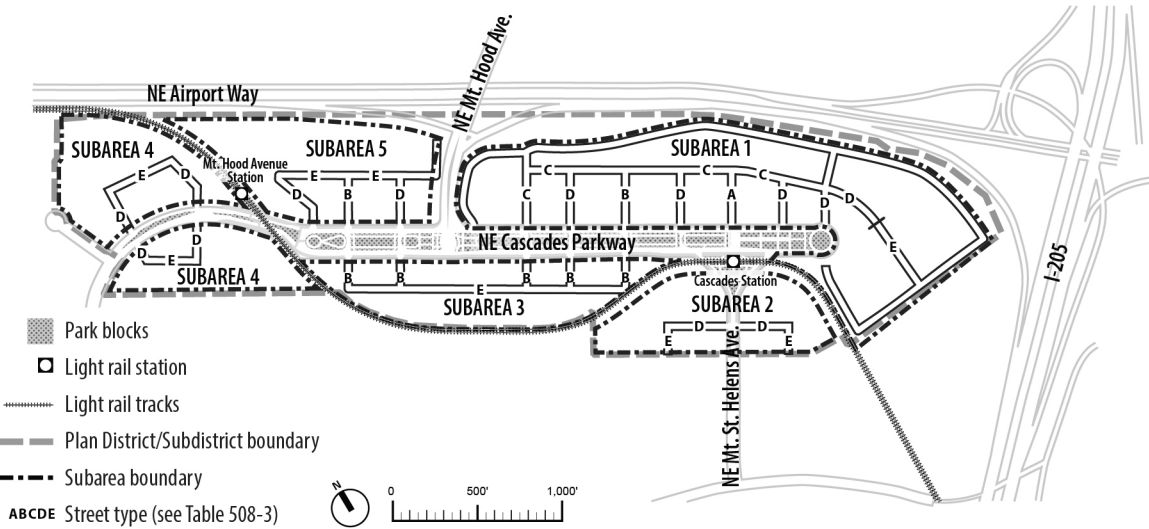


Table 508-3
Design Requirements for Private Streets

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

Figure 508-9
Type A Street

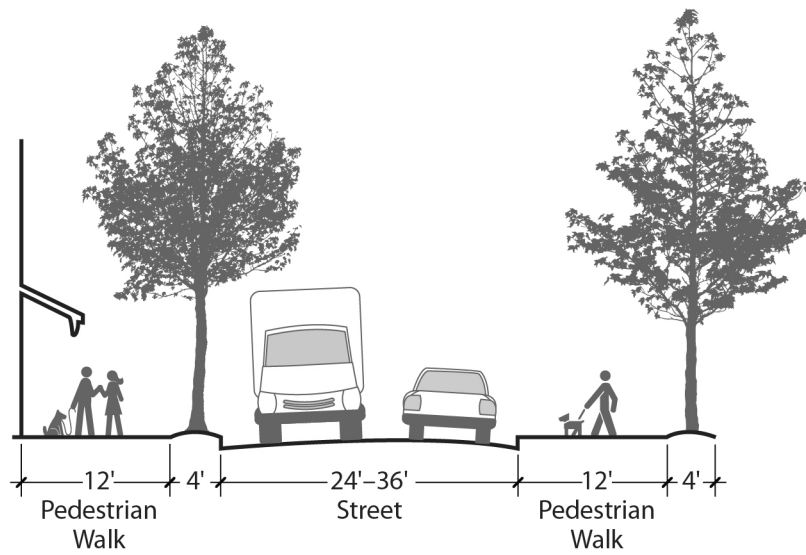
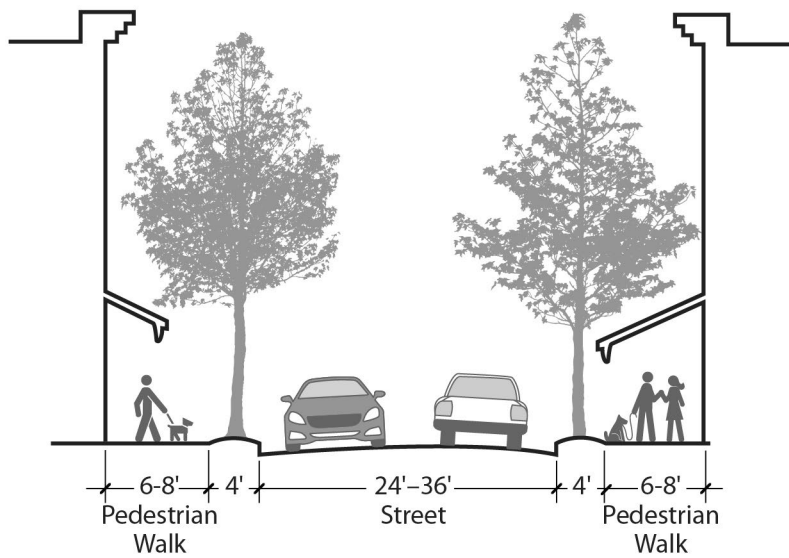
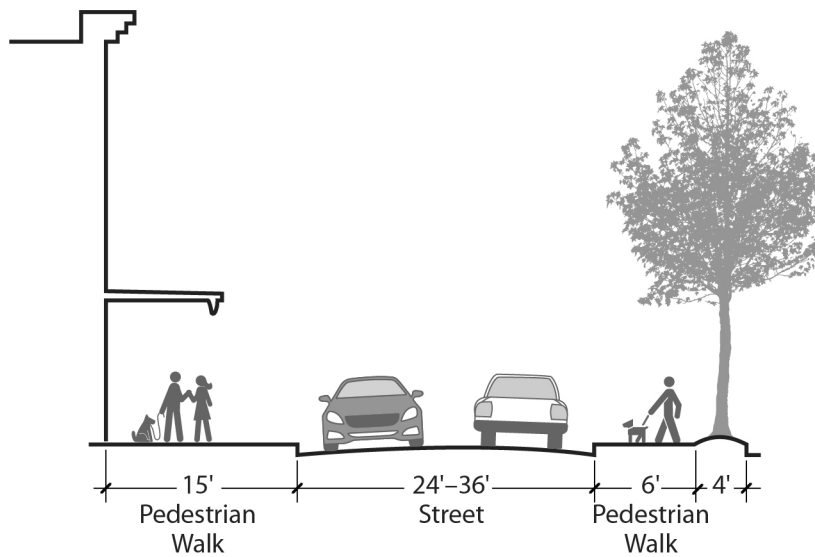


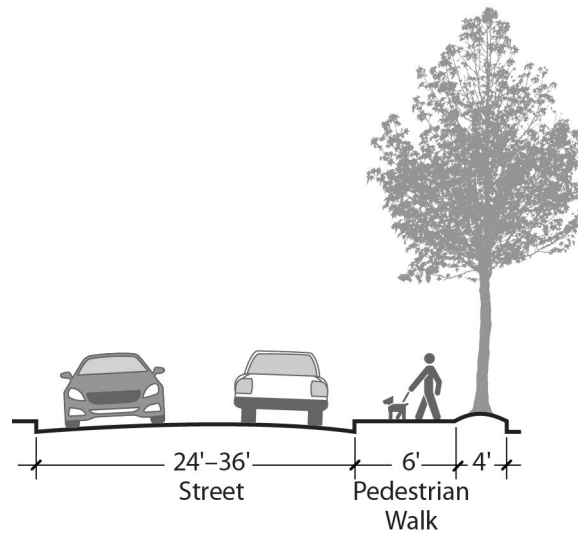
Figure 508-10
Type B Street



**Figure 508-11
Type C Street**



**Figure 508-12
Type D Street**



D. Additional requirements.

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

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

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

33.508.290 Open Space Plan

A. Park Blocks.

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

B. Pedestrian and bicycle circulation system.

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

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

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

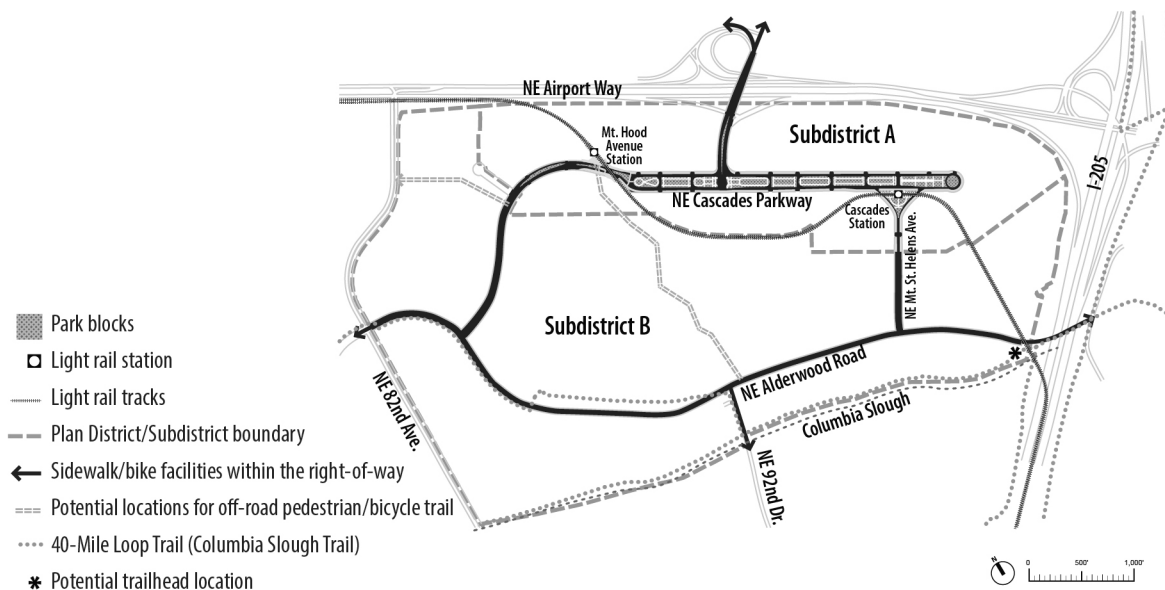
- If there is not an easement or trail on an adjacent site, the easement must be located in the outer 25 feet of the environmental zone. The trail improvement must be at least 5 feet from the outer edge of the environmental zone.
- (2) Outside of Environmental Overlay Zones the trail route must be as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

33.508.295 Archaeological Resource Protection

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

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

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



Environmental Overlay Zones

33.508.300 Purpose

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

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

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

33.508.310 Relationship to Other Environmental Regulations

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

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

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

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

33.508.320 Where and When These Regulations Apply

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

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

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

33.508.340 Exemptions

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

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

33.508.350 Development Standards

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

A. General development standards.

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

- d. Replacement trees and shrubs must be native and selected from the *Portland Plant List*;
- e. Replacement shrubs must be in at least a 2-gallon container or the equivalent in ball or burlap;
- f. Replacement trees must:
 - (1) Be at least one-half inch in diameter and have a maximum height-at-maturity that will not project above the height limit of the h overlay zone; and
 - (2) Be planted within a transition area or resource area on a property owned by the applicant; or for which the applicant possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure success of the mitigation; or can demonstrate legal authority to acquire the site through eminent domain; and
- g. If the replacement trees are planted within 100 feet of the Columbia Slough main channels or secondary drainageways, the tree must be planted above the Base Floodplain Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps.

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

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

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

33.508.360 Special Provisions for Wildlife Hazard Management

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

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

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

1. Activity description. Describe the activity and why it is necessary to implement an FAA authorized Wildlife Hazard Management Plan;
2. Documentation of resources and functional values. Documentation of resources and functional values is required to determine compliance with the approval criteria. In the case of a violation, documentation of resources and functional values is used to determine the nature and scope of significant detrimental impacts.
 - a. Identification, by characteristics and quantity, of the resources and their functional values found on the site;
 - b. In the case of a violation, determination of the impact of the violation on the resources and functional values.
3. Construction management plan. Identify measures that will be taken during the activity or remediation to protect the remaining resources and functional values at and near the site and a description of how undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, equipment controlled, and the timing of activity; and
4. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts that result from the chosen activity or violation as identified in the impact evaluation. A mitigation or remediation plan includes:
 - a. Resources and functional values to be restored, created, or enhanced on the mitigation or remediation site;
 - b. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
 - c. Activity timetables;
 - d. Operations and maintenance practices;
 - e. Monitoring and evaluation procedures;
 - f. Remedial actions for unsuccessful mitigation; and
 - g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

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

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

2. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;
3. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and
4. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

Notice and Review Procedure for Permits within Environmental Overlay Zones

33.508.392 Purpose

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

33.508.395 When These Regulations Apply

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

33.508.397 Procedure

Applications for building permits or development permits as specified in Section 33.430.420 or 33.508.395 will be processed according to the following procedures:

- A. Application.** The applicant must submit a site plan with an application for a permit. The site plan must contain all information required by 33.430.130, Permit Application Requirements, and any additional information required for a building permit or development permit review.
- B. Notice of an application.**
 1. Notice on website. Upon receipt of a complete application for a building or development permit, the Director of PP&D will post a notice of the application on the PP&D website and mail a notice of the request to all recognized organizations within 400 feet of the site. The posted notice of the application will contain at least the following information:
 - A statement that a building or development permit has been applied for that is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, 33.430.405.C, or 33.508.350;
 - The legal description and address of the site;
 - A copy of the site plan;

- The place where information on the matter may be examined and a telephone number to call; and
- A statement that copies of information on the matter may be obtained for a fee equal to the City's cost for providing the copies.

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

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

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

1. Posting notice on the site. When the Port of Portland is the applicant, the Port must post public notice of the proposed activity or development following the procedure listed in 33.565.320. Other applicants must follow the posting procedures listed in 33.430.430.C. In either case, the posted notice will contain the same information as the notice posted on the internet.
2. Marking proposed development on site. Prior to inspection of the site, the applicant will mark all trees over six inches diameter to be removed on the site and the building and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material.

D. Site inspection. A PP&D inspector will inspect the site prior to issuance of the permit and will provide the Director of PP&D with one of the following:

1. An inspection report that confirms the accuracy of the site plan and conformance with the applicable development standards; or
2. A check sheet identifying the deficiencies in the plan. Deficiencies must be corrected before a building permit is approved, or they may be addressed through environmental review as described in Sections 33.430.210 through 33.430.280.

E. Comments. Any interested person may comment on the permit application by writing and specifically identifying errors or non-compliance with development standards.

F. Response to comments. If a comment is received, the Director of PP&D will respond in writing or in a manner suitable to the comment. The response will specifically address each comment that concerns compliance with the development standards of Section 33.430.140 through .190 and 33.508.350. The Director of PP&D will recheck permits for compliance with development standards and approve the permit if compliance is reaffirmed or when identified deficiencies are corrected, and when all applicable standards and regulations of the Zoning Code are met.

(Added by Ord. No. 173131, effective 2/27/99. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 175022, effective 10/25/00; Ord. No. 176469, effective 7/1/02; Ord. No. 177368, effective 5/17/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178657, effective 9/3/04; Ord. No. 179076, effective 6/30/05; Ord. No. 181357, effective 11/9/07; Ord. No. 183534, effective 7/1/10; Ord. No. 184521, effective 5/13/11; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 191310, effective 6/30/23.)

2. Exceptions. The following exceptions apply to the bonus and transfer option priorities specified in Paragraph B.1:
 - a. The South Waterfront subdistrict is exempt from the bonus and transfer options usage priorities specified in Paragraph B.1. However, if the site is within the Greenway bonus target area shown on Map 510-5, and the development does not trigger the requirements of 33.245, Inclusionary Housing, the South Waterfront Willamette River Greenway bonus option must be used before any other bonus. Bonus floor area of at least 7,500 square feet from the South Waterfront Willamette River Greenway bonus option must be earned before the project qualifies for other bonus options;
 - b. Unused floor area earned through a bonus that no longer exists in the zoning code can be utilized on the site where it was earned before using one of the bonus or transfer options listed in Paragraph B.1.
- C. **Floor area bonus options.** Additional development potential in the form of floor area is earned for a project when the project includes any of the specified features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 510-2.
 1. General regulations.
 - a. The bonus options are only allowed in situations where stated. Adjustments to the requirements or to the amount of bonus floor area earned are prohibited.
 - b. Bonus FAR is only available to sites zoned RM3, RM4, RX, CX, or EX, unless specifically stated otherwise.
 - c. Projects may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area, however in some cases, certain bonus options must be used before other bonus options can be used or transferring can occur. See Subsection B.
 - d. The maximum floor area increase that may be earned through the bonus options must be within the limits for overall floor area increases stated in 33.510.200.D.
 - e. Buildings using bonus floor area must not exceed the maximum height limits shown on Map 510-3 unless eligible for bonus height.
 2. Bonus floor area options.
 - a. Inclusionary housing bonus option. Projects that include buildings that trigger 33.245, Inclusionary Housing, receive bonus floor area. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245, up to a maximum increase of 3 to 1 FAR on the site.
 - b. Affordable Housing Fund bonus option. Proposals that contribute to the Affordable Housing Fund (AHF) receive bonus floor area. Up to 3 to 1 FAR can be earned by paying into the fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The applicant will receive 1 square foot of bonus floor area for each square foot purchased. The Portland Housing

Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from Portland Permitting & Development. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

- c. Riverfront open space bonus option. The riverfront open space bonus provides an opportunity to expand publicly accessible open space along the Willamette River. Proposals that provide open space adjacent to the river setback area will receive bonus floor area. For each square foot of open space provided, a bonus of 3 square feet of additional floor area is earned. To qualify for this bonus, the following requirements must be met:
 - (1) Location. The open space must be located outside of but adjacent to the river or greenway setback. When the setback area is increased in conformance with 33.475.210.E., Encroachment into the setback, the open space must be located outside of but adjacent to the increased setback area;
 - (2) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area. Each area must be designed so that a 25 foot by 25 foot square will fit entirely within it;
 - (3) Ownership and use. A public access easement must be provided that allows for unrestricted public access from 5 am to 12 midnight unless otherwise specified by the terms of the easement; and
 - (4) Maintenance. The property owner must execute a covenant with the City that ensures the preservation, maintenance and continued operation of the open space by the property owner. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space.
- d. South Waterfront Willamette River Greenway bonus option. To complement and enhance the existing public corridor, projects along the Willamette River Greenway in the South Waterfront subdistrict that provide open space for public activity will receive bonus floor area. For each square foot of open space dedicated, a bonus of 3 square feet of additional floor area is earned. Open space that will earn bonus floor area under Subparagraph C.2.e, Open Space bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:
 - (1) Location. The open space must abut the South Waterfront Greenway Setback Area, as shown on Figure 510-2;
 - (2) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area; the north-south dimension of the area must be at least twice as long as the east-west dimension of the area;

- (3) Connection to the trail. A direct pedestrian connection must be provided between the open space and any required trail or trail easement on the site;
 - (4) Ownership and use. One of the following must be met:
 - The open space and pedestrian connection must be dedicated to the City; or
 - A public access easement must be provided that allows for public access to and use of all the open space and the pedestrian connection;
 - (5) Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space;
 - (6) Landscaping. The open space must be landscaped to meet the requirements of Paragraphs 33.510.253.E. 5.b.(2) and E.5.g.(5) that apply to South Waterfront Greenway subarea 3;
 - (7) Open space features. Public seating such as benches must be provided at a ratio of at least 5 seats per 1,000 square feet of open space; and
 - (8) Timing. The requirements of this paragraph must be met before an occupancy permit for any building using the bonus floor area is issued.
- e. Open Space bonus option. In the South Waterfront subdistrict, proposals that provide open space that may be used by the public will receive bonus floor area. For each square foot of open space provided, a bonus of 1 square foot of additional floor area is earned. Open space that will earn bonus floor area under Subparagraph C.2.d., South Waterfront Willamette River Greenway bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:
- (1) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area;
 - (2) Ownership and use. One of the following must be met:
 - The open space must be dedicated to the City; or
 - The property owner must record a public access easement that has been attached to the deed for the open space and allows for public access to and use of all the open space;
 - (3) Maintenance. The property owner must execute a covenant with the City that ensures the preservation, maintenance and continued operation of the open space by the property owner. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space;
 - (4) Parks approval. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation stating that the open

space features meet the requirements of the bureau, and that the space is acceptable to the bureau; and

(5) The bonus floor area may be used only in the South Waterfront subdistrict.

f. Open space fund bonus option. In the South Waterfront subdistrict, contributors to the South Waterfront Public Open Space Fund (SWPOSF) receive bonus floor area. For each \$14.30 contributed to the SWPOSF, one square foot of bonus floor area is earned. To qualify for this bonus, the following requirements must be met:

(1) The applicant must submit with the application for land use review a letter from Portland Parks and Recreation documenting the amount that has been contributed to the SWPOSF;

(2) The bonus floor area may be used only in the South Waterfront subdistrict; and

(3) The SWPOSF is to be collected and administered by Portland Parks and Recreation. The funds collected may be used only within the South Waterfront, either for acquisition, improvement, or maintenance of public open space or for bank restoration or improvement projects along the Willamette River.

D. Floor area transfer options. Transferring floor area from one site to another is allowed as follows. The transferred floor area is in addition to the maximum floor area ratio shown on Map 510-2. There is no limit to the amount of floor area that can be transferred to a site. Transferring floor area is only allowed in situations where stated. Adjustments to the floor area transfer requirements are prohibited. When FAR is transferred from one site to another, the sending site must retain an amount equal to the minimum FAR required by 33.510.200.C., or an amount equal to the total surface parking area on the site multiplied by the maximum floor area ratio allowed shown on Map 510-2, whichever is more.

1. Transfer of floor area from a Historic Resource. The following regulations apply to transferring floor area from a Historic Resource:

a. Purpose. This transfer option improves public safety by encouraging seismic upgrades of historic resources, and encourages the preservation of historic resources by reducing redevelopment pressure.

b. Sites eligible to send floor area. In order to send floor area the site must meet the following requirements. Sites that are eligible to send floor area are allowed to transfer unused FAR up to the maximum FAR allowed on the site plus an additional 3 to 1:

(1) Be in a RM3, RM4, RX, CX, EX, or OS zones, and

(2) Contain a Historic Landmark, Conservation Landmark, or a contributing resource in a Historic District or Conservation District for which Portland Permitting & Development verifies the following:

- If the building is classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed

- the American Society of Civil Engineers (ASCE) 41- BPOE improvement standard as defined in City of Portland Title 24.85;
- If the building is classified as Risk category III or IV, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the ASCE41- BPOE improvement standard as defined in City of Portland Title 24.85; or
 - The owner of the landmark or contributing resource has entered into a phased seismic agreement with the City of Portland as described in Section 24.85.
- c. Sites eligible to receive floor area:
- (1) Must be zoned RM3, RM4, RX, CX or EX; and
 - (2) Must be within the Central City plan district outside of the South Waterfront subdistrict.
- d. Covenants. The owners of both the sending and receiving sites must execute a covenant with the City. The covenant must meet the requirements of 33.700.060, and must be attached to and recorded with the deed. The covenants may not be revoked or rescinded. The covenant for each site must reflect the existing floor area on each site and the respective increase and decrease of potential floor area.
- e. Exceptions.
- (1) Sending sites with eligible historic resources in a RM3, RM4, RX, CX or EX zone may elect to transfer floor area to a receiving site outside of the Central City plan district if the receiving site meets the standards of 33.120.210.D, 33.130.205.C or 33.140.205.D.
 - (2) Sending sites with eligible historic resources in the RM1 and RM2 zones may transfer floor area if the receiving site meets the standards of 33.120.210.D.
2. Transfer of floor area within a floor area transfer sector. In the RX, CX, EX, and OS zones, floor area, including bonus floor area and bonus floor area earned through a bonus that no longer exists in the zoning code, may be transferred between sites. The sites are not required to be abutting, however both the sending site and the receiving site must be located within the same floor area transfer sector shown on Map 510-23. In addition, floor area transfers are subject to the following requirements:
- a. The sending site must not be a Historic or Conservation landmark or a contributing resource in a historic or a conservation district;
 - b. If bonus floor area is included in the transfer, the public benefit to be provided in exchange for the bonus floor area must be completed in advance or at the time of issuing any occupancy permit on the receiving site taking advantage of the bonus floor area; and
 - c. The property owner(s) must execute a covenant for both sites. The covenants must comply with the regulations of 33.700.060, must be recorded with the

deeds for each site, and must reflect the existing floor area on each site and the respective increase and decrease of potential floor area.

33.510.210 Height

A. Purpose. The building height standards are intended to implement and balance multiple objectives of the Central City 2035 Plan. Generally, the tallest heights in the Portland region are applied in the Central City to support its role as the region's premier center for jobs, services, and urban living. Other objectives include:

- Locating the tallest building heights along the Transit Mall and high-capacity transit lines;
- Protecting designated public views;
- Varying building height across the Central City;
- Generally, stepping down height to the Willamette River and neighborhoods adjacent to the Central City;
- Emphasizing bridgehead locations with taller buildings;
- Limiting shadows on public open spaces; and
- Ensuring building height compatibility within historic districts.

B. Base height.

1. Base heights are shown on Map 510-3. Heights greater than shown on Map 510-3 are allowed through the bonus height or height transfer options specified in Subsections D. and E. Except as follows, adjustments to the height limits shown on Map 510-3 are prohibited. Until January 2, 2032, adjustments or modifications through design review to increase base height may be requested for new buildings when at least 75 percent of the total floor area is in a residential use.
2. Exceptions to base height.
 - a. Generally, the minor projections listed in Paragraph B.3. are allowed to extend above the base heights shown on Map 510-3. Small wind turbines are subject to the standards of Chapter 33.299.
 - b. However, on portions of a site in a view corridor shown on Map 510-20, minor projections are allowed as follows:
 - (1) If the site is located within a historic or conservation district, the minor projections listed in Paragraph B.3. are allowed to extend above the base heights shown on Map 510-3;
 - (2) If the site is located outside of a historic or conservation district:
 - The minor projections listed in Paragraph B.3. are allowed to extend above the base heights shown on Map 510-3 when the site is eligible for a height increase. Eligibility for a height increase is shown on Map 510-3. The projection must not extend above the height limit shown on Map 510-4.

- If the site is not eligible for a height increase, projections above the height limit shown on Map 510-3 are prohibited. Eligibility for a height increase is shown on Map 510-3.
3. Minor projections.
- a. Chimneys, vents, flag poles, satellite receiving dishes, and other similar items that are attached to a building and have a width, depth or diameter of 5 feet or less may extend 10 feet above the base height limit, or 5 feet above the highest point of the roof, whichever is greater. If the item is more than 5 feet wide, deep, or tall, it is subject to the height limit;
 - b. Parapets and railings. Parapets and rooftop railings may extend 4 feet above the base height limit;
 - c. Walls or fences located between individual rooftop decks may extend 6 feet above the base height limit if the wall or fence is set back at least 4 feet from the edges of the roof;
 - d. Rooftop mechanical equipment and any required screening for the mechanical equipment, and stairwell enclosures that provide rooftop access may extend above the base height limit as follows. The equipment and enclosures must be set back at least 15 feet from roof edges on street facing facades:
 - (1) Elevator mechanical equipment may extend up to 16 feet above the base height limit; and
 - (2) Other mechanical equipment, required screening, and stairwell enclosures may extend up to 10 feet above the base height limit if the equipment or enclosures do not cumulatively cover more than 10 percent of the roof area;
 - e. Roof mounted solar panels may extend above the height limit as follows:
 - (1) On flat roofs and on the horizontal portion of mansard roofs, solar panels may extend up to 5 feet above the top of the highest point of the roof; and
 - (2) On pitched, shed, hipped or gambrel roofs, solar panels must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel; and
 - f. Antennas, power poles and public safety facilities.
- C. Shadow study.** Sites shown on Map 510-3 as requiring a shadow analysis must provide a shadow study that shows that the shadow cast by the proposed buildings or other structures does not cover more than 50 percent of the adjacent open space at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21. Adjacent includes open space across a right-of-way from the site subject to the shadow study standard.
- D. Bonus height options.** Bonus height can be achieved through the following options:

1. Bonus height in the South Waterfront subdistrict. Within the South Waterfront subdistrict, buildings that include any floor area achieved through bonuses or from transfers onto the site earn a height bonus as follows:
 - a. In the area located between 125 feet to 150 feet landward of the South Waterfront height reference line shown on Map 510-16, buildings may earn a height bonus of 25 feet if approved as a modification through design review. Projections above 150 feet are prohibited.
 - b. In the area located between 150 feet landward of the South Waterfront height reference line shown on Map 510-16 and the western boundary of the subdistrict, buildings earn a height bonus of 125', up to a maximum building height of 250 feet. Except as follows, adjustments are prohibited. Until January 2, 2032, adjustments, or modifications through design review, to increase the height bonus and the maximum building height limit may be requested for new buildings when at least 75 percent of the total floor area is in a residential use.
2. South Waterfront height opportunity area.
 - a. Purpose. In the core of the South Waterfront subdistrict, additional building heights may be appropriate to support the goals of the South Waterfront Plan. The regulations of this subsection are intended to:
 - Support the growth of an Innovation Quadrant in the Central City;
 - Provide diverse housing opportunities;
 - Support the density goals of the subdistrict while ensuring quality design;
 - Create additional opportunities for visual access through the subdistrict;
 - Promote the development of slender towers with an east-west orientation;
 - Develop an exceptional and varied skyline enhancing the district's setting against the Tualatin Hills to the west and the Cascade Range to the east;
 - Establish and maintain a pedestrian environment with access to sunlight;
 - Contribute to the district's urban variety, adding visual interest at the pedestrian level and from vantage points outside of the district;
 - Create an urban form that is visually permeable; and
 - Continue to maintain all protected public views and view corridors, on the east and west side of the Willamette River, as identified in adopted plans.
 - b. Additional building height may be requested as a modification through design review as follows:
 - (1) The site must be in the South Waterfront height opportunity area shown on Map 510-16;
 - (2) The maximum height that may be approved is 325 feet, including projections, roof top mechanical equipment, and any other structures that project above the roof of the building;
 - (3) One of the following must be met:
 - The average floor-to-floor height in the building must be at least 16 feet and floors of the building above 75 feet must be 25,000 square feet in area or less; or

- Floors of the building above 75 feet must be 10,000 square feet in area or less;
 - Adjustments to the standards of this subparagraph are prohibited; however, modifications through design review may be requested as follows:
 - A modification to the 25,000 square foot limitation may be requested;
 - A modification to the 10,000 square foot limitation may be requested if the north-south dimension of the building above 75 feet is 112 feet or less. The north-south dimension is measured as specified in 33.510.251.A.3.e. However, modifications to allow floors larger than 12,500 square feet are prohibited;
- (4) The portion of the proposed building that is greater than 250 feet in height must be at least 200 feet from the portion of any other existing or approved building that is greater than 250 feet in height, and that used the provisions of this subsection to achieve additional height. Approved buildings are those with an unexpired design review approval. Adjustments to this standard are prohibited; however, modifications to the 200 foot minimum distance requirement may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal;
- (5) Where a block is less than 80,000 square feet in area, only one building on the block may use the provisions of this subsection. Where a block is at least 80,000 square feet in area but less than 120,000, only two buildings on the block may use the provisions of this subsection. Where a block is at least 120,000, only three buildings on the block may use the provisions of this subsection.

Applications for land divisions of sites that include a building that has used the provisions of this subsection must show how the land division will not move the site out of conformance with this subsection;

- (6) The applicant must contribute \$28.10 to the South Waterfront Public Open Space Fund (SWPOSF) for every square foot of floor area over 250 feet in height. The contribution to the SWPOSF must be made before the building permit is issued for the building. Contributions to the fund used to earn bonus floor area under 33.510.205.C.2.f, Open space fund bonus option, do not count towards meeting this requirement. Adjustments to this standard are prohibited; and
- (7) The applicant must request advice from the Design Commission as described in 33.730.050.B. The design advice request must be submitted before the request for a pre-application conference. In providing their advice to the applicant, the Design Commission will consider protection and enhancement of public views from both the east and west, as identified in adopted plans; development of a diverse, varied and visually interesting skyline; and creation of a district that is visually permeable. These factors

will be considered at different scales, including the site of the proposal, the site and adjacent blocks, and the subdistrict as a whole.

3. Bonus height earned through an FAR bonus or transfer. Except for sites in the South Waterfront height opportunity area, the bonus heights shown on Map 510-4, or allowed by Subparagraph D.3.e, are allowed when the following are met. Except as follows, projections above the height limits shown on Map 510-4, or allowed by Subparagraph D.3.e are prohibited. Until January 2, 2032, adjustments, or modifications through design review, to the bonus heights shown on Map 510-4 or allowed by Subparagraph D.3.e may be requested for new buildings when at least 75 percent of total floor area is in a residential use:
 - a. The site must be shown on Map 510-3 as eligible for a height increase;
 - b. The proposal must earn an additional FAR of at least 1 to 1 through use of one of the following FAR bonus or transfer options. The site shown on Map 510-4 as requiring residential is only allowed to earn the additional 1 to 1 through the bonus option listed in D.3.b (1):
 - (1) The inclusionary housing bonus option of Subparagraph 33.510.205.C.2.a;
 - (2) The Affordable Housing Fund bonus option of Subparagraph 33.510.205.C.2.b;
 - (3) The riverfront open space bonus option of Subparagraph 33.510.205.C.2.c.;
or
 - (4) The historic resource transfer of Paragraph 33.510.205.D.1.
 - c. Limit shadow. The following additional shadow standard and approval criterion are intended to limit the effects of shadow cast by buildings using bonus height. The shadow study standard applies to sites shown on Map 510-4 as requiring a shadow study. The shadow approval criterion applies to sites within 500 feet of a residential zone located outside of the Central City when more than 75 feet of bonus height is proposed:
 - (1) Shadow study standard. When bonus height will be used on a site shown on Map 510-4 as requiring a shadow study, the shadow study must show that the shadow cast by the proposed buildings or other structures does not cover more than 50 percent of the adjacent open space at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21. Adjacent includes open space across a right-of-way from the site subject to the shadow study standard.
 - (2) Shadow approval criterion. A proposal for more than 75 feet of bonus height on a site that is within 500 feet of a residential zone located outside of the Central City plan district will be approved if the review body finds that shadow cast by the proposed building will not have a significant negative impact on dwelling units located outside the Central City plan district in an R zone within 500 feet of the site.

- d. North Pearl Height Opportunity Area. The following additional standards apply when bonus height will be used in the North Pearl Height Opportunity area shown on Map 510-16:
- (1) When bonus height will be used on sites located entirely between NW Naito Parkway and the Willamette River, building façades above 100 feet that face NW Naito Parkway or the Willamette River must not exceed 120 feet in length; and
 - (2) When bonus height will be used on sites that are not located between NW Naito Parkway and the Willamette River the following must be met:
 - The building must not be taller than 175 feet; or
 - If the building is taller than 175 feet, the floors of the building above 100 feet must not be more than 12,500 square feet each.
- e. RiverPlace Height Opportunity Area. Up to 325 feet of height is allowed in the RiverPlace height opportunity area shown on Map 510-16 when the following standard is met:
- (1) Purpose. In the RiverPlace height opportunity areas, additional building heights may be appropriate to meet density goals as well as:
 - Provide diverse housing opportunities;
 - Support high quality design;
 - Create additional opportunities for visual access through the area;
 - Promote the development of slender towers with an east-west orientation;
 - Establish and maintain a pedestrian environment with access to sunlight;
 - Create open space amenities connecting to the riverfront;
 - Contribute to the area's urban variety, adding visual interest at the pedestrian level and from vantage points outside of the area;
 - Create an urban form that is visually permeable and maintains all protected public views and view corridors.
 - (2) Standard. If the building is taller than 75 feet, the floors of the building above 75 feet must not be more than 10,000 square feet each. Adjustments are prohibited, however modification through design review may be requested if the north-south dimension of the building above 75 feet is 112 feet or less. The north-south dimension is measured as specified in 33.510.251.A.3.e.

E. Open space height transfers.

1. Purpose. These regulations provide an incentive for the creation and development of needed open space in the Central City plan district.
2. Requirements for open space areas eligible for the height transfer.
 - a. The proposed open space area must be in the Central City plan district outside of the South Waterfront subdistrict. The site is subject to the review requirements stated in Paragraph E.4.

- b. The area designated for the open space must be dedicated to the City as a public park. The minimum size of the open space must be a full block at least 35,000 square feet in size. However, the open space may be 20,000 square feet in size if located along the alignment of the North Park Blocks.
 - c. All park improvements must be made by the applicant prior to dedication to the City. The improvements to the park are subject to a design review using the specific area's design guidelines.
 3. Amount of height potential that can be transferred. The allowed height at the proposed open space site may be transferred within the Central City plan district consistent with the limits stated below.
 - a. The maximum amount of height that may be transferred is 100 feet. The transfer may only be to a site eligible for additional height as shown on Map 510-3. Increases in height that result in buildings greater than the maximum height shown on Map 510-4 are prohibited. The transferred height may not be used in addition to any bonus heights allowed by Paragraph D.3.
 - b. The open space site must be dedicated to the City before the issuance of building permits for the building receiving the increased height.
 4. Design Review.
 - a. Procedure. The review is processed with a Type III procedure. The Parks Bureau will provide advice to the Design Commission.
 - b. Approval criteria. The proposed open space site will be approved for the height transfer if the review body finds that the applicant has shown that all of the following approval criteria are met:
 - (1) The proposed site will help to alleviate an area's identified projected future open space deficiency. This determination is based on such things as proximity to parks, proximity to people living or working in the Central City plan district, and how the site relates to the Central City 2035 Plan's park and open space policies;
 - (2) The proposed improvements on the open space site are consistent with the design guidelines for the area; and
 - (3) The Parks Bureau approves of the site.

33.510.211 Shadow Study Required

A shadow study is required for new structures that are 100 feet or more in height on sites shown on Map 510-11, and for major remodels to existing structures that increase the height of the existing structure to 100 feet or higher on sites that are shown on Map 510-11. The shadow study must show that the shadow cast by the new or remodeled structure does not cover more than 50 percent of the adjacent open space at 10 am on March 21. Adjacent includes open space located across a right-of-way from the site. Adjustments are prohibited.

33.510.215 Required Building Lines

- A. Purpose.** The required building line standards ensure that buildings in certain parts of the Central City are built to the sidewalk's edge unless landscaping or an extension of the sidewalk is provided. The standards support the street and development character objectives of the Central City 2035 Plan by creating diverse street character, promoting active uses, pedestrian movement, and opportunities for stopping and gathering. Extensions of the sidewalk may incorporate trees, landscape planters, groundcover, and areas for stormwater management between the building and the sidewalk.
- B. Required building line standards.** Major remodeling that includes a residential use is exempt from the required building line standards until January 1, 2029.
1. **General Standards.** Unless otherwise specified in Paragraphs B.2. through B.5., new development and major remodels in the RX, CX and EX zones must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge. Sites where this standard applies are exempt from the maximum building setbacks of the base zone:
 - a. The building must extend to the street lot line along at least 75 percent of the lot line; or
 - b. The building must extend to within 12 feet of the street lot line along at least 75 percent of the length of the street lot line. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."
 2. **Standards for sites with frontage on a street shown on Map 510-7.** New development and major remodels on a site with frontage on a street shown on Map 510-7 must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge. Sites where this standard applies are exempt from the maximum building setbacks of the base zone:
 - a. The building must extend to the street lot line along at least 75 percent of the length of the street lot line; or
 - b. The building must set back at least 6 feet from the street lot line along at least 75 percent of the length of the street lot line. The space between the building and the street lot line must be landscaped as follows. All plants must be selected from the Portland Tree and Landscaping manual:
 - (1) When the setback area is at least 6 feet and less than 12 feet wide at least 50 percent of the setback must be landscaped with ground cover plants and shrubs;
 - (2) When the setback area is 12 feet wide or more, at least 80 percent of the setback area must be landscaped with ground cover plants and shrubs, and contain one tree per 400 square feet of the setback area.

3. Standards for the South Waterfront subdistrict. In the South Waterfront subdistrict, new development and major remodels must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge. Sites where this standard applies are exempt from the maximum building setbacks of the base zone:
 - a. The building must extend to the street lot line along at least 75 percent of the lot line; or
 - b. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line, and the space between the building and the street lot line must meet one of the following:
 - (1) Be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places;" or
 - (2) Be landscaped in one of the following ways:
 - The proposed landscaping meets the L2 standard;
 - The proposed landscaping meets the landscaping regulations of 33.510.253.E.5.g(5) for subarea 3 of the South Waterfront Greenway Setback Area except that trees are not required; or
 - The applicant submits with the application for a land use review a letter from the Bureau of Environmental Services stating that the landscaping meets the guidelines of the Stormwater Management Manual.
4. Standards for West Burnside. On sites with frontage on West Burnside between 10th and 21st Avenues, buildings must be set back 10 feet from the street lot line. This standard applies to new development and major remodels. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places." Exterior walls of buildings designed to meet the requirements of this section must be at least 15 feet high measured from the finished sidewalk at the buildings edge. Sites where this standard applies are exempt from the maximum building setbacks of the base zone.
5. Standards for the Park Blocks. On sites with frontage on a street shown on Map 510-22, and on sites that are adjacent to an open area shown on Map 510-22, buildings must be set back at least 12 feet from the street or adjacent lot line along at least 75 percent of the length of the lot line. At least 50 percent of the space between the building and the street or adjacent lot line must be landscaped with ground cover plants and shrubs, and contain one tree per 400 square feet. All plants must be selected from the Portland Tree and Landscaping Manual. This standard applies to new development. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge. Sites where this standard applies are exempt from the maximum building setback of the base zone.

33.510.220 Ground Floor Windows

- A. Purpose.** In the Central City plan district, blank walls on the ground level of buildings are limited in order to:
- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
 - Encourage continuity of retail and service uses;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level;
 - Avoid a monotonous pedestrian environment; and
 - The plan district modifications to the base zone standards for ground floor windows are intended to promote ground floor windows in a larger number of situations than in the base zones and to provide additional flexibility in meeting the standard.
- B. Ground floor windows.** The following ground floor window standards apply in the RX, CX and EX zones. To meet the standards, ground floor windows must be windows that allow views into work areas or lobbies, or be windows in pedestrian entrances. Windows into storage areas, vehicle parking areas, garbage and recycling areas, mechanical and utility areas and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. The bottom of the windows of nonresidential spaces must be no more than 4 feet above the finished grade:
1. Ground level facades that face a street or open area shown on Map 510-8 must have windows that cover at least 60 percent of the ground level wall area. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade. Until January 1, 2029, the standard for development that includes a residential use is 40 percent of the ground level wall area.
 2. All other ground level facades that face a street lot line, sidewalk, plaza, or other publicly accessible open area or right-of-way must have windows that cover at least 40 percent of the ground level wall area. For street facing facades of dwelling units the regulations of 33.130.230.B.4 apply. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade.
 3. Optional artwork. Projects proposing to use artwork as an alternative to the ground floor window requirements may apply for this through the adjustment procedure. Projects may also apply for a modification through design review if they meet the following qualifications. Buildings having more than 50 percent of their ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters), may be allowed to use the design review process. Artwork and displays relating to activities occurring within the building are encouraged. In these instances, the artwork will be allowed if it is found to be consistent with the purpose for the ground floor window standard.

33.510.223 Bird-Safe Exterior Glazing

- A. Purpose.** The bird-safe glazing standards are intended to reduce the risk of bird-to-building collisions. The standards reduce the transparency, or reflectivity, of exterior windows and other glazed surfaces, thereby improving the visibility of exterior glazed surfaces to birds. The reduction in transparency applies to the portions of buildings that studies show are associated with the greatest occurrence of bird strikes.
- B. Development subject to the bird-safe exterior glazing standards.** The bird-safe glazing standards apply to new buildings and major remodeling projects. For new buildings, the standards apply per façade when the façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. For major remodeling projects, the standards apply per facade when at least 75 percent of the façade is altered and the altered facade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. The standards also apply to glazing located directly adjacent to an ecoroof, roof garden, or other vegetated or landscaped roof area. The standards do not apply to houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes, triplexes, historic landmarks, and contributing resources in historic or conservation districts.
- C. Bird-safe exterior glazing standards.** At least 90 percent of the windows and glazing on the following portions of each façade must choose treatment patterns and application techniques from the *Portland Bird Safe Windows List*:

 - 1. Windows and glazing, including glazed balcony railings, located within the first 60 feet of the building measured from the grade adjacent to the facade;
 - 2. Windows and glazing located within the first 15 feet of the building above an adjacent ecoroof, roof garden, or other vegetated or landscaped roof area; and
 - 3. The glazed portions of sky bridges or fences.

33.510.225 Ground Floor Active Uses

- A. Purpose.** The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible activities, and they encourage a transit-supportive, pedestrian-oriented environment that is safe, active with uses, and comfortable for residents, visitors, and others. Active uses include but are not limited to: lobbies and other common areas of the building, retail, commercial, and office uses, but do not include storage, vehicle parking, garbage, recycling, mechanical, or utility uses.
- B. Sites and development subject to the ground floor active use standard.** The ground floor active use standards apply on sites with frontage on a street shown on Map 510-9. Standards C.1 and C.3 apply to new development and major remodels. Standard C.2 only applies to new development.

C. Ground floor active use standards.

1. Dwelling units are prohibited on the ground floor within 25 feet of the street lot line of a street shown on Map 510-9. Development that includes a residential use is exempt from this standard until January 1, 2029.
2. Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A. Areas designed to accommodate these uses must be developed at the time of construction. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of a street shown on Map 510-9, a plaza, or other public open space.

Areas designed to accommodate active uses must meet the following standards.
Accessory structures are exempt from the standards:

- a. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 - b. The area must be at least 25 feet deep, measured from the street-facing façade or wall;
 - c. The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by PP&D; and
 - d. The street-facing facade or wall must include windows and doors.
3. In the Pearl District and West End subdistricts, on the portion of a site within 100 feet of a streetcar alignment shown on Map 510-13, parking is not allowed in the portions of a building that meet the ground floor active use standard of Paragraph C.

33.510.230 Required Residential Development Areas

- A. Purpose.** The requirements of this section promote new housing in areas suitable and attractive for housing. The requirement is imposed as an alternative to the creation of exclusively residential zoning. This maintains development flexibility while still promoting the housing objectives of the Central City 2035 Plan.
- B. Sites and development subject to the required residential standard.** Sites subject to this standard are shown on Map 510-6. On identified sites, all new development must meet the standards below.
- C. Required residential standard for new development.** For this standard, net site area is the total site area minus land dedicated to public rights-of-way or public open spaces, or land used for a regional public attraction such as a museum or aquarium. New development must include at least 1 dwelling unit per 2,900 square feet of net site area (15 units per acre).

- D. Timing and location of the housing.** Required housing must be located on the site and if developed as part of a mixed-use project must receive an occupancy permit in advance of or at the same time as an occupancy permit for nonresidential portions of the project.

33.510.240 Drive-Through Facilities

Drive-through facilities are prohibited in the Central City plan district.

33.510.242 Demolitions

In R, C, and E zones, sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through design review in design zones, and issuance of a building permit outside of design zones. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.

33.510.243 Ecoroofs

- A. Purpose.** Ecoroofs provide multiple complementary benefits in urban areas, including stormwater management, reduction of air temperatures, mitigation of urban heat island impacts, air quality improvement, urban green spaces, and habitat for birds, plants and pollinators. The standards are intended to:
- Maximize the coverage of ecoroofs;
 - Allow for the placement of structures and other items that need to be located on roofs; and
 - Support the architectural variability of rooftops in the Central City.
- B. Ecoroof standard.** In the CX, EX, RX, and IG1 zones, new buildings with a net building area of 20,000 square feet or more must have an ecoroof that meets the following standards. Until January 1, 2029, development that includes a residential use can choose to meet Subsection B. or C. below:
1. The ecoroofs, including required firebreaks between ecoroofs areas, must cover 100 percent of the building roof area, except that up to 40 percent of the building roof area can be covered with a combination of the following. Roof top parking does not count as roof area. Roof area that has a slope greater than 25% does not count as roof area:
 - a. Mechanical equipment, housing for mechanical equipment, and required access to, or clearance from, mechanical equipment;
 - b. Areas used for fire evacuation routes;
 - c. Stairwell and elevator enclosures;
 - d. Skylights;
 - e. Solar panels;
 - f. Wind turbines;
 - g. Equipment, such as pipes and pre-filtering equipment, used for capturing or directing rainwater to a rainwater harvesting system;

- h. Uncovered common outdoor areas. Common outdoor areas must be accessible through a shared entrance; or
 - i. Uncovered individual unit outdoor area directly accessible to the dwelling unit.
 2. The ecoroof must be approved by the Bureau of Environmental Services as meeting the Stormwater Management Manual's *Ecoroof Facility Design Criteria*.
- C. Temporary exception for solar panels. Until January 1, 2029, in the CX, EX, RX, and IG1 zones, new buildings with a net building area of 20,000 square feet or more that include a residential use can provide solar panels as an option to meeting Subsection B above. The solar panels, including the access space between panels, must cover 100 percent of the building roof area, except that up to 40 percent of the building roof area can be covered with a combination of the following. Roof top parking does not count as roof area. Roof area that has a slope greater than 25% does not count as roof area:
 1. Mechanical equipment, housing for mechanical equipment, and required access to, or clearance from, mechanical equipment;
 2. Areas used for fire evacuation routes;
 3. Stairwell and elevator enclosures;
 4. Skylights;
 5. Wind turbines;
 6. Equipment, such as pipes and pre-filtering equipment, used for capturing or directing rainwater to a rainwater harvesting system;
 7. Uncovered common outdoor areas. Common outdoor areas must be accessible through a shared entrance; or
 8. Uncovered individual unit outdoor area directly accessible to the dwelling unit.

33.510.244 Low-Carbon Buildings

- A. **Purpose.** The low-carbon building standard encourages development that achieves third party green building certification. Buildings that are third party certified tend to have a lower carbon footprint and increased energy efficiency as compared to buildings that do not have green building certifications. In addition, green buildings help to preserve natural resources and protect the health of occupants.
- B. **Low-carbon building standard.** New development with a net building area of at least 50,000 square feet, and alterations to existing development that increase net building area by at least 50,000 square feet must provide a letter from the Bureau of Planning and Sustainability that verifies that the project has registered for a green building certification program, approved by the Bureau of Planning and Sustainability, and has prepared a preliminary description of how the building can achieve the certification.

33.510.250 Additional Standards in the Pearl Subdistrict. Sites in the Pearl subdistrict south of the Fremont Bridge and north of NW Lovejoy Street must meet the following standards:

- A. Special building height.** A special building height corridor shown on Map 510-18 is designated along NW 13th Avenue. In this corridor the portion of a building that is within 20 feet of the property line along NW 13th Avenue may be no more than 75 feet in height. Adjustments to this requirement are prohibited.
- B. Pearl subdistrict waterfront development.**
1. Purpose. These standards are intended to ensure both physical and visual connections to the river and river-based activities.
 2. Where these standards apply. This section applies only to lands between NW Front Avenue and the Willamette River within the Pearl subdistrict.
 3. Development standards.
 - a. View corridors. At least 25 percent of the width of the site (as measured along NW Naito Parkway) must be maintained as a view corridor or corridors. Buildings and covered structures are not allowed in the view corridor.
 - b. Setbacks for all development from the Willamette River. The minimum setback for all development from the Willamette River is regulated by the River Overlay zones; see Chapter 33.475.
 - c. Maximum building dimension. The maximum building dimension is 200 feet. This standard applies to both building length and depth.
 - d. Public access. As part of each development, public access for pedestrians must be available and clearly posted between NW Naito Parkway and the major public trail.

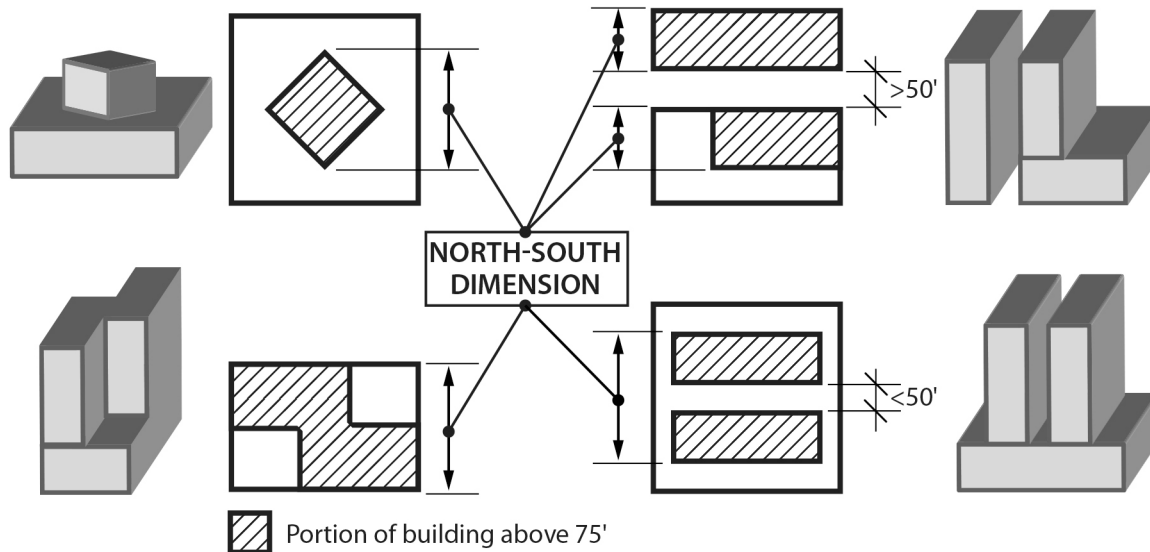
33.510.251 Additional Standards in the South Waterfront Subdistrict

Sites in the South Waterfront subdistrict must meet the following standards.

- A. Special building height corridors and tower orientation.**
1. Purpose. Special building heights along designated east-west corridors and tower orientation standards provide visual access to the Greenway from points west of the district, provide visual access to the Tualatin Hills from points east of the district, provide access to sunlight along designated streets, and encourage an urban form that is visually permeable and varied.
 2. Special building heights. The portion of a building that is within 50 feet of the centerline of a street or accessway designated as a special building height corridor on Map 510-15 may be no more than 50 feet in height.
 3. Maximum north-south dimension. The north-south dimension is measured as specified in Subparagraph A.3.e. See Figure 510-1. Adjustments to this paragraph are prohibited; however, modifications to the standards of this paragraph may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal. The north-south dimensions of buildings are limited as follows:

- a. Less than 75 feet in height. For the portion of a building less than 75 feet in height, there is no limit on the north-south dimension, and no required space between buildings or portions of buildings;
- b. 75 feet in height and above. The portion of a building that is at least 75 feet in height may have a north-south dimension up to 125 feet in width;
- c. Where there is more than one building on a site there must be at least 50 feet between the portions of the buildings that are at least 75 feet in height. If there is less than 50 feet between these portions of the buildings, the north-south dimension is the total of the north-south dimension of each building and the north-south dimension of the space between them. The total may be up to 125 feet in width;
- d. Where a building has more than one element that is at least 75 feet in height, the two elements are measured and regulated as two separate buildings;
- e. Measurements for this paragraph. The measurements for the regulations of this paragraph are as follows. See Figure 510-1:
 - (1) The north-south dimension of a building is measured as follows:
 - From the northernmost point of the portion of a building that is at least 75 feet in height, a line is drawn running due east-west;
 - From the southernmost point of the portion of a building that is at least 75 feet in height, a line is drawn running due east-west;
 - A line drawn at right angles between the two east-west lines is the north-south dimension;
 - (2) The space between buildings on a site is measured using the east-west lines created under A.3.e.(1). A line drawn at right angles between the northern east-west line of one building and the southern east-west line of the other is the distance between the buildings.

Figure 510-1
Measuring North-South Dimension



B. Accessways.

1. Purpose. Accessways provide physical access and connections to the Greenway for neighbors, visitors, and residents of South Waterfront who might otherwise be cut off from the Willamette River and the Greenway trail. Accessways are generally extensions of existing and planned east-west public rights-of-way, and may or may not provide vehicle access. Accessways provide safe and convenient bicycle and pedestrian connections to and from the Greenway trail. Accessways contribute to stormwater management in the subdistrict. They also provide a visual connection to the South Waterfront Greenway Setback Area and provide a transition from the natural emphasis of the South Waterfront Greenway Setback Area to the urban emphasis of the rest of the district.
2. Where these regulations apply. These regulations apply to development and landscaping on sites with frontage on accessways that are east of River Parkway;
3. Setback. If the accessway is 60 feet wide or less, buildings must be set back at least 30 feet from the centerline of the accessway. If the accessway is wider than 60 feet, the building must meet the building line requirements of Section 33.510.215 on the accessway frontage;
4. Landscaping. The area between the building and the accessway must meet the landscaping standards of 33.510.253.E.5.g(5) that apply to subarea 3 of the South Waterfront Greenway Setback Area. However, along accessways that are designated as special building height corridors on Map 510-15, trees are not required.

C. Locker rooms and additional bicycle parking.

1. Purpose. These standards support the transportation strategy of the South Waterfront Subdistrict by requiring amenities that support the use of alternative modes of transportation, including bicycling and walking;

2. When these regulations apply. The regulations of this subsection apply to proposals that will add at least 100,000 square feet of nonresidential floor area to a site;
3. Locker rooms. At least one locker room facility must be included in the proposal. The facility must include showers, a dressing area, and lockers. The facility must be available for use by all tenants of the building; and
4. Exception for existing long-term bicycle parking.
 - a. Purpose. These regulations allow existing uncovered long-term bicycle parking to continue without upgrading the nonconforming elements of the racks. The existing, attendant monitored, bicycle parking provides a convenient and secure long-term bicycle parking option that works in conjunction with the suspended cable transportation system that provides access to both the Marquam Hill plan district and South Waterfront subdistrict of the Central City plan district.
 - b. Where these standards apply. These standards provide an alternative to the long-term bicycle parking standards in 33.266 and apply to required long-term bicycle parking facilities in the South Waterfront subdistrict of the Central City plan district.
 - c. Existing Bicycle Parking. Existing long-term bicycle parking may be used to meet required long-term bicycle parking. The existing bicycle parking is not required to meet Subsections 33.266.210.C and D if the long-term bicycle parking meets the following:
 - (1) The bicycle parking is located in the South Waterfront subdistrict of the Central City plan district as of March 1, 2020;
 - (2) The bicycle parking area has an attendant present during the hours of 6:00 am to 7:30 pm from Monday to Friday to monitor the area and aid in parking bicycles;
 - (3) The bicycle parking area does not exceed 500 spaces;
 - (4) The bicycle parking must be within 100 feet of a suspended cable transportation system; and
 - (5) The applicant must sign a covenant that ensures that the existing long-term bike parking will continue to meet the above standards until the bike parking is no longer required. The covenant must comply with the requirements of 33.700.060, Covenants with the City.

33.510.252 Additional Standards in the Central Eastside Subdistrict

The following additional standards apply in the Central Eastside subdistrict.

A. Industrial impacts disclosure statement.

1. Purpose. This requirement is intended to ensure that people who choose to live or work in the Central Eastside subdistrict are aware of the potential impacts, such as noise, vibration, odors, glare, and heavy truck traffic that stem from industrial and employment uses.

2. Disclosure statement required. Prior to the issuance of a building permit for a new building that will contain a Household Living, Retail Sales And Service, or Office use, and for alterations to an existing building that contains a Household Living, Retail Sales And Service, or Office use, the owner of the property must sign and record a copy of the City's Industrial Impacts Disclosure Statement. The statement must be recorded in the records of Multnomah County. The statement acknowledges that the property is located near industrial and employment uses, and signifies the owner's awareness of the associated nuisance impacts including noise, odor and light levels. The statement is available in the Development Services Center. After the permit is finalized, the property owner must provide a copy of the disclosure statement to every tenant or buyer, and post a copy of the disclosure statement on the premises in a location that is accessible to all tenants.

B. Noise insulation.

1. Purpose. Noise insulation is required in order to protect homes located near industrial areas from potential noise impacts generated by industrial operations.
2. Where this standard applies. The noise insulation standard applies in the EX zone to sites that have a lot line that abuts or is across the street from an IG1 zone.
3. Noise insulation standard. All new dwelling units must be constructed with sound insulation or other means to achieve a day/night average noise level of 45 dBA. An engineer registered in Oregon who is knowledgeable in acoustical engineering must certify that the building plans comply with the standard for noise insulation prior to issuance of a building permit. Garages or other attached accessory structures that do not include living space are exempt from this standard.

33.510.253 Greenway Overlay Zone in South Waterfront Subdistrict

A. Purpose. The regulations of this section:

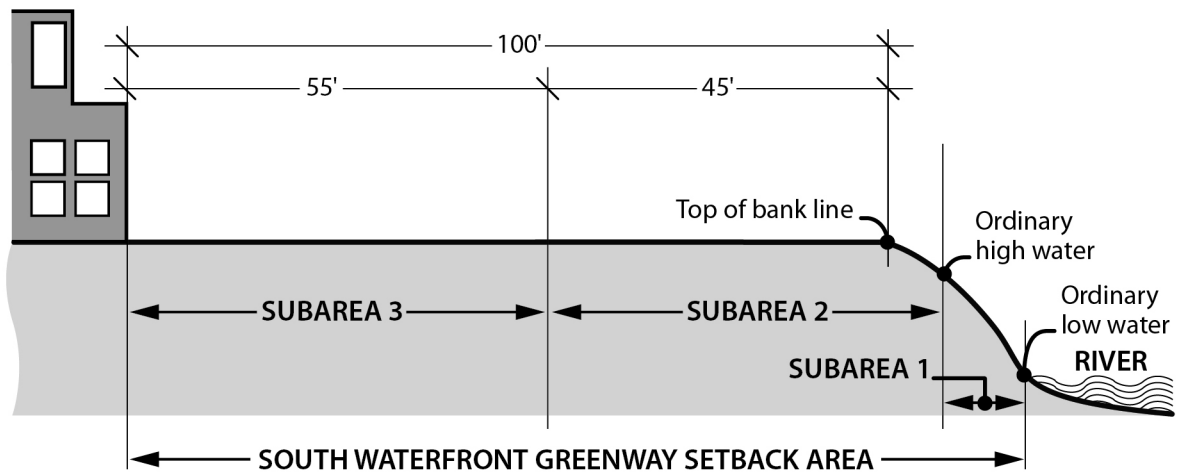
1. Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River within the South Waterfront Subdistrict of the Central City plan district;
2. Increase public access to and along the Willamette River for the purpose of increasing recreational and transportation opportunities;
3. Support the development of the South Waterfront Subdistrict as a vibrant mixed-use neighborhood within the Central City plan district;
4. Ensure a clean and healthy river for fish, wildlife, and people;
5. Embrace the river as Portland's front yard;
6. Enhance stormwater management in the South Waterfront Subdistrict;
7. Respond to the federal Endangered Species Act and Clean Water Act; and
8. Implement the Willamette Greenway Plan and State law.

B. Relationship to other regulations. Development within the Greenway Overlay Zone in the South Waterfront Subdistrict is also subject to other regulations of the Portland City Code.

Development within the Greenway Overlay Zone may also be subject to the regulations and review procedures of state and federal agencies including the Oregon division of State Lands, the National Marine fisheries Service, the US Army Corps of Engineers, and the Oregon Department of Fish and Wildlife.

- C. **Where these regulations apply.** The regulations of this section apply to sites within the South Waterfront Subdistrict where any portion of the site is in the Greenway Overlay Zone, shown on the Official Zoning Map.

Figure 510-2
South Waterfront Greenway Area and Subareas



Greenway Setback Area = from ordinary low water to 100' from top of bank line

Subarea 1 = from ordinary low water to ordinary high water

Subarea 2 = from ordinary high water to 45' in from top of bank line

Subarea 3 = from 45' in from top of bank to 100' in from top of bank line

- D. **Required South Waterfront Greenway Setback Area improvements.** Adjustments and modifications to this subsection are prohibited.

1. Required landscaping.

- a. When development on the site, or alterations to structures, the site, or rights-of-way are made, and PP&D determines that the value of the proposed alterations on the site is more than \$356,000, the site must be brought into conformance with the landscape requirements of Paragraph E.5.g. that apply to subareas 2 and 3 of the South Waterfront Greenway Setback Area. The value of the alterations is based on the entire project, not individual building permits. It is the responsibility of the applicant to document the value of the required improvements.

The following alterations and improvements do not count toward the dollar threshold of this subsection:

- (1) Alterations required by approved fire/life safety agreements;

- (2) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
 - (3) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;
 - (4) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and
 - (5) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.
 - b. Caps on the cost of required landscaping. Required landscaping costing more than 10 percent of the value of the proposed alterations does not have to be installed. When all required landscaping is not being installed, the priority for which landscaping is to be installed is:
 - (1) Trees in subarea 2;
 - (2) Shrubs in subarea 2;
 - (3) Ground cover in subarea 2;
 - (4) Trees in subarea 3;
 - (5) Shrubs in subarea 3;
 - (6) Ground cover in subarea 3; and
 - (7) Other required landscaping;
 - c. Supplemental application requirement. Where landscaping is required by this paragraph, the applicant must submit a landscape plan to PP&D that shows that the landscaping will grow to meet the landscape standards of Subparagraph E.5.g, below, within five years. The landscape plan must be certified by a licensed landscape architect, or by a qualified restoration specialist as part of a formal City revegetation project under authority of Portland Parks and Recreation or the Bureau of Environmental Services.
2. Bank improvements. In subarea 1, when there is any regrading, bank stabilization, or other activities affecting the contours and composition of soil, the requirements of Paragraph E.5.g for subarea 1 must be met.
3. Major public trail and pedestrian connections and public viewpoints. When development on a site, or alterations to structures, the site, or rights-of-way are made that add more than 50,000 square feet of floor area to the site, the applicant must provide public access easements for, and construct, the major public trail, pedestrian connections to the major public trail, and public viewpoints in accordance with Subparagraph E.5.e., and Subparagraph E.5.f. The requirement to provide an access

easement for, and construct, the major public trail, pedestrian connections, and public viewpoints applies only when the development described above will increase the use of the major public trail system or will contribute to the need for additional major public trail facilities, and application of the regulations is determined to be roughly proportional to the impacts of the proposed development. The square footage added to the site is calculated based on the total amount added, regardless of the amount demolished;

4. Timing of improvements. The applicant may choose one of the following options for making the improvements required by this subsection:
 - a. Option 1. Under Option 1, required improvements must be made as part of the development or alteration that triggers the required improvements;
 - b. Option 2. Under Option 2, the required improvements may be deferred if the following are met:
 - (1) The applicant must provide the PP&D with a performance guarantee for the improvements. See 33.700.050, Performance guarantees; and
 - (2) The required improvements must be constructed or installed within 4 years of issuance of the Certificate of Occupancy or within the timeline approved through a South Waterfront Greenway Review. See Chapter 33.851.
5. Landscaping monitoring and reporting. Monitoring required landscaping is the ongoing responsibility of the property owners. If landscaping is required by the subsection, the owner must submit a report to PP&D documenting that the landscape standards of Subparagraph E.5.g., below, have been met on the site. The report must be submitted within 1 year of the installation date, or within the timeline approved through a South Waterfront Greenway Review. See Chapter 33.851.

E. Review thresholds and development standards.

1. Design review. Within the South Waterfront Greenway Setback Area show on Figure 510-2, new development, and changes to the land or structures including excavations and fills, bridges, and docks are subject to design review, unless exempted by Paragraph E.4.
2. South Waterfront greenway review. South Waterfront greenway review is required for the following:
 - a. New development or exterior alterations that do not meet the standards of Paragraph E.5 b through E.5.i and are not exempted by Paragraph E.4. South Waterfront greenway review is not required for exterior alterations to nonconforming development in the South Waterfront Greenway Setback Area if the exterior alteration brings the site closer to conformance with the applicable standards in E.5;
 - b. New development, or changes to the land or structures, riverward of top of bank, including excavations and fills, bridges, and docks, unless exempted by Paragraph E.4.

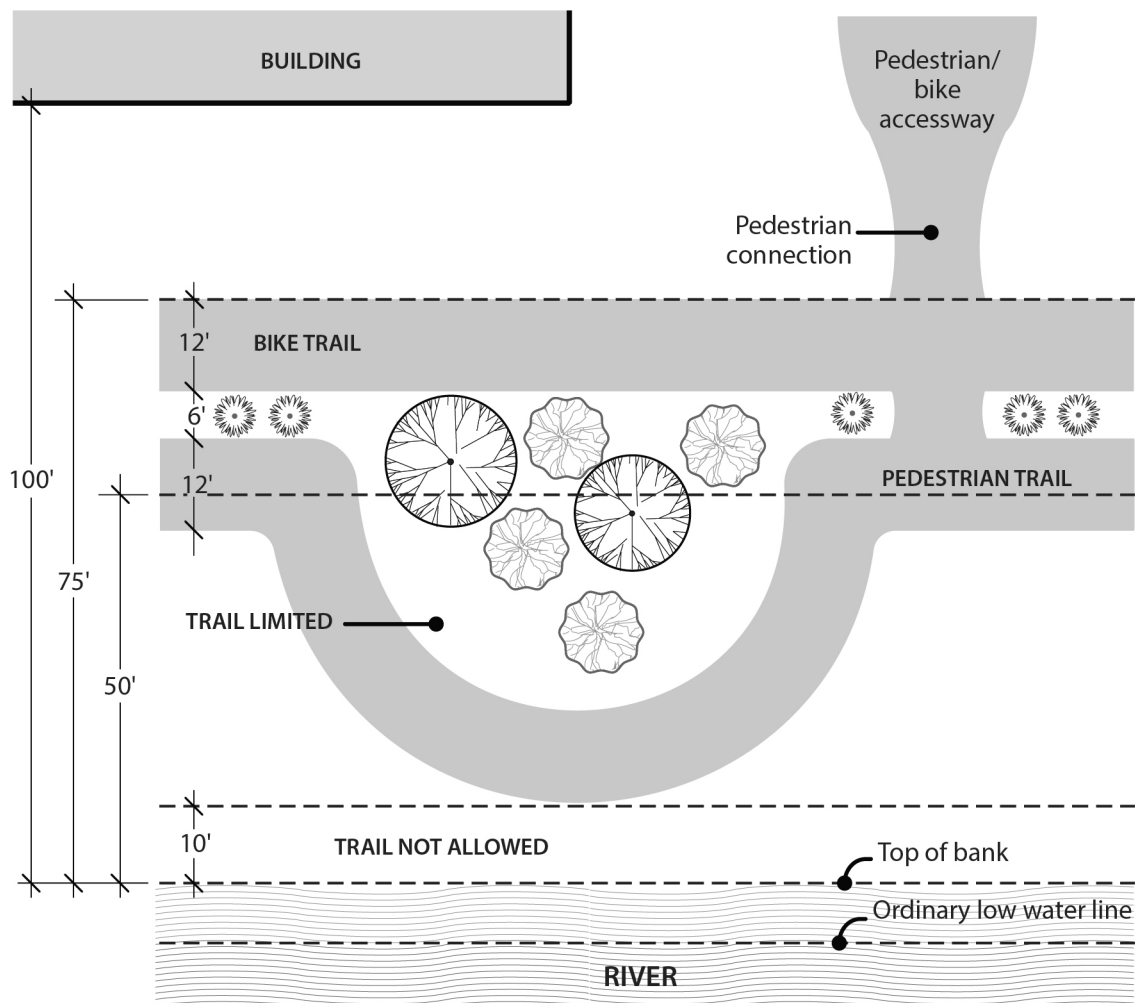
3. Adjustment review. An adjustment, or modification through design review, is required for new development or exterior alterations that do not meet the standards of Paragraph E.5.j and are not exempted by Paragraph E.4.
4. Exemptions. The following are exempt from this Subsection:
 - a. Changes to the interior of a building;
 - b. Normal maintenance and repair;
 - c. Dredging, channel maintenance, and the removal of gravel from the river as follows:
 - (1) Dredging, channel maintenance and the removal of material within the federal navigation channel.
 - (2) Dredging, channel maintenance, and the removal of materials outside the federal navigation channel as follows:
 - Dredging and the removal of materials in waters that are 35 feet deep or deeper, measured from the ordinary high water mark; or
 - Channel, slip and berth maintenance that has been approved by the U.S. Army Corps of Engineers.
 - (3) The placement of dredged materials within the River General overlay zone is not exempt.
 - d. Emergency procedures necessary for safety or the protection of property.
 - e. Development of public streets identified in the adopted *South Waterfront District Street Plan, Criteria and Standards* are exempt from design review, but not greenway review.
 - f. Planting of native vegetation listed on the Portland Plant List when planted with hand-held equipment or equipment with a wheel surface-to-ground pressure of no more than 7.5 psi.
 - g. Tree removal as follows. Trees removed must be replaced as shown in Table 510-1.
 - (1) Trees on the Nuisance Plants List;
 - (2) Dead, dying or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or certified arborist;
 - (3) Trees that exceed the height restriction of a view corridor within special height restrictions designated in the Central City Scenic Resources Protection Plan; or
 - (4) In addition to the trees listed above, up to a combined total diameter of 50 inches of non-native, non-nuisance trees.
5. Development standards.
 - a. Where these standards apply:

- (1) Standards E.5.b through E.5.h apply in the South Waterfront Greenway Setback Area shown on Figure 510-2. South Waterfront greenway review is required for proposals that do not meet the standards. Adjustments to standards E.5.b through E.5.h are prohibited.
 - (2) The standards in E.5.i apply within the combined flood hazard area and within the South Waterfront Greenway Setback Area shown on Figure 510-2. South Waterfront greenway review is required for proposals that do not meet the standards. Adjustments to the standards in E.5.i are prohibited.
 - (3) The standards in E.5.j apply within the River General overlay zone. Adjustments or modifications through design review are allowed for the standards in E.5.j.
- b. Non-landscaped area. Limiting the percentage of non-landscaped area allowed in the South Waterfront Greenway Setback Area ensures that the area will be configured to accommodate a minimum percentage of living plant cover. Non-landscaped area includes all aboveground structures and paving materials, including permeable paving materials.
- (1) Subareas 1 and 2. Up to 20 percent of the portion of the site in subareas 1 and 2 may be covered by non-landscaped area; however, paved surfaces that are required under the provisions of Paragraph E.5.f., Public viewpoints, are exempt from this limitation. Non-landscaped area may be no closer than 10 feet of the top of bank line as shown on Map 510-21, South Waterfront 2002 Top of Bank Line;
 - (2) Subarea 3. Up to 20 percent of the portion of the site in subarea 3 may be covered by non-landscaped area. However, required trail and pedestrian connection improvements are exempt from this limitation.
- c. Buildings. Buildings are allowed within the South Waterfront Greenway Setback Area if they meet E.5.c.(1) and (2) and either E.5.c.(3) or (4). Other buildings or portions of buildings are not allowed within the South Waterfront Greenway Setback Area. Alterations to nonconforming buildings are allowed provided the building and any projections are not expanded within the South Waterfront Greenway Setback Area.
- (1) The site meets the non-landscaped area requirements under E.5.b., above; and
 - (2) The building does not obstruct required pedestrian connections and trails; and
 - (3) The building is river-dependent or river related; or
 - (4) All of the floor area of the building is in Retail Sales And Service uses and the following are met:
 - The building has less than 1,000 square feet of floor area;
 - The building is entirely within subarea 3 and not located within the combined flood hazard area; and

- The building is located landward of the South Waterfront recreational trail.
- d. Fences and walls. Fences and walls are allowed in subarea 3 of the South Waterfront Greenway Setback Area if they are no more than 3 feet in height and do not obstruct the required pedestrian connections and trails. Fences and walls are not allowed in subareas 1 and 2 of the South Waterfront Greenway Setback Area.
- e. Major public trails and pedestrian connections.
- (1) Purpose. Major public trails provide public access to and along both sides of the Willamette River. Major public trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan. Pedestrian connections ensure that there is adequate, safe, and direct pedestrian access from the adjacent development and from the district as a whole to the major public trails.
- (2) Major public trails. Major public trails must meet the following standards. When required by Subsection D., sites with major public trail symbol shown on the Official Zoning Maps must provide easements that would accommodate construction, maintenance, and public use of a major public trail that meets the following standards. See Figure 510-3.
- Location. The major public trail must be located in the South Waterfront Greenway Setback Area shown on Figure 510-2. All portions of the major public trail must be at least 10 feet and no more than 75 feet from the top of bank line as shown on Map 510-21, South Waterfront 2002 Top of Bank Line; however, any portion of the major public trail that is within 45 feet of the top of bank line as shown on Map 510-21, South Waterfront 2002 Top of Bank Line, is subject to the maximum non-landscaped area limitations of Subparagraph E.5.b.;
 - Width. The major public trail must consist of two paths, each at least 12 feet in width;
 - Landscaped median. The two paths must be separated by a landscaped median at least 6 feet wide. Landscaping within this median must meet the requirements of Paragraph E.5.f. The landscaping may be interrupted by public access connections between the two paths;
 - Use. The path closest to the river must be designated for pedestrians only. The path farthest from the river must be designated for bicycles and other non-motorized transportation modes;
 - Connectivity.
 - The major public trail or major public trail easement must connect to the existing major public trails or trail easements on adjacent sites; and
 - The major public trail or major public trail easement must connect to the required pedestrian circulation system on the site.

- Additional standards. In addition to the standards of this subparagraph, the standards of Chapter 33.272, Major Public Trails, must also be met.
- (3) Pedestrian connections. When a major public trail or major public trail easement is required, at least one pedestrian connection must be provided between the trail easement and any accessway that terminates on the site.

Figure 510-3
South Waterfront Greenway Trail

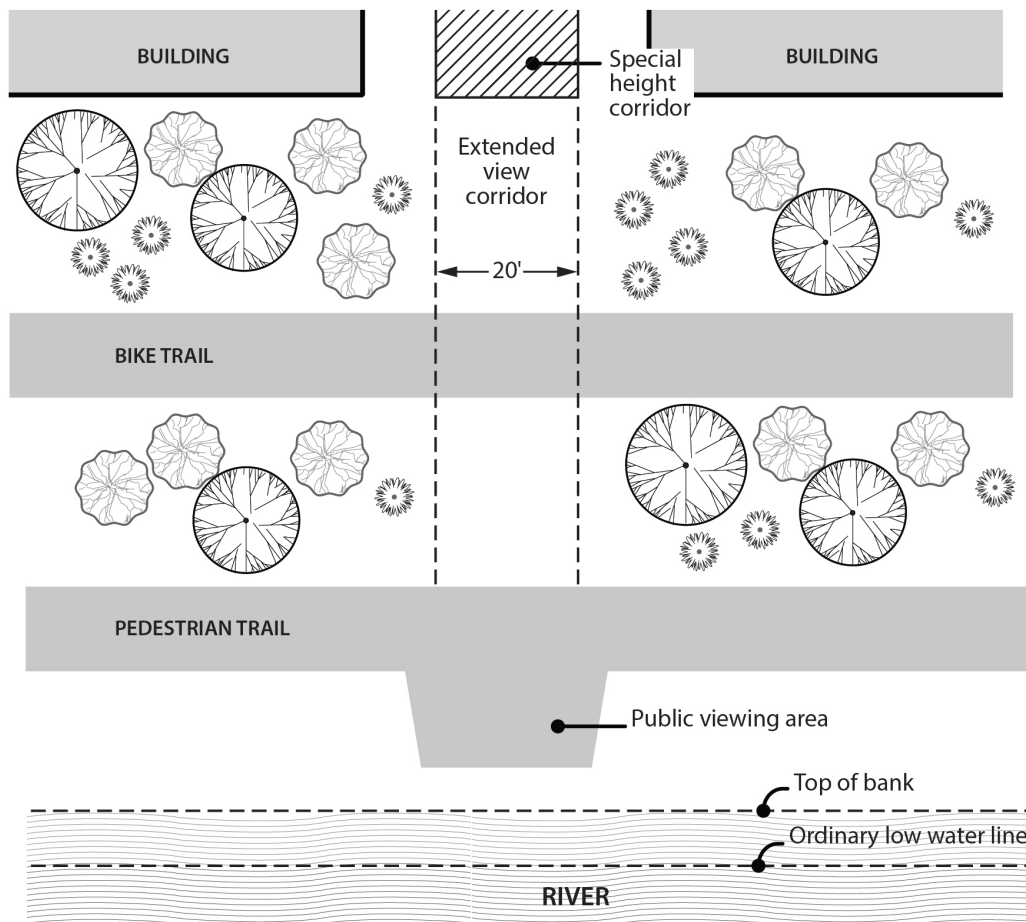


f. Public viewpoints.

- (1) Purpose. Public viewpoints provide stopping places and clearings along the South Waterfront Greenway trail and the Willamette River where the public can view and enjoy the natural and scenic qualities of the Greenway and the river. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

- (2) Viewpoint requirements. A public viewpoint must be provided on sites designated in the Central City Scenic Resources Protection Plan.
 - Sites with a viewpoint designation must provide a viewpoint area that meets the following standards:
 - The viewpoint area must be at least 500 square feet in area;
 - The viewpoint area must abut the Greenway trail or a public access connection must be provided from the Greenway trail to the viewpoint area;
 - The viewpoint area and any public access connection to the viewpoint area from the Greenway trail must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Major Public Trails;
 - Materials, benches, and lighting used in the viewpoint area must meet the requirements of the Portland Bureau of Parks and Recreation; and
 - If an accessway or street that is mapped as a special building height corridor on Map 510-15 terminates on the site, the view corridor must continue the projected centerline of the accessway or street as shown in Figure 510-4.
- g. Landscaping.
- (1) Coverage. Eighty (80) percent of the area that is not covered by buildings, trails, or other allowed non-landscaped area must be covered by shrubs or ground cover, and all trees required by this paragraph must be installed in the ground and healthy;
 - (2) Existing landscaping. Existing plants may be used to meet the standards of this paragraph, if protected and maintained during construction as specified in Section 33.248.040. However, plants identified in the South Waterfront Greenway Nuisance Plants List of the *Portland Plant List* must be removed.

Figure 510-4
Public Viewpoint and View Corridor



- (3) Required landscaping in subarea 1. In subarea 1, the area beginning 3 feet above the ordinary low water line must meet the following requirements:
- Shrubs. At least 80 percent of the required landscaped area must be planted in shrubs;
 - Trees. Trees are not required, but are allowed;
 - Ground cover. All of the required landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
 - Plant list. Only plants listed in the South Waterfront Greenway Subarea 1 Plant list of the *Portland Plant List* may be planted; and
 - Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Restoration size plant material, including bare-root, is allowed and recommended. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials. Planting is not allowed during the summer.

- (4) Required landscaping in subarea 2. In subarea 2 the required landscaping is:
- Shrubs. At least 80 percent of the landscaped area must be planted in shrubs;
 - Trees. At least one tree must be planted for every 400 square feet of landscaped area. Trees may be clustered;
 - Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
 - Plant list. Only plants listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List* may be planted. At least eight different species must be planted; and
 - Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within 5 years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.
- (5) Required landscaping in subarea 3. In subarea 3, the required landscaping is:
- Shrubs. At least 60 percent of the landscaped area must be planted in shrubs. At least 50 percent of the shrubs used to meet this requirement must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*;
 - Trees. At least 1 tree must be planted for every 1,000 square feet of landscaped area. At least 50 percent of the trees used to meet this requirement must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*;
 - Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants. At least 50 percent of the ground cover plants must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*;
 - Plant list. Except as allowed by (1), (2) and (3), only plants listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List* may be planted. The following plants are prohibited:
 - Plants included on the Nuisance Plants List or Required Eradication List of the *Portland Plant List*;
 - Plants included in the South Waterfront Greenway Nuisance Plants List of the *Portland Plant List*.
 - Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.
- h. Other development. Other development is allowed within the South Waterfront Greenway Setback Area if it meets E.5.h.(1) and (2) and either E.5.h.(3) or (4).
- (1) The site meets the non-landscaped area requirements under E.5.b;
- (2) The development does not obstruct required pedestrian connections and trails; and

- (3) The development is located in subarea 3; or
 - (4) The development is river-dependent or river-related.
- i. Trees.
- (1) Trees must be preserved except as follows:
 - Trees on the Nuisance Plants List may be removed;
 - Trees located within 10 feet of existing or proposed buildings and structures attached to buildings may be removed;
 - Trees that exceed the height restriction of a view corridor within special height restrictions designated in the Central City Scenic Resources Protection Plan may be removed;
 - Dead, dying or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or certified arborist may be removed; and
 - In addition to the trees listed above, up to 50 inches of non-native, non-nuisance trees may be removed.
 - (2) Trees removed within the South Waterfront Greenway Setback Area that are 1.5 inches in diameter or greater and trees located in the combined flood hazard area landward of the South Waterfront Greenway Setback Area that are 3 inches in diameter or greater must be replaced as shown in Table 510-1.
 - (3) Replacement trees must meet the following:
 - Replacement trees must be a minimum ½-inch caliper, bareroot or live stakes, unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent; and
 - Replacement trees must not be planted within a view corridor. Planting to replace trees removed from the combined flood hazard area must be within the combined flood hazard area. If the vegetation is not planted on the applicant's site, then the applicant must own the property or possess a legal instrument, such as an easement or deed restriction, that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the mitigation.
 - (4) The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met.
 - (5) All vegetation removal activities must be surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site.

- (6) Temporary disturbance area must be replanted to meet the subarea 3 standards in 33.510.253.F.2.f.(5).

Table 510-1 Tree Replacement in the South Waterfront Greenway Overlay Zone		
Size of tree to be removed (inches in diameter)	Option A (no. of native trees to be planted)	Option B (combination of native trees and shrubs)
At least 1.5 and up to 6	1	Not applicable
More than 6 and up to 20	3	Not applicable
More than 20 and up to 25	5	3 trees and 6 shrubs
More than 25 and up to 30	7	5 trees and 9 shrubs
More than 30	10	7 trees and 12 shrubs

- j. Exterior lighting.
- (1) Purpose. The standards for exterior lighting are intended to:
 - Avoid or minimize light glare and light spill from artificial lighting and associated negative impacts on fish and wildlife and their habitats;
 - Reduce light pollution and glare impacts on residential developments;
 - Maintain public safety and security along the major public trail, pedestrian connections to the major public trail, in parks, along public streets, and on piers and gangways; and
 - Provide flexibility for river dependent operations associated with docks.
 - (2) General standards. The following standards apply to all exterior lights.
 - Exterior lights must not project light upward or to the side of the fixture; and
 - The top and sides of all exterior light fixtures must be shielded with 100 percent opaque materials; and
 - Lamps must fall below 3000K or within an S/P ratio range of 1 to 1.2.
 - (3) Additional standards for areas near the Willamette River. The following standards apply to all permanent exterior lights located within and riverward of the greenway setback, and all permanent exterior lights located within 25 feet landward of the greenway setback. Exterior lights within public streets are exempt from this Subsubparagraph.
 - Exterior lights are allowed only if the lights are for the following use or development:
 - Park and Open Area uses;
 - The major public trail or pedestrian connections to the major public trail;
 - Public viewing areas; or
 - River-dependent or river-related development.
 - Structures that support exterior light fixtures must be setback at least 5 feet from the top of bank of the Willamette River except for docks and gangways, and must be setback at least 30 feet from any other stream, drainageway, wetland or water body;

- Structures that support exterior light fixtures must be spaced at least 25 feet apart;
- Exterior lights must not project directly into the Willamette River.

F. Greenway goal exception. Approval of an exception to Statewide Planning Goal 15, Willamette Greenway, is required to locate development or a right-of-way that is not river-dependent or river-related within 25 feet of the top of bank. A greenway goal exception is not required to add revetments to a riverbank. The approval criteria are in Section 33.840.200, Greenway Goal Exception.

33.510.255 Central City Master Plans

A. Purpose. A Central City Master Plan establishes a clear development strategy for significant redevelopment sites in the Central City. Central City Master Plan review is intended to ensure that development on the site will positively contribute to the existing and desired surrounding urban form. The review will result in an urban design framework and layout for the site as a whole, allowing subsequent reviews for individual buildings and other development to focus on materials and façade treatment. A Central City Master Plan is intended to result in the following urban design outcomes:

- A development site that has a strong orientation towards transit and multimodal transportation alternatives.
- A safe and vibrant public realm, supported by active ground floor uses, open space areas and an internal circulation system that provides access to adjacent public rights-of-way and multimodal transportation options;
- A development site that has adequate urban services such as water, stormwater, sewers, and fire-hydrants, and
- Building bulk, height, orientation, and programming that protects public views and preserves light and air within the public realm, and is oriented to active and passive public gathering spaces, including public open spaces, transit stations, and the Willamette River.

B. When a Central City Master Plan review is required.

1. Central City Master Plan review is required for the following types of development in the areas shown on Map 510-19:
 - a. New development; and
 - b. Alterations to existing development that increase the floor area or exterior improvement on a site by more than 20,000 square feet.
2. Exemption. The following are exempt from Central City Master Plan review:
 - a. Development associated with a School use; and
 - b. Development on a lot that is 40,000 square feet or less in total area. This exemption does not apply if the lot is part of a site that is more than 40,000 square feet in total area.

C. Voluntary Central City Master Plan. An applicant may voluntarily submit for a Central City Master Plan review. The minimum size threshold for a voluntary Central City Master Plan

review is 160,000 square feet of lot area. There can be more than one lot and more than one site within the boundaries of a voluntary Central City Master Plan.

- D. Flexibility allowed.** An approved Central City Master Plan review allows additional flexibility in the following situations:
1. Floor area may be transferred among sites within the master plan boundary without having to meet the prioritization in 33.510.205.B;
 2. The minimum floor area ratio standard in 33.510.200.C.2 may be met for the master plan area as a whole rather than on a site-by-site basis;
 3. The bonus height limits shown on Map 510-4 may be achieved without having to provide the bonuses or transfers required by 33.510.210.D.3; and
 4. Residential uses may be allowed on the sites shown on Map 510-6 as allowing residential uses through a Central City Master Plan.
- E. Review procedure.** A Central City Master Plan is processed through a Type III procedure.
- F. Design advice request.** A design advice request is required prior to submitting an application for a Central City Master Plan review.
- G. Components.** A Central City Master Plan must include the following components:
1. Boundaries. The boundaries of the master plan area must be shown on a site plan. For sites where a Central City Master Plan is required, the boundary must include all contiguous lots in common ownership within the area shown on Map 510-19. Contiguous includes lots across a shared right-of-way. Lots in separate ownership may be included, but are not required.
 2. Proposed urban design and development framework. The following materials must be included to provide clear visual information about the proposal:
 - a. A site plan showing the following:
 - (1) Location, size, and dimensions of all existing and proposed structures, and the location of all main entrances to existing and proposed buildings;
 - (2) Location, size and dimensions of the building coverage of all proposed structures;
 - (3) Description of existing and proposed land uses. The description must include information as to the general amount, type and location of all uses;
 - (4) Existing and proposed internal pedestrian, bicycle, and vehicle circulation system, including where each part of the proposed system connects to public rights-of-way adjacent to the master plan boundary, and transit service lines and stations within or adjacent to the master plan boundary;
 - (5) Existing and proposed location of public rights-of-way;
 - (6) Location of bicycle and vehicle parking; and

- (7) Location, size and shape of all open areas such as parks, plazas, landscaped and hardscaped areas and outdoor recreation amenities including those that are required in 33.510.255.K.
 - b. A three-dimensional massing diagram that identifies the maximum existing and proposed building envelopes, with proposed building dimensions and height for each building, including building massing where a tower will be setback from the edge of a podium; and
 - c. Sections, sectional elevations, and perspectives that illustrate the relationship of site redevelopment to the surrounding urban form in terms of building height and massing.
 3. Project narrative. A narrative that describes the project, identifies how the Central City Master Plan is consistent with the applicable design guidelines. Specific information about the proposed range and density of land uses and the proposed phasing of development must also be included. If the proposed Central City Master Plan involves the transfer of floor area, information about the location of the receiving and sending sites, the ownership of the sites, and amount of floor area to be transferred and retained at each site must be included.
 4. Infrastructure capability. The adequacy of infrastructure must be addressed. The plan must identify and link the development of each phase of the project to the provision of services necessary to meet the infrastructure needs of the development associated with that phase.
 5. Design advice. A copy of the design advice request summary.
- H. Approval Criteria.** A Central City Master Plan review will be approved if the review body finds that the following approval criteria have been met. Criteria H.1 through H.11 apply to all Central City Master Plan reviews. Criteria H.12 through H.15 also apply to proposals within the area identified on Map 510-6 as requiring a Central City Master Plan review for residential uses.
1. The Central City Master Plan is consistent with applicable subdistrict goals and policies of the Central City 2035 Plan;
 2. The master plan demonstrates how development will comply with the Central City Fundamental Design Guidelines, as well as any applicable design guidelines specific to the subdistrict the master plan site is located within;
 3. Development on lots with river frontage incorporates elements that activate the riverfront, such as open areas, trails, accessways, and active land uses that encourage public use and enjoyment of the riverfront;
 4. The proposed uses will not have significant adverse effects on industrial firms or result in conflicts with industrial activities located within the plan boundary or within 500 feet of the plan boundary;
 5. The master plan demonstrates that development within the plan boundary will establish an overall building orientation through massing, the location of entrances, and the location of ground floor uses that result in an edge that embraces adjacent

- public park rather than creating an abrupt edge between the plan area and parks, and ensures that development within the plan boundary will not excessively shade the adjacent park;
6. The master plan demonstrates that easy and safe access will be provided to transit stations located within or immediately adjacent to the master plan boundary, and any buildings located immediately adjacent to a transit station include ground floor uses that create an active and safe pedestrian environment throughout the day, evening, and week;
 7. Internal open areas are accessible within, and distributed throughout, the master plan area and have connections to the surrounding neighborhood and to any adjacent open space. Internal open areas enhance visual permeability through the site, especially on sites near the Willamette River. The size and location of each open area must be adequate to accommodate the intended use of the space.
 8. The transportation system is capable of supporting the proposed uses in addition to the existing uses in the plan area. Evaluation factors include street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation, and safety. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 9. The proposed street plan must provide multi-modal street connections to support the surrounding street grid pattern;
 10. The plan ensures that there will be adequate and timely infrastructure capacity for the proposed development; and
 11. The master plan demonstrates that, to the extent practical and feasible, inactive uses such as, but not limited to, parking and access, loading, and trash and recycling are shared or consolidated, with the goal of activating the pedestrian environment.
 12. The proposal will not have a significant adverse effect on truck and freight movement;
 13. City-designated scenic resources are preserved;
 14. Proposed residential uses are buffered from potential nuisance impacts from uses allowed by right in the zone; and
 15. The master plan includes a design, landscape, and transportation plan that will limit conflicts between residential, employment, and industrial uses.
- I. Amendments to a Central City Master Plan.** Unless specifically addressed in the approved Central City Master Plan review, an amendment to an approved master plan is required for the following changes. The amendment request must meet the applicable approval criteria in 33.510.255.H.
1. Major change. The following major changes are processed through a Type III review:
 - a. Changes to the boundary of the master plan area;

- b. Removing a proposed public right-of-way, or-moving a proposed public right-of-way more than 10 feet;
 - c. Removing an open area, or changing the location, dimension, or area of an open area as required by 33.510.255.K by more than 5 percent or 10 feet; or
 - d. Changing a condition of approval of the master plan.
 2. Minor change. A minor change is one that is neither major nor administrative. Minor changes are processed through a Type II review.
 3. Administrative change. Administrative changes are allowed without a land use review. An administrative change meets all of the following:
 - a. The change is consistent with all conditions of the master plan approval and the conditions of any concurrent approval;
 - b. The change meets all development standards not modified by the master plan; and
 - c. Other than the boundary of the master plan, the change does not change any location, quantity, dimension, or area identified in the approved plans or narrative by more than 5 percent or 10 feet. Changes to the boundary of the master plan are a major change.
- J. Duration.** An approved Central City Master Plan remains in effect until development allowed by the plan has been completed, except that a Central City Master Plan expires 10 years from the date of the final decision if none of the development or activity allowed by the plan has commenced.
- K. Open area requirement.**
 1. Purpose. The open area requirements promote a site design that provides access to light and air, opportunities for outdoor activities including active and passive recreation, public gathering spaces, and visual relief from the built environment. The standards are also intended to produce open areas at a scale compatible to what large sites would have if divided by the 200 foot street grid pattern common through the Central City.
 2. Amount of required open area. A minimum of 20 percent of the master plan area must be devoted to open area. Open areas may include parks, outdoor recreation amenities, plazas, public fountains, or landscaped areas. Areas used for parking, loading, and driveways do not count toward the 20 percent minimum open area requirement.
 3. Required open area development standards.
 - a. At least 20,000 square feet, or 50 percent, whichever is less, of the required open area must be designed as parks or plazas. At least one of the parks or plazas must have dimensions that allows a 50 foot by 50 foot square to fit entirely within it, and in Central City Master Plan Area 6, shown on Map 510-19, at least one park or plaza must be located directly adjacent to the OS zone.

- b. Bike and pedestrian accessways may not constitute more than 25 percent of the required open space.
- c. The open space must meet one of the following tree density standards. Tree canopy sizes are defined in 33.248.030.C.2:
 - (1) A minimum of one tree per 1,000 square feet of park or plaza area is required if all of the trees are small canopy trees; or
 - (2) A minimum of one tree per 2,000 square feet of park or plaza area is required if at least one medium or large canopy tree is provided.
- d. Parks and plazas must be sited so that shadows from buildings cover no more than 50 percent of the park or plaza at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21.

33.510.257 Signs for Additional Uses Allowed in the Open Space Zone

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

Parking and Access

33.510.261 Parking Built After July 9, 2018

- A. Purpose.** The parking and access regulations implement the Central City 2035 Plan and the Transportation System Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City.
- B. Description of types of parking.** In the Central City plan district, there are three types of parking. While a proposal may include several types of parking (for example, a garage may include both some Growth Parking and some Preservation Parking), each type of parking is an exclusive category. The same spaces can be more than one type of parking, such as both Growth Parking and Visitor Parking, if the regulations for both types are met.
 - 1. **Growth Parking.** Growth Parking. Growth Parking is created in conjunction with additions of net building area. Net building area is added either as part of new development or by adding floor area to existing development.

In the case of new development, the land use or building permit for the parking must be requested by the time the foundation of the new building is complete. If the parking is requested after the foundation is complete, it will be Preservation Parking.

In the case of additions of net building area to existing development, the land use or building permit for the parking must be requested by the time the building permit for the new net building area is issued. If it is requested after the building permit for the new net building area is issued, it will be Preservation Parking.

The ratios for Growth Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.

2. **Preservation Parking.** Preservation Parking is created to serve existing buildings. The ratios for Preservation Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.
3. **Visitor Parking.** Visitor Parking is created to serve shoppers, tourists, and other such visitors who make occasional trips to the area. It is not associated with a particular development.

- C. Organization of parking regulations.** This subsection describes the organization of parking regulations that follow, and provides a framework for understanding. See the sections that follow for the specific regulations described below.

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

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

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

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

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

[1] Unless stated otherwise in the table, maximum ratios are per 1,000 square feet of net building area.

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

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

1. When Preservation Parking is allowed. Preservation Parking is allowed when approved through Central City Parking Review. Existing buildings with Residential or hotel uses that have 0.5 or fewer parking stalls per unit or room are eligible to apply for Preservation Parking. In the South Waterfront subdistrict, existing buildings with

Medical Center or College uses are eligible to apply for Preservation parking. Other existing buildings that have fewer than 0.7 parking stalls per 1,000 square feet of net building area are eligible to apply for Preservation Parking.

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

- (3) New covenants. A new covenant between the owner of the parking and the owners of buildings for which the parking will be provided is allowed only if the regulations of this Chapter are still met. The length of the covenant cannot be reduced to cover fewer than 10-years from the date the garage began operation. The applicant must notify the Director of the Bureau of Transportation in writing of any new covenants.
 5. Operation. Preservation Parking may be operated as either accessory or commercial parking at all times.
- H. Visitor Parking.** The regulations of this subsection apply to Visitor Parking. Adjustments to this subsection are prohibited.
 1. When Visitor Parking is allowed. Visitor Parking is allowed when approved through Central City Parking Review.
 2. Maximum allowed parking. There are no maximum parking ratios for Visitor Parking. The appropriate number of parking spaces allowed is determined based on a demand analysis, traffic analysis, and other considerations specified in the approval criteria for Central City Parking Review.
 3. Operation. Visitor Parking is operated as commercial parking, except as follows:
 - a. "Early Bird" discounts are prohibited on weekdays, and
 - b. The sale of monthly permits that allow parking between 7:00 AM and 6:00 PM on weekdays is prohibited.
- I. All parking built after July 9, 2018.** The regulations of this subsection apply to all new parking regardless of type.
 1. The applicant is required to report the number of constructed parking spaces to the Director of the Bureau of Transportation within 30 days of parking operations beginning.
 2. Carpool parking. The carpool regulations of this Paragraph do not apply to Residential uses or hotels.
 - a. Five spaces or five percent of the total number of parking spaces on the site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays. More spaces may be reserved, but they are not required;
 - b. The carpool spaces must be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking;
 - c. At least twenty percent of the carpool spaces must include electrical conduit adjacent to the spaces that will allow for installation of at least a Level 2 electric vehicle charger; and
 - d. Signs must be posted indicating that the spaces are reserved for carpool use before 9:00 AM on weekdays.
 3. Surface parking and structured parking with no gross building area above it are prohibited except as follows:

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

Retail Sales And Service or Office uses. Areas designed to accommodate these uses must be developed at the time of construction. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses. See Map 510-10 for parking sectors.

5. Operation reports. The applicant must provide operation reports to the Director of the Bureau of Transportation upon request. The operation reports must be based on a sample of four days during every 12-month period, and must include the following information:
 - a. The number of parking spaces and the amount of net building area on the site.
 - b. A description of how the parking spaces were used in the following categories. Percentage of parking used for:
 - (1) Short-term (less than 4 hours);
 - (2) Long-term daily (four or more hours);
 - (3) Average number of monthly permits issued (other than carpool);
 - (4) Number of signed monthly Carpool stalls in the facility; and
 - (5) Number of spaces that include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 electric vehicle charger, and the number of spaces that currently provide at least a Level 2 electric vehicle charger.
 - c. Rate schedule for:
 - (1) Hourly parking;
 - (2) Daily Maximum Rate;
 - (3) Evening Parking;
 - (4) Weekend Parking;
 - (5) Monthly parking;
 - (6) Carpool parking; and
 - (7) Electric vehicle parking if different from above rates
 - d. The hours of operation on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.
6. Changes from one type of parking to another.
 - a. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Preservation Parking requires a Central City Parking Review.

- b. Visitor Parking must operate as Visitor Parking for at least 10 years before it may be changed to Preservation Parking. Changing Visitor Parking that has been operating for less than 10 years is prohibited.

33.510.262 Parking Built before July 9, 2018

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

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

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

- D. Operation.**

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

- (1) Unless specified in Subsubparagraph D.2.a.(2), Growth Parking may operate as accessory or commercial parking. In the Central Eastside subdistrict, growth parking that operates as commercial parking is subject to the following limitations:
 - Monthly permits are only allowed for residents and employees of the subdistrict;
 - Hourly and daily parking is prohibited; and
 - (2) Growth Parking that was operating as RX Zone Parking on July 9, 2018 must operate as accessory to a Residential use.
- b. Preservation Parking may operate as accessory or commercial parking. In the Central Eastside subdistrict, Preservation parking that operates as commercial parking is subject to the following limitations:
- (1) Monthly permits are only allowed for residents and employees of the subdistrict; and
 - (2) Hourly and daily parking is prohibited.
- c. Undedicated General Parking. The operation of Undedicated General Parking is subject to all previous conditions of approval.
- E. Changes.** Changes to parking regulated by this Section are regulated as follows.
1. Changes that would be prohibited if requested for new parking are prohibited.
 2. Changes from one type of parking to Visitor Parking or changes from Visitor Parking to Preservation or Growth requires a Central City Parking Review.
 3. Changes in conditions of approval requires Central City Parking Review.
 4. An increase in the number of spaces for all other parking types is subject to the regulations of Section 33.510.261.
 5. An increase in the number of spaces for Undedicated General Parking is prohibited.
 6. An increase in site area devoted to surface parking is prohibited.
- F. Operation reports.** The applicant must provide operation reports to the Director of the Bureau of Transportation upon request. The operation reports must be based on a sample of four days during every 12-month period, and must include the following information:
1. The number of parking spaces and the amount of net building area on the site.
 2. A description of how the parking spaces were used in the following categories.
Percentage of parking used for:
 - a. Short-term (less than 4 hours);
 - b. Long-term daily (four or more hours);
 - c. Average number of monthly permits issued (other than carpool),
 - d. Number of signed monthly Carpool stalls in the facility; and

- e. Number of spaces that include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 electric vehicle charger, and the number of spaces that currently provide at least a Level 2 electric vehicle charger.
3. Rate schedule for:
 - a. Hourly parking;
 - b. Daily Maximum Rate;
 - c. Evening Parking;
 - d. Weekend Parking;
 - e. Monthly parking;
 - f. Carpool parking; and
 - g. Electric vehicle parking if different from above rates.
 4. The hours of operation on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

33.510.263 Parking and Loading Access

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

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

B. Parking and loading access standards.

1. Motor vehicle access to or from any parking area, loading area, or parking structure is prohibited on or along the following streets unless the street listed is the site's only frontage, in which case access is not allowed:
 - a. On Fifth and Sixth Avenues between NW Irving and SW Jackson Streets;
 - c. On SW Park between SW Jackson Street and SW Salmon Street;
 - d. On NW Park Avenue and NW 8th Avenue between W. Burnside and NW Lovejoy Street;
 - e. On SW Morrison and SW Yamhill Streets between SW 1st and SW 18th Avenues;

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

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167515, effective 3/30/94; Ord. No. 167464, effective 4/15/94; Ord. No. 167650, effective 6/10/94; Ord. No. 169535, effective 1/8/95; Ord. No. 168702, effective 7/1/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171522, effective 9/19/97; Ord. No. 171648, effective 10/8/97; Ord. No. 172040, effective 3/13/98; Ord. No. 173259, effective 5/14/99; Ord. No. 174160, effective 2/9/00; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175163, effective 1/1/01; Ord. No. 175204, effective 3/1/01; Ord. No. 175294, effective 3/2/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 176024 and 176193, effective 2/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177920, effective 11/8/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178425, effective 5/20/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179084, effective 3/26/05; Ord. No. 179092, effective 4/1/05; Ord. No. 179925, effective 3/17/06; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 180667, effective 1/12/07; Ord. No. 181357, effective 11/9/07; Ord. No. 182319, effective 12/5/08; Ord. No. 182429, effective 1/16/09; Ord. No. 183517, effective 3/5/10; Ord. No. 183269, effective 10/21/09; Ord. No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. Nos. 187216 and 187217, effective 7/24/15; Ord. No. 187796, effective 7/8/16; Ord. No. 188162, effective 2/1/17; Ord. No. 188631, effective 11/4/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189001, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24; Ord. No. 191942, effective 1/1/25.)

33.515.225 Transfer of Floor Area

As part of a land division or Planned Development, a transfer of floor area within and between lots in the land division or Planned Development is allowed as long as the overall floor area potential of the entire site is maintained. The proposed maximum floor area for each lot must be stated on the land use application. Maximum floor area allowances must be recorded on the deed or record. Any subsequent changes to the floor area allocation must also be noted on the deed and a copy of the deed submitted to Portland Permitting & Development to ensure consistency with the overall floor area limits.

33.515.230 View Corridors

- A. Purpose.** Building heights are limited along four view corridors to protect views of Mt. Hood and Rocky Butte from selected vantage points in Columbia South Shore. The four view corridors are shown on Map 515-3 at the end of this chapter, and are: the view of Rocky Butte from the Glenn Jackson Bridge; the view of Mt. Hood from the Interstate 205 bicycle bridge over Airport Way; the view of Mt. Hood from the cross-dike over the Columbia Slough; and the view of Mt. Hood from the intersection that connects Airport Way with NE 185th Avenue.
1. The view of Rocky Butte from the Glenn Jackson Bridge provides motorists and bicyclists with an orientation point when they enter Northeast Portland. The forested slopes of Rocky Butte offer the eye a green refuge among the industrial landscape and denote entryways to the City from the north and east.
 2. The Interstate 205 bicycle bridge is a significant recreational resource. Protecting this view of Mt. Hood will enhance the scenic quality and recreational value of the bicycle path.
 3. From the cross-dike, the slough lines up with Mt. Hood and forms a natural setting for the mountain view. South of NE Airport Way, the cross-dike is a designated Recreational Trail, providing a north-south link between NE Airport Way, Columbia Slough and residential areas located south of NE Sandy Boulevard.
 4. The dramatic glimpse of Mt. Hood from the intersection that connects Airport Way with NE 185th Avenue provides a break in the planned industrial landscape and a directional orientation.
- B. Building height.** Maximum building heights for the four view corridors are shown on Map 515-3.

33.515.235 Rooftops

- A. Purpose.** Rooftops in the plan district are highly visible from Marine Drive, view corridors, and Airport Way. Rooftop standards are intended to reduce the visual impact of rooftop surfaces and rooftop mechanical equipment from those vantage points.
- B. Where the regulations apply.** The rooftop standards apply to all parts of South Shore except for the Southern Industrial subdistrict.
- C. Rooftop mechanical equipment.** These standards apply to rooftop mechanical equipment. They do not apply to roof-mounted solar panels and wind turbines.

1. Latticework screen wall. Within 200 feet of Marine Drive, Airport Way, or a view corridor vantage point, all rooftop mechanical equipment must be screened from view or not visible from those vantage points. Screen materials will consist of a full screen wall or latticework screen wall. The screen wall need not extend more than one foot above rooftop equipment. The latticework screen may be constructed of a variety of permanent materials, but must be 50 percent sight-obscuring and painted to match the roof or closest wall, whichever is the predominant visible surface from those vantage points.
2. Painting to match rooftop. Each rooftop mechanical equipment unit that interrupts less than 25 square feet of roof surface area may be painted instead of screened, as provided in Paragraph C.1. The paint color must match the rooftop color or closest wall, whichever is the predominant visible surface from Marine Drive, Airport Way, or a view corridor vantage point.

33.515.240 Exterior Display

Exterior display is prohibited in the Columbia South Shore plan district.

33.515.245 Signs

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

33.515.255 Sumps, Septic Tanks, and On-Site Disposal Systems

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

33.515.257 Pedestrian Standards

All developments in the plan district are subject to the pedestrian standards of the EG2 zone.

33.515.260 Major Public Trails

- A. Major public trail requirements.** All sites with a major public trail symbol shown on the Official Zoning Maps must comply with the requirements of Chapter 33.272, Major Public Trails, except those in the Columbia South Shore Slough Trail area or Cross-Levee Trail area. Sites in these areas, shown on Map 515-4, must also comply with the regulations of this section. If the trail is located within the Environmental zones, the trail must also comply with those requirements.
- B. Columbia South Shore Trail.**
 1. Columbia South Shore Slough Trail area. The recreation trail designations that apply to the Columbia South Shore Slough Trail are shown on Map 515-4 at the end of this chapter.
 2. Columbia South Shore Slough Trail requirement. Prior to occupancy of any new or remodeled structure on a site containing a trail designation, the owner must either make the full trail improvement or pay into the Columbia South Shore Recreational Trail Trust Fund, with one exception: a property owner must build the trail at the time of development if both ends of their trail segment connect with another built trail or

17. Nonconforming situations

a. Required improvements.

- (1) Paved areas in Environmental Overlay Zones. When the value of proposed alterations on the site, as determined by PP&D, is more than \$356,000 paved areas that do not meet plan district regulations must be removed from environmental zoned areas. The value of the alterations is based on the entire project, not individual building permits.
- (2) Unpaved exterior areas. When development is proposed or alterations are made to a site, unpaved exterior improvements must comply fully with development standards.
- (3) The cost of meeting the standards of B.17.a(1) and (2), above, may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the requirements of B.17.a(1) and (2) must be met first.

b. Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.

c. Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in subparagraph 33.258.070.D.2.b, the standards of B.17.a(1) and (2), above, are also included.

d. Removal of existing bridges, utilities, or public improvements is not required.

18. Land divisions. The following standards apply to land divisions where at least half of the site is within an environmental zone:

- a. In residential zones, at least 40 percent of the land division site not in streets must be devoted to open areas;
- b. In nonresidential zones, at least 20 percent of the land division site not in streets must be devoted to open areas; and
- c. In all zones, at least half of the open area must be in common ownership.

33.515.280 Columbia South Shore Environmental Review

- A. Purpose of the review.** Environmental review of uses and development in the Environmental zones is intended to provide adequate protection for the identified natural resources. The review provides for flexibility and reasonable development opportunities when development is sensitive to the special environmental concerns of the site. Within the plan district, the applicant should be aware that if an archaeological resource exists on an area to be removed from environmental zones, the protection measures of 33.515.262 still apply.
- B. Modifying Environmental Zone boundaries.** Environmental zone boundaries may be modified by the City as the result of and concurrent with approving development in a natural resource area. The boundaries may be modified for either of the two situations

stated below. All other requests for boundary changes are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments.

1. Creation of new resource areas. The environmental protection zone will be expanded as part of the environmental review to include areas identified for mitigation.
2. Loss of existing resource areas. The environmental zone may be removed from an existing natural resource zoned environmental conservation where approved development will eliminate the natural resource. The zoning designation will not be removed until after all required mitigation measures have been completed.

C. Procedures. All required reviews are processed through a Type II procedure.

D. Approval criteria.

1. Fill or destruction of a natural resource in an environmental conservation zone will be approved if the review body finds that:
 - a. All resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore being altered or destroyed will be replaced through mitigation. If the mitigation site is within a protected resource, values that already exist do not count towards mitigation;
 - b. The mitigation area is in the Columbia South Shore plan district and abuts or is within a protected resource;
 - c. If the mitigation area abuts a protected resource, the mitigation area will be at least 110 percent of the size and values of the altered resource area;
 - d. If the mitigation area is within a protected resource:
 - (1) The mitigation area will be at least 330 percent of the size of the altered area; and will replace at least 110 percent of the values of the altered resource area; and
 - (2) Mitigation will be provided for all resource values lost, including those lost in the protected resource as part of mitigation efforts.
 - e. The maintenance plan insures the maintenance and protection of resource mitigation areas and associated functions and values for 5 years after success has been achieved. The 5-year period will begin when the Bureau receives and approves a report from the applicant which describes the manner in which mitigation success has been achieved. Success shall be defined in the approved mitigation plan to include:
 - (1) Full achievement of required resource values; and
 - (2) Compliance with development standards of Section 33.515.278.
 - f. Except for public improvement projects undertaken by the City, a performance guarantee which meets the requirements of Section 33.700.050, Performance Guarantees, for construction, monitoring, and maintenance of the mitigation site in accordance with the mitigation plan will be filed with the City Auditor prior to issuance of any development or building permit.

prohibited. An increase of more than 2 to 1 is prohibited on sites located inside the Ventura Park Pedestrian District.

2. FAR bonus options:

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

33.521.230 Connectivity

- A. **Purpose.** The connectivity requirement ensures that adequate street and pedestrian/bicycle connections will be provided for local access to development. These regulations implement master street plans for the East Corridor and improve vehicular, pedestrian, and bicycle circulation throughout the plan district, while minimizing congestion on the arterial system. Pedestrian and bicycle connections provide more frequent connections or may provide access where full street connections are not feasible.
- B. **Where these regulations apply.** The requirements of this section apply to all sites in the plan district.
- C. **Regulations.**
 1. The Portland Bureau of Transportation determines the location and widths of rights-of-way and extent and timing of street improvements based on a master street plan in the Transportation Element of the Comprehensive Plan or based on Chapter 17.88.

2. Proposed development that may obstruct new street alignments are identified in a master street plan in the Transportation Element of the Comprehensive Plan is regulated by Chapter 17.88.

33.521.240 Pedestrian Standards

- A. Purpose.** These regulations promote a convenient and attractive environment for pedestrians within the plan district and foster the development of increasingly urban nodes around the light rail transit stations. The standards ensure a direct pedestrian connection between the street and buildings on the site and between buildings and other activities within the site. Together with the building design and entrance regulations, these standards ensure that sidewalks in the plan district are convenient, active, pleasant environments with pedestrian amenities.
- B. Where these regulations apply.** The requirements of this section apply to all sites in the plan district, with the exception of houses, attached houses, and duplexes, which are exempt.
- C. Standards.**
 1. Outside of Pedestrian Districts. Sites outside of Pedestrian Districts are subject to the standards of Subsection 33.130.240.B.;
 2. In Pedestrian Districts. Sites in Pedestrian Districts are subject to the standards of Paragraph 33.130.240.B.1. through 3., and C.3., below.
 3. Improvements between buildings and the street. The area between a building or exterior improvement and a street lot line must meet the standards of either paragraph C.3.a. or b., below.
 - a. Landscaped. The area between a building and a street must be landscaped to meet the L1 standard in Chapter 33.248, Landscaping and Screening; or
 - b. Hard-surfaced. The area must be hard-surfaced and developed for use by pedestrians, outdoor seating for restaurants, or pedestrian-oriented accessory activities including stands selling flowers, food, or drinks. The area must contain amenities such as benches, trees (tree wells with grates are exempt from the hard-surface requirement), drinking fountains, planters, and kiosks. At least one of these amenities must be provided for each 100 square feet of pedestrian use area in the setback. Pedestrian use areas in the setback required in Section 33.526.260, Special Setbacks, must be physically separated from parking and motor vehicle maneuvering areas by a 3-foot-wide area landscaped to at least the L2 standard of Chapter 33.248, Landscaping and Screening.
 4. Bicycle parking. Bicycle parking may be located in the area between a building and a street lot line.

33.521.250 Entrances

- A. Purpose.** These regulations ensure that at least one of the main entrances into a building, and each tenant space in a building that faces a street, be oriented to public streets or light rail. This requirement enhances pedestrian access from the sidewalk to adjacent buildings.

33.526 Gateway Plan District

526

Sections:

General

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

Use Regulations

- 33.526.100 Purpose
- 33.526.110 Prohibited Uses
- 33.526.120 Retail Sales and Service and Office Uses

Development Standards

- 33.526.200 Purpose
- 33.526.210 Building Height
- 33.526.220 Floor Area Ratio
- 33.526.230 Floor Area and Height Bonus Options
- 33.526.240 Open Area
- 33.526.250 Connectivity
- 33.526.260 Pedestrian Standards
- 33.526.270 Entrances
- 33.526.280 Enhanced Pedestrian Street Standards
- 33.526.290 Ground Floor Windows
- 33.526.300 Required Windows Above the Ground Floor
- 33.526.310 Exterior Display and Storage
- 33.526.320 Drive-Through Facilities
- 33.526.330 Gateway Master Plan
- 33.526.340 Parking

Map 526-1 Gateway Plan District

Map 526-2 Maximum Heights

Map 526-3 Floor Area Ratios

Map 526-4 Enhanced Pedestrian Streets

Map 526-5 Bonus Option Areas

General

33.526.010 Purpose

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

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

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

33.526.020 Where These Regulations Apply

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

33.526.030 Early Project Consultation

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

Use Regulations

33.526.100 Purpose

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

33.526.110 Prohibited Uses

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

- B. Sale or lease of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, travel trailers, and other recreational vehicles is prohibited on the portion of a site within 200 feet of a light rail alignment. Offices for sale or lease of vehicles, where the vehicles are displayed or stored elsewhere, are allowed.

33.526.120 Retail Sales and Service and Office Uses

- A. On sites in the EX zone, Retail Sales And Services uses are allowed up to 5,000 square feet of net building area for each use.
- B. On sites in the EG1 zone, Retail Sales and Service uses are allowed up to 5,000 square feet of floor area for each use, up to a total of 20,000 square feet, or the square footage of the site, whichever is less.
- C. On portions of sites zoned Institutional Residential, IR, and within 1000 feet of the Main Street LRT Station, Retail Sales And Service uses are allowed up to 10,000 square feet of net building area for each use. The Retail Sales And Service uses must be included in a Conditional Use Master Plan or Impact Mitigation Plan for the site. Retail Sales And Service uses larger than 10,000 square feet of net building area for each use are prohibited.
- D. On sites in the RX zone, Retail Sales And Service and Office uses are allowed as follows. Adjustments to the regulations of this paragraph are prohibited.
 - 1. Commercial uses in new residential development.
 - a. Up to 40 percent of the net building area of a new residential building may be in Retail Sales And Service or Office uses.
 - b. On the portion of a site within 1/4 mile of a Transit Station, up to 50 percent of the net building area of a new residential building may be in Retail Sales And Service or Office uses.
 - 2. Commercial uses in existing residential buildings. Up to 40 percent of existing net building area in a building that is totally residential may be converted to Retail Sales And Service or Office uses. The conversion may not result in a net loss in the number of dwelling units on the site.

Development Standards

33.526.200 Purpose. The development standards foster an intense mixed-use urban character with a high quality pedestrian environment and an interconnected, dense street grid.

They do this by:

- Promoting the Enhanced Pedestrian Streets as the primary pedestrian routes in the plan district and focusing more active uses and pedestrian amenities on these streets;
- Increasing the development potential throughout the district and focusing the most intense development potential around the light rail stations;
- Discouraging development, such as exterior display and storage and drive-throughs, that adversely affect the pedestrian environment;
- Requiring larger sites within the plan district to provide connectivity, open space and a mixture of uses; and

- Ensuring an attractive transition between the higher density zones within the plan district and the adjacent single-dwelling residential zones.

33.526.210 Building Height

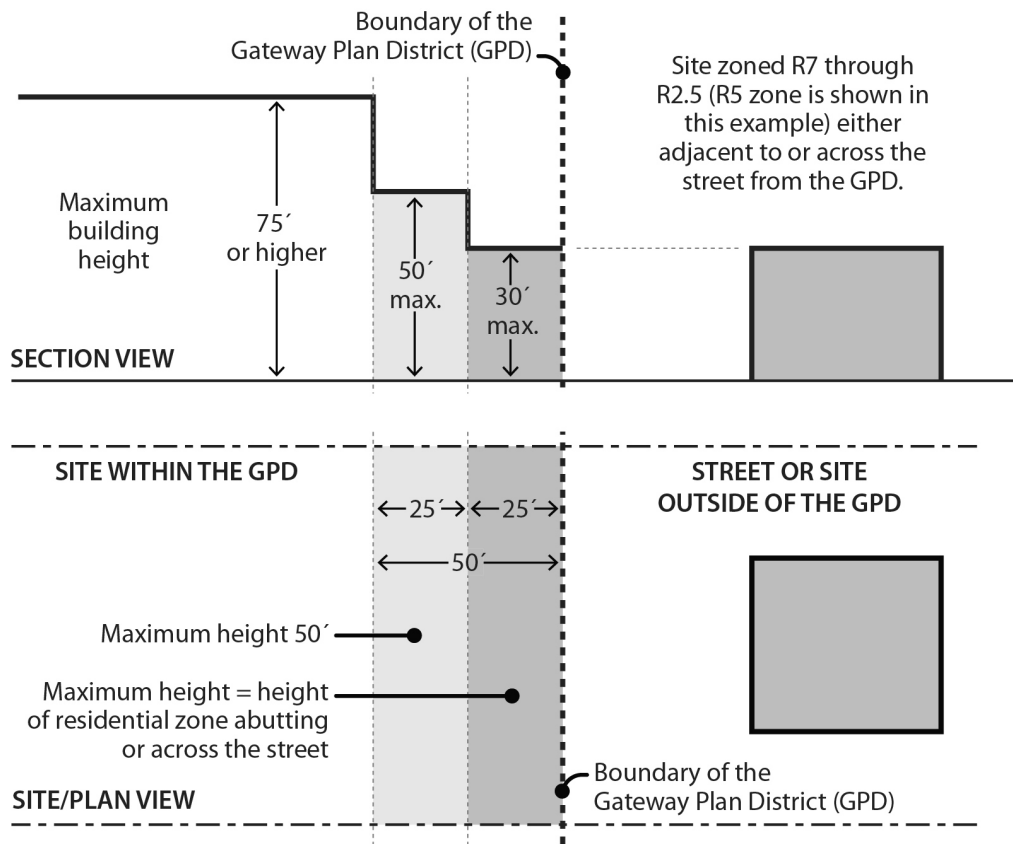
- A. Purpose.** These regulations encourage intense development throughout the plan district, with the highest level of intensity occurring around the light rail stations. This increased development opportunity reinforces Gateway's role as a regional center. In addition, the regulations reduce adverse effects on adjacent single dwelling zones by creating a step-down of building heights at the edge of the plan district.
- B. Maximum building height.** The maximum building heights are shown on Map 526-2, except as specified in Subsection C. Except as follows, heights greater than shown on Map 526-2 are prohibited unless allowed by Section 33.526.230. Until January 2, 2032, adjustments to increase the maximum building height may be requested for new buildings when at least 75 percent of the total floor area is in a residential use. In this case, adjustments to increase height by more than 20 percent of the maximum building height shown on Map 526-2, or 10 feet, whichever is greater, are prohibited.
- C. Transition at edges of plan district.**
1. Where these regulations apply. The regulations of this subsection apply to sites that have a maximum building height of 75 feet or more and either:
 - a. Abut a site zones R7 through R2.5 that is not in the plan district; or
 - b. Are across a Local Service Traffic Street from a site zoned R7 through R2.5 that is not in the plan district.
 2. Abutting. Sites that abut a site zoned R7 through R2.5 have height limits that decrease in two steps, as follows. See Figure 526-1:
 - a. On the portion of the site within 25 feet of a site zoned R7 through R2.5, the maximum building height is the same as the abutting residential zone; and
 - b. On the portion of the site that is more than 25 feet but within 50 feet of a site zoned R7 through R2.5, the maximum building height is 50 feet.
 3. Across a street. Sites that are across a Local Service Traffic Street from a site zoned R7 through R2.5 have height limits that decrease in two steps, as follows. See Figure 526-1:
 - a. On the portion of the site within 25 feet of the street lot line, maximum building height is the same as the residential zone across the street; and
 - b. On the portion of the site that is more than 25 feet but within 50 feet of the street lot line, the maximum building height is 50 feet.

33.526.220 Floor Area Ratio

- A. Purpose.** These regulations encourage intense development throughout the plan district with a higher level of intensity occurring around light rail stations. This increased development reinforces Gateway's role as a regional center. In addition, the standards ensure a minimum level of development on some sites.

- B. Maximum floor area ratio.** The maximum floor area ratios (FAR) allowed are shown on Map 526-3 at the end of this chapter.
- C. Minimum floor area ratio.** The minimum floor area ratio (FAR) for new development is shown on Map 526-3.
- D. Limit on increased floor area.** Increases in FAR, whether by transfers of floor area or bonus floor area options, of more than 3 to 1 are prohibited.

Figure 526-1
Height Limits on Sites Abutting R7 – R2.5 Zones



33.526.230 Floor Area and Height Bonus Options

- A. Purpose.** Floor area and height bonus options are offered as incentives to encourage facilities and amenities that are desired around the light rail stations and on sites with a Gateway Master Plan.
- B. General regulations.**
 1. Eligible sites. The inclusionary housing and Affordable Housing Fund bonus options may be used in the multi-dwelling, commercial, EX, and CI2 zones in the Gateway plan district. The other bonus options may be used only in areas shown on Map 526-5, and on sites with a Gateway Master Plan.

2. New floor area. Only new floor area is eligible for the bonuses unless specifically stated otherwise. Exceptions to the requirements and the amount of bonus floor area or height earned are prohibited.
 3. Number of bonus options. Proposals may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area.
 4. Maximum floor area increase. The maximum floor area increase that may be earned through the bonus options must be within the limits for overall floor area increases stated in 33.526.220.D.
 5. Maximum height increase. Buildings using bonus floor area must not exceed the maximum height limits shown on Map 526-2 unless eligible for bonus height.
- C. Bonus floor area options.** Additional development potential in the form of floor area is earned for a project when the project includes any of the features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 526-3.
1. Mandatory inclusionary housing. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.
 2. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:
 - a. Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or
 - b. Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from Portland Permitting & Development. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.
 3. Open Space bonus option. Proposals that provide open space that may be used by the public will receive bonus floor area. For each square foot of open space provided, a

bonus of one square foot of additional floor area is earned. To qualify for this bonus, the following requirements must be met:

- a. Size and dimensions. The open space must include at least 5,000 square feet of contiguous area;
- b. Ownership and use. One of the following must be met:
 - (1) The open space must be dedicated to the City, subject to paragraph 2.d.; or
 - (2) A public access easement must be provided that allows for public access to and use of all the open space;
- c. Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features, and that meets the requirements of 33.700.060, Covenants with the City; and
- d. Parks approval. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation stating that the open space features meet the requirements of the bureau, and that the space is acceptable to the bureau.

4. Eco-roof bonus option. Eco-roofs are encouraged in the Gateway Regional Center because they reduce stormwater run-off, counter the increased heat of urban areas, and provide habitat for birds. An eco-roof is a rooftop stormwater facility that has been certified by the Bureau of Environmental Services (BES).

- a. Bonus. Proposals that include eco-roofs receive bonus floor area as follows:
 - (1) Where the total area of the eco-roof is at least 10 percent but less than 30 percent of the building's footprint, each square foot of eco-roof earns one square foot of additional floor area.
 - (2) Where the total area of the eco-roof is at least 30 percent but less than 60 percent of the building's footprint, each square foot of eco-roof earns two square feet of additional floor area.
 - (3) Where the total area of the eco-roof is at least 60 percent of the building's footprint, each square foot of eco-roof earns three square feet of additional floor area.
- b. Before an application for a land use review will be approved, the applicant must submit a letter from BES certifying that BES approves the eco-roof. The letter must also specify the area of the eco-roof.
- c. The property owner must execute a covenant with the City ensuring installation, preservation, maintenance, and replacement, if necessary, of the eco-roof. The covenant must comply with the requirements of 33.700.060, Covenants with the City.

- D. General bonus heights.** Bonus height is also earned in addition to the bonus floor area achieved through the bonus options. Bonus height is in addition to the maximum heights

of Map 526-2. The height bonus allowed is based on the floor area bonuses and transfers listed in paragraph D.1., below. The amount of bonus height awarded is specified in paragraphs D.2. and D.3., below.

1. The height bonus allowed is based on the floor area bonus options of Subsection 33.526.230.C., above;
2. In areas qualifying for a height bonus, on sites up to 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule:
 - a. For achieving a bonus floor area ratio of at least 1 to 1, but less than 2 to 1, a height bonus of 15 feet is earned.
 - b. For achieving a bonus floor area ratio of at least 2 to 1, but less than 3 to 1, a height bonus of 30 feet is earned.
 - c. For achieving a bonus floor area ratio of 3 to 1, a height bonus of 45 feet is earned.
3. In areas qualifying for a height bonus, on sites larger than 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule. The height bonus is applied only to the building where the bonus floor area is achieved or transferred, not to the entire site:
 - a. For achieving bonus floor area of at least 20,000 square feet, but less than 80,000 square feet, a height bonus of 15 feet is earned.
 - b. For achieving bonus floor area of at least 40,000 square feet, but less than 120,000 square feet, a height bonus of 30 feet is earned.
 - c. For achieving bonus floor area of 80,000 square feet or more, a height bonus of 45 feet is earned.

E. Bonus height option for housing.

1. Generally. In the areas eligible for bonus height shown on Map 526-5, building heights may be allowed to be greater than shown on Map 526-2 if the bonus height is for housing.
2. Standard. The maximum height bonus that may be allowed is 75 feet. Projects may use both the bonus height options of this subsection and Subsection D., above. However, if both options are used, the combined bonus height may not exceed 75 feet. Bonus height in excess of the maximum allowed through Subsection D., above, must be exclusively for housing.
3. Approval criteria. The approval of the bonus height is made as part of the design review of the project. The bonus height will be approved if the review body finds that the applicant has shown that the following criteria have been met:
 - a. If the site is within 500 feet of an R zone, the proposed building will not cast shadows that have significant negative impacts on dwelling units in the R zone; and

- b. The increased height will result in a project that better meets the applicable design guidelines.

33.526.240 Open Area

- A. Purpose.** The open area requirement ensures provision of adequate amounts of open area, including light and air, for those who live, work and visit the Gateway plan district. Open area can provide passive or active recreational opportunities, and help to soften the built environment. In order to provide flexibility, this provision allows the requirement to be met by phasing the open area, locating it off site, or paying into a fund.
- B. Calculations.** For purposes of this section, site area dedicated for public right-of-way is subtracted from the total site or lot area;
- C. Where these regulations apply.** The requirements of this section apply to sites 5 acres or more in area.
- D. Additions of floor area to the site.** The requirements of this subsection apply to sites where the proposal will result in an increase of at least 10,000 square feet of floor area on the site. The applicant may choose from the three options below:
 1. On-site option. If the open area will be on-site, the following standards must be met:
 - a. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to reduce the total required amount of open area by up to 25 percent may be requested prior to January 2, 2032. Beginning January 2, 2032, adjustments to this standard are prohibited.
 - b. Open areas are parks; plazas; or other similar areas approved through design review. These areas may include improvements such as children’s play equipment, picnic areas, landscaping, benches, paved walkways or trails, gardens, organized sport fields or courts, or other outdoor amenities. Open areas do not include areas used for parking or loading, or landscaping within parking areas.
 - c. Existing open areas on the site may be used to meet this requirement. Open areas used for stormwater management or required recreation area may also be used to meet the requirements of this section. Open areas used to earn bonus floor area may not be used to meet the requirements of this section.
 - d. The open area must be located outdoors on the site and abut either the public sidewalk or the site’s pedestrian circulation system.
 - e. Open area may be provided in a variety of sizes, but each open area must measure at least 20 feet in all directions.
 - f. The application must identify the location, proposed improvements, and timing of the improvements.
 2. Off-site option. If the open area will be off-site, the following standards must be met:
 - a. The area that will be used to meet this requirement must be:

- (1) Identified as proposed open space on the Gateway urban design concept or approved by Portland Parks and Recreation;
 - (2) Under the applicant's control; and
 - (3) Vacant or used for surface parking.
 - b. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to reduce the total required amount of open area by up to 25 percent may be requested prior to January 2, 2032. Beginning January 2, 2032, adjustments to this standard are prohibited.
 - c. The application must identify when the proposed open area site will be transferred into the ownership of the Portland Bureau of Parks and Recreation.
 3. Gateway Regional Center Public Open Area Fund option. As an alternative to developing open area, the applicant may pay \$30.00 per required square foot of open area into the Gateway Regional Center Public Open Area Fund (Open Area Fund). The Open Area Fund is collected and administered by the Portland Bureau of Parks and Recreation. The funds collected must be used within the Gateway plan district, either for acquisition or improvement of public open areas. If using this option, the following must be met:
 - a. The required square footage of open area is calculated as 0.5 square foot of open area for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area;
 - b. When applying for building permits or land use reviews on the site, the applicant must submit with the application a letter from the Portland Bureau of Parks and Recreation documenting the amount that has been contributed to the Open Area Fund.
- E. Land divisions.** The standards and approval criteria of this subsection apply to sites where a land division is proposed:
1. The regulations of this subsection do not apply to proposed lots 5 acres or more in area. The regulations will apply if such lots are divided further.
 2. The regulations of this paragraph apply to proposed lots less than 5 acres in area.
 - a. For each lot, an area equal to at least 15 percent of the area of the lot must be in open area.
 - b. For each lot, the applicant may choose to locate the required amount of open area on the lot, elsewhere on the land division site, or off-site. The applicant may also choose to make a contribution to the Open Area Fund. The application must specify which of these options, or combination of options, will be used to meet the requirements of this subsection.
 - (1) If the open area requirement will be met on the lot, the applicant must specify the location.

- (2) If the open area requirement will be met elsewhere on the land division site, the required area must be in a tract.
- (3) If the open area requirement will be met off-site or through a contribution to the Open Area Fund, the requirements of Paragraphs D.2 or D.3 must be met:
 - c. If the requirements of this paragraph will be met on the land division site or on the lot, the applicant must indicate when improvements will be made to the open area, what the extent of the improvements will be, and who will be responsible for the improvements and maintenance of the improvements. The following additional approval criteria must also be met:
 - (1) Location. Each open area must be located on a part of the site that can be reasonably developed to meet requirements of Subparagraphs D.1.b. through D.1.e;
 - (2) Improvements. The proposed improvements must be consistent with the purpose of this section; and
 - (3) Timing. The timing of the improvements must be reasonably related to the timing of other development on the site.

33.526.250 Connectivity

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

33.526.260 Pedestrian Standards

- A. Purpose.** These regulations ensure direct pedestrian connections between the street and buildings on a site and between buildings and other activities within the site. Together with the Enhanced Pedestrian Street, entrance, and ground floor window regulations, the pedestrian standards ensure that the sidewalks in the plan district, especially on Enhanced Pedestrian Streets, are convenient, active, pleasant environments with pedestrian amenities.

B. Standards.

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

33.526.270 Entrances

- A. Purpose.** These regulations ensure that at least one main entrance into a building, and each tenant space in a building that faces a street, be oriented to public streets or the light rail alignment. This requirement enhances pedestrian access from the sidewalk to adjacent buildings. Together with the Enhanced Pedestrian Street, ground floor window, and pedestrian standards, the entrance standards ensure that the sidewalks in the plan district are convenient, active, pleasant environments with pedestrian amenities.
- B. Where these regulations apply.** In RM2, RM3, RM4, RX, C, E, and CI zones, buildings must meet the standards of Subsection C., below.
- C. Entrances.** For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent street grade. Entrances that open into lobbies, reception areas, or common interior circulation space must also meet the standards of this section. The entrances must:
 1. Face a public street or light rail alignment;
 2. Be within 15 feet of the public street or light rail alignment it faces;
 3. Be oriented to nearby transit facilities as follows:

- a. If a site abuts a light rail alignment along East Burnside Street, the main entrance must orient to that alignment. If the proposed building is within 100 feet of a transit station, at least one entrance must be along the first 25 feet of the wall nearest the station.
- b. If a site abuts a transit street other than a light rail alignment, the entrance must orient to that street.
- c. If the site abuts intersecting transit streets, the main entrance must orient to the street with the highest classification.
- d. If the site abuts intersecting transit streets with the same classification, the entrance may be at a 45 degree angle to both streets or within 25 feet of the corner along either transit street.

33.526.280 Enhanced Pedestrian Street Standards

- A. Purpose.** These regulations enhance and ensure the continuity of the pedestrian environment along key streets in the Gateway plan district. The standards help maintain an urban character along the Enhanced Pedestrian Streets by reinforcing the continuity of pedestrian-oriented, active ground-level uses and strengthening the relationship between those uses and the pedestrian environment. Active uses include but are not limited to: lobbies, retail, residential, commercial, and office. Together with the ground floor window, entrance, and pedestrian standards, the Enhanced Pedestrian Street standards foster an efficient, safe, and interesting route for pedestrians to move through the Gateway plan district.
- B. Where these regulations apply.** Except as follows, the standards of this section apply to new development and alterations to existing development that add at least 40,000 square feet of net building area on sites that abut an Enhanced Pedestrian Street shown on Map 526-4. The following are exempt from the standards.
 1. Development in the RM1, RM2, and RM3 zones;
 2. Development where there has been a school use on the site since June 18, 2004; and
 3. Accessory structures.
- C. Required building lines.** Either Paragraph C.1. or C.2., must be met. This standard only applies along the Enhanced Pedestrian Street. Exterior walls of buildings designed to meet the requirements of this subsection must be at least 15 feet high. Sites where this standard applies are exempt from the maximum building setbacks of the base zone.
 1. The building must extend to the street lot line along at least 75 percent of the lot line; or
 2. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes or vendor's stands.
- D. Ground floor active uses.** Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A, above. Areas designed to accommodate these

uses may be developed at the time of construction, or may be designed for later conversion to active uses. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of an Enhanced Pedestrian Street, a plaza, or other public open space. Areas designed to accommodate active uses must meet the following standards. Development that includes a residential use is exempt from the ground floor active use standard until January 1, 2029:

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep, measured from the street-facing facade or wall;
3. The area may be designed to accommodate a single tenant or multiple tenants;
4. The street-facing façade must include windows, or be structurally designed so doors and windows can be added when the space is converted to active building uses; and
5. Parking is not allowed in the areas that are required to meet the standard of this subsection.

33.526.290 Ground Floor Windows

- A. Purpose.** In the Gateway plan district, blank walls on the ground level of buildings are limited in order to:
- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
 - Encourage continuity of retail and service uses;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
 - Avoid a monotonous pedestrian environment.
- B. Standard.** All exterior walls on the ground level that face a street lot line, sidewalk, plaza, or other public open space or right-of-way must meet the Ground Floor Window requirements of the CX zone.

33.526.300 Required Windows Above the Ground Floor

- A. Purpose.** These regulations prevent large blank walls above the ground floor from facing residential sites outside the plan district. Together with the height regulations, this helps lessen the impact of tall buildings in the regional center on adjacent residential neighborhoods.
- B. Required windows above the ground floor.** Sites across a street and within 50 feet of R7 through R2.5 zones outside the plan district must provide windows in façades that face a residential zone. The windows must cover at least 15 percent of the area of the façade above the ground level. This requirement is in addition to any required ground floor windows.

33.526.310 Exterior Display and Storage

Exterior display and storage are prohibited except for outdoor seating for restaurants and pedestrian-oriented accessory uses, including flower, food, or drink stands. Temporary open-air markets and carnivals are also allowed.

33.526.320 Drive-Through Facilities

Drive-through facilities are prohibited.

33.526.330 Gateway Master Plan

- A. Purpose.** The Gateway master plan adds development potential and flexibility for projects in specified areas. A carefully considered master plan has the potential to ensure that new development moves sites in the plan district closer to the goals of the Gateway Regional Center, while allowing for flexibility, additional development capacity, and phasing of change. The additional development potential and flexibility are possible because the master plan demonstrates that the policy objectives of the Outer Southeast Community Plan are advanced and can be met in the long term. The Gateway master plan is an option; it is not a requirement.
- B. Flexibility achieved.** An approved Gateway master plan allows additional flexibility in any of the following situations:
1. Allocates allowed floor area to individual development sites that will not remain in the same ownership;
 2. Allows uses to be arranged on the site in the most appropriate manner by allowing uses to be located in zones where they are otherwise not permitted, except that household living is prohibited in EG zones.
 3. Allows the development of required housing at an alternate location;
 4. Defers the building of required open area;
 5. Defers the construction of required streets, accessways, and other transportation elements; or
 6. Allows applicants to take advantage of bonus options in 33.526.230.
- C. Contents of a Gateway master plan.** In addition to the application requirements of Section 33.730.060, a Gateway master plan must contain the components listed below. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases. The plan must include:
1. Floor area. How allowable floor area will be distributed throughout the site. This can be shown by location of buildings, by subareas of the site, or by amount assigned to each lot. Floor area may be reallocated within the site.
 2. Location of uses. The location of proposed uses on the site. If a use is allowed on the site, it may be located on a portion of the site where the zoning would otherwise not permit it. Regardless of use, the base zone development standards will apply.

3. Housing.
 - a. The location, density, and general type of housing to be built. If residential development is required by the base zone, the plan must show how the requirement will be met.
 - b. If the required housing is proposed for a location outside of the residentially-zoned area, the proposed site must meet the following requirements. The site must be under the applicant's control. The site must be vacant or used for surface parking, or have improvements with an assessed value less than one-third the value of the land. The site must be within the Gateway plan district and be zoned CX or EX. The proposed housing site must be of suitable size and location to be attractive for the required amount of housing.
4. Minimum and maximum requirements. The total combined floor area for the entire site and for each use must be within the minimum required and maximum allowed, including bonus floor area, for the plan area. Floor area transfers outside of the Gateway master plan site are prohibited.
5. Infrastructure capability. The plan must identify and link the development of each phase of the project to the provision of services necessary to meet the infrastructure service needs of the development associated with that phase.
6. Circulation. The plan must identify a clear internal circulation system that joins the surrounding street system at logical points and meets the needs of pedestrians, bicyclists, and drivers.
7. Open area. The plan must identify when and where the open area will be built.
8. Connectivity. The plan must identify when and where the streets, accessways, and other internal connections will be built.
9. Proposed reviews and criteria. Required reviews, such as design and other land use reviews, for all phases may be done as part of the initial master plan review, or may be done separately at the time of each new phase of development.
 - a. If the applicant requests that all of the required reviews be done as part of the review of the master plan, the plan must explain and provide enough detail on how the proposals comply with the approval criteria for the reviews.
 - b. If the applicant decides to defer these reviews to the time of future development, the plan must specify what review procedures and approval criteria will be used for reviewing that development.
 - c. Adjustments and modifications. If any adjustments or modifications are being requested in conjunction with the Gateway master plan review, the application must include a statement as to how each adjustment and modification complies with the approval criteria for the adjustment or modification.

D. Duration and expiration of a Gateway master plan.

1. A Gateway master plan must include currently proposed developments and developments that might be proposed within at least 3 years.

2. An approved Gateway master plan remains in effect until development allowed by the plan has been completed, the plan is amended or superseded, or it becomes void as specified in Paragraph D.3., below.
3. If there has been no development on the site within 10 years after the Gateway master plan is approved, the Gateway master plan is void, and no further development will be allowed on any area previously covered by the plan until a new or updated plan is approved.

E. Implementation.

1. Development in conformance with a Gateway master plan.
 - a. Development that is consistent with and conforms to the specific Gateway master plan is not required to go through another Gateway master plan review, but may be subject to additional reviews specified by the plan.
 - b. Any transportation, water, stormwater disposal, or wastewater disposal systems identified in the plan as necessary to serve the development are in place or will be in place when the project is ready for occupancy.
2. Development not in conformance with Gateway master plan. Development that is not in conformance with the Gateway master plan requires an amendment to the plan.

33.526.340 Parking

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

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

B. Maximum allowed parking spaces.

1. Maximum allowed parking spaces. Except as specified in B.2., the maximum number of parking spaces allowed for nonresidential uses is 150 percent of Standard A in Table 266-2 of Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management. The maximums apply to both surface and structured parking.

2. Exceptions.
 - a. Medical and dental offices. The maximum number of parking spaces allowed for medical and dental offices is 1 space per 200 square feet of net building area. The maximum applies to both surface and structured parking.
 - b. Office uses. If all of the parking accessory to Office uses is in structured parking, the maximum number of parking spaces allowed for Office uses is 1 space per 300 square feet of net building area.
 - c. Park-and-ride facilities. There is no maximum for park-and-ride facilities.

C. Location.

1. Vehicle areas are not allowed between a primary structure and any street, except as follows:
 - a. Sites with through lots or with three frontages may have vehicle areas between a primary structure and one Local Service Transit Street.
 - b. Sites on full blocks may have vehicle areas between a primary structure and two Local Service Transit Streets.
 - c. Driveways are allowed between a building and a street that is not a light rail alignment if the driveway provides a straight line connection between a street and parking area inside the building. Driveways between a building and a light rail alignment are not allowed.
2. Vehicle areas are not allowed on the portion of the site within 100 feet of a street that is a light rail alignment.

- D. Structured parking near light rail.** In C and E zones, areas of structured parking located within 100 feet of a light rail alignment must meet the standards of 33.526.280.D.1. through D.5, along at least 50 percent of the structure's ground floor walls that face the light rail alignment and face a sidewalk, plaza, or other public open space.

(Added by Ord. No. 169763, effective 3/25/96. Amended by: Ord. 172010, effective 3/18/98; Ord. No. 174980, effective 11/20/00; Ord. No. 175837, effective 9/7/01; Ord. No. 177028, effective 12/14/02; Ord. No. 178423, effective 6/18/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188162, effective 2/1/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24; Ord. No. 191848, effective 10/1/24; Ord. No. 191942, effective 1/1/25.)

B. Maximum building heights.

1. Generally. The maximum building heights are shown on Map 532-2.
2. Height Opportunity Areas. In the Height Opportunity Areas shown on Map 532-2:
 - a. Height may be increased to 90 feet if the maximum building coverage is 20 percent or less;
 - b. Height may be increased to 80 feet if the maximum building coverage is 25 percent or less;
 - c. Except as follows, adjustments and modifications to the standards of this paragraph are prohibited. Until January 2, 2032, adjustments to the height opportunity area height limits shown on Map 532-2 may be requested for new buildings when at least 75 percent of the total floor area is in a residential use. In this case, adjustments to increase the height opportunity area height limit by more than 20 percent of the maximum building height shown on Map 532-2, or 10 feet, whichever is greater, are prohibited.
3. Jantzen Beach subdistrict. In the Jantzen Beach subdistrict, adjustment may be requested to increase height to the maximum height limit shown on Map 532-2. Heights above the maximum height limit shown on Map 532-2 are prohibited.

33.532.220 Minimum and Maximum Floor Area

- A. Purpose.** These regulations encourage dense, mixed-use development in the pedestrian district, and reinforce the Jantzen Beach subdistrict as a transit-supportive, mixed-use neighborhood.
- B. Where these regulations apply.** The regulations of this Subsection apply in the Jantzen Beach subdistrict.
- C. Maximum FAR in the Jantzen Beach subdistrict**
 1. In the Jantzen Beach subdistrict, the maximum FAR is .75 to 1. Floor area used for parking is not counted toward maximum FAR. Transfers of floor area between the West and East subareas are prohibited.
 2. Inclusionary housing bonuses. The following inclusionary housing bonus options are allowed. An increase in FAR of more than 3 to 1 on a site that is outside the pedestrian district is not allowed. An increase in FAR of more than .75 to 1 on a site that is inside the pedestrian district is not allowed.
 - a. Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.
 - b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:

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

D. Minimum FAR in Jantzen Beach subdistrict.

1. Purpose. These regulations ensure that development is distributed throughout the Jantzen Beach subdistrict to maximize the positive benefits of pedestrian-friendly, properly-scaled development without the negative impacts of over-sized buildings surrounded by large surface parking lots.
2. West subarea. In the West subarea, the minimum amount of the West subarea that must be covered with buildings is 300,000 square feet.
3. East subarea. In the East subarea, the amount of East subarea that must be covered with buildings is 300,000 square feet.

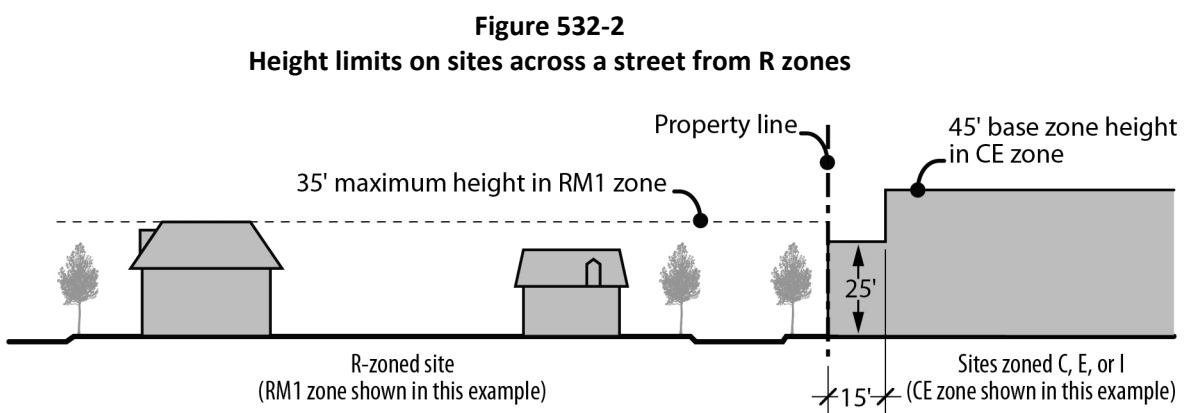
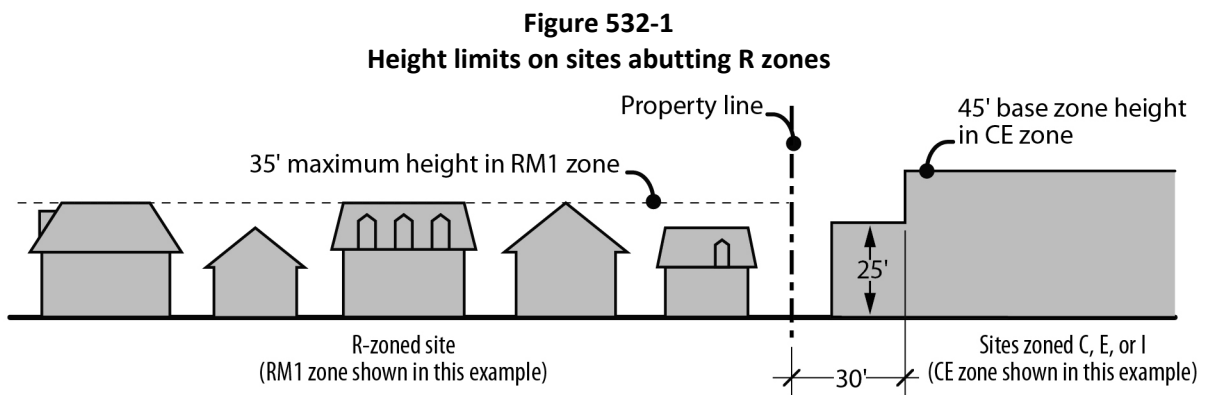
E. Adjustments to maximum floor area or maximum FAR. Adjustments to the maximum floor area or FAR regulations of this Chapter must meet the following approval criterion in addition to the approval criteria of Chapter 33.805: The transportation system is capable of supporting the proposal in addition to the existing uses in the area. Evaluation factors including capacity of Interstate 5 on and off ramps on Hayden Island.

F. Land Divisions in the Jantzen Beach Subdistrict.

1. Supplemental application requirement. Applications for land divisions in the Jantzen Beach subdistrict must specify how the minimum and maximum floor area required by this chapter will be allocated to each lot, parcel, and tract.
2. Supplemental approval criterion. The allocation of minimum and maximum floor area to each lot, parcel, and tract must be found to still meet the requirements of this chapter.
3. The applicant must execute a covenant with the City which is attached to and recorded with the deed of each lot, parcel, and tract. The covenant must identify the minimum and maximum floor area designated for each lot, parcel and tract.

33. 532.230 Transition Between Zones

- A. Purpose.** These regulations limit some of the negative impacts of larger-scale development in commercial/mixed use or industrial zones on buildings in adjacent residential zones. Requiring development to step down near the residential zones avoids having an abrupt transition between the zones, as does the limitation on large blank walls facing residential sites.
- B. Where these regulations apply.** The regulations of this section apply to sites in commercial/mixed use and industrial zones.
- C. Maximum building height.**
1. Sites abutting a residential zone. On the portion of a site within 30 feet of a residential zone, the maximum building height is 25 feet. See Figure 532-1.
 2. Sites across a street from a residential zone. On the portion of a site within 15 feet of the lot line across the street from a residential zone, the maximum building height is 25 feet. See Figure 532-2.



- D. Required windows above the ground floor.**
1. Sites abutting a residential zone. On the portion of a site within 30 feet of a residential zone, at least 15 percent of the area of the façade above the ground level must be windows. This requirement is in addition to any required ground floor windows.

2. Sites across a street from a residential zone. On the portion of a site within 15 feet of the lot line across the street from a residential zone, at least 15 percent of the area of the façade above the ground level must be windows. This requirement is in addition to any required ground floor windows.

33.532.240 Transfer of Residential Density

- A. Purpose.** Residential density is limited by the Portland International Airport Noise Impact Overlay Zone (the “x” overlay zone), which applies to much of the plan district. In some instances, residential development is tied to previous Multnomah County Comprehensive Plan designations. Allowing transfers of residential density provides development flexibility while adhering to the limits of the overlay zone.
- B. Density transfers.** Residential density may be transferred among sites in the plan district if all of the following are met:
 1. The receiving sites must be located within the same or lesser noise contour of the x overlay as the sending sites;
 2. The receiving site must be in a C or R zone;
 3. The maximum density allowed on the receiving site, including transferred density, is 1 dwelling unit per 700 square feet of site area; and
 4. The property owners of both sending and receiving sites must execute a covenant with the City that is attached to and recorded with the deeds of both the sending and receiving sites reflecting the respective increase and decrease of potential density. The covenant must meet the requirements of Section 33.700.060.

33.532.245 Maximum Setbacks in Commercial/Mixed Use Zones

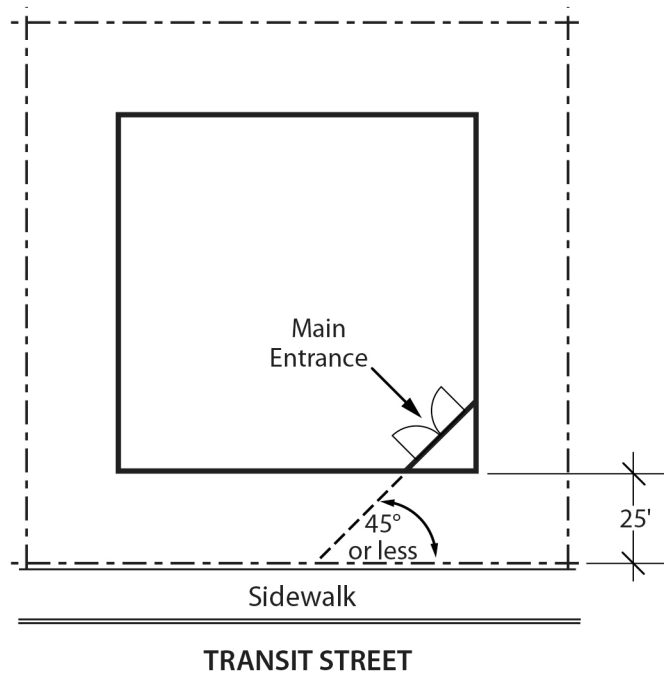
The maximum setbacks that apply to sites in commercial/mixed use zones in Pedestrian Districts apply to all sites in commercial/mixed use zones in the plan district.

33.532.250 Main Entrance

- A. Purpose.** Locating the main entrance of a use near the street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.
- B. Where these regulations apply.** The regulations of this section apply to sites in commercial/mixed use zones. If a site has frontage on more than one street, and one of the streets is an Island Core Access Street, the main entrance must face the Core Street. If the site has frontage on two Core Access Streets, or on two non-Core Access Streets, this standard must be met on only one of the frontages. Island Main Core Access Streets are shown on Map 532-3.
- C. Location.** For each building, at least one main entrance must:
 1. Be within 25 feet of a street;
 2. Allow pedestrians to both enter and exit the building; and
 3. Either:

- a. Face the street; or
 - b. Be at an angle of up to 45 degrees from the street, measured from the street property line, as shown in Figure 532-3, below.
- D. Unlocked during regular business hours.** The main entrance that meets the standards of Subsection C, above, must be unlocked during regular business hours.

**Figure 532-3
Main Entrance**



33.532.255 Buildings Fronting on Internal Accessways

- A. Purpose.** Internal accessways allow an alternative for larger retail buildings on very large sites to provide functional pedestrian connections, building locations, and main entrance placement without meeting the standards of the base zone. These larger retail buildings can still meet the intent of the base zone regulations and be transit-supportive and pedestrian-friendly by requiring the building to meet standards associated with transit streets on the internal accessway. These accessways provide a finer network of street and pedestrian connectivity linking development to public streets.
- B. Where these regulations apply.** The regulations of this section apply to buildings in the Jantzen Beach subdistrict where a single use occupies over 60,000 square feet of floor area in a single story.
- C. Building regulations.** Buildings which front on an internal accessway are exempt from the maximum building setback, ground floor windows and transit street main entrance standards of the base zone and the Hayden Island plan district if the buildings meet the base zone standard for maximum building setback, ground floor windows and transit street

main entrance along an internal accessway. The internal accessway must meet the requirements for Subsection D.

D. Internal accessways. The internal accessway must meet the following:

1. The internal accessway must have at least one auto travel lane, curbs, and an unobstructed sidewalk which separates the building from the curb.
2. The drive aisle may be up to 25 feet wide, and must provide a direct connection to an Island commercial core street or to a Transit Station.
3. One of the following must be met, as shown in Figure 532-4:
 - a. The sidewalk must be at least 15 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or
 - b. The sidewalk must be at least 10 feet wide. There must be a planting strip at least 5 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard, except that trees cannot be grouped.
4. Parallel parking is allowed between the sidewalk and the drive aisle provided if it is at least 50 feet from the main entrance. Parallel parking may reduce the width of the sidewalk to 10 feet with trees a maximum of 30 feet on center or 6 feet with a 4-foot wide planting strip.

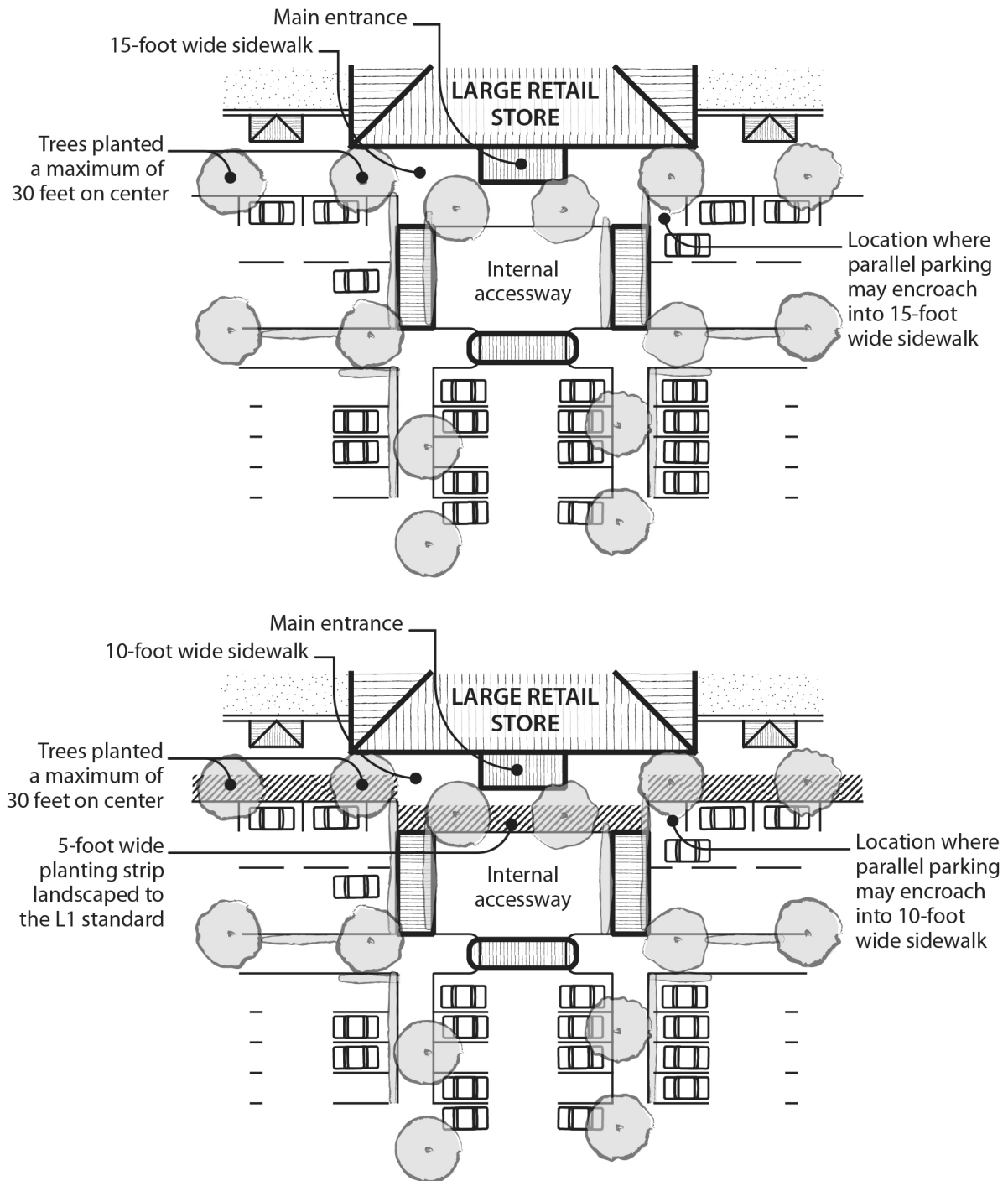
33.532.260 Street Connectivity

A. Purpose. The connectivity requirement ensures that adequate street and pedestrian/bicycle connections will be provided for local access to development and access for emergency vehicles. This regulation implements the Hayden Island Master Street Plan and improves vehicular, pedestrian, and bicycle movement throughout the plan district, while reducing congestion. Where full street connections are not feasible, pedestrian and bicycle connections provide access for those users most sensitive to the lack of direct connections.

B. Requirements.

1. The Portland Bureau of Transportation determines the location and widths of rights-of-way and extent and timing of street improvements based on the Hayden Island Master Street Plan in the Transportation Element of the Comprehensive Plan.
2. New street alignments as identified in the Hayden Island Master Street Plan are regulated by Chapter 17.88.

Figure 532-4
Buildings On Internal Accessways



33.532.270 Drive-Through Facilities

A. Purpose.

1. In the area west of Center Avenue which is designated as a pedestrian district, these regulations discourage development that adversely affects the pedestrian environment, and limits auto-oriented uses.
2. The area east of Center Avenue is not designated as a pedestrian district and is appropriate for auto-oriented uses, based on the current uses and the proximity to the bridge; these uses serve both those in autos and those on foot. These regulations preserve the ability of existing and future businesses to have drive-through facilities.

B. Regulation.

1. West of Center Avenue, drive-through facilities are prohibited on the portion of a site within a pedestrian district. This prohibition includes curb cuts and driveways used for access to the drive-through facility, stacking lanes for queuing vehicles, and the facility itself, such as the drive-up window or gas pump island.
2. East of Center Avenue, drive-through facilities are allowed on the portion of a site within a CM1 zone. Access must be from N. Jantzen Drive, but location is not otherwise limited to particular streets.

(Added by Ord. No. 183124, effective 9/18/09. Amended by: Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 191942, effective 1/1/25.)

- C. **Supplemental application requirements.** A parking demand analysis is required to show a need for Commercial Parking at this location.

Development Standards

33.536.200 Purpose

These development standards foster a mixed-use urban character with a high quality pedestrian environment, and an emphasis on good building design. The standards also promote the Enhanced Pedestrian Streets as the primary pedestrian routes in the plan district. Finally, these standards help ensure an attractive transition in areas where commercial and residential zones abut.

33.536.210 Prohibited Development

- A. **Purpose.** These regulations limit auto-oriented development and ensure transit-supportive levels of residential development in the commercial core of the plan district and in the areas closest to the Hollywood Transit Center. The regulations also support existing businesses with drive-through facilities by creating limited opportunity for these facilities to redevelop as part of development that fosters an urban mix and intensity of uses.
- B. **Single-dwelling residential.** Single-Dwelling residential development is prohibited in Subdistrict A. Alterations to existing Single-Dwelling residential development are allowed.
- C. **Accessory parking.** Parking that is accessory to uses outside of the plan district is prohibited.
- D. **Drive-through facilities.** Drive-through facilities are prohibited, except that in Subdistrict B, drive-through facilities may be allowed if they meet all of the regulations of this subsection:
 1. There was a legal drive-through facility on the site on May 5, 2000;
 2. The new drive-through is on the same site and the existing drive-through will be removed;
 3. The replaced drive-through facility will be part of a new development on the site that meets the following:
 - a. After the new development is built, the FAR on the site must be at least 1.5:1; and
 - b. At least 25 percent of the new floor area must be in residential uses;
 4. The drive-through facility must either:
 - a. Meet the standards of Chapter 33.224, Drive-Through Facilities; or
 - b. Meet the following:
 - (1) The service area must be within the primary structure on the site;
 - (2) The service area must have useable floor area above it on the second story; and

- (3) The stacking lanes must meet the standards of Section 33.224.050, Stacking Lane Standards, and must be enclosed within the primary structure on the site; and
5. Access to and from NE Sandy Blvd. for the drive-through is prohibited.

33.536.220 Maximum Building Height

The maximum building heights are shown on Map 536-2 except as specified in Subsection 33.536.230.C. Except as follows, adjustments to these heights shown on Map 536-2 are prohibited. Until January 2, 2032, adjustments to increase maximum building height may be requested for new buildings when at least 75 percent of the total floor area is in a residential use. In this case, adjustments to increase maximum building heights by more than 20 percent of the height limit shown on Map 536-2, or 10 feet, whichever is greater, are prohibited.

33.536.230 Transition Between Residential and Commercial/Mixed Use Zones

- A. Purpose.** These regulations ensure that there is a transition in height when commercial/mixed use sites are abutting or across the street from low and medium density residential zones. In addition, the regulations prevent large blank walls above the ground floor from facing residential sites from across a street and ensure that building heights reduce to relate to adjoining single-dwelling zones.
- B. Where these regulations apply.** The regulations of this section apply to sites in commercial zones.
- C. Maximum building height.**
 1. Generally. The maximum allowed building height is shown on Map 536-2, Building Heights, except as specified in Paragraphs C.2 and C.3 below:
 2. Sites abutting RF – RM2 zones. Sites abutting RF through RM2 zones have height limits that decrease in two steps near the residential zone. See Figure 536-1. These height limits are:
 - a. On the portion of a site within 25 feet of a site zoned RF through RM2, the maximum building height is the same as the abutting residential zone.
 - b. On the portion of a site that is more than 25 feet but within 50 feet of a site zoned RF through RM2, the maximum building height is 45 feet.
 3. Sites across a street from RF – RM2 zones. Sites across a street from RF through RM2 zones have height limits that decrease near the residential zone. On the portion of the site within 15 feet of the lot line across the street from a site zoned RF though RM2, the maximum building height is the same as the residential zone across the street. See Figure 536-2.
- D. Required windows above the ground floor.** Sites across a street and within 50 feet of RF through R2.5 zones must provide windows in façades that face a residential zone. The windows must cover at least 15 percent of the area of the façade above the ground level. This requirement is in addition to any required ground floor windows.

Figure 536-1
Height limits on sites abutting RF – RM2 zones

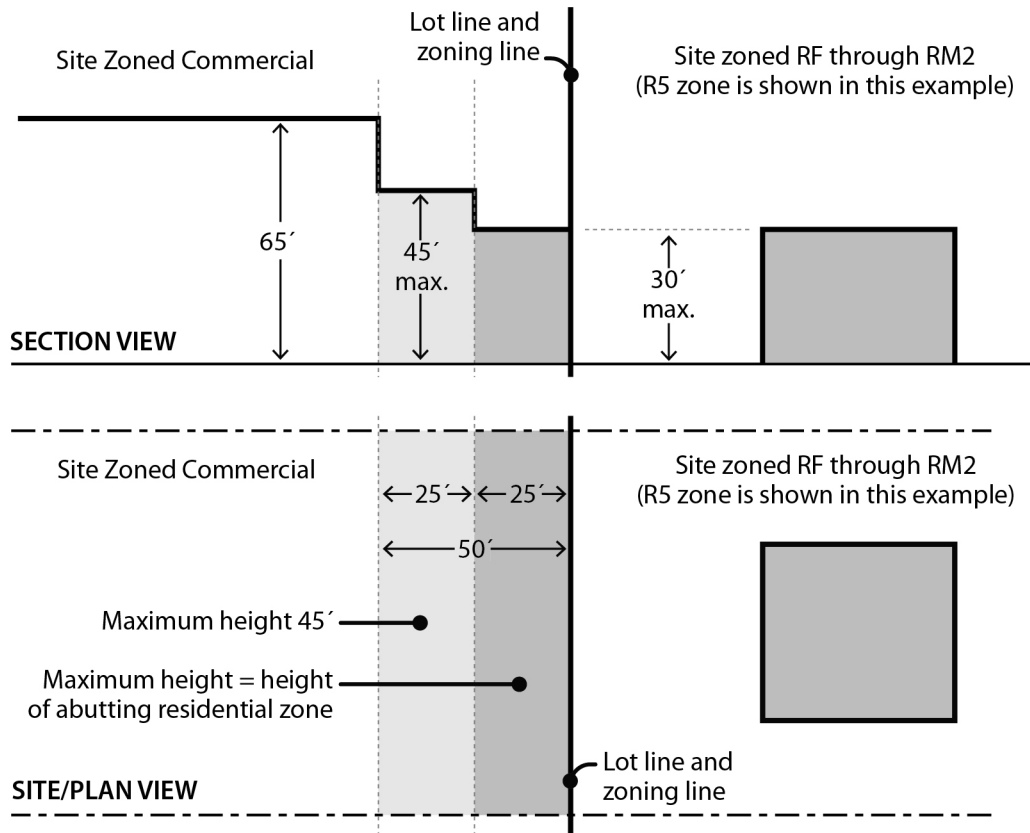
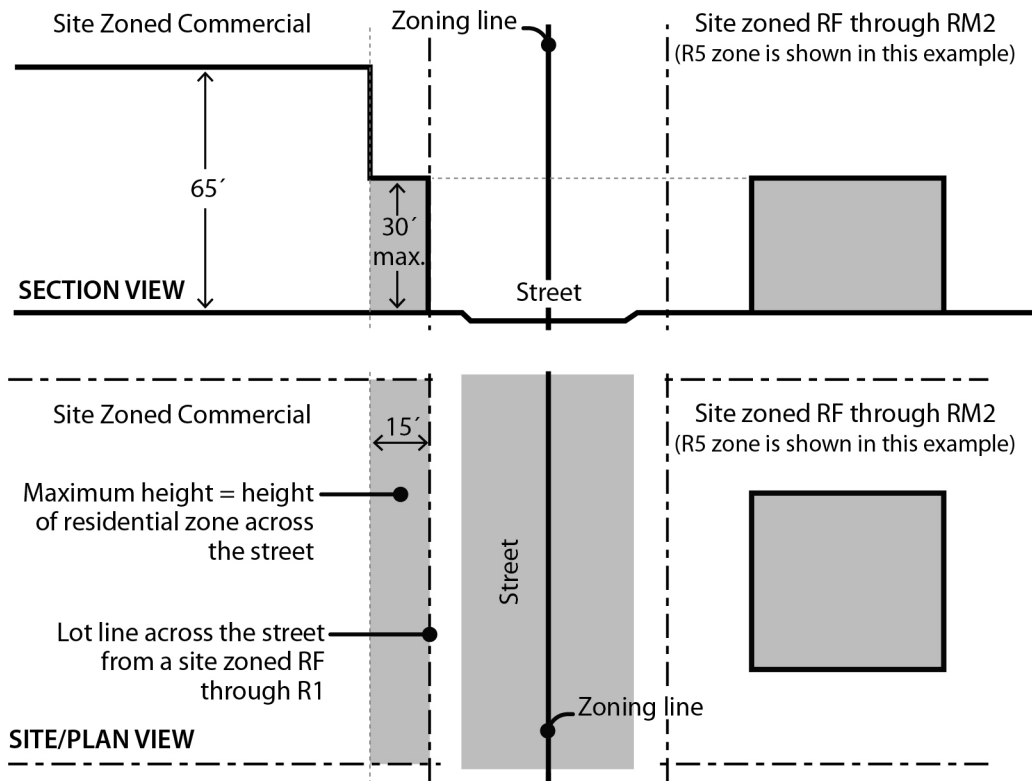


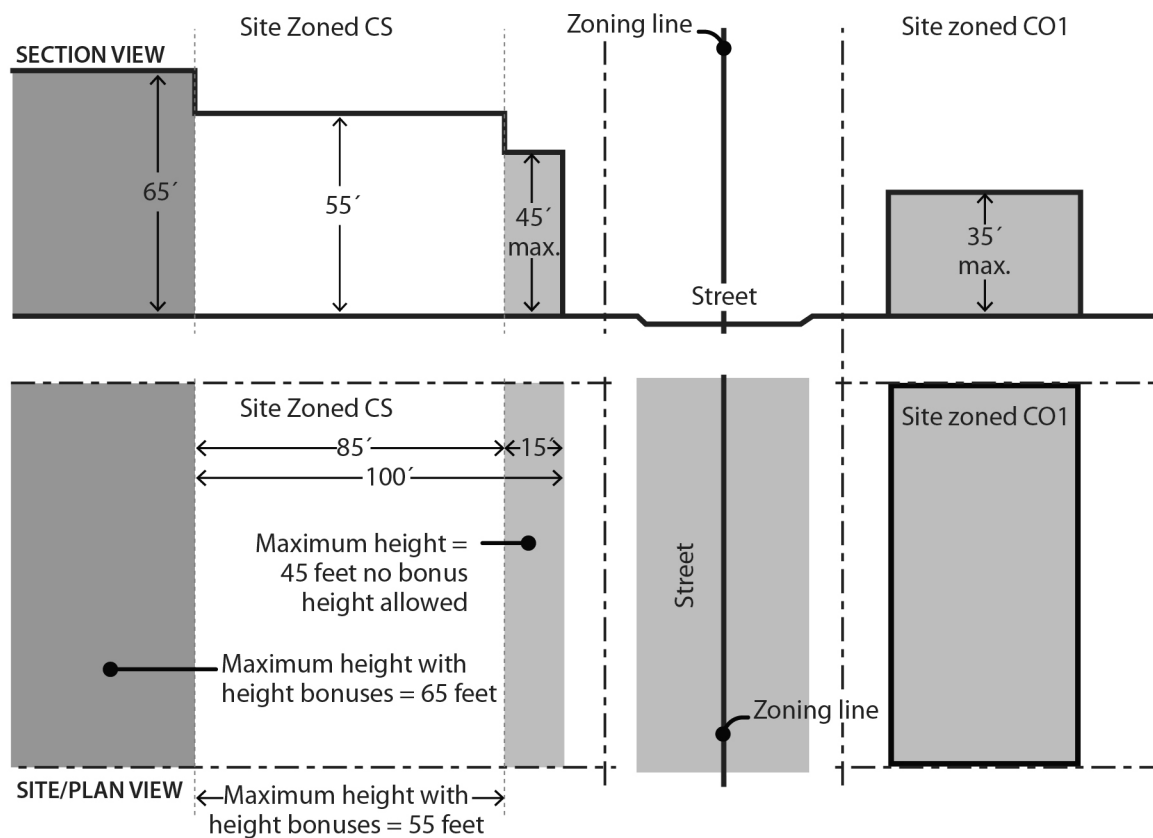
Figure 536-2
Height limits on sites across a street from RF – RM2
zones



33.536.235 Transition Between Commercial/Mixed Use Zones

- A. Purpose.** This regulation ensures that there is a transition in height when a commercial/mixed use site where height bonuses are being used is across a street from a less intense commercial/mixed use zone.
- B. Where these regulations apply.** The regulation of this section applies to sites in the CM2 zone that meet the following:
 1. The site in the CM2 zone is across a street from sites in the CM1 zone; and
 2. Development on the site will use height bonuses.
- C. Maximum building height.** On the portion of the site within 15 feet of the lot line across the street from a site zoned CM1, the maximum allowed building height is 45 feet. On the portion of the site that is more than 15 feet but within 100 feet from the lot line across the street from a site zoned CM1, the maximum allowed building height is 55 feet. See Figure 536-3.

Figure 536-3
Height limits on a CM2 site across a street from a CM1 zone



33.536.240 Floor Area Ratio

- A. Purpose.** These regulations encourage high-density development near the transit center and reinforce Hollywood's role as a transit-supportive, mixed-use urban center.
- B. Where these regulations apply.** These regulations apply to new development in the CM2 zone and in subdistrict A. Alterations or exterior improvements to existing development are exempt from Subsection C.
- C. Minimum floor area ratio in subdistrict A.** The minimum floor area ratio in subdistrict A is 1 to 1. Floor area used for parking does not count toward meeting this requirement.
- D. Maximum floor area ratios.** The maximum floor area ratio in the CM2 zone and in subdistrict A is 4 to 1. Floor area used for parking does not count toward meeting this requirement.

33.536.250 Height and FAR Bonus Options

- A. Purpose.** Bonus options encourage certain types of development, special facilities and amenities that are desired within the commercial core of Hollywood and near the Hollywood Transit Center.

- B. Where these regulations apply.** The regulations of this section apply to subdistrict A, and to areas outside of subdistrict A where bonus building height limits are shown in parenthesis on Map 536-2.
- C. Bonus heights.** Bonus heights are shown on Map 536-2. Except as allowed by Subsections D. and E., adjustments to these heights are prohibited.
- D. Bonus in the CM2 zone.** The bonus options of this subsection may be used in the CM2 zone.
1. Additions to existing buildings. Where floor area that is in a residential uses is added to an existing building, the portion of the building containing the residential uses may be up to the bonus building height shown on Map 536-2. Until January 2, 2032, adjustments to increase the bonus building height shown on Map 536-2 may be requested. In this case, adjustments to increase the bonus building height by more than 20 percent of the maximum building height limit shown on Map 536-2, or 10 feet, whichever is greater, are prohibited.
 2. New buildings. Where at least 25 percent of the floor area of a new building is in residential uses, the building may be up to the bonus building height shown on Map 536-2. Until January 2, 2032, adjustments to increase bonus building height shown on Map 536-2 may be requested for new buildings when at least 75 percent of the total floor area is in a residential use. In this case, adjustments to increase the bonus building height by more than 20 percent of the maximum building height limit shown on Map 536-2, or 10 feet, whichever is greater, are prohibited.
 3. Bonus FAR:
 - a. Maximum bonus floor area allowed. The maximum bonus floor area allowed through the use of bonus options of this Subsection is 1 to 1. Adjustments to this maximum are prohibited.
 - b. Inclusionary housing bonus FAR options:
 - (1) Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met;
 - (2) Voluntary inclusionary housing bonus option. Bonus FAR is allowed when one of the following voluntary bonus options is met:
 - Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be

issued for development, but is not required in order to apply for a land use review; or

- Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from Portland Permitting & Development. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

E. Bonus options in the CM3 zone. The bonus options of this subsection may be used in the CM3 zone.

1. Bonus height. Proposals that use any of the bonus provisions in this subsection may build up to the bonus building height shown on Map 536-2. Until January 2, 2032, adjustments to increase bonus building height shown on Map 536-2 may be requested for new buildings when at least 75 percent of the total floor area is in a residential use. In this case, adjustments to increase the bonus building height by more than 20 percent of the maximum building height limit shown on Map 536-2, or 10 feet, whichever is greater, are prohibited.
2. Maximum bonus floor area allowed. The maximum bonus floor area increase that may be earned through the bonus options of this subsection is 3 to 1. Adjustments to this maximum are prohibited.
3. More than one bonus allowed. More than one bonus option may be used.
4. Inclusionary housing bonus FAR options.
 - a. Inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met;
 - b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:
 - (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

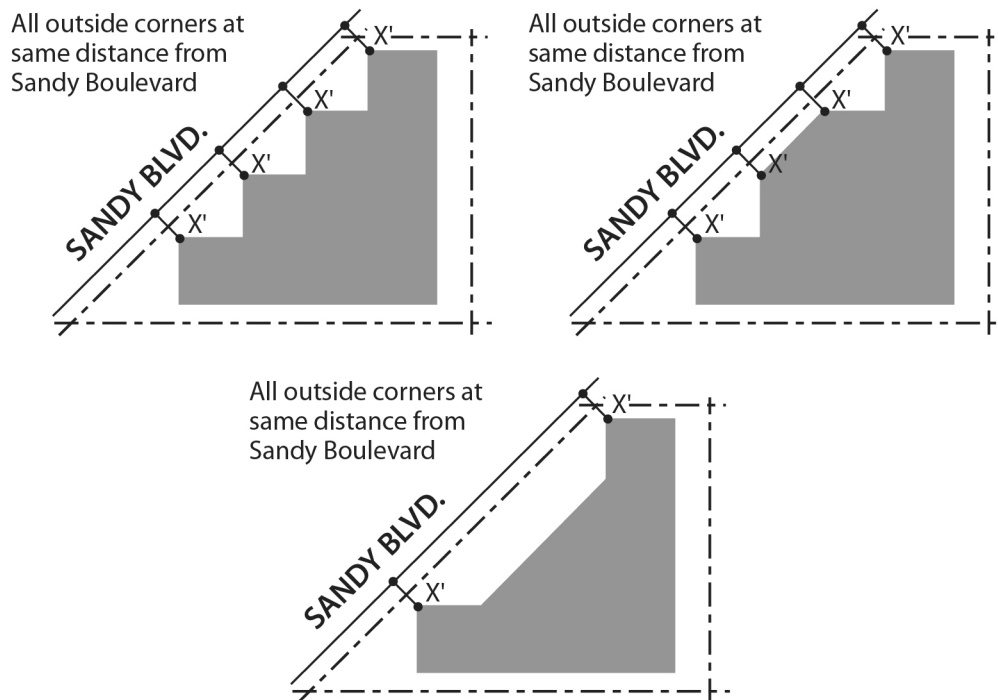
- (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from Portland Permitting & Development. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.
5. Below-grade parking bonus option. Where at least 25 percent of the accessory parking for the site is below grade, a bonus of three additional square feet of floor area is earned for each square foot of parking where the finished ceiling height is below grade.
6. Open space bonus option. A bonus of five additional square feet of floor area is earned for each square foot of floor area developed and committed to open space. The open space must meet the following requirements:
 - a. The open space must be located outdoors on the site, abut a public sidewalk, and be accessible to the public during daylight hours;
 - b. The open space must have a minimum area of 1,000 square feet or five percent of the site area, whichever is greater, and a minimum dimension of 20 feet by 20 feet;
 - c. No more than 70 percent of the open space area may be impervious surface;
 - d. At least two trees must be provided for the first 1,000 square feet of open space area, and one tree per 1,000 square feet of additional open space area;
 - e. At least two amenities must be provided for the first 1,000 square feet of open space area, and one amenity per 1,000 square feet of additional open space area. Amenities are: permanent seating, fountains, kiosks; and
 - f. The property owner must record an easement for the open space that provides for unrestricted public access during daylight hours, and execute a covenant with the City ensuring the preservation, maintenance, and continued operation of the open space by the property owner. The covenant must comply with the requirements of Section 33.700.060.
7. Day care bonus option. For each square foot of area developed and committed to exclusive use as a day care facility, a bonus of three additional square feet of floor area is earned. The day care facility must meet the following requirements:
 - a. The day care facility must have a minimum area of 2,000 square feet and be used for the purpose of day care for the life of the building;
 - b. The facility must be open during normal business hours at least five days each week and 50 weeks each calendar year; and

- c. The property owner must execute a covenant with the City ensuring continuation and maintenance of the day care facility by the property owner. The covenant must comply with the requirements of Section 33.700.060.

33.536.260 Building Facades Facing Sandy Boulevard

- A. **Purpose.** These regulations ensure that new development reinforces the unique diagonal geometry of sites adjacent to Sandy Boulevard.
- B. **Where these regulations apply.** These regulations apply to sites with frontage along Sandy Boulevard.
- C. **Building facades facing Sandy Boulevard.** The exterior walls of the building that can be seen from the Sandy Boulevard lot line must be either:
 1. Parallel to Sandy Boulevard; or
 2. In a series of stepped facades at an angle to Sandy Boulevard in which all outside building corners are at the same distance from Sandy Boulevard, as shown in Figure 536-4.

Figure 536-4
Examples of building facades facing Sandy Boulevard



33.536.280 Enhanced Pedestrian Street Standards

- A. **Purpose.** These regulations enhance and ensure the continuity of the pedestrian environment and emphasize a core of business activities in Hollywood along the Enhanced Pedestrian Streets. The standards also help maintain a thriving urban district along the

Enhanced Pedestrian Streets through the interrelationships of active uses on the ground floor of buildings and the street level pedestrian environment.

- B. Where these regulations apply.** These regulations apply to new development on sites with frontage on the Enhanced Pedestrian Streets shown on Map 536-3. Alterations or exterior improvements to existing development are exempt from these regulations. Development that includes a residential use is exempt from the enhanced pedestrian street standards until January 1, 2029.
- C. Enhanced Pedestrian Street standards.** New development must meet the following standards:

1. Active building uses. Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of an Enhanced Pedestrian Street. Accessory structures are exempt from this standard.

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

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

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

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

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

- B. Where these regulations apply.** These regulations apply to accessory parking in the RM4, CM2, and CM3 zones.
- C. Maximum allowed parking.**
1. Generally. Surface and structured accessory parking is limited to the maximum ratios listed as Standard A in Table 266-2, except as allowed in Paragraphs C.2 through C.4, below. When there is more than one primary use on a site, the amount of parking allowed is calculated based on the net building area of each use, or for household living, based on the number of units.
 2. Household Living. For Household Living uses, the maximum ratio for surface parking is 1.35 spaces per unit. When 75 percent or more of the parking is in structured parking the maximum number of parking spaces allowed is 1.7 spaces per unit.
 3. Retail Sales And Service. The following maximum ratios apply to the following specific Retail Sales And Service uses. The maximum for all other Retail Sales and Service uses is stated in Table 266-2:
 - a. Retail, personal service, repair oriented. The maximum ratio is 1 space per 250 square feet of net building area.
 - b. Restaurants and bars. The maximum ratio is 1 per 75 square feet of net building area.
 4. Office uses.
 - a. Medical and dental clinics. The maximum parking ratio for medical and dental clinics is 1 space per 330 square feet of net building area.
 - b. All other Office uses. The maximum parking ratio for all other Office uses is 1 space per 400 square feet of net building area. However, the maximum ratio is 1 space per 300 square feet of net building area if the following are met:
 - (1) At least half of the parking accessory to uses on the site is in structured parking;
 - (2) Parking structures on the site must be designed so that at least 50 percent of the street-facing facade meets the standards of Paragraph 33.536.280.C.1, Active building uses. Parking structures are structures where parking occupies more than 50 percent of the gross building area.

33.536.300 On-Site Location of Vehicle Areas Along Sandy Boulevard

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

33.536.320 Nonconforming Development

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

(Added by Ord. No. 174325, effective 5/5/00. Amended by: Ord. No. 174980, effective 11/20/00; Ord. No. 177422, effective 6/7/03; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24; Ord. No. 191942, effective 1/1/25.)

- E. All vegetation removal activities must be surrounded or protected in a manner to prevent erosion and sediment from leaving the altered site.

33.537.110 Transfer of Development Rights

- A. Purpose.** These transfer of development rights regulations preserve development opportunities for new housing and reduce development pressure on environmentally sensitive sites. The regulations allow development rights to be transferred from sites with the Environmental Protection Overlay Zones or sites where any portion of the site is in the combined flood hazard area to areas that can accommodate the additional density without environmental conflict.
- B. Regulations.** Transfer of development rights between sites in the plan district is allowed as follows. "Development rights" are the number of potential dwelling units that would be allowed on the site. Bonus density is not transferable.
 - 1. Sending sites.
 - a. Sites in single-dwelling zones where at least 50 percent of the site is within the Environmental Protection overlay zone may transfer development rights.
 - b. Sites in single-dwelling zones where any portion of the site is in the combined flood hazard area may transfer development rights.
 - 2. Receiving sites. All sites within the Johnson Creek plan district may receive development rights from sending sites except:
 - a. Sites in the RMP zone;
 - b. Portions of a receiving site that are in either a "c" or "p" Environmental overlay zone;
 - c. Sites where any portion of the site is in the combined flood hazard area; and
 - d. Portions of a receiving site in Land Class I or II within the South subdistrict. Land Class I and II are defined in Section 33.537.140.E, Maximum Density for Land Divisions and Planned Developments.
 - 3. Maximum density. The density of the receiving site may not exceed 200 percent of the allowable density.
 - 4. Transfer procedure. Transfer of development rights is allowed as follows:
 - a. Planned Development (PD) required. The receiving site must be approved for development as a PD. The purpose of the PD review is to ensure that the extra density is developed appropriately on the receiving site according to the requirements and approval criteria of this subsection and the approval criteria in Chapter 33.665, Planned Development Review.
 - b. Sending site included. The sending site must be a part of the application for PD review on the receiving site. The purpose of this requirement is to allow the City to track the reduced development potential on sending sites.

- c. Covenant required. The owner of the sending site must execute a covenant with the City that reflects the reduced development potential on the sending site. The covenant must meet the requirements of 33.700.060. The covenant must be recorded within 90 days of the PD approval, or if the PD includes a land division, before the Director of PP&D's approval of the final plat.
5. Approval Criteria. In addition to the PD approval criteria in Chapter 33.665, Planned Development Review, the transfer will be approved when the review body finds that all the following approval criteria have been met:
 - a. A PD proposed for the site that includes the transferred density has been approved; and
 - b. The owner of the sending site has executed a covenant with the City that reflects the reduction in potential density for the sending site.
6. Adjustments prohibited. Adjustments to the provisions of this section are prohibited.

33.537.120 Bonus Density

- A. Purpose.** Density bonuses promote denser development and encourage development in areas that have full and efficient urban services. They also encourage development patterns that reduce impact on environmentally sensitive sites.
- B. Qualifying situations.** Density bonuses are allowed except where prohibited. Density bonuses are prohibited on:
 1. Portions of a site that are in Environmental Protection or Conservation overlay zones;
 2. Sites where any portion of the site is in the combined flood hazard area; or
 3. Portions of a site in Land Class I or II within the South subdistrict. Land Class I and II are defined in Subsection 33.537.140.E, Maximum Density for Land Divisions and Planned Developments.
- C. Maximum density.** Proposals that meet the requirements of Subsection D, below, may increase their maximum density by 50 percent. Bonus density may be combined with transfer of development rights. The maximum increase in density that will be allowed when bonus and transfer development rights are combined is 100 percent.
- D. Requirements.** Proposals to use density bonuses must meet the following:
 1. Development. Development must be any housing type that has at least two units in each structure or attached houses and must meet the development standards for residential development in the RM1 zone. Adjustments to this paragraph are prohibited.
 2. Planned Development (PD) required. The proposal must be approved for development as a Planned Development. In addition to the PD approval criteria in Chapter 33.665, Planned Development Review, the following standards must be met:
 - a. Access to transit. Access from each dwelling unit within the proposal to a transit street or transitway, as identified in the Transportation Element of the City's Comprehensive Plan, must be provided. The access must be by a direct route

from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.

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

33.538.230 Required Building Lines

- A. Purpose.** These regulations ensure a lively and attractive pedestrian environment with buildings that are compatible with the historic storefront buildings. They ensure that ground level uses are near the sidewalk.
- B. Where these regulations apply.** These regulations apply to site frontages shown on Map 538-4. Multi-dwelling zoned sites are exempt from the regulations.
- C. Building line standards.** Exterior walls of buildings designed to meet these requirements must be at least 25 feet high. Sites where this standard applies are exempt from the maximum building setbacks of the base zone.
 1. Zero setback standard. On frontages designated for the zero setback standard on Map 538-4, buildings must extend to the street lot line for the entire lot frontage except that up to 10 feet of the length of the building may be set back up to 10 feet from the street lot line to accommodate the main entrance.
 2. Pedestrian amenities standard. On frontages designated for the pedestrian amenities standard on Map 538-4, buildings must extend to the street lot line for at least 75 percent of the lot frontage. Up to 25 percent of the building may be set back up to 10 feet from the street lot line. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."

33.538.240 Active Building Use Areas

- A. Purpose.** These regulations work with the Required Building Line standard to ensure a lively and attractive pedestrian environment with buildings that are compatible with the existing historic storefront buildings. These regulations ensure the continuity of active ground uses which reinforce the relationship of uses within a building and the sidewalk.
- B. Where these regulations apply.** These regulations apply to new development along frontages shown on Map 538-5. Development that includes a residential use is exempt from the active building use area standards until January 1, 2029.
- C. Active building use area required.** Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of a frontage shown on Map 538-5.

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

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

33.538.250 Parking Access Restricted Frontages

- A. Purpose.** This regulation preserves on-street parking, while reducing the impact of automobiles. It creates a safer, more attractive environment for pedestrians. On Denver Avenue this regulation protects the existing historic pattern of no mid-block curb cuts.
- B. Parking access restricted.** Motor vehicle access to a vehicle area or structure is not allowed through a frontage shown on Map 538-6.

(Added by Ord. No. 175210, effective 1/26/01. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 178172, effective 3/5/04; Ord. No. 182429, effective 1/16/09; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 190477, effective 8/1/21; Ord. No. 191609, effective 3/1/24.)

33.550 Macadam Plan District

550

Sections:

General

- 33.550.010 Purpose
- 33.550.020 Where the Regulations Apply

Use Regulations

- 33.550.100 Prohibited Uses

Development Standards

- 33.550.200 Floor Area Ratio
- 33.550.210 Building Height
- 33.550.220 Building Setbacks
- 33.550.230 Building Coverage
- 33.550.240 Building Length
- 33.550.250 View Corridors
- 33.550.260 Exterior Display and Storage
- 33.550.270 Drive-Through Facilities
- 33.550.280 Signs

Map 550-1 Macadam Avenue Plan District

General

33.550.010 Purpose

The Macadam plan district implements the Macadam Corridor Study. The plan district contains a set of regulations designed to preserve and promote the unique character of the Macadam area. In addition to special development standards for the district, the regulations restrict auto-oriented uses and development, limit signs, allow for future light rail, and provide view corridors to the Willamette River.

33.550.020 Where the Regulations Apply

The regulations of this chapter apply to development within the Macadam plan district. The boundaries of the district are shown on Map 550-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.550.100 Prohibited Uses

The following use categories are prohibited in the Macadam plan district:

- A. Quick Vehicle Servicing; and
- B. Vehicle Repair, excluding boat repair which is allowed.

Development Standards

33.550.200 Floor Area Ratio

- A. Maximum FAR.** The maximum floor area ratio is 2 to 1 for all uses.
- B. FAR bonus options.** The following bonus options are allowed in the commercial/mixed use and residential zones. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses in this Subsection, are prohibited:
1. Maximum increase in FAR. An increase in FAR through the use of bonuses of more than 0.5 to 1 is prohibited.
 2. FAR bonus options:
 - a. Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.
 - b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:
 - (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or
 - (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from Portland Permitting & Development. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

33.561 North Interstate Plan District

561

Sections:

General

- 33.561.010 Purpose
- 33.561.020 Where These Regulations Apply

Development Standards

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

Map 561-1 North Interstate Plan District

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

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

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

33.561.010 Purpose

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

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

33.561.020 Where These Regulations Apply

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

Development Standards

33.561.210 Maximum Building Height

A. Purpose. The maximum building height standards:

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

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

B. Maximum building heights.

1. Generally. The maximum building heights are shown on Map 561-2, except as specified in Section 33.561.230. Except as follows, adjustments to maximum heights are prohibited, but modifications through Design Review may be requested. Until January 2, 2032, adjustments to increase maximum building height may be requested for new buildings when at least 75 percent of the total floor area is in a residential use. In this case, adjustments to increase the maximum height allowance by more than 20 percent of the height limit shown on Map 561-2, or 10 feet, whichever is greater, are prohibited.
2. In the height opportunity areas shown on Map 561-2, buildings may be up to 125 feet high if:
 - a. The applicant meets with the Design Commission to discuss the proposal before applying for Design Review. As specified in 33.730.050.B, the applicant must submit a design advice request to schedule this meeting; and
 - b. The applicant requests design review, rather than using the Design overlay zone design standards in 33.420.050.

33.561.220 Floor Area Ratios

- A. Purpose.** The floor area ratio standards work with the maximum building height standards to:
- Increase intensity near the light rail stations at the most intensive station areas: Lombard, Killingsworth, and Prescott; and
 - Allow design flexibility for taller buildings that create opportunities for increased open space on the site and visually prominent architecture.
- B. Where these regulations apply.** These regulations apply to new development and additions of floor area to the site.
- C. Regulation.** Maximum floor area ratios are shown on Map 561-3.
- D. FAR bonus.** The following FAR bonus options apply to sites shown on Map 561-3 as having a maximum FAR of 4 to 1. The regulations of this Subsection do not apply where Map 561-3 indicates that maximum FAR for the site is the base zone maximum; on those sites, the base zone bonus regulations apply. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses in this Subsection, are prohibited:
1. Maximum increase in FAR. An increase in FAR through the use of bonuses of more than 1 to 1 is prohibited.
 2. FAR bonus options:

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

33.561.230 Transition Between Zones

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

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

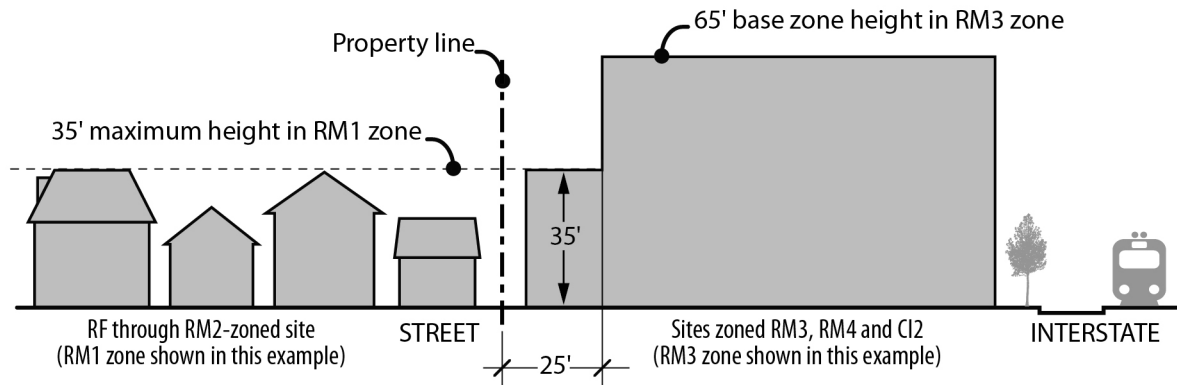
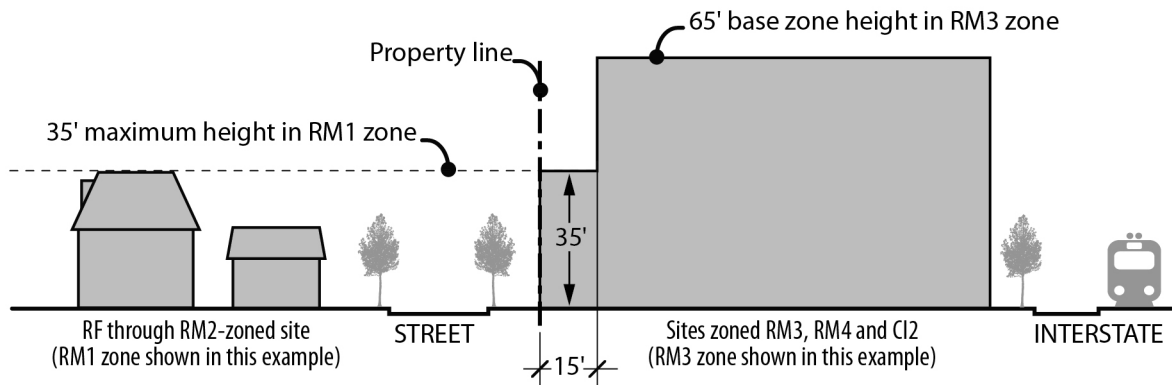


Figure 561-2
Height limits on sites across a street from RF – RM2 zones



33.561.250 Exterior Display and Storage

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

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

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

33.561.270 Required Building Lines

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

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

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

33.561.280 Active Building Use Areas

- A. Purpose.** The Active Building Uses standard works together with the Required Building Line, Ground Floor Windows, and Motor Vehicle Access standards to ensure a vibrant and attractive pedestrian environment at the station platforms and along key east-west streets (Killingsworth and Lombard). These regulations ensure the continuity of active ground uses which reinforce the relationship of uses within a building and the sidewalk. Active uses include but are not limited to lobbies, retail, residential, commercial, and office.
- B. Where these regulations apply.** These regulations apply to new development on sites with frontage on the streets shown on Map 561-4. The following are exempt:
 - 1. Alterations or exterior improvements to existing development;
 - 2. Accessory structures; and
 - 3. Development that includes a residential use is exempt until January 1, 2029.
- C. Active building use area required.** Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of that are at an angle of 45 degrees or less from the street lot line of a street shown on Map 561-4.

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

- 1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
- 2. The area must be at least 25 feet deep, measured from the street-facing façade;
- 3. The area may be designed to accommodate a single tenant or multiple tenants;

4. The street-facing facade must include windows and doors; and
5. Parking is not allowed in the active building use areas.

33.561.300 Motor Vehicle Access

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

33.561.310 Compatibility Standards in the RM1 Zone

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

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

(Added by: Ord. No. 182072, effective 8/22/08; Amended by: Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 191609, effective 3/1/24; Ord. No. 191942, effective 1/1/25.)

Development Standards

33.562.200 Purpose

These development standards foster a transit-supportive, mixed-use urban character with a high quality pedestrian environment, and an emphasis on good building design.

33.562.210 Maximum Height

The maximum building heights allowed are shown on Map 562-4. Heights greater than those shown on Map 562-4 are allowed under section 33.562.230, Bonus Options.

33.562.220 Floor Area Ratios

- A. Purpose.** The regulations of this section encourage a transit-supportive level of development along main streets and the streetcar alignment, prevent buildings that are out of scale with the surrounding neighborhood, encourage vehicle parking to be within buildings, and allow larger buildings as screening along raised freeways.
- B. Minimum floor area ratio.**
1. Where this regulation applies. The regulation of this subsection applies:
 - a. In the CM2 zone; and
 - b. In the CM3 zone, on the portion of a site within 200 feet of a main street or streetcar alignment. Main streets and the streetcar alignment are shown on Map 562-7.
 2. Regulation. The minimum required floor area ratio is 1.5 to 1.
- C. Maximum floor area ratios.**
1. Maximum floor area ratios are shown on Map 562-5. Map 562-5 also shows areas where nonresidential uses are limited to an FAR of 1:1 within the total FAR allowed on a site. Additional floor area is allowed as specified in Section 33.562.230, Bonus Options.
 2. Half the floor area used for accessory parking is not counted toward maximum floor area ratios.

33.562.230 Bonus Options

- A. Purpose.** Bonus options encourage certain uses and types of development that are desired within portions of the Northwest plan district and that implement the Northwest District Plan. The various bonus options encourage residential development, including housing affordable to a range of households; provide incentives for underground parking; and allow taller buildings to screen raised portions of the I-405 freeway.
- B. General regulations.**
1. More than one bonus allowed. More than one bonus option may be used.
 2. Maximum bonus floor area allowed. The maximum bonus floor area increase that may be earned on a site through the bonus options is 3 to 1.

- C. Floor area ratio bonus options for small site residential proposals.** In bonus areas A, B and C shown on Map 562-6, residential developments on small sites receive floor area bonuses. To qualify for this bonus, the site must be 20,000 square feet or less and at least 50 percent of the gross building area must be in residential uses. Areas shared by residential and nonresidential uses are included in nonresidential floor area.

The amount of the bonus varies with the size of the site as follows:

1. Where the site is 10,000 square feet or less, the floor area ratio is increased by 2;
2. Where the site is larger than 10,000 square feet and up to 20,000 square feet, the floor area ratio is increased by 1.

- D. Height and floor area ratio bonuses for affordable housing.** The following FAR bonus options apply in bonus areas A, B, and C shown on Map 562-6. The regulations of this Subsection do not apply outside of areas A, B, and C; on those sites, the base zone bonus regulations apply. Except as follows, adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses in this Subsection, are prohibited. Development that takes advantage of one the following bonus options may be up to 120 feet in height. Until January 2, 2032, adjustments to increase the bonus height allowance may be requested for new buildings when at least 75 percent of the total floor area is in a residential use. In this case, adjustments to increase the bonus height allowance by more than 20 percent of the height limit shown on Map 562-4 are prohibited:

1. Maximum increase in FAR. An increase in FAR through the use of bonuses of more than 1 to 1 is prohibited.
2. Bonus options:
 - a. Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.
 - b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:
 - (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or
 - (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per

square foot and updates the fee at least every three years. The fee schedule is available from Portland Permitting & Development. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

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

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

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

33.562.240 Standards on Main Streets and the Streetcar Alignment

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

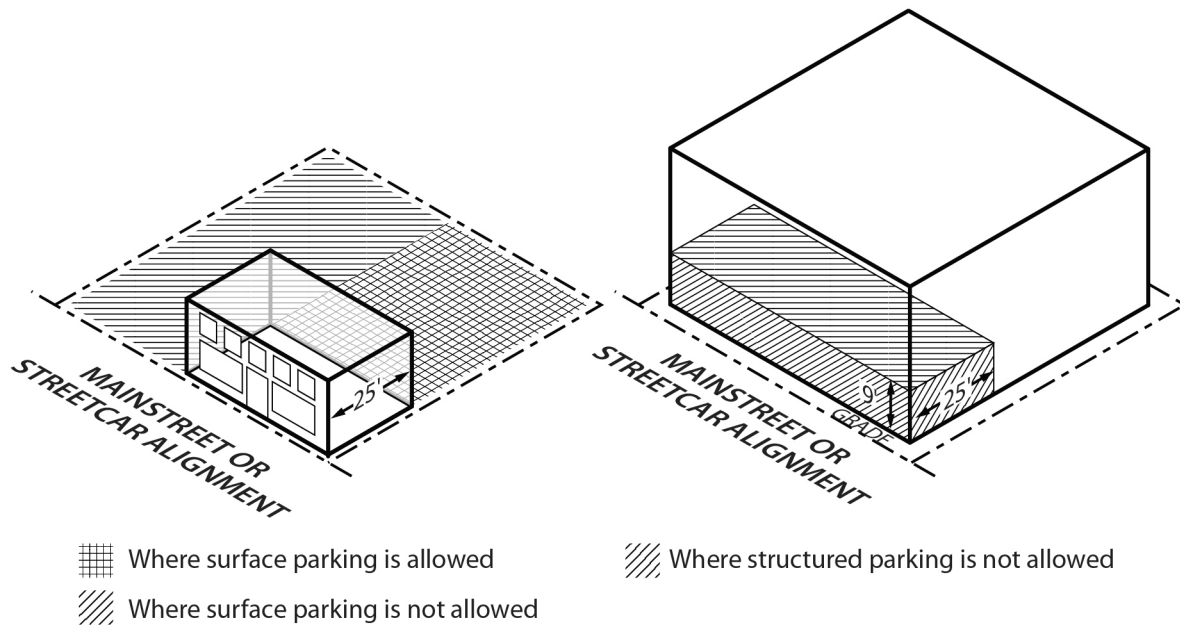
- D. Ground floor active use standard** In order to accommodate active uses, such as residential, retail, or office, the ground floor of buildings must be designed and constructed as follows. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of a main street or streetcar alignment shown on Map 562-7. Accessory structures are exempt from this standard. Development that includes a residential use is exempt from this standard until January 1, 2029.
1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 2. The area must be at least 25 feet deep, measured from the street-facing façade;
 3. At least 25 percent of the area of the street-facing façade of the portion of the building designed to meet the requirements of this subsection must be windows and doors; and
 4. Parking is not allowed in the areas designed to meet the standards of this subsection.
- E. Location of parking.** To encourage a transit-supportive, pedestrian-oriented environment with a continuous frontage of buildings and active uses along main streets and the streetcar alignment, parking is allowed only as follows. Sites of 10,000 square feet or less in area are exempt from this subsection.
1. Surface parking is allowed only when separated from main street and streetcar alignment frontages by buildings that meet the ground floor active use standard of Subsection D, above. See figure 562-1.
 2. Structured parking is allowed only if:
 - a. The finished ceiling is entirely underground;
 - b. The lowest floor of the parking area is 9 feet or more above grade; or
 - c. The parking area is at least 25 feet from the street-facing façade on main street and streetcar alignment frontages. See Figure 562-1.
- F. Motor vehicle access.** Motor vehicle access to a vehicle area or structure is not allowed from a main street or streetcar alignment except in the following situations:
1. When the site has no other street frontage; or
 2. For Commercial Parking, access may be approved from a main street or streetcar alignment as part of a Conditional Use approved under Section 33.815.308.

33.562.250 Drive-Through Facilities Prohibited

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

areas for waiting vehicles, and the facility itself, such as a drive-up window or gas pump island.

Figure 562-1
Location of Parking

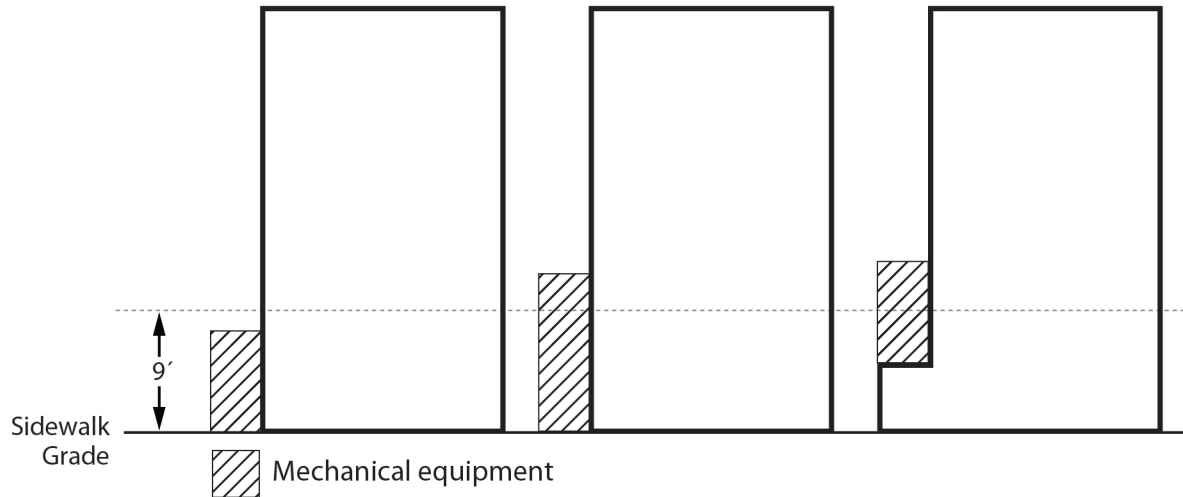


33.562.260 Mechanical Equipment in the CM3 Zone

- A. Purpose.** These regulations reduce the negative visual and noise impacts of mechanical equipment in areas that allow a mix of residential, commercial, and industrial uses to protect the residential livability, economic vitality, and appearance of these areas. They also minimize the impact of ground-level mechanical equipment along streets and other public areas.
- B. Where these regulations apply.** The regulations of this section apply to all sites in the CM3 Zone.
- C. Screening and enclosure.**
 1. If any portion of mechanical equipment is within nine feet of the grade of the adjacent sidewalk, it must be screened or enclosed as follows. See Figure 562-2:
 - a. If the area occupied by the mechanical equipment is less than 500 square feet, the equipment must be completely screened from the sidewalk by walls, fences, or landscaping;
 - b. If the area occupied by the mechanical equipment is less than 3 percent of the site area, but it is not larger than 1,000 square feet, the equipment must be completely screened from the sidewalk by walls, fences, or landscaping; or
 - c. All other mechanical equipment must be within a building that is completely enclosed on all sides;

2. If mechanical equipment is more than nine feet above the grade of the adjacent sidewalk, the equipment must be completely screened from the sidewalk by walls, fences, or landscaping.

Figure 562-2
Mechanical Equipment Within 9 Feet of Sidewalk Grade



33.562.270 Minimum Active Floor Area

- A. Purpose.** Requiring a transit-supportive level of activity and intensity near the streetcar alignment helps to decrease reliance on automobile travel and increases opportunities for housing and employment.
- B. Where this regulation applies.** Sites subject to minimum active floor area standards are shown on Map 562-7.
- C. Standard.** On sites with frontage on a streetcar alignment, at least 50 percent of the ground level floor area located within 200 feet of the right-of-way with the streetcar alignment must be in one or more of the active uses listed below, where allowed by the base zone. Parking areas, both accessory and commercial, are not included in active floor area. Areas shared among the active uses listed below are included in active floor area. Areas shared by a use not listed below are not included in active floor area. Development that includes a residential use is exempt from the standard until January 1, 2029. The active uses are:
 1. Household or Group Living;
 2. Retail Sales And Service;
 3. Office;
 4. Manufacturing And Production;
 5. Industrial Service;
 6. Community Service;

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

33.562.280 Parking

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

33.562.290 Use of Accessory Parking for Commercial Parking

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

2. Accessory parking operated as Commercial Parking. Commercial parking on sites with at least 5 eligible parking spaces is allowed, including short term and monthly rental arrangements.
3. Commercial parking approval. The applicant must submit a NW Plan District Commercial Parking Approval Letter to the Director of Portland Permitting & Development from PBOT that includes the following information:
 - a. Identification of the site;
 - b. The number of spaces that PBOT has approved for use under the program;
 - c. The hours of the day that the accessory parking will be used as Commercial Parking;
 - d. Any conditions PBOT imposed as part of the NW Plan District Commercial Parking Approval Letter; and
 - e. A statement that the owner or owners of the site have agreed to manage the parking approved under the program so that adequate parking for the primary use as served by the accessory parking is maintained.
4. Administrative Rules. The Director of PBOT shall adopt administrative rules to implement the process for permitting and monitoring accessory parking for commercial parking as allowed by this Section.

33.562.300 Northwest Master Plan

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

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

A Northwest Master Plan will ensure:

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

- Development that is integrated into the broader urban fabric;
- Transitions to adjacent areas with different uses and intensities through use, height, and massing of new development, considering historic resources, and the character of the area anticipated through the Northwest District Plan process; and
- Consideration of opportunities to provide a park, plaza, or other open space that can be used by those working and living in the neighborhood; and efficient use of land.

B. Where these regulations apply. The regulations of this section apply to sites shown on Map 562-9 at the end of this chapter. The regulations may also apply to areas that are not shown on the map, but are contiguous to or across a right-of-way from that area and under the same ownership, if the applicant voluntarily includes them in the Northwest Master Plan boundaries.

C. When a Northwest Master Plan is required.

1. Required. A Northwest Master Plan is required for sites shown on Map 562-9 where the applicant proposes:
 - a. Expansions of floor area or exterior improvements area greater than 1,500 square feet on the site; or
 - b. A change from one use category to another.
2. Voluntary. An applicant may voluntarily submit a Northwest Master Plan for any site not shown on Map 562-9 if the site is contiguous to or across a right-of-way from the area shown on the map and under the same ownership.
3. Exempt. The following are allowed without a Northwest Master Plan:
 - a. Normal maintenance and repair;
 - b. Changing up to 5,000 square feet of floor area from an accessory to a primary use, where no change of occupancy is required. An example would be changing an employees-only restaurant to a public restaurant; and
 - c. Development where all of the floor area and exterior improvement area is in residential use; and
 - d. Fences, handicap access ramps, and on-site pedestrian systems.

D. Components of a Northwest Master Plan. The applicant must submit a Northwest Master Plan with all of the following components:

1. Boundaries. The boundaries of the area to be included in the Northwest Master Plan. The area must include all contiguous lots within the area shown on Map 562-9 that are owned by the same person, partnership, association, or corporation. This also includes lots that are in common ownership but are separated by a shared right-of-way.
2. Overall scheme. An overall scheme, including both written and graphic elements, that describes and ties together existing, proposed, and possible development and uses, height and massing of development, phasing of development, review procedures for

each development or phase, and what standards, guidelines, and approval criteria will be used to evaluate each development or phase.

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

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

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

F. Amendments to a Northwest Master Plan.

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

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

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

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

(Added by: Ord. No. 175877, effective 9/21/01. Amended by: Ord. No. 177920, effective 11/8/03; Ord. No 178020, effective 12/20/03; Ord. No. 183269, effective 10/21/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183916, effective 7/17/10; Ord. No. 186639, effective 7/11/14; Ord. No. 187889, effective 8/12/16; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190076, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24; Ord. No. 191942, effective 1/1/25.)

33.563 Northwest Hills Plan District

563

Sections:

General

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

Balch Creek Subdistrict

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

Forest Park Subdistrict

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

Skyline Subdistrict

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

Map 563-1 Northwest Hills Plan District

33.563.010 Purpose

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

33.563.020 Where the Regulations Apply

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

33.563.030 Transfer of Development Rights

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

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

Balch Creek Subdistrict

33.563.100 Prohibitions

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

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

33.563.110 Additional Development Standards

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

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

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

Forest Park Subdistrict

33.563.200 Prohibition

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

33.563.210 Additional Approval Criteria

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

- A. Wildlife.** The location, quantity, quality and structural characteristics of forest vegetation will be sufficient to provide habitat and maintain travel corridors for the following indicator species: pileated woodpecker, sharp-shinned hawk, Roosevelt elk, white-footed vole, and red-

legged frog. Standards to meet this criteria are in the applicable Habitat Evaluation Procedure developed by the United States Fish and Wildlife Service;

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

33.563.220 When Primary Structures Are Allowed in the Linnton Hillside Subarea

The regulations of Section 33.110.202 do not apply to lots of record and lot remnants in the Linnton Hillside Subarea. In this subarea, primary structures are allowed on lots of record and lot remnants in single-dwelling residential zones as specified in this section. The regulations of 33.110.202 apply to lots and adjusted lots in the Linnton Hillside Subarea. Except as follows, adjustments to the standards of this section are prohibited. Until January 2, 2032, adjustments to reduce the minimum lot width and minimum lot area standards listed in A. through E. by up to 10 percent may be requested. Primary structures are only allowed if one of the requirements in A. through D. are met:

- A.** The lot of record, lot remnant, or combination thereof:
 - 1. Is at least 36 feet wide; and
 - 2. Meets the minimum area standard of Table 563-1;
- B.** The lot of record, lot remnant, or combination thereof:
 - 1. Is at least 36 feet wide;
 - 2. Meets the minimum area standard of Table 610-2, but does not meet the minimum area standard of Table 563-1; and
 - 3. Did not abut any lot or lot of record owned by the same family or business on March 15, 2006, or any time since that date;
- C.** The lot of record, lot remnant, or combination thereof:
 - 1. Does not meet the minimum area standard of Table 610-2; and
 - 2. Did not abut any lot or lot of record owned by the same family or business on July 26, 1979 or any time since that date;
- D.** On a lot of record, lot remnant, or combination thereof that did meet the requirements of Subsections A, B, or C, above, in the past but were reduced below those requirements solely because of condemnation or required dedication by a public agency for right-of-way;
- E.** Additional regulations for property line adjustments.
 - 1. The lot of record, lot remnant, or combination thereof described in Subsection A may not be reduced in area below the standards of Table 563-1;
 - 2. The lot of record, lot remnant, or combination thereof described in Subsections B and C may not be reduced in area;

3. There are no minimum lot area or width standards for the lot of record, lot remnant, or combination thereof described in Subsection C;

Zone	Minimum Area
RF	87,120 square feet
R20	20,000 square feet
R10	10,000 square feet
R7	7,000 square feet
R5	5,000 square feet
R2.5	2,500 square feet

Skyline Subdistrict

33.563.400 Zoning Map Amendments

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

- A. Zoning Map Amendments may only be requested in conjunction with a land division or Planned Development. Application and review of the Zoning Map Amendment and the land division or Planned Development may be concurrent; and
- B. The entire site must be included in the request for a Zoning Map Amendment except when there is more than one Comprehensive Plan Map designation on the site.

33.563.410 Land Divisions and Planned Developments

The following regulations apply to land divisions that will create four or more lots and to all Planned Developments within the Skyline subdistrict. Adjustments are prohibited.

- A. Supplemental application requirements. The following supplemental application requirements apply to proposals for land divisions or Planned Developments on sites of 5 acres or larger:
 1. Sites of 5 acres or larger. Applications for a land division or Planned Development on sites of 5 acres or larger must include a transportation analysis with the following information:
 - a. The potential daily and peak hour traffic volumes that will be generated by the site;
 - b. Distribution on the street system of the traffic that will be generated by the site;
 - c. The extent to which ridesharing and transit incentive programs might reduce the vehicle trips generated by the site; and,
 - d. Current traffic volumes on the principal roadways relative to the site; and
 2. Sites of more than 20 acres. Applications for a land division or Planned Development on sites of more than 20 acres must expand the transportation analysis required in Paragraph A.1, above, to include the projected traffic volumes on the principal roadways relative to the site should the proposed development and other approved, but undeveloped proposals, be fully developed.
- B. Additional requirements for approval. In order to be approved, proposed land divisions and Planned Developments must meet the following requirements:

1. Public sewer and water service must be available to the site; and
2. The applicant must either:
 - a. Show that the existing public transportation is adequate; or
 - b. Participate in or subsidize a private transportation service.

(Added by Ord. No. 164517, effective 7/31/91. Amended by: Ord. No. 168698, effective 4/17/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 180095, effective 5/26/06; Ord. No. 187216, effective 7/24/15; Ord. No. 190093, effective 9/11/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 191779, effective 10/1/24; Ord. No. 191848, effective 10/1/24; Ord. No. 191942, effective 1/1/25.)

33.564 Pleasant Valley Plan District

564

In order to maintain an alphabetical structure of the Plan Districts within the 500s series of chapters, the former Chapter 33.564 has been renumbered. See Chapter 33.566, Portland International Raceway Plan.

Sections:

General

- 33.564.010 Purpose
- 33.564.020 Where These Regulations Apply

Development Standards

- 33.564.060 When Primary Structures Are Allowed
- 33.564.070 Transfer of Development Rights

Land Divisions and Planned Developments

- 33.564.300 Minimum Site Size for a Land Division or Planned Development
- 33.564.320 Supplemental Application Requirements for Land Divisions and Planned Developments
- 33.564.330 Maximum Density
- 33.564.340 Lot Dimensions
- 33.564.350 When a Flag Lot is Allowed
- 33.564.360 Planned Development
- 33.564.370 Housing Variety
- 33.564.380 Transition at the Edge of the Pleasant Valley Natural Resources Overlay Zone

General

33.564.010 Purpose

The Pleasant Valley plan district implements the Comprehensive Plan's goals, policies and action measures for Pleasant Valley; creates an urban community as defined by the Comprehensive Plan; and, furthers the Pleasant Valley vision to integrate land use, transportation, and natural resources. Pleasant Valley as a whole is intended to be a community made up of neighborhoods, a town center, neighborhood centers, employment districts, parks and schools, open spaces and trails, a range of transportation choices, and extensive protection, restoration and enhancement of the natural resources. Portions of the Pleasant Valley area will be in the City of Portland and portions will be in the City of Gresham. The purpose of the Pleasant Valley plan district includes integrating the significant natural resources into a new, urban community.

33.564.020 Where These Regulations Apply

The regulations of this chapter apply in the Pleasant Valley plan district. The boundaries of the plan district are shown on Map 564-1 and on the Official Zoning Maps.

Development Standards

33.564.060 When Primary Structures are Allowed

Primary structures are allowed as specified in 33.110.202 using Table 33.610-2. The lot dimension standards in this chapter do not supersede the lot dimension standards of Table 33.610-2 for the purposes of implementing Section 33.110.202.

33.564.070 Transfer of Development Rights

- A. Purpose.** The transfer of development rights preserves development opportunities for new housing and reduces development pressure in environmentally sensitive sites. The regulations allow development rights to be transferred from areas within the Pleasant Valley Natural Resources overlay zone to areas that can accommodate the additional density without environmental conflict.
- B. Regulations.** Transfer of development rights between sites is allowed as follows:
1. Development rights. Development rights are the number of potential dwelling units that would be allowed on the site.
 2. Sending sites. Sites where at least 50 percent of the site is within the Pleasant Valley Natural Resources overlay zone may transfer development rights.
 3. Receiving sites. Development rights may be transferred to any site in the Pleasant Valley plan district or the Johnson Creek Basin plan district except:
 - a. Portions of a receiving site that are within a Pleasant Valley Natural Resources overlay zone;
 - b. Sites where any portion of the site is within the combined flood hazard area; or
 - c. Portions of a receiving site that are Land Class I or II within the South Subdistrict of the Johnson Creek Basin plan district.
 4. Maximum density. The density of the receiving site may not exceed 150 percent of the allowable density.
 5. Transfer procedure. The procedure for a transfer of development rights must meet the following:
 - a. The transfer must take place as part of a Planned Development;
 - b. The sending and receiving sites must be included in the Planned Development;
 - c. The owner of the sending site must execute a covenant with the City that reflects the reduced development potential on the sending site. The covenant must meet the requirements of 33.700.060 and must be recorded before final approval of the Planned Development.
 6. All other applicable development standards, including setbacks and building heights, shall continue to apply when a density transfer occurs.
 7. Adjustments to the provisions of this section are prohibited.

Land Division and Planned Development

33.564.300 Minimum Site Size for a Land Division or Planned Development

In the R7 zone, land divisions or Planned Developments are allowed only on sites that are at least 20 acres in size.

33.564.310 Relationship to other Land Division and Planned Development Regulations

Land divisions and Planned Developments in the Pleasant Valley plan district are subject to the regulations and procedures of the 600 series of chapters of this Title unless superseded by regulations of this plan district. The following do not apply:

- A. Chapter 33.631, Sites in the Combined Flood Hazard Area; and
- B. Chapter 33.634, Required Recreation Area.

33.564.320 Supplemental Application Requirements for Land Divisions and Planned Developments

In addition to the information required by Section 33.730.060, Application Requirements, a land division or planned development application must include information that addresses the requirements of Section 33.564.370 and .380.

33.564.330 Maximum Density

- A. **RF zone.** In the RF zone, maximum density is one lot per 20 acres.
- B. **R7 zone.** In the R7 zone, maximum density within the Pleasant Valley Natural Resources overlay zone is one lot per acre.

33.564.340 Lot Dimensions

- A. **RF zone.** In the RF zone, new lots must be at least 20 acres in area. There are no minimum width or depth requirements, and no maximum lot area.
- B. **R7 zone.** In the R7 zone, there is no minimum lot area, maximum lot area, minimum width or minimum depth requirement for new lots. New lots must meet the minimum front lot line standard.

33.564.350 When a Flag Lot is Allowed

- A. **Purpose.** These regulations allow the creation of flag lots in limited circumstances. The limitations:
 - Minimize the negative impact of flag lots and additional driveways;
 - Allow land to be divided when other options are not achievable;
 - Ensure that flag lots have adequate access from the street; and
 - Ensure that flag lots have access to utilities and services.
- B. **When a flag lot is allowed.** Flag lots are prohibited in the Pleasant Valley plan district except as follows:
 1. A new lot is being created for an existing house;

2. The existing house is entirely within the Pleasant Valley Natural Resources overlay zone; and
 3. The existing house will remain.
- C. Flag lot access pole.** The pole portion of the flag lot must meet the following standards. Except as allowed in Subparagraph C.1. adjustments are prohibited:
1. The pole must connect to a street;
 2. The pole must be at least 12 feet wide for its entire length. Until January 2, 2032, adjustments to reduce the pole width by up to 10 percent may be requested; and
 3. The pole must be part of the flag lot and must be under the same ownership as the flag portion.
- D. Minimum lot dimensions.** Flag lots must meet the minimum lot dimension requirements of Subparagraph 33.465.165.A.2.c.

33.564.360 Planned Development

The following uses and development are prohibited through a planned development in the RF zone:

- A. Attached houses;
- B. Attached duplexes;
- C. Triplexes;
- D. Fourplexes;
- E. Multi-dwelling structures; and
- F. Commercial uses.

33.564.370 Housing Variety

- A. Purpose.** The purpose of the housing variety criterion is:
- To encourage the mix of housing intended for the Pleasant Valley plan district as described in the Comprehensive Plan
 - To avoid over-repetition of the same building type or lot size
 - To promote housing choice
- B. When this criterion applies.** This criterion applies to land divisions and Planned Developments in the R7 zone.
- C. Approval criterion.** To the extent practicable, the design and layout of the land division ensures that a range of housing choices will be provided within the land division site. Some methods to provide this range of housing choices are:
1. Thirty percent of the proposed lots are larger than 7,500 square feet in area, and the remaining lots are less than 7,500 square feet in area;
 2. Twenty percent of the dwelling units are duplexes, triplexes, or fourplexes;

3. Thirty percent of the lots have accessory dwelling units; or
4. Other techniques which are consistent with the purpose of this criterion.

33.564.380 Transition at the Edge of the Pleasant Valley Natural Resources Overlay Zone

- A. Purpose.** The purpose of this criterion is to provide a visual and physical transition or connection between the Pleasant Valley Natural Resources overlay zone and the adjoining developed land. The criterion is intended to encourage careful design of the land division layout so that uses and development at the edges of the environmental zone have reduced impact on, and benefit from, the adjacent natural resources area.
- B. When this criterion applies.** This criterion applies to land divisions and Planned Developments in the R7 zone.
- C. Approval criterion.** To the extent practicable, the land division should be designed so that development adjacent to or across the street from the environmental resource areas is oriented to enhance the connection between the developed area and the environmental resource area. This connection can be provided by one or more of the following:
 1. Local streets are located along the outside edge of the Pleasant Valley Natural Resources overlay zone;
 2. Where lots are adjacent to the Pleasant Valley Natural Resources overlay zone, pedestrian access to the Pleasant Valley Natural Resources overlay zone is provided at sufficient intervals, such as every 400 to 500 feet; or
 3. Other techniques which are consistent with the purpose of this criterion.

(Added by: Ord. No. 178961, effective 6/13/05. Amended by Ord. No. 184235, effective 11/26/10; Ord. No. 189805, effective 3/1/20; Ord. No. 190851, effective 6/30/22; Ord. No. 191477, effective 3/1/24; Ord. No. 191942, effective 1/1/25.)

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

1. Activity description. Describe the activity and why it is necessary to implement an FAA authorized Wildlife Hazard Management Plan;
2. Documentation of resources and functional values. Documentation of resources and functional values is required to determine compliance with the approval criteria. In the case of a violation, documentation of resources and functional values is used to determine the nature and scope of significant detrimental impacts.
 - a. Identification, by characteristics and quantity, of the resources and their functional values found on the site;
 - b. In the case of a violation, determination of the impact of the violation on the resources and functional values.
3. Construction management plan. Identify measures that will be taken during the activity or remediation to protect the remaining resources and functional values at and near the site and a description of how undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, equipment controlled, and the timing of activity; and
4. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts that result from the chosen activity or violation as identified in the impact evaluation. A mitigation or remediation plan includes:
 - a. Resources and functional values to be restored, created, or enhanced on the mitigation or remediation site;
 - b. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
 - c. Activity timetables;
 - d. Operations and maintenance practices;
 - e. Monitoring and evaluation procedures;
 - f. Remedial actions for unsuccessful mitigation; and
 - g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

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

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

2. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;
3. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and
4. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

Notice and Review Procedure for Permits Within Environmental Overlay Zones

33.565.600 Purpose

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

33.565.610 When These Regulations Apply

These regulations apply when a building permit or development permit application is requested within an environmental overlay zone and is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, or 33.430.405.C, or 33.565.510 through .580. These regulations apply instead of the regulations of 33.430.410 through .430. These regulations do not apply to building permit or development permit applications for development that has been approved through environmental review.

33.565.620 Procedure

Applications for building permits or development permits as specified in Section 33.430.420 or 33.565.610 will be processed according to the following procedures:

- A. Application.** The applicant must submit a site plan with an application for a permit. The site plan must contain all information required by 33.430.130, Permit Application Requirements, and any additional information required for a building permit or development permit review.
- B. Notice of an application.**
 1. Notice on website. Upon receipt of a complete application for a building or development permit, the Director of PP&D will post a notice of the application on the PP&D website and mail a notice of the request to all recognized organizations within 400 feet of the site. The posted notice of the application will contain at least the following information:
 - A statement that a building or development permit has been applied for that is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, 33.430.405.C, or 33.565.510 through .580.
 - The legal description and address of the site;
 - A copy of the site plan;

- The place where information on the matter may be examined and a telephone number to call; and
- A statement that copies of information on the matter may be obtained for a fee equal to the City's cost for providing the copies.

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

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

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

1. Posting notice on the site. The applicant must post public notice of the proposed activity or development following the procedure listed in 33.565.320.C. The posted notice will contain the same information as the notice posted on the internet.
2. Marking proposed development on site. Prior to inspection of the site, the applicant will mark all trees over six inches diameter to be removed on the site and the building and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material.

D. Site inspection. A PP&D inspector will inspect the site prior to issuance of the permit and will provide the Director of PP&D with one of the following:

1. An inspection report that confirms the accuracy of the site plan and conformance with the applicable development standards; or
2. A check sheet identifying the deficiencies in the plan. Deficiencies must be corrected before a building permit is approved, or they may be addressed through environmental review as described in Sections 33.430.210 through 33.430.280.

E. Comments. Any interested person may comment on the permit application by writing and specifically identifying errors or non-compliance with development standards.

F. Response to comments. If a comment is received, the Director of PP&D will respond in writing or in a manner suitable to the comment. The response will specifically address each comment that concerns compliance with the development standards of Section 33.430.140 through .190 and 33.565.560 through .580. The Director of PP&D will recheck permits for compliance with development standards and approve the permit if compliance is reaffirmed or when identified deficiencies are corrected, and when all applicable standards and regulations of the Zoning Code are met.

(Added by Ord. No. 184521, effective 5/13/11. Amended by: Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

33.583 St. Johns Plan District

583

Sections:

General

33.583.010 Purpose

33.583.020 Where These Regulations Apply

Use Regulations

33.583.100 Purpose

33.583.110 Prohibited Uses

33.583.120 Retail Sales And Service Uses in the CM3 Zone

Development Standards

33.583.200 Purpose

33.583.210 Drive-Through Facilities

33.583.220 Exterior Activities in the EG and CM3 Zones

33.583.230 Detached Houses Prohibited in the CM3 Zone

33.583.250 Maximum Building Height

33.583.270 Building Coverage in the CM3 Zone

33.583.280 Residential Uses in the EG1 Zone

33.583.285 Additional Regulations in the Riverfront Subdistrict

Map 583-1 St. Johns Plan District

Map 583-2 Maximum Heights

General

33.583.010 Purpose

The St. Johns plan district provides for an urban level of mixed-use development including commercial, employment, office, housing, institutional, and recreation uses. Specific objectives of the plan district include strengthening St. Johns' role as the commercial and civic center of the North Portland peninsula. These regulations:

- Stimulate business and economic vitality;
- Promote housing and mixed-use development;
- Discourage auto-oriented uses and development;
- Enhance the pedestrian environment;
- Enhance the character of buildings in the plan district; and
- Support the Willamette greenway and opportunities to celebrate the Willamette River as a unique element of the urban environment.

33.583.020 Where These Regulations Apply

The regulations of this chapter apply in the St. Johns plan district. The boundaries of the plan district are shown on Map 583-1 and on the Official Zoning Maps.

Use Regulations

33.583.100 Purpose

These regulations support St. Johns as the commercial and civic core of the North Portland peninsula by guiding the types and intensity of uses allowed in the plan district. These use regulations also ensure that land uses fostered within the plan district support an enhanced pedestrian environment and residential mixed-use development. Retail uses outside of the central commercial and civic core are limited to neighborhood-serving retail uses that will complement the riverfront area but do not compete with the uses located in the commercial core of the plan district.

33.583.110 Prohibited Uses

- A. **Plan district.** Quick Vehicle Servicing is prohibited in the plan district.
- B. **EG and CM3 zones.** The following uses are prohibited in the EG and CM3 zones:
 - 1. Vehicle Repair;
 - 2. Commercial Parking;
 - 3. Self-Service Storage;
 - 4. Agriculture; and
 - 5. Detention Facilities.

33.583.120 Retail Sales And Service Uses in the CM3 Zone

- A. **Purpose.** Limiting the net building area of Retail Sales And Service uses in the CM3 zone ensures that they do not dominate the riverfront areas or overwhelm the transportation system and are generally limited to community-serving establishments.
- B. **Maximum per use.** In the CM3 zone, Retail Sales And Service uses are allowed. The square footage of the net building area plus exterior display and storage area of each use may be up to 10,000 square feet.
- C. **Maximum per site.** In the CM3 zone, the net building area plus exterior display and storage area of all Retail Sales And Service uses on a site, taken together, is limited to 60,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service uses where the net building area plus the exterior display and storage area exceeds these size limits, are a Conditional Use. The approval criteria are in Section 33.815.128. Adjustments to this subsection are prohibited.

Development Standards

33.583.200 Purpose

These development standards foster a vibrant mixed-use area with well-designed buildings that are of a scale and orientation that support a safe and attractive pedestrian environment. These standards help minimize conflicts between commercial and residential uses, and ensure transit-supportive levels of residential development in the plan district. The standards also support existing sites with drive-through facilities by creating limited opportunity for these facilities to redevelop as part of development that fosters an urban intensity of uses.

33.583.210 Drive-Through Facilities

Drive-through facilities are prohibited, except when they meet the following:

- A.** There was a legal drive-through facility on the site on January 1, 2004;
- B.** The new drive-through facility is on the same site and the existing drive-through will be removed;
- C.** The new drive-through facility will be part of a development on the site that meets the lot coverage and setback requirements of the zone, and after the new development is built, the FAR on the site will be at least 1:1; and
- D.** The drive-through facility must either:
 - 1. Meet the standards of Chapter 33.224, Drive-Through Facilities; or
 - 2. Meet the following:
 - a. The service area must be within the primary structure on the site;
 - b. The service area must have useable floor area above it on the second story; and
 - c. The stacking lanes must meet the standards of Section 33.224.050, Stacking Lane Standards, and must be enclosed within the primary structure on the site.

33.583.220 Exterior Activities in the EG and CM3 Zones.

The following exterior activities are allowed in the EG and CM3 zones in addition to those permitted by the base zones:

- A. Purpose.** Exterior activities, such as outdoor cafes and exterior display of pedestrian-oriented services enhance the pedestrian environment of the plan district.
- B. Standard.** The following exterior activities are allowed in the EG and CM3 zones:
 - 1. Outdoor seating for restaurants; and
 - 2. Pedestrian-oriented uses, including flower, food, and drink stands, and other similar pedestrian-oriented uses.

33.583.230 Detached Houses Prohibited in the CM3 Zone.

Detached houses are prohibited in the CM3 zone.

33.583.250 Maximum Building Height

- A. Purpose.** The height regulations in the plan district protect public views and the character of St. Johns, the waterfront, and the residential area along the hillside. The height regulations work together with the Design overlay zone design standards and the Portland Citywide Design Guidelines to ensure that the character and scale of new development is appropriate for this mixed-use area, and for the zone.
- B. Standards.** The maximum building height for all sites is shown on Map 583-2 at the end of this chapter. In the CM3 zone, increased height may be requested as a modification through Design Review, up to the maximums shown in parenthesis on Map 583-2. Heights

greater than shown in parenthesis on Map 583-2 are prohibited, and, except as follows, adjustments to maximum height are prohibited in all other zones. Until January 2, 2032, adjustments to increase maximum building height outside the CM3 zone may be requested for new buildings where at least 75 percent of the total floor area is in a residential use. In this case, adjustments to increase the height by more than 20 percent of the maximum building height limit shown on Map 583-2, or 10 feet, whichever is greater, are prohibited.

33.583.270 Building Coverage in the CM3 Zone

- A. Purpose.** The building coverage standard works with the FAR and height standards to control the overall scale and bulk of development and promote development consistent with the desired character of the plan district. These standards ensure that buildings do not completely cover a site.
- B. Maximum building coverage.** The maximum building coverage in the CM3 zone is 85 percent.

33.583.280 Residential Uses in the EG1 Zone

- A. Purpose.** This regulation provides flexibility in the use of structures in the EG1 zone to facilitate live/work development in an overall employment setting. The standards ensure that allowed residential uses will not dominate a site or area.
- B. Where these regulations apply.** These regulations apply in the EG1 zone outside the Riverfront Subdistrict.
- C. Residential uses.** Up to one-third of the floor area on the site may be in residential use, up to a maximum FAR of 0.5 to 1, and a maximum density of 1 dwelling unit for each 10,000 square feet of site area.

33.583.285 Additional Regulations in the Riverfront Subdistrict

- A. Purpose.** These regulations allow the Riverfront Subdistrict to continue to accommodate industrial uses, but foster the transition to an urban mixed-use area that is well integrated into St. Johns.
- B. Where these regulations apply.** The regulations of this section apply to sites in the Riverfront Subdistrict, shown on Map 583-1.
- C. Minimum residential density in the CM3 zone.** Where all of the floor area on a site in the CM3 zone is in residential use, the minimum residential density is 1 unit per 1,000 square feet of site area.
- D. Noise insulation required.** All new dwelling units must be constructed with sound insulation or other means to achieve a day/night average interior noise level of 45 dBA. Reconstructed dwelling units where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site must also meet this standard. Garages and similar accessory structures that do not include living space are exempt from this standard.
 - 1. An engineer registered in Oregon who is licensed in acoustical engineering must certify that the building plans comply with the performance standard for sound insulation prior to the issuance of a building permit.

2. The City of Portland will provide a list of at least three registered engineers knowledgeable in acoustical engineering.

(Added by: Ord. No. 178452, effective 7/10/04. Amended by: Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 191942, effective 1/1/25.)

affordable commercial space stated in Table 130-3. If the proposal includes residential uses, the proposal must comply with the inclusionary housing standards of 33.245.040 and 33.245.050 in order to qualify for this bonus. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060. The covenant must ensure that the floor area dedicated for Daycare or Community Service use remains dedicated to the use for the life of the building.

3. Limitation on use of the affordable commercial space bonus. If the proposal includes residential uses, the proposal must comply with the inclusionary housing standards of 33.245.040 and 33.245.050 in order to qualify for the affordable commercial space bonus in 33.130.212.D.
 4. Subdistrict B bonus option limitation. In Subdistrict B, the only bonus option that may be used on sites that are 2 acres or larger in total site area is the Planned Development bonus option described in 33.130.212.E. All other bonuses are prohibited.
- C. Floor area bonus options in subdistricts C and D.** In subdistricts C and D, the base zone floor area bonus regulations apply, except as follows. Except as allowed in Paragraph C.1, adjustments are prohibited.
1. Inclusionary housing bonus option for large sites. In Subdistrict C, on sites 15,000 square feet or more in total site area, the increment of additional floor area allowed for the inclusionary housing bonus and the overall maximum FAR allowed with other bonuses stated in Table 120-5 or Table 130-3 are increased by an amount equivalent to 25 percent of the maximum FAR stated in Table 120-3 or Table 130-2. Projects qualifying for this bonus are also allowed an additional 10 feet of building height beyond the base height stated in Table 120-3 or Table 130-2. Until January 2, 2032, adjustments to increase this bonus height may be requested for new buildings when at least 75 percent of the total floor area is in a residential use. In this case, adjustments to increase the bonus height more than 20 percent of the base zone height limit shown in Tables 120-3 and 130-2, or 10 feet, whichever is greater, are prohibited.
 2. Subdistrict D bonus option limitation. In Subdistrict D, the only bonus option that may be used is the deeper housing affordability bonus option described in 33.120.211.C.2. All other bonuses are prohibited.

33.595.230 Bonus Height

- A. Purpose.** The bonus height regulations prioritize affordable housing and encourage multiple height bonuses to be used to provide multiple community benefits. These regulations also provide flexibility in building height to accommodate FAR transfers to commercial/mixed use zone sites from sites where existing units are preserved as affordable housing, and encourage larger portions of site area in commercial/mixed use zones to be used for outdoor areas and natural features while still allowing for base and bonus floor area to be utilized.
- B. Where the bonus height standard applies.** The bonus height standard of this section applies in the commercial/mixed zones in Subdistricts A and B shown on Map 595-1. The height bonuses allowed by this standard supersede the incremental and overall maximum bonus height allowances shown in Table 130-3 except for the planned development bonus. The increment of additional height allowed and the overall maximum height with bonus allowed for planned development bonus shown in Table 130-3 continue to apply when the planned development bonus described in 33.130.212.E is utilized.

- C. Bonus height.** An increment of 10 feet of additional building height above the base height limits of the base zone is allowed in all commercial/mixed use zones in the plan district for each of the following. Base height is shown in Table 130-2 and Table 595-3. The 10-foot height increments allowed by this standard can be combined to provide multiple increments of 10 feet of additional height. The maximum overall height with bonus is shown in Table 595-3. When a height bonus option listed below is used to increase the base height, the step-down height limits of 33.130.210 apply. Except as follows, adjustments to the maximum height shown in Table 595-3 are prohibited. Until January 2, 2032, adjustments to increase the bonus height allowance may be requested for new buildings where at least 75 percent of the total floor area is in a residential use. In this case, adjustments to increase the bonus height by more than 20% of the base zone height limit shown in Table 130-2, or by 10 feet, whichever is greater, are prohibited.
1. Proposals utilizing the inclusionary housing bonus in 33.130.212.C.
 2. Proposals utilizing the affordable commercial space bonus in 33.130.212.D. If the proposal includes residential uses, the proposal must comply with the inclusionary housing standards of 33.245.040 and 33.245.050 in order to qualify for this height bonus.
 3. Proposals utilizing the FAR bonus for Daycare or Community Services uses described in 33.595.220.B.2. If the proposal includes residential uses, the proposal must comply with the inclusionary housing standards of 33.245.040 and 33.245.050 in order to qualify for this height bonus.
 4. Sites receiving a transfer of FAR from a site where all existing dwelling units are being preserved as affordable per the requirements of 33.595.210.D.1.b;
 5. Sites meeting one of the following outdoor area or urban green standards. In order to qualify for this height bonus, sites must utilize at least two of the other height bonuses in this Subsection:
 - a. At least 25 percent of total site area is preserved as outdoor area and is landscaped to at least the L1 standard. The outdoor area may be preserved in more than one individual area, but at least one outdoor area must be at least 1,000 square feet in total size and no part of the 1,000 square feet measures less than 30 feet in dimension;
 - b. The native landscaping area standard described in 33.595.280.C.1 is met; or
 - c. The space for large trees standard described in 33.595.280.C.2 is met.

Table 595-3					
Summary of Subdistrict A and B Bonus Height					
		CM1	CM2	CM3	CE
Overall Maximums Per Zone					
Base height		35 ft.	45 ft.	65 ft.	45 ft.
Maximum height with bonus		85 ft.	95 ft. 75 ft. [1]	115 ft. 120 ft. [1]	95 ft. 75 ft. [1]

[1] This overall maximum is only allowed through the Planned Development bonus option and required Planned Development Review. See 33.130.212.E.

33.595.240 Required Affordable Commercial Space

- A. Purpose.** This standard promotes an inclusive business district in West Portland's commercial/mixed use zones that provides a diversity of business opportunities at a range of affordability levels. Diverse affordability levels in turn support pathways to opportunity, innovation, and long term social and economic resilience locally and regionally.
- B. Where this standard applies.** The required affordable commercial space standard applies in subdistricts A and B, excluding the Employment Focus Area shown on 595-2
- C. Required affordable commercial space.** When new development or alterations to existing development will add more than 10,000 square feet of net building area to the site, and at least 10,000 square feet of the new or additional net building area will be in at least one commercial use, a minimum of 1,000 square feet of affordable commercial space must be provided on the site. To comply with this standard, the following must be met:
 - 1. The applicant must provide a letter from the Portland Development Commission certifying that any program administrative requirements have been met; and
 - 2. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built as affordable commercial space will meet the administrative requirements of the Portland Development Commission or qualified administrator.

33.595.250 Commercial Corridor Standards

- A. Purpose.** These standards encourage street frontages lined by buildings with storefront windows and frequent entrances to encourage pedestrian activity along the plan district's primary commercial corridors. Where setbacks are required or proposed they also promote a pleasant and comfortable pedestrian realm with the inclusion of additional trees.
- B. Where the standards apply.** The commercial corridor standards apply to CM2 and CM3 sites that abut a commercial corridor shown on Map 595-3, and the standards apply to sites that abut any street in the Barbur Transit Center shown on Map 595-3.
- C. Location of vehicle area.** No more than 30 percent of the commercial corridor frontage or street frontage in the Barbur Transit Center may be used for vehicle area.
- D. Trees between the building and the street.** For sites with frontage on the Barbur Boulevard commercial corridor, a row of trees must be planted between the building and the lot line abutting Barbur Boulevard when buildings are set back at least 10 feet. The row of trees must meet the following.
 - 1. The row must extend along at least 60 percent of the street frontage.
 - 2. The number of trees must be sufficient to meet the L1 standard for tree spacing, using medium or large trees, but may not be grouped. Where there is less than 60 feet of frontage at least 2 trees must be planted.
 - 3. Trees planted to meet perimeter parking lot landscaping do not count toward meeting this standard.
- E. Ground floor windows.** The ground floor window standards of the base zones apply, however the percentage of ground floor window required by 33.130.230.B.2.a(1) is increased to 60

percent. Until January 1, 2029, the increase to 60 percent for 33.13.230.B.2.a(1) does not apply for development that includes a residential use.

F. Entrances.

1. Entrance frequency. At least one entrance is required for every 100 feet of building length for portions of buildings subject to the maximum street setback.
2. Entrance design. Required entrances must be designed to meet the requirements of 33.130.242 Transit Street Main Entrance.

33.595.260 Residential Corridor Standards

- A. Purpose.** These standards limit interruptions of the pedestrian environment along sidewalks and minimize conflicts between vehicles and pedestrians.
- B. Where the standards apply.** The residential corridor standards apply to sites that abut a residential corridor shown on Map 595-3.
- C. Driveway limitation.** On sites with residential uses, only one driveway is allowed providing access from the residential corridor, except on sites larger than 10,000 square feet that contain multi-dwelling development or at least one multi-dwelling structure, in which case two driveways are allowed providing access from the residential corridor if each driveway provides one-way ingress or egress.
- D. Attached houses.** All parking and vehicle access provided for attached houses must be from an alley or shared court.

33.595.270 Setbacks

- A. Purpose.** These standards promote the continuation of mid-block outdoor areas and other outdoor spaces in residential areas and ensure buffers with trees adjacent to the I-5 freeway to limit noise and visual impacts.
- B. Minimum rear building setback.**
 1. Where the standard applies. The minimum rear building setback standards apply to sites zoned RM1, RM2 or RM3 in Subdistrict C.
 2. Minimum rear building setback. The required minimum rear building setback is an amount equal to 25 percent of the total depth of the site. Outdoor and common areas are allowed within this setback. No more than 50 percent of this setback can be vehicle area.
 3. Exemptions. The following are exempt from the minimum rear building setback. When a site is exempt from the minimum rear building setback, the base zone required minimum rear building setback stated in Table 120-3 applies:
 - a. Corner lots and lots that are up to 100 feet deep are exempt from the minimum rear building setback; and
 - b. Sites where at least 10 percent of the total site area is outdoor common area with no dimension less than 30 feet are exempt from this minimum rear building setback.
- C. Minimum freeway setback.**
 1. Where the standard applies. The freeway setback and screening standard applies in subdistricts A and B. Properties that are less than 15,000 square feet or do not extend beyond 100 feet from the I-5 freeway right of way are exempt from this standard.

2. Minimum freeway setback. The minimum setback from a property line that abuts the I-5 Freeway is 20 feet. The minimum freeway setback area must be landscaped with trees in the quantities required by the L3 standard. Trees provided to meet this standard must be large evergreen trees. Existing large trees that are not diseased or dying may be used to meet this standard. Large trees are defined in Section 33.248.030, Plant Materials.

33.595.275 Design Standards for RM1 and RM2

- A. Purpose.** These standards promote healthy, climate resilient and people-centered development through features that support opportunity for relationship with the outdoors, the street, and fresh air, as well as countermeasures to heat impacts throughout the more residentially focused areas of the town center.
- B. Where the design standards apply.** The design standards listed below apply to new development in the RM1 and RM2 zones.
- C. Residential entrances.** This standard applies to buildings with ground floor dwelling unit main entrances adjacent to a street that is not identified as a civic corridor on Map 120-1.
 1. At least 50 percent, or four, whichever is more, of the dwelling units on the street-facing ground floor of the building must have a pedestrian connection between the street and the main entrance of the dwelling unit.
 2. The entrance must be set back at least 6 feet from the street lot line and have at least two of the following within the setback:
 - a. A wall or fence that is 18 to 36 inches high;
 - b. Landscaping that meets the L2 standard;
 - c. A tree within the small tree category identified in 33.248.030;
 - d. Individual private open space of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it. The floor of the open space is between 18 and 36 inches above the grade of the right of way; or
 - e. A change of grade where the door to the dwelling unit is 18 to 36 inches above the grade of the right of way.
 3. No windows into bedrooms located on the ground floor may face the street.
- D. Operable windows on upper-level units.** For each dwelling unit or commercial tenant space located above the ground floor, provide at least one operable window in an exterior wall of the dwelling unit or tenant space. Each window meeting this standard must provide an operable opening of at least 6 square feet.
- E. Building Walls Adjacent to Outdoor Common Area.** This standard applies to new development with required outdoor common area with facades facing and within 10 feet of an outdoor common area. To comply with this standard, the following must be met:
 1. At least 15 percent of the façade that faces the outdoor common area must be windows; or doors leading to lobbies, tenant spaces or dwelling units; and

2. Pedestrian access must be provided between the outdoor common area and at least one entrance for a lobby, tenant space or dwelling unit.
- F. Reflective Roof Structure.** At least 90 percent of the roof area not covered by the following must meet the Energy Star requirements for solar reflectance:
1. Solar energy system;
 2. Mechanical equipment, housing for mechanical equipment, and required access to, or clearance from, mechanical equipment;
 3. Stairwell and elevator enclosures;
 4. Vents; or
 5. Skylights.

33.595.280 Urban Green Features

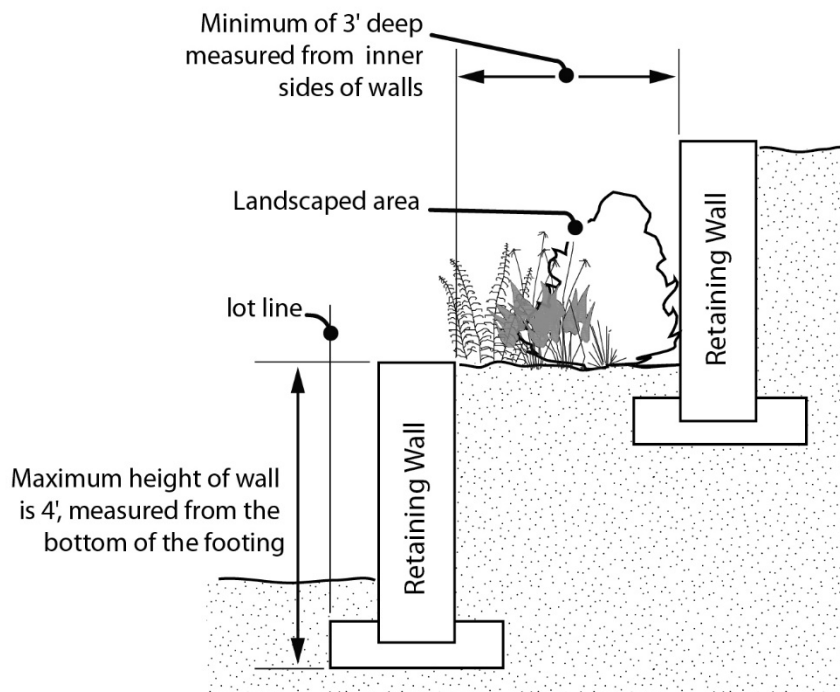
- A. Purpose.** This standard requires features in commercial and mixed-use areas that integrate green elements into the urban environment and responds to the natural features in and around the West Portland Multicultural plan district.
- B. Where these options apply.** The urban green features standard applies in Subdistricts A and B when more than 10,000 square feet of floor area will be added to a site.
- C. Urban green features standard.** Development must include at least one of the following features:
1. Native landscaping area. At least 10 percent of total site area must be provided as outdoor area with no dimension less than 30 feet in all directions. Up to 30 percent of the outdoor area may be hard surfaced for use by pedestrians or may include a water feature, such as a fountain, waterfall, reflecting pool, or pond. The remainder of the outdoor area must be landscaped to at least the L1 level and all plantings must be native species listed on the Portland Plant List.
 2. Space for large trees. At least 10 percent of total site area must be provided as outdoor area with no dimension less than 30 feet in all directions. At least half of this outdoor area must be landscaped to at least the L1 level and the remainder may be hard surfaced for use by pedestrians. At least half of the trees provided to meet the L1 standard must be large tree species. Large trees are defined in Section 33.248.030, Plant Materials.
 3. Ecoroof. An ecoroof must be provided that is equivalent in total area to at least 60 percent of the total building footprint of new buildings on the site. The ecoroof area must be approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual's *Ecoroof Facility Design Criteria*. Area covered by solar panels is exempt from the calculation.
 4. Solar panels and reflective surfaces.
 - a. At least 40 percent, or 2,000 square feet whichever is greater, of the building roof area must be covered by a solar energy system; and
 - b. Areas that are not covered by the following must be covered by a reflective surface meeting the Energy Star requirements for solar reflectance:
 - (1) Solar energy system;

- (2) Mechanical equipment, housing for mechanical equipment, and required access to, or entrance from, mechanical equipment;
- (3) Stairwell and elevator enclosures;
- (4) Vents; or
- (5) Skylights.

33.595.290 Retaining Walls

- A. Purpose.** The standards of this section help mitigate the potential negative effects of large retaining walls along street frontages. Without mitigation, such walls can create a fortress-like appearance and unwelcoming street environment. By requiring large walls to step back from the street and provide landscaping, the wall is both articulated and visually softened.
- B. Where these regulations apply.**
1. Generally. These regulations apply to the portions of street-facing retaining walls that are in required setbacks along street lot lines. Where there is no required setback, or the setback is less than 10 feet, the regulations apply to the first 10 feet from the line.
 2. Exceptions. The following are not subject to the regulations of this section:
 - a. Retaining walls in the areas described in B.1 that are less than four feet high, as measured from the bottom of the footing.
 - b. Retaining walls on sites where the site slopes downward from a street in the area described in B.1.
 - c. Retaining walls on sites where the site slopes upward from a street and the existing slope within the area regulated by B.1 is 50 percent or more.
 - d. Replacing an existing retaining wall, where the replacement will not be taller or wider than the existing wall.
 - e. Retaining walls on sites where any portion of the site is in an environmental overlay zone.
- C. Standards.**
1. Retaining walls are limited to 4 feet in height measured from the bottom of the footing, as shown in Figure 595-1.
 2. Retaining walls must be set back at least 3 feet from other street-facing retaining walls, as shown in Figure 595-1. The 3 foot setback area must be landscaped to at least the L2 standard, except that trees are not required. A wall or berm may not be substituted for the shrubs.

Figure 595-1
Retaining Walls



(Added by Ord. No. 191079, effective 3/31/23; Amended by Ord. No. 191609, effective 3/1/24; Ord. No. 191942, effective 1/1/25.)

33.610 Lots in RF Through R2.5 Zones

610

Sections:

- 33.610.010 Purpose
- 33.610.020 Where These Regulations Apply
- 33.610.100 Density Standards
- 33.610.200 Lot Dimension Regulations
- 33.610.300 Through Lots
- 33.610.400 Flag Lots
- 33.610.500 Split Zoned Lots

33.610.010 Purpose

This chapter contains the density and lot dimension requirements for approval of a Preliminary Plan for a land division in the RF through R2.5 zones. These requirements ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate uses and development.

33.610.020 Where These Regulations Apply

The regulations of this chapter apply to land divisions in the RF through R2.5 zones.

33.610.100 Density Standards

- A. Purpose.** Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.
- B. Generally.**
 1. The method used to calculate density depends on whether a street is created as part of the land division. As used in this chapter, creation of a street means a full street on the site, creating the first stage of a partial width street on the site, or extending an existing street onto the site. It does not include additional stages of a partial width street, or dedicating right-of-way to widen an existing right-of-way.
 2. To be eligible for maximum density A, the site being divided must qualify for a primary structure in conformance with 33.110.202, When Primary Structures are Allowed.
 3. When lots will be created using more than one maximum density, maximum density is calculated separately for the area being divided under each maximum density. When streets are created, density is calculated separately after deducting for streets.

C. No street created. Where no street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited:

1. Maximum density. Maximum density is based on the zone and the size of the site. The following formula is used to determine the maximum number of lots allowed on the site:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad \div \text{Maximum density A, B, or C from Table 610-1;} \\ & \quad = \text{Maximum number of lots allowed.} \end{aligned}$$

2. Minimum density. Minimum density is based on the zone and size of the site, and whether there are physical constraints. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad - \text{Square footage of site within an Environmental or River Environmental, or Pleasant} \\ & \quad \text{Valley Natural Resources overlay zone, potential landslide hazard area, or} \\ & \quad \text{combined flood hazard area;} \\ & \quad \times 0.80; \\ & \quad \div \text{Maximum density C from Table 610-1;} \\ & \quad = \text{Minimum number of lots required.} \end{aligned}$$

D. Street created. Where a street will be created as part of the land division, the following maximum and minimum density standards apply. Pedestrian connections that are self-contained streets created solely for the use of pedestrians and bicyclists are not considered streets for the purposes of calculating density under this subsection. Adjustments to this subsection are prohibited:

1. Maximum density. Maximum density is based on the zone, the size of the site and whether a street is being created. The following formula is used to determine the maximum number of lots allowed on the site:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad \times 0.85; \\ & \quad \div \text{Maximum density A, B, or C from Table 610-1;} \\ & \quad = \text{Maximum number of lots allowed.} \end{aligned}$$

2. Minimum density. Minimum density is based on the zone, the size of the site, whether there are physical constraints, and whether a street is being created. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:

$$\begin{aligned} & \text{Square footage of site} \\ & \quad - \text{Square footage of site within an Environmental or River Environmental, or Pleasant} \\ & \quad \text{Valley Natural Resources overlay zone, potential landslide hazard area, or} \\ & \quad \text{combined flood hazard area;} \\ & \quad \times 0.68 \\ & \quad \div \text{Maximum density C from Table 610-1} \\ & \quad = \text{Minimum number of lots required.} \end{aligned}$$

E. Exceptions to minimum density. Exceptions to minimum density standards are allowed in the following situations. Adjustments to this subsection are prohibited:

1. If the minimum required density is equal to the maximum allowed density, then the minimum is automatically reduced by one;
2. If the minimum required density is larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum;
3. The portion of the site that has a conditional use or Conditional Use Master Plan is not included in the site for calculations of minimum density.

Table 610-1 Maximum Density Standards						
	RF	R20	R10	R7	R5	R2.5
Maximum Density A: Maximum density for lots that <ul style="list-style-type: none"> • Will be developed with attached houses; • Will be located entirely outside the Constrained Sites overlay zone; and • Will have frontage on a maintained street, a private street that connects to a maintained street, or a self-contained pedestrian connection created solely for pedestrians and bicycles. 	NA	1 lot per 5,000 sq. ft.	1 lot per 2,500 sq. ft.	1 lot per 1,750 sq. ft.	1 lot per 1,500 sq. ft.	1 lot per 1,500 sq. ft.
Maximum Density B: Maximum density for lots that will be developed with attached houses.	NA	1 lot per 10,000 sq. ft.	1 lot per 5,000 sq. ft.	1 lot per 3,500 sq. ft.	1 lot per 2,500 sq. ft.	1 lot per 2,000 sq. ft.
Maximum Density C: Maximum density for all other lots	1 lot per 87,120 sq. ft.	1 lot per 20,000 sq. ft.	1 lot per 10,000 sq. ft.	1 lot per 7,000 sq. ft.	1 lot per 5,000 sq. ft.	1 lot per 2,500 sq. ft.

33.610.200 Lot Dimension Regulations

Lots in the RF through R2.5 zones must meet the lot dimension regulations of this section.

A. Purpose. The lot dimension regulations ensure that:

- Each lot has enough room for a reasonably-sized house;
- Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;
- Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;
- Lots that can be divided in the future without exceeding the maximum allowed density for the original land division site are of a size and shape to reasonably be divided;

- Each lot has room for at least a small, private outdoor area;
- Lots are compatible with the planned intensity of the zone;
- Lots are wide enough to allow development to orient toward the street;
- Lots don't narrow to an unbuildable width close to the street
- Each lot has adequate access from the street;
- Each lot has access for utilities and services;
- Lots are not landlocked; and
- Lots are regularly shaped.

Table 610-2 Lot Dimension Standards						
	RF	R20	R10	R7	R5	R2.5
Minimum Lot Area						
Attached house lots [1]	NA	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.
All other lots	52,000 sq. ft.	12,000 sq. ft.	6,000 sq. ft.	4,200 sq. ft.	3,000 sq. ft.	1,500 sq. ft.
Maximum Lot Area						
Cottage cluster lots [2]	NA	43,560 sq. ft.	43,560 sq. ft.	43,560 sq. ft.	43,560 sq. ft.	43,560 sq. ft.
All other lots	151,000 sq. ft.	34,500 sq. ft.	17,000 sq. ft.	12,000 sq. ft.	8,500 sq. ft.	NA
Minimum Lot Width [3]						
Attached house lots [1]	NA	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
All other lots	60 ft.	60 ft.	50 ft.	40 ft.	36 ft.	25 ft.
Minimum Front Lot Line						
Attached house lots [1]	NA	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
All other lots	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	20 ft.
Minimum Lot Depth	60 ft.	60 ft.	60 ft.	55 ft.	50 ft.	40 ft.

Notes:

[1] This dimensional standard is only allowed for lots that will be developed with attached houses.

[2] This dimensional standard is only allowed for lots that are located entirely outside the Constrained Sites overlay zone, have frontage on a maintained street or a private street that connects to a maintained street or a self-contained pedestrian connection created solely for pedestrians and bicycles, and will be developed with cottage clusters.

[3] See 33.930.100.A for how lot width is measured.

B. Minimum lot area. Each lot must meet the minimum lot area standard stated in Table 610-2. Lots that do not meet the minimum lot area standard may be requested through Planned Development Review or, when the site is in an environmental overlay zone, as a modification through environmental review. Until January 2, 2032, adjustments to reduce the minimum lot area standard by up to 10 percent may be requested. Other than as specified in this Subsection, adjustments are prohibited.

C. Maximum lot area. Lots larger than the maximum lot area standards stated in Table 610-2 are not allowed. Lots with a conditional use or Conditional Use Master Plan are exempt from the maximum lot area standard.

- D. Minimum lot width.** Each lot must meet the minimum lot width standard stated in Table 610-2. Lots that do not meet the standard may be requested through Planned Development Review or, when the site is in an environmental overlay zone, as a modification through environmental review. Until January 2, 2032, adjustments to reduce the minimum lot width standard by up to 10 percent may be requested. Other than as specified in this Subsection, adjustments are prohibited.
- E. Minimum front lot line.** Each lot must have a front lot line that meets the minimum front lot line standard stated in Table 610-2. Lots that do not meet the minimum front lot line standard may be requested through Planned Development Review or, when the site is in an environmental overlay zone, as a modification through environmental review. Until January 2, 2032, adjustments to reduce the minimum front lot line standard by up to 10 percent may be requested. Other than as specified in this Subsection, adjustments to this standard are prohibited.
- F. Minimum lot depth.** Each lot must meet the minimum lot depth standard stated in Table 610-2. Lots that do not meet the minimum lot depth standard may be requested through Planned Development Review or, when the site is in an environmental overlay zone, as a modification through environmental review. Until January 2, 2032, adjustments to reduce the minimum lot depth standard by up to 10 percent may be requested. Other than as specified in this Subsection, adjustments to this standard are prohibited.
- G. Regular lot lines.** Proposed lot lines in the R10 through R2.5 zones must meet one of the following regulations. Adjustments are prohibited.
1. Standard. All lot lines must be straight and traverse in a single uniform direction except for lot lines that follow a zoning line, right of way, or boundary of a tract.
 2. Approval criterion. As far as is practical, all lot lines must be straight and traverse in a uniform direction taking into consideration topography and other natural features, existing development, zoning, or other clearly identifiable boundary markers such as fences or hedgerows.

33.610.300 Through Lots

- A. Purpose.** This standard ensures that lots are configured in a way that development can be oriented toward streets to increase the safety and enjoyment of pedestrians and bicyclists. The standard also ensures that development does not “turn its back” on a collector or major city traffic street.
- B. Standard.** Through lots are allowed only where both front lot lines are on local service streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

33.610.400 Flag Lots

- A. Purpose.** These regulations allow the creation of flag lots in limited circumstances. The limitations:
- Minimize the negative impacts of flag lots and additional driveways;
 - Allow land to be divided when other options are not achievable;
 - Ensure that flag lots have adequate access from the street; and

- Ensure that flag lots have access to utilities and services.
- B. When a flag lot is allowed.** A flag lot is allowed only when the following are met:
1. One of the following are met:
 - a. An existing dwelling unit or attached garage on the site is located so that it precludes a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1. The dwelling unit and attached garage must have been on the site for at least five years; or
 - b. The site has dimensions that preclude a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1;
 2. Up to three lots are proposed, only one of which is a flag lot; and
 3. Minimum density requirements for the site will be met.
- C. Flag lot access pole.** The pole portion of the flag lot must meet the following standards. Except as allowed by Subparagraph C.2, adjustments are prohibited:
1. The pole must connect to a street;
 2. The pole must be at least 12 feet wide for its entire length. Until January 2, 2032, adjustments to reduce the pole width by up to 10 percent may be requested; and
 3. The pole must be part of the flag lot and must be under the same ownership as the flag portion.
- D. Lot area.** Only the area of the flag portion is included when calculating the minimum and maximum lot area. The area of the pole portion of the lot is not included.
- E. Minimum lot dimensions.**
1. Flag lots are exempt from the minimum front lot line standard.
 2. The minimum lot width and minimum lot depth required for each flag lot is 40 feet.
 3. For the purposes of this subsection width and depth are measured at the midpoints of the opposite lot lines of the flag portion of the lot. All other lot dimension standards must be met.
- F. Vehicle access.** Flag lot vehicle access must meet one of the following regulations:
1. Vehicle access standard. Vehicle access must be shared between the flag lot and the lots between the flag portion of the lot and the street. Access easements may be used. Adjustments are prohibited. For proposals that cannot meet this standard, the approval criterion stated in Paragraph F.2. applies.
 2. Vehicle access approval criterion. Separate access may be allowed when the location of existing garages, driveways including driveways on abutting lots, alleys, curb cuts, stormwater management needs, or tree preservation make shared access impractical.

33.610.500 Split Zoned Lots

- A. Purpose.** This standard ensures that lots do not have more than one zone. Lots that are split by more than one zone present practical problems related to the applicability of use and development standards.
- B. Standard.** On sites with more than one base zone, each lot must be entirely within one zone. The creation of lots that are in more than one zone is not allowed.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 179994, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 184235, effective 11/26/10; Ord. No. 188259, effective 3/31/17; Ord. No. 190241, effective 3/1/21; Ord. No. 190093, effective 8/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191609, effective 3/1/24; Ord. No. 191848, effective 10/1/24; Ord. No. 191942, effective 1/1/25.)

tree density standards for individual lots in Chapter 11.50, Trees in Development Situations. If this option is chosen, at least one tree must be planted or preserved on each lot. The preliminary plan must indicate the lots where the credit from the preserved trees will be used.

33.630.600 Recording Tree Preservation Plans and Related Conditions

Tree preservation plans approved as part of the preliminary plan and related conditions of approval must be recorded with the County Recorder. The documents must be approved by PP&D prior to recording.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 190241, effective 3/1/21; Ord. No. 191848, effective 10/1/24.)

33.636 Tracts and Easements

636

Sections:

33.636.100 Requirements for Tracts and Easements

33.636.100 Requirements for Tracts and Easements

- A. Ownership of tracts.** Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:
1. The owners of property served by the tract, or by any other individual or group of people. When the tract is owned by more than one person it must be held in common with an undivided interest;
 2. The Homeowners' Association for the area served by the tract;
 3. A public or private non-profit organization; or
 4. The City or other jurisdiction.
- B. Maintenance agreement.** The applicant must record with the County Recorder a maintenance agreement that commits the owners or owners' designee to maintain all elements of the tracts or easements required by City codes or regulations; however, facilities within the tract or easement that will be maintained by a specified City agency may be recorded in a separate maintenance agreement. The maintenance agreement must be approved by PP&D and the City Attorney, or submitted on forms approved by PP&D and the City Attorney in advance of Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat. For a Planned Development not done in conjunction with a land division, the maintenance agreement must be submitted to the County Recorder to be recorded prior to issuance of the first building permit related to the development.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 191848, effective 10/1/24.)

33.640 Streams, Springs, Seeps, and Wetlands

640

Sections:

- 33.640.010 Purpose
- 33.640.100 Where These Regulations Apply
- 33.640.200 Stream, Spring, Seep, and Wetland Regulations

33.640.010 Purpose

The standards in this chapter ensure that important streams, springs, seeps, and wetlands that are not already protected by the Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zones are maintained in their natural state.

33.640.100 Where These Regulations Apply

The regulations of this chapter apply to all land divisions where a stream, spring, seep, or wetland on the site is outside of an Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zone. Adjustments are prohibited. For purposes of this chapter, the definition of stream does not include the Willamette or Columbia River.

33.640.200 Stream, Spring, Seep, and Wetland Regulations

- A.** Preservation in a tract. Streams, springs, seeps, and wetlands must be preserved in a tract as follows:
 - 1. The edges of the tract must be at least 15 feet from the edges of the stream, spring, seep, or wetland. The edges of a seep, spring, or wetland are determined through a wetland delineation, performed by an environmental scientist, and approved by PP&D. For seeps and springs, if one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank. Where the edge of the stream, spring, seep, or wetland is less than 15 feet from the edge of the site, the tract boundary will be located along the edge of the site;
 - 2. Existing structures within the area described in Paragraph A.1 may be excluded from the tract;
 - 3. Exception. Where the tract required by Paragraph A.1 would preclude compliance with the front lot line requirements of Chapters 33.610 through .615, the stream, spring, seep, or wetland may be in an easement that meets the other requirements of Paragraph A.1.
- B.** Development allowed in the tract or easement. The following development, improvements, and activities are allowed in the tract or easement:
 - 1. Disturbance associated with discharging stormwater to the stream channel or wetland when BES has preliminarily approved the stormwater system design;
 - 2. Removal of non-native invasive species with hand held equipment;
 - 3. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;

4. Erosion control measures allowed by Title 10 of Portland City Code;
 5. Construction of a walkway no wider than 5 feet or required connections to services;
and
 6. Maintenance and repair of existing utilities, services, and driveways;
- C.** Rights-of-way and driveways may not cross a stream, spring, seep, or wetland tract or easement. Adjustments are prohibited, however, a right-of-way or driveway may cross a seep, spring, or stream tract or easement if the following approval criteria are met:
1. There is no reasonable alternative location for the right-of-way;
 2. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:
 - a. The street improvements will not impede the flow of the stream, spring, or seep;
 - b. The street improvements will impact the slope, width, and depth of the stream channel, spring, or seep to the minimum extent practicable; and
 - c. The street improvements will not impede fish passage in a stream, spring, or seep has been identified by the Oregon Department of Fish and Wildlife as fish-bearing.
- D.** Minimum density. Minimum density is waived in order to meet these standards.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 188259, effective 3/31/17; Ord. No. 191848, effective 10/1/24.)

33.652 Sanitary Sewer Disposal Service

652

Sections:

- 33.652.010 Purpose
- 33.652.020 Sanitary Sewer Disposal Service Standards

33.652.010 Purpose

The sanitary sewer disposal service standards protect the public health by providing for the safe and sanitary collection, treatment, and disposal of waste products from development in the land division. These standards will result in an efficient, flexible sewer system that can serve a variety of development configurations within reasonable overall development costs.

33.652.020 Sanitary Sewer Disposal Service Standards

Sanitary sewer disposal service must meet the standards of this section. Adjustments are prohibited.

A. Availability of sanitary sewer.

1. The Bureau of Environmental Services has verified that sewer facilities are or will be available to serve the proposed development; or
2. PP&D has approved the use of a private on-site sanitary sewage disposal system.

B. Public sanitary sewage disposal. Where public sewer facilities are available to serve the proposed development, the Bureau of Environmental Services has preliminarily approved the location, design, and capacity of the sanitary sewage disposal system. The approval is based on the Sewer and Drainage Facilities Design Manual;

C. Private sanitary sewage disposal. Where private on-site sanitary sewage disposal is proposed, PP&D has preliminarily approved the location, design, and capacity of the proposed sanitary sewage disposal system. The approval is based on Oregon Administrative Rules Chapter 340, Division 071; and

D. The land division will not eliminate the availability of services to existing development and the site will not move out of conformance with Bureau of Environmental Services or PP&D requirements for sanitary sewage disposal.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02; Amended by: Ord. No. 191848, effective 10/1/24.)

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

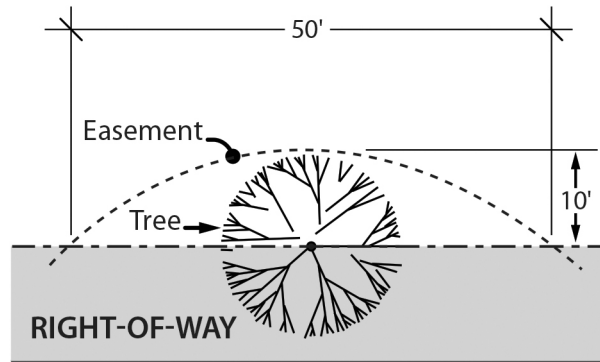
33.654.120 Design of Rights-of-Way

- A. Purpose.** The purpose of these standards and approval criteria is to ensure that the vehicle, bicycle, and pedestrian circulation system is designed to be safe, efficient, and convenient.
- B. Public streets.** For public streets and public alleys, the Bureau of Transportation has preliminarily approved the right-of-way width and the design and configuration of elements within the right-of-way including frontage improvements.
- C. Private streets.** The following regulations apply to the design of private streets and private alleys. Portland Permitting & Development is authorized to develop and maintain administrative rules for the width and the design and configuration of elements within a private street:
1. Width of the right-of-way. Private rights-of-way must meet the width standard stated in Subparagraph C.1.a. If the proposal cannot meet the standard, the applicant can choose to meet the approval criterion in Subparagraph C.1.b. Adjustments are prohibited:
 - a. Standard. The proposed private right-of-way must meet the applicable minimum width standards stated in the Permanent Administrative Rules for Private Rights of Way. Wider private rights of way may be proposed.
 - b. Approval criterion. The width of the local street right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, natural features, the length of the street, and the number of housing units served by the street.
 2. Configuration of elements. For all private rights-of-way, Portland Permitting & Development has preliminarily approved the design and configuration of elements within the right-of-way in conformance with relevant administrative rules and the standards in Paragraph C.3.
 3. Additional design standards for private rights-of-way:
 - a. Turnarounds.
 - (1) Purpose. A turnaround is a type of junction that allows traffic traveling in one direction on a road to safely and efficiently reverse course and travel the opposite direction without the need to back up long distances.
 - (2) Standard. A turnaround is required on a dead-end street in the following situations. Turnarounds are not required on a common green:
 - The street will serve 4 or more lots;
 - When required by the City Engineer to ensure forward egress onto a non-local street;

- When the street is at least 300 feet long;
 - When the street is longer than 150 feet and the street is needed to meet the Fire Bureau requirements for fire emergency access; or
 - When the street is longer than 100 feet and the lots will each have curbside garbage and recycling service.
- b. Streets.
- (1) Purpose. A private street provides access to new lots in a land division site, where public street access is not possible or practical. A private street provides access for a limited number of motor vehicles, bicycles, and pedestrians, and often provides a route for private and public utility connections. In some circumstances a private street must also accommodate larger vehicles, such as fire trucks, delivery trucks, or garbage/recycling trucks. By preventing through traffic and limiting the number of lots that are served, private streets have fewer users, reducing the impacts on maintenance and allowing for reduced right of way widths.
 - (2) Standards for streets other than shared courts, common greens, or pedestrian connections:
 - A private street must be a dead-end street;
 - Up to 8 lots within the land division site may abut a private street;
 - The Fire Bureau has approved the land division for emergency access;
 - Except as allowed by C.3.b(3), in residential zones, one on-street parking space is required for every two lots proposed.
 - (3) On street parking exceptions. There are two exceptions to the requirement for on-street parking in C.3.b(2). One is a standard and one is an approval criterion:
 - Standard exception. On-street parking is not required when
 - The street is less than 300 feet in length;
 - No more than 3 lots within the land division site have a front lot line on the street; and
 - The lots with a front lot line on the street are developed with no more than two dwelling units each.
 - Approval criterion. On-street parking may be reduced or waived when a site-specific parking analysis is provided demonstrating that adequate parking will be available. The analysis must include information regarding expected on-street parking demand on the private street based on allowed densities, access to alternative modes of travel, availability of parking in the area, feasibility of providing parking on the lots, and how visitors and deliveries will be accommodated.
- c. Shared courts.
- (1) Purpose. Shared courts provide shared vehicle, pedestrian, and bicycle access to abutting property. The access for all modes is accommodated on the same surface and not differentiated by grade separation. A shared court may function as a community yard. A shared court includes traffic calming measures to ensure safe co-existence of vehicles, pedestrians, and bicycles

8. Right-of-way elements in easements. Right-of-way elements may be in an easement if the following standards are met:
 - a. Temporary turnarounds. Temporary turnarounds allowed under this Chapter may be placed in easements that also include a public access easement that allows public access on all parts of the turnaround;
 - b. Street elements. Sidewalks and other street elements may be placed in easements adjacent to a right-of-way if the following standards are met:
 - (1) A tree, rock outcropping, or other natural feature within the right-of-way precludes construction of the sidewalk or other element within the right-of-way;
 - (2) The easement may be up to 50 feet long, measured along the right-of-way, and up to 10 feet wide. See Figure 654-2;
 - (3) The easement must also include a public access easement that allows public access on all parts of the easement; and
 - (4) The City Engineer has approved the use of an easement adjacent to a public street or Portland Permitting & Development has approved the use of an easement adjacent to a private street.
 - c. Alleys. Alleys serving 5 or fewer lots may be placed in an easement.
- C. Maintenance.** If the right-of-way is privately owned, a maintenance agreement must be recorded that commits the owner to maintain all elements of the right-of-way.
- D. Public use of rights-of-way.**
 1. Street tracts must include a public access easement that allows public access on all parts of the sidewalks;
 2. Shared courts must include a public access easement that allows public access on all parts of the shared roadway;
 3. Common greens, and pedestrian connections must include a public access easement that allows public access on all parts of the connection; and
 4. Public access easements must be recorded with the County Recorder.

Figure 654-2
Street Elements in Easements



33.654.160 Street Classification

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

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177028, effective 12/14/02; Ord. No. 178657, effective 9/3/04; Ord. No. 179845, effective 1/20/06; Ord. No. 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 186053, effective 1/1/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24.)

- K. Services and utilities.** The regulations of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Review of Changes to an Approved Preliminary Plan

33.660.300 When Review is Required

Changes to an approved Preliminary Plan may be considered under the provisions of Sections 33.660.300 through 33.660.320. Some changes, listed in Section 33.673.200, may be approved as part of the Final Plat review. In addition, a decision on a Preliminary Plan may include conditions that require a different level of review for changes.

If the Final Plat differs from the approved Preliminary Plan, and the change is not one that may be approved under Section 33.673.200, and is not specifically allowed by the Preliminary Plan approval, review is required.

33.660.310 Review Procedures

Procedures for review of changes to an approved Preliminary Plan vary with the type of change proposed.

- A. Type Ix.** Changes not listed in Subsections B or C, below, are processed through a Type Ix procedure.
- B. Same procedure as was used for Preliminary Plan.** The following proposals are processed through the same procedure type as was used for the Preliminary Plan approval:
1. An increase in the site area of more than 5 percent;
 2. An increase in the number of lots;
 3. A decrease in the number of lots by more than one lot;
 4. A decrease in the area of any lot by more than 10 percent;
 5. A decrease in the width or depth of any lot by more than 10 percent. Width is measured at the front setback line;
 6. Changing a through street to a dead-end street;
 7. Changing a dead-end street to a through street;
 8. Deleting a street or pedestrian connection;
 9. Deleting or changing a condition of the Preliminary Plan approval;
 10. Changing the purpose of, or deleting, the following tracts or easements:
 - a. Shared parking tracts;
 - b. Environmental resource tracts;
 - c. Stormwater tracts;
 - d. Combined flood hazard area easements or tracts;

- e. Tree preservation tracts;
 - f. Landslide hazard easements or tracts; or
 - g. Recreation area tracts;
11. Reducing the area or changing the location of the following tracts:
- a. Environmental resource tract;
 - b. Combined flood hazard area tract; or
 - c. Landslide hazard tract;
12. Decreasing the area of a recreation area tract by more than 10 percent;
13. Any change that the Director of PP&D determines:
- a. Is a significant change from the Preliminary Plan; or
 - b. Will have a significant impact on the surrounding area.
- C. Changes to tree preservation requirements.** Changes to tree preservation requirements are processed as described in Chapter 33.853, Tree Review.

33.660.320 Requirements for Approval Criteria

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the following standards or approval criteria have been met:

- A. Approval requirements for changes listed in Subsection 33.660.310.B.** Changes to the Preliminary Plan that are listed in Subsection 33.660.310.B must meet the approval requirements of Section 33.660.120.
- B. Approval criteria for other changes.** All other changes to the Preliminary Plan must meet the following approval criteria:
- 1. The proposed changes are not substantial enough, singly or in combination, to warrant a new review of the entire Preliminary Plan;
 - 2. The regulations addressed by the approval of the Preliminary Plan can still be met, with appropriate conditions of approval.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 184235, effective 11/26/10, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185915, effective 5/1/13; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 191477, effective 3/1/24; Ord. No. 191477, effective 3/1/24; Ord. No. 191848, effective 10/1/24.)

- G. Streams, springs, seeps, and wetlands.** The regulations of Chapter 33.640, Streams, Springs, Seeps, and Wetlands must be met.
- H. Transportation Impacts.** The regulations of Chapter 33.641, Transportation Impacts, must be met; and
- I. Services and utilities.** The regulations of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Review of Changes to an Approved Preliminary Plan

33.662.300 When Review is Required

Changes to an approved Preliminary Plan may be considered under the provisions of Sections 33.662.300 through 33.662.320. Some changes, listed in Section 33.673.200, may be approved as part of the Final Plat review. In addition, a decision on a Preliminary Plan may include conditions that require a different level of review for changes.

If the Final Plat differs from the approved Preliminary Plan, and the change is not one that may be approved under Section 33.673.200, and is not specifically allowed by the Preliminary Plan approval, review is required.

33.662.310 Review Procedures

Procedures for review of changes to an approved Preliminary Plan vary with the type of change proposed.

- A. Type Ix.** Changes not listed in Subsections B or C, below, are processed through a Type Ix procedure.
- B. Same procedure as was used for Preliminary Plan.** The following proposals are processed through the same procedure type as was used for the Preliminary Plan approval:
 - 1. An increase in the site area of more than 5 percent;
 - 2. A decrease in the area of any lot by more than 10 percent;
 - 3. Changing a through street to a dead-end street;
 - 4. Changing a dead-end street to a through street;
 - 5. Deleting a street or pedestrian connection;
 - 6. Deleting or changing a condition of the Preliminary Plan approval;
 - 7. Deleting any of the following:
 - a. Shared parking tracts;
 - b. Environmental resource tracts;
 - c. Stormwater tracts;
 - d. Combined flood hazard area easements or tracts;

- e. Tree preservation tracts; or
 - f. Landslide hazard easements or tracts;
 - 8. Reducing the area or changing the location of any of the following:
 - a. Environmental resource tract;
 - b. Combined flood hazard area tract; or
 - c. Landslide hazard area tract.
 - 9. Any change that the Director of PP&D determines:
 - a. Is a significant change from the Preliminary Plan; or
 - b. Will have a significant impact on the surrounding area.
- C. Changes to tree preservation requirements.** Changes to tree preservation requirements are processed as described in Chapter 33.853, Tree Review.

33.662.320 Requirements for Approval

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met:

- A. Approval requirements for changes listed in Subsection 33.662.310.B.** Changes to the Preliminary Plan that are listed under Section 33.662.310.B must meet the approval requirements of Section 33.662.120.
- B. Approval criteria for other changes.** All other changes to the Preliminary Plan must meet the following approval criteria:
 - 1. The proposed changes are not substantial enough, singly or in combination, to warrant a new review of the entire Preliminary Plan;
 - 2. The proposed changes continue to comply with the findings made for the approval of the Preliminary Plan; and
 - 3. The regulations addressed by the approval of the Preliminary Plan can still be met, with appropriate conditions of approval.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178509, effective 7/16/04; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 184235, effective 11/26/10, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 191477, effective 3/1/24; Ord. No. 191848, effective 10/1/24.)

- A. The Director of PP&D sends a letter to the applicant, requesting additional information; and
- B. The applicant does not provide the requested information within 180 days of the date the Director's letter was mailed.

33.664.220 Approval Criteria

These approval standards apply to land divisions where the Preliminary Plan was reviewed under the regulations of this chapter. The Final Plat for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

- A. **Conformance with Preliminary Plan.** Each Final Plat must conform to the approved Preliminary Plan. Variations are allowed only as specified by the Preliminary Plan approval.
- B. **Conformance with requirements of this Title.** Where lot lines are proposed as part of the Final Plat process:
 - 1. The following must be met for the portion of the site where lot lines are proposed:
 - a. Lots. The standards of Chapter 33.615, must be met;
 - b. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met;
 - c. Combined flood hazard area. If any portion of the site contains combined flood hazard area, the approval criteria of Chapter 33.631, Sites in the Combined Flood Hazard Area, must be met;
 - d. Landslide Hazard Area. If any portion of the site is in an Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Landslide Hazard Areas, must be met;
 - e. Clearing and grading. The approval criteria of Chapter 33.635, Clearing and Grading, must be met;
 - f. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements, must be met;
 - g. Springs, streams, seeps, and wetlands. The approval criterion of Chapter 33.640, Springs, Streams, Seeps, and Wetlands must be met;
 - h. Transportation impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and
 - i. Services and utilities. The regulations and criteria of Chapters 33.650 through 33.654, which address services and utilities, must be met.
 - 2. The approval criteria of Section 33.664.120 must be met for the balance of the site, where a Final Plat has not yet been approved.
- C. **Conditions of approval.** All conditions of approval that apply to the Final Plat must be met. All other conditions of approval remain in effect;

- D. Services.** All services must meet the requirements of the City Code;
- E. Dedications, Tracts, and Easements**
1. Dedications. All dedications of property to the City or the public must be shown on the Final Plat, and must be made before the Final Plat is recorded; and
 2. Tracts and easements.
 - a. All tracts and easements must be shown on the Final Plat, and the requirements of Chapter 33.636, Tracts and Easements, must be met.
 - b. All environmental resource tracts, combined flood hazard area tracts, and landslide hazard tracts for the entire site must be met with the first Final Plat.
- F. Sureties.** All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to Final Plat approval; and
- G. Legal Documents.** Required legal documents, such as maintenance agreements, Conditions, Covenants and Restrictions (CC&Rs), and acknowledgements of tree preservation requirements or other conditions of approval, must be reviewed and approved by Portland Permitting & Development prior to Final Plat approval. These documents must also be reviewed and approved by the City Attorney prior to final plat approval or submitted on forms approved by the City Attorney. The required legal documents must be submitted to the County Recorder to be recorded with the Final Plat within 90 days of the Final Plat approval.

Changes to Final Plat

33.664.610 Changes to Final Plat Before Recording

Before a Final Plat has been recorded with the County Recorder and Surveyor, changes may be processed as a new Final Plat review.

33.664.620 Changes to Final Plat After Recording

After a Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as a new land division.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178509, effective 7/16/04; Ord. No. 181357, effective 11/9/07; Ord. No. 184235, effective 11/26/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 188259, effective 3/31/17; Ord. No. 189488, effective 12/2/19; Ord. No. 191477, effective 3/1/24.)

33.668 Review of Changes to an Approved Planned Unit Development

668

Sections:

- 33.668.010 Purpose
- 33.668.050 Types of Changes
- 33.668.100 Review Procedure
- 33.668.150 Application Requirements
- 33.668.170 Development Standards
- 33.668.200 Approval Criteria

33.668.010 Purpose

This chapter provides a process and criteria to evaluate proposed changes to Planned Unit Developments (PUD) initially approved under regulations that may no longer be in effect. The approval criteria ensure that the PUD continues to be in conformance with the purpose of the regulations in place when the PUD was approved, and also conforms to the purposes of regulations that have been approved since the PUD was approved.

33.668.050 Types of Changes

There are two types of changes; major and minor. A major change is one that will have significant impacts on the development in the PUD, or on the site surrounding the PUD. Major changes include:

- A.** An increase in the site area of more than 5 percent;
- B.** An increase in density, including the number of housing units;
- C.** In residential zones, a change in the mix of single-dwelling and multi-dwelling structures;
- D.** An increase in the amount of land in nonresidential uses;
- E.** A reduction in the amount of open area;
- F.** Deleting or changing the purpose of flood hazard or landslide hazard easements; or
- G.** Changes to the vehicular system which result in a significant change in the amount or location of streets and shared driveways, common parking areas, circulation patterns, and access to the PUD.

33.668.100 Review Procedure

Requests for changes to an approved PUD will be processed as follows:

- A. Major changes.** Major are processed as follows:
 - 1. If the original PUD application was processed through a Type III procedure then the change is processed through a Type III procedure;
 - 2. If the original PUD application was processed through a Type II procedure then the change is processed through a Type II procedure.
- B. Minor changes.** Minor are processed through a Type II procedure.

33.668.150 Application Requirements

The application for a change to an approved PUD must contain all of the information listed in Paragraph 33.730.060.D.1; however the Director of PP&D may waive items that are not applicable to a specific proposal.

33.668.170 Development Standards

The current development standards of this Title apply unless other standards are requested in the proposed amendment or the previously approved Planned Unit Development. Density calculations are based upon the gross site area as approved in the original PUD, after subtracting out streets and land set aside for schools, religious institutions, and commercial uses or land donated for parks.

33.668.200 Approval Criteria

Requests for changes to an approved PUD will be approved if the review body finds that the applicant has shown that all of the following criteria are met:

- A. On balance, compared to the approved PUD, the change will equally or better meet the following:
 - 1. Promote an attractive and safe living environment in residential zones;
 - 2. Provide for efficient use of services and improvements;
 - 3. Minimize site grading;
 - 4. Provide energy efficient development;
 - 5. Allow for conservation of natural features;
 - 6. Provide an opportunity for innovative and creative development;
 - 7. Be integrated into the neighborhood; and
 - 8. Where the PUD includes commercial uses, promote attractive and functional business environments in nonresidential zones which are compatible with the development intended for the zone and neighborhood; and
- B. Any significant adverse impacts caused by the change are mitigated.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04.)

33.670 Review of Land Divisions of Manufactured Dwelling Parks

670

Sections:

General

- 33.670.010 Purpose
- 33.670.020 Where These Regulations Apply
- 33.670.030 Application Requirements

Review of Preliminary Plan

- 33.670.110 Review Procedures
- 33.670.130 Requirements for Approval

Review of Final Plat

- 33.670.210 Review Procedure
- 33.670.215 Voiding of Final Plat Application
- 33.670.220 Approval Standards

Review of Changes to an Approved Preliminary Plan

- 33.670.300 Review Procedures
- 33.670.310 Approval Criteria

Changes to Final Plat

- 33.670.400 Changes to Final Plat Before Recording
- 33.670.410 Changes to Final Plat After Recording

General

33.670.010 Purpose

These regulations assign each phase of a land division request to an appropriate procedure type for review, and establish standards for each phase and each review.

33.670.020 Where These Regulations Apply

The regulations of this chapter apply to proposals for land divisions of manufactured dwelling parks that existed on July 1, 2001. The regulations apply in all zones. Sites with manufactured dwelling parks are eligible to use the regulations and procedures of chapter 33.660 through 33.665 instead of the regulations and procedures of this chapter. The applicant may choose which chapter to use.

33.670.030 Application Requirements

A complete application for a land division of a manufactured dwelling park under the provisions of this chapter consists of the materials listed below. The Director of PP&D may waive items listed if they are not applicable. Application materials may be filed electronically in a format designated by the Director of PP&D. If a paper copy is submitted, each plan/map submitted with the application must also include an 8 ½ by 11 inches in size copy and be suitable for reproduction. The applicant is responsible for the accuracy of all information submitted with the request.

A. Preliminary Plan. An application for Preliminary Plan must include all of the following:

1. Application form. The completed application form bearing an accurate legal description, tax account numbers and location of the site. The application must

include the name, address, telephone number, and signature of the applicant and all property owners, and the nature of the applicant's interest in the site;

2. Written statement. A written statement that includes the following:
 - A complete list of all land use reviews requested;
 - A complete description of the proposal including site layout and circulation, natural features, existing and proposed development and uses, and changes to the site or existing buildings;
 - A description of how all applicable standards are met;
 - Additional information needed to understand the proposal;
 - Names and addresses of land division designer or engineer and surveyor;
 - Proposed maintenance agreements or Conditions, Covenants and Restrictions; and
 - If more than 3 lots are proposed, the proposed name of the land division;
 - Proposed names of all streets
3. Vicinity map. A vicinity map extending at least 200 feet in each direction from the land division site, and shows the following existing conditions for both the site and the vicinity:
 - Streets;
 - Pedestrian and bicycle facilities and connections; and
 - Location of utilities and services;
4. The proposed land division, drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet. The required information may be grouped on several maps. The location of items not required to be surveyed must be accurately shown on the maps. The proposed land division maps must include the following information:
 - a. Surveyed information:
 - Boundary lines of the site with dimensions and total site area;
 - Proposed lot layout with sizes, dimensions, and lot and block numbers;
 - Proposed tract layout with sizes, dimensions, purpose, and name;
 - Proposed layout and widths of all rights-of-way including dimensioning and roadway width;
 - Dimensions of proposed right-of-way dedications, including those to be added to existing rights-of-way;
 - Proposed location, dimensions, and purpose of all easements;
 - North arrow and scale of map;
 - Identification as the Preliminary Plan Map;
 - Stamp of surveyor;
 - If more than 3 lots are proposed, the proposed name of the land division;
 - Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified; and

- Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;
- b. Additional information:
 - Zoning and Comprehensive Plan designations;
 - Location, dimensions, and purpose of existing easements on and abutting the site;
 - Existing and proposed services and utilities; and
 - Any information necessary to show that the approval criteria are met.
- 5. Fees. The applicable filing fees.

B. Final Plat. An application for a Final Plat must include all of the following:

1. Final Plat survey. A Final Plat survey drawn to scale. The following information must be on the Final Plat survey:
 - a. The statements:
 - “This plat is subject to the conditions of City of Portland Case File No. LUR...”; and
 - “Additional City review is required for any changes made to this plat after the signature date of the PP&D representative. Such changes may require an additional review procedure”; and
 - b. Easements and tracts, including their purpose;
2. Supplemental plan. A supplemental plan that uses the Final Plat survey map as a base map. The supplemental plan must show how all conditions of approval that may restrict the use of all or part of the land division site are met. This includes the information from the Preliminary Plan that shows the proposal does not move the site out of conformance, or further out of conformance, with the standards of Chapter 33.251, Manufactured Homes and Manufactured Dwelling Parks;
3. Compliance with conditions of approval. Documentation of compliance with all conditions of the Preliminary Plan approval, including all supporting documents or drawings required by conditions of approval;
4. Maintenance agreements and CC&Rs. A copy of each required maintenance agreement or Conditions, Covenants and Restrictions;
5. Verification of ownership. A report issued by a title insurance company, or authorized agent to perform such services in the state, verifying ownership and detailing any deed restrictions; and
6. Fees. The applicable filing fees.

Review of Preliminary Plan

33.670.110 Review Procedures

Review of Preliminary Plans is processed through a Type Ix procedure.

33.670.130 Requirements for Approval

The Preliminary Plan for a land division of a manufactured dwelling park will be approved if the review body finds that the applicant has shown that all of the following regulations have been met.

- A. Legal status of manufactured dwelling park.** One of the following must be met:
 - 1. The manufactured dwelling park is a legal nonconforming use; or
 - 2. The PP&D Code Compliance Division has not issued a written code violation notice as of July 2, 2001.
- B. Number of lots.** The number of lots proposed is the same or less than the number of manufactured dwelling spaces previously approved or legally existing in the manufactured dwelling park.
- C. Development standards.** The Preliminary Plan does not move the site out of conformance, or further out of conformance, with the standards of Chapter 33.251, Manufactured Homes and Manufactured Dwelling Parks.
- D. Boundary.** The proposal does not change the boundary of the manufactured dwelling park.
- E. Services and utilities.**
 - 1. Areas that are used for vehicle access, such as driveways, and that serve more than four lots, must be in a tract. The tract must be shown on the Preliminary Plan;
 - 2. All other services and utilities that serve more than one lot must be in a tract or easement. Where a service or utility serves only one lot, but crosses another, it also must be in a tract or easement. The tracts and easements must be shown on the Preliminary Plan;
- F. Tracts and easements.** The standards of Chapter 33.636, Tracts and Easements, must be met.

Review of Final Plat

33.670.210 Review Procedure

Final Plats are reviewed through a non-discretionary, administrative procedure. The decision of the Director of PP&D is final.

33.670.215 Voiding of Final Plat Application

A complete application for Final Plat review will be voided where:

- A.** The Director of PP&D has sent written comments to the applicant, requesting additional information; and
- B.** The applicant has not provided the requested information within 180 days of the date the Director's letter was mailed.

33.670.220 Approval Standards

The Final Plat for land divisions will be approved if the Director of PP&D finds that the applicant has shown that all of the approval standards have been met. The approval standards are:

- A. Conformance with Preliminary Plan.** The Final Plat must conform to the approved Preliminary Plan;
- B. Conditions of approval.** The Final Plat must comply with all conditions of approval that apply to Final Plat approval. All other conditions of approval remain in effect;
- C. Dedications, tracts, and easements.**
 - 1. Dedications. All dedications of property to the City or the public must be shown on the Final Plat, and must be made at the time the Final Plat is recorded; and
 - 2. Tracts and easements. All tracts and easements must be shown on the Final Plat, and the requirements of Chapter 33.636, Tracts and Easements, must be met;
- D. Sureties.** All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to Final Plat approval; and
- E. Maintenance agreements and CC&Rs.** All maintenance agreements and Conditions, Covenants and Restrictions must be reviewed and approved by the Director of PP&D and the City Attorney prior to Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat within 90 days of the Final Plat approval.

Review of Changes to an Approved Preliminary Plan

33.670.300 Review Procedure

Changes to an approved Preliminary Plan are reviewed through a Type Ix procedure. The decision of the Director of PP&D is final.

33.670.310 Approval Criteria

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the approval criteria of Section 33.670.130 have been met.

Changes to Final Plat

33.670.400 Changes to Final Plat Before Recording

Before the Final Plat has been recorded with the County Recorder and surveyor, changes are processed as changes to an approved Preliminary Plan. The revised Final Plat must undergo Final Plat review again.

33.670.410 Changes to Final Plat After Recording

After the Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as a new land division.

(Added by: Ord. No. 177422, effective 6/7/03. Amended by: Ord. No. 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 185915, effective 5/1/13; Ord. No. 191848, effective 10/1/24.)

33.671 Review of Middle Housing Land Divisions

671

Sections:

General:

- 33.671.010 Purpose
- 33.671.020 Where These Regulations Apply
- 33.671.030 Application Requirements

Review of Preliminary Plan

- 33.671.110 Review Procedures
- 33.671.130 Approval Standards

Review of Changes to an Approved Preliminary Plan

- 33.671.300 Review Procedures
- 33.671.310 Approval Standards

General

33.671.010 Purpose

These regulations ensure that middle housing land divisions will be processed with the appropriate level of City and public review. This chapter establishes clear procedures and approval standards for the middle housing land division proposal.

33.671.020 Where These Regulations Apply

The regulations of this chapter apply to proposals for middle housing land divisions. Proposals that are eligible for a middle housing land division are eligible to use the applicable regulations and procedures of chapter 33.660 or 33.662 instead of the regulations and procedures of this chapter. The applicant may choose which chapter to use.

33.671.030 Application Requirements

A complete application for a middle housing land division under the provisions of this chapter consists of the materials listed below. The Director of PP&D may waive items listed if they are not applicable. Application materials may be filed electronically in a format designated by the Director of PP&D. If a paper copy is submitted, at least one copy of each plan/map submitted with the application must be 8-1/2 by 11 inches in size and be suitable for reproduction. The applicant is responsible for the accuracy of all information submitted with the request. An application for Preliminary Plan must include all of the following:

- A. **Application form.** The completed application form bearing an accurate legal description, tax account numbers and location of the site. The application must include the name, address, telephone number, and signature of the applicant and all property owners, and the nature of the applicant's interest in the site;
- B. **Written statement.** A written statement that includes the following:
 - A complete description of the proposal including site layout and circulation, natural features, existing and proposed development and uses, and changes to the site or existing buildings;
 - A description of how all applicable standards are met;

- Additional information needed to understand the proposal;
 - Names and addresses of land division designer or engineer and surveyor;
 - Proposed maintenance agreements or Conditions, Covenants and Restrictions; and
 - If more than 3 lots are proposed, the proposed name of the land division;
 - Proposed names of all streets;
- C. Vicinity map.** A vicinity map extending at least 200 feet in each direction from the land division site, and shows the following existing conditions for both the site and the vicinity:
- Streets;
 - Pedestrian and bicycle facilities and connections; and
 - Location of utilities and services;
- D.** A copy of the proposed land division, drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet. The required information may be grouped on several maps. The location of items not required to be surveyed must be accurately shown on the maps. The proposed land division maps must include the following information:
1. Surveyed information:
 - Boundary lines of the site with dimensions and total site area;
 - Proposed lot layout with sizes, dimensions, and lot and block numbers;
 - Proposed tract layout with sizes, dimensions, purpose, and name;
 - Proposed layout and widths of all rights-of-way including dimensioning and roadway width;
 - Dimensions of proposed right-of-way dedications, including those to be added to existing rights-of-way;
 - Proposed location, dimensions, and purpose of all easements;
 - North arrow and scale of map;
 - Identification as the Preliminary Plan Map;
 - Stamp of surveyor;
 - If more than 3 lots are proposed, the proposed name of the land division;
 - Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified; and
 - Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;
 2. Additional information:
 - Zoning and Comprehensive Plan designations;
 - Location, dimensions, and purpose of existing and proposed easements on and abutting the site;
 - Proposed development;
 - Existing and proposed services and utilities for each dwelling unit;
 - Information showing how existing and proposed development meets approval standard 33.671.130.B. For sites without existing development, proof that building permit plans are under City review is required; and
 - Any other information necessary to show that the approval standards are met.

- E. **Fees.** The applicable filing fees.

Review of Preliminary Plan

33.671.110 Review Procedures

Review of Preliminary Plans is processed through an Expedited Land Division (ELD) procedure except that the middle housing land division is not required to meet the elements specified in ORS 197.360.

33.671.130 Approval Standards

The Preliminary Plan for a middle housing land division will be approved if the review body finds that the applicant has shown that all of the following approval standards have been met. Adjustments are prohibited. The approval standards are:

A. Lots.

1. The number of lots proposed is the same as the number of dwelling units proposed, approved, or legally existing on the middle housing land division site; and
2. There is only one dwelling unit per lot.

B. Buildings, structures and other development.

1. The proposed, approved, or legally existing development meets the standards and regulations of Title 33 applicable to development on the original site prior to the land division. See 33.644, Middle Housing Land Divisions, for development that is eligible for a middle housing land division; and
2. All of the buildings and structures on a resulting lot comply with applicable building code provisions relating to the proposed property lines and, all of the structures and buildings located on the lots comply with the Oregon residential specialty code.

C. Services.

1. Water service. The Water Bureau or District and the Fire Bureau have verified that water facilities that meet established service levels are, or will be, available to serve each dwelling unit separately.
2. Public sanitary sewer service. The Bureau of Environmental Services has verified that sewer facilities that meet established service levels are, or will be, available to serve each dwelling unit separately.
3. Private on-site sanitary sewage disposal. Private on-site sanitary sewage disposal is prohibited as part of a middle housing land division except when the development proposed, approved, or legally existing is a duplex. When private on-site sanitary sewage disposal is proposed, PP&D has verified that an onsite wastewater treatment system that meets established service levels is, or will be, available to serve each dwelling unit separately.
4. Stormwater management. The Bureau of Environmental Services has verified that a stormwater management system and stormwater disposal facilities that meet established service levels are, or will be, available to each dwelling unit.

5. Right-of-way. For public streets, the Bureau of Transportation has preliminarily approved any proposed streets. For private streets, Portland Permitting & Development has preliminarily approved any proposed private streets.

D. Tracts and easements.

1. The preliminary plan includes easements or tracts necessary for each dwelling unit for:
 - a. Locating, accessing, replacing and servicing all services;
 - b. Pedestrian access from each dwelling unit to a street and, in a cottage cluster, to any required common outdoor area;
 - c. Any common use areas or shared building elements;
 - d. Any shared driveways or parking; and
 - e. Any shared common area;
2. The standards of Chapter 33.636, Tracts and Easements, must be met.

Review of Changes to an Approved Preliminary Plan

33.671.300 Review Procedure

Changes to an approved Preliminary Plan are reviewed through an Expedited Land Division (ELD) procedure except that meeting the elements of ORS 197.360 is not required. The decision of the Director of PP&D is final.

33.671.310 Approval Standards

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the approval standards of Section 33.671.130 have been met.

(Added by: Ord. No. 190851, effective 6/30/22; Amended by: Ord. No. 191848, effective 10/1/24.)

33.675 Replat

675

Sections:

- 33.675.010 Purpose
- 33.675.050 When These Regulations Apply
- 33.675.100 Review Procedure
- 33.675.200 Application Requirements
- 33.675.300 Approval Criteria
- 33.675.400 Recording an Approval

33.675.010 Purpose

This chapter states the procedures and regulations for removing or reconfiguring lot lines within a site to combine into one to three lots. The regulations ensure that the replat does not circumvent other requirements of this Title, and that lots and sites continue to meet development standards and conditions of land use approvals.

33.675.050 When These Regulations Apply

A replat may be used to remove or reconfigure lot lines within a site to combine into no more than three lots. The perimeter of a replatted site must follow existing lot lines. Lot lines cannot be created through this process however lot lines can be moved. A replat cannot result in the creation of a flag lot or the creation of a buildable lot from an unbuildable lot remnant or lot of record. The applicant may also remove or reconfigure lot lines through a land division. A replat may be required by other provisions of this Title.

33.675.100 Review Procedure

- A. Generally.** Replats are reviewed through Type Ix procedure.
- B. Sites in PUDs or PDs.** If any portion of the site is within a Planned Unit Development (PUD) or Planned Development (PD), an amendment to the PUD or PD is also required. The amendment to the PUD or PD must be reviewed concurrently with the replat.

33.675.200 Application Requirements.

A complete application for a replat under the provisions of this chapter consists of the materials listed below. The Director of PP&D may waive items listed if they are not applicable. Application materials may be filed electronically in a format designated by the Director of PP&D. If a paper copy is submitted, at least one copy of each plan/map submitted with the application must be 8-1/2 by 11 inches in size and be suitable for reproduction. The applicant is responsible for the accuracy of all information submitted with the request.

- A. Application form.** The completed application form bearing an accurate legal description, tax account numbers and location of the property. The application must include the name, address, telephone number, and original signatures of the applicant and all property owners and the nature of the applicant's interest in the property.

B. Surveys.

1. A survey of the site, stamped and signed by a registered land surveyor showing all existing lot lines and the location, dimensions and setbacks from lot lines for all structures and other improvements, utilities, and services on the site. The survey may not be larger than 18 inches by 24 inches in size. The survey must be drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet;
2. If the site is part of an existing plat, a copy of the recorded plat; and
3. A Final Partition Plat showing the reconfigured lot or lots. Copies of the Final Plat must be drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet. The following statement must be on the Final Plat: "This plat is subject to the conditions of the City of Portland Case File No. LUR..."

C. Other.

1. Verification of ownership. A report issued by a title insurance company, or authorized agent to perform such services in the state, verifying ownership and detailing any deed restrictions;
2. Narrative. A written narrative explaining how the regulations and approval criteria of this chapter have been met; and
3. Fees. The applicable filing fees.

33.675.300 Approval Criteria

A replat will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met:

A. Lots. The replatted lots must meet the regulations of Chapters 33.605 through 33.615, with the following exceptions:

1. Lot dimension standards.
 - a. Lots and adjusted lots that do not meet the minimum lot area required for new lots are exempt from the minimum lot area requirement if they do not move further out of conformance with the minimum lot area required for new lots, and they meet the following:
 - (1) No portion of the lot or adjusted lot is in an Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zone;
 - (2) No portion of the lot or adjusted lot is in the combined flood hazard area; and
 - (3) The lot or adjusted lot has an average slope of less than 25 percent;
 - b. Maximum lot area. If any of the lots within the replat site are larger than the maximum lot area allowed, the same number of lots in the replat site are exempt from maximum lot area requirements;
 - c. Minimum lot width. Lots and adjusted lots that do not meet the minimum lot width required for new lots are exempt from the minimum lot width

requirement if they do not move further out of conformance with the minimum lot width required for new lots, and they meet the following:

- (1) No portion of the lot or adjusted lot is in an Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zone;
 - (2) No portion of the lot or adjusted lot is in the combined flood hazard area; and
 - (3) The lot or adjusted lot has an average slope of less than 25 percent;
2. **Maximum density.** If the replat does not move the site further out of conformance with maximum density requirements, the replat does not have to meet maximum density requirements;
 3. **Lots without street frontage.** If the replat consolidates lots that do not have street frontage with lots that have street frontage, the replat does not have to meet minimum density and maximum lot area requirements;
 4. **Through lots.** If any of the existing lots within the replat site are through lots with at least one front lot line abutting an arterial street, then the consolidated or reconfigured lots may be through lots;
 5. **Split zoning.** If any of the existing lots within the replat site are in more than one base zone, then the consolidated or reconfigured lot may be in more than one base zone.
- B. Development standards.** If existing development is in conformance with the development standards of this Title, the development must remain in conformance after the replat. If existing development is not in conformance with a development standard of this title, the replat will not cause the development to move further out of conformance with the standard unless an adjustment is approved.
- C. Conditions of land division approvals.** The replat must meet one of the following:
1. All conditions of previous land division approvals continue to be met or remain in effect; or
 2. The conditions of approval no longer apply to the site, or to development on the site, if the lots are reconfigured.
- D. Conditions of other land use approvals.** Conditions of other land use approvals continue to apply, and must be met.
- E. Services.** The replat does not eliminate the availability of services to the lots, and the reconfigured lots are not out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management.

33.675.400 Recording an Approval

The Final Plat and the deed for the replat must be recorded with the County Recorder and Surveyor within 90 days of approval by the Director of PP&D.

(Added by: Ord. No. 177701, effective 8/30/03; amended by Ord. No. 185915, effective 5/1/13; Ord. No. 188259, effective 3/31/17; Ord. No. 190093, effective 9/11/20; Ord. No. 190851, effective 6/30/22; Ord. No. 191477, effective 3/1/24; Ord. No. 191848, effective 10/1/24.)

33.676 Lot Confirmation

676

Sections:

- 33.676.010 Purpose
- 33.676.100 Prohibited Lot Confirmations
- 33.676.150 Method of Review
- 33.676.200 Application Requirements
- 33.676.300 Standards
- 33.676.400 Finalizing the Lot Confirmation

33.676.010 Purpose

This chapter states the procedures and regulations for confirming a lot, lot of record or combination of lots or lots of record. The regulations ensure that the Lot Confirmation does not:

- Create a new lot;
- Result in development sites that no longer meet the dimensional requirements and development standards of this Title; and
- Result in sites that no longer meet conditions of approval of a previous land use review.

33.676.100 Prohibited Lot Confirmations

A Lot Confirmation cannot be used to create a buildable lot from an unbuildable plot or to create plots.

33.676.150 Method of Review

Lot Confirmations are reviewed through a non-discretionary, administrative procedure. The decision of the Director of PP&D is final.

33.676.200 Application Requirements

A complete application for a Lot Confirmation under the provisions of this chapter consists of the materials listed below. The Director of PP&D may waive items listed if they are not applicable. Application materials may be filed electronically in a format designated by the Director of PP&D. If a paper copy is submitted, at least one copy of each plan/map submitted with the application must be 8-1/2 by 11 inches in size and be suitable for reproduction. The applicant is responsible for the accuracy of all information submitted with the request.

- A. Application Form.** The completed application form bearing an accurate legal description, tax account number and location of the property. The completed form must also include the name, address, telephone number, and original signatures of the applicant and all property owners and the nature of the applicant's interest in the property.
- B. Verification of lot creation.** Documentation that establishes when and how the lot was created is required. For Lot Confirmations where the base zone requires that the lot was under separate ownership from abutting lots, ownership information for the lot and abutting lots is also required. This may include copies of recorded plats, historic deeds, or other documentation that provides evidence of the creation and chain of ownership of the property.
- C. Site plan and supplemental survey.**
 1. A site plan is required for all applications. The site plan must be drawn to scale and show:
 - The location of existing lot or property lines;

- The boundaries of the re-established lot, lot of record, or combinations thereof;
 - All development on the site including driveways and parking areas;
 - The location of utilities and services; and
 - The location and dimensions of existing curb cuts abutting the site.
2. If existing buildings on the site will remain after the lot confirmation, a supplemental survey signed and stamped by a registered land surveyor is also required. The survey must show utilities and services, the distances between the buildings on the lot, and the lot line that is being confirmed.

C. Other.

1. Narrative. A written narrative explaining how the regulations and standards of this chapter have been met; and
2. Fees. The applicable filing fees.

33.676.300 Standards

A request for a Lot Confirmation will be approved if all of the following are met:

A. Lot or lot of record. Each lot or lot of record that will be confirmed meets the definition of lot, adjusted lot, lot remnant or lot of record.

B. Development standards.

1. Minimum lot dimension standards. The following lot dimension standards apply to each lot, adjusted lot, lot remnant, lot of record or combination thereof. The standards must be met without necessitating a property line adjustment. Adjustments are prohibited:
 - a. In the OS, C, EX, CI and IR zones, each lot must have a front lot line that is at least 10 feet long. There are no other minimum lot dimension standards.
 - b. In the single-dwelling zones, each lot must have frontage on a street, and each lot must meet the standards of 33.110.202, When Primary Structures are Allowed.
 - c. In the multi-dwelling zones, each lot must have frontage on a street, and each lot must meet the standards of Section 33.120.205, When Primary Structures are Allowed.
 - d. In the EG zones, each lot must meet Standard B stated in Table 614-1.
 - e. In the I zones, each lot must meet Standard B stated in Table 615-1.
 - f. If the lot is in an overlay zone or plan district that regulates minimum lot dimensions, the minimum lot dimension standards of the overlay zone or plan district must be met instead of the standard that corresponds to the base zone.
2. Minimum density. Minimum density regulations do not apply to a lot confirmation.
3. All other development standards. The following standards apply to development standards other than minimum lot dimensions and minimum density:
 - a. If existing development is in conformance with the development standards of this Title, the development must remain in conformance after the Lot Confirmation.
 - b. If existing development is not in conformance with a development standard of this title, the Lot Confirmation will not cause the development to move further out of

conformance with the standard unless an adjustment or Property Line Adjustment is approved.

- C. Conditions of previous land use reviews.** All applicable conditions of previous land use reviews must be met, see 33.700.110, Prior Conditions of Land Use Approvals. Adjustments are prohibited.

33.676.400 Finalizing the Lot Confirmation

A Lot Confirmation approval must be submitted to the appropriate county assessment and taxation office within 90 days of the City's decision. The County is responsible for creating separate tax identification numbers for each confirmed lot.

(Added by: Ord. No. 190093, effective 9/11/20; Amended by: Ord. No. 191848, effective 10/1/24.)

33.677 Property Line Adjustment

677

Sections:

- 33.677.010 Purpose
- 33.677.050 When these Regulations Apply
- 33.677.100 Prohibited Property Line Adjustments
- 33.677.150 Method of Review
- 33.677.200 Application Requirements
- 33.677.300 Standards
- 33.677.400 Recording an Approval

33.677.010 Purpose

This chapter states the procedures and regulations for property line adjustments. A Property Line Adjustment (PLA) is the relocation of a common property line between two abutting properties. A Property Line Adjustment does not create lots. The regulations ensure that:

- A Property Line Adjustment does not result in properties that no longer meet the requirements of this Title;
- A Property Line Adjustment does not alter the availability of existing services to a site;
- A Property Line Adjustment does not result in properties that no longer meet conditions of approval; and
- A Property Line Adjustment does not make it difficult to delineate property boundaries or apply use and development standards predictably and uniformly.

33.677.050 When These Regulations Apply

A Property Line Adjustment is required to relocate a common property line between two properties. If a public agency or body is selling or granting excess right-of-way to adjacent property owners, the excess right-of-way may be incorporated into abutting property through a Property Line Adjustment.

33.677.100 Prohibited Property Line Adjustments

The following are prohibited as part of a Property Line Adjustment:

- A.** A Property Line Adjustment that configures either property as a flag lot, unless:
 1. The property was already a flag lot; or
 2. Both properties are in the R5 or R2.5 zone and:
 - a. There is an existing house on one or both properties;
 - b. Only one flag lot is proposed;
- B.** A Property Line Adjustment that results in the creation of a buildable property from an unbuildable lot, lot of record, or lot remnant;
- C.** A Property Line Adjustment that results in the creation of street frontage for property that currently does not have frontage on a street;

- D.** A Property Line Adjustment that removes alley frontage from one or both properties unless:
1. The property line adjustment site includes a corner lot and alley frontage will only be removed for one lot; or
 2. Alley frontage will only be removed from the lot in front of a flag lot that is being created through the Property Line Adjustment; and
- E.** A Property Line Adjustment that creates a nonconforming use.

33.677.150 Method of Review

Property Line Adjustments are reviewed through a non-discretionary, administrative procedure. The decision of the Director of PP&D is final.

33.677.200 Application Requirements

A complete application for a property line adjustment consists of the materials listed below. The Director of PP&D may waive items listed if they are not applicable to the specific review. Application materials may be filed electronically in a format designated by the Director of PP&D. If a paper copy is submitted, at least one copy of each plan/map submitted with the application must be 8-1/2 by 11 inches in size and be suitable for reproduction. The applicant is responsible for the accuracy of all information submitted with the request. No more than three Property Line Adjustments may be requested on a site within one calendar year.

- A. Application form.** The completed application form bearing an accurate legal description, tax account numbers and location of the property. The application must include the name, address, telephone number, and original signatures of the applicant and all property owners and the nature of the applicant's interest in the property.
- B. Surveys and supplemental site plan.**
1. A property line survey. The survey must be stamped and signed by a registered land surveyor as required by Oregon Revised Statutes. The survey must show all existing and proposed property lines and all existing lot lines. The survey may not be larger than 18 inches by 24 inches in size. The survey must be drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet;
 2. A survey of the proposed PLA prepared, stamped, signed, and attested to for accuracy by a registered land surveyor, showing the location, dimensions and setbacks of all improvements on the site. This survey map must be drawn to a scale at least 1 inch = 200 feet.
 3. Site plan. If there is existing development on either property, a site plan, drawn to scale, that shows:
 - The location of existing and proposed lot or property lines;
 - All development on the site including driveways and parking areas;
 - The location of utilities and services;
 - The location and dimensions of existing curb cuts abutting the site; and
 - Any additional information needed to demonstrate that the standards in 33.677.300 will be met.

- C. Legal description.** Legal descriptions for each adjusted property and each exchange parcel. The legal descriptions must be signed and stamped by a registered land surveyor.
- D. Other.**
 - 1. Narrative. A written narrative explaining how the regulations and standards of this chapter have been met; and
 - 2. Fees. The applicable filing fees.

33.677.300 Standards

The site of a Property Line Adjustment is the two properties affected by the relocation of the common property line. A request for a Property Line Adjustment will be approved if all of the following are met:

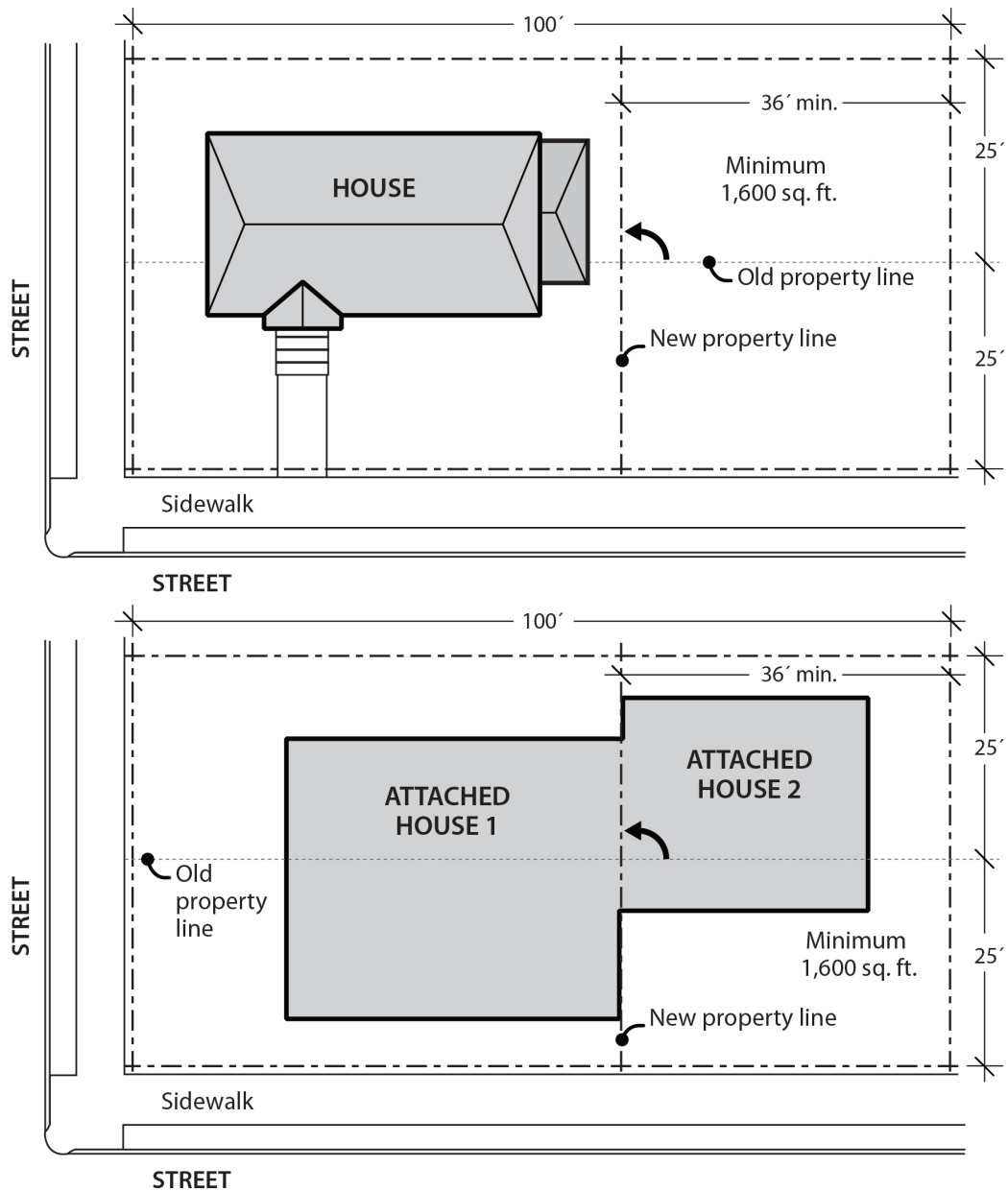
- A. Conformance with regulations.** Both properties will remain in conformance with regulations of this Title, including those in Chapters 33.605 through 33.615, except as follows:
 - 1. If a property or development is already out of conformance with a regulation in this Title, the Property Line Adjustment will not cause the property or development to move further out of conformance with the regulation
 - 2. If the Property Line Adjustment will configure one of the properties as a flag lot, nonconformance with the maximum floor area ratio standard is allowed for the existing development at the time of the property line adjustment. Future alterations may not move the development further out of conformance and new development must comply with the maximum floor area ratio;
 - 3. If both properties are already out of conformance with maximum lot area standards, they are exempt from the maximum lot area standard;
 - 4. If one property is already out of conformance with maximum lot area standards, then one lot is exempt from the maximum lot area standard;
 - 5. Lots with an institutional use are exempt from maximum lot size standards;
 - 6. If both properties are already less than 20,000 square feet in total area and the site is in an EG1 or EG2 zone, then at least one lot must comply with Standard B stated in Table 614 1;
 - 7. If both properties are already less than 40,000 square feet in total area and the site is in an industrial zone, then at least one lot must comply with Standard B in Table 615-1; and
 - 8. If at least one lot is already out of conformance with the minimum lot area standards and the site is in the R5 zone, the minimum lot area is 1600 square feet and the minimum width is 36 feet, if:
 - a. At least one lot is a corner lot; and

- b. The adjusted property line must be perpendicular to the street lot line for its entire length.

See Figure 677-1.

- B. Regular lot lines.** In the R10 through RM4, and RMP zones, the adjusted property line must be a straight line or up to 20 percent shorter or 20 percent longer than the existing lot line. Lines that are adjusted to follow an established zoning line or the boundary of the combined flood hazard area or floodway are exempt from this requirement. In addition, if both properties are part of a site with an institutional use on it, this standard does not apply.

Figure 677-1
Property Line Adjustment on Corner Site in R5 Zone



C. Flag Lots in the R5 and R2.5 Zone. In the R5 and R2.5 zone, a Property Line Adjustment may be used to configure a property as a flag lot when all the following are met:

1. Flag pole. The pole portion of the flag lot must meet the following standards. Except as allowed by Subparagraph C.1.b, adjustments are prohibited:
 - a. The pole must connect to a street;
 - b. Pole width. Until January 2, 2032, adjustments to reduce pole width by up to 10 percent may be requested:

- (1) If the pole portion of the flag lot will provide vehicle access to the flag portion of the flag lot, the pole must be at least 12 feet wide for its entire length; or
 - (2) If the pole portion of the flag lot will not provide vehicle access to the flag portion of the flag lot, the pole must be at least 10 feet wide for its entire length. A covenant must be recorded with the deed specifying that no vehicle access is allowed along the pole.
2. Lot dimensions. The lots must meet the following lot dimension standards:
- a. Lot area.
 - (1) Minimum lot area. Each reconfigured lot must be at least 1,600 square feet. Only the area of the flag portion is included when calculating the minimum lot area for the flag lot. The area of the pole portion of the lot is not included.
 - (2) Maximum flag lot area. The area of the flag lot must be less than 3,000 square feet. The total area of the flag lot, including the pole portion, is included when calculating the maximum lot area for the flag lot.
 - b. Front lot line. There is no minimum front lot line standard for the flag lot.
 - c. Lot width and depth. The minimum lot width and minimum lot depth required for the flag lot is 36 feet measured at the midpoints of the opposite lot lines of the flag portion of the lot. The minimum lot width for the lot in front of the flag lot is 36 feet.
- D. Split zoning.** The Property Line Adjustment will not result in a property that is in more than one base zone, unless that property was already in more than one base zone.
- E. Overlay zones.** If any portion of either property is within an Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zone, the provisions of Chapter 33.430, Chapter 33.465, or Chapter 33.475 as applicable must be met. Adjustments are prohibited.
- F. Services.** The adjustment of the property line will not eliminate the availability of services to the properties and the properties will not move out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management. Adjustments are prohibited.
- G. Conditions of previous land use reviews.** All conditions of previous land use reviews must be met. Adjustments are prohibited.

33.677.400 Record an Approval

The Property Line Adjustment application, survey, legal descriptions, and the deed for the exchange parcel must be recorded with the County Recorder and Surveyor within 90 days of the final decision.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 180619, effective 12/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 188259, effective 3/31/17; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190000, effective 6/18/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 191477, effective 3/1/24; Ord. No. 191848, effective 10/1/24; Ord. No. 191942, effective 1/1/25.)

33.700 Administration and Enforcement

700

Sections:

Implementing the Code

- 33.700.005 Building Permit Required
- 33.700.010 Uses and Development Which Are Allowed By Right
- 33.700.015 Review of Land Divisions
- 33.700.020 Uses and Development Which Are Not Allowed By Right
- 33.700.030 Violations and Enforcement
- 33.700.040 Reconsideration of Land Use Approvals
- 33.700.050 Performance Guarantees
- 33.700.060 Covenants with the City
- 33.700.070 General Rules for Application of the Code Language
- 33.700.075 Automatic Changes to Specified Dollar Thresholds

Timeliness of Regulations

- 33.700.080 Regulations that Apply at the Time of an Application
- 33.700.090 Regulations that Apply After Approval
- 33.700.100 Transfer of Approval Rights
- 33.700.110 Prior Conditions of Land Use Approvals
- 33.700.115 Expiration of Tree Preservation Requirements
- 33.700.120 Status of Prior Revocable Permits
- 33.700.130 Legal Status of Lots

Implementing the Code

33.700.005 Building Permit Required

New development, changes to existing development, and changes in the type or number of uses may require a permit. In addition, other land use reviews may also be required, depending upon the location, the use proposed, the site development proposed, or materials to be used on the site.

33.700.010 Uses and Development Which Are Allowed By Right

Proposals for uses or developments which are allowed by right under this Title are subject to the following regulations. For the purposes of this chapter, uses and development allowed by right includes any limited uses which are not subject to a land use review.

- A. Method of review.** Requests for uses and development which are allowed by right are reviewed for compliance with the zoning regulations. The review is a nondiscretionary administrative review. Decisions are made by the Director of PP&D and are final. The review is done in a timely manner according to general operating procedures of Portland Permitting & Development and the City.

B. Applications.

1. Applications for nondiscretionary reviews are generally processed in conjunction with obtaining a building permit or a home occupation permit. Applicants must submit information showing that the proposal complies with this Title, including a site plan with the necessary level of detail.
2. The applicant has the responsibility to obtain the property owner's permission for the request.
3. Approvals of nondiscretionary reviews are based on the information submitted. If the information is incorrect, the approval may be voided.

C. Applications which will not be accepted.

1. Prohibited uses and development. Applications for uses or development which are listed as prohibited in this Title will not be accepted.
2. Reasonable use. The Director of PP&D or a review body may refuse an application when the proposed structure has been clearly designed for a use or development different from that which is being proposed, and could not reasonably be expected to meet the needs of the proposed use or development. An example would be an application for the construction of a house, when the building has no kitchen or bathrooms.
3. Procedure. When an application is not accepted, the applicant may appeal the decision through the Type II procedure. The applicant's appeal will be considered an appeal of an administrative decision, and will be subject to all notice, hearing, and fee requirements for a Type II procedure. A letter requesting the appeal, showing how the application complies with the requirements of Title 33, and stating the reasons the appeal should be granted will substitute for an official appeal form.

33.700.015 Review of Land Divisions

Proposals for land divisions and final plats that are subject to discretionary review under this Title require a land use review. The specific land use review is stated in the 600s series of chapters. Each land use review has specified procedures. See Chapter 33.730 for a description of the quasi-judicial procedures.

A. Adjustment review required for existing development

1. Conforming development. If a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment. If an adjustment to the regulation is prohibited, the land division is prohibited.
2. Nonconforming development. If a proposed land division will cause nonconforming development to move further out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment. If an adjustment to the regulation is prohibited, the land division is prohibited.

- B. Applications that will not be accepted.** Applications for land divisions that include elements that are prohibited by this Title will not be accepted.

33.700.020 Uses and Development Which Are Not Allowed By Right

Requests for uses and development which are not allowed by right require a land use review. The specific land use review is stated in the base zone or other regulations of this Title. Each land use review has specified quasi-judicial procedures. See the 800s series of chapters for a description of the land use reviews and Chapter 33.730 for a description of the quasi-judicial procedures.

33.700.030 Violations and Enforcement

- A. Violations.** It is unlawful to violate any provisions of this Title, a land use decision, or conditions of a land use approval. This applies to any person undertaking a development or land division, to the proprietor of a use or development, or to the owner of the land underlying the development or land division. For the ease of reference in this chapter, all of these persons are referred to by the term "operator."
- B. Notice of violations.** PP&D must give written notice of any violation of this Title, land use decision, or conditions of land use approval to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.
- C. Responsibility for enforcement.** The regulations of this Title, land use decisions, and conditions of land use approvals may be enforced in one or more of the following ways:
1. By the Director of PP&D pursuant to Chapter 3.30 and Title 22 of the City Code; or
 2. By the Director of PP&D pursuant to 33.700.040 below.

33.700.040 Reconsideration of Land Use Approvals

- A. Purpose.** The ability to publicly reconsider a land use approval provides an opportunity to determine if the use or development is in compliance with this Title. It also allows for clarification of prior land use approvals. As part of this reconsideration, the ability to add new conditions or even revoke the approval provides a strong enforcement mechanism for this code.
- B. Situations when land use approvals may be reconsidered.** All quasi-judicial land use approvals, except plan amendments, zone changes, and land divisions, may be reconsidered. In addition, all uses that became conditional uses or nonconforming uses due to a change of zoning regulations or mapping are also eligible for reconsideration. They may be reconsidered if there is evidence of any of the following situations:
1. One or more conditions of the land use approval have not been implemented or have been violated;
 2. The activities of the use, or the use itself, are substantially different or have substantially increased in intensity from what was approved. Examples of increases in intensity are: an increase in the number of members, students, employees, visitors, or vehicle trips per event, per year, or per other comparable period of time; an increase in the hours of operation; or an increase in the number of events per year; or

3. The use is subject to the conditional use or nonconforming use regulations, has not been subject to a conditional use or nonconforming use review, and has substantially changed its activities or substantially increased the intensity of its operations since it became a conditional use or a nonconforming use. Examples of increases in intensity are: an increase in the number of members, students, employees, visitors, or vehicle trips per event, per year, or per other comparable period of time; an increase in the hours of operation; or an increase in the number of events per year.
- C. Initiating the reconsideration.** The Director of PP&D may initiate a reconsideration if there is substantial evidence that one of the situations described in Subsection B. above applies to the use or development. The evidence relied on must be made part of the record. The reconsideration may be initiated anytime after 60 days have passed from the first notice of violation as described in 33.700.030.B. above.
- D. Procedure for reconsideration.**
1. Procedure. After initiation, the reconsideration is processed using a modified Type III procedure. An application does not have to be submitted, a pre-application conference is not required, and a fee is not charged.
 2. Review body. The review body is the same one that is assigned to hear new requests of that review type.
 3. Notice.
 - a. Notice to the operator. The operator will be notified that the reconsideration process has been initiated. This notice will be mailed at least 30 days prior to the scheduled hearing. Written comments from the operator must be received 15 days prior to the public hearing date to be included in the staff report.
 - b. Additional public notice. In addition to people who are mailed notice due to the Type III procedure requirements, people who have complained in writing about the use or development are also mailed notice of the hearing.
- E. Possible actions at the reconsideration hearing.** Depending on the situation, the review body may take any of the actions described below. The review body may not approve a new use or one more intense than originally approved unless the possibility of this change has been stated in the public notice.
1. Uses or development which are alleged to have not fulfilled conditions or which violate conditions are subject to the following actions.
 - a. The review body may find that the use or development is complying with the conditions of the land use approval. In this case, the use or development is allowed to continue.
 - b. The review body may find that the use or development does not fully comply with the conditions of approval, but that the violations are not substantial enough to warrant revocation, and that the use can comply with the original approval criteria if the conditions are met. In this case, the review body may modify the existing conditions, add new conditions to ensure compliance with

the approval criteria, and refer the case to the Code Hearings Officer for enforcement of the existing conditions.

- c. The review body may revoke the land use approval if it finds that there are substantial violations of conditions or failure to implement conditions of prior land use decisions, such that the original approval criteria for the use or development are not being met.
2. Uses and development which are alleged to be different from what was approved are subject to the following actions.
 - a. The review body may find that the use or development is consistent with what was approved. In this case, the use or development is allowed to continue.
 - b. The review body may find that the use or development, including its intensity or scale, is not consistent with what was approved, but that the differences are not substantial enough to warrant revocation, and that the use or development can comply with the original approval criteria with appropriate conditions. In this case, the review body may modify the existing conditions or add new conditions to ensure compliance with the original approval criteria.
 - c. The review body may revoke the land use approval if it finds that the land use being conducted on the site is substantially different from what was approved, does not comply with the original approval criteria for the use, and it cannot be reasonably conditioned to come into compliance.
 3. Conditional uses and nonconforming uses that have not been subject to a land use review are subject to the following actions:
 - a. The review body may find that the use and its activities, including its intensity, are consistent with what was on the site at the time it became a conditional or nonconforming use. In this case, the use is allowed to continue.
 - b. The review body may find that the use and its activities are substantially different or have substantially increased in intensity from what was on the site at the time it became a conditional use or nonconforming use. In this case, the review body may apply conditions or restrictions to ensure that the changes in activities or substantial increases in intensity comply with the current approval criteria for the use.
- F. Enforcement of revocation.** In the event that the land use approval is revoked, the use or development becomes illegal. The use or development must be terminated within 21 days of the date the revocation decision is filed with the City Auditor, unless the decision provides otherwise. Enforcement is the responsibility of PP&D.

33.700.050 Performance Guarantees

- A. Purpose.** This section states the requirements for performance guarantees when they are required of an applicant by this Title or as a condition of a land use approval.
- B. Types of guarantees.** Guarantees by the applicant may be in the form of a performance bond payable to the City in cash, by certified check, time certificate of deposit, irrevocable

letter of credit, or other form acceptable to the City. Indemnity agreements may be used by other governmental agencies. Guarantees must be accompanied by a contract. The form of the guarantee and contract must be approved by the City Attorney. The Director of PP&D is authorized to accept and sign the contract for the City, and to accept the guarantee. The guarantee must be filed with the City Auditor.

- C. Amount of guarantee.** The amount of the performance guarantee must be equal to at least 110 percent of the estimated cost of performance. The applicant must provide written estimates by three contractors with their names and addresses. The estimates must include as separate items all materials, labor, and other costs of the required action.
- D. Completion.** An inspection and approval of the action or improvement covered by the performance guarantee is required before the performance guarantee is returned. The inspection is done by PP&D or other appropriate City bureaus. If the action or improvement is not completed satisfactorily within the stated time limits, the City may have the necessary action or improvement completed and seek reimbursement for the work from the performance guarantee. Any remaining funds will be returned to the applicant.

33.700.060 Covenants with the City

- A. Content of the covenant.** A covenant required by this Title or a condition of a land use approval must state that:
 - 1. The owner will comply with all applicable code requirements and conditions of approval; and
 - 2. If the owner fails to perform under the covenant, the City may terminate occupancy of the site and seek all necessary injunctive relief, including seeking to prevent future occupancy of the site while a violation of the covenant exists.
 - 3. Where the development rights of one site are dependent on the performance of conditions by the owner of another site (such as the transfer of development rights), the covenants are judicially enforceable by the owner of one site against the owner of another.
- B. Adopting the covenant.** The form of all covenants must be approved by the City Attorney. The covenant must run with the land. The covenant must be attached to the deed and be recorded in the appropriate records of the county in which the site is located. Proof of the recording must be made prior to the issuance of any building permits.

33.700.070 General Rules for Application of the Code Language

The rules of this section apply to this Title and any conditions of a land use approval granted under this Title.

- A. Reading and applying the code.** Literal readings of the code language will be used. Regulations are no more or less strict than as stated. Applications of the regulations that are consistent with the rules of this section are nondiscretionary actions of the Director of PP&D to implement the code. The action of the Director of PP&D is final.
- B. Ambiguous or unclear language.** Where the language is ambiguous or unclear, the Director of PP&D may issue a statement of clarification processed through a Type III procedure, or

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

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

E. Hierarchy of regulations.

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

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

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

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

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

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

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

33.700.075 Automatic Changes to Specified Dollar Thresholds

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

- A. The following sections are subject to this regulation.** Any increase or decrease that is not a multiple of \$50 will be rounded to the nearest multiple of \$50:
1. 33.258.070.D.2.a;
 2. 33.258.070.D.2.d(2);
 3. 33.440.230.D.1;
 4. 33.475.200.E.1;
 5. 33.510.253.D.1.a;
 6. 33.515.278.B.17.a(1);
 7. 33.560.020
 8. 33.565.310.B.2
 9. Table 846-1; and
 10. Table 846-3.
- B. The following sections are subject to this regulation.** Any increase or decrease that is not a multiple of \$0.10 will be rounded to the nearest multiple of \$0.10:
1. 33.510.205.C.2.f.; and
 2. 33.510.210.D.2.b(6)

Timeliness of Regulations

33.700.080 Regulations That Apply at the Time of an Application

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

A. Applications.

1. Application for land use review. Applications for land use reviews will be processed based on the regulations in effect on the date an application is filed with the City, or on a date requested by the applicant, as follows:
 - a. Application filing date.

- (1) Complete at filing. If, on the date the application is filed with the City, the application contains all the information stated in 33.730.060, Application Requirements, as well as any additional information required in the pre-application conference notes, the application will be processed based on the regulations in effect on the date the application is filed;
 - (2) Complete within 180 days. If, on the date the application is filed with the City, the application does not contain all the information stated in Section 33.730.060, Application Requirements, as well as any additional information required in the pre-application conference notes, but the applicant provides the information within 180 days of the date the application was filed, the application will be processed based on the regulations in effect on the date the application was filed.
- b. Applicant requested date. For a land use review related to residential uses, the applicant may request, in writing, that the application for the land use review be processed based on the regulations in effect on the date of the request after the application is filed with the City but before the public notice of the review has been sent by the City. When this occurs, the applicant will have 180 days from the date of the written request to provide any additional information necessary to determine the application is complete. This request may be made only once for each land use review application.
2. Application for building or development permit. Applications for building or development permits will be processed based on regulations in effect on the date a complete application is filed with the City. For the purposes of this section, a complete building or development permit application contains the information necessary for PP&D to determine whether the proposal conforms with all applicable use regulations and development standards.
- B. Revisions to building or development permit applications.** Revisions will be processed based on the regulations in effect when the original complete application was received if:
1. The use remains within the same use category as in the original application;
 2. The revision does not increase the total square footage of the proposed use;
 3. The original application has not expired; and
 4. The revised development meets all applicable development standards.
- C. Use of new regulations or mapping.** Applications will not be accepted for building permits or land use reviews based on regulations or changes to zoning maps that have been approved but not yet implemented, or have been adopted but have not yet become effective. However, pre-application conferences may be requested and held.

33.700.090 Regulations That Apply After Approval

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

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

33.700.100 Transfer of Approval Rights

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

33.700.110 Prior Conditions of Land Use Approvals

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

- A. Conditions of approval prior to 1981.** Conditions of approval for a land use review applied for prior to 1981 no longer apply to a site, except for conditions on all types of land divisions, Planned Unit Developments (PUD), or any other quasi-judicial review approved in association with a land division or PUD.
- B. Conditions of approval after 1981.** The regulations stated below apply to all prior conditions of approval for all types of land divisions, Planned Unit Developments (PUD), and any other quasi-judicial review approved in association with a land division or PUD, and for land use reviews applied for after January 1, 1981, unless the conditions of approval or the ordinance adopting the conditions provide for their continuance.
 - 1. **Zone changes.** If a site is subject to conditions as the result of a zone change, the conditions continue to apply if the site is rezoned to a comparable zone as part of an annexation rezoning or as part of a legislative remapping. The conditions of the original zone change do not apply if the site is rezoned to a noncomparable zone. Comparable zone changes are single-dwelling to single-dwelling, multi-dwelling to multi-dwelling, commercial to commercial or commercial/mixed use, employment to employment, and industrial or manufacturing to industrial zones. Also, changes from a City M3 or Multnomah County LM, M3, or M4 zone to a C, E, or I zone retain all conditions of approval on the site. Other zone changes are considered noncomparable.
 - 2. **Conditional uses.**
 - a. **An allowed conditional use.** If a use was an approved conditional use under the prior regulations or had a Community Service overlay zone, and is a conditional use under the new regulations pertaining to the site, any conditions of approval continue to apply.

- b. Use allowed by right. If the use is now allowed by right, the conditions of approval no longer apply, except for the following:
 - (1) Conditions of approval that mandate a Transportation Demand Management plan or address parking, vehicle trips or any other transportation system related issue on a site with a College or Medical Center in a CI1 or CI2 zone continue to apply until superseded by an approved Transportation Impact review;
 - (2) Conditions of approval continue to apply to outdoor sports facilities that are on a site with a College or Medical Center that was an approved use under the prior regulations.
- c. Use no longer allowed. If the use was a conditional use without an expiration date and is no longer allowed, it becomes a nonconforming use under the new regulations, and must continue to meet the conditions as well as the nonconforming use regulations. If the use was a conditional use with an expiration date and is no longer allowed, it is subject to the same regulations as revocable permits, as stated in Paragraph 120.C.1 below.
3. Variances and adjustments. If the variance or adjustment was for development that is now allowed by right, and the development on the site conforms with the current regulations, then the prior conditions of approval no longer apply.
4. Greenway review. If a use or development is subject to conditions under a greenway review, the conditions continue to apply.
5. Other land use actions. If the use or development was approved with conditions under a review that is no longer in effect on the site (such as site review, design review, significant environmental concern review), the conditions no longer apply.

33.700.115 Expiration of Tree Preservation Requirements

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

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

33.700.120 Status of Prior Revocable Permits

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

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

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

33.700.130 Legal Status of Lots

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

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 166702, effective 7/30/93; Ord. No. 167386, effective 2/23/94; Ord. 169535, effective 1/8/96; Ord. No. 169917, effective 3/27/96; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 5/14/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177368, effective 5/17/03; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 184521, effective 5/13/11; Ord. No. 185333, effective 5/16/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 190023, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191779, effective 10/1/24; Ord. No. 191942, effective 1/1/25.)

Chapter 33.705 Neighborhood Contact

705

Sections:

- 33.705.010 Purpose
- 33.705.020 Neighborhood Contact Steps

33.705.010 Purpose

The neighborhood contact process provides an opportunity for people who live, work or otherwise pass by a development site to learn about a project before construction begins. It makes the same information accessible online to interested community members. The neighborhood contact steps provide an opportunity for members of the community to provide feedback to the property owner or developer on the design and other aspects of the development. In most cases, the neighborhood contact steps involve a sign posted on the site, but in some larger development scenarios, the property owner or developer will be required to host a public meeting. While the neighborhood contact outreach steps are required prior to submitting for a land use review or building permit, any feedback provided to the property owner or developer is informal and non-binding. By engaging with members of the community early, prior to applying for a review or permit, the property owner or developer has an opportunity to tailor the proposal in response to community comments, ideas or concerns.

33.705.020 Neighborhood Contact Steps

- A. Neighborhood contact I.** Neighborhood contact I requires the following notification and posting steps:
1. Notification. The applicant must contact via email or mail the neighborhood association, district neighborhood coalition, and business association for the area, and any neighborhood association, district neighborhood coalition, or business association within 400 feet of the proposal site. The email or letter must be sent at least 35 days, but not more than one year, before applying for a land use review or building permit. A copy of the email or letter, and a list of the email or postal addresses to which the email or letter was sent, must be submitted as part of the application for a land use review or building permit. The email or letter must contain the following information:
 - a. The name, telephone number and email address of the applicant;
 - b. The address of the site of the proposed development;
 - c. A summary of the proposed development; and
 - d. A site plan that includes the proposed development.
 2. Sign. The applicant must post at least one sign on the proposed development site at least 35 days, but not more than one year, before applying for a land use review or building permit.
 - a. A sign must be placed on each street frontage of the site. If the street frontage is over 600 feet long, a sign is required for each 600 feet or fraction thereof. Signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and

motorists. Signs may not be posted in a public right-of-way. Signs are not required along street frontages that are not improved and do not allow motor vehicle access.

- b. The required signs must remain on the site until a building permit is issued or one year has passed since the application that triggers the sign requirement was submitted, whichever is less, except that the required signs must be removed from the site when required posting for a land use review occurs.
 - c. The Director of Portland Permitting & Development has the authority to adopt administrative rules to determine the size and layout of the sign.
 - d. A photograph of the required signs posted on the site must be submitted as part of the application for a land use review or building permit.
 - e. The signs must contain the following information:
 - (1) The name, telephone number and email address of the applicant;
 - (2) The name and email address of the neighborhood association that includes the site;
 - (3) The name, telephone number and email address of the district neighborhood coalition that includes the site;
 - (4) A written summary of the proposed development;
 - (5) A site plan that includes the proposed development; and
 - (6) Procedural information provided by Portland Permitting & Development.
3. Required information.
- a. The applicant must contact Portland Permitting & Development via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. The email, or online submittal, must contain the following information:
 - (1) The name, telephone number, and email address of the applicant;
 - (2) The address of the site of the proposed development;
 - (3) A summary of the proposed development; and
 - (4) A site plan that includes the proposed development.
 - b. The following information must be submitted as part of the application for a land use review or building permit:
 - (1) A copy of the email or letter that was sent as required by Paragraph A.1.;
 - (2) A list of the email or postal addresses to which the email or letter required by Paragraph A.1. was sent;
 - (3) A photograph of the sign required by Paragraph A.2. posted on the site;
 - (4) A signed statement certifying that the required email or letter was sent, and the required signs were posted, at least 35 days, but not more than one year, before applying for a land use review or building permit.

B. Neighborhood contact II. Neighborhood contact II requires the following meeting, notification and posting steps:

1. Notification. The applicant must contact via email or mail the neighborhood association, district neighborhood coalition, and business association for the area, and any neighborhood association, district neighborhood coalition, or business association within 400 feet of the proposal site. The email or letter must be sent at least 35 days, but not more than one year, before applying for a land use review or building permit. A copy of the email or letter, and a list of the email or postal addresses to which the email or letter was sent, must be submitted as part of the application for a land use review or building permit. The email or letter must contain the following information:
 - a. The name, telephone number and email address of the applicant;
 - b. The address of the site of the proposed development;
 - c. The date, time and location of the required public meeting; and
 - d. A summary of the proposed development; and
 - e. A site plan that includes the proposed development.
2. Sign. The applicant must post at least one sign on the proposed development site at least 35 days, but not more than one year, before applying for a land use review or building permit.
 - a. A sign must be placed on each street frontage of the site. If the street frontage is over 600 feet long, a sign is required for each 600 feet or fraction thereof. Signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Signs may not be posted in a public right-of-way. Signs are not required along street frontages that are not improved and do not allow motor vehicle access.
 - b. The required signs must remain on the site until a building permit is issued or one year has passed since the application that triggers the sign requirement was submitted, whichever is less, except that the required signs must be removed from the site when required posting for a land use review occurs.
 - c. The Director of Portland Permitting & Development has the authority to adopt administrative rules to determine the size and layout of the sign.
 - d. A photograph of the required signs posted on the site must be submitted as part of the application for a land use review or building permit.
 - e. The signs must contain the following information:
 - (1) The name, telephone number and email address of the applicant;
 - (2) The name and email address of the neighborhood association that includes the site;
 - (3) The name, telephone number and email address of the district coalition that includes the site;
 - (4) The date, time and location of the required public meeting;
 - (5) A written summary of the proposed development;

- (6) A site plan that includes the proposed development; and
 - (7) Procedural information provided by Portland Permitting & Development.
3. Meeting. The applicant must schedule and attend one public meeting. Until January 1, 2029, the applicant is not required to schedule or attend a meeting if the development includes a residential use. Notes from the meeting and an explanation of any changes made to the proposal as a result of comments received at the public meeting must be emailed or mailed to the neighborhood association, district neighborhood coalition, business association, school district and any meeting attendees who provide an email or postal address, before an application for a land use review or building permit can be accepted. The meeting must:
 - a. Be held at least 14 days before applying for a land use review or a building permit, and at least 14 days after sending the email or letter and posting signs required by Paragraphs B.2. and B.3.
 - b. Be held at a location within the neighborhood where the proposed development is located or at a location that is not more than two miles from the boundary of the neighborhood within which the proposed development is located and within the boundaries of the district neighborhood coalition in which the proposed development is sited. Meetings may be held in person, remotely using online video conferencing technology, or a combination of both;
 - c. Be held at a time between 6 p.m. and 9 p.m. Monday through Friday, or between 1 p.m. and 6 p.m. on Saturday or Sunday, or during a scheduled neighborhood association meeting and which does not conflict with a scheduled neighborhood association meeting unless held in conjunction with a neighborhood association meeting;
 - d. Be open to the public; and
 - e. Be in a location that provides access to all members of the public. If requested by a member of the public at least three days prior to the meeting, the applicant must provide language services, alternative formats, auxiliary aids, or other reasonable requests that ensure barrier free access.
4. Required information.
 - a. The applicant must contact Portland Permitting & Development via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. The email, or online submittal, must contain the following information:
 - (1) The name, telephone number, and email address of the applicant;
 - (2) The address of the site of the proposed development;
 - (3) A summary of the proposed development; and
 - (4) A site plan that includes the proposed development.
 - b. The following information must be submitted as part of the application for a land use review or building permit:
 - (1) A copy of the email or letter that was sent as required by Paragraph A.1.;

- (2) A list of the email or postal addresses to which the email or letter required by Paragraph A.1. was sent;
- (3) A photograph of the sign required by Paragraph A.2. posted on the site;
- (4) A signed statement certifying:
 - That the required email or letter was sent at least 35 days, but not more than one year, before applying for the land use review or building permit;
 - That the required signs were posted, at least 35 days, but not more than one year, before applying for the land use review or building permit;
 - That the required meeting was held at least 14 days before applying for the land use review or building permit, and at least 14 days after sending the email or letter and posting the required signs; and
 - That the notes from the required public meeting were emailed or mailed to the neighborhood association, district neighborhood coalition, business association, school district and any meeting attendees who provide an email or postal address, prior to applying for the land use review or building permit.

(Adopted by Ord. No. 189488, effective 12/2/19; Amended by: Ord. No. 190076, effective 8/10/20; Ord. No. 191609, effective 3/1/24.)

33.710 Review Bodies

710

Sections:

- 33.710.010 Purpose
- 33.710.020 Delegation of Authority
- 33.710.030 Commissions, Committees, and Boards Generally
- 33.710.040 Planning Commission
- 33.710.050 Design Commission
- 33.710.060 Historic Landmarks Commission
- 33.710.080 Land Use Hearings Officer
- 33.710.090 Director of Portland Permitting & Development
- 33.710.100 City Council
- 33.710.120 Healy Heights Radiofrequency Advisory Board

33.710.010 Purpose

Review bodies are established to make decisions on land use actions and to recommend land use policy to the City Council. The review bodies provide an opportunity for community involvement and provide expertise for specialized topic areas. Review bodies that make quasi-judicial decisions do so on authority delegated by the City Council. The provisions of this chapter define the powers and duties for each review body and state how each body will operate.

33.710.020 Delegation of Authority

The commissions, committees, boards, and officers established in this chapter are empowered to perform all duties assigned to them by State law or this Title on behalf of the City Council.

33.710.030 Commissions, Committees, and Boards Generally

- A. Length of terms.** Members of commissions, committees, and boards provided under this chapter may be appointed to terms of not more than 4 years. Initial appointments for newly formed commissions, committees, and boards must include a sufficient number of appointments for fewer than the maximum 4 year term of office to provide overlap and a continuity of membership. Members of commissions are limited to a maximum of two full terms. Vacancies that may occur must be filled for the unexpired terms.
- B. Required attendance.** If a member fails to attend three consecutive meetings or misses 20 percent or more of the meetings held during a calendar year, the Mayor may declare the position vacant.
- C. Officers and rules.** Each commission, committee, or board elects its own presiding officers and adopts rules of procedure that are necessary to fulfill its duties. The rules of procedure must be in writing and comply with the Oregon Public Meetings law, Statutory land use hearing requirements, and this Title.
- D. Voting.** A majority of the members present must vote affirmatively in order to take action. Individual members may not have more than one vote for the conduct of commission or committee business.
- E. Pay.** All members on a commission, committee, or board serve without pay.

- F. Public meetings.** All meetings, including briefing sessions, must be open to the public and comply with the Oregon Public Meetings law.
- G. Staff.**
 - 1. **Planning Commission.** The Director of the Bureau of Planning and Sustainability must provide the Planning Commission with staff assistance necessary to enable it to discharge its duties.
 - 2. **Design Commission and Historic Landmarks Commission.** The Director of Portland Permitting & Development must provide the Design Commission and Historic Landmarks Commission with staff assistance necessary to enable them to discharge their duties.
- H. Records.**
 - 1. **Planning Commission.** The Director of the Bureau of Planning and Sustainability keeps an accurate record or minutes of all proceedings of the Planning Commission.
 - 2. **Design Commission and Historic Landmarks Commission.** The Director of Portland Permitting & Development keeps an accurate record or minutes of all proceedings of the Design Commission and Historic Landmarks Commission.
- I. Conflict of interest.** A member of any commission, committee, board, or review body except City Council may not participate as a member in deciding any land use action in which the member has a direct or substantial financial interest. A member may not participate if any person who resides with the member or the member's spouse, domestic partner, sibling, stepsibling, child, parent, stepparent, parent-in-law, or child-in-law has a direct or substantial financial interest, or if any business in which the member is then serving or has served within the previous two years or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment, has a direct or substantial financial interest. Any actual or potential interest must be disclosed at the hearing or meeting where the action is scheduled.
- J. Commission coordination.** The chairs, or their delegates, of the Planning Commission, Design Commission, and Historic Landmarks Commission meet quarterly, or as necessary, to discuss trends and issues relevant to their respective commissions and, as appropriate, to coordinate the Commissions' programs. The chairs will share a summary of their meeting with their respective commissions.

33.710.040 Planning Commission

- A. Purpose.** The Planning Commission makes recommendations to City Council on the City's long-range goals, policies, and programs for land use and planning. In making recommendations, it considers the economic, environmental, and social well-being of the city in an integrated fashion. The Commission has specific responsibility for guiding, developing, maintaining, and updating the City's Comprehensive Plan and zoning code. The Commission deliberates using a climate and equity lens and is committed to effective public involvement and leadership in its work.

- B. Membership.** The Planning Commission consists of nine members, none of whom may hold public elective office. The members are appointed by the Mayor and confirmed by the City Council. The membership of the Planning Commission should include broad representation of Portland's community and reflect the dynamic nature of this changing city. No more than two members of the Planning Commission may be engaged in the same occupation, business, trade, or profession. No more than two members of the Commission may be individuals, or members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling, leasing, or developing of real estate for profit.
- C. Meetings and officers.** The Planning Commission meets at least once a month. Meetings are conducted in accordance with adopted rules of procedure. Five members constitute a quorum at a meeting. When there are vacant positions on the Planning Commission, a majority of the non-vacant positions constitutes a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
- D. Powers and duties.** The Planning Commission has all of the powers and duties that are now or may in the future be imposed upon City planning commissions by State law, by this Title, by the City Council, or by the City Charter. The Planning Commission's powers and duties include:
 - 1. Holding hearings and making recommendations to City Council on proposals to adopt, amend and update: the Comprehensive Plan; the zoning code; significant transportation policies, projects, and issues; the portions of Title 11, Trees, identified in 11.10.040.C; urban renewal plans; street vacations; sign regulations; and renaming city streets;
 - 2. Advising the City Council on plans and policies regarding such issues as housing, transportation, urban design, equity, economic development, public buildings, environmental protection, resource conservation, and other policies of citywide interest;
 - 3. Providing a forum for community members to learn about principles, policies, and programs that promote sound land use planning practices.
- E. Annual report.** The Planning Commission must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Planning and Sustainability Director by the first working day of September. The Planning and Sustainability Director may combine the report with annual reports of other bodies for transmission to the City Council.

33.710.050 Design Commission

- A. Purpose.** The Design Commission provides leadership and expertise on urban design and architecture and advances the purpose of the Design overlay zone.
- B. Membership.** The Design Commission consists of seven members, none of whom may hold public elective office. The Commission must include:
 - 1. One person with public art experience;

2. One person representing the public at-large. The public-at-large member must not be employed in one of the areas of expertise listed in Paragraph B.3; and
3. Five members experienced in either urban planning, design, architecture, landscape architecture, natural resource management, sustainable building practices, engineering, financing, construction or management of buildings, or land development. No more than two members may be appointed from any one of these areas of expertise.

The person with the public art experience is nominated by the City Arts Program. All members are appointed by the Mayor and confirmed by the City Council.

C. Meetings, officers, and subcommittees.

1. The Design Commission meets at least once a month and as necessary to act on reviews assigned to them by this Title. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
2. The Design Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.

D. Powers and duties. The Design Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:

1. Reviewing major developments within Design overlay zones except those projects involving or located within the following:
 - a. Historic Districts;
 - b. Conservation Districts;
 - c. Historic Landmarks; and
 - d. Conservation Landmarks.
2. Recommending the establishment, amendment, or removal of the Design overlay zone and design districts to the Planning Commission;
3. Recommending design guidelines for adoption by City Council except for guidelines for Historic Districts and Conservation Districts;
4. Reviewing other land use requests assigned to the Design Commission; and
5. Providing advice on design matters to the Hearings Officer, Planning Commission, Historic Landmarks Commission, Portland Development Commission, City Council, and other City Bureaus or public agencies when necessary or requested.

E. Annual report. The Commission must make an annual report of its actions and accomplishments for each calendar year. The report must be filed with the Director of PP&D by the first working day of April of the following year. The Director of PP&D may combine the report with annual reports of other bodies for transmission to City Council.

33.710.060 Historic Landmarks Commission

- A. Purpose.** The Historic Landmarks Commission provides leadership and expertise on maintaining and enhancing Portland's historic and architectural heritage. The Commission identifies and protects buildings and other properties that have historic or cultural significance or special architectural merit. The Commission provides advice on historic preservation matters, and coordinates historic preservation programs in the City. The Commission is also actively involved in the development of design guidelines for historic districts.
- B. Membership.** The Historic Landmarks Commission consists of seven members, none of whom may hold public elective office. All members must have demonstrated interest, competence, or knowledge of historic preservation. At least two members must have professional experience in historic preservation, local history, architectural history, or architecture. At least three of the additional members must have professional experience or working knowledge of historic preservation, local history, architectural history, architecture, landscape architecture, real estate, economics, construction, community development, urban planning, archeology, law, finance, cultural geography, cultural anthropology, cultural resources management, or related disciplines. The Commission may have up to two members at-large. No more than two members of the Commission may be in the business of buying, selling, leasing, or developing real estate for profit, or be officers of such a business. The members are appointed by the Mayor and confirmed by the City Council.
- C. Meetings, officers, and subcommittees.**
1. The Historic Landmarks Commission meets at least once a month and as necessary to act on reviews assigned to them by this Title. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
 2. The Historic Landmarks Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.
- D. Powers and duties.** The Historic Landmarks Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:
1. Establishing, amending, or removing Historic Landmark and Conservation Landmark designations and amending Historic District and Conservation District designations in quasi-judicial reviews;
 2. Recommending the establishment, amendment, or removal of Historic Landmark and Conservation Landmark designations and Significant Resource identification to the City Council in legislative actions;
 3. Providing advice on the establishment, amendment, or removal of Historic Districts and Conservation Districts to the Planning Commission in legislative actions;

4. Recommending design guidelines for Historic Districts and Conservation Districts to the City Council in legislative actions;
 5. Reviewing development proposals for Historic Landmarks and Conservation Landmarks and in Historic Districts and Conservation Districts in quasi-judicial reviews;
 6. Reviewing demolition and relocation requests for certain Historic Landmarks, Conservation Landmarks, and resources in Historic Districts and Conservation Districts in quasi-judicial reviews;
 7. Providing advice on historic preservation matters to the Hearings Officer, Design Commission, Planning Commission, Portland Development Commission, other City commissions and committees, and City Council; and
 8. Initiating and coordinating historic preservation and public outreach programs in the City, including making recommendations on National Register of Historic Places nominations and making recommendations to other governmental agencies regarding historic preservation programs and issues.
- E. Annual report.** The Commission must make an annual report of its actions and accomplishments for each calendar year. The report must be filed with the Director of PP&D by the first working day of April. The Director of PP&D may combine the report with annual reports of other bodies for transmission to City Council.

33.710.080 Land Use Hearings Officer

- A. Purpose.** The position of the Land Use Hearings Officer is established to perform quasi-judicial reviews of most land use applications. This frees the City Council and Planning Commission from a large quasi-judicial case load and allows for prompt decision-making. It also assigns quasi-judicial reviews to a body with expertise in applying law and policy to specific situations and in meeting legal requirements for considering and processing such reviews.
- B. Short name.** The Land Use Hearings Officer is also called the Hearings Officer.
- C. Appointment.** The Hearings Officer is appointed by the City Auditor in conformance with City rules.
- D. Hearings.** The Hearings Officer must conduct hearings as necessary to review and make decisions on land use requests.
- E. Powers and duties.**
1. The Hearings Officer acts on behalf of the City Council as a review body to decide matters assigned by this Title.
 2. The Hearings Officer has the power to request, receive, and examine available information; conduct public hearings; prepare a record; and enter findings and conclusions on all matters for which the Hearings Officer is assigned by this Title to act as review body.
- F. Annual report.** An annual report of the Hearings Officers' actions and accomplishments for each fiscal year must be made. The report must be filed with the Planning Commission by

the first working day of September for transmission to the City Council. This report may contain recommendations for Planning Commission and City Council consideration.

33.710.090 Director of Portland Permitting & Development

The Director of PP&D directs and manages the staff of PP&D. The Director of PP&D provides staff services to the commissions, committees, and boards as specified in this chapter. The Director of PP&D is responsible for the decisions and recommendations required of the Director of PP&D by this Title. The Director of PP&D is in charge of implementing this Title. The Director of PP&D may delegate review and decision-making authority to PP&D staff.

33.710.100 City Council

The City Council acts as a review body for land use reviews which specifically need final Council action, the appeals of certain land use reviews, and for all legislative actions.

33.710.120 Healy Heights Radiofrequency Advisory Board

A. Purpose. The Healy Heights Radiofrequency (RF) Advisory Board provides technical expertise and advice to applicants and review bodies when Radio Frequency Transmission Facility development is proposed in the plan district. The board will recommend when monitoring of radiofrequency power density or surveying of radiofrequency interference (RFI) is necessary and may recommend assessment of the Radio Frequency Transmission Facility owners and operators to cover the costs incurred. The board will also provide information on radiofrequency emissions and interference in the vicinity of the Healy Heights plan district, and respond to other related citizen inquiries.

B. Membership.

1. The advisory board will consist of five members: two representatives from the recognized neighborhood associations within 2,000 feet of the plan district; two representatives from the broadcast or communications industry within the plan district; and one member at-large, not from or affiliated with the recognized neighborhood associations within 2,000 feet of the plan district or the broadcast and communications industries within the plan district. The at-large member should have either some background with the communications and broadcast industry, or in a related academic field, or related regulatory experience, or mediation experience.
2. Nominations. Before the Planning and Sustainability Director makes nominations to the Mayor for membership on the advisory board, he must solicit recommendations, by letter, from the presidents of all active neighborhood associations within 2,000 feet and from the tower owners and operators of major facilities. The four members selected from the industry and surrounding neighbors will make recommendations to the Planning and Sustainability Director for the member at-large.
3. Appointments. The Mayor must appoint board members from the nominations tendered, but may reject individuals nominated to serve on the advisory board and request additional nominations.
4. Terms. Advisory board members serve for four years, except during the initial terms. For those persons first selected to this advisory board, one neighborhood representative and one industry representative will serve for two years, the other

three members will serve the full four-year term. Consecutive terms are not allowed. Multiple terms are allowed.

5. Staffing. The Planning and Sustainability Director or designee will staff the board, in accordance with 33.710.030.
- C. Meetings.** The advisory board will meet at least once every three months. The advisory board will meet with the City of Portland/Multnomah County Health Officer at least annually; this meeting will include a discussion of any new information regarding the human health aspects of non-ionizing electromagnetic energy.
- D. Powers and duties.** The duties, responsibilities, and authority of the advisory board include, but are not limited to:
- Initiation of monitoring or measurement of radiofrequency emissions in the vicinity of the plan district;
 - Initiation of survey of the radiofrequency interference levels in the vicinity of the plan district;
 - Recommendation to the City Council for assessment and collection of fees, for measurement or monitoring of the radiofrequency environment, survey of RFI, maintenance of records, distribution of information, liaison with the City, and other board duties;
 - Advice to the Planning Commission, City Council, and Land Use Hearings Officer on legislative and quasi-judicial matters affecting RF operations in the plan district and to the Code Hearings Officer for enforcement;
 - Provision of leadership and expertise in problem-solving;
 - Counseling of citizens and facility operators when conflicts arise, such as radiofrequency interference or wind noise;
 - Provision of a point of contact for citizen inquiries or complaints;
 - Provision and initiation of communication, notification, and information for affected residents; and
 - Maintenance of records of complaints, surveying or monitoring results, and other information pertinent to the operation of the RF facilities within the Healy Heights Plan District and/or mitigation of the effects of that operation.

(Amended by: Ord. No. 166921, effective 10/1/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175164, effective 12/14/00; Ord. No. 184046, effective 9/10/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 191150, effective 3/1/23; Ord. No. 191779, effective 10/1/24.)

33.720 Assignment of Review Bodies

720

Sections:

- 33.720.010 Purpose
- 33.720.020 Quasi-Judicial Land Use Reviews
- 33.720.030 Legislative Land Use Reviews

33.720.010 Purpose

This chapter assigns a review body to all land use reviews. It also specifies the procedure when more than one review is requested simultaneously.

33.720.020 Quasi-Judicial Land Use Reviews

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

- A. Director of PP&D.** All land use reviews that are subject to a Type II or Type IIx procedure are assigned to the Director of PP&D.
- B. Hearings Officer.** All appeals of land use reviews that were processed as an Expedited Land Division, a Type II or Type IIx procedure and all land use reviews subject to a Type III procedure, unless stated otherwise in Subsection C., or D. below, are assigned to the Hearings Officer.
- C. Design Commission.** The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Design Commission:
 - 1. Design review, except as provided for in Paragraph D.2 below;
 - 2. Adjustments in a Design zone, except historic districts and historic landmarks;
 - 3. Adjustments associated with a design review required by City Council outside of a Design zone;
 - 4. Reviews in the Central City plan district for height and FAR bonuses and transfers; and
 - 5. South Waterfront Greenway Reviews in the South Waterfront subdistrict of the Central City plan district; and
 - 6. Planned developments in the commercial/mixed use zones using the Planned Development Bonus provisions of 33.130.212.E; and
 - 7. Central City Master Plan reviews.
- D. Historic Landmarks Commission.** Generally, the Historic Landmarks Commission will consider matters related to historic resources. However, because they primarily involve use issues, historic preservation incentive reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Hearings Officer. The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Historic Landmarks Commission.

1. Landmark designations, and the removal of landmark designations;
 2. Historic resource review of Historic, Conservation, and National Register Landmarks and resources in Historic, Conservation, and National Register Districts;
 3. Demolition review of Historic, Conservation, and National Register Landmarks and contributing resources in Historic, Conservation, and National Register Districts; and
 4. Adjustments associated with Historic, Conservation, and National Register Landmarks and Historic, Conservation, and National Register Districts.
- E. City Council.** Both Comprehensive Plan amendments and Statewide Planning Goal exceptions which are quasi-judicial require final City Council action in addition to the regular Type III procedure. All appeals of land use reviews subject to a Type III procedure are assigned to the City Council. All land use reviews subject to a Type IV procedure are assigned to the City Council.
- F. Applications for more than one land use review request on a site may be consolidated into a single application package.** If the reviews are not assigned to the same review body, they are assigned in the manner stated below;
1. When more than one review is requested and the reviews have different procedures, the overall application is reviewed by the review body assigned to the highest procedure. See 33.730.042, Concurrent Reviews.
 2. When three or more different kinds of land use reviews are requested, and at least three of the land use reviews are assigned to a Type II procedure, if none of the reviews are assigned to a Type III procedure, the overall application is processed using the Type II procedure. If any of the reviews are assigned to a Type III procedure, the overall application is processed using the Type III procedure.
 3. When the requested reviews have the same highest procedure but are assigned different review bodies, the reviews may be processed simultaneously with a joint hearing before the applicable review bodies, except in the case of adjustments. If an adjustment is being reviewed concurrently with other land use reviews, then the review body is the body or bodies assigned to the other land use reviews. For the purposes of this chapter, a joint hearing includes holding consecutive public hearings at the same location.
 4. When more than one review is requested and any of the reviews are assigned to a Type IV procedure, the reviews not subject to the Type IV procedure are reviewed and assigned to review bodies as specified in Paragraphs G.1 through G.3. The review subject to the Type IV procedure is assigned to the City Council.
 5. If an appeal is filed, the appellant must identify the specific approval criteria that the decision violates. The appeal hearing will be before the review body assigned to review the specified criteria that are being appealed. If approval criteria from more than one review are appealed, separate appeal hearings before the review bodies assigned the reviews may be held.

33.720.030 Legislative Land Use Reviews

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

(Amended by: Ord. No. 169987, effective 7/1/96; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178832, effective 10/21/04; Ord.No.183518, effective 03/05/10; Ord. No. 185915, effective 5/1/13; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 191779, effective 10/1/24.)

33.730 Quasi-Judicial Procedures

730

Sections:

General

33.730.010 Purpose

Basic Procedures

33.730.013 Expedited Land Division Procedure

33.730.014 Type I Procedure

33.730.015 Type Ix Procedure

33.730.020 Type II Procedure

33.730.025 Type IIx Procedure

33.730.030 Type III Procedure

33.730.031 Type IV Procedure

33.730.040 Final Council Action Required

General Information on Procedures

33.730.042 Concurrent Reviews

33.730.050 Pre-Application Conference and Other Early Assistance Meetings

33.730.060 Application Requirements

33.730.070 Written Notice Requirements

33.730.080 Posting Requirements

33.730.090 Reports and Record Keeping

33.730.100 Public Hearing Requirements

33.730.110 Ex Parte Contact

After a Final Decision

33.730.120 Recording an Approval

33.730.130 Expiration of an Approval

33.730.140 Requests for Changes to Conditions of Approval

General

33.730.010 Purpose

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

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

review, provide the City with options when assigning procedures to each quasi-judicial review in this Title. The Type I and Type Ix procedures are administrative procedures.

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

Basic Procedures

33.730.013 Expedited Land Division Procedure

An Expedited Land Division (ELD) is an administrative process with public notice but no hearing. The Expedited Land Division (ELD) procedure provides an alternative to the standard procedures for some land divisions. In some cases the zoning code assigns this procedure. In other cases, the applicant may choose to use the ELD process if the land division request meets all of the elements specified in ORS 197.360.

A. Neighborhood contact.

1. When the ELD includes four to ten lots, the applicant is required to meet the neighborhood contact requirements specified in 33.705.020.A., Neighborhood contact I. If the proposed expedited land division is a middle housing land division or is in an EG or I zone, it is exempt from the neighborhood contact requirements.
2. When the ELD includes eleven or more lots, the applicant is required to meet the neighborhood contact requirements specified in 33.705.020.A., Neighborhood contact II. If the proposed expedited land division is a middle housing land division or is in the EG1, EG2, or an I zone, it is exempt from the neighborhood contact requirements.

B. Pre-application conference. A pre-application conference is required for all land division requests processed through the ELD procedure, except for middle housing land divisions. See 33.730.050.A., Pre-Application Conference. The pre-application conference must be held before applying for an ELD review.

C. Application. The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.

D. Preliminary notice. Upon receipt of a complete application, the Director of PP&D will mail a notice of the request to the owner, the applicant if different, any state agency, local government or special district responsible for providing public facilities or services, all property owners within 100 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, and to all recognized organizations within 400 feet of the site. See 33.730.070.B, Expedited Land Division, Type I and Type Ix notice of request.

- E. Processing time.** Upon determining that the application is complete, the Director of PP&D will make a decision on the case as follows:
1. The Director of PP&D will not make the decision until 14 days after the notice required by Subsection D, above, is mailed.
 2. The Director of PP&D will make a final decision on the case and mail a notice of decision within 63 days after receiving a completed application.
- F. Administrative decision.**
1. In making the decision, the Director of PP&D may consult with the owner, applicant, other citizens, City agencies, and other public and private organizations to solicit information relevant to the request. The decision is based on the Director of PP&D's findings, which are based on an evaluation of the facts and the applicable code regulations.
 2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.
- G. Notice of decision (pending appeal).** The Director of PP&D will mail the notice of the decision to the owner, the applicant if different, any state agency, local government or special district responsible for providing public facilities or services, all property owners within 100 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, to all recognized organizations within 400 feet of the site, and to any person who submitted written comments. See 33.730.070.F, Expedited Land Division, Type I, Type Ix and Type IV notice of decision (pending appeal).
- H. Ability to appeal.** The Director of PP&D's decision is final unless appealed. The decision may be appealed by the applicant, the owner, and any person who submitted written comments. The appeal must be submitted to the Director of PP&D within 14 days of the day the notice of decision is mailed.
- I. When no appeal is filed.** If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.
- J. When an appeal is filed.** Appeals must comply with this subsection.
1. Content of the appeal. The appeal must be submitted on forms provided by the Director of PP&D. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:
 - The file number and land use review(s) appealed;
 - The appellant's name, address, signature, phone number;
 - A statement of the allegations of the appeal; and
 - The required fee.
 2. Valid appeal allegation. The appeal must be based solely on one or more of the following allegations:

- a. The decision violates the substantive provisions of the applicable land use regulations;
 - b. The decision is unconstitutional;
 - c. That the application is not eligible for review under ORS 197.360 to 197.380 or ORS 92.031 and should be reviewed as a land use decision or limited land use decision; or
 - d. That the appellant's substantive rights have been substantially prejudiced by an error in procedure by the local government.
3. Notification of appeal hearing. The Hearings Officer, or its designee, will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 7 working days of the receipt of the appeal, the Hearings Officer, or its designee, will mail a notice of the appeal hearing to the owner, the applicant if different, and all persons and recognized organizations that received the notice of the decision. See 33.730.070 H, Notice of an appeal hearing.
 4. Scheduling of hearing. The Hearings Officer will schedule a public hearing to take place at least 21 days from the mailing of the notice of an appeal hearing.
 5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact.
 6. Appeal decision. The Hearings Officer may approve the decision of the Director of PP&D, modify it, or reject it based on information presented at the hearing and in the record.
 - a. If the Hearings Officer determines that the application does not qualify as an expedited land division as described in Chapter 33.644, the Hearings Officer shall remand the application for consideration as a land use decision or limited land use decision.
 - b. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 14 days of the close of the record.
 7. Notice of final decision. Within 14 days of the close of the record, the Hearings Officer will mail notice of the final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the appeal hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.I, Notice of final decision.
 8. Date that decision is final and effective. The decision of the Hearings Officer is final and effective on the day the notice of decision is mailed.
 9. Appeal decision final. The appeal decision of the Hearings Officer is final and may not be appealed to another review body within the City.

33.730.014 Type I Procedure

The Type I procedure is an administrative process with public notice but no hearing.

- A. Pre-application conferences.** A pre-application conference is not required.
- B. Neighborhood Contact**
 - 1. When the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
 - 2. When the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.725.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
- C. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review. Type I procedures are intended for such reviews as minor historic resource cases.
- D. Notice of a request.** Upon receipt of a complete application, the Director of PP&D will mail a notice of the request to the owner, the applicant if different, all property owners within 100 feet of the site, and to the recognized organization(s) in which the site is located. The notice will contain all information listed in 33.730.070.B, Type I and Type Ix notice of request.
- E. Processing time.** Upon determining that the application is complete the Director of PP&D will make a decision on the case as follows:
 - 1. The director of PP&D will not make the decision until at least 14 days after the notice required by Subsection D is mailed; and
 - 2. The Director of PP&D will make the final decision on the case and mail a notice of decision within 21 days after the application is determined to be complete. The applicant may extend this time limit.
- F. Administrative decision.**
 - 1. In making the decision the Director of PP&D may consult with the owner, applicant, other citizens, City agencies, other public and private organizations, to solicit information relevant to the request. The decision is based on the Director of PP&D's findings. The Director of PP&D's findings are based on an evaluation of the facts, the applicable code regulations, and the applicable design guidelines.

2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.
 3. The decision of the Director of PP&D is final.
- G. Notice of decision.** The Director of PP&D will mail notice of the decision to the owner, the applicant if different, and to any person or organization who submitted written comments. See 33.730.070.F, Type I, Type Ix, and Type IV notice of decision.
- H. Date that decision is final and effective.** The decision of the PP&D Director is final and effective on the day the notice of decision is mailed.

33.730.015 Type Ix Procedure

The Type Ix procedure is an administrative process with public notice but no hearing.

- A. Pre-application conferences.** A pre-application conference is optional.
- B. Neighborhood contact.**
1. When the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
 2. When the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
- C. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review. Type Ix procedures are intended for such reviews as minor design cases.
- D. Notice of a request.** Upon receipt of a complete application, the Director of PP&D will mail a notice of the request to the owner, the applicant if different, all property owners within 100 feet of the site, and to the recognized organization(s) in which the site is located. The notice will contain all information listed in 33.730.070.B, Type I and Type Ix notice of request.
- E. Processing time.** Upon determining that the application is complete the Director of PP&D will make a decision on the case as follows:
1. The director of PP&D will not make the decision until at least 30 days after the notice required by Subsection D is mailed; and

2. The Director of PP&D will make the final decision on the case and mail a notice of decision within 45 days after the application is determined to be complete. The applicant may extend this time limit.

F. Administrative decision.

1. In making the decision the Director of PP&D may consult with the owner, applicant, other citizens, City agencies, other public and private organizations, to solicit information relevant to the request. The decision is based on the Director of PP&D's findings. The Director of PP&D's findings are based on an evaluation of the facts, the applicable code regulations, and the applicable design guidelines.
2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.
3. The decision of the Director of PP&D is final.

G. Notice of decision. The Director of PP&D will mail notice of the decision to the owner, the applicant if different, and to any person or organization who submitted written comments. See 33.730.070.F, Type I, Type IX, and Type IV notice of decision.

H. Date that decision is final and effective. The decision of the PP&D Director is final and effective on the day the notice of decision is mailed.

33.730.020 Type II Procedure

The Type II procedure is an administrative process, with the opportunity to appeal the Director of PP&D's decision to another review body.

A. Pre-application conference. A pre-application conference is optional unless it is a specific requirement of a review. See 33.730.050.A., Pre-Application Conference.

B. Neighborhood contact.

1. When the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
2. When the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

C. Application. The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.

- D. Preliminary notice.** Upon receipt of a complete application, the Director of PP&D will mail a notice of the request to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 400 feet of the lot. See 33.730.070.C, Type II and Type IIX notice of request.
- E. Processing time.** Upon determining that the application is complete, the Director of PP&D will make a decision on the case as follows:
1. The Director of PP&D will not make the decision until 21 days after the notice required by Subsection D, above, is mailed.
 2. The Director of PP&D will make a final decision on the case and mail a notice of decision within 28 days after the notice required by Subsection D. above is mailed. The applicant may extend this time limit.
- F. Administrative decision.**
1. In making the decision, the Director of PP&D may consult with the owner, applicant, other citizens, City agencies, and other public and private organizations to solicit information relevant to the request. The decision is based on the Director of PP&D's findings, which are based on an evaluation of the facts and the applicable code regulations.
 2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.
- G. Notice of decision (pending appeal).** The Director of PP&D will mail the notice of the decision to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, to all recognized organizations within 400 feet of the site, and to any person who submitted written comments. See 33.730.070.G, Notice of Type II, Type IIX or Type III decision (pending appeal).
- H. Ability to appeal.** The Director of PP&D's decision is final unless appealed. The decision may be appealed by the applicant, the owner, and those entitled to notice, and any person adversely affected or aggrieved by the decision. The appeal must be submitted to the Director of PP&D within 14 days of the day the notice of decision is mailed. The review body for the appeal will be as stated in 33.720, Assignment of Review Bodies.
- I. When no appeal is filed.** If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.
- J. When an appeal is filed.** Appeals must comply with this subsection.
1. Content of the appeal. The appeal must be submitted on forms provided by the Director of PP&D. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:

- The file number and land use review(s) appealed;
 - The appellant's name, address, signature, phone number;
 - A statement of which sections of the Zoning Code or which approval criteria the decision violates; and
 - The required fee.
2. Notification of appeal hearing. The Director of PP&D will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 5 working days of the receipt of the appeal, the Director of PP&D will mail a notice of the appeal hearing to the owner, the applicant if different, and all persons and recognized organizations who received the notice of the decision. See 33.730.070.H, Notice of a Type II or Type III appeal hearing.
 3. Scheduling of hearing. The Director of PP&D will schedule a public hearing to take place at least 21 days from the mailing of the notice of appeal.
 4. Submit report to review body. The Director of PP&D will forward the decision report and a copy of the appeal to the review body and make the report and copy of the appeal available to the public at least 7 days prior to the date of the hearing.
 5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact.
 6. Appeal decision. The review body may adopt the decision report of the Director of PP&D, modify it, or reject it based on information presented at the hearing and in the record.
 - a. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 17 days of the close of the record.
 - b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.
 7. Amended decision report. If the review body modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared. For review bodies other than the Hearings Officer, the Director of PP&D will prepare the amended decision report and mail notice of the decision within 17 days of the hearing. The report must comply with 33.730.090, Reports and Record Keeping.
 8. Notice of final decision. When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director of PP&D will mail notice of the decision. Within 17 days of the close of the record, the Hearings Officer or Director of PP&D will mail notice of the review body's final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 I, Notice of final decision.

9. Date that decision is final and effective. The decision of the review body is final and effective on the day the notice of decision is mailed.
10. Appeal decision final. The appeal decision of the review body is final and may not be appealed to another review body within the City.

33.730.025 Type IIX Procedure

The Type IIX procedure is an administrative process, with the opportunity to appeal the Director of PP&D's decision to another review body.

- A. Pre-application conference.** A pre-application conference is optional. See 33.730.050.A., Pre-Application Conference.
- B. Neighborhood contact.**
 1. The neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required when:
 - a. The application is for a land division that includes four to ten lots; or
 - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
 2. When the application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
- C. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.
- D. Preliminary notice.** Upon receipt of a complete application, the Director of PP&D will mail a notice of the request to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, and to all recognized organizations within 400 feet of the site. See 33.730.070 C, Type II and Type IIX notice of request.
- E. Processing Time.** Upon determining that the application is complete the Director of PP&D will make a final decision on the case as follows:

1. The Director of PP&D will not make the decision until at least 30 days after the notice required by Subsection D is mailed; and
2. The Director of PP&D will make the final decision on the case and mail a notice of decision within 42 days after the application is determined to be complete. The applicant may extend this time limit.

F. Administrative decision.

1. In making the decision, the Director of PP&D may consult with the owner, applicant, other citizens, City agencies, and other public and private organizations to solicit information relevant to the request. The decision is based on the Director of PP&D's findings, which are based on an evaluation of the facts and the applicable code regulations.
2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.

G. Notice of decision (pending appeal). The Director of PP&D will mail a notice of the decision to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, to all recognized organizations within 400 feet of the site, and to any person who submitted written comments. See 33.730.070.G, Notice of Type II, Type IIx or Type III decision (pending appeal).

H. Ability to appeal. The Director of PP&D's decision is final unless appealed. The decision may be appealed by the applicant, the owner, those entitled to notice, and any person adversely affected or aggrieved by the decision. The appeal must be submitted to the Director of PP&D within 14 days of the day the notice of decision is mailed. The review body for the appeal will be as stated in 33.720, Assignment of Review Bodies.

I. When no appeal is filed. If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.

J. When an appeal is filed. Appeals must comply with this subsection.

1. Content of the appeal. The appeal must be submitted on forms provided by the Director of PP&D. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:
 - The file number and land use review(s) appealed;
 - The appellant's name, address, signature, and phone number;
 - A statement of which sections of the Zoning Code or which approval criteria the decision violates; and
 - The required fee.
2. Notification of appeal hearing. The Director of PP&D will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 5 working days of the receipt of the appeal, the Director of PP&D will mail a notice of the appeal hearing to the owner, the applicant if

different, and all persons and recognized organizations that received the notice of the decision. See 33.730.070 H, Notice of an appeal hearing.

3. Scheduling of hearing. The Director of PP&D will schedule a public hearing to take place at least 21 days from the mailing of the notice of an appeal hearing.
4. Submit report to review body. The Director of PP&D will forward the decision report and a copy of the appeal to the review body and make the report and copy of the appeal available to the public at least 7 days prior to the date of the hearing.
5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact.
6. Appeal decision. The review body may adopt the decision report of the Director of PP&D, modify it, or reject it based on information presented at the hearing and in the record.
 - a. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 14 days of the close of the record.
 - b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.
7. Amended decision report. If the review body modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared. For review bodies other than the Hearings Officer, the Director of PP&D will prepare the amended decision report and mail notice of the decision within 14 days of the hearing. The report must comply with 33.730.090, Reports and Record Keeping.
8. Notice of final decision. When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director of PP&D will mail notice of the decision. Within 14 days of the close of the record, the Hearings Officer or Director of PP&D will mail notice of the review body's final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 I, Notice of final decision.
9. Date that decision is final and effective. The decision of the review body is final and effective on the day the notice of decision is mailed.
10. Appeal decision final. The appeal decision of the review body is final and may not be appealed to another review body within the City.

33.730.030 Type III Procedure

A Type III procedure requires a public hearing before an assigned review body. Subsections A through E apply to all sites. If the site is within the City of Portland, Subsections F through I also apply. If the site is in the portion of unincorporated Multnomah County that is subject to City zoning, Subsection J also applies.

- A. Pre-application conference.** A pre-application conference is required for all requests processed through a Type III procedure, except applications for historic designation review and historic designation removal review. See 33.730.050.A., Pre-Application Conference.
- B. Neighborhood contact.**
1. The neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required when:
 - a. The application is for a land division that includes four to ten lots; or
 - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
 2. The neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required when:
 - a. The application is for a land division that includes eleven or more lots; or
 - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site. If the proposed development is in the EG1, EG2, or an I zone, or if it was subject to a building permit process, it is exempt from the neighborhood contact requirements.
- C. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.
- D. Processing time.** Upon determining that the application is complete, the Director of PP&D will schedule a public hearing to take place within 51 days. The applicant may extend the time limit.
- E. Notice of a request.**
1. Mailed notice. At least 20 days before the scheduled hearing, the Director of PP&D will mail a notice of the request to the regional transit agency, Metro, the Oregon Department of Transportation, the owner, the applicant if different, all property owners within 400 feet of the site when inside the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 1,000 feet of the lot. See 33.730.070 D, Type III and Type IV notice of request.
 2. Posting notice on the site. The applicant must place a public notice about the request on the site. The posting must meet the standards of 33.730.080 below.

F. Decision by review body if site is in City of Portland.

1. PP&D recommendation. The Director of PP&D will prepare a report with recommendations, and file the report with the review body and make the report available to the public at least 10 days prior to the hearing. A copy will be mailed to the applicant and to any recognized organizations whose boundaries include the site.
2. Public hearing. The public hearing will be conducted by the assigned review body. It will be held in accordance with the requirements of 33.730.100, Public Hearing Requirements.
3. Review body decision. The review body may adopt the Director of PP&D's report and recommendation, modify it, or reject it based on information presented at the hearing and in the record.
 - a. Hearings Officer.
 - (1) Generally. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 17 days of the close of the record;
 - (2) Comprehensive Plan Map Amendments. For Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer will make a written recommendation in the form of a report to City Council and mail notice of the recommendation within 30 days of the close of the record.
 - b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.
4. Amended decision report. If the review body modifies or rejects the Director of PP&D's report, an amended report with findings supporting the decision will be prepared. For review bodies other than the Hearings Officer, the Director of PP&D will prepare the amended decision report and mail notice of the decision within 17 days of the close of the record. The report must comply with 33.730.090, Reports and Record Keeping.
5. Mailed notice of decision (pending appeal). When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies,

the Director of PP&D will mail notice of the decision. Within 17 days of the close of the record, or within 30 days for Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer or Director of PP&D will mail notice of the review body's decision (pending appeal) to the owner, the applicant if different, and all recognized organizations or persons who responded in writing to the notice of the request, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.G, Notice of Type II, Type IIX or Type III decision (pending appeal).

- G. Ability to appeal.** The review body's decision is final unless appealed. The decision may be appealed by the applicant, the owner, and those who have testified orally or in writing at the hearing, provided that the testimony was directed to a specific approval criterion. The appeal must be submitted to the Director of PP&D within 14 days of the day the notice of decision is mailed. The review body for the appeal will be the City Council.
- H. When no appeal is filed.** If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.
- I. When an appeal is filed.** Appeals must comply with this subsection.
1. Content of the appeal. The appeal must be submitted on forms provided by the Director of PP&D. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:
 - The file number and land use review(s) appealed;
 - The appellant's name, address, signature, phone number, and relationship to the land use action;
 - A statement of which sections of the Zoning Code or which approval criteria the decision violates; and
 - The required fee.
 2. Mailed notice of the appeal hearing. The Director of PP&D will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 5 working days of the receipt of the appeal, the Director of PP&D will mail a notice of the appeal hearing to the owner, the applicant if different, the review body, and all persons and recognized organizations that received the notice of the decision. See 33.730.070.H, Notice of a Type II, Type IIx, or Type III appeal hearing. No notice of the appeal hearing is required to be posted on the site.
 3. Scheduling of hearing. The City Auditor will schedule a public hearing to take place at least 21 days from the mailing of the notice of appeal.
 4. Submit report to City Council. The Director of PP&D will forward the appeal as filed, the review body's decision report, and a transcript if requested and paid for, to City Council at least 7 days prior to the date of the hearing.
 5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact. Appeals heard by City Council may be heard "on the record" and must also conform to any rules of procedure adopted by Council for their use. The Director of PP&D will represent the review body in appeals heard by City Council.
 6. Appeal decision and findings.
 - a. The City Council may adopt the review body's decision report, modify it, or reject it based on information presented at the hearing and in the record. If City Council modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared as provided in Subparagraph b. below. The report must comply with 33.730.090, Reports and Record Keeping.

- b. The Council may make a tentative action and direct that proposed findings and a decision be prepared. If the prevailing party is represented by a land use professional or attorney, the prevailing party must provide findings and conclusions to support the Council's decision. If the prevailing party is not represented by a planning professional or attorney, the Director of PP&D will provide findings and conclusions to support the Council's decision. Prior to final Council adoption, all findings must be reviewed and approved by the City Attorney. The findings and decision must be adopted by Council vote. An additional public hearing is not required if the vote is at a subsequent public meeting. City Council decisions are in the form of an Order of the Council except when an ordinance is required due to the type of land use request (Comprehensive Plan Map amendments or Statewide Planning Goal exceptions). In these instances, the ordinance serves in lieu of the Order of Council.
7. Notice of the final decision. Within 5 days of final Council action, the City Auditor will mail the notice of final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 I, Notice of final decision.
8. Date that decision is final and effective. The decision of City Council is final and effective on the day notice of decision is mailed by the City Auditor.
9. Appeal decision final. The appeal decision of City Council is final and may not be appealed to another review body in the City.

J. Decision by review body if site is not in City of Portland.

1. PP&D recommendation. The Director of PP&D will prepare a report with recommendations, and file the report with the review body and make the report available to the public at least 10 days prior to the hearing. A copy will be mailed to the owner, the applicant if different and to any recognized organizations whose boundaries include the site.
2. Public hearing. The public hearing will be conducted by the assigned review body. It will be held in accordance with the requirements of 33.730.100, Public Hearing Requirements.
3. Review body decision. The review body may adopt the Director of PP&D's report and recommendation, modify it, or reject it based on information presented at the hearing and in the record.
 - a. Hearings Officer.
 - (1) Generally. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 17 days of the close of the record;
 - (2) Comprehensive Plan Map Amendments. For Comprehensive Plan Map Amendments and land use reviews processed concurrently with

Comprehensive Plan Map Amendments, the Hearings Officer will make a written recommendation in the form of a report to City Council and mail notice of the recommendation within 30 days of the close of the record.

- b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.
4. Amended decision report. If the review body modifies or rejects the Director of PP&D's report, an amended report with findings supporting the decision will be prepared. For review bodies other than the Hearings Officer, the Director of PP&D will prepare the amended decision report and mail notice of the decision within 17 days of the close of the record. The report must comply with 33.730.090, Reports and Record Keeping.
5. Notice of final decision. When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director of PP&D will mail notice of the decision. Within 17 days of the close of the record, or within 30 days for Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer or Director of PP&D will mail notice of the review body's final decision to the applicant, owner, and to any recognized organizations or persons who commented in writing, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.I, Notice of final decision.
6. Effective date of decision. The review body's decision takes effect on the day the notice is mailed.
7. Decision final. The decision of the review body is final and may not be appealed to another review body within the City.

33.730.031 Type IV Procedure

- A. Pre-application conference.** A pre-application conference is required for all requests processed through a Type IV procedure. See 33.730.050.A., Pre-Application Conference.
- B. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.
- C. Processing time.** Upon determining that the application is complete, the Director of PP&D will schedule a public hearing to take place within 71 days. The applicant may extend the time limit.
- D. Notice of a request.**
 1. Mailed notice. At least 20 days before the scheduled hearing, the Director of PP&D will mail a notice of the request to the regional transit agency, Metro, the Oregon Department of Transportation, the owner, the applicant if different, all property owners within 400 feet of the site when inside the Urban Growth Boundary (UGB) and

within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 1,000 feet of the lot. See 33.730.070.D, Type III and IV notice of request.

2. Posting notice on the site. The applicant must place a public notice about the request on the site. The posting must meet the standards of 33.730.080, below.
- E. Advice from Historic Landmarks Commission.** PP&D staff will ask the Historic Landmarks Commission to review the proposal at a public meeting where members of the public may comment. The Historic Landmarks Commission may offer comments or suggestions, in the form of a letter or testimony, to the review body. Such comments or suggestions are advisory to the review body and are not a land use decision. In addition to any comments or suggestions, the Historic Landmarks Commission will forward to the review body tapes or transcripts of any public meetings at which the Historic Landmarks Commission reviewed the proposal, and any correspondence or other documents received at such meetings.
- F. Decision by review body.**
1. PP&D recommendation. The Director of PP&D will prepare a report with recommendations, and file the report with the review body and make the report available to the public at least 10 days prior to the hearing. A copy will be mailed to the owner, the applicant if different, and to any recognized organizations whose boundaries include the site.
 2. Public hearing. The public hearing will be conducted by the assigned review body. It will be held in accordance with the requirements of 33.730.100, Public Hearing Requirements.
 3. Review body decision.
 - a. The review body may adopt the Director of PP&D' report and recommendation, modify it, or reject it based on information presented at the hearing and in the record. If the review body modifies or rejects the report and recommendation, an amended report with findings supporting the decision must be prepared as provided in Subparagraph b., below. The report must comply with 33.730.090, Reports and Record Keeping.
 - b. The review body may make a tentative action and direct that proposed findings and a decision be prepared. If the prevailing party is represented by a land use professional or attorney, the prevailing party must provide findings and conclusions to support the review body's decision. If the prevailing party is not represented by a planning professional or attorney, the Director of PP&D will provide findings and conclusions to support the review body's decision. Prior to final adoption, all findings must be reviewed and approved by the City Attorney. The findings and decision must be adopted by review body vote. An additional public hearing is not required if the vote is at a subsequent public meeting.
 4. Notice of the final decision. Within 5 days of final review body action, the City Auditor will mail the notice of final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the notice, testified at the

hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.I, Notice of final decision.

5. Date that decision is final and effective. The decision of the review body is final and effective on the day the notice of decision is mailed by the City Auditor.
6. Decision final. The decision of the review body is final and may not be appealed to another review body within the City.

33.730.040 Final Council Action Required

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

General Information on Procedures

33.730.042 Concurrent Reviews

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

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

33.730.050 Pre-Application Conference and Other Early Assistance Meetings

A. Pre-Application Conference.

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

B. Design advice requests

1. Purpose. Design advice requests provide a public forum for the preliminary discussion and exchange of information between the applicant, PP&D staff, the public, and the representative commission. An applicant may request advice from the Design Commission or Historical Landmarks Commission prior to submitting a land use request. In some cases, a design advice request may be required by a provision of this title. These requests do not substitute for a required pre-application conference with the PP&D staff and other City urban service or technical representatives.
2. Requirements. Forms for design advice requests are available from the Director of PP&D. A fee is required and must be paid at the time of the submittal for the design

advice request. The applicant must submit a written proposal, information on the physical and social characteristics of the area, a conceptual site plan and elevations of the project. The applicant may also include details of the project that are associated with specific questions they may have as part of the design advice request. The design advice request must be held within 56 days of receipt of a completed request form.

3. Notification. The following notification will be provided prior to the design advice request meeting:
 - a. Mailed notice. At least 20 days before the scheduled meeting, the Director of PP&D will mail a notice of the request to the owner, the applicant if different, all property owners within 400 feet of the site, and to recognized organizations in which the site is located. The notice should include the file number, the name of the person requesting the advice, the name of the property owner, the name and phone number of the PP&D staff member assigned to the file, the date of the meeting, the address or geographic location of the request, the current zoning of the site, a brief description of the proposal, and a conceptual site plan.
 - b. Posting notice on the site. At least 20 days before the scheduled meeting, the person requesting the advice must place a public notice of the design advice request adjacent to each street frontage on the site. The notice should include the file number, the date of the meeting, the name and phone number of the PP&D staff member assigned to the file, the current zoning of the site, and a brief description of the proposal.
 4. Meeting. Meeting. The design advice request meetings are limited to one meeting per application. Additional meetings may be granted for proposals that include more than one building proposed on a site.
 5. Design advice request recommendations. PP&D staff will mail the applicant a written summary of the design advice request within 21 days of the meeting. The written summary will include suggestions and information that were raised at the meeting for inclusion in the land use application.
- C. Other pre-application advice.** An applicant may choose to meet with PP&D staff to discuss preliminary proposals prior to the submission of a land use review or building permit. The process for setting up these meetings is developed by the Director of PP&D and the meetings are advisory only.

33.730.060 Application Requirements

A. Check for complete application.

1. Initial check. An applicant must submit a request for a land use review on the appropriate forms supplied by the Director of PP&D. The Director of PP&D will review the application for completeness.
2. Incomplete applications. If the Director of PP&D finds that the application is not complete, the following procedures apply:
 - a. The Director of PP&D must notify the applicant of any missing information or materials within 14 days from the date of original submittal for Type I and Type II

land use review procedures, and within 21 days from the date of original submittal for all other land use review procedures;

- b. The applicant has 180 days from the date of original submittal to provide the missing information or material;
 - c. The application will be determined complete on the date the Director of PP&D receives one of the following responses from the applicant:
 - (1) All of the missing information;
 - (2) Some of the missing information and written notice from the applicant that no other information will be provided; or
 - (3) Written notice from the applicant that none of the missing information will be provided.
 - d. If none of the responses listed above in A.2.c are received within 180 days of the date of the original submittal, the application will be voided on the 181st day. The City will not refund the filing fee.
3. The 120 day limit. The 120 day processing time limit, or 100 day time limit for a project that qualifies as an affordable housing project under ORS 197.311, required by ORS 227.178 will begin on the day the application is determined to be complete.

B. Changes to applications. Any changes to the application which substantially alter the request must be made at least 10 days before notice of the request is mailed.

C. Required information for land use reviews except land divisions. Unless stated elsewhere in this Title, a complete application for all land use reviews except land divisions consists of all of the materials listed in this Subsection. The Director of PP&D may waive items listed if they are not applicable to the specific review. Application materials may be filed electronically in a format designated by the Director of PP&D. If a paper copy is submitted, at least one copy of each plan/map submitted with the application must be 8-1/2 by 11 inches in size and be suitable for reproduction. The applicant is responsible for the accuracy of all information submitted with the request.

1. The completed application form bearing an accurate legal description, tax account number(s) and location of the property. The application must include the name, address, and telephone number of the applicant, the name and addresses of all property owners if different, the signature of the applicant, and the nature of the applicant's interest in the property.
2. A written statement that includes the following items:
 - A complete list of all land use reviews requested;
 - A complete description of the proposal including existing and proposed use(s) or change(s) to the site or building(s);
 - A description of how all approval criteria for the land use review(s) are met. As an alternative and where appropriate, this information may be placed on the site plan; and

- Additional information needed to understand the proposal, or requested at the pre-application conference, if applicable.
3. Four copies of a site or development plan. At least one complete copy must be 8-1/2 inches by 11 inches, suitable for photocopy reproduction. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:
 - All property lines with dimensions and total lot area;
 - North arrow and scale of drawing;
 - Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
 - Existing natural features such as watercourses including the ordinary high water line and top of the bank;
 - The location, size, and species of all trees 6 inches and larger in diameter. On sites where the development impact area option for large sites in Chapter 11.50 will be used, only trees within that area must be shown;
 - Trees proposed to be preserved, including protection methods meeting the requirements of Chapter 11.60, and trees proposed to be removed;
 - Easements and on-site utilities;
 - Existing and proposed development with all dimensions;
 - Building elevations;
 - Location of adjacent buildings;
 - Distances of all existing and proposed development to property lines;
 - Types and location of vegetation, street trees, screening, fencing, and building materials;
 - Percentage of the site proposed for building coverage, and landscaping coverage;
 - Motor vehicle and pedestrian access and circulation systems, including connections off-site;
 - Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas;
 - Bus routes, stops, pullouts or other transit facilities on or within 100 feet of the site; and
 - Additional requirements of the specified land use review.
 4. In the case of a land use review that requires a pre-application conference, a copy of the completed pre-application conference summary or proof of participation, if available.
 5. A transportation impact study, if required by the Bureau of Transportation at a pre-application conference.
 6. In the case of a zone change within the boundaries of a school district that has an adopted school district facility plan that has been acknowledged by the City, the

application must include verification from the school district that there is adequate enrollment capacity to serve the zone change site.

- D. Required information for land divisions.** Unless stated elsewhere in this Title, a complete application for a land division consists of the materials listed below. The Director of PP&D may waive items listed if they are not applicable to the specific review. Application materials may be filed electronically in a format designated by the Director of PP&D. If a paper copy is submitted, at least one copy of each plan/map submitted with the application must be 8-1/2 by 11 inches in size and be suitable for reproduction. The applicant is responsible for the accuracy of all information submitted with the request.
1. Preliminary Plan for all sites except those taking advantage of Chapter 33.664, Review of Large Sites in I Zones. An application for Preliminary Plan for all sites except those taking advantage of Chapter 33.644, Review of Large Sites in I Zones, must include one of the following:
 - a. Application form. The completed application form bearing an accurate legal description, tax account numbers and location of the site. The application must include the name, address, telephone number, and signature of the applicant and all property owners, and the nature of the applicant's interest in the site;
 - b. Written statement. A written statement that includes the following:
 - A complete list of all land use reviews requested;
 - A complete description of the proposal including site layout and circulation, natural features, existing and proposed development and uses, and changes to the site or existing buildings;
 - A description of how all applicable standards and criteria are met for the land division and any concurrent land use reviews;
 - Additional information needed to understand the proposal, or requested at the pre-application conference;
 - Names and address of land division designer or engineer and surveyor;
 - Proposed maintenance agreements or Conditions, Covenants and Restrictions;
 - If Preliminary Plan phasing is proposed, a description and timeline of each phase and timing of associated improvements;
 - If more than 3 lots are proposed, the proposed name of the land division;
 - Proposed names of all streets;
 - A description of the type and location of any known potential geologic hazards such as liquefaction hazards, seismic hazards and faults, landfills, contamination; and
 - A description of past uses on the site that may affect the suitability of the site for development, such as industrial uses, landfills, railroad yards, mining, dry cleaners, outdoor firing ranges, and Quick Vehicle Servicing;
 - c. Vicinity map. A vicinity map extending at least 800 feet in each direction from the land division site, and show the following existing conditions for both the site and the vicinity:
 - Zoning and Comprehensive Plan designations;

- Streets;
 - Transit, pedestrian, and bicycle facilities and connections; and
 - Water bodies, wetlands, combined flood hazard areas, floodways, and potential landslide hazard areas; and
 - Location of utilities and services;
- d. The proposed land division, drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet. The required information may be grouped on several maps. The location of items not required to be surveyed must be accurately shown on the maps. The proposed land division maps must include the following information:
- (1) Base map. The following information must be on all maps:
- Surveyed information:
- Boundary lines of the site with dimensions and total site area;
 - North arrow and scale of map;
 - Identification as the Preliminary Plan Map
 - Stamp of surveyor; and
 - If more than 3 lots are proposed, the proposed name of land division;
- Additional information:
- Proposed lot layout with sizes, dimensions, and lot numbers;
 - Proposed tract layout with sizes, dimensions, purpose, and name;
 - Proposed layout and widths of all rights-of-way including dimensioning and roadway width;
 - Dimensions of proposed right-of-way dedications, including those to be added to existing rights-of-way; and
 - Proposed location, dimensions, and purpose of all easements;
- (2) Existing conditions map. The following existing site conditions must be shown:
- Surveyed information:
- Ground elevations shown by contour lines at 5-foot vertical intervals for slopes greater than 10 percent, and at 2-foot vertical intervals for ground slopes of 10 percent or less;
 - Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified;
 - All trees completely or partially on the site that are 6 inches or more in diameter. Trees more than 25 feet inside a tract within which all trees will be preserved do not have to be surveyed;
 - Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;
 - Seeps and springs, wetlands, watercourses, and all water bodies including the ordinary high water line and top of bank; if there is a seep, spring, or wetland on the site, a wetland delineation is required to determine the edge of the seep, spring, or wetland. This delineation must be performed by an environmental scientist;

- The centerline of existing drainageways, including ditches, swales, and other areas subject to wet weather inundation; and
- Location of flood hazard areas, including elevations of the combined flood hazard area and floodway boundaries. Sites that contain a water body not shown on the combined flood hazard area maps must identify the location of the combined flood hazard areas;

Additional information:

- Zoning and Comprehensive Plan designations; and
 - Location, dimensions, and purpose of existing easements on and abutting the site;
- (3) Proposed improvements map. The following proposed improvements must be shown:
- Proposed locations of driveways;
 - Distances of all known proposed development to proposed lot lines;
 - Proposed pedestrian connections;
 - If proposed lots are within a combined flood hazard area or landslide hazard area, proposed building locations;
 - If Preliminary Plan phasing is proposed; boundaries of sequence of the proposed phasing.
 - Existing and proposed services and utilities; and
 - Preliminary Stormwater Plan that meets the requirements of the Stormwater Management Manual and the BES Sewer Design Manual. This plan must show the capacity, type, and location, as well as the land area required, of the stormwater management system and stormwater disposal facilities proposed. The plan must also provide information on the feasibility of the stormwater management system being proposed;
- (4) Preliminary Clearing and Grading Plan. A Preliminary Clearing and Grading Plan that identifies all areas of clearing and grading. The plan must show the following:
- Existing contours and drainage patterns;
 - Existing drainageways, wetlands, streams, seeps and springs, and other water bodies;
 - Existing trees and vegetation;
 - Areas of the site where fill has been placed;
 - Boundaries of Environmental, River Environmental, or Pleasant Valley Natural resources overlay zones;
 - Proposed areas of clearing and grading, including grading and clearing for:
 - Rights-of-way;
 - Services and utilities; and
 - Structures, such as retaining walls, necessary for the construction of these elements. Proposed areas of clearing and grading for individual lots and tracts may also be shown;
 - Proposed contours within areas to be cleared and graded;

- Proposed stormwater and sedimentation control devices to be used during construction;
 - Proposed stockpile areas;
 - Proposed trees and vegetation to be preserved;
 - Proposed location and material of construction fencing for proposed tree preservation tract;
 - Proposed location and material of construction fence;
 - Proposed amount (cubic yards) of soil to be disturbed, deposited, or removed from the site; and
 - Proposed structures necessary to construct streets or pedestrian connections;
- e. Tree information, as follows:
- (1) Existing tree map and preservation/protection plan showing the following:
 - Existing and proposed lots, tracts, rights-of-way, and utilities;
 - Surveyed location of all trees completely or partially on the site required to be surveyed by D.1.d(2);
 - The location, species and size of trees located in adjacent rights-of-way;
 - The approximate location, species, and size of trees on adjacent sites, within 15 feet of proposed or future disturbance areas;
 - Heritage trees on or adjacent to the site;
 - Tree numbers corresponding to the arborist report;
 - Location, type, and size of trees to be removed;
 - Location, type, and size of trees to be preserved and tree protection meeting the requirements of Chapter 11.60, Technical Specification; and
 - Existing and proposed tree preservation tracts.
 - (2) Tree planting information, including:
 - Conceptual planting plan showing general area where trees will be planted on the lots as mitigation and/or to satisfy the tree density standards of Chapter 11.50, Trees in Development Situations;
 - A preliminary street tree planting plan; and
 - (3) A written statement describing how the requirements of Chapter 33.630, Tree Preservation, are met; and
 - (4) A written report prepared by an arborist that includes the following:
 - Trees located on the development site. The information listed below must be provided for all trees required to be shown on the existing tree map, as described in e(1) above. Trees must be numbered consistent with the tree survey:
 - Evaluation of tree health and condition;
 - Identification of tree groves and Heritage Trees;
 - Identification of nuisance, dead, dying, and dangerous trees;

- Evaluation of the suitability of each tree for preservation based on proposed or future development on the site, including consideration of grading and utility plans;
 - Identification of trees to be preserved and trees to be removed;
 - Root protection zone and tree protection methods specified for each tree to be preserved, as required by Chapter 11.60, Technical Specifications;
 - A discussion of activities that will be prohibited within root protection zones during construction, and any other relevant construction management needs; and
 - Recommendations for short or long-term tree care.
- Trees in adjacent rights-of-way or on adjacent sites. Trees on adjacent rights-of-way or on adjacent sites that may be affected by the proposed or future development on the land division or planned development site must be identified. Recommendations for tree protection and methods to limit impacts on adjacent trees must be included in the arborist report.

f. Landslide Hazard Study. If any part of the site is in a potential landslide hazard area as shown on Map 632-1, Potential Landslide Hazard Areas, the application must include a Landslide Hazard Study prepared by a Certified Engineering Geologist and a Geotechnical Engineer. The study must be based on current geotechnical professional standards and practices. If the study was prepared more than 2 years ago, an addendum must be provided that confirms that the study and any recommendations reflect current site conditions. The Landslide Hazard Study must identify landslide hazard areas within the site and identify the part or parts of the site suitable for development in terms of the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site. The Landslide Hazard Study should make recommendations for the layout and design of the land division and development.

On sites where the proposal is to meet the standards of 33.632.100.B. the Landslide Study must provide the rationale for slope stability conclusions. The Landslide Hazard Study should include:

- Identification of the safest portion(s) of the site for development;
- Hazardous or no-build areas within the land division site, if any;
- Recommended building setback distances from slopes, if any;
- Recommendations for the location of driveway and/or street locations;
- Utility trench locations;
- Retaining walls, associated drainage and discharge systems, if any;
- Estimated effect of tree removal on slope stability;
- Estimated effect of the development on stormwater and groundwater runoff, as well as evaluation of runoff and stormwater disposal from adjacent property as they relate to slope stability and landslide hazard;
- Recommendations for stormwater and groundwater disposal methods;
- Recommendations and corresponding design calculations for slope stabilization.

If any of the above items are not applicable to the proposal, the Landslide Hazard Study must describe why they are not applicable. The study must provide adequate detail to show the design of all proposed structures and improvements, and must include a statement of on-site slope stability after the proposed development is complete.

The study may also include

- Review of LIDAR or aerial photography including stereo views;
 - Review of geologic literature or previous reports;
 - Site reconnaissance including mapping of observable geologic features or hazards;
 - Additional field explorations as necessary;
 - Laboratory testing;
 - Subsurface exploration logs; and
 - Slope stability calculations;
- g. Final Plat staging. When the Final Plat for a land division is to be submitted in stages, the application must include the number of stages, the areas each stage includes, and the sequence and time schedule for application for Final Plat approval of the various stages.
- h. Neighborhood contact information. When neighborhood contact is required, the applicant must submit a copy of the required information as specified in Section 33.705.020, Neighborhood Contact Steps;
- i. Pre-application conference summary. In the case of a land division that requires a pre-application conference, a copy of the completed pre-application conference summary or proof of participation;
- j. Land suitability documentation. When there is evidence that Quick Vehicle Servicing, outdoor firing range, dry cleaner or any use in the Industrial Use category other than wholesale sales currently or previously existed on the site, a Phase I Environmental Site Assessment or documentation from the Oregon Department of Environmental Quality regarding any known contaminants is required; and
- k. Transportation Impact Study. One copy of the Transportation Impact Study. The study must be prepared by an Oregon Licensed Traffic Engineer. For land divisions in single-dwelling zones, a Transportation Impact Study is required when 11 or more lots are proposed, when vehicle access from any lot will be from a non-local street, or when a new street intersection is proposed that includes a non-local street. For land divisions in all other zones, the City Engineer may require a Transportation Impact Study when there are potential safety or operation concerns that may be impacted by the layout of the site or the size or location of proposed streets or driveways.
2. Preliminary Plan for Land Divisions on Large Sites in I Zones. An application for a Preliminary Plan taking advantage of Chapter 33.664, Land Divisions on Large Sites in Industrial Zones, must include all the elements listed in Paragraph D.1., above, except

the lot and proposed building locations. Block pattern layout with dimensions and areas and all required tracts must be shown.

3. Final Plat. An application for a Final Plat must include all of the following:
 - a. Final Plat Survey. A copy of a Final Plat survey drawn to scale and of a format, material, and number acceptable to the Director of PP&D. The following information must be on the Final Plat survey:
 - The statement: “This plat is subject to the conditions of City of Portland Case File No. LUR...”;
 - Easements and tracts, including their purpose;
 - In the case of a middle housing land division, this statement: “This plat was approved as a Middle Housing Land Division under ORS 92.031”.
 - b. Supplemental plan. A copy of the supplemental plan that uses the Final Plat survey map as a base map. The supplemental plan must show how all conditions of approval that may restrict the use of all or part of the land division site are met. Such restrictions include special development standards such as special setbacks, lot coverage limitations, impervious surface limitations, access restrictions, restrictive building areas, and approved minimum or maximum densities;
 - c. Compliance with conditions of approval. Documentation of compliance with all conditions of the Preliminary Plan approval, including all supporting documents or drawings required by conditions of approval such as development envelopes, final tree preservation plans, mitigation plans, and final landscape / planting plans;
 - d. As-built survey. For a middle housing land division, a copy of an as-built survey showing building footprints and any building projections with distances to proposed lot lines, and the location of underground services in relation to any tracts or easements;
 - e. Maintenance agreements and CC&Rs. A copy of each required maintenance agreement or Conditions, Covenants and Restrictions;
 - f. Performance Guarantees. A copy of each Performance Guarantee;
 - g. Verification of ownership. A report issued by a title insurance company, or authorized agent to perform such services in the state, verifying ownership and detailing any deed restrictions;
 - h. Service bureau requirements. Documentation of submittal of all service bureau requirements, including water system plans, final street construction plans, final sewer and storm water plans, construction management plans, final clearing and grading plans; and
 - i. Fees. The applicable filing fees.
4. Final Plat for Land Divisions on Large Sites in Industrial Zones. An application for a Final Plat taking advantage of Chapter 33.664, Land Divisions on large Sites in Industrial Zones, must include all the elements listed in Paragraph D.3., above, for the

area being platted. The application must also include enough information for the balance of the site to show how the approval criteria will be met.

33.730.070 Written Notice Requirements

A. General information on notices. The following applies to all notices.

1. Addresses and mailing. Mailing addresses of property owners will be obtained from the latest available county real property tax records. Unless the Director of PP&D or City Auditor has received a written request for notice, a person whose name and address does not appear in the tax records will not be mailed notice. The recognized organization address is the address on the most recent list published by the Bureau of Neighborhood Involvement.
2. The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.
3. Measurement of notice area. Measurement of the required notice area is made by drawing lines the specified distance, including intervening street widths, from and parallel to the boundary lines of the ownership that includes the lot. If the notice area includes public lands other than right-of-ways that do not exceed 200 feet in depth, the first nonpublic properties in the given direction are included in the notice.

B. Expedited Land Division, Type I and Type Ix notice of request. The notice of request, when processed through an Expedited Land Division, a Type I, or Type Ix procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal which could be authorized;
- An explanation of the local decision-making process for the decision being made;
- A list, by commonly used citation, of the applicable criteria for the decision;
- An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;
- A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised prior to expiration of the comment period;
- A statement that issues must be raised with sufficient specificity to afford the Director of PP&D an opportunity to respond to the issues;

- A statement that copies of all evidence submitted by the applicant is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
 - The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.
- C. Type II and Type Ix notice of request.** The notice of request, when processed through a Type II procedure and Type Ix procedure, will contain at least the following information:
- The file number;
 - The name and address of the applicant and owner;
 - The legal description of the site.
 - The street address or other easily understood geographical reference to the subject property;
 - A map depicting the subject property in relation to surrounding properties;
 - The name and telephone number of the recognized organization(s) whose boundaries include the site;
 - A description of the proposal which could be authorized;
 - An explanation of the local decision-making process for the decision being made;
 - A list, by commonly used citation, of the applicable criteria for the decision;
 - An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;
 - A statement that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals (LUBA) must be raised prior to expiration of the comment period or prior to the conclusion of the final hearing if a local appeal is requested;
 - A statement that issues must be raised with sufficient specificity to afford the review body an opportunity to respond to the issue;
 - A statement that all evidence on the matter is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies: and
 - The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.
- D. Type III and Type IV notice of request and hearing.** The notice of request and hearing, when processed through a Type III and Type IV procedure, will contain at least the following information:
- The file number;
 - The name and address of the applicant and owner;
 - The legal description of the site.
 - The street address or other easily understood geographical reference to the subject property;
 - A map depicting the subject property in relation to surrounding properties;

- The name and telephone number of the recognized organization(s) whose boundaries include the site;
 - A description of the proposal and the proposed use or uses which could be authorized;
 - The land use reviews requested and other land use reviews which may be considered as an option;
 - An explanation of the local decision-making process for the decision being made;
 - The applicable comprehensive plan and code approval criteria;
 - The date, time and location of the hearing;
 - A general explanation of the requirements for submission of written and oral testimony and the procedure for conduct of the hearing;
 - A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in person or by letter prior to the close of the record at or following the final evidentiary hearing;
 - A statement that issues must be raised with sufficient specificity to afford the review body an opportunity to respond to the issues;
 - A statement that a copy of the application, all evidence on the matter submitted by the applicant, and applicable criteria are available for review at no cost, and that copies can be obtained for a fee equal to the City's cost for such services;
 - A statement that a copy of the Director of PP&D's report will be made available at least 10 days before the hearing; and
 - The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.
- E. Notice of deferral.** If written or oral notice of the rescheduling of a hearing is provided during the originally scheduled hearing, no additional notice is required. The hearing must be rescheduled to a specific time and place. If notice of deferral was not made at the hearing, then re-notification is required.
- F. Expedited Land Division Type I, Type Ix and Type IV notice of decision.** The notice of decision must include the following:
- The file number;
 - The name and address of the applicant and owner;
 - The legal description of the site;
 - The street address or other easily understood geographical reference to the subject property;
 - A map depicting the subject property in relation to surrounding properties;
 - The name and telephone number of the recognized organization(s) whose boundaries include the site;
 - A description of the proposal, including proposed uses and land use reviews;
 - A description of the review body decision, the decision date, and filing date; and

- A statement that the decision is final, but may be appealed to the Hearings Officer or Land Use Board of Appeals (LUBA) as specified in ORS 197.375 or ORS 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA have appeared during the local proceedings (orally or in writing), and file a notice of intent to appeal with LUBA within 21 days after the decision becomes final.

G. Notice of Type II, Type IIx, or Type III decision (pending appeal). The notice of Type II, Type IIx, or Type III decision (pending appeal) will describe the land use request and decision. The notice will include the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal, including proposed uses and land use reviews;
- An explanation of the local decision-making process for the decision being made;
- A summary of the applicable approval criteria;
- The review body's decision, the decision date, and the filing date;
- A statement that the decision is final unless appealed;
- A description of the appeal process, time frame, the review body, and the fee for an appeal; and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

H. Notice of an Expedited Land Division, a Type II, Type IIx, or Type III appeal hearing. If a local appeal of an Expedited Land Division, a Type II or Type IIx administrative or Type III decision is filed, the notice of appeal hearing will be provided in the same manner as set forth in 33.730.070.D for a Type III notice of request and hearing.

I. Notice of final Expedited Land Division, Type II, Type IIx, or Type III decision following appeal. Where an Expedited Land Division, a Type II, Type IIx, or Type III decision is appealed, a subsequent review body decision is made, and no further local appeal is available, a notice of final decision will be sent, containing the following information:

- The file number;
- The name and address of the applicant, owner, and appellant (if different);
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;

- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal, including proposed uses and land use reviews;
- A description of the review body decision, the decision date, and filing date; and
- A statement that the decision is final, but may be appealed to the Land Use Board of Appeals (LUBA) as specified in ORS 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA have appeared during the local proceedings (orally or in writing), and file a notice of intent to appeal with LUBA within 21 days after the decision becomes final.

33.730.080 Posting Requirements

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

A. Number and location on the site.

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

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

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

C. Standards and timing. The applicant must prepare the notice to PP&D standards and post it on the site at least 30 days before the first scheduled evidentiary hearing before the Hearings Officer or other assigned review body. At least 14 days before the hearing, the applicant must file with PP&D a signed statement affirming that the posting was made. Failure to post the notice and affirm that the posting was done will result in automatic postponement of the hearing until the property has been posted for 30 days.

- D. Removal.** The applicant may not remove the notice before the first evidentiary hearing before the Hearings Officer or other assigned review body. Except when final City Council action is required by section 33.730.040, the applicant must remove the posted notice within 2 weeks of the Hearings Officer's or other assigned review body's decision on the request. When final council action is required by section 33.730.040, the applicant must remove the posted notice within 2 weeks of the City Council's decision on the request.
- E. Content of the notice.** The posted notice must contain the following information:
- The file number;
 - The date of the hearing;
 - A summary of the key items of the request;
 - A statement that further information is available from PP&D; and,
 - The phone number and address of PP&D.

33.730.090 Reports and Record Keeping

Required reports and records must contain the information stated below.

- A. Decisions.** Decisions include any conditions, time limits, or other restrictions that may apply to the land use action.
- B. Reports.** Reports must include:
- The file number;
 - The owner's and applicant's name and address;
 - The legal description and site location;
 - A brief description of the request;
 - The review body;
 - The relevant approval criteria;
 - The findings applying the facts to the criteria;
 - The decision; and
 - Any additional information relevant to the case.
- C. The public record.** The total public record for a case includes, but is not limited to, the application; the decision report; all additional information, correspondence and other items considered as part of the case which were not printed in the report; and the appeal report if applicable.

33.730.100 Public Hearing Requirements

- A. Rules of Procedure.** All public hearings must conform to the rules of procedure adopted by the review body. The rules of procedure must comply with the Oregon Public Meetings law, statutory land use hearing requirements, and this Title.
- B. Initial hearing statements.** At the beginning of each hearing, the review body must state:
1. That testimony can only address the applicable approval criteria;

2. The applicable approval criteria;
 3. That any party can request the record be kept open for 7 days;
 4. That any party is entitled to request a continuance if new information is submitted in support of the application; and
 5. That in order to be able to appeal an issue to the Land Use Board of Appeals, the issue must be stated clearly and with enough detail for the review body to consider the testimony in making the decision.
- C. Hearing record.** Written minutes must be prepared as required by ORS 192.650. A record of all public hearings must be made and retained in written or electronic form for at least 3 years. If a case is appealed beyond the jurisdiction of the City, the record must be retained until the final disposition of the case. Verbatim transcripts will not be produced unless requested and paid for as provided by Chapter 33.750, Fees.

33.730.110 Ex parte Contact

- A. Private contacts.** Prior to rendering a decision, a member of a review body may not communicate, directly or indirectly, with any person interested in the outcome concerning the decision or action pending before the review body. "Person interested in the outcome" means a person who has some concern, interest in, or relationship to the decision or action pending before the review body. Should such communication occur, at the beginning of the first hearing after which the communication occurs, the member of the review body must:
1. Publicly announce the content of the communication and provide any person an opportunity to rebut the substance of the communication; and
 2. If the communication was in written or tangible form, place a copy of the communication into the record.
- B. PP&D contact.** The Director of PP&D and PP&D staff may communicate with applicants, owners, their representatives, citizens, City agencies and other public and private organizations as part of the processing of land use applications.

After the Final Decision

33.730.120 Recording an Approval

To record a final decision for approval, the applicant pays the recording fee to the County Recorder. The County Recorder records the final decision in the appropriate county records. The decision must be recorded before the approved use is permitted, any permits are issued, or any changes to the Comprehensive Plan Map or Zoning Map are made.

33.730.130 Expiration of an Approval

- A. Expiration of unused land use approvals issued prior to 1979.** All unused land use approvals issued prior to 1979, except for zoning map or Comprehensive Plan map amendments, where the proposed development is not constructed or where a subdivision or partition is not recorded, are void.

B. When approved decisions expire.

1. Land use approvals expire if:
 - a. Generally. Within 5 years of the date of the final decision a City permit has not been issued for approved development; or for situations that do not require a permit, within 5 years of the date of the final decision the approved activity has not commenced.
 - b. Exception. Final decisions that became effective between January 1, 2019 and March 1, 2024 expire if within 5 years of the date of the final decision a City permit has not been issued for approved development or the approved activity has not commenced.
2. Zoning map and Comprehensive Plan map amendments do not expire.
3. Conditional Use Master Plans, Impact Mitigation Plans, and Transportation Impact Reviews expire as specified in Chapters 33.820, 33.848, and 33.852, or in the plans themselves.
4. Multiple developments.
 - a. Generally. Where a site has received approval for multiple developments, and a City permit is not issued for all development within 7 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply. Examples of multiple developments include phased development and multi-building proposals. Multiple developments does not include the phased permitting of a single building or multi-building projects with a single primary structure.
 - b. Exception. On sites where the final decisions became effective between January 1, 2017 and March 1, 2024 and a City permit is not issued for all development within 7 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.
5. Planned Developments. Where a Planned Development (PD) has been approved, and a building permit is not issued for all development within 10 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.
6. Preliminary plans.
 - a. Generally. Approved preliminary plans for land divisions expire if within 3 years of the date of the final decision an application for approval of Final Plat has not been submitted.
 - b. Exceptions. Approved preliminary plans for middle housing land divisions expire if within 3 years of the date of final decision the final plat has not been approved.
7. Final Plats. Final Plats expire if they are not submitted to the County Recorder to be recorded within 90 days of the final decision.

8. Large industrial sites. Where the Preliminary Plan is approved under the provisions of Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones, the following applies:
 - a. The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.
 - b. Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of final approval of the Preliminary Plan. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
9. Staged Final Plats. Where the Preliminary Plan is approved under the provisions of Sections 33.633.200 through .220, Staged Final Plats, the following applies:
 - a. The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.
 - b. Applications for approval of a Final Plat for the entire site. Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of submittal of the first Final Plat application. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
10. Land use approvals in conjunction with a land division. Land use approvals reviewed concurrently with a land division do not expire if they meet all of the following. This includes Planned Unit Developments (PUDs) and Planned Developments (PDs) reviewed in conjunction with a land division. This also includes amendments made to land use approvals where the original approval was reviewed concurrently with a land division:
 - a. The decision and findings for the land division specify that the land use approval was necessary in order for the land division to be approved;
 - b. The final plat of the land division has not expired; and
 - c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been made within 3 years of approval of the final plat.
11. Land use approvals in conjunction with a Planned Unit Development (PUD) or Planned Development (PD). Land use approvals reviewed concurrently with a PUD or PD do not expire if they meet all of the following. If the PUD or PD is as described in Paragraph B.5, the land use approvals reviewed in conjunction with the PUD or PD do not expire, but no additional development may occur without another review.

Land use approvals reviewed in conjunction with a PUD or PD and a land division are subject to Paragraph B.10 rather than the regulations of this paragraph:

- a. The decision and findings for the PUD or PD specify that the land use approval was necessary in order for the PUD or PD to be approved;
- b. The PUD or PD has not expired;
- c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been within 3 years of final approval of the PUD or PD.

12. Expedited Land Divisions. Land Divisions reviewed through the Expedited Land Division procedure in 33.730.013, are subject to the regulations of ORS 197.365 through .375. When the regulations of ORS 197.365 through .375 conflict with the regulations of this section, the regulations in ORS supersede the regulations of this section.

- C. Deferral of the expiration period.** If a decision is appealed beyond the jurisdiction of the City, the expiration period will not begin until review before the court(s) or administrative agency has been completed, including proceedings on remand to the City. In this case, the expiration period will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

33.730.140 Requests for Changes to Conditions of Approval

- A. Generally.** Requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review, unless this Title specifies another procedure or set of approval criteria. See also Section 33.700.110, Prior Conditions of Land Use Approvals.
- B. Zone changes before 1981.** In the case of zone change requests filed before January 1, 1981, the Type II procedure applies.
- C. Reviews no longer required.** In the case of land use reviews that are no longer required by this Title, the most comparable review and procedure applies. For example, for variance requests, the procedures for adjustments apply. See also Section 33.700.110, Prior Conditions of Land Use Approvals.
- D. Tree preservation.** Where the only requested change is to tree preservation plans or conditions that have not expired, the change may be processed through Tree Review as described in Chapter 33.853.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167054, effective 10/25/93; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176114, effective 1/4/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective

11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 182810, effective 5/27/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185333, effective 5/16/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 190076, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 190978, effective 8/31/22; Ord. No. 191477, effective 3/1/24; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24; Ord. No. 191848, effective 10/1/24.)

33.750 Fees

750

Sections:

- 33.750.010 Purpose
- 33.750.020 Fee Schedule and Procedures

33.750.010 Purpose

Application fees aid in defraying the City's cost for processing applications. Fees charged are not intended to exceed the average cost for processing the type of review requested.

33.750.020 Fee Schedule and Procedures

Required fees for land use reviews and appeals of land use decisions are stated in the Fee Schedule for Title 33, available at the Development Services Center. Rules and Procedures for the payment of fees, refunds, and waiver of fees are determined by the Director of PP&D.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 164184, effective 7/1/91; Ord. No. 165002, effective 1/23/92; Ord. No. 168113, effective 10/7/94; Ord. No. 169324, effective 10/12/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 178657, effective 9/3/04; Ord. No. 179980, effective 4/22/06.)

33.805 Adjustments

805

Sections:

- 33.805.010 Purpose
- 33.805.020 Procedure
- 33.805.030 Regulations Which May and May Not Be Adjusted
- 33.805.040 Approval Criteria

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations. They also allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.020 Procedure

Requests for an adjustment are processed through a Type II procedure.

33.805.030 Regulations Which May and May Not Be Adjusted

- A. Eligible regulations.** Unless listed in Subsection B. below, all regulations in this Title and in Chapters 32.32 and 32.34 of the Sign Code may be modified using the adjustment review process.
- B. Ineligible regulations.** Adjustments are prohibited for the following items:
 1. To allow a primary or accessory use that is not allowed by the regulations;
 2. As an exception to any restrictions on uses or development which contain the word "prohibited";
 3. As an exception to a threshold for a review. An example is 33.140.100.B.4 in the Employment and Industrial Zones chapter. It states that a single Office use 3,000 square feet or less is allowed by right, but larger ones require a conditional use review. An adjustment could not be granted to allow an Office use of 3,200 square feet; the conditional use review is mandatory;
 4. As an exception to a qualifying situation for a regulation, such as zones allowed or items being limited to new development. An example of this is 33.251.030.C, which says that manufactured dwelling parks are allowed only in the RM1 zone. An adjustment could not be granted to allow a manufactured dwelling park in any other R zone;
 5. As an exception to a definition or classification. An example is the definition of basement, which specifies that at least 50 percent of the total combined area of the

basement walls must be below grade to be considered a basement. An adjustment could not be granted to change the area of the basement walls that must be below grade;

6. As an exception to the procedural steps of a procedure or to change assigned procedures;
7. Except as allowed by other chapters, to allow an increase in density in the RF through RM2 or RMP zones.

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- B. If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and
- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
- D. City-designated scenic resources and historic resources in Historic, Conservation and National Register Districts and within the boundaries of Historic, Conservation and National Register Landmarks are preserved; and
- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and
- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; or
- G. Application of the regulation in question would preclude all reasonable economic use of the site; and
- H. Granting the adjustment is the minimum necessary to allow the use of the site; and
- I. Any impacts resulting from the adjustment are mitigated to the extent practical.

(Amended by: Ord. No. 167127, effective 12/17/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171740, effective 11/14/97; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190687, effective 3/1/22; Ord. No. 191779, effective 10/1/24; Ord. No. 191942, effective 1/1/25.)

33.810 Comprehensive Plan Map Amendments

810

Sections:

- 33.810.010 Purpose
- 33.810.020 Initiating a Comprehensive Plan Map Amendment
- 33.810.030 Concurrent Zone Changes Allowed
- 33.810.040 Procedure
- 33.810.050 Approval Criteria
- 33.810.070 Recently Annexed Areas
- 33.810.080 Corrections to the Comprehensive Plan Map

33.810.010 Purpose

This chapter states the procedures and review criteria necessary to process a Comprehensive Plan Map amendment. The chapter distinguishes between amendments which are processed in a quasi-judicial manner and those processed in a legislative manner. A discussion of quasi-judicial and legislative is found in 33.700.070.H.

33.810.020 Initiating a Comprehensive Plan Map Amendment

- A. Quasi-Judicial.** Requests for Comprehensive Plan Map amendments which are quasi-judicial may be initiated by an applicant, the Planning Commission, or the City Council. The Director of PP&D may request the Planning Commission to initiate an amendment. Initiations by a review body are made without prejudice towards the outcome.
- B. Legislative.** Requests for Comprehensive Plan Map amendments which are legislative may be initiated by the Planning Commission or the City Council. Others may request the Planning Commission to consider an initiation. Initiations by a review body are made without prejudice towards the outcome.

33.810.030 Concurrent Zone Changes Allowed

Requests for zoning map amendments may be considered concurrently with a Comprehensive Plan Map amendment. Zoning map amendments must be to a zone corresponding to the requested Comprehensive Plan Map designation. Concurrent zoning map amendments must meet all the approval criteria of Chapter 33.855, Zoning Map Amendments.

33.810.040 Procedure

- A. Quasi-Judicial.** Requests for a Comprehensive Plan Map amendment which are quasi-judicial are reviewed through a Type III procedure. City Council adoption is also required for these requests. In addition, any post-acknowledgement procedures required by the State must be followed.
- B. Legislative.** Requests for a Comprehensive Plan Map amendment which are legislative are reviewed through the legislative procedure stated in Chapter 33.740.

33.810.050 Approval Criteria

- A. Quasi-Judicial.** Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met:
1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation;
 2. The requested change is consistent with Statewide Land Use Planning Goals;
 3. In order to prevent the displacement of industrial and employment uses and preserve land primarily for these uses, the following criteria must be met when the requested amendment is from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation:
 - a. The uses allowed by the proposed designation will not have significant adverse effects on industrial and employment uses in the area or compromise the area's overall industrial character;
 - b. The transportation system is capable of supporting the uses allowed by the proposed designation in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion A.3.c;
 - c. Measures proportional to the impacts of the uses allowed by the proposed designation are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements; and
 - d. Transportation improvements adjacent to the development and in the vicinity needed to support the proposed development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
 - e. The uses allowed by the proposed designation will not significantly interfere with industrial use of the transportation system in the area, including truck, rail, air, and marine facilities;
 - f. The site does not have direct access to special industrial services such as multimodal freight movement facilities;

- g. The proposed designation will preserve the physical continuity of the area designated as Industrial Sanctuary or Mixed Employment and not result in a discontinuous zoning pattern;
- h. The uses allowed by the proposed designation will not reduce the ability of Portland's Central City, Regional or Town Centers to attract or retain the principal retail, cultural, and civic facilities; and
- i. The size of the area that may be given a new Comprehensive Plan Map designation is as follows:
 - (1) If the site is designated Industrial Sanctuary, and Metro also has designated the site as part of a Regionally Significant Industrial Area, no more than 10 acres may be given a new Comprehensive Plan Map designation;
 - (2) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Industrial Area, but not as part of a Regionally Significant Industrial Area, no more than 20 acres may be given a new Comprehensive Plan Map designation;
 - (3) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Employment Area, no more than 40 acres may be given a new Comprehensive Plan Map designation;
 - (4) If the site is designated Mixed Employment, no more than 40 acres may be given a new Comprehensive Plan Map designation;
 - (5) Exception. If the site is not designated as industrial or employment by Metro, these size limits do not apply.

B. Legislative. Amendments to the Comprehensive Plan Map which are legislative must be found to be consistent with the goals and policies of the Comprehensive Plan, Metro's Urban Growth Management Functional Plan, the Statewide Planning Goals, and any relevant area plans adopted by the City Council.

33.810.070 Recently Annexed Areas

Areas annexed into the City will automatically receive City Comprehensive Plan designations as part of the process of applying comparable zoning. See 33.855.080, Recently Annexed Areas.

33.810.080 Corrections to the Comprehensive Plan Map

The Director of PP&D may initiate a review through the Type II procedure for the types of corrections to the Comprehensive Plan Map listed below. Nondiscretionary corrections to the Comprehensive Plan Map may be initiated by the Director of Planning and Sustainability as described in Section 1.01.037 of the Portland City Code.

A. Mapping errors. The correction may be made for mapping errors such as:

- 1. A map line that was intended to follow a topographical feature does not do so. Topographical features include the tops and bottoms of hillsides, the banks of water bodies, and center lines of creeks or drainage ditches;

2. There is a discrepancy between maps and on balance there is sufficient evidence of legislative intent for where the line should be located.

- B. Movement of the reference item for the map line.** The correction may be made when a map line is based on the location of a reference item that has since been moved. Reference items are rights-of-way, tentative rights-of-way, utility easements and similar items. Map line changes in these cases must not be more than a trivial change to the map pattern and must not result in any significant impacts to abutting lots.

(Amended by: Ord. No. 167054, effective 10/25/93; Ord. No. 169324, effective 10/12/95; Ord. No. 174263, effective 4/15/00; Ord. No. 176092, effective 12/21/01; Ord. No. 176469, effective 7/1/02; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191609, effective 3/1/24.)

- C. Waiver of design guidelines.** If a design district's design guidelines document includes goals for the design district, the review body may waive one or more of the guidelines as part of the design review of a development in order to meet the goals.

33.825.075 Relationship to Other Regulations

Design review approval by PP&D does not imply compliance with the other requirements of the Zoning Code or other City, Regional, State, and Federal agencies.

(Amended by: Ord. No. 169987, effective 7/1/96; Ord. No. 171219, effective 7/1/97; Ord. No. 171589, effective 11/1/97; Ord. No. 174325, effective 5/5/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. 176742, effective 7/31/02; Ord. No. 177701, effective 8/30/03; Ord. No. 177920, effective 11/8/03; Ord. No. 178423, effective 6/18/04; Ord. No. 178452, effective 7/10/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 181357, effective 11/9/07; Ord. No. 182072, effective 8/22/08; Ord. No. 184016, effective date 08/20/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20 and 8/1/21; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24.)

33.850 Statewide Planning Goal Exceptions

850

Sections:

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

33.850.010 Purpose

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

33.850.020 Initiating a Statewide Planning Goal Exception

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

33.850.030 Procedure

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

33.850.040 Approval Criteria

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

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

33.852 Transportation Impact Review

852

Sections:

- 33.852.010 Purpose
- 33.852.100 Procedure
- 33.852.105 Supplemental Application Requirements
- 33.852.110 Approval Criteria
- 33.852.115 Duration of a Transportation Impact Review

33.852.010 Purpose

Transportation Impact Review provides a mechanism to evaluate whether the multimodal transportation system is capable of supporting proposed development, as well as consideration of proportional mitigation measures. The development thresholds that trigger a Transportation Impact Review can be found in other chapters of this Title. Transportation Impact Review may be completed at various levels of detail. Generally, the more specific the proposal, the less review that will be required as future development is built. Transportation Impact Review is intended as a mechanism to identify practicable actions to reduce and mitigate transportation impacts, consistent with allowing those uses generally permitted or allowed in the base zone.

33.852.100 Procedure

Transportation Impact Reviews are processed through a Type II procedure.

33.852.105 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, an application for Transportation Impact Review must include the following. In commercial/mixed use zones, if the applicant has chosen Transportation Impact Review rather than implementing the pre-approved plan allowed by 33.266.410, only supplemental application requirement H is required.

- A.** Description of proposed development. Transportation Impact Review must include proposed development, and may incorporate possible future development anticipated for up to ten years;
- B.** Delineation of the study area, and rationale for the delineation. At a minimum, the study area must include primary access routes between the site and the nearest regional trafficways and major city traffic streets, regional transitways and major transit priority streets, major city bikeways, and city walkways. Other secondary routes used to access the site within the neighborhood(s) where the site is located must also be included;
- C.** Description of existing uses and conditions in the study area. If the application is for development in the Cascade Station/Portland International Center Plan District, the following are also required:
 - 1. The description must include build-out of the Maximum Use Allocations in Table 508-1 in the count of background traffic, regardless of whether construction of those uses has occurred;

2. Table 508-1 assumptions and conclusions must be provided to PP&D for tracking purposes;
- D. Traffic forecasts and distribution;
- E. Primary traffic access routes to and from the study area;
- F. Analysis of the proportional responsibility of the proposed development to mitigate forecasted impacts;
- G. Recommended mitigation measures including transportation system management and needed transportation improvements;
- H. Transportation and parking demand management plan that has all the elements required by Chapter 17.107; and
- I. Evaluation of the transportation impacts of the proposed development, including impacts in the study area, on:
 1. Street function, capacity and level of service;
 2. On-street parking;
 3. Access;
 4. Transit operations and movements; and
 5. Pedestrian and bicycle routes and safety.

33.852.110 Approval Criteria for Transportation Impact Reviews

The request for development or development capacity will be approved if the review body finds that the applicant has shown that all of the following criteria are met. In commercial/mixed use zones, if the applicant has chosen Transportation Impact Review rather than implementing the pre-approved plan allowed by 33.266.410, only approval criterion B applies.

- A. The transportation system is capable of supporting the recommended development in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion C;
- B. Proposed transportation and parking demand management actions are contributing to the City sufficiently achieving the relevant mode share and residential auto ownership targets established by the Transportation System Plan for the uses and development on the site;
- C. Measures proportional to the impacts of the proposed development are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street

crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements; and

- D. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

33.852.115 Duration of a Transportation Impact Review

An approved Transportation Impact Review remains in effect for up to ten years, or until development allowed by the review has been completed or the review is amended or superseded, whichever comes first.

(Added by: Ord. No. 179076, effective 6/30/05. Amended by: Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191609, effective 3/1/24.)

- D. Landslide hazard areas.** Buildings, services and utilities should be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site, is reasonably limited.

Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Alternative development options including alternative housing types and reduced density may be required in order to limit the risk to a reasonable level.

E. Clearing, grading, and land suitability.

1. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;
2. Clearing and grading should be sufficient for construction of development shown on the Clearing and Grading Plan;
3. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Clearing and Grading Plan;
4. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete;
5. Soil stockpiles must be on the site and located in areas designated for clearing and grading, if practicable;
6. The limits of disturbance and tree protection measures shown on the Preliminary Clearing and Grading Plan must be adequate to protect trees shown to be retained on the tree preservation plan; and
7. Where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the site is suitable for the proposed development. The applicant may be required to make specific improvements in order to make the site suitable for the intended uses and the provision of services and utilities.

F. Streams, springs, seeps, and wetlands.

1. If there is a stream, spring, seep, or wetland outside of an Environmental Overlay Zone on the site, then the stream, spring, seep, or wetland must be preserved in an easement. The edges of the easement must be at least 15 feet from the edges of the stream, spring, seep, or wetland. The edges of a seep, spring, or wetland are determined through a wetland delineation, performed by an environmental scientist, and approved by PP&D. For seeps and springs, if one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank. Where the edge of the stream, spring, seep, or wetland is less than 15 feet from the edge of the site, the easement boundary will be located along the edge of the site.

2. The following development, improvements, and activities are allowed in the easement:
 - a. Disturbance associated with discharging stormwater to the stream channel or wetland, when BES has approved the stormwater system design;
 - b. Removal of non-native invasive species with hand held equipment;
 - c. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;
 - d. Erosion control measures allowed by Title 10 of Portland City Code;
 - e. Construction of required driveway connections or required connections to services when there is no practicable alternative to locating the driveway or service connections within the easement; and
 - f. Maintenance and repair of existing utilities, services, and driveways;
3. Public or private rights of way may cross the seep, spring, stream, or wetland easement if the following approval criteria are met:
 - a. There is no reasonable alternative location for the right-of-way;
 - b. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:
 - (1) The street improvements will not impede the flow of the stream, spring, or seep;
 - (2) The street improvements will impact the slope, width, and depth of the stream channel, spring, seep, or wetland to the minimum extent practicable; and
 - (3) The street improvements will not impede fish passage in a stream, spring, or seep that has been identified by the Oregon Department of Fish and Wildlife as fish-bearing.
4. Minimum density is waived in order to better meet the standards of paragraphs F.1-F.3, above.

G. Transportation impacts.

1. The transportation system must be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: safety, street capacity level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors should be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion G.2;
2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include: transportation

33.855 Zoning Map Amendments

855

Sections:

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

33.855.010 Purpose

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

33.855.020 Initiating a Zoning Map Amendment

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

33.855.030 When a Comprehensive Plan Map Amendment Is Also Required

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

33.855.040 Procedure

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

33.855.050 Approval Criteria for Base Zone Changes

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

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

period defined by the Oregon Transportation Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitations on development level or mitigation measures may be necessary in order to assure transportation services are adequate.

- d. The school district within which the site is located has adequate enrollment capacity to accommodate any projected increase in student population over the number that would result from development in the existing zone. This criterion applies only to sites that are within a school district that has an adopted school facility plan that has been acknowledged by the City of Portland.
3. Services to a site that is requesting rezoning to IR Institutional Residential, will be considered adequate if the development proposed is mitigated through an approved impact mitigation plan or conditional use master plan for the institution.
- C. When the requested zone is IR, Institutional Residential.** In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact mitigation plan or conditional use master plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.
 - D. When the requested zone change is CI1 or CI2.** When the requested zone change is CI1 or CI2, a Transportation Impact Review is required as part of the zoning map amendment.
 - E. Location.** The site must be within the City's boundary of incorporation. See Section 33.855.080.

33.855.060 Approval Criteria for Other Changes

In addition to the base zones and Comprehensive Plan designations, the Official Zoning Maps also show overlay zones, plan districts, and other items such as special setback lines, recreational trails, scenic viewpoints, and historic resources. Amendments to all of these except historic resources and the creation of plan districts are reviewed against the approval criteria stated in this section. Historic resources are reviewed as stated in Chapter 33.846, Historic Resource Reviews. The creation of a new plan district is subject to the approval criteria stated in 33.500.050. An amendment will be approved (either quasi-judicial or legislative) if the review body finds that all of the following approval criteria are met:

- A.** Where a designation is proposed to be added, the designation must be shown to be needed to address a specific situation. When a designation is proposed to be removed, it must be shown that the reason for applying the designation no longer exists or has been addressed through other means;
- B.** The addition or removal is consistent with the purpose and adoption criteria of the regulation and any applicable goals and policies of the Comprehensive Plan and any area plans; and
- C.** In the Marquam Hill plan district, relocation of a scenic viewpoint must be shown to result in a net benefit to the public, taking into consideration such factors as public access, the quality of the view, the breadth of the view, and the public amenities that are or will be available.

33.855.070 Corrections to the Official Zoning Maps

The Director of PP&D may initiate and approve a review following the Type II procedure for the types of discretionary corrections to the Official Zoning Maps listed below. Nondiscretionary corrections to the Official Zoning Maps may be initiated by the Director of Planning and Sustainability as described in Section 1.01.037 of the Portland City Code.

- A. Mapping errors.** The correction may be made for mapping errors such as:
 - 1. A map line that was intended to follow a topographical feature does not do so. Topographical features include the tops and bottoms of hillsides, the banks of water bodies, and center lines of creeks or drainage ditches; or
 - 2. There is a discrepancy between maps and on balance there is sufficient evidence of legislative intent for where the line should be located.
- B. Movement of the reference item for the map line.** The correction may be made when it can be clearly shown that a map line is based on the location of a reference item that has since been moved. Reference items are rights-of-way, tentative rights-of-way, utility easements and similar type items. Map line changes in these cases must not be more than a trivial change to the map pattern and must not result in any significant impacts to abutting lots.
- C. Land within the Urban Growth Boundary.** The correction may be made when it involves the removal of the Future Urban overlay zone from properties that are now within the Urban Growth Boundary.

33.855.075 Automatic Map Amendments for Historic Resources

The Official Zoning Maps will be amended automatically to add or remove historic resources as follows:

- A. Resources listed on the National Register of Historic Places.**
 - 1. When a historic resource is listed on the National Register of Historic Places, it is automatically identified on the Official Zoning Maps as follows:
 - a. Historic resources listed on the National Register of Historic Places on or before January 27, 2017 are automatically identified on the Official Zoning Maps as a Historic Landmark or Historic District on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the listing of the resource on the National Register; and
 - b. Historic resources listed on the National Register of Historic Places after January 27, 2017 are automatically identified on the Official Zoning Maps as a National Register Landmark or National Register District on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the listing of the resource on the National Register.
 - 2. When a historic resource is removed from the National Register of Historic Places and it has not also been independently designated by the City as the result of a legislative or quasi-judicial procedure, it is automatically removed from the Official Zoning Maps as a Historic Landmark, Historic District, National Register Landmark, or National

Register District on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the removal of the resource from the National Register.

3. When the federal Keeper of the National Register of Historic Places approves a change to the boundary of a historic resource listed on the National Register of Historic Places that has not also been independently designated by the City as the result of a legislative or quasi-judicial procedure, the change is automatically identified on the Official Zoning Map on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the change.
- B. Removal after destruction.** If a Historic Landmark, Conservation Landmark, or National Register Landmark is destroyed by causes beyond the control of the owner, the Landmark designation for the resource is automatically removed from the Official Zoning Maps.
 - C. Removal after demolition.** If a Historic Landmark, Conservation Landmark, or National Register Landmark is demolished after approval of demolition through demolition review, the Landmark designation for the resource is automatically removed from the Official Zoning Maps.
 - D. Removal after relocation.** If a Historic Landmark, Conservation Landmark, or National Register Landmark is relocated, the Landmark designation for the resource is automatically removed from the sending site on the Official Zoning Maps.

33.855.080 Automatic Zone Map Amendments for Annexed Areas

- A. Areas with Multnomah County zoning.** Areas annexed into the City from Multnomah County with Multnomah County zoning automatically receive comparable City zoning upon officially being incorporated into the City. Comparable zoning is shown in Table 855-1 and will apply to the area unless it is superseded by a special area study or a plan district.
- B. Areas with City zoning.** In areas annexed into the City from Multnomah County that already have City zoning and Comprehensive Plan designations, zoning is automatically changed to conform with the Comprehensive Plan designation when the site is officially incorporated into the City.

Table 855-1 Assigned City Zoning for Multnomah County Zones	
Multnomah County Zones	Assigned City Zoning
Base zones	
Areas with farm or residential zoning outside the UGB	FR + f
Areas with commercial zoning outside the UGB	CM1
CFU, F2, MUA-20, RR, SR, LR-40, R-40, LR-30, R-30, MUF-19, MUF-38	RF [1]
UF-10, UF-20 inside the UGB	[2]
RC inside the UGB	CM1
LR-20, R-20	R20
LR-10, R-10	R10
LR-7, R7	R7
LR-7.5	R7 + Glendoveer Plan District
LR-5	R5
MR-4, MR-3	RM1 [3]
HR-2, A-2	RM1 [3]
HR-1, A1B	RM2 [3]
BPO	CM2
LC, C4, SC	CM1
GC, EC, C2, NC, C3	CE
LM, M3, M4	EG1
Gm, M2	IG2
HM, M1	IH
THR	RM3
TMR	RM1 [3]
TLR-5	R5
TLC	CM1
TNC	CM2
TGC	CM2
TO	CM2
TLM	EG1
Overlay zones	
SEC	p, c [4]
FH, FF, FW	not mapped; handled by Portland Permitting & Development
NI	x
PD, RPD	Not mapped; becomes an approved PUD
OP	Not mapped
CS	If open space, then OS base zone; just the base zone otherwise
HP	d
LF	h
WRG	g, r, i, n [4]

Notes:

[1] The designation will be RF unless this land is in an approved subdivision at a density higher than RF or has been preplanned by an adopted City plan, in which case a higher density zone may be applied.

[2] Reviewed through a quasi-judicial review; initiated by the Director of PP&D.

[3] Sites with a documented, approved office are CM1. Sites with a documented, approved retail or commercial use are CM1.

[4] The most appropriate overlay zone will be applied based on any approved City plans.

(Amended by: Ord. No. 167054, effective 10/25/93; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 176742, effective 7/31/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178961, effective 6/13/05; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22.)

33.865 River Review

865

Sections:

General

33.865.010 Purpose

River Review

33.865.020 When River Review is Required

33.865.030 Procedure

33.865.040 Supplemental Application Requirements

33.865.100 Approval Criteria

33.865.110 Modification of Site-Related Development Standards

33.865.120 Corrections to Violations of the River Environmental Overlay Zone Regulations

33.865.200 Use of Performance Guarantees

33.865.210 Special Evaluations by a Trained Professional

Changes to an Approved River Review

33.865.300 When a River Review Can be Changed

33.865.310 Types of Changes

33.865.320 Review Procedures

33.865.330 Regulations that Apply at the Time of an Application for Changes to a River Review

33.865.340 Regulations that Apply After Approval

General

33.865.010 Purpose

River Review is intended to:

- Protect, conserve and enhance identified resources and functional values in the River Environmental overlay zone, compensate for unavoidable significant detrimental impact to those resources and functional values, and ensure the success of mitigation and enhancement activities;
- Help the City meet existing and future requirements pursuant to federal and state laws including the Clean Water Act, the Safe Drinking Water Act, the Endangered Species Act, the Migratory Bird Treaty Act, and the National Flood Insurance Act;
- Provide flexibility for unusual situations. River Review allows for evaluation of alternative development scenarios that may have less detrimental impact on protected resources, and allows for the evaluation of off-site mitigation proposals;
- Provide a mechanism for the evaluation of detailed, site-specific information on the location or quality of resources and functional values;
- Provide a mechanism for modifying the location of the River Environmental overlay zone to reflect permitted changes in the location or quality of resources and functional values.
- Provide for the replacement of resources and functional values that are lost through violations of the River Environmental overlay zone standards;
- Provide a mechanism to modify the River Environmental overlay zone standards of Chapter 33.475, River Overlay Zones; and
- Allow for modifications to site-related development standards when modification will result in greater resource protection.

River Review

33.865.020 When River Review is Required

River Review is required in the following situations:

- A. When a development or regulated activity in the River Environmental overlay zone is not exempt from the River Environmental overlay zone regulations and either does not meet the standards of subsection 33.475.440 or there are no development standards applicable to the proposal;
- B. When River Review is required to correct a violation of the River Environmental overlay zone regulations, as described in subsection 33.475.450;
- C. When an applicant wishes to fine tune the boundary of the River Environmental overlay zone based on a detailed environmental study that more accurately identifies the location and quality of resources and functional values. Minor boundary changes are allowed through River Review. Map error corrections are reviewed under 33.855.070, Corrections to the Official Zoning Maps, and removal of the River Environmental overlay zone is processed as a change of overlay zone as stated in 33.855.060, Approval Criteria for Other Changes; or
- D. To modify the boundary of River Environmental overlay zone to reflect permitted changes in the location or quality of resources or functional values. The modification of River Environmental overlay zone procedure does not apply to changes caused by violations of subsection 33.475.440.

33.865.030 Procedure

River reviews are processed through the following procedures:

- A. Land divisions and planned developments are processed through a Type III procedure;
- B. All other river reviews are processed through a Type II procedure, except as described in 33.475.450.B when River Review is required to correct a violation of the River Environmental overlay zone regulations.

33.865.040 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, the following information is required when the River Review application is for development in the River Environmental overlay zone, or for modification of the River Environmental overlay zone boundary:

- A. **Supplemental site plan requirements.** Two physical copies and one PDF of each required site plan must be submitted. The site plans must show the entire site, must be drawn accurately to a scale that is between 1 inch to 50 feet and 1 inch to 10 feet, and must show all property lines with dimensions, a north arrow and a date. Additional site plans that show only a portion of the site may be submitted. All copies of site plans must be suitable for reproduction on paper no smaller than 8.5 x 11 inches and no larger than 36 x 48 inches. The Director of PP&D may waive items listed in this subsection if they are not applicable to the specific review; otherwise they must be included. Additional information such as wetland characteristics or soil type may be requested through the review process.
 - 1. Existing conditions site plan. The existing conditions site plan must show the following:

- a. Location of any wetlands or water bodies on the site or within 50 feet of the site. Indicate the location of the top of bank, including structures and topographic contours referenced to determine top of bank, centerline of stream, ordinary high water, or wetland boundary as appropriate. See Section 33.910.030, Environmental-Related Definitions, Top of Bank. In the case of a violation, also identify the location of the wetland or water body prior to alteration;
 - b. Combined flood hazard area and floodway boundaries. In the case of a violation, also identify the location of the 100-year floodplain and floodway prior to alteration;
 - c. The boundaries of the riparian buffer area. See Map 475-6.
 - d. Drainage patterns, using arrows to indicate the direction of major drainage flow;
 - e. Boundaries of the River Environmental overlay zone. These boundaries may be scaled in relation to property lines from the Official City Zoning Maps;
 - f. Within the River Environmental overlay zone:
 - (1) Distribution outline of shrubs and ground covers, with a list of most abundant species; and
 - (2) Trees over 1.5 inches in diameter identified by species and size, including the location and size of the trunk, canopy crown diameter and the root protection zone. In the case of a violation, also identify the trees that were cut or damaged by showing a stump diameter and species;
 - g. Outside of the River Environmental overlay zone, trees over 3 inches in diameter, including the location of the trunk and canopy crown cover, identified by species and size;
 - h. Location and boundaries of designated scenic resources. The location of viewpoints, view corridors and scenic corridors must be show in relation to the property lines, existing and proposed public trails and boundaries of the River Environmental overlay zone;
 - i. Topography shown by contour lines at 2 foot vertical contours in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater. In the case of a violation, also identify the topography prior to alteration; and
 - j. Existing improvements such as structures, buildings, utility lines, stormwater systems, septic or sewer facilities, fences, etc.
2. Proposed development site plan. The proposed development site plan must show the following:
 - a. Location of the River Environmental overlay zone, the top of bank and river setback areas, the boundary of the riparian buffer area, and the landscaping area subareas;

- b. Location of all proposed development including buildings, structures, decks, retaining walls, bridges, trails/pathways;
 - c. Location of proposed utility lines and connections, stormwater systems and septic or sewer facilities;
 - d. Location of all proposed in-water pilings, sheet walls, or other structures that will impact the river bottom using a bold X;
 - e. Location of protected scenic resources;
 - f. Delineation and total square footage of temporary and permanent disturbance areas including equipment maneuvering areas;
 - g. Delineated areas of vegetation removal and identification of trees to be removed using a bold X;
 - h. Proposed final contour lines at 2 foot vertical intervals in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater;
 - i. Location of excavation and fill and total quantities of each, including balanced cut and fill calculation for any grading in the combined flood hazard area;
 - j. Delineated areas to be left undisturbed; and
 - k. Location and species of existing trees, shrubs, and ground covers to remain including the required root protection zone per Title 11.
3. Construction management site plan. The construction management site plan must show the following:
- a. Location of the River Environmental overlay zone, the top of bank and river setback areas, the boundary of the riparian buffer area, and the required landscaping area subareas;
 - b. Delineation and total square footage of temporary and permanent disturbance areas including equipment maneuvering areas;
 - c. Proposed grading plan with existing and proposed contours. The grading plan must show proposed alteration of the ground at 2-foot vertical contours in areas of slopes less than ten percent and at 5-foot vertical contours in areas of slopes ten percent or greater;
 - d. Location of excavation and fill and total quantities of each, including balanced cut and fill calculation for any grading in the combined flood hazard area;
 - e. Location of all proposed development;
 - f. Delineated areas of vegetation removal and identification of trees to be removed using a bold X;
 - g. Areas where existing topography and vegetation will not be affected by the development proposal;

- h. Location of trees to remain including the required root protection zone per Title 11;
 - i. Location of site access and egress;
 - j. Material staging and stockpile areas; and
 - k. Erosion control measures.
4. Mitigation or remediation site plan. A mitigation site plan is required when the proposed development will result in unavoidable significant detrimental impact on the resources and functional values identified in the *Willamette River Central Reach Natural Resources Protection Plan (2018)*, *River Plan / South Reach Natural Resources Protection Plan (2020)* or when mitigation is proposed in order to meet River Review approval criteria. A remediation site plan is required when significant detrimental impacts occur in violation of the Zoning Code and no permit was applied for. The on-site or off-site mitigation or remediation site plan must show the following:
- a. Location of the River Environmental overlay zone and riparian buffer area in relation to the mitigation site;
 - b. Distribution outline, species composition, and percent cover of ground covers to be seeded or planted using standard landscape graphics;
 - c. Location, species, and size of each individual tree to be planted;
 - d. A planting table listing the size, number, and species (common and scientific) of all trees, shrubs, groundcover or seeds to be installed;
 - e. The area of the mitigation site in square feet in relation to the project impact area;
 - f. The location of the mitigation site in relation to existing, proposed or anticipated future development on the site;
 - g. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
 - h. Location of any single piles or multiple-pile dolphins that will be removed;
 - i. Location of protected viewpoints and scenic overlay zones;
 - j. Water bodies to be created, including centerline, top of bank, wetland boundary and depth;
 - k. Water sources to be used, including volumes;
 - l. Location of excavation and fill and total quantities of each including balanced cut and fill calculation for any grading in the combined flood hazard area; and
 - m. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

B. Supplemental narrative. The following is required:

1. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria, and to evaluate practicable development alternatives for a particular site. The alternatives must be evaluated on the basis of their impact on identified resources and functional values. Significant resources and functional values are identified in the *Willamette River Central Reach Natural Resources Protection Plan (2018)* and *River Plan / South Reach Natural Resources Protection Plan (2020)*. A supplemental environmental assessment can be provided to more accurately identify resources and functional values on the site. In the case of a violation, the impact evaluation is used to determine the nature and scope of the significant detrimental impacts.

a. An impact evaluation includes:

(1) Identification, by characteristic and quantity, of the natural resources and their functional values found on the site. The *Willamette River Central Reach Natural Resources Protection Plan (2018)* and *River Plan / South Reach Natural Resources Protection Plan (2020)* provide site-specific information on the natural resource features including:

- open water;
- shallow water (river depth 0-20 feet);
- beach;
- riparian vegetation;
- upland and bottomland forest;
- grassland;
- flood area and floodplain;
- wetlands, streams and ponds; and
- special habitat area.

The *Willamette River Central Reach Natural Resources Protection Plan (2018)* and *River Plan / South Reach Natural Resources Protection Plan (2020)* provide site-specific information on the functional values provided by the various natural resource features including:

- Microclimate and shade;
- Stream flow moderation and water storage;
- Bank function, and sediment, pollution and nutrient control;
- Large wood and channel dynamics;
- Organic inputs, food web and nutrient cycling;
- Fish and wildlife habitat; and
- Habitat connectivity/movement corridor.

The *Willamette River Central Reach Natural Resources Protection Plan (2018)* and *River Plan / South Reach Natural Resources Protection Plan (2020)* also provide information on wildlife and plant special status species that are known or reasonably expected to occur within or use a site. The application must contain current information regarding any special status species known or expected to occur on the site;

(2) Identification and description of the scenic resources on the site. Scenic resources are mapped on the official zoning maps with the Scenic overlay

zone and are described in the *Central City Scenic Resources Protection Plan* (2018) and *River Plan / South Reach Scenic Resources Protection Plan* (2020);

- (3) Identification of significant unavoidable detrimental impacts on identified natural and scenic resources and functional values. Actions that could cause detrimental impacts and should be identified include:
 - excavation and fill both in the water and above the ordinary high water mark. The quality and source of fill material is an important factor to be considered;
 - clearing and grading;
 - construction;
 - vegetation removal;
 - tree planting;
 - altering bathymetry;
 - altering a vegetated riparian corridor or upland vegetated area;
 - altering the floodplain; and
 - altering the temperature of the river especially the altering of existing cold water sources.
 - (4) Evaluation of practicable alternative locations, design modifications, or alternative methods of development that both achieve the project purpose, taking into account cost and technology, and minimize significant detrimental impacts on identified natural and scenic resources and functional values; and
 - (5) Determination of the practicable alternative that best meets the applicable approval criteria.
- b. An impact evaluation for a violation includes:
- (1) Description, by characteristics and quantity, of the natural and scenic resources and functional values on the site prior to the violation; and
 - (2) Determination of the impact of the violation on the natural and scenic resources and functional values.
2. Biological assessment. A biological assessment developed for the purposes of a federal or state permit may be submitted in place of some or all of the impact evaluation if the biological assessment includes the information described in subparagraph B.1, above. In the event that the applicant submits a biological assessment in place of some or all of the impact evaluation, the applicant must identify which aspects of the impact evaluation are covered by the biological assessment and, if necessary, identify which pieces of information will be included in the impact evaluation.
 3. Supplemental environmental site assessment. A site-specific environmental assessment, prepared by a qualified consultant, to more precisely determine the existence, location, type, extent, and quality of the natural resources and functions on the site can be provided as part of the supplemental narrative. The assessment may verify, supplement, or challenge the information in the City's inventory for the purpose of informing the impact evaluation and identifying mitigation obligations;

4. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining natural and scenic resources and functional values at and near the construction site and provide a description of how areas that are not affected by the construction will be protected. For example, describe how trees will be protected, erosion controlled, construction equipment controlled, and the timing of construction; and
5. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts on identified natural and scenic resources and functional values that result from the chosen development alternative or violation. A mitigation or remediation plan includes:
 - a. Natural or scenic resources and functional values to be restored, created, or enhanced within mitigation or remediation area;
 - b. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
 - c. Construction timetables;
 - d. Operation and long-term maintenance plan;
 - e. Monitoring and evaluation procedures that include periodic reporting;
 - f. Remedial actions for unsuccessful mitigation;
 - g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings;
 - h. If off-site mitigation is proposed, demonstration that on-site mitigation is not practicable or ecologically beneficial; and
 - i. If mitigation bank credits will be used, proof of purchase from a City-approved mitigation bank.

33.865.100 Approval Criteria.

Requests for a River Review will be approved if the review body finds that the applicant has shown that all applicable approval criteria have been met.

- A. Development within the River Environmental overlay zone.** The applicant's supplemental narrative must demonstrate that all of the following are met:
 1. Land divisions, Property Line Adjustments, and Planned Developments:
 - a. Except for river-dependent and river-related uses and development, proposed uses and development must be outside the combined flood hazard area except as provided under Subparagraph A.1.d. Other areas of the combined flood hazard area must be in environmental resource tracts;
 - b. There are no practicable arrangements for the proposed lots, tracts, roads, or parcels within the same site, that would allow for the provision of significantly more of the building sites, vehicular access, utility service areas, and other development on lands outside the River Environmental overlay zone;

- c. Development, including building sites, vehicular access and utilities, within the River Environmental overlay zone must have the least amount of detrimental impact on identified resources and functional values as is practicable. Significantly different but practicable development alternatives, including alternative housing types or a reduction in the number of proposed or required units or lots, may be required if the alternative will have less impact on the identified resources and functional values than the proposed development;
- d. River-dependent and river-related development, rights-of-way, driveways, walkways, outfalls, and utilities;
 - (1) The location, design, and construction method of any outfall or utility proposed within the River Environmental overlay zone has the least significant detrimental impact to the identified resources and functional values of other practicable alternatives including alternatives outside the River Environmental overlay zone;
 - (2) There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and
 - (3) Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts; and
- e. Mitigation:
 - (1) The mitigation plan demonstrates that all significant detrimental impacts on identified scenic and natural resources and functional values, and the interim loss of functional value will be compensated for. In addition, for proposed development within the riparian buffer area that is not river-dependent or river-related, the mitigation plan must result in a significant improvement of at least one of the following functional values: bank function and control of sediments, nutrients and pollutants, or large wood and channel dynamics;
 - (2) The amount of natural resource mitigation due as compensation is based on the amount and relative condition of the resources and functional values impacted by the proposal. The amount of natural resource mitigation required will be at a ratio of no less than 1.5:1 (mitigation area to project disturbance area) for on-site mitigation or mitigation bank credits and no less than 3:1 for offsite mitigation but may be more to address the following:
 - The uniqueness of the resources and functional values impacted;
 - The relative condition of the mitigation area;
 - The distance between the impact area and mitigation area; and
 - The time lag between when the resources and functional values are lost due to the impacts and the point when the mitigation site will achieve full functions;
 - (3) To the extent practicable, the natural and scenic resources and functional values restored or enhanced as mitigation must be the same kind of

resource, performing the same functions as the lost resource. In addition, the mitigation plan must demonstrate that mitigation for tree removal in the combined flood hazard area must meet or exceed the replacement requirements of Table 475-2 and occur within the combined flood hazard area;

- (4) Mitigation must occur on-site in the River Environmental overlay zone, or an area that is contiguous to the River Environmental overlay zone, when practicable and ecologically beneficial. Factors to be considered when evaluating this criterion include:
 - The potential for the long-term success of the restored resources and functional values in the mitigation area;
 - The amount, size, shape, and connectivity potential of on-site mitigation areas;
 - The location of the mitigation area in relation to existing, proposed or future development on the site, and the impact development may have on the mitigation area;
 - Contamination; and
 - Any other site-specific issue or constraint;
- (5) If on-site mitigation is not practicable or ecologically beneficial, then off-site mitigation is allowed as follows:
 - Through the purchase of credits from a city approved mitigation bank located along the Lower Willamette River as close as possible to the disturbance area;
 - Through offsite mitigation in the River Environmental overlay zone. If the offsite mitigation compensates for significant detrimental impacts located within the combined flood hazard area, then the offsite mitigation area must also be located within the combined flood hazard area. The applicant must own the area where the mitigation will occur or possess a legal instrument that is approved by the City as sufficient to carry out and ensure the success of the mitigation plan (such as an easement or deed restriction);
- (6) In cases where the proposed development is subject to mitigation as the result of obtaining permits from the Oregon Department of State Lands or the U.S. Army Corps of Engineers, the mitigation required for those permits can count toward meeting this mitigation requirement as long as that mitigation is found to adequately compensate for impacts to the identified natural resources and functional values; and
- (7) The operation and long-term maintenance plan ensures the ongoing maintenance and protection of the mitigation or remediation areas and associated resources and functional values. Plants that die must be replaced in kind. Ongoing monitoring and evaluation of the mitigation or remediation area must occur and monitoring reports must be submitted to Portland Permitting & Development annually for up to 5 years based on scope and size of the mitigation or remediation area.

2. Resource enhancement and mitigation bank projects:
 - a. There will be no net loss of total resource area;
 - b. There will be no net loss of functional values;
 - c. There will be a significant improvement of at least one functional value; and
 - d. For mitigation banks, the applicant must possess a legal instrument, such as a conservation easement or deed restriction, that is approved by the City as sufficient to ensure the right to carry out, monitor and maintain the mitigation.
3. All other proposals in the River Environmental overlay zone:
 - a. Proposed development minimizes the loss of identified natural or scenic resources and functional values consistent with the uses that are generally permitted or allowed in the base zone without a land use review, or permitted or allowed by an approved conditional use review;
 - b. Proposed development locations, designs, and construction methods are less detrimental to identified natural and scenic resources and functional values than other practicable and significantly different alternatives, including alternatives on the same site but outside of the River Environmental overlay zone;
 - c. There will be no significant detrimental impact on areas of the site reserved for mitigation, areas within the River Environmental overlay zone not proposed for development at this time, downstream river habitat, or other sites where environmental restoration is in progress or complete;
 - d. Mitigation:
 - (1) The mitigation plan demonstrates that all significant detrimental impacts on identified scenic and natural resources and functional values, and the interim loss of functional value will be compensated for. In addition, for proposed development within the riparian buffer area that is not river-dependent or river-related, the mitigation plan must result in a significant improvement of at least one of the following riparian functions: bank function and control of sediments, nutrients and pollutants, or large wood and channel dynamics
 - (2) The amount of natural resource mitigation due as compensation is based on the amount and relative condition of the resources and functional values impacted by the proposal. The amount of natural resource mitigation required will be at a ratio of no less than 1.5:1 (mitigation area to project disturbance area) for on-site mitigation or mitigation bank credits and no less than 3:1 for offsite mitigation but may be more to address the following:
 - The uniqueness of the resources and functional values impacted;
 - The relative condition of the mitigation area;
 - The distance between the impact area and mitigation area; and

- The time lag between when the resources and functional values are lost due to the impacts and the point when the mitigation site will achieve full functions;
- (3) To the extent practicable, the natural and scenic resources and functional values restored or enhanced as mitigation must be the same kind of resource, performing the same functions as the lost resource. In addition, the mitigation plan must demonstrate that mitigation for tree removal in the combined flood hazard area must meet or exceed the replacement requirements of Table 475-2 and occur within the combined flood hazard area;
- (4) Mitigation must occur on-site in the River Environmental overlay zone, or an area that is contiguous to the River Environmental overlay zone, when practicable and ecologically beneficial. Factors to be considered when evaluating this criterion include:
- The potential for the long-term success of the restored resources and functional values in the mitigation area;
 - The amount, size, shape, and connectivity potential of on-site mitigation areas;
 - The location of the mitigation area in relation to existing, proposed or future development on the site, and the impact development may have on the mitigation area;
 - Contamination; and
 - Any other site-specific issue or constraint;
- (5) If on-site mitigation is not practicable or ecologically beneficial, then off-site mitigation is allowed as follows:
- Through the purchase of credits from a City approved mitigation bank located along the Lower Willamette River as close as possible to the disturbance area;
 - Through off-site mitigation in the River Environmental overlay zone. If the offsite mitigation compensates for significant detrimental impacts located within the combined flood hazard area, then the offsite mitigation area must also be located within the combined flood hazard area. The applicant must own the area where the mitigation will occur or possess a legal instrument that is approved by the City as sufficient to carry out and ensure the success of the mitigation plan (such as an easement or deed restriction); and
- (6) In cases where the proposed development is subject to mitigation as the result of obtaining permits from the Oregon Department of State Lands or the U.S. Army Corps of Engineers, the mitigation required for those permits can count toward meeting this mitigation requirement as long as that mitigation is found to adequately compensate for impacts to the identified natural resources and functional values; and
- (7) The operation and long-term maintenance plan ensures the ongoing maintenance and protection of the mitigation or remediation areas and associated resources and functional values. Plants that die must be replaced

in kind. Ongoing monitoring and evaluation of the mitigation or remediation area must occur and monitoring reports must be submitted to Portland Permitting & Development annually for up to 5 years based on scope and size of the mitigation or remediation area.

B. Modification of River Environmental overlay zone boundaries. Modifications of River Environmental overlay zone boundaries that reflect permitted changes in the location or quality of resource areas will be approved upon finding that the applicant's statement demonstrates that either Paragraph B.1 or B.2 are met. For modification of River Environmental zone boundaries based on a more detailed site specific environmental study that confirms the location of natural resource features identified in the adopted Natural Resources Inventory, the applicant's impact evaluation must demonstrate that Paragraph B.3 is met:

1. Successful mitigation. An approved mitigation plan has been successful and a new, restored, or enhanced resource exists which should be included in the River Environmental overlay zone; or
2. Approved loss of resource area. All of the following must be met:
 - a. All approved development in a resource area has been completed;
 - b. All mitigation required of this development has been successful; and
 - c. The identified resources and functional values at the developed site no longer exist, or have been subject to a significant detrimental impact.
3. Modification of River Environmental overlay zone boundaries based on a more detailed site-specific environmental study. The River Environmental overlay zone line location may be modified to more accurately reflect the location of natural resources and functional values on the site. All of the following must be met:
 - a. The modified River Environmental overlay zone boundary must include all natural resource features that receive a high or medium rank using the methodology within the adopted Natural Resources Inventory;
 - b. The modified River Environmental overlay zone boundary must include:
 - (1) Within the Willamette River Central Reach, all land within and riverward of 50 feet from the top of bank of a river, stream, drainageway, wetland or other water body.
 - (2) Within the Willamette River South Reach, all land within and riverward of 100 feet from the top of bank of a river, stream, drainageway, wetland or other water body; and
 - c. The modified River Environmental overlay zone boundary must include the riparian buffer area shown on Map 475-6.

33.865.110 Modifications of Site-Related Development Standards

The review body may consider modifications to site-related development standards that are not otherwise prohibited from being adjusted as part of the River Review process. These modifications are done as part of the River Review process and are not required to go through the adjustment

process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations.

33.865.120 Corrections to violations of the River Environmental Overlay Zone Regulations

For corrections to violations of the River Environmental development standards the application must meet all applicable approval criteria stated in Subsection 33.865.100.A and all of the approval criteria listed below in Subsections A through D except the criterion in Paragraph C.1. If these criteria cannot be met, then the applicant's remediation plan must demonstrate that all of the following are met:

- A.** The remediation is done in the same area as the violation; and
- B.** A second area, equal in size to the area disturbed by the violation activity, must also be replanted to meet the standards of Table 475-3.
- C.** The remediation plan demonstrates that after its implementation there will be:
 - 1. No permanent loss of any type of resource or functional values;
 - 2. A significant improvement of a least one functional value; and
 - 3. There will be minimal loss of resources and functional values during remediation until the full remediation program is established.
- D.** The operation and long-term maintenance plan ensures the ongoing maintenance and protection of the remediation area and associated resources and functional values. Plants that die must be replaced in kind. Ongoing monitoring and evaluation of the remediation area must occur and monitoring reports must be submitted to Portland Permitting & Development annually for up to 5 years based on scope and size of the remediation area.

33.865.200 Performance Guarantees

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

33.865.210 Special Evaluation by a Professional

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

Changes to an Approved River Review

33.865.300 When a River Review Can be Changed

River review can be changed as allowed below if:

- A. The original River Review has not expired; and
- B. City permits for all aspects of the approved project have not received final approval.

33.865.310 Types of Changes

There are three types of changes: major, minor, and administrative.

- A. **Major change.** A major change is one that will have significant impacts on the development or on the site. Major changes include:
 - 1. An increase in total disturbance area of more than 10 percent;
 - 2. An increase of more than 10 percent in the amount of medium or high ranked resource area affected;
 - 3. More than a combined total diameter of 24 inches of additional tree removal; or
 - 4. A reduction of more than 5 percent in any quantity, dimension or area identified in an approved mitigation plan or narrative.
- B. **Minor change.** A minor change is a change that is neither major nor administrative.
- C. **Administrative change.** An administrative change is a change to an element of a River Review that:
 - 1. Is consistent with all conditions of the River Review approval;
 - 2. Meets all development standards not modified by the River Review;
 - 3. Does not change any quantity, dimension, or area identified in the approved plans or narrative other than disturbance area or a mitigation plan or narrative by more than 5 percent;
 - 4. Does not increase the approved temporary or permanent disturbance area;
 - 5. Does not decrease any quantity, dimension or area identified in an approved mitigation plan or narrative; and
 - 6. Does not result in additional tree removal.

33.865.320 Review Procedures

Requests for changes to an approved River Review are processed as follows:

- A. **Major changes.** Major changes are processed through a Type II procedure:
- B. **Minor changes.** Minor changes are processed through a Type Ix procedure.
- C. **Administrative changes.** Administrative changes are allowed without a land use review.

33.865.330 Regulations that Apply at the Time of an Application for Changes to a River Review

- A. Minor change to an approved River Review.** An application for a minor change to a River Review will be processed based on the regulations in effect on the date the original River Review was filed with the City if the original River Review has not expired.
- B. Major change to an approved River Review.** An application for a major change to a River Review will be processed based on the regulations in effect on the date the application is filed with the City as described in 33.700.080.A.1.

33.865.340 Regulations that Apply After Approval

- A. Minor change to an approved River Review.** Applications for building permits for development approved by a minor change to an approved River Review decision are subject only to the regulations in effect on the date the original River Review application was filed with the City if the original River Review has not expired. When a land use review other than River Review, such as design review, is also required for the development and a minor change to an approved River Review has been approved, development approved by the additional land use review is also subject only to the regulations in effect on the date the additional land use review was filed with the City if the additional land use review has not expired.
- B. Major change to an approved River Review.** Applications for building permits for development approved by a major change to an approved River Review decision that has not expired are subject to the regulations in effect on the date the application for a major change review was filed with the City, as specified in 33.700.080.A.1.

(Added by: Ord. No. 189000, effective 7/9/18. Amended by: Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21; Ord. No. 191477, effective 3/1/24.)

33.900 List of Terms

900

Sections:

33.900.010 List of Terms

33.900.010 List of Terms

The following terms are defined in Chapter 33.910, Definitions, unless indicated otherwise.

Accessible Route	Attached House <i>See Residential Structure Types</i>	City-Designated Natural Resources
Accessory Dwelling Unit <i>See Residential Structure Types</i>	Attached Structure	Clearing
Accessory Parking Facility	Auto-Accommodating Development <i>See Development Types</i>	Colleges <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Accessory Recreational Vehicle <i>See Recreational Vehicle</i>	Average Slope, how to measure <i>See Chapter 33.930, Measurements</i>	Combined Flood Hazard Area
Accessory Structure	Aviation, General	Commercial Outdoor Recreation <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Accessory Use	Aviation And Surface Passenger Terminals <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Commercial Parking <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Agriculture <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Basic Utilities <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Common Green <i>See Street Types</i>
Airport Airside Development	Basement	Community Garden
Airport Landside Development	Beach	Community Service <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Alley	Block	Comprehensive Plan
Alteration <i>See Development, Alteration</i>	Block Frontage	Congregate Housing Facility <i>See Residential Structure Types</i>
Alternative or Post Incarceration Facility	Building	Connected Structure
Applicant	Building Coverage	Convenience Store
Arborist	Building Line	Conservation Landmark <i>See Historic Resource</i>
Area of the Facade of a Building, how to measure <i>See Chapter 33.930, Measurements</i>	Bulkhead	Contributing Resource <i>See Historic Resource</i>
Area with Squares of Specified Dimensions, how to measure <i>See Chapter 33.930, Measurements</i>	Bus Stop	Corner Lot <i>See Lot</i>
Arterial <i>See Street Types</i>	Calendar Year	
Attached Duplex <i>See Residential Structure Types</i>	Caretaker	
	Carpool	
	Cemetery	
	Certificate of Occupancy	
	Change of Use	
	City	

Cottage Cluster *See Residential Structure Types*
Council
Courtyard
Crown Cover
Daycare *See Chapter 33.920, Descriptions of the Use Categories*
Days
Delivery Days
Dead-End Street *See Street Types*
Density
Design Guidelines
Desired Character
Detention Facilities *See Chapter 33.920, Descriptions of the Use Categories*
Develop
Developed Portion of Right-of-Way
Development
Development, Alteration
Development, Exterior Alteration
Development, New
Development Types

- Auto Accommodating Development
- Pedestrian-Oriented Development

Director of PP&D
Disabled Person
Distances, how to measure *See Chapter 33.930, Measurements*
Disturbance

Disturbance Area

- Permanent Disturbance Area
- Temporary Disturbance Area

Drainageway
Dredge Material
Drive-Through Facility
Driveway
Duplex *See Residential Structure Types*
Dwelling Unit *See Residential Structure Types*
Easement
Eave
Ecologically and Scientifically Significant Natural Areas
Expedited Land Division
ESEE Analysis
Excavating or Filling
Exchange Parcel
Exterior Alteration *See Development, Exterior Alteration*
Exterior Display
Exterior Improvements
Exterior Storage
Exterior Work Activities
Facade
Farmers Market
Final Plat
Fish and Wildlife Habitat Areas
Flag Lot *See Lot*
Floodway
Floor Area
Floor Area Ratio (FAR)

Food membership Distribution Site

- Food Buying Clubs
- Community Supported Agriculture Organizations

Fractions, how to measure *See Chapter 33.930, Measurements*
Front Lot Line *See Lot Lines*
Front Setback *See Setback*
Functional Values
Future Division Plan
Garage
Garage Entrance Setback *See Setback*
Garage Wall Area, how to measure *See Chapter 33.930, Measurements*
Grade
Grading
Gross Building Area
Groundwater Sensitive Areas
Group Living *See Chapter 33.920, Descriptions of the Use Categories*
Hazardous Substances
Heavy Truck *See Truck under Vehicle Types*
Height, how to measure *See Chapter 33.930, Measurements*
Helicopter Approach-Departure Flight Path
Helicopter Landing Facility (HLF)

- Private Helicopter Landing Facility
- Public Helicopter Landing Facility

Helicopter Trip

Historic Landmark *See*
Historic Resource

Historic Landmark Tree

Historic Resource

Historic Resources

Inventory *See* *Historic*
Resource

Historic Restoration

Historic Value

Home Occupation

House *See* *Residential*
Structure Types

Household Living *See*
Chapter 33.920,
Descriptions of the Use
Categories

Houseboat *Moorage* *See*
Residential Structure Types

Identified Wetlands,
Identified Streams,
Identified Waterbodies *See*
Environment-Related
Definitions

Industrial Service *See*
Chapter 33.920,
Descriptions of the Use
Categories

Institutional Campus

Intensity

Kennel

Land Division

Land Use Approval

Ldn (or DNL)

Light Rail Line

Light Rail Alignment

Light Truck *See* *Truck under*
Vehicle Types

Live Stake

Living Area

Loading Area

Long Term Bicycle Parking

Long Term Parking

Longest Street-Facing Wall
Lot

- Adjusted Lot
- Corner Lot
- Flag Lot
- New Narrow Lot
- Through Lot

Lot Depth, how to measure
See *Chapter 33.930,*
Measurements

Lot Lines

- Front Lot Line
- Rear Lot Line
- Side Lot Line
- Side Street Lot Line
- Street Lot Line

Lot of Record

Lot Remnant

Lot Width, how to measure
See *Chapter 33.930,*
Measurements

Main Entrance

Maintenance

Major Event Entertainment
See *Chapter 33.920,*
Descriptions of the Use
Categories

Major Remodeling

Manufactured Dwelling *See*
Residential Structure Types

Manufactured Dwelling
Park

Manufactured Dwelling
Space

Manufactured Home *See*
Residential Structure Types

Manufacturing And
Production *See* *Chapter*
33.920, Descriptions of the
Use Categories

Marina

Market Garden

Mass Shelter

Mass Shelter Beds

Medical Centers *See*
Chapter 33.920,
Descriptions of the Use
Categories

Medium Truck *See* *Truck*
under Vehicle Types

Mining *See* *Chapter 33.920,*
Descriptions of the Use
Categories

Mitigate

Mixed-Use

Mobile Home *See*

Residential Structure Types

Motor Home *See*
Recreational Vehicle, under
Vehicle Types

Motor Vehicle *See* *Vehicle*
Types

Multi-Dwelling
Development *See*
Residential Structure Types

Multi-Dwelling Structure
See *Residential Structure*
Types

Near Shore Complexity

Net Building Area

New Development *See*
Development, New

New Narrow Lot *See* *Lot*

Noise Contour

Nonconforming
Development

Nonconforming Residential
Density

Nonconforming Situation

Nonconforming Use

Nondiscretionary Reviews

Nuisance Plants List

Office *See Chapter 33.920, Descriptions of the Use Categories*
Operator
Ordinary High Water Mark
Organized Sports
Outdoor Shelter
Outfall
Owner
Ownership
Parcel *See Lot*
Parking Area
Parking Space
Parks And Open Areas *See Chapter 33.920, Descriptions of the Use Categories*
Partial Street *See Street Types*
Passenger Vehicle *See Vehicle Types*
Paved Area
Peace Officer
Peak Hour Service
Pedestrian Access Route
Pedestrian Connection
Pedestrian-Oriented Development *See Development Types*
Permanent Disturbance Area *See Disturbance Area, Permanent*
Person
Personal Wireless Service Facility
Phased Development Plan
Plane of a Building Wall, how to measure *See Chapter 33.930, Measurements*
Planning and Sustainability Director

Plat
Plaza
Plot
Pollution Reduction Facility
Potential Landslide Hazard Area
PP&D
Practicable
Primary Structure
Primary Use
Private Helicopter Landing Facility *See Helicopter Landing Facility (HLF)*
Project
Property Line Adjustment
Pruning
Public Access Easement
Public Helicopter Landing Facility *See Helicopter Landing Facility (HLF)*
Public Safety Facility
Quick Vehicle Servicing *See Chapter 33.920, Descriptions of the Use Categories*
Radio or Television Broadcast Facility
Radio Frequency Transmission Facilities *See Chapter 33.920, Descriptions of the Use Categories*
Rail Lines And Utility Corridors *See Chapter 33.920, Descriptions of the Use Categories*
Rail Right-Of-Way *See Right-of-Way, Rail*
Railroad Yards *See Chapter 33.920, Descriptions of the Use Categories*
Rear Lot Line *See Lot Lines*

Rear Setback *See Setback*
Recognized Organization
Recreational Vehicle *See Vehicle Types*
Recreational Vehicle Park
Recycling Drop-Off Center
Recycling Operation
Regional Attractor
Religious Institutions *See Chapter 33.920, Descriptions of the Use Categories*
Remediation
Renewable Fuel
Repair
Replacement
Residential Facility
Residential Home
Residential Structure Types

- Accessory Dwelling Unit
- Attached Duplex
- Attached House
- Congregate Housing Facility
- Cottage Cluster
- Duplex
- Dwelling Unit
- Fourplex
- House
- Houseboat Moorage
- Manufactured Dwelling
 - Manufactured Home
 - Mobile Home
 - Residential Trailer
- Multi-Dwelling Development
- Multi-Dwelling Structure
- Triplex

33.910 Definitions

910

Sections:

- 33.910.010 Defining Words
- 33.910.020 Use of Terms
- 33.910.030 Definitions

33.910.010 Defining Words

Words used in the zoning code have their normal dictionary meaning unless they are listed in 33.910.030 below. Words listed in 33.910.030 have the specific meaning stated, unless the context clearly indicates another meaning.

33.910.020 Use of Terms

Information about the use of terms in the zoning code is contained in 33.700.070.D.

33.910.030 Definitions

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

Accessible Route. A route that can be used by a disabled person using a wheelchair and that is also safe for and usable by people with other disabilities.

Accessory Dwelling Unit. See Residential Structure Types.

Accessory Parking Facility. A parking facility that provides parking for a specific use or uses. The facility may be located on or off the site of the use or uses to which it is accessory. A fee may or may not be charged. An accessory parking facility need not be in the same ownership as the specific uses to which it is accessory. See also Commercial Parking in Chapter 33.920, Descriptions of Use Categories.

Accessory Recreational Vehicle. See Recreational Vehicle, under Vehicle Types.

Accessory Structure. A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures may be attached or detached from the primary structure. Examples of accessory structures include: garages, decks, fences, trellises, flag poles, stairways, heat pumps, awnings, and other structures. See also Primary Structure.

Accessory Use. A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

Adjusted Lot. See Lot-Related Definitions

Airport Airside Development. Airside development occurs at the Portland International Airport within the Perimeter Security Fence and the Runway Protection Zone. Examples include runways, taxiways, airfield roadways, aviation approach lighting systems, navigational beacons, associated equipment sheds, and security fencing.

Airport Landside Development. Landside development occurs at the Portland International Airport outside the Perimeter Security Fence. This area is comprised of the Passenger Terminal, airport access roadways, parking lots, aircraft maintenance facilities, cargo hangers, maintenance buildings, fire and rescue facilities, and other similar types of development.

Alley. A right-of-way that provides vehicle access to a lot or common parking area. Generally, alleys provide secondary vehicle access; however, where vehicle access from the street is not allowed or not possible, the alley may provide primary vehicle access. See also Street-Types.

Alteration. See Development, Alteration.

Alternative or Post Incarceration Facility. A Group Living use where the residents are on probation or parole.

Applicant. A person who applies for a land use review or building permit. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant, or architect.

Arborist. A professional listed as a certified arborist or a registered consulting arborist.

Arterial. See Street Types.

Attached Duplex. See Residential Structure Types.

Attached House. See Residential Structure Types.

Attached Structure. Any structure that is attached to a primary structure by a common wall or shares a common floor/ceiling. For example, a garage is an attached structure when it shares a common wall with a primary dwelling unit. Structures that are attached solely by elements other than a common wall or floor/ceiling are not considered attached. See Connected Structure.

Auto-Accommodating Development. See Development Types.

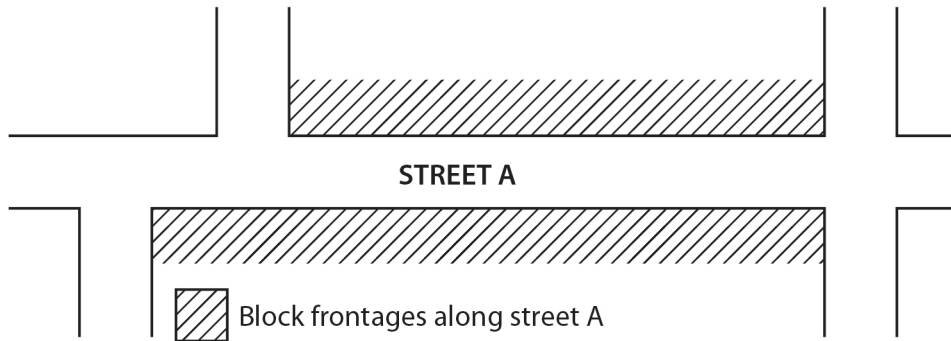
Aviation, General. General aviation refers to all flights other than military and scheduled airline and cargo flights, both private and commercial. Examples include business aviation, private flying, flight training, air ambulance, police aircraft, aerial firefighting, and air charter services.

Basement. The portion of a building that is partly or completely below grade. A minimum of 50 percent of the total combined area of the basement walls must be below grade to be considered a basement. Only one basement level may be partly below grade; additional basement levels must be completely below grade.

Block. All of the property bounded by streets, rights-of-way, and water features, but is not divided or separated in any way by streets, rights-of-way, or water features.

Block Frontage. All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts. See Figure 910-1.

**Figure 910-1
Block Frontage**

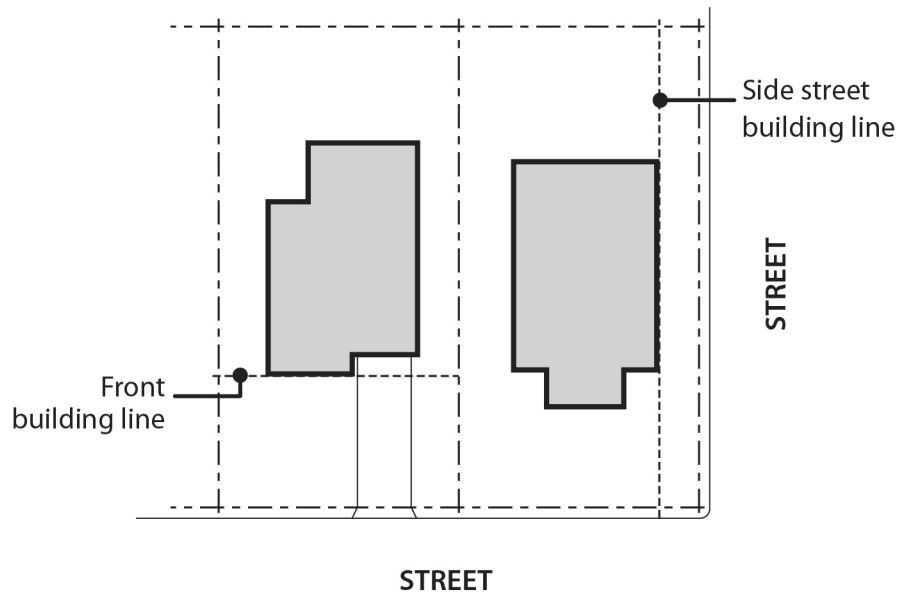


Building. A structure that has a roof and is enclosed on at least 50 percent of the area of its sides.

Building Coverage. The area that is covered by buildings or other roofed structures. A roofed structure includes any structure more than 6 feet above grade at any point, and that provides an impervious cover over what is below. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than 6 feet above grade. Eaves that are 2 feet or less in depth are not included in building coverage. Eaves that are greater than 2 feet in depth are included in building coverage.

Building Line. A line running parallel to a lot line, that is the same distance from the lot line as the closest portion of a building on the site. See Figure 910-2.

**Figure 910-2
Building Lines**



Bus Stop. A location where regularly scheduled bus service or streetcar service stops to load and unload passengers. For purposes of measuring, the bus stop is the location of a sign denoting the bus stop.

Calendar Year is the year from January 1 through December 31.

Caretaker. A caretaker looks after or provides security for goods or property.

Carpool. At least two people sharing a vehicle at least four days per week, generally for the purpose of commuting to work.

Cemetery. An open space site for burial, entombment, inurnment, interment, cremation, or funeral purposes.

Certificate of Occupancy. A certificate of occupancy or a certificate of inspection issued by PP&D at the completion of a building permit or change of occupancy.

Change of Use. Change of the primary type of activity on a site. For example, in the Retail Sales and Service use category, a change from a restaurant to a bank would be considered a change in the primary type of activity; a change from a restaurant to a restaurant would not be considered a change in the primary type of activity.

City. The City of Portland, Oregon.

City-Designated Natural Resources. Natural resources and functional values protected by Environmental Overlay Zones.

Clearing. Any activity that removes existing vegetation or strips surface material from any portion of the site.

Combined Flood Hazard Area. The farthest extent of the land area comprised of the Special Flood Hazard Area, the Modeled Willamette River 1996 Flood Extent and, for areas not included in the Modeled Willamette River 1996 Flood Extent, the 1996 Flood Inundation Area.

Common Green. See Street Types.

Community Garden. A site where any kind of plant, including flowers, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation, and only limited sales are allowed.

Comprehensive Plan. The current adopted, acknowledged, and effective Comprehensive Plan of the City of Portland.

Congregate Housing Facility. See Residential Structure Types.

Connected Structure. Any structure that is connected to a primary structure by a roof, a deck or by other structural connections, and which does not share a common wall, ceiling or floor. For example, decks or stairways are connected structures when they are fastened to a primary structure. A garage that is connected to a primary structure by a roofed structure such as a breezeway, and does not share a common wall with the primary structure, is a connected accessory structure. See Attached Structure.

Conservation Landmark. See Historic Resource.

Contributing Resource. See Historic Resource.

Corner Lot. See Lot-Related Definitions.

Courtyard. An outdoor area, designed for use by pedestrians, surrounded on at least two sides by buildings and open on at least one side to an abutting right-of-way.

Council. The City Council of Portland, Oregon.

Crown Cover. The area directly beneath the crown and within the dripline of a tree or shrub. The crown consists of the above ground branches, stems, and leaves.

Days. Calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding holidays as identified in Section 4.16.080 of Title 4, Personnel.

Delivery Days. Days when deliveries of food or other goods are made to Food Membership Distribution Sites for later pick-up by members of Food Buying Clubs or Community Supported Agriculture Organizations.

Dead-End Street. See Street Types.

Density. A measurement of the number of people, dwelling units, or lots in relationship to a specified amount of land. Density is a measurement used generally for residential uses. See Chapter 33.205, Accessory Dwelling Units for how density is calculated for ADUs. See also Intensity.

Design Guidelines. A set of design parameters for development which apply within a design district, subdistrict, or overlay zone. The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project's design.

Desired Character. The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.

Develop. To construct or alter a structure or to make a physical change to the land including excavations and fills.

Developed Portion of Right-of-way. Those portions of a right-of-way that contain development, including retaining walls or other structures, vehicle travel lanes, parking and loading areas, curbs, landscape strips, sidewalks, shoulders, other paved or graveled areas, and other areas used for bicycle or pedestrian traffic. It does not include natural geologic forms or unimproved land.

Development. All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also Exterior Improvements.

Development, Alteration. A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include the following:

- Changes to the facade of a building;
- Changes to the interior of a building;
- Increases or decreases in gross building area;
- Changes to other structures on the site, or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

Development, Exterior Alteration. A physical change to a site that is outside of any buildings. Exterior alteration does not include normal maintenance and repair or total demolition. Exterior alteration does include the following:

- Changes to the facade of a building;
- Increases or decreases in gross building area that result in changes to the exterior of a building;
- Changes to other structures on the site or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

Development, New. Development of a site that was previously unimproved or that has had previously existing buildings demolished.

Development Types

- **Auto-Accommodating Development.** Development which is designed to accommodate customers who use autos to travel to the site. Buildings feature entrances providing convenient access to parking areas. In many cases, the building will have parking between secondary streets and the building. Other typical characteristics are drive-through facilities, more than one driveway, and a low percentage of the site covered by buildings. Auto-accommodating development along transit streets and in pedestrian districts typically include a mix of auto-accommodating and pedestrian-oriented characteristics. See also Pedestrian-Oriented Development.
- **Pedestrian-Oriented Development.** Development which is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site. See also Auto-Accommodating Development.

Director of PP&D. The Director of the City of Portland Permitting & Development, or the Director's designee.

Disabled Person. For the purposes of Chapter 33.229, Elderly and Disabled High Density Housing, a disabled person is a person who has a condition of physical or mental disability which substantially limits one or more major life activities as stated in Section 504 of the Federal Rehabilitation Act of 1973 and state law.

Disturbance. An action that causes an alteration to soil or vegetation. The action may create temporary or permanent disturbance. Examples include development, exterior alterations, exterior improvements, demolition and removal of structures and paved areas, cutting, clearing, damaging, or removing native vegetation.

Disturbance Area. The area where all temporary and permanent disturbance occurs. For new development the disturbance area must be contiguous. Native vegetation planted for resource enhancement, mitigation, remediation, and agricultural and pasture lands is not included. The

disturbance area may contain two subareas, the permanent disturbance area and the temporary disturbance area:

- **Permanent Disturbance Area.** The permanent disturbance area includes all areas occupied by existing or proposed structures or exterior improvements. The permanent disturbance area also includes areas where vegetation must be managed to accommodate overhead utilities, existing or proposed non-native planting areas, and roadside areas subject to regular vegetation management to maintain safe visual or vehicle clearance.
- **Temporary Disturbance Area.** The temporary disturbance area is the portion of the site to be disturbed for the proposed development but that will not be permanently occupied by structures or exterior improvements. It includes staging and storage areas used during construction and all areas graded to facilitate proposed development on the site, but that will not be covered by permanent development. It also includes areas disturbed during construction to place underground utilities, where the land above the utility will not otherwise be occupied by structures or exterior improvements.

Drainageway. A constructed or natural channel or depression, which at any time collects and conveys water. It may be permanently or temporarily inundated.

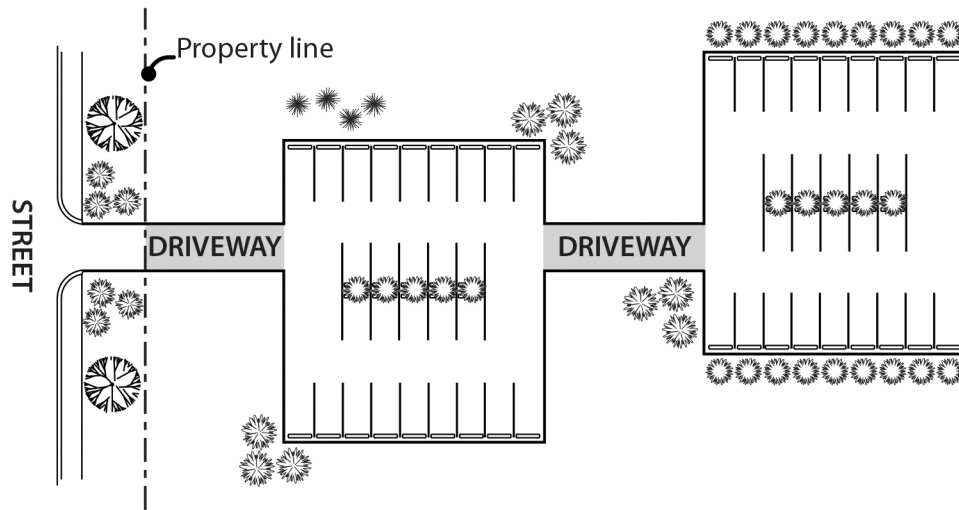
Drive-Through Facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales And Service use. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; menu boards; order boards or boxes; gas pump and electric vehicle charging islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. Parking spaces used for customer pick-up or loading of goods or products purchased on-site, on the phone, or on-line from the establishment are not a drive-through facility. . Parking spaces that include electric vehicle chargers and equipment are not a drive-through facility. Facilities designed for electric vehicle charging or the picking-up or loading of goods or products purchased from the establishment that include a stacking lane and a service area are a drive-through facility.

Driveway. There are two types of driveways:

- The area that provides vehicular access to a site. A driveway begins at the property line and extends into the site. A driveway does not include parking, maneuvering, or circulation areas in parking areas, such as aisles; and
- The area that provides vehicular circulation between two or more noncontiguous parking areas. A driveway does not include maneuvering or circulation areas within the interior of a parking area. A driveway must be used exclusively for circulation, with no abutting parking spaces. See Figure 910-13.

See also Parking Area and Vehicle Areas.

Figure 910-13
Driveway



Duplex. See Residential Structure Types.

Dwelling Unit. See Residential Structure Types.

Easement. A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, such as access, or to locate utilities.

Eave. Projecting overhang at the lower border of a roof and extending from a primary wall or support. See Figure 910-14.

Figure 910-14
Eave



Ecologically and Scientifically Significant Natural Areas. Land and water that has substantially retained its natural character, but is not necessarily completely natural or undisturbed, and which is significant for historical, scientific, paleontological, or natural features.

ESEE Analysis. A type of analysis which is used to help determine if a particular resource should be protected in accordance with Statewide Planning Goal 5. The analysis examines competing values to

determine what the controlling value should be for the individual resource being examined. The analysis considers economic, social, energy, and environmental values.

Excavating or Filling. The removal, placement, or replacement of earth, concrete, asphalt, and similar nondecomposable materials whether permanent or temporary in nature. Excavating or filling does not include the movement of earth or placement of gravel, asphalt, or other paving materials that is done in conjunction with road improvements. It does not include the excavation of mineral or aggregate resources. Excavating or filling includes the terms grading, preloading, surcharging, and stockpiling.

Exchange Parcel. The area of land to be conveyed from one property to another through a Property Line Adjustment. A single Property Line Adjustment may involve more than one exchange parcel. See Property Line Adjustment.

Expedited Land Division. An Expedited Land Division is a division of land under ORS 92.010 (Definitions for ORS 92.010 to 92.192) to 92.192 (Property line adjustment), 92.205 (Policy) to 92.245 (Fees for review proceedings resulting in modification or vacation) or 92.830 (Definitions for ORS 92.830 to 92.845) to 92.845 (Relationship of subdivision in manufactured dwelling park or mobile home park to planned community statutes and series partition statutes) by a local government that, unless it is a middle housing land division, meets all of the elements of ORS 197.360.

Exterior Alteration. See Development, Exterior Alteration.

Exterior Display. Exterior display includes the outdoor display of products, vehicles, equipment, and machinery for sale or lease. Exterior display is an outdoor showroom for customers to examine and compare products. There is variety or a distinction among the goods on display, through different products, brands, or models. The display area does not have to be visible to the street. Exterior display does not include goods that are being stored or parked outside, if there is no variety or distinction among the goods, and the goods are not examined and compared by customers. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Exterior display does not include car and boat sales and leasing when such vehicles are not accessible to customers to inspect and compare; this situation is considered exterior storage. Examples of uses that often have exterior display are car and boat sales and leasing, and plant nurseries. See also, Exterior Work Activities and Exterior Storage.

Exterior Improvements. All improvements except buildings or other roofed structures. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways, but does not include vegetative landscaping, synthetic turf, natural geologic forms, or unimproved land. See also Development.

Exterior Storage. Exterior storage includes the outdoor storage of goods that generally have little or no differentiation by type or model. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Exterior storage also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or compare. Exterior storage includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare; vehicles that have been unloaded at port facilities and are waiting transport to off-site locations; vehicles that have been towed and are being kept in an impound lot; and other similar items. The storage of recreational vehicles

outdoors is also considered exterior storage. Damaged or inoperable vehicles or vehicles which have missing parts, that are kept outside, are also included as exterior storage. Examples of uses that often have exterior storage are lumber yards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments, and port facilities. If goods are stored inside a building that is not enclosed on 100 percent of the area of its sides, it is considered exterior storage. See also, Exterior Display and Exterior Work Activities.

Exterior Work Activities. Exterior work activities include the outdoor processing, assembly, or fabrication of goods; the maintenance, repair, and salvage of vehicles and equipment; and other similar activities that generally have an industrial orientation. Exterior work activities do not include normal pick-up and deliveries to a site, parking, excavation and fills, exterior eating areas, outdoor recreation, or outdoor markets. See Exterior Display and Exterior Storage.

Facade. All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans. For information on how to measure facades, see Chapter 33.930, Measurements.

Farmers Market. Farmers Markets are events where farmers, ranchers, and other agricultural producers sell food, plants, flowers, and added-value products, such as jams and jellies, they have grown, raised, or produced from products they have grown or raised. In addition, some vendors sell food that is available for immediate consumption on site, and some may be community groups, services, or other vendors or organizations. Farmers Markets occur on a regular basis in the same location. They are free and open to the public. Some markets are seasonal, while others occur year-round.

Final Plat. The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division.

Fish and Wildlife Habitat Areas. Lands which contain significant food, water, or cover for native terrestrial and aquatic species of animals. Examples include forests, fields, riparian areas, wetlands, and water bodies.

Flag Lot. See Lot-Related Definitions.

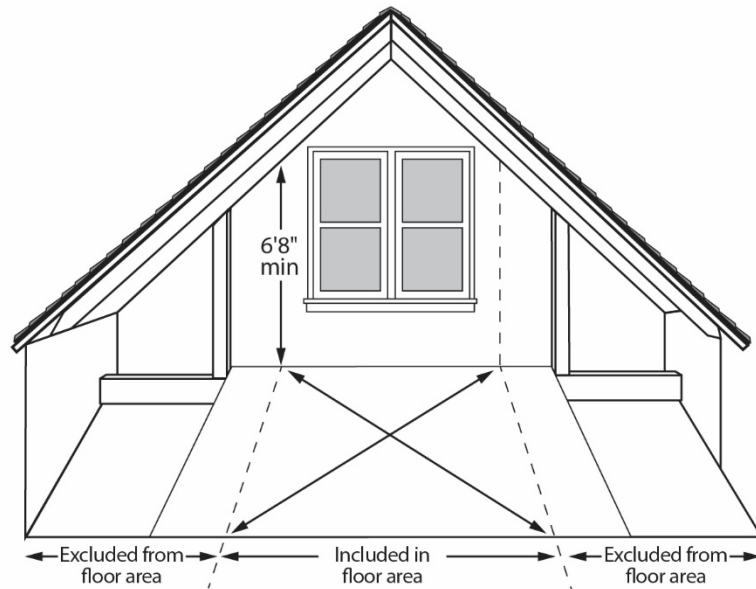
Floodway. The active flowing channel during a flood, as designated on the flood maps adopted under authority of Title 24 of the Portland City Code. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area. The total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following:

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
- Basements;
- Areas where the ceiling height is less than 6 feet 8 inches. See Figure 910-20;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

See also Net Building Area, Gross Building Area

Figure 910-20
Ceiling Height



Floor Area Ratio (FAR). The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 2 to 1 means two square feet of floor area for every one square foot of site area.

Food Membership Distribution Site. A site where items ordered through the following organizations are picked up by the members.

- **Food Buying Clubs** are membership organizations. The members, as a group, buy food and related products from wholesalers, distributors, growers, and others. All products are pre-ordered and pre-paid, and at least 70 percent of the products are food.
- **Community Supported Agriculture Organizations** are membership organizations. Individuals or households become members by purchasing a share or a specified amount of an agricultural producer's output in advance. Members receive food items from the producer on a regular schedule.

Fossil Fuel. Fossil fuels are petroleum products (such as crude oil and gasoline), coal, methanol, and gaseous fuels (such as natural gas and propane) that are made from decayed plants and animals that lived millions of years ago and are used as a source of energy. Petroleum-based products used primarily for non-fuel uses (such as asphalt, plastics, lubricants, fertilizer, roofing, and paints) are not fossil fuels. See Renewable Fuel.

Front Lot Line. See Lot Lines.

Front Setback. See Setback.

Functional Values. Functional values are the benefits provided by resources. The functional value may be physical, aesthetic, scenic, educational, or some other nonphysical function, or a combination of these. For example, two values of a wetland could be its ability to provide stormwater detention for x units of water draining y acres, and its ability to provide food and shelter for z varieties of migrating waterfowl. As another example, an unusual native species of plant in a natural resource area could be of educational, heritage, and scientific value. Most natural resources have many functional values.

Future Division Plan. A document that shows lot, tract and right-of-way boundaries for all future phases of a land division. The plan is not binding on the City or the applicant. The purpose of the plan is to document that the design of the first phase of the plan does not preclude future phases from meeting the requirements of this and other Titles.

Garage. A covered structure that is accessory to a use in a house, attached house, duplex, triplex, fourplex, cottage cluster, manufactured dwelling, or houseboat, and that:

- Is designed to provide shelter for vehicles;
- Is connected to a right-of-way by a driveway; and
- Has an opening that is at least 8-feet wide.

Carports are considered garages. Floor area adjacent to the space designed to provide shelter for vehicles, if not entirely separated from the garage area by floor-to-ceiling walls, is considered part of the garage. A garage may be attached to or detached from another structure. See also Structured Parking.

Garage Entrance Setback. See Setback.

Grade. The final elevation of the ground.

Grading. All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

Gross Building Area. The total area of all floors of a building, both above and below ground. Gross building area is measured from the exterior faces of a building or structure. Gross building area includes structured parking but does not include the following:

- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 75 percent or more of their perimeter.

Groundwater Sensitive Areas. Areas from which groundwater is replenished and the flow enables contaminants to be carried into aquifers (aquifer recharge areas), or areas of an aquifer in which the groundwater level and flow characteristics are influenced by the withdrawal of groundwater (areas of influence).

Hazardous Substances. Any substance, material, or waste listed below:

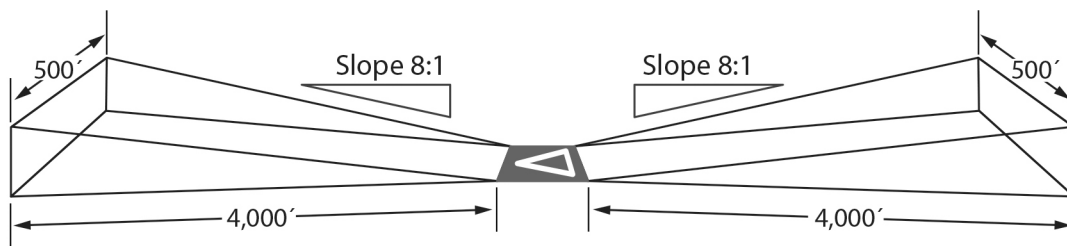
- Nuclear or radioactive materials or waste;
- Chemicals listed in the List of Lists: Chemicals Subject to the Emergency Planning and Community Right-To-Know Act (EPCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Section 112(r) of the Clean Air Act, published March 15, 2015, U.S. Environmental Protection Agency, or as subsequently updated or amended; and

- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101, or as subsequently updated or amended.

Heavy Truck. See Truck under Vehicle Types.

Helicopter Approach-Departure Flight Path. The approved route used by helicopters when approaching or departing from a helicopter landing facility. In general, the helicopter approach-departure flight path has dimensions as follows: 1) It is a trapezoid-shaped plane; 2) its inner width is the same as the width of the landing pad and its outer width is 500 feet at a distance of 4,000 feet from the landing pad; and 3) it has a slope of 1 (vertical) to 8 (horizontal). See Figure 910-3. See also, FAA Heliport Design Guide for more detailed flight path standards and requirements.

Figure 910-3
Helicopter Approach-Departure Flight Paths



Helicopter Landing Facility (HLF). Any area used for the landing and take off of helicopters including heliports, helipads, and helistops. Peripheral areas, hangars, parking pads, passenger terminals, and helicopter service areas are also part of such facilities.

- **Private Helicopter Landing Facility.** A helicopter landing facility which is restricted to use by the owner or by persons authorized by the owner. Such facilities cannot be used by the general public and are restricted to specific users and purposes.
- **Public Helicopter Landing Facility.** A helicopter landing facility which is open to use by the general public, and where helicopter landings do not require prior permission of the owner. It may be owned by a public agency, an individual, or other legal entity as long as it is open for public use.

Helicopter Trip. Each landing or take-off of a helicopter. A landing and a take-off is counted as two trips.

Heritage Tree. See Tree Types.

Historic Landmark. See Historic Resource.

Historic Landmark Tree. A tree designated by the Historic Landmarks Commission because of its historical or cultural significance.

Historic Resource. A building, portion of a building, structure, object, landscape, tree, site, place, or district that has a significant relationship to events or conditions of the human past. Historic Resources may be important for archaeological, architectural, cultural, or historical reasons. Historic Resources include:

- **Historic Landmark.** A Historic Landmark is a building, portion of a building, structure, object, landscape, tree, site, or place that has been designated for its special archaeological, architectural, cultural, or historical merit. Historic Landmark includes structures, objects, and sites listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017, that have not had their Historic Landmark designation removed. Information supporting a specific Historic Landmark's significance and integrity is found in its National Register nomination or the documentation done in support of the City designation. Historic Landmarks have boundaries that are described in the nomination or documentation provided in support of the resource's City designation or National Register listing. If no boundary is provided in the designation or listing documentation, the boundary is the site or sites that contain the Historic Landmark's contributing resources;
- **Conservation Landmark.** A Conservation Landmark is a building, portion of a building, structure, object, landscape, tree, site, or place that the City has designated for its special archaeological, architectural, cultural, or historical merit. Information supporting a specific Conservation Landmark's significance and integrity is found in the documentation done in support of the City designation. Conservation Landmarks have boundaries that are described in the documentation provided in support of the resource's City designation. If no boundary is provided in the designation or listing documentation, the boundary is the site or sites that contain the Conservation Landmark's contributing resources;
- **National Register Landmark.** A National Register Landmark is a building, structure, object, or site that has been listed by the federal Keeper of the National Register of Historic Places and has not been designated or identified by the City as a Historic Landmark or Conservation Landmark. National Register Landmark includes resources listed by the federal Keeper of the National Register of Historic Places after January 27, 2017, that have not been designated by the City as a Historic Landmark or Conservation Landmark and resources that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 that have had their Historic Landmark or Conservation Landmark designation removed. Information supporting a specific National Register Landmark's significance and integrity is found in its National Register nomination. National Register Landmarks have boundaries that are described in the nomination provided in support of the federal listing;
- **Historic District.** A Historic District is a geographic area that has been designated for its archaeological, architectural, cultural, or historical merit. Historic District includes districts listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017, that have not had their Historic District designation removed. Information supporting a specific Historic District's significance and integrity is found in its National Register nomination or the documentation done in support of the City designation. Historic Districts have boundaries that are described in the nomination or documentation provided in support of the resource's City designation or National Register listing;
- **Conservation District.** A Conservation District is a geographic area that the City has designated for its special archaeological, architectural, cultural, or historical merit. Information supporting a specific Conservation District's significance and integrity is found in the documentation done in support of the City designation. Conservation Districts have boundaries that are described in the documentation provided in support of the resource's City designation;
- **National Register District.** A National Register District is a district that has been listed by the federal Keeper of the National Register of Historic and has not been designated or identified by the City as a Historic District or Conservation District. National Register District includes

resources listed by the federal Keeper of the National Register of Historic Places after January 27, 2017, that have not been designated by the City as a Historic District or Conservation District and resources that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 that have had their Historic District or Conservation District designation removed. Information supporting a specific National Register District's significance and integrity is found in its National Register nomination. National Register Districts have boundaries that are described in the nomination provided in support of the federal listing;

- **Significant Resource.** A Significant Resource is a building, portion of a building, structure, object, landscape, tree, site, or place that the City has determined to be significant for its archaeological, architectural, cultural, or historical merit but has not been designated by the City as a landmark or district, and has not been listed by the federal Keeper of the National Register of Historic Places. Rank I, II, III resources identified in the 1984 Historic Resource Inventory that have not been demolished or removed are Significant Resources; and
- **Contributing Resource.** A contributing resource is a building, portion of a building, structure, object, landscape, tree, site, or place that adds to the archeological value, architectural qualities, cultural significance, or historic associations, that make a Historic Landmark, Conservation Landmark, National Register Landmark, Historic District, Conservation District, National Register District, or Significant Resource important, as identified in the documentation prepared for the City designation, National Register listing, or City Significant Resource identification. If a resource is not identified or described in the documentation as contributing to the historic significance of the landmark, district, or Significant Resource, it is a noncontributing resource.

Historic Resources Inventory. Buildings, portions of buildings, structures, objects, landscapes, trees, sites, places, and districts that have been documented as having or potentially having archaeological, architectural, cultural, or historical significance. The Historic Resource Inventory includes all resources defined as Historic Resources. See Historic Resource.

Historic Restoration. Actions undertaken to accurately depict the form, features, and character of a historic resource as it appeared at a particular period of time. This is done by removing features not from that particular period, and reconstructing missing features from that particular period.

Historic Value. A physical, aesthetic, scenic, educational, or other characteristic which is a reminder of important events or developments in Portland's past.

Home Occupation. A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the Household Living use on the site.

House. See Residential Structure Types.

Houseboat Moorage. See Residential Structure Types.

Identified Wetlands, Identified Streams Identified Waterbodies. Those streams, wetlands, and waterbodies that are identified in the resource inventory or maps as being significant and in need of protection.

Institutional Campus. A medical or educational institution and associated uses, on a site at least 5 acres in area. Medical institutional campuses include medical centers and hospitals. Educational institutional campuses include universities, colleges, high schools, and other similar institutions offering course of study leading to a high school diploma or degree certified by a recognized

accreditation body. Associated uses on institutional campuses may include some commercial and light industrial uses, major event entertainment, residential, and other uses.

Intensity. The amount or magnitude of a use on a site or allowed in a zone. Generally, it is measured by floor area. It may also be measured by such things as number of employees, amount of production, trip generation, or hours of operation. See also Density.

Kennel. Any location where 5 or more dogs or cats aged 6 months or older are boarded or bred. The sale of these animals may be a part of the kennel use. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

Land Division. The act of dividing land to create new lots or tracts, or to reconfigure lots or tracts within a recorded land division. The result of a land division is a subdivision plat or partition plat. Actions that are exempt from the State law definitions of partition or subdivision (i.e., property line adjustment) are not considered land divisions. See also, Expedited Land Division, Lot, Tract, Plat, and Property Line Adjustment.

Land Use Approval. A land use decision for approval or approval with conditions. It includes any time limits or other restrictions that may apply to the land use decision.

Ldn (or DNL). An averaged sound level measurement, taken during a 24 hour period, with a weighting applied to night time sound levels. The Ldn noise contours described in Chapter 33.470, Portland International Airport Noise Impact Zone, are based on Ldn levels that have been averaged over the period of a year.

Light Rail Line. A public rail transit line that usually operates at grade level and that provides high capacity, regional level transit service. A light rail line is designed to share a street right-of-way although it may also use a separate right-of-way or easement. Existing and future light rail lines are designated on the Regional Transitways Map in the Transportation Element of the Comprehensive Plan. Low capacity, district level, or excursion rail transit service, such as a streetcar, is not included.

Light Rail Alignment. A public right-of-way or easement that has a light rail line in it, or that has been designated as a preferred alternative light rail alignment. A Preferred Alternative Light Rail Alignment is a public right-of-way or easement designated by City Council and the regional transit agency as a future light rail alignment after completion of a Draft Environmental Impact Statement (DEIS).

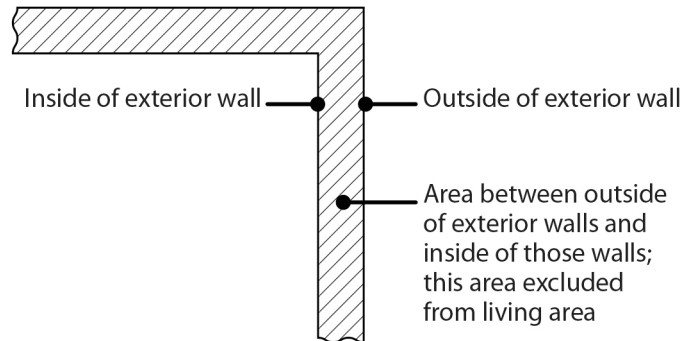
Light Truck. See Truck under Vehicle Types.

Live Stake. A live, rootable vegetative cutting that is driven into the ground. Live stakes can be integrated into rock (riprap), slopes, or used with bioengineering methods to stabilize slopes.

Living Area. The total gross building area of a residential structure excluding the following:

- garage area;
- basement area where the floor to ceiling height is less than 6 feet 8 inches;
- attic area, and other building area, that is not accessible by a stairway or where the floor to ceiling height is less than 5 feet; and
- area between the outside of exterior walls and the inside of those walls. See Figure 910-15.

Figure 910-15
Calculation of Living Area



Loading Area. The area available for the maneuvering and standing of vehicles engaged in delivering and loading of passengers, freight, or other articles.

Long-Term Bicycle Parking. Long-term bicycle parking serves employees, students, residents, commuters, and others who generally stay at a site for several hours or more. See also Short-Term Bicycle Parking.

Long Term Parking. Parking having a duration of more than four hours.

Longest Street-Facing Wall. The longest wall that faces a street. If two or more street-facing walls are of equal length, and are the longest that face the street, then the applicant chooses which is to be the longest street-facing wall for purposes of applying regulations of this Title. See also, Façade, and Chapter 33.930, Measurements.

Lot. See Lot-Related Definitions.

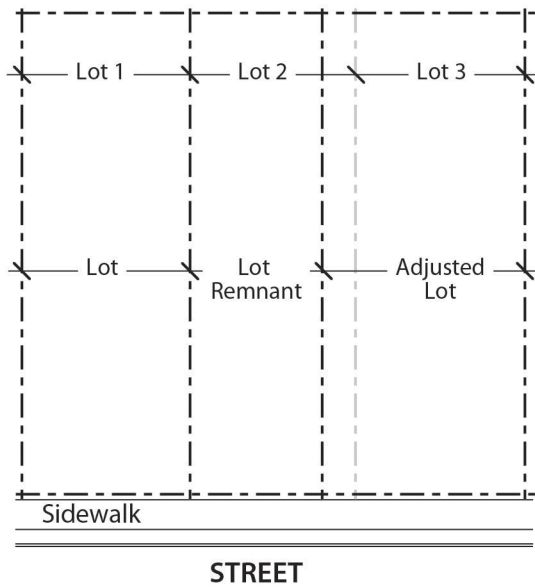
Lot-Related Definitions.

- **Adjusted Lot.** A lot that has had one or more of its lot lines altered through a deed, or other instrument relocating a property line, that was recorded with the appropriate county recorder prior to July 26, 1979, or through an approved property line adjustment. An adjusted lot has a lot area that is equal to or larger than the original platted lot. See Figures 910-17 and 910-18.

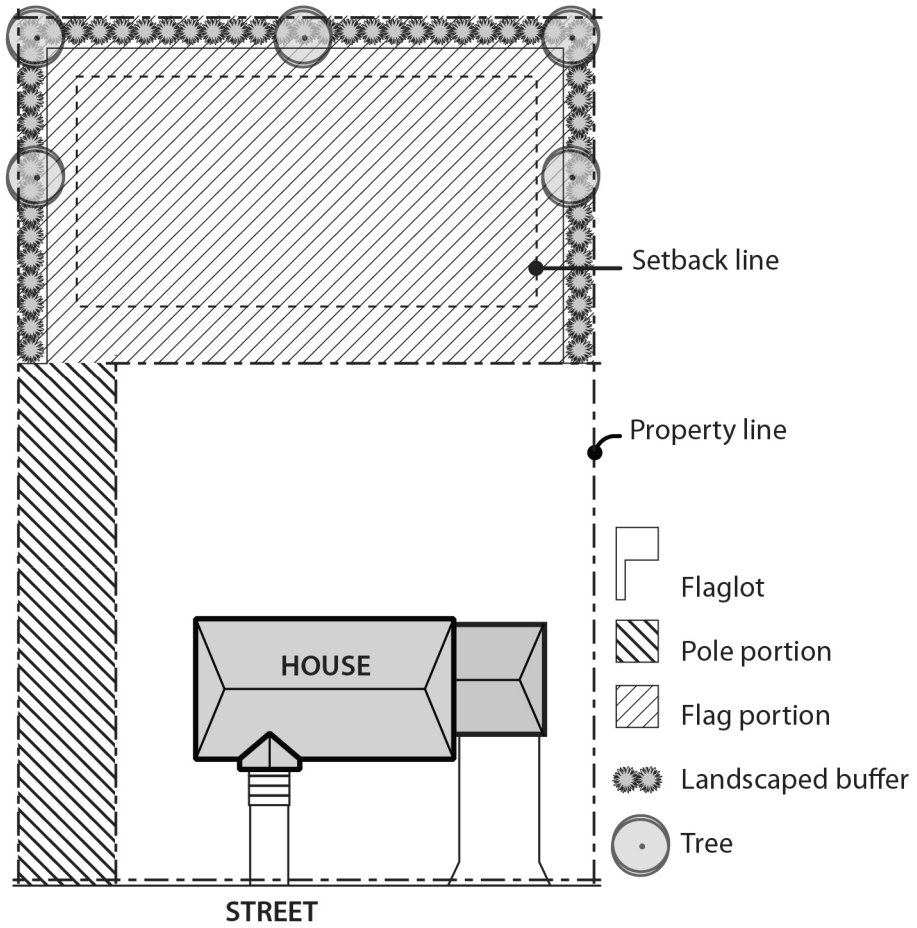
does not include lots that are smaller than the original platted lot solely because of condemnation or required dedication by a public agency for right-of-way. See Figure 910-17.

- **Through Lot.** A lot, adjusted lot, lot remnant, or lot of record that has frontage on two streets, and where the lot frontages do not intersect. See Figure 910-4. A through lot may also be a corner lot.

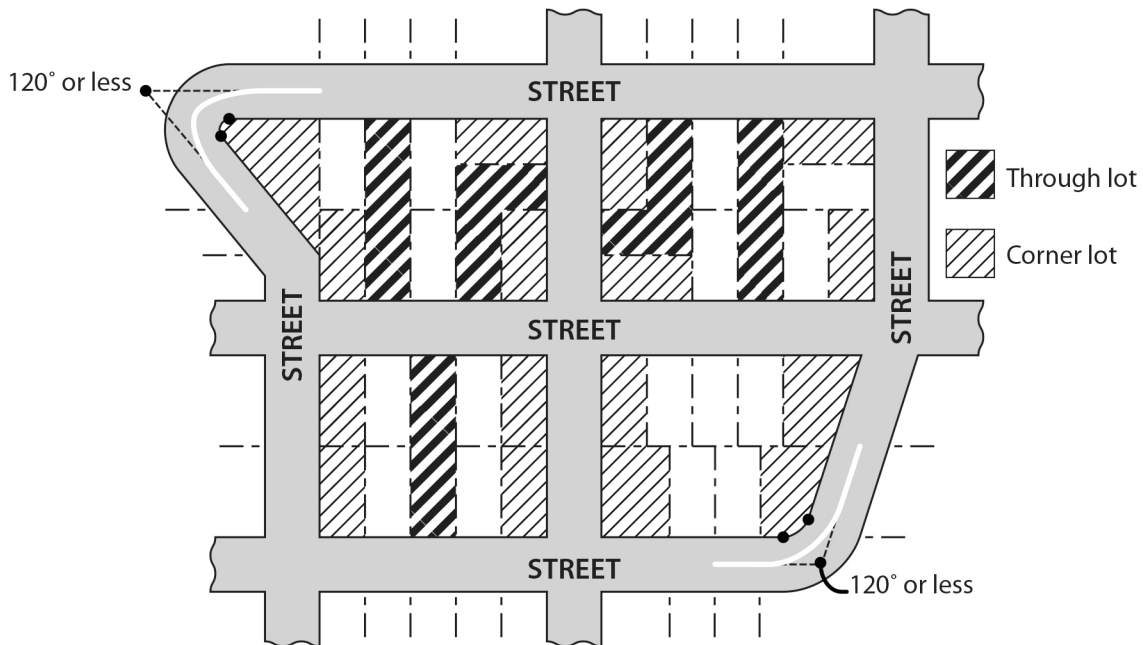
Figure 910-17
Adjusted Lot and Lot Remnant



**Figure 910-5
Flag Lot**



**Figure 910-4
Corner and Through Lots**



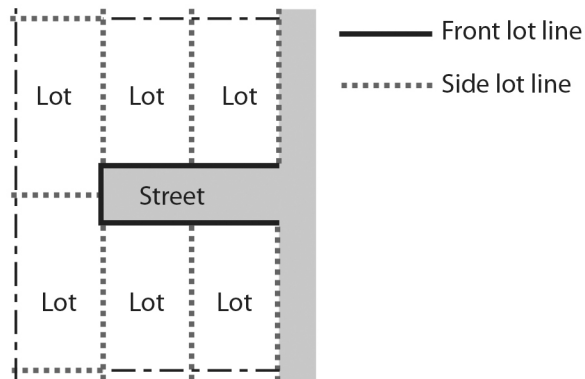
Lot Lines. The property lines along the edge of a lot, adjusted lot, lot of record, lot remnant, or site.

- **Front Lot Line.** A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. See Figure 910-6.
- **Rear Lot Line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See Figure 910-8.
- **Side Lot Line.** A lot line that is neither a front or rear lot line. On a corner lot, the longer lot line which abuts a street is a side lot line. See Figure 910-6.
- **Side Street Lot Line.** A lot line that is both a side lot line and a street lot line. See Figures 910-6 and 910-7.
- **Street Lot Line.** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines. See Figures 910-6 and 910-7.

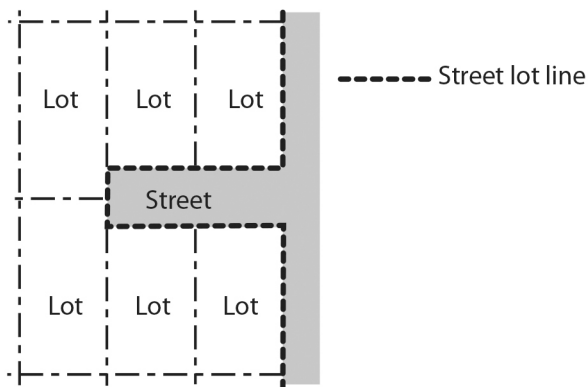
Lot of Record. See Lot-Related Definitions.

Lot Remnant. See Lot-Related Definitions.

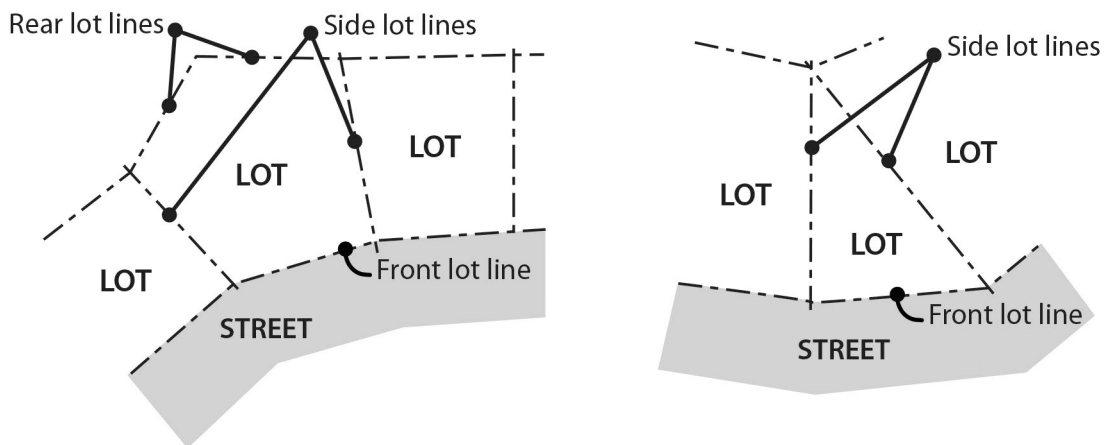
**Figure 910-6
Front and Side Lot Lines**



**Figure 910-7
Street Lot Lines**



**Figure 910-8
Lot Lines on Irregular Lots**



Main Entrance. A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance. Main entrances are the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. In single-tenant buildings, main entrances open directly into lobby, reception, or sales areas.

Maintained street. A maintained street is a street that has been accepted for maintenance by the City of Portland, Multnomah County, or the State of Oregon. See Title 17.42, Property Owner Responsibility for Streets.

Maintenance. Actions, such as painting a previously painted surface or re-roofing using the same type of materials, performed to prevent a structure, or one of its constituent systems, from falling into a deteriorated condition.

Major Remodeling. Projects where the floor area is being increased by 50 percent or more, or where the cost of the remodeling is greater than the assessed value of the existing improvements on the site. Assessed value is the value shown on the applicable county assessment and taxation records for the current year.

Manufactured Dwelling. See Residential Structure Types.

Manufactured Dwelling Park. Four or more manufactured dwellings which are located on a single site for 30 days or more and intended for residential use. Manufactured dwelling park does not include sites where unoccupied manufactured dwellings are offered for sale or lease. See also Recreational Vehicle Park.

Manufactured Dwelling Space. The area occupied by a manufactured dwelling and its accessory uses and structures in a manufactured dwelling park.

Manufactured Home. See Residential Structure Types.

Marina. A facility which provides secure moorings for recreational or commercial boats. The term marina does not include houseboat moorages.

Market Garden. A site where food is grown to be sold. The food may be sold directly to consumers, restaurants, stores, or other buyers, or at Farmers Markets.

Mass Shelter. A building that contains one or more open sleeping areas, or is divided only by non-permanent partitions, and furnished with beds, cots, floor mats, or bunks. Individual bedrooms are not provided. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or non-profit agency to provide shelter, with or without a fee, with no minimum length of stay. Where individual bedrooms are provided, the facility is a short term shelter. See also Outdoor Shelter and Short Term Shelter.

Mass Shelter Beds. Accommodation provided in a mass shelter. The number of beds is determined by the maximum number of people who can be given overnight accommodations at one time on the site.

Medium Truck. See Truck under Vehicle Types.

Mitigate. To rectify, repair, or compensate for impacts that result from other actions.

- **Off-site Mitigation.** Mitigation that does not take place on the site where the impact occurs.
- **On-site Mitigation.** Mitigation that takes place on the site where the impact occurs.

Mixed-Use. The combination on a site of residential uses with commercial or industrial uses.

Mobile Home. See Residential Structure Types.

Motor Home. See Recreational Vehicle, under Vehicle Types.

Motor Vehicle. See Vehicle Types.

Multi-Dwelling Development. See Residential Structure Types.

Multi-Dwelling Structure. See Residential Structure Types.

Near Shore Complexity. A combination of conditions within a river channel that includes at least one of the following: diverse in-water vegetation communities, variations in water flow depth and velocity, and a variety of structural elements such as rocks, logs, and rootwads.

Net Building Area. Gross building area, excluding parking areas.

New Development. See Development, New.

Noise Contour. A line that indicates the perimeter of areas that are within a specified Ldn/DNL level.

Nonconforming Development. An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards.

Nonconforming Residential Density. A residential use that is an allowed use in the zone and that was constructed at a lawful density, but which subsequently, due to a change in the zone or zoning regulations, now has greater density than is allowed in the zone.

Nonconforming Situation. A Nonconforming Residential Density, Nonconforming Development, or Nonconforming Use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development. See also Nonconforming Residential Density, Nonconforming Development, and Nonconforming Use.

Nonconforming Use. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of area devoted to the use is now prohibited in the zone.

Nondiscretionary Reviews. A nondiscretionary review is one where compliance with the regulations can be determined based on objective standards. Decisions are made ministerially; they do not require a public hearing or notice. Examples of these reviews include: whether the proposed use is or is not allowed, whether the site area is or is not large enough for the proposed number of housing units, and whether the proposed building meets all setback, height, and parking requirements.

Nuisance Plants List. The Nuisance Plants List is part of the *Portland Plant List*, published by the Bureau of Planning and Sustainability.

Operator. A person undertaking a development, the proprietor of a use or development, or the owner of the land underlying a development. The operator may also be the manager or other person who has oversight responsibility for the day to day operations of the use or development.

Ordinary Low Water. The line on the bank or shore to which the low water ordinarily recedes annually in season. On the Willamette River, ordinary low water is defined as 8' North American Vertical Datum of 1988 (NAVD88) or 5.90' City of Portland datum.

Organized Sports. Any athletic team play (scheduled games), by any ages, on a physically defined sports field (natural or synthetic). Includes both scheduled athletic games associated with school programs and non-school programs. Examples include T-ball, high-school football, youth baseball, and soccer clubs. Organized sports does not include practice or other unstructured play such as pick-up games or impromptu use and does not include play on hard-surfaced courts.

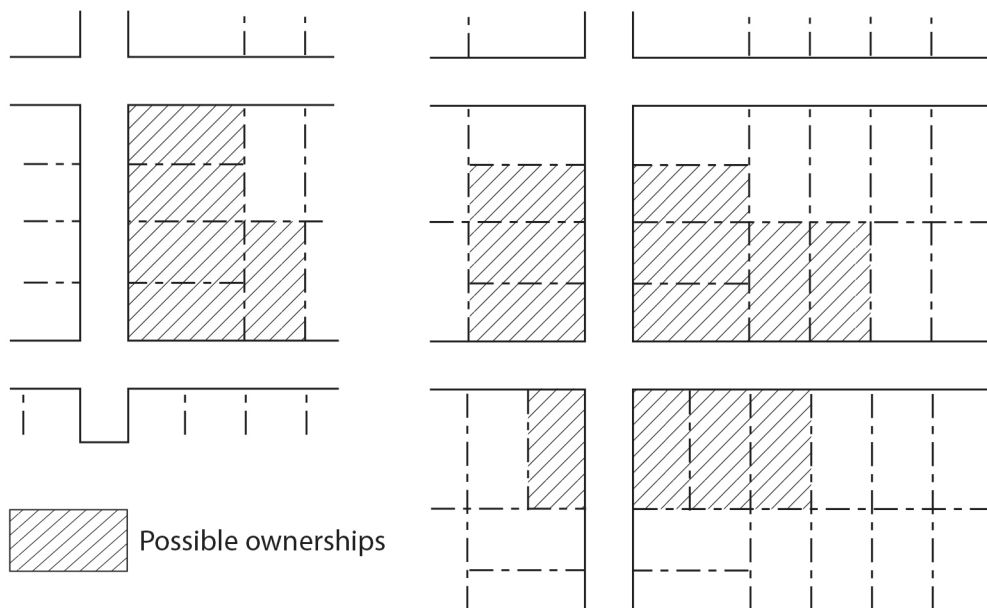
Outdoor Shelter. Individual shelters grouped together in an outdoor setting. Examples of individual shelters include tents, yurts, huts, cabins, vehicles or other similar accommodation that do not contain sanitary or cooking facilities, and recreational vehicles with or without cooking and sanitary facilities. The shelter is managed by a public agency or a non-profit agency, with or without a fee, and with no minimum length of stay. An outdoor shelter may or may not include buildings that have food preparation or sanitary facilities. See also Mass Shelter and Short Term Shelter.

Outfall. A location where collected and concentrated water is discharged. The water may be treated or untreated. Outfalls include discharge from stormwater management facilities, drainage pipe systems, constructed open channels, and vegetated swales.

Owner. The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale showing date, book, and page of recording.

Ownership. An ownership is one or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a shared right-of-way. See Figure 910-9. See also, Lot and Site.

**Figure 910-9
Ownership**



Parcel. See Lot.

Parking Area. A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading. See also, Driveway, Garage, Structured Parking, and Vehicle Areas.

Parking Space. A space designed to provide standing area for a motor vehicle.

Partial Street. See Street Types.

Passenger Vehicle. See Vehicle Types.

Paved Area. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy-impact uses. Graveled areas are not paved areas.

Peace Officer. Peace Officer includes a member of the Oregon State Police, sheriff, constable, marshal, or officer of the Bureau of Police.

Peak Hour Service. Service provided by public transit to a site, measured on weekdays between 7:00 AM and 8:30 AM and between 4:00 PM and 6:00 PM. The service is measured in one direction of travel, and counts bus lines, streetcars, and light rail lines.

Pedestrian Access Route. A route between the main entrance of a building and short-term bicycle parking that is hard surfaced, free of obstacles, and at width equal to that of the Pedestrian standards of the Base Zone. The route can be on sidewalks, walkways, plazas, and other hard-surfaced areas.

Pedestrian Connection. A pedestrian connection generally provides a through connection for bicyclists and pedestrians between two streets or two lots. It may be a sidewalk that is part of a

street that also provides vehicle access, or it may be a self-contained street created solely for pedestrians and bicyclists.

Pedestrian-Oriented Development. See Development Types.

Permanent Disturbance Area. See Disturbance Area, Permanent.

Person. Any person, partnership, association, or corporation.

Personal Wireless Service Facility. A type of Radio Frequency Transmission Facility that provides telecommunication service as defined by the Federal Telecommunications Act of 1996. These facilities include technologies that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, and similar Federal Communications Commission (FCC)-licensed commercial wireless telecommunications services.

Phased Development Plan. A phased development plan includes the following:

- A site plan showing the proposed final development of the site and phases, including the initial and interim phases.
- A written statement describing each phase, including the potential uses, and the approximate timeline for each phase of development.

Planning and Sustainability Director. The Director of the City of Portland Bureau of Planning and Sustainability, or the Director's designee.

Plat. Diagrams, drawings and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the State law definitions of "partition plat" and "subdivision plat".

Plaza. An area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping, for use by pedestrians.

Plot. A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate county recorder. This includes a lot, an adjusted lot, a lot remnant, a lot of record, a tract, or a piece of land created through other methods.

Pollution Reduction Facility. A facility specifically designed to remove pollutants from stormwater. Pollutants may include sediment, heavy metals, or plant nutrients. These facilities generally include native wetland plants which blend into surrounding habitat.

Potential Landslide Hazard Area. Potential Landslide Hazard Areas are shown on the City's Potential Landslide Hazard Areas Map.

PP&D. Portland Permitting & Development.

Practicable. Capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Primary Structure. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

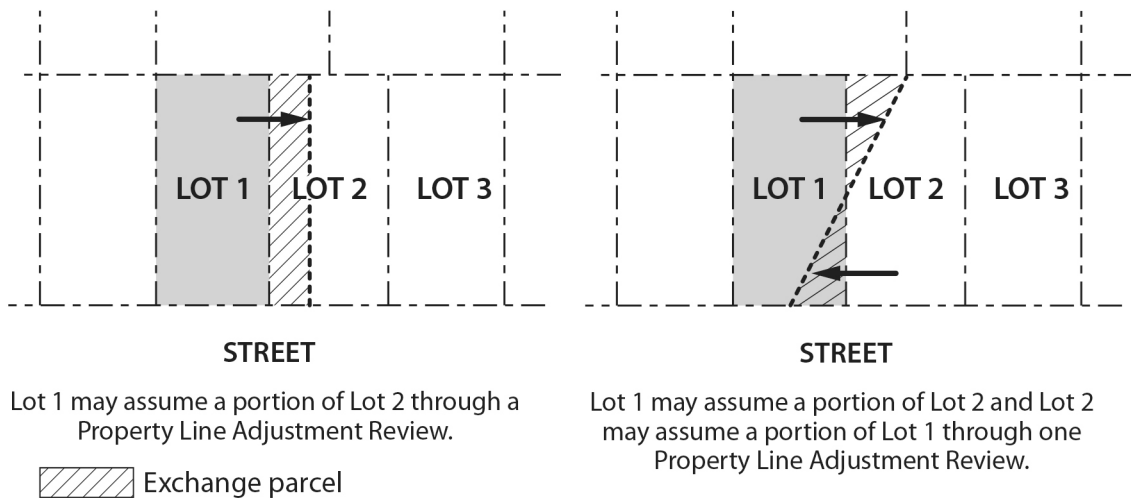
Primary Use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

Private Helicopter Landing Facility. See Helicopter Landing Facility (HLF).

Project. An existing or proposed development.

Property Line Adjustment. The relocation of a single common property line between two abutting properties. Also see Exchange Parcel. See Figure 910-10.

**Figure 910-10
Property Line Adjustment**



Pruning. The cutting away or limbing of tree or shrub branches. Pruning does not include the removal of any portion of the top of the tree, sometimes referred to as “topping”. Topping a tree is considered destruction of the tree.

Public Access Easement. A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.

Public Safety Facility. A facility necessary to respond to an immediate hazard to the public health and safety, and that is owned, leased, or operated by the City of Portland. Public safety facilities include fire and police stations, flood control facilities, water towers and pump stations needed for emergency service, and emergency communication broadcast facilities.

Radio or Television Broadcast Facility. A type of Radio Frequency Transmission Facility that disseminates radio and television communications intended to be received by the public, including the direct transmission or by the intermediary of relay stations.

Rail Right-Of-Way. See Right-Of-Way, Rail.

Rear Lot Line. See Lot Lines.

Rear Setback. See Setback.

Recognized Organization. An organization formally recognized by the Office of Community & Civic Life pursuant to City Code 3.96.060, and organizations participating in Civic Life's Diversity and Civic Leadership Program.

Recreational Vehicle. See Vehicle Types.

Recreational Vehicle Park. A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks. See also Manufactured Dwelling Park.

Recycling Drop-Off Center. A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling drop-off center. A recycling drop-off center is intended for household or consumer use. Use by commercial or industrial establishments is not included. Unattended drop-off stations for single materials, such as newsprint, are also not included.

Recycling Operation. A use where one or more recycling materials are accumulated, stored, sorted, or processed. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.

Regional Attractor. A Major Event Entertainment Use, Commercial Outdoor Recreation Use, or Community Service Use with more than 100,000 square feet of net building area.

Remediation. The restoration and enhancement of resources and/or functional values lost as the result of a violation of the environmental zone regulations.

Renewable Fuel. Renewable fuels (such as biodiesel, biomethane, and clean hydrogen) are produced from non-petroleum, non-natural gas renewable resources and have less than 5 percent fossil fuel content.

Repair. Actions to fix or mend a damaged or deteriorated structure, or one of its constituent systems, with similar material while retaining sound parts or elements.

Replacement. Actions to substitute one material or system for another.

Residential Facility. A residence for 6 to 15 physically or mentally disabled persons, and for staff persons. The facility may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Facility.

Residential Home. A residence for five or fewer physically or mentally disabled persons, and for staff persons. The residence may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Home.

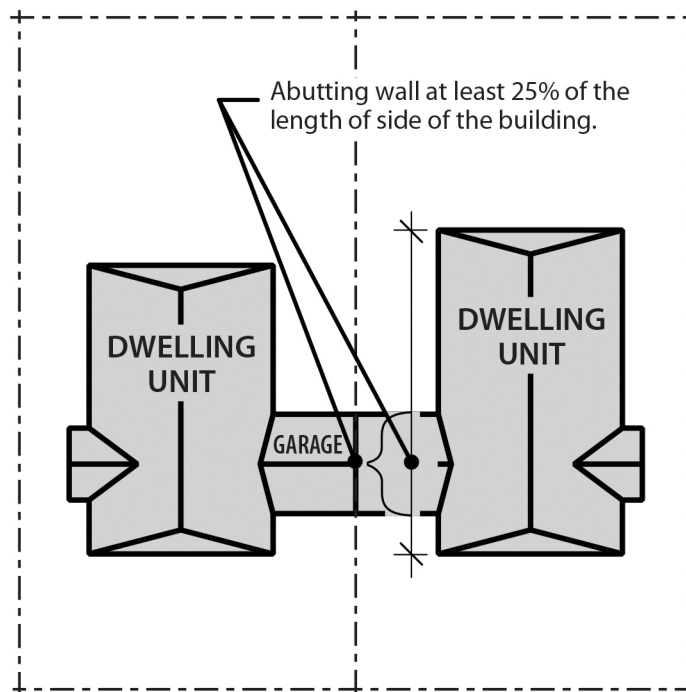
Residential Structure Types

- **Accessory Dwelling Unit.** An additional dwelling unit created on a lot with a primary dwelling unit. The additional unit is smaller than the primary dwelling unit except when the accessory dwelling unit is in an existing basement. The accessory dwelling unit includes its own independent living facilities including provision for sleeping, cooking, and sanitation,

and is designed for residential occupancy by one or more people, independent of the primary dwelling unit. Kitchen facilities for cooking in the unit are described in Section 29.30.160 of Title 29, Property and Maintenance Regulations. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.

- **Attached Duplex.** A duplex, **located on its own lot**, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the dwelling.
- **Attached House.** Except for individual dwelling units on lots created through a middle housing land division, a dwelling unit, **located on its own lot**, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The shared or abutting walls may be any wall of the buildings, including the walls of attached garages. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a rowhouse or a common-wall house. See Figure 910-16.

Figure 910-16
Attached Houses



- **Congregate Housing Facility.** A building, buildings, or portion of a building that includes separate bedrooms and individual or shared bathrooms but does not include a kitchen or if it does include a kitchen the number of kitchens is less than one kitchen per 12 bedrooms.
- **Cottage Cluster.** A grouping of no fewer than three and no more than 16 individual detached primary dwelling units on one lot. A cottage cluster on a site that is divided through a middle housing land division remains a cottage cluster.
- **Duplex.** A building that contains two primary dwelling units on one lot. In this case, the units must share a common wall or common floor/ceiling. In the single-dwelling zones, a duplex

can also be two detached primary dwelling units on one lot. A duplex on a site that is divided through a middle housing land division remains a duplex.

- **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people, except that a congregate housing facility is not a dwelling unit. Kitchen facilities for cooking are described in Section 29.30.160 of Title 29, Property and Maintenance Regulations. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.
- **Fourplex.** A structure that contains four primary dwelling units on one lot. Each unit must share a common wall or common floor/ceiling with at least one other unit. A fourplex on a site that is divided through a middle housing land division remains a fourplex.
- **House.** Except for a detached dwelling unit on a lot that was created through a middle housing land division, a detached dwelling unit located on its own lot.
- **Houseboat Moorage.** A facility which provides moorings for houseboats.
- **Manufactured Dwelling.** A dwelling unit constructed off of the site which can be moved on the public roadways. Manufactured dwellings include residential trailers, mobile homes, and manufactured homes.
 - **Manufactured Home.** A manufactured home is a manufactured dwelling constructed after June 15, 1976 in accordance with federal manufactured housing construction and safety standards (HUD code) in effect at the time of construction.
 - **Mobile Home.** A mobile home is a manufactured dwelling constructed between January 1, 1962, and June 15, 1976, in accordance with the construction requirements of Oregon mobile home law in effect at the time of construction.
 - **Residential Trailer.** A residential trailer is a manufactured dwelling constructed before January 1, 1962, which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), or the construction requirements of Oregon mobile home law.
- **Multi-Dwelling Development.** Except for cottage clusters, a grouping of individual structures where each structure contains 1 or more dwelling units. The land underneath the structures is not divided into separate lots. The key characteristic of this housing type is that there is no requirement for the structures on the sites to be attached.
- **Multi-Dwelling Structure.** A structure that contains five or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments, and condominiums.
- **Triplex.** A structure that contains three primary dwelling units on one lot. Each unit must share a common wall or common floor/ceiling with at least one other unit. A triplex on a site that is divided through a middle housing land division remains a triplex.

Residential Trailer. See Residential Structure Types.

Resource Enhancement. The modification of resources or functional values. This may include the short-term loss of resources or functional values, to achieve improved quality or quantity of the resource or functional values in the long term or for future desired conditions. It can include actions that result in increased animal and plant species, increased numbers of types of natural habitat, and/or increased amount of area devoted to natural habitat. It may also include improvements in

scenic views and sites, increased capacity for stormwater detention or infiltration, increased or improved floodplain function, changes in water quantity or quality, changes in ecosystem type, or other improvements to resources or functional values. A resource enhancement project must result in a net gain in total functional value and improvement in the quality or quantity of resources on the site.

Retaining Wall. A vertical, or near vertical structure, that holds back soil or rock, and prevents movement of material down slope or erosion on a site.

Review Body. The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Review body includes the Director of PP&D, the Hearings Officer, the Historic Landmarks Commission, Design Commission, Planning Commission, and the City Council.

Right-Of-Way. An area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract. Where allowed by Section 33.654.150, Ownership, Maintenance, and Public Use of Rights-Of-Way, the right-of-way may be in an easement.

Right-of-way, Rail. A public or private right-of-way, for the purpose of allowing rail travel.

Riparian Areas. Lands which are adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such, contain elements of both aquatic and terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils which are usually made up largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal.

Riparian Functional Values. The functional values provided along a healthy river shore, including: food and habitat for fish and wildlife; dynamic channel forming processes; cool clean water; an amount and timing of water flow that reflects the natural hydrologic regime; and a microclimate beneficial to fish and wildlife.

River Bank Complexity. A combination of conditions along a river shore that includes at least one of the following: diverse vegetation communities, variations in bank slope and shoreline roughness, and a variety of structural elements such as rocks, log, and rootwads.

River-Dependent. A use which can be carried out only on, in, or adjacent to a river because it requires access to the river for waterborne transportation or recreation. River-dependent also includes development, which by its nature, can be built only on, in, or over a river. Bridges supported by piers or pillars, as opposed to fill, are river-dependent development.

River-Related. A use or development which is not directly dependent upon access to a water body but which provides goods or services that are directly associated with river-dependent land or waterway use or development, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Residences (including houseboats), parking areas, spoil and dump sites, roads and highways, restaurants, businesses, factories, and recreational vehicle parks are not generally considered dependent or related to water. Recreational trails and viewpoints adjacent to the river are river-related development. Bridge exit and entrance ramps supported by piers or pillars, as opposed to fill, are river-related development. Removal or remedial actions of hazardous substances conducted under ORS 465.200 through 465.510 and 475.900 are considered river-related development for the duration of the removal or remedial action.

Roadway. The portion of a right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

Scenic Corridor. A scenic corridor is a linear scenic resource. It may include streets, bikeways, trails, or waterways (rivers, creeks, sloughs) through parks, natural areas, or urban areas. The corridor may include scenic views along it, but may also be valued for its intrinsic scenic qualities, such as a winding road through a wooded area. See also, View Corridor.

Scenic Site. A scenic site is an area valued for its aesthetic qualities. The area may be made up primarily of natural vegetated cover and water, or include structures and manmade landscaping. Scenic sites may include scenic viewpoints, but do not necessarily do so.

Scenic View. A scenic view is a view that may be framed, wide angle, or panoramic and may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far away object, such as a mountain, or of a nearby object, such as a city bridge.

Scenic Viewpoint. A scenic viewpoint is a location from which to enjoy a scenic view. A viewpoint may be a generalized location, such as a butte, and include several vantage points where the view may be seen to best advantage, or a single observation point.

School Site. An improved site that has, formerly had, or proposes to have a school use on it and that is owned by the entity that runs, ran, or will run the school.

Seep or Spring. An area where groundwater is discharged onto the land surface, creating either saturated soil conditions or visible flow at the land surface.

Services. For the purposes of the 600s series of chapters, services are water service, sanitary sewage disposal, stormwater management systems, and rights-of-way.

Setback. The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. Unless otherwise indicated, an unspecified setback refers to a building setback. In addition, the following setbacks indicate where each setback is measured from. See Chapter 33.930, Measurements, for measurement information.

- **Front Setback.** A setback that is measured from a front lot line.
- **Garage Entrance Setback.** A setback that is measured from a street lot line to the entrance to a garage or carport. It is essentially a minimum driveway length. See Chapter 33.930, Measurements, for more specific measurement information.
- **Rear Setback.** A setback that is measured from a rear lot line.
- **Side Setback.** A setback that is measured from a side lot line.
- **Street Setback.** A setback that is measured from a street lot line.

Shallow Water Habitat. Land and riverbed located between the ordinary high water mark and 20 feet below the ordinary low water mark of the Willamette or Columbia Rivers.

Shelter Beds. See Mass Shelter Beds.

Short-Term Bicycle Parking. Short-term bicycle parking serves shoppers, customers, messengers, and other visitors to a site who generally stay for a short time. See also Long-Term Bicycle Parking.

Short Term Shelter. A building that contains one or more individual bedrooms, and where occupancy of all rooms may be arranged with no minimum length of stay. The short term shelter facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. The facility is managed by a public or non-profit agency to provide shelters, with or without a fee. Examples include transitional housing, and emergency shelters where individual rooms are provided. Where individual bedrooms are not provided, the facility is a mass shelter. See also Mass Shelter and Outdoor Shelter.

Short Term Parking. Parking having a duration of four hours or less.

Side Lot Line. See Lot Lines.

Side Setback. See Setback.

Side Street Lot Line. See Lot Lines.

Sign. As defined in Title 32, Signs and Related Regulations

Significant Detrimental Impact. An impact that affects the natural environment to the point where existing ecological systems are disrupted or destroyed. It is an impact that results in the loss of vegetation, land, water, food, cover, or nesting sites. These elements are considered vital or important for the continued use of the area by wildlife, fish, and plants, or the enjoyment of the area's scenic qualities.

Site. For land divisions, the site is the lots, lots of record, or tracts proposed to be divided or reconfigured. For development on a lot that was created through a middle housing land division, the site is the original site prior to being divided. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes more than one ownership, then all the ownerships are included as the site.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

Site Frontage. The part of a site that abuts a street. See also, Block Frontage.

Small Scale Energy Production. Energy production where the energy is derived from the following:

- Solar;
- Small wind energy turbines;
- Geothermal;
- Hydroelectric systems that produce up to 100 kW;
- Waste heat capture, heat exchange or co-generation of energy as a byproduct of another manufacturing process;
- The following systems that use only biological material or byproducts produced, harvested or collected on-site. Up to 10 tons a week of biological material or byproducts from other sites may be used where the base zone regulations specifically allow it:

- **Biogas.** Generation of energy by breaking down biological material in anaerobic conditions to produce gas that can be used to generate electricity or heat. The process generally occurs inside a closed system such as a tank or container.
- **Biomass.** Generation of energy through the combustion of biological material to produce heat, steam, or electricity.
- Any of the methods listed here or natural gas used to produce steam, heat or cooling, with an output up to 1 megawatt.

See also Utility Scale Energy Production, and Wind Energy Turbine.

Special Flood Hazard Area. Land area covered by the floodwaters of the base flood, as shown on the Federal Emergency Management Agency (FEMA) maps in effect on November 26, 2010. The base flood is the flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the “100-year flood.”

Stormwater Facility. A facility designed to improve the quality and manage the quantity of stormwater runoff. Stormwater facilities include vegetated and sand filters, wet or dry ponds, marshes, infiltration facilities, and structural storm sewer devices. Stormwater facilities do not include conveyance systems that are meant only for conveying the stormwater from one place to another and do not affect the quality or quantity of the stormwater.

Stormwater Management System. A stormwater facility, and a conveyance system or an outfall.

Stream. An area where enough natural surface water flows to produce a stream channel, such as a river or creek, that carries flowing surface water during some portion of the year. This includes:

- The water itself, including any vegetation, aquatic life, or habitat;
- Beds and banks below the high water level which may contain water, whether or not water is actually present;
- The floodplain between the high water level of connected side channels;
- Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and
- Stream-associated wetlands.

See also Identified Streams.

Stream Channel. An area which demonstrates evidence of the passage of water. The depression between the banks worn by the regular and usual flow of the water. The channel need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses.

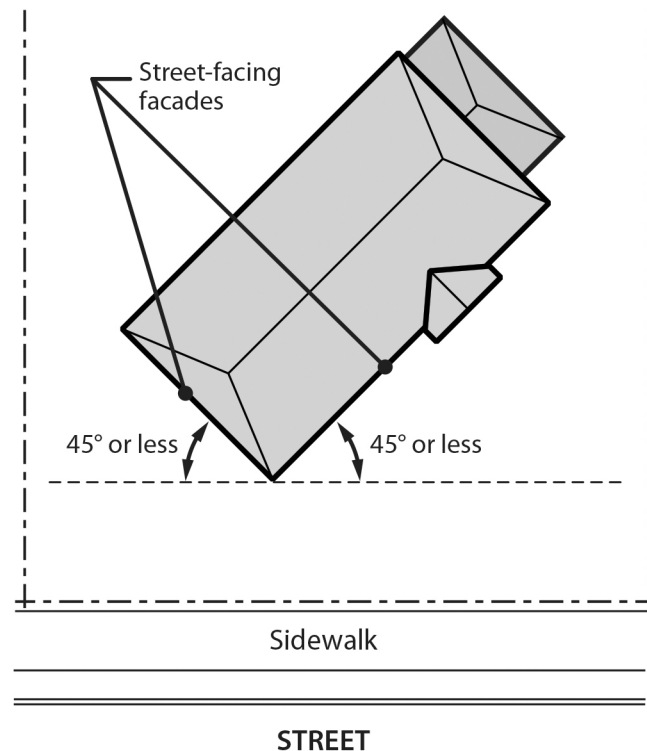
Street. See Street Types.

Street Lot Line. See Lot Lines.

Street Setback. See Setback.

Street-facing Facade. All the wall planes of a structure as seen from one side or view that are at an angle of 45 degrees or less from a street lot line. See Figure 910-12.

Figure 910-12
Street-facing Facade



Streetcar Alignment. A street, right-of-way, or easement that has a streetcar line in it. For comparison, see Light Rail Alignment.

Streetcar Line. A public rail transit line that generally operates at grade level and that provides local transit service with stops that are close together. A streetcar line is designed to share a street with traffic, although it may also use a separate right-of-way or easement. For comparison, see also Light Rail Line.

Street Types. See also Alley, Pedestrian Connection, Right-of-Way, and Roadway.

- **Arterial.** Any street that is not a Local Service Traffic Street according to the Transportation System Plan. It includes Regional Trafficways, Major City Traffic Streets, District and Neighborhood Collectors, and Traffic Access Streets.
- **Common Green.** A street that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.
- **Dead-End Street.** A street that connects to another street at only one end, or extends from an existing dead-end street. Dead-end streets serve 2 or more lots that have frontage only on the dead-end street. A pedestrian connection may extend from the end of a dead-end street to connect with another street of any type, or with another pedestrian connection.
- **Local Service Street.** A street that is a Local Service Traffic Street according to the Transportation System Plan.

- **Partial Street.** A partial street is one or more parts of a dead-end street or through street; each part usually is located on a different site. Partial streets are created when a street will be completed in stages, on more than one site. Partial streets may include the whole or part of a turnaround, part of the total width, or part of the total length.
- **Shared Court.** A street that is designed to accommodate – within the same circulation space – access for vehicles, pedestrians, and bicycles to abutting property. Instead of a sidewalk area that is separate from vehicle areas, a shared court is surfaced with paving blocks, bricks or other ornamental pavers to clearly indicate that the entire street is intended for pedestrians as well as vehicles. A shared court may also include traffic calming measures to ensure safe co-existence of pedestrians, vehicles, and bicycles. Like a common green, a shared court may function as a community yard. Hard and soft landscape features and street furniture may be included in a shared court, such as trees, shrubs, lighting fixtures, and benches.
- **Street.** A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Title, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or the interstate freeways and the Sunset Highway including their ramps.
- **Through Street.** A street that connects to other streets at both ends.
- **Transit Street.** A street that is classified in the Transportation System Plan as:
 - A Major Transit Priority Street, Transit Access Street, or Community Transit Street; or
 - A Regional Transitway not also classified as a Regional Trafficway, according to the Transportation System Plan. Regional Transitways that are entirely subsurface are not included for the purposes of this Title.

Structure. Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

Structured Parking. A covered structure or portion of a covered structure that provides parking areas for motor vehicles. Parking on top of a structure—where there is gross building area below the parking, but nothing above it—is structured parking. The structure can be the primary structure for a Commercial Parking facility or be accessory to multi-dwelling residential, commercial, employment, industrial, institutional, or other structures. A structure that is accessory to a house, attached house, duplex, triplex, fourplex, cottage cluster, manufactured dwelling, or houseboat is a garage and is not included as structured parking. See also Garage, Parking Area, and Underground Parking.

Superblock. A continuous area, either in single or multiple ownerships, which includes a vacated street and which has a total gross area in private property of at least 75,000 square feet.

Supermarket. A supermarket is a retail store with more than 20,000 square feet of net building area, selling a complete assortment of food, food preparation and wrapping materials, and household cleaning and servicing items.

Surface Parking. A parking area for motor vehicles where there is no gross building area below the parking area and no gross building area or roof above it. Area occupied by small, permanent buildings, such as booths used by parking attendants, is not parking area. Temporary vending carts are not gross building area.

Temporary Disturbance Area. See Disturbance Area, Temporary.

Through Lot. See Lot-Related Definitions.

Through Street. See Street Types.

Top of Bank. The largest decrease in slope that is 10 percent or greater between the ordinary high water mark of a water body and a point 50 feet landward from the ordinary high water mark. See Section 33.930.150, Measuring Top of Bank. If there is no decrease in slope that is 10 percent or greater within a distance of 50 feet from the ordinary high water mark, then the top of bank will be the default location described in Section 33.930.150, Measuring Top of Bank.

Topping. The inappropriate pruning practice used to reduce tree height by cutting to a predetermined crown limit without regard to tree health or structural integrity. Topping does not include acceptable pruning practices as described in the American National Standards Institute (ANSI) "A 300 Pruning Standards" and companion "Best Management Practices for Tree Pruning" published by the International Society of Arboriculture, such as crown reduction, utility pruning, or crown cleaning to remove a safety hazard, dead or diseased material.

Tower. A tall structure with the intended purpose of elevating a Radio Frequency Transmission Facility high above the ground. This definition includes but is not limited to a tower, pole, or mast over 20 feet tall.

Tract. A piece of land created and designated as part of a land division that is not a lot, adjusted lot, lot remnant, lot of record, or a public right-of-way. Tracts are created and designed for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, or in the maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs). Examples include stormwater management tracts, private street or alley tracts, tree preservation tracts, environmental resource tracts, and open space tracts.

Transit Station. A location where light rail vehicles stop to load or unload passengers. For purposes of measuring, the Transit Station consists of the station platform.

Transit Street. See Street Types.

Transportation Management Association. An organization devoted to managing transportation or parking within a local community. A main goal for a Transit Management Association is to reduce reliance on the automobile for both work and non-work trips. A Transit Management Association typically provides information, programs, and activities that encourage the use of carpooling, transit, and other alternative modes of travel along with efficient use of parking resources.

Tree Grove. A group of six or more native trees at least 12 inches in diameter, or Oregon white oak trees or Pacific madrone trees that are at least 6 inches in diameter and that form a generally continuous canopy, or are spaced as appropriate for that species or species assemblage. Groves are generally non-linear. Other trees and understory vegetation located within the grove are considered part of the grove and are counted as part of the canopy area. A tree grove may be identified by a qualified professional, such as an arborist or environmental scientist, based on the types, configuration, or functions of a grouping of trees. Functions include structural support and wind protection for the trees within the grove, microclimate and shade, and habitat such as nesting, foraging, and cover for birds and other wildlife.

Tree Types

- **Dangerous Tree** is one where the condition of the tree presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning. A tree may be dangerous because it is likely to injure people or damage vehicles, structures, or development, such as sidewalks or utilities.
- **Dead Tree** is a tree that is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, or branches exist to sustain life as determined by an arborist.
- **Dying Tree** is a tree in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees or is imminently likely to become a danger or die.
- **Heritage Tree.** Trees designated as Historic Landmark Trees, Historic Trees, and Heritage Trees by the City of Portland.
- **Non-Native Non-Nuisance Tree.** A tree that is not identified as either a native tree species or a nuisance tree species in the *Portland Plant List*.

Triplex. See Residential Structure Types.

Truck. See Vehicle Types.

Underground Parking. Structured parking that does not qualify as floor area. See Structured Parking, Gross Building Area, and Floor Area.

Uplands. Lands not characterized by the presence of riparian areas, water bodies, or wetlands.

Utilities. Infrastructure services, including those in the Basic Utility Use Category, and structures necessary to deliver those services. These services may be provided by a public or a private agency. Examples include water, sanitary sewer, electricity, natural gas, and telephone.

For the purposes of the 600s series of chapters, utilities are telephone, cable, natural gas, electric, and telecommunication facilities.

Utility Scale Energy Production. Energy production that does not meet the definition of Small Scale Energy Production.

Utility Trailer. See Vehicle Types.

Valet Parking. Parking arrangement in which drivers leave and reclaim their cars at a destination site, with the cars parked at an off-site location by employees associated with the destination site. The valet parking occurs at the off-site location where the cars are parked.

Vegetation. All types of vegetation, including trees, shrubs, forbs, grasses, and other plants.

Vegetative Maintenance. Control of vegetation that encroaches or grows into public pathways or public drainageways and where maintenance is required for public safety. The control methods may include vegetation trimming or removal.

Vehicle Areas. All the area on a site where vehicles may circulate or park including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

Vehicle Types.

- **Motor Vehicle.** Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger

vehicles, trucks, and recreational vehicles with motive power. See also Passenger Vehicle, Recreational Vehicle, and Truck.

- **Passenger Vehicle.** A motor vehicle designed to carry ten persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, and jeeps. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.
- **Recreational Vehicle.** A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:
 - **Accessory recreational vehicle.** Accessory recreational vehicle includes nonmotorized vehicles designed for human occupancy on an intermittent basis such as travel trailers, park model recreational vehicles, campers, and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as off-road vehicles, dune buggies, and recreational boats.
 - **Motor home.** Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise. See also Truck.
- **Truck.** A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. Trucks are divided into three categories by size as stated below. See also Passenger Vehicle, and Recreational Vehicle.
 - **Light Truck.** Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.
 - **Medium Truck.** Medium trucks are trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.
 - **Heavy Truck.** Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.
- **Utility Trailer.** A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is 16 feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than 16 feet in length are considered industrial vehicles and are regulated as heavy trucks.

View Corridor. A view corridor is a three-dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as Mt. Hood, which would result in a narrow corridor, or a group of objects, such as the downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors

and may include a 360-degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view. See also, Scenic Corridor.

Viewing Area. Part of a site developed for educational or public viewing purposes. The viewing area may be hard surfaced or decking, or within a structure such as a duck blind.

Waste Collection Areas. Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

Water Bodies. Permanently or temporarily flooded lands which may lie below the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live, whether or not they are attached to the bottom. The bottom may sometimes be considered nonsoil or the water may be too deep or otherwise unable to support emergent vegetation. Water bodies include rivers, streams, creeks, sloughs, drainageways, lakes, and ponds. See also Identified Waterbodies.

Water Quality Resource Area. The water quality resource area is a vegetated corridor and the adjacent protected water feature. The functional values of the water quality resource area include: providing a vegetated corridor to separate protected water features from development; maintaining or reducing stream temperatures; maintaining natural stream corridors; minimizing erosion, nutrient and pollutant loading into water; filtering, infiltration and natural water purification; and stabilizing slopes to prevent landslides contributing to sedimentation of water features.

Wetland. An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas. See also Identified Wetlands.

Wildlife Species of Concern. Wildlife species of concern are those species with a large enough body mass (i.e. raptors, waterfowl, coyote, great blue heron or species with flocking behavior (i.e. European starling, gulls) that can result in a high probability of severe impact with aircraft. The wildlife species of concern list is in the Port of Portland's Wildlife Hazard Management Plan, as authorized by the Federal Aviation Administration.

Wind Turbine or Wind Energy Turbine. A wind turbine or wind energy turbine converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a mast or mounting frame and structural supports, electrical generator, transformer, energy storage equipment, and a rotor with one or more blades. Some turbines use a vertical axis/helix instead of rotor blades.

- Small Wind Turbines or Small Wind Energy Turbines are turbines with an American Wind Energy Association (AWEA) rated power output of 10 kW or less. They also are certified by the Small Wind Certification Council to meet the American Wind Energy Associations (AWEA) Small Wind Turbine Performance and Safety Standards. These turbines may or may not be connected to the power grid.
- Large Wind Turbines or Large Wind Energy Turbines are turbines with a rated power output of more than 10kW and up to 300 kW. These turbines may or may not be connected to the power grid.

(Amended by: Ord. No. 163957, effective 4/12/91; Ord. No. 164899, effective 12/11/91; Ord. No. 165417, effective 6/5/92; Ord. No. 165681, effective 7/15/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167127, effective 12/17/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169763, effective 3/25/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170248, effective 9/17/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171740, effective 11/14/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 172882, effective 11/18/98; Ord. No. 173015, effective 2/12/99; Ord. No. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176351, effective 3/27/02; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178020, effective 12/20/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179540, effective 9/26/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179925, effective 3/17/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/1/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184521, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 815915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20 and 8/1/21; Ord. No. 190093, effective 9/11/20 and 8/1/21; Ord. No. 190241, effective 3/1/21; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 190978, effective 8/31/22; Ord. No. 190834, effective 10/1/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191779, effective 10/1/24.)