

**DATE:** March 1, 2025  
**FROM:** Julie Ocken  
**RE:** **Update Packet #213**

This code update packet includes Zoning Code changes from:

- Odor Code Update Ord. No. 191961 (contact: JP McNeil)
- Annual Dollar Threshold Updates (contact: Shannon Buono)

**Update Packet #213: Odor Code; Annual Dollar Thresholds**

<b>Chapter</b>	<b>Remove Pages</b>	<b>Insert Pages</b>	<b>Changed because of</b>
33.100	All	All	Odor Code
33.110	3-4, 51-52	3-4, 51-52	Odor Code
33.120	7-8, 63-64	7-8, 63-64	Odor Code
33.130	1-2, 7-8, 49-50	1-2, 7-8, 49-50	Odor Code
33.140	All	All	Odor Code; Typos
33.150	1-26	1-26	Odor Code
33.203	All	All	Odor Code
33.224	All	All	Odor Code
33.258	3-4, 9-16	3-4, 9-16	Odor Code; \$ Threshold
33.262	All	All	Odor Code
33.410	All	All	Odor Code
33.440	7-8	7-8	\$ Threshold
33.475	13-14	13-14	\$ Threshold
33.510	5-8, 43-44, 71-72	5-8, 43-44, 71-72	Odor Code; \$ Threshold
33.515	33-34	33-34	\$ Threshold
33.560	1-2	1-2	\$ Threshold
33.561	1-8	1-8	Odor Code
33.562	25-28	25-26	Typos
33.565	7-8	7-8	\$ Threshold
33.654	3-4, 9-10	3-4, 9-10	Typos
33.846	7-10	7-10	\$ Threshold



## 33.100 Open Space Zone

# 100

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### Sections:

#### General

- 33.100.010 Purpose
- 33.100.020 Short Name
- 33.100.030 Where the Zone Is Applied
- 33.100.040 Other Zoning Regulations

#### Use Regulations

- 33.100.100 Primary Uses
- 33.100.110 Accessory Uses

#### Development Standards

- 33.100.200 Development Standards
- 33.100.205 Fences
- 33.100.210 Demolitions
- 33.100.220 Nonconforming Development
- 33.100.225 Signs
- 33.100.230 Trees
- 33.100.240 Recycling Areas

### General

#### 33.100.010 Purpose

The Open Space zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions including:

- Providing opportunities for outdoor recreation;
- Providing contrasts to the built environment;
- Preserving scenic qualities;
- Protecting sensitive or fragile environmental areas;
- Enhancing and protecting the values and functions of trees and the urban forest;
- Preserving the capacity and water quality of the stormwater drainage system; and
- Providing pedestrian and bicycle transportation connections.

#### 33.100.020 Short Name

The short name and map symbol of the Open Space zone is OS.

#### 33.100.030 Where the Zone Is Applied

The Open Space zone is applied to all land designated as "Open Space" on the Comprehensive Plan map. In addition, property owners may request an open space designation for open or natural areas that meet the purpose of the zone, and for view, conservation, or similar easements that can be shown as open space. See Chapter 33.810, Comprehensive Plan Amendments.

**33.100.040 Other Zoning Regulations**

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

<b>Table 100-1 Open Space Zone Primary Uses</b>	
<b>Use Categories</b>	<b>OS Zone</b>
<b>Residential Categories</b>	
Household Living	N
Group Living	N
<b>Commercial Categories</b>	
Retail Sales And Service	CU [1]
Office	N
Quick Vehicle Servicing	N
Vehicle Repair	N
Commercial Parking	N
Self-Service Storage	N
Commercial Outdoor Recreation	CU
Major Event Entertainment	N
<b>Industrial Categories</b>	
Manufacturing And Production	CU [6]
Warehouse And Freight Movement	N
Wholesale Sales	N
Industrial Service	N
Bulk Fossil Fuel Terminal	N
Railroad Yards	N
Waste-Related	N
<b>Institutional Categories</b>	
Basic Utilities	L/CU [5]
Community Service	CU [4]
Parks And Open Areas	L/CU [2]
Schools	CU
Colleges	N
Medical Centers	N
Religious Institutions	N
Daycare	CU
<b>Other Categories</b>	
Agriculture	L[7]
Aviation And Surface Passenger Terminals	N
Detention Facilities	N
Mining	CU
Radio Frequency Transmission Facilities	L/CU [3]
Rail Lines And Utility Corridors	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 33.100.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

## Use Regulations

### 33.100.100 Primary Uses

- A. Allowed uses.** Uses allowed in the open space zone are listed in Table 100-1 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 development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 100-1 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 100-1.
1. **Retail Sales And Service.** This regulation applies to all parts of Table 100-1 that have note [1]. Retail Sales And Services uses are conditional uses only when they are associated with a Park And Open Areas use. In other situations they are prohibited.
  2. **Parks And Open Areas.** This regulation applies to all parts of Table 100-1 that have note [2]. Uses in the Park And Open Areas category are allowed by right. However, certain accessory uses and facilities which are part of a Park And Open Areas use require a conditional use review. These 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.
  3. **Radio Frequency Transmission Facilities.** This regulation applies to all parts of Table 100-1 that have note [3]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

4. Community Services. This regulation applies to all parts of Table 100-1 that have note [4]. Most Community Service uses are a conditional use. However, short term, mass, and outdoor shelters are prohibited.
  5. Basic Utilities. This regulation applies to all parts of Table 100-1 that have note [5].
    - 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.
    - c. All other Basic Utilities are conditional uses.
  6. Manufacturing and Production. This regulation applies to all parts of Table 100-1 that have note [6]. Utility Scale Energy Production from Large Wind Turbines is a conditional use. All other Manufacturing And Production uses are prohibited.
  7. Agriculture. This regulation applies to all parts of Table 100-1 that have note [7]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.
- C. Conditional uses.** Uses which are allowed if approved through the conditional use review process are listed in Table 100-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 100-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

### 33.100.110 Accessory Uses

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

## Development Standards

### 33.100.200 Development Standards

- A. Allowed or limited uses.** Allowed or limited uses are subject to the development standards stated below.
1. Building setbacks. Except as specified in paragraph A.3., buildings must be set back from all property lines a minimum of 1 foot for each foot of building height.

2. Outdoor activity facility setbacks. Except as specified in paragraph A.3. 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.
3. Recreational fields for organized sports. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

**B. Conditional uses.** Conditional uses are subject to the development standards stated below.

1. Generally. Except as modified by paragraph B.2 and B.3, the development standards of Table 110-9, in Chapter 33.110, Single-Dwelling Zones, apply.
2. Minimum setbacks. Buildings must be set back from all property lines a minimum of 1 foot for each foot of building height. Setbacks for structures that are accessory to recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.
3. Parking. Conditional uses must meet the parking standards for that use in the CE zone, as stated in Chapter 33.266, Parking and Loading.

**33.100.205 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.** Fences may be 8 feet tall at the property line. Fences taller than 8 feet must be set back from the property line one additional foot for each additional foot of fence height over 8 feet. A fence within 30 feet of a street lot line may not be more than 10 percent sight obscuring.
- 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.

**33.100.210 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.

### **33.100.220 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.

### **33.100.225 Signs**

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

### **33.100.230 Trees**

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

### **33.100.240 Recycling Areas**

See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code for additional requirements for recycling areas.

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*(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167189, effective 1/14/94; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 174160, effective 2/9/00; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 183750, effective 6/4/10, Ord. No. 184016, effective 8/20/10; Ord. No. 184443, effective 4/1/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188142, effective 1/13/17; Ord. No. 189807, effective 12/18/19; Ord. No. 190380, effective 4/30/21; Ord. No. 190978, effective 8/31/22; Ord. No. 191961, effective 3/1/25.)*

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

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

**B. Neighborhood contact II.**

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

## Use Regulations

### 33.110.100 Primary Uses

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

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

- 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.

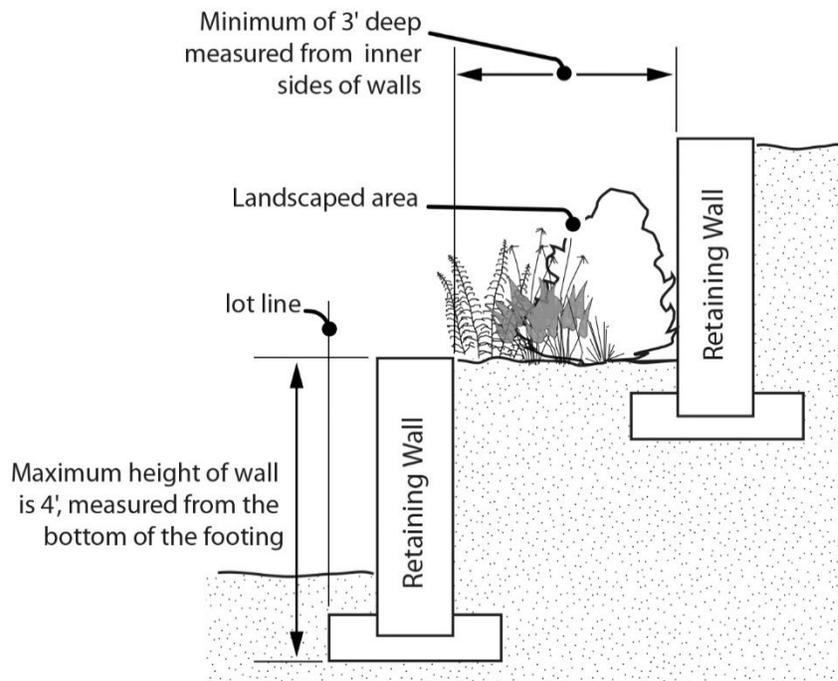
**33.110.285 Demolitions**

- 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.

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*(Amended by: Ord. No.165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166313, effective 4/9/93; Ord. No. 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; Ord. No. 191961, effective 3/1/25.)*

- 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;
  - 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.

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

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

*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; Ord. No. 191961, effective 3/1/25.)*



## 33.130 Commercial/Mixed Use Zones

# 130

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### 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

#### 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.

<b>Full Name</b>	<b>Short Name / Map Symbol</b>
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

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

### **33.130.110 Accessory Uses**

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

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

### **33.130.275 Demolitions**

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

### **33.130.285 Nonconforming Development**

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

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

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

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

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

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

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

### **33.130.295 Signs**

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

### **33.130.305 Superblock Requirements**

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

### **33.130.310 Recycling Areas**

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

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*(Amended by: Ord. No. 165594, effective 7/8/92; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169099, effective 8/18/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173533, effective 8/2/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179845, effective 1/20/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 08/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190978, effective 8/31/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24; Ord. No. 191942, effective 1/1/25; Ord. No. 191961, effective 3/1/25.)*

## 33.140 Employment and Industrial Zones

# 140

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### Sections:

#### General

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

#### Use Regulations

- 33.140.100 Primary Uses
- 33.140.110 Accessory Uses
- 33.140.140 On-Site Waste Disposal

#### Site Development Standards

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

## General

### 33.140.010 General Purpose of the Zones

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

### 33.140.020 List of the Employment and Industrial Zones

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

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

### 33.140.030 Characteristics of the Zones

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

uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

- C. General Industrial.** The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.
1. General Industrial 1. IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.
  2. General Industrial 2. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.
- D. Heavy Industrial.** This zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development.

### **33.140.040 Other Zoning Regulations**

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

### **33.140.050 Neighborhood Contact in EG and I Zones**

- A. Purpose.** Neighborhood contact is required when a new storage structure for any type of fuel will be built on a Bulk Fossil Fuel Terminal because of the impacts that fuel projects can have on the surrounding community.
- B. Neighborhood contact requirement.** Proposals meeting the following conditions are subject to the neighborhood contact steps of 33.705.020.B., Neighborhood Contact II. All of the steps in 33.705.020.B must be completed before an application for a building permit can be submitted.
1. The proposed development has not been subject to a land use review; and
  2. The proposed development includes at least one new structure for the storage of any type of fuel on a site with a Bulk Fossil Fuel Terminal use.

### **33.140.055 Neighborhood Contact in EX Zone**

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**

### **33.140.100 Primary Uses**

- A. Allowed uses.** Uses allowed in the employment and industrial zones are listed in Table 140-1 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 development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 140-1 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 140-1.
  1. Household Living and Group Living uses in EGI and EG2 zones. This regulation applies to all parts of Table 140-1 that have a [1].
    - a. Limited use. Household Living and Group Living are allowed uses when an existing hotel or motel is converted to dwelling units and all of the converted

- dwelling units are affordable to those earning no more than 60 percent of the area median family income. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060. The covenant must reflect that all dwelling units will be affordable at the specified income level for a minimum of 30 years.
- b. Prohibited use. Except as specified in Subparagraph B.1.a, Household Living and Group Living use are prohibited.
2. Household Living and Group Living uses in I zones. This regulation applies to all parts of Table 140-1 that have a [2]. Household Living and Group Living in houseboats and houseboat moorages in I zones are regulated by Chapter 33.236, Floating Structures. Household and Group Living in other structures is prohibited.
  3. EG Retail Sales And Service limitation. The following regulations apply to all parts of Table 140-1 that have a [3].
    - a. Limited uses. Except for sites with historic landmarks, the net building area plus any exterior display, storage, work and other exterior activity area for Retail Sales And Service uses is limited to 20,000 square feet or the square footage of the site area, whichever is less. On sites with historic landmarks, the net building area plus any exterior display, storage, work and other exterior activity area for Retail Sales And Service uses is limited to 20,000 square feet or twice the total square footage of the site area, whichever is less.
    - b. Conditional uses. Retail Sales And Service uses that exceed the area limits in Subparagraph B.2.a. are a conditional use.
  4. IG1 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [4].
    - a. Limited uses. One Retail Sales And Service or Office use is allowed per site. The square footage of net building area plus the exterior display, storage, work and other exterior activity area may be up to 3,000 square feet.
    - b. Conditional uses.
      - (1) More than one Retail Sales And Service or Office Use on a site is a conditional use.
      - (2) Any Retail Sales And Service or Office Use where the net building area plus the exterior display, storage, work and other exterior activity area is more than 3,000 square feet is a conditional use.
    - c. Prohibited uses.
      - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus exterior display, storage, work and other exterior activity area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

- (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 60,000 square feet or twice the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
5. IG2 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [5].
  - a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display, storage, work and other exterior activity area may be up to 3,000 square feet per use.
  - b. Conditional uses.
    - (1) More than four Retail Sales And Service or Office uses on a site is a conditional use.
    - (2) Any Retail Sales And Service or Office use where the net building area plus the exterior display, storage, work and other exterior activity area is more than 3,000 square feet is a conditional use.
  - c. Prohibited uses.
    - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
    - (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 60,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
6. IH commercial limitation. This regulation applies to all parts of Table 140-1 that have a [6].
  - a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display, storage, work and other exterior activity area may be up to 3,000 square feet per use.
  - b. Conditional uses.
    - (1) More than four Retail Sales And Service or Office use on a site is a conditional use.



<b>Table 140-1 Employment and Industrial Zone Primary Uses</b>						
<b>Use Categories</b>	<b>EG1</b>	<b>EG2</b>	<b>EX</b>	<b>IG1</b>	<b>IG2</b>	<b>IH</b>
<b>Residential Categories</b>						
Household Living	L[1]	L[1]	Y	CU [2]	CU [2]	CU [2]
Group Living	L[1]	L[1]	Y	CU [2]	CU [2]	CU [2]
<b>Commercial Categories</b>						
Retail Sales And Service	L/CU [3]	L/CU [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Office	Y	Y	Y	L/CU [4]	L/CU [5]	L/CU [6]
Quick Vehicle Servicing	Y	Y	N	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	CU [14]	CU [14]	CU [14]	CU [14]	CU [14]	CU [14]
Self-Service Storage	L [8]	L [8]	L [7]	Y	Y	Y
Commercial Outdoor Recreation	Y	Y	Y	CU	CU	CU
Major Event Entertainment	CU	CU	CU	CU	CU	CU
<b>Industrial Categories</b>						
Manufacturing And Production	Y	Y	Y	Y	Y	Y
Warehouse And Freight Movement	Y	Y	Y	Y	Y	Y
Wholesale Sales	Y	Y	Y	Y	Y	Y
Industrial Service	Y	Y	Y	Y	Y	Y
Bulk Fossil Fuel Terminal	L [16]	L [16]	N	L [16]	L [16]	L [16]
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU [8]	L/CU [8]	L/CU [8]

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

<b>Table 140-1 Employment and Industrial Zone Primary Uses</b>						
<b>Use Categories</b>	<b>EG1</b>	<b>EG2</b>	<b>EX</b>	<b>IG1</b>	<b>IG2</b>	<b>IH</b>
<b>Institutional Categories</b>						
Basic Utilities	Y/CU [11]	Y/CU [11]	Y/CU [11]	Y/CU [11]	Y/CU [11]	Y/CU [11]
Community Service	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [10]	L/CU [10]	L/CU [10]
Parks And Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	N	N	N
Colleges	Y	Y	Y	N	N	N
Medical Centers	Y	Y	Y	N	N	N
Religious Institutions	Y	Y	Y	N	N	N
Daycare	Y	Y	Y	L/CU [10]	L/CU [10]	L/CU [10]
<b>Other Categories</b>						
Agriculture	L [15]	L [15]	L [15]	L [15]	L [15]	L [15]
Aviation And Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	CU	CU	CU
Radio Frequency Transmission Facilities	L/CU [13]	L/CU [13]	L/CU [13]	L/CU [13]	L/CU [13]	L/CU [13]
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

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

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

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

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

#### **33.140.140 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
    - 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.

### 33.140.210 Height

- A. Purpose.** The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EG1 zone height limit is the same as the General Commercial zone because the EG1 zone often functions as a transition zone between industrial and residential or commercial zones. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed. The other zones do not have height limits because tall buildings in these areas have traditionally not been a problem.
- B. The height standard.** The height limits for all structures, except detached accessory structures, are stated in Table 140-2. The height standards for detached accessory structures are stated in 33.140.270. Exceptions to the maximum height standard are stated below.
1. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other similar items attached to a building, with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
  2. Parapets and rooftop railings may extend 4 feet above the height limit.
  3. 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.
  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.
  6. Roof mounted solar panels are not included in height calculations, and may exceed the maximum height limit if the following are met:
    - a. For flat roofs or the horizontal portion of mansard roofs, they may extend up to 5 feet above the top of the highest point of the roof.
    - b. For pitched, hipped, or gambrel roofs, they must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.

<b>Table 140-2 Development Standards</b>						
Standard	EG1	EG2	EX	IG1	IG2	IH
Maximum FAR (see 33.140.205)	3 to 1	3 to 1	3 to 1	no limit	no limit	no limit
Maximum FAR with Inclusionary Housing Bonus (see 33.140.205.C)	NA	NA	5 to 1	NA	NA	NA
Maximum Height (see 33.140.210)	45 ft.	no limit	65 ft	no limit	no limit	no limit
Min. Building Setbacks Street Lot Line (see 33.140.215)	5 ft.	25 ft.	0	0	25 ft.	5 ft.
- Lot line abutting an OS, C, E, or I zoned lot	0	0	0	0	0	0
- Lot line abutting an R zoned lot	See Table 140-3	15 ft.	See Table 140-3	See Table 140-3	15 ft.	15 ft.
Max. Building Stbks (see 33.140.215) Transit Street or Pedestrian District	10 ft.	None	10 ft.	None	None	None
Maximum Building Coverage (see 33.140.220)	85% of site area	85% of site area	100% of site area	100% of site area	85% of site area	100% of site area
Min. Landscaped Area (see 140.225)	15% of site area	15% of site area	None	None	15% of site area	None
Ground Floor Window Standards apply (see 33.140.230)	No	No	Yes	No	No	No
Pedestrian Standards Apply (see 33.140.240)	Yes	Yes	Yes	No	No	No

<b>Table 140-3 Minimum Building Setbacks and Minimum Landscape Buffer From Residential Zone Lot Lines [1]</b>			
Zone	Height of the building wall	Lots abutting a side lot line of an R zoned lot	Lots abutting a rear lot line of an R zoned lot
EG1, EX, IG1	15 ft. or less	5 ft. / 5 ft. @ L3	0 / none
	16 or more	10 ft. / 5 ft. @ L3	10 ft. / 5 ft. @ L3
EG2, IG2, IH	Any height	15 ft. / 10 ft. @ L3	15 ft. / 10 ft. @ L3

Notes:

[1] Does not apply to lot lines that abut lots in the RX zone. See 33.140.215.B.

### 33.140.215 Setbacks

- A. Purpose.** The setback standards promote different streetscapes. The EG2 and IG2 zone setbacks promote a spacious style of development. The EG1, IG1, and EX zone setbacks reflect the generally built-up character of these areas. The IH zone requires only a minimal setback to separate uses from the street. The setback standards are also intended to ensure that development will preserve light, air, and privacy for abutting residential zones. In the EG1 and EX zones, the setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.
- B. Minimum building setbacks.** The setback standards apply to all buildings and structures on the site except as specified in this section. Setbacks for exterior development are stated in 33.140.245 below, and for parking areas in Chapter 33.266.
1. Generally. The required building setbacks are stated in Table 140-2.
  2. Lot line abutting R-zoned lot, except RX. Building setbacks and required landscape buffering on lot lines that abut lots in residential zones, except RX, are stated in Table 140-3. Required landscaped areas must comply with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening. Landscaping is not required where buildings abut a lot line.
  3. Exceptions to the building setbacks.
    - a. Setback averaging. Outside of Pedestrian Districts and along non-transit streets, the street setback from a street lot line for buildings, decks, balconies, and porches may be reduced to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.
    - b. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.
  4. Extensions into required building setbacks.
    - 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, they may not project into the landscape buffer required by Paragraph B.2.
      - (1) Eaves, chimneys, fireplace inserts and vents, mechanical equipment, fire escapes, water collection cisterns, and planters;
      - (2) Decks, stairways, wheelchair ramps, and uncovered balconies not meeting the standard of subparagraph B.4.b.; and
      - (3) Bays and bay windows extending into the setback 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 property 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 extend into required building setbacks but may not project into the landscaped buffer required by Paragraph B.2:
- (1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;
  - (2) Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building may fully extend into a street setback;
  - (3) Uncovered decks, stairways, and wheelchair ramps that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; and
  - (4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation may fully extend into a required building setback.
5. Detached accessory structures. For sites entirely in residential use, detached accessory structures are subject to the multi-dwelling zone standards of 33.120.280. The setback standards for detached accessory structures are stated in 33.140.270 below. Fences are addressed in 33.140.275 below.

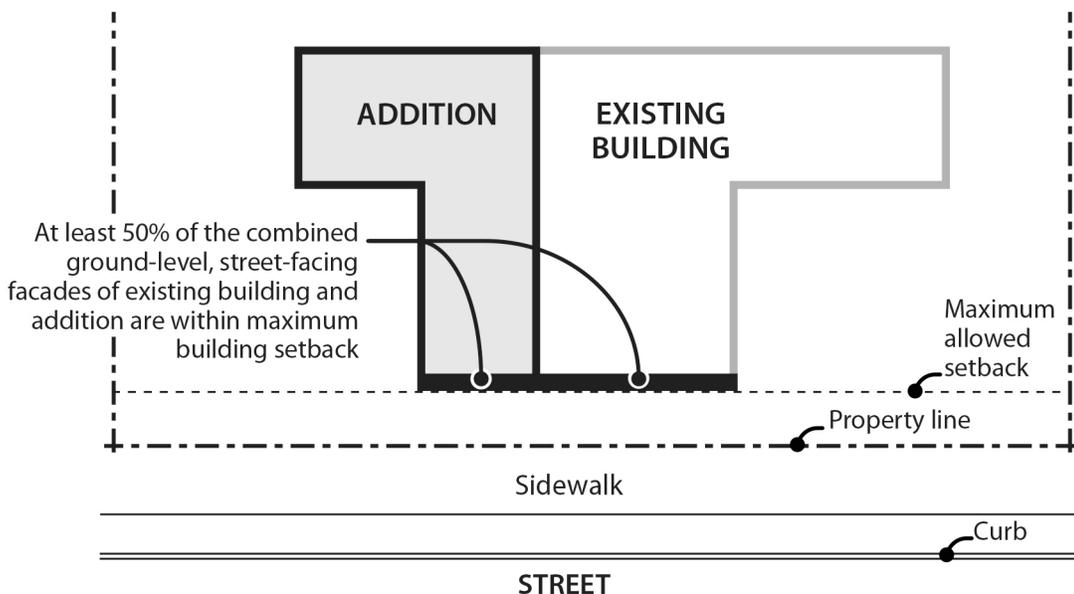
**C. Maximum building setbacks.**

1. Building setbacks on a transit street or in a Pedestrian District. The maximum setback standards of this paragraph apply to buildings that are enclosed on all sides.
  - a. Where these standards apply. Except as provided in Subsection D. below, these setback standards apply to sites in the EG1 and EX zones.
  - b. Measurement.
    - (1) Where an existing building is being altered, the standards of this paragraph apply to the ground level, street-facing facade of the entire building. See Figures 140-1 and 140-2.
    - (2) Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all of the buildings on the site. See Figures 140-3 and 140-4.
    - (3) For buildings where all of the floor area is in residential use, the street-facing facade of an open porch that meets the following standards is included as part of the ground level, street-facing facade of the building:
      - For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
      - The porch must have at least one entrance facing the street; and

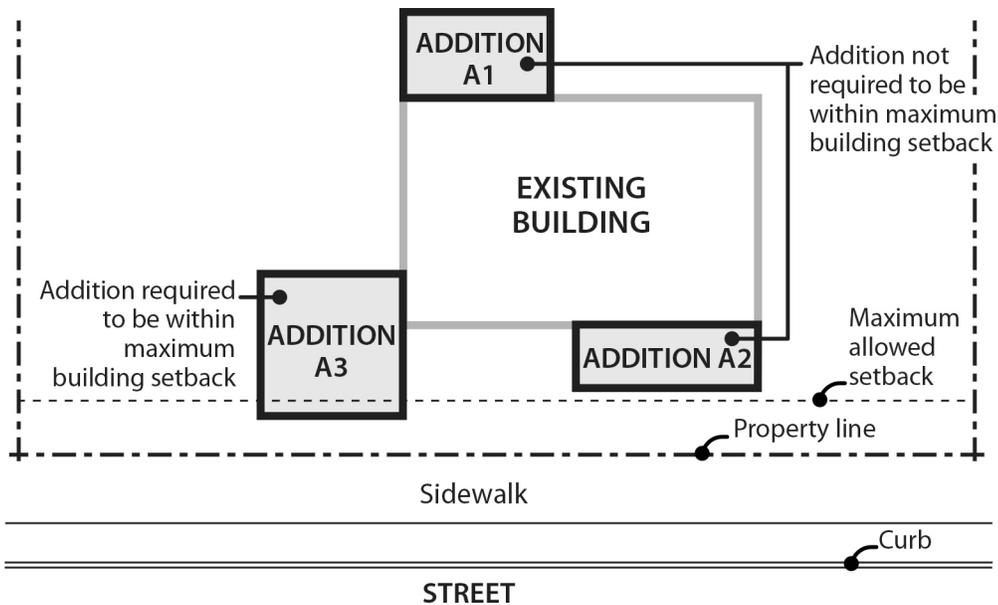
- The porch must have a roof that is:
  - No more than 12 feet above the floor of the porch; and
  - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.
- c. Standards. There are two standards. Subparagraphs C.1.d. and e. specify where each standard applies:
  - (1) Standard 1: At least 50 percent of the length of the ground level street-facing facade of the building must be within the maximum setback;
  - (2) Standard 2: 100 percent of the length of the ground level street-facing facade of the building must be within the maximum setback;
- d. Outside a Pedestrian district. Where the site is not in a Pedestrian District:
  - (1) One transit street. Where the site is adjacent to one transit street, the standard of Standard 1 must be met on the transit street frontage;
  - (2) Two non-intersecting transit streets. Where the site is adjacent to two transit streets that do not intersect:
    - Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;
    - If one of the transit streets intersects a City Walkway, Standard 1 must be met along both the transit street with the highest classification and the City Walkway;
  - (3) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, Standard 2 must be met on the frontage of the transit street with the highest classification and Standard 1 must be met on an intersecting transit street. If two streets have the same highest classification, the applicant may choose which street.
- e. In a Pedestrian District. Where the site is in a Pedestrian District:
  - (1) One street. Where the site is adjacent to only one street, Standard 1 must be met on that street frontage;
  - (2) Through lot with one transit street. Where the site is a through lot and one frontage is a transit street and one is a non-transit street, Standard 1 must be met on the frontage of the transit street;
  - (3) Through lot with two transit streets. Where the site is a through lot and both frontages are on transit streets, Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;

- (4) Through lot with no transit streets. Where the site is a through lot and neither frontage is on a transit street, Standard 1 must be met on one of the frontages. The applicant may choose on which street to meet the standard;
  - (5) One transit street and one intersecting non-transit street. Where the site is adjacent to a transit street and an intersecting non-transit street, the following standards must be met:
    - Standard 2 must be met on the frontage of the transit street,
    - Standard 1 must be met on the intersecting non-transit street;
  - (6) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, the following standards must be met on the frontage of the transit street with the highest classification and any intersecting transit street:
    - Standard 2 must be met on the frontage of the transit street with the highest classification. If both transit streets have the same classification, the applicant may choose which street; and
    - Standard 1 must be met on an intersecting transit street;
  - (7) Three or more frontages, two non-intersecting transit streets. Where the site has three or more frontages, and two or them are transit streets that do not intersect, the following standards must be met on the frontage of the transit street with the highest classification and one intersecting street:
    - Standard 2 must be met on the frontage of the transit street with the highest classification. If both transit streets have the same classification, the applicant may choose which street; and
    - Standard 1 must be met on an intersecting street;
  - (8) Two or more frontages, no transit streets, two or more intersecting streets. Where the site has two or more frontages, none of them are transit streets, and two or more of the streets intersect, the following standards must be met on the frontage of one street and one intersecting street:
    - Standard 2 must be met on the frontage of one street; and
    - Standard 1 must be met on an intersecting street.
2. Exemption. 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 140-3.

**Figure 140-1**  
**Alteration to Existing Building in Conformance with Maximum Setback Standard**



**Figure 140-2**  
**Alterations to Existing Building**



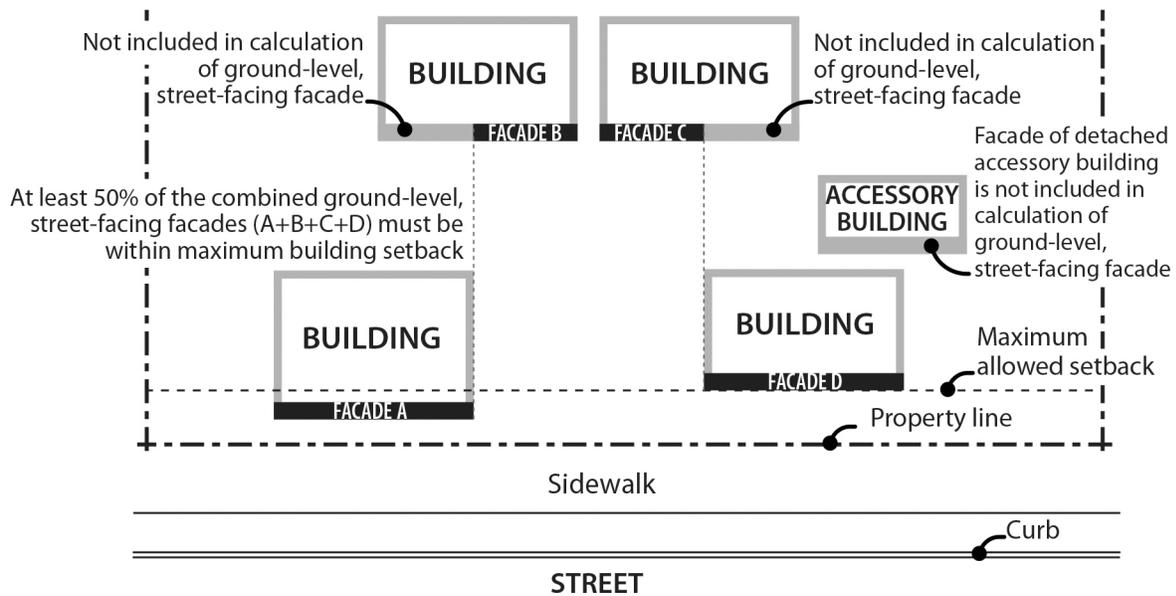
**Notes:**

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

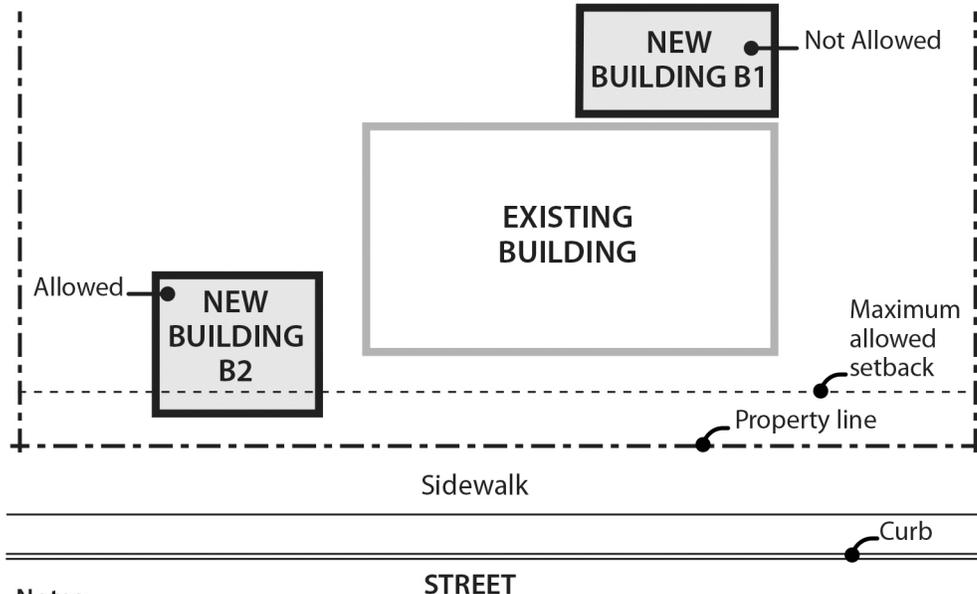
Addition A2. Brings building closer to conformance with maximum setback standard because it does not increase the length of the street-facing facade, and it brings building closer to maximum building setback line.

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

**Figure 140-3**  
**Calculating Maximum Building Setback When More Than One Building On Site**



**Figure 140-4**  
**New Buildings on Sites with Buildings That Do Not Meet the Maximum Building Setback**



**Notes:**

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

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

**D. Alternative maximum setback option for large retailers.**

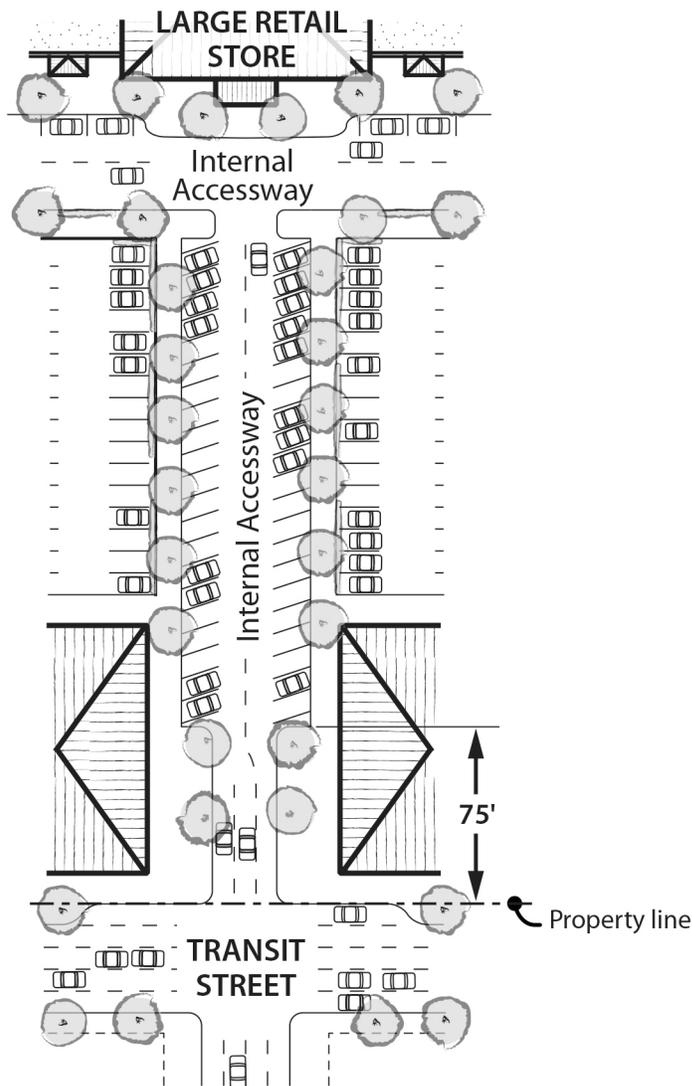
1. Purpose. The intent of these regulations is to allow deeper street setbacks for very large retail stores locating along transit streets or in Pedestrian Districts in exchange

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 commercial buildings close to the street and by creating an internal circulation system that is similar to streets 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 with a building having at least 100,000 square feet of floor area in Retail Sales And Service uses are exempt from the maximum setback requirement of Table 140-2 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. 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 140-5, 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, office, or institutional use, or zoned C, E, or I. The system must connect the buildings on the site to these adjacent sites.

**Figure 140-5**  
**Internal Circulation System**



**33.140.220 Building Coverage**

- A. Purpose.** The building coverage standards work with the FAR, height, and setback standards to control the overall bulk of structures. The standards assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent development or be inconsistent with the desired character of the zone. In the EG1, EG2,

and IG2 zones, the standards work to assure that buildings will not dominate areas they are in. There is no limit to building coverage in the EX and IG1 zones because of the existing built-up character of the zones. There is no limit in the IH zone because the zone is designed to provide development flexibility.

- B. The building coverage standards.** The maximum building coverage for a site is stated in Table 140-2. The building coverage limits apply to all buildings and covered structures.

### **33.140.225 Landscaped Areas**

- A. Purpose.** Landscaping is required to help soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing non-paved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife. Landscaping is required for all employment and industrially zoned lands abutting R-zoned lands to provide buffering and promote the livability of the residential lands.
- B. Minimum landscaped area standard.** The required amounts of landscaped areas are stated in Table 140-2. Required landscaped areas must be at ground level and comply with at least the L1 standard as stated 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 include walkways, play areas, plazas, picnic areas, and unenclosed recreational facilities. Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.

### **33.140.227 Trees**

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

### **33.140.230 Windows in the EX Zone**

- A. Windows in street-facing facades.**
1. Purpose. In the EX zone, this standard:
    - Ensures that there is a visual connection between activities occurring within a structure and the street;
    - Enhances public safety by allowing people to survey their neighborhood from inside a structure; 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 in the EX zone. 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. Exemption. 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. Ground floor windows.**

1. Purpose. In the EX zone, 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. Required amounts of window area. In the EX zone, all exterior walls on the ground level that are 20 feet or closer to a street lot line, sidewalk, plaza, or other public open space or right-of-way must have windows. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. For the purposes of this standard, ground level wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade. The requirement does not apply to the walls of residential units, and does not apply to the walls of parking structures when set back at least 5 feet and landscaped to at least the L2 standard.
3. Qualifying window features. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than 4 feet above the adjacent exterior grade.
4. Exceptions for Public Arts. Outside of the Central City plan district, public art is allowed instead of meeting 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.

**33.140.235 Screening**

- A. **Purpose.** The screening standards address specific unsightly features which detract from the appearance of an area.
- B. **Garbage and recycling collection areas.** In all zones except the IH zone, exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the

street and any adjacent properties. 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.

### 33.140.240 Pedestrian Standards

- A. Purpose.** The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in developments in the employment zones. 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 in the EG1, EG2, and EX zones 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.

        - Household Living. Sites where all of the floor area is in Household Living uses are only required to provide a connection to one main entrance on the site. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.
        - Tree preservation. If a tree that is at least 12 inches in diameter is proposed for preservation, and the location of the tree or its root protection zone would prevent the standard of this paragraph from

being met, the connection may be up to 200 percent of the straight line distance.

- (2) Sites with more than one street frontage. Where the site has more than one street frontage, the following must be met:
    - The standard of B.1.a(1) must be met to connect the main entrance of each building on the site to the closest sidewalk or roadway if there are no sidewalks. Sites where all of the floor area is in Household Living uses are only required to provide a connection meeting the standard of B.1.a(1) to one main entrance on the site;
    - An additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance. However, if at least 50 percent of a street facing facade is within 10 feet of the street, no connection is required to that street.
  - b. Internal connections. The system must connect all main entrances on the site, 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 must be hard-surfaced, and be at least 6 feet wide.
    - b. 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. 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.
  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.
  4. EG1 and EX zones. The land between a 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. 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.

### **33.140.242 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.**

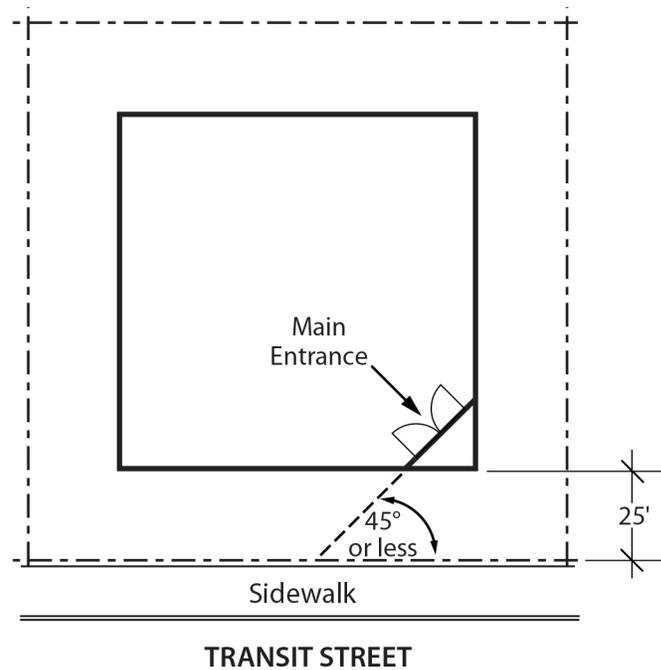
1. Generally. In the EX and EG1 zones, all sites with at least one frontage on a transit street, and where any of the floor area on the site is in nonresidential uses, must meet the following standards for the nonresidential uses. If the site has frontage on more than one transit street, the standards 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 subsection 33.140.265.D, Residential Main Entrance, instead of the requirements of this section.

**C. Location.** For the portion of buildings that conform to 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 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. Either:
  - a. Face the transit street; or
  - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 140-6.

**D. Unlocked during regular business hours.** The main entrance that meets the standards of Subsection C must be unlocked during regular business hours.

**Figure 140-6**  
**Transit Street Main Entrance**



**33.140.245 Exterior Display, Storage, and Work Activities**

- A. Purpose.** The exterior development 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 an employment or industrial area, and exterior activities in the EG1 zone will be limited to a similar level as exterior activities in the Commercial Employment zone;
  - 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. Employment zones. Exterior display of goods is allowed as follows. The setback and landscaping standards for exterior display areas are stated in Table 140-4:
    - a. Exterior display of goods is allowed in the EG1 zone except for uses in the Industrial categories. Exterior display of goods is not allowed for uses in the Industrial categories in the EG1 zone.
    - b. Exterior display of goods is allowed in the EG2 zone.
    - c. Exterior display of goods is allowed in the EX zone except for the display of motor vehicles, recreational vehicles, motor vehicle parts and supplies, building materials, and goods associated with an industrial use.

2. Industrial zones. Exterior display of goods is allowed in the I zones. The setback and landscaping standards for exterior display areas are stated in Table 140-4.

**C. Exterior storage.**

1. Employment zones. Exterior storage is allowed in the EG1 zones but is limited to 20 percent of the site area for all uses except lumber yards and other building material stores. Exterior storage is allowed in the EG2 zones. Exterior storage is not allowed in the EX zones. The setback and landscaping standards for exterior storage areas are stated in Table 140-4.
2. Industrial zones. Exterior storage is allowed in the I zones. The setback and landscaping standards for exterior storage areas area stated in Table 140-4.

**D. Exterior work activities.** Exterior work activities are allowed in the industrial zones but not the employment zones. The setback and landscaping standards for exterior activity areas are stated in Table 140-4.

**E. Other exterior activities.** Outdoor eating areas are allowed as an exterior activity in the employment and industrial zones.

**F. Paving.** All exterior development areas in the EG1, EX, and IG1 zones must be paved.

<b>Table 140-4 Exterior Development Setbacks and Landscaping [1]</b>				
	EG1, IG1	EG2, IG2	EX	IH
<b>Exterior Display</b>				
Abutting a street	5 ft. / L1	10 ft. / L1	0	5 ft. / L1
Abutting a C, E, I, CI or IR zone lot	0	0	0	0
Abutting an R or OS zone lot	5 ft. / L3	10 ft. / L3	5 ft. / L3	10 ft. / L3
<b>Exterior Storage</b>				
Abutting a street [2, 3]	5 ft. / L3, or 5 ft./ F2 + L2	25 ft. / L3, or 25 ft. / F2 + L2	Not Allowed	5 ft. / L3, or 5 ft./ F2 + L2
Abutting a C, E, I, CI or IR zone lot	0 / F1	0 / F1	Not Allowed	0
Abutting an R or OS zone lot	5 ft. / L4, or 10 ft. / L3	10 ft. / L4, or 25 ft. / L3	Not Allowed	10 ft. / L4, or 25 ft. / L3
<b>Exterior Work Activities</b>				
Abutting a street [2, 3]	Not allowed in EG1; 5 ft. / L3, or 5 ft./ F2 + L2 in IG1	Not allowed in EG2; 25 ft. / L3, or 25 ft. / F2 + L2 in IG2	Not Allowed	5 ft. / L3, or 5 ft./ F2 + L2
Abutting a C, E, I, CI or IR zone lot	Not allowed in EG1; 0 / F1 in IG1	Not allowed in EG2; 0 / F1 in IG2	Not Allowed	0
Abutting an R zone lot	Not allowed in EG1; 5 ft. / L4, or 10 ft. / L3 in IG1	Not allowed in EG2; 25 ft. / L3 or 25 ft. / F2 + L2 in IG2	Not Allowed	25 ft. / L3

Notes:

[1] The development standards first state the required setback, then the required landscaping standard.

[2] If parking areas are placed between exterior storage areas and the street, an F2 screen only is required on the edge of the storage area.

[3] When the F2 + L2 option is used, the fence must be placed along the interior side of the landscaped area.

**33.140.250 Trucks and Equipment**

The regulations 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, or to the use of vehicles during construction, or other service at the site which occurs on an intermittent and short-term basis. The truck categories are defined in Chapter 33.910.

- A. Light and medium trucks.** The parking of light and medium trucks and similar equipment is allowed in areas that meet the perimeter development standards for parking areas. The areas must be paved.

- B. Heavy trucks.** The parking of heavy trucks and similar equipment is allowed in zones that allow exterior storage. The development standards for exterior storage must be met in the area where the heavy trucks and similar equipment are parked.

### **33.140.255 Drive-Through Facilities**

Drive-through facilities are allowed in the zones which are intended for auto- accommodating development. They are not consistent with or supportive of areas where the desired character is pedestrian-oriented development. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities.

- A. EG and I zones.** Drive-through facilities are allowed in the EG and I zones.
- B. EX zone.** Drive-through facilities are prohibited in the EX zone.

### **33.140.265 Residential Development**

When allowed, residential development is subject to the following development standards:

- A. Generally.** Except as specified in this section, base zone development standards continue to apply;
- B. Existing buildings.** Residential uses in existing buildings have no density limit within the building;
- C. New development.** Residential uses in new development are subject to the development standards of the EX zone, except as specified in this section;
- D. Residential main entrance.**
1. Purpose. The main entrance standards serve several purposes:
    - 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;
    - They enhance public safety for residents and visitors and provide opportunities for community interaction;
    - They ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
    - They ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.
    - Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.
  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 employment and industrial 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 frontage, 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 140-7;
    - (2) Be at an angle of up to 45 degrees from the street; or
    - (3) Open onto a porch. See Figure 140-8. 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.

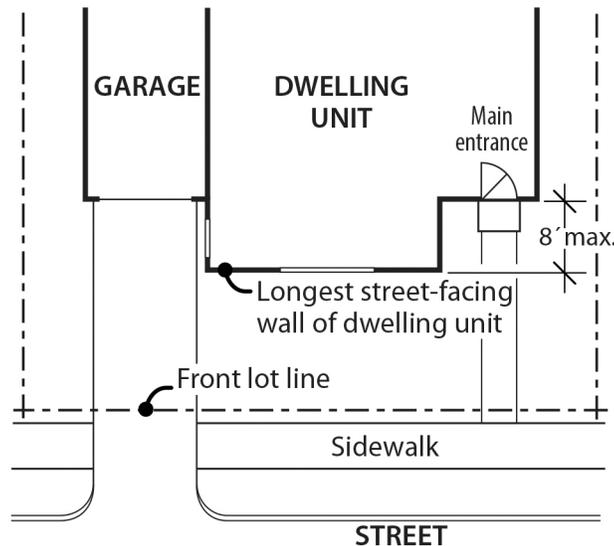
**E. Street-facing facades.**

1. Purpose. The standard:
  - Together with the main entrance and garage standards, 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. The standard of this subsection applies to houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes in the Employment and Industrial zones. 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

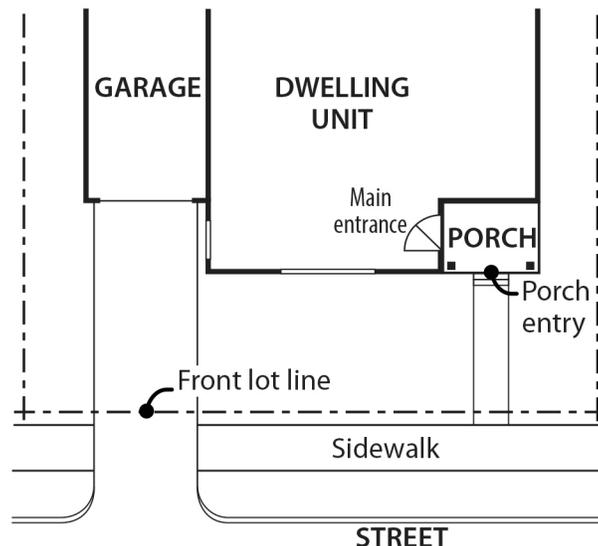
facade. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.

3. The standard. 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.

**Figure 140-7**  
**Main Entrance Facing the Street**



**Figure 140-8**  
**Main Entrance Opening Onto a Porch**



**F. Garages.**

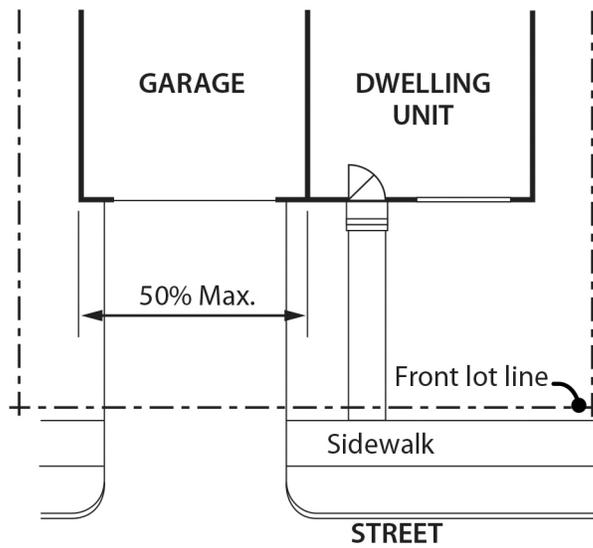
1. Purpose. These standards:
  - Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
  - Ensure that the location and amount of the living area of the residence, as seen from the street, is 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; and
  - Enhance public safety by preventing garages from blocking views of the street from inside the residence.
2. Where these standards apply. The requirements of Paragraphs F.3 and F.4, 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 140-9. 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 140-11.
  - 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 140-12. 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.

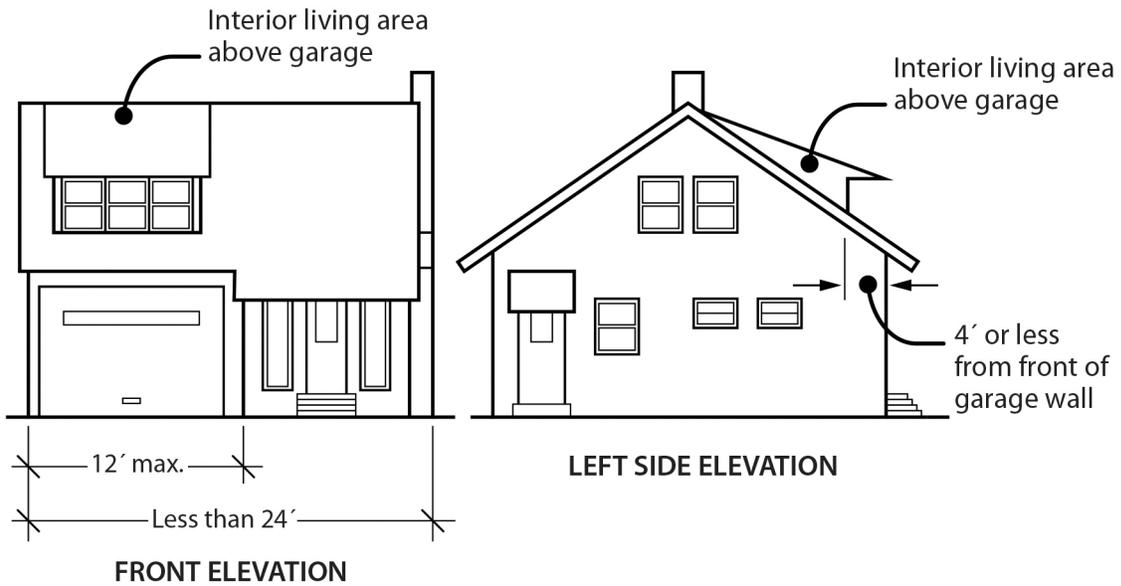
### **33.140.270 Detached Accessory Structures**

- A. Purpose.** These standards are intended to maintain separation and privacy to abutting residential lots from nonresidential development.
- B. General standards.**
  1. The regulations of this section apply 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 that are accessory to residential development are also subject to the standards of 33.140.265, Residential Development.
  2. Unless stated in this section, 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 abutting a residential zone.
    - c. See Section 33.140.265, Residential Development, for additional requirements for garages that are accessory to residential development.

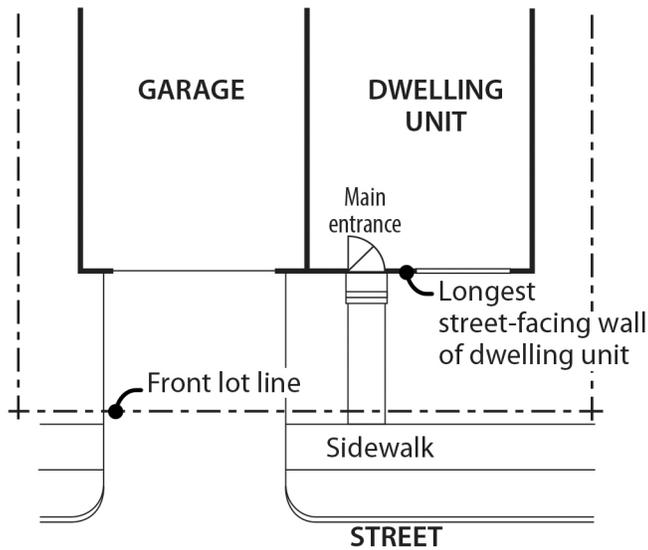
**Figure 140-9**  
**Length of Street-Facing Garage Wall**



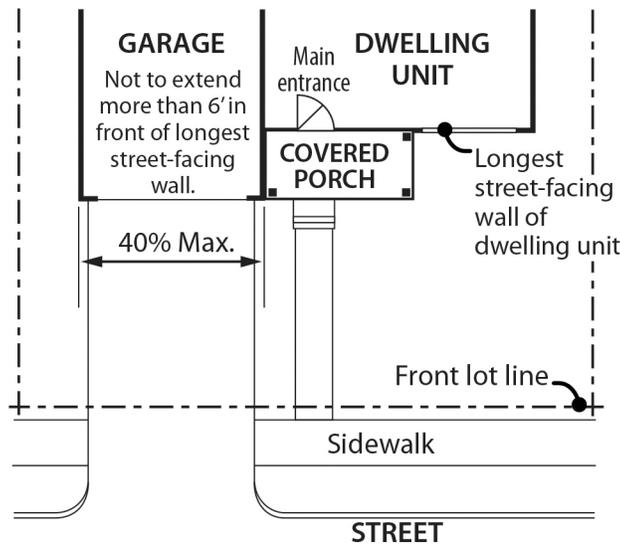
**Figure 140-10**  
**Length of Street-Facing Garage Wall Exception**



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



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



**33.140.275 Fences**

- A. Purpose.** The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

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

### **33.140.280 Demolitions**

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

### **33.140.290 Nonconforming Development**

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

### **33.140.295 Parking and Loading**

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

### **33.140.300 Signs**

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

### **33.140.310 Superblock Requirements**

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

### **33.140.315 Recycling Areas**

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

### **33.140.320 Inclusionary Housing**

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

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*(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166920, effective 10/1/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173259, effective 5/14/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178832, effective 10/21/04; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188162, effective 2/1/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190978, effective 8/31/22; Ord. No. 191079, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24; Ord. No. 191961, effective 3/1/25.)*



## 33.150 Campus Institutional Zones

# 150

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General

- 33.150.010 Purpose
- 33.150.020 List of the Campus Institutional Zones
- 33.150.030 Characteristics of the Zones
- 33.150.040 Other Zoning Regulations
- 33.150.060 Neighborhood Contact and Outreach

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- 33.150.300 Parking, Loading, and Transportation and Parking Demand Management
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Maps 150-1 through 150-5 Maximum Heights and Minimum Setbacks

### General

#### 33.150.010 Purpose

The campus institutional zones implement the campus institution policies and Institutional Campus (IC) land use designation of the Comprehensive Plan. The zones are for institutions such as medical centers and colleges that have been developed as campuses, and for other uses that are compatible with surrounding neighborhoods. The differences between the zones reflect the diversity and location of campus institutions. Allowed uses and development standards promote the desired character of each

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

**33.150.020 List of the Campus Institutional Zones**

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

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

**33.150.030 Characteristics of the Zones**

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

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

### **33.150.040 Other Zoning Regulations**

The regulations in this chapter state the allowed uses and the 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 the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

### **33.150.060 Neighborhood Contact and Outreach**

- A. Purpose.** The requirements of this section promote ongoing communication between campus institutions and other uses and the surrounding communities. In addition to neighborhood contact, Colleges and Medical Centers are required to annually update the community on campus operations and development proposals. The annual meeting allows neighbors and campus administrators the opportunity to discuss and resolve potential impacts or conflicts. While the comments from the community are not binding, a collaborative approach is encouraged.
- B. 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:
1. Neighborhood contact I.
    - a. 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.
    - b. 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.
  2. Neighborhood contact II.
    - a. 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.
    - b. 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.
- C. Annual meeting.** Colleges and Medical Centers must conduct at least one community meeting per year. The annual community meeting is intended to ensure that the College or Medical Center updates the community at least once a year regarding future development and other potential changes that could affect the surrounding area, and to provide a forum for discussion of a Good Neighbor Agreement:
1. The following information must be provided during the meeting:

- a. The status of and any updates to the College's or Medical Center's Transportation and Parking Demand Management Plan, Transportation Impact Analysis, and related mitigation measures;
  - b. Development that is anticipated to take place on the site during the next 12 months;
  - c. Potential impacts of other on-site activities that could affect the surrounding neighborhood; and
  - d. Updated contact information for the College or Medical Center;
2. The College or Medical Center must send notice of the meeting to the neighborhood association and business association for the area at least 30 days before the meeting. Notice must be by registered or certified mail, and must include the following:
    - a. The purpose of the meeting;
    - b. Information on how to contact the institution regarding details about this meeting;
    - c. The date, time, and location of the meeting.
  3. A copy of the notification, the mailing list, and registered or certified mail receipt must be retained by the College or Medical Center for at least 5 years and must be available for inspection by City staff upon request.

### Use Regulations

#### 33.150.100 Primary Uses

- A. Allowed uses.** Uses allowed in the campus institutional zones are listed in Table 150-1 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 development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 150-1 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 150-1.
  1. Retail Sales And Service uses in the CI1 zone. This regulation applies to all parts of Table 150-1 that have note [1]. Up to 10,000 square feet of Retail Sales And Service use per site may be allowed as a conditional use in the CI1 zone.
  2. Manufacturing And Production and Industrial Service in the CI1 and CI2 zones. This regulation applies to all parts of Table 150-1 that have note [2]. In the CI 1 and CI2 zones, up to 10,000 square feet of Manufacturing And Production use and 10,000 square feet of Industrial Service use is allowed per site. More than 10,000 square feet of Manufacturing and Production use and 10,000 square feet of Industrial Service use may be allowed as a conditional use in the CI2 zone. More than 10,000 square feet of Manufacturing and Production and Industrial Service is prohibited in the CI1 zone.

3. Basic Utilities. These regulations apply to all parts of Table 150-1 that have note [3].
  - a. Basic Utilities that serve a development site are accessory uses to the primary use being served on that site.
  - b. Small Scale Energy Production that provides energy for on-site or off-site use are considered accessory to the primary use on the site. Installations that sell power they generate—at retail (net, metered) or wholesale—are included. However, they are only considered accessory if they generate energy primarily from biological materials or byproducts from the site itself, or conditions on the site itself. Not more than 10 tons per week of biological material or byproducts from other sites may be used to generate energy. Not more than 20 percent of the floor area on a site, exclusive of parking area may be devoted to small scale energy production.
  - c. All other Basic Utilities are conditional uses.
4. Community Service. This regulation applies to all parts of Table 150-1 that have note [4]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses.
  - a. In the CI1 and IR zones, most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term, mass, and outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.
  - b. In the CI2 zones, most Community Service uses are allowed by right. Short term, mass, and outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.
5. Parks And Open Areas. This regulation applies to all parts of Table 150-1 that have note [5]. Parks And Open Areas uses are allowed by right. However, certain accessory uses and facilities that are part of a Parks And Open Areas use require a conditional use review. These accessory uses and facilities that require a conditional use review are listed below.
  - a. Swimming pools.
  - b. Cemeteries, including mausoleums, chapels, and similar accessory structures associated with funerals or burial.
  - c. Golf courses, including club houses, restaurants, and driving ranges.
  - d. Boat ramps.
  - e. Parking areas.
  - f. Recreational fields for organized sports. Recreational fields used for organized sports are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.
6. Colleges. This regulation applies to all parts of Table 150-1 that have note [6]. Colleges are allowed by right. However, outdoor sports facilities that include more than 1,500 square feet of accessory building floor area, more than 500 linear feet of spectator seating, outdoor lighting, or voice amplification require a conditional use review.
7. Agriculture. This regulation applies to all parts of Table 150-1 that have note [7]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, Agriculture is prohibited.

8. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 150-1 that have an [8]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
9. Group Living in the IR Zone. This regulation applies to all parts of table 150-1 that have a note [9]. Group Living uses in the IR zone are regulated as follows:
  - a. The Group Living use must be included in the mission statement of the campus's impact mitigation plan; and
  - b. The impact mitigation plan's implemented mitigation measures must accommodate the impacts the Group Living use will create.
10. Retail Sales And Services and Office uses in the IR zone. This regulation applies to all parts of Table 150-1 that have a note [10].
  - a. Purpose. Retail Sales And Service uses are allowed as part of an institutional campus in recognition of the large size of such campuses and the needs of the people present for nearby goods and services. Office uses are allowed in recognition of the multifaceted nature of colleges and medical centers.
  - b. Retail Sales and Service uses allowed as accessory activities. These uses are allowed by right when the use is identified as a permitted accessory use in the institution's approved impact mitigation plan or conditional use master plan; and
  - c. Retail Sales and Service and Office uses are allowed on an institutional campus as primary uses when the following regulations are met:
    - (1) The location is identified as a site for a primary retail, service or office use in the institution's approved impact mitigation plan;
    - (2) The impact mitigation plan's mitigation measures for commercial use at the site are met; and
    - (3) Retail Sales and Services uses in combination with office uses which are not listed as primary or accessory uses in the mission statement of the impact mitigation plan are limited. These uses are limited to no more than 50,000 square feet of floor area or 10 percent of the campus floor area, whichever is less. When structured parking is provided 250 square feet of parking structure floor area is included in the area subject to this floor area limitation for each accessory parking space for the use. Size exceptions are prohibited.
  - d. Institutional Office uses allowed as accessory activities. These uses are allowed by right when the use is identified as a permitted accessory use in the institution's approved impact mitigation plan or conditional use master plan; and
  - e. Institutional Office uses allowed as primary uses. Office uses related to the mission of the institution are allowed by right when all of the following are met:
    - (1) The amount of office space development is mitigated for at the level specified in the institution's approved impact mitigation plan;
    - (2) The office uses allowed are limited to the following:
      - Institutional administrative, faculty, staff, student, and educational offices;

- Blood collection facilities;
  - Medical office space and medical office buildings; and
  - Medical, scientific, educational research and development facilities and laboratories.
- (3) Limit the aggregate size of medical, scientific, educational research and development facilities and laboratories; non institution-owned medical office buildings; and major event entertainment facilities and their associated structured parking to 30 percent or less of the campus floor area. Exceptions to the 30 percent maximum are prohibited.
11. Schools, Colleges, and Medical Centers in the IR zone. This regulation applies to all parts of Table 150-1 that have a note [11].
- a. Purpose. High Schools, Colleges, and Medical Centers located in IR Zones are limited to the large institutional campuses the IR Zone is intended to foster. The IR zone was created in recognition of the role such institutions play in meeting the needs of Portland's citizens.
  - b. Regulations for institutional campuses. High Schools, Colleges, Hospitals, and Medical Centers are allowed to develop as institutional campuses when they meet the following regulations.
    - (1) The institution is located or is to be located on a site that is at least 5 acres in total area. Exceptions to this minimum size requirement are prohibited.
    - (2) The institution has an approved impact mitigation plan or conditional use master plan.
    - (3) Trade schools and business schools are commercial uses and are not allowed in an IR zone through a conditional use.
  - c. Regulations for other institutions. Schools, Colleges, Hospitals, and Medical Centers are allowed as a conditional use only.
  - d. Regulations for recreational fields for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.
12. Daycare in the IR zone. This regulation applies to all parts of Table 150-1 that have a note [11]. Daycare facilities are allowed if included in the institution's approved impact mitigation plan or conditional use master plan.
- C. Conditional uses.** Uses that are allowed if approved through the conditional use review process are listed in Table 150-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 150-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

**33.150.110 Accessory Uses**

Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory use and all applicable development standards. In addition, Retail Sales and Service, Manufacturing and Production, and Industrial Service uses that are on a site with a College or a Medical Center in a CI1 or CI2 zone that have exterior access within 150 feet of a public right-of-way or have exterior signage are primary uses. Retail Sales and Service, Manufacturing and Production, and Industrial Service uses that have exterior access more than 150 from a public right-of-way and do not have exterior signage are accessory uses.

<b>Table 150-1 Campus Institutional Zone Primary Uses</b>			
<b>Use Categories</b>	<b>CI1</b>	<b>CI2</b>	<b>IR</b>
<b>Residential Categories</b>			
Household Living	N	Y	Y
Group Living	N	Y	Y [9]
<b>Commercial Categories</b>			
Retail Sales And Service	CU [1]	Y	L/CU [10]
Office	N	Y	L/CU [10]
Quick Vehicle Servicing	N	N	N
Vehicle Repair	N	N	N
Commercial Parking	N	Y	N
Self-Service Storage	N	N	N
Commercial Outdoor Recreation	N	N	N
Major Event Entertainment	CU	CU	CU
<b>Industrial Categories</b>			
Manufacturing And Production	L [2]	L/CU [2]	CU
Warehouse And Freight Movement	N	N	N
Wholesale Sales	N	N	N
Industrial Service	L [2]	L/CU [2]	CU
Bulk Fossil Fuel Terminal	N	N	N
Railroad Yards	N	N	N
Waste-Related	N	N	N

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 33.150.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

<b>Table 150-1 Campus Institutional Zone Primary Uses</b>			
<b>Use Categories</b>	<b>CI1</b>	<b>CI2</b>	<b>IR</b>
<b>Institutional Categories</b>			
Basic Utilities	L/CU [3]	L/CU [3]	L/CU [3]
Community Service	L/CU [4]	L/CU [4]	L/CU [4]
Parks And Open Areas	L/CU [5]	L/CU [5]	L/CU [5]
Schools	N	N	L/CU [11]
Colleges	Y/CU [6]	Y/CU [6]	L/CU [11]
Medical Centers	Y	Y	L/CU [11]
Religious Institutions	CU	CU	CU
Daycare	Y	Y	L/CU [12]
<b>Other Categories</b>			
Agriculture	L [7]	L [7]	L [7]
Aviation And Surface Passenger Terminals	N	N	N
Detention Facilities	N	N	N
Mining	N	N	N
Radio Frequency Transmission Facilities	L/CU [8]	L/CU [8]	L/CU [8]
Rail Lines And Utility Corridors	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 33.150.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

## Development Standards

### 33.150.200 Lot Size

There is no required minimum lot size for development of land or for the creation of new lots in campus institution zones. Creation of new lots is subject to the regulations of Chapter 33.613, Lots in Commercial and Campus Institutional Zones.

### 33.150.205 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. FAR standard.** The floor area ratios are stated in Table 150-2 and apply to all development.
- C. Inclusionary housing bonus FAR.** The following FAR bonus options are allowed in the CI2 zone. Sites in the CI1 and IR zone are not eligible for the bonus FAR options. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses, are prohibited.
  1. **Mandatory inclusionary housing.** Bonus FAR is allowed up to the maximum FAR allowed with inclusionary housing bonus stated in Table 150-2 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 allowed with bonus stated in Table 150-2. 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.

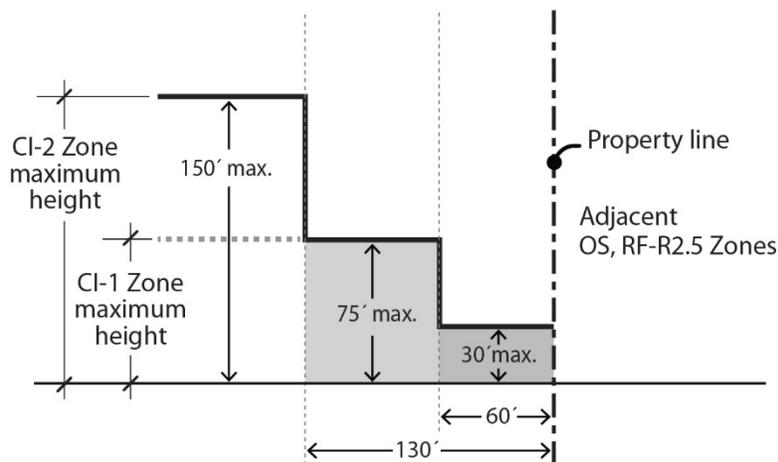
2. Voluntary inclusionary housing. Bonus FAR up to the maximum with inclusionary housing bonus stated in Table 150-2 is allowed when one of the following voluntary bonus options is met:
  - a. Bonus density or FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. 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 allowed with bonus stated in Table 150-2. 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. Affordable Housing Fund. Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

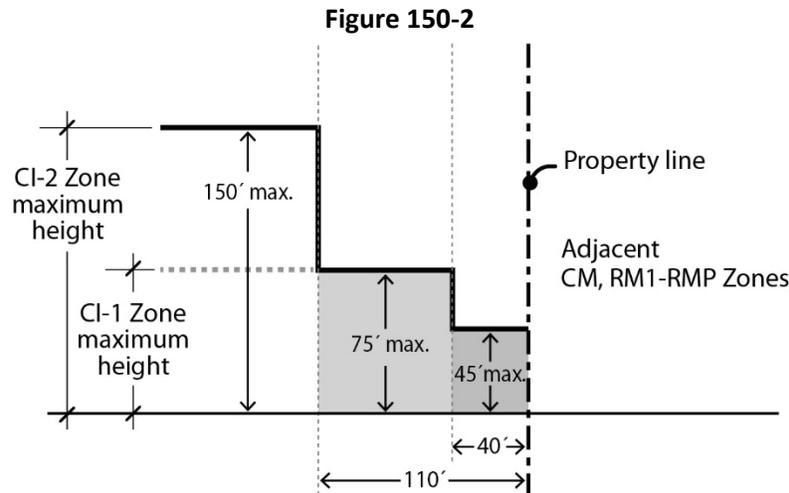
### 33.150.210 Height

- A. **Purpose.** Maximum height limits work with other development standards to control the overall scale of buildings. The height limits in the CI zones allow for urban scale development that generally reflects the intent of each zone. Height limits adjacent to residential and mixed use areas preserve light, air, and the potential for privacy in the adjacent zones, and discourage buildings that visually dominate adjacent development.
- B. **Maximum height.** The maximum height standards for all structures are stated in Table 150-2, or are shown on Maps 150-1 through 150-4. Maximum height is reduced adjacent to certain zones as described in Subsection C. The maximum heights shown on Maps 150-1 through 150-4 supersede the maximum height standards in Table 150-2 and Subsection C. Exceptions to all the maximum height standards are stated in Subsection E.
- C. **Reduced maximum height.** Maximum height is reduced adjacent to certain zones.
  1. In the CI1 zone, maximum height is reduced as follows.
    - a. On the portion of the site within 60 feet of a lot line abutting or across the street from a site zoned OS or RF through R2.5, the maximum height is 30 feet. See Figure 150-1.

- b. On the portion of the site within 40 feet of a lot line abutting or across the street from a site zoned RM1 through RMP or commercial/mixed use zones the maximum height is 45 feet. See Figure 150-2.
2. CI2 zone.
- a. Maximum height is reduced on sites in the CI2 zone that abut or are across the street from a site zoned OS, or RF through R2.5 as follows:
    - (1) On the portion of the site within 60 feet of a lot line abutting or across the street from a site zoned OS, or RF through R2.5, the maximum height is 30 feet. See Figure 150-1.
    - (2) On the portion of the site that is more than 60 feet but within 130 feet of a lot line abutting or across the street from a site zoned OS, or RF through R2.5, the maximum height is 75 feet. See Figure 150-1.
  - b. Maximum height is reduced on sites in the CI2 zone that abut or are across the street from a site zoned RM1 through RMP, or commercial/mixed use zones as follows:
    - (1) On the portion of the site within 40 feet of a lot line abutting or across the street from a site zoned RM1 through RMP, or commercial/mixed use zones, the maximum height is 45 feet. See Figure 150-2.
    - (2) On the portion of the site more than 40 feet but within 110 feet of a lot line abutting or across the street from a site zoned RM1 through RMP, or commercial/mixed use zones, the maximum height is 75 feet. See Figure 150-2.

Figure 150-1





#### D. Exceptions

1. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may extend 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
2. Parapets and rooftop railings may extend 4 feet above the height limit.
3. 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.
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. Roof mounted solar panels are not included in height calculations, any may exceed the maximum height limit if the following are met:
  - a. For flat roofs or the horizontal portion of mansard roofs, they may extend up to 5 feet above the top of the highest point of the roof.
  - b. For pitched, hipped, or gambrel roofs, they must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.
6. 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.

<b>Table 150-2 Summary of Development Standards in Campus Institutional Zones</b>			
<b>Standard</b>	<b>CI1</b>	<b>CI2</b>	<b>IR</b>
Maximum FAR [1] (see 33.150.205)	0.5 to 1	3 to 1 [2] [3]	2 to 1
Maximum FAR with Inclusionary Housing Bonus [1] (see 33.150.205.C)	NA	3.75 to 1 [2] [3]	NA
Maximum Height (see 33.150.210)	75 ft. [4]	150 ft. [4]	75 ft.
Minimum Building Setbacks [1] (see 33.150.215)			
- Lot line abutting or across the street from an OS, RF-R2.5 zoned lot	15 ft.	10 ft.	1 ft. for every 2 ft. of building height but not less than 10 ft.
- Lot line abutting or across the street from an RM1-RMP, IR zoned lot	10 ft.	10 ft.	
- Lot line abutting or across the street from a C, CI, E, or I zoned lot	0 ft.	0 ft.	
Maximum Building Setbacks Street Lot Line, Transit Street or Pedestrian District [5] (See 33.150.215)	None	10 ft.	10 ft.
Maximum Building Coverage [1] (see 33.150.225)	50% of site area	85% of site area	70% of site area
Maximum Building Length [1] (see 33.150.235 and 33.150.255)	200 ft.	200 ft.	None
Minimum Landscaped Area (see 33.150.240)	25% of site area	15% of site area	20% of site area
Landscaping Abutting an R zoned lot (see 33.150.240.C)	10 ft. @ L3	5 ft. @ L3	10 ft. @L3
Landscaping across the street from an R zoned lot (see 33.150.240.C)	10 ft. @ L1	5 ft. @ L1	10 ft. @L1
Building Facade Articulation [1] (see 33.150.255)	No	Yes	No
Ground Floor Window Standards [1] (see 33.150.250)	No	Yes	Yes
Transit Street Main Entrance [1] (See 33.150.265)	No	Yes	No

Notes:

[1] For Colleges and Medical Centers, the entire CI zone is treated as one site regardless of ownership. In this case, FAR is calculated based on the total square footage of the parcels within the zone rather than for each individual parcel, and setbacks, building length, facade articulation, ground floor windows and transit street main entrance regulations are measured from, or only apply to, the perimeter of the zone.

[2] Maximum FAR within the Legacy Good Samaritan Hospital and Health Center campus boundary shown on Map 150-3 is 3.7 to 1, and is 4.5 to 1 with inclusionary housing bonus.

[3] Maximum FAR within the PCC Sylvania campus boundary shown on Map 150-5 is .75 to 1, and is 1 to 1 with inclusionary housing bonus.

[4] Heights reduced on sites that are across the street from, or adjacent to, certain zones. See 33.150.210.C.

[5] For frontages where the maximum building setback applies, there is no minimum setback.

### 33.150.215 Setbacks

- A. Purpose.** The required building setbacks promote streetscapes that are consistent with the desired character of the campus institutional zones, and reflect the diversity of neighborhoods within which the campus institutional zones are located. In instances where a campus institutional zone abuts a residential zone, the required setbacks centers complement the residential character of surrounding neighborhood and result in development that will maintain light, air, and the potential for privacy for adjacent residential zones. In instances where a campus institutional zone abuts a mixed-use zone, pedestrian district and/or transit street, the setback requirements promote buildings and activity that are inviting to pedestrians, and contribute to an active pedestrian environment.
- B. Minimum building setbacks.** The minimum building setback standards apply to all buildings and structures on the site. Minimum required building setbacks are stated in Table 150-2, or are shown on Maps 150-1 through 150-5. Minimum building setbacks shown on Maps 150-1 through 150-5 supersede Table 150-2. Exceptions to the minimum building setback standards are stated below:
1. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, water collection cisterns and planters, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may project into a required building setback up to 20 percent of the depth of the setback. However, they may not be within 3 feet of a lot line. Bays and bay windows extending into the setback also must meet the following requirements:
    - a. 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;
    - b. At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;
    - c. Bays and bay windows must cantilever beyond the foundation of the building; and
    - d. The bay may not include any doors.
  2. Full projection allowed. In addition to Paragraph 1 above, the following features are allowed to fully project into required building setbacks:
    - a. Canopies, marquees, awnings, and similar features may fully extend into a street setback;
    - b. Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building may fully extend into a street setback;
    - c. Uncovered decks and stairways that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; and
    - d. On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation may fully extend into a required building setback.

3. Projections not allowed. Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps are allowed in a street setback but not a required setback from an abutting residential zone.

**C. Maximum building setbacks in the CI2 and IR zones.**

1. Where the building is within 100 feet a transit street or street lot line within a pedestrian district, the maximum the building can be set back is 10 feet. Where an existing building is being altered, the standard applies to the portion of the building being altered. If the site has street lot lines on three or more streets, the maximum setback standard only applies to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit street classifications. If multiple streets have the same highest transit street classification, the applicant may choose which streets to apply the standard.
2. 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 standard.

- D. Improvements within maximum building setbacks.** 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. Residential buildings are exempt from this standard.

**33.150.220 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. In the CI1 zone, the standard promotes open spaces, both formal and informal, together with buildings at a scale that are compatible with surrounding single family residential development. In the CI2 zone the standards allow for buildings that represent an urban level of development and are consistent with adjacent mixed use zones.
- B. Building coverage standards.** The maximum building coverage covered structures are stated in Table 150-2

**33.150.235 Building Length in the CI1 Zone**

- A. Purpose.** The maximum building length standard, along with the height and setback standard, limits the amount of bulk that can be placed close to the street. The standard assures that long building walls close to streets will be broken up into separate buildings. This will provide a feeling of transition from lower density development and help create the desired character of development in these zones.
- B. Maximum building length.** In the CI1 Zone, the maximum building length for the portion of buildings located within 30 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.

**33.150.240 Landscaped Areas**

- A. Purpose.** Landscaping 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 non-paved permeable surface. Landscaping is required for all campus

institutional zoned lands that abut or are across a street from residential zoned lands to provide buffering and promote the livability of the residential lands.

- B. Minimum landscaped area.** The required amount of landscaped areas is stated in Table 150-2. Required landscaped areas must be at ground level and comply with at least the L1 standard as stated 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 include walkways, play areas, plazas, picnic areas, and unenclosed recreational facilities. Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.
- C. Landscaping required in minimum building setbacks.** Landscaping is required in minimum building setbacks from lot lines abutting or across the street from a residential zoned lot. The depth and type of required landscaping are stated in Table 150-2.

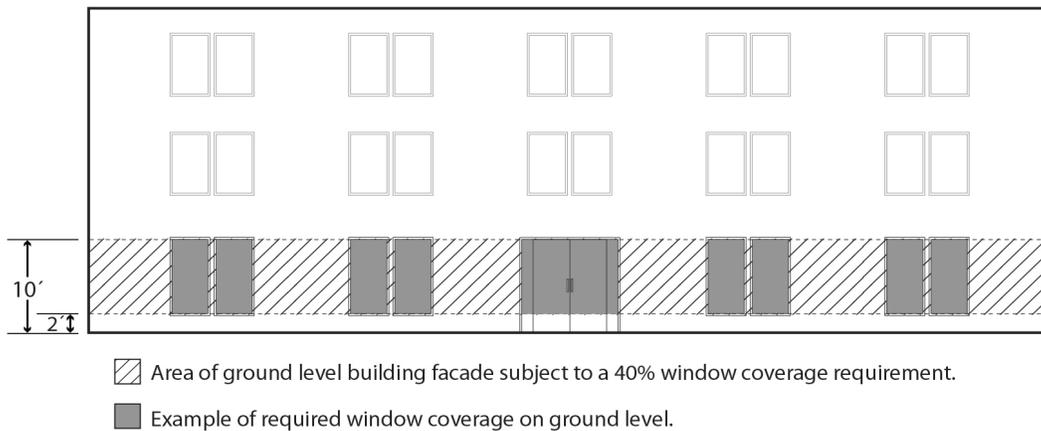
### **33.150.245 Trees**

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.

### **33.150.250 Ground Floor Windows in the CI2 and IR Zones.**

- A. Purpose.** In the CI2 and IR 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 active street level uses;
  - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
  - Avoid a monotonous pedestrian environment.
- B. Ground floor window standard.** The following standards apply in the CI2 and IR zones:
1. General standard.
    - a. 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 150-3.

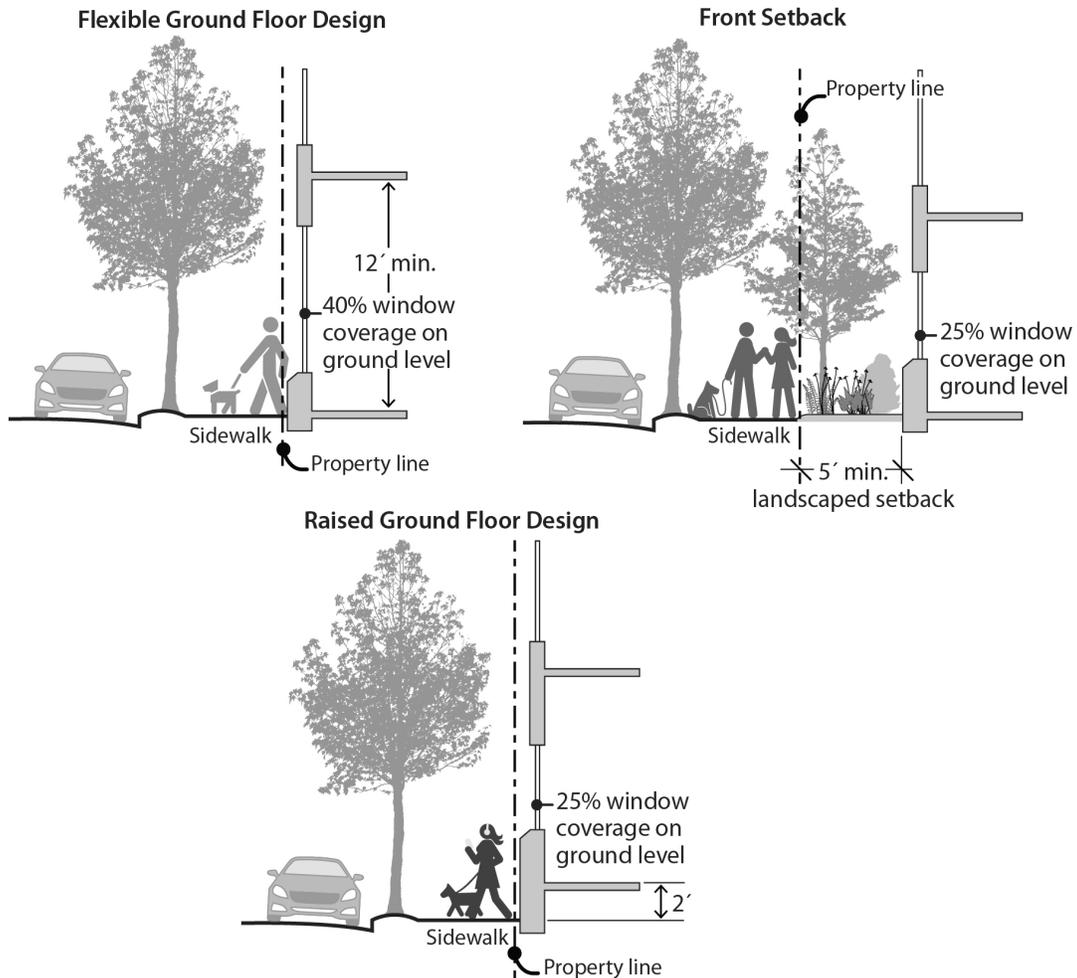
**Figure 150-3  
Ground Floor Windows**



- b. If the lot has more than one street frontage, then the ground floor window standard in Subparagraph B.1.a. 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. The walls of structured parking along these facades may be set back at least 5 feet and landscaped to the L2 standard instead of providing 25 percent windows. 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. Transit street classifications are identified in the Transportation Element of the Comprehensive Plan.
2. Exemptions:
- a. Houses, attached houses, manufactured homes, duplexes, attached duplexes, and triplexes are exempt from this Section;
  - b. Ground floor street-facing walls of dwelling units are exempt from Paragraph B.1., but the walls must meet one of the standards in Subsection D; and
  - c. If the portion of the ground floor wall area that is not a dwelling unit is less than 250 square feet in area, then it is exempt from this Section.
- C. Qualifying window features.** Required ground floor window areas must be windows that allow views into working areas, lobbies, 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 equipment 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.

- D. 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:
1. Flexible ground floor design. The ground floor window standard of Subparagraph B.1.a. must be met, and the ground level of the building must be designed and constructed as follows:
    - a. 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;
    - b. The area meeting this standard must be at least 25 feet deep, measured from the street-facing facade; and
    - c. Each unit must include a front entrance that is located at the level of the finished grade and can be accessed without steps.
  2. Front setback.
    - a. 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
    - b. 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.
  3. Raised ground floor.
    - a. 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.
    - b. 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 150-4**  
**Ground Floor Window Options**



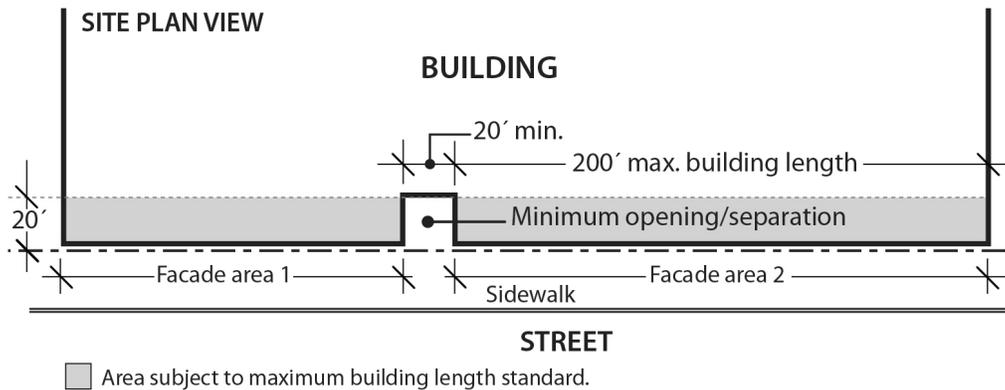
- E. Exception for Public Art.** Public art may be used to meet up to one half of the required window coverage of the ground floor window provision. Covenants for the public art will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, 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.

### 33.150.255 Building Length and Facade Articulation in the CI2 Zone

- 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 CI2 zone, 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 150-5.

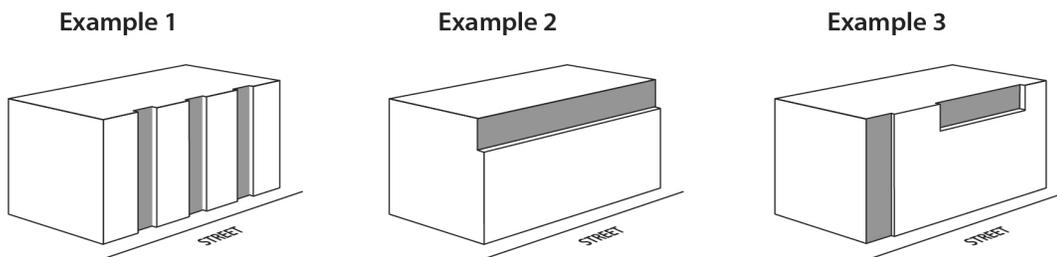
**Figure 150-5  
Maximum Building Length**



**C. Building Facade articulation in the CI2 Zone.**

1. The standard applies to buildings more than 35 feet high and that have more than 3,500 square feet of street-facing facade area within 20 feet of a street property line.
2. The standard. At least 25 percent of each facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind or project out from the primary facade plane, but projections into street right-of-way do not count toward meeting this standard. See Figure 150-6.

**Figure 150-6  
Facade Articulation**



**33.150.260 Screening**

- A. Purpose.** The screening standards address specific unsightly features that detract from the appearance of campus institutional 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.

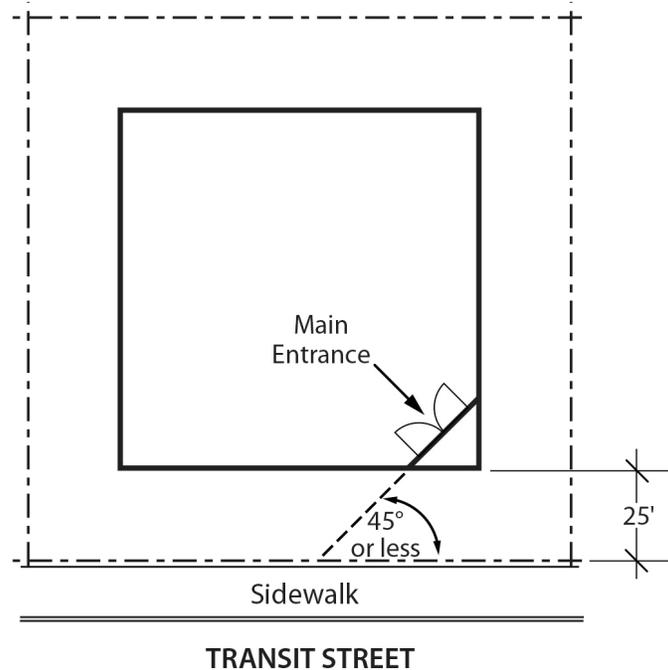
- C. Mechanical equipment.** Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 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.

### 33.150.265 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 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 150-7; 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.

**Figure 150-7**  
**Transit Street Main Entrance**



- D. Distance between entrances.** For portions of a building with any nonresidential uses within the maximum building setback, a minimum of one entrance is required for every 200 feet of building length.

### 33.150.267 Additional Development Standards for Institutional Campuses in the IR Zone

- A. Purpose.** The general base zone development standards in the IR zone are designed for institutional campuses with approved impact mitigation plans. The intent is to maintain compatibility with and limit negative impacts on surrounding areas.
- B. Where these standards apply.** The standards of this section apply to all development that is part of an institutional campus with an approved impact mitigation plan or conditional use master plan in the IR zone, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions from one use category to another.
- C. The standards.**
1. Access to accessory Retail Sales And Service uses must be from an interior space, or from an exterior space that is at least 150 feet from a public right of way.
  2. Exterior signage for accessory Retail Sales And Service uses is prohibited.
  3. The following subsections apply to development in the IR zone unless superseded by development standards in an approved impact mitigation plan or approved conditional use master plan:

- a. 33.120.200 Housing Types Allowed;
- b. 33.120.232 Street-Facing Facades;
- c. 33.120.240 Required Outdoor Areas; and
- d. 33.120.255 Pedestrian Standards.

### **33.150.270 Exterior Display and Storage,**

- 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 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.** Exterior display of goods is prohibited except for the display of plants and produce.
- C. Exterior storage.** Exterior storage is allowed when the following are met:
1. Exterior storage is limited to 10 percent of the site area; and
  2. Exterior storage areas must be set back 10 feet from lot lines and the setback area must be landscaped to at least the L3 standard. Exterior storage areas located more than 100 feet from the perimeter of a College or Medical Center site are exempt from the landscape requirement. For colleges and medical centers, the entire CI zone is considered one site regardless of ownership.
- D. Paving.** All exterior display and storage areas, except for plant nurseries, must be paved.

### **33.150.275 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 campus institutional 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 that 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 campus institutional zone areas that comply with the development standards for auto parking areas.
  2. Medium trucks. The parking of pickup trucks in the medium truck category is allowed in all campus institutional zones. The parking of all other medium trucks and similar equipment is allowed only in the CI2 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 campus institutional zone.

### **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.

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*(Adopted by Ord. No. 188177, effective 5/24/18. Amended by Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190477, effective 8/1/21; Ord. No. 190978, effective 8/31/22; Ord. No. 191310, effective 6/30/23; Ord. No. 191779, effective 10/1/24; Ord. No. 191961, effective 3/1/25.)*



## 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.
- 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.

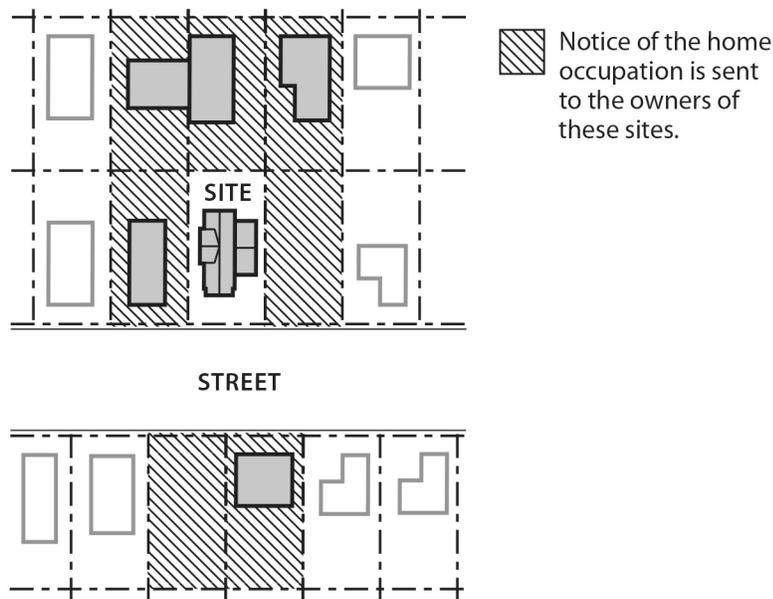
### **33.203.060 Type B Home Occupation Permit**

- 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.

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*(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; Ord. No. 191961, effective 3/1/25.)*

## 33.224 Drive-Through Facilities

# 224

### Sections:

- 33.224.010 Purpose
- 33.224.020 When These Regulations Apply
- 33.224.030 Setbacks and Landscaping
- 33.224.040 Vehicular Access
- 33.224.050 Stacking Lane Standards
- 33.224.070 Multi-Modal Access

### 33.224.010 Purpose

The regulations of this chapter are intended to allow for drive-through facilities by reducing the negative impacts they may create. Of special concern are noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The specific purposes of this chapter are to:

- Reduce noise, lighting, and visual impacts on abutting uses, particularly residential uses;
- Promote safer and more efficient on-site vehicular and pedestrian circulation;
- Reduce conflicts between queued vehicles and traffic on adjacent streets.

### 33.224.020 When These Regulations Apply

- A. Uses.** The regulations of this chapter apply to all uses that have drive-through facilities.
- B. Site development.**
  1. Except as specified in Paragraph B.2, below, the regulations of this chapter apply only to the portions of the site development that comprise the drive-through facility. The regulations apply to new developments, the addition of drive-through facilities to existing developments, and the relocation of an existing drive-through facility. Drive-through facilities are not a right; the size of the site or the size and location of existing structures may make it impossible to meet the regulations of this chapter. Chapter 33.266 contains additional requirements regarding vehicle areas.
  2. The site development standards of Sections 33.224.030 through 33.224.050 do not apply to drive-through facilities that do not involve any interactive service or communication with the customer.
- C. Parts of a drive-through facility.** A drive-through facility is composed of two parts – the **stacking lanes** and the **service area**. The stacking lanes are the space occupied by vehicles queuing for the service to be provided. The service area is where the service occurs. In uses with service windows, the service area starts at the service window. In uses where the service occurs indoors, the service area is the area within the building where the service occurs. For other development, such as gas pumps, air compressors, vacuum cleaning stations, the service area is the area where the vehicles are parked during the service.

### 33.224.030 Setbacks and Landscaping

All drive-through facilities must provide the setbacks and landscaping stated below.

- A. Abutting an R, IR, or CI1 zone.** Service areas and stacking lanes must be set back 5 feet from all lot lines that abut an R, IR, or CI1 zone. The 5 foot setback must be landscaped to at least the L3 standard.
- B. Abutting a C, E, I, or CI2 zone.** Service areas and stacking lanes must be set back 5 feet from all lot lines that abut an C, E, I, or CI2 zone. The 5 foot setback must be landscaped to at least the L2 standard.
- C. Abutting a street.** Where allowed by Chapter 33.266, Parking and Loading, service areas and stacking lanes must be setback 5 feet from all street lot lines. The 5 foot setback must be landscaped to at least the L2 standard.

#### **33.224.040 Vehicular Access**

All driveway entrances, including stacking lane entrances, must be at least 50 feet from an intersection. The distance is measured along the property line from the junction of the two street lot lines to the nearest edge of the entrance.

#### **33.224.050 Stacking Lane Standards**

These regulations ensure that there is adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lands.

- A. Gasoline pumps and electric vehicle chargers.** A minimum of 30 feet of stacking lane is required between the stacking lane entrance and the nearest gasoline pump or electric vehicle charger.
- B. Other drive-through facilities.**
  - 1. Primary facilities. A minimum of 150 feet for a single stacking lane or 80 feet per lane when there is more than one stacking lane, is required for all other drive-through facilities. A stacking lane is measured between the stacking lane entrance and the service area.
  - 2. Accessory facilities. A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.
- C. Stacking lane design and layout.** Stacking lanes must be designed so that they do not interfere with parking and vehicle circulation. No part of a required stacking lane may encroach into the right-of-way. Stacking lanes may be curvilinear. See Subsection 33.930.030.C. for measurement information.
- D. Stacking lanes identified.** All stacking lanes must be clearly identified, through the use of means such as striping, landscaping, and signs.

#### **33.224.070 Multi-Modal Access**

When a drive-through facility is open and other pedestrian-oriented customer entrances to the business are unavailable or locked, the drive-through facility must serve customers using modes other than a vehicle such as pedestrians and bicyclists.

*(Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 175966, effective 10/26/01; Ord. No. 177028, effective 12/14/02; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191164, effective 3/31/23; Ord. No. 191961, effective 3/1/25.)*



### 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

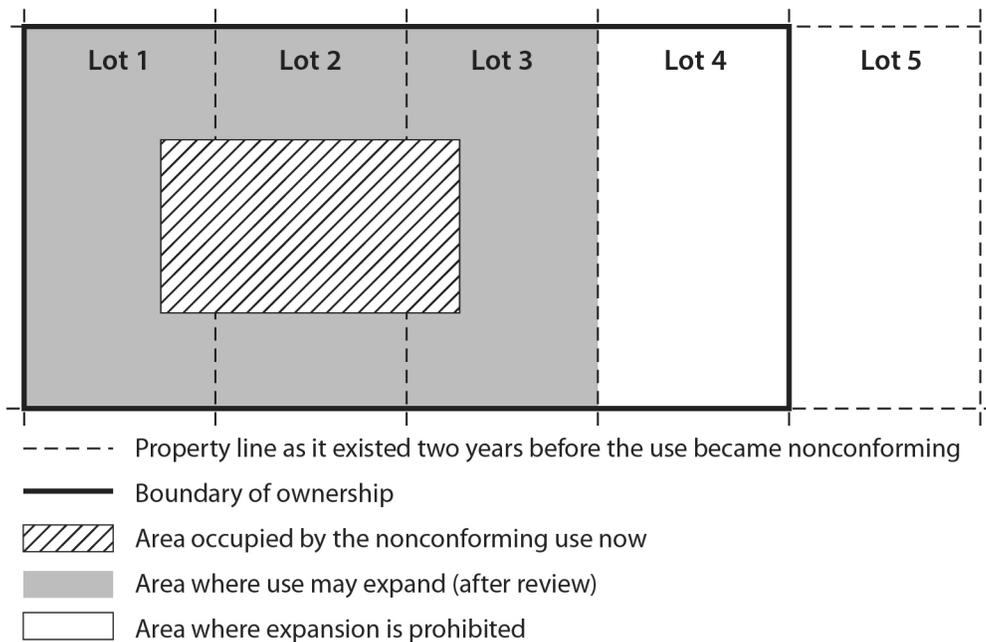
- A. **Continued operation.** Nonconforming uses may continue to operate. Changes in operations, such as changes in ownership, hours of operation and the addition or subtraction of accessory uses, are allowed. However, nonconforming uses in residential zones may not extend their hours of operation into 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. 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 nonconforming use and development and its accessory uses and development, moving in an outward direction. Property lines bound individual lots, parcels, and tax lots; a site or

ownership may have property lines within it. See Figures 258-1 and 258-2. The applicant must provide evidence to show the location of property lines as they existed two years before the use became nonconforming.

1. OS, R, and IR zones. The standards stated below apply to all nonconforming uses in OS and R zones.
  - a. 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.
  - b. Expansion of gross building area or exterior improvements beyond the property lines as they existed two years before the use became nonconforming, is prohibited.

**Figure 258-1**  
**Area of Possible Expansion - OS and R Zones**



### 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 \$356,300. 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 \$356,300. 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.

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

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

1. Discontinuance. If a nonconforming exterior development, such as an exterior storage area, is unused for 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-stripped 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

character of the OS, R, or IR zoned area. This is based on taking into account factors such as:

- a. Building scale, placement, and facade;
  - b. Parking area placement;
  - c. Buffering and the potential loss of privacy to abutting residential uses; and
  - d. Lighting and signs; and
3. If the nonconforming use is in a C, E, I, or CI zone, and if any changes are proposed to the site, the appearance of the new use or development will not detract from the desired function and character of the zone.

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*(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 166313, effective 4/9/93; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171081, effective 5/16/97; Ord. No. 171219, effective 7/1/97; Ord. No. 172882, effective 11/18/98; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177368, effective 5/17/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179316, effective 7/8/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183598, effective 4/24/10; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190076, effective 8/10/20; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24; Ord. No. 191961, effective 3/1/25.)*



## 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
- 33.262.080 Glare
- 33.262.090 Measurements

#### **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. These standards apply to the operation of the use and are not reviewed for compliance at the time of building permit. Compliance with the standards is subject to enforcement once the operation of the use commences. 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.

### 33.262.080 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.

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*(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 174263, effective 4/15/00; Ord. No. 174743, effective 7/21/00; Ord. No. 176469, effective 7/1/02; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191961, effective 3/1/25.)*

## 33.410 Buffer Zone

# 410

Sections:

- 33.410.010 Purpose
- 33.410.020 Map Symbol
- 33.410.030 Applying the Buffer Zone
- 33.410.040 Development Standards

### 33.410.010 Purpose

The Buffer overlay zone requires additional buffering between nonresidential and residential zones. It is used when the base zone standards do not provide adequate separation between residential and nonresidential uses. The separation is achieved by restricting motor vehicle access, increasing setbacks, requiring additional landscaping, restricting signs, and in some cases by requiring additional information and proof of mitigation for uses that may cause off-site impacts and nuisances.

### 33.410.020 Map Symbol

The Buffer zone is shown on the Official Zoning Maps with a letter "b" map symbol.

### 33.410.030 Applying the Buffer Zone

The Buffer zone is to be applied primarily along the edge of a nonresidential zone abutting or located across a street from a residential zone. For industrial and employment zones, the street can be any classification of street, as classified by the Transportation Element of the Comprehensive Plan. For commercial zones, the street should be a Local Service Traffic Street.

### 33.410.040 Development Standards

The following standards must be met in the Buffer Overlay zone.

#### A. Setbacks and landscaping.

1. C-zones. In the C zones, a 10-foot setback landscaped to at least the L3 standard is required along all lot lines that:
  - a. Are across a local service street or alley from R-zoned land; or
  - b. Abut the rear lot line of an R-zoned lot. See Figure 410-1.
2. E and I zones. In the E and I zones, a 20 foot setback landscaped to at least the L3 standard is required along all lots lines within the Buffer Overlay Zone that abut or are across the street from a residential zone. The setback must be landscaped to at least the L3 standard. The setback may be reduced to 10 feet if the setback is landscaped to at least the L4 standard. See Figure 410-2.

3. Exceptions for sites entirely in residential uses:
  - a. Landscaping. The landscape requirements of this subsection do not apply. However, landscaping requirements of the base zone, other overlay zone, and plan district must be met.
  - b. Fences. Fences up to 3-1/2 feet high are allowed in the buffer setback abutting a street lot line, and up to 8 feet high in other buffer setback areas.

**B. Structures and exterior activities.**

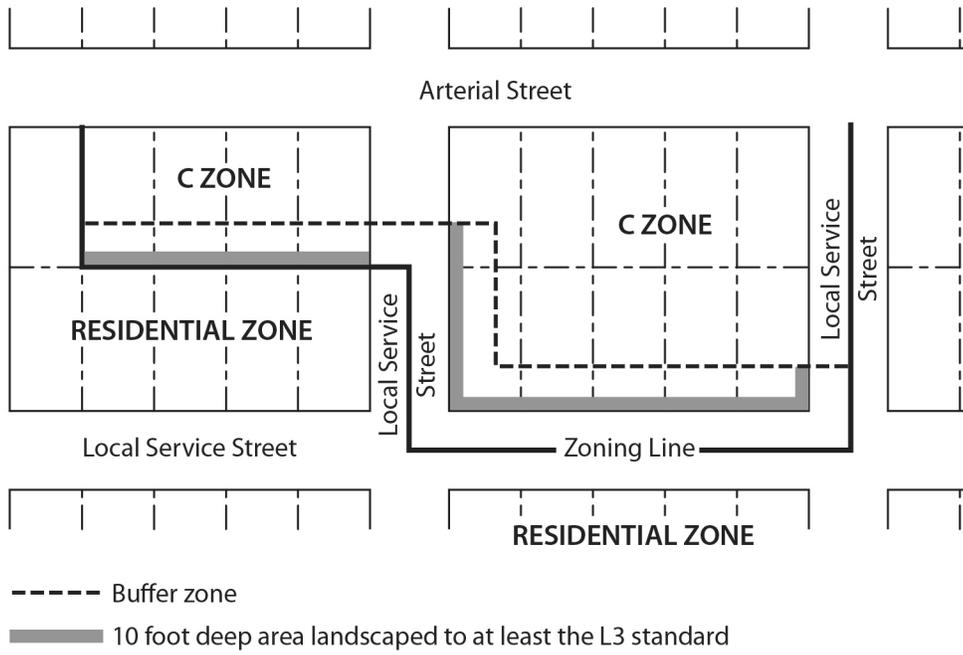
1. Structures, exterior storage, and exterior display are prohibited in the setbacks required by Subsection A.
2. Exterior work activities are prohibited in the Buffer Overlay Zone.

**C. Access.**

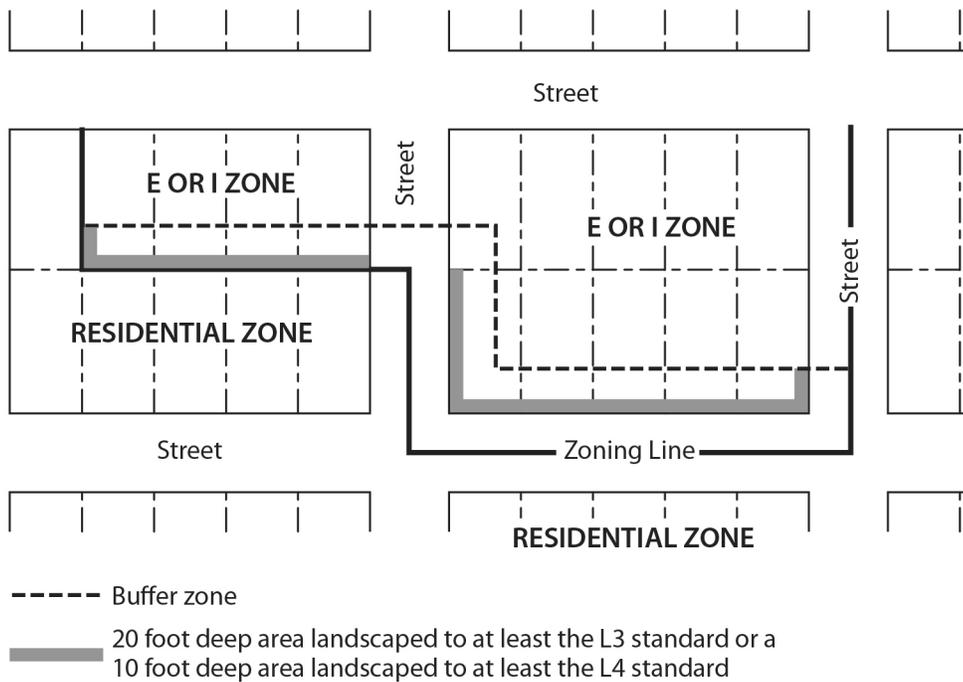
1. Generally. Except as specified in Paragraphs C.2 and C.3, access through the setbacks required by Subsection A is prohibited.
2. Pedestrian and bicycle access. Pedestrian and bicycle access is allowed through the setbacks, but may not be more than 6 feet wide.
3. Vehicle access for residential. Sites where any of the floor area is in Residential uses may have vehicle access through the setbacks. The width of the access may be a maximum of 20 percent of the site frontage or 20 feet, whichever is less. As an exception, a vehicle access at least 9 feet wide is allowed. The vehicle access may serve only the residential uses; access through the setbacks to vehicle areas serving non-residential uses on the site is prohibited.

**D. Radio Frequency Transmission Facilities.** Towers to support Radio Frequency Transmission Facilities are prohibited in the Buffer zone.

**Figure 410-1**  
**Buffer for C Zones**



**Figure 410-2**  
**Buffer in the E and I Zones**



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*(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; Ord. No. 191961, effective 3/1/25.)*

### **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 \$356,300. 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

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 \$308,100. 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*:

- a. Uses allowed:
  - (1) Major Event Entertainment;
  - (2) Commercial Outdoor Recreation; and
  - (3) Up to 15,000 square feet of Office.
- b. Requirements for sites where uses in Subparagraph B.3.a. are proposed:
  - (1) The site must be at least 5 acres in area;
  - (2) The site must be within 500 feet of a Transit Station;
  - (3) The site is not within the River General (g\*) overlay zone;
  - (4) The site must have an unexpired Good Neighbor Agreement that is approved by City Council as described in 33.510.115.C, below;
  - (5) The site must have a Comprehensive Transportation Management Plan that is approved by City Council as described in 33.510.115.D, below; and
  - (6) If the site is not managed by the owner, the site must have an Operating Agreement that is approved by City Council.

**C. Good Neighbor Agreement**

1. Purpose. The Good Neighbor Agreement requirements provide an opportunity to consider the impacts of a Major Event Entertainment or Commercial Outdoor Recreation use on nearby residents and businesses. This is achieved by requiring owners or operators to meet with interested parties and by requiring the formulation of a written implementation program referred to as a "Good Neighbor Agreement" before a building permit is issued.
2. When a Good Neighbor Agreement is required. A Good Neighbor Agreement, approved by the City Council, is required before a building permit will be issued for sites with a Major Event Entertainment or Commercial Outdoor Recreation use. The Good Neighbor Agreement does not have to be updated before each building permit is issued, but it must be current at the time of permit issuance.
3. Required process for development and approval of a Good Neighbor Agreement. The owner or operator of the Major Event Entertainment or Commercial Outdoor Recreation use must complete the steps listed in this paragraph. For purposes of this requirement, "applicant" means the owner or operator.
  - a. Develop a Draft Good Neighbor Agreement. The applicant must develop a Draft Good Neighbor Agreement that includes all of the elements listed in Paragraph C.4., below.
  - b. Contact the neighbors. The applicant must contact neighboring property owners and organizations as described below:
    - (1) Schedule a meeting. The applicant must schedule a meeting to discuss the draft agreement;

- (2) Mail notice of the meeting to neighbors. The applicant must mail written notice of the meeting, as specified below:
  - The notice must be mailed at least 14 days before the date of the meeting;
  - The notice must be mailed to all property owners within 1,000 feet of the site and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site; and
  - The notice must include the date, time, and place of the meeting, and a copy of the Draft Good Neighbor Agreement.
- c. Hold the Good Neighbor Agreement meeting. Hold the meeting as described below:
  - (1) Purpose of meeting. The purpose of the meeting is to provide the opportunity for all interested parties to identify concerns that should be considered through the Good Neighbor Agreement. The anticipated outcome of the meeting is an agreement between the neighbors—including residents and businesses—and the applicant as to how each issue will be considered in the Good Neighbor Agreement. However, a consensus is not required;
  - (2) Attendance by City staff. City staff may attend the meetings to offer suggestions or information, identify potential problems with the Draft Good Neighbor Agreement, or to observe. Participation by City staff in the meeting is not required and does not indicate City approval of the Good Neighbor Agreement;
  - (3) Additional meetings. Additional meetings may be held.
- d. City Council hearing. The applicant must request a City Council hearing. The applicant must request City Council to consider both the Comprehensive Transportation Management Plan and the Good Neighbor Agreement at the same hearing. The purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by this paragraph and has adequately addressed the elements in the Good Neighbor Agreement required by Paragraph C.4. City staff from the Office of Management and Finance and the Bureau of Transportation will provide advice to City Council. The Council may approve, approve with modifications, or reject the Good Neighbor Agreement.

At least 14 days before the hearing, the applicant must file the following materials with the City Auditor's Office:

- (1) A copy of the notice of the Good Neighbor Agreement meeting mailed to neighbors as required by C.3.b.(2), above;
- (2) The names and addresses of all those to whom the notice of the Good Neighbor Agreement meeting was mailed;
- (3) The names and addresses of those who attended the meeting;
- (4) The Draft Good Neighbor Agreement and, if different, the version of the Good Neighbor Agreement that the applicant requests Council to approve;

- (5) Any other versions of the Good Neighbor Agreement which were reviewed at the meeting;
  - (6) A copy of the notice of City Council hearing required by C.3.e.(1), below; and
  - (7) The names and addresses of all those to whom the notice of City Council hearing was mailed.
- e. Notice of City Council hearing. The applicant must mail written notice of the City Council hearing as specified below:
- (1) The notice must be mailed to all property owners within 1,000 feet of the site, to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site, and to those who attended the Good Neighbor Agreement meeting;
  - (2) The notice must also be published in a recognized newspaper;
  - (3) The notice must be mailed at least 14 days before the hearing; and
  - (4) The notice must contain at least the following information:
    - The date, time, and place of the City Council hearing;
    - A copy of the Good Neighbor Agreement that is filed with the City Auditor's Office, as specified in C.3.d.(4);
    - The street address or other easily understood geographical reference to the property to be covered by the Good Neighbor Agreement;
    - A statement that the purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by Paragraph 33.510.115.C.3. of the Zoning Code, and has included the elements in the Good Neighbor Agreement required by Paragraph 33.510.115.C.4. of the Zoning Code;
    - A statement that Council may approve, approve with modifications, or reject the Good Neighbor Agreement;
    - An explanation of the local decision-making process for making this decision, as described in this section of the Zoning Code;
    - An invitation to comment, in writing, on the proposal and the place, date, and time that comments are due. This date and time must be at least 14 days from the mailing date of the notice;
    - A statement that all information submitted by the applicant is available for review from the City Auditor, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
    - A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised before the comment period expires and that such issues must be raised with sufficient specificity to afford the City Council an opportunity to respond to the issues.
- f. Notice of City Council decision. The City Auditor will file the notice of decision by the next working day after the decision is made. Within 5 days of filing the notice

of decision, the City Auditor will mail a notice of the decision to all property owners within 1,000 feet of the site, to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site, and to all who testified at the Council hearing, submitted written comments, or requested such notice in writing.

4. Elements of a Good Neighbor Agreement. The Good Neighbor Agreement must consider all of the following items:
  - a. Event schedules, including coordination with nearby facilities to minimize impacts on the neighborhood of concurrent events;
  - b. Event limitations;
  - c. Noise management;
  - d. Box Office hours of operation;
  - e. Litter management;
  - f. Lighting;
  - g. Communications, including a process for receiving, recording, and responding to community comments;
  - h. Alcohol management;
  - i. Security;
  - j. Hours of operation including those for set-up and take-down;
  - k. Community use of the site;
  - l. Motorized events;
  - m. Oversight committee;
  - n. Enforcement of the Good Neighbor Agreement;
  - o. Exceptions to the Good Neighbor Agreement;
  - p. Process and requirements for updating, amending, or terminating the Good Neighbor Agreement; and
  - q. Effective date, term of the agreement, and date of expiration.

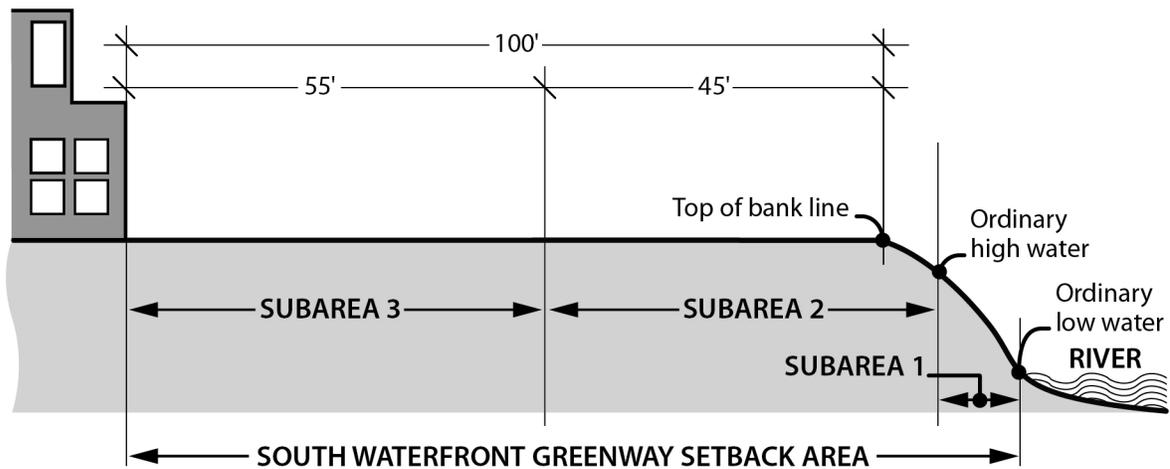
**D. Comprehensive Transportation Management Plan**

1. Purpose. The Comprehensive Transportation Management Plan requirements provide an opportunity to consider the impacts of traffic and parking on nearby residents and businesses. This is achieved by requiring owners or operators to complete an analysis of traffic issues, suggest mitigation measures, and make the draft report available to the neighbors of the site.

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 \$356,300, 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

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*(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167515, effective 3/30/94; Ord. No. 167464, effective 4/15/94; Ord. No. 167650, effective 6/10/94; Ord. No. 169535, effective 1/8/95; Ord. No. 168702, effective 7/1/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171522, effective 9/19/97; Ord. No. 171648, effective 10/8/97; Ord. No. 172040, effective 3/13/98; Ord. No. 173259, effective 5/14/99; Ord. No. 174160, effective 2/9/00; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175163, effective 1/1/01; Ord. No. 175204, effective 3/1/01; Ord. No. 175294, effective 3/2/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 176024 and 176193, effective 2/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177920, effective 11/8/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178425, effective 5/20/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179084, effective 3/26/05; Ord. No. 179092, effective 4/1/05; Ord. No. 179925, effective 3/17/06; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 180667, effective 1/12/07; Ord. No. 181357, effective 11/9/07; Ord. No. 182319, effective 12/5/08; Ord. No. 182429, effective 1/16/09; Ord. No. 183517, effective 3/5/10; Ord. No. 183269, effective 10/21/09; Ord. No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. Nos. 187216 and 187217, effective 7/24/15; Ord. No. 187796, effective 7/8/16; Ord. No. 188162, effective 2/1/17; Ord. No. 188631, effective 11/4/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189001, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; 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; Ord. No. 191961, effective 3/1/25.)*



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 \$356,300 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.

## 33.560 North Cully Plan District

# 560

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### Sections:

- 33.560.010 Purpose
- 33.560.020 Where the Regulations Apply
- 33.560.030 Procedures
- 33.560.040 Submittal Requirements
- 33.560.050 Approval Criteria
- 33.560.060 Amendments to an Approved Development Plan

### Map 560-1 North Cully Plan District

#### **33.560.010 Purpose**

The regulations of the North Cully Plan District are intended to ensure compatible redevelopment of certain large parcels as set forth in the Cully Neighborhood Plan. These parcels are developed with gravel pits, a number of smaller, older single family dwellings and trailer parks with redevelopment probable in the next two decades. Properties should be developed in a cohesive pattern in order to encourage compatible development with the neighborhood to the south. North Cully Development review is a master plan review which will ensure compatibility and cohesive design.

#### **33.560.020 Where the Regulations Apply**

The regulations for North Cully Development review apply to development within the North Cully Plan District. The boundaries are shown on Map 560-1 at the end of this chapter and on the official zoning map. New construction, building additions and land divisions within the Plan District are regulated by this chapter. Sites under 5 acres and improvements with a value less than \$274,050 and modifications to existing single family dwellings and trailer park facilities are exempt from review.

#### **33.560.030 Procedures**

Requests for a North Cully Development review are processed through a Type III procedure.

#### **33.560.040 Submittal Requirements**

All North Cully Development review applications must comply with 33.730.060, Application Requirements, and the following:

- A. General statement.** Applications must include a narrative which describes the development plans for the duration of the development plan and an explanation of how the proposed plan meets the Cully Neighborhood Plan.
- B. Boundaries of the use.** All application submittals must show the current boundaries and possible future boundaries of the development for the duration of the development plan. The boundaries must show all the adjacent properties owned or under the control of the applicant.

- C. Uses and functions.** All applications must include a description of present and proposed uses.
- D. Site plan.** All applications must include a site plan, showing the existing and proposed temporary and permanent buildings and other structures, the pedestrian and vehicular circulation system, parking areas, open spaces, and other improvements required by the zoning regulations. All development plans must show the paved areas, landscaping, physical constraints including soil or geologic instability or anomalies. Conceptual plans for possible future uses will be included when possible, but will require an amendment to the approved plan if the location of facilities is changed or not included in the approval decision.
- E. Urban services.** All application submittals must show the location and size of urban services. Urban services include but are not limited to: water, stormwater, sewers, streets, fire hydrants and private utilities. Applicants should work with the affected service agency to resolve service concerns prior to application. Utilities should be underground wherever possible.
- F. Land divisions.** All application submittals must show how land divisions will not fragment the site or cause piecemeal development. A separate land division application will be required. Land divisions will not be approved prior to the North Cully Development review. A concurrent land division application is encouraged.
- G. Other reviews.** If other reviews are required, the North Cully Development review master plan must include information on any other discretionary reviews. If requested as part of the plan approval, all applicable criteria must be met.
- H. Area south of NE Killingsworth.** Excavation or mining and filling of sites located south of NE Killingsworth will terminate by December 2002. If excavation or filling activities are proposed to continue past this date, the site will be subject to North Cully Development review.

### **33.560.050 Approval Criteria**

All North Cully Development review applications must meet the following approval criteria.

- A.** The applicable goals and objectives of the adopted neighborhood plan will be met.
- B.** The boundaries of the North Cully Development review application coincide with one of the subareas as shown in the adopted Cully Neighborhood Plan or adequate rationale is provided for any deviation.
- C.** The uses proposed are allowed in the base zone and overlay zones.
- D.** Public services for water supply, streets, police and fire protection are capable of serving the proposed development and sanitary waste disposal, stormwater disposal systems, streets and traffic circulation meet the requirements of Title 17.
- E.** The development plan shows a completely developed site which is compatible with the surrounding area. In a phased development, the code requirements will be met at each phase in development.

## 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
- 33.561.270 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**

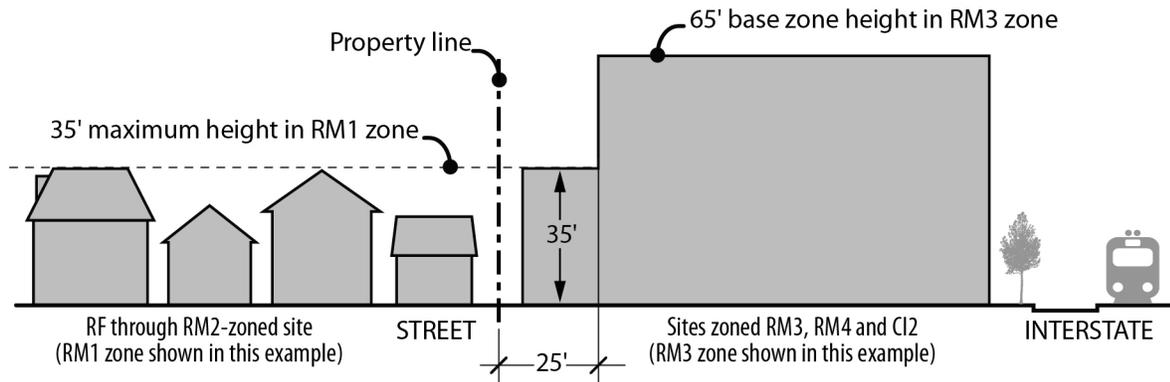
- A. Purpose.** The floor area ratio standards work with the maximum building height standards to:
- Increase intensity near the light rail stations at the most intensive station areas: Lombard, Killingsworth, and Prescott; and
  - Allow design flexibility for taller buildings that create opportunities 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.

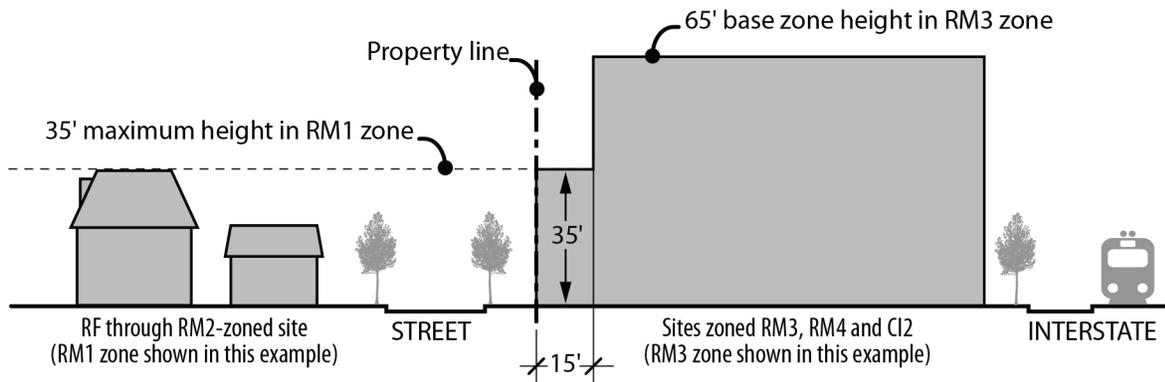
### **33.561.230 Transition Between Zones**

- 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 C12 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.

### 33.561.270 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.

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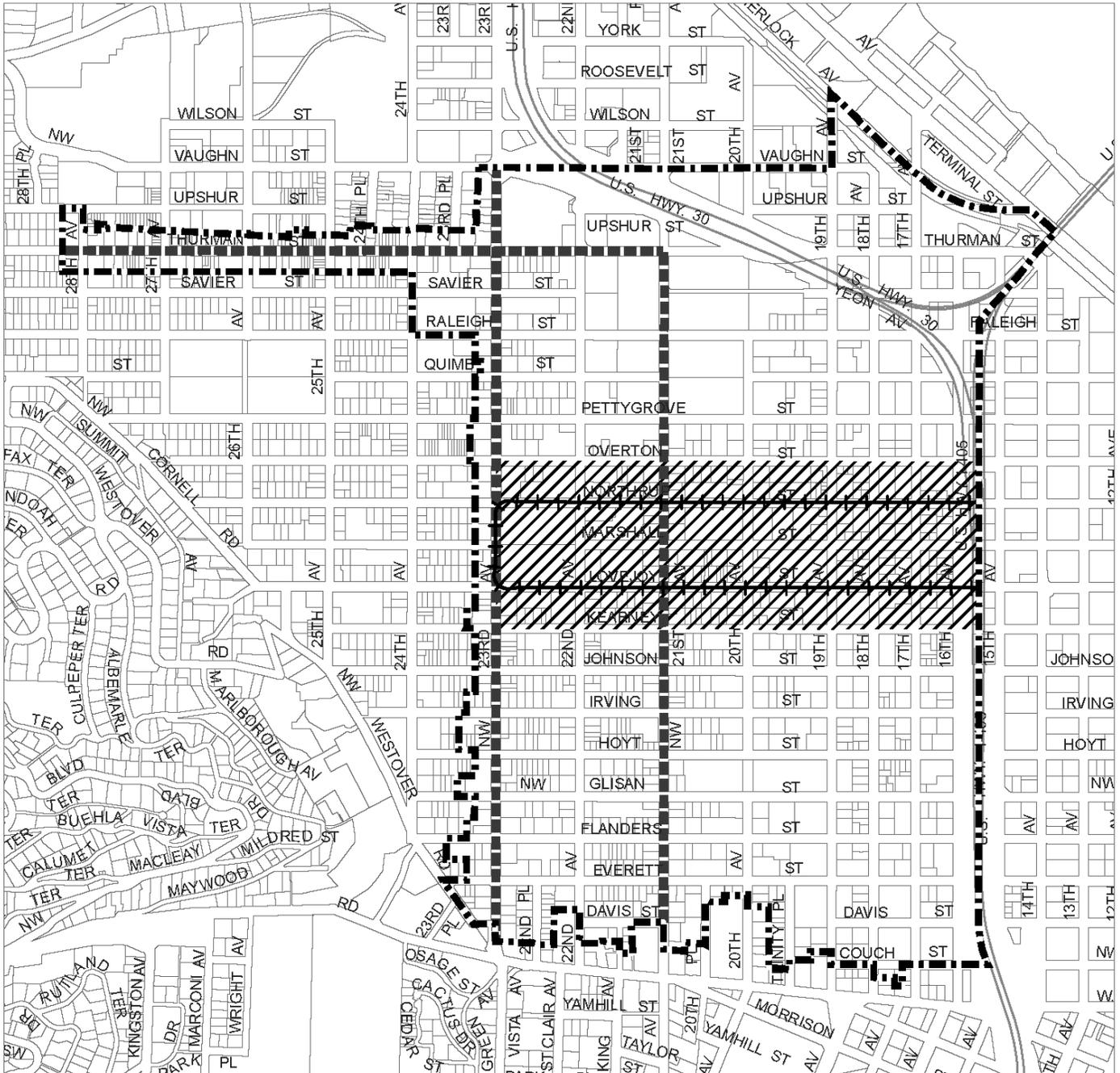
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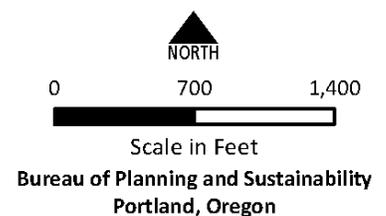
# Northwest Plan District Areas with Special Development Standards

# Map 562-7

Map Revised August 12, 2016



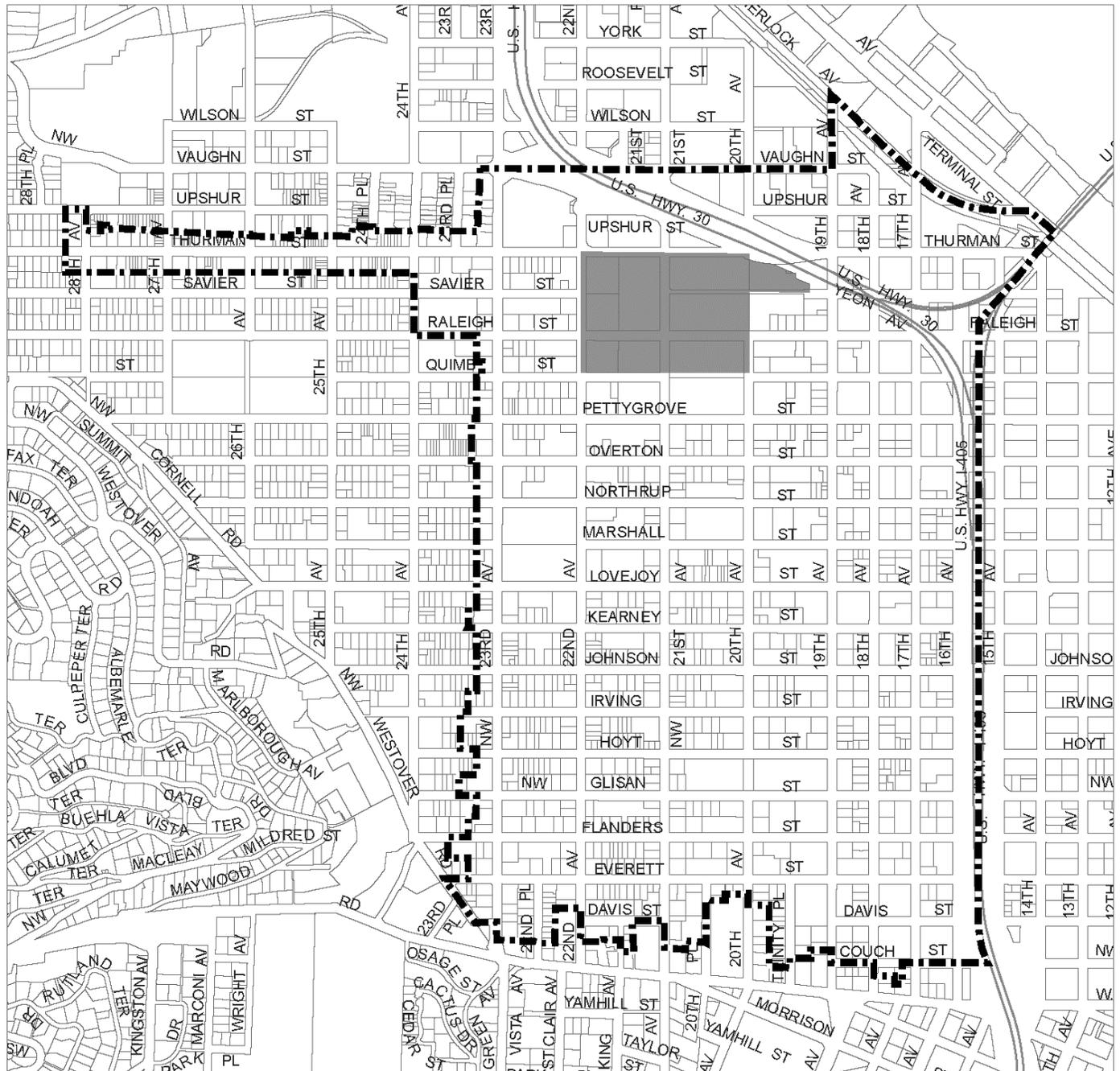
-  Plan District Boundary
-  Main Street
-  Streetcar Alignment
-  Minimum active floor area



# Northwest Plan District NW Master Plan Required

# Map 562-9

Map Revised August 12, 2016



 Plan District Boundary

 Master Plan area



0 700 1,400

Scale in Feet

Bureau of Planning and Sustainability  
Portland, Oregon

includes the square footage of any floor area plus the square footage of any exterior development. See Chapter 33.806, Airport Reviews.

### **Special Notification Requirements in the Airport Subdistrict**

#### **33.565.310 Mailed Public Notice for Proposed Development**

When development is proposed within the Airport Subdistrict, all of the steps in this section must be completed before an application for a building or zoning permit is submitted.

- A. Purpose.** Mailed public notice informs interested neighborhood associations and district neighborhood coalitions of proposed airport development that is not subject to a land use review and provides them with an opportunity to attend a public meeting to get more information and discuss the proposed development.
- B. Where and when mailed public notice is required.** Proposals that were part of a land use review are exempt from the requirement of this subsection. Mailed public notice is required in the IG2 zone:
  - 1. When the proposed development will add more than 10,000 square feet of gross building area to the site; or
  - 2. When the value of the proposed development will exceed \$727,050.
- C. Requirements.** The requirements for mailed public notice are:
  - 1. The applicant must send a letter to the neighborhood associations and district neighborhood coalitions of the site or adjacent to the site, by registered or certified mail. The letter must contain, at a minimum, contact information for the applicant, the date, time and location that the project will be presented at a public meeting and a description of the proposed development, including the purpose of the project, total project square footage and project valuation. The letter must be sent at least 14 days before the public meeting where the project will be presented.
  - 2. Copies of letters required by this section, and registered or certified mail receipts, must be submitted with the application for building or zoning permit.

#### **33.565.320 Posted Public Notice Requirements for Land Use Reviews**

Posting of notice on the site is required for Type III land use reviews. The requirements for posting notices in Section 33.730.080 apply to sites in the plan district zoned IG2; however, the number and location on the site, specified in Subsection 33.730.080.A, are superseded by the requirements of this section.

- A. Outdoor notices.** Posted notices must be placed at the following outdoor locations:
  - 1. At each of the two main crosswalks in the arrivals roadway area; and
  - 2. At each of the two pedestrian bridges to the P1 parking garage.
- B. Indoor notices.** Posted notices must be placed at the following locations inside the terminal building and must be visible to passengers and others in the building:
  - 1. On the second floor of the terminal at each of the two main escalators;

2. On the second floor at each of the two circulation throats; and
  3. On the first floor of the terminal at each of the two main escalators.
- C. Roadway notice.** One posted notice must be placed along a roadway within 800 feet of the proposed structure or development activity. If the nearest roadway is more than 800 feet from the proposed structure or development activity, the notice must be placed at the intersection closest to the proposed structure or development activity.

### **Regulations in the Middle Columbia Slough Subdistrict**

#### **33.565.400 Zoning Map Amendments**

The IG2 zone is the only zone that can be requested during a Zoning Map Amendment on the sites shown on Map 565-4. Requesting a zone other than IG2 is prohibited. In addition, the Prime Industrial overlay zone must be applied in conjunction with the zone change to IG2.

#### **33.565.410 Additional Development Standards**

- A. Purpose.** The following development standards promote ecologically beneficial design by requiring buffers and plantings that provide ecological function and contribute to ecosystem services such as multi-objective stormwater management, cleaning and cooling of air and water, wildlife habitat, biodiversity, and aesthetic values. The development standards help reduce future demands on infrastructure, and reduce adverse impacts from development both on and off-site. The standards also buffer industrial development from abutting residential development and open space uses, and provide a pleasant work environment for employees.
- B. Where the standards apply.** The standards in this Section apply to development in the IG2 zone in the Golf Course/IG2 Transition Area shown on Map 565-4.
- C. Development standards.**
1. Minimum landscaped area standard. At least 20 percent of site area must be landscaped. Area improved for active or passive recreational use, or for use by pedestrians, does not count toward the required landscaped area. Other required landscaping, such as setbacks and parking lot landscaping, applies toward the landscaped area standard. Area covered by an eco-roof also applies toward the landscaped area standard.
  2. Native plants. At least 75 percent of all plants planted to meet Title 33 landscaping requirements must be native plants from the *Portland Plant List*.
  3. Vegetated setback.
    - a. All development must be set back 25 feet from a residential zone or open space zone. The area within the vegetated setback may be applied toward the required landscaped area standards;
    - b. Required plants and planting densities. One of the following standards must be met:

- (2) Be in alignment with partial pedestrian connections within the same block as the land division site.

4. Dead-end streets.

- a. Dead-end streets may be provided where through streets are not required. Public dead-end streets may not exceed 200 feet in length or abut more than 8 lots within the land division site and must be at least 200 feet from any other public dead-end street.
  - b. Where the land division site is adjacent to sites that may be divided under current zoning, dead-end streets and pedestrian connections must be extended to the boundary of the site to provide future access to the adjacent sites. For the purposes of this standard, "may be divided" does not include middle housing land divisions.
5. Alleys. Alleys may be provided in addition to required streets to accommodate alternative vehicular access to proposed lots.

**D. Approval criteria.**

1. Through streets and pedestrian connections in OS, R, C, E, CI, and IR Zones. In OS, R, C, E, CI, and IR zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:
  - a. Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;
  - b. Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;
  - c. Characteristics of the site, adjacent sites, and vicinity, such as:
    - (1) Terrain;
    - (2) Whether adjacent sites may be further divided;
    - (3) The location of existing streets and pedestrian connections;
    - (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection;
    - (5) Whether any of the following interrupt the expected path of a through street or pedestrian connection:
      - Environmental, River Environmental, Pleasant Valley Natural Resource, or Greenway overlay zones;
      - Tree groves;
      - Streams;
      - Combined flood hazard area; or
      - Wetlands; and

- (6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;
      - d. Master street plans for the area identified in the Transportation Element of the Comprehensive Plan;
      - e. Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.
2. Dead-end streets in OS, R, C, E, CI, and IR zones.
  - a. In OS, R, C, E, CI, and IR zones, dead-end streets may be provided where through streets are not required. Dead-end streets should generally not exceed 200 feet in length, and should generally not serve more than 25 dwelling units. Public dead-end streets should generally be at least 200 feet apart.
  - b. Where the land division site is adjacent to sites that may be divided under current zoning, dead-end streets and pedestrian connections must be extended to the boundary of the site as needed to provide future access to the adjacent sites. Options for access and street locations must consider the characteristics of adjacent sites, including terrain, the location of existing dwellings, environmental or Pleasant Valley Natural Resource overlay zoning, streams, wetlands, special flood hazard areas, and tree groves. The following factors are considered when determining if there is a need to make provisions for future access to adjacent sites. A need may exist if:
    - (1) The site is within a block that does not comply with the spacing standards or adopted street plan of the Transportation Element of the Comprehensive Plan; or
    - (2) The full development potential of adjacent sites within the block will not be realized unless a more complete street system is provided to improve access to those sites.
3. Pedestrian connections in I Zones. In I zones, pedestrian connections to all Regional Transitways, Major Transit Priority Streets, Transit Access Streets, Community Transit Streets, Off-Street Paths, and recreational trails within 1,300 feet of the site are required where appropriate and practicable. The connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible. Only the portion of the pedestrian connection that is on the land division site is required.
4. Alleys in all zones. Alleys may be required where the provision of an alley is appropriate to mitigate transportation or development impacts. Alleys may be appropriate to move garage access away from busy streets, reduce the number of

### **33.654.130 Additional Standards for Rights-of-Way**

#### **A. Street trees.**

1. For existing and proposed public streets, the City Forester, in consultation with the City Engineer, has preliminarily approved the street tree preservation, protection, and planting plan.
2. Private street trees. Private street tree plans must meet the standard stated in Subparagraph A.2.a. If the proposal cannot meet the standard, the applicant can choose to meet the approval criterion in Subparagraph A.2.b. Adjustments are prohibited:
  - a. Private street tree standard. The street tree planting plan meets the Trees and Landscaping standards stated in the Permanent Administrative Rules for Private Rights of Way;
  - b. Private street tree approval criteria. The number of private street trees may be reduced or are not required when:
    - (1) It is not feasible to provide street trees while meeting 33.654.120 Design of Rights Of Way, and the minimum lot size and dimension standards of the zone;
    - (2) Trees will be planted in the front yard of each lot, near the street tract, generally one tree every 25 feet of frontage;
    - (3) The proposed tree locations will not conflict with public utility easements on the lots; and
    - (4) Tree planting may be deferred until development of the lots, however, such planting must occur prior to final building inspection.

- B. Utilities.** Telephone, cable, natural gas, electric, and telecommunication utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way. Utility easements up to 15 feet in width may be required adjacent to rights-of-way. Utility easements needed to serve the lots must be identified during the preliminary land division plan review.

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

- A. Purpose.** To protect long-term access and both public and private investment in the street system, the rights and responsibilities for the street system must be clear. Public ownership of streets is preferred to provide long-term access to sites and meet connectivity goals. However, where a dead-end street serves a limited number of units, the public benefit may be very limited and the maintenance costs may be relatively high. In that limited situation, private streets may be appropriate. Where public ownership is not feasible, property owners must know their maintenance responsibilities and what public use to expect on rights-of-way.
- B. Ownership.** Ownership of rights-of-way is determined through the following standards:
1. Through streets. Through streets must be dedicated to the public.

2. Pedestrian connections.
  - a. Pedestrian connections that connect or are intended to eventually connect two public streets must be dedicated to the public.
  - b. Partial pedestrian connections that begin at a public right of way and terminate at the boundary of the land division site must be dedicated to the public.
  - c. Pedestrian connections that connect or are intended to eventually connect to a public school, park or library must be dedicated to the public.
  - d. Pedestrian connections that connect two private streets, or that connect a private street to a public street, may be privately owned unless B.2.c applies.
  - e. Pedestrian connections that are not dedicated to the public must be privately owned in common by the owners of the property within the land division site that abut the pedestrian connection, or by the Homeowners' Association. If the pedestrian connection will not be dedicated to the public, it must be in a tract.
3. Partial streets. Partial streets must be dedicated to the public.
4. Dead-end streets.
  - a. Dead-end streets and turnarounds must be dedicated to the public. Temporary turnarounds may be in an easement.
  - b. Exception. A dead-end street and turnaround may be privately owned if the street is not a temporary dead-end street and meets the private street design requirements in 33.654.120.C. The private street and turnaround must be in a tract, and owned in common by the owners of property served by the street or by the Homeowners' Association.
5. Alleys.
  - a. Alleys that provide access to more than 5 lots within the land division site and abut sites that may be divided under current zoning must be dedicated to the public unless the Bureau of Transportation does not agree to accept the dedication.
  - b. If an alley is not dedicated to the public and serves more than 5 lots within the land division site, it must be placed in a tract owned in common by the owners of property that abut the alley or the Homeowners' Association.
  - c. If an alley is not dedicated to the public and serves 5 or fewer lots within the land division site, it must either be placed in an easement, or placed in a tract owned in common by the owners of the property within the land division site or the Homeowners' Association.
6. Public rights-of-way. All elements of public rights-of-way must be dedicated to the public, except as allowed by paragraph B.8, below.
7. Private rights-of-way. For rights-of-way held in common ownership or owned by the Homeowners' Association, all elements of the right-of-way must be in a tract, except as allowed by paragraph B.8, below.

Alterations of a landmark-designated interior public space	All	Project value > \$562,155	Type III
		Project value ≤ \$562,155	Type II
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type I
Alteration to the exterior of a structure	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
	C, E, I, RX, CI	Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
Historic restoration	All		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [2]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [3]	Type II
Any other non-exempt proposal	All	Project value > \$562,155	Type III [1]
		Project value ≤ \$562,155	Type II [1]

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

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

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

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

2. For Conservation Landmarks, including those in Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.110.D.2, the review procedure is determined by Table 846-2, below:

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

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

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

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

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

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

<b>Table 846-3</b>			
<b>Review procedures for proposals within Historic Districts</b>			
<b>Proposal</b>	<b>Zone</b>	<b>Threshold</b>	<b>Review Type</b>
Relocation	All	Contributing resource	Type III
		Contributing accessory structure	Type II
New structure	All	Floor area > 5,000 sq. ft.	Type III [1]
		Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
Window replacement	RF-R2.5		Type I
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type I
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade or roof area >50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
Historic restoration	All		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [2]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [3]	Type II
Any other non-exempt proposal	All	Project value > \$562,155	Type III [1]
		Project value ≤ \$562,155	Type II [1]

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

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

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

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

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

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