

# Code Alignment Project (CAP)

Focus: Suspension of Certain Required Upgrades



Proposed Draft

May 2025

<https://www.portland.gov/permitimprovement/code-alignment-project>

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# Acknowledgments

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# Section I: Introduction

## Project Summary

The City of Portland is improving its permitting services through the Code Alignment Project, which aims to remove regulatory barriers and temporarily suspend specific development requirements until January 1, 2029. Beyond streamlining the permitting process, these modifications are designed to provide temporary economic stimulus to applicants seeking to expand, renovate, repurpose, or otherwise enhance existing development.

This strategic initiative bolsters businesses and small developers by suspending the following regulatory obligations:

- Street tree planting for property additions and alterations (Title 11)
- Sidewalk and street improvements for significant alterations (Title 17)
- On-site upgrade mandates for non-conforming situations (Title 33)
- Seismic vulnerability assessment for older buildings (Title 24)

The subsequent sections elaborate on the nuances of the proposed amendments.

## Historical Context

In March 2021, Commissioner Mapps and Commissioner Ryan created a Permitting Improvement Task Force to confront persistent permitting challenges highlighted in the [Building Permit Review Audit](#). The Code Alignment Project (CAP) emerged as a pivotal recommendation from this task force, which recognized that substantive, enduring improvements to Portland’s permitting system must be holistic in nature and include removing unnecessary and unintended regulatory barriers to development. The task force supported the harmonizing policies that regulate both public right-of-way and private property development to foster a more streamlined and efficient review process.

The Portland City Council enacted [ordinance 191736](#) to institute a consolidated permitting authority, called Portland Permitting & Development (PP&D). This entity integrates permitting divisions that execute public works policies with those implementing private property development regulations. This organizational framework creates enhanced opportunities to assess codes comprehensively, identify regulatory discrepancies, and formulate interdisciplinary solutions to improve the customer permitting experience through code alignment.

## Section II: Public Outreach

On April 1, 2025, the Community and Economic Development Service Area staff sent an email to stakeholders with information on the CAP amendment concepts and extended an invitation to meet and discuss the changes before advancing a formal proposal to the Urban Forestry Commission and Planning Commission for public hearings and assessment. Meeting with constituents was also intended to help project staff understand community concerns and evaluate potential refinements to the amendment concept. These constituencies included developers, land use specialists, architectural professionals, and advocacy organizations listed below.

1. Bike & Pedestrian Modal Committee
2. Bird Alliance of Oregon
3. Oregon Walks
4. Pedestrian Advisory Committee
5. Disability Advocacy Group
6. Trees for Life
7. Shade Equity Coalition
8. Mackenzie Group
9. GBD Architects
10. KPFF Consulting Engineers
11. Studio Cropp Architecture
12. National Association of Minority Contractors

In addition to these interest groups project staff presented the concept to the Development Review Advisory Committee and the Building Owners and Managers Association (BOMA), and the National Association of Industrial and Office Properties (NAIOP).

Staff also published project information on a dedicated webpage [Code Alignment Project | Portland.gov](#) housed on the Permit Improvement website and provided this as a resource to in presentations and other communications.

As a result of this outreach, staff learned that applicants and consultants involved in the development application process saw meaningful value in revisions to the upgrade thresholds and appreciated the proposed pause on these requirements to help advance permits and projects in the current challenging economic times.

Permit review staff have noted several projects that have stalled in permitting due to the additional and unforeseen expenses that some upgrades have imposed. Developers expressed support for suspending street tree planting standards for most alterations and additions while continuing to require street tree planting for new construction development.

Advocates for trees and tree planting posited that pausing the requirements could reduce the number of street trees planted, and potentially reduce available space for on-site tree planting

when those areas are covered by impervious surfaces. They suggested that the amendments exempt the tree planting requirements to situations where applicants are proposing interior structural modifications, only.

Advocates for pedestrian access and safety expressed concerns in the opportunity costs of losing the ability to impose pedestrian circulation upgrades during the pause period, noting that it may be a long time before the city has an opportunity to require these beneficial improvements again.

Project staff did not make modifications to the proposed regulatory pause because of the feedback. Rather, the project team supports evaluating and monitoring the outcomes of temporary suspension on infrastructure, permitting efficiencies realized or lost, and economic development. The pause will serve the purpose of allowing staff time to conduct deeper research, evaluate short-term policy outcomes, and use a staff and customer feedback loop to inform a long term-term policy solution, while being responsive the current economic climate, and level-setting threshold standards.



# Section III: Summary of Proposals

## Title 11 - Trees

### Street Tree Planting Requirements

Currently street trees must be planted for all development projects (new construction, additions, and alterations) when the value of a project meets or exceeds \$25,000, and there is available room within the right of way to plant additional street trees.

The original \$25,000 threshold was established by Ordinance No. 163739 in 1990 and has not been adjusted for inflation since. The current equivalent value today is roughly \$61,000. Applicants are often surprised by the need to prepare tree plans, pay for and go through a tree review, and purchase, plant, and establish a street tree when they are doing small projects that are limited to the interior of a building such as bathroom or kitchen remodel, or a tenant improvement on a larger multi-tenant site. This is also typically identified after submitting for their permit, which can create additional delays in permit issuance.

The proposal will suspend the street tree planting requirements for building additions and other alterations to the building or site until January 1, 2029. Street tree planting for new construction and when street improvements are built will continue to be required.

This approach aligns with tree planting requirements in comparable peer cities (Seattle, Milwaukie, Bend). In fact, no other city researched ties tree planting requirements to the cost of a project. This is unique to Portland. Impacts from potential loss of street tree planting are expected to be more than offset by new programmatic initiatives of Parks Urban Forestry. Based on permitting data between 2020 and 2024, approximately 450 trees were planted annually for residential and commercial additions and alterations. Over the next five years, Parks Urban Forestry, with support from the Portland Clean Energy Fund, expects to plant 10,000 trees annually.

### Tree Plan Submittal Requirements

A tree plan shows proposed tree removal, tree protection and tree planting both on site and in the right of way. It is currently required for all development permits, unless there are no private trees 12 inches or more in diameter, no City trees six inches or more in diameter, and/or no street trees three inches or more in diameter, and planting will not be needed.

Projects that have no exterior ground disturbing impacts are still required to submit a tree plan and are subject to a plan review fee (approximately \$600). In addition to the cost and preparation imposed on applicants, this can also demand additional staff review time. Because some of these projects may require extensive staging of materials on site which can compress soil and impact tree root zones, in some cases, a tree protection plan may still be needed.

The proposed changes give the City Administrator the authority to exempt projects that are solely façade changes or interior alterations from the need to submit a tree plan or otherwise reduce the tree plan requirements.

### **Title 33 – Planning and Zoning**

#### **Changes to Nonconforming Site Upgrades**

City Code section 33.258.070 requires that additions and alterations with a value greater than \$356,300 must upgrade certain elements of their sites as needed to comply with minimum landscaping, tree planting, on-site pedestrian pathway connections, short and long-term bicycle parking, screening, and paving of parking and storage areas.

The original nonconforming development upgrade requirement was added to the zoning code in 1991. At that time, the threshold was based on project valuations that exceeded 35% of the assessed value of improvements on the site. This was later converted to a dollar figure (\$100,000) which is increased every year based on an RS Means inflation adjustment basis. In addition, several projects have “boosted” the upgrade threshold value.

Most recently, as part of the Housing Regulatory Relief (Ordinance No. 191609, effective March 2024), projects on sites that include a residential use are exempt from the nonconforming upgrade requirements until January 1, 2029. This Code Alignment Project will expand that temporary exemption to all development projects, not just those that include a residential use. Nonconforming upgrades are only applicable to alterations and additions, so new development will continue to be required to meet current code requirements.

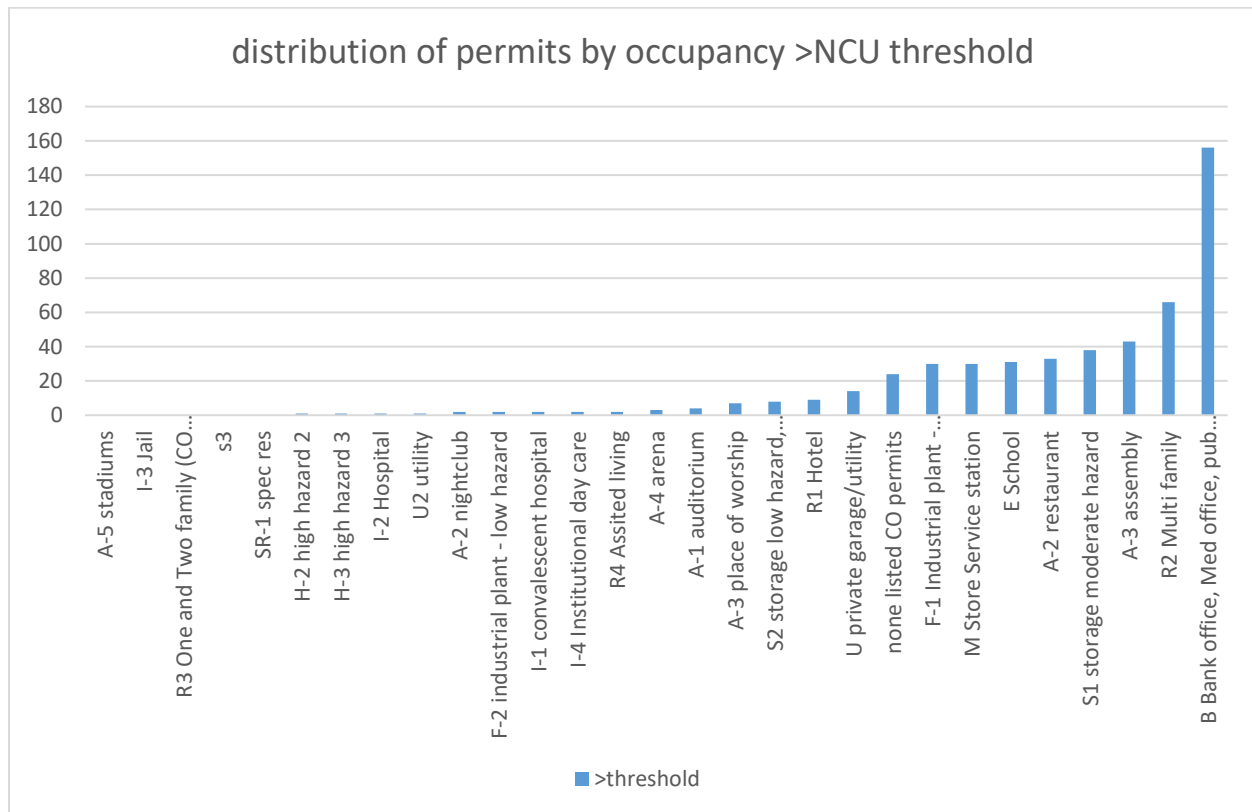
Based on data of permits issued between January 1, 2020, and December 31, 2024, there were 4,431 permits issued for commercial additions and alterations (i.e. not new construction or alterations of/additions to houses or middle housing projects). Of those 4,413 permits, 513 had an initial submitted construction value greater than \$356,300. Seventy of those permits were for residential multi family or assisted living projects (exempt under the current pause). Another 95 were industrial uses (typically have no applicable upgrade elements). The remaining 348 permits (7.8% of all commercial permits) were for various commercial projects that may or may not have been required to provide upgrades based on the following:

- Site included a residential use, would be exempt under current pause
- Site meets current code requirements, no upgrades needed
- Final project value was less than \$356,300 due to revisions to project scope
- Final project value was less than \$356,300 due to allowed cost exclusions (like ADA, life safety or energy efficiency improvements, electric vehicle charging)
- Multiple permits for same site

Permitting staff have indicated that nonconforming upgrades are especially problematic for these types of proposals:

- School improvements (bond measures usually identify specific building improvements needed at schools but don’t account for upgrading the sites to be NCU compliant).

- Colleges, Universities and Hospitals—most of them have huge sites and one building addition or substantial alteration usually triggers significant NCUs. At that point simply identifying all the areas of non-compliance on the site is super expensive and time-consuming for the institution. Additionally, the upgrades are seldom budgeted for in building additions and significant remodels.
- Commercial day care centers—Nonconforming upgrades have been cited as a barrier by the state for establishing needed day care centers. PP&D permit staff have seen several proposals fall through when confronted by the added cost of the upgrades.
- Small businesses—many do not anticipate the cost of NCUs, and a lot of times come in for permit after a lease has already been signed.



### Other upgrades

Additionally, the Code Alignment Project is proposing to suspend upgrade requirements for some street improvements (Title 17) and seismic evaluation reports for some older buildings (Title 24), but since these parts of the proposal are not in Title 11 or Title 33, they fall outside the Urban Forestry Commission Planning Commission's purview. These additional changes will be presented to and considered by the Portland City Council together with the recommendations of the Planning Commission and Urban Forestry Commission at a future City Council public hearing, tentatively to be scheduled in Summer 2025.

For more information, visit the Code Alignment Project website:  
[www.portland.gov/permitimprovement/code-alignment-project](http://www.portland.gov/permitimprovement/code-alignment-project)

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## Section IV: Tree Code Amendments

This section presents amendments to Title 11, Tree Code. The section is formatted to facilitate readability by showing code amendments on the right-hand (odd) pages and related commentary on the facing left-hand (even) pages.

How to read these amendments:

- Language to be added is shown in underline.
- Language to be deleted is shown in ~~striketrough~~.

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## Commentary

### **11.50.020 When a Tree Plan is Required**

This section specifies when a tree plan is required. The tree plan shows proposed tree removal, tree protection and tree planting both on site and in the right of way. For some types of development activities, a tree plan may not be necessary, such as in the case when an alteration is made inside or to the façade of a building, no trees will be impacted, and new tree planting is not required. This is often the case when nonconforming upgrades are not required. With the suspension of nonconforming upgrades proposed with this project, the changes to this section allow the City Administrator (through delegation to permit review staff) to reduce the tree plan requirements in these cases.

Other alterations (such as site grading, changing landscaping, or building additions) can impact existing trees, and may trigger other screening and landscape requirements that would necessitate tree planting. Additionally, when street or sidewalk improvements are required, street tree planting and protection information will continue to need to be shown on a tree plan.

Portland Permitting and Development (PP&D) will work with Parks Urban Forestry to develop outreach materials that describe more specific conditions for when tree plans will be required for development alterations. Tree protection requirements will be provided with permit issuance.

### **11.50.020 When a Tree Plan is Required.**

A tree plan is required in conjunction with all development permits, unless there are no private trees 12 inches or more in diameter, no City trees six inches or more in diameter, and/or no street trees three inches or more in diameter, and the site or activity is exempt from Section 11.50.050 On-Site Tree Density Standards; and Section 11.50.060 Street Tree Planting Standards. The City Administrator may reduce the tree plan requirements for development alterations that do not include changes to topography, landscaping, exterior improvements, or street improvements or add gross building area. If multiple development permits are required for a development proposal, including demolitions and subsequent construction, the same Tree Plan must be included with each permit. For tree removal when no development permit is required, following completion of the development permit, or when tree preservation does not apply per Subsection 11.50.040 A.1., see Chapter 11.40.

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## Commentary

### **11.50.050 On-site Tree Density Standards**

These regulations require the planting of on-site trees (as opposed to street tree planting) for sites with new development, and sites with development alterations that are subject to the nonconforming upgrade triggers in Title 33.

However, the current language in Section 11.50.050 refers to the “project valuation” being larger than the threshold in Title 33. With the proposed suspension of projects from nonconforming upgrades (see Zoning Code Amendments), these alterations will not be subject to upgrades; however, the threshold value will remain in the code. This creates a conflict where one title (Title 11) would require on-site planting for projects above the \$356,300 value established in Title 33, while the other (Title 33) would not.

The change to 11.50.050.A.2. resolves the conflict by tying the tree density requirement for alterations to a broader applicability for the Title 33 nonconforming upgrade requirement, as opposed to the “project valuation” itself.



### **11.50.050 On-Site Tree Density Standards.**

(Amended by Ordinances 187675, 188278, 188959, 190200, 191030, and 191988, effective January 3, 2025.)

**A.** Where these regulations apply. This Section applies to sites within the city and the County Urban Pocket Areas. Unless exempted in Subsection 11.50.050 B., the following are subject to the On-Site Tree Density Standards:

- 1.** New development;
- 2.** Exterior alterations to existing development ~~with a project valuation that is more than the threshold stated in~~ when the alteration is subject to the requirements of Subsection 33.258.070 D.2. a.

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## Commentary

### 11.50.060 Street Tree Planting Standards

#### 11.50.060.A.2 Where these regulations apply

This change places a temporary pause on street tree planting until January 1, 2029, except for new development and cases where street improvements are being made (either through a city capital project, or for development that triggers or proposes right of way improvements).

On and after January 1, 2029, the current threshold would be reinstated which applies to projects with a value of \$25,000 or more.

#### 11.50.060.B. Exemptions

##### Summary of changes to this section

- Removes the \$25,000 cost threshold for all projects.
- Requires street tree planting when a public works permit is triggered.
- Exempts additions, alteration, and repairs from street tree review that do not include a public works permit.

## **11.50.060 Street Tree Planting Standards.**

### **A. Where these regulations apply.**

- 1.** This Section applies to projects within or fronting on any City-owned or -managed streets.
- 2.** For developments that require street tree planting, ~~alterations where the project value is more than \$25,000,~~ the cost of required street tree improvements is limited to 10 percent of the value of the proposed development.
- 2.** Until January 1, 2029, street trees are required for new development on a site and when street improvements are proposed or required. On and after January 1, 2029 street trees are required ~~For alterations where the project value is more than \$25,000;~~ the cost of required street tree improvements is limited to 10 percent of the value of the proposed development.

### **B. Exemptions. The following are exempt from the street tree planting standards of this Section:**

- 1.** Development activities associated with the following:
  - a.** Additions, alterations, or repairs that do not require frontage improvements through a public works process, ~~or new construction where the project value is less than \$25,000;~~
  - b.** Additions, alterations, repair or new construction where the project value is less than \$25,000;
  - b.** Activity that is limited to the street, and does not modify or create sidewalks, tree wells, or existing or potential tree planting areas; or
  - c.** Demolition permits.
- 2.** Where physical constraints preclude meeting the street tree planting requirement because:
  - a.** Existing driveways, trees, and above or below grade utilities prevent planting street trees; or
  - b.** The design of the street will not accommodate street tree planting because the planting strip is less than three feet wide, there is not a planting strip, or there is insufficient space to add tree wells.

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## **Commentary**

### **11.50.060. Street Tree Planting Standards**

#### **11.50.060.C**

This section requires street trees to be planted in conjunction with street improvements. There are no changes proposed to this requirement.

**C.** Street tree planting requirement. Any proposed change in width in a public street right-of-way or any other proposed street improvement, including the development of new public streets, must include areas for tree and landscape planting where practical. Utility connections and specifications for planting such areas must be integrated into the site plan. Specific locations and species will be determined by the City Administrator. Planting in public streets must meet the specifications in Chapter 11.60 and the following:

- 1.** One street tree must be planted or retained for each full increment of 25 linear feet per side of street frontage. When the required number of trees cannot be planted, a fee in lieu of planting may be required. For City projects, required trees that cannot be planted within the improvement area may be planted elsewhere on City property or in the street, instead of paying a fee in lieu of planting.
- 2.** When new streets are being created in association with a land division, street tree planting may be deferred until the completion of the building permit on each new lot, subject to City Administrator approval.

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## Commentary

### 11.60.020. Tree Planting Specifications

#### 11.50.060.B.

This change allows for larger or smaller sized trees to be planted to meet requirements of Title 11. Potential reasons to allow for smaller or larger sized trees, either in individual circumstances or more broadly, include difficulty acquiring tree stock, facilitating large scale tree planting efforts, easing requirements on individual property owners, or other future considerations deemed to be in the interest of urban forest management.

## 11.60.020 Tree Planting Specifications

(Amended by Ordinances 188278, 191030, 191736, and 191988, effective January 3, 2025.)

The following specifications apply to trees planted to meet a requirement of this Title. These specifications may be combined with other requirements as necessary to ensure trees are properly selected, spaced, and sized.

### A. Prohibited locations.

1. In the South Waterfront Plan district area, planting trees is not allowed between the riverfront trail and the river at major or minor viewpoints as designated in Portland City Code Title 33 Planning and Zoning.
2. In the Columbia South Shore Well Field Wellhead Protection Area as designated in Title 21, planting trees over the top of polyethylene geomembrane liners installed to meet the requirements of the Columbia South Shore Well Field Wellhead Protection Manual is prohibited.
3. Trees may not be planted on or within 25 feet south of the toe of the Marine Drive levee slope.

**B. Planting size.** In general, the following represent the minimum tree planting size standard; however, the City Forester may allow smaller or require larger trees, ~~to suit the site conditions.~~

1. Broadleaf trees. Broadleaf trees must meet the minimum caliper size as determined by the development type listed in Table 60-1:

<b>Table 60-1</b>		
<b>Broadleaf Tree Development Type</b>	<b>Size Requirements</b>	
	<b>On Site</b>	<b>Street</b>
One- to Four- Family Residential	1.5"	1.5"
Multi Dwelling Residential	1.5"	2"
All others	1.5"	2.5"

2. Coniferous trees. Conifer trees must be a minimum of five feet in height.
3. Native tree exception. The minimum planting size for native broadleaf trees may be reduced to ½" caliper on sites when planted in an environmental (c, p), greenway (n, q, or greenway setback and riverward portion of g, i, and r overlay zones), or Pleasant Valley Natural Resource (v) overlay zone. When planting Garry Oak, Pacific Madrone, or native conifers in these areas, the minimum planting size may be reduced to a three- to five-gallon container size. For street trees in these areas, the City Forester may approve a smaller planting size for native species.





# Section V: Zoning Code Amendments

This section presents amendments to Title 33, Planning and Zoning. The section is formatted to facilitate readability by showing code amendments on the right-hand (odd) pages and related commentary on the facing left-hand (even) pages.

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## Commentary

### 33.258.070.D Nonconforming Development

#### 33.258.070.D.2

This section applies to sites that may be nonconforming with respect to one or more aspects of site landscaping, screening, pedestrian circulation systems, short, and long-term bicycle parking and paving of parking or exterior storage areas. The upgrades are required when alterations occur to a site (interior, façade or exterior) and the value of the project exceeds \$356,300.

Sites with residential uses are already exempt from these upgrade requirements until January 1, 2029, as part of the Housing Regulatory Relief Project (Ord. No. 191609, effective March 1, 2024).

A minor amendment expands the exemption from sites with residential uses to sites with any use until January 1, 2029.

### 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. The requirements of this Paragraph do not apply until January 1, 2029. On and after January 1, 2029, 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.~~