

Update Packet #135 (effective 10/21/09)

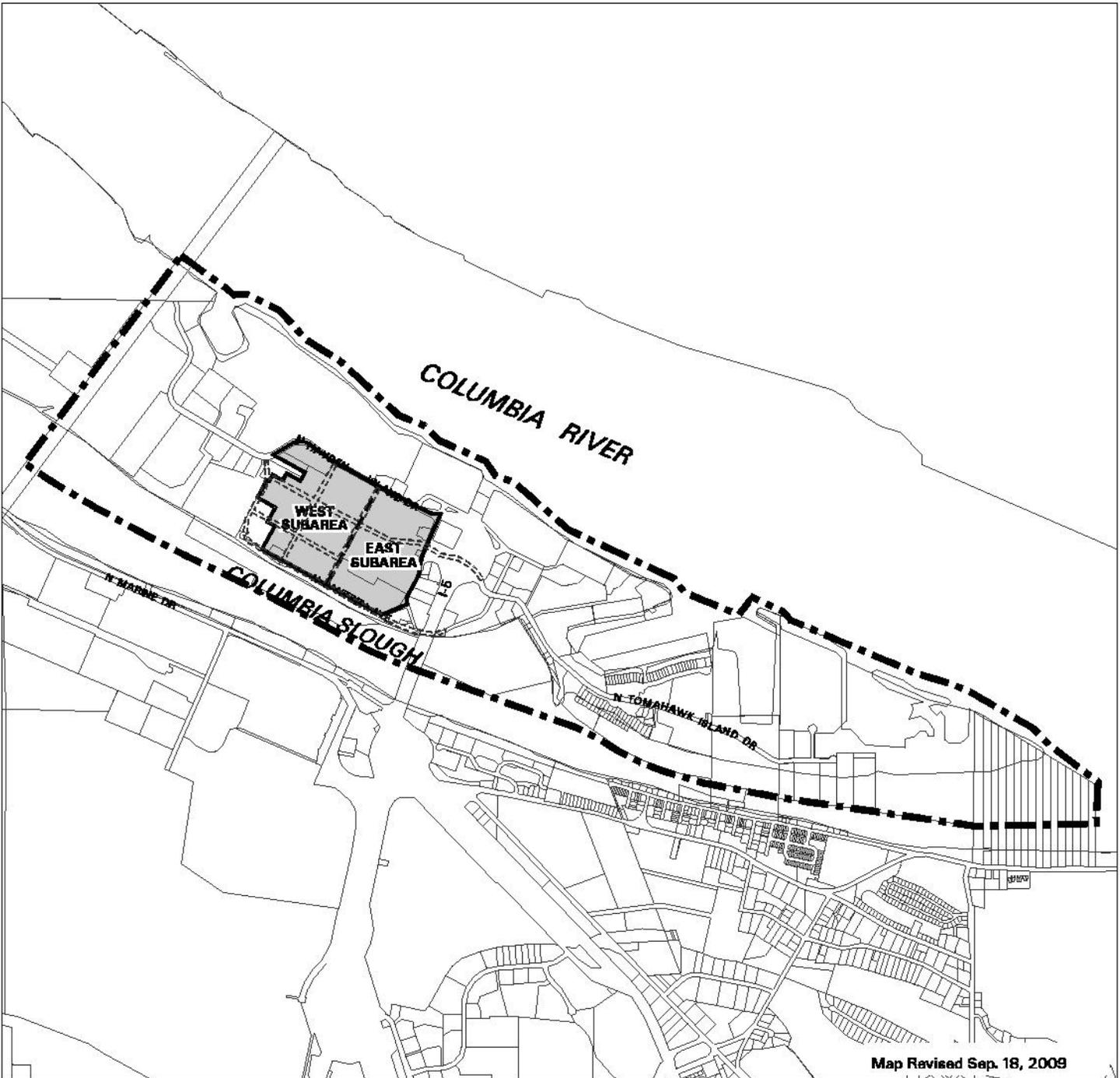
This Code update is the result of the Remand of the 2003 Northwest Plan District

Code Update Packet: 135
Effective Date: October 21, 2009
Contact: Al Burns, 503-823-7832
Amends Chapter: 33.562

Substantive Changes: The Northwest Plan District was established in 2001 and substantially amended in 2003. After multiple appeals the adopting ordinance for the first of two sets of 2003 amendments was remanded to the city based on a single assigned error — unexamined effects of traffic generated by plan map and zone map changes north of Northwest Pettygrove. Because this ordinance did not have a severability clause every provision adopted by this ordinance became invalid - including all of the first set of 2003 amendments to the plan district regulations. The second set of 2003 amendments was adopted by a separate ordinance that was sustained on appeal. In October 2009 City Council adopted again all the provisions 2003 ordinance that were affirmed, or went unchallenged, in the earlier appeals and restored Section 300 of the 2001 version of the plan district.

CONTENTS OF UPDATE PACKET #135 (effective 10/21/09)

Chapter	Remove Pages	Insert Pages	Changed because of:
532	Maps 532-1, 2, and 3 (all maps)	Maps 532-1, 2, and 3 (all maps)	typo
562	1 -2	1-2	Adding section 33.562.300
562	13	13 - 19	Adding section 33.562.300



Map Revised Sep. 18, 2009



0' 1500' 3000'



Scale in Feet

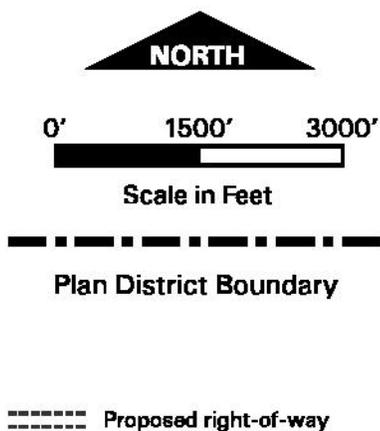
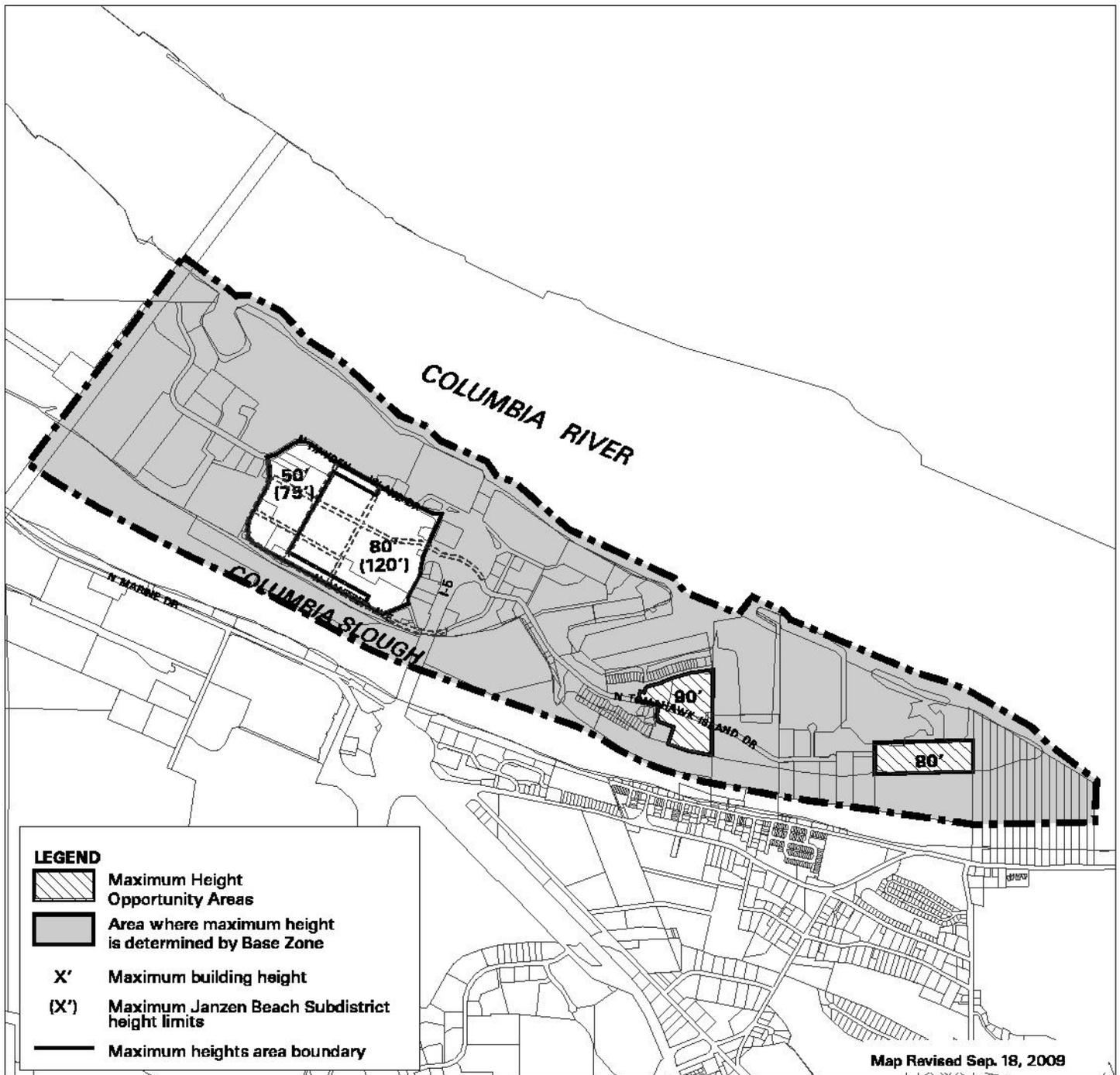


Plan District Boundary

----- Proposed right-of-way

Map 532-1

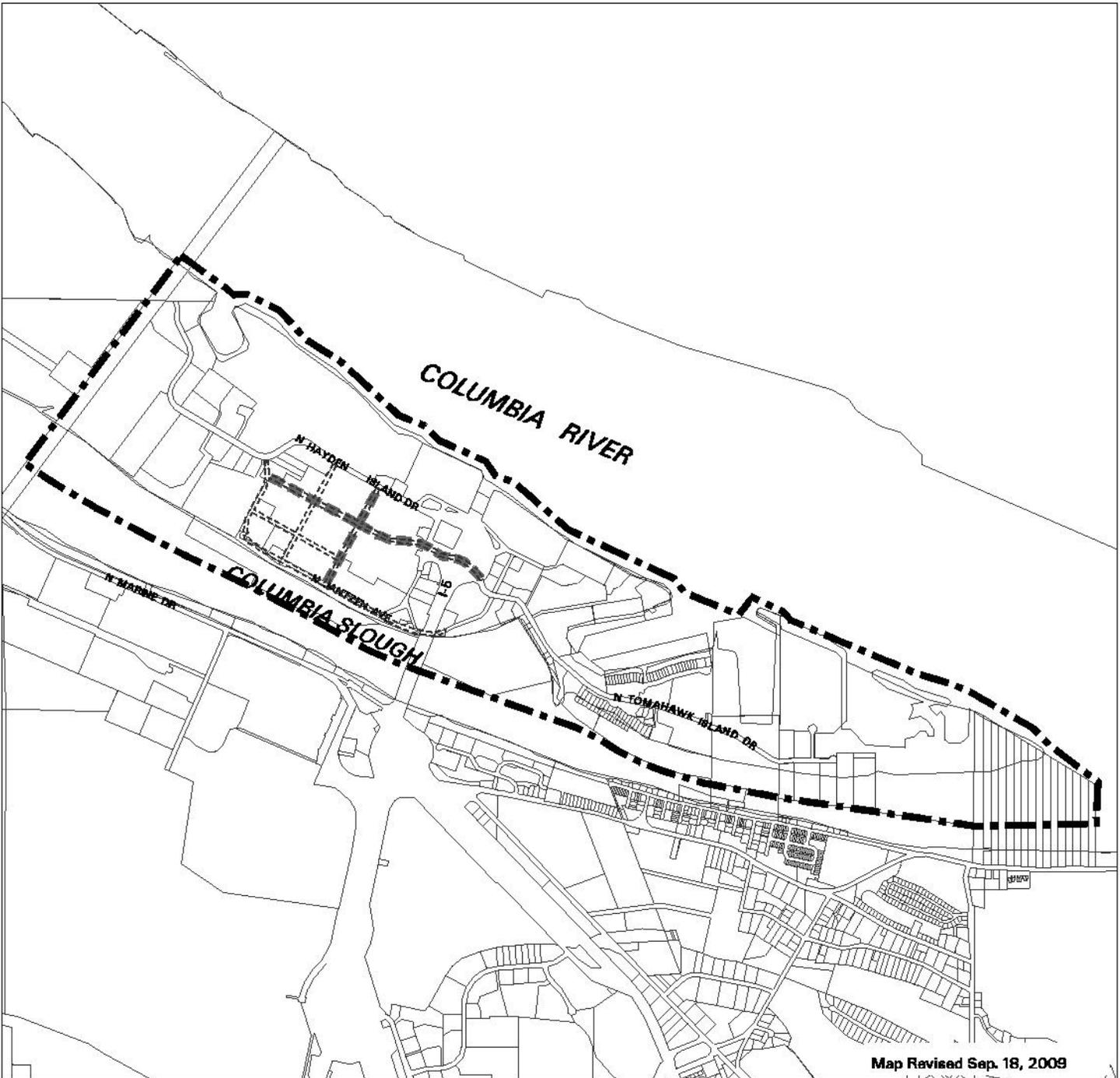
Hayden Island Plan District and Jantzen Beach Subdistrict



Map 532-2

Hayden Island Plan District

Maximum Heights



Map Revised Sep. 18, 2009



Scale in Feet



Plan District Boundary



Island Core Access Street



Proposed right-of-way

Map 532-3

Hayden Island Plan District Island Core Access Streets

**CHAPTER 33.562
NORTHWEST PLAN DISTRICT**

(Added by: Ord. No. 175877, effective 9/21/01. Amended by: Ord. No. 177920, effective 11/8/03;
Ord. No 178020, effective 12/20/03; Ord. No. 183269, effective 10/21/09.)

Sections:

General

- 33.562.010 Purpose
- 33.562.020 Where These Regulations Apply

Use Regulations

- 33.562.100 Residential Use Limitation
- 33.562.110 Retail Sales And Service Uses in the EX Zone
- 33.562.120 Retail Sales And Service and Office Uses in the RH Zone
- 33.562.130 Commercial Parking in Multi-Dwelling Zones

Development Standards

- 33.562.200 Purpose
- 33.562.210 Maximum Height
- 33.562.220 Floor Area Ratios
- 33.562.230 Bonus Options
- 33.562.240 Standards on Main Streets and the Streetcar Alignment
- 33.562.250 Drive-Through Facilities Prohibited
- 33.562.260 Mechanical Equipment in the EX Zone
- 33.562.270 Minimum Active Floor Area
- 33.562.280 Parking
- 33.562.290 Use of Accessory Parking for Commercial Parking
- 33.562.300 Northwest Master Plan

Map 562-1 Northwest Plan District

Map 562-2 Limited Use Areas

Map 562-3 Commercial Parking in Multi-Dwelling Zones

Map 562-4 Maximum Heights

Map 562-5 Floor Area Ratios

Map 562-6 Bonus Areas

Map 562-7 Areas with Special Development Standards

Map 562-8 Sites where Accessory Parking May be Operated as Commercial Parking

General

33.562.010 Purpose

The Northwest plan district implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area's role as a commercial and residential center. The regulations of this chapter:

- Promote housing and mixed-use development;
- Address the area's parking scarcity while discouraging auto-oriented developments;
- Enhance the pedestrian experience;
- Encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along main streets and the streetcar alignment; and
- Minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild's Lake Industrial Sanctuary.

33.562.020 Where These Regulations Apply

The regulations of this chapter apply in the Northwest plan district. The boundaries of the plan district are shown on Map 562-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.562.100 Residential Use Limitation

- A. Purpose.** Residential uses are limited in an area adjacent to the Guild's Lake Industrial Sanctuary plan district in order to minimize conflicts with industrial activities. This limitation minimizes the potential for residential traffic and differing environmental expectations that can result in conflicts with industrial operations, while providing opportunities for those who may desire residence in a primarily nonresidential building in a historically industrial area.
- B. Limitation.** On sites zoned EX in the area shown on Map 562-2, up to 20 percent of the net building area may be in Residential uses. More than 20 percent is prohibited.

33.562.110 Retail Sales And Service Uses in the EX Zone

- A. Purpose.** These regulations limit the size of Retail Sales And Service uses to promote neighborhood-serving commercial development, help reduce traffic congestion associated with large-scale retailers, and to concentrate such uses along main streets and the streetcar alignment.
- B. Where these regulations apply.** These regulations apply in the EX zone.
- C. Limitations.**
 1. Except as specified in Paragraphs C.2 and C.3, Retail Sales And Service uses are allowed up to 20,000 square feet of net building area for each use.
 2. On sites shown on Map 562-2, Retail Sales And Service uses are allowed up to 3,000 square feet of net building area for each use.
 3. On sites where only a portion of the site is shown on Map 562-2, Retail Sales And Service uses are allowed up to 3,000 square feet of net building area for each use on the portion shown on Map 562-2, and up to 20,000 square feet of net building area for each use on the remainder of the site.
 4. Where the regulations of this section conflict with the regulations of Section 33.562.220, Floor Area Ratios, the most restrictive applies.

C. Regulations.

1. Between December 20, 2003 and December 20, 2005, accessory parking on the sites shown on Map 562-8 may be operated as Commercial Parking. Parking on these sites must comply with Paragraph C.3, below, but is exempt from the requirements of Paragraphs C.2 and C.4. Commercial Parking allowed under this provision does not establish a nonconforming use. After December 20, 2005, Paragraphs C.2 through C.4 must be met on all sites that continue to operate accessory parking as Commercial Parking.
2. After December 20, 2005, accessory parking may be operated as Commercial Parking when licensed and monitored by a local transportation management association. The parking must comply with the requirements of Paragraphs C.3 and C.4, below.
3. When accessory parking is operated as Commercial Parking, long-term daily (four or more hours) and short-term parking is prohibited; and parking is limited to monthly arrangements for the following:
 - a. Parking by residents of the Northwest plan district;
 - b. Parking by employees of businesses in the Northwest plan district; or
 - c. Valet parking for businesses or institutions in the Northwest plan district.
4. The applicant must submit a letter to the Director of the Bureau of Development Services from the transportation management association that includes the following information:
 - a. Identification of the site;
 - b. A statement that the transportation management association has approved the site for participation in the Accessory Parking Used As Commercial Parking Program;
 - c. The number of spaces that have been approved by the transportation management association for use under the program;
 - d. The type of use that will be served by the parking that has been approved under the program;
 - e. The hours of the day that the accessory parking will be used as Commercial Parking;
 - f. Any conditions imposed by the transportation management association; and
 - g. A statement that the owner or owners of the site have agreed to manage the parking approved under the program so that adequate parking for the primary use as served by the accessory parking is maintained.

33.562.300 Northwest Master Plan

- A. Purpose.** The Northwest Master Plan allows flexibility in design and development of a site in a manner that evokes an urban development pattern, and does not overwhelm public services.

The provisions of this section accommodate the needs of property owners to begin long-range planning for their property in advance of adoption of the Northwest District Plan. The Northwest District Plan may modify or delete this section of the code. It is likely that there will be significant overlap in both timelines and issues addressed by the private and public planning efforts; the two efforts should inform and

A Northwest Master Plan will ensure:

- Pedestrian-oriented, transit-supportive development;
 - Development that includes a variety of uses, but retains the EX zone focus on employment uses that need a central location;
 - High quality design appropriate to an urban setting;
 - Active uses on the ground floor of buildings along designated transit streets and pedestrian routes;
 - A street pattern that provides for frequent, convenient pedestrian and vehicle connections and emulates levels of connectivity similar to the adjacent block pattern;
 - Transportation and parking demand management strategies that decrease reliance on the automobile;
 - Development that is integrated into the broader urban fabric;
 - Transitions to adjacent areas with different uses and intensities through use, height, and massing of new development, considering historic resources, and the character of the area anticipated through the Northwest District Plan process; and
 - Consideration of opportunities to provide a park, plaza, or other open space that can be used by those working and living in the neighborhood; and efficient use of land.
- B. Where these regulations apply.** The regulations of this section apply to sites in the EX zone that are both north of NW Pettygrove and east of NW 23rd Avenue in the Northwest plan district.
- C. When a Northwest Master Plan is required.**

1. Required. A Northwest Master Plan is required for sites in the EX zone that are both north of NW Pettygrove and east of NW 23rd Avenue in the Northwest plan district where the applicant proposes:
 - a. An expansion of the amount of floor area or exterior improvements on the site; or
 - b. A change from one use category to another.
2. Voluntary. An applicant may voluntarily submit a Northwest Master Plan for any site that is both north of NW Pettygrove and east of NW 23rd Avenue in the Northwest plan district, regardless of zoning.

3. Exempt. The following are allowed without a Northwest Master Plan:
 - a. Normal maintenance and repair;
 - b. Changing up to 5,000 square feet of floor area from an accessory to a primary use, where no change of occupancy is required. An example would be changing an employees-only restaurant to a public restaurant; and
 - c. Development where all of the floor area and exterior improvement area is in residential use.

D. Components of a Northwest Master Plan. The applicant must submit a Northwest Master Plan with all of the following components:

1. Boundaries. The boundaries of the area to be included in the Northwest Master Plan. The area must include all contiguous lots within the EX Zone that are owned by the same person, partnership, association, or corporation. This also includes lots that are in common ownership but are separated by a shared right-of-way.
2. Overall scheme. An overall scheme, including both written and graphic elements, that describes and ties together existing, proposed, and possible development and uses, height and massing of development, phasing of development, review procedures for each development or phase, and what standards, guidelines, and approval criteria will be used to evaluate each development or phase.
3. Uses and activities. A description of present uses, affiliated uses, proposed uses, interim uses, and possible future uses. The description must include information as to the general amount and type of all uses such as office, warehousing, retail, residential, and parking; number of employees, and number of dwelling units.
4. Site plan. A site plan, showing the location, size, and dimensions of existing and proposed structures, the pedestrian, bicycle, and vehicle circulation system, rights-of-way proposed for dedication or vacation, vehicle and bicycle parking areas, open areas, infrastructure improvements, landscaping, and any proposed temporary uses during construction and phasing of development.
5. Development and design standards and criteria. The Northwest Master Plan must set out how specific development and use proposals will be reviewed, and the standards, guidelines, and approval criteria used to evaluate each proposal. The Northwest Master Plan may include standards that are in addition to or instead of standards in other sections of the Zoning Code. The Northwest Master Plan must address such things as height limits, setbacks, FAR limits, landscaping requirements, parking requirements, entrances, sign programs, view corridors and facade treatments. Because the Northwest Master Plan is used in the EX zone, design review is required. The Northwest Master Plan must describe how design review will be implemented in the plan area. Generally, the Community Design Guidelines and Community Design Standards will apply; however, the Northwest Master Plan may augment those standards and guidelines for the Northwest Master Plan Area.

6. Transportation. For each phase of Northwest Master Plan development the following must be addressed:
 - a. The location and amount of motor vehicle and bicycle parking;
 - b. Strategies to reduce the number of motor vehicle miles traveled by those regularly traveling to and from the Northwest Master Plan area, including:
 - (1) Measures to encourage those traveling to and from the Northwest Master Plan area to use alternatives to single-occupant auto trips (walking, bicycling and public transit);
 - (2) Car or van pool programs;
 - (3) Incentives to be offered to employees to use public transit for travel to and from the Northwest Master Plan area;
 - (4) Incentives to be offered to employees to travel on foot or by bicycle to and from the Northwest Master Plan area. This may include incentives for employees to live within walking distance of the area;
 - c. Planned improvements to the routes used by transit patrons between transit stops and buildings in the Northwest Master Plan area;
 - d. A street plan for the Northwest Master Plan area that provides multimodal street connections to match the surrounding street grid pattern where feasible;
 - e. A multi-modal transportation impact study. The study must follow the guidelines of the Portland Office of Transportation; and
 - f. Traffic impacts on the streets surrounding the Northwest Master Plan area, and mitigating measures to ensure that the surrounding streets will function consistent with their designations as found in the Comprehensive Plan Transportation Element.
7. Phasing of development. The Northwest Master Plan must include the proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development. In addition the plan should address any proposed temporary uses or locations of uses during construction periods.
8. Process. The Northwest Master Plan must include:
 - a. A proposed process and procedure for design review of development, including any development specifically called for in the Northwest Master Plan, if different than procedures for conventional design review; and
 - b. A proposed process and procedure for amendments to an adopted Northwest Master Plan, if different than in 33.562.300.F.
9. Written statement. A written statement, describing how all approval criteria for the Northwest Master Plan are met.

- E. Review Procedure.** A Northwest Master Plan is processed through a Type III procedure, reviewed by the Land Use Hearings Officer. The Design Commission also reviews Northwest Master Plans, and makes a recommendation to the Hearings Officer on the approval criteria in Paragraph G.2, below. The Hearings Officer may approve, deny, or apply conditions of approval to the Northwest Master Plan.

Applicants are encouraged to work with surrounding property owners, residents, recognized organizations, and City bureaus during the formulation of a Northwest Master Plan.

F. Amendments to a Northwest Master Plan.

1. Amendment required. An amendment to an approved Northwest Master Plan is required for the following changes, unless they are specifically addressed by the Northwest Master Plan:
 - a. A change in the use category of more than 1000 square feet of floor area or any exterior improvements;
 - b. Increases in floor area of a use or structure, or the overall floor area on the site;
 - c. Increases or decreases in the amount of parking;
 - d. Changes to the Northwest Master Plan boundary, or the text of the Northwest Master Plan; and
 - e. Any other development, operations, or activities which are not in conformance with the Northwest Master Plan.
2. Review procedures. Amendments to an approved Northwest Master Plan are reviewed through a Type III procedure.
3. Approval criteria. The approval criteria for an amendment to the Northwest Master Plan are the same as the approval criteria for the approval of a new Northwest Master Plan.

- G. Approval criteria for a Northwest Master Plan.** A request for approval or amendment of a Northwest Master Plan will be approved if the review body finds that the applicant has shown that the following approval criteria are met:

1. Overall. The proposed Northwest Master Plan, and development allowed by it, will be consistent with the purpose of the plan district, and the purpose of this section, as well as other applicable zoning code provisions.
2. Design.
 - a. The urban design elements of the proposed overall scheme and site plan provide a framework for development that will result in an area with an urban development pattern that will be attractive, safe, and pleasant for pedestrians, and is integrated with historic resources, and the character of the nearby area anticipated through the Northwest District Plan process. The urban design elements of the proposed overall scheme and

site plan must meet the design guidelines that are in effect for the site at the time of application.

- b. The proposed design guidelines, standards, and review procedures specified in the Northwest Master Plan must ensure that:
 - (1) An environment will be created which is attractive, safe, and pleasant for pedestrians, including consideration of such elements as the location and orientation of buildings and main entrances, the design and use of the ground floor of structures, and the location, design and landscaping of parking lots and structures;
 - (2) Scale and massing of the development addresses the broader context of the area, including historic resources, and the uses and development anticipated through the Northwest District Plan process, specifically at the edges of the Northwest Master Plan area; and
 - (3) The approach to implementing design review, including the guidelines and standards, will ensure that the quality of design and public process is as good or better than that achieved through conventional design review. The guidelines and standards proposed, including existing guidelines and standards, must be appropriate for the Northwest Master Plan area and the type of development anticipated by the purpose statement of this section.

3. Transportation.

- a. The Northwest Master Plan must comply with the policies, street classifications, and street designations of the Transportation Element of the Portland Comprehensive Plan;
- b. The transportation system is capable of safely supporting the proposed uses in the plan district in addition to the existing and planned uses in the area. Evaluation factors include street capacity and level-of-service in the vicinity of the plan district, on-street parking impacts, access requirements and needs, impacts on transit operations and access to transit, impacts on adjacent streets and on neighborhood livability, and safety for all modes of travel, particularly pedestrians and bicyclists; and
- c. The proposed street plan must provide multi-modal street connections to match the surrounding street grid pattern where feasible.

4. Retail Sales And Service uses. Where the Northwest Master Plan proposes Retail Sales And Service uses that are larger than 10,000 square feet per use, the following approval criteria must be met:

- a. The proposed uses and development will primarily serve those who live and work in the immediate vicinity;
- b. The transportation system is capable of safely supporting the proposed uses and development;
- c. The proposed uses and development will not have significant adverse effects on the area;

- d. The scale and intensity of the proposed use and development is consistent with historic resources, and the character of the area anticipated as a result of the Northwest District Plan process; and
- e. A proposed Retail Sales And Service use or development of larger scale or intensity equally or better meets the purpose of this section.

H. Duration of the Northwest Master Plan. The Northwest Master Plan must include proposed uses and possible future uses that might be proposed for at least 3 years and up to 10 years. An approved Northwest Master Plan remains in effect for 10 years, unless the plan is amended or updated. When the Northwest Master Plan is amended or updated, the application for amendment or revision must include a discussion of when the next update will be required.

I. After approval of a Northwest Master Plan. After a Northwest Master Plan has been approved, all development except maintenance and repair must comply with the provisions of the Northwest Master Plan as well as all other applicable provisions of this code, unless exempted by the plan. If the Northwest Master Plan does not specify that a standard, approval criterion, or procedure in the Northwest Master Plan supersedes a similar regulation in the Portland City Code, the regulation in the Portland City Code applies.

