Code Maintenance 2000

City Council Adopted Report



City of Portland Bureau of Planning Code Team April 2000

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Project Summary

Code Maintenance 2000 is a package of over 100 *Zoning Code* amendments that have been selected by the Bureau of Planning and the Office of Planning and Development Review. The amendments were selected from a database of requests to amend the *Zoning Code* that have been submitted over the past several years by Bureau of Planning staff, staff from other city agencies, and customers in the City's Development Services Center.

These amendments are intended to further certain objectives of the Blueprint 2000 process, such as consistency and correctness between one bureau's land use regulations and another's. In addition, these amendments are intended to improve clarity and implementation of the *Zoning Code* without changing policy or intent of the regulations. An exception to this objective was made in a few cases in which the improved language results in a minor policy change.

In these few cases, it was determined that the significance of the policy change is low, and the benefit of the change is sufficient enough to warrant a departure from the "no policy change" objective of the Code Maintenance 2000 project.

City Council Actions. On March 16, 2000, the City Council took the following actions:

- ✓ Adopted this report;
- ☑ Amended the *Portland Zoning Code* as consistent with this report; and
- Adopted the commentary in the Planning Commission Report and Recommendation on Code Maintenance 2000 as legislative intent and further findings.



Background

Why undertake Code Maintenance 2000?

Consistency with Blueprint 2000 objectives

The Portland City Council's budget for fiscal year 1996-97 included a Council adopted note directing that "...The City shall establish a policy and process to improve and integrate the City's development review system..." The Blueprint 2000 process was the initiative that responded to that budget direction. Blueprint 2000 set out to redesign the City's development review process, which was fractured among the seven City bureaus that had regulations concerning land development.

One problem with the development review process that was identified early in the Blueprint 2000 process was the fact that regulations from different City bureaus may conflict with one another. This situation often left property owners with no clear direction on which regulation to follow, and no clear method of resolving the conflict. One outcome of the Blueprint 2000 process was to establish a clear path of accountability for resolving such regulatory conflicts. However, conflicting regulations between City bureaus remains a problem. One of the goals of Code Maintenance 2000 is to identify and eliminate some of the conflicts that the Bureau of Planning's regulations—Title 33, *Planning and Zoning*—may have with the regulations of other City bureaus.

Ongoing commitment to improve the **Zoning Code**

In addition to the desire to assist the realization of Blueprint 2000 objectives, the Bureau of Planning is responsible for improving the clarity and structure of the *Zoning Code* on an ongoing basis. Since the current *Zoning Code* was adopted in 1990, more than 11 "packages" of amendments to the *Zoning Code* have been adopted. The Code Maintenance 2000 project was initiated to make corrections and clarifications to the *Zoning Code* that will improve the usability of the document without changing the policy or intent behind the current language of each affected regulation.

What is the source of the amendments contained in Code Maintenance 2000?

The amendments contained in Code Maintenance 2000 were selected from a database of requests to amend the *Zoning Code* that is maintained by the Bureau of Planning. This database houses all requests to amend the *Zoning Code* that are received from customers in the Development Services Center. It also contains amendments that are suggested by Bureau of Planning staff, amendments suggested by the Office of Planning and Development Review—the agency that implements the Zoning Code, --staff from other City agencies, and amendments that are identified through other long-range planning efforts.

How were the amendments contained in Code Maintenance 2000 selected?

Initial selection process

The amendments contained in Code Maintenance 2000 were chosen out of the City's Code amendments database by looking at all of the amendments in the database and selecting those that met the two objectives described under the section entitled "Why undertake Code Maintenance 2000":

- The amendment request is consistent with the objectives of the Blueprint 2000 process; and
- The amendment request improves the clarity and usability of the Zoning Code without changing the policy or intent behind the specific regulation in question.

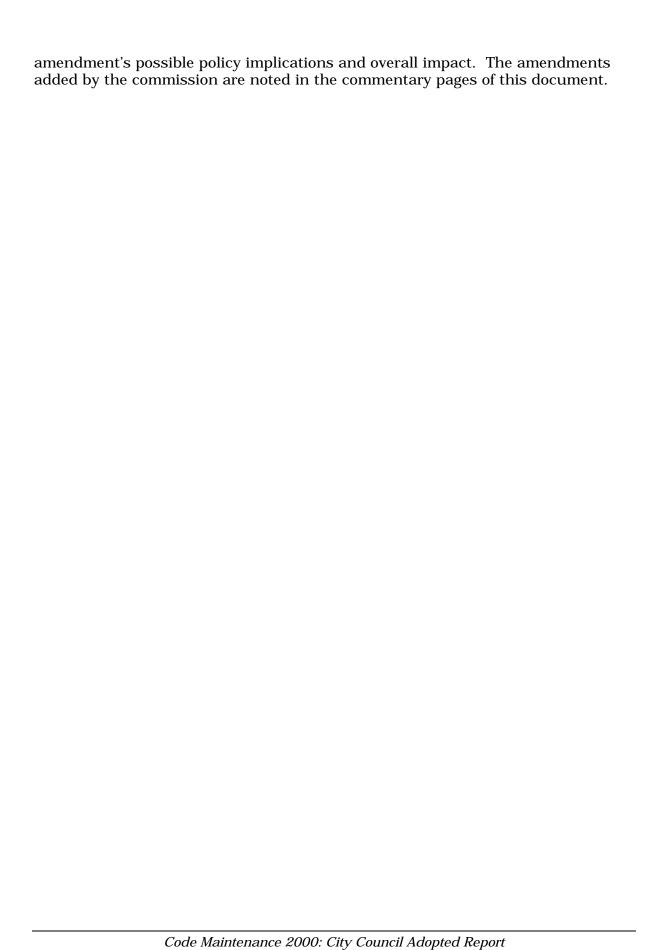
Both the Bureau of Planning and the Office of Planning and Development Review (OPDR) participated in the selection of the amendments contained in Code Maintenance 2000. Over 100 amendments resulted from the selection process. The amendments fall into four general categories:

- Wording in the Code Needing Clarification This category identifies ambiguous wording, wording open to more than one interpretation, and general problems relating to wording.
- **Code Conflicts** This category identifies sections of code in direct conflict with another section or in conflict with the requirements of another City bureau, conflicting definitions, or general inconsistencies.
- **Grammatical Errors and Word Inconsistencies** This category identifies inconsistent or outdated wording in the code. Also included are grammatical errors and general ideas to improve readability of the code.
- **Incorrect or Outdated References** This category identifies references in the code that have been eliminated or modified.

During the process of amendment selection, there were a few amendments added to the project that have minor policy or substantive changes included. These amendments were included in Code Maintenance 2000 because ongoing problems with administration of the existing Code language indicated a pressing need to address these amendments. In addition, the significance of the policy changes incurred through these amendments is low, and the benefits of changing the Code language are high. A summary of amendments that contain minor policy or substantive changes to the *Zoning Code* is contained at the end of this section.

Amendments added during the Planning Commission's public hearings

The Planning Commission received written and oral testimony from citizens during the two public hearing for Code Maintenance 2000. Some of this testimony asked the Commission to consider new amendments that were not part of the original Code Maintenance 2000 proposal. Most of these new amendments were substantive in nature. In some cases, the Planning Commission voted to recommend the new amendment, after discussion and consideration of each



Summary of Policy (P) or Substantive (S) Changes to the Zoning Code

Pg.	Code Sec.	P	S	Summary	Policy Implication
21	33.110.220.C.1		X	This amendment clarifies the circumstances under which a bay or bay window can extend into a required setback. The requirements have been extrapolated from a combination of the dictionary definition of a "bay window" and the common perception of what constitutes a bay window. This change is consistent with the purpose statement of setbacks. (The same changes are proposed to the multi-dwelling zones, commercial zones, and employment and industrial zones.)	None
23	33.110.220.D.6		X	The amendment clarifies existing regulations for setbacks in order to allow owners of sites that contain split zoning to have more flexibility in the placement of structures within the boundaries of the site without needing an adjustment for the internal lot line. (The same changes are proposed in the multi-dwelling zones, the commercial zones, and the employment and industrial zones.)	None
39	33.120.220.B.2.f	X		The amendment exempts flag lots from transit street setbacks. (The same changes are proposed to the employment and industrial zones.)	Flag lots are not currently addressed in the setback requirements, and are therefore subject to requirements that they often cannot meet because of the lot configuration.
47	33.120.260.B		X	The amendment changes the size of required recycling areas at the request of, and to be consistent with, the requirements of the Bureau of Environmental Services.	None
95	33.229.020.C		X	The amendment adds the EX and C zones to the list of zones eligible to receive reduced parking requirements for elderly and disabled housing facilities. This change is consistent with original intent of the regulations that is expressed in the purpose statement for the chapter.	None
105	33.266.120.C.2	X		The amendment makes the regulations on non-required parking areas more specific.	The change allows parking multiple vehicles in driveways, but prevents property owners from paving over additional areas in the setback to park extra cars.
109	33.266.130.D, Table 266-3	X		The amendment allows more flexibility in the placement of vehicle areas on sites zoned CS and CM than current regulations, which prohibit vehicle areas between a building and any street. On sites with multiple street frontages, the existing regulations severely restrict vehicle areas.	The amendment recognizes that current regulations effectively render some sites with no opportunities for vehicle areas, and therefore may have been too restrictive for sites with multiple street frontages.

Pg.	Code Sec.	P	S	Summary	Policy Implication
141	33.510.114		X	This amendment adds an exemption for PSU to the conditional use requirements for sites with split zoning. This change is consistent with adopted policy for the University Subdistrict of the Central City Plan District.	None
143	33.510.210.D		X	This amendment allows transfers of FAR from historic landmark buildings and Single Room Occupancy Developments (SROs) to earn additional heights under the Central City Plan's height bonus system. This amendment is consistent with existing policies for preserving historic landmark buildings, encouraging the development of SRO housing, and allowing more intense development in the Central City, where transit and other services are readily available.	None
159	33.700.040.B		X	This change clarifies the circumstances under which land use approvals should be reconsidered.	None
167	33.815.050		X	The amendment clarifies the criteria by which loss of conditional use status is determined. This change clarifies the way that the existing regulation is normally administered. The result of the change is that conditional use status is lost when a use is discontinued for three continuous years, even if the structure that housed the use is still standing.	None
179	33.910.030 "Caretaker"		X	This amendment adds a definition for "caretaker" that is derived from the dictionary definition and common understanding of the role of a caretaker.	None
179	33.910.030 "Exterior Display" and "Exterior Storage"		X	The amendment adds material to the <i>Zoning Code</i> that clarifies how to categorize certain vehicle storage needs, such as car and boat sales, and recreational vehicle storage. Administration of these types of vehicle storage needs is currently difficult because of ambiguities in the current descriptions of the Exterior Display and Exterior Storage use categories.	None
183	33.920.310.B		X	The amendment clarifies that living quarters associated with a manufacturing and production use in the Employment (E) and Industrial (I) zones are restricted to accommodate one caretaker per site. The previous regulation did not explicitly include a limitation on the number of caretakers per site. However, this change is consistent with the regulations in E and I zones that limit residential activities in these zones because of possible health and safety conflicts with other activities that are allowed by right in these zones, and to protect land for industry.	None



Adopted Code Changes



How to read this section

This section is organized numerically by *Zoning Code* chapter and shows adopted changes to the chapters included. Odd-numbered pages show *Zoning Code* language with the adopted changes. Language added to the *Zoning Code* is <u>underlined</u>. Language deleted is shown with a strikethrough.

Even-numbered pages contain commentary on the adopted changes.

Commentary

TABLE OF CONTENTS (522)

This amendment adds a reference to the Table of Contents guiding users to an index of symbols that appear on the Official Zoning Maps. This reference is also added to the Table of Contents for the 100s Chapters—Base Zones, the 400s Chapters—Overlay Zones, and the 500s Chapters—Plan Districts.

Adopted Code Changes

TABLE OF CONTENTS

oter <u>ber</u>	Page <u>Number</u>
General Terms	
List of Terms	900-1
Definitions	910-1
Descriptions of the Use Categories	920-1
Measurements	930-1
	General Terms List of Terms Definitions Descriptions of the Use Categories

Following the Table of Contents is a list of zoning map symbols that appear on the Official Zoning Maps, and their corresponding Zoning Code chapters.

Commentary

TABLE OF CONTENTS, continued. INDEX OF SYMBOLS ON THE OFFICIAL ZONING MAPS

This amendment adds a new page to the table of contents section that provides a "reverse directory" linking the zoning map symbols to the appropriate Zoning Code chapter.

The amendment will ease administration of the code and make it easier for the public to use the Zoning Code and zoning maps.

INDEX OF SYMBOLS ON THE OFFICIAL ZONING MAPS

	Symbol	Full Name	Chapter*
	CG	General Commercial	33.130
	CM	Mixed Commercial/Residential	33.130
	CN1	Neighborhood Commercial 1	33.130
	CN2	Neighborhood Commercial 2	33.130
	CO1	Office Commercial 1	33.130
	CO2	Office Commercial 2	33.130
	CS	Storefront Commercial	33.130
	CX	Central Commercial	33.130
	EG1	General Employment 1	33.140
	EG2	General Employment 2	33.140
	EX	Central Employment	33.140
S.	IG1	General Industrial 1	33.140
ne	IG2	General Industrial 2	33.140
Base Zones	IH	Heavy Industrial	33.140
Se	IR	Institutional Residential	33.120
Ba	os	Open Space	33.100
	R1	Residential 1,000	33.120
	R2	Residential 2,000	33.120
	R2.5	Residential 2,500	33.110
	R3	Residential 3,000	33.120
	R5	Residential 5,000	33.110
	R7	Residential 7,000	33.110
	R10	Residential 10,000	33.110
	R20	Residential 20,000	33.110
	RF	Residential Farm/Forest	33.110
	RH	High Density Residential	33.120
	RX	Central Residential	33.120
	a	Alternative Design Density Overlay Zone	33.405
	b	Buffer Overlay Zone	33.410
	c	Environmental Conservation Overlay Zone	33.430
	d	Design Overlay Zone	33.420
20	f	Future Urban Overlay Zone	33.435
ă	g	River General Overlay Zone	33.440
[OZ	h	Aircraft Landing Overlay Zone	33.400
> 2	i	River Industrial Overlay Zone	33.440
Overlay Zones	n	River Natural Overlay Zone	33.440
Ae	r	River Recreational Overlay Zone	33.440
0	р	Environmental Protection Overlay Zone	33.430
	S	Scenic Resource Overlay Zone	33.480
	t	Light Rail Transit Station Overlay Zone	33.450
	x	Portland International Airport Noise Impact	33.470
		Overlay Zone	
	(XX)	Comprehensive Plan Map Designation	Comp. Plan
		Plan Districts	33.500
T			through
Special			33.5XX
be		Historic and Conservation Districts	33.445
S		Natural Resource Management Plans	NRMP
			documents
	•	Historic and Conservation Landmarks	33.445

^{*}For page numbers, see Table of Contents.

Commentary

33.100s - BASE ZONES

This amendment adds a reference to the 100s chapters Table of Contents to refer users to the Index of Symbols on the Official Zoning Maps.

100s - BASE ZONES

33.100 Open Space Zone

33.110 Single-Dwelling Residential Zones 33.120 Multi-Dwelling Residential Zones

33.130 Commercial Zones

33.140 Employment and Industrial Zones

A list of symbols that appear on the Official Zoning Maps, and their corresponding Zoning Code chapters is contained in the front of the Zoning Code, following the Table of Contents, under "Index of Symbols on the Official Zoning Maps".

CHAPTER 33.100 OPEN SPACE ZONE

33.100.120 Nuisance-Related Impacts

B. Other nuisances. This amendment fixes an outdated cross-reference to another City Title.

33.100.205 Fences

- **C.** Location. This amendment clarifies the fence height regulation.
- D. Reference to other regulations.
 - Vision clearance. This amendment deletes an outdated regulation to vision clearance standards on private property. Most references to vision clearance standards have been removed from the Code because Title 16 has been revised to omit any regulations for vision clearance on private property. This reference was missed when other references were deleted.
 - 2. Building permits. This amendment replaces the reference to Bureau of Buildings with the new name, the Office of Planning and Development Review.
 - 3. Fence materials regulated by other bureaus. This amendment clarifies that electric fences are regulated by Title 26, not by the Police Bureau.

CHAPTER 33.100 OPEN SPACE ZONE

33.100.120 Nuisance-Related Impacts

B. Other nuisances. Other nuisances are regulated by Title 18, Nuisance Abatement and Noise Control Section 29.20.010 of Title 29. Property and Maintenance Regulations.

33.100.205 Fences

- **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. Within 30 feet of a street lot line, however, the fence may not be more than 10% sight obscuring A fence within 30 feet of a street lot line may not be more than 10 percent sight obscuring.
- D. Reference to other regulations.
 - 1. Vision clearance. The Office of Transportation regulations for vision clearance areas on corners are stated in Section 26.240, of Title 16, Vehicles and Traffic.
 - 2 1. Building permits. Building permits are required by the Bureau of Buildings Office of Planning and Development Review, for fences over 6 feet in height.
 - 3 2. Fence materials regulated by other bureaus. Electrified fences <u>are</u> regulated by Section 26.04.150 of Title 26. Electrical Regulations. and The use of barbed wire <u>are is</u> regulated by the Police Bureau, <u>under Title 14</u>.

CHAPTER 33.110 SINGLE-DWELLING ZONES

33.110.120 Nuisance-Related Impacts

These amendments fix outdated cross-references to another City Title.

- B. Vehicles.
- D. Other nuisances.

33.110.220 Setbacks

- C. Extensions into required building setbacks.
 - 1. Minor features of a building. This amendment clarifies the circumstances under which a bay or bay window can extend into a required setback. The requirements have been extrapolated from a combination of the dictionary definition of a "bay window" and the common perception of what constitutes a bay window.

Substantive change: This amendment adds objective standards for bays and bay windows that can extend into required setbacks. This change is consistent with the purpose statement of setbacks.

CHAPTER 33.110 SINGLE-DWELLING ZONES

33.110.120 Nuisance-Related Impacts

- **B. Vehicles.** The regulations for operable vehicles and for vehicle service and repair are stated in 33.266.150, Vehicles in Residential Zones. The open accumulation and storage of inoperable, neglected, or discarded vehicles is regulated by Subsection 03.090 of Title 18, Nuisance Abatement and Noise Control Section 29.20.010 of Title 29, Property and Maintenance Regulations.
- **D.** Other nuisances. Other nuisances are regulated by Title 18, Nuisance Abatement and Noise Control Section 29.20.010 of Title 29, Property and Maintenance Regulations.

33.110.220 Setbacks

- C. Extensions into required building setbacks.
 - 1. Minor features of a building such as eaves, chimneys, fire escapes, bay windows up to 12 feet in length, and uncovered balconies, may extend into a required building setback up to 20 percent of the depth of the setback. However, in no case may they be less than three feet from 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 façade cannot be more than 30 percent of the area of the façade:
 - 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.

D. Exceptions to the required setbacks.

- 1. Setback averaging. This amendment clarifies that decks, balconies, and porches are included in the portions of a building that can reduce setbacks using setback averaging.
- 5. Established building lines. This change clarifies established building lines for sites with nonconforming development.
- 6. This amendment clarifies that when a building is proposed to straddle lot lines within a split-zoned, multiple-lot site, the setback requirements that would normally need to be met for that lot line do not apply.

Substantive change: This amendment clarifies existing regulations for setbacks in order to allow owners of sites that contain split zoning to have more flexibility in the placement of structures within the boundaries of the site without needing an adjustment for the internal lot line.

D. Exceptions to the required setbacks.

- 1. Setback averaging. The front building setback, and the garage entrance setback, and the setback of decks, balconies, and porches may be reduced to the average of the respective setbacks on the abutting lots. See Chapter 33.930, Measurements, for more information.
- 5. Established building lines. The front, side, or rear building setback may be reduced for sites with existing nonconforming development in a required setback. The reduction is allowed if the width of the portion of the existing wall within the required setback is at least 60 percent of the width of the respective facade of the existing structure. The building line created by the nonconforming wall serves as the reduced setback line. However, side or rear setbacks may not be reduced to less than 3 feet in depth. See Figure 110-3. This reduced setback applies to new development that is no higher than the existing nonconforming wall. For example, a second story could not be placed up to the reduced setback line if the existing nonconforming wall is only one story high.
- 6. Split zoning. Where a site is split between more than one base zone and a building is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.

Commentary

33.110.220 Setbacks, continued.

Table 110-3

This amendment adds a footnote reference to the proposed exception for a site with split zoning.

33.110.220 Setbacks

Table 110-3 Development Standards In Single-Dwelling Zones [1]								
Standard	RF	R20	R10	R7	R5	R2 detached	2.5 attached	
Minimum Setbacks								
- Front building setback	20 ft.	20 ft.	20 ft.	15 ft.	10 ft.	10 ft.	10 ft.	
- Side building setback [5] [10]	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.	5 ft.[6] 5 ft.	
- Rear building setback	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.	18 ft.	
- Garage entrance setback [7] (See 33.110.220)	18 ft.							

Notes:

- [1] These standards may be superceded by the regulations of an overlay zone or plan district.
- [2] Does not include area devoted to streets.
- [3] Lots smaller than 5,000 sq. ft. may be allowed. See 33.110.210.
- [4] Average lot size for attached unit development must be at least 2,500 sq.ft. per lot.
- [5] The side setback for lots in front of flag lots may be reduced to 3 feet. See 33.110.220.D.2.
- [6] Applies only to the perimeter of the attached unit development. See 33.110.240 C. for more information.
- [7] The walls of the garage structure are subject to 33.110.250.E and the applicable front, side, or rear building setbacks.
- [8] Applies to the entire attached housing project. The maximum building coverage for an individual lot is 60%.
- [9] The shape of the outdoor area must be such that a square of the stated dimension will fit entirely in the outdoor area.
- [10] No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning. See 33.110.220.D.6.

Commentary

Figure 110-3 Established Building Lines

Improvements have been made to this graphic that correspond to the text changes made in 33.110.220.D.5.

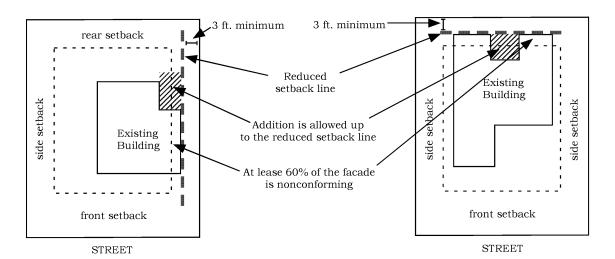


Figure 110-3
Established Building Lines

33.110.245 Institutional Development Standards

C. The standards.

7. Grassy areas. The amendment corrects an incorrect reference to a landscaping standard, and an incorrect reference to another paragraph in the regulation.

33.110.250 Accessory Structures

C. Setbacks

- 3. Uncovered horizontal structures.
 - b. Setback standards.

The amendments are formatting changes only. They do not affect the content of this section. The changes are necessary to achieve parallel construction with the setback regulations for accessory structures in the multi-dwelling base zones (33.120.280). The term "front door" has been changed to "main entrance" because "main entrance" is defined in the Zoning Code and "front door" is not.

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33.110.245 Institutional Development Standards

C. The standards.

7. Grassy areas. Grassy play areas, golf courses, cemeteries, and natural areas are not subject to the high hedge buffering standard L3 landscaping standard of Table 110-5 and are exempt from the setback standard of Paragraph 3-4. above.

33.110.250 Accessory Structures

C. Setbacks

- 3. Uncovered horizontal structures.
 - Setback standards.
 - (1) Minor projection allowed. Uncovered decks, stairways, and wheelchair ramps that are more than 2-1/2 feet above the ground, and are attached to a building, may extend into a required building setback up to 20 percent of the depth of the setback. However, they must be at least three feet from a lot line. Detached uncovered horizontal structures. The following regulations apply to detached uncovered horizontal structures.
 - (2) Full projection allowed. The following structures are allowed in required building setbacks:
 - Structures that are no more than 2-1/2 feet above the ground; are allowed in required building setbacks;
 - On lots that slope down from the street, vehicular or pedestrian entry bridges are allowed in required setbacks if they that are no more than 2-1/2 feet above the average sidewalk elevation: and
 - (3) Attached uncovered horizontal structures. The following regulations apply to attached uncovered horizontal structures.
 - The following structures are allowed in required building setbacks:
 - Stairways and wheelchair ramps that lead to the front door main entrance of a building.
 - Decks and stairways that are no more than 2-1/2 feet above the ground; and
 - 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.
 - Decks, stairways, and wheelchair ramps that are more than 2 1/2 feet above the ground may extend into a required building setback up to 20 percent of the depth of the setback. However, they must be at least three feet from a lot line.

33.110.250 Accessory Structures, continued.

E. Special standards for garages.

2. Existing detached garages. The amendment clarifies that the same height limit applies to existing detached garages that are rebuilt in the setback as the one that applies to new detached garages built in the setback (specified in paragraph 33.110.250.E.3 of the same regulation).

33.110.255 Fences

D. Reference To Other Regulations.

2. Fence materials regulated by other bureaus. This amendment clarifies that electric fences are regulated by Title 26, not by the Police Bureau.

33.110.260 Demolitions

The amendment corrects an incorrect reference to Title 24.

33.110.250 Accessory Structures

E. Special standards for garages.

2. Existing detached garages. A garage that is nonconforming due to its location in a setback may be rebuilt on its existing foundation, if it was originally constructed legally. An addition may be made to these types of garages if the addition complies with the standards of this section, or if the combined size of the existing foundation and any additions is no larger than 12 feet wide by 18 feet deep. The garage walls may be up to 10 feet high.

33.110.255 Fences

D. Reference To Other Regulations.

2. Fence materials regulated by other bureaus. Electrified fences <u>are</u> regulated by Section 26.04.150 of Title 26, Electrical Regulations. And The use of barbed wire are also is regulated by the Police Bureau, <u>under Title</u> 14.

33.110.260 Demolitions

The demolition of all buildings is regulated by Chapter 33.445, Historic Resource Protection Zone. In addition, the demolition of residential buildings must comply with Section 24.55.700 24.55.200 of Title 24, Building Regulations, concerning waiting periods for demolition.

CHAPTER 33.120 MULTI-DWELLING ZONES

33.120.030 Characteristics Of The Zones

F. IR zone. This amendment adds additional information about the IR zone, currently found only in the IMP chapter, to the Multi-Dwelling chapter. The description of the IR zone that is found in the IMP chapter is not central to the IMP process and is more relevant to the IR zone. However, the language in the IMP chapter (33.848.010 Purpose) will remain unchanged.

33.120.120 Nuisance-Related Impacts

These amendments correct outdated references to another City title.

CHAPTER 33.120 MULTI-DWELLING ZONES

33.120.030 Characteristics Of The Zones

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 collector streets, transit streets, or streets of higher classification. IR zones will be used to implement the Comprehensive Plan's Institutional Campus designation. The IR zone will be applied only when it is accompanied by the "d" Design Review overlay zone.

33.120.120 Nuisance-Related Impacts

- **B.** Vehicles. The regulations for operable vehicles and for vehicle service and repair are stated in 33.266.150, Vehicles in Residential Zones. The open accumulation and storage of inoperable, neglected, or discarded vehicles is regulated by Subsection 03.090 of Title 18, Nuisance Abatement and Noise Control Section 29.20.010 of Title 29, Property and Maintenance Regulations.
- **D.** Other nuisances. Other nuisances are regulated by Title 18, Nuisance Abatement and Noise Control Section 29.20.010 of Title 29, Property and Maintenance Regulations.

Commentary

33.120.205 Density

E. Transfer of density.

These amendments restructure the Transfer of Density regulations to clarify the requirements, especially for transfer of density from Historic Landmarks.

33.120.205 Density

- **E. Transfer of density or FAR**. Density **or FAR** may be transferred from one site to another subject to the following:
 - 1. Transfer of density is permitted as follows:
 - a. Density may be transferred from one site to another within the RX zone, or from an RX-zoned site to a site in an EX or CX zone.

 Regulations for transfer of density from RX to CX zones are stated in Subsection 33.130.205.C. Regulations for transfer of density from RX to EX zones are stated in Subsection 33.140.205.C.
 - b. In the RX zone, the transfer of commercial development rights is regulated by Subparagraph 33.120.100.B.3.f. The transfer of residential density potential to sites on the Park Block frontage is prohibited. The Park Block frontages are shown on Map 120 1.
 - c. Density may be transferred among R3, R2, and R1 zoned sites, or between RH and RX zoned sites. Transfers between a site that is zoned R3, R2, or R1 and a site that is zoned IR, RH, or RX are prohibited.
 - d. The transfer may be between lots within a block or between lots that would be abutting but for a right of way, except for transfers from the sites of Historic Landmarks.
 - 2. Transfer of density from Landmarks. Transfer of density from the site of a Landmark is permitted when:
 - a. Density from Landmarks may be transferred from RX-zoned sites to sites zoned RX, C, or EX.
 - b. Density from the site of a landmark may be transferred to any site within the recognized neighborhood where the landmark is located, or to any site within_two miles of the landmark.
 - $\frac{3}{4}$ 1. Calculating the amount of density or FAR transferred. In the R3, R2, and R1 zones, transferable density is calculated in terms of dwelling units. In the $\frac{1}{1}$ R, RH, and RX zones, transferable density is calculated by FAR.
 - 4 <u>2</u>. Maximum increase in density <u>or FAR</u>. In the IR, RH, and RX zones, an increase in FAR on the receiving site of more than 3 to 1 is prohibited. In all other R zones, an increase in the number of units of more than 100 <u>percent of the receiving site</u> is prohibited.

33.120.205 Density, continued.

E. Transfer of density, continued.

- 5 3. Development standards. Buildings on sites receiving transferred density or <u>FAR</u> must meet the height, setback, building coverage, and other development standards of the base zone, overlay zone, or plan district, except for <u>maximum</u> density, <u>which is regulated by paragraph E.2 above</u>. However, adjustments may be requested to accommodate the transferred density.
- 6. Covenants. The property owner(s) must execute a covenant with the City which is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant must meet the requirements of Section 33.700.060.
- 4. General standards for transfers of density or FAR.
 - a. Except for transfers from the sites of Landmarks, the transfers may be only between lots within a block or between lots that would be abutting except for a right-of-way.
 - b. Density or FAR from the site of a Landmark may be transferred to any site allowed by Paragraph 5 below, within the recognized neighborhood where the landmark is located, or to any site within two miles of the landmark.

5. Zoning.

- a. RX Zone. In the RX Zone:
 - (1) Transfer of commercial development rights is regulated by Subparagraph 33.120.100.B.3.f:
 - (2) Transfer of density or FAR to sites on the Park Block frontages. shown on Map 120-1, are prohibited:
 - (3) Density or FAR may be transferred from a site zoned RX to a site zoned RX, RH, CX, or EX. Density may be transferred from the site of a Landmark zoned RX to a site zoned RX, RH, C, or EX.
- b. RH Zone. Density or FAR may be transferred from a site zoned RH to a site zoned RX or RH.
- c. R3, R2, and R1 Zones. Density may be transferred among sites zoned R3, R2, and R1.
- 6. Covenants. The property owner must execute a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant must meet the requirements of Section 33.700.060.

33.120.220 Setbacks

- **B. Building setback standard.** This amendment clarifies that transit street setbacks are applied to buildings, not structures.
 - 1. Exceptions to the required minimum building setbacks.
 - Setback averaging. This amendment clarifies that decks, balconies, and porches are included in the portions of a building that can reduce setbacks using setback averaging.
 - c. This amendment will clarify that when a building is proposed to straddle lot lines within a split-zoned, multiple-lot site, the setback requirements that would normally need to be met for that lot line do not apply.

Substantive change: This amendment clarifies existing regulations for setbacks in order to allow owners of sites that contain split zoning to have more flexibility in the placement of structures within the boundaries of the site without needing an adjustment for the internal lot line.

- 2. Maximum building setbacks from a transit street or a street in a pedestrian district are regulated as follows.
 - f. This amendment exempts flag lots because maximum setbacks from transit streets are usually impossible to meet on a flag lot. This is because the "pole" portion of the lot, which provides access to the street, is the only portion abutting the street.

Policy change: This amendment exempts flag lots from meeting required transit street setbacks. Flag lots are not currently addressed in the setback requirements, and are therefore subject to requirements that they often cannot meet because of the lot configuration.

33.120.220 Setbacks

- **B. Building setback standard.** The required minimum or maximum building setbacks, if any, are stated in Tables 120-3 and 120-4, and apply to all buildings and structures on the site except as provided in Subsection C, below specified in this section. Transit street setbacks apply only to buildings. Setbacks for parking areas are in Chapter 33.266.
 - 1. Exceptions to the required minimum building setbacks.
 - a. Setback averaging. The front building setback <u>and the setback of decks</u>, <u>balconies</u>, <u>and porches</u> may be reduced to the average of the respective setbacks on the abutting lots. See Chapter 33.930, Measurements, for more information.
 - c. Split zoning. Where a site is split between more than one base zone and a building is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.
 - 2. Maximum building setbacks from a transit street or a street in a pedestrian district apply only to buildings and are regulated as follows.
 - f. Exemption. Flag lots are exempt from the maximum setback standards of this paragraph.

Commentary

Table 120-3

This amendment adds a footnote reference to the proposed exception for sites with split zoning.

Table 120-3 Development Standards in Multi-Dwelling Zones [1]												
Standard	R3	R2	R1	RH	RX	IR						
Minimum Setbacks						1 ft. for every						
 Front building setback 	10 ft.	10 ft.	3 ft.	0 ft.	0 ft.	2 ft. of bldg.						
 Street building setback 	[14]	[14]	[14]	0 ft.[14]	0 ft.[14]	height, but in						
- Side and rear building	5-14 ft. [7]	5-14 ft. [7]	5-14 ft. [7]	5-14 ft. [7]	0 ft.	no case less						
setback. [16]	18 ft.	18 ft.	5/18 ft.[9]	5/18 ft.[9]		than 10 ft.						
- Garage entrance					5/18 ft.[9]							
setback [8]												
(See 33.120.220)												

Notes:

- [1] These standards may be superseded by the regulations of an overlay zone or plan district.
- [2] The density may be increased if allowed by the amenity bonus regulations in 33.120.265.
- [3] The density may be increased if allowed by the regulations in Chapter 33.229, Elderly and Disabled High Density Housing.
- [4] The maximum FAR is 4 to 1 in the areas shown on Maps 120-2 through 120-28. In the areas where the FAR is 4 to 1, the maximum height is 75 feet, except on sites within 1,000 ft. of a light rail station or stop, where the maximum height is 100 ft.
- [5] The minimum density standards do not apply to conversions of existing residential structures.
- [6] The 25 foot height limit applies only to the portion of a structure within 10 feet of a front property line.
- [7] See Table 120-4.
- [8] The walls of the garage structure are subject to 33.110.280.E and the applicable front, side, or rear building setbacks. This setback also applies to structured parking that does not allow exiting in a forward motion.
- [9] The garage entrance must be either 5 feet or closer to the street property line, or 18 feet or farther from the street property line. If the garage entrance is located within 5 feet of the front property line, it may not be closer to the property line than the front facade of the residential portion of the building.
- [10] The 100 ft. limit applies only to buildings located within 30 feet of a street property line.
- [11] The shape of the outdoor area must be such that a square of the stated dimension will fit entirely in the outdoor area.
- [12] In the IR zone, residential development within 150 feet of another residential zone has the same maximum density permitted in that zone. Where two or more residential zones are within 150 feet of a site, the maximum residential density is that of the lower density residential zone.
- [13] The 25 foot height limit applies only to sites where the FAR is 2:1. On those sites, the 25 foot height limit applies only to the portion of a structure within 10 feet of a front property line.
- [14] Where no street building setback is indicated, the front, side, and rear setbacks apply. Where a street setback is indicated, it supersedes front, side, and rear setbacks if the front, side, or rear lot line is also a street lot line.
- [15] Setbacks from Transit Streets and streets in Pedestrian Districts are measured from the curb. See 33.120.220.
- [16] No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning. See 33.120.220.B.1.c.

- 33.120.220 Setbacks, continued.
 - C. Extensions into required building setbacks.
 - 1. Minor features of a building. This amendment adds the clause "uncovered balconies" to this section. The change is necessary to achieve parallel construction with the extension into the required setback regulations for minor features of a building in the single dwelling base zones (33.110.220). This is not a content change. Even without this reference, uncovered balconies are defined in the Zoning Code as minor features of a building and would be regulated by this section.

This amendment also clarifies the circumstances under which a bay or bay window can extend into a required setback. The requirements have been extrapolated from a combination of the dictionary definition of a "bay window" and the common perception of what constitutes a bay window.

Substantive change: This amendment adds objective standards for bays and bay windows that can extend into required setbacks. This change is consistent with the purpose statement of setbacks.

33.120.220 Setbacks

C. Extensions into required building setbacks.

- Minor features of a building such as eaves, chimneys, fire escapes, and bay windows up to 12 feet in length, and uncovered balconies may extend into a required building setback up to 20 percent of the depth of the setback. However, in no case may they be less than three feet from 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 façade cannot be more than 30 percent of the area of the façade:
 - 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.

33.120.240 Required Outdoor Areas

C. Requirements. This amendment clarifies the types of materials and structures that may be used for screening required outdoor areas for ground level units. The materials and structures listed are similar to those specified for screening of mechanical equipment in 33.120.250.C, Screening.

33.120.255 Pedestrian Standards

B. The standards. These amendments clarify connections when no sidewalks exist and add measurable standards to the materials paragraphs. The changes are consistent with current practice and the standards are derived from the Portland Pedestrian Design Guide.

33.120.240 Required Outdoor Areas

C. Requirements.

1. Ground level units. The required outdoor area for ground level units must be individual areas and must be directly accessible from the unit. The area may be on the ground or above. Individual outdoor areas for ground level units must be visually screened from each other, by walls, fences, or vegetation that is at least 6 feet high and totally sight-obscuring. The area must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed.

33.120.255 Pedestrian Standards

B. The standards. The standards of this section apply to all development except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this subsection.

1. Connections.

a. Connection to street. The system must connect all adjacent streets to the main entrance. One of the connections should be no longer than the straight line distance from the entrance to the closest sidewalk or improved right-of-way if there are no sidewalks. It may not be more than 20 feet longer or 120 percent of that straight line distance, whichever is less. Buildings or sites where all of the floor area is in Household Living uses are only required to provide this connection to one main entrance.

2. Materials.

- a. The circulation system must be hard-surfaced, and be at least 5 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. <u>Elevation changes and speed bumps must be at least 4 inches high.</u>
- 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.

33.120.260 Recycling Areas

- A. Materials accepted. This amendment makes the types of materials required for recycling areas consistent with the list of materials that the Bureau of Environmental Services' waste management division requires for recycling areas in multi-dwelling developments.
- **B.** Size. This amendment makes the size of recycling areas consistent with the amount of space needed for the types of containers typically used by recycling haulers that serve larger multi-dwelling developments. The suggested dimensions were created with consultation from the Bureau of Environmental Services' Solid Waste and Recycling Program.

Substantive or policy change: This amendment changes the size of required recycling areas at the request of, and to be consistent with, the requirements of the Bureau of Environmental Services.

33.120.265 Amenity Bonuses

04/03/00

- C. The amenity bonus options.
 - 7. Energy-efficient buildings. The amendment eliminates the option of receiving bonus density for energy-efficient buildings, because the energy standards that receive the bonus are now required for all buildings through updates to the energy codes.

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33.120.260 Recycling Areas

Multi-dwelling developments that have 3 or more units must provide for recycling collection areas as stated below:

- A. Materials accepted. The recycling area must be set up to accept at least the following materials: newspaper, mixed waste paper, and at least three of the following items: glass containers (clear and green), corrugated cardboard, magazines, tin cans, and aluminum plastic bottles including milk jugs. A method of storing or containing the recyclable materials must be provided in the recycling area.
- **B. Size.** The recycling area must be at least 100 cubic feet for every 10 dwelling units For every 15 dwelling units, there must be a recycling area at least 7-1/2 feet by 6-1/2 feet. Recycling areas must be at least 8 feet high.

33.120.265 Amenity Bonuses

- C. The amenity bonus options.
 - 7. Energy efficient buildings. The density bonus for this amenity is 5 percent. The bonus is allowed if all of the dwelling units comply with the Model Conservation Standards of the Northwest Power Planning Council. The development plans must be certified by a licensed engineer or local electrical utility as complying with the standards.

[Renumber C.8 and 9 to C.7 and 8.]

33.120.280 Accessory Structures

C. Setbacks

3. Uncovered horizontal structures.

b. Setback standard.

These changes are necessary to achieve parallel construction with the setback regulations for accessory structures in the single-dwelling base zones (33.110.250). The proposed changes put back provisions that were inadvertently dropped when the regulations for attached and detached accessory structures were combined into one section. The provisions that were dropped allowed:

- 1. Minor projections into the required setback for attached uncovered stairways and wheelchair ramps that are more than 2-1/2 ft. high. (Currently written, if an attached uncovered stairway or wheelchair ramp is over 2-1/2 ft. high it may not be in the setback), and
- 2. Full projections into the required setback for stairways and wheelchair ramps over 2-1/2 ft. that lead to a main entrance. (Currently written, if a stairway or wheelchair ramp is over 2-1/2ft. high it may not be in the setback.)

The proposed language will correct this oversight and make the regulations for accessory structures consistent in both the single-dwelling and multi-dwelling chapters.

33.120.280 Accessory Structures

C. Setbacks

- 3. Uncovered horizontal structures.
 - b. Setback standard.
 - (1) <u>Minor projection allowed.</u> Uncovered horizontal structures that are no more than 2-1/2 feet above the ground are allowed in required building setbacks;
 - (2) Uncovered decks, <u>stairways</u> and <u>wheelchair ramps</u> or <u>balconies</u> that are more than 2-1/2 feet above the ground, <u>and are attached to a building</u>, <u>are allowed in required setbacks if they are attached to the primary structure</u>. They may extend into a required building setback up to 20 percent of the depth of the setback. However, they must be at least three feet from a lot line;
 - (2) <u>Full projection allowed. The following structures are allowed in required building setbacks:</u>
 - Structures that are no more than 2-1/2 feet above the ground:
 - [3]On lots that slope down from the street, vehicular or pedestrian entry bridges that are allowed in required setbacks if they are no more than 2-1/2 feet above the average sidewalk elevation; and
 - Stairways and wheelchair ramps that lead to the main entrance of a building.

Commentary

33.120.285 Fences

D. Reference to other regulations. Fence materials regulated by other bureaus. This amendment clarifies that electric fences are regulated by Title 26, not by the Police Bureau.

33.120.285 Fences

- D. Reference to other regulations.
 - 2. Fence materials regulated by other bureaus. Electrified fences <u>are</u> regulated by Section 26.04.150 of Title 26. Electrical Regulations. and The use of barbed wire <u>are also</u> is regulated by the Police Bureau, <u>under Title 14</u>.

CHAPTER 33.130 COMMERCIAL ZONES

33.130.100 Primary Uses

B. Limited uses

2. Small business limitation.

This amendment clarifies the use of the words "business" and "use" in the footnotes related to Table 130-1, Commercial Zone Primary Uses.

5. Industrial size limitation.

This amendment clarifies the use of the words "business" and "use" in the footnotes related to Table 130-1, Commercial Zone Primary Uses.

7. Exterior development limitation.

This amendment clarifies the items that are prohibited from exterior storage and display in some of the commercial zones. There is no definition in the Zoning Code or dictionary for the terms "industrial equipment, industrial vehicles, industrial products", so listing the possible objects is the best solution, short of creating new definitions.

33.130.130 Nuisance-Related Impacts

B. Other nuisances. This amendment corrects an incorrect reference to another City title.

CHAPTER 33.130 COMMERCIAL ZONES

33.130.100 Primary Uses

- **B.** Limited uses. Uses allowed that are subject to limitations are listed in Table 130-1 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 130-1.
 - 2. Small business limitation. This regulation applies to all parts of Table 130-1 that have a [2]. Each individual <u>use business</u> is limited to 5,000 square feet of total floor area exclusive of parking area. <u>These types of u</u>Uses are limited in size in order to limit their potential impacts on residential uses and to promote a relatively local market area. In addition, if the Director determines that a proposed Manufacturing And Production use will not be able to comply with the off-site impact standards of Chapter 33.262, the Director may require documentation that the use will conform with the standards.
 - 5. Industrial size limitation. This regulation applies to all parts of Table 130-1 that have a [5]. Individual <u>uses businesses</u> are limited to 10,000 square feet of floor area exclusive of parking area. These types of uses are limited in size to assure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses. In addition, if the Director determines that the proposed use will not be able to comply with the off-site impact standards of Chapter 33.262, the Director may require documentation that the development will be modified to conform with the standards.
 - 7. Exterior development limitation. This regulation applies to all parts of Table 130-1 that have a [7]. Exterior display or storage of industrial equipment, such as tools, equipment, vehicles, products, materials, or other objects that are part of or used for the business operation, industrial vehicles, or industrial products is prohibited.

33.130.130 Nuisance-Related Impacts

B. Other nuisances. Other nuisances are regulated by Title 18, Nuisance Abatement and Noise Control. Title 29, Property and Maintenance Regulations.

33.130.205 Floor Area Ratio

C. Transfer of FAR from Landmarks.

These amendments restructure the Transfer of Floor Area Ratio (FAR) regulations to clarify the requirements, especially for transfer of FAR from Historic Landmarks.

33.130.205 Floor Area Ratio

- C. Transfer of FAR for from Landmarks. Floor area ratios may be transferred from a commercially-zoned the site which contains a Landmark to any site zoned EX or C within the recognized neighborhood the landmark is located in, or to any EX or C-zoned site within two miles, 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 Landmarks, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers;
 - 4 <u>2</u>. <u>Development standards</u>. The building on the receiving site <u>must</u> meets the development standards of the base zone, overlay zone, and plan district except floor area ratio, <u>which is regulated by paragraph C.1 above</u>; <u>However, adjustments may be requested to accommodate the transferred floor area;</u>
 - 2. Floor area from Landmarks may be transferred from C or EX zoned site to a site zoned C or EX;
 - 3. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from Landmarks, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers; and
 - 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 landmark is located, or to any site within two miles of the landmark;
 - 4. The property owner executes a covenant with the City which that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant must meet the requirements of Section 33.700.060, Covenants with the City.

33.130.215 Setbacks

- **B.** Building setback standard. This amendment clarifies that transit street setbacks apply to buildings, not structures.
 - 2. Building setbacks on a transit street or in a pedestrian district.
 - b. See comments above, under 33.130.215.B, Building setback standard.
 - 3. Exceptions to the building setbacks.
 - a. This amendment adds a subparagraph title.
 - b. This amendment clarifies that when a building is proposed to straddle lot lines within a split-zoned, multiple-lot site, the setback requirements that would normally need to be met for that lot line do not apply.

Substantive change: This amendment clarifies existing regulations for setbacks in order to allow owners of sites that contain split zoning to have more flexibility in the placement of structures within the boundaries of the site without needing an adjustment for the internal lot line.

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33.130.215 Setbacks

- **B. Building setback standard.** The required minimum or-and maximum building setbacks, if any, are stated in Table 130-3. However, the minimum and maximum setbacks along transit streets or in pedestrian districts are stated in Table 130-5. The setback standards apply to all buildings and structures on the site except as provided in Subsection D, below specified in this section. Setbacks for exterior development are stated in 33.130.245 below, and for parking areas in Chapter 33.266.
 - 2. Building setbacks on a transit street or in a pedestrian district. The maximum setback standard of subparagraph B.2.b, below, applies to buildings. The minimum setback standard of Table 130-5 applies to buildings and structures. These setback standards apply to all zones outside the Central City plan district. Inside the Central City plan district, this standard applies to all zones except the CX zone. The building setbacks on a transit street or in a pedestrian district are as follows.
 - b. Standard. At least 50 percent of the length of the ground level street facing facade of the structure building must be within the maximum setback. Except as provided in Subsection \bigcirc D, below, no structures are allowed within the minimum setback.
 - 3. Exceptions to the building setbacks.
 - a. Setback averaging. The street setback from a street lot line for buildings may be reduced, but not increased, to the average of the existing respective distances of building setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.
 - b. Split zoning. Where a site is split between more than one base zone and a building is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.

Commentary

- D. Extensions into required building setbacks.
 - 1. Minor projections of features attached to buildings. This amendment clarifies the circumstances under which a bay or bay window can extend into a required setback. The requirements have been extrapolated from a combination of the dictionary definition of a "bay window" and the common perception of what constitutes a bay window.

Substantive change: This amendment adds objective standards for bays and bay windows that can extend into required setbacks. This change is consistent with the purpose statement of setbacks.

D. Extensions into required building setbacks.

- 1. Minor projections of features **attached** attached to buildings.
 - a. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend 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:
 - (1) Each bay and bay window may be up to 12 feet long. but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;
 - (2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;
 - (3) Bays and bay windows must cantilever beyond the foundation of the building; and
 - (4) The bay may not include any doors.

Commentary

Table 130-3

This amendment adds a footnote reference to the proposed exception for sites with split zoning.

Table 130-3 Development Standards [1]												
Standard	CN1	CN2	CO1	CO2	CM	CS	CG	CX				
Min. Building Stbks (see 33.130.215) Street Lot Line[8]	0[8]	10 ft.[8]	10 ft.[8]	10 ft.[8]	0	0	5 ft.[8]	0[8]				
Lot Line Abutting an OS, RX, C, E, or I Zone	0	0	0	0	0	0	0	0				
Lot Lot Line Abutting other R Zoned Lot [9]	0 to 14 ft. [4]	0 to 14 ft. [4]										
Max.Building Stbks (see 33.130.215) Street Lot Line[8]	None[8]	None[8]	None[8]	None[8]	10 ft. [5]	10 ft. [5]	None[8]	None[8]				

Notes:

- [1] Plan district or overlay zone regulations may supercede these standards.
- [2] The FAR limits apply to nonresidential development. Additional floor area is allowed for residential development. See 33.130.250 and 33.130.253.
- [3] For alterations over 250 square feet and new development every new square foot of nonresidential development must be matched by at least one square foot of residential development. See 33.130.250 and 33.130.253.
- [4] See Table 130-4.
- [5] At least 50 percent of the length of the ground level wall of buildings must be within 10 feet of the street lot line. This standard applies to walls facing a street lot line. If the site has three or more block frontages, this standard only applies to two frontages.
- [6] Does not apply to lot lines that abut a lot in the RX zone. Landscaping is not required where buildings abut a lot line.
- [7] This part of the table is for general information purposes only; see Chapter 33.266, Parking and Loading, for the specific standards.
- [8] Setbacks from Transit Streets or streets in Pedestrian Districts are stated in Table 130-5.
- [9] No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning. See 33.130.215.B.3.b.

33.130.230 Ground Floor Windows

- B. Required amounts of window area.
 - 1. This amendment reconfigures paragraph B.1, which describes the required amounts of ground floor windows, for additional clarity.
- D. Adjustments. This correction references the formerly named Metropolitan Arts Commission (MAC) by its new name, the Regional Arts and Culture Council (RACC).

33.130.240 Pedestrian Standards

- **A. Purpose.** This amendment corrects an incorrect reference to the CS zone in the purpose statement of the Pedestrian Standards section and adds a missing reference to the CG zone.
- **B.** The standards. These amendments clarify connections when no sidewalks exist and add measurable standards to the materials paragraphs. The changes are consistent with current practice and the standards are derived from the Portland Pedestrian Design Guide.

33.130.230 Ground Floor Windows

B. Required amounts of window area.

- 1. In CN1 & 2, CO1 & 2, CM, CS, and CG zones, exterior walls on the ground level which are 20 feet or closer to the street lot line must meet the general window standard in Paragraph 3, below. However, on corner lots with more than one street frontage. the general standard must be met on one street frontage only. The general standard must be met on the street that has the highest street classification according to the Arterial Streets Classifications and Policies. If two or more streets have the same highest classification, then the applicant may choose on which street to meet the general standard. On the other street(s) the requirement is 1/2 of the general standard. On the other street(s) the requirement is 1/2 of the general standard. On the other street(s) the requirement is 1/2 of the general standard. On the other street(s) the requirement is 1/2 of the general standard.
- D. Adjustments. Public art may be considered for adjustments to the ground floor window provision. In all cases, the Metropolitan Arts Commission Regional Arts and Culture Council will review the application to determine whether public art is appropriate at the location, taking into account the scale and character of the building and area. The budget, selection process, final artwork, and installation must follow the guidelines of the Metropolitan Arts Commission Regional Arts and Culture Council and must be approved by the Metropolitan Arts Commission Regional Arts and Culture Council. Covenants 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.

33.130.240 Pedestrian Standards

A. Purpose. The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. In the CN1, CO1, CM and CS CG zones, the pedestrian standards also ensure a direct and pleasant pedestrian connection between the street and buildings on the site. They ensure a direct pedestrian connection between the street 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.

- 1. Connections.
 - a. Connection to street. The system must connect all adjacent streets to the main entrance. One of the connections should be no longer than the straight line distance from the entrance to the closest sidewalk or improved right-of-way if there are no sidewalks. It may not be more than 20 feet longer or 120 percent of that straight line distance, whichever is less. Buildings or sites where all of the floor area is in Household Living uses are only required to provide this connection to one main entrance.

- 33.130.240 Pedestrian Standards, continued.
 - B. The standards, continued.

33.130.242 Transit Street Main Entrance

This amendment clarifies that the required main entrance on a transit street must allow pedestrians to both enter **and exit** the building onto the transit street. The existing language requires entry from a transit street, but is not explicit about a requirement for an exit, resulting in some sites that have an entrance on a transit street, but not an exit. This amendment is consistent with the existing policy behind the transit street regulations.

(Note: this amendment was added by the Planning Commission during the public hearing process.)

33.130.240 Pedestrian Standards

B. The standards.

- 2. Materials.
 - 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. <u>Elevation changes and speed bumps must be at least 4 inches high.</u>
 - 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.

33.130.242 Transit Street Main Entrance

- **A. Purpose.** Locating the main entrance to a building on a transit street provides convenient pedestrian access to between the building from and public sidewalks and transit facilities, and so promotes walking and the use of transit.
- **C. Location.** At least one main entrance must be:
 - 1. Be <u>Wwithin 25</u> feet of the transit street; and
 - 2. Allow pedestrians to both enter and exit the building; and
 - **2**3. Either:
 - a. Facing Face the transit street; or
 - b. <u>Be at At</u> an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 130-2, below.

Commentary

CHAPTER 33.140 EMPLOYMENT AND INDUSTRIAL ZONES

33.140.030 Characteristics of the Zones

This amendment eliminates some terms that have similar meaning, but are used in the same sentence and cause confusion because of the way they are used.

33.140.100 Primary Uses

B. Limited uses. The amendment clarifies that houseboats are the only types of Household Living allowed by conditional use in industrial zones. Household Living in other types of structures is prohibited in the industrial zones.

CHAPTER 33.140 EMPLOYMENT AND INDUSTRIAL ZONES

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 and industrially-related uses. Other business and commercial uses are also allowed to support a wide range of services and employment 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/business commercial areas.
- **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, business, and service uses 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.

33.140.100 Primary Uses

- **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 uses in I zones. This regulation applies to all parts of Table 140-1 that have note (1). Household Living in houseboats and houseboat moorages in I zones is regulated by Chapter 33.236, Floating Structures. Household Living in other structures is prohibited.

Commentary

- 33.140.100 Primary Uses, continued.
 - **B.** Limited uses, continued. This amendment adds a footnote to Table 140-1, clarifying that houseboats are the only types of Household Living allowed by conditional use in industrial zones (see amendment to 33.140.100.B Limited Uses).

33.140.100 Primary Uses

B. Limited uses.

(Renumber 1-13 as 2-14.)

Employ		able 140-1 ndustrial Zo	ne Primary	y Uses		
Use Categories	EG1	EG2	EX	IG1	IG2	IH
Residential Categories					144	
Household Living	CU	CU	Y	CU [1]	CU [1]	CU [1]
Group Living	CU	CU	L/CU [1 2]	N	N	N
Commercial Categories						
Retail Sales And Service	L/CU [2 <u>3</u>]	L/CU [2 <u>3</u>]	Y	L/CU [3 <u>4</u>]	L/CU [4 5]	L/CU [5 6]
Office	L [2 <u>3</u>]	L [2 <u>3</u>]	Y	L/CU [3 <u>4</u>]	L/CU [4 <u>5</u>]	L/CU [5 <u>6]</u>
Quick Vehicle Servicing	Y	Y	Y	Ÿ	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	L [14 <u>15</u>]	L [14 <u>15</u>]	CU [14 <u>15]</u>	CU [14 <u>15]</u>	CU [14 <u>15]</u>	CU [14 <u>15]</u>
Self-Service Storage	Y	Y	L [6 7]	Y	Y	Y
Commercial Outdoor Recreation	Y	Y	Y	CU	CU	CU
Major Event Entertainment	CU	CU	CU	CU	CU	CU
Industrial Categories						
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
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU [7 8]	L/CU [7 8]	L/CU [7 8]
Institutional Categories						
Basic Utilities	Y/CU [11 12]	Y/CU [11 12]	Y/CU [11 12]	Y/CU [12 13]	Y/CU [12 13]	Y/CU [12 <u>13</u>]
Community Service	L [8 <u>9]</u>	L [8 <u>9</u>]	L [9 <u>10]</u>	L/CU [10 11]	L/CU [10 11]	L/CU [10 11]
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 11]	L/CU [10 11]	L/CU [10 11]
Other Categories						
Agriculture	Y	Y	Y	Y	Y	Y
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 <u>14</u>]	L/CU [13 <u>14</u>]	CU	L/CU [13 <u>14</u>]	L/CU [13 <u>14</u>]	L/CU [13 <u>14</u>]
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y Dut Charlel	Y

Y = Yes, Allowed

CU = Conditional Use Review Required Notes:

L = Allowed, But Special Limitations

 \hat{N} = No, Prohibited

- 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.

33.140.130 Nuisance-Related Impacts

B. Other nuisances. This amendment corrects an incorrect reference to another City title.

33.140.205 Floor Area Ratio

C. Transfer of FAR from Landmarks in the EX Zone.

These amendments restructure the Floor Area Ratio (FAR) regulations to clarify the requirements, especially for transfer of FAR from Historic Landmarks.

33.140.130 Nuisance-Related Impacts

B. Other nuisances. Other nuisances are regulated by Title 18, Nuisance Abatement and Noise Control. Title 29, Property and Maintenance Regulations

33.140.205 Floor Area Ratio

- C. Transfer of FAR for from Landmarks in the EX Zone. Floor area ratios may be transferred from a site zoned EX that contains a Landmark to any site zoned EX or C within the recognized neighborhood the landmark is in, or to any site zoned EX or C within two miles, 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 Landmarks, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers;
 - 4 <u>2</u>. <u>Development standards</u>. The building on the receiving site <u>must</u> meets the development standards of the base zone, overlay zone, and plan district except floor area ratio, <u>which is regulated by paragraph C.1 above</u>; <u>However, adjustments may be requested to accommodate the transferred density</u>;
 - 2. Floor area from Landmarks may be transferred from any site zoned R, C, or EX to sites zoned EX;
 - 3. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from Landmarks, and additional FAR allowed at the receiving site from bonus provisions or from other transfers; and
 - 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 landmark is located. or to any site within two miles of the landmark; and
 - 4. The property owner executes a covenant with the City which that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant must meet the requirements of Section 33.700.060, Covenants with the City.

33.140.215 Setbacks

- **B.** The setback standards. This amendment clarifies that the transit street setbacks apply to buildings, not structures.
- Building setbacks on a transit street or in a pedestrian district. This amendment clarifies that transit street setbacks apply only in the EG1 and EX zones.
- 3. Standard. See comments above, under 33.140.215.B, The setback standards.
- 4. This amendment exempts flag lots because maximum setbacks from transit streets are usually impossible to meet on a flag lot. This is because the "pole" portion of the lot, which provides access to the street, is the only portion abutting the street.

Policy change: This amendment exempts flag lots from meeting required transit street setbacks. Flag lots are not currently addressed in the setback requirements, and are therefore subject to requirements that they often cannot meet because of the lot configuration.

- 5. Exceptions to the building setbacks.
- 6. This amendment adds a subparagraph title.
- 7. This amendment clarifies that when a building is proposed to straddle lot lines within a split-zoned, multiple-lot site, the setback requirements that would normally need to be met for that lot line do not apply.

Substantive change: This amendment clarifies existing regulations for setbacks in order to allow owners of sites that contain split zoning to have more flexibility in the placement of structures within the boundaries of the site without needing an adjustment for the internal lot line.

33.140.215 Setbacks

- B. The setback standards. The required building setbacks are stated in Table 140-4. However, the minimum and maximum setbacks for sites in the EG1 and EX zones that abut a transit street or a street in the pedestrian district are stated in Table 140-6. The setback standards apply to all buildings and structures on the site except as provided in Subsection C. below specified in this section. The building setback standards of plan districts supersede the setback standards of this chapter. Setbacks for exterior development are stated in 33.140.245 below, and for parking areas in Chapter 33.266.
 - 2. Building setbacks on a transit street or in a pedestrian district. The maximum setback standard of subparagraph B.2.b. below, applies to buildings. The minimum setback standard of Table 140-4 applies to buildings and structures. These setback standards apply to all zones outside the Central City plan district. Inside the Central City plan district, this standard applies to all zones except the CX zone the EG1 and EX zones. Except as provided in Subsection C. below, the building setbacks on a transit street or in a pedestrian district are as follows::
 - b. Standard. At least 50 percent of the length of the ground level street facing facade of the structure <u>building</u> must be within the maximum setback. Except as provided in Subsection C D, below, no structures are allowed within the minimum setback.
 - f. Exemption. Flag lots are exempt from the maximum setback standards of this paragraph.
 - 3. Exceptions to the building setbacks.
 - a. Setback averaging. The street street setback from a street lot line for buildings may be reduced to the average of the existing respective distances of building setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.
 - b. Split zoning. Where a site is split between more than one base zone and a building is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.

- D. Extensions into required building setbacks.
 - 1. Minor projections of features attached to buildings.
 - a. Minor projections allowed. This amendment clarifies the circumstances under which a bay or bay window can extend into a required setback. The requirements have been extrapolated from a combination of the dictionary definition of a "bay window" and the common perception of what constitutes a bay window.

Substantive change: This amendment adds objective standards for bays and bay windows that can extend into required setbacks. This change is consistent with the purpose statement of setbacks.

Extensions into required building setbacks.

- Minor projections of features attached attached to buildings. 1.
 - Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required building setback up to 20 percent of the depth of the setback. However, in no case may they be less than 3 feet from a lot line. 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 façade;
 - 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. **(4)**

Commentary

Table 140-4

This amendment adds a footnote reference to the proposed exception for sites with split zoning.

		Table Development S				
Standard	EG1	EG2	EX	IG1	IG2	IH
Min. Building Setbacks (see 33.140.215) - Street lot line[4]	5 ft. [4]	25 ft.	0 [4]	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 [5]	0 to 14 ft. [2]	15 ft.	0 to 14 ft. [2]	0 to 14 ft. [2]	15 ft.	15 ft.

Notes

- [1] Plan district regulations may supersede these standards.
- [2] See Table 140-5.
- [3] For building setbacks of 5 feet or less, landscaping is required for the entire depth of the setback. However, no landscaping is required when buildings abut a lot line.
- [4] In the EG1 and EX zones, minimum and maximum setbacks from Transit Streets or streets in Pedestrian Districts are stated in Table 140-6
- [5] No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning. See 33.140.215.B.3.b.

04/03/00

33.140.230 Ground Floor Windows in the EX Zone

D. Adjustments. This correction references the formerly named Metropolitan Arts Commission (MAC) by its new name, the Regional Arts and Culture Council (RACC).

33.140.240 Pedestrian Standards

B. The standards. These amendments clarify connections when no sidewalks exist and add measurable standards to the materials paragraphs. The changes are consistent with current practice and the standards are derived from the Portland Pedestrian Design Guide.

33.140.242 Transit Street Main Entrance

This amendment clarifies that the required main entrance on a transit street must allow pedestrians to both enter **and exit** the building onto the transit street. The existing language requires entry from a transit street, but is not explicit about a requirement for an exit, resulting in some sites that have an entrance on a transit street, but not an exit. This amendment is consistent with the existing policy behind the transit street regulations.

(Note: this amendment was added by the Planning Commission during the public hearing process.)

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33.140.230 Ground Floor Windows in the EX Zone

D. Adjustments. Public art may be considered for adjustments to the ground floor window provision. In all cases, the Metropolitan Arts Commission Regional Arts and Culture Council will review the application to determine whether public art is appropriate at the location, taking into account the scale and character of the building and area. The budget, selection process, final artwork, and installation must follow the guidelines of the Metropolitan Arts Commission Regional Arts and Culture Council and must be approved by the Metropolitan Arts Commission Regional Arts and Culture Council. Covenants 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.

33.140.240 Pedestrian Standards

B. The standards.

1. Connections.

a. Connection to street. The system must connect all adjacent streets to the main entrance. One of the connections should be no longer than the straight line distance from the entrance to the closest sidewalk or improved right-of-way if there are no sidewalks. It may not be more than 20 feet longer or 120 percent of that straight line distance, whichever is less. Buildings or sites where all of the floor area is in Household Living uses are only required to provide this connection to one main entrance.

2. Materials.

- 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. <u>Elevation changes and speed bumps must be at least 4 inches high.</u>
- 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.

33.140.242 Transit Street Main Entrance

A. Purpose. Locating the main entrance to a building on a transit street provides convenient pedestrian access to <u>between</u> the building from <u>and</u> public sidewalks and transit facilities, and so promotes walking and the use of transit.

33.140.242 Transit Street Main Entrance, continued.

33.140.245 Exterior Display, Storage, and Work Activities

This change places a footnote in Table 140-7 clarifying that the "fence plus landscape" option requires the fence to be placed interior to the landscaping. This is a requirement in the landscaping and screening chapter and is repeated here for clarity.

- **C. Location.** At least one main entrance must be:
 - 1. Be Wwithin 25 feet of the transit street; and
 - 2. Allow pedestrians to both enter and exit the building; and
 - 23. Either:
 - a. Facing Face the transit street; or
 - b. <u>Be at At</u> an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 140-2, below.

33.140.245 Exterior Display, Storage, and Work Activities

Exterio		e 140-7 etbacks and Landso	caping [1]	
	EG1, IG1	EG2, IG2	EX	IH
Exterior Display Abutting a street	5 ft. / L1	10 ft. / L1	Not Allowed	5 ft. / L1
Abutting a C, E, or I zone lot	0	0	Not Allowed	0
Abutting an R or OS zone lot	5 ft. / L3	10 ft. / L3	Not Allowed	10 ft. / L3
Exterior Storage				
Abutting a street [2, <u>3</u>]	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, or I zone lot	0 / F1	0 / F1	Not Allowed	0
Abutting an R or OS zone lot	5 ft. / L4	10 ft. / L4, or 25 ft. / L3	Not Allowed	10 ft. / L4, or 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, but not the required landscaped area.
- [3] When the F2 + L2 option is used, the fence must be placed along the interior side of the landscaped area.

Commentary

CHAPTER 33.205 ACCESSORY DWELLING UNITS

33.205.030 Design Standards

- C. Requirements for all accessory dwelling units.
 - 3. Other uses.
 - b. This amendment clarifies that accessory dwelling units are allowed in bed and breakfasts, provided the accessory dwelling unit does not conflict with any of the conditions of approval of the bed and breakfast.

CHAPTER 33.205 ACCESSORY DWELLING UNITS

33.205.030 Design Standards

- **C. Requirements for all accessory dwelling units.** All accessory dwelling units must meet the following:
 - 3. Other uses.
 - $\underline{a.}$ An accessory dwelling unit is prohibited on a $\underline{\mathsf{lot}}$ with a Type B home occupation.
 - b. An accessory dwelling unit is allowed on a site with an approved Bed and Breakfast facility if the accessory dwelling unit meets the standards of Paragraph 33.815.040.B.1.

CHAPTER 33.212 BED AND BREAKFAST FACILITIES

33.212.050 Site-Related Standards

D. Accessory Dwelling Units. This amendment clarifies that if a bed and breakfast has an accessory dwelling unit, the accessory dwelling unit is subject to the development standards of the Accessory Dwelling Unit chapter.

CHAPTER 33.212 BED AND BREAKFAST FACILITIES

33.212.050 Site-Related Standards

<u>D. Accessory dwelling units.</u> Accessory dwelling units must meet all requirements of Chapter 33.205. Accessory Dwelling Units.

CHAPTER 33.218 COMMUNITY DESIGN STANDARDS

33.218.100 Standards for Primary and Attached Accessory Structures in Single-Dwelling Zones

D. Roofs

1.

- b. The proposed change clarifies that the roof may be flat if there is an adjacent house with a flat roof. This change is consistent with the request that the City Council approved in 1997 when the community design standards were amended. The council supported public testimony that requested the ability to look at the surrounding roof pitches in order to determine an acceptable roof pitch for infill development, as an option to the required roof pitch of between 6/12 and 12/12. They argued that in many neighborhoods a pitched roof would not be compatible with surrounding houses that have a mixture of flat or shallower pitched roofs. The proposed language more clearly describes when a flat roof is allowed.
- 2. This amendment clarifies that flat roofs are allowed under D.2 or D.1.b.

CHAPTER 33.218 COMMUNITY DESIGN STANDARDS

33.218.100 Standards for Primary and Attached Accessory Structures in Single-Dwelling Zones.

D. Roofs.

- 1. Primary structures must have a roof that is either:
 - a. Sloped, with a pitch that is no flatter than 6/12 and no steeper than 12/12; or
 - b. Sloped, with a pitch that is nNo steeper than and no flatter than the pitch of the roofs of the primary structures on the lots that abut either side of the site and are on front onto the same street.
- 2. Flat roofs are allowed when the space on top of the roof is no more than 150 square feet and accessible from an interior room, <u>or as specified in subparagraph D.1.b</u>, above.

33.218.100 Standards for Primary and Attached Accessory Structures in Single-Dwelling Zones, continued.

E. Main entrance.

3. The proposed change adds flexibility to the standard and clarifies that the balcony does not have to be adjacent to the main entrance. This change is consistent with the commentary from the project that created the standard in 1997. The commentary states that the balcony should be accessible from an interior space, not adjacent to the main entrance, see below.

"Covered Balcony. The front porch standard has been modified to allow the option of a covered balcony instead of a porch on attached houses. The balcony must be within 15 ft. of the grade and be accessible from an interior space. This will add flexibility while still promoting 'eyes on the street'."

(Community Planning Follow-Up Proposals Section II, Recommended Draft- Planning Commission Recommendations to City Council, page 47.)

F. Vehicle areas.

4. The proposed amendment changes the garage length from 8 ft. to 12 ft. The intent of this standard that regulates the length of garage walls on front façades was to allow every house at least a single car garage. The number 8 ft. was used in error. It should have been 12 feet to allow a typical single car garage.

33.218.100 Standards for Primary and Attached Accessory Structures in Single-Dwelling Zones

E. Main entrance.

3. Covered Balcony. Attached houses have the option of providing a covered balcony at all main entrances that face a street on the same facade as the main entrance instead of a front porch. The covered area provided by the balcony must be at least 48 square feet and 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.

F. Vehicle areas.

- 4. Attached garages. When parking is provided in a garage attached to the primary structure, and garage doors face a street, the following standards must be met:
 - a. The garage must not be more than 40 percent of the length of the building frontage street-facing façade or 8 12 feet long, whichever is greater. Proposals in the Irvington Conservation District are exempt from this standard;

33.218.110 Standards for Primary and Attached Accessory Structures in R3, R2, and R1 Zones

G. Main Entrances

3. The proposed change adds flexibility to the standard and clarifies that the balcony does not have to be adjacent to the main entrance. This change is consistent with the commentary from the project that created the standard in 1997. The commentary states that the balcony should be accessible from an interior space, not adjacent to the main entrance, see below.

"Covered Balcony. The front porch standard has been modified to allow the option of a covered balcony instead of a porch on attached houses. The balcony must be within 15 ft. of the grade and be accessible from an interior space. This will add flexibility while still promoting 'eyes on the street'."

(Community Planning Follow-Up Proposals Section II, Recommended Draft- Planning Commission Recommendations to City Council, pages 77.)

H. Vehicle areas

4. The proposed amendment changes the garage length from 8 ft. to 12 ft. The intent of this standard that regulates the length of garage walls on front façades was to allow every house at least a singe car garage. The number 8 ft. was used in error. It should have been twelve feet to allow a typical single car garage.

33.218.110 Standards for Primary and Attached Accessory Structures in R3, R2, and R1 Zones

G. Main entrances

3. Covered Balcony. Attached houses have the option of providing a covered balcony at all main entrances that face a street on the same facade as the main entrance instead of a front porch. The covered area provided by the balcony must be at least 48 square feet and 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.

H. Vehicle areas

- 4. Attached garages. When parking is provided in a garage attached to the primary structure, and garage doors face a street, the following standards must be met:
 - a. The garage must not be more than 40 percent of the length of the building frontage or-8 12 feet long, whichever is greater. Proposals in the Irvington Conservation District are exempt from this standard;

Commentary

CHAPTER 33.224 DRIVE-THROUGH FACILITIES

33.224.020 When These Regulations Apply

This amendment adds a cross-reference that directs users to other applicable regulations. A drive-through facility is considered a vehicle area by the Zoning Code and Chapter 33.266 further regulates the on-site location of vehicle areas.

CHAPTER 33.224 DRIVE-THROUGH FACILITIES

33.224.020 When These Regulations Apply

B. Site development. 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.

CHAPTER 33.229 ELDERLY AND DISABLED HIGH DENSITY HOUSING

33.229.010 Purpose

These changes to the purpose statement are consistent with the original intent of the regulation to make it easier to develop elderly and disabled housing in all zones where housing is an allowed use, including commercial zones and the EX zone. In the commercial zones, the provisions of this chapter allow a lower number of parking spaces to reflect the lower demand for parking among elderly and disabled persons.

33.229.020 Density Increase and Development Standards

- A. R3, R2, R1 and IR zones. This amendment clarifies that the minimum parking requirements of the base zone do not have to be met for elderly and disabled housing proposals.
- **B.** RH and EX zones. In the EX zone residential uses are subject to a maximum FAR of 3 to 1. The language has been changed to make it clear that elderly and disabled housing projects can develop to an FAR of 4 to 1 in the EX zone and take advantage of reduced parking requirements in exchange for meeting the other requirements and standards of this chapter.
- C. Commercial zones. In commercial zones, floor area for residential uses is not calculated as part of the FAR for the site and is allowed in addition to the FAR limits. Therefore, maximum density is not an issue in these zones. However, these changes make it clear that developers of elderly and disabled housing are allowed to take advantage of reduced parking requirements in exchange for meeting the other requirements and standards of this chapter.

Substantive change: This amendment adds the EX and C zones to the list of zones eligible to receive reduced parking requirements for elderly and disabled housing facilities. This change is consistent with the original intent of the regulations that is expressed in the purpose statement for the chapter.

33.229.040 Design Standards

A. Loading. This amendment updates the name of the state standards that regulate access for people with disabilities.

CHAPTER 33.229 ELDERLY AND DISABLED HIGH DENSITY HOUSING

33.229.010 Purpose

These regulations provide opportunities to integrate housing for elderly and disabled citizens with other types of housing and to increase the ability of the elderly and disabled to live independently and close to where services are generally available. The regulations allow increased density with special design and development standards in R3, R2, R1, RH, and R3 through RH, C, IR, and EX zones. on sites in other zones where the R3, R2, R1, RH, and IR standards apply. The regulations are intended only for new developments and projects that involve major remodeling.

33.229.020 Density Increase and Development Standards

- **A. R3**, **R2**, **R1**, **and IR zones**. In the R3, R2, R1, and IR zones, there is no limit on density if all of the following are met:
 - 1. The project complies with the development standards of the base zone, except for density <u>and minimum parking requirements</u>;
- **B.** RH <u>and EX</u> zones. In the RH <u>and EX</u> zones, the project can develop to an FAR of 4 to 1 if all of the following are met:
 - 1. The project complies with the development standards of the base zone, except for density <u>and minimum parking requirements</u>;
- C. Commercial zones. In commercial zones, required parking may be reduced if all of the following are met:
 - 1. The project complies with the development standards of the base zone. except for minimum parking requirements:
 - 2. The project complies with the standards of this chapter; and
 - 3. The site is at least 10,000 square feet in area.

33.229.040 Design Standards

A. Loading. Each project must have at least one passenger loading area that complies with the American National Standards Institute (ANSI) 117.1 1980, 4.6.5 Chapter 11 of the Oregon Structural Specialty Code.

Commentary

CHAPTER 33.236FLOATING STRUCTURES

These changes clarify the use categories that houseboats and moorages fall into. In addition, the regulations regarding the Willamette River are moved to the top of the section for additional clarity in the overall flow of the regulations.

CHAPTER 33.236 FLOATING STRUCTURES

Sections:

33.236.010 Purpose 33.236.015 Willamette River Restrictions 33.236.020 Allowed Uses 33.236.030 Houseboats 33.236.040 Willamette River Restrictions

33.236.050 Additional Regulations

33.236.060 Floating Structures Code

33.236.010 Purpose

This chapter adapts the existing upland regulations for use with floating structures.

33.236.015 Willamette River Restrictions

The Willamette Greenway regulations prohibit floating structures that are not riverdependent or river-related to locate on the Willamette River unless a Greenway goal exception is obtained. For example, uses such as houseboats, restaurants, bars, grocery stores, and general office uses are not river-dependent or river-related. The exception to this is that new houseboats may locate in existing houseboat moorages. However, new houseboat moorages, the expansion of existing houseboat moorages, and the relocation of existing houseboat moorages are prohibited without a Greenway goal exception. See Chapter 33.440, Greenway Zones.

33.236.020 Allowed Uses

All uses in floating structures must be an allowed use on the upland lot they are attached to and must comply with all use regulations applying to the upland lot.

33.236.030 Houseboats

Houseboats and houseboat moorages are classified under the general use category of Household Living. An individual houseboat outside of a houseboat moorage is considered a single-dwelling use of the upland lot. A houseboat moorage is considered a multi-dwelling use. Generally, an individual houseboat outside of a houseboat moorage is allowed only where a single dwelling use would be allowed on the upland lot, and a houseboat moorage is allowed only where a multi-dwelling use is allowed on the upland lot.

In the EG and I zones, houseboats and houseboat moorages are a conditional use.

Commentary

CHAPTER 33.236, continued.

33.236.040 Willamette River Restrictions

The Willamette Greenway regulations prohibit floating structures that are not river-dependent or river-related to locate on the Willamette River unless a Greenway Goal Exception is obtained. For example, uses such as houseboats, restaurants, bars, grocery stores, and general office uses are not river-dependent or river-related. The exception to this is that new houseboats may locate in existing houseboat moorages. However, new houseboat moorages, the expansion of existing houseboat moorages, and the relocation of existing houseboat moorages are prohibited without a Greenway Goal Exception. See Chapter 33.440, Greenway Zones.

33.236.050 Additional Regulations

- **A. Ownership of the upland lot.** The owner of the floating structure must own or lease enough of the upland lot to meet all of the applicable regulations for the site.
- **B. Density and Ffloor Aarea.** Uses in floating structures are not subject to the density and floor area regulations of the upland lot.
- **C. Development Sstandards.** The development standards applicable to floating structures and associated upland accessory structures are stated below.

CHAPTER 33.248 LANDSCAPING AND SCREENING

33.248.020 Landscaping and Screening Standards

A. L1, general landscaping.

2. This section has been organized to read better. No language has been deleted or added.

33.248.050 Landscaped Areas on Corner Lots

This amendment corrects an incorrect reference to another City title.

CHAPTER 33.248 LANDSCAPING AND SCREENING

33.248.020 Landscaping and Screening Standards

A. L1, general landscaping.

- 1. Intent. The L1 standard is a landscape treatment for open areas. It is intended to be applied in situations where distance is used as the principal means of separating uses or development, and landscaping is required to enhance the area in-between. While primarily consisting of ground cover plants, it also includes a mixture of trees, high shrubs, and low shrubs.
- 2. Required materials. The L1 standard has two different requirements for trees and shrubs. Where the area to be landscaped is less than 30 feet deep, the standard is one tree per 30 linear feet. Where the area is 30 feet deep or greater, the requirement is one tree per 800 square feet and either two high shrubs or three low shrubs per 400 square feet of landscaped area. The shrubs and trees may be grouped. Ground cover plants must fully cover the remainder of the landscaped area. See Figure 248-1.
- 2. Required materials. The L1 standard has two different requirements for trees and shrubs. Ground cover plants must fully cover the remainder of the landscaped area. See Figure 248-1.
 - a. Where the area to be landscaped is less than 30 feet deep, the standard is one tree per 30 linear feet. Trees may be grouped.
 - b. Where the area is 30 feet deep or greater, the requirement is one tree per 800 square feet and either two high shrubs or three low shrubs per 400 square feet of landscaped area. The shrubs and trees may be grouped.

33.248.050 Landscaped Areas on Corner Lots

All landscaped areas on corner lots must meet the vision clearance standards of Subsection 26.240, Obstruction of Vision at Intersections, Section 16.70.800 of Title 16, Vehicles and Traffic. If high shrubs or other sight-obscuring screening is required by this Title, low screening must be substituted within vision clearance areas.

CHAPTER 33.262
OFF-SITE IMPACTS

33.262.070 Odor

A. Odor standard. This change removes a reference to a mechanical device that is no longer useful. The current language prescribes a device, the "scentometer," that was tried in the early 1990s. The State of Oregon Department of Environmental Quality (DEQ) no longer uses this device. Instead, DEQ relies upon qualitative descriptions of an odor problem.

CHAPTER 33.262 OFF-SITE IMPACTS

33.262.070 Odor

A. Odor standard. Continuous, frequent, or repetitive odors may not be produced. which exceed scentometer No. 0. The odor threshold is the point at which an odor may just be detected. The scentometer reading is based on the number of clean air dilutions required to reduce the odorous air to the threshold level. Scentometer No. 0 is 1 to 2 dilutions of clean air.

Odor is regulated by the Department of Environmental Quality.

CHAPTER 33.266
PARKING AND LOADING

33.266.100 General Regulations

A. Where the regulations apply. This amendment corrects an incorrect reference to a use category. Park and rides are considered part of the Basic Utilities use category. "Infrastructure" is not currently one of the use categories in the Zoning Code.

33.266.120 Development Standards for Houses, Attached Houses, and Duplexes

C. Parking area locations.

2. Non-required parking. This paragraph has been changed to clarify that non-required parking is allowed within the first 10 feet from a front lot line or in a required front setback, as long as it does not block the right-of-way and is located in the same driveway behind a required parking space that meets the standards in paragraph C.1. In addition, a diagram has been added for extra clarity.

Substantive change: This amendment makes the regulations on non-required parking areas more specific. The change allows parking multiple vehicles in driveways, but prevents property owners from paving over additional areas in the setback to park extra cars.

3. Front yard restrictions. This change clarifies that the front yard restrictions apply to any area between the front lot line and the front building line that is used as a parking area or driveway, regardless of whether it is paved or not. The word "area" is added to this paragraph when referring to parking in order to clarify that these restrictions apply to any area that is devoted to the standing, maneuvering, and circulation of motor vehicles. Refer to the definition of "parking area" in Chapter 33.910.

CHAPTER 33.266 PARKING AND LOADING

33.266.100 General Regulations

A. Where the regulations apply. The regulations of this chapter apply to all parking areas in all zones, whether required by this code or put in for the convenience of property owners or users. Parking areas include those accessory to a use, part of a Commercial Parking use, or for a park and ride use facility in the Infrastructure Basic Utilities use category.

33.266.120 Development Standards for Houses, Attached Houses, and Duplexes

C. Parking area locations.

- 2. Non-required parking. Where non-required parking is provided on a site, at least one parking space (required or not required) must meet the standards for required parking stated in Paragraph C.1 above. A non-required parking space is allowed within the first 10 feet from a front lot line or in a required front setback if it is in a driveway immediately behind a required parking space (See Figure 266-1, Non-Required Parking). On a corner lot, where the driveway is in the required side setback, a non-required space is allowed within the first 10 feet from the side street lot line or in the required side setback if it is in a driveway immediately behind a required parking space.
- 3. Front yard restrictions. In the single-dwelling zones, no more than 40 percent of the land area between the front lot line and the front building line may be paved for parking or driveway purposes vehicle areas. In the multi-dwelling, C, E, and I zones, no more than 20 percent of the land area between the front lot line and the front building line may be paved for parking or driveway purposes vehicle areas. In addition, on corner lots, no more than 20 percent of the land area between the side street lot line and the side street building line may be paved for a parking area or driveway purposes vehicle areas. See Figure 266-12. As an exception to the area limitations in this paragraph, a lot is allowed at least a 9-foot wide driveway or parking area vehicle area.

33.266.120 Development Standards for Houses, Attached Houses, and Duplexes, continued.

Figure 266-1, Non-Required Parking

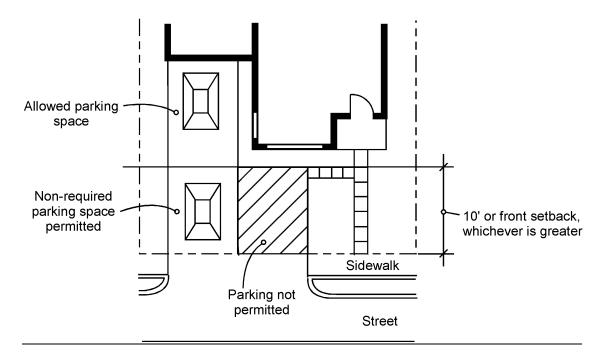
The diagram clarifies the new regulation added under 33.266.120.C.2.

33.266.130 Development Standards for All Other Uses

C. On-site locations of vehicle areas.

By making changes to paragraph 1 and creating paragraph 2, this amendment separates and clarifies the regulations for vehicle area location and those regulating setbacks for vehicle areas that are contained in a structure.

Figure 266-1
Non-Required Parking



(Renumber existing figure 266-1 to 266-2 and figure 266-2 to 266-3.) (Revise note [1] under Table 266-5 to reference figure 266-3.)

33.266.130 Development Standards for All Other Uses

C. On-site locations of vehicle areas.

- 1. Location and building setbacks of vehicle areas. The allowed on-site location of all vehicle areas is stated in Table 266-3. Parking in structures is subject to the building setbacks of the base zone. However, parking in structures where there is no forward ingress and egress from the street is subject to the garage entrance setback of 18 feet.
- 2. Building setbacks for structures that contain vehicle areas. Structures that contain vehicle areas are subject to the building setbacks of the base zone. However, structures that contain vehicle areas where there is no forward ingress and egress from the street are subject to the garage entrance setback of 18 feet.
- 23. Frontage limitation. (No change)

33.266.130 Development Standards for All Other Uses, continued.

Table 266-3

The changes made in Table 266-3 clarify the distinction between locations where vehicle areas are "not allowed" and where they are "prohibited." In the CM and CS zones there are several exceptions noted in [3], but adjustments to these exceptions are prohibited. In zones where it states that vehicle areas are "not allowed," adjustments are permitted.

Policy change: This amendment allows more flexibility in the placement of vehicle areas on sites zoned CS and CM than current regulations, which prohibit vehicle areas between a building and any street. On sites with multiple street frontages, the existing regulations severely restrict vehicle areas. The amendment recognizes that many sites cannot provide vehicle areas on site and still meet the current regulation.

E. Setbacks and perimeter landscaping for parking areas. These changes clarify several aspects of this subsection. The new format makes clear which requirements apply to the various types of parking (surface, structured, stacked). It also clarifies that the landscaping requirement is not waived if the parking lot is on the interior of a site. The applicant may choose where the landscaping is placed, but the requirements are not waived.

Table 266-3 Locations of Vehicle Areas		
Zone	Allowed Locations	
OS, RF - R2, EG2, I	No restrictions.	
R1, RH, IR, CN, CO, CG, EG1	Not allowed between the portion of the building that complies with the maximum transit street setback and the transit street [1,2]	
CM, CS	Prohibited between a building and any street [3]	
RX, CX, EX	Not allowed between a building and any street. [1]	

Notes:

- [1] Developments on through lots or sites with three street frontages may have vehicle areas between the building and one of the <u>local service</u> streets. Development on full blocks may have vehicle areas between the building and two of the <u>local service</u> streets. However, the vehicle areas are not allowed between must be between a local street and the building, not and an arterial or transit street.
- [2] This restriction also applies to streets in Pedestrian Districts.
- [3] Developments on through lots or sites with three street frontages may have vehicle areas between the building and one local service street. Development on full blocks may have vehicle areas between the building and two local service streets. However, vehicle areas between the building and an arterial or transit street are prohibited.
- E. Setbacks and perimeter landscaping for parking areas. The minimum required setbacks and landscaping for surface parking areas are stated in Table 266-4. The setback and landscaping requirements also apply to any portion of structured parking areas where the parking area is within 4 feet of adjacent grade and there is no roof over it. The landscaping requirements also apply to parking area driveways. The setbacks apply when a parking area abuts a street or lot line. For stacked parking areas, see 33.266.140 below.
 - 1. Surface parking. The minimum required setbacks and landscaping for surface parking areas are stated in Table 266-4. Landscaping requirements apply to all parking areas, including those in the interior of a site, and driveways. The setbacks apply when a parking area abuts a lot line.
 - 2. Structured parking. The setback and landscaping requirements in Table 266-4 apply to any portion of structured parking areas where the parking area is within 4 feet of adjacent grade and there is no roof over it. The landscaping requirements also apply to gross building area or driveways.
 - 3. For stacked parking areas, see 33.266.140 below.

33.266.130 Development Standards for All Other Uses, continued.

- F. Parking area layouts.
 - 3. Disabled parking. This amendment corrects an incorrect chapter reference to the Uniform Building Code.

33.266.150 Vehicles in Residential Zones

F. I noperable vehicles. This amendment corrects an incorrect reference to another City title.

33.266.210 Required Bicycle Parking

A. Number of spaces required. The added language clarifies that the bicycle parking requirements are calculated based on the primary use or uses on a site. While there are not separate bicycle parking requirements for accessory uses, the net building area devoted to accessory uses is included when calculating the minimum bicycle parking in cases where the requirement is based on net building area.

If there is no bicycle parking requirements for the primary uses on a site, then there are no spaces required for the net building area devoted to accessory uses.

F. Parking area layouts.

- 3. <u>Disabled parking</u>. <u>Parking for disabled persons</u>. The <u>Bureau of Buildings</u> <u>OPDR</u> regulates the following disabled person parking standards and access standards through <u>Chapter 31 of the Uniform Building Code</u> <u>the</u> <u>Oregon Structural Specialty Code</u>.
 - Dimensions of disabled person parking spaces and access aisles;
 - The minimum number of disabled person parking spaces required;
 - · Location of disabled person parking spaces and circulation routes;
 - Curb cuts and ramps including slope, width and location;
 - · Signage and pavement markings.

33.266.150 Vehicles in Residential Zones

F. Inoperable vehicles. The outdoor accumulation and storage of inoperable, neglected, or discarded vehicles is regulated by Subsection 03.090 of Title 18, Nuisance Abatement and Noise Control Section 29.20.010 of Title 29, Property and Maintenance Regulations.

33.266.210 Required Bicycle Parking

A. Number of spaces required.

- 1. The required minimum number of bicycle parking spaces for each use category is shown on Table 266-6. No bicycle parking is required for uses not listed.
- 2. The required minimum number of bicycle parking spaces is based on the primary uses on a site. There are no bicycle parking requirements for accessory uses. However, if the required number of spaces for the primary uses is based on net building area, the net building area of accessory uses is included with the primary uses in the calculation. For example, a Manufacturing and Production use of 45,000 square feet with 15,000 square feet of accessory Office use would have a bicycle parking requirement of 4 spaces, based on 60,000 square feet of net building area. If the primary use is not listed in Table 266-6, no bicycle parking is required for the accessory use.
- 3. When there are two or more separate primary uses on a site, the required bicycle parking for the site is the sum of the required parking for the individual primary uses.

CHAPTER 33.272
PUBLIC RECREATIONAL TRAILS

33.272.070 Trail Maintenance and Liability

A. City maintenance. This amendment corrects an incorrect title for the director of another City bureau.

CHAPTER 33.272 PUBLIC RECREATIONAL TRAILS

33.272.070 Trail Maintenance and Liability

A. City maintenance. The City will accept maintenance and liability, similar to its responsibilities for City-owned park property, for a recreational trail segment if the City Engineer or Superintendent of the Bureau of Parks the Director of Portland Parks and Recreation finds all of the following:

CHAPTER 33.274 RADIO FREQUENCY TRANSMISSION FACILITIES

33.274.035 Facilities Allowed Without a Conditional Use Review

These changes correct incorrect wording.

33.274.040 Development Standards

These changes correct incorrect wording.

CHAPTER 33.274 RADIO FREQUENCY TRANSMISSION FACILITIES

33.274.035 Facilities Allowed Without a Conditional Use Review

- Facilities in C and or EX zones operating at between 101 and 999 watts ERP mounted on an existing building or other non-broadcast structure provided that the facility is more than 50 feet from an R zone.
- **D.** Facilities in EG and or I zones operating at between 101 and 999 watts ERP mounted on an existing building or other non-broadcast structure.

33.274.040 Development Standards

C. General requirements

Antenna requirements.

Table 274-2 Distance Between Antenna and Habitable Portion Area of Structure (Where f is frequency in megahertz.)					
Effective Radiated Power	Frequency (MHz)	Point A: Minimum Distance From Highest Point of Antenna To Habitable Area of Structure (feet)	Point B: Minimum Distance From Closest Portion Of Antenna To Habitable Area of Structure (feet)		
< 100 watts		10	3		
100 watts to 999 watts		15	6		
1,000 watts to 9.999 Kw	< 7 7 - 30 30 - 300 300 - 1500 > 1500	11 f/0.67 45 780/vf 20	5 f/1.5 20 364/vf 10		
10 Kw plus	< 7 7 - 30 30 - 300 300 - 1500 1500	17.5 f/0.4 75 1300/vf 34	8 f/0.91 33 572/vf 15		

- Landscaping and screening. The base of a tower and all accessory equipment or structures located at grade must be fully screened from the street and any abutting sites as follows:
 - b. In OS and or R zones and or within 50 feet of an R zone. A tower and all accessory equipment or structures located in an OS or R zone or within 50 feet of an R zoned site must meet the following landscape standards:

Commentary

CHAPTER 33.285 SHORT TERM HOUSING AND MASS SHELTERS

33.285.030 Where These Regulations Apply

The amendment adds a reference to exemptions from the regulations.

33.285.040 Use Regulations

B. Mass shelters. This change clarifies the regulations for mass shelters in the RF through R1 and I R zones.

CHAPTER 33.285 SHORT TERM HOUSING AND MASS SHELTERS

33.285.030 Where These Regulations Apply

The regulations of Sections 33.285.040 through 33.258.050 apply to short term housing and mass shelters in all zones, except as specified in 33.285.040.B.1.

33.285.040 Use Regulations

B. Mass shelters.

1. RF through R1 and IR zones. Mass shelters in RF through R1 and IR zones are a conditional use, reviewed through a Type III procedure. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.

Expansion of floor area or increase in the number of residents in an existing mass shelter is processed according to Section 33.815.040, Review Procedures for Conditional Uses. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.

The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.

CHAPTER 33.286 SIGNS

33.286.200 Sign Placement

G. Pedestrian area clearances. The change makes the Zoning Code development for pedestrian clearance the same as the building code standard.

CHAPTER 33.286 SIGNS

33.286.200 Sign Placement

G. Pedestrian area clearances. When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure, including free-hanging valances, must be at least 8-1/2 feet above the ground. However, a free-hanging valance can extend to within 7-1/2 feet of the ground. Exceptions or adjustments are prohibited.

CHAPTER 33.296 TEMPORARY ACTIVITIES33.296.030 Zone and Duration

These changes complete incomplete sentences with no change of meaning.

CHAPTER 33.296 TEMPORARY ACTIVITIES

33.296.030 Zone and Duration

A. IR and RF through RH zones.

8. Radio Frequency Transmission Facilities. Temporary facilities, operating with less than 1,000 watts ERP, <u>are allowed</u> for a period of time not to exceed 30 days of consecutive operation, nor more than 120 days of operating in total.

B. RX, C, E, and I zones.

7. Radio Frequency Transmission Facilities. Temporary facilities, operating with less than 1,000 watts ERP, <u>are allowed</u> for a period of time not to exceed 30 days of consecutive operation, nor more than 120 days of operating in total.

C. OS zone.

4. Radio Frequency Transmission Facilities. Temporary facilities, operating with less than 1,000 watts ERP, <u>are allowed</u> for a period of time not to exceed 30 days of consecutive operation, nor more than 120 days of operating in total.

Commentary

33.400s - OVERLAY ZONES

This amendment would add a reference to the 400s chapters table of contents to refer users to the Index of Symbols on the Official Zoning Maps.

400s - OVERLAY ZONES

33.400 Aircraft Landing Zone - h 33.405 Alternative Design Density Overlay Zone - a 33.410 Buffer Zone - b 33.420 Design Overlay Zone - d 33.430 Environmental Zone - c or p 33.435 Future Urban Zone - f 33.440 Greenway Zones - n, r, g or i 33.445 Historic Resource Protection Overlay Zone 33.450 Light Rail Transit Station Zone - t 33.470 Portland International Airport Noise Impact Zone - x 33.480 Scenic Resource Zone - s

A list of symbols that appear on the Official Zoning Maps, and their corresponding Zoning Code chapters is contained in the front of the Zoning Code, following the Table of Contents, under "Index of Symbols on the Official Zoning Maps".

CHAPTER 33.405 ALTERNATIVE DESIGN DENSITY ZONE

33.405.040 Regulations for Accessory Dwelling Units

- A. Where these regulations apply. The amendment adds the same "where these regulation apply" language that appears in 33.205.020, the citywide regulations for accessory dwelling units. This amendment will clarify what types of buildings are eligible to use these regulations. It will not, however, change the way this section is implemented. The proposed language reflects the Zoning Code definition for accessory dwelling unit: "a second dwelling unit created on a lot with a house, attached houses, or manufactured home." This amendment will also create parallel construction with Chapter 33.205, Accessory Dwelling Units.
- **A.** through H. The amendment re-letters the existing regulations. There are no content changes.

CHAPTER 33.405 ALTERNATIVE DESIGN DENSITY ZONE

33.405.040 Regulations for Accessory Dwelling Units

- A. Where these regulations apply. An accessory dwelling unit may be added to a house, attached house, or manufactured home in an R zone, except for attached houses in the R20 through R5 zones that were built using the regulations of 33.110.240.F, Duplexes and Attached Houses on Corners.
- **A. through H.** (Re-letter A. through H. to B. through I.)

CHAPTER 33.420 DESIGN OVERLAY ZONE

33.420.041 When Design Review is Required. These changes clarify that houseboats are exempt from a design review requirement. The moorage itself is subject to design review. Other nonresidential floating buildings or structures such as floating restaurants are subject to design review.

33.420.045 Exempt From Design Review

- **O.** Cellular antennas. This change makes this reference to radio frequency transmission facilities technically correct.
- P. This correction clarifies that only exterior alterations to existing development and construction of detached accessory structures are exempt from design review in the Sellwood-Moreland Design District. This is the intent of the Sellwood-Moreland Neighborhood Plan.
- Q. Houseboats.

CHAPTER 33.420 DESIGN OVERLAY ZONE

33.420.041 When Design Review is Required

Unless exempted by Section 33.420.045, Exempt From Design Review, design review is required for the following:

J. Floating structures, except individual houseboats.

33.420.045 Exempt From Design Review

The following items are exempt from design review:

- **N.** Rooftop mechanical equipment that is added to the roof of an existing building at least 45 feet tall and set back 4 feet for every 1 foot of height, measured from the edges of the roof or top of parapet; and
- **O.** Cellular antennas Radio frequency transmission facilities operating at 100 watts ERP or less that are added to the facade of an existing penthouse that contains mechanical equipment provided the antenna and any accessory equipment are no higher than the top of the penthouse and painted to match;
- **P.** Within the Sellwood Moreland Design District, including eExterior alterations to existing development and construction of detached accessory structures within the Sellwood-Moreland Design District; and
- **Q.** Houseboats.

CHAPTER 33.430 ENVIRONMENTAL ZONES

33.430.430 Procedure

B. Notice of a request. This change extends the time within which the applicant must post a public notice on the site from 24 hours after submitting an application to 24 hours after the application is deemed complete. Application procedures include posting notice of a building or development permit request on site. This extra time will make posting more feasible and likely to be more accurate.

CHAPTER 33.430 ENVIRONMENTAL ZONES

33.430.430 Procedure

B. Notice of a request.

2. Posting notice on the site. The applicant must place a public notice about the request on the site within 24 hours of submitting an application for a permit after the application is deemed complete by the Office of Planning and Development Review. A posted notice must be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. The posted notice will contain the same information as the mailed notice.

CHAPTER 33.445 HISTORIC RESOURCE PROTECTION OVERLAY ZONE

33.445.235 Exempt From Demolition Review and Demolition Delay

This change corrects two incorrect references in this section. The City Auditor requests these corrections.

CHAPTER 33.445 HISTORIC RESOURCE PROTECTION OVERLAY ZONE

33.445.235 Exempt From Demolition Review and Demolition Delay

The following are exempt from demolition delay and demolition review:

- **A.** Demolition of historic resources required to be demolished by the Bureau of Buildings Office of Planning and Development Review due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in 24.55.250(f)(1) of Title 24, Building Regulations Section 29.40.030 of Title 29. Property Maintenance Regulations:
- **B.** Demolition of historic resources required to be demolished by the Code Hearings Officer, as provided for in Section 24.55.300 of Title 24, Building Regulations Section 29.60.080 of Title 29, Property Maintenance Regulations;

Commentary

CHAPTER 33.450 LIGHT RAIL TRANSIT STATION ZONE

33.450.430 Location of Vehicle Access

This change omits an unnecessary reference to the Central City Plan District. All plan district regulations supersede those in base zones and overlay zones. Any regulations regarding the location of vehicle areas contained in the Central City Plan District or other plan districts will supersede this chapter.

CHAPTER 33.450 LIGHT RAIL TRANSIT STATION ZONE

33.450.430 Location of Vehicle Access

Parking access near a light rail alignment. New motor vehicle access to any parking area is prohibited within 75 feet of a light rail alignment. Location of vehicle areas is regulated by Chapter 33.266, Parking and Loading. except as provided in 33.510.235.B.5.

33.500s - PLAN DISTRICTS

This amendment would add a reference to the 500s chapters table of contents to refer users to the Index of Symbols on the Official Zoning Maps.

500s - PLAN DISTRICTS

33.500	Plan Districts in General
33.505	Albina Community Plan District
33.508	CascadeStation/Portland International Center
	(CS/PIC) Plan District
33.510	Central City Plan District
33.515	Columbia South Shore Plan District
33.526	Gateway Plan District
33.530	Glendoveer Plan District
33.533	Healy Heights Plan District
33.534	Hillsdale Plan District
33.535	Johnson Creek Basin Plan District
33.540	Laurelhurst-Eastmoreland Plan District
33.550	Macadam Plan District
33.560	North Cully Plan District
33.564	Portland International Raceway Plan District
33.565	Powell Boulevard Plan District
33.570	Rocky Butte Plan District
33.575	Skyline Plan District
33.580	South Auditorium Plan District
33.585	Swan Island Plan District

A list of symbols that appear on the Official Zoning Maps, and their corresponding Zoning Code chapters is contained in the front of the Zoning Code, following the Table of Contents, under "Index of Symbols on the Official Zoning Maps".

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Commentary

CHAPTER 33.508 CASCADE STATION/PORTLAND INTERNATIONAL CENTER (CS/PIC) PLAN DISTRICT

33.508.050 On-Site Containment

This amendment corrects the reference to the Bureau of Buildings in this paragraph. The reference to Bureau of Buildings as the bureau that reviews onsite containment of hazardous substances is incorrect – it is the Water Bureau that does the review. Also, the Design Handbook reference should be changed to the BES Stormwater Management Manual, available in the Development Services Center.

CHAPTER 33.508 CASCADE STATION/PORTLAND INTERNATIONAL CENTER (CS/PIC) PLAN DISTRICT

33.508.050 On-Site Containment

Any new use, new development, or change to existing development that involves the manufacture, use, loading, handling, storing, or disposing of hazardous substances must be reviewed <u>and approved</u> by the <u>Bureau of Buildings Bureau of Water Works</u> to ensure adequate on-site containment of the hazardous substances. This includes changes in the type of hazardous substances used and changes in the location or method of loading, storing, or disposing of hazardous substances. The review is based on the standards of the <u>Columbia South Shore Hazardous Materials Containment</u> <u>Facilities Design Handbook Stormwater Management Manual</u>. The application form and <u>design handbook Stormwater Management Manual</u> are available from the <u>zoning</u> <u>counter at the Permit Center Development Services Center</u>.

Commentary

CHAPTER 33.510 CENTRAL CITY PLAN DISTRICT

Table of Contents

These corrections add the following:

- A new section (Exemptions for Portland State University), and change the name of Map 510-7 to be consistent with the Zoning Code section title it references.
 Other references in Chapter 33.510 are also corrected.
- Two new sections added to the plan district with the *Amendments to the Central City Plan District for Uses to the Open Space Zone* project, Ordinance 174160, adopted by City Council on February 9, 2000. These sections were inadvertently left out of the Table of Contents in the Planning Commission Recommended Draft for the project.

CHAPTER 33.510 CENTRAL CITY PLAN DISTRICT

Sections:	
General	
33.510.010	
33.510.020	Where the Regulations Apply
Use Regulations	
	Vehicle Repair Uses
	Vehicle Sales or Leasing
	Mixed Use Waterfront Development
	Commercial Parking
	Office Uses in the IG1 Zone
	Exemptions for Portland State University
	Additional Uses Allowed in the Open Space Zone
Development St	
	Floor Area Ratios
33.510.205	Height
	Floor Area and Height Bonus Options
33.510.215	Required Building Lines
33.510.220	Ground Floor Windows
33.510.223	Exterior Display and Storage
33.510.225	Active Building Use Areas
33.510.230	Required Residential Development Areas
33.510.240	Drive-Through Facilities
33.510.242	Demolitions
33.510.245	Northwest Triangle Open Area Requirement
33.510.250	Northwest Triangle Waterfront Development
33.510.253	North Macadam Interim Transportation Review
	Central City Master Plans
33.510.257	Signs for Additional Uses Allowed in the Open Space Zone
Parking and Acc	cess
33.510.261	Parking
33.510.263	Parking in the Core Area
33.510.264	Parking in Lloyd District
33.510.265	Parking in the Goose Hollow Subdistrict and Central Eastside Sectors 2 and 3
33.510.267	Parking in the Lower Albina Subdistrict; the North Macadam
	Subdistrict;
	Central Eastside Sectors 1, 4, 5, and 6; and River District Sectors 1
	and 2.
Map 510-1 Cen	tral City Plan District and Subdistricts
	kimum Floor Area
Map 510-3 Max	
	nus Options Target Areas
	uired Residential Development Areas
	uired Building Lines
	uired Retail Opportunity Areas Active Building Use Areas
	e and Parking Sectors
	king Access Restricted Streets

33.510.114 Exemptions for Portland State University

This amendment adds a new section to the Central City Plan District, and provides an exemption to Conditional Use requirements for sites with split zoning.

Substantive change: This amendment adds an exemption for PSU to the conditional use requirements for sites with split zoning. This change is consistent with adopted policy for the University Subdistrict of the Central City Plan District.

33.510.205 Height

D. Performance standard for sites adjacent to historic districts. This amendment changes an outdated reference to "required retail opportunity area" regulations to the new term for the regulations: "Active Building Use Area standard."

33.510.210 Floor Area and Height Bonus Options.

- C. Bonus floor area options.
 - 6. "Percent for Art" bonus option.

This correction references the formerly named Metropolitan Arts Commission (MAC) by its new name, the Regional Arts and Culture Council (RACC).

33.510.114 Exemptions for Portland State University

<u>Development by Portland State University within the University District, is exempt from the Conditional Use requirements of 33.815.070, Sites with Split Zoning.</u>

33.510.205 Height

- D. Performance standard for sites adjacent to historic districts.
 - g. Portions of the structure located behind the street wall must comply with the required retail opportunity provisions Active Building Use Area standard of 33.510.225;

33.510.210 Floor Area and Height Bonus Options

- C. Bonus floor area options.
 - 6. "Percent for Art" bonus option.
 - a. At least 25 percent of the project's public art funds must be placed in a Central City Public Art Trust fund, maintained by the Metropolitan Arts Commission Regional Arts and Culture Council. The developer may place all of the public art funds in the trust fund. The Central City-Public Art Trust Fund is used to purchase and install public art only in the Central City plan district.
 - b. The process and budget for selecting the artist and for selecting and installing the specific works of art to be included in the project must be approved by the Metropolitan Arts Commission Regional Arts and Culture Council. The Metropolitan Arts Commission Regional Arts and Culture Council maintains and publishes guidelines and procedures for review, selection, installation, and payment for works of art included in a project.
 - c. Works of art must be approved by the Metropolitan Arts Commission Regional Arts and Culture Council.
 - d. Works of art must be placed on the outside of the building or at a location clearly visible and freely accessible to the public from the sidewalk during daylight hours. The location of each work of art will be approved by the Metropolitan Arts Commission Regional Arts and Culture Council. The Design Commission will recommend appropriate locations prior to the Arts Commission Regional Arts and Culture Council approval.

33.510.210 Floor Area and Height Bonus Options, continued.

D. General bonus heights. This amendment allows transfers of FAR from historic landmark buildings and Single Room Occupancy Developments (SROs) to earn additional heights under the Central City Plan's height bonus system. Currently, the Central City bonus options allow additional height and FAR to be earned in exchange for certain amenities such as daycare centers, residential floor area, or public artwork. However, when the current bonus options were adopted, transfer of FAR from landmarks and SROs were not included in the list of actions that could earn additional height.

Substantive Change: This amendment is consistent with existing policies for preserving historic landmark buildings, encouraging the development of SRO housing, and allowing more intense development in the Central City, where transit and other services are readily available.

(Note: this amendment was added by the Planning Commission during the public hearing process.)

- **D. General bonus heights.** Bonus height is also earned at certain locations in addition to the bonus floor area achieved through the bonus options. Bonus height is in addition to the maximum heights of Map 510-3. Qualifying areas, shown on Map 510-3, are located such that increased height will not violate established view corridors, the preservation of the character of historical districts, the protection of public open spaces from shadow, and the preservation of the City's visual focus on important buildings (such as the Union Station Clock Tower). The height bonus allowed is based on the FAR bonus options of Subsection C. above. In areas qualifying for a height bonus, the amount of bonus height awarded is based on the following schedule.
 - 1. For achieving a bonus floor area ratio of at least 1 to 1, but less than 2 to 1, a height bonus of 15 feet is earned.
 - 2. For achieving a bonus floor area ratio of at least 2 to 1, but less than 3 to 1, a height bonus of 30 feet is earned.
 - 3. For achieving a bonus floor area ratio of 3 to 1, a height bonus of 45 feet is earned.
- The height bonus allowed is based on the FAR bonuses and transfers listed in Paragraph D.1, below. The amount of bonus height awarded is specified in Paragraph D.2, below.
 - 1. The height bonus allowed is based on the following:
 - a. The FAR bonus options of Subsection 33.510.210.C. above:
 - b. The transfer of FAR from sites occupied by SROs, as allowed by Subsection 33.510.200.E; and
 - c. The transfer of FAR from sites of Historic Landmarks, as allowed by the regulations of the base zones.
 - 2. In areas qualifying for a height bonus, the amount of bonus height awarded is based on the following schedule:
 - a. For achieving a bonus floor area ratio of at least 1 to 1, but less than 2 to 1, a height bonus of 15 feet is earned.
 - b. For achieving a bonus floor area ratio of at least 2 to 1, but less than 3 to 1, a height bonus of 30 feet is earned.
 - c. For achieving a bonus floor area ratio of 3 to 1, a height bonus of 45 feet is earned.

33.510.263 Parking in the Core Area

E. Residential/Hotel Parking.

10. Surface parking for hotels. This correction eliminates a grammatical error. "Either" refers to two things; this is a reference to a single subparagraph of the Code.

G. All Parking

5. Parking Structures. This amendment changes an outdated reference to "required retail opportunity area" regulations to the new term for the regulations: "Active Building Use Area standard."

33.510.263 Parking in the Core Area

E. Residential/Hotel Parking.

- 10. Surface parking for hotels.
 - a. Up to 20 parking spaces is an allowed use, where the following are met:
 - (1) The parking is adjacent to the building occupied by the hotel rooms it is created in conjunction with; and
 - (2) The total number of parking spaces—of any type—on the site is less than 21.

Where the provisions of this Subparagraph are not met, the parking is subject to CCPR under the provisions of either Subparagraph E.10.b, below.

G. All Parking

5. Parking Structures

- e. Street frontage in the Downtown and University District subdistricts. Within the Downtown and University District subdistricts, 50 percent of the street frontage wall must be developed for Retail Sales And Service or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to Retail Sales And Service or Office uses. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Required Retail Opportunity Areas Active Building Use Areas.
- f. Street frontage in other subdistricts. In Parking Sectors RD 3, 4, and 5, structures must comply with either the standard of Subparagraph G.5.e, above or the structure must be set back at least 5 feet and landscaped to at least the L3 standard of Chapter 33.248, Landscaping and Screening. If the structure complies with the landscaped setback standard, it is exempt from the ground floor windows standard of Section 33.510.220.

On sites subject to the $\frac{R}{R}$ equired $\frac{B}{B}$ uilding $\frac{L}{L}$ ines or $\frac{R}{L}$ required retail opportunity standards $\frac{A}{L}$ ctive Building Use Area standard of Sections 33.510.215 and 33.510.225, the standard of Subparagraph G.5.e, above, must be met; the landscaped setback standard may not be used.

33.510.263 Parking in the Core Area, continued.

Κ.

7. Special landscaping and screening standards.

This correction removes certain species of maples and hawthorn trees from a list of trees considered appropriate to meet certain landscaping and screening standards. These trees are on the City's Nuisance Plant List and are not appropriate to plant.

33.510.263 Parking in the Core Area, continued.

- **K.** The regulations of this subsection apply to parking in a surface lot that received a revocable permit or conditional use that required periodic reapplication, and was operating on January 8, 1996.
 - 7. Special landscaping and screening standards.
 - d. Small and columnar trees. The following trees have minimal "litter," and have a branching structure that will not interfere with street trees.
 - · Glorybower tree
 - Newport Plum
 - Flowering Ash
 - Capital Pear
 - Lavalle Hawthorn
 - Armstrong Red Maple
 - Tschonoskii Crabapple
 - Crimson Sentry Norway Maple
 - Columnar Norway Maple
 - e. Large trees. The following trees have minimal "litter," and are taller and wider than the trees in Subparagraph K.7.d, above.
 - · Scarlet Oak
 - Emerald Queen Norway Maple
 - Green Beech
 - Copper Beech
 - Crimson King Norway Maple
 - Yellowood
 - Katsura
 - Urbanite Ash
 - Zelcova
 - Royal Burgundy Cherry

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33.510.264 Parking in Lloyd District

- D. All Parking
 - **5. Parking Structures.** This amendment changes an outdated reference to "required retail opportunity area" regulations to the new term for the regulations: "Active Building Use Area standard."

33.510.264 Parking in Lloyd District

E. All Parking

5. Parking Structures

- Street frontage. Street frontage walls must meet one of these standards:
 - (1) Active uses standard. Fifty percent of the street frontage wall must be developed for Retail Sales And Service or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to Retail Sales And Service or Office uses. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Required Retail Opportunity Areas Active Building Use Areas; or
 - (2) Landscape setback standard. The structure must be set back at least 5 feet and landscaped to at least the L3 standard of Chapter 33.248, Landscaping and Screening. If the structure complies with the landscaped setback standard, it is exempt from the ground floor windows standard of Section 33.510.220.

On sites subject to the <u>rRequired bB</u>uilding <u>lLines</u> or <u>required retail opportunity standards</u> <u>Active Building Use Area standard</u> of Sections 33.510.215 and 33.510.225, the standard of Subparagraph F.5.b(1), above, must be met; the landscaped setback standard may not be used.

33.510.265 Parking in the Goose Hollow Subdistrict and Central Eastside Sectors 2 and 3

F. All Parking

5. Parking Structures. This amendment changes an outdated reference to "required retail opportunity area" regulations to the new term for the regulations: "Active Building Use Area standard."

33.510.265 Parking in the Goose Hollow Subdistrict and Central Eastside Sectors 2 and 3

F. All Parking

5. Parking Structures

- c. Street frontage. Street frontage walls must meet one of these standards:
 - (1) Active uses standard. Fifty percent of the street frontage wall must be developed for Retail Sales And Service or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to Retail Sales And Service or Office uses. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Required Retail Opportunity Areas Active Building Use Areas; or
 - (2) Landscape setback standard. The structure must be set back at least 5 feet and landscaped to at least the L3 standard of Chapter 33.248, Landscaping and Screening. If the structure complies with the landscaped setback standard, it is exempt from the ground floor windows standard of Section 33.510.220.

On sites subject to the $\frac{R}{E}$ equired $\frac{B}{E}$ uilding $\frac{B}{E}$ ines or $\frac{R}{E}$ retail opportunity standards Active Building Use Area standard of Sections 33.510.215 and 33.510.225, the standard of Subparagraph F.5.c(1), above, must be met; the landscaped setback standard may not be used.

33.510.267 Parking in the Lower Albina Subdistrict; the North Macadam Subdistrict; Central Eastside Sectors 1,4,5, and 6; and the River District Sectors 1 and 2.

F. All Parking

5. Parking Structures. This amendment changes an outdated reference to "required retail opportunity area" regulations to the new term for the regulations: "Active Building Use Area standard."

33.510.267 Parking in the Lower Albina Subdistrict; the North Macadam Subdistrict; Central Eastside Sectors 1,4,5, and 6; and the River District Sectors 1 and 2.

F. All Parking

5. Parking Structures

- b. Where parking occupies more than 50 percent of the gross building area of a structure:
 - (2) Street frontage. Street frontage walls must meet one of these standards:
 - Active uses standard. Fifty percent of the street frontage wall
 must be developed for Retail Sales And Service or Office uses.
 Areas designed to accommodate these uses may be developed
 at the time of construction, or may be designed for later
 conversion to Retail Sales And Service or Office uses. The
 area designed to accommodate Retail Sales And Service or
 Office uses must meet the standards of Section 33.510.225,
 Required Retail Opportunity Areas Active Building Use Areas;
 or
 - Landscape setback standard. The structure must be set back at least 5 feet and landscaped to at least the L3 standard of Chapter 33.248, Landscaping and Screening. If the structure complies with the landscaped setback standard, it is exempt from the ground floor windows standard of Section 33.510.220.

On sites subject to the <u>rRequired bBuilding lLines</u> or <u>required retail opportunity standards Active Building Use Area standard</u> of Sections 33.510.215 and 33.510.225, the standard of Subparagraph F.5.c(1), above, must be met; the landscaped setback standard may not be used.

Commentary

CHAPTER 33.515 COLUMBIA SOUTH SHORE PLAN DISTRICT

33.515.030 On-Site Containment

This amendment corrects the reference to the Bureau of Buildings in this paragraph. The reference to Bureau of Buildings as the bureau that reviews onsite containment of hazardous substances is incorrect – it is the Bureau of Water Works that does the review. Also, the Design Handbook reference should be changed to the BES Stormwater Management Manual, available in the Development Services Center.

33.515.205.E Airport Way Streetscape

This amendment eliminates duplicative references to the pedestrian standards in this chapter. No changes to the pedestrian requirements are made.

33.515.260 Public Recreational Trails

B. Columbia South Shore Trail. This amendment corrects the references to Portland Parks and Recreation.

CHAPTER 33.515 COLUMBIA SOUTH SHORE PLAN DISTRICT

33.515.030 On-Site Containment

Any new use, new development, or change to existing development that involves the manufacture, use, loading, handling, storing, or disposing of hazardous substances must be reviewed <u>and approved</u> by the <u>Bureau of Buildings Bureau of Water Works</u> to ensure adequate on-site containment of the hazardous substances. This includes changes in the type of hazardous substances used and changes in the location or method of loading, storing, or disposing of hazardous substances. The review is based on the standards of the <u>Columbia South Shore Hazardous Materials Containment</u> <u>Facilities Design Handbook Stormwater Management Manual</u>. The application form and <u>design handbook Stormwater Management Manual</u> are available from the <u>zoning</u> <u>counter at the Permit Center Development Services Center</u>.

33.515.205 Airport Way Streetscape

E. Pedestrian standards. All developments in the plan district are subject to the pedestrian standards of the EG2 zone.

33.515.260 Public Recreational Trails

B. Columbia South Shore Trail.

- 2. Columbia South Shore Slough Trail requirement. Prior to occupancy of any new or remodeled structure on a site containing a trail designation, the owner must either make the full trail improvement or pay into the Columbia South Shore Recreational Trail Trust Fund, with one exception: a property owner must build the trail at the time of development if both ends of their trail segment connect with another built trail or public right-of-way. The chosen option must be indicated on the building permit. If the trail improvement option is chosen, the trail location and construction specifications must be shown on the site plans.
 - b. Developed sites without the trail. The Bureau of Portland Parks and Recreation will construct the trail on sites previously developed without the trail when the following conditions are met:
 - (3) The property owner has agreed to repay the trust fund for the trail development costs when the property redevelops. A property owner must accept a lien on the property to secure repayment costs. Repayment is required before any building permit requiring the trail is issued. The repayment is based on the trail development costs formula determined by the Bureau of Portland Parks and Recreation.

Commentary

CHAPTER 33.585 SWAN ISLAND PLAN DISTRICT

33.585.060 Sunset Provision.

This amendment deletes a section in this chapter that is no longer relevant.

A riverbank mitigation plan was reviewed and approved in 1997 (LUR 96-01086 IM AD) so this section is no longer needed. The conditions of approval list specific actions the Port of Portland must take to comply with the City's decision, and include due dates for the actions. The approval is good for 10 years from the approval date (August 2, 1997), and then the Port must resubmit for another review.

CHAPTER 33.585 SWAN ISLAND PLAN DISTRICT

Sections:

General

33.585.010 Purpose

33.585.020 Where the Regulations Apply

Use Regulations

33.585.030 Additional Allowed Primary Uses

33.585.040 Additional Allowed Accessory Uses

Development Standards

33.585.050 Landscaping Within the Greenway Setback

Review for Timeliness

33.585.060 Sunset Provision

Map 585-1 Swan Island Plan District

Review for Timeliness

33.585.060 Sunset Provision.

This chapter will be automatically deleted from the code unless a riverbank development mitigation plan for all riverbank areas within the Swan Island Plan District has been submitted and approved by the City prior to January 1, 1998.

CHAPTER 33.700 ADMINISTRATION AND ENFORCEMENT

33.700.010 Uses and Development Which Are Allowed By Right

These changes clarify the division of responsibilities that occurred when the Development Review functions were separated from long-range planning functions into a new bureau—the Office of Planning and Development Review.

33.700.030 Violations and Enforcement

These changes clarify the division of responsibilities that occurred when the Development Review functions were separated from long-range planning functions into a new bureau—the Office of Planning and Development Review.

33.700.040 Reconsideration of Land Use Approvals

B. Situations when land use approvals may be reconsidered.

This amendment clarifies the circumstances under which land use approvals can be reconsidered for properties that have received automatic conditional use or automatic nonconforming use status. The code is currently unclear about what changes trigger reconsideration in cases where the existing use has no specific conditions of approval because it has not been subject to a conditional or nonconforming use review.

Substantive change: This change clarifies the circumstances under which land use approvals should be reconsidered.

E. Possible actions at the reconsideration hearing. (See above comments under 33.700.040.B.)

CHAPTER 33.700 ADMINISTRATION AND ENFORCEMENT

33.700.010 Uses and Development Which Are Allowed By Right

A. Method of review. Requests for uses and development which are allowed by right are reviewed for compliance with the zoning regulations. The review is a nondiscretionary administrative review. Decisions are made by the Planning Director of OPDR and are final. The review is done in a timely manner according to general operating procedures of the Bureau of Planning Office of <u>Planning and Development Review</u> and the City.

33.700.030 Violations and Enforcement

- C. Responsibility for enforcement.
 - By the Director of the Bureau of Buildings Office of Planning and <u>Development Review pursuant</u> to Chapter 3.30 and Title 22 of the City Code; or

33.700.040 Reconsideration of Land Use Approvals

- B. Situations when land use approvals may be reconsidered. All quasi-judicial land use approvals, except plan amendments and zone changes, may be reconsidered. In addition, all uses that became conditional uses or nonconforming uses due to a change of zoning regulations or mapping are also eligible for reconsideration. They may be reconsidered if there is evidence of any of the following situations:
 - 1. One or more conditions of the land use approval have not been implemented or have been violated;
 - 2. The activities of the use, or the use itself, are substantially different or have substantially increased in intensity from what was approved.

 Examples of increases in intensity are: an increase in the number of members, students, employees, visitors, or vehicle trips per event, per year, or per other comparable period of time; an increase in the hours of operation; or an increase in the number of events per year; or
 - 3. The use is subject to the conditional use or nonconforming use regulations, has not been subject to a conditional use or nonconforming use review, and has substantially changed its activities or substantially increased the intensity of its operations since it became a conditional use or a nonconforming use. Examples of increases in intensity are: an increase in the number of members, students, employees, visitors, or vehicle trips per event, per year, or per other comparable period of time; an increase in the hours of operation; or an increase in the number of events per year.
- **E. Possible actions at the reconsideration hearing.** Depending on the situation, the review body may take any of the actions described below. The review body may not approve a new use or one more intense than originally approved unless the possibility of this change has been stated in the public notice.

33.700.040 Reconsideration of Land Use Approvals, continued.

- 3. Conditional uses and nonconforming uses that have not been subject to a land use review are subject to the following actions.
 - a. The review body may find that the use and its activities, including its intensity, are consistent with what was on the site at the time it became a conditional or nonconforming use. In this case, the use is allowed to continue.
 - b. The review body may find that the use and its activities are substantially different or have substantially increased in intensity from what was on the site at the time it became a conditional use or nonconforming use and that the differences do not comply with the current approval criteria for the use. In this case, the review body may apply conditions or restrictions to ensure that the differences changes in activities or substantial increases in intensity comply with the current approval criteria for the use.

Commentary

CHAPTER 33.710 REVIEW BODIES

These changes clarify the division of responsibilities that occurred when the Development Review functions were separated from long-range planning functions into a new bureau—the Office of Planning and Development Review.

CHAPTER 33.710 REVIEW BODIES

33.710.030 Commissions, Committees, and Boards Generally

G. Staff.

- 1. Planning Commission. The Director of the Bureau of Planning must provide the Planning Commission each commission, committee, or board with staff assistance necessary to enable it to discharge its duties.
- 2. Design Commission, Historic Landmarks Commission, Adjustment
 Committee. The Director of the Office of Planning and Development Review
 must provide the Design Commission, Historic Landmarks Commission,
 and Adjustment Committee with staff assistance necessary to enable them
 to discharge their duties.

H. Records.

- 1. Planning Commission. The Director of the Bureau of Planning keeps an accurate record or minutes of all proceedings of the Planning Commission.
- Design Commission, Historic Landmarks Commission, Adjustment
 Committee. The Director of the Office of Planning and Development Review keeps an accurate record or minutes of all proceedings of the Design Commission, Historic Landmarks Commission, and Adjustment Committee.

33.710.090 Planning Director of OPDR

The <u>Planning Director of OPDR</u> directs and manages the staff of the <u>Bureau of Planning OPDR</u>. The Director of <u>OPDR</u> provides staff services to the commissions, committees, and boards <u>provided as specified in this chapter</u>. The Director <u>of OPDR</u> is responsible for the decisions and recommendations required by this Title <u>of the Director of OPDR</u>. The Director <u>of OPDR</u> is in charge of implementing this Title and Title 34. The Director may delegate review and decision-making authority to <u>Bureau of Planning OPDR</u> staff.

Commentary

CHAPTER 33.730 QUASI-JUDICIAL PROCEDURES

These changes clarify the division of responsibilities that occurred when the Development Review functions were separated from long-range planning functions into a new bureau—the Office of Planning and Development Review.

CHAPTER 33.730 QUASI-JUDICIAL PROCEDURES

33.730.030 Type III Procedure

- Decision by review body.
 - Bureau of Planning OPDR recommendation. The Director of OPDR will prepare a report with recommendations, and file the report with the review body and make the report available to the public at least 10 days prior to the hearing. A copy will be mailed to the applicant and to any recognized organizations whose boundaries include the site.

33.730.110 Ex Parte Contact

Bureau of Planning OPDR contact. The Director of OPDR and Bureau of Planning OPDR staff may communicate with applicants, owners, their representatives, citizens, City agencies and other public and private organizations as part of the processing of land use applications.

CHAPTER 33.815 CONDITIONAL USES

33.815.050 Loss of Conditional Use Status

This amendment clarifies the situation that causes a site to lose its conditional use status.

The existing language states that if the site of a conditional use is "vacant" for 3 continuous years, the conditional use rights are lost. The code does not clearly state what "vacant" means. It could mean that the lot has been without development, the building without tenants, or that the approved use has not been there but another use has.

The existing language has been difficult to apply because "vacant" can mean different things. The amendment will clarify how the provision should be administered. This change mirrors the language of 33.258.050.D, Loss of Nonconforming Use Status.

Substantive change: This amendment clarifies the criteria by which loss of conditional use status is determined. This change clarifies the way that the existing regulation is normally administered. The result of the change is that conditional use status is lost when a use is discontinued for 3 continuous years, even if the structure that housed the use is still standing.

33.815.223 Public Safety Facilities

E. Radio Frequency Transmission Facilities.

This amendment fixes an oversight in the approval criteria for Public Safety Facilities. The current zoning code language fails to reference the section in Chapter 274, Radio Frequency Transmission Facilities, which lists facilities allowed without conditional use review.

CHAPTER 33.815 CONDITIONAL USES

33.815.050 Loss of Conditional Use Status

If the site of a conditional use is vacant for 3 continuous years, the conditional use rights are lost. If a conditional use is discontinued for 3 continuous years, the conditional use rights are lost. If a conditional use ceases operations, even if the structure or materials related to the use remain, the use has been discontinued. Any conditional use proposing to locate at the site after that time must go through a new conditional use review.

33.815.223 Public Safety Facilities

Radio Frequency Transmission Facilities. Unless exempted by Sections 33.274.030 or 33.274.035, Radio Frequency Transmission Facilities must also comply with the regulations of Sections 33.274.040, .050, and .060.

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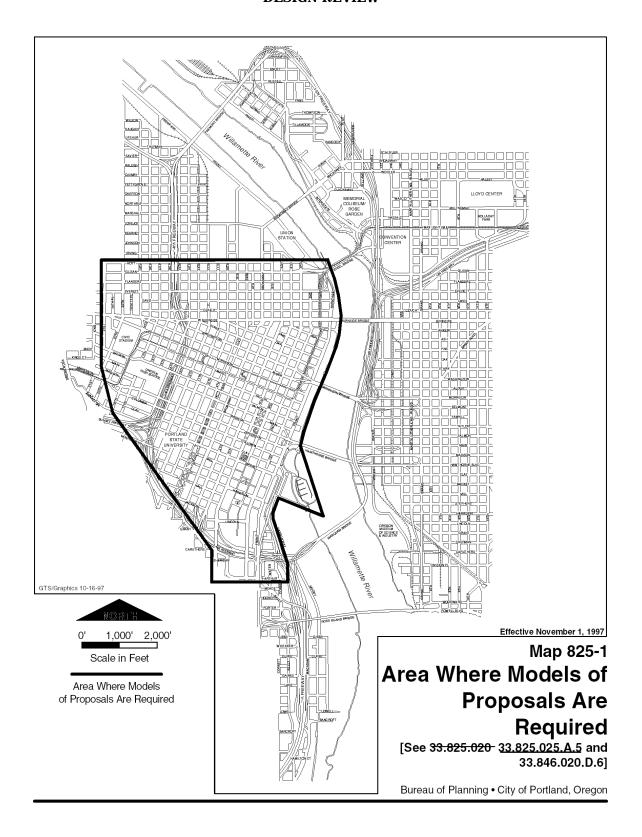
Commentary

CHAPTER 33.825 DESIGN REVIEW

Map 825-1
AREA WHERE MODELS of PROPOSALS ARE REQUIRED

The title of Map 825-1 is corrected to indicate the correct zoning code section.

CHAPTER 33.825 DESIGN REVIEW



CHAPTER 33.848 IMPACT MITIGATION PLANS

33.848.050 Approval Criteria

A. This amendment clarifies that there may be certain impacts that cannot be mitigated for in each phase of an institutional development. These impacts may be allowed if it is determined that the public benefits of the institutional development outweigh the impacts. This change is simply a restructuring of the current language for clarity.

33.848.070 Impact Mitigation Plan Requirements

B – D. This amendment makes no substantive changes to these subsections; it is a "clean-up" to correct the terminology.

CHAPTER 33.848 IMPACT MITIGATION PLANS

33.848.050 Approval Criteria

The approval criteria listed in this Section will be used to review impact mitigation plans. These criteria correspond to the regulations governing the content of the Impact Mitigation Plan. The approval criteria are:

A. The mission statement and impact mitigation plan contain the components required by the Institutional Residential Zone (33.848.070). Each planned phase of development includes mitigation activities that offset impacts of that phase of development.

B. Mitigation.

- 1. Each planned phase of development includes mitigation activities that offset impacts of that phase of development, except as provided in Paragraph B.2, below;
- 2. Impacts that cannot be mitigated may be allowed if the public benefits of the proposed institutional campus boundary, mission statement, and impact mitigation plan outweigh the impacts.

[Re-letter existing letters B. through M. to C. through N.]

- N. The public benefits of the proposed institutional campus boundary, mission statement, and impact mitigation plan outweigh any impacts which cannot be mitigated.
- **O.** [No change.]

33.848.070 Impact Mitigation Plan Requirements

- **B. Institutional campus boundary.** The <u>Impact Mitigation Plan must delineate</u> the ultimate area and boundaries of the institution's campus. The proposed boundary may include land that the institution does not presently control. However, sites must be controlled by the institution to be zoned IR.
- **C.** Location sensitive uses. The mitigation impact plan Impact Mitigation Plan must identify the location on the campus where location sensitive uses are to be placed. Location sensitive uses are:
 - 1. Retail Sales <u>aA</u>nd Service and Office uses which are not listed as primary or accessory uses in the mission statement;
 - 3. Major <u>eE</u>vent <u>eE</u>ntertainment facilities permitted on the campus as conditional uses: and
 - 4. Industrial <u>sService</u> and <u>mManufacturing aAnd pProduction</u> uses permitted on the campus as conditional uses.

33.848.070 Impact Mitigation Plan Requirements, continued.

33.848.090 Implementation

This amendment clarifies that development which receives exemption from further review through the IMP process does not need a Type II procedure, although the IMP may require some other review.

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33.848.070 Impact Mitigation Plan Requirements, continued.

D. Phasing of mitigation activities. Mitigation impact Impact mitigation measures and expected demands for public services should be divided into phases of campus growth. Each phase of campus growth included in the impact mitigation plan must identify the specific mitigation activities which will be implemented in advance of the development activities included in that growth phase. A specific phase of campus growth may include several different development projects. Phases of growth may be described exclusively in terms of the mitigation measures to be implemented. Once the implementation measures for a phase of growth are in place any development project which is otherwise consistent with the campus mission statement and the impact mitigation plan may be undertaken when the project's expected impacts are at or below the levels mitigated for in the current phase of growth. Each phase of growth must identify mitigation measures to be taken to address the elements in Subsections E through I of this Section.

33.848.090 Implementation

After an impact mitigation plan has been approved, all development must comply with the plan's provisions and phased mitigation schedules as well as all other applicable provisions of this code, unless exempted by the plan. Projects will be reviewed for compliance with the approved impact mitigation plan through a Type II procedure unless another approval process is identified in the IMP. The project will be approved when it is found that the impacts of the proposed development in combination with all existing development on the campus will not exceed the levels mitigated for in the current growth phase. Design review of the project may also be required. When required, the design review procedure may occur concurrently with the Type II procedure unless another approval process is identified in the IMP.

Commentary

CHAPTER 33.855 ZONING MAP AMENDMENTS

33.855.060 Approval Criteria for Other Changes

This amendment updates a code reference.

33.855.075 Automatic Creation or Removal of Historic Resource Designations This amendment adds a new section clarifying the process for amendments to the zoning maps relating to historic resources. In some cases historic resource designations can be added or removed automatically.

When a district or resource is added to the National Register, 33.445, Historic Resource Protection Overlay Zone, calls for "automatic" addition of the landmark designation. When a resource has been demolished or destroyed, 33.445, Historic Resource Protection Overlay Zone, calls for "automatic" removal of the landmark designation.

The language of the new section mirrors language relating to automatic designation in Section 33.445.110.

CHAPTER 33.855 ZONING MAP AMENDMENTS

Sections:	
33.855.010	Purpose
33.855.020	Initiating a Zoning Map Amendment
33.855.030	When a Comprehensive Plan Map Amendment Is also Required
33.855.040	Procedure
33.855.050	Approval Criteria for Base Zone Changes
33.855.060	Approval Criteria for Other Changes
33.855.070	Corrections to the Official Zoning Maps
33.855.075	Automatic Creation or Removal of Historic Resource Designations
33.855.080	Recently Annexed Areas

33.855.060 Approval Criteria for Other Changes

In addition to the base zones and Comprehensive Plan designations, the Official Zoning Maps also show overlay zones, plan districts, and other items such as special setback lines, recreational trails, and <a href="https://historical.ndmarks.ndmar

33.855.075 Automatic Creation or Removal of Historic Resource Designations The Official Zoning Maps will be amended automatically to add or remove historic resource designations as follows:

- A. Individual resources listed on the National Register of Historic Places.

 Individual historic resources listed on the National Register of Historic Places automatically receive Historic Landmark designation on the date the property is listed:
- B. Districts listed on the National Register of Historic Places. Historic

 Districts listed on the National Register of Historic Places automatically receive
 Historic District designation on the date the district is listed. A Conservation
 District that is placed on the National Register of Historic Places is
 automatically redesignated a Historic District on the date of the district's
 listing:
- C. Historic resources demolished or destroyed. When a resource designated as a landmark is demolished or destroyed by fire or a natural event, the landmark designation for the resource is automatically removed.

Commentary

CHAPTER 33.900 LIST OF TERMS

33.900.010 List of Terms

The terms "caretaker," "Director of OPDR," and "OPDR" are added to the list of terms because new definitions have been added in Chapter 33.910, Definitions.

CHAPTER 33.900 LIST OF TERMS

33.900.010 List of Terms

[Add the following terms in appropriate locations]:

<u>Caretaker</u> <u>Director of OPDR</u> <u>OPDR</u> CHAPTER 33.910 DEFINITIONS

33.910.030 Definitions

Caretaker.

This amendment creates a new definition for a term used in Descriptions of the Use Categories, Section 33.920.310, Manufacturing And Production.

There has been some controversy surrounding the interpretation/use of the caretaker provision in the Manufacturing And Production use category description. Prior to the Zoning Code Rewrite Project in 1990, this description allowed "...a caretaker's quarters, and quarters for artists in conjunction with studio space." During the Rewrite Project, a decision was made to eliminate the provision for artists, mainly to ensure that the industrial sanctuary policy was adhered to. However, the allowance for caretakers' quarters remained, but a definition of "caretaker" was not added to the Zoning Code.

In recent years there have been a number of requests that the term be included as a Zoning Code definition, to help clarify the regulations pertaining to caretakers and caretakers' quarters in the industrial and employment zones.

Substantive change: This amendment adds a definition for "caretaker" that is derived from the dictionary definition and common understanding of the role of a caretaker.

Director of OPDR

This change clarifies the division of responsibilities that occurred when the Development Review functions were separated from long-range planning functions into a new bureau—the Office of Planning and Development Review.

Exterior Display

The definition of exterior display has been slightly rewritten to read better.

Exterior Storage

The definition of exterior storage has been slightly rewritten to read better and to clarify that RV storage <u>is</u> storage, not parking.

Substantive change: This amendment adds material to the Zoning Code that clarifies how to categorize certain vehicle storage needs, such as car and boat sales, and recreational vehicle storage. Administration of these types of vehicle storage needs is currently difficult because of ambiguities in the current descriptions of the Exterior Display and Exterior Storage use categories.

CHAPTER 33.910 DEFINITIONS

33.910.030 Definitions

Caretaker. A caretaker looks after or provides security for goods or property.

<u>Director of OPDR.</u> The Director of the City of Portland Office of Planning and Development Review, or the Director's designee.

Exterior Display. Exterior display includes the outdoor display of products, vehicles, equipment, and machinery for sale or lease. Exterior display is an outdoor showroom for customers to examine and compare products. There is variety or a distinction among the goods on display, through different products, brands, or models. The display area does not have to be visible to the street. Examples of uses that often have exterior display are car and boat sales, and plant nurseries. Exterior display does not include goods that are being stored or parked outside. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Examples of uses that often have exterior display are car and boat sales, and plant nurseries. See also, Exterior Work Activities and Exterior Storage.

Exterior Storage. Exterior storage includes the outdoor storage of goods that generally have little or no differentiation by type or model. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Exterior storage includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; and other similar items. Examples are lumber yards, tool and equipment rental, bark chip and gravel sales, and the storage of goods used in manufacturing. Damaged or inoperable vehicles or vehicles which have missing parts, that are kept outside, are included as exterior storage. The storage of motor vehicles, other than recreational vehicles, which do not have any missing parts or damage that is visible from the outside of the vehicle is considered parking rather than exterior storage. The storage of motor vehicles that have minor dents or other minor defects in the body is also considered parking rather than storage if the motor vehicle is in working order. Examples of uses that often have exterior storage are lumber yards, wrecking yards, tool and equipment rental, bark chip and gravel sales. See also, Exterior Display and Exterior Work Activities.

Commentary

CHAPTER 33.910
DEFINITIONS, continued.

OPDR and Planning Director

These changes clarify the division of responsibilities that occurred when the Development Review functions were separated from long-range planning functions into a new bureau—the Office of Planning and Development Review.

Residential Structure Types

• **Duplex.** This amendment will remove administrative ambiguity by clarifying that two units have to be within a single building on a single lot to be classified as a duplex; the following would not be defined as duplexes: two detached buildings, two buildings attached only by a trellis, or two buildings that are connected in a way that meets the definition for "attached structure".

Site Frontage. This amendment corrects a grammatical usage problem. The word "that" correctly implies that only the portions of a site abutting a street are included in the definition of "site frontage." The word "which", as currently used in the sentence, indicates only that a site abuts a street.

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OPDR. Office of Planning and Development Review.

Planning Director. The Director of the City of Portland Bureau of Planning, or the Director's designee.

Residential Structure Types

• **Duplex.** A structure building that contains two primary dwelling units on one lot. The units may must share a common walls or common floor/ceilings.

Site Frontage. The part of a site which that abuts a street.

CHAPTER 33.920 DESCRIPTIONS OF THE USE CATEGORIES

33.920.260 Self-Service Storage

B. Accessory uses. This amendment clarifies that "a" resident manager associated with a self-service storage use means one per site in the E and I zones, which have restrictions on living quarters.

33.920.300 Industrial Service

B. Accessory activities. This amendment changes the term "activities" to "uses," in order to be consistent with all of the other descriptions of accessory uses in the Use Category Description chapter.

33.920.310 Manufacturing And Production

B. Accessory activities. This amendment clarifies that living quarters associated with a manufacturing and production use in the E and I zones are restricted to accommodate one caretaker per site.

Substantive change: The previous regulation did not explicitly include a limitation on the number of caretakers per site. However, this change is consistent with the regulations in E and I zones that limit residential activities in these zones because of possible health and safety conflicts with other activities that are allowed by right in these zones, and to protect land for industry.

33.920.340 Waste Related

A. Characteristics. This amendment will clarify that sites primarily used for the biological decomposition of organic material are to be classified as "waste-related" regardless of whether the decomposition is "composting" (aerobic decomposition), anaerobic fermenting, vermaculture, or some other method.

CHAPTER 33.920 DESCRIPTIONS OF THE USE CATEGORIES

33.920.260 Self-Service Storage

B. Accessory uses. Accessory uses may include living quarters for a one resident manager, or security and leasing offices. Accessory uses may include security and leasing offices. Living quarters for one resident manager per site in the E and I zones are allowed. Other living quarters are subject to the regulations for Residential Uses in the base zones. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.

33.920.300 Industrial Service

B. Accessory activities uses. Accessory activities may include offices, parking, storage, rail spur or lead lines, and docks.

33.920.310 Manufacturing And Production

B. Accessory activities uses. Accessory activities uses may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets, and caretaker's quarters. Living quarters, except for caretakers, are subject to the regulations for residential uses in the zone. Living quarters for one caretaker per site in the E and I zones are allowed. Other living quarters are subject to the regulations for Residential Uses in the base zones.

33.920.340 Waste-Related

A. Characteristics. Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses which collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting biological decomposition of organic material. Waste-Related uses also include uses which receive hazardous wastes from others and which are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.

Commentary

CHAPTER 33.930 MEASUREMENTS

33.930.030 Measuring Distances

F. Landscaping. This amendment clarifies that the width of curbs is not counted in the depth of required landscaped areas.

CHAPTER 33.930 MEASUREMENTS

33.930.030 Measuring Distances

F. Landscaping. Measurements of the dimensions of a landscaped area include only the area that is actually landscaped, and not any other elements, such as protective curbs.

OTHER

Corrected References to "Director" and "Planning Director"

In May 1999, responsibility for implementation of the Zoning Code—the review of land use cases, and staffing the Development Services Center—was moved from the Bureau of Planning to the new Office of Planning and Development Review (OPDR). Long-range planning functions remained with the Bureau of Planning (BOP).

Throughout the Zoning Code, reference is made to the Director and the Planning Director. Certain duties and powers assigned to the BOP Director were delegated to the OPDR Director at the time the implementation functions were transferred. We need to amend the Zoning Code references to reflect the current assignment of duties and powers.

These changes clarify the division of responsibility between the Director of the Office of Planning and Development Review, and the Director of the Bureau of Planning.

OTHER

Replace "Director" with "Director of OPDR" in the following places:		
33.130.100.B.2 (2 changes)	33.730.020.I.2 (2 changes)	
33.130.100.B.5 (2 changes)	33.730.020.I.3	
33.258.038 (2 changes)	33.730.020.I.4	
33.258.075.B	33.730.020.I.6	
33.262.100	33.730.020.I.7	
33.286.070.A	33.730.020.I.8 (2 changes)	
33.286.070.A.2.b	33.730.030.C	
33.410.080 (2 changes)	33.730.030.D.1	
33.430.240.A	33.730.030.E.1	
33.430.430.B.1	33.730.030.E.3	
33.430.430.D	33.730.030.E.4 (2 changes)	
33.430.430.F	33.730.030.E.5 (2 changes)	
33.430.430.G (2 changes)	33.730.030.F	
33.445.430.C	33.730.030.H.1	
33.445.430.D (2 changes)	33.730.030.H.2 (2 changes)	
33.535.110.B.4.c	33.730.030.H.4	
33.575.300.D.3	33.730.030.H.5	
33.700.040.C	33.730.030.H.6.b	
33.710.050.E	33.730.050.B	
33.710.060.E	33.730.060.A.1 (3 changes)	
33.710.070.C (2 changes)	33.730.060.A.2	
33.710.070.F	33.730.060.C	
33.730.015.C	33.730.070.A.1	
33.730.015.D	33.730.070.B	
33.730.015.E.1 (3 changes)	33.730.070.D, 16th bullet	
33.730.015.E.3	33.730.070.F, 8th bullet	
33.730.015.F (2 changes)	33.730.070.G, 10th bullet	
33.730.015.G	33.730.110.B	
33.730.020	33.750.050	
33.730.020.C	33.750.050.C (2 changes)	
33.730.020.D	33.750.050.D	
33.730.020.E.1 (2 changes)	33.810.060.C.1	
33.730.020.F (2 changes)	33.855.070 (2 changes)	
33.730.020.G (2 changes)	33.855.080, Table 855-1, Note [2]	
33.730.020.I.1		

Corrected References to "Director" and "Planning Director", continued.

Replace "Director" with "Planning Director" in the following places:

33.700.070.G 33.710.040.F

Replace "Planning Director" with "Director of OPDR" in the following places:

33.248.030.C.3 33.269.440.A.1.f 33.430.220 33.430.260 33.430.270 33.445.130.B 33.445.210.E 33.470.030.D 33.508.110.C.5 33.508.220.D.5 33.510.263.G.4.b 33.510.263.K.2.b 33.510.264.F.4.c 33.510.265.F.4.c 33.510.267.F.4.c 33.515.100.C.5 33.700.010.A 33.700.010.C.2 33.700.030.C.2 33.700.050.B 33.700.070.A (2 changes) 33.700.070.B 33.710.050.E 33.710.060.E 33.710.070.F 33.720.020.A (2 changes) 33.750.050 33.750.050.B.1 (2 changes) 33.810.020.A 33.810.080 33.850.020 (2 changes)

33.855.070

33.910.030, Review Body.

