



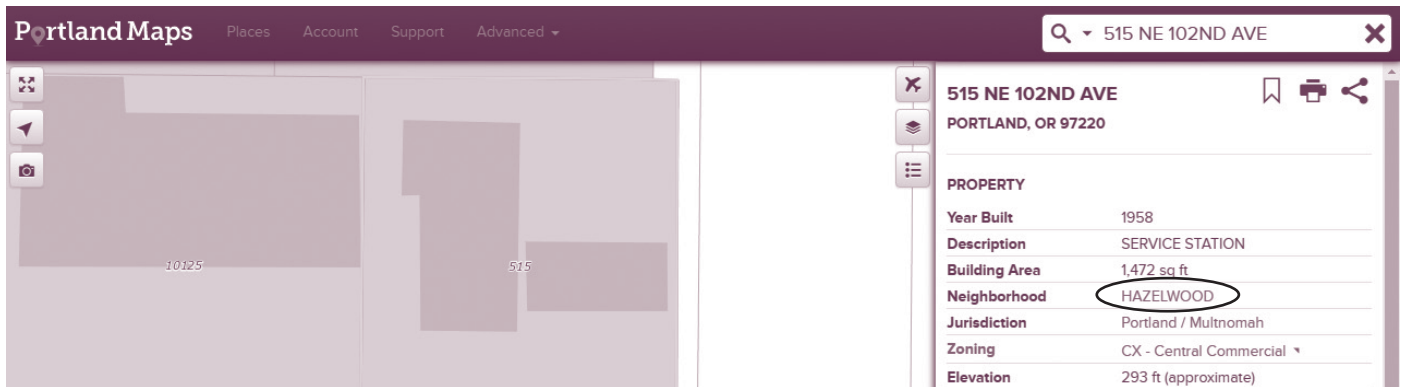
# ZONING CODE INFORMATION GUIDE

## Convenience Store Information – Zoning Requirements

A convenience store proposing to locate in a new or existing building is subject to the regulations of Chapter 33.219. The regulations also apply when the operator of a convenience store changes.

The following must be completed before applying for a building permit or zoning verification map:

- 1 Develop a draft Implementation Program and site plan. A fillable sample Implementation Program is available at [www.portlandoregon.gov/bds/article/650421](http://www.portlandoregon.gov/bds/article/650421). See below for Implementation Program requirements. (PZC 33.219.060)
- 2 Contact the neighborhood association. The neighborhood association contact information may be found via [www.portlandmaps.com](http://www.portlandmaps.com) by typing in the address in the search field, and selecting the “neighborhood”:



- The operator must contact the neighborhood association to request a meeting. The operator must also send a copy of the neighborhood association meeting request to the affected district neighborhood coalition; however, the operator is not required to offer to meet with the district neighborhood coalition.
- The meeting request must be sent by registered mail and must contain the draft Implementation Program, the draft site plan, and a description of any permits, land use reviews, or licenses that will be requested. The request letter must also summarize the purpose of the meeting and describe the following timelines.
- The neighborhood association should reply to the operator within 14 days and hold a meeting within 45 days of the date the letter was mailed. If the neighborhood association does not reply to the operator’s letter within 14 days, or hold a meeting within 45 days, the operator may request a building permit or zoning approval without further delay. If the neighborhood holds the meeting within the time frame, the operator must attend the meeting. The operator may attend additional meetings on a voluntary basis. The neighborhood may schedule the meeting with its board, the general membership, or a committee.

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- 3 Send out neighborhood notices. In addition to contacting the neighborhood association, the operator must send notice by registered or certified mail to all property owners within 150 feet of the store site and to all recognized organizations within 400 feet of the store site. The notice must include the contact information required by paragraph 33.219.060.G, and the date, time and place of the neighborhood meeting where the convenience store will be discussed. If the neighborhood association did not respond to the operator's request for a meeting within 14 days, then the information about the date, time, and location of a meeting is not required.
- 4 Attend the convenience store meeting. The purpose of the meeting is to provide the opportunity for all interested parties to voice their concerns regarding the proposed convenience store. The anticipated outcome of the meeting is an agreement among the local residents, businesses, and the applicant as to the content of the Implementation Program and the site plan. However, a consensus is not required. The meeting may be continued at a later date if all parties agree.
- 5 Prepare a Record of Good Faith. See below for Record of Good Faith requirements.

## Implementation Program Requirements

- Crime prevention and awareness training program. Written verification from the Police Bureau that a crime prevention and crime awareness training program has been approved.
  - To initiate this process, the operator will need to contact the Police Bureau's Neighborhood crime prevention specialist at (503) 823-0298. He will request a copy of the applicant's site plan and lighting plan to keep on file for up to five years, as well as determine and coordinate with the specialist from the Office of Neighborhood Involvement (ONI) to make a site inspection. An analysis of the site is conducted and a letter addressing required conditions will be sent to the applicant. To complete this process, the operator will be required to provide a written response accepting the conditions listed in the analysis letter. There is no additional fee for this step.
- Alcohol awareness and employee training program. The operator will need to contact the State of Oregon Liquor Control Commission (OLCC) at 503.872.5000 to complete a review of the Law Orientation and submit as part of the Implementation Program to the city a copy of the signed Affirmation page.
- Litter control program. The operator must provide a site plan showing:
  - a. The installation of at least two trash receptacles on-site for customer use. The trash receptacles must be located next to the on-site pedestrian circulation system.
  - b. The operator must ensure that litter is picked up at least once a day from the site and from the sidewalks adjacent to the site.
- Loitering control program. The operator must provide a loitering control program that, at a minimum, limits the hours of operations of electronic video games, and locates telephone booths, benches, tables, and other customer activity area where they can be viewed by store employees.
- Landscape maintenance awareness. The operator must provide written verification that he or she understands the provisions of Chapter 33.248, Landscaping and Screening, and in particular 33.248.030, Plant Materials and 33.248.040, Installation and Maintenance.

## CONVENIENCE STORE INFORMATION - ZONING REQUIREMENTS

- Lighting Certification. The operator must submit a photometric plan showing the locations of all on-site lighting and the measurement of illumination meeting the glare standards of Chapter 33.262., Off-Site Impacts (please find an example photometric plan attached).

Per section 33.262.080.

- a. Glare is illumination caused by all types of lighting and from high temperature processes such as welding or metallurgical refining. Glare may not directly, or indirectly from reflection, cause illumination on other properties in excess of a measurement of 0.5 foot candles of light.
  - b. Strobe lights. Strobe lights visible from another property are not allowed.
- Communication agreement. The operator must designate and include contact information for a person responsible for on-going communication with the local recognized organizations and other concerned individuals regarding any problems they may have with current business practices or impacts on the neighborhood. All responses to concerns raised by recognized organizations or concerned individuals should be written within 30 days of receiving the initial letter, and be from the designated contact person. A file of all letters received and written is to be maintained by the operator and be available to the public upon request. The operator should notify the local recognized organizations and property owners within 150 feet of the store site of changes to the designated contact person or contact information within 30 days of the change.
- Participation in Neighborhood Mediation Program. The operator must agree to participate in a Neighborhood Mediation Program should that process be initiated.

### **Record of Good Faith Requirements**

A document that states the operator has met with or attempted in good faith to meet with the neighborhood association. The record of good faith must include the following:

- A copy of the neighborhood meeting request and registered or certified mail receipts,
- The names and addresses of property owners and organizations that received notice of the Implementation Program contact information,
- The time, date, and location of any neighborhood meeting, and the names, addresses, and phone numbers of those who attended,
- A copy of the draft Implementation Program and site plan sent to the neighborhood association,
- A copy of the final Implementation Program and site plan if different from the draft plan. The final Implementation Program must identify those components that were agreed upon and those that were unresolved, plus any additional items discussed during the meeting(s),
- Documentation that the operator has sent the neighborhood association both a mailed and electronic copy of the final Implementation Program.

## Frequently Asked Questions:

1. I'm buying a store; how do I know if it has an existing Implementation Program or not? What if the store has an existing Implementation Program?

*Please call the Planning and Zoning Hotline at 503.823.7526 to verify if an Implementation Program exists for a site. If an Implementation Program is in place, then the new owner may submit an Affidavit of Continued Commitment to the Implementation Program.*

2. I'm buying a store that's been operating for years, why are you requiring me to do this now?

*Many existing convenience stores opened before this zoning code section became effective in 1991. At the time existing stores are sold, the Implementation Program is obtained in an effort for the new business owner(s) and nearby residents to review impacts of the business on the neighborhood.*

3. I'm building a store as a corporation without an identified operator, do I need to do anything differently?

*The City still requires an Implementation Program, however OLCC pre-certifies some convenience store chains into their, "Responsible Vendor," program, based on their company protocol. Please contact Stephen Saunders at (503) 872-5194*

4. How do I certify the lighting? Do I have to do it now for the existing store I'm buying?

*Yes. Please see above in Lighting Certification.*

5. What if the neighbors complain about a bunch of stuff I have no control over in the meeting?

*It may not always be possible to keep questions or complaints from neighbors focused on the current topic of your business. What you can do is direct the neighbors to call the City of Portland at 503.823.4000 in an effort to obtain resolution of their concerns.*

## Definitions:

**Convenience Store:** Any retail grocery store that has all of the following characteristics:

- Is under 4,000 square feet in area;
- Requires a package store liquor license; and
- Is open more than 15 hours a day.

**Operator:** A person undertaking a development, the proprietor of a use or development, or the owner of the land underlying a development. The operator may also be the manager or other person who has oversight responsibility for the day to day operations of the use or development.

**OLCC:** Oregon Liquor Control Commission.

**ONI:** Office of Neighborhood Involvement.

For more information visit or call the Planning and Zoning Staff in the Development Services Center at 1900 SW 4th Avenue, Suite 1500, 503-823-7526

Current Zoning Code is available at  
[www.portlandoregon.gov/bps/zoningcode](http://www.portlandoregon.gov/bps/zoningcode)

All Information is Subject to Change.

# SAMPLE LIGHTING PLAN

