



ZONING CODE

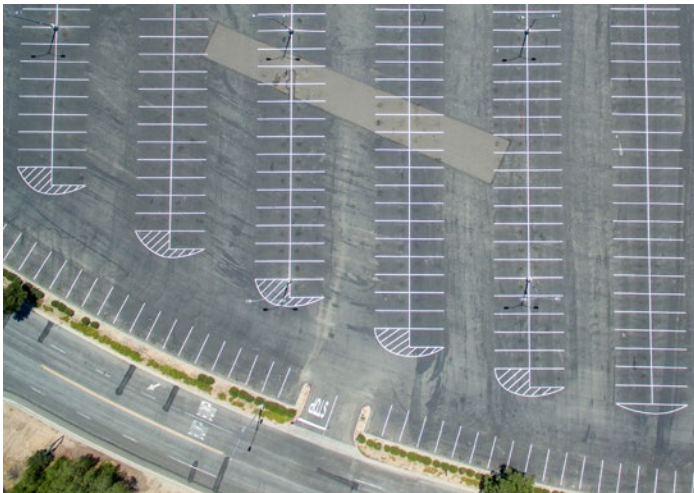
INFORMATION GUIDE

Nonconforming Upgrades Overview

Zoning regulations are updated and modified over time to reflect changing policies and priorities. When this happens, existing development that met all regulations at the time it was approved, may no longer meet the new regulations, resulting in “nonconforming development”. For example, many parking lots were built before Portland required parking lot landscaping, resulting in development that is “grandfathered” but that no longer meets current requirements.

When improvements are made to a site, certain nonconforming development may be required to be upgraded or improved. These upgrades are required when proposed improvements exceed a certain dollar threshold. Nonconforming development that is required to be improved includes:

- Perimeter landscaping for parking lots and exterior development areas;
- Pedestrian circulation;
- Bicycle parking;
- Interior parking lot landscaping;
- Landscaping in existing building setbacks;
- Minimum landscaped areas;
- Screening; and
- Paving of parking lots as well as exterior storage and display areas.



Property owners have two options regarding the timing and cost of required upgrades to nonconforming development.

1. Option 1 – The property owner spends 10 percent of the overall project valuation on upgrades to nonconforming development. The nonconforming upgrades are included as part of the project permit. The property owner chooses which nonconforming items to upgrade and provides documentation showing upgrades amounted to 10 percent of the overall project valuation.
2. Option 2 – The property owner submits detailed site and landscaping plans to assess nonconforming development on the site. The property owner executes a covenant agreeing to upgrade all nonconforming development on the site during a 2-5 year period, or obtain approval to modify requirements through a land use review.

Which Option is best for me?

It is important to analyze the site to determine the extent of nonconforming upgrades required before deciding which option to use. The amount of required nonconforming upgrades, combined with the designated compliance period, should factor into your decision.

Option 1 allows more assurance regarding the cost of required upgrades. If improvements to the site are infrequent, it may be more cost effective to use this option. The extent of required upgrades is based entirely on the value of the proposed project and expenses are capped at 10% of the permit valuation.

Option 2 is useful for sites that frequently require permits. Option 2 expedites the permit process for the applicant by not requiring nonconforming upgrades as part of each building permit application. It also allows applicants to plan and budget for the required nonconforming upgrades over a limited timeframe. Finally, Option 2 provides time for the property owner to request a land use review to waive or modify required upgrades. A solid analysis regarding the extent of required improvements on a site is recommended prior to entering into the Option 2 agreement. Full upgrades are required, regardless of the cost of improvements, by the end of the compliance period.

Also important is an understanding of the timeline involved with the Option 2 agreement. Before the end of the compliance period, compliance must be certified by the Bureau of Development Services. Time should be allotted to develop plans, submit for a permit for review and issuance, install all elements of the required upgrades and receive final inspection and approval of the permit. If all steps are not entirely completed before the compliance period ends, no further permits will be issued until the site is certified.

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

All Information is Subject to Change.