LAND DIVISION INFORMATIONAL GUIDE

Options for Land Division in the "a" Overlay Zone

Purpose of the "a" overlay Alternative Design Density

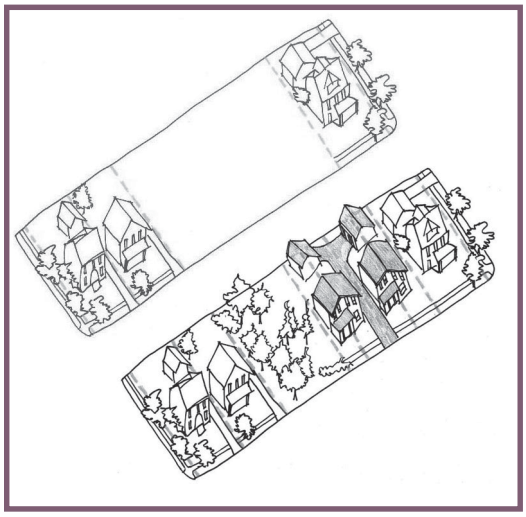
The purpose of the Alternative Design Density Overlay Zone is to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The intent of the "a" overlay zone is to allow increased density for development that meets additional design compatibility requirements.

The Alternative Design Density Overlay Zone is shown on the Official Zoning Maps with the letter "a" map symbol. The Alternative Design Density Overlay Zone may be established or removed as the result of an area planning study, or reviewed through the legislative procedure. Establishment or removal of the Alternative Design Density Zone through a quasi-judicial procedure is prohibited. The Alternative Design Density Zone has no effect on projects in RH, RX, IR, C, E, or I zones. When property is rezoned to one of these zoning designations from a zone that is accompanied by the "a," the Alternative Design Density Zone will be deleted from the Official Zoning Map.

Development options

For projects within the "a" overlay zone, land division applicants may choose to take advantage of any of the alternative development options described in this handout. These options are found in Chapter 33.405 of the Zoning Code. Some options are allowed only in specific base zones. The following options are available:

- Bonus density for Design Review (R1, R2, and R3 zones)
- Attached housing infill projects (R5 zones)
- Triplexes (R2 and R2.5 zones)
- Small flag lots (R2 and R2.5 zones)



Other alternative development options may be used

The Zoning Code contains a variety of other "alternative development" provisions, in addition to the "a" overlay (Sections 33.110.240 and 33.120.270). Applicants for development in the "a" overlay may choose to take advantage of other alternative provisions provided in other sections of the Zoning Code. For example, attached housing is allowed by right on standard-sized lots in the R20 through R5 zones, subject to certain standards, as outlined in Section 33.110.240.C. Attached housing projects that can meet the standards of 33.110.240.C are not required to meet the "a" overlay standards of 33.405.060 – unless the applicant wishes to take advantage of the extra density allowed through the "a" overlay provision. In many cases, other alternative development options can be used. The standards of the "a" overlay apply only to the extent that a project is taking advantage of a bonus offered by an "a" overlay provision.

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Relationship between the "a" overlay and land division regulations

Land Divisions within the "a" overlay zone may take advantage of the provisions outlined in this handout to increase the number of lots proposed, or in some cases to obtain approval of lots that are smaller than might otherwise be allowed using only the base zoning regulations. Land Divisions utilizing an "a" overlay provision must provide information about building design during the land division review.

Community Design Standards and Design Review

Many of the "a" overlay provisions require that the project undergo Design Review, or meet the Community Design Standards in Chapter 33.218 of the Zoning Code. Do not confuse the Community Design Standards with the Community Design Guidelines - the discretionary criteria applied during a Design Review.

The Community Design Standards may not be used as an alternative to Design Review in the following situations:

- Projects that exceed the thresholds shown on Table 405-1 below;
- In the Central City plan district (See Map 510-1 of the Zoning Code);
- For institutional uses in residential zones, unless specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan;
- For alterations to sites where there is a nonconforming use;
- For mixed-use or non-residential development in the RF through R1 zones; and
- If the proposal uses Section 33.405.050, Bonus Density for Design Review.

Table 405-1 Maximum Limits for Use of the Community Design Standards

Zones	Maximum Limit—New Dwelling Units or Floor Area
Single Dwelling Zones	5 dwelling units
R2 & R3 Zones	10 dwelling units
R1, RH, RX, C, & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone Master Plan.	See institution's Impact Mitigation Plan or Conditional Use
Zones	**Maximum Limit—Exterior Alterations**
All except IR	• Alterations to the street-facing facade that affect less than 50% of the area of the facade, regardless of the square footage of the area affected; and • Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected. [1]
IR Zone Master Plan.	See institution's Impact Mitigation Plan or Conditional Use

Notes: [1] Alterations to the street-facing facade that affect 50 percent or more of the area of the facade and 1,500 sq. ft. or more of the facade, must go through Design Review.

Where the Community Design Standards are being used, then the applicant must propose building designs that meet the Community Design Standards, as part of the land division review. Those designs may be modified during the building permit review, after the land division is complete, as long as they still meet the Community Design Standards.

If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, the project will be subject to the regulations for Historic Design Review as set out in Chapter 33.445, Historic Resource Protection Overlay Zone.

If a specific design is approved through Design Review, the proposed lots will have to be developed in conformance with those approved designs. Changes to those plans after the land division is approved may require additional Design Review.

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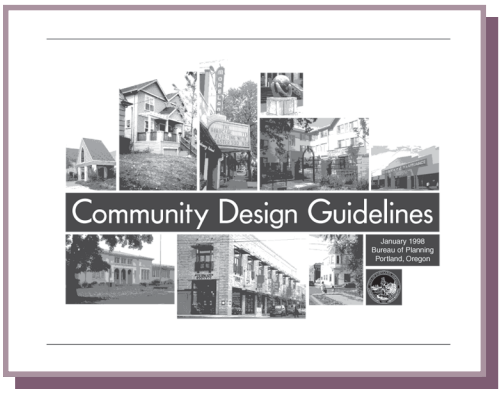
Description of "a" overlay land division options

Each of the "a" overlay provisions is described in detail below, with information on how that provision can be used in the context of a land division.

Bonus density for design review (R1, R2 or R3 Zones)

A 50 percent density bonus is granted for projects within the "a" overlay zone that voluntarily go through a Type III Design Review process (33.405.050). The Design Review process must be concurrent with the land division. This provision is applicable in areas within the "a" overlay zone that are zoned R3, R2, or R1. It is not, however, allowed on sites in design or historic design zones.



Design Review must be approved in order for the land division to be approved. The proposed development will be judged against the ***Community Design Guidelines***. This provision is intended to encourage the provision of well designed housing that is attractive and compatible with an area's established character.

Development taking advantage of this provision is not eligible for density bonus allowed by other sections of the code, including Section 33.120.265, Amenity Bonuses.

Lot size standards

Land Divisions taking advantage of this provision must meet all applicable lot size standards of the base zone. These standards are found in Chapter 33.612 of the Zoning Code.

Attached housing infill (R5 Zones)

Attached housing infill development is allowed on lots or lots of record that have been vacant for at least five years (33.405.060). Only projects in the R5 zones may take advantage of this provision. In order to qualify for this provision, the existing lot or lot of record proposed for division must have been created at least five years ago. The allowed maximum density for projects that qualify for this provision is increased to as much as 1 dwelling per 2,500 square feet of net site area.

The increased density permitted by this section encourages infill development in areas that are generally well served by existing public services. The increase allows the area to absorb additional growth on vacant lots without creating market pressure that might lead to the early removal of existing sound housing. The increased density will lower the cost of housing while increasing opportunities for owner-occupied housing.

Except for building height and setbacks, the proposed lots must be developed in conformance with the standards for attached housing projects in the R2.5 zone (Section 33.110.240.C of the Zoning Code). The base zone height and front setback standards must be met.

Attached Housing Infill - Lot Size and Density Standards[1]

Lots approved under this provision must meet the following standards:

Minimum density	The minimum number of lots is established by the normal base zone regulations[2]
Maximum density	The maximum number of attached housing lots is equal to the site area divided by 2,500 square feet[2]
Minimum lot area	1,600 square feet
Maximum lot area	The maximum lot size is established by the normal base zone regulations.
Minimum lot width	36 feet, or meet the narrow lot standards of 33.611.200.
Minimum front lot line	30 feet, or meet the narrow lot standards of 33.611.200.
Minimum lot depth	40 feet

[1] Based on Chapter 33.611, which are the standards applicable to attached housing lots in the R2.5 zone.
[2] If a new street is proposed, special density rules apply – see 33.611.100 for details.

Triplex (R2 and R2.5 Zones)

This provision provides bonus density for projects that create lots for duplex and triplex development (33.405.070.B). Only projects in the R2 or R2.5 zones may take advantage of this provision. For projects utilizing this provision, one dwelling unit is allowed for each 1,600 square feet of site area. No more than three dwelling units may be placed on a single lot, including accessory dwelling units. The proposed development must conform with the maximum height, minimum setbacks, maximum building coverage, and required outdoor area requirements for attached housing projects in the R2.5 zone. The proposed development must meet all other development standards of the base zone, overlay zone, and plan district.

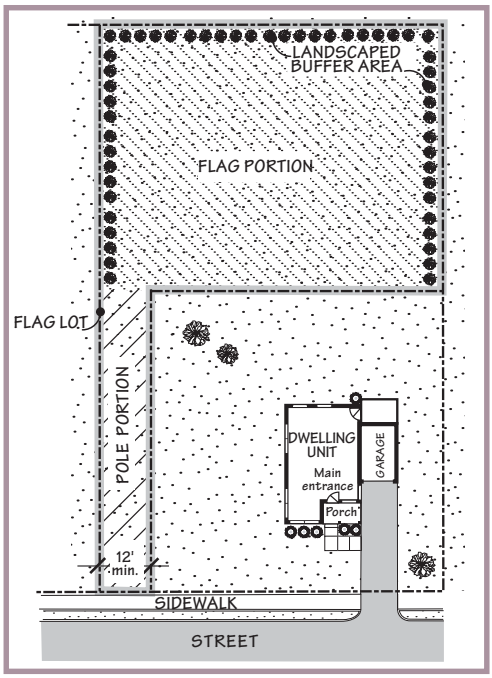
Lot Size and Density Standards

Lots approved under this provision must meet the following standards:

	R2.5 Zone	R2 Zone
Minimum density	1 dwelling unit per 5,000 square feet of site area. If a new street is proposed, special density rules apply - see 33.611.100	1 dwelling unit per 2,500 square feet of net site area. New streets or street dedications are not included in net site area.
Maximum density	1 dwelling unit allowed per 1,600 square feet of site area.	
Minimum lot area	None	4,000 sq. ft.
Maximum lot area	1,600 sq. ft.	None
Minimum lot width	36 ft.[3]	33 ft.
Minimum front lot line	30 ft.[3]	30 ft.
Minimum lot depth	40 ft.	100 ft.

[3] Lots that do not meet the minimum lot width or minimum front lot lin standards may be approved if development on the lots can meet the standards of 33.611.200.C.

Flag lots (R2 and R2.5 Zones)



Flag lots with an average area of 2,500 square feet may be created in the R2 and R2.5 zones (33.405.070.C). The standards of Subsection 33.110.240.F, Flag lot development standards and all base zone regulations must be met, except:

- Both attached and detached dwellings are allowed on these flag lots. Duplexes, triplexes, and other housing types are not allowed on lots created using this provision.
- Detached structures on a flag lot are required to have an eight foot setback from all lot lines.
- Attached structures on flag lots are required to have an eight foot setback along those lot lines that abut a lot that is not a part of the flag lot development.

This provision offers opportunities for enhancing the variety of housing types and building forms that are found in areas zoned for attached residential development. Such areas generally include a mixture of single-dwelling detached and small multi-dwelling development. A variety of types of housing in areas receiving infill development will improve continuity with the character of the existing buildings.

Lot Size Standards

Lots approved under this provision must meet the following standards:

	R2.5 Zone	R2 zone
Minimum density	The minimum number of lots is equal to 80% of the site area divided by 5,000 square feet.[4]	1 lot per 2,500 sq. ft. of net site area. The area devoted to streets is not included in the net site area[5].
Maximum density	Average lot size must be 2,500 sq. ft. or more within the portion of the project utilizing this provision. Within the R2 zone, if the land division will also create multi-dwelling lots, see 33.612.100 for more information about maximum density.	
Minimum lot area	1,600 sq. ft.	
Maximum lot area	8,500 sq. ft.	None
Minimum dimensions	The "flag" portion of the lot must be at least 40 ft. by 40 ft. The "pole" portion of the lot must be at least 12 ft. wide.	

[4] If a new street is proposed, special density rules apply – see 33.611.100 for details.
[5] See Chapter 33.930 for rules about rounding when calculating minimum and maximum density. Rounding rules allow a small window of flexibility between the allowed minimum and maximum density (both can be 2,500 sq. ft. when using this provision in the R2 zone).

Frequently Asked Questions

Q If my project meets the Community Design Standards or is approved through Design Review, what kind of design changes are allowed after the land use review is complete? What is the procedure for obtaining approval for those changes?

A *If the design of the proposed development was reviewed concurrently with the land division through Design Review, changes to the design of the proposed development must be reviewed through Design Review again. If the proposed development met the Community Design Standards concurrently with the land division, changes to the design of the proposal after final plat approval are allowed but the proposal must continue to meet the Community Design Standards, or must be reviewed through Design Review. Concurrent land division review is not required to change the design of the proposed development after final plat approval.*

Q What procedure is used to document conformance with the Community Design Standards concurrently with the land division review? Is there an extra fee?

A *Where an applicant intends to use the Community Design Standards, building elevations must be submitted with the land division application. Those plans will be reviewed for conformance with the Community Design Standards as part of the land division review. If the plans meet Community Design Standards, they will be marked with an official stamp indicating that they have been reviewed and found to meet the standards. There is no extra fee for this Community Design Standards review at the time of the land division review. Final building plans will be subject to additional planning and zoning review before a permit is issued, and a plan check fee is collected at that time.*

Q In Chapter 33.218, Community Design Standards, there is a requirement for neighborhood contact. When a land division is proposed, does the contact requirement have to be met before the land division is requested?

A *The neighborhood contact requirement in Chapter 33.218 states that the contact requirement must be met before a building permit is requested. A land division request does not result in a building permit, so the neighborhood contact requirement of 33.218 need not be completed before the land division application is requested. However, some land division requests require neighborhood contact – separate from the requirement in 33.218. See Section 33.730.035 of the Zoning Code.*

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

Information is subject to change, for current Portland Zoning Code visit www.planning.ci.portland.or.us/cd_over.html