

How To Use This Document

Organization of Title 33

General layout. The zoning code is organized as a reference document. It is not intended to be read from cover to cover. Instead, it is organized so you may look up only the parts you need. The list of chapters in the table of contents is, therefore, very important, as are the section listings at the beginning of each chapter. Later portions of this introduction explain two different methods to use the code for commonly asked questions. There are many other ways to use this code, depending on your objectives.

Chapters that cover related information have been grouped together. There are nine groups, or series of chapters. The first series, called the Introduction, contains some basic information on the legal framework of the code and this guide on how to use the code. The eight remaining series are summarized below.

This code is used in conjunction with other City Titles; many service and technical requirements are contained in other Titles.

The Base Zones (100 series). The 100 series contains the base zone chapters. These chapters state which uses are allowed in each zone. They also state which uses are allowed in limited situations, which are conditional uses, and which are prohibited. The general development standards for each base zone are also included. The development standards include requirements such as maximum heights and required setbacks.

Additional Use and Development Regulations (200 series). The 200 series contains regulations for specific uses and development types that apply in many base zones. The chapters in this series also state the development standards that apply across many zones such as the parking and landscaping regulations. This grouping provides consolidated information and less repetition in code language. There are references in the base zones to the requirements in the 200 series, when applicable. The regulations in the 200s generally supplement the regulations in the base zones.

Overlay Zones (400 series) and Plan Districts (500 series). Overlay zones consist of regulations that address specific subjects that may be applicable in a variety of areas in the City. Plan districts consist of regulations that have been tailored to a specific area of the City. Both overlay zones and plan districts are applied in conjunction with a base zone and modify the regulations of the base zone. The Official Zoning Maps identify overlay zones and plan districts as well as the base zones and other information.

Land Divisions and Planned Developments (600 series). The 600 series contains the regulations for dividing land and for Planned Developments. Within this series are four groups of chapters:

Chapters 33.605 through 33.615 address lot dimensions for all zones, and density for the single-dwelling zones and for the multi-dwelling zones when single-dwelling development is proposed.

Chapters 33.630 through 33.641 contain special regulations for lands subject to flood or landslide; the regulations for tree preservation, solar access, clearing and grading, phased plans and staged Final Plats, required recreation area, seeps and springs, traffic impact studies, and tracts and easements.

Chapters 33.651 through 33.654 are the regulations for services and utilities. These chapters are intended to tie together all of the requirements for services and utilities, many of which are found in other City Titles, manuals, and guides.

Chapters 33.660 through 33.664 include the information on reviews of each phase of a Land Division, including the procedure types and approval criteria. Chapter 33.667 contains the regulations for Property Line Adjustments and Chapter 33.668 contains the regulations for amending an approved PUD.

Administration and Procedures (700 series). The 700 series provides information on the City's administrative framework and procedures that relate to land use. Information on application requirements, staff-level processing, review bodies, public hearings, and appeals is included along with other provisions on administering the zoning code.

Land Use Reviews (800 series). The 800 series describes most of the various land use reviews. Some reviews may be applied for at the discretion of the applicant, such as a conditional use or adjustment request. Other reviews are mandatory in certain situations such as design review. The 800 series contains the thresholds that state when a review is required, and the approval criteria for the land use review.

General Terms (900 series). The 900 series contains the description of the use categories, which include all the uses regulated by the zoning code. The series also contains the definitions chapter and a chapter on methods of measurement.

Reserved Series (300s). The 300 series of chapters has been reserved for future amendments or additions to Title 33.

Determining the Zoning Regulations for a Specific Site

To determine the zoning regulations applicable to a site, you must first find the site on the Official Zoning Maps. The appropriate map will show the base zone that is applied to the site. It will also show if the site is subject to any overlay zones or plan districts, and if the site contains a historical landmark or recreational trail. You then look up all the corresponding regulations. Start with the base zones (the 100 series of chapters). The base zones state whether a use is allowed by right, allowed with limitations, a conditional use, or prohibited. The base zones also contain most of the development standards that apply to the uses that are allowed or limited. The base zones will indicate if certain reviews are necessary, such as conditional use review. In these cases look up the appropriate chapter.

Some uses and types of development have specific regulations stated in the 200 series of chapters. Although such instances are referenced in the base zones, it is a good idea to check over the 200 series to confirm if any of the chapters apply to your situation. Next, look up any overlay zones or plan districts that may apply to your site. These are listed in the 400 and 500 series of chapters. Finally, if the Official Zoning Maps indicate that the site has a historic landmark or recreational trail designation, look up those chapters for the corresponding regulations.

Chapters 33.910, Definitions and 33.930, Measurements may be helpful in understanding how to apply the regulations to a specific site.

Determining Where a Specific Use May Locate

To determine in what zones a specific use may be located, you must first determine what land use category it is in. Use Chapter 33.920, Descriptions of the Use Categories, to classify the specific use. Then look at the primary use tables in the base zone chapters to see the status of that category. Categories are either allowed, allowed with special limitations, may be allowed through a conditional use review, or are prohibited. You should also check the list of the 200s chapters, because some uses are subject to additional regulations. Finally, although a base zone might allow a use, a specific site may be subject to additional regulations from an overlay zone or plan district. The regulations of the overlay zone or plan district supersede the regulations of the base zone and may affect the status of the use, so those regulations should be considered.

Determining the Land Division Regulations for a Specific Site

To determine the Land Division regulations applicable to a site, you must first find the site on the Official Zoning Maps. The appropriate map will show the base zone that is applied to the site. This will tell you which chapters to look at in this Title; the 100s and 600s are organized by zone. The Zoning Map will also show if the site is subject to any overlay zones or plan districts, and if the site contains a historical landmark or recreational trail. You then look up all the corresponding regulations. All of these regulations will tell you what uses are allowed, what housing types may be considered, and what development regulations affect your site. Some of these development regulations will help you determine how to design your Land Division.

In the 600 series of chapters, you should first look in Chapters 33.605 through 33.615 for the zone of your site; these chapters contain the regulations on density and lot dimensions. Then review Chapters 33.630 through 33.641: Chapters 33.630, Tree Preservation, 33.635, Clearing, Grading, and Land Suitability, 33.636, Tracts and Easements, and 33.640, Streams, Springs, and Seeps apply to all Land Divisions. Chapter 33.639, Solar Access applies to land divisions where single-dwelling detached development is proposed. Chapters 33.631 and 33.632 apply only to sites that may be subject to flood or landslide; City maps can help you determine if your land may be subject to these hazards. Chapters 33.633, Phased Plans and Staged Final Plats apply to proposals that include those elements, while Chapter 33.634 only applies to sites where a recreation area is required. A traffic impact study may be required as per 33.641. Chapter 33.638 includes the regulations for Planned Developments.

Chapters 33.651 through 33.655 contain the regulations for services that apply to land divisions. Finally, Chapters 33.660 through 33.675 will tell you what reviews are needed for your Land Division or Property Line Adjustment, and what standards and approval criteria must be met for your request to be approved.

Chapters 33.910, Definitions and 33.930, Measurements may be helpful in understanding how to apply the land division regulations to a specific site.

Format of Title 33

Outline. The format of Title 33 follows the layout of all revised Titles in the City Code. The chapter and section numbers use an expandable decimal numbering system adopted by the City in 1969. Major divisions within the Title are called chapters. Major divisions within chapters are called sections. The format of the divisions in the Title are shown below.

33.xxx Chapter Title

XXX

Sections:

33.xxx.yyy

33.XXX.XXX Section

A. Subsection

1. Paragraph

a. Subparagraph

(1) Subsubparagraph

Referencing Within Title 33. References within Title 33 are made as follows:

Outside of the same section. When a reference is to text outside of the same section, the reference number starts with the Title number (i.e. 33), and continues to the appropriate level for the reference. For example, 33.110.050.B. refers to Subsection B. of Section 050, of Chapter 110, of Title 33. The names "Title" and "Chapter" are used if the reference is to an entire Title or Chapter.

Within the same section. When a reference is to text within the same section, the name of the division level is used (i.e. Subsection, Paragraph, Subparagraph, etc.), and the reference "number" starts with the appropriate subsection letter. For example, "See Paragraph D.2., below" refers to Paragraph 2., of Subsection D., of the same section.

Referencing Other Documents. When a reference is to a document outside of the Portland City Code, the referenced document's name is in italicized text, such as *Balch Creek Watershed Protection Plan*.

Terms

The code has been written in a "plain English" style and the meaning is intended to be clear as read. However, because it is also a legal document and because of the need for terms with specific meanings, the code also provides guidance on how specific terms are used. Chapter 33.910, Definitions, defines words that have a specific meaning in this code. 33.700.070, General Rules for Application of the Code Language, contains other information on how terms are used in this code.