

# **Code Maintenance 2001**

## **City Council Adopted Report (Ordinance # 175966)**



**City of Portland  
Office of Planning and Development Review  
Land Use Review Division**

**Date Adopted: September 26, 2001  
Amendments Effective: October 26, 2001,**

For more information, contact:  
Douglas Hardy, Project Manager  
Office of Planning & Development Review  
Land Use Review Division  
1900 SW Fourth Avenue, Suite 5000  
Portland, Oregon 97201

Phone: (503) 823-7300

Fax: (503) 823-5630

The Office of Planning and Development Review is committed to providing equal access to information and hearings. If you need special accommodations, please call 823-7300 (TTY 823-6868).

# Acknowledgements

## Portland City Council

Vera Katz, Mayor  
Jim Francesconi, Commissioner  
Charlie Hales, Commissioner  
Dan Saltzman, Commissioner  
Erik Sten, Commissioner

## Portland Planning Commission

Richard Michaelson, President  
Steve Abel, Vice President  
Ethan Seltzer, Vice President  
Ernie Bonner  
Richard Fernandez  
Amanda Fritz  
Rick Holt  
Marcy McInelly  
Ingrid Stevens

## Office of Planning and Development Review

Charlie Hales, Commissioner-In-Charge  
Margaret M. Mahoney, Director

## Project Staff

Douglas Hardy, AICP, Senior Planner (Project Manager)  
Sterling Bennett, Chief Planner  
Kristin Cooper, Senior Planner  
Susan Feldman, Principal Planner  
Sheila Frugoli, AICP, Senior Planner  
Pasia Lee, Office Support Specialist  
Susan McKinney, Senior Planner



# Table of Contents

<b>Section I. Project Summary</b> .....	1
<b>Section II. Background</b> .....	3
<b>Section III. Adopted Code Amendments</b>	
How to read this section .....	7
<b>Base Zones</b>	
33.120 Multi-Dwelling Zones.....	8
33.130 Commercial Zones.....	26
33.140 Employment and Industrial Zones.....	36
<b>Additional Use and Development Regulations</b>	
33.224 Drive-Through Facilities .....	46
33.266 Parking and Loading .....	48
<b>Plan Districts</b>	
33.510 Central City Plan District .....	50
33.515 Columbia South Shore Plan District .....	52
<b>Administration and Procedures</b>	
33.730 Quasi-Judicial Procedures.....	74
33.750 Fees .....	76
<b>Land Use Reviews</b>	
33.848 Impact Mitigation Plans .....	78
<b>General Terms</b>	
33.910 Definitions .....	80



# Section I

## Project Summary

On June 12, 2001, the Office of Planning and Development Review (OPDR) presented to the Portland Planning Commission approximately 70 proposed amendments to the Portland Zoning Code as part of the Code Maintenance 2001 project. The amendments in Code Maintenance 2001 are intended to further certain objectives of the Blueprint 2000 process, such as consistency and correctness of land use regulations used by the City bureaus. In addition, these amendments are intended to improve clarity and implementation of the Zoning Code without changing basic policy or intent of the regulations. The amendments were selected from a database of requests to amend the Zoning Code that have been submitted over the past several years by Office of Planning and Development Review and Bureau of Planning staff, staff from other city agencies, and customers in the City's Development Services Center.

Following a staff presentation and public testimony at the hearing on June 12, 2001, the Planning Commission voted to forward a favorable recommendation on approximately 60 of the proposed amendments to City Council. These 60 amendments were considered by City Council at a public hearing on August 2, 2001, at which the City Council passed a motion to adopt the amendments as recommended.

On August 14, 2001, the Planning Commission held an additional hearing to allow the commissioners to further deliberate on the remaining amendments in Code Maintenance 2001. Following a staff presentation and public testimony, the Planning Commission voted to forward, with modifications, a favorable recommendation to City Council on these remaining amendments.

**City Council Action.** On September 26, 2001, the City Council took the following actions:

- Adopted this report;
- Amended the *Portland Zoning Code* as consistent with this report; and
- Adopted the commentary on Code Maintenance 2001, included in this report, as legislative intent and further findings.



# Section II

## Background

### **Why undertake Code Maintenance 2001?**

Code Maintenance 2001 is part of a continuing effort to improve the clarity and structure of the Portland Zoning Code as an ongoing code maintenance project. It is intended to make corrections and clarifications to the Zoning Code that improve its usability, without changing basic policy or intent. This adopted amendments package is the most recent of the 13 major packages recommended and adopted by the City Council since the current Zoning Code was adopted in 1990. It also clarifies major additions that have been recently incorporated into the Zoning Code, such as regulations addressing the Transportation Planning Rule and the base zone design standards.

### **What is the source of the amendments contained in Code Maintenance 2001?**

The adopted amendments have been chosen from a database of amendment requests received from customers of the City, development review and policy staff, as well as the City Attorney's office and other service agency staff.

Approximately 100 amendment requests in the database will be assigned to ongoing Bureau of Planning legislative projects, including River Renaissance, Design for Quality Neighborhoods, Land Division Code Rewrite, Amendments to Historic Resource Code Regulations, Environmental Zoning Update Project, and Electronic Equipment Facilities/Telecom Project. More than 75 of the amendment requests included in the database involve substantial policy changes that are beyond the scope of Code Maintenance 2001.

### **How were the amendments contained in Code Maintenance 2001 selected?**

A joint advisory team of planners from the Office of Planning and Development Review Land Use Review Division and the Bureau of Planning collaborated in developing the list of proposed amendments for this package. Approximately 70 amendment requests were selected from the database for the Code Maintenance 2001 package. Those that have been selected meet the following objectives:

- The amendment request is consistent with the objectives of the Blueprint 2000 process, which call for regulatory reform to meet the goal of providing a predictable, seamless delivery of the City's development review functions;

- The amendment request improves the clarity and usability of the Zoning Code without changing the intent behind the specific regulation in question, and clarifies wording that may be open to interpretation;
- The amendment request addresses ongoing problems with administration of the existing Code language, and may result in a minor policy change with low significance; and
- The amendment request will help implement the City's Comprehensive Plan and be consistent with existing Policies and Objectives of that plan.

The adopted amendments have been organized into the following three general categories:

- **Technical:** This category identifies inconsistent or ambiguous wording in the Code, typographical errors, or incorrect placement of lines on maps in the Code.
- **Clarification:** These amendments are intended to clarify existing language so as to facilitate daily use and improve readability of the Code.
- **Minor Policy:** The amendments in this category are intended to address ongoing problems with administration of the Code, which require immediate attention due to the importance of the issue, or the frequency the issue arises. The significance of these policy changes is considered low, while the benefits to the daily administration of the Code are considered high. A summary of the amendments included in the minor policy category are summarized in a table at the end of this section.

## **What previous actions have been taken on Code Maintenance 2001?**

The Planning Commission held a public hearing on June 12, 2001, to receive testimony and consider the proposed amendments included in the Office of Planning and Development Review's *Proposed Report and Recommendations*. The Planning Commission voted to forward a favorable recommendation to City Council on approximately 60 of the 70 amendments proposed by the Office of Planning and Development Review. The 60 amendments were subsequently adopted by City Council on August 8, 2001.

On August 14, 2001, the Planning Commission held its second public hearing on the Code Maintenance 2001 project, to further consider the remaining amendments that were included in the Office of Planning and Development Review's *Report and Recommendation*, as well as two new amendment requests that were presented as part of public testimony at the Commission's first hearing. At the hearing of August 14, 2001, the Planning Commission voted to forward a favorable recommendation to City Council on the remaining amendments.

# **Section III**

## **Adopted Code Amendments**



## **How to read this section**

This section is organized numerically by Zoning Code chapter and adopted amendments to the chapters included. Odd-numbered pages show Zoning Code language with the adopted amendments. Language added to the Zoning Code is underlined. Language deleted is shown with a ~~strike through~~.

Even-numbered pages contain commentary on the adopted amendments.

### CHAPTER 33.120 MULTI-DWELLING ZONES

#### 33.120.100 Primary Uses

- B. Limited uses. Regulations of Chapter 33.848 (Impact Mitigation Plans) require that an institution located in an Institutional Residential (IR) zone must complete an Impact Mitigation Plan (IMP) if development is proposed that is not consistent with the institution's adopted conditional use master plan. The adopted amendment to Chapter 33.848 will allow institutions in the IR zone to choose between amending their existing conditional use master plan (or replacing it with a new one), or completing an IMP. (See page 78 of this report.)

The existing use table in the Multi-Dwelling Zones (Table 120-1) identifies that Retail Sales and Service, Office and Daycare uses are allowed as part of an institutional campus in the IR zone only through an approved IMP. This table also states that schools, colleges, and medical centers in the IR zone may develop as institutional campuses only if the institution has an approved IMP. Table 120-1 is amended to reflect that these uses are also allowed as part of an institutional campus if approved through a conditional use master plan.

## CHAPTER 33.120 MULTI-DWELLING ZONES

### 33.120.100 Primary Uses

**B. Limited uses.** Uses allowed in these zones subject to limitations are listed in Table 120-1 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 120-1.

1-9. [No change]

10. Retail Sales And Services and Office uses in the IR zone. This regulation applies to all parts of Table 120-1 that have a note [10].

a. [No change]

b. Retail Sales and Service uses allowed as accessory activities. These uses are allowed by right when the use is identified as a permitted accessory use in the institution's approved impact mitigation plan or conditional use master plan; and

c. [No change]

d. Institutional Office uses allowed as accessory activities. These uses are allowed by right when the use is identified as a permitted accessory use in the institution's approved impact mitigation plan or conditional use master plan; and

~~e.~~ Institutional Office uses allowed as primary uses. Office uses related to the mission of the institution are allowed by right when all of the following are met:

(1) The amount of office space development is mitigated for at the level specified in the institution's approved impact mitigation plan;

(2) The office uses allowed are limited to the following:

- Institutional administrative, faculty, staff, student, and educational offices;
- Blood collection facilities;
- Medical office space and medical office buildings; and
- Medical, scientific, educational research and development facilities and laboratories.

## Commentary

---

### 33.120.100 Primary Uses

#### B. Limited uses (continued)

## 33.120.100 Primary Uses

### B. Limited uses (continued)

- (3) Limit the aggregate size of medical, scientific, educational research and development facilities and laboratories; noninstitution-owned medical office buildings; and major event entertainment facilities and their associated structured parking to 30 percent or less of the campus floor area. Exceptions to the 30 percent maximum are prohibited.
11. Schools, Colleges, and Medical Centers in the IR zone. This regulation applies to all parts of Table 120-1 that have a note [11].
  - a. [No change]
  - b. Regulations for institutional campuses. High Schools, Colleges, Hospitals, and Medical Centers are allowed to develop as institutional campuses when they meet the following regulations.
    - (1) The institution is located or is to be located on a site that is at least 5 acres in total area. Exceptions to this minimum size requirement are prohibited.
    - (2) The institution has an approved impact mitigation plan ~~that has been approved through the procedures specified in Chapter 33.848, Impact Mitigation Plans~~ or conditional use master plan.
    - (3) [No change]
12. Daycare in the IR zone. This regulation applies to all parts of Table 120-1 that have a note [12]. Daycare facilities are allowed if included in the institution's approved impact mitigation plan ~~when the impact mitigation plan has been developed and approved in conformance with the provisions of Chapter 33.848~~ or conditional use master plan.

## Commentary

---

### 33.120.100 Primary Uses

#### B. Limited uses (continued)

# Adopted Code Amendment

## 33.120.100 Primary Uses

### B. Limited uses (continued)

<b>Table 120-1 Multi-Dwelling Zone Primary Uses</b>						
Use Categories	R3	R2	R1	RH	RX	IR
<b>Residential Categories</b>						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	Y [1]
<b>Commercial Categories</b>						
Retail Sales And Service	N	N	N	CU[2]	L/CU [3]	L/CU [10]
Office	N	N	N	CU[2]	L/CU [3]	L/CU [10]
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	CU [4]	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	CU
<b>Industrial Categories</b>						
Manufacturing And Production	N	N	N	N	N	CU
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	CU
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
<b>Institutional Categories</b>						
Basic Utilities	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [13, 14]	L/CU [14]
Community Service	CU [6]	CU [6]	CU [6]	L/CU [6]	L/CU [5, 6]	CU [6]
Parks And Open Areas	L/CU [7]	L/CU [7]	L/CU [7]	Y	Y	Y
Schools	CU	CU	CU	CU	L/CU [5]	L/CU [11]
Colleges	CU	CU	CU	CU	CU	L/CU [11]
Medical Centers	CU	CU	CU	CU	CU	L/CU [11]
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	Y	L/CU [12]
<b>Other Categories</b>						
Agriculture	N	N	N	N	N	N
Aviation And Surface Passenger Terminals	N	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

CU = Conditional Use Review Required

Notes: [No change]

L = Allowed, But Special Limitations

N = No, Prohibited

### 33.120.220 Setbacks

#### B. Building setback standard.

2. Maximum building setbacks from a transit street or a street in a pedestrian district apply only to buildings and are regulated as follows:
  - a. Measurement. The existing regulation requires a minimum of 50 percent of the ground level, street-facing façade to be placed no more than 25 feet from the curb along transit streets, or streets in a pedestrian district. It is not clear how to apply this standard if the distance between the street lot line and the curb is in excess of 25 feet. In such circumstances, it is not possible to meet the maximum transit street setback standard.

The adopted amendment clarifies that when the distance between the street lot line and the curb is in excess of 25 feet, a minimum of 50 percent of the ground level, street-facing facade must be placed at the street lot line. The amendment will result in a portion of the building being located within the required minimum building setback (as measured from the lot line). However, this is consistent with standard administration of the Code in that when regulations at the same level conflict, those that are more specific to the situation apply (see 33.700.070.E.2). In this situation, the maximum building setback (along a transit street or in a pedestrian district) is more specific than the minimum building setback.

Additionally, it is not clear from existing Code language how to apply the maximum transit street setback standard when constructing an addition to the rear of an existing building that currently does not meet the maximum transit street setback. Because the maximum transit street setback applies only to street-facing facades, if the addition is constructed entirely to the rear of the existing building, the addition has no façade that is visible from the street and, therefore, is not subject to the maximum transit street setback. The adopted amendment clarifies this by adding new text and by including additional graphics.

The adopted amendment also clarifies (through new text and graphics) how to measure the length of ground level, street-facing facade required to be within the maximum setback when there are multiple buildings on the site. The intent of this regulation is to place at least 50 percent of the cumulative ground level building walls close to the sidewalk. This allows a rational development of deep lots, whereby at least half of the *cumulative* length of ground level, street-facing building walls is within 25 feet of the curb, while the remainder of the street-facing walls may be placed at a greater distance from the curb.

### 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 specified in this section. Transit street setbacks apply only to buildings. Setbacks for parking areas are in Chapter 33.266.

2. Maximum building setbacks from a transit street or a street in a pedestrian district apply only to buildings and are regulated as follows:
  - a. Measurement.
    - (1) To ensure that the environment near automobile travel lanes is inviting to pedestrians, building setbacks from a transit street, or from any street in a pedestrian district, are measured from the curb, not the lot line.
    - (2) Where there is no curb, the setback is measured from the lot line, and both the minimum and maximum setbacks are reduced by 6 feet.
    - (3) Where the distance between the street lot line and the curb is more than 25 feet, the maximum setback is zero.
    - (4) Where an existing building that meets the standard of this paragraph is being altered, the standard of this paragraph applies to the ground level, street-facing façade of the entire building. Where the existing building does not meet the standard of this paragraph, see Section 33.258.070.C. See Figures 120-1 and 120-2.
    - (5) Where there is more than one building on the site, the standard of this paragraph applies to the combined ground level, street-facing facades of all of the buildings. Where existing buildings do not meet the standard of this paragraph, see Section 33.258.070.C. See Figure 120-3.

### 33.120.220 Setbacks (continued)

The amendment also clarifies whether porches may be counted toward the portion of the ground level, street-facing *building* wall meeting the maximum setback standard. While a traditional porch does not meet the definition of a building, as it is not typically enclosed on at least 50 percent of its sides, it is a predominant architectural element associated with residential structures. Furthermore, a porch architecturally announces the main entrance of a building, and is therefore supportive of the purpose of requiring a maximum building setback. The amendment allows porches, that meet minimum design standards, to count toward the portion of the building wall meeting the maximum transit street setback. The adopted standards for porches are derived from those already used in the Zoning Code (in the base zone design standards, and in the community design standards). This allowance will apply only to residential structures, as porches are an architectural element more typically associated with residential uses.

### 33.120.220 Setbacks (continued)

- (6) For buildings where all of the floor area is in residential use, the street-facing façade of an open porch that meets the following standards is included as part of the ground level, street-facing façade of the building:
- For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
  - The porch must have at least one entrance facing the street; and
  - The porch must have a roof that is:
    - No more than 12 feet above the floor of the porch; and
    - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

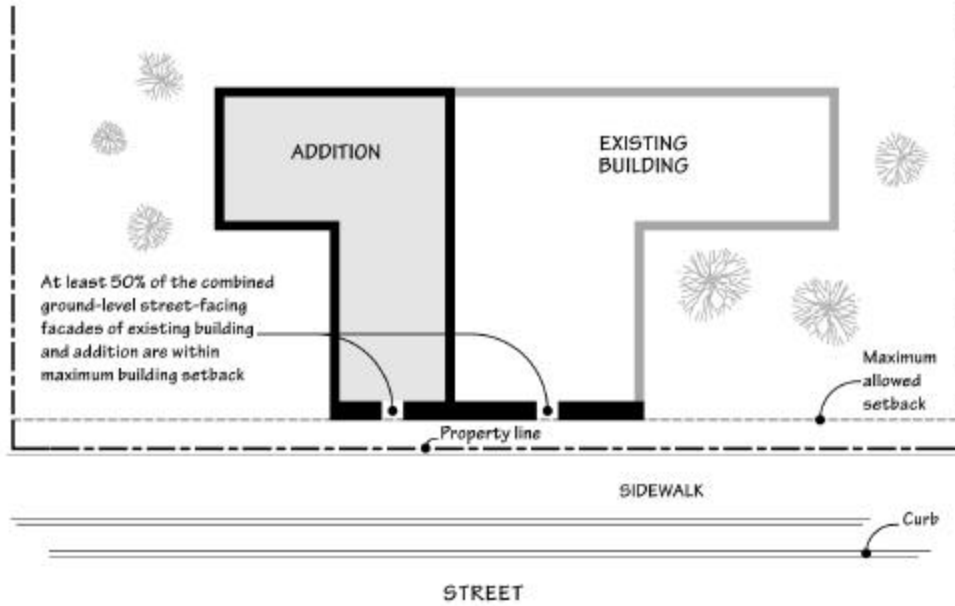
## Commentary

---

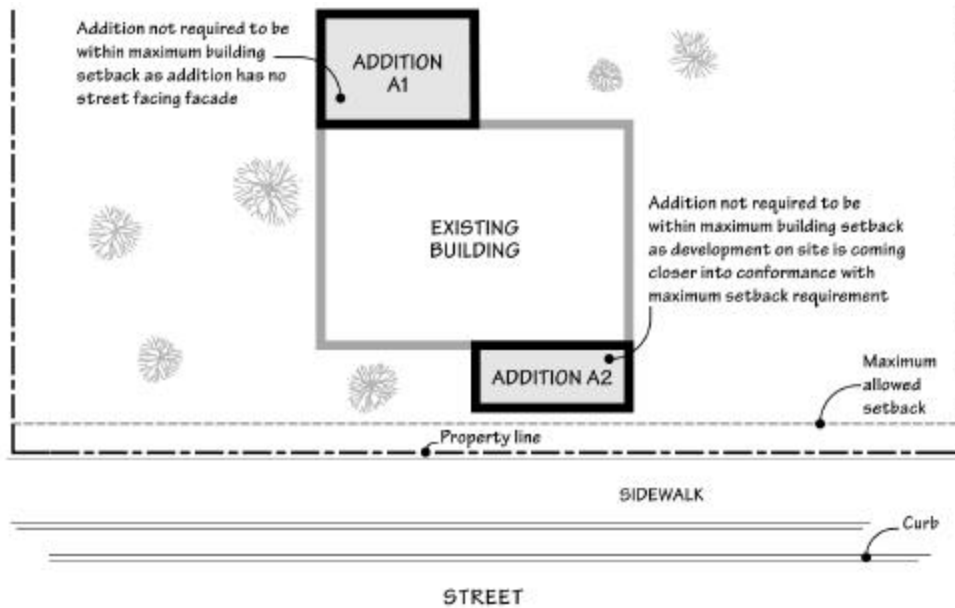
33.120.220 Setbacks (continued)

33.120.220 Setbacks (continued)

**Figure 120-1**  
**Alteration to Existing Building in Conformance with Maximum Setback Standard**



**Figure 120-2**  
**Alterations to Existing Building**  
**Addition A1. Not Subject to Maximum Setback Standard**  
**Addition A2. Brings Building Closer to Conformance with Maximum Setback Standard**



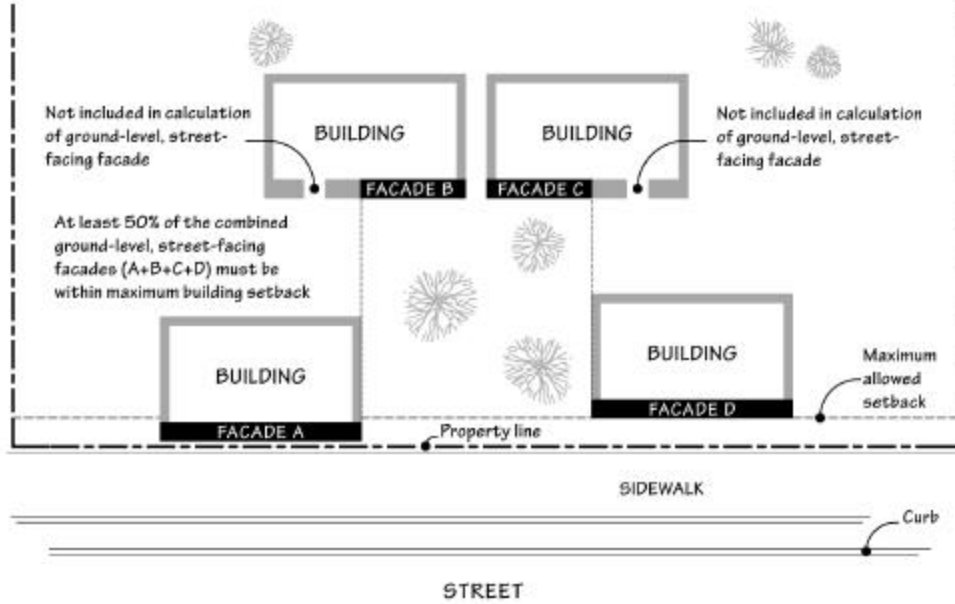
## Commentary

---

33.120.220 Setbacks (continued)

33.120.220 Setbacks (continued)

**Figure 120-3**  
**Calculating Maximum Building Setback When More Than One Building On Site**



[With the insertion of new Figures 120-1 through 120-3, the numbering for the existing figures 120-1 through 120-7, and all references to those figures, will be changed to 120-4 through 120-10.]

### 33.120.277 Development Standards for Institutional Campuses in the IR Zone

- B. Where these standards apply.** Two of the three standards in Paragraph C of this section regulate accessory Retail Sales and Service uses in the IR zone. (The third standard essentially states that the standards of this section, and those contained in Table 120-3, may be superseded by development standards approved through an approved impact mitigation plan.) However, Paragraph B of this section states these standards apply only to institutional campuses in the IR zone with an approved impact mitigation plan. As Code Maintenance 2001 includes an amendment that states Retail Sales and Service is allowed by right as an accessory use if permitted through the institution's approved impact mitigation plan or conditional use master plan (see page 8 of this report), Paragraph B of this section must be amended to include reference to approved conditional use master plans.

### **33.120.277 Development Standards for Institutional Campuses in the IR Zone**

- A. Purpose.** [No change]
- B. Where these standards apply.** The standards of this section apply to all development that is part of an institutional campus with an approved impact mitigation plan or an approved conditional use master plan in the IR zone, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions from one use category to another.
- C. The standards.**
1. The development standards are stated in Table 120-3. If not addressed in this section, the regular base zone development standards apply. The standards of this subsection, and Table 120-3, may be superseded by development standards in an approved impact mitigation plan.
  2. Space occupied by an accessory retail sales or service use has no direct access to the outside of the building. Access to the activity must be from an interior space or from an exterior space that is at least 150 feet from a public right-of-way.
  3. Accessory retail and sales uses must not have exterior signage. Exceptions are prohibited.

## Commentary

---

### 33.120.285 Fences

#### C. Location.

1. Prior to 1991, open fences were limited in height to three and one-half feet in the front, side and rear yards. Sight-obscuring fences up to six feet in height were allowed in the side and rear yards. In 1991, the standard was modified to allow fences of any type up to three and one-half feet in height in the required front building setback, with fences up to six feet in height allowed in required side and rear building setbacks. Existing regulations allow fences of any type up to three and one-half feet in the required front building setback, and up to eight feet in required side and rear building setbacks.

In 1996, the term "street setback" was included in the Zoning Code, but was not reflected in the fence regulations. This has led to confusion about the allowed height of fences in "street setbacks." A street setback presently is defined as a setback measured from a lot line, and a front lot line is defined as a lot line that abuts a street. On corner lots, the front lot line is the shortest of the lot lines abutting a street. If two or more street lot lines are of equal length, the applicant may select one as being the front lot line.

The adopted amendment seeks to clarify the allowed height of fences within street setbacks. The amendment also reorganizes this section so as to better guide the reader through the regulations.

### 33.120.285 Fences

#### C. Location.

1. Street building setbacks.
  - a. Measured from front lot line. Fences up to 3-1/2 feet high are allowed in a required ~~front~~ street building setbacks that is measured from a front lot line.
  - b. Measured from a side lot line. Fences up to 3-1/2 feet high are allowed in a required street building setback that is measured from a side lot line.
2. Side and rear building setbacks. Fences up to 8 feet high are allowed in required side or rear building setbacks.
3. Not in building setbacks. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

## CHAPTER 33.130 COMMERCIAL ZONES

### 33.130.215 Setbacks

#### B. Building setback standard.

2. Building setbacks on a transit street or a street in a pedestrian district.
  - a. Measurement. The existing regulation requires a portion of the ground level, street-facing façade to be placed no more than 25 feet from the curb along transit streets, or streets in a pedestrian district. It is not clear how to apply this standard if the distance between the street lot line and the curb is in excess of 25 feet. In such circumstances, it is not possible to meet the maximum transit street setback standard.

The adopted amendment clarifies that when the distance between the street lot line and the curb is in excess of 25 feet, a minimum of 50 percent of the ground level, street-facing façade must be placed at the street lot line. The amendment will result in a portion of the building being located within the required minimum building setback (as measured from the lot line). However, this is consistent with standard administration of the Code in that when regulations at the same level conflict, those that are more specific to the situation apply (see 33.700.070.E.2). In this situation, the maximum building setback (along a transit street or in a pedestrian district) is more specific than the minimum building setback.

Additionally, it is not clear from existing Code language how to apply the maximum transit street setback standard when constructing an addition to the rear of an existing building that currently does not meet the maximum transit street setback. Because the maximum transit street setback applies only to street-facing facades, if the addition is constructed entirely to the rear of the existing building, the addition has no façade that is visible from the street and, therefore, is not subject to the maximum transit street setback. The adopted amendment clarifies this through new text and graphics.

The adopted amendment also clarifies (through text and graphics) how to measure the length of ground level, street facing facade required to be within the maximum setback when there are multiple buildings on the site. The intent of this regulation is to place at least 50 percent of the *cumulative* ground level building walls close to the sidewalk. This allows a rational development of deep lots, whereby at least half of the cumulative length of ground level, street-facing building walls are within 25 feet of the curb, while the remainder of the street-facing walls may be placed at a greater distance from the curb.

## CHAPTER 33.130 COMMERCIAL ZONES

### 33.130.215 Setbacks

- B. Building setback standard.** The required minimum 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 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:
    - a. Measurement.
      - (1) To ensure that the environment near automobile travel lanes is inviting to pedestrians, building setbacks from a transit street or from any street in a pedestrian district are measured from the curb.
      - (2) Where there is no curb, the setback is measured from the lot line, and both the minimum and maximum setbacks are reduced by 6 feet.
      - (3) Where the distance between the street lot line and the curb is more than 25 feet, the maximum setback is zero.
      - (4) Where an existing building that meets the standard of this paragraph is being altered, the standard applies to the ground level, street-facing façade of the entire building. Where the existing building does not meet the standard of this paragraph, see Section 33.258.070.C. See Figures 130-1 and 130-2.
      - (5) Where there is more than one building on the site, the standard of this paragraph applies to the combined ground level, street-facing facades of all of the buildings. Where existing buildings do not meet the standard of this paragraph, see Section 33.258.070.C. See Figure 130-3.

### 33.130.215 Setbacks (continued)

Lastly, the amendment clarifies whether porches may be counted toward the portion of the ground level, street-facing *building wall* meeting the maximum setback standard. While a traditional porch does not meet the definition of a building, as it is not typically enclosed on at least 50 percent of its sides, it is a predominant architectural element associated with residential structures. Furthermore, a porch architecturally announces the main entrance of a building, and is therefore supportive of the purpose of requiring a maximum building setback. The amendment allows porches, that meet minimum design standards, to count toward the portion of the building wall meeting the maximum transit street setback. The adopted standards for porches are derived from those already used in the Zoning Code (in the base zone design standards, and in the community design standards). This allowance will apply to residential structures, as porches are an architectural element more typically associated with residential uses.

### 33.130.215 Setbacks (continued)

(6) For buildings where all of the floor area is in residential use, the street-facing façade of an open porch that meets the following standards is included as part of the ground level, street-facing façade of the building:

- For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
- The porch must have at least one entrance facing the street; and
- The porch must have a roof that is:
  - No more than 12 feet above the floor of the porch; and
  - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

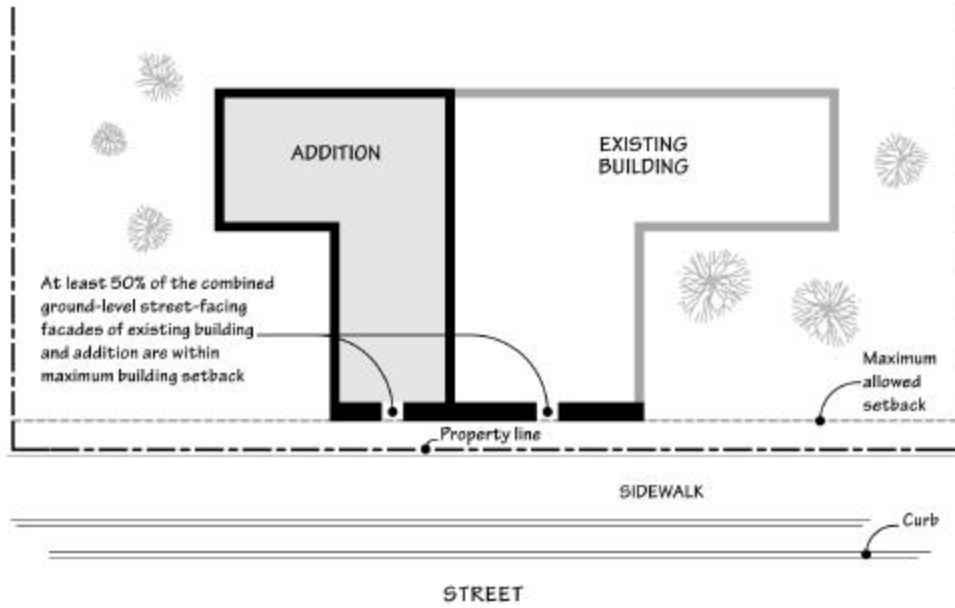
## Commentary

---

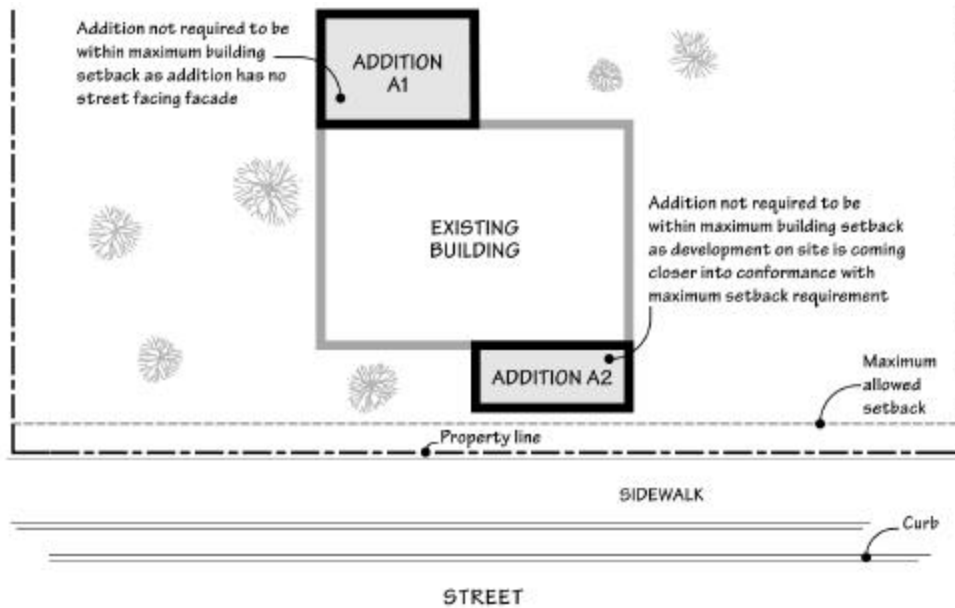
33.130.215 Setbacks (continued)

33.130.215 Setbacks (continued)

**Figure 130-1**  
**Alteration to Existing Building in Conformance with Maximum Setback Standard**



**Figure 130-2**  
**Alterations to Existing Building**  
**Addition A1. Not Subject to Maximum Setback Standard**  
**Addition A2. Brings Building Closer to Conformance with Maximum Setback Standard**



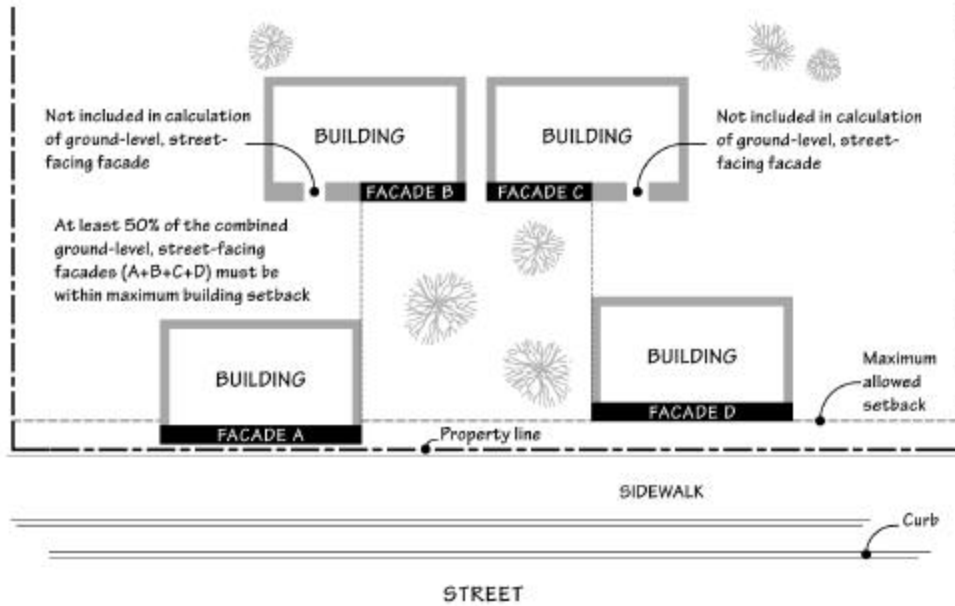
## Commentary

---

33.130.215 Setbacks (continued)

33.130.215 Setbacks (continued)

**Figure 130-3**  
**Calculating Maximum Building Setback When More Than One Building On Site**



[With the insertion of new Figures 130-1 through 130-3, the numbering for the existing figures 130-1 through 130-8, and all references to those figures, will be changed to 130-4 through 130-11.]

### 33.130.270 Fences

#### C. Location and heights.

1. Prior to 1991, open fences were limited in height to three and one-half feet in the front, side and rear yards. Sight-obscuring fences up to six feet in height were allowed in the side and rear yards. In 1991, the standard was modified to allow fences of any type up to three and one-half feet in height in the required front building setback, with fences up to six feet in height allowed in required side and rear building setbacks. Existing regulations allow fences of any type up to three and one-half feet in the required front building setback, and up to eight feet in required side and rear building setbacks.

In 1996, the term "street setback" was included in the Zoning Code, but was not reflected in the fence regulations. This has led to confusion about the allowed height of fences in "street setbacks." A street setback is presently defined as a setback measured from a lot line, and a front lot line is defined as a lot line that abuts a street. On corner lots, the front lot line is the shortest of the lot lines abutting a street. If two or more street lot lines are of equal length, the applicant may select one as being the front lot line.

The adopted amendment seeks to clarify the allowed height of fences within street setbacks. The amendment also reorganizes this section so as to better guide the reader through the regulations.

### 33.130.270 Fences

#### C. Location and heights.

1. Street building setbacks.
  - a. Measured from front lot line. Fences up to 3-1/2 feet high are allowed in a required ~~front~~ street building setbacks that is measured from a front lot line.
  - b. Measured from a side lot line. Fences up to 3-1/2 feet high are allowed in a required street building setback that is measured from a side lot line.
2. Side and rear building setbacks. Fences up to 8 feet high are allowed in required side or rear building setbacks.
3. Not in building setbacks. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

## CHAPTER 33.140 EMPLOYMENT AND INDUSTRIAL ZONES

### 33.140.215 Setbacks

#### B. The setback standard.

2. Building setbacks on a transit street or a street in a pedestrian district.
  - a. Measurement. The existing regulation requires a portion of the ground level, street-facing façade to be placed no more than 25 feet from the curb along transit streets, or streets in a pedestrian district. It is not clear how to apply this standard if the distance between the street lot line and the curb is in excess of 25 feet. In such circumstances, it is not possible to meet the maximum transit street setback standard.

The adopted amendment clarifies that when the distance between the street lot line and the curb is in excess of 25 feet, a minimum of 50 percent of the ground level, street-facing façade must be placed at the street lot line. The amendment will result in a portion of the building being located within the required minimum building setback (as measured from the lot line). However, this is consistent with standard administration of the Code in that when regulations at the same level conflict, those that are more specific to the situation apply (see 33.700.070.E.2). In this situation, the maximum building setback (along a transit street or in a pedestrian district) is more specific than the minimum building setback.

Additionally, it is not clear from existing Code language how to apply the maximum transit street setback standard when constructing an addition to the rear of an existing building that currently does not meet the maximum transit street setback. Because the maximum transit street setback applies only to street-facing facades, if the addition is constructed entirely to the rear of the existing building, the addition has no façade that is visible from the street and, therefore, is not subject to the maximum transit street setback. The adopted amendment clarifies this through new text and graphics.

The adopted amendment also clarifies (through new text and graphics) how to measure the length of the ground level, street facing facade required to be within the maximum setback when there are multiple buildings on the site. The intent of this regulation is to place at least 50 percent of the *cumulative* ground level, street-facing building walls close to the sidewalk. This allows a rational development of deep lots, whereby at least one-half of the cumulative length of ground level, street-facing building walls are within 25 feet of the curb, while the remainder of the street-facing walls may be placed at a greater distance from the curb.

## CHAPTER 33.140 EMPLOYMENT AND INDUSTRIAL ZONES

### 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 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 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:
    - a. Measurement.
      - (1) To ensure that the environment near automobile travel lanes is inviting to pedestrians, setbacks from a transit street or from any street in a pedestrian district are measured from the curb.
      - (2) Where there is no curb, the setback is measured from the lot line, and both the minimum and maximum setbacks are reduced by 6 feet.
      - (3) Where the distance between the street lot line and the curb is more than 25 feet, the maximum setback is zero.
      - (4) Where an existing building that meets the standard of this paragraph is being altered, the standard of this paragraph applies to the ground level, street-facing façade of the entire building. Where the existing building does not meet the standard of this paragraph, see Section 33.258.070.C. See Figures 140-1 and 140-2.
      - (5) Where there is more than one building on the site, the standard of this paragraph applies to the combined ground level, street facing facades of all of the buildings on the site. Where existing buildings do not meet the standard of this paragraph, see Section 33.258.070.C. See Figure 140-3.

## Commentary

---

### 33.140.215 Setbacks (continued)

Lastly, the amendment also clarifies whether porches may be counted toward the portion of the ground level, street-facing *building wall* meeting the maximum setback standard. While a traditional porch does not meet the definition of a building, as it is not typically enclosed on at least 50 percent of its sides, it is a predominant architectural element associated with houses, attached houses, duplexes, and even manufactured homes. Furthermore, a porch architecturally announces the main entrance of a building, and is therefore supportive of the purpose of requiring a maximum building setback. The amendment allows porches, that meet minimum design standards, to count toward the portion of the building wall meeting the maximum street setback. The standards for porches are derived from those already used in the Zoning Code. This allowance will apply only to residential structures, as porches are an architectural element more typically associated with residential uses.

### 33.140.215 Setbacks (continued)

(6) For buildings where all of the floor area is in residential use, the street-facing façade of an open porch that meets the following standards is included as part of the ground level, street-facing façade of the building:

- For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
- The porch must have at least one entrance facing the street; and
- The porch must have a roof that is:
  - No more than 12 feet above the floor of the porch; and
  - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

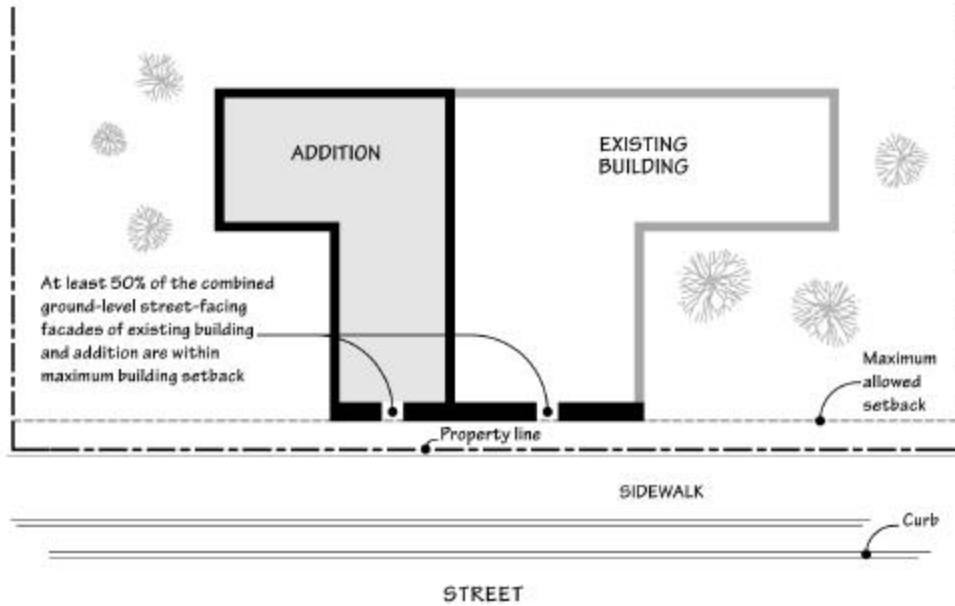
## Commentary

---

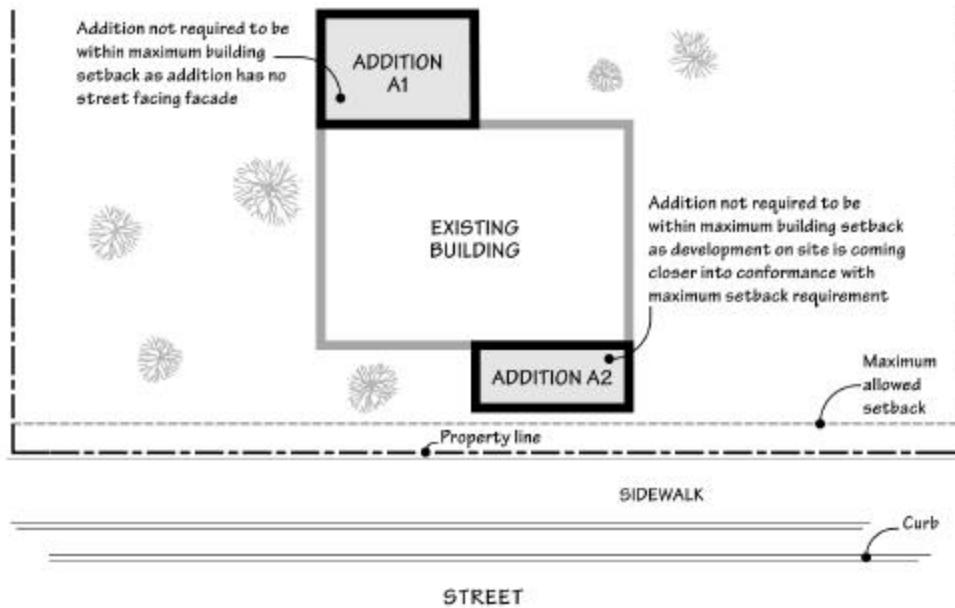
33.140.215 Setbacks (continued)

33.140.215 Setbacks (continued)

**Figure 140-1**  
**Alteration to Existing Building in Conformance with Maximum Setback Standard**



**Figure 140-2**  
**Alterations to Existing Building**  
**Addition A1. Not Subject to Maximum Setback Standard**  
**Addition A2. Brings Building Closer to Conformance with Maximum Setback Standard**



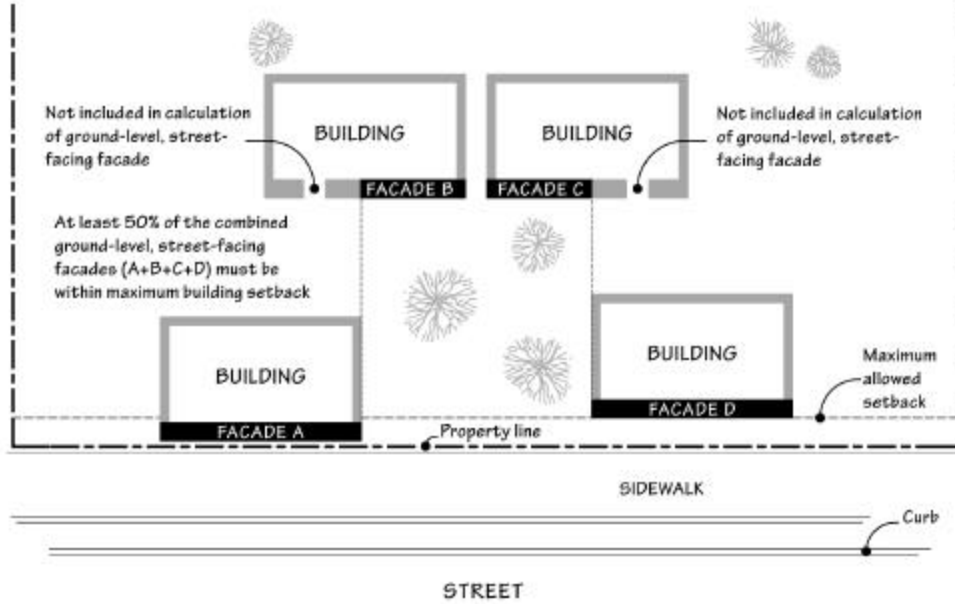
## Commentary

---

33.140.215 Setbacks (continued)

33.140.215 Setbacks (continued)

**Figure 140-3**  
**Calculating Maximum Building Setback When More Than One Building On Site**



[With the insertion of new Figures 140-1 through 140-3, the numbering for the existing figures 140-1 through 140-8, and all references to those figures, will be changed to 140-4 through 140-11.]

### 33.140.275 Fences

#### C. Location and heights.

1. Prior to 1991, open fences were limited in height to three and one-half feet in the front, side and rear yards. Site obscuring fences up to six feet in height were allowed in the side and rear yards. In 1991, the standard was modified to allow fences of any type up to three and one-half feet in height in the required front building setback, with fences up to six feet in height allowed in required side and rear building setbacks. Existing regulations allow fences of any type up to three and one-half feet in the required front building setback, and up to eight feet in required side and rear building setbacks.

In 1996, the term "street setback" was included in the Zoning Code, but was not reflected in the fence regulations. This has led to confusion about the allowed height of fences in "street setbacks." A street setback is presently defined as a setback measured from a lot line, and a front lot line is defined as a lot line that abuts a street. On corner lots, the front lot line is the shortest of the lot lines abutting a street. If two or more street lot lines are of equal length, the applicant may select one as being the front lot line.

The adopted amendment seeks to clarify the allowed height of fences within street setbacks. The amendment also reorganizes this section so as to better guide the reader through the regulations.

### 33.140.275 Fences

#### C. Location and heights.

1. Street building setbacks.
  - a. Measured from front lot line. Fences up to 3-1/2 feet high are allowed in a required ~~front~~ street building setbacks that is measured from a front lot line.
  - b. Measured from a side lot line. Fences up to 3-1/2 feet high are allowed in a required street building setback that is measured from a side lot line.
2. Side and rear building setbacks. Fences up to 8 feet high are allowed in required side or rear building setbacks.
3. Not in building setbacks. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

### CHAPTER 33.224 DRIVE-THROUGH FACILITIES

#### 33.224.020 When These Regulations Apply

- B. Site Development.** As indicated in the purpose statement for drive-through facilities (33.224.010, Purpose), the development standards for drive-throughs facilities are intended to limit the negative impacts these facilities may generate, including noise from idling vehicles, noise from voice amplification systems, lighting, and queued vehicles. The identified impacts are not associated with drive-through facilities that do not involve any interactive service or communication with the customer, such as video or book drop-off boxes. As such, it is not practical to require that such facilities be to subject to the same development standards that apply to a drive-through associated with a fast-food restaurant or bank. The adopted amendment exempts from the drive-through development standards those facilities that do not involve any interactive service or communication with the customer.

## CHAPTER 33.224 DRIVE-THROUGH FACILITIES

### 33.224.020 When These Regulations Apply

**A. Uses.** *No change.*

**B. Site development.**

1. Except as specified in Paragraph B.2, below, 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.
2. The site development standards of Sections 33.224.030 through 33.224.050 do not apply to drive-through facilities that do not involve any interactive service or communication with the customer.

**C. Parts of a drive-through facility.** *No change.*

### CHAPTER 33.266 PARKING AND LOADING

#### 33.266.120 Development Standards for Houses, Attached Houses, and Duplexes

##### C. Parking area locations.

3. Front yard restrictions. To prevent vehicle areas from dominating the street setbacks and to generally enhance the appearance of neighborhoods, existing regulations limit the amount of paved area used for vehicles. Limiting the area of paving also helps limit the amount of impervious surface on a site. However, because the standard places the limit solely on the amount of paving, this allows the use of concrete parking strips that when measured from their outside edges may result in the vehicle area between the dwelling and the street lot line exceeding the maximums stated in the Code. Additionally, too frequently the area between the concrete strips is paved at a later date, resulting in an excess of pavement, an excess of vehicle area, and excessive impervious surface within the street setbacks.

Towards better ensuring the intent of the regulation is met, the amendment limits not only the area paved for vehicles, but also the area used for vehicles.

## CHAPTER 33.266 PARKING AND LOADING

### 33.266.120 Development Standards for Houses, Attached Houses, and Duplexes

#### C. Parking area locations.

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 or used for 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 or used for 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 or used for vehicle areas. See Figure 266-2. As an exception to the area limitations in this paragraph, a lot is allowed at least a 9-foot wide vehicle area.

### CHAPTER 33.510 CENTRAL CITY PLAN DISTRICT

#### 33.510.210 Floor Area and Height Bonus Options

- D. General bonus heights.** The floor area and height bonus options allowed through Section 33.510.210 are offered as incentives to encourage facilities and amenities that implement the Central City Plan. Encouraging the use of these bonus incentives results in the public gaining such amenities as housing, retail, art, day care, locker rooms, and rooftop gardens. These bonuses also encourage the retention of historic landmarks and SROs by allowing the transfer of development rights. In return for providing amenities and encouraging the preservation of historic landmarks and SROs, the applicant achieves not only floor area bonuses (up to a floor area ratio of 3:1), but also height bonuses (up to an additional 45 feet).

The height bonus is awarded to sites that have earned a bonus floor area ratio (including transfers of floor area from SROs or historic landmarks) between 1:1 and 3:1. Earning a larger floor area ratio bonus on a site allows a larger building height bonus. The correlation between the floor area bonus earned (expressed as a floor area ratio) and the allowed height bonus works as intended when applied to a typical Central City block (i.e., 40,000 square feet). However, the correlation between floor area ratio earned and bonus height awarded makes less sense when applied to larger sites. On large sites, the amount of bonus floor area that must be earned to receive the height bonus is significantly more than envisioned when the bonus provisions were adopted. The result is that it is not feasible to qualify for the height bonus on larger sites. For example, to be awarded a 45 foot height bonus for a single building on a 40,000 square foot site, a floor area bonus of 120,000 square feet must be earned. However, to be awarded the same 45 foot height bonus for a single building on a 100,000 square foot site, a 300,000 square foot floor area bonus must be achieved.

The adopted amendment modifies the way in which the height bonus is calculated for large sites by removing the reference to floor area ratio. Instead, specific floor area square footage is used that better reflects the originally intended correlation between bonus floor area earned and bonus height awarded. The amendment not only simplifies the way in which the height bonus is awarded, but also more fairly awards height bonuses regardless of site size.

The amendment also replaces the term "floor area ratio" with the term "floor area" in Subparagraph D.1 of this section. The term "floor area ratio" is incorrect, as only floor area, and not floor area ratios, are transferable between sites.

## CHAPTER 33.510 CENTRAL CITY PLAN DISTRICT

### 33.510.210 Floor Area and Height Bonus Options

**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 floor area bonuses and transfers listed in Paragraph D.1, below. The amount of bonus height awarded is specified in Paragraphs D.2 and D3, below.

1. The height bonus allowed is based on the following:
  - a. The FAR floor area bonus options of Subsection 33.510.210.C, above;
  - b. The transfer of FAR floor area from sites occupied by SROs, as allowed by Subsection 33.510.200.E; and
  - c. The transfer of FAR floor area from sites of Historic Landmarks, as allowed by the regulations of the base zones.
2. In areas qualifying for a height bonus, on sites up to 40,000 square feet in area, 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.
3. In areas qualifying for a height bonus, on sites larger than 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule. The height bonus is applied only to the building where the bonus floor area is achieved or transferred, not to the entire site:
  - a. For achieving bonus floor area of at least 40,000 square feet, but less than 80,000 square feet, a height bonus of 15 feet is earned.
  - b. For achieving bonus floor area of at least 80,000 square feet, but less than 120,000 square feet, a height bonus of 30 feet is earned.
  - c. For achieving bonus floor area of 120,000 square feet or more, a height bonus of 45 feet is earned.

### CHAPTER 33.515 COLUMBIA SOUTH SHORE PLAN DISTRICT

#### 33.515.215 Marine Drive Streetscape

- D. Landscape standards.** Existing landscape standards in this section require trees to be as close as 12 feet from the toe of the Marine Drive levee, with shrubs planted up to 12 feet north of these trees. This landscape requirement places the root zone of trees and shrubs on or proximate to the levee. This situation adversely impacts the stability and maintenance of the levee, and is contrary to Corps of Engineers and Multnomah County Drainage District No. 1 encroachment standards.

Corps of Engineers Regulation No. 1130-2-5 provides technical guidelines related to levee encroachments in order to ensure the integrity of the levee system. Guidelines specific to landscaping prohibit vegetation producing heavy foliage or root systems capable of penetrating into the area under the levee itself, or within 15 feet landward of the toe of the levee slope. The Multnomah County Drainage District No. 1, as the governmental entity exclusively responsible for fulfilling the federal regulations regarding levee design and maintenance within its boundaries, has adopted standards that regulate the levee encroachments. These standards specifically state that all landscaping and structures must be located outside a 15 foot wide area landward of the toe of the levee slope, and that no trees or shrubs are allowed within this area that might provide habitat or food source for burrowing animals.

Consistent with the cited federal guidelines and Multnomah County Drainage District No. 1 standards, the adopted amendment modifies the existing landscape standard so that the root zone of required trees and shrubs do not encroach within 15 feet of the toe of the Marine Drive slope. Existing standards require a double row of trees, planted a maximum of 15 feet on-center, with ten feet of spacing between the two tree rows. (The species of tree required for the northern row have a larger, round canopy, while the species of tree required for the southern row have a columnar canopy.) The amendment will require only a single row of trees, of the same spacing and species as presently required for the northern tree row. A single row of trees of the species identified, planted a maximum of 15 feet on center, will equally meet the legislative intent of the Marine Drive landscape requirement by providing a dense, living buffer between the industrial development and Marine Drive.

## CHAPTER 33.515 COLUMBIA SOUTH SHORE PLAN DISTRICT

### 33.515.215 Marine Drive Streetscape and Landscape

- A. Purpose.** Streetscape and landscape standards for Marine Drive are intended to preserve and enhance the character of Marine Drive. The standards emphasize the roadway corridor and distant views rather than adjacent development. Marine Drive is a scenic roadway ~~which that~~ provides public views from the street right-of-way and the adjacent ~~bicycle~~ recreational trail. The roadway is elevated on a dike levee twenty to thirty feet above the elevation of adjacent properties. From this elevated position, it has a sense of openness, with views along and across the river and to Mt. Hood. This section provides standards for a vegetative edge to screen development. Clustered foreground landscaping is intended to provide visual focal points to divert the eye from buildings and exterior uses.
- B. Where the regulations apply.** This section applies to ~~development that is the~~ portions of sites within 200 feet south of the Marine Drive right-of-way. The affected areas are shown on Map 515-2 at the end of this chapter.
- C. ~~Building heights~~ Streetscape standards.**
1. Building heights. Within 200 feet south of the Marine Drive right-of-way, building heights limits are imposed to maintain the open character. Building height is measured to the top of the parapet or exterior wall, whichever is higher. Within 100 feet of the right-of-way, buildings are limited to 35 feet in height. Between 101 feet and 200 feet from the right-of-way, buildings are limited to 45 feet in height.
  2. Building setbacks. Buildings must be set back at least 10 feet from the tree row required by Paragraphs D.1 and D.4, below. Locating buildings away from Marine Drive is encouraged.
  3. Fences. Fences are prohibited between the toe of the Marine Drive slope and the tree row required by Paragraphs D.1 and D.4, below.
- D. ~~Landscape standards.~~** ~~Specific standards for planting the northern edge of properties and surface parking lots replace the base zone standards. The landscape treatment will be continuous, as shown in Figures 515-1, 515-2, and 515-3. In two other locations, as shown in Figure 515-4, a clustered landscape treatment is allowed as an alternative. Generally, a continuous landscaping treatment is required, as shown in Figures 515-1 through 515-3. The continuous landscaping must include a row of trees, flowering shrubs, and ground cover, as specified below. In two locations, as identified in Subparagraph D.4, below, a clustered landscape treatment is allowed as an alternative.~~

### **33.515.215 Marine Drive Streetscape and Landscape (continued)**

The alternative option of merely increasing the minimum distance between the double row of trees and the toe of the slope would require a landscape buffer 45 feet in depth, a 40 percent increase in depth over that required by existing standards. This was deemed to be a substantial policy change that is beyond Code Maintenance 2001. By contrast, the adopted amendment will result in only a three foot increase in the overall depth of the landscape buffer.

A paragraph is added (33.515.215.F) to address situations where existing trees and shrubs are planted within the newly required setback from the toe of the Marine Drive slope. Language is added that allows these trees and shrubs to be removed if replaced with a species of tree or shrub in a location that meets the new standards.

The amendment also includes a reorganization of the Marine Drive landscape standards. The purpose for this reorganization is to improve the clarity of the text, and to facilitate its implementation. With one exception, this reorganization results in no substantive change to existing regulations. The one exception is new language (33.515.215.E.3) that clarifies the perimeter landscape requirement for parking lots and exterior storage areas on sites in the entryway locations along Marine Drive.

## 33.515.215 Marine Drive Streetscape and Landscape (continued)

1. ~~Tree rows. A staggered double row of trees must be planted between development and the toe of the Marine Drive dike. The northern row must be 12 feet south of the toe of the slope or 42 feet from the pavement edge, whichever is the greater distance from the pavement edge. The two staggered rows must be 10 feet apart and trees within each row must be spaced 15 feet on center. Fences are prohibited between the toe of the levee bank and the southern tree row.~~

~~Buildings must be set back a minimum of 10 feet from the southern tree row, without regard to the property line, except that in no case shall the building be located less than 5 feet from the edge of right-of-way. Locating buildings away from Marine Drive is encouraged.~~

~~a. Tree row standards:~~

- ~~(1) Southern row. Where parking or exterior storage will be located within 60 feet of the tree rows, the southern row must be Hogan Cedars at least four feet tall. Where buildings will be located adjacent to the tree rows, the southern row must be either Scarlet Sentinel Maples or Armstrong Red Maples.~~
- ~~(2) Northern row. The trees in the northern row must be one of the following species: Black Hawthorne (*crataegus douglasii suksdorfii*), Bitter Chokecherry (*prunus emarginata*), Sitka Willow (*salix sitchensis*), or Columbia River Willow (*salix fluviatilis*). Willows are prohibited adjacent to the 40 Mile recreational trail.~~
- ~~(3) Corner sites. On a corner site, where another street intersects Marine Drive, a single tree row must be planted 12 feet interior from the toe of the cross-street embankment. This tree row must extend for a distance of 100 feet south from the required tree rows at Marine Drive. This tree row is to consist of Scarlet Sentinel Maples planted on 25-foot centers.~~

1. Tree row. A row of trees meeting the following standards is required:

- a. Location. As shown in Figure 515-2, a row of trees must be planted between development and the toe of the Marine Drive slope. The tree row must be at least 25 feet south of the toe of the slope.
- b. Spacing. The trees must be spaced 15 feet on center.
- c. Species. The trees must be one of the following species: Black Hawthorne (*crataegus douglasii suksdorfii*), Bitter Cherry (*prunus emarginata*), Sitka Willow (*salix sitchensis*), or Columbia River Willow (*salix fluviatilis*). Willows are prohibited adjacent to the 40-Mile recreational trail.

## Commentary

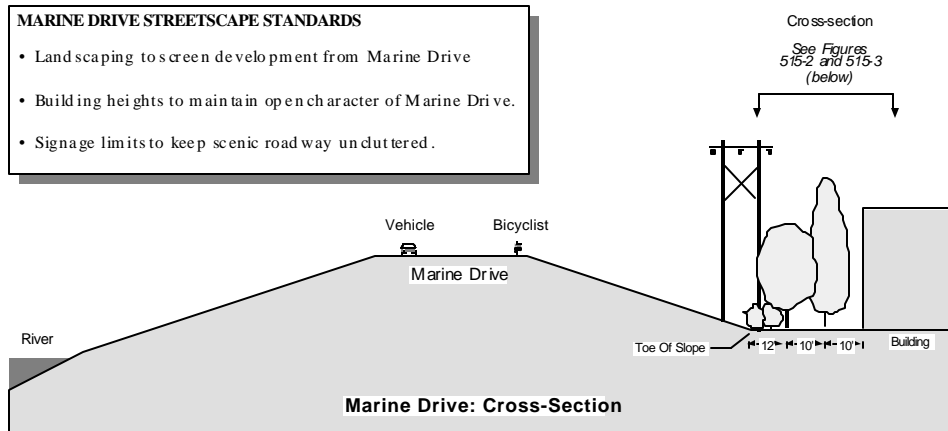
---

33.515.215 Marine Drive Streetscape and Landscape (continued)

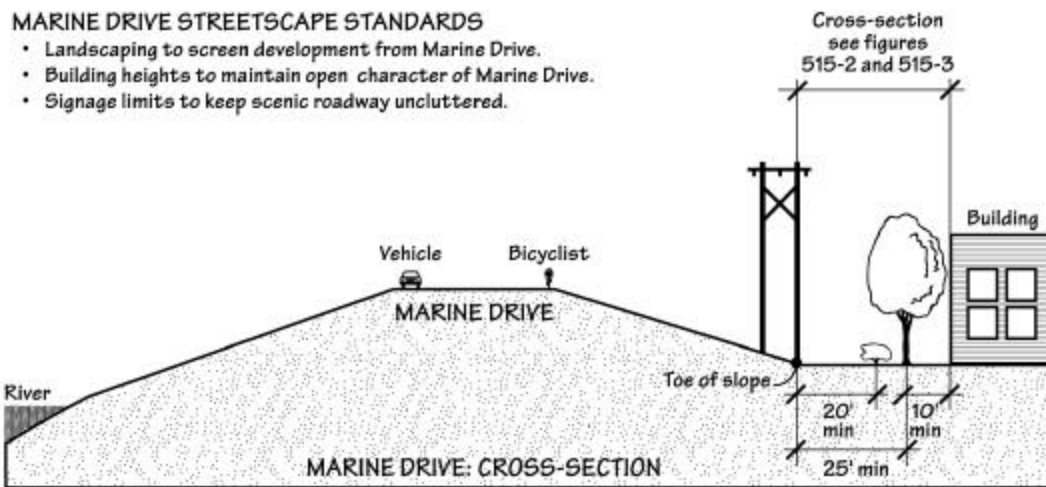
**33.515.215 Marine Drive Streetscape and Landscape (continued)**

2. Additional tree row on corner sites. On corner sites, where another street intersects Marine Drive, a row of trees is required paralleling the non-Marine Drive frontage of the site. The row of trees must be planted 12 feet interior from the toe of the cross-street embankment. The row must begin at the tree row required by Paragraph D.1, above, and extend at least 100 feet south from that point. This tree row must consist of Scarlet Sentinel Maples (*acer rubrum* 'Scarlet Sentinel') planted on 25-foot centers.

**Figure 515-1  
(existing)**



**Figure 515-1  
(adopted)**



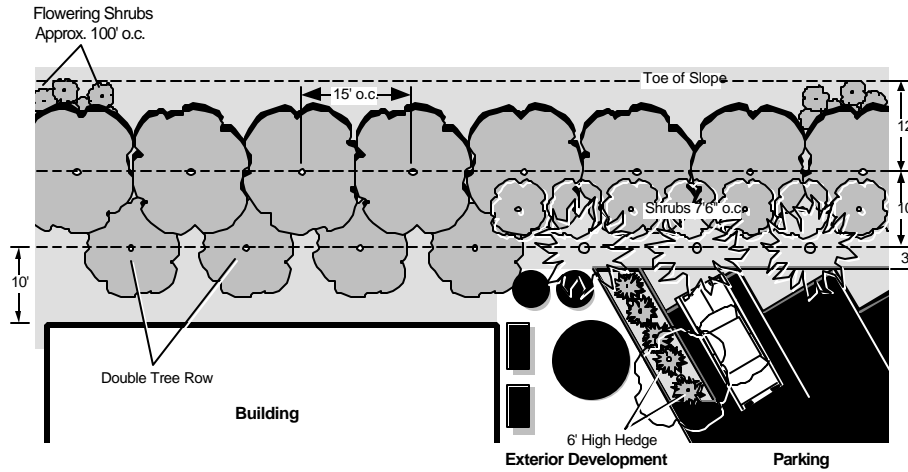
## Commentary

---

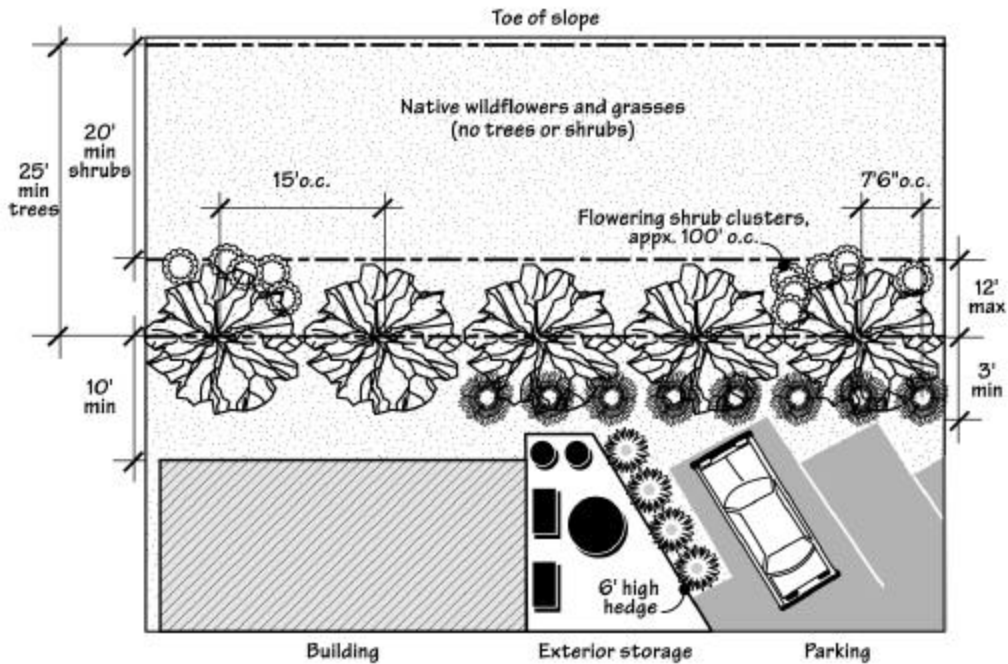
33.515.215 Marine Drive Streetscape and Landscape (continued)

33.515.215 Marine Drive Streetscape and Landscape (continued)

**Figure 515-2  
No Bike Path  
(existing)**



**Figure 515-2  
Landscape Standards  
(No Recreational Trail)  
(adopted)**



## Commentary

---

33.515.215 Marine Drive Streetscape and Landscape (continued)

## 33.515.215 Marine Drive Streetscape and Landscape (continued)

- ~~23. Flowering shrubs. For every 100 feet (or fraction thereof) of site frontage on Marine Drive, a cluster of flowering shrubs must be planted within 12 feet to the north of the exterior row of trees. Each cluster must consist of six shrubs of the same plant species. The applicant must choose from the following species: Western Serviceberry (amelanchier alnifolia), Mock Orange (philadelphus lewisii), Vine Maple (acer circinatum), Nootka Rose (rosa nutkana v. nutkana), Common Snowberry (symphoricarpos albus), Ocean-spray (holodiscus discolor), Tall Oregongrape (berberis aquifolium), Red Current (ribes sanguineum), Red Elderberry (sambucus cerulea), or Pacific Ninebark (physocarpus capitatus).~~

~~Where the recreational trail is located south of Marine Drive and below the grade of the road, in lieu of the above clusters, a row of one of the above shrub species must be planted to the north of the tree rows. Shrubs in this row must be planted on seven and a half foot centers and staggered with the trees of the adjacent rows. Shrubs must grow to 6 feet of height within 3 years.~~

- a. Generally. Except as provided in D.3.b and D.4, below, flowering shrubs must be planted in clusters as follows:
- (1) Location. As shown in Figure 515-2, the clusters of shrubs required by this paragraph must be planted no more than 12 feet to the north of the tree row required by Paragraph D.1, above, and at least 20 feet south of the toe of the Marine Drive slope.
  - (2) Number. One cluster of flowering shrubs is required for each 100 feet or fraction thereof of site frontage on Marine Drive. Each cluster must consist of six shrubs of the same plant species.
  - (3) Species. The shrubs must be one or more of the following species: Western Serviceberry (amelanchier alnifolia), Mock Orange (philadelphus lewisii), Vine Maple (acer circinatum), Nootka Rose (rosa nutkana v. nutkana), Common Snowberry (symphoricarpos albus), Ocean-spray (holodiscus discolor), Tall Oregon Grape (berberis aquifolium), Red Current (ribes sanguineum), Red Elderberry (sambucus cerulea), or Pacific Ninebark (physocarpus capitatus).
- b. Recreational trail. Where a site includes the recreational trail, and the recreational trail is both south of Marine Drive and below the grade of the road, the following standards must be met, rather than the standards of Subparagraph D.3.a, above. See Figure 515-3:
- (1) Location and spacing. A row of flowering shrubs must be planted no more than 5 feet to the north of the tree row required by Paragraph D.1, above, and at least 20 feet south of the toe of the Marine Drive slope. Shrubs in this row must be planted on seven and a half foot centers and staggered with the adjacent tree row.

## Commentary

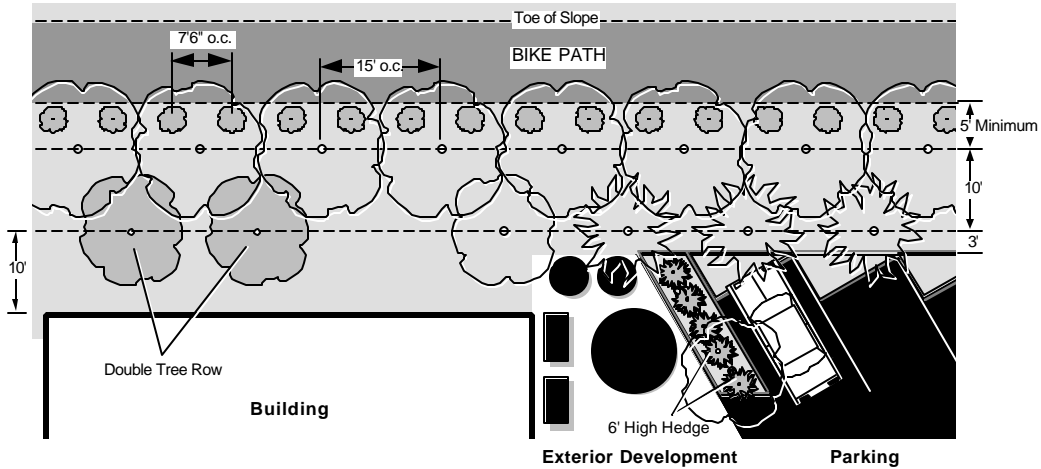
---

33.515.215 Marine Drive Streetscape and Landscape (continued)

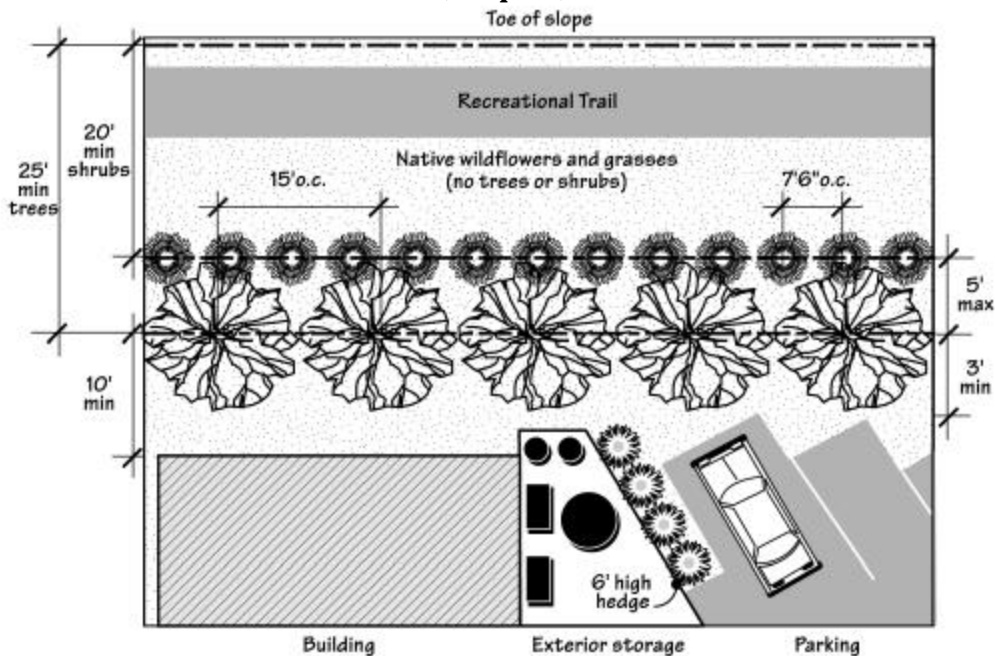
**33.515.215 Marine Drive Streetscape and Landscape (continued)**

- (2) Species. The shrubs must be one of the species listed in Subparagraph D.3.a, above.
- (3) Size. The shrubs must be of a size that will grow to 6 feet of height within 3 years of planting.

**Figure 515-3  
Bike Path  
(Existing)**



**Figure 515-3  
Landscape Standards  
(Recreational Trail)  
(Adopted)**



## Commentary

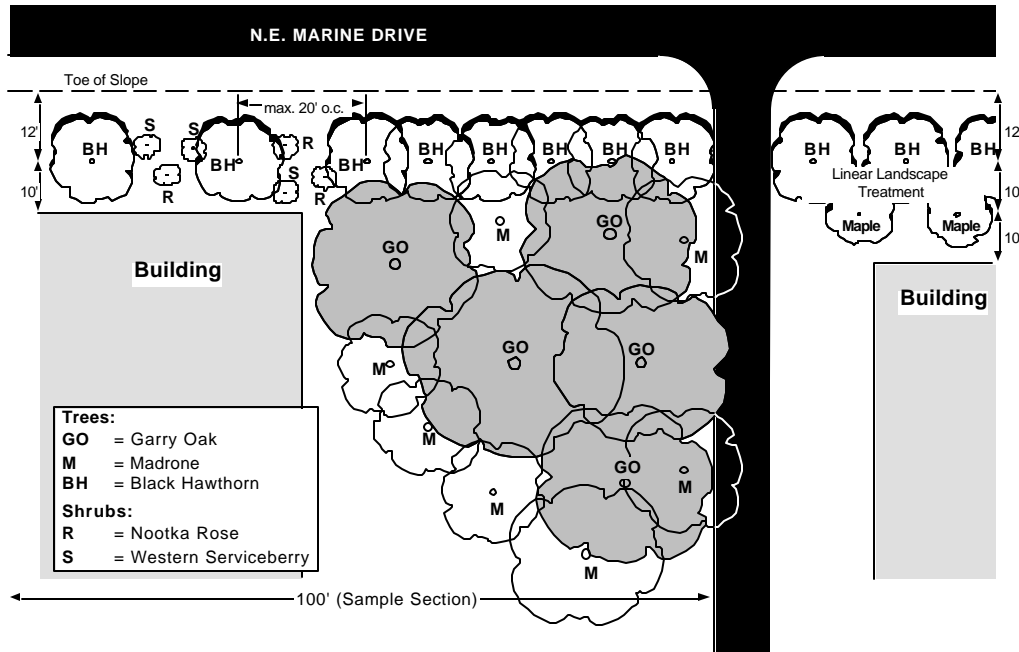
---

33.515.215 Marine Drive Streetscape and Landscape (continued)

33.515.215 Marine Drive Streetscape and Landscape (continued)

4. Entryway locations along Marine Drive. At two entryway locations along Marine Drive, the applicant may choose to meet either the standards of Paragraphs D.1 through D.3, above, or the alternative standards of this paragraph. The entryway locations are between Interstate 205 and NE 122nd Avenue, and between NE 174th Avenue and NE 185th Avenue. The alternative standards, as shown in Figure 515-4, are:
  - a. Number. For each 100 feet or fraction thereof of site frontage on Marine Drive, 20 trees and 6 shrubs must be provided.
  - b. Spacing. Trees must cover the Marine Drive frontage of the site, with a maximum spacing of 20 feet.
  - c. Location. Trees must be at least 25 feet from the toe of the Marine Drive slope. Shrubs must be at least 20 feet from the toe of the Marine Drive slope.
  - d. Species. All trees and shrubs must be from the Portland Plant List. For each 100 feet of Marine Drive frontage, a minimum of 3 tree species and 2 shrub species must be provided.

**Figure 515-4**  
**Clustered Landscaping Example**  
**(Existing)**



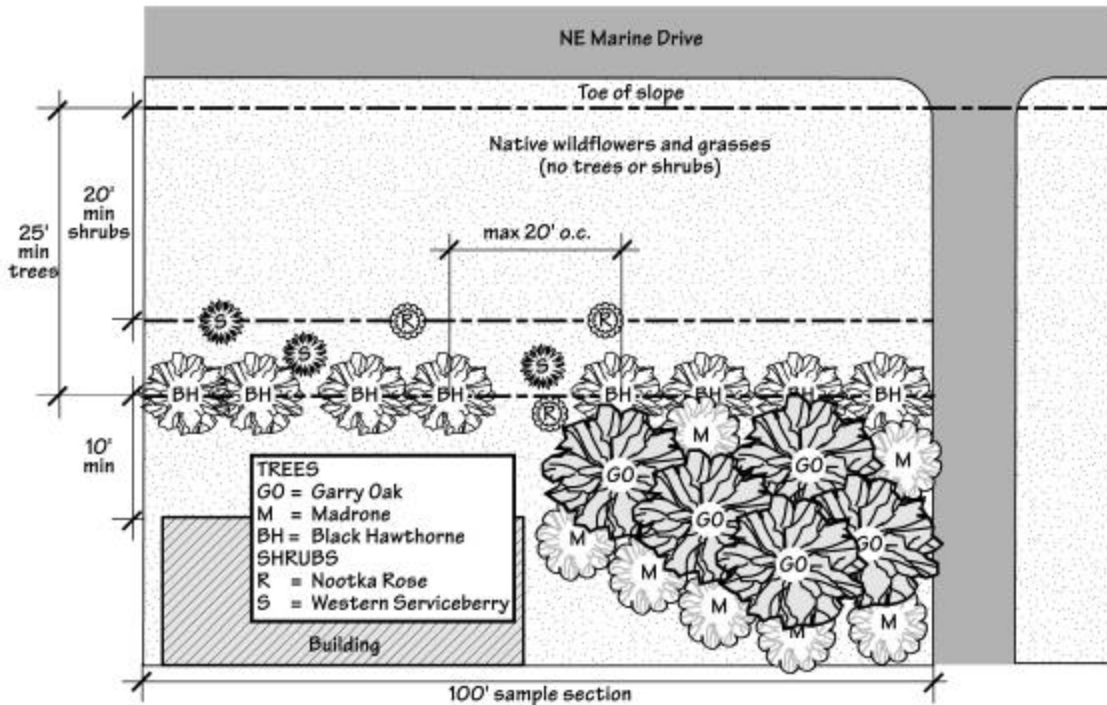
## Commentary

---

33.515.215 Marine Drive Streetscape and Landscape (continued)

33.515.215 Marine Drive Streetscape and Landscape (continued)

**Figure 515-4**  
**Clustered Landscaping Example**  
**(Adopted)**



5. Ground cover.

a. Next to toe of slope. The area between the trees and shrubs required by Paragraphs D.1 through D.4, above, and the toe of the Marine Drive slope must be planted with a combination of wildflowers and grasses that grow to less than 3 feet in height. The wildflowers and grasses must cover 90 percent of the ground, exclusive of recreational trails, within one year or two growing seasons after planting. Wildflower and grass species must be from the Portland Plant List.

b. Slope. Applicants are encouraged to work with Multnomah County Drainage District #1 and the Bureau of Maintenance to plant the levee slope, exclusive of recreational trails, with a combination of wildflowers and grasses that grow to less than 3 feet in height. Wildflower and grass species should be native to the Willamette Valley or to the Pacific Northwest.

6. New embankments. New embankments extending from Marine Drive must be planted with flowering shrubs. For every 50 feet of embankment, a cluster of flowering shrubs must be planted on each slope of the embankment. Shrub species must be chosen from Subparagraph D.3.a, above. The shrubs must be planted at least 20 feet from the toe of the Marine Drive slope.

## Commentary

---

33.515.215 Marine Drive Streetscape and Landscape (continued)

## 33.515.215 Marine Drive Streetscape and Landscape (continued)

~~3E.~~ Perimeter landscaping for parking and exterior storage areas **Landscape standards for parking lots and storage areas**. Along Marine Drive, ~~vehicle~~ areas and exterior storage areas may be located within 3 feet of the ~~southern~~ tree row required by Paragraph D.1, above. ~~In lieu~~ Instead of meeting the perimeter landscaping requirement standards of Chapter 33.266, one of the following standards must be met: a shrub row must be planted between the required tree rows. Shrubs in this row must be planted on seven and a half centers and staggered with the trees of the adjacent rows. Shrubs must grow to 6 feet of height within 3 years. Where the recreation trail is located south of Marine Drive and below the grade of the road, the flowering shrub row of Paragraph D.2 above satisfies this requirement.

- ~~a.~~ Marine Drive recreational trail. On sites with the Marine Drive recreational trail located to the south of Marine Drive, the shrub row must be located between the recreational trail and the tree rows, as shown in Figure 515-2.
- ~~b.~~ Other sites along Marine Drive. On sites along Marine Drive with no recreational trail located to the south of Marine Drive, the row of shrubs must meet standards shown on Figure 515-3. The shrub row must be planted on seven and a half foot centers and staggered with the trees of the adjacent tree rows.

1. No recreational trail. Except as provided in Paragraph E.3, below, where a site does not include the recreational trail, a row of shrubs is required. See Figure 515-2. The shrubs must meet the following:

- a. Location. The row of shrubs must be within 5 feet of the tree row required by Paragraph D.1, above, and be staggered with the tree row.
- b. Spacing. The shrubs must be planted on seven and a half foot centers.
- c. Species. The shrubs must be one of the species listed in Subparagraph D.3.a, above.

2. Recreational trail. Except as provided in Paragraph E.3, below, where a site includes the recreational trail, and the recreational trail is both south of Marine Drive and below the grade of the road, no additional landscaping is required. However, the shrubs required by Subparagraph D.3.b, above, must be between the recreational trail and the tree row required by Paragraph D.1, above. See Figure 515-3.

## Commentary

---

33.515.215 Marine Drive Streetscape and Landscape (continued)

## 33.515.215 Marine Drive Streetscape and Landscape (continued)

3. Entryway locations along Marine Drive. Where the site is in one of the entryway locations specified in Paragraph D.4, above, the applicant may choose between two sets of Marine Drive landscape standards.
  - a. If the applicant chooses to meet the standards of Paragraphs D.1 through D.3, above, the standards for parking lots and exterior storage areas in Paragraphs E.1 or E.2 must be met.
  - b. If the applicant chooses to meet the standards of Paragraph D.4, a row of shrubs must be planted that meets the following:
    - (1) Location. The row of shrubs must be planted within 5 feet of the north edge of the parking or exterior storage area;
    - (2) Spacing. The shrubs must be planted on seven and a half foot centers; and
    - (3) Species. The shrubs must be one of the species listed in Subparagraph D.3.a, above.
- ~~4. Planting the levee slope. Applicants are encouraged to work with Multnomah County Drainage District #1 and the Bureau of Maintenance to plant the levee slope, exclusive of recreational trails, with a combination of wildflowers and grasses that grow to less than 3 feet in height. Wildflower and grass species should be native to the Willamette Valley or to the Pacific Northwest.~~
- ~~5. New embankments. New embankments extending from Marine Drive must be planted with flowering shrubs. For every 50 feet of embankment, a cluster of flowering shrubs must be planted on each slope of the embankment. Shrub species must be chosen from Paragraph D.2 of this subsection.~~
- ~~6. Clustered landscaping. In two entryway locations along Marine Drive, the following clustered landscaping treatment may substitute for lineal landscape treatment of Paragraphs D.1 through D.3 above.
  - a. ~~The entryway locations eligible for clustered landscaping treatment are between Interstate 205 and NE 122nd Avenue, and between NE 174th Avenue and NE 185th Avenue. They are shown in Figure 515-4.~~
  - b. ~~Standards. For every 100 feet of Marine Drive frontage (or portion thereof), 20 trees and 6 shrubs must be provided. Trees must cover the frontage with a maximum spacing of 20 feet. All trees and shrubs must be from the *Portland Plant List*. For each 100 feet of Marine Drive frontage, a minimum of 3 tree species and 2 shrub species must be provided.~~~~

## Commentary

---

33.515.215 Marine Drive Streetscape and Landscape (continued)

### 33.515.215 Marine Drive Streetscape and Landscape (continued)

**F. Nonconforming landscaping.** Some sites along Marine Drive have a double row of trees, which was required by previous regulations. Some of these trees are within 25 feet of the toe of the Marine Drive slope. There also may be shrubs within 20 feet of the toe of the slope.

If trees and shrubs that are nonconforming because of their location are removed, they must be replaced as follows:

1. Trees. Each tree removed must be replaced. The replacement tree must be of the species listed in Paragraph D.1, and must be planted in a location that meets the requirements of Paragraph D.1.
2. Shrubs. Each shrub removed must be replaced. The replacement shrub must be of the species listed in Paragraph D.3, and must be planted in a location that meets the requirements of Paragraph D.3.

### CHAPTER 33.730 QUASI -JUDICIAL PROCEDURES

#### 33.730.130 Expiration of an Approval

- B. When approved decisions become void.** This amendment clarifies three issues related to the expiration of land use approvals:
- Use of the term “void”: The term “void” is used throughout Paragraph B of this section. However, as the section heading indicates (“Expiration of Approvals”), land use approval do not become void, but expire. Even when all development approved through the review has been completed, the land use approval and related conditions are not void, but continue to apply to the site. Use of the term void implies that the land use approval, and all related conditions, no longer apply to the site. The amendment addresses this typographical error by replacing the term “void” with the term “expire.”
  - Situations involving multiple developments: Section 33.730.130.B.1 states that a land use approval becomes void (or expires) if a building permit has not been issued within three years of the final decision. The purpose for this limitation is to ensure that factors considered in approving the development still remain valid when it is built. If a portion of an approved development is built significantly later than three years after the final decision, the findings that led to the approval may no longer apply because of changed circumstances such as traffic or surrounding uses. Additionally, zoning standards affecting the site may change over time. If a portion of a development approved through a land use review is not built within three years of the decision, it is appropriate that the development be subject to the new standards.
  - Conditional Use Master Plans/Impact Mitigation Plans: The amendment also clarifies that land use approvals involving a Conditional Use Master Plan or Impact Mitigation Plan do not expire within three years if a building permit has not been issued. Such plans are specifically intended to allow development on a site to be phased in over an extended period, typically in excess of three years. As a matter of practice, the expiration date of such plans is identified as part of the land use decision that originally approved the plan.

## CHAPTER 33.730 QUASI-JUDICIAL PROCEDURES

### 33.730.130 Expiration of an Approval

**B. When approved decisions ~~become void~~ expire.** All land use approvals, except for zoning map or Comprehensive Plan map amendments, and conditional use master plans and impact mitigation plans, ~~become void~~ expire under any of the following circumstances:

1. If within 3 years of the date of the final decision a building permit has not been issued for approved development; Where a site has received approval for multiple developments, and a building permit is not issued for all development within this time limit, the approval does not expire but no additional development may occur without another review. However, all conditions of approval continue to apply. Examples of multiple developments include phased development plans and multi-building proposals; or
2. If within 3 years of the date of the final decision the approved activity has not commenced or, in situations involving only the creation of lots, the land division has not been recorded.

### CHAPTER 33.750 FEES

#### 33.750.050 Fee Waivers

- A. Recognized organization waiver.** This amendment clarifies and simplifies the requirements that must be met for recognized neighborhood associations to receive a fee waiver for Type III land use review appeals:
- To reflect existing practice, include language in the introductory paragraph that allows a fee waiver request to be submitted concurrently with land use review application or appeal form.
  - Per Oregon Revised Statutes, recognized neighborhood associations are not charged a fee when appealing Type II land use review procedures. Language is included that specifically states that the recognized organization is not charged a fee for appealing Type II land use review procedures.
  - Clarify the term "standing to appeal" by referencing existing language in the Zoning Code.
  - Delete Subparagraph A.3 that references "open meeting." Open meeting is not presently defined in Title 33 or in other City codes, and is not specifically defined in the Oregon Revised Statutes. Absent a clear definition, it is not possible for either the organization filing the appeal, or the OPDR staff receiving the appeal to know whether this requirement has been met. Instead, the amendment proposes a requirement that the appeal contain the signature of the chairperson, subcommittee chairperson, or other person authorized by the recognized organization, confirming that the vote to appeal was taken in accordance with the organization's bylaws. (As currently required by the Office of Neighborhood Involvement (ONI) *Neighborhood Guidelines*, recognized organizations must maintain and file their bylaws with ONI. As indicated in the *Neighborhood Guidelines*, these bylaws include provisions for establishing a quorum and setting the agenda, and criteria for maintaining membership and nondiscrimination policies. Furthermore, in order to be recognized by ONI, the organization must abide by Oregon Public Records and Public Meeting Law as required by City of Portland Code 3.96.060, governing the neighborhood system.)

# Adopted Code Amendment

---

## CHAPTER 33.750 FEES

### 33.750.050 Fee Waivers

The Director of OPDR may waive land use review fees in the following situations. The decision of the Director of OPDR is final. ~~The waiver approval must occur prior to submitting the application.~~ An application for a fee waiver may be filed concurrently with the land use review application or appeal form.

#### A. Recognized organization waiver.

1. Type II Procedure. No appeal fee is charged for recognized organizations.
2. Type III Procedure. An appeal fee ~~may~~ will be waived for a recognized organization if all of the following are met:
  - ~~1~~a. The recognized organization has standing to appeal; see 33.730.030.F, Ability to appeal;
  - ~~2~~b. The appeal is ~~not~~ being made on ~~the~~ behalf of ~~an individual~~ the recognized organization; and
  - ~~3~~. ~~The decision to appeal was made by a vote of the general membership, of the board, or of a land use subcommittee in an open meeting; and~~
  - ~~4~~c. The appeal contains the signature of the chairperson ~~or the contact person~~ of the ~~recognized~~ organization, as ~~listed on the most recent list published~~ recognized by the Office of Neighborhood Associations Involvement, or the signature of other persons authorized by the organization, confirming the vote to appeal as required in Paragraph 3. above was done in accordance with the organization's bylaws.

### CHAPTER 33.848 IMPACT MITIGATION PLANS

#### 33.848.030 When an Impact Mitigation Plan is Required

- A. In an IR Zone.** Existing regulations require that an institution located in an Institutional Residential (IR) zone complete an Impact Mitigation Plan (IMP) if development is proposed that is not consistent with the institution's adopted conditional use master plan (see Section 33.848.030, When an Impact Mitigation Plan is Required). The intent behind the IR zone and IMP requirement is to provide institutions with a greater degree of flexibility in planning for future development within their boundaries, while still allowing certainty for the surrounding neighborhood. If the basic intent of the IMP is to provide institutions with flexibility in planning for growth, it follows that the institutions should have the flexibility in deciding whether an IMP or a conditional use master plan best fits their needs.

The adopted amendment allows institutions in the IR zone to choose between amending their existing conditional use master plan (or replacing it with a new one), or completing an IMP. This amendment would address the situation of an institution proposing a minor modification to an existing master plan that, except for the modification, adequately serves the institution's needs. Under current IR/IMP requirements, the institution would be required to replace the existing master plan with an IMP, which must be approved through a Type III land use review. In this situation, the adopted amendment would allow the institution to amend its existing master plan, thereby saving substantial time and cost of replacing the master plan with an IMP.

## CHAPTER 33.848 IMPACT MITIGATION PLANS

### 33.848.030 When an Impact Mitigation Plan is Required

- A. In an IR Zone.** Development occurring in the IR zone in advance of the approval of an impact mitigation plan is subject to the conditional use requirements of the IR zone unless the institution has an approved master plan and the development is consistent with the master plan. When the institution has an approved master plan the institution may continue to develop in accordance with the master plan until such time as the master plan is due to be updated or until the institution desires a development that is not consistent with the master plan. In the IR zone a master plan which is due to be updated, or which the institution wishes to amend, must be replaced by an impact mitigation plan, or by an amended or new conditional use master plan. An impact mitigation plan must be approved in accordance with the regulations of this Chapter. A conditional use master plan must be approved in accordance with the regulations of Chapter 33.820.

### CHAPTER 33.910 DEFINITIONS

#### 33.910.030 Definitions

##### **Exterior Display/Exterior Storage.**

Except for recreational vehicles and vehicles for display, all other operable vehicles on a site are presently considered parking. (The parking of recreational vehicles outdoors, as well as inoperable vehicles, are considered exterior storage.) Vehicles that are for sale, lease or rent are considered parking even when they are stored on a site for extended periods of time, when there is little or no movement of vehicles to and from the site, and when the vehicles are not accessible to the public. Examples include satellite sites used by car dealers and car rental establishments, and Port of Portland facilities where new vehicles are unloaded from ships and stored temporarily. These types of facilities have markedly different characteristics than a traditional parking lot, largely in the frequency that vehicles come and go from the site, and the degree of access by the general public. However, because vehicles on these sites are all operable, they are considered parking, and must conform to all development standards related to parking.

The amendment deletes the statement in the definition of "exterior storage" that all operable vehicles are considered parking. Additional language is included in both the definition of "exterior storage" and "exterior display" to clarify in what situations vehicles on a site are considered display or storage.

## CHAPTER 33.910 DEFINITIONS

### 33.910.030 Definitions

**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. 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. Exterior display does not include car and boat sales and leasing when such vehicles are not accessible to customers to inspect and compare; this situation is considered exterior storage. Examples of uses that often have exterior display are car and boat sales and leasing, 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 also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or 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; vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare; vehicles that have been unloaded at port facilities and are waiting transport to off-site locations; and other similar items. The storage of recreational vehicles outdoors is also considered exterior storage. Damaged or inoperable vehicles or vehicles which have missing parts, that are kept outside, are also 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, car dealerships or car rental establishments, and port facilities. See also, Exterior Display and Exterior Work Activities.