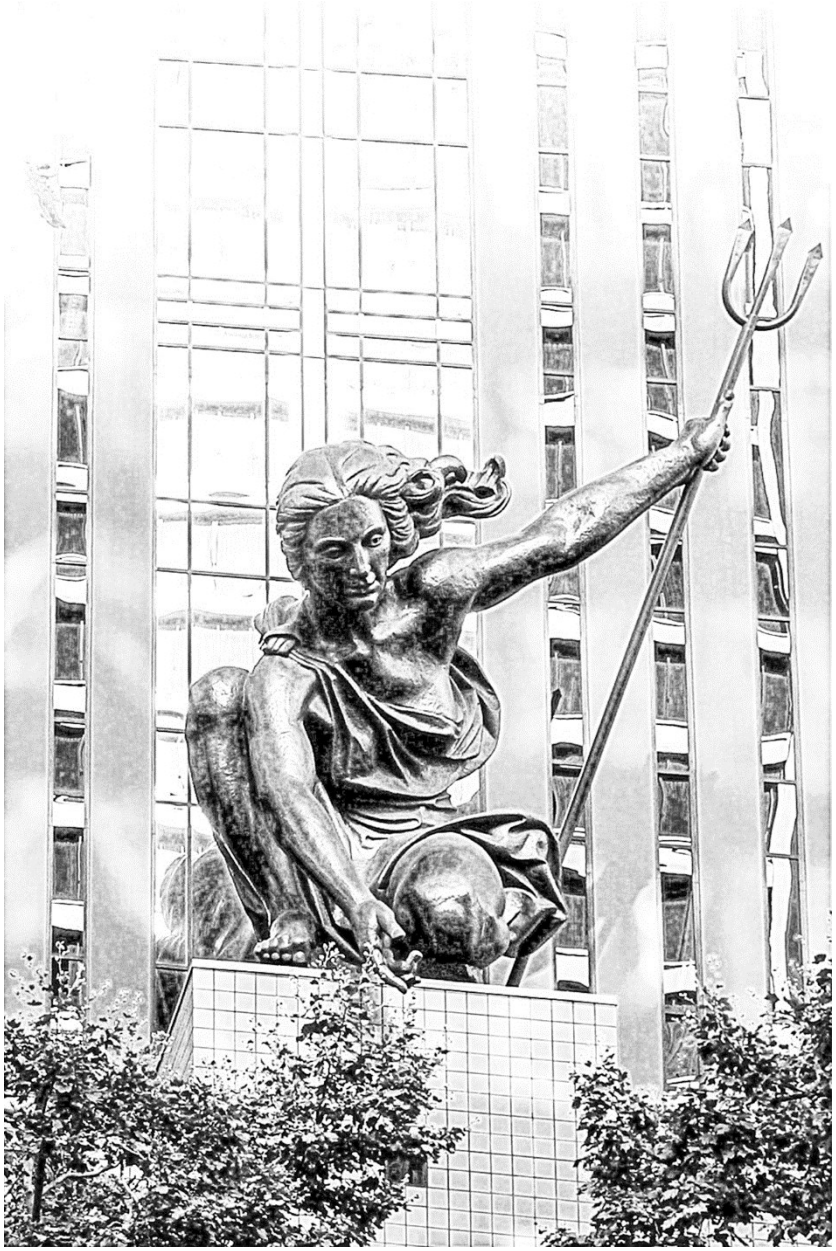
Regulatory Improvement Workplan

Regulatory Improvement Code Amendment Package 7 (RICAP 7)



ADOPTED

Regulatory Improvement Code Amendment Package 7 (RICAP 7) was passed by City Council on June 24, 2015 and is effective July 24, 2015 (Ord. No. 187216)

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Regulatory Improvement
Code Amendment Package 7

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I. Introduction

This report is part of the Regulatory Improvement Workplan, an ongoing program to improve City building and land use regulations and procedures. Each package of amendments is referred to as a Regulatory Improvement Code Amendment Package (RICAP), followed by a number. More information on the Regulatory Improvement Workplan is included in Appendix A.

The workplan for RICAP 7 was approved by the Planning and Sustainability Commission at a public hearing on August 26, 2014. The approved workplan included 45 items; seven of which relate to minor changes in policy while the remainder are intended to clarify and update existing provisions of the Zoning Code. Two technical correction items were added after the workplan was adopted.

Bundles
Some issues are organized into bundles. Bundles are groups of related items that focus on specific policy issues. The bundles may mix items that scored high in the ranking process along with related but lower-scoring items. Bundling helps realize economies of scale in the research and development required of code amendments. The four bundles in RICAP 7 are:

- Residential Zone Buffer Bundle
  This bundle includes two items related to setback and landscaping requirements between residential and non-residential zones.
- Design Review Bundle
  One of the design review items seeks to address requests for changes following a Type III design review approval but before the building has been completed, under a Type II review. Two items relate to making the review thresholds more clear for exterior alterations, for both the community design standards as well as for determining the project value for design review thresholds. The remaining design review items are intended to clarify several current exemptions from design review, including radio frequency equipment, solar energy systems, and repainting.
- Scenic Resources Bundle
  These two items correct inconsistencies in the size of trees that are regulated, and clarify how the regulations are applied to development in the right-of-way.
- Linnton Subdistrict Bundle
  These items update the Linnton Hillside regulations that pertain to lot confirmations to align them with more recent changes to the base zone requirements.

Non-Amendments to the Zoning Code:
Five items identified in the RICAP 7 workplan did not result in changes to the zoning code because they either did not merit a change or the change was not timely. Additional rationale for why amendments were not developed for these items is provided in the Proposed Draft. The Planning and Sustainability Commission approved the proposed draft and staff's recommendation to not develop amendments for the five items. Therefore, those items do not appear in this Adopted Report.

RICAP 7 Summary of Amendments

The following table includes brief descriptions of each item and the code sections that are being amended. More detail on each of these items is provided in Section III of this report.

Item #	Item Name	Proposed Amendment	Code Sections
1.	Design Review	Allow for Type II revisions for limited changes approved through a Type III design review	33.825.025
2.	Application submittals	Require pre-application conference to be held prior to land use review submittal	33.730.050
3.	Floor Area	Clarify size area restrictions for limited uses in base zones	33.120.100; 33.120.110; 33.130.100; 33.140.100; 33.258.050; 33.266.100; 33.266.130; 33.279.030; 33.279.035; 33.281.050; 33.285.040; 33.445.610; 33.460.040; 33.460.310; 33.508.230; 33.510.113; 33.510.115; 33.510.116; 33.510.118; 33.510.119; 33.510.261; 33.510.263; 33.510.264; 33.510.265; 33.510.267; 33.515.120; 33.515.130; 33.521.300 33.526.120; 33.526.280; 33.526.340; 33.531.110; 33.531.140; 33.532.110; 33.536.290; 33.538.110; 33.555.120; 33.555.280; 33.583.120; 33.815.126; 33.815.215; 33.815.304; 33.815.310; 33.910.030; 33.930.055
4.	Household Living	Clarify limits for non-family members to better distinguish group living uses	**No amendment proposed - See Proposed Draft**
5.	Height Measurement	(1) Clarify how height is measured for shed roofs	33.930.050, Figure 930-5
6.		(2) Evaluate height methodology, develop research paper	**Not included in RICAP 7 -see Proposed Draft**
7.	Ladd's Addition Historic Guidelines	Update street tree plan map and guidelines	**No amendment proposed - See Proposed Draft**
8. 9.	Open Space Zone Standards	Clarify applicable development standards in open space zones for (1) institutions and (2) conditional uses	33.100.200; 33.110.245
10.	Transitional Sites	Update development standards for overall clarity and consistency for residentially zoned sites that abut commercial zones	33.110.240

Item #	Item Name	Proposed Amendment	Code Sections
11.	Stepped Retaining Walls	Provide an exception from retaining wall standards for steeply sloped front yards	33.110.257
12.	Recycling Areas	Add reference to recycling area requirement for non-single family development in single family and open space zones.	33.100.240; 33.110.245
13.	Amenity Bonus for Play Equipment	Replace Parks Bureau approval with ASTM industry standard	33.120.265
14.	Eaves in reduced setbacks	Allow 1-foot eaves in 3-foot setbacks in multi-dwelling zones	33.120.270
15.	Height exceptions	Clarify application of height exception for elevator shafts and rooftop mechanical equipment	Table 110-5; 33.120.215; 33.130.210; 33.140.210
16. 17.	Residential landscape buffer	Clarify (1)allowed projections and (2)required width of landscape buffer between non-residential zones and residential zones	33.130.215; Table 130-3; Table 130-4; 33.140.215; Table 140-3; Table 140-4
18.	Family Daycare	Make zoning code terminology consistent with state regulations	33.203.020
19.	Drive through facilities	Change measurement of required stacking lane to be from property line, not curb cut.	33.224.050
20.	Elderly Housing	Remove reference to obsolete project coordinator position and refer interior design standards to current ANSI accessible design	33.229
21.	Landscape Standards	Remove landscape hierarchy, establish standards as minimums	33.248.020
22.	Non-conforming uses	Correct figures 258-1 and 258-2 to match code requirement for non-conforming situations	33.258.050; Figure 258-1; Figure 258-2
23.	Non-conforming upgrades	Clarify method for excluding energy efficiency costs from non-conforming upgrade threshold	33.258.070
24.	Parking for CU's	Allow the conditional use review to alternatively establish parking requirements	Table 266-1; Table 266-2
25.	Garage setback in multi-dwelling zones	Resolve inconsistent setback requirement for garages between the parking chapter (18') and multi-dwelling base zones (<5' or >18')	33.120.220; 33.130.215; 33.266.130
26.	Mass Shelters	Remove reference to obsolete certification process	33.285.050
27.	Buffer overlay, fences in setback	Add an exception to allow fences in the buffer setback when the development is entirely residential	33.410.040

Item #	Item Name	Proposed Amendment	Code Sections
28. 29. 30.	Design Review exemptions	(1) clarify when repainting is exempt (2) modify RF rooftop equipment exemption (3) add alternative solar exemption for flat roofs	33.218.100; 33.218.110; 33.218.130; 33.218.140; 33.218.150; 33.420.041; 33.420.045
31.	Community Design Standards	Clarify threshold limits for allowed changes to building facades	Table 405-1; Table 420-1; Table 445-1; Table 505-1
32.	Environmental Regulations	Clarify use of term "modifications" as applied to environmental standards vs base zone standards	33.430; 33.465; 33.630.400
33.	Historic Review	Clarify that alterations through State structural minor label program may trigger historic review	**No amendment proposed – See Proposed Draft**
34.	Main Street Overlay	Clarify which sites are subject to the main street and node overlay regulations	33.455; 33.460; 33.563.110
35.& 36.	Scenic Resources	(1) clarify how regulations apply in right-of-way and (2) clarify tree removal exemption for 12" diameter trees	33.480.040; 33.480.050; 33.700.075 Title 11, Table 40-1
37.	Marquam Hill	Clarify when plaza requirement applies (for non-institutional development)	**No amendment proposed – See Proposed Draft**
38.& 39.	NW Hills/Linnton	Update (1) lot confirmation and (2) lot dimension methodology to align with more recent base zone regulation changes	33.563.220
40.	Airport	Remove duplicate standard for woodland conversion	33.565.550
41.	Building Permits	Clarify overly broad statement regarding when a building permit is required	33.700.005
42.	Neighborhood Contact	Set 1-year expiration for neighborhood contact	33.700.025
43.	Design Review	Clarify design and historic resource review thresholds for alteration value, e.g. exclude interior work	33.700.075; 33.825.025; 33.846.060
44.	Historic Guidelines	Correct reference to the appropriate review guidelines for Central City historic areas	33.846.060
45.	Definitions	Restructure chapter – ungroup topic related terms	33.900, 33.910
46. (add)	Building Permit reference	Delete reference to building permit requirement for fences over 6 feet tall	33.100.205; 33.110.255; 33.120.285; 33.130.270; 33.140.275
47. (add)	Adjustments	Remove reference to ground floor window standards	33.805.040

II. Impact Assessment

During each RICAP process, an impact assessment is conducted in order to identify and evaluate positive and negative impacts of regulations that may be proposed. The process also identifies situations where a non-regulatory approach may be a better solution. The process chart for impact assessment in Appendix B of this report illustrates the flow and stages of a model assessment process.

Staff's consideration of each item is described in detail in Sections III - V of this report. Additional information is also available in the *RICAP 7 — Proposed Workplan* report, dated August 2014.

Issues and Desired Outcomes

The goal of the Regulatory Improvement Workplan, is to "update and improve City building and land use regulations that hinder desirable development." In keeping with this goal, the desired outcomes of the RICAPs are to explore non-regulatory solutions to identified problems and, where a regulatory approach is determined to be best, to keep the regulations simple, clear, and easy to implement and enforce. The desired outcome for each issue addressed through a RICAP is to improve the regulation or process as much as possible, and to simplify, streamline, or increase the effectiveness of the regulation or process, while reducing burdens for applicants, neighbors, and staff.

The issues suggested as candidates for regulatory improvement range from the correction of small technical items to the reconsideration and updating of major policy approaches. RICAPs are intended to accommodate the consideration of items that are at the technical and minor policy end of that continuum. Within that intent, items are selected for consideration, and then discussed by staff, community members, and the Planning and Sustainability Commission, as detailed below.

Stakeholder Outreach and Feedback

The RICAP 7 workplan was published on August 5th, 2014 and notice was sent to 565 agencies and individuals. The Planning and Sustainability Commission held a public hearing and unanimously approved the proposed workplan on August 26th, 2014.

The Discussion Draft was published on January 12th, 2015 and was made available for public review and comment through February 27th. In the intervening period, staff conducted a series of outreach efforts and meetings with interested parties to answer questions and solicit feedback and suggestions. Project staff met with five Neighborhood District Coalitions, the Citywide Land Use Group, and briefed the Development Review Advisory Committee and Infill Builders Group. Additionally, the Linnton Neighborhood Association and representatives from OHSU were directly contacted, and staff met with representatives from Ladd's Addition (as these geographic areas are specifically the subject of several items in this proposal).

Several suggestions were offered to help improve the clarity of the proposed amendments, and these have been incorporated where appropriate. Concerns were expressed regarding the proposed change that would allow fences in the buffer overlay

setback (item #27). This was revised to clarify that tall fences were not permitted along street lot lines in the buffer overlay. Item #19 changes where drive through lanes are measured (from the lot line and not the curb). This represents a tradeoff as this could result in more impervious area on sites to accommodate the full required drive-aisle length. Staff found that it was more important to ensure that safety and circulation be retained by ensuring queueing vehicles did not obstruct sidewalks when weighed against the relatively minor amount of resulting additional impervious area. Other items were generally received favorably including clarifications for transitional site developments (Item #10), residential landscape buffer requirements (Items #16-17), requirement for the pre-application conference to be held prior to submitting an application (Item #2) and expiration of neighborhood contact meetings after one year(Item #42).

The Proposed Draft was published for the Planning and Sustainability Commission's (PSC) review and consideration at their April 28th public hearing. Two technical items were added to the Proposed Draft to address an erroneous reference to a building permit requirement for fences (#46) and a remnant reference to additional adjustment review processes for ground floor windows which were deleted as part of RICAP 6 (#47). At the hearing, staff also introduced a minor refinement to the scenic overlay zone amendments that relates to tree removal in the public rights of way along scenic corridors. For greater consistency with tree sizes on sites, this size threshold for right of way trees was changed to 6 inches diameter and larger. A correlated amendment was also necessary in Title 11 to show the relationship between trees regulated by that title versus trees regulated by the zoning code.

The PSC also heard testimony related to the proposed exemption from design review for solar systems on flat roofs. The testimony was supportive of the added exemption, but sought additional flexibility through reduced setbacks. The Commission deliberated and ultimately concluded that staff's proposal struck a reasonable balance between promoting renewable energy and protecting the design aesthetic in the City's design overlay areas.

The PSC's recommended draft was presented to City Council at their public hearing on June 24, 2015. No additional changes were requested, and the Council unanimously passed the ordinance adopting the RICAP 7 amendments.

Approaches Considered

The decisions to recommend amendments to the Zoning Code (covered in Section III) or to recommend no amendment (addressed in the Proposed Draft) are the result of the impact assessment that has been applied to the items. The conclusions can be attributed to the art—more than the science—of a type of cost/benefit analysis implicit in the impact assessment process. Where the expected benefits outweigh the various costs, staff recommends an amendment to the Zoning Code.

III. Amendments to the Zoning Code

The proposed amendments to the Zoning Code are included in this section of the report and are arranged in the order that the affected sections appear in the Zoning Code For example, items amending portions of the base zone requirements (33.100's) will come before items amending portions of overlay zones (33.400's) or plan districts (33.500's). It is important to note that some of the workplan items include amendments that span several areas of the zoning code. To follow the amendments being proposed for a particular item, refer to the table of workplan items in the Introduction, which includes references to the code sections that are being amended.

Commentary Pages

Commentary pages are formatted in "*comic sans*" font on the even numbered pages opposite the code amendment page. The commentary includes a description of the problem being addressed, the legislative intent of the proposed amendment, and an assessment of the impact of the proposed change. Also on the commentary pages is a reference to the RICAP item that is being addressed, along with the RIR#, which is the tracking number from the regulatory improvement request database.

Code Amendment Pages

The code amendments appear in "Calibri" font on the odd numbered pages. Text that is added is <u>underlined</u>, and text to be deleted is shown with ~~strikethrough~~. Figures that are deleted will have large "X"s through them. To reduce the size of the document, provisions of code that are not proposed to change are indicated by "[no change]".

See also Section IV, Amendments to Title 11, Trees.

RICAP Item #8 & 9 – OS zone standards

(RIR# 369203, 341578, 341598)

33.100.040 Other Zoning Regulations

These changes are mainly grammatical, and clarify applicability.

33.100.200 Development Standards

There are several changes proposed to clarify the applicable development standards for conditional use developments. This chapter has not been consistently updated as changes to other provisions in the zoning code had been made, making some provisions unclear or inconsistent.

33.100.200. A.1.

This change clarifies that this building setback is a minimum setback, not a minimum and maximum (or precise) setback.

33.100.200. B.1

In general, conditional uses in the OS zone rely on a reference to a table of development standards applicable to institutions in the single-dwelling zones. The exceptions to this are: minimum and maximum building setbacks, setbacks for structures accessory to recreational fields for organized sports, and parking. There was uncertainty whether the additional institutional development standards in 33.110.245 were also meant to apply. After reviewing those requirements, it was found that they may not be appropriate for the wide range of situations represented by conditional use developments in the OS zone.

Several changes to the maximum street setbacks were adopted as part of RICAP 2 for single dwelling zones, but were not carried over to the OS zone. These included provisions addressing conflicts between minimum and maximum setbacks and a series of illustrations that help when applying the maximum setback to proposed additions (see 33.110.245.C.). Proposed changes within Table 110-5 will now address OS zone conditional uses and single dwelling zone institutional development similarly with respect to the max setbacks. This will effectively reduce the max setback in the OS zone from 25 to 20 feet.

The maximum setback in the OS zone was initially 25' measured from the curb (by TPR amendments in 1997). Code Maintenance 2004 revised all setbacks to be measured from the lot line. Prior to those changes, the code previously stated: "where there is no curb, the setback is measured from the lot line, and both the minimum and the maximum setbacks are reduced by 6 feet." Instead of revising the single standard here, a cross-reference to Table 110-5 is proposed for greater overall consistency. While this change results in a reduction from 25' max setback in OS zones to 20' max, it is still consistent with setback imposed through the TPR amendments, which would have allowed a max setback of 19 feet in places where there was no curb.

33.100.200. B.2.

The minimum setbacks for buildings and for structures accessory to recreational fields for organized sports have been combined into a single paragraph.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.100
OPEN SPACE ZONE

33.100.040 Other Zoning Regulations
The regulations in this chapter state the allowed uses and the development standards for the ~~base~~ open space zone. Sites in ~~with~~ overlay zones, plan districts, or with designated historic~~al~~ landmarks are subject to additional regulations. The Official Zoning Maps indicate which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

33.100.200 Development Standards

A. Allowed or limited uses. Allowed or limited uses are subject to the development standards stated below.

1. Building setbacks. Except as specified in paragraph A.3~~. below~~, buildings must be set back from all property lines a minimum of 1 foot for each foot of building height.

2. Outdoor activity facility setbacks. Except as specified in paragraph A.3. below, outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated. Where the outdoor activity facility abuts R-zoned properties in School uses, the required setback is reduced to zero.

3. Recreational fields for organized sports. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

B. Conditional uses. Conditional uses are subject to the development standards stated below.

1. Generally. Except as modified by paragraph B.2 and B.3, the development standards of Table 110-5, in Chapter 33.110, Single-Dwelling Zones, apply.

2. Minimum setbacks. Buildings must be set back from all property lines a minimum of 1 foot for each foot of building height. Setbacks for structures that are accessory to recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

~~1. Building setbacks.~~

~~a. Generally. Except as specified in paragraph 1.b. below, buildings must be set back from all the property lines 1 foot for each foot of building height. Where the site is adjacent to a transit street or a street within a Pedestrian District, the maximum setback is 25 feet.~~

~~b. Recreational fields for organized sports. Setbacks for structures that are accessory to recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.~~

3.~~2.~~ Parking. Conditional uses must meet the parking standards for that use in the CG zone, as stated in Chapter 33.266, Parking and Loading.

~~3. Other standards. Conditional uses are also subject to the other development standards stated in Table 110-5 in Chapter 33.110, Single-Dwelling Zones.~~

RICAP Item #12 – Recycling Areas for Institutions

(RIR# 386309)

The Zoning Code includes a reference to Title 17 recycling area requirements in the Multi-Dwelling, Commercial, Employment and Industrial zones. There is no mention of a recycling area requirement for institutions in the Open space or Single-Dwelling zones, even though they are subject to the Title 17 recycling area requirements.

33.100.240
Added a section in the OS zone to reference the general requirements for recycling areas in Title 17, similar to the sections in Multi dwelling, C, E, and I zones (33.120.260, 33.130.310, 33.140.315).

Including these references in the single dwelling and OS zones will remind applicants and reviewers of this requirement that applies to institutional uses.

Relevant Title 17 recycling regulations
17.102.270 Businesses and Multifamily Complexes Required to Recycle.
A. Waste Prevention and Recycling Requirements.
1. To achieve the City's waste prevention and recycling goals as set forth in Section 17.102.010, all businesses [defined as any commercial entity, including industrial and institutional, but not including multifamily complexes or commercial entities that occupy 50 percent or less of the floor area of a residence] within the City shall comply with waste prevention, recycling and composting requirements as set forth in the administrative rules established by the Director. The following recycling requirements shall be in effect:
3. All multifamily complexes [defined as any multidwelling building or group of buildings that contain(s) five dwelling units or more on a single tax lot, such as apartments, condominiums, mobile home parks, or houseboat moorages. Multifamily also includes certified or licensed residential care housing, such as adult foster care homes.] within the City shall establish recycling systems for their tenants' use, in compliance with administrative rules established by the Director.

RICAP Item #46 - Building Permits for Fences

The zoning code includes a reference to the requirement for a building permit for fences above 6 feet. The most recent building code revised this threshold, and now a permit is only required for fences above 7 feet.

This amendment removes the reference to the building permit requirement, since this information is conveyed (and more readily updated) in the BDS information brochure: "Fences, Decks and Outdoor Projects" http://www.portlandoregon.gov/bds/article/93020

The change to 33.100.205.D updates the reference from Title 14 to Title 24, consistent with references in the other base zone sections of the zoning code.

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CHAPTER 33.100
OPEN SPACE ZONE

Sections:
General
33.100.010 Purpose
33.100.020 Short Name
33.100.030 Where the Zone Is Applied
33.100.040 Other Zoning Regulations
Use Regulations
33.100.100 Primary Uses
33.100.110 Accessory Uses
33.100.120 Nuisance-Related Impacts
Development Standards
33.100.200 Development Standards
33.100.205 Fences
33.100.210 Demolitions
33.100.220 Nonconforming Development
33.100.225 Signs
33.100.230 Street Trees
33.100.240 Recycling Areas

33.100.205 Fences

A. – C. [no change]

D. Reference to other regulations.

~~1. Building permits. Building permits are required by the Bureau of Development Services, for fences over 6 feet in height.~~

~~2. Fence materials regulated by other bureaus.~~ Electrified fences are regulated ~~by Section 26.04.150 of~~ under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations ~~by the Police Bureau, under Title 14~~.

33.100.240 Recycling Areas
See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code for additional requirements for recycling areas.

RICAP Item #10 – Transitional Sites

(RIR# 777889)

The standards for development on transitional sites are not clear and can potentially be interpreted in different ways. In addition, the lot coverage standard was established prior to the development of the range of building coverages in the base zone, which has created inconsistencies for attached housing projects.

The order of requirements has been rearranged.

- Minimum lot dimension requirements were moved from their own paragraph to the qualifying situations. This emphasizes that before a site can utilize the additional density, it must be of adequate size and shape.
- The statement related to density for attached housing projects was moved from the qualifying situation to the density paragraph. This is also intended to clarify that only one additional unit is allowed on the site (to prevent future division of lots in an attached housing project)
- The reference to site development standards was moved from the housing types allowed paragraph to a new paragraph specific to development standards for attached houses.
- The lot coverage standard was deleted, so that the building coverage of the base zone will be applied to the duplex lot, or for attached housing projects to each individual attached house lot. This represents a change from the current lot coverage requirement which averages the allowed building coverage across the whole project. However, it is consistent with the standard when it was initially added. At that time, building coverage was based on zone, as opposed to lot size as follows:

Previous Lot Coverage Standard						
Zone	R2.5	R5	R7	R10	R20	RF
Detached	45%	45%	35%	30%	25%	10%
Attached	50% overall (60% per lot)					

Current Building Coverage Standard				
Lot Size	<3,000 s.f.	3K-5K s.f.	5K-20Ks.f.	>20K s.f.
	50% of lot area	1,500 s.f. +37.5% area over 3,000 s.f.	2,250 s.f. +15% area over 5,000 s.f.	4,500 s.f. +7.5% area over 20,000 s.f.
% range	50%	36%-50%	30%-45%	Max 22.5%

- Additional clarification is added for minimum lot dimension and development requirements for sites proposing attached housing. These requirements are consistent with the provisions for attached houses and duplexes on corner lots, see 33.110.240.E.

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CHAPTER 33.110
SINGLE-DWELLING ZONES

33.110.240 Alternative Development Options

A. Purpose. The alternative development options allow for variety in development standards while maintaining the overall character of a single-dwelling neighborhood. These options have several public benefits:

- They allow for development that ~~which~~ is ~~more~~ sensitive to the environment, especially in hilly areas and areas with water features and natural drainageways;
- They allow for the preservation of open and natural areas;
- They promote better site layout and opportunities for private recreational areas;
- They promote opportunities for affordable housing;
- They promote energy-efficient development; ~~and~~
- They allow for the provision of alternative structure types where density standards are met~~.~~; and
- They reduce the impact that new development may have on surrounding residential development.

B.-G. [no change]

H. Transitional sites. The transitional site standards allow for a transition of development intensities between nonresidential and single-dwelling zones. A stepped increase in density is allowed on single-dwelling zoned lots that are adjacent to most commercial, employment or industrial zones. The transitional site provisions promote additional housing opportunities in a way that has minimal impacts on built-up single-dwelling neighborhoods.

1. Qualifying situations. The transitional site regulations apply only to sites ~~lots~~ in the R20 through R2.5 zones ~~which~~ that have a side lot line that abuts a lot in the CS, CM, CG, CX, E, or I zones~~, except for the CN and CO zones~~. The side lot line of the residential site ~~lot~~ must abut the lot in a nonresidential zone for more than 50 percent of the residential site's ~~lot's~~ length. ~~If the lot is part of an attached housing project, the extra unit allowed by this subsection applies to the attached housing project, rather than just to the lot adjacent to the nonresidential zone.~~ The residential site must comply with the minimum lot dimension standards in the applicable base zone listed in Chapters 33.610 and 33.611.

2. Density. The ~~lot or attached housing project~~ site may have one dwelling unit more than the density allowed by 33.610.100.C.1 and 33.611.100.C.1.

~~3. Lot dimensions. Lots must comply with the lot dimension standard for new lots in the base zone listed in Chapters 33.610 and 33.611.~~

3~~4~~. Housing types allowed. The site ~~lot~~ may contain a duplex or be divided for attached houses. ~~If the development is in the form of an attached house, the site development regulations for attached houses in the R2.Z zone apply.~~

~~5. Lot coverage. For attached housing projects, the general lot coverage standard of the base zone applies to the entire project, rather than to each individual lot.~~

4. Standards for attached housing projects. New lots created for attached houses must meet the minimum lot dimension standards stated in Chapter 33.611, Lots in the R2.5 Zone. Development must meet the site development regulations for attached houses in the R2.5 zone.

RICAP Item #8 & 9 – OS zone standards

(RIR#369203, 341598, and 341578)

Table 110-5

With the exception of building setbacks and parking, Conditional Uses in the OS zone are subject to the standards stated in Table 110-5 in the Single-Dwelling zones. Changes to 33.100.200 remove the maximum street setback requirement, and instead reference the maximum street setback in Table 110-5.

This changes the maximum setback from 25 feet to 20 feet/or per CU review as applied to OS-zoned sites when located in a pedestrian district or along a transit street. However, 20 feet is consistent with maximum setbacks in R3, R2, R1, RH, as well as institutional development in the single dwelling zones.

Since the OS zone development standards refer only to the Table in 33.110, and not the entire section 33.110.245, Footnote #7 was added to clarify how the maximum setbacks are applied when there are conflicts between minimum and maximum setbacks, as well as exempts certain alterations that are below the size threshold for a CU review from meeting max setbacks.

RICAP Item #15 – Exceptions to height

(RIR#744398)

Footnote #3 was changed for consistency with clarifications made in other sections of the base zones (33.120.215, 33.130.210, and 33.140.210). These changes make it more clear that height limits may be exceeded by up to 16 feet for elevator equipment and up to 10 feet for other mechanical equipment and stairwell enclosures, when certain limitations are met. See commentary for 33.120.215 for more information.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.110
SINGLE-DWELLING ZONES

Table 110-5 **Institutional Development Standards [1]**	
Minimum Site Area for New Uses	10,000 sq. ft.
Maximum Floor Area Ratio [2]	0.5 to 1
Maximum Height [3]	50 ft.
Minimum Building Setbacks [2]	1 ft. back for every 2 ft. of bldg. height, but in no case less than 15 ft.
Maximum Building Setback Transit Street or Pedestrian District [7]	20 ft. or per CU/IMP review
Maximum Building Coverage [2]	50% of site area
Minimum Landscaped Area [2,4]	25% of site area to the L1 standard
Buffering from Abutting Residential Zone [5]	15 ft. to L3 standard
Buffering Across a Street from a Residential Zone [5]	15 ft. to L1 standard
Setbacks for All Detached Accessory Structures Except Fences [6]	10 ft.
Parking and Loading	See Chapter 33.266, Parking And Loading
Signs	See Title 32, Signs and Related Regulations

Notes:

[1] The standards of this table are minimums or maximums as indicated. Compliance with the conditional use approval criteria might preclude development to the maximum intensity permitted by these standards.

[2] For campus-type developments, the entire campus is treated as one site. Setbacks are only measured from the perimeter of the site. The setbacks in this table only supersede the setbacks required in Table 110-3. The normal regulations for projections into setbacks and for detached accessory structures still apply.

[3] Towers and spires with a footprint of 200 square feet or less may exceed the height limit, but still must meet the setback standard. ~~All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment that cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.~~ Elevator mechanical equipment that is set back at least 15 feet from all roof edges on street facing façades may extend up to 16 feet above the height limit. Other mechanical equipment and stairwell enclosures that provide rooftop access when these cumulatively cover no more than 10 percent of the roof area and are set back at least 15 feet from all roof edges on street facing façades may extend up to 10 feet above the height limit.

[4] Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.

[5] Surface parking lots are subject to the parking lot setback and landscaping standards stated in Chapter 33.266, Parking And Loading.

[6] Setbacks for structures that are accessory to recreational fields for organized sports on a school, school site, or in a park, are stated in Chapter 33.279, Recreational Fields for Organized Sports.

[7] The maximum building setbacks are described in 33.110.245.C.

RICAP Item #8 & 9 – OS zone standards

(RIR#369203, 341598, and 341578)

33.110.245.C.2.b

This subparagraph cross references the transit street setback requirements in the commercial zone section 33.130.215.B. The correct citation for maximum setbacks is 33.130.215.C. However, the provisions in the Commercial zones only apply to specific commercial zones. A cross reference would lead to a section that has no applicability in OS or single dwelling zones. The multi dwelling transit street setbacks standards in 33.120.220.C are nearly identical but are not zone-specific.

RICAP Item #12 – Recycling Areas for Institutions

(RIR# 386309)

The Zoning Code includes a reference to Title 17 recycling area requirements in the Multi-Dwelling, Commercial, Employment and Industrial zones. There is no mention of a recycling area requirement for institutions in the Open space or Single-Dwelling zones, even though they are subject to the Title 17 recycling area requirements.

33.110.245

Added a reference in the single dwelling zone to the general requirements for recycling areas in Title 17, similar to the sections in Multi dwelling, C, E, and I zones (33.120.260, 33.130.310, 33.140.315).

Including these references in the single dwelling zone institutional development standards will remind applicants and reviewers of this requirement that applies to businesses and multi-unit complexes of 4 or more dwelling units, including institutional uses. See commentary for Section 33.100.240 for more information.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.110.245 Institutional Development Standards

C. The standards.

1. The development standards are stated in Table 110-5. If not addressed in this section, the regular base zone development standards apply.

2. Setbacks on a transit street or in a Pedestrian District.

a. Purpose. The purpose of these regulations is to reduce reliance on the automobile and encourage pedestrians and transit riders by ensuring safe and convenient pedestrian access to buildings.

b. Building setbacks on a transit street or in a Pedestrian District. Buildings on a transit street or in a Pedestrian District must meet the provisions of 33.120.220.C. ~~33.130.215.B.1 and B2~~.

c. Conflicts.

(1) If the depth of the minimum building setback or buffering standards conflicts with the maximum building setback standard, the depth of the maximum building setback standard supersedes the depth of the minimum building setback and buffering standards.

(2) If the depth of the minimum setback standard for detached accessory structures conflicts with the depth of the minimum buffering standard, the depth of the minimum buffering standard supersedes the depth of the minimum setback standard for detached accessory structures.

d. Exception. Development that is not subject to conditional use review under Section 33.815.040 is exempt from the maximum transit street setback requirement.

3. – 8. [no change]

9. Garbage and recycling collection areas. All exterior garbage cans. Garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening. See Section 17.102.270, Business and Multifamily Complexes Required to Recycle, of the Portland City Code for additional requirements for recycling areas.

10. Pedestrian standards. [no change]

RICAP Item #46 – Building Permits for Fences

The zoning code includes a reference to the requirement for a building permit for fences above 6 feet. The most recent building code revised this threshold, and now a permit is only required for fences above 7 feet.

This amendment removes the reference to the building permit requirement, since this information is conveyed (and more readily updated) in the BDS information brochure: "Fences, Decks and Outdoor Projects" http://www.portlandoregon.gov/bds/article/93020

RICAP Item #11 – Stepped Retaining Walls

(RIR#773588)

Regulations were added to the single dwelling base zone to address visual impacts from tall retaining walls built at or near the street lot line. These regulations requiring retaining walls to be stepped back and landscaping provided to limit "fortress-like" appearances.

There are currently exceptions for sites that slope downward from the street (because these walls do not create a visual impact against the street) and for sites where environmental zoning is present (since use of retaining walls may be necessary to reduce the impacts from more extensive grading).

However, due to the restricted wall height and required separation distances, in some cases sites that slope steeply up from the street may be precluded from meeting the standard, or may be forced to move buildings further back or reduce their size in order to comply with the standard.

The base zone often uses a 20% slope as a threshold for exempting sites from certain standards (e.g. see 33.110.215.D Height, 33.120.220.D. Setbacks, 33.130.230.B Main Entrances). However, the average slope across a site is not the issue in this case, and a 20% slope could be feasibly retained by a series of 4 foot tall walls.

33.110.257.B.2.b.
These changes retain the exception for downward sloping lots but align with the new exception for steeply upward sloping front yards, by focusing on the front yard area, as opposed to the average slope across the site. This continues to ensure that fortress-like retaining walls will not be constructed in the front yard area.

33.110.257.B.2.c.
In situations where a flat site has a steep embankment up from the street, compliance with wall height limitations and required separation distances may be impractical. As such this new exception applies to a 50% upward slope between the street lot line and the building. Note that taller retaining walls are allowed outside this area (i.e. in the back).

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.110.255 Fences

A. – C. [no change]

D. Reference To Other Regulations.

~~1. Building permits. Building permits are required by the Bureau of Development Services, for fences over 6 feet in height.~~

~~2. Fence materials regulated by other bureaus.~~ Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.110.257 Retaining Walls

A. Purpose. The standards of this section help mitigate the potential negative effects of large retaining walls. Without mitigation, such walls can create a fortress-like appearance and be unattractive. By requiring large walls to step back from the street and ~~P~~provide landscaping, the wall is both articulated and visually softened.

B. Where these regulations apply.

1. Generally. These regulations apply to the portions of street-facing retaining walls that are in required setbacks along street lot lines. Where there is no required setback, or the setback is less than 10 feet, the regulations apply to the first 10 feet from the line.

2. Exceptions. The following are not subject to the regulations of this section:

   a. Retaining walls in the areas described in B.1 that are less than four feet high, as measured from the bottom of the footing~~, are not subject to the regulations of this section~~.

   b. Retaining walls on sites ~~with an average slope of 20 percent or more,~~ where the site slopes downward from a street in the area described in B.1.~~, are not subject to the regulations of this section.~~

   c. Retaining walls on sites where the site slopes upward from a street and the existing slope within the area regulated by B.1 is 50 percent or more.

   d.~~c.~~ Replacing an existing retaining wall~~,~~ where the replacement will not be taller or wider than the existing wall~~, is not subject to the regulations of this section~~.

   e.~~d.~~ Retaining walls on sites where any portion of the site is in an environmental overlay zone ~~are not subject to the regulations of this section~~.

C. Standards.

1. Retaining walls are limited to 4 feet in height~~,~~ measured from the bottom of the footing, as shown in Figure 110-16.

2. Retaining walls must be set back at least 3 feet from other street-facing retaining walls, as shown in Figure 110-16. The 3 foot setback area must be landscaped to at least the L2 standard, except that trees are not required. A wall or berm may not be substituted for the shrubs.

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

The term "floor area" appears over 900 times in the zoning code and is used in several different contexts:

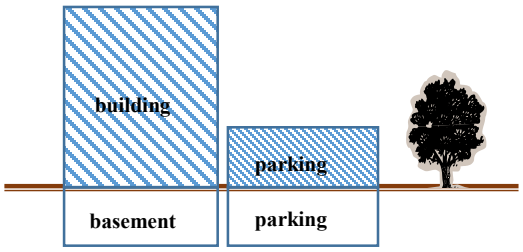
1) As a limitation on the size of certain uses in particular zones to ensure that they remain subordinate to the uses that are outright allowed on a site, such as a limitation on retail service uses in an industrial zone.

2) To prescribe or limit the amount of building massing or scale, often by linking the amount of allowed floor area by a ratio of site area, i.e. Floor to Area Ratio, or FAR.

3) To indicate the type of development that is present on a site for the purposes of applying certain development standards.. For example, sites where all the floor area is in residential use are differentiated from sites with commercial floor area, or sites where any portion of the floor area is for non-residential uses.

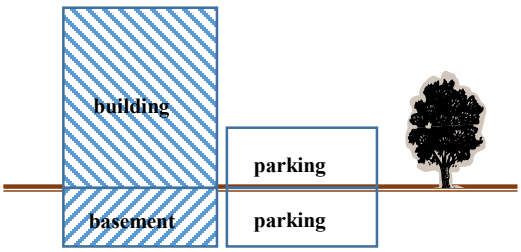
This amendment addresses the issues associated with this first instance, where the size of uses are restricted to prevent or limit impacts to the other uses that are primarily intended for the zone. The amendment is prompted by the need to address uses that are established in floors that are below grade. The definition of "floor area" specifically excludes these areas. The potential consequence is where a use is limited to "3,000 square feet of floor area" any amount of these uses located in a basement plus an additional 3,000 square feet would be allowed. Additionally, "floor area" includes structured parking area. This creates confusion as to whether parking that is associated with the limited use is counted toward the size limit.

Floor Area: building area above ground, including above ground structured parking



To complicate matters further, the code uses several terms in addition to "floor area" interchangeably to describe use size limitations including: "net floor area", "gross floor area", "net building area", "floor area excluding parking", and "gross building area".

Net Building Area: building area above and below ground, but excluding any structured parking



To best address the size limitation for limited uses, replacing "floor area" with "net building area" is the most appropriate, as it incorporates areas used in the basement, but excludes area within structured parking. The amount of parking is subject to its own set of maximum limitations in the parking regulations which are tied to the square footage of each particular use. The illustrations to the right reflect the distinction between floor area and net building area.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Use Regulations

33.120.100 Primary Uses

A. Allowed uses. [no change]

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. Group Living. This regulation applies to all parts of Table 120-1 that have a ~~note~~ [1]. [no change]

2. Retail Sales And Service and Office uses in the RH zone. This regulation applies to all parts of Table 120-1 that have a ~~note~~ [2].

   a. Purpose. [no change]

   b. Regulations. Retail Sales And Service and Office uses are allowed as a conditional use if they meet the following regulations.

      (1) The uses are allowed in new multi-dwelling developments only. Conversion of existing structures is prohibited;

      (2) The net building area of the uses is ~~are~~ limited to 20 percent of the net building area of the development. Retail Sales and Service or Office uses that cumulatively are m~~M~~ore than 20 percent of the net building area are ~~used for Retail Sales And Service, or Office is~~ prohibited; and

      (3) The site must be located within 1,000 feet of a Transit Station.

3. Retail Sales And Service and Office uses in the RX zone. This regulation applies to all parts of Table 120-1 that have a ~~note~~ [3].

   a. Purpose. [no change]

   b. Central City plan district and Gateway plan district. [no change]

   c. Commercial uses in new multi-dwelling development. Adjustments to the regulations of this subparagraph are prohibited.

      (1) Limited uses.

         - If all of the Retail Sales And Service or Office uses are on the ground floor, up to 40 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses;

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

The term "net building area" is replacing the term "floor area" for overall consistency in regulations limiting the size of uses. In some cases, this results in a change from current policy, by counting any basement area, but excluding any structured parking area in the calculation of allowed square footage for the limited uses.

Similarly, FAR (floor area to site area ratio) is being converted to avoid the use of "floor area" entirely in limiting the size of a use, since floor area does not include basement area. An FAR of 1:1 is "floor area" that is equal to the square footage of the site. FAR was never intended to be virtually unlimited by the presence of basement area for purposes of establishing use area limits, but it is effective at limiting building "scale".

Selective clarifications are also added to indicate what area is counted toward each limited use. In general, this will be the "net building area" (which includes the building space both above and below grade, but excludes parking). In some select instances, additional limitations are currently included, for example exterior storage and display area, and these will continue to be called out specifically where appropriate.

Comparison of floor area and net building area
The code applies two primary means to limit the extent of particular uses: a percentage of the building; and a cap on square footage. The change from floor area to net building area, while consistent, will have some effect to existing policy by potentially increasing or decreasing the amount of area allowed:
Example 1 (percentage limit):
A 10,000 s.f. building with a 5,000 s.f. basement and the use is limited to "20 percent" of the developed area-
Floor area: (10,000 x .20)= 2,000 square feet.
Net building area: (15,000 x .20)= 3,000 square feet.

Example 2 (cap on square footage)
A 10,000 s.f. building with a 5,000 s.f. basement and the use is limited to "2,000 square feet" -
Floor area: (2,000 + 5,000 s.f. in basement not counted)= 7,000 square feet.
Net building area (2,000 of all floors) = 2,000 square feet.

33.120.100.B.2
This change clarifies that the limited use is measured by "net building area", the same as the basis for establishing the 20% allowance of (net building) square footage.
33.120.100.B.3.f.(2)
This change replaces the reference to floor area exclusive of parking, and uses "net building area" for both the area of the limited use, and the basis of the percentage of allowed area.
33.120.100.B.3.f.(3)
Floor area is changed to "net building area" for consistency. This doesn't result in a significant change since it only relates to the area of the building that must receive a certificate of occupancy.

- If any portion of the Retail Sales And Service or Office uses is not on the ground floor, up to 20 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses;

(2) Conditional uses.

- If any portion of the Retail Sales And Service or Office uses is not on the ground floor, up to 40 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses if approved as a conditional use;
- If the entire site is within 500 feet of a Transit Station, up to 50 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses if approved as a conditional use.

d. Commercial uses in existing multi-dwelling development. Up to 40 percent of existing net building area in a multi-dwelling development may be converted to Retail Sales And Service and Office uses if the following are met. Adjustments to the regulations of this subparagraph are prohibited:

(1) All of the Retail Sales And Service or Office uses must be on the ground floor; and

(2) The conversion may not result in a net loss of the square footage in residential use, or a net loss in the number of dwelling units in the development.

e. Outdoor activities. [no change]

f. Transfer of commercial development rights. The commercial development rights of this Paragraph may be transferred between buildings within a single new project. Transfers are subject to the following requirements:

(1) The transfer of commercial use potential to sites on the Park Block frontages is prohibited. The Park Block frontages are shown on Map 510-13;

(2) The net building area ~~total amount~~ of commercial uses ~~floor area of the project~~ does not exceed 20 percent of the project's net building area ~~total floor area of the project exclusive of parking area~~, unless approved under the provisions of Subparagraph d. above;

(3) All residential net building area ~~floor area to be developed~~ in the project must be completed and must receive a certificate of occupancy at the same time or prior to issuance of any temporary or permanent certificate of occupancy for the commercial uses; and

(4) A deed restriction is created and filed for the lot containing the residential building(s) reflecting the decrease in commercial use potential. The deed restriction must comply with the requirements of 33.700.060, Covenants with the City.

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.120.100.B.5

These changes restructure this paragraph into two subparagraphs to more clearly delineate the limited uses from the conditional uses, similar to the structure in 33.120.100.B.3.c. This is also intended to clarify that when all of the Community Service and Schools uses are located on the ground floor, the entire net building area may be in these uses. However, as soon as any portion is not on the ground floor of a multidwelling development, then the use is limited to 20% of the net building area.

There is no change in policy reflected by these amendments. The potential amount of area that can be used for these uses is not changed.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

4. Commercial Parking in RX. This regulation applies to all parts of Table 120-1 that have a ~~note~~ [4]. [no change]

5. Community Service and Schools in RX. This regulation applies to all parts of Table 120-1 that have a ~~note~~ [5]. ~~Community Service and Schools uses are allowed by right up to 20 percent of the net building area; or on the ground floor of a multi-dwelling development, whichever is greater. If Community Service and Schools uses are proposed for more than the ground floor and are over 20 percent of the net building area, then a conditional use review is required.~~ Short term housing and mass shelters have additional regulations in Chapter 33.285, Short Term Housing and Mass Shelters.

   a. Limited uses. Community Service and Schools uses are allowed in a multi-dwelling development if all of the Community Service and Schools uses are located on the ground floor. If any portion of a Community Service or Schools use is not on the ground floor of a multi-dwelling development, the Community Service and Schools uses are limited to 20 percent of the net building area;

   b. Conditional uses. If any portion of the Community Service and Schools uses is not on the ground floor of a multi-dwelling development and the uses exceed 20 percent of the total net building area, then a conditional use review is required.

6. Community Service in R3 through RH and IR. This regulation applies to all parts of Table 120-1 that have a ~~note~~ [6]. [no change].

7. Parks And Open Areas. This regulation applies to all parts of Table 120-1 that have a ~~note~~ [7]. [no change]

8. Daycare. This regulation applies to all parts of Table 120-1 that have a ~~note~~ [8]. [no change]

9. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 120-1 that have a ~~note~~ [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. Purpose. [no change]

    b. Retail Sales A~~a~~nd Service uses allowed as accessory activities. [no change]

    c. Retail Sales A~~a~~nd Service and Office uses are allowed on an institutional campus as primary uses when the following regulations are met:

       (1) The location is identified as a site for a primary retail, service or office use in the institution's approved impact mitigation plan;

       (2) The impact mitigation plan's mitigation measures for commercial use at the site are met; and

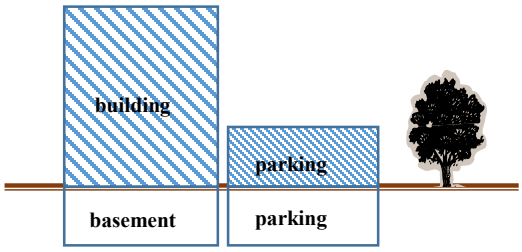
RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

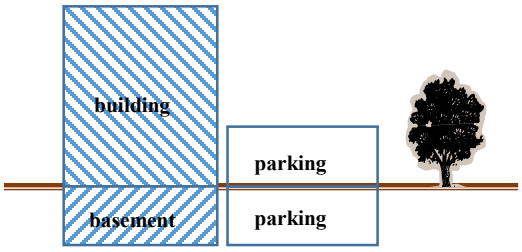
33.120.100.B.10.c(3)

This amendment replaces the term "floor area" with "net building area" for overall consistency. The potential amount of area that can be utilized is changed:

Floor Area: building area above ground, including above ground structured parking



Net Building Area: building area above and below ground, but excluding any structured parking



The other change attempts to clarify that structured parking is counted unlike other situations where parking is excluded from the tally of area occupied by the limited use. For Retail Sales And Service and Office uses on institutional campuses in the IR zone, 250 square feet is deducted from the 50,000 s.f. (or 10%) allowance for each parking space (required for the Retail Sales or Office use) that is located in a structure.

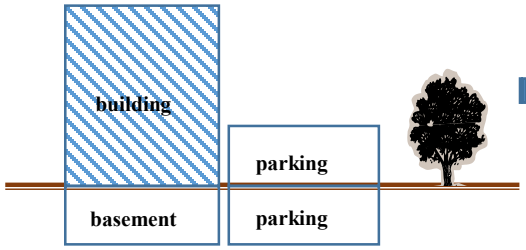
33.120.100.B.10.e(3)

This amendment replaces the term "floor area" with "net building area" for overall consistency with other changes in this chapter. The potential amount of area that can be utilized is changed (see the figures above). The other change makes it clear that only the area of structured parking associated with major event entertainment facilities is deducted from the 30 percent allowance, not structured parking associated with the other uses in this list.

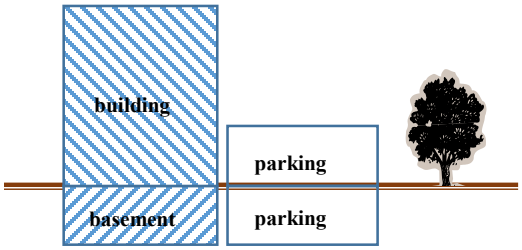
33.120.100.B.13.

This amendment replaces the term "floor area exclusive of parking area" with "net building area" for overall consistency with other changes in this chapter. The potential amount of area that can be utilized is changed:

Floor Area excluding parking: building area above ground, no parking area included



Net Building Area: building area above and below ground, but excluding any structured parking



(3) Retail Sales A~~a~~nd Services uses ~~in combination with~~ and O~~o~~ffice uses which are not listed as primary or accessory uses in the mission statement of the impact mitigation plan are limited. These uses are limited to no more than 50,000 square feet of net building area ~~floor area~~ or 10 percent of the campus net building area ~~floor area~~, whichever is less. If the site includes structured parking, 250 square feet of the structured parking area will be associated with the Retail Sales And Service and Office uses for each parking space required for these uses. ~~When structured parking is provided 250 square feet of parking structure floor area is included in the area subject to this floor area limitation for each required parking space~~. Size exceptions are prohibited.

d. Institutional Office uses allowed as accessory activities. [no change]

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) [no change]

(2) [no change]

(3) Limit the aggregate size of medical, scientific, educational research and development facilities and laboratories; non institution-owned medical office buildings; and major event entertainment facilities and the~~ir associated~~ structured parking associated with major event entertainment facilities to 30 percent or less of the campus net building area ~~floor area~~. Size e~~E~~xceptions ~~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]. [no change]

12. Daycare in the IR zone. [no change]

13. Basic Utilities. These regulations apply to all parts of Table 120-1 that have a [13] ~~note (13)~~.

a. [no change]

b. [no change]

c. In the RX and IR zones, all other Basic Utilities are limited to 20 percent of the net building area ~~floor area~~ on a site~~, exclusive of parking area, unless specified above~~. If they are over 20 percent of the net building area ~~floor area~~, a conditional use review is required. As an alternative to conditional use review, the applicant may choose to do a Conditional Use Master Plan or an impact Mitigation Plan. The requirements of Chapter 33.262, Off Site Impacts must be met.

14. Agriculture. This regulation applies to all parts of Table 120-1 that have a ~~note~~ [14]. [no change]

C. – D. [no change]

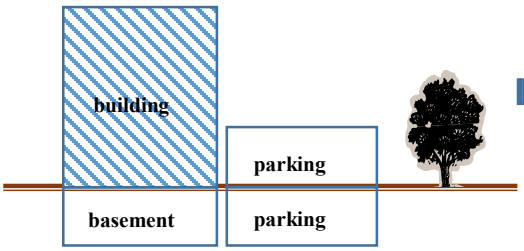
RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

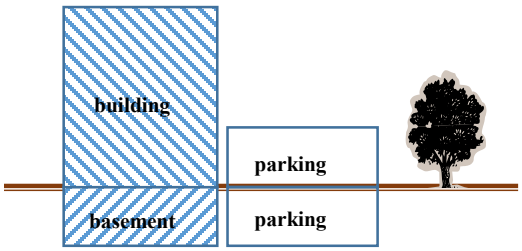
33.120.110.B.3.

This amendment replaces the term "floor area exclusive of parking area" with "net building area" for overall consistency with other changes in this chapter. The potential amount of area that can be utilized is changed:

Floor Area excluding parking: building area above ground, no parking area included



Net Building Area: building area above and below ground, but excluding any structured parking



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33.120.110 Accessory Uses
Uses that are accessory to a primary use are allowed if they comply with all regulations for that use and all applicable development standards. In addition, some specific accessory uses have additional requirements as indicated below.

A. Accessory home occupations, accessory dwelling units, and accessory short-term rentals. [no change]

B. Accessory commercial uses in the RH zone. Accessory commercial uses in multi-dwelling buildings in the RH zone are allowed in order to provide convenient support services to the residents of the building and to encourage a reduction in auto trips. They are an incidental use to the main residential use of the site.

1. Uses allowed. [no change]

2. Structure types. [no change]

3. Size. The accessory commercial ~~total amount of~~ uses are limited to 5 percent of the overall net building area on the site ~~floor area of the building exclusive of parking area~~.

4. Reduction in dwelling units. [no change]

5. Signs. [no change]

C. Accessory auto servicing in the RH and RX zones. [no change]

RICAP Item #15 – Exceptions to height

(RIR#744398)

The language in 33.120.215.C.2 relating to height exception and setbacks for elevator shafts has led to confusion:

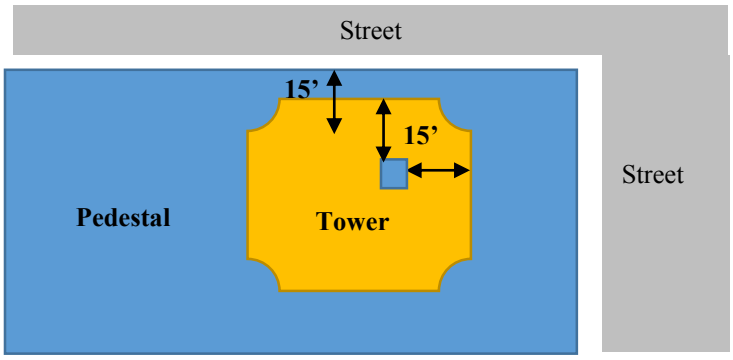
- It's not clear what happens when roof edges are not parallel to street lot lines.
- It's not clear if the 15 foot setback applies to elevator equipment, rooftop mechanical equipment, and/or rooftop stairwell enclosures.
- It's not clear where the setbacks are measured when there are two building roofs (tower and pedestal).

The applicable exceptions have been clarified by distinguishing the overall requirement (15 foot setback) for all projections, with separate requirements specific to elevator equipment (16' projection), and enclosures/other rooftop equipment (<10% coverage and 10' projection). The 15 foot setback ensures that building projections are made subordinate to the overall building height, and are less perceptible from the street.

The change also replaces the phrase "parallel to street lot lines" since roof edges are not necessarily parallel to lot lines. Instead, the reference is to street facing facades which capture roof edges up to a 45 degree angle from parallel to the street (refer to definition of street facing façade).

There is no proposed clarification for situations when there are two building roofs for two reasons:

- These standards are only be applied when the equipment is exceeding the height limit (i.e. on the tower)
- The standards already specify that the setbacks are measured from <u>all</u> roof edges of street facing facades.



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33.120.215 Height

A.-B. [No change]

C. Exceptions to the maximum height.

1. Chimneys, flag poles, satellite receiving dishes, and other similar items with a width, depth, or diameter of 3 feet or less may extend above the height limit, as long as they do not exceed 5 feet above the top of the highest point of the roof. If they are greater than 3 feet in width, depth, or diameter, they are subject to the height limit.

~~2. All rooftop mechanical equipment and enclosures of stairwells that provide rooftop access must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Rooftop elevator mechanical equipment may extend up to 16 feet above the height limit. Stairwell enclosures, and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.~~

2. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing façades:

   a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and

   b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

3.-5. [No change]

RICAP Item #25 – Garage Entrance Setback in Multi-dwelling and Commercial Zones

(RIR#341660)

Code section 33.266.130 states that structures containing vehicle areas where there is no forward ingress and egress from the street are subject to a garage entrance setback of 18 feet. Section 33.120.220.E.2 states that for structured parking where there is no forward ingress and egress from the street is subject to the garage entrance setback standards in Table 120-3. For the R1, RH, and RX zones, Table 120-3 states the garage entrance setback is 5' or less or 18' or more. This is a conflict in the language between Chapters 33.120 and 33.266 about what the garage entrance setback should be in these situations.

The inconsistency has been present since the original 1991 code:
Single dwelling zones: the garage setback is 18 feet. This has not changed since 1991.
Multi dwelling zones: in the R1, RX and RH zones, the garage setback is <5' or >18'. The R3 and R2 zones stipulate 18'. In 1991 footnote [8] specified that these setbacks also applied to structured parking that did not allow exiting in a forward motion. Similar requirements appear in the current code at 33.120.220.E.2.
Commercial zones: In all C zones, the garage setback is <5' or >18' but only applies to houses, attached houses manufactured homes and duplexes. The 1991 code included no garage setbacks for C zones, relying on 33.266 instead.
Employment/Industrial Zones: There are no current garage entrance setbacks, nor were there garage entrance setbacks in 1991.
Parking Regulations: 33.266.130.C.2 states that parking in structures (for uses other than houses, attached houses, duplexes, manufactured dwellings, or houseboats) are subject to the building setbacks of the base zone. However, parking in structures where the is no forward ingress and egress from the street is subject to the garage entrance setback of 18 feet. In 1991, this same language appears at 33.266.130.C.
Definitions: Garage (accessory to houses, attached houses, duplexes, manufactured dwellings, or houseboats) and Structured Parking (not garages) have not substantively changed since 1991.

Changes to the code in section 33.266.130 will clarify that in cases where there is no forward exiting, the base zone garage setback applies (either "18 feet" or "<5 or >18 feet") or otherwise a garage entrance setback of 18 feet applies in situations where no garage entrance setback is specified.

33.120.220.A

The purpose statement referring to larger front yards is deleted, as this is not true for the R1, RH, RX, and IR zones where the front setbacks are equal to or smaller than side and rear yards.

33.120.220.E.

Clarification is added to the ally setback to note that while structures do not need to be setback from alleys, the Bureau of Transportation may require the garage entrance to be setback to provide adequate turning radius into the garage. A minor word change is proposed to help more clearly distinguish the first sentence ("allows" forward exiting) from the second sentence ("does not allow" forward exiting)

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33.120.220 Setbacks

A. Purpose. The building setback regulations serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- ~~They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;~~
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
- Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users.
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

B.-D. [no change]

E. Garage entrance and structured parking setback.

1. Garage entrance setback. The garage entrance setback is stated in Table 120-3. See Chapter 33.910, Definitions, for a description. The walls of the garage structure are subject to 33.120.283 and the applicable front, side, or rear building setbacks.

   a. In R1, RH, and RX zones, the garage entrance must be either 5 feet or closer to the street lot line, or 18 feet or farther from the street lot line. If the garage entrance is located within 5 feet of the front lot line, it may not be closer to the lot line than the front façade of the residential portion of the building.

   b. Exceptions.

      (1) The garage entrance setback may be reduced to the average of the garage entrance setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.

      (2) No setback is required from a lot line abutting an alley. However, the Bureau of Transportation may require the garage entrance to be set back to ensure adequate turning radius into the garage.

2. Setbacks for structured parking. Structured parking that ~~does~~ allows exiting in a forward motion is subject to the setback requirements for buildings. Structured parking that does not allow exiting in a forward motion is subject to the garage entrance setback standard stated in Table 120-3.

RICAP Item #13 – Amenity Bonus for Playground Equipment

(RIR#744391)

The amenity bonus provisions allow up to 5 percent additional density for providing children play areas. One of the standards requires that play equipment be provided, and that play equipment be approved by the Portland Park's Bureau.

Portland Parks does not have the staffing capacity to review and evaluate proposed playground equipment.

33.120.265.C.2.b

Amend the code to replace the Parks Bureau approval requirement, and instead require applicants to provide evidence of compliance with American Society for Testing and Materials, ASTM F1487-11 (2011 edition) *Standard Consumer Safety Performance Specifications for Playground Equipment for Public Use*.

Third party certification is available through companies such as the International Play Equipment Manufacturers Association (IPEMA), which also provides a database of play equipment that has already been certified.

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33.120.265 Amenity Bonuses

A. Purpose and description. [no change]

B. Regulations. [No change]

C. The amenity bonus options.

1. Outdoor recreation facilities. [no change]

2. Children's play areas. The density bonus for this amenity is 5 percent. A qualifying children's play area must comply with all of the following standards:

   a. Size and layout. Each children's play area must be at least 1,000 square feet and clearly delineated. Each must be of such shape to allow a square 25 feet on a side to fit in the area. At least 400 square feet of the area must be in grass. Children's play areas must be separated from any other outdoor recreational facilities.

   b. Play equipment. Each children's play area must include a play structure at least 100 square feet in area, a swing structure with at least 4 swings, and at least one of the following: a slide, permanent sand box, permanent wading pool, or other children's play equipment commonly found in a public park. Equipment must be of adequate materials to match the expected use, and manufactured to American Society for Testing and Materials (ASTM) F1487-11 standards or other comparable standards applicable to public playground equipment. ~~Proposed equipment must be approved by the Parks Bureau.~~

   c. Fencing. Each children's play area must be fenced along any perimeter which is within 10 feet of a street, alley, property line, or parking area.

3.-8. [No change]

RICAP Item #14 – Eave projections in reduced setbacks

(RIR#572607)

Three foot setbacks are allowed for detached houses on new lots in multi-dwelling zones, but the code does not address eave projections in these reduced setbacks. The base zone standards do not allow projections closer than 3-feet, meaning that these homes can not include eaves.

The regulations for reduced setbacks for detached dwellings within a multi-dwelling land division site were instituted through the infill design project (Ord. No. 179845 1/20/2006). The intention of these regulations was to facilitate detached house that are wider than the "skinny" houses that result on narrow lots (such as 25-foot wide lots on which 5-foot side setbacks result in 15-foot wide houses) and to allow more efficient use of site area, while limiting impacts to adjacent properties. The illustrations provided in the report include pictures of side by side homes with eaves.

Portland precedents for reduced side setbacks for small lot detached houses:

33.120.270.D.1.

A provision has been added to allow eaves to project 1-foot into the reduced setbacks established on internal side lot lines in a land division site. This is consistent with other provisions in the single dwelling zones that also allow eaves to project one foot into reduced setbacks.

RICAP Item #46 – Building Permits for Fences

The zoning code includes a reference to the requirement for a building permit for fences above 6 feet. The most recent building code revised this threshold, and now a permit is only required for fences above 7 feet.

This amendment removes the reference to the building permit requirement, since this information is conveyed (and more readily updated) in the BDS information brochure: "Fences, Decks and Outdoor Projects" http://www.portlandoregon.gov/bds/article/93020

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33.120.270 Alternative Development Options

D. Detached houses.

1. Reduced side setbacks. For land divisions that include lots created for detached houses, where the lots are at least 25 feet wide, the detached houses may have their side setbacks reduced to 3 feet on lot lines internal to the land division site. The reduced side setbacks must be shown on the supplemental plan of the land division at the time of final plat approval. Eaves may project up to one foot into the reduced side setback. All building setbacks around the perimeter of the land division site are those of the base zone.

2. Permit-Ready houses. Chapter 33.278 contains provisions for Permit-Ready houses on narrow lots.

33.120.285 Fences

A. – C. [no change]

D. Reference To Other Regulations.

~~1. Building permits. Building permits are required by the Bureau of Development Services, for fences over 6 feet in height.~~

~~2. Fence materials regulated by other bureaus.~~ Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

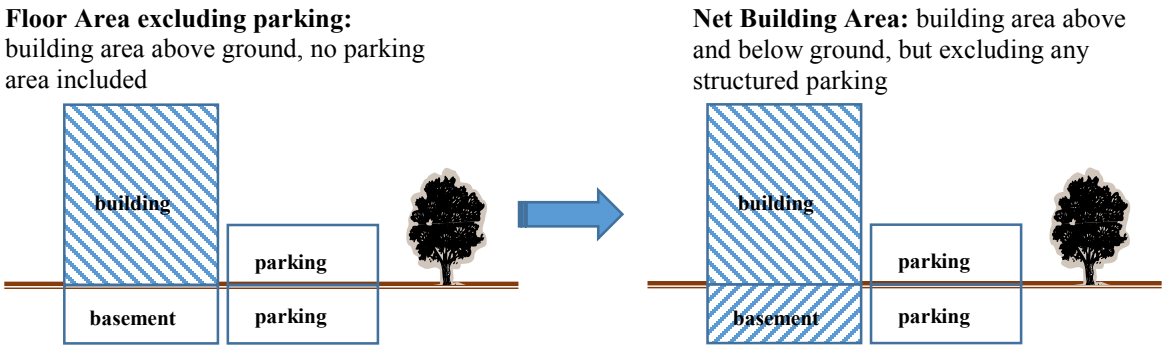
Refer to the commentary for 33.120.100 for more information.

33.130.100 Primary Uses

33.130.100.B.2

Replaced the reference to "floor area exclusive of parking area" with net building area for overall consistency.

The net result of this change is that potential maximum amount of area that can be utilized is changed from 5,000 square feet of above grade floor area only to 5,000 square feet of floor area both above and below grade:



33.130.100.B.3

Replaced the reference "floor area exclusive of parking area" with "net building area" for overall consistency. The potential amount of area that can be used for the limited use is changed, see figures above.

33.130.100.B.5

Replaced the reference to "floor area exclusive of parking area" with net building area for overall consistency.

The net result of this change is that potential maximum amount of area that can be utilized is changed from 10,000 square feet of above grade floor area only to 10,000 square feet of floor area both above and below grade:

33.130.100.B.10

The reference to "C zones" is deleted because these all of these provisions apply only to C zones.

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Use Regulations

33.130.100 Primary Uses

A. Allowed uses. [no change]

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 130-1 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 130-1.

1. Group Living. [no change]

2. Small business limitation. This regulation applies to all parts of Table 130-1 that have a [2]. Utility Scale Energy Production is a conditional use. For other uses, each individual use is allowed but limited to 5,000 square feet of ~~total floor area exclusive of parking~~ net building area. These types of uses are limited in size in order to limit their potential impacts on residential uses and to promote a relatively local market area. In addition, if the Director of BDS determines that a proposed Manufacturing And Production use will not be able to comply with the off-site impact standards of Chapter 33.262, the Director of BDS may require documentation that the use will conform with the standards.

3. Retail in the CO2 zone limitation. This regulation applies to all parts of Table 130-1 that have a [3]. Retail Sales And Service uses must be located within the office building and are limited to 10 percent of the total net building area ~~floor area exclusive of parking area~~. Larger amounts are prohibited. Business and trade schools are exempt from this 10 percent limitation.

4. Required residential limitation. [no change]

5. Industrial size limitation. This regulation applies to all parts of Table 130-1 that have a [5]. Utility Scale Energy Production is a conditional use. For other uses, individual uses are limited to 10,000 square feet ~~of floor area exclusive of parking~~ net building area. These types of uses are allowed but limited in size to assure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses. In addition, if the Director of BDS determines that the proposed use will not be able to comply with the off-site impact standards of Chapter 33.262, the Director of BDS may require documentation that the development will be modified to conform with the standards.

6. – 9. [no change]

10. Basic Utilities ~~in C zones~~. [no change]

11. – 14. [no change]

C. – D. [no change]

RICAP Item #15 – Exceptions to height

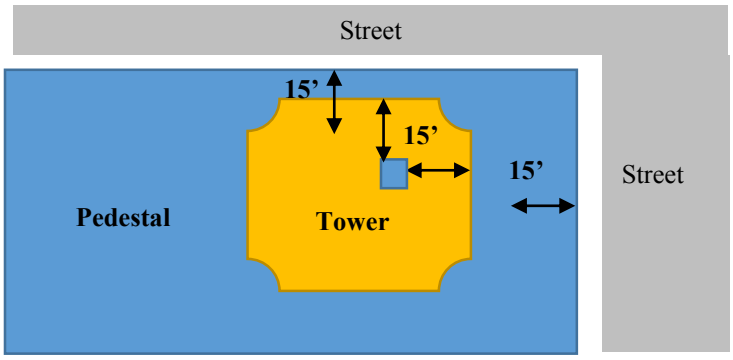
(RIR#744398)

The language in 33.130.210.B.2 relating to height exception and setbacks for elevator shafts has led to confusion:
-It's not clear what happens when roof edges are not parallel to street lot lines.
-It's not clear if the 15 foot setback applies to elevator equipment, rooftop mechanical equipment, and/or rooftop stairwell enclosures.
-It's not clear where the setbacks are measured when there are two building roofs (tower and pedestal).

The applicable exceptions have been clarified by distinguishing the overall requirement (15 foot setback) for all projections, with separate requirements specific to elevator equipment (16' projection), and enclosures/other rooftop equipment (<10% coverage and 10' projection). The 15 foot setback ensures that building projections are made subordinate to the overall building height, and are less perceptible from the street.

The change also replaces the phrase "parallel to street lot lines" since roof edges are not necessarily parallel to lot lines. Instead, the reference is to street facing facades which capture roof edges up to a 45 degree angle from parallel to the street (refer to definition of street facing façade).

There is no proposed clarification for situations when there are two building roofs for two reasons:
-These standards are only be applied when the equipment is exceeding the height limit (i.e. on the tower)
-The standards already specify that the setbacks are measured from <u>all</u> roof edges of street facing facades.



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33.130.210 Height

A. [no change]

B. Height standard. The height standards for all structures are stated in Table 130-3. Exceptions to the maximum height standard are stated below.

1. [no change]

~~2. Roof top access and mechanical equipment. All rooftop mechanical equipment and enclosures of stairwells that provide rooftop access must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Rooftop elevator mechanical equipment may extend up to 16 feet above the height limit. Stairwell enclosures, and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.~~

2. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing façades:

   a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and

   b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

3. – 5. [no change]

RICAP Item #16 and 17 – Minimum Setbacks and Projections into Required Landscape Buffer

(RIR#26066 and 744407)

In commercial zones where lots abut residentially zoned lots, in addition to building setbacks there are required landscape buffer requirements. Over time, as the code was amended, how these landscape buffer regulations relate to the setback requirements became less clear. In 2006, the last remaining building setbacks apart from setbacks adjacent to residentially zoned lots were removed, but provisions relating to projections into the setbacks remained. In 2007, RICAP 3 replaced the footnotes in Table 130-3 with additional text in the applicable sections of the base zone regulations, further obscuring the distinction between the required buffer and the required setback.

33.130.215.B

Several changes to Section 33.130.215.B are necessary to bring the regulations up to date with the current setback standards (primarily to acknowledge the lack of street setbacks), and to make it more clear that the 5 foot deep area for the landscape buffer is separate and in addition to the area required for the setback (which varies from 0-14 feet).

33.130.215.B.2.a

This change reflects the change to Table 130-4 which now includes the required landscape buffer area. A similar change incorporating landscape buffers is proposed for Table 140-4.

33.130.215.B.2.c. (old)

This subparagraph is no longer necessary as the setbacks from street lot lines in the Commercial zones are 0'.

RICAP Item #25 – Garage Entrance Setback in Multi-dwelling and Commercial Zones

(RIR#341660)

See additional commentary for this item under 33.120.220.E.

33.130.215.B.2.c.(new)

This subparagraph is added to clarify that an 18 foot setback applies to structured parking when vehicles are not able to exit in a forward motion. Note that the definition of structured parking includes the following distinction: "A structure that is accessory to a single-dwelling residential structure (including houses, attached houses, duplexes, manufactured dwellings, or houseboats) is a garage and is not included as structured parking."

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33.130.215 Setbacks

A. Purpose. [no change]

B. Minimum building setbacks. The minimum building 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.

1. Generally. There is no required minimum building setback.

2. Exceptions.

a. Lot line abutting R-zoned lot, except RX. The required minimum building setbacks and required landscape buffering on lot lines that abut lots in residential zones ~~along a lot line abutting an R-zoned lot~~, except RX, are stated in Table 130-4. Minimum required building setbacks must include a 5-foot deep landscaped area that ~~which~~ complies with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening. Landscaping is not required where buildings abut a lot line.

b. Garage entrance setback. See 33.130.250.E for the required garage entrance setback for garages accessory to houses, manufactured homes, duplexes, and attached houses.

~~c. Setback averaging. The required minimum setback from a street lot line for buildings, decks, balconies, and porches may be reduced, but not increased, to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.~~

c. Structured parking. Structured parking that does not allow exiting in a forward motion must be set back 18 feet from the street lot line, see 33.266.130.C, On-site locations of vehicle areas.

d. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.

Commentary

33.130.215.B.3.a
This change clarifies that where projections are allowed, the landscape buffer may not be reduced in width. For example, where a 14' setback is required (wall is 46 feet or taller), a 20% projection would allow a 2'-9.6" encroachment into the required setback. Alternatively, where a 5' setback is required (wall is less than 15' tall), no projections would be allowed, except for building eaves. The exception for building eaves is made to encourage eaves as an architectural feature, while considering the limited impact an eave projection would have in terms of its height above the ground (to allow for landscape materials) in addition to the limited massing, bulk and effect on privacy.

33.130.215.B.3.b.
This change clarifies that while projections may extend farther into a setback, they may not encroach into the required landscape buffer. For example, where a 14' setback is required (wall is 46 feet or taller), a full projection into the setback would allow a 9' encroachment, preserving the 5' wide landscape buffer. Alternatively, where a 5' setback is required (wall is less than 15' tall), no projections would be allowed.

33.130.215.B.3.b. (1) and (2)
These exceptions are no longer necessary, as there are no setbacks from street lot lines in the Commercial zones.

Wheelchair ramps (less than 2-1/2 feet tall) have been added to the list of features that may fully project into a setback (but may not project into the landscape buffer) as there is little functional difference between a wheelchair ramp and a sloped deck. It is also more equitable to allow for wheelchair access where stairways are allowed.

33.130.215.B.3.c
This change removes the reference to street setbacks.

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3. Minor projections of features attached to buildings on sites subject to the setbacks and buffering requirements of Table 130-4.

   a. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, water collection cisterns and planters, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required building setback up to 20 percent of the depth of the setback. However, except for building eaves, these features ~~they~~ may not project into the required landscape buffer ~~be within 3 feet of a lot line~~. Bays and bay windows extending into the setback also must meet the following requirements:

      (1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;

      (2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;

      (3) Bays and bay windows must cantilever beyond the foundation of the building; and

      (4) The bay may not include any doors.

   b. Full projection allowed. In additional to Subparagraph a. above, the following features are allowed to fully extend ~~project farther~~ into required building setbacks but may not project into the required landscape buffer:

      ~~(1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;~~

      ~~(2) Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing façade of a building may fully extend into a street setback;~~

      (1)~~(3)~~ Uncovered decks, ~~and~~ stairways, and wheelchair ramps that are no more than 2-1/2 feet above the ground ~~may fully extend into a required building setback~~; and

      (2)~~(4)~~ On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation ~~may fully extend into a required building setback~~.

   c. Projections not allowed. Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps are not allowed in ~~a street setback but not~~ a required setback from an abutting residential zone.

4. Accessory structures. For sites entirely in residential use, accessory structures are subject to the multi-dwelling zone standards of Section 33.120.280. The setback standards for detached accessory structures are stated in 33.130.265 below. Fences are addressed in 33.130.270 below. Sign regulations are in Title 32, Signs and Related Regulations.

Commentary

Table 130-3 and Table 130-4

Table 130-3 has been modified so that the reference to the required landscape buffer abutting an R-zone lot is deleted. This requirement is incorporated in a modified Table 130-4. Since the setback and landscape buffer work in tandem, it is sensible to combine these standards into a single table. It also provides more clarity for when no landscape buffer is required, which is not as clear in the current table, which simply states "5' of L3 or none"

Table 130-4 is proposed to be replaced. The new table combines the minimum building setback with the required landscape buffer requirement. There are no changes proposed to these requirements. The current Table 130-4 is shown below for reference:

Table 130-4
Minimum Building Setbacks From Residential Zone Lot Lines [1]

Height of the building wall	Lots abutting a side lot line of an R zone lot	Lots abutting a rear lot line of an R zone lot
15 ft. or less	5 ft.	0
16 to 30 ft.	8 ft.	8 ft.
31 to 45 ft.	11 ft.	11 ft.
46 ft. or more	14 ft.	14 ft.

Notes:
[1] Does not apply to lot lines that abut lots in the RX zone.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Table 130-3
Summary of Development Standards in Commercial Zones

Standard	**CN1**	**CN2**	**CO1**	**CO2**	**CM**	**CS**	**CG**	**CX**
Maximum FAR (see 33.130.205)	No change							
Maximum Height (see 33.130.210)	30 ft.	30 ft.	30 ft.	45 ft.	45 ft.	45 ft.	45 ft.	75 ft.
Min. Building Stbks (see 33.130.215) Street Lot Line or Lot Line Abut-ting an OS, RX, C, E, or I Zone Lot	0	0	0	0	0	0	0	0
Lot Line Abut-ting other R Zoned Lot	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4
Garage Entrance Setback (see 33.130.250.E)	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft
Max.Building Stbks (see 33.130.215) Street Lot Line Transit Street or Pedestrian District	None 10 ft.	None 10 ft.	None 10 ft.	None 10 ft.	10 ft. 10 ft.	10 ft. 10 ft.	None 10 ft.	None 10 ft.
Building Coverage (see 33.130.220)	No change							
Min. Landscaped Area (see 33.130.225)	No change							
~~Landscaping Abutting an R Zoned Lot (see 33.130.215.B.)~~	~~5 ft. @ L3 or none~~	~~5 ft. @ L3 or none~~	~~5 ft. @ L3 or none~~	~~5 ft. @ L3 or none~~	~~5 ft. @ L3 or none~~	~~5 ft. @ L3 or none~~	~~5 ft. @ L3 or none~~	~~5 ft. @ L3 or none~~
Ground Floor Window Stds. Apply (see 33.130.230)	No change							
Pedestrian Requirements (see 33.130 240)	No change							

[Replace Table 130-4 with the following]

Table 130-4
Minimum Building Setbacks and Minimum Landscape Buffer
From Residential Zone Lot Lines [1]

Height of the building wall	Lots abutting a side lot line of an R zoned lot	Lots abutting a rear lot line of an R zoned lot
15 ft. or less	5 ft. / 5 ft. @L3	0 ft. / none
16 to 30 ft.	8 ft. / 5 ft. @L3	8 ft. / 5 ft. @L3
31 to 45 ft.	11 ft. / 5 ft. @L3	11 ft. / 5 ft. @L3
46 ft. or more	14 ft. / 5 ft. @L3	14 ft. / 5 ft. @L3

Notes:
[1] Does not apply to lot lines that abut lots in the RX zone. See 33.130.215.B.

RICAP Item #46 – Building Permits for Fences

The zoning code includes a reference to the requirement for a building permit for fences above 6 feet. The most recent building code revised this threshold, and now a permit is only required for fences above 7 feet.

This amendment removes the reference to the building permit requirement, since this information is conveyed (and more readily updated) in the BDS information brochure: "Fences, Decks and Outdoor Projects" http://www.portlandoregon.gov/bds/article/93020

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.130.270 Fences

A. – C. [no change]

D. Reference To Other Regulations.

~~1. Building permits. Building permits are required by the Bureau of Development Services, for fences over 6 feet in height.~~

~~2. Fence materials regulated by other bureaus.~~ Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

Refer to the commentary for 33.120.100 for more information.

33.140.100 Primary Uses

33.140.100.B.3.a.(1) and a.(2)

Referencing a limit based on FAR (floor area to site area ratio) is problematic because it attempts to incorporate both the basis of the size limitation (floor area) as well as the area that is counted for the extent of the limited use (floor area). Converting FAR to an equivalent expression of square footage based on site area clarifies this limitation. (1:1 FAR is equivalent to 1 square foot of building for each square foot of site).

Additional clarification is added with the use of "net building area" to indicate what areas of the limited use are included in the size limitation (floor area both above and below grade)

The last sentence was added to a.(1) to clarify that Office uses that exceed the size limits are prohibited. The prohibition was previously unstated, but is consistent with 33.700.070.C which states: "Proposals for uses, development, or land divisions where the Code is silent or where the rules of this section do not provide a basis for concluding that the proposal is allowed are prohibited."

33.140.100.B.3.b.

This change simplifies the paragraph. There is no change in policy.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.140
EMPLOYMENT AND INDUSTRIAL ZONES

Use Regulations

33.140.100 Primary Uses

A. Allowed uses. [no change]

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 140-1 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 140-1.

1. Household Living uses in I zones. This regulation applies to all parts of Table 140-1 that have ~~note~~ a [1]. [no change]

2. Group Living. This regulation applies to all parts of Table 140-1 that have ~~note~~ a [2]. [no change]

3. EG commercial limitation. This regulation applies to all parts of Table 140-1 that have a [3].

   a. Limited uses.

      (1) Office uses. Except for sites with historic landmarks, the net building area for Office uses is limited to the square footage of the site area ~~are allowed if the FAR is not more than 1:1 per site, except for historic landmarks~~. On sites with historic landmarks, the net building area for Office uses ~~the FAR~~ may be up to ~~2:1.~~ twice the total square footage of the site area. Exceptions to these size limits are prohibited.

      (2) Retail Sales And Service uses. Except for sites with historic landmarks, the net building area plus any exterior display or storage area for Retail Sales And Service uses is ~~allowed if the floor area plus the exterior display and storage area is not more than~~ limited to 60,000 square feet or the square footage of the site area ~~FAR is not more than 1:1 per site~~, whichever is less~~, except for historic landmarks~~. On sites with historic landmarks, the net building area plus any exterior display or storage area for Retail Sales And Service uses ~~are allowed if the floor area plus the exterior display and storage area is not more than~~ is limited to 60,000 square feet or twice the total square footage of the site area ~~the FAR is not more than 2:1 per site~~, whichever is less.

   b. Conditional uses.

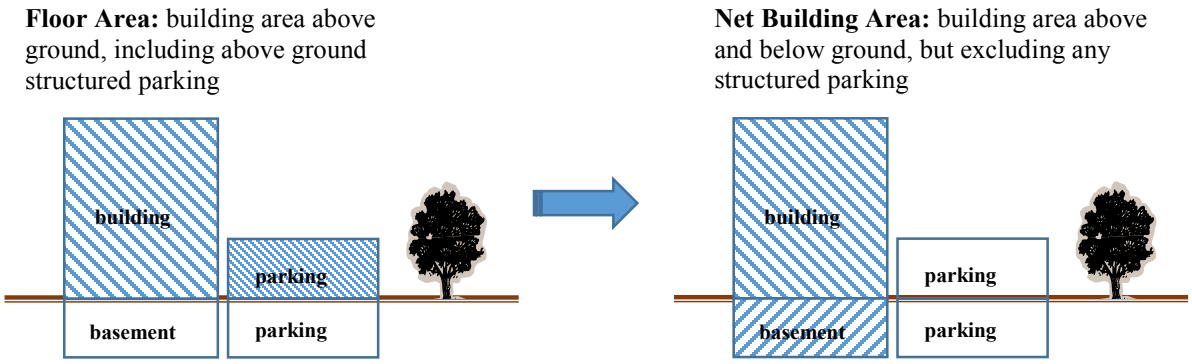
      (1) Retail Sales And Service uses that exceed the area limits in 3.a(2) ~~where the floor area plus the exterior display and storage area is more than 60,000 square feet, or the FAR is more than 1:1, are a conditional use, except in historic landmarks. In historic landmarks, Retail Sales And Service uses where the floor area plus the exterior display and storage area is more than 60,000 square feet or the FAR is more than 2:1 per site,~~ are a conditional use.

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.140.100.B.4.a.

This amendment replaces the term "floor area" with "net building area" for overall consistency. The potential amount of area that can be utilized is changed:



33.140.100.B.4.b(2)

This amendment replaces the term "floor area" with "net building area" for overall consistency. The potential amount of area that can be utilized is changed (see figures above).

33.140.100.B.4.c

FAR is converted to a static number based on the site area (1:1 FAR is equivalent to 1 square foot of building for each square foot of site). Using "FAR" is problematic because it attempts to incorporate both the basis of the size limitation (floor area) as well as the area that is counted for the extent of the limited use (floor area).

33.140.100.B.5.a.

This amendment replaces the term "floor area" with "net building area" for overall consistency. The potential amount of area that can be utilized is changed (see figures above).

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

4. IG1 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [4].

   a. Limited uses. One Retail Sales And Service or Office use is allowed per site. The square footage of net building area ~~the floor area~~ plus the exterior display and storage area may be up to 3,000 square feet.

   b. Conditional uses.

      (1) More than one Retail Sales And Service or Office Use on a site is a conditional use.

      (2) Any Retail Sales And Service or Office Use where the net building ~~floor~~ area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.

   c. Prohibited uses.

      (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
      ~~Except as allowed by (2), the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 20,000 square feet or an FAR of 1:1. More than 20,000 square feet is prohibited, and more than an FAR of 1:1 is prohibited. These limits include floor area plus exterior display and storage areas.~~

      (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 60,000 square feet or twice the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
      ~~For sites containing an historic landmark, the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 60,000 square feet or an FAR of 2:1. More than 60,000 square feet is prohibited, and more than an FAR of 2:1 is prohibited. These limits include floor area plus exterior display and storage areas.~~

5. IG2 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [5].

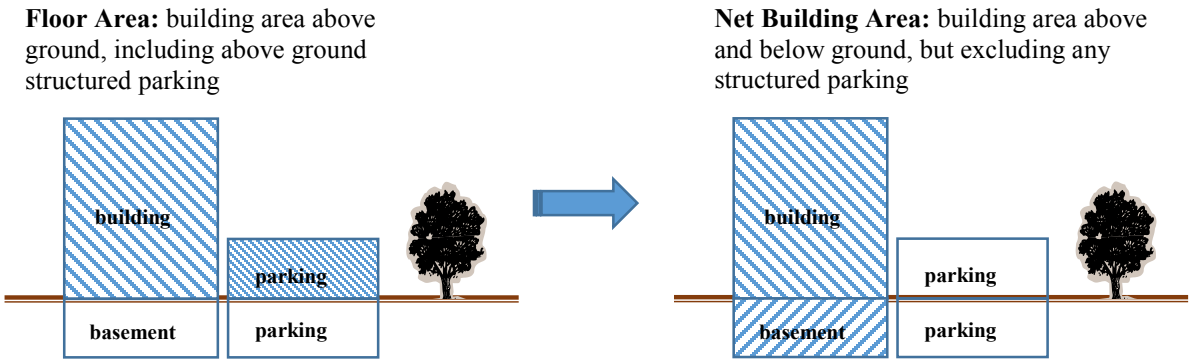
   a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building ~~floor~~ area plus the exterior display and storage area may be up to 3,000 square feet per use.

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.140.100.B.5.b(2)

This amendment replaces the term "floor area" with "net building area" for overall consistency. The potential amount of area that can be utilized is changed (see figures below).



33.140.100.B.5.c

FAR is converted to a static number based on the site area (1:1 FAR is equivalent to 1 square foot of building for each square foot of site). Using "FAR" is problematic because it attempts to incorporate both the basis of the size limitation (floor area) as well as the area that is counted for the extent of the limited use (floor area).

33.140.100.B.6.a

This amendment replaces the term "floor area" with "net building area" for overall consistency. The potential amount of area that can be utilized is changed (see figures above).

33.140.100.B.6.b(2)

This amendment replaces the term "floor area" with "net building area" for overall consistency. The potential amount of area that can be utilized is changed (see figures above).

33.140.100.B.6.c

FAR is converted to a static number based on the site area (2:1 FAR is equivalent to 2 square foot of building for each square foot of site). Using "FAR" is problematic because it attempts to incorporate both the basis of the size limitation (floor area) as well as the area that is counted for the extent of the limited use (floor area).

b. Conditional uses.

(1) More than four Retail Sales And Service or Office uses on a site is a conditional use.

(2) Any Retail Sales And Service or Office use where the net building ~~floor~~ area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.

c. Prohibited uses.

(1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited. ~~Except as allowed by (2), the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 20,000 square feet or an FAR of 1:1. More than 20,000 square feet is prohibited, and more than an FAR of 1:1 is prohibited. These limits include floor area plus exterior display and storage areas.~~

(2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 60,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited. ~~For sites containing an historic landmark, the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 60,000 square feet or an FAR of 2:1. More than 60,000 square feet is prohibited, and more than an FAR of 2:1 is prohibited. These limits include floor area plus exterior display and storage areas.~~

6. IH commercial limitation. This regulation applies to all parts of Table 140-1 that have a [6].

a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building ~~floor~~ area plus the exterior display and storage area may be up to 3,000 square feet per use.

b. Conditional uses.

(1) More than four Retail Sales And Service or Office use on a site is a conditional use.

(2) Any Retail Sales And Service or Office use where the net building ~~floor~~ area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.

c. Prohibited uses.

~~(1)~~ Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 12,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
~~Except as allowed by (2), the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 12,000 square feet or an FAR of 1:1. More than 12,000 square feet is prohibited, and more than an FAR of 1:1 is prohibited. These limits include floor area plus exterior display and storage areas.~~

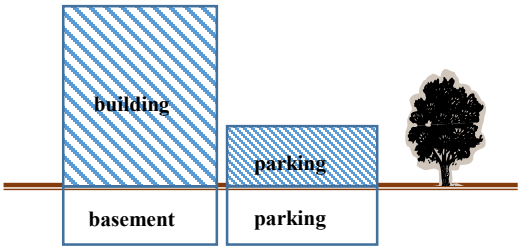
RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

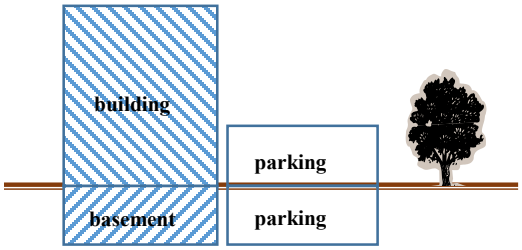
33.140.100.B.11

This amendment replaces the term "floor area" with "net building area" for overall consistency. The potential amount of area that can be utilized is changed (see figures below).

Floor Area: building area above ground, including above ground structured parking



Net Building Area: building area above and below ground, but excluding any structured parking



(2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 25,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
~~For sites containing an historic landmark, the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 25,000 square feet or an FAR of 2:1. More than 25,000 square feet is prohibited, and more than an FAR of 2:1 is prohibited. These limits include floor area plus exterior display and storage areas.~~

7. Self-Service Storage limitation. This regulation applies to all parts of Table 140-1 that have a [7]. [no change]

8. Waste-Related limitation. This regulation applies to all parts of Table 140-1 that have a [8]. [no change]

9. Community Service uses in EG zones. This regulation applies to all parts of Table 140-1 that have a [9]. [no change]

10. Community Service in the EX zone. This regulation applies to all parts of Table 140-1 that have a [10]. [no change]

11. Community Service and Daycare limitations in I zones. This regulation applies to all parts of Table 140-1 that have a [11]. ~~A conditional use review is not required for~~ Community Service uses or Daycare uses ~~which are~~ up to 3,000 square feet of net building area are allowed ~~or less in floor area~~. Community Service uses or Daycare uses larger than 3,000 square feet of net building area are a conditional use. Short term housing and mass shelters of any size are prohibited.

12. Basic Utilities in E zones. This regulation applies to all parts of Table 140-1 that have ~~note~~ a [12]. [no change]

13. Basic Utilities in I zones. This regulation applies to all parts of Table 140-1 that have ~~note~~ a [13]. [no change]

14. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 140-1 that have a [14]. [no change]

15. Commercial Parking. This regulation applies to all parts of Table 140-1 that have ~~note~~ a [15]. [no change]

16. Agriculture. This regulation applies to all parts of Table 140-1 that have ~~note~~ a [16]. [no change]

C. - D. [no change]

RICAP Item #15 – Exceptions to height

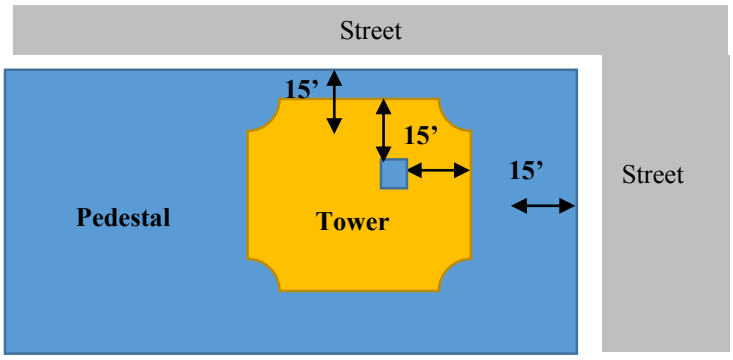
(RIR#744398)

The language in 33.140.210.B.2 relating to height exception and setbacks for elevator shafts has led to confusion:
-It's not clear how to apply this standard when roof edges are not parallel to street lot lines.
-It's not clear if the 15 foot setback applies to all elevator equipment, rooftop mechanical equipment, and/or rooftop stairwell enclosures.
-It's not clear where the setbacks are measured when there are two building roofs (tower and pedestal).

The applicable exceptions have been clarified by distinguishing the overall requirement (15 foot setback) for all projections, with separate requirements specific to elevator equipment (16' projection), and enclosures/other rooftop equipment (<10% coverage and 10' projection). The 15 foot setback ensures that building projections are made subordinate to the overall building height, and are less perceptible from the street.

The change also replaces the phrase "parallel to street lot lines" since roof edges are not necessarily parallel to lot lines. Instead, the reference is to street facing facades which capture roof edges up to a 45 degree angle from parallel to the street (refer to definition of street facing façade).

There is no proposed clarification for situations when there are two building roofs for two reasons:
-These standards are only be applied when the equipment is exceeding the height limit (i.e. on the tower)
-The standards already specify that the setbacks are measured from <u>all</u> roof edges of street facing facades.



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33.140.210 Height

A. [no change]

B. Height standard. The height standards for all structures are stated in Table 140-3. Exceptions to the maximum height standard are stated below.

1. [no change]

~~2. Roof top access and mechanical equipment. All rooftop mechanical equipment and enclosures of stairwells that provide rooftop access must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Rooftop elevator mechanical equipment may extend up to 16 feet above the height limit. Stairwell enclosures, and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.~~

2. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing façades:

   a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and

   b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

3. – 5. [no change]

RICAP Item #16 and 17 – Minimum Setbacks and Projections into Required Landscape Buffer

(RIR#26066 and 744407)

In industrial/employment zones where lots abut residentially zoned lots, in addition to building setbacks there are required landscape buffer requirements. Over time, as the code was amended, how these landscape buffer regulations relate to the setback requirements became less clear. In 2007, RICAP 3 replaced the footnotes in Table 140-3 with additional text in the applicable sections of the base zone regulations, further obscuring the distinction between the required buffer and the required setback.

Moreover, notations regarding required residential buffering were moved from the table to the code text in section 33.140.215.B.2. Similar amendments were made in the Commercial Base zones, and similar language was carried over from those zones. However, the Industrial and Employment base zones, unlike the Commercial zones, include two different buffer size requirements. In zones where 15 foot setbacks were required (EG2, IG2, and IH) a 10 foot deep L3 buffer is required, whereas only 5 feet is required elsewhere. The amended language did not accurately reflect this requirement, and is an error.

33.140.215.B.2

This change reflects the change to Table 140-4 which now includes the required landscape buffer area and clearly distinguishes the zones where the 5' vs. 10' buffer areas are required.

33.140.215.B.4

This change clarifies that where projections are allowed, the landscape buffer may not be reduced in width. For example, where a 14' setback is required (wall is 46 feet or taller), a 20% projection would allow a 2'-9.6" encroachment into the required setback. Alternatively, where a 5' setback is required (wall is less than 15' tall), no projections would be allowed, except for building eaves. The exception for building eaves is made to encourage eaves as an architectural feature, while considering the limited impact an eave projection would have in terms of its height above the ground (to allow landscape materials) in addition to the limited massing, bulk and effect on privacy..

Projections are allowed into the required street setbacks in EG1, EG2, IG2, and IH zones. The reference to not reducing the setback below 3 feet is deleted, since there are no instances where a 20% projection in the setback would come closer than 4 feet to a lot line (20% of the smallest setback of 5' is a 1 foot projection)

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.140.215 Setbacks

B. Minimum building setbacks. 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 33.140.245 below, and for parking areas in Chapter 33.266.

1. Generally. The required building setbacks are stated in Table 140-3.

2. Lot line abutting R-zoned lot, except RX. ~~Required landscaping in setbacks.~~ Building setbacks and required landscape buffering on lot lines that abut lots in residential zones, except RX, are stated in Table 140-4. ~~must include a 5-foot deep~~ Required landscaped areas must comply ~~which complies~~ with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening. Landscaping is not required where buildings abut a lot line.

3. Exceptions to the building setbacks.

   a. Setback averaging. Outside of Pedestrian Districts and along non-transit streets, the street setback from a street lot line for buildings, decks, balconies, and porches may be reduced to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.

   b. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.

4. Minor projections of features attached to buildings.

   a. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, water collection cisterns and planters, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required building setback up to 20 percent of the depth of the setback. However, except for building eaves, they may not project into the landscape buffer required by Paragraph B.2. ~~in no case may they be less than 3 feet from a lot line~~. Bays and bay windows extending into the setback also must meet the following requirements:

      (1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;

      (2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;

      (3) Bays and bay windows must cantilever beyond the foundation of the building; and

      (4) The bay may not include any doors.

33.140.215.B.4.b.

This change clarifies that while projections may extend farther into a setback, they may not encroach into the required landscape buffer. For example, where a 14' setback is required (wall is 46 feet or taller), a full projection into the setback would allow a 9' encroachment, preserving the 5' wide landscape buffer. Alternatively, where a 5' setback is required (wall is less than 15' tall), no projections would be allowed.

Wheelchair ramps (less than 2-1/2 feet tall) have been added to the list of features that may fully project into a setback (but may not project into the landscape buffer) as it is more equitable to allow for wheelchair access where stairways are allowed. This is consistent with the allowance to have uncovered stairs and wheelchair ramps (of any height) allowed in the front setback.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

b. Full projection allowed. In addition to Subparagraph a. above, the following features are allowed to fully extend ~~project farther~~ into required building setbacks but may not project into the landscape buffer required by Paragraph B.2:

(1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;

(2) Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing façade of a building may fully extend into a street setback;

(3) Uncovered decks, ~~and~~ stairways, and wheelchair ramps that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; and

(4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation may fully extend into a required building setback.

c. Projections not allowed. Attached mechanical structures, such as heat pumps, air conditioners, emergency generators, and water pumps, are allowed in a street setback but not a required setback from an abutting residential zone.

5. Detached accessory structures. The setback standards for detached accessory structures are stated in 33.140.270 below. Fences are addressed in 33.140.275 below. Sign regulations are in Title 32, Signs and Related Regulations.

Commentary

Table 140-3 and Table 140-4

These changes move the required landscape buffer from Table 140-3 to Table 140-4, since the two requirements are directly related. This clarifies the different setback and buffer requirements for the EG2, IG2 and IH zones. This also makes it more clear that the landscaping is not required along lot lines abutting the RX zone.

Table 140-3 has been modified so that the reference to the required landscape buffer abutting an R-zone lot is deleted. This requirement is incorporated in a modified Table 140-4. Since the setback and landscape buffer work in tandem, it is sensible to combine these standards into a single table.

This corrects the issue where Table 140-3 and the code text specify contradictory landscape buffer requirements for the EG2, IG2, and IH zones. Also note that in these zones the setback abutting residential lots is set at 15 feet, while the setback for the other zones vary by the height of the building wall. This is reflected in the modified Table 140-4 which separates the setback/ buffer requirements by applicable zone.

Table 140-4 is proposed to be replaced. The new table combines the minimum building setback with the required landscape buffer requirement. The revised table also provides more clarity for when no landscape buffer is required, which is not as clear in the current table, which simply states "5' @ L3 or none"

There are no changes proposed to these requirements. The current Table 140-4 is shown below for reference:

Table 140-4
Minimum Building Setbacks From Residential Zone Lot Lines [1]

Height of the building wall	Lots abutting a side lot line of an R zoned lot	Lots abutting a rear lot line of an R zoned lot
15 ft. or less	5 ft.	0
16 to 30 ft.	8 ft.	8 ft.
31 to 45 ft.	11 ft.	11 ft.
46 ft. or more	14 ft.	14 ft.

Notes:
[1] Does not apply to lot lines that abut lots in the RX zone.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Table 140-3 **Development Standards**						
Standard	**EG1**	**EG2**	**EX**	**IG1**	**IG2**	**IH**
Maximum FAR	No change					
Maximum Height	45 ft.	no limit	65 ft.	no limit	no limit	no limit
Min. Building Setbacks Street Lot Line (see 33.140.215)	5 ft.	25 ft.	0	0	25 ft.	5 ft.
- Lot line abutting an OS, C, E, or I zoned lot	0	0	0	0	0	0
- Lot line abutting an R zoned lot	See Table 140-4	~~15 ft.~~ See Table 140-4	See Table 140-4	See Table 140-4	~~15 ft.~~ See Table 140-4	~~15 ft.~~ See Table 140-4
Max. Building Stbks (see 33.140.215) Transit Street or Pedestrian District	10 ft.	None	10 ft.	None	None	None
Maximum Building Coverage (see 33.140.220)	No change					
Min. Landscaped Area (see 140.225)	No change					
Ground Floor Window Standards apply (see 33.140.230)	No change					
Pedestrian Standards Apply (see 33.140.240)	No change					
~~Min. Landscaping Abutting an R zoned lot (see 33.140.215.B.)~~	~~5 ft. @ L3 or none~~	~~10 ft. @ L3~~	~~5 ft. @ L3 or none~~	~~5 ft. @ L3 or none~~	~~10 ft. @ L3~~	~~10 ft. @ L3~~

[Replace Table 140-4 with the following]

Table 140-4 **Minimum Building Setbacks and Minimum Landscape Buffer** **From Residential Zone Lot Lines [1]**			
Zone	Height of the building wall	Lots abutting a side lot line of an R zoned lot	Lots abutting a rear lot line of an R zoned lot
EG1, EX, IG1	15 ft. or less	5 ft. / 5 ft. @L3	0 ft. / none
	16 to 30 ft.	8 ft. / 5 ft. @L3	8 ft. / 5 ft. @L3
	31 to 45 ft.	11 ft. / 5 ft. @L3	11 ft. / 5 ft. @L3
	46 ft. or more	14 ft. / 5 ft. @L3	14 ft. / 5 ft. @L3
EG2, IG2, IH	Any height	15 ft./ 10 ft. @ L3	15 ft./ 10 ft. @ L3

Notes:
[1] Does not apply to lot lines that abut lots in the RX zone. See 33.140.215.B

RICAP Item #46 – Building Permits for Fences

The zoning code includes a reference to the requirement for a building permit for fences above 6 feet. The most recent building code revised this threshold, and now a permit is only required for fences above 7 feet.

This amendment removes the reference to the building permit requirement, since this information is conveyed (and more readily updated) in the BDS information brochure: "Fences, Decks and Outdoor Projects" http://www.portlandoregon.gov/bds/article/93020

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.140.275 Fences

A. – C. [no change]

D. Reference To Other Regulations.

1. ~~Building permits. Building permits are required by the Bureau of Development Services, for fences over 6 feet in height.~~

2. ~~Fence materials regulated by other bureaus.~~ Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

RICAP Item #18 – Family / Child Daycare

(RIR#511839)

Accessory Home Occupations excludes daycare operations that are registered or certified by the state. 33.203.020.D includes the term "family daycare" to refer to daycare uses permitted by Oregon Revised Statutes (ORS) 657A.440 (which are not considered Daycare uses in the zoning code). However, the ORS language uses the term "family child care home". For consistency, the term "family daycare" is changed to read "family child care home".

Additionally, since the state may change the thresholds for numbers of children that are included under the term "family child care home", specific thresholds are removed from this reference.

Also, the regulations in ORS have been moved from 657A to ORS 329A. This reference has been updated.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.203.020 Description of Type A and Type B Accessory Home Occupations
There are two types of home occupations, Type A and Type B. Uses are allowed as home occupations only if they comply with all of the requirements of this chapter.

A. **Type A.** A Type A home occupation is one where the residents use their home as a place of work; however, no employees or customers come to the site. Examples include artists, crafts people, writers, and consultants. Type A home occupations also provide an opportunity for a home to be used as a business address but not as a place of work.

B. **Type B.** A Type B home occupation is one where the residents use their home as a place of work, and either one employee or customers come to the site. Examples are counseling, tutoring, and hair cutting and styling.

C. **Accessory short-term rentals.** The regulations for accessory short-term rentals are stated in Chapter 33.207.

D. **Family child care homes.** Registered or certified family child care homes for up to 16 children, including the children of the provider that also meet the State's requirements of ORS 329A are exempt from the regulations of this chapter. ~~**Family daycare.** Family daycare for up to 16 children, including the children of the provider, is exempt from the regulations of this chapter as required by ORS 657A.440.~~

RICAP Item #30 – Design Review Exemptions (solar)

(RIR#744425)

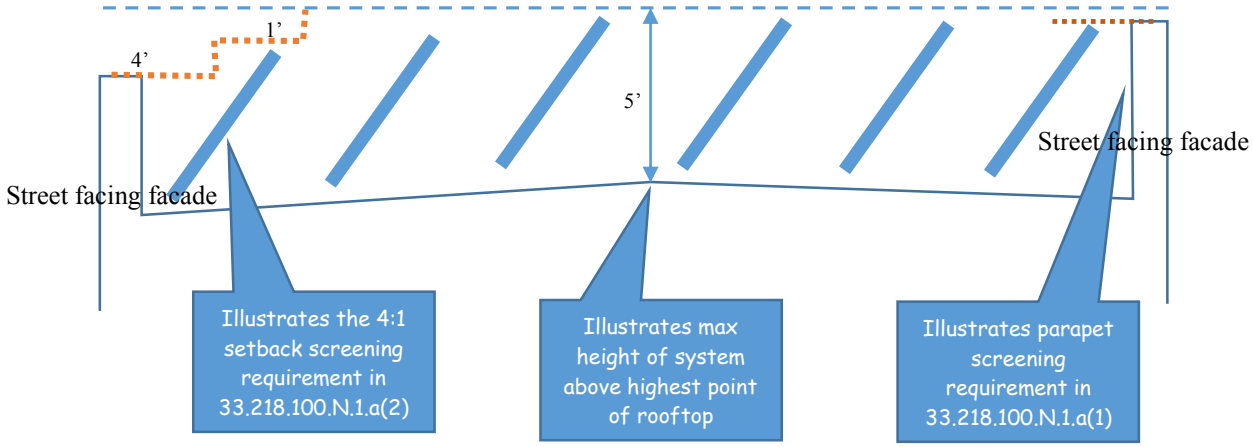
The issue with the design review exemption has to do with solar energy installations on flat roofs. The current exemption requires that system to be parallel to the roof, which is impractical for installations on flat roofs. With the changes to solar energy system exemptions in the design overlay, changes to the design standards are necessary to ensure the standards are not more restrictive than the exemption.

While solar installations are exempt from design review it is still necessary to include equivalent standards in the Community Design Standards chapter to ensure that regardless of which track an applicant chooses (review or standards) solar installations are appropriately screened.

The changes to the rooftop solar exemption provide a more feasible option for installations on flat roofs and are consistent with the exemptions for flat roofs in historic districts. This standard will allow a series of low lying rack installations, while requiring them to be set back from the street facing roof edges or screened by a parapet wall to reduce visibility impacts in design overlay zones. Note that the step back screening provision was changed from the discussion draft (3':1' to 4':1') to match the step back provision in the historic resource review exemption.

No changes to the "additional standards for historic resources" in the community design standards are proposed. These standards apply to conservation districts and conservation landmarks, where additional scrutiny through a review of placement and orientation may be warranted.

Cross-section example of a flat roof building with solar panels meeting the exemption:



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CHAPTER 33.218
COMMUNITY DESIGN STANDARDS

33.218.100 Standards for Primary and Attached Accessory Structures in Single-Dwelling Zones
The standards of this section apply to development of new primary and attached accessory structures in single-dwelling zones.

A. – M. [no change]

N. Rooftop solar energy systems.

1. Rooftop solar energy systems must meet the following requirements: ~~must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;~~

   a. On a flat roof. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. Solar energy systems must also be screened from the street by:

      (1) An existing parapet along the street-facing façade that is as tall as the tallest part of the solar energy system; or

      (2) Setting the solar energy system back from the street-facing roof edges. For each foot of height that the portion of the system projects above the parapet, or roofline when there is no parapet, the system must be set back 4 feet.

   b. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.

2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.

3. Photovoltaic glazing may be integrated into windows or skylights.

O. – P. [no change]

RICAP Item #30 – Design Review Exemptions (solar)

(RIR#744425)

See commentary for 33.218.100

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.218.110 Standards for Primary and Attached Accessory Structures in R3, R2, and R1 Zones
The standards of this section apply to development of new primary and attached accessory structures in the R3, R2, and R1 zones. The addition of an attached accessory structure to a primary structure on a site where all the uses are residential, is subject to Section 33.218.130, Standards for Exterior Alteration of Residential Structures in Residential Zones.

The standards of this section can also apply to development of new structures in the RH, RX, C and E zones on sites where all the uses are residential. In this case, the applicant can choose to meet all the standards in this section or all the standards in Section 33.218.140, Standards for all Structures in the RH, RX, C and E Zones.

A. – M. [no change]

N. Rooftop solar energy systems.

1. Rooftop solar energy systems must meet the following requirements: ~~must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;~~

   a. On a flat roof. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. Solar energy systems must also be screened from the street by:

      (1) An existing parapet along the street-facing façade that is as tall as the tallest part of the solar energy system, or

      (2) Setting the solar energy system back from the street-facing roof edges. For each foot of height that the portion of the system projects above the parapet, or roofline when there is no parapet, the system must be set back 4 feet.

   b. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.

2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.

3. Photovoltaic glazing may be integrated into windows or skylights.

O. – R. [no change]

RICAP Item #30 – Design Review Exemptions (solar)

(RIR#744425)

See commentary for 33.218.100

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.218.130 Standards for Exterior Alteration of Residential Structures in Single-Dwelling, R3, R2, and R1 Zones
The standards of this section apply to exterior alterations of primary structures and both attached and detached accessory structures in residential zones. These standards apply to proposals where there will be only residential uses on the site.

The standards of this section can also apply to exterior alterations in the RH, RX, C and E zones on sites where all the uses are residential. In this case, the applicant can choose to meet all the standards in this section or all the standards in Section 33.218.140, Standards for all Structures in the RH, RX, C and E Zones.

E. Rooftop solar energy systems.

1. Rooftop solar energy systems must meet the following requirements: ~~must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;~~

   a. On a flat roof. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. Solar energy systems must also be screened from the street by:

      (1) An existing parapet along the street-facing façade that is as tall as the tallest part of the solar energy system, or

      (2) Setting the solar energy system back from the street-facing roof edges. For each foot of height that the portion of the system projects above the parapet, or roofline when there is no parapet, the system must be set back 4 feet.

   b. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.

2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.

3. Photovoltaic glazing may be integrated into windows or skylights.

F. – G. [No change]

RICAP Item #30 – Design Review Exemptions (solar)

(RIR#744425)

See commentary for 33.218.100

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.218.140 Standards for All Structures in the RH, RX, C and E Zones
The standards of this section apply to development of all structures in RH, RX, C, and E zones. These standards also apply to exterior alterations in these zones.

Applicants for development of new structures on sites where the uses are all residential can choose to meet all the standards of this section or all the standards of Section 33.218.110. Applicants for exterior alterations on sites where the uses are all residential can choose to meet all the standards of this section or all the standards of Section 33.218.130.

K. ~~Rooftop s~~Solar energy systems.

1. Rooftop solar energy systems must meet the following requirements: ~~must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;~~

   a. On a flat roof. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. Solar energy systems must also be screened from the street by:

      (1) An existing parapet along the street-facing façade that is as tall as the tallest part of the solar energy system, or

      (2) Setting the solar energy system back from the street-facing roof edges. For each foot of height that the portion of the system projects above the parapet, or roofline when there is no parapet, the system must be set back 4 feet.

   b. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.

2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.

3. Photovoltaic glazing may be integrated into windows or skylights.

4. Ground pole mounted solar energy systems are subject to the following additional standard: On sites that abut an RF through R2 zone, the system must be set back one foot for every one foot of height, from the lot line abutting the RF through R2 zone.

L. – Q. [No change]

RICAP Item #30 – Design Review Exemptions (solar)

(RIR#744425)

See commentary for 33.218.100

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.218.150 Standards for I Zones
The standards of this section apply to development of all structures in the I zones. These standards also apply to exterior alterations in these zones.

A. – H. [no change]

I. ~~Rooftop s~~Solar energy systems.

1. Rooftop solar energy systems must meet the following requirements: ~~must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;~~

   a. On a flat roof. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. Solar energy systems must also be screened from the street by:

      (1) An existing parapet along the street-facing façade that is as tall as the tallest part of the solar energy system, or

      (2) Setting the solar energy system back from the street-facing roof edges. For each foot of height that the portion of the system projects above the parapet, or roofline when there is no parapet, the system must be set back 4 feet.

   b. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.

2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.

3. Photovoltaic glazing may be integrated into windows or skylights.

4. Ground or pole mounted solar energy systems are subject to the following additional standards:

   a. On sites that abut an RF through R2 zone, the system must be set back one food for every one foot of height, from the lot line abutting the RF through R2 zone;

   b. The system may not be located closer to the street than the portion of the street-facing façade that is closest to the street.

J. – L. [no change]

RICAP Item #19 – Drive Through Queueing Requirement

(RIR#773623)

The drive-through regulations in Section 33.224.050 (Stacking Lane Standards) are intended to ensure adequate on-site maneuvering and circulation areas, and ensure that stacking vehicles do not impact the adjacent public right-of-way. However, Paragraphs B.1 and B.2 of this section states that the length of the stacking lane is measured from the "curb cut". This measurement would allow the stacking lane to extend over the sidewalk, which is inconsistent with the purpose of the regulation.

The Transportation Planning Rule code amendments in 1997 included multiple references for measuring distances from the curb line. Recognizing that there may be situations where there is no curb, and that the curb line could move as street improvements occur, references to the curb line were revised in 2004 to measure from the property line. However, the changes were not carried through to the Drive-through Facilities Chapter

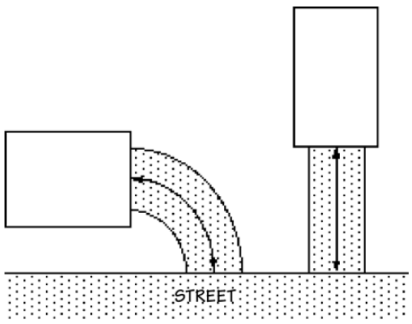
The changes to this chapter achieve several objectives.
33.224.050.A and B.1. are changed so that the measurement for a stacking land is made from the stacking lane entrance to the service area.

To ensure that the stacking lane entrance is not proposed to start at the curb, 33.224.050.C requires that no part of the required stacking lane encroach into the right of way.

Lastly, 33.224.050.C also incorporates a design standard previously in 33.224.050.B.1 that the stacking lane need not be “linear”. This was somewhat confusing (could it be several short segments separated from one another?). Instead the revised language states that the stacking lane may be curvilinear (not in a straight line).

33.930 already includes a description of how to measure vehicle areas: Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the arc of the driveway or traffic lane. See Figure 930-3.

Figure 930-3
Measuring Vehicle Travel Areas



Measure down the middle of the travel area.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.224
DRIVE-THROUGH FACILITIES

33.224.040 Vehicular Access
All driveway entrances, including stacking lane entrances, must be at least 50 feet from an intersection. The distance is measured along the property line from the junction of the two street lot lines to the nearest edge of the entrance.

33.224.050 Stacking Lane Standards
These regulations ensure that there is adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lands.

A. Gasoline pumps. A minimum of 30 feet of stacking lane is required ~~between a curb cut and the~~ between the stacking lane entrance and the nearest gasoline pump.

B. Other drive-through facilities.

1. Primary facilities. A minimum of 150 feet for a single stacking lane, or 80 feet per lane when there is more than one stacking lane, is required for all other drive-through facilities. A stacking lane is measured between the stacking lane entrance and ~~from the curb cut to~~ the service area. ~~Stacking lanes do not have to be linear.~~

2. Accessory facilities. A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.

C. Stacking lane design and layout. Stacking lanes must be designed so that they do not interfere with parking and vehicle circulation. No part of a required stacking lane may encroach into the right-of-way. Stacking lanes may be curvilinear. See Subsection 33.930.030.C. for measurement information.

D. Stacking lanes identified. All stacking lanes must be clearly identified, through the use of means such as striping, landscaping, and signs.

RICAP Item #20 – Elderly Housing Project Coordinator

(RIR#603171)

The Elderly and Disabled Housing Chapter was added to the zoning code in 1980. In 1984, design standards were added to ensure certain units met accessible design requirements. These standards are very detailed and address primarily interior fixture and finish requirements. Several other refinements have occurred to the chapter; however, the design standards have not been significantly revised or updated since they were initially added.

Proposals utilizing this chapter require that the Disability Project Coordinator of the Metropolitan Human Relations Commission review the proposal against the design standards to ensure that they are met.

There are a few issues with the requirements in this chapter:

- First, the Disability Project Coordinator position referenced by this chapter no longer exists.
- Second, the design standards are out of date and in some cases conflict with current standards for accessible design.
- Third, many of these requirements are reviewed by BDS Life/Safety plan reviewers as part of their review for Oregon State Structural Code Chapter 11 compliance.

List of Sections

Changed 33.229.020to match the section title, which no longer references "Review" procedures.

Deleted 33.229.070 as this review by the Disability Project Coordinator no longer exists

33.229.030.D.2.

Removed reference to the Disability Project Coordinator of the Metropolitan Human Relations Commission

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.229
ELDERLY AND DISABLED HIGH DENSITY HOUSING

Sections:
33.229.010 Purpose
33.229.020 ~~Review,~~ Density Increase~~,~~ and Development Standards
33.229.030 General Requirements
33.229.040 Design Standards
~~33.229.050 Review by Disability Project Coordinator~~

33.229.020 Density Increase and Development Standards

[no change to section, included for reference]

33.229.030 General Requirements

A. Residential uses and structures. Only uses in the Household Living use category are allowed. Only structures with fully self-contained dwelling units are allowed.

B. Project eligibility. The elderly and disabled high density housing provisions are limited to new projects or to existing developments which undergo major remodeling.

C. Occupant restrictions. At a minimum, the units that are over the density allowed by the base zone must be restricted to occupancy by households with a disabled member, or with a member aged 55 years or older. These units are called the "units restricted by covenant" throughout this chapter. Additional units may be restricted by covenant in order to take advantage of the lower parking requirements or other provisions of this chapter.

D. Covenant. The property owner must execute a covenant with the City of Portland, specifying that the property owner will abide by the conditions listed below for the life of the project. The covenant must comply with the requirements of 33.700.060, Covenants with the City.

1. Occupant restriction. Occupancy of a specified number of units will be restricted to households with a disabled member or with a member 55 years of age or older, as required in Subsection C. above.

2. Adaptable features. The property owner will submit a list of the adaptable features in the adaptable units to potential renters or buyers of the units ~~and to the Disability Project Coordinator of the Metropolitan Human Relations Commission~~. At a minimum the list will include the following features:

   a. Location of all adaptable features. The list must include a scale drawing of the location of all adaptable kitchen counters, cabinets, and grab bars; and

   b. Installation instructions, equipment, and parts. The list must include the location of the adaptable features, modification instructions, and the equipment and parts needed to adjust or install the features, or to modify the unit as listed in 33.229.040 E.

33.229.030.D.3.
This change clarifies that the modifications must only be done without cost to the *actual* renter or buyer, not just a *potential* renter or buyer.

33.229.040 Design Standards.
This section has been extensively restructured. These changes remove a number of outdated and potentially conflicting accessible design requirements from the zoning code, and instead requires compliance with Chapter 11 (Accessibility) of the Oregon Structural Specialty Code The new section is organized to address the specific zoning code requirements for common areas, individual units, and parking and loading to the extent that these are not already addressed by the building code.

33.229.040.A. Loading (deleted)
This provision was incorporated into new Subsection C, Parking and Loading.

33.229.040.A. Common Areas (added)
This provision was relocated from the old Subsection B.1 Accessible Route
The revised language incorporates the Oregon Structural Specialty Code which includes accessible route requirements.

33.229.040.B.1. Individual Units
This paragraph states the minimum number of units in a project that must be designed with accessibility features (35%), including the requirement to be located along an accessible path. Any additional units restricted by covenant must also meet these requirements. This provision was previously located in 33.229.040.B, Physical Access.

33.229.040.B.2. Individual Units
The requirement for one-bedroom minimum unit size was previously located in 33.229.040.D.

33.229.040.B.3. Individual Units
This exception was previously located in 33.229.040.G.1. This exception for mentally disabled residents provided for a lower degree of accessibility features for 80% of the units restricted by covenant. Where the previous exception distinguished between adaptable and useable features, this exception provides that a portion of units may meet Type C unit requirements of ANSI 117.1 (visitable units designed to accommodate persons with physical disabilities, but are not constructed with the same degree of accessible features as Type A units)

3. The owner will install equipment required by this chapter when renting to a tenant who requests the modifications. The owner will remove any adaptable features upon request. All modifications will be done at no expense to the ~~potential~~ renter or buyer.

4. When vacancies occur and there are no eligible applicants on a waiting list, the owner will advertise the units as being accessible and/or adaptable, as applicable.

33.229.040 Design Standards

~~**A. Loading.** Each project must have at least one passenger loading area that complies with Chapter 11 of the Oregon Structural Specialty Code.~~

A. Common Areas. All common areas in the project, including community rooms, laundry facilities, recreation rooms, and shared kitchen and toilet areas, must meet the physical access requirements of Chapter 11 of the Oregon Structural Specialty Code and must be along an accessible route from the sidewalk and parking area to all units restricted by covenant.

B. Individual Units.

1. At least 35 percent of all the units in the project must meet the requirements for Type A units in Chapter 11 of the Oregon Structural Specialty Code and must be along an accessible route from the sidewalk and parking area to all common areas. Any additional units above 35 percent that are restricted by covenant must also meet these requirements.

2. At least 25 percent of the units restricted by covenant must have at least one bedroom. The minimum bedroom size is 150 square feet, except for units that have two or more bedrooms. In this case, only one bedroom must meet this standard.

3. Exception. Projects that are restricted to occupancy by mentally disabled residents for the life of the project have lowered requirements for accessibility and adaptability. The restrictions can be in the form of funding restrictions or in the covenant with the City. In these cases, only 20 percent of the units restricted by covenant need to meet the requirements for Type A units in Chapter 11 of the Oregon Structural Specialty Code. The remaining units restricted by covenant may instead meet the ANSI 117.1 requirements for Type C units. In addition, only 20 percent of the parking spaces required by Subsection C. need to comply with the disabled parking standards.

33.229.040.B Physical Access (deleted)
The general physical access requirements have been relocated to 33.229.040.A and B.
The other specific requirements are already addressed by either the Oregon Structural Specialty Code (OSSC), or by ANSI 117.1, which the 2009 OSSC has incorporated by reference.
To avoid duplicative or potentially conflicting standards, these are proposed to be removed from the zoning code. Cross references to the applicable section of ANSI 117.1 are provided.

33.229.040.B.2. Doorways and Thresholds (deleted)
ANSI notes:
32" clear width=along the accessible route covered under 404.2.2
Pantries/linen closets not addressed in 404, but are also not on an Accessible route
½" thresholds covered under 404.2.4. (does not distinguish interior thresholds)

33.229.040.B.3. Kitchens and bathrooms (deleted)
ANSI notes:
Clear turning space area in kitchen addressed under 804.2 and 1003.12.1
Clear turning space area in bathroom addressed under 603.2.1. which directs to 304 and 1003.11.2
Clear maneuvering area around kitchen appliances addressed under 804.5.1 and 1003.12 (both direct to 305)

33.229.040.C. Parking and Passenger Loading
Changed name of section to indicate the newly incorporated loading standard that was moved from 33.229.040.A. Also, revised the name slightly (from "loading" to "passenger loading" to better distinguish this requirement from the general loading standards in 33.266.310 which are geared toward truck loading and unloading.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

~~**B. Physical Access.** All common areas in the project and at least 35 percent of all the units in the project must meet the physical access requirements below. All units restricted by covenant must also meet these requirements. Units restricted by covenant may be included in the calculation of 35 percent of the units or they may be in addition. Common areas are areas such as community rooms, laundry facilities, recreation rooms including kitchen and toilet areas, or other common facilities.~~

~~1. Accessible route. The common areas and the units noted above must be on an accessible route. This means there must be an accessible route from the sidewalk and parking area to the front door of the units and an accessible route to and within the common areas.~~

~~2. Doorways and thresholds. All doorways in common areas and the units noted above must have at least 32 inches of clear width. Doorways to small areas such as pantries or linen closets need only be wide enough to allow reaching access. Exterior thresholds may be no higher than 1/2 inch. Interior thresholds must be flush.~~

~~3. Kitchens and bathrooms. All kitchens and bathrooms in common areas and the units noted above must have a clear maneuvering area of at least 5 ft. by 5 ft., or must be approved by the Disability Project Coordinator as demonstrating that a wheelchair can enter and exit while ensuring that all essential fixtures are within reach of a person using a wheelchair.~~

C. Parking and passenger loading.

1. Motor vehicle parking.

   a. Generally. The minimum parking standard for units restricted by covenant is one space for every four units.

   b. Exception. Only one space for every eight units in the project is required when at least 75 percent of the total units are restricted by covenant to occupancy by elderly individuals.

   c. Parking for disabled persons. If parking is provided at a ratio of less than 1 space per unit, the number of parking spaces that must meet the parking standards for disabled persons (in the Oregon Structural Specialty Code) is calculated based on a ratio of 1 space per unit.

2. Bicycle parking.

   a. Generally. The project must meet the bicycle parking requirements of Chapter 33.266, Parking and Loading.

   b. Exception. The minimum required long-term bicycle parking for units restricted by covenant is one space for every eight units.

3. Passenger Loading. Each project must have at least one passenger loading area that complies with Chapter 11 of the Oregon Structural Specialty Code.

33.229.040.D Number and size of bedrooms (deleted)
This provision was moved to 33.229.040.B.

33.229.040.E. Adaptable Features (deleted)
These specific requirements are already addressed by either the Oregon Structural Specialty Code (OSSC), or by ANSI 117.1, which the 2009 OSSC has incorporated by reference.
To avoid duplicative or potentially conflicting standards, these are proposed to be removed from the zoning code. Cross references to the applicable section of ANSI 117.1 are provided.

33.229.040.E.1. Grab bars
ANSI notes: Grab bars addressed under 1003.11.1 and 1004.11.1 which directs to 604.5, 607.4, 608.3, 608.2.1.3, 608.2.2.3 and 608.2.3.2

33.229.040.E.2. Alarms
ANSI notes: Alarms addressed under 703.1 which directs to NFPA 72 National Fire Protection Association. I believe units must not only be prewired, but connected.

33.229.040.E.3. Visibility
ANSI notes: ANSI 117.1 does not require peepholes.

33.229.040.E.4. Water Temperature Control
ANSI notes: Water temperature addressed under 607.8 which limits temperature to 120 degrees F. max.

33.229.040.E.5.Work surface in kitchen
ANSI notes: Work surface in Type A unit kitchens addressed under 1003.12.3 (30" wide 34" high max)

33.229.040.E.6. Removable cabinet.
ANSI notes: Clear floor space addressed under 1003.12.4 with exceptions that allow removable cabinets.

33.229.040.E.7. Clothes Rods
ANSI notes: Clothes rods addressed under 905 (storage facilities) which directs to 308 (reach ranges).

33.229.040.E.8. Door Handles
ANSI notes: Door handles addressed under 404.2.6 (shape easy to grasp with one hand and not require tight grasping, pinching or twisting)

33.229.040.E.9. Hand Held Showers
ANSI notes: Hand showers addressed under 608.5 (59" hose required)

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

~~**D. Number and size of bedrooms.** At least 25 percent of the units restricted by covenant must have at least one bedroom. The minimum bedroom size is 150 square feet, except for units that have two or more bedrooms. In this case, only one bedroom must meet this standard.~~

~~**E. Adaptable features.** All of the units restricted by covenant must be constructed so that the following adaptable features can be installed upon request.~~

~~1. Grab bars. The bathroom walls must be structurally reinforced to allow the future installation of grab bars.~~

~~2. Alarms. The units must be prewired for a visual and audible alarm system.~~

~~3. Visibility. Each unit must allow for visibility of the entrance to the unit from inside the unit through the provision of peepholes which can be installed at various heights.~~

~~4. Water temperature control. The plumbing system for each unit must allow the installation of thermostatically controlled water temperature gauges or anti-scald devices.~~

~~5. Work surface in kitchen. Each unit must have at least 4 square feet of work surface that can be lowered to 30 inches above the floor, with open knee area beneath. This can be accomplished through such means as pull-out surfaces, removable cabinets, or lowered "eating" bars.~~

~~6. Removable cabinet. The cabinet under the kitchen sink in each unit must be removable to provide knee space.~~

~~7. Clothes rods. All clothes rods in each unit must be adjustable to within 3 feet of the floor.~~

~~8. Door handles. All door handles must be able to be replaced with handles of a lever- or loop-type design, capable of being operated by a single, nonprecise movement not requiring gripping or twisting.~~

~~9. Hand-held showers. All shower heads must be the type that can be replaced with at least a 5 foot long hand-held shower fixture.~~

Commentary

33.229.040.F. Useable Features (deleted)
These specific requirements are already addressed by either the Oregon Structural Specialty Code (OSSC), or by ANSI 117.1, which the 2009 OSSC has incorporated by reference.
To avoid duplicative or potentially conflicting standards, these are proposed to be removed from the zoning code. Cross references to the applicable section of ANSI 117.1 are provided.

33.229.040.F.1. Plumbing Fixtures
ANSI notes: Plumbing fixtures addressed in 1003.9 in Type A units, and 1004.9 in Type B units which direct to 309 (operable with one hand and not require tight grasping, pinching or twisting)

33.229.040.F.2. Controls
ANSI notes: Reach ranges addressed under 308. Outlets addressed under 1003.9 in Type A units, and 1004.9 in Type B units which direct to 309 which direct to 308 reach ranges (min 15"

33.229.040.F.3. Cooktop
ANSI notes: Cooktop controls addressed under 1003.12.5.4.3. (cooktop) and 1003.12.5.4.4. (oven) in Type A units, (the location of controls shall not require reaching across burners)

33.229.040.F.4. Carpet Pad
ANSI notes: Carpet addressed under 302.2

33.229.G. Exceptions
Exception 1 has been incorporated into the new language in 33.229.040.B.3. 20 percent of the units will meet Type A standards, the remaining units restricted by covenant will be required to meet Type C unit standards (of ANSI – not incorporated in the OSSC).

Exception 2 has become irrelevant, since ANSI 117.1 is largely incorporated into the 2009 OSSC.

33.229.050 Review By Disability Project Coordinator (deleted)
Removed reference to the Disability Project Coordinator and review process as this position no longer reviews these plans. The review will occur as part of the building permit review.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

~~**F. Usable features.** All of the units restricted by covenant must be constructed to comply with the following usable requirements.~~

~~1. Plumbing fixtures. All plumbing fixtures in the kitchen and bathroom must be of a lever type design and be capable of being operated by a single, nonprecise movement not requiring gripping or twisting.~~

~~2. Controls. Controls and other devices such as light switches, thermostats, fire alarms, drapery pull cords, and towel racks must be located no higher than 4 feet above the floor. Electrical outlets, telephone jacks, TV antenna hookups and similar outlets must be located at least 9 inches from the floor.~~

~~3. The controls for the cooktop and oven must be must be located on the front or side of the appliance rather than the rear.~~

~~4. If a carpet pad is installed, it must be a firm type to allow easy movement of a wheelchair on the carpet.~~

~~**G. Exceptions.**~~

~~1. Projects that are restricted to occupancy by mentally disabled residents for the life of the project have lowered requirements for accessibility and adaptability. The restrictions can be in the form of funding restrictions or the covenant with the City. In these cases, only 20 percent of the units restricted by covenant need to meet the adaptable features and usable features requirements of Subsections E. and F. above. In addition, only 20 percent of the parking spaces required by Subsection C. above need to comply with the disabled parking standards.~~

~~2. If a project is required by funding restrictions to meet the requirements of ANSI 117.1, then it is not subject to the physical access, adaptable features, and usable features requirements of Subsections B., E., and F. above.~~

~~**33.229.050 Review By Disability Project Coordinator**~~

~~**A. Application.** BDS will notify the Disability Project Coordinator of the Metropolitan Human Relations Commission of applications for a building permit or conditional use to develop housing under the provisions of this chapter. However, the applicant is encouraged to contact and work with the Disability Project Coordinator before application.~~

~~**B. Process.**~~

~~1. The Disability Project Coordinator will furnish prospective applicants with information outlining the design standards.~~

~~2. The Coordinator will review the development plans within 14 working days of the receipt of an application for a building permit. The plans must be approved by the Disability Project Coordinator before a building permit may be issued.~~

RICAP Item #21 – Landscape Standards Hierarchy

(RIR#729584)

33.248.020 Landscaping and Screening Standards describes that "The landscaping standards are generally in hierarchical order." This was intended to convey that higher levels of landscaping (L5 vs L1) provide higher levels of landscaping and/or screening. However, this statement is not clear whether or not it was intended to extend to other standards, such as F1, F2, T1, and P1.

The zoning code specifies minimum screening and landscaping requirements. Additional screening and buffering may be provided at the applicant's discretion. A comparison of the different standards shows that in some cases there may be some equivalent screening benefits (for example L3 incorporates the minimum requirements of L2 but supplements with taller shrubs, but for others, substituting one standard (F1 – partially sight obscuring fence) with another (T1 –trees) leads to an absurd outcome.

The following changes to 33.248.020 will help clarify the intent:

- Delete the statement relating to the hierarchical order. The related regulations specify the minimum applicable standard, and the applicant can choose to supplement the screening or buffering.

- Modified the subsequent sentence to emphasize the distinction between the minimum requirement and providing additional screening or landscaping beyond the minimum. This is intended to make it clear that the required standards are the minimums and may not be substituted by another standard.

- One exception is added to the L5 (berm) requirements to clarify that it may be used to substitute for either L2 or L3 landscaping.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.248
LANDSCAPING AND SCREENING

33.248.020 Landscaping and Screening Standards
Subsections A. through H. state the different levels of landscaping and screening standards to be applied throughout the City. The locations where the landscaping or screening is required and the depth of the landscaping or screening are stated in various places throughout the Code. **All** landscaping and screening required by this Title must comply with all of the provisions of this chapter, unless specifically superseded. ~~The landscaping standards are generally in a hierarchical order.~~ The landscaping standards are minimums; additional vegetation or screening can be proposed, provided ~~higher standards can be substituted as long as~~ all minimum fence or vegetation height and screening requirements ~~limitations~~ are met. Crime prevention and safety should be remembered when exceeding the landscaping standards (height and amount of vegetation may be an issue).

A. – D. [no change]

E. L5, high berm.

1. Intent. The L5 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting sensitive uses, and where it is desirable and practical to separate a use by distance as well as sight-obscuring materials.

2. Required materials. The L5 standard requires a berm between 4 and 6 feet high. If the berm is less than 6 feet high, low shrubs that meet the L2 standard must be planted on top of the berm to assure that the overall screen height is 6 feet. In addition, one large tree is required per 30 linear feet of berm, one medium tree per 22 linear feet of berm, or one small tree per 15 linear feet of berm. Trees of different sizes may be combined to meet the standard. Ground cover plants must fully cover the remainder of the landscaped area. The L5 standard may be used to substitute for required L2 or L3 landscaping.

F. – I. [no change]

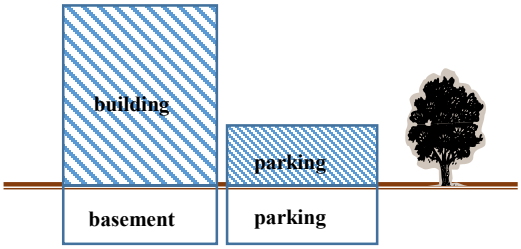
RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

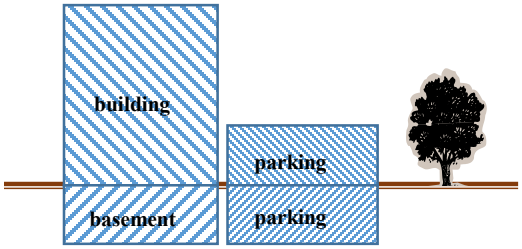
See commentary 33.120.100 for more information

These changes replace "floor area" with "gross building area" to clarify that any expansion of area of below grade floors is also an expansion of that use. The more inclusive "gross building" as opposed to "net building" term is used here, because it is important to capture any increase in potentially non-conforming uses or development including expansions of structured parking area.

Floor Area: building area above ground, including above ground structured parking



Gross Building Area: building area above and below ground, including any structured parking



Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.258.050 Nonconforming Uses

A. – B. [no change]

C. Expansions. Nonconforming uses may expand under certain circumstances. Exterior improvements may expand by increasing the amount of land used. Changing the exterior use, for example from parking to storage, is an expansion of exterior storage. Adding parking spaces to an existing lot is also an expansion. However, increasing the amount of goods stored on an existing exterior storage area is a change in operations, not an expansion. Examples of expansion of gross building ~~floor~~ area include expanding a nonconforming use into a newly constructed building or addition on the site, and expanding the amount of gross building ~~floor~~ area occupied by a nonconforming use within an existing building. Expansion of nonconforming uses and development is generally limited to the area bounded by the property lines of the use as they existed two years before the use became nonconforming use and development and its accessory uses and development, moving in an outward direction. Property lines bound individual lots, parcels, and tax lots; a site or ownership may have property lines within it. See Figures 258-1 and 258-2. The applicant must provide evidence to show the location of property lines as they existed two years before the use became nonconforming.

1. OS and R zones. The standards stated below apply to all nonconforming uses in OS and R zones.

   a. Expansions of gross building ~~floor~~ area or exterior improvements, when proposed within the property lines as they existed two years before the use became nonconforming, may be approved through a nonconforming situation review. The development standards of the base zone, overlay zone, and plan district must be met.

   b. Expansion of gross building ~~floor~~ area or exterior improvements beyond the property lines as they existed two years before the use became nonconforming, is prohibited.

2. C, E, and I zones. The standards stated below apply to all nonconforming uses in C, E, and I zones.

   a. Except as allowed by Subparagraph C.2.b, below, expansions of gross building ~~floor~~ area or exterior improvements, when proposed within the property lines as they existed two years before the use became nonconforming, may be approved through a nonconforming situation review. The development standards of the base zone, overlay zone, and plan district must be met for the expansion.

   b. In I zones, expansions of gross building ~~floor~~ area for nonconforming Household Living uses, when proposed within the property lines as they existed two years before the use became nonconforming, are allowed if all of the following are met:

      (1) The expansion will not increase the gross building ~~floor~~ area by more than 500 square feet over the floor area that existed when the use became nonconforming. Expansions that increase the gross building ~~floor~~ area by more than 500 square feet over the gross building ~~floor~~ area that existed when the use became nonconforming may be requested through a nonconforming situation review;

      (2) – (3) [no change]

   c. [no change]

   d. Expansion of gross building floor area or exterior improvements, when proposed beyond the property lines as they existed two years before the use became nonconforming, is prohibited, except in the following situation:

      (1) – (4) [no change]

RICAP Item #22 – Nonconforming Use Expansions

(RIR#341682)

Figure 258-2 does not clearly illustrate the accompanying regulations in 33.258.050. The shaded lots are intended to show where non-conforming uses may expand after they have gone through a non-conforming situation review. However, there is a distinction between the criteria to expand to lots 1-3 (33.258.050.C.2.a) versus lot 4 (33.258.050.C.2.d). The legend does not indicate what the significance of Lot 5 is (where expansion is prohibited). Also, the legend was not properly updated with Ordinance 175837 (eff. 08/26/01) which changed the threshold from "property lines as they existed in 1991" to "property lines as they existed two years before the use became non conforming."

To keep the two figures consistent, some minor changes to Figure 258-1 are shown:

- Removed reference to when the ownership boundary existed, as the accompanying regulations for OS and R zones do not pertain to ownership boundaries on the date the use became nonconforming (whereas this distinction <u>is</u> relevant in the C, E, and I zones)
- Revised the legend to add a key for Lots 4 and 5

To clarify figure 258-2, several changes are made:

- Revised legend to remove the reference to "1991 property lines"
- Distinguished Lots 1-3 from Lot 4 with new shading texture
- Added a code reference for the criteria to expand nonconforming uses on Lots 1-3
- Added a code reference for the criteria to expand nonconforming uses on Lot 4
- Revised the legend to add a key for Lot 5

Both current figures are included below for reference:

Figure 258-1
Area of Possible Expansion - OS and R Zones

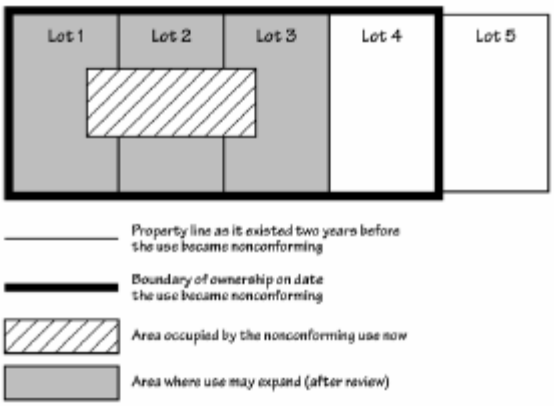
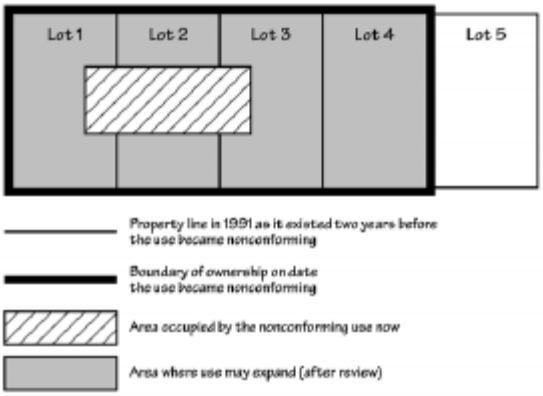


Figure 258-2
Area of Possible Expansion - C, E, and I Zones



Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.258
NONCONFORMING SITUATIONS

[Revise Figures 258-1 and 258-2 as follows:]

Figure 258-1
Area of Possible Expansion - OS and R Zones

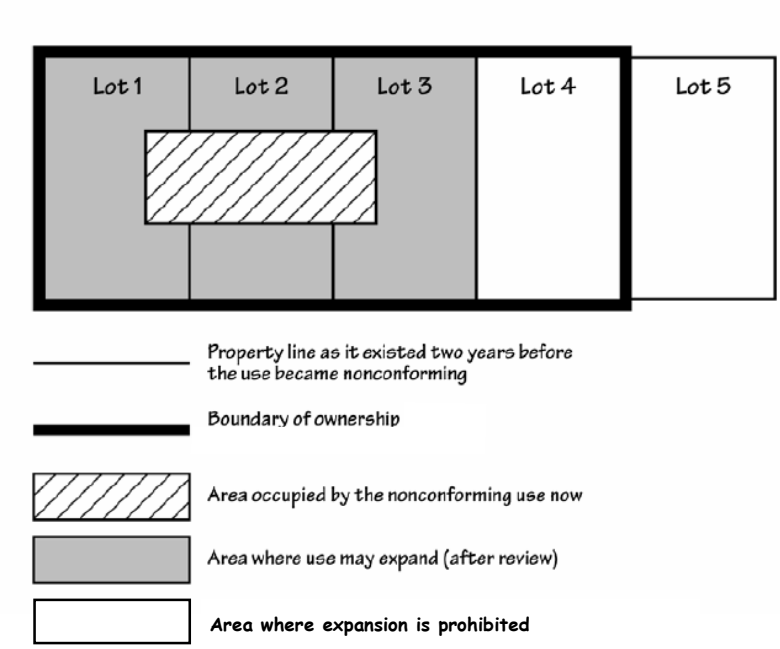
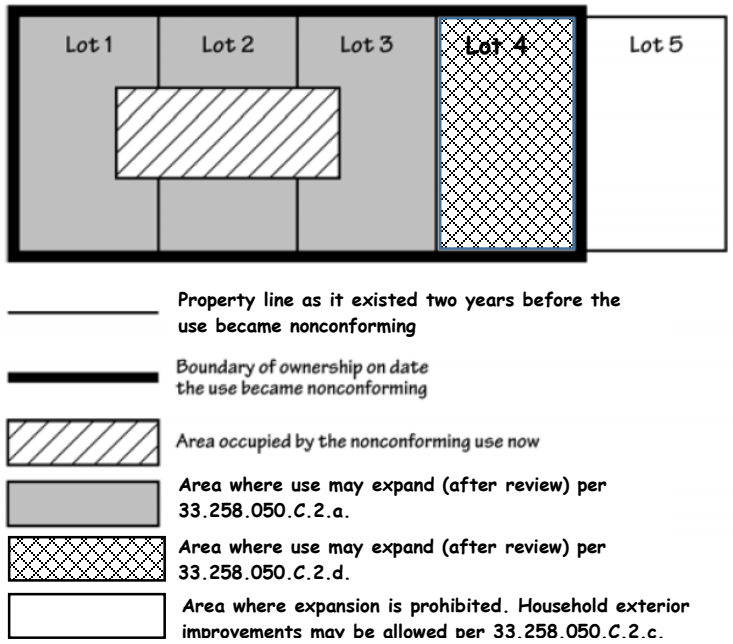


Figure 258-2
Area of Possible Expansion - C, E, and I Zones



RICAP Item #23 – Non-Conforming Upgrade, Calculation of Project Value

(RIR#426944)

33.258.070.D.2 is intended to exempt the expenditures toward certain projects that meet the Public Purpose Administrator (Energy Trust) incentive criteria from counting toward the value of alterations from which the dollar value of required non-conforming upgrades are derived. However, it is not clear whether the criteria must only be met, or whether the project has to receive the incentive. The intention of the original provision as adopted by RICAP 5 was that only the criteria must be met--it is irrelevant whether the project actually receives the incentive. In some cases funding limitations may prevent projects from applying for Energy Trust incentives, but the project is including energy-efficient improvements that would otherwise qualify for the incentive.

Clarification has been added so that improvements must only meet the incentive criteria, not receive the incentive, to qualify for exclusion from the valuation threshold. Because the type of improvements that can meet this criteria will change, a specific list of improvements is not included.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.258
NONCONFORMING SITUATIONS

33.258.070 Nonconforming Development

A. – C. [no change]

D. Development that must be brought into conformance. The regulations of this subsection are divided into two types of situations, depending upon whether the use is also nonconforming or not. These regulations apply except where superseded by more specific regulations in the code.

1. [no change]

2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. Nonconforming development associated with an existing nonconforming use, an allowed use, a limited use, or a conditional use, must meet the requirements stated below. When alterations are made that are over the threshold of Subparagraph D.2.a., below, the site must be brought into conformance with the development standards listed in Subparagraph D.2.b. The value of the alterations is based on the entire project, not individual building permits.

   a. Thresholds triggering compliance. The standards of Subparagraph D.2.b., below, must be met when the value of the proposed alterations on the site, as determined by BDS, is more than $153,450. The following alterations and improvements do not count toward the threshold:

      (1) Alterations required by approved fire/life safety agreements;

      (2) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;

      (3) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;

      (4) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; ~~and~~

      (5) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements~~.~~; and

      (6) Energy efficiency or renewable energy improvements that meet the Public Purpose Administrator incentive criteria, whether or not the project applies for and receives the incentive.

   b. –d. [no change]

E. – G. [no change]

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

Floor area is being replaced throughout chapter 33.266 with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

33.266.100.C.1 is deleted since the term "net building area" already excludes area for parking.

RICAP Item #24– Parking Requirements for Conditional Uses

(RIR#377363)

Parking requirements for institutional uses that are subject to conditional use review are determined as part of the review. This is recognized in parking ratio requirement (in Table 266-2) by including the phrase "or per CU review or Impact Mitigation Plan approval." However, several other institutional and conditional uses are included in the parking table and do not include this phrase. With the exception of Quick Vehicle Servicing, Vehicle Repair, Self Service Storage, and Commercial Parking, nearly every use is subject to a conditional use review, depending on the zone. For all of these uses where there is no notation, an Adjustment is required in addition to the Conditional Use when the proposed parking does not meet the parking ratio identified in the table.

Note that for the Hollywood Plan District, Table 536-1 sets *maximum* parking requirements for the RX, CX and CS zones. With this limited geography, these standards are more tailored to the policy objectives of the Plan District, and are more appropriately subjected to an adjustment review. Therefore, RICAP 7 is not proposing to modify this table.

Table 266-1

The addition of Footnote [2] clarifies that any of the minimum or maximum parking regulations can be modified by a Conditional Use or Impact Mitigation Plan review. This change results in giving the site specific land use review the ability to establish parking minimums and maximums for any use subject to a CU or IMP review including zones that are subject only to Table 266-1 (i.e. EX, CN1, CM, CS, RX, CX, CO1). A similar notation is also added to Table 266-2

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.266.100 General Regulations

A. –B. [no change]

C. Calculations of amounts of required and allowed parking.

~~1. When computing parking spaces based on floor area, areas used for parking are not counted.~~

1.~~2.~~ The number of parking spaces is computed based on the primary uses on the site except as stated in Paragraph C.3., below. When there are two or more separate primary uses on a site, the required or allowed parking for the site is the sum of the required or allowed parking for the individual primary uses. For joint use parking, see Paragraph 33.266.110.B., below.

2.~~3.~~ When more than 20 percent of the net building ~~floor~~ area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 40,000 square foot building with a 30,000 square foot warehouse and a 10,000 square foot accessory office area. The required or allowed parking would be computed separately for the office and warehouse uses.

4.-5. [renumber 3.-4.]

D. –G. [no change]

Table 266-1
Minimum Required and Maximum Allowed Parking Spaces By Zone [1],[2]

Zone	Requirement
OS, RF - RH, IR, CN2, CO2, CG, EG, I	Minimum is Standard A in Table 266-2. Maximum is Standard B in Table 266-2.
EX	Minimum – None, except: Household Living: minimum of 0 for1 to 3 units, 1 per 2 units for four+ units, and SROs exempt... Maximum is Standard A in Table 266-2, except: 1) Retail, personal service, repair-oriented - Maximum is 1 per 200 sq. ft. of net building ~~floor~~ area. 2) Restaurants and bars - Maximum is 1 per 75 sq. ft. of net building ~~floor~~ area. 3) General office – Maximum is 1 per 400 sq. ft. of net building ~~floor~~ area. 4) Medical/Dental office – Maximum is 1 per 330 sq. ft. of net building ~~floor~~ area.
CN1	Minimum – None. Maximum of 1 space per 2,500 sq. ft. of site area.
CM, CS, RX, CX, CO1	Minimum – None, except:: Household Living: minimum of 0 for 1 to 30 units, 0.2 per unit for 31-40 units, 0.25 per unit for 41-50 units, and 0.33 per unit for 51+ units. Maximum is Standard B in Table 266-2.

[1] Regulations in a plan district or overlay zone may supersede the standards of this table.
[2] Uses subject to a Conditional Use or Impact Mitigation Plan review may establish different parking minimum and maximum requirements through the review.

Commentary

Table 266-2

Rather than add notations to 19 rows where CU or IMP reviews may be required, a general footnote [2] is added to Table 266-2 that allows the CU or IMP review to establish the appropriate level of parking for each use. The existing "or per CU review" notations are removed from the 12 rows in Table 266-2, since they are now redundant.

By deleting these notations, there is more room to insert the text from previous Footnote [2] in Table 266-2 in the appropriate row for Self-service Storage.

There are some use categories in Table 266-2 where the only parking requirement is "per CU review." In these cases, the new footnote reference replaces this statement.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Table 266-2
Parking Spaces by Use [2]
(Refer to Table 266-1 to determine which standard applies.)

Use Categories	Specific Uses	Standard A	Standard B
Residential Categories			
Household Living		1 per unit, except SROs exempt and in RH, where it is 0 for 1 to 3 units and 1 per 2 units for four + units	None
Group Living		1 per 4 residents	None
Commercial Categories			
Retail Sales And Service	Retail, personal service, repair oriented	1 per 500 sq. ft. of net building ~~floor~~ area	1 per 196 sq. ft. of net building ~~floor~~ area
	Restaurants and bars	1 per 250 sq. ft. of net building ~~floor~~ area	1 per 63 sq. ft. of net building ~~floor~~ area
	Health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys	1 per 330 sq. ft. of net building ~~floor~~ area	1 per 185 sq. ft. of net building ~~floor~~ area
	Temporary lodging	1 per rentable room; for associated uses such as restaurants, see above	1.5 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area
Office	General office	1 per 500 sq. ft. of net building ~~floor~~ area	1 per 294 sq. ft. of net building ~~floor~~ area
	Medical/Dental office	1 per 500 sq. ft. of net building ~~floor~~ area	1 per 204 sq. ft. of net building ~~floor~~ area
Quick Vehicle Servicing		1 per 500 sq. ft. of net building ~~floor~~ area	1 per 196 sq. ft. of net building ~~floor~~ area
Vehicle Repair		1 per 750 sq. ft. of net building ~~floor~~ area [1]	1 per 500 sq. ft. of net building ~~floor~~ area
Commercial Parking		~~Not applicable~~ None	None
Self-Service Storage		~~[2]~~ 1 per resident manager's facility, plus 3 per leasing office, plus 1 per 100 leasable storage spaces in multi-story buildings.	~~[2]~~ 2 per resident manager's facility, plus 5 per leasing office, plus 1 per 67 leasable storage spaces in multi-story buildings.
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Major Event Entertainment		1 per 8 seats ~~or per CU review~~	1 per 5 seats ~~or per CU review~~
Industrial Categories			
Manufacturing And Production		1 per 750 sq. ft. of net building ~~floor~~ area [1]	1 per 500 sq. ft. of net building ~~floor~~ area
Warehouse And Freight Movement		1 per 750 sq. ft. of net building ~~floor~~ area for the first 3,000 sq. ft. of net building ~~floor~~ area and then 1 per 3,500 sq. ft. of net building ~~floor~~ area thereafter [1]	1 per 500 sq. ft. of net building ~~floor~~ area for the first 3,000 sq. ft. of net building ~~floor~~ area and then 1 per 2,500 sq. ft. of net building ~~floor~~ area thereafter
Wholesale Sales, Industrial Service, Railroad Yards		1 per 750 sq. ft. of net building ~~floor~~ area [1]	1 per 500 sq. ft. of net building ~~floor~~ area
Waste-Related		~~Per CU review~~ see note [2]	~~Per CU review~~ see note [2]

Commentary

Table 266-2 (continued)

"Aggregate Extraction" is not a use category in 33.920; however "Mining" is. The term is replaced for consistency.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Use Categories	Specific Uses	Standard A	Standard B
Institutional Categories			
Basic Utilities		None	None
Community Service		1 per 500 sq. ft. of net building ~~floor~~ area	1 per 196 sq. ft. of net building ~~floor~~ area
Parks And Open Areas	Active areas	Per CU review for active areas	Per CU review for active areas
Schools	Grade, elementary, middle, junior high	1 per classroom~~, or per CU or Impact Mitigation Plan approval~~	1.5 per classroom~~, or per CU or Impact Mitigation Plan approval~~
	High school	7 per classroom~~, or per CU or Impact Mitigation Plan approval~~	10.5 per classroom~~, or per CU or Impact Mitigation Plan approval~~
Medical Centers		1 per 500 sq. ft. of net building ~~floor~~ area~~; or per CU review or Impact Mitigation Plan approval~~	1 per 204 sq. ft. of net building ~~floor~~ area~~; or per CU review or Impact Mitigation Plan~~
Colleges		1 per 600 sq. ft. of net building ~~floor~~ area exclusive of dormitories, plus 1 per 4 dorm rooms~~; or per CU review or Impact Mitigation Plan approval~~	1 per 400 sq. ft. of net building ~~floor~~ area exclusive of dormitories, plus 1 per 2.6 dorm rooms~~; or per CU review or Impact Mitigation Plan approval~~
Religious Institutions		1 per 100 sq. ft. of main assembly area~~; or per CU review~~	1 per 67 sq. ft. of main assembly area~~; or per CU review~~
Daycare		1 per 500 sq. ft. of net building ~~floor~~ area	1 per 330 sq. ft. of net building ~~floor~~ area
Other Categories			
Agriculture		None~~, or per CU review~~	None~~, or per CU review~~
Aviation		~~Per CU review~~ see note [2]	~~Per CU review~~ see note [2]
Detention Facilities		~~Per CU review~~ see note [2]	~~Per CU review~~ see note [2]
Mining ~~Aggregate Extraction~~		~~Per CU review~~ see note [2]	~~Per CU review~~ see note [2]
Radio Frequency Transmission Facilities	Personal wireless service and other non-broadcast facilities	None	None
	Radio or television broadcast facilities	2 per site	None
Rail Lines & Utility Corridors		None	None

Notes:

[1] For uses in an EG or I zone, if the site size is 5,000 sq. ft. or less, no more than 4 spaces are required. Where the site size is between 5,001 and 10,000 sq. ft., no more than 7 spaces are required.

~~[2] Minimum of 1 per resident manager's facility, plus 3 per leasing office, plus 1 per 100 leasable storage spaces in multi-story buildings. Maximum of 2 per resident manager's facility, 5 per leasing office, 1 per 67 leasable storage spaces in multi-story buildings.~~

[2] Uses subject to a Conditional Use or Impact Mitigation Plan review may establish parking minimum and maximum requirements through the review.

RICAP Item #25 – Garage Entrance Setback in Multi-dwelling and Commercial Zones

(RIR#341660)

Code section 33.266.130 states that structures containing vehicle areas where there is no forward ingress and egress from the street are subject to a garage entrance setback of 18 feet. Section 33.120.220.E.2 states that for structured parking where there is no forward ingress and egress from the street is subject to the garage entrance setback standards in Table 120-3. For the R1, RH, and RX zones, Table 120-3 states the garage entrance setback is 5' or less or 18' or more. This is a conflict in the language between Chapters 33.120 and 33.266 about what the garage entrance setback should be in these situations.

The inconsistency has been present since the original 1991 code:

Single dwelling zones: the garage setback is 18 feet. This has not changed since 1991.
Multi dwelling zones: in the R1, RX and RH zones, the garage setback is <5' or >18'. The R3 and R2 zones stipulate 18'. In 1991 footnote [8] specified that these setbacks also applied to structured parking that did not allow exiting in a forward motion. Similar requirements appear in the current code at 33.120.220.E.2.
Commercial zones: In all C zones, the garage setback is <5' or >18' but only applies to houses, attached houses manufactured homes and duplexes. The 1991 code included no garage setbacks for C zones, relying on 33.266 instead.
Employment/Industrial Zones: There are no current garage entrance setbacks, nor were there garage entrance setbacks in 1991.
Parking Regulations: 33.266.130.C.2 states that parking in structures (for uses other than houses, attached houses, duplexes, manufactured dwellings, or houseboats) are subject to the building setbacks of the base zone. However, parking in structures where the is no forward ingress and egress from the street is subject to the garage entrance setback of 18 feet. In 1991, this same language appears at 33.266.130.C.
Definitions: Garage (accessory to houses, attached houses, duplexes, manufactured dwellings, or houseboats) and Structured Parking (not garages) have not substantively changed since 1991.

33.266.130 is changed to clarify that in cases where there is no forward exiting, the base zone garage setback applies (either "18 feet" or "<5 or >18 feet") or otherwise a garage entrance setback of 18 feet applies in situations where no garage entrance setback is specified.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.266.130 Development Standards for All Other Uses

A. Purpose. [no change]

B. Where these standards apply. The standards of this section apply to all vehicle areas whether required or excess parking, except for residential parking areas subject to the standards of 33.266.120.

C. On-site locations of vehicle areas.

1. Location of vehicle areas. [no change]

2. Building setbacks for structures that contain vehicle areas.

   a. Structures that contain vehicle areas are subject to the building setbacks of the base zone, where exiting in a forward motion is provided. ~~However,~~

   b. Structured parking that does not allow exiting in a forward motion in R Zones is subject to the garage entrance setback standard of the base zone

   c. Structured parking that does not allow exiting in a forward motion in C, E, or I Zones must be set back 18 feet from the street lot line. ~~structures that contain vehicle areas where there is no forward ingress and egress from the street are subject to the garage entrance setback of 18 feet.~~

3. Frontage limitation. [no change]

D. – G. [no change]

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.266.310 Loading Standards

A. –B. [No change]

C. Number of loading spaces.

1. [no change]

2. Buildings where any of the floor area is in uses other than Household Living must meet the standards of this Paragraph.

   a. Buildings with any amount of floor area in Household Living and with less than 20,000 square feet of net building ~~floor~~ area in uses other than Household Living are subject to the standards in C.1. above.

   b. One loading space meeting Standard A is required for buildings with at least 20,000 and up to 50,000 square feet of net building ~~floor~~ area in uses other than Household Living.

   c. Two loading spaces meeting Standard A are required for buildings with more than 50,000 square feet of net building ~~floor~~ area in uses other than Household Living.

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

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33.279.030 Alterations Allowed Without Conditional Use Review
Alterations related to a recreational field for organized sports to the site that meet all of the following are allowed without a conditional use review provided the proposal meets all of the following thresholds.

A.-B. [No change]

C. Does not increase the net building ~~floor~~ area by more than 1,500 square feet;

D.-I. [No change]

33.279.035 Conditional Use Review Procedure Types
Unless allowed by 33.279.030, all recreational fields for organized sports are reviewed through the review procedures stated below.

A. **Type II.** A Type II review is required for the following individual or cumulative alterations, provided the proposed alterations to the site do not violate any conditions of approval. The alterations in A.3 through A.7 are measured from the time the recreational field became a conditional use or from the last conditional use review of the use, whichever is most recent, to the present:

1.-3. [no change]

4. When the alterations will not increase the net building ~~floor~~ area on the site by more than 10 percent, up to a maximum of 25,000 square feet;

5. [no change]

6. When the alterations will not increase the net building ~~floor~~ area and the exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by 33.279.030.F are exempt from this limitation;

7.-8. [no change]

B. **[No change]**

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.281.050 Review Thresholds for Development
This section states when development related to schools and on school sites in the OS and R zones is allowed, when a conditional use review is required, and the type of procedure used. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

A. Allowed. Alterations to the site that meet all of the following are allowed without a conditional use review.

1. [no change]

2. The addition of up to 1,500 square feet of net building ~~floor~~ area to the site;

3. – 8. [no change]

B. Type II. A Type II review is required when the following individual or cumulative alterations are proposed. The increases in paragraphs B.3 through B.6, below, are measured from the time the use became a conditional use or the last conditional use review of the use, whichever is most recent, to the present.

1. – 3. [No change]

4. When the alterations will not increase the net building ~~floor~~ area on the site by more than 10 percent, up to a maximum of 25,000 square feet;

5. [no change]

6. When the alterations will not increase the net building ~~floor~~ area and the exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by B.3 above are exempt from this limitation.

C. [no change]

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.285
SHORT TERM HOUSING AND MASS SHELTERS

33.285.040 Use Regulations

A. Short term housing.

1. R zones. Short term housing in R zones is subject to the following regulations:
   a. Existing structures. Short term housing provided in an existing structure in a residential zone is a conditional use, reviewed through a Type II procedure. Approval criteria are in Section 33.815.107, Short Term Housing in R Zones. An existing structure is one that is at least 5 years old and has not had any increase in net building ~~floor~~ area in 5 years.
   b. New or expanded structures. Short term housing provided in a structure that has been built or added net building ~~floor~~ area within the past 5 years is a conditional use, reviewed through a Type III procedure. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.
   c. Expansion or increase of existing facility. Expansion of net building ~~floor~~ area or increase in the number of residents in an existing short term housing facility is processed according to Section 33.815.040, Review Procedures for Conditional Uses. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.

2. C and E zones. Short term housing is allowed in C and E zones if it meets the standards in Section 33.285.050. Expansion of net building ~~floor~~ area or increase in the number of residents in an existing short term housing facility is allowed if it meets the standards in Section 33.285.050.

3.-4. [no change]

B. Mass shelters.

1. RF through R1 and IR zones. Mass shelters in RF through R1 and IR zones are a conditional use, reviewed through a Type III procedure. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.
   Expansion of net building ~~floor~~ area or increase in the number of residents in an existing mass shelter is processed according to Section 33.815.040, Review Procedures for Conditional Uses. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.
   The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.

2. RH and RX zones. Applicants for a new mass shelter or expansion of net building ~~floor~~ area or increase in the number of residents in an existing mass shelter in RH and RX zones may choose to be an allowed use or a conditional use, as stated below.

   a. -b. [no change]

3. C and EX zones. Applicants for a new mass shelter or expansion of net building ~~floor~~ area or increase in the number of residents in an existing mass shelter in C and EX zones may choose to be an allowed use or a conditional use, as stated below.

   a. -b. [no change]

4. – 5. [no change]

RICAP Item #26 – Mass Shelter Siting Program

(RIR#753378)

Section 33.285.050 contains standards for Short term housing and Mass shelters. Under B.1, there is a requirement for the shelter to be certified by the Office of Neighborhood Involvement (ONI) before an application is submitted. ONI no longer has a certification program.

Mass shelters are subject to compliance with state and local safety and sanitation standards. In addition, shelters operating with the benefit of funding through HUD's Emergency Solutions Grant funds are also subject to a number of additional housing standards and reporting requirements. These standards ensure the structural soundness of shelters, ADA accessibility, proper ventilation, potable water, functioning sanitation, heating/cooling, adequate lighting, clean food prep areas, smoke detectors and secondary egress (see 24 CFR Ch. V §576.403).

References to Title 32 Sign Code regulations are being systematically removed from the zoning code as it has been more than 10 years since the sign code has been in effect. Also, incremental revisions to Title 32 have resulted in slight inconsistencies between the standard in 33.285.050.B.10 and the Sign Code. Section 32.34.010 includes specific regulations for short term housing and mass shelters that reference "household living" (as opposed to houses). Removing the sign standard from the zoning code ensures that the sign regulations are applied consistently.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.285.050 Standards
Adjustments to the standards of this section are processed as stated in Chapter 33.805, Adjustments.

A. Short term housing. [no change]

1. – 2. [No change]

~~3. Signs. The regulations for Signs are stated in Title 32, Signs and Related Regulations~~

4. – 7. [Renumber 3. – 6.]

B. Mass shelters.

~~1. Certification. The shelter must be certified by the Portland Office of Neighborhood Involvement as meeting operational standards established by the City of Portland and Multnomah County for mass shelter programs. Certification must be obtained before an application is submitted. Adjustments to this standard are prohibited.~~

~~Once a shelter is certified, it must be recertified annually. If a shelter is not recertified or loses its certification, it must apply for review through the conditional use process as a new shelter.~~

2. – 7. [Renumber 1. – 6.]

7. ~~8.~~ Development standards. The development standards for residential development in the base zone, overlay zone, or plan district apply to mass shelters, unless ~~superceded~~ superseded by standards in this subsection.

9. [Renumber 8.]

~~10. Signs. Signs must meet the regulations for houses.~~

RICAP Item #31 – Thresholds for Community Design Standards

(RIR#736179)

When the two-track design review process was created in 1997, a table was added to the design and historic resource chapters that established thresholds for when the design review track would be required and when the community design standards track could be used.

The original adopted code language (Ord. 171589 on 11/1/1997) included maximum thresholds for exterior alterations in all zones, except IR which included two bullets, plus an explanatory footnote:

<u>Maximum Limits – Exterior Alterations (All zones except IR)</u>
•Alterations to the street-facing facade that affect less than 50 percent of the area of the facade, regardless of the square footage of the area affected; and
•Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected. [1]
[1] Alterations to the street-facing facade that affect 50 percent or more of the area of the facade and 1,500 sq. ft. or more of the facade, must go through design review.

RICAP 4, attempted to clarify and remove some duplicative language by deleting the footnote. However, the remaining language can still lead to confusion because it could be interpreted that both standards must be met or that either standard must be met. In other words, the bullets read like an either/or statement but are joined by an "and" meaning both apply.

The inclusion of the conjunction "and" between the bullets is at the heart of this issue. The zoning code directs that "and" indicates that all connected items or provisions apply, unless the context clearly indicates otherwise[1]. This would seem to lead one to conclude that both thresholds apply in conjunction and not independently, essentially capping the maximum alteration size at 1,500 square feet, i.e. "*Community design standards may be used for alterations that affect less than 50% <u>and</u> less than 1,500 square feet.*"

However, the footnote offered the clearest clue as to the code intent, and establishes the context. The footnote directed that alterations affecting 50% <u>and</u> 1,500 square feet must go through design review.

As for the bullets, the "and" is extemporaneous, because the threshold in each bullet does not consider (is *regardless of*) the other threshold:

- alterations affecting less than 50% of the façade, *regardless of* the area affected
- alterations affecting less than 1,500 s.f., *regardless of* the percentage affected.

This in conjunction with the fact that a new 20,000 s.f. building could use the standards, but a subsequent alteration to the same building would require design review, supports the policy that either threshold should apply independently.

The revised language converts these standards so that there is no overlap. The two conditions are independent of one another, based on the size of the existing building façade.

[1] See 33.700.070.D.3

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CHAPTER 33.405
ALTERNATIVE DESIGN DENSITY OVERLAY ZONE

33.405.090 Design Review and Community Design Standards

A. - B. [no change]

C. Community Design Standards. The Community Design Standards in Chapter 33.218 provide an alternative process to design review for some proposals. Where a proposal is eligible to use the Community Design Standards, the applicant may choose to go through the discretionary design review process set out in Chapter 33.825, Design Review, or to meet the objective Community Design Standards. If the proposal meets the Community Design Standards, no design review is required.

1. When Community Design Standards may be used. The Community Design Standards provide an alternative process to design review for some proposals. For some proposals, the applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of Chapter 33.218, Community Design Standards. Proposals that do not meet the Community Design Standards—or where the applicant prefers more flexibility—must go through the design review process.

   Unless excluded by Paragraph C.2, below, proposals that are within the maximum limits of Table 405-1 may use the Community Design Standards as an alternative to design review.

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

Zones	**Maximum Limit—New Dwelling Units or Floor Area**
Single Dwelling Zones	5 dwelling units
R2 & R3 Zones	10 dwelling units
R1, RH, RX, C, & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.
Zones	**Maximum Limit—Exterior Alterations**
All except IR	• ~~Alterations to the street-facing facade that affect less than 50 percent of the area of the facade, regardless of the square footage of the area affected; and~~ • ~~•Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected.~~ • For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the facade. • For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the façade area
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.

2. [no change]

RICAP Item #27 – Structures in Buffer Zone Landscape Setback

(RIR#267396)

The Buffer overlay zone establishes a minimum setback, with landscaping generally required in the setback. Structures, exterior storage and exterior display are prohibited in the setback area. RICAP 1 (Ord. 179980, 4/22/2006) added provisions to provide an exception from the L3 screening for sites entirely in residential uses. This was to provide opportunities for compatible residential development to be integrated into the abutting residential uses, as opposed to being screened from those uses. The code does not provide a similar exemption for fences on these residential use sites.

These changes will:

- Allow fences to be located in the buffer setback on sites entirely in residential use. To prevent fences from creating fortress like appearances along street lot lines, fence heights are limited to 3-1/2 feet, but may be up to 8 feet tall when abutting another lot,

- Clarify applicability of the buffer overlay in E and I zones (setback only applies between R and E/I zones). The 20 foot buffer setback was not intended to apply to lot lines between similar zones.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.410
BUFFER ZONE

33.410.040 Development Standards
The following standards must be met in the Buffer Overlay zone.

A. Setbacks and landscaping.

1. C-zones. In the C zones, a 10-foot setback landscaped to at least the L3 standard is required along all lot lines that:

   a. Are across a local service street or alley from R-zoned land; or

   b. Abut the rear lot line of an R-zoned lot. See Figure 410-1.

2. E and I zones. In the E and I zones, a 20 foot setback landscaped to at least the L3 standard is required along all lot~~s~~ lines within the Buffer Overlay Zone that abut or are across the street from a residential zone. The setback must be landscaped to at least the L3 standard. The setback may be reduced to 10 feet if the setback is landscaped to at least the L4 standard. See Figure 410-2.

3. Exceptions for sites entirely in residential uses:~~.~~

   a. Landscaping. ~~Sites where all of the floor area is in Residential uses do not have to landscape the setbacks required by this subsection~~. The landscape requirements of this subsection do not apply. However, landscaping requirements of the base zone, other overlay zone, and plan district must be met.

   b. Fences. Fences up to 3-1/2 feet high are allowed in the buffer setback abutting a street lot line, and up to 8 feet high in other buffer setback areas.

B. Structures and exterior activities. [no change]

C. Access.

1. Generally. Except as specified in Paragraphs C.2 and C.3, access through the setbacks required by Subsection A is prohibited.

2.- 3. [No change]

D. Radio Frequency Transmission Facilities. [no change]

RICAP Item #28 and 29 – Design Review Exemptions

(RIR#751388, 750585)

These changes address the following issues with current design review exemptions:

- Repainting is exempt from design review, provided the same color is used. However, the section describing when design review is required only considers exterior alterations, which generally does not include repainting of a building.

- Radio Frequency transmission facilities (33.420.045.N) includes a provision that the accessory equipment must be within 2 feet of the existing penthouse. It is not clear whether this was intended to mean that the entire cabinet be located inside that 2 feet or spaced not farther than 2 feet from the penthouse.

Repainting:
To address repainting, changes to Section 33.420.041 are proposed to clarify that changes to the exterior color, when color is specifically required by a design review approval, are subject to design review. This is already true, since this would represent a change to the conditions (see 33.730.140), but this makes it more clear when read in context against the current exemption in 33.420.045.

Radio Frequency Equipment:
RF equipment is typically wider than 2 feet, and often requires space from structures for ventilation and servicing making compliance with a 2 foot maximum distance impractical. There was concern that if this was read as the starting point for cabinets, RF equipment could begin 2-feet from a penthouse and run any distance lengthwise. These changes to the exemption state that the RF equipment may not project farther than 5 feet from the penthouse. This change from 2 feet to 5 feet provides a more feasible exemption for stand-alone equipment (to account for unit size, access and ventilation). A new exemption is added for larger enclosures holding more equipment, when a wall is extended from the face of the penthouse. The intent is that this screen wall will appear to be part of the penthouse, and is limited in size so as to not overwhelm the rooftop projection.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.420
DESIGN OVERLAY ZONE

33.420.041 When Design Review is Required
Unless exempted by Section 33.420.045, Exempt From Design Review, design review is required for the following:

A. New development;

B. Exterior alterations to existing development, including changes to exterior color when the existing color was specifically required by a design review approval;

C. – K. [no change]

33.420.045 Exempt From Design Review
The following items are exempt from design review:

A. [no change]

B. Repair, maintenance, and replacement with comparable materials or the same color of paint; [no change - included for reference only]

C. – M. [no change]

N. Radio frequency transmission facilities for personal wireless services that meet the following:

1. The antennas are added to the facade of an existing penthouse that contains mechanical equipment provided the antennas are no higher than the top of the penthouse, are flush mounted, and are painted to match the façade of the penthouse; and

2. Rooftop a~~A~~ccessory equipment that is:

   a. Located entirely within 5 feet of the façade of the existing penthouse ~~is within 2 feet of the existing penthouse~~, is no higher than the top of the penthouse, and is painted to match the façade of the penthouse~~.~~; or

   b. Entirely screened behind walls extending one side of the penthouse, provided the walls:

      (1) Do not extend farther than 10 feet from the façade of the existing penthouse and are not closer than 15 feet to street facing roof edges;

      (2) Are no taller than the top of the penthouse; and

      (3) Are painted and textured to match the façade of the penthouse.

O. – X. [no change]

RICAP Item #30 – Design Review Exemptions (solar)

(RIR#744425)

These changes address the following issues with current design review exemptions:

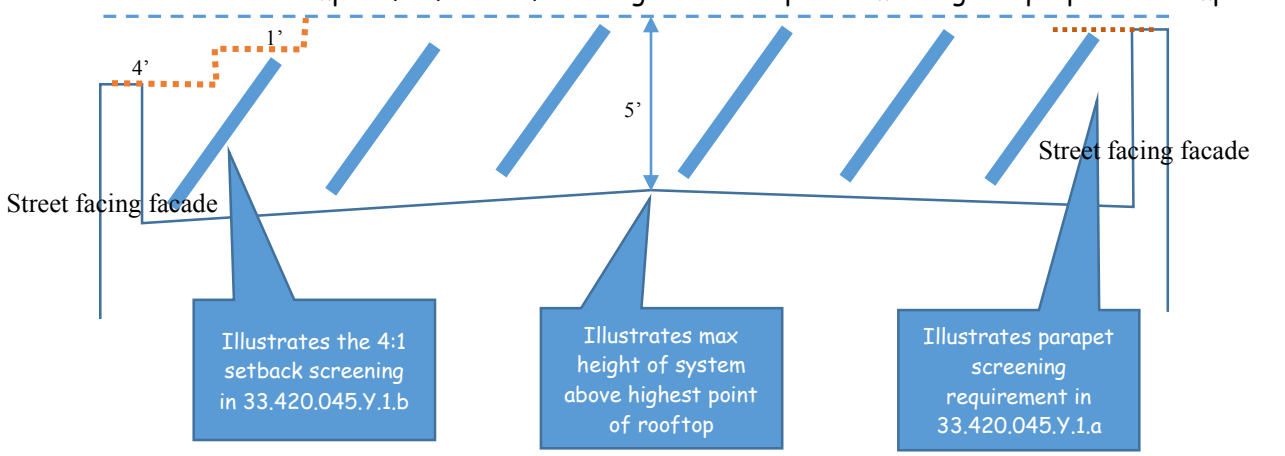
- Rooftop solar panels are exempt when the system is parallel to the slope of the roof. This is impractical on flat roofs.

Solar Energy Systems:

The changes to the rooftop solar exemption provide a more feasible option for installations on flat roofs. This exemption will allow a series of low lying rack installations, while requiring them to be set back from the street facing roof edges or screened by a parapet wall to reduce visibility impacts in design overlay zones. It is also more consistent with the approach used in the historic resource overlay (minus the requirement that prevents systems from being located on non-street facing facades). The exemption matches the new standard in the Community Design Standards.

Note that flat roofs are being clarified as having a roof pitch of 2 in 12 or less as part of RICAP Item #5, see 33.930.050.

Cross-section example of a flat roof building with solar panels meeting the proposed exemption:



Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

~~**Y.** Rooftop solar energy systems are exempt from design review if the footprint of the structure is not increased, the peak height of the roof is not increased, and the system is parallel to the slope of the roof;~~

Y. Rooftop solar energy systems that meet the following requirements:

1. On a flat roof. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. Solar energy systems must also be screened from the street by:

   a. An existing parapet along the street-facing façade that is as tall as the tallest part of the solar energy system, or

   b. Setting the solar energy system back from the street-facing roof edges. For each foot of height that the portion of the system projects above the parapet, or roofline when there is no parapet, the system must be set back 4 feet.

2. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.

Z. – BB. [no change]

RICAP Item #31 – Thresholds for Community Design Standards

(RIR#736179)

Refer to the commentary for this item in 33.405

When the two-track design review process was created in 1997, a table was added to the design and historic resource chapters that established thresholds for when the design review track would be required and when the community design standards track could be used. The current standard addressing exterior alterations has led to confusion.

The revised language in this table converts these standards so that there is no overlap. The two conditions are independent of one another, based on the size of the existing building façade.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.420.055 When Community Design Standards May Be Used
The Community Design Standards provide an alternative process to design review for some proposals. For some proposals, the applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of Chapter 33.218, Community Design Standards. The standards for signs are stated in Title 32, Signs and related Regulations. Proposals that do not meet the Community Design Standards—or where the applicant prefers more flexibility—must go through the design review process.

Unless excluded by 33.420.060, When Community Design Standards May Not Be Used, below, proposals that meet all of the requirements of this section may use the Community Design Standards as an alternative to design review.

A. Location. [no change]

B. Maximum limits. The proposal is within the maximum limits of Table 420-1.

Table 420-1
Maximum Limits for Use of the Community Design Standards [1]

Zones	**Maximum Limit—New Floor Area**
R1, RH, RX, C, & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.
Zones	**Maximum Limit—Exterior Alterations**
All except IR	~~• Alterations to the street-facing facade that affect less than 50 percent of the area of the facade, regardless of the square footage of the area affected; and~~ ~~• •Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected.~~ • For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the facade. • For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the façade area
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.

Notes:
[1] There are no maximum limits for proposals where any of the floor area is in residential use.

RICAP Item #32 – Environmental Regulations

(RIR#305565)

The environmental chapter uses the term "modification" in two different contexts. One way the term is used is that it speaks to modification of the environmental standards requiring environmental review. In this context, modification is to be plainly read as " the making of a limited change in something", or in other words if a proposal does not meet the standard, it requires review. The other way the term is used in the chapter is in reference to the review process to vary from site related standards which is called a "Modification".

The zoning code generally refers to modifications from standards in the specific context of requiring a "modification" (like a variance or an adjustment) to site related standards. In this context the modification is an additional review process that is added to and considered with the overarching land use review. For example, an applicant may seek to modify a height limit or setback development standard as part of a design review. This would be a "Design Review with Modifications", and the review would examine particular "modification" criteria when evaluating the requested modification.

These changes amend chapter 33.430 and essentially remove the term modification where appropriate to clearly distinguish when the modification criteria apply (as stated in 33.430.280), from situations where varying from the environmental standards requires meeting environmental review criteria.

List of Sections:

Deleted the reference to Section 33.430.100 as the provisions in this section have been incorporated into 33.430.120.

33.430.100 Environmental Development Standards and Environmental Review

The provisions of this section are moved to section 33.430.120 Procedure. This is consistent with the structure of the remainder of Chapter 33.430 as well as the structure in 33.465, Pleasant Valley Natural Resource Overlay

33.430.110 Purpose

A slight change to the text is made to better reflect that the purpose specifically relates to the development standards.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.430
ENVIRONMENTAL ZONES

Sections:
General
[no change]
Development Standards
~~33.430.100 Environmental Development Standards and Environmental Review~~
33.430.110 Purpose
33.430.120 Procedure
33.430.130 Permit Application Requirements
33.430.140 General Development Standards
33.430.150 Standards for Utility Lines
33.430.160 Standards for Land Divisions and Planned Developments
33.430.165 Standards for Property Line Adjustments
33.430.170 Standards for Resource Enhancement Projects
33.430.175 Standards for Right-of-Way Improvements
33.430.180 Standards for Stormwater Outfalls
33.430.190 Standards for Public Recreational Trails
Environmental Review
[no change]
Natural Resource Management Plans
[no change]
Corrections to Violations of This Chapter
[no change]
Notice and Review Procedure
[no change]
Map 430-1 - Map 430-14
[no change]

Development Standards

~~**33.430.100 Environmental Development Standards and Environmental Review**~~
~~Compliance with the development standards of this chapter is required for all development in the environmental zones. For proposals that cannot meet all of the standards, Environmental Review is required. Where a proposal can meet all the standards, the applicant may choose to go through the discretionary environmental review process, or to meet the objective standards of this chapter.~~

~~The development standards are Sections 33.430.140 through .190; Sections 33.430.150 through .190 address specific types or aspects of development, while 33.430.140 applies to proposals not covered by the more specific sections. A proposal may be subject to several sections. For example, construction of a house may be subject to the General Development Standards of 33.430.140, General Standards, and the standards of 33.430.180, Stormwater Outfalls and 33.430.150, Utilities. If the proposal can meet the general standards and standards for utilities, but not those for a stormwater outfall, environmental review is required only for the stormwater outfall. To be eligible to use the development standards for an aspect of a proposal, all of the standards within the relevant section must be met.~~

33.430.110 Purpose
These ~~provisions~~ development standards are intended to:

A. – F. [no change]

Commentary

33.430.120 Procedure
This section incorporates the procedural provisions from 33.430.100 under the Subsection A, while Subsection B makes it clear that adjustments to the standards are prohibited and that proposals that do not meet the standards must be approved through environmental review. The term modification has been removed from this section.

33.430.140 General Development Standards
The last sentence in this section is deleted as it is no longer necessary. It is covered under 33.430.120.

33.430.150 Standards for Utility Lines
The last sentence in this section is deleted as it is no longer necessary. It is covered under 33.430.120.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.430.120 Procedure

~~Compliance with these standards is determined as part of the building permit or development permit application process. Adjustments to these standards through Chapter 33.805, Adjustments, are prohibited. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.~~

A. Generally. Compliance with the development standards of this chapter is required for all development in the environmental zones and is determined as part of the building permit or development permit application process. For proposals that cannot meet all of the standards, Environmental Review is required. Where a proposal can meet all the standards, the applicant may choose to go through the discretionary environmental review process, or to meet the objective standards of this chapter.

The development standards are Sections 33.430.140 through .190; Sections 33.430.150 through .190 address specific types or aspects of development, while 33.430.140 applies to proposals not covered by the more specific sections. A proposal may be subject to several sections. For example, construction of a house may be subject to the General Development Standards of 33.430.140, the standards of 33.430.150, Utilities, and the standards of 33.430.180, Stormwater Outfalls. If the proposal can meet the general standards and standards for utilities, but not those for a stormwater outfall, environmental review is required only for the stormwater outfall. To be eligible to use the development standards for an aspect of a proposal, all of the standards within the relevant section must be met.

B. Adjustments prohibited. Adjustments to these standards are prohibited. Proposals that do not meet all the standards within each relevant section require approval through environmental review described in Sections 33.430.210 through .280.

33.430.140 General Development Standards

The standards below apply to all development in the environmental zones except as follows:

- Utilities subject to Section 33.430.150;
- Land divisions subject to Section 33.430.160;
- Property line adjustment subject to Section 33.430.165;
- Resource enhancement projects subject to Section 33.430.170;
- Rights-of-way improvements subject to Section 33.430.175;
- Stormwater outfalls subject to Section 33.430.180; and
- Public recreational trails subject to Section 33.430.190.

Standards A through C and G through S apply to new development. Standards D through S except L apply to alterations to existing development. Standards B, C, and I apply to removal of plants on the Nuisance Plants List. Only standards E, N, Q, R, and S apply in Transition areas. All of the applicable standards must be met. ~~Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.~~

A. – S. [No change]

33.430.150 Standards for Utility Lines

The following standards apply to private connections to existing utility lines and the upgrade of existing public utility lines in resource areas. All of the standards must be met unless exempted by Subsection G. ~~Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.~~

A. – G. [No change]

Commentary

33.430.160 Standards for Land Divisions and Planned Developments
The last sentence in this section is deleted as it is no longer necessary. It is covered under 33.430.120.

33.430.165 Standards for Property Line Adjustments
The last sentence in this section is deleted as it is no longer necessary. It is covered under 33.430.120.

33.430.170 Standards for Resource Enhancement Projects
The last sentence in this section is deleted as it is no longer necessary. It is covered under 33.430.120.

33.430.175 Standards for Right-of-Way Improvements
The last sentence in this section is deleted as it is no longer necessary. It is covered under 33.430.120.

33.430.180 Standards for Stormwater Outfalls
The last sentence in this section is deleted as it is no longer necessary. It is covered under 33.430.120.

33.430.190 Standards for Public Recreational Trails
The last sentence in this section is deleted as it is no longer necessary. It is covered under 33.430.120.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.430.160 Standards for Land Divisions and Planned Developments
The following standards apply to land divisions and Planned Developments in the environmental overlay zones. All of the standards must be met. ~~Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.~~

A. – J. [No change]

33.430.165 Standards for Property Line Adjustments
The following standards apply to Property Line Adjustments (PLAs) in the environmental overlay zones that do not meet one of the exemptions in 33.430.080.C.12 or 33.430.080.D.11. For purposes of this section, the site of a Property Line Adjustment is the two properties affected by the relocation of the common property line. All of the standards must be met. ~~Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280. For purposes of this section, the site of a Property Line Adjustment is the two properties affected by the relocation of the common property line.~~

A. – B. [No change]

33.430.170 Standards for Resource Enhancement Projects
The following standards apply to resource enhancement projects in the environmental zones. The applicant for projects that will take place within the area shown on Map 430-14 may choose to meet all of the standards of subsection A, all of the standards of subsection B, or all of the standards of subsection C. Applicants for projects that will take place outside the area shown on Map 430-14 must meet all of the standards in subsection C. ~~Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.~~

A. – C. [No change]

33.430.175 Standards for Right-of-Way Improvements
The following standards apply to unimproved and partially improved rights-of-way. All of the standards must be met. ~~Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.~~ New rights-of-way that are part of a proposed land division or planned development must be reviewed under the Standards for Land Divisions and Planned Developments in Section 33.430.160.

A. – E. [No change]

33.430.180 Standards for Stormwater Outfalls
The following standards apply to the installation of stormwater outfalls. All of the standards must be met. ~~Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.~~

A. – G. [No change]

33.430.190 Standards for Public Recreational Facilities
The following standards apply to pubic recreational trails and public viewing areas developed in conjunction with the recreational trail. All of the standards must be met. ~~Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.~~

A. – E. [No change]

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.445
HISTORIC RESOURCE OVERLAY ZONE

33.445.610 Historic Preservation Incentives

A. – B. [no change]

C. Incentives. The following incentives are allowed if the requirements of Subsection D, Covenant, are met. The incentives are:

1. [no change]
2. Additional density in Single-Dwelling zones. Landmarks in Single-Dwelling zones may be used as multi-dwelling structures, up to a maximum of one dwelling unit for each 1,000 square feet of site area. No additional off-street parking is required, but the existing number of off-street parking spaces must be retained. The landmark may be expanded and the new net building ~~floor~~ area used for additional dwelling units only if the expansion is approved through historic resource review.
3. Additional density in Multi-Dwelling zones. Structures located in multi-dwelling zones may be used as multi-dwelling structures, with no maximum density. No additional off-street parking is required, but the existing number of off-street parking spaces must be retained. The building may be expanded and the new net building ~~floor~~ area used for additional dwelling units only if the expansion is approved through historic resource review.

4. – 6. [no change]

7. Nonresidential uses in the RX zone. In the RX zone, except on sites which front on the Park Blocks frontages shown on Map 510-12, up to 100 percent of the net building ~~floor~~ area of a structure may be approved for Retail Sales And Service, Office, Major Event Entertainment, or Manufacturing And Production through Historic Preservation Incentive Review.
8. Nonresidential uses in the RH, R1 and R2 zones. In the RH, R1 and R2 zones, up to 100 percent of the net building ~~floor~~ area of a structure may be approved for Retail Sales And Service, Office, or Manufacturing And Production as follows:

   a. -b. [no change]

D. [no change]

RICAP Item #31 – Thresholds for Community Design Standards

(RIR#736179)

Refer to the commentary for this item in 33.405

When the two-track design review process was created in 1997, a table was added to the design and historic resource chapters that established thresholds for when the design review track would be required and when the community design standards track could be used. The current standard addressing exterior alterations has led to confusion.

The revised language in this table converts these standards so that there is no overlap. The two conditions are independent of one another, based on the size of the existing building façade.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.445.700 Purpose
The Community Design Standards provide an alternative process to historic resource review for some proposals. For some proposals, the applicant may choose to go through the historic resource review process set out in Chapter 33.846, Historic Resource Reviews, or to meet the objective standards of Chapter 33.218, Community Design Standards. The standards for signs are stated in Title 32, Signs and Related Regulations. Proposals that do not meet the Community Design Standards—or where the applicant prefers more flexibility—must go through historic resource review.

33.445.710 When Community Design Standards May Be Used.
Unless excluded by Section 33.445.720, When Community Design Standards May Not Be Used, proposals that meet all of the requirements of this section may use the Community Design Standards as an alternative to historic resource review.

A. Location. The proposal is:

1. A Conservation Landmark located outside of the Central City plan district;

2. In a Conservation District; or

3. In the Albina Community plan district shown on Map 505-1.

B. Maximum limits. The proposal is within the maximum limits of Table 445-1.

Table 445-1
Maximum Limits for Use of the Community Design Standards

Zones	**Maximum Limit—New Dwelling Units or Floor Area**
Single Dwelling Zones	5 dwelling units
R2 & R3 Zones	10 dwelling units
R1, RH, RX, C, & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan.
Zones	**Maximum Limit—Exterior Alterations**
All except IR	~~• Alterations to the street-facing facade that affect less than 50 percent of the area of the facade, regardless of the square footage of the area affected; and~~ ~~• •Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected.~~ • For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the facade. • For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the façade area
IR Zone	See institution's Impact Mitigation Plan.

RICAP Item #34 – Main Street Node and Corridor Overlay Zones

(RIR#784082)

The regulations pertaining to the Main Street node overlay states that the regulations apply to "sites with frontage on" either North Lombard or Sandy Boulevard. A literal interpretation of this statement would exclude sites that are zoned with the overlay but do not have street frontage on the particular street.

Ordinance 174325 added both the "m" and "j" overlays. At the time, the only location of these overlays was along Sandy Boulevard. Section 33.455.030 specified that the regulations applied to "sites zoned CS or EX that are in the Main Street Node Overlay Zone." Section 33.460.030 specified that the regulations applied to "sites zoned CS or CG that are in the Main Street Corridor Overlay Zone. Regulations within the overlay zones specified when they were to apply specifically to Sandy frontages as opposed to when they applied more regularly throughout the overlay zone.

When North Lombard (and later Division Street in the main street corridor overlay) were added, the applicability sections were modified to distinguish the different sets of standards that applied to each Main Street node and Main Street corridor. The intent was to capture sites in the Sandy Boulevard, Lombard, or Division Street areas respectively. However, the general applicability regulations state that the standards apply to "sites with frontage on (Sandy, Lombard, or Division)". This is counter to the intent of the application of the overlay zones, as evidenced by the fact that several lots in Lombard, a few lots on Division, and many lots on Sandy that are within the overlay zone would have no applicable standards, as they have no direct frontage on these streets. Restricting the overlay zones to sites that front particular streets also creates potential ways to circumvent the requirement by adjusting lot lines to avoid or take advantage of the overlay regulations.

These sections are amended to refer to a new set of maps that clarify the applicability is to entire overlay zone, not just sites with frontage on a particular street within the overlay zone.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.455
MAIN STREET NODE OVERLAY ZONE

Sections:
General
33.455.010 Purpose
33.455.020 Short Name and Map Symbol
33.455.030 Where These Regulations Apply
North Lombard Regulations
33.455.100 Standards for Community Corners
Sandy Boulevard Regulations
33.455.200 Maximum Building Height
33.455.210 Maximum Floor Area Ratio
33.455.220 Transition Between Residential and Commercial Zones
33.455.230 On-Site Location of Vehicle Areas Along Sandy Boulevard in the CS Zone
33.455.240 Building Facades facing Sandy Boulevard
33.455.250 Required Design Review
Map 455-1 North Lombard Main Street Nodes
Map 455-2, Sandy Boulevard Main Street Nodes

33.455.030 Where These Regulations Apply.
The regulations of this chapter apply to sites that are in the Main Street Node Overlay Zone. Sections 33.455.010 through 33.455.030 apply to all sites in the overlay zone. Section 33.455.100 applies to corner sites shown in Map 455-1~~with frontage on North Lombard~~. Sections 33.455.200 through 33.455.250 apply to sites shown in Map 455-2 ~~with frontage on Sandy Boulevard~~.

Commentary

Map 455-1 and 455-2

These maps remove any uncertainty as to which sites are subject to the overlay regulations specific to Lombard or Sandy boulevards. The shaded areas correspond to the zoning overlays.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

North Lombard Main Street Nodes

Map 455-1

Map Revised March 31, 2015

Main Street Node overlay

NORTH

0 800 1,600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

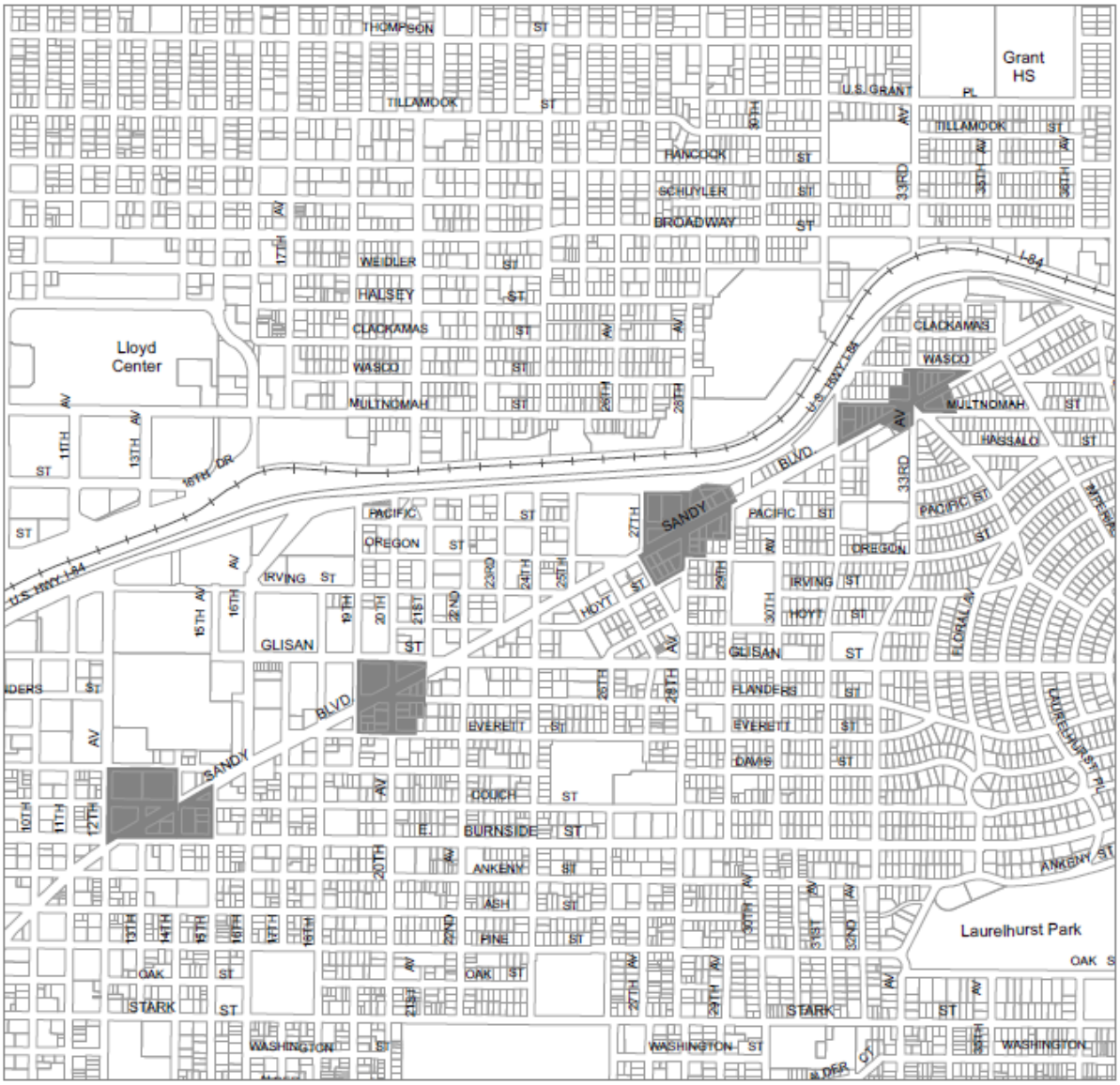
Commentary

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Sandy Boulevard Main Street Nodes

Map 455-2

Map Revised March 31, 2015



Main Street Node overlay

NORTH

0 800 1,600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

RICAP Item #34 – Main Street Node and Corridor Overlay Zones

(RIR#784082)

See commentary for 33.455

These sections are amended to refer to a new set of maps that clarify the applicability is to entire overlay zone, not just sites with frontage on a particular street within the overlay zone.

An additional amendment will also relocate the single stand-alone building coverage development standard to each applicable Main Street Corridors. In the Main Street Corridor Overlay Zone, there is one standard (building coverage limit for residential development in the CSm zone) that applies to all Main Street Corridors. Users may inadvertently miss this standard, especially when looking at Sandy or Division Street regulations, as they are several pages away from this stand-alone regulation. In the Lombard Main Street Corridor overlay, there are no CS zoned properties. This standard is therefore being moved to the other relevant corridor regulations (Sandy and Division) to facilitate ease of applying the chapter. Therefore the reference to sections that apply to all sites in the overlay zone is being deleted.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.460
MAIN STREET CORRIDOR OVERLAY ZONE

Sections:
General
33.460.010 Purpose
33.460.020 Short Name and Map Symbol
33.460.030 Where These Regulations Apply
~~33.460.040 Building Coverage~~
North Lombard Regulations
33.460.100 Additional Regulations in the CN1 Zone
33.460.110 Additional Standards in the R1 Zone
33.460.120 Minimum Density in the R1 Zone
Sandy Boulevard Regulations
33.460.200 Bonus Building Height
33.465.205 Building Coverage for Sites in the CS Zone
33.460.210 Transition Between Residential and Commercial Zones
33.460.220 On-Site Location of Vehicle Areas Along Sandy Boulevard in the CS Zone
33.460.230 Building Facades Facing Sandy Boulevard
33.460.240 Required Design Review
Division Street Regulations
33.460.300 Purpose
33.460.310 Additional Standards
Map 460-1 North Lombard Boulevard Main Street Corridor
Map 460-2 Sandy boulevard Main Street Corridor
Map 460-3 Division Street Main Street Corridor

33.460.030 Where These Regulations Apply
The regulations of this chapter apply to sites in the Main Street Corridor Overlay Zone. ~~Sections 33.460.010 through 33.460.040 apply to all sites in this overlay zone.~~ Sections 33.460.100 through 33.460.120 apply to sites shown in Map 460-1 ~~with frontage on North Lombard~~. Sections 33.460.200 through 33.460.240 apply to sites shown in Map 460-2~~with frontage on Sandy Boulevard~~. Sections 33.460.300 through 33.460.310 apply to sites shown in Map 460-3 ~~with frontage on Division Street~~.

~~**33.460.040 Building Coverage**~~
~~On sites in the CS zone, where 100 percent of the floor area of a building is in residential uses, the minimum building coverage is reduced to 40 percent.~~

North Lombard Regulations

33.460.100 Additional Regulations in the CN1 Zone

A. – B. [no change]

C. ~~**Floor area for**~~ **Retail Sales And Service and Office uses.** Each individual use is limited to 10,000 square feet of net building area ~~total floor area exclusive of parking areas~~.

D.- E. [no change]

Sandy Boulevard Regulations

33.460.205 Building Coverage for sites in the CS zone.
On sites in the CS zone, where 100 percent of the net building area of a building is in residential uses, the minimum building coverage is reduced to 40 percent.

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Additionally, the regulation pertaining to minimum building coverage, previously contained in a stand-alone section (33.460.040), has been incorporated into the Sandy Boulevard main street corridor regulations.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Division Street Regulations

33.460.310 Additional Standards.

A. Reinforce the corner. [no change]

B. Building Coverage for sites in the CS zone. On sites in the CS zone, where 100 percent of the net building area is in residential uses, the minimum building coverage is reduced to 40 percent.

C.~~B.~~ Height limits for sites abutting R5 – R2.5 zones. [no change]

D.~~C.~~ Exterior finish materials. [no change]

E.~~D.~~ ~~Floor area for~~ Retail Sales And Service uses.

1. Generally. Each individual Retail Sales And Service use is limited to 10,000 square feet of net building area.

2. Exceptions.

   a. Supermarkets are exempt from this regulation.

   b. A Retail Sales And Service use may exceed 10,000 square feet if:

      (1) The building it is in had more than 10,000 square feet of net building ~~floor~~ area on March 17, 2006;

      (2) The maximum net building ~~floor~~ area of that use on the ground level of the building is no more than 10,000 square feet;

      (3) The net building area ~~total building floor area~~ is no more than 120 percent of the net building ~~floor~~ area that existed on March 17, 2006; and

      (4) T~~t~~he applicant must present the proposal to City Council before a building permit is applied for. The Council discussion is advisory only and is not binding on the applicant.

Commentary

Map 460-1 through 460-3

These maps remove any uncertainty as to which sites are subject to the overlay regulations specific to Lombard, Sandy, or Division main street corridors. The shaded areas correspond to the zoning overlays.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

North Lombard Main Street Corridors

Map 460-1

Map Revised March 31, 2015

Main street corridor overlay

NORTH

0 1,000 2,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

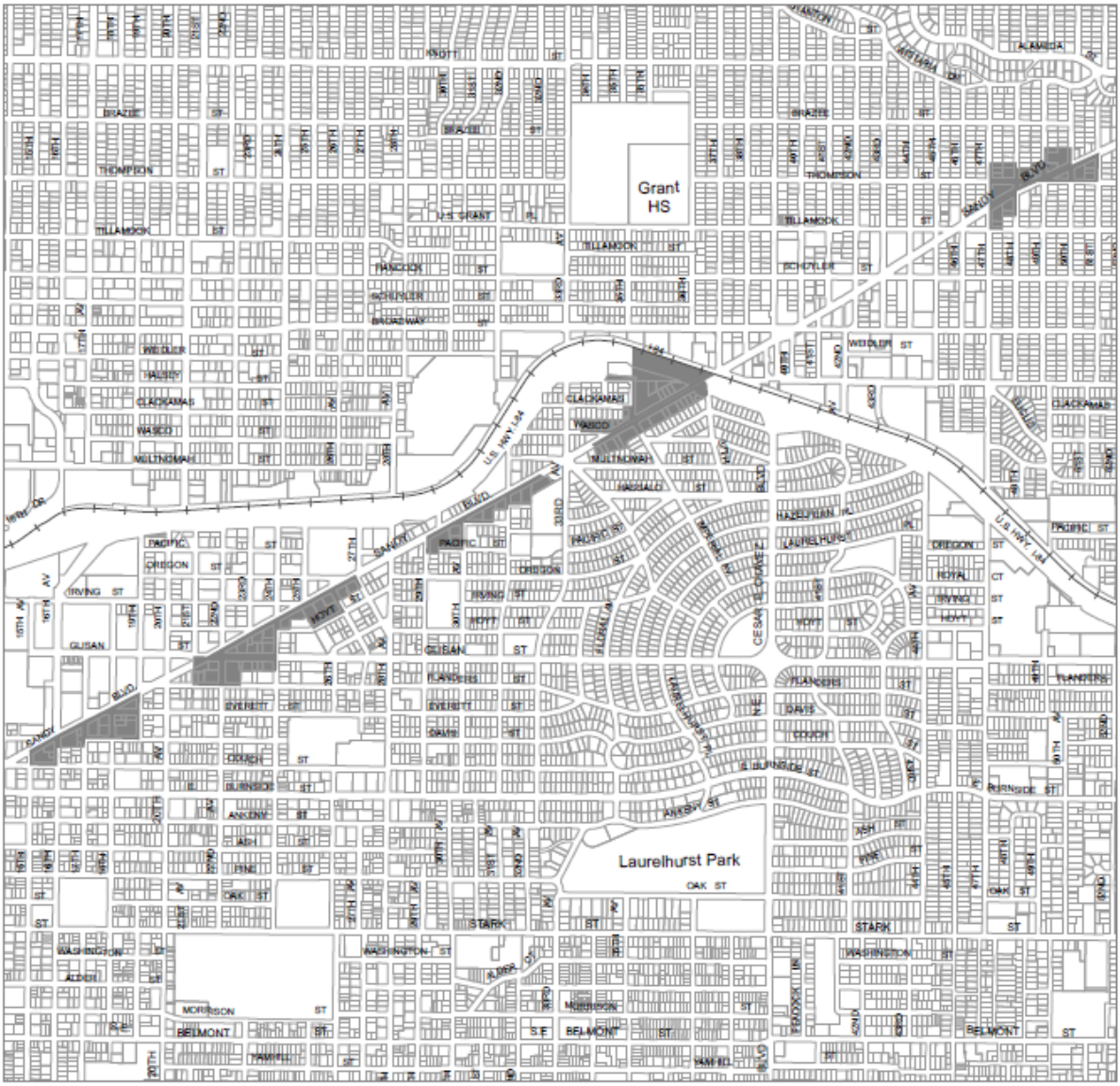
Commentary

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Sandy Boulevard Main Street Corridors

Map 460-2

Map Revised March 31, 2015



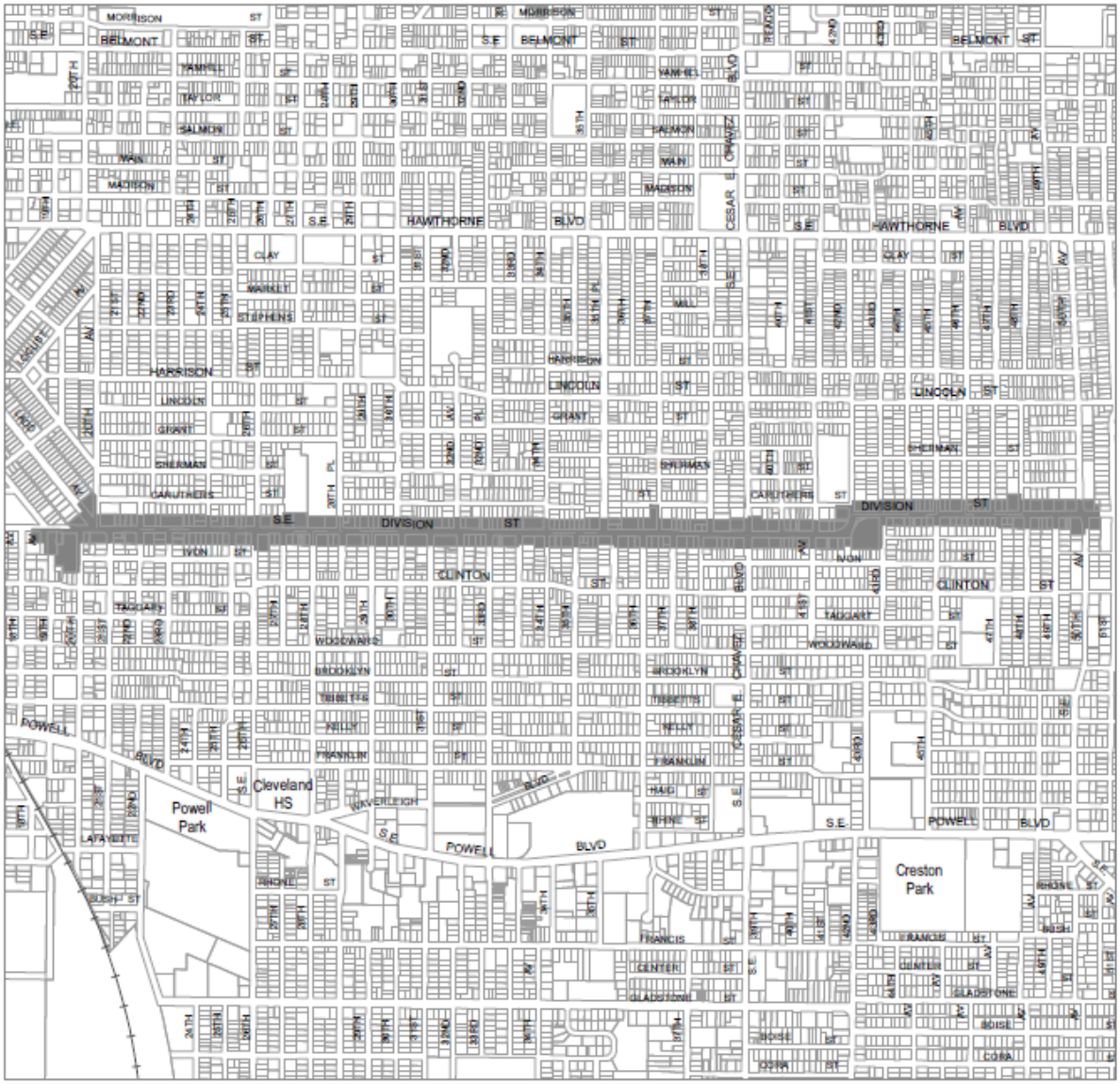
Commentary

Language to be **added** is <u>underlined</u>
Language to be **deleted** is shown in ~~strikethrough~~

Division Street Main Street Corridors

Map 460-3

Map Revised March 31, 2015



Main street corridor overlay

NORTH

0 1,000 2,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

RICAP Item #32 – Environmental Regulations

(RIR#305565)

The Pleasant Valley Natural Resource chapter uses the term "modification" in two different contexts. One way the term is used is that it speaks to modification of the environmental standards requiring resource review. In this context, modification is to be plainly read as " the making of a limited change in something", or in other words if a proposal does not meet the standard, it requires review. The other way the term is used in the chapter is in reference to the review process to vary from site related standards which is called a "Modification".

The zoning code generally refers to modifications from standards in the specific context of requiring a "modification" to site related standards. In this context the modification is an additional review process that is added to and considered with the overarching land use review. For example, an applicant may seek to modify a height limit or setback development standard as part of a design review. This would be a "Design Review with Modifications", and the review would examine particular "modification" criteria when evaluating the requested modification.

These changes amend chapter 33.465 and essentially remove the term modification where appropriate to clearly distinguish when the modification criteria apply (as stated in 33.465.280), from situations where varying from the environmental standards requires meeting environmental resource review criteria.

33.465.110 Purpose

A slight change to the text is made to better reflect that the purpose specifically relates to the development standards.

33.465.120 Procedure

This section is modified for consistency with the Environmental Overlay Zone procedures section by specifying the general procedural requirements, and offers an example of how the standards would be applied. Subsection B makes it clear that adjustments to the standards are prohibited and that proposals that do not meet the standards must be approved through environmental review. The term modification has been removed from this section.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.465
PLEASANT VALLEY NATURAL RESOURCES OVERLAY ZONE

Development Standards

33.465.110 Purpose
These ~~provisions~~ development standards are intended to:

A. Encourage sensitive development while minimizing impact on resources;

B. Provide clear limitations on disturbance within resource areas;

C. Ensure that new development and alterations to existing development are compatible with and preserve the resources and functional values protected by the Pleasant Valley Natural Resources overlay zone;

D. Provide clear planting and erosion control requirements within resource areas;

E. Limit the impacts on resources and functional values resulting from construction of certain types of utilities.

33.465.120 Procedure
~~Compliance with these standards is determined as part of the building permit or development permit application process. Adjustments to these standards through Chapter 33.805, Adjustments, are prohibited. Modification of any of these standards requires approval through a Pleasant Valley resource review as described in Sections 33.465.210 through .280.~~

A. Generally. Compliance with the development standards of this chapter is required for all development in the Pleasant Valley Natural Resource Overlay zone and is determined as part of the building permit or development permit application process. For proposals that cannot meet all of the standards, Pleasant Valley resource review is required. Where a proposal can meet all the standards, the applicant may choose to go through the discretionary resource review process, or to meet the objective standards of this chapter.

The development standards are Sections 33.465.150 through .180; Sections 33.465.155 through .180 address specific types or aspects of development, while 33.465.150 applies to proposals not covered by the more specific sections. A proposal may be subject to several sections. For example, construction of a house may be subject to the General Development Standards of 33.465.150, General Standards, the standards of 33.465.155, Utility Lines and 33.465.160, Rights of Way. If the proposal can meet the general standards and standards for the right of way dedication, but not those for utilities, Pleasant Valley resource review is required only for the utilities. To be eligible to use the development standards for an aspect of a proposal, all of the standards within the relevant section must be met.

B. Adjustments prohibited. Adjustments to these standards are prohibited. Proposals that do not meet all the standards within each relevant section require approval through Pleasant Valley resource review described in Sections 33.465.210 through .280.

Commentary

33.465.150 General Development Standards
The last sentence in this section is deleted as it is no longer necessary. It is covered under 33.465.120.

33.465.155 Standards for Utility Lines
The last sentence in this section is deleted as it is no longer necessary. It is covered under 33.465.120.

33.465.160 Standards for Rights-of-Way
The last sentence in this section is deleted as it is no longer necessary. It is covered under 33.465.120.

33.465.165 Standards for Land Divisions and Planned Developments
The last sentence in this section is deleted as it is no longer necessary. It is covered under 33.465.120.

33.465.170 Standards for Resource Enhancement Projects
The last sentence in this section is deleted as it is no longer necessary. It is covered under 33.465.120.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.465.150 General Development Standards
The standards of this section apply to all development in the Pleasant Valley Natural Resources overlay zone except utilities subject to Section 33.465.155, rights-of-way subject to 33.465.160, land divisions and planned developments subject to Section 33.465.165, resource enhancement projects subject to Section 33.465.170, trails subject to Section 33.465.175, and mitigation subject to 33.465.180.

Standards A, B and E through N apply to new development. Standards C, D and E through N apply to alterations to existing development. All of the applicable standards must be met.

~~Modification of any of these standards requires approval through Pleasant Valley resource review.~~

A. – N. [No change]

33.465.155 Standards for Utility Lines
The following standards apply within the Pleasant Valley Natural Resources overlay zone to new utility lines, including stormwater conveyance facilities and outfalls, private connections to existing or new utility lines, and upgrades of existing utility lines. All of the standards must be met. ~~Modification of any of these standards requires approval through Pleasant Valley resource review.~~

A. – H. [No change]

33.465.160 Standards for Rights-of-Way
The following standards apply to rights-of-way within the Pleasant Valley Natural Resources overlay zone. The standards in Subsections A. through F. apply to improvements within the right-of-way. The standard in Subsection F. applies to dedications and expansions of the right-of-way. All of the applicable standards must be met. ~~Modification of any of these standards requires approval through Pleasant Valley resource review.~~

A. – F. [No change]

33.465.165 Standards for Land Divisions and Planned Developments
The following standards apply to land divisions and planned developments in the Pleasant Valley Natural Resources overlay zone. All of the standards must be met. ~~Modification or adjustment of~~ Subsections A. through C. must also be met and may not be modified as part of any Pleasant Valley Resource Review ~~is prohibited. Modification of Subsections D. through F. requires approval through Pleasant Valley resource review.~~

A. – G. [No change]

33.465.170 Standards for Resource Enhancement Projects
The following standards apply to resource enhancement projects within the Pleasant Valley Natural Resources overlay zone. All of the standards must be met. ~~Modification of any of these standards requires approval through Pleasant Valley resource review.~~

A. – D. [No change]

Commentary

33.465.175 Standards for Trails
The last sentence in this section is deleted as it is no longer necessary. It is covered under 33.465.120.

33.465.180 Standards for Mitigation
The last sentence in this section is deleted as it is no longer necessary. It is covered under 33.465.120.

33.465.280 Modifications That Will Better Meet Pleasant Valley Resource Review Requirements
The term "adjustments" was incorrect. Adjustments refer to a similar process, but have different criteria that apply. The intent is clear by both the title of this section and from reading the second sentence which states: "These *modifications* are done as part of the Pleasant Valley resource review process and are not required to go through the *adjustment* process." (emphasis added)

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.465.175 Standards for Trails
The following standards apply to trails within the Pleasant Valley Natural Resources overlay zone. All of the applicable standards must be met. ~~Modification of any of these standards requires approval through Pleasant Valley resource review.~~

A. – E. [No change]

33.465.180 Standards for Mitigation
The following standards apply to required mitigation. All of the standards must be met. ~~Modification of these standards requires approval through Pleasant Valley resource review.~~

A. – G. [No change]

33.465.280 Modifications That Will Better Meet Pleasant Valley Resource Review Requirements
The review body may consider modifications ~~adjustments~~ for site-related development standards as part of the Pleasant Valley resource review process. These modifications are done as part of the Pleasant Valley resource review process and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use, number of units, or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations.

RICAP Item #35, 36 – Scenic Resources Overlay

(RIR#744415, 74413)

The changes to the Scenic Resource Overlay regulations address three issues:

1. Clarifying the applicable Street Setback

In the Scenic Corridor, several standards relate to requirements within the "street setback", but "where the base zone does not require a street setback, a setback of 20 feet is established by the Scenic Resource zone on street lot lines that abut the Scenic Corridor." Due to changes over time to the street setback requirements in the base zone, this has become increasingly confusing and could be misinterpreted. There are 27 base zones. Of those, only 6 actually require a street setback. The other zones have no stated requirement (OS,RF-R2.5 zones), state that the setback is 0 feet, or use "--"(R3, R2 zones).

Current Required Street Setback by Zone			
OS – none	R3 – "--"	CN1 – 0'	EG1 – 5'
RF – none	R2 – "--"	CN2 – 0'	EG2 – 25'
R20 – none	R1 – 3'	CO1 – 0'	EX – 0'
R10 – none	RH – 0'	CO2 – 0'	IG1 – 0'
R7 – none	RX – 0'	CM – 0'	IG2 – 25'
R5 – none	IR – 1' per 2' of building height, not less than 10'	CS – 0'	IH – 5'
R2.5 – none		CG – 0'	
		CX – 0'	

To address this, the code has been clarified by describing the "Scenic Corridor Setback" and expressly defines what that setback distance is. Also, by reordering the standards, it makes it more apparent that there is a setback requirement that is separate from a landscape requirement.

2. Applicable standards in the Right of Way.

While the zoning code expressly applies to the right of way in the scenic overlay zone (33.10.030.B.1), the chapter presently does not specify any applicable standards for Scenic Corridors. As the intent of the Scenic Resources protection plan for scenic corridors is to preserve the generally vegetated appearance of these areas (as emphasized by the landscaping and tree preservation requirements that apply on sites), it is a reasonable extension that landscaping and trees should be retained in the rights of way areas (excluding areas that are sidewalks, curbs, roads, on-street parking areas and driveways). These code changes extend these requirements to address these elements in the right of way.

3. Inconsistent tree size thresholds

Section 33.480.040.B.2.h (7) specifies that trees up to 12 inches in diameter (which includes 12 inches) may be removed if they are replaced per Table 480-1. Table 480-1 specifies that for trees at least 12 inches (which also includes 12 inches), tree review is required. These provisions are being amended to eliminate this overlap and conflict.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.480.040 Development Standards
The development standards of the Scenic Resource zone apply based on the mapping designations shown in the *Scenic Resources Protection Plan*. The standards for each subsection below apply only to areas with that designation in the Plan. The resource is defined as the width of the right-of-way or top of bank to top of bank for scenic corridors. Setbacks are measured from the outer boundary of the right-of-way unless specified otherwise in the ESEE Analysis and as shown on the Official Zoning Maps. In some cases, more than one development standard applies. For example, within a scenic corridor, a view corridor standard will apply where a specific view has been identified for protection.

A. [no change]

B. Scenic Corridors. All development and vegetation with a scenic corridor designation in the *Scenic Resources Protection Plan* are subject to the regulations of this Subsection.

1. Purpose. The scenic corridor designation is intended to preserve and enhance the scenic character along corridors, and where possible, scenic vistas from corridors. This is accomplished by limiting the length of buildings, preserving existing trees, providing additional landscaping, preventing development in side setbacks, screening mechanical equipment, and restricting signs. Property owners and others are encouraged to make every effort to locate buildings, easements, parking strips, sidewalks and vehicle areas to preserve the maximum number of trees.

2. Standards.
   a. Scenic Corridor Setback. A scenic corridor setback per table 480-1 applies along street lot lines that abut the Scenic Corridor identified in the *Scenic Resources Protection Plan*.

Table 480-1 Scenic Corridor Setback [1]	
Zone	**Minimum Setback from Street Lot Line**
IR	1' per 2' of building height, not less than 10'
R1	3'
EG1, IH	5'
EG2, IG2	25'
All other base zones	20'
[1] Larger minimum setbacks in overlay zone and plan district supersede this setback	

   b. Side building setbacks. Buildings, garages, and covered accessory structures are not allowed within the side building setbacks within the first 100 feet from the designated resource.

   c. Limiting structure length. No more than 80 percent of the length of any site can be occupied by structures, excluding fences, as measured parallel to the scenic corridor. This standard applies to an entire attached housing project rather than to individual units.

   ~~a~~d. Limiting blank facades. Long, blank facades create uninteresting elements along a scenic corridor. This standard applies to all portions of buildings within 100 feet of the designated resource. Residential structures are exempt from this standard. Blank facades must be mitigated for in at least one of the following ways:

   (1) – (3) [no change]

Commentary

33.480.040.B.1. (previous page)
The purpose statement includes a statement that was previously in 33.480.B.2.h. Because the language is not a clear standard, but offers direction that may be helpful in reviewing adjustments, this statement is more appropriate in the purpose.

33.480.040.B.2.a (previous page)
The reference to "Street setback" has been replaced by a new "scenic corridor setback" for clarity. Table 480-1 is added to make this information easier to read. The Scenic corridor setback matches the current street setbacks of the underlying zone. If another overlay or plan district requires greater setbacks, those supersede the scenic corridor setback.

33.480.040.B.2.b and c. (previous page)
The section was reorganized, and the previous Subparagraph c., Side Building Setbacks, was moved up to follow the scenic corridor setback and provisions relating to length of buildings was separated out, as it is not related to side setbacks.

33.480.040.B.2.d (previous page)
The regulations pertaining to limiting blank facades was renumbered to follow the provisions pertaining to limiting length of buildings.

33.480.040.B.2.e
The provisions relating to setbacks have been separated into their own subparagraph, above. Subparagraph e. is specific to landscaping requirements, and required upgrades triggered for certain proposals that are in excess of the non-conforming upgrade threshold (currently $153,450). The changes explicitly address required landscaping in the right of way. Generally, this will consist of groundcover and street trees, however traffic safety and engineering may require alternative approaches. Therefore, the City Engineer is responsible for approving the landscaping and other improvements in the right of way.
The statement relating to shared driveways is being deleted as this language pertains to standards that applied to common access standards (12 foot wide buffered to L3 standard) that were in the single dwelling base zones, but have since been removed.
Additionally, some edits to the non-conforming upgrade requirements were made to make them more concise, as well as eliminate the actual dollar threshold amount (repeated from the non-conforming chapter, 33.258). These dollar amounts are updated annually, and by removing the duplicative statement here, these pages won't need to be replaced as frequently.

33.480.040.B.2.c (deleted)
These provisions have been relocated to B.2.b and c.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

~~b~~e. Landscaping. ~~Street setbacks.~~ The entire required scenic corridor ~~street~~ setback must be landscaped to at least the L1 level unless the more stringent standards below or in other chapters of this Title apply. Up to 25 percent of the entire area of the scenic corridor ~~street~~ setback may be used for vehicle and pedestrian areas except that each lot is allowed at least a 9-foot wide driveway or parking area and a 6-foot wide pedestrian area. ~~For shared driveways serving more than one unit, the base zone standards apply, and landscaping at the L1 standard must be provided adjacent to the identified resource. Where the base zone does not require a street setback, a setback of 20 feet is established by the Scenic Resource zone on street lot lines that abut the Scenic Corridor identified in the *Scenic Resources Protection Plan*.~~ Additionally, areas within the adjacent right of way must be landscaped to standards approved by the City engineer The required landscaping in the setback and adjacent right of way must be provided at the time of development, except as allowed in B.2.~~b~~e(1) below.

(1) ~~Exception for sites with an existing nonconforming use, allowed, use, limited use, or conditional use. The following regulations apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use.~~ When alterations are made to a site with an existing nonconforming use, allowed use, limited use, or conditional use ~~that does not meet the landscaping standards of B.2.b, above~~, and the alterations are over the thresholds triggering compliance stated in 33.258.070.D.2.a ~~of B.2.b(2) below~~, the site must be brought into conformance with the landscape standards ~~development standards of this B.2.b,~~ above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.

~~(2) Thresholds triggering compliance. The standards of B.2.b, above, must be met when the value of the proposed alterations on the site, as determined by BDS, is more than $153,450. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the thresholds.~~

(3) Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site and adjacent right of way. If the ground lease is adjacent to a right of way within the scenic corridor, the upgrades required by this chapter also apply to the right of way adjacent to the ground lease.

(4) Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in 33.258.070.D.2.b, the landscape standards ~~of B.2.b,~~ above, are also included.

~~c. Side building setbacks. Buildings, garages, and covered accessory structures are not allowed within the side building setbacks within the first 100 feet from the designated resource. No more than 80 percent of the length of any site can be occupied by structures, excluding fences, as measured parallel to the scenic corridor. This standard applies to an entire attached housing project rather than to individual units.~~

Commentary

33.480.040.B.2.f
Renumbered the subparagraph pertaining to screening.

33.480.040.B.2.g
These changes renumber the subparagraph, and update the reference to the scenic corridor setback. Additionally to address situations when fences are permitted to encroach into the right of way by the City engineer, they are subject to the same fence height limit as fences within the scenic corridor setback.

33.480.040.B.2.f (deleted)
References to Title 32, Signs, are being systematically removed from the zoning code, as the Sign Code title has been around for more than 12 years.

33.480.040.B.2.h
Tree preservation standards were updated as part of the Citywide Tree Project. These changes rectify an inconsistency between when standards apply and when tree review is required. Trees that are 12 inches diameter and smaller that don't meet the other standards of subparagraph h may be removed and replaced. Trees larger than 12 inches diameter that don't meet those standards will require Tree Review (a discretionary land use review process). See also the changes proposed for 33.480.050 addressing the tree removal review process. Tree removal in the right of way is subject to these requirements beginning at a 6 inch size threshold. Removal of smaller sized trees (< 6" diameter) in the right of way still requires a permit from Urban Forestry, but are not subject to the tree preservation standards of this subparagraph.

33.480.040.B.2.h (deleted)
This provision addressed tree removal when no concurrent development is being proposed. In these situations, a tree permit under Title 11 is required. This has been combined into section 33.480.050.

The statement that encourages owners to avoid tree removal is not a clear and objective standard and is not feasible to implement as such. However, the language has been incorporated into the purpose statement so that it can be reviewed in conjunction with any adjustment or tree review.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

~~d~~f. Screening. All garbage cans, garbage collection areas, and mechanical equipment (including heat pumps, air conditioners, emergency generators, and water pumps) must be screened from view or not visible from the designated scenic corridor. Small rooftop mechanical equipment, including vents, need not be screened if the total area of such equipment does not exceed 10 square feet per structure.

~~e~~g. Fences and hedges. The total maximum height of fences, hedges, and berms within the scenic corridor ~~street~~ setback~~, or first 20 feet from the designated resource if there is no street setback~~ and when allowed in the adjacent right of way is 3 1/2 feet. This provision does not apply to any required screening and buffering.

~~f. Signs. The sign standards are stated in Title 32, Signs and Related Regulations.~~

~~g~~h. Preservation of trees. This provision does not apply if the property is regulated by state statutes for forest management practices. All trees 6 or more inches in diameter that are within the scenic corridor ~~street~~ setback ~~(or first 20 feet if no setback exists)~~ and right of way must be retained unless removal conforms to one or more of the following standards:

(1) – (6) [no change]

(7) The tree is at least 6 and up to 12 inches in diameter and does not meet any of the other standards of this subparagraph, but is replaced within the scenic corridor ~~front~~ setback or adjacent right of way ~~(or first 20 feet if no setback has been established) by trees and shrubs listed in the *Scenic Resources Protection Plan*~~ according to Table 480-2~~1~~. Replacement plantings must meet Section 33.248.030, Plant Materials.

~~h. Tree removal without development. When no development is proposed, tree removal allowed by the standards of Subparagraph 2.g(1) through (6) above is subject to the tree permit requirements of Title 11, Trees.~~

~~In addition to these provisions, property owners and others are encouraged to make every effort to locate buildings, easements, parking strips, sidewalks and vehicle areas to preserve the maximum number of trees.~~

Table 480-2~~1~~ Tree Replacement Requirements In Scenic Overlay Zone		
Applicants may choose either Option A or Option B [1]		
Size of tree to be removed (inches in diameter)	Option A (no. of trees to be planted)	Option B (combination of trees and shrubs)
Up to 9 ~~At least 6 to less than 9~~	1 tree	Not applicable
More than 9 and up to 12 ~~At least 9 to less than 12~~	3 trees	2 trees and 2 shrubs
More than 12 ~~At least 12~~	Tree Review Required (see 33.480.050 below)	
[1] Trees and Shrubs must be species listed in the *Scenic Resources Protection Plan.*		

Commentary

33.480.050

To help clarify the distinction between development and non-development related tree-removal, this section has been expanded. Essentially, when tree removal is happening outside the context of a development project, when the standards of 33.480.040.B.2.h are met, a Title 11 tree permit is required (generally, this will result in tree-for-tree replacement.)

When development is proposed, and the standards of 33.480.040.B.2.h are met, the Title 11 development standards in addition to the standards of of 33.480.040.B.2.h. are applied as part of the permit review

When the standards of 33.480.040.B.2.h are not met, then Title 11 does not apply, and a Tree Review per Chapter 33.853 (or environmental review per chapter 33.430) is required.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.480.050 Tree Removal Review

A. Tree removal without development. When no development is proposed, tree removal allowed by the standards of Subparagraph 33.480.040.B.2.h is subject to the tree permit requirements of Title 11, Trees.

B. Tree removal in development situations. When tree removal is proposed as part of development, the standards of Subparagraph 33.480.040.B.2.h above apply in addition to the tree preservation standards of Title 11, Trees.

C. Trees that do not qualify for removal under Subparagraph 33.480.040.B.2.h ~~g, above,~~ may be removed if approved through tree review as provided in Chapter 33.853, Tree Review. However, where the tree removal would require environmental review, only environmental review is required.

RICAP Item #31 – Thresholds for Community Design Standards

(RIR#736179)

Refer to the commentary for this item in 33.405

When the two-track design review process was created in 1997, a table was added to the design and historic resource chapters that established thresholds for when the design review track would be required and when the community design standards track could be used. The current standard addressing exterior alterations has led to confusion.

The revised language in this table converts these standards so that there is no overlap. The two conditions are independent of one another, based on the size of the existing building façade.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.505.245 When Community Design Standards May Be Used

The Community Design Standards provide an alternative process to design review for some proposals. For some proposals, the applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of Chapter 33.218, Community Design Standards. Proposals that do not meet the Community Design Standards—or where the applicant prefers more flexibility—must go through the Design Review process.

Unless excluded by 33.505.248, When Community Design Standards May Not Be Used, below, proposals that are within the limits of Table 505-1 may use the Community Design Standards as an alternative to design review.

Table 505-1
Maximum Limits for Use of the Community Design Standards [1]

Zones	**Maximum Limit—New Floor Area**
R1, RH, RX, C, & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan.
Zones	**Maximum Limit—Exterior Alterations**
All except IR	• ~~Alterations to the street-facing facade that affect less than 50 percent of the area of the facade, regardless of the square footage of the area affected; and~~ • ~~•Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected.~~ • For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the facade. • For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the façade area
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.

Notes:
[1] There are no maximum limits for proposals where any of the floor area is in residential use.

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Table 508-1 Use Allocations and Respective Allowable Conversion Relationships			
Use	**Base Use Allocations Allowed**	**Minimum Allocations After Trades**	**Allowable Trades [3]**
[Changes affect footnote 1 only. No change to main table]			

Notes:
[1] Conference facilities, such as exhibition and meeting areas, are classified as Major Event Entertainment Uses. In this plan district, they are allowed only if built in conjunction with a hotel (see 33.508.120.A). If the net building ~~floor~~ area devoted to these uses is less than 20,000 square feet, it is considered accessory to the hotel, and is regulated by the plan district as a hotel, so there is no maximum square footage. If, however, the net building ~~floor~~ area is 20,000 square feet or more, it is regulated the same as Office Uses, and is subject to the same maximum square footage as office uses.
[2] [no change]
[3] [no change]
[4] [no change]

33.508.230 Development and Design Standards in Subdistrict A

A. – B. [no change]

C. All areas of Subdistrict A. All development in Subdistrict A of the plan district must meet the following:

1. [no change]

2. Ground Floor Windows.

a. –c. [no change]

d. Exceptions.

(1) [no change]

(2) Buildings with more than 60,000 square feet of net building ~~floor~~ area in a single Retail Sales And Service use do not have to meet the regulations of this section; and

(3) [no change]

3. -4. [no change]

D. – F. [no change]

Table 508-2 Subdistrict A Surface Parking: Maximum Allowed Parking	
Use	**Maximum Allowed Parking**
Office	1 space per 294 sq. ft. of net building ~~floor~~ area
Retail Sales and Service, except Hotels, Motels, Restaurants, and Theaters	1 space per 220 sq. ft. of net building ~~floor~~ area
Hotels, Motels (1)	1.5 spaces per room
Restaurant	1 space per 58 sq. ft. of net building ~~floor~~ area
Theaters	0.4 spaces per seat

[1] When there are accessory uses in Hotels and Motels, parking is based on the square footage of the accessory uses. To determine the ratio, find the use category in this table. For example, a restaurant inside a hotel would be limited to 1 parking space per 58 square feet of net building ~~floor~~ area. This parking would be in addition to that allowed for the hotel.

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.510 Central City Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.510.113 Retail Sales And Service and Office Uses in the IG1 Zone

A. Generally.

1. [no change]
2. Allowed uses. One Retail Sales And Service or Office use is allowed per site. The square footage of the net building ~~floor~~ area plus the exterior display and storage area may be up to 3,000 square feet.
3. Conditional uses.
   a. [no change]
   b. Retail Sales And Service uses where the net building ~~floor~~ area plus the exterior display and storage area is more than 3,000 square feet are a conditional use. Retail Sales And Service uses where the net building ~~floor~~ area plus the exterior display and storage area is more than 25,000 square feet, or the square footage of the site area ~~FAR is more than 1:1~~, whichever is less, are prohibited.
   c. Office uses where the net building ~~floor~~ area plus the exterior display and storage area is more than 3,000 square feet are a conditional use. Office uses where the net building ~~floor~~ area is more than 60,000 square feet or the square footage of the site area ~~FAR is more than 1:1~~, whichever is less, are prohibited.

B. Historic resources.

1. Where these regulations apply. [no change]
2. Allowed uses. Up to 12,000 square feet on a site may be in Retail Sales And Service or Office use. The total amount of square footage includes net building ~~floor~~ area, exterior display, and storage area of all Retail Sales And Service and Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.
3. Conditional uses. More than 12,000 square feet on a site may be in Office uses if approved through a conditional use. The total amount of square footage includes net building ~~floor~~ area, exterior display, and storage area of Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

C. Employment Opportunity Subarea.

1. Purpose. [no change]
2. Where these regulations apply. [no change]
3. Allowed uses.
   a. Retail Sales And Service. Up to 5,000 square feet of the net building ~~floor~~ area plus the exterior display and storage area on a site may be in Retail Sales And Service use. More than 5,000 square feet in Retail Sales And Service use on a site is prohibited.
   b. Traditional Office. Up to 5,000 square feet of net building ~~floor~~ area on a site may be in Traditional Office use.
   c. Industrial Office. Up to 60,000 square feet of the net building ~~floor~~ area on a site may be in Industrial Office use.
4. Conditional uses.
   a. More than 5,000 square feet in Traditional Office use on a site is a conditional use. More than 60,000 square feet in Traditional Office use on a site is prohibited.
   b. More than 60,000 square feet in Industrial office use on a site is a conditional use.

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.510 Central City Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.510.115 Additional Uses Allowed in the Open Space Zone

A. [no change]

B. Additional uses allowed. The following uses are allowed on sites in the OS zone that are also shown on Map 510-10:

1. One Retail Sales and Service use such as flower, food and drink stands, and other similar pedestrian-oriented uses, per site is allowed. The net building ~~floor~~ area of the use may be up to 2,500 square feet, but no larger than 5 percent of the area of the site.

2. – 3. [no change]

33.510.116 Retail Sales And Service Uses for Specified Sites in the CX and EX Zones

A. Purpose. [no change]

B. CX Zone limitation. On sites in the CX zone within the South Waterfront Subdistrict as shown on Map 510-11, Retail Sales And Service uses are allowed up to 40,000 square feet of net building ~~floor~~ area for each use. Retail Sales And Service uses larger than 40,000 square feet for each use are a conditional use. Retail Sales And Service uses larger than 60,000 square feet for each use are prohibited. This limitation does not apply to hotel uses.

C. EX Zone limitation. On sites in the EX zone within the area shown on Map 510-11, Retail Sales And Service uses are allowed up to 40,000 square feet of net building ~~floor~~ area for each use. Retail Sales And Service uses larger than 40,000 square feet for each use are a conditional use. Retail Sales And Service uses larger than 50,000 square feet ~~of floor area~~ for each use are prohibited.

33.510.118 Use Regulations for Specified Sites in the West End Subarea

A. – D. [no change]

E. Full-block sites. Where the site, or a portion of the site, occupies a full block, at least 50 percent of all net building ~~floor~~ area on the full block portion of the site must be in Household Living uses, and the minimum residential density requirement of the RX Zone must be met. The net building ~~floor~~ area that is not in Household Living uses is regulated as specified in Subsection F., with all percentages of allowed development based on the net building ~~floor~~ area in nonresidential use, not the net building ~~total floor~~ area on the block.

F. Type A sites. On Type A sites, as shown on Map 510-14, where the site occupies less than one full block, the following use regulations apply:

1. Household Living, Retail Sales And Service, Office, Schools, Parks And Open Areas, Colleges, Medical Centers, Religious Institutions, and Daycare Uses. Up to 100 percent of the net building ~~floor~~ area may be in Household Living, Retail Sales And Service, Office, Schools, Parks And Open Areas, Colleges, Medical Centers, Religious Institutions, and Daycare uses;

2. [no change]

3. Basic Utilities and Community Service uses:

   a. Up to 20 percent of the net building ~~floor~~ area may be in Basic Utilities and Community Service uses; and

   b. More than 20 percent of the net building ~~floor~~ area in Basic Utilities and Community Service uses is a conditional use;

4. – 7. [no change]

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.510 Central City Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

G. Type B sites. On Type B sites, as shown on Map 510-14, where the site occupies less than one full block, the following use regulations apply:

1. Household Living uses. Up to 100 percent of the net building ~~floor~~ area may be in Household Living uses;

2. Schools, Colleges, Medical Centers, Religious Institutions, Parks And Open Areas, and Daycare uses. Up to 100 percent of the net building ~~floor~~ area may be in Schools, Colleges, Medical Centers, Religious Institutions, Parks And Open Areas, and Daycare uses if the requirements of Subsection I. are met;

3. [no change]

4. Retail Sales And Service and Office uses:

   a. Up to 125 percent of the net building ~~floor~~ area that existed on the site on January 1, 2002 may be in Retail Sales And Service or Office uses if the requirements of Paragraphs I.2. and 3. are met. The applicant must document the amount of net building ~~floor~~ area that existed on the site on January 1, 2002;

   b. More than 125 percent of the net building ~~floor~~ area that existed on the site on January 1, 2002 in Retail Sales And Service and Office uses is a conditional use, subject to the approval criteria of 33.815.122 and the requirements of Subsection I. Only the square footage above 125 percent is a conditional use, and only the square footage above 125 percent must meet the requirements of Paragraph I.1.

5. Basic Utilities and Community Service uses:

   a. Up to 20 percent of the net building ~~floor~~ area may be in Basic Utilities and Community Service uses; and

   b. More than 20 percent of the net building ~~floor~~ area in Basic Utilities and Community Service uses is a conditional use;

6. – 9. [no change]

H. Type C sites. On Type C sites, as shown on Map 510-14, where the site occupies less than one full block, the following use regulations apply:

1. Household Living, Parks And Open Areas, and Daycare uses. Up to 100 percent of the net building ~~floor~~ area may be in Household Living, Parks And Open Areas, and Daycare uses.

2. [no change]

3. Retail Sales And Service and Office uses:

   a. Up to 20 percent of the net building ~~floor~~ area may be in Retail Sales And Service and Office uses;

   b. More than 20 percent and up to 40 percent of the net building ~~floor~~ area in Retail Sales And Service and Office uses is a conditional use, subject to the approval criteria of 33.815.110; and

   c. If all portions of the site are within 500 feet of a Transit Station, more than 20 percent and up to 50 percent of the net building ~~floor~~ area in Retail Sales And Service and Office uses is a conditional use, subject to the approval criteria of 33.815.110;

   d. Up to 100 percent of the net building ~~floor~~ area may be in Retail Sales And Service or Office uses if the requirements of Subsections I. and J. are met.

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.510 Central City Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

4. Up to 100 percent of the net building ~~floor~~ area may be in College, Religious Institution, Medical Center, and School uses if the requirements of Subsections I. and J. are met.

5. Basic Utilities and Community Service uses:

   a. Up to 20 percent of the net building ~~floor~~ area may be in Basic Utilities and Community Service uses; and

   b. More than 20 percent of the net building ~~floor~~ area in Basic Utilities and Community Service uses is a conditional use;

6. – 9. [no change]

I. Development standards. The development standards of this subsection must be met when required by Subsections G. or H.

1. Mixed-use character. The following formula is used to determine the maximum square footage of nonresidential development allowed on the site:

   (Residential net building ~~floor~~ area developed in the area shown on Map 510-14 since January 1, 2002) minus (Nonresidential net building ~~floor~~ area developed in the area shown on Map 510-14 since January 1, 2002) equals the maximum nonresidential net building ~~floor~~ area allowed on the site. Net building ~~floor~~ area is considered to be "developed" when an occupancy permit has been issued.

   If the result of the calculation is zero or a negative number, no nonresidential net building ~~floor~~ area is allowed on the site;

2. – 3. [no change]

J. [no change]

33.510.119 Retail Sales And Service and Office Uses in Specified Historic Resources in the IG2 and IH Zones

A. Where these regulations apply. The regulations of this subsection apply in the IG2 and IH Zones to historic resources that are listed on the National Register of Historic Places or to structures or objects that are identified as contributing to the historic significance of a Historic District or a Conservation District.

B. Allowed uses. Up to 12,000 square feet on a site may be in Retail Sales And Service or Office use. The total amount of square footage includes net building ~~floor~~ area, exterior display, and storage area of all Retail Sales And Service and Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.

C. Conditional uses. More than 12,000 square feet on a site may be in Office uses if approved through a conditional use. The total amount of square footage includes net building ~~floor~~ area, exterior display, and storage area of Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.510 Central City Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.510.261 Parking

A. [no change]

B. Description of types of parking. In the Central City plan district, there are six types of parking. While a proposal may include several types of parking (for example, a garage may include both some Growth Parking and some Preservation Parking), each type of parking is an exclusive category. The same spaces can be more than one type of parking, such as both Growth Parking and Visitor Parking, if the regulations for both types are met.

1. Growth Parking. Growth Parking is created in conjunction with additions of net building ~~floor~~ area. Net building ~~Floor~~ area is added either as part of new development or adding ~~floor~~ area to existing development. Parking for net building ~~floor~~ area that will be in residential or hotel use is not Growth Parking; it is Residential/Hotel Parking (see Paragraph B.5., below).

   In the case of new development, the land use or building permit for the parking must be requested by the time the foundation is complete. If the parking is requested after the foundation is complete, it will be Preservation Parking.

   In the case of additions of net building ~~floor~~ area to existing development, the land use or building permit for the parking must be requested by the time the building permit for the new net building ~~floor~~ area is issued. If it is requested after the building permit for the new net building ~~floor~~ area is issued, it will be Preservation Parking.

   The ratios for Growth Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.

2.-6. [no change]

C. Organization of parking regulations in the plan district. This subsection describes the organization of parking regulations that follow, and provides a framework for understanding. See the sections that follow for the specific regulations described below.

There are six different kinds of parking. These are described in Subsection 33.510.261.B., above. Generally, Growth, Preservation, and Residential/Hotel Parking are allocated based on net building ~~floor~~ area of buildings or dwelling units. Visitor Parking may be located where demand is shown. Generally, RX Zone and Undedicated General Parking are "conversion categories;" they cover some existing parking.

[no change to remainder of subsection]

D. – E. [no change]

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.510 Central City Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.510.263 Parking in the Core Area
The regulations of this section apply in the Core area shown on Map 510-8.

A. [no change]

B. Preservation Parking. The regulations of this subsection apply to Preservation Parking. Adjustments to the regulations of Subparagraph B.4.c. and B.4.i., below may be requested. Adjustments of the other regulations of this subsection are prohibited.

1. -.3 [no change]

4. Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the following must be met:

a. – c. [no change]

d. Common ownership. If the parking is based on the net building ~~floor~~ area of buildings under the same ownership as the parking, the following must be met:

(1)-(2) [no change]

e. – f. [no change]

g. Operation. Preservation Parking may be operated as either accessory or commercial parking, with the following limitations. These limitations apply on weekdays between 7:00 AM and 6:00 PM. Parking spaces may be used only as follows:

(1) Where the parking is based on the net building ~~floor~~ area of buildings under the same ownership as the parking, the parking may be used by tenants of those buildings.

(2)-(5) [no change]

h. – i. [no change]

C.-L. [no change]

33.510.264 Parking in Lloyd District
The regulations of this section apply in the Lloyd District, shown on Map 510-8.

A. [no change]

B. Preservation Parking. The regulations of this subsection apply to Preservation Parking. Except for Paragraphs B.2.d. and B.4.d., adjustments to the regulations of Paragraphs B.1. through B.4. are prohibited.

1. [no change]

2. Office uses. Parking created to serve existing office uses is regulated as follows:

a. – d. [no change]

e. Common ownership. If the parking will be based on the net building ~~floor~~ area of buildings under the same ownership as the parking, the following must be met:

(1) – (2) [no change]

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.510 Central City Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

f. [no change]

g. Operation.

(1) [no change]

(2) Parking that is not created within or under the building. [no change]

- Where the parking is based on the net building ~~floor~~ area of buildings under the same ownership as the parking, the parking may be used by tenants of those buildings.
- Leased to buildings or tenants of buildings as described in Subparagraph B.2.f., above.
- Rented, on a monthly basis only, to the following. [no change]
- For long-term daily parking. "Early bird" discounts are prohibited.
- For short-term parking.

3. [no change]

4. Mixed office and other uses. Parking created to serve both existing office and non-office uses is regulated as follows:

a. – d. [no change]

e. Common ownership. If the parking will be based on the net building ~~floor~~ area of buildings under the same ownership as the parking, the following must be met:

(1) – (2) [no change]

f. [no change]

g. Operation.

(1) Office uses. Parking created to serve office uses must be operated as follows:

- Parking created within or under the building. [no change]
- Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking, with the following limitations. These limitations apply on weekdays between 7:00 AM and 6:00 PM. Parking spaces may be used only as follows:
  - Where the parking is based on the net building ~~floor~~ area of buildings under the same ownership as the parking, the parking may be used by tenants of those buildings.
  - Leased to buildings or tenants of buildings as described in Paragraph B.4.f., above.
  - Rented, on a monthly basis only, to the following. [no change]

5. [no change]

C. – G. [no change]

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.510 Central City Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.510.265 Parking in the Goose Hollow Subdistrict, Lower Albina Subdistrict, Central Eastside Subdistrict , and River District Sectors 1 and 2.
The regulations of this section apply in the Goose Hollow Subdistrict, Lower Albina Subdistrict, Central Eastside Subdistrict, and River District Sectors 1 and 2, shown on Map 510-8.

A. [no change]

B. **Preservation Parking.** The regulations of this subsection apply to Preservation Parking. Except for Paragraphs B.2.d. and B.4.d., adjustments to the regulations of Paragraphs B.1. through B.4. are prohibited.

1. [no change]

2. Office uses. Parking created to serve existing office uses is regulated as follows:

a. – d. [no change]

e. Common ownership. If the parking will be based on the net building ~~floor~~ area of buildings under the same ownership as the parking, the following must be met:

(1)-(2) [no change]

f. [no change]

g. Operation.

(1) [no change]

(2) Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking, with the following limitations. These limitations apply on weekdays between 7:00 AM and 6:00 PM. Parking spaces may be used only as follows:

- Where the parking is based on the net building ~~floor~~ area of buildings under the same ownership as the parking, the parking may be used by tenants of those buildings.
- Leased to buildings or tenants of buildings as described in Subparagraph B.2.f., above.
- Rented, on a monthly basis only, to the following. [no change]
- For long-term daily parking. "Early bird" discounts are prohibited.
- For short-term parking.

3. [no change]

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.510 Central City Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

4. Mixed office and other uses. Parking created to serve both existing office and non-office uses is regulated as follows:

   a.- d. [no change]

   e. Common ownership. If the parking will be based on the net building ~~floor~~ area of buildings under the same ownership as the parking, the following must be met:

      (1) – (2) [no change]

   f. [no change]

   g. Operation.

      (1) Office uses. Parking created to serve office uses must be operated as follows:

         - Parking created within or under the building. [no change]
         - Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking, with the following limitations. These limitations apply on weekdays between 7:00 AM and 6:00 PM. Parking spaces may be used only as follows:
            - Where the parking is based on the net building ~~floor~~ area of buildings under the same ownership as the parking, the parking may be used by tenants of those buildings.
            - Leased to buildings or tenants of buildings as described in Paragraph B.4.f., above.
            - Rented, on a monthly basis only, to the following. [no change]
            - For long-term daily parking. "Early bird" discounts are prohibited.
            - For short-term parking.

      (2) [no change]

5. [no change]

C.-G. [no change]

33.510.267 Parking in the South Waterfront Subdistrict.
The regulations of this section apply to the South Waterfront Subdistrict shown on Map 510-8.

A.-D. [no change]

E. Residential/Hotel Parking. The regulations of this subsection apply to Residential/Hotel Parking. Adjustments to the regulations of this subsection are prohibited.

1. – 2. [no change]

3. Maximum ratios. Parking is limited to the maximum ratios of this paragraph.

   a. – b. [no change]

   c. Existing hotels. The maximum parking ratio for existing hotels is 0.7 spaces for each 1,000 square feet of net building ~~floor~~ area.

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.515 Columbia South Shore

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.515.120 Commercial Uses

A. Retail Sales And Service uses in the EG2 zone are limited to 25,000 square feet ~~or less of floor~~ of net building area including any exterior storage or nonconforming exterior display per site. The 25,000 square foot limitation does not apply to hotels or motels.

B. Office uses ~~with~~in the EG2 zone are limited to a net building area not to exceed 45 percent of the total site area. ~~a floor area ratio (FAR) of 0.45 to 1. Structured parking is not included in the FAR calculation.~~

C. The IG2 zone regulations allow four Retail Sales And Service uses of up to 3,000 square feet each of net building ~~floor~~ area including any exterior storage or nonconforming exterior display per site without a conditional use review. Within the Industrial Business Opportunity subdistrict, sites zoned IG2 are allowed a single Retail Sales And Service use of up to 12,000 square feet of net building ~~floor~~ area including any exterior storage or nonconforming exterior display without a conditional use review, in lieu of the four separate uses.

33.515.130 Additional Conditional Uses

A.-C. [no change]

D. Retail Sales And Service.

1. Retail Sales And Service uses that have net building ~~floor~~ area plus exterior display and storage area in excess of the limits in 33.515.120.A or C are allowed only through a conditional use review. The approval criteria are in 33.815.303, Retail Sales and Service Uses in the Columbia South Shore plan district.

   In the IG2 zone, the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 20,000 square feet. More than 20,000 square feet is prohibited unless allowed by Paragraph 2 below. These limits include net building ~~floor~~ area plus exterior display and storage areas.

2. Retail Sales And Service uses that have net building ~~floor~~ area plus exterior display and storage area in excess of 25,000 square feet, which existed on September 1, 1996, or for which a complete application was received under Section 33.700.080 by September 1, 1996, may change to another use in the same use category without a land use review if there is no increase in net building ~~floor~~ area or exterior improvement area.

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(RIR#17642)

33.521 East Corridor Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.521.300 Additional Standards in the 122nd Avenue Subdistrict

A. [no change]

B. Exterior Display and Storage.

1. – 2. [no change]

3. Setbacks and landscaping.

a. The minimum setback and landscaping standards for exterior display areas and exterior storage are stated in Table 521-1.

b. On sites with exterior display and storage as allowed by B.2, if the ~~floor area~~ FAR on the site is less than 1:1, 15 percent of the site area must be landscaped. Landscaping must comply with at least the L1 standard. Required landscaping for exterior display, exterior storage, and parking areas may be counted in meeting this requirement.

4. – 5. [no change]

C.-D. [no change]

E. Vehicle Repair in the CX zone.

1. Purpose. Vehicle Repair uses are limited in size to assure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses.

2. The size limitation of 33.130.100.B.5 does not apply to Vehicle Repair uses when auto sales in the Retail Sales And Service category are on the same site. No more than 30,000 square feet of net building ~~floor~~ area in Vehicle Repair uses is allowed on a site.

F. Motor vehicle fuel sales in the CX zone.

1. [no change]

2. Motor vehicle fuel sales, including drive-through facilities associated with motor vehicle fuel sales, are allowed in the CX zone if the following are met. Drive-through facilities serving or associated with other uses are prohibited:

a. The site must be at least 150,000 square feet in area, and have another primary use on the site. The other primary use must be a Retail Sales And Service, and have at least 50,000 square feet of net building ~~floor~~ area.

b.-f. [no change]

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.526 Gateway Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.526.120 Retail Sales and Service Uses

A. On sites in the EX zone, Retail Sales And Services uses are allowed up to 5,000 square feet of net building ~~floor~~ area for each use.

B. On portions of sites zoned Institutional Residential, IR, and within 1000 feet of the Main Street LRT Station, Retail Sales And Service uses are allowed up to 10,000 square feet of net building ~~floor~~ area for each use. The Retail Sales And Service uses must be included in a Conditional Use Master Plan or Impact Mitigation Plan for the site. Retail Sales And Service uses larger than 10,000 square feet of net building ~~floor~~ area for each use are prohibited.

C. [no change]

33.526.280 Enhanced Pedestrian Street Standards

A. [no change]

B. Where these regulations apply. Development on sites abutting an Enhanced Pedestrian Street as shown on Map 526-4, where the development is new development or that adds at least 40,000 square feet ~~in~~ of net building ~~floor~~ area to the site, must meet the standards of this section. Development where there has been a school use on the site since June 18, 2004 is exempt from this requirement.

C. – D. [no change]

33.526.340 Parking

A. [no change]

B. Number of parking spaces.

1. [no change]

2. Maximum allowed parking spaces.

   a. [no change]

   b. Exceptions.

      (1) Medical and dental offices. The maximum number of parking spaces allowed for medical and dental offices is 1 space per 204 square feet of net building ~~floor~~ area. The maximum applies to both surface and structured parking.

      (2) Office uses. If all of the parking accessory to Office uses is in structured parking, the maximum number of parking spaces allowed for Office uses is 1 space per 294 square feet of net building ~~floor~~ area.

      (3) [no change]

C. – D. [no change]

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.531 Guild's Lake Industrial Sanctuary Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.531.110 Additional Use Limitations in the IH Zone

A. – B. [no change]

C. Retail Sales And Service and Office uses in the IH zone.

1. Limited uses. Up to four Retail Sales And Service and Office uses are allowed per site. The square footage of the net building ~~floor~~ area plus the exterior display and storage area may be up to 3,000 square feet per use.

2. Conditional uses.

   a. More than four Retail Sales And Service or Office uses on a site is a conditional use.

   b. Any Retail Sales And Service or Office use where the net building ~~floor~~ area plus the exterior display and storage area is more than 3,000 square feet is a conditional use. Except for sites with a historic landmark, the net building area of all the Retail Sales And Service or Office uses on a site ~~where the floor area~~ plus the exterior display and storage area, taken together, may not exceed ~~is more than~~ 10,000 square feet or the square footage of the site area, whichever is less ~~FAR is more than 1:1 are prohibited, except in historic landmarks~~. For sites with a ~~In~~ historic landmark ~~s~~, the net building area of all the Retail Sales And Service and ~~or~~ Office uses on a site ~~where the floor area~~ plus the exterior display and storage area, taken together, may not exceed ~~is more than~~ 25,000 square feet or twice the square footage of the site area, whichever is less. ~~the FAR is more than 2:1 are prohibited.~~ Exceptions to these size limits are prohibited.

D. [no change]

33.531.140 Additional Regulations in Subdistrict B

A. – B. [no change]

C. Retail Sales And Service uses. Retail Sales And Service uses are allowed if the net building ~~floor~~ area plus the exterior display and storage area is not more than 10,000 square feet per site.

D. – F. [no change]

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.532 Hayden Island Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

33.536 Hollywood Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.532.110 Additional Regulations in the Open Space Zone

A. Purpose. More intense activities may be appropriate in OS-zoned sites near the Transit Station. Allowing these uses can both provide space for outdoor activities that are appropriate in an urban setting, and increase desirable activity within and near open space.

B. Where these regulations apply. The regulations of this section apply to sites in the OS zone that are within 1,500 feet of the Transit Station.

C. Retail Sales And Service.

1. Up to 10,000 square feet of net building ~~floor~~ area in Retail Sales And Service uses or 10 percent of the area of the site, whichever is less, may be requested through a Conditional Use Review. This maximum applies to the cumulative net building ~~floor~~ area of all Retail Sales And Service uses on a site.

2. Maximum parking. The maximum parking allowed for Retail Sales And Service uses is 1 space per 250 square feet of net building ~~floor~~ area.

33.536.290 Maximum Parking Allowed in the RX, CS, and CX zones

A. – B. [no change]

C. Maximum allowed parking.

1. Generally. Surface and structured accessory parking is limited to the maximum ratios in Table 536-1, except as allowed in Paragraph C.2, below. When there is more than one primary use on a site, the amount of parking allowed is calculated based on the net building area of each use.

2. Exception for general office. For general office uses, the maximum ratio is 1 space per 294 square feet of net building ~~floor~~ area if the following are met:

   a. –b. [no change]

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.536 Hollywood Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses. These changes are consistent with the changes to Table 266-2 (general parking regulations).

See commentary 33.120.100 for more information

It should be noted that in Table 266-1 and Table 266-2, RICAP Item #24– Parking Requirements for Conditional Uses, made changes that allowed for the CU review to establish alternative parking requirements. Similar changes are not incorporated into this table because the plan district table applies to a limited geography (Hollywood, as opposed to citywide), a narrow set of zones (RX, CS, CX), and only to maximum parking. Given this limited applicability, the parking ratios established by this table are tailored to the specific desires of the district. If a deviation is requested, an adjustment can be incorporated into the CU review.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Table 536-1 Maximum Parking Spaces Allowed in the RX, CS, and CX zones		
Use Categories	**Specific Uses**	**Maximum Parking Spaces Allowed**
Residential		
Household Living, Group Living		No maximum
Commercial		
Retail Sales And Service	Retail, personal service, repair oriented	1 per 250 sq. ft. of net building ~~floor~~ area
	Restaurants and bars	1 per 75 sq. ft. of net building ~~floor~~ area
	Health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys	1 per 330 sq. ft. of net building ~~floor~~ area
	Temporary lodging	1 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area
Office	General office	1 per 400 sq. ft. of net building ~~floor~~ area
	Medical/Dental office	1 per 330 sq. ft. of net building ~~floor~~ area
Quick Vehicle Servicing		1 per 500 sq. ft. of net building ~~floor~~ area
Vehicle Repair		1 per 750 sq. ft. of net building ~~floor~~ area
Commercial Parking		Not applicable
Self-Service Storage		1 per resident manager's facility, plus 3 per leasing office, plus 1 per 100 leasable storage spaces in multi-story buildings.
Commercial Outdoor Recreation		20 per acre of site
Major Event Entertainment		1 per 8 seats or per CU review
Industrial		
Manufacturing And Production		1 per 750 sq. ft. of net building ~~floor~~ area
Warehouse And Freight Movement		1 per 750 sq. ft. of net building ~~floor~~ area for the first 3,000 sq. ft. of net building ~~floor~~ area and then 1 per 3,500 sq. ft. of net building ~~floor~~ area thereafter
Wholesale Sales, Industrial Service, Railroad Yards		1 per 750 sq. ft. of net building ~~floor~~ area
Waste-Related		Per CU review
Institutional		
Basic Utilities		None
Community Service		1 per 500 sq. ft. of net building ~~floor~~ area
Parks And Open Areas		Per CU review for active areas
Schools	Grade, elementary, junior high	1 per classroom
	High school	7 per classroom
Medical Centers		1 per 500 sq.ft. of net building ~~floor~~ area; or per CU review or Impact Mitigation Plan approval
Colleges		1 per 600 sq. ft. of net building ~~floor~~ area exclusive of dormitories, plus 1 per 4 dorm rooms; or per CU review or Impact Mitigation Plan approval
Religious Institutions		1 per 100 sq. ft. of main assembly area
Daycare		1 per 500 sq. ft. of net building ~~floor~~ area
Other		
Agriculture		None, or per CU review
Aviation, Detention Facilities, Aggregate Extraction		Per CU review
Radio Frequency Transmission Facilities	Personal wireless service and other non-broadcast facilities	None
	Radio or television broadcast	2 per site
Rail Lines & Utility Corridors		None

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.538 Kenton Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

33.555 Marquam Hill Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.538.110 Limited Uses

A. Individual Manufacturing and Production uses are limited to 3,000 square feet of net building ~~floor~~ area ~~exclusive of parking area~~; and

B. Retail vehicle sales or leasing is limited to 3,000 square feet of net building ~~floor~~ area per site. Retail vehicle sales or leasing where the net building ~~floor~~ area is more than 3,000 square feet is prohibited.

33.555.120 Additional Use Limitations in Subdistricts A through D
The following use limitations apply in Subdistricts A, B, C, and D:

A. **Retail Sales And Service uses.** There may be no more than 25,000 square feet of net building ~~floor~~ area in Retail Sales And Service use in each subdistrict.

B. **Industrial uses.** There may be no more than 30,000 square feet of net building ~~floor~~ area in Manufacturing And Production, Industrial Service, or Wholesale Sales uses in each subdistrict. This limitation applies to the net building ~~floor~~ area of the three use categories added together.

33.555.280 Parking

A. **[no change]**

B. **Creation of parking.**

1. Net building ~~Floor~~ area. Parking may be created only in conjunction with additions of net building ~~floor~~ area to the site, including that added as part of new development or by adding net building ~~floor~~ area to existing development;

2. Maximum ratios. Parking is limited to a maximum ratio of 1 space per 600 square feet of net building area being added.

3. Location. Parking may be in a different subdistrict than the net building area it is created in conjunction with.

4. Exception for Subdistrict B. In Subdistrict B, a proposal to create parking not in conjunction with additional floor area may be approved through a Marquam Hill Parking Review, as follows:

   a.-b. [no change]

C.- E. [no change]

RICAP Item #38 and 39 –Linnton lot requirements

(RIR#416793, 416794)

In 2009, RICAP 4 modified the methodology for measuring lot width. However these changes were not carried over to the language in the Linnton Hillside Subarea of the Forest Park Subdistrict of the Northwest Hills Plan District.

In 2010, RICAP 5 created a new definition for "Lot Remnants" and developed policy for when Lot Remnants can be developed (if they were created before 7/26/79 and meet the minimum lot size for new lots in the zone and are 36' wide). However, this new definition and policy did not get incorporated into the Linnton Hillside sub-area.

Proposed Change:

These changes remove the reference to measuring lot width at the front setback for consistency with changes made as part of RICAP 4 that applies to all other lots. This also ensures that adjusted lots are suitable for developing a house toward the front of the lot.

Additionally these changes add references to address lot remnants. Development on lot remnants is prohibited, unless they are also lots of record or combined with lots or lots of record. This acknowledges the adopted policy intent of additional development restrictions placed on historic lots (Linnton Hillside Study, 2006). Allowing development on lot remnants could result in additional unanticipated development, counter to measures taken to restrict such development. The purpose of these regulations is to reduce potential density where possible while ensuring that small lots in single ownership remain buildable.

33.563.220

There are small portions of the Linnton subarea that are zoned R2 or CG. Based on both the language pointing to 33.110.212 and table 563-1 which only refer to single dwelling zones, “single dwelling” is added for clarification.

The last sentence was added to clarify that lot remnants (portions of lots up to 50%) are not buildable in and of themselves.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.563
NORTHWEST HILLS PLAN DISTRICT

33.563.220 When Primary Structures Are Allowed in the Linnton Hillside Subarea
The regulations of Section 33.110.212 do not apply in the Linnton Hillside Subarea. In this subarea, primary structures are allowed in single dwelling residential zones as specified in this section. Adjustments to the standards of this section are prohibited. Primary structures are prohibited on lot remnants that are not otherwise lots of record or are not combined with lots or lots of record. Primary structures are only allowed if one of the requirements in A. through E. are met: ~~on lots or combinations of lots that meet the requirements of this section, and on lots of record or combinations of lots of record that meet the requirements of this Section. The requirements are~~:

A. The lots, ~~or combinations of lots~~, ~~or~~ lots of record or combinations thereof ~~of lots of record~~:

1. Are at least 36 feet wide~~, measured at the front setback line~~; and

2. Meet the minimum area standard of Subsection G;

B. The lots, ~~or combinations of lots, or~~ lots of record, or combinations thereof ~~of lots of record~~:

1. Are at least 36 feet wide~~, measured at the front setback line~~;

2. Meet the minimum area standard of Table 610-2 or Chapter 33.611, but do not meet the minimum area standard of Subsection G; and

3. Have not abutted any lot or lot of record owned by the same family or business on March 15, 2006, or any time since that date;

C. The lots, ~~or combinations of lots, or~~ lots of record, or combinations thereof ~~of lots of record~~:

1. Do not meet the minimum area standard of Table 610-2 or Chapter 33.611; and

2. Have not abutted any lot or lot of record owned by the same family or business on July 26, 1979 or any time since that date;

D. On lots, lots of record, and combinations thereof ~~of lots or lots of record~~ that did meet the requirements of Subsections A, B, or C, above, in the past but were reduced below those requirements solely because of condemnation or required dedication by a public agency for right-of-way;

E. On lots created after May 26, 2006;

RICAP Item #38 and 39 –Linnton lot requirements

(RIR#416793, 416794)

33.563.220.F.

Added clarification to highlight that these additional requirements apply to property line adjustments.

33.563.220.G.

Revised the lot area from 2 acres to 87,120 square feet for general format consistency within the table and consistency with the lot area tables in 33.610

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

F. Additional regulations for property line adjustments.

1. The lots, ~~or combinations of lots, or~~ lots of record, or combinations thereof ~~of lots of record~~ described in Subsection A may not be reduced in area below the standards of Table 563-1;

2. The lots, ~~or combinations of lots, or~~ lots of record, or combinations thereof ~~of lots of record~~ described in Subsections B and C may not be reduced in area;

3. There are no minimum lot area or width standards for the lots ~~or combinations of lots~~, ~~or~~ lots of record, or combinations thereof ~~of lots of record~~ described in Subsection C;

G. Minimum area standards. The minimum area standards are in Table 563-1. These minimum area standards apply only as specified in Subsections A and B, above. New lots proposed through a land division are subject to the regulations of Chapters 33.610 and 33.611, not the regulations of this subsection.

Table 563-1
Minimum Area Standards

Zone	Minimum Area
RF	87,120 square feet ~~2 acres~~
R20	20,000 square feet
R10	10,000 square feet
R7	7,000 square feet
R5	5,000 square feet
R2.5	2,500 square feet

RICAP Item #40 – Woodland Conversion in Airport Plan District

(RIR#778013)

Section 33.565.550.B.2. in the PDX Airport plan district includes standards for forest or woodland habitat conversion. Subparagraphs b and c.(1) are identical standards, however c.(2) provides an exception. Technically, if you used the exception in c.(2) you would be unable to meet b. and thus be unable to meet "all" of the standards as required by 33.565.550.B.

Proposed Change:
Removed paragraph 33.565.550.B.2.b as it is redundant, and does not include the additional exception language adopted as part of the Airport Futures project.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.565
PORTLAND INTERNATIONAL AIRPORT PLAN DISTRICT

33.565.550 Development Standards
Unless exempted by section 33.565.540 or by 33.430.080, the standards of this section and the standards of 33.430 must be met. Compliance with the standards is determined as part of a development or zoning permit application process and processed according to the procedure described in 33.565.600 through .620. For proposals that cannot meet the standards, environmental review is required as described in Sections 33.430.210 through .280 and, where applicable, 33.565.560. Adjustments to the standards are prohibited. Other City regulations, including Title 10, Erosion Control, and Title 11, Trees, still apply.

A. General development standards [No change]

B. Standards for resource enhancement. An applicant may choose to meet all of the standards of 33.430.170 or all of the standards of this section. In either case, the applicant must meet the standards of 33.430.170.D through F.

1. Wetland habitat conversion. [no change]

2. Forest or woodland habitat conversion. Within the Airport Subdistrict, forest or woodland conversion to a different native tree association is allowed if all of the following are met:

   a. There may be no excavation, fill, grading or construction activity;

   ~~b. The habitat conversion area must be replanted, at a minimum, with one native tree, three native shrubs and four other native plants for every 100 square feet of area. Trees may be clustered;~~

   b~~c~~. The habitat conversion area must be replanted, at a minimum, to meet one of the following:

      (1). Generally. One native tree, three native shrubs and four other native plants for every 100 square feet of area. Trees may be clustered. Trees must have a maximum height at maturity that will not project above the height limit delineated by the h overlay zone;

      (2). Exception. If the maximum height of all appropriate tree species would project above the height limited delineated by the h overlay zone, the habitat conversion area must be replanted with at least 10 native shrubs for every 100 square feet of area and a native grass and forb seed mix at a ratio of 20 pounds per acre;

   c~~d~~. Permanent irrigation is not allowed.

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.583 St. Johns Plan District

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.583.120 Retail Sales And Service Uses in the EG and EX Zones

A. Purpose. Limiting the net building ~~floor~~ area of Retail Sales And Service uses in the EG and EX zones ensures that they do not dominate the riverfront areas or overwhelm the transportation system and are generally limited to community-serving establishments.

B. Maximum per use. In the EG and EX zones, Retail Sales And Service uses are allowed. The square footage of the net building ~~floor~~ area plus exterior display and storage area of each use may be up to 10,000 square feet.

C. Maximum per site. In the EG and EX zones, the ~~total~~ net building ~~floor~~ area plus exterior display and storage area of all Retail Sales And Service uses on a site, taken together, is limited to 60,000 square feet or the square footage of the site area, whichever is less. ~~and a maximum FAR of 1:1.~~ Retail Sales And Service uses where the net building ~~floor~~ area plus the exterior display and storage area exceeds these size limits ~~is more than 60,000 square feet per site, or the FAR is more than 1:1 per site,~~ are a Conditional Use. The approval criteria are in Section 33.815.128. Adjustments to this subsection are prohibited.

RICAP Item #32 – Environmental Regulations

(RIR#305565)

This paragraph refers to both adjustments and modifications (two similar processes that may be used to deviate from strict compliance with a standard). For some types of reviews (design, environmental, and land divisions) applicants may request to *modify* certain requirements. This particular section is specific to the modifications process, so the reference to adjustments is in error.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.630
TREE PRESERVATION

33.630.400 Modifications That Will Better Meet Tree Preservation Requirements

A. Site-related development standards. The review body may consider modifications ~~adjustments~~ to site-related development standards as part of the land division review. These modifications are done as part of the land division process and do not require an adjustment. Adjustments to use-related development standards (such as FAR, or number of units) are subject to the adjustment process of Chapter 33.805, Adjustments. Modification to a regulation that contains the word "prohibited," or a regulation that is a qualifying situation or threshold is prohibited. In order to approve the modification, the review body must find that the modification will result in the application better meeting the requirements of Section 33.630.100, and will, on balance, be consistent with the purpose of the regulation being modified.

B. [No change]

RICAP Item #41 – When a Building Permit is Required

(RIR#299821)

Section 33.700.005 states that a building permit is required for all new development and to changes to existing development. This overstates the requirement as there are a variety of changes that can be made (landscaping, fences, small sheds, etc) that do not require a building permit. Also, there are other types of development that may require other development permits such as some grading which requires a site development permit.

The statement has been clarified to state that new development <u>may</u> require a permit.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.700
ADMINISTRATION AND ENFORCEMENT

33.700.005 Building Permit Required

~~All n~~New development, changes to existing development, and changes in the type or number of uses may require~~s a building~~ a permit. In addition, other land use reviews may also be required, depending upon the location, the use proposed, the site development proposed, or materials to be used on the site.

RICAP Item #42 – Neighborhood Contact Valid Timeframe

(RIR#773590)

The code does not presently state a time limit for completing the neighborhood contact and submitting an application. This could permit a meeting held years in the past to count for a current application.

A provision (33.700.025.D) is added stipulating a 1-year time limit before another neighborhood contact meeting is required. This is consistent with current time limits for Pre-application conferences in 33.730.050.G.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.700.025 Neighborhood Contact

A. Purpose. [no change]

B. When Neighborhood Contact is required. Neighborhood Contact is required before applying for certain building permits or land use reviews, as specified in this Title. Applicants may also choose to follow the process voluntarily when it is not required.

C. Requirements. The requirements for Neighborhood Contact are:

1. The applicant must contact the neighborhood association for the area, by registered or certified mail, to request a meeting. A copy of this request must also be sent by registered or certified mail to the district neighborhood coalition. Meeting request forms are available at the Development Services Center. Applicants are encouraged to include conceptual site plans, building elevations, and any other information that supports their proposal. The request letter must summarize the proposed development, the purpose of the meeting, and describe the following timelines.

   The neighborhood association should reply to the applicant within 14 days and hold a meeting within 45 days of the date of mailing the request. If the neighborhood association does not reply to the applicant's letter within 14 days, or hold a meeting within 45 days, the applicant may request a land use review or building permit without further delay. If the neighborhood requests the meeting within the time frame, the applicant must attend the meeting. The applicant may attend additional meetings on a voluntary basis. The neighborhood may schedule the meeting with its board, the general membership, or a committee.

2. After the meeting and before applying for the land use review or building permit, the applicant must send a letter by registered or certified mail, to the neighborhood association and district neighborhood coalition. The letter will explain changes, if any, the applicant is making to the proposal.

3. Copies of letters required by this subsection, and registered or certified mail receipts, must be submitted with the application for land use review or building permit.

4. The application must be submitted within one year from the date of sending the initial letter required in paragraph C.1., or the neighborhood contact process must be restarted.

RICAP Item #43 Design Review Thresholds

(RIR# 754049)

The thresholds to establish the procedure type for Design Reviews and Historic Resource Reviews in certain cases are based upon the value of the project. These values are updated automatically each year to reflect changes in construction costs.

As part of the changes to clarify design review thresholds, the list of thresholds contained 33.825.025.A.1 – A.3. has been converted into a table format. As a result, Section 33.700.075 is amended to correct the reference to Table 825-1 in Chapter 33.825.

Similar corrections are made for the reference to the historic resource review thresholds. These thresholds were converted to a table format as part of the Historic Resource Code Improvement Package, however section 33.700.075 was inadvertently not updated at that time.

RICAP Item #35, 36 – Scenic Resources Overlay

(RIR#744415, 74413)

Section 33.480.040.B.2.b(2) was amended to remove the specific dollar threshold used to determine when non-conforming upgrades are required on sites. Instead, the section refers to 33.258.070.D which includes this same threshold and specific dollar amount. As the code is updated each March to reflect the revised dollar amounts, by eliminating this reference in the Scenic Overlay chapter, the pages from this chapter will not need to be replaced as frequently. Therefore the reference in Section 33.700.075 is no longer needed.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.700.075 Automatic Changes to Specified Dollar Thresholds

The sections listed below include dollar thresholds. These thresholds will be increased or decreased each year on March 1. The change will occur automatically, and the new dollar amount will be placed in the Zoning Code without being subject to the procedures for amending the Zoning Code. The change will be based on the annual national average of the Construction Cost Index (CCI), as published in the second January issue of the Engineering News-Record.

A. The following sections are subject to this regulation. Any increase or decrease that is not a multiple of $50 will be rounded to the nearest multiple of $50:

1. – 3. [no change]

4. ~~33.480.040.B.2.b(2)~~

5. – 8. [no change]

9. ~~33.825.025.A.1.a~~ Table 825-1;

~~10. 33.825.025.A.1.b;~~

~~11. 33.825.025.A.1.e;~~

~~12. 33.825.025.A.1.f;~~

~~13. 33.825.025.A.2.a;~~

~~14. 33.825.025.A.2.b;~~

~~15. 33.825.025.A.2.c;~~

10. Table 846-1; and

11. Table 846-3

~~16. 33.846.060.B.2.a;~~

~~17. 33.846.060.B.2.b;~~

~~18. 33.846.060.B.2.f;~~

~~19. 33.846.060.B.2.g;~~

~~20. 33.846.060.B.4.a;~~

~~21. 33.846.060.B.4.b;~~

~~22. 33.846.060.B.4.c; and~~

~~23. 33.846.060.B.4.d;~~

B. [no change]

RICAP Item #2 – Concurrent Preapp and Application Submittals

(RIR#760562)

With the exception of land divisions, the code allows a pre-application conference and a land use application to be submitted at the same time. Applications cannot be deemed complete until the pre-application conference notes, when required, have been submitted (33.730.060.C.4). The purpose of the pre-application conference is to provide the applicant with the substantive and procedural requirements, allow for an exchange of information, and identify opportunities or significant problems for a proposal. Additionally, the pre-application conference informs recognized organizations about the proposal and promotes communication between the organizations and the applicant.

Allowing for concurrent preapp and land use application submittals creates several issues that run counter to the purpose of the requirement for holding the meeting. Information shared at the conference cannot be incorporated into the application submittal. This is also true of any input recognized organizations might share with the applicant. Once an application has been filed the applicant may be less amenable to making revisions due to the added cost and investment that has already been made in the application as submitted.

From a process perspective, having staff review applications that are incomplete can lead to redundant use of staff time. The preapplication is intended to reduce the amount of "back and forth" necessary to get an application complete. Issues that are identified at the preapplication may require significant re-design of an application submittal, which can affect other staff reviews as well. The preapplication conference affords an opportunity for all the development bureaus to be in the same room to identify cross-over issues.

Time is always of the essence. However, since a land use application cannot be deemed complete unless the application submittal includes the pre-application meeting notes, a concurrent application/ pre-application submittal does not truly save any time, and in some cases may extend the review as applicants find that significant changes to their applications would be necessary. Once an application is deemed complete, substantial changes to the application may not be made (without a new application).

This amendment will result in the following policy change:
For land use reviews where a pre-application conference is required, the land use review application cannot be submitted until the pre-application conference is held, similar to current requirements for land divisions.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.730
QUASI-JUDICIAL PROCEDURES

33.730.050 Pre-Application Conference

A. Purpose. The pre-application conference informs the applicant of the substantive and procedural requirements of this Title, provides for an exchange of information regarding applicable requirements of other City Codes, and identifies policies and regulations that create opportunities or pose significant problems for a proposal. Technical and design assistance is available at the conference which will aid in the development of an application. The pre-application conference also informs recognized organizations about the proposal and promotes communication between the organizations and the applicant.

B. Requirements. Forms for pre-application conferences are available from the Director of BDS. A fee is required and must be paid at the time the request for a pre-application conference is submitted. The applicant must submit a written proposal or sketched site plan of the proposal. A pre-application conference must be held within 42 days of receipt of a completed request form.

C. Participants. The applicant meets with BDS staff at the pre-application conference. In addition, City urban service or technical representatives and representatives of affected recognized organizations are invited to attend.

D. Pre-application conference recommendations. The BDS staff will mail the applicant a written summary of the pre-application conference within 21 days of the conference. The written summary will include suggestions and information that were raised at the conference for inclusion in an application. If the approval criteria for the land use review involve a determination of adequacy of the transportation system, the Office of Transportation may require a Transportation Impact Study to be submitted with the land use application.

~~**E. Concurrent pre-application and application requests.** Application for a land use review other than a land division and a pre-application conference may be submitted at the same time. However, it is recommended that an application be filed after the pre-application conference so that the information obtained at the conference may be incorporated in the application submittal. Application for a land division may not be filed before the pre-application conference is held.~~

E. Pre-application conference prior to application submittal. Application for a land use review may not be submitted before the required pre-application conference is held. This allows information obtained at the conference to be incorporated in the application submittal.

F. Other pre-application advice. An applicant may request advice from the Design Commission or Historical Landmarks Commission prior to submitting a land use request that would be heard by these commissions. These requests are known as "design advice requests". These requests do not substitute for a required pre-application conference with the BDS staff and other City urban service or technical representatives. A fee is charged for design advice requests as stated in the Fee Schedule.

G. Time limit. A pre-application conference is valid for one year. If more than one year has elapsed between the date of the pre-application conference and the date the land use review application is submitted, a new pre-application conference is required.

RICAP Item #47 (add) –Adjustment criteria technical clean up

In RICAP 6, the requirement to obtain an Adjustment approval to the ground floor window requirement when proposing RACC-approved public art was deleted. This was to help streamline the process and not require essentially two separate approvals.

In the adjustment approval criteria, there remains a statement stating that adjustments for ground floor windows must also meet the additional requirements in the base zone (i.e. obtain RACC approval).

In the Central City Plan District, applicants can vary from the ground floor window requirements using artwork through either a modification as part of design review or an adjustment. However in these cases, there are no specific additional requirements.

Therefore, the statement relating to ground floor window adjustments is deleted.

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Language to be **deleted** is shown in ~~strikethrough~~

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met. ~~Adjustments to the ground floor window requirements of this Title must also meet the additional requirements stated in the ground floor window sections in the base zones.~~

A. – I. [no change]

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.815 Conditional Uses

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.815.126 Office Uses in the IG1 Zone in the Central City Plan District

These approval criteria promote preservation of land for industry while providing opportunity for businesses that contain both an office and a manufacturing or production component. Office uses that do not meet the criteria below may apply for conditional use status through the criteria listed in 33.815.125, Specified Uses in the Industrial Zones. Office uses in individually listed structures on the National Register of Historic Places and structures identified as contributing to the historic significance of a Historic District or a Conservation District in the IG1 zone in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. Office uses in the IG1 zone in the Employment Opportunity Subarea may use the approval criteria listed in 33.815.132, Office Uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District. The approval criteria are:

A. – C. [no change]

D. At least 33 percent of the net building ~~floor~~ area of the proposed use is dedicated for the development, testing, manufacturing, processing, fabrication, packaging, or assembly of goods. "Goods" include products made from man-made, raw, secondary, or partially completed materials. "Goods" does not include the products or services offered by traditional Office uses described in 33.920.240, but may include electronic or digital products such as internet home pages, computer software, advertising materials, and others; and

E. [no change]

33.815.215 Major Event Entertainment

These approval criteria ensure that the potentially large size and impacts of these uses are not harmful to surrounding areas and that transportation services are or will be sufficient to serve the use. The approval criteria are:

A.-C. [no change]

D. In the IR zone. These approval criteria allow Major Event Entertainment facilities to be part of an institutional campus. They also ensure that the impacts of the facility on nearby areas are mitigated and that affected neighbors have an opportunity to comment on the proposals for mitigation. The approval criteria are:

1.-4. [no change]

5. All approved limited uses and major event entertainment uses in aggregate occupy 30 percent or less of all campus net building ~~floor~~ area including ~~. Calculation of total floor area of campus used by major event entertainment uses includes~~ portions of parking structures associated with these uses. If the institutional campus ~~facilities~~ includes structured parking, 250 square feet of the structured parking will be associated with the major event entertainment facility for each parking space required for the facility. Size exceptions are prohibited.

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

33.815 Conditional Uses

Floor area is being replaced with net building area for greater consistency and to accurately account for the area occupied by various uses.

See commentary 33.120.100 for more information

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.815.304 Retail Sales And Service Uses on Specified Sites in the South Waterfront and the River District Subdistricts

For Retail Sales And Service uses in the South Waterfront subdistrict of the Central City plan district with more than 40,000 square feet of net building ~~floor~~ area, all approval criteria apply. For Retail Sales And Service uses in the River District subdistrict of the Central City plan district with more than 40,000 square feet of net building ~~floor~~ area, approval criteria A, B and D apply.

A.-D. [no change]

33.815.310 Industrial Uses in the IR Zone.

These approval criteria providing for Manufacturing and Production and Industrial Service Uses in IR zones are intended to allow industrial activities that support the mission of the City's major educational and medical institutions. The approval criteria are:

A. – C. [no change]

D. All I~~i~~ndustrial S~~s~~ervice and M~~m~~anufacturing A~~a~~nd P~~p~~roduction uses in aggregate do not exceed a maximum of 10 percent or 50,000 built square feet of all campus net building ~~floor~~ area, whichever is less. ~~Parking structures used to support these uses are included in the calculations of total floor area.~~ If the site includes ~~When campus facilities include~~ structured parking, 250 square feet of the structured parking will be associated with the I~~i~~ndustrial S~~s~~ervice and M~~m~~anufacturing A~~a~~nd P~~p~~roduction uses ~~facility~~ for each parking space required for those uses ~~the facility~~. Size exceptions are prohibited;

E. – H. [no change]

RICAP Item #43 Design Review Thresholds

(RIR# 754049)

The thresholds to establish the procedure type for Design Reviews and Historic Resource Reviews in certain cases are based upon the value of the project. For new construction and proposals where floor area is being created, the entire project value is considered. However, for exterior alterations the review only considers the exterior work involved. The value of the interior work doesn't have any effect on the exterior work being done, but the code does not make this clear.

Clarifying language is added to the review procedures section for both Historic Review and Design Review to clarify that project valuation for exterior alterations is tied only the project value associated with the exterior changes. Since exterior alterations could include the creation of new floor area (and the thresholds do not clearly distinguish between the two), the proposed clarification captures this value as well, rather than simply limiting to the exterior shell of the new floor area being created.

As part of these changes, the list of review thresholds contained 33.825.025.A.1 – A.3. has been converted into a table format. This format is similar to changes made to the Historic Resource review thresholds in Chapter 33.846, which were made as part of the previous Historic Resources Code Improvement Package.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.825.025 Review Procedures

This section lists procedures for design review for proposals in design overlay zones. These procedures also apply where design review is required by the regulations of a plan district or overlay zone, or as a condition of approval of a quasi-judicial decision. ~~Procedures for design review vary with the type of proposal being reviewed and the design district in which the proposal's site is located.~~

The procedures stated in this section supersede procedural and threshold statements in the City's adopted design guidelines documents.

A. Procedures for design review. Procedures for design review vary with the type of proposal being reviewed and the design district in which the site is located. Design review in some design districts requires an additional procedural step, the Neighborhood Contact requirement, as set out in Section 33.700.025, Neighborhood Contact. Some proposals in the Central City plan district must provide a model of the approved proposal, as set out in Paragraph A.4~~5, below~~. When determining procedure type for exterior alterations based on project valuation, the dollar amount refers to the value of the exterior changes and any new floor area only. It does not include interior or subgrade alterations.

~~1. Type III. The following proposals are processed through a Type III procedure:~~

~~a. Proposals in the Downtown Design District that are over 1,000 square feet in area, or require an exterior alteration and have a value over $430,850;~~

~~b. Proposals in the River District Design District that are over 1,000 square feet in area, are in a CX or OS zone, and have a value over $430,850;~~

~~c. Proposals in the Terwilliger Parkway Design District that will be visible from Terwilliger Boulevard, other than single-dwelling development;~~

~~d. Proposals in the a, Alternative Design Density Overlay Zone, that are using the provisions of Section 33.405.050, Bonus Density for Design Review; or~~

~~e. Proposals in the following design districts with a value over $2,154,200:~~

~~(1) Lloyd District;~~

~~(2) Central Eastside District;~~

~~(3) Goose Hollow District;~~

~~(4) River District;~~

~~(5) South Waterfront District;~~

~~(6) South Auditorium Plan District;~~

~~(7) Areas subject to design review within the Central City plan district, except Lower Albina;~~

~~(8) Macadam Design District; and~~

~~(9) Design overlay zones not included in a design district that has its own design guidelines, except for proposals listed in Paragraph A.2, below.~~

~~f. Proposals in the Gateway Design District that have a value over $2,154,200, or will be included in a Gateway master plan.~~

RICAP Item #43 Design Review Thresholds

(RIR# 754049)

As part of the changes to this section, the list of review thresholds contained 33.825.025.A.1 – A.3. has been converted into a table format. This format is similar to changes made to the Historic Resource review thresholds in Chapter 33.846, which were made as part of the previous Historic Resources Code Improvement Package.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

~~2. Type II. The following proposals are processed through a Type II procedure:~~
- ~~a. Proposals in the Downtown Design District that are up to 1,000 square feet in area, or require an exterior alteration with a value of $430,850 or less;~~
- ~~b. Proposals in the River District Design District that are up to 1,000 square feet in area and are in a CX or OS zone, and have a value of $430,850 or less;~~
- ~~c. Proposals in the design districts identified in Subparagraph 1.e that have a value of $2,154,200 or less;~~
- ~~d. Proposals for single-dwelling developments in the Terwilliger Parkway Design District that will be visible from Terwilliger Boulevard;~~
- ~~e. Proposals in the Southwest Community Plan area's design overlay zones, except for the following proposals:~~
  - ~~(1) Proposals in the Macadam Design District;~~
  - ~~(2) Proposals in the Terwilliger Parkway Design District; and~~
  - ~~(3) Proposals required to go through design review by provisions in Chapter 33.405, Alternative Design Density Overlay Zone;~~
- ~~f. Proposals within the Albina Community Plan area's design overlay zones, including Lower Albina;~~
- ~~g. Proposals within the Outer Southeast Community Plan area's design overlay zones except in the Gateway Design District;~~
- ~~h. Proposals required to go through design review by provisions in Chapter 33.405, Alternative Design Density Overlay Zone, or Chapter 33.505, Albina Community plan district. However, proposals that are using the provisions of Section 33.405.050, Bonus Density for Design Review, are processed through a Type III procedure;~~
- ~~i. Proposals for signs;~~
- ~~j. Proposals for installation of mechanical equipment on the exterior of a building;~~
- ~~k. Proposals in C, E, I, and RX zones for alteration of a facade when 500 square feet or less of the structure's facade is being altered;~~
- ~~l. Proposals for the installation of new or replacement awnings; or~~
- ~~m. Proposals within an IR zone where the site has an approved impact mitigation plan (IMP), and where the IMP includes qualitative design review guidelines. Proposals exempted from design review by the institution's approved IMP are exempt;~~
- ~~n. Proposals within the Hollywood plan district, Main Street Node Overlay Zone, and Main Street Corridor Overlay Zone;~~
- ~~o. Proposals within the Sellwood-Moreland design district;~~
- ~~p. Proposals in the Marquam Hill design district;~~
- ~~q. Proposals subject to the standards of section 33.110.213, Additional Development Standards in R5 and R2.5 Zones;~~
- ~~r. Proposals in the Gateway Design District except for those listed in Paragraph A.1.f, above;~~
- ~~s. Proposals within the St. Johns plan district; and~~
- ~~t. Proposals within the North Interstate plan district.~~

~~3. Type Ix. The following proposals are processed through a Type Ix procedure: Proposals within an IR zone where the site has an approved impact mitigation plan (IMP), and where the IMP includes quantitative or objective design review guidelines. Proposals exempted from design review by the institution's approved IMP are exempt.~~

RICAP Item #43 Design Review Thresholds

(RIR# 754049)

As part of the changes to this section, the list of review thresholds contained 33.825.025.A.1 – A.3. has been converted into a table format. This format is similar to changes made to the Historic Resource review thresholds in Chapter 33.846, which were made as part of the previous Historic Resources Code Improvement Package.

This table replaces the long list of thresholds, but does not make any changes to the thresholds themselves. The table is arranged by geographic area (Design District, Community Plan Areas, then Plan Districts, Overlay Zones and Base Zones) rather than by Procedure Type to make it easier for code users to identify the appropriate procedure for a particular site and proposal.

The opening paragraph clarifies that in cases where more than one threshold may apply, the threshold that results in the highest procedure type applies. An example might be a commercially zoned property in the Terwilliger Design District where a façade change of less than 500 square feet is proposed. The base zone thresholds show that a façade alteration up to 500 square feet is a Type II review. However, in the Terwilliger Design District, non single dwelling development that is visible from Terwilliger is subject to a Type III procedure. In this example, the Type III procedure would apply.

Formatting note: Table 825-1 is new. Text is not underlined for ease of readability.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

1. Proposals subject to design review are reviewed according to the procedure type listed in Table 825-1. When a proposal is subject to more than one procedure type, the higher procedure type applies. For example, a proposal located in the Central City Plan District may not exceed the dollar threshold for a Type II procedure, but because it is also in the Downtown Design District and it exceeds the square footage threshold for a Type II procedure, the proposal would be subject to a Type III procedure.

Table 825-1
Procedure type for design review proposals

DESIGN DISTRICTS	Proposal	Threshold	Procedure
Downtown Design District	New floor area	> 1,000 s.f.	Type III
		≤ 1,000 s.f.	Type II
	Exterior alteration	Value >$430,850	Type III
		Value ≤ $430,850	Type II
River District Design District	New floor area or Exterior alteration in CX or OS zone	>1,000 s.f. and value >$430,850	Type III
		≤ 1,000 s.f. or value ≤ $430,850	Type II
Gateway Design District	Development proposals	Value >$2,154,200 or included in a Gateway Master Plan Review	Type III
		Value ≤ $2,154,200 and not part of Gateway Master Plan Review	Type II
Marquam Hill Design District	Development proposals	In design overlay zones	Type II
Sellwood-Moreland Design District			
Terwilliger Parkway Design District	Proposals that are visible from Terwilliger Boulevard	Non single dwelling development	Type III
		Single dwelling development	Type II
Central Eastside	Development proposals	Value >$2,154,200	Type III
Goose Hollow			
Lloyd District			
Macadam		Value ≤ $2,154,200	Type II
River District			
South Waterfront			

RICAP Item #43 Design Review Thresholds

(RIR# 754049)

Formatting note: Table 825-1 is new. Text is not underlined for ease of readability.

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Language to be **deleted** is shown in ~~strikethrough~~

Table 825-1 Procedure type for design review proposals			
COMMUNITY PLANS	**Proposal**	**Threshold**	**Procedure**
Albina Community Plan area, including Lower Albina	Development proposals	In design overlay zones	Type II
Outer Southeast Community Plan area, excluding Gateway Design District			
Southwest Community Plan Area, excluding Macadam & Terwilliger Design Districts			
PLAN DISTRICTS	**Proposal**	**Threshold**	**Procedure**
Central City Plan District, excluding Lower Albina	Development proposals	In design overlay zones and value >$2,154,200	Type III
Northwest Plan District			
South Auditorium Plan District		In design overlay zones and value ≤ $2,154,200	Type II
Albina Plan District	Development proposals	In design overlay zones	Type II
Hollywood Plan District			
North Interstate Plan District			
St. Johns Plan District			
OVERLAY ZONES	**Proposal**	**Threshold**	**Procedure**
"a" Alternative Density overlay	Additional density in R3, R2, R1 zone	Using bonus density provisions in 33.405.050	Type III
	Using other provisions in 33.405	Not subject to 33.405.050	Type II
"d" Design overlay	Development proposals	Not identified as Type Ix or Type II procedure elsewhere in this table	Type III
"j" Main Street Node overlay	Development proposals	In design overlay zones	Type II
"m" Main Street Corridor overlay			

RICAP Item #1 Changes to Approved Design Reviews

(RIR# 32396, 787544)

Formatting note: Table 825-1 is new. Text is not underlined for ease of readability.

33.825.025.A.2.

Many major projects need to undergo some minor modifications to the original design during the course of construction. This can be prompted by certain materials no longer being available, impracticalities of actual construction, or to control cost overruns. These changes can trigger a new Type III design review, with a required pre-app and hearing, which can create significant delays, often during a critical time in construction.

This amendment will result in the following policy change:
The addition of 33.820.025.A.2 will allow minor modifications to plans already approved through Type III design review to go through a Type II procedure. Type II is the appropriate lower level of review, to allow appeals to go back to Design Commission.

The provisions are written such that this only applies to projects that are current and still valid (the land use approval has not expired), the building is not complete (changes after building completion are subject to normal thresholds), the revision to the design is not counter to a particular design objective of the commission that has been memorialized in a condition of approval (clarification is included that this is not intended to preclude revisions to approvals with the standard "permits must be in compliance with the exhibits in the approval"), and limits the extent of the design revision based on the initial design review project valuation (15% ensures that the revision is minor in proportion to the overall building design).

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Language to be **deleted** is shown in ~~strikethrough~~

Table 825-1 Procedure type for design review proposals			
BASE ZONES	**Proposal**	**Threshold**	**Procedure**
All zones	Signs	In design overlay zones	Type II
	Exterior mechanical equipment		
	New or replacement awnings		
C, E, I, RX zones	Façade alteration	≤ 500 square feet in design overlay zones	Type II
RF - R2.5 zones	Subject to section 33.110.213, Additional Development Standards	Requests to modify standards	Type II
IR zone site with an approved Impact Mitigation Plan (IMP)	Proposals that are identified in IMP	IMP design guidelines are qualitative	Type II
	Proposals that are identified in IMP	IMP design guidelines are objective or quantitative	Type Ix

2. Minor changes to an approved design review prior to issuance of final permit approval. Minor changes to an approved design review that was originally processed through a Type III procedure are reviewed through a Type II procedure when all of the following are met. Alterations to a structure after the final building permit approval are exempt from this regulation:
   a. The original design review has not expired;
   b. The building permit for the project has not received final approval;
   c. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
   d. The cumulative value of the changes will not result in an increase or decrease in the original project value by more than 15 percent.

4. - 5. [Renumber 3. – 4.]

B. Neighborhood Contact. [No change]

RICAP Item #43 Design Review Thresholds

(RIR# 754049)

The thresholds to establish the procedure type for Design Reviews and Historic Resource Reviews in certain cases are based upon the value of the project. For new construction and proposals where floor area is being created, the entire project value is considered. However, for exterior alterations the review only considers the exterior work involved. The value of the interior work doesn't have any effect on the exterior work being done, but the code does not make this clear.

33.846.060.B.

Clarifying language is added to the review procedures section for both Historic Review and Design Review to clarify that project valuation for exterior alterations is tied only the project value associated with the exterior changes. Since exterior alterations could include the creation of new floor area (and the thresholds do not clearly distinguish between the two), the proposed clarification captures this value as well, rather than simply limiting to the exterior shell of the new floor area being created.

Table 846-1

As part of these changes, an error in the Historic Resource Review Thresholds tables was identified. When these tables were created from the code list as part of the Historic Resources Code Improvement Package, an unintended gap was created for projects whose value is exactly $430,850. Prior to the Historic Resources Code Amendment Package, the threshold distinguished between: "value of the construction is $X or less" from "value of the construction is more than $X".

The threshold is therefore changed from "<$430,850" (less than $430,850) to "≤$430,850" (less than or equal to $430,850)

Language to be **added** is underlined
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33.846.060 Historic Resource Review

A. Purpose. Historic resource review ensures the conservation and enhancement of the special characteristics of historic resources.

B. Review procedure. Certain proposals specified in B.1 are subject to neighborhood contact requirements. Procedures for historic resource reviews are shown in Tables 846-1 through 846-4. When determining procedure type for exterior alterations based on project valuation, the dollar amount refers to the value of the exterior changes and any new floor area only. It does not include interior or subgrade alterations.

1. Neighborhood Contact. [no change]

2. For Historic Landmarks, including those in Historic Districts or Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.140.B, the review procedure is determined by Table 846-1, below:

Table 846-1
Procedure Types for proposals affecting Historic Landmarks

Proposal	Zone	Threshold	Procedure
Alterations of a landmark-designated interior public space	All	Project value > $430,850	Type III
		Project value ~~<~~≤$430,850	Type II
Mechanical equipment	All	Exterior	Type Ix
Awnings	All	New or replacement	Type Ix
Signs	C, E, I, RX	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX	Affected façade area < 500 sq. ft.	Type Ix
Historic restoration	RF-RH		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > $430,850	Type III
		Project value ~~<~~≤ $430,850	Type II

3. [no change]

RICAP Item #43 Design Review Thresholds

(RIR# 754049)

Table 846-2

See commentary for Table 846-1

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

4. For Historic Districts, excluding Historic or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.320.B, the review procedure is determined by Table 846-3, below:

Table 846-3 **Review procedures for proposals within Historic Districts**			
Proposal	**Zone**	**Threshold**	**Review Type**
New structure	All	Project value > $430,850	Type III
		Project value ~~<~~≦ $430,850	Type II
New accessory structure	RF-RH		Type I
Signs	C, E, I, RX	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX	Affected façade area < 500 sq. ft.	Type Ix
Alteration to the exterior of a structure	RF-RH	Affected façade area < 150 sq. ft.	Type I
Historic restoration	RF-RH		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > $430,850	Type III
		Project value ~~<~~≦ $430,850	Type II

5. [no change]

C. – E. [no change]

RICAP Item# 44 – Historic Guidelines

(RIR#341528)

Section 33.846.060.F.1 is intended to state that the Central City Fundamental Design Guidelines (and the criteria in 33.846.060.G) are to be used when a historic resource is in a subdistrict of the Central City Plan District that does not have its own design guidelines. However, the redundant "not" in the sentence makes the regulation read if the historic resource is in a subdistrict that has its own design guidelines, the Central City Fundamental Design Guidelines (and criteria in 33.846.060.G) are used.

33.846.060.F.1.b.(2) is changed to remove the double negative for clarity and accuracy. Also, for continuity of sentence structure, 33.846.060.F.3 was modified to more closely match the structure in paragraph F.1.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

F. Approval criteria in the Central City plan district. In the Central City plan district, requests for historic resource review will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met. Conflicts among guidelines and criteria are resolved as specified in Paragraph F.5, below. The approval criteria for historic resource review in the Central City plan district are as follows:

1. Historic Districts. When historic resource review is required for any resource in a Historic District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:

   a. Historic Districts with district-specific guidelines. [no change]

   b. Historic Districts without district-specific guidelines.

      (1) Where there are no guidelines that are specific to the Historic District and the site is also in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are the *Central City Fundamental Design Guidelines* and the subdistrict design guidelines. If the resource is a Historic Landmark or Conservation Landmark, the criteria in Section 33.846.060.G must also be met;

      (2) Where there are no guidelines that are specific to the Historic District and the site is ~~not~~ in a subdistrict of the Central City plan district that does not have subdistrict design guidelines, the approval criteria are the *Central City Fundamental Design Guidelines* and the criteria in Section 33.846.060.G;

   c. Alphabet Historic District. [no change]

   d. Irvington Historic District. [no change]

2. Russell Street Conservation District. [no change]

3. Historic Landmarks and Conservation Landmarks located outside of Historic Districts and Conservation Districts. When historic resource review of a Historic Landmark or Conservation Landmark located outside of Historic Districts and Conservation Districts is required, the approval criteria are:

   a. Subdistricts with design guidelines. If the resource is in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are the *Central City Fundamental Design Guidelines,* the subdistrict design guidelines and the criteria in 33.846.060.G;

   b. Subdistricts without design guidelines. If the resource is ~~not~~ in a subdistrict of the Central City plan district that ~~has~~ does not have subdistrict design guidelines, the approval criteria are the *Central City Fundamental Design Guidelines* and the criteria in Section 33.846.060.G;

4. Specified sites along N. Broadway. [no change]

5. Conflicts among guidelines and criteria. [no change]

G. Other approval criteria. [no change]

RICAP Item #45 – Zoning Code Terms

(RIR#434527)

This regulatory improvement request was to address the increasing number of terms that relate to energy that were being added to the code. The request was to create a new group of energy-related terms, similar to Historic Resource related definitions and Transportation related definitions.

The zoning code currently arranges terms in a hybrid dictionary/encyclopedia format. In other words, terms are arranged mostly alphabetical but in some cases groups related terms together. The table below shows how similar terms are arranged either by term "type" or "related" by subject matter:

Terms arranged by Type (# of terms)	**Terms arranged by related subject matter (# of terms)**
Development Types (2)	Aviation Related (4)
Lot (5)	Development Related (11)
Lot Lines (5)	Environment Related (32)
Residential Structure Types (16)	Food Production and Distribution Related (6)
Setback (5)	Historic Resource Related (8)
Tree Types (3)	Transportation Related (22)
Vehicle Types (10)	
NEW: Street Types (8)	REQUESTED: Energy Related (7)

Grouping types together is valuable when trying to distinguish between one definition and another (for example, a side lot line versus a street side lot line). For this reason, these terms are proposed to remain grouped.

Grouping related terms together is valuable when the subject of a review is consistently tied to the related set of terms (for example, an environmental review will most often refer to terms in the "environment-related" set of terms). However, since not all terms easily fall into groups of related terms, users of the code frequently find that a word they are seeking is either not in its alphabetical location (wetland is under Environment), or is not in the group where one might expect (e.g. Riparian Functional Values is not under Environmental-related terms). Moreover, the grouping of terms could lead one to erroneously conclude that when not used in related chapters (e.g. Environment-related for environmental zones), the zoning code definition does not apply.

These changes ungroup the "related by subject" terms, while maintaining the current grouping of "types", and continue the use of cross references. Some phrases have also been arranged so that they are still adjacent and appear alphabetically (e.g. "Development, alteration" and "Development, new")

See the commentary for 33.910 for additional information related to particular changes.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.900
LIST OF TERMS

Sections:
33.900.010 List of Terms

33.900.010 List of Terms
The following terms are defined in Chapter 33.910, Definitions, unless indicated otherwise.

Accessible Route
Accessory Dwelling Unit *See Residential Structure Types*
Accessory Parking Facility
Accessory Recreational Vehicle *See Recreational Vehicle under Vehicle Types*
Accessory Structure
Accessory Use
Agriculture *See Chapter 33.920, Descriptions of the Use Categories*
~~Alley *See Transportation-Related Definitions*~~
Airport Airside Development
Airport Landside Development
Alley
Alteration *See Development, Alteration*
Alternative or Post Incarceration Facility
Applicant
Arborist
Area of the Facade of a Building, how to measure *See Chapter 33.930, Measurements*
Area with Squares of Specified Dimensions, how to measure *See Chapter 33.930, Measurements*
Arterial *See Street Types* ~~*Transportation-Related Definitions*~~
Attached Duplex *See Residential Structure Types*
Attached House *See Residential Structure Types*
Attached Structure
Auto-Accommodating Development *See Development Types*
~~Auto-Related Uses~~
Average Slope, how to measure *See Chapter 33.930, Measurements*
Aviation, General
Aviation And Surface Passenger Terminals *See Chapter 33.920, Descriptions of the Use Categories*
~~Aviation-Related Definitions~~
~~• Airside Development~~
~~• Landside Development~~
~~• General Aviation~~
~~• Wildlife Species of Concern~~
Basic Utilities *See Chapter 33.920, Descriptions of the Use Categories*
BDS
~~Biogas~~
~~Biomass~~
Block
Block Frontage
Building ~~*See Development-Related Definitions*~~
Building Coverage
Building Line
Bus Stop ~~*See Transportation-Related Definitions*~~
Calendar Year
Caretaker
Carpool
Cemetery
Certificate of Occupancy
Change of Use
City
City-Designated Natural Resources ~~*See Environment-Related Definitions*~~
Clearing ~~*See Development-Related Definitions*~~
Colleges *See Chapter 33.920, Descriptions of the Use Categories*
Commercial Outdoor Recreation *See Chapter 33.920, Descriptions of the Use Categories*
Commercial Parking *See Chapter 33.920, Descriptions of the Use Categories*
Common Green *See Street Types* ~~*Transportation-Related Definitions*~~
Community Garden
Community Service *See Chapter 33.920, Descriptions of the Use Categories*
Comprehensive Plan
Convenience Store
Conservation Landmark *See Historic Resource* ~~*-Related Definitions*~~
Contributing Resource *See Historic Resource-* ~~*Related Definitions*~~
Corner Lot *See Lot*
Council

Commentary

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Crown Cover ~~*See Environment-Related Definitions*~~
Daycare *See Chapter 33.920, Descriptions of the Use Categories*
Days
Delivery Days
Dead-End Street *See Street Types* ~~*Transportation-Related Definitions*~~
Density
Design Guidelines
Desired Character
Detention Facilities *See Chapter 33.920, Descriptions of the Use Categories*
Develop ~~*See Development-Related Definitions*~~
Developed Portion of Right-of-Way ~~*See Environment-Related Definitions*~~
Development ~~*See Development-Related Definitions*~~
Development, Alteration
Development, Exterior Alteration
Development, New
~~Development-Related Definitions~~
~~• Alteration~~
~~• Building~~
~~• Clearing~~
~~• Develop~~
~~• Development~~
~~• Eave~~
~~• Exterior Alteration~~
~~• Exterior Improvements~~
~~• Grading~~
~~• New Development~~
~~• Structure~~
~~Development Types~~
~~• Auto Accommodating Development~~
~~• Pedestrian-Oriented Development~~
Development Types
- Auto Accommodating Development
- Pedestrian-Oriented Development

Director of BDS
Disabled Person
Distances, how to measure *See Chapter 33.930, Measurements*
Disturbance ~~*See Environment-Related Definitions*~~
Disturbance Area ~~*See Environment-Related Definitions*~~
- Permanent Disturbance Area
- Temporary Disturbance Area

Drainageway ~~*See Environment-Related Definitions*~~
Drive-Through Facility
Driveway
Duplex *See Residential Structure Types*
Dwelling Unit *See Residential Structure Types*
Easement
Eave ~~*See Development-Related Definitions*~~
Ecologically and Scientifically Significant Natural Areas ~~*See Environment-Related Definitions*~~
~~Environment-Related Definitions~~
~~• City-designated Natural Resources~~
~~• Crown Cover~~
~~• Developed Portion of Right-of-way~~
~~• Disturbance~~
~~• Disturbance Area~~
~~- Permanent Disturbance Area~~
~~- Temporary Disturbance Area~~
~~• Drainageway~~
~~• Ecologically and Scientifically Signifi-cant Natural Areas~~
~~• Fish and Wildlife Habitat Areas~~
~~• Flood De-synchronization~~
~~• Functional Values~~
~~• Identified Wetlands, Identified Streams, Identified Waterbodies~~
~~• Live Stake~~
~~• Outfall~~
~~• Practicable~~
~~• Pruning~~
~~• Remediation~~
~~• Resource Enhancement~~
~~• Riparian Areas~~
~~• Significant Detrimental Impact~~
~~• Stream~~
~~• Stream Channel~~
~~• Top of Bank~~
~~• Uplands~~
~~• Utilities~~
~~• Vegetation~~
~~• Vegetative Maintenance~~
~~• Viewing Area~~
~~• Water Bodies~~
~~• Water Quality Resource Area~~
~~• Wetland~~
ESEE Analysis
Excavating or Filling
Exchange Parcel
Exterior Alteration *See Development, Exterior Alteration* ~~*Related Definitions*~~
Exterior Courtyard
Exterior Display
Exterior Improvements ~~*See Development-Related Definitions*~~
Exterior Storage
Exterior Work Activities
Facade
Farmers Market
Final Plat
Fish and Wildlife Habitat Areas ~~*See Environment-Related Definitions*~~
Flag Lot *See Lot*
~~Flood Desynchronization *See Environment-Related Definitions*~~
Floodway
Floor Area
Floor Area Ratio (FAR)

Commentary

Identified Waterbodies
Waterbodies are included in the definition but the particular mention of this term was missing from this cross-reference

Land Division was moved to the correct alphabetical order

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Food Membership Distribution Site
- Food Buying Clubs
- Community Supported Agriculture Organizations

~~Food Production and Distribution Related Definitions~~
- ~~Community Garden~~
- ~~Delivery Days~~
- ~~Food Membership Distribution Site - Food Buying Clubs - Community Supported Agriculture Organizations~~
- ~~Market Garden~~

Fractions, how to measure *See Chapter 33.930, Measurements*
Front Lot Line *See Lot Lines*
Front Setback *See Setback*
Functional Values ~~*See Environment-Related Definitions*~~
Future Division Plan
Garage
Garage Entrance Setback *See Setback*
Garage Wall Area, how to measure *See Chapter 33.930, Measurements*
Grade
Grading ~~*See Development-Related Definitions*~~
Gross Building Area
Groundwater Sensitive Areas
Group Living *See Chapter 33.920, Descriptions of the Use Categories*
Group Living Structure *See Residential Structure Types*
Hazardous Substances
Heavy Truck *See Truck under Vehicle Types*
Height, how to measure *See Chapter 33.930, Measurements*
Helicopter Approach-Departure Flight Path
Helicopter Landing Facility (HLF)
- Private Helicopter Landing Facility
- Public Helicopter Landing Facility

Helicopter Trip
Historic Landmark *See Historic Resource* ~~*-Related Definitions*~~
Historic Landmark Tree
Historic Resource ~~*See Historic Resource-Related Definitions*~~
~~Historic Resource-Related Definitions~~
- ~~Conservation Landmark~~
- ~~Contributing Resource~~
- ~~Historic Landmark~~
- ~~Historic Resource~~
- ~~Historic Resources Inventory~~
- ~~Historic Restoration~~
- ~~Historic Value~~
- ~~Replacement~~

Historic Resources Inventory *See Historic Resource-* ~~*Related Definitions*~~
Historic Restoration ~~*See Historic Resource-Related Definitions*~~
Historic Value ~~*See Historic Resource-Related Definitions*~~
Home Occupation
House *See Residential Structure Types*
Household
Household Living *See Chapter 33.920, Descriptions of the Use Categories*
Houseboat Moorage *See Residential Structure Types*
Identified Wetlands, Identified Streams, Identified Waterbodies ~~*See Environment-Related Definitions*~~
Industrial Service *See Chapter 33.920, Descriptions of the Use Categories*
Institutional Campus
Intensity
Kennel
Land Division
Land Use Approval
~~Land Division~~
Ldn (or DNL)
Light Rail Line ~~*See Transportation-Related Definitions*~~
Light Rail Alignment ~~*See Transportation-Related Definitions*~~
Light Truck *See Truck under Vehicle Types*
Live Stake ~~*See Environment-Related Definitions*~~
Living Area
Loading Area
Long Term Bicycle Parking
Long Term Parking
Longest Street-Facing Wall
Lot
- Adjusted Lot
- Corner Lot
- Flag Lot
- New Narrow Lot
- Through Lot

Lot Depth, how to measure *See Chapter 33.930, Measurements*
Lot Lines
- Front Lot Line
- Rear Lot Line
- Side Lot Line
- Side Street Lot Line
- Street Lot Line

Lot of Record
Lot Remnant
Lot Width, how to measure *See Chapter 33.930, Measurements*
Main Entrance

Commentary

Market garden
Was previously in Food production-related definitions, but was lacking a cross reference

Nuisance plants list
Added missing "s"

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Maintenance
Major Event Entertainment *See Chapter 33.920, Descriptions of the Use Categories*
Major Remodeling
Manufactured Dwelling *See Residential Structure Types*
Manufactured Dwelling Park
Manufactured Dwelling Space
Manufactured Home *See Residential Structure Types*
Manufacturing And Production *See Chapter 33.920, Descriptions of the Use Categories*
Marina
Market Garden
Mass Shelter
Mass Shelter Beds
Medical Centers *See Chapter 33.920, Descriptions of the Use Categories*
Medium Truck *See Truck under Vehicle Types*
Mining *See Chapter 33.920, Descriptions of the Use Categories*
Mitigate
Mixed-Use
Mobile Home *See Residential Structure Types*
Motor Home *See Recreational Vehicle, under Vehicle Types*
Motor Vehicle *See Vehicle Types*
Multi-Dwelling Development *See Residential Structure Types*
Multi-Dwelling Structure *See Residential Structure Types*
Near Shore Complexity
Net Building Area
New Development *See Development, New* ~~*Development-Related Definitions*~~
New Narrow Lot *See Lot*
Noise Contour
Nonconforming Development
Nonconforming Residential Density
Nonconforming Situation
Nonconforming Use
Nondiscretionary Reviews
Nuisance Plants List
Office *See Chapter 33.920, Descriptions of the Use Categories*
Operator
Organized Sports
Outfall ~~*See Environment-Related Definitions*~~
Owner
Ownership
Parcel *See Lot*
Parking Area
Parking Space
Parks And Open Areas *See Chapter 33.920, Descriptions of the Use Categories*
Partial Street *See Street Types* ~~*Transportation-Related Definitions*~~
Passenger Vehicle *See Vehicle Types*
Paved Area
Peace Officer
Peak Hour Service ~~*See Transportation-Related Definitions*~~
Pedestrian Access Route
Pedestrian Connection ~~*See Transportation-Related Definitions*~~
Pedestrian-Oriented Development *See Development Types*
Permanent Disturbance Area *See Disturbance Area, Permanent* ~~*Environment-Related Definitions*~~
Person
Personal Wireless Service Facility
Phased Development Plan
Plane of a Building Wall, how to measure *See Chapter 33.930, Measurements*
Planning and Sustainability Director
Plat
Plaza
Plot
Pollution Reduction Facility
Potential Landslide Hazard Area
Practicable ~~*See Environment-Related Definitions*~~
~~Preferred Alternative Light Rail Alignment *See Transportation-Related Definitions*~~
Primary Structure
Primary Use
Private Helicopter Landing Facility *See Helicopter Landing Facility (HLF)*
Project
Property Line Adjustment
Pruning ~~*See Environment-Related Definitions*~~
Public Access Easement ~~*See Transportation-Related Definitions*~~
Public Helicopter Landing Facility *See Helicopter Landing Facility (HLF)*
Public Safety Facility
Quick Vehicle Servicing *See Chapter 33.920, Descriptions of the Use Categories*
Radio or Television Broadcast Facility

Commentary

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Radio Frequency Transmission Facilities *See Chapter 33.920, Descriptions of the Use Categories*
Rail Lines And Utility Corridors *See Chapter 33.920, Descriptions of the Use Categories*
Rail Right-Of-Way *See Right-Of-Way, Rail* ~~*Transportation-Related Definitions*~~
Railroad Yards *See Chapter 33.920, Descriptions of the Use Categories*
Rear Lot Line *See Lot Lines*
Rear Setback *See Setback*
Recognized Organization
Recreational Vehicle *See Vehicle Types*
Recreational Vehicle Park
Recycling Drop-Off Center
Recycling Operation
Regional Attractor
~~Regulated Vegetation~~
Religious Institutions *See Chapter 33.920, Descriptions of the Use Categories*
Remediation ~~*See Environment-Related Definitions*~~
Replacement ~~*See Historic Resource-Related Definitions* Repair~~
Residential Facility
Residential Home
Residential Structure Types
- Accessory Dwelling Unit
- Attached Duplex
- Attached House
- Duplex
- Dwelling Unit
- Group Living Structure
- House
- Houseboat Moorage
- Manufactured Dwelling
  - Manufactured Home
  - Mobile Home
  - Residential Trailer
- Multi-Dwelling Development
- Multi-Dwelling Structure
- Single Room Occupancy Housing (SRO)
- Triplex

Residential Trailer *See Residential Structure Types*
Resource Enhancement ~~*See Environment-Related Definitions*~~
Retail Sales And Service *See Chapter 33.920, Descriptions of the Use Categories*
Retaining Wall
Review Body
Right-Of-Way ~~*See Transportation-Related Definitions*~~
Right-Of-Way, Rail
Riparian Areas ~~*See Environment-Related Definitions*~~
Riparian Functional Values
River Bank Complexity
River-Dependent
River-Related
Roadway ~~*See Transportation-Related Definitions*~~
Root Protection Zone, how to measure *See Chapter 33.930, Measurements*
Scenic Corridor
Scenic Site
Scenic View
Scenic Viewpoint
Schools *See Chapter 33.920, Descriptions of the Use Categories*
School Site
Seep or Spring
Self-Service Storage *See Chapter 33.920, Descriptions of the Use Categories*
Services
Setback
- Front Setback
- Garage Entrance Setback
- Rear Setback
- Side Setback
- Street Setback

Setback Averaging, how to measure *See Chapter 33.930, Measurements*
Shared Court *See Street Types* ~~*Transportation-Related Definitions*~~
Shelter Beds *See Mass Shelter Beds*
Short Term Bicycle Parking
Short Term Housing
Short Term Parking
Side Lot Line *See Lot Lines*
Side Setback *See Setback*
Side Street Lot Line *See Lot Lines*
Sign
Significant Detrimental Impact ~~*See Environment-Related Definitions*~~
Significant Tree
Single Room Occupancy Housing (SRO) *See Residential Structure Types*
Site
Site Frontage
Small Scale Energy Production
- Biogas
- Biomass

~~Solar Feature~~
~~South or South-Facing~~
Special Flood Hazard Area
Stormwater Facility
Stormwater Management System
Stream ~~*See Environment-Related Definitions*~~

Commentary

Street Types
Created new grouping for
street terms

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Stream Channel ~~*See Environment-Related Definitions*~~
Street *See Street Types* ~~*Transportation-Related Definitions*~~
Street Lot Line *See Lot Lines*
Street Setback *See Setback*
Street-facing Facade
Streetcar Alignment ~~*See Transportation-Related Definitions*~~
Streetcar Line ~~*See Transportation-Related Definitions*~~
Street Types
- Arterial
- Common Green
- Dead-End Street
- Partial Street
- Shared Court
- Street
- Through Street
- Transit Street

Structure ~~*See Development-Related Definitions*~~
Structured Parking
Superblock
Supermarket
Surface Parking
Temporary Disturbance Area *See Disturbance Area, Temporary* ~~*Environment-Related Definitions*~~
Through Lot *See Lot*~~*, under Parcel Types*~~
Through Street *See Street Types* ~~*Transportation-Related Definitions*~~
Top of Bank ~~*See Environment-Related Definitions*~~
Topping
Tower
Tract
Transit Station ~~*See Transportation-Related Definitions*~~
Transit Street *See Street Types* ~~*Transportation-Related Definitions*~~
Transportation Management Association ~~(TMA)~~

~~Transportation-Related Definitions~~
- ~~Alley~~
- ~~Arterial~~
- ~~Bus Stop~~
- ~~Common Green~~
- ~~Dead-End Street~~
- ~~Light Rail Line~~
- ~~Light Rail Alignment~~
- ~~Partial Street~~
- ~~Peak Hour Service~~
- ~~Pedestrian Connection~~
- ~~Preferred Alternative Light Rail Alignment~~
- ~~Public Access Easement~~
- ~~Rail Right-Of-Way~~
- ~~Right-Of-Way~~
- ~~Roadway~~
- ~~Shared Court~~
- ~~Street~~
- ~~Streetcar Alignment~~
- ~~Streetcar Line~~
- ~~Through Street~~
- ~~Transit Station~~
- ~~Transit Street~~

Tree Diameter, how to measure *See Chapter 33.930, Measurements*
Tree Types
- Dangerous Tree
- Dead Tree
- Dying Tree

Triplex *See Residential Structure Types*
Truck *See Vehicle Types*
Underground Parking
Upland~~*s See Environment-Related Definitions*~~
Utility Scale Energy Production
Utility Trailer *See Vehicle Types*
Utilities ~~*See also Environment-Related Definitions*~~
Valet Parking
Vegetation ~~*See Environment-Related Definitions*~~
Vegetative Maintenance ~~*See Environment-Related Definitions*~~
Vehicle Areas

Vehicle Repair *See Chapter 33.920, Descriptions of the Use Categories*
Vehicle Types
- Motor Vehicle
- Passenger Vehicle
- Recreational Vehicle
  - Accessory recreational vehicle
  - Motor home
- Truck
  - Light Truck
  - Medium Truck
  - Heavy Truck
- Utility Trailer

View Corridor
Viewing Area ~~*See Environment-Related Definitions*~~
~~Vision Clearance Area~~
Warehouse And Freight Movement *See Chapter 33.920, Descriptions of the Use Categories*
Waste Collection Areas
Waste-Related *See Chapter 33.920, Descriptions of the Use Categories*
Water Bodies ~~*See Environment-Related Definitions*~~
Water Quality Resource Area ~~*See Environment-Related Definitions*~~
Wetland ~~*See Environment-Related Definitions*~~
Wholesale Sales *See Chapter 33.920, Descriptions of the Use Categories*
Wildlife Species of Concern
Wind Turbine or Wind Energy Turbine

RICAP Item #45 – Zoning Code Terms

(RIR#434527)

Airport Airside Development.
Moved this term from "Aviation Related". Added the word "Airport" to 1) keep terms together and 2) indicate that these relate to the airport.

Airport Landside Development
Moved this term from "Aviation Related". Added the word "Airport" to 1) keep terms together and 2) indicate that these relate to the airport.

Alley
This term was moved from the transportation-related terms. It is not included as a street type, since it is not a street as used in this title (see definition of "street")

Alteration.
Moved from "Development-Related". Added cross reference to new location.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.910
DEFINITIONS

Sections:
33.910.010 Defining Words
33.910.020 Use of Terms
33.910.030 Definitions

33.910.010 Defining Words
Words used in the zoning code have their normal dictionary meaning unless they are listed in 33.910.030 below. Words listed in 33.910.030 have the specific meaning stated, unless the context clearly indicates another meaning.

33.910.020 Use of Terms
Information about the use of terms in the zoning code is contained in 33.700.070.D.

33.910.030 Definitions
The definition of words with specific meaning in the zoning code are as follows:

Accessible Route. [no change]

Accessory Dwelling Unit. See Residential Structure Types. [no change]

Accessory Parking Facility. [no change]

Accessory Recreational Vehicle. See Recreational Vehicle, under Vehicle Types. [no change]

Accessory Structure. [no change]

Accessory Use. [no change]

Airport Airside Development. Airside development occurs at the Portland International Airport within the Perimeter Security Fence and the Runway Protection Zone. Examples include runways, taxiways, airfield roadways, aviation approach lighting systems, navigational beacons, associated equipment sheds, and security fencing.

Airport Landside Development. Landside development occurs at the Portland International Airport outside the Perimeter Security Fence. This area is comprised of the Passenger Terminal, airport access roadways, parking lots, aircraft maintenance facilities, cargo hangers, maintenance buildings, fire and rescue facilities, and other similar types of development.

Alley. A right-of-way that provides vehicle access to a lot or common parking area. Generally, alleys provide secondary vehicle access; however, where vehicle access from the street is not allowed or not possible, the alley may provide primary vehicle access. See also Street-Types.

Alteration. See Development, Alteration ~~Development-Related Definitions~~.

Alternative or Post Incarceration Facility. [no change]

Commentary

Arterial
Moved from transportation related definitions to new category "street types"

Auto-related Uses
This term is being deleted as it is not used in the code. There are several references to "auto-oriented uses" (see 33.521.300.F, 33.526.100-110, 33.532.270, 33.534.100-110, 536.100-110, 33.538, 33.550, 33.562, 33.583) but in each of these instances, specific regulations call out the uses and development that are limited or prohibited.

Aviation-Related Definitions
These terms have been moved. Note that Airside and Landside Development are now found in Airport Airside Development, and Airport Landside Development, respectively

Biogas
This term was incorporated into the definition of "Small Scale Energy Production"

Biomas
This term was incorporated into the definition of "Small Scale Energy Production"

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Applicant. [no change]

Arborist. [no change]

Arterial. See Street Types ~~Transportation-Related Definitions~~

Attached Duplex. See Residential Structure Types. [no change]

Attached House. See Residential Structure Types. [no change]

Attached Structure. [no change]

Auto-Accommodating Development. See Development Types. [no change]

~~**Auto-Related Uses.** Uses in the Quick Vehicle Servicing, Vehicle Repair, and Commercial Parking Facilities categories described in Chapter 33.920, Descriptions of the Use Categories. [For comparisons, see Development Types.]~~

~~**Aviation-Related Definitions**~~

- ~~**Airside Development.** Airside development occurs at the Portland International Airport within the Perimeter Security Fence and the Runway Protection Zone. Examples include runways, taxiways, airfield roadways, aviation approach lighting systems, navigational beacons, associated equipment sheds, and security fencing.~~
- ~~**Landside Development.** Landside development occurs at the Portland International Airport outside the Perimeter Security Fence. This area is comprised of the Passenger Terminal, airport access roadways, parking lots, aircraft maintenance facilities, cargo hangers, maintenance buildings, fire and rescue facilities, and other similar types of development.~~
- ~~**General Aviation**~~

Aviation, General. General aviation refers to all flights other than military and scheduled airline and cargo flights, both private and commercial. Examples include business aviation, private flying, flight training, air ambulance, police aircraft, aerial firefighting, and air charter services.

- ~~**Wildlife species of concern.** Wildlife species of concern are those species with a large enough body mass (i.e. raptors, waterfowl, coyote, great blue heron or species with flocking behavior (i.e. European starling, gulls) that can result in a high probability of severe impact with aircraft. The wildlife species of concern list is in the Port of Portland's Wildlife Hazard Management Plan, as authorized by the Federal Aviation Administration.~~

BDS. [no change]

~~**Biogas.** Generation of energy by breaking down biological material in anaerobic conditions to produce gas that can be used to generate electricity or heat. The process generally occurs inside a closed system such as a tank or container. See also Small Scale Energy Production.~~

~~**Biomass.** Generation of energy through the combustion of biological material to produce heat, steam, or electricity. See also Small Scale Energy Production.~~

Commentary

Building
This term was moved from Development related definitions

Bus Stop
This term was moved from Transportation related definitions

City-designated Natural Resources
This term was moved from Environment related definitions

Clearing
This term was moved from Development related definitions

Common Green
This term was moved from Transportation related definitions to new category "Street Types", new cross reference added.

Community Garden
This term was moved from Food production related definitions

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Block. [no change]

Block Frontage. [no change]

Figure 910-1 [no change]
Block Frontage

Building. A structure that has a roof and is enclosed on at least 50 percent of the area of its sides. ~~See Development-Related Definitions.~~

Building Coverage. [no change]

Building Line. [no change]

Figure 910-2 [no change]
Building Lines

Bus Stop. A location where regularly scheduled bus service or streetcar service stops to load and unload passengers. For purposes of measuring, the bus stop is the location of a sign denoting the bus stop. ~~See Transportation Related Definitions~~

Calendar Year [no change]

Caretaker. [no change]

Carpool. [no change]

Cemetery. [no change]

Certificate of Occupancy. [no change]

Change of Use. [no change]

City. [no change]

City-designated Natural Resources. Natural resources and functional values protected by Environmental Overlay Zones. ~~See Environment-Related definitions.~~

Clearing. Any activity that removes existing vegetation or strips surface material from any portion of the site. ~~See Development-Related Definitions.~~

Common Green. See Street Types ~~See Transportation Related Definitions~~

Community Garden. A site where any kind of plant, including flowers, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation, and only limited sales are allowed.

Commentary

Comprehensive Plan
Minor edits to this term clarify that comprehensive plan is the plan that is adopted by council, acknowledged by LCDC, and is now effective.

Conservation Landmark
This term has been incorporated into the definition of Historic Resource.

Contributing Resource
This term has been incorporated into the definition of Historic Resource.

Crown Cover
This term was moved from the environment-related definitions

Delivery Days
This term was moved from Food production related definitions

Dead-end Street
This term was moved from Transportation related definitions to new category "Street Types", new cross reference added.

Develop
This term was moved from Development related definitions

Developed Portion of the Right of way
This term was moved from Environment related definitions

Development
This term was moved from Development related definitions

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Comprehensive Plan. The current adopted, acknowledged, and effective Comprehensive Plan of the City of Portland.

Convenience Store. [no change]

Conservation Landmark. See Historic Resource ~~Historic Resource-related definitions~~.

Contributing Resource. See Historic Resource ~~Historic Resource-related definitions~~.

Corner Lot. See Lot. [no change]

Council. [no change]

Crown Cover. The area directly beneath the crown and within the dripline of a tree or shrub. The crown consists of the above ground branches, stems, and leaves. ~~See Environment-related definitions.~~

Days. [no change]

Delivery Days are days when deliveries of food or other goods are made to Food Membership Distribution Sites for later pick-up by members of Food Buying Clubs or Community Supported Agriculture Organizations.

Dead-end Street. See Street Types. ~~Transportation-related definitions.~~

Density. [no change]

Design Guidelines. [no change]

Desired Character. [no change]

Develop. To construct or alter a structure or to make a physical change to the land including excavations and fills. ~~See Development related definitions.~~

Developed Portion of Right-of-way. Those portions of a right-of-way that contain development, including retaining walls or other structures, vehicle travel lanes, parking and loading areas, curbs, landscape strips, sidewalks, shoulders, other paved or graveled areas, and other areas used for bicycle or pedestrian traffic. It does not include natural geologic forms or unimproved land. ~~See Environment-related definitions.~~

Development. All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also Exterior Improvements. ~~See Development related definitions.~~

Commentary

Development-related definitions

These terms have been incorporated alphabetically elsewhere into the chapter

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

~~**Development-Related Definitions**~~

- ~~**Alteration.** A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include the following:~~
  ~~- Changes to the facade of a building;~~
  ~~- Changes to the interior of a building;~~
  ~~- Increases or decreases in floor area of a building;~~
  ~~- Changes to other structures on the site, or the development of new structures;~~
  ~~- Changes to exterior improvements;~~
  ~~- Changes to landscaping; and~~
  ~~- Changes in the topography of the site.~~

- ~~**Building.** A structure that has a roof and is enclosed on at least 50 percent of the area of its sides.~~

- ~~**Clearing.** Any activity that removes existing vegetation or strips surface material from any portion of the site.~~

- ~~**Develop.** To construct or alter a structure or to make a physical change to the land including excavations and fills.~~

- ~~**Development.** All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also Exterior Improvements.~~

- ~~**Eave.** Projecting overhang at the lower border of a roof and extending from a primary wall or support. See Figure 910-14.~~

~~Figure 910-14~~ [figure moved]
~~**Eave**~~

- ~~**Exterior Alteration.** A physical change to a site that is outside of any buildings. Exterior alteration does not include normal maintenance and repair or total demolition. Exterior alteration does include the following:~~
  ~~- Changes to the facade of a building;~~
  ~~- Increases or decreases in floor area that result in changes to the exterior of a building;~~
  ~~- Changes to other structures on the site or the development of new structures;~~
  ~~- Changes to exterior improvements;~~
  ~~- Changes to landscaping; and~~
  ~~- Changes in the topography of the site.~~

- ~~**Exterior Improvements.** All improvements except buildings or other roofed structures. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways, but does not include vegetative landscaping, synthetic turf, natural geologic forms, or unimproved land. See also Development.~~

Commentary

Development-related definitions
These terms have been incorporated alphabetically elsewhere into the chapter

Development, Alteration
This term was moved from the development-related definitions, and the order of the phrase was changed to keep these particular development terms in proximity with one another. This helps compare, for instance, alteration with exterior alteration with new development. In addition, the term "floor area" has been replaced with "gross building area" to capture any increase or decrease in the area of a building.

Development, Exterior Alteration
This term was moved from the development-related definitions, and the order of the phrase was changed to keep these particular development terms in proximity with one another. This helps compare, for instance, alteration with exterior alteration with new development. In addition, the term "floor area" has been replaced with "gross building area" to capture any increase or decrease in the area of a building.

Development, New
This term was moved from the development-related definitions, and the order of the phrase was changed to keep these particular development terms in proximity with one another. This helps compare, for instance, alteration with exterior alteration with new development.

Disturbance
This term was moved from the environment-related definitions,

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

- ~~**Grading.** All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.~~

- ~~**New Development.** Development of a site that was previously unimproved or that has had previously existing buildings demolished.~~

- ~~**Structure.** Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.~~

Development, Alteration. A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include the following:
- Changes to the facade of a building;
- Changes to the interior of a building;
- Increases or decreases in ~~floor area of a~~ gross building area;
- Changes to other structures on the site, or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

Development, Exterior Alteration. A physical change to a site that is outside of any buildings. Exterior alteration does not include normal maintenance and repair or total demolition. Exterior alteration does include the following:
- Changes to the facade of a building;
- Increases or decreases in ~~floor~~ gross building area that result in changes to the exterior of a building;
- Changes to other structures on the site or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

Development, New. Development of a site that was previously unimproved or that has had previously existing buildings demolished.

Development Types

- **Auto-Accommodating Development.** [no change]

- **Pedestrian-Oriented Development.** [no change]

Director of BDS. [no change]

Disabled Person. [no change]

Disturbance. An action that causes an alteration to soil or vegetation. The action may create temporary or permanent disturbance. Examples include development, exterior alterations, exterior improvements, demolition and removal of structures and paved areas, cutting, clearing, damaging, or removing native vegetation. ~~See Environment-related definitions.~~

Commentary

Disturbance Area
This term, including Permanent and Temporary Disturbance area, was moved from the environment-related definitions,

Drainageway
This term was moved from the environment-related definitions,

Eave
This term and figure were moved from the development-related definitions,

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Disturbance Area. ~~See Environment-related definitions.~~ The area where all temporary and permanent disturbance occurs. For new development the disturbance area must be contiguous. Native vegetation planted for resource enhancement, mitigation, remediation, and agricultural and pasture lands is not included. The disturbance area may contain two subareas, the permanent disturbance area and the temporary disturbance area:

- **Permanent Disturbance Area.** The permanent disturbance area includes all areas occupied by existing or proposed structures or exterior improvements. The permanent disturbance area also includes areas where vegetation must be managed to accommodate overhead utilities, existing or proposed non-native planting areas, and roadside areas subject to regular vegetation management to maintain safe visual or vehicle clearance.

- **Temporary Disturbance Area.** The temporary disturbance area is the portion of the site to be disturbed for the proposed development but that will not be permanently occupied by structures or exterior improvements. It includes staging and storage areas used during construction and all areas graded to facilitate proposed development on the site, but that will not be covered by permanent development. It also includes areas disturbed during construction to place underground utilities, where the land above the utility will not otherwise be occupied by structures or exterior improvements.

Drainageway. An open linear depression, whether constructed or natural, which functions for the collection and drainage of surface water. It may be permanently or temporarily inundated. ~~See Environment-related definitions.~~

Drive-Through Facility. [no change]

Driveway. [no change]

Figure 910-13 [no change]
Driveway

Duplex. See Residential Structure Types. [no change]

Dwelling Unit. See Residential Structure Types. [no change]

Easement. [no change]

Eave. Projecting overhang at the lower border of a roof and extending from a primary wall or support. See Figure 910-14. ~~See Development-related definitions.~~

Figure 910-14 [no change]
Eave

Commentary

Ecologically and Scientifically Significant Natural Areas.
This term was moved from the environment-related definitions,

Environment-related Definitions
These terms have been incorporated alphabetically elsewhere into the chapter

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Ecologically and Scientifically Significant Natural Areas. Land and water that has substantially retained its natural character, but is not necessarily completely natural or undisturbed, and which is significant for historical, scientific, paleontological, or natural features. ~~See Environment-related definitions.~~

~~**Environment-Related Definitions**~~

- ~~**City-designated Natural Resources.** Natural resources and functional values protected by Environmental Overlay Zones.~~
- ~~**Crown Cover.** The area directly beneath the crown and within the dripline of a tree or shrub. The crown consists of the above ground branches, stems, and leaves.~~
- ~~**Developed Portion of Right-of-way.** Those portions of a right-of-way that contain development, including retaining walls or other structures, vehicle travel lanes, parking and loading areas, curbs, landscape strips, sidewalks, shoulders, other paved or graveled areas, and other areas used for bicycle or pedestrian traffic. It does not include natural geologic forms or unimproved land.~~
- ~~**Disturbance.** An action that causes an alteration to soil or vegetation. The action may create temporary or permanent disturbance. Examples include development, exterior alterations, exterior improvements, demolition and removal of structures and paved areas, cutting, clearing, damaging, or removing native vegetation.~~
- ~~**Disturbance Area.** The area where all temporary and permanent disturbance occurs. For new development the disturbance area must be contiguous. Native vegetation planted for resource enhancement, mitigation, remediation, and agricultural and pasture lands is not included. The disturbance area may contain two subareas, the permanent disturbance area and the temporary disturbance area:~~
  - ~~**Permanent Disturbance Area.** The permanent disturbance area includes all areas occupied by existing or proposed structures or exterior improvements. The permanent disturbance area also includes areas where vegetation must be managed to accommodate overhead utilities, existing or proposed non-native planting areas, and roadside areas subject to regular vegetation management to maintain safe visual or vehicle clearance.~~
  - ~~**Temporary Disturbance Area.** The temporary disturbance area is the portion of the site to be disturbed for the proposed development but that will not be permanently occupied by structures or exterior improvements. It includes staging and storage areas used during construction and all areas graded to facilitate proposed development on the site, but that will not be covered by permanent development. It also includes areas disturbed during construction to place underground utilities, where the land above the utility will not otherwise be occupied by structures or exterior improvements.~~
- ~~**Drainageway.** An open linear depression, whether constructed or natural, which functions for the collection and drainage of surface water. It may be permanently or temporarily inundated.~~
- ~~**Ecologically and Scientifically Significant Natural Areas.** Land and water that has substantially retained its natural character, but is not necessarily completely natural or undisturbed, and which is significant for historical, scientific, paleontological, or natural features.~~
- ~~**Fish and Wildlife Habitat Areas.** Lands which contain significant food, water, or cover for native terrestrial and aquatic species of animals. Examples include forests, fields, riparian areas, wetlands, and water bodies.~~
- ~~**Flood Desynchronization.** Modification of the timing of stormwater runoff from various parts of a watershed through water retention, detention, or other means which will result in a decrease in flood elevations.~~

Commentary

Environment-related Definitions

These terms have been incorporated alphabetically elsewhere into the chapter

Note that the following term has been deleted entirely:

Flood Desynchronization – this term does not appear in the zoning code.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

- ~~**Functional Values.** Functional values are the benefits provided by resources. The functional value may be physical, aesthetic, scenic, educational, or some other nonphysical function, or a combination of these. For example, two values of a wetland could be its ability to provide stormwater detention for x units of water draining y acres, and its ability to provide food and shelter for z varieties of migrating waterfowl. As another example, an unusual native species of plant in a natural resource area could be of educational, heritage, and scientific value. Most natural resources have many functional values.~~
- ~~**Identified Wetlands, Identified Streams Identified Waterbodies.** Those streams, wetlands, and waterbodies that are identified in the resource inventory or maps as being significant and in need of protection.~~
- ~~**Live Stake.** A live, rootable vegetative cutting that is driven into the ground. Live stakes can be integrated into rock (riprap), slopes, or used with bioengineering methods to stabilize slopes.~~
- ~~**Outfall.** A location where collected and concentrated water is discharged. The water may be treated or untreated. Outfalls include discharge from stormwater management facilities, drainage pipe systems, constructed open channels, and vegetated swales.~~
- ~~**Practicable.** Capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.~~
- ~~**Pruning.** The cutting away or limbing of tree or shrub branches. Pruning does not include the removal of any portion of the top of the tree, sometimes referred to as "topping". Topping a tree is considered destruction of the tree.~~
- ~~**Remediation.** The restoration and enhancement of resources and/or functional values lost as the result of a violation of the environmental zone regulations.~~
- ~~**Resource Enhancement.** The modification of resources or functional values. This may include the short-term loss of resources or functional values, to achieve improved quality or quantity of the resource or functional values in the long term or for future desired conditions. It can include actions that result in increased animal and plant species, increased numbers of types of natural habitat, and/or increased amount of area devoted to natural habitat. It may also include improvements in scenic views and sites, increased capacity for stormwater detention or infiltration, increased or improved floodplain function, changes in water quantity or quality, changes in ecosystem type, or other improvements to resources or functional values. A resource enhancement project must result in a net gain in total functional value and improvement in the quality or quantity of resources on the site.~~
- ~~**Riparian Areas.** Lands which are adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such, contain elements of both aquatic and terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils which are usually made up largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal.~~
- ~~**Significant Detrimental Impact.** An impact that affects the natural environment to the point where existing ecological systems are disrupted or destroyed. It is an impact that results in the loss of vegetation, land, water, food, cover, or nesting sites. These elements are considered vital or important for the continued use of the area by wildlife, fish, and plants, or the enjoyment of the area's scenic qualities.~~

Commentary

Environment-related Definitions

These terms have been incorporated alphabetically elsewhere into the chapter

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

- ~~**Stream.** An area where enough natural surface water flows to produce a stream channel, such as a river or creek, that carries flowing surface water during some portion of the year. This includes:~~
  - ~~The water itself, including any vegetation, aquatic life, or habitat;~~
  - ~~Beds and banks below the high water level which may contain water, whether or not water is actually present;~~
  - ~~The floodplain between the high water level of connected side channels;~~
  - ~~Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and~~
  - ~~Stream-associated wetlands.~~
- ~~**Stream Channel.** An area which demonstrates evidence of the passage of water. The depression between the banks worn by the regular and usual flow of the water. The channel need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses.~~
- ~~**Top of Bank.** The first major change in the slope of the incline from the ordinary high water level of a water body. A major change is a change of ten degrees or more. If there is no major change within a distance of 50 feet from the ordinary high water level, then the top of bank will be the elevation 2 feet above the ordinary high water level.~~
- ~~**Uplands.** Lands not characterized by the presence of riparian areas, water bodies, or wetlands.~~
- ~~**Utilities.** Infrastructure services, including those in the Basic Utility Use Category, and structures necessary to deliver those services. These services may be provided by a public or a private agency. Examples include water, sanitary sewer, electricity, natural gas, and telephone. Also see the other definition of Utilities in this chapter.~~
- ~~**Vegetation.** All types of vegetation, including trees, shrubs, forbs, grasses, and other plants.~~
- ~~**Vegetative Maintenance.** Control of vegetation that encroaches or grows into public pathways or public drainageways and where maintenance is required for public safety. The control methods may include vegetation trimming or removal.~~
- ~~**Viewing Area.** Part of a site developed for educational or public viewing purposes. The viewing area may be hard surfaced or decking, or within a structure such as a duck blind.~~
- ~~**Water Bodies.** Permanently or temporarily flooded lands which may lie below the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live, whether or not they are attached to the bottom. The bottom may sometimes be considered nonsoil or the water may be too deep or otherwise unable to support emergent vegetation. Water bodies include rivers, streams, creeks, sloughs, drainageways, lakes, and ponds.~~
- ~~**Water Quality Resource Area.** The water quality resource area is a vegetated corridor and the adjacent protected water feature. The functional values of the water quality resource area include: providing a vegetated corridor to separate protected water features from development; maintaining or reducing stream temperatures; maintaining natural stream corridors; minimizing erosion, nutrient and pollutant loading into water; filtering, infiltration and natural water purification; and stabilizing slopes to prevent landslides contributing to sedimentation of water features.~~
- ~~**Wetland.** An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas.~~

Commentary

Exterior Alteration
Changed cross reference

Exterior Improvements
This term was moved from Development related definitions

Fish and Wildlife Habitat Areas
This term was moved from Environment related definitions

Flood Desynchronization
This term is deleted as it does not appear in the zoning code.

Floor Area
This change removes the term being defined from the definition itself. Additional cross references have also been added for comparison with net and gross building area.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

ESEE Analysis. [no change]

Excavating or Filling. [no change]

Exchange Parcel. [no change]

Exterior Alteration. See Development, Exterior Alteration ~~See Development-related definitions.~~

Exterior Courtyard. [no change]

Exterior Display. [no change]

Exterior Improvements. All improvements except buildings or other roofed structures. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways, but does not include vegetative landscaping, synthetic turf, natural geologic forms, or unimproved land. See also Development. ~~See Development-related definitions.~~

Exterior Storage. [no change]

Exterior Work Activities. [no change]

Facade. [no change]

Farmers Market. [no change]

Final Plat. [no change]

Fish and Wildlife Habitat Areas. Lands which contain significant food, water, or cover for native terrestrial and aquatic species of animals. Examples include forests, fields, riparian areas, wetlands, and water bodies. ~~See Environment-related definitions.~~

Flag Lot. See Lot. [no change]

~~**Flood Desynchronization.** See Environment-related definitions.~~

Floodway. [no change]

Floor Area. The total ~~floor~~ area of the portion of a building that is above ground. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes the area devoted to structured parking that is above ground level. Floor area does not include the following:

- Areas where the elevation of the floor is 4 feet or more below the lowest elevation of an adjacent right-of way;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter.

See also Net Building Area, Gross Building Area

Floor Area Ratio (FAR). [no change]

Commentary

Food Membership Distribution Site
Moved from "Food Production Related". Amended definition to incorporate distribution site types: **Food Buying Clubs** and **Community Supported Agriculture Organizations**.

Food Production and Distribution Related Definitions
These terms have been incorporated alphabetically elsewhere into the chapter

Functional Values
This term was moved from Environment related definitions

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Food Membership Distribution Site. A site where items ordered through the following organizations ~~a Food Buying Club or Community Supported Agriculture Organization~~ are picked up by the members.

- **Food Buying Clubs** are membership organizations. The members, as a group, buy food and related products from wholesalers, distributors, growers, and others. All products are pre-ordered and pre-paid, and at least 70 percent of the products are food.

- **Community Supported Agriculture Organizations** are membership organizations. Individuals or households become members by purchasing a share or a specified amount of an agricultural producer's output in advance. Members receive food items from the producer on a regular schedule.

~~**Food Production and Distribution Related Definitions**~~

- ~~**Community Garden.** A site where any kind of plant, including flowers, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation, and only limited sales are allowed.~~
- ~~**Delivery Days** are days when deliveries of food or other goods are made to Food Membership Distribution Sites for later pick-up by members of Food Buying Clubs or Community Supported Agriculture Organizations.~~
- ~~**Food Membership Distribution Site.** A site where items ordered through a Food Buying Club or Community Supported Agriculture Organization are picked up by the members.~~
  - ~~**Food Buying Clubs** are membership organizations. The members, as a group, buy food and related products from wholesalers, distributors, growers, and others. All products are pre-ordered and pre-paid, and at least 70 percent of the products are food.~~
  - ~~**Community Supported Agriculture Organizations** are membership organizations. Individuals or households become members by purchasing a share or a specified amount of an agricultural producer's output in advance. Members receive food items from the producer on a regular schedule.~~
- ~~**Market Garden.** A site where food is grown to be sold. The food may be sold directly to consumers, restaurants, stores, or other buyers, or at Farmers Markets.~~

Front Lot Line. See Lot Lines. [no change]

Front Setback. See Setback. [no change]

Functional Values. Functional values are the benefits provided by resources. The functional value may be physical, aesthetic, scenic, educational, or some other nonphysical function, or a combination of these. For example, two values of a wetland could be its ability to provide stormwater detention for x units of water draining y acres, and its ability to provide food and shelter for z varieties of migrating waterfowl. As another example, an unusual native species of plant in a natural resource area could be of educational, heritage, and scientific value. Most natural resources have many functional values. ~~See Environment-Related Definitions~~

Commentary

Grading
This term was moved from Development related definitions

Gross Building Area
This definition was modified to remove the reference to "floor area" since the defined term for "floor area" excludes area below grade, in contradiction with this definition. Additional clarification is added that gross building area includes structured parking area (as this is included in the definition of "floor area").

Historic Landmark
This term was incorporated into the definition of Historic Resource

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Future Division Plan. [no change]

Garage. [no change]

Garage Entrance Setback. See Setback. [no change]

Grade. [no change]

Grading. All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development. ~~See Development-Related Definitions.~~

Gross Building Area. The total ~~floor~~ area of all floors of a building, both above and below ground. Gross building area is measured from the exterior faces of a building or structure. Gross building area includes structured parking but does not include the following:

- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter.

Groundwater Sensitive Areas. [no change]

Group Living Structure. See Residential Structure Types. [no change]

Hazardous Substances. [no change]

Heavy Truck. See Truck, under Vehicle Types [no change].

Helicopter Approach-Departure Flight Path. [no change]

Figure 910-3 [no change]
Helicopter Approach-Departure Flight Paths

Helicopter Landing Facility (HLF). [no change]

- **Private Helicopter Landing Facility.** [no change]
- **Public Helicopter Landing Facility.** [no change]

Helicopter Trip. [no change]

Historic Landmark. See Historic Resource ~~-Related Definitions~~

Historic Landmark Tree. [no change]

Commentary

Historic Resource

This term was moved from Historic resource related definitions. It also incorporates a number of related definitions including:

Conservation Landmark
Historic Landmark
Contributing Resource, and
Historic Resource Inventory

Historic Resource Related Definitions

These terms have been incorporated alphabetically elsewhere into the chapter

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Historic Resource. A place, structure or object that has historic significance. Historic Resources include:

- **Historic Landmarks.** A Historic Landmark designation may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City or the Keeper of the National Register of Historic Places has designated or listed for their special historic, cultural, archaeological, or architectural merit~~, including those that are listed in the National Register of Historic Places~~;

- **Conservation Landmarks.** A Conservation Landmark may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City has designated or listed for their special historic, cultural, archaeological, or architectural merit. They are primarily of local or neighborhood importance;

- **Historic Districts**, including those listed in the National Register of Historic Places;

- **Conservation Districts**;

- ~~Structures or objects that are identified as contributing to the historic significance of a Historic District or a Conservation District.~~ **Contributing Resources,** including an associated building, site, structure, or object that adds to the historic associations, historic architectural qualities, or archeological values that make a Historic Landmark, Conservation Landmark, Historic District or Conservation District significant, as identified in the documentation prepared for the listing or designation of the landmark or district; and

- Structures or objects that are included in the **Historic Resources Inventory**. The Historic Resources Inventory is a documentation and preliminary evaluation of the significance of historic resources. Information for each resource may include a photograph, the year the resource was constructed, the builder or architect, original owner, significant features, architectural style, and in most cases, a ranking of significance.

~~**Historic Resource-Related Definitions**~~

- ~~**Conservation Landmark.** A Conservation Landmark may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City has designated or listed for their special historic, cultural, archaeological, or architectural merit. They are primarily of local or neighborhood importance.~~
- ~~**Contributing Resource.** An associated building, site, structure, or object that adds to the historic associations, historic architectural qualities, or archeological values that make a Historic Landmark, Conservation Landmark, Historic District or Conservation District significant, as identified in the documentation prepared for the listing or designation of the landmark or district.~~
- ~~**Historic Landmark.** A Historic Landmark designations may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City or the Keeper of the National Register of Historic Places has designated or listed for their special historic, cultural, archaeological, or architectural merit.~~

Commentary

Historic Resource Related Definitions
These terms have been incorporated alphabetically elsewhere into the chapter

Historic Resource Inventory
This term has been incorporated into the definition of Historic Resource

Historic Restoration
This term was moved from Historic Resource related definitions

Historic Value
This term was moved from Historic Resource related definitions

Identified Wetlands, Identified Streams, Identified Waterbodies
This term was moved from Environment related definitions

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

- ~~**Historic Resource.** A place, structure or object that has historic significance. Historic Resources include:~~
  - ~~Historic Landmarks, including those that are listed in the National Register of Historic Places;~~
  - ~~Conservation Landmarks;~~
  - ~~Conservation Districts;~~
  - ~~Historic Districts, including those listed in the National Register of Historic Places;~~
  - ~~Structures or objects that are identified as contributing to the historic significance of a Historic District or a Conservation District; and~~
  - ~~Structures or objects that are included in the Historic Resources Inventory.~~
- ~~**Historic Resources Inventory.** A documentation and preliminary evaluation of the significance of historic resources. Information for each resource may include a photograph, the year the resource was constructed, the builder or architect, original owner, significant features, architectural style, and in most cases, a ranking of significance.~~
- ~~**Historic Restoration.** Actions undertaken to accurately depict the form, features, and character of a historic resource as it appeared at a particular period of time. This is done by removing features not from that particular period, and reconstructing missing features from that particular period.~~
- ~~**Historic Value.** A physical, aesthetic, scenic, educational, or other characteristic which is a reminder of important events or developments in Portland's past.~~
- ~~**Replacement.** Actions to substitute one material or system for another.~~

Historic Resources Inventory. See Historic Resource~~-Related Definitions.~~

Historic Restoration. Actions undertaken to accurately depict the form, features, and character of a historic resource as it appeared at a particular period of time. This is done by removing features not from that particular period, and reconstructing missing features from that particular period. ~~See Historic Resource-Related Definitions.~~

Historic Value. A physical, aesthetic, scenic, educational, or other characteristic which is a reminder of important events or developments in Portland's past. ~~See Historic Resource-Related Definitions.~~

Home Occupation. [no change]

House. See Residential Structure Types. [no change]

Household. [no change]

Houseboat Moorage. See Residential Structure Types. [no change]

Identified Wetlands, Identified Streams, Identified Waterbodies. Those streams, wetlands, and waterbodies that are identified in the resource inventory or maps as being significant and in need of protection.

Institutional Campus. [no change]

Intensity. [no change]

Commentary

Ldn
Added "DNL" which is an alternative term for the same sound measurement. It is also the abbreviation used in the Airport Plan District.

Light Rail Line
This term was moved from Transportation related definitions

Light Rail Alignment
This term was moved from Transportation related definitions and incorporates the term preferred alternative light rail alignment.

Live Stake
This term was moved from Environment related definitions

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Kennel. [no change]

Land Division. [no change]

Land Use Approval. A land use decision for approval or approval with conditions. It includes any time limits or other restrictions that may apply to the land use decision.

Ldn (or DNL). An averaged sound level measurement, taken during a 24 hour period, with a weighting applied to night time sound levels. The Ldn noise contours described in Chapter 33.470, Portland International Airport Noise Impact Zone, are based on Ldn levels that have been averaged over the period of a year.

Light Rail Line. A public rail transit line that usually operates at grade level and that provides high capacity, regional level transit service. A light rail line is designed to share a street right-of-way although it may also use a separate right-of-way or easement. Existing and future light rail lines are designated on the Regional Transitways Map in the Transportation Element of the Comprehensive Plan. Low capacity, district level, or excursion rail transit service, such as a streetcar, is not included. ~~See Transportation-Related Definitions.~~

Light Rail Alignment. A public right-of-way or easement that has a light rail line in it, or that has been designated as a preferred alternative light rail alignment. A Preferred Alternative Light Rail Alignment is a public right-of-way or easement designated by City Council and the regional transit agency as a future light rail alignment after completion of a Draft Environmental Impact Statement (DEIS). ~~See Transportation-Related Definitions.~~

Light Truck. See Truck under Vehicle Types. [no change]

Live Stake. A live, rootable vegetative cutting that is driven into the ground. Live stakes can be integrated into rock (riprap), slopes, or used with bioengineering methods to stabilize slopes.

Living Area. [no change]

Figure 910-15 [no change]
Calculation of Living Area

Loading Area. [no change]

Long-Term Bicycle Parking. [no change]

Long Term Parking. [no change]

Longest Street-Facing Wall. [no change]

Lot. [no change]

- **Adjusted Lot.** [no change]

Figure 910-17 [no change]
Adjusted Lot and Lot Remnant

Commentary

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Figure 910-18 [no change]
Adjusted Lots with Equal Lot Areas as the Original Lots

- **Corner Lot.** [no change]
- **Flag Lot.** [no change]
- **New Narrow Lot.** [no change]
- **Through Lot.** [no change]

Figure 910-5 [no change]
Flag Lot

Figure 910-4 [no change]
Corner and Through Lots

Lot Lines. [no change]

- **Front Lot Line.** [no change]
- **Rear Lot Line.** [no change]
- **Side Lot Line.** [no change]
- **Side Street Lot Line.** [no change]
- **Street Lot Line.** [no change]

Figure 910-6 [no change]
Front and Side Lot Lines

Figure 910-7 [no change]
Street Lot Lines

Figure 910-8 [no change]
Lot Lines on Irregular Lots

Lot of Record. [no change]

Lot Remnant. [no change]

Figure 910-19 [no change]
Lot Remnants that are 50% of the Original Platted Lot Area

Main Entrance. [no change]

Maintenance. [no change]

Major Remodeling. [no change]

Manufactured Dwelling. See Residential Structure Types. [no change]

Manufactured Dwelling Park. [no change]

Manufactured Dwelling Space. [no change]

Manufactured Home. See Residential Structure Types. [no change]

Commentary

Market Garden
Moved from Food Production Related definitions

New Development
Moved from "Development Related definitions. Revised phrase. Added new cross reference

Noise Contour
Incorporated "DNL" level, as this term is used in the Airport Plan District

Nonconforming Development
In the example provided, "floor area" is replaced by a more broad reference to the size of a building. This could include a specific FAR, net building size, gross square footage, or floor area, depending on the context of the specific regulation.

Non-conforming use
Use limitations sometimes include area devoted to exterior storage and work activities. In addition, RICAP Item #3 made sweeping changes to convert use limitation references from floor area to net building area for greater consistency and to better account for uses both above ground and in basement areas. A general reference to the "area devoted to the use" is more inclusive of the variety of use size restrictions utilized in the code.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Marina. [no change]

Market Garden. A site where food is grown to be sold. The food may be sold directly to consumers, restaurants, stores, or other buyers, or at Farmers Markets.

Mass Shelter. [no change]

Mass Shelter Beds. [no change]

Medium Truck. See Truck, under Vehicle Types. [no change]

Mitigate. [no change]

Mixed-Use. [no change]

Mobile Home. See Residential Structure Types. [no change]

Motor Home. See Recreational Vehicle, under Vehicle Types. [no change]

Motor Vehicle. See Vehicle Types. [no change]

Multi-Dwelling Development. See Residential Structure Types. [no change]

Multi-Dwelling Structure. See Residential Structure Types. [no change]

Near Shore Complexity. [no change]

Net Building Area. [no change]

New Development. See Development, New ~~Development-related definitions~~

Noise Contour. A line that indicates the perimeter of areas that are within a specified Ldn/DNL level.

Nonconforming Development. An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards. Nonconforming development includes development that is over a maximum allowed building size ~~amount of floor area~~, as long as the development does not include a building size ~~an amount of floor area~~ that is specifically prohibited by the current development standards.

Nonconforming Residential Density. [no change]

Nonconforming Situation. [no change]

Nonconforming Use. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of ~~floor~~ area ~~of~~ devoted to the use is now prohibited in the zone.

Nondiscretionary Reviews. [no change]

Nuisance Plants List. [no change]

Commentary

Outfall
Moved from environment related definitions

Partial Street
Moved from Transportation Related definitions to Street Types. Added new cross reference

Peak Hour Service
Moved from Transportation Related definitions.

Pedestrian Connection
Moved from Transportation Related definitions.

Permanent Disturbance Area.
Moved from Environment Related definitions. Revised phrase. Added new cross reference

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Operator. [no change]

Organized Sports. [no change]

Outfall. A location where collected and concentrated water is discharged. The water may be treated or untreated. Outfalls include discharge from stormwater management facilities, drainage pipe systems, constructed open channels, and vegetated swales. ~~See Environment-Related Definitions.~~

Owner. [no change]

Ownership. [no change]

Figure 910-9 [no change]
Ownership

Parcel. See Lot. [no change]

Parking Area. [no change]

Parking Space. [no change]

Partial Street. See Street Types ~~See Transportation-Related Definitions.~~

Passenger Vehicle. See Vehicle Types.

Paved Area. [no change]

Peace Officer. [no change]

Peak Hour Service. Service provided by public transit to a site, measured on weekdays between 7:00 AM and 8:30 AM and between 4:00 PM and 6:00 PM. The service is measured in one direction of travel, and counts bus lines, streetcars, and light rail lines. ~~See Transportation-Related Definitions.~~

Pedestrian Access Route. [no change]

Pedestrian Connection. A pedestrian connection generally provides a through connection for bicyclists and pedestrians between two streets or two lots. It may be a sidewalk that is part of a street that also provides vehicle access, or it may be a self-contained street created solely for pedestrians and bicyclists. ~~See Transportation-Related Definitions.~~

Pedestrian-Oriented Development. See Development Types.

Permanent Disturbance Area. See Disturbance Area, Permanent ~~Environment-Related Definitions.~~

Person. [no change]

Personal Wireless Service Facility. [no change]

Phased Development Plan. [no change]

Commentary

Practicable
Moved from Environment Related definitions.

Pruning.
Moved from Environment Related definitions.

Public Access Easement.
Moved from Transportation Related definitions

Rail Right-Of-Way
Moved from "Transportation Related definitions. Revised phrase. Added new cross reference

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Planning and Sustainability Director. [no change]

Plat. [no change]

Plaza. [no change]

Plot. [no change]

Pollution Reduction Facility. [no change]

Potential Landslide Hazard Area. [no change]

Practicable. Capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. ~~See Environment-Related Definitions.~~

Primary Structure. [no change]

Primary Use. [no change]

Project. [no change]

Property Line Adjustment. [no change]

Figure 910-10 [no change]
Property Line Adjustment

Pruning. The cutting away or limbing of tree or shrub branches. Pruning does not include the removal of any portion of the top of the tree, sometimes referred to as "topping". Topping a tree is considered destruction of the tree. ~~See Environment-Related Definitions.~~

Public Access Easement. A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel. ~~See Transportation-Related Definitions.~~

Public Safety Facility. [no change]

Radio or Television Broadcast Facility. [no change]

Rail Right-Of-Way. See Right-Of-Way, Rail ~~See Transportation-Related Definitions.~~

Rear Lot Line. See Lot Lines. [no change]

Rear Setback. See Setback. [no change]

Recognized Organization. [no change]

Recreational Vehicle. See Vehicle Types. [no change]

Recreational Vehicle Park. [no change]

Commentary

Regulated Vegetation
This term was removed from code in 1998 when solar access provisions in the single dwelling zones (former Section 33.110.230) were removed.

Remediation.
This term was moved from the Environment Related definitions.

Replacement.
This term was moved from the Historic Resource Related definitions.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Recycling Drop-Off Center. [no change]

Recycling Operation. [no change]

Regional Attractor. [no change]

~~**Regulated Vegetation.** Vegetation that is not exempt from the solar access regulations.~~

Remediation. The restoration and enhancement of resources and/or functional values lost as the result of a violation of the environmental zone regulations. ~~See Environment-Related Definitions.~~

Repair. [no change]

Replacement. Actions to substitute one material or system for another. ~~See Historic Resource-Related Definitions.~~

Residential Facility. [no change]

Residential Home. [no change]

Residential Structure Types

- **Accessory Dwelling Unit**. [no change]
- **Attached Duplex.** [no change]
- **Attached House.** [no change]

Figure 910-16 [no change]
Attached Houses

- **Duplex.** [no change]
- **Dwelling Unit.** [no change]
- **Group Living Structure.** [no change]
- **House.** [no change]
- **Houseboat Moorage.** [no change]
- **Manufactured Dwelling.** [no change]
  - **Manufactured Home.** [no change]
  - **Mobile Home.** [no change]
  - **Residential Trailer.** [no change]

Commentary

Resource Enhancement.
Moved from the Environment Related definitions.

Right-of-way
Moved from Transportation Related definitions.

Right-of-way, Rail.
Moved from Transportation related definitions, revised order of phrase in order to appear adjacent to "Right of way".

Riparian Areas.
Moved from Environment related definitions

Roadway
Moved from Transportation Related definitions.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

- **Multi-Dwelling Development.** [no change]
- **Multi-Dwelling Structure.** [no change]
- **Single Room Occupancy Housing (SRO).** [no change]
- **Triplex.** [no change]

Residential Trailer. See Residential Structure Types. [no change]

Resource Enhancement. The modification of resources or functional values. This may include the short-term loss of resources or functional values, to achieve improved quality or quantity of the resource or functional values in the long term or for future desired conditions. It can include actions that result in increased animal and plant species, increased numbers of types of natural habitat, and/or increased amount of area devoted to natural habitat. It may also include improvements in scenic views and sites, increased capacity for stormwater detention or infiltration, increased or improved floodplain function, changes in water quantity or quality, changes in ecosystem type, or other improvements to resources or functional values. A resource enhancement project must result in a net gain in total functional value and improvement in the quality or quantity of resources on the site. ~~See Environment-Related Definitions.~~

Retaining Wall. [no change]

Review Body. [no change]

Right-of-way. An area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract. Where allowed by Section 33.654.150, Ownership, Maintenance, and Public Use of Rights-Of-Way, the right-of-way may be in an easement. ~~See Transportation-Related Definitions.~~

Right-of-way, Rail. A public or private right-of-way, for the purpose of allowing rail travel.

Riparian Areas. Lands which are adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such, contain elements of both aquatic and terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils which are usually made up largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal. ~~See Environment-Related Definitions~~

Riparian Functional Values. [no change]

River Bank Complexity. [no change]

River-Dependent. [no change]

River-Related. [no change]

Roadway. The portion of a right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks. ~~See Transportation-Related Definitions.~~

Commentary

Scenic Corridor.
Added reference for comparison to "View Corridor".

Significant Detrimental Impact
Moved from Environment related definitions.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Scenic Corridor. A scenic corridor is a linear scenic resource. It may include streets, bikeways, trails, or waterways (rivers, creeks, sloughs) through parks, natural areas, or urban areas. The corridor may include scenic views along it, but may also be valued for its intrinsic scenic qualities, such as a winding road through a wooded area. See also, View Corridor.

Scenic Site. [no change]

Scenic View. [no change]

Scenic Viewpoint. [no change]

School Site. [no change]

Seep or Spring. [no change]

Services. [no change]

Setback. [no change]

- **Front Setback.** [no change]
- **Garage Entrance Setback.** [no change]
- **Rear Setback.** [no change]
- **Side Setback.** [no change]
- **Street Setback.** [no change]

Shelter Beds. See Mass Shelter Beds. [no change]

Short-Term Bicycle Parking. [no change]

Short Term Housing. [no change]

Short Term Parking. [no change]

Side Lot Line. See Lot Lines [no change].

Side Setback. See Setback. [no change]

Side Street Lot Line. See Lot Lines. [no change]

Sign. [no change]

Significant Detrimental Impact. An impact that affects the natural environment to the point where existing ecological systems are disrupted or destroyed. It is an impact that results in the loss of vegetation, land, water, food, cover, or nesting sites. These elements are considered vital or important for the continued use of the area by wildlife, fish, and plants, or the enjoyment of the area's scenic qualities. ~~See Environment-Related Definitions.~~

Commentary

Small Scale Energy Production.
Incorporated the definitions for Biogas and Biomass into this definition. These terms do not appear elsewhere in the code but currently supplement the definition of Small Scale Energy production.

Solar Feature.
This term was removed from code in 1998 when solar access provisions in the single dwelling zones (former 33.110.230) were removed.

South or South-Facing.
This term was removed from code in 1998 when solar access provisions in the single dwelling zones (former 33.110.230) were removed.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Significant Tree. [no change]

Single Room Occupancy Housing (SRO). See Residential Structure Types. [no change]

Site. [no change]

Site Frontage. [no change]

Small Scale Energy Production. Energy production where the energy is derived from the following:

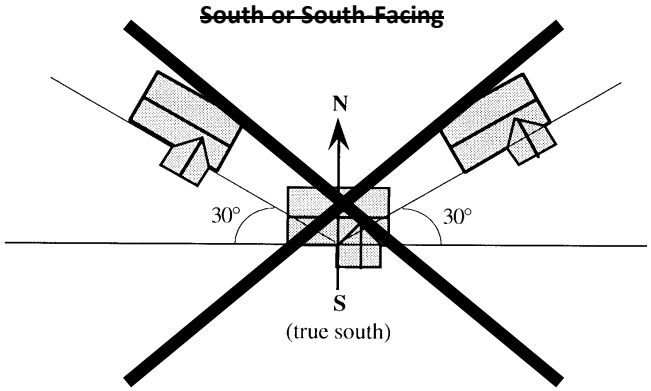
- Solar;
- Small wind energy turbines;
- Geothermal;
- Hydroelectric systems that produce up to 100 kW;
- Waste heat capture, heat exchange or co-generation of energy as a byproduct of another manufacturing process;
- The following ~~Biogas or Biomass~~ systems that use only biological material or byproducts produced, harvested or collected on-site. Up to 10 tons a week of biological material or byproducts from other sites may be used where the base zone regulations specifically allow it:
  - **Biogas**. Generation of energy by breaking down biological material in anaerobic conditions to produce gas that can be used to generate electricity or heat. The process generally occurs inside a closed system such as a tank or container.
  - **Biomass.** Generation of energy through the combustion of biological material to produce heat, steam, or electricity.
- Any of the methods listed here or natural gas used to produce steam, heat or cooling, with an output up to 1 megawatt.

See also, Utility Scale Energy Production, and Wind Energy Turbine.

~~**Solar Feature.** A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, or generating electricity. Examples of a solar feature include: a solar greenhouse, solar panels, a solar hot water heater, and south-facing windows that contain a total of at least 20 square feet of glazing. Solar features may serve as a structural member of the structure. A south-facing wall without solar features is not a solar feature.~~

~~**South or South-Facing.** Unless otherwise stated in this code, south or south-facing refers to structures with faces within 30 degrees of true south. True south is 20 degrees east of magnetic south. See Figure 910-11.~~

~~**Figure 910-11**~~
~~**South or South-Facing**~~



Stream.
Moved from Environment related definitions.

Stream Channel.
Moved from Environment related definitions.

Street
Changed reference from Transportation-related definitions to new category: Street Type

Streetcar Alignment
Moved from transportation related definitions. Also added a cross reference to Light Rail Alignment for comparison.

Streetcar Line
Moved from transportation related definitions. Also added a cross reference to Light Rail Line for comparison.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Special Flood Hazard Area. [no change]

Stormwater Facility. [no change]

Stormwater Management System. [no change]

Stream. ~~See Environment-Related Definitions~~ An area where enough natural surface water flows to produce a stream channel, such as a river or creek, that carries flowing surface water during some portion of the year. This includes:

- The water itself, including any vegetation, aquatic life, or habitat;
- Beds and banks below the high water level which may contain water, whether or not water is actually present;
- The floodplain between the high water level of connected side channels;
- Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and
- Stream-associated wetlands.

See also Identified Streams.

Stream Channel. An area which demonstrates evidence of the passage of water. The depression between the banks worn by the regular and usual flow of the water. The channel need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses. ~~See Environment-Related Definitions~~

Street. See Street Types. ~~See Transportation-Related Definitions.~~

Street Lot Line. See Lot Lines. [no change]

Street Setback. See Setback. [no change]

Street-facing Façade. [no change]

Figure 910-12 [no change]
Street-facing Facade

Streetcar Alignment. A street, right-of-way, or easement that has a streetcar line in it. For comparison, see Light Rail Alignment ~~See Transportation-Related Definitions.~~

Streetcar Line. A public rail transit line that generally operates at grade level and that provides local transit service with stops that are close together. A streetcar line is designed to share a street with traffic, although it may also use a separate right-of-way or easement. For comparison, see also Light Rail Line ~~See Transportation-Related Definitions.~~

Commentary

Street Types

This new category of "types" has been added to group a number of terms that were previously grouped with the broader "Transportation Related" definitions. Similar to Vehicle Types or Development Types, it is important to quickly refer between these terms to assess differences between these various types of streets.

The terms in this category are shown for reference but are not changed from their current definitions.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Street Types See also Alley, Pedestrian Connection, Right of Way, and Roadway

- **Arterial.** Any street that is **not** a Local Service Traffic Street according to the Transportation Element of the Comprehensive Plan. It includes Regional Trafficways, Major City Traffic Streets, District and Neighborhood Collectors, and Traffic Access Streets.

- **Common Green.** A street that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.

- **Dead-End Street.** A street that connects to another street at only one end, or extends from an existing dead-end street. Dead-end streets serve 2 or more lots that have frontage only on the dead-end street. A pedestrian connection may extend from the end of a dead-end street to connect with another street of any type, or with another pedestrian connection.

- **Partial Street.** A partial street is one or more parts of a dead-end street or through street; each part usually is located on a different site. Partial streets are created when a street will be completed in stages, on more than one site. Partial streets may include the whole or part of a turnaround, part of the total width, or part of the total length.

- **Shared Court.** A street that is designed to accommodate – within the same circulation space – access for vehicles, pedestrians, and bicycles to abutting property. Instead of a sidewalk area that is separate from vehicle areas, a shared court is surfaced with paving blocks, bricks or other ornamental pavers to clearly indicate that the entire street is intended for pedestrians as well as vehicles. A shared court may also include traffic calming measures to ensure safe co-existence of pedestrians, vehicles, and bicycles. Like a common green, a shared court may function as a community yard. Hard and soft landscape features and street furniture may be included in a shared court, such as trees, shrubs, lighting fixtures, and benches.

- **Street.** A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Title, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or the interstate freeways and the Sunset Highway including their ramps.

- **Through Street.** A street that connects to other streets at both ends.

- **Transit Street.** A street that is classified in the Transportation Element of the Comprehensive Plan as:

  - A Major Transit Priority Street, Transit Access Street, or Community Transit Street; or

  - A Regional Transitway not also classified as a Regional Trafficway, according to the Transportation Element of the Comprehensive Plan. Regional Transitways that are entirely subsurface are not included for the purposes of this Title.

Commentary

Structure.
Moved from Development Related definitions

Temporary Disturbance Area.
Moved from Environment Related definitions. Revised order of phrase, added cross reference

Through Street.
Moved from Transportation Related definitions to Street Types. Added cross reference

Top of Bank.
Moved from Environment Related definitions.

Transit Station.
Moved from Transportation Related definitions

Transit Street.
Moved from Transportation Related definitions to Street Types. Added cross reference

Transportation Management Association
Deleted abbreviation. While Transportation Management Association is used in the Central City Plan District chapter, "TMA" is not used in the code.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Structure. Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials. ~~See Development-Related Definitions.~~

Structured Parking. [no change]

Superblock. [no change]

Supermarket. [no change]

Surface Parking. [no change]

Temporary Disturbance Area. See Disturbance Area, Temporary. ~~See Environment-Related Definitions.~~

Through Lot. See Lot. [no change]

Through Street. See Street Types. ~~See Transportation-Related Definitions.~~

Top of Bank. The first major change in the slope of the incline from the ordinary high water level of a water body. A major change is a change of ten degrees or more. If there is no major change within a distance of 50 feet from the ordinary high water level, then the top of bank will be the elevation 2 feet above the ordinary high water level. ~~See Environment-Related Definitions.~~

Topping. [no change]

Tower. [no change]

Tract. [no change]

Transit Station. A location where light rail vehicles stop to load or unload passengers. For purposes of measuring, the Transit Station consists of the station platform. ~~See Transportation-Related Definitions.~~

Transit Street. See Street Types. ~~See Transportation-Related Definitions.~~

Transportation Management Association ~~(TMA)~~. An organization devoted to managing transportation or parking within a local community. A main goal for a Transportation Management Association ~~TMA~~ is to reduce reliance on the automobile for both work and non-work trips. A Transportation Management Association ~~TMA~~ typically provides information, programs, and activities that encourage the use of carpooling, transit, and other alternative modes of travel along with efficient use of parking resources.

Transportations Related Definitions

These terms have been relocated either in their alphabetical order in this chapter, or for the terms related to streets, grouped under "Street Types"

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

~~**Transportation-Related Definitions**~~

- ~~**Alley.** A right-of-way that provides vehicle access to a lot or common parking area. Generally, alleys provide secondary vehicle access; however, where vehicle access from the street is not allowed or not possible, the alley may provide primary vehicle access.~~
- ~~**Arterial.** Any street that is **not** a Local Service Traffic Street according to the Transportation Element of the Comprehensive Plan. It includes Regional Trafficways, Major City Traffic Streets, District and Neighborhood Collectors, and Traffic Access Streets.~~
- ~~**Bus Stop.** A location where regularly scheduled bus service or streetcar service stops to load and unload passengers. For purposes of measuring, the bus stop is the location of a sign denoting the bus stop.~~
- ~~**Common Green.** A street that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.~~
- ~~**Dead-End Street.** A street that connects to another street at only one end, or extends from an existing dead-end street. Dead-end streets serve 2 or more lots that have frontage only on the dead-end street. A pedestrian connection may extend from the end of a dead-end street to connect with another street of any type, or with another pedestrian connection.~~
- ~~**Light Rail Line.** A public rail transit line that usually operates at grade level and that provides high capacity, regional level transit service. A light rail line is designed to share a street right-of-way although it may also use a separate right-of-way or easement. Existing and future light rail lines are designated on the Regional Transitways Map in the Transportation Element of the Comprehensive Plan. Low capacity, district level, or excursion rail transit service, such as a streetcar, is not included.~~
- ~~**Light Rail Alignment.** A public right-of-way or easement that has a light rail line in it, or that has been designated as a preferred alternative light rail alignment.~~
- ~~**Partial Street.** A partial street is one or more parts of a dead-end street or through street; each part usually is located on a different site. Partial streets are created when a street will be completed in stages, on more than one site. Partial streets may include the whole or part of a turnaround, part of the total width, or part of the total length.~~
- ~~**Peak Hour Service.** Service provided by public transit to a site, measured on weekdays between 7:00 AM and 8:30 AM and between 4:00 PM and 6:00 PM. The service is measured in one direction of travel, and counts bus lines, streetcars, and light rail lines.~~
- ~~**Pedestrian Connection.** A pedestrian connection generally provides a through connection for bicyclists and pedestrians between two streets or two lots. It may be a sidewalk that is part of a street that also provides vehicle access, or it may be a self-contained street created solely for pedestrians and bicyclists.~~
- ~~**Preferred Alternative Light Rail Alignment.** A public right-of-way or easement designated by City Council and the regional transit agency as a future light rail alignment after completion of a Draft Environmental Impact Statement (DEIS).~~
- ~~**Public Access Easement.** A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.~~
- ~~**Rail Right-of-way.** A public or private right-of-way, for the purpose of allowing rail travel.~~

Transportations Related Definitions

These terms have been relocated either in their alphabetical order in this chapter, or for the terms related to streets, grouped under "Street Types"

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

- ~~**Right-of-way.** An area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract. Where allowed by Section 33.654.150, Ownership, Maintenance, and Public Use of Rights-Of-Way, the right-of-way may be in an easement.~~
- ~~**Roadway.** The portion of a right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.~~
- ~~**Shared Court.** A street that is designed to accommodate – within the same circulation space – access for vehicles, pedestrians, and bicycles to abutting property. Instead of a sidewalk area that is separate from vehicle areas, a shared court is surfaced with paving blocks, bricks or other ornamental pavers to clearly indicate that the entire street is intended for pedestrians as well as vehicles. A shared court may also include traffic calming measures to ensure safe co-existence of pedestrians, vehicles, and bicycles. Like a common green, a shared court may function as a community yard. Hard and soft landscape features and street furniture may be included in a shared court, such as trees, shrubs, lighting fixtures, and benches.~~
- ~~**Street.** A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Title, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or the interstate freeways and the Sunset Highway including their ramps.~~
- ~~**Streetcar Alignment.** A street, right-of-way, or easement that has a streetcar line in it.~~
- ~~**Streetcar Line.** A public rail transit line that generally operates at grade level and that provides local transit service with stops that are close together. A streetcar line is designed to share a street with traffic, although it may also use a separate right-of-way or easement.~~
- ~~**Through Street.** A street that connects to other streets at both ends.~~
- ~~**Transit Station.** A location where light rail vehicles stop to load or unload passengers. For purposes of measuring, the Transit Station consists of the station platform.~~
- ~~**Transit Street.** A street that is classified in the Transportation Element of the Comprehensive Plan as:~~
  - ~~A Major Transit Priority Street, Transit Access Street, or Community Transit Street; or~~
  - ~~A Regional Transitway not also classified as a Regional Trafficway, according to the Transportation Element of the Comprehensive Plan. Regional Transitways that are entirely subsurface are not included for the purposes of this Title.~~

Tree Types

- **Dangerous Tree** [no change]
- **Dead Tree** [no change]
- **Dying Tree** [no change]

Triplex. See Residential Structure Types. [no change]

Truck. See Vehicle Types. [no change]

Commentary

Underground Parking
Additional cross reference has been added for Gross Building Area (which includes underground parking)

Uplands
Moved from Environment related definitions

Utilities
This term was defined for the 600s series of chapters (Land Divisions), but was also defined under the Environment-related definitions. These changes combine the definition from the environment related term (shown as underlined text) which applies more generally in the code with the definition that is more specific to the Land Division regulations.

Vegetation.
Moved from Environment related definitions

Vegetative Maintenance.
Moved from Environment related definitions

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Underground Parking. Structured parking that does not qualify as floor area. See Structured Parking, Gross Building Area, and Floor Area.

Uplands. Lands not characterized by the presence of riparian areas, water bodies, or wetlands. ~~See Environment-Related Definitions.~~

Utility Scale Energy Production. [no change]

Utility Trailer. See Vehicle Types. [no change]

Utilities. Infrastructure services, including those in the Basic Utility Use Category, and structures necessary to deliver those services. These services may be provided by a public or a private agency. Examples include water, sanitary sewer, electricity, natural gas, and telephone. ~~Also see the other definition of Utilities in this chapter.~~

For the purposes of the 600s series of chapters, utilities are telephone, cable, natural gas, electric, and telecommunication facilities. ~~See also the definition of Utilities under the Environment-Related Definitions.~~

Valet Parking. [no change]

Vegetation. All types of vegetation, including trees, shrubs, forbs, grasses, and other plants. ~~See Environment-Related Definitions.~~

Vegetative Maintenance. Control of vegetation that encroaches or grows into public pathways or public drainageways and where maintenance is required for public safety. The control methods may include vegetation trimming or removal. ~~See Environment-Related Definitions.~~

Vehicle Areas. [no change]

Vehicle Types.

- **Motor Vehicle.** [no change]
- **Passenger Vehicle.** [no change]
- **Recreational Vehicle.** [no change]
  - **Accessory recreational vehicle.** [no change]
  - **Motor home.** [no change]
- **Truck.** [no change]
  - **Light Truck.** [no change]
  - **Medium Truck.** [no change]
  - **Heavy Truck.** [no change]
- **Utility Trailer.** [no change]

Commentary

View Corridor.
Added reference for comparison to "Scenic Corridor".

Viewing Area.
Moved from Environment related definitions.

Vision Clearance Area
This term is deleted. The reference to Chapter 33.286, Signs is obsolete. This chapter was removed when Title 32, Signs was adopted. "Vision Clearance Area" is used in Chapter 33.248 but references to Title 16, Vehicles and Traffic are already included in that chapter, therefore the term does not need to be defined here.

Water Bodies.
Moved from Environment related definitions.

Water Quality Resource Area.
Moved from Environment related definitions.

Wetland.
Moved from Environment related definitions.

Wildlife species of concern.
Moved from Aviation related definitions.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

View Corridor. A view corridor is a three-dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as Mt. Hood, which would result in a narrow corridor, or a group of objects, such as the downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360-degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view. See also, Scenic Corridor.

Viewing Area. Part of a site developed for educational or public viewing purposes. The viewing area may be hard surfaced or decking, or within a structure such as a duck blind. ~~See Environment-Related Definitions.~~

~~**Vision Clearance Area.** Those areas near intersections of roadways and motor vehicle access points where a clear field of vision is necessary for traffic safety. See Diagram in Chapter 33.286, Signs.~~

Waste Collection Areas. [no change]

Water Bodies. Permanently or temporarily flooded lands which may lie below the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live, whether or not they are attached to the bottom. The bottom may sometimes be considered nonsoil or the water may be too deep or otherwise unable to support emergent vegetation. Water bodies include rivers, streams, creeks, sloughs, drainageways, lakes, and ponds. See also Identified Waterbodies. ~~See Environment-Related Definitions.~~

Water Quality Resource Area. The water quality resource area is a vegetated corridor and the adjacent protected water feature. The functional values of the water quality resource area include: providing a vegetated corridor to separate protected water features from development; maintaining or reducing stream temperatures; maintaining natural stream corridors; minimizing erosion, nutrient and pollutant loading into water; filtering, infiltration and natural water purification; and stabilizing slopes to prevent landslides contributing to sedimentation of water features. ~~See Environment-Related Definitions.~~

Wetland. An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas. See also Identified Wetlands. ~~See Environment-Related Definitions.~~

Wildlife species of concern. Wildlife species of concern are those species with a large enough body mass (i.e. raptors, waterfowl, coyote, great blue heron or species with flocking behavior (i.e. European starling, gulls) that can result in a high probability of severe impact with aircraft. The wildlife species of concern list is in the Port of Portland's Wildlife Hazard Management Plan, as authorized by the Federal Aviation Administration. ~~See Aviation-Related Definitions.~~

Wind Turbine or **Wind Energy Turbine.** [no change]

- **Small Wind Turbines** [no change]
- **Large Wind Turbines** [no change]

RICAP Item #18 – Family / Child Daycare

(RIR#511839)

Accessory Home Occupations excludes daycare operations that are registered or certified by the state. 33.920.430 includes the term "family daycare" to refer to daycare uses permitted by Oregon Revised Statutes (ORS) 657A.440 (which are not considered Daycare uses in the zoning code). However, the ORS language uses the term "family child care home". For consistency, the term "family daycare" is changed to read "family child care home".

Additionally, since the state may change the thresholds for numbers of children that are included under the term "family child care home", specific thresholds are removed from this reference.

Also, the regulations in ORS have been moved from 657A to ORS 329A. This reference has been updated.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.920.430 Daycare

A. Characteristics. Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.

B. Accessory Uses. Accessory uses include offices, play areas, and parking.

C. Examples. Examples include preschools, nursery schools, latch key programs, and adult daycare programs.

D. Exceptions. Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include ~~care given by a~~ registered or certified family child care homes ~~provider~~ as specified in ORS 329A ~~657A.440~~. Registered or certified family child care homes for up to 16 children, including the children of the provider that also meet the State's requirements are Household Living uses. ~~if the care is given to 16 or fewer children at any one time including the children of the provider. Family daycare is care regularly given in the family living quarters of the provider's home.~~

RICAP Item #5 – Shed Roof Height Method

(RIR#726578)

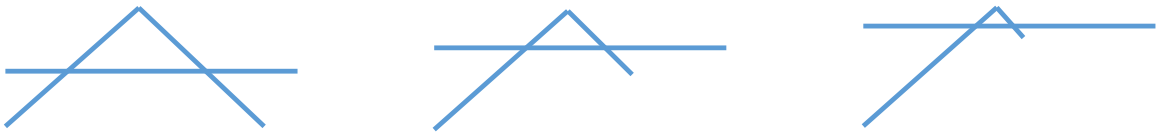
33.930.050 specifies how different roof types are measured for the purposes of establishing building height. The code specifies how to measure building heights for flat and mansard roofs, pitched, hipped, or gambrel roof that are steeper than 12 in 12 pitch, and other roof shapes such as domed, shed, vaulted, or pyramidal shapes. In these cases, the building is measured to the highest point.

An exception exists for pitched or hipped roofs that have less than a 12 in 12 pitch. In these cases the building is measured to the average height of the highest gable (the midpoint of the roof).

Recently, there have been more buildings proposed with "shed" roofs and the height limit was called into question. The code is not explicit whether this type of roof is measured like "other roof shapes" i.e. to the highest point, or a "pitched roof" i.e. measure to the average height of the highest gable.

Webster's dictionary defines a gable as "a section of a building's outside wall that is shaped like a triangle and that is formed by two sections of the roof sloping down"

Since shed roofs are formed by a single plane, there is no "highest gable" to measure the midpoint. Additionally, consider the midpoints of the following gables:



As the countervailing section of roof gets shorter, the midpoint rises. A shed roof is essentially a gable roof with no countervailing roof section. Thus the average height would be measured to the peak. Therefore this is being clarified in the code to avoid potential misinterpretation.

Another clarification is added for flat roofs. For proper drainage, even a "flat" roof has some degree of pitch. Consistent with how flat roofs are characterized in the Design and Historic Resource chapters, flat roofs are defined as having a pitch of 2 in 12 or less.

NOTE: The RICAP 7 proposed draft will also include a short research paper which will evaluate the City's height methodology, as well as provide possible improvements to avoid unintended circumstances and reduce confusion. These recommendations will not result in code changes as part of this project, but may be incorporated into a future legislative project

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.930
MEASUREMENTS

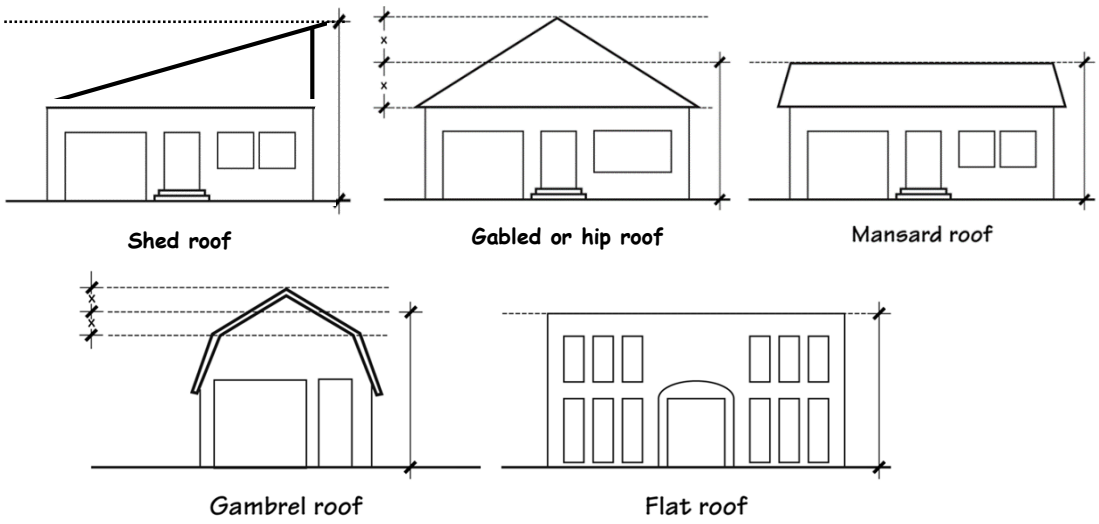
33.930.050 Measuring Height

A. Measuring building height. Height of buildings is generally measured as provided in the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.) The height of buildings is the vertical distance above the base point described in Paragraphs 1. or 2., below. The base point used is the method that yields the greater height of building. Methods to measure specific roof types are shown below and in Figure 930-5:

- Flat roof (pitch is 2 in 12 or less): Measure to the top of the parapet, or if there is no parapet, to the highest point of the roof.
- Mansard roof: Measure to the deck line.
- Gabled ~~Pitched~~, hipped, or gambrel roof where roof pitch is 12 in 12 or less: Measure to the average height of the highest gable.
- Gabled ~~Pitched~~ or hipped roofs with a pitch steeper than 12 in 12: Measure to the highest point.
- Gambrel roofs where both pitches are steeper than 12 in 12: Measure to the highest point.
- Other roof shapes such as domed, shed, vaulted, or pyramidal shapes: Measure to the highest point.
- Stepped or terraced building: Measure to the highest point of any segment of the building.

[Replace Figure 930-5 with the following:]

Figure 930-5
Measuring Height – Roof Types



B. Measuring height of other structures. [no change]

RICAP Item #3 – Clarify allowed area for limited uses

(RIR#17642)

A number of changes have been made to convert references from "floor area" to "net building area" for greater consistency and to more accurately account for the area of uses, when located in basements or floors 4 or more feet below grade.

However, questions still remain when evaluating the area of these limited uses. Are outside eating areas counted? What about bathrooms shared by an outright permitted use and a limited use? Similarly for egress hallways.

To ensure consistent determinations are made with regard to the extent of limited uses, a new section is added to 33.930 to describe how to measure (what elements are included in) the area of limited uses. Each relevant section of the code includes amendments to note whether net building area, gross building area, or floor area is counted. These sections also indicate whether exterior work and/or display areas are or are not included. However, these code sections do not address whether to count exterior eating areas, common areas, elevators, stairwells, and mechanical equipment.

Mechanical equipment rooms, elevators, and stairwells are generally associated with the overall function of a building and do not directly support or intensify a particular use. These are also commonly excluded from leasable area for similar reasons.

Exterior eating areas conversely are an extension of floor space, by adding additional customer capacity. Therefore these areas are counted in their entirety.

In multi-tenant buildings, the areas of shared areas (like lobbies, hallways, or bathrooms) are more difficult to apportion to limited uses as other tenants may come and go, or tenant spaces may be combined or divided. For ease of implementation, so long as a multi-tenant building has at least one unlimited use, the space for these common areas is not counted against the limited uses. However, if all uses in the building are limited, then the common areas are counted.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.930
MEASUREMENTS

Sections:

33.930.010 Purpose
33.930.020 Fractions
33.930.030 Measuring Distances
33.930.040 Measuring Distances on Maps
33.930.050 Measuring Height
33.930.055 Measuring the Area of Limited Uses
33.930.060 Determining Average Slope
33.930.070 Determining the Area of the Facade of a Building
33.930.080 Determining the Plane of a Building Wall
33.930.090 Determining the Garage Wall Area
33.930.100 Measuring Lot Widths and Depths
33.930.103 Measuring Lot Depths
33.930.110 Measuring Areas with Squares of Specified Dimensions
33.930.120 Setback Averaging
33.930.130 Measuring Tree Diameter
33.930.140 Measuring the Root Protection Zone

33.930.055 Measuring the Area of Limited Uses

The extent of allowed area for a use that is limited in size is determined by adding the square footage that the use occupies including exterior eating areas.

Area devoted to mechanical equipment, elevators, and stairwells are not included.

In multi-tenant buildings common areas, such as lobbies, bathrooms and hallways are not included when other permitted primary uses that are not limited uses occupy the building.

Regulations in the base zone, overlay zone or plan district may specify additional area that is either included or excluded from the total area, such as parking area, exterior storage, or exterior display.

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IV. Amendments to Title 11, Trees

The following additional amendments affect non- Title 33 zoning code portions of the City's regulations. These regulations are contained in Title 11, Trees. These amendments are being presented in a separate section of this report, because while they are intended to complement the regulations in the zoning code, they are not land use regulations and are subject to a different legislative adoption process.

Like the previous section of this report, the amendments to code language are on the odd-numbered pages. The facing (even-numbered) pages contain commentary about the proposed amendment.

For more information about the zoning code amendments, refer to Section III.

RICAP Item #35, 36 – Scenic Resources Overlay

(RIR#744415, 74413)

Included in the amendments to Title 33, are revisions to the Scenic Resources Overlay zone. These changes clarified the applicable setback along scenic corridors by defining a scenic corridor setback. Additionally, the changes addressed applicable regulations in the adjacent right of way, including tree preservation standards for street trees. And finally, the changes resolved an inconsistency between the thresholds for when tree replacement could be used and when tree review was required.

Consequently, some conforming amendments to Title 11, Trees are necessary to ensure consistency between the two city Titles. Amendments to ensure conformance with other City Titles do not require hearings before the Urban Forestry Commission or Planning and Sustainability Commission prior to being approved by City Council per sections 11.10.040.B and C. although the revisions were presented to the PSC at their April 28th hearing.

The changes to Table 40-1:

- Replace references to a "street setback or first 20 feet if no street setback exists" with a "scenic corridor setback" which is described in 33.480.040.B.2.
- Include street trees (≥ 6") as being addressed by the zoning code in scenic corridors
- Correct the threshold (from "less than 12 inches" to "12 inches and less") for trees that may be removed and replaced per the standards in 33.480.040.B.2.h.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Table 40-1 Tree Removal in Overlay Zones and Plan Districts [1]

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing: [2]	T33 Tree Size	Title 33 Zoning Code review for removing:
[No changes to remainder of rows in table]				
Scenic Resource Overlay Zone "s" Only applies to trees ~~in **Scenic Corridors**~~ that are within the scenic corridor setback. ~~minimum street setback or the first 20 feet from the street lot line where no street setback exists.~~ See: 33.480.040.B.2.a~~g~~	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ ~~All Street Trees~~ ▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Dead, Dying, or Dangerous trees ▪ Trees associated with the repair and maintenance of water, sewer or storm water lines ▪ Trees within 20 feet of a public safety RF Transmission Facility ▪ ~~Any~~ Street, City, or Private ~~or City~~ trees ~~<12"~~ up to and including 12 inches diameter provided that replanting ~~is met in accordance with 33.248.030~~ per 33.480.040.B.2.h(7) is met [3]	**Street** ~~n/a~~ ≥ 6" **City** ≥ 6" **Private** ≥ 6"	▪ Trees within the scenic corridor setback ~~street setback or first 20 feet from the street lot line~~ that do not meet the applicable Title 11 situations listed in this table

Note [1] If a site is in more than one overlay zone or Plan District; the regulations for both areas apply.
[2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester.
[3] Minimum planting is required to meet zoning code requirements.

Appendix A

What is the Regulatory Improvement Workplan?

On June 26, 2002, the Portland City Council approved Resolution 36080, which sought to "update and improve City building and land use regulations that hinder desirable development." This was the beginning of the Council's charge to build an effective process of continuously improving the City's code regulations, procedures, costs and customer service. The resolution also directed that a procedure be formulated to identify both positive and negative impacts of proposed regulations. This Impact Assessment is now conducted as part of all projects where changes to City regulations are considered.

In August 2003, Council assigned ongoing responsibility for coordination of the implementation of the Regulatory Improvement Workplan (RIW) to the Bureau of Planning and the Bureau of Development Services. To develop the future workplans, the two bureaus established a process for selecting items. The process includes the following:

- An online database of potential amendments and improvements to the Zoning Code. These are items suggested by City staff, citizens, and others;
- The Regulatory Improvement Stakeholder Advisory Team (RISAT); and
- Presenting the Planning and Sustainability Commission with future workplan lists at the same time as proposed code language for the current workplan.

Both bureaus periodically review potential amendments and improvements to the Zoning Code and, with the assistance of the RISAT, rank the amendments and propose a workplan for the next package. The packages are called Regulatory Improvement Code Improvement Package (RICAP) RICAP 1, RICAP 2, and so on. This list of potential amendments is reviewed and adopted by the Planning and Sustainability Commission at a public hearing. The list selected for each package is not a list of amendments, but of issues and areas that will be researched and analyzed; each issue may or may not result in amendments to the code.

After Planning and Sustainability Commission adopts the workplan for the next RICAP package, the Planning Bureau, with assistance from the Bureau of Development Services, develops information and a recommendation on each issue. If an amendment to the Zoning Code is recommended, they also develop code language.

As with all projects that amend the Zoning Code, notice is sent to interested parties and all neighborhood and business associations. Open houses and public meetings are held when warranted. The Planning and Sustainability Commission holds a public hearing on the proposed amendments to the Code, as does City Council.

Appendix B

Model Process for Consideration and Assessment of Land Use and Development Actions

IMPACT ASSESSMENT AND KEY QUESTIONS	PROCESS STEPS	KEY INPUT
First Stage Assessment *What is the issue or problem we are trying to address? Is there a mandate that requires a regulation or other non-regulatory response?* *What are the intended or desired outcomes? What community goals or aspirations are we trying to achieve? How will the outcomes advance the City's Comprehensive Plan?* *Is the issue of sufficient magnitude to justify developing new regulation or other non-regulatory tools? Is the issue just the "crisis du jour" or something more substantial?* *What entities will be generally affected by the potential proposed policies, requirements and/or regulations? Are there existing regulations and non-regulatory tools that affect the same entities that are duplicative, contradict, or overload the existing regulatory framework?* *Why should this be a priority for action? How will the City staff and fund the project?*	**Issue Identification and Initial Scoping**	Community/Stakeholders Bureaus Federal/State/Regulatory Mandates City Council Trends, Demographics Evaluation and Monitoring Results Advisory Boards and Commissions
	Bureau and Council Prioritization	Bureaus City Council Community/Stakeholder Input Budget Considerations Evaluation and Monitoring Results Advisory Boards and Commissions **NO FURTHER ACTION** **DELAY**
	Project Initiation and Project Scope Refinement	Community/Stakeholders Evaluation of Conditions Bureaus Advisory Boards and Commissions **NO FURTHER ACTION** **DELAY**
Second Stage Assessment *What regulatory and non-regulatory alternatives were considered? Why is the proposal the preferred solution/response? How does the proposal best respond to the objectives and goals identified in the first stage of the project?* *How were stakeholders and the community consulted throughout the process? What were their responses to the proposed changes and the alternatives considered?* *How does the proposed policy, regulation or requirement provide sufficient flexibility to address a variety of circumstances?* *What resources are required to implement the proposal and how will any proposed regulation be enforced?* *What are the general benefits of the policy, regulation, or administrative requirement and how do these benefits compare to and balance against the public, private, and community costs?* *How will the regulation's impact be monitored to determine effectiveness? What should success look like? What resources are needed to gather and evaluate performance data?*	**Project Development and Analysis**	Citizen or Technical Advisory Groups Community/Stakeholders Input from Internal and External Review of Early Drafts Implementing Agency(ies)
	* **Proposal and Impact Assessment**	**Public Review** Citizen or Technical Advisory Groups Community/Stakeholders Bureaus DRAC and Other Advisory Commissions
	Consideration of Proposal (at Planning Commission, City Council, Advisory Committee/Board, Bureau Level)	Public Hearings/Public Comment from Bureaus, Community/Stakeholders, etc. Worksession Discussions Additional Information as Requested from Bureau, Other City Entities, Community/Stakeholders
	Is Additional Analysis or Information Needed?	**Yes — Significant** **No** **Yes — Minimal**
	Adoption and Implementation	
Ongoing Assessment	**Evaluation and Monitoring**	

* These two steps may be repeated, e.g. at Planning Commission and City Council

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