

**DATE:** March 1, 2026  
**FROM:** Autumn Buckridge  
**RE:** **Update Packet #216**

This code update packet includes Zoning Code changes from:

- Annual Dollar Threshold Updates (contact: Shannon Buono)

**Update Packet #216: Annual Dollar Thresholds**

| <b>Chapter</b>           | <b>Remove Pages</b> | <b>Insert Pages</b> | <b>Changed because of</b> |
|--------------------------|---------------------|---------------------|---------------------------|
| 33.001-list-of-chapters  | 3-4                 | 3-4                 | Typo                      |
| 33.001-toc-index-symbols | 5-6                 | 5-6                 | Typo                      |
| 33.130                   | 17-18               | 17-18               | Typo                      |
| 33.251                   | 1-2                 | 1-2                 | Typo                      |
| 33.258                   | 9-10, 11-12         | 9-10, 11-12         | \$ Threshold              |
| 33.266                   | 1-2                 | 1-2                 | Typo                      |
| 33.420                   | 19-20               | 19-20               | Typo                      |
| 33.440                   | 7-8                 | 7-8                 | \$ Threshold              |
| 33.475                   | 13-14               | 13-14               | \$ Threshold              |
| 33.510                   | 21-22, 27-28, 43-44 | 21-22, 27-28, 43-44 | \$ Threshold              |
| 33.515                   | 5-6, 33-34          | 5-6, 33-34          | Typo; \$ Threshold        |
| 33.526                   | 1-2                 | 1-2                 | Typo                      |
| 33.534                   | 3-4                 | 3-4                 | Typo                      |
| 33.560                   | 1-2                 | 1-2                 | \$ Threshold              |
| 33.565                   | 7-8                 | 7-8                 | \$ Threshold              |
| 33.580                   | 1-2                 | 1-2                 | Typo                      |
| 33.595                   | 9-10                | 9-10                | Typo                      |
| 33.597                   | 5-6, 9-12           | 5-6, 9-12           | Typo                      |
| 33.710                   | 3-4, 5-6            | 3-4, 5-6            | Typo                      |
| 33.846                   | 7-10                | 7-10                | \$ Threshold              |



- 850 Statewide Planning Goal Exceptions
- 851 South Waterfront Greenway Review
- 852 Transportation Impact Review
- 853 Tree Review
- 854 Planned Development Review
- 855 Zoning Map Amendments
- 865 River Review



**General Terms**

- 900 List of Terms
- 910 Definitions
- 920 Descriptions of Use Categories
- 930 Measurements



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| 809                  | Comprehensive Natural Resource Plans    | 809-1 |
| 810                  | Comprehensive Plan Map Amendments       | 810-1 |
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| <b>General Terms</b> |   |       |
| 900                  | List of Terms                           | 900-1 |
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## Index of Symbols on the Official Zoning Maps

|                      | Symbol  | Full Name                                      | Chapter |
|----------------------|---|--|---------|
| <b>Base Zones</b>    | CE  | Commercial Employment                          | 33.130  |
|                      | CI1   | Campus Institutional 1                         | 33.150  |
|                      | CI2   | Campus Institutional 2                         | 33.150  |
|                      | CR  | Commercial Residential                         | 33.130  |
|                      | CM1   | Commercial/Mixed Use 1                         | 33.130  |
|                      | CM2   | Commercial/Mixed Use 2                         | 33.130  |
|                      | CM3   | Commercial/Mixed Use 3                         | 33.130  |
|                      | CX  | Central Commercial                             | 33.130  |
|                      | EG1   | General Employment 1                           | 33.140  |
|                      | EG2   | General Employment 2                           | 33.140  |
|                      | EX  | Central Employment                             | 33.140  |
|                      | IG1   | General Industrial 1                           | 33.140  |
|                      | IG2   | General Industrial 2                           | 33.140  |
|                      | IH  | Heavy Industrial                               | 33.140  |
|                      | IR  | Institutional Residential                      | 33.150  |
|                      | OS  | Open Space                                     | 33.100  |
|                      | R2.5  | Residential 2,500                              | 33.110  |
|                      | R5  | Residential 5,000                              | 33.110  |
|                      | R7  | Residential 7,000                              | 33.110  |
|                      | R10   | Residential 10,000                             | 33.110  |
|                      | R20   | Residential 20,000                             | 33.110  |
|                      | RF  | Residential Farm/Forest                        | 33.110  |
|                      | RM1   | Residential Multi-Dwelling 1                   | 33.120  |
|                      | RM2   | Residential Multi-Dwelling 2                   | 33.120  |
|                      | RM3   | Residential Multi-Dwelling 3                   | 33.120  |
|                      | RM4   | Residential Multi-Dwelling 4                   | 33.120  |
|                      | RMP   | Residential Manufactured Dwelling Park         | 33.120  |
|                      | RX  | Central Residential                            | 33.120  |
| <b>Overlay Zones</b> | b   | Buffer Overlay Zone                            | 33.410  |
|                      | c or<br> | Environmental Conservation Overlay Zone        | 33.430  |
|                      | d   | Design Overlay Zone                            | 33.420  |
|                      | e   | River Environmental Overlay Zone               | 33.475  |
|                      | f   | Future Urban overlay zone                      | 33.435  |
|                      | g   | River general overlay zone                     | 33.440  |
|                      | g*  | River general overlay zone                     | 33.475  |
|                      | h   | Aircraft Landing overlay zone                  | 33.400  |
|                      | i   | River Industrial Overlay Zone                  | 33.440  |
|                      | k   | Prime Industrial Overlay Zone                  | 33.471  |
|                      | m   | Centers Main Street Overlay Zone               | 33.415  |
|                      | n   | River Natural Overlay Zone                     | 33.440  |
|                      | p or<br> | Environmental Protection Overlay Zone          | 33.430  |
|                      | q   | River Water Quality Overlay Zone               | 33.440  |
|                      | r   | River Recreational Overlay Zone                | 33.440  |
|                      | r*  | River Recreational overlay zone                | 33.473  |
|                      | s   | Scenic Resource Overlay Zone                   | 33.480  |
|                      | v or<br> | Pleasant Valley Natural Resources Overlay Zone | 33.465  |
| x                    | Portland International Airport Noise Impact Overlay Zone                                    | 33.470   |         |
| z                    | Constrained Sites Overlay Zone  | 33.418   |         |

when at least 75 percent of the total floor area is in a residential use. In this case, adjustments to increase the bonus height by more than 20 percent of the base height limit shown in Table 130-2, or 10 feet, whichever is greater, are prohibited.

4. The increment of additional floor area ratio allowed per bonus is stated in Table 130-3 and described in Subsections C through E.
5. The increment of additional height allowed per bonus is stated in Table 130-3, except that additional height is not allowed where the step-down height limits of 33.130.210.B.2 apply.

| <b>Table 130-3<br/>Summary of Bonus FAR and Height</b>  |               |                  |                          |                        |                          |                        |
|---|---------------|------------------|--------------------------|------------------------|--------------------------|------------------------|
|   |               | <b>CM1</b>       | <b>CM2</b>               | <b>CM3</b>             | <b>CE</b>                | <b>CX</b>              |
| <b>Overall Maximums Per Zone</b>                        |               |                  |                          |                        |                          |                        |
| Maximum FAR with bonus                                  |               | 2.5 to 1         | 4 to 1                   | 5 to 1                 | 4 to 1                   | 6 to 1                 |
| Maximum height with bonus                               |               | 35 ft.           | 55 ft. [1]<br>75 ft. [2] | 75 ft.<br>120 ft. [2]  | 45 ft.                   | 85 ft.<br>120 ft. [2]  |
| <b>Increment of Additional FAR and Height Per Bonus</b> |               |                  |                          |                        |                          |                        |
| Inclusionary Housing<br>(see 33.130.212.C)              | FAR<br>Height | 1 to 1<br>none   | 1.5 to 1<br>10 ft.       | 2 to 1<br>10 ft.       | 1 to 1<br>none           | 2 to 1<br>10 ft.       |
| Affordable Commercial Space<br>(see 33.130.212.D)       | FAR<br>Height | 0.5 to 1<br>none | 0.75 to 1<br>10 ft.      | 1 to 1<br>10 ft.       | 0.5 to 1<br>none         | 1 to 1<br>10 ft.       |
| Planned Development<br>(see 33.130.212.E)               | FAR<br>Height | none<br>none     | 1.5 to 1<br>up to 30 ft. | 2 to 1<br>up to 55 ft. | 1.5 to 1<br>up to 30 ft. | 2 to 1<br>up to 45 ft. |

[1] Bonus height in the CM2 zone is only allowed on sites that are within a Historic District, Conservation District, or the Design Overlay Zone and that have a Comprehensive Plan Map designation of Mixed Use–Urban Center or Mixed Use–Civic Corridor. Bonus height on a site where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years is prohibited unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner or the only structure on the site that was demolished was an accessory structure.

[2] This larger overall maximum is only allowed through the Planned Development bonus option and required Planned Development Review.

**C. Inclusionary housing bonus.** Maximum height and FAR may be increased as stated in Table 130-3 if one of the following is met:

1. Mandatory inclusionary housing. Bonus height and FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the increment of additional FAR allowed as stated in Table 130-3. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met; or
2. Voluntary inclusionary housing. Maximum height and FAR may be increased as stated in Table 130-3 when one of the following voluntary bonus options is met:
  - a. Bonus height and FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies

with 33.245.040 and .050, up to the increment of additional FAR allowed as stated in Table 130-3. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

- b. Bonus height and FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from Portland Permitting & Development. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

**D. Affordable commercial space bonus.** Proposals that provide on-site affordable commercial space, or pay into the Affordable Commercial Space Fund, may increase maximum height and FAR if all of the following are met. Floor area may be increased by 2 square feet for each square foot of on-site affordable commercial space provided, up to the maximum stated in Table 130-3. Floor area may be increased by 1 square foot for each square foot purchased through the Affordable Commercial Space Fund, up to the maximum stated in Table 130-3:

1. The applicant must submit with the development application a letter from Prosper Portland certifying that any program administrative requirements have been met; and
2. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built as a result of this bonus will meet the administrative requirements of Prosper Portland or qualified administrator.

**E. Planned Development bonus.** Proposals that provide a combination of affordable housing, a publicly accessible plaza or park, and energy efficient buildings may increase maximum height and FAR as stated in Table 130-3 if approved through a Planned Development Review and Design Review (see Chapter 33.270 and Chapter 33.854). The site must be at least two acres in size to be eligible for this bonus. Sites located within Historic or Conservation districts are not eligible to use this bonus.

### **33.130.215 Setbacks**

**A. Purpose.** The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial/mixed use zones. The setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial/mixed use development that will maintain light, air, and the potential for privacy for adjacent residential zones.

## 33.251 Manufactured Homes and Manufactured Dwelling Parks

# 251

Sections:

- 33.251.010 Purpose
- 33.251.020 Manufactured Homes on Individual Lots
- 33.251.025 More Than One Manufactured Home on a Site
- 33.251.030 Manufactured Dwelling Park Regulations

### 33.251.010 Purpose

This chapter provides standards that allow the placement of manufactured homes, mobile homes and manufactured dwelling parks in residential areas without changing the character of existing neighborhoods. These regulations promote additional housing options and provide locational opportunities for manufactured dwellings.

### 33.251.020 Manufactured Homes on Individual Lots

- A. Purpose.** The purpose of this section is to allow affordable housing opportunities in structures whose appearance is similar to housing built to the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.)
- B. Zones and types of manufactured homes allowed.** Manufactured homes are allowed on individual lots as follows:
  1. In all zones where houses are an allowed housing type;
  2. In zones where cottage clusters are allowed, three to six manufactured homes may be allowed if they meet the provisions of this chapter;
  3. In zones where multi-dwelling development is allowed, two to six manufactured homes may be allowed if they meet the provisions of this chapter; and
  4. On individual lots in manufactured dwelling parks that were created under the provisions of Chapter 33.642.
- C. Development standards.** Manufactured homes must meet the development standards of the base zone, except on individual lots in manufactured dwelling parks that were created under the provisions of Chapter 33.642.

### 33.251.025 More Than One Manufactured Home on a Site

The following standards apply when more than one manufactured home is located on a site:

- A. Two or three manufactured homes.**
  1. Two or three manufactured homes on a site may be regulated as primary and accessory dwelling units in zones that allow up to two accessory dwelling units, as a cottage cluster in zones that allow cottage clusters, or multi-dwelling development in zones that allow multi-dwelling development.

2. The manufactured homes are subject to the density and development standards that would apply to primary and accessory dwelling units, cottage clusters, or multi-dwelling development on the site.
  3. On sites with a cottage cluster, the manufactured homes must be detached. On all other sites, the manufactured homes may be detached or may share common walls or ceilings with other manufactured homes on the site.
- B. Four to six manufactured homes.** Four to six manufactured homes on a site must meet one of the following standards:
1. Four to six manufactured homes on a site may be regulated as a cottage cluster in zones that allow cottage clusters or as multi-dwelling development in zones that allow multi-dwelling development. They are subject to the density and development standards that would apply to cottage clusters or multi-dwelling development on the site. On sites with a cottage cluster, the manufactured homes must be detached. On all other sites, the manufactured homes may be detached or may share common walls or ceilings with other manufactured homes on the site. The manufactured homes must also meet the standards of 33.251.020.D, above; or
  2. Four to six manufactured homes on a site must meet the regulations of Section 33.251.030, Manufactured Dwelling Park Regulations.
- C. Seven or more manufactured homes.** Seven or more manufactured homes on a site must meet the regulations of Section 33.251.030, Manufactured Dwelling Park Regulations.

### 33.251.030 Manufactured Dwelling Park Regulations

- A. Purpose.** Manufactured dwelling parks are allowed in certain multi-dwelling residential zones to provide locational opportunities for manufactured dwellings. The manufactured dwelling park requirements provide standards for orderly development, adequate vehicle circulation, parking, pedestrian circulation, open areas, and landscaping.
- B. Where these regulations apply.** These regulations apply to all manufactured dwelling parks. For sites with four to six manufactured homes, an applicant may choose to meet the regulations of this section or the regulations of 33.251.025.B, above.
- C. Zones allowed.** Manufactured dwelling parks are allowed only in the RM1 and RMP zones. An exception is Historic Districts and Conservation Districts, where they are prohibited.
- D. Uses allowed.** In manufactured dwelling parks that have been divided under the provisions of Chapter 33.642, Household Living is an allowed use. All other uses are prohibited.
- E. Density.** The maximum density allowed in a manufactured dwelling park is that allowed by the base zone. In calculating density, the area of the whole park is included except public or private streets or driveways which serve four or more manufactured dwelling spaces.
- F. Development Standards.** Manufactured dwelling parks must meet the development standards of the base zone in addition to the standards of this section. Development standards are measured related to the property lines of the site, not the boundaries or dimensions of the individual manufactured dwelling space.

### 33.258.070 Nonconforming Development

- A. Purpose.** This section is primarily aimed at upgrading nonconforming development elements that affect the appearance and impacts of a site. It is not intended to require extensive changes that would be extremely impractical such as moving or lowering buildings.
- B. Continued operation.** Nonconforming developments may continue unless specifically limited by Subsection D. below or other regulations in this Title.
- C. Changes.**
1. Changes to the site that do not alter the nonconforming development are allowed.
  2. Changes to the nonconforming development are allowed as follows:
    - a. Changes that bring the nonconforming development closer to conformance are allowed; and
    - b. Changes to the nonconforming development that do not move it closer to conformance are subject to the adjustment process unless prohibited.
- 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. Nonconforming development with a new nonconforming use or new non-conforming residential density. When there is a change to a different non-conforming use, or a change from a nonconforming nonresidential use to a non-conforming residential density, the following nonconforming development must be brought into compliance with the development standards that apply to the site (base, overlay, plan district, special use, tree density standards in Title 11):
    - a. Landscaping and trees required for the following areas:
      - Exterior display, storage, and work activity areas;
      - Setbacks for surface parking and exterior development areas;
      - Interior parking lot landscaping;
      - Existing building setbacks;
      - Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements); and
      - On-site tree density standards of Subsection 11.50.050.C.
    - b. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;
    - c. Bicycle parking by upgrading existing bicycle parking and providing additional spaces in order to comply with 33.266.200 and 33.266.210;
    - d. Screening; and
    - e. Paving of surface parking and exterior storage and display areas.

2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. The requirements of this Paragraph do not apply until January 1, 2029. On and after January 1, 2029, 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., 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 PP&D, is more than \$366,300. The following alterations and improvements do not count toward the threshold:
    - (1) Replace a manufactured dwelling in a manufactured dwelling park;
    - (2) Alterations required by approved fire/life safety agreements;
    - (3) 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;
    - (4) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;
    - (5) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and
    - (6) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.
    - (7) 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;
    - (8) Landscaping required by 33.475.220;
    - (9) Removal or remediation of hazardous substances conducted under ORS 465.200-545 & 900; and
    - (10) The installation of electric bike and electric vehicle chargers and accessory equipment.
  - b. Standards which must be met. Development not complying with the development standards listed below must be brought into conformance or receive an adjustment.
    - (1) Landscaping and trees required for the following areas:
      - Exterior display, storage, and work activity areas;
      - Setbacks for surface parking and exterior development areas;
      - Interior parking lot landscaping;
      - Existing building setbacks;

## 33.266 Parking, Loading, And Transportation And Parking Demand Management

266

### Sections:

33.266.010 Introduction

### Motor Vehicle Parking

33.266.100 General Regulations

33.266.110 Required Carpool and Electric Vehicle Parking

33.266.115 Maximum Allowed Parking Spaces

33.266.120 Development Standards for Houses, Duplexes, Triplexes, and Fourplexes

33.266.130 Development Standards for All Other Development

33.266.140 Stacked Parking Areas

33.266.150 Vehicles in Residential Zones

### Bicycle Parking

33.266.200 Minimum Required Bicycle Parking

33.266.210 Bicycle Parking Development Standards

### Loading

33.266.310 Loading Standards

### Transportation and Parking Demand Management

33.266.410 Transportation and Parking Demand Management

33.266.420 Transportation Impact Review in the Campus Institutional Zones

### 33.266.010 Introduction

This chapter establishes the standards for the amount, location, and development of motor vehicle parking, standards for bicycle parking, and standards for on-site loading areas, and requirements for transportation demand management plans. Other titles of the City Code may regulate other aspects of parking and loading.

## Motor Vehicle Parking

### 33.266.100 General Regulations

- A. Where the regulations apply.** The regulations of this chapter apply to all parking areas in all zones. Parking areas include those accessory to a use, part of a Commercial Parking use, or for a park and ride facility in the Community Services use category.
- B. Calculations of amounts of maximum allowed parking.**
  1. The maximum allowed number of parking spaces is computed based on the primary uses on the site except as stated in Paragraph C.2., below. When there are two or more separate primary uses on a site, the allowed parking for the site is the sum of the allowed parking for the individual primary uses. When there are two or more instances of the same primary use on the site, the maximum allowed parking is based on the total square footage of all those same uses added together.

2. When more than 20 percent of the net building area on a site is in an accessory use, the 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 maximum allowed parking would be computed separately for the office and warehouse uses.
  3. If the maximum number of spaces allowed is less than one, then the maximum number is automatically increased to one.
- C. Proximity of parking to use.** Parking spaces must be located on the site of the use or in parking areas whose closest point is within 500 feet of the site.
- D. Stacked parking.** Stacked or valet parking is allowed if an attendant is present to move vehicles. Automated stacked parking and tandem parking for individual dwelling units are exempt from the attendant requirements. The requirements for maximum spaces and all parking area development standards continue to apply for stacked parking. See also 33.266.140.
- E. Office of Transportation review.** The Office of Transportation reviews the layout of parking areas for compliance with the curb cut and access restrictions of Section 17.28.110, Driveways – Permits and Conditions.

### **33.266.110 Required Carpool and Electric Vehicle Parking**

- A. Purpose.** These regulations encourage carpooling and electric vehicles by requiring that, when parking spaces are provided, enough of the spaces are reserved for carpool use and will accommodate electric vehicle charging infrastructure. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use. Providing opportunities to install electric vehicle chargers within parking areas encourages electric vehicles as an alternative to vehicles that burn fossil fuels.
- B. Required carpool parking spaces.** For office, industrial, and institutional uses where there are more than 20 parking spaces on the site, the following standards must be met:
1. Five spaces or five percent of the parking spaces on site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays. More spaces may be reserved, but they are not required.
  2. The spaces must be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed for exclusive customer use.
  3. Signs must be posted indicating these spaces are reserved for carpool use before 9:00 AM on weekdays.
- C. Required electric vehicle charging spaces.** For Commercial Parking uses and for sites with 5 or more dwelling units, the following standards must be met:
1. Commercial Parking. For Commercial Parking uses, at least 20 percent of the total number of parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 electric vehicle charger.
  2. In buildings with five or more dwelling units, if parking spaces are provided for any of the dwelling units, the following standards apply:

| <b>PUBLIC REALM (PR1 – PR2)</b>   |             |   |  |                 |
|---|-------------|---|--|-----------------|
| <p>The standards for public realm provide an opportunity for development to contribute positively to the adjoining sidewalks, streets and trails. They encourage spaces on the ground floor that support a range of uses and create environments that offer people a welcoming and comfortable experience. The public realm standards are split into the following categories: Ground Floors, Entries/Entry Plazas, Weather Protection, Utilities, Vehicle Areas, and Art and Special Features.</p> |             |   |  |                 |
| Required (X)  | APPLIES TO: |   | THE DESIGN STANDARD  | Optional points |
| <b>GROUND FLOORS</b>  |             |   |  |                 |
| <b>X</b>  | <b>PR1</b>  | <b>Ground Floor Height</b>  |  |                 |
|   |             | <p>New building in a C or E zone with street-facing facade on a street identified as a civic or neighborhood corridor on Map 130-3. Until January 1, 2029, this standard does not apply to development that includes a residential use.</p>   | <p>At least 50 percent of the ground floor walls that are at an angle of 45 degrees or less from the civic or neighborhood corridor must meet the following:</p> <ul style="list-style-type: none"> <li>• The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams; and</li> <li>• The area meeting this standard must be at least 25 feet deep measured from the street-facing façade on the civic or neighborhood corridor.</li> </ul>  |                 |
| <b>X</b>  | <b>PR2</b>  | <b>Ground Floor Height for Taller Buildings</b>   |  |                 |
|   |             | <p>New building in a C or E zone with a street-facing facade on a street identified as a civic or neighborhood corridor on Map 130-3 as follows:</p> <p>The standard is required for a new building with a height that exceeds 55 feet.</p> <p>The standard is optional for a building that is 55 feet or less in height.</p> <p>Until January 1, 2029, this standard is optional for all new buildings that include a residential use.</p> | <p>At least 50 percent of the ground floor walls that are at an angle of 45 degrees or less from the civic or neighborhood corridor must meet the following:</p> <ul style="list-style-type: none"> <li>• The distance from the finished floor to the bottom of the structure above must be at least 15 feet. The bottom of the structure above includes supporting beams; and</li> <li>• The area meeting this standard must be at least 25 feet deep, measured from the street-facing facade on the civic or neighborhood corridor.</li> </ul> | 2               |

|                     |            |   |  |                        |
|---------------------|------------|---|--|------------------------|
|                     | <b>PR3</b> | <b>Ground Floor Active Floor Area</b>   |  |                        |
|                     |            | Site that is at least 10,000 square feet in total site area except for a site located within the Centers Main Street Overlay Zone or where a commercial use in excess of 1,500 square feet is prohibited. | The site must have: <ul style="list-style-type: none"> <li>at least 1,500 square feet of floor area on the ground floor in one of the following active uses: Retail Sales and Service, Office, Manufacturing and Production, Community Service, or Daycare; and</li> <li>at least one main entrance to the space that faces the street and is within 5-feet of the street lot line.</li> </ul>   | 2                      |
| <b>Required (X)</b> |            | <b>APPLIES TO:</b>  | <b>THE DESIGN STANDARD</b>   | <b>Optional points</b> |
|                     | <b>PR4</b> | <b>Affordable Ground Floor Commercial Space</b>   |  |                        |
|                     |            | Site where commercial uses are allowed or limited   | Provide at least 1,500 square feet of floor area located on the ground floor for an affordable commercial space that meets the affordable commercial space program administrative requirements of Prosper Portland. To qualify the applicant must: <ul style="list-style-type: none"> <li>Submit a letter from the Prosper Portland certifying that any program administrative requirements have been met; and</li> <li>Execute a covenant with the City, complying with the requirements of 33.700.060, that ensures that the floor area will meet the administrative requirements of the Prosper Portland or qualified administrator.</li> </ul> | 2                      |
|                     | <b>PR5</b> | <b>Oversized Street-Facing Opening</b>  |  |                        |
|                     |            | New building that has at least one ground floor tenant space with a facade that faces the street lot line and is used for Retail Sales And Service uses   | At least 50 percent of the ground floor tenant spaces, with a minimum of one, must meet the following: <ul style="list-style-type: none"> <li>Provide a roll-up door or movable storefront that provides an opening to the street; and</li> <li>The opening must be at least 8 feet wide and cannot open onto storage areas, mechanical equipment and utility areas, garbage and recycling areas, or vehicle parking areas.</li> </ul>   | 1                      |

### **33.440.220 Floor Area Ratios**

The maximum floor area ratio (FAR) is 2 to 1 for the first 200 feet inland measured from the ordinary high water line, except in any of the following situations:

- A. The site is already subject to a more restrictive FAR; or
- B. The use is an industrial use in an IH or IG base zone.

### **33.440.230 Landscaping**

- A. **Required landscaping.** Landscaping must be provided to conserve or re-establish vegetative cover within or riverward of the greenway setback. The landscaping must comply with the standards specified below. This is in addition to any landscape requirements of other chapters of this Title. The greenway landscape requirements may be included in any overall percentage-of-site landscape requirements of the base zone. Landscaping is not required where it would significantly interfere with a river-dependent or river-related use or development, or where the Fire Marshal finds that it would pose a safety hazard.
- B. **Landscaping standards.** Required greenway landscaping must comply with the standards stated below.
  - 1. A minimum of one tree for every 20 feet of river frontage.
  - 2. A minimum of one shrub for every two feet of river frontage. However, if the greenway trail is proposed to be wider than 12 feet, the shrub calculations will be based on a minimum of one shrub per 25 square feet of area within and riverward of the greenway setback that is not paved or reveted. Areas of high human use which provide public access to the river, such as a beach, are exempt from the shrub calculations.
  - 3. Remaining areas which are not paved or reveted surfaces must have living ground cover.
  - 4. All trees and shrubs are to be planted generally within and riverward of the greenway setback.
  - 5. The standards are for calculation purposes only, and do not require or imply linear planting. Grouping of trees and shrubs is encouraged, particularly on the riverbank.
- C. **Native plants.** All landscaping must comply with the native plant requirement of the Willamette Greenway Plan.
- D. **Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use.** The regulations of this subsection 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 that does not meet the standards of this section, and the alterations are over the threshold of Paragraph D.1, below, the site must be brought into conformance with the development standards listed in Subsections A, B, and C, 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.

1. **Thresholds triggering compliance.** The standards of Subsections A, B, and C must be met when the value of the proposed alterations on the site, as determined by PP&D, is more than \$366,300. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.
2. **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.
3. **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 Subparagraph 33.258.070.D.2.b, the standards of Subsections A, B, and C, above, are also included.

### **33.440.240 Major Public Trails**

- A. Purpose.** Major public trails provide public access to and along both sides of the Willamette River. Major public trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. Major public trail requirements.** All sites with a major public trail symbol shown on the Official Zoning Maps must comply with the requirements of Chapter 33.272, Major Public Trails, provide and install the official Greenway Trail signs as required by the Parks Bureau, and meet the trail design guidelines contained in the Willamette Greenway Plan.
- C. Major public trails in the River Natural and River Water Quality zones.** Major public trails must be designed to minimize disturbances on the natural environment of the River Natural and River Water Quality zoned lands.

### **33.440.250 Public Viewpoints**

- A. Purpose.** Public viewpoints provide stopping places along the Greenway trail and the Willamette River where the public can view and enjoy the natural, scenic, recreational, and economic qualities of the Greenway. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. Viewpoint requirements.** All sites designated with a viewpoint symbol on the Willamette Greenway Plan are required to provide a public viewpoint. The viewpoint must meet the viewpoint design guidelines contained in the Willamette Greenway Plan. In addition, the viewpoint must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Public Recreational Trails. In order to qualify for the maintenance and liability provisions, the viewpoint must be located along the physically continuous trail segment.

### **33.440.260 View Corridors**

- A. Purpose.** View corridors provide visual access and connections to the river for neighborhoods and business districts who might otherwise be visually cut-off from the

1. Thresholds triggering compliance. The requirements of Subsections B, C, and D must be met when the value of the proposed alterations on the site, as determined by PP&D, is more than \$316,750. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.
2. 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.
3. 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 Subparagraph 33.258.070.D.2.b, the standards of Subsections A, B, C, and D, above, are also included.

### **33.475.225 Residential Docks**

- A. Purpose.** The residential docks standard is intended to:
- Limit the impacts of new docks on shallow water habitat areas, which are critical for the survival of a variety of aquatic species;
  - Minimize harmful shading that predatory fish species use to prey on fish species listed under the Endangered Species Act;
  - Minimize disruption to water flow patterns and natural sediment transport along the shoreline; and
  - Maintain access to important foraging areas for waterfowl and other wildlife.
- B. Residential dock standards.** The following standards apply to new floating boat docking structures located in a residential zone.
1. The total square footage of the new floating boat docking structure must not exceed 200 square feet. Adjustments are prohibited; and
  2. The new floating boat docking structure may not be located within shallow water habitat. Adjustments are prohibited. Modifications are allowed through river review.

### **33.475.230 Exterior Lighting**

- A. Purpose.** The standards for exterior lighting are intended to:
- Minimize light glare and light spill from artificial lighting and associated negative impacts on fish and wildlife and their habitats;
  - Reduce light pollution and glare impacts on residential developments;
  - Maintain public safety and security along public trails, in parks, along public streets, and on piers and gangways; and
  - Provide flexibility for river-dependent operations associated with docks.
- B. General standards.** The following standards apply to all exterior lights located within the River General overlay zone.
1. Exterior lights must not project light upward or to the side of the fixture;
  2. The top and sides of all exterior light fixtures must be shielded with 100 percent opaque materials; and

3. Lamps must fall below 3000K or within an S/P ratio range of 1 to 1.2.

**C. Additional standards for areas near the Willamette River.** The following standards apply to all permanent exterior lights located within and riverward of the river setback, and all permanent exterior lights located within 25 feet landward of the river setback. Exterior lights within Governor Tom McCall Waterfront Park, and exterior lights within public streets are exempt from this Subsection:

1. Exterior lights are allowed only if the lights are for the following uses or development:
  - a. Park and Open Area uses;
  - b. The major public trail;
  - c. A public viewing area; or
  - d. River-dependent or river-related development.
2. Structures that support exterior light fixtures must be set back at least 5 feet from the top of bank of the Willamette River unless the structure that supports the exterior light fixture is located on a dock, pier and gangway, and must be setback at least 30 feet from any other stream, drainageway, wetland or water body (top of bank is shown on Map 475-2);
3. Structures that support exterior light fixtures must be spaced at least 25 feet apart; and
4. Exterior lights must not project directly into the Willamette River.

### 33.475.235 Bird-safe Glazing

- A. Purpose.** The bird-safe glazing standards are intended to reduce the risk of bird-to-building collisions. The standards reduce the transparency, or reflectivity, of exterior windows and other glazed surfaces, thereby improving the visibility of exterior glazed surfaces to birds. The reduction in transparency applies to the portions of buildings that studies show are associated with the greatest occurrence of bird strikes.
- B. Development subject to the bird-safe exterior glazing standards.** The bird-safe glazing standards apply to new buildings and major remodeling projects in the South Reach. See Map 475-1. For new buildings, the standards apply per facade when the façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the façade. For major remodeling projects, the standards apply per façade when at least 75 percent of the façade is altered and the altered façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. The standards also apply to glazing located directly adjacent to an ecoroof, roof garden, or other vegetated or landscaped roof area. The standards do not apply to houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes, triplexes, historic landmarks, and contributing resources in historic or conservation districts.
- C. Bird-safe exterior glazing standards.** At least 90 percent of the windows and glazing on the following portions of each façade must choose treatment patterns and application techniques from the *Portland Bird Safe Windows List*:

- (3) Connection to the trail. A direct pedestrian connection must be provided between the open space and any required trail or trail easement on the site;
  - (4) Ownership and use. One of the following must be met:
    - The open space and pedestrian connection must be dedicated to the City; or
    - A public access easement must be provided that allows for public access to and use of all the open space and the pedestrian connection;
  - (5) Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space;
  - (6) Landscaping. The open space must be landscaped to meet the requirements of Paragraphs 33.510.253.E. 5.b.(2) and E.5.g.(5) that apply to South Waterfront Greenway subarea 3;
  - (7) Open space features. Public seating such as benches must be provided at a ratio of at least 5 seats per 1,000 square feet of open space; and
  - (8) Timing. The requirements of this paragraph must be met before an occupancy permit for any building using the bonus floor area is issued.
- e. Open Space bonus option. In the South Waterfront subdistrict, proposals that provide open space that may be used by the public will receive bonus floor area. For each square foot of open space provided, a bonus of 1 square foot of additional floor area is earned. Open space that will earn bonus floor area under Subparagraph C.2.d., South Waterfront Willamette River Greenway bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:
- (1) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area;
  - (2) Ownership and use. One of the following must be met:
    - The open space must be dedicated to the City; or
    - The property owner must record a public access easement that has been attached to the deed for the open space and allows for public access to and use of all the open space;
  - (3) Maintenance. The property owner must execute a covenant with the City that ensures the preservation, maintenance and continued operation of the open space by the property owner. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space;
  - (4) Parks approval. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation stating that the open

space features meet the requirements of the bureau, and that the space is acceptable to the bureau; and

(5) The bonus floor area may be used only in the South Waterfront subdistrict.

f. Open space fund bonus option. In the South Waterfront subdistrict, contributors to the South Waterfront Public Open Space Fund (SWPOSF) receive bonus floor area. For each \$14.70 contributed to the SWPOSF, one square foot of bonus floor area is earned. To qualify for this bonus, the following requirements must be met:

(1) The applicant must submit with the application for land use review a letter from Portland Parks and Recreation documenting the amount that has been contributed to the SWPOSF;

(2) The bonus floor area may be used only in the South Waterfront subdistrict; and

(3) The SWPOSF is to be collected and administered by Portland Parks and Recreation. The funds collected may be used only within the South Waterfront, either for acquisition, improvement, or maintenance of public open space or for bank restoration or improvement projects along the Willamette River.

**D. Floor area transfer options.** Transferring floor area from one site to another is allowed as follows. The transferred floor area is in addition to the maximum floor area ratio shown on Map 510-2. There is no limit to the amount of floor area that can be transferred to a site. Transferring floor area is only allowed in situations where stated. Adjustments to the floor area transfer requirements are prohibited. When FAR is transferred from one site to another, the sending site must retain an amount equal to the minimum FAR required by 33.510.200.C., or an amount equal to the total surface parking area on the site multiplied by the maximum floor area ratio allowed shown on Map 510-2, whichever is more.

1. Transfer of floor area from a Historic Resource. The following regulations apply to transferring floor area from a Historic Resource:

a. Purpose. This transfer option improves public safety by encouraging seismic upgrades of historic resources, and encourages the preservation of historic resources by reducing redevelopment pressure.

b. Sites eligible to send floor area. In order to send floor area the site must meet the following requirements. Sites that are eligible to send floor area are allowed to transfer unused FAR up to the maximum FAR allowed on the site plus an additional 3 to 1:

(1) Be in a RM3, RM4, RX, CX, EX, or OS zones, and

(2) Contain a Historic Landmark, Conservation Landmark, or a contributing resource in a Historic District or Conservation District for which Portland Permitting & Development verifies the following:

- If the building is classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed

- Floors of the building above 75 feet must be 10,000 square feet in area or less;
  - Adjustments to the standards of this subsection are prohibited; however, modifications through design review may be requested as follows:
    - A modification to the 25,000 square foot limitation may be requested;
    - A modification to the 10,000 square foot limitation may be requested if the north-south dimension of the building above 75 feet is 112 feet or less. The north-south dimension is measured as specified in 33.510.251.A.3.e. However, modifications to allow floors larger than 12,500 square feet are prohibited;
- (4) The portion of the proposed building that is greater than 250 feet in height must be at least 200 feet from the portion of any other existing or approved building that is greater than 250 feet in height, and that used the provisions of this subsection to achieve additional height. Approved buildings are those with an unexpired design review approval. Adjustments to this standard are prohibited; however, modifications to the 200 foot minimum distance requirement may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal;
- (5) Where a block is less than 80,000 square feet in area, only one building on the block may use the provisions of this subsection. Where a block is at least 80,000 square feet in area but less than 120,000, only two buildings on the block may use the provisions of this subsection. Where a block is at least 120,000, only three buildings on the block may use the provisions of this subsection.

Applications for land divisions of sites that include a building that has used the provisions of this subsection must show how the land division will not move the site out of conformance with this subsection;

- (6) The applicant must contribute \$28.90 to the South Waterfront Public Open Space Fund (SWPOSF) for every square foot of floor area over 250 feet in height. The contribution to the SWPOSF must be made before the building permit is issued for the building. Contributions to the fund used to earn bonus floor area under 33.510.205.C.2.f, Open space fund bonus option, do not count towards meeting this requirement. Adjustments to this standard are prohibited; and
- (7) The applicant must request advice from the Design Commission as described in 33.730.050.B. The design advice request must be submitted before the request for a pre-application conference. In providing their advice to the applicant, the Design Commission will consider protection and enhancement of public views from both the east and west, as identified in adopted plans; development of a diverse, varied and visually interesting skyline; and creation of a district that is visually permeable. These factors

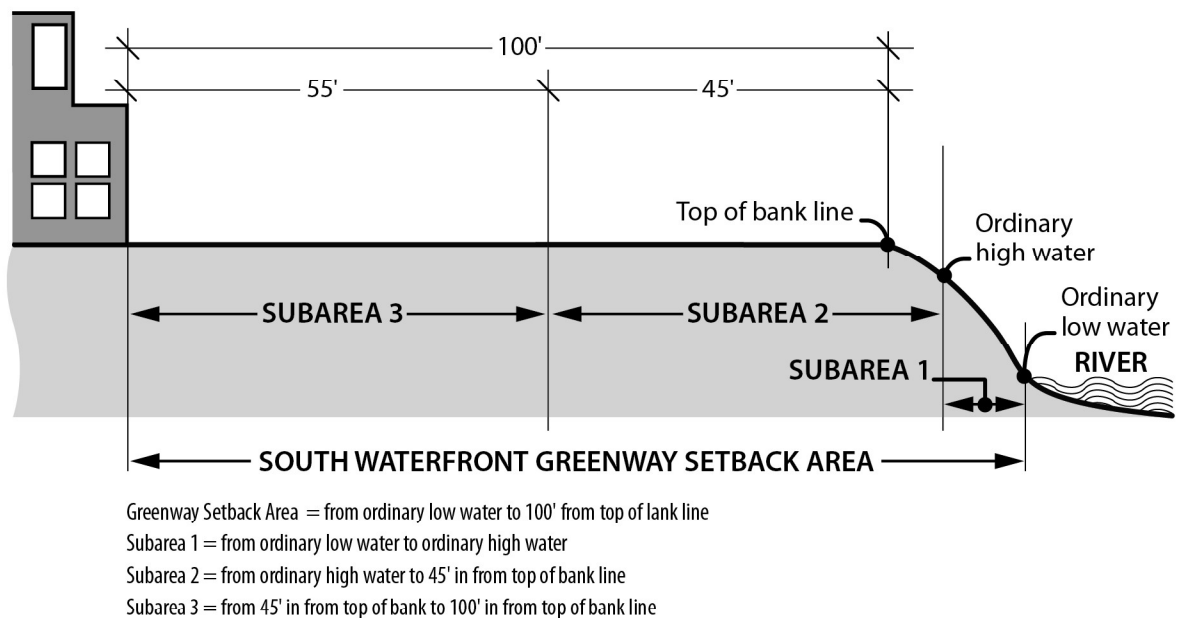
will be considered at different scales, including the site of the proposal, the site and adjacent blocks, and the subdistrict as a whole.

3. Bonus height earned through an FAR bonus or transfer. Except for sites in the South Waterfront height opportunity area, the bonus heights shown on Map 510-4, or allowed by Subparagraph D.3.e, are allowed when the following are met. Except as follows, projections above the height limits shown on Map 510-4, or allowed by Subparagraph D.3.e are prohibited. Until January 2, 2032, adjustments, or modifications through design review, to the bonus heights shown on Map 510-4 or allowed by Subparagraph D.3.e may be requested for new buildings when at least 75 percent of total floor area is in a residential use:
  - a. The site must be shown on Map 510-3 as eligible for a height increase;
  - b. The proposal must earn an additional FAR of at least 1 to 1 through use of one of the following FAR bonus or transfer options. The site shown on Map 510-4 as requiring residential is only allowed to earn the additional 1 to 1 through the bonus option listed in D.3.b (1):
    - (1) The inclusionary housing bonus option of Subparagraph 33.510.205.C.2.a;
    - (2) The Affordable Housing Fund bonus option of Subparagraph 33.510.205.C.2.b;
    - (3) The riverfront open space bonus option of Subparagraph 33.510.205.C.2.c.;  
or
    - (4) The historic resource transfer of Paragraph 33.510.205.D.1.
  - c. Limit shadow. The following additional shadow standard and approval criterion are intended to limit the effects of shadow cast by buildings using bonus height. The shadow study standard applies to sites shown on Map 510-4 as requiring a shadow study. The shadow approval criterion applies to sites within 500 feet of a residential zone located outside of the Central City when more than 75 feet of bonus height is proposed:
    - (1) Shadow study standard. When bonus height will be used on a site shown on Map 510-4 as requiring a shadow study, the shadow study must show that the shadow cast by the proposed buildings or other structures does not cover more than 50 percent of the adjacent open space at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21. Adjacent includes open space across a right-of-way from the site subject to the shadow study standard.
    - (2) Shadow approval criterion. A proposal for more than 75 feet of bonus height on a site that is within 500 feet of a residential zone located outside of the Central City plan district will be approved if the review body finds that shadow cast by the proposed building will not have a significant negative impact on dwelling units located outside the Central City plan district in an R zone within 500 feet of the site.

Development within the Greenway Overlay Zone may also be subject to the regulations and review procedures of state and federal agencies including the Oregon division of State Lands, the National Marine fisheries Service, the US Army Corps of Engineers, and the Oregon Department of Fish and Wildlife.

- C. **Where these regulations apply.** The regulations of this section apply to sites within the South Waterfront Subdistrict where any portion of the site is in the Greenway Overlay Zone, shown on the Official Zoning Map.

**Figure 510-2**  
**South Waterfront Greenway Area and Subareas**



- D. **Required South Waterfront Greenway Setback Area improvements.** Adjustments and modifications to this subsection are prohibited.

1. Required landscaping.
  - a. When development on the site, or alterations to structures, the site, or rights-of-way are made, and PP&D determines that the value of the proposed alterations on the site is more than \$366,300, the site must be brought into conformance with the landscape requirements of Paragraph E.5.g. that apply to subareas 2 and 3 of the South Waterfront Greenway Setback Area. The value of the alterations is based on the entire project, not individual building permits. It is the responsibility of the applicant to document the value of the required improvements.

The following alterations and improvements do not count toward the dollar threshold of this subsection:

- (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.
  - b. Caps on the cost of required landscaping. Required landscaping costing more than 10 percent of the value of the proposed alterations does not have to be installed. When all required landscaping is not being installed, the priority for which landscaping is to be installed is:
    - (1) Trees in subarea 2;
    - (2) Shrubs in subarea 2;
    - (3) Ground cover in subarea 2;
    - (4) Trees in subarea 3;
    - (5) Shrubs in subarea 3;
    - (6) Ground cover in subarea 3; and
    - (7) Other required landscaping;
  - c. Supplemental application requirement. Where landscaping is required by this paragraph, the applicant must submit a landscape plan to PP&D that shows that the landscaping will grow to meet the landscape standards of Subparagraph E.5.g, below, within five years. The landscape plan must be certified by a licensed landscape architect, or by a qualified restoration specialist as part of a formal City revegetation project under authority of Portland Parks and Recreation or the Bureau of Environmental Services.
2. Bank improvements. In subarea 1, when there is any regrading, bank stabilization, or other activities affecting the contours and composition of soil, the requirements of Paragraph E.5.g for subarea 1 must be met.
3. Major public trail and pedestrian connections and public viewpoints. When development on a site, or alterations to structures, the site, or rights-of-way are made that add more than 50,000 square feet of floor area to the site, the applicant must provide public access easements for, and construct, the major public trail, pedestrian connections to the major public trail, and public viewpoints in accordance with Subparagraph E.5.e., and Subparagraph E.5.f. The requirement to provide an access

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 area plus exterior display and storage areas.

2. Retail Sales And Service uses that have net building 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 area or exterior improvement area.

### **Development Standards**

#### **33.515.200 Streetscape Standards**

The development standards foster distinct, yet complementary streetscapes for NE Airport Way and Marine Drive.

#### **33.515.205 Airport Way Streetscape**

- A. Purpose.** Special streetscape standards for NE Airport Way are intended to enhance and strengthen the image of the plan district; unify public and private improvements; and provide for a safe, comfortable, and attractive pedestrian environment.

The Airport Way streetscape embodies the following themes:

- Integrating public and private frontage landscaping;
- Minimizing the visual impact of certain exterior development activities;
- Limiting the size, number, and types of signs; and
- Providing on-site pedestrian circulation.

- B. Where the regulations apply.** East of Interstate 205, the Airport Way streetscape standards apply to sites within 300 feet of NE Airport Way. The Airport Way streetscape standards supersede less restrictive regulations of this or other chapters.

- C. Items allowed in setback.** Development which abuts Airport Way must be set back at least 25 feet from Airport Way. The following items are allowed in the building setback: utility structures, public monument signs, driveway entries, pedestrian paths and water quality facilities. The 25-foot setback must be landscaped and maintained in conformance with Section 33.515.210 and Chapter 33.248, Landscaping and Screening.

- D. Exterior storage, heavy trucks and equipment, and work activities.** Certain types of exterior development are an integral part of industrial uses. However, exterior development should be located and screened to not detract from the intended appearance of the NE Airport Way streetscape. Firms that require extensive exterior development areas are encouraged to locate in the Southern Industrial subdistrict.

1. Exterior work activities and exterior storage of equipment and materials, including heavy trucks, are not allowed within 150 feet of the NE Airport Way property line. Vehicles staged at a loading dock are excepted.

2. The outer perimeter of all such exterior storage must be landscaped, meeting one of the standards stated below.
  - a. Option 1. Perimeter landscaping must be at least 5 feet wide and meet the L3 standard.
  - b. Option 2. For each 30 feet of frontage along Airport Way, one tree and four high shrubs must be planted within a minimum 5-foot wide perimeter landscape area.

### **33.515.210 Airport Way Landscaping**

- A. Purpose.** Special landscape standards apply along NE Airport Way in order to:
  - Provide a consistent landscape pattern that unifies public and private areas;
  - Establish a landscaped streetscape which recognizes both aesthetics and safety;
  - Accommodate a wide variety of uses;
  - Provide a buffer between on-site development and pedestrian and vehicular circulation in the right-of-way;
  - Ensure that exterior development will not detract from the appearance of the area;
  - Protect views of natural resource areas while limiting access to those areas; and
  - Ensure public and private setback landscaping is maintained consistently and adequately.
- B. Where the regulations apply.** Landscape standards for Airport Way apply to sites that abut Airport Way, as shown on Map 515-2 at the end of this chapter.
- C. General standards.** These standards apply to the 25-foot setback from Airport Way. All landscaping in the setback must be installed to comply with Chapter 33.248, Landscaping and Screening, and the NE Airport Way Landscape Design Handbook, adopted September 3, 1993. For ongoing maintenance, the standards of the NE Airport Way Landscape Maintenance Handbook, adopted September 3, 1993, must be met.
  1. 25-foot landscaped setback. The first 10 feet from the right-of-way is a public easement for utilities and landscaping. The next 15 feet is a private setback. Together they form the required 25-foot setback described in 33.515.205.C.
  2. Responsibilities for landscaping improvements. Prior to the issuance of a final certificate of occupancy, the full 25-foot landscaped setback must be installed. In most cases, Prosper Portland has already fully landscaped the 10-foot public easement. On those sites, the applicant must install landscaping in the 15-foot private setback to match landscaping installed by Prosper Portland. On sites without full landscaping on the 10-foot easement, the applicant must also landscape the public easement to the standards detailed in the NE Airport Way Landscape Design Handbook. "Full" landscaping consists of trees, shrubs, and ground cover plants.
- D. Stormwater treatment swales.** Stormwater treatment swales may be placed within the 15-foot private setback, provided the tree pattern is maintained and any nonvegetated swales are visually screened from Airport Way.

17. Nonconforming situations

a. Required improvements.

- (1) Paved areas in Environmental Overlay Zones. When the value of proposed alterations on the site, as determined by PP&D, is more than \$366,300 paved areas that do not meet plan district regulations must be removed from environmental zoned areas. The value of the alterations is based on the entire project, not individual building permits.
- (2) Unpaved exterior areas. When development is proposed or alterations are made to a site, unpaved exterior improvements must comply fully with development standards.
- (3) The cost of meeting the standards of B.17.a(1) and (2), above, may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the requirements of B.17.a(1) and (2) must be met first.

b. 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.

c. 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 subparagraph 33.258.070.D.2.b, the standards of B.17.a(1) and (2), above, are also included.

d. Removal of existing bridges, utilities, or public improvements is not required.

18. Land divisions. The following standards apply to land divisions where at least half of the site is within an environmental zone:

- a. In residential zones, at least 40 percent of the land division site not in streets must be devoted to open areas;
- b. In nonresidential zones, at least 20 percent of the land division site not in streets must be devoted to open areas; and
- c. In all zones, at least half of the open area must be in common ownership.

**33.515.280 Columbia South Shore Environmental Review**

**A. Purpose of the review.** Environmental review of uses and development in the Environmental zones is intended to provide adequate protection for the identified natural resources. The review provides for flexibility and reasonable development opportunities when development is sensitive to the special environmental concerns of the site. Within the plan district, the applicant should be aware that if an archaeological resource exists on an area to be removed from environmental zones, the protection measures of 33.515.262 still apply.

**B. Modifying Environmental Zone boundaries.** Environmental zone boundaries may be modified by the City as the result of and concurrent with approving development in a natural resource area. The boundaries may be modified for either of the two situations

stated below. All other requests for boundary changes are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments.

1. Creation of new resource areas. The environmental protection zone will be expanded as part of the environmental review to include areas identified for mitigation.
2. Loss of existing resource areas. The environmental zone may be removed from an existing natural resource zoned environmental conservation where approved development will eliminate the natural resource. The zoning designation will not be removed until after all required mitigation measures have been completed.

**C. Procedures.** All required reviews are processed through a Type II procedure.

**D. Approval criteria.**

1. Fill or destruction of a natural resource in an environmental conservation zone will be approved if the review body finds that:
  - a. All resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore being altered or destroyed will be replaced through mitigation. If the mitigation site is within a protected resource, values that already exist do not count towards mitigation;
  - b. The mitigation area is in the Columbia South Shore plan district and abuts or is within a protected resource;
  - c. If the mitigation area abuts a protected resource, the mitigation area will be at least 110 percent of the size and values of the altered resource area;
  - d. If the mitigation area is within a protected resource:
    - (1) The mitigation area will be at least 330 percent of the size of the altered area; and will replace at least 110 percent of the values of the altered resource area; and
    - (2) Mitigation will be provided for all resource values lost, including those lost in the protected resource as part of mitigation efforts.
  - e. The maintenance plan insures the maintenance and protection of resource mitigation areas and associated functions and values for 5 years after success has been achieved. The 5-year period will begin when the Bureau receives and approves a report from the applicant which describes the manner in which mitigation success has been achieved. Success shall be defined in the approved mitigation plan to include:
    - (1) Full achievement of required resource values; and
    - (2) Compliance with development standards of Section 33.515.278.
  - f. Except for public improvement projects undertaken by the City, a performance guarantee which meets the requirements of Section 33.700.050, Performance Guarantees, for construction, monitoring, and maintenance of the mitigation site in accordance with the mitigation plan will be filed with the City Auditor prior to issuance of any development or building permit.

## 33.526 Gateway Plan District

# 526

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### Sections:

#### General

- 33.526.010 Purpose
- 33.526.020 Where These Regulations Apply
- 33.526.030 Early Project Consultation

#### Use Regulations

- 33.526.100 Purpose
- 33.526.110 Additional Prohibited Uses
- 33.526.120 Retail Sales and Service and Office Uses

#### Development Standards

- 33.526.200 Purpose
- 33.526.210 Building Height
- 33.526.220 Floor Area Ratio
- 33.526.230 Floor Area and Height Bonus Options
- 33.526.240 Open Area
- 33.526.250 Connectivity
- 33.526.260 Pedestrian Standards
- 33.526.270 Entrances
- 33.526.280 Enhanced Pedestrian Street Standards
- 33.526.290 Ground Floor Windows
- 33.526.300 Required Windows Above the Ground Floor
- 33.526.310 Exterior Display and Storage
- 33.526.320 Drive-Through Facilities
- 33.526.330 Gateway Master Plan
- 33.526.340 Parking

#### Map 526-1 Gateway Plan District

#### Map 526-2 Maximum Heights

#### Map 526-3 Floor Area Ratios

#### Map 526-4 Enhanced Pedestrian Streets

#### Map 526-5 Bonus Option Areas

### General

#### 33.526.010 Purpose

Gateway is Portland's only regional center. As designated in the Outer Southeast Community Plan, the Gateway Regional Center is targeted to receive a significant share of the city's growth. Gateway is served by Interstates 205 and 84, MAX light rail, and TriMet bus service. At the crossroads of these major transportation facilities and high-quality transit service, Gateway is positioned to become the most intensely developed area outside of the Central City. Future development will transform Gateway from a suburban low density area to a dense, mixed-use regional center that maximizes the public's significant investment in the transportation infrastructure.

The regulations of this chapter encourage the development of an urban level of housing, employment, open space, public facilities, and pedestrian amenities that will strengthen the role of Gateway as a regional center. The regulations also ensure that future development will provide for greater connectivity of streets throughout the plan district. This development will implement the Gateway Regional Center Policy of the Outer Southeast Community Plan. Together, the use and development regulations of the Gateway plan district:

- Promote compatibility between private and public investments through building design and site layout standards;
- Promote new development and expansions of existing development that create attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop;
- Ensure that new development moves the large sites in the plan district closer to the open space and connectivity goals of the Gateway Regional Center;
- Create a clear distinction and attractive transition between properties within the regional center and the more suburban neighborhoods outside; and
- Provide opportunities for more intense mixed-use development around the light rail stations.

#### **33.526.020 Where These Regulations Apply**

The regulations of this chapter apply to development in the Gateway plan district. The boundaries of the plan district are shown on Map 526-1 at the end of this chapter, and on the Official Zoning Maps.

#### **33.526.030 Early Project Consultation**

Applicants are encouraged to meet with staff of the Bureau of Planning and Sustainability, Portland Permitting & Development, Prosper Portland, the Portland Bureau of Transportation, and Portland Parks and Recreation three to six months before applying for a pre-application conference or a land use review. This consultation provides an opportunity for both funding and regulatory agencies to work closely with the property owner to determine the best combination of plan, regulation, and urban renewal involvement to meet the fiscal needs and responsibilities of the owner, accomplish public purposes, and leverage public dollars on behalf of new development.

### **Use Regulations**

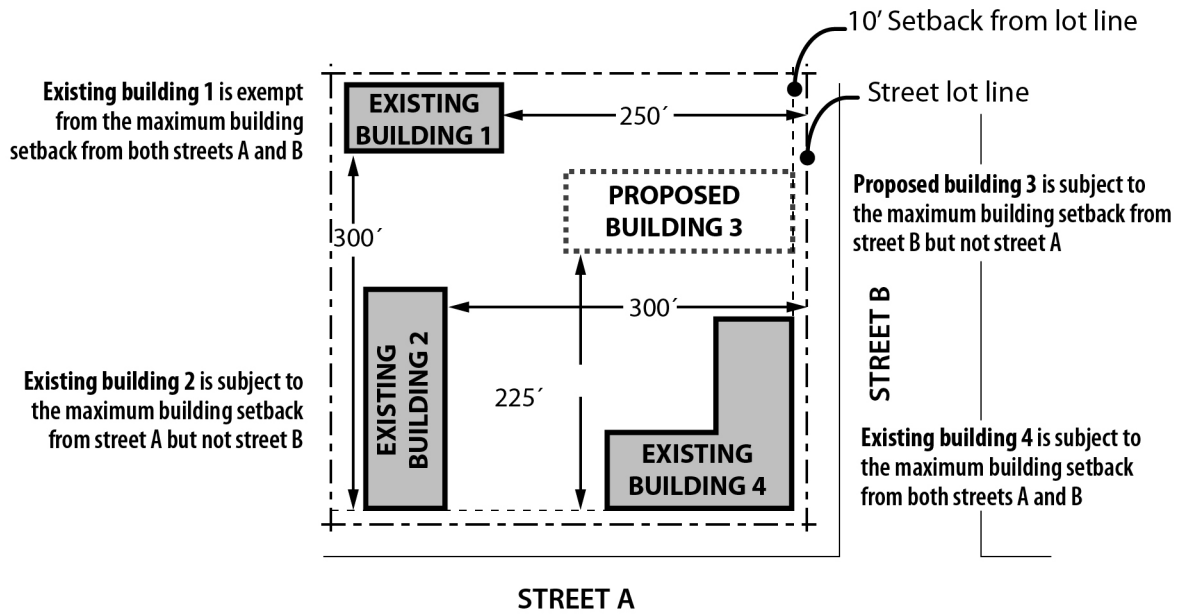
#### **33.526.100 Purpose**

The use regulations of this chapter encourage uses that support transit patrons and pedestrians. They do this by limiting auto-oriented uses and promoting small scale commercial development. Small scale commercial development increases the variety and diversity of services and goods available; helps reduce traffic congestion associated with large-scale retailers; enhances the mixed-use character and pedestrian environment of the plan district; and improves the economic viability of higher density residential development.

#### **33.526.110 Additional Prohibited Uses**

- A. Vehicle Repair, Quick Vehicle Servicing, Commercial Parking, and Self-Service Storage are prohibited in the plan district.
- B. Sale or lease of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, travel trailers, and other recreational vehicles is prohibited on the portion

**Figure 534-1**  
**Exemption from Maximum Building Setback in C Zone**



**33.534.230 Drive-Through Facilities**  
Drive-through facilities are prohibited.

*(Added by: Ord. No. 171699, effective 11/21/97. Amended by: Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 192000, effective 6/1/25.)*



## 33.560 North Cully Plan District

# 560

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### Sections:

- 33.560.010 Purpose
- 33.560.020 Where the Regulations Apply
- 33.560.030 Procedures
- 33.560.040 Submittal Requirements
- 33.560.050 Approval Criteria
- 33.560.060 Amendments to an Approved Development Plan

### Map 560-1 North Cully Plan District

#### **33.560.010 Purpose**

The regulations of the North Cully Plan District are intended to ensure compatible redevelopment of certain large parcels as set forth in the Cully Neighborhood Plan. These parcels are developed with gravel pits, a number of smaller, older single family dwellings and trailer parks with redevelopment probable in the next two decades. Properties should be developed in a cohesive pattern in order to encourage compatible development with the neighborhood to the south. North Cully Development review is a master plan review which will ensure compatibility and cohesive design.

#### **33.560.020 Where the Regulations Apply**

The regulations for North Cully Development review apply to development within the North Cully Plan District. The boundaries are shown on Map 560-1 at the end of this chapter and on the official zoning map. New construction, building additions and land divisions within the Plan District are regulated by this chapter. Sites under 5 acres and improvements with a value less than \$281,700 and modifications to existing single family dwellings and trailer park facilities are exempt from review.

#### **33.560.030 Procedures**

Requests for a North Cully Development review are processed through a Type III procedure.

#### **33.560.040 Submittal Requirements**

All North Cully Development review applications must comply with 33.730.060, Application Requirements, and the following:

- A. General statement.** Applications must include a narrative which describes the development plans for the duration of the development plan and an explanation of how the proposed plan meets the Cully Neighborhood Plan.
- B. Boundaries of the use.** All application submittals must show the current boundaries and possible future boundaries of the development for the duration of the development plan. The boundaries must show all the adjacent properties owned or under the control of the applicant.

- C. Uses and functions.** All applications must include a description of present and proposed uses.
- D. Site plan.** All applications must include a site plan, showing the existing and proposed temporary and permanent buildings and other structures, the pedestrian and vehicular circulation system, parking areas, open spaces, and other improvements required by the zoning regulations. All development plans must show the paved areas, landscaping, physical constraints including soil or geologic instability or anomalies. Conceptual plans for possible future uses will be included when possible, but will require an amendment to the approved plan if the location of facilities is changed or not included in the approval decision.
- E. Urban services.** All application submittals must show the location and size of urban services. Urban services include but are not limited to: water, stormwater, sewers, streets, fire hydrants and private utilities. Applicants should work with the affected service agency to resolve service concerns prior to application. Utilities should be underground wherever possible.
- F. Land divisions.** All application submittals must show how land divisions will not fragment the site or cause piecemeal development. A separate land division application will be required. Land divisions will not be approved prior to the North Cully Development review. A concurrent land division application is encouraged.
- G. Other reviews.** If other reviews are required, the North Cully Development review master plan must include information on any other discretionary reviews. If requested as part of the plan approval, all applicable criteria must be met.
- H. Area south of NE Killingsworth.** Excavation or mining and filling of sites located south of NE Killingsworth will terminate by December 2002. If excavation or filling activities are proposed to continue past this date, the site will be subject to North Cully Development review.

### **33.560.050 Approval Criteria**

All North Cully Development review applications must meet the following approval criteria.

- A.** The applicable goals and objectives of the adopted neighborhood plan will be met.
- B.** The boundaries of the North Cully Development review application coincide with one of the subareas as shown in the adopted Cully Neighborhood Plan or adequate rationale is provided for any deviation.
- C.** The uses proposed are allowed in the base zone and overlay zones.
- D.** Public services for water supply, streets, police and fire protection are capable of serving the proposed development and sanitary waste disposal, stormwater disposal systems, streets and traffic circulation meet the requirements of Title 17.
- E.** The development plan shows a completely developed site which is compatible with the surrounding area. In a phased development, the code requirements will be met at each phase in development.

includes the square footage of any floor area plus the square footage of any exterior development. See Chapter 33.806, Airport Reviews.

### **Special Notification Requirements in the Airport Subdistrict**

#### **33.565.310 Mailed Public Notice for Proposed Development**

When development is proposed within the Airport Subdistrict, all of the steps in this section must be completed before an application for a building or zoning permit is submitted.

- A. Purpose.** Mailed public notice informs interested neighborhood associations and district neighborhood coalitions of proposed airport development that is not subject to a land use review and provides them with an opportunity to attend a public meeting to get more information and discuss the proposed development.
- B. Where and when mailed public notice is required.** Proposals that were part of a land use review are exempt from the requirement of this subsection. Mailed public notice is required in the IG2 zone:
  - 1. When the proposed development will add more than 10,000 square feet of gross building area to the site; or
  - 2. When the value of the proposed development will exceed \$747,400.
- C. Requirements.** The requirements for mailed public notice are:
  - 1. The applicant must send a letter to the neighborhood associations and district neighborhood coalitions of the site or adjacent to the site, by registered or certified mail. The letter must contain, at a minimum, contact information for the applicant, the date, time and location that the project will be presented at a public meeting and a description of the proposed development, including the purpose of the project, total project square footage and project valuation. The letter must be sent at least 14 days before the public meeting where the project will be presented.
  - 2. Copies of letters required by this section, and registered or certified mail receipts, must be submitted with the application for building or zoning permit.

#### **33.565.320 Posted Public Notice Requirements for Land Use Reviews**

Posting of notice on the site is required for Type III land use reviews. The requirements for posting notices in Section 33.730.080 apply to sites in the plan district zoned IG2; however, the number and location on the site, specified in Subsection 33.730.080.A, are superseded by the requirements of this section.

- A. Outdoor notices.** Posted notices must be placed at the following outdoor locations:
  - 1. At each of the two main crosswalks in the arrivals roadway area; and
  - 2. At each of the two pedestrian bridges to the P1 parking garage.
- B. Indoor notices.** Posted notices must be placed at the following locations inside the terminal building and must be visible to passengers and others in the building:
  - 1. On the second floor of the terminal at each of the two main escalators;

2. On the second floor at each of the two circulation throats; and
  3. On the first floor of the terminal at each of the two main escalators.
- C. Roadway notice.** One posted notice must be placed along a roadway within 800 feet of the proposed structure or development activity. If the nearest roadway is more than 800 feet from the proposed structure or development activity, the notice must be placed at the intersection closest to the proposed structure or development activity.

### **Regulations in the Middle Columbia Slough Subdistrict**

#### **33.565.400 Zoning Map Amendments**

The IG2 zone is the only zone that can be requested during a Zoning Map Amendment on the sites shown on Map 565-4. Requesting a zone other than IG2 is prohibited. In addition, the Prime Industrial overlay zone must be applied in conjunction with the zone change to IG2.

#### **33.565.410 Additional Development Standards**

- A. Purpose.** The following development standards promote ecologically beneficial design by requiring buffers and plantings that provide ecological function and contribute to ecosystem services such as multi-objective stormwater management, cleaning and cooling of air and water, wildlife habitat, biodiversity, and aesthetic values. The development standards help reduce future demands on infrastructure, and reduce adverse impacts from development both on and off-site. The standards also buffer industrial development from abutting residential development and open space uses, and provide a pleasant work environment for employees.
- B. Where the standards apply.** The standards in this Section apply to development in the IG2 zone in the Golf Course/IG2 Transition Area shown on Map 565-4.
- C. Development standards.**
1. Minimum landscaped area standard. At least 20 percent of site area must be landscaped. Area improved for active or passive recreational use, or for use by pedestrians, does not count toward the required landscaped area. Other required landscaping, such as setbacks and parking lot landscaping, applies toward the landscaped area standard. Area covered by an eco-roof also applies toward the landscaped area standard.
  2. Native plants. At least 75 percent of all plants planted to meet Title 33 landscaping requirements must be native plants from the *Portland Plant List*.
  3. Vegetated setback.
    - a. All development must be set back 25 feet from a residential zone or open space zone. The area within the vegetated setback may be applied toward the required landscaped area standards;
    - b. Required plants and planting densities. One of the following standards must be met:

## **33.580 South Auditorium Plan District**

# **580**

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### Sections:

- 33.580.010 Purpose
- 33.580.020 Where the Regulations Apply
- 33.580.040 Prosper Portland

### Development Standards

- 33.580.100 Floor Area Ratios
- 33.580.110 Landscaped Areas
- 33.580.120 Parking Lot Landscaping
- 33.580.130 Preservation of Existing Trees
- 33.580.140 Sign Restrictions

Map 580-1 South Auditorium Plan District

Map 580-2 South Auditorium Plan District Maximum Floor Area Ratio

Map 580-3 Pedestrian Mall and Open Area Landscaping

### **33.580.010 Purpose**

The South Auditorium plan district protects the unique character of the former South Auditorium urban renewal district. The district is an award-winning development, with its high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkway system. Maintenance of this character is achieved by requiring additional landscaping requirements, the preservation of existing trees, screening of roof-top equipment, and additional sign regulations which limit the type, number, and size of signs.

### **33.580.020 Where the Regulations Apply**

The regulations of this chapter apply to development in the South Auditorium plan district, as shown on Map 580-1 at the end of this chapter, and on the Official Zoning Maps. Where the regulations of this chapter conflict with the regulations of the Central City plan district, the regulations of this chapter prevail.

### **33.580.040 Prosper Portland**

Due to their involvement in the development of the plan district, the participation of Prosper Portland is actively encouraged. Prosper Portland will be notified of all pre-application conferences and their advice sought before any final staff recommendations are made on a land use review.

## **Development Standards**

### **33.580.100 Floor Area Ratios**

Maximum floor area ratios for sites in the South Auditorium plan district are shown on Map 580-2. In the portion of the South Auditorium plan district that is also in the Central City plan district, the Central City floor area bonus and transfer options apply rather than any base zone bonus or transfer options.

### **33.580.110 Landscaped Areas**

At a minimum, new development and modifications to existing development must meet the landscape standards stated in this section. The standards do not apply to parking lots, which are subject to the standards in 33.580.120 below. These standards are minimums; the review body may require higher standards as part of a land use review. The standards are:

- A. Fourth Avenue.** A 6 foot deep area landscaped to at least the L2 standard is required along SW Fourth Avenue. The landscape standards are stated in Chapter 33.248, Landscaping and Screening.
- B. Other streets.** A 15 foot deep area landscaped to at least the L1 standard is required along any public street other than SW Fourth Avenue.
- C. Pedestrian malls/open areas.** A 6 foot deep area landscaped to at least the L1 standard is required along lot lines abutting a pedestrian mall or open area, as shown on Map 580-3.

### **33.580.120 Parking Lot Landscaping**

The perimeter of surface parking lots which abut pedestrian malls or rights-of-way must have a 5 foot deep area landscaped to at least the L2 standard. In addition, the interior landscaping of surface parking lots must have at least 1 tree for each 500 square feet of paved area. These standards are minimums; the review body may require higher standards as part of a land use review.

### **33.580.130 Preservation of Existing Trees**

- A. Existing trees must be preserved.** Unless exempt under subsection B, removal of existing trees 6 or more inches in diameter is allowed only when approved through design review, using the following approval criteria:
  - 1. The location of the tree to be removed is needed for development of a new building or an arborist finds that the tree will be affected by proposed development in a manner that is likely to cause significant damage or death to the tree;
  - 2. The proposal is consistent with the purpose of the plan district; and
  - 3. Each tree removed will be replaced with a new tree elsewhere in the plan district in accordance with the adopted landscaping plan for the plan district, or as determined by the design review.
- B. Exemption.** Removal of trees that are dead, dying, or dangerous, as determined by an arborist, is exempt from the requirement for design review if the tree is replaced by at least one tree in the same general location or in accordance with the adopted landscaping plan for the plan district.
- C. Tree removal without development.** When no development is proposed, removal of trees allowed under the exemption in Subsection B, above, is subject to the tree permit requirements of Title 11, Trees.

### **33.580.140 Sign Restrictions**

The sign standards are stated in Title 32, Signs and Related Regulations.

### 33.595.240 Required Affordable Commercial Space

- A. Purpose.** This standard promotes an inclusive business district in West Portland's commercial/mixed use zones that provides a diversity of business opportunities at a range of affordability levels. Diverse affordability levels in turn support pathways to opportunity, innovation, and long term social and economic resilience locally and regionally.
- B. Where this standard applies.** The required affordable commercial space standard applies in subdistricts A and B, excluding the Employment Focus Area shown on 595-2
- C. Required affordable commercial space.** When new development or alterations to existing development will add more than 10,000 square feet of net building area to the site, and at least 10,000 square feet of the new or additional net building area will be in at least one commercial use, a minimum of 1,000 square feet of affordable commercial space must be provided on the site. To comply with this standard, the following must be met:
  - 1. The applicant must provide a letter from Prosper Portland certifying that any program administrative requirements have been met; and
  - 2. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built as affordable commercial space will meet the administrative requirements of Prosper Portland or qualified administrator.

### 33.595.250 Commercial Corridor Standards

- A. Purpose.** These standards encourage street frontages lined by buildings with storefront windows and frequent entrances to encourage pedestrian activity along the plan district's primary commercial corridors. Where setbacks are required or proposed they also promote a pleasant and comfortable pedestrian realm with the inclusion of additional trees.
- B. Where the standards apply.** The commercial corridor standards apply to CM2 and CM3 sites that abut a commercial corridor shown on Map 595-3, and the standards apply to sites that abut any street in the Barbur Transit Center shown on Map 595-3.
- C. Location of vehicle area.** No more than 30 percent of the commercial corridor frontage or street frontage in the Barbur Transit Center may be used for vehicle area.
- D. Trees between the building and the street.** For sites with frontage on the Barbur Boulevard commercial corridor, a row of trees must be planted between the building and the lot line abutting Barbur Boulevard when buildings are set back at least 10 feet. The row of trees must meet the following.
  - 1. The row must extend along at least 60 percent of the street frontage.
  - 2. The number of trees must be sufficient to meet the L1 standard for tree spacing, using medium or large trees, but may not be grouped. Where there is less than 60 feet of frontage at least 2 trees must be planted.
  - 3. Trees planted to meet perimeter parking lot landscaping do not count toward meeting this standard.
- E. Ground floor windows.** The ground floor window standards of the base zones apply, however the percentage of ground floor window required by 33.130.230.B.2.a(1) is increased to 60

percent. Until January 1, 2029, the increase to 60 percent for 33.13.230.B.2.a(1) does not apply for development that includes a residential use.

**F. Entrances.**

1. Entrance frequency. At least one entrance is required for every 100 feet of building length for portions of buildings subject to the maximum street setback.
2. Entrance design. Required entrances must be designed to meet the requirements of 33.130.242 Transit Street Main Entrance.

**33.595.260 Residential Corridor Standards**

- A. Purpose.** These standards limit interruptions of the pedestrian environment along sidewalks and minimize conflicts between vehicles and pedestrians.
- B. Where the standards apply.** The residential corridor standards apply to sites that abut a residential corridor shown on Map 595-3.
- C. Driveway limitation.** On sites with residential uses, only one driveway is allowed providing access from the residential corridor, except on sites larger than 10,000 square feet that contain multi-dwelling development or at least one multi-dwelling structure, in which case two driveways are allowed providing access from the residential corridor if each driveway provides one-way ingress or egress.
- D. Attached houses.** All parking and vehicle access provided for attached houses must be from an alley or shared court.

**33.595.270 Setbacks**

- A. Purpose.** These standards promote the continuation of mid-block outdoor areas and other outdoor spaces in residential areas and ensure buffers with trees adjacent to the I-5 freeway to limit noise and visual impacts.
- B. Minimum rear building setback.**
  1. Where the standard applies. The minimum rear building setback standards apply to sites zoned RM1, RM2 or RM3 in Subdistrict C.
  2. Minimum rear building setback. The required minimum rear building setback is an amount equal to 25 percent of the total depth of the site. Outdoor and common areas are allowed within this setback. No more than 50 percent of this setback can be vehicle area.
  3. Exemptions. The following are exempt from the minimum rear building setback. When a site is exempt from the minimum rear building setback, the base zone required minimum rear building setback stated in Table 120-3 applies:
    - a. Corner lots and lots that are up to 100 feet deep are exempt from the minimum rear building setback; and
    - b. Sites where at least 10 percent of the total site area is outdoor common area with no dimension less than 30 feet are exempt from this minimum rear building setback.
- C. Minimum freeway setback.**
  1. Where the standard applies. The freeway setback and screening standard applies in subdistricts A and B. Properties that are less than 15,000 square feet or do not extend beyond 100 feet from the I-5 freeway right of way are exempt from this standard.

- c. Transfer of nonresidential use requirement. Some or all of the required nonresidential use can be transferred from one site to another site, or can be consolidated in another building on the same site, when the following are met:
    - (1) Receiving site. The receiving site must be in the same subdistrict as the proposed development.
    - (2) The property owner must execute a covenant with the City that:
      - Meets the requirements of Section 33.700.060, Covenants with the City;
      - Is attached to and recorded with the deed of the site transferring and the site receiving the required nonresidential use;
      - Ensures the receiving site complies with its own nonresidential use requirement, if applicable, and the transferred nonresidential use requirement; and
      - Reflects the respective decrease and increase of nonresidential use requirement on each site, or when the transfer is to another building within the site, states that the consolidated nonresidential requirement will be included in the next building to be built on the site.
3. Subdistricts E and F.
- a. Regulation. In Subdistricts E and F, at least .5 square feet of floor area must be in a non-residential use for each one square foot of site area.
  - b. Exceptions.
    - (1) Office, Industrial and Institutional uses. Each square foot of floor area in a Daycare, Community Service, Industrial Service, Wholesale Sales, Industrial Office use counts as 2 square feet toward the total required nonresidential use requirement. To qualify for this exception, the property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that the floor area will be in one of the required uses for at least 10 years.
    - (2) Affordable commercial space. Each square foot of floor area in an affordable commercial space counts as 2 square feet toward the total required nonresidential use requirement. To qualify for this exception:
      - The applicant must submit with the development application a letter from Prosper Portland certifying that any program administrative requirements have been met; and
      - The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built will meet the administrative requirements of the Prosper Portland or qualified administrator.
    - (3) Affordable dwelling units. A building that contains a residential use in which 100 percent of the dwelling units are affordable to those earning no more than 60 percent of the area median family income, is exempt from the nonresidential use requirement, and 50 percent of the total square footage of floor area on the ground floor of the building counts toward the total amount of nonresidential use required for the site. To qualify for this exception, the property owner must

provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau.

- c. Transfer of nonresidential use requirement. Some or all of the required nonresidential use can be transferred from one site to another site, or can be consolidated in another building on the same site, when the following are met:
  - (1) Receiving site:
    - If the sending site is in Subdistrict E, the receiving site must be in Subdistrict E;
    - If the sending site is in Subdistrict F, the receiving site can be in Subdistrict F or Subdistrict D.
  - (2) The property owner must execute a covenant with the City that:
    - Meets the requirements of Section 33.700.060, Covenants with the City;
    - Is attached to and recorded with the deed of the site transferring and the site receiving the required nonresidential use;
    - Ensures the receiving site complies with its own nonresidential use requirement, if applicable, and the transferred nonresidential use requirement; and
    - Reflects the respective decrease and increase of nonresidential use requirement on each site, or when the transfer is to another building within the site, the states that the consolidated nonresidential requirement will be included in the next building to be built on the site.
- E. **Exclusions.** Vehicle areas, and common areas shared with a residential use, do not count toward meeting the nonresidential use requirement.

## Development Standards

### 33.597.200 Purpose

These development standards foster a transit-supportive, mixed-use urban character with a high-quality pedestrian environment, and an emphasis on good building design. They also promote public benefits, such as affordable housing, affordable commercial space, employment, residential outdoor and other types of open areas, transportation and parking requirements, and urban green features that benefit a broad range of community members.

### 33.597.210 Floor Area Ratio

- A. **Purpose.** Floor area ratios (FARs) work with the height, setback, and building coverage standards to control the overall bulk of development. The maximum FARs allowed in the York plan district work together with bonus options to support an intense development form and encourage a transit-supportive level of development along the streetcar alignment. Floor area ratios also achieve the desired affordable housing outcomes of a public benefits agreement, which include development of affordable housing in a near term timeframe or at a greater percentage of affordable units.
- B. **Maximum floor area ratio.** The maximum floor area ratios allowed are shown in Table 597-1. Additional floor area may be allowed through bonus options, as described in Section 33.597.230, or transferred per Subsection D. Adjustments are prohibited.

1. In Subdistricts B and D, maximum height and FAR may be increased as stated in Table 597-1 when at least 15 percent of the total number of dwelling units in the new building are affordable to those earning no more than 60 percent of the area median family income. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter is required to be submitted before a building permit can be issued for development but is not required in order to apply for a land use review.
  2. In Subdistricts E and F, maximum height and FAR may be increased as stated in Table 597-1 when at least 12 percent of the total number of dwelling units in the new building are affordable to those earning no more than 60 percent of the area median family income. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter is required to be submitted before a building permit can be issued for development but is not required in order to apply for a land use review.
- E. Employment opportunity bonus.** In subdistricts A, C, D and E, proposals that provide floor area for employment uses may increase maximum height and FAR up to the maximum stated in Table 597-1. Floor area may be increased by one square foot for every one square foot of floor area provided in one or more of the following use categories: Manufacturing and Production; Wholesale Sales; Industrial Office; Industrial Service; or any use in the Institutional category. Floor area provided to meet 33.597.135, Required Nonresidential Use, does not count toward this bonus.
- F. Transportation adequacy bonus.** In Subdistrict D, maximum FAR may be increased as stated in Table 597-1 when approved through Transportation Impact Review. See Chapter 33.852.

**Table 597-1  
Summary of Maximum and Bonus FAR and Height**

|   |               | Subdistrict<br>A | Subdistrict<br>B | Subdistrict<br>C | Subdistrict<br>D | Subdistrict<br>E | Subdistrict<br>F |
|---|---------------|------------------|------------------|------------------|------------------|------------------|------------------|
| <b>Maximums</b>   |               |                  |                  |                  |                  |                  |                  |
| Maximum FAR   |               | 3 to 1           | 3 to 1           | 2 to 1           | 2 to 1           | 2 to 1           | 2 to 1           |
| Overall Maximum FAR with bonus                                  |               | 5 to 1           | 5 to 1           | 3 to 1           | 6 to 1           | 5 to 1           | 5 to 1           |
| Overall Maximum Height with bonus                               |               | 85 ft.           | 65 ft.           | 65 ft.           | 85 ft.           | 85 ft.           | 75 ft.           |
| <b>Maximum Increment of Additional FAR and Height Per Bonus</b> |               |                  |                  |                  |                  |                  |                  |
| Inclusionary Housing (see 33.597.230.C)                         | FAR<br>Height | 1 to 1<br>20 ft. | 1 to 1<br>none   | 1 to 1<br>none   | 1 to 1<br>20 ft. | 2 to 1<br>20 ft. | 2 to 1<br>10 ft. |
| Additional Affordable Housing (see 33.597.230.D)                | FAR<br>Height | n/a<br>n/a       | 1 to 1<br>none   | n/a<br>n/a       | 1 to 1<br>none   | 1 to 1<br>none   | 1 to 1<br>none   |
| Employment Opportunity (see 33.597.230.E)                       | FAR<br>Height | 1 to 1<br>20 ft. | n/a<br>n/a       | 1 to 1<br>none   | 1 to 1<br>20 ft. | 1 to 1<br>20 ft. | n/a<br>n/a       |
| Transportation Adequacy (see 33.852)                            | FAR<br>Height | n/a<br>n/a       | n/a<br>n/a       | n/a<br>n/a       | 1 to 1<br>none   | n/a<br>n/a       | n/a<br>n/a       |

**33.597.235 Minimum Density**

- A. Purpose.** The minimum density standards ensure that development capacity is not wasted and that the City's housing goals in this plan district are met.
- B. Minimum density.** The minimum density requirement is 1 unit per 500 square feet of site area. Minimum density applies to new development when at least one dwelling unit is proposed. Group Living uses are exempt from minimum density requirements.

**33.597.240 Required Affordable Commercial Space**

- A. Purpose.** This standard promotes an inclusive business district that provides a diversity of business opportunities at a range of affordability levels. Diverse affordability levels in turn support pathways to opportunity, innovation, and long term social and economic resilience locally and regionally.
- B. Where this standard applies.** The required affordable commercial space standard applies to sites in Subdistricts B, C, D, E, and F.
- C. Required affordable commercial space.** When new development or alterations to existing development will add more than 10,000 square feet of net building area, and at least 10,000 square feet of the new or additional net building area is in a Retail Sales And Service or Office use, a minimum of 1,000 square feet of affordable commercial space must be provided on the site. To comply with this standard, the following must be met:
  1. The applicant must provide a letter from Prosper Portland certifying that any program administrative requirements have been met; and
  2. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built as

affordable commercial space will meet the administrative requirements of Prosper Portland or qualified administrator.

### **33.597.245 Residential-Employment Buffer Standards**

- A. Purpose.** These standards provide additional buffering between zones that allow residential use and zones that do not allow residential use. The standards increase separation and soften the edges between residential and nonresidential uses. The separation is achieved by increasing setbacks, limiting motor vehicle access, and requiring additional landscaping, which also provides greening and climate benefits.
- B. Where these standards apply.** These standards apply to lots zoned EX that have lot lines that abut lots zoned EG1 or EG2, and on split zoned lots that are split between EX and EG1 zoning.
- C. Setbacks and landscaping.**
1. In Subdistricts B and D, the following setback and landscaping standards apply:
    - a. On EX zoned lots that have lot lines that abut lots in Subdistrict A that are zoned EG1 or EG2, a 20 foot setback landscaped to at least the L1 standard is required along all lots lines that abut the EG1 or EG2 zones. Only the L1 medium tree standard and large tree standard may be used to meet this standard.
    - b. Within the EX portion of split zoned lots that are split between EX and EG1, a 20 foot setback landscaped to at least the L1 standard is required along the zone line splitting EX and EG1. Only the L1 medium tree standard and large tree standard may be used to meet this standard.
  2. In Subdistrict E, a 10 foot setback landscaped to at least the L1 standard is required along all lots lines that abut the EG1 or EG2 zones when a residential use is proposed on the lot.
- D. Structures and exterior activities.** Structures other than fences, parking area, exterior storage, exterior display, and exterior work activities are prohibited in the setbacks required by Subsection C.
- E. Access.**
1. Generally. Except as specified in Paragraphs E.2 and E.3, access through the setbacks required by Subsections C is prohibited.
  2. Pedestrian and bicycle access. Pedestrian and bicycle access is allowed through the setbacks, but may not be more than 6 feet wide.
  3. Vehicle access. Vehicle access is allowed through the setbacks, but individual accesses may not be more than 20 feet wide, and in total access is limited to more than 20% of the length of the setbacks.

### **33.597.250 Standards on Main Streets**

- A. Purpose.** These regulations reinforce the continuity of the pedestrian-oriented environment and foster development with transit-supportive levels of activity along the main street. The standards also help to maintain a healthy urban district with architectural elements and active ground-floor uses that provide visual interest and interrelate with the pedestrian environment. The regulations also promote window areas to:
- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;

- Encourage continuity of retail and service uses; and
- Encourage surveillance opportunities at street level.

**B. Where these regulations apply.** These regulations apply to sites in Subdistricts B, C, D, E, and F with frontage on the main street shown on Map 597-2.

**C. Ground floor windows.** To meet the standards, ground floor windows must be windows that allow views into work areas or lobbies, or be windows in pedestrian entrances. Windows into storage areas, vehicle parking areas, garbage and recycling areas, mechanical and utility areas and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. The bottom of the windows of nonresidential spaces must be no more than 4 feet above the finished grade.

1. Ground level facades that are located within 100 feet of and face the main street shown on Map 597-2 must have windows that cover at least 60 percent of the ground level wall area. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade. Until January 1, 2029, the standard for development that includes a residential use is 40 percent of the ground level wall area.
2. All other ground level facades that face a street lot line, sidewalk, plaza, or other publicly accessible open area or right-of-way must have windows that cover at least 40 percent of the ground level wall area. For street facing facades of dwelling units the regulations of 33.130.230.B.4 apply. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade.
3. Optional artwork. Projects proposing to use artwork as an alternative to the ground floor window requirements may apply for this through the adjustment procedure. Projects may also apply for a modification through design review if they meet the following qualifications. Buildings having more than 50 percent of their ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters), may be allowed to use the design review process. Artwork and displays relating to activities occurring within the building are encouraged. In these instances, the artwork will be allowed if it is found to be consistent with the purpose for the ground floor window standard.

**D. Ground floor active use standard.** In order to accommodate active uses such as residential, retail, or office, the ground floor of buildings must be designed and constructed as follows. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of the main street shown on Map 597-2. Development that includes a residential use is exempt from the ground floor active use standard until January 1, 2029:

Areas designed to accommodate active uses must meet the following standards:

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep, measured from the street-facing façade;
3. At least 25 percent of the area of the street-facing façade of the portion of the building designed to meet the requirements of this subsection must be windows and doors; and
4. Parking is not allowed in the areas designed to meet the standards of this subsection.

- B. Membership.** The Planning Commission consists of nine members, none of whom may hold public elective office. The members are appointed by the Mayor and confirmed by the City Council. The membership of the Planning Commission should include broad representation of Portland's community and reflect the dynamic nature of this changing city. No more than two members of the Planning Commission may be engaged in the same occupation, business, trade, or profession. No more than two members of the Commission may be individuals, or members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling, leasing, or developing of real estate for profit.
- C. Meetings and officers.** The Planning Commission meets at least once a month. Meetings are conducted in accordance with adopted rules of procedure. Five members constitute a quorum at a meeting. When there are vacant positions on the Planning Commission, a majority of the non-vacant positions constitutes a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
- D. Powers and duties.** The Planning Commission has all of the powers and duties that are now or may in the future be imposed upon City planning commissions by State law, by this Title, by the City Council, or by the City Charter. The Planning Commission's powers and duties include:
  - 1. Holding hearings and making recommendations to City Council on proposals to adopt, amend and update: the Comprehensive Plan; the zoning code; significant transportation policies, projects, and issues; the portions of Title 11, Trees, identified in 11.10.040.C; urban renewal plans; street vacations; sign regulations; and renaming city streets;
  - 2. Advising the City Council on plans and policies regarding such issues as housing, transportation, urban design, equity, economic development, public buildings, environmental protection, resource conservation, and other policies of citywide interest;
  - 3. Providing a forum for community members to learn about principles, policies, and programs that promote sound land use planning practices.
- E. Annual report.** The Planning Commission must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Planning and Sustainability Director by the first working day of September. The Planning and Sustainability Director may combine the report with annual reports of other bodies for transmission to the City Council.

### **33.710.050 Design Commission**

- A. Purpose.** The Design Commission provides leadership and expertise on urban design and architecture and advances the purpose of the Design overlay zone.
- B. Membership.** The Design Commission consists of seven members, none of whom may hold public elective office. The Commission must include:
  - 1. One person with public art experience;

2. One person representing the public at-large. The public-at-large member must not be employed in one of the areas of expertise listed in Paragraph B.3; and
3. Five members experienced in either urban planning, design, architecture, landscape architecture, natural resource management, sustainable building practices, engineering, financing, construction or management of buildings, or land development. No more than two members may be appointed from any one of these areas of expertise.

The person with the public art experience is nominated by the City Arts Program. All members are appointed by the Mayor and confirmed by the City Council.

**C. Meetings, officers, and subcommittees.**

1. The Design Commission meets at least once a month and as necessary to act on reviews assigned to them by this Title. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
2. The Design Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.

**D. Powers and duties.** The Design Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:

1. Reviewing major developments within Design overlay zones except those projects involving or located within the following:
  - a. Historic Districts;
  - b. Conservation Districts;
  - c. Historic Landmarks; and
  - d. Conservation Landmarks.
2. Recommending the establishment, amendment, or removal of the Design overlay zone and design districts to the Planning Commission;
3. Recommending design guidelines for adoption by City Council except for guidelines for Historic Districts and Conservation Districts;
4. Reviewing other land use requests assigned to the Design Commission; and
5. Providing advice on design matters to the Hearings Officer, Planning Commission, Historic Landmarks Commission, Prosper Portland, City Council, and other City Bureaus or public agencies when necessary or requested.

**E. Annual report.** The Commission must make an annual report of its actions and accomplishments for each calendar year. The report must be filed with the Director of PP&D by the first working day of April of the following year. The Director of PP&D may combine the report with annual reports of other bodies for transmission to City Council.

### **33.710.060 Historic Landmarks Commission**

- A. Purpose.** The Historic Landmarks Commission provides leadership and expertise on maintaining and enhancing Portland's historic and architectural heritage. The Commission identifies and protects buildings and other properties that have historic or cultural significance or special architectural merit. The Commission provides advice on historic preservation matters, and coordinates historic preservation programs in the City. The Commission is also actively involved in the development of design guidelines for historic districts.
- B. Membership.** The Historic Landmarks Commission consists of seven members, none of whom may hold public elective office. All members must have demonstrated interest, competence, or knowledge of historic preservation. At least two members must have professional experience in historic preservation, local history, architectural history, or architecture. At least three of the additional members must have professional experience or working knowledge of historic preservation, local history, architectural history, architecture, landscape architecture, real estate, economics, construction, community development, urban planning, archeology, law, finance, cultural geography, cultural anthropology, cultural resources management, or related disciplines. The Commission may have up to two members at-large. No more than two members of the Commission may be in the business of buying, selling, leasing, or developing real estate for profit, or be officers of such a business. The members are appointed by the Mayor and confirmed by the City Council.
- C. Meetings, officers, and subcommittees.**
1. The Historic Landmarks Commission meets at least once a month and as necessary to act on reviews assigned to them by this Title. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
  2. The Historic Landmarks Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.
- D. Powers and duties.** The Historic Landmarks Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:
1. Establishing, amending, or removing Historic Landmark and Conservation Landmark designations and amending Historic District and Conservation District designations in quasi-judicial reviews;
  2. Recommending the establishment, amendment, or removal of Historic Landmark and Conservation Landmark designations and Significant Resource identification to the City Council in legislative actions;
  3. Providing advice on the establishment, amendment, or removal of Historic Districts and Conservation Districts to the Planning Commission in legislative actions;

4. Recommending design guidelines for Historic Districts and Conservation Districts to the City Council in legislative actions;
  5. Reviewing development proposals for Historic Landmarks and Conservation Landmarks and in Historic Districts and Conservation Districts in quasi-judicial reviews;
  6. Reviewing demolition and relocation requests for certain Historic Landmarks, Conservation Landmarks, and resources in Historic Districts and Conservation Districts in quasi-judicial reviews;
  7. Providing advice on historic preservation matters to the Hearings Officer, Design Commission, Planning Commission, Prosper Portland, other City commissions and committees, and City Council; and
  8. Initiating and coordinating historic preservation and public outreach programs in the City, including making recommendations on National Register of Historic Places nominations and making recommendations to other governmental agencies regarding historic preservation programs and issues.
- E. Annual report.** The Commission must make an annual report of its actions and accomplishments for each calendar year. The report must be filed with the Director of PP&D by the first working day of April. The Director of PP&D may combine the report with annual reports of other bodies for transmission to City Council.

### **33.710.080 Land Use Hearings Officer**

- A. Purpose.** The position of the Land Use Hearings Officer is established to perform quasi-judicial reviews of most land use applications. This frees the City Council and Planning Commission from a large quasi-judicial case load and allows for prompt decision-making. It also assigns quasi-judicial reviews to a body with expertise in applying law and policy to specific situations and in meeting legal requirements for considering and processing such reviews.
- B. Short name.** The Land Use Hearings Officer is also called the Hearings Officer.
- C. Appointment.** The Hearings Officer is appointed by the City Auditor in conformance with City rules.
- D. Hearings.** The Hearings Officer must conduct hearings as necessary to review and make decisions on land use requests.
- E. Powers and duties.**
1. The Hearings Officer acts on behalf of the City Council as a review body to decide matters assigned by this Title.
  2. The Hearings Officer has the power to request, receive, and examine available information; conduct public hearings; prepare a record; and enter findings and conclusions on all matters for which the Hearings Officer is assigned by this Title to act as review body.
- F. Annual report.** An annual report of the Hearings Officers' actions and accomplishments for each fiscal year must be made. The report must be filed with the Planning Commission by

| <b>Table 846-1<br/>Procedure Types for proposals affecting Historic Landmarks</b>                   |                 |   |              |
|---|-----------------|---|--------------|
| Alterations of a landmark-designated interior public space  | All             | Project value > \$577,900                                   | Type III     |
|   |                 | Project value ≤ \$577,900                                   | Type II      |
| Mechanical equipment  | All             |   | Type I       |
| Awnings   | All             |   | Type I       |
| Signs   | All             |   | Type I       |
| Alteration to the exterior of a structure   | RF-RM4          | Affected facade or roof area < 150 sq. ft.                  | Type I       |
|   | C, E, I, RX, CI | Affected facade or roof area > 50 sq. ft. and < 500 sq. ft. | Type Ix      |
|   |                 | Affected facade or roof area ≤ 50 sq. ft.                   | Type I       |
| Historic restoration  | All             |   | Type I       |
| Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems. | All             |   | Type I       |
| Paving and landscaping  | All             | Affected site area < 800 sq. ft.                            | Type I       |
| Changes to an approved historic resource review [2]   | All             | Rooftop mechanical equipment                                | Type I       |
|   |                 | Alteration to ground floor façade                           | Type I       |
|   |                 | All other changes [3]                                       | Type II      |
| Any other non-exempt proposal   | All             | Project value > \$577,900                                   | Type III [1] |
|   |                 | Project value ≤ \$577,900                                   | Type II [1]  |

[1] Affordable housing projects may choose a Type II or Type Ix review procedure. A Type II procedure is allowed if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. A Type Ix procedure is allowed if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for one of these alternate procedure types, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.

[2] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[3] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

2. For Conservation Landmarks, including those in Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.110.D.2, the review procedure is determined by Table 846-2, below:

| <b>Table 846-2<br/>Procedure Types for proposals affecting Conservation Landmarks</b>               |                 |   |                  |
|---|-----------------|---|------------------|
| <b>Proposal</b>   | <b>Zone</b>     | <b>Threshold</b>  | <b>Procedure</b> |
| Relocation  | All             | Conservation Landmark                                       | Type III         |
|   |                 | Contributing accessory structure                            | Type Ix          |
| New structure   | All             | Floor area > 800 sq. ft.                                    | Type II [1]      |
|   |                 | Floor area ≤ 800 sq. ft.                                    | Type Ix          |
| Mechanical equipment  | All             |   | Type I           |
| Awnings   | All             |   | Type I           |
| Signs   | All             |   | Type I           |
| Alteration to the exterior of a structure   | RF-RM4          | Affected facade or roof area < 150 sq. ft.                  | Type I           |
|   | C, E, I, RX, CI | Affected facade or roof area > 50 sq. ft. and < 500 sq. ft. | Type Ix          |
|   |                 | Affected facade or roof area ≤ 50 sq. ft.                   | Type I           |
| Historic restoration  | All             |   | Type I           |
| Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems. | All             |   | Type I           |
| Paving and landscaping  | All             | Affected site area < 800 sq. ft.                            | Type I           |
| Changes to an approved historic resource review [2]   | All             | Rooftop mechanical equipment                                | Type I           |
|   |                 | Alteration to ground floor façade                           | Type I           |
|   |                 | All other changes [3]                                       | Type II          |
| Any other non-exempt proposal   | All             |   | Type II [1]      |

[1] Affordable housing projects may choose a Type Ix review procedure if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for this alternate procedure type, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.

[2] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[3] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

3. For Historic Districts, excluding Historic Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.200.D.2, the review procedure is determined by Table 846-3, below:

| <b>Table 846-3</b>  |                 |  |                    |
|---|-----------------|--|--------------------|
| <b>Review procedures for proposals within Historic Districts</b>                                    |                 |  |                    |
| <b>Proposal</b>   | <b>Zone</b>     | <b>Threshold</b>   | <b>Review Type</b> |
| Relocation  | All             | Contributing resource                                      | Type III           |
|   |                 | Contributing accessory structure                           | Type II            |
| New structure   | All             | Floor area > 5,000 sq. ft.                                 | Type III [1]       |
|   |                 | Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.               | Type II [1]        |
|   |                 | Floor area ≤ 800 sq. ft.                                   | Type Ix            |
| Window replacement  | RF-R2.5         |  | Type I             |
| Mechanical equipment  | All             |  | Type I             |
| Awnings   | All             |  | Type I             |
| Signs   | All             |  | Type I             |
| Alteration to the exterior of a structure   | C, E, I, RX, CI | Affected facade or roof area >50 sq. ft. and < 500 sq. ft. | Type Ix            |
|   |                 | Affected facade or roof area ≤ 50 sq. ft.                  | Type I             |
|   | RF-RM4          | Affected facade or roof area < 150 sq. ft.                 | Type I             |
| Historic restoration  | All             |  | Type I             |
| Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems. | All             |  | Type I             |
| Paving and landscaping  | All             | Affected site area < 800 sq. ft.                           | Type I             |
| Changes to an approved historic resource review [2]   | All             | Rooftop mechanical equipment                               | Type I             |
|   |                 | Alteration to ground floor façade                          | Type I             |
|   |                 | All other changes [3]                                      | Type II            |
| Any other non-exempt proposal   | All             | Project value > \$577,900                                  | Type III [1]       |
|   |                 | Project value ≤ \$577,900                                  | Type II [1]        |

[1] Affordable housing projects may choose a Type II or Type Ix review procedure. A Type II procedure is allowed if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. A Type Ix procedure is allowed if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for one of these alternate procedure types, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.

[2] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[3] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

4. For Conservation Districts, excluding Historic Landmarks or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.210.D.2, the review procedure is determined by Table 846-4, below:

| Proposal                                  | Zone            | Threshold  | Review Type |
|---|-----------------|--|-------------|
| Relocation                                | All             | Contributing resource                                      | Type III    |
|   |                 | Contributing accessory structure                           | Type Ix     |
| New structure                             | All             | Floor area > 800 sq. ft.                                   | Type II [1] |
|   |                 | Floor area ≤ 800 sq. ft.                                   | Type Ix     |
| Window replacement                        | RF-R2.5         |  | Type I      |
| Mechanical equipment                      | All             |  | Type I      |
| Awnings                                   | All             |  | Type I      |
| Signs                                     | All             |  | Type I      |
| Alteration to the exterior of a structure | C, E, I, RX, CI | Affected facade or roof area >50 sq. ft. and < 500 sq. ft. | Type Ix     |
|   |                 | Affected facade or roof area ≤ 50 sq. ft.                  | Type I      |
|   | RF-RM4          | Affected facade or roof area < 150 sq. ft.                 | Type I      |
| Historic restoration                      | All             |  | Type I      |