

## 33.281 Schools and School Sites

# 281

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### **33.281.010 Purpose**

The City recognizes that schools have a special relationship to the community. This chapter provides regulations for schools and school sites located throughout the City's neighborhoods. The regulations acknowledge that school sites provide an important community resource and that traditionally a wide variety of activities take place at school sites. The regulations also reflect the fact that there is a constant change in uses, programs, and buildings as school districts respond to changing demographics and educational innovations. At the same time, the regulations protect surrounding uses from negative impacts by providing a forum for the review of major changes to uses or buildings.

### **33.281.020 Relationship to Base Zone and Conditional Use Regulations**

The base zone chapters indicate whether school uses are allowed by right, are conditional uses, or are prohibited. In OS, R, and IR zones, schools are generally regulated as conditional uses. In C and E zones, schools are generally allowed by right. In I and CI zones, schools are prohibited. This chapter provides supplemental information and regulations specific to school uses and school sites. The requirements of the base zone apply unless superseded by the regulations in this chapter. In situations where the use is regulated as a conditional use, the regulations that apply are located in this chapter, except for the conditional use approval criteria, which are in 33.815.105. If a school site has previous conditions of approval, the specific conditions take precedence over the threshold levels of review in this chapter.

### Regulations in OS, R, and IR zones

#### 33.281.030 Review Thresholds for School Uses

This section states when a conditional use is required and the type of procedure used for changes to school uses in the OS, R, and IR zones.

- A. **New school use.** The creation of a school use on a site that does not have a school use or is not a school site is reviewed through the Type III procedure.
- B. **Change of grade levels.** Removing grades from any school is allowed. Adding grades is allowed or a conditional use, as specified in Table 281-1.

<b>Table 281-1 Regulations for Adding Grades</b>		
<b>If a school has the following grades:</b>	<b>Regulation for adding the following grades:</b>	
	Allowed	CU required
Any grade K-8	Any grade K-8	Any grade 9-12 (Type III)
Any grade 9-12	Any grade 9-12	Any grade K-8 (Type II)
Any grade K-8 AND Any grade 9-12	Any grade K-12	—

- C. **Modifying an existing school use at the same school level.** Program changes within the school use are allowed by right. This includes the addition of special education programs (such as remedial or talented and gifted (TAG) programs), latch key programs, early childhood education programs, or similar programs within the level of the school use. The addition of community school programs or evening programs is also allowed by right as long as the level of the school use does not change.
- D. **Changes in enrollment and staffing.** Changes in the number of students enrolled and the number and classification of staff are allowed without review except where a conditional use review is required by Subsections 33.281.050.B or C.

#### 33.281.040 Review Thresholds for Other Uses

This section states when a conditional use is required for changes to non-school uses on school sites in the OS, R, and IR zones, and the type of procedure used when a conditional use review is required.

- A. **Purpose.** This section allows additional conditional uses on school sites over that normally allowed by the base zones. This is in recognition of the special nature of school sites and the necessity to allow interim uses to allow school districts to maintain sites for future school uses. The additional uses are limited to uses which provide a public service and which can be accommodated on the site with minimal disruption to the site and surrounding area. Offices which can be accommodated easily on the site if adequate off-street parking is provided are also allowed.

**B. Other uses on school sites.**

1. Daycare, Community Service, Community Gardens, Market Gardens, and nonprofit or social service Office uses are allowed at a school site. However, these uses must comply with the parking requirements in Chapter 33.266, Parking and Loading. In addition, any exterior recreation areas including playgrounds and fields must be maintained and open to the public at times when the use is not occupying the areas.
2. Parks and Open Area uses at school sites are subject to the use regulations of the base zone, plan district and overlay zone. Recreational fields used for organized sports are subject to the regulations of 33.279, Recreational Fields for Organized Sports.
3. Change to another conditional use or the addition of another conditional use in a different use category, except as allowed by Paragraph B.1. or B.2. above, are reviewed through a Type III procedure.
4. Office uses, other than nonprofit or social service offices allowed by Paragraph B.1., above, are reviewed through a Type III procedure.
5. Commercial or industrial uses other than those allowed in Paragraphs B.1. and B.4., above, are reviewed through a Type III procedure. The operators of the uses must be nonprofit, governmental, or social service agencies. The uses may only be in portions of buildings that are already designed to accommodate the proposed use. For example, a social service agency could request approval to run a vocational training program in the auto shop portion of a building on the site.
6. Adding an allowed use may or may not require a conditional use depending on the proposed changes to development on the site. See Section 33.281.050.

**33.281.050 Review Thresholds for Development**

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

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

1. The addition of new outdoor recreation areas, or changes to existing outdoor recreation areas;
2. The demolition and replacement of up to 25 percent of the existing net building area on the site;
3. The addition of up to 2,000 square feet of new net building area to the site;
4. Increases of exterior improvement areas up to 2,000 square feet. Fences, handicap access ramps, on-site pedestrian circulation systems, Community Gardens, Market Gardens, electric vehicle chargers and equipment, bicycle parking and increases allowed by Paragraphs A.6 and A.9 are exempt from this limitation;

5. Changes that do not result in a net gain or loss of site area;
  6. The alteration will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:
    - a. On sites with 5 or more parking spaces, up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be removed; however, the removal of more than 5 spaces requires a conditional use review. Parking spaces removed to create accessible spaces as specified in the Oregon Structural Specialty Code are exempt from this limitation;
    - b. Up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be added; however, the addition of more than 5 spaces requires a conditional use review; and
    - c. Any cumulative loss or gain of parking allowed in A.6.a or A.6.b is measured from the time the use became a conditional use, or the last conditional use review of the use, whichever is most recent, to the present.
  7. The alteration meets one of the following:
    - a. Complies with the development standards of this Title; or
    - b. Does not comply with the development standards of this Title, but an adjustment or modification to the development standards has been approved through a land use review;
  8. The alteration complies with all previous conditions of approval;
  9. The addition of roof-mounted solar panels that meet the requirements of the base zone, and ground mounted solar panels.
- B. Type II.** A Type II review is required when the following individual or cumulative alterations are proposed. The increases in paragraphs B.3 through B.6, are measured from the time the use became a conditional use or the last conditional use review of the use, whichever is most recent, to the present.
1. When proposed alterations to the site will not violate any conditions of approval;
  2. When there will be a net loss in site area;
  3. When there will be an increase or decrease in the net number of parking spaces by up to 2 spaces or up to 10 percent of the total number of parking spaces, whichever is greater;
  4. When the alterations will not increase the net building area on the site by more than 25 percent, up to a maximum of 25,000 square feet;
  5. When the alterations will not increase the exterior improvement area on the site by more than 25 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by B.3 are exempt from this limitation; or
  6. When the alterations will not increase the net building area and the exterior improvement area on the site by more than 25 percent, up to a maximum of 25,000

square feet. Parking area increases that are allowed by B.3 are exempt from this limitation.

- C. **Type III.** All other alterations to development on the site, including alterations not allowed by Subsections A. and B. are reviewed through a Type III procedure.

### **33.281.055 Loss of Conditional Use Status on School Sites.**

If a school use is discontinued for more than 5 continuous years, a new conditional use is required. A school use has been discontinued if the use ceases operations, even if the structure or materials related to the use remain. Any school use proposing to locate at the site after more than 5 years of discontinued use must go through a new conditional use review. The new conditional use is reviewed as follows:

- A. If the school use has been discontinued for less than 10 years, and the proposed new school use does not include any of the Type III changes listed in 33.281.030.B or 33.281.050.C, the conditional use is reviewed through a Type II procedure.
- B. If the school use has been discontinued for less than 10 years, and the proposed new school use includes any of the Type III changes listed in 33.281.030.B or 33.281.050.C, the conditional use is reviewed through a Type III procedure.
- C. If the school use has been discontinued for more than 10 years, the conditional use is reviewed through a Type III procedure.

## **Regulations in C and E zones**

### **33.281.060 Use Regulations**

In the C and E zones, new schools and changes to existing schools are allowed by right subject to the development standards of the base zone and this chapter. Other uses on school sites are subject to the regulations of the base zone.

## **Development Standards**

### **33.281.100 General Standards**

In the OS, R, and IR zones, the development standards for institutional uses apply except where superseded by the standards in this chapter. The institutional development standards are stated in 33.110.270 and 33.120.275. In C and E zones, the development standards of the base zone apply except where superseded by the standards in this chapter. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

### **33.281.110 Building Coverage and Floor Area Ratio**

If the school site is contiguous with a public park, and the school has a signed joint use agreement with the Park Bureau, then the building coverage and FAR calculations are based on the combined site area.

### **33.281.120 Special Event Parking**

Paved play areas may be used for special event parking. The area does not have to comply with landscaping requirements for parking areas. These areas may not be used for required parking for the uses on the site.

### **33.281.130 Bus Loading**

- A. Purpose.** The purpose of bus loading requirements is to provide safe and efficient bus loading areas in a manner that has minimal negative impacts on the surrounding uses and on the traffic flow and access potential of the surrounding streets. Whenever possible bus loading should be done on-site.
- B. New school sites.** On-site bus loading is required for new school sites.
  - 1. When there is a conditional use review, the size and design of the bus loading area is determined as part of the conditional use review.
  - 2. When there is no conditional use review, the bus loading area must meet the standards of Section 33.266.310, Loading Standards, except for landscaped setbacks. Bus loading areas are required to comply with the landscaped setbacks for parking areas, not loading areas.
- C. Existing school sites.**
  - 1. When there is a conditional use review, alterations to on-street and on-site bus loading are reviewed by BDS and Office of Transportation. The provision of on-site bus loading is encouraged whenever possible.
  - 2. When alterations to bus loading are not part of a conditional use review, alterations to existing on-street bus loading are reviewed and approved by the Portland Bureau of Transportation.

### **33.281.140 Landscaping**

This section states exceptions to the normal landscaping requirements.

- A. Parking areas.** In parking areas where L3 landscaping is normally required, a 20-foot deep area landscaped to the L2 standard may be substituted. Special event parking is addressed in 33.281.120.
- B. Other landscaping.** In situations where L3 landscaping is required by the base zone or other regulations, L1 or L2 landscaping may be substituted. However, the landscaping requirements for parking areas are stated in Subsection A. above.

### **33.281.150 Temporary Structures**

Temporary, portable, or relocatable structures are treated as any other type of structure. Structures which are proposed to be placed temporarily on a site during construction, are reviewed as part of the conditional use review of the proposed construction.

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