

**CHAPTER 33.130
COMMERCIAL ZONES**

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General

33.130.010 Purpose

The commercial zones implement the commercial policies and plan map designations of the Comprehensive Plan. The zones are for areas of the City designated by the Comprehensive Plan for commercial uses. The differences in the zones reflect the diversity of commercial areas in the City. The zones are distinguished by the uses allowed and the intensity of development allowed. Some of the zones encourage commercial areas that are supportive of surrounding residential areas, while other zones allow commercial areas which have a community or regional market. The regulations promote uses and development which will enhance the economic viability of the specific commercial district and the city as a whole. In general, a wide range of uses is allowed in each zone. Limits on the intensity of uses and the development standards promote the desired character for the commercial area. The development standards are designed to allow a large degree of development flexibility within parameters which support the intent of the specific zone. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

33.130.020 List of the Commercial Zones

The full and short names of the commercial zones and their map symbols are listed below. When this Title refers to the commercial zones, it is referring to the seven zones listed here. When the Title refers to the CN zones, it means the CN1 and CN2 zones. When the Title refers to the CO zones, it means the CO1 and CO2 zones.

<u>Full Name</u>	<u>Short Name/Map Symbol</u>
Neighborhood Commercial 1	CN1
Neighborhood Commercial 2	CN2
Office Commercial 1	CO1
Office Commercial 2	CO2
Mixed Commercial/Residential	CM
Storefront Commercial	CS
General Commercial	CG
Central Commercial	CX

33.130.030 Characteristics of the Zones

- A. Neighborhood Commercial 1 zone.** The Neighborhood Commercial 1 (CN1) zone is intended for small sites in or near dense residential neighborhoods. The zone encourages the provision of small scale retail and service uses for nearby residential areas. Some uses which are not retail or service in nature are also allowed so a variety of uses may locate in existing buildings. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be pedestrian-oriented and compatible with the scale of surrounding residential areas. Parking areas are restricted, since their appearance is generally out of character with the surrounding residential development and the desired orientation of the uses.
- B. Neighborhood Commercial 2 zone.** The Neighborhood Commercial 2 (CN2) zone is intended for small commercial sites and areas in or near less dense or developing residential neighborhoods. The emphasis of the zone is on uses which will provide services for the nearby residential areas, and on other uses which are small scale and have little impact. Uses are limited in intensity to promote their local orientation and to limit adverse impacts on nearby residential areas. Development is expected to be predominantly auto accommodating, except where the site is

adjacent to a transit street or in a Pedestrian District. The development standards reflect that the site will generally be surrounded by more spread out residential development.

- C. Office Commercial 1 zone.** The Office Commercial 1 (CO1) zone is used on small sites in or near residential areas or between residential and commercial areas. The zone is intended to be a low intensity office zone that allows for small scale offices in or adjacent to residential neighborhoods. The allowed uses are intended to serve nearby neighborhoods and/or have few detrimental impacts on the neighborhood. Development is intended to be of a scale and character similar to nearby residential development to promote compatibility with the surrounding area. Development should be oriented to pedestrians along transit streets and in Pedestrian Districts.
- D. Office Commercial 2 zone.** The Office Commercial 2 (CO2) zone is a low and medium intensity office zone generally located on Major City Traffic Streets as designated by the Transportation Element of the Comprehensive Plan. Uses are limited to those in the Office category and may have a local or regional emphasis. The zone is intended to prevent the appearance of strip commercial development by allowing office uses but not other commercial uses. Commercial uses are also restricted to limit detrimental impacts on nearby residential areas. Development is expected to be somewhat auto-accommodating. Where the site is adjacent to a transit street or in a Pedestrian District, development should be oriented to pedestrians. The development standards allow for more intense development than in the CO1 zone, but not so intense as the CG zone.
- E. Mixed Commercial/Residential zone.** The Mixed Commercial/Residential (CM) zone promotes development that combines commercial and housing uses on a single site. This zone allows increased development on busier streets without fostering a strip commercial appearance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. The emphasis of the nonresidential uses is primarily on locally oriented retail, service, and office uses. Other uses are allowed to provide a variety of uses that may locate in existing buildings. Development is intended to consist primarily of businesses on the ground floor with housing on upper stories. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk, especially at corners.
- F. Storefront Commercial zone.** The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.
- G. General Commercial zone.** The General Commercial (CG) zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate

the character of the commercial area. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.

- H. Central Commercial zone.** The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

33.130.040 Other Zoning Regulations

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

Use Regulations

33.130.100 Primary Uses

- A. Allowed uses.** Uses allowed in the commercial zones are listed in Table 130-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 130-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 130-1.
1. Group Living. This regulation applies to all parts of Table 130-1 that have note [1].
 - a. General regulations. All Group Living uses except for alternative or post incarceration facilities, are allowed by right subject to the regulations of Chapter 33.239, Group Living.
 - b. Alternative or post incarceration facilities. Group Living uses which consist of alternative or post incarceration facilities are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.
 2. Small business limitation. This regulation applies to all parts of Table 130-1 that have a [2]. Each individual use is limited to 5,000 square feet of total floor area exclusive of parking area. These types of uses are limited in size in

order to limit their potential impacts on residential uses and to promote a relatively local market area. In addition, if the Director of BDS determines that a proposed Manufacturing And Production use will not be able to comply with the off-site impact standards of Chapter 33.262, the Director of BDS may require documentation that the use will conform with the standards.

3. Retail in the CO2 zone limitation. This regulation applies to all parts of Table 130-1 that have a [3]. Retail Sales And Service uses must be located within the office building and are limited to 10 percent of the total floor area exclusive of parking area. Larger amounts are prohibited. Business and trade schools are exempt from this 10 percent limitation.
4. Required residential limitation. This regulation applies to all parts of Table 130-1 that have a [4]. The limitations are stated in the special regulations for these uses in Section 33.130.253.
5. Industrial size limitation. This regulation applies to all parts of Table 130-1 that have a [5]. Individual uses are limited to 10,000 square feet of floor area exclusive of parking area. These types of uses are limited in size to assure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses. In addition, if the Director of BDS determines that the proposed use will not be able to comply with the off-site impact standards of Chapter 33.262, the Director of BDS may require documentation that the development will be modified to conform with the standards.
6. Self-Service Storage limitation. This regulation applies to all parts of Table 130-1 that have a [6]. The limitations are stated with the special regulations for these uses in Chapter 33.284, Self-Service Storage.
7. Exterior development limitation. This regulation applies to all parts of Table 130-1 that have a [7]. Exterior display or storage of industrial equipment, such as tools, equipment, vehicles, products, materials, or other objects that are part of or used for the business operation is prohibited.
8. Community Services. This regulation applies to all parts of Table 130-1 that have a [8]. Most Community Service uses are allowed by right. Short term housing and mass shelters may be allowed by right if they meet certain standards, or may be a conditional use. See Chapter 33.285, Short Term Housing and Mass Shelters.
9. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 130-1 that have a [9]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
10. Basic Utilities in C zones. This regulation applies to all parts of Table 130-1 that have note [10]. Public safety facilities that include Radio Frequency Transmission Facilities are a conditional use. The approval criteria are in Section 33.815.223. All other Basic Utilities are allowed.
11. Commercial Parking. This regulation applies to all parts of Table 130-1 that have note [11]. Except where plan district provisions supersede these regulations, Commercial Parking is a conditional use in the CG and CX zones. Within plan districts, there may be special regulations.

12. Quick Vehicle Servicing. This regulation applies to all parts of Table 130-1 that have note [12]. Quick Vehicle Servicing uses always include drive-through facilities. The standards in 33.130.260 specify where drive-through facilities may be located.

Table 130-1 Commercial Zone Primary Uses								
Use Categories	CN1	CN2	CO1	CO2	CM	CS	CG	CX
Residential Categories								
Household Living	Y	Y	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]							
Commercial Categories								
Retail Sales And Service	L [2]	Y	N	L [3]	L [4]	Y	Y	Y
Office	L [2]	Y	Y	Y	L [4]	Y	Y	Y
Quick Vehicle Servicing	N	L [12]	N	N	N	N	Y	L [12]
Vehicle Repair	N	N	N	N	N	Y	Y	L [5]
Commercial Parking	N	N	N	N	N	Y	CU [11]	CU [11]
Self-Service Storage	N	N	N	N	N	N	L [6]	L [6]
Commercial Outdoor Recreation	N	N	N	N	Y	Y	Y	Y
Major Event Entertainment	N	N	N	N	N	CU	CU	Y
Industrial Categories								
Manufacturing And Production	L [2]	L [2]	N	N	L [4, 5]	L [5]	L [5,7]	L [5]
Warehouse And Freight Movement	N	N	N	N	N	N	CU [5,7]	N
Wholesale Sales	N	N	N	N	L [4, 5]	L [5]	L [5,7]	L [5]
Industrial Service	N	N	N	N	N	CU [5]	CU [5,7]	CU [5]
Railroad Yards	N	N	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N	N	N
Institutional Categories								
Basic Utilities	Y/CU [10]							
Community Service	L/CU [8]							
Parks And Open Areas	Y	Y	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	Y	Y	Y	Y	Y
Colleges	Y	Y	Y	Y	Y	Y	Y	Y
Medical Centers	Y	Y	Y	Y	Y	Y	Y	Y
Religious Institutions	Y	Y	Y	Y	Y	Y	Y	Y
Daycare	Y	Y	Y	Y	Y	Y	Y	Y
Other Categories								
Agriculture	N	N	N	N	N	CU	CU	CU
Aviation And Surface Passenger Terminals	N	N	N	N	N	N	CU	CU
Detention Facilities	N	N	N	N	N	N	CU	CU
Mining	N	N	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [9]							
Rail Lines And Utility Corridors	CU							

Y = Yes, Allowed

CU = Conditional Use Review Required

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.130.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

L = Allowed, But Special Limitations

N = No, Prohibited

- C. Conditional uses.** Uses which are allowed if approved through the conditional use review process are listed in Table 130-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 130-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.130.110 Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all development standards.

33.130.130 Nuisance-Related Impacts

- A. Off-site impacts.** All nonresidential uses including their accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.
- B. Other nuisances.** Other nuisances are regulated by Title 29, Property and Maintenance Regulations.

Development Standards

33.130.200 Lot Size

There is no required minimum lot size for development of land or for the creation of new lots in commercial zones. Creation of new lots is subject to the regulations of Chapter 33.613, Lots in Commercial Zones.

33.130.205 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. FAR standard.** The floor area ratios are stated in Table 130-3 and apply to all nonresidential development. Floor area for residential uses is not calculated as part of the FAR for the site and is allowed in addition to the FAR limits.
- C. Transfer of FAR from Landmarks.** Floor area ratios may be transferred from a site which contains a Landmark, as follows:
1. **Maximum increase in FAR.** An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from Landmarks, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers;

2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by paragraph C.1 above;
3. Receiving site. The transfer must be to a site that is:
 - a. Zoned C or EX; and
 - b. Within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark;
4. The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant must meet the requirements of Section 33.700.060, Covenants with the City.

33.130.210 Height

- A. Purpose.** The height limits are intended to control the overall scale of buildings. The height limits in the CN1, CN2, and CO1 discourage buildings which visually dominate adjacent residential areas. The height limits in the CO2, CM, CS, and CG zones allow for a greater building height at a scale that generally reflects Portland's commercial areas. Light, air, and the potential for privacy are intended to be preserved in adjacent residential zones. The CX zone allows the tallest buildings, consistent with its desired character.
- B. Height standard.** The height standards for all structures are stated in Table 130-3. Exceptions to the maximum height standard are stated below.
 1. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
 2. Roof top access and mechanical equipment. All rooftop mechanical equipment and enclosures of stairwells that provide rooftop access must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Rooftop elevator mechanical equipment may extend up to 16 feet above the height limit. Stairwell enclosures, and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.
 3. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.

Table 130-3 Summary of Development Standards in Commercial Zones								
Standard	CN1	CN2	CO1	CO2	CM	CS	CG	CX
Maximum FAR (see 33.130.205)	.75 to 1	.75 to 1	.75 to 1	2 to 1	1 to 1 See 33.130.253	3 to 1	3 to 1	4 to 1
Maximum Height (see 33.130.210)	30 ft.	30 ft.	30 ft.	45 ft.	45 ft.	45 ft.	45 ft.	75 ft.
Min. Building Stbks (see 33.130.215) Street Lot Line or Lot Line Abutting an OS, RX, C, E, or I Zone Lot	0	0	0	0	0	0	0	0
Lot Line Abutting other R Zoned Lot	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4
Garage Entrance Setback (see 33.130.250.E)	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft
Max. Building Stbks (see 33.130.215) Street Lot Line Transit Street or Pedestrian District	None 10 ft.	None 10 ft.	None 10 ft.	None 10 ft.	10 ft. None	10 ft. None	None 10 ft.	None 10 ft.
Building Coverage (see 33.130.220)	Max. of 85% of site area	Max. of 65% of site area	Max. of 50% of site area	Max. of 65% of site area	Min. of 50% of site area	Min. of 50% of site area	Max. of 85% of site area	No Limit
Min. Landscaped Area (see 33.130.225)	15% of site area	15% of site area	15% of site area	15% of site area	None	None	15 % of site area	None
Landscaping Abutting an R Zoned Lot (see 33.130.215.B.)	5 ft. @ L3 or none	5 ft. @ L3 or none	5 ft. @ L3 or none	5 ft. @ L3 or none	5 ft. @ L3 or none			
Ground Floor Window Stds. Apply (see 33.130.230)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pedestrian Requirements (see 33.130.240)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Required parking [see 33.266]	None Req'd	Yes	None Req'd	Yes	None Req'd	None Req'd	Yes	None Req'd

Table 130-4 Minimum Building Setbacks From Residential Zone Lot Lines [1]		
Height of the building wall	Lots abutting a side lot line of an R zone lot	Lots abutting a rear lot line of an R zone lot
15 ft. or less	5 ft.	0
16 to 30 ft.	8 ft.	8 ft.
31 to 45 ft.	11 ft.	11 ft.
46 ft. or more	14 ft.	14 ft.

Notes:

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

33.130.215 Setbacks

- A. Purpose.** The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The CN1, CM, CS, and CX 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 development that will maintain light, air, and the potential for privacy for adjacent residential zones. The setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.
- B. Minimum building setbacks.** The minimum building setback standards apply to all buildings and structures on the site except as specified in this section. Setbacks for exterior development are stated in 33.130.245 below, and for parking areas in Chapter 33.266.
1. Generally. There is no required minimum building setback.
 2. Exceptions.
 - a. Lot line abutting R-zoned lot, except RX. The required minimum building setbacks along a lot line abutting an R-zoned lot, except RX, are stated in Table 130-4. Minimum required building setbacks must include a 5-foot deep landscaped area which complies with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening. Landscaping is not required where buildings abut a lot line.
 - b. Garage entrance setback. See 33.130.250.E for the required garage entrance setback for garages accessory to houses, manufactured homes, duplexes, and attached houses.
 - c. Setback averaging. The required minimum setback from a street lot line for buildings, decks, balconies, and porches may be reduced, but not increased, to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.
 - d. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.
 3. Minor projections of features attached to buildings.
 - a. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required building setback up to 20 percent of the depth of the setback. However, they may not be within 3 feet of a lot line. Bays and bay windows extending into the setback also must meet the following requirements:
 - (1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;
 - (2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;
 - (3) Bays and bay windows must cantilever beyond the foundation of the building; and

- (4) The bay may not include any doors.
 - b. Full projection allowed. In addition to Subparagraph a. above, the following features are allowed to project farther into required building setbacks:
 - (1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;
 - (2) Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing façade of a building may fully extend into a street setback;
 - (3) Uncovered decks and stairways that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; and
 - (4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation may fully extend into a required building setback.
 - c. Projections not allowed. Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps are allowed in a street setback but not a required setback from an abutting residential zone.
4. Detached accessory structures. The setback standards for detached accessory structures are stated in 33.130.265 below. Fences are addressed in 33.130.270 below. Sign regulations are in Title 32, Signs and Related Regulations.
- C. Maximum building setbacks.** Except as provided in Subsection D. below, the maximum building setbacks, if any, are stated in Table 130-3. The setback standards apply to all buildings and structures on the site except as specified in this section.
1. Sites in the CS and CM zones.
 - a. Where these standards apply. The regulations of this paragraph apply to sites in the CS and CM zones.
 - b. Standard. The maximum building setback is 10 feet. At least 50 percent of the length of the ground level street-facing façade of buildings must be within 10 feet of the street lot line. If the site has three or more block frontages, this standard only applies to two frontages.
 - c. Exception. For buildings where all the floor area is in residential use, the street-facing façade of an open porch that meets the standards of 33.130.215.C.2.b(3) is included as part of the ground level, street-facing façade of the building.
 2. Building setbacks on a transit street or in a Pedestrian District for sites in the CN, CO, CG, and CX zones. The maximum setback standards of this paragraph apply to buildings that are enclosed on all sides.

- a. Where these standards apply. The regulations of this paragraph apply to sites in the CN, CO, and CG zones, and to the CX zone outside the Central City plan district.
- b. Measurement.
 - (1) Where an existing building is being altered, the standards apply to the ground level, street-facing façade of the entire building. See Figures 130-1 and 130-2.
 - (2) Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all of the buildings. See Figures 130-3 and 130-4.
 - (3) For buildings where all of the floor area is in residential use, the street-facing façade of an open porch that meets the following standards is included as part of the ground level, street-facing façade of the building:
 - For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
 - The porch must have at least one entrance facing the street; and
 - The porch must have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.
- c. Standards. There are two standards. Subparagraphs C.2.d. and e. specify where each standard applies:
 - (1) Standard 1: At least 50 percent of the length of the ground level street-facing façade of the building must be within the maximum setback;
 - (2) Standard 2: 100 percent of the length of the ground level street-facing façade of the building must be within the maximum setback.
- d. Outside a Pedestrian District. Where the site is not in a Pedestrian District:
 - (1) One transit street. Where the site is adjacent to one transit street, the standard of Standard 1 must be met on the transit street frontage;
 - (2) Two non-intersecting transit streets. Where the site is adjacent to two transit streets that do not intersect:

- Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;
 - If one of the transit streets intersects a City Walkway, Standard 1 must be met along both the street with the highest transit classification and the City Walkway.
- (3) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, Standard 2 must be met on the frontage of the street with the highest transit classification and Standard 1 must be met on an intersecting transit street. If two streets have the same highest classification, the applicant may choose on which street to meet the standard.

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

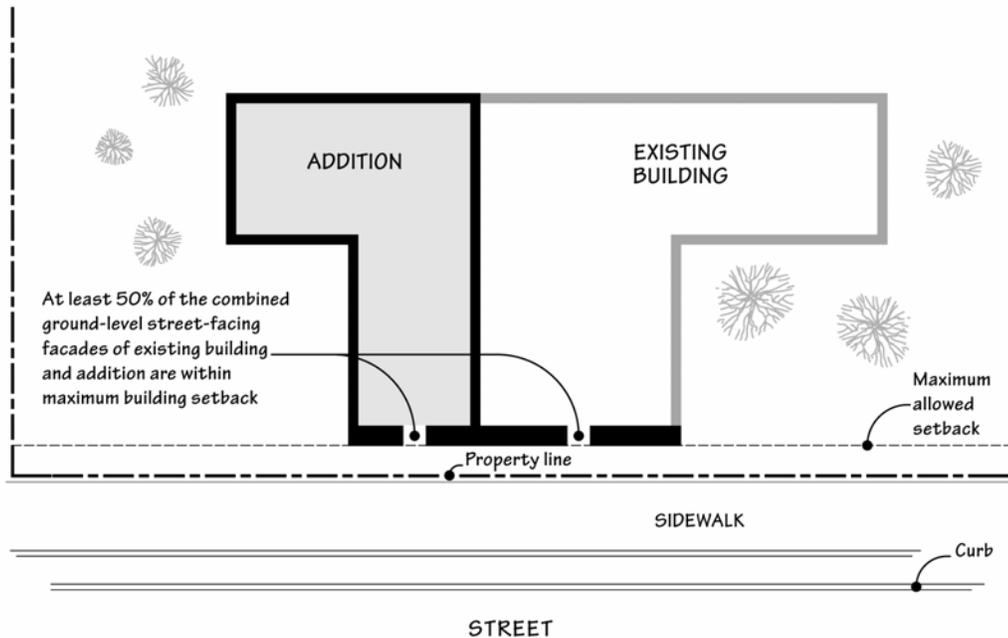
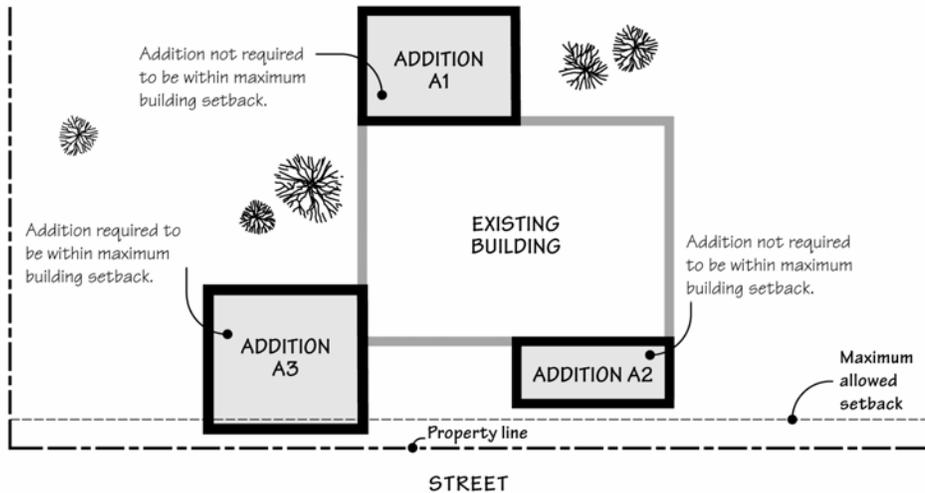


Figure 130-2
Alterations to Existing Building



Notes:

Addition A1. Not subject to maximum setback standard because addition has no street-facing facade.

Addition A2. Brings building closer to conformance with maximum setback standard because it does not increase the length of the street-facing facade, and it brings building closer to maximum building setback line.

Addition A3. Because addition increases length of street-facing facade, 100 percent of addition must be within maximum setback until maximum setback standard for entire building is met.

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

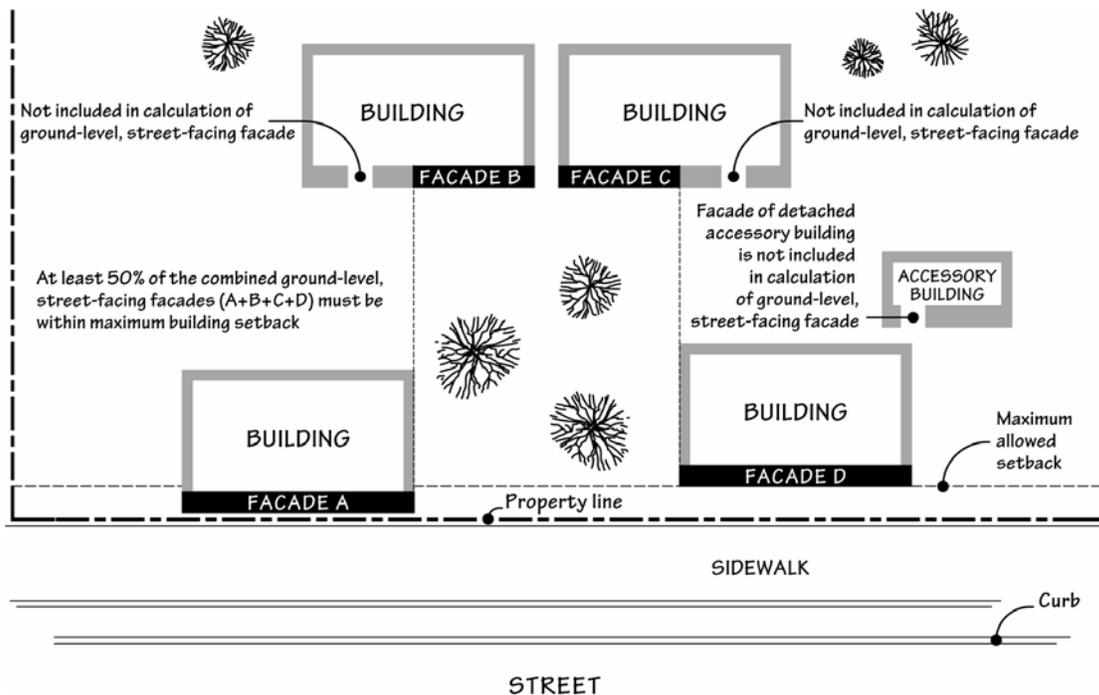
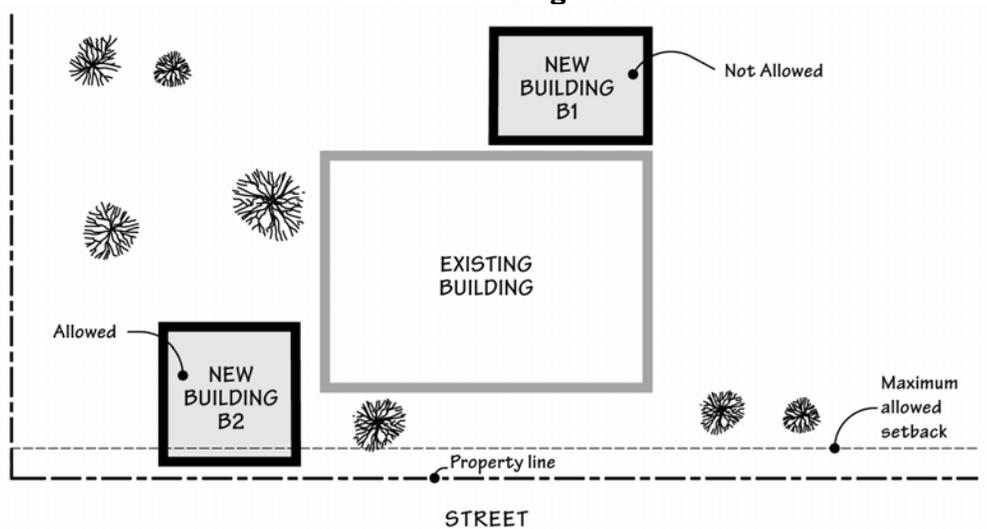


Figure 130-4
New Buildings on Sites with Buildings That Do Not Meet the
Maximum Building Setback



Notes:

New Building B1. Not allowed because it moves site further out of conformance with maximum setback standard.

New Building B2. Because building increases length of combined street-facing facade on the site, 100 percent of building facade must be within maximum setback until maximum setback standard for site is met.

- e. In a Pedestrian District. Where the site is in a Pedestrian District:
- (1) One street. Where the site is adjacent to only one street, Standard 1 must be met on that street frontage;
 - (2) Through lot with one transit street. Where the site is adjacent to one transit street and one non-intersecting non-transit street, Standard 1 must be met on the frontage of the transit street;
 - (3) Through lot with two transit streets. Where the site is a through lot and both frontages are on transit streets, Standard 1 must be met on the frontage of the street with the highest transit classification. If both streets have the same highest classification, the applicant may choose on which street to meet the standard;
 - (4) Through lot with no transit streets. Where the site is a through lot and neither frontage is on a transit street, Standard 1 must be met on one of the frontages. The applicant may choose on which street to meet the standard;
 - (5) One transit street and one intersecting non-transit street. Where the site is adjacent to a transit street and an intersecting non-transit street, the following standards must be met:
 - Standard 2 must be met on the frontage of the transit street,
 - Standard 1 must be met on the intersecting non-transit street;

- (6) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, the following standards must be met on the frontage of the street with the highest transit classification and any intersecting transit street;
 - Standard 2 must be met on the frontage of the street with the highest transit classification. If both transit streets have the same highest classification, the applicant may choose on which street to meet the standard; and
 - Standard 1 must be met on an intersecting transit street;
- (7) Three or more frontages, two non-intersecting transit streets. Where the site has three or more frontages, and two of them are transit streets that do not intersect, the following standards must be met on the frontage of the street with the highest transit classification and one intersecting street;
 - Standard 2 must be met on the frontage of the street with the highest transit classification. If both transit streets have the same highest classification, the applicant may choose on which street to meet the standard; and
 - Standard 1 must be met on an intersecting street;
- (8) Two or more frontages, no transit streets, two or more intersecting streets. Where the site has two or more frontages, none of them are transit streets, and two or more of the streets intersect, the following standards must be met on the frontage of one street and one intersecting street:
 - Standard 2 must be met on the frontage of one street; and
 - Standard 1 must be met on an intersecting street.
3. Exception. The maximum building setbacks do not apply to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 130-3.

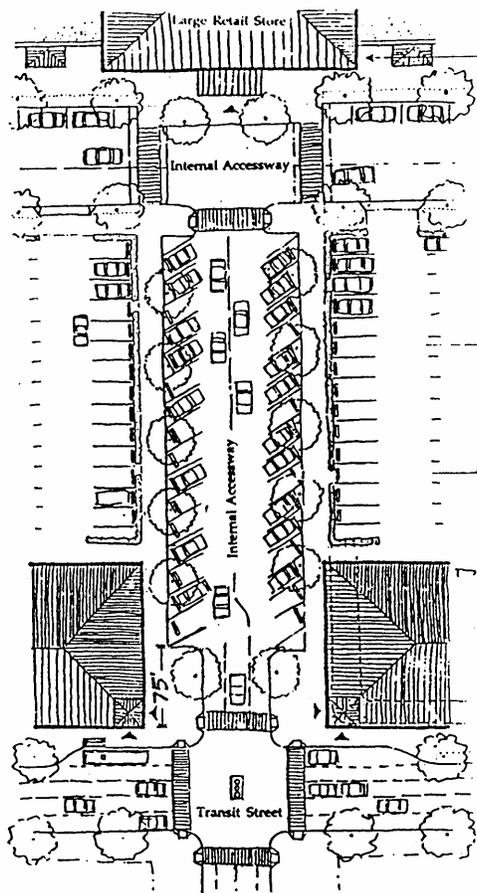
D. Alternative maximum setback option for large retailers.

1. Purpose. The intent of these regulations is to allow deeper street setbacks for very large retail stores locating along transit streets or in Pedestrian Districts in exchange for a pedestrian and transit-friendly main street type of development. These large retail sites can still be transit-supportive and pedestrian-friendly by placing smaller commercial buildings close to the street and by creating an internal circulation system that is similar to streets to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks and provide connectivity within the site and to adjacent streets and uses.
2. Regulation. Sites with a building having at least 100,000 square feet of floor area in Retail Sales And Service uses are exempt from the maximum setback requirement of Table 130-3 and the vehicle area frontage limitations of 33.266.130.C.3 if all of the requirements of this paragraph are met. For sites

with frontage on more than one transit street or more than one street in a Pedestrian District, this exemption may be used only along one transit street frontage or frontage along a street in a Pedestrian District.

- a. Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a Pedestrian District. These buildings must be constructed before or at the same time as the large retail store;
- b. Internal circulation system. An internal circulation system that meets the following standards must be provided.
 - (1) Internal accessways that are similar to streets must divide the site into parking areas that are no greater than 55,000 square feet;
 - (2) These accessways must connect to the transit street, or street in a Pedestrian District, at least every 250 feet;
 - (3) Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides. One of the following must be met:
 - The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or
 - The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard, except that trees cannot be grouped.
 - (4) Along each internal accessway that intersects a transit street, parking must be provided between both sidewalks and the auto travel lanes except for within 75 feet of the transit street intersection, measured from the street lot line, where parking is not allowed;
 - (5) Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure 130-5, at the intersections of internal accessways that have parking; and
 - (6) The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.
- c. Connections between sites. This standard applies to all commercial, office, or institutional development that is adjacent to sites either developed for commercial, office, or institutional use, or zoned C, E, or I. The system must connect the buildings on the site to these adjacent sites.

Figure 130-5
Internal Circulation System



33.130.220 Building Coverage

- A. Purpose.** The building coverage standards limit the footprint of buildings and work with the FAR, height, and setback standards to control the overall scale of development. The standards promote development consistent with the desired character of the zone. In the CM and CS zones, the required minimum building coverage standards promote development which will support the built-up, urban character of these zones. In the CN2 and CO1 zones, the standards promote buildings at a scale compatible with surrounding residential development.
- B. Building coverage standards.** The maximum or minimum building coverage standards are stated in Table 130-3 and apply to all buildings and covered structures.
 - 1. Attached houses. For attached houses, the building coverage of the base zone applies to the entire site. The maximum building coverage for individual lots is 5 percent more than the base zone allowance.

2. CS and CM zones. In CS and CM zones, where any portion of the site is in an environmental overlay zone, the minimum building coverage standard does not apply.

33.130.225 Landscaped Areas

- A. Purpose.** Landscaping is required in some zones because it is attractive and it helps to soften the effects of built and paved areas. It also helps reduce stormwater runoff by providing a surface into which stormwater can percolate. Landscaping is required for all commercial-zoned lands abutting R zoned lands to provide buffering and promote the livability of the residential lands.
- B. Minimum landscaped area standard.** The required amounts of landscaped areas are stated in Table 130-3. Sites developed with a house, attached house or duplex are exempt from this standard. Required landscaped areas must be at ground level and comply with at least the L1 standard as stated in Chapter 33.248, Landscaping and Screening. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples include walkways, play areas, plazas, picnic areas, and unenclosed recreational facilities. Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.

33.130.227 Trees

- A. Purpose.** The purpose of the tree standard is to maintain and add to Portland's tree canopy and to enhance the overall appearance of single-dwelling development in commercial zones. Trees are an integral aspect of the Portland landscape and add to the livability of Portland. They provide aesthetic and economic value to property owners and the community at large. Trees help to:
 - reduce stormwater run-off by intercepting and transpiring precipitation;
 - help to reduce summer temperatures by providing shade;
 - buffer noise;
 - stabilize slopes;
 - provide oxygen,
 - clean the air; and
 - provide wind protection in winter.
- B. Minimum tree standard.** New residential development must meet the T1 standard of Chapter 33.248, Landscaping and Screening. Multi-dwelling structures are exempt from this standard. Adjustments to this standard are prohibited. Trees provided to meet the requirements of Section 33.130.225, Landscaped Areas, may apply toward meeting this requirement.
- C. Exception to minimum tree standard.** Residential development is exempt from this standard when buildings cover 90 percent or more of the site.

33.130.230 Ground Floor Windows

- A. Purpose.** In the C zones, blank walls on the ground level of buildings are limited in order 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;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

B. Required amounts of window area.

1. In CN1 & 2, CO1 & 2, CM, CS, and CG zones, street-facing facades on the ground level which are 20 feet or closer to the street lot line must meet the general window standard in Paragraph 3. below. However, on lots with more than one street frontage, the general standard must be met on one street frontage only. The general standard must be met on the frontage of the street that has the highest transit street classification according to the Transportation Element of the Comprehensive Plan. If two or more streets have the same highest transit street classification, then the applicant may choose on which street to meet the general standard. On all other streets, the requirement is 1/2 of the general standard.
2. In CX zone, all exterior walls on the ground level which face a street lot line, sidewalk, plaza, or other public open space or right-of-way must meet the general window standard in Paragraph 3., below.
3. General standard. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. The requirement does not apply to the walls of residential units, and does not apply to the walls of parking structures when set back at least 5 feet and landscaped to at least the L2 standard.

C. Qualifying window features. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than 4 feet above the adjacent exterior grade.

D. Adjustments. Public art may be considered for adjustments to the ground floor window provision. In all cases, the Regional Arts and Culture Council will review the application to determine whether public art is appropriate at the location, taking into account the scale and character of the building and area. The budget, selection process, final artwork, and installation must follow the guidelines of the Regional Arts and Culture Council and must be approved by the Regional Arts and Culture Council. Covenants will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art.

33.130.235 Screening

- A. Purpose.** The screening standards address specific unsightly features which detract from the appearance of commercial areas.
- B. Garbage and recycling collection areas.** All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening.

- C. Mechanical equipment.** Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zone:
1. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;
 2. A screen around the equipment that is as tall as the tallest part of the equipment; or
 3. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.
- D. Other screening requirements.** The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulations for those types of development.

33.130.240 Pedestrian Standards

- A. Purpose.** The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.
- B. The standards.** The standards of this Section apply to all development except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this Subsection.
1. Connections. Pedestrian connections are required as specified below:
 - a. Connection between streets and entrances.
 - (1) Sites with one street frontage. There must be a straight line connection between one main entrance of each building on the site and the adjacent street. The straight line connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less. Sites where all of the floor area is in Household Living uses are only required to provide a straight line connection to one main entrance on the site.
 - (2) Sites with more than one street frontage. Where the site has more than one street frontage, the following must be met:
 - The standard of B.1.a(1) must be met to connect the main entrance of each building on the site to the closest sidewalk or roadway if there are no sidewalks. Sites where all of the floor area is in Household Living uses are only required to provide a straight line connection to one main entrance on the site;
 - An additional connection, which does not have to be a straight line connection, is required between each of the other streets and

a pedestrian entrance. However, if at least 50 percent of a street facing façade is within 10 feet of the street, no connection is required to that street.

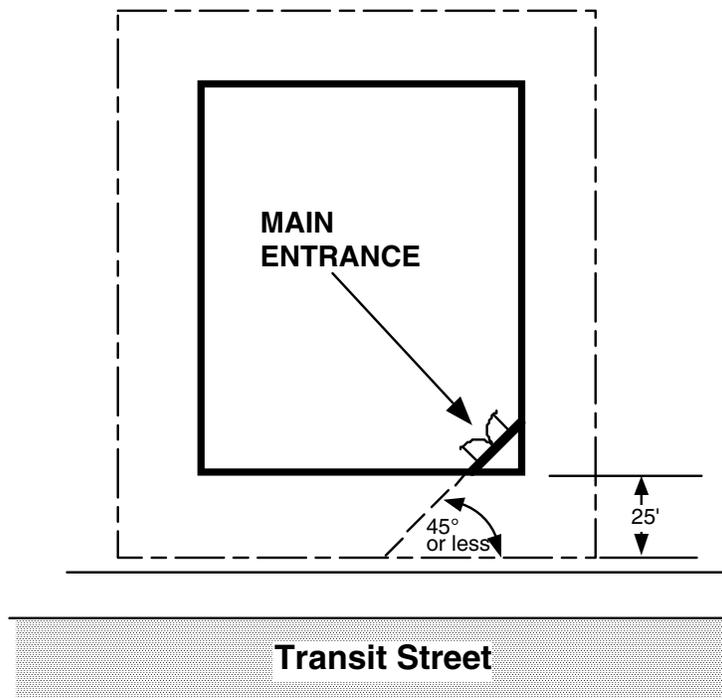
- b. Internal connections. The system must connect all main entrances on the site, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities.
2. Materials.
 - a. The circulation system must be hard-surfaced, and be at least 6 feet wide.
 - b. Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.
 - c. Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.
 3. Lighting. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by the employees, residents, and customers.
 4. Area between a building and a street lot line. The land between a building and a street lot line must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. This area may be counted towards any minimum landscaped area requirements. Vehicle areas and exterior display, storage, and work activities, if allowed, are exempt from this standard. Bicycle parking may be located in the area between a building and a street lot line when the area is hard-surfaced.

33.130.242 Transit Street Main Entrance

- A. Purpose.** Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.
- B. Applicability.**
 1. Generally. All sites with at least one frontage on a transit street, and where any of the floor area on the site is in nonresidential uses, must meet the standards of Subsection C, below. If the site has frontage on more than one transit street, the standards of Subsection C, below, must be met on at least one of the transit streets;
 2. Houses, attached houses, manufactured homes, and duplexes. Houses, attached houses, manufactured homes, and duplexes must meet the standards of 33.130.250.C, Residential Main Entrance, instead of the requirements of this section.

- C. Location.** For portions of a building within the maximum building setback, at least one main entrance for each tenant space must:
1. Be within 25 feet of the transit street;
 2. Allow pedestrians to both enter and exit the building; and
 3. Either:
 - a. Face the transit street; or
 - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 130-6, below.
- D. Unlocked during regular business hours.** The main entrance that meets the standards of Subsection C, above, must be unlocked during regular business hours.

**Figure 130-6
Transit Street Main Entrance**



33.130.245 Exterior Display, Storage, and Work Activities

- A. Purpose.** The standards of this section are intended to assure that exterior display, storage, and work activities:
- Will be consistent with the desired character of the zone;
 - Will not be a detriment to the overall appearance of a commercial area;
 - Will not have adverse impacts on adjacent properties, especially those zoned residential; and
 - Will not have an adverse impact on the environment.
- B. Exterior display.**
1. CN1, CN2, CO1, CO2, CM, CS, and CX zones. Exterior display of goods is not allowed except for the display of plants and produce.
 2. CG zone. Exterior display of goods is allowed except for uses in the industrial categories. Exterior display areas must be set back at least 5 feet from street lot lines and be landscaped to at least the L1 standard. Exterior display areas must be set back at least 5 feet from lot lines abutting R zones and be landscaped to at least the L3 standard.
- C. Exterior storage.**
1. Exterior storage is not allowed in the CN1, CN2, CO1, CO2, CM, CS, and CX zones.
 2. Exterior storage is allowed in the CG zone if the storage area complies with the standards of this paragraph. Exterior storage is limited to 20 percent of the site area for all uses except lumber yards and other building material stores. All exterior storage areas must be set back 5 feet from nonstreet lot lines and 10 feet from street lot lines, with the setback area landscaped to at least the L3 standard.
- D. Exterior work activities.** Exterior work activities are prohibited in the commercial zones except for the sales of motor vehicle fuels, and car washes, which are allowed.
- E. Other exterior activities.** The following exterior activities are allowed in the commercial zones: outdoor eating areas, plant nurseries, entertainment and recreation uses that are commonly performed outside, and outdoor markets.
- F. Paving.** All exterior display and storage areas, except for plant nurseries, must be paved.

33.130.250 General Requirements for Residential and Mixed-Use Developments

- A. Generally.** Except as specified in this section, all development—residential, mixed-use, and nonresidential—must meet the other development standards for the zone such as height, setbacks, and building coverage.
- B. Permit-Ready houses.** Chapter 33.278 contains provisions for Permit-Ready houses on narrow lots.

C. Residential main entrance.

1. Purpose. These standards:
 - Together with the window and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
 - Enhance public safety for residents and visitors and provide opportunities for community interaction;
 - Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
 - Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.
2. Where these standards apply.
 - a. The standards of this subsection apply to houses, attached houses, manufactured homes, and duplexes in the commercial zones.
 - b. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added.
 - c. On sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.
 - d. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
3. Location. At least one main entrance for each structure must:
 - a. Be within 8 feet of the longest street-facing wall of the structure; and
 - b. Either:
 - (1) Face the street, See Figure 130-7;
 - (2) Be at an angle of up to 45 degrees from the street; or
 - (3) Open onto a porch. See Figure 130-8. The porch must:
 - Be at least 25 square feet in area;
 - Have at least one entrance facing the street; and
 - Have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with lattice or other open material if no more than 70 percent of the area of the material is open.

4. Duplexes on corner lots. Where a duplex is on a corner lot, the requirements of Paragraph C.3, above, must be met for both dwelling units. Both main entrances may face the same street.

D. Street-facing facades.

1. Purpose. This standard:
 - Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;
 - Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
 - Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.
2. Where this standard applies. The standard of this subsection applies to the street-facing facades of buildings in commercial zones where any of the floor area is in Residential uses. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.
3. The standard. At least 15 percent of the area of each façade that faces a street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard a door must be at the main entrance and facing the street lot line.
4. For structures subject to ground floor window requirements, windows used to meet ground floor window requirements may also be used to meet the requirements of this subsection.

Figure 130-7
Main Entrance Facing the Street

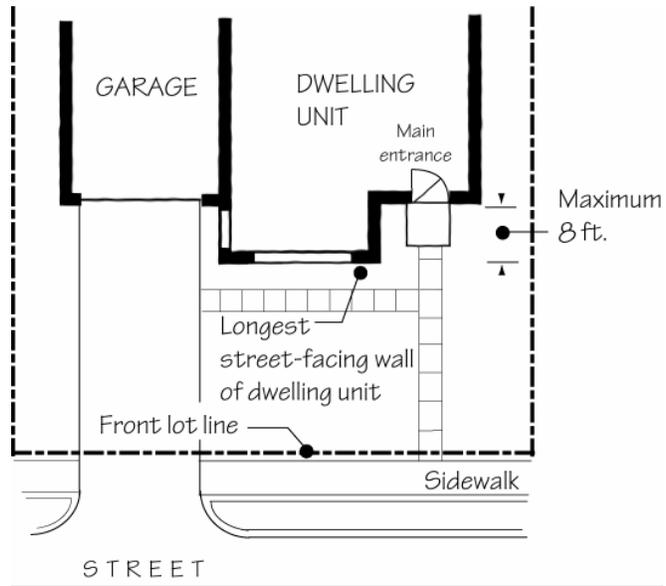
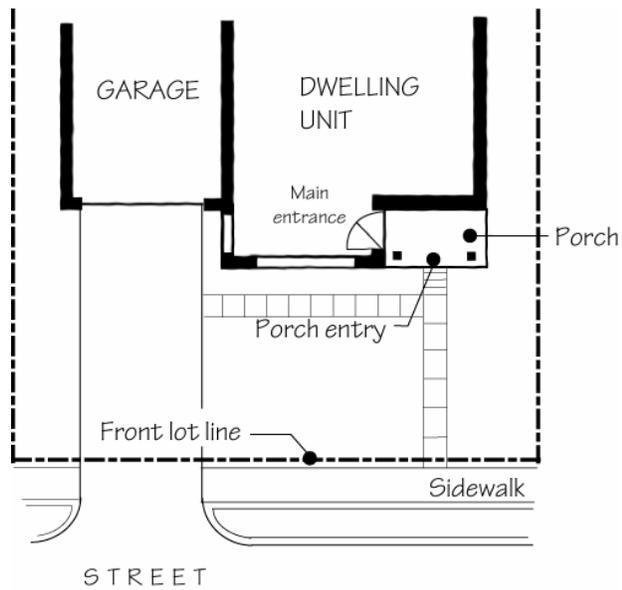


Figure 130-8
Main Entrance Opening Onto a Porch



E. Garages.

1. Purpose. These standards:
 - Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
 - Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
 - Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
 - Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk;
 - Enhance public safety by preventing garages from blocking views of the street from inside the residence;
 - Prevent cars from overhanging the street or sidewalk; and
 - Provide for adequate visibility for a driver backing out of a garage.
2. Where these standards apply. The requirements of Paragraphs E.3, E.4 and E.5, below, apply to houses, manufactured homes, and duplexes. The requirements of Paragraphs E.4 and E.5, below, also apply to garages that are accessory to attached houses. When a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
3. Length of street-facing garage wall.
 - a. Generally. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure 130-9. On corner lots, only one street-facing garage wall must meet this standard.
 - b. Exception. Where the street-facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following. See Figure 130-10.
 - (1) Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall, or
 - (2) A covered balcony above the garage that is:
 - At least the same length as the street-facing garage wall;
 - At least 6 feet deep; and
 - Accessible from the interior living area of the dwelling unit.
4. Street lot line setbacks.
 - a. Generally. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 130-11.

- b. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:
 - (1) The street-facing garage wall is 40 percent or less of the length of the building facade; and
 - (2) There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 130-12. The porch must meet the following:
 - The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
 - The porch must have a solid roof; and
 - The roof may not be more than 12 feet above the floor of the porch.
 - c. Exemption. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.
5. Garage entrance setback. The required garage entrance setback is stated in Table 130-3. The garage entrance must be either 5 feet or closer to the street property line, or 18 feet or farther from the street property line. If the garage entrance is located within 5 feet of the front property line, it may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.

33.130.253 Additional Requirements in the CM Zone

- A. Purpose.** These regulations encourage new mixed-use and residential development. They also provide for small amounts of existing nonresidential uses to remain as allowed uses, and to allow limited expansions to ensure their viability.
- B. Where these regulations apply.** The regulations of this section apply to sites in the CM zone where any of the floor area is, or is proposed to be, in Retail Sales And Service, Office, Manufacturing And Production, or Wholesale Sales uses. For the purposes of this section, these uses are called limited nonresidential uses.
- C. Adjustments.** Adjustments to the regulations of this section are prohibited.
- D. Measurements.** For the purposes of this section, measurements are as follows:
 - 1. Parking excluded. Floor area does not include area devoted to structured parking.
 - 2. Residential common areas. Areas shared exclusively by residential uses such as hallways, stairs, and entries are included in residential floor area.
 - 3. Other common areas. Areas shared by residential and nonresidential uses, such as hallways, stairs, and entries, are included in nonresidential floor area.
 - 4. Balconies. Balconies are included in residential floor area if the balcony serves only residential units and is at least 48 square feet in area and at least 6 feet long and 6 feet wide.

- E. New development.** For new development, at least one square foot of residential development is required for each square foot of limited nonresidential floor area.

Figure 130-9
Length of Street Facing Garage Wall

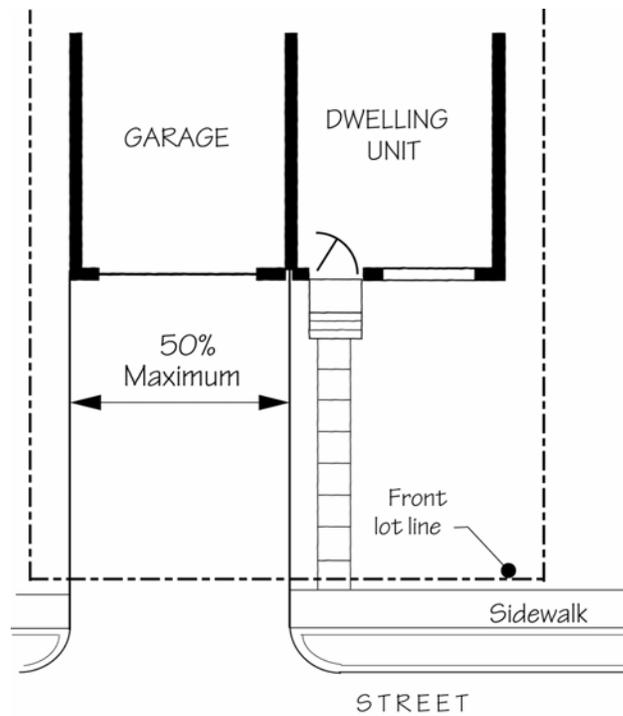


Figure 130-10
Length of Street-Facing Garage Wall Exception

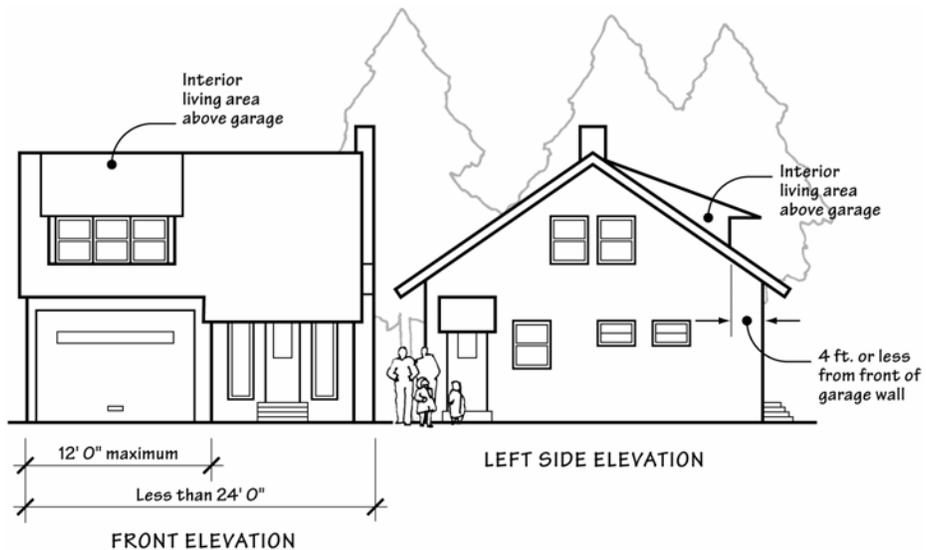


Figure 130-11
Street Lot Line Setback

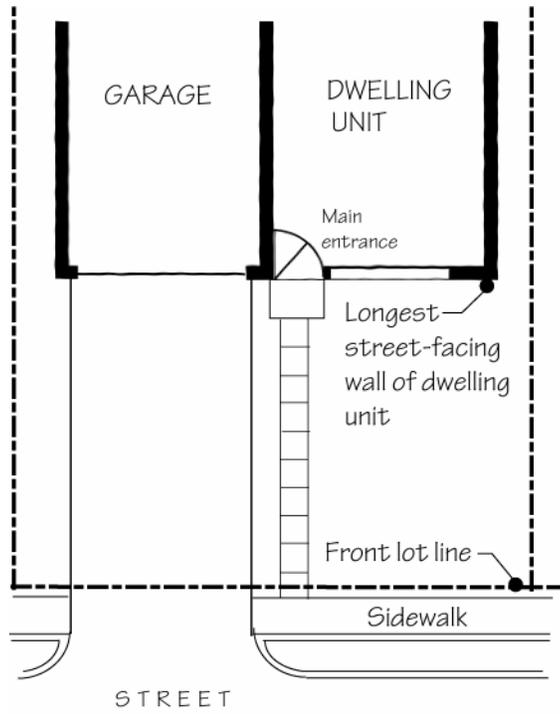
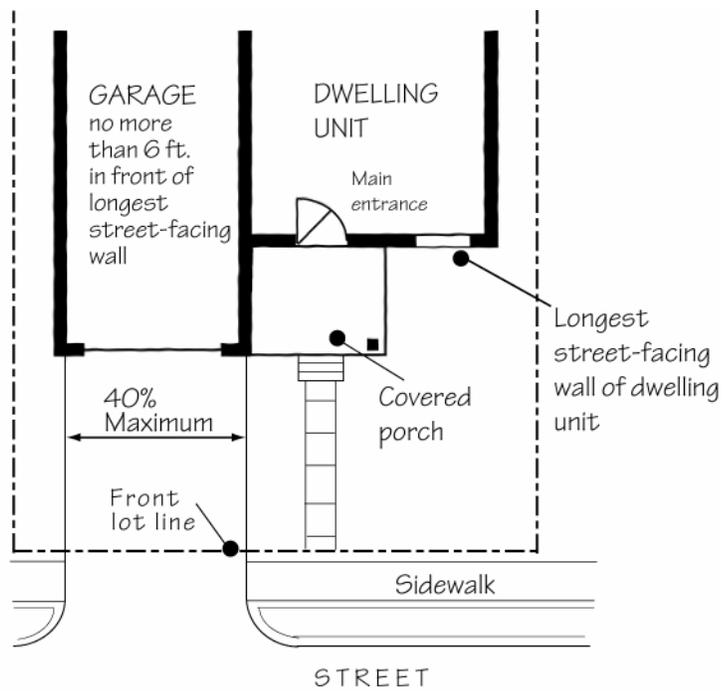


Figure 130-12
Garage Front Setback Exception



- F. Existing floor area.** The regulations of this subsection apply to sites with existing floor area.
1. On sites where none of the floor area is in residential use, or where there is up to one square foot of residential floor area for each square foot of limited non-residential floor area, limited nonresidential floor area may be added if one of the following are met:
 - a. If residential floor area is proposed, one square foot of limited non-residential floor area is allowed for each square foot of residential floor area added. The limited nonresidential floor area may not exceed an FAR of 1:1; or
 - b. If no residential floor area is proposed, or if less than one square foot of residential floor area for each square foot of limited nonresidential floor area is proposed, limited nonresidential floor area is allowed up to a maximum FAR of 1:1 or 7,000 square feet, whichever is less.
 2. On sites where all of the floor area is in residential use, or where there is more residential floor area than limited nonresidential floor area, limited non-residential floor area may be added if one of the following is met:
 - a. Limited nonresidential floor area may be added, and residential floor area may be changed to limited nonresidential floor area if, after the addition or change, there is at least one square foot of residential floor area for each square foot of limited nonresidential floor area, and if the limited nonresidential floor area does not exceed a maximum FAR of 1:1; or
 - b. Limited nonresidential floor area may be added without adding residential floor area if the amount of residential floor area is not reduced, and if the limited nonresidential floor area does not exceed 1:1 FAR or 7,000 square feet, whichever is less.
 3. Change of use.
 - a. Floor area in one limited nonresidential use may be changed to another limited nonresidential use or to an allowed use;
 - b. Floor area in a nonconforming use may be changed to a limited non-residential use or to an allowed use;
 - c. Floor area in an allowed nonresidential use may be changed to a limited nonresidential use if, after the change, there is at least one square foot of residential floor area for each square foot of limited nonresidential floor area, and if the limited nonresidential floor area does not exceed a maximum FAR of 1:1;
 - d. Floor area in residential use may be changed to floor area in a limited nonresidential use only where all of the floor area is in residential use, or where there is more residential floor area than limited nonresidential floor area. See Paragraph F.2, above.
 4. Damage and destruction. When structures containing limited nonresidential floor area are damaged by fire or other causes beyond the control of the owner, the reestablishment of this nonresidential floor area is subject to the standards for new development above, if the repair cost of the structure is more than 75

percent of its assessed value. However, if the structure is intentionally damaged by fire or other causes within the control of the owner, the reestablishment of the limited nonresidential floor area is subject to the standards for new development.

5. Discontinuance. Limited nonresidential floor area may remain vacant without limitation, and the limited nonresidential uses may be reestablished at any time if the amount of floor area previously or currently in residential uses is not decreased.

33.130.255 Trucks and Equipment

- A. Purpose.** The parking and storage of trucks and equipment is regulated to ensure that it will be consistent with the desired character of the commercial zones and to limit adverse effects on adjacent residential lands.
- B. Truck and equipment parking standards.** The standards for truck and equipment parking apply to business vehicles that are parked regularly at a site. The regulations do not apply to pick-up and delivery activities, to the use of vehicles during construction, or to services at the site which occur on an intermittent and short term basis. The truck categories are defined in Chapter 33.910.
 1. Light trucks. The parking of passenger vehicles, light trucks, and similar equipment is allowed in all C zone areas that comply with the development standards for parking areas.
 2. Medium trucks. The parking of pickup trucks in the medium truck category is allowed in all C zones. The parking of all other medium trucks and similar equipment is allowed only in the CG zone. Truck parking areas must comply with the development standards for auto parking areas.
 3. Heavy trucks. The parking of heavy trucks and similar equipment is not allowed in any commercial zone.

33.130.260 Drive-Through Facilities

Drive-through facilities are allowed in the zones which are intended for auto accommodating development. They are not consistent with or supportive of areas where the desired character is pedestrian-oriented development. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities.

- A. CG zone.** Drive-through facilities are allowed in the CG zone.
- B. CN2 zone.** In the CN2 zone, drive-through facilities are allowed on sites that are adjacent to a Major City Traffic Street or District Collector as designated by the Transportation Element of the Comprehensive Plan. On corner sites, they are allowed if at least one of the streets is a Major City Traffic Street or District Collector. On all other streets they are prohibited.
- C. CN1, CO1, CO2, CM, and CS zones.** Drive-through facilities are prohibited in the CN1, CO1, CO2, CM and CS zones.

D. CX zone.

1. Outside of the Central City plan district. Outside of the Central City plan district, drive-through facilities are prohibited in the CX zone;
2. In the Central City plan district. In the Central City plan district, drive-through facilities are allowed in the CX zone but are prohibited in certain subdistricts.

33.130.265 Detached Accessory Structures

A. Purpose. These standards are intended to maintain separation and privacy to abutting residential lots from nonresidential development.

B. General standards.

1. The regulations of this section apply only to detached accessory structures.
2. The height and building coverage standards of the base zone apply to detached accessory structures.

C. Setbacks.

1. Uncovered accessory structures. Uncovered accessory structures such as flag poles, lamp posts, signs, radio antennas and dishes, mechanical equipment, uncovered decks, play structures, and tennis courts are allowed in a street setback, but not in a required setback from an abutting residential zone.
2. Covered structures. Covered structures such as storage buildings, greenhouses, work shed, covered decks, and covered recreational structures are subject to the setbacks for buildings. See Section 33.130.250, General Requirements for Residential and Mixed-Use Developments, for additional requirements for garages accessory to residential development.

33.130.270 Fences

A. Purpose. The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

B. Types of fences. The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location and heights.

1. Street building setbacks.
 - a. Measured from front lot line. Fences up to 3-1/2 feet high are allowed in a required street building setback that is measured from a front lot line.
 - b. Measured from a side lot line. Fences up to 8 feet high are allowed in a required street building setback that is measured from a side lot line.

2. Side and rear building setbacks.
 - a. Fences up to 8 feet high are allowed in required side or rear building setbacks that do not abut a pedestrian connection.
 - b. Fences abutting a pedestrian connection.
 - (1) Fences up to 8 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is at least 30 feet wide.
 - (2) Fences up to 3-1/2 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide.
3. Not in building setbacks. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

D. Reference to other regulations

1. Building permits. Building permits are required by BDS for fences over six feet in height.
2. Fence materials regulated by other bureaus. Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.130.275 Demolitions

- A. Demolition delay.** Demolitions of all structures must comply with Chapter 33.445, Historic Resource Protection Zone.
- B. CX zone landscaping.** In the CX zone, sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through design review. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.

33.130.285 Nonconforming Development

Existing development that does not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.130.290 Parking and Loading

The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks, and landscaping are stated in Chapter 33.266, Parking and Loading.

33.130.295 Signs

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

33.130.300 Street Trees

Street trees are required for all developments by the City Forester. See Chapter 20.40, Street Trees and Other Public Tree Regulations.

33.130.305 Superblock Requirements

Development in the CS, CG, and CX zones which are on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

33.130.310 Recycling Areas

Requirements for recycling areas are regulated by the Office of Sustainable Development. See Section 17.102.180, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.

CHAPTER 33.140
EMPLOYMENT AND INDUSTRIAL ZONES

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166920, effective 10/1/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173259, effective 5/14/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178832, effective 10/21/04; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09.)

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General

33.140.010 General Purpose of the Zones

The employment and industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation. The zones reflect the diversity of industrial and business areas in the City. The zones differ in the mix of allowed uses, the allowed intensity of development, and the development standards. The regulations promote areas which consist of uses and developments which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

33.140.020 List of the Employment and Industrial Zones

The full and short names of the employment and industrial zones and their map symbols are listed below. When this Title refers to the employment or E zones it is referring to the first three listed. When this Title refers to the industrial or I zones, it is referring to the last three listed.

<u>Full Name</u>	<u>Short Name/Map Symbol</u>
General Employment 1	EG1
General Employment 2	EG2
Central Employment	EX
General Industrial 1	IG1
General Industrial 2	IG2
Heavy Industrial	IH

33.140.030 Characteristics of the Zones

A. General Employment. The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial and industrially-related uses. Other commercial uses are allowed to support a wide range of services and employment opportunities. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/commercial areas.

1. General Employment 1. EG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. EG1 zoned lands will tend to be on strips or small areas.
2. General Employment 2. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. EG2 zoned lands will generally be on larger areas than those zoned EG1.

- B. Central Employment.** This zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.
- C. General Industrial.** The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.
1. General Industrial 1. IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.
 2. General Industrial 2. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.
- D. Heavy Industrial.** This zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development.

33.140.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and the development standards for the base zones. Sites in overlay zones or plan districts and designated historical landmarks are subject to additional regulations which supersede those of this Chapter. The Official Zoning Maps indicated which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

Use Regulations

33.140.100 Primary Uses

- A. Allowed uses.** Uses allowed in the employment and industrial zones are listed in Table 140-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 140-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 140-1.

1. Household Living uses in I zones. This regulation applies to all parts of Table 140-1 that have note [1]. Household Living in houseboats and houseboat moorages in I zones are regulated by Chapter 33.236, Floating Structures. Household Living in other structures is prohibited.
2. Group Living. This regulation applies to all parts of Table 140-1 that have note [2].
 - a. General regulations. All Group Living uses except for alternative or post incarceration facilities, are allowed by right subject to the regulations of Chapter 33.239, Group Living.
 - b. Alternative or post incarceration facilities. Group Living uses which consist of alternative or post incarceration facilities are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.
3. EG commercial limitation. This regulation applies to all parts of Table 140-1 that have a [3].
 - a. Limited uses.
 - (1) Office uses are allowed if the FAR is not more than 1:1 per site, except for historic landmarks. On sites with historic landmarks, the FAR may be up to 2:1.
 - (2) Retail Sales And Service uses are allowed if the floor area plus the exterior display and storage area is not more than 60,000 square feet or the FAR is not more than 1:1 per site, whichever is less, except for historic landmarks. On sites with historic landmarks, Retail Sales And Service uses are allowed if the floor area plus the exterior display and storage area is not more than 60,000 square feet or the FAR is not more than 2:1 per site, whichever is less.
 - b. Conditional uses.
 - (1) Retail Sales And Service uses where the floor area plus the exterior display and storage area is more than 60,000 square feet, or the FAR is more than 1:1, are a conditional use, except in historic landmarks. In historic landmarks, Retail Sales And Service uses where the floor area plus the exterior display and storage area is more than 60,000 square feet or the FAR is more than 2:1 per site, are a conditional use.
4. IG1 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [4].
 - a. Limited uses. One Retail Sales And Service or Office use is allowed per site. The square footage of the floor area plus the exterior display and storage area may be up to 3,000 square feet.

- b. Conditional uses.
 - (1) More than one Retail Sales And Service or Office Use on a site is a conditional use.
 - (2) Any Retail Sales And Service or Office Use where the floor area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.
 - c. Prohibited uses.
 - (1) Except as allowed by (2), the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 20,000 square feet or an FAR of 1:1. More than 20,000 square feet is prohibited, and more than an FAR of 1:1 is prohibited. These limits include floor area plus exterior display and storage areas.
 - (2) For sites containing an historic landmark, the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 60,000 square feet or an FAR of 2:1. More than 60,000 square feet is prohibited, and more than an FAR of 2:1 is prohibited. These limits include floor area plus exterior display and storage areas.
5. IG2 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [5].
- a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the floor area plus the exterior display and storage area may be up to 3,000 square feet per use.
 - b. Conditional uses.
 - (1) More than four Retail Sales And Service or Office uses on a site is a conditional use.
 - (2) Any Retail Sales And Service or Office use where the floor area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.
 - c. Prohibited uses.
 - (1) Except as allowed by (2), the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 20,000 square feet or an FAR of 1:1. More than 20,000 square feet is prohibited, and more than an FAR of 1:1 is prohibited. These limits include floor area plus exterior display and storage areas.
 - (2) For sites containing an historic landmark, the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 60,000 square feet or an FAR of 2:1. More than 60,000 square feet is prohibited, and more than an FAR of 2:1 is prohibited. These limits include floor area plus exterior display and storage areas.
6. IH commercial limitation. This regulation applies to all parts of Table 140-1 that have a [6].

- a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the floor area plus the exterior display and storage area may be up to 3,000 square feet per use.
 - b. Conditional uses.
 - (1) More than four Retail Sales And Service or Office use on a site is a conditional use.
 - (2) Any Retail Sales And Service or Office use where the floor area plus the exterior display and storage area is more than 3,000 square feet is a conditional use.
 - c. Prohibited uses.
 - (1) Except as allowed by (2), the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 12,000 square feet or an FAR of 1:1. More than 12,000 square feet is prohibited, and more than an FAR of 1:1 is prohibited. These limits include floor area plus exterior display and storage areas.
 - (2) For sites containing an historic landmark, the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 25,000 square feet or an FAR of 2:1. More than 25,000 square feet is prohibited, and more than an FAR of 2:1 is prohibited. These limits include floor area plus exterior display and storage areas.
7. Self-Service Storage limitation. This regulation applies to all parts of Table 140-1 that have a [7]. The limitations are stated with the special regulations for these uses in Chapter 33.284, Self-Service Storage.
 8. Waste-Related limitation. This regulation applies to all parts of Table 140-1 that have a [8]. All Waste-Related uses are conditional uses, unless they meet all of the following conditions in which case they are allowed by right.
 - a. The use must be approved by Metro under their authority as prescribed in ORS 268.317;
 - b. Metro's approval of the use must include a mitigation plan. The requirements for the mitigation plan must be approved by the City Council through an intergovernmental agreement with Metro, adopted prior to Metro's approval of the use; and
 - c. The location of the use must be in conformance with Metro's Regional Solid Waste Management Plan.
 9. Community Service uses in EG zones. This regulation applies to all parts of Table 140-1 that have a [9]. Most Community Service uses are allowed by right. Short term housing may be allowed by right if it meets certain standards. See Chapter 33.285, Short Term Housing and Mass Shelters. Mass shelters are prohibited.

Table 140-1 Employment and Industrial Zone Primary Uses						
Use Categories	EG1	EG2	EX	IG1	IG2	IH
Residential Categories						
Household Living	CU	CU	Y	CU [1]	CU [1]	CU [1]
Group Living	CU	CU	L/CU [2]	N	N	N
Commercial Categories						
Retail Sales And Service	L/CU [3]	L/CU [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Office	L [3]	L [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Quick Vehicle Servicing	Y	Y	N	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]
Self-Service Storage	Y	Y	L [7]	Y	Y	Y
Commercial Outdoor Recreation	Y	Y	Y	CU	CU	CU
Major Event Entertainment	CU	CU	CU	CU	CU	CU
Industrial Categories						
Manufacturing And Production	Y	Y	Y	Y	Y	Y
Warehouse And Freight Movement	Y	Y	Y	Y	Y	Y
Wholesale Sales	Y	Y	Y	Y	Y	Y
Industrial Service	Y	Y	Y	Y	Y	Y
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU [8]	L/CU [8]	L/CU [8]
Institutional Categories						
Basic Utilities	Y/CU [12]	Y/CU [12]	Y/CU [12]	Y/CU [13]	Y/CU [13]	Y/CU [13]
Community Service	L [9]	L [9]	L [10]	L/CU [11]	L/CU [11]	L/CU [11]
Parks And Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	N	N	N
Colleges	Y	Y	Y	N	N	N
Medical Centers	Y	Y	Y	N	N	N
Religious Institutions	Y	Y	Y	N	N	N
Daycare	Y	Y	Y	L/CU [11]	L/CU [11]	L/CU [11]
Other Categories						
Agriculture	Y	Y	Y	Y	Y	Y
Aviation And Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	CU	CU	CU
Radio Frequency Transmission Facilities	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y

Y = Yes, Allowed

CU = Conditional Use Review Required

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.140.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

L = Allowed, But Special Limitations

N = No, Prohibited

10. Community Service in the EX zone. This regulation applies to all parts of Table 140-1 that have a [10]. Most Community Service uses are allowed by right. Short term housing and mass shelters may be allowed by right if they meet certain standards, or may be a conditional use. See Chapter 33.285, Short Term Housing and Mass Shelters.
11. Community Service and Daycare limitations in I zones. This regulation applies to all parts of Table 140-1 that have a [11]. A conditional use review is not required for Community Service uses or Daycare uses which are 3,000 square feet or less in floor area. Short term housing and mass shelters are prohibited.
12. Basic Utilities in E zones. This regulation applies to all parts of Table 140-1 that have note [12]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. All other Basic Utilities are allowed.
13. Basic Utilities in I zones. This regulation applies to all parts of Table 140-1 that have note [13]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. Public safety facilities which have more than 3,000 square feet of floor area are a conditional use. The approval criteria are in Section 33.815.223. All other Basic Utilities are allowed.
14. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 140-1 that have a [14]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
15. Commercial Parking. This regulation applies to all parts of Table 140-1 that have note [15]. Except where plan district provisions supersede these regulations, Commercial Parking is a conditional use in the E and I zones. Within plan districts, there may be special regulations.

C. Conditional uses. Uses which are allowed if approved through the conditional use review process are listed in Table 140-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

D. Prohibited uses. Uses listed in Table 140-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.140.110 Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all development standards.

33.140.130 Nuisance-Related Impacts

A. Off-site impacts. All nonresidential uses including their accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.

B. Other nuisances. Other nuisances are regulated by Title 29, Property and Maintenance Regulations.

33.140.140 On-Site Waste Disposal

On-site disposal of solid wastes generated by a use is subject to the same regulations as for uses in the Waste-Related use category. See Table 140-1.

Development Standards

33.140.200 Lot Size

Lot size regulations are in Chapters 33.614 and 33.615.

33.140.205 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. The floor area standards.** The FARs are stated in Table 140-3. The FARs apply to all nonresidential development in all of the zones and to residential uses in the EX zone. The FAR standards of plan districts supersede the FAR standards of this chapter.
- C. Transfer of FAR from Landmarks in the EX Zone.** Floor area ratios may be transferred from a site zoned EX that contains a Landmark as follows:
1. Maximum increase in FAR. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from Landmarks, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers;
 2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by paragraph C.1 above;
 3. Receiving site. The transfer must be to a site that is:
 - a. Zoned C or EX; and
 - b. Within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark; and
 4. The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant must meet the requirements of Section 33.700.060, Covenants with the City.
- D. Transfer of FAR from Landmarks in the EG Zones.** Floor area ratios may be transferred from a site zoned EG1 or EG2 that contains a Landmark as follows:

1. Maximum increase in FAR. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from Landmarks, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers;
2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by Paragraph D.1 above;
3. Receiving site. The transfer must be to a site that is:
 - a. Zoned EG1 or EG2; and
 - b. Within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark; and
4. The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant must meet the requirements of Section 33.700.060, Covenants with the City.

33.140.210 Height

- A. Purpose.** The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EG1 zone height limit is the same as the General Commercial zone because the EG1 zone often functions as a transition zone between industrial and residential or commercial zones. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed. The other zones do not have height limits because tall buildings in these areas have traditionally not been a problem.
- B. The height standard.** The height limits for all structures are stated in Table 140-3. Exceptions to the maximum height standard are stated below.
 1. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
 2. Rooftop access and mechanical equipment. All rooftop mechanical equipment and enclosures of stairwells that provide rooftop access must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Rooftop elevator mechanical equipment may extend up to 16 feet above the height limit. Stairwell enclosures, and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.
 3. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.

Standard	EG1	EG2	EX	IG1	IG2	IH
Maximum FAR (see 33.140.205)	3 to 1	3 to 1	3 to 1	no limit	no limit	no limit
Maximum Height (see 33.140.210)	45 ft.	no limit	65 ft	no limit	no limit	no limit
Min. Building Setbacks Street Lot Line (see 33.140.215)	5 ft.	25 ft.	0	0	25 ft.	5 ft.
- Lot line abutting an OS, C, E, or I zoned lot	0	0	0	0	0	0
- Lot line abutting an R zoned lot	See Table 140-4	15 ft.	See Table 140-4	See Table 140-4	15 ft.	15 ft.
Max. Building Stbks (see 33.140.215) Transit Street or Pedestrian District	10 ft.	None	10 ft.	None	None	None
Maximum Building Coverage (see 33.140.220)	85% of site area	85% of site area	100% of site area	100% of site area	85% of site area	100% of site area
Min. Landscaped Area (see 140.225)	15% of site area	15% of site area	None	None	15% of site area	None
Ground Floor Window Standards apply (see 33.140.230)	No	No	Yes	No	No	No
Pedestrian Standards Apply (see 33.140.240)	Yes	Yes	Yes	No	No	No
Min. Landscaping Abutting an R zoned lot (see 33.140.215.B.)	5 ft. @ L3 or none	10 ft. @ L3	5 ft. @ L3 or none	5 ft. @ L3 or none	10 ft. @ L3	10 ft. @ L3

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

Notes:

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

33.140.215 Setbacks

- A. Purpose.** The setback standards promote different streetscapes. The EG2 and IG2 zone setbacks promote a spacious style of development. The EG1, IG1, and EX zone setbacks reflect the generally built-up character of these areas. The IH zone requires only a minimal setback to separate uses from the street. The setback standards are also intended to ensure that development will preserve light, air, and privacy for abutting residential zones. In the EG1 and EX zones, the setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

- B. Minimum building setbacks.** The setback standards apply to all buildings and structures on the site except as specified in this section. Setbacks for exterior development are stated in 33.140.245 below, and for parking areas in Chapter 33.266.
1. Generally. The required building setbacks are stated in Table 140-3.
 2. Required landscaping in setbacks. Building setbacks on lot lines that abut lots in residential zones must include a 5-foot deep landscaped area which complies with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening. Landscaping is not required where buildings abut a lot line.
 3. Exceptions to the building setbacks.
 - a. Setback averaging. Outside of Pedestrian Districts and along non-transit streets, the street setback from a street lot line for buildings, decks, balconies, and porches may be reduced to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.
 - b. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.
 4. Minor projections of features attached to buildings.
 - a. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required building setback up to 20 percent of the depth of the setback. However, in no case may they be less than 3 feet from a lot line. Bays and bay windows extending into the setback also must meet the following requirements:
 - (1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;
 - (2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;
 - (3) Bays and bay windows must cantilever beyond the foundation of the building; and
 - (4) The bay may not include any doors.
 - b. Full projection allowed. In addition to Subparagraph a. above, the following features are allowed to project farther into required building setbacks:
 - (1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;
 - (2) Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing façade of a building may fully extend into a street setback;

- (3) Uncovered decks and stairways that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; and
 - (4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation may fully extend into a required building setback.
- c. Projections not allowed. Attached mechanical structures, such as heat pumps, air conditioners, emergency generators, and water pumps, are allowed in a street setback but not a required setback from an abutting residential zone.
5. Detached accessory structures. The setback standards for detached accessory structures are stated in 33.140.270 below. Fences are addressed in 33.140.275 below. Sign regulations are in Title 32, Signs and Related Regulations.

C. Maximum building setbacks.

1. Building setbacks on a transit street or in a Pedestrian District. The maximum setback standards of this paragraph apply to buildings that are enclosed on all sides.
 - a. Where these standards apply. Except as provided in Subsection D. below, these setback standards apply to sites in the EG1 and EX zones.
 - b. Measurement.
 - (1) Where an existing building is being altered, the standards of this paragraph apply to the ground level, street-facing façade of the entire building. See Figures 140-1 and 140-2.
 - (2) Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing façades of all of the buildings on the site. See Figures 140-3 and 140-4.
 - (3) For buildings where all of the floor area is in residential use, the street-facing façade of an open porch that meets the following standards is included as part of the ground level, street-facing façade of the building:
 - For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
 - The porch must have at least one entrance facing the street; and

- The porch must have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.
- c. Standards. There are two standards. Subparagraphs C.1.d. and e. specify where each standard applies:
 - (1) Standard 1: At least 50 percent of the length of the ground level street-facing façade of the building must be within the maximum setback;
 - (2) Standard 2: 100 percent of the length of the ground level street-facing façade of the building must be within the maximum setback;
- d. Outside a Pedestrian district. Where the site is not in a Pedestrian District:
 - (1) One transit street. Where the site is adjacent to one transit street, the standard of Standard 1 must be met on the transit street frontage;
 - (2) Two non-intersecting transit streets. Where the site is adjacent to two transit streets that do not intersect:
 - Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;
 - If one of the transit streets intersects a City Walkway, Standard 1 must be met along both the transit street with the highest classification and the City Walkway;
 - (3) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, Standard 2 must be met on the frontage of the transit street with the highest classification and Standard 1 must be met on an intersecting transit street. If two streets have the same highest classification, the applicant may choose which street.

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

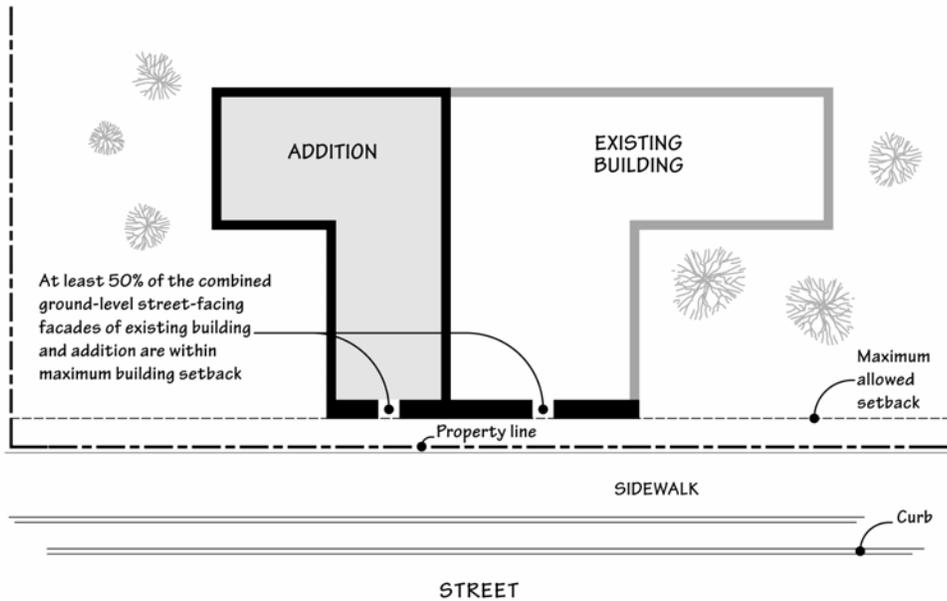
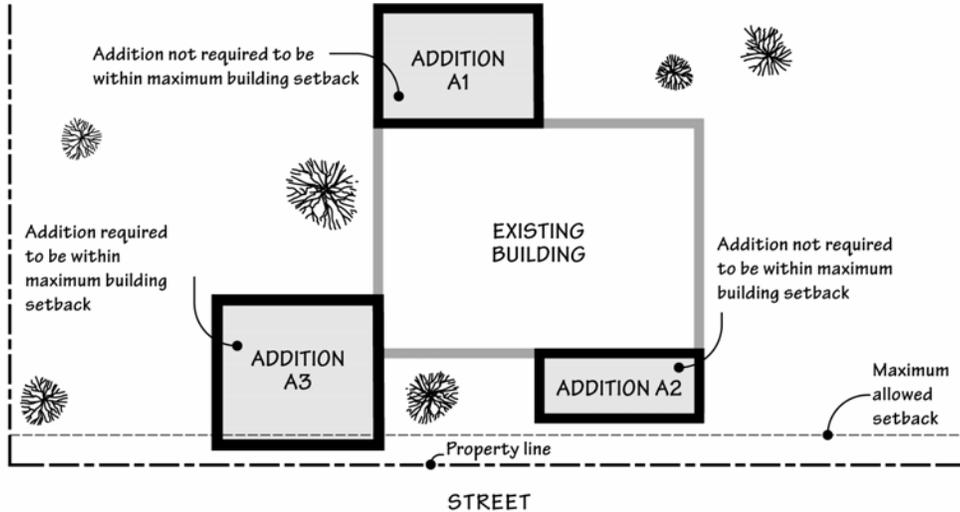


Figure 140-2
Alterations to Existing Building



Notes:

Addition A1. Not subject to maximum setback standard because addition has no street-facing facade.

Addition A2. Brings building closer to conformance with maximum setback standard because it does not increase the length of the street-facing facade, and it brings building closer to maximum building setback line.

Addition A3. Because addition increases length of street facing facade, 100 percent of addition facade must be within maximum setback until maximum setback standard for entire building is met.

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

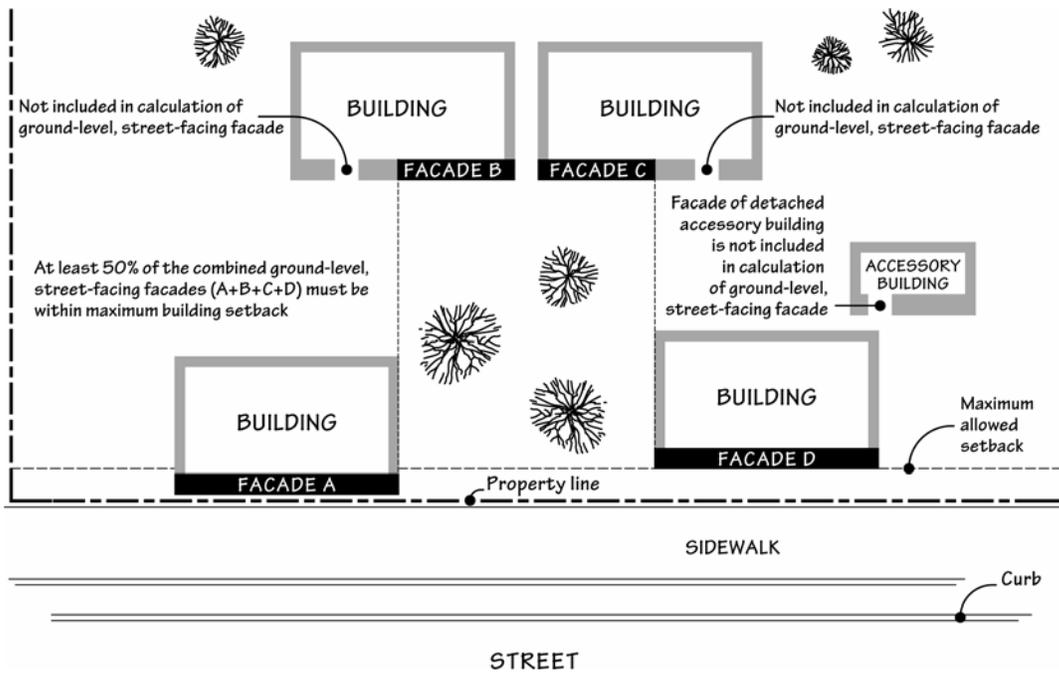
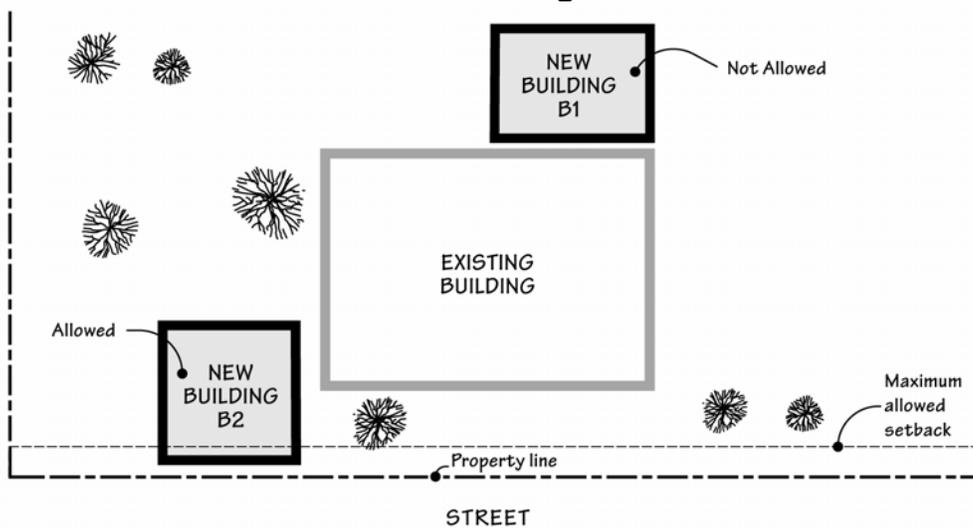


Figure 140-4
New Buildings on Sites with Buildings That Do Not Meet the Maximum Building Setback



Notes:

New Building B1. Not allowed because it moves site further out of conformance with maximum setback standard.

New Building B2. Because building increases length of combined street-facing facade on the site, 100 percent of building facade must be within maximum setback until maximum setback standard for site is met.

- e. In a Pedestrian District. Where the site is in a Pedestrian District:
- (1) One street. Where the site is adjacent to only one street, Standard 1 must be met on that street frontage;
 - (2) Through lot with one transit street. Where the site is a through lot and one frontage is a transit street and one is a non-transit street, Standard 1 must be met on the frontage of the transit street;
 - (3) Through lot with two transit streets. Where the site is a through lot and both frontages are on transit streets, Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;
 - (4) Through lot with no transit streets. Where the site is a through lot and neither frontage is on a transit street, Standard 1 must be met on one of the frontages. The applicant may choose on which street to meet the standard;
 - (5) One transit street and one intersecting non-transit street. Where the site is adjacent to a transit street and an intersecting non-transit street, the following standards must be met:
 - Standard 2 must be met on the frontage of the transit street,
 - Standard 1 must be met on the intersecting non-transit street;
 - (6) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, the following standards must be met on the frontage of the transit street with the highest classification and any intersecting transit street:
 - Standard 2 must be met on the frontage of the transit street with the highest classification. If both transit streets have the same classification, the applicant may choose which street; and
 - Standard 1 must be met on an intersecting transit street;
 - (7) Three or more frontages, two non-intersecting transit streets. Where the site has three or more frontages, and two or them are transit streets that do not intersect, the following standards must be met on the frontage of the transit street with the highest classification and one intersecting street:
 - Standard 2 must be met on the frontage of the transit street with the highest classification. If both transit streets have the same classification, the applicant may choose which street; and
 - Standard 1 must be met on an intersecting street;
 - (8) Two or more frontages, no transit streets, two or more intersecting streets. Where the site has two or more frontages, none of them are transit streets, and two or more of the streets intersect, the following standards must be met on the frontage of one street and one intersecting street:

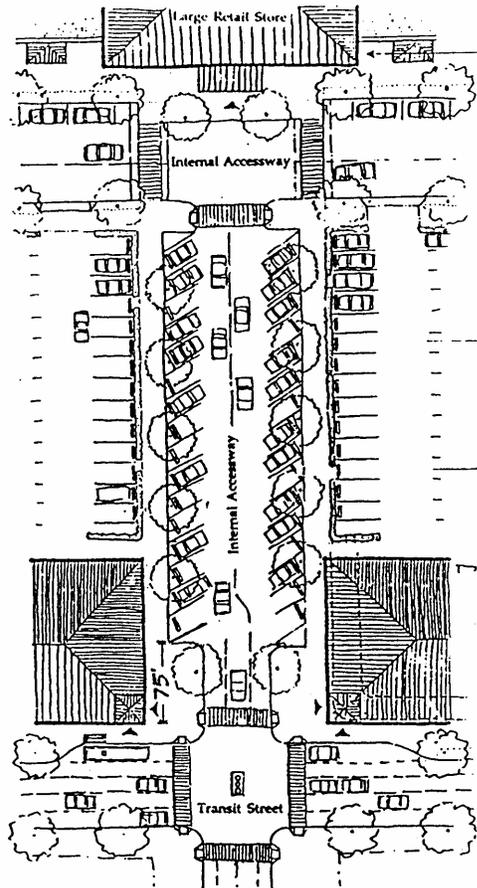
- Standard 2 must be met on the frontage of one street; and
 - Standard 1 must be met on an intersecting street.
2. Exemption. The maximum building setbacks do not apply to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 140-3.

D. Alternative maximum setback option for large retailers.

1. Purpose. The intent of these regulations is to allow deeper street setbacks for very large retail stores locating along transit streets or in Pedestrian Districts in exchange for a pedestrian and transit-friendly main street type of development. These large retail sites can still be transit-supportive and pedestrian-friendly by placing smaller commercial buildings close to the street and by creating an internal circulation system that is similar to streets to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks and provide connectivity within the site and to adjacent streets and uses.
2. Regulation. Sites with a building having at least 100,000 square feet of floor area in Retail Sales And Service uses are exempt from the maximum setback requirement of Table 140-3 and the vehicle area frontage limitations of 33.266.130.C.3 if all of the requirements of this paragraph are met. For sites with frontage on more than one transit street or more than one street in a Pedestrian District, this exemption may be used only along one transit street frontage or frontage along a street in a Pedestrian District.
- a. Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a Pedestrian District. These buildings must be constructed before or at the same time as the large retail store;
- b. Internal circulation system. An internal circulation system that meets the following standards must be provided.
- (1) Internal accessways that are similar to streets must divide the site into parking areas that are no greater than 55,000 square feet;
- (2) These accessways must connect to the transit street, or street in a Pedestrian District, at least every 250 feet;
- (3) Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides. One of the following must be met:
- The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or

- The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard except that trees cannot be grouped.
- (4) Along each internal accessway that intersects a transit street, parking must be provided between both sidewalks and the auto travel lanes except for within 75 feet of the transit street intersection, measured from the street lot line, where parking is not allowed;
 - (5) Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure 140-5, at the intersections of internal accessways that have parking; and
 - (6) The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.
- c. Connections between sites. This standard applies to all commercial, office, or institutional development that is adjacent to sites either developed for commercial, office, or institutional use, or zoned C, E, or I. The system must connect the buildings on the site to these adjacent sites.

Figure 140-5
Internal Circulation System



33.140.220 Building Coverage

- A. Purpose.** The building coverage standards work with the FAR, height, and setback standards to control the overall bulk of structures. The standards assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent development or be inconsistent with the desired character of the zone. In the EG1, EG2, and IG2 zones, the standards work to assure that buildings will not dominate areas they are in. There is no limit to building coverage in the EX and IG1 zones because of the existing built-up character of the zones. There is no limit in the IH zone because the zone is designed to provide development flexibility.
- B. The building coverage standards.** The maximum building coverage for a site is stated in Table 140-3. The building coverage limits apply to all buildings and covered structures.

33.140.225 Landscaped Areas

- A. Purpose.** Landscaping is required to help soften the effects of built and paved areas. It also helps in reducing stormwater runoff by providing a surface into which stormwater can percolate. Landscaping is required for all employment and industrially zoned lands abutting R-zoned lands to provide buffering and promote the livability of the residential lands.
- B. Minimum landscaped area standard.** The required amounts of landscaped areas are stated in Table 140-3. Required landscaped areas must be at ground level and comply with at least the L1 standard as stated in Chapter 33.248, Landscaping and Screening. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples include walkways, play areas, plazas, picnic areas, and unenclosed recreational facilities. Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.

33.140.230 Ground Floor Windows in the EX Zone

- A. Purpose.** In the EX zone, blank walls on the ground level of buildings are limited in order 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;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
 - Avoid a monotonous pedestrian environment.
- B. Required amounts of window area.** In the EX zone, all exterior walls on the ground level which are 20 feet or closer to a street lot line, sidewalk, plaza, or other public open space or right-of-way must have windows. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. The requirement does not apply to the walls of residential units, and does not apply to the walls of parking structures when set back at least 5 feet and landscaped to at least the L2 standard.

- C. Qualifying window features.** Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than 4 feet above the adjacent exterior grade.
- D. Adjustments.** Public art may be considered for adjustments to the ground floor window provision. In all cases, the Regional Arts and Culture Council will review the application to determine whether public art is appropriate at the location, taking into account the scale and character of the building and area. The budget, selection process, final artwork, and installation must follow the guidelines of the Regional Arts and Culture Council and must be approved by the Regional Arts and Culture Council. Covenants will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art.

33.140.235 Screening

- A. Purpose.** The screening standards address specific unsightly features which detract from the appearance of an area.
- B. Garbage and recycling collection areas.** In all zones except the IH zone, exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.
- C. Mechanical equipment.** Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators, must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zone:
 - 1. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;
 - 2. A screen around the equipment that is as tall as the tallest part of the equipment;
or
 - 3. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.
- D. Other screening requirements.** The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulations for those types of development.

33.140.240 Pedestrian Standards

- A. Purpose.** The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in developments in the employment zones. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

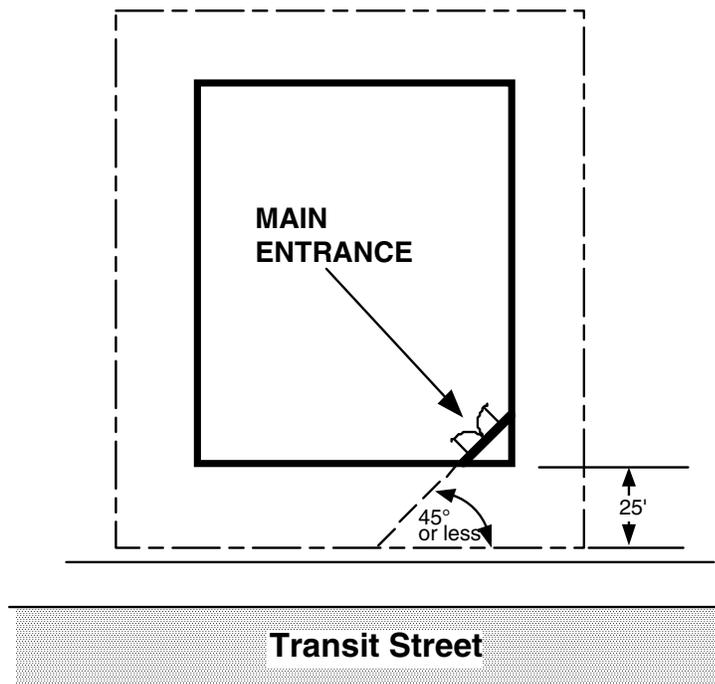
- B. The standards.** The standards of this section apply to all development in the EG1, EG2, and EX zones except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this subsection.
1. Connections. Pedestrian connections are required as specified below:
 - a. Connection between streets and entrances.
 - (1) Sites with one street frontage. There must be a straight line connection between one main entrance of each building on the site and the adjacent street. The straight line connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less. Sites where all of the floor area is in Household Living uses are only required to provide a straight line connection to one main entrance on the site.
 - (2) Sites with more than one street frontage. Where the site has more than one street frontage, the following must be met:
 - The standard of B.1.a(1) must be met to connect the main entrance of each building on the site to the closest sidewalk or roadway if there are no sidewalks. Sites where all of the floor area is in Household Living uses are only required to provide a straight line connection to one main entrance on the site;
 - An additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance. However, if at least 50 percent of a street facing façade is within 10 feet of the street, no connection is required to that street.
 - b. Internal connections. The system must connect all main entrances on the site, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities.
 2. Materials.
 - a. The circulation system must be hard-surfaced, and be at least 6 feet wide.
 - b. Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.
 - c. Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.

3. Lighting. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by the employees, residents, and customers.
4. EG1 and EX zones. The land between a building and a street lot line must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. This area may be counted towards any minimum landscaped area requirements. Vehicle areas and exterior display, storage, and work activities, if allowed, are exempt from this standard. Bicycle parking may be located in the area between a building and a street lot line when the area is hard-surfaced.

33.140.242 Transit Street Main Entrance

- A. Purpose.** Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.
- B. Applicability.**
 1. Generally. In the EX and EG1 zones, all sites with at least one frontage on a transit street, and where any of the floor area on the site is in nonresidential uses, must meet the following standards. If the site has frontage on more than one transit street, the standards of Subsection C, below, must be met on at least one of the transit streets;
 2. Houses, attached houses, manufactured homes, and duplexes. Houses, attached houses, manufactured homes, and duplexes must meet the standards of subsection 33.140.265.D, Residential Main Entrance, instead of the requirements of this section.
- C. Location.** For the portion of buildings that conform to the maximum building setback, at least one main entrance for each tenant space facing the transit street must:
 1. Be within 25 feet of the transit street;
 2. Allow pedestrians to both enter and exit the building; and
 3. Either:
 - a. Face the transit street; or
 - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 140-6, below.
- D. Unlocked during regular business hours.** The main entrance that meets the standards of Subsection C, above, must be unlocked during regular business hours.

**Figure 140-6
Transit Street Main Entrance**



33.140.245 Exterior Display, Storage, and Work Activities

- A. Purpose.** The exterior development standards of this section are intended to assure that exterior display, storage, and work activities:
- Will be consistent with the desired character of the zone;
 - Will not be a detriment to the overall appearance of an employment or industrial area;
 - Will not have adverse impacts on adjacent properties, especially those zoned residential; and
 - Will not have an adverse impact on the environment.
- B. Exterior display.** Exterior display of goods is allowed in all of the E and I zones except the EX zone. The setbacks and landscaping standards for exterior display areas are stated in Table 140-6.
- C. Exterior storage.** Exterior storage is allowed in all of the E and I zones except the EX zone. The setback and landscaping standards for exterior storage areas are stated in Table 140-6.
- D. Exterior work activities.** Exterior work activities are allowed in the industrial zones but not the employment zones. The setback and landscaping standards for exterior activity areas are the same as for exterior storage areas stated in Table 140-6.
- E. Paving.** All exterior development areas in the EG1, EX, and IG1 zones must be paved.

Table 140-6 Exterior Development Setbacks and Landscaping [1]				
	EG1, IG1	EG2, IG2	EX	IH
Exterior Display Abutting a street	5 ft. / L1	10 ft. / L1	Not Allowed	5 ft. / L1
Abutting a C, E, or I zone lot	0	0	Not Allowed	0
Abutting an R or OS zone lot	5 ft. / L3	10 ft. / L3	Not Allowed	10 ft. / L3
Exterior Storage Abutting a street [2, 3]	5 ft. / L3, or 5 ft. / F2 + L2	25 ft. / L3, or 25 ft. / F2 + L2	Not Allowed	5 ft. / L3, or 5 ft. / F2 + L2
Abutting a C, E, or I zone lot	0 / F1	0 / F1	Not Allowed	0
Abutting an R or OS zone lot	5 ft. / L4	10 ft. / L4, or 25 ft. / L3	Not Allowed	10 ft. / L4, or 25 ft. / L3

Notes:

- [1] The development standards first state the required setback, then the required landscaping standard.
- [2] If parking areas are placed between exterior storage areas and the street, an F2 screen only is required on the edge of the storage area.
- [3] When the F2 + L2 option is used, the fence must be placed along the interior side of the landscaped area.

33.140.250 Trucks and Equipment

The regulations for truck and equipment parking apply to business vehicles that are parked regularly at a site. The regulations do not apply to pick-up and delivery activities, or to the use of vehicles during construction, or other service at the site which occurs on an intermittent and short-term basis. The truck categories are defined in Chapter 33.910.

- A. Light and medium trucks.** The parking of light and medium trucks and similar equipment is allowed in areas that meet the perimeter development standards for parking areas. The areas must be paved.
- B. Heavy trucks.** The parking of heavy trucks and similar equipment is allowed in zones that allow exterior storage. The development standards for exterior storage must be met in the area where the heavy trucks and similar equipment are parked.

33.140.255 Drive-Through Facilities

Drive-through facilities are allowed in the zones which are intended for auto-accommodating development. They are not consistent with or supportive of areas where the desired character is pedestrian-oriented development. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities.

- A. EG and I zones.** Drive-through facilities are allowed in the EG and I zones.
- B. EX zone.** Drive-through facilities are prohibited in the EX zone.

33.140.265 Residential Development

When allowed, residential development is subject to the following development standards:

- A. Generally.** Except as specified in this section, base zone development standards continue to apply;

- B. Existing buildings.** Residential uses in existing buildings have no density limit within the building;
- C. New development.** Residential uses in new development are subject to the development standards of the EX zone, except as specified in this section;
- D. Permit-Ready houses.** Chapter 33.278 contains provisions for Permit-Ready houses on narrow lots.
- E. Residential main entrance.**
1. Purpose. The main entrance standards serve several purposes:
 - The main entrance standards, together with the window and garage standards ensure that there is a physical and visual connection between the living area of the residence and the street;
 - They enhance public safety for residents and visitors and provide opportunities for community interaction;
 - They ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
 - They ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.
 2. Where these standards apply. The standards of this subsection apply to houses, attached houses, manufactured homes, and duplexes in the employment and industrial zones. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
 3. Location. At least one main entrance for each dwelling unit must:
 - a. Be within 8 feet of the longest street-facing wall of the dwelling unit; and
 - b. Either:
 - (1) Face the street. See Figure 140-7;
 - (2) Be at an angle of up to 45 degrees from the street; or
 - [3] Open onto a porch. See Figure 140-8. The porch must:
 - Be at least 25 square feet in area;
 - Have at least one entrance facing the street; and
 - Have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with lattice or other open material if no more than 70 percent of the area of the material is open.

4. Duplexes on corner lots. Where a duplex is on a corner lot, the requirements of Paragraph C.3, above, must be met for both dwelling units. Both main entrances may face the same street.

F. Street-facing facades.

1. Purpose. The standard:
 - Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;
 - Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
 - Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.
2. Where this standard applies. The standard of this subsection applies to houses, attached houses, manufactured homes, and duplexes in the Employment and Industrial zones. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.
3. The standard. At least 15 percent of the area of each façade that faces a street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line.

**Figure 140-7
Main Entrance Facing the Street**

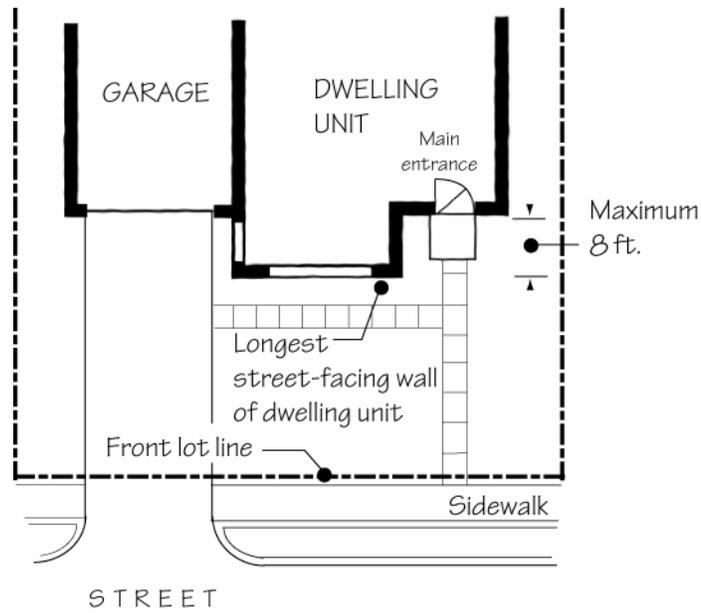
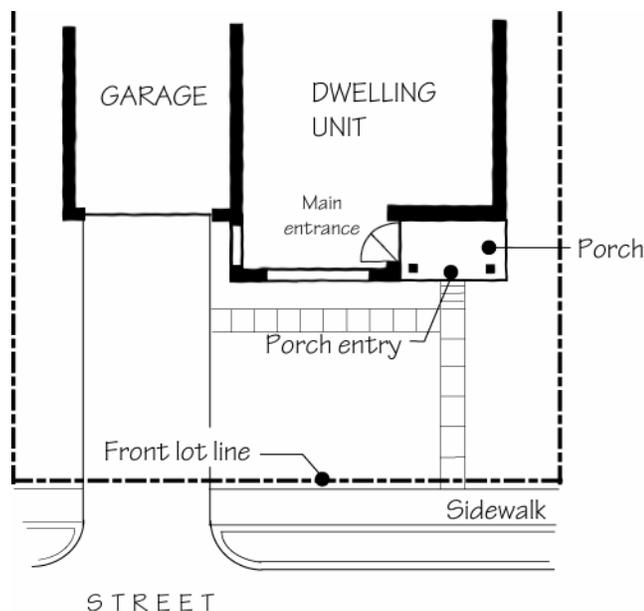


Figure 140-8
Main Entrance Opening Onto a Porch



G. Garages.

1. Purpose. These standards:

- Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
- Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
- Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
- Enhance public safety by preventing garages from blocking views of the street from inside the residence.

2. Where these standards apply. The requirements of Paragraphs F.3 and F.4, below, apply to houses, manufactured homes, and duplexes. The requirements of Paragraph F.4, below, also apply to garages that are accessory to attached houses. When a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

3. Length of street-facing garage wall.
 - a. Generally. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure 140-9. On corner lots, only one street-facing garage wall must meet this standard.
 - b. Exception. Where the street-facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following. See Figure 140-10.
 - (1) Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall, or
 - (2) A covered balcony above the garage that is:
 - At least the same length as the street-facing garage wall;
 - At least 6 feet deep; and
 - Accessible from the interior living area of the dwelling unit.
4. Street lot line setbacks.
 - a. Generally. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 140-11.
 - b. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:
 - (1) The street-facing garage wall is 40 percent or less of the length of the building facade; and
 - (2) There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 140-12. The porch must meet the following:
 - The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
 - The porch must have a solid roof; and
 - The roof may not be more than 12 feet above the floor of the porch.
 - c. Exemption. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.

33.140.270 Detached Accessory Structures

- A. Purpose.** These standards are intended to maintain separation and privacy to abutting residential lots from nonresidential development.

B. General standards.

1. The regulations of this section apply to detached accessory structures only.
2. Unless stated in this section, the height and building coverage standards of the base zone apply to detached accessory structures.

C. Setbacks.

1. Uncovered accessory structures. Uncovered accessory structures, such as flag poles, lamp posts, signs, radio antennas and dishes, mechanical equipment, uncovered decks, play structures, and tennis courts, are allowed in a street setback, but not in a required setback from an abutting residential zone.
2. Covered structures. Covered structures, such as storage buildings, greenhouses, work shed, covered decks, and covered recreational structures, are subject to the setbacks for buildings. See Section 33.140.265, Residential Development, for additional requirements for garages that are accessory to residential development.

Figure 140-9
Length of Street-Facing Garage Wall

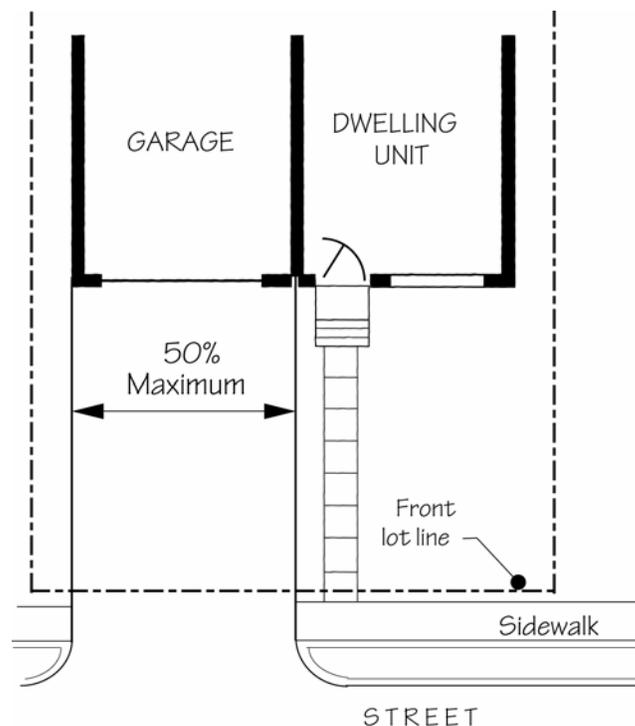


Figure 140-10
Length of Street-Facing Garage Wall Exception

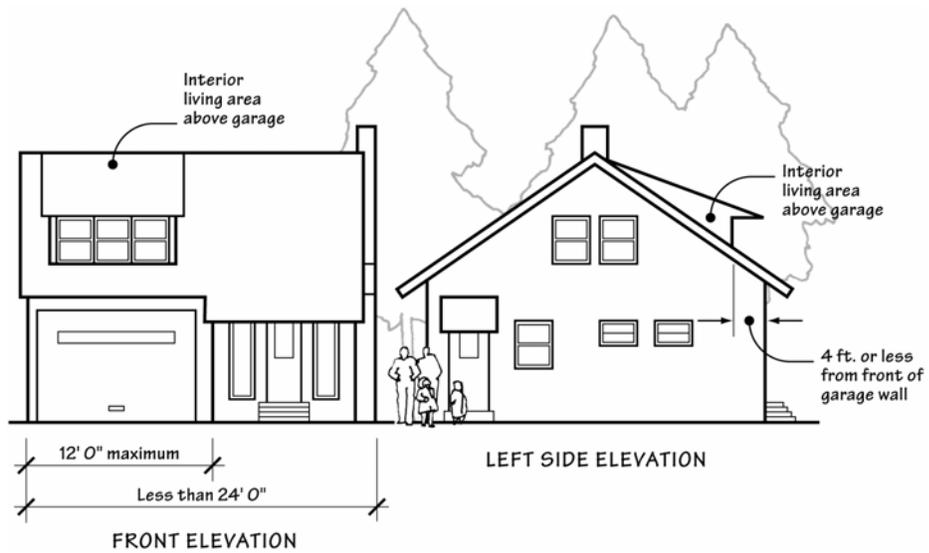


Figure 140-11
Street Lot Line Setback

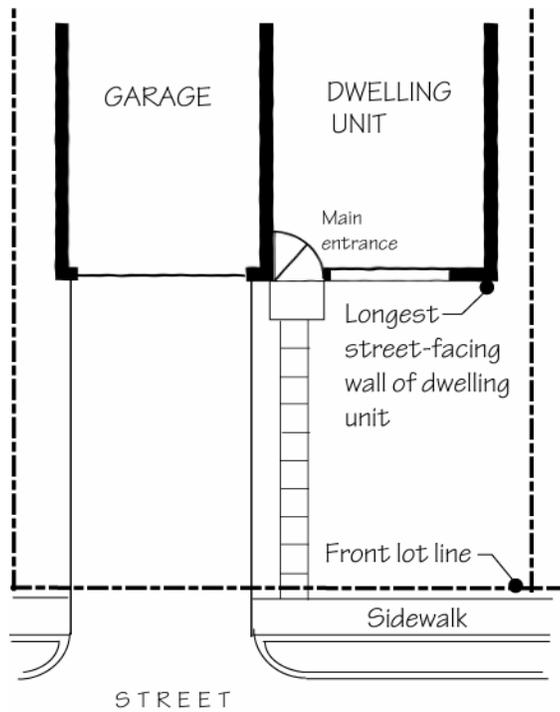
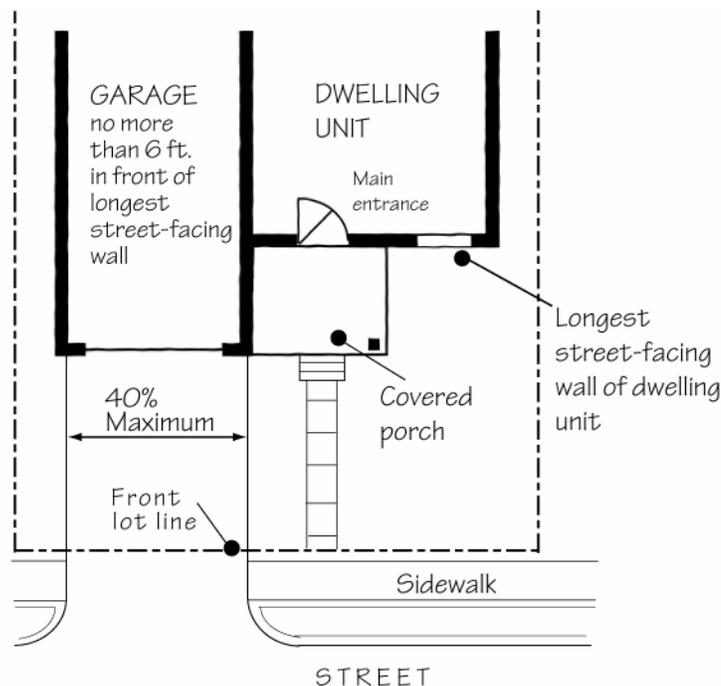


Figure 140-12
Garage Front Setback Exception



33.140.275 Fences

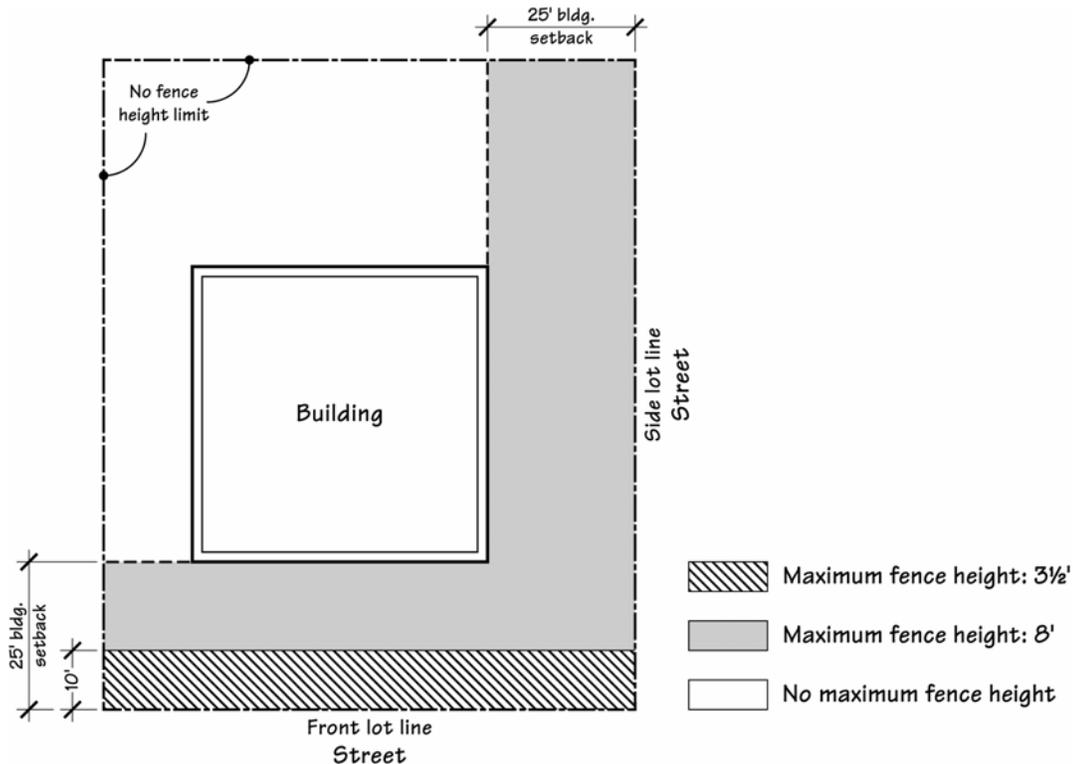
- A. Purpose.** The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.
- B. Types of fences.** The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location and heights.**
1. Street building setbacks.
 - a. Measured from front lot line. Fences up to 3-1/2 feet high are allowed in a required street building setback that is measured from a front lot line, except in the EG2 and IG2 zones. In a required street building setback in the EG2 and IG2 zones:
 - (1) Fences up to 3-1/2 feet high are allowed within 10 feet of the front lot line;
 - (2) Fences up to 8 feet high are allowed on the portion of a site that is more than 10 feet from the front lot line. See Figure 140-13.
 - b. Measured from a side lot line. Fences up to 8 feet high are allowed in a required street building setback that is measured from a side lot line.

2. Side and rear building setbacks.
 - a. Fences up to 8 feet high are allowed in required side or rear building setbacks that do not abut a pedestrian connection.
 - b. Fences abutting a pedestrian connection.
 - (1) Fences up to 8 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is at least 30 feet wide.
 - (2) Fences up to 3-1/2 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide.
3. Not in building setbacks. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

D. Reference to other regulations.

1. Building permits. Building permits are required by BDS for fences over six feet in height.
2. Fence materials regulated by other bureaus. Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

**Figure 140-13
Maximum Fence Heights
In EG2 and IG2 Zones**



33.140.280 Demolitions

Demolitions of all structures must comply with Chapter 33.445, Historic Resource Protection Zone.

33.140.290 Nonconforming Development

Existing development that does not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.140.295 Parking and Loading

The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks and landscaping, and loading areas are stated in Chapter 33.266, Parking And Loading.

33.140.300 Signs

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

33.140.305 Street Trees

Street trees are required for all developments by the City Forester. See Chapter 20.40, Street Trees and Other Public Tree Regulations.

33.140.310 Superblock Requirements

Developments in the EX zone which are on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

33.140.315 Recycling Areas

Requirements for recycling areas are regulated by the Office of Sustainable Development. See Section 17.102.180, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.

**CHAPTER 33.100
OPEN SPACE ZONE**

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167189, effective 1/14/94; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 174160, effective 2/9/00; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04.)

Sections:

General

- 33.100.010 Purpose
- 33.100.020 Short Name
- 33.100.030 Where the Zone Is Applied
- 33.100.040 Other Zoning Regulations

Use Regulations

- 33.100.100 Primary Uses
- 33.100.110 Accessory Uses
- 33.100.120 Nuisance-Related Impacts

Development Standards

- 33.100.200 Development Standards
- 33.100.205 Fences
- 33.100.210 Demolitions
- 33.100.220 Nonconforming Development
- 33.100.225 Signs
- 33.100.230 Street Trees

General

33.100.010 Purpose

The Open Space zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions including:

- Providing opportunities for outdoor recreation;
- Providing contrasts to the built environment;
- Preserving scenic qualities;
- Protecting sensitive or fragile environmental areas;
- Preserving the capacity and water quality of the stormwater drainage system; and
- Providing pedestrian and bicycle transportation connections.

33.100.020 Short Name

The short name and map symbol of the Open Space zone is OS.

33.100.030 Where the Zone Is Applied

The Open Space zone is applied to all land designated as "Open Space" on the Comprehensive Plan map. In addition, property owners may request an open space designation for open or natural areas that meet the purpose of the zone, and for view, conservation, or similar easements that can be shown as open space. See Chapter 33.810, Comprehensive Plan Amendments.

33.100.040 Other Zoning Regulations

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

Use Regulations

33.100.100 Primary Uses

- A. Allowed uses.** Uses allowed in the open space zone are listed in Table 100-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 100-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 100-1.
1. Retail Sales And Service. This regulation applies to all parts of Table 100-1 that have note [1]. Retail Sales And Services uses are conditional uses only when they are associated with a Park And Open Areas use. In other situations they are prohibited.
 2. Parks And Open Areas. This regulation applies to all parts of Table 100-1 that have note [2]. Uses in the Park And Open Areas category are allowed by right. However, certain facilities which are part of a Park And Open Areas use require a conditional use review. These facilities are listed below.
 - a. Parks. Swimming pools; concession areas; parking areas; baseball, football, soccer, and other fields used for organized sports; and other facilities that draw spectators to events in a park, are conditional uses within a park use.
 - b. Cemeteries. Mausoleums, chapels, and similar accessory structures associated with funerals or burial, and parking areas are conditional uses within a cemetery use.
 - c. Golf courses. Club houses, restaurants, driving ranges, and parking areas are conditional uses within a golf course use.
 - d. Boat ramps. All boat ramps and associated parking areas are conditional uses.
 3. Schools. This regulation applies to all parts of Table 100-1 that have note [3]. School uses are subject to the regulations for schools in the R5 zone as well as Chapter 33.281, Schools and School Sites.

Table 100-1 Open Space Zone Primary Uses	
Use Categories	OS Zone
Residential Categories	
Household Living	N
Group Living	N
Commercial Categories	
Retail Sales And Service	CU [1]
Office	N
Quick Vehicle Servicing	N
Vehicle Repair	N
Commercial Parking	N
Self-Service Storage	N
Commercial Outdoor Recreation	CU
Major Event Entertainment	N
Industrial Categories	
Manufacturing And Production	N
Warehouse And Freight Movement	N
Wholesale Sales	N
Industrial Service	N
Railroad Yards	N
Waste-Related	N
Institutional Categories	
Basic Utilities	L/CU [6]
Community Service	CU [5]
Parks And Open Areas	L/CU [2]
Schools	CU [3]
Colleges	N
Medical Centers	N
Religious Institutions	N
Daycare	CU
Other Categories	
Agriculture	Y
Aviation And Surface Passenger Terminals	N
Detention Facilities	N
Mining	CU
Radio Frequency Transmission Facilities	L/CU [4]
Rail Lines And Utility Corridors	CU

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.100.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

4. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 100-1 that have note [4]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
 5. Community Services. This regulation applies to all parts of Table 100-1 that have note [5]. Most Community Service uses are a conditional use. However, short term housing and mass shelters are prohibited.
 6. Basic Utilities. This regulation applies to all parts of Table 100-1 that have note [6]. Basic Utilities that serve a development site are accessory uses to the primary use being served. All other Basic Utilities are conditional uses.
- C. Conditional uses.** Uses which are allowed if approved through the conditional use review process are listed in Table 100-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 100-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.100.110 Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all applicable development standards.

33.100.120 Nuisance-Related Impacts

- A. Off-site impacts.** All nonresidential primary and accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.
- B. Other nuisances.** Other nuisances are regulated by Section 29.20.010 of Title 29, Property and Maintenance Regulations.

Development Standards

33.100.200 Development Standards

- A. Allowed or limited uses.** Allowed or limited uses are subject to the development standards stated below.
 1. Building setbacks. Buildings must be set back from all property lines 1 foot for each foot of building height.
 2. Outdoor activity facility setbacks. Outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated. Where the outdoor activity facility abuts R-zoned properties in School uses, the required setback is reduced to zero.

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

1. Building setbacks. Buildings must be set back from all the property lines 1 foot for each foot of building height. Where the site is adjacent to a transit street or a street within a Pedestrian District, the maximum setback is 25 feet.
2. Parking. Conditional uses must meet the parking standards for that use in the CG zone, as stated in Chapter 33.266, Parking and Loading.
3. Other standards. Conditional uses are also subject to the other development standards stated in Table 110-5 in Chapter 33.110, Single-Dwelling Zones.

33.100.205 Fences

A. Purpose. The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, lessen solar access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

B. Types of fences. The standards apply to walls, fences and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location. Fences may be 8 feet tall at the property line. Fences taller than 8 feet must be set back from the property line one additional foot for each additional foot of fence height over 8 feet. A fence within 30 feet of a street lot line may not be more than 10 percent sight obscuring.

D. Reference to other regulations.

1. Building permits. Building permits are required by the Bureau of Development Services, for fences over 6 feet in height.
2. Fence materials regulated by other bureaus. Electrified fences are regulated by Section 26.04.150 of Title 26, Electrical Regulations. The use of barbed wire is regulated by the Police Bureau, under Title 14.

33.100.210 Demolitions

The demolition of historic resources is regulated by Chapter 33.445, Historic Resource Protection Zone.

33.100.220 Nonconforming Development

Existing developments that do not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.100.225 Signs

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

33.100.230 Street Trees

Street trees are required for all developments by the City Forester. See Chapter 20.40, Street Trees and Other Public Tree Regulations.

CHAPTER 33.815
CONDITIONAL USES

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 165681, effective 7/15/92; Ord. No. 166834, effective 9/3/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169324, effective 10/12/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 169916, effective 9/1/96; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173259, effective 5/14/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175837, effective 9/7/01; Ord. No. 176092, effective 12/21/01; Ord. Nos. 176024 and 176193, effective 2/1/02; Ord. No. 176351, effective 3/27/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 178020, effective 12/20/03; Ord. No. 178480, effective 6/18/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 180667, effective 1/12/07; Ord. No. 182429, effective 1/16/09.)

Sections:

General

- 33.815.010 Purpose
- 33.815.020 How to Use this Chapter
- 33.815.030 Automatic Conditional Use Status
- 33.815.040 Review Procedures
- 33.815.050 Loss of Conditional Use Status
- 33.815.060 Development Standards for Conditional Uses
- 33.815.070 Sites With Split Zoning
- 33.815.080 Approval Criteria in General

Approval Criteria

- 33.815.100 Uses in the Open Space Zone
- 33.815.105 Institutional and Other Uses in R Zones
- 33.815.107 Short Term Housing in R Zones
- 33.815.110 Office and Retail Sales And Service Uses in the RX Zone
- 33.815.115 Specified Uses in Commercial Zones
- 33.815.120 Commercial Parking Facilities in the RX, CX, CG, and E Zones, Outside the Central City Plan District, the Columbia South Shore Plan District and the Cascade Station/Portland International Center Plan District
- 33.815.121 Commercial Parking Facilities in the RX, CS, and CX Zones, in the Hollywood Plan District
- 33.815.122 Nonresidential Uses on Specified Sites located in the RX Zone within the Central City Plan District
- 33.815.125 Specified Uses in Industrial Zones
- 33.815.126 Office Uses in the IG1 Zone in the Central City Plan District
- 33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District
- 33.815.128 Retail Sales And Service Uses in the EG Zones
- 33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District
- 33.815.130 Residential Uses in the EG1, EG2, IG1, IG2, and IH Zones
- 33.815.132 Office Uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District
- 33.815.140 Specified Group Living Uses in the C and EX Zones
- 33.815.200 Aviation And Surface Passenger Terminals
- 33.815.205 Detention Facilities
- 33.815.210 Helicopter Landing Facilities
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- 33.815.303 Retail Sales and Service Uses in the Columbia South Shore Plan District
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- 33.815.310 Industrial Uses in the IR Zone

General

33.815.010 Purpose

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

33.815.020 How to Use this Chapter

Uses that require a conditional use review and are subject to the regulations of this chapter are stated in the use tables of the base zones or in the regulations of overlay zones or plan districts which apply to the site. The review procedures for various conditional use situations are stated in 33.815.040 below. Requirements for phased master plans which may be submitted as part of a conditional use application are stated in Chapter 33.820, Conditional Use Master Plans. The applicable approval criteria are stated in Sections 33.815.100 to .305.

33.815.030 Automatic Conditional Use Status

Over time, the zoning regulations applicable to a specific site may change. This may be a result of changes to the content of the zoning regulations for a specific zone or from a change to the zoning map, including annexation rezonings. After one of these changes, if an existing use was allowed by right or was a nonconforming use, and is now listed as a conditional use, the use is considered an approved conditional use and may continue to operate. Any changes to the use are subject to the procedures of 33.815.040 and the appropriate approval criteria.

33.815.040 Review Procedures

The procedure for reviewing conditional uses depends on how the proposal affects the use of, or the development on, the site. Subsection A, below, outlines the procedures for proposals that affect the use of the site while Subsection B outlines the procedures for proposals that affect the development. Proposals may be subject to Subsection A or B or both. The review procedures of this section apply unless specifically stated otherwise in

this Title. Proposals may also be subject to the provisions of 33.700.040, Reconsideration of Land Use Approvals.

A. Proposals that affect the use of the site.

1. A new conditional use. A request for a new conditional use is processed through a Type III procedure.
2. Changing to another use:
 - a. In the same use category.
 - (1) Except as specified in subparagraph A.2.a(2), below, changing from one conditional use to another conditional use in the same use category is processed through a Type II procedure;
 - (2) If changing from one conditional use to another conditional use in the same use category will also change a specifically approved amount of the previous use, such as members, students, trips, or events, by more than 10 percent, the change of use is processed through a Type III procedure;
 - b. In another use category.
 - (1) Changing to a conditional use in another use category is processed through a Type III procedure.
 - (2) Changing to an allowed use is allowed by right.
3. Adding another use.
 - a. In the same use category.
 - (1) Except as specified in subparagraph A.3.a(2), below, adding a new conditional use to an existing conditional use when both are in the same use category is processed through a Type II procedure;
 - (2) If adding a new conditional use to another conditional use in the same use category will also change a specifically approved amount of the previous use, such as members, students, trips, or events, by more than 10 percent, the change of use is processed through a Type III procedure;
 - b. Adding a new conditional use that is in another use category is processed through a Type III procedure.
 - c. Adding an allowed use may be allowed by right or require a conditional use depending on the proposed changes to development on the site. See Subsection B., below.
4. Changes to an existing conditional use. Except as specified in Paragraphs A.1. through A.3., above, changes to a conditional use that will change any specifically approved amounts of the use such as members, students, trips, and events are reviewed as follows:
 - a. Changes of 10 percent or less of the amount are processed through a Type II procedure.

- b. Changes of over 10 percent of the amount are processed through a Type III procedure.
5. Conditional uses within institutional campuses in the IR zone.
 - a. The conditional use is subject to a Type II review if the use is already included within the institution's approved impact mitigation plan.
 - b. Amendments to the mission section of an approved impact mitigation plan for an institutional campus for industrial service or manufacturing and production uses are subject to a Type III review.
 - c. Change of occupancy involving the site of an approved industrial service or manufacturing and production use requires a Type II review.
6. Conditional uses in landmarks. In R, C, and E zones, requests for conditional use of a landmark are processed through the Type II procedure.

B. Proposals that alter the development of an existing conditional use. Alterations to the development on a site with an existing conditional use may be allowed, require an adjustment, modification, or require a conditional use review, as follows:

1. Conditional use review not required. A conditional use review is not required for alterations to the site that comply with Subparagraphs a through g. All other alterations are subject to Paragraph 2, below. Alterations to development are allowed by right provided the proposal:
 - a. Complies with all conditions of approval;
 - b. Meets one of the following:
 - (1) Complies with the development standards of this Title, or
 - (2) 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;
 - c. Does not increase the floor area by more than 1,500 square feet;
 - d. Does not increase the exterior improvement area by more than 1,500 square feet. Fences, handicap access ramps, and on-site pedestrian circulation systems are exempt from this limitation;
 - e. Will not result in a net gain or loss of site area;
 - f. Will not result in a net gain in the number of parking spaces; and
 - g. Will not result in a net loss in the number of parking spaces. However, sites with 16 or more spaces may decrease the number of spaces as follows:
 - (1) No reduction in shared parking spaces is allowed;
 - (2) 1 space or 4 percent of the total number of parking spaces may be removed, whichever is greater; and
 - (3) An individual or cumulative removal of parking spaces in excess of 5 spaces is prohibited. The cumulative loss of parking is measured

from the time the use became a conditional use, July 16, 2004, or the last conditional use review of the use, whichever is most recent, to the present.

2. Conditional use required. Conditional use review is required for the following:
 - a. Minor alterations. Except as provided in Paragraph B.1 above, conditional use review through a Type II procedure is required for the following:
 - (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 that:
 - Will not take the site out of conformance, or further out of conformance, with a development standard; and
 - Will be within the parking reduction limits stated in B.1.g above;
 - (3) When the individual or cumulative alterations will not increase the floor area on the site by more than 10 percent, up to a maximum of 25,000 square feet;
 - (4) When the individual or cumulative alterations will not increase the exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet; or
 - (5) When the individual or cumulative alterations will not increase the floor area and the exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet.
 - (6) The increases in subparagraphs 3 through 5, above, are measured from the time the use became a conditional use, the effective date of this ordinance, or the last Type III conditional use review of the use, whichever is most recent, to the present.
 - b. Major alterations. All other alterations to the site will be reviewed through a Type III procedure.

33.815.050 Loss of Conditional Use Status

If a conditional use is discontinued for 3 continuous years, the conditional use rights are lost. If a conditional use ceases operations, even if the structure or materials related to the use remain, the use has been discontinued. Any conditional use proposing to locate at the site after that time must go through a new conditional use review.

33.815.060 Development Standards for Conditional Uses

The development standards for conditional uses are those of the base zone, any applicable overlay zones or plan districts, and any relevant regulations in the 200s series of chapters.

33.815.070 Sites With Split Zoning

When a proposed use is located on a site which has more than one zone, and the use is a conditional use in one zone and an allowed or limited use in the other, any proposals on the allowed site are subject to conditional use review.

33.815.080 Approval Criteria in General

The approval criteria for all conditional use reviews are stated below. Requests for conditional uses will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met.

Approval Criteria

33.815.100 Uses in the Open Space Zone

These approval criteria apply to all conditional uses in the OS zone except those specifically listed in other sections below. The approval criteria allow for a range of uses and development that are not contrary to the purpose of the Open Space zone. The approval criteria are:

A. Character and impacts.

1. The proposed use is consistent with the intended character of the specific OS zoned area and with the purpose of the OS zone;
2. Adequate open space is being maintained so that the purpose of the OS zone in that area and the open or natural character of the area is retained; and
3. City-designated environmental resources, such as views, landmarks, or habitat areas, are protected or enhanced.

B. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;
2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;
3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and
2. Privacy and safety issues.

D. Area plans. The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

33.815.105 Institutional and Other Uses in R Zones

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:
1. The number, size, and location of other uses not in the Household Living category in the residential area; and
 2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.
- B. Physical compatibility.**
1. The proposal will preserve any City-designated scenic resources; and
 2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or
 3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.
- C. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:
1. Noise, glare from lights, late-night operations, odors, and litter; and
 2. Privacy and safety issues.
- D. Public services.**
1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
 2. The transportation system is capable of supporting the proposal in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;
 3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- E. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

33.815.107 Short Term Housing in R Zones

These approval criteria apply to Community Service uses that provide short term housing in existing structures in R zones. The approval criteria are:

- A. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:
 - 1. Noise, glare from lights, late-night operations, odors, and litter; and
 - 2. Privacy issues.
- B. Minimum spacing.** The service provided by the proposed use is different from others provided within 750 feet of the site.

33.815.110 Office and Retail Sales And Service Uses in the RX Zone

These approval criteria provide for commercial uses in greater amounts than are allowed by right to promote new housing and support the residential area. The approval criteria are:

- A.** The overall development will result in a net increase in housing units on the site;
- B.** The appearance, location, and amount of commercial uses in the project will not by itself or in combination with nearby developments decrease the desirability of the area for the retention of existing housing or the development of new housing; and
- C.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies.

33.815.115 Specified Uses in Commercial Zones

These approval criteria apply to uses in the following categories and zones: Industrial Service uses and Agricultural uses in the CS, CG, and CX zones, and Warehouse And Freight Movement uses in the CG zone. The approval criteria allow these uses in commercial zones when they have a business or consumer orientation and are of a size and character to blend in with the other commercial uses. The approval criteria are:

- A.** The proposed use will not have nuisance impacts from noise, odor, and vibrations greater than usually generated by uses allowed by right in the zone;
- B.** Based on the characteristics of the proposed use and its development, the proposal is consistent with the purpose of the commercial zone and with the character of the specific area;
- C.** The proposed use will not significantly alter the overall commercial character of the area, based on the existing proportion of commercial and noncommercial uses and the effects of incremental changes; and
- D.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts, connectivity; transit availability; on-street parking impacts; access

restrictions; neighborhood impacts; pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies.

33.815.120 Commercial Parking Facilities in the RX, CX, CG, and E Zones, Outside the Central City Plan District, the Columbia South Shore Plan District and the Cascade Station/Portland International Center Plan District.

These approval criteria provide for commercial parking facilities that support development outside the Central City, Columbia South Shore, and the Cascade Station/Portland International Center plan districts. It is not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired commercial, employment, or residential character of the zones. Commercial parking facilities must meet criteria A. through E. and one of F. or G. The approval criteria are:

- A.** The proposal will not by itself, in combination with other commercial parking facilities in the area, or in combination with other on-site parking areas, significantly lessen the overall desired character of the area;
- B.** The parking facility is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
- C.** The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include street capacity, level of service; on-street parking impacts; access restrictions; connectivity, neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes;
- D.** The facility will provide adequate separation, landscaping, and screening between the sidewalk and parking area to reduce the impact on adjacent public and private spaces;
- E.** If the facility is in the RX zone, its location will not by itself or in combination with other nearby Commercial Parking Facilities, decrease the desirability of the area for the retention of existing housing or the development of new housing; and
- F.** The proposed parking will provide parking to support development in a commercial/employment district or area that is deficient in parking spaces, taking into consideration an analysis of parking demand, the amount of on-street parking available and the degree to which the amount of parking for development in the area is significantly below the maximum allowed parking; or
- G.** The proposed parking will provide parking for passengers, employees, and visitors to Portland International Airport in the CG, EG1, or EG2 zones.

33.815.121 Commercial Parking Facilities in the RX, CS and CX Zones in the Hollywood Plan District

These approval criteria provide for commercial parking facilities that support urban-scale development in the Hollywood plan district by providing parking for visitors, customers, and employees of Hollywood. The criteria are not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired character of Hollywood. The approval criteria are:

- A.** The proposal will not by itself, or in combination with other parking facilities in the area, significantly detract from the overall desired character of the area. Desired character is determined by the Hollywood and Sandy Plan; the Comprehensive Plan and zoning designations, and by allowed densities.

- B.** The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service; on-street parking impacts; access restrictions; connectivity; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and
- C.** The parking demand analysis must show a need for parking at this location. The analysis must show that the following criteria are met:
 - 1. At least 65 percent of the parking demand is from uses within 750 feet of the site;
 - 2. If the parking is designated for specific businesses, the number of parking spaces designated for that business in the commercial parking facility, plus the number of spaces that business may already have, may not exceed the maximum parking ratio allowed for the business, as stated in Table 536-1; and
 - 3. At least one of the following is met:
 - a. There is a cumulative increase in parking demand due to an overall increase in activity associated with existing or new retail, office, or other visitor-related uses; or
 - b. There has been a significant loss of short-term parking spaces in the area within 750 feet of the site.

33.815.122 Nonresidential Uses on Specified Sites located in the RX Zone within the Central City plan district. These approval criteria apply to certain proposals that include nonresidential uses on RX zoned sites in the area shown on Map 510-14. The proposals that are subject to these approval criteria are specified in Section 33.510.118, Use Regulations for Specified Sites in the West End Subarea. The approval criteria are:

- A. Minimized negative impacts on the desirability of future residential development.** The location and amount of nonresidential uses in the project will not by itself or in combination with nearby developments decrease the desirability of the area for the retention of existing housing or the development of new housing.
- B. Small businesses.** The proposal increases opportunities for small businesses. A high percentage of the ground floor is suitable for occupancy by small businesses.
- C. Public services.** Existing infrastructure is sufficient to support the proposed development. Examples of factors to be considered include whether:
 - 1. The proposed use is in conformance with the Central City Transportation Management Plan;
 - 2. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, parking impacts, access requirements, neighborhood impacts, and pedestrian safety.

33.815.125 Specified Uses in Industrial Zones

These approval criteria apply for uses in the following categories in the industrial zones: Retail Sales And Service, Office, Commercial Outdoor Recreation, Commercial Parking

Facilities, Community Service, and Daycare uses. Office uses in the IG1 zone in the Central City Plan District may use approval criteria 33.815.126: Office Uses in the IG1 Zone in the Central City Plan District, if they contain characteristics of manufacturing businesses. Office uses in individually listed structures on the National Register of Historic Places and structures identified as contributing to the historic significance of a Historic District or a Conservation District in the I zones in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. Office uses in the IG1 zone in the Employment Opportunity Subarea in the Central City Plan District may use the approval criteria listed in 33.815.132, Office Uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District. These approval criteria promote preservation of land for industry while allowing other uses when they are supportive of the industrial area or not detrimental to the character of the industrial area. The approval criteria are:

- A.** The proposed use will not have significant adverse effects on nearby industrial firms, and on truck and freight movement;
- B.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service; on-street parking impacts; access restrictions; connectivity; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;
- C.** The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes;
- D.** The proposed use needs to be located in an industrial area or building because industrial firms or their employees constitute the primary market of the proposed use; and
- E.** City-designated scenic resources are preserved.

33.815.126 Office Uses in the IG1 Zone in the Central City Plan District

These approval criteria promote preservation of land for industry while providing opportunity for businesses that contain both an office and a manufacturing or production component. Office uses that do not meet the criteria below may apply for conditional use status through the criteria listed in 33.815.125, Specified Uses in the Industrial Zones. Office uses in individually listed structures on the National Register of Historic Places and structures identified as contributing to the historic significance of a Historic District or a Conservation District in the IG1 zone in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. Office uses in the IG1 zone in the Employment Opportunity Subarea may use the approval criteria listed in 33.815.132, Office Uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District. The approval criteria are:

- A.** The proposed use will not have significant adverse effects on nearby industrial uses and truck and freight movement;
- B.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions;

neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

- C. City-designated scenic resources are preserved;
- D. At least 33 percent of the floor area of the proposed use is dedicated for the development, testing, manufacturing, processing, fabrication, packaging, or assembly of goods. "Goods" include products made from man-made, raw, secondary, or partially completed materials. "Goods" does not include the products or services offered by traditional Office uses described in 33.920.240, but may include electronic or digital products such as internet home pages, computer software, advertising materials, and others; and
- E. The nature of the business does not require customers to visit the site in order to purchase manufactured goods.

33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District

These approval criteria allow accessory and headquarters offices that operate in conjunction with the primary activities of allowed uses, while ensuring that these offices will not have a detrimental impact on industrial operations in the plan district. These criteria also recognize that normal industrial activities may have negative impacts on office uses; those impacts can result in complaints that interfere with industrial operations.

- A. The proposed offices will not have significant adverse effects on nearby industrial firms or result in conflicts with industrial activities. Evaluation factors include:
 - 1. The impact of traffic generated by the proposed offices on industrial use of the transportation system, considering the access, maneuvering, loading, truck and freight movement needs of industrial uses; and
 - 2. The extent to which the proposed offices are designed to minimize and mitigate negative impacts from industrial activities on those working in the offices. Impacts include noise, fumes, and dust.
- B. The transportation system is capable of supporting traffic generated by the proposed offices in addition to the existing uses in the plan district. Evaluation factors include street designations and capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies; and
- C. Industrial uses will be maintained as the primary use of the site and the proposed office use will not compromise the ability of the site to continue to be used for industrial operations.

33.815.128 Retail Sales And Service Uses in the EG Zone

These approval criteria apply to Retail Sales And Service uses in order to allow commercial development that serves the immediate employment area while ensuring that the development will not have a detrimental impact on the character of the employment zone. The approval criteria are:

- A. The proposed use will not have significant adverse effects on neighboring employment uses;

- B.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;
- C.** The proposed use will not significantly alter the overall desired character of the area, based on the existing mixture of uses and the effects of incremental change; and
- D.** City-designated scenic resources are preserved.

33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District

These approval criteria promote preservation of historic resources that are listed on the National Register of Historic Places or are identified as contributing to the historic significance of a Historic District or a Conservation District. They provide for increased allowances for office uses in the industrial zones, while limiting negative impacts on the transportation system and nearby industrial uses. The increased allowances for office uses recognize that some historic industrial buildings cannot economically accommodate modern industrial activities due to design inefficiencies or structural deficiencies. The office allowances facilitate preservation and reuse of these structures and are not intended as a means of converting viable industrial uses to office uses. The approval criteria are:

- A.** The proposed use will not have significant adverse effects on nearby industrial uses and truck and freight movement;
- B.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management situations;
- C.** The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes; and
- D.** The owner must execute a covenant with the City, as described in Subsection 33.445.610.D.

33.815.130 Residential Uses in the EG1, EG2, IG1, IG2, and IH Zones

These approval criteria promote the preservation of land for industrial uses while allowing residential uses in limited situations where they will not interfere with industry. Residential uses in these zones are only protected from nuisance impacts, including noise, to the same standard as uses allowed by right. In the IG1, IG2, and IH zones, criterion A., B., C., and D. must be met. In the EG1 and EG2 zones, criterion A., B., and C. must be met and either D. or E. The approval criteria are as follows:

- A.** The proposed use will not have a significant adverse effect on truck and freight movement.
- B.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and

capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes;

- C. City-designated scenic resources are preserved; and
- D. The proposal is for houseboats or houseboat moorages which will not interfere with industrial use of the waterway or with adjacent industrial uses; or
- E. The proposal is for new development where:
 - 1. The proposal can be designed and developed so that housing is buffered from potential nuisance impacts from uses allowed by right in the zone; and
 - 2. The proposal includes a design, landscape, and transportation plan which will limit conflicts between residential, employment, and industrial uses.

33.815.132 Office uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District.

These approval criteria promote preservation of industrial land and development and support the vitality of industrial businesses while providing opportunities for compatible employment intensive businesses. The approval criteria are:

- A. The proposed use will not have a significant adverse effect on truck and freight movement;
- B. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;
- C. The nature of the business does not typically require customers or clients to visit the site.

33.815.140 Specified Group Living Uses in the C and EX Zones

These criteria apply to Group Living uses that consist of alternative or post incarceration facilities in the C or EX zones.

- A. **Physical compatibility.**
 - 1. The proposal will preserve any City-designated scenic resources; and
 - 2. The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development.
- B. **Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:
 - 1. Noise, glare from lights, late-night operations, odors, and litter; and
 - 2. Privacy and safety issues.

C. Public services.

1. The proposed use is in conformance with the street designations in the Transportation Element of the Comprehensive Plan;
2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and
3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

- D. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

33.815.200 Aviation And Surface Passenger Terminals

These approval criteria allow Aviation And Surface Passenger Terminals at locations where their impacts on surrounding land uses, especially residential, are limited. The approval criteria are:

A. Airports.

1. Master plan. A conditional use master plan is required. Facilities that are not related to the airport within the airport boundaries must be included in the master plan. See Chapter 33.820, Conditional Use Master Plans;
2. Public services.
 - a. The proposed use is in conformance with the street designations in the Transportation Element of the Comprehensive Plan;
 - b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and
 - c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
3. Noise abatement plan and noise impact overlay zone. An airport noise abatement plan and noise impact overlay zone have been developed in order to reduce the impact of aircraft noise on development within the noise impact area surrounding the airport;

4. Natural resources. The master plan must describe and analyze potential cumulative impacts of development on City-designated natural resources and functional values. This description and analysis must include the following:
 - a. Description of proposed and possible development within the master plan boundary;
 - b. Description of all potential cumulative impacts from proposed and possible development within the master plan boundary on areas in environmental overlay zones within the master plan boundary;
 - c. Description of all potential cumulative impacts from proposed and possible development within the master plan boundary on areas that meet all of the following:
 - (1) They are outside the master plan boundary;
 - (2) They are in an environmental overlay zone;
 - (3) They are in or abut the Columbia Slough; and
 - (4) They are downstream from the airport.
 - d. Identification of potential significant detrimental impacts to City-designated natural resources and functional values within the areas described in A.4.b and c;
 - e. Mitigation plan. Description and analysis of how significant detrimental impacts will be avoided, minimized, or mitigated, as follows:
 - (1) Significant detrimental impacts must be avoided where practicable;
 - (2) Where avoiding significant detrimental impacts is not practicable, the impact must be minimized, and the impacts mitigated. The mitigation must meet the following:
 - The mitigation must be within the master plan area, and must enhance the same kind of resource;
 - If it is not practicable to mitigate impacts within the master plan area using the same kind of resource, the mitigation may be outside the master plan area, but must use the same kind of resource;
 - If it is not practicable to mitigate impacts using the same kind of resource, a different kind of resource may be used, but the mitigation must be within the master plan area;
 - If it is not practicable to mitigate impacts using any kind of resource within the master plan area, the mitigation may be outside the master plan area, and any kind of resource may be used.
 - (3) The mitigation plan must include identification of types and locations of proposed mitigation and resource enhancement, a schedule for development, mitigation, and resource enhancement; and a monitoring and reporting plan;

- f. An analysis of how all proposed and possible development meets the approval criteria of 33.430.250.A.1.a. through 33.430.250.A.1.e. and 33.430.250.A.3.b., or a description of how those approval criteria will be met through a future process.

5. Benefit. The public benefit of the use outweighs any impacts that cannot be mitigated.

B. Commercial seaplane facilities. The approval criteria for commercial seaplane facilities are:

1. The proposal mitigates any significant off-site impacts and nuisances of the proposal on surrounding properties, including the use of buffers and/or restricting the hours of operation; and
2. The regulations in 33.209.040, Commercial Seaplane Facilities are met.

C. Helicopter landing facilities. The approval criteria for helicopter landing facilities are stated in 33.815.210.

D. Bus, rail and ship passenger terminals.

1. Public services.
 - a. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;
 - b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and
 - c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services;
2. Benefit. The public benefit of the use outweighs any impacts which cannot be mitigated; and
3. IG and IH zones. If the proposal is in an IG or IH zone, the proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes.

33.815.205 Detention Facilities

These approval criteria ensure that the facility is physically compatible with the area in which it is to be located and that the safety concerns of people on neighboring properties are addressed. The approval criteria are:

- A. Appearance.** The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development; and

B. Safety. The facility and its operations will not pose an unreasonable safety threat to nearby uses and residents;

C. Public services.

1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
2. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
3. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and
4. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

33.815.210 Helicopter Landing Facilities

A. The following approval criteria apply to all helicopter landing facilities reviewed through a Type III procedure.

1. The facility meets the safety standards required by state or federal agencies. The facility must be approved by State Aeronautics and the FAA;
2. The facility is located so that the flights may take advantage of existing natural flight corridors. Locations close to natural flight corridors such as freeways are preferred;
3. Consolidating the HLF with other existing nearby HLFs is not possible or feasible;
4. In C, E, or I zones, the facility will not have a greater impact than allowed uses. If the facility will have significantly greater impacts, then it must be found that the public benefits of the HLF outweigh the harm of the impacts. Locations more than 500 feet from land with residential zoning will be viewed more favorably by the review body;
5. In OS, R, CN, CO, and CM zones, the facility will not have a significant negative impact on the livability of the area or a significant detrimental environmental impact;
6. The facility meets all development standards contained in 33.243.040; and
7. The facility meets all noise regulations of the State of Oregon Department of Environmental Quality and Title 18 of the City Code.

- B.** The following criterion applies to helicopter landing facilities reviewed through a Type II procedure: The proposal will not result in an increase in the number of flights, changes in flight path, number or type of aircraft, hours of operation, or changes in required distances from other uses.

33.815.215 Major Event Entertainment

These approval criteria ensure that the potentially large size and impacts of these uses are not harmful to surrounding areas and that transportation services are or will be sufficient to serve the use. The approval criteria are:

A. Public services.

1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
2. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
3. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and
4. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

- B. Appearance.** The appearance of the facility is consistent with the intent of the zone in which it is to be located and with the character of the surrounding uses and development;

- C. Benefit.** Public benefits of the proposed use outweigh any impacts that cannot be mitigated

- D. In the IR zone.** These approval criteria allow Major Event Entertainment facilities to be part of an institutional campus. They also ensure that the impacts of the facility on nearby areas are mitigated and that affected neighbors have an opportunity to comment on the proposals for mitigation. The approval criteria are:

1. The facility is to be established as part of a school or college. Such facilities are prohibited as part of a medical center campus;
2. The facility is limited to events that feature the athletic or performance skills of students, faculty or staff or which supplement the institution's programs;
3. The facility is listed in the mission statement as part of the institution's impact mitigation plan;
4. The mitigation activities completed to implement the impact mitigation plan are adequate to mitigate for the expected impact of the facility. The location chosen and mitigation measures used are consistent with the institution's approved impact mitigation plan; and

5. All approved limited uses and major event entertainment uses in aggregate occupy 30 percent or less of all campus floor area. Calculation of total floor area of campus used by major event entertainment uses includes portions of parking structures associated with these uses. If campus facilities include structured parking 250 square feet of structured parking will be associated with the major event entertainment facility for each parking space required for the facility. Size exceptions are prohibited.

33.815.220 Mining and Waste Related

These approval criteria allow these uses in locations where their large size and potential nuisance and environmental impacts will not harm surrounding land uses. The approval criteria are as follows:

- A.** There are adequate nearby lands available for the development of more intense industrial uses;
- B.** The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion and type of industrial uses;
- C.** There will be no significant health or safety risk to nearby uses;
- D.** There will not be significant detrimental environmental impacts to any nearby environmentally sensitive areas;
- E.** The proposed use adequately addresses potential nuisance-related impacts such as litter;
- F.** Public services.
 1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
 2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and
 3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- G.** The proposal complies with the regulations of Chapter 33.254, Mining and Waste-Related Uses;
- H.** There is a reclamation or redevelopment plan which will ensure that the site will be suitable for an allowed use when the mining or landfill use is finished; and
- I.** Public benefits of the use outweigh any impacts that cannot be mitigated.

33.815.222 Park-and-Ride Facilities for Mass Transit

Park-and-ride facilities improve access to transit for some people who live beyond walking or bicycling distance of bus or light rail lines. Park-and-ride facilities can create significant peak-hour traffic and conflict with traffic, pedestrian, and bicycle movement. The approval criteria are:

- A.** The proposal will not by itself, or in combination with other on-site parking areas, significantly detract from the overall desired character of the area, including existing or planned transit-supportive, high-density residential or mixed-use development;
- B.** The park-and-ride facility is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
- C.** If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- D.** The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes;
- E.** Transit ridership is increased and vehicle miles traveled per capita is reduced;
- F.** The facility will have adequate separation, landscaping, and screening between the sidewalk and parking areas to reduce the impact on adjacent public and private spaces; and
- G.** The facility is necessary because bus service is not adequate to serve those in the surrounding area who live or work beyond walking or bicycling distance of transit.

33.815.223 Public Safety Facilities

These approval criteria allow Public Safety Facilities where it is necessary to the health and safety of the public that a facility be at a particular site. The criteria also ensure that impacts resulting from the facility will be mitigated to the extent practicable. The approval criteria are:

- A. Health and safety.** The health and safety of the public is dependent on the facility being at this location.
- B. Location.** There is no feasible alternative location where the facility is an allowed use, or would have less impact on residential character or identified scenic and environmental resources.
 - 1. Proof of a location-specific need must include:
 - a. A broad review of other, similar or nearby, areas;
 - b. A review of specific alternative sites is not required; and
 - c. The review of other areas must show that those areas cannot reasonably accommodate the proposed use.

2. A challenge to the proposed site includes identification of a specific alternative site and sufficient facts to support the assertion that the alternative site can reasonably accommodate the proposed use.

C. Public services.

1. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement.
2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and
3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

D. Livability.

1. Detrimental impacts are mitigated to the extent feasible, taking into consideration such factors as:
 - a. Hours of operation;
 - b. Vehicle trips to the site and impact on surrounding on-street parking;
 - c. Noise, vibration, dust, odor, fumes, glare, and smoke;
 - d. Potential for increased litter
 - e. The amount, location, and nature of any outside displays, storage, or activities;
 - f. Height of structures; and
2. If the facility is in an OS or R zone, detrimental impacts to the residential or open space character of the area caused by the appearance of the new use or development are mitigated to the extent feasible, taking into consideration such factors as:
 - a. Structure scale, placement, and facade;
 - b. Parking area placement;
 - c. Buffering and the potential loss of privacy to abutting residential uses; and
 - d. Lighting and signs; and
3. If the facility is in an OS zone, adequate open space is being maintained so that detrimental impacts to the open or natural character of the area are minimized.

- E. Radio Frequency Transmission Facilities.** Unless exempted by Sections 33.274.030 or 33.274.035, Radio Frequency Transmission Facilities must also comply with the regulations of Sections 33.274.040, .050, and .060.

33.815.225 Radio Frequency Transmission Facilities

These approval criteria allow Radio Frequency Transmission Facilities in locations where there are few impacts on nearby properties. The approval criteria are:

- A.** Approval criteria for facilities operating at 1,000 watts ERP or less, proposing to locate on an existing building or other non-broadcast structure in an OS or R zone or in a C, E, or I zone within 50 feet of an R zone:
1. The visual impact of an antenna must be minimized. For instance, it can be hidden behind a compatible building feature such as a dormer, mounted flush to the facade of the building and painted to match, mounted on a structure designed with minimal bulk and painted to fade into the background, or mounted by other technique that equally minimizes the visual impact of the antenna;
 2. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area and be adequately screened; and
 3. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.
- B.** Approval criteria for facilities operating at 1,000 watts ERP or less, proposing to locate on a tower in an OS or R zone, or in a C, E, or I zone within 50 feet of an R zone:
1. The applicant must prove that a tower is the only feasible way to provide the service, including documentation as to why the proposed facility cannot feasibly be located in a right-of-way;
 2. The tower, including mounting technique, must be sleek, clean, and uncluttered;
 3. The visual impact of the tower on the surrounding area must be minimized. This can be accomplished by one or more of the following methods:
 - a. Limiting the tower height as much as possible given the technical requirements for providing service and other factors such as whether the tower will provide co-location opportunities;
 - b. Planting trees around the tower as a way to soften its appearance. The variety and spacing of the trees will be determined based on the site characteristics, tower height, and other co-location factors;
 - c. Shielding the tower and antennas from view by enclosing or concealing them within another structure that has less visual impact.
 - d. Placing the tower away from land uses that are more sensitive to the visual impacts, such as adjoining residences or open spaces; or
 - e. Other methods that adequately minimize visual impact;

4. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area;
 5. Public benefits of the use outweigh any impacts which cannot be mitigated; and
 6. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.
- C.** Approval criteria for facilities operating at 1,000 watts ERP or less, proposing to locate on a tower in a C or EX zone more than 50 feet from an R zone:
1. The applicant must prove that a tower that is taller than the base zone height standard allows or is within 2,000 feet of another tower is the only feasible way to provide the service, including documentation as to why the proposed facility cannot feasibly be located in a right-of-way;
 2. The tower, including mounting technique, must be sleek, clean and uncluttered;
 3. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area;
 4. The visual impact of the tower on the surrounding area must be minimized;
 5. Public benefits of the use outweigh any impacts which cannot be mitigated; and
 6. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.
- D.** Approval criteria for all other Radio Frequency Transmission Facilities:
1. Based on the number and proximity of other facilities in the area, the proposal will not significantly lessen the desired character and appearance of the area;
 2. Public benefits of the use outweigh any impacts which cannot be mitigated; and
 3. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.

33.815.230 Rail Lines And Utility Corridors

These approval criteria allow Rail Line And Utility Corridor uses where their location will not unduly interfere with other land uses and with the street system. The approval criteria are as follows:

- A.** The proposed rail line or utility corridor is sufficiently separated from nearby land uses so as to allow for buffering of the uses, especially in residential areas. In the case of railroad lines, separation distances should consider the expected number, speed, size, types, and times of trains; and

- B. The rail line or utility corridor will not substantially impact the existing or planned street system, or traffic, transit, pedestrian, and bicycle movement and safety.

33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District

These approval criteria serve to control Commercial Parking Facilities in the Entryway subarea of the Columbia South Shore plan district to promote the City's development objectives for the area. The approval criteria are:

- A. The proposed facility is consistent with the City's adopted renewal plan for the area;
- B. The proposed facility meets or exceeds the landscaping and screening standards applicable to the site and for parking areas;
- C. There are adequate nearby lands available for the development of more intense uses;
- D. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
- E. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- F. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes.

33.815.301 Industrial Businesses in the Columbia South Shore Plan District

These approval criteria apply to industrially oriented office uses specified in 33.515.110 of the Columbia South Shore Plan District. The approval criterion allows these uses in the Industrial Business Opportunity subdistrict when there is excess capacity available in the transportation system. The application must include a traffic impact analysis acceptable to the Office of Transportation. The approval criteria are:

- A. There is excess capacity available in the transportation system beyond that needed to serve the development potential of Columbia South Shore. The development potential for the district is determined by Comprehensive Plan designations. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes.
- B. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement.

33.815.302 Professional/Technical Facilities in the Columbia South Shore Plan District

These approval criteria provide for professional/technical facilities which directly involve firms in Columbia Corridor and which show effective transportation demand management. The approval criteria are:

- A.** The proposed use will provide training primarily to employees who work in the plan district. The curriculum relates directly to job skills needed by firms in the corridor. The predominant curriculum is for industrial trades, such as manufacturing technology, robotics, and industrial automation;
- B.** If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- C.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes;
- D.** The proposed use will comply with the NE Airport Way Access Management Policy, as applicable;
- E.** The proposed transportation demand management (TDM) program is acceptable to the Office of Transportation. Examples of TDM program measures may include vanpooling, carpooling, transit subsidies, shuttle service and off-peak class scheduling or other incentives to encourage the use of alternatives to the single-occupant automobile; and
- F.** City-designated scenic resources are preserved.

33.815.303 Retail Sales and Service Uses in the Columbia South Shore Plan District

For Retail Sales and Service Uses that directly support industrial firms in the Columbia South Shore but require space in excess of the limits provided in 33.515, only approval criteria A through D apply. For the minor alteration of Retail Sales and Service Uses 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, only approval criterion D applies:

- A.** The use needs to be located in the Columbia South Shore plan district because at least 51 percent of the firm's business is conducted with other firms or employees in the plan district;
- B.** If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- C.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes;
- D.** The use will not have any significant adverse traffic impacts on neighboring employment or industrial area users; and
- E.** The minor alteration will not result in a greater adverse traffic impact on neighboring employment and industrial area users than the existing retail sales and service use and development.

33.815.304 Retail Sales And Service Uses on Specified Sites in the South Waterfront and the River District Subdistricts

For Retail Sales And Service uses in the South Waterfront subdistrict of the Central City plan district with more than 40,000 square feet of floor area, all approval criteria apply. For Retail Sales And Service uses in the River District subdistrict of the Central City plan district with more than 40,000 square feet of floor area, approval criteria A, B and D apply.

- A. The use needs to be located in the subdistrict because it primarily serves those who live or work in the subdistrict;
- B. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety;
- C. The traffic generated by the use will not have significant adverse impacts on the subdistrict's ability to achieve jobs and housing targets stated in the *South Waterfront Plan*; and
- D. City-designated scenic resources are preserved.

33.815.305 Replacement Parking Facilities in the Central City Plan District

These approval criteria provide for parking facilities that replace on- and off-street parking spaces lost to development of a light rail line. It is not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired commercial, employment, or residential character of the zones. It is intended to allow parking facilities that primarily serve users who have destinations in the neighborhood, and to provide replacement, as opposed to additional, parking. The approval criteria are:

- A. The facility will provide parking primarily to those whose destination or residence is within the neighborhood association boundaries where the facility is located. Long-term parking by others is prohibited. Short-term parking may be made available to others if it is coupled with a mechanism to ensure it is short-term parking. A management plan will be submitted to document how this criterion will be met. Long-term includes daily, weekly, and monthly parking. Short-term parking is four hours or less. Neighborhood association boundaries are shown on the most recent Neighborhood Boundaries Map published by the Office of Neighborhood Involvement, and do not include boundaries of business associations, industrial associations, or other recognized organizations.
- B. The number of spaces provided is the same or less than the number of parking spaces being removed by the light rail construction;
- C. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes. Access to the facility should be as far as possible from the light rail alignment. Access will be onto the right-of-way proposed for or containing the light rail alignment only if no other access is feasible;
- D. The proposal will not by itself, or in combination with other parking facilities in the area, significantly affect the character of the area by discouraging housing and commercial uses which are compatible with a growing community;

- E.** The proposed parking area will meet or exceed the landscaping and screening standards applicable to the site and for parking areas; and
- F.** Design of the facility will provide for a safe and attractive pedestrian environment. Evaluation factors include the following: number and location of curb cuts; visibility at curb cuts; and adequate separation, landscaping, and screening between the sidewalk and parking area to reduce the impact on adjacent public and private spaces.

33.815.308 Commercial Parking in Multi-Dwelling Zones and Commercial Parking Access from Main Streets in the Northwest Plan District

This review provides for Commercial Parking that supports the diverse mix of uses and urban scale of development in the Northwest plan district. The review allows for a limited amount of Commercial Parking for community use in a high-density residential area in close proximity to commercial main streets and for motor vehicle access to a parking structure from a Main Street, while ensuring that the transportation system is capable of supporting the proposed parking. The criterion is: The transportation system is capable of supporting the proposed used in addition to the existing uses in the area. Evaluation findings must demonstrate that:

- A.** Signalized intersections within 600 feet of the site will operate at an acceptable level of service or will not be significantly degraded by the proposed use;
- B.** The proposed use does not create a significant adverse impact on the availability of existing on-street parking along streets within one block of the site. Adverse impacts to on-street parking could include removal of a significant portion of the existing on-street parking in the area;
- C.** The design of the site, and in particular the locations of vehicular ingress and egress, minimizes the impact of traffic circulation on local service streets; and
- D.** The design of the site provides for safe operation of motor vehicle access and does not significantly degrade the safety of pedestrians, or other modes, using the streets near the site.

33.815.310 Industrial Uses in the IR Zone.

These approval criteria providing for Manufacturing and Production and Industrial Service Uses in IR zones are intended to allow industrial activities that support the mission of the City's major educational and medical institutions. The approval criteria are:

- A.** The proposed industrial service or manufacturing and production use is consistent with the institution's approved impact mitigation plan;
- B.** The mitigation activities completed to implement the impact mitigation plan are adequate to mitigate for the expected impact of the industrial facilities. Proposed industrial service or manufacturing and production uses must not, in combination with other existing institutional campus development, exceed the levels of mitigation provided;
- C.** Industrial service and manufacturing and production uses, are considered location sensitive on institutional campuses. The facilities' placement must be included in the institution's approved impact mitigation plan;

- D.** All industrial service and manufacturing and production uses in aggregate do not exceed a maximum of 10 percent or 50,000 built square feet of all campus floor area, whichever is less. Parking structures used to support these uses are included in the calculations of total floor area. When campus facilities include structured parking 250 square feet of structured parking will be associated with the industrial service and manufacturing and production facility for each parking space required for the facility. Size exceptions are prohibited;
- E.** Exterior display, storage and work activities are prohibited;
- F.** Heavy trucks are not to travel to the industrial service or manufacturing and production use site by local streets unless no other choice is available. Access for medium and heavy trucks to these activities must be addressed in the Impact Mitigation Plan. Traffic levels cannot increase above what is approved through the Impact Mitigation Plan or Conditional Use Master Plan;
- G.** Long term parking of medium and heavy trucks on site is prohibited; and
- H.** All hazardous wastes generated by an industrial service or manufacturing and production uses are identified and plans have been approved for the handling, storage, and disposal of the wastes as part of the institution's impact mitigation plan. The impact mitigation plan must be current and have been approved in conformance with the provisions of Chapter 33.848 Impact Mitigation Plan Requirements.

