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Item #	Code Section	Statement of Issue	Selected Comments Received
1	Validation of Lots 33.110.212.B	Development that meets the regulations of Title 33 is allowed on substandard lots of records and lots created prior to 1979. Clarify whether the maximum density requirement must also be met for these lots. If so, the Validation Review serves little purpose as development on lots smaller than those identified in Table 110-4 would always exceed the maximum density requirement, and adjustments to maximum density are prohibited.	
1.1	Housing Types Allowed	The following references in Table 110-2 need correcting:	This issue was identified by Bureau of Development Services staff subsequent to the
	33.110 (Table 110-2)	1. The citations for attached housing should be changed from 33.110.240.C&F to 33.110.240.C&E	
		2. The citation for duplexes on corners should be changed from 33.110.240.F to 33.110.240.E; and	9/20/02 draft of the Code Maintenance list.
		3. The citation for duplexes on transitional lots should be changed from 33.110.240.I to 33.110.240.H.	
2	<b>Side Setbacks</b> 33.110.220 33.120.220	Reduce minimum side building setbacks to 3 feet in the R7 through R2.5 zones for development that is retained on the site of a land division. Adjustments to side setbacks are often required and approved as part of land divisions in order to meet minimum density and minimum lot dimension requirements.	
3	Residential Main Entrance	On corner lots, allow the applicant to choose on which street-facing wall the main entrance requirement will be met. For land divisions, a conforming situation often becomes nonconforming (and requires an	
	33.110.230.B	Adjustment) when a new street is created and the longest-street facing wall becomes the one facing the	
	33.120.231.B	new street, but the existing main entrance is located on the shorter street-facing wall.	
	33.130.250.C		
	33.140.265.D		
4	Institutional Development Standards: Landscaped setbacks for accessory structures	In Single-Dwelling Zones, a 15 foot landscaped buffer is required between institutional uses and abutting R zones. However, accessory structures are required to be set back only 10 feet from lot lines. Does this mean that the landscaped buffer between accessory structures and abutting R zones needs to be only 10 feet, or that where accessory structures abut an R zone, a 15 foot setback is required?	
	33.110.245		
5	Institutional Development Standards: Buffering across the street from an R zone	Institutions are required to provide a 25' maximum transit street setback, and a 10' deep landscaped buffer along street lot lines that are across from an R zone. In some situations, this creates a conflict as conformance with the maximum building setback will reduce the depth of the required landscaped buffer beneath the minimum standard. A footnote should be included that indicates along transit streets and in	
	33.110.245.C	pedestrian districts, the landscaped buffer shall be provided at a depth of 10', or the depth of the maximum building setback, whichever is less.	
	33.120.275.C		
6	Electrical Substations: Required landscaping	The perimeter of electrical substations must be landscaped to the L3 standard. Consider exempting electrical substations (such as those being proposed by Tri-Met along the I-MAX) from the landscape requirement if they are located within an entirely enclosed building.	
	33.110.245.C.6		
	33.120.275.C.5		
7	Accessory Structures	Accessory structures cannot exist on a site prior to the construction of a primary structure. Consider, in	
	33.110.250.B.2	the case of land divisions, allowing accessory structures to remain on newly platted lots for a limited time so that viable accessory structures do not need to be demolished. Adjustments to this standard are customarily reviewed and approved by staff.	
	33.120.280.B.2		
8	Multi-Dwelling Zones	The reference in footnote 10 is inaccurate, and should be changed from 33.110.280.E to 33.120.280.E.	
	Table 120-3		
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9	Minimum Density: Conversion of existing residential structures 33.120.205	Footnote 7 in Table 120-3 indicates the minimum density does not apply to conversions of existing structures. The intent of this footnote was to allow conversions of existing residential structures to come closer into conformance with the minimum residential density requirement. However, as written, the footnote exempts existing residential structures from the minimum density requirement, and conversions that reduce the residential density below the minimum are also allowed.	
10	<b>Minimum Landscaping</b> 33.120.235 33.130.225	To be consistent with the landscape standard that applies to development in Single-Dwelling zones, consider eliminating minimum landscape requirements for single-dwelling and duplex development in Multi-Dwelling and Commercial zones. The landscape standards in the Multi-Dwelling and Commercial zones were crafted for multi-dwelling and commercial development, and are impractical when applied to single-dwelling and duplex development.	
11	Recycling Areas 33.120.260	The Code requires a central recycling collection area for multi-dwelling developments having five or more units. For residential projects that provide individual garages, residents collect their recycling in the garage and there is not the need for a central recycling area. Consider exempting multi-dwelling developments from providing a central recycling area if each dwelling unit has its own garage.	
12	Fences 33.120.285 33.130.270 33.140.275	Clarify the allowed height of fences in side street setbacks. Recent changes to this standard were intended to continue allowing fences up to 8 feet in required side setbacks, even when abutting a street. Instead, the standard limits the height of fences in side street setbacks to 3.5 feet.	
12.1	Multi-Dwelling Zones: Maps 33.120	Maps 120-2 through 120-30, which identify sites in the RH zone where the allowed floor area ratio is 4:1, are outdated and need amending. This includes such things as some of the sites no longer being zoned RH; some sites shown are now in the Central City plan district and the allowed floor area ratios should be shown on maps in Chapter 33.510, not in 33.120; on some maps, plan district boundaries are incorrect; and on all of the maps, the zoning is shown for quarter-section maps, which have not been updated in 10 or more years. Additionally, given the number of maps, an index map would be helpful.	This issue was identified by BOP staff subsequent to the 9/20/02 draft of the Code Maintenance list.
13	Commercial Parking in CS Zones 33.130.100.B.11	Table 130-1 indicates Commercial Parking in the CS zone is limited, and refers to footnote 11. However, footnote 11 indicates Commercial Parking is an allowed use in this zone. The limitation ("L") in the table should be replaced with allowed ("Y").	
14	Maximum Building Setback: Porches 33.130.215.B	Open porches on residential development count toward the portion of the building wall meeting the maximum building setback along transit streets and in pedestrian districts. Consider allowing the same for maximum building setbacks required in the CS and CM zones.	
14.1	Alternative Maximum Setback Option for Large Retailers 33.130.215.C 33.266.130.C.3	Existing language exempts retail building of at least 100,000 square feet from the maximum setback standard, as long as other buildings on the site are within the maximum setback for at least 25% of the frontage along a transit street or a street in a pedestrian district. Clarify whether the development is also exempt from the standard of 33.266.130.C.3 that limits the vehicle area along the frontage of a transit street or a street in a pedestrian district to no more than 50%.	This issue was identified by Bureau of Development Services staff subsequent to the 9/20/02 draft of the Code Maintenance list.
15	<b>Ground Floor Windows</b> 33.130.230.C 33.140.230.C	The Code needs to be clearer about the minimum standards for display windows when used to meet the ground floor window requirement.	"Expand: Causes problem for certain types of retail."  "Perhaps a wall decoration or art work would be better in some cases"
16	Wastewater and Stormwater Disposal	Delete this section. These requirements are technical in nature and duplicative of existing requirements in other City Codes.	
	33.140.260		

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18	Community Design Standards and Exterior Siding 33.218.100.H 33.218.110.J 33.218.140.O.8 33.218.150.K.7	C, et al., which specifically exclude some exterior materials, but otherwise allow exterior materials that	1. "Expand: A specific instance where community design standards interfere with historical restoration." 2. "Expand: Current requirement is not always consistent with architectural heritage of area; create a more inclusive design standard." 3. A reevaluation of the red brick requirement in the Mississippi Ave Cons. District was requested in several e-mails sent in response to the Top 10 & Code Maintenance lists.
19	Convenience Store Review 33.219	The amount of discretion in Convenience Store reviews is minimal, as the approval criteria are largely limited to requiring that all of the listed information be submitted, or verifying that particular development standards are met. Consider replacing the Convenience Store review with objective development standards.	
20	Elderly and Disabled High Density Housing: Parking 33.229.040.C	Clarify the confusing language that allows a reduction in motor vehicle parking for units occupied by the elderly. Also, clarify how the minimum required bicycle parking standard is implemented.	
21	Nonconforming Upgrades 33.258.070.D.2.a	Nonconforming upgrades are required when alterations on the site exceed \$25,000, with mandatory fire and life safety improvements exempted from the project value. Clarify what the term "mandatory improvements" includes. For example, are required fire and life safety improvements considered mandatory even when they are triggered by a voluntary change of use on the part of the applicant?	"Expand: Base alteration trigger on straight percentage." "Streamline/clarify determination of non- conforming elements and the process for deferral."
22	Nonconforming Residential Density 33.258.060.B.2.b	Current regulations regarding damage to houses having a nonconforming residential density, and which are located on substandard lots, make reference to Chapter 33.291 (Substandard Residential Lots), which no longer exists. This reference should be replaced with current "Validation of Lots and Lot of Record" regulations in Section 33.110.212.	
22.1	Nonconforming Development: Loss of nonconforming development status 33.258.070.E.2	This section identifies how nonconforming structures that are damaged or destroyed may be rebuilt, and what development standards apply. The language should be amended to clarify that structures and any nonconforming elements that are partially or totally damaged by means beyond the control of the owner must comply not only with base zone standards, but also with standards of any overlay zone and plan district.	
23	Minimum/Maximum Parking Standards for Religious Institutions 33.266.110 33.266.115	Given the wide array of activities and uses that occur at religious institutions, basing the minimum and maximum parking ratios on the floor area of the main assembly space is inadequate. As religious institutions are typically reviewed through a Conditional Use process, consider allowing the minimum and maximum parking ratio to be determined as part of the Conditional Use review, as is done with other conditional uses.	
25	Vehicles in Residential Zones 33.266.150.E	Clarify that utility trailers and non-motorized accessory recreational vehicles on the site of a house, attached house or duplex may be stored on unpaved surfaces.	
26	Parking Lot Landscape Standards 33.266.130.G.2 33.266.130.G.3		"Return to a standard based on number of parking spaces and modify and reduce perimeter tree planting requirements."

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		required perimeter landscaping.	"Requirements and calculations should be revisited."
28	Loading Standards: Number required for household living uses 33.266.310.A.1	As the standard is written, a loading space is required for Household Living uses, regardless of the number of dwelling units, if the site is located on a non-local service street. Is this really what was intended? It seems the intent was as long as the development contains fewer than 50 dwelling units, no loading spaces were required, regardless of the adjacent street designation.	
29	Loading Standards 33.266.310	Requiring vehicles to enter and exit loading spaces in a forward motion is impracticable in the Central City Plan district, and requests to modify the standard are approved 100 percent of the time through design review. Development in the Central City plan district should be exempt from this standard. Also, the size dimensions of loading spaces, particularly the 35 foot depth, is not always practicable in development downtown, and are frequently modified through design review.	
30	Aircraft Landing Zone 33.400	Consider modifying this chapter to address the problem that the topography of some sites results in any development on the site exceeding the maximum allowed height identified on the Aircraft Landing Zone map.	
31.1	Environmental Zones: Width of rights-of-way 33.430.080.D.2.b	This section contains an outdated reference to Title 34, Subdivision and Partitioning Regulations, which no longer exists. This should be replaced by a reference to Chapter 33.654, Rights-of-Way.	
31.2	Cascade Station/PIC Plan District: Use Regulations 33.508.050 33.508.110 Columbia South Shore Plan District: Use Regulations 33.515.030 33.515.100	Eliminate "On Site Containment" and "Uses Involving Hazardous Substances" language in the Cascade/Portland International Center plan district and the Columbia South Shore plan district. The Water Bureau is developing a comprehensive Wellhead Protection Program that will make these sections of code unnecessary. The Water Bureau program will be more comprehensive in its protections for groundwater, and will apply to existing development and new development.	This issue was originally identified on the "Top 10" list, and determined to be a technical fix (once the Water Bureau completes its Wellhead Protection Program), and therefore appropriate for Code Maintenance.
32	Central City Plan District 33.510.263.G	Consider removing the requirement for a Type III Central City Parking Review renewal every five years for surface parking lots. The approval criteria for such reviews are limited to ensuring conformance with zoning requirements and previously approved plans. This is more of an enforcement issue then a land use review, and if necessary, could better be handled through periodic reporting requirements.	
33	Columbia South Shore Plan District Environmental Review Exemptions 33.515.274	Unlike 33.430.080, the Columbia South Shore plan district regulations do not exempt from environmental review trees that pose an immediate danger. Consider including this exemption in the Columbia South Shore plan district.	
34	Columbia South Shore	Clarify whether the nonconforming upgrades required in the Plan District are in lieu of, or in addition to, the upgrade requirements of Chapter 33.258.	
34.1	Base Zone Regulations	Section 33.555.210.E exempts development in the Plan District from the parking and loading regulations of Chapter 33.266 (Parking and Loading), including required landscaping, parking stall dimensions, and bicycle parking, which was not intended. This language should be amended to reflect the intent that development in the Plan District is exempt from only <i>specified</i> parking regulations in Chapter 33.266, such as maximum parking ratios, how required and allowed parking is calculated, location of vehicle areas, and loading.	

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34.2	Marquam Hill Plan District: Parking 33.555.280.C	Existing parking that is reconfigured or demolished and then replaced, with no increase in the number of parking spaces, is identified as being exempt from 33.555.280.B (Creation of Parking) and 33.555.280.D (Maximum Parking Allowed). In the <i>Proposed Marquam Hill Plan</i> , existing parking was identified as also being exempt from the Marquam Hill Parking Review. This last exemption was inadvertently omitted by Bureau of Planning staff when incorporating other changes to the parking regulations that were recommended by the Planning Commission. This exemption should be replaced.	
35	Northwest Hills Plan District 33.563.100.A	As the regulation that limits activities exposing soil to direct contact with stormwater is redundant of regulations included in Title 10 (10.30.020.B.4.e), it should be deleted from Title 33 and possibly replaced with a reference to Title 10.	
36.1	Regulations That Apply After Approval 33.700.090	Zoning Code.	This issue was identified by Bureau of Development Services staff subsequent to the 9/20/02 draft of the Code Maintenance list.
37	Comment Period for Type II Reviews 33.730.015.C 33.730.020.C	requirements for Type II reviews need to reflect this minimum 14-day comment period.	Existing regulations in 33.730.015.C and D already provide for a 30-day comment period for Type I reviews.
38	Preliminary Notice of Land Use Review 33.730.020.C 33.730.025.C	Existing language states that upon receipt of a land use review application, the OPDR Director will mail a notice of the request to affected property owners and, recognized organizations. Notice of a land use review request is not mailed to the identified parties until receipt of a <i>complete</i> application.	
39	Type III Procedures: Notice of a Request 33.730.030.D.1	For clarity and consistency with language found elsewhere in the Code, language in this section should state that Notice of Requests for Type III land use review proposals are mailed to "property owners."	
39.1	Posting Requirements 33.730.080	A posting notice is required along all street frontages of a site where a Type III land use action is proposed. Consider eliminating this requirement along frontages that are paper streets.	
40	Conditional Use Review Procedures 33.815.040	Currently, the expansion of exterior improvements of any size triggers a Conditional Use review.  Consider exempting from Conditional Use review exterior improvements under a certain size, or even categories of exterior improvements that have no adverse impact (such as sidewalks).	
40.1	Conditional Use Review 33.815.040.B.1		This issue was identified by Bureau of Development Services staff subsequent to the 9/20/02 draft of the Code Maintenance list.
41	Amendments to Conditional Use Master Plans 33.820.090	Any change to the boundary of a Conditional Use Master Plan is processed as a Type III amendment. Consider requiring a Type III amendment only if expanding the boundaries, and requiring a Type II amendment if decreasing the boundaries, as long as the area being removed from the boundary does not effect any previous conditions of approval or the ability of the campus to meet any required development standards.	
42	Excavation and Fill Review 33.830	The approval criteria for this review are technical in nature and duplicative of existing requirements in other City Codes. This review could be implemented more effectively as standards by a service bureau experienced in such issues as grading, erosion control, etc., such as Site Development or BES.	"Best handled as a technical review"

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43	Hazardous Substances Review 33.840	Bureau of Development Services does not have the expertise to address the handling and storage hazardous substances, nor to address the approval criteria required for such reviews. Hazardous substances are already regulated by a myriad of other local, state and federal regulations. Consider removing this review from Title 33 and have the Fire Bureau regulate hazardous substances.	"A full land use review unnecessary to accomplish intent"
46	Definition of Exterior Display 33.910	This definition includes the phrase, "Exterior display does not include goods that are being stored or parked outside." The purpose of this phrase was to differentiate exterior storage from exterior display. However, as it uses the term "goods," which are materials for sale, it essentially states that exterior display does not include materials for sale that are placed outside a building. This is contrary to the entire definition of exterior display.	
47	<b>Definition of Flag Lots</b> 33.910	The definition of flag lot does not address the situation of a flag lot is behind a flag lot, with the unintended result being that a flag lot behind a flag lot does not have to meet development standards specific to flag lots.	Need more flexibility
48	Corrections to the Official Zoning Map 33.855.070	Consider clarifying language that establishes the digital Zoning Map as the Official Zoning Map. Also, clarify that corrections to the Official Zoning Map that require no discretion and reflect the adopting ordinance (i.e., those that are graphical errors) may be completed by the Planning Director without a quasi-judicial review. Corrections that are discretionary in nature would continue to be processed through a quasi-judicial review.	
49	Detention Facilities 33.920.520	One of the defining characteristics of a detention facility is the presence of a "sworn officer," however, this term is not defined in Title 33 or in ORS. Consider establishing a definition of sworn officer, or refer to PCC 14.04.020, which defines a "peace officer."	
50	Pre-Application Conference for Planned Development Final Development Plans	Consider deleting the requirement for a pre-application conference prior to the submittal of a Planned Development Final Development Plan, as little if anything is gained from the requirement.	