

## **18.700: SPECIFIC DEVELOPMENT STANDARDS LEGISLATIVE NOTES**

This section contains all of the chapters from the existing code which have contain development standards for specific uses or activities above and beyond those required for uses in the underlying district zoning district. Theses are arranged in alphabetical order to facilitate use.

There are two generic changes reflected throughout the chapters in this section:

- List of detailed requirements for site plans and related submission requirements have been removed from the text of the code to be replaced by hand-outs available from the planning staff. There are nearly 20 places in the current code where these requirements appear. The planning staff argues that this information is often duplicative, takes up a substantial amount of space and requires a legislative text change for even minor modifications. To protect applicants from the establishment of arbitrary submission requirements, the Director is not permitted to modify the hand-outs summarizing submission requirements more than once a year; see Section 18.390.
- All detailed information about permits and other land use actions have been consolidated in 18.300, Land Use Decisions. This includes information about generic process types (I-IV) contained in Chapter 18.390, and information about specific conditions of approval and related information in Chapters 18.320 - 18.385. This information is cross-referenced in the Chapters in 18.700. A typical cross-reference reads as follows: “The permit for the removal of a tree shall be processed by means of a Type I procedure, as governed by Chapter 18.390 [Decision-making Procedures], using approval criteria contained in Section 18.385.060 [Miscellaneous Permits].” (Section 18.790.050A)

Other than these generic changes, several of these chapters are virtually the same as the text in the existing code, as it has been determined that the current regulations are adequate. They have merely been re-formatted and appropriately edited for grammar and readability. These chapters include:

- 18.705: Access, Egress and Circulation (existing 18.108)
- 18.725: Environmental Performance Standards (existing 18.90)
- 18.740: Historic Overlay (existing 18.82)
- 18.742 Home Occupations (existing 18.142)
- 18.750: Manufactured/Mobile Home Regulations (existing 18.94)
- 18.755: Mixed Solid Waste and Recyclable Storage (existing 18.116)
- 18.775: Sensitive Lands (existing 18.84)
- 18.780: Signs (existing 18.114)
- 18.785: Temporary Uses (existing 18.140)
- 18.790: Tree Removal (existing 18.150)
- 18.795: Visual Clearance Areas (existing 18.102)

Several existing chapters have been moderately to significantly altered. A brief explanation of these changes is summarized below:

- 18.715: Density Computations (existing 18.92):
  - Formula to calculate minimum density in residential zones has been added to Section 18.715.020;
  - Reference to residential density transition (18.92.020C) eliminated because this concept, which requires gradual tapering of densities on higher-density residentially-zoned parcels in “developing” areas which abut lower-density residentially-zoned parcels in “established” areas,

has been eliminated from 18.40.040 (Zoning Administration). A related chapter, 18.138, Established Area/Developing Area Classification, also is proposed for elimination. To ensure that lower-density uses are protected from the potential impacts of adjacent higher-density uses, these provisions have been replaced by increased buffering/screening standards (Chapter 18.745) and a new chapter, Design Compatibility Standards (18.720), both of which are described in greater detail below.

- 18.730: Exceptions to Development Standards: Consolidates three of four existing chapters which provide additional or exemptions to development standards, including Additional Yard Setback Requirements and Exceptions (18.96); Building Height Limitations: Exceptions (18.98); and Zero Lot Line Setback Standards (18.148). Otherwise, there is virtually no change in these chapters.
- 18.745: Landscaping and Screening (existing 18.100): Adopts simplified screening and buffering matrices, which govern the depth and composition of vegetative and/or masonry buffers between adjacent properties in different zones, to minimize the impacts of more intense/higher-density uses on less intense/lower-density uses.
- 18.760: Nonconforming Uses (existing 18.132): In Section 18.760.020, creates an explicit process for a “determination of nonconforming status” which permits owners of property with legal nonconforming uses to obtain explicit City recognition of this nonconforming situation. This permits the owner to 1) modify and/or expand the property within the limits of the regulations; and 2) guarantee a new owner that he/she can continue the nonconforming use legally indefinitely if the use is not interrupted more than six months.
- 18.765: Off-Street Parking and Loading Requirements (existing 18.106): Significant modification of this chapter has been undertaken to meet the requirements of the 2040 Growth Management and current planning practice. These include
  - Adds incentives for shared use parking and provision of pedestrian, bicycle and transit facilities. (Section 18.765.030)
  - Adds additional development standards for bicycle parking facilities. (Section 18.765.050)
  - Includes design standards for parking structures, which are not regulated in the existing code. However, with rising land costs, more parking structures will be constructed in the City, e.g., a recently-constructed structure at Washington Square. (Section 18.765.060)
  - Updates the minimum parking ratios, where appropriate as these have not been reviewed in many years. Where feasible, converts standards into the standardized X spaces/1,000 gross square feet (gsf) which are easier to calculate.
  - Adds maximum parking ratios for all non-residential land uses, as required by the State Transportation Planning Rule (TPR) and Metro 2040 Growth Management Functional Plan. Metro dictates the ratios for 12 non-residential uses; the remainder are basically set at 150% of minimum. The purposes of minimum and maximum parking ratios is to establish a reasonable range of parking for each land use which insures there is an adequate but not excessive number of parking spaces. (Table 18.765.2)

There are several new chapters:

- 18.710: Accessory Residential Units: This section spells out the restrictions upon the development of accessory residential units, i.e., small living units incorporated in existing or new single-family homes which are sometimes referred to as “granny flats”. Local jurisdictions are required by the Metro 2040 Growth Management Functional Plan to permit the creation of such units in all single-family houses, subject to “reasonable” restrictions. With the assistance of the Title 18 Citizens Advisory Committee (CAC), the consulting staff developed eight standards which must be met before an accessory unit will be permitted. Some of these include requirements that the unit be an integrated part of the house (as opposed to being located in a freestanding structure), either the main or accessory unit must be occupied by the property owner, and an additional off-street parking space must be provided. In Table 18.510.1, Uses in Residential Zones, accessory residential units are listed as a “restricted” (“R”) use for single-family residences in all zones, subject to the development standards in this chapter.
- 18.720: Design Compatibility Standards: The design and development standards in this chapter apply to multi-family residential projects which are constructed immediately adjacent to parcels which are zoned for lower-density development. The standards include requirements for screening/buffering, height restrictions and building design and orientation which are designed to mitigate the visual impacts of higher-density projects in existing neighborhoods. This chapter replaces the density transition requirements, which requires a gradation of density from the property line shared with a property zoned for lower density, which are currently contained in 18.140.040 and Chapter 18.138. This approach is favored because it mitigates potential impacts through good design rather than the loss of housing units, which results from strict interpretation of the existing regulations. Moreover, the existing regulations apply only at the boundary of “established” and “developed” areas, whereas these regulations will apply to any multi-family project built adjacent to a single-family area anywhere in the city.
- 18.797: Water Resources Overlay District: This chapter was developed by the City’s consultants, Winterowd Planning Group, to comply with changes in the State’s LCDC Goal 5 requirements, governing water resources. With the assistance of the Title 18 consulting team, these regulations have been translated into the proposed format.
- 18.798: Wireless Communication Facilities: This is a new chapter governing the location and design of cellular telephone towers and related equipment. Currently, there are five companies which have been granted licenses by the FCC to provide cellular telephone and paging services with additional licenses due to be let. As each company requires development of a system of transmitters/receivers, which can be affixed to existing buildings, water towers and utility poles as well as dedicated freestanding transmission towers, there has been a proliferation of land use applications in every local jurisdiction within the Portland metropolitan area. These regulations are designed to give the City maximum flexibility to regulate these facilities within strict Federal guidelines. Key provisions are designed to encourage providers to “collocate” on existing buildings or other providers’ towers to minimize the number of new towers constructed.

Finally, four existing chapters have been eliminated:

- Accessory Structures (18.44): Eliminated as a separate chapter because these uses can be regulated through definitions and zoning district use tables.
- Established Area/Development Area Classification (18.138): Eliminated because the base concept, residential density transition, which drives the definitions in this chapter is being eliminated in favor

of tougher development and design standards for multi-family projects which are adjacent to single-family developments; see description of Chapter 18.720, Design Compatibility Standards, above.

- Flexible Setback Standards (18.146): To be replaced by Chapter 18.370, Variances and Adjustments.
- Fuel Tank Installations (18.104): Already addressed in the Uniform Building Code. ■