Let's Talk About the City of Portland's

Land Use Code Evaluation

ReCode Portland *is a multi-phased process focused on rewriting the City's Land Use Code for the first time in more than 50 years.*

The overarching goals of the ReCode process are to create a new code that is user-friendly, advances the goals of Portland's Plan, and enables the City to effectively address issues related to housing, design, preservation, conservation, the working waterfront, energy, and transportation. Phase I of the ReCode process was centered around an effort to reorganize the Code into a modern, rational, user-friendly format and to implement some key policies from Portland's Plan, including provisions for accessory dwelling units, off-street parking flexibilities, and sign standards.Phase I of the process concluded in November of 2020 with the adoption of a reformatted, restructured, and updated Land Use Code.

The Land Use Code Evaluation represents the first major work product of Phase II of ReCode Portland. The work of Phase II will build upon the foundation established during Phase I of the ReCode effort, expanding into significant substantive revisions to the content of the Code. In short, whereas Phase I of the process was predominantly focused on reformatting and restructuring the City's Land use Code, Phase II will focus on reorienting and revising the Code to bring it into alignment with the City's priorities, including confronting the impacts of climate change, mitigating sea level rise, addressing issues of racial and social equity, and supporting a diverse and affordable supply of housing, among others.

The evaluation explores the impacts of the City's current regulations on these key policy areas, and presents a series of concepts, approaches, and recommendations targeted to ensure that the work of Phase II significantly advances the goals of Portland's Plan and other City policy documents. Within the evaluation, regulatory concepts are classified based upon their relationship with six key themes of Portland's vision for the future: that of an equitable, sustainable, dynamic, secure, authentic, and connected community. Where a specific recommendation addresses one or more of these themes, it is indicated as such within the document.

Updating Portland's Land Use Code is an unavoidably technical process, by nature. Though the Evaluation seeks to be intentional in connecting suggested concepts, approaches, and recommendations to established policies, the revisions themselves must respond to the nature and organization of the Code as a regulatory document. As such, the Evaluation structures its recommendations not by policy area, but by type of regulatory control:

- *Uses & Use Standards*
- *Dimensional & Design Standards*
- *Zones*
- *General Development Standards*
- *Parking, Loading & Access*
- *Landscape*
- *Nonconformities*
- *Updates to Code Structure*

The types of controls addressed within the Evaluation are presented below, with a brief description of what they are, how they relate to Portland's Plan and other City policy documents, and what they can do to reflect and reinforce the City's priorities, goals, and aspirations.

So, what's in the Land Use Code Evaluation?

Find out ▶▶▶

Uses & Use Standards

Uses and use standards directly address the types of 'land uses' that are allowed on property across the City. For instance, use standards define what kinds of residential uses are allowed on a property, whether restaurants or retail are permitted in certain areas, and where other types of uses, like auto service stations, bed and breakfasts, and preschools are allowed to operate. Allowed uses vary by zoning district, meaning that certain land uses might be allowed in one area of the City, but not in another.

How do these relate to Portland's Plan?

Uses and use standards are central to achieving the goals of Portland's Plan. Rethinking which types of uses are allowed where – and under what conditions - can help to match opportunities for certain types of housing, institutional, commercial, or industrial uses to the areas of the City where they are most needed, or to limit certain uses where they might create conflicts. For example, expanding the types of housing allowed within certain residential districts could allow for the creation of additional housing units – a major goal of Portland's Plan. Similarly, creating opportunities for new small-scale neighborhood retail establishments could help to move the City closer to its complete neighborhood goals.

What does the Evaluation recommend?

The Land Use Code Evaluation identifies opportunities to revise use regulations within the Code to better support the creation of middle-density housing, the creative economy, and urban agriculture. The Evaluation also highlights the potential for additions or refinements to the City's range of social service and housing-related uses, and the need to review use regulations through the lens of Portland's climate resiliency goals.

Dimensional & Design Standards

At their most basic level, dimensional standards establish where on a property buildings may be located, and how big they can be. For instance, dimensional standards may define how close to a property line a building can sit, how tall that building can be, and how much of the lot it is allowed to cover. Dimensional standards also establish minimum lot sizes for certain uses, which impact – for instance – how many residential units can be built on a particular site. Design standards work to augment dimensional standards by further defining how a building should relate to the public realm around it. For instance, design standards might require that a certain percentage of a building contain doors or windows that face the street.

How do these relate to Portland's Plan?

Dimensional and design standards, like use standards, are key to meeting the goals of Portland's Plan. Where the plan foregrounds concepts such as promoting transit-oriented development and housing production, updates to the Land Use Code's dimensional standards (like minimum lot sizes, height limits, required setbacks, and residential density limits) can fundamentally affect whether these concepts can become a reality in Portland. For instance, does the current Code allow sufficient height to build units along transit corridors at actual transit-supportive densities? Are current minimum lot area regulations making it harder to build housing in the City?

What does the Evaluation recommend?

The Evaluation recommends adjusting dimensional standards to help achieve climate goals - like regulating impervious surface maximums more consistently, considering height and setbacks in the context of resiliency, and considering dimensional bonuses (e.g., additional height or density) in cases where climate goals are met. The Evaluation also recommends potential revisions to dimensional and design standards that can help to support housing creation and transit-oriented, walkable, urban development.

Zones

Zones are the basic building blocks of the Land Use Code, and the fundamental organizing element for how its regulations are applied. Each zone within the Land Use Code is created with a specific purpose, and contains a set of regulations that address uses, dimensional standards, and other development standards to achieve that purpose. For instance, Portland's Code includes a series of residential zones, mixed-use zones (i.e. zones where residential uses and other uses might be "mixed" on a property), island zones, industrial zones, and open space zones, among others. The City's zoning map identifies the specific geographic areas that are within each zone, effectively applying the regulations of the zone to real property in Portland.

How do these relate to Portland's Plan?

As one of the foundational aspects of the City's Land Use Code, zones and zone-based regulations will play a critical role in achieving the goals of Portland's Plan. For instance, basic revisions to the City's residential zones could open opportunities for additional (and more diverse) housing creation across the City, moving Portland closer to its goals related to equity, security, and sustainability. Further, modifications to mixed-use zoning could help support transportation goals and encourage the creation of complete neighborhoods.

What does the Evaluation recommend?

The Land Use Code Evaluation explores opportunities to refine, revise, and reorient the City's palette of zones to better align with the goals of Portland's Plan. It takes perhaps the most critical look at the residential zones, with an eye toward implementing the City's goal of creating opportunities for a diverse range of housing options across the City's neighborhoods. The Evaluation also recommends adjustments to the City's mixed-use, industrial, and open space zones, identifying where zones may need to be revised to ensure they are achieving their purpose, where they might be consolidated with other zones, or where their elimination may be the best course of action.

General Development Standards

Certain rules and regulations within the Land Use Code apply to all development, regardless of use type or zone. For example, numerous performance standards, dimensional standards, and other requirements are included to help protect of the City's natural resources, incentivize green building techniques, and ensure compatibility between different uses and structures.

How do these relate to Portland's Plan?

Portland's Plan, (and One Climate Future) encourage the City to look for opportunities where natural resource protections might be strengthened or expanded, low-impact development might be encouraged, and flexibilities for green building techniques and technologies might be incorporated into the Land Use Code. The comprehensive plan additionally emphasizes the City's authenticity as a key strength; general development standards can address things like the projection of architectural features into setbacks or the right-of-way, or where and how certain accessory structures can be located, allowing the things that make the City unique to continue.

What does the Evaluation recommend?

The Land Use Code Evaluation recommends a series of revisions that can provide greater flexibility for new development while maintaining the City's authenticity, notably through targeted exceptions and rules for architectural elements and accessory structures and uses. Additionally, the Evaluation addresses issues of natural resource protections, green building, and green infrastructure, identifiying where regulations could be expanded, or new approaches considered.

Parking, Loading & Access

The off-street parking and loading requirements of the Land Use Code determine how much and where off-street parking and loading must be provided in association with any given land use within the City.

How do these relate to Portland's Plan?

Portland's Plan (and *One Climate Future*) place a premium on moving away from auto-oriented development, and reimagining our built environment to support access to housing, employment, goods and services without the need for an automobile. The Code's off-street parking and loading regulations are central to this vision, as they directly relate to how much of our built environment is devoted to automobiles and their storage. Quite often, the need to accommodate off-street parking can be the primary "driver" of site designs, rather than other factors like walkability or the creation or preservation of open space. As such, modifying these regulations can have a profound impact on site development by providing the flexibility to use land for other purposes that address City goals, such as green infrastructure, public space, or additional housing.

What does the Evaluation recommend?

The Evaluation builds upon recent changes to off-street parking regulations with recommendations that encourage mode shift, and improve the design and functionality of new off-street parking and loading areas where they are constructed. Recommendations also acknowledge the emergence of new technologies, and encourage new development to accommodate the supportive infrastructure for advancements in electric and autonomous vehicles. Finally, the Evaluation recommends refinements to the City's bicycle parking standards, to ensure they continue to meet both the physical and functional needs of bicyclists in the City.

Landscape

Landscape provisions of the Land Use Code require that all new development preserve or provide landscaped elements. These standards prevent the removal of certain trees and require that certain site features, such as mechanical equipment and off-street parking, be screened from public view. Requirements also require that certain incompatible land uses be buffered from residential areas, and that new street trees be planted as new development occurs.

How do these relate to Portland's Plan?

Existing landscape standards tend to focus predominantly on the aesthetics of the built environment and the softening of transitions between land uses. Both Portland's Plan and One Climate Future emphasize the need to think more holistically about the benefits of natural areas and landscaping as they relate to the City's goals around climate, equity, and ecology.

What does the Evaluation recommend?

The Evaluation recommends that a new unified landscape chapter be introduced into the Land Use Code, that would apply to all new development, and be augmented to overtly prioritize and facilitate landscaping and landscape alternatives that further the City's goals.

Nonconformities

The City's Land Use Code establishes rules that govern how nonconforming lots, structures, and uses (i.e. those that do not comply with the current Land Use Code) may be developed, occupied or operated while remaining nonconforming. Under these rules, nonconformities may continue so long as the nonconformity is not exacerbated, with the eventual goal of achieving compliance with the Land Use Code.

How do these relate to Portland's Plan?

While Portland's Plan provides no specific direction on changes to nonconformities, it does encourage creative thinking around how existing development may be repurposed to account for changes in land use. Likewise, Portland's Plan identifies that zoning in many locations across the City is incongruous with the built form, and may need to be revised to achieve broader compliance.

What does the Evaluation recommend?

The Evaluation recommends modest changes to the City's allowance for nonconformities, to account for individual non-conforming characteristics of a site, provide additional flexibility for enlarging nonconforming structures, and encourage change over time by not allowing one non-conforming use to be replaced by another nonconforming use.

Updates to Code Structure

Prior to the adoption of ReCode Phase I, Portland's Land Use Code was lengthy, challenging to navigate, and redundant. This was largely due toits structure, which was organized primarily around individual zoning districts. Phase I of ReCode addressed many of these issues, restructuring the Code thematically, (ex. Zones, Use, Dimensional, etc..) and through the introduction of simple graphics and tables.

What does the Evaluation recommend?

While the efforts of ReCode Phase I resulted in a code that is considerably more user friendly, it was always understood that additional restructuring would occur as part of Phase II, as content changes are expected to result in a more streamlined regulatory framework. The code evaluation acknowledges this and cites additional opportunities to make use of illustrations and matrices to depict regulations related to design standards, rules of measurement, dimensional requirements, and accessory site elements and structures.

For more information about ReCode Portland, and to read and comment on the full Land Use Code Evaluation, please visit us at:

www.recodeportland.me