

**CHAPTER 604
PINE STREET MIXED-USE OVERLAY ZONE**

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604.001. Purpose. The purpose of the Pine Street Mixed-Use Overlay Zone is to identify allowed uses and to establish development standards that promote creation of a mixed-use center along the Portland/Fairgrounds Road Corridor serving the surrounding community with storefront businesses offering a wide range of goods and services in a pedestrian friendly environment. (Ord No. 31-13)

604.005. Definitions. Unless the context otherwise specifically requires, as used in this Chapter, the following mean:

(a) **Mixed-use development:** A combination of uses in two or more of the following Use Categories within a single building, or within separate buildings on the same lot or contiguous lots:

- (1) Household Living;
- (2) Lodging;
- (3) Retail Sales and Service;
- (4) Business and Professional Services;
- (5) Health Services; or
- (6) Civic Services.

(b) **Side street:** Any public street that intersects Portland/Fairgrounds Road. (Ord No. 31-13)

604.010. Pine Street Mixed-Use Overlay Zone Boundary. The boundaries of the Pine Street Mixed-Use Overlay Zone are shown in Figure 604-3. (Ord No. 31-13)

604.015. Uses.

(a) Except as otherwise provided in this section, the uses set forth in Table 604-1 shall be the only permitted (P), special (S), conditional (C), and prohibited (N) uses in the Pine Street Mixed-Use Overlay Zone.

**TABLE 604-1
USES**

Table 604-1: Uses			
Use	Status		Limitations & Qualifications
	CG Underlyin g Zone	IC Underlyin g Zone	
Household Living			
Single Family	P	C	The following Single Family activities: <ul style="list-style-type: none"> ▪ Townhouse. ▪ Residential Home, as defined under ORS 197.660.
	N	P	Dwelling unit for a caretaker or watchperson on the premises being cared for or guarded.

Table 604-1: Uses			
Use	Status		Limitations & Qualifications
	CG Underlying Zone	IC Underlying Zone	
	N	N	All other Single Family.
Two Family	N	C	
Multiple Family	P	C	Multiple Family, constructed as part of a mixed-use development.
	C	C	All other Multiple Family
Group Living			
Room and Board	P	C	Room and Board serving 5 or fewer persons.
	C	N	Room and Board serving 6 to 75 persons.
	N	N	All other Room and Board.
Residential Care	C	C	
Nursing Care	P	P	
Lodging			
Short-Term Commercial Lodging	P	P	
Long-Term Commercial Lodging	N	C	
Non-Profit Shelters	C	C	Non-Profit Shelters serving 5 or fewer persons.
	N	N	All other Non-Profit Shelters.
Retail Sales and Services			
Eating and Drinking Establishments	P	P	
Retail Sales	N	N	Used merchandise stores, where sales and storage of merchandise and equipment is not conducted entirely within a building.
	N	P	The following Retail Sales activities: <ul style="list-style-type: none"> ▪ Auto supply stores. ▪ Meat and seafood markets where live animals are sold or processed.
	P	P	All other Retail Sales.
Personal Services	P	P	
Postal Services and Retail Financial Services	P	P	
Business and Professional Services			
Office	P	P	
Audio/Visual Media Production	P	P	
Laboratory Research and Testing	P	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service			
Motor Vehicle and Manufactured Dwelling and Trailer Sales	C	C	
Motor Vehicle Services	C	C	
Commercial Parking	P	P	
Park-and-Ride Facilities	P	P	
Taxicabs and Car Services	N	P	

Table 604-1: Uses			
Use	Status		Limitations & Qualifications
	CG Underlying Zone	IC Underlying Zone	
Heavy Vehicle and Trailer Sales	N	N	
Heavy Vehicle and Trailer Service and Storage	N	N	
Recreation, Entertainment, and Cultural Services and Facilities			
Commercial Entertainment - Indoor	C	C	Nightclubs, located within 200 feet of a residential zone.
	P	P	All Other Commercial Entertainment – Indoor.
Commercial Entertainment - Outdoor	N	N	
Major Event Entertainment	N	N	
Recreational and Cultural Community Services	P	P	
Parks and Open Space	P	P	
Non-Profit Membership Assembly	P	P	
Religious Assembly	P	P	
Health Services			
Medical Centers/Hospitals	N	N	
Outpatient Medical Services and Laboratories	P	P	
Educational Services			
Day Care	P	P	
Basic Education	P	P	
Post-Secondary and Adult Education	P	P	
Civic Services			
Governmental Services	P	P	
Social Services	P	P	
Governmental Maintenance Services and Construction	N	N	
Public Safety			
Emergency Services	P	P	
Detention Facilities	N	N	
Military Installations	P	P	
Funeral and Related Services			
Cemeteries	N	N	
Funeral and Cremation Services	P	P	
Construction Contracting, Repair, Maintenance, and Industrial Services			
General Repair Services	P	P	
Building and Grounds Services and Construction Contracting	N	N	
Cleaning Plants	N	N	Industrial laundries.
	P	P	All other Cleaning Plants.

Table 604-1: Uses			
Use	Status		Limitations & Qualifications
	CG Underlying Zone	IC Underlying Zone	
Industrial Services	N	N	
Wholesale Sales			
General Wholesaling	P	P	General Wholesaling, provided 40 percent or more of the building square footage is dedicated to the sale of merchandise for household or personal consumption by the general public.
Heavy Wholesaling	N	N	
Warehousing and Distribution	N	N	
Self-Service Storage	N	N	
Manufacturing			
General Manufacturing	C	P	General Manufacturing, provided 40 percent or more of the building square footage is dedicated to the sale of merchandise for household or personal consumption by the general public.
Heavy Manufacturing	N	N	
Printing	P	P	
Transportation Facilities			
Aviation Facilities	N	N	
Passenger Ground Transportation Facilities	P	P	
Marine Facilities	N	N	
Utilities			
Basic Utilities	P	P	
Wireless Communication Facilities	Allowed	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	C	
Power Generation Facilities	N	N	
Data Center Facilities	N	N	
Fuel Dealers	N	N	
Waste-Related Facilities	N	N	
Mining and Natural Resource Extraction			
Petroleum and Natural Gas Production	N	N	
Surface Mining	N	N	
Farming, Forestry, and Animal Services			
Agriculture	N	N	
Forestry	N	N	
Agriculture and Forestry Services	N	N	
Keeping of Livestock and Other Animals	N	N	

Table 604-1: Uses			
Use	Status		Limitations & Qualifications
	CG Underlying Zone	IC Underlying Zone	
Animal Services	P	P	Small animal veterinary services.
	C	C	Wildlife rehabilitation facility.
	N	N	All other Animal Services.
Other Uses			
Home Occupations	S	S	Home Occupations are allowed, subject to SRC 700.020.

(b) Additional Conditional Uses. In addition to the uses set forth in Table 604-1, any permitted, special, or conditional use within the Pine Street Mixed-Use Overlay Zone shall be a conditional use within the overlay zone if developed with any of the following:

- (1) Drive-through;
- (2) Outside storage and parking of professional and commercial equipment; or
- (3) Loading of commercial vehicles over 20,000 pounds of gross vehicle weight.

(c) Continued Uses. Uses existing within the Pine Street Mixed-Use Overlay Zone that were allowed as permitted, special, or conditional uses on October 1, 2001, but which would otherwise be made non-conforming uses by this Chapter, are hereby deemed continued uses.

The owner shall have the burden to demonstrate continued use status under this subsection.

- (1) A continued use may be intensified, and buildings or structures housing a continued use may be may be enlarged, rebuilt, or the exterior altered, provided such intensification, enlargement, rebuilding, or exterior alteration complies with all applicable standards in the underlying zone.
- (2) A continued use may be extended onto any contiguous vacant land under the same ownership if such land was held under the same ownership on October 1, 2001, and has been maintained under the same ownership continuously thereafter. The extension of a continued use onto contiguous vacant land under the same ownership must comply with all applicable standards in the underlying zone.
- (3) A continued use may be changed to any use that is allowed in the Pine Street Mixed-Use Overlay Zone. Such change of use shall terminate the continued use status conferred by this subsection and the property must thereafter only be used for uses allowed in the Pine Street Mixed-Use Overlay Zone.
- (4) A determination by the Building Official that the building or structure housing a continued use is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued use status conferred by this subsection and the property may thereafter only be used for uses allowed in the Pine Street Mixed-Use Overlay Zone. (Ord No. 31-13; Ord 11-14)

604.020. Development Standards. Development within the Pine Street Mixed-Use Overlay Zone must comply with the development standards applicable in underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

(a) Continued Development. Buildings and structures existing within the Pine Street Mixed-Use Overlay Zone that conformed to the development standards existing on October 1, 2001, but which would otherwise be made non-conforming development by this Chapter, are hereby

deemed continued development. The owner shall have the burden to demonstrate continued development status under this subsection.

(1) Continued development may be enlarged, rebuilt, or the exterior altered, provided such enlargement, rebuilding, or exterior alteration complies with all applicable standards in the underlying zone.

(2) Continued development may be extended onto any contiguous vacant land under the same ownership if such land was held under the same ownership on October 1, 2001, and has been maintained under the same ownership continuously thereafter. The extension of a continued development onto contiguous vacant land under the same ownership must comply with all applicable standards in the underlying zone.

(3) A determination by the Building Official that a continued development is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued development status conferred by this subsection and the building or structure shall thereafter be deemed non-conforming development.

(b) **Lot Standards.** Lots for townhouses within the Pine Street Mixed-Use Overlay Zone shall conform to standards set forth in Table 604-2.

**TABLE 604-2
LOT STANDARDS**

Table 604-2: Lot Standards		
Requirements	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 1,500 sq. ft.	Applicable to townhouses.
LOT WIDTH		
Single Family	Min. 20 ft.	Applicable to townhouses.
LOT DEPTH		
Single Family	Min. 65 ft.	Applicable to townhouses.

(c) **Dwelling Unit Density.** Dwelling unit density within the Pine Street Mixed-Use Overlay Zone shall conform to the standards set forth in Table 604-3. Dwelling unit density cannot be varied or adjusted.

**TABLE 604-3
DWELLING UNIT DENSITY**

Table 604-3: Dwelling Unit Density		
Use or Activity	Standard	Limitations & Qualifications
Single Family, Two Family, and Multiple Family	Min. 20 dwelling units per acre	
	None	Applicable to mixed-use buildings where floors above the first floor are used entirely for dwelling units.

(d) **Building Area.** The aggregate floor area of a single development shall not exceed 50,000 square feet, unless developed as part of a mixed-use development. The aggregate floor area of a mixed-use development may exceed 50,000 square feet. All new buildings in a mixed-use development shall have a second floor with an area equal to at least 50 percent of the first floor area.

(e) **Setbacks.** Setbacks within the Pine Street Mixed-Use Overlay Zone shall be provided as set

forth in Table 604-4.

**TABLE 604-4
SETBACKS**

Table 604-4: Setbacks		
Requirements	Standards	Limitations & Qualifications
ABUTTING STREET		
Buildings		
Single Family, Two Family, and Multiple Family	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.	
	Max. 20 ft.	
Accessory Structures		
Accessory to Single Family, Two Family, and Multiple Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
INTERIOR FRONT		
Buildings		
Single Family and Two Family	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
INTERIOR SIDE		
Buildings		
Single Family and Two Family	Min. 5 ft.	
	None	Applicable to townhouses.
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
INTERIOR REAR		
Buildings		
Single Family and Two Family	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.
Accessory Structures		

Table 604-4: Setbacks

Requirements	Standards	Limitations & Qualifications
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.

(f) Landscaping. Berms, mounds, raised beds, and grade drops shall not be allowed as a landscaping treatment, unless a bioswale treatment system or approved landscaping exists to adequately collect water runoff and the berms, mounds, raised beds, and grade drops do not exceed a 3:1 slope.

(g) Off-Street Parking and Loading Areas.

- (1) Planter bays or islands shall have a minimum planting area of 50 square feet.
- (2) A minimum of 1 tree per 8 parking spaces is required, of which a maximum of 25 percent may be evergreen trees. Trees shall be planted within 20 feet of the parking lot perimeter. Trees within the public street right-of-way shall not count toward the tree planting requirements.
- (3) Off-street parking may be provided no more than 800 hundred feet from the edge of the lot, or contiguous lots, upon which the main building is located.
- (4) Employee off-street parking may be provided no more than 2,000 feet from the edge of the lot, or contiguous lots, upon which the main building is located.
- (5) Parking lot light structures shall not exceed 25 feet in height.
- (6) The minimum off-street parking requirement for Household Living uses shall be 1 space per dwelling unit.

(h) Screening.

- (1) Trash receptacles shall be screened from adjacent Household Living uses and streets by a sight-obscuring fence, wall, or hedge.
- (2) Concertina or barbed wire fencing shall not be located within 60 feet of the street right-of-way, unless such fencing is obstructed by a building or structure.
- (3) Concertina or barbed wire fencing shall be screened from public view and adjacent property by sight-obscuring landscaping.

(i) Outdoor Storage.

- (1) Outdoor storage areas shall not be located within required setbacks.
- (2) Outdoor storage areas shall be enclosed by a minimum 6-foot-high sight-obscuring fence, wall, hedge, or berm; provided however, items more than 6 feet in height above grade shall be screened by sight-obscuring landscaping. -
- (3) Items stored within outdoor storage areas shall not exceed a maximum height of 14 feet above grade.

(j) Pedestrian Access.

- (1) A pedestrian connection shall be provided from the public sidewalk to the primary building entrance.
- (2) A pedestrian connection through the parking area to the primary building entrance shall be provided when the parking area is greater than 60 feet in depth.
- (3) Within shopping centers, office complexes, and mixed-use developments, pedestrian connections shall be provided to connect the buildings. Pedestrian connections shall be the most practical, direct route.

(4) Pedestrian connections shall be a minimum of 5 feet in width, and defined by visual contrast or tactile finish texture.

(5) Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

(k) Project Enhancements. Development within the Pine Street Mixed-Use Overlay Zone shall include four or more of the following project enhancements:

(1) Closure of one driveway approach on Portland/Fairgrounds Road;

(2) Joint parking agreement under SRC 806.020(a)(5), or implementation of a plan to satisfy off-street parking requirements through alternative modes of transportation under SRC 806.015(e)(2);

(3) Freestanding sign not more than 5 feet in height and placed upon a foundation;

(4) Weather protection, in the form of awnings or canopies, along more than 75 percent of the length of the ground floor building facade adjacent to sidewalks or pedestrian connections;

(5) Cast iron or wrought iron fencing adjacent to Portland/Fairgrounds Road;

(6) Pedestrian connections that are:

(A) Constructed with pavers, scored or colored cement, and/or stamped asphalt;

(B) Elevated above the parking area and driveway; or

(C) Defined with landscaping or building features such as canopies, awnings, or arcades;

(7) Development on surface parking lots existing on October 1, 2001;

(8) Provision of one or more of the following pedestrian-oriented design features on private property adjacent to Portland/Fairgrounds Road:

(A) Pedestrian scale lighting not more than 16 feet in height; or

(B) Plazas or other outdoor spaces open to the public;

(9) A minimum of 7 percent interior landscaping within parking areas not more than 50,000 square feet in size; or a minimum of 10 percent interior landscaping within parking areas greater than 50,000 square feet in size;

(10) Installation of landscaping and irrigation using a plan designed by an Oregon landscape architect; or

(11) Development of a mixed-use building. (Ord No. 31-13)

604.025. Design Review. Design review under SRC Chapter 225 is required for development within the Pine Street Mixed-Use Overlay Zone as follows:

(a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 604.030 is required for all development within the Pine Street Mixed-Use Overlay Zone.

(b) Multiple family development, other than multiple family development within a mixed-use building, shall only be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702.

(c) Multiple family development within a mixed-use building shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 604.030.

(d) Residential Care with three or more self-contained dwelling units shall only be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702. (Ord No. 31-13)

604.030. Design Review Guidelines and Design Review Standards.

(a) **Building Location, Orientation, and Design.**

(1) Building Location.

(A) Design Review Guidelines.

(i) Building Setbacks Abutting Street. Building setbacks from the street shall be minimized (see Figure 604-1). Buildings constructed contiguous to the street right-of-way are preferred.

(ii) Accessory structures shall be located to minimize their appearance in relationship to the primary building.

(B) Design Review Standards.

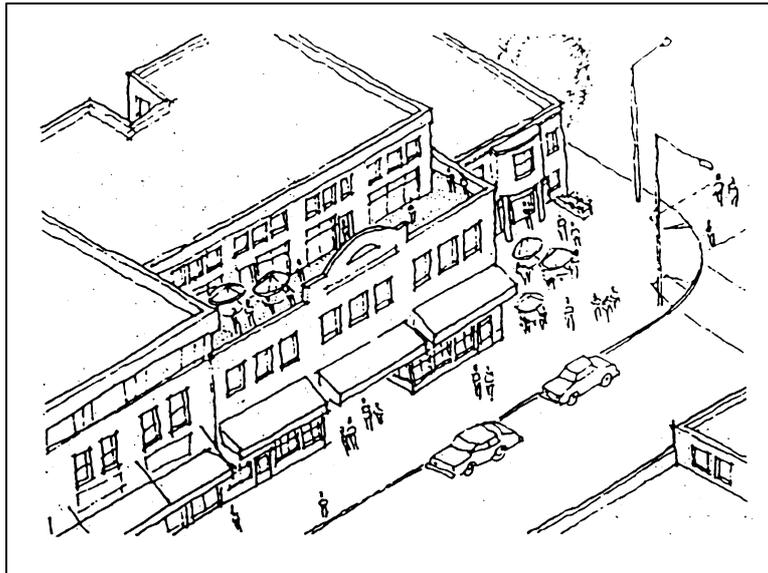
(i) Building Setbacks Abutting Street. Buildings shall have the following setbacks abutting a street:

(aa) Minimum: 0 feet.

(bb) Maximum: 10 feet.

(ii) Accessory structures shall be located no closer to the street than the primary building.

**FIGURE 604-1
BUILDING SETBACKS MINIMIZED FROM STREET**



(2) Building Orientation and Design.

(A) Design Review Guidelines.

(i) Buildings facing Portland/Fairgrounds Road shall create safe, pleasant, and active pedestrian environments.

(ii) Ground floor building facades facing Portland/Fairgrounds Road shall include transparent windows to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.

(iii) Buildings shall be human scale and avoid long monotonous exterior walls. To minimize the appearance of bulk and divide overall building mass, building offsets and building articulation shall be provided throughout building facades.

(iv) Weather protection, in the form of awnings or canopies appropriate to the design of the building, shall be provided along ground floor building facades adjacent to sidewalks or pedestrian connections in order to create a comfortable and inviting pedestrian environment.

(B) Design Review Standards.

(i) A primary building entrance shall be provided for each building facade facing

a street. If a building has frontage on more than one street, a single primary building entrance may be provided at the corner of the building where the streets intersect (see Figure 604-2).

(aa) Alternative Standard for Existing Buildings. Notwithstanding subsection (a)(2)(B)(i) of this section, where a building existing on October 1, 2001, has a primary building entrance facing a street, such entrance may be relocated but not eliminated. The relocated entrance must face a street

(ii) Ground floor building facades facing Portland/Fairgrounds Road shall include transparent windows on a minimum of 65 percent of the ground floor facade. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum Visible Transmittance (VT) of 37 percent.

(aa) Alternative Standard for Existing Buildings. Notwithstanding subsection (a)(2)(B)(ii) of this section, where a building existing on October 1, 2001, does not include transparent windows on a minimum of 65 percent of the ground floor facade facing Portland/Fairgrounds Road, the percentage of transparent windows existing on the ground floor facade shall not be reduced. Additional windows meeting the transparency requirements of subsection (a)(2)(B)(ii) may be added without meeting the minimum ground floor facade window percentage of 65 percent.

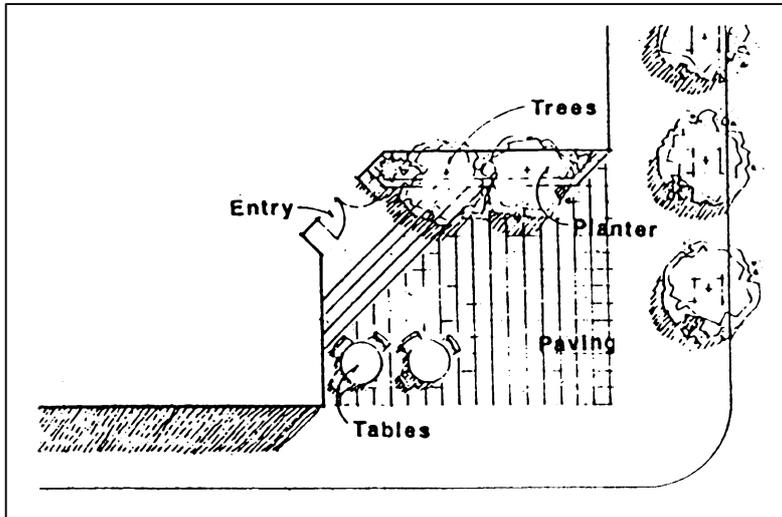
(iii) Building offsets shall be provided for building frontages greater than 75 feet in width. Building frontages two or more stories in height may be constructed without required building offsets on the first floor, but all additional floors shall incorporate building offsets. Building offsets shall be a minimum 4 feet in depth and shall be provided at intervals of not more than 40 feet along the building frontage. Building offsets may extend into required setbacks.

(iv) Weather protection, in the form of awnings or canopies, shall be provided along a minimum of 50 percent of the length of the ground floor building facade adjacent to sidewalks or pedestrian connections. Awnings or canopies shall have a minimum clearance height above the sidewalk of 8 feet, and may encroach into the street right-of-way as provided in SRC 76.160.

(aa) Alternative Standard for Existing Buildings. Notwithstanding subsection (a)(2)(B)(iv) of this section, where a building existing on October 1, 2001, does not include weather protection, in the form of awnings or canopies, along a minimum of 50 percent of the length of the ground floor facade adjacent to sidewalks or pedestrian connections, the percentage of weather protection along the ground floor facade shall not be reduced. Additional weather protection meeting the sidewalk clearance requirements in subsection (a)(2)(B)(iv) of this section may be added without meeting the minimum weather protection standard of 50 percent.

(v) New buildings shall be a minimum of 25 feet in height.

**FIGURE 604-2
BUILDING CORNER ENTRY**



(b) Landscaping.

(1) Landscaping for Open Sales and Off-Street Parking.

(A) Design Review Guidelines.

(i) Landscaping shall be utilized to enhance the urban character of the area and provide adequate screening of surface parking lots and open sales areas.

(B) Design Review Standards.

(i) Open sales areas for items such as vehicles, boats, recreational vehicles, satellites, hot tubs, and other similar items shall be screened from the public right-of-way with a minimum 3-foot tall sight-obscuring fence, masonry wall, or hedge, and a minimum 3-foot wide landscape strip. The fence, masonry wall, or hedge shall not encroach into the vision clearance area

(ii) A minimum 10-foot-wide landscape strip shall be provided between surface parking lots and the street right-of-way. The landscape strip shall be planted with a minimum of 1 plant unit per 20 square feet of planting area. Berms, mounds, raised beds, and grade drops are allowed if they meet the standards in SRC 604.020(f).

(c) Off-Street Parking and Loading.

(1) Off-Street Parking.

(A) Design Review Guidelines.

(i) The area devoted to off-street parking shall be minimized.

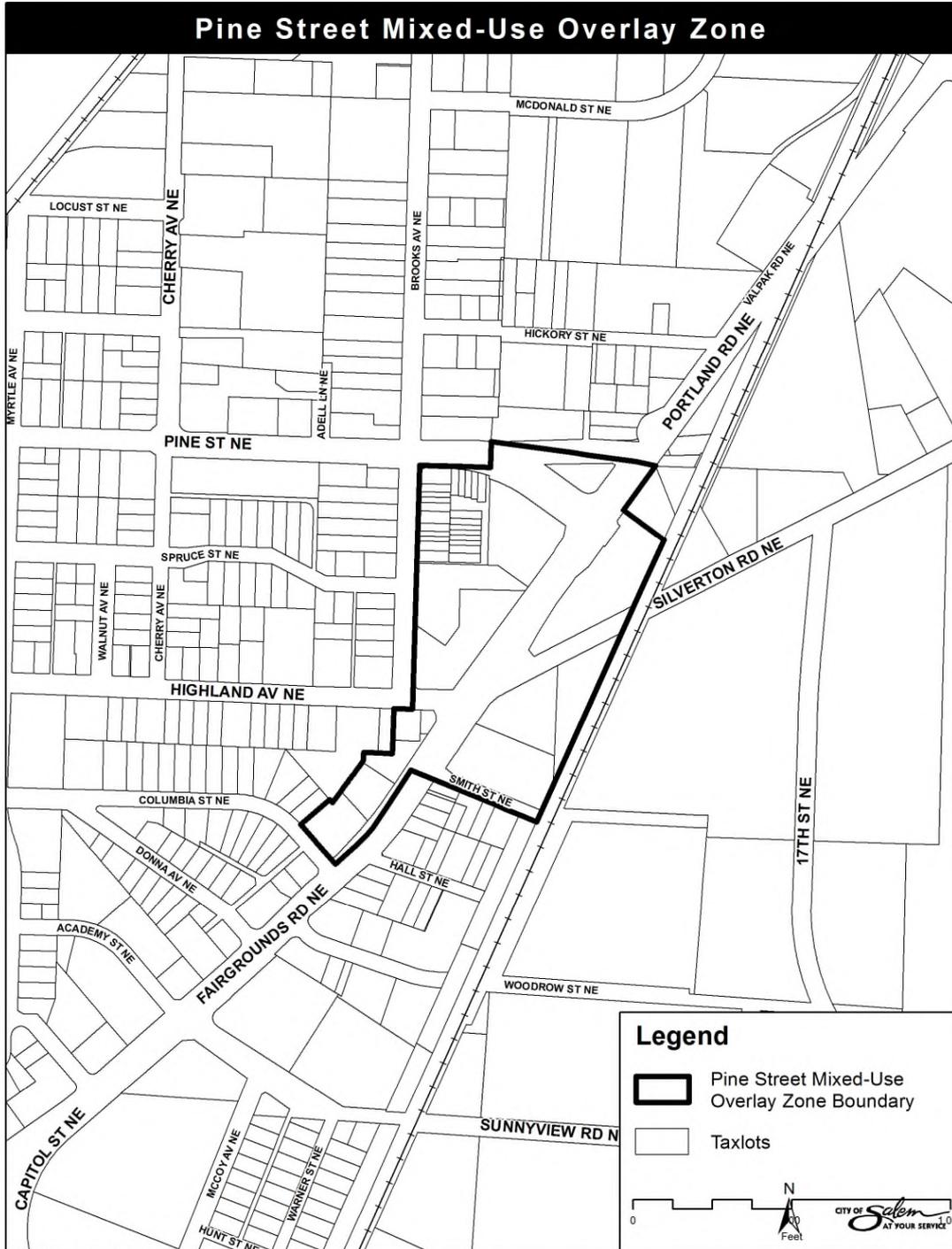
(ii) Parking structures located adjacent to Portland/Fairgrounds Road shall include space ground floor commercial uses along their Portland/Fairgrounds Road frontage in order to create a safe, pleasant, and active pedestrian environment.

(B) Design Review Standards.

(i) Off-street parking areas shall not occupy more than 50 percent of the street frontage of a lot, except that where a lot has frontage on Portland/Fairgrounds Road and a side street, an off-street surface parking area may occupy more than 50 percent of the side street frontage.

(ii) Parking structures located adjacent to Portland/Fairgrounds Road shall include space for ground floor commercial uses along their entire Portland/Fairgrounds Road frontage.

**FIGURE 604-3
PINE STREET MIXED-USE OVERLAY ZONE**



(Ord No. 31-13)