

**380 CONVENIENT ACCESS TO TRANSIT OVERLAY DISTRICT**

**380-1 Intent and Purpose**

The intent of the Convenient Access to Transit Overlay District is to ensure new retail, office and institutional buildings at or near major bus stops shall provide for convenient pedestrian access to transit. The requirements of this district implement the access to transit provisions of OAR 660-12-045(4)(b) and the applicable public transit provisions of the Regional Transportation Plan (RTP).

**380-2 Conflicts**

In the event of a conflict between the requirements of this district and requirements of any other provision of the Code or a community plan, except any Code provision specific to Section 418-3 (Corner Vision), 421, 422 or 501-8.5 E. (Sight Distance), the requirements of this district shall control.

**380-3 Applicability**

380-3.1 Location The Convenient Access to Transit Overlay District shall apply to areas around major bus stops as shown on the applicable community plan maps. The standards of this district shall apply only to development on portions of lots or parcels within the boundaries of the district, and not to development on adjacent lots or parcels under common ownership or portions of lots or parcels located outside the district.

This district also recognizes that the precise location of a major bus stop may shift to accommodate new development, to provide for efficient transit or traffic operation or to provide convenient pedestrian access to adjacent or nearby uses, and that implementing major transit stop provisions is best achieved using a fixed geographic area. Thus, this overlay district generally applies to properties within three-hundred (300) feet of the center point of the intersection closest to the major transit stop or stops.

380-3.2 Uses The Convenient Access to Transit Overlay District shall apply to all retail, office and institutional buildings that are located within the major bus stop areas as shown on the applicable community plan maps and that generate 14 or more additional ADT.

**380-4 Development Standards**

The applicant has the option of meeting either 380-4.1 or 380-4.2.

380-4.1 Building location and building entry

- A. All Buildings shall be located within twenty (20) feet of the bus stop, the street where the bus stop is located, or any other public street within the major bus stop area.
- B. If the applicant chooses to locate the building within twenty (20) feet of the bus stop or the street where the bus stop is located, an entrance intended for use by members of the general public shall face the subject stop or street or be within fifty (50) feet of the side of the building that faces the stop or street.

- C. If the applicant chooses to locate the building within twenty (20) feet of any other public street within the major bus stop area, an entrance intended for use by members of the general public shall face the subject public street or be within fifty (50) feet of the side of the building that faces the public street.

#### 380-4.2 Pedestrian Plaza

A pedestrian plaza is a small semi-enclosed area which provides a place for pedestrians to sit, stand or rest. They are generally located at a transit stop, a building entrance or an intersection. They connect directly to adjacent sidewalks, walkways, transit stops and buildings. Pedestrian plazas have amenities, such as seating and pedestrian scaled lighting.

- A. The applicant shall provide a pedestrian plaza. Subject to the current availability of right of way, tracts or easements, the following order shall be followed in determining the location of the pedestrian plaza:
- (1) The bus stop closest to the subject site, and within the major bus stop area.
  - (2) Any other bus stop within the major bus stop area.
  - (3) The closest corner of the public street intersection closest to the subject site.
  - (4) A location adjacent to the subject property.

If a pedestrian plaza already exists at the highest priority location, the applicant shall provide a pedestrian plaza at the next highest priority location. If adequate public right of way, tracts, or easements are not available at priority location 1 - 3, the applicant shall dedicate right of way, a tract, or easement in order to allow construction of the pedestrian plaza at priority location 4. The Review Authority shall determine whether or not adequate public right of way, tracts or easements are available. In the case of priority location 4, the review authority shall determine whether the applicant shall dedicate right of way, a tract, or an easement.

- B. A pedestrian plaza shall include, at a minimum, all of the following features:
- (1) Total area shall be, at a minimum, one-hundred and fifty (150) square feet.
  - (2) Shall be paved with bricks, pavers, or similar material.
  - (3) Shall include at least two (2) sitting spaces. Seating shall be a minimum of sixteen (16) inches in height and thirty (30) inches in width. Ledge benches shall have a minimum depth of thirty (30) inches.
  - (4) Shall include pedestrian scale lighting which is designed to be dimensionally less than lighting intended to accommodate automobile traffic; and

- (5) Shall include low walls, planters, or landscaping that separates the plaza from adjoining parking lots and vehicle maneuvering areas.
- C. In addition to meeting the standards of 308-5.2 B., all developments that generate an additional one-thousand (1,000) ADT shall provide a pedestrian plaza that has a total area of, at a minimum, three-hundred (300) square feet, and includes at a minimum, four (4) sitting spaces.

**380-5 Additional Transit Improvements**

- A. A transit passenger landing pad accessible to disabled persons shall be provided at the bus stop closest to the subject site within the major bus stop area. If all stops within the major bus stop area have an accessible landing pad, no new landing pads are required.
- B. Lighting shall be provided at the bus stop closest to the subject site within the major bus stop area. The lighting should have a minimum of 0.5 footcandles average illumination and a uniformity ratio not exceeding 5:1. If all stops within the major bus stop area have adequate lighting, no new lighting is required.
- C. An applicant required to provide a pedestrian plaza or other improvement shall provide a legal and enforceable document, contract or process which assures that required improvements shall be accomplished.
- D. Final review of a required pedestrian plaza and other improvements shall be through a Type I procedure, unless otherwise specified by the Review Authority.

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## **381 INTERIM LIGHT RAIL STATION AREA OVERLAY DISTRICT**

### **381-1 Intent and Purpose**

The intent of the Interim Light Rail Station Area Overlay District is to direct and encourage development that is transit supportive and pedestrian oriented in areas within approximately a one-half mile radius of planned Westside light rail transit station sites pending the development and adoption of site specific station area plans.

The purpose of this District is to limit development during this interim period to that which has a sufficient (1) density of employees, residents or users, (2) number of trips serviceable by transit and (3) pedestrian oriented design so as to be supportive of light rail transit and pedestrian travel and reinforce the substantial public investment in Westside light rail transit.

### **381-2 Applicability**

The Interim Light Rail Station Area Overlay District shall apply to lands within approximately one-half mile of light rail station sites, as shown on applicable community plan maps.

In identifying areas subject to this district, consideration was given to parcel size, ownership patterns, the existing transportation network, existing development patterns, development and redevelopment opportunities, the ability of pedestrians to access transit easily, the amount and location of vacant land, and other relevant factors.

The standards of this district shall apply only to development on portions of lots or parcels within the boundaries of the district, and not to development on adjacent lots or parcels under common ownership or portions of lots or parcels located outside the district.

### **381-3 Designation of Interim Light Rail Station Area Overlay District**

The Interim Light Rail Station Area Overlay District shall be applied to community plan maps through the legislative (Type IV) planning process. The Overlay District may be removed through a legislative planning process, but not through a quasi-judicial plan map amendment process, unless it is to be replaced by Transit Oriented District listed in Section 375-2.

### **381-4 Definitions**

As used in this Section, the words listed below have the following meaning:

381-4.1 Adjacent The location of a building sited on a parcel or lot abutting a street, major pedestrian route, transit station, etc. and not separated by an existing or planned intervening building.

381-4.2 Bulk Retail Use A retail or wholesale to the public use that sells primarily institutional sized or multi-pack products in bulk quantities.

- 381-4.3 Campus Development A development which meets the following criteria:
- (1) Is located on a lot or contiguous lots within the Industrial or Institutional districts that total at least five (5) acres in size; and
  - (2) Includes multiple buildings which are interrelated in a common business or educational activity or process, and share a common infrastructure such as pedestrian ways and spaces, parking and vehicular accessways.
- 381-4.4 Commercial Parking Facility A parking structure or surface parking lot operated for profit that has parking spaces that are not accessory to a primary use. This term does not include a park and ride lot.
- 381-4.5 Drive-through Facilities Facilities allowing transactions for goods or services without leaving a motor vehicle.
- 381-4.6 Floor Area Ratio The amount of enclosed gross floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 1 to 2 means one square foot of floor area for every two square feet of site area (e.g., 20,000 square feet of floor area for a site area of 40,000 square feet). Total gross floor area is measured from the exterior faces of a building or structure and includes pedestrian spaces. Floor area does not include basement areas used for storage or parking.
- 381-4.7 Frontage Yard The yard between a building and a street or public right-of-way or easement for public travel.
- 381-4.8 Interior Yard The yard between a building and a lot line that does not abut a street or public right-of-way or easement for public travel.
- 381-4.9 Light Rail Station Site The location of land owned or leased or to be owned or leased by Tri-Met upon which is to be sited facilities related to a light rail transit stop (e.g., the station platform, a park and ride lot, entry roads, bus stops, etc.) as determined by the Review Authority after reviewing documents including:
- A. The Final Environmental Impact Statement for the Westside Corridor Project, dated August, 1991 or as subsequently adopted by the Tri-Met Board;
  - B. The Detailed Definition of Alternatives Hillsboro Corridor Alternatives Analysis dated July, 1991, as approved by the Federal Transit Administration or subsequently reflected in the Draft or Final Environmental Impact Statements for the Hillsboro extension of the Westside Corridor Project; and
  - C. The most recent engineering drawings issued by Tri-Met.
- 381-4.10 Major Pedestrian Route Any pedestrian way in a public right-of-way or easement that is or is likely to be used by a significant number of people as a means of accessing public transportation service to an area, including access to light rail transit stations.

- 381-4.11 Park and Ride Lot A parking structure or surface parking lot intended primarily for use by persons riding transit or carpooling and that is owned or operated either by Tri-Met or by another entity with the concurrence of Tri-Met.
- 381-4.12 Parking Structure A parking garage located above or underground consisting of two or more levels.
- 381-4.13 Pedestrian Oriented Development Development which is designed with an emphasis on pedestrian access to the site and building, rather than on auto access and parking areas.
- 381-4.14 Pedestrian Space An area or plaza for use by the public on a controlled basis which may be on public or private property and which includes at least four of the following features:
- A. At least one (1) sitting space for each five-hundred (500) square feet. Seating shall be a minimum of sixteen (16) inches in height and thirty (30) inches in width. Ledge benches shall have a minimum depth of thirty (30) inches.
  - B. Protection from weather such as awnings.
  - C. Outdoor lighting at a pedestrian scale.
  - D. At least one (1) tree of two (2) inches in diameter at four (4) feet above grade per eight-hundred (800) square feet, on average, of pedestrian space.
  - E. Water feature(s), public art or kiosk(s).
  - F. Outdoor eating area(s) and/or food vendor(s).
- 381-4.15 Pedestrian Way Any paved public or private travel route intended for pedestrian use, whether shared with other transportation modes (e.g., a bicycle/pedestrian path) or intended solely for pedestrian use.
- 381-4.16 Transit Street Any street that is an existing public transit route, or any street that is likely to be a public transit route. All public streets with a functional classification of Principal Arterial, Arterial or Collector, as defined in the Washington County Transportation Plan, shall be considered likely to be a public transit route.
- 381-4.17 Warehouse A structure that is primarily used for storing or wholesaling goods, wares or merchandise.

**381-5 Notification**

In addition to the notification requirements of Section 204 of this Code, notice of all Type II and III development applications shall be provided to the Tri-County Metropolitan Transportation District of Oregon (Tri-Met), the Cities of Hillsboro, Beaverton and Portland, and Metro, in the manner provided by Section 204 of this Code.

**381-6 Conflicts**

Notwithstanding Section 401, in the event of a conflict between the standards of this district and the standards of any other provision of this Code, the standards of this district shall control.

**381-7 Permitted Uses**

Except as prohibited by Section 381-8, allowed uses shall be those listed by the underlying district, in accordance with the procedure type specified by the underlying district.

**381-8 Prohibited Uses**

Notwithstanding contrary provisions of an underlying district, the following uses may not be established as new uses within this interim overlay district, nor may existing uses or the use of existing structures be converted to the following uses within this overlay district:

- 381-8.1 Building Materials Sales and Supplies, excluding hardware stores not exceeding five-thousand (5,000) square feet in gross floor area.
- 381-8.2 Bulk Retail Uses.
- 381-8.3 Car Washes.
- 381-8.4 Cemeteries.
- 381-8.5 Cold Storage Plant.
- 381-8.6 Commercial parking facilities within three-hundred (300) feet of a light rail transit station site boundary.
- 381-8.7 Commercial surface parking lots within thirteen hundred (1,300) feet of a light rail transit station site boundary.
- 381-8.8 Detached dwelling units (including manufactured dwellings) except for one dwelling on an existing parcel or lot, or where developed in accordance with the density provisions of Section 381-10.1 A. as part of a residential development with both attached and detached housing.
- 381-8.9 Drive-through facilities within three hundred (300) feet of a light rail station site boundary.
- 381-8.10 Drive-through facilities greater than three hundred (300) feet from a light rail station site boundary where the drive-through component of the operation or service is the primary method of selling or servicing.
- 381-8.11 Fuel Dealerships and storage yards (including card locks).
- 381-8.12 Funeral Homes and Mortuaries.

- 381-8.13 Furniture Stores.
- 381-8.14 Junk Yards.
- 381-8.15 Kennels.
- 381-8.16 Main Post Offices.
- 381-8.17 Manufactured Home Sales.
- 381-8.18 Mini-Warehouses.
- 381-8.19 Motor Vehicle Service Stations (unless included within a parking structure or underground parking garage) and service facilities (including oil and lubrication services, tire and muffler installation and service, or other motor vehicle services) within one-thousand three-hundred (1,300) feet of a light rail transit station site boundary.
- 381-8.20 Motor Vehicle Maintenance and Repair Facilities within one-thousand three-hundred (1,300) feet of a light rail transit station site boundary.
- 381-8.21 Motor Vehicle or Boat Sales, Leasing, Rental or Storage, except motor vehicle rental where the rental vehicles are not stored on site.
- 381-8.22 New Parks except for neighborhood parks not exceeding ten (10) acres in size as defined by the Tualatin Hills Park and Recreation District at the time of adoption of this district, unless it is found by a Review Authority, based on evidence and findings submitted by an applicant, that land proposed for a park other than a neighborhood park is unsuitable for the development of transit supportive land uses due to topography or other physical constraints.
- 381-8.23 Recreational Vehicle Parks and Campgrounds.
- 381-8.24 Retail Nursery.
- 381-8.25 Solid Waste Transfer Stations.
- 381-8.26 Travel Trailer rental or sales establishment.
- 381-8.27 Truck Stops.
- 381-8.28 Warehouses storing materials or products that are not primarily manufactured on site or used in the manufacturing process occurring on site or in the maintenance and operation of manufacturing facilities except for buildings constructed prior to the adoption of this District that were originally designed to be used primarily for warehouse use.

**381-9 Change or Expansion of Existing Uses or Structures**

- A. Uses identified in Section 381-8 that were lawfully in existence at the time of adoption of Ordinance No. 418 are considered to be approved uses. However, because such uses are not considered to be transit-supportive, future

expansions of a lawfully existing use identified in Section 381-8 shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of the adoption of this District, upon findings that the proposed expansion complies with the development standards in this Code, including this Section, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard.

- B. All other uses and structures that were lawfully in existence at the time of adoption of Ordinance 418 may be expanded upon findings that the proposed expansion complies with the development standards in this Section, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard. Interior alterations of lawful existing structures shall not be subject to the standards of Sections 381-10 and 11.
- C. The provisions of this subsection do not apply to or authorize any change or expansion of an existing use or structure that is or becomes non-conforming due to regulation of the underlying district.

### **381-10 Minimum Density Requirements**

#### **381-10.1 Residential**

- A. Notwithstanding any contrary density standard in an underlying residential district, including residential districts with a lesser maximum density (i.e., the R-6 and R-9 Districts), the density of residential development within this district shall be the greater of:
  - (1) Seventy-five (75) percent of the allowed maximum density of an underlying residential district; or
  - (2) Twelve (12) dwelling units per acre for that portion of the District located within one-thousand three-hundred (1,300) feet of the proposed site of the light rail transit station boundary, and nine (9) dwelling units per acre for that portion of the District located beyond one-thousand three-hundred (1,300) feet from the proposed site of the light rail station boundary.

If more than fifty (50) percent of property in single or common ownership is located within one-thousand three-hundred (1,300) feet of the proposed station boundary all of the property in common ownership shall be developed at a minimum of twelve (12) dwelling units per acre. If less than fifty (50) percent of such property is located within the one-thousand three-hundred (1,300) foot radius, the minimum required density shall be nine (9) dwelling units per acre, provided however that if the area within the one-thousand three-hundred (1,300) foot radius is one acre or larger in size, that portion of

the property within the one-thousand three-hundred (1,300) foot radius shall develop at a minimum of twelve (12) dwelling units per acre.

- B. Section 381-10.1 A. shall not apply to development of one (1) detached dwelling on an existing parcel or lot as permitted pursuant to Section 381-8.8.
- C. The maximum density specified by Section 381-10.1 A. may be increased pursuant to the provisions of Section 381-11.1 G.

#### 381-10.2 Non-residential

The floor area ratio of non-residential structures developed on lots or parcels in this district shall equal or exceed 1 to 2. For contiguous lots or parcels totaling at least five (5) acres in size that are jointly master planned for development in phases, this floor area ratio shall be achieved by the completion of the final phase of development. Pedestrian spaces shall count as floor area for the purpose of meeting the minimum floor area ratio requirement.

### **381-11 Development Standards**

#### 381-11.1 Site and Building Design

- A. If a building is adjacent to a transit street or a major pedestrian route at least one major building entry shall be oriented to the adjacent transit street and/or major pedestrian route. Upon provision of light rail service, this entrance shall remain open to the public during normal business hours.

- B. Lot Area

The minimum area for new lots or parcels where the primary district is any residential district shall be twenty-thousand (20,000) square feet. No partitioning or subdividing to less than twenty-thousand (20,000) square feet is permitted except when it is demonstrated that the subdivision or partitioning will occur so as not to preclude complete development of the site at the minimum density specified by Section 381-10.1.

- C. Yard Requirements

Except as necessary to comply with Section 418-3, or where the applicant demonstrates and the Review Authority finds that larger yards are needed to mitigate noise and vibration impacts of transit operations, the yard requirements of this district shall be:

- (1) In a residential district:
  - (a) Minimum ten (10) foot frontage yard setback;
  - (b) Maximum fifteen (15) foot frontage yard setback;
  - (c) No minimum interior yard except as necessary to comply with the screening and buffering standards of Section 411 and the standards

of the Uniform Building Code or the CABO (Conference of American Building Officials) Code, whichever is applicable; and

- (d) Minimum eighteen (18) foot setback yard to garage vehicle entrance.

In residential subdivisions platted at the time of adoption of this district the yard requirements of the underlying district shall apply.

- (2) In a nonresidential district:
- (a) Minimum five (5) foot frontage yard setback on a street if there is less than ten (10) feet between the ultimate street curb location and the lot line;
  - (b) No required frontage yard if there is at least ten (10) feet between the ultimate street curb location and the lot line, or if the frontage is on a public right-of-way or easement for public travel other than a street;
  - (c) In the Office Commercial District and the Community Business District there shall be a maximum ten (10) foot frontage yard setback for at least fifty (50) percent of the frontage of a building adjacent to a public street or major pedestrian route (pedestrian space shall be considered part of the building);
  - (d) No minimum interior yard, except as necessary to comply with the screening and buffering standards of Section 411 and the standards of the Uniform Building Code.
- D. (1) Off-street surface parking shall not be located between an adjacent building and a major pedestrian route, a transit street or a light rail transit station site, except as specified by Section 381-11.1 D. (2) or (3).
- (2) If a building is adjacent to more than one of the facilities described in Section 381-11.1 D. (1), the Review Authority shall approve off-street surface parking between the building and one of the facilities and waive the maximum yard setback provisions of Sections 381-11.1 C. (1) and (2). In determining where off-street surface parking shall be allowed in this situation, the following order of pedestrian access priority shall be given to facilities:
- (a) LRT transit station platforms
  - (b) Major pedestrian routes with direct access to an LRT station
  - (c) Transit streets
- (3) Off-street surface parking for campus development within the Industrial and Institutional districts may be located between an adjacent building and a major pedestrian route, a transit street or a light rail station site upon finding that:

- (a) Identified pedestrian ways are provided to connect each building within the campus area and to directly connect the building complex to the most appropriate transit street(s) and/or major pedestrian route(s); and
  - (b) All pedestrian ways between the building complex and adjacent transit facilities shall:
    - (i) Comply with Section 381-11.3 C.;
    - (ii) Be clearly identifiable to a pedestrian through measures such as signage;
    - (iii) Be lighted; and
    - (iv) Be as short as reasonably practicable.
- E. Exterior building walls facing and adjacent to a major pedestrian route shall contain windows covering at least fifty (50) percent of the length and twenty-five (25) percent of the face area of the ground floor level. Ground level wall areas include all exterior wall areas up to nine (9) feet above the finished grade. This requirement shall apply only to non-residential development within the Office Commercial and Community Business districts.
- F. The permanent outdoor display and storage of materials and equipment by commercial uses shall be prohibited. Signs, outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food or drink stands, are exempt from this requirement.
- G. Notwithstanding Sections 404-4 and 435, residential densities and nonresidential building height may be increased up to twenty-five (25) percent, in exchange for pedestrian space, mixed development within the parameters of the underlying district, or parking in a structure or underground.

#### 381-11.2 Landscape Design

- A. Notwithstanding the minimum landscaping requirements of Section 407 of this Code, the minimum landscaping requirements for development in this district shall be ten (10) percent of the buildable land area for non-residential development and fifteen (15) percent of the buildable land area for residential development. Exterior pedestrian spaces shall be allowed as a substitute for fifty (50) percent of the required landscaping in areas adjacent to major pedestrian routes.
- B. Trees shall be planted along uncovered pedestrian ways connecting building entrances to a transit street or major pedestrian route. The trees shall be planted at appropriate intervals to provide continuous shade when trees reach maturity.

#### 381-11.3 Circulation and Access

- A. Pedestrian ways shall be provided to connect building entrances to the nearest transit street(s) or major pedestrian route(s), or both if practicable.

- B. Driveways shall not intersect with pedestrian ways from a transit street or major pedestrian route to a building, unless no practicable alternative exists.
- C. All pedestrian ways that pass through an automobile parking lot shall be separated from the automobile parking area by grade, different paving material, or landscaping. Walkways on private property shall be at least five (5) feet in paved, unobstructed width.

#### 381-11.4 Parking

- A. Off-street parking spaces developed for uses on lots or parcels in this district shall comply with the provisions of Section 413 (Parking and Loading).
- B. Applications for development within this district shall address shared parking opportunities pursuant to Section 413-2.9 of the Community Development Code.

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- A. Where the light rail right-of-way divides a campus development in single ownership into two portions, where both a light rail station and a park-and-ride lot are to be located within that campus development in Tri-Met's final land use order, and where that campus development has an industrial land use designation and employs more than three-thousand seven-hundred (3,700) people on-site, the standards in Section 381 shall not apply to development proposed within that portion of the campus development containing the larger proportion of the gross square footage, provided that:
  - (1) The portion of the campus development containing the larger proportion of gross square footage retains an industrial land use designation;
  - (2) The proposed development, including new development, expansion of existing development or conversion of existing development to other uses, is permitted under the provisions of the industrial designation;
  - (3) The proposed development does not involve retail commercial or residential uses; and
  - (4) The number of employees working on-site at the campus development is at or above three-thousand seven-hundred (3,700) people at the time of the proposed development, and the proposed development will not result in a reduction in the number of employees working on-site below three-thousand seven-hundred (3,700) people.
- B. Proposed development within that portion of the divided campus development containing the lesser proportion of gross square footage shall comply with the applicable standards in Section 381.