

## **375 TRANSIT ORIENTED DISTRICTS**

### **375-1 Intent and Purpose**

The intent of the transit oriented districts is to direct and encourage development that is transit supportive and pedestrian oriented in areas within approximately one-half mile of light rail transit stations, within one-quarter mile of existing and planned primary bus routes and in town centers and regional centers.

The purpose of the transit oriented districts is to limit development to that which (1) has a sufficient density of employees, residents or users to be supportive of the type of transit provided to the area; (2) generates a relatively high percentage of trips serviceable by transit; (3) contains a complementary mix of land uses; (4) is designed to encourage people to walk; ride a bicycle or use transit for a significant percentage of their trips.

### **375-2 Transit Oriented District Names and Acronyms**

The following are the transit oriented districts, by name and acronym, addressed by this Section:

Transit Oriented Residential District, 9-12 units per acre (TO:R9-12)

Transit Oriented Residential District, 12-18 units per acre (TO:R12-18)

Transit Oriented Residential District, 18-24 units per acre (TO:R18-24)

Transit Oriented Residential District, 24-40 units per acre (TO:R24-40)

Transit Oriented Residential District, 40-80 units per acre (TO:R40-80)

Transit Oriented Residential District, 80-120 units per acre (TO:R80-120)

Transit Oriented Retail Commercial District (TO:RC)

Transit Oriented Employment District (TO:EMP)

Transit Oriented Business District (TO:BUS)

Throughout the remainder of this Section, individual transit oriented districts will be referenced by acronym rather than name.

### **375-3 Definitions**

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

375-3.1 Bulk Product Sales A retail or wholesale-to-the-public use that sells primarily institutional sized or multi-pack products in bulk quantities.

375-3.2 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.

- 375-3.3 Drive-through Facilities Facilities allowing transactions for goods or services without leaving a motor vehicle.
- 375-3.4 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 .5 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).
- 375-3.5 Floor Area, Gross The sum of the gross horizontal areas of the several floors of a building from the exterior face of exterior walls, or from the centerline of a wall separating two buildings. but excluding any space where the floor-to-ceiling height is less than six feet, as well as nonhabitable basement areas and structure floors devoted to parking.
- 375-3.6 Frontage Yard The yard between a building and a street or public right-of-way or easement for public travel.
- 375-3.7 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.
- 375-3.8 Light Rail Station Site The location of land owned or leased or to be owned or leased by Tri-Met upon which is or will 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 approved development plans for the station; and
  - B. The most recent engineering drawings issued by Tri-Met.
- 375-3.9 Neighborhood Park A public park no greater than three acres in size, excluding unbuildable lands set forth in Section 300-3.1 A. through F., containing recreational facilities such as playground equipment, ball courts, swimming pools, etc.
- 375-3.10 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.
- 375-3.11 Parking Structure A parking garage located above or underground consisting of two or more levels.
- 375-3.12 Retail Business Include businesses such as variety, hardware, drug, dry goods, clothing, book, office supply and similar stores, as well as eating and drinking establishments.
- 375-3.13 Site Coverage The part of a development site occupied by buildings. Parking structures do not qualify as buildings except where the first floor of a parking structure is in retail or office use.
- 375-3.14 Warehouse A structure that is primarily used for storing or wholesaling goods, wares or merchandise.

#### **375-4 Permitted Uses and Review Procedures**

Uses that are permitted in each of the transit oriented districts are described in Table A. The procedure through which uses may be permitted is also specified in Table A.

##### **375-4.1 Uses Which May be Permitted Through a Type I Procedure**

Type I uses are permitted subject to the specific standards for the use set forth in Table A and in applicable Special Use Sections of Section 430, as well as the general standards for the applicable District, the Development Standards of Article IV, including Section 431 (Transit Oriented Design Principles, Standards, and Guidelines) and all other applicable standards of the Code. If a Type I use does not follow all of the applicable minimum design standards in Section 431, the use shall be reviewed as a Type III use, shall demonstrate compliance with the applicable design principles or standards in Section 431, and shall not be subject to Section 403-3.1.

##### **375-4.2 Uses Which May be Permitted through a Type II Procedure**

Type II uses are permitted subject to the specific standards for the use set forth in Table A and in applicable Special Use Sections of Section 430, as well as the general standards for the applicable District, the Development Standards of Article IV, including Section 431 (Transit Oriented Design Principles, Standards and Guidelines) and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. If a Type II use does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use, shall be required to demonstrate compliance with the applicable design principles or standards in Section 431, and shall not be subject to Section 403-3.1.

##### **375-4.3 Uses Which May be Permitted through a Type III Procedure**

Type III uses are permitted subject to the specific standards for the use set forth in Table A and in applicable Special Use Sections of Section 430, as well as the general standards for the applicable District, the Development Standards of Article IV, including Section 431 (Transit Oriented Design Principles, Standards and Guidelines) and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Uses that are identified as a Type III use in Table A (not including Type I or II uses that do not follow the design standards in Sections 431 as described in Sections 375-4.1 and 375-4.2) may either follow the design standards in Section 431 or demonstrate compliance with the design principles in Section 431.

##### **375-4.4 Transit Oriented Development Review Committee**

- A. The Director shall establish a Development Review Committee to act in a technical advisory capacity for the review of all Type II and Type III development applications in transit oriented districts.
- B. The Development Review Committee shall consist of representatives of all Type II and Type III affected Department of Land Use and Transportation divisions and Department contractors, appropriate County departments and other appropriate or affected agencies.

- C. It shall be the duty of the Development Review Committee to review all development applications in transit oriented districts for completeness and conformance to the applicable requirements of this Code, the applicable Community Plan, and the Transportation Plan. The Development Review Committee shall make recommendations to the Review Authority about an application's conformance with the applicable review requirements.

**375-5 Prohibited Uses**

- 375-5.1 Uses in each of the transit oriented districts that are identified in Table A as a prohibited use.
- 375-5.2 Structures or uses not specifically authorized by the applicable transit oriented district, unless the structure or use has substantially similar use and impact characteristics to a use listed as determined through the provisions of Section 202-2.2.
- 375-5.3 New Facility 3 and 4 Communication Towers.
- 375-5.4 New Broadcast Towers.
- 375-5.5 Telecom Hotels.

**375-6 Change or Expansion of Existing Uses or Structures**

- A. Uses prohibited in a transit oriented district that were lawfully in existence at the time of application of the district are considered to be approved uses. However, because such uses are not considered to be transit-supportive, future expansions shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of application of the transit oriented 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 application of the transit oriented district may be expanded upon findings that the proposed expansion complies with the development standards in this Section and Section 431, 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.

Notwithstanding the above, future expansions shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of application of the transit oriented district, unless a master plan is prepared by the applicant and approved by the County which describes how additional development on the site will achieve, through phases if necessary, full

compliance with all applicable standards and provisions of this Code and the applicable community plan.

C. Type I Minor Expansions:

Minor expansions to an existing use or structure are permitted when the proposed expansion:

1. Is less than ten (10) percent of the gross floor area of the existing structure or use;
2. Is less than five hundred (500) square feet when the above building percentage is not utilized;
3. Is not a new dwelling unit;
4. Does not amend any previous approval or previous condition of approval;
5. Does not, in itself, generate more than fourteen (14) vehicle trips per day, as defined by the Institute of Traffic Engineers, Trip Generation Information Report; and
6. Contains no plumbing fixtures, or has less than twelve (12) additional fixtures attached to an existing, approved septic system or public sewer.

**375-7 Development Limitations for Permitted Uses in Transit Oriented Districts**

The following use or design limitations apply where specified in Table A:

1. The total gross floor area of commercial uses on a development site in the TO:BUS District shall not exceed forty (40) percent of the total gross floor area of all development on the development site, excluding floor area for hotels and associated conference rooms.
2. The total gross floor area of commercial uses on a development site in the TO:EMP District shall not exceed twenty (20) percent of the total gross floor area of all development on the development site.
3. Commercial uses shall be permitted in the TO:R24-40, TO:R40-80 and TO:R80-120 Districts through a Type III procedure only if:
  - (1) It can be demonstrated they primarily serve adjacent residences and offices;
  - (2) They are located on the first floor of a multi-story building; and
  - (3) The proposed site is located at the intersection of an Arterial street and a Collector street, an Arterial street and a Special Area Collector, an Arterial street and a Special Area Commercial Street, a Special Area Collector and a Collector, or a Special Area Collector and a Special Area Neighborhood Route; or

The proposed site is located on an Arterial, a Collector, a Special Area Collector, a Special Area Commercial Street, or a Special Area Neighborhood Route and is located across the street from lands designated either TO:RC or TO:BUS.

When all these criteria are met, up to ten (10) percent of the total gross floor area of a development, not exceeding ten-thousand (10,000) square feet, may be used for commercial uses.

4. Commercial uses in the TO:EMP District over five-thousand (5,000) square feet in gross floor area shall primarily serve employees of existing uses in the district. This means the review authority must find, based on evidence, that it is likely that at least fifty (50) percent of the projected customers of a proposed commercial use over five-thousand (5,000) square feet in gross floor area in the TO:EMP district will be employees of businesses located on the same property or adjacent properties.
5. Food markets in the TO:RC District shall be subject to the following size limitations:
  - (1) Food markets encompassing up to fifty-thousand (50,000) square feet in gross floor area shall be reviewed through, at minimum, the Type II procedure.
  - (2) Food markets encompassing between fifty-thousand and one (50,001) and seventy-five-thousand (75,000) square feet in gross floor area shall be reviewed through the Type III procedure.
6. Hotels in the TO:RC District shall have their sleeping quarters and meeting rooms only on the second floor and above.
7. Service stations shall be subject to the standards of Section 430-123. Additionally, service stations within two-thousand six-hundred (2,600) feet of a light rail station platform shall only be allowed within a multi-story structure that has a total gross floor area that is at least twice the first floor gross floor area. Service bays shall not be visible from an adjacent public street.
8. Short term commercial parking facilities shall rent parking spaces for occupancy by the hour. They shall only be allowed within a multi-story structure that has a total gross floor area that is at least twice the first floor gross floor area.
9. Commercial schools in the TO:RC District shall not exceed ten-thousand (10,000) square feet in gross floor area.
10. Theaters in the TO:BUS District shall meet the following development standards:
  - (1) Ground coverage for the theater building shall not exceed seventy-thousand (70,000) square feet; and
  - (2) The theater building shall not contain more than three-thousand five-hundred (3,500) seats for viewing.

11. The total gross first floor area of office uses on a property in the TO:RC District shall not exceed fifty (50) percent of the total gross first floor area of all existing uses on the property.
12. Where specified in a community plan, the percentage of gross floor area occupied by office uses in the TO:BUS District may be limited.
13. Office uses are permitted in the TO:R40-80 and TO:R80-120 Districts if located to allow shared parking with residences. The total gross floor area of office uses on a property in the TO:R40-80 District shall not exceed fifty (50) percent of the total gross floor area of all development on the property at build-out of an approved master plan, except where further limited by the applicable community plan. The total gross floor area of office uses on a property in the TO:R80-120 District shall not exceed twenty-five (25) percent of the total gross floor area of all development on the property.
14. Attached dwelling units (i.e., condominiums, apartments) and group residences are only allowed on the upper floors of non-residential buildings (i.e., retail uses) in the TO:RC District. Residential uses shall not be permitted as stand alone uses (i.e., structures). Residential uses shall, however, be allowed to be located on the upper floors of a parking structure designed to also serve a mixed-use transit oriented retail commercial or business development.
15. Townhouses, rowhouses, apartments, and group residences, are allowed in the TO:BUS District. As specified in the applicable community plan, a minimum number of dwelling units or amount of residential development may be required on a site designated TO:BUS.
16. Warehouses are permitted in the TO:EMP District only if used for storing materials or products needed in or a product of a manufacturing process occurring on site, or in the maintenance and operation of on-site facilities.
17. The storage and maintenance of equipment and material used in the construction and maintenance of capital improvements such as water and sewer lines, park and recreation facilities, and schools, may occur in conjunction with administrative offices if such storage and maintenance occurs beyond one-thousand three-hundred (1,300) feet of a light rail station platform, and if the minimum floor area ratio standard for the site has been met or can be met upon build-out of an approved master plan.
18. The gross floor area of institutional uses on a property in the TO:BUS District shall not exceed ten (10) percent of the total gross floor area of all development on the property.
19. Churches in the TO:RC, TO:BUS and TO:EMP Districts shall share all needed parking with other uses. Churches in the TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80 and TO:R80-120 Districts shall be located on sites that do not exceed seven (7) acres in size.
20. Elementary (primary) schools in the TO:R9-12 and TO:R12-18 Districts shall be located on sites that do not exceed seven (7) acres in size. For purposes of calculating compliance with minimum floor area ratio standards, up to two (2)

acres used by the school for play equipment, covered play areas and play fields may be subtracted from gross site acreage. Elementary schools shall comply with the standards of Section 430-121, except where there are conflicts with the provisions of this section and Section 431, the standards of this section and Section 431 shall control.

21. Special recreation uses in transit oriented districts shall be located on sites that do not exceed seven (7) acres in size. For purposes of calculating compliance with minimum floor area ratio standards, up to two (2) acres of the special recreation use site that qualifies as common open space, as defined in Section 431-3.3, may be subtracted from gross site acreage. Special recreation uses in transit oriented districts shall offer several different recreation facilities (e.g., tennis courts, swimming pool, handball courts, and fitness equipment on one site) rather than providing only one (1) type of recreation facility such as a soccer field complex or a large water park. Special recreation uses in transit oriented districts shall comply with the standards of Section 430-131, except where there is a conflict with the provisions of this section and Section 431, the standards of this section and Section 431 shall control.
22. Accessory recreation uses are accessory and incidental to a residential development and provided for the service and convenience of the residents of the development. Accessory recreation uses to a residential development include the following facilities:
  - (1) Clubhouse;
  - (2) Meeting hall;
  - (3) Day care facility -Section 430-53.2;
  - (4) Recreation center;
  - (5) Gymnasium; and
  - (6) Indoor swimming pool.
- 23.a. Accessory uses and structures, as defined in Section 430-1, shall be permitted in all TO Districts subject to the provisions of Section 430-1.
- 23.b. Accessory outdoor seating related to the principal eating or drinking establishment use may be permitted, provided that the outdoor space is placed within a common open space. Sidewalks may be utilized for accessory outdoor seating if they meet the unobstructed width standards set forth in Section 431-5.1 B.(4) and approval is obtained from the Operations Division Manager. In addition, the area devoted to the accessory outdoor seating does not exceed:
  - (1) an area greater than the equivalent of fifteen (15) percent of the dining, drinking, or both floor area; or
  - (2) seven-hundred and fifty (750) square feet.



If outdoor dining is to exceed either fifteen (15) percent of the dining, drinking, or both floor area or seven-hundred and fifty (750) square feet, the additional area in excess of seven-hundred and fifty (750) square feet must provide additional parking at a ratio as provided by the appropriate zoning district. (NOTE: The area devoted to accessory outdoor seating areas may be excluded from the development's total gross floor area for purposes of determining compliance with the FAR requirements.)

24. Type I temporary uses and structures, as defined in Section 430-135.1, shall be allowed in all TO Districts subject to the provisions of Section 430-135.1.
25. Type I home occupations, as defined in Section 430-63, shall be allowed in all TO Districts subject to the provisions of Section 430-63.1.
26. Telecommunication facilities, excluding those identified in Section 375-5, shall be allowed subject to the applicable provisions of Section 430-109.
27. When permitted in Transit Oriented Districts, group care facilities, including day care facilities, shall be subject to the provisions of Section 430-53, except that where in conflict, the dimensional and density requirements of this district shall supersede the dimensional requirements of Section 430-53.
28. Elementary (primary) schools in the TO:EMP District shall be located on an approved master plan development site occupied in common with the primary use in a campus development as defined by Section 431-3.3. The portion of the master plan development site occupied by the elementary school shall not exceed seven (7) acres in size. For purposes of calculating compliance with minimum floor area ratio standards of the TO:EMP District, up to two (2) acres used by the school for play equipment, covered play areas and play fields may be subtracted from gross site acreage. Elementary schools in the TO:EMP District shall comply with the standards of Section 430-121, except where there are conflicts with the provisions of this section and Section 431, the standards of this section and Section 431 shall control.
29. Mid-rise apartments in the TO:R18-24 District shall not exceed the maximum building height standard for the district, and shall comply with density transition standards for the district described in Section 431-8.2 D.
30. One (1) detached dwelling may be allowed on an existing lot or parcel, that was approved through a subdivision or partition plat for the construction of a detached dwelling, provided that the lot or parcel does not exceed ten-thousand (10,000) square feet in area.
31. Where specified in a Community Plan, outdoor storage and display of plants in conjunction with a retail nursery/garden center shall be allowed through a Type II process.
- 32.a. A Retirement Housing Community, as defined in Section 430-53.7, may be permitted through a Type II or III procedure pursuant to Table A: Permitted and Prohibited Uses in Transit Oriented Districts, if the Retirement Housing Community use and location are specified in a Community Plan and permitted by an Area of Special Concern.

32.b. A modification to the maximum building height provision of Table B: Dimensional Requirements for Transit Oriented Districts, may be approved for a Retirement Housing Community through a Type III procedure based on findings that:

- (1) The Retirement Housing Community achieves ninety (90) percent of the maximum density allowed by the applicable land use district;
- (2) Eight-five (85) percent of the community's parking is provided within an above-ground or below-ground parking structure; and
- (3) The visual impact of the additional building height is mitigated by the site's unique physical attributes such as changes in topography or significant stands of large trees.

32.c. A modification to the maximum front yard setback provision of Table B: Dimensional Requirements for Transit Oriented Districts, may be approved for a Retirement Housing Community through a Type III procedure based on findings that:

- (1) The community achieves ninety (90) percent of the maximum density allowed by the applicable land use district;
- (2) Those setback areas which require a modification are designed and built to be enhanced and energized urban streetscapes that encourage interaction among residents of the development and adjoining neighborhoods. Pedestrian amenities and areas that are urban in nature, rather than suburban, are integral elements of the enhanced streetscape design. Amenities such as public plazas, sitting areas, covered walkways, public art, pedestrian scaled lighting, and significant water features (e.g., creek and fountain) are incorporated within the urban streetscape and are proportionately scaled to the surrounding walkways, landscaping and buildings. Required vehicular accessways are not considered to be elements of the urban streetscape although they may be located within the front yard setback area and may cross or be located adjacent to the urban streetscape;
- (3) Buildings are located as close to the edge of the urban streetscape as practicable given final topographic contours and the location and size of vehicular accessways;
- (4) The urban streetscape, excluding any vehicular accessway, is limited in width to forty (40) feet along the frontage of one-third (1/3) of the above-ground buildings;
- (5) Landscaping within the setback area includes a mixture of deciduous and evergreen trees, low shrubs and groundcover that allow for clear views from the public right-of-way through the setback area to the building frontages. The use of high shrubs and evergreen trees that function as screens shall be minimized to allow for clear views through the landscaped areas; and

- (6) A variety of pedestrian areas and amenities are provided at regular intervals along the street frontage and throughout the setback area to facilitate public interaction between the Retirement Housing Community residents, residents from adjoining neighborhoods, visitors and staff. These pedestrian areas and amenities include:
    - (a) An equal amount of active and passive pedestrian areas are provided where the public can meet and interact. A variety of hard surfaces (e.g., wood, textured concrete, brick, and gravel) are used throughout these pedestrian areas; and
    - (b) The following pedestrian amenities are included:
      - 1. Two (2) outdoor plazas;
      - 2. Sitting areas with benches, furniture and low planter walls;
      - 3. Pedestrian walkways through the urban streetscape that connect buildings directly to the urban streetscape and street;
      - 4. Pedestrian-scaled lighting; and
      - 5. Covered walkways connecting buildings to the street through the use of structures such as arcades, arbors, colonnades, or breezeways.
- 32.d. A modification to the requirements of Section 431-6.1 allowing off-street surface parking lots to be located in places other than the side or rear of buildings, may be approved for a Retirement Housing Community through a Type III procedure based on findings that:
- (1) A maximum of fifteen (15) percent of the parking spaces provided within the Retirement Housing Community are located within off-street surface parking lots;
  - (2) Off-street surface parking lots are small in size to mitigate visual impacts and include a maximum of forty (40) parking spaces;
  - (3) The visual appearance of such surface parking lots is enhanced with landscape features (e.g., street trees, arbors, and water features) and pedestrian amenities (e.g., covered walkways, sitting areas); and
  - (4) On-street parking is provided on the street in front of the site.

**375-8 Dimensional Requirements for Transit Oriented Districts**

Dimensional requirements for development in each of the transit-oriented districts are specified in Table B.

**375-9 Density Requirements for Transit Oriented Districts**

Density requirements for development in each of the transit-oriented districts are specified in Table C.

**375-10 Development Standards for Transit Oriented Districts**

In addition to the requirements of this district, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Section 403-3.