

**Section 4.113. Standards Applying to Residential Developments in any Zone.**

(.01) *Open Space:*

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D. *Required Open Space Characteristics:*

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2. *Types of Open Space and Ownership.* The following types of areas count towards the minimum open space requirement if they are or will be owned by the City, a homeowners' association or similar joint ownership entity, or the property owner for Multi-family Development.

- a. Preserved wetlands and their buffers, natural and/or treed areas, including those within the SROZ
- b. New natural/wildlife habitat areas
- c. Non-fenced vegetated stormwater features outside the public right-of-way
- d. Play areas and play structures
- e. Open grass area for recreational play
- f. Swimming and wading areas
- g. Other areas similar to a. through f. that are [publicly] accessible
- h. Walking paths besides required sidewalks in the public right-of-way or along a private drive.

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(.02) *Building Setbacks* (for Fence Setbacks, see subsection .08). The following provisions apply unless otherwise provided for by the Code or a legislative master plan.

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(.03) *Height Guidelines.* The Development Review Board may regulate heights as follows:

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(.04) *Residential uses for treatment or training:*

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(.05) *Stormwater Facilities Standards:*

- A. *Purpose.* The purpose of these standards is to protect the public health and welfare by appropriate management of stormwater to prevent flooding and property damage, and the pollution of streams, groundwater, wetlands, and other natural water features through the use of low impact development design and decentralized stormwater treatment and flow control as required by the City's NPDES MS4 permit. The purpose of these standards, further, is to thoughtfully integrate the design of stormwater management facilities into the overall design of neighborhoods.
- B. *Low Impact Development.* All stormwater management facilities for treatment and flow control shall follow low impact development design standards.
- C. *Stormwater management facility sizing requirements shall be determined in accordance with the City's Public Works Standards. Use of impervious area reduction strategies in the Standards, including pervious hard surfaces and green roofs and tree credits, is encouraged.*

D. Areas where stormwater management facilities are required to be integrated. Stormwater management facilities shall be located in the following areas of a residential development unless conflicting uses have locational priority as outlined in standard D. The location of stormwater management facilities shall be prioritized in the following order, with 1. (a.-g.) being the highest priority, and 2. (a.-b.) being the lowest priority. Each facility shall include both water quality and flow control unless there is a documented technical need for separate facilities. High priority locations shall be used to the maximum extent practicable, as determined by the City Engineer or their authorized representative, prior to considering lower priority locations.

1. High Priority:

- a. Collector and arterial street medians and planter strips where parallel on-street parking is not permitted;
- b. Curb extensions on local streets and other local street curb areas greater than 6 feet in width;
- c. Unpaved areas within five feet of an alley curb;
- d. Shoulder areas along midblock bike and pedestrian connections, and other off-street trails not otherwise part of larger green spaces and parks;
- e. Edges and buffers around parks and open space; and
- f. Landscape areas between buildings and the right-of-way that's owned by a homeowners association or similar entity (e.g., common areas, courtyards, pocket parks).

2. Lower priority:

- a. Landscaped areas within five feet of building foundations except for detached single-family homes, middle housing and their accessory structures; and
- b. Separate landscape tracts for stormwater facilities.

E. Conflicting Uses Prioritized Over Stormwater Management Facilities. The placement of one or more of the following uses shall be prioritized over stormwater management facilities required under C. if a feasible alternative location for the conflicting use is not available.

1. Street trees or other required landscape trees meeting the spacing standards in Section 4.176, including area for root growth of at least 40 square feet per tree;
2. Street lights and other required lighting, including a buffer around the base of the light as required by Portland General Electric;
3. Fire hydrants and FDCs;
4. Manholes, clean outs, pedestals and vaults for public and franchise utilities;
5. Pedestrian walkways and bicycle paths;
6. Public Utility Easements for gas, electricity, and communication; and
7. Minimum area of usable open space required under Subsection (.01) above,. While small stormwater management facilities may be integrated into these spaces, they shall not represent more than 10% of the required usable open space and shall have a secondary purpose beyond just stormwater management (e.g. boundary between two different active uses, an intermittent play/storm stream, design element at the entrance or edge of the active open space).

F. Typically Prohibited Design Elements. The following design elements are prohibited as part of stormwater facilities as barrier to integrated design unless their inclusion is approved by the City Engineer, or their authorized representative, as part of a waiver request;

1. Fences
2. Retaining walls over two feet in height

G. Standards for Waivers to the Standards of this Subsection. The City Engineer, or their authorized representative, may waive the requirements in Subsection B., D., or F. above subject to substantial evidence being available in the record to support the following findings:

1. To the extent practicable, the design continues to provide for decentralized treatment and flow control.
2. If a proprietary stormwater management system is proposed, such use is necessary and the minimal necessary to address technical issues and/or a site constraint (e.g., high groundwater level, contaminated soil, steep slopes).
3. If a fee in lieu is proposed, it is in support of a City stormwater project within the same sub-basin.