

ORDINANCE NO. ~~151344~~

An Ordinance amending Title 33, Planning and Zoning, and Title 34 Subdivision and Partitioning Regulations of the Municipal Code of the City of Portland, Oregon to provide regulations for flag lots by adding a new chapter 33.88 and new sections 33.12.485 and 34.16.020, and by attendant amendments to various sections of Title 33, made necessary by these additions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that:

1. Within the City's residential zones there are lots large enough to accommodate two or more dwelling units within the densities allowed by the zone in which the property is located.
2. Many such lots have greater than normal depth but limited frontage and can only be partitioned as "flag lots."
3. Utilization of these large lots will provide opportunities for needed housing and more equitable distribution of costs of providing public services.
4. The special nature of flag lots requires that additional zoning regulations be implemented to assure reasonable compatibility with surrounding properties.
5. The Planning Commission has reviewed the proposed amendments regulating flag lots and after holding public hearings recommended on March 4, 1980, that they be incorporated into the City's Zoning Code.
6. The development of flag lots is in keeping with the housing, energy and transportation goals of the City's Comprehensive Plan and the regulations proposed are in keeping with the neighborhood's goal of that plan.
7. The Council has conducted a public hearing on the proposed regulations tentatively approved them, and on July 9, 1980, directed staff to prepare the appropriate ordinance for Council consideration.
8. It is now therefore appropriate and in the public interest that the following amendments to Titles 33 and 34 be passed.

Now, THEREFORE, the Council directs:

- a. Title 33, Planning and Zoning, is hereby amended by the addition of a new section 33.12.485, reading as follows:

33.12.485 Lot, flag. "Flag lot" means a lot located behind the frontage lot, plus a strip out to the street for an access drive. A flag lot results from the subdivision or partitioning of a residential lot or parcel which is more than twice as large as the minimum allowed in the underlying zone, but without sufficient frontage to allow two dwellings to front along a street. There are two distinct parts to a flag lot: the flag which comprises the actual building site located at the rear portion of the original lot, and the Pole which provides access from a street to the flag.

- b. Title 33, Planning and Zoning, is hereby amended by the addition of a new chapter 33.88 governing development of flag lots and reading as follows:

33.88

FLAG LOT REGULATIONS

Sections:

- 33.88.010 Generally
- 33.88.020 Lot size required
- 33.88.030 Minimum yard required
- 33.88.040 Off-street parking required
- 33.88.050 Access "pole"
- 33.88.060 Screening required
- 33.88.070 Conditional uses

33.88.010 Generally, in an R20, R10, R7, R5, R2.5, R2, R1, or RH zone, where a residential tract of land has an area equivalent to more than twice that required by the various residential zones, but without sufficient frontage for more than one lot or parcel,

residential dwellings may be permitted on both the front and rear portions of said tract, provided that the following requirements are met:

- (a) All provisions of the zone in which the property is located must be met except as provided in this chapter.
- (b) Such lots must be provided with access to a dedicated right-of-way by one of the following methods:
 - (1) An access way or pole at least ten feet wide extending from a dedicated right-of-way to the flag lot be provided and deeded to the flag lot.
 - (2) A private street in which the abutting properties have common ownership.
- (c) That all applicable regulations of Title 34, Subdivision and Partitioning Regulations, must be met.
- (d) All regulations and requirements of this chapter must be met.

33.88.020 Lot size required.

- (a) The minimum lot area required for flag lots is the same as the minimum requirements of the zone in which the property is located. In computing lot area, only the flag of the lot shall be counted; the pole may not be included in calculating lot size. The lot area for a flag lot may be less than the requirements of the zone in which the lot is located if approved under the provisions of Chapter 33.98 or, in the case of a subdivision or major partition, if approved under the provisions of Chapter 34.100 of Title 34, Subdivision and Partition Regulations.
- (b) Creation of a flag lot shall not reduce the minimum lot area, width or depth of any lot or parcel to less than the minimum

requirements of the zone in which the property is located, unless approved under the provisions of Chapter 33.98, or, in the case of a subdivision or major partition, if approved under the provisions of Chapter 34.100 of Title 34, Subdivision and Partition Regulations.

- (c) The minimum lot depth and width shall be the minimum lot width required in the zone in which the lot is located, except in the case of a lot located in an R2.5, R2, R1, or RH zone and developed as attached residential, where the minimum lot depth shall be 50 feet. Flag lot dimensions shall be measured from the midpoint between two opposite lot lines of the body of the flag lot.

33.88.030 Minimum yards required.* Minimum yards for principal and accessory buildings shall be as follows:

- (a) For a detached single-family residence:
 - (1) In an RH, R2, R1, R2.5, R5, and R7 zone, 10 feet;
 - (2) In an R10 or R20 zone, 15 feet;
- (b) For multi-family development in an RH, R1 or R2 zone, 10 feet.
- (c) For attached residential development in an R2.5, R2, R1 or RH zone, where the attached residential lot abuts another lot that has or could have a detached single-family dwelling constructed on it, 10 feet.

33.88.040 Off-street parking required.

- (a) For each detached single-family dwelling located on a flag lot, two off-street parking spaces shall be provided.**
- (b) For each dwelling unit located in a multi-family development on a flag lot, one and one-half off-street spaces shall be provided.**

*See Chapter 33.90 for additional regulations.

**For additional regulations see the parking requirements of the zone in which the flag lot is located.

33.88.050 Access "pole".

- (a) The access "pole" or driveway shall be under the same ownership as the flag of the flag lot. An easement shall not be permitted as a method of providing access to the "flag" of a flag lot.
- (b) The minimum width of the "pole" accessing a flag lot shall be 10 feet. Where two flag lots have abutting "poles," the combined width shall not be less than 20 feet.
- (c) Access "poles" shall be paved in accordance with the provisions of the building regulations.

33.88.060 Screening required. Screening shall be provided in conformance with the following requirements.

- (a) Screening shall be provided along any lot line between a flag lot (including the access pole) and an abutting lot where the abutting lot is in different ownership than the lot being partitioned/subdivided to create the flag lot.
- (b) Screening shall consist of a wooden fence or an evergreen landscape hedge. Screening provided to meet this requirement shall be between five and six feet in height, except for the portion within the required front yard, in such cases screening shall not exceed three and one-half feet in height.
- (c) Where an evergreen hedge is provided as a landscape screen, plants shall be placed with not more than 18 inches of space between their centers.
- (d) Landscaped screening provided to meet the requirements of this section shall achieve the required height within two years, and shall thereafter be maintained at the required heights of three and one-half feet in required front yards and five to six feet along other boundaries.
- (e) The screening requirements of this section may be waived if written consent is received

by the Bureau of Buildings from all owners of property abutting a lot line on which screening is required, prior to the issuance of a building permit.

33.88.070 Conditional uses. Only the following uses may be permitted on a flag lot as conditional uses. Such uses are subject to the regulations contained in Chapter 33.106:

- (1) Greenhouses, nurseries, or other propagation of plants and other products for sale.
- (2) Nursery schools or daycare centers. Such schools or centers shall conform with the requirements of section 33.26.440.

c. Title 34, Subdivision and Partitioning Regulations, is hereby amended by the addition of a new section 34.16.020 reading as follows:

34.16.023 Flag lot. A "flag lot" is a lot located behind the frontage lot, plus a strip out to the street for an access drive. A flag lot results from the subdivision or partitioning of a residential lot or parcel which is more than twice as large as the minimum allowed in the underlying zone, but without sufficient frontage to allow two dwellings to front along a street. There are two distinct parts to a flag lot: the "flag" which is the actual building site located on the rear portion of the original lot, and the "pole" which provides access from a street.

Title 34, Subdivision and Partitioning Regulations, is hereby amended by an amendment to section 34.30.030 reading as follows:

34.30.030 Approval procedure.

(A) The planning director or his/her delegate shall review the tentative plan and shall approve the proposed minor partition within 15 working days of submission provided he/she finds affirmatively on each of the following:

(1) through (7) *** (no change)

(B) through (D) *** (no change)

d. Chapter 33.20 of Title 33, Planning and Zoning, is hereby amended by amendment of section 33.20.030, 33.20.050, 33.20.090, 33.20.100, 33.20.110 and 33.20.240 reading as follows.

1. 33.20.030 Off-street parking required.
 - (a) One off-street parking space per dwelling unit shall be provided and maintained on the same lot except in the case of flag lots (minimum parking requirements for flag lots are listed in section 33.88.040).
 - (b) through (l) *** (no change)
2. 33.20.050 Lot size required.
 - (a) The minimum lot area shall be twenty thousand square feet per dwelling unit, (there are special regulations governing computation of lot area for flag lots listed in section 33.88.020).
 - (b) *** (no change)
 - (c) The minimum lot depth shall be one hundred twenty feet except in the case of flag lots (regulations governing minimum lot depths for flag lots are listed in section 33.88.020).
 - (d) through (g) *** (no change)
3. 33.20.090 Minimum front yards.
 - (a) There shall be a front yard of not less than thirty feet except in the case of flag lots (yard regulations for flag lots are listed in section 33.88.030), and where lots comprising forty percent or more of the frontage, excluding reverse corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth. In such cases the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.
 - (b) through (e) *** (no change)
4. 33.20 .100 Minimum side yard*.
 - (a) There shall be a minimum side yard on each side of any main building of ten feet, except in the case of flag lots (Regulations governing yards for flag lots are listed in section 33.88.030) and as provided for in subsections (b) and (c) of this section.

(b) and (c) *** (no change)

5. 33.20.110 Minimum rear yard*. There shall be a minimum rear yard of ten feet except in the case of flag lots (Regulations governing minimum yards for flag lots are listed in section 33.88.030).
6. 33.20.240 Uses permitted. In an R20 zone the following conditional uses may be permitted subject to the regulations contained in sections 33.20.250 - 33.20.490 and chapter 33.79 and under the authority and according to the procedure specified in Chapter 33.106, except that conditional uses permitted on flag lots shall be limited to those listed in section 33.88.070:

(1) through (32) *** (no change)

- e. Chapter 33.22 of Title 33, Planning and Zoning, is hereby amended by amendment of sections 33.22.030, 33.22.050, 33.22.090, 33.22.100, 33.22.110, and 33.22.240, reading as follows:

- 1 33.22.030 Off-street parking required.
 - (a) One off-street parking space per dwelling unit shall be provided and maintained on the same lot except in the case of flag lots, (Minimum parking requirements for flag lots are set forth in section 33.88.040).
 - (b) through (l) *** (no change)
2. 33.22.050 Lot size required.
 - (a) The minimum lot area shall be ten thousand square feet per dwelling unit, (there are special regulations governing computation of lot area for flag lots listed in section 33.88.020).
 - (b) *** (no change)
 - (c) The minimum lot depth shall be one hundred feet except in the case of flag lots (Regulations governing minimum lot depth for flag lots are listed in section 33.88.020).
 - (d) through (h) *** (no change)

3. 33.22.090 Minimum front yard*.

(a) There shall be a front yard of not less than thirty feet, except in the case of flag lots (Yard regulations for flag lots are listed in section 33.88.030), and where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth. In such cases the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

(b) through (e) *** (no change).

4. 33.22.100 Minimum side yard*.

(a) There shall be a minimum side yard on each side of any main building of ten feet, except in the case of flag lots and as provided for in subsection (b) and (c) of this section, (Regulations governing minimum yards for flag lots are listed in section 33.88.030).

(b) and (c) *** (no change)

5. 33.22.110 Minimum rear yard*. There shall be a minimum rear yard of ten feet except in the case of flag lots, (Regulations governing minimum yards for flag lots are listed in section 33.88.030).

6. 33.22.240 Uses permitted In an R10 zone the following conditional uses may be permitted subject to the regulations contained in section 33.22.250 through 33.22.490 and Chapter 33.79 and under the authority and according to the procedure specified in chapter 33.106, except that conditional uses permitted on flag lots shall be limited to those listed in section 33.88.070:

(1) through (32) *** (no change)

f. Chapter 33.24 of Title 33, Planning and Zoning, is hereby amended by amendment of sections 33.24.030, 33.24.050, 33.24.090, 33.24.100, 33.24.110, and 33.24.250 reading as follows:

1. 33.24.030 Off-street parking required.

(a) One space per dwelling unit shall be provided and maintained on the same lot, except in the case of

flag lots, (minimum parking requirements for flag lots are set forth in section 33.88.040).

(b) through (l) *** (no change)

2. 33.24.050 Lot size required.

(a) The minimum lot area shall be seven thousand square feet per dwelling unit, (There are special regulations governing computation of lot area for flag lots listed in section 33.88.020).

(b) *** (no change)

(c) The minimum lot depth shall be ninety feet except in the case of flag lots, (Regulations governing minimum lot depth for flag lots are listed in section 33.88.020).

(d) through (h) *** (no change)

3. 33.24.090 Minimum front yard*.

(a) There shall be a front yard of not less than twenty feet, except in the case of flag lots (yard regulations for flag lots are listed in section 33.88.030), and where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth. In such cases the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

(b) through (e) *** (no change)

4. 33.24.100 Minimum side yard*.

(a) There shall be a minimum side yard on each side of any main building according to height as shown on the following schedule, except in the case of flag lots and as provided for in subsection (b) and (c) of this section. (regulations governing yard requirements for flag lots are listed in section 33.88.030).

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet

(b) through (c) *** (no change)

- 5. 33.24.110 Minimum rear yard*. There shall be a minimum rear yard varying according to the height of the main building as shown on the following schedule except in the case of flag lots, (Regulations governing yard requirements for flag lots are listed in section 33.88.030).

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet

- 6. 33.24.250 Uses permitted. In an R7 zone, the following conditional uses may be permitted subject to the regulations contained in sections 33.24.260 through 33.24.490 and Chapter 33.79 and under the authority and according to the procedure specified in Chapter 33.106, except that conditional uses permitted on flag lots shall be limited to those listed in section 33.88.070:

(1) through (32) *** (no change)

- g. Chapter 33.26 of Title 33, Planning and Zoning, is hereby amended by amendment of sections 33.26.030, 33.26.050, 33.26.090, 33.26.100, 33.26.110, and 33.26.240, reading as follows:

- 1. 33.26.030 Off-street parking required.

- (a) One space per dwelling unit shall be provided and maintained on the same lot except in the case of flag lots, (minimum parking requirements for flag lots are set forth in section 33.88.040).

(b) through (1) *** (no change)

- 2. 33.26.050 Lot size required.

- (a) The minimum lot area shall be five thousand square feet per dwelling unit, (there are special regulations governing computation of lot area for flag lots listed in section 33.88.020).

(b) *** (no change)

- (c) The minimum lot depth shall be eighty feet except in the case of flag lots, (regulations governing

minimum lot depth for flag lots are listed in section 33.88.020).

(d) through (h) *** (no change)

3. 33.26.090 Minimum front yard*.

(a) There shall be a front yard of not less than fifteen feet, except in the case of flag lots (yard regulations for flag lots are listed in section 33.88.030), and where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of more than ten feet in depth. In such cases the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

(b) through (e) *** (no change)

4. 33.26.100 Minimum side yard*.

(a) There shall be a minimum side yard on each side of any main building according to height as shown on the following schedule, except in the case of flag lots and as provided for in subsections (b) and (c) of this section: (Regulations governing yard requirements for flag lots are listed in section 33.88.030):

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet

(b) and (c) *** (no change)

5. 33.26.110 Minimum rear yard*. There shall be a minimum rear yard according to the height of the main building as shown on the following schedule except in the case of flag lots (regulations governing rear yard requirements for flag lots are listed in section 33.88.030):

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet

6. 33.26.240 Uses permitted. In an R5 zone, the following conditional uses may be permitted subject to

the regulations contained in section 33.26.250 - 33.26.490 and chapter 33.79 and under the authority and according to the procedure specified in chapter 33.106, except that conditional uses permitted on flag lots shall be limited to those listed in section 33.88.070.

(1) through (30) *** (no change)

h. Chapter 33.28 of Title 33, Planning and Zoning, is hereby amended by amendments to sections 33.28.070, 33.28.110, 33.28.120, 33.28.130 and 33.28.300, reading as follows:

1. 33.28.070 Lot size required.

(a) Within any attached residential subdivision, the average lot size shall not be less than 2,500 square feet. The minimum lot size for interior lots shall be 1800 square feet, and for exterior lots (lots whose sides adjoin an adjacent subdivision) shall be 2,000 square feet. Up to 20% of the total site area may be developed for commonly owned parking, parking access, landscaping and recreation facilities. Facilities collectively owned shall be subject to the requirements of section 33.28.040. Minimum lot width and depth requirements are as follows:

(1) The minimum width for interior lots shall be 16 feet and for exterior lots 25 feet.

(2) The minimum lot depth shall be 75 feet except in the case of flag lots, (regulations governing minimum lot depth for flag lots are listed in section 33.88.020).

(b) through (f) *** (no change)

2. 33.28.110 Minimum front yard*.

(a) There shall be a front yard of not less than fifteen feet, except in the case of flag lots (yard regulations for flag lots are listed in section 33.88.030), and where a lot is situated between two lots, each of which has a main building within 25 feet of its side lot lines which projects beyond the required front yard line, the front yard requirement may be the average of the front yards of the existing buildings.

(b) and (c) *** (no change)

3. 33.28.120 Minimum side yard*. There shall be a minimum side yard where the rowhouse lot abuts another lot that has or could have a detached single-family house constructed on it. For purposes of this title, any lot shall be considered a potential detached single-family housing site unless such lot is a part of the same rowhouse subdivision. Where side yards are required, they shall vary according to height as shown on the following schedule, except in the case of flag lots (regulations governing yard requirements for flag lots are listed in section 33.88.030):

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet

4. 33.28.130 Minimum rear yard*. (a) There shall be a minimum rear yard of at least 20 feet except in the case of flag lots, (regulations governing yard requirements for flag lots are listed in section 33.88.030). Garages, parking areas and parking access drives (driveways) may be located within the rear yard; however, in such cases, a minimum distance of 15 feet must be maintained between parking and associated auto access space and the residence.

(b) *** (no change)

5. 33.28.300 Uses permitted. In an R2.5 zone, the following conditional uses may be permitted subject to the regulations contained in sections 33.28.310 - 33.28.510 and Chapter 33.79 and under the authority and according to the procedure specified in chapter 33.106, except that conditional uses permitted on flag lots shall be limited to those listed in section 33.88.070.

(1) through (24) *** (no change)

- i. Chapter 33.30 of Title 33, Planning and Zoning, is hereby amended by Amendments to sections 33.30.030, 33.30.050, 33.30.090, 33.30.100, 33.30.110 and 33.30.250 reading as follows:

1. 33.30.030 Off-street parking required.

(a) One and two family dwellings: One space per dwelling except in the case of flag lots (minimum parking requirements for flag lots are set forth in section 33.88.040) and that for existing single family dwellings allowably converted to two dwellings, only the number of spaces presently existing need to be provided for both units -- according to the following regulations:

(1) through (12) *** (no change)

(b) Multi-family dwellings: One space per dwelling unit except in the case of flag lots (minimum parking requirements for flag lots are set forth in section 33.88.040) and as provided for in subsection (c) of this section and except that projects built exclusively for the elderly and/or handicapped shall provide one space for every four dwelling units. Parking and maneuvering areas must meet the regulations in Chapter 33.82.

(c) and (d) *** (no change)

2. 33.30.050 Lot size required.

(a) The minimum lot area shall be 4,000 square feet for each detached one family dwelling, (there are special regulations governing computation of lot area for flag lots listed in section 33.88.020).

(b) The minimum lot area shall be 1800 square feet for an attached single family dwelling: however, within any attached housing subdivision the average lot area shall be 2000 square feet, (There are special regulations governing computation of lot area for flag lots listed in section 33.88.020).

(c) The minimum lot area shall be 2000 square feet per dwelling unit in structures containing two or more dwelling units, (There are special regulations governing computation of lot area for flag lots listed in section 33.88.020).

(d) *** (no change)

- (e) The minimum lot depth shall be eighty feet except in the case of flag lots, (Regulations governing minimum lot depth for flag lots are listed in sections 33.88.020).
- (f) through (k) *** (no change)
3. 33.30.090 Minimum front yard*.
- (a) There shall be a front yard of not less than 15 feet, except in the case of flag lots (yard regulations for flag lots are listed in section 33.88.030), and where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth. In such cases the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.
- (b) through (f) *** (no change)
4. 33.30.100 Minimum side yard*.
- (a) There shall be a minimum side yard on each side of any apartment, duplex or detached residence according to height as shown on the following schedule except in the case of flag lots (Minimum yard requirements for flag lots are listed in section 33.88.030).
- | | |
|------------------------------|---------|
| For one story | 5 feet |
| For one and one-half stories | 6 feet |
| For two stories | 6 feet |
| For two and one-half stories | 7 feet |
| For three stories | 9 feet |
| For four stories | 12 feet |
- (b) *** (no change)
- (c) There shall be a minimum side yard where the attached residential lot abuts another lot that has or could have a detached single-family house or apartment constructed on it. For purposes of this title, any lot of 33 or more feet in width, or 3500 sq. ft. of area, shall be considered a potential detached housing site unless such lot is a part of the same rowhouse subdivision. Where side yards are required, they shall vary according to height as shown on the following schedule except in the case of flag lots (minimum yard regulations for flag lots are listed in section 33.88.030):

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet
For three stories	7 feet
For four stories	9 feet

(d) *** (no change)

5. 33.30.110 Minimum rear yard*.

(a) For detached dwellings, duplexes and apartments there shall be a minimum rear yard according to height of the main building as shown on the following schedule except in the case of flag lots (Minimum yard requirements for flag lots are listed in section 33.88.030):

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet
For three stories	9 feet
For four stories	12 feet

(b) Rear yards for attached residential development must meet the requirements of 33.28.130, except in the case of flag lots (Yard requirements for flag lots are listed in section 33.88.030).

(c) *** (no change)

6. 33.30.250 Uses permitted. In an R2 zone, the following conditional uses may be permitted subject to the regulations contained in section 33.30.260 through 33.30.480 and under the authority and according to the procedure specified in chapter 33.106, except that conditional uses permitted on flag lots shall be limited to those listed in section 33.88.070.

(1) through (28) *** (no change)

j. Chapter 33.32 of Title 33, Planning and Zoning, is hereby amended by amendment of sections 33.32.030, 33.32.050, 33.32.090, 33.32.100, 33.32.110 and 33.32.230, reading as follows:

1. 33.32.030 Off-street parking required.

(a) One family detached, duplex and multi-family dwellings: one space per dwelling unit shall be provided except in the case of flag lots (Minimum parking requirements for flag lots are listed in section 33.88.040) and as provided for in subsection (b) and except that projects

built exclusively for the elderly and/or handicapped shall provide one space for every four dwelling units. Required parking spaces shall meet the following regulations.

(1) through (13) *** (no change)

(b) through (e) *** (no change)

2. 33.32.050 Minimum lot size required.

(a) One family detached, two family and three family dwellings: Four thousand square feet (There are special regulations governing computation of lot area for flag lots listed in section 33.88.020).

(b) Multi-family dwellings containing four, five, six or seven dwelling units according to the following schedule (There are special regulations governing computation of lot area for flag lots listed in section 33.88.020):

Number of Units	Square Feet Required
Four	6000
Five	7500
Six	8500
Seven	9500

(c) For multi-family dwellings on sites of ten thousand square feet or larger: one thousand square feet per dwelling unit is required, except that the allowable density is increased 10% for each section 33.32.051 through 33.32.057, met by the project, provided, however, that increased density will not be granted for more than five of these sections. There are special regulations governing computation of lot area for flag lots listed in section 33.88.020).

(d) *** (no change)

(e) The minimum lot depth shall be eighty feet except in the case of flag lots (Regulations governing minimum lot depth for flag lots are listed in section 33.88.020).

(f) through (k) *** (no change)

3. 33.32.090 Minimum front yard*.

(a) There shall be a front yard of not less than fifteen feet except in the case of flag lots (regulations

governing yard requirements for flag lots are listed in section 33.88.030) and where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth. In such cases the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

(b) through (f) *** (no change).

4. 33.32.100 Minimum side yard*.

- (a) There shall be a minimum side yard on each side of any detached main building varying according to height as shown on the following schedule except in the case of flag lots (Regulations governing yards for flag lots are listed in section 33.88.030) and as provided for in subsections (b) and (c) of this section:

For one story	6 feet
For two stories	7 feet
For three stories	9 feet
For four stories	12 feet

For any other height-width in feet shall equal three times the number of stories.

(b) and (c) *** (no change)

5. 33.32.110 Minimum rear yard*.

- (a) There shall be a minimum rear yard for detached houses, duplexes and multi-family developments according to height of the main building as shown on the following schedule except in the case of flag lots, (Regulations governing yards for flag lots are listed in section 33.88.030) and as provided for in subsection (b) of this section:

For one story	6 feet
For two stories	7 feet
For three stories	9 feet
For four stories	12 feet

For any other height-width in feet shall equal three times the number of stories.

(b) and (c) *** (no change)

6. 33.32.230 Uses permitted. In an R1 zone, the following conditional uses may be permitted subject to the regulations contained in sections 33.32.240 through 33.32.460 and under the authority and according to the procedure specified in Chapter 33.106 except that conditional uses on flag lots shall be limited to those listed in section 33.88.070.
- (1) through (31) *** (no change)
- k. Chapter 33.34 of Title 33, Planning and Zoning, is hereby amended by amendment of sections 33.34.030, 33.34.050, 33.34.070, 33.34.090, 33.34.100 and 33.34.210, reading as follows:
1. 33.34.030 Off-street parking required.
- (a) Detached dwellings, duplexes and three-family dwellings: One space per dwelling unit except in the case of flag lots (Regulations governing off-street parking requirements for flag lots are listed in section 33.88.040). If not located on the same lot as the main dwelling, the required parking space or spaces shall be regulated by Chapter 33.82. If located on the same lot as the main dwelling, the following regulations shall govern:
- (1) through (11) *** (no change)
- (b) *** (no change)
- (c) Multi-family dwellings: One space for every two dwelling units, except in the case of flag lots (Regulations governing off-street parking requirements for flag lots are listed in section 33.88.040) and as provided for in subsection (d) and subject to Chapter 33.82, Parking Regulations.
- (d) through (g) *** (no change)

2. 33.34.050 Minimum lot size required.

(a) One family detached dwellings, duplexes and three unit multi-family developments: four thousand square feet, (There are special regulations governing computation of lot area for flag lots listed in section 33.88.020).

(b) through (d) *** (no change)

(e) Minimum lot depth shall be 80 feet except in the case of flag lots (Regulations governing lot depth for flag lots are listed in section 33.88.020).

(f) through (j) *** (no change)

3. 33.34.070 Maximum floor area ratio (FAR) permitted. The gross floor area of a main building or group of main buildings on a site of 4000 square feet or more shall not exceed the site area by more than the following ratios (In the case of flag lots special regulations governing computation of size or lot area exist and are listed in section 33.88.020):

(1) through (3) *** (no change)

4. 33.34.090 Minimum front yard*. There shall be no required front yard for buildings except in the case of flag lots, (Regulations governing yard requirements for flag lots are listed in section 33.88.030); however, parking and auto maneuvering areas must be set back at least ten feet from the front property line except that an access drive or driveway to parking, maneuvering and loading areas may occupy up to 20% of such required setback area.

5. 33.34.100 Minimum side and rear yards*. There shall be a minimum side and rear yard requirement varying according to height as shown on the following schedule except in the case of flag lots, (Regulations governing yards for flag lots are listed in section 33.88.030):

For one story	5 feet
For two stories	6 feet
For three stories	8 feet
For four stories	10 feet

For any height above four stories, six feet plus two additional feet for each story over two, with a maximum requirement of twenty feet.

ORDINANCE No.

6. 33.34.210 Uses permitted. In an RH zone the following conditional uses may be permitted subject to the regulations contained in section 33.34.210 through 33.34.440 and under the authority and according to the procedure specified in chapter 33.106 except that conditional uses on flag lots shall be limited to those listed in section 33.88.070.

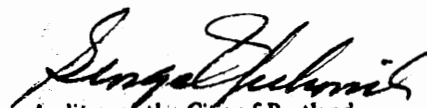
(1) through (25) *** (no change)

Section 2. The Council declares that an emergency exists because enactment of these amendments will clarify and facilitate the processing of applications for flag lot development; therefore, this Ordinance shall be in full force and effect upon passage by Council.

Passed by the Council, APR 1 1981

Commissioner Mildred Schwab
Michael Harrison:hj
March 25, 1981

Attest:


Auditor of the City of Portland

Calendar No. 1040

ORDINANCE No. 151344

Title

Ordinance amending Title 33, Planning and Zoning, and Title 34, Subdivision and Partitioning Regulations of the Municipal Code of the City of Portland, Oregon, to provide regulations for flag lots by adding a new chapter 33.88 and new sections 33.12.485 and 34.16.020, and by attendant amendments to various sections of Title 33, made necessary by these addition, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Jordan		
Lindberg		
Schwab		
Ivancie		

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Ivancie	

Filed MAR 25 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

George Yerkovich
Deputy

INTRODUCED BY
Commissioner Mildred Schwab

NOTED BY THE COMMISSIONER
Affairs <i>[Signature]</i>
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL
Bureau: Planning
Prepared By: Michael Harrison Date: 3/25/81
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>Terry Sandblast</i> Terry Sandblast, Acting Director

CALENDAR
Consent Regular X

NOTED BY
City Attorney <i>KS Beaumont</i>
City Auditor
City Engineer