

152666

ORDINANCE NO. 152666

An Ordinance amending Title 33, Planning and Zoning, of the Code of the City of Portland, Oregon, by amending Section 33.98.010, Findings, to allow granting of variances of the Z, Downtown Development Zone, on the basis of a finding that granting of such a variance will better meet public policy as expressed in the goals and guidelines for downtown Portland, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Under the regulations presently contained in 33.98.010 variances to zoning code provisions can only be granted if the applicant can demonstrate that unique site or existing building conditions exist or that such a variance is necessary in order to allow the property owner to enjoy a property right possessed by a substantial number of property owners in the vicinity while resulting in comparatively trivial detriment to the neighborhood.
2. Section 33.98.015(b)(6) however states that the City may grant a variance within the Z Downtown Development Zone if such variance is "found to be in the public interest and supportive of the planning goals and guidelines for downtown Portland."
3. Section 33.98.015(b)(6) clearly complements the requirements for granting a major variance found in 33.98.010.
4. It was the intent of the City Council to allow variances within the Z Downtown Development Zone, which supported the planning goals and guidelines for downtown Portland.
5. This intent was not properly implemented when Title 33 was amended by Ordinance No. 147239 implementing the downtown development regulations.
6. Amendment of Section 33.98.010 to conform with the provisions of 33.98.015(b)(6) is necessary to properly implement the intent of Council in adopting the downtown development regulations as expressed in Ordinance No. 147239.
7. On October 6, 1981 the Planning Commission reviewed the proposed amendments to Section 33.98.010 to bring it into conformance with 33.98.015(b)(6). The Commission approved those amendments to that Section for inclusion in Title 33.
8. It is appropriate and in the public interest that the following amendments to Title 33 be passed.

ORDINANCE No.

NOW, THEREFORE, the Council directs:

- a. Title 33, Planning and Zoning, is hereby amended by an amendment to Section 33.98.010, reading as follows:

33.98.010 Findings. A variance as specified in Section 33.98.015 may be granted if literal interpretation and enforcement of the regulations of this title applicant to a property would result in practical difficulties or unnecessary hardships or in the case of property located within a Z Zone if it is found that such a variance would be supportive of the Planning Goals and Guidelines for Downtown Portland as adopted by the Council.

- (a) * * * (no change)
- (b) Special Conditions. When all of the foregoing conditions can be satisfied a variance may be granted as follows:
- (1) * * * (no change)
- (2) Major Variances. A major variance as specified in Section 33.98.015(b) may be granted when any of the following applicable conditions can be satisfied:
- A. and B. * * * (no change)
- C. In the case of property located in a Z Zone a variance may also be granted to one or more varianceable requirements of the Z Zone if it is found that such modification is supportive of the Planning Goals and Guidelines for Downtown Portland as adopted by the Council.

Section 2. The Council declares that an emergency exists because these amendments are necessary to allow proper implementation of the Downtown Development Regulations, variances for which have been restrictive beyond the intent of Council. Enactment of Ordinance No. 147239 was flawed in that it failed to resolve inconsistencies between the language it added in 33.98.015(b)(6) and the language of 33.98.010 then existing in the Code. Therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, DEC 23 1981

Commissioner Schwab
KSBeaumont:mc
December 21, 1981

Attest:


Auditor of the City of Portland

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	/	
LINDBERG		—
SCHWAB	/	
STRACHAN	/	
IVANCIE	/	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Sub. Calendar No. **3881**

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Title

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Filed DEC 22 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By

George Yerkovich
Deputy

INTRODUCED BY	
Commissioner Schwab	
NOTED BY THE COMMISSIONER	
Affairs	
Finance and Administration	
Safety	
Utilities	
Works	
BUREAU APPROVAL	
Bureau:	
Prepared By:	Date:
Kathryn Beaumont	12/21/81
Budget Impact Review:	
<input type="checkbox"/> Completed	<input type="checkbox"/> Not required
Bureau Head:	
CALENDAR	
Consent	Regular
NOTED BY	
City Attorney <i>K Beaumont</i>	
City Auditor	
City Engineer	