

ORDINANCE NO. **152989**

An Ordinance amending Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, Oregon, to allow the siting of public transit facilities in the downtown by amending Sections 33.36.160 and 33.44.140 and by adding Sections 33.12.781, 33.36.162 and 33.44.142 and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that:

1. Under the regulations presently contained in Chapter 33.36 and Chapter 33.44 public transit facilities are not included in the RX Downtown Multi-Family Residential Zone and the C1 Central Commercial Zone.
2. The Updated Downtown Parking and Circulation Policy adopted by the Council on October 30, 1980, states, in part, "(e)ncourage the improvement of public transit service and the increase in transit ridership, to thereby reduce the need for parking" and "(p)rovide parking and transportation elements which respond to the special needs of districts within downtown". This clearly expresses the Council's intent to allow public transit facilities where such facilities implement the above policies.
3. The objectives of this Ordinance are to:
  - a. Provide for a rich and diverse atmosphere at the site of public transit facilities.
  - b. Maintain safe, convenient and recognizable pedestrian access, to and from public transit facilities.
  - c. Encourage the development of mixed-use projects in the air rights over transit facilities where feasible.
4. The above objectives are supported by portions of the Downtown Design Guidelines adopted by the City Council December 19, 1980, which state, "(a)void the formation of pedestrian barriers (physical, visual or psychological) within the public right-of-ways," and "(m)aintain the diversity of the Downtown by providing opportunities for pedestrian-oriented activities adjacent to the pedestrian space."

The RX Development Notebook adopted February 7, 1980 supports the joint development objective by stating that "(t)he City shall execute public projects and encourage private development within the RX Zone to provide or directly support projects which will improve the residential quality of the RX Zone." "(P)rojects may include private improvements within public right-of-ways or adjacent public and private projects which compliment each other."

- 5. The intent was not properly implemented when Title 33 was amended by Ordinance No. 147239, implementing the RX Downtown Multi-Family Residential Zone and the C1 Central Commercial Zone.
- 6. Amendment of Chapters 33.36 and 33.44, by listing and describing public transit facilities as a conditional use is necessary to properly implement the intent of the City Council in adopting the Updated Downtown Parking and Circulation Policy.
- 7. On January 5, 1982 the Planning Commission reviewed these amendments to Title 33 and recommended that the Council adopt them.
- 8. It is in the public interest to pass the following amendments to Title 33, Planning and Zoning to permit the development of public transit facilities in the downtown and to better serve transit patrons.

NOW, THEREFORE, the Council directs:

- a. Title 33, Planning and Zoning, is hereby amended by adding Section 33.12.781 reading as follows:

33.12.781 Transit facilities, public. "Public transit facilities" means any passenger or support facilities required for the safe and efficient operation of the public transit system, exclusive of privately owned interstate transit companies. The facilities may include patron waiting areas, temporary transit vehicle storage or layover areas, special accommodations for the handicapped, substations for electrification, electrified wire support devices and rail trackage.

- b. Title 33, Planning and Zoning is hereby amended by an amendment to Section 33.36.160 to read as follows:

33.36.160 Uses permitted. In the RX Zone the following conditional uses may be permitted, subject to the regulations contained in Section 33.36.170 and the procedures specified in Sections 33.106.010 to 33.106.040.

- (1) \*\*\* (no change)
- (2) \*\*\* (no change)
- (3) The following uses which are exempt from the maximum floor area provisions of section 33.36.100(2):
  - (a) through (o) \*\*\* (no change)
  - (p) Public transit facilities
  - (q) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods;
  - (r) Residential buildings accessory to places of worship;
  - (s) Nursery schools, day care centers;
  - (t) Schools, parochial and private;
  - (u) Schools, public
  - (v) Welfare institutions and residential care facilities;
  - (w) Retail and service commercial clearly accessory to one or more of the above uses.
- (4) \*\*\* (no change)

- c. Title 33, Planning and Zoning, is hereby amended by adding Section 33.36.162 to Chapter 33.36 to read as follows:

33.36.162 Public transit facilities. (1) Public transit facilities may be permitted, subject to the regulations contained in Section 33.36.170 and the procedures specified in Sections 33.106.010 to 33.106.040. Items for consideration in granting a request for a public transit facility as a conditional use in the RX Zone may include, but are not limited to, pedestrian access, screening, landscaping, artificial lighting, ability to develop air rights where feasible, and avoidance of blank walls.

(2) A transit vehicle may layover for emergency repair no longer than the time required to accomplish the repair necessary to move the vehicle, or eighteen hours, whichever is less.

- d. Title 33, Planning and Zoning is hereby amended by an amendment to Section 33.44.140 to read as follows:

33.44.140 Uses permitted. In the C1 Zone the following conditional uses may be permitted, subject to the regulations contained in Section 33.44.170 and the procedure specified in Sections 33.106.010 to 33.106.040 inclusive.

- (1) through (6) \*\*\* (no change)  
 (7) Radio or television transmitters;  
(8) Public transit facilities.

- e. Title 33, Planning and Zoning, is hereby amended by adding Section 33.44.142 to Chapter 33.44 to read as follows:

33.44.142 Public transit facilities. (1) Public transit facilities may be permitted, subject to the regulations contained in Section 33.44.150 and the procedures specified in Sections 33.106.010 to 33.106.040. Items for consideration in granting a request for a public transit facility as a conditional use in the C1 Zone may include, but are not limited to, pedestrian access, screening, landscaping, artificial lighting, ability to develop air rights where feasible, and avoidance of blank walls.

(2) A transit vehicle may layover for emergency repair no longer than the time required to accomplish the repair necessary to move the vehicle, or eighteen hours, whichever is less.

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Section 2. The Council declares that an emergency exists because public transit facilities are not included in the RX or C1 Zones under existing regulations, and amendments are necessary to properly implement the Updated Downtown Parking and Circulation Policy and to continue the timely development and construction of the Banfield Light Rail Transit system in the Downtown; therefore this ordinance shall be in full force and effect upon passage by the Council.

Passed by the Council, **MAR 18 1982**

Commissioner Mildred Schwab  
Laurel Wentworth:sa  
January 13, 1982

Attest:

  
Auditor of the City of Portland

Calendar No. 697

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Title

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THURSDAY

Filed MAR 12 1982

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By *Jordan*  
Deputy

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

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY
Commissioner Mildred Schwab

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

BUREAU APPROVAL	
Bureau:	Bureau of Planning
Prepared By:	Date:
Laurel Wentworth:sa	1/13/82
Budget Impact Review:	
<input type="checkbox"/> Completed	<input checked="" type="checkbox"/> Not required
<i>[Signature]</i>	
Terry D. Sandblast, Director	

CALENDAR	
Consent	Regular X

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