

An Ordinance amending Section 33.44.140 and Section 33.106.030 of the Code of the City of Portland, Oregon so as to provide a moratorium upon granting of conditional uses for off-street parking structures in a portion of the C1 Central Commercial Zone and broadening right of appeal from Planning Commission approvals of off-street parking structures.

The City of Portland ordains:

Section 1. The Council finds that studies are presently being made for the formulation of a development plan for downtown Portland; that said plan is expected to be completed by January 31, 1972; that pending the formulation and filing of said plan, no conditional use for permanent type of off-street parking facilities should be permitted in the C1 Central Commercial Zone of the City of Portland, which comprises the major portion of the downtown Portland area being studied, unless proposed to be located within 400 feet of the perimeter of said zone; now, therefore, Section 33.44.140 in Chapter 33.40, relating to C1 Central Commercial Zone hereby is amended to read as follows:

33.44.140 USES PERMITTED. In a C1 Zone, the following conditional uses may be permitted subject to the regulations contained in Sections 33.44.150 - 33.44.210 and under the authority and according to the procedure specified in Chapter 33.106:

- (1) Aircraft landing area or private or public helistop;
- (2) Drive-in business;
- (3) Excavations and filling;
- (4) Group 4 principal uses listed in Section 33.42.020;
- (5) Off-street loading facilities;
- (6) Off-street parking facilities accessory or secondary to another principal use, or off-street parking lots for surface parking;
- (7) Radio or television transmitters;
- (8) Structures for off-street parking as a principal use located within 400 feet of the outside perimeter of the C1 Zone;
- (9) Any conditional use approved prior to March 1, 1971.

Section 2. The Council further finds that location of off-street parking facilities is of particular interest and concern to many citizens of the City who may not have property lying within the notice area of a proposed facility which could be permitted as a conditional use; that special notice for proposed conditional uses for off-street parking facilities is impractical, but the rights of appeal from any decision of the Planning Commission concerning such conditional use would afford an opportunity to all such persons interested to present their views and contentions; that general information to the public can be amplified through

administrative procedures; now, therefore, Section 33.106.030 of Chapter 33.106 relating to Conditional Use hereby is amended to read as follows:

33.106.030 EFFECTIVENESS AND APPEAL. Except for conditional uses for off-street parking structures as a principal use, if the order or decision of the commission grants all or any portion of an application and the commission determines there is no person eligible to appeal such order or decision, such order or decision shall become effective immediately. Otherwise, no order of the commission under this chapter shall become effective until after an elapsed period of fourteen days from the date the written determination is made. No order of the commission granting a conditional use for an off-street parking structure as a principal use shall become effective until after an elapsed period of 14 days from the date the written determination of the commission is made.

During the time prior to effectiveness, if any, any person aggrieved by a decision of the commission may appeal such decision to the city council by filing with the city auditor a written notice of appeal and a copy with the secretary of the commission, provided that he is an applicant whose application has been denied or specially conditioned, or that he is a person who objected either personally or in writing to the application and the grounds he stated have not been removed. Notwithstanding the foregoing limitations on eligibility to appeal, any person aggrieved by a decision of the commission relating to an off-street parking structure as a principal use may appeal such decision to the City Council in accordance with the foregoing procedure whether or not he objected either personally or in writing prior to the decision of the commission.

The secretary of the commission shall within fourteen days file with the auditor a report on the grounds for such decision and a list of persons appearing on the matter before the commission and any list of owners supplied with the original application. The auditor shall fix a date for public hearing on the appeal which shall not be more than twenty days after receipt of the secretary's report set forth above, notifying the appellant and all other persons who have appeared before the Commission on the matter and all other owners within the applicable notification area set forth in Section 33.106.020. At the time of hearing or thereafter, the council may affirm, modify, or reverse the decision of the commission. Such affirmance, modification or reversal may be made by motion, and shall not require separate permit or ordinance, but the auditor shall transmit to the secretary of the commission the effect of the action taken, which shall be made

ORDINANCE No.

in the form of an order and shall be preserved along with the actions of the commission in similar classes of decisions.

In no event, however, shall any order by the commission or by the council, become effective until the applicant, and property owners if different, has accepted the terms of the order in writing and until such order and acceptance are recorded in the appropriate county records at the expense of the applicant. Such acceptance must be filed within thirty days from the date of the commission's meeting, or within thirty days from the date of the council's hearing if an appeal has been made. If such acceptance is not filed and fee paid within such thirty day period then the order required to be accepted before effectiveness shall have no further force and effect and shall be null and void.

Passed by the Council, MAR 25 1971


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

1095

Calendar No.

988

ORDINANCE No. 132408

THE COMMISSIONERS VOTED
AS FOLLOWS:

	Yeas	Nays
Anderson	1	
Goldschmidt	1	
Ivancie	—	
McCreedy	1	
Schmuck	1	

FOUR-FIFTHS CALENDAR	
Anderson	
Goldschmidt	
Ivancie	
McCreedy	
Schmuck	

Title

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~~THURSDAY~~

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MAR 17 1971

PASSED TO THIRD READING MAR 23 1971

Filed MAR 12 1971

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By

Howard P. ...

Deputy

INTRODUCED BY
ORDER OF COUNCIL

DRAWN BY

MCR:rf

Date March 9, 1971

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works

City Attorney

NOTED BY THE CITY ATTORNEY

APPROVED

Date

By

City Engineer

Date

By