

An Ordinance amending Title 33, Planning and Zoning, by establishing new Sections 33.12.015, 33.12.016, 33.12.245, 33.12.295, amending Sections 33.30.020, 33.30.030, 33.30.050, 33.32.020, 33.32.030, 33.32.050, 33.32.230, 33.32.305, 33.34.020, 33.34.070, 33.36.040, 33.40.200, 33.40.212, 33.41.160, 33.42.140, 33.50.140, 33.50.150, 33.82.030 and by amending Chapter 33.81, Elderly and Handicapped High Density, to add the definitions of accessible, accessible route and disabled, revise the definition of high density housing for the elderly and disabled, substitute the word "disabled" for handicapped, change the number of units restricted by covenant to occupancy by the elderly or disabled and add standards regulating housing developed under the increased density provisions.

The City of Portland ordains:

Section 1. The Council finds:

1. Housing units in excess of the number of units permitted by the base zone have been built for the elderly under the increased density provisions of Section 33.30.050(k) which are not adequately accessible.
2. Planning Bureau staff was directed by the Planning Commission to revise Chapter 33.81, Elderly and Handicapped High Density, and other relevant portions of the code to ensure that housing built under the increased density provisions is adequately accessible and appropriate for elderly and disabled residents.
3. Effective October 1, 1983, the State of Oregon established the American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People, ANSI A117.1-1980, as the technical compliance standard for Chapter 31 of the Oregon State Structural and Specialty Code.
4. The addition of the design standards set forth in ANSI A117.1-1980, supplemented by standards addressing safety, will provide adequate design and safety standards for housing developed under the increased density provisions.
5. Changing the covenant requirement so that only the number of units in excess of those permitted by the base zone are restricted by covenant to elderly or disabled residents would provide more flexibility in development and allow a mix of populations within a project.
6. These amendments will not adversely affect the livability or safety of city neighborhoods and are consistent with both the City adopted Comprehensive Plan and the Statewide Planning Goals.
7. On July 24, 1984, the Planning Commission held a public hearing on the amendments and recommended that they be adopted.
8. It is necessary and in the public interest that the following amendments to Title 33 be adopted.

NOW, THEREFORE, the Council directs:

- a. Title 33, Planning and Zoning, Chapter 33.12, is hereby amended by the addition of a new Section 33.12.015 Accessible, to read as follows and by the amendment of the new Section listing at the beginning of the Chapter to reflect this new Section:

33.12.015 Accessible. "Accessible," a term describing a site, building, facility or portion thereof that can be approached, entered, and used by physically disabled people.

- b. Title 33, Planning and Zoning, Chapter 33.12, is hereby amended by the addition of a new Section 33.12.016 Accessible Route, to read as follows and by the amendment of the new Section listing at the beginning of the Chapter to reflect this new Section:

33.12.016 Accessible route. An "accessible route" is a continuous, unobstructed path connecting all accessible elements and spaces in a building or facility that can be negotiated by a disabled person using a wheelchair and that is also safe for and usable by people with other disabilities.

- c. Title 33, Planning and Zoning, Chapter 33.12, is hereby amended by the addition of a new Section 33.12.245 Disabled to read as follows and by the amendment of the new Section listing at the beginning of the Chapter to include this new Section:

33.12.245 Disabled. A "disabled" person has a condition of physical or mental disability which substantially limits one or more major life activities as stated in Section 504 of the Rehabilitation Act of 1973.

- d. Title 33, Planning and Zoning, Chapter 33.12, is hereby amended by the addition of a new Section 33.12.295 Elderly and Disabled Housing to read as follows and by the amendment of the new Section listing at the beginning of the Chapter to include this new Section:

33.12.295 Elderly and disabled housing. "Elderly and disabled housing" refers to self contained dwelling units limited in occupancy to households with a disabled family member or headed by a person 60 years of age or older and built to standards of accessibility and adaptability.

- e. Title 33, Planning and Zoning, is hereby amended by an amendment to Section 33.30.020 as follows:

33.30.020 Uses permitted. In an R2 Zone, the following uses are permitted:

(1) through (5) \*\*\* (no change)

(6) Elderly and disabled high density housing as regulated by Section 33.30.050(k).

f. Title 33, Planning and Zoning is hereby amended by an amendment to Section 33.30.030 to read as follows:

(a) \*\*\* (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 multi-family housing built-exclusively-for limited by covenant to occupancy by the elderly and/or-handicapped disabled shall provide one space for every four dwelling units and meet the regulations in Chapter 33.81. Parking and maneuvering areas must meet the regulations in Chapter 33.82.

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

g. Title 33, Planning and Zoning, is hereby amended by an amendment to Section 33.30.050 to read as follows:

(a) through (j) \*\*\* (no change)

(k) There shall be no minimum lot area per dwelling unit for projects including housing for the elderly and/or-handicapped-disabled if the following provisions are met:

(1) The requirements of Chapter 33.81 Elderly and Disabled High Density and of Sections 33.30.060 Maximum Lot Coverage, 33.30.080 Maximum Height Permitted, 33.30.090 Minimum Front Yard, 33.30.100 Minimum Side Yard, and 33.30.110 Minimum Rear Yard, as well as all other selections sections of this Chapter, shall be met.

(2) The property owner ~~has-executed~~ shall execute a covenant limiting the occupancy of units built in excess of the number of units permitted by the base zone structures-built-to-a-higher-density-than-allowed-by-the underlying-zoning to households headed-by-either-a-handicapped-person-with a disabled family member or headed by a person 60 years of age or older,; with-the-exception-that-one-dwelling-unit-may-be-occupied-by-a-household headed-by-a-person-of-any-age-whose-principal-occupation-is-directly-involved-with-the-management-or-maintenance-of-the-project. Such covenant shall be an agreement with the City based upon the same considerations, restrictions, and obligations as listed in Chapter 33.81. ~~of-the-city's-issuing-such-building-permit-in-reliance-on-the-property-owner's-abiding with-such-covenant.--Such-covenant-shall-run-with-and-be-attached-to-the land-and-shall-provide-that-in-the-event-of-the-property-owner's-failure-to-abide-by-such-covenant,-the-city-shall-be-empowered-to-terminate-occupancy-of-such-structure-and-to-obtain-in-the-name-of-the-city injunctive-relief-in-a-court-of-competent-jurisdiction-enjoining-any-future-occupancy-of-such-structure-in-violation-of-such-covenant-and-agreement.--Any-such-covenant-shall-be-approved-in-form-by-the-city-Attorney-and-shall-be-recorded-in-the-appropriate-records-of-the-county-in which-the-property-is-located-prior-to-issuance-of-any-building-permit.~~

- h. Title 33, Planning and Zoning, is hereby amended by an amendment to Section 33.32.020 to read as follows:

33.32.020 Uses Permitted. In an R1 zone, the following uses are permitted:

(1) through (6) \*\*\* (no change)

(7) Elderly and disabled high density housing as regulated by Section 33.32.050(k).

- i. Title 33, Planning and Zoning is hereby amended by an amendment to Section 33.32.030 to read as follows:

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 minimum~~ parking requirements for flag lots are listed in section 33.88.040) and as provided for in subsection (b) and except that ~~projects multi-family housing built exclusively for~~ limited by covenant to occupancy by the elderly and/or ~~handicapped disabled~~ shall provide one space for every four dwelling units and meet the regulations in Chapter 33.81. Required parking spaces shall meet the following regulations.

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

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

- j. Title 33, Planning and Zoning, is hereby amended by an amendment to Section 33.32.050 to read as follows:

(a) through (j) \*\*\* (no change)

(k) There shall be no minimum lot area per dwelling unit for projects including housing for the elderly and/or ~~handicapped disabled~~ if the following provisions are met:

(1) The requirements of Chapter 33.81 Elderly and Disabled High Density and of sections 33.32.060 Maximum Lot Coverage, 33.32.080 Maximum Height Permitted, 33.32.090 Minimum Front Yard, 33.32.100 Minimum Side Yard, and 33.32.110 Minimum Rear Yard, as well as all other sections of this Chapter, shall be met.

(2) The property owner ~~has executed~~ shall execute a covenant limiting the occupancy of units built in excess of the number of units permitted in the base zone structures built to a higher density than allowed by the underlying zoning to households headed by either a ~~handicapped person with a disabled family member or headed by a person 60 years of age or older,~~ with the exception that one dwelling unit may be occupied by a household

~~headed by a person of any age whose principal occupation is directly involved with the management or maintenance of the project. Such covenant shall be an agreement with the City based upon the same considerations, restrictions, and obligations as set out in Chapter 33.81. of the City's issuing such building permit in reliance on the property owner's abiding with such covenant. -- Such covenant shall run with and be attached to the land and shall provide that in the event of the property owner's failure to abide by such covenant, the City shall be empowered to terminate occupancy of such structure and to obtain in the name of the City injunctive relief in a court of competent jurisdiction enjoining any future occupancy of such structure in violation of such covenant and agreement. -- Any such covenant shall be approved in form by the City Attorney and shall be recorded in the appropriate records of the county in which the property is located prior to issuance of any building permit.~~

- k. Title 33, Planning and Zoning, is hereby amended by an amendment to Section 33.32.230 to read as follows:

(1) through (10) \*\*\* (no change)

(11) ~~High density apartments for the Elderly and handicapped disabled~~ high density housing as regulated by Chapter 33.81.

(12) through (32) \*\*\* (no change)

- l. Title 33, Planning and Zoning, is hereby amended by an amendment to Section 33.32.305 and by the amendment of the Section listing at the beginning of the Chapter to read as follows:

33.32.305 ~~High density apartments for the Elderly and handicapped disabled high density housing. High density apartment projects housing for the elderly and handicapped disabled~~ may be allowed under the provisions of Chapter 33.81.

- m. Title 33, Planning and Zoning, is hereby amended by an amendment to Section 33.34.020 to read as follows:

33.34.020 Uses permitted. In an RH Zone, the following uses are permitted:

(1) through (6) \*\*\* (no change)

(7) Elderly and disabled high density housing as regulated by Chapter 33.81.

~~(7)~~ (8) Nonresidential uses as regulated by 33.34.150 Pre-existing uses.

- n. Title 33, Planning and Zoning, is hereby amended by an amendment to Section 33.34.070 to read as follows:

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 of flag lots exist and are listed in Section 33.88.020):

(1) Site of ~~housing projects exclusively for the~~ elderly and disabled high density housing: As ~~as~~ regulated by ~~chapter~~ Chapter 33.81, Elderly and Disabled High Density.

(2) and (3) \*\*\* (no change)

- o. Title 33, Planning and Zoning, is hereby amended by an amendment to Section 33.36.040 to read as follows:

33.36.040 Uses permitted.

(1) Residential uses. The following residential uses are permitted in any part of the RX Zone:

(a) through (f) \*\*\* (no change)

(g) Elderly and disabled high density housing as regulated by Chapter 33.81.

(2) through (4) \*\*\* (no change)

- p. Title 33, Planning and Zoning, is hereby amended by an amendment to Section 33.40.200 to read as follows:

(1) through (4) \*\*\* (no change)

(5) Elderly and ~~handicapped~~ disabled high density housing

(6) through (27) \*\*\* (no change)

- q. Title 33, Planning and Zoning, is hereby amended by an amendment to the Section listing at the beginning of the Chapter and an amendment to Section 33.40.212 to read as follows:

33.40.212 Elderly and ~~handicapped~~ disabled high density housing. High density ~~projects for~~ housing for the elderly and handicapped disabled shall meet the requirements of Chapter 33.81.

- r. Title 33, Planning and Zoning, is hereby amended by an amendment to Section 33.41.160 to read as follows:

33.41.160 On all lots in C3 Zones (a) Uses permitted:

(1) through (4) \*\*\* (no change)

(5) Elderly and ~~handicapped~~ disabled high density housing as regulated by Chapter 33.81;

(6) and (7) \*\*\* (no change)

~~(b) - High-density housing for the elderly and handicapped is permitted subject to the regulations set forth in Chapter 33.81.~~

(c) and (d) are renumbered (b) and (c)

- s. Title 33, Planning and Zoning, is hereby amended by an amendment to Section 33.42.140 to read as follows:

33.42.140 On lots developed for residential uses in a C2 Zone

(a) Uses permitted:

(1) through (5) \*\*\* (no change)

(6) Elderly and ~~handicapped~~ disabled high density housing as provided for regulated by Chapter 33.81.

(7) \*\*\* (no change)

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

- t. Title 33, Planning and Zoning, is hereby amended by an amendment to Section 33.50.140 to read as follows:

33.50.140 On lots six hundred feet or less from R20, R10, R7, R5, R2.5, C5, or C4 Zones and two hundred feet or less from R1 Zones.

(a) Uses permitted:

(1) through (5) \*\*\* (no changes)

(6) Elderly and ~~handicapped~~ disabled high density housing as regulated by Chapter 33.81.

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

- u. Title 33, Planning and Zoning, is hereby amended by an amendment to Section 33.50.150 to read as follows:

33.50.150 On all other lots in M3 Zones

(a) Uses permitted:

(1) through (5) \*\*\* (no change)

(6) Elderly and ~~handicapped~~ disabled high density housing as regulated by Chapter 33.81.

(b) Where any lot is used exclusively for any of the above residential uses, all regulations governing principal uses permitted in the RH Zones-  
Zone shall apply. Such projects shall be limited to a the floor area  
ratio ratio of 12:1, allowed by 33.81.030.

(c) \*\*\* (no change)

- v. Title 33, Planning and Zoning is hereby amended by amendments to the Table of Contents of Title 33 and to Chapter 33.81 to read as follows:

#### Chapter 33.81

#### ELDERLY AND HANDICAPPED DISABLED HIGH DENSITY

New Sections are underlined

33.81.010 Purpose  
~~33.81.020 - Definitions~~  
 33.81.020 Occupancy  
 33.81.030 Density, Assigned FAR  
~~33.81.030 - Parking~~  
 33.81.040 Design  
~~33.81.040 - Loading~~  
 33.81.050 Parking and Loading  
~~33.81.050 - Density, assigned FAR~~  
 33.81.060 Safety  
~~33.81.060 - Requirements~~  
 33.81.070 Nonresidential Facilities  
 33.81.080 Review  
 33.81.090 Requirements



## 33.81.010 PURPOSE

To provide additional opportunities for the integration of elderly and ~~handicapped disabled~~ housing options into the city, and to increase the ability of the elderly and disabled to live independently. Further, and to regulate these uses in a manner consistent with their special nature and the principles of accessibility, safety, convenience and affordability.

High density housing for elderly and handicapped disabled projects persons shall be allowed as principal permitted uses in C3, C2, M3, RH and RX zones and as conditional uses in C4 and R1 zones. The regulations of this Chapter governing parking, loading and density supersede those of the underlying zone. Publicly funded housing subject to federal or state regulations on accessibility safety or design are exempted from the similar requirements of this chapter.

~~33.81.020--Definitions.--An elderly and handicapped housing project shall be defined as a project consisting of units limited in occupancy to households headed by a handicapped person or a person 60 years of age or older, with the exception that two dwelling units may be occupied by households headed by persons of any age whose principal occupation is directly involved with the management or maintenance of the project.~~

The following new Section is added:

33.81.020 OCCUPANCY

Housing Units built under this chapter in excess of the number of units permitted by the base zone shall be limited in occupancy to households with a disabled family member or headed by a person 60 years of age or older, with the exception that two dwelling units may be occupied by households headed by persons of any age whose principal occupation is directly involved with the management or maintenance of the structure or the care of one or more of the residents.

Shared living arrangements that require support or outside assistance may take the form of resident managers or assistants or personal care aides who may live in or come daily as needed by the residents. Residential care facilities or other facilities intended to provide planned training or planned treatment in a residential setting requiring licensing under Chapter 8.80 of the Municipal Code are not allowed under this chapter.

The following Section is amended to read:

~~33.81.050~~ 33.81.030 DENSITY, ASSIGNED FAR AND HEIGHT LIMITATIONS

Housing built under the provisions of this chapter may exceed the density of the underlying zone and result in an increased number of dwelling units. Density shall be measured by Floor floor area ratio (FAR) shall be and assigned by zone according to the following schedule.

- (1)-(A) In C4 and R1 zones, high density housing for the elderly and handicapped disabled projects may be built to an FAR of 3:1.
- (2)-(B) In C3, C2 and M3 zones, high density housing for the elderly and handicapped disabled projects may be built to an FAR of 4:1.
- (3)-(C) In RH zoned areas where the allowable FAR is 2:1 or 3:1, high density housing for the elderly and handicapped disabled projects may be built to an FAR of 3:1. Where the allowable FAR is 4:1, elderly and handicapped disabled projects housing may be built at 4:1.
- (D) Building height is limited to 250 feet measured from the lowest grade of the site. Within 20 feet of the front or rear property line the maximum height shall be 65 feet.

The following new Section is added:

33.81.040 DESIGN

- (A) All structures and dwelling units in excess of the number of units permitted by the base zone built under the provisions of this Chapter shall be located on and connected by an accessible route. Access from the street, driveway or passenger loading zone to the principal accessible entrance shall not require use of ramps with runs in excess of 30 feet unless one level rest platform is provided at the top, bottom and at least every 30 feet. An accessible route shall connect all dwelling units with common use spaces and rooms or spaces within dwelling units. Fifteen percent (15%) of the increased number of dwelling units shall be built to standards of adaptability.
- (B) American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People, ANSI A117.1-1980 shall be the standard for compliance for all provisions relating to accessible route, parking, clear floor area, controls, operating mechanisms and adaptability.
- (C) The number of dwelling units in excess of the number of units permitted by the base zone built under this Chapter shall vary according to number of bedrooms as follows: (a) 1 bedroom--25%, (b) 2 or more bedrooms--25%. Where there is an odd number of units, the odd unit may contain either one or two or more bedrooms. Minimum bedroom size shall be 150 square feet except for units of two or more bedrooms where only one bedroom must meet this standard. Unit mix and minimum bedroom size requirements do not apply to the housing units allowed by the base zone or to development initiated under 33.30.050 or 33.32.050.

The following Section is amended to read:

33.81.030 33.81.050 PARKING AND LOADING

~~(a)~~ (A) One parking space shall be provided for every eight four dwelling units designed for limited by covenant to occupancy by elderly or handicapped disabled persons except that housing limited by funding program restrictions to occupancy by primarily elderly individuals (75% or more of total dwelling units) shall have one parking space for every eight dwelling units. except as provided for in Sub (c). Fifteen percent (15%) or a minimum of one of these spaces shall be designed and reserved for use by disabled persons. All parking shall comply with the regulations contained in Chapter 33.82.

~~(b)(B) One parking space shall be provided for every unit occupied by a non-elderly head of household engaged in the management or maintenance of the project.~~

~~(c) Bicycle or adult tricycle parking may be substituted for parking required under Subsection (a) if the following conditions are met:~~

~~(1) Four bicycle or adult tricycle parking spaces are provided for every passenger automobile space eliminated by this substitution.~~

~~(2) At least one passenger automobile parking space is maintained for every 12 units designed for occupancy by elderly or handicapped persons.~~

~~(3) The Bureau of Traffic Engineering approves the substitution.~~

(B) Parking for the units permitted by the base zone shall meet the parking requirements of the base zone and of Chapter 33.82.

33.81.040 -- Loading

(C) One passenger loading zone complying with ANSI A117.1-1980 and one one loading space shall be provided for every project. The required loading bay shall conform with the regulations established in Chapter 33.86. The passenger loading zone and off street loading berth may be combined.

The following new Section is added:

33.81.060 SAFETY

The following safety features shall be incorporated into all housing including units limited by covenant to occupancy by the elderly or disabled built under the provisions of this Chapter.

(A) Housing with five or more such units or more than two stories shall comply with the fire and safety provisions of the Oregon State Structural and Specialty Code (1982 ed.) relating to SR-1 occupancies. All dwelling units shall be prewired for a visible and audible emergency alarm system.

- (B) A single ramp, corridor or courtyard may not be used as the principal entrance to more than eight such units. All main entrances to these units shall be capable of being monitored either by visual observation via wide angle peepholes installed at 48 inches and 54 inches, sidelights at the front door, or a volume adjustable annunciator system and be secured by deadbolt locks. One window (minimum six square feet) must be provided in each of these units that overlooks the circulation space leading to the unit.
- (C) Windows and sliding glass doors for these units shall have the sliding section on an inside track and have effective locking devices. Floor mounted tracks shall pose no obstruction to egress.
- (D) Emergency exit lighting shall be provided for every public space, corridor, stairway, elevator and other means of egress so that residents do not become disoriented as a result of poor lighting. Exterior lighting shall be provided in areas of heavy pedestrian or vehicular traffic.
- (E) Ramps integral to egress must be constructed of nonslip, fire retardant materials. Where ramps are infeasible due to space limitations, small wheelchair lifts with capacity to operate in a power outage shall be installed to overcome level changes.
- (F) Stairs shall not be used as the principal entrance to any such unit or the main path of travel. Where stairways are used as a secondary method of vertical circulation or egress, they shall be designed with unobstructed floor landings or intermediate platforms no smaller in area than 5 feet by 6 feet with 18 inches on the latch side of each door. Handrails shall be continuous on both sides 32 inches above the nosings and extend 18 inches horizontally beyond the top and bottom risers.
- (G) Swing out, sliding, or pocket doors shall be used for any room of such units with a single means of egress. Doors to small spaces such as pantries and storage closets shall be wide enough to allow reaching access.
- (H) Thermostatically controlled water temperature gauges and anti-scald devices shall be installed in line in these units. Exposed water pipes, drain pipes or motors shall be recessed, housed or insulated.
- (I) Structural reinforcement complying with ANSI A117.1-1980 shall be built into the bathroom walls of all such units to allow the future installation of grab bars.
- (J) Hardware and controls in these units intended to be used or operated by the occupants shall be capable of being operated by a single, nonprecise movement not requiring gripping or twisting, surrounded by clear floor space allowing for a close approach, and consistently located within the safe reach limitations of the average seated adult. Fixtures, hardware or controls located less than 7 feet from the floor shall not protrude over 4 inches.

The following new Section is added:

33.81.070 NONRESIDENTIAL FACILITIES

Nothing in this Chapter shall preclude the provision of community social rooms, recreation rooms, dining areas and kitchens, toilet facilities or other facilities for the primary use of the residents. Where these facilities are provided, they shall be located on an accessible route.

The following new Section is added:

33.81.080 REVIEW

- (A) Upon notification of an applicant's intent to develop housing under the provisions of this Chapter, the City's Disability Project Coordinator, Metropolitan Human Relations Commission, shall furnish the applicant with a guidebook outlining accessibility and adaptability standards. The Coordinator shall have the authority to adopt and publish additional guidelines of evaluation and acceptability for residential housing for the elderly and disabled under this Chapter, if needed. Such guidelines shall ensure technical compliance with the criteria of accessibility, safety, convenience and affordability.
- (B) Prior to the issuance of a building permit or other permit for moving or alteration of any structure developed under the provisions of this Chapter and concurrent with review by the Planning Bureau, the Disability Project Coordinator shall review building permit applications for any housing units built under this Chapter. Review shall be completed within 14 days of the receipt of the application. The Disability Project Coordinator shall ensure that units meet the accessibility standards and adaptability needs of the disabled population and assist architects and developers in designing accessible and adaptable units. The Coordinator shall instruct the applicant in writing to make any corrections necessary to obtain compliance.

The following Section is amended to read:

~~33.81.060~~ 33.81.090 REQUIREMENTS

The following special requirements and restrictions shall apply to high density housing for elderly and disabled ~~projects~~ persons constructed under the provisions of this Chapter.

- ~~(1)~~ (A) All high density elderly and ~~handicapped~~ disabled ~~projects~~ housing initiated under this chapter shall be subject to the lot coverage, ~~height~~ and yard requirements of the RH Zone and building height limitation in 33.81.030.

- (2)(B) In a C4 or R1 zone the applicant or his/her representative must be available before the conditional use hearing to present the project development proposal to the neighborhood association within whose boundaries the project proposed development lies, should they request a presentation and notify the applicant of the location, date and time of such presentation at least seven days preceding the date set for the presentation.
- (3)(C) The property owner ~~must~~ shall execute a covenant limiting the occupancy of ~~structures built to a higher density than allowed under the provisions of this Chapter to households headed by either a handicapped person or a person 60 years of age or older, with the exception that two dwelling units may be occupied by a household headed by a person of any age whose principal occupation is directly involved with the management or maintenance of the project.~~ Such covenant shall be an agreement with the City based upon the in consideration of the City's issuing such building permit and permitting a greater density than would otherwise be allowed by the base zone. ~~in reliance on the property owner's abiding with such covenant.~~ Such covenant shall run with and be attached to the land and shall provide that in the event of the property owner's failure to abide by such covenant, the City shall be empowered to terminate occupancy of such structure or portions thereof and to obtain in the name of the City injunctive relief in a court of competent jurisdiction enjoining any future occupancy of such structure in violation of such covenant and agreement. Any such covenant shall be approved in form by the City Attorney, ~~and shall be recorded in the appropriate records of the county in which the property is located prior to issuance of any building permit and shall specify the following conditions:~~
- (1) Where structures are built to higher density than allowed by the underlying zoning, occupancy of the units in excess of the number of units permitted by the base zone shall be limited to households with a disabled family member or headed by a person 60 years of age or older.
  - (2) The property owner shall submit a summary of each unit's adaptable features to renters or buyers and the Disability Project Coordinator and furnish renters or buyers with the instructions for adjusting or replacing kitchen counters and sink heights and for removing cabinets; a scale drawing showing methods and locations for the installation of grab bars; a scale drawing showing the location of adjustable or replaceable counter areas and removable cabinets; identification of the location of any equipment and parts required for adjusting or replacing countertops, cabinets and sinks; and instructions for installing a visual emergency alarm system.
  - (3) Fixtures or items not installed at the time of construction under the adaptable provisions of this chapter and fixtures installed which might need to be removed to provide access shall be installed or removed by the owner at the owner's expense when the dwelling is rented to a tenant who needs and requests the specified feature.

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- (4) When vacancies occur in units limited by covenant to occupancy by the elderly or disabled, the property owner shall notify the Disability Project Coordinator or his/her designee who shall be responsible for dissemination of vacancy information to social service agencies or a centralized housing data referral bank.

w. Title 33, Planning and Zoning, Section 33.82.030 is hereby amended to read as follows:

33.82.030

(a) through (l) \*\*\* (no change)

- (m) Parking for the disabled shall be the closest parking spaces to an accessible entrance of the structure which is reached by travel on an accessible circulation route and subject to requirements specified in ANSI A117.1-1980 and Section 3108 of the Oregon State Structural and Specialty Code (1982 ed.). Parking spaces must be placed adjacent to a walk system with a hard surface that is accessible from the space.

X. The Council further directs (1) that the bonus density provisions be annually monitored by the City Council through the Annual Report on the Comprehensive Plan and through an annual evaluation by the Office of Housing Policy and (2) that affected neighborhood associations be notified of housing projects being granted these density bonuses.

Passed by the Council, OCT 18 1984

Mayor Francis J. Ivancie  
September 14, 1984  
J. Childs:mh  
51249003

JEWEL LANSING

Auditor of the City of Portland

By Elena Corvera  
Deputy

2218

~~2219~~

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Calendar No.

# ORDINANCE No. 156689

## Title

An Ordinance amending Title 33, Planning and Zoning, by establishing new Sections 33.12.015, 33.12.016, 33.12.245, 33.12.295, amending Sections 33.30.020, 33.30.030, 33.30.050, 33.32.020, 33.32.030, 33.32.050, 33.32.230, 33.32.305, 33.34.020, 33.34.070, 33.36.040, 33.40.200, 33.40.212, 33.41.160, 33.42.140, 33.50.140, 33.50.150, 33.82.030 and by amending Chapter 33.81, Elderly and Handicapped High Density, to add the definitions of accessible, accessible route and disabled, revise the definition of high density housing for the elderly and disabled, substitute the word "disabled" for handicapped, change the number of units restricted by covenant to occupancy by the elderly or disabled and add standards regulating housing developed under the increased density provisions.

OCT 4 1984

PASSED TO SECOND READING OCT 10 1984

PASSED TO SECOND READING OCT 18 1984

As Amended

SEP 28 1984

Filed \_\_\_\_\_

JEWEL LANSING

Auditor of the CITY OF PORTLAND

By Denius Nole  
Deputy

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

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY

Mayor Francis J. Ivancie

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

FBI by JHA

Safety

Utilities

Works

BUREAU APPROVAL

Bureau:

Bureau of Planning

Prepared By

Date:

J. Childs:mh

9-14-84

Budget Impact Review:

☐ Completed

☒ Not required

Bureau Head

Terry D. Sandblast, Director

CALENDAR

Consent

Regular

X

NOTED BY

City Attorney

City Auditor

City Engineer