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33.120.205 Density

- A. Purpose.** The number of dwellings per unit of land, the density, is controlled so that housing can match the availability of public services and the availability of support commercial areas. The standards also allow the housing density to be matched with the carrying capacity of the land. In addition, the density standards are used as one type of control of overall building bulk. In areas with the highest level of public services, the minimum density standards ensure that the service capacity is not wasted and that the City's housing goals are met. The bonus density options allow additional floor area as an incentive for providing affordable housing.
- B. Maximum density.** The maximum densities for the multi-dwelling zones are stated in Table 120-3. In the RH zone the maximum FAR is 4 to 1 in the areas shown on Maps 120-2 through 120-19. In all other RH zoned areas the maximum FAR is 2 to 1. All new housing built, or converted from other uses, must be on sites large enough to comply with the density standards. The number of units allowed on a site is based on the presumption that all site development standards will be met. The allowed density is not a special right that justifies adjusting other development standards.
- C. Minimum density.** The minimum density requirements for the multi-dwelling zones are stated in Table 120-3. Land within an Environmental zone may be subtracted from the calculation of minimum density. A site that is nonconforming in minimum density may not move further out of conformance with the minimum density standard. However, units may be added to the site that bring the site closer to conformance without coming all the way into conformance.
1. In the R3, and R2, and RMP zones, if maximum density is two units then minimum density is two units. If maximum density is one unit, minimum density is one unit.
 2. In the R1 zone, if the site is less than 10,000 square feet in area, the minimum density is 1 unit per 2,000 square feet.
 3. On sites where trees that are 12 or more inches in diameter are proposed for preservation, minimum density may be reduced as follows:
 - a. The maximum allowed reduction in minimum density is shown in Table 120-6.
 - b. When this provision is used to reduce density, the owner must execute a covenant with the City. The covenant is not required if the site is also part of a proposed Land Division. The covenant must:
 - (1) Require that all trees used to reduce the minimum density be preserved for at least 10 years;
 - (2) Allow trees used to reduce the minimum density that die, or become diseased or dangerous to be removed and replaced within the 10-year preservation period. The trees must be determined to be dead, diseased, or dangerous by an arborist, and a Title 11 tree permit must be obtained. If a tree used to reduce the minimum density is dead, diseased, or dangerous as the result of a violation, Tree Review is required; and

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(3) The covenant must meet the requirements of Section 33.700.060 and be recorded before a development permit is issued.

- D. Floor area ratio.** The floor area ratio (FAR) states the amount of floor area allowed. There is no maximum limit on the number of dwelling units within the allowable floor area, but the units must comply with all building and housing code requirements. The FAR also includes any nonresidential uses that are allowed. Minimum density requirements may also apply.
- E. Maximum increase in density or FAR.** In the RH and RX zones, an increase in FAR through the use of bonuses and transfers of more than 3 to 1 is prohibited. In all other multi-dwelling zones an increase in the number of units through the use of bonuses, including amenity bonuses, and transfers of more than 100 percent is prohibited. The maximum allowed increase is calculated based on maximum density without inclusionary or affordable housing bonuses.
- F. ~~Inclusionary housing~~ Bonus density or FAR.** The following density and FAR bonus options are allowed in the R3 through ~~RX~~RMP zones. Adjustments to this Subsection, or to the amount of maximum density or floor area allowed through the bonuses in this Subsection, are prohibited. Amenity bonuses described in 33.120.265 may allow additional bonus density:
1. Inclusionary housing bonus option. The inclusionary housing bonus option only applies in the R3-RX zones.
 - a. Mandatory inclusionary housing. Bonus density or FAR is allowed up to the maximum with inclusionary housing bonus stated in Table 120-3 for development that triggers the requirements of 33.245, Inclusionary Housing. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.
 - ~~b.~~ Voluntary inclusionary housing. Bonus density or FAR up to the maximum with inclusionary housing bonus stated in Table 120-3 is allowed when one of the following voluntary bonus options is met:
 - ~~(1)~~a. Bonus density or FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

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~~(2)~~ Bonus density or FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). For sites where density is calculated in dwelling units, the amount of floor area purchased is converted to dwelling units at a rate of 1 dwelling unit per 800 square feet. The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

2. RMP zone affordable housing bonus option. In the RMP zone, maximum density can be increased up to the maximum with RMP affordable housing bonus stated in Table 120-3 when at least 50 percent of all of the dwelling units on the site are affordable to those earning no more than 60 percent of area median family income. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets this affordability standard and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

G. Transfer of density or FAR. Density or FAR may be transferred from one site to another subject to the following:

1. Calculating the amount of density or FAR transferred. In the R3, R2, ~~and R1~~, and RMP zones, transferable density is calculated in terms of dwelling units. In the RH and RX zones, transferable density is calculated by FAR.
2. Development standards. Buildings on sites receiving transferred density or FAR must meet the development standards of the base zone, overlay zone, or plan district, except for maximum density, which is regulated by Subsection E.
3. General standards for transfers of density or FAR.
 - a. Except for transfers from the sites of Landmarks and transfers from sites zoned RMP, the transfers may be only between sites within a block or between sites that would be abutting except for a right-of-way.
 - b. Density or FAR from the site of a Landmark or from a site zoned RMP may be transferred to any site allowed by Paragraph G.4 below, within the recognized neighborhood where the Landmark or RMP zoned site is located, or to any site within two miles of the Landmark or RMP zoned site.

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4. Zoning.
 - a. RX Zone. In the RX Zone:
 - (1) Transfer of commercial development rights is regulated by Subparagraph 33.120.100.B.3.f;
 - (2) Density or FAR may be transferred from a site zoned RX to a site zoned RX, RH, CX, or EX. Density may be transferred from the site of a Landmark zoned RX to a site zoned RX, RH, C, or EX.
 - b. RH Zone. Density or FAR may be transferred from a site zoned RH to a site zoned RX or RH. Density may be transferred from the site of a Landmark zoned RH to a site zoned RX, RH, or EX.
 - c. R3, R2, and R1 Zones. Density may be transferred among sites zoned R3, R2, and R1.
 - d. RMP zone. Density may be transferred from a site zoned RMP to a site zoned R3, R2, R1, or RH. When density will be transferred from a site zoned RMP to a site zoned RH, one dwelling unit is equal to 800 square feet of floor area.
5. Covenants. The property owner must execute a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant for the receiving site must meet the requirements of Section 33.700.060. The covenant for the Landmark transferring the density must meet the requirements of 33.445.610.D., Covenant.

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**Table 120-3
Summary of Development Standards in Multi-Dwelling Zones**

Standard	R3	R2	R1	RH	RX	<u>RMP</u>
Maximum Density (See 33.120.205)	1 unit per 3,000 sq. ft. of site area	1 unit per 2,000 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	FAR of 2 to 1 or 4 to 1	FAR of 4 to 1	<u>1 unit per 2,000 sq. ft. of site area</u>
Maximum Density with Inclusionary Housing or <u>RMP Zone Affordable Housing Bonus</u> (See 33.120.205.F)	1 unit per 2,400 sq. ft. of site area	1 unit per 1,600 sq. ft. of site area	1 unit per 800 sq. ft. of site area	FAR of 2.5 to 1 or 5 to 1 [1]	FAR of 5 to 1	<u>1 unit per 1,300 sq. ft. of site area</u>
Minimum Density (See 33.120.205)	1 unit per 3,750 sq. ft. of site area	1 unit per 2,500 sq. ft. of site area	1 unit per 1,450 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	1 unit per 500 sq. ft. of site area	<u>1 unit per 2,500 sq. ft. of site area</u>
Maximum Height (See 33.120.215)	35 ft.	40 ft.	25/45 ft.	25/65 ft. 75/100 ft.	100 ft.	<u>35 ft.</u>
Minimum Setbacks - Front building setback - Street building setback - Side and rear building setback. - Garage entrance setback (See 33.120.220)	10 ft. -- See Table 120-4 18 ft.	10 ft. -- See Table 120-4 18 ft.	3 ft. 3 ft. See Table 120-4 5/18 ft.	0 ft. 0 ft. See Table 120-4 5/18 ft.	0 ft. 0 ft. 0 ft. 5/18 ft.	<u>10 ft.</u> -- <u>10 ft.</u> <u>18 ft.</u>
Maximum Setbacks (See 33.120.220) Transit Street or Pedestrian District	20 ft.	20 ft.	20 ft.	20 ft.	10 ft.	<u>NA</u>
Max. Building Coverage (See 33.120.225)	45% of site area	50% of site area	60% of site area	85% of site area	100% of site area	<u>50% of site area</u>
Max. Building Length (See 33.120.230)	No	Yes	Yes	No	No	<u>Yes</u>
Min. Landscaped Area (See 33.120.235)	35% of site area	30% of site area	20% of site area	15% of site area	none	<u>30% of site area</u>
Required Outdoor Areas (See 33.120.240)	Yes	Yes	Yes	No	No	<u>See 33.251</u>

Notes:

[1] If the base FAR is 2 to 1 then the maximum with bonus is 2.5 to 1. If the base FAR is 4 to 1, then the maximum with bonus is 5 to 1.