

ORDINANCE NO. 153828

An Ordinance amending Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, Oregon, by amending Chapters 33.12, 33.28, 33.30, 33.32, 33.34, 33.36, 33.40, 33.42, 33.50, 33.52, 33.54, 33.82 and 33.106 to correct errors and clarify the City's existing regulations.

The City of Portland ordains:

Section 1. The Council finds:

1. On October 16, 1980, City Council adopted Ordinance No. 150581 amending Title 33, Planning and Zoning, in order to implement the City's adopted Comprehensive Plan, as required by State law.
2. Further review and proofing of Title 33 has resulted in identification of certain corrections necessary to accurately reflect City Council action, to correct errors not eliminated during earlier proofing or to eliminate ambiguity.
3. On April 27, 1982, the Planning Commission considered these amendments and recommended that City Council adopt them.
4. It is appropriate and in the public interest that the following amendments to Title 33 be passed.

NOW, THEREFORE, the Council directs:

- a. Title 33, Planning and Zoning, Chapter 33.12 Definitions is hereby amended by amending Sections 33.12.090, 33.12.095, 33.12.270 and 33.12.280 and by adding Section 33.12.635 to read as follows:
 1. 33.12.090 Apartment dwelling. For the definition of "Apartment dwelling" see Section 33.12.270 Dwellings, multi-family.
 2. 33.12.095 Attached residential dwelling. "Attached residential dwelling" means any one-family dwelling having at least one wall located on a property line or within six inches of a property line. Such wall may be shared in common by "attached residential dwellings" on both sides of the property line. Any "attached residential dwelling" must be located on an individual lot having only one dwelling unit on it. As used in this Title, a rowhouse or townhouse is an "attached residential dwelling."
 3. 33.12.270 Dwelling, multi-family. "Multi-family dwelling" means a building or portion thereof, designed for occupancy by three or more families living independently of each other and not classified as a one- or two-family dwelling.
 4. 33.12.280 Dwelling, one-family. "One-family dwelling" means a detached or attached dwelling unit which is located on an individual lot absent of any other dwelling unit other than an approved accessory rental unit and is designed exclusively for occupancy by one family.

5. 33.12.635 Rowhouse. For the definition of "rowhouse" see Section 33.12.095 Attached Residential Dwelling.
- b. Title 33, Planning and Zoning, Chapter 33.28 R2.5 One Family Residential Zone is hereby amended by amending Sections 33.28.030 and 33.28.120 to read as follows:
1. 33.28.030 Off-Street Parking Required.
 - (a) through (h) *** (no change)
 - (i) No driveway serving one lot shall be wider than 9 feet and no driveway serving two lots shall be wider than 18 feet.
 2. 33.28.120 Minimum Side Yard.
 - (a) A minimum side yard shall be required where:
 - (1) A rowhouse lot abuts another lot that is zoned for residential or farm and forest use and is not part of the same rowhouse development or subdivision; or
 - (2) The exterior walls facing the side yard lot line do not lie within six inches of the side yard lot line.
 - (b) Where side yards are required, they shall vary according to structure height as shown on the following schedule, except in the case of flag lots (regulations governing yard requirements for flag lots are listed in Section 33.88.030):

For one story.	5 feet
For one and one half stories	6 feet
For two stories.	6 feet
For two and one half stories	7 feet
- c. Title 33, Planning and Zoning, Chapter 33.30 R2 Multi-Family Residential Zone is hereby amended by amending Section 33.30.050 to read as follows:
- 33.30.050 Lot size required.
- (a) through (e) *** (no change)
 - (f) A lot containing a two-family or multi-family dwelling may be divided to allow the dwellings to be converted to attached single family housing. Any new lot so created shall have a minimum lot area of 1800 square feet, a minimum lot width of 16 feet and a minimum lot depth of 70 feet.
 - (g) No lot, tract or parcel of land shall be reduced by transfer of ownership, immediate or future, in area, width or depth to less than stated in subsections (a), (d) and (e) unless approved as provided in Chapter 33.98 or as allowed in subsections (f) or (j) of this Section.

- d. Title 33, Planning and Zoning, Chapter 33.32 R1 Multi-Family Residential Zone is hereby amended by amending Section 33.32.050 to read as follows:

33.32.050 Minimum lot size required.

(a) through (c) *** (no change)

(d) The minimum lot width for a detached dwelling or multi-family dwelling shall be forty feet.

- e. Title 33, Planning and Zoning, Chapter 33.34 RH High Density Multi-Family Residential Zone is hereby amended by amending Section 33.34.070 to read as follows:

33.34.070 Maximum floor area ratio (FAR) permitted.

(1) through (3)(f) *** (no change)

(3)(g) (as per attached map)

(3)(h) through (3)(x) *** (no change)

- f. Title 33, Planning and Zoning, Chapter 33.36 RX Downtown Multi-Family Residential Zone is hereby amended by amending Section 33.36.150 to read as follows:

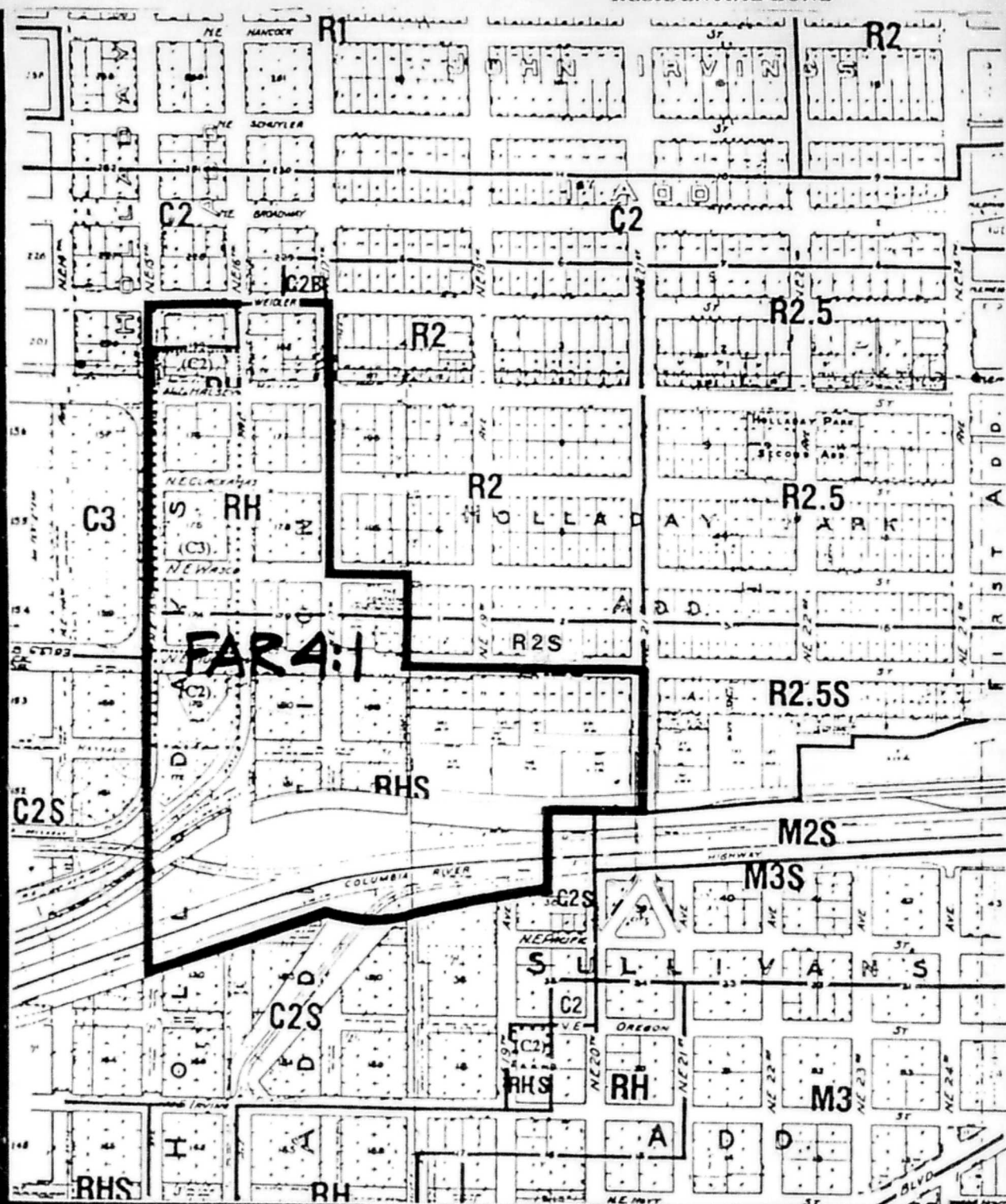
33.36.150 Accessory buildings and uses. All accessory buildings and uses in the RX Zone must comply with Sections 33.34.150 through 33.34.200 inclusive.

- g. Title 33, Planning and Zoning, Chapter 33.42 C2 General Commercial Zone is hereby amended by repealing Section 33.42.150 and by amending Sections 33.42.100, 33.42.110, 33.42.120 and 33.42.200 to read as follows:

1. 33.42.100 Minimum front yard.* Where all the frontage is located in a C2 Zone, no front yard shall be required. Where the frontage is located partly in a C2 Zone and partly in an R or FF zone, the front yard requirement of the R or FF zone shall apply in the C2 zone.
2. 33.42.110 Minimum side yard. A side yard is not required except where the side of a lot abuts an R or FF zone. In such case, the side yard requirement of the R or FF zone shall apply in the C2 Zone on that side of the lot abutting the R or FF zone.
3. 33.42.120 Minimum rear yard. There shall be no limitation except where the rear lot line abuts the side of an adjoining lot in an R or FF zone and in such case the side yard requirement of the R or FF zone shall apply to the rear yard of the C2 Zone where the two abut.
4. 33.42.150 *** Repealed

*See Chapter 33.90 for additional regulations.

**RH HIGH DENSITY MULTI-FAMILY
RESIDENTIAL ZONE**



FAR: Floor Area Ratio

Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 2832, 2932

CONDITIONAL USES

5. 33.42.200 Uses permitted. In a C2 Zone, the following conditional uses may be permitted subject to the regulations contained in Sections 33.42.210 through 33.42.245 and Chapter 33.79 and under the authority and according to the procedure specified in Chapter 33.106:

- (1) Aircraft landing area or private or public helistop
- (2) Animal hospital or veterinary office
- (3) Automobile service stations
- (4) Excavations and filling
- (5) High density multi-family
- (6) Household moving centers

(6) through (20) *** renumbered (7) through (21)

- h. Title 33, Planning and Zoning, Chapter 33.50 M3 Light Manufacturing Zone is hereby amended by amending Sections 33.50.100, 33.50.110, 33.50.120 and 33.50.200 and adding Section 33.50.242 to read as follows:

1. 33.50.100 Minimum front yard.* Where all the frontage is located in an M3 Zone, no front yard shall be required. Where the frontage is located partly in an M3 Zone and partly in an R or FF Zone, the front yard requirements of the R or FF Zone shall apply in the M3 Zone.

* See Chapter 33.90 for additional regulations.

2. 33.50.110 Minimum side yard. A side yard is not required except where the side of a lot abuts an R or FF zone. In such case, the side yard requirement of the R or FF zone shall apply in the M3 Zone on that side of the lot abutting the R or FF zone.
3. 33.50.120 Minimum rear yard. There shall be no limitation except where the rear lot line abuts the side of an adjoining lot in an R or FF Zone, and in such case the side yard requirements of the R or FF Zone shall apply to the rear yard of the M3 Zone where the two abut.

CONDITIONAL USES

4. 33.50.200 Uses permitted. In an M3 Zone, the following conditional uses may be permitted subject to the regulations contained in Sections 33.50.210 through 33.50.240 and Chapter 33.79 and under the authority and according to the procedure specified in Chapter 33.106:

- (1) Aircraft landing area or private or public helistop
- (2) Automobile service stations
- (3) Excavations and filling
- (4) High density multi-family
- (5) Natural resources, development of
- (6) Planned Unit Developments
- (7) Radio and television transmitters and towers
- (8) Railroad rights-of-way and passenger stations
- (9) Recycling drop-off center

(9) through (12) *** renumbered (10) through (13)

5. 33.50.242 Recycling drop-off center. Regulations for recycling drop-off centers shall be those listed in Section 33.42.242.
- i. Title 33, Planning and Zoning, Chapter 33.52 M2 General Manufacturing Zone is hereby amended by amending Sections 33.52.172 to read as follows:

33.52.172 Commercial uses. Any commercial use described in Group 1, Group 2 and Group 5 in Section 33.42.020 of the zoning code may be allowed as a conditional use if it is found by the appropriate hearings body that the proposed conditional use:

 - (1) Provides a needed service for an industrial use or is intended to serve primarily employees of the industrial area, and
 - (2) Will enhance the area for industrial purposes.
- j. Title 33, Planning and Zoning, Chapter 33.54 M1 Heavy Manufacturing Zone is hereby amended by amending Sections 33.54.140 and 33.54.181 to read as follows:

CONDITIONAL USES

1. 33.54.140 Uses permitted. In an M1 Zone, the following conditional uses may be permitted subject to the regulations contained in Sections 33.54.150 - 33.54.183 and under the authority and according to the procedures specified in Chapter 33.106:
 - (1) through (10) *** (no change)
 - (11) *** repealed
2. 33.54.181 Commercial uses. Any commercial use described in Group 1, Group 2 and Group 5 in Section 33.42.020 of the zoning code may be allowed as a conditional use if it is found by the appropriate hearings body that the proposed conditional use:
 - (1) Provides a needed service for an industrial use or is intended to serve primarily employees of the industrial area, and
 - (2) Will enhance the area for industrial purposes.
- k. Title 33, Planning and Zoning, Chapter 33.82 Parking Regulations is hereby amended by amending Section 33.82.010 to read as follows:

33.82.010 General requirements.

 - (a) through (i) *** (no change)
 - (j) Required parking spaces located in an R or FF zone shall not be rented by the day or any part thereof, or leased or assigned to any other person or organization; provided, however, that a hospital located in an R or FF zone may charge a fee, by the day or portion thereof, for all or any portion of its off-street parking except emergency parking, provided that at least fifty percent of all parking provided for the hospital and any accessory uses are located within parking structures.

ORDINANCE No.

(k) through (m) *** (no change)

1. Title 33, Planning and Zoning, Chapter 33.106 Conditional Uses is hereby amended by amending Section 33.106.010 to read as follows:

33.106.010 Authority. Upon approval, in accordance with the procedures specified herein, the conditional uses specified in this Title may be permitted in the respective zones in which they are listed. In permitting such uses, it shall be determined that the use at the particular location is desirable to the public convenience and welfare and not detrimental or injurious to the public health, peace or safety, or to the character and value of the surrounding properties. However, churches and elementary or primary schools, whether public or private, are permitted in any R zones and in any C4 zone, provided the site location is found to be appropriate for such use.

(remainder of Section) *** (no change)

Passed by the Council, SEP 16 1982

Commissioner Mildred Schwab
August 25, 1982
Bruce Halperin:rs

Attest:

Chief Deputy


Auditor of the City of Portland

2715

Sub. Calendar No. ~~2593~~

ORDINANCE No. 153828

Title

An Ordinance amending Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, Oregon, by amending Chapters 33.12, 33.28, 33.30, 33.32, 33.34, 33.36, 33.40, 33.42, 33.50, 33.52, 33.54, 33.82 and 33.106 to correct errors and clarify the City's existing regulations.
(Date of hearing: September 2, 1982)

THURSDAY

SEP 2 1982

PASSED TO SECOND READING

SEP 16 1982

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
Financial Administration
Safety
Utilities
Works

BUREAU APPROVAL
Bureau of Planning
Prepared By: Bruce Halperin:rs
Date: 8/25/82

Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: Terry D. Sandblast, Director

CALENDAR
Consent
Regular
X

NOTE: BY
City Attorney K. Speaumont
City Auditor
City Engineer

Filed AUG 23 1982

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *George Yerkovich*
Deputy