

REPORT CROSS REFERENCE

The following report has been removed from this file. It can be found in:

Series No.: _____

Location: 10-10-16 (4)

Report Title: Downtown Plan, Planning Guidelines/Portland
Downtown Plan

Date: December, 1972

REPORT CROSS REFERENCE

The following report has been removed from this file. It can be found in:

Series No.: _____

Location: 10-10-07 (5)

Report Title: Downtown Parking and Circulation Study,

Date: February 26, 1975

URBAN RENEWAL PLAN
FOR THE
DOWNTOWN WATERFRONT URBAN RENEWAL PROJECT

ADOPTED APRIL 25, 1974

PART ONE-TEXT
PART TWO-EXHIBITS

FIRST AMENDMENT
ADOPTED JUNE 11, 1975
(LAND USE, BOUNDARY, ACQUISITION)

SECOND AMENDMENT
ADOPTED _____, 1976
(OBJECTIVES, LAND USE, LAND USE CONTROLS,
ACQUISITION, PUBLIC IMPROVEMENTS, TEXT REVISIONS)

CITY OF PORTLAND
DEVELOPMENT COMMISSION
1700 SW Fourth Avenue
Portland, Oregon 97201

4/74
5/75 Revised
_/76 Revised

INTRODUCTION

The purpose of this amendment is to make the Downtown Waterfront Urban Renewal Plan consistent with Downtown land use and transportation related resolutions and ordinances recently adopted by City Council and to incorporate the results of planning activities which were undertaken as provided for in the Urban Renewal Plan. These various items include:

A. Adopted City Council ordinances and resolutions

- o Downtown Parking and Circulation Policy adopted by City Council on February 26, 1975
- o Historic Districts enabling ordinance adopted by City Council on June 19, 1975 (Ordinance #140096) and Historic District designations adopted by City Council on July 23, 1975 (Ordinance #140282) and on July 30, 1975 (Ordinance #140593)
- o Policies and Procedures for the Waterfront Park adopted by City Council on August 28, 1975 (Resolution #31595)

B. Results of recent planning activities

- o Specific Plan Objectives
- o Land Use and Transportation Concept Maps
- o Property to be acquired
- o Other revisions necessary to clarify the public intent

The Downtown Waterfront Urban Renewal Plan consists of Part One - Text and Part Two - Exhibits. This Urban Renewal Plan has been prepared by the Urban Renewal Agency of the City of Portland, Oregon, pursuant to Oregon Revised Statute (ORS) Chapter 457, the Oregon Constitution, and all applicable laws and ordinances. All such applicable laws are made a part of this Plan, whether expressly referred to in the text or not.

TABLE OF CONTENTS

	<u>Page No.</u>
TITLE PAGE	i.
INTRODUCTION	ii.
TABLE OF CONTENTS	iii.
DEFINITIONS	v.
 PART ONE - TEXT	
Section A - BOUNDARY OF URBAN RENEWAL AREA	1.
Section B - GOALS AND OBJECTIVES OF THE URBAN RENEWAL PLAN	2.
Section C - LAND USE PLAN	
1. Land Use Map and Development Controls	3.
2. Additional Land Use Provisions	4.
Section D - PROJECT ACTIVITIES	
1. Rehabilitation and Conservation	6.
2. Acquisition and Redevelopment	7.
3. Public Improvements	8.
4. Relocation	9.
Section E - LAND DISPOSITION	
1. Property Disposition	10.
2. Redeveloper's Obligations	10.
Section F - METHODS FOR FINANCING THE PROJECT	12.
Section G - OTHER PROVISIONS	
1. Citizen Participation	13.
2. Conformance with City General Plan	13.
Section H - PROCEDURE FOR CHANGES IN THE APPROVED URBAN RENEWAL PLAN	14.

4/74

5/75

_/76 Revised

PART TWO - EXHIBITS

EXHIBIT ONE	PROJECT BOUNDARY AND LAND USE PLAN MAP
EXHIBIT TWO	BOUNDARY DESCRIPTION
EXHIBIT THREE	LAND USE AND TRANSPORTATION CONCEPT MAPS
EXHIBIT FOUR	HISTORIC DISTRICTS MAP
EXHIBIT FIVE	PROPERTY ACQUISITION MAP
EXHIBIT SIX	POLICIES AND PROCEDURES FOR THE DOWN- TOWN WATERFRONT PARK
EXHIBIT SEVEN	CITIZEN GOALS AND PLANNING GUIDELINES/ DOWNTOWN PLAN

DEFINITIONS

The following definitions will govern the construction of this Plan unless the context otherwise requires:

"Plan" means the Urban Renewal Plan for the Downtown Waterfront Urban Renewal Area, Parts One and Two.

"Text" means the Urban Renewal Plan for the Downtown Waterfront Urban Renewal Area, Part One - Text.

"Exhibit" means an attachment, either narrative or map, to the Urban Renewal Plan for the Downtown Waterfront Urban Renewal Area, Part Two - Exhibits.

"Project" means Downtown Waterfront Urban Renewal Project.

"Project Area" means the area included within the boundaries of the Downtown Waterfront Urban Renewal Area.

"Agency" means the Portland Development Commission which is the Urban Renewal Agency of the City of Portland, Oregon.

"Planning Commission" means the Planning Commission of the City of Portland, Oregon.

"Landmarks Commission" means the Historical Landmarks Commission of the City of Portland, Oregon.

"City" means the City of Portland, Oregon.

"County" means the County of Multnomah, State of Oregon.

"State" means the State of Oregon.

"ORS" means Oregon Revised Statute (State Law) and specifically Chapter 457 thereof.

"Waterfront Park" means that area within the boundaries of the Project Area east of Front Avenue from SW Montgomery Street to the Steel Bridge.

"Redeveloper" means any individual or group acquiring property from the Agency or receiving financial assistance for the physical improvement of privately or publicly held structures and land.

PART ONE - TEXT

SECTION A - BOUNDARY OF URBAN RENEWAL AREA:

The boundary of the Downtown Waterfront Urban Renewal Area is shown on the Project Boundary and Land Use Plan Map (Exhibit One - Part Two of this Plan). Beginning at the southern end the area lies between the Willamette River and the Southern Pacific Rail-right-of-way from S.W. Montgomery Street to S.W. Clay Street; from S.W. Clay Street to S.W. Jefferson Street it lies generally between S.W. Harbor Way and the River. From S.W. Jefferson Street north to S.W. Oak Street the area lies generally between the River and S.W. Fifth Avenue. From S.W. Oak Street north to N.W. Hoyt Street the area extends generally from the River to N.W. Ninth Avenue. North of N.W. Hoyt Street the area is bounded by N.W. Broadway Avenue, the Broadway Bridge ramp and the River. The legal boundary description is attached as Exhibit Two - Part Two of this Plan.

4/74

5/75 Amended

_/76 Revised

SECTION B - GOALS AND OBJECTIVES OF THE URBAN RENEWAL PLAN:

Citizen Goals, Portland Downtown Plan, attached as Exhibit Seven - Part Two of this Plan, adopted by the Portland City Council in December 1972, is the official statement of goals for the area and forms the basis for this Urban Renewal Plan.

The primary objectives of the Plan are to improve the function, conditions and appearance of the area adjacent to the Willamette River and to eliminate blighting influences in order to strengthen the downtown and reestablish its relationship to the river. More specifically stated, the public objectives of this Plan are:

1. To develop the Waterfront Park as a major public open space and environmentally enhanced approach to the City and to provide pedestrianway connections to downtown.
2. To support the retail core through the provision of pedestrian facilities and convenient short-term parking.
3. To maintain existing low-income housing and promote additional new housing serving mixed income groups.
4. To support and promote the preservation and enhancement of historic buildings and districts.
5. To assist in the provision of transportation facilities necessary to insure a balanced transportation system.
6. To stimulate private conservation, rehabilitation and development both within and adjacent to the project area through public improvements in the project area.
7. To eliminate blighted and deteriorated structures which are not suitable for conservation or rehabilitation.

Emphasis shall be on conservation and rehabilitation of existing structures and on the provision of public improvements and assistance which will stimulate investment by the private sector. The Land Use and Transportation Concept Maps, attached as Exhibit Three - Part Two of this Plan, illustrate the intent of the above stated objectives.

4/74
5/75 Amended
_/76 Amended

SECTION C - LAND USE PLAN

The Land Use Plan consists of the Project Boundary and Land Use Plan Map (Exhibit One - Part Two), the Land Use and Transportation Concept Maps (Exhibit Three - Part Two), and the descriptive material and regulatory provisions contained in this Section (both those directly stated and those herein included by reference).

This Plan shall be in accordance with the downtown plan report Citizen Goals and Planning Guidelines/Portland Downtown Plan, adopted by City Council, December 28, 1972, or as hereafter modified and amended.

1. Land Use Map and Regulations

The use and development of land in the project area shall be in accordance with regulations prescribed in this Subsection C.1, which regulations are in addition to any conditions, limitations or restrictions contained in Title 33, Planning and Zoning Code of the City of Portland, Transportation Control Strategy, Air Quality Improvement Program, provisions of the Willamette River Greenway Program, or any other applicable local, State or Federal laws regulating the use of property in the Project Area. The Project Boundary and Land Use Plan Map (Exhibit One - Part Two) shows the type and approximate location of principal land uses and circulation elements intended in the Project Area.

a. Land Uses Permitted

(1) Public Open Space

(a) Waterfront Park in accordance with Policies and Procedures for the Waterfront Park (Resolution #31595, adopted by City Council on August 28, 1975), attached as Exhibit Six - Part Two, and Title 33, Planning and Zoning Code of the City of Portland.

(b) Other Public Open Space and Parks complying with Title 33, Planning and Zoning Code of the City of Portland.

(2) Mixed Use complying with Title 33, Planning and Zoning Code of the City of Portland and complying with Downtown Portland Parking and Circulation Policy.

4/74

5/75 Amended

_/76 Amended

SECTION C - cont'd.

- b. Circulation Element The Circulation element shown on The Project Boundary and Land Use Plan Map (Exhibit One - Part Two) illustrates the Downtown Portland Parking and Circulation Policy adopted by City Council on February 27, 1974, which Policy is a part of this Plan. Any improvements or major modifications of streets within existing rights-of-way shall be in accordance with those designations established in the Downtown Portland Parking and Circulation Policy. Existing street rights-of-way within which improvements or modification may be made are listed in Subsection D.3.b.

2. Additional Land Use Provisions

The following provisions are in addition to conditions, limitations or restrictions previously identified in this Section C.

- a. Historic Districts

Special consideration shall be given to the Historic Districts identified on the Historic Districts Map (Exhibit Four - Part Two). Development within the Historic Districts shall comply with Title 33, Planning and Zoning Code of the City of Portland, all guidelines established for the Historic District and shall be supportive of objectives of this Plan.

- b. Plan and Design Review

The Agency shall insure coordination of review of all private and public development activities.

The Agency shall be notified of building and demolition permits requested in the project area.

Plan and design review of private and public development shall be as follows:

- (1) Within the Historic Districts identified on the Historic Districts Map (Exhibit Four - Part Two) plan and design review shall be performed by the Landmarks Commission based on recommendations of the designated Historic District Advisory Council and on guidelines established by the Landmarks Commission, all as required under Title 33, Planning and Zoning Code of the City of Portland.

SECTION C - cont'd.

- (2) Within the remainder of the project area, excluding the Historic Districts identified in Subsection C.2.a.(1) above, Plan and Design review shall follow procedures established in Title 33, Planning and Zoning Code of the City of Portland.
- (3) Redevelopers, as defined in this Plan, shall comply with the Redevelopers Obligations, Section E, Part One - Text of this Plan.
- (4) The Agency shall provide for the design review of public improvements which it undertakes in the Project Area.

4/74
5/75 Amended
_/76 Amended

SECTION D - Cont'd.

2. Acquisition and Redevelopment

a. Intent

Property acquisition will be made a part of this Urban Renewal Plan by amendment as prescribed in Section G of this Plan. Property to be acquired will be identified in Section D.2.c., Land Acquisition.

b. Method

Proposals for property acquisition, including limited interest acquisition, may be recommended for inclusion in this Plan to achieve objectives of the Plan based on one or more of the following criteria:

- (1) Where existing conditions do not permit practical or feasible rehabilitation of the structure and it is determined that acquisition of such properties and demolition of the improvements thereon are necessary to remove substandard conditions.
- (2) Where detrimental land uses or conditions such as incompatible uses, or adverse influences from noise, smoke or fumes exist, or where there exists overcrowding, excessive dwelling unit density, or conversions to incompatible types of uses, and it is determined that acquisition of such properties and demolition of the improvements necessary to remove blighting influences and to achieve the objectives of the Urban Renewal Plan.
- (3) Where it is determined that the property is needed to provide public improvements and facilities.
- (4) Where the existing property owner is either unwilling or unable to achieve the objectives of the Urban Renewal Plan.

c. Land Acquisition

Real properties already acquired or which may be acquired by the Agency for clearance and redevelopment are shown on the Property Acquisition Map (Exhibit Five - Part Two). Parcels shown on the Property Acquisition Map are for use as follows:

Parcel

Intended Use

Parcel 1 (previously
acquired)

Waterfront Park-Public Open Space

Parcel 2

Parking facility

4/74

5/75 Amended

_/76 Amended

SECTION D - Cont'd.

3. Public Improvements

a. Intent

Public facilities and utilities may be improved or constructed within public rights-of-way, easements, or on public property. These may include storm and sanitary sewer improvements, street lighting installation, landscaping, street improvements, pedestrian malls, parking facilities, cultural and civic facilities, parks, open space development, and public restrooms. The private utilities concerned will make such modifications and adjustments as may be required of them by the City of Portland to adequately serve development and meet the objectives of this Plan. Public improvements which may be undertaken, under this Plan, are listed in Subsection D.3.b., below.

b. Anticipated Improvements

Public rights-of-way, easements and public property on which public improvements may occur under this Plan include, but are not limited to, the following:

Public Property: Waterfront Park

Parking Garage, Block 49,
Portland Addition

Street
rights-of-way:

Front Avenue from SW Jefferson to
the Steel Bridge ramps as a boulevard

SW Main Street from Front Avenue to
Fifth Avenue for improved pedestrian
use

SW Morrison Street from Front
Avenue to Fifth Avenue for improved
pedestrian use

SW Ankeny Street from Front Avenue
to Fifth Avenue for improved pedestrian use

SW Montgomery from Project Area
Boundary to River for public open
space and recreation uses

Other streets in the Project Area
may be improved to establish
better pedestrian, transit and
automobile usage, consistent with
the Transportation and Land Use
Concept Maps (Exhibit Three -
Part Two)

4/74

5/75 Amended

_/76 Amended

SECTION D - Cont'd.

4. Relocation

The Urban Renwal Agency will provide assistance to persons or businesses displaced in finding replacement facilities. All persons or businesses to be displaced will be contacted to determine such relocation needs. They will be provided information on available space and will be given assistance in moving. All relocation activities will be undertaken and payments made in accordance with the requirements of ORS 281.045-281.105 and any other applicable laws or regulations. Relocation payments will be made as provided in ORS 281.060. Payments made to persons displaced from dwellings will assure that they will have available to them decent, safe and sanitary dwellings at costs or rents within their financial reach. Payment for moving expense will be made to businesses displaced. The Urban Renewal Agency will prepare and maintain information in its office relating to the relocation program and procedures, including eligibility for and amounts of relocation payments, services available and other relevant matters.

4/74
5/75 Amended
_/76 Amended

SECTION E - LAND DISPOSITION

1. Property Disposition

The Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property which has been acquired in accordance with the provisions of this Urban Renewal Plan.

All real property acquired by the Agency in the project area shall be disposed of for development for the uses permitted in the Plan at its fair re-use value for the specific uses to be permitted on the real property. Real property acquired by the Agency may be disposed of to any other public entity by the Agency in accordance with the Plan. All persons and entities obtaining property from the Agency shall use the property for the purposes designated in this Plan, and shall commence and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out to prevent the recurrence of blight, all real property disposed of by the Agency, as well as all real property owned or leased by participants, shall be made subject to this Plan. Leases, deeds, contracts, agreements, and declarations of restrictions by the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan.

2. Redeveloper's Obligations

Any redeveloper, (see Definitions, page iii of this Plan) within the Project Area, in addition to the other controls and obligations stipulated and required of him by the provisions of this Urban Renewal Plan, shall also be obligated by the following requirements:

- a. The redeveloper shall obtain necessary approvals of proposed developments from all Federal, State, and/or Local agencies that may have jurisdiction on properties and facilities to be developed within the Project Area.
- b. The redeveloper and his successors or assigns shall develop such property in accordance with the land use provisions and building requirements specified in this Plan.

4/74
_ /76 Revised

SECTION E - Cont'd.

- c. The redeveloper shall submit all plans and specifications for construction of improvements on the land to the Agency for review and distribution to appropriate reviewing bodies as stipulated in this Plan and existing City codes and ordinances. Such plans and specifications shall comply with this Plan and the requirements of existing City codes and ordinances.
- d. The redeveloper shall commence and complete the development of such property for the uses provided in this Plan within a reasonable period of time as determined by the Agency.
- e. The redeveloper shall not effect or execute any agreement, lease, conveyance, or other instrument whereby the real property or part thereof is restricted upon the basis of age, race, color, religion, sex, or national origin in the sale, lease or occupancy thereof.
- f. The redeveloper shall maintain developed and/or undeveloped property under his ownership within the area in a clean, neat, and safe condition in accordance with the approved plans for development.

SECTION F - METHODS FOR FINANCING THE PROJECT

1. General Description of the Proposed Financing Methods

The Agency may borrow money and accept advances, loans, grants and any other form of financial assistance from the Federal Government, the State, City, County, or other public body, or from any sources, public or private, for the purposes of undertaking and carrying out the Project, or may otherwise obtain financing as authorized by ORS Chapter 457 and Chapter XV of the Charter of the City of Portland. Upon request of the Agency, the Council of the City of Portland may from time to time issue revenue bonds, certificates, or debentures to assist in financing the Project as provided by Section 15-106 of the Charter of the City of Portland.

The funds obtained by the Agency shall be used to pay or repay any costs, expenses, advancements and indebtedness incurred in planning or undertaking the Project or in otherwise exercising any of the powers granted by ORS Chapter 457 and Chapter XV of the Charter of the City of Portland in connection with carrying out the Project.

2. Self-Liquidation of Costs of Project

The Project may be financed, in whole or in part, by self-liquidation of the costs of the Project as provided in ORS 457.410 through ORS 457.450. The ad valorem taxes, if any, levied by a taxing body upon the taxable real and personal property situated in the project area, shall be divided as provided in ORS 457.440. That portion of the taxes representing the levy against the increase, if any, in true cash value of property located in the Project Area, or part thereof, over the true cash value specified in the certificate of amendment to the certificate filed under ORS 457.430, shall, after collection by the tax collector, be paid into a special fund of the Agency and shall be used to pay the principal and interest on any indebtedness incurred by the Agency to finance or refinance the project.

3. Prior Indebtedness

Any indebtedness permitted by law and incurred by the Agency or the City in connection with preplanning for this Urban Renewal Plan as provided in City Council Resolution 31156 shall be repaid from tax increments from the project area when and if such funds are available.

4/74
_ /76 Revised

SECTION G - OTHER PROVISIONS

1. Citizen Participation

The activities and projects identified in this Plan, the development of subsequent plans and regulations, and the adoption of amendments to this Plan shall be undertaken with the participation of citizens, owners, and tenants as individuals and organizations with interests in the Project Area.

2. Conformance with City General Plan

This Urban Renewal Plan is in conformity with the General Plan of the City as a whole relative to the improvement of the riverfront and north of Burnside area in downtown Portland. The Urban Renewal Plan is based on the document Citizen Goals and Planning Guidelines/Portland Downtown Plan which is the adopted downtown plan goals and guidelines regarding appropriate land use and improved traffic, public transportation, utilities, recreational and community facilities and other public improvements.

SECTION H - PROCEDURE FOR CHANGES IN THE APPROVED URBAN RENEWAL PLAN

This Plan may be changed or modified only by formal written amendment duly approved and adopted by the City Council of the City of Portland.

The Plan will be reviewed and analyzed periodically and will continue to evolve during the course of project execution and on-going planning. It is anticipated that this Plan will be changed or modified from time to time or amended as development potential and conditions warrant, as planning studies are completed, as financing becomes available, or as local needs dictate. Where the proposed modification will substantially change the Plan as approved by the City Council, the modification must be by formal written amendment duly approved and adopted by City Council in the same manner as the original Plan and in accordance with the requirements of State and Local law.

Substantial changes shall be regarded as revisions in project boundaries, land uses, additional property acquisitions, the basic pattern and use of streets, and the basic pattern of parks, and other changes which will change the basic planning principles of this Plan.

PART TWO - EXHIBITS

EXHIBIT ONE - MAP

PROJECT BOUNDARY AND LAND USE PLAN MAP

EXHIBIT TWO - NARRATIVE

PROJECT BOUNDARY DESCRIPTION

EXHIBIT THREE - MAP

LAND USE AND TRANSPORTATION CONCEPT MAPS

EXHIBIT FOUR - MAP

HISTORIC DISTRICTS MAP

EXHIBIT FIVE - MAP

ACQUISITION MAP

EXHIBIT SIX - NARRATIVE

POLICIES AND PROCEDURES FOR THE DOWNTOWN WATERFRONT PARK

EXHIBIT SEVEN - NARRATIVE

CITIZEN GOALS AND PLANNING GUIDELINES/DOWNTOWN PLAN

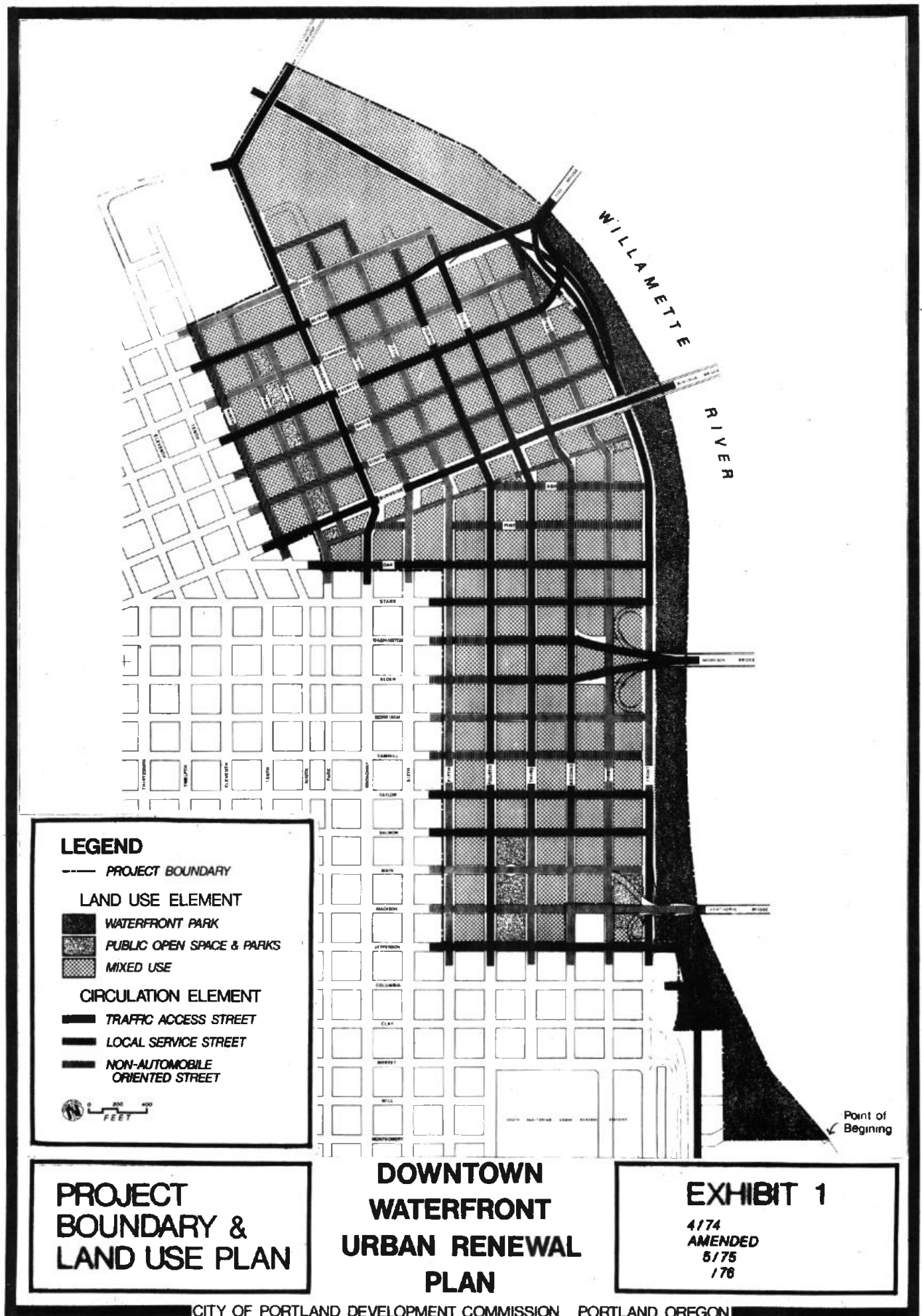
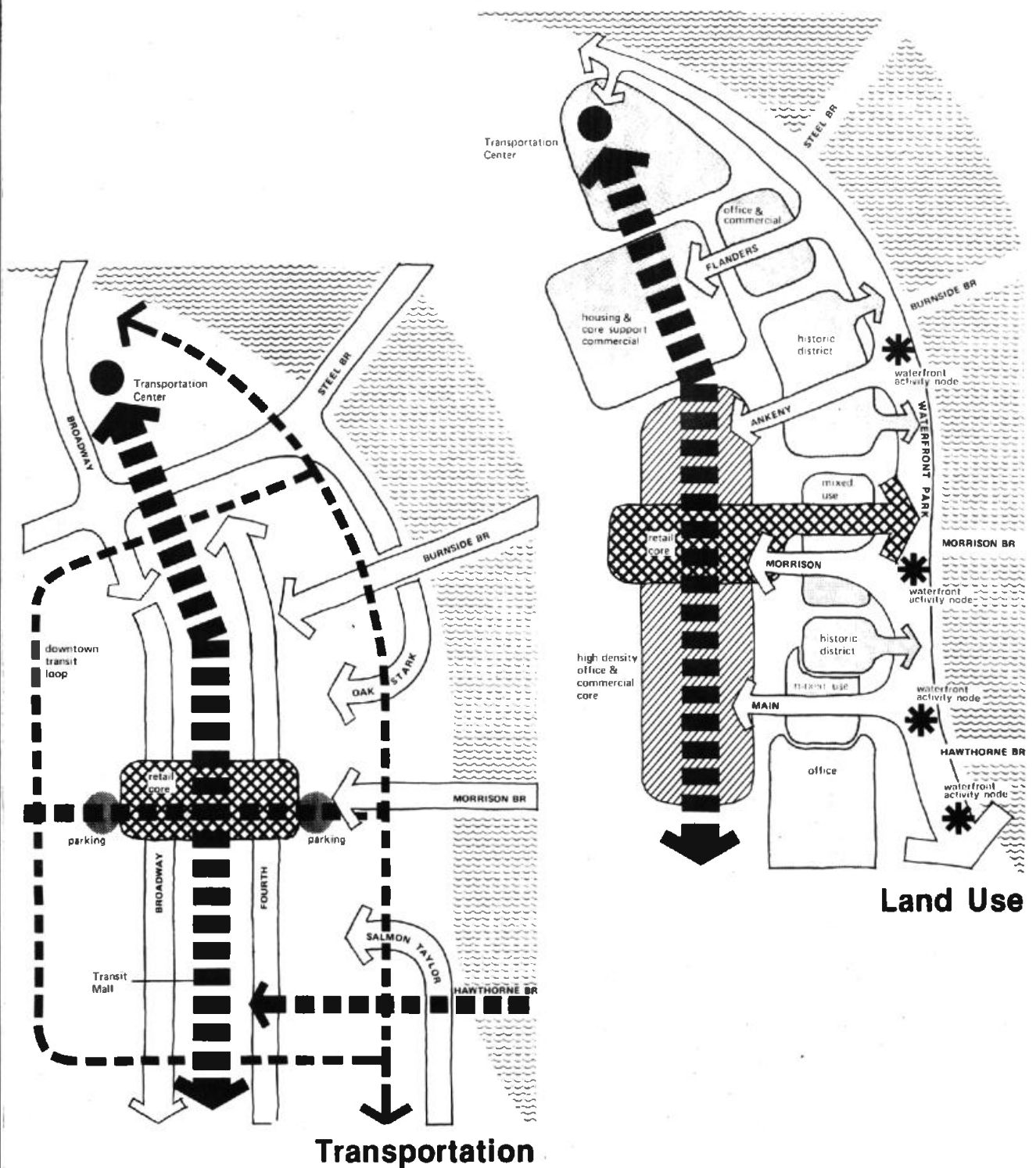


EXHIBIT TWO

BOUNDARY DESCRIPTION OF DOWNTOWN WATERFRONT URBAN RENEWAL AREA

The project area is described as that land containing all lots or parcels of property situated in the City of Portland, County of Multnomah, and State of Oregon, bounded generally as follows:

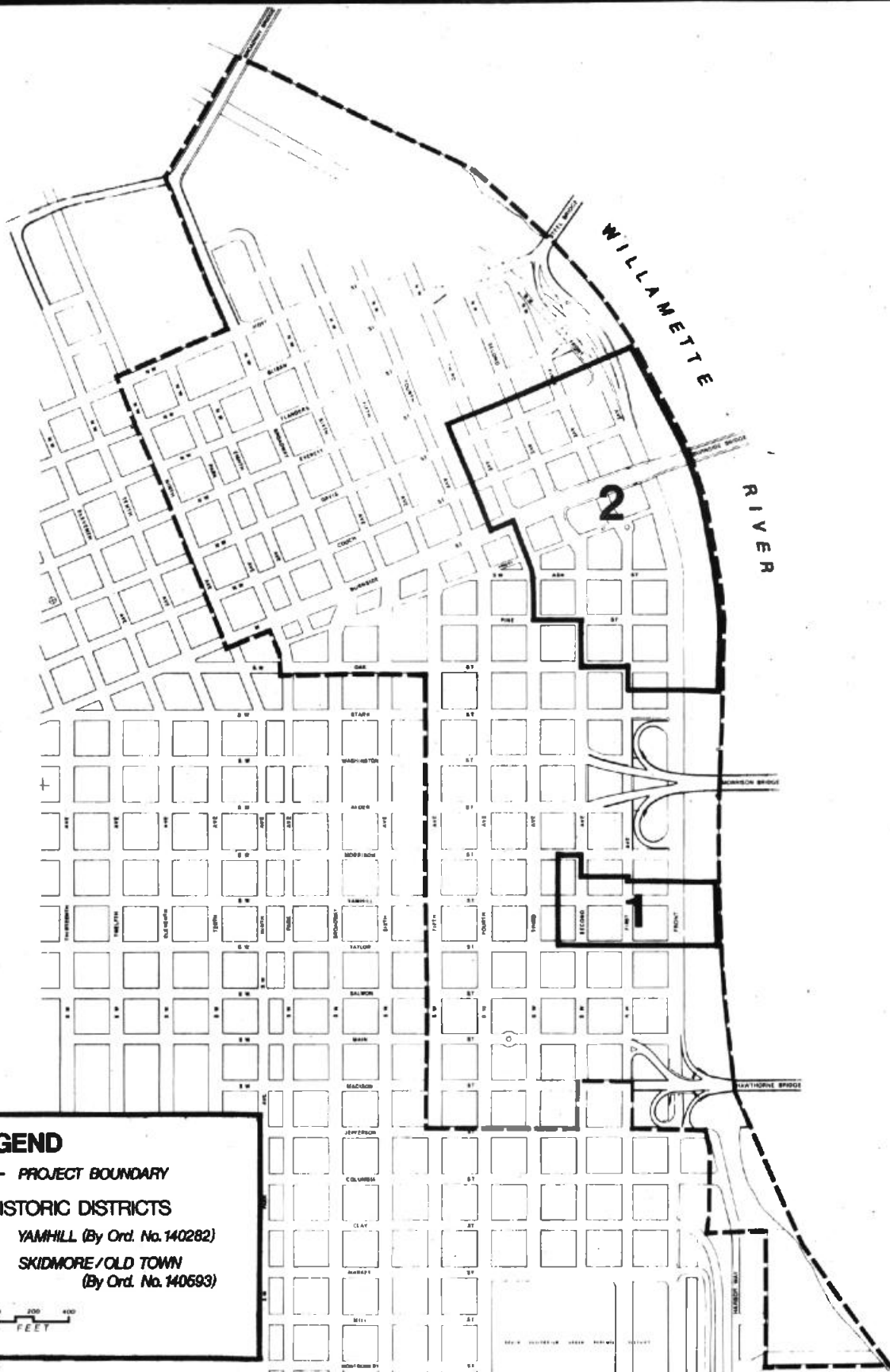
Beginning at the intersection of the easterly extension of the south line of S.W. Montgomery Street and the West Harbor Line of the Willamette River; thence westerly along the south line of S.W. Montgomery Street 709 feet, more or less, to a point; thence northerly along a line $N20^{\circ}52'E$, 750.00 feet, more or less, to a point in the south line of S.W. Clay Street; thence westerly along the south line of S.W. Clay Street to the east boundary of the South Auditorium Urban Renewal Project, Area II; thence northerly along the east boundary of the South Auditorium Project, Area II, to the north boundary of the South Auditorium Project, Area II; thence westerly along the north line of S.W. Jefferson Street to the east line of S.W. First Avenue; thence northerly along the east line of S.W. First Avenue to the north line of S.W. Madison Street; thence westerly along the north line of S.W. Madison Street to the west line of S.W. Second Avenue; thence southerly along the west line of S.W. Second Avenue to the north line of S.W. Jefferson Street; thence westerly along the north line of S.W. Jefferson Street to the west line of S.W. Fifth Avenue; thence northerly along the west line of S.W. Fifth Avenue to the south line of S.W. Oak Street; thence westerly along the south line of S.W. Oak Street to the west line of S.W. Park Avenue; thence northerly along the west line of S.W. Park Avenue to the south line of West Burnside Street; thence westerly along the south line of West Burnside Street to the southerly extension of the west line of N.W. Ninth Avenue; thence northerly along the west line of N.W. Ninth Avenue to the north line of N.W. Hoyt Street; thence easterly along the north line of N.W. Hoyt Street to the west line of the N.W. Broadway Avenue Bridge Ramp; thence northerly along the west line of the N.W. Broadway Avenue Bridge Ramp 845 Feet, more or less, to a point; thence northeasterly along the north line of the Broadway Bridge 790 Feet, more or less, to the West Harbor Line of the Willamette River; thence southerly along the West Harbor Line of the Willamette River 8,943 Feet, more or less, to the easterly extension of the south line of S.W. Montgomery Street, the point of beginning, containing 295 acres, more or less.



LAND USE &
TRANSPORTATION
CONCEPT MAPS

**DOWNTOWN
WATERFRONT
URBAN RENEWAL
PLAN**

EXHIBIT 3
/76



LEGEND

--- PROJECT BOUNDARY

HISTORIC DISTRICTS

1 YAMHILL (By Ord. No. 140282)

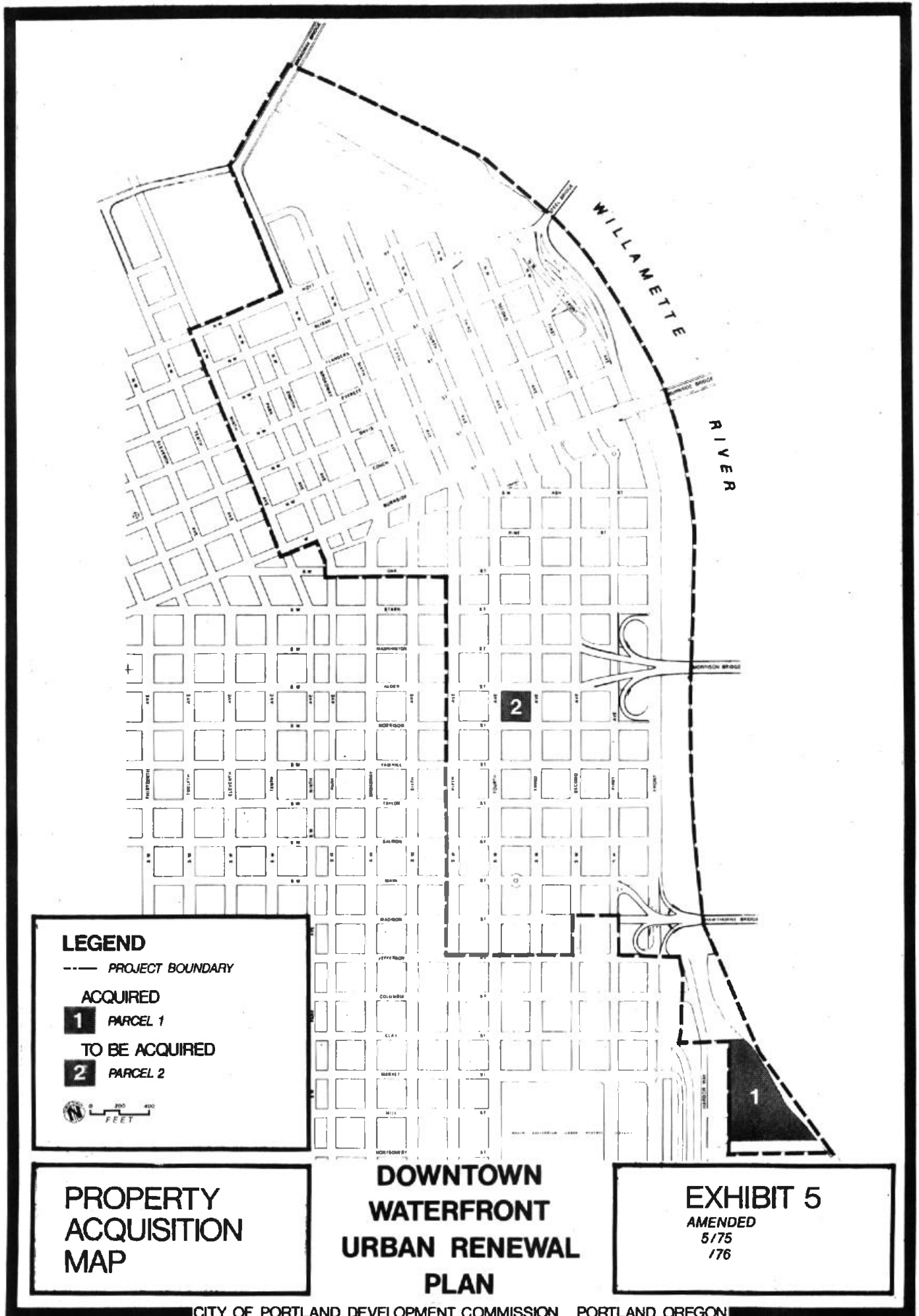
2 SKIDMORE/OLD TOWN
(By Ord. No. 140593)



HISTORIC
DISTRICTS
MAP

DOWNTOWN WATERFRONT URBAN RENEWAL PLAN

EXHIBIT 4
/78



ORDINANCE NO. 147239

An Ordinance amending Title 33 of the Planning & Zoning Code of the City of Portland to add a new Chapter 33.36, AX Downtown Apartment Residential Zone; to amend Chapter 33.44, C1 Central Commercial Zone; to add a new Chapter 33.46, MX Central Services Zone; to add a Chapter 33.56, Z Downtown Development Zone; to amend Chapter 33.94, Nonconforming Uses; to amend Chapter 33.98, Variance and Adjustments; to amend Chapter 33.106, Conditional Uses; to amend Chapter 33.144, Administration and Enforcement.

The City of Portland ordains:

Section 1. The Council finds:

1. That the City has adopted the Downtown Goals and Guidelines Plan, the Downtown Parking and Circulation Policy, and elements of the Transportation Control Strategy to Achieve Air Quality Standards in Downtown Portland, after considerable review and participation of the public and downtown business community;
2. That the Planning & Zoning Code, adopted in 1959, with some subsequent amendments as it relates to the downtown area, does not contain the necessary regulations to guide the type, location and scale of development in a manner consistent with the adopted land use, transportation and environmental policies;
3. That the City has enacted a Downtown Plan Review Ordinance as an interim zoning procedure to ensure that development conforms with adopted policies. This process often requires public hearings and some delay before appropriate development can take place;
4. That new Downtown Development Regulations should be incorporated in the Planning & Zoning Code and thereby expedite appropriate new building construction;
5. That a sufficient amount of appropriately located land should be designated to accommodate projected central business and complementary light manufacturing development;
6. That the City, by Resolution 31976, on October 19, 1977, established a minimum housing development goal of 2,500 net units by the year 2000;

7. That by Resolution 31976 the City indicated that this goal could best be implemented by establishing an Apartment Zone with some commercial development allowed to serve the needs of the residents, and to give added inducement to potential builders and developers;
8. That by this Resolution the City has indicated that the floor area percentage of apartment use in an apartment/commercial development shall amount to at least 60% of the total floor area but that such requirement not be in force until three years after final enactment of the Development Regulations;
9. That during the three years before the mandatory 60% housing requirement is in effect, up to 100% commercial development can be constructed if it is determined under conditional use procedures that the commercial uses in excess of 40% provide services primarily to neighboring residents and that the development is not detrimental to its neighborhood;
10. That nonconforming uses in the Apartment Zone should be allowed to continue indefinitely, floor area expansion up to 20% should be allowed without review, floor area expansion beyond 20% should be considered under variance procedures, and rebuilding should be permitted if destroyed by fire or any other cause beyond the control of the owner;
11. That the ratio of a building's total floor area to its site, or its density, should be regulated to provide for the highest density in the area close to the primary mass transit services, which is along the Fifth and Sixth Avenue Transit Mall; that sufficient land should be allocated to accommodate medium density development; and that development near existing low density development north of Burnside Street, historic districts, and the waterfront, should be of low density;
12. That provision also should be made to encourage the addition of residential space in the commercially zoned low and medium density areas which would increase the floor area ratio above the otherwise designated limit;
13. That the height of buildings should be regulated in order to insure that views of Mt. Hood and Mt. Helens from particular locations are not impaired;
14. That building heights also should be restricted to prevent excessive blockage of sunlight from public open spaces;

16. That to ensure the attractiveness of the downtown area, blank walls should be minimized;
17. That to ensure compliance with the Transportation Control Strategy to Achieve Air Quality Standards in Downtown Portland maximum allowable parking limits and permitted access locations should be required;
18. That to ensure that the design of new construction is compatible with existing public and private projects the designation of the downtown area as a D Design Zone should be required.

NOW, THEREFORE, the Council directs:

- a. That a new chapter, Chapter 33.36, AX Downtown Apartment Residential Zone, be added to Title 33 of the Code of the City of Portland, to be numbered, titled, and read as follows:

Chapter 33.36

AX DOWNTOWN APARTMENT RESIDENTIAL ZONE

Sections:

- | | |
|-----------|---|
| 33.36.010 | Generally. |
| 33.36.020 | Purpose. |
| 33.36.030 | Z Downtown development zone applicable. |

PRINCIPAL USES

- | | |
|-----------|-----------------------|
| 33.36.040 | Uses permitted. |
| 33.36.050 | Limitations on use. |
| 33.36.060 | Off-street parking. |
| 33.36.070 | Off-street loading. |
| 33.36.080 | Minimum lot size. |
| 33.36.090 | Maximum lot coverage. |
| 33.36.100 | Maximum floor area. |
| 33.36.110 | Maximum height. |
| 33.36.120 | Minimum yards. |
| 33.36.130 | Signs permitted. |
| 33.36.140 | Demolition. |

ACCESSORY BUILDINGS AND USES

- | | |
|-----------|-------------------------------|
| 33.36.150 | Accessory buildings and uses. |
|-----------|-------------------------------|

CONDITIONAL USES

- | | |
|-----------|------------------|
| 33.36.160 | Uses permitted. |
| 33.36.170 | Regulations. |
| 33.36.180 | Prohibited uses. |

33.36.010 Generally. In all AX Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

33.36.020 Purpose. The AX Downtown Apartment Residential Zone is intended to provide regulations governing use and development for a mixture of apartment residential and institutional uses, together with appropriate office and retail activities serving the residents of the zone as well as complementing nearby downtown retail and office uses.

33.36.030 Z Downtown development zone applicable. The entire area within the AX Downtown Apartment Residential Zone also shall be considered to be within the Z Downtown Development Zone, and shall be subject to the provisions of Chapter 33.56.

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

- (a) One family dwellings;
- (b) Two family dwellings;
- (c) Apartment dwellings;
- (d) Boarding and rooming houses;
- (e) Hotels in which more than half the rooms are occupied on a weekly or monthly basis.

(2) Commercial uses. Except the area as provided for in subsection (3) of this section, all uses listed under 33.44.020 with limitations as provided for in 33.36.100.

(3) Park Block Frontage. Commercial uses shall not be permitted on Lots 1-4, Blocks 221-232, Portland; Lots 5-8, Blocks 197-208, Portland; and Lot 8, Block 196, Portland unless authorized under Conditional Uses 33.36.160 Uses Permitted.

(4) Other uses of a general commercial character found similar to the above in accordance with Section 33.114.030.

33.36.050 Limitations on use. The following limitations shall apply to permitted C1 Central Commercial Uses:

(1) All business and service activities, other than those approved as conditional uses, shall be confined, contained, and conducted wholly within completely enclosed buildings provided that incidental activities related to permitted uses such as outdoor sale of plants, outdoor eating areas and similar outdoor activities may be unenclosed subject to approval in accord with Chapter 33.62 (D Design Zone).

(2) A majority of all goods produced or processed on the premises shall be sold at retail on the premises.

(3) Any uses and operations objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, and other similar causes shall be prohibited.

33.36.060 Off-street parking. There shall be no minimum off-street parking requirements in the AX Zone. Off-street parking when approved in accordance with the procedures specified in Chapter 33.106 shall be subject to requirements specified in Chapter 33.56 and regulations in Chapter 33.82.

33.36.070 Off-street loading. (1) It is the policy of the city to require off-street loading facilities in order to maintain an efficient use of street right-of-way. Off-street loading berths meeting the requirements of Chapter 33.86 shall be provided as follows:

(a) Apartments (or apartment dwelling: 33.12.090):

<u>Number of Units</u>	<u>Loading Berths Required</u>
Less than 50	None
50 or more	1

(b) Offices:

<u>Gross Floor Area</u>	<u>Loading Berths Required</u>
Less than 30,000 sq. ft.	None
30,000 sq. ft. and over	1

(c) Business and service uses:

<u>Gross Floor Area</u>	<u>Loading Berths Required</u>
Less than 20,000 sq. ft.	None
20,000 sq. ft. and over	1

(d) In the aggregate no more than one (1) loading berth would be required.

(2) If the above provisions create site, building development, or circulation problems, and if the Traffic Engineer concludes that on-street loading zones more effectively will promote the goals and objectives set forth in Planning Guidelines/Portland Downtown Plan and Downtown Parking and Circulation Policy, such on-street loading zones shall be authorized in lieu of off-street loading berths.

33.36.080 Minimum lot size. There shall be no minimum lot size requirement.

33.36.090 Maximum lot coverage. There shall be no limitation on lot coverage, except as may result from requirements of Section 33.36.120.

33.36.100 Maximum floor area. (1) Maximum total floor area permitted on each site shall be as prescribed in Chapter 33.56.

(2) Of the total floor area built on any one site, no more than 20% may, as a matter of right, house commercial uses permitted by Section 33.36.040(2) or by Section 33.36.160(2). No more than an additional 20% of the total floor area built may house commercial uses permitted by Section 33.36.040(2) if approved as conditional uses under procedures specified in Chapter 33.106.

(3) With exception to the Park Block frontage specified in Section 33.36.040(3), for a three-year period after the effective date of this ordinance more than 40% and up to 100% of the total floor area built may house commercial uses if approved as conditional uses according to the procedure specified in Chapter 33.106 and if in compliance with guidelines adopted by City Council.

(4) With exception to Park Block frontage specified in Section 33.36.040(3) nonresidential floor area may be transferred between two or more contiguous or noncontiguous sites within AX Zones, provided that:

- (a) buildings on each site shall conform to all sections of this chapter, and
- (b) the total residential floor area on all sites developed jointly involving transfer shall be assured by withholding issuance of a certificate of occupancy for the nonresidential floor space until a certificate of occupancy for the residential floor space is issued.

(c) nonresidential floor area transfer is approved under 33.36.160(4).

33.36.110 Maximum height. Maximum height shall be prescribed in Chapter 33.56.

33.36.120 Minimum yards. Courts and yards necessary to provide adequate light, air and privacy may be required under the procedures set forth in Chapter 33.62.

33.36.130 Signs permitted. (Section reserved).

33.36.140 Demolition. No demolition permit will be issued for any existing residential structure by the Bureau of Buildings until such proposal for demolition has been reviewed in accordance with Chapter 24.13 of the Portland Zoning Code as though the proposed demolition fell under the scopy of Chapter 13 of the Appendix of the Uniform Building Code.

Review will not be required if a building permit already has been issued for that site, or if condemnation proceedings on such structure have been accomplished.

ACCESSORY BUILDINGS AND USES

33.36.150 Accessory buildings and uses. All accessory buildings and uses in the AX Zone must comply with Sections 33.34.140 through 33.34.190 inclusive.

CONDITIONAL USES

33.36.160 Uses permitted. In the AX 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) All uses permitted under Section 33.36.040(2) with limitations as provided for in Section 33.36.100.

(2) Retail and Service Commercial with limitations as provided for in 33.36.100(2).

(3) The following uses which are exempt from the maximum floor area provisions of Section 33.36.100(2):

- (a) Artist studios;
- (b) Athletic clubs;
- (c) Auto service facilities if enclosed in a public or private off-street parking structure when such service facility does not exceed 5,000 sq. ft. of gross floor area;
- (d) Colleges;

- (e) Community clubs;
- (f) Excavations and filling;
- (g) Municipal, county, state and federal governmental structures and land uses, which are essential to the functioning and servicing of residential neighborhoods;
- (h) Libraries;
- (i) Lodges or fraternal organizations or private clubs;
- (j) Museums;
- (k) Nurses' homes or other residential buildings accessory to hospitals;
- (l) Outdoor activities not incidental or related to permitted uses, such as commercial amusements, open air markets, vendors and eating places not otherwise regulated by the City code;
- (m) Places of worship;
- (n) Public parks, recreation and cultural facilities;
- (o) Public or private off-street parking;
- (p) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods;
- (q) Residential buildings accessory to places of worship;
- (r) Nursery schools, day care centers;
- (s) Schools, parochial and private
- (t) Schools, public;
- (u) Welfare institutions and residential care facilities;
- (v) Retail and service commercial clearly accessory to one or more of the above uses.

(4) Nonresidential floor area transfer permitted under Section 33.36.100(4).

33.36.170 Regulations. (1) Off-street parking and loading requirements, provisions governing signs, or other conditions or limitations of approval, shall be guided by regulations applicable to similar permitted or conditional uses in other zones and by specific development objectives and conditions in the AX Zone and in downtown.

(2) If regulations differing from those governing principal uses permitted in AX Zones are not specified in this chapter or in the written instrument approving a conditional use, then the regulations governing principal uses shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading, and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

33.36.180 Prohibited uses. Uses of structures and land not specifically mentioned in this chapter are prohibited in all AX Zones.

- b. Chapter 33.44, C1 Central Commercial Zone, Title 33 of the Code of the City of Portland, hereby is amended by adding a section numbered, titled, and reading as follows:

33.44.012 Purpose. The C1 Central Commercial Zone is designed to regulate development of Downtown Portland. The regulations permit a broad range of uses including but not limited to office, retail, entertainment, housing, and supporting institutional and service uses which will maintain downtown as Portland's commercial, cultural, and governmental center in furtherance of planning goals and public policies.

- c. Section 33.44, C1 Central Commercial Zone of Title 33, Code of the City of Portland, is amended by adding a section numbered, titled, and reading as follows:

33.44.014 Z Downtown development zone applicable. The entire area within the C1 Central Commercial Zone shall also be within the Z Downtown Development Zone, and shall be subject to the provisions of Chapter 33.56.

- d. Section 33.44.020 of Chapter 33.44, C1 Central Commercial Zone, Title 33, Code of the City of Portland hereby is amended to read as follows:

33.44.020 Uses permitted. In a C1 Zone, the following uses are permitted.

- (1) * * * (no change)
- (2) * * * (no change)
- (3) * * * (no change)
- (4) Group 5 uses as listed in Section 33.42.020, excluding the following:
 - (a) drive-in businesses;
 - (b) billboards and other advertising signs and structures, except for signs accessory to permitted or conditional uses;
 - (c) cemeteries crematories, mausoleums, and columbariums;
- (5) * * * (no change)
- (6) * * * (no change)

- (7) * * * (no change)
- (8) * * * (no change)
- (9) * * * (no change)
- (10) * * * (no change)
- (11) * * * (no change)
- (12) * * * (no change)
- (13) * * * (no change)
- (14) * * * (no change)
- (15) * * * (no change)
- (16) * * * (no change)
- (17) Residential uses, including apartment dwellings and boarding and rooming houses;
- (18) * * * (no change)
- (19) Other uses, consistent and harmonious with the central business district and found similar to the above in accordance with Section 33.114.030.

e. Section 33.44.030 of Chapter 33.44, C1 Central Commercial Zone, Title 33, Code of the City of Portland, hereby is amended to read as follows:

33.44.030 Limitations on use. The following limitations shall apply to permitted uses:

- (a) * * * (no change)
- (b) All uses and operations, except Groups 5 and 6 uses which are by nature of an open-air type shall be concerned, contained and conducted wholly within completely enclosed buildings provided that incidental activities related to permitted uses such as outdoor sale of plants, outdoor eating areas and similar outdoor activities may be unenclosed subject to approval in accord with Chapter 33.62.

f. Section 33.44.040 of Chapter 33.44, C1 Central Commercial Zone, Title 33, Code of the City of Portland, hereby is amended to read as follows:

33.44.040 Off-street parking. There shall be no minimum off-street parking requirements in the C1 Zone. Off-street parking when approved in accordance with the procedures specified in Chapter 33.106 shall be subject to requirements specified in Chapter 33.56 and regulations specified in Chapter 33.82.

- g. Section 33.44.050 of Chapter 33.44, C1 Central Commercial Zone, Title 33, Code of the City of Portland, hereby is repealed in its entirety and a new section substituted in lieu thereof to be numbered, titled and to read as follows:

33.44.050 Off-street loading. (1) It is city policy to require off-street loading facilities to maintain the efficient use of street right-of-way space. Off-street loading berths shall be provided as follows:

(a) Apartments:

<u>Number of Units</u>	<u>Loading Berths Required</u>
Less than 50	None
50 or more	1

(b) Offices:

<u>Gross Floor Area</u>	<u>Loading Berths Required</u>
Less than 30,000 sq. ft.	None
30,000 sq. ft. and over	1

(c) Business and service uses:

<u>Gross Floor Area</u>	<u>Loading Berths Required</u>
Less than 20,000 sq. ft.	None
20,000 sq. ft. and over	1

- (d) In the aggregate no more than one (1) loading berth would be required.

(2) If the provision of off-street loading berths creates site, building development, or circulation problems, and if the Traffic Engineer concludes that on-street loading zones more effectively will promote the objectives of the Planning Guidelines/Portland Downtown Plan and Circulation Policy, such on-street loading zones shall be authorized in lieu of off-street loading berths.

- h. Section 33.44.060 of Chapter 33.44, C1 Central Commercial Zone, Title 33, Code of the City of Portland, hereby is amended to read as follows:

33.44.050 Minimum lot size. There shall be no minimum lot size requirement.

- i. Section 33.44.070 of Chapter 33.44, C1 Central Commercial Zone, Title 33, Code of the City of Portland, hereby is amended to read as follows:

33.44.070 Maximum lot coverage. There shall be no limitation on lot coverage, except as may result from application of the minimum yard requirement of Section 33.44.120.

- j. Section 33.44.080 of Chapter 33.44, C1 Central Commercial Zone, Title 33, Code of the City of Portland, hereby is amended to read as follows:

33.44.080 Maximum floor area. (1) Maximum total floor area permitted on any site shall be as prescribed in Chapter 33.56.

(2) Two or more contiguous or noncontiguous sites within the C1 Zone may be developed jointly and residential and nonresidential floor area, including bonus residential floor area authorized by Section 33.56.070 may be transferred between the sites, provided that;

(a) Buildings on each site shall not exceed the total floor area or height permitted on that site;

(b) The total residential floor area requirement on all sites developed jointly involving residential bonus shall be assured by withholding issuance of a certificate of occupancy for the nonresidential floor space until a certificate of occupancy for the residential floor space has been issued.

- k. Section 33.44.090 of Chapter 33.44, C1 Central Commercial Zone, Title 33, Code of the City of Portland, hereby is amended to read as follows:

33.44.090 Maximum height. Maximum height shall be as prescribed in Chapter 33.56.

- l. Chapter 33.44, C1 Central Commercial Zone, Title 33, Code of the City of Portland, hereby is amended by deleting Sections 33.44.100, 33.44.110, and 33.44.120, each in their entirety, and substituting for them a new section to be numbered, titled, and read as follows:

33.44.100 Minimum yards. Courts and yards necessary to provide adequate light, air and privacy may be required under procedures in Chapter 33.62.

- m. Chapter 33.44, C1 Central Commercial Zone, Title 33, Code of the City of Portland, hereby is amended by adding a new section to be numbered, titled and read as follows:

33.44.137 Demolition. (1) Building demolition is regulated to encourage building rehabilitation and thereby prevent the creation of unsightly vacant lots.

(2) The Bureau of Buildings shall issue no demolition permit for any building until the proposal for demolition has been reviewed in accordance with Chapter 24.13 of the Portland Code as through the proposed demolition fell under the scope of Chapter 13 of the Appendix of the Uniform Building Code.

- n. Section 33.44.140 of Chapter 33.44, C1 Central Commercial Zone, Title 33, Code of the City of Portland, hereby is amended to read as follows:

CONDITIONAL USES

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) Private or public helistop;
- (2) Drive-in business, or any drive-in activity associated with a permitted use;
- (3) * * * (no change)
- (4) Group 4 uses as listed in Section 33.42.020, except bicycle sales and services;
- (5) Public or private off-street parking facilities subject to the regulations provided in Chapter 33.56.
- (6) Outdoor activities not incidental and related to permitted uses, such as commercial amusements, open air markets, vendors and eating places not otherwise regulated by the city code.
- (7) * * * (no change)

- o. Section 33.44.150 of Chapter 33.44, C1 Central Commercial Zone, Title 33 of the Code of the City of Portland, hereby is amended to read as follows:

33.44.150 Regulations. (1) Specific regulations and conditions governing each conditional use shall be determined at the time of approval as provided in Chapter 33.106. Off-street parking and loading requirements provisions governing signs, or other conditions or limitations of approval, shall be guided by regulations applicable to similar permitted or conditional uses in other zones and by specific development objectives and conditions in the C1 Zone and in downtown.

(2) Regulations differing from those governing principal uses permitted in C1 Zones are not specified in this chapter or in the written instrument approving a conditional use, then the regulations governing principal uses shall also govern such conditional use insofar as applicable. Additional regulations are contained in Chapters 33.56 (2 Downtown Development), 33.82 (Parking Regulations), 33.86 (Loading Regulations), and 33.90 (Yard Regulations).

- p. Chapter 33.44, C1 Central Commercial Zone, Title 33, Code of the City of Portland, hereby is amended by deleting from that chapter the following sections:

§33.44.135 Downtown plan review.

§33.44.160 Drive-in business.

§33.44.170 Excavating and filling.

§33.44.180 Group 4 uses.

§33.44.190 Private or public helistop.

§33.44.200 Off-street parking facilities.

§33.44.210 Off-street loading facilities.

§33.44.215 Residential care facilities.

- q. A new chapter, Chapter 33.46, MX Central Services Zone, is added to Title 33, Code of the City of Portland, to be numbered, titled, and to read as follows:

Chapter 33.46

MX CENTRAL SERVICES ZONE

Sections:

- 33.46.010 Generally.
- 33.46.020 Purpose.
- 33.46.030 Z Downtown development zone applicable.
- 33.46.040 Uses permitted.
- 33.46.050 Limitations to use.
- 33.46.060 Off-street parking.
- 33.46.070 Off-street loading.
- 33.46.080 Minimum lot size.
- 33.46.090 Maximum lot coverage.
- 33.46.100 Maximum floor area.
- 33.46.110 Maximum height.
- 33.46.120 Minimum yards.
- 33.46.130 Signs permitted.
- 33.46.140 Uses permitted.
- 33.46.150 Regulations.
- 33.46.160 Prohibited uses.

33.46.010 Generally. In all MX Zones the use of land and structures, the location and erection of new structures, and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

33.46.020 Purpose. The MX Central Services Zone is intended to provide regulations governing use and development of property as commercial services and light manufacturing districts complimentary to downtown retail and office uses. The regulations permit various manufacturing, commercial service, wholesale, retail and other uses compatible with development of downtown Portland and in furtherance of planning goals and public policies. Although residential uses are permitted it is not intended that residential uses will predominate or that residential uses will tend to set development standards for the commercial service and light manufacturing uses.

33.46.030 Z Downtown development zone applicable. The entire area within the MX Central Services Zone also shall be within the Z Downtown Development Zone, and shall be subject to the provisions of Chapter 33.56.

PRINCIPAL USES

33.46.040 Uses permitted. In the MX Zone, the following uses are permitted:

- (1) Group 1 uses as listed in Section 33.42.020;

- (2) Group 2 uses as listed in Section 33.42.020;
- (3) Group 3 uses as listed in Section 33.42.020;
- (4) Group 4 uses as listed in Section 33.50.020, except garages, parking and repair, and automobile service stations;
- (5) Group 5 uses as listed in Section 33.42.020, excluding
 - (a) Drive-in businesses;
 - (b) Billboards and other outdoor off-premises advertising signs and structures, except for signs accessory to permitted or conditional uses;
 - (c) Cemeteries, crematories, mausoleums, and columbariums;
- (6) Group 7 uses as listed in Section 33.50.020;
- (7) Ice and cold storage plant;
- (8) Meat, poultry, and fish processing;
- (9) Brewery or winery;
- (10) Uses permitted in Section 33.36.040(1);
- (11) Other uses consistent and harmonious with a service district adjoining a central business district and found similar to the above permitted uses in accordance with Section 33.114.030.

33.46.050 Limitations to use. The following limitations shall apply to permitted uses.

- (1) Any uses and operations objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, and other similar causes shall be prohibited.
- (2) All uses and operations shall be confined, contained, and conducted wholly within completely enclosed buildings, except
 - (a) incidental activities related to permitted uses such as outdoor sale of plants, outdoor eating areas and similar outdoor activities, which may be unenclosed if approved in accord with Chapter 33.62 (D Design Zone);

- (b) those Group 5 uses which are by nature conducted in open air.

33.46.060 Off-street parking. There shall be no minimum off-street parking requirements in the MX Zone. Off-street parking when approved in accordance with the procedures specified in Chapter 33.106 (conditional uses) shall be subject to requirements specified in Chapter 33.56 (Z Downtown Development Zone) and regulations in Chapter 33.82 (Parking Regulations).

33.46.070 Off-street loading. (1) It is city policy to require off-street loading facilities to maintain an efficient use of street right-of-way space. Off-street loading berths shall be provided as follows:

- (a) Apartments:

<u>Number of Units</u>	<u>Loading Berths Required</u>
Less than 50	None
50 or more	1

- (b) Offices:

<u>Gross Floor Area</u>	<u>Loading Berths Required</u>
Less than 30,000 sq. ft.	None
30,000 sq. ft. and over	1

- (c) Business, service and manufacturing uses:

<u>Gross Floor Area</u>	<u>Loading Berths Required</u>
Less than 20,000 sq. ft.	None
20,000 sq. ft. and over	1

- (d) In the aggregate no more than one (1) loading berth would be required.

(2) If the above requirements create site, building development, or circulation problems and if the Traffic Engineer concludes that on-street loading zones more effectively will promote the goals and objectives of Planning Guidelines/Portland Downtown Plan and Downtown Parking and Circulation Policy, such on-street loading zones shall be authorized in lieu of off-street loading berths.

33.46.080 Minimum lot size. There shall be no minimum lot size requirement.

33.46.090 Maximum lot coverage. There shall be no limitation on lot coverage.

33.46.100 Maximum floor area. Maximum total floor area permitted on any site shall be as prescribed in Chapter 33.56.

33.46.110 Maximum height. Maximum height shall be as prescribed in Chapter 33.56.

33.46.120 Minimum yards. No yards shall be required.

33.46.130 Signs permitted. (Section reserved).

CONDITIONAL USES

33.46.140 Uses permitted. In the MX Zone the following conditional uses may be permitted, subject to the regulations contained in Section 33.46.160, the procedures in Sections 33.106.010 to 33.106.040 inclusive:

- (1) Private or public helistop;
- (2) Automobile service stations and repair garages subject to the regulations in 33.50.236;
- (3) Drive-in activity associated with a permitted use;
- (4) Excavations and filling;
- (5) Public or private off-street parking facilities subject to regulations provided in Chapter 33.56;
- (6) Radio or television transmitters;
- (7) Outdoor activities not incidental and related to permitted uses, such as commercial amusements, open air markets, vendors and eating places not otherwise regulated by the city code.

33.46.150 Regulations. (1) Off-street parking and loading requirements provisions governing signs, or other conditions or limitations of approval, shall be guided by regulations applicable to similar or permitted or conditional uses in other zones and by specific development objectives and conditions in the MZ Zone and in downtown.

(2) In case regulations (differing from those governing principal uses permitted in MX Zones) are not specified in this chapter nor in the written instrument approving a conditional use, then the regulations governing principal uses shall also govern such conditional use insofar as applicable. Additional regulations are contained in Chapters 33.56 (Z Downtown Development Zone), 33.82 (Parking Regulations), 33.86 (Loading Regulations), and 33.90 (Yard Regulations).

33.46.160 Prohibited uses. Uses of structures and land not specifically mentioned in this chapter are prohibited in all MX Zones.

- r. That a new chapter, Chapter 33.56, Z Downtown Development Zone is added to Title 33, Code of the City of Portland, to be numbered, titled, and read as follows:

Chapter 33.56

Z DOWNTOWN DEVELOPMENT ZONE

Sections:

- 33.56.010 Purpose.
- 33.56.020 Procedure.
- 33.56.030 Applicability.
- 33.56.040 D Design zone applicable.
- 33.56.050 Maximum building height.
- 33.56.060 Maximum floor area.
- 33.56.070 Residential bonus provision.
- 33.56.080 Maximum parking spaces in downtown.
- 33.56.090 Maximum parking requirements.
- 33.56.100 Open lot parking.
- 33.56.110 Access to new parking facilities.
- 33.56.120 Required building lines.
- 33.56.130 Required retail activity.
- 33.56.140 Limitation of blank walls.
- 33.56.150 Required rain protection features.

33.56.010 Purpose. The Downtown Development Zone is intended to promote and encourage development in downtown Portland in accord with public policies and downtown development goals established by the City by establishing specific regulations in addition to those regulations of regular zones which are deemed necessary to effectuate Downtown planning goals. Additional regulations are applicable within the entire Downtown Development Zone. The Council may, from time to time as warranted, establish and superimpose the Downtown Development Zone upon other regular zones, and the Council may revise the particular regulations applicable within the zone or portions thereof.

33.56.020 Procedure. The Downtown Development Zone shall be established in combination with other regular zones, and the boundaries thereof and the regulations applicable therein may be revised as provided in Chapter 33.102 (Amendments) for changes and amendments in the zoning regulations.

33.56.030 Applicability. In the event of conflict with the regulations for any regular zone with which the Z Downtown Development Zone may be combined, the provisions of the Downtown Development Zone shall control.

33.56.040 D Design zone applicable. (1) The entire area within the Z Downtown Development Zone shall also be within the D Design Zone and shall be subject to the provisions of Chapter 33.62 (D Design Zone).

(2) In the event of conflict between the regulations of Chapter 33.56 (Downtown Development Zone) and Chapter 33.62 (D Design Zone), the provisions of Chapter 33.56 shall control.

(3) In the event of conflict between the regulations of Chapter 33.62 (D Design Zone) and the regulations of Chapter 33.120 (Historical Districts, Buildings and Sites) the regulations of Chapter 33.120 shall control.

33.56.050 Maximum building height. Maximum height limitations in the Downtown Development Zone are as follows:

(1) View corridors. In order to protect scenic view corridors through the Downtown, maximum permitted building heights in these corridors shall be as designated by City Council on the Official Zoning Maps of Portland, Oregon, Planning and Zoning Code.

(2) Public open spaces. Public open spaces designed by the City Council on the Official Zoning Maps of Portland, Oregon, Planning and Zoning Code shall be protected from buildings of a height which excessively block sunlight from such open spaces.

(a) Maximum building heights shall be those designated by the City Council on the Official Zoning Maps, City of Portland, Oregon, Planning and Zoning Code, or

(b) There shall be no maximum height limitations provided it can be demonstrated to the

satisfaction of the Design Committee of the City Planning Commission that shadows cast by the proposed building will not exceed 50% coverage of such designated public open space at 12:00 noon, Pacific Standard Time, and 75% coverage at 3:00 p.m., Pacific Standard Time, on April 21 and August 21 of any year.

(3) Historic districts. In order to protect Historic Districts which are established by the Council from new construction which is not in scale with buildings within such district, maximum building heights shall be those designated by City Council on the Official Zoning Maps, City of Portland, Planning and Zoning Code.

(4) Waterfront districts. In order to ensure a harmonious scale of development in districts bordering the Willamette River with adjacent greenway and/or water area open spaces, maximum building heights shall be designated by City Council on the Official Zoning Maps, City of Portland, Planning and Zoning Code.

(5) On all other sites not limited by Section 33.56.050(1),(2),(3) and (4) above, and except as to height and density limitations authorized in a development plan duly approved and recorded pursuant to downtown plan review procedures provided for in this title between June 27, 1971 and the effective date of this section, the maximum height of any building shall be 460 feet measured from the lowest grade of the site.

(6) Any variances from these regulations may be considered under Chapter 33.98 (Variances and Adjustments).

33.56.060 Maximum floor area permitted. A maximum floor area ratio shall be applicable to each site within the Downtown Development Zone, and shall be in accordance with the following:

(1) Floor area ratio is the ratio of the floor area of the structure to the area of the site.

(2) For the purpose of this chapter, floor area means the gross area under roof, measured horizontally at each floor elevation between exterior limits or faces of a building structure excluding the following:

(a) Areas constituting the upper portion of interior spaces including but not limited to lobbies, interior courts, banquet or ballrooms, theaters and gymnasiums;

- (b) Areas where the floor area elevation is more than half a story below the lowest adjacent public right-of-way grade;
- (c) Enclosed areas housing mechanical penthouses, accessory water tanks, cooling towers or other mechanical equipment necessary to the operation of the building itself;
- (d) Floor space in open or roofed terraces, exterior balconies, breezeways or porches providing not more than 50% of the perimeter of such space is enclosed and providing that a parapet or a railing less than 40 inches in height shall not constitute an enclosure;
- (e) Floor area located on roof tops where such space is developed for recreational uses such as but not limited to sun decks, tennis or handball courts, gardens and swimming pools and enclosed spaces accessory to such uses where the total area of such enclosed space is not more than 20% of the gross area developed for recreational use;
- (f) Roof top parking in parking structures.

(3) Where limitations on the floor area occupied by specific uses are prescribed, lobbies, stairwells, elevator and similar spaces serving more than one use shall be allocated in proportion to the floor area occupied exclusively by the several uses.

(4) Any variances from these regulations may be considered under Chapter 33.98 (Variances and Adjustments).

33.56.070 Residential bonus provisions. (1) Residential floor area bonus provisions are established in order to stimulate new housing construction that will enhance the vitality and economy of Downtown.

(2) The maximum floor area limits established by Council Action may be exceeded in accord with the following provisions:

- (a) In any area zoned C1Z subject to a 3:1 or a 4:1 floor area ratio, additional floor area of 1:1 shall be permitted for residential use only.
- (b) In any area zoned C1Z subject to a 6:1 or a 9:1 floor area ratio, additional floor area of 2:1 shall be permitted for residential use only.
- (c) In any area zoned AX or MX or in any area subject to a floor area ratio of 10:0 to 1 or greater, residential bonus provisions shall not apply.

- (d) All other sections of this chapter shall apply, including any height limits established in 33.45.050 (Maximum Building Height).

33.56.080 Maximum parking spaces in Downtown.

(1) At the end of any quarter of any year the total number of parking spaces available for use in the Downtown area will not be permitted to exceed the November 7, 1973 off-street and on-street parking inventory established by the Bureau of Traffic Engineering as officially amended from time to time.

(2) New parking spaces for residential and hotel uses are exempt from this limit.

33.56.090 Parking requirements. (1) There shall be no minimum off-street parking requirements in the Downtown Development Zone. The allowable number of private off-street parking spaces when permitted as a conditional use, shall be determined in accordance with the following schedule:

<u>Category of Use</u>	<u>Accessory Parking Permitted</u>
Residential	1.2 spaces per dwelling unit
Hotel or Motel	1.0 spaces per rentable unit
All other uses	Use, as a guideline only, the schedule included in the Downtown Parking and Circulation Policy, Section H

(2) An off-street parking structure not exclusively serving a specific permitted use when approved as a conditional use shall contain a minimum of 300 parking spaces available for general public use.

33.56.100 Open lot parking. (1) New open lot parking when approved as a conditional use shall be subject to the following limitations:

- (a) Such parking shall be limited to 20 spaces or less.
- (b) Such parking shall serve a residential use, a permitted use located in an MX Zone, or a permitted use in a C1 Zone in accordance with the following:

C1 Zone Open Lot Parking Guidelines:

- (1) the parking is an integral part of the business and for customers only;

- (2) is on the same property as the commercial establishment;
 - (3) is only for its use;
 - (4) does not violate the adopted downtown goals for strengthening the retail activity.
- (c) Such parking shall be approved for a period of three years only.
- (d) Such parking approval may be renewed for additional three-year periods only upon application and processing as though it were a new conditional use subject to the full provisions of Chapter 33.106 (Conditional Uses);
- (e) Such parking shall be subject to the provisions of Section 33.82.030 (Design Requirements for Parking Lots) with the exception of the screening requirements of this section.
- (f) Such parking shall be provided with screening which shall be approved by the Design Committee of the City Planning Commission in accordance with the following standards:
 - (1) Such screening shall be sight obscuring and shall be a minimum of four feet in height;
 - (2) Such screening shall be composed of either a masonry wall, ornamental wooden fence, compact evergreen hedge, berm, or a combination of these; and
 - (3) Such screening shall be accompanied by the installation of a minimum of one street tree for every 50 linear feet of site fronting on a public right-of-way. Such street trees shall be a minimum of three inches in caliper and planted either on the applicant's property, bordering the street curb, or both, and shall be in accordance with the requirements of Chapter 40 (Street Tree Regulations) of Title 20 (Parks and Recreation).

(2) Open lot parking which is existing at the effective date of this section shall:

- (a) Be provided with screening in accordance with Section 33.56.100(1)(f) above, within three years following said effective date;
- (b) Be exempt from Section 33.94.050 (Nonconforming Uses of Land in all Zones).

33.56.110 Access to new parking facilities. (1) New parking facilities approved as conditional uses will be permitted access to or from any street designated as "permitted" by City Council.

(2) New parking facilities approved as conditional uses may be permitted access to or from streets designated as "conditional" by City Council provided there is a finding that:

- (a) Such parking access would contribute substantially to the goals of the Downtown Plan and to the specific objectives and policies relating to the district within which access is proposed, and
- (b) That such parking access would not lead to serious pedestrian-vehicle conflicts within the districts.

(3) Access to new parking facilities from any street not designated "permitted" or "conditional" on supplemental zoning map E, Parking Access, may be considered as a variance under the provisions of Section 33.106.010 (Authority).

(4) Any variances from these regulations may be considered under Chapter 33.98 (Variances and Adjustments).

33.56.120 Required building lines. (1) In order to maintain the urban quality of retail, office, or historic areas by preventing loss of the sense of enclosure, the continuity of display windows, and the weather protection that would result from random decisions to provide plazas or building setbacks, required building lines are established by the Council along the street lot lines in certain portions of the Downtown Development Zone.

(2) Along a frontage containing a required building line as indicated on supplemental zoning map D, Building Requirements, new construction shall extend to the required building line along not less than 75

percent of the require building line of each lot. Portions of a building required to extend to the required building line shall be not less than one story in height or the full height of the building whichever is less.

(3) Initial determination of whether a proposed building arrangement meets the intent, purposes and requirements of Section 33.56.120(1) and (2) above, shall be made by the Design Committee of the City Planning Commission as part of the design review undertaken pursuant to Chapter 33.62 (D Design Zone) and the provisions of Section 33.114.030 (Interpretation--Purpose--Conflict).

(4) Any variances from these regulations may be considered under Chapter 33.98 (Variances and Adjustments).

33.56.130 Required retail uses. (1) In order to prevent disruption to the continuity of retail display windows and retail stores that is essential to the maintenance of a healthy retail district, required retail areas within the Downtown Development Zone are established by the Council. Within a designated required retail area, retail activities are required as the predominant use at the ground floor or pedestrian access level of buildings.

(2) Within a required retail area as designated on the Official Zoning Maps, City of Portland, Oregon, Planning and Zoning Code, all new construction and all additions, alterations, or repairs which, within any 12-month period, exceed 50 percent of the value of an existing building, shall be constructed to accommodate at least 50 percent of the portion of such building fronting on a sidewalk, plaza, or other public open space for retail or personal service uses other than banks, loan offices, travel agencies, or other ticket agencies.

(3) All such retail or personal service uses shall be directly accessible from the sidewalk, plaza or other public open space.

(4) Initial determination of whether a proposed use or building arrangement meets the intent, purposes and requirements of Section 33.56.130(1), (2), and (3), above, shall be made by the Design Committee of the City Planning Commission as part of the design review undertaken pursuant to Chapter 33.52 (D Design Zone) and the provisions of Section 33.114.030 (Interpretation--Purposes--Conflict).

(5) Any variance from these regulations may be considered under Chapter 33.98 (Variances and Adjustments).

33.56.140 Limitation on blank walls. (1) In order to encourage continuity of retail and consumer service uses and to avoid a monotonous pedestrian environment within the Downtown Development Zone, blank walls at pedestrian level are prohibited in certain locations.

(2) Along block faces within the AX and C1 Zones when combined with the Downtown Development Zone, excepting the case of residential development on the first story, at least 50 percent of the width of a new or reconstructed first story building wall facing a street shall be devoted to pedestrian entrances, display windows, or windows affording views into retail, office, or lobby space.

(3) Initial determination of whether a proposed use or building arrangement meets the intent, purposes, and requirements of Section 33.56.140(1) and (2) above, shall be made by the Design Committee of the City Planning Commission as part of the design review undertaken pursuant to Chapter 33.62 (D Design Zone) and the provisions of Section 33.114.030 (Interpretation--Purpose--Conflict).

(4) Any variances from these regulations may be considered under Chapter 33.98 (Variances and Adjustments).

s. Chapter 33.94, Nonconforming uses, Title 33, Code of the City of Portland, hereby is amended to read as follows:

33.94.010 Continuation of use. * * * (no change)

33.94.020 In R, A, C5, C4, and M4 Zones. (a)
* * * (no change)

(b) * * * (no change)

(c) * * * (no change)

(1) * * * (no change)

(2) * * * (no change)

(3) Any building containing a nonconforming use in an AX Zone so damaged may be reconstructed.

- (d) * * * (no change)
- (e) * * * (no change)
- (f) * * * (no change)

33.94.030 AX, C2, C1, M3, M2 & M1

- (a) * * * (no change)
- (b) * * * (no change)
- (c) Enlargement. (Amended by Ordinance No. 139117, 139702, and 141105 passed and effective December 31, 1975.) Enlargements of buildings or other structures containing nonconforming uses are permitted provided the enlargements abide by the height, yard, loading, and parking provisions of the zone in which the nonconforming use is situated. An enlargement or an aggregate of separate enlargements exceeding 20% in floor area authorized in a development plan duly approved and recorded pursuant to downtown plan review procedures provided for in this title between June 27, 1971, and the effective date of this section may be permitted or an enlargement or an aggregate of separate enlargements exceeding 20% in floor area as existing on July 1, 1959, may be permitted by variance if it is determined that such enlargement are desirable to the public convenience and welfare and not detrimental or injurious to the public health, peace or safety or to the best interest and value of surrounding properties. Procedure to be followed is that specified in Section 33.98.020.

- (d) * * * (no change)
- (e) * * * (no change)
- (f) * * * (no change)

33.94.040 Nonconforming residential uses in M2 & M1 zones * * *
(no change)

33.94.050 Nonconforming use of land in all Zones * * * (no change)

33.94.060 Nonconforming due to classification * * * (no change)

- t. Chapter 33.98, Variance and Adjustments, Title 33, Code of the City of Portland, hereby is amended to read as follows:

33.98.010 Variances * * * (no change)

33.98.015 Limitations on Variances. Unless otherwise specified in this title, variances shall be limited to the following matters:

- (a) * * * (no change)
- (b) * * * (no change)
- (c) * * * (no change)
- (d) Within AX, C2, C1, M3, M2 and M1 Zones, enlargements of the floor area of a nonconforming use exceeding 20% of the floor area existing on July 1, 1959, the effective date of this title, or of any applicable subsequent amendment thereto, or in the case of annexed area, the effective date of the annexation, provided such enlarged building complies with height, yard, loading, and parking regulations of the zone in which it is located.
- (e) * * * (no change)
- (f) Within a Z Zone, modification of required building lines, required ground floor retail uses, limitation on blank walls, maximum building heights, and maximum floor area permitted, as may be necessary to secure improvement or occupancy of a lot or structure which is of such size, shape, or terrain, or of such architectural design, or so located with respect to surrounding or adjoining structures that such modification as proposed by the applicant is found to be in the public interest and supportive of the Planning Goals and Guidelines for Downtown Portland as adopted by the Council.

33.98.020 Procedure and fee. Any applicant whose building or occupancy permit has been refused by the Bureau of Buildings because of deviation or an alleged deviation from the requirements of this title on the matters and under the circumstances stated in Section 33.98.010 may, by written appeal, request an adjustment or variance.

Such written request shall be filed in the office of the Planning Commission upon forms prescribed for that purpose by the variance committee. Request for variances shall be signed by the applicant, and by the property owner if different. The fee for such request shall be twenty dollars. The request shall be accompanied by three copies of a site plan showing exact dimensions and arrangement of the proposed development or changes in an existing development or use. The variance committee may require other drawings, topographic surveys, photographs, or other material essential to an understanding of the proposed development and its relationship to surrounding properties.

Upon receipt of an application for variance which is located within a D Zone or which is located within a designated historic district or which involves a designated historic building or site, the Bureau of Planning staff shall notify the Design Committee of the City Planning Commission or the Historical Landmarks Commission, as the case may be, as to the scheduled date of the variance hearing and date by which a report and recommendation of the Committee or Commission or their designee will be required by the Variance Committee. In the case of a variance request involving both a D Zone and a historic district or a historic building or site, a report and recommendation from the Historical Landmarks Commission only will be required.

The City Auditor shall compile a list of the names and addresses of all persons owning real property within the affected area. The affected area is all real property located within lines one hundred fifty feet, including intervening street widths, from and parallel to the boundaries of the property being appealed and such other contiguous area as is under the legal control of the applicant. In the case of an enlargement of a nonconforming use, the above distance shall be four hundred feet, including intervening street widths. The Committee shall hold a public hearing on each request. The Committee shall notify the auditor of the date of the public hearing and the auditor shall mail notices of the public hearing to all property owners within the affected area at least seven

days prior to the date of the hearing. At the hearing, the burden shall be upon the applicant to prove the facts relied upon, and to prove that granting the variance would be in the public interest.

The Committee shall grant or deny the request and transmit its decision in writing within fourteen days of the filing of such request to the applicant, to the city auditor, and to the bureau of buildings.

33.98.030 Variance committee. * * * (no change)

33.98.040 Effectiveness and appeal. * * * (no change)

33.98.045 Validity of certain variances. * * * (no change)

33.98.050 Sign location. * * * (no change).

33.98.060 Revocable permits. * * * (no change)

33.98.065 Validity of certain revocable permits. * * * (no change)

u. Chapter 33.106, Conditional Uses, Title 33, Code of the City of Portland, hereby is amended to read as follows:

33.106.010 Authority. * * * (no change)

33.106.015 Exemptions. * * * (no change)

33.106.020 Procedure and fee. Written application for the approval of a conditional use shall be filed in the Commission's office upon forms prescribed for that purpose and shall be signed by the applicant, and by the property owner if different. The application shall be accompanied by three copies of a site plan showing exact dimensions and arrangement of the proposed development or changes in an existing conditional use. Other drawings, topographic surveys, photographs, or other material essential to an understanding of the proposed use and its relationship to surrounding properties may be required.

The fee for such application shall be fifty dollars except the following: Conversions to two family use, thirty-five dollars; excavating or filling, thirty-five dollars; provided, however, that the Commission may waive the required fifty dollar fee, in whole or in part, and the required public hearing if the Commission finds that the approval requested re-

lates to a matter which constitutes a minor improvement of low cost and does not change the use nor pose a question of public importance. No additional fee shall be required for a variance or adjustment applied for as a part of the application for conditional use. Upon receipt of an application for approval of a conditional use which is located within a D Zone or which is located within a designated historic district or which involves a designated historic building or site, the Bureau of Planning staff shall notify the Design Committee of the City Planning Commission or the Historical Landmarks Commission, as the case may be, as to the scheduled date of the conditional use hearing and the date by which a report and recommendation of the Committee or Commission or their designee will be required by the hearings officer. In the case of a conditional use involving both a D Zone and a historic district or a historic building or site, a report and recommendation from the Historical Landmarks Commission only will be required.

The City Auditor shall compile a list of the names and addresses of all persons owning real property within the affected area. The affected area is all real property located within lines four hundred feet, including intervening street widths, from and parallel to the boundaries of the conditional use site, and such other contiguous area as is under the legal control of the application. In the case of excavating and filling, the distance defining the affected area shall be one hundred fifty feet, including intervening street widths, in each direction from the conditional use except along the frontage or access street where the distance shall be four hundred feet, including intervening street widths, from the site boundaries. A public hearing on each application for a conditional use shall be held. Notification shall be given to the City Auditor of the date of the public hearing and the Auditor shall mail notices of the public hearing to all property owners within the affected area at least fourteen days prior to the date of hearing. Findings and determination upon an application shall be made in writing within sixty days from the date of filing of the application and a copy thereof shall be forthwith transmitted to the applicant, the City Auditor and the Bureau of Buildings.

33.106.030 Effectiveness and appeal. * * * (no change)

33.106.035 Validity of certain conditional uses.
* * * (no change)

33.106.040 Transfer--termination. * * * (no change)

- v. Chapter 33.144, Administration and Enforcement, Title 33, Code of the City of Portland, hereby is amended to read as follows:

33.114.010 Enforcement. * * * (no change)

33.114.020 Conformance and permits required. *
* * (no change)

33.114.030 Interpretation--purpose--conflict. In interpreting and applying these zoning regulations, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this title to interfere with or abrogate or annul any easement, covenant, or other agreement between parties, provided, however, that where this title imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, titles, codes, rules, regulations, or by easements, covenants, or agreements, the provisions of this title shall control.

The Design Committee of the City Planning Commission shall be responsible for the initial interpretation of the requirements for building lines, ground floor retail uses, limitations on blank walls, and rain protection features specified in Chapter 33.56 except as they apply to a designated historic building or site within a designated historic district where such interpretation shall be the responsibility of the Historical Landmarks Commission. In all other cases the Director of the Bureau of Buildings shall be responsible for the initial interpretation of this title. Whenever there is any question regarding an interpretation of any provision of this title or an application of this title to any specific case or situation, the Director of the Bureau of Buildings, the Design Committee, the Historical Landmarks Commission, or any person affected by an initial interpretation of the title, may submit a written request to the Commission for interpretation of the intent of the title. The Commission shall, by written decision, interpret the intent of any provision in its application.

Whenever there is a question regarding the zoning provisions, "planned treatment" as found in Section

ORDINANCE No.

33.12.310, the Director of the Bureau of Buildings may refer it to the Residential Care Facilities Licensing Board (8.80.050) for determination. Appeal of this determination may be made to the Council.

33.114.040 Hearings officer. * * * (no change)

33.114.050 Initiation of request. * * * (no change)

33.114.060 Hearings officer procedure and findings. * * * (no change)

33.114.070 Appeals to the Planning Commission. * * * (no change)

33.114.080 Procedure on appeal to the Planning Commission. * * * (no change)

33.114.090 Appeal to Council. * * * (no change)

33.114.100 Procedure on appeal to Council. * * * (no change)

33.114.120 Effectiveness. * * * (no change)

33.114.121 Violations. * * * (no change)

Passed by the Council, FEB 15 1979

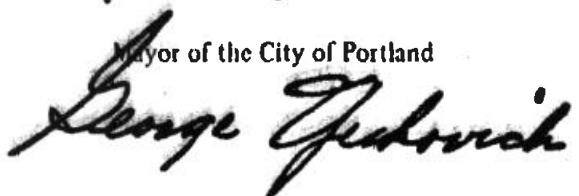
Council Calendar 482

MAYOR GOLDSCHMIDT
Rod O'Hiser
December 18, 1978



Mayor of the City of Portland

Attest:



Auditor of the City of Portland