

ORDINANCE NO. 124417

An Ordinance amending Section 6-3801 of Ordinance No. 110103, the Planning and Zoning Code, by adding an additional subsection prohibiting reduction of side and rear yard requirements by transfer of ownership, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that the Bureau of Buildings and the Portland Planning Commission have recommended an amendment of the Planning and Zoning Code to prohibit reduction of the size of side and rear yards by transfer of ownership of the property or a portion thereof, which amendment is desirable in order to provide continued continuity in the requirements of the Planning and Zoning Code; now, therefore, Section 6-3801 of Ordinance No. 110103, the Planning and Zoning Code, passed by the Council May 28, 1959, as amended, hereby is amended to read as follows:

Section 6-3801. GENERAL REQUIREMENTS.

- (a) No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Code, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.
- (b) No side or rear yard shall be reduced by transfer of ownership, immediate or future, to a width or depth less than required by this Code.
- (c) Every required front, side and rear yard shall be open and unobstructed from the ground to the sky.
- (d) Projection allowed into yards:
 - 1. Cornices, eaves, belt courses, sills, canopies, or other similar architectural features, not including bay windows or vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front or rear yard not more than thirty (30) inches. Chimneys may also project into a required front, side or rear yard not more than twenty (20) inches, provided the width of such side yard is not reduced to less than three (3) feet.

2. Open, unenclosed fire escapes may extend or project into any front, side or rear yard not more than four (4) feet.
3. Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet, and such balconies may extend into a required front yard not more than thirty (30) inches.
4. Open, unenclosed porches, platforms or landings, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into any front or side yard not more than thirty (30) inches and into a rear yard not more than four (4) feet.
5. Open, unenclosed porches, platforms or landings, not covered by a roof or canopy, which do not extend above the level of the first floor of the building may extend or project into a court a distance of not more than twenty (20) per cent of the width of such court, but in no case more than six (6) feet.
6. Open ornamental fences, hedges, landscape architectural features or guard railings for safety protection around depressed ramps may be located in any front, side or rear yard if maintained at a height not more than three and one-half (3-1/2) feet above the average ground level adjacent thereto. Provided, further, that an open-work type railing not more than three and one-half (3-1/2) feet in height may be installed or constructed on any balcony, stairway, porch, platform, or landing place mentioned above in subparagraphs 3, 4 and 5.
7. A fence, lattice-work screen or wall, not more than six (6) feet in height, or a hedge or thick growth of shrubs, maintained so as not to exceed six (6) feet in height, may be located in any required side or rear yard. Provided, further, that this provision shall not be so interpreted as to prohibit the erection of an open-mesh type fence.
8. Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side, or rear yard provided they do not produce a hedge effect contrary to the provisions of items 6 and 7 above.

9. Name plates, bulletin boards or signs appertaining to the prospective sale, lease, or rental of the premises on which they are located, as permitted in this Code, shall be allowed in any required front, side, or rear yard.
 10. The above structures or features, however, shall not be located and maintained so as to preclude complete access at all times about a main building. Provided, that gates or other suitable openings at least two and one-half (2-1/2) feet in width shall be deemed adequate for such access.
 11. Driveways, steps and walks shall be permitted without limitation.
 12. Retaining walls shall be permitted without limitation provided that no such wall shall be constructed higher than the level of the earth it is designed to retain.
 13. Uncovered, paved terraces, decks and patios shall be permitted in any required yard, provided they do not extend more than three and one-half (3-1/2) feet above the average ground level adjacent thereto.
- (e) In determining the width of the yard, any story with a habitable room, except a recreation or party room, having a window opening onto such yard, shall be counted as a story. When a yard has a window of a habitable room, not including party or recreation room, opening onto it, the grade or elevation of such yard where the same is contiguous to such habitable room shall not be above the level of the floor of such room.

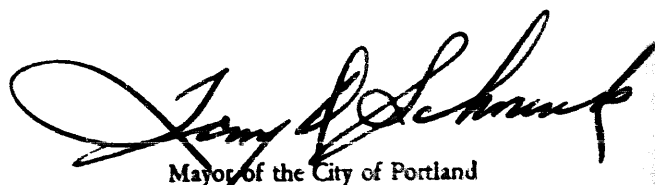
Section 2. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of

ORDINANCE No.

the City of Portland in this: In order that there may be no delay in prohibiting reduction of side and rear yard requirements as set forth in Section 1 hereof; therefore, an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

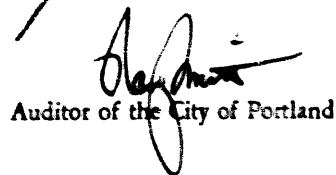
Passed by the Council, APR 13 1967

Commissioner Bowes
April 6, 1967
RLH:gm/fg



Mayor of the City of Portland

Attest:



Auditor of the City of Portland

Calendar No. 1111

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Title

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THURSDAY

THE COMMISSIONERS VOTED
AS FOLLOWS:

	Yes	Nays
Bowes	1	
Earl	1	
Grayson	1	
Ivancie	1	
Schrunk	1	

FOUR-FIFTHS CALENDAR

Bowes	
Earl	
Grayson	
Ivancie	
Schrunk	

Filed APR 7 1967

RAY SMITH

Auditor of the CITY OF PORTLAND

By

Robert R. Smith
Deputy

INTRODUCED BY

Commissioner Bowes

DRAWN BY

RLH:gm/EG

Date April 6, 1967

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works

City Attorney

NOTED FOR CITY AUDITOR

APPROVED

Date

By

City Engineer

Date

By