



CODE AMENDMENTS

Recommended Draft

February 21, 2006



City of Portland, Oregon
BUREAU OF DEVELOPMENT SERVICES



CITY OF PORTLAND, OREGON
BUREAU OF
Planning

**The Portland City Council
will hold a public hearing on this project on
Wednesday, March 8, 2006 at
4:00 PM**

City Hall Council Chambers
1221 SW Fourth Avenue
Portland, OR 97204

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The City of Portland is committed to providing equal access to information and hearings. If you need special accommodation, please call Anne Hill at 503-823-4807.

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CITY OF PORTLAND, OREGON PLANNING COMMISSION

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February 21, 2006

Mayor Tom Potter and Members of Portland City Council
Portland City Hall
1221 SW Fourth Avenue
Portland, OR 97204

Re: Living Smart Code Amendments

Dear Mayor Potter and City Commissioners:

On behalf of the Portland Planning Commission, I am forwarding our recommendations regarding the *Living Smart Code Amendments*. This proposal would amend the Zoning Code to facilitate the development of house designs that were chosen from the Living Smart Design Competition.

The *Living Smart Code Amendments Recommended Draft* are the implementation phase of the Living Smart Project, which arose from growing neighborhood concerns about single-dwelling infill development on 25-foot wide lots. In 2003, after careful consideration of public concerns about design and density, coupled with the clear market demand for these houses, City Council decided to maintain the narrow lot housing option in the single-dwelling zones, but restricted construction to currently vacant lots and added design requirements.

To help address concerns about the design of these houses, Commissioner Randy Leonard directed the Bureau of Development Services to initiate a design competition. One of the goals of the competition was to create the *Portland Catalogue for Narrow House Designs*, a catalogue of plans for Portland neighborhoods. The *Portland Catalogue* was published in November 2004 and contains the winning house designs.

The Bureau of Development Services has contracted with two designers, who were both Jury and People's Choice award winners. Each designer has prepared a set of house plans. The goal is for the plans to be "permit-ready" and available in the Development Services Center for purchase.

To effect these changes, the Planning Commission is recommending Zoning Code amendments which are presented in the attached *Recommended Draft*. The changes will exempt the two house designs from some development standards. By providing exemptions, we are, in essence, granting adjustments for these two house designs. The rationale behind the proposal is that while the designs of the houses do not meet all of the current development standards, they do meet the purpose of the unmet standards, which is the major criterion for granting an adjustment.

The proposed amendments facilitate the construction of these houses, which are well-designed, meet the purpose of the zoning regulations, and are appropriate for narrow lot development. We are enthusiastic about

the incentives this project is bringing about and have asked staff to return to the Planning Commission within one year with an update on the program's progress.

During the hearing on January 24, 2006, the Planning Commission heard no testimony in opposition to the proposed amendments. Community members who testified were supportive of the code amendments package and were particularly enthusiastic about the competition process. One community member was concerned about the City's ability to ensure that the permit-ready houses would be built with quality materials. Staff assured the Planning Commission that the house plan sets, which will be sold by the City, include a list of approved building materials and that staff will be trained regarding what changes are not allowed in the field. In addition, a City planner may conduct an additional inspection during construction of the house.

The amount of interest this project has received is impressive. The Bureau of Development Services has continued to receive requests for the Living Smart publications and for the plans. This project is of great value, not only to the Portland Community, but as inspiration for communities elsewhere.

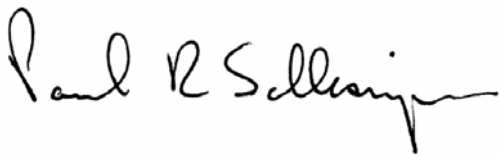
The Planning Commission would like to recognize the thought and effort that went into the design competition and this implementation phase. We'd specifically like to thank Commissioner Randy Leonard for his leadership and work in bringing this project to fruition, to the contributions of the two juries that judged the 400+ competition entries, and the Bureau of Development Services and Bureau of Planning staff who have worked on the implementation phase of this project.

Recommendation

The Portland Planning Commission recommends that City Council pass the Ordinance that amends the Zoning Code as shown in the *Living Smart Code Amendments Recommended Draft*.

Thank you for considering the recommendations of the Portland Planning Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul R Schlesinger". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paul Schlesinger, President
Portland Planning Commission

cc: Portland Planning Commission

Portland City Council

Tom Potter, Mayor
Sam Adams, Commissioner
Randy Leonard, Commissioner
Dan Saltzman, Commissioner
Erik Sten, Commissioner

Portland Planning Commission

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History of Narrow Lot House Development in Portland

Early 1900's	Pockets of land now in the City of Portland were platted as 25 feet wide by 100 feet deep lots.
Until 1981	House construction on 25-foot-wide lots was allowed; however, most houses were built on 50-foot-wide parcels.
1981-1991	Zoning regulations prohibited new houses on 25-foot-wide lots.
1991-2003	New regulations allowed construction of houses on 25-foot-wide lots. Some sound housing was demolished and replaced with narrow houses at twice the density allowed in the R5 zone. Neighbors were concerned about the demolitions and about the compatibility of narrow houses in existing, developed neighborhoods.
July 10, 2003	City Council established additional design standards for new houses on narrow lots. Commissioner Randy Leonard directed the Bureau of Development Services to initiate a design competition to explore a nonregulatory approach to higher-quality designs of narrow lot houses.
September 10, 2003	City Council passed a resolution directing the Bureau of Planning to develop a compromise proposal to prevent demolition of houses, to promote affordable housing, ensure design compatibility, and to allow detached houses on small lots in multi-family zones.
November 14, 2003	City Council adopted regulations that deter demolition of houses on platted narrow lots by establishing minimum lot sizes for development on existing lots.
December 10, 2003	City Council established an exception to the minimum lot sizes for development on existing "vacant" lots.
February 2004	City Council adopted regulations to expand the provisions to allow detached housing on small lots in rowhouse and multi-family zones.
June – December 2004	The City of Portland sponsored a competition attracting 426 entries from 22 countries. The judged competition produced two publications: <i>Designs of Excellence Monograph</i> and the <i>Portland Catalogue of Narrow Lot Houses</i> . Four People's Choice designs were included in the Catalogue. The winning house designs contain components that serve as ideas for development options on narrow lots.
2005	<p>Bureau of Development Services staff is working with two of the People's Choice winners to develop their designs as ready-to-build plan sets available for permitting in Portland.</p> <p>Bureau of Planning and Bureau of Development Services staff propose zoning code changes to facilitate construction of the two ready-to-build house designs.</p>

Introduction

The purpose of this report is to provide background information on the Living Smart design competition and to recommend implementation strategies to encourage well-designed houses suitable for narrow lots.

A. Living Smart: Big Ideas for Small Lots

In the past 10 years, the City of Portland has witnessed tremendous growth in the popularity of affordable houses built on small infill lots. In a number of neighborhoods, where development has typically occurred on 5,000 square foot lots, the underlying historic plat and zoning regulations have allowed infill development on 25-foot wide by 100-foot deep parcels. These narrow houses have become important in meeting the City's need for "entry-level" or "starter" houses.

The Living Smart Project arose from growing neighborhood concerns about this infill development, which was often out of scale with surrounding houses and in some cases triggered the demolition of existing houses. In 2003, after careful consideration of public concerns about design and density, and the need and market demand for these houses, City Council decided to continue allowing narrow lot, infill development, while restricting construction to currently vacant lots. With this change, City Council also added new design requirements for such development and expanded the provisions to allow detached houses on small lots in the higher density zones.

An existing house on a narrow lot



Introduction

Examples of existing houses on narrow lots



1. Design Competition for Narrow Houses

To help address the concerns about the design of these narrow houses, Commissioner Randy Leonard directed the Bureau of Development Services to initiate a design competition to create a catalogue of plans suitable for narrow lot development in Portland neighborhoods.

There were two goals for this competition, named "Living Smart: Big Ideas for Small Lots." One was to create an idea book, the *Designs of Excellence Monograph*, to show just how many different possibilities exist for narrow lot architecture. The second and more important goal was to help shape development in Portland. To address this issue, the *Portland Catalogue of Narrow House Designs* was created to serve as a suggestion book for a new housing prototype that meets Portland's design values embodied in the Portland Zoning Code.

Both documents are available as separate publications.

In order to encourage creativity and flexibility in the design submissions, the competition guidelines allowed more permissive development standards than currently exist in Portland. By creating new development standards--still based on Portland's Design Values--the focus was on design. Wildly creative designs were tempered by the need to produce realistically buildable designs that would be appropriate for Portland neighborhoods. In order to balance these two needs, five submission categories were created with varying height, access and setback requirements; garages were not always required.



Design Competition for Narrow Houses

While loosening the Zoning Code development standards, the competition held fast to **Portland's Design Values**. The Design Values in the Competition Brief replicate the purpose statements in the Portland Zoning Code:

- Create a pleasant pedestrian environment by:
 - Providing visual variety and interest;
 - Avoiding large expanses of blank facades along streets;
 - Avoiding garages and vehicle areas that dominate the views of the neighborhood from the sidewalk;
 - Ensuring that the pedestrian entrance, rather than the one for automobiles, is prominent and clearly identifiable from the street;
- Enhance public safety by providing people the opportunity to survey their neighborhood from inside their residences, while preventing garages from blocking views to the street;
- Use clear transitions from public to private areas;
- Place windows to ensure privacy for the building inhabitants and neighboring residents;
- Provide opportunities for community interaction among residents, visitors and neighbors through creative use of public, semi-private and private areas; and
- Incorporate sustainable technologies in construction.

2. Competition Process

The competition process relied heavily on independent juries and advice from citizens and stakeholders, including a Project Advisory Team. More detail about the public involvement is in Section A.3.

The competition was organized into two phases that also reflected the two goals. Phase I was the selection of “Design Excellence” winners – the most innovative, best-designed ideas that could be an inspiration to architects and builders alike. Phase II was the selection of “Portland Catalogue” winners – those designs that the City would like to promote and see built.

The competition was publicized primarily through design competition web sites. The outreach attracted 825 registrants. Of those registered, 426 followed through and submitted designs for the competition.

The first phase, “Design Excellence,” was judged by a 7-member jury consisting of two internationally recognized architects (John Patkau and Douglas Garofalo) as well as locally known architects, designers, developers, and community leaders. This jury was instructed to select up to 75 designs that were innovative and well-constructed, regardless of whether they were appropriate for Portland or could be built realistically. The resulting publication, *Designs of Excellence*, is an idea book that can serve as an inspiration to anyone interested in narrow lot development. The ideas in the document demonstrate the wide range of possibilities. The jurors selected 49 entries, four of which they called out as Merit Award winners.

The second phase produced the *Portland Catalogue of Narrow House Designs*. This phase was also judged by a 7-member jury. Four jurors were retained from the first phase; and two local architects and a local builder of narrow lot houses were added to the panel. These jurors were instructed to select 25 designs that would be appropriate for Portland neighborhoods. They selected 21 designs. Originally, the intent was that these designs would be selected from the Design Excellence winners, thus constituting a further narrowing of the field of winners. However, the Design Excellence winners were almost all very contemporary, expensive designs, and did not represent a wide enough range of architectural styles and housing needs. As a result, the second phase jurors were encouraged to look at all of the original 426 submissions in order to make their selection.

In addition to the formal judging and selection process, the public chose four People's Choice winners. Former Mayor Vera Katz and Commissioner Randy Leonard also picked their favorite designs. These designs are included in the *Portland Catalogue of Narrow House Designs*.

3. Public Involvement

A Project Advisory Team (PAT) was formed in the fall of 2003 to help define the program for the competition. The team was composed of all the narrow lot development stakeholders, including builders, neighborhood representatives, and architects. PAT members continued to provide advice during the development of this implementation phase of the project.

In order to define the design product for the competition, staff held a focus group meeting in the winter of 2004, attended by five of the narrow lot homebuilders in Portland. The parameters for the submissions were created based on the information that they provided.

General citizen involvement opportunities included the People's Choice where voting was conducted with online and paper ballots. Binders that included all of the submissions were placed in each of the neighborhood coalition offices and in the Mayor's and all City Commissioners' offices. In addition, all of the 426 submissions were posted on the Living Smart web site and voting was allowed online. The People's Choice Awards helped to get the public involved in the competition and interested in the outcome.

Public receptions took place after the two phases of judging. At the end of each judging day, the winning presentation boards were displayed while the judges presented the winners and discussed their selection process. Both receptions were heavily attended and the audience had many questions for the juries. The Designs of Excellence were also displayed for three weeks in the lobby of the 1900 SW 4th Building.

During December 2004 and January 2005, the Portland American Institute of Architects' Gallery displayed the winning designs, and both publications were available at no cost. The publications continue to be available through the www.livingsmartpdx.com web site.

As discussion about the implementation of the project began in June 2005, staff presented the project to the Citywide Land Use Chairs, the PAT, and the Planning Commission. Three public notices have been sent for the legislative phase of the project; one for the open house held on November 17, 2005, one for the Planning Commission hearing held on January 24, 2006, and the third for the City Council hearing on March 8, 2006. A *Discussion Draft* was available for public review beginning November 10, 2005, the *Proposed Draft* was published on December 23, 2005, and the *Recommended Draft* was made available on February 21, 2006. Public testimony was heard at the Planning Commission hearing and will be heard at the City Council hearing.

4. Impact Assessment

The Impact Assessment process is a subset of the Model Process for Consideration and Assessment of Land Use and Development Actions. As part of the steps required for determining the value in undertaking a legislative process, the questions listed on the First and Second Stage Assessment are addressed. Those questions are repeated below, with general answers provided for the Living Smart Project. Additional information may be found within the Commentary sections for the specific proposals under consideration.

The Model Process for Impact Assessment

The Impact Analysis Workgroup developed a model process for impact assessment. Development of the model was part of the 2002-2003 Regulatory Improvement Workplan. The model recommends a two-stage assessment for all legislative projects; each stage includes a set of questions to be addressed.

The first stage is part of the initial phase of a project, and is incorporated into the scoping, problem definition, and other early project steps. The second stage is part of the development and analysis of a project, and includes considerations of alternatives. The Living Smart Project follows this two-stage assessment model, by addressing many of the first stage questions during the discussions about the impact of narrow lot development on neighborhoods. The second stage alternatives are researched during the development of the code language.

First Stage Assessment

The model process recommends that the following questions be addressed in the initial phases of any legislative project:

1. *What is the issue or problem we are trying to address? Is there a mandate (state or federal) that requires a regulation or other non-regulatory response?*

The Living Smart Project arose from growing neighborhood concerns that infill development on 25'-wide lots in areas that were historically developed as 50'-wide lots, was often out of scale with surrounding houses and in some cases triggered the demolition of existing houses. In 2003, after careful consideration of public concerns about design and density, and the need and market demand for these houses, City Council decided to continue allowing narrow lot, infill development, while restricting construction to currently vacant lots. With the change, City Council also added new design requirements for such development and expanded the provisions to allow detached houses on small lots in the higher density zones.

To help address the concerns about the design of these narrow houses Commissioner Randy Leonard directed the Bureau of Development Services to initiate a design competition to create a catalogue of plans suitable for narrow lot development in Portland neighborhoods.

The competition was organized into two phases: Phase I was the selection of "Design Excellence" winners – the most innovative, best-designed ideas that could

Impact Assessment

be an inspiration to architects and builders alike – and Phase II was the selection of *"Portland Catalogue"* winners, those designs that the City would like to promote and see built.

A staff evaluation of the designs in the *Portland Catalogue* against the Zoning Code standards found that none of these designs, determined suitable for narrow lot development in Portland by a jury and through a People's Choice voting process, meet all of today's Zoning Code requirements. The Zoning Code amendments provide exemptions to the standards that are not met.

The competition and code amendments needed to carry out the implementation of the project are not the result of a state or federal mandate.

2. *What are the intended or desired outcomes? What community goals or aspirations are we trying to achieve? How will the outcomes advance and support the City's Comprehensive Plan?*

The desired outcome of the Living Smart Project is to encourage well-designed houses on narrow lots. To this end, the project has resulted in the creation of two catalogues. The first is an idea book, the *Design of Excellence Monograph*, which shows various possibilities that exist for narrow lot architecture. The second, the *Portland Catalogue of Narrow House Designs*, was created to serve as a suggestion book for new housing prototypes that meet the design values embodied in the Portland Zoning Code. By using the already-stated design values in the Zoning Code as the main criterion for the design competition, the outcomes advance and support community goals and aspirations. The project furthers many City goals and policies including: encouraging infill and redevelopment, providing urban and housing diversity, ensuring that there are opportunities for development of small houses, and promoting the development and preservation of quality housing that is affordable across the full spectrum of household incomes.

3. *Is the issue of sufficient magnitude to justify developing new regulations or other non-regulatory tools? Is the issue just the "crisis du jour" or something more substantial?*

The balance between infill development and preserving the character of existing neighborhoods is a challenge. The issue is of sufficient importance to explore alternative solutions to the design constraints of narrow lot development. It is of sufficient importance to also address the concerns identified by neighborhoods, Planning Commission, and City Council in 2003. By initiating the design competition, the City was hoping to address the issue by taking a non-regulatory approach. Regulatory changes were only proposed when the permit-ready house designs were chosen and it became apparent that they could not be built without adjustments to certain development standards.

4. *What entities will be affected by the potential proposed policies, requirements and/or regulations? Are there existing regulations and non-regulatory tools that affect the*

same entities? Are there existing policies, requirements and/or regulations that are duplicative, contradict, or overload the existing regulatory framework?

The proposed code changes will not further regulate development on narrow lots. The new provisions offer an option to development on narrow lots. The code amendments proposed supercede other regulations that would otherwise be contradictory.

5. Why should this be a priority for action? How will the City staff and fund the project?

This project is a priority for action because new houses on narrow lots are being constructed on a daily basis. The design of narrow houses was one of the main issues identified by stakeholders and recognized by City Council at the beginning of this project. The administration of this project will take place with existing staff. Funding for the design competition was provided through the Bureau of Development Services' existing programs. Overhead for the juries and the publications were paid for by the competition registration fees and corporate sponsors. The Zoning Code amendments proposed with this project are being funded through the Bureau of Planning's Regulatory Improvement Workplan and the training of staff is part of the Bureau of Planning and Bureau of Development Services' ongoing workplans.

Second Stage Assessment

The Second Stage Assessment consists of the following steps: Project Development and Analysis; Release of the Proposal including Impact Assessment; Consideration of the Proposal; and finally Adoption and Implementation. During the Second Stage Assessment, in addition to updating information prepared in the First Stage Assessment, several key questions are addressed. These questions are addressed under the specific proposals within the Background and Commentary sections for those specific items.

1. What regulatory and non-regulatory alternatives were considered? Why is the proposal the preferred solution/response? How does the proposal best respond to the objectives and goals identified in the first stage of the project?

Initially, the project outcomes were thought to be non-regulatory. The goal of the Living Smart Project was to create design catalogues to provide ideas and inspiration to developers who would be constructing houses on narrow lots. After the competition, the Bureau of Development Services began to explore the possibility of taking the project a step further and subsidize the cost of the architecturally-designed houses that won the Living Smart competition. Only after the selection of the house designs did the regulatory aspect of the project become necessary.

The proposed code amendments respond to the goals of the Living Smart project by leveling the playing field for houses that are currently being constructed on narrow lots and the two permit-ready houses that were selected from among the winners. In other words, the regulations are crafted to make it just as easy to build permit-ready houses as to build other houses on narrow lots.

Impact Assessment

2. *How were stakeholders and the community consulted throughout the process? What were their responses to the proposed changes and the alternatives considered?*

During the competition phase, a Project Advisory Team (PAT) was formed to help define the Living Smart project. PAT members continued to provide advice throughout the design competition and during the beginning phases of implementation. The PAT included members of the architecture community, neighborhood representatives, developers, and City staff. They met 5 times over an 18 month period between 2003 and 2004. The Planning Commission was briefed on the Living Smart Competition in November 2003 and on the implementation phase in June 2005. The Development Review Advisory Committee (DRAC) was briefed in December 2005.

Citizen involvement opportunities included the voting for the People's Choice Award, which was conducted with online and paper ballots. In addition, two public receptions, one after each phase of the judging, were held. Both receptions were heavily attended and the audience had opportunities ask questions of the juries. There was a public exhibition of the Design Excellence winners in the lobby of the 1900 Building for three weeks, which was advertised through the City's ONI notification system and the Oregonian. The second set of winning house designs, featured in the Portland Catalogue, was exhibited at the Portland chapter of American Institute of Architects' gallery for the month of December 2004. The exhibit was sponsored by NW Natural and attracted significant interest from the community, businesses, and students.

To begin the implementation phase in June 2005, staff presented the project to the Citywide Land Use Chairs and the PAT. Several code amendment options were discussed with both groups. One alternative that was considered was to allow all narrow lot development to go through a Type I Design Review with modifications to vary from Zoning Code standards instead of a Type II Adjustment review. This proposal was not met with enthusiasm at the Citywide Land Use Chairs and the proposal is not being pursued at this time. Staff has incorporated other suggestions the groups had about the proposed amendments.

On October 28, 2005 notice of the Discussion Draft availability and a public open house was sent to 520 individuals. The Discussion Draft was made available on November 10, 2005. On November 17, 2005, staff held a public open house to discuss the proposed code amendments. The open house was attended by over 30 individuals. In general, the response to the proposed amendments was positive. Upon viewing the two house designs selected to be permit-ready, several individuals expressed disappointment that the City did not choose bolder and more contemporary designs from the *Catalogue*.

On December 23, 2005, notice of the January 24, 2006 Planning Commission public hearing was also sent to over 520 individuals. The Proposed Draft was also published on December 23 and made available at the Bureau of Planning and on the

website. In addition, copies have been sent to all neighborhood coalition offices, and to all who requested one.

On February 22, 2006 notice of the March 8, 2006 City Council hearing will be sent to those who testified at the Planning Commission hearing and over 500 individuals.

3. *How does the proposed policy, regulation or requirement provide sufficient flexibility to address a variety of circumstances?*

The proposed code amendments do not further regulate development on narrow lots. By facilitating the development of permit-ready houses, the amendments provide an option for development on narrow lots. The recommended amendments have been written to provide enough flexibility for future narrow lot permit-ready house designs.

4. *What resources are required to implement the proposal and how will any proposed regulation be enforced?*

Funding for the design competition was provided through the Bureau of Development Services' existing programs. Overhead for the juries and the publications were paid for by the competition registration fees and corporate sponsors. The Zoning Code amendments proposed with this project are being funded through the Bureau of Planning's Regulatory Improvement Workplan.

Once the code amendments are adopted, there will be minimal costs in training staff of the new provisions and staff needed to sell the house plans. The code amendments eliminate the need for Bureau of Development Services' staff to process design review and adjustment cases for permit-ready houses. Additional staff will not be needed for this project and the new provisions will be enforced along with the rest of the Zoning Code.

5. *What are the general benefits of the policy, regulation, or administrative requirement and how do these benefits compare to and balance against the public, private, and community costs?*

The benefits of the new provisions and having permit-ready house plans is that the City is taking a proactive role in addressing the issue of narrow lot house design. The code amendments and the City's program of providing the house plans will make it easier to build a well-designed house on a narrow lot. The benefits far outweigh the minimal cost needed to administer the program. The community will benefit by having well-designed houses built in neighborhoods, even if those houses do not meet every development standard.

6. *How will the regulation's impact be monitored to determine effectiveness? What should success look like? What resources are needed to gather and evaluate performance data?*

The regulation's impact will be monitored by evaluating the number of permit-ready houses that are built and exploring whether builders, neighbors, and owners are satisfied with the resulting development. The program may then be expanded.

B. Implementation and Recommendation

There are two sets of issues that are addressed by the Zoning Code amendments contained in this report: 1) Amendments necessary to allow permit-ready houses to be developed without the need for adjustments; and 2) Technical amendments to clarify the garage-related development standards in the base zones. They are described below.

1. Permit-Ready Houses

A brief staff evaluation of the designs in the Portland Catalogue against the Zoning Code standards found that none of these designs, determined suitable for narrow lot development in Portland by a jury and through a People's Choice voting process, meet all of the current Code requirements. The Code changes recommended in this report provide permit-ready houses with exemptions to the development standards that are not met. The recommended amendments facilitate the construction of well-designed houses that are appropriate for narrow lot development.

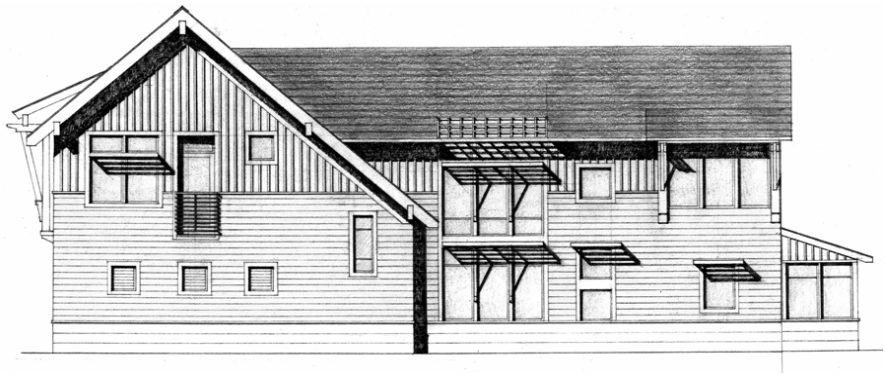
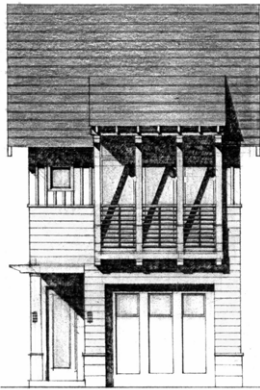
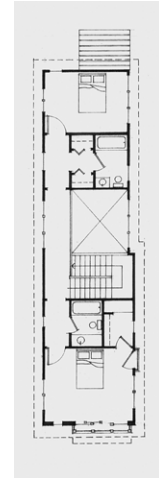
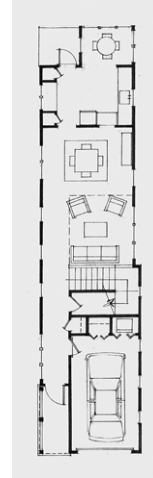
The City of Portland has contracted with the designers of two houses that were People's Choice and Jury Selection winners. The contract gives the City the right to sell their designs. These two plans were chosen to be developed as plan sets because they were selected by the competition jury as well as through the People's Choice voting. The idea is that a builder with a narrow lot can purchase one of these plan sets in the Development Services Center, in conjunction with a building permit and be assured that the plan will be approved. The plans will already have been through Life, Safety, and Structural review. Because the two chosen plans do not meet all of the Zoning Code development standards, staff recommends that these two designs be explicitly exempted from some standards. See the amendments proposed in Chapter 33.278, Permit-Ready Houses for further information.

The two designs chosen are on Pages 17 and 18 of the Portland Catalogue (Higgins and Vargas Greenan) and are shown on the following two pages. Although they do not meet all development standards of the current code, they provide features that are in keeping with the character of many Portland's neighborhoods.

2. Restructuring of the Base Zone Design Standards Language

The substantive amendments proposed in this report are confined to Chapters 33.278, Permit-Ready Houses, and 33.420, Design Overlay Zone. The remainder of the document contains proposed amendments that clarify and simplify the garage-related development standards in the Single-Dwelling (Chapter 33.110) and Multi-Dwelling (33.120) base zones. The intent of these amendments is not to change policy or the standards that apply to any situation. The intent is to modify the structure of the language (title, sections, paragraph layout) to improve readability and ease implementation. As part of the reorganization, a definition for "new narrow lots" is proposed.

Page 18 of the *Portland Catalogue* (Vargas Greenan Design)



Implementation and Recommendation

Page 17 of the *Portland Catalogue* (Higgins Design)



C. Planning Commission Recommendation

The Planning Commission recommends approval of these amendments. This recommendation includes the following actions:

1. Adopt this report and ordinance; and
2. Amend the Zoning Code as shown in this report.

Recommendation

This page was intentionally left blank.

Proposed Amendments to the Zoning Code

Important Note to the Reader

The substantive changes, related to the Living Smart Project, are in two chapters:
Chapter 33.278, Permit-Ready Houses
Chapter 33.420, Design Overlay Zone

The other amendments proposed in this document are not substantive; they simply reorganize some of the standards in the Single-Dwelling and Multi-Dwelling Zone chapters to improve clarity. As part of the reorganization, a definition for “new narrow lots” is proposed.

How To Read the Proposed Amendments

Amendments are proposed to the chapters below. The regulations for Permit-Ready houses are presented first. The definition for “new narrow lots” is presented second.

The rest of the amendments are in numerical order by Code chapter. Odd-numbered pages show Code language with the adopted changes. Language added to the Code is underlined. Language deleted from the Code is shown in ~~strike through~~. Even-numbered pages contain commentary on the amendments.

Chapter	Page
33.278	Permit-Ready Houses [new chapter]..... 25
33.910	Definitions 31
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Commentary

Title 33, PLANNING AND ZONING LIST OF CHAPTERS

This adds a new chapter, *Permit-Ready Houses*, to the list of *Additional Use and Development Regulations*.

**TITLE 33, PLANNING AND ZONING
LIST OF CHAPTERS**

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This adds a new chapter, *Permit-Ready Houses*, to the Table of Contents of Additional Use and Development Regulations.

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Commentary

LIST OF CHAPTERS IN THE 200s SERIES

This adds a new chapter, Permit-Ready Houses, to the List of Chapters in the 200 series.

**200s - ADDITIONAL USE & DEVELOPMENT
REGULATIONS**

- 33.203 Accessory Home Occupations
- 33.205 Accessory Dwelling Units
- 33.209 Aviation
- 33.212 Bed and Breakfast Facilities
- 33.218 Community Design Standards
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Commentary

Chapter 33.278, Permit-Ready Houses

This new chapter provides regulations for the Permit-Ready plans (pgs. 17 and 18 in the Portland Catalogue and possibly future plans). The Permit-Ready plans are the result of the "Living Smart: Big Ideas for Small Lots" competition.

33.278.010 Purpose

The purpose statement is tailored to encourage builders to use Permit-Ready houses on narrow lots.

33.278.100 Description

By describing what is meant by a "Permit-Ready house", the term itself can be used throughout this chapter and in references throughout the code. The intent is for the house's exterior design to be pre-approved, but to allow changes to the interior of the house and still be considered 'permit-ready.'

33.278.200 Where These Regulations May Be Used

This section states where the Permit-Ready houses may take advantage of the regulations of this chapter. Staff recommends that other development on the site not be eligible to use the exemptions in this chapter. Because other development, such as a detached garage, has not gone through the design competition process, it shouldn't be given special treatment. This language clarifies that a new detached garage, for example, on a lot with a Permit-Ready house, whether proposed at the same time as the house or 5 years later, would still need to meet the length of garage wall and street lot line setback standard. During the review of the garage, the house would be treated as if adjustments had been granted to the standards.

33.278.300 Where These Regulations May Not Be Used

This section describes when Permit-Ready houses would not be eligible to use the regulations of this chapter.

- A. The exemptions in this chapter are provided, in part, to address the difficulties of providing good design on narrow sites, especially when it comes to meeting specific development standards. Because development on lots wider than 36 feet can meet those development standards without the exemptions, staff recommends that houses built on the wider lots not be eligible to use the regulations of this chapter.
- B. The Permit-Ready house designs exemplify the Portland Design Values that are described in the purpose statements of the Zoning Code and were identified in the Living Smart competition brief. Changes or alterations to those designs could erode their design value, whether those changes are made before construction or as a later alteration.

THIS IS A NEW CHAPTER. FOR EASE OF READING IT IS NOT UNDERLINED.

**CHAPTER 33.278
PERMIT-READY HOUSES**

Sections:

- 33.278.010 Purpose
- 33.278.100 Description
- 33.278.200 Where These Regulations May Be Used
- 33.278.300 Where These Regulations May Not Be Used
- 33.278.400 Development Standards

33.278.010 Purpose

The special development standards for Permit-Ready houses facilitate the development of these houses in a variety of zones. This allows them to locate on narrow lots or infill sites that are difficult to develop. Permit-Ready houses add to the stock of well-designed houses and promote opportunities for affordable housing.

33.278.100 Description

A Permit-Ready house is a house whose design has been approved by City Council and the construction drawings are provided through the City of Portland.

33.278.200 Where These Regulations May Be Used

The regulations of this chapter apply to new Permit-Ready houses proposed for lots and lots of record that are less than 36 feet wide as measured at the front setback. The regulations of this chapter apply only to the house; other development on the site is subject to the regulations of this Title.

33.278.300 Where These Regulations May Not Be Used

While Permit-Ready houses may be built on any lot where a house is allowed, the regulations of this chapter may not be used in the following situations:

- A. Lots at least 36 feet wide.** If the lot or lot of record is 36 feet or wider, as measured at the front setback;
- B. Exterior changes and alterations.** If changes or alterations are proposed that affect the exterior of the Permit-Ready house;

[This section is continued on the next code page.]

33.278.300 (cont.)

- C. The rationale behind the exemptions allowed by this chapter is that if an applicant requested adjustments for one of these designs, the adjustments would probably be granted. Where the designs of the houses do not meet the standards of the other chapters, they do meet the purpose of the unmet standards, which is the major criterion for granting an adjustment.

Because these designs have been carefully considered against the purposes of the regulations, they also, in effect, meet the adjustment criterion that the cumulative effect of the adjustments result in a project which is still consistent with the overall purpose of the zone. For these reasons, staff recommends that requests for additional adjustments or modifications not be considered in combination with the regulations of this chapter.

- D. The standards and approval criteria that apply in historic and conservation districts address physical design with a particular eye to the special character of the district and the historic elements of the area. The Permit-Ready houses may not meet these standards and criteria. While the design of the Permit-Ready houses meets the purposes of the standards of the base zones, the designs may not meet the purpose of the standards in historic and conservation districts, and so are not granted exemptions by this chapter.

33.278.400 Development Standards

A. In RF through R2.5 zones:

1. One of the two chosen Permit-Ready houses has 18" eaves that project into the side setbacks. In an effort to preserve the design integrity of the house, staff recommends allowing eaves to project up to 18" into the required side setback.
 2. Current regulations do not require off-street parking for houses on existing narrow lots. This amendment would extend that allowance to Permit-Ready houses that are eligible to use the standards of this chapter.
 3. This paragraph exempts Permit-Ready houses from the 3-dimensional standards of the code. The idea is that the house designs are acceptable and desirable even though they do not meet the standards because they meet the intent of the regulations through other means.
- e. 33.110.253, Garages: This refers to a new section that contains the Length of Garage Wall and Street Lot Line Setback standards. See pgs 41-47 for the restructuring of that section.

C. Adjustments and modifications. If adjustments or modifications to any development standards are proposed; or

D. Historic and conservation districts. If the Permit-Ready house is proposed in an historic or conservation district.

33.278.400 Development Standards

The development standards of this Title apply unless the standard is superceded by the regulations of this section.

A. In RF through R2.5 zones:

1. Side setbacks. Eaves may project up to 18 inches into a required side setback.
2. Off-street parking. No off-street parking is required.
3. Exemptions. Permit-Ready houses are exempt from the following standards:
 - a. 33.110.213, Additional Development Standards;
 - b. 33.110.215, Height;
 - c. 33.110.230, Main Entrances in R10 through R2.5 Zones;
 - d. 33.110.232, Street-Facing Facades in R10 through R2.5 Zones; and
 - e. 33.110.253, Garages.

Commentary

33.278.400 Development Standards (cont.)

B. In R3 through RX zones:

1. Side Setbacks in R3 through RH. The minimum required setback in the multi-dwelling zones is determined by the area of the plane of the building wall. The two chosen Permit-Ready houses would require a setback greater than 5 feet. Because these houses are targeted for 25' wide lots, staff recommends reducing the side setback for these houses to 5'. See additional Commentary for 33.278.400.A.1.
2. Off-street parking: See Commentary for 33.278.400.A.2.
3. Exemptions: See Commentary for 33.278.400.A.3.

C. In Commercial zones:

1. Setbacks. The setbacks in the commercial zones along lot lines that abut an R-zoned lot are determined by the height of the wall along that lot line. The two chosen Permit-Ready houses would require a setback greater than 5 feet in these cases. Because these houses are targeted for 25' wide lots, staff recommends reducing these setbacks to 5'. See additional Commentary for 33.278.400.A.1.
2. Off-street parking: See Commentary for 33.278.400.A.2.
3. Exemptions: See Commentary for 33.278.400.A.3.

D. In the EX zone:

1. Setbacks. See Commentary for 33.278.400.A.1.
2. Off-street parking: See Commentary for 33.278.400.A.2.
2. Exemptions: See Commentary for 33.278.400.A.3. Because the height limit in the EX zone is 65 feet, an exemption from the limit is not needed.

B. In R3 through RX zones:

1. Side setbacks in R3 through RH. The minimum side setback in the R3 through RH zones is 5 feet. Eaves may project up to 18 inches into this setback.
2. Off-street parking. No off-street parking is required.
3. Exemptions. Permit-Ready houses are exempt from the following standards:
 - a. 33.120.215, Height;
 - b. 33.120.231, Main Entrances;
 - c. 33.120.232, Street-Facing Facades; and
 - d. 33.120.283, Garages.

C. In Commercial zones:

1. Setbacks. Where a lot line abuts a side or rear lot line of an R-zoned lot, the minimum required setback is 5 feet. Eaves may project up to 18 inches into this required setback.
2. Off-street parking. No off-street parking is required.
3. Exemptions. Permit-Ready houses are exempt from the following standards:
 - a. 33.130.210, Height;
 - b. 33.130.250.C, Residential main entrances;
 - c. 33.130.250.D, Street-facing facades; and
 - d. 33.130.250.E, Garages.

D. In the EX zone:

1. Setbacks. Where a lot line abuts a side or rear lot line of an R-zoned lot, the minimum required setback is 5 feet. Eaves may project up to 18 inches into this required setback.
2. Off-street parking. No off-street parking is required.
3. Exemptions. Permit-Ready houses are exempt from the following standards:
 - a. 33.140.265.D, Residential main entrance;
 - b. 33.140.265.E, Street-facing facades; and
 - c. 33.140.265.F, Garages.

Commentary

33.910 Definitions

New Narrow Lot: The land division regulations that went into effect in mid-2002 allow new lots in the Single-Dwelling Zones that do not meet the minimum width requirement. Several standards throughout the Zoning Code refer to these lots. This definition will simplify the reference to these lots. By naming lots that meet these standards "new narrow lots," the language within the standards themselves can be simplified.

33.910 Definitions

Lot. A lot is a legally defined piece of land other than a tract that is the result of a land division. This definition includes the State definition of both lot, (result of subdividing), **and** parcel, (result of partitioning). See also, Ownership and Site.

- **Corner Lot.** A lot that has frontage on more than one intersecting street. A street that curves with angles that are 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figure 910-4.
- **Flag Lot.** A lot with two distinct parts (see Figure 910-5):
 - The flag, which is the only building site; and is located behind another lot; and
 - The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.
- **New Narrow Lot.** A lot that was created by a land division submitted after June 30, 2002, and:
 - Is in the R10 through R5 zone and does not meet the minimum lot width standard of 33.610.200.D.1; or
 - Is in the R2.5 zone and does not meet the minimum lot width standard of 33.611.200.C.1.
- **Through Lot.** A lot that has frontage on two parallel or approximately parallel streets.

Commentary

Amendments to Chapter 33.110, Single-Dwelling Zones

A new section, 33.110.253 *Garages*, is the result of a restructuring of the 33.110.250, *Accessory Structure* section. Please see pages 41-47 for further information.

Amend Chapter 33.110, Single-Dwelling Zones, as follows:

CHAPTER 33.110 SINGLE-DWELLING ZONES

Sections:

General

[No change]

Use Regulations

[No change]

Development Standards

33.110.200 Housing Types Allowed

33.110.212 When Primary Structures are Allowed

33.110.213 Additional Development Standards

33.110.215 Height

33.110.220 Setbacks

33.110.225 Building Coverage

33.110.230 Main Entrances in R10 through R2.5 Zones

33.110.232 Street-Facing Facades in R10 through R2.5 Zones

33.110.235 Required Outdoor Areas

33.110.240 Alternative Development Options

33.110.245 Institutional Development Standards

33.110.250 Accessory Structures

33.110.253 Garages

33.110.255 Fences

33.110.260 Demolitions

33.110.270 Nonconforming Development

33.110.275 Parking and Loading

33.110.280 Signs

33.110.282 Trees

33.110.285 Street Trees

Commentary

33.110.213 Additional Development Standards

Descriptive language is being added to the title to clarify when these additional development standards apply.

C. Standards.

4. *Garage Door.* The reference in this paragraph is being changed to reflect the reorganization of the garage standards in 33.110.250 and 253.

This Section is being provided in its entirety for reference purposes only.

33.110.213 Additional Development Standards for Lots and Lots of Record Created Before July 26, 1979

- A. Purpose.** These standards increase the compatibility of new houses on small and narrow lots.
- B. Where these regulations apply.** [No change]
- C. Standards.** Modifications to the standards of this subsection may be requested through Design Review. Adjustments are prohibited. The standards are:
1. Maximum height. The maximum height allowed for all structures is 1.5 times the width of the structure, up to the maximum height limit listed in Table 110-3;
 2. Building coverage for structures built under the provisions of 33.110.212.C.3.b(4). The maximum combined building coverage allowed on a site for all structures built under the provisions of 33.110.212.C.3.b(4) is 40 percent;
 3. Main entrance. The main entrance that meets subsection 33.110.230.C, Main Entrances in R10 through R2.5 Zones, must be within 4 feet of grade. For the purposes of this requirement, grade is the average grade measured along the foundation of the longest street-facing wall of the dwelling unit. See Figure 110-7;
 4. Garage door. In addition to meeting the requirements of ~~33.110.250.E.4~~, 33.110.253.E, the garage door may not be more than 8 feet wide. If there is more than one door, the combined width may not be more than 8 feet;
 5. No parking required. No off-street parking is required;
 6. Exterior finish materials The following standards must be met on all building facades:
 - a. Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than 10 percent of the surface area of each facade. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide;
 - b. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes;
 - c. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 3 to 6 inches, or vinyl or aluminum siding which is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width;
 7. Trim. Trim must mark all building rooflines, porches, windows, and doors on all facades. The trim must be at least 3-1/2 inches wide. Buildings with an exterior material of stucco or masonry are exempt from this standard;

Commentary

33.110.213 Additional Development Standards (cont.)

This Section is being provided in its entirety for reference purposes only.

33.110.215 Height

This amendment does not change any of the height standards. It simply reorganizes the provisions by using the "new narrow lot" definition (see page 31).

8. Eaves. Roof eaves must project from the building wall at least 12 inches on all elevations; and
9. Attached housing. Attached housing is allowed, but no more than two units may be attached. Attached housing allowed under this provision is not subject to the development standards of subsection 33.110.240.C.

33.110.215 Height

A. Purpose. [No change]

B. Maximum height.

1. Generally. The maximum height allowed for all structures is stated in Table 110-3. The maximum height standard for institutional uses is stated in 33.110.245, Institutional Development Standards.
2. Exceptions. ~~Development on lots created by a land division submitted after July 1, 2002 is subject to the following additional requirements:~~
 - a. R10-R5 zones. The maximum height for all structures on new narrow lots in the R10 to R5 zones is 1.2 times the width of the structure, up to the maximum height limit listed in Table 110-3; ~~on lots in the R10 through R5 zones that do not meet the minimum lot width requirement of 33.610.200.D.1; and~~
 - b. R2.5 zone. The maximum height for all structures on new narrow lots in the R2.5 zone is 1.5 times the width of the new structure, up to the maximum height limit listed in Table 110-3. ~~on lots in the R2.5 zone that do not meet the minimum lot width requirement of 33.611.200.C.1.~~

For the purposes of this Paragraph, width is the length of the street-facing façade of the dwelling unit. See Figure 110-1. Modifications are allowed through Planned Development Review, see Chapter 33.638, Planned Development. Adjustments to this paragraph are prohibited.

C. – D. [No change]

Figure 110-1
Width of Street-Facing Façade
[No change]

Commentary

33.110.230 Main Entrances in R10 through R2.5 Zones

This amendment does not change any of the main entrance standards. It simply reorganizes the provisions by using the "new narrow lot" definition (see page 31).

33.110.240 Alternative Development Options

J. Permit-Ready Houses

This subsection provides a cross-reference to the new Chapter 33.278, Permit-Ready Houses.

33.110.230 Main Entrances in R10 through R2.5 Zones

A. Purpose. [No change]

B. Where these standards apply.

1. The standards of Subsection C apply to houses, attached houses, manufactured homes, and duplexes in the R10 through R2.5 zones;
2. The standard of Subsection D applies to attached houses on new narrow lots ~~the following:~~
 - a. ~~Attached houses on lots in the R10 through R5 zones that do not meet the minimum lot width requirement of 33.610.200.D.1, and were created by a land division submitted after July 1, 2002; and~~
 - b. ~~Attached houses on lots in the R2.5 zone that do not meet the minimum lot width requirement of 33.611.200.C.1, and were created by a land division submitted after July 1, 2002.~~
3. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added;
4. On sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.
5. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from these standards; and
6. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from these standards.

C. Location. [No change]

D. Distance from grade. [No change]

33.110.240 Alternative Development Options

A. – I. [No change]

J. Permit-Ready Houses. Chapter 33.278 contains provisions for Permit-Ready Houses on narrow lots.

Commentary

33.110.250 Accessory Structures

C. Setbacks.

The reference to Subsection E is being changed to reflect the provisions being moved to 33.110.253, below.

D. Special standards for garages.

The garage standards are currently located in the Accessory Structures section. This amendment moves the standards for garages to its own section, below.

33.110.253 Garages

The development standards that apply only to garages are being moved from Section 33.110.250, Accessory Structures, to a new Section 33.110.253, Garages. This reorganization clarifies the provisions. No substantive changes are proposed.

B. Additional regulations

This subsection clarifies that the provisions of this section apply to garages in addition to the provisions in Section 33.110.250.

33.110.250 Accessory Structures

- A. Purpose.** [No change]
- B. General standards.** [No change]
- C. Setbacks.**
1. Mechanical structures. [No change]
 2. Vertical structures. [No change]
 3. Uncovered horizontal structures. [No change]
 4. Covered accessory structures.
 - a. Description. [No change]
 - b. Setback standard. Covered accessory structures if 6 feet or less in height are allowed in side and rear setbacks, but are not allowed in a front setback. Except as allowed in Subparagraph C.4.c, below, covered structures over 6 feet in height are not allowed in required building setbacks. See the exceptions and additional regulations for garages in ~~Subsection E~~ Section 33.110.253, below.
 - c. Side and rear setbacks. [No change]
- D. Building coverage for detached covered accessory structures.** [No change]
- ~~E. Special standards for garages.~~**

33.110.253 Garages

- A1. Purpose. These standards:** [No change]
- B. Additional regulations.** The regulations of this Section apply in addition to those of 33.110.250 Accessory Structures.
- C2. Existing detached garages.**
- 1a. Change of use. In the R7, R5 and R2.5 zones, a detached garage that is in the side or rear setback may be converted to another type of detached covered accessory structure as specified in 33.110.250.C.4, above.
 - 2b. Rebuilding. A detached garage that is nonconforming due to its location in a setback, may be rebuilt on the footprint of the existing foundation, if the garage was originally constructed legally. The garage walls may be up to 10 feet high, excluding the portion of the wall within a gable. The rebuilt garage is not required to comply with other standards of this chapter except for building height.
 - 3e. Additions. An addition may be made to a detached garage that is nonconforming due to its location in a setback as follows:

Commentary

33.110.253.E. Length of street-facing garage wall

This amendment does not change the length of garage wall standard. It simply reorganizes the provisions by using the "new narrow lot" definition (see page 31).

- ~~a.(1)~~ The expanded garage complies with all other standards of this chapter; or
- ~~b.(2)~~ The combined size of the existing foundation and the addition is no larger than 12 feet wide by 18 feet deep. The walls of the addition may be up to 10 feet high, excluding the portion of the wall within a gable. The expanded garage is not required to comply with other standards of this chapter except for building height.

D3. Side and rear setbacks. In the R7, R5 and R2.5 zones, detached garages are allowed in the side and rear building setbacks if all of the following are met.

- 1a. The garage entrance is 40 feet from a front lot line, and if on a corner lot, 25 feet from a side street lot line;
- 2b. The garage has dimensions that do not exceed 24 feet by 24 feet;
- 3e. The garage walls are no more than 10 feet high, excluding the portion of the wall within a gable; and
- 4d. The structure in which the garage is located contains no space for living, sleeping, eating, cooking or sanitation.

E4. Length of street-facing garage wall.

- 1a. Where these regulations apply.

~~(1) Generally.~~ Unless exempted by ~~Subparagraph E.4.b~~ Paragraph E.2, below, the regulations of this ~~Paragraph subsection~~ apply to garages accessory to houses, attached houses, manufactured homes, and duplexes in the R10 through R2.5 zones.

~~(2) The standard of Subsubparagraph E.4.c(1), below, applies to garages on lots that were created by a land division submitted after July 1, 2002, and:~~

- ~~• Are in the R10 through R5 zone and do not meet the minimum lot width standard of 33.610.200.D.1; or~~
- ~~• Are in the R2.5 zone and do not meet the minimum lot width standard of 33.611.200.C.1.~~

~~— For these lots, modifications to the standards of this paragraph are allowed through Planned Development Review. See Chapter 33.638, Planned Development. Adjustments are prohibited.~~

~~(3) The standards of Subsubparagraph E.4.c(1) and (2), below, apply to garages on all lots other than those described in E.4.a(2), above.~~

Commentary

33.110.253.E. Length of garage wall (cont.)

2b. Exemptions.

- a.(1) Garages that are accessory to development on flag lots, or development on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from the standards of this ~~paragraph~~ subsection.
- b.(2) Garages in subdivisions and PUDs that received Preliminary Plan approval between September 9, 1990, and September 9, 1995, are exempt from the standards of this ~~paragraph~~ subsection.
- c.(3) On corner lots, only one street-facing garage wall must meet the standards of this ~~paragraph~~ subsection.

3e. Standards.

- ~~(1) Generally.~~ The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure 110-11. For attached houses on ~~lots described in E.4.a(2), above~~ new narrow lots, this standard applies to the combined length of the street-facing façades of each unit. For all other lots and structures, the standards apply to the street-facing façade of each unit.
- 4.(2) Exception. Where the street-facing façade of the building is less than 24 feet long and will not be built on a new narrow lot, the garage wall facing the street may be up to 12 feet long if there is one of the following. See Figure 110-12.
 - a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall; or
 - b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.
- 5. For new narrow lots, modifications to the standards of this Subsection are allowed through Planned Development Review. See Chapter 33.638, Planned Development. Adjustments are prohibited.

Commentary

33.110.253.F. Street lot line setbacks

This amendment does not change the street lot line setback standard. It simply reorganizes the exemptions to make the format consistent with the "length of garage wall" provisions (previous subsection).

F5. Street lot line setbacks.

1a. Where this standard applies. The standard of this paragraph applies to garages that are accessory to houses, attached houses, manufactured homes, and duplexes in the R10 through R2.5 zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added.

2. Exemptions.

a. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.

b. ~~In addition, s~~Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.

3b. ~~Generally Standard.~~ A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 110-13. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.

4e. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:

a.~~(1)~~ The street-facing garage wall is 40 percent or less of the length of the building facade; and

b.~~(2)~~ There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 110-14. The porch must meet the following:

(1) The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;

(2) The porch must have a solid roof; and

(3) The roof may not be more than 12 feet above the floor of the porch.

Commentary

Amendments to Chapter 33.120, Multi-Dwelling Zones

A new section, 33.120.283 *Garages*, is the result of a restructuring of the 33.110280, *Accessory Structure* section.

Amend Chapter 33.120, Multi Dwelling Zones, as follows:

CHAPTER 33.120 MULTI-DWELLING ZONES

Sections:

General

[No change]

Use Regulations

[No change]

Development Standards

33.120.200 Housing Types Allowed

33.120.205 Density

33.120.210 Development on Lots and Lots of Record

33.120.215 Height

33.120.220 Setbacks

33.120.225 Building Coverage

33.120.230 Building Length

33.120.231 Main Entrances

33.120.232 Street-Facing Facades

33.120.235 Landscaped Areas

33.120.237 Trees

33.120.240 Required Outdoor Areas

33.120.250 Screening

33.120.255 Pedestrian Standards

33.120.260 Recycling Areas

33.120.265 Amenity Bonuses

33.120.270 Alternative Development Options

33.120.275 Development Standards for Institutions

33.120.277 Development Standards for Institutional Campuses in the IR Zone

33.120.280 Accessory Structures

33.120.283 Garages

33.120.285 Fences

33.120.290 Demolitions

33.120.300 Nonconforming Development

33.120.305 Parking and Loading

33.120.310 Signs

Commentary

Amendments to Chapter 33.120, Multi-Dwelling Zones (cont.)

33.120.270.D.2. This paragraph provides a cross-reference to the new Chapter 33.278, Permit-Ready Houses.

33.120.280 Accessory Structures

C. Setbacks.

The reference to Subsection E is being changed to reflect the provisions being moved to 33.120.283, below.

D. Special standards for garages.

This is the same change that is proposed in the Single-Dwelling Chapter, 33.110. The garage standards are currently located in the Accessory Structures section. This amendment moves the standards for garages to its own section, below.

33.120.270 Alternative Development Options

A. – C. [No change]

D. Detached houses ~~reduced side setbacks.~~

1. Reduced side setbacks. For land divisions that include lots created for detached houses, where the lots are at least 25 feet wide, the detached houses may have their side setbacks reduced to 3 feet on lot lines internal to the land division site. The reduced side setbacks must be shown on the supplemental plan of the land division at the time of final plat approval. All building setbacks around the perimeter of the land division site are those of the base zone.
2. Permit-Ready houses. Chapter 33.278 contains provisions for Permit-Ready houses on narrow lots.

E. - I. [No change]

33.120.280 Accessory Structures

A. Purpose. [No change]

B. General standards. [No change]

C. Setbacks.

1. Mechanical structures. [No change]
2. Vertical structures. [No change]
3. Uncovered horizontal structures. [No change]
4. Covered accessory structures.
 - a. Description. [No change]
 - b. Setback regulations. Covered accessory structures if 6 feet or less in height are allowed in side and rear setbacks, but are not allowed in a front setback. Except as allowed in Subparagraph C.4.c, below, covered structures over 6 feet in height are not allowed in required building setbacks. See the exceptions and additional regulations for garages in ~~Subsection E.~~ Section 33.120.283 below.
 - c. Side and rear setbacks. [No change]

D. Building coverage for detached covered accessory structures. [No change]

~~E. Special standards for garages.~~

33.120.283 Garages

The changes proposed in this section are the same as those proposed in the Single-Dwelling chapter. The development standards that apply only to garages are being moved from Section 33.120.280, Accessory Structures, to a new Section 33.120.283, Garages. This reorganization clarifies the provisions. No substantive changes are proposed.

B. Additional Regulations

This subsection clarifies that the provisions of this section apply to garages in addition to the provisions in Section 33.120.280.

C.2 and C.3 Existing detached garages.

The last sentence in these paragraphs was worded differently in the single-dwelling and the multi-dwelling zones chapters. For consistency, the wording is being changed in this chapter to match that in the single-dwelling zones chapter.

33.120.283 Garages

A1. Purpose. These standards: [No change]

B. Additional regulations. The regulations of this Section apply in addition to those of 33.120.280, Accessory Structures.

C2. Existing detached garages.

- 1a. Change of use. In the R3 through RX zones, a detached garage that is in the side or rear setback may be converted to another type of detached covered accessory structure as specified in 33.120.280.C.4, above.
- 2b. Rebuilding. A detached garage that is nonconforming due to its location in a setback, may be rebuilt on the footprint of the existing foundation, if the garage was originally constructed legally. The garage walls may be up to 10 feet high, excluding the portion of the wall within a gable. ~~Except for building height, other standard of this chapter do not apply. The rebuilt garage is not required to comply with other standards of this chapter except for building height.~~
- 3e. Additions. An addition may be made to a detached garage that is nonconforming due to its location in a setback as follows:
 - a.(1) The expanded garage complies with all other standards of this chapter; or
 - b.(2) The combined size of the existing foundation and the addition is no larger than 12 feet wide by 18 feet deep. The walls of the addition may be up to 10 feet high, excluding the portion of the wall within a gable. ~~Except for building height, other standard of this chapter do not apply. The expanded garage is not required to comply with other standards of this chapter except for building height.~~

D3. Side and rear setbacks. In the R3 through RX zones, detached garages are allowed in the side and rear building setbacks if all of the following are met.

- 1a. The garage entrance is 40 feet from a front lot line, and if on a corner lot, 25 feet from a side street lot line;
- 2b. The garage has dimensions that do not exceed 24 feet by 24 feet;
- 3e. The garage walls are no more than 10 feet high, excluding the portion of the wall within a gable; and
- 4d. The structure in which the garage is located contains no space for living, sleeping, eating, cooking or sanitation.

Commentary

33.120.283 Garages (cont.)

Continued...

E4. Length of street-facing garage wall.

1a. ~~Where this standard applies these regulations apply. The standard of this paragraph applies regulations of this subsection apply to garages that are accessory to houses, manufactured homes, and duplexes in multi-dwelling zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added.~~

2. Exemptions.

a. Garages that are accessory to attached houses, development on flag lots, or development on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from the this standard of this subsection.

b. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from the this standard of this subsection.

c. On corner lots, only one street-facing garage wall must meet the standards of this subsection.

3.b. ~~Generally Standard.~~ The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure 120-9. ~~On corner lots, only one street-facing garage wall must meet this standard.~~

4.e. Exception. Where the street-facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following. See Figure 120-10.

a.(1) Interior living area above the garage. The living area may be set back no more than 4 feet from the street-facing garage wall, or

b.(2) A covered balcony above the garage that is:

- Aat least the same length as the street-facing garage wall;
- Aat least 6 feet deep; and
- Aaccessible from the interior living area of the dwelling unit.

Commentary

33.120.283.F. Street lot line setbacks

This amendment does not change the street lot line setback standard. It simply reorganizes the exemptions to make the format consistent with the "length of garage wall" provisions (previous subsection).

F5. Street lot line setbacks.

1a. Where this standard applies. The standard of this paragraph applies to garages that are accessory to houses, attached houses, manufactured homes, and duplexes in the R10 through R2.5 zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added.

2. Exemptions.

a. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.

b. ~~In addition, s~~Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.

3b. ~~Generally Standard.~~ A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 110-13. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.

4e. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:

a.~~(1)~~ The street-facing garage wall is 40 percent or less of the length of the building facade; and

b.~~(2)~~ There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 110-14. The porch must meet the following:

(1) The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;

(2) The porch must have a solid roof; and

(3) The roof may not be more than 12 feet above the floor of the porch.

Commentary

Amendments the Chapter 33.130, Commercial Zones

33.130.205 and .250

The language that clarifies how FAR limits relate to residential uses is moved from 33.130.250 to 33.130.205 with no change in content.

33.130.250 General Requirements for Residential and Mixed-Use Developments

This section is amended in two ways:

- The reference to floor area ratio limits is moved to 33.130.205
- The new subsection B provides a cross-reference to the new Chapter 33.278, Permit-Ready Houses.

Amend Chapter 33.130, Commercial Zones, as follows:

33.130.205 Floor Area Ratio

- A. **Purpose.** [No change]
- B. **FAR standard.** The floor area ratios are stated in Table 130-3 and apply to all nonresidential development. Floor area for residential uses is not calculated as part of the FAR for the site and is allowed in addition to the FAR limits.
- C. **Transfer of FAR from Landmarks.** [No change]

33.130.250 General Requirements for Residential and Mixed-Use Developments

- A. **Generally.** [No change]
- ~~B. **Floor area ratio.** The floor area ratio standards in Table 130-3 are for non-residential uses only. Floor area for residential uses is not calculated as part of the FAR for the site and is allowed in addition to the FAR limits.~~
- B. **Permit-Ready houses.** Chapter 33.278 contains provisions for Permit-Ready houses on narrow lots.
- C. **Residential main entrance.** [No change]
- D. **Street-facing facades.** [No change]
- E. **Garages.** [No change]

Commentary

Amendments to Chapter 33.140, Employment and Industrial Zones

33.140.265.D Permit-Ready houses

This subsection provides a cross-reference to the new Chapter 33.278, Permit-Ready Houses.

Amendments to Chapter 33.420, Design Overlay Zones

33.420.045.U Exempt from Design Review

This amendment clarifies that, in areas where a new house is subject to Design Review (such as the Gateway plan district or the Central City plan district), the Permit-Ready houses are exempt from that required review. This amendment does not exempt these houses from Historic Design Review; sites in Conservation and Historic districts are not eligible to use the provisions of Chapter 33.278, Permit-Ready Houses.

Amendments to Chapter 33.610, Lots in RF through R5 Zones

33.610.200 Lot Dimension Standards

D.2 The reference to the garage standards is being changed in this section because of the restructuring of those provisions.

Amend Chapter 33.140, Employment and Industrial Zones, as follows:

33.140.265 Residential Development

When allowed, residential development is subject to the following development standards:

A. – C. [No change]

D. Permit-Ready houses. Chapter 33.278 contains provisions for Permit-Ready houses on narrow lots.

Reletter D through F to E through G.

Amend Chapter 33.420, Design Overlay Zone, as follows:

33.420.045 Exempt From Design Review

The following items are exempt from design review:

A. – T. [No change]

U. New Permit-Ready houses as described in Chapter 33.278, Permit-Ready Houses.

Amend Chapter 33.610, Lots in RF through R5 Zones, as follows:

33.610.200 Lot Dimension Standards

Lots in the RF through R5 zones must meet the lot dimension standards of this section.

A. - C. [No change]

D. Minimum lot width. For the purposes of this subsection, width is measured at the minimum front building setback line. Where this setback line is curved, width is measured from the intersection points of the setback line with the side lot lines. Each lot must meet one of the following standards. Lots that do not meet these standards may be requested through Planned Development Review. Adjustments to the standards are prohibited.

1. Each lot must meet the minimum lot width standard stated in Table 610-2; or
2. There is no minimum lot width for lots that meet all of the following:
 - a. – b. [No Change]
 - c. Lots must be configured so that development on the site will be able to meet the 50 percent garage limitation standard of Paragraph ~~33.110.250.E.4~~ 33.110.253.E at the time of development;
 - d. – e. [No change]

E. – F. [No change]