

# Attachment B: DEVELOPMENT ON EXISTING LOTS

This replaces all language on page 15-21 of Proposed Draft

## 33.110.212 When Primary Structures are Allowed

- A. Purpose.** The regulations of this section allow for development of primary structures on lots and lots of record, but do not legitimize plots that were divided after subdivision and partitioning regulations were established. The regulations also allow development of primary structures on lots that were large enough in the past, but were reduced by condemnation or required dedications for right-of-way.
- B. Adjustments.** Adjustments to this section are prohibited.
- C. Primary structures allowed.** In all areas outside the West Portland Park Subdivision, primary structures are allowed as follows:
  1. On lots created on or after July 26, 1979;
  2. On lots created through the Planned Development or Planned Unit Development process;
  3. On sites of any size that have not abutted a lot, lot of record, or lot remnant under the same ownership on July 26, 1979 or any time since that date.
  4. On lots, lots of record, lot remnants, or combinations thereof created before July 26, 1979 that meet the requirements of Table 110-6.

<b>Table 110-6</b>		
<b>Minimum Lot Dimension Standards for Lots, Adjusted Lots, Lots of Record, and Lot Remnants</b>		
<b>Created Prior to July 26, 1979</b>		
<b>RF through R7 Zones</b>		
<u>Lots, including Adjusted Lots [1]</u>	36 feet wide and meets the minimum lot area requirement of Table 610-2.	
<u>Lot Remnants</u>		
<u>Lots of Record</u>		
<b>R5 Zone</b>		
<u>Lots, including Adjusted Lots [1, 3]</u>	<u>If the site has had a dwelling unit on it in the last five years or is in an environmental zone [2]</u>	<u>3000 sq. ft. and 36 ft. wide</u>
	<u>If the site has not had a dwelling unit on it within the last five years and is not in an environmental zone</u>	<u>2400 sq. ft. and 25 ft. wide</u>
	<u>If the site was approved through a property line adjustment under 33.667.300.A.1.d.</u>	<u>1600 sq. ft. and 36 ft. wide</u>
<u>Lot Remnants [3]</u>		<u>3000 sq. ft. and 36 ft. wide</u>
<u>Lots of Record [3]</u>		<u>3000 sq. ft. and 36 ft. wide</u>
<b>R2.5 Zone</b>		
<u>Lots, including Adjusted Lots [1]</u>	1600 sq. ft.	
<u>Lot Remnants</u>		
<u>Lots of Record</u>		

Notes:

- [1] If the site is both an adjusted lot and a lot of record, the site may meet the standards for adjusted lots.
- [2] Primary structures are allowed if the site has had a dwelling unit on it within the last five years that has been demolished as a public nuisance under the provisions of Chapter 29.40.030 or 29.60.080. The site is exempt from minimum lot dimension standards.
- [3] Primary structures are allowed on a site if it has been under a separate tax account number from abutting lots or lots of record on [effective date of these regulations] or an application was filed with the City before [effective date of these regulations] authorizing a separate tax account and the site has been under separate tax account from abutting lots or lots of record by [one year after the effective date of these regulations]. The site is exempt from minimum lot dimension standards.

- ~~3. On lots or combinations of lots created before July 26, 1979 that meet the requirements of this paragraph, and on lots of record or combinations of lots of record that meet the requirements of this paragraph. The requirements are:~~
- ~~a. In the R1 through R7 zones the lot, lot of record, or combination of lots or lots of record must:~~
    - ~~(1) Be at least 36 feet wide, and meet the minimum lot area requirement of Table 610-2; or~~
    - ~~(2) Not have abutted any lot or lot of record owned by the same family or business on July 26, 1979 or any time since that date;~~
  - ~~b. In the R5 zone the lot, lot of record, or combination of lots or lots of record must meet one of the following:~~
    - ~~(1) Be at least 36 feet wide, and be at least 3000 square feet;~~
    - ~~(2) Have been under a separate tax account from abutting lots or lots of record on November 15, 2003;~~
    - ~~(3) Have had an application filed with the City before November 15, 2003 to authorize a separate tax account and have been under a separate tax account from abutting lots by November 15, 2004; or~~
    - ~~(4) Have not had a dwelling unit on it since September 10, 2003, or for at least five years, and not have any portion in an environmental overlay zone.~~
  - ~~c. In the R2.5 zone the lot, lot of record or combination of lots or lots of record must meet one of the following:~~
    - ~~(1) Be at least 1600 square feet in area;~~
    - ~~(2) Have been under a separate tax account from abutting lots or lots of record on November 15, 2003; or~~
    - ~~(3) Have had an application filed with the City before November 15, 2003 to authorize a separate tax account and have been under a separate tax account from abutting lots by November 15, 2004;~~
- ~~4.5. Primary structures are allowed on lots, lots of record, lot remnants, and combinations thereof of lots, or lots of record, that did meet the requirements of ~~C.3~~ Table 110-6, above, in the past but were reduced below those requirements solely because of condemnation or required dedication by a public agency for right-of-way.~~

**D. Regulations for West Portland Park.** In the West Portland Park subdivision, primary structures are allowed as follows:

1. On lots created on or after July 26, 1979;
2. On lots, or combinations of lots created before July 26, 1979 that meet the requirements of this paragraph, and on lots of record or combinations of lots of record that meet the requirements of this paragraph. The requirements are:
  - a. R7 zone. In the R7 zone, the lot, lot of record, or combination of lots or lots of record must be at least 7,000 square feet in area;
  - b. R5 zone. In the R5 zone, the lot, lot of record, or combination of lots or lots of record must be at least 5,000 square feet in area; ~~or~~
  - c. R2.5 zone. In the R2.5 zone, the lot, lot of record, or combination of lots or lots of record must meet the requirements of Table 110-6; or
  - d. On July 26, 1979, or any time since that date, the lot, lot of record, or combination of lots or lots of record did not abut any lot or lot of record owned by the same family or business;
3. Primary structures are allowed on lots, lots of record, and combinations of lots or lots of record that did meet the requirements of D.2, above, in the past but were reduced below those requirements solely because of condemnation or required dedication by a public agency for right-of-way.

**E. Plots.** Primary structures are prohibited on plots that are not lots, lots of record, lot remnants, or tracts.

**F. Nonconforming situations.** Existing development and residential densities that do not conform to the requirements of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations. Chapter 33.258 also includes regulations regarding damage to or destruction of nonconforming situations.