33.10 Legal Framework and Relationships

10

Sections:

33.10.010 Purpose
33.10.020 Official Names
33.10.030 When the Zoning Code Applies
33.10.040 Other City, Regional, State, and Federal Regulations
33.10.050 Official Zoning Maps
33.10.060 Comprehensive Plan Designations
33.10.070 Severability

33.10.010 Purpose

The zoning code is intended to implement Portland's Comprehensive Plan and related land use plans in a manner which protects the health, safety, and general welfare of the citizens of Portland.

33.10.020 Official Names

The official name of this Title is "Title 33, Planning and Zoning" and it may be referred to as "Title 33" or the "zoning code".

33.10.030 When the Zoning Code Applies

A. All land and water. The zoning code applies to all land and water within the City of Portland except as provided in Subsections B., C., and D. below. All land divisions, uses and development must comply with all of the requirements specified in the zoning code for that location.

B. Clarification for rights-of-way. Land within private rights-of-way, including rail rights-of-way and utility rights-of-way, is regulated by Title 33. Land within public rights-of-way is regulated by Title 17, Public Improvements, and not by Title 33, except in the following situations where both Titles apply:

1. Rights-of-way in the greenway, environmental, and scenic resource overlay zones, including the creation of new rights-of-way and the expansion or vacation of existing rights-of-way;
2. The act of creating or dedicating public rights-of-way through a land division;
3. Development within the design overlay or historic resources protection overlay zone;
4. Structures that project from private property over rights-of way, such as oriel windows; and
5. Proposals for park-and-ride facilities for mass transit.

C. Clarification for waterbodies. The siting of fills or structures on or over waterbodies is subject to the zoning code provisions. The zoning code does not regulate shipping, dredging, boating, and other similar uses on or in water bodies.

D. Private rights-of-way. The creation of private rights-of-way is regulated by Title 33, Planning and Zoning. Street improvements in private rights-of-way are allowed by right in all zones.

33.10.040 Other City, Regional, State, and Federal Regulations

A. Compliance required. In addition to the requirements of the zoning code, all uses and development must comply with all other applicable City, regional, state, and federal regulations.

B. References to other regulations. All references in the zoning code to other City, regional, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of regional, state, or federal regulations.

C. Current versions and citations. All references to other City, regional, state, or federal regulations in the zoning code refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, zoning code requirements for compliance are no longer in effect.

33.10.050 Official Zoning Maps

A. Content of Official Zoning Maps. The boundaries of the base zones, overlay zones, and plan districts are shown on the Official Zoning Maps of the City of Portland. The maps also show the location of historical landmarks, special street setbacks, and existing and planned public recreational trails. The Official Zoning Maps are a part of the zoning code, but are published separately. Maps that delineate areas subject to additional zoning regulations may be included in the zoning code, attached to the adopting ordinance, or adopted by reference. The Bureau of Planning and Sustainability maintains the Official Zoning Maps.

B. Changes to Official Zoning Maps. A proposed change to the Official Zoning maps is subject to the amendment process described in Chapter 33.855, Zoning Map Amendments.

C. Boundary lines.

1. Where a zoning line is shown on the Official Zoning Maps as being within an existing or vacated right-of-way, utility corridor, railroad line, or a water course, the line is in the center unless specifically indicated otherwise.

2. The location of a zoning line is determined with a scale when a zoning line does not follow a lot line or identifiable landmark and its location is not specifically indicated.

33.10.060 Comprehensive Plan Designations

A. Mapping format. The Official Zoning Maps also show the Comprehensive Plan designations. Where the zoning map symbol is a corresponding zone of the Comprehensive Plan designation, only the zoning map symbol is shown for an area. Where the zoning map symbol is a less intense zone than the Comprehensive Plan designation, the area of the differing Comprehensive Plan designation is outlined with a dotted line and the Comprehensive Plan designation is shown in parentheses.

B. Map symbols. Where there is only one corresponding zone for a Comprehensive Plan designation, the map symbol for the designation is the same symbol as for the corresponding zone. Where there is more than one corresponding zone for a Comprehensive Plan designation, the map symbols are as follows:

Comprehensive Plan Designation	Map Symbol
Neighborhood Commercial	NC
Office Commercial	OC
Urban Commercial	UC
Mixed Employment	ME
Industrial Sanctuary	IS

33.10.070 Severability

If any portion of the zoning code is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the zoning code, and in no way affects the validity of the remainder of the zoning code.

(Amended by: Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 178657, effective 9/3/04; Ord. No. 186639, effective 7/11/14.)