

March 12, 2019

**#1 – Attached house size on R5 historically narrow lots**

**Amendment:** Allow attached houses on narrow lots in the R5 zone to have a base FAR of .6 total for the two units.

**Rationale:** This provides attached housing (two units on separate fee simple lots) with the same FAR as a duplex (two units on the same lot). In addition to having a consistent FAR for the two building types that can otherwise look identical, the amendment will help encourage more home-ownership opportunities. The amendment will avoid the implementation and enforcement problem of having a duplex built at a .6 FAR, if the owner later decides to divide the underlying lots into separate ownerships.

**Code Reference:** 33.110.260.C, see pages 102-103 in Volume 2

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**33.110.260.C.3**

Additional FAR is allowed for R5 narrow lots when a pair of attached houses is proposed. This ensures a more consistent approach between a duplex (two units on a single lot) and pair of attached houses (two units, each on their own lot). This also provides an additional incentive for attached houses on narrow lots where they are not required (e.g. lot is wider than 25 feet).

**~~33.110.260~~ ~~33.110.213~~ Additional Development Standards for Narrow Lots and Lots of Record Created Before July 26, 1979**

- C. **Standards.** ~~Modifications to the standards of this subsection may be requested through Design Review. Adjustments are prohibited. The standards are:~~

2. Floor Area Ratio. The maximum floor area ratio for attached houses in the R5 zone on lots less than 3,200 square feet is 0.6 to 1.

**[Renumber 2. - 3. to 3. - 4.]**

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**#2 – Subsequent building additions**

**Amendment:** Add allowance for one addition up to 250 square feet in each 5-year period without having to show compliance with the maximum FAR.

**Code Reference:** 33.110.210, see pages 28-29 in Volume 2

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**33.110.210.C Exception to Maximum FAR**

An exception to floor area limits is provided for houses that are at least 5 years old. This allows modest additions (250 s.f. or less) that exceed the FAR limits. A 5-year period between additions is included to limit serial alterations. This reduces complexity for the applicant because demonstrating compliance with FAR would require showing the interior layout and dimensions of the entirety of a house, not just the proposed addition.

**33.110.210 Floor Area Ratios**

**C. Exception.** Maximum FAR does not apply to one alteration or addition of up to 250 square feet when the alteration or addition is to a primary structure that received final inspection at least 5 years ago. This exception is allowed once every 5 years.

[renumber C. to D.]

**#3 – Retain Albina Plan District R5 provisions**

**Amendment:** Retain current provisions that allow attached houses on vacant R5 lots in the Albina Plan District. This retains current allowances for dividing vacant lots for pairs of attached houses, increasing the potential for more ownership options (attached houses versus duplexes)

**Code Reference:** 33.505.230, see pages 180-183 in Volume 2

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**33.505.230 Attached Residential Infill on Vacant Lots in R5 Zoned Areas**

**[Do not strikeout this section as shown in Revised Proposed Draft]**

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#4 – ADU size with a duplex

**Amendment:** Base the size of the detached ADU on the larger, not smaller, duplex unit. Relating the ADU size limit to the larger duplex unit is more generous and allows for a larger ADU. It also maintains the accessory relationship of the ADU to a primary unit on the site, This also improves consistency for establishing the size of a detached ADU whether it is a house with an internal ADU or a duplex.

**Code reference:** 33.205.040.C.2, see pages 134-135 in Volume 2

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**33.205.040.C.2. Maximum Size**

These provisions are being amended to address size limits when an ADU is proposed with a duplex (i.e. a building with two primary units). This clarifies that when units in the duplex are different sizes from each other, the size of the ADU is based on the larger of the primary units to ensure that the ADU is smaller than at least one of the primary units. This provides consistency for determining the size of the detached ADU whether it is based on a duplex or a house with an internal ADU.

**C. Requirements for ~~all~~ accessory dwelling units.**

32. Maximum size. The size living area of the accessory dwelling unit may be no more than 75 percent of the living area of the primary dwelling unit or 800 square feet of living area, whichever is less. This maximum size standard does not apply when the basement of a primary dwelling unit is converted to an accessory dwelling unit and the primary dwelling unit received final inspection at least 5 years ago. The size measurements are based on what the square footage of the primary dwelling unit and accessory dwelling unit will be after the accessory dwelling unit is created. When the primary dwelling unit is a duplex, the size of the accessory dwelling unit may be no more than 75 percent of the living area of the larger of the two primary units or 800 square feet of living area, whichever is less.

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#5 – Flag lots and alley access

**Amendment:** Allow a property line adjustment that results in a small flag lot to remove alley frontage for the lot in front of the flag lot.

**Code Reference:** 33.677.100.A and D., see pages 202-203 in Volume 2

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**33.677.100 Prohibited Property Line Adjustments**

D. Alley Frontage. Emphasis is being added for lots that have alley frontage in terms of locating vehicle access. For example, lots that abut an alley will be required to use the alley to access any parking that may be proposed. To prevent circumventing this requirement, property line adjustments will not be allowed to configure the lot to remove the alley frontage. **An exception is provided when creating small flag lots to further encourage retaining existing houses by removing potential regulatory barriers.**

**33.677.100 Prohibited Property Line Adjustments**

The following are prohibited as part of a Property Line Adjustment:

- A. A Property Line Adjustment that configures either property as a flag lot, unless:
  - 1. The property was already a flag lot; or
  - 2. Both properties are in the R5 or R2.5 zone and:
    - a. There is an existing house on one or both properties; and
    - b. Only one flag lot is proposed;
- B. A Property Line Adjustment that results in the creation of a buildable property from an unbuildable lot, lot of record, or lot remnant;
- C. A Property Line Adjustment that results in the creation of street frontage for property that currently does not have frontage on a street; ~~and~~
- D. A Property Line Adjustment that removes alley frontage from one or both properties **unless alley frontage will only be removed from the lot in front of a flag lot that is being created through the Property Line Adjustment;** ~~and~~
- ~~E. D.~~ A Property Line Adjustment that creates a nonconforming use.

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#6 – Fourplex parking standards

**Amendment:** Regulate the parking for a fourplex in the same way the zoning code regulates parking for house, duplex and triplex.

**Code Reference:** 33.266.120, see pages 144-145 in Volume 2.

Note: 33.266.130.C.1 on pages 151 153 required alley access in single dwelling zoned sites for fourplexes on 7,500 sq ft and smaller sites. By moving fourplexes to the standards for houses, etc. this change is no longer necessary.

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**33.266.120 Development Standards for Houses, Duplexes Triplexes and Fourplexes.**

The existing parking standards are broken into two groups: standards for houses and duplexes and standards for all other development. These amendments group triplexes and fourplexes with houses and duplexes. Houses and duplexes have standards that allow for 9-foot wide driveways, backing out into the street, and more restrictive front yard paving limits.

**33.266.120 Development Standards for Houses, and Duplexes, Triplexes and Fourplexes**

- A. **Purpose.** The size and placement of vehicle parking areas are regulated in order to enhance the appearance and pedestrian experience of neighborhoods.
- B. **Structures these regulations apply to.** The regulations of this section apply to houses, attached houses, duplexes, attached duplexes, triplexes, fourplexes, manufactured homes, and houseboats. The regulations apply to all required and excess parking areas. The following are exceptions to this requirement:

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**33.266.130.C.1. Location of vehicle area - delete commentary**

**33.266.130.C.3 Frontage limitation - delete commentary**

**33.266.130 Development Standards for All Other Development**

- A. [No change]
- B. **Where these standards apply.** The standards of this section apply to all vehicle areas whether required or excess parking, except for residential parking vehicle areas subject to the standards of 33.266.120.
- C. **On-site locations of vehicle areas.**
  - 1. Location of vehicle areas. The allowed on-site location of all vehicle areas is stated in Table 266-3. [no changes]

[no changes to Table 266-3]

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#7 – 15 Technical Code Changes			
#	Vol. 2 Page #	Code Citation	Amended Zoning Code
7	Pgs. 9-11	33.110.100.B.1-10 (delete the word "note")	Amend the first sentence of each limited use paragraph to say: This regulation applies to all parts of Table 110-1 that have a [1]. This amendment will make the sentence consistent with the sentence phrasing in the other base zone chapters.
8	Pg. 77	33.110.245.C.4.a(1)	(1) The exterior finish material must be the same <del>or visually match</del> in type, size and placement, <u>as</u> the exterior material of the primary structure; or
9	Pg. 83	33.110.250.C.2.a	a. <del>Garages that are accessory to development on flag lots,</del> <u>or and</u> development on lots <del>which</del> <u>that</u> slope up or down from the street with an average slope of 20 percent or more are exempt from the standards of this subsection.
10	Pg.85	33.110.250.C.3.a	a. <u>Garages that are accessory to houses. For garages that are accessory to houses and manufactured homes,</u> <del>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 110-8. Where the street-facing facade is less than 22 feet long, an attached garage is not allowed as part of that façade. For duplexes, this standard applies to the total length of the street-facing facades. For all other lots and structures, the standards apply to the street-facing facade of each unit.</del>
11	Pg. 85	33.110.250.C.3.b (delete the word combined)	b. <u>Garages that are accessory to attached houses. The following standards apply to garages that are accessory to attached houses:</u> (1) <u>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 110-8. When all the units are 22 feet wide or wider, the standard applies to the street-facing façade of each unit. In all other situations, the standard applies to the total length of the street-facing facade; and</u> (2) <u>When the attached house structure is made up of more than three attached houses and at least one attached house is less than 22 feet wide, at least 50 percent of the total length of the street-facing facade must be without garage, and the 50 percent length without garage must be contiguous. See Figure 110-9.</u>
12	Pg. 85	33.110.250.C.3.c (delete the word combined)	c. <u>Garages that are accessory to duplexes, triplexes, and fourplexes. The following standards apply to garages that are accessory to duplexes, triplexes, and fourplexes:</u> (1) <u>The length of the garage wall facing the street may be up to 50 percent of the total length of the street-facing building façade. See Figure 110-8. Where the total combined length of the street-facing facades is less than 22 feet long, an attached garage is not allowed; and</u>

Note: changes from the Revised Proposed Draft code are highlighted

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			<p>(2) For a fourplex, at least 50 percent of the total combined length of the street-facing building facades must be without garage, and the 50 percent length without garage must be contiguous. See Figure 110-9.</p>
13	Pg. 143	33.266.110.B..1.a	<p>a. Household Living uses. <b>No parking is required for Household Living uses in the single-dwelling zones. For all other zones,</b> the minimum number of required parking spaces for a site with a Household Living use is:</p> <ol style="list-style-type: none"> <li>(1) Where there are up to 30 dwelling units on the site, no parking is required;</li> <li>(2) Where there are 31 to 40 dwelling units on the site, the minimum number of required parking spaces is 0.20 spaces per dwelling unit;</li> <li>(3) Where there are 41 to 50 dwelling units on the site, the minimum number of required parking spaces is 0.25 spaces per dwelling unit; and</li> <li>(4) Where there are 51 or more dwelling units on the site, the minimum number of required parking spaces is 0.33 spaces per dwelling unit.</li> </ol>
14	Pg. 145	33.266.120.C.2	<p>2. <u>Parking spaces. The following standards apply to the location of parking spaces:</u></p> <ol style="list-style-type: none"> <li>a. <u>Generally, parking spaces are not allowed within the first 10 feet from a front lot line, and on corner lots, parking spaces are not allowed within the side street setback.</u></li> <li>b. <u>Exceptions.</u> <ol style="list-style-type: none"> <li>(1) <u>A parking space is allowed within the first 10 feet from a front lot line and within a side street setback when the parking space is in a driveway behind a parking space that is located outside of the first 10 feet from a front lot line or outside of the side street setback. See Figure 266-1.</u></li> <li>(2) <b>On lots where the front lot line abuts a common green or shared court, parking spaces are allowed within 10 feet of the front lot line.</b></li> </ol> </li> </ol>
15	Pg. 227	33.910	<p><b>Residential Structure Types</b></p> <ul style="list-style-type: none"> <li>• <b>Accessory Dwelling Unit.</b> <del>An additional second dwelling unit created on a lot with a primary dwelling unit, house, attached house, or manufactured home. The additional second unit is created auxiliary to, and is always smaller than the primary dwelling unit except when the accessory dwelling unit is in an existing basement house, attached house, or manufactured home. The accessory dwelling unit includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy by one or more people, independent of the primary dwelling unit. Kitchen facilities for cooking in the unit are described in Section 29.30.160 of Title 29, Property and Maintenance Regulations. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.</del></li> </ul>