Portland Zoning Code

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TITLE 33

PLANNING AND ZONING

MUNICIPAL CODE

CITY OF PORTLAND, OREGON

7-1-1984

TITLE 33

PLANNING AND ZONING

ORDINANCE NO. 130672

An Ordinance enacting the "Code of the City of Portland, Oregon," so as to comprise within one code: regulations and prohibitions relating to the public peace, health, safety or general welfare; matters relating to rates, fees, licenses, assessments or taxes; provisions fixing fees or charges for city services or commodities; administrative organization, procedures or regulations; city election matters; fiscal regulations; and other rules, regulations requirements or prohibitions of general and continuing applicability; prescribing penalties, repealing prior codes but preserving the same for certain purposes, and fixing an effective date of May 15, 1970.

Additional copies may be
obtained at the office of
City Auditor, Room 202
City Hall, Portland, Oregon

(Reorder 75
April 12, 1983)

Chapter 33.04

TITLE AND PURPOSE

Sections:

33.04.010 Short title.
33.04.020 Scope and purpose.

33.04.010 Short title. This title shall be known as "Planning and Zoning", may be so cited and pleaded, and is referred to herein as "this title".

33.04.020 Scope and purpose. The several purposes of this title are to encourage the most appropriate use and development of land throughout the city; to stabilize and conserve the value of property; to provide adequate light, air and reasonable access; to secure safety from fire and other dangers; to prevent overcrowding of land; to avoid undue concentration of population; to improve the city's appearance; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public improvements; and, in general, to promote the public health, safety and welfare, all in accordance with a comprehensive development plan for the city.

Furthermore, the scope of this title is to regulate and restrict the location and use of buildings, structures, and land for business, industry, trade, callings and dwellings, and for public, semi-public, and other specified uses; to regulate and determine the area of yards, courts, and other open spaces; and for said purposes to divide the city into zones of such number, shape, and area as may be deemed best suited to carry out these regulations and to set forth general requirements to carry out the broad purposes mentioned above.

Chapter 33.08

PLANNING COMMISSION

Sections:

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33.08.030 Presiding members.
33.08.040 Records.
33.08.050 Meetings.
33.08.060 Powers and duties.
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33.08.010 Established. The city planning commission, having been established and constituted as the planning agency of the city, is hereby continued.

33.08.020 Membership. The commission shall consist of nine members, appointed by the mayor after confirmation by the city council. On the expiration of the term of any member of the commission, his successor shall be appointed by the mayor, after confirmation by the city council, for a term of four years. The mayor, after confirmation by the city council, shall fill vacancies which may occur from resignations, death, or other causes by appointment for the unexpired term.

33.08.030 Presiding members. The commission shall elect a president and vice-president to serve one year terms. Election of such officers shall be held at the first meeting in each calendar year.

33.08.040 Records. (Amended by Ord. No. 136089, passed and effective March 1, 1973.) The Planning and Development Administrator shall provide the Commission with a secretary who shall keep an accurate record of all proceedings of the Commission. The Commission shall, on the first day of April of each year, make and file an annual report on transactions and accomplishments during the preceding year with the Auditor who shall transmit such reports to the Council.

33.08.050 Meetings. Five members of the commission shall constitute a quorum. The commission may make and alter rules and regulations for its government and procedure consistent with the laws of the state and with the Charter, ordinances, and code of the city. It shall meet at least once a month. The council shall assign to the commission an office or headquarters in the city in which to hold its meetings, transact its business, and keep its records. All meetings of the commission shall be open to the public.

33.08.060 Power and duties. (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) The city planning

commission shall have and exercise all the powers and duties which are now or may hereafter be granted to or imposed upon city planning commissions by laws of the state; and, in addition thereto, such powers as are or may be provided by ordinance, this title, and the city charter.

The city planning commission shall have the power to divide its membership into committees which shall be authorized to act in behalf of the commission as the commission may from time to time assign. Three members of the commission shall constitute a quorum on such committees. When less than a quorum on such committees vote favorably on a motion, the item under discussion shall automatically be referred to the commission as a whole. Appeal from decision of a committee of the commission may be made to the commission as a whole or directly to the city council.

33.08.080 Hearings officer. (Added by Ord. No. 139117, repealed by 139702; reinstated by 141105 passed and effective Dec. 31, 1975.) The office of hearings officer is hereby created. The officer shall act on behalf of the council and the commission in considering and applying regulatory enactments and policies pertaining to the use of land as provided for in Chapter 33.114 of this title. The officer shall be appointed by the commissioner in charge of the city attorney's office in conformance with the civil service rules of the city.

Chapter 33.12

DEFINITIONS

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33.12.010 Generally. For the purpose of these zoning regulations, certain terms and words are herewith defined as follows:

The words "used for" include "designed for" and vice versa; words used in the present tense include the future; words in the singular number include the plural and vice versa; the word "structure" includes "building", and the word "shall" is mandatory and not directory.

33.12.020 Accessory building. "Accessory building" means a subordinate building, the use of which is customarily incidental to that of the main building or the main use of the land and which is located on the same tract with the main building or use.

33.12.030 Accessory building, attached. "Attached accessory building" applies to an accessory building which is attached to the main building by the wall and/or roof of the main building or by the roof over a breeze-way connecting the accessory building and the main building. An attached accessory building shall be considered as a part of the main building both as to lot coverage, and yard and court regulations, except that an attached accessory building may be built adjacent to or on a side and/or rear lot line as provided in this title. For the purpose of regulation when an accessory use is located in a main building, the portion of the building utilized by such accessory use shall be subject to the regulations for an attached accessory building.

33.12.040 Accessory building, detached. All accessory buildings shall be considered detached if not qualifying as attached.

33.12.043 (Add 152549; am 155387 Dec. 8, 1983) **Adult Businesses.** Adult businesses are defined in Section 33.80.030.

33.12.045 Adult theater. (Add 152549; rep 155387 Dec. 8, 1983)

33.12.050 Aircraft landing field. "Aircraft landing field" means any landing area, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxi-ways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

33.12.060 Alley. "Alley" means a secondary means of access to abutting property, if dedicated as a public way.

33.12.070 Alteration. An "alteration" may be a change in construction or a change of occupancy. Where the term "alteration" is applied to a change of construction, it applies to any change, addition, or modifications in construction. When the term is used in connection with a change of occupancy, it applies to changes of occupancy from one grade to another or from one division of a grade to another.

33.12.080 Alteration, structural. "Structural alteration" means any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

33.12.085 Amenity package. (Added by Ord. No. 150581 effective Jan. 1, 1981.) A set of several requirements which focus on a common objective, compliance with which will result in an allowance of increased density in the R1 zone.

33.12.090 Apartment dwelling. (Am 153828 ef Oct. 18, 1982) For the definition of "Apartment dwelling" see Section 33.12.270 Dwellings, multi-family.

33.12.095 (Add 150581; am 153828 ef Oct. 18, 1982) **Attached residential dwelling.** "Attached residential dwelling" means any one-family dwelling having at least one wall located on a property line or within six inches of a property line. Such wall may be shared in common by "attached residential dwellings" on both sides of the property line. Any "attached residential dwelling" must be located on an individual lot having only one dwelling unit on it. As used in this Title, a rowhouse or townhouse is an "attached residential dwelling."

33.12.100 Automobile service station. (Amended by Ord. No. 139416 passed and effective Feb. 5, 1975.) "Automobile service station" means any premises used for supplying fuel, oil, minor accessories and services, excluding body and fender repair, for passenger automobiles and for trucks not exceeding a gross vehicle weight (GVW) of 18,000 lbs. at retail direct to the customer.

33.12.110 Automobile and trailer sales area. "Automobile and trailer sales area" means an open area, other than a street, used for the display, sale, or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

33.12.120 (Amended by Ord. No. 139416 passed and effective Feb. 5, 1975.) **Automobile or truck wrecking.** "Automobile or truck wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

33.12.130 Boarding house. (Am 155307 ef Dec. 23, 1983) "Boarding house" means a build-

ing or portion thereof with not more than fifteen sleeping rooms providing only lodging and meals to more than five persons for compensation. Lodging and meals shall not be provided to any person for less than 7 consecutive days.

33.12.140 Building. For the definition of "building" see Structure, Section 33.12.760.

33.12.150 Building or structure, grade. (a) "Grade of building" or "building grade" means a ground elevation established for the purpose of regulating the number of stories and the height of the building.

(b) In the establishment of the building grade of a structure or building, there are two cases:

Case I is a building which has an exterior wall or walls built up to a street lot line or within five feet of the street lot line.

Case II is a building which does not have an exterior wall built up to or within five feet of the street lot line.

(c) Method of establishing grade. For a case I building, the elevation of the sidewalk at the mid or center point of any exterior wall of a building which is built up to or within five feet of the street line shall be determined and this elevation shall be the building grade, but if there is more than one such wall, the building grade shall be the average of such elevations. Where no sidewalk grade has been established, the city engineer shall establish such grade or its equivalent for purposes of this title.

For a case II building, the building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by determining the average elevation of the ground for each face of the building. For a square or rectangular building, there will be four faces, but for an "L" shaped building, there will be six faces and for a "U" shaped building eight faces. After the average elevation of the ground for each face has been determined, the elevation for each face shall be multiplied by the length of such face measured on a horizontal line and the sum of these products shall be divided by the sum of the lengths of the faces. The answer is the grade of the building.

To determine the average elevation of a face having a uniformly sloping grade, the elevation shall be determined at the mid or center point of such face.

For a face having a curved or irregular surface of the ground, the face shall be divided into a number of parts, each having the same length with the length not exceeding ten feet but as near ten feet as the case permits. The average elevation shall be determined at the center of these parts and the sum of the elevations shall be divided by the number or parts, the answer giving the average elevation of the face.

33.12.160 Building or structure, height. "Height of building" means the perpendicular distance from the building grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the middle height of the highest gable or ridge of a pitch or hip roof.

If a building is divided into units by means of masonry division walls, each unit shall be considered separately in calculation for height of building.

33.12.170 Cemetery. "Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

33.12.175 Certified energy audit. (Add 155124 ef Oct. 24, 1983) (a) For residential properties, "certified energy audit" means an energy audit provided by a publicly owned or investor owned utility or fuel oil dealer under a program established in accordance with ORS 469.633, 469.651 or 468.6775.

(b) For non-residential properties, "certified energy audit" means an energy audit provided by an electric utility, public utility or gas utility under a program established in accordance with ORS 469.865-469.885, or by an auditor certified by Portland Energy Conservation, Inc.

33.12.180 Classroom. A "classroom" is a room in a school or college building used for lecture, recitation and for home room purposes. Special purpose rooms such as science laboratories, gymnasiums, libraries, and shops are not included as "classrooms."

33.12.185 **Clinic, medical.** (Added by Ord. No. 140290 passed and effective July 24, 1975.) "Medical clinic" shall mean any facility occupied by state-licensed persons in private practice providing physical or mental health service and medical or surgical care of sick or injured

persons but shall not include in-patient or over-night accommodations. "Medical clinic" includes health center, health clinic, and doctors' offices whether medical, dental, psychiatric or chiropractic.

33.12.187 Cluster housing. (Added by Ord. No. 150581 effective Jan. 1, 1981.) A housing development of two or more dwellings where the lots are not required to meet minimum lot size, depth and width requirements, and where common ownership of a part of the development site is allowed. Overall density is limited by the requirements of the underlying zoning.

33.12.190 College. "College" means a college or university supported by public funds, tuitions, contributions or endowments giving advanced academic instructions as approved by the State Board of Education or by a recognized accrediting agency, excluding elementary and high schools, and trade and commercial schools.

33.12.200 Commission. "Commission" means the "city planning commission."

33.12.210 Community club. "Community club" means buildings and grounds used for and operated by a nonprofit organization whose membership is open to any resident of the district, neighborhood, or community in which the club is located; provided that the primary objectives of the organization are the improvement of the district, neighborhood, or community and its social welfare and recreation.

33.12.220 Compact evergreen hedge. "Compact evergreen hedge" means a screen of natural evergreen growth sufficiently dense to obscure motor vehicle headlights.

33.12.225 Conservation district. (Added by Ord. No. 144324 passed and effective Sept. 8, 1977.) "Conservation district" means an area containing a number of lots, blocks, and/or structures that have special historical, architectural, or cultural significance or associations as a part of the heritage of the city. Such designated areas are of secondary historical importance and are of lesser historical significance than a historical district.

33.12.230 Council, city. "City council" means the "Portland, Oregon, City Council."

33.12.240 Court. "Court" means an open unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on two or more sides by a building or buildings.

33.12.250 Dormitory, fraternity, or sorority. "Dormitory, fraternity of sorority" means a building occupied by and maintained exclusively for students affiliated with a school or college.

33.12.255 Drive-in business. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Any business activity involving buying or selling, the exchange of goods or the provision of services where one of the parties involved conducts the activity from within a motor vehicle and where facilities are developed for the purpose of allowing such business activity to be ordinarily conducted by a person within a motor vehicle.

33.12.260 Dwelling. "Dwelling" means a building or portion thereof designed for residential occupancy.

33.12.270 Dwelling, multi-family. (Am 153828 ef Oct. 18, 1982.) "Multi-family dwelling" means a building or portion thereof, designed for occupancy by three or more families living independently of each other and not classified as a one- or two-family dwelling.

33.12.280 Dwelling, one-family. (Am 153828 ef Oct. 18, 1982) "One-family dwelling" means a detached or attached dwelling unit which is located on an individual lot absent of any other dwelling unit other than an approved accessory rental unit and is designed exclusively for occupancy by one family.

33.12.290 Dwelling, two family. "Two family dwelling" means a building designed exclusively for occupancy by two families living independently of each other.

33.12.300 Excavating or filling. "Excavating" means the removal of ground from its existing contour or position by human or artificial means and "filling" means the deposit of ground to build up the existing contour or surface by human or artificial means. As used in this title, "excavating and filling" applies to such moving of ground which is not incidental to and necessary for use of a building permit issued for the same property, in any case where the volume of ground to be moved exceeds one thousand

cubic yards, or where the excavating or filling or both are not reasonably expected to be completed within sixty calendar days from the start of the work of excavating or filling.

33.12.310 Family. (Am 138371; and 155589 ef Mar. 12, 1984) "Family" means one person or two or more persons related by blood, marriage, legal adoption or guardianship plus not more than five additional persons, all living together as a single household in a dwelling unit.

A facility or institutions that is operated for the purpose of providing care and planned treatment or planned training is not a "family."

Dwelling unit as used in this section is as defined in Section 405 of the Uniform Building Code.

33.12.315 **Flashing signs.** (Added by Ord. No. 144530 passed and effective Oct. 6, 1977.) A "flashing sign" is any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.

33.12.320 Floor area. "Floor area", unless otherwise modified, means the gross floor area under roof measured from exterior limits or faces of a building or structure, excluding only space devoted to off-street parking or loading. Included in gross floor area are roofed porches and similar spaces, not enclosed or only partially enclosed by walls.

33.12.330 Frontage. "Frontage" means all the property fronting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way waterway, end of deadend street, or city boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

33.12.332 Full Service Grocery. (Add 151021 Jan. 22, 1981.) A retail grocery offering a wide range of merchandise including fresh produce, meat, fish, and poultry; canned goods; grains, dairy products; and household cleaners and toiletries; each in a variety of sizes and brands, except fresh produce, meat, fish, and poultry may each be of a single brand.

33.12.335 Garage sale, basement sale, or occasional sale. "Garage sale," "basement sale," or "occasional sale" means a sale of a quantity of merchandise, clothes, household goods, personal property, etc., previously used or acquired for use by any person, which sale is of a duration less than three days and which sale is more than six months from any previous such sale on the same premises. A "garage sale," "basement sale," or "occasional sale" as herein defined is not a use of structures or land within this title.

33.12.337 Grade. (Added 153373 effective July 17, 1982) "Grade" is defined in Section 33.12.150, Building or Structure Grade.

33.12.340 Heliport, private and public helistops. (a) A "heliport" is an area used or to be used for landing or take-off of helicopters or other steep-gradient aircraft capable of hovering, and may include any or all of the area or buildings which are appropriate to accomplish these functions.

(b) A "private helistop" is an area used or to be used for the anding or take-off of helicopters or other aircraft capable of hovering which are owned or controlled by the owner or occupant of the premises or by guests or patrons of such owner or occupant; such private helistop does not afford refueling, maintenance or repair facilities and all tie-down or hangar facilities are for the accommodation of a single aircraft.

(c) A "public helistop" is an area used or to be used for landing or take-off of helicopters or other aircraft capable of hovering which does not afford refueling, maintenance or repair facilities, in which tie-down facilities alone are available and are for the accommodation of a single aircraft, and which area is open to use by any helicopter or other aircraft capable of hovering regardless of ownership or control.

33.12.345 **Historical district.** (Added by Ord. No. 144324 passed and effective Sept. 8, 1977.) "Historical district" means an area containing a number of lots, blocks, and/or structures that have special architectural or cultural significance or associations as a part of the heritage of the city. Such designated areas are of primary historical importance and are of greater significance than a conservation district.

33.12.346 Historical landmark. (Added by Ord. No. 144324 passed and effective Sept. 8, 1977.) "Historical landmark" means an individual building, structure, site, or object that has special architectural or cultural significance or associations as a part of the heritage of the city.

33.12.350 Home occupation. "Home occupation" means a lawful profession, craft or service permitted, under such terms and conditions as are specified by this title, to be carried on within a dwelling or on the same lot as a dwelling as an accessory or secondary activity to the use of the dwelling for dwelling purposes.

33.12.360 Home, convalescent. (Amended by Ord. No. 140290 passed and effective July 24, 1975.) "Convalescent home" means an institution where persons convalescing are provided with food, lodging and in-patient care but excluding surgical procedures except minor surgery. "Convalescent home" includes the terms of "nursing home", "long term care facility", "sanitorium", and "sanitarium", and includes "home for the aged" where no individual cooking facilities are provided but excludes "hospital" and "home for the aged" where any individual cooking facilities are provided.

33.12.370 Hospital, animal. "Animal hospital" means a building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat, and veterinary hospitals.

33.12.380 (Amended by Ord. No. 140290 passed and effective July 24, 1975.) **Hospital.** "Hospital" is an institution providing health services primarily for in-patients, and medical or surgical diagnosis and care of sick or injured persons including as an integral part of the institution such related facilities as medical laboratories, medical research facilities, outpatient departments, central service facilities, and staff offices excluding offices and/or clinics of physicans for private medical practice. As an accessory use, the hospital may have offices and/or clinics of physicians for private medical practice, parking garages, residential facilities for staff, retail facilities for the needs of the patient, and training facilities.

(1) Hospital, detention. "Detention hospital" applies to a hospital exclusively providing for the treatment of persons suffering from any disease requiring detention, isolation or quarantine.

(2) Hospital, general. "General hospital" applies to a hospital providing general medical or surgical care for the treatment of persons sick or injured and may include some psychiatric care.

(3) Hospital, mental. "Mental or psychiatric hospital" applies to a hospital providing exclusively for the treatment of persons suffering from nervous or mental disorders.

(4) Hospital, remedial. "Remedial hospital" applies to a hospital providing exclusively for the treatment of persons suffering from the use of drugs or liquor.

33.12.390 Hospital, general. (Repealed by Ord. No. 140290 passed and effective July 24, 1975.)

33.12.400 Hospital, mental. (Repealed by Ord. No. 140290 passed and effective July 24,1975.)

33.12.420 Hotel. (Am 155589 ef Mar. 12, 1984) "Hotel" means any structure containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests. Any such structure offering guest accommodations for less than seven consecutive days and not considered a motel as defined in 33.12.560 is a "hotel" for purposes of this title.

33.12.423 Household. (Added by Ord. No. 150581 effective Jan. 1, 1981.) All persons occupying a dwelling on a regular basis within the restrictions found in 33.12.310, Family.

33.12.425 Household moving center. (Added by Ord. No. 142920 passed and effective Dec. 15, 1976.) Household moving center is a business which specializes exclusively in the rental of household moving equipment, trucks and trailers, and the sale or rental of other products and services directly related to do-it-yourself moving. A complete "moving center", in addition to renting or selling moving aids such as pads, cartons, rope and tape, may install trailer hitches, may provide temporary storage facilities for customer's household goods, may conduct minor repair work on the equipment, and may provide gasoline for the rental trucks.

33.12.430 Kennel or other animal boarding place. "Kennel" as used in this title means and includes any establishment or premises where five or more dogs over one year of age are kept for any purpose whatsoever, or any establishment or premises where dogs are bred, boarded or offered for sale as a commercial business. "Other animal boarding place" as used in this title means and includes any establishment or premises where six or more cats over four months of age are kept for any purpose whatsoever, or any establishment or premises where cats or other animals are bred, boarded or offered for sale as a commercial business.

33.12.435 Labor intensive industry. (Added by Ord. No. 150581 effective Jan. 1, 1981.) An activity of an industrial nature which ordinarily requires at least one employee per 1,000 square feet of site area.

33.12.436 Ldn, Day/Night Sound Level. (Added by Ord. No. 150569 passed out Oct. 8, effective Nov. 8, 1980.) The "Ldn, Day/Night Sound Level", in decibels, is the 24-hour average sound level, from midnight to midnight, obtained after adding 10 decibels to sound levels in the night from midnight to 7:00 a.m. and from 10:00 p.m. to midnight (0000 to 0700 and 2200 to 2400 hours.)

33.12.440 Loading berth.* "Loading berth" means an area of such dimensions as specified in Section 33.86.010 available for maneuvering and standing of motor vehicles for the purpose of delivering and loading freight, goods, equipment, persons, and other articles.

33.12.450 Lot. (Amended by Ord. No. 131818, 135378; and 140290 passed and effective July 24, 1975.) "Lot" means any continuous area, tract or parcel of land owned by or under the lawful control and in the lawful possession of one distinct ownership undivided by a dedicated street or alley or another ownership. An abutting "platted lot" or property described by metes and bounds in the same ownership shall be considered a part of such "lot" and any division of the ownership shall be in compliance with provisions of this code. Where the term "site" is used in this title it is used in place of "lot".

33.12.460 Lot area. "Lot area" means the total horizontal area within the lot lines of a lot.

33.12.470 Lot, corner. "Corner lot" means a lot situated at the intersection of two or more streets. A corner lot, the side street line of which is substantially a continuation of the front lot line of the lot to its rear, is sometimes called a reversed corner lot.

33.12.475 Lot coverage. (Added by Ord. No. 150581 effective Jan. 1, 1981.) The percent of the total lot area which is occupied by buildings, but not including either covered or uncovered porches, patios or balconies.

*See Chapter 33.86 for additional information.

33.12.480 Lot depth. "Lot depth" means the perpendicular distance measured from the mid-point of the front line to the mid-point of the opposite, usually the rear, lot line.

33.12.485 Lot, flag. (Added 151344 April 1, 1981.) "Flag lot" means a lot located behind the frontage lot, plus a strip out to the street for an access drive. A flag lot results from the subdivision or partitioning of a residential lot or parcel which is more than twice as large as the minimum allowed in the underlying zone, but without sufficient frontage to allow two dwellings to front along a street. There are two distinct parts to a flag lot: the flag which comprises the actual building site located at the rear portion of the original lot, and the Pole which provides access from a street to the flag.

33.12.490 Lot, interior. "Interior lot" means a lot other than a corner lot.

33.12.500 Lot lines. (.500 amended, .510, .520 and .530 repealed by Ord. No. 137559 passed Dec. 6, 1973, effective Jan. 7, 1974.) "Lot lines" means the property lines bounding a lot and are defined as follows:

(1) "Front lot line" means a boundary line along a street on an interior lot, and the shorter of the two boundary lines along streets on a corner lot. Where the two street boundaries on a corner lot are equal in length, the owner of the lot may choose which of the two shall be the front lot line.

(2) "Side street lot line" means the longer of the two boundary lines along streets on a corner lot. Where the two street boundaries on a corner lot are equal in length, the owner of the lot may choose which of the two shall be the side street lot line.

(3) "Rear lot line" means any boundary line opposite from a front lot line.

(4) "Side lot line" means any boundary line not a front, rear or side street lot line.

33.12.535 Lot, platted. (Added by Ord. No. 131818 passed Nov. 19, effective Dec. 21, 1970.) "Platted lot" means one of the category of smallest described parcels of land in the subdivision, duly approved and recorded with the county clerk.

33.12.540 Lot, through. "Through lot" means a lot having frontage on two parallel or approximately parallel streets.

33.12.550 Lot width. "Lot width" means the perpendicular distance measured between

the mid-points of the two principal opposite side lot lines and at approximately right angles to the lot depth.

33.12.555 Manufactured housing. (Added by Ord. No. 150581 effective Jan. 1, 1981.) A dwelling unit which is shipped to the site in one or more pieces that are nearly ready for occupancy, requiring only to be anchored in place and (where appropriate) to each other, and hooked up to public utilities.

33.12.560 Motel. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) "Motel" means an individual building or group of attached or detached buildings containing guest rooms; together with conveniently located parking space on the same lot which is designed, used, or intended to be used for the accommodation of automobile transients. The term includes auto courts, motor lodges and tourist courts. Any collectively managed group of dwellings on a common lot or parcel having more than one parking space per four dwellings and offering accommodations on a daily, weekly or bi-weekly basis shall be considered a "motel" for purposes of this chapter.

33.12.562 Natural resources, development of. (Added 153327 effective July 5, 1982.) "Natural resources, development of" means the removal of mineral resources by excavating, stripping, mining, quarrying or drilling, but not including the treating, crushing, or processing of the same.

33.12.565 Neutral surface. (Added by Ord. No. 144530 passed and effective Oct. 6, 1977.) "Neutral surface" means the building surface, metal cabinetry and opaque surfaces which are not an integral part of the message and which are quiet in tone.

33.12.567 Noise contour. (Added by Ord No 150569 passed out Oct. 8, effective Nov 8, 1980.) A "noise contour" is the graphic depiction of the extent to which an average noise level affects the area surrounding a source of noise.

33.12.568 Noise impact. (Added by Ord. No. 150569 passed Oct. 8, effective Nov. 8. 1980.) "Noise impact" is the extent to which a level of noise interferes with the full utilization of land. The Oregon Department of Transportation, Aeronautics Division, identifies two (2) levels of noise impact:

(a) Moderate noise impact occurs in areas subject to noise levels of from Ldn 55 to Ldn 65.

(b) Substantial noise impact occurs in areas subject to noise levels of from Ldn 65 and upwards.

33.12.569 Noise sensitive uses. (Added by Ord. No. 150569 passed Oct. 8, effective Nov. 8, 1980.) "Noise-sensitive uses" are those uses and activities whose enjoyment or value are most likely to be affected by noise, including: residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, picnic areas, recreation areas, playgrounds, active sports areas and parks.

33.12.570 Nonconforming use. "Nonconforming use" means a use to which a structure, building or land was lawfully put at July 1, 1959 but which is not a permitted use in the zone in which it is located.

33.12.580 Owner. (Am 148680; and 153503 July 1, 1982) (1) For the purposes of signing and filing applications for land use approvals, "owner" means any person with a legal right to improve or alter property in the manner proposed in a land use application. The person may be the deedholder of real property or the contract purchaser of real property, of record as shown in the last available complete assessment roll in the office of the county assessor; a person with a written power of attorney; a lessee whose lease authorizes him or her to sign and file land use applications according to guidelines adopted by the Council as part of this ordinance; or a person with other specific

written and notarized authorization to sign and file land use applications. Owner shall include a deedholder or contract purchaser whose name does not appear in the last available complete assessment roll but who presents a deed or contract of sale showing date, book and page of recording to the Bureau of Planning.

(2) For the purposes of notification, "owner" means the applicant, owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete assessment roll in the office of the county assessor.

33.12.590 Parking Space. (Amended by Ord. No. 150737 effective Jan. 1, 1981.) "Parking Space" means a space designed to provide for the short or long term storage of a passenger automobile, adult tricycle or bicycle, having a minimum gross area of 250 square feet for maneuvering and standing of operable passenger automobiles; a minimum gross area of 125 square feet for maneuvering and standing of operable adult tricycles; a minimum gross area of 25 square feet for maneuvering and standing of operable bicycles.

33.12.600 Person. "Person" means and includes any natural person, copartnership, association, or corporation, whether he, she, or it is acting for himself, herself, or itself, or as the servant, employee, agent, or representative of another. The singular number includes the plural and the plural the singular.

33.12.603 Plaza. (Add 155630 ef Mar. 26, 1984) "Plaza" means a private open space, developed in conjunction with a structure, generally open to the public on a controlled basis for passive recreational activities and relaxation. Plazas typically are provided with such amenities as seating, drinking and ornamental fountains, public art, trees and landscaping. However, the greatest share of a plaza's area is ordinarily paved for use by pedestrians.

33.12.605 Planned Unit Development. (Added by Ord. No. 148244 passed Aug. 2, effective Sept. 4, 1979.) "Planned Unit Development" (PUD) is the residential development of a site based on a comprehensive and complete design or plan treating the entire complex of land, structures, and uses as a single project. The standards of the underlying zone for lot size, minimum lot dimensions, type of structures, and yard requirements do not apply in a PUD.

33.12.608 Pre-existing use. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Any lawful use or activity, located in an area that has been legislatively rezoned to a less permissive zone, that is not listed as a permitted principal or conditional use in the less permissive zone.

33.12.609 Premise or premises. (Added 153373 effective July 17, 1982) "Premise or premises" means a parcel of property or that portion thereof occupied by one tenant.

33.12.610 Private club. "Private club" means buildings and grounds used for and operated by a nonprofit organization, membership to which is by invitation and election according to qualifications in the club's charter or bylaws. The use of the club's facilities is primarily restricted to members and their guests.

33.12.612 Project area. (Added by Ord. No. 140290 passed and effective July 24, 1975.) "Project area" means a number of "lots" or "sites" in a single ownership and occupied or to be occupied by one permitted use and its accessory uses.

33.12.613 Recycling drop-off center. (Added 151909 effective Aug. 4, 1981.) A recycling drop-off center is defined as a principal use on any site at which the drop-off, temporary holding and/or limited processing of multiple materials, such as paper, glass, metal, plastic, batteries or motor oil, is permitted and are generally for the servicing of households rather than business or industrial establishments.

33.12.615 Residential care facility. (Add 138936; am 155589 ef Mar. 12, 1984) "Residential care facility" means an establishment operated with twenty-four hour supervision for the purpose of and responsibility for providing care and planned treatment or planned training to not more than fifteen persons who by reason of their circumstances or condition require such care and planned treatment or planned training while living as a single housekeeping unit in a dwelling unit.

(a) "Care" means services such as supervision, protection, assistance while bathing, dressing, grooming or eating, management of money, transportation, recreation and simple training of self-help skills or assistance with major life activities and the provision of room and board.

(b) "Planned treatment" means a systematic and/or individualized program of counseling, therapy, or other rehabilitative procedures or activities provided for a group of persons of similar or compatible circumstances or conditions. A planned treatment program which requires regular on-premise physician's or nurse's care shall not be allowed.

(c) "Planned training" means a predetermined sequence of systematic interactions, activities, or structured learning situations, designed to meet such residents' specified needs in the areas of physical, social, emotional, and intellectual growth.

33.12.617 Residential home. (Add 155589 ef Mar. 12, 1984) "Residential home" means a residence for five or fewer unrelated physically or mentally handicapped persons and for staff persons who need not be related to each other or to any other home resident.

A residential home that is operated for the purpose of providing both care and planned treatment or planned training shall require licensing under Chapter 8.80 of the Municipal Code.

33.12.620 Room. "Room" means any space in a building enclosed or set apart by a partition or partitions which is habitable and shall be deemed to apply to any room used as a bedroom, a dining room, a living or sitting room, a parlor, a kitchen, a sewing room, a library, a den, a music room, a dressing room, a sleeping porch, a sun room, a sun porch, a party room, a recreation room, a breakfast room, a study, and similar uses.

33.12.630 Rooming house. (Am 155307 ef. Dec. 23, 1983) "Rooming house" means a building or portion thereof with not more than fifteen sleeping rooms providing only lodging to more than five persons for compensation. Lodging shall not be provided to any person for less than 7 consecutive days.

33.12.635 Rowhouse. (Add 153828 ef Oct. 18, 1982) For the definition of "rowhouse" see Section 33.12.095 Attached Residential Dwelling.

33.12.640 School, commercial. "Commercial school" means a building where instruction is given to pupils in arts, crafts, or trades operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

33.12.650 School, elementary. "Elementary school" means a school offering instruction to one or more grades between and including the fifth through the eighth exclusively or in combination with grades lower than the fifth.

33.12.660 School, high. "High school" means a school offering instruction to one or more grades between and including the ninth through the twelfth exclusively or in combination with the seventh and eighth grades.

33.12.670 School, nursery. "Nursery school" means a school offering instruction and guided activity to kindergarten or prekindergarten classes.

33.12.680 School, primary. "Primary school" means a school offering instruction to one or more grades between and including kindergarten through the fourth.

33.12.690 School, private or parochial. "Parochial or private school" means a school under the control of and financed by a religious, philanthropic, and nonprofit institution offering instruction equivalent to public schools.

33.12.700 School, public. "Public school" means a school under the control of and financed by legally constituted public school districts in the state.

33.12.710 Sign. A "sign" is any presentation or representation included within the general or special definition of such term in the sign regulations, excluding, however, plaques identifying an historical building or site located and approved under the provisions of Chapter 33.120.

33.12.711 Sign area. (Added by Ord. No. 144530 passed and effective Oct. 6, 1977.) For purposes of this zoning code, sign area shall mean the area within a perimeter enclosing the limits of lettering, writing, representation, emblem, figure, character and lighted surface which form an integral part of each sign. Neutral surfaces, elements and supports which may be part of the constructed sign but are intended only to integrate and harmonize the sign with the architecture of the building to which the sign is attached shall not be included in the calculation of the sign area. (See definition of neutral surface.)

33.12.720 Story. "Story" means that portion of a building included between a floor and the floor or roof next above it. A story with more than one-half of its height below the level of the building grade shall be termed a cellar. A cellar is not to be counted as a story unless the ceiling height exceeds four feet above the grade or unless more than forty percent of the cellar is for living purposes.

33.12.730 Story, half. "Half story" means a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

33.12.740 Street. "Street" means the primary means of access to abutting property, whether privately owned or a dedicated public way. If a property has only one means of access, such shall be considered for the purpose of this title as a street.

33.12.750 Street corner quarter of lot. "Street corner quarter of lot" applies to that corner of a lot which occurs at the intersection of two streets.

33.12.755 Street tree. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Any tree planted in the public right-of-way.

33.12.760 Structure. "Structure" means any object erected by art and fixed in or upon the ground composed of one or more pieces and designed for use or ornamentation.

33.12.765 Superblock. (Add 155630 ef Mar. 26, 1984) "Superblock" means a continuous area, either in single or divided ownership, with a total gross area in private property of 75,000 square feet or more within the enclosure formed by surrounding streets where the area in private or public ownership includes at least 5,000 square feet of vacated street.

33.12.770 Throughway. "Throughway" means any street or highway or portion thereof within the city which is now or in the future laid out, located, relocated, or constructed as, or converted into, a throughway by the State Highway Commission, pursuant to the provisions of ORS 374; provided that such street or highway shall no longer be deemed to be a throughway within this definition if and when the State Highway Commission changes its status to an ordinary highway.

33.12.780 Trailer park. "Trailer park" means an area or tract of land used or designed to accommodate two or more vehicles propelled either by their own power or by another powerdriven vehicle and used for sleeping or living quarters.

33.12.781 Transit facilities, public. (Added 152989 Mar. 18, 1982.) "Public transit facilities" means any passenger or support facilities required for the safe and efficient operation of the public transit system, exclusive of privately owned interstate transit companies. The facilities may include patron waiting areas, temporary transit vehicle storage or layover areas, special accommodations for the handicapped, substations for electrification, electrified wire support devices and rail trackage.

33.12.782 Truck service station. (Added by Ord. No. 139416 passed and effective Feb. 5, 1975.) "Truck service station" means any premises used for supplying fuel, oil, minor accessories and services, including body and fender repair, for trucks and truck trailers of any size and for passenger automobiles at retail direct to the customer.

33.12.785 Unit development. (Added by Ord. No. 132825 passed and effective June 10, 1971.) Unit development means development of a lot for more than two dwelling units, whether one-family, two-family or apartment dwellings, plus accessory uses.

33.12.790 Use. (Amended 153373 effective July 17, 1982) "Use" means the purpose for which a building lot, sign or other structure is arranged, designed or intended, or for which either land or a building is or may be occupied, or for which a sign or other structure is maintained.

33.12.800 Welfare institution. "Welfare institution" means an institution under the control of and financed by a unit of government; or a religious, philanthropic, charitable, or nonprofit organization devoted to the housing, training or care of children, the aged, or indigent, handicapped, or underprivileged persons, including places of detention or correction.

33.12.810 Yard. "Yard" means the open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, between a structure or structures and any lot line. The minimum horizontal distance between any point on a lot line and the nearest part of any structure or building is the yard depth.

33.12.820 Yard, front. "Front yard" means any yard abutting a public or private street.

33.12.830 Yard, rear. "Rear yard" means any yard abutting a rear lot line.

33.12.840 Yard, side. "Side yard" means any yard abutting a side lot line and extending between the front yard and the rear yard, if any.

Chapter 33.16

ZONES ESTABLISHED – MAP

Sections:

33.16.010 Zones enumerated.
33.16.020 Maps.
33.16.030 Vacated street or alley as boundary.

33.16.010 Zones enumerated. (Amended by 138018, 147623, 148537; and 150581 effective Jan. 1, 1981.) In order to carry out the purposes and provisions of these zoning regulations, the city of Portland is hereby divided into nineteen regular and thirteen superimposed zones, known as:

REGULAR ZONES

	Full Name	Short Name
FF	Farm and Forest Zone	FF Zone
R20	One Family Residential Zone	R20 Zone
R10	One Family Residential Zone	R10 Zone
R7	One Family Residential Zone	R7 Zone
R5	One Family Residential Zone	R5 Zone
R2.5	One Family Residential Zone	R2.5 Zone
R2	Multi-Family Residential Zone	R2 Zone
R1	Multi-Family Residential Zone	R1 Zone
RH	High Density Multi-Family Residential Zone	RH Zone
RX	Downtown Multi-Family Residential Zone	RX Zone
C5	Limited Commercial Zone	C5 Zone
C4	Neighborhood Commercial Zone	C4 Zone
C3	Local Commercial Zone	C3 Zone
C2	General Commercial Zone	C2 Zone
C1	Central Commercial Zone	C1 Zone
MX	Central Services Zone	MX Zone
M3	Light Manufacturing Zone	M3 Zone
M2	General Manufacturing Zone	M2 Zone
M1	Heavy Manufacturing Zone	M1 Zone

SUPERIMPOSED ZONES

B	Buffer Zone	B Zone
D	Design Zone	D Zone
L	Aircraft Landing Zone	L Zone
mh	Manufactured Housing Zone	mh Zone
N	Noise Impact Zone	N Zone
nr	Natural Resources Zone	nr Zone
S	Signboard Control Zone	S Zone
V	Variable Density Zone	V Zone
Z	Downtown Development Zone	Z Zone
WI	Willamette Greenway Industrial	WI Zone
WSD	Willamette Greenway Scenic Development	WSD Zone
WSR	Willamette Greenway Scenic Recreational	WSR Zone
WN	Willamette Greenway Natural	WN Zone

33.16.020 Maps. (Am 150581; and 155630 ef Mar. 26, 1984) The zones aforesaid and the boundaries of such zones are shown upon the set of maps and/or titles on file in the office of the City Auditor, each entitled "Official Zoning Map, City of Portland, Oregon, Planning and Zoning Code," drawn to a scale of one inch equals two hundred feet and designated by the following numbers:

1319-20-21-22
1419-20-21-22-23
1517-18-19-20-21-22-23-24
1617-18-19-20-21-22-23-24-25
1713-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28
1813-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29
1911-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38
2011-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38
2113-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40
2213-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40
2315-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42
2415-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42

2517-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42
2617-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40
2719-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40
2819-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40
2923-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40
3023-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40
3123-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40
3223-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40
3323-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40
3423-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-45-46-47-48
3522-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48
3622-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-45-46-47
3722-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47
3821-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47
3922-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46
4023-24-25-26-27-28-29-30-31
4123-24-25-26-27-28-29-30-31
4223-24-25-26-27-28-29-30-31
4327

Additional maps designating special regulations by specific area, are contained within the appendices of this Title.

These maps and others added by subsequent annexations, and as amended hereafter, are hereby declared to be a part of this title. The zones hereby established and shown on said maps, and the boundaries thereof, are hereby confirmed. The maps and all notations, references, and other information shown thereon shall be as much a part of this title as if the matters and information set forth by the maps were all fully described herein.

Whenever the terms "R" Zone, "C" Zones, or "M" Zone are used herein, they shall be deemed to refer to all zones containing the same letter in their names. For example, the term "C" Zone includes the C5, C4, C3, C2 and C1 Zones. The FF Zone shall be considered an "R" Zone.

The FF Zone is the most restricted and the M1 Zone is the least restricted.

33.16.030 Vacated street or alley as boundary. (Amended by Ord. No. 131597 passed Oct. 1, effective Nov. 2, 1970.) Where the boundary line dividing two or more zones is shown on the official zoning map lying within a dedicated street, alley or other type of public thoroughfare, the boundary shall remain as located on the official map in the event such street or alley or other thoroughfare is vacated by ordinance.

Chapter 33.18

FF FARM AND FOREST ZONE

(Added by Ord. No. 138018, passed and effective Mar. 27, 1974.)

Sections:

33.18.010 Generally.
33.18.015 Purpose.

Principal Uses

33.18.020 Uses permitted.
33.18.030 Limitations on use.
33.18.050 Lot size required.
33.18.080 Maximum height permitted.
33.18.090 Minimum front yard.
33.18.100 Minimum side yard.
33.18.110 Minimum rear yard.
33.18.115 Maximum lot coverage.
33.18.120 Signs permitted.

Accessory Buildings and Uses

33.18.150 Generally.
33.18.160 Classification.
33.18.170 Type 1: Home occupations.
33.18.180 Type 2: Accessory rental unit.

Conditional Uses

33.18.240 Uses permitted.
33.18.250 Regulations.
33.18.260 Development of lands adjacent to water features as defined in Section 33.18.030 (4).
33.18.280 Natural resources, development of.
33.18.500 Prohibited uses.

33.18.010 Generally. In all FF Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement or moving of existing structures shall conform in all respects to the regulations in this chapter.

33.18.015 Purpose. (Added by Ord. No. 150581 effective Jan. 1, 1981.) To provide for the continuation of farm, forest, and low density residential activities in areas of the city extremely difficult to serve and inefficient to develop from the standpoint of energy and transportation for the foreseeable future.

Principal Uses

33.18.020 Uses permitted. (Amended 150581; and 153330 effective July 5, 1982.) In an FF zone, the following uses are permitted:

(1) General farm use including the current employment of land and buildings supporting accepted farming practice for the purpose of raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use of animal husbandry or any combination thereof. Farm use shall include the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise; except as otherwise provided under Section 33.18.240.

(2) The growing and harvesting of timber and the maintenance of structures needed for the execution of those activities. This shall not include either uses or structures related to the production, manufacture or storage of wood products.

(3) Public and private conservation areas and structures for the retention of water, soil, open space, forest or wildlife resources.

(4) Single-family dwelling units except as provided in Section 33.18.030, Limitations on Use.

33.18.030 Limitations on use. (Added 150581; amended 153330 effective July 5, 1982.) (1) In an FF zoned area that is outside the Urban Growth Boundary or has the nr (Natural Resources) zone overlayed on it, single-family dwellings will only be allowed if incidental to a farm or forest use.

(2) When the principal use is a single-family residence, at least fifty percent of the lot area

must be maintained in natural vegetation.

(3) When the principal use is a single-family residence, the maximum distance from any part of a residential structure to the fronting right-of-way shall be one hundred-fifty feet.

(4) Development shall be restricted within the following areas:

(a) Between the ordinary high water line and twenty-five feet back of the top of the bank of watercourses and water bodies such as rivers, lakes, ponds, sloughs or wetlands, as shown on the City of Portland Water Features Map.

(b) Within twenty-five feet of the centerline of watercourses such as streams, creeks and drainageways draining thirty acres or more as shown on the City of Portland Water Features Map.

(c) Within the restricted areas no structures, accessory buildings or uses as defined in Title 33, excavations, or fills shall be allowed unless approved as a conditional use pursuant to Chapter 33.106.

(d) If enforcement of this water feature provision shall result in less than 1,200 square feet of allowable area on any individual R zoned lot after zoning setbacks are accounted for, this water feature section is waived to allow up to 1,200 square feet of allowable area.

(e) Lands regulated by the Willamette River Greenway Overlay Zone are exempt from these water feature provisions.

(f) River related and river dependent uses, as defined in Chapter 33.77, are exempt from these water feature provisions.

(g) Flood and erosion control measures, and maintenance thereof, are exempt from these water feature provisions.

(h) Streets, roads, water lines, storm and sanitary sewers, waste water pumping stations, underground utility lines and similar facilities are exempted from these water features provisions.

(i) The regulations of this section shall be considered minimum requirements and do not supersede Chapter 56 of Title 24, Building Regulations.

33.18.050 Lot size required. (1) The minimum lot area shall be two acres, and in no case shall there be less than two acres per dwelling unit.

(2) (Amended by Ord. No. 144717 passed and effective Nov. 10, 1977.) No lot, tract, or parcel of land shall be reduced by transfer of ownership, immediate or future, in area less than stated in subsection (1) above unless approved as provided in Chapter 33.98.

(3) In no case shall there be more than one dwelling and its accessory buildings constructed on one lot.

(4) (Amended by Ord. No. 139117, 139702, 141105; and 148873 passed and effective Dec. 13, 1979.) No dwelling shall be built or moved onto a lot not abutting a public street. Modification of this provision may be granted with procedure set forth in Sections 33.98.020 to 33.98.035 and more particularly Section 33.98.025(b) of this title, the reference to 33.98.010 notwithstanding.

(5) (Amended by Ord. No. 139117, passed and effective Nov. 20, 1974.) On a platted lot located in a subdivision plat duly approved and recorded with the appropriate county official, prior to the effective date of the ordinance, in accordance with the city charter and laws of the state, and held in ownership different from the ownership of any abutting lot, a one family dwelling may be constructed notwithstanding the requirements of subsection (1) of this section; provided, however, that no construction of a one family dwelling shall be permitted upon a lot with less than one acre unless approved as provided in Chapter 33.98.

33.18.080 Maximum height permitted. (1) No structure shall exceed three stories, or forty-five feet in height, except as provided herein.

(2) On any lot, sloping downhill from the street which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more, measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(3) Silos, buildings accessory to farm use, chimneys, radio and television aerials may extend above the forty-five foot height limit so long as they are in compliance with the Federal Aviation Administration regulations.

33.18.090 Minimum front yard. (Amended 153330 effective July 5, 1982.) (1) There shall be a front yard of not less than thirty feet.

(2) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and located on that side which has not yet been dedicated or condemned unless the yards provided on such lot include both that portion of the lot lying within the future street and the required yards.

33.18.100 Minimum side yard.* (Amended by Ord. No. 150581 effective Jan. 1, 1981.) (a) There shall be a minimum side yard of twenty-five feet on each side of any structure of twenty-five feet or less in height, but for every additional story of ten feet in height, there shall be an additional three feet of yard space, except as provided for in sub-section (b) of this section.

(b) Construction of attached dwelling units having a common wall on a common property line is allowed if the following requirements are met:

(1) No dwelling may have more than one common wall.

(2) Each dwelling must be placed on a lot that meets all other requirements of the zone, i.e., width, depth and total area.

(3) Each dwelling must have one side yard at least fifty feet in width.

33.18.110 Minimum rear yard.* There shall be a minimum rear yard of twenty-five feet for every structure of twenty-five feet or less in height, but for every additional story of ten feet in height, there shall be an additional three feet of yard space.

33.18.115 Maximum lot coverage. (Added 153330 effective July 5, 1982.) The area covered by all buildings, including accessory buildings, and impermeable surfaces shall not exceed ten percent of the lot area.

33.18.120 Signs permitted. (Amended 153373 effective July 17, 1982) All signs permitted in the Farm and Forest Zone shall be either wall signs or freestanding signs. Wall signs shall be located on the first story of a building and no signs shall be located above the roofline. Freestanding signs shall not exceed a height of ten feet and shall be located wholly within private property. All signs shall be non-illuminated, indirectly illuminated or may be directly illuminated by subdued background such as opaque with translucent copy. Rotating, flashing, animated and electronic information signs are prohibited.

1. Each farm is permitted one of the following signs: (a) An identification sign not to exceed twenty square feet in area, indicating the name of the occupant, the name of the farm, and advertising farm products for sale, providing such products are grown on the premises. Such sign shall be placed flat against the building. In instances where the building-mounted signs are not distinctly visible from a public right-of-way, then such sign may be affixed to a permanent structure at the primary entranceway to such property.

(b) A sign, not to exceed thirty-two square feet in area, containing only the name of the farm or other enterprise and advertising the dwelling or property for sale or rent. Such sign shall be non-illuminated.

2. Conditional Uses — (see 33.18.240 for uses permitted) — The following signs require permits: (a) Each authorized conditional use shall be permitted one sign not to exceed twenty square feet in area.

(b) If additional signing is desired, such sign(s) must be approved when application is made for the conditional use.

(c) Signs which do not conform to provisions (a) or (b) may be approved under the conditional use procedure and criteria for sign approval as outlined in Chapter 33.106 of this code.

3. Nonconforming Uses — (see Section 33.94.020(f)): (a) A nonconforming use in any FF zone shall be permitted to continue the legal signs in existence when the use became nonconforming. Such signs may be maintained; however, any change which warrants a sign permit shall require full conformance of all signs on the premises.

(b) A nonconforming use in any FF zone shall be permitted a new wall sign, either illuminated or non-illuminated, not to exceed twenty-five square feet in area. The copy of such sign shall pertain only to the business conducted on the premises.

Accessory Buildings and Uses

33.18.150 Generally. (Added by Ord. No. 150581 effective Jan. 1, 1981.) No separate permit shall be issued for the construction of any type of accessory use prior to that of the main dwelling.

33.18.160 Classification. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Accessory uses permitted in the FF zones shall be divided into types as follows:

Type 1: Home Occupations

Type 2: Accessory Rental Unit

*See Chapter 33.90 for additional regulations.

33.18.170 Type 1: Home occupations. (Added by Ord. No. 150581 effective Jan. 1, 1981.) (a) In the Farm and Forest Zone, home occupations in the same lot accessory to principal uses shall be permitted in the following categories:

(1) Offices for professional, personal or business service, except medical or dental doctors;

(2) Studios for arts, handicrafts or tutoring;

(3) Shops for limited or custom production or minor repair service;

(4) Headquarters for a craftsperson or salesperson;

(5) Home baby-sitting.

(b) Any such home occupation shall comply with the following limitations:

(1) No servant, employee, or any person other than a member or members of the household residing within the dwelling shall engage in a home occupation therein or within an accessory building;

(2) No building shall be used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations;

(3) No activities shall be allowed which involve the use, storage, milling or manufacture of highly combustible materials or internal combustion engines;

(4) All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed Type 1, 2 or 3 accessory building;

(5) The aggregate of all space within any or all buildings devoted to one or more home occupations shall not exceed 500 square feet in floor area;

(6) Any home occupation which causes abnormal automotive or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited;

(7) No enlargements nor alterations to a dwelling or accessory building for the sole purpose of conducting a home occupation shall be permitted.

(8) The premises shall at all times be maintained as residential in appearance, cleanliness and quietness;

(9) Dimensions, power rating or weight of such equipment and tools used in the conduct of the home occupation shall not exceed that of normal household equipment and tools;

(10) Sign: A home occupation shall be permitted one non-illuminated, non-flashing sign, not to exceed three-quarters square foot in area, limited to the name of the occupant and/or a designation of any authorized home occupation, business, profession or calling conducted on the site. Such sign shall be in lieu of, not in addition to, any sign allowed for a principal use in the underlying zone;

(11) Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building;

(12) Customer and client contact shall be primarily by telephone, mail, or in their homes and places of business and not on the premises of the home occupation, except for those home occupations which by their very nature cannot otherwise be conducted except by personal contact with clients;

(13) Products made or sold shall be disposed of solely by delivery from the premises to the homes or places of business of customers;

(14) Other than normal passenger automobiles, only one truck of no more than 8,400 lb. gross vehicle weight (GVW) is permitted to be operated, whether owned or rented, in connection with a home occupation. Such truck, if parked on the premises, shall be kept within a completely enclosed garage;

(15) Instruction in music shall be limited to no more than two students at one time, and in crafts and dance, to no more than six students at one time;

(16) Home baby-sitting is allowed under the following conditions:

A. Up to and including five children may be cared for on the premises; or

B. Up to and including ten children may be cared for if:

(i) There is at least 100 sq. ft. of safe, usable open space on the site for outdoor play area; and

(ii) Screening is provided separating such outdoor open space from abutting lots. Such screening shall be at least four feet, but not more than six feet, high and should be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge; and

(iii) If 100% of adjacent neighbors indicate approval. This is included within the normally required 50% approval for home occupations generally.

(iv) If, subsequent to granting a Home Occupation permit for the care of 6-10 children

(paragraph b), a petition from 75% of the abutting property owners is received by the Bureau of Buildings opposing the continuation of the increased number of children, the permit shall be amended to allow not more than 5 children.

(17) An office for a physician or dentist is permitted primarily for emergency cases and as an accommodation for retired or part-time practitioners and not as a principal office for the practice of the profession.

(18) Limitations placed on home occupations in this title shall not be construed as prohibiting home occupations conducted by means of receiving and transmitting signals via a home computer terminal linked to a telecommunications network.

(19) A home occupation shall not be permitted where an accessory rental unit is already located on the premises.

(c) (Am 153762 Sept. 2, 1982) Procedure to establish and maintain a home occupation:

(1) Permits for home occupations shall be issued by the Bureau of Buildings and shall be valid for a period of two years only. It shall be the responsibility of the applicant to apply for a permit every two years. Before re-issuance of a permit, the Bureau of Buildings shall review the home occupation for compliance with the requirements of this title. A permit for a home occupation may be revoked at any time if the requirements of this title are not being met. A fee shall be charged for a home occupation permit in accordance with the provisions of Title 24;

(2) No permit shall be issued by the Bureau of Buildings until or unless the applicant shall have received the favorable approval, as indicated by signatures on the authorized application form, of owners or contract purchasers of not less than fifty percent of all property in the area bounded by lines one hundred feet, excluding street widths, from and parallel to the boundary lines of the lot proposed to contain each home occupation. Area of any property owned or occupied by the applicant shall be excluded in computing required percentage of approval;

(3) If, in the opinion of the applicant, the Bureau of Buildings has acted arbitrarily and capriciously in withholding or revoking a permit for a home occupation, he may request an interpretation of this title by the City Planning Commission as provided in Section 33.114.030. In such cases the dwelling or accessory building to be devoted to a home occupation shall be open for inspection to the staff of the City of Portland Bureau of Planning on any day between eight a.m. and ten p.m.;

(4) The Bureau of Licenses shall not issue a business license or accept payment of the fee until an occupancy permit for a home occupation is issued by the Bureau of Buildings.

33.18.180 Type 2: Accessory rental unit. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Allow a rental unit to be added to an existing single family dwelling if the following requirements are met:

(1) The house must have at least 2,000 sq. ft. of gross floor area, exclusive of garage space.

(2) The new apartment may be created only through internal conversion of the housing unit. Garage space may not be converted.

(3) No additions of floor space may have been made to the housing unit in the preceding five years.

(4) The new rental unit may not occupy more than 25% of the house's floor area.

(5) Only one entrance to the house shall be visible from the front yard.

(6) The aggregate number of persons that may occupy the added rental unit and the remaining house is limited to the number allowed for the house without the rental unit (one "family" as defined in Section 33.12.510).

(7) An accessory rental unit may not be added where a home occupation is already located on the premises.

(8) The house to which an accessory rental unit is to be added must be owner-occupied and have been owner-occupied by the current owner-occupant for the 12 calendar months preceding the date of application.

Conditional Uses

33.18.240 Uses permitted. (Amended 139117, 139702, 141105, 150581; 153327 and 153330 effective July 5, 1982.) In an FF Zone, the following uses may be permitted subject to the regulations contained in Section 33.18.250 to 33.18.280 and Chapter 33.79 and under the authority and according to the procedure specified in Chapter 33.106.

(1) Cemeteries;

(2) Crematories, mausoleums and columbariums;

(3) Excavations and fillings;

(4) Kennels;

(5) Public and private parks, recreation areas, golf courses, country clubs and grounds for games and sports;

(6) Planned unit developments;

(7) Private helistops;

(8) Public utility structures and lines which are essential to the functioning and servicing of area residents;

(9) Radio and television transmitter and tower;

(10) Railroad rights-of-way and passenger stations;

(11) Riding academies;

(12) Mass transit waiting stations or turnarounds;

(13) Natural resources, development of;

(14) Development of lands adjacent to water features as defined in 33.18.030 (4).

33.18.250 Regulations. (Amended 139117, 139702, 141105; and 153330 effective July 5, 1982.) (1) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time for approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving conditional use, then the regulations governing principal uses in this chapter and title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in chapters 33.82, 33.86, and 33.90.

(2) All applications for conditional use permits, except applications for conditional uses of less than two acres or for development of natural resources, shall include a development plan containing:

(a) An analysis of impacts on air quality, water quality, noise, erosion, drainageways, vegetation, fish and wildlife habitats, traffic and parking.

(b) Plans pertaining to the following subjects:

A. Erosion and drainage control

B. Vegetation removal and revegetation

C. Fish and wildlife habitat protection

D. Parking and circulation

(3) In deciding whether to approve a conditional use application, the Hearings Officer, or Council on appeal, shall consider the following:

(a) The impact on surrounding properties.

(b) The adequacy of impact mitigating measures.

(c) The impact on fish and wildlife habitats.

(d) The compatibility of the proposal with the City's Arterial Streets Classification Policies.

(4) The Hearings Officer, or Council on appeal, may require further information or impose additional conditions as deemed appropriate to protect the public interest and surrounding properties.

33.18.260 Development of lands adjacent to water features as defined in Section 33.18.030 (4). (Added 153330 effective July 5, 1982.) Regulations for development of lands adjacent to water features shall be as follows:

(1) The applicant shall demonstrate a need for such development and that the development complies with recommendations of any affected drainage district; provide an evaluation of the effect on flood flow and level, water quality, erosion, siltation, vegetation and fish and wildlife habitats; and state what measures are proposed to mitigate adverse effects.

(2) In deciding whether to approve the conditional use application the Hearings Officer, or Council on appeal, shall consider the need for the project, the potential adverse effects of the project and the adequacy of measures to mitigate those adverse effects.

33.18.280 Natural resources, development of. (Added 153327 effective July 5, 1982.) Regulations for resource extraction are as follows: (1) The applicant for a conditional use permit for resource extraction shall submit a development plan which shall address the following items: Area to be mined, method of mining and equipment to be used; timeline of operations, hours of operation; access routes and amount of traffic expected. The development plan shall also address and specify impacts on air quality, noise, water quality, erosion, drainageways, vegetation, fish and wildlife habitats, and recreational opportunities.

(2) The applicant for a conditional use permit for resource extraction, shall submit a reclamation plan which specifically addresses the following items: Area to be reclaimed, timeline for reclamation, vegetation, drainage, final topography, potentially hazardous areas that might remain and a future use plan.

(3) In deciding whether to approve a conditional use for resource extraction, the Hearings Officer, or Council on appeal, shall consider the following:

(a) The impact on the character of surrounding properties.

(b) The adequacy of measures to limit adverse impacts identified in the development plan.

(c) The City's recreation and open space needs.

(d) The impact of the proposal on identified fish and wildlife habitats.

(e) The ability of the reclamation plan to assure the appropriate future re-use of the land once mining operations have ceased.

(4) The Hearings Officer, or Council on appeal, may require further information or impose additional conditions as deemed appropriate to protect the public interest and surrounding properties.

33.18.500 Prohibited uses. (1) Uses or structures not specifically mentioned in this chapter are prohibited in FF Zones.

(2) The use of trailer houses as residences is prohibited in FF Zones.

R20 ONE FAMILY RESIDENTIAL ZONE

Chapter 33.20

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33.20.490 Welfare institutions.
33.20.495 Development of lands adjacent to water features as defined in Section 33.20.115.
33.20.500 Prohibited uses.

33.20.010 Generally. In all R20 Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement or moving of existing structures shall conform in all respects to the regulations in this chapter.

33.20.015 Purpose. (Added by Ord. No. 150581 effective Jan. 1, 1981.) To limit development to very low densities in areas where existing public facilities do not meet the capacity requirements of more intense development, and where such increased capacity will not be provided in the foreseeable future or must be phased into place over time.

Principal Uses

33.20.020 Uses permited. In an R20 Zone, the following uses are permitted:

(1) One family dwelling;

(2) Farming and truck gardening. Produce sold shall be limited to that grown on the premises;

(3) Keeping such animals and fowls as are incidental to residential or farming use and in accordance with health and sanitation regulations.

(4) (Add 155589 ef Mar. 12, 1984) Residential homes.

33.20.030 Off-street parking required. (Amended 151344 April 1, 1981.) (a) One off-street parking space per dwelling unit shall be provided and maintained on the same lot except in the case of flag lots (minimum parking requirements for flag lots are listed in section 33.88.040).

(b) Such space shall be accessible to a public street or alley.

(c) Such space shall be at least one hundred and sixty square feet in area.

(d) Such space shall not be located in the required front yard, but it may be located in the required side or rear yard, if not within a garage, carport, or other structure.

(e) Such space shall be available for the parking of operable passenger automobiles only.

(f) Such space shall not be rented by the day or part thereof.

(g) Such space, if uncovered, shall be paved in accordance with the provisions of the building regulations.

(h) The provision and maintenance of off-street parking space is a continuing obligation of the property owner.

(i) A plan, drawn to scale, indicating how the off-street parking requirement is to be fulfilled, shall accompany the request for a building or occupancy permit.

(j) Such space shall be improved and made available for use before the issuance of a certificate of final inspection by the bureau of buildings.

(k) Additional parking spaces provided on the premises shall be regulated as specified in subsections (d), (f), and (g) above.

(l) In an R20 Zone, no overnight parking of trucks or other equipment on wheels or tracks exceeding one-half ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming and truck gardening on the premises.

33.20.040 Off-street loading. No off-street loading berths are required of principal uses in R20 Zones.

33.20.050 Lot size required.

(a) (Amended 151344 April 1, 1981) The minimum lot area shall be twenty thousand square feet per dwelling unit, (there are special regulations governing computation of lot area for flag lots listed in section 33.88.020).

(b) The minimum lot width shall be eighty feet.

(c) (Amended 151344 April 1, 1981.) The minimum lot depth shall be one hundred twenty feet except in the case of flag lots (regulations governing minimum lot depths for flag lots are listed in section 33.88.020).

(d) (Amended by Ord. No. 144717 passed and effective Nov. 10, 1977.) No lot, tract, or parcel of land shall be reduced by transfer of ownership, immediate or future, in area, width, or depth to less than stated in subsections (a), (b) and (c) above unless approved as provided in Chapter 33.98.

(e) (Amended by Ord. No. 132825; and 148102 passed July 12, effective Aug. 13, 1979.) In no case shall there be more than one main dwelling and its accessory buildings constructed on one lot unless such lot comprises two or more platted lots in a previously approved and recorded subdivision or parcels in a previously approved and recorded major or minor partition, and unless each such platted lot or parcel meets the minimum requirements of (a), (b), (c) and (d) above.

(f) (Amended by Ord. No. 134366, 139117, 139702, 141105; and 148873 passed and effective Dec. 13, 1979.) No dwelling shall be built or moved onto a lot not abutting a public street. Modification of this provision may be granted with procedure set forth in Sections 33.98.020 to 33.98.035 and more particularly Section 33.98.025(b) of this title, the reference to 33.98.010 notwithstanding.

(g) (Amended by Ord. No. 131818, 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) On a platted lot located in a subdivision plat duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, and held in ownership different from the ownership on any abutting lot, a one family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) in this section; provided, however, that no construction of a one family dwelling shall be permitted upon a lot with dimensions less than fourteen thousand square feet in area, seventy feet in width, and one hundred twenty feet in depth, unless approved as provided in Chapter 33.98.

33.20.060 Maximum lot coverage. The ground area covered by all buildings, including accessory buildings, shall not exceed twenty-five percent of the lot area.

33.20.070 Minimum floor area permitted. There shall be no limitation except as regulated by the room size requirements for one family dwellings in the housing regulations.

33.20.080 Maximum height permitted. (a) No structure shall exceed two and one-half stories, or thirty-five feet in height.

(b) On any lot, sloping downhill from the street which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more, measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the thirty-five foot height limit.

33.20.090 Minimum front yards.* (Amended 151344 April 1, 1981.) (a) There shall be a front yard of not less than thirty feet except in the case of flag lots (yard regulations for flag lots are listed in section 33.88.030), and where lots comprising forty percent or more of the frontage, excluding reverse corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth. In such cases the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

(b) Where a lot is situated between two lots, each of which has a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line, and has been so maintained since October 12, 1964, the front yard requirements on such lot may be the average of the front yards of the existing buildings.

(c) Where a lot adjoins only one lot having a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since October 12, 1964, the front yard requirements on such lot may be the average of the front yard of the existing building and the established front yard line.

(d) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and located on that side which has not yet been dedicated or condemned unless the yards provided on such lot include both that portion of the lot lying within the future street and the required yards.

(e) On corner lots, the front yard along the long dimension of the lot may be reduced to twenty feet. In case of a square lot or lot having equal frontage on two intersecting streets, one front yard may be reduced to twenty feet providing the other front yard is at least thirty feet.

33.20.100 Minimum side yard.* (Amended 150581; and 151344 April 1, 1981.) There shall be a minimum side yard on each side of any main building of ten feet, except in the case of flag lots (Regulations governing yards for flag lots are listed in section 33.88.030) and as provided for in subsections (b) and (c) of this section.

(b) Where an entire frontage is designed and constructed as a unit, the required width of side yards with respect to lot lines may be varied providing the distance between adjoining buildings equals the total combined width of two adjoining required side yards. This total combined width shall not thereafter be reduced by enlargement of either adjoining building.

(c) Construction of attached dwelling units having a common wall on a common property line is allowed if the following requirements are met:

(1) No dwelling may have more than one common wall.

(2) Each dwelling must be placed on a lot that meets all other requirements of the zone, i.e., width, depth and total area.

(3) Each dwelling must have one side yard at least twenty feet in width.

33.20.110 Minimum rear yard.* (Amended 151344 April 1, 1981.) There shall be a minimum rear yard of ten feet except in the case of flag lots (Regulations governing minimum yards for flag lots are listed in section 33.88.030).

*See Chapter 33.90 for additional regulations.

*See Chapter 33.90 for additional regulations.

33.20.115 Development adjacent to watercourses and water bodies. (Added 153329 effective July 5, 1982.) (1) Development shall be restricted within the following areas: (a) Between the ordinary high water line and twenty-five feet back of the top of the bank of watercourses and water bodies such as rivers, lakes, ponds, sloughs or wetlands, as shown on the City of Portland Water Features Map.

(b) Within twenty-five feet of the centerline of watercourses such as streams, creeks and drainageways draining thirty acres or more as shown on the City of Portland Water Features Map.

(2) Within the restricted areas the provisions of Section 33.22.115 (2) through (8) shall apply.

33.20.120 Signs permitted. (Amended 153373 of July 17, 1982) All signs permitted in this residential zone shall be either wall signs or freestanding signs. Wall signs shall be located on the first story of a building and no sign shall be located above the roofline. Freestanding signs shall not exceed a height of four feet unless otherwise specified, and must be located wholly on private property. All signs shall be non-illuminated or indirectly illuminated. Rotating, flashing, animated and electronic information signs are prohibited in this zone.

1. Each dwelling is permitted the following signs: (a) One identification sign not to exceed three-quarters of a square foot in area. Such sign shall be placed flat against the building and not above the roofline. In instances where building-mounted signs are not distinctly visible from a public right-of-way, then such sign may be affixed to a permanent structure at the primary entranceway to such property at a height not to exceed four feet.

(b) One real estate sign, not to exceed four square feet in area and six and one-half feet in height, which advertises the sale or rent of the dwelling until the dwelling is sold or rented. Corner lots are permitted two such signs, one on each street frontage.

(c) Building numbers shall be exempt from regulation herein and shall be located as required in Chapter 17.92 of the City Code.

(d) A minimum number of required off-premise directional signs are permitted for the purpose of directing traffic to an open house for rent, lease or sale of real or personal property while an agent is on the premises. Such sign may only be erected or displayed for the period of time the house is open and shall be subject to all other regulations of temporary signs. Such sign shall not exceed four feet in height nor twelve square feet in sign area.

2. Each tract development is permitted the following signs requiring permits:

(a) Two permanent signs identifying the tract development of a housing project, each sign not to exceed twenty square feet in area.

3. Conditional Uses — (see Section 33.20.240 for permitted uses) — The following signs require permits: (a) Each authorized conditional use shall, as a matter of right, be permitted one sign not to exceed twenty square feet in area nor ten feet in height. Churches are permitted a bulletin board in addition but the combined area of all signs shall not exceed thirty square feet.

(b) If additional signing is desired, such sign(s) must be approved with the application for a conditional use.

(c) Signs which do not conform to provisions (a) or (b) may be approved under the conditional use procedure and criteria for sign approval outlined in Section 33.106 of this code.

4. Nonconforming Uses. Sign regulations for nonconforming uses are listed in Section 33.94.020(f) of this title.

Transitional Uses

33.20.130 Uses permitted. (Amended by Ord. No. 137307, 141161, 142240; and 150581 effective Jan. 1, 1981.) On a lot or portion of a lot, not exceeding one hundred feet in width, where the side of such lot abuts a C3, C2, C1, M3, M2 or M1 zone, a two-family dwelling is permitted.

33.20.140 Lot size required. (Added by Ord. No. 141161 passed Jan. 15, effective July 15, 1976.) The minimum lot area shall be ten thousand square feet per dwelling unit.

33.20.145 Other regulations. (Renumbered and amended by Ord. No. 141161 passed Jan. 15, effective July 15, 1976.) Parking, lot size, yards, and all other regulations applicable to principal uses in R20 zones shall apply.

Accessory Buildings and Uses

33.20.150 Generally. No separate permit shall be issued for the construction of any type of accessory building prior to that of the main dwelling.

33.20.160 Height. No accessory building, except agricultural buildings, shall exceed two stories in height.

33.20.170 Classification. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Accessory buildings and uses permitted in R20 zones shall be divided into types as follows:

Type 1: Garage, carport, pergola, private greenhouse or other similar structure related to dwellings in design, whether attached or detached.

Type 2: A guest house, servant's house, caretaker's quarters or any such accessory building used for dwelling purposes.

Type 3: Woodshed, toolshed, chicken house, rabbit hutch, barns, silos and other such outbuildings of utilitarian character and use, not necessarily related in design to the dwelling.

Type 4: Moorage for private pleasure boats.

Type 5: Swimming pool, tennis court, or other type of home-recreation facility.

Type 6: Home occupations.

Type 7: Accessory rental unit.

33.20.180 Type 1. In R20 Zone, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 1 classification shall comply with the following:

(1) No Type 1 accessory building, except a garage on sloping ground (see subdivision (6)), shall be located closer to the street lot line than thirty (30) feet, except that on a corner lot, the yard along the nonentrance side of a garage can be reduced to the yard requirements for the main building. No driveway entrance shall be located less than twenty-five feet from the corner of a lot where two streets intersect;

(2) No accessory building shall be located less than twenty-five feet from the corner of a lot where two streets intersect;

(3) Under the following conditions, any one story Type 1 accessory building may be built adjacent to or on a rear and/or side lot line:

A. If an attached accessory building is located forty feet or more from the front lot line,

B. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line; provided, however, a one story detached garage legally erected along or adjacent to said lot line before March 4, 1948, may be extended in length not more than four feet with same type of construction as the existing garage if the number of cars to be accommodated is not increased;

(4) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (3), it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and in compliance with (3)A and (3)B;

(5) Any Type 1 accessory building, attached or detached, if more than one story, shall not be built up to either side and/or rear lot lines, and shall be subject to the regulations for lot coverage, yards, courts and setback of a dwelling;

(6) When a detached or attached garage is constructed on a lot sloping downward from a street, the average elevation of the lot being not less than ten feet below the sidewalk level, the front wall of the garage need not set back farther from the street lot line than the average contour elevation line of the lot which is five feet below the sidewalk elevation. However, in no case shall the front wall of the garage be closer to the street lot line than five feet. Such garage shall not exceed a height of ten feet above the adjacent sidewalk level within the required front yard for the main building; encroach upon the required yard of any building on the same lot, unless it is built up to the side lot line and complies with subdivision (3);

(7) The ground area covered by all Type 1 accessory buildings on the same lot shall not exceed ten percent of the lot area.

33.20.190 Type 2. In R20 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 2 classification shall comply with the following:

(1) No Type 2 accessory building shall be built on a lot less than twenty five thousand square feet in area;

(2) If located to the rear of the main dwelling, a Type 2 accessory building shall be separated from the main dwelling by at least sixty feet;

(3) Type 2 accessory buildings shall conform in location on the lot to side, rear, and front yard regulations for principal uses.

33.20.200 Type 3. In R20 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 3 classification shall comply with the following:

(1) No Type 3 accessory building shall be located closer than forty feet to a street lot line;

(2) Such outbuilding shall not encroach upon a required yard of another building on the same lot. The distance from any such outbuilding to a rear or side lot line shall be the same as for a detached garage of the same size;

(3) The combined area of all Type 3 accessory buildings on the same lot or property shall not exceed in ground area one-twentieth of the area of the lot on which such buildings are situated;

(4) An outbuilding used for keeping chickens, pigeons, rabbits, goats, or other animals, in addition to complying with the building regulations and health and sanitation regulations, shall not be located within fifty feet of any dwelling;

(5) If built higher than thirty feet, barns, silos, and other agricultural buildings shall be located as far from any lot line as the height of the structure.

33.20.210 Type 4. In R20 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 4 classification shall comply with the following:

(1) Any structure shall be located five feet or more from side lot lines;

(2) Covered structures shall be located adjacent to the natural shore line;

(3) Covered structures shall not occupy more than fifty percent of the width of the lot at the natural shore line;

(4) Any boat using such moorage shall not be used as a place of residence when so moored.

33.20.220 Type 5. In R20 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 5 classification shall comply with the following:

(1) Where a Type 5 accessory use contains a building, or is contained within a building, said building, whether attached or detached, shall not be located closer to any lot line than that distance required of the principal use;

(2) Under the following conditions, any Type 5 accessory building may be built adjacent to or on a rear and/or side lot line if the wall along or adjacent to such rear and/or side lot line is of masonry not less than eight inches in thickness for its full length and width and for the full height of such accessory building:

A. If a detached accessory building is located ten or more feet to the rear of the main building,

B. If an attached accessory building is located forty feet or more from the front lot line,

C. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line than permitted in (a) or (b) above;

(3) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (2), it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes;

(4) No swimming pool shall be located closer than three feet to any property line nor closer than three feet to any wall or fence.

33.20.230 Type 6. In R20 Zones home occupations shall be permitted only subject to the regulations contained in Section 33.26.230.

33.20.235 Type 7: Accessory rental unit. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Allow a rental unit to be added to an existing single family dwelling if the following requirements are met:

(1) The house must have at least 2,000 sq. ft. of gross floor area, exclusive of garage space.

(2) The new apartment may be created only through internal conversion of the housing unit. Garage space may not be converted.

(3) No additions of floor space may have been made to the housing unit in the preceding five years.

(4) The new rental unit may not occupy more than 25% of the house's floor area.

(5) Only one entrance to the house shall be visible from the front yard.

(6) The aggregate number of persons that may occupy the added rental unit and the remaining house is limited to the number allowed for the house without the rental unit (one "family" as defined in Section 33.12.310).

(7) An accessory rental unit may not be added where a home occupation is already located on the premises.

(8) The house to which an accessory rental unit is to be added must be owner-occupied and have been owner-occupied by the current owner-occupant for the 12 calendar months preceding the date of application.

Conditional Uses

33.20.240 Uses Permitted. (Amended 132825, 138936, 140290, 148244, 150581, 151344; and 153329 effective July 5, 1982.) In an R20 zone the following conditional use may be permitted subject to the regulations contained in Sections 33.20.250 - 33.20.495 and Chapter 33.79 and under authority and according to the procedure specified in Chapter 33.106, except the conditional uses permitted on flag lots shall be limited to those listed in Section 33.88.070:

(1) Aircraft landing area or private helistop;

(2) Cemeteries;

(3) Churches;

(4) Residential buildings accessory to churches;

(5) Colleges;

(6) Community clubs;

(7) Crematories, mausoleums and columbariums;

(8) Excavations and filling;

(9) Golf courses, other country clubs and athletic clubs;

(10) Governmental structures and land uses (local, state or federal) which are essential to the functioning and servicing of residential neighborhoods;

(11) Greenhouses, nurseries, or other propagation of plants and their products for sale;

(12) Homes, convalescent;

(13) Hospitals, general;

(14) Hospitals, mental, remedial or detention;

(15) Uses or buildings accessory to hospitals;

(16) Libraries;

(17) Mass transit waiting stations or turnarounds;

(18) Museums;

(19) Natural resources, development of;

(20) Parks, public;

(21) Planned Unit Developments;

(22) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods;

(23) Radio and television transmitters;

(24) Railroad rights-of-way and passenger stations;

(25) Residential care facilities;

(26) Riding academies;

(27) Schools, nursery;

(28) Schools, parochial or private;

(29) Schools, public

(30) Tract development and sales;

(31) Unit ownership or condominium projects;

(32) Welfare institutions.

(33) Development of lands adjacent to water features as defined in 33.20.115.

33.20.250 Regulations. (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

33.20.260 Apartment project or unit development. (Repealed by Ord. No. 148546 passed and effective Oct. 4, 1979.)

33.20.270 Churches. Regulations for churches shall be as follows: (1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: Hereafter, no church shall be established on a site of less than twenty thousand square feet in area. Churches existing on a site less than twenty thousand square feet may be enlarged provided such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5) below, and provided further that the off-street parking requirements shall be met;

(3) Maximum site coverage: Area covered by all buildings shall not exceed twenty-five percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height, thirty feet,

For buildings forty-five feet and higher in height, forty-five feet;

(5) Minimum side or rear yard: The minimum side or rear yard for buildings under fifteen feet in height shall be twenty feet. For buildings fifteen feet and higher the minimum side or rear yard shall be twenty feet plus five feet for each additional ten feet of height over fifteen feet:

(6) (Amended 153373 effective July 17, 1982) Signs permitted: One sign not to exceed seven feet in length nor twenty square feet in area and one church bulletin board, but the combined area of both sign and bulletin board shall not exceed thirty square feet. Neither sign nor bulletin board shall extend above the building height nor over the sidewalk and each must be located on the property of the church. Any illumination shall be indirect and non-flashing.

33.20.280 Residential buildings accessory to churches. Regulations for residential buildings accessory to churches shall be as follows:

(1) Off-street parking required: In addition to spaces required for the church, one space shall be provided for each ten persons residing in such building;

(2) Site area: In addition to required site area for church buildings, a minimum of five thousand square feet shall be provided for each ten persons residing in accessory residential buildings.

33.20.290 Colleges. Regulations for colleges shall be as follows:

(1) Off-street parking required: One space per ten seats in classrooms. In addition, one space per five students housed on the campus in dormitories, fraternities, or sororities shall be

provided;

(2) Minimum front yard: Fifty feet;

(3) Minimum side or rear yard: No classroom, laboratory, stadium, or other main building shall be erected closer than one hundred feet to any side or rear lot line. The side and rear yards for dormitories, fraternities, and sororities on the campus shall not be less than thirty feet for a one story building plus five feet for each additional story.

33.20.300 Community clubs. Regulations for community clubs shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: Hereafter no community club shall be established on a site of less than twenty thousand square feet in area. Community clubs existing on smaller sites may be enlarged but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargements shall not reduce the widths of yards or increase the building coverage specified in subdivisions (3), (4) and (5) below;

(3) Maximum site coverage: Area covered by all buildings shall not exceed twenty-five percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height, thirty feet,

For buildings forty-five feet and higher in height, forty-five feet;

(5) Minimum side or rear yard: The minimum side or rear yard for buildings under fifteen feet in height shall be twenty feet. For buildings fifteen feet and higher, the minimum side or rear yard shall be twenty feet plus five feet for each additional ten feet of height over fifteen feet.

33.20.310 Conversions to two family use. (Repealed by Ord. No. 150581 effective Jan. 1, 1981.)

33.20.320 Excavating or filling. Excavating or filling as defined in this title shall be regulated as a conditional use.

33.20.330 Golf courses, other country clubs and athletic clubs. Regulations for golf courses, other country clubs and athletic clubs shall be as follows:

(1) Minimum side or rear yards: Club houses, swimming pools, stadiums, and any other structure dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R or A Zone;

(2) Miniature golf courses and golf driving ranges are prohibited in R20 Zones. Such uses are classified as commercial uses and are permitted only in C2 and M Zones;

(3) Quarters for animals shall be located at least two hundred feet from any property line bordering or within an R or A Zone.

33.20.340 Convalescent home. Regulations for a convalescent home shall be as follows:

(1) Classification: Homes having a capacity of ten or fewer patient beds are classed as small; eleven to twenty beds, medium; over twenty beds, large;

(2) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per five beds except for large homes, one space per three beds;

(3) Off-street loading: Large convalescent homes shall provide one berth;

(4) Minimum lot area: Two thousand square feet per bed;

(5) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(6) Minimum front yard:

Small or medium homes forty feet provided, however, that where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

Large homes fifty feet;

(7) Minimum side or rear yards:

Small homes	10 feet
Medium homes	15 feet
Large homes	20 feet

for a one story building plus five feet for each additional story.

33.20.350 General hospitals. Regulations for general hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any general hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum site area:

A. No hospital shall be established on a site of less than one acre in area,

B. At least twenty-five hundred square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four

hundred feet away from property lines bounding the project;

(5) Minimum front yard: Fifty feet;

(6) Minimum side or rear yard: Fifty feet.

(7) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Area covered by all buildings including accessory buildings shall not exceed twenty-five percent of the site area.

(8) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

33.20.360 Mental, remedial or detention hospitals. Regulations for mental, remedial, or detention hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any mental, remedial, or detention hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the following table:

Square Feet of Floor Area		Loading Berths Required
5,000 -	39,999	1
40,000 -	99,999	2
100,000 -	159,999	3
160,000 -	239,999	4
240,000 -	319,999	5
320,000 -	399,999	6
400,000 -	489,999	7
490,000 -	579,999	8
580,000 -	669,999	9
670,000 -	759,999	10
760,000 -	849,999	11
850,000 -	939,999	12
940,000 -	1,029,999	13
Over -	1,030,000	14

(3) Minimum site area:

A. No hospital shall be established on a site of less than ten acres in area,

B. At least three thousand square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from the property lines bounding the project;

(5) Minimum front yard: Fifty feet;

(6) Minimum side or rear yard: Fifty feet;

(7) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including accessory buildings shall not exceed twenty-five percent of the site area.

(8) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

33.20.370 (Amended by Ord. No. 140290 passed and effective July 24, 1975.) **Uses or buildings accessory to hospitals.** Regulations for uses or buildings accessory to hospitals shall be as follows: (a) General regulations.

(1) The site of any accessory use or building shall be in the same ownership as the hospital to which it is an accessory unless a restriction is placed upon the property occupied by the accessory use or building and recorded in the appropriate county records at the expense of the applicant, using forms prescribed for that purpose obtainable from the office of the planning commission.

Upon submission of satisfactory evidence either that the accessory building will be removed or that the proposed use of the accessory building will not be in conflict with the zoning in which it is located and that it will not alter the parking, site coverage, density and floor area of the hospital as permitted within a project area, the restriction upon the property shall be removed. A copy of said restriction removal shall be made available to the owner of said property for the purpose of recordation.

(2) The accessory use or building shall be located on the hospital site or on a separate site, the nearest portion of which is not more than one hundred feet removed from the hospital site to which it is an accessory.

(3) The accessory use or building, if located on a separate site, shall be restricted to a location abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

(4) Maximum height: Two and one-half stories or thirty-five feet, whichever is less, except there shall be no limit on buildings more

than four hundred feet away from property lines bounding the project.

(5) Minimum front yard: Fifty feet.

(6) Minimum side or rear yard: Fifty feet.

(7) Maximum site coverage: Area covered by all buildings shall not exceed twenty-five percent of the site area if located on a separate site from the hospital to which it is an accessory. (See also Section 33.106.010.)

(b) Offices and/or clinics of physicians for private medical practice.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per each two hundred fifty square feet of gross floor area of any area assigned to such use.

(c) Parking garages.

(d) Residential facilities for staff, including nurses' homes, interns' quarters and other residential buildings.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided for each five persons residing in such building.

(2) Site area: In addition to required site area for hospitals, a minimum of twenty thousand square feet shall be provided for each ten persons residing in such accessory building.

(e) Retail facilities for the needs of the patient including gift shop, barber shop, book store, beauty shop, coffee shop, drug store or pharmacy, and other similar uses.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space per each two employees of such shop or store provided such employee has not been included as a hospital employee.

(2) Such use shall be conducted entirely within the hospital buildings to which it is accessory except that a coffee shop may have an outdoor dining area provided such area is screened so that it is not visible from a public street or another property.

(3) Such use shall have pedestrian access only through an interior hall or lobby of the building wherein situated.

(4) (4 repealed, 5 renumbered 153373 effective July 17, 1982) The floor area devoted to all such uses within a main building or buildings shall not exceed ten percent of the gross floor area of such main building or buildings.

(f) Training facilities including school of nursing and other types of training facilities.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per ten seats in classrooms provided students have not been included as hospital employees.

33.20.380 Libraries. Regulations for libraries shall be as follows: (1) Off-street parking required: One space per four hundred square feet of reading room area;

(2) Site area: Hereafter, no library shall be established on a site of less than twenty thousand square feet in area. Libraries existing on a site less than twenty thousand square feet may be enlarged, but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5);

(3) Maximum site coverage: Area covered by all buildings shall not exceed twenty-five percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height, thirty feet,

For buildings forty-five feet and higher in height, forty-five feet;

(5) Minimum side or rear yard: The minimum side or rear yard for buildings under fifteen feet in height shall be twenty feet. For buildings fifteen feet and higher, the minimum side or rear yard shall be twenty feet plus five feet for each additional ten feet of height over fifteen feet.

33.20.390 Museums. Regulations for museums shall be as follows:

(1) Site area: Hereafter, no museum shall be established on a site of less than twenty thousand square feet in area. Museums existing on a site less than twenty thousand square feet may be enlarged, but in no case more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (2), (3) and (4);

(2) Maximum site coverage: Area covered by all buildings shall not exceed twenty-five percent of the site area;

(3) Minimum front yard:

For buildings under forty-five feet in height, thirty feet,

For buildings forty-five feet and higher in height, forty-five feet;

(4) Minimum side or rear yard: The minimum side or rear yard for buildings under fifteen feet in height shall be twenty feet. For buildings fifteen feet and higher, the minimum side or rear yard shall be twenty feet plus five feet for each additional ten feet of height over fifteen feet.

33.20.395 Natural resources, development of. (Added 153327 effective July 5, 1982.) Regulations for resource extraction are listed in Section 33.18.280.

33.20.400 Private helistop. A private helistop may be permitted only in connection with a principal or conditional use, on premises of five acres or more in area. Any such private helistop shall be subject to the additional regulations contained in Chapter 33.78.

33.20.410 Public parks. Regulations for public parks shall be as follows:

Minimum side or rear yards: Community centers, swimming pools, stadiums and buildings or portions of buildings containing concessions dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R or A Zone.

33.20.420 Public utility structures. Exempted from these regulations are underground pipes and conduits and aboveground electric transmission, distribution, communication and signal lines on a single pole system. All other transmission and public utility structures, such as double poles and steel towers for transmission lines, substations, automatic telephone exchanges, relay stations, pumping stations and treatment plants shall be regulated as conditional uses.

33.20.430 Railroad right-of-way and passenger stations. Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated as conditional uses. All other railroad facilities, such as switching yards, holding tracks, team tracks, freight depots, shops and roundhouses are prohibited in R20 Zones.

33.20.440 Nursery schools. Regulations for nursery schools shall be as follows:

(1) Off-street parking required: One space per teacher in schools having four or more teachers;

(2) Off-street loading required: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having four or more teachers. Such driveway shall be paved with material as specified in the building regulations;

(3) Outdoor play area: An outdoor play area shall be provided and thereafter maintained with a minimum area of one hundred square feet per child of total enrollment capacity of the school. Screening shall be provided separating such play area from abutting lots. Such screen shall be at least four feet but not more than six feet high and shall be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge.

33.20.450 Private or parochial elementary and public primary schools. Regulations for private or parochial elementary and public primary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium, or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms on:	Maximum Number of Classrooms Per Acre
60 percent or more vacant	One floor	3.0
60 percent or more vacant	Two floors	3.0
Less than 60 percent vacant	One floor	4.0
Less than 60 percent vacant	Two floors	4.5

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area provided such space is made available by agreement with the bureau of parks;

(3) Minimum front yard: Fifty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet in height	40 feet
For buildings 15 to 24 feet in height	40 feet
For buildings 25 to 34 feet in height	50 feet
For buildings 35 to 44 feet in height	50 feet

33.20.460 Public elementary schools. Regulations for public elementary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms on:	Maximum Number of Classrooms Per Acre
60 percent or more vacant	One floor	2.5
60 percent or more vacant	Two floors	2.5
Less than 60 percent vacant	One floor	3.5
Less than 60 percent vacant	Two floors	4.0

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area provided such space is made available by agreement with the bureau of parks;

(3) Minimum front yard: Fifty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet in height	40 feet
For buildings 15 to 24 feet in height	40 feet
For buildings 25 to 34 feet in height	50 feet
For buildings 35 to 44 feet in height	50 feet

33.20.470 Private, parochial or public high schools. Regulations for private, parochial or public high schools shall be as follows:

(1) Off-street parking required: One space per fifty-six square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per eight seats or sixteen feet of bench length in the main auditorium;

(2) Minimum front yard: Fifty feet;

(3) Minimum side or rear yard:

For buildings under 15 feet in height	40 feet
For buildings 15 to 24 feet in height	40 feet
For buildings 25 to 34 feet in height	50 feet
For buildings 35 to 44 feet in height	50 feet

33.20.475 Residential care facilities. (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) Regulations for residential care facilities shall be:

(1) Minimum lot size. A. The minimum lot area shall be twenty thousand square feet per facility;

B. The minimum lot width shall be eighty feet;

C. The minimum lot depth shall be one-hundred twenty feet.

(2) Minimum on-site open space: A. Two hundred square feet for each resident served under the age of twelve years;

B. Three hundred square feet for each resident served twelve years through seventeen years of age;

C. One-hundred fifty square feet for each resident served eighteen years of age or older.

(3) Minimum off-street parking. One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility.

(4) Valid certificate of review (license to operate) issued under Chapter 8.80 of the Municipal Code.

33.20.480 Tract development and sales. (Amended 139117; and 153373 effective July 17, 1982) Regulations for tract development and sales shall be as follows:

1. Temporary buildings, such as offices, tool sheds or similar structures, used in connection with tract development and sales, may be permitted provided such use may not continue more than three years, at which time such temporary structures will be removed.

2. Each tract development is permitted the following signs: (a) Two permanent signs identifying the tract development of a housing project, each sign not to exceed twenty square feet in area and requiring permits.

(b) Two temporary signs used in conjunction with tract development and sales may be permitted until the conclusion of period of construction only. Such signs may not exceed thirty-two square feet each in area nor six feet in height.

33.20.485 Unit ownership or condominium project. (Added by Ord. No. 132825 passed and effective June 10, 1971.) Regulations for unit ownership or condominium project shall be as follows:

(1) Development or use shall consist of dwellings compatible with use and development in the adjacent area, and suitable to the topography of the land;

(2) Development of roadways shall be in accordance with requirements of the City Engineer;

(3) The entire site as developed shall be restricted as to changes or dissolution of unit ownership, as found appropriate in the interest of the neighborhood and the public.

33.20.490 Welfare institutions. Regulations for welfare institutions shall be as follows:

(1) Off-street parking: One space per five beds for patients or inmates;

(2) Off-street loading: For any welfare institution of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area		Loading Berths Required
5,000 -	39,999	1
40,000 -	99,999	2
100,000 -	159,999	3
160,000 -	239,999	4
240,000 -	319,999	5
320,000 -	399,999	6
400,000 -	489,999	7
490,000 -	579,999	8
580,000 -	669,999	9
670,000 -	759,999	10
760,000 -	849,999	11
850,000 -	939,999	12
940,000 -	1,029,999	13
Over -	1,030,000	14

(3) Minimum site area: No institution shall be established on a site of less than one acre in area;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Fifty feet;

(6) Minimum side or rear yard: Fifty feet.

33.20.495 Development of lands adjacent to water features as defined in Section 33.20.115. (Added 153329 effective July 5, 1982.) Regulations for development of lands adjacent to water features shall be those listed in Section 33.22.495.

33.20.500 Prohibited uses. Uses of structures and land not specifically mentioned in this chapter are prohibited in all R20 Zones.

The use of automobile trailer houses as residences is prohibited in all R20 Zones. Such trailers are below the room size, ceiling height, and other regulations in the housing regulations.

Chapter 33.22
R10 ONE FAMILY RESIDENTIAL ZONE

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33.22.500 Prohibited uses.

33.22.010 Generally. In all R10 Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement or moving of existing structures shall conform in all respects to the regulations in this chapter.

33.22.015 Purpose (Added by Ord. No. 150581, effective Jan. 1, 1981.) To limit the density of single family development in areas having all necessary facilities but located in a major natural hazard area or potential natural hazard area. Such hazards shall include 100-year floodplains, landslides, and earthquake intensifying soils.

Principal Uses

33.22.020 Uses permitted. In an R10 Zone, the following uses are permitted:

(1) One family dwellings;

(2) Farming and truck gardening. Produce sold shall be limited to that grown on the premises;

(3) Keeping such animals and fowls as are incidental to residential or farming use and in accordance with health and sanitation regulations.

(4) (Add 155589 ef Mar. 12, 1984) Residential homes.

33.22.030 Off-street parking required. (a) One off-street parking space per dwelling unit shall be provided and maintained on the same lot except in the case of flag lots, (Minimum parking requirements for flag lots are set forth in section 33.88.040).

(b) Such space shall be accessible to a public street or alley.

(c) Such space shall be at least one hundred and sixty square feet in area.

(d) Such space shall not be located in the required front yard, but it may be located in the required side or rear yard, if not within a garage, carport, or other structure.

(e) Such space shall be available for the parking of operable passenger automobiles only.

(f) Such space shall not be rented by the day or part thereof.

(g) Such space, if uncovered, shall be paved in accordance with the provisions of the building regulations.

(h) The provision and maintenance of off-street parking space is a continuing obligation of the property owner.

(i) A plan, drawn to scale, indicating how the off-street parking requirement is to be fulfilled, shall accompany the request for a building or occupancy permit.

(j) Such space shall be improved and made available for use before the issuance of a certificate of final inspection by the bureau of buildings.

(k) Additional parking spaces provided on the premises shall be regulated as specified in subsections (d), (f), and (g).

(l) In an R10 Zone, no overnight parking of trucks or other equipment on wheels or tracks exceeding one-half ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming and truck gardening on the premises.

33.22.040 Off-street loading. No off-street loading berths are required of principal uses in R10 Zones.

33.22.050 Lot size required. (a) (Amended 151344 April 1, 1981.) The minimum lot area shall be ten thousand square feet per dwelling unit, (there are special regulations governing computation of lot area for flag lots listed in section 33.88.020).

(b) The minimum lot width shall be seventy feet.

(c) (Amended 151344 April 1, 1981.) The minimum lot depth shall be one hundred feet except in the case of flag lots (Regulations governing minimum lot depth for flag lots are listed in section 33.88.020).

(d) (Amended by Ord. No. 144717 passed and effective Nov. 10, 1977.) No lot, tract, or parcel of land shall be reduced by transfer of ownership, immediate or future, in area, width, or depth to less than stated in subsections (a), (b) and (c) unless approved as provided in Chapter 33.98.

(e) (Amended by Ord. No. 132825; and 148102 passed July 12, effective Aug. 13, 1979.) In no case shall there be more than one main dwelling and its accessory buildings constructed on one lot unless such lot comprises two or more platted lots in a previously approved and recorded subdivision or parcels in a previously approved and recorded major or minor partition, and unless each such platted lot or parcel meets the minimum requirements of (a), (b), (c) and (d) above.

(f) (Amended by Ord. No. 134366, 139117, 139702, 141105; and 148873 passed and effective Dec. 13, 1979.) No dwelling shall be built or moved onto a lot not abutting a public street. Modification of this provision may be granted with procedure set forth in Sections 33.98.020 to 33.98.035 and more particularly Section 33.98.025(b) of this title, the reference to 33.98.010 notwithstanding.

(g) (Amended by Ord. No. 131818, 139117, 139702, 141105; and 150581 effective Jan. 1, 1981.) On a platted lot of less than ten thousand square feet but not less than seven thousand square feet located in a subdivision plat duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) in this section; provided, however, that:

(1) No construction of a one-family dwelling shall be permitted upon a lot with dimensions less than seven thousand square feet in area, sixty feet in width, and one hundred feet in depth unless approved as provided in Chapter 33.98; and,

(2) No structure shall be built closer to any existing structure on abutting property than the sum total of the required standard yard distances between the two structures in the R10 Zone, unless approved as provided for in Chapter 33.98. This separation between structures shall be verified to the satisfaction of the Bureau of Buildings prior to the issuance of a building permit for any new structure enabled by this subsection.

(3) No construction of a one-family dwelling shall be permitted upon a lot unless that lot abuts a paved street which has been improved to City standards, and unless sewer and water service are immediately available in the abutting street and can be furnished to the proposed new structure.

(h) (Added by Ord. No. 150581 effective Jan 1, 1981.) Allow cluster housing on sites of four acres or less, subject to the subdivision review process, if the following requirements are met:

(1) Each housing unit must be a detached single-family residence, on its own lot, with its own attached garage or carport.

(2) No residence may be placed within 15 ft. of another building.

(3) Each unit must front on a dedicated public street and meet the front yard requirement of the underlying zone.

(4) Individual lots may be smaller than the minimum required in the underlying zone, but must have at least 2000 square feet of gross area.

33.22.060 Maximum lot coverage. The ground area covered by all buildings, including accessory buildings, shall not exceed thirty percent of the lot area.

33.22.070 Minimum floor area permitted. There shall be no limitation except as regulated by the room size requirements for one family dwellings in the housing regulations.

33.22.080 Maximum height permitted. (a) No structure shall exceed two and one-half stories, or thirty-five feet in height.

(b) On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more, measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the thirty-five foot height limit.

33.22.090 Minimum front yard.* (a) (Amended 151344 April 1, 1981.) There shall be a front yard of not less than thirty feet, except in the case of flag lots (Yard regulations for flag lots are listed in section 33.88.030), and where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth. In such cases the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

(b) Where a lot is situated between two lots, each of which has a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirements on such lot may be the average of the front yards of the existing buildings.

(c) Where a lot adjoins only one lot having a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirements on such lot may be the average of the front yard of the existing building and the established front yard line.

(d) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and located on that side which has not yet been dedicated or condemned unless the yards provided on such lot include both that portion of the lot lying within the future street and the required yards.

*See Chapter 33.90 for additional regulations.

(e) On corner lots, the front yard along the long dimension of the lot may be reduced to twenty feet. In case of a square lot or lot having equal frontage on two intersecting streets, one front yard may be reduced to twenty feet providing the other front yard is at least thirty feet.

33.22.100 Minimum side yard.* (a) (Amended 150581; 151344 April 1, 1981.) There shall be a minimum side yard on each side of any main building of ten feet, except in the case of flag lots and as provided for in subsection (b) and (c) of this section, (Regulations governing minimum yards for flag lots are listed in section 33.88.030.)

(b) Where an entire frontage is designed and constructed as a unit, the required width of side yards with respect to lot lines may be varied providing the distance between adjoining buildings equals the total combined width of two adjoining required side yards. This total combined width shall not thereafter be reduced by enlargement of either adjoining building.

(c) (Added by Ord. No. 150581 effective Jan 1, 1981.) Construction of attached dwelling units having a common wall on a common property line is allowed if the following requirements are met:

(1) No dwelling may have more than one common wall.

(2) Each dwelling must be placed on a lot that meets all other requirements of the zone, i.e., width, depth and total area.

(3) Each dwelling must have one side yard at least twenty feet in width.

33.22.110 Minimum rear yard.* (Amended 151344 April 1, 1981.) There shall be a minimum rear yard of ten feet except in the case of flag lots, (Regulations governing minimum yards for flag lots are listed in section 33.88.030).

33.22.115 Development adjacent to watercourses and water bodies. (Added 153329 effective July 5, 1982.) (1) Development shall be restricted within the following areas: (a) Between the ordinary high water line and twenty-five feet back of the top of the bank of watercourses and water bodies such as rivers, lakes, ponds, sloughs or wetlands, as shown on the City of Portland Water Features Map.

(b) Within twenty-five feet of the centerline of watercourses such as streams, creeks and drainageways draining thirty acres or more as shown on the City of Portland Water Features Map.

(2) Within the restricted areas no structures, accessory buildings or uses as defined in Title 33, excavations, or fills shall be allowed unless approved as a conditional use pursuant to Chapter 33.106.

(3) If enforcement of this provision shall result in less than 1,200 square feet of allowable area on any individual R zoned lot after zoning setbacks are accounted for, this water feature section is waived to allow up to 1,200 square feet of allowable area.

(4) Lands regulated by the Willamette River Greenway Overlay Zone are exempt from these provisions.

(5) River related and river dependent uses, as defined in Chapter 33.77, are exempt from these provisions.

(6) Flood and erosion control measures, and maintenance thereof, are exempt from these provisions.

(7) Streets, roads, water lines, storm and sanitary sewers, waste water pumping stations, underground utility lines and similar facilities are exempted from these provisions.

(8) The regulations of this section shall be considered minimum requirements and do not supersede Chapter 56 of Title 24, Building Requirements.

33.22.120 Signs permitted. (Amended 153373 effective July 17, 1982) All signs permitted in this residential zone shall be either wall signs or freestanding signs. Wall signs shall be located on the first story of a building and no sign shall be located above the roofline. Freestanding signs shall not exceed a height of four feet unless otherwise specified, and must be located wholly on private property. All signs shall be non-illuminated or indirectly illuminated. Rotating, flashing, animated and electronic information signs are prohibited in this zone.

1. Each dwelling is permitted the following signs: (a) One identification sign not to exceed three-quarters of a square foot in area. Such sign shall be placed flat against the building and not above the roofline. In instances where building-mounted signs are not distinctly visible from a public right-of-way, then such sign may be affixed to a permanent structure at the primary

*See Chapter 33.90 for additional regulations.

entranceway to such property at a height not to exceed four feet.

(b) One real estate sign, not to exceed four square feet in area and six and one-half feet in height, which advertises the sale or rent of the dwelling until the dwelling is sold or rented. Corner lots are permitted two such signs, one on each street frontage.

(c) Building numbers shall be exempt from regulation herein and shall be located as required in Chapter 17.92 of the City Code.

(d) A minimum number of required off-premise directional signs are permitted for the purpose of directing traffic to an open house for rent, lease or sale of real or personal property while an agent is on the premises. Such sign may only be erected or displayed for the period of time the house is open and shall be subject to all other regulations of temporary signs. Such sign shall not exceed four feet in height nor twelve square feet in sign area.

2. Each tract development is permitted the following signs requiring permits: (a) Two permanent signs identifying the tract development of a housing project, each sign not to exceed twenty square feet in area.

3. Conditional Uses — (See Section 33.22.240 for permitted uses) — The following signs require permits:

(a) Each authorized conditional use shall be permitted one sign not to exceed twenty square feet in area nor ten feet in height. Churches are permitted a bulletin board in addition, but the combined area of all signs shall not exceed thirty square feet.

(b) If additional signing is desired, such sign(s) must be approved with the application for a conditional use.

(c) Signs which do not conform to provisions (a) or (b) may be approved under the conditional use procedure and criteria for sign approval outlined in Chapter 33.106 of this title.

4. Nonconforming Uses. Sign regulations for nonconforming uses are listed in Section 33.94.020 of this title.

Transitional Uses

33.22.130 Uses permitted. (Amended by Ord. No. 137307, 141161; and 150581 effective Jan 1, 1981.) On a lot or portion of a lot, not exceeding one hundred feet in width, where the side of such lot abuts a C3, C2, C1, M3, M2, or M1 Zone, a two-family dwelling is permitted.

33.22.140 Lot size required. (Added by Ord. No. 141161 passed Jan. 15, effective July 15, 1976.) The minimum lot area shall be five thousand square feet per dwelling unit.

33.22.145 Other regulations. (Renumbered and amended by Ord. No. 141161 passed Jan. 15, effective July 15, 1976.) Parking, lot size, yards, and all other regulations applicable to principal uses in R10 zones shall apply.

Accessory Buildings and Uses

33.22.150 Generally No separate permit shall be issued for the construction of any type of accessory building prior to that of the main dwelling.

33.22.160 Height. No accessory building, except agricultural buildings, shall exceed two stories in height.

33.22.170 Classifications. (Amended by Ord. No. 150581 effective Jan 1, 1981.) Accessory buildings and uses permitted in R10 zones shall be divided into types as follows:

Type 1: Garage, carport, pergola, private greenhouse or other similar structure related to dwellings in design, whether attached or detached.

Type 2: A guest house, servant's house, caretaker's quarters or any such accessory building used for dwelling purposes.

Type 3: Woodshed, toolshed, chicken house, rabbit hutch, barns, silos and other such outbuildings of utilitarian character and use, not necessarily related in design to the dwelling.

Type 4: Moorage for private pleasure boats.

Type 5: Swimming pool, tennis court, or other type of home recreational facility.

Type 6: Home occupations.

Type 7: Accessory rental unit.

33.22.180 **Type 1.** In R10 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 1 classification shall comply with the following:

(1) No Type 1 accessory building, except a garage on sloping ground (see subdivision (6)), shall be located closer to the street lot line than thirty (30) feet, except that on a corner lot, the yard along the nonentrance side of a garage can be reduced to the yard requirements for the main building. No driveway entrance shall be located less than twenty-five feet from the corner of a lot where two streets intersect;

(2) No accessory building shall be located less than twenty-five feet from the corner of a lot where two streets intersect;

(3) Under the following conditions, any one story Type 1 accessory building may be built adjacent to or on a rear and/or side lot line:

A. If an attached accessory building is located forty feet or more from the front lot line,

B. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line; provided, however, a one story detached garage legally erected along or adjacent to the lot line before March 4, 1948, may be extended in length not more than four feet with same type of construction as the existing garage if the number of cars to be accommodated is not increased;

(4) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (3) above, it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and in compliance with (3)A and (3)B above;

(5) Any Type 1 accessory building, attached or detached, if more than one story, shall not be built up to either side and/or rear lot lines, and shall be subject to the requlations for lot coverage, yards, courts and setback of a dwelling;

(6) When a detached or attached garage is constructed on a lot sloping downward from a street, the average elevation of the lot being not less than ten feet below the sidewalk level, the front wall of the garage need not set back farther from the street lot line than the average contour elevation line of the lot which is five feet below the sidewalk elevation. However, in no case shall the front wall of the garage be closer to the street lot line than five feet. Such garage shall not exceed a height of ten feet above the adjacent sidewalk level within the required front yard for the main building;

(7) The ground area covered by all Type 1 accessory buildings on the same lot shall not exceed ten percent of the lot area.

33.22.190 **Type 2.** In R10 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 2 lassification shall comply with the following:

(1) No Type 2 accessory building shall be built on a lot less than fifteen thousand square feet in area;

(2) If located to the rear of the main dwelling, a Type 2 accessory building shall be separated from the main dwelling by at least sixty feet;

(3) Type 2 accessory buildings shall conform in location on the lot to side, rear, and front yard regulations for principal uses.

33.22.200 Type 3. In R10 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 3 classification shall comply with the following:

(1) No Type 3 accessory building shall be located closer than thirty feet to a street lot line;

(2) Such outbuilding shall not encroach upon a required yard of another building on the same lot. The distance from any such outbuilding to a rear or side lot line shall be the same as for a detached garage of the same size;

(3) The combined area of all Type 3 accessory buildings on the same lot or property shall not exceed in ground area one-twentieth of the area of the lot on which such buildings are situated;

(4) An outbuilding used for keeping chickens, pigeons, rabbits, goats, or other animals, in addition to complying with the building regulations and health and sanitation regulations, shall not be located within fifty feet of any dwelling.

(5) If built higher than thirty feet, barns, silos, and other agricultural buildings shall be located as far from any lot line as the height of the structure.

33.22.210 Type 4. In R10 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 4 classification shall comply with the following:

(1) Any structure shall be located five feet or more from side lot lines;

(2) Covered structures shall be located adjacent to the natural shore line;

(3) Covered structures shall not occupy more than fifty percent of the width of the lot at the natural shore line;

(4) Any boat using such moorage shall not be used as a place of residence when so moored.

33.22.220 Type 5. In R10 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 5 classification shall comply with the following:

(1) Where a Type 5 accessory use contains a building, or is contained within a building, the building, whether attached or detached, shall not be located closer to any lot line than that distance required of the principal use;

(2) Under the following conditions, any Type 5 accessory building may be built adjacent to or on a rear and/or side lot line if the wall along or adjacent to such rear and/or side lot line is of masonry not less than eight inches in thickness for its full length and width and for the full height of such accessory building:

A. If a detached accessory building is located ten or more feet to the rear of the main building,

B. If an attached accessory building is located forty feet or more from the front lot line,

C. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line than permitted in A. or B. above;

(3) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (2) above, it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes;

(4) No swimming pool shall be located closer than three feet to any property line nor closer than three feet to any wall or fence.

33.22.230 Type 6. (Amended by Ord. No., 139311, 140534; and 150581 effective Jan 1, 1981.) (a) In R10 Zones, home occupations in the same lot accessory to principal uses and transitional uses of a Type 6 classification shall be permitted only in the following categories:

(1) Office for professional, personal or business service;

(2) Studio for arts, handicrafts or tutoring;

(3) Shops for limited or custom production or minor repair service;

(4) Headquarters for a craftsperson or salesperson;

(5) Home baby-sitting.

(b) Any such home occupation shall comply with the following limitations:

(1) No servant, employee or any person other than a member or members of the family residing within the dwelling shall engage in a

home occupation therein or within an accessory building;

(2) No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations;

(3) No activities shall be allowed which involve the use, storage, milling or manufacture of highly combustible materials or internal combustion engines;

(4) All aspects of the conduct of a home occupation shall be confined, contained and conducted within a completely enclosed Type 1, 2 or 3 accessory building;

(5) The aggregate of all space within any or all buildings devoted to one or more home occupations shall not exceed five hundred square feet in floor area:

(6) Any home occupation which causes abnormal automotive or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited;

(7) No enlargements nor alterations to a dwelling or accessory building for the sole purpose of conducting a home occupation shall be permitted;

(8) The premises shall at all times be maintained as residential in appearance, cleanliness and quietness;

(9) Dimensions, power rating or weight of such equipment and tools used in the conduct of the home occupation shall not exceed that of normal household equipment and tools;

(10) Sign: A home occupation shall be permitted one non-illuminated, non-flashing sign, not exceeding three-quarters square foot in area, limited to the name of the occupant and/or a designation of any authorized home occupation conducted on the site. Such sign shall be in lieu of, not in additon to, any sign permitted for a principal use in the underlying zone;

(11) Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building;

(12) Customer and client contact shall be primarily by telephone, mail or in their homes and places of business and not on the premises of the home occupation, except for those home occupations which by their very nature cannot otherwise be conducted except by personal contact with clients;

(13) Products made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers;

(14) (Amended by Ord. No. 139311 passed Jan. 16, effective Feb. 17, 1975.) Other than normal passenger automobiles, only one truck of no more than 8,400 lb. gross vehicle weight (GVW) is permitted to be operated, whether owned or rented, in connection with a home occupation. Such truck, if parked on the premises, shall be kept within a completely enclosed garage;

(15) Instruction in music shall be limited to no more than two students at one time and in crafts to no more han six students at one time;

(16) (Amended by Ord. No. 150581 effective Jan 1, 1981.) Home baby-sitting is allowed under the following conditions:

A. Up to and including five children may be cared for on the premises; or

B. Up to and including ten children may be cared for if:

(i) There is at least 100 sq. ft. of safe, usable open space on the site for outdoor play area; and

(ii) Screening is provided separating such outdoor open space from abutting lots. Such screening shall be at least four feet, but not more than six feet, high and should be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge; and

(iii) If 100% of adjacent neighbors indicate approval. This is included within the normally required 50% approval for home occupations generally.

(iv) If, subsequent to granting a Home Occupation permit for the care of 6-10 children, (paragraph b), a petition from 75% of the abutting property owners is received by the Bureau of Buildings opposing the continuation of the increased number of children, the permit shall be amended to allow not more than 5 children.

(17) An office for a physician or dentist is permitted primarily for emergency cases and as an accommodation for retired or part-time practioners and not as a principal office for the practice of the profession.

(18) Limitations placed on home occupations in this title shall not be construed as prohibiting home occupations conducted by means of receiving and transmitting signals via a home

computer terminal linked to a telecommunications network.

(19) A home occupation shall not be permitted where an accessory rental unit is already located on the premises.

(c) (Am 153762 Sept. 2, 1982) Procedure to establish and maintain a home occupation:

(1) Permits for home occupations shall be issued by the Bureau of Buildings and shall be valid for a period of two years only. It shall be the responsibility of the applicant to apply for a permit every two years. Before re-issuance of a permit, the Bureau of Buildings shall review the home occupation for compliance with the requirements of this title. A permit for a home occupation may be revoked at any time if the requirements of this title are not being met. A fee shall be charged for a home occupation permit in accordance with the provisions of Title 24;

(2) No permit shall be issued by the Bureau of Buildings until or unless the applicant shall have received the favorable approval, as indicated by signatures on the authorized application form, of owners or contract purchasers of not less than fifty percent of all property in the area bounded by lines one hundred feet, excluding street widths, from and parallel to the boundary lines of the lot proposed to contain each home occupation. Area of any property owned or occupied by the applicant shall be excluded in computing required percentage of approval;

(3) If, in the opinion of the applicant, the Bureau of Buildings has acted arbitrarily and capriciously in withholding or revoking a permit for a home occupation, he may request an interpretation of this title by the City Planning Commission as provided in Section 33.114.030. In such cases the dwelling or accessory building to be devoted to a home occupation shall be open for inspection to the staff of the City of Portland on any day between eight a.m. and ten p.m.;

(4) The bureau of licenses shall not issue a business license or accept payment of the fee until an occupancy permit for a home occupation is issued by the bureau of buildings.

33.22.235 Type 7: Accessory rental unit. (Added by Ord. No. 150581 effective Jan 1, 1981.) Allow a rental unit to be added to existing single family dwellings if the following requirements are met:

(1) The house must have at least 2,000 sq. ft. of gross floor area, exclusive of garage space.

(2) The new apartment may be created only through internal conversion of the housing unit. Garage space may not be converted.

(3) No additions of floor space may have been made to the housing unit in the preceding five years.

(4) The new rental unit may not occupy more than 25% of the house's floor area.

(5) Only one entrance to the house shall be visible from the front yard.

(6) The aggregate number of persons that may occupy the added rental unit and the remaining house is limited to the number allowed for the house without the rental unit (one "family" as defined in section 33.12.310).

(7) An accessory rental unit may not be added where a home occupation is already located on the premises.

(8) The house to which an accessory rental unit is to be added must be owner-occupied and have been owner-occupied by the current owner-occupant for the 12 calendar months preceding the date of application.

Conditional Uses

33.22.240 Uses permitted. (Amended 132825, 138936, 140290, 148244, 150581, 151344; and 153329 effective July 5, 1982.) In an R10 zone the following conditional uses may be permitted subject to the regulations contained in Section 33.22.250 through 33.22.495 and Chapter 33.79 and under the authority and according to the procedure specified in Chapter 33.106, except the conditional uses permitted on flag lots shall be limited to those listed in Section 33.88.070:

(1) Aircraft landing area or private helistop;

(2) Cemeteries;

(3) Churches;

(4) Residential buildings accessory to churches;

(5) Colleges;

(6) Community clubs;

(7) Crematories, mausoleums and columbariums;

(8) Excavations and filling;

(9) Golf courses, other country clubs and athletic clubs;

(10) Governmental structures and land uses (local, state or federal) which are essential to the functioning and servicing of residential neighborhoods;

(11) Greenhouses, nurseries, or other propagation of plants and their products for sale;

(12) Homes, convalescent;
(13) Hospitals, general;
(14) Hospitals, mental, remedial or detention;
(15) Uses or buildings accessory to hospitals;
(16) Libraries;
(17) Mass transit waiting stations or turn-arounds;
(18) Museums;
(19) Natural resources, development of;
(20) Parks, public;
(21) Planned Unit Developments;
(22) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods;
(23) Radio and television transmitters;
(24) Railroad rights-of-way and passenger stations;
(25) Residential care facilities;
(26) Riding academies;
(27) Schools, nursery;
(28) Schools, parochial or private;
(29) Schools, public;
(30) Tract development and sales;
(31) Unit ownership or condominium projects;
(32) Welfare institutions.
(33) Development of lands adjacent to water features as defined in 33.22.115 (1).

33.22.250 Regulations. (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

33.22.260 Apartment project or unit development. (Repealed by Ord. No. 148546 passed and effective Oct. 4, 1979.)

33.22.270 Churches. Regulations for churches shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Side area: Hereafter, no church shall be established on a site of less than twenty thousand square feet in area. Churches existing on a site less than twenty thousand square feet may be enlarged provided such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5) below, and provided further that the off-street parking requirements shall be met;

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height thirty feet,

For buildings forty-five feet and higher in height forty-five feet;

(5) Minimum side or rear yard: The minimum side or rear yard for buildings under fifteen feet in height shall be twenty feet. For buildings fifteen feet and higher, the minimum side or rear yard shall be twenty feet plus five feet for each additional ten feet of height over fifteen feet;

(6) (Amended 153373 effective July 17, 1982) Signs permitted: One sign not to exceed seven feet in length nor twenty square feet in area and one church bulletin board, but the combined area of both sign and bulletin board shall not exceed thirty square feet. Neither sign nor bulletin board shall extend above the building height nor over the sidewalk and each must be located on the property of the church. Any illumination shall be indirect and non-flashing.

33.22.280 Residential buildings accessory to churches. Regulations for residential buildings accessory to churches shall be as follows:

(1) Off-street parking required: In addition to spaces required for the church, one space shall be provided for each ten persons residing in such building;

(2) Site area: In addition to required site area for church buildings, a minimum of five thousand square feet shall be provided for each ten persons residing in accessory residential buildings.

33.22.290 Colleges. Regulations for colleges shall be as follows:

(1) Off-street parking required: One space per ten seats in classrooms. In addition, one space per five students housed on the campus in dormitories, fraternities, or sororities shall be provided;

(2) Minimum front yard: Fifty feet;

(3) Minimum side or rear yard: No classroom, laboratory, stadium, or other main building shall be erected closer than one hundred feet to any side or rear lot line. The side and rear yards for dormitories, fraternities, and sororities on the campus shall not be less than thirty feet for a one story building plus five feet for each additional story.

33.22.300 **Community clubs.** Regulations for community clubs shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: Hereafter no community club shall be established on a site of less than twenty thousand square feet in area. Community clubs existing on smaller sites may be enlarged but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargements shall not reduce the widths of yards or increase the building coverage specified in subdivisions (3), (4) and (5);

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height thirty feet,

For buildings forty-five feet and higher in height forty-five feet;

(5) Minimum side or rear yard: The minimum side or rear yard for buildings under fifteen feet in height shall be twenty feet. For buildings fifteen feet and higher, the minimum side or rear yard shall be twenty feet plus five feet for each additional ten feet of height over fifteen feet.

33.22.310 Conversions to two family use. (Repealed by Ord. No. 150581 effective Jan. 1, 1981.)

33.22.320 Excavating or filling. Excavating or filling as defined in this title shall be regulated as a conditional use.

33.22.330 Golf courses, other country clubs and athletic clubs. Regulations for golf courses, other country clubs and athletic clubs shall be as follows:

(1) Minimum side or rear yards: Club houses, swimming pools, stadiums, and any other structure dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R or A Zone;

(2) Miniature golf courses and golf driving ranges are prohibited in R10 Zones. Such uses are classified as commercial uses and are permitted only in C2 and M Zones;

(3) Quarters for animals shall be located at least two hundred feet from any property line bordering or within an R or A Zone.

33.22.340 Convalescent home. Regulations for a convalescent home shall be as follows:

(1) Classification: Homes having a capacity of ten or fewer patient beds are classed as small; eleven to twenty beds, medium; over twenty beds, large;

(2) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(3) Off-street loading: Large convalescent homes shall provide one berth;

(4) Minimum lot area: One thousand square feet per bed;

(5) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(6) Minimum front yard:

Small or medium homes thirty feet provided, however, that where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

Large homes forty feet;

(7) Minimum side or rear yards:

Small homes	10 feet
Medium homes	15 feet
Large homes	20 feet

for a one story building plus five feet for each additional story.

33.22.350 General hospitals. Regulations for general hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any general hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum site area:

A. No hospital shall be established on a site of less than one acre in area,

B. At least twenty-five hundred square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Fifty feet;

(6) Minimum side or rear yard: Fifty feet.

(7) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including accessory buildings shall not exceed thirty percent of the site area;

(8) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

33.22.360 Mental, remedial or detention hospitals. Regulations for mental, remedial or detention hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any mental, remedial, or detention hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the following table:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum site area:

A. No hospital shall be established on a site of less than ten acres in area,

B. At least three thousand square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Fifty feet;

(6) Minimum side or rear yard: Fifty feet.

(7) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including accessory buildings shall not exceed thirty percent of the site area.

(8) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

33.22.370 (Amended by Ord. No. 140290 passed and effective July 24, 1975.) **Uses or buildings accessory to hospitals.** Regulations for uses or buildings accessory to hospitals shall be as follows: (a) General regulations.

(1) The site of any accessory use or building shall be in the same ownership as the hospital to which it is an accessory unless a restriction is placed upon the property occupied by the accessory use or building and recorded in the appropriate county records at the expense of the applicant, using forms prescribed for that purpose obtainable from the office of the planning commission.

Upon submission of satisfactory evidence either that the accessory building will be removed or that the proposed use of the accessory building will not be in conflict with the zoning in which it is located and that it will not alter the parking, site coverage, density and floor area of the hospital as permitted within a project area, the restriction upon the property shall be removed. A copy of said restriction removal shall be made available to the owner of said property for the purpose of recordation.

(2) The accessory use or building shall be located on the hospital site or on a separate site, the nearest portion of which is not more than one hundred feet removed from the hospital site to which it is an accessory.

(3) The accessory use or building, if located on a separate site, shall be restricted to a location abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

(4) Maximum height: Two and one-half stories or thirty-five feet, whichever is less, except there shall be no limit on buildings more than four hundred feet away from property lines bounding the project.

(5) Minimum front yard: Fifty feet.

(6) Minimum side or rear yard: Fifty feet.

(7) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area if located on a separate site from the hospital to which it is an accessory. (See also Section 33.106.010.)

(b) Offices and/or clinics of physicians for private medical practice.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per each two hundred fifty square feet of gross floor area of any area assigned to such use.

(c) Parking garages.

(d) Residential facilities for staff, including nurses' homes, interns' quarters and other residential buildings.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided for each five persons residing in such building.

(2) Site area: In addition to required site area for hospitals, a minimum of ten thousand square feet shall be provided for each ten persons residing in such accessory building.

(e) Retail facilities for the needs of the patient including gift shop, barber shop, book store, beauty shop, coffee shop, drug store or pharmacy, and other similar uses.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space per each two employees of such shop or store provided such employee has not been included as a hospital employee.

(2) Such use shall be conducted entirely within the hospital buildings to which it is accessory except that a coffee shop may have an outdoor dining area provided such area is screened so that it is not visible from a public street or another property.

(3) Such use shall have pedestrian access only through an interior hall or lobby of the building wherein situated.

(4) (4 repealed, 5 renumbered 153373 effective July 17, 1982) The floor area devoted to all such uses within a main building or buildings shall not exceed ten percent of the gross floor area of such main building or buildings.

(f) Training facilities including school of nursing and other types of training facilities.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per ten seats in classrooms provided students have not been included as hospital employees.

33.22.380 Libraries. Regulations for libraries shall be as follows:

(1) Off-street parking required: One space per four hundred square feet of reading room area;

(2) Site area: Hereafter, no library shall be established on a site of less than fifteen thousand square feet in area. Libraries existing on a site less than fifteen thousand square feet may be enlarged, but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5);

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height thirty feet,

For buildings forty-five feet and higher in height forty-five feet;

(5) Minimum side or rear yard: The minimum side or rear yard for buildings under fifteen feet in height shall be twenty feet. For buildings fifteen feet and higher, the minimum side or rear yard shall be twenty feet plus five feet for each additional ten feet of height over fifteen feet.

33.22.390 Museums. Regulations for museums shall be as follows:

(1) Site area: Hereafter, no museum shall be established on a site of less than fifteen thousand square feet in area. Museums existing on a site less than fifteen thousand square feet may be enlarged, but in no case more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not

reduce the width of yards or increase the building coverage specified in subdivisions (2), (3) and (4);

(2) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(3) Minimum front yard:

For buildings under forty-five feet in height thirty feet,

For buildings forty-five feet and higher in height forty-five feet;

(4) Minimum side or rear yard: The minimum side or rear yard for buildings under fifteen feet in height shall be twenty feet. For buildings fifteen feet and higher, the minimum side or rear yard shall be twenty feet plus five feet for each additional ten feet of height over fifteen feet.

33.22.395 Natural resources, development of. (Added 153327 effective July 5, 1982.) Regulations for resource extraction are listed in Section 33.18.280.

33.22.400 Private helistop. A private helistop may be permitted only in connection with a principal or conditional use, on premises of five acres or more in area. Any such private helistop shall be subject to the additional regulations contained in Chapter 33.78.

33.22.410 Public parks. Regulations for public parks shall be as follows: Minimum side or rear yards: Community centers, swimming pools, stadiums and buildings or portions of buildings containing concessions dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R or A Zone.

33.22.420 Public utility structures. Exempted from these regulations are underground pipes and conduits and aboveground electric transmission, distribution, communication and signal lines on a single pole system. All other transmission and public utility structures, such as double poles and steel towers for transmission lines, substations, automatic telephone exchanges, relay stations, pumping stations and treatment plants shall be regulated as conditional uses.

33.22.430 Railroad rights-of-way and passenger stations. Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated as conditional uses. All other railroad facilities, such as switching yards, holding tracks, team tracks, freight depots, shops and roundhouses are prohibited in R10 Zones.

33.22.440 Nursery schools. Regulations for nursery schools shall be as follows:

(1) Off-street parking required: One space per teacher in schools having four or more teachers;

(2) Off-street loading required: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having four or more teachers. Such driveway shall be paved with material as specified in the building regulations;

(3) Outdoor play area: An outdoor play area shall be provided and thereafter maintained with a minimum area of one hundred square feet per child of total enrollment capacity of the school. Screening shall be provided separating such play area from abutting lots. Such screen shall be at least four feet but not more than six feet high and shall be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge.

33.22.450 Private or parochial elementary and public primary schools. Regulations for private or parochial elementary and public primary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium, or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms on:	Maximum Number of Classrooms Per Acre
60% or more vacant	One floor	3.0
60% or more vacant	Two floors	3.0
Less than 60% vacant	One floor	4.0
Less than 60% vacant	Two floors	4.5

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area providing such space is made available by agreement with the bureau of parks;

(3) Minimum front yard: Fifty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet in height 40 feet

For buildings 15 to 24 feet in height	40 feet
For buildings 25 to 34 feet in height	50 feet
For buildings 35 to 44 feet in height	50 feet.

33.22.460 Public elementary schools. Regulations for public elementary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet in bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms on:	Maximum Number of Classrooms Per Acre
60% or more vacant	One floor	2.5
60% or more vacant	Two floors	2.5
Less than 60% vacant	One floor	3.5
Less than 60% vacant	Two floors	4.0

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area providing such space is made available by agreement with the bureau of parks;

(3) Minimum front yard: Fifty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet in height	40 feet
For buildings 15 to 24 feet in height	40 feet
For buildings 25 to 34 feet in height	50 feet
For buildings 35 to 44 feet in height	50 feet.

33.22.470 Private, parochial or public high schools. Regulations for private, parochial, or public high schools shall be as follows:

(1) Off-street parking required: One space per fifty-six square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per eight seats or sixteen feet of bench length in the main auditorium;

(2) Minimum front yard: Fifty feet;

(3) Minimum side or rear yard:

For buildings under 15 feet in height	40 feet
For buildings 15 to 24 feet in height	40 feet
For buildings 25 to 34 feet in height	50 feet.

33.22.475 Residential care facilities. (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) Regulations for residential care facilities shall be:

(1) Lot size required. A. The minimum lot area shall be ten thousand square feet per facility;

B. The minimum lot width shall be seventy feet;

C. The minimum lot depth shall be one hundred feet.

(2) Minimum on-site open space: A. Two hundred square feet for each resident served under the age of twelve years;

B. Three hundred square feet for each resident served twelve years through seventeen years of age;

C. One-hundred fifty square feet for each resident served eighteen years of age or older.

(3) Minimum off-street parking. One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility.

(4) Valid certificate of review (license to operate) issued under Chapter 8.80 of the municipal code.

33.22.480 Tract development and sales. (Amended 139117, 139702, 141105; and 153373 effective July 17, 1982) Regulations for tract development and sales shall be as follows:

1. Temporary buildings, such as offices, tool sheds or similar structures, used in connection with tract development and sales, may be permitted provided such use may not continue more than three years, at which time such temporary structures will be removed.

2. Each tract development is permitted the following signs: (a) Two permanent signs identifying the tract development of a housing project, each sign not to exceed twenty square feet in area and requiring permits.

(b) Two temporary signs used in conjunction with tract development and sales may be permitted until the conclusion of period of construction only. Such signs may not exceed thirty-two square feet each in area nor six feet in height.

33.22.485 Unit ownership or condominium project. (Added by Ord. No. 132825 passed and effective June 10, 1971.) Regulations for unit ownership or condominium project shall be as follows:

(1) Development or use shall consist of dwellings compatible with use and development in the adjacent area, and suitable to the topography of the land;

(2) Development of roadways shall be in accordance with requirements of the City Engineer;

(3) The entire site as developed shall be restricted as to changes or dissolution of unit ownership, as found appropriate in the interest of the neighborhood and the public.

33.22.490 Welfare institution. Regulations for welfare institutions shall be as follows:

(1) Off-street parking: One space per five beds for patients or inmates;

(2) Off-street loading: For any welfare institution of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum site area: No institution shall be established on a site of less than one acre in area;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Fifty feet;

(6) Minimum side or rear yard: Fifty feet.

33.22.495 Development of lands adjacent to water features as defined in Section 33.22.115 (1). (Added 153329 effective July 5, 1982.) Regulations for development of lands adjacent to water features shall be as follows:

(1) The applicant shall demonstrate a need for such development and that the development complies with the recommendations of any affected drainage district; provide an evaluation of the effect on flood flow and level. water quality, erosion, siltation, vegetation and fish and wildlife habitats; and state what measures are proposed to mitigate adverse effects.

(2) In deciding whether to approve the conditional use application the Hearings Officer, or Council on appeal, shall consider the need for the project, the potential adverse effects of the project and the adequacy of the measures to mitigate those adverse effects.

33.22.500 Prohibited uses. Uses of structures and land not specifically mentioned in this chapter are prohibited in all R10 Zones.

The use of automobile trailer houses as residences is prohibited in all R10 Zones. Such trailers are below the room size, ceiling height, and other regulations in the housing regulations.

Chapter 33.24

R7 ONE FAMILY RESIDENTIAL ZONE

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33.24.010 Generally. In all R7 Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement or moving of existing structures shall conform in all respects to the regulations in this chapter.

33.24.015 Purpose. (Added by Ord. No. 150581 effective Jan 1, 1981.) To continue to offer the medium density single family housing option in areas difficult to service, or having minor natural hazards, or already fully developed at that density.

Principal Uses

33.24.020 Uses permitted. In an R7 Zone the following uses are permitted:

(1) One family dwellings;

(2) Farming and truck gardening. Produce sold shall be limited to that grown on the premises;

(3) Keeping such animals and fowls as are incidental to residential or farming use and in accordance with health and sanitation regulations.

(4) (Add 155589 ef Mar. 12, 1984) Residential homes.

33.24.030 Off-street parking required. (a) (Amended 151344 April 1, 1981.) One space per dwelling unit shall be provided and maintained on the same lot, except in the case of flag lots, (minimum parking requirements for flag lots are set forth in section 33.88.040).

(b) Such space shall be accessible to a public street or alley.

(c) Such space shall be at least one hundred and sixty square feet in area.

(d) Such space shall not be located in the required front yard, but it may be located in the required side or rear yard, if not within a garage, carport, or other structure.

(e) Such space shall be available for the parking of operable passenger automobiles only.

(f) Such space shall not be rented by the day or part thereof.

(g) Such space, if uncovered, shall be paved in accordance with the provisions of the building regulations.

(h) The provision and maintenance of off-street parking space is a continuing obligation of the property owner.

(i) A plan, drawn to scale, indicating how the off-street parking requirement is to be fulfilled, shall accompany the request for a building or occupancy permit.

(j) Such space shall be improved and made available for use before the issuance of a certificate of final inspection by the bureau of buildings.

(k) Additional parking spaces provided on the premises shall be regulated as specified in subsections (d), (f) and (g).

(l) In an R7 Zone, no overnight parking of trucks or other equipment on wheels or tracks exceeding one-half ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming and truck gardening on the premises.

33.24.040 Off-street loading. No off-street loading berths are required of principal uses in R7 Zones.

33.24.050 Lot size required. (a) (Amended 151344 April 1, 1981.) The minimum lot area shall be seven thousand square feet per dwelling unit, (There are special regulations governing computation of lot area for flag lots listed in section 33.88.020).

(b) The minimum lot width shall be sixty feet.

(c) (Amended 131818; and 151344 April 1, 1981.) The minimum lot depth shall be ninety feet except in the case of flag lots, (Regulations governing minimum lot depth for flag lots are listed in section 33.88.020).

(d) (Amended by Ord. No. 144717 passed and effective Nov. 10, 1977.) No lot, tract, or parcel of land shall be reduced by transfer of ownership, immediate or future, in area, width, or depth to less than stated in subsections (a), (b) and (c) unless approved as provided in Chapter 33.98.

(e) (Amended by Ord. No. 132825; and 148102 passed July 12, effective Aug. 13, 1979.) In no case shall there be more than one main dwelling and its accessory buildings constructed on one lot unless such lot comprises two or more platted lots in a previously approved and recorded subdivision or parcels in a previously approved and recorded major or minor partition, and unless each such platted lot or parcel meets the minimum requirements of (a), (b), (c) and (d) above.

(f) (Amended by Ord. No. 134366, 139117, 139702, 141105; and 148873 passed and effective Dec. 13, 1979.) No dwelling shall be built or

moved onto a lot not abutting a public street. Modification of this provision may be granted with procedure set forth in Sections 33.98.020 to 33.98.035 and more particularly Section 33.98.025(b) of this title, the reference to 33.98.010 notwithstanding.

(g) (Amended by Ord. No. 131818, 139117, 139702, 141105; and 150581 effective Jan 1, 1981.) On a platted lot of less than seven thousand square feet but not less than five thousand square feet located in a subdivision plat duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) in this section; provided, however, that:

(1) No construction of a one-family dwelling shall be permitted upon a lot with dimensions less than five thousand square feet in area, fifty feet in width, and ninety feet in depth unless approved as provided in Chapter 33.98; and,

(2) No structure shall be built closer to any existing structure on abutting property than the sum total of the required standard yard distances between the two structures in the R7 Zone, unless approved as provided for in Chapter 33.98. This separation between structures shall be verified to the satisfaction of the Bureau of Buildings prior to the issuance of a building permit for any new structure enabled by this subsection.

(3) No construction of a one-family dwelling shall be permitted upon a lot unless that lot abuts a paved street which has been improved to City standards, and unless sewer and water service are immediately available in the abutting street and can be furnished to the proposed new structure.

(h) (Added by Ord. No. 150581 effective Jan 1, 1981.) Allow cluster housing on sites of four acres or less, subject to the subdivision review process, if the following requirements are met:

(1) Each housing unit must be a detached single-family residence, on its own lot, with its own attached garage or carport.

(2) No residence may be placed within 15 ft. of another building.

(3) Each unit must front on a dedicated public street and meet the front yard requirement of the underlying zone.

(4) Individual lots may be smaller than the minimum required in the underlying zone, but must have at least 2000 square feet of gross area.

33.24.060 Maximum lot coverage. The ground area covered by all buildings, including accessory buildings, shall not exceed thirty-five percent of the lot area.

33.24.070 Minimum floor area permitted. There shall be no limitation except as regulated by the room size requirements for one family dwellings in the housing regulations.

33.24.080 Maximum height permitted. (a) No structure shall exceed two and one-half stories or thirty-five feet in height.

(b) On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more, measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the thirty-five foot height limit.

33.24.090 Minimum front yard.* (a) (Amended 151344 April 1, 1981.) There shall be a front yard of not less than twenty feet, except in the case of flag lots (yard regulations for flag lots are listed in section 33.88.030), and where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth. In such cases the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

(b) Where a lot is situated between two lots, each of which has a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirements on such lot may be the average of the front yards of the existing buildings.

*See Chapter 33.90 for additional regulations.

(c) Where a lot adjoins only one lot having a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirements on such lot may be the average of the front yard of the existing building and the established front yard line.

(d) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and located on that side which has not yet been dedicated or condemned, unless the yards provided on such lot include both that portion of the lot lying within the future street and the required yards.

(e) On corner lots, the front yard along the long dimension of the lot may be reduced to ten feet. In case of a square lot or lot having equal frontage on two intersecting streets, one front yard may be reduced to ten feet providing the other front yard is at least twenty feet.

33.24.100 Minimum side yard.* (a) (Amended 151344 April 1, 1981.) There shall be a minimum side yard on each side of any main building according to height as shown on the following schedule, except in the case of flag lots and as provided for in subsection (b) and (c) of this section. (regulations governing yard requirements for flag lots are listed in section 33.88.030).

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet

(b) Where an entire frontage is designed and constructed as a unit, the required width of side yards with respect to lot lines may be varied providing the distance between adjoining buildings equals the total combined width of two adjoining required side yards. This total combined width shall not thereafter be reduced by enlargement of either adjoining buildings.

(c) (Added by Ord. No. 150581 effective Jan. 1, 1981.) Construction of attached dwelling units having a common wall on a common property line is allowed if the following requirements are met:

(1) No dwelling may have more than one common wall.

(2) Each dwelling must be placed on a lot that meets all other requirements of the zone, i.e., width, depth and total area.

(3) Each dwelling must have one side yard at least fifteen feet in width.

33.24.110 Minimum rear yard.* There shall be a minimum rear yard varying according to the height of the main building as shown on the following schedule except in the case of flag lots, (Regulations governing yard requirements for flag lots are listed in section 33.88.030).

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet

33.24.115 Development adjacent to watercourses and water bodies. (Added 153329 effective July 5, 1982.) (1) Development shall be restricted within the following areas: (a) Between the ordinary high water line and twenty-five feet back of the top of the bank of watercourses and water bodies such as rivers, lakes, ponds, sloughs or wetlands, as shown on the City of Portland Water Features Map.

(b) Within twenty-five feet of the centerline of watercourses such as streams, creeks and drainageways draining thirty acres or more as shown on the City of Portland Water Features Map.

(2) Within the restricted areas the provisions of Section 33.22.115 (2) through (8) shall apply.

33.24.120 Signs permitted. (Amended 153373 effective July 17, 1982) All signs permitted in this residential zone shall be either wall signs or freestanding signs. Wall signs shall be located on the first story of a building and no sign shall be located above the roofline. Freestanding signs shall not exceed a height of four feet unless otherwise specified, and must be located wholly on private property. All signs shall be non-illuminated or indirectly illuminated. Rotating, flashing, animated and electronic information signs are prohibited in this zone.

1. Each dwelling is permitted the following signs: (a) One identification sign not to exceed three-quarters of a square foot in area. Such sign shall be placed flat against the building and not above the roofline. In instances where building-mounted signs are not distinctly visible from a public right-of-way, then such sign may be affixed

*See Chapter 33.90 for additional regulations.

to a permanent structure at the primary entranceway to such property at a height not to exceed four feet.

(b) One real estate sign, not to exceed four square feet in area and six and one-half feet in height, which advertises the sale or rent of the dwelling until the building is sold or rented. Corner lots are permitted two such signs, one on each street frontage.

(c) Building numbers shall be exempt from regulation herein and shall be located as required in Chapter 17.92 of the City Code.

(d) A minimum number of required off-premise directional signs are permitted for the purpose of directing traffic to an open house for rent, lease or sale of real or personal property while an agent is on the premises. Such sign may only be erected or displayed for the period of time the house is open and shall be subject to all other regulations of temporary signs. Such sign shall not exceed four feet in height nor twelve square feet in sign area.

2. Each tract development is permitted the following signs requiring permits: (a) Two permanent signs identifying the tract development of a housing project, each sign not to exceed twenty square feet in area.

3. Conditional Uses — (See Section 33.24.250 for permitted uses) — The following signs require permits: (a) Each authorized conditional use shall be permitted one sign not to exceed twenty square feet in area nor ten feet in height. Churches are permitted a bulletin board in addition, but the combined area of all signs shall not exceed thirty square feet.

(b) If additional signing is desired, such sign(s) must be approved with the application for a conditional use.

(c) Signs which do not conform to provisions (a) or (b) may be approved under the conditional use procedure and criteria for sign approval outlined in Chapter 33.106 of this title.

4. Nonconforming Uses. Sign regulations for nonconforming uses are listed in Section 33.94.020 of this title.

Transitional Uses

33.24.130 Uses permitted. (Amended by Ord. No. 137307, 141161; and 150581 effective Jan. 1, 1981.) On a lot or portion of a lot, not exceeding one hundred feet in width, where the side of such lot abuts a C3, C2, C1, M3, M2, or M1 Zone, a two-family dwelling is permitted.

33.24.140 Lot size required. (Amended by Ord. No. 141161 passed Jan. 15, effective July 15, 1976.) The minimum lot area shall be thirty-five hundred square feet per dwelling unit.

33.24.150 Other regulations. (Amended by Ord. No. 141161 passed Jan. 15, effective July 15, 1976.) Parking, yards and all other regulations applicable to principal uses in R7 zones shall apply.

Accessory Buildings and Uses

33.24.160 Generally. No separate permit shall be issued for the construction of any type of accessory building prior to that of the main dwelling.

33.24.170 Height. No accessory building, except agricultural buildings, shall exceed two stories in height.

33.24.180 Classifications. (Amended by Ord. No. 150581 effective Jan 1, 1981.) Accessory buildings and uses permitted in R7 zones shll be divided into types as follows:

Type 1: Garage, carport, pergola, private greenhouse or other similar structure related to dwellings in design, whether attached or detached.

Type 2: A guest house, servant's house, caretaker's quarters or any such accessory building used for dwelling purposes.

Type 3: Woodshed, toolshed, chicken house, rabbit hutch, barns, silos and other such outbuildings of utilitarian character and use, not necessarily related in design to the dwelling.

Type 4: Moorage for private pleasure boats.

Type 5: Swimming pool, tennis court, or other type of home recreational facility.

Type 6: Home Occupations.

Type 7: Accessory rental unit.

33.24.190 Type 1. In R7 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 1 classification shall comply with the following:

(1) No Type 1 accessory building, except a garage on sloping ground (see subdivision (6)), shall be located closer to the street lot line than twenty-two feet, except that on a corner lot, the yard along the nonentrance side of a garage can be reduced to the yard requirements for the main building. No driveway entrance shall be located less than twenty-five feet from the corner of a lot where two streets intersect;

(2) No accessory building shall be located less than twenty-five feet from the corner of a lot where two streets intersect;

(3) Under the following conditions, any one

story Type 1 accessory building may be built adjacent to or on a rear and/or side lot line:

A. If an accessory building is located forty feet or more from the front lot line. Provided, however, that on a corner lot, a Type 1 accessory building may be located no closer than twenty-two feet to the front property line along the long dimension of the lot,

B. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line; provided, however, a one story detached garage legally erected along or adjacent to said lot line before March 4, 1948 may be extended in length not more than four feet with same type of construction as the existing garage if the number of cars to be accommodated is not increased;

(4) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (3), it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and in compliance with subdivision (3)A and (3)B;

(5) Any Type 1 accessory building, attached or detached, if more than one story, shall not be built up to either side and/or rear lot lines, and shall be subject to the regulations for lot coverage, yards, courts and setback of a dwelling;

(6) When a detached or attached garage is constructed on a lot sloping downward from a street, the average elevation of the lot being not less than ten feet below the sidewalk level, the front wall of the garage need not set back farther from the street lot line than the average contour elevation line of the lot which is five feet below the sidewalk elevation. However, in no case shall the front wall of the garage be closer to the street lot line than five feet. Such garage shall not exceed a height of ten feet above the adjacent sidewalk level within the required front yard for the main building;

(7) The ground area covered by all Type 1 accessory buildings on the same lot shall not exceed fifteen percent of the lot area.

33.24.200 Type 2. In R7 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 2 classification shall comply with the following:

(1) No Type 2 accessory building shall be built on a lot less than twelve thousand square feet in area;

(2) If located to the rear of the main dwelling, a Type 2 accessory building shall be separated from the main dwelling by at least sixty feet;

(3) Type 2 accessory buildings shall conform in location on the lot to side, rear, and front yard regulations for principal uses.

33.24.210 Type 3. In R7 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 3 classification shall comply with the following:

(1) No Type 3 accessory building shall be located closer than twenty-five feet to a street lot line;

(2) Such outbuildings shall not encroach upon a required yard of another building on the same lot. The distance from any such outbuilding to a rear or side lot line shall be the same as for a detached garage of the same size;

(3) The combined area of all Type 3 accessory buildings on the same lot or property shall not exceed in ground area one-twentieth of the area of the lot on which such buildings are situated;

(4) An outbuilding used for keeping chickens, pigeons, rabbits, goats, or other animals, in addition to complying with the building regulations and health and sanitation regulations, shall not be located within fifty feet of any dwelling;

(5) If built higher than twenty-five feet, barns, silos, and other agricultural buildings shall be located as far from any lot line as the height of the structure.

33.24.220 Type 4. In R7 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 4 classification shall comply with the following:

(1) Any structure shall be located five feet or more from side lot lines;

(2) Covered structures shall be located adjacent to the natural shore line;

(3) Covered structures shall not occupy more than fifty percent of the width of the lot at the natural shore line;

(4) Any boat using such moorage shall not be used as a place of residence when so moored.

33.24.230 Type 5. In R7 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 5 classification shall comply with the following:

(1) Where a Type 5 accessory use contains a building or is contained within a building, said building, whether attached or detached, shall not be located closer to any lot line than that distance required of the principal use;

(2) Under the following conditions, any Type 5 accessory building may be built adjacent to or on a rear and/or side lot line if the wall along or adjacent to such rear and/or side lot line is of masonry not less than eight inches in thickness for its full length and width and for the full height of such accessory building:

A. If a detached accessory building is located ten or more feet to the rear of the main building,

B. If an attached accessory building is located forty feet or more from the front lot line,

C. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line than permitted in A. or B.;

(3) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in comp liance with subdivision (2), it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes;

(4) No swimming pool shall be located closer than three feet to any property line nor closer than three feet to any wall or fence.

33.24.240 Type 6. (Amended by Ord. No. 139311, 140534; and 150581 effective Jan 1, 1981.) (a) In R7 Zones, home occupations in the same lot accessory to principal uses and transitional uses of a Type 6 classification shall be permitted only in the following categories:

(1) Office for professional, personal or business service;

(2) Studio for arts, handicrafts or tutoring;

(3) Shops for limited or custom production or minor repair service;

(4) Headquarters for a craftsperson or salesperson;

(5) Home baby-sitting.

(b) Any such home occupation shall comply with the following limitations:

(1) No servant, employee or any person other than a member or members of the family residing within the dwelling shall engage in a home occupation therein or within an accessory building;

(2) No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations;

(3) No activities shall be allowed which involve the use, storage, milling or manufacture of highly combustible materials or internal combustion engineers;

(4) All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed Type 1, 2 or 3 accessory building;

(5) The aggregate of all space within any or all buildings devoted to one or more home occupations shall not exceed five hundred square feet in floor area;

(6) Any home occupation which causes abnormal automotive or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited;

(7) No enlargements nor alterations to a dwelling or accessory building for the sole purpose of conducting a home occupation shall be permitted;

(8) The premises shall at all times be maintained as residential in appearance, cleanliness and quietness;

(9) Dimensions, power rating or weight of such equipment and tools used in the conduct of the home occupation shall not exceed that of normal household equipment and tools;

(10) Sign: A home occupation shall be permitted one non-illuminated, non-flashing sign, not exceeding three-quarters square foot in area, limited to the name of the occupant and/or a designation of any authorized home occupation conducted on the site. Such sign

shall be in lieu of, not in addition to, any sign permitted for a principal use in the underlying zone;

(11) Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building;

(12) Customer and client contact shall be primarily by telephone, mail or in their homes and places of business and not on the premises of the home occupation, except for those home occupations which by their very nature cannot otherwise be conducted except by personal contact with clients;

(13) Products made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers;

(14) (Amended by Ord. No. 139311 passed Jan. 16, effective Feb. 17, 1975.) Other than normal passenger automobiles, only one truck of no more than 8,400 lb. gross vehicle weight (GVW) is permitted to be operated, whether owned or rented, in connection with a home occupation. Such truck, if parked on the premises, shall be kept within a completely enclosed garage;

(15) Instruction in music shall be limited to no more than two students at one time and in crafts to no more than six students at one time;

(16) (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Home baby-sitting is allowed under the following conditions:

A. Up to and including five children may be cared for on the premises; or

B. Up to and including ten children may be cared for if:

(i) There is at least 100 sq. ft. of safe, usable open space on the site for outdoor play area; and

(ii) Screening is provided separating such outdoor open space from abutting lots. Such screening shall be at least four feet, but not more than six feet, high and should be masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge; and

(iii) If 100% of adjacent neighbors indicate approval. This is included within the normally required 50% approval for home occupations generally.

(iv) If, subsequent to granting a Home Occupation permit for the care of 6-10 children (paragraph b), a petition from 75% of the abutting property owners is received by the Bureau of Buildings opposing the continuation of the increased number of children, the permit shall be amended to allow not more than 5 children.

(17) An office for a physician or dentist is permitted primarily for emergency cases and as an accommodation for retired or part-time practitioners and not as a principal office for the practice of the profession.

(18) Limitations placed on home occupations in this title shall not be construed as prohibiting home occupations conducted by means of receiving and transmitting signals via a home computer terminal linked to a telecommunications network.

(19) A home occupation shall not be permitted where an accessory rental unit is already located on the premises.

(c) (Am 153762 Sept. 2, 1982) Procedure to establish and maintain a home occupation:

(1) Permits for home occupations shall be issued by the Bureau of Buildings and shall be valid for a period of two years only. It shall be the responsibility of the applicant to apply for a permit every two years. Before re-issuance of a permit, the Bureau of Buildings shall review the home occupation for compliance with the requirements of this title. A permit for a home occupation may be revoked at any time if the requirements of this title are not being met. A fee shall be charged for a home occupation permit in accordance with the provisions of Title 24;

(2) No permit shall be issued by the Bureau of Buldings until or unless the applicant shall have received the favorable approval, as indicated by signatures on the authorized application form, of owners or contract puchasers of not less than fifty percent of all property in the area bounded by lines one hundred feet, excluding street widths, from and parallel to the boundary lines of the lot proposed to contain each home occupation. Area of any property owned or occupied by the applicant shall be excluded in computing required percentage of approval;

(3) If, in the opinion of the applicant, the Bureau of Buildings has acted arbitrarily and capriciously in withholding or revoking a permit for a home occupation, he may request an interpretation of this title by the City Planning Commission as provided in Section 33.114.030. In such cases the dwelling or accessory building to be devoted to a home

occupation shall be open for inspection to the staff of the City of Portland on any day between eight a.m. and ten p.m.;

(4) The bureau of licenses shall not issue a business license or accept payment of the fee until an occupancy permit for a home occupation is issued by the bureau of buildings.

33.24.245 Type 7. Accessory rental unit. (Added by Ord. No. 150581 effective Jan 1, 1981.) Allow a rental unit to be added to existing single family dwellings if the following requirements are met:

(1) The house must have at least 2,000 sq. ft. of gross floor area, exclusive of garage space.

(2) The new apartment may be created only through internal conversion of the housing unit. Garage space may not be converted.

(3) No additions of floor space may have been made to the housing unit in the preceding five years.

(4) The new rental unit may not occupy more than 25% of the house's floor area.

(5) Only one entrance to the house shall be visible from the front yard.

(6) The aggregate number of persons that may occupy the added rental unit and the remaining house is limited to the number allowed for the house without the rental unit (one "family" as defined in section 33.12.310).

(7) An accessory rental unit may not be added where a home occupation is already located on the premises.

(8) The house to which an accessory rental unit is to be added must be owner-occupied and have been owner-occupied by the current owner-occupant for the 12 calendar months preceding the date of application.

CONDITIONAL USES

33.24.250 Uses permitted. (Amended 132825, 138936, 140290, 148244, 150581, 151344; and 153329 effective July 5, 1982.) In an R7 Zone the following conditional uses may be permitted subject to the regulations contained in Sections 33.24.260 through 33.24.505 and Chapter 33.79 and under authority and according to the procedure specified in Chapter 33.106, except the conditional uses permitted on flag lots shall be limited to those listed in Section 33.88.070:

(1) Cemeteries;
(2) Churches;
(3) Residential buildings accessory to churches;
(4) Colleges
(5) Community clubs
(6) Crematories, mausoleums and columbariums;
(7) Excavations and filling;
(8) Golf courses, other country clubs and athletic clubs;
(9) Governmental structures and land uses (local, state or federal) which are essential to the functioning and servicing of residential neighborhoods;
(10) Greenhouses, nurseries, or other propagation of plants and their products for sale;
(11) Homes, convalescent;
(12) Hospitals, general;
(13) Hospitals, mental, remedial or detention;
(14) Uses or buildings accessory to hospitals;
(15) Libraries;
(16) Mass transit waiting stations or turnarounds;
(17) Museums;
(18) Natural resources, development of;
(19) Parks, public;
(20) Planned Unit Developments;
(21) Private helistop, accessory to a hospital;
(22) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods;
(23) Radio and television transmitters;
(24) Railroad rights-of-way and passenger stations;
(25) Residential care facilities;
(26) Riding academies;
(27) Schools, nursery;
(28) Schools, parochial or private;
(29) Schools, public;
(30) Tract development and sales;
(31) Unit ownership or condominium projects;
(32) Welfare institutions.

(33) Development of lands adjacent to water features as defined in Section 33.24.115.

33.24.260 Regulations. (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regu-

lations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

33.24.270 Apartment project or unit development. (Repealed by Ord. No. 148546 passed and effective Oct. 4, 1979.)

33.24.280 Churches. Regulations for churches shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: Hereafter, no church shall be established on a site of less than fifteen thousand square feet in area. Churches existing on a site less than fifteen thousand square feet may be enlarged provided such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5), and provided further that the off-street parking requirements shall be met;

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height	twenty feet
For buildings forty-five feet and higher in height	thirty-five feet;

(5) Minimum side or rear yard:

For buildings under 15 feet in height	10 feet
For buildings 15 to 24 feet in height	13 feet
For buildings 25 to 34 feet in height	16 feet
For buildings 35 to 44 feet in height	20 feet
For buildings 45 to 54 feet in height	25 feet
For buildings 55 to 64 feet in height	35 feet
For buildings 65 to 74 feet in height	45 feet;

(6) (Amended 153373 effective July 17, 1982) Signs permitted: One sign not to exceed seven feet in length nor twenty square feet in area and one church bulletin board, but the combined area of both sign and bulletin board shall not exceed thirty square feet. Neither sign nor bulletin board shall extend above the building height nor over the sidewalk and each must be located on the property of the church. Any illumination shall be indirect and non-flashing.

33.24.290 Residential building accessory to churches. Regulations for residential building accessory to churches shall be as follows:

(1) Off-street parking required: In addition to spaces required for the church, one space shall be provided for each ten persons residing in such building;

(2) Site area: In addition to required site area for church buildings, a minimum of five thousand square feet shall be provided for each ten persons residing in accessory residential buildings.

33.24.300 Colleges. Regulations for colleges shall be as follows:

(1) Off-street parking required: One space per ten seats in classrooms. In addition, one space per five students housed in dormitories, fraternities, or sororities shall be provided;

(2) Minimum front yard: Forty feet;

(3) Minimum side or year yard: No classroom, laboratory, stadium, or other main building shall be erected closer than fifty feet to any side or rear lot line. The side and rear yards for dormitories, fraternities, and sororities shall not be less than fifteen feet for a one story building plus five feet for each additional story;

(4) Site area: For dormitories, fraternities, and sororities not located on or contiguous to the college campus, a minimum of five thousand square feet of site area shall be provided for each ten persons residing in such buildings.

33.24.310 Community clubs. Regulations for community clubs shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four

feet of bench length in the main auditorium;

(2) Site area: Hereafter, no community club shall be established on a site of less than fifteen thousand square feet in area. Community clubs existing on smaller sites may be enlarged but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivision (3), (4) and (5);

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height	twenty feet
For buildings forty-five feet and higher in height	thirty-five feet;

(5) Minimum side or rear yard:

For buildings under 15 feet in height	10 feet
For buildings 15 to 24 feet in height	13 feet
For buildings 25 to 34 feet in height	16 feet
For buildings 35 to 44 feet in height	10 feet.

33.24.320 Conversions to two family use. (Repealed by Ord. No. 150581 effective Jan. 1, 1981.)

33.24.330 Excavating or filling. Excavating or filling as defined in this title shall be regulated as a conditional use.

33.24.340 Golf courses, other country clubs and athletic clubs. Regulations for golf courses, other country clubs, and athletic clubs shall be as follows:

(1) Minimum side or rear yards: Club houses, swimming pools, stadiums, and any other structure dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R or A Zone;

(2) Miniature golf courses and golf driving ranges are prohibited in R7 Zones. Such uses are classified as commercial uses and are permitted only in C2 and M Zones;

(3) Quarters for animals shall be located at least two hundred feet from any property line bordering or within an R or A Zone.

33.24.350 Convalescent home. Regulations for a convalescent home shall be as follows:

(1) Classification: Homes having a capacity of ten or fewer patient beds are classed as small; eleven to twenty beds, medium; over twenty beds, large;

(2) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per five beds except for large homes, one space per three beds.

(3) Off-street loading: Large convalescent homes shall provide one berth;

(4) Minimum lot area: One thousand square feet per bed;

(5) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(6) Minimum front yard:

Small or medium homes twenty feet provided, however, that where lots comprising forty percent or more of the frontage are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

Large homes thirty feet;

(7) Minimum side or rear yards: Small homes – five feet for a one story building, six feet for a two story building, and seven feet for a two and one-half story building.

Medium homes twelve feet.

Large homes – fifteen feet for a one story building plus five feet for each additional story.

33.24.360 General hospitals. Regulations for general hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees.

(2) Off-street loading: For any general hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6

400,000 -	489,999	7
490,000 -	579,999	8
580,000 -	669,999	9
670,000 -	759,999	10
760,000 -	849,999	11
850,000 -	939,999	12
940,000 -	1,029,999	13
Over -	1,030,000	14

(3) Minimum site area:

A. No hospital shall be established on a site of less than one acre,

B. At least twenty-five hundred square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Forty feet;

(6) Minimum side or rear yard: Forty feet.

(7) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including accessory buildings shall not exceed thirty-five percent of the site area.

(8) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

33.24.370 Mental, remedial or detention hospitals. Regulations for mental, remedial or detention hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees.

(2) Off-street loading: For any mental, remedial, or detention hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area		Loading Berths Required
5,000 -	39,999	1
40,000 -	99,999	2
100,000 -	159,999	3
160,000 -	239,999	4
240,000 -	319,999	5
320,000 -	399,999	6
400,000 -	489,999	7
490,000 -	579,999	8
580,000 -	669,999	9
670,000 -	759,999	10
760,000 -	849,999	11
850,000 -	939,999	12
940,000 -	1,029,999	13
Over -	1,030,000	14

(3) Minimum site area:

A. No hospital shall be established on a site of less than ten acres in area,

B. At least three thousand square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Forty feet;

(6) Minimum side or rear yard: Forty feet.

(7) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including accessory buildings shall not exceed thirty-five percent of the site area.

(8) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

33.24.380 (Amended by Ord. No. 140290 passed and effective July 24, 1975.) **Uses or buildings accessory to hospitals.** Regulations for uses or buildings accessory to hospitals shall be as follows: (a) General regulations.

(1) The site of any accessory use or building shall be in the same ownership as the hospital to which it is an accessory unless a restriction is placed upon the property occupied by the accessory use or building and recorded in the appropriate county records at the expense of the applicant, using forms prescribed for that purpose obtainable from the office of the planning commission.

Upon submission of satisfactory evidence either that the accessory building will be

removed or that the proposed use of the accessory building will not be in conflict with the zoning in which it is located and that it will not alter the parking, site coverage, density and floor area of the hospital as permitted within a project area, the restriction upon the property shall be removed. A copy of said restriction removal shall be made available to the owner of said property for the purpose of recordation.

(2) The accessory use or building shall be located on the hospital site or on a separate site, the nearest portion of which is not more than one hundred feet removed from the hospital site to which it is an accessory.

(3) The accessory use or building, if located on a separate site, shall be restricted to a location abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

(4) Maximum height: Two and one-half stories or thirty-five feet, whichever is less, except there shall be no limit on buildings more than four hundred feet away from property lines bounding the project.

(5) Minimum front yard: Forty feet.

(6) Minimum side or rear yard: Forty feet.

(7) Maximum site coverage: Area covered by all buildings shall not exceed thirty-five percent of the site area if located on a separate site from the hospital to which it is an accessory. (See also Section 33.106.010.)

(b) Offices and/or clinics of physicians for private medical practice.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per each two hundred fifty square feet of gross floor area of any area assigned to such use.

(c) Parking garages.

(d) Residential facilities for staff, including nurses' homes, interns' quarters and other residential buildings.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided for each five persons residing in such building.

(2) Site area: In addition to required site area for hospitals, a minimum of seven thousand square feet shall be provided for each ten persons residing in such accessory building.

(e) Retail facilities for the needs of the patient including gift shop, barber shop, book store, beauty shop, coffee shop, drug store or pharmacy, and other similar uses.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space per each two employees of such shop or store provided such employee has not been included as a hospital employee.

(2) Such use shall be conducted entirely within the hospital buildings to which it is accessory except that a coffee shop may have an outdoor dining area provided such area is screened so that it is not visible from a public street or another property.

(3) Such use shall have pedestrian access only through an interior hall or lobby of the building wherein situated.

(4) (4 repealed, 5 renumbered 153373 effective July 17, 1982) The floor area devoted to all such uses within a main building or buildings shall not exceed ten percent of the gross floor area of such main building or buildings.

(f) Training facilities including school of nursing and other types of training facilities.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per ten seats in classrooms provided students have not been included as hospital employees.

33.24.390 Libraries. Regulations for libraries shall be as follows:

(1) Off-street parking required: One space per four hundred square feet of reading room area;

(2) Site area: Hereafter, no library shall be established on a site of less than fifteen thousand square feet in area. Libraries existing on a site less than fifteen thousand square feet may be enlarged, but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5);

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height fifteen feet,

For buildings forty-five feet and higher in height thirty feet;

(5) Minimum side or rear yard:

For buildings under 15 feet in height ..... 10 feet

For buildings 15 to 24 feet in height ..... 13 feet
For buildings 25 to 34 feet in height ..... 16 feet
For buildings 35 to 44 feet in height ..... 20 feet
For buildings 45 to 54 feet in height ..... 25 feet
For buildings 55 to 64 feet in height ..... 35 feet
For buildings 65 to 74 feet in height .....45 feet.

33.24.400 Museums. Regulations for museums shall be as follows:

(1) Site area: Hereafter, no museum shall be established on a site of less than fifteen thousand square feet in area. Museums existing on a site less than fifteen thousand square feet may be enlarged, but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (2), (3) and (4);

(2) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(3) Minimum front yard:

For buildings under forty-five feet in height fifteen feet,

For buildings forty-five feet and higher in height thirty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet in height ..... 10 feet
For buildings 15 to 24 feet in height ..... 13 feet
For buildings 25 to 34 feet in height ..... 16 feet
For buildings 35 to 44 feet in height ..... 20 feet
For buildings 45 to 54 feet in height ..... 25 feet
For buildings 55 to 64 feet in height ..... 35 feet
For buildings 65 to 74 feet in height .....45 feet.

33.24.405 Natural resources, development of. (Added 153327 effective July 5, 1982.) Regulations for resource extraction are listed in Section 33.18.280.

33.24.410 Private helistop. A private helistop may be permitted in connection with a principal or conditional hospital use and shall be subject to the additional regulations contained in Chapter 33.78.

33.24.420 Public parks. Regulations for public parks shall be as follows:

Minimum side or rear yards: Community centers, swimming pools, stadiums and buildings or portions of buildings containing concessions dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R or A Zone.

33.24.430 Public utility structures. Exempted from these regulations are underground pipes and conduits and aboveground electric transmission, distribution, communication, and signal lines on a single pole system. All other transmission and public utility structures, such as double poles and steel towers for transmission lines, substations, automatic telephone exchanges, relay stations, pumping stations, and treatment plants shall be regulated as conditional uses.

33.24.440 Railroad rights-of-way and passenger stations. Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated as conditional uses. All other railroad facilities such as switching yards, holding tracks, freight depots, shops, and roundhouses are prohibited in R7 Zones.

33.24.450 Nursery schools. Regulations for nursery schools shall be as follows:

(1) Off-street parking required: One space per teacher in schools having four or more teachers;

(2) Off-street loading required: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having four or more teachers. Such driveway shall be paved with material as specified in the building regulations;

(3) Outdoor play area: An outdoor play area shall be provided and thereafter maintained with a minimum area of one hundred square feet per child of total enrollment capacity of the school. Screening shall be provided separating such play area from abutting lots. Such screen shall be at least four feet but not more than six feet high

and shall be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge.

33.24.460 Private or parochial elementary and public primary schools. Regulations for private or parochial elementary and public primary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms on:	Maximum Number of Classrooms Per Acre
60 percent or more vacant	One floor	3.0
60 percent or more vacant	Two floors	3.0
Less than 60 percent vacant	One floor	4.0
Less than 60 percent vacant	Two floors	4.5

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area providing such space is made available by agreement with the bureau of parks;

(3) Minimum front yard: Forty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet in height ..... 20 feet
For buildings 15 to 24 feet in height ..... 30 feet
For buildings 25 to 34 feet in height ..... 40 feet
For buildings 35 to 44 feet in height .....50 feet.

33.24.470 Public elementary schools. Regulations for public elementary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms on:	Maximum Number of Classrooms Per Acre
60 percent or more vacant	One floor	2.5
60 percent or more vacant	Two floors	2.5
Less than 60 percent vacant	One floor	3.5
Less than 60 percent vacant	Two floors	4.0

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area providing such space is made available by agreement with the bureau of parks;

(3) Minimum front yard: Forty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet in height ..... 20 feet
For buildings 15 to 24 feet in height ..... 30 feet
For buildings 25 to 34 feet in height ..... 40 feet
For buildings 35 to 44 feet in height ..... 50 feet.

33.24.480 Private, parochial or public high schools. Regulations for private, parochial or public high schools shall be as follows:

(1) Off-street parking required: One space per fifty-six square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per eight seats or sixteen feet of bench length in the main auditorium;

(2) Minimum front yard: Forty feet;

(3) Minimum side or rear yard:

For buildings under 15 feet in height ..... 20 feet
For buildings 15 to 24 feet in height ..... 30 feet
For buildings 25 to 34 feet in height ..... 40 feet
For buildings 35 to 44 feet in height .....50 feet.

33.24.485 Residential care facilities. (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) Regulations for residential care facilities shall be.

(1) Lot size required. A. The minimum lot area shall be seven thousand square feet per facility;

B. The minimum lot width shall be sixty feet;

C. The minimum lot depth shall be ninety feet.

(2) Minimum on-site open space: A. Two hundred square feet for each resident served under the age of twelve years;

B. Three hundred square feet for each resident served twelve years through seventeen years of age;

C. One-hundred fifty square feet for each resident served eighteen years of age or older.

(3) Minimum off-street parking. One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility.

(4) Valid certificate of review (license to operate) issued under Chapter 8.80 of the municipal code.

33.24.490 Tract development and sales. (Amended 139117, 139702, 141105; and 153373 effective July 17, 1982) Regulations for tract development and sales shall be as follows:

1. Temporary buildings, such as offices, tool sheds or similar structures, used in connection with tract development and sales, may be permitted provided such use may not continue more than three years, at which time such temporary structures will be removed.

2. Each tract development is permitted the following signs: (a) Two permanent signs identifying the tract development of a housing project, each sign not to exceed twenty square feet in area and requiring permits.

(b) Two temporary signs used in conjunction with tract development and sales may be permitted until the conclusion of period of construction only. Such signs may not exceed thirty-two square feet each in area nor six feet in height.

33.24.495 Unit ownership or condominium project. (Added by Ord. No. 132825 passed and effective June 10, 1971.) Regulations for unit ownership or condominium project shall be as follows:

(1) Development or use shall consist of dwellings compatible with use and development in the adjacent area, and suitable to the topography of the land;

(2) Development of roadways shall be in accordance with requirements of the City Engineer;

(3) The entire site as developed shall be restricted as to changes or dissolution of unit ownership, as found appropriate in the interest of the neighborhood and the public.

33.24.500 Welfare institution. Regulations for welfare institutions shall be as follows:

(1) Off-street parking: One space per ten beds for patients or inmates;

(2) Off-street loading: For any welfare institution of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum site area: No institution shall be established on a site of less than one acre in area;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Forty feet;

(6) Minimum side or rear yard: Forty feet.

33.24.505 Development of lands adjacent to water features as defined in Section 33.24.115. (Added 153329 effective July 5, 1982.) Regulations for development of lands adjacent to water features shall be those listed in Section 33.22.495.

33.24.510 Prohibited uses. Uses of structures and land not specifically mentioned in this chapter are prohibited in all R7 Zones.

The use of automobile trailer houses as residences is prohibited in all R7 Zones. Such trailers are below the room size, ceiling height, and other regulations in the housing regulations.

Chapter 33.26

R5 ONE FAMILY RESIDENTIAL ZONE

Sections:

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33.26.010 Generally. In all R5 Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

33.26.015 Purpose. (Added by Ord. No. 150581 effective Jan 1, 1981.) To continue to allow for the single-family pattern most characteristic of Portland's development while allowing for some increase in density in certain circumstances.

PRINCIPAL USES

33.26.020 Uses permitted. In an R5 Zone, the following uses are permitted:

(1) One family dwellings;

(2) Farming and truck gardening. Produce sold shall be limited to that grown on the premises;

(3) Keeping such animals and fowls as are incidental to residential or farming use and in accordance with health and sanitation regulations.

(4) (Add 155589 ef Mar. 12, 1984) Residential homes.

33.26.030 Off-street parking required. (a) (Amended 151344 April 1, 1981.) One space per dwelling unit shall be provided and maintained

on the same lot except in the case of flag lots, (minimum parking requirements for flag lots are set forth in section 33.88.040).
provided and maintained on the same lot.

(b) Such space shall be accessible to a public street or alley.

(c) Such space shall be at least one hundred and sixty square feet in area.

(d) Such space shall not be located in the required front yard but it may be located in the required side or rear yard if not within a garage, carport, or other structure.

(e) Such space shall be available for the parking of operable passenger automobiles only.

(f) Such space shall not be rented by the day or part thereof.

(g) Such space, if uncovered, shall be paved in accordance with the building regulations.

(h) The provision and maintenance of off-street parking space is a continuing obligation of the property owner.

(i) A plan, drawn to scale, indicating how the off-street parking requirement is to be fulfilled, shall accompany the request for a building or occupancy permit.

(j) Such space shall be improved and made available for use before the issuance of a certificate of final inspection by the bureau of buildings.

(k) Additional parking spaces provided on the premises shall be regulated as specified in subsection (d), (f) and (g).

(l) In an R5 Zone, no overnight parking of trucks or other equipment on wheels or tracks exceeding one-half ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming and truck gardening on the premises.

33.26.040 Off-street loading. No off-street loading berths are required of principal uses in R5 Zones.

33.26.050 Lot size required. (a) (Amended 151344 April 1, 1981.) The minimum lot area shall be five thousand square feet per dwelling unit, (there are special regulations governing computation of lot area for flag lots listed in section 33.88.020).

(b) the minimum lot width shall be fifty feet.

(c) (Amended 151344 April 1, 1981.) The minimum lot depth shall be eighty feet except in the case of flag lots, (regulations governing minimum lot depth for flag lots are listed in section 33.88.020).

(d) (Amended by Ord. No. 144717 passed and effective Nov. 10, 1977.) No lot, tract, or parcel of land shall be reduced by transfer of ownership, immediate or future, in area, width or depth to less than stated in subsections (a), (b) and (c) unless approved as provided in Chapter 33.98.

(e) (Amended by Ord. No. 132825; and 148102 passed July 12, effective Aug. 13, 1979) In no case shall there be more than one main dwelling and its accessory buildings constructed on one lot unless such lot comprises two or more platted lots in a previously approved and recorded subdivision or parcels in a previously approved and recorded major or minor partition, and unless each such platted lot or parcel meets the minimum requirements of (a), (b), (c) and (d) above.

(f) (Amended by Ord. No. 134366, 139117, 139702, 141105; and 148873 passed and effective Dec. 13, 1979.) No dwelling shall be built or moved onto a lot not abutting a public street. Modification of this provision may be granted with procedure set forth in Sections 33.98.020 to 33.98.035 and more particularly Section 33.98.025(b) of this title, the reference to 33.98.010 notwithstanding.

(g) (Amended by Ord. No. 131818, 139117, 139702, 141105; and 150581 effective Jan 1, 1981.) On a platted lot of less than five thousand square feet but not less than three thousand seven hundred and fifty square feet located in a subdivision plat duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) in this section; provided, however, that:

(1) No construction of a one-family dwelling shall be permitted upon a lot with dimensions less than three thousand seven hundred and fifty square feet in area, thirty-five feet in width, and eighty feet in depth unless approved as provided in Chapter 33.98; and

(2) No structure shall be built closer to any existing structure on abutting property than the sum total of the required standard yard distances between the two structures in the R5 Zone, unless approved as provided for in Chapter 33.98. This separation between structures shall

be verified to the satisfaction of the Bureau of Buildings prior to the issuance of a building permit for any new structure enabled by this subsection.

(3) No construction of a one-family dwelling shall be permitted upon a lot unless that lot abuts a paved street which has been improved to City standards, and unless sewer and water service are immediately available in the abutting street and can be furnished to the proposed new structure.

(4) For the purposes of this subsection only, the maximum lot coverage for all buildings, no matter what height, including accessory buildings, shall not exceed thirty-five percent of the lot area.

(5) (Amended 152319 Sept. 24, 1981) For the purposes of this subsection only, and to insure better design of new structures on substandard lots, new development may include, at a maximum, one one-car garage or carport. The ground area covered by garage or carport shall not exceed ten percent of the lot area. In no case shall a garage or carport exceed 14 feet in width or 50 percent of the width of the dwelling, whichever is less.

(h) (Added by Ord. No. 150581 effective Jan. 1, 1981.) Allow cluster housing on sites of four acres or less, subject to the subdivision review process, if the following requirements are met.

(1) Each housing unit must be a detached single-family residence, on its own lot, with its own attached garage or carport.

(2) No residence may be placed within 15 ft. of another building.

(3) Each unit must front on a dedicated public street and meet the front yeard requirement of the underlying zone.

(4) Individual lots may be smaller than the minimum required in the underlying zone, but must have at least 2000 square feet of gross area.

33.26.060 Maximum lot coverage. The area covered by all buildings, including accessory buildings, not exceeding one story in height, shall not exceed forty-five percent of the lot area; and the area covered by the portions of all buildings exceeding one story in height shall not exceed thirty-five percent of the lot area.

33.26.070 Minimum floor area permitted. There shall be no limitation except as regulated by the room size requirements for one family dwellings in the housing regulations.

33.26.080 Maximum height permitted. (a) No structure shall exceed two and one-half stories, or thirty-five feet in height.

(b) On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more, measured in the general direction of the side lot lines, an additional story may be permitted in such main building provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Chimneys, radios and television aerials may extend above the thirty-five foot height limit.

33.26.090 Minimum front yard.* (a) (Amended 151344 April 1, 1981.) There shall be a front yard of not less than fifteen feet, except in the case of flag lots (yard regulations for flag lots are listed in section 33.88.030), and where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of more than ten feet in depth. In such cases the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

(b) Where a lot is situated between two lots, each of which has a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirements on such lot may be the average of the front yards of the existing buildings.

(c) Where a lot adjoins only one lot having a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirement on such lot may be the average of the front yard of the said existing building and the established front yard line.

(d) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and located on that side which has not yet

*See Chapter 33.90 for additional regulations.

been dedicated or condemned, unless the yards provided on such lot include both that portion of the lot lying within the future street and the required yards.

(e) On corner lots, the front yard along the long dimension of the lot may be reduced to ten feet. In case of a square lot or lot having equal frontage on two intersecting streets, one front yard may be reduced to ten feet providing the other front yard is at least fifteen feet.

33.26.100 Minimum side yard.* (a) (Amended 151344 April 1, 1981.) There shall be a minimum side yard on each side of any main building according to height as shown on the following schedule, except in the case of flag lots and as provided for in subsections (b) and (c) of this section: (Regulations governing yard requirements for flag lots are listed in section 33.88.030):

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet.

(b) Where an entire frontage is designed and constructed as a unit, the required width of side yards with respect to lot lines may be varied providing the distance between adjoining buildings equals the total combined width of two adjoining required side yards. This total combined width shall not thereafter be reduced by enlargement of either adjoining building.

(c) (Added by Ord. No. 150581 effective Jan. 1, 1981.) Construction of attached dwelling units having a common wall on a common property line is allowed if the following requirements are met:

(1) No dwelling may have more than one common wall.

(2) Each dwelling must be placed on a lot that meets all other requirements of the zone, i.e., width, depth, and total area.

(3) Each dwelling must have one side yard at least fifteen feet in width.

*See Chapter 33.90 for additional regulations.

33.26.110 Minimum rear yard.* (Amended 151344 April 1, 1981.) There shall be a minimum rear yard according to the height of the main building as shown on the following schedule except in the case of flag lots (regulations governing rear yard requirements for flag lots are listed in section 33.88.030):

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet.

33.26.115 Development adjacent to watercourses and water bodies. (Added 153329 effective July 5, 1982.) (1) Development shall be restricted within the following areas: (a) Between the ordinary high water line and twenty-five feet back of the top of the bank of watercourses and water bodies such as rivers, lakes, ponds, sloughs or wetlands, as shown on the City of Portland Water Features Map.

(b) Within twenty-five feet of the centerline of watercourses such as streams, creeks and drainageways draining thirty acres or more as shown on the City of Portland Water Features Map.

(2) Within the restricted areas the provisions of Section 33.22.115 (2) through (8) shall apply.

33.26.120 Signs permitted. (Amended 153373 effective July 17, 1982) All signs permitted in this residential zone shall be either wall signs or freestanding signs. Wall signs shall be located on the first story of a building and no sign shall be located above the roofline. Freestanding signs shall not exceed a height of four feet unless otherwise specified, and must be located wholly on private property. All signs shall be non-illuminated or indirectly illuminated. Rotating, flashing, animated and electronic information signs are prohibited in this zone.

*See Chapter 33.90 for additional regulations.

1. Each dwelling is permitted the following signs: (a) One identification sign not to exceed three-quarters of a square foot in area. Such sign shall be placed flat against the building and not above the roofline. In instances where building-mounted signs are not distinctly visible from a public right-of-way, then such sign may be affixed to a permanent structure at the primary entranceway to such property at a height not to exceed four feet.

(b) A real estate sign, not to exceed four square feet in area and six and one-half feet in height, which advertises the sale or rent of the dwelling until the dwelling is sold or rented. Corner lots are permitted two such signs, one on each street frontage.

(c) Building numbers shall be exempt from regulation herein and shall be located as required in Chapter 17.92 of the City Code.

(d) A minimum number of required off-premise directional signs are permitted for the purpose of directing traffic to an open house for rent, lease or sale of real or personal property while an agent is on the premises. Such sign may only be erected or displayed for the period of time the house is open and shall be subject to all other regulations of temporary signs. Such sign shall not exceed four feet in height nor twelve square feet in sign area.

2. Each tract development is permitted the following signs requiring permits: (a) Two permanent signs identifying the tract development of a housing project, each sign not to exceed twenty square feet in area.

3. Conditional Uses — (see Section 33.26.240 for permitted uses) — The following signs require permits: (a) Each authorized conditional use shall be permitted one sign not to exceed twenty square feet in area nor ten feet in height. Churches are permitted a bulletin board in addition but the combined area of all signs shall not exceed thirty square feet.

(b) If additional signing is desired such sign(s) must be approved with the application for a conditional use.

(c) Signs which do not conform to provisions (a) or (b) may be approved under the conditional use procedure and criteria for sign approval outlined in Section 33.106 of this code.

4. Nonconforming Uses. Sign regulations for nonconforming uses are listed in Section 33.94.020 of this title.

33.26.125 Pre-existing multi-family use. (Added 152284 Sept. 17,1981.) At the time an area is rezoned R5, existing multi-family properties, which were originally created through the conversion of a single-family residence and which were allowed principal uses under the former zoning but were converted without a building permit, shall be allowed to continue as non-conforming uses subject to the following regulations:

(1) Pre-existing multi-family use status is only for the specific structure(s) and number of units in existence at the time of the downzoning.

(2) Any addition of new square footage to the structure shall be reviewed as a conditional use and shall conform to the setback,coverage, building height, parking and sign requirements of the R5 zone. In no case shall additional units, in excess of the number existing on the lot at the time of the downzoning, be permitted.

(3) If at any time in the future a pre-existing multi-family use is converted back to a single-family use and remains in such use for a year or more, it may not be converted back to a multi-family use except as provided by Section 33.26.235.

(4) Pre-existing multi-family use status shall be determined prior to issuance of any building permit required to bring the multi-family use structure into conformance with the City's Building Codes. Such status shall only be granted for those multi-family use structures which are in conformance with the City's Building Codes or have applied for a building permit for work necessary to make those modifications which will bring the structure into conformance with the Building Codes.

(5) (Am 153823 ef Oct. 18, 1982) Pre-existing multi-family use status shall be determined by the Director of the Bureau of Buildings or his/her delegate. In making this determination, the Director/delegate shall consider tax records or other information submitted by the property owner(s) which substantiates multi-family use prior to the date of the downzoning. Should the Director/delegate not find satisfactory evidence of multi-family use, the owner(s) of the property for which pre-existing multi-family use status is sought, may appeal the Director's/delegate's decision to the Building Code Board of Appeals in the manner prescribed in Section 24.02.041 of Title 24, Building Regulations.

TRANSITIONAL USES

33.26.130 Uses permitted. (Am 137307, 141161, 150581, 151021; and 153822 ef Oct. 18, 1982) On a lot or portion of a lot, not exceeding one hundred feet in width, where the side of such lot abuts a C3, C2, C1, M3, M2 or M1 Zone, residential uses permitted shall be regulated by Section 33.30.020.

33.26.140 Lot size required. (Am 141161; and 153822 ef Oct. 18, 1982) Minimum lot size and density of residential development shall be regulated by Section 33.30.050.

33.26.145 Other regulations. (Am 141161; and 153822 ef Oct. 18, 1982) Parking, yards and all other regulations applicable to principal uses in the R5 Zone shall apply.

ACCESSORY BUILDINGS AND USES

33.26.150 Generally. No separate permit shall be issued for the construction of any type of accessory building prior to that of the main dwellings.

33.26.160 Height. No accessory building, except agricultural buildings, shall exceed two stories in height.

33.26.170 Classifications. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Accessory buildings and uses permitted in R5 zones shall be divided into types as follows:

Type 1: Garage, carport, pergola, private greenhouse or other similar structure related to dwellings in design, whether attached or detached.

Type 2: A guest house, servant's house, caretaker's quarters or any such accessory building used for dwelling purposes.

Type 3: Woodshed, toolshed, chicken house, rabbit hutch, barns, silos, and other such outbuildings of utilitarian character and use, not necessarily related in design to the dwelling.

Type 4: Moorage for private pleasure boats.

Type 5: Swimming pool, tennis court, or other type of home recreational facility.

Type 6: Home occupations.

Type 7: Accessory rental unit.

33.26.180 Type 1. In R5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 1 classification shall comply with the following:

(1) No Type 1 accessory building, except a garage on sloping ground (see subdivision (6)), shall be located closer to the street lot line than twenty-two feet, except that on a corner lot, the yard along the nonentrance side of a garage can be reduced to the yard requirements for the main building. No driveway entrance shall be located less than twenty-five feet from the corner of a lot where two streets intersect;

(2) No accessory building shall be located less than twenty-five feet from the corner of a lot where two streets intersect;

(3) Under the following conditions, any one story Type 1 accessory building may be built adjacent to or on a rear and/or side lot line:

A. If an accessory building is located forty feet or more from the front lot line. Provided, however, that on a corner lot, a Type 1 accessory building may be located no closer than twenty-two feet to the front property line along the long dimension of the lot.

B. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line; provided, however, a one story detached garage legally erected along or adjacent to the lot line before March 4, 1948 may be extended in length not more than four feet with same type of construction as the existing garage if the number of cars to be accommodated is not increased;

(4) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (3), it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and in compliance with subdivisions (3)A and (3)B above;

(5) Any Type 1 accessory building attached or detached, if more than one story, shall not be built up to either side and/or rear lot lines, and shall be subject to the regulations for lot coverage, yards, courts and setback of a dwelling;

(6) When a detached or attached garage is constructed on a lot sloping downward from a street, the average elevation of the lot being not less than ten feet below the sidewalk level, the front wall of the garage need not set back farther from the street lot line than the average contour elevation line of the lot which is five feet below the sidewalk elevation. However, in no case shall the front wall of the garage be closer to the street lot line than five feet. Such garage shall not exceed a height of ten feet above the adjacent sidewalk level within the required front yard for the main building;

(7) The ground area covered by all Type 1 accessory buildings on the same lot shall not exceed fifteen percent of the lot area.

33.26.190 Type 2. In R5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 2 classification shall comply with the following:

(1) No Type 2 accessory building shall be built on a lot less than nine thousand square feet in area;

(2) If located to the rear of the main dwelling, a Type 2 accessory building shall be separated from the main dwelling by at least sixty feet;

(3) Type 2 accessory buildings shall conform in location on the lot side, rear and front yard regulations for principal uses.

33.26.200 Type 3. In R5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 3 classification shall comply with the following:

(1) No Type 3 accessory building shall be located closer than twenty-five feet to a street lot line;

(2) Such outbuilding shall not encroach upon a required yard of another building on the same lot. The distance from any such outbuilding to a rear or side lot line shall be the same as for a detached garage of the same size;

(3) The combined area of all Type 3 accessory buildings on the same lot or property shall not exceed in ground area one-twentieth of the area of the lot on which such buildings are situated;

(4) An outbuilding used for keeping chickens, pigeons, rabbits, goats or other animals, in addition to complying with the building regulations and health and sanitation regulations, shall not be located within fifty feet of any dwelling;

(5) If built higher than twenty-five feet, barns, silos, and other agricultural buildings shall be located as far from any lot line as the height of the structure.

33.26.210 Type 4. In R5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 4 classification shall comply with the following

(1) Any structure shall be located five feet or more from a side lot line;

(2) Covered structures shall be located adjacent to the natural shore line;

(3) Covered structures shall not occupy more than fifty percent of the width of the lot at the natural shore line;

(4) Any boat using such moorage shall not be used as a place of residence when so moored.

33.26.220 Type 5. In R5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 5 classification shall comply with the following:

(1) Where a Type 5 accessory use contains a building, or is contained within a building, said building, whether attached or detached, shall not be located closer to any lot line than that distance required of the principal use;

(2) Under the following conditions, any Type 5 accessory building may be built adjacent to or on a rear and/or side lot line if the wall along or adjacent to such rear and/or side lot line is of masonry not less than eight inches in thickness for its full length and width and for the full height of such accessory building:

A. If a detached accessory building is located ten or more feet to the rear of the main building,

B. If an attached accessory building is located forty feet or more from the front lot line,

C. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line than permitted in A. or B.;

(3) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (2), it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes;

(4) No swimming pool shall be located closer than three feet to any property line nor closer than three feet to any wall or fence.

33.26.230 Type 6. (Amended by Ord. No, 139311, 140534; and 150581 effective Jan. 1, 1981.) (a) In R5 Zones, home occupations in the same lot accessory to principal uses and transitional uses of a Type 6 classification shall be permitted only in the following categories:

(1) Office for professional, personal or business service;

(2) Studio for arts, handicrafts or tutoring;

(3) Shops for limited or custom production or minor repair service;

(4) Headquarters for a craftsperson or salesperson;

(5) Home baby-sitting.

(b) Any such home occupation shall comply with the following limitations:

(1) No servant, employee, or any person other than a member or members of the family residing within the dwelling shall engage in a home occupation therein or within an accessory building;

(2) No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations;

(3) No activities shall be allowed which involve the use, storage, milling or manufacture of highly combustible materials or internal combustion en gines;

(4) All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed Type 1, 2 or 3 accessory building;

(5) The aggregate of all space within any or all buildings devoted to one or more home occupations shall not exceed five hundred square feet in floor area;

(6) Any home occupation which causes abnormal automotive or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited;

(7) No enlargements nor alterations to a dwelling or accessory building for the sole purpose of conducting a home occupation shall be permitted;

(8) The premises shall at all times be maintained as residential in appearance, cleanliness and quietness;

(9) Dimensions, power rating or weight of such equipment and tools used in the conduct of the home occupation shall not exceed that of normal household equipment and tools;

(10) Sign: A home occupation shall be permitted one non-illuminated, non-flashing sign, not exceeding three-quarters sqare foot in area, limited to the name of the occupant and/or a designation of any authorized home occupation conducted on the site. Such sign shall be in lieu of, not in addition to, any sign permitted for a principal use in the underlying zone;

(11) Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building;

(12) Customer and client contact shall be primarily by telephone, mail, or in their homes and places of business and not on the premises of the home occupation, except for those home occupations which by their very nature cannot otherwise be conducted except by personal contact with clients;

(13) Products made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers;

(14) Other than normal passenger automobiles, only one truck of no more than 8,400 lb. gross vehicle weight (GVW) is permitted to be operated, whether owned or rented, in connection with a home occupation. Such truck, if parked on the premises, shall be kept within a completely enclosed garage.

(15) Instruction in music shall be limited to no more than two students at one time and in crafts to no more than six students at one time;

(16) Home baby-sitting is allowed under the following conditions:

(a) Up to and including five children may be cared for on the premises; or

(b) Up to and including ten children may be cared for if:

(i) There is at least 100 sq. ft. of safe, usable open space on the site for outdoor play area; and

(ii) Screening is provided separating such outdoor open space from abutting lots. Such screening shall be at least four feet, but not more than six feet, high and should be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge; and

(iii) If 100% of adjacent neighbors indicate approval. This is included within the normally required 50% approval for home occupations generally.

(iv) If, subsequent to granting a Home Occupation permit for the care of 6-10 children (paragraph b), a petition from 75% of the abutting property owners is received by the Bureau of Buildings opposing the continuation of the increased number of children, the permit shall be amended to allow not more than 5 children.

(17) An office for a physician or dentist is permitted primarily for emergency cases and as an accommodation for retired or part-time practitioners and not as a principal office for the practice of the profession.

(18) Limitations placed on home occupations

in this title shall not be construed as prohibiting home occupations conducted by means of receiving and transmitting signals via a home computer terminal linked to a telecommunications network.

(19) A home occupation shall not be permitted where an accessory rental unit is already located on the premises.

(c) (Am 153762 Sept. 2, 1982) Procedure to establish and maintain a home occupation:

(1) Permits for home occupations shall be issued by the Bureau of Buildings and shall be valid for a period of two years only. It shall be the responsibility of the applicant to apply for a permit every two years. Before re-issuance of a permit, the Bureau of Buildings shall review the home occupation for compliance with the requirements of this title. A permit for a home occupation may be revoked at any time if the requirements of this title are not being met. A fee shall be charged for a home occupation permit in accordance with the provisions of Title 24;

(2) No permit shall be issued by the Bureau of Buildings until or unless the applicant shall have received the favorable approval, as indicated by signatures on the authorized application form, of owners or contract purchasers of not less than fifty percent of all property in the area bounded by lines one hundred feet, excluding street widths, from and parallel to the boundary lines of the lot proposed to contain each home occupation. Area of any property owned or occupied by the applicant shall be excluded in computing required percentage of approval;

(3) If, in the opinion of the applicant, the Bureau of Buildings has acted arbitrarily and capriciously in withholding or revoking a permit for a home occupation, he may request an interpretation of this title by the City Planning Commission as provided in Section 33.114.030. In such cases the dwelling or accessory building to be devoted to a home occupation shall be open for inspection to the staff of the City of Portland on any day between eight a.m. and ten p.m.;

(4) The bureau of licenses shall not issue a business license or accept payment of the fee until an occupancy permit for a home occupation is issued by the bureau of buildings.

33.26.235 Type 7: Accessory rental unit. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Allow a rental unit to be added to existing single family dwellings if the following requirements are met:

(1) The house must have at least 2,000 sq. ft. of gross floor area, exclusive of garage space.

(2) The new apartment may be created only through internal conversion of the housing unit. Garage space may not be converted.

(3) No additions of floor space may have been made to the housing unit in the preceding five years.

(4) The new rental unit may not occupy more tha 25% of the house's floor area.

(5) Only one entrance to the house shall be visible from the front yard.

(6) The aggregate number of persons that may occupy the added rental unit and the remaining house is limited to the number allowed for the house without the rental unit (one "family" as defined in section 33.12.310).

(7) An accessory rental unit may not be added where a home occupation is already located on the premises.

(8) The house to which an accessory rental unit is to be added must be owner-occupied and have been owner-occupied by the current owner-occupant for the 12 calendar months preceding the date of application.

CONDITIONAL USES

33.26.240 Uses permitted. (Amended 132825, 138936, 140290, 148244, 150581, 151344; and 153329 effective July 5, 1982.) In an R5 zone the following conditional uses may be permitted subject to the regulations contained in section 33.26.250 through 33.26.495 and chapter 33.79 and under authority and according to the procedure specified in chapter 33.106, except the conditional uses permitted on flag lots shall be limited to those listed in section 33.88.070:

(1) Cemeteries;
(2) Churches;
(3) Residential buildings accessory to churches;
(4) Colleges;
(5) Community clubs;
(6) Crematories, mausoleums and columbariums;
(7) Excavations and filling;
(8) Golf courses, other country clubs and

athletic clubs;

(9) Governmental structures and land uses (local, state or federal) which are essential to the functioning and servicing of residential neighborhoods;

(10) Greenhouses, nurseries, or other propagation of plants and their products for sale;

(11) Homes, convalescent;

(12) Hospitals, general;

(13) Hospitals, mental, remedial or detention;

(14) Uses or buildings accessory to hospitals;

(15) Libraries;

(16) Mass transit waiting stations or turnarounds;

(17) Museums;

(18) Parks, public;

(19) Planned Unit Developments;

(20) Private helistop, accessory to a hospital;

(21) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods;

(22) Radio and television transmitters;

(23) Railroad rights-of-way and passenger stations;

(24) Residential care facilities;

(25) Schools, nursery;

(26) Schools, parochial or private;

(27) Schools, public;

(28) Tract development and sales;

(29) Unit ownership or condominium projects;

(30) Welfare institutions.

(31) Development of lands adjacent to water features as defined in 33.26.115.

33.26.250 Regulations. (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

33.26.260 Apartment project or unit development. (Repealed by Ord. No. 148547 passed and effective Oct. 4, 1979.)

33.26.270 Churches. Regulations for churches shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: Hereafter, no church shall be established on a site of less than fifteen thousand square feet in area. Churches existing on a site less than fifteen thousand square feet may be enlarged provided such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5), and provided further that the off-street parking requirements shall be met;

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height fifteen feet

For buildings forty-five feet and higher in height thirty feet;

(5) Minimum side or rear yard:

For buildings under 15 feet in height . . . 10 feet
For buildings 15 to 24 feet in height . . . 13 feet
For buildings 25 to 34 feet in height . . . 16 feet
For buildings 35 to 44 feet in height . . . 20 feet
For buildings 45 to 54 feet in height . . . 25 feet
For buildings 55 to 64 feet in height . . . 35 feet
For buildings 65 to 74 feet in height . . .45 feet;

(6) (Amended 153373 effective July 17, 1982) Signs permitted: One sign not to exceed seven feet in length nor twenty square feet in area and one church bulletin board, but the combined area of both sign and bulletin board shall not exceed thirty square feet. Neither sign nor bulletin board shall extend above the building height nor over the sidewalk and each must be located on the property of the church. Any illumination shall be indirect and non-flashing.

33.26.280 Residential buildings accessory to churches. Regulations for residential buildings accessory to churches shall be as follows:

(1) Off-street parking required: In addition

to spaces required for the church, one space shall be provided for each ten persons residing in such building;

(2) Site area: In addition to required site area for church buildings, a minimum of five thousand square feet shall be provided for each ten persons residing in accessory residential buildings.

33.26.290 Colleges. Regulations for colleges shall be as follows:

(1) Off-street parking required: One space per ten seats in classrooms. In addition, one space per five students housed in dormitories, fraternities or sororities shall be provided;

(2) Minimum front yard: Thirty feet;

(3) Minimum side or rear yard: No classroom, laboratory, stadium, or other main building shall be erected closer than fifty feet to any side or rear lot line. The side and rear yards for dormitories, fraternities and sororities shall not be less than fifteen feet for a one story building plus five feet for each additional story;

(4) Site area: For dormitories, fraternities and sororities not located on or contiguous to the college campus, a minimum of five thousand square feet of site area shall be provided for each ten persons residing in such buildings.

33.26.300 Community clubs. Regulations for community clubs shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium, or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: Hereafter, no community club shall be established on a site of less than fifteen thousand square feet in area. Community clubs existing on smaller sites may be enlarged but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5);

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height ..... fifteen feet
For buildings forty-five feet and higher in height ..... thirty feet;

(5) Minimum side or rear yard:

For buildings under 15 feet in height ... 10 feet
For buildings 15 to 24 feet in height ... 13 feet
For buildings 25 to 34 feet in height ... 16 feet
For buildings 35 to 44 feet in height ... 20 feet

33.26.310 Conversions to two family use. (Repealed by Ord. No. 150581 effective Jan. 1, 1981.)

33.26.320 Excavating or filling. Excavating or filling as defined in this title shall be regulated as a conditional use.

33.26.330 Golf courses, other country clubs and athletic clubs. Regulations for golf courses, other country clubs and athletic clubs shall be as follows:

(1) Minimum side or rear yards: Club houses, swimming pools, stadiums and any other structure dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R or A Zone;

(2) Miniature golf courses and golf driving ranges are prohibited in R5 Zones. Such uses are classified as commercial uses and are permitted only in C2 and M Zones;

(3) Quarters for animals shall be located at least two hundred feet from any property line bordering or within an R or A Zone.

33.26.340 Convalescent home. Regulations for a convalescent home shall be as follows:

(1) Classification: Homes having a capacity of ten or fewer patient beds are classed as small; eleven to twenty beds, medium; over twenty beds, large;

(2) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per five beds except for large homes, one space per three beds;

(3) Off-street loading: Large convalescent homes shall provide one berth;

(4) Minimum lot area: One thousand square feet per bed;

(5) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(6) Minimum front yard:

Small or medium homes . . . . . fifteen feet

provided, however, that where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yard with a variation of not more than ten feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

Large homes . . . . . twenty-five feet;

(7) Minimum side or rear yards:

Small homes . . . . . five feet

for a one story building, six feet for a two story building, and seven feet for a two and one-half story building.

Medium homes . . . . . 12 feet
Large homes . . . . . 15 feet

for a one story building plus five feet for each additional story.

33.26.350 General hospitals. Regulations for general hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any general hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum site area:

A. No hospital shall be established on a site less than twenty thousand square feet in area,

B. At least two thousand square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Thirty feet;

(6) Minimum side or rear yard: Thirty feet;

(7) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including accessory buildings shall not exceed thirty-five percent of the site area;

(8) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

33.26.360 Mental, remedial or detention hospitals. Regulations for mental, remedial or detention hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any mental, remedial, or detention hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum site area:

A. No hospital shall be established on a site of less than five acres in area,

B. At least twenty-five hundred square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Thirty feet;

(6) Minimum side or rear yard: Thirty feet.

(7) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including accessory buildings shall not exceed twenty-five percent of the site area.

(8) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

33.26.370 (Amended by Ord. No. 140290 passed and effective July 24, 1975.) **Uses or buildings accessory to hospitals.** Regulations for uses or buildings accessory to hospitals shall be as follows: (a) General regulations.

(1) The site of any accessory use or building shall be in the same ownership as the hospital to which it is an accessory unless a restriction is placed upon the property occupied by the accessory use or building and recorded in the appropriate county records at the expense of the applicant, using forms prescribed for that purpose obtainable from the office of the planning commission.

Upon submission of satisfactory evidence either that the accessory building will be removed or that the proposed use of the accessory building will not be in conflict with the zoning in which it is located and that it will not alter the parking, site coverage, density and floor area of the hospital as permitted within a project area, the restriction upon the property shall be removed. A copy of said restriction removal shall be made available to the owner of said property for the purpose of recordation.

(2) The accessory use or building shall be located on the hospital site or on a separate site, the nearest portion of which is not more than one hundred feet removed from the hospital site to which it is an accessory.

(3) The accessory use or building, if located on a separate site, shall be restricted to a location abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

(4) Maximum height: Two and one-half stories or thirty-five feet, whichever is less, except there shall be no limit on buildings more than four hundred feet away from property lines bounding the project.

(5) Minimum front yard: Thirty feet.

(6) Minimum side or rear yard: Thirty feet.

(7) Maximum site coverage: Area covered by all buildings shall not exceed thirty-five percent of the site area if located on a separate site from the hospital to which it is an accessory. (See also Section 33.106.010.)

(b) Offices and/or clinics of physicians for private medical practice.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per each two hundred fifty square feet of gross floor area of any area assigned to such use.

(c) Parking garages.

(d) Residential facilities for staff, including nurses' homes, interns' quarters and other residential buildings.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided for each five persons residing in such building.

(2) Site area: In addition to required site area for hospitals, a minimum of five thousand square feet shall be provided for each ten persons residing in such accessory building.

(e) Retail facilities for the needs of the patient including gift shop, barber shop, book store, beauty shop, coffee shop, drug store or pharmacy, and other similar uses.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space per each two employees of such shop or store provided such employee has not been included as a hospital employee.

(2) Such use shall be conducted entirely within the hospital buildings to which it is accessory except that a coffee shop may have an outdoor dining area provided such area is screened so that it is not visible from a public street or another property.

(3) Such use shall have pedestrian access only through an interior hall or lobby of the building wherein situated.

(4) (4 repealed, 5 renumbered 153373 effective July 17, 1982) The floor area devoted to all such uses within a main building or buildings shall not exceed ten percent of the gross floor area of such main building or buildings.

(f) Training facilities including school of nursing and other types of training facilities.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per ten seats in classrooms provided students have not been included as hospital employees.

33.26.380 Libraries. Regulations for libraries shall be as follows:

(1) Off-street parking required: One space per four hundred square feet of reading room area;

(2) Site area: Hereafter, no library shall be established on a site of less than fifteen thousand square feet in area. Libraries existing on a site less than fifteen thousand square feet may be enlarged, but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5);

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height fifteen feet,

For buildings forty-five feet and higher in height thirty feet;

(5) Minimum side or rear yard:

For buildings under 15 feet in height ..... 10 feet
For buildings 15 to 24 feet in height ..... 13 feet
For buildings 25 to 34 feet in height ..... 16 feet
For buildings 35 to 44 feet in height ..... 20 feet
For buildings 45 to 54 feet in height ..... 25 feet
For buildings 55 to 64 feet in height ..... 35 feet
For buildings 65 to 74 feet in height .....45 feet.

33.26.390 Museums. Regulations for museums shall be as follows:

(1) Site area: Hereafter, no museum shall be established on a site of less than fifteen thousand square feet in area. Museums existing on a site less than fifteen thousand square fee may be enlarged, but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (2), (3) and (4);

(2) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(3) Minimum front yard:

For buildings under forty-five feet in height fifteen feet,

For buildings forty-five feet and higher in height thirty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet in height ..... 10 feet
For buildings 15 to 24 feet in height ..... 13 feet
For buildings 25 to 34 feet in height ..... 16 feet

For buildings 35 to 44 feet in height ..... 20 feet
For buildings 45 to 54 feet in height ..... 25 feet
For buildings 55 to 64 feet in height ..... 35 feet
For buildings 65 to 74 feet in height .....45 feet.

33.26.400 Private helistop. A private helistop may be permitted only in connection with a principal or conditional hospital use. Any such private helistop shall be subject to the additional regulations contained in Chapter 33.78.

33.26.410 Public parks. Regulations for public parks shall be as follows:

Minimum side or rear yards: Community centers, swimming pools, stadiums and buildings or portions of buildings containing concessions dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R or A Zone.

33.26.420 Public utility structures. Exempted from these regulations are underground pipes and conduits and aboveground electric transmission, distribution, communication, and signal lines on a single pole system. All other transmission and public utility structures, such as double poles and steel towers for transmission lines, substations, automatic telephone exchanges, relay stations, pumping stations, and treatment plants shall be regulated as conditional uses.

33.26.430 Railroad rights-of-way and passenger stations. Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated as conditional uses. All other railroad facilities, such as switching yards, holding tracks, team tracks, freight depots, shops, and roundhouses are prohibited in R5 Zones.

33.26.440 Nursery schools. Regulations for nursery schools shall be as follows:

(1) Off-street parking required: One space per teacher in schools having four or more teachers;

(2) Off-street loading required: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having four or more teachers. Such driveway shall be paved with material as specified in the building regulations;

(3) Outdoor play area: An outdoor play area shall be provided and thereafter maintained with a minimum area of one hundred square feet per child of total enrollment capacity of the school. Screening shall be provided separating such play area from abutting lots. Such screen shall be at least four feet but not more than six feet high and shall be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge.

33.26.450 Private or parochial elementary and public primary schools. Regulations for private or parochial elementary and public primary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms On:	Maximum Number of Classrooms Per Acre
60 percent or more vacant	One floor	3.0
60 percent or more vacant	Two floors	3.0
Less than 60 percent vacant	One floor	4.0
Less than 60 percent vacant	Two floors	4.5

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area providing such space is made available by agreement with the bureau of parks;

(3) Minimum front yard: Thirty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet in height ..... 20 feet
For buildings 15 to 24 feet in height ..... 30 feet
For buildings 25 to 34 feet in height ..... 40 feet

For buildings 35 to 44 feet
in height .....50 feet.

33.26.460 Public elementary schools. Regulations for public elementary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms on:	Maximum Number of Classrooms Per Acre
60 percent or more vacant	One floor	2.5
60 percent or more vacant	Two floors	2.5
Less than 60 percent vacant	One floor	3.5
Less than 60 percent vacant	Two floors	4.0

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area provided such space is made available by agreement with the bureau of parks;

(3) Minimum front yard: Thirty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet
in height ..... 20 feet
For buildings 15 to 24 feet
in height ..... 30 feet
For buildings 25 to 34 feet
in height ..... 40 feet
For buildings 35 to 44 feet
in height .....50 feet.

33.26.470 Private, parochial or public high schools. Regulations for private, parochial or public high schools shall be as follows:

(1) Off-street parking required: One space per fifty-six square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per eight seats or sixteen feet of bench length in the main auditorium;

(2) Minimum front yard: Thirty feet;

(3) Minimum side or rear yard:

For buildings under 15 feet
in height ..... 20 feet
For buildings 15 to 24 feet
in height ..... 30 feet
For buildings 25 to 34 feet
in height ..... 40 feet
For buildings 35 to 44 feet
in height .....50 feet.

33.26.475 Residential care facilities. (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) Regulations for residential care facilities shall be:

(1) Lot size required. A. The minimum lot area shall be five thousand square feet per facility.

B. The minimum lot width shall be fifty feet.

C. The minimum lot depth shall be eighty feet.

(2) Minimum on-site open space. A. Two hundred square feet for each resident served under the age of twelve years.

B. Three hundred square feet for each resident served twelve years through seventeen years of age.

C. One-hundred fifty square feet for each resident served eighteen years of age or older.

(3) Minimum off-street parking. One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility.

(4) Valid certificate of review (license to operate) issued under Chapter 8.80 of the municipal code.

33.26.480 Tract development and sales. (Amended 139117, 139702, 141105; and 153373 effective July 17, 1982) Regulations for tract development and sales shall be as follows:

1. Temporary buildings, such as offices, tool sheds or similar structures, used in connection with tract development and sales, may be permitted provided such use may not continue more than three years, at which time such temporary structures will be removed.

2. Each tract development is permitted the following signs: (a) Two permanent signs identifying the tract development of a housing project, each sign not to exceed twenty square feet in area and requiring permits.

(b) Two temporary signs used in conjunction with tract development and sales may be permitted until the conclusion of period of construction only. Such signs may not exceed thirty-two square feet each in area nor six feet in height.

33.26.485 Unit ownership or condominium project. (Added by Ord. No. 132825 passed and effective June 10, 1971.) Regulations for unit ownership or condominium project shall be as follows:

(1) Development or use shall consist of dwellings compatible with use and development in the adjacent area, and suitable to the topography of the land;

(2) Development of roadways shall be in accordance with requirements of The City Engineer;

(3) The entire site as developed shall be restricted as to changes or dissolution of unit ownership, as found appropriate in the interest of the neighborhood and the public.

33.26.490 Welfare institutions. Regulations for welfare institutions shall be as follows:

(1) Off-street parking: One space per ten beds for patients or inmates;

(2) Off-street loading: For any welfare institution of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum site area: No institution shall be established on a site less than twenty thousand square feet in area;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Thirty feet;

(6) Minimum side or rear yard: Thirty feet.

33.26.495 Development of lands adjacent to water features as defined in 33.26.115. (Added 153329 effective July 5, 1982.) Regulations for development of lands adjacent to water features shall be those listed in Section 33.22.495.

33.26.500 Prohibited uses. Uses of structures and land not specifically mentioned in this chapter are prohibited in all R5 Zones.

The use of automobile trailer houses as residences is prohibited in all R5 Zones. Such trailers are below the room size, ceiling height, and other regulations in the housing regulations.

CHAPTER 33.28

R2.5 ONE FAMILY RESIDENTIAL ZONE

(Added by Ord. No. 150581 passed Oct. 16, 1980, effective Jan. 1, 1981.)

Sections:

33.28.010 Generally
33.28.015 Purpose

Principal Uses

33.28.020 Uses Permitted
33.28.030 Off-Street Parking Required
33.28.040 Commonly Held Areas
33.28.050 Parking Access at the Rear
33.28.060 Off-Street Loading
33.28.070 Lot Size Required
33.28.080 Maximum Lot Coverage
33.28.090 Maximum Floor Area Permitted
33.28.100 Maximum Height Permitted
33.28.110 Minimum Front Yard
33.28.120 Minimum Side Yard
33.28.130 Minimum Rear Yard
33.28.135 Development adjacent to watercourses and water bodies.
33.28.140 Individual Roof Areas
33.28.150 Maximum Unbroken Series of Attached Units
33.28.160 Street Trees Required
33.28.170 Signs Permitted
33.28.175 Pre-Existing Multi-Famiy Use.

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33.28.010 Generally. In all R2.5 zones, the use of land and structures, the location and erection of new structures, and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations of this chapter.

33.28.015 Purpose. To allow a high density form of single family residential that takes advantage of the energy and cost saving potential of common wall construction and small lot size, while providing that such homes will have private outdoor space and maintaining the single family character of residential neighborhoods.

Principal Uses

33.28.020 Uses Permitted. In the R2.5 Zone the following uses are permitted.

(1) Attached residential development (rowhouses/townhouses).

(2) One family dwellings.

(3) Farming and truck gardening. Produce sold shall be limited to that grown on the premises.

(4) Keeping such animals and fowls as are incidential to residential or farming use and in accordance with health and sanitation regulations.

(5) (Add 155589 ef Mar. 12, 1984) Residential homes.

33.28.030 Off-Street Parking Required. (a) One parking space per dwelling unit shall be provided and maintained on the same lot, except as provided in 33.28.370.

(b) Such space must be accessible to a public street or alley or to a private drive collectively owned and maintained by the property owners within the subdivision.

(c) Such space shall be at least 160 square feet in area and shall have a minimum width of 8 feet and a minimum depth of 18 feet.

(d) Such space shall not be located in a required yard except as provided for in 33.28.130.

(e) Such space shall be available for the parking of operable passenger automobiles only.

(f) Such space shall not be rented or leased by the day or part thereof.

(g) Such space shall be paved in accordance with the building regulations.

(h) Parking access drives shall be located such that there is at least 16 feet between curb cuts.

(i) (Am 153828 ef Oct. 18, 1982) No driveway serving one lot shall be wider than 9 feet and no driveway serving two lots shall be wider than 18 feet.

33.28.040 Commonly held areas. Private access drives, alleys, and commonly held lands shall be subject to the following provisions.

(a) Access drives shall have lanes at least ten feet wide.

(b) All such access drives located adjacent to a property line shall be provided with a three foot wide landscaped buffer, planted with trees.

(c) Paving may be with asphalt, concrete, brick, paving stones or blocks, but not with gravel or other unfixed surfacing material.

33.28.050 Parking access at the rear. Where six or more attached units are developed in a series and such a subdivision occupies a continuous area between two parallel rights-of-way, or where the six or more units abut one right-of-way and one or more of the six also abut a second right-of-way, parking shall be located off of a common access drive located along the rear property line. Such parking access shall meet the following requirements.

(a) The access drive shall be at least 10 feet wide and shall have a landscaped buffer planted and maintained between the access drive and any lot adjacent to the access drive and not a part of the attached residential subdivision.

(b) Such landscaped buffer shall be at least three feet wide and shall be planted with trees. Tree planting layout must conform with the City's street tree planting guidelines and must be approved by the Fire Bureau.

(c) Maintenance of such access drive and landscaped area shall be the responsibility of either the entire attached residential subdivision, where so specified in the individual lot deeds, or of the abutting attached residential lot.

(d) Where a new attached residential subdivision adjacent to an existing subdivision with such an access drive wishes to use the adjacent subdivision drive for parking access, and maintenance arrangements acceptable to all parties can be arranged, such joint use will be allowed, and requirements for landscaped areas given in (a) and (b) above along property lines common to both subdivisions shall be waived.

(e) Such access drives shall be paved in accordance with the building regulations.

33.28.060 Off-street loading. No off-street loading berths are required of principal uses in R2.5 zones.

33.28.070 Lot size required. (a) (Amended 151344 April 1, 1981.) Within any attached residential subdivision, the average lot size shall not be less than 2,500 square feet. The minimum lot size for interior lots shall be 1800 square feet, and for exterior lots (lots whose sides adjoin an adjacent subdivision) shall be 2,000 square feet. Up to 20% of the total site area may be developed for commonly owned parking, parking access, landscaping and recreation facilities. Facilities collectively owned shall be subject to the requirements of section 33.28.040. Minimum lot width and depth requirements are as follows:

(1) The minimum width for interior lots shall be 16 feet and for exterior lots 25 feet.

(2) The minimum lot depth shall be 75 feet except in the case of flag lots, (regulations governing minimum lot depth for flag lots are listed in section 33.88.020).

(b) Detached single family development shall be governed by the provisions of 33.26.050.

(c) No lot, tract or parcel of land shall be reduced by transfer of ownership, immediate or future, in area, width or depth to less than stated above unless approved as provided in Chapter 33.98.

(d) In no case shall more than one main dwelling and its accessory buildings be constructed on one lot, except as provided in 33.28.290 and 33.28.370.

(e) No dwelling shall be built or moved onto a lot not abutting a public street. Modification of this provision may be granted in accordance with procedure set forth in sections 33.98.020 and 33.98.040 of this title.

(f) On a vacant substandard platted lot, a one family detached dwelling may be constructed notwithstanding the requirements of this section, if approved as provided in chapter 33.98 or if the following requirements are met:

(1) The lot area is not less than 3750 square feet, the lot width is not less than 35 feet, and the lot depth is not less than 75 feet;

(2) Any construction of a dwelling on such substandard lot complies with all other zoning and building code requirements; and

(3) If such substandard lot is held in common ownership with an adjacent developed platted lot at the time of application for a permit to construct a dwelling on the substandard lot, then the existing dwelling on the adjacent lot continues to meet all applicable zoning requirements.

33.28.080 Maximum lot coverage. The area covered by all buildings, including accessory

buildings, and all paved surfaces used for access and parking of automobiles shall not exceed 50% of the total lot area.

33.28.090 Maximum floor area permitted. There shall be no limitation except as regulated by the room size requirements for one family dwellings in the housing regulations.

33.28.100 Maximum height permitted. (a) No structure shall exceed two and one-half stories or thirty-five (35) feet in height, whichever is less.

(b) On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of 25% or more, measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Chimneys and radio and television aerials may extend above the thirty-five foot height limit.

33.28.110 Minimum front yard. (a) (Amended 151344 April 1, 1981.) There shall be a front yard of not less than fifteen feet, except in the case of flag lots (yard regulations for flag lots are listed in section 33.88.030), and where a lot is situated between two lots, each of which has a main building within 25 feet of its side lot lines which projects beyond the required front yard line, the front yard requirement may be the average of the front yards of the existing buildings.

(b) Where a lot adjoins only one lot having a main building within 25 feet of its side lot line which projects beyond the required front yard line, the front yard requirement on such lot may be the average of that front yard and the established front yard line.

(c) On corner lots, the front yard along the long dimension of the lot may be reduced to ten feet.

33.28.120 Minimum side yard. (Am 151021, 151344; and 153828 ef Oct. 18, 1982) (a) A minimum side yard shall be required where: (1) A rowhouse lot abuts another lot that is zoned for residential or farm and forest use and is not part of the same rowhouse development or subdivision; or

(2) The exterior walls facing the side yard lot line do not lie within six inches of the side yard lot line.

(b) Where side yards are required, they shall vary according to structure height as shown on the following schedule, except in the case of flag lots (regulations governing yard requirements for flag lots are listed in Section 33.88.030):

For one story	5 feet
For one and one half stories	6 feet
For two stories	6 feet
For two and one half stories	7 feet

33.28.130 Minimum rear yard. (Amended 151344, April 1, 1981.) (a) There shall be a minimum rear yard of at least 20 feet except in the case of flag lots, (regulations governing yard requirements for flag lots are listed in section 33.88.030). Garages, parking areas and parking access drives (driveways) may be located within the rear yard; however, in such cases, a minimum distance of 15 feet must be maintained between parking and associated auto access space and the residence.

(b) Fences, walls and hedges located on property lines between attached units shall be provided with an access gate at least 42 inches in width adjacent to the rear property line.

33.28.135 Development adjacent to watercourses and water bodies. (Added 153329 effective July 5, 1982.) (1) Development shall be restricted within the following areas: (a) Between the ordinary high water line and twenty-five feet back of the top of the bank of watercourses and water bodies such as rivers, lakes, ponds, sloughs or wetlands, as shown on the City of Portland Water Features Map.

(b) Within twenty-five feet of the centerline of watercourses such as streams, creeks and drainageways draining thirty acres or more as shown on the City of Portland Water Features Map.

(2) Within the restricted areas the provisions of Section 33.22.115 (2) through (8) shall apply.

33.28.140 Individual roof area. Each attached dwelling shall have all roof areas designed so as to be discontinuous with the adjacent unit(s). This may be done in any of the following ways.

(1) Providing a parapet wall that separates roof areas above all common walls and is at least 18 inches high;

(2) Varying building height so that there is at

least an 18 inch vertical separation between adjacent units' roof areas along common walls;

(3) Providing individual roofs over individual units such that the peak of the roof is located at the midpoint of the unit and drops to common walls, and such that the ridge line of the roof is perpendicular to the adjacent right-of-way, figured at the lot line directly in front of the middle of the unit.

33.28.150 Maximum unbroken series of attached units. No more than eight attached housing units (rowhouses) may be built in an unbroken series. Between any two rows of attached housing, within a subdivision, an open area must be maintained. This open area shall not jog, swerve or bend but shall be straight with both sides perpendicular to the adjacent right-of-way and shall be at least 14 feet in width.

33.28.160 Street trees required. At least one street tree shall be planted in front of every attached residential lot. Street trees planted shall be in conformance with the City's street tree planting guidelines, and their layout shall be approved by the Fire Bureau.

33.28.170 Signs permitted. (Amended 153373 effective July 17, 1982) All signs permitted in this residential zone shall be either wall signs or freestanding signs. Wall signs shall be located on the first story of a building and no sign shall be located above the roofline. Freestanding signs shall not exceed a height of four feet unless otherwise specified, and must be located wholly on private property. All signs shall be non-illuminated or indirectly illuminated. Rotating, flashing, animated and electronic information signs are prohibited in this zone.

1. Each dwelling is permitted the following signs: (a) One identification sign not to exceed three-quarters of a square foot in area. Such sign shall be placed flat against the building and not above the roofline. In instances where building-mounted signs are not distinctly visible from a public right-of-way, then such sign may be affixed to a permanent structure at the primary entranceway to such property at a height not to exceed four feet.

(b) One real estate sign, not to exceed four square feet in area and six and one-half feet in height, which advertises the sale or rent of the dwelling until the dwelling is sold or rented. Corner lots are permitted two such signs, one on each street frontage.

(c) Building numbers shall be exempt from regulation herein and shall be located as required in Chapter 17.92 of the City Code.

(d) A minimum number of required off-premise directional signs are permitted for the purpose of directing traffic to an open house for rent, lease or sale of real or personal property while an agent is on the premises. Such sign may only be erected or displayed for the period of time the house is open and shall be subject to all other regulations of temporary signs. Such sign shall not exceed four feet in height nor twelve square feet in sign area.

2. Each tract development is permitted the following signs. (a) Two permanent signs identifying the tract development of a housing project, each sign not to exceed twenty square feet in area and requiring permits.

(b) Two temporary signs used in conjunction with tract development and sales may be permitted until the conclusion of period of construction only. Such signs may not exceed thirty-two square feet each in area nor six feet in height.

3. Conditional Uses — (see Section 33.28.300 for permitted uses) — The following signs require permits: (a) Each authorized conditional use shall be permitted one sign not to exceed twenty square feet in area nor ten feet in height. Churches are permitted a bulletin board in addition but the combined area of all signs shall not exceed thirty square feet.

(b) If additional signing is desired such sign(s) must be approved with the application for a conditional use.

(c) Signs which do not conform to provisions (a) or (b) may be approved under the conditional use procedure and criteria for sign approval outlined in Section 33.106 of this code.

4. Nonconforming Uses. Sign regulations for nonconforming uses are listed in Section 33.94.020 of this title.

33.28.175 Pre-Existing Multi-Family Use. (Added 152468 Oct. 28, 1981) At the time an area is rezoned R2.5, existing multi-family properties, which were originally created through the conversion of a single-family residence and which were allowed principal uses under the former zoning but were converted without a building permit, shall be

allowed to continue subject to the following regulations:

(1) Pre-existing multi-family use status is only for the specific structure(s) and number of units in existence at the time of the downzoning.

(2) Any addition of new square footage to the structure shall be reviewed as a conditional use and shall conform to the setback, coverage, building height, parking and sign requirements of the R2.5 zone. In no case shall additional units, in excess of the number existing on the lot at the time of the downzoning, be permitted.

(3) If, at any time in the future, a pre-existing multi-family use is converted back to a single-family use and remains in such use for a year or more, it may not be converted back to a multi-family use except as provided for by Section 33.28.290.

(4) Pre-existing multi-family use status shall be determined prior to issuance of any building permit required to bring the multi-family use structure into conformance with the City's Building Codes. Such status shall only be granted for those multi-family use structures which are in conformance with the City's Building Codes or have applied for a building permit for work necessary to make those modifications which will bring the structure into conformance with the Building Codes.

(5) (Am 153823 ef Oct. 18, 1982) Pre-existing multi-family use status shall be determined by the Director of the Bureau of Buildings or his/her delegate. In making this determination, the Director/delegate shall consider tax records or other information submitted by the property owner(s) which substantiates multi-family use prior to the date of the downzoning. Should the Director/delegate not find satisfactory evidence of multi-family use, the owner(s) of the property for which pre-existing multi-family use status is sought, may appeal the Director's/delegate's decision to the Building Code Board of Appeals in the manner prescribed in Section 24.02.041 of Title 24, Building Regulations.

Transitional Uses

33.28.180 Uses permitted. (Am 151021; and 153822 ef Oct. 18, 1982) On a lot or portion of a lot not exceeding fifty feet in width, where the side of such lot abuts an R1, RH, RX, C3, C2, C1, M3, M2 or M1 zone, residential uses permitted shall be regulated by Section 33.32.020.

33.28.185 Lot size required. (Add 153822 ef Oct. 18, 1982) Minimum lot size and density of residential development shall be regulated by Section 33.32.050.

33.28.190 Other regulations. (Am 153822 ef Oct. 18, 1982) Parking, yards and all other regulations applicable to principal uses in the R2.5 Zone shall apply.

Accessory Buildings and Uses

33.28.200 Generally. No separate permit shall be issued for the construction of any type of accessory building prior to that of the main dwellings.

33.28.210 Height. No accessory building, except agricultural buildings, shall exceed two stories in height.

33.28.220 Classifications. Accessory buildings and uses permitted in R2.5 Zones shall be divided into types, as follows:

Type 1: Garage, carport, studio, pergola, private greenhouse, or other similar structure related to the dwelling in design, whether attached or detached.

Type 2: A guest house, servant's house, caretaker's quarters, or any such accessory building used for dwelling purposes.

Type 3: Woodshed, tool shed, chicken house, rabbit hutch, barns, silos and other such outbuildings of utilitarian character and use, not

necessarily related in design to the dwelling.

Type 4: Moorage for private pleasure boats.

Type 5: Swimming pool, tennis court and other type of home recreational facility.

Type 6: Home occupations.

Type 7: Accessory rental unit.

33.28.230 Type 1. In R2.5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 1 classification shall comply with the following:

(1) No Type 1 accessory building, except a garage on sloping ground (see subdivision (6)), shall be located closer to the street lot line than twenty-two feet; except that on a corner lot, the yard along the non-entrance side of a garage can be reduced to the yard requirements for the main building. No driveway entrance shall be located less than twenty-five feet from the corner of a lot where two streets intersect;

(2) No accessory building shall be located less than twenty-five feet from the corner of a lot where two streets intersect;

(3) Under the following conditions, any one-story Type 1 accessory building may be built adjacent to or on a rear and/or side lot line:

(a) If an accessory building is located forty feet or more from the front lot line; provided, however, that on a corner lot, a Type 1 accessory building may be located no closer than

twenty-two feet to the front property line along the long dimension of the lot.

(b) If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line; provided, however, that a one-story detached garage legally erected along or adjacent to the lot line before March 4, 1948 may be extended in length not more than four feet with the same type of construction as the existing garage if the number of cars to be accommodated is not increased;

(4) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (3), it shall be located at least twelve inches from the side and/or rear lot line with four-inch allowance for eave or gutter projection and in compliance with subdivisions (3) (a) and (3) (b) above;

(5) Any Type 1 accessory building, attached or detached, if more than one story, shall not be built up to either side and/or rear lot lines, and shall be subject to the regulations for lot coverage, yards, courts and setback of a dwelling;

(6) When a detached or attached garage is constructed on a lot sloping downward from a street, the average elevation of the lot being not less than ten feet below the sidewalk level, the front wall of the garage need not be set back farther from the street lot line than the average contour elevation line of the lot which is five feet below the sidewalk elevation. However, in no case shall the front wall of the garage be closer to the street lot line than five feet. Such garage shall not exceed a height of ten feet above the adjacent sidewalk level within the required front yard for the main building;

(7) The ground area covered by all Type 1 accessory buildings on the same lot shall not exceed fifteen percent of the lot area.

33.28.240 Type 2. In R2.5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 2 classification shall comply with the following:

(1) No Type 2 accessory building shall be built on a lot less than nine thousand square feet in area;

(2) If located to the rear of the main dwelling, a Type 2 accessory building shall be separated from the main dwelling by at least sixty feet;

(3) Type 2 accessory buildings shall conform in location on the lot side, rear and front yard regulations for principal uses.

33.28.250 Type 3. In R2.5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 3 classification shall comply with the following:

(1) No Type 3 accessory building shall be located closer than twenty-five feet to a street lot line;

(2) Such outbuilding shall not encroach upon a required yard of another building on the same lot. The distance from any such outbuilding to a rear or side lot line shall be same as for a detached garage of the same size;

(3) The combined area of all Type 3 accessory buildings on the same lot or property shall not exceed in ground area one-twentieth of the area of the lot on which such buildings are situated;

(4) An outbuilding used for keeping chickens, pigeons, rabbits, goats or other animals, in addition to complying with the building regulations and health and sanitation regulations, shall not be located within twenty-five feet of any dwelling;

(5) If built higher than twenty-five feet, barns, silos, and other agricultural buildings shall be located as far from any lot line as the height of the structure.

33.28.260 Type 4. In R2.5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 4 classification shall comply with the following:

(1) Any structure shall be located five feet or more from a side lot line;

(2) Covered structures shall be located adjacent to the natural shore line;

(3) Covered structures shall not occupy more than fifty percent of the width of the lot at the natural shore line;

(4) Any boat using such moorage shall not be used as a place of residence when so moored.

33.28.270 Type 5. In R2.5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 5 classification shall comply with the following:

(1) Where a Type 5 accessory use contains a building, or is contained within a building, said building, whether attached or detached, shall not be located closer to any lot line than that distance required of the principal use;

(2) Under the following conditions, any Type

5 accessory building may be built adjacent to or on a rear and/or side lot line if the wall along or adjacent to such rear and/or side lot line is of masonry not less than eight inches in thickness for its full length and width and for the full height of such accessory building:

(a) If a detached accessory building is located ten or more feet to the rear of the main building,

(b) If an attached accessory building is located forty feet or more from the front lot line,

(c) If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line than permitted in (a) or (b);

(3) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot; and if the accessory building is not built up to the lot line in compliance with subdivision (2), it shall be located at least twelve inches from the side and/or rear lot line with four-inch allowance for eave or gutter projection, and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes;

(4) No swimming pool shall be located closer than three feet to any property line nor closer than three feet to any wall or fence.

33.28.280 Type 6. (a) In R2.5 Zones home occupations in the same lot accessory to principal uses and transitional uses of a Type 6 classification shall be permitted only in the following categories:

(1) Office for professional, personal or business service;

(2) Studio for arts, handicrafts or tutoring;

(3) Shops for limited or custom production or minor repair service;

(4) Headquarters for a craftsperson or salesperson;

(5) Home baby-sitting.

(b) Any such home occupation shall comply with the following limitations:

(1) No servant, employee, or any person other than a member or members of the household residing within the dwelling shall engage in a home occupation therein or within an accessory building;

(2) No building shall be used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations;

(3) No activities shall be allowed which involve the use, storage, milling or manufacture of highly combustible materials or internal combustion engines;

(4) All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed Type 1, 2 or 3 accessory building;

(5) The aggregate of all space within any or all buildings devoted to one or more home occupations shall not exceed 500 square feet in floor area;

(6) Any home occupation which causes abnormal automatovie or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited;

(7) No enlargements nor alterations to a dwelling or accessory building for the sole purpose of conducting a home occupation shall be permitted;

(8) The premises shall at all times be maintained as residential in appearance, cleanliness, and quietness;

(9) Dimensions, power rating or weight of such equipment and tools used in the conduct of the home occupation shall not exceed that of normal household equipment and tools;

(10) Sign: A home occupation shall be permitted one non-illuminated, non-flashing sign, not to exceed three-quarters square foot in area, limited to the name of the occupant and/or a designation of any authorized home occupation, business, profession or calling conducted on the site. Such sign shall be in lieu of, not in addition to, any sign allowed for a principal use in the underlying zone;

(11) Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building;

(12) Customer and client contact shall be primarily by telephone, mail, or in their homes and places of business and not on the premises of the home occupation, except for those home occupations which by their very nature cannot otherwise be conducted except by personal contact with clients;

(13) Products made or sold shall be disposed of solely by delivery from the premises to the homes or places of business of customers;

(14) Other than normal passenger automobiles, only one truck of no more than 8,400 lb. gross vehicle weight (GVW) is permitted to be operated, whether owned or rented, in connection with a home occupation. Such truck, if parked on the premises, shall be kept within a completely enclosed garage.

(15) Instruction in music shall be limited to no more than two students at one time, and in crafts and dance, to no more than six students at one time;

(16) Home baby-sitting is allowed under the following conditions:

(a) Up to and including five children may be cared for on the premises; or

(b) Up to and including ten children may be cared for if:

(i) There is at least 100 sq. ft. of safe, usable open space on the site for outdoor play area; and

(ii) Screening is provided separating such outdoor open space from abutting lots. Such screening shall be at least four feet, but not more than six feet, high and should be a masonry wall, an ornamental wooden fence, a chainlink type wire fence with evergreen vines, or a compact evergreen hedge; and

(iii) If 100% of adjacent neighbors indicate approval. This is included within the normally required 50% approval for home occupations generally.

(iv) If, subsequent to granting a Home Occupation permit for the care of 6-10 children (paragraph b), a petition from 75% of the abutting property owners is received by the Bureau of Buildings opposing the continuation of the increased number of children, the permit shall be amended to allow not more than 5 children.

(17) An office for a physician or dentist is permitted primarily for emergency cases and as an accommodation for retired or part-time practitioners and not as a principal office for the practice of the profession.

(18) Limitations placed on home occupations in this title shall not be construed as prohibiting home occupations conducted by means of receiving and transmitting signals via a home computer terminal linked to a telecommunications network.

(19) A home occupation shall not be permitted where an accessory rental unit is already located on the premises.

(c) (Am 153762 Sept. 2, 1982) Procedure to establish and maintain a home occupation:

(1) Permits for home occupations shall be issued by the Bureau of Buildings and shall be valid for a period of two years only. It shall be the responsibility of the applicant to apply for a permit every two years. Before re-issuance of a permit, the Bureau of Buildings shall review the home occupation for compliance with the requirements of this title. A permit for a home occupation may be revoked at any time if the requirements of this title are not being met. A fee shall be charged for a home occupation permit in accordance with the provisions of Title 24;

(2) No permit shall be issued by the Bureau of Buildings until or unless the applicant shall have received the favorable approval, as indicated by signatures on the authorized application form, of owners or contract purchasers of not less than fifty percent of all property in the area bounded by lines one hundred feet, excluding street widths, from and parallel to the boundary lines of the lot proposed to contain each home occupation. Area of any property owned or occupied by the applicant shall be excluded in computing required percentage of approval;

(3) If, in the opinion of the applicant, the Bureau of Buildings has acted arbitrarily and capriciously in withholding or revoking a permit for a home occupation, he may request an interpretation of this title by the City Planning Commission as provided in Section 33.114.030. In such cases the dwelling or accessory building to be devoted to a home occupation shall be open for inspection to the staff of the City of Portland on any day between eight a.m. and ten p.m.;

(4) The Bureau of Licenses shall not issue a business license or accept payment of the fee until an occupancy permit for a home occupation is issued by the Bureau of Buildings.

33.28.290 Type 7. In R2.5 Zones allow a rental unit to be added to an existing single-family dwelling if the following requirements are met:

(1) The house must have at least 2,000 sq. ft. of gross floor area, exclusive of garage space.

(2) The new apartment may be created only through internal conversion of the housing unit. Garage space may not be converted.

(3) No additions of floor space may have been made to the housing unit in the preceding five years.

(4) The new rental unit may not occupy more than 25% of the house's floor area.

(5) Only one entrance to the house shall be visible from the front yard.

(6) The aggregate number of persons that may occupy the added rental unit and the remaining house is limited to the number allowed for the house without the rental unit (one "family" as defined in section 33.12.310).

(7) An accessory rental unit may not be added where a home occupation is already located on the premises.

(8) The house to which an accessory rental unit is to be added must be owner-occupied and have been owner-occupied by the current owner-occupant for the 12 calendar months preceding the date of application.

CONDITIONAL USES

33.28.300 Uses permitted. (Amended 151344; and 153329 effective July 5, 1982.) In an R2.5 zone the following conditional uses may be permitted subject to the regulations contained in Sections 33.28.310 through 33.28.515 and Chapter 33.79 and under authority and according to the procedure specified in chapter 33.106, except the conditional uses permitted on flag lots shall be limited to those listed in section 33.88.070:

(1) Cemeteries;

(2) Churches;

(3) Residential buildings accessory to churches;

(4) Colleges;

(5) Community clubs;

(6) Conversions to two family use;

(7) Excavations and filling;

(8) Golf courses, other country clubs and athletic clubs;

(9) Governmental structures and land uses, local, state or federal, which are essential to the functioning and servicing of residential neighborhoods;

(10) Greenhouses, nurseries, or other propagation of plants and their products for sale;

(11) Homes, convalescent;

(12) Libraries;

(13) Mass transit waiting stations or turnarounds;

(14) Museums;

(15) Parks, public;

(16) Planned unit development;

(17) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods;

(18) Railroad rights-of-way and passenger stations;

(19) Residential care facilities;

(20) Schools, nursery;

(21) Schools, parochial or private;

(22) Schools, public;

(23) Tract development and sales;

(24) Welfare institutions.

(25) Development of lands adjacent to water features as defined in 33.28.135.

33.28.310 Regulations. Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

33.28.320 Planned unit developments. Planned unit developments must meet the requirements of Chapter 33.79 Planned Unit Developments.

33.28.330 Churches. Regulations for churches shall be as follows:

(1) Off-street parking required: one space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: Hereafter, no church shall be established on a site of less than fifteen thousand square feet in area. Churches existing on a site less than fifteen thousand square feet may be enlarged provided such enlargement shall not reduce the width of yards or increase the building coverage specified in subsections (3), (4) and (5), and provided further that the off-street parking requirements shall be met;

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard: For buildings under forty-five feet in height — fifteen feet. For buildings forty-five feet and higher in height — thirty feet;

(5) Minimum side or rear yard:

For buildings under 15 feet in height	10 feet
For buildings 15 to 24 feet in height	13 feet
For buildings 25 to 34 feet in height	16 feet
For buildings 35 to 44 feet in height	20 feet
For buildings 45 to 54 feet in height	25 feet
For buildings 55 to 64 feet in height	35 feet
For buildings 65 to 74 feet in height	45 feet

(6) (Amended 153373 effective July 17, 1982) Signs permitted: One sign not to exceed seven feet in length nor twenty square feet in area and one church bulletin board, but the combined area of both sign and bulletin board shall not exceed thirty square feet. Neither sign nor bulletin board shall extend above the building height nor over the sidewalk and each must be located on the property of the church. Any illumination shall be indirect and non-flashing.

33.28.340 Residential buildings accessory to churches. Regulations for residential buildings accessory to churches shall be as follows:

(1) Off-street parking required: In addition to spaces required for the church, one space shall be provided for each ten persons residing in such building;

(2) Site area: In addition to required site area for church buildings, a minimum of five thousand square feet shall be provided for each ten persons residing in accessory residential buildings.

33.28.350 Colleges. Regulations for colleges shall be as follows:

(1) Off-street parking required: One space per ten seats in classrooms. In addition, one space per five students housed in dormitories, fraternities or sororities shall be provided;

(2) Minimum front yard: Thirty feet;

(3) Minimum side or rear yard: No classroom, laboratory, stadium, or other main building shall be erected closer than fifty feet to any side or rear lot line. The side and rear yards for dormitories, fraternities and sororities shall not be less than fifteen feet for a one story building, plus five feet for each additional story;

(4) Site area: For dormitories, fraternities and sororities not located on or contiguous to the college campus, a minimum of five thousand square feet of site area shall be provided for each ten persons residing in such buildings.

33.28.360 Community clubs. Regulations for community clubs shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium, or where seating is fixed to the floor, one space per twelve seats, or twenty-four feet of bench length in the main auditorium;

(2) Site area: Hereafter, no community club shall be established on a site of less than fifteen thousand square feet in area. Community clubs existing on smaller sites may be enlarged, but in

no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subsections (3), (4) and (5);

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height ..... 15 feet

For buildings under forty-five feet and higher in height ..... 30 feet

(5) Minimum side or rear yard:

For buildings under 15 feet in height 10 feet
For buildings 15 to 24 feet in height . 13 feet
For buildings 25 to 34 feet in height . 16 feet
For buildings 35 to 44 feet in height . 20 feet

33.28.370 Conversion to two family use. Regulations for conversions to two family use shall be as follows:

(1) The owner of a one family detached dwelling may petition for special two family use of the dwelling and for permission to alter and recondition the premises for such use.

(2) Minimum floor area: The alterations shall provide a minimum floor area of five hundred square feet, exclusive of common halls and entries, for each unit.

(3) Separate and complete sanitary conveniences shall be provided for each unit.

(4) Separate and complete kitchen facilities shall be provided for each unit.

(5) The converted dwelling shall conform to height, setback and coverage regulations governing the R2.5 zone.

(6) The house must be a detached single family house on a lot at least 3,750 square feet in area.

(7) At least 40 percent of the front yard must be landscaped.

(8) No fire escape or exterior stair for access to an upper level may be located on the front of the building.

(9) The structure to be converted must be on a dedicated public street that is paved, side-striped and has sidewalks.

(10) Any on-site area currently used for motor vehicle parking must be maintained for that use, including garages, carport areas and driveways, but no additional parking areas need be created.

33.28.380 Excavating or filling. Excavating or filling as defined in this title shall be regulated as a conditional use.

33.28.390 Golf courses, other country clubs and athletic clubs. Regulations for golf courses, other country clubs and athletic clubs shall be as follows:

(1) Minimum side or rear yards: Club houses, swimming pools, stadiums, and any other structure dispensing refreshments or foot shall not be closer than one hundred feet to interior lot lines bordering or within an R Zone;

(2) Miniature golf courses and golf driving ranges are prohibited in R2.5 Zones. Such uses are classified as commercial uses and are permitted only in C2 and M Zones;

(3) Quarters for animals shall be located at least two hundred feet from any property line bordering or within an R Zone.

33.28.400 Convalescent home. Regulations for a convalescent home shall be as follows:

(1) Classification: Homes having a capacity of ten or fewer patient beds are classed as small; eleven to twenty beds, medium; over twenty beds, large;

(2) Off-street parking: One space per five beds, except for large homes, one space per three beds;

(3) Off-street loading: Large convalescent homes shall provide one berth;

(4) Minimum lot area: One thousand square feet per bed;

(5) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(6) Minimum front yard:

Small or medium homes ..... 15 feet; provided, however, that where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yard with a variation of not more than ten feet in depth. The average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

Large homes ..... 25 feet;

(7) Minimum side or rear yards:

Small home ..... 5 feet

for a one story building ..... 6 feet
for a two story building, and ..... 7 feet
for a two and one-half story building.
Medium homes ..... 12 feet
Large homes ..... 15 feet
for a one story building, plus 5 feet for each additional story.

33.28.410 Libraries. Regulations for libraries shall be as follows:

(1) Off-street parking required: One space per four hundred square feet of reading room area;

(2) Site area: Hereafter, no library shall be established on a site of less than fifteen thousand square feet in area. Libraries existing on a site less than fifteen thousand square feet may be enlarged, but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subsections (3), (4) and (5);

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard:
For buildings under 45 feet in height ..... 15 feet;
For buildings 45 feet and higher . 30 feet;

(5) Minimum side or rear yard:
For buildings under 15 feet in height ..... 10 feet
For buildings 15 to 24 feet in height 13 feet
For buildings 25 to 34 feet in height 16 feet
For buildings 35 to 44 feet in height 20 feet
For buildings 45 to 54 feet in height 25 feet
For buildings 55 to 64 feet in height 35 feet
For buildings 65 to 74 feet in height 45 feet

33.28.420 Museums. Regulations for museums shall be as follows:

(1) Site area: Hereafter, no museum shall be established on a site of less than fifteen thousand square feet in area. Museums existing on a site less than fifteen thousand square feet may be enlarged, but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subsections (2), (3) and (4);

(2) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(3) Minimum front yard:
For buildings under 45 feet in height 15 feet
For buildings 45 feet and higher .. 30 feet

(4) Minimum side or rear yard:
For buildings under 15 feet in height 10 feet
For buildings 15 to 24 feet in height 13 feet
For buildings 25 to 34 feet in height 16 feet
For buildings 35 to 44 feet in height 20 feet
For buildings 45 to 54 feet in height 25 feet
For buildings 55 to 64 feet in height 35 feet
For buildings 65 to 74 feet in height 45 feet

33.28.430 Public parks. (Amended 151021 Jan. 22, 1981.) Regulations for public parks shall be as follows: Minimum side or rear yards: Community centers, swimming pools, stadiums and buildings or portions of buildings containing concessions dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R zone.

33.28.440 Public utility structures. Exempted from these regulations are underground pipes and conduits and above-ground electric transmission, distribution, communication, and signal lines on a single pole system. All other transmission and public utility structures, such as double poles and steel towers for transmission lines, substations, automatic telephone exchanges, relay stations, pumping stations, and treatment plants shall be regulated as conditional uses.

33.28.450 Railroad rights-of-way and passenger stations. Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated as conditional uses. All other railroad facilities, such as switching yards, holding tracks, team tracks, freight depots, shops, and roundhouses are prohibited in R5 Zones.

33.28.460 Nursery schools. Regulations for nursery schools shall be as follows:

(1) Off-street parking required: One space per teacher in schools having four or more teachers;

(2) Off-street loading required: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having four or more teachers. Such driveway shall be paved with material as

specified in the building regulations;

(3) Outdoor play area: An outdoor play area shall be provided and thereafter maintained with a minimum area of one hundred square feet per child of total enrollment capacity of the school. Screening shall be at least four feet but not more than six feet high and shall be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge.

33.28.470 Private or parochial elementary and public primary schools. Regulations for private or parochial elementary and public primary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length i the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms On	Maximum Number of Classrooms Per Acre
60 percent or more vacant	One floor	3.0
60 percent or more vacant	Two floors	3.0
Less than 60 percent vacant	One floor	4.0
Less than 60 percent vacant	Two floors	4.5

(3) Minimum front yard: Thirty fee;

(4) Minimum side or rear yard:

For buildings under 15 feet in height 20 feet
For buildings 15 to 24 feet in height . 40 feet
For buildings 35 to 44 feet in height . 50 feet

33.28.480 Public elementary schools. Regulations for public elementary schools shall as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms On	Maximum Number of Classrooms Per Acre
60 percent or more vacant	One floor	2.5
60 percent or more vacant	Two floors	2.5
Less than 60 percent vacant	One floor	3.5
Less than 60 percent vacant		
Less than 60 percent vacant	Two floors	4.0

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area provided such space is made available by agreement with the Bureau of Parks;

(3) Minimum front yard: Thirty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet in height 20 feet
For buildings 15 to 24 feet in height . 30 feet
For buildings 25 to 34 feet in height . 40 feet
For buildings 35 to 44 feet in height . 50 feet

33.28.490 Private, parochial or public high schools. Regulations for private, parochial or public high schools shall be as follows:

(1) Off-street parking required: One space per fifty-six square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per eight seats or sixteen feet of bench length in the main auditorium;

(2) Minimum front yard: Thirty feet;

(3) Minimum side or rear yard:

For buildings under 15 feet in height 20 feet
For buildings 15 to 24 feet in height . 30 feet
For buildings 25 to 35 feet in height . 40 feet
For buildings 35 to 44 feet in height . 50 feet

33.28.500 Residential care facilities. Regulations for residential care facilities shall be as follows:

(1) Lot size required:

(a) The minimum lot area shall be five thousand square feet per facility.

(b) The minimum lot width shall be fifty feet.

(c) The minimum lot depth shall be eighty feet.

(2) Minimum on-site open space:

(a) Two hundred square feet for each resident served under the age of twelve years.

(b) Three hundred square feet for each resident served, twelve years through seventeen years of age.

(c) One-hundred fifty square feet for each resident served, eighteen years of age or older.

(3) Minimum off-street parking: One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility.

(4) Valid certificate of review (license to operate) issued under Chapter 8.80 of the Municipal Code.

33.28.510 Unit ownership or condominium project. Regulations for unit ownership or condominium project shall be as follows:

(1) Development or use shall consist of dwellings compatible with use and development in the adjacent area, and suitable to the topography of the land;

(2) Development of roadways shall be in accordance with requirements of the City Engineer;

(3) The entire site, as developed, shall be restricted as to changes or dissolution of unit ownership, as found appropriate in the interest of the neighborhood and the public.

33.28.515 Development of lands adjacent to water features as defined in Section 33.28.135. (Added 153329 effective July 5, 1982.) Regulations for development of lands adjacent to water features shall be those listed in Section 33.22.495.

33.28.520 Prohibited uses. Uses of structures and land not specifically mentioned in this chapter are prohibited in all R2.5 zones.

The use of automobile trailer houses as residences is prohibited in all R2.5 zones.

Chapter 33.30

(Amended by Ord. No. 150581 effective Jan. 1, 1981.)

R2 MULTI-FAMILY RESIDENTIAL ZONE

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33.30.450 Public elementary schools.
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33.30.470 Tract development and sales.
33.30.480 Welfare institutions.
33.30.485 Development of lands adjacent to water features as defined in Section 33.30.127.
33.30.490 Prohibited uses.

33.30.010 Generally. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) In all R2 Zones, the use of land and structures, the location and erection of new structures, and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

33.30.015 Purpose. (Added by Ord. No. 150581 effective Jan. 1, 1981.) To provide opportunities for a variety of lower density housing types, other than single-family detached, while limiting the scale and intensity of new development to maintain compatibility with adjacent areas.

33.30.020 Uses permitted. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) In an R2 Zone, the following uses are permitted:

(1) One family detached dwellings;
(2) One family attached dwellings;
(3) Two family dwellings;
(4) Multi-family dwellings.
(5) (Add 155589 ef Mar. 12, 1984) Residential homes.

33.30.030 Off-street parking required. (Amended 150581, 150737; and 151344 April 1, 1981.) (a) One and two family dwellings: One space per dwelling except in the case of flag lots (minimum parking requirements for flag lots are set forth in section 33.88.040) and that for existing single family dwellings allowably converted to two dwellings, only the number of spaces presently existing need to be provided for both units — according to the following regulations:

(1) Such space shall be accessible to a public street or alley;

(2) Such space shall be at least one hundred and sixty square feet in area;

(3) Such space shall not be located in a required yard;

(4) Auto maneuvering is not allowed in required yards, except areas exclusively used for motor vehicle access and egress;

(5) Such space shall be available for the parking of operable passenger automobiles only;

(6) Such space shall not be rented by the day or part thereof;

(7) Such space, if uncovered, shall be paved in accordance with the provisions of the building regulations;

(8) The provision and maintenance of off-street parking space is a continuing obligation of the property owner;

(9) A plan, drawn to scale, indicating how the off-street parking requirement is to be fulfilled, shall accompany the request for a building or occupancy permit;

(10) Such space shall be improved and made available for use before the issuance of a certificate of final inspection by the Bureau of Buildings;

(11) Additional parking spaces provided on the premises shall be regulated as specified in subsections (3), (7) and (8);

(12) In an R2 Zone, no overnight parking of trucks or other equipment on wheels or tracks exceeding one-half ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming and truck gardening if permitted on the premises.

(b) (Amended 151344 April 1, 1981.) Multi-family dwellings: One space per dwelling unit except in the case of flag lots (minimum parking requirements for flag lots are set forth in section 33.88.040) and as provided for in subsection (c) of this section and except that projects built exclusively for the elderly and/or handicapped shall provide one space for every four dwelling units. Parking and maneuvering areas must meet the regulations in Chapter 33.82.

(c) Bicycle parking: Bicycle parking spaces may be provided in lieu of required motor vehicle spaces provided that the following requirements are met:

(1) The development must have at least 5 dwelling units,

(2) Four bicycle parking spaces shall be provided for each required motor vehicle parking space not provided; where the development includes a basement or provides covered motor vehicle parking, bicycle parking provided shall also be covered,

(3) Bicycle parking shall not be substituted for more than 20 percent of the required passenger automobile parking spaces,

(4) The Bureau of Traffic Engineering approves the substitution of bicycle parking for passenger automobile parking spaces.

(d) Attached residential dwellings: One space per dwelling, subject to the requirements of 33.28.030 where parking is provided on the same lot the dwelling unit is located on, and subject to the following requirements where parking is provided on land commonly owned by several lots within an attached residential subdivision:

(1) No more than eight parking places may be grouped together.

(2) No two common parking areas may be within 100 feet of each other.

(3) Common parking areas, maneuvering space, and access drives must include a five foot wide landscaped buffer strip planted with trees, adjacent to any property line. Trees planted must conform with the City's street tree planting guidelines; their layout must be approved by the Fire Bureau.

33.30.040 Off-street loading. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) No off-street loading berths are required of principal uses in R2 Zones.

33.30.050 Lot size required. (Amended 131818, 134366, 139117, 139702, 141105, 144667, 144717, 148873, 150581; and 151344 April 1, 1981.) (a) The minimum lot area shall be 4,000 square feet for each detached one family dwelling, (there are special regulations governing computation of lot area for flag lots listed in section 33.88.020).

(b) The minimum lot area shall be 1800 square feet for an attached single family dwelling: however, within any attached housing subdivision the average lot area shall be 2000 square feet, (There are special regulations governing computation of lot area for flag lots listed in section 33.88.020).

(c) The minimum lot area shall be 2000 square feet per dwelling unit in structures containing two or more dwelling units, (There are special regulations governing computation of lot area for flag lots listed in section 33.88.020).

(d) The minimum lot width for a detached or apartment dwelling shall be 40 feet. The minimum lot width for an attached dwelling shall be 16 feet.

(e) The minimum lot depth shall be eighty feet except in the case of flag lots, (Regulations governing minimum lot depth for flag lots are listed in sections 33.88.020).

(f) (Am 153828 ef Oct. 18, 1982) A lot containing a two-family or multi-family dwelling may be divided to allow the dwellings to be converted to attached single family housing. Any new lot so created shall have a minimum lot area of 1800 square feet, a minimum lot width of 16 feet and a minimum lot depth of 70 feet.

(g) (Am 153828 ef Oct. 18, 1982) No lot, tract or parcel of land shall be reduced by transfer of ownership, immediate or future, in area, width or depth to less than stated in subsections (a), (d) and (e) unless approved as provided in Chapter 33.98 or as allowed in subsections (f) or (j) of this Section.

(h) A one-family or two-family dwelling may be constructed notwithstanding the requirements of subsections (a), (c), (d) and (e) of this section if approved as provided in Chapter 33.98.

(i) No dwelling shall be built or moved onto a lot not abutting a public street. Modification of this provision may be granted in accordance with procedure set forth in Sections 33.98.020 and 33.98.040 of this title, the reference to 33.98.010 notwithstanding.

(j) On a platted lot of less than four thousand square feet but not less than three thousand seven hundred and fifty square feet located in a subdivision plat duly appoved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (d) and (e) in this section; provided, however, that:

(1) No construction of a one-family dwelling shall be permitted upon a lot with dimensions less than three thousand seven hundred and fifty square feet in area, thirty-five feet in width, and eighty feet in depth unless approved as provided in Chapter 33.98; and,

(2) No structure shall be built closer to any existing structure on abutting property than the sum total of the required standard yard distances between the two structures in the R2 Zone, unless approved as provided for in Chapter 33.98. This separation between structures shall be verified to the satisfaction of the Bureau of Buildings prior to issuance of a building permit for any new [illegible]are enabled by this subsection.

(3) No construction of a one-family dwelling shall be permitted upon a lot unless that lot abuts a paved street which has been improved to City standards, and unless sewer and water ser-

vice are immediately available in the abutting street and can be furnished to the proposed new structure.

(4) For the purposes of this subsection only, the maximum lot coverage for all buildings, no matter what height, including accessory buildings, shall not exceed thirty-five percent of the lot area.

(5) (Amended 152319 Sept. 24, 1981) For the purposes of this subsection only, and to insure better design of new structures on substandard lots, new development may include, at a maximum, one one-car garage or carport. The ground area covered by garage or carport shall not exceed ten percent of the lot area. In no case shall a garage or carport exceed 14 feet in width or 50 percent of the width of the dwelling, whichever is less.

(k) There shall be no minimum lot area per dwelling unit for projects housing the elderly and/or handicapped if the following provisions are met:

(1) The requirements of sections 33.30.060 Maximum Lot Coverage, 33.30.080 Maximum Height Permitted, 33.30.090 Minimum Front Yard, 33.30.100 Minimum Side Yard, and 33.30.110 Minimum Rear Yard, as well as all other selections of this chapter, shall be met.

(2) The property owner has executed a covenant limiting the occupancy of structures built to a higher density than allowed by the underlying zoning to households headed by either a handicapped person or a person 60 years of age or older, with the exception that one dwelling unit may be occupied by a household headed by a person of any age whose principal occupation is directly involved with the management or maintenance of the project. Such covenant shall be an agreement with the City based upon the consideration of the City's issuing such building permit in reliance on the property owner's abiding with such covenant. Such covenant shall run with and be attached to the land and shall provide that in the event of the property owner's failure to abide by such covenant, the City shall be empowered to terminate occupancy of such structure and to obtain in the name of the City injunctive relief in a court of competent jurisdiction enjoining any future occupancy of such structure in violation of such covenant and agreement. Any such covenant shall be approved in form by the City Attorney and shall be recorded in the appropriate records of the county in which the property is located prior to issuance of any building permit.

33.30.060 Maximum lot coverage. The area covered by all buildings, including accessory buildings, not exceeding one story in height shall not exceed forty-five percent of the lot area, and the area covered by the portions of all buildings exceeding one story in height shall not exceed thirty-five percent of the lot area.

33.30.070 Minimum floor area permitted. There shall be no limitation except as regulated by the room size requirements in the housing regulations.

33.30.080 (Amended by Ord. No. 150581 effective Jan. 1, 1981.) **Maximum height permitted.** (a) No structure shall exceed four stories, or forty-five (45) feet in height.

(b) On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more, measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Chimneys and radio and television aerials may extend above the forty-five foot height limit.

33.30.090 Minimum front yard. (a) (Amended 151344 April 1, 1981.) There shall be a front yard of not less than 15 feet, except in the case of flag lots (yard regulations for flag lots are listed in section 33.88.030), and where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth. In such cases the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

(b) Where a lot is situated between two lots, each of which has a main building, within twenty-five feet of its side lot lines, which

projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirements on such lot may be the average of the front yards of the existing buildings.

(c) Where a lot adjoins only one lot having a main building, within twenty-five feet of it side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirements on such lot may be the average of the front yard of the existing building and the established front yard line.

(d) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and located on that side which has not yet been dedicated or condemned, unless the yards provided on such lot include both that portion of the lot lying within the future street and the required yards.

(e) On corner lots, the front yard along the long dimension of the lot may be reduced to ten feet. In case of a square lot or lot having equal frontage on two intersecting streets, one front yard may be reduced to ten feet providing the other front yard is at least fifteen feet.

(f) (Add 151021; am 153824 ef Oct. 18, 1982) Except for pedestrian pathways and access drives to parking, maneuvering and loading areas, the required front yards shall be landscaped with a combination of growing ground cover and trees. Trees planted must conform with the City's street tree planting guidelines and have their layout approved by the Fire Bureau.

(g) (Add 153824 ef Oct. 18, 1982) Access drives within the required front yard which serve parking, maneuvering and loading areas shall meet the following requirements:

(1) For service to one dwelling unit, a drive which occupies 20% of the required front yard area or is 9 feet in width, whichever is greater, is required.

(2) For service to more than one dwelling unit, a drive or drives which occupy a total of 20% of the required front yard area or which are a total of 18 feet in width, whichever is greater, is required.

33.30.100 Minimum side yard.* (Amended 151344 April 1, 1981.) (a) There shall be a minimum side yard on each side of any apartment, duplex or detached residence according to height as shown on the following schedule except in the case of flag lots (Minimum yard requirements for flag lots are listed in section 33.88.030).

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet
For three stories	9 feet
For four stories	12 feet

(b) Where an entire frontage is designed and constructed as a unit, the required width of side yards with respect to lot lines may be varied providing the distance between adjoining buildings equals the total combined width of two adjoining required side yards. This total combined width shall not thereafter be reduced by enlargement of either adjoining building.

(c) There shall be a minimum side yard where the attached residential lot abuts another lot that has or could have a detached single-family house or apartment constructed on it. For purposes of this title, any lot of 33 or more feet in width, or 3500 sq. ft. of area, shall be considered a potential detached housing site unless such lot is a part of the same rowhouse subdivision. Where side yards are required, they shall vary according to height as shown on the following schedule except in the case of flag lots (minimum yard regulations for flag lots are listed in section 33.88.030):

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet
For three stories	7 feet
For four stories	9 feet

(d) (Am 153824 ef Oct. 18, 1982) Except for pedestrian pathways and access drives to parking, maneuvering and loading areas, the required side yards shall be landscaped with a combination of growing ground cover and trees. Trees planted must conform with the City's street tree planting guidelines and have their layout approved by the Fire Bureau.

*See Chapter 33.90 for additional regulations.

(e) (Add 153824 ef Oct. 18, 1982) Access drives within the required side yards which serve parking, maneuvering and loading areas shall meet the following requirements:

(1) For service to one dwelling unit, a drive which occupies 20% of the required side yard area or is 9 feet in width, whichever is greater, is required.

(2) For service to more than one dwelling unit, a drive or drives which occupy a total of 20% of the required side yard area or which are a total of 18 feet in width, whichever is greater, is required.

33.30.110 Minimum rear yard*. (Amended 150581; 151344 Apr. 1, 1981.) (a) For detached dwellings, duplexes and apartments there shall be a minimum rear yard according to height of the main building as shown on the following schedule except in the case of flag lots (Minimum yard requirements for flag lots are listed in section 33.88.030):

*See Chapter 33.90 for additional regulations.

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet
For three stories	9 feet
For four stories	12 feet

(b) Rear yards for attached residential development must meet the requirements of 33.28.130, except in the case of flag lots (Yard requirements for flag lots are listed in section 33.88.030).

(c) All required rear yards for multi-family developments shall be landscaped with a combination of growing ground cover and trees, except that access drives to parking, maneuvering and loading areas may occupy up to 20% of a required yard which abuts a right-of-way. Trees planted must conform with the City's street tree planting guidelines and have their layout approved by the Fire Bureau.

33.30.120 Minimum distance between buildings. Where apartment houses are grouped as one project on one tract of land, the minimum distances between two buildings at any given point shall not be less than the sum of the required side yards computed separately for each building at that point.

33.30.125 Street trees. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Street trees shall be provided in the right-of-way adjacent to any project property line, in conformance with the following requirements:

(1) Street trees planted must conform with the City's street tree planting guidelines;

(2) Street tree layout must be approved by the Fire Bureau;

(3) Care and maintenance of street trees is the continuing responsibility of the project property owner;

(4) Trees which die must be replaced by the property owner.

33.30.127 Development adjacent to watercourses and water bodies. (Added 153329 effective July 5, 1982.) (1) Development shall be restricted within the following areas: (a) Between the ordinary high water line and twenty-five feet back of the top of the bank of watercourses and water bodies such as rivers, lakes, ponds, sloughs or wetlands, as shown on the City of Portland Water Features Map.

(b) Within twenty-five feet of the centerline of watercourses such as streams, creeks and drainageways draining thirty acres or more as shown on the City of Portland Water Features Map.

(2) Within the restricted areas the provisions of Section 33.22.115 (2) through (8) shall apply.

33.30.130 Signs permitted. (Amended 153373 effective July 17, 1982) All signs permitted in this residential zone shall be either wall signs or freestanding signs. Wall signs shall be located on the first story of a building and no sign shall be located above the roofline. Freestanding signs shall not exceed a height of four feet unless otherwise specified, and must be located wholly on private property. All signs shall be non-illuminated or indirectly illuminated or may be directly illuminated by subdued background such as opaque with translucent copy. Rotating, flashing, animated and electronic information signs are prohibited in this zone.

1. Each dwelling is permitted the following signs: (a) One identification sign not to exceed three-quarters of a square foot in area. Such sign shall be placed flat against the building and not above the roofline. In instances where building-mounted signs are not distinctly visible from a public right-of-way, then such sign may be affixed to a permanent structure at the primary entranceway to such property at a height not to exceed four feet.

(b) One real estate sign, not to exceed four square feet in area and six and one-half feet in height, which advertises the sale or rent of the dwelling until the dwelling is sold or rented. Corner lots are permitted two such signs, one on each street frontage.

(c) Building numbers shall be exempt from regulation herein and shall be located as required in Chapter 17.92 of the City Code.

(d) A minimum number of required off-premise directional signs are permitted for the purpose of directing traffic to an open house for rent, lease or sale of real or personal property while an agent is on the premises. Such sign may only be erected or displayed for the period of time the house is open and shall be subject to all other regulations of temporary signs. Such sign shall not exceed four feet in height nor twelve square feet in sign area.

2. Each tract development, attached-housing project or complex is permitted the following signs requiring permits: (a) Two permanent signs identifying the name of a

housing project, each sign not to exceed twenty square feet in area.

(b) A permanent sign not to exceed three square feet in area indicating units available for sale or rent. For corner lots, one such sign is permitted on each frontage.

3. Conditional Uses — (see Section 33.30.250 for permitted uses) — The following signs require permits: (a) Each authorized conditional use shall be permitted one sign not to exceed twenty square feet in area nor ten feet in height. Churches are permitted a bulletin board in addition but the combined area of all signs shall not exceed thirty square feet.

(b) If additional signing is desired such sign(s) must be approved with the application for a conditional use.

(c) Signs which do not conform to provisions (a) or (b) may be approved under the conditional use procedure and criteria for sign approval outlined in Section 33.106 of this code.

4. Nonconforming Uses. Sign regulations for nonconforming uses are listed in Section 33.94.020 of this title.

TRANSITIONAL USES

33.30.140 Uses permitted. (Amended by Ord. No. 141161; and 150581 effective Jan. 1, 1981.) On a lot, or portion of a lot, not exceeding seventy-five feet in width, where the side of such lot abuts C3, C2, C1, R1, RH, RX or M zones, and where such lot, or portion of a lot, is no closer than one hundred feet to any property in an R20, R10, R7 or R5 zone, apartment dwellings are permitted with a minimum lot area as follows:

Three units — 5000 square feet of lot area.
Four units — 6500 square feet of lot area.
Five units — 7500 square feet of lot area.
Each additional unit — 2000 square feet of lot area.

33.30.150 Other regulations. (Amended by Ord. No. 141161; and 150581 effective Jan. 1, 1981.) Parking, yards and all other regulations applicable to principal uses in R2 zones shall apply.

ACCESSORY BUILDINGS AND USES

33.30.160 Generally. No separate permit shall be issued for the construction of any type of accessory building prior to that of the main dwelling.

33.30.170 Height. No accessory building shall exceed two stories in height.

33.30.180 Classifications. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Accessory buildings and uses permitted in R2 Zones shall be divided into types, as follows:

Type 1: Garage, carport, studio, pergola, private greenhouse or other similar structure related to dwelling in design, whether attached or detached.

Type 2: A guest house, servant's house, caretaker's quarters or any such accessory building used for dwelling purposes.

Type 3: Woodshed, toolshed, chicken house, rabbit hutch, and other such outbuildings of utilitarian character and use, not necessarily related in design to the dwelling.

Type 4: Moorage for private pleasure boats.

Type 5: Swimming pool, tennis court, or other type of home recreational facility.

Type 6: Home occupations.

33.30.190 Type 1. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) In R2 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 1 classification shall comply with the following:

(1) No Type 1 accessory building detached or attached to a one family dwelling, except a garage in a bank of earth or on sloping ground (see subdivisions (8) and (9)), shall be located closer to the street lot line than twenty-two feet;

(2) No accessory building, except a garage in a bank of earth or on sloping ground (see subdivisions (8) and (9)), shall be located in the street corner quarter of a corner lot;

(3) Under the following conditions, any Type 1 accessory building may be built adjacent to or on a rear and/or side lot line if the wall along or adjacent to such rear and/or side lot line is of masonry not less than eight inches in thickness for its full length and width and for the full height of such accessory building:

A. If a detached accessory building is located ten or more feet to the rear of the main building,

B. If an attached accessory building is located forty feet or more from the front lot line,

C. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line; provided, however, a one-story detached garage legally erected along or adjacent to said lot line before March 4, 1948 may be extended in length not more than four feet with same type of construction as the existing garage if the number of cars to be accommodated is not increased;

(4) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (3), it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes;

(5) Any Type 1 accessory building, attached or detached, if more than one story, shall not be built up to either side and/or rear lot lines, and shall be subject to the regulations for lot coverage, yards, courts, and setback of a dwelling;

(6) No door of an accessory building shall at any point of its travel extend over a street lot line, except an overhead garage door;

(7) A garage may be located in a lower story of a dwelling but the garage portion of the dwelling, except when in a bank of earth or on sloping ground (see subdivisions (8) and (9)), shall not be built closer to a street lot line than the building wall at the side or above unless the wall of the garage portion is at least twenty-two feet from the street lot line. No motor vehicle door of such garage shall be located less than twenty-five feet from the corner of a lot where two streets intersect;

(8) A detached or attached garage, not exceeding five hundred fifty square feet in area, may be constructed in a natural bank of earth without regard to the front yard regulations, provided all exterior walls of the garage, with the exception of the front wall, are concealed by the earth for not less than seventy-five percent of their separate areas. The height of the highest part of the garage wall or roof, if same comes above the level of the adjoining earth, shall not exceed ten feet above the floor level of the garage;

(9) When a detached or attached garage is constructed on a lot sloping downward from a street, the average elevation of the lot being not less than ten feet below the sidewalk level, the front wall of the garage need not set back farther from the street lot line than the average contour elevation line of the lot which is five feet below the sidewalk elevation. However, in no case shall the front wall of the garage be closer to the street lot line than five feet. Such garage shall not exceed a height of ten feet above the adjacent sidewalk level, shall not encroach upon the required yard of any building on the same lot, unless it is built up to the side lot line and complies with subdivision (3);

(10) The ground area covered by all Type 1 accessory buildings on the same lot of a one or two family dwelling shall not exceed ten percent of the lot area.

33.30.200 Type 2. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) In R2 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 2 classification shall comply with the following:

(1) No Type 2 accessory building shall be built on a lot less than nine thousand square feet in area;

(2) If located to the rear of the main dwelling, a Type 2 accessory building shall be separated from the main dwelling by at least sixty feet;

(3) Type 2 accessory buildings shall conform in location on the lot to side, rear, and front yard regulations for principal uses.

33.30.210 Type 3. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) In R2 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 3 classification shall comply with the following:

(1) No Type 3 accessory building shall be located closer than twenty-five feet to a street lot line;

(2) Such outbuilding shall not encroach upon a required yard of another building on the same lot. The distance from any such outbuilding to a rear or side lot line shall be the same as for a detached garage of the same size;

(3) The combined area of all Type 3 accessory buildings on the same lot or property shall not exceed in ground area one-twentieth of

the area of the lot on which such buildings are situated;

(4) An outbuilding used for keeping chickens, pigeons, rabbits, goats or other animals, in addition to complying with the building regulations and health and sanitation regulations, shall not be located within fifty feet of any dwelling.

33.30.220 Type 4. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) In R2 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 4 classification shall comply with the following:

(1) Any structure shall be located five feet or more from a side lot line;

(2) Covered structures shall be located adjacent to the natural shore line;

(3) Covered structures shall not occupy more than fifty percent of the width of the lot at the natural shore line;

(4) Any boat using such moorage shall not be used as a place of residence when so moored.

33.30.230 Type 5. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) In R2 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 5 classification shall comply with the following:

(1) Where a Type 5 accessory use contains a building or is contained within a building, the building whether attached or detached, shall not be located closer to any lot line than that distance required of the principal use;

(2) Under the following conditions, any Type 5 accessory building may be built adjacent to or on a rear and/or side lot line if the wall along or adjacent to such rear and/or side lot line is of masonry not less than eight inches in thickness for its full length and width and for the full height of such accessory building:

A. If a detached accessory building is located ten or more feet to the rear of the main building,

B. If an attached accessory building is located forty feet or more from the front lot line,

C. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line than permitted in A. or B. above;

(3) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (2) above, it shall be located at least twelve inches from the sidy and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes;

(4) No swimming pool shall be located closer than three feet to any property line nor closer than three feet to any wall or fence.

33.30.240 Type 6. (Amended by Ord. No. 139311, 140534; and 150581 effective Jan. 1, 1981.) (a) in R2 Zones home occupations in the same lot accessory to principal uses and transitional uses of a Type 6 classification shall be permitted only in the following categories:

(1) Office for professional, personal or business service;

(2) Studio for arts, handicrafts or tutoring;

(3) Shops for limited or custom production or minor repair service;

(4) Headquarters for a craftsperson or salesperson;

(5) Home baby-sitting

(b) Any such home occupation shall comply with the following limitations:

(1) No servant, employee or any person other than a member or members of the family residing within the dwelling shall engage in a home occupation therein or within an accessory building;

(2) No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations;

(3) No activities shall be allowed which involve the use, storage, milling or manufacture of highly combustible materials or internal combustion engines;

(4) All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed Type 1, 2 or 3 accessory building;

(5) The aggregate of all space within any or all buildings devoted to one or more home occupations shall not exceed five hundred square feet

in floor area;

(6) Any home occupation which causes abnormal automotive or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited;

(7) No enlargements nor alterations to a dwelling or accessory building for the sole purpose of conducting a home occupation shall be permitted;

(8) The premises shall at all times be maintained as residential in appearance, cleanliness and quietness;

(9) Dimensions, power rating or weight of such equipment and tools used in the conduct of the home occupation shall not exceed that of normal household equipment and tools;

(10) Sign: A home occupation shall be permitted one non-illuminated, non-flashing sign, not exceeding three-quarters square foot in area, limited to the name of the occupant and/or a designation of any authorized home occupation conducted on the site. Such sign shall be in lieu of, not in addition to, any sign permitted for a principal use in the underlying zone;

(11) Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building;

(12) Customer and client contact shall be primarily by telephone, mail or in their homes and places of business and not on the premises of the home occupation, except for those home occupations which by their very nature cannot otherwise be conducted except by personal contact with clients;

(13) Products made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers;

(14) Other than normal passenger automobiles, only one truck of no more than 8,400 lb. gross vehicle weight (GVW) is permitted to be operated, whether owned or rented, in connection with a home occupation. Such truck, if parked on the premises, shall be kept within a completely enclosed garage;

(15) Instruction in music shall be limited to no more than two students at one time and in crafts to no more than six students at one time;

(16) Home baby-sitting is allowed under the following conditions:

A. Up to and including five children may be cared for on the premises; or

B. Up to and including ten children may be cared for if

(i) There is at least 100 sq. ft of safe, usable open space on the site for outdoor play area; and

(ii) Screening is provided separating such outdoor open space from abutting lots. Such screening shall be at least four feet, but not more than six feet, high and should be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge; and

(iii) If 100% of adjacent neighbors indicate approval. This is included within the normally required 50% approval for home occupations generally.

(iv) If, subsequent to granting a Home Occupation permit for the care of 6-10 children (paragraph b), a petition from 75% of the abutting property owners is received by the Bureau of Buildings opposing the continuation of the increased number of children, the permit shall be amended to allow not more than 5 children.

(17) An office for a physician or dentist is permitted primarily for emergency cases and as an accommodation for retired or part-time practitioners and not as a principal office for the practice of the profession.

(18) Limitations placed on home occupations in this title shall not be construed as prohibiting home occupations conducted by means of receiving and transmitting signals via a home computer terminal linked to a telecommunications network.

(c) (Am 153762 Sept. 2, 1982) Procedure to establish and maintain a home occupation:

(1) Permits for home occupations shall be issued by the Bureau of Buildings and shall be valid for a period of two years only. It shall be the responsibility of the applicant to apply for a permit every two years. Before re-issuance of a permit, the Bureau of Buildings shall review the home occupation for compliance with the requirements of this title. A permit for a home occupation may be revoked at any time if the requirements of this title are not being met. A fee shall be charged for a home occupation permit in accordance with the provisions of Title 24;

(2) No permit shall be issued by the Bureau of Buildings until or unless the applicant shall have received the favorable approval, as indi-

cated by signatures on the authorized application form, of owners or contract purchasers of not less than fifty percent of all property in the area bounded by lines one hundred feet, excluding street widths, from and parallel to the boundary lines of the lot proposed to contain each home occupation. Area of any property owned or occupied by the applicant shall be excluded in computing required percentage of approval;

(3) If, in the opinion of the applicant, the Bureau of Buildings has acted arbitrarily and capriciously in withholding or revoking a permit for a home occupation, he may request an interpretation of this title by the City Planning Commission as provided in Section 33.114.030. In such cases the dwelling or accessory building to be devoted to a home occupation shall be open for inspection to the staff of the City of Portland on any day between eight a.m. and ten p.m.;

(4) The bureau of licenses shall not issue a business license or accept payment of the fee until an occupancy permit for a home occupation is issued by the bureau of buildings.

CONDITIONAL USES

33.30.250 Uses permitted. (Amended 132825, 135386, 138936, 140290, 150581, 151344; and 153329 effective July 5, 1982.) In an R2 zone the following conditional uses may be permitted subject to the regulations contained in section 33.30.260 through 33.30.485 and under authority and according to the procedure specified in chapter 33.106, except the conditional uses permitted on flag lots shall be limited to those listed in section 33.88.070:

(1) Cemeteries;
(2) Churches;
(3) Residential buildings accessory to churches;
(4) Colleges;
(5) Community clubs;
(6) Crematories, mausoleums and columbariums;
(7) Excavations and filling;
(8) Golf courses, other country clubs and athletic clubs;
(9) Governmental structures and land uses, local, state or federal, which are essential to the functioning and servicing of residential neighborhoods;
(10) Greenhouses, nurseries or other propagation of plants, and their products for sale;
(11) Homes, convalescent;
(12) Hospitals, general;
(13) Hospitals, mental, remedial or detention;
(14) Uses or buildings accessory to hospitals;
(15) Libraries;
(16) Mass transit waiting stations or turn-arounds;
(17) Museums;
(18) Parks, public;
(19) Planned unit development;
(20) Private helistop, accessory to a hospital;
(21) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods;
(22) Radio and television transmitters;
(23) Railroad rights-of-way and passenger stations;
(23.5) Residential care facility;
(24) Schools, nursery;
(25) Schools, parochial or private;
(26) Schools, public;
(27) Tract development and sales;
(28) Welfare institutions;
(29) Development of lands adjacent to water features as defined in Section 33.30.127.

33.30.260 Regulations. (Amended by Ord. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

33.30.265 Additional uses permitted. (Repealed by Ord. No. 150581 effective Jan. 1, 1980.)

33.30.270 Churches. Regulations for churches shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: Hereafter, no church shall be established on a site of less than fifteen thousand square feet in area. Churches existing on a site less than fifteen thousand square feet may be enlarged provided such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5), and provided further that the off-street parking requirements shall be met;

(3) Maximum site coverage: Area covered by all buildings shall not exceed forty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height fifteen feet,

For buildings forty-five feet and higher in height thirty feet;

(5) Minimum side or rear yard:

For buildings under 15 feet in height ..... 10 feet
For buildings 15 to 24 feet in height ..... 13 feet
For buildings 25 to 34 feet in height ..... 16 feet
For buildings 35 to 44 feet in height ..... 20 feet
For buildings 45 to 54 feet in height ..... 25 feet
For buildings 55 to 64 feet in height ..... 35 feet
For buildings 65 to 74 feet in height ..... 45 feet

(6) (Amended 153373 effective July 17, 1982) Signs permitted: One sign not to exceed seven feet in length nor twenty square feet in area and one church bulletin board, but the combined area of both sign and bulletin board shall not exceed thirty square feet. Neither sign nor bulletin board shall extend above the building height nor over the sidewalk and each must be located on the property of the church. Any illumination shall be indirect and non-flashing.

33.30.280 Residential buildings accessory to churches. Regulations for residential buildings accessory to churches shall be as follows:

(1) Off-street parking required: In addition to spaces required for the church, one space shall be provided for each ten persons residing in such building;

(2) Site area: In addition to required site area for church buildings, a minimum of five thousand square feet shall be provided for each twenty persons residing in accessory residential buildings.

33.30.290 Colleges. Regulations for colleges shall be as follows:

(1) Off-street parking required: One space per ten seats in classrooms. In addition, one space per five students housed in dormitories, fraternities, or sororities shall be provided;

(2) Minimum front yard: Thirty feet;

(3) Minimum side or rear yard: No classroom, laboratory, stadium, or other main building shall be erected closer than fifty feet to any side or rear lot line. The side and rear yards for dormitories, fraternities, and sororities shall not be less than fifteen feet for a one story building plus five feet for each additional story;

(4) Site area: For dormitories, fraternities, and sororities not located on or contiguous to the college campus, a minimum of five thousand square feet of site area shall be provided for each five persons residing in such buildings.

33.30.300 Community clubs. Regulations for community clubs shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium or largest assembly room; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium or largest assembly room;

(2) Site area: Hereafter, no community club shall be established on a site of less than fifteen thousand square feet in area. Community clubs existing on smaller sites may be enlarged, but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of

yards or increase the building coverage specified in subdivisions (3), (4) and (5);

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height fifteen feet,

For buildings forty-five feet and higher in height thirty feet;

(5) Minimum side or rear yard:

For buildings under 15 feet in height ..... 10 feet
For buildings 15 to 24 feet in height ..... 13 feet
For buildings 25 to 34 feet in height ..... 16 feet
For buildings 35 to 44 feet in height .....20 feet.

33.30.310 Excavating or filling. Excavating or filling as defined in this title shall be regulated as a conditional use.

33.30.320 Golf Courses, other country clubs and athletic clubs. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Regulations for golf courses, other country clubs and athletic clubs shall be as follows:

(1) Minimum side or rear yards: Club houses, swimming pools, stadiums, and any other structure dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R Zone;

(2) Miniature golf courses and golf driving ranges are prohibited in R2 Zones. Such uses are classified as commercial uses and are permitted only in C2 and M Zones;

(3) Quarters for animals shall be located at least two hundred feet from any property line bordering or within an R Zone.

33.30.330 Convalescent home. Regulations for convalescent homes shall be as follows:

(1) Classification: Homes having a capacity of ten or fewer patient beds are classed as small; eleven to twenty beds, medium; over twenty beds, large;

(2) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per five beds except for large homes, one space per three beds;

(3) Off-street loading: Large convalescent homes shall provide one berth;

(4) Minimum lot area: One thousand square feet per bed;

(5) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(6) Minimum front yard: Small or medium homes fifteen feet provided, however, that where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

Large homes, twenty five feet;

(7) Minimum side or rear yards:

Small homes—five feet for a one story building, six feet for a two story building, and seven feet for a two and one-half story building.

Medium homes—twelve feet.

Large homes—fifteen feet for a one story building plus five feet for each additional story.

33.30.340 General hospitals. Regulations for general hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any general hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12

940,000 - 1,029,000	13
Over - 1,030,000	14

(3) Minimum site area:

A. No hospital shall be established on a site of less than twenty thousand square feet in area,

B. At least two thousand square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Thirty feet;

(6) Minimum side or rear yard: Thirty feet.

(7) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including accessory buildings shall not exceed thirty-five percent of the site area.

(8) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

33.30.350 Mental, remedial or detention hospitals. Regulations for mental, remedial or detention hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any mental, remedial, or detention hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum site area:

A. No hospital shall be established on a site of less than five acres in area,

B. At least twenty-five hundred square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Thirty feet;

(6) Minimum side or rear yard: Thirty feet.

(7) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including accessory buildings shall not exceed thirty-five percent of the site area.

(8) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

33.30.360 (Amended by Ord. No. 140290 passed and effective July 24, 1975.) **Uses or buildings accessory to hospitals.** Regulations for uses or buildings accessory to hospitals shall be as follows: (a) General regulations.

(1) The site of any accessory use or building shall be in the same ownership as the hospital to which it is an accessory unless a restriction is placed upon the property occupied by the accessory use or building and recorded in the appropriate county records at the expense of the applicant, using forms prescribed for that purpose obtainable from the office of the planning commission.

Upon submission of satisfactory evidence either that the accessory building will be removed or that the proposed use of the accessory building will not be in conflict with the zoning in which it is located and that it will not alter the parking, site coverage, density and floor area of the hospital as permitted within a project area, the restriction upon the property shall be removed. A copy of said restriction removal shall be made available to the owner of said property for the purpose of recordation.

(2) The accessory use or building shall be located on the hospital site or on a separate site,

the nearest portion of which is not more than one hundred feet removed from the hospital site to which it is an accessory.

(3) The accessory use or building, if located on a separate site, shall be restricted to a location abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

(4) Maximum height: Two and one-half stories or thirty-five feet, whichever is less, except there shall be no limit on buildings more than four hundred feet away from property lines bounding the project.

(5) Minimum front yard: Thirty feet.

(6) Minimum side or rear yard: Thirty feet.

(7) Maximum site coverage: Area covered by all buildings shall not exceed thirty-five percent of the site area if located on a separate site from the hospital to which it is an accessory. (See also Section 33.106.010.)

(b) Offices and/or clinics of physicians for private medical practice.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per each two hundred fifty square feet of gross floor area of any area assigned to such use.

(c) Parking garages.

(d) Residential facilities for staff, including nurses' homes, interns' quarters and other residential buildings.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided for each five persons residing in such building.

(2) Site area: In addition to required site area for hospitals, a minimum of five thousand square feet shall be provided for each ten persons residing in such accessory building.

(e) Retail facilities for the needs of the patient including gift shop, barber shop, book store, beauty shop, coffee shop, drug store or pharmacy, and other similar uses.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space per each two employees of such shop or store provided such employee has not been included as a hospital employee.

(2) Such use shall be conducted entirely within the hospital buildings to which it is accessory except that a coffee shop may have an outdoor dining area provided such area is screened so that it is not visible from a public street or another property.

(3) Such use shall have pedestrian access only through an interior hall or lobby of the building wherein situated.

(4) (4 repealed, 5 renumbered 153373 effective July 17, 1982) The floor area devoted to all such uses within a main building or buildings shall not exceed ten percent of the gross floor area of such main building or buildings.

(f) Training facilities including school of nursing and other types of training facilities.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per ten seats in classrooms provided students have not been included as hospital employees.

33.30.370 Libraries. Regulations for libraries shall be as follows:

(1) Off-street parking required: One space per four hundred square feet of reading room area;

(2) Site area: Hereafter, no library shall be established on a site of less than fifteen thousand square feet in area. Libraries existing on a site less than fifteen thousand square feet may be enlarged but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5);

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height fifteen feet,

For buildings forty-five feet and higher in height thirty feet;

(5) Minimum side or rear yards:

For buildings under 15 feet in height ..... 10 feet
For buildings 15 to 24 feet in height ..... 13 feet
For buildings 25 to 34 feet in height ..... 16 feet
For buildings 35 to 44 feet in height ..... 20 feet
For buildings 45 to 54 feet in height ..... 25 feet
For buildings 55 to 64 feet in height ..... 35 feet
For buildings 65 to 74 feet in height .....45 feet.

33.30.380 Museums. Regulations for museums shall be as follows:

(1) Site area: Hereafter no museum shall be established on a site of less than fifteen thousand square feet in area. Museums existing on a site less than fifteen thousand square feet may be enlarged, but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (2), (3) and (4);

(2) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(3) Minimum front yard:

For buildings under forty-five feet in height fifteen feet,

For buildings forty-five feet and higher in height thirty feet;

(4) Minimum side or rear yards:

For buildings under 15 feet in height ..... 10 feet
For buildings 15 to 24 feet in height ..... 13 feet
For buildings 25 to 34 feet in height ..... 16 feet
For buildings 35 to 44 feet in height ..... 20 feet
For buildings 45 to 54 feet in height ..... 25 feet
For buildings 55 to 64 feet in height ..... 35 feet
For buildings 65 to 74 feet in height ..... 45 feet.

33.30.390 Private helistop. A private helistop may be permitted in connection with a principal or conditional hospital use. Any such private helistop shall be subject to the additional regulations contained in Chapter 33.78.

33.30.400 Public parks. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Regulations for public parks shall be as follows:

Minimum side or rear yards: Community centers, swimming pools, stadiums, and buildings or portions of buildings containing concessions dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R Zone.

33.30.410 Public utility structures. Exempted from these regulations are underground pipes and conduits and aboveground electric transmission, distribution, communication and signal lines on a single pole system. All other transmission and public utility structures, such as double poles and steel towers for transmission lines, substations, automatic telephone exchanges, relay stations, pumping stations, and treatment plants shall be regulated as conditional uses.

33.30.420 Railroad rights-of-way and passenger stations. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated as conditional uses. All other railroad facilities, such as switching yards, holding tracks, team tracks, freight depots, shops and round-houses are prohibited in R2 Zones.

33.30.425 Residential care facilities. (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) Regulations for residential care facilities shall be:

(1) Lot size required. A. The minimum lot area shall be five thousand square feet per facility.

B. The minimum lot width shall be fifty feet.

C. The minimum lot depth shall be eighty feet.

(2) Minimum on-site open space. A. Two hundred square feet for each resident served under the age of twelve years.

B. Three hundred square feet for each resident served twelve years through seventeen years of age.

C. One-hundred fifty square feet for each resident served eighteen years of age or older.

(3) Minimum off-street parking. One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility.

(4) Valid certificate of review (license to operate) issued under Chapter 8.80 of the municipal code.

33.30.430 Nursery schools. Regulations for nursery schools shall be as follows:

(1) Off-street parking required: One space per teacher in schools having four or more teachers;

(2) Off-street loading required: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having four or more teachers. Such driveway shall be paved with material as specified in the building regulations;

(3) Outdoor play area: An outdoor play area shall be provided and thereafter maintained with a minimum area of one hundred square feet per child of total enrollment capacity of the school. Screening shall be provided separating such play area from abutting lots. Such screen shall be at least four feet but not more than six feet high and shall be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge.

33.30.440 Private or parochial elementary and public primary schools. Regulations for private or parochial elementary and public primary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms on:	Maximum Number of Classrooms Per Acre
60 percent or more vacant	One floor	3.0
60 percent or more vacant	Two floors	3.0
Less than 60 percent vacant	One floor	4.0
Less than 60 percent vacant	Two floors	4.5

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area providing such space is made available by agreement with the bureau of parks;

(3) Minimum front yard: Thirty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet in height ..... 20 feet
For buildings 15 to 24 feet in height ..... 30 feet
For buildings 25 to 34 feet in height ..... 40 feet
For buildings 35 to 44 feet in height .....50 feet.

33.30.450 Public elementary schools. Regulations for public elementary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms on:	Maximum Number of Classrooms Per Acre
60 percent or more vacant	One floor	2.5
60 percent or more vacant	Two floors	2.5
Less than 60 percent vacant	One floor	3.5
Less than 60 percent vacant	Two floors	4.0

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area providing such space is made available by agreement with the bureau of parks;

(3) Minimum front yard: Thirty feet;
(4) Minimum side or rear yard:
For buildings under 15 feet in height ..... 20 feet
For buildings 15 to 24 feet in height ..... 30 feet
For buildings 25 to 34 feet in height ..... 40 feet
For buildings 35 to 44 feet in height .....50 feet.

33.30.460 Private, parochial or public high schools. Regulations for private, parochial or public high schools shall be as follows:

(1) Off-street parking required: One space per fifty-six square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per eight seats or sixteen feet of bench length in the main auditorium;
(2) Minimum front yard: Thirty feet;
(3) Minimum side or rear yard:
For buildings under 15 feet in height ..... 20 feet
For buildings 15 to 24 feet in height ..... 30 feet
For buildings 25 to 34 feet in height ..... 40 feet
For buildings 35 to 44 feet in height .....50 feet.

33.30.470 Tract development and sales. (Amended 139117, 139702, 141105; and 153373 effective July 17, 1982) Regulations for tract development and sales shall be as follows:

1. Temporary buildings, such as offices, tool sheds or similar structures, used in connection with tract development and sales, may be permitted provided such use may not continue more than three years, at which time such temporary structures will be removed.

2. Each tract development, attached-housing project or complex, is permitted the following signs: (a) Two permanent signs identifying the name of a housing project, each sign not to exceed twenty square feet in area.

(b) Two signs used in conjunction with tract development and sales may be permitted until the conclusion of period of construction only. Such signs may not exceed thirty-two square feet each and shall not be illuminated.

(c) A permanent sign not to exceed three square feet in area indicating units available for sale or rent. For corner lots, one such sign is permitted on each frontage.

(d) One temporary A-frame sign not to exceed twelve square feet in area, indicating a vacancy on the premises, to be removed when the unit is no longer vacant.

(e) One temporary banner not to exceed thirty-six square feet in area, to be displayed no longer than sixty days and to be securely fastened flat against the building. Such banner shall be used one time only for the purpose of advertising the opening of a new complex.

33.30.480 Welfare institutions. Regulations for welfare institutions shall be as follows:

(1) Off-street parking: One space per ten beds for patients or inmates:

(2) Off-street loading: For any welfare institution of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum site area: No institution shall be established on a site of less than twenty thousand square feet of area;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Thirty feet;

(6) Minimum side or rear yard: Thirty feet.

33.30.485 Development of lands adjacent to water features as defined in Section 33.30.127. (Added 153329 effective July 5, 1982.) Regulations for development of lands adjacent to water features shall be those listed in Section 33.22.495.

33.30.490 Prohibited uses. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Uses of structures and land not specifically mentioned in this chapter are prohibited in all R2 Zones.

The use of automobile trailer houses as residences is prohibited in all R2 Zones. Such trailers are below the room size, ceiling height, and other regulations in the housing regulations.

Chapter 33.32
(Amended by Ord. No. 150581, effective Jan. 1, 1981.)

R1 MULTI-FAMILY RESIDENTIAL ZONE

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33.32.410 Nursery schools.
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33.32.450 Tract development and sales.
33.32.460 Welfare institutions.
33.32.465 Development of lands adjacent to water features as defined in Section 33.32.115.
33.32.470 Prohibited uses.

33.32.010 Generally. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) In all R1 Zones, the use of land and structures, the location and erection of new structures, and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

33.32.015 Purpose. (Added by Ord. No. 150581 effective Jan. 1, 1981.) To provide a flexible density apartment zone which will add diversity to housing types in the city, provide sufficient inducement to make apartment development desirable in R1 zoned areas, and provide for new development that helps to build a rich and identifiable living environment.

PRINCIPAL USES

33.32.020 Uses permitted. (Amended by Ord. No. 142734; and 150581 effective Jan. 1, 1981.) In an R1 Zone, the following uses are permitted:

(1) One family detached dwellings;
(2) One family attached dwellings;
(3) Two family dwellings;
(4) Multi-family dwellings;
(5) Boarding and rooming houses.
(6) (Add 155589 ef Mar. 12, 1984) Residential homes.

33.32.030 Off-street parking required. (Amended 142734, 150581; 151344 Apr. 1, 1981.) (a) One family detached, duplex and multi-family dwellings: one space per dwelling unit shall be provided except in the case of flag lots (Minimum parking requirements for flag lots are listed in section 33.88.040) and as provided for in subsection (b) and except that projects built exclusively for the elderly and/or handicapped shall provide one space for every four dwelling units. Required parking spaces shall meet the following regulations.

(1) Such space shall be located on the same lot as the main dwelling;

(2) Such space shall be accessible to a public street or alley;

(3) Such space shall be at least one hundred and sixty square feet in area;

(4) Such space shall not be located in a required yard;

(5) (Am 153824 ef Oct. 18, 1982) Auto maneuvering and parking is not allowed in required yards, except areas exclusively used for motor vehicle access and egress.

(6) Such space shall be available for the parking of operable passenger automobiles only;

(7) Such space shall not be rented by the day or part thereof;

(8) Such space, if uncovered, shall be paved in accordance with the provisions of the building regulations;

(9) The provision and maintenance of off-street parking space is a continuing obligation of the property owner;

(10) A plan, drawn to scale, indicating how the off-street parking requirement is to be fulfilled, shall accompany the request for a building or occupancy permit;

(11) Such space shall be improved and made available for use before the issuance of a certificate of final inspection by the Bureau of Buildings;

(12) Additional parking spaces provided on the premises shall be regulated as specified in subdivisions (4), (7) and (8);

(13) In an R1 Zone, no overnight parking of trucks or other equipment on wheels or tracks exceeding one-half ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming and truck gardening if permitted on the

premises.

(b) Bicycle Parking: Bicycle parking spaces may be provided in lieu of required motor vehicle spaces provided that the following requirements are met:

(1) The development must have at least 5 dwelling units,

(2) Four bicycle parking spaces shall be provided for each required motor vehicle parking space not provided; where the development includes a basement or provides covered motor vehicle parking, bicycle parking provided shall also be covered,

(3) Bicycle parking shall not be substituted for more than 20 percent of the required passenger automobile parking spaces,

(4) The Bureau of Traffic Engineering approves the substitution of bicycle parking for passenger automobile parking spaces.

(c) Parking for one-family attached dwellings shall meet the requirements of 33.30.030, Paragraph (d).

(d) Boarding and Rooming Houses: One space per set of accommodations for each five guests.

(e) Parking as required above shall be regulated by Chapter 33.82.

33.32.040 Off-street loading required. (Amended by Ord. No. 142734 passed Oct. 28, effective Nov. 29, 1976.) (a) Apartment dwellings three or more stories high and having fifty or more dwelling units shall provide off-street loading berths according to the number of dwelling units as follows:

Fifty to ninety-nine units	1 berth
One hundred to one hundred ninety-nine units	2 berths
Two hundred units or more	3 berths.

(b) Off-street loading as required in subsection (a) above shall be regulated by Chapter 33.86.

33.32.050 Minimum lot size required. (Amended 131818, 134366, 139117, 139702, 141105, 142734, 144667, 144717, 148873, 150581; and 151344 Apr. 1, 1981.) (a) One family detached, two family and three family dwellings: Four thousand square feet (There are special regulations governing computation of lot area for flag lots listed in section 33.88.020).

(b) Multi-family dwellings containing four, five, six or seven dwelling units according to the following schedule (There are several regulations governing computation of lot area for flag lots listed in section 33.88.020):

Number of Units	Square Feet Required
Four	6000
Five	7500
Six	8500
Seven	9500

(c) For multi-family dwellings on sites of ten thousand square feet or larger: one thousand square feet per dwelling unit is required, except that the allowable density is increased 10% for each section 33.32.051 through 33.32.057, met by the project, provided, however, that increased density will not be granted for more than five of these sections. There are special regulations governing computation of lot area for flag lots listed in section 33.88.020).

(d) (Am 153828 ef Oct. 18, 1982) The minimum lot width for a detached dwelling or multi-family dwelling shall be forty feet.

(e) The minimum lot depth shall be eighty feet except in the case of flag lots (Regulations governing minimum lot depth for flag lots are listed in section 33.88.020).

(f) No lot, tract or parcel of land shall be reduced by transfer of ownership, immediate or future, in area, width or depth to less than stated in subsections (a) to (e) inclusive, unless approved as provided in Chapter 33.98, as provided below, or as provided for in paragraph (j) of this section.

(1) Ownership of a lot upon which a two family or three family dwelling is constructed may be divided so that the owner of each unit of the two family or three family dwelling may also own that portion of the lot upon which the unit is constructed, provided that such portion is at least two thousand square feet in area, twenty feet wide, and seventy feet deep in the case of a two-family dwelling; or at least thirteen hundred square feet in area, thirteen feet wide, and seventy feet deep in the case of a three family dwelling.

(g) The minimum lot area shall be 1800 square feet for an attached single family dwelling; however, within any attached housing subdivision the average lot area shall be 2000 square feet.

(h) A one-family, two-family, or three-family dwelling may be constructed notwithstanding the requirements of subsections (a), (d), and (e)

of this section if approved as provided in Chapter 33.98.

(i) No dwelling shall be build or moved onto a lot not abutting a public street. Modification of this provision may be granted in accordance with procedure set forth in Sections 33.98.020 and 33.98.040 of this title, the reference to 33.98.010 notwithstanding.

(j) On a platted lot of less than four thousand square feet but not less than three thousand seven hundred and fifty square feet located in a subdivision plat duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, a one-family dwelling may be constructed notwithstanding the requirements of subsection (a), (d), and (e) in this section; provided, however, that:

(1) No construction of a one-family dwelling shall be permitted upon a lot with dimensions less than three thousand seven hundred and fifty square feet in area, thirty-five feet in width, and eighty feet in depth unless approved as provided in Chapter 33.98; and

(2) No structure shall be built closer to any existing structure on abutting property than the sum total of the required standard yard distances between the two structures in the R1 Zone, unless approved as provided for in Chapter 33.98. This separation between structures shall be verified to the satisfaction of the Bureau of Buildings prior to the issuance of a building permit for any new structure enabled by this subsection.

(3) No construction of a one-family dwelling shall be permitted upon a lot unless that lot abuts a paved street which has been improved to City standards, and unless sewer and water service are immediately available in the abutting street and can be furnished to the proposed new structure.

(4) For the purposes of this subsection only, the maximum lot coverage for all buildings, no matter what height, including accessory buildings, shall not exceed thirty-five percent of the lot area.

(5) (Amended 152319 Sept. 24, 1981) For the purposes of this subsection only, and to insure better design of new structures on substandard lots, new development may include, at a maximum, one one-car garage or carport. The ground area covered by garage or carport shall not exceed ten percent of the lot area. In no case shall a garage or carport exceed 14 feet in width or 50 percent of the width of the dwelling, whichever is less.

(k) There shall be no minimum lot area per dwelling unit for projects housing the elderly and/or handicapped if the following provisions are met:

(1) The requirements of sections 33.32.060 Maximum Lot coverage, 33.32.080 Maximum Height Permitted, 33.32.090 Minimum Front Yard, 33.32.100 Minimum Side Yard, and 33.32.110 Minimum Rear Yard, as well as all other sections of this chapter, shall be met.

(2) The property owner has executed a covenant limiting the occupancy of structures built to a higher density than allowed by the underlying zoning to households headed by either a handicapped person or a person 60 years of age or older, with the exception that one dwelling unit may be occupied by a household headed by a person of any age whose principal occupation is directly involved with the management or maintenance of the project. Such covenant shall be an agreement with the City based upon the consideration of the City's issuing such building permit in reliance on the property owner's abiding with such covenant. Such covenant shall run with and be attached to the land and shall provide that in the event of the property owner's failure to abide by such covenant, the City shall be empowered to terminate occupancy of such structure and to obtain in the name of the City injunctive relief in a court of competent jurisdiction enjoining any future occupancy of such structure in violation of such covenant and agreement. Any such covenant shall be approved in form by the City Attorney and shall be recorded in the appropriate records of the county in which the property is located prior to issuance of any building permit.

33.32.051 Amenity package, crime prevention. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Allow a 10% increase in density if all of the following are provided:

(1) One window (minimum six square feet) must be provided in each unit that overlooks the circulation space leading to the unit.

(2) All exterior doors shall be solid core or metal and shall have dead bolts and security viewers.

(3) All sliding glass doors and windows will have the sliding section on a inside track.

(4) Any lobby space provided shall be provided with windows such that the entire interior of such lobby is visible from outside the lobby.

(5) All exterior stairs used as the principal access to a dwelling shall be entirely visible from at least 20 feet away from the stair landing.

(6) A single stair, corridor or courtyard may not be used as the principal entrance to more than eight units.

(7) No hallway or corridor may be more than 30 feet in total length.

(8) Any outdoor space provided for adults' or children's recreation shall be visible from at least one-third of the units it is intended to serve.

(9) From any stair or elevator landing, all apartment principal entrances served by that landing shall be visible.

33.32.052 Amenity package, energy conservation. (Added of Ord. No. 150581 effective Jan. 1, 1981.) Allow a 10% increase in density if all of the following provisions are met:

(1) All windows and glass sliding doors must have insulated frames.

(2) All units with individual room heating shall provide a wall thermostat in every room so heated; such thermostat shall be located between three and five feet above the floor and within 18 inches of the principal entrance to the room.

(3) In dwelling units where a circulation space connects sleeping rooms with the living/dining/kitchen area, a door shall be provided in that circulation space.

(4) All windows and glass doors facing onto an east or north exposure shall be double glazed.

(5) All top level unit ceilings shall be insulated to a minimum of "R-38".

(6) All thermostats within a project shall have night setback capabilities.

(7) At least one of the following shall be provided:

(a) Passive solar heating for at least two-thirds of all units in the project;

(b) Active solar space heating;

(c) Solar hot water heating;

(d) Wind powered electrical generation facilities..

33.32.053 Amenity package, transitional spaces. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Allow a 10% increase in density if all of the following provisions are met:

(1) No auto parking or maneuvering area may be within five feet of the principal entry to any unit, or a corridor or stair that is the main access to such an entry.

(2) Every unit will be provided with a covered porch at least four feet wide and three feet deep which is outside the general circulation space.

(3) Provide every unit with a private porch, patio, deck or balcony that has at least 48 square feet with no dimension of less than six feet.

(4) Provide a hallway or corridor within the unit between bedroom areas and living areas, and provide a doorway within this hallway or corridor, separating living from sleeping areas.

(5) No window required for the provision of light or ventilation shall open onto a circulation space or onto a private exterior space of less than six feet depth.

(6) Any required window within 15 feet of a right-of-way shall be screened by an evergreen hedge set adjacent to that right-of-way.

33.32.054 Amenity package, larger units. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Allow a 10% increase in density if all of the following provisions are met:

(1) All units will have the following minimum gross square footage of interior space:

Studio	500 square feet
One bedroom	675 square feet
Two bedroom	800 square feet
Three bedroom	950 square feet

(2) Kitchens shall be at least 64 square feet in area, exclusive of eating space, and shall have a minimum dimension of eight feet; a kitchen window shall be provided over the kitchen sink; kitchen storage shall be provided as follows:

20 square feet of drawer space;
40 square feet of shelf space;
20 square feet of surface counter space.

(3) All units will be provided with storage space according to the following:

Bedroom closet - 16 sq. ft. floor area each;
Linen closet - 20 sq. ft. shelf area;
Guest hall or coat closet - 10 sq. ft. floor area;
Private storage locker - 100 cu. ft.

(4) At least 30% of all units must have two, and at least 10% of all units must have three, bedrooms.

33.32.055 Amenity package, neighborhood compatibility. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Allow a 10% density bonus if all of the following provisions are met:

(1) All trash receptacles shall be screened by an evergreen hedge such that they are not visible from the public right-of-way.

(2) All required yards and buffers shall be planted in grass or other low, living ground cover which shall not exceed one foot in height.

(3) Siding shall be wood (but not plywood), or brick or other regularly shaped masonry material.

(4) Exterior walls of the project that face onto the right-of-way shall be varied to meet one of the following criteria:

(a) The exterior wall shall vary in its distance from the facing right-of-way by at least 18 inches every 40 feet; or

(b) Balconies or porches shall be provided facing onto the right-of-way for every dwelling with an exterior wall that faces a right-of-way; such balcony or porch shall extend at least four feet beyond the exterior wall of the unit.

33.32.056 Amenity package, children's play space. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Allow a 10% increase in density for projects that incorporate all of the following features into their design:

(1) Provide 50 square feet of play area for every unit in the project; however, no play area may be smaller than 1000 square feet or less than 25 feet on any side.

(2) Each play area must have at least 400 square feet of grass.

(3) No unit in the project shall be more than 200 feet from a play area.

(4) Every unit shall be connected to a play area by a pedestrian walk which is not crossed at any point by motor vehicle parking or maneuvering areas or access drives.

(5) Every play area used to meet the requirements of this section shall be provided with two trees and two benches with backs. Such benches shall be at least five feet long. Trees planted shall conform with the city's street tree guidelines and shall have their placement approved by the Fire Bureau.

(6) Play areas shall be provided with a swing set (permanent, four swings minimum), and at least one of the following features for each five units the play area is intended to serve; these may not be repeated until at least three different features are provided:

(a) Slide (permanent);

(b) Sand box, at least 64 square feet in area;

(c) Basketball half court (permanent);

(d) Play structure covering a minimum area of 100 square feet (permanent);

(e) Two additional trees, subject to the requirements listed in paragraph (5) of this section.

Where a play area serves 30 or more units, (a) through (e) above will be repeated to continue the ration of one feature for every five units.

33.32.057 Amenity package, support facilities. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Allow a 10% density increase for projects that include all of the following features in their design:

(1) Provide a common laundry facility for project tenants. Such facility shall be provided with the following:

(a) A minimum of one washer for every six units;

(b) A minimum of one dryer for every eight units, or forty lineal feet of indooor clothesline;

(c) At least 40 square feet of window that looks out onto or over the children's play space, should one be provided.

(2) Provide a common recreation room(s) having one of the following for every 20 units in the project:

(a) Game room, equipped with pool table, ping-pong table, card table and chairs, and having a view of the principal entry to the project (300 square foot minimum);

(b) Sauna, men's and women's (100 square foot minimum for each);

(c) Shop, equipped with basic hand tools and project storage area (150 square foot minimum);

(d) Exercise room, equipped with mats and exercise equipment (200 square foot minimum);

(e) Tennis court (full size);

(f) Handball court (full size).

33.32.060 Maximum lot coverage. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) The area covered by all buildings, including accessory buildings, shall not exceed forty-five percent of the lot area. Porches, decks, patios and balconies will be exempt from this coverage limit.

33.32.070 Minimum floor area permitted. There shall be no limitation except as regulated by the room size requirements in the housing regulations.

33.32.080 Maximum height permitted. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) (a) No structure shall exceed four stories, or forty-five feet in height, except there shall be no height limit on any structure located four hundred feet or farther from any R10, R7, R5, R2.5, R2, C5 or C4 Zone. Where parking is located below the residential structure, maximum number of stories shall be figured from the first residential floor grade.

(b) On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the forty-five foot height limit.

33.32.090 Minimum front yard . (a) (Amended 151344 Apr. 1, 1981.) There shall be a front yard of not less than fifteen feet except in the case of flag lots (regulations governing yard requirements for flag lots are listed in section 33.88.030) and where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth. In such cases the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

(b) Where a lot is situated between two lots, each of which has a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirements on such lot may be the average of the front yards of the existing buildings.

(c) Where a lot adjoins only one lot having a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirement on such lot may be the average of the front yard of the existing building and the established front yard line.

(d) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and located on that side which has not yet been dedicated or condemned, unless the yards provided on such lot include both that portion of the lot lying within the future street and the required yards.

(e) On corner lots, the front yard along the long dimension of the lot may be reduced to ten feet. In case of a square lot or lot having equal frontage on two intersecting streets, one front yard may be reduced to ten feet provided the other front yard is at least fifteen feet.

(f) (Add 151021; am 153824 ef Oct. 18, 1982) Except for pedestrian pathways and access drives to parking, maneuvering and loading areas, the required front yards shall be landscaped with a combination of growing ground cover and trees. Trees planted must conform with the City's street tree planting guidelines and have their layout approved by the Fire Bureau.

(g) (Add 153824 ef Oct. 18, 1982) Access drives within the required front yard which serve parking, maneuvering and loading areas shall meet the following requirements: (1) For service to one dwelling unit, a drive which occupies 20% of the required front yard area or is 9 feet in width, whichever if greater, is required.

(2) For service to more than one dwelling unit, a drive or drives which occupy a total or 20% of the required front yard area or which are a total of 18 feet in width, whichever is greater, is required.

33.32.100 Minimum side yard*. (Amended 150581; and 151344 Apr. 1, 1981.) (a) There shall be a minimum side yard on each side of any detached main building varying according to height as shown on the following schedule except in the case of flag lots (Regulations governing yards for flag lots are listed in section 33.88.030) and as provided for in subsections (b) and (c) of this section:

For one story	6 feet
For two stories	7 feet
For three stories	9 feet
For four stories	12 feet

*See Chapter 33.90 for additional regulations.

For any other height-width in feet shall equal three times the number of stories.

(b) Where an entire frontage is designed and constructed as a unit, the required width of side yards with respect to lot lines may be varied providing the distance between adjoining buildings equals the total combined width of two adjoining required side yards. This total combined width shall not thereafter be reduced by enlargement of either adjoining building.

(c) (Am 153824 ef Oct. 18, 1982) Side yard requirements for attached residential construction shall be governed by 33.30.100 (c) through (e).

33.32.110 Minimum rear yard*. (Amended 150581; and 151344 Apr. 1, 1981.) (a) There shall be a minimum rear yard for detached houses, duplexes and multi-family developments according to height of the main building as shown on the following schedule except in the case of flag lots, (Regulations governing yards for flag lots are listed in section 33.88.030) and as provided for in subsection (b) of this section:

For one story	6 feet
For two stories	7 feet
For three stories	9 feet
For four stories	12 feet

For any other height-width in feet shall equal three times the number of stories.

(b) Rear yard requirements for attached residential development shall be governed by 33.28.130.

(c) All required rear yards shall be landscaped with a combination of growing ground cover and trees, except that access drives to parking, maneuvering and loading areas may occupy up to 20% of a required yard which abuts a right-of-way. Trees planted must conform with the City's street tree planting guidelines and have their layout approved by the Fire Bureau.

33.32.115 Development adjacent to watercourses and water bodies. (Added 153329 effective July 5, 1982.) (1) Development shall be restricted within the following areas: (a) Between the ordinary high water line and twenty-five feet back of the top of the bank of watercourses and water bodies such as rivers, lakes, ponds, sloughs or wetlands, as shown on the City of Portland Water Features Map.

*See Chapter 33.90 for additional regulations.

(b) Within twenty-five feet of the centerline of watercourses such as streams, creeks and drainageways draining thirty acres or more as shown on the City of Portland Water Features Map.

(2) Within the restricted areas the provisions of Section 33.22.115 (2) through (8) shall apply.

33.32.120 Minimum distance between buildings. Where apartment houses are grouped as one project on one tract of land, the minimum distances between two buildings at any given point shall not be less than the sum of the required side yards computed separately for each building at that point.

33.32.125 Street trees. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Street trees shall be provided in the right-of-way adjacent to any project property line, in conformance with the following requirements:

(1) Street trees planted must conform with the City's street tree planting guidelines;

(2) Street tree layout must be approved by the Fire Bureau;

(3) Care and maintenance of street trees is the continuing responsibility of the project property owner;

(4) Trees which die must be replaced by the property owner.

33.32.130 Signs permitted. (Am 142734; and 153373 ef July 17, 1982) All signs permitted in this residential zone shall be either wall signs or freestanding signs. Wall signs shall be located on the first story of a building and no sign shall be located above the roofline. Freestanding signs shall not exceed a height of four feet unless otherwise specified, and must be located wholly on private property. All signs shall be non-illuminated or indirectly illuminated or may be directly illuminated by subdued background such as opaque with translucent copy. Rotating, flashing, animated and electronic information signs are prohibited in this zone.

1. Each dwelling is permitted the following non-illuminated signs: (a) One identification sign not to exceed three-quarters of a square foot in area. Such sign shall be placed flat against the building and not above the roofline. In instances where building mounted signs are not distinctly visible from a public right-of-way, then such sign may be affixed to a permanent structure at the primary entranceway to such property at a height not to exceed four feet.

(b) One real estate sign, not to exceed four square feet in area and six and one-half feet in height, which advertises the sale or rent of the dwelling until the dwelling is sold or rented. Corner lots are permitted two such signs, one on each street frontage.

(c) Building numbers shall be exempt from regulation herein and shall be located as required in Chapter 17.92 of the City Code.

(d) A minimum number of required off-premise directional signs are permitted for the purpose of directing traffic to an open house for rent, lease or sale of real or personal property while an agent is on the premises. Such sign may only be erected or displayed for the period of time the house is open and shall be subject to all other regulations of temporary signs. Such sign shall not exceed four feet in height nor twelve square feet in sign area.

(e) (Add 153826 ef Oct. 18, 1982) A sign or signs for pre-existing uses not previously having a sign shall meet the requirements contained in Section 33.40.130.

2. Each tract development, attached-housing project or complex is permitted the following signs requiring permits: (a) Two permanent signs identifying the name of a housing project, each sign not to exceed twenty square feet in area.

(b) A permanent sign not to exceed three square feet in area indicating units available for sale or rent. For corner lots, one such sign is permitted on each frontage.

3. Conditional Uses — (see Section 33.32.230 for permitted uses) — The following signs require permits: (a) Each authorized conditional use shall be permitted one sign not to exceed twenty square feet in area nor ten feet in height. Churches are permitted a bulletin board in addition but the combined area of all signs shall not exceed thirty square feet.

(b) If additional signing is desired such sign(s) must be approved with the application for a conditional use.

(c) Signs which do not conform to provisions (a) or (b) may be approved under the conditional use procedure and criteria for sign approval outlined in Section 33.106 of this code.

4. Nonconforming Uses. Sign regulations for nonconforming uses are listed in Section 33.94.020 of this title.

PRE-EXISTING USES

33.32.135 Pre-existing uses. (Add 150581; am 153826 ef Oct. 18, 1982)

(a) Purpose. The purpose of the pre-existing use section is to minimize hardships on land use activities that were subject to restrictive zone changes resulting from the implementation of the Comprehensive Plan on January 1, 1981. The Comprehensive Plan contained significant zoning map and zoning code changes to better guide future land use decisions in the City. As a result, some land use activities no longer comply with the regulations of this Title. The pre-existing use regulations are a means to provide these affected uses some of the rights of their previous zoning, while making new uses subject to the current zoning code and map. The regulations provide flexibility for expansion and continued operation of the pre-existing use. They are intended to generally be less restrictive than the non-conforming use regulations of Chapter 33.94.

(b) Definition. A pre-existing use is: (1) A use that was:

Existing at the time the Comprehensive Plan took effect on January 1, 1981; and

Was a principal or approved conditional use in its zone, and complied with all siting, structural and parking regulations; but

(2) As a result of a zoning map or zoning code change at the time of the Plan's implementation:

The use is no longer a principal or conditional use in its zone; or

The use no longer complies with all siting, structural and parking standards of this chapter.

(c) Regulations. Pre-existing uses shall be subject to the following regulations: (1) Change of use. Upon issuance of a certificate of occupancy a pre-existing use may change to a conforming use. A pre-existing use may be changed to a use of the same or more restrictive classification in accordance with the conditional use procedures of Chapter 33.106 without loss of pre-existing status. However, a pre-existing use may not be changed to a use that would not have been permitted at that location prior to the implementation of the Comprehensive Plan on January 1, 1981. After

change of a pre-existing use to a conforming use, or more restrictive use, it shall not hereafter be changed to any less restrictive use.

(2) Change of ownership. A pre-existing use may change ownership without loss of pre-existing use status.

(3) Damage by fire. Any structure containing a pre-existing use damaged or destroyed by a fire or other cause beyond the control of the owner may be reconstructed in accordance with the floor area ratio, yard, height and parking regulations currently in effect for the zoning category in place on December 31, 1980.

(4) Floor area expansion.

A. A pre-existing use may increase floor area on an existing site subject to the floor area ratio, yard, height, and parking regulations currently in effect for the zoning category in place on December 31, 1980.

B. For the purpose of subsections (4) and (5) of this section, a lot will be considered part of the existing site of a pre-existing use if, on December 31, 1980 it was in the same ownership, it was in active use by the pre-existing use as part of its business and the lot contains some improvements supporting its active use.

(5) Site expansion. A pre-existing use may expand up to 100 percent in site area subject to the following requirements: A. Site expansion shall occur only on adjacent parcels, or on ones wholly or in part directly across a public right-of-way from the original location of the pre-existing use.

B. Site expansion shall occur only on parcels that have the same or less restrictive zoning than the pre-existing use site, but in no case shall expansion be onto parcels where the expansion would not have been allowed under the zoning in place on December 31, 1980.

C. In cases where the expansion site was in the same ownership as the existing site on December 31, 1980, and the expansion site had the same zoning as the pre-existing use site on that date, the expansion is allowed outright. All other site expansions shall be subject to the conditional use process of Chapter 33.106.

D. The regulations for the site expansion governing floor area ratio, yards, height and parking shall be those currently in effect for the zone category on the expansion site in place on December 31, 1980.

E. At the time of such expansion of area, street trees must be provided on all rights-of-way abutting the use, and all parking areas must be landscaped to conform with the requirements of Chapter 33.82. Tree planting layout and selection shall be in conformance with the City's street tree planting guidelines and approved by the City Forester and the Fire Bureau.

(6) Signs.

A. Signs that were in conformance with the zoning in place on December 31, 1980 may be replaced by a sign of comparable area, height and illumination, or by a sign which complies with the regulations of this Chapter, whichever is less restrictive.

B. Pre-existing uses not previously having a sign may install a sign subject to the regulations of this Chapter.

(7) If a pre-existing use is discontinued for more than two years, it shall not be re-established. Future use of the site shall be limited to those allowed under the provisions of this Chapter, except as provided for in Section 33.94.080.

ACCESSORY BUILDINGS AND USES

33.32.140 Generally. No separate permit shall be issued for the construction of any type of accessory building prior to that of the main dwelling.

33.32.150 Height. No accessory building shall exceed two stories in height.

33.32.160 Classifications. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Accessory buildings and uses permitted in R1 Zones shall be divided into types, as follows:

Type 1: Garage, carport, studio, pergola, private greenhouse or other similar structure related to dwelling in design, whether attached or detached.

Type 2: A guest house, servant's house, caretaker's quarters or any such accessory building used for dwelling purposes.

Type 3: Woodshed, toolshed, chicken house,

rabbit hutch, barns, silos, and other such outbuildings of utilitarian character and use, not necessarily related in design to the dwelling.

Type 4: Moorage for private pleasure boats.

Type 5: Swimming pool, tennis court or other type of home recreational facility.

Type 6: Home occupations.

33.32.170 Type 1. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) In R1 Zones, uses and buildings on the same lot accessory to principal uses of a Type 1 classification shall comply with the following:

(1) No type 1 accessory building, detached or attached, to a one family dwelling, except a garage in a bank of earth or on sloping ground (see subdivisions (8) and (9)), shall be located closer to the street lot line than twenty-two feet;

(2) No accessory building except a garage in a bank of earth or on sloping ground (see subdivisions (8) and (9)), shall be located in the street corner quarter of a corner lot;

(3) Under the following conditions, any Type 1 accessory building may be built adjacent to or on a rear and/or side lot line if the wall along or adjacent to such rear and/or side lot line is of masonry not less than eight inches in thickness for its full length and width and for the full height of such accessory building:

A. If a detached accessory building is located ten feet or more to the rear of the main building,

B. If an attached accessory building is located forty feet or more from the front lot line,

C. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line; provided, however, a one story detached garage legally erected along or adjacent to said lot line before March 4, 1948 may be extended in length not more than four feet with same type of construction as the existing garage if the number of cars to be accommodated is not increased;

(4) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the necessary building is not built up to the lot line in compliance with subdivision (3), it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes;

(5) Any Type 1 accessory building, attached or detached, if more than one story, shall not be built up to either side and/or rear lot lines, and shall be subject to regulations for lot coverage, yards, and courts of a principal use;

(6) No door of an accessory building shall at any point of its travel extend over a street lot line, except an overhead garage door;

(7) A garage may be located in a lower story of a dwelling but the garage portion of the dwelling, except when in a bank of earth or on sloping ground (see subdivisions (8) and (9)), shall not be built closer to a street lot line than the building wall at the side or above unless the wall of the garage portion is at least twenty-two feet from the street lot line. No motor vehicle door of such garage shall be located less than twenty-five feet from the corner of the lot where two streets intersect;

(8) A detached or attached garage, not exceeding five hundred and fifty square feet in area, may be constructed in a natural bank of earth without regard to front yard regulations, provided all exterior walls of the garage, with the exception of the front wall, are concealed by the earth for not less than seventy-five percent of their separate areas. The height of the highest part of the garage wall or roof, if same comes above the level of the adjoining earth, shall not exceed ten feet above the floor level of the garage;

(9) When a detached or attached garage is constructed on a lot sloping downward from a street, the average elevation of the lot being not less than ten feet below the sidewalk level, the front wall of the garage need not set back farther from the street lot line than the average contour elevation line of the lot which is five feet below the sidewalk elevation. It is provided, however, that in no case shall the front wall of the garage be closer to the street lot line than five feet. Such garage shall not exceed a height of ten feet above the adjacent sidewalk level, shall not encroach upon the required yard of any building on the same lot, unless it is built up to the side lot line and complies with subdivision (3);

(10) The ground area covered by all Type 1 accessory buildings on the same lot of a one or two family dwelling shall not exceed ten percent of the lot area.

33.32.180 Type 2. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) In R1 Zones, uses and buildings on the same lot accessory to principal uses of a Type 2 classification shall comply with the following:

(1) No Type 2 accessory building shall be built on a lot less than nine thousand square feet in area;

(2) If located to the rear of a main dwelling, a Type 2 accessory building shall be separated from the main dwelling by at least sixty feet;

(3) Type 2 accessory buildings shall conform in location on the lot to side, rear and front yard regulations for principal uses.

33.32.190 Type 3. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) In R1 Zones, uses and buildings on the same lot accessory to principal uses of a Type 3 classification shall comply with the following:

(1) No Type 3 accessory building shall be located closer than twenty-five feet to a street lot line;

(2) Such outbuilding shall not encroach upon a required yard of another building on the same lot. The distance from any such outbuilding to a rear or side lot line shall be the same as for a detached garage of the same size;

(3) The combined area of all Type 3 accessory buildings on the same lot or property shall not exceed in ground area one-twentieth of the area of the lot on which such buildings are situated;

(4) An outbuilding used for keeping chickens, pigeons, rabbits, goats or other animals, in addition to complying with the provisions of the building regulations and health and sanitation regulations, shall not be located within fifty feet of any dwelling;

(5) If built higher than twenty-five feet, barns, silos and other agricultural buildings shall be located as far from any lot line as the height of the structure.

33.32.200 Type 4. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) In R1 Zones, uses and buildings on the same lot accessory to principal uses of a Type 4 classification shall comply with the following:

(1) Any structure shall be located five feet or more from a side lot line;

(2) Covered structures shall be located adjacent to the natural shore line;

(3) Covered structures shall not occupy more than fifty percent of the width of the lot at the natural shore line;

(4) Any boat using such moorage shall not be used as a place of residence when so moored.

33.32.210 Type 5. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) In R1 Zones, uses and buildings on the same lot accessory to principal uses of a Type 5 classification shall comply with the following:

(1) Where a Type 5 accessory use contains a building or is contained within a building, said building, whether attached or detached, shall not be located closer to any lot line than that distance required of the principal use;

(2) Under the following conditions, any Type 5 accessory building may be built adjacent to or on a rear and/or side lot line if the wall along or adjacent to such rear and/or side lot line is of masonry not less than eight inches in thickness for its full length and width and for the full height of such accessory building:

A. If a detached accessory building is located ten or more feet to the rear of the main building,

B. If an attached accessory building is located forty feet or more from the front lot line,

C. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line than permitted in A. or B.;

(3) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (2), it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes;

(4) No swimming pool shall be located closer than three feet to any property line nor closer than three feet to any wall or fence.

33.32.220 Type 6. (Amended by Ord. No. 140534; and 150581 effective Jan. 1, 1980.) (a) In R1 Zones home occupations in the same lot accessory to principal uses of a Type 6 classification shall be permitted only in the following categories:

(1) Office for professional, personal or business service;

(2) Studio for arts, handicrafts or tutoring;

(3) Shops for limited or custom production or minor repair service;

(4) Headquarters for a craftsperson or salesperson;

(5) Home baby-sitting.

(b) Any such home occupation shall comply with the following limitations:

(1) No servant, employee or any person other than a member or members of the family residing within the dwelling shall engage in a home occupation therein or within an accessory building;

(2) No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations;

(3) No activities shall be allowed which involve the use, storage, milling or manufacture of highly combustible materials or internal combustion engines;

(4) All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed Type 1, 2 or 3 accessory building;

(5) The aggregate of all space within any or all buildings devoted to one or more home occupations shall not exceed five hundred square feet in floor area;

(6) Any home occupation which causes abnormal automotive or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited;

(7) No enlargements nor alterations to a dwelling or accessory building for the sole purpose of conducting a home occupation shall be permitted;

(8) The premises shall at all times be maintained as residential in appearance, cleanliness and quietness;

(9) Dimensions, power rating or weight of such equipment and tools used in the conduct of the home occupation shall not exceed that of normal household equipment and tools;

(10) Sign: A home occupation shall be permitted one non-illuminated, non-flashing sign, not exceeding three-quarters square foot in area, limited to the name of the occupant and/or a designation of any authorized home occupation conducted on the site. Such sign shall be in lieu of, not in addition to, any sign permitted for a principal use in the underlying zone;

(11) Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building;

(12) Customer and client contact shall be primarily by telephone, mail or in their homes and places of business and not on the premises of the home occupation, except for those home occupations which by their very nature cannot otherwise be conducted except by personal contact with clients;

(13) Products made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers;

(14) (Amended by. Ord. No. 139311 passed Jan. 16, effective Feb. 17, 1975.) Other than normal passenger automobiles, only one truck of no more than 8,400 lb. gross vehicle weight (GVW) is permitted to be operated, whether owned or rented, in connection with a home occupation. Such truck, if parked on the premises, shall be kept within a completely enclosed garage;

(15) Instruction in music shall be limited to no more than two students at one time and in crafts to no more than six students at one time;

(16) Home baby-sitting is allowed under the following conditions:

A. Up to and including five children may be cared for on the premises; or

B. Up to and including ten children may be cared for if:

(i) there is at least 100 sq. ft. of safe, usable open space on the site for outdoor play area; and

(ii) Screening is provided separating such outdoor open space from abutting lots. Such screening shall be at least four feet, but not more than six feet, high and should be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge; and

(iii) if 100% of adjacent neighbors indicate approval. This is included within the normally required 50% approval for home occupations generally.

(iv) If, subsequent to granting a Home Occupation permit for the care of 6-10 children (paragraph b), a petition from 75% of the abutting property owners is received by the Bureau

of Buildings opposing the continuation of the increased number of children, the permit shall be amended to allow not more than 5 children.

(17) An office for a physician or dentist is permitted primarily for emergency cases and as an accommodation for retired or part-time practitioners and not as a principal office for the practice of the profession.

(18) Limitations placed on home occupations in this title shall not be construed as prohibiting home occupations conducted by means of receiving and transmitting signals via a home computer terminal linked to a telecommunications network.

(c) (Am 153762 Sept. 2, 1982) Procedure to establish and maintain a home occupation:

(1) Permits for home occupations shall be issued by the Bureau of Buildings and shall be valid for a period of two years only. It shall be the responsibility of the applicant to apply for a permit every two years. Before re-issuance of a permit, the Bureau of Buildings shall review the home occupation for compliance with the requirements of this title. A permit for a home occupation may be revoked at any time if the requirements of this title are not being met. A fee shall be charged for a home occupation permit in accordance with the provisions of Title 24;

(2) No permit shall be issued by the Bureau of Buildings until or unless the applicant shall have received the favorable approval, as indicated by signatures on the authorized application form, of owners or contract purchasers of not less than fifty percent of all property in the area bounded by lines one hundred feet, excluding street widths, from and parallel to the boundary lines of the lot proposed to contain each home occupation. Area of any property owned or occupied by the applicant shall be excluded in computing required percentage of approval;

(3) If, in the opinion of the applicant, the Bureau of Buildings has acted arbitrarily and capriciously in withholding or revoking a permit for a home occupation, he may request an interpretation of this title by the City Planning Commission as provided in Section 33.114.030. In such cases the dwelling or accessory building to be devoted to a home occupation shall be open for inspection to the staff of the City of Portland on any day between eight a.m. and ten p.m.;

(4) The bureau of licenses shall not issue a business license or accept payment of the fee until an occupancy permit for a home occupation is issued by the bureau of buildings.

CONDITIONAL USES

33.32.230 Uses permitted. (Amended 138936, 140290, 142734, 148244, 150581, 151344; and 153329 effective July 5, 1982.) In an R1 zone the following conditional uses may be permitted subject to the regulations contained in section 33.32.240 through 33.32.465 and under authority and according to the procedure specified in chapter 33.106, except the conditional uses permitted on flag lots shall be limited to those listed in section 33.88.070:

(1) Cemeteries;
(2) Churches;
(3) Residential buildings accessory to churches;
(4) Colleges;
(5) Community clubs and athletic clubs;
(6) Crematories, mausoleums and columbariums;
(7) Excavations and filling;
(8) Golf courses, other country clubs and athletic clubs;
(9) Government structures and uses which are essential to the functioning and servicing of residential nieghborhoods;
(10) Greenhouses, nurseries or other propagation of plants and their products for sale;
(11) High density apartments for the elderly and handicapped;
(12) Homes, convalescent;
(13) Hospitals, general;
(14) Hospitals, mental or remedial;
(15) Uses or buildings accessory to hospitals
(16) Libraries;
(17) Lodges, fraternal organizations, or private clubs;
(18) Mass transit waiting stations or turnarounds;
(19) Museums;
(20) Parks, public;
(21) Planned Unit Developments;
(22) Private helistop accessory to a hospital;
(23) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods;
(24) Radio and television transmitters;
(25) Railroad rights-of-way and passenger stations;
(26) Residential care facilities;
(27) Schools, nursery;
(28) Schools, parochial or private;
(29) Schools, public;
(30) Tract development and sales;
(31) Welfare institutions.
(32) Development of lands adjacent to water features as defined in 33.32.115.

33.32.240 Regulations. (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

33.32.245 Additional uses permitted. (Repealed by Ord. No. 150581 effective Jan. 1, 1981.)

33.32.250 Churches. Regulations for churches shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: Hereafter, no church shall be established on a site of less than fifteen thousand square feet in area. Churches existing on a site less than fifteen thousand square feet may be enlarged provided such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5), and provided further that the off-street parking requirements shall be met;

(3) Maximum site coverage: Area covered by all buildings shall not exceed forty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height ..... fifteen feet
For buildings forty-five feet and higher in height ..... thirty feet;

(5) Minimum side or rear yard:

For buildings under 15 feet in height ....10 feet
For buildings 15 to 24 feet in height ... 13 feet
For buildings 25 to 34 feet in height ... 16 feet
For buildings 35 to 44 feet in height ... 20 feet
For buildings 45 to 54 feet in height ... 25 feet
For buildings 55 to 64 feet in height ... 35 feet
For buildings 65 to 74 feet in height ...45 feet;

(6) (Amended 153373 effective July 17, 1982) Signs permitted: One sign not to exceed seven feet in length nor twenty square feet in area and one church bulletin board, but the combined area of both sign and bulletin board shall not exceed thirty square feet. Neither sign nor bulletin board shall extend above the building height nor over the sidewalk and each must be located on the property of the church. Any illumination shall be indirect and non-flashing.

33.32.260 Residential buildings accessory to churches. Regulations for residential buildings accessory to churches shall be as follows:

(1) Off-street parking required: In addition to spaces required for the church, one space shall be provided for each ten persons residing in such building;

(2) Site area: In addition to required site area for church buildings, a minimum of five thousand square feet shall be provided for each twenty persons residing in accessory residential buildings.

33.32.270 Colleges. Regulations for colleges shall be as follows:

(1) Off-street parking required: One space per ten seats in classrooms. In addition, one space per five students housed in dormitories, fraternities, or sororities shall be provided;

(2) Minimum side or rear yard:

For one story building 20 feet
For two story building 25 feet
For three story building 30 feet
For four story building 35 feet;

(3) Site area: For dormitories, fraternities, and sororities not located on or contiguous to the college campus, a minimum of five thousand square feet of site area shall be provided for each ten persons residing in such buildings.

33.32.280 Community clubs. Regulations for community clubs shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: Hereafter, no community club shall be established on a site of less than fifteen

thousand square feet in area. Community clubs existing on smaller sites may be enlarged but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5);

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty-five percent of the site area;

(4) Minimum side or rear yard:

For buildings under 15 feet in height . . . 10 feet
For buildings 15 to 24 feet in height . . . 13 feet
For buildings 25 to 34 feet in height . . . 16 feet
For buildings 35 to 44 feet in height . . .20 feet.

33.32.290 Excavating or filling. Excavating or filling as defined in this title shall be regulated as a conditional use.

33.32.300 Golf courses, other country clubs and athletic clubs. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Regulations for golf courses, other country clubs and athletic clubs shall be as follows:

(1) Minimum side or rear yards: Club houses, swimming pools, stadiums, and any other structure dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R Zone;

(2) Miniature golf courses and golf driving ranges are prohibited in R1 Zones. Such uses are classified as commercial uses and are permitted only in C2 and M Zones;

(3) Quarters for animals shall be located at least two hundred feet from any property line bordering or within an R Zone.

33.32.305 High density apartments for the elderly and handicapped. (Added by Ord. No. 150581 effective Jan 1, 1981.) High density apartment projects for the elderly and handicapped may be allowed under the provisions of chapter 33.81.

33.32.310 Convalescent home. Regulations for convalescent homes shall be as follows:

(1) Classification: Homes having a capacity of ten or fewer patient beds are classed as small; eleven to twenty beds, medium; over twenty beds, large;

(2) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per five beds except for large homes, one space per three beds;

(3) Off-street loading: Large convalescent homes shall provide one berth;

(4) Maximum height: Three stories or forty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum side or rear yards: Large homes – Fifteen feet for a one story building plus five feet for each additional story.

33.32.320 General hospitals. (Amended by Ord. No. 150581 effective Jan. 1, 1981.)Regulations for general hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any general hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the following table:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Maximum height: Three stories or forty-five feet, except there shall be no limit on buildings located more than four hundred feet from R10, R7, R5, R2.5, R2, C5 or C4 Zones.

(4) Minimum side or rear yard:

For one story building . . . . . 20 feet
For two story building . . . . . 25 feet
For three story building . . . . . 30 feet
For four story building . . . . . .35 feet.

(5) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including

accessory buildings shall not exceed forty percent of the site area.

(6) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

33.32.330 Mental, remedial or detention hospitals. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Regulations for mental, remedial or detention hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees.

(2) Off-street loading: For any mental, remedial, or detention hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum site area:

A. No hospital shall be established on a site of less than five acres in area,

B. At least one thousand square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Three stories or forty-five feet, except there shall be no limit on buildings located more than four hundred feet from R10, R7, R5, R2.5, R2, C5 or C4 Zones.

(5) Minimum front yard: Thirty feet;

(6) Minimum side or rear yard:

For one story building ..... 20 feet
For two story building ..... 25 feet
For three story building ..... 30 feet
For four story building ..... 35 feet.

(7) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including accessory buildings shall not exceed forty percent of the site area.

(8) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

33.32.340 Uses or buildings accessory to hospitals. (Amended by Ord. No. 140290; and 150581 effective Jan. 1, 1981.) Regulations for use or buildings accessory to hospitals shall be as follows:

(1) The site of any accessory use or building shall be in the same ownership as the hospital to which it is an accessory unless a restriction is placed upon the property occupied by the accessory use or building and recorded in the appropriate county records at the expense of the applicant, using forms prescribed for that purpose obtainable from the office of the planning commission.

Upon submission of satisfactory evidence either that the accessory building will be removed or that the proposed use of the accessory building will not be in conflict with the zoning in which it is located and that it will not alter the parking, site coverage, density and floor area of the hospital as permitted within a project area, the restriction upon the property shall be removed. A copy of said restriction removal shall be made available to the owner of said property for the purpose of recordation.

(2) The accessory use or building shall be located on the hospital site or on a separate site, the nearest portion of which is not more than two hundred feet removed from the hospital site to which it is accessory and within the same zone or less restrictive zone as the hospital is located.

(3) The accessory use or building, if located on a separate site, shall be restricted to a location abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

(4) Maximum height: Three stories or forty-five feet, except there shall be no limit on buildings located more than four hundred feet from R10, R7, R5, R2.5, R2, C5 or C4 Zones.

(5) Minimum side or rear yard:

For one story building ..... 20 feet
For two story building ..... 25 feet
For three story building ..... 30 feet
For four story building ..... 35 feet

(6) Maximum site coverage: Area covered by all buildings shall not exceed forty percent of the site area if located on a separate site from the hospital to which it is an accessory. (See also Section 33.106.010.)

(b) Offices and/or clinics of physicians for private medical practice.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per each two hundred fifty square feet of gross floor area of any area assigned to such use.

(c) Parking garages.

(d) Residential facilities for staff, including nurses' homes, interns' quarters and other residential buildings.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided for each five persons residing in such building.

(2) Site area: In addition to required site area for hospitals, a minimum of five thousand square feet shall be provided for each fifteen persons residing in such accessory building.

(e) Retail facilities for the needs of the patient including gift shop, barber shop, book store, beauty shop, coffee shop, drug store or pharmacy, and other similar uses.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space per each two employees of such shop or store provided such employee has not been included as a hospital employee.

(2) Such use shall be conducted entirely within the hospital buildings to which it is accessory except that a coffee shop may have an outdoor dining area provided such area is screened so that it is not visible from a public street or another property.

(3) Such use shall have pedestrian access only through an interior hall or lobby of the building wherein situated.

(4) (4 repealed, 5 renumbered 153373 effective July 17, 1982) The floor area devoted to all such uses within a main building or buildings shall not exceed ten percent of the gross floor area of such main building or buildings.

(f) Training facilities including school of nursing and other types of training facilities.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per ten seats in classrooms provided students have not been included as hospital employees.

33.32.350 Libraries. Regulations for libraries shall be as follows: Off-street parking required: One space per four hundred square feet of reading room area.

33.32.360 Lodges, fraternal organizations or private clubs. Regulations for lodges, fraternal organizations or private clubs shall be as follows:

(1) Such use shall be operated for the benefit of members only and not as a business;

(2) Off-street parking required: One space per three hundred square feet of gross floor area;

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty-five percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height ..... fifteen feet
For buildings forty-five feet and higher in height ..... thirty feet;

(5) Minimum side or rear yard:

For buildings under 15 feet in height ... 10 feet
For buildings 15 to 24 feet in height ... 13 feet
For buildings 25 to 34 feet in height ... 16 feet
For buildings 35 to 44 feet in height ... 20 feet
For buildings 45 to 54 feet in height ... 25 feet
For buildings 55 to 64 feet in height ... 35 feet
For buildings 65 to 74 feet in height ...45 feet;

(6) Signs permitted: Sign or signs, illuminated or nonilluminated, not exceeding six square feet in total area, indicating the name of the organization.

33.32.365 Motels and hotels. (Repealed by Ord. No. 150581 effective Jan. 1, 1981.)

33.32.370 Private helistop. A private helistop may be permitted in connection with a principal or conditional hospital use, and any such helistop shall be subject to the additional regulations contained in Chapter 33.78.

33.32.380 Public parks. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Regulations for public parks shall be as follows:

Minimum side or rear yards: Community centers, swimming pools, stadiums and buildings or portions of buildings containing concessions dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R Zone.

33.32.390 Public utility structures. Exempted from these regulations are underground pipes and conduits and aboveground electric transmission, distribution, communication and signal lines on a single pole system. All other transmission and public utility structures, such as double poles and steel towers for transmission lines, substations, automatic telephone exchanges, relay stations, pumping stations and treatment plants shall be regulated as conditional uses.

33.32.400 Railroad rights-of-way and passenger stations. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated as conditional uses. All other railroad facilities, such as switching yards, holding tracks, team tracks, freight depots, shops, and round-houses are prohibited in R1 Zones.

33.32.410 Nursery schools. Regulations for nursery schools shall be as follows:

(1) Off-street parking required: One space per teacher in schools having four or more teachers;

(2) Off-street loading required: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having four or more teachers. Such driveway shall be paved with material as specified in the building regulations;

(3) Outdoor play area: An outdoor play area shall be provided and thereafter maintained with a minimum area of one hundred square feet per a minimum area of one hundred square feet per child of total enrollment capacity of the school. Screening shall be provided separating such play area from abutting lots. Such screen shall be at least four feet but not more than six feet high and shall be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge.

33.32.420 Private or parochial elementary and public primary schools. Regulations for private or parochial elementary and public primary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms On:	Max. Number of Classrooms Per Acre
60% or more vacant	One floor	3.0
60% or more vacant	Two floors	3.0
Less than 60% vacant	One floor	4.0
Less than 60% vacant	Two floors	4.5

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area providing such space is made available by agreement with the bureau of parks;

(3) Minimum side or rear yard:

For buildings under 15 feet in height . . . 20 feet
For buildings 15 to 24 feet in height . . . 25 feet
For buildings 25 to 34 feet in height . . . 30 feet
For buildings 35 to 44 feet in height . . .35 feet.

33.32.430 Public elementary schools. Regulations for public elementary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time,

the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms On:	Max. Number of Classrooms Per Acre
60% or more vacant	One floor	2.5
60% or more vacant	Two floors	2.5
Less than 60% vacant	One floor	3.5
Less than 60% vacant	Two floors	4.0

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area providing such space is made available by agreement with the bureau of parks;

(3) Minimum side or rear yard:

For buildings under 15 feet in height . . . 20 feet
For buildings 15 to 24 feet in height . . . 25 feet
For buildings 25 to 34 feet in height . . . 30 feet
For buildings 35 to 44 feet in height . . .35 feet.

33.32.440 Private, parochial or public high school. Regulations for private, parochial or public high schools shall be as follows:

(1) Off-street parking required: One space per eight seats or sixteen feet of bench length in the auditorium;

(2) Minimum side or rear yard:

For buildings under 15 feet in height . . . 20 feet
For buildings 15 to 24 feet in height . . . 25 feet
For buildings 25 to 34 feet in height . . . 30 feet
For buildings 35 to 44 feet in height . . .35 feet.

33.32.445 **Residential care facilities.** (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) Regulations for residential care facilities shall be:

(1) Lot size required. A. The minimum lot area shall be five thousand square feet per facility.

B. The minimum lot width shall be fifty feet.

C. The minimum lot depth shall be eighty feet.

(2) Minimum on-site open space. A. Two hundred square feet for each resident served under the age of twelve years.

B. Three hundred square feet for each resident served twelve years through seventeen years of age.

C. One-hundred fifty square feet for each resident served eighteen years of age or older.

(3) Minimum off-street parking. One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility.

33.32.450 Tract development and sales. (Amended 139117, 139702, 141105; and 153373 effective July 17, 1982) Regulations for tract development and sales shall be as follows:

1. Temporary buildings, such as offices, tool sheds or similar structures, used in connection with tract development and sales, may be permitted provided such use may not continue more than three years, at which time such temporary structures will be removed.

2. Each tract development is permitted the following signs:

(a) Two permanent signs identifying the name of a housing project, each sign not to exceed twenty square feet in area, requiring permits.

(b) Two signs used in conjunction with tract development and sales may be permitted until the conclusion of period of construction only. Such signs may not exceed thirty-two square feet each and shall not be illuminated.

(c) A permanent sign not to exceed three square feet in area indicating units available for sale or rent. For corner lots, one such sign is permitted on each frontage, requiring permits.

(d) One temporary A-frame sign not to exceed twelve square feet in area, indicating a vacancy on the premises, to be removed when the unit is no longer vacant.

(e) One temporary banner not to exceed thirty-six square feet in area, to be displayed no longer than sixty days and to be securely fastened flat against the building. Such banner shall be used one time only for the purpose of advertising the opening of a new complex.

33.32.460 Welfare institutions. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Regulations for welfare institutions shall be as follows:

(1) Off-street parking: One space per ten beds for patients or inmates;

(2) Off-street loading: For any welfare institution of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7

490,000 -	579,999	8
580,000 -	669,999	9
670,000 -	759,999	10
760,000 -	849,999	11
850,000 -	939,999	12
940,000 -	1,029,999	13
Over -	1,030,000	14

(3) Maximum height: Three stories or forty-five feet, except there shall be no limit on buildings located more than four hundred feet from R10, R7, R5, R2.5, R2, C5 or C4 Zones.

(4) Minimum side or rear yard:

For one story building ..... 20 feet
For two story building ..... 25 feet
For three story building ..... 30 feet
For four story building .....35 feet.

33.32.465 Development of lands adjacent to water features as defined in Section 33.32.115. (Added 153329 effective July 5, 1982.) Regulations for development of lands adjacent to water features shall be those listed in Section 33.22.495.

33.32.470 Prohibited uses. (Amended by Ord. No. 150581 effective Jan. 1, 1981.)

Uses of structures and land not specifically mentioned in this chapter are prohibited in all R1 Zones.

The use of automobile trailer houses as residences is prohibited in all R1 Zones. Such trailers are below the room size, ceiling height, and other regulations of the housing regulations.

Chapter 33.34
(New Chapter substituted by Ord. No. 150581, effective Jan. 1, 1981.)

RH HIGH DENSITY MULTI-FAMILY RESIDENTIAL ZONE

Sections:

33.34.010 Generally
33.34.015 Purpose

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33.34.030 Off-street parking required
33.34.040 Off-street loading required
33.34.050 Minimum lot size required
33.34.060 Maximum lot coverage
33.34.070 Maximum floor area permitted
33.34.080 Maximum height permitted
33.34.090 Minimum front yard
33.34.100 Minimum side and rear yards
33.34.110 Minimum distance between buildings
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33.34.125 Development adjacent to watercourses and water bodies.
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33.34.140 Pre-existing uses

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33.34.160 Classifications
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33.34.300 General hospitals
33.34.310 Mental, remedial or detention hospitals
33.34.320 Uses or buildings accessory to hospitals
33.34.330 Hotels
33.34.340 Libraries
33.34.350 Lodges, fraternal organizations or private clubs

33.34.360 Nieghborhood commercial
33.34.370 Nursery schools
33.34.380 Private or public helistop
33.34.390 Public parks
33.34.400 Public utility structures
33.34.410 Public, private or parochial elementary or primary schools
33.34.420 Public, private or parochial high schools
33.34.430 Residential care facilities
33.34.440 Welfare institutions
33.34.445 Development of lands adjacent to water features as defined in Section 33.34.125.
33.34.450 Prohibited uses

33.34.010 Generally. In all RH Zones, the use of land and structures, the location and erection of new structures, and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations of this chapter.

33.34.015 Purpose. To provide for mid- to high-density apartment opportunities in the city. To ensure that the bulk of new construction in mid- to high-density residential areas is dedicated to housing. To allow C4 neighborhood commercial uses as part of such housing projects if certain conditions are met. To allow for expansion or rebuilding of existing non-residential uses in mid- to high-density housing areas under certain conditions.

PRINCIPAL USES

33.34.020 Uses permitted. (Am 155589 ef Mar. 12, 1984) In an RH Zone, the following uses are permitted:

(1) One family detached dwellings;
(2) One family attached dwellings;
(3) Two family dwellings;
(4) Multi-family dwellings;
(5) Boarding and rooming houses;
(6) Residential homes;
(7) Non-residential uses as regulated by 33.34.150 Pre-existing uses.

33.34.030 Off-street parking required. (Amended 150737; and 151344 Apr. 1, 1981.) (a) Detached dwellings, duplexes and three-family dwellings: One space per dwelling unit except in the case of flag lots (Regulations governing off-street parking requirements for flag lots are listed in section 33.88.040). If not located on the same lot as the main dwelling, the required parking space or spaces shall be regulated by Chapter 33.82. If located on the same lot as the main dwelling, the following regulations shall govern:

(1) Such space shall be accessible to a public street or alley;

(2) Such space shall be at least one hundred and sixty square feet in area;

(3) Such space shall not be located in required yards unless a landscaped buffer is provided between any on-site vehicle parking or maneuvering area and the property line. Landscaped buffers provided shall be at least five feet wide and must meet the requirements of section 33.82.030;

(4) Such space shall be available for the parking of operable passenger automobiles only;

(5) Such space shall not be rented by the day or part thereof;

(6) Such space, if uncovered, shall be paved in accordance with the provisions of the building regulations;

(7) The provision and maintenance of off-street parking space is a continuing obligation of the property owner;

(8) A plan, drawn to scale, indicating how the off-street parking requirement is to be fulfilled, shall accompany the request for a building or occupancy permit;

(9) Such space shall be improved and made available for use before the issuance of a certificate of final inspection by the bureau of buildings;

(10) Additional parking spaces provided on the premises shall be regulated as specified in subdivisions (4), (6) and (7);

(11) In an RH Zone, no overnight parking of trucks or other equipment on wheels or tracks exceeding one-half ton capacity used in the conduct of a business activity shall be permitted.

(b) Attached single family development: One space per dwelling. Such space shall be in conformance with the provisions of 33.30.030.

(c) (Amended 151344 Apr. 1, 1981.) Multi-family dwellings: One space for every two dwelling units, except in the case of flag lots (Regulations governing off-street parking requirements for flag lots are listed in section 33.88.040) and as provided for in subsection (d) and subject to Chapter 33.82, Parking Regulations.

(d) The auto parking requirements listed in Subsection (c) may be reduced by one space for every four covered bicycle parking spaces provided, up to a maximum of 20 percent of the required motor vehicle spaces, if the Bureau of Traffic Engineering approves the reduction.

(e) Covered bicycle parking shall be provided according to the following schedule and shall meet the requirements of (f) of this section:

Project Size	Number of Bicycle Parking Spaces
Less than 10 units	2
10-19 units	3
20-39 units	5
40-80 units	8
Over 80 units	One space for every 10 dwelling units.

(f) Bicycle parking shall be covered where the development includes a basement or provides covered motor vehicle parking.

(g) (Added 151021 Jan. 22, 1981.) Boarding and rooming houses: One space per set of accommodations for each five guests; parking provided shall meet all requirements of Chapter 33.82.

33.34.040 Off-street loading required. (a) Apartment dwellings five or more stories high and having fifty or more dwelling units shall provide an off-street loading berth.

(b) Off-street loading shall be regulated by Chapter 33.86.

33.34.050 Minimum lot size required. (Amended 151344 Apr. 1, 1981.) (a) One family detached dwellings, duplexes and three unit multi-family developments: four thousand square feet, (There are special regulations governing computation of lot area for flag lots listed in section 33.88.020.

(b) One family attached houses shall be subject to the requirements of 33.32.050 paragraph (g).

(c) Multi-family dwellings containing more than three units shall be subject to the limits on gross floor area specified in section 33.34.070.

(d) Minimum lot width for a single family detached dwelling, duplex, three-plex or other multi-family shall be 40 feet wide, and for attached residential 14 feet wide.

(e) Minimum lot depth shall be 80 feet except in the case of flag lots (Regulations governing lot depth for flag lots are listed in section 33.88.020).

(f) Ownership of a lot upon which a two family or three family dwelling is constructed may be divided so that the owner of each unit of the two family or three family dwelling may also own that portion of the lot upon which the unit is constructed, provided that such portion is:

(1) At least 1400 square feet in area, fourteen feet wide and seventy feet deep.

(g) No lot, tract, or parcel of land shall be reduced by transfer of ownership, immediate or future, in area, width, or depth to less than stated in subsections (a), (d) and (e), except as provided in (b), (f) and (j) of this section or unless approved as provided in Chapter 33.98.

(h) A one-family, two-family or three-family dwelling may be constructed notwithstanding the requirements of subsections (a), (d) and (e) of this section if approved as provided in chapter 33.98.

(i) No dwelling shall be built or moved onto a lot not abutting a public street. Modification of this provision may be granted in accordance with procedure set forth in Sections 33.98.020 and 33.08.035 of this title, the reference to 33.98.020 notwithstanding.

(j) On a platted lot of less than four thousand square feet but not less than three thousand seven hundred and fifty square feet located in a subdivision plat duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), 9(d) and (e) in this section; provided, however, that:

(1) No construction of a one-family dwelling shall be permitted upon a lot with dimensions less than three thousand seven hundred and fifty square feet in area, thirty-five feet in width, and eighty feet in depth unless approved as provided in Chapter 33.98; and,

(2) No structure shall be built closer to any existing structure on abutting property thatn the sum total of the required standard yard distances between the two structures in the RH Zone, unless approved as provided for in Chapter 33.98. This separation between structures shall be verified to the satisfaction of the Bureau of Buildings prior to the issuance of a building permit for any new structure enabled by this subsection.

(3) No construction of a one-family dwelling shall be permitted upon a lot unless that lot abuts a paved street which has been improved to City

standards, and unless sewer and water service are immediately available in the abutting street and can be furnished to the proposed new structure.

(4) For the purposes of this subsection only, the maximum lot coverage for all buildings, no matter what height, including accessory buildings, shall not exceed thirty-five percent of the lot area.

(5) (Amended 152319 Sept. 24, 1981) For the purpose of this subsection only, and to insure better design of new structures on substandard lots, new development may include, at a maximum, one one-car garage or carport. The ground area covered by garage or carport shall not exceed ten percent of the lot area. In no case shall a garage or carport exceed 14 feet in width or 50 percent of the width of the dwelling, whichever is less.

33.34.060 Maximum lot coverage. The area covered by all buildings, parking, auto maneuvering and vehicle access space shall not exceed 80% of the total site area.

33.34.070 Maximum floor area ratio (FAR) permitted. (Amended 151344 Apr. 1, 1981.) The gross floor area of a main building or group of main buildings on a site of 4000 square feet or more shall not exceed the site area by more than the following ratios (In the case of flag lots special regulations governing computation of size or lot area exist and are listed in section 33.88.020):

(1) Site of housing projects exclusively for the elderly: As regulated by chapter 33.81, Elderly High Density.

(2) Sites of less than 10,000 square feet: Maximum FAR 2:1.

(3) Sites of 10,000 square feet or larger have specific ratios assigned as shown on the following maps.

33.34.080 Maximum height permitted. Maximum height shall be limited by FAR as follows:

(1) In FAR 2:1 areas the maximum height shall be 65 feet.

(2) In areas with a FAR of greater than 2:1, the maximum height of any building shall be 460 feet measured from the lowest grade of the site, and within 20 feet of the front or rear property line the maximum height shall be 65 feet

33.34.090 Minimum front yard. (Am 151344; and 153824 ef Oct. 18, 1982) (a) There shall be no required front yard for buildings except in the case of flag lots (regulations governing yard requirements for flag lots are listed in Section 33.88.030); however, parking and auto maneuvering areas shall be set back at least ten feet from the front property line.

(b) Access drives within the required front yard which serve parking, maneuvering and loading areas shall meet the following requirements: (1) For service to one dwelling unit, a drive which occupies 20% of the required front yard area or is 9 feet in width, whichever is greater, is required.

(2) For service to more than one dwelling unit, a drive or drives which occupy a total of 20% of the required front yard area or which are a total of 18 feet in width, whichever is greater, is required.

33.34.100 Minimum side and rear yards. (Amended 151344 Apr. 1, 1981.) There shall be a minimum side and rear yard requirement varying according to height as shown on the following schedule except in the case of flag lots, (Regulations governing yards for flag lots are listed in section 33.88.030):

For one story	5 feet
For two stories	6 feet
For three stories	8 feet
For four stories	10 feet

For any height above four stories, six feet plus two additional feet for each story over two, with a maximum requirement of twenty feet.

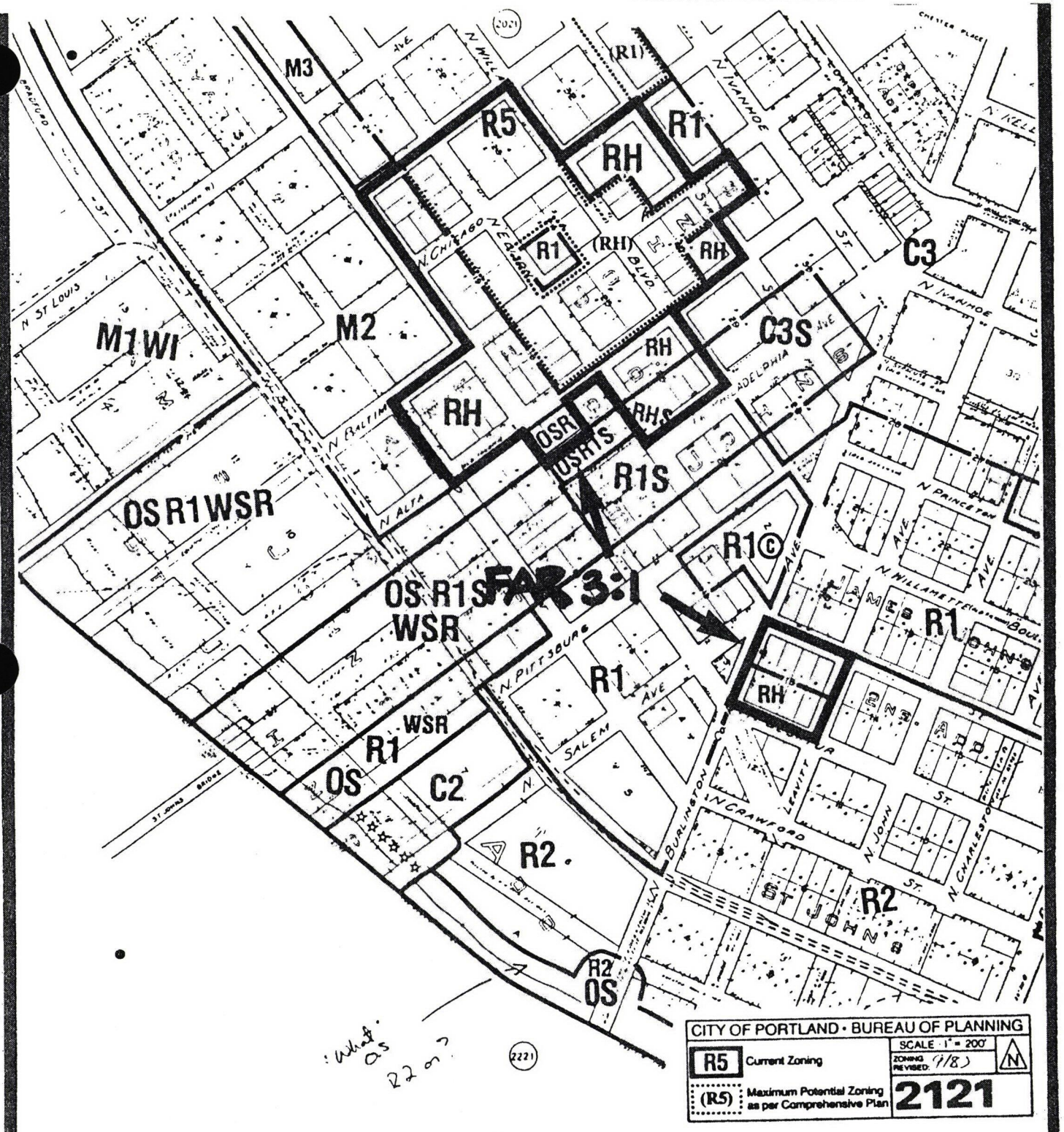
33.34.110 Minimum distance between buildings. Where apartment houses are grouped as one project on one tract of land, the minimum distances between two buildings at any given point shall not be less than the sum of the required side yards computed separately for each building.

33.34.120 Street trees. Street trees shall be provided in the right-of-way adjacent to any project property line, in conformance with the following requirements:

(1) Street trees planted must conform with the City's street tree planting guidelines;

(2) Street tree layout must be approved by the Fire Bureau;

(3) Care and maintenance of street trees is the continuing responsibility of the project prop-



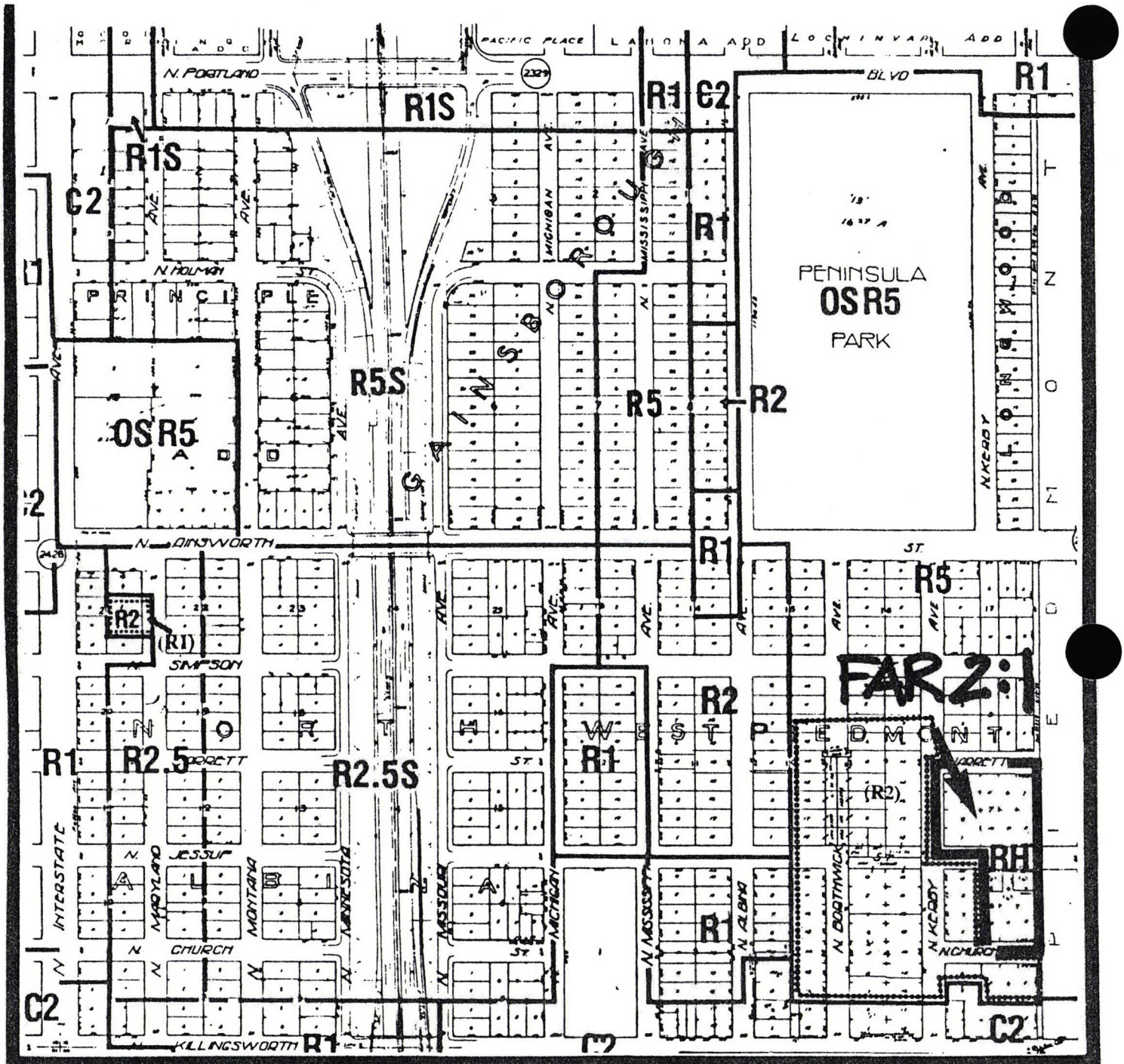
FAR: Floor Area Ratio

Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 2121

33.34.070 (3) Title 33 1-1-81



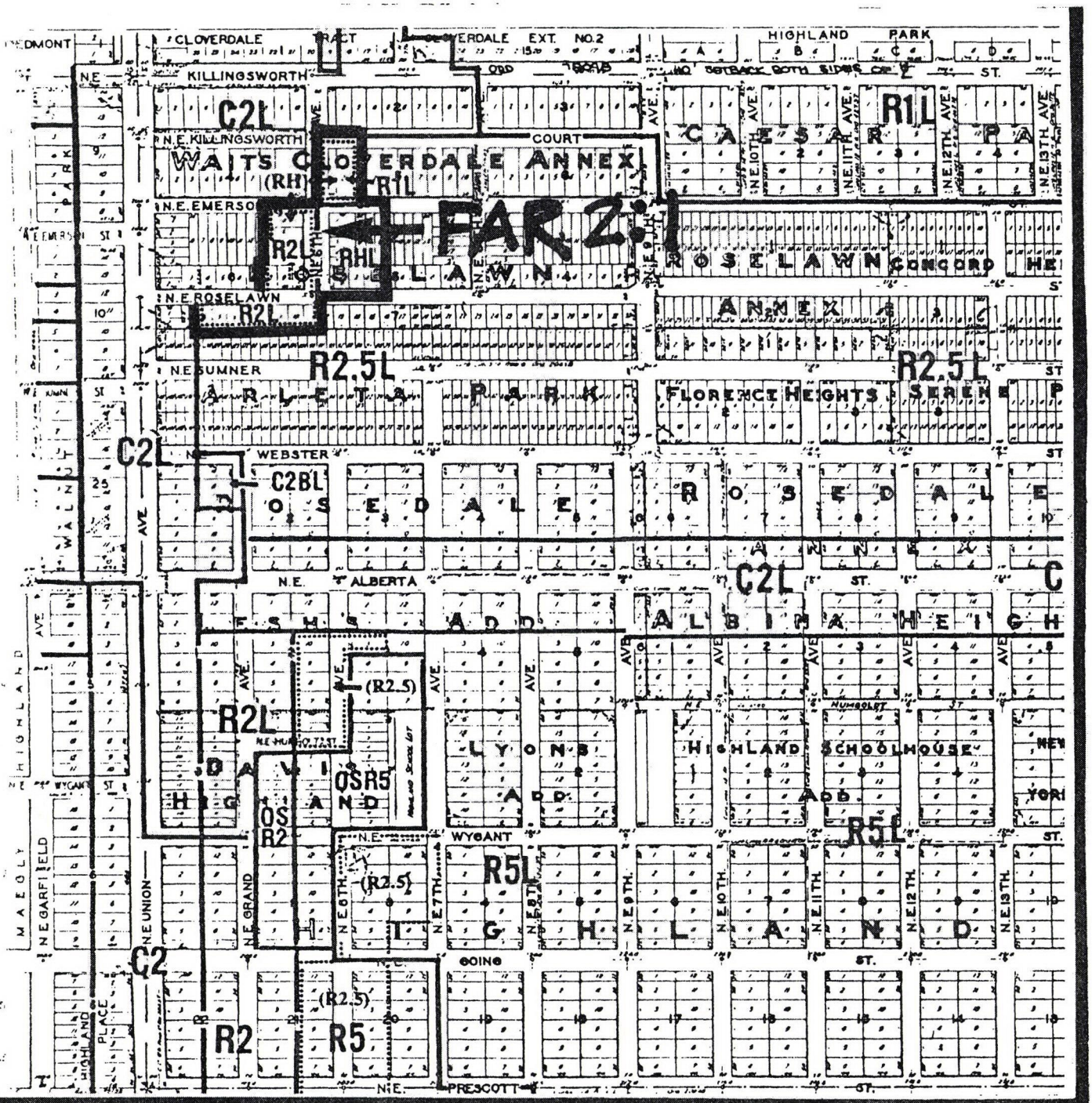
FAR: Floor Area Ratio

Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 2429

33.34.070 (3) (b)



FAR: Floor Area Ratio

Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 2531

33.34.070 (3) (c)



FAR: Floor Area Ratio

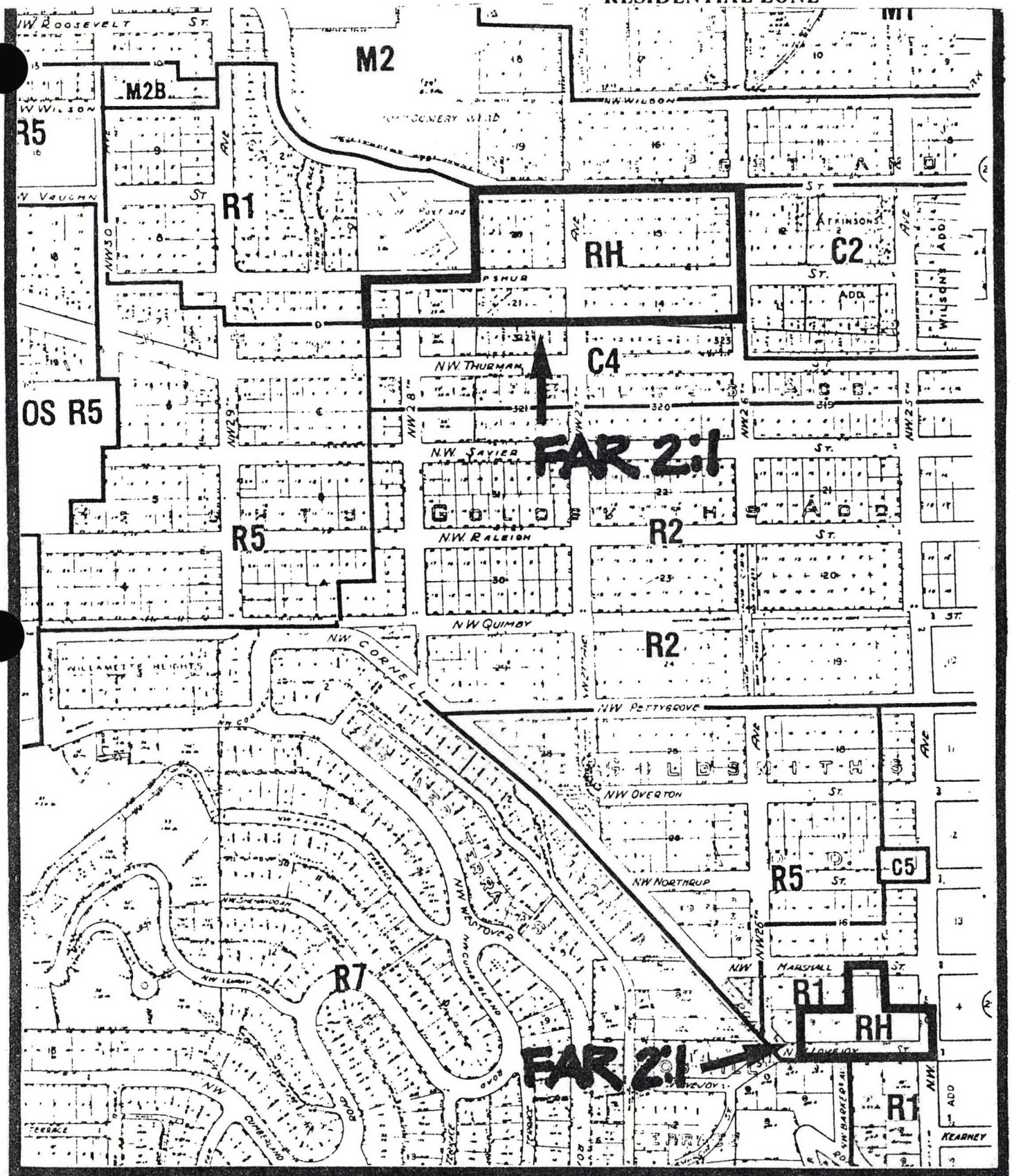
Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 2730, 2830

33.34.070 (3) (d)

RH HIGH DENSITY MULTI-FAMILY RESIDENTIAL ZONE



FAR: Floor Area Ratio

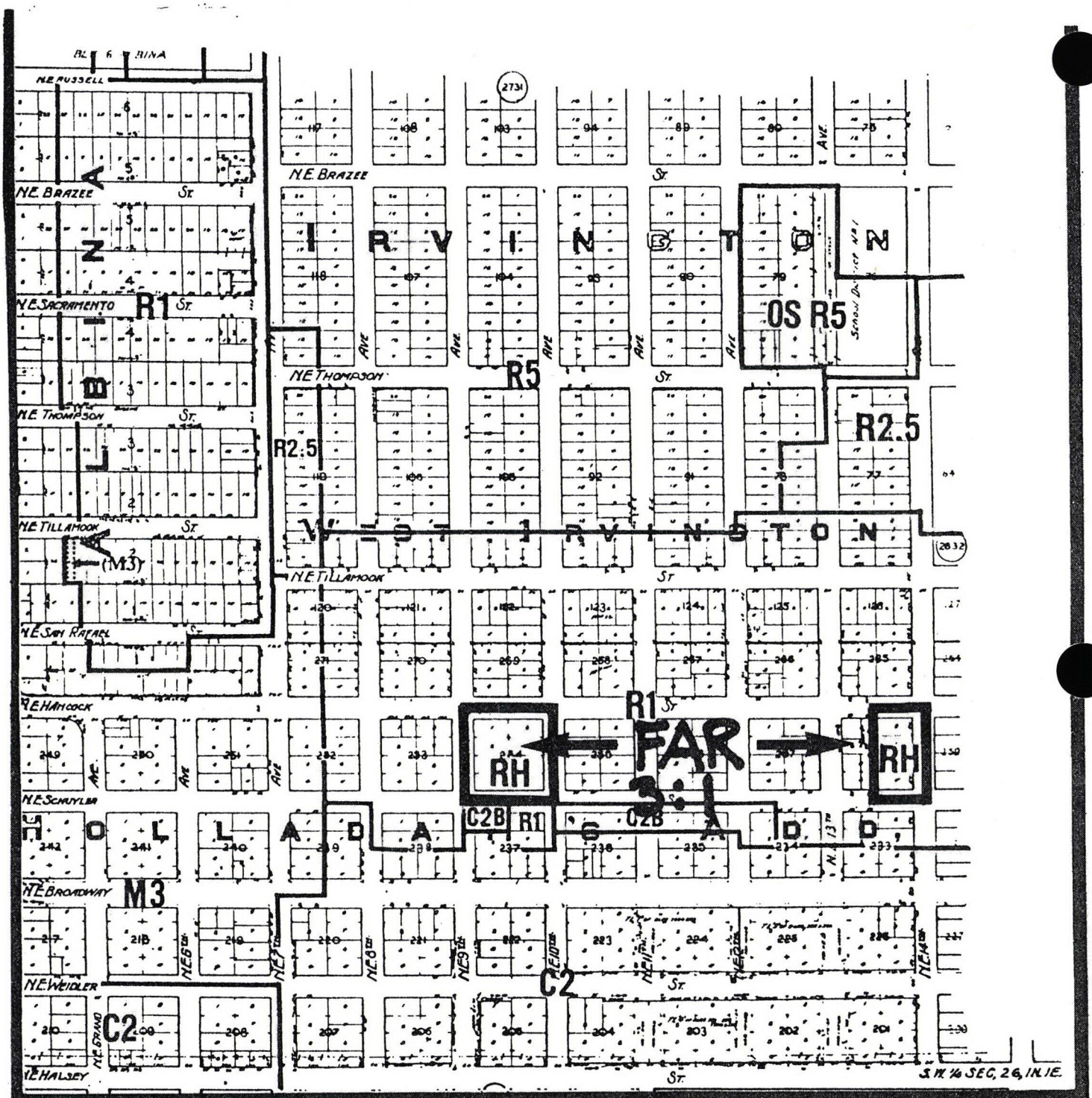
Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 2826, 2926

33.34.070 (3) (e) Title 33 1-1-81

7-1-1984



FAR: Floor Area Ratio

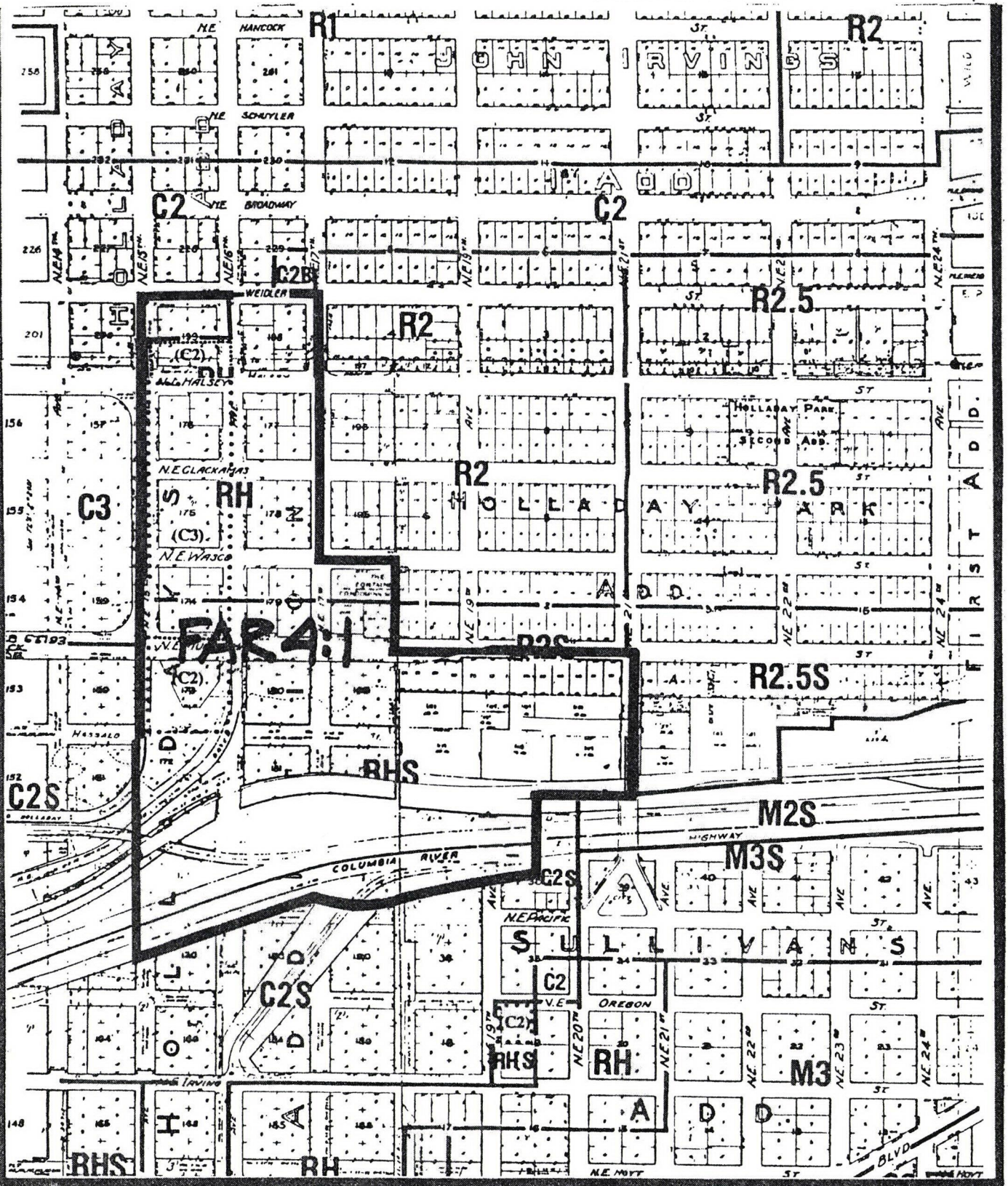
Boundary of Potential RH Area

Quarter Sections: 2831

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

33.34.070 (3) (f)

RH HIGH DENSITY MULTI-FAMILY RESIDENTIAL ZONE



FAR: Floor Area Ratio

Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

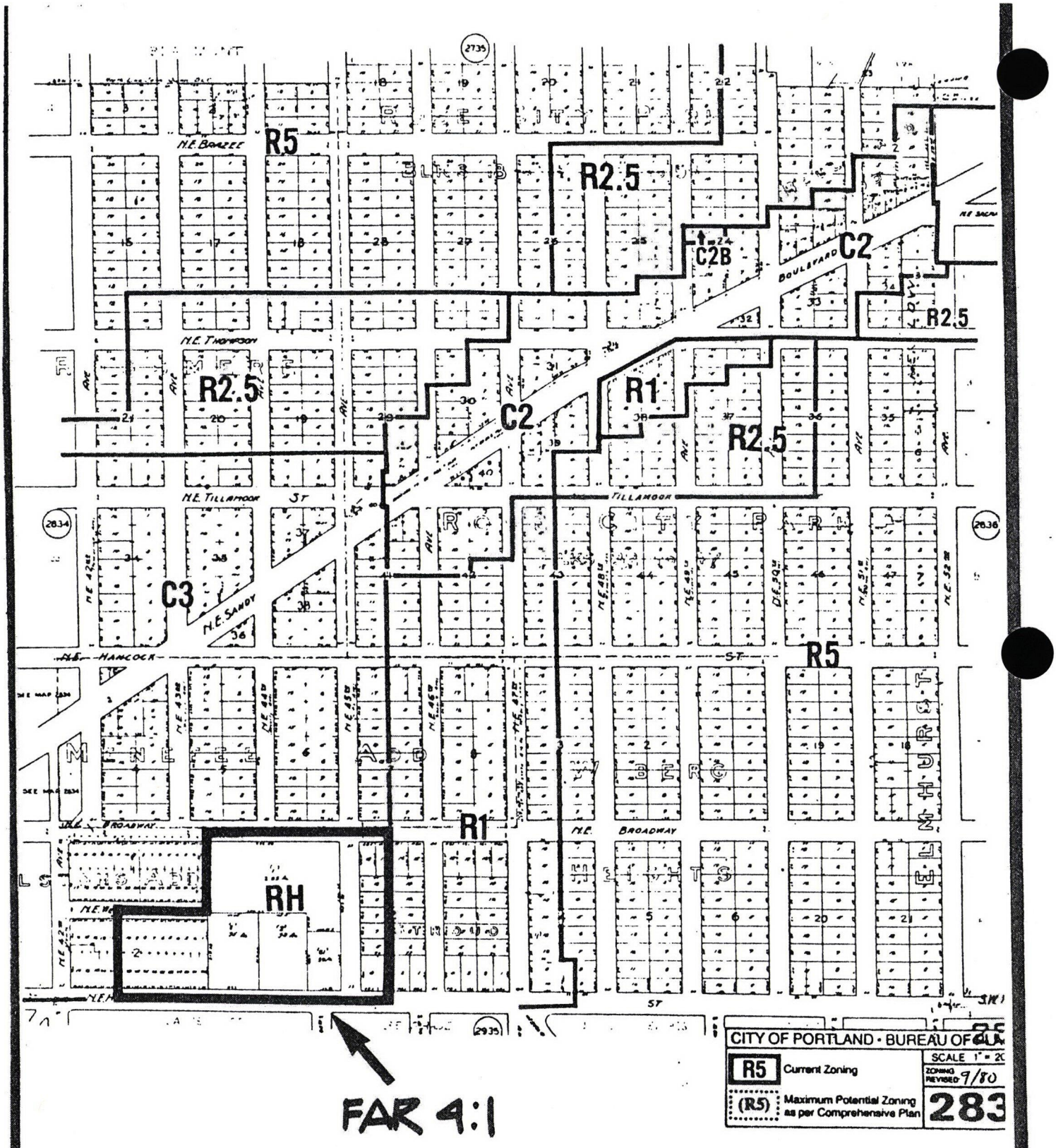
Quarter Sections: 2832, 2932

139

33.34.070 (3) (g) (Am 153828 ef Oct. 18, 1982)

Title 33
10-18-82

7-1-1984



FAR: Floor Area Ratio

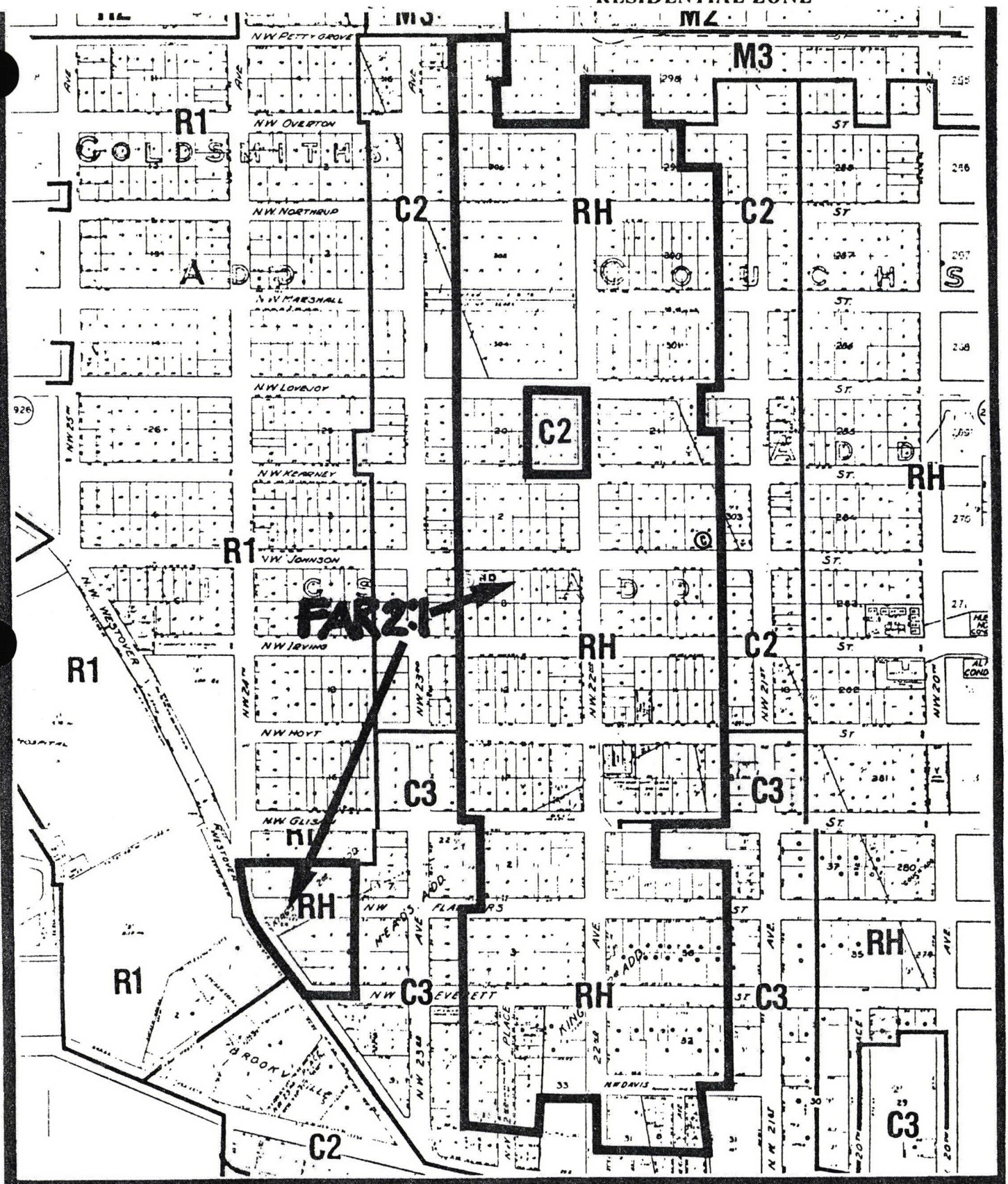
Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 2835

33.34.070 (3) (h)

RH HIGH DENSITY MULTI-FAMILY RESIDENTIAL ZONE



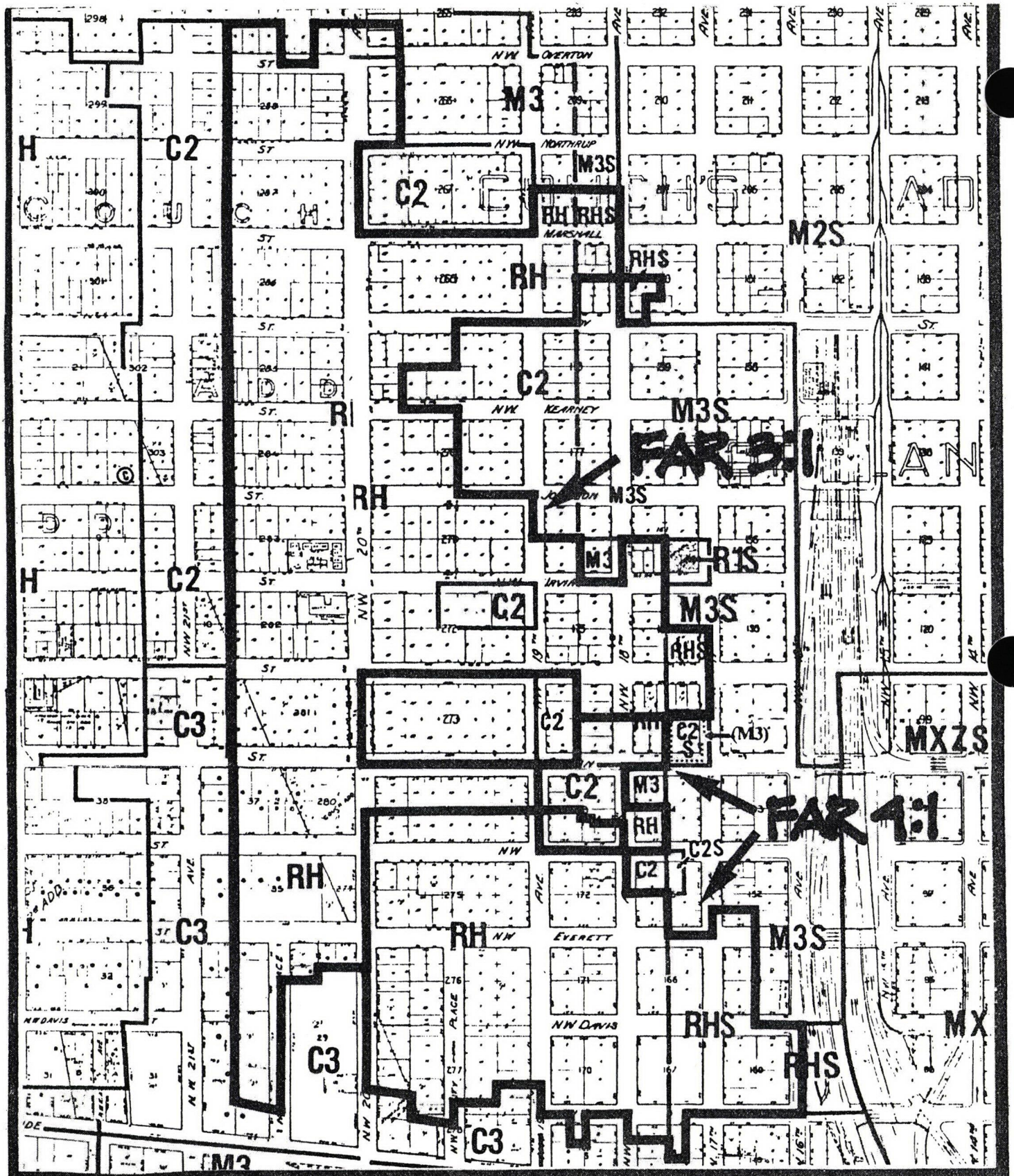
FAR: Floor Area Ratio

Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 2927, 3027

33.34.070 (3) (i) Title 33 1-1-81



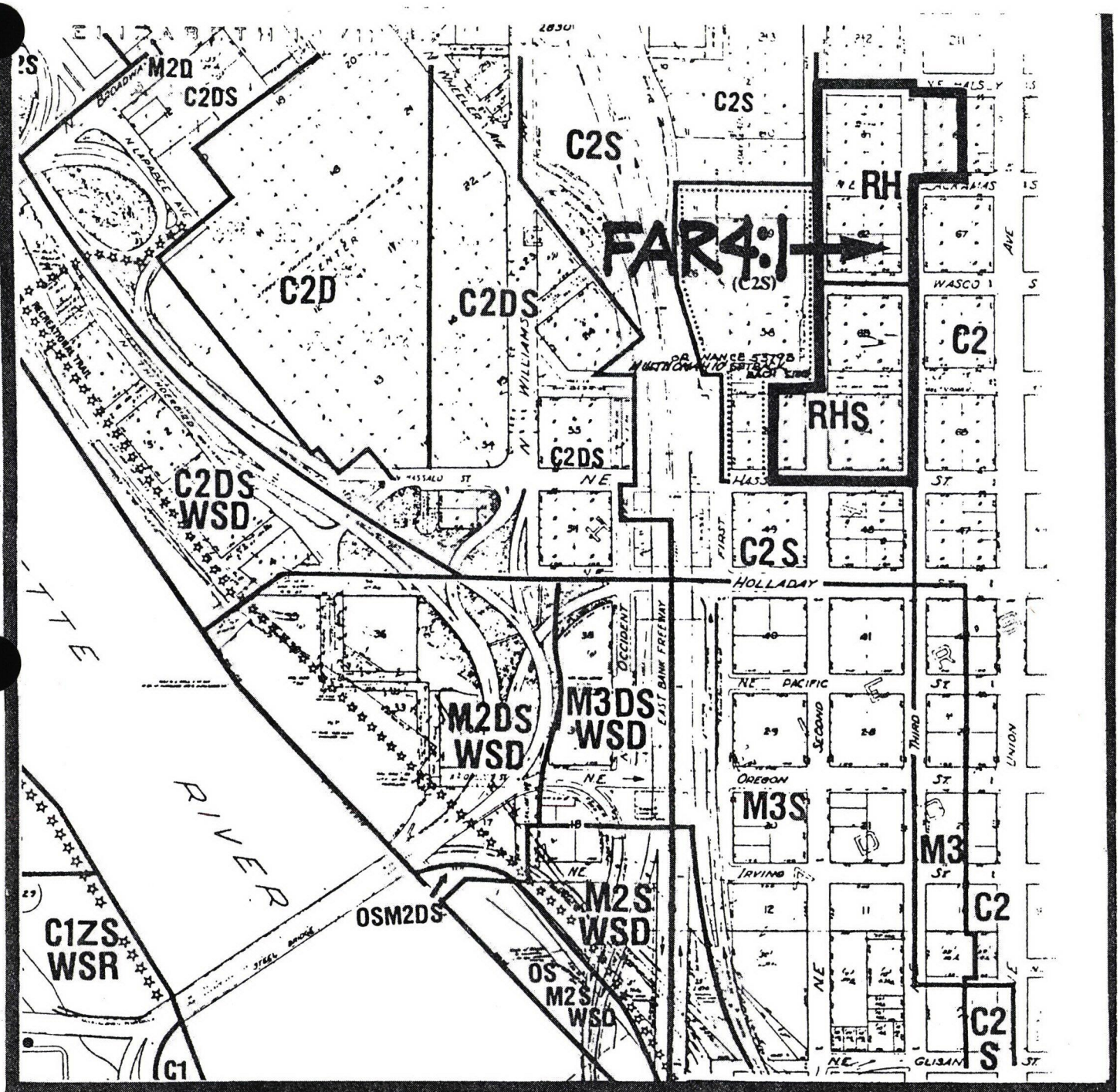
FAR: Floor Area Ratio

Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 2927-28, 3027-28

33.34.070 (3) (j)



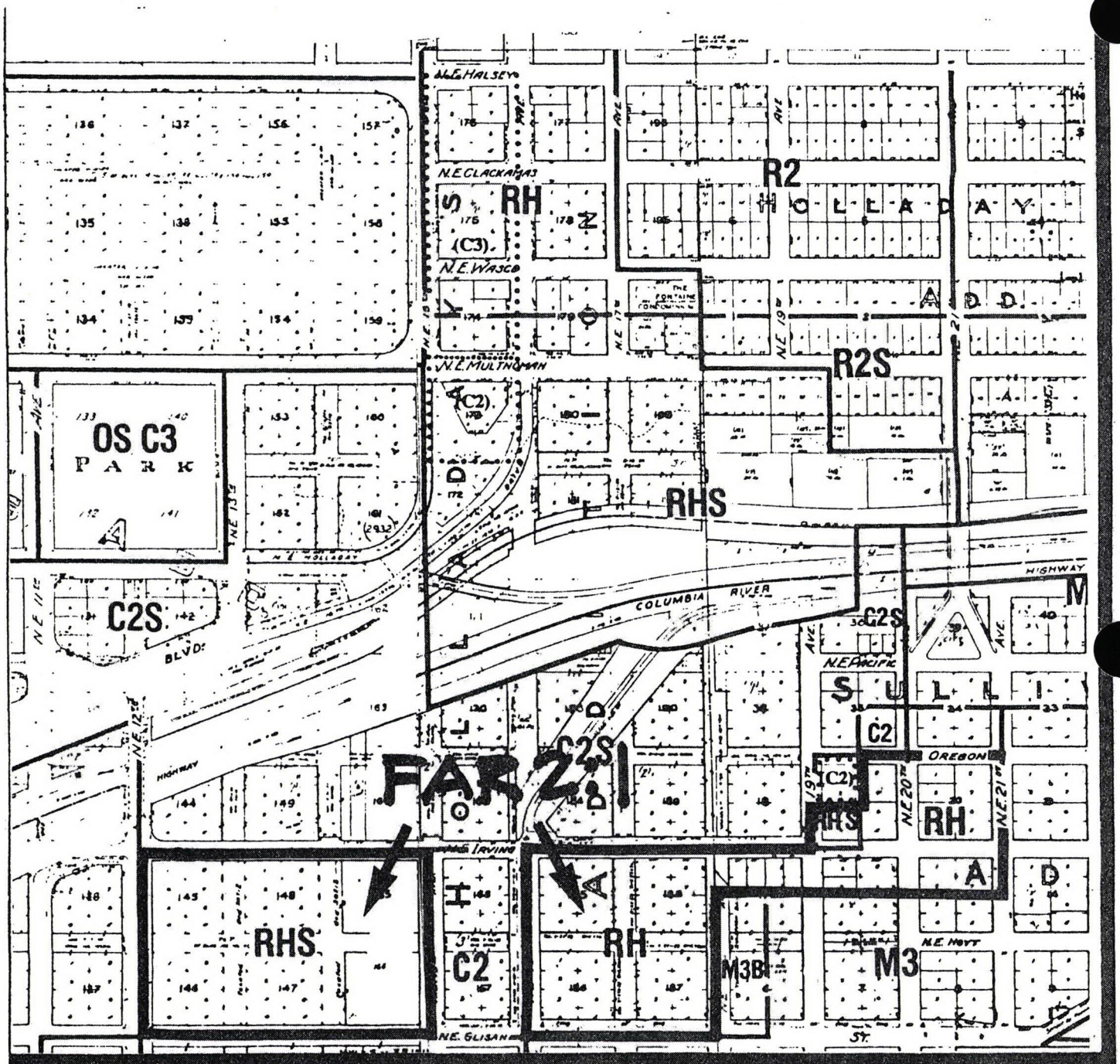
FAR: Floor Area Ratio

Boundary of Potential RH Area

Quarter Sections: 2930

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

33.34.070 (3) (k)



FAR: Floor Area Ratio

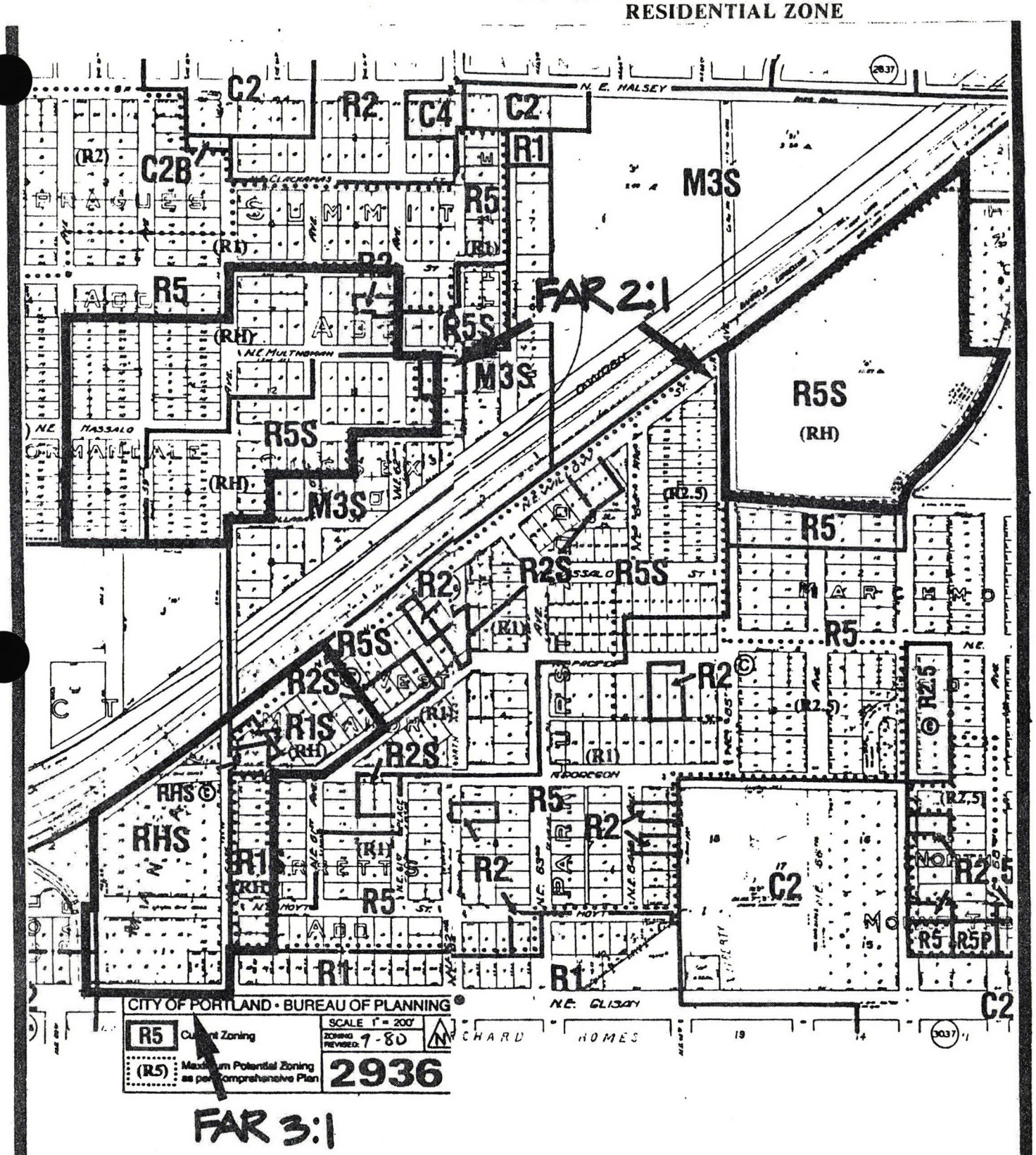
Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 2931, 2932

33.34.070 (3) (1)

RH HIGH DENSITY MULTI-FAMILY RESIDENTIAL ZONE



FAR: Floor Area Ratio

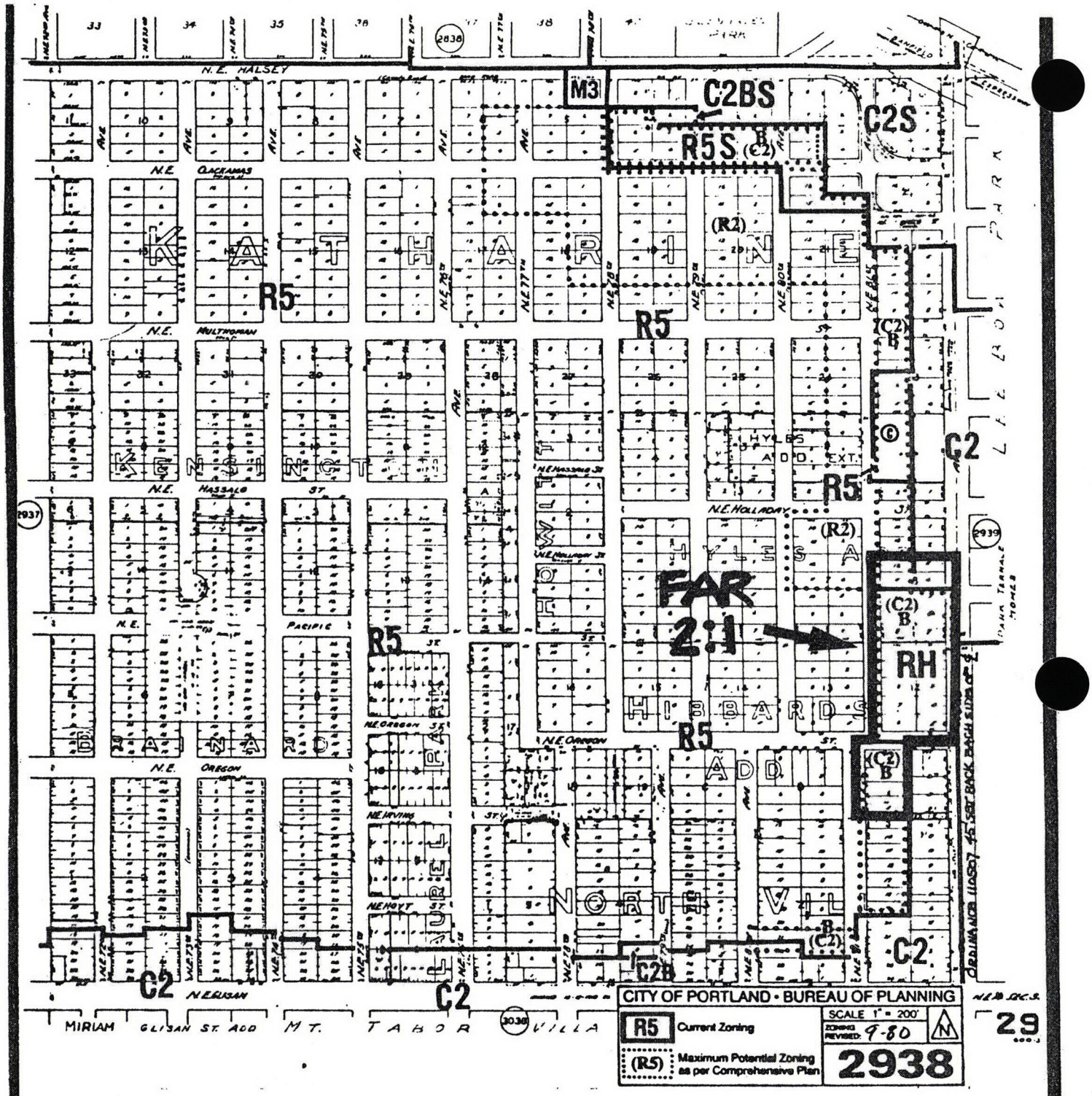
Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 2936, 2937

33.34.070 (3) (m) Title 33 1-1-81

7-1-1984



FAR: Floor Area Ratio

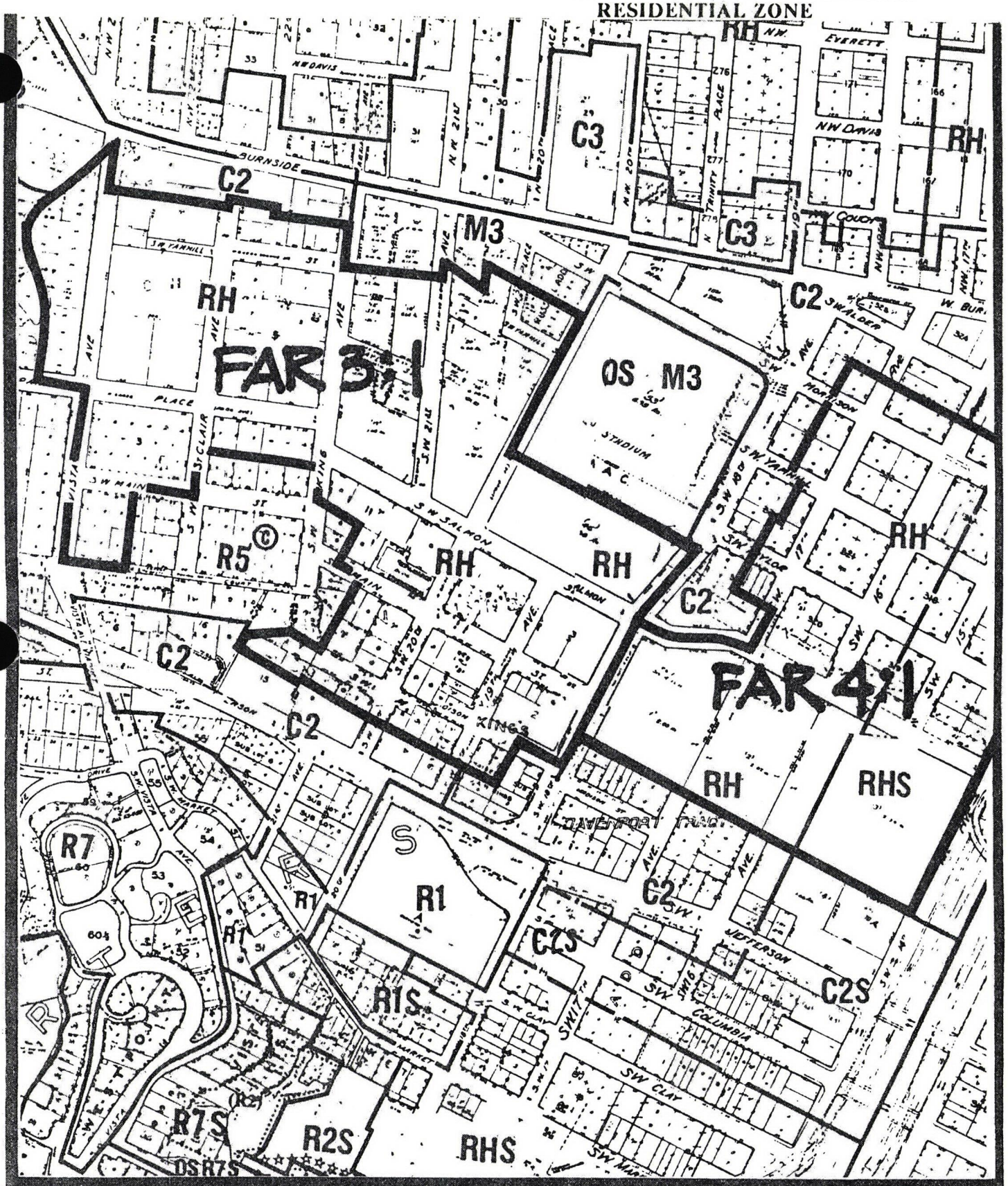
Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 2938

33.34.070 (3) (n)

RH HIGH DENSITY MULTI-FAMILY RESIDENTIAL ZONE



FAR: Floor Area Ratio

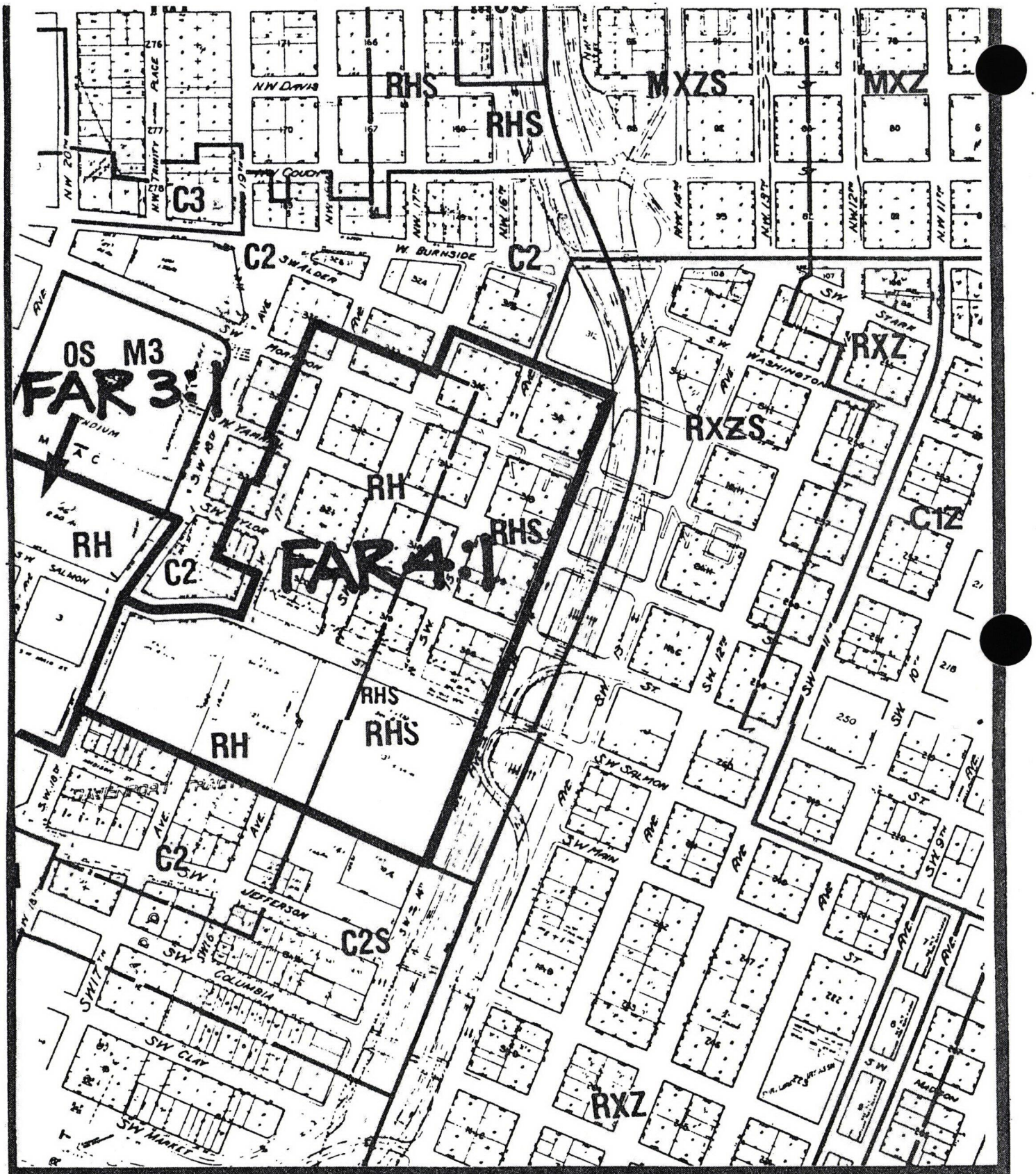
Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 3027-28, 3127-28

33.34.070 (3) (o) Title 33 1-1-81

7-1-1984



FAR: Floor Area Ratio

Boundary of Potential RH Area

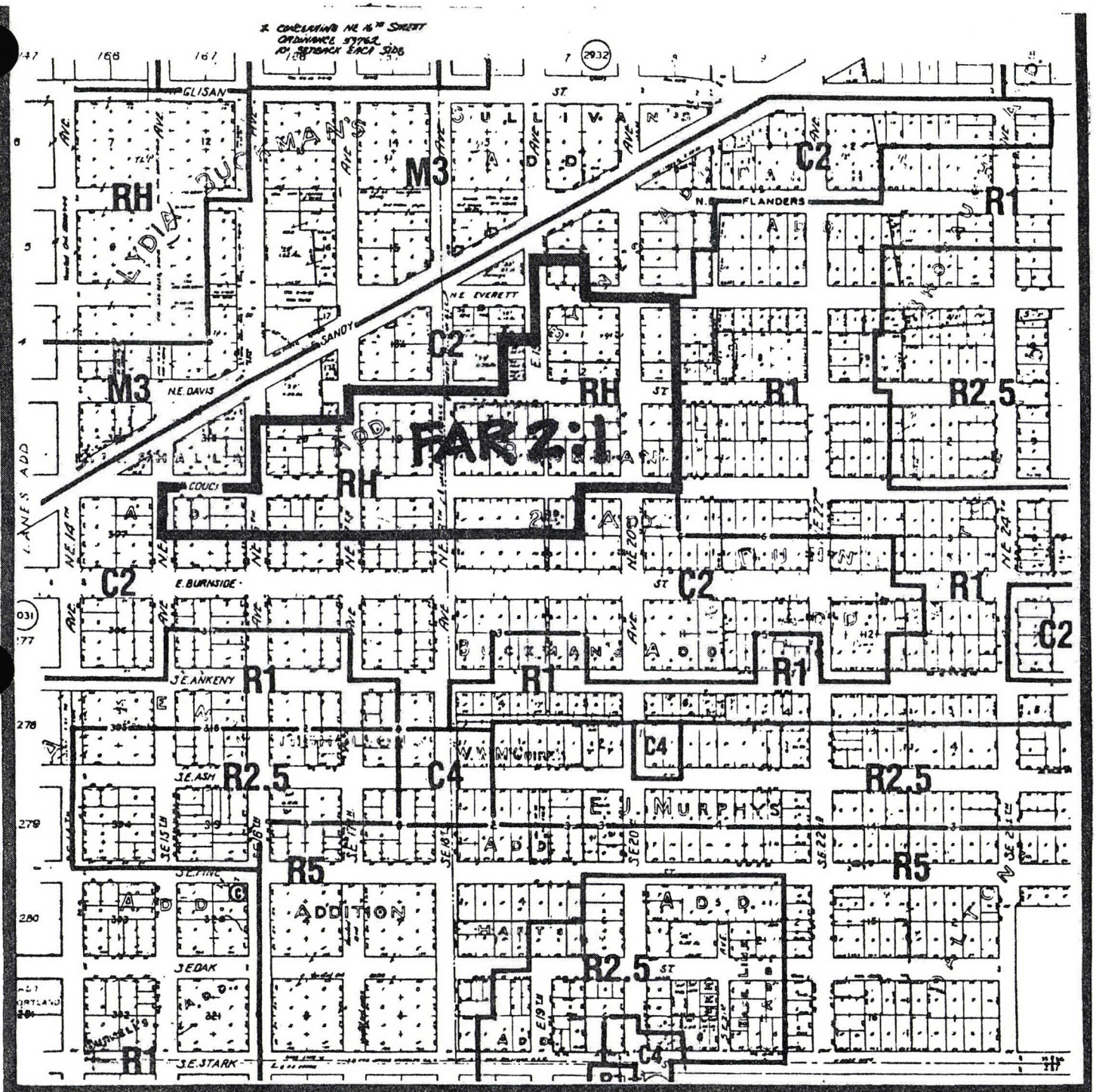
ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 3028, 3128

148

33.34.070 (3) (p)

RH HIGH DENSITY MULTI-FAMILY RESIDENTIAL ZONE



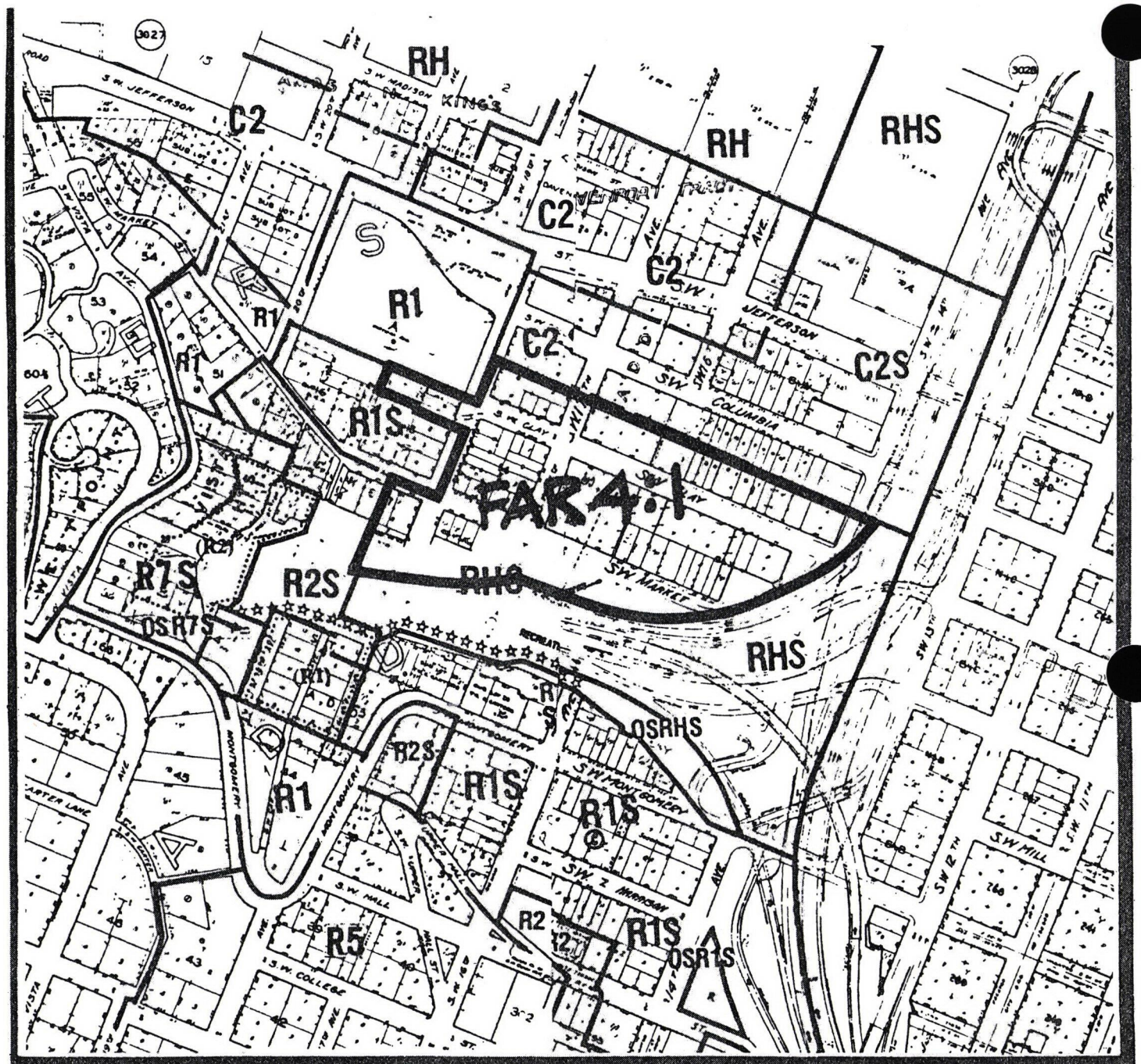
FAR: Floor Area Ratio

Boundary of Potential RH Area

Quarter Sections: 3032

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

33.34.070 (3) (q)



FAR: Floor Area Ratio

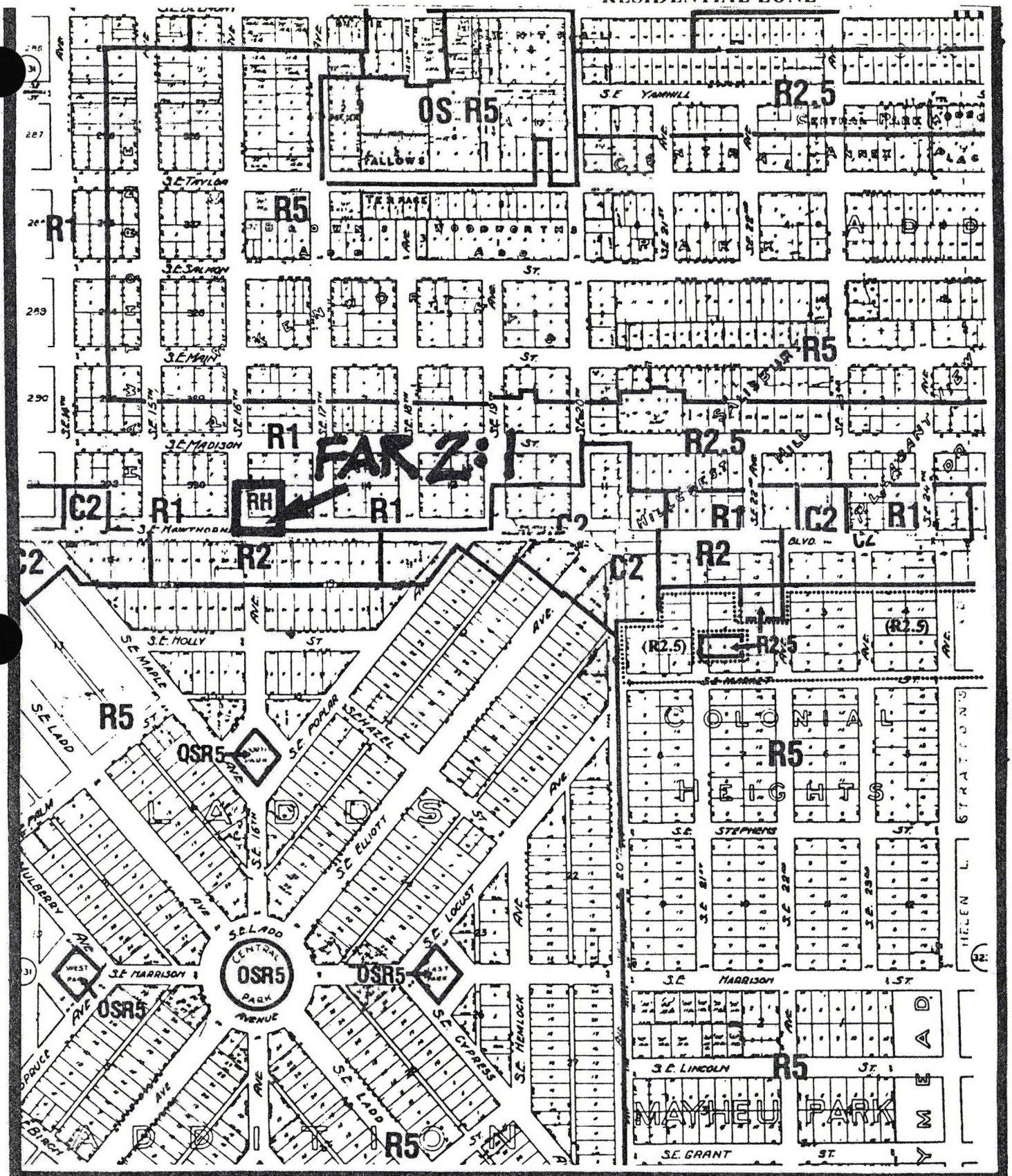
Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 3127, 3128

33.34.070 (3) (r)

RH HIGH DENSITY MULTI-FAMILY RESIDENTIAL ZONE



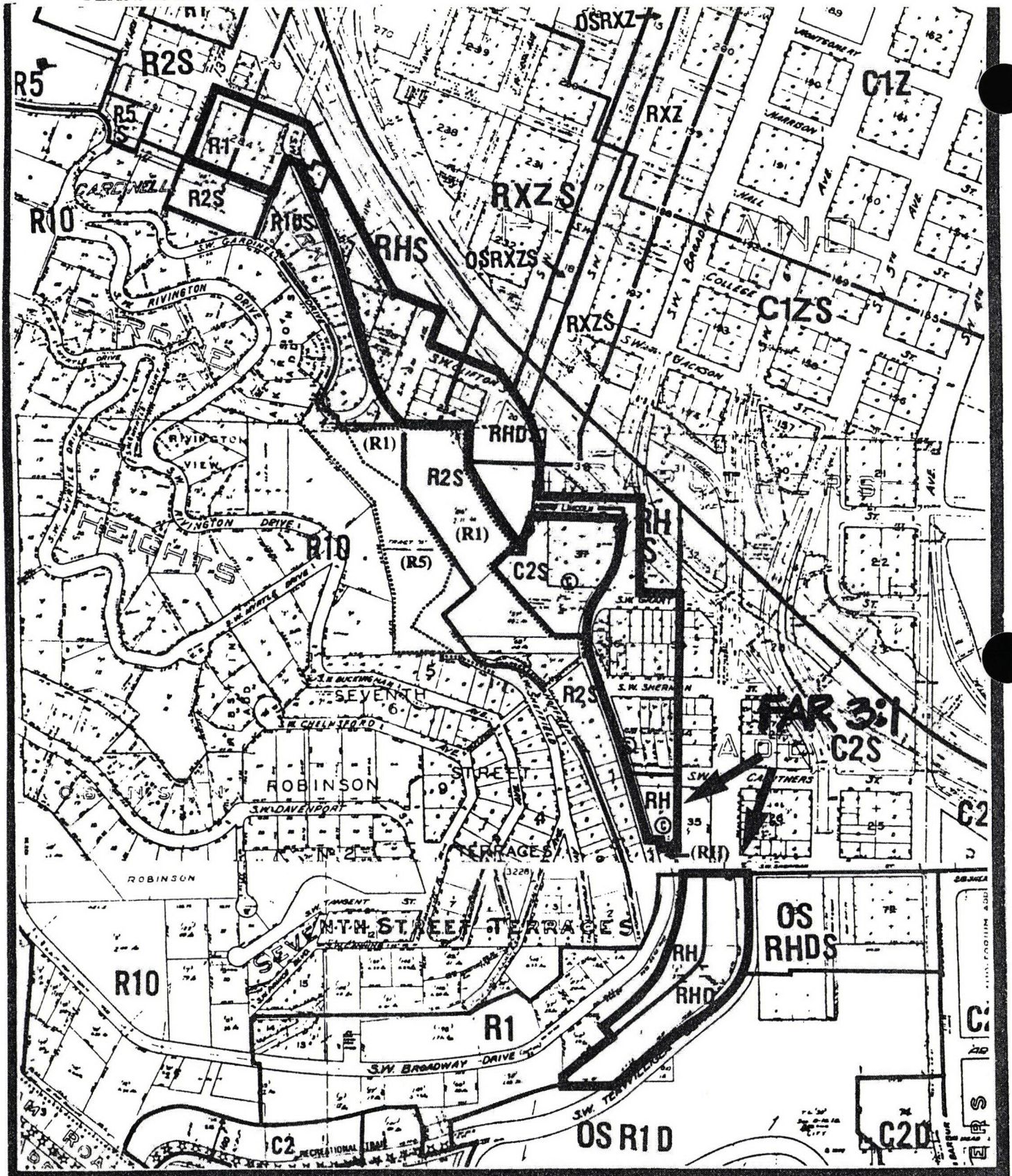
FAR: Floor Area Ratio

Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 3132

33.34.070 (3) (s) Title 33 1-1-81



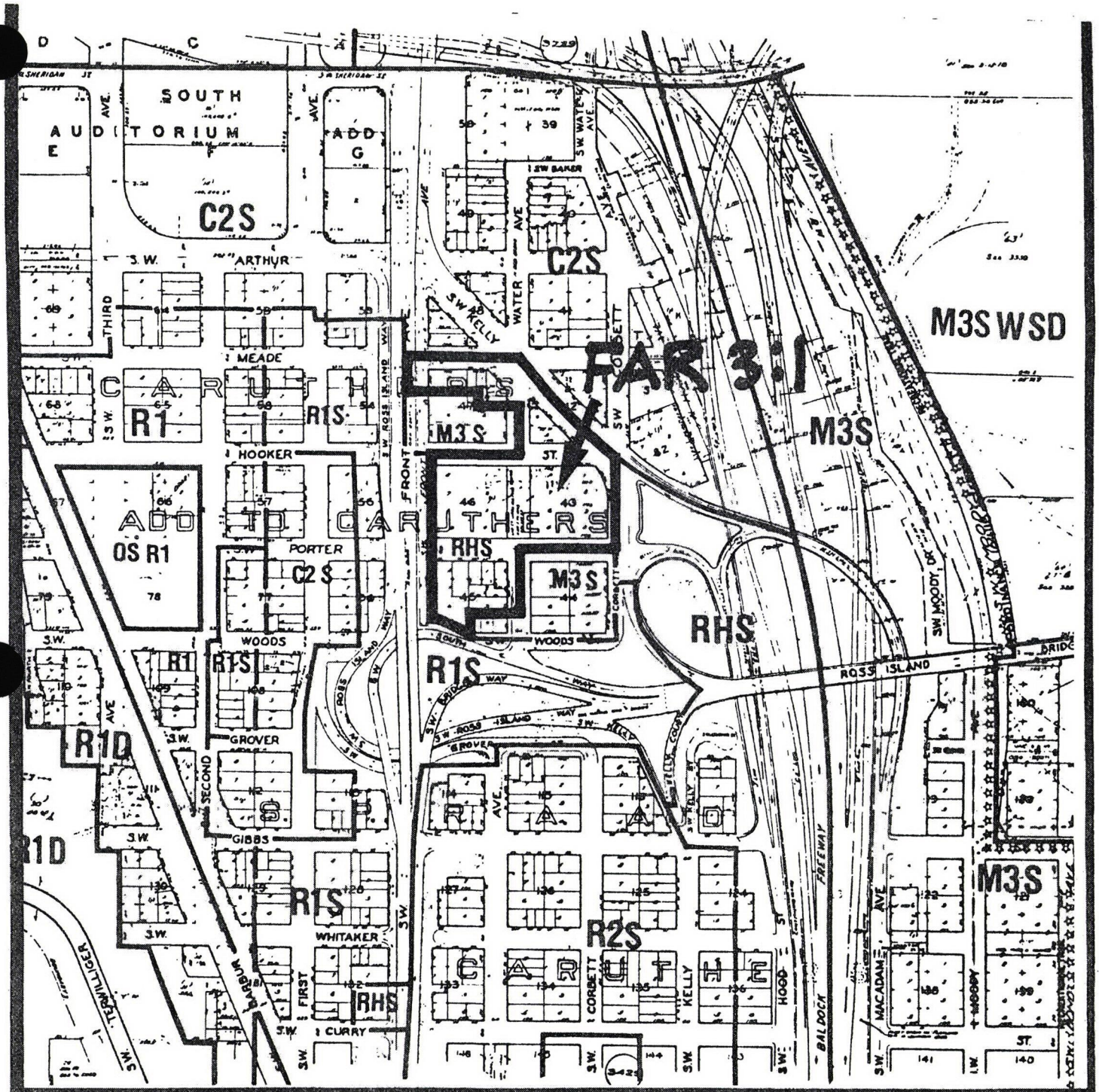
FAR: Floor Area Ratio

Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 3228, 3328

33.34.070 (3) (t)



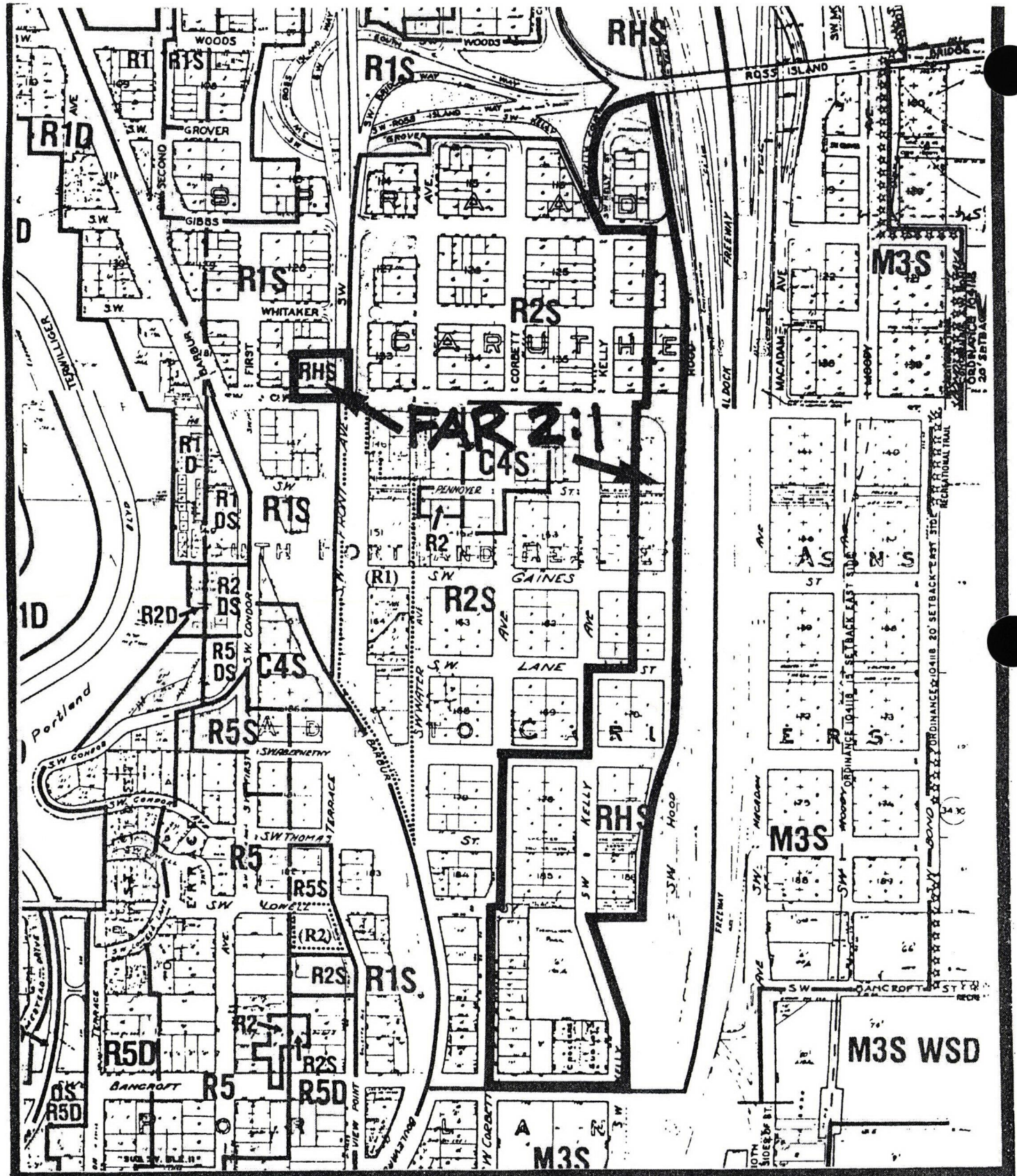
FAR: Floor Area Ratio

Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 3329

33.34.070 (3) (u)



FAR: Floor Area Ratio

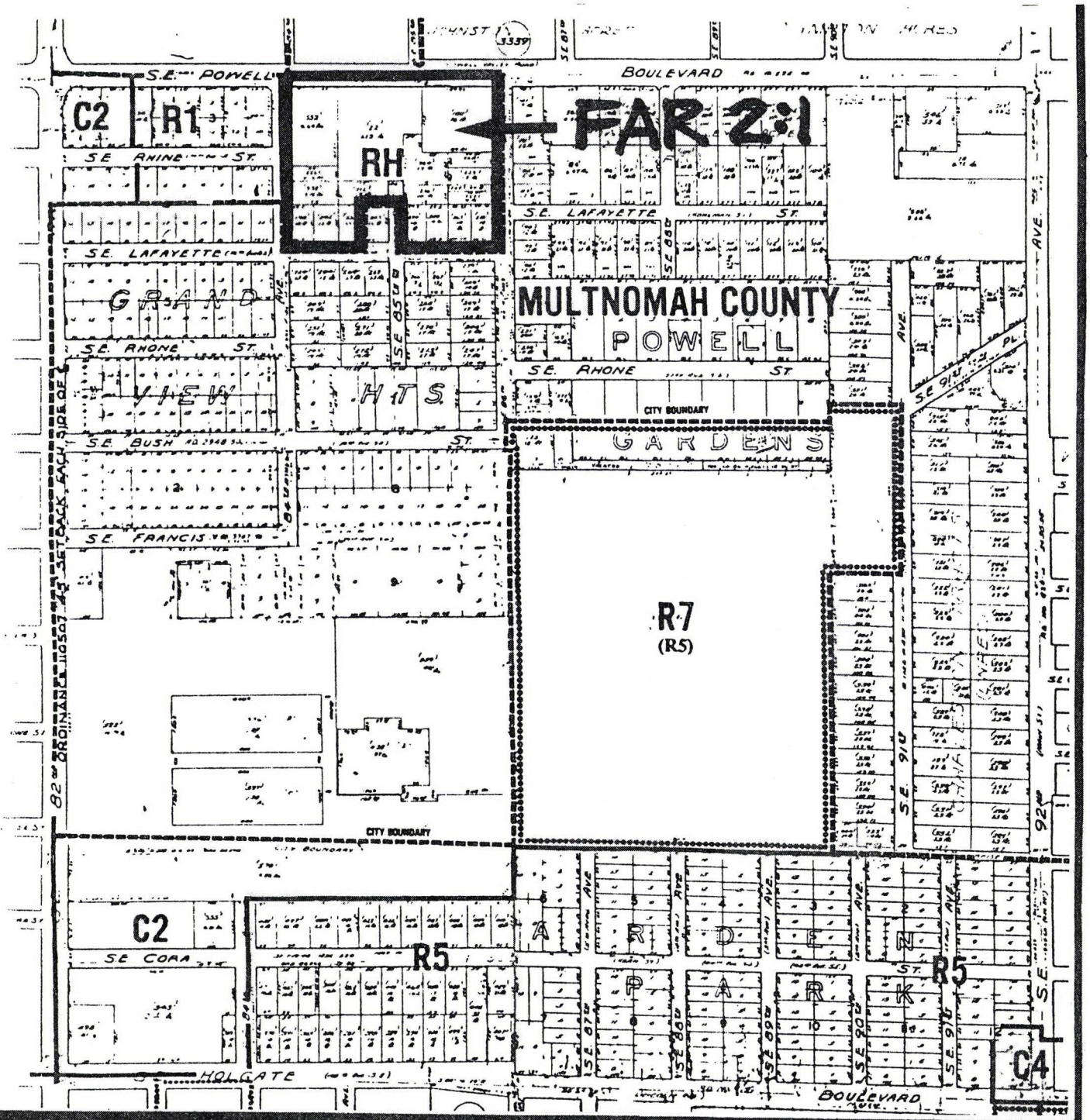
Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 3329, 3429

33.34.070 (3) (v)

RH HIGH DENSITY MULTI-FAMILY RESIDENTIAL ZONE



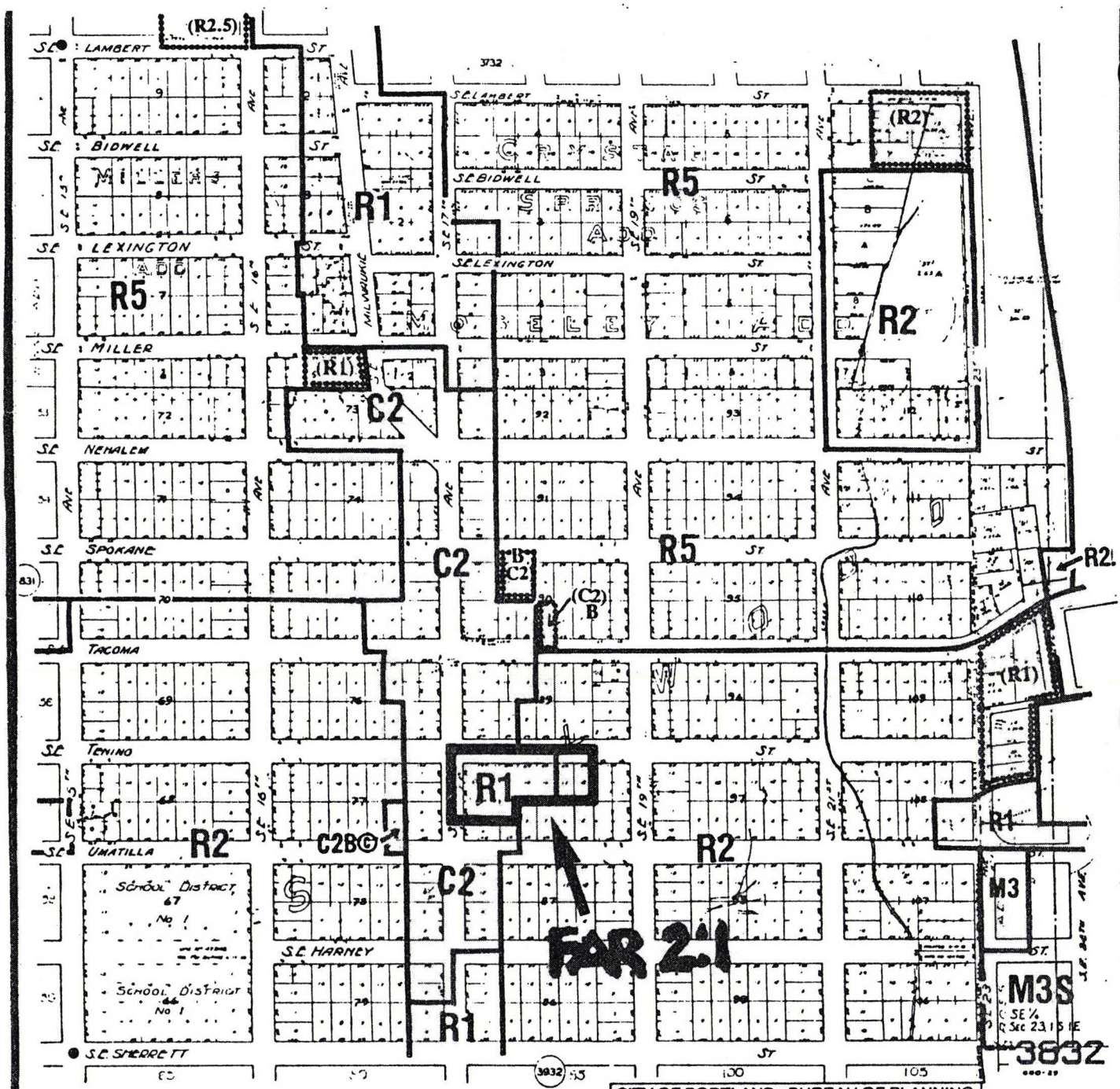
FAR: Floor Area Ratio

Boundary of Potential RH Area

Quarter Sections: 3439

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

33.34.070 (3) (w)



FAR: Floor Area Ratio

Boundary of Potential RII Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 3832

33.34.070 (3) (x)

erty owner;

(4) Trees which die must be replaced by the property owner.

33.34.125 Development adjacent to watercourses and water bodies. (Added 153329 effective July 5, 1982.) (1) Development shall be restricted within the following areas: (a) Between the ordinary high water line and twenty-five feet back of the top of the bank of watercourses and water bodies such as rivers, lakes, ponds, sloughs or wetlands, as shown on the City of Portland Water Features Map.

(b) Within twenty-five feet of the centerline of watercourses such as streams, creeks and drainageways draining thirty acres or more as shown on the City of Portland Water Features Map.

(2) Within the restricted areas the provisions of Section 33.22.115 (2) through (8) shall apply.

33.34.130 Signs permitted. (Amended 153373 effective July 17, 1982) All signs permitted in this residential zone shall be either wall signs or freestanding signs. Wall signs shall be located on the first story of a building and no sign shall be located above the roofline. Freestanding signs shall not exceed a height of four feet unless otherwise specified, and must be located wholly on private property. All signs shall be non-illuminated or indirectly illuminated or may be directly illuminated by subdued background such as opaque with translucent copy. Rotating, flashing, animated and electronic information signs are prohibited in this zone.

1. Each dwelling is permitted the following signs:

(a) One identification sign not to exceed 3/4 of a square foot in area. Such sign shall be placed flat against the building and not above the roofline. In instances where building-mounted signs are not distinctly visible from a public right-of-way, then such sign may be affixed to a permanent structure at the primary entranceway to such property at a height not to exceed four feet.

(b) One real estate sign, not to exceed four square feet in area and six and one-half feet in height, which advertises the sale or rent of the dwelling until the dwelling is sold or rented. Corner lots are permitted two such signs, one on each street frontage.

(c) Building numbers shall be exempt from regulation herein and shall be located as required in Chapter 17.92 of the City Code.

(d) A minimum number of required off-premise directional signs are permitted for the purpose of directing traffic to an open house for rent, lease or sale of real or personal property while an agent is on the premises. Such sign may only be erected or displayed for the period of time the house is open and shall be subject to all other regulations of temporary signs. Such sign shall not exceed four feet in height nor twelve square feet in sign area.

2. Each tract development, attached-housing project or complex is permitted the following signs:

(a) Two permanent signs identifying the name of a housing project, each sign not to exceed twenty square feet in area, requiring a permit.

(b) Two signs used in conjunction with tract development and sales may be permitted for the period of construction only. Such signs may not exceed thirty-two square feet each and shall not be illuminated.

(c) A permanent sign not to exceed three square feet in area indicating units available for sale or rent. For corner lots, one such sign is permitted on each frontage, requiring a permit.

(d) One temporary A-frame sign not to exceed twelve square feet in area, indicating a vacancy on the premises, to be removed when the unit no longer is vacant.

(e) One temporary banner not to exceed thirty-six square feet in area, to be displayed no longer than sixty days and to be securely fastened flat against the building. Such banner shall be used one time only for the purpose of advertising the opening of a new complex.

3. Conditional Uses - (see Section 33.20.240 for permitted uses) - The following signs require permits:

(a) Each authorized conditional use shall be permitted one sign not to exceed twenty square feet in area nor ten feet in height. Churches are permitted a bulletin board in addition but the combined area of all signs shall not exceed thirty square feet.

(b) If additional signing is desired such sign(s) must be approved with the application for a conditional use.

(c) Signs which do not conform to provisions (a) or (b) may be approved under the

conditional use procedure and criteria for sign approval outlined in Chapter 33.106 of this code.

4. Nonconforming Uses. Sign regulations for nonconforming uses are listed in Section 33.94.020 of this title.

PRE-EXISTING USES

33.34.140 Pre-existing uses. (Am 153826 ef Oct. 18, 1982)

(a) Purpose. The purpose of the pre-existing use section is to minimize hardships on land use activities that were subject to restrictive zone changes resulting from the implementation of the Comprehensive Plan on January 1, 1981. The Comprehensive Plan contained significant zoning map and zoning code changes to better guide future land use decisions in the City. As a result, some land use activities no longer comply with the regulations of this Title. The pre-existing use regulations are a means to provide these affected uses some of the rights of their previous zoning, while making new uses subject to the current zoning code and map. The regulations provide flexibility for expansion and continued operation of the pre-existing use. They are intended to generally be less restrictive than the non-conforming use regulations of Chapter 33.94.

(b) Definition. A pre-existing use is: (1) A use that was:

Existing at the time the Comprehensive Plan took effect on January 1, 1981; and

Was a principal or approved conditional use in its zone, and complied with all siting, structural and parking regulations; but

(2) As a result of a zoning map or zoning code change at the time of the Plan's implementation:

The use is no longer a principal or conditional use in its zone; or

The use no longer complies with all siting, structural and parking standards of this chapter.

(c) Regulations. Pre-existing uses shall be subject to the following regulations: (1) Change of use. Upon issuance of a certificate of occupancy a pre-existing use may change to a conforming use. A pre-existing use may be changed to a use of the same or more restrictive classification in accordance with the conditional use procedures of Chapter 33.106 without loss of pre-existing status. However, a pre-existing use may not be changed to a use that would not have been permitted at that location prior to the implementation of the Comprehensive Plan on January 1, 1981. After change of a pre-existing use to a conforming use, or more restrictive use, it shall not hereafter be changed to any less restrictive use.

(2) Change of ownership. A pre-existing use may change ownership without loss of pre-existing use status.

(3) Damage by fire. Any structure containing a pre-existing use damaged or destroyed by a fire or other cause beyond the control of the owner may be reconstructed in accordance with the floor area ratio, yard, height and parking regulations currently in effect for the zoning category in place on December 31, 1980.

(4) Floor area expansion.

A. A pre-existing use may increase floor area on an existing site subject to the floor area ratio, yard, height, and parking regulations currently in effect for the zoning category in place on December 31, 1980.

B. For the purpose of subsections (4) and (5) of this section, a lot will be considered part of the existing site of a pre-existing use if, on December 31, 1980 it was in the same ownership, it was in active use by the pre-existing use as part of its business and the lot contains some improvements supporting its active use.

(5) Site expansion. A pre-existing use may expand up to 100 percent in site area subject to the following requirements: A. Site expansion shall occur only on adjacent parcels, or on ones wholly or in part directly across a public right-of-way from the original location of the pre-existing use.

B. Site expansion shall occur only on parcels that have the same or less restrictive zoning than the pre-existing use site, but in no case shall expansion be onto parcels where the expansion would not have been allowed under the zoning in place on December 31, 1980.

C. In cases where the expansion site was in the same ownership as the existing site on December 31, 1980, and the expansion site had the same zoning as the pre-existing use site on that date, the expansion is allowed outright. All other site expansions shall be subject to the conditional use process of Chapter 33.106.

D. The regulations for the site expansion governing floor area ratio, yards, height and parking shall be those currently in effect for the zone category on the expansion site in place on December 31, 1980.

E. At the time of such expansion of area, street trees must be provided on all rights-of-way abutting the use, and all parking areas must be landscaped to conform with the requirements of Chapter 33.82. Tree planting layout and selection shall be in conformance with the City's street tree planting guidelines and approved by the City Forester and the Fire Bureau.

(6) Signs.

A. Signs that were in conformance with the zoning in place on December 31, 1980 may be replaced by a sign of comparable area, height and illumination, or by a sign which complies with the regulations of this Chapter, whichever is less restrictive.

B. Pre-existing uses not previously having a sign may install a sign subject to the regulations of this Chapter.

(7) If a pre-existing use is discontinued for more than two years, it shall not be re-established. Future use of the site shall be limited to those allowed under the provisions of this Chapter, except as provided for in Section 33.94.080.

ACCESSORY BUILDINGS AND USES

33.34.150 Generally. No separate permit shall be issued for the construction of any type of accessory building or use prior to that of the main dwelling.

33.34.160 Classifications. Types of accessory buildings and uses permitted in RH Zones are the following:

Type 1: Garage, carport, private studio, pergola, art objects and other landscape features and private greenhouse.

Type 2, 3 and 4 are not permitted.

Type 5: Swimming pool, tennis court, or other type of recreational facility.

Type 6: Business and service enterprises primarily for the convenience of apartment residents and hotel or motel guests.

Type 7: Home occupations.

33.34.170 Type 1. In RH Zones, uses and buildings, on the same lot accessory to principal uses of a Type 1 classification shall comply with the following:

(1) No Type 1 accessory buildings, detached or attached, to a one family dwelling, except a garage in a bank of earth or on sloping ground [see subsections (8) and (9)], shall be located closer to the street lot line than twenty-two feet;

(2) Under the following conditions, any Type 1 accessory building one story in height may be built adjacent to or on a rear and/or side lot line if the wall along or adjacent to such rear and/or side lot line is of masonry not less than eight inches in thickness for its full length and width and for the full height of such accessory building:

(a) If a detached accessory building is located ten or more feet to the rear of the main building,

(b) If an attached accessory building is located forty feet or more from the front lot line,

(c) If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line; provided, however, a one story detached garage legally erected along or adjacent to said lot line before March 4, 1948, may be extended in length not more than four feet with same type of construction as the existing garage if the number of cars to be accommodated is not increased.

(3) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subsection (2), it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes;

(4) Any Type 1 accessory building, attached or detached, if more than one story, shall not be built up to either side and/or rear lot lines, and shall be subject to the regulations for lot coverage, yards, and courts of a principal use;

(5) No door of an accessory building shall at any point of its travel extend over a street lot line, except an overhead garage door;

(6) A garage may be located in a lower story of a dwelling, but the garage portion of the dwelling, except when in a bank of earth or on sloping ground [see subsections (7) and (8)], shall not be built closer to a street lot line than the building wall at the side of or above unless the wall of the garage portion is at least twenty-two feet from the street lot line. No motor vehicle door of such garage shall be located less than twenty-five feet from the corner of a lot where two streets intersect;

(7) A detached or attached garage, not exceeding five hundred and fifty square feet in area, may be constructed in a natural bank of earth without regard to front yard regulations, provided all exterior walls of the garage, with the exception of the front wall, are concealed by the earth for not less than seventy-five percent of their separate areas. The height of the highest part of the garage wall or roof, if same comes above the level of the adjoining earth, shall not exceed ten feet above the floor level of the garage;

(8) When a detached or attached garage is constructed on a lot sloping downward from a street, the average elevation of the lot being not less than ten feet below the sidewalk level, the front wall of the garage need not set back farther from the street lot line than the average contour elevation line of the lot which is five feet below the sidewalk elevation. It is provided, however, that in no case shall the front wall of the garage be closer to the street lot line than five feet. Such garage shall not exceed a height of ten feet above the adjacent sidewalk level, and shall not encroach upon the required yard of any building on the same lot, unless it is built up to the side lot line and complies with subsection (3);

(9) The ground area covered by all Type 1 accessory buildings on the same lot of a one or two family dwelling shall not exceed ten percent of the lot area.

33.34.180 Type 5. In RH Zones, uses and buildings on the same lot accessory to principal uses of a Type 5 classification shall comply with the following:

(1) When a Type 5 accessory use contains a building or is contained within a building, said building, whether attached or detached, shall not be located closer to any lot line than that distance required of the principal use;

(2) Under the following conditions, any Type 5 accessory building may be built adjacent to or on a rear and/or side lot line if the wall along or adjacent to such rear and/or side lot line is of masonry not less than eight inches in thickness for its full length and width, and for the full height of such accessory building;

(a) If a detached accessory building is located ten or more feet to the rear of the main building,

(b) If an attached accessory building is located forty feet or more from the front lot line,

(c) If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line but no closer to the front property line than permitted in (a) or (b);

(3) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in com-

pliance with subsection (2), it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes;

(4) No swimming pool shall be located closer than three feet to any property line nor closer than three feet to any wall or fence.

33.34.190 Type 6. In RH Zones, uses of a Type 6 classification accessory to principal uses shall comply with the following:

(1) Such business services shall be limited to the following:

(a) Barber shops;

(b) Beauty parlors;

(c) Collection agencies for laundry, cleaning, or pressing;

(d) Delicatessens;

(e) Dining rooms;

(f) Food stores;

(g) Office of a physician;

(h) Public meeting rooms;

(i) Retail shops selling reading matter, clothing, curios, art objects, or household sundries only;

(j) Service stations, for the sale of gasoline and lubrication, and minor services to automobiles only;

(k) Tailoring, dressmaking, or millinery shops;

(l) Other uses of a business and service nature of a character found similar to the above in accordance with Section 33.114.030;

(2) Such use shall be conducted entirely within the apartment, hotel or motel building or buildings to which it is accessory;

(3) Such use shall have pedestrian access only through an interior hall or lobby of the building wherein situated;

(4) No outside display window or windows, nor signs advertising such uses visible from without such apartment house, hotel or motel shall be allowed;

(5) The floor area devoted to all such uses within a main building or buildings shall not exceed ten percent of the gross floor area of such main building or buildings;

(6) In addition to off-street parking required in Section 33.34.030, hotels and apartments having meeting rooms available for public meetings, entertaining, and other gatherings shall provide one space per fifty-six square feet of floor area within such rooms. Regulations of Chapter 33.82 shall govern.

33.34.200 Type 7. (a) In RH Zones home occupations in the same lot accessory to principal uses of a Type 7 classification shall be permitted only in the following categories:

(1) Office for professional, personal or business service;

(2) Studio for arts, handicrafts or tutoring;

(3) Shops for limited or custom production or minor repair service;

(4) Headquarters for a craftsperson or salesperson;

(5) Home baby-sitting.

(b) Any such home occupation shall comply with the following limitations.

(1) No servant, employee, or any person other than a member or members of the household residing within the dwelling shall engage in a home occupation therein or within an accessory building;

(2) No building shall be used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations;

(3) No activities shall be allowed which involve the use, storage, milling or manufacture of highly combustible materials or internal combustion engines;

(4) All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed Type 1, 2 or 3 accessory building;

(5) The aggregate of all space within any or all buildings devoted to one or more home occupations shall not exceed 500 square feet in floor area;

(6) Any home occupation which causes abnormal automotive or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such

home occupation shall be prohibited;

(7) No enlargements nor alterations to a dwelling or accessory building for the sole purpose of conducting a home occupation shall be permitted;

(8) The premises shall at all times be maintained as residential in appearance, cleanliness and quietness;

(9) Dimensions, power rating or weight of such equipment and tools used in the conduct of the home occupation shall not exceed that of normal household equipment and tools;

(10) Sign: A home occupation shall be permittedone non-illuminated, non-flashing sign, not to exceed three-quarters square foot in area, limited to the name of the occupant and/or a designation of any authorized home occupation, business, profession or calling conducted on the site. Such sign shall be in lieu of, not in addition to, any sign allowed for a principal use in the underlying zone;

(11) Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building;

(12) Customer and client contact shall be primarily by telephone, mail, or in their homes and places of business and not on the premises of the home occupation, except for those home occupations which by their very nature cannot otherwise be conducted except by personal contact with clients;

(13) Products made or sold shall be disposed of solely by delivery from the premises to the homes or places of business of customers;

(14) Other than normal passenger automobiles, only one truck of no more than 8,400 lb. gross vehicle weight (GVW) is permitted to be operated, whether owned or rented, in connection with a home occupation. Such truck, if parked on the premises, shall be kept within a completely enclosed garage;

(15) Instruction in music shall be limited to no more than two students at one time, and in crafts and dance, to no more than six students at one time;

(16) Home baby-sitting is allowed under the following conditions:

(a) Up to and including five children may be cared for on the premises; or

(b) Up to and including ten children may be cared for if:

(i) There is at least 100 sq. ft. of safe, usable open space on the site for outdoor play area; and

(ii) Screening is provided separating such outdoor open space from abutting lots. Such screening shall be at least four feet, but not more than six feet, high and should be a masonry wall, an ornamental wooden fence, a chainlink type wire fence with evergreen vines, or a compact evergreen hedge; and

(iii) If 100% of adjacent neighbors indicate approval. This is included within the normally required 50% approval for home occupations generally.

(iv) If, subsequent to granting a Home Occupation permit for the care of 6-10 children (paragraph b), a petition from 75% of the abutting property owners is received by the Bureau of Buildings opposing the continuation of the increased number of children, the permit shall be amended to allow not more than 5 children.

(17) An office for a physician or dentist is permitted primarily for emergency cases and as an accommodation for retired or part-time practitioners and not as a principal office for the practice of the profession.

(18) Limitations placed on home occupations in this title shall not be construed as prohibiting home occupations conducted by means of receiving and transmitting signals via a home computer terminal linked to a telecommunications network.

(c) (Am 153762 Sept. 2, 1982) Procedure to establish and maintain a home occupation:

(1) Permits for home occupations shall be issued by the Bureau of Buildings and shall be valid for a period of two years only. It shall be the responsibility of the applicant to apply for a permit every two years. Before re-issuance of a permit, the Bureau of Buildings shall review the home occupation for compliance with the requirements of this title. A permit for a home occupation may be revoked at any time if the requirements of this title are not being met. A fee shall be charged for a home occupation permit in accordance with the provisions of Title 24;

(2) No permit shall be issued by the Bureau of Buildings until or unless the applicant shall have received the favorable approval, as indicated by signatures on the authorized application form, of owners or contract purchasers of not less than fifty percent of all property in the area bounded by lines one hundred feet, exclud-

ing street widths, from and parallel to the boundary lines of the lot proposed to contain each home occupation. Area of any property owned or occupied by the applicant shall be excluded in computing required percentage of approval;

(3) If, in the opinion of the applicant, the Bureau of Buildings has acted arbitrarily and capriciously in withholding or revoking a permit for a home occupation, he may request an interpretation of this title by the City Planning Commission as provided in Section 33.114.030. In such cases the dwelling or accessory building to be devoted to a home occupation shall be open for inspection to the staff of the City of Portland on any day between eight a.m. and ten p.m.;

(4) The Bureau of Licenses shall not issue a business license or accept payment of the fee until an occupancy permit for a home occupation is issued by the Bureau of Buildings.

CONDITIONAL USES

33.34.210 Uses permitted. (Amended 151344; and 153329 effective July 5, 1982.) In an RH Zone the following conditional uses may be permitted subject to the regulations contained in section 33.34.210 through 33.34.445 and under authority and according to the procedure specified in chapter 33.106, except the conditional uses permitted in flag lots shall be limited to those listed in section 33.88.070:

(1) Blood collection facilities;
(2) Churches;
(3) Residential buildings accessory to churches;
(4) Colleges;
(5) Community clubs and athletic clubs;
(6) Excavation and filling;
(7) Government structures and uses which are essential to the functioning and servicing of residential neighborhoods;
(8) Homes, convalescent;
(9) Hospitals, general;
(10) Hospitals, mental or remedial;
(11) Uses or buildings accessory to hospitals;
(12) Hotels;
(13) Libraries;
(14) Lodges, fraternal organizations, or private clubs;
(15) Mass transit waiting stations;
(16) Museums;
(17) Neighborhood commercial
(18) Outside entrances for accessory businesses;
(19) Parks, public;
(20) Private helistop accessory to a hospital;
(21) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods;
(22) Residential care facilities;
(23) Schools, nursery;
(24) Schools, public, parochial or private;
(25) Welfare institutions.
(26) Development of lands adjacent to water features as defined in 33.34.125.

33.34.220 Regulations. Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

33.34.230 Churches. Regulations for churches shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) (Amended 153373 effective July 17, 1982) Signs permitted: One sign not to exceed seven feet in length nor twenty square feet in area and one church bulletin board, but the combined area of both sign and bulletin board shall not extend above the building height nor over the sidewalk and each must be located on the property of the church. Any illumination shall be indirect and non-flashing.

33.34.240 Residential buildings accessory to churches. Regulations for residential buildings accessory to churches shall be as follows:

Off-street parking required: In addition to spaces required for the church, one space shall be provided for each ten persons residing in such building.

33.34.250 Colleges. Regulations for colleges shall be as follows:

(1) Off-street parking required: One space per ten seats in classrooms. In addition, one space per five students housed in dormitories, fraternities or sororities shall be provided;

(2) Minimum side or rear yard: 20 feet.

33.34.260 Community clubs. Regulations for community clubs shall be as follows:

Off-street parking required: One space per 84 square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per 12 seats or 24 feet of bench length in the main auditorium.

33.34.270 Athletic clubs. Regulations for athletic clubs shall be as follows:

(1) The membership of such club must be principally from an area within one mile of the proposed site.

(2) Off-street parking required: One space per 100 square feet of athletic facilities area.

33.34.280 Convalescent home. Regulations for convalescent homes shall be as follows:

(1) Classification: Homes having a capacity of 10 or fewer patient beds are classed as small; 11 to 20 beds, medium; over 20 beds, large;

(2) Off-street parking: One space per five beds, except for large homes, one space per three beds;

(3) Off-street loading: Large convalescent homes shall provide one berth.

33.34.290 Excavating and filling. Excavating or filling as defined in this title shall be regulated as a conditional use.

33.34.300 General hospitals. Regulations for general hospitals shall be as follows:

(1) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any general hospital of 5,000 square feet of floor area or greater, off-street loading berths shall be provided according to the following table:

Square Feet of Floor Area	Loading Berths Required
5,000 — 39,999	1
40,000 — 99,999	2
100,000 — 159,999	3
160,000 — 239,999	4
240,000 — 319,999	5
320,000 — 399,999	6
400,000 — 489,999	7
580,000 — 669,999	8
670,000 — 759,999	10
760,000 — 849,999	11
850,000 — 939,999	12
940,000 — 1,029,999	13
Over — 1,030,000	14

(3) Minimum side or rear yard: Twenty feet.

(4) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

33.34.310 Mental, remedial and detention hospitals. Regulations for mental, remedial or detention hospitals shall be as follows:

(1) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any mental, remedial, or detention hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the following table:

Square Feet of Floor Area	Loading Berths
5,000 — 39,999	1
40,000 — 99,999	2
100,000 — 159,999	3
160,000 — 239,999	4
240,000 — 319,999	5
320,000 — 399,999	6
400,000 — 489,999	7
490,000 — 579,999	8
580,000 — 669,999	9
670,000 — 759,999	10
760,000 — 849,999	11
850,000 — 939,999	12
940,000 — 1,029,999	13
Over — 1,030,000	14

(3) Minimum site area:

(a) No hospital shall be established on a site of less than five acres in area,

(b) At least 1,000 square feet of lot or site area shall be provided for each patient bed;

(4) Minimum side or rear yard: 20 feet.

(5) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

33.34.320 Users or buildings accessory to hospitals. Regulations for uses or buildings accessory to hospitals shall be as follows:

(a) General regulations.

(1) The site of any accessory use or building shall be in the same ownership as the hospital to which it is an accessory, unless a restriction is placed upon the property occupied by the accessory use or building and recorded in the appropriate county records at the expense of the applicant, using forms prescribed for that purpose obtainable from the Planning Commission.

Upon submission of satisfactory evidence either that the accessory building will be removed or that the proposed use of the accessory building will not be in conflict with the zoning in which it is located and that it will not alter the parking, site coverage, density and floor area of the hospital as permitted within a project area, the restriction upon the property shall be removed. A copy of said restriction removal shall be made available to the owner of said property for the purpose of recordation.

(2) The accessory use or building shall be located on the hospital site or on a separate site, the nearest portion of which is not more than 300 feet removed from the hospital site to which it is an accessory.

(3) The accessory use or building, if located on a separate site, shall be restricted to a location abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

(4) Minimum side or rear yard: 20 feet.

(b) Offices and/or clinics of physicians for private medical practice.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per each 250 square feet of gross floor area of any area assigned to such use.

(c) Parking garages.

(d) Residential facilities for staff, including nurses' homes, interns' quarters, and other residential buildings.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided for each five persons residing in such building.

(e) Retail facilities for the needs of the patient, including gift shop, barber shop, book store, beauty shop, coffee shop, drug store or pharmacy, or other similar uses.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space per each two employees of such shop or store, provided such employee has not been included as a hospital employee.

(2) Such use shall be conducted entirely within the hospital buildings to which it is accessory, except that a coffee shop may have an outdoor dining area provided such area is screened so that it is not visible from a public street or another property.

(3) Such use shall have pedestrian access only through an interior hall or lobby of the building wherein situated.

(4) (4 repealed, 5 renumbered 153373 effective July 17, 1982) The floor area devoted to all such uses within a main building or buildings shall not exceed ten percent of the gross floor area of such main building or buildings.

(f) Training facilities including school of nursing and other types of training facilities.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per 10 seats in classrooms, provided students have not been included as hospital employees.

33.34.330 Hotels. Regulations for hotels shall be as follows:

(1) Parking: No more than one space may be provided for every four rooms or suites.

(2) Maximum floor area shall meet the requirements of 33.34.070.

(3) Such a use must be no more than 200 feet from a major or minor transit street, a regional transitway or a major city traffic street.

(4) Signs permitted: A sign or signs, non-internally illuminated or non-flashing illuminated, not exceeding 12 square feet in total area, indicating the name of the hotel.

33.34.340 Libraries. Regulations for libraries shall be as follows:

(1) Off-street parking required: One space per 400 square feet of reading room area.

33.34.350 Lodges, fraternal organizations, or private clubs. Regulations for lodges, fraternal organizations, or private clubs shall be as follows:

(1) Such use shall be operated for the benefit of members only and not as a business;

(2) Off-street parking required: One space per 300 square feet of gross floor area;

(3) Signs permitted: Sign or signs, illuminated or non-illuminated, not exceeding six square feet in total area, indicating the name of the organization.

33.34.360 Neighborhood commercial. (Amended 151021 Jan. 22, 1981.)Regulations for neighborhood commercial shall be as follows:

(1) Uses permitted shall be those listed as Principal Uses Permitted in the C4 Zone, Chapter 33.40.

(2) Commercial uses shall only be permitted as a part of a residential development, they must be located on the same lot as the residential development they are part of, and such a commercial use shall occupy no more than 20% of the total gross square footage in the residential project.

(3) Such uses shall be limited to the ground floor of the project, except that such neighborhood commercial uses may have a mezzanine level.

(4) Such uses must be at least one-eighth mile from the nearest commercial or mixed use zoned area, except that the following uses may be located throughout an RH area:

(a) Offices, business or professional

(b) Restaurants, tea rooms or cafes, without a liquor license.

(5) Parking: No parking need be provided, and no more than one space for every 400 square feet of commercial floor area may be provided.

(6) No more than ten thousand square feet of gross floor area shall be devoted to neighborhood commercial uses as part of any apartment project.

(7) Each neighborhood commercial use may have one non-flashing, non-illuminated sign, not exceeding six square feet in area.

33.34.370 Nursery schools. Regulations for nursery schools shall be as follows:

(1) Off-street parking required: One space per teacher in schools having four or more teachers;

(2) Off-street loading required: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having four or more teachers. Such driveway shall be paved with material as specified in the building regulations;

(3) Outdoor play area: An outdoor play area shall be provided and thereafter maintained with a minimum area of one hundred square feet per child of total enrollment capacity of the school. Screening shall be provided separating such play area from abutting lots. Such screen shall be at least four feet high but not more than six feet high and shall be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge.

33.34.380 Private or public helistop. A private helistop may be permitted in connection with a hospital, subject to the additional regulations contained in Chapter 33.78.

33.34.390 Public parks. Regulations for public parks shall be as follows:

Minimum side or rear yards: Community centers, swimming pools, stadiums and buildings, or portions of buildings containing concessions dispensing refreshments or food shall not be closer than fifty feet to interior lot lines bordering or within an R Zone.

33.34.400 Public utility structures. Exempted from these regulations are underground pipes and conduits and aboveground electric transmission, distribution, communication and signal lines on a single pole system. All other transmission and public utility structures, such as double poles and steel towers for transmission lines, substations, automatic telephone exchanges, relay stations, pumping stations, and treatment plants shall be regulated as conditional uses.

33.34.410 Public, private or parochial elementary or primary schools. Regulations for public elementary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms On:	Maximum Number of Classrooms Per Acre
60 percent or more vacant	One floor	3.0
60 percent or more vacant	Two floors	3.0
Less than 60 percent vacant	One floor	4.0
Less than 60 percent vacant	Two floors	4.5

Playground space in a public park adjoining the school site, not separated by a public street may be included as part of the school site area, provided such space is made available by agreement with the Bureau of Parks;

(3) Minimum side or rear yard: Twenty feet.

33.34.420 Private, parochial, or public high schools. Regulations for private, parochial or public high schools shall be as follows:

(1) Off-street parking: One space per fifty-six quare feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per eight seats or sixteen feet of bench length in the main auditorium;

(2) Minimum side or rear yard: Twenty feet.

33.34.430 Residential care facilities. Regulations for residential care facilities shall be:

(1) Lot size required.

(a) The minimum lot area shall be 5,000 square feet per facility.

(b) The minimum lot width shall be fifty feet.

(c) The minimum lot depth shall be eighty feet.

(2) Minimum on-site open space.

(a) Two hundred square feet for each resident served under the age of twelve years.

(b) Three hundred square feet for each resident served twelve years through seventeen years of age.

(c) One-hundred fifty square feet for each resident served eighteen years of age or older.

(3) Minimum off-street parking. One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility.

(4) Valid certificate of review (license to operate) issued under Chapter 8.80 of the municipal code.

33.34.440 Welfare institution. Regulations for welfare institutions shall be as follows:

(1) Off-street parking: One space per ten beds for patients or inmates;

(2) Off-street loading: For any welfare institution of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 —	1
40,000 —	2
100,000 — 159,999	3
160,000 — 239,999	4
240,000 — 319,999	5
320,000 — 399,999	6
400,000 — 489,999	7
490,000 — 579,999	8
580,000 — 669,999	9
670,000 — 759,999	10
760,000 — 849,999	11
850,000 — 939,999	12
940,000 — 1,029,999	13
Over — 1,030,000	14

(3) Minimum side or rear yard: Twenty feet.

33.34.445 Development of lands adjacent to water features as defined in Section 33.34.125. (Added 153329 effective July 5, 1982.) Regulations for development of lands adjacent to water features shall be those listed in Section 33.22.495.

33.34.450 Prohibited uses. Uses of structures and land not specifically mentioned in this chapter are prohibited in all RH Zones.

The use of an automobile trailer house as a residence is prohibited in all RH Zones. Such trailers are below the room size, ceiling height, and other requirements in the housing regulations.

Chapter 33.36

(Added by Ord. No. 147239; amended by 150581 effective Jan. 1, 1981.)

RX DOWNTOWN MULTI-FAMILY RESIDENTIAL ZONE

Sections:

33.36.010 Generally.
33.36.020 Purpose.
33.36.030 Z Downtown development zone applicable.

Principal Uses

33.36.040 Uses permitted.
33.36.050 Limitations on use.
33.36.060 Off-street parking.
33.36.070 Off-street loading.
33.36.080 Minimum lot size.
33.36.090 Maximum lot coverage.
33.36.100 Maximum floor area.
33.36.110 Maximum height.
33.36.120 Minimum yards.
33.36.125 Street trees.
33.36.130 Signs permitted.
33.36.140 Demolition.

Accessory Buildings and Uses

33.36.150 Accessory buildings and uses.

Conditional Uses

33.36.160 Uses permitted.
33.36.162 Public transit facilities.
33.36.170 Regulations.
33.36.180 Prohibited uses.

33.36.010 Generally. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) In all RX Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

33.36.020 Purpose. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) The RX Downtown Multi-Family Residential Zone is intended to provide regulations governing use and development for a mixture of apartment residential and institutional uses, together with appropriate office and retail activities serving the residents of the zone as well as complementing nearby downtown retail and office uses.

33.36.030 Z Downtown development zone applicable. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) The entire area within the RX Downtown Multi-Family Residential Zone also shall be considered to be within the Z Downtown Development Zone, and shall be subject to the provisions of Chapter 33.56.

Principal Uses

33.36.040 Uses permitted. (Amended by Ord. No. 150581 effective Jan. 1, 1981

(1) Residential uses. The following residential uses are permitted in any part of the RX Zone:

(a) One family dwellings;
(b) Two family dwellings;
(c) Multi-family dwellings;

(d) Boarding and rooming houses;
(e) Hotels in which more than half the rooms are occupied on a weekly or monthly basis.
(f) (Add 155589 ef Mar. 12, 1984) Residential homes.

(2) Commercial uses. Except the area as provided for in subsection (3) of this section, all uses listed under 33.44.020 with limitations as provided for in 33.36.100.

(3) Park Block Frontage. Commercial uses shall not be permitted on Lots 1-4, Blocks 221-232, Portland; Lots 5-8, Blocks 197-208, Portland; and Lot 8, Block 196, Portland unless authorized under Conditional Uses 33.36.160 Uses Permitted.

(4) Other uses of a general commercial character found similar to the above in accordance with Section 33.114.030.

33.36.050 Limitations on use. The following limitations shall apply to permitted Cl Central Commercial Uses:

(1) All business and service activities, other than those approved as conditional uses, shall be confined, contained, and conducted wholly within completely enclosed buildings provided that incidental activities related to permitted uses such as outdoor sale of plants, outdoor eating areas and similar outdoor activities may be unenclosed subject to approval in accord with Chapter 33.62 (D Design Zone).

(2) A majority of all goods produced or processed on the premises shall be sold at retail on the premises.

(3) Any uses and operations objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, and other similar causes shall be prohibited.

(4) (Add 152549, am 153062; and 155387 Dec. 8, 1983) Adult businesses as defined in Chapter 33.80 are prohibited.

33.36.060 Off-street parking. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) There shall be no minimum off-street parking requirements in the RX Zone. Off-street parking when approved in accordance with the procedures specified in Chapter 33.106 shall be subject to requirements specified in Chapter 33.56 and regulations in Chapter 33.82.

33.36.070 Off-street loading. (1) It is the policy of the city to require off-street loading facilities in order to maintain an efficient use of street right-of-way. Off-street loading berths meeting the requirements of Chapter 33.86 shall be provided as follows:

(a) Apartments (or apartment dwelling: 33.12.090):

Number of Units	Loading Berths Required
Less than 50	None
50 or more	1

(b) Offices:

Gross Floor Area	Loading Berths Required
Less than 30,000 sq. ft.	None
30,000 sq. ft. and over	1

(c) Business and service uses:

Gross Floor Area	Loading Berths Required
Less than 20,000 sq. ft.	None
20,000 sq. ft. and over	1

(d) In the aggregate no more than one (1) loading berth would be required.

(2) If the above provisions create site, building development, or circulation problems, and if the Traffic Engineer concludes that on-street loading zones more effectively will promote the goals and objectives set forth in Planning Guidelines/Portland Downtown Plan and Downtown Parking and Circulation Policy, such on-street loading zones shall be authorized in lieu of off-street loading berths.

33.36.080 Minimum lot size. There shall be no minimum lot size requirement.

33.36.090 Maximum lot coverage. There shall be no limitation on lot coverage, except as may result from requirements of Section 33.36.120.

33.36.100 Maximum floor area. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) (1) Maximum total floor area permitted on each site shall be as prescribed in Chapter 33.56.

(2) Of the total floor area built on any one site, no more than 20% may, as a matter of right, house commercial uses permitted by Section 33.36.040(2) or by Section 33.36.160(2). No more than an additional 20% of the total floor area built may house commercial uses permitted by Section 33.36.040(2) if approved as conditional uses under procedures specified in Chapter 33.106.

(3) With exception to the Park Block frontage specified in Section 33.36.040(3), for a three-year period after the effective date of this ordinance more than 40% and up to 100% of the total floor area built may house commercial uses if approved as conditional uses according to the procedure specified in Chapter 33.106 and if in compliance with guidelines adopted by City Council.

(4) With exception to Park Block frontage specified in Section 33.36.040(3) nonresidential floor area may be transferred between two or more contiguous or noncontiguous sites with RX Zones, provided that:

(a) buildings on each site shall conform to all sections of this chapter;

(b) the total residential floor area on all sites developed jointly involving transfer shall be assured by withholding issuance of a certificate of occupancy for the nonresidential floor space until a certificate of occupancy for the residential floor space is issued.

(c) nonresidential floor area transfer is approved under 33.36.160(4).

33.36.110 Maximum height. Maximum height shall be prescribed in Chapter 33.56.

33.36.120 Minimum yards. Courts and yards necessary to provide adequate light, air and privacy may be required under the procedures set forth in Chapter 33.62.

33.36.125 Street trees. (Add 153668 Aug. 12, 1982) Street trees shall be provided in the right-of-way adjacent to any project property line, in conformance with the following requirments:

(1) The planting, removal and maintenance of street trees shall be subject to the provisions established by Chapter 20.40, Street Tree Regulations. Until such time as a comprehensive plan for the planting and maintenance of street trees is developed, street tree plantings shall conform with the City's Street Tree Planting Guidelines, which may be obtained from the Park Bureau.

(2) The City's Tree Advisory Committee shall review downtown development plans to assure compliance with the intent of this chapter, Chapter 20.40 (Street Tree Regulations) and the Street Tree Planting Guidelines.

A. The committee may waive or modify street tree requirements as may be necessary in consideration of the physical constraints of a particular site.

(3) Street tree layout must be approved by the Fire Bureau and other affected City bureaus.

(4) Care and maintenance of street trees is the continuing responsibility of the project property owner.

(5) Street tree plantings, subject to these provisions, shall be required for all new construction and all additions, alterations or repairs of existing facilities exceeding 50% of the value of the existing buildings or improvement.

33.36.130 Signs permitted. (Added 153373 effective July 17, 1982) All residential signs permitted in this mixed-use zone shall be either wall signs or freestanding signs. Wall signs shall be located on the first story of a building and no sign shall be located above the roofline. Freestanding signs shall not exceed a height of four feet unless otherwise specified, and must be located wholly on private property. All signs shall be non-illuminated or indirectly illuminated or may be directly illuminated by subdued background such as opaque with translucent copy. Rotating, flashing, animated and electronic information signs are prohibited for both residential and commercial uses in this zone. Commercial uses are subject to the sign regulations of the C1 zone contained in Section 33.44.130 of this title.

1. Each dwelling is permitted the following signs:

(a) One identification sign not to exceed 3/4 of a square foot in area. Such sign shall be placed flat against the building and not above the roofline. In instances where building-mounted signs are not distinctly visible from a public right-of-way, then such sign may be affixed to a permanent structure at the primary entranceway to such property at a height not to exceed four feet.

(b) One real estate sign, not to exceed four square feet in area and six and one-half feet in height, which advertises the sale or rent of the dwelling until the dwelling is sold or rented. Corner lots are permitted two such signs, one on each street frontage.

(c) Building numbers shall be exempt from regulation herein and shall be located as required in Chapter 17.92 of the City Code.

(d) A minimum number of required off-premise directional signs are permitted for the purpose of directing traffic to an open house for

rent, lease or sale of real or personal property while an agent is on the premises. Such sign may only be erected or displayed for the period of time the house is open and shall be subject to all other regulations of temporary signs. Such sign shall not exceed four feet in height nor twelve square feet in sign area.

2. Each tract development, attached-housing project or complex is permitted the following signs:

(a) Two permanent signs identifying the name of a housing project, each sign not to exceed twenty square feet in area, requiring a permit.

(b) Two signs used in conjunction with tract development and sales may be permitted for the period of construction only. Such signs may not exceed thirty-two square feet each and shall not be illuminated.

(c) A permanent sign not to exceed three square feet in area indicating units available for sale or rent. For corner lots, one such sign is permitted on each frontage, requiring a permit.

(d) One temporary A-frame sign not to exceed twelve square feet in area, indicating a vacancy on the premises, to be removed when the unit no longer is vacant.

(e) One temporary banner not to exceed thirty-six square feet in area, to be displayed no longer than sixty days and to be securely fastened flat against the building. Such banner shall be used one time only for the purpose of advertising the opening of a new complex.

3. Conditional Uses - (see Section 33.36.160 for permitted uses) - The following signs require permits:

(a) Each authorized conditional use shall be permitted one sign not to exceed twenty square feet in area nor ten feet in height. Churches are permitted a bulletin board in addition but the combined area of all signs shall not exceed thirty square feet.

(b) If additional signing is desired such sign(s) must be approved with the application for a conditional use.

(c) Signs which do not conform to provisions (a) or (b) may be approved under the conditional use procedure and criteria for sign approval outlined in Chapter 33.106 of this code.

4. Nonconforming Uses. (See Subsection 33.94.020(f)) - Sign regulations for nonconforming uses are listed in Section 33.94.020 of this title.

33.36.140 Demolition. No demolition permit will be issued for any existing residential structure by the Bureau of Buildings until such proposal for demolition has been reviewed in accordance with Chapter 24.13 of the Portland Zoning Code as though the proposed demolition fell under the scope of Chapter 13 of the Appendix of the Uniform Building Code.

Review will not be required if a building permit already has been issued for that site, or if condemnation proceedings on such structure have been accomplished.

Accessory Buildings and Uses

33.36.150 Accessory buildings and uses. (Am 153828 ef Oct. 18, 1982) All accessory buildings and uses in the RX Zone must comply with Sections 33.34.150 through 33.34.200 inclusive.

Conditional Uses

33.36.160 Uses permitted. In the RX Zone the following conditional uses may be permitted, subject to the regulations contained in Section 33.36.170 and the procedures specified in Sections 33.106.010 to 33.106.040.

(1) All uses permitted under Section 33.36.040(2) with limitations as provided for in Section 33.36.100.

(2) Retail and Service Commercial with limitations as provided for in 33.36.100(2).

(3) The following uses which are exempt from the maximum floor area provisions of Section 33.36.100(2):

(a) Artist studios;

(b) Athletic clubs;

(c) Auto service facilities if enclosed in a public or private off-street parking structure when such service facility does not exceed 5,000 sq. ft. of gross floor area;

(d) Colleges;

(e) Community clubs;

(f) Excavations and filling;

(g) Municipal, county, state and federal governmental structures and land uses, which are essential to the functioning and servicing of residential neighborhoods;

(h) Libraries;

(i) Lodges or fraternal organizations or private clubs;

(j) Museums;

(k) Nurses' homes or other residential buildings accessory to hospitals;

(l) Outdoor activities not incidental or related to permitted uses, such as commercial amusements, open air markets, vendors and eating places not otherwise regulated by the City code;

(m) Places of worship;

(n) Public parks, recreation and cultural facilities;

(o) Public or private off-street parking;

(p) (p added, p-v relettered q-w 152989 Mar. 18, 1982) Public transit facilities;

(q) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods;

(r) Residential buildings accessory to places of worship;

(s) Nursery schools, day care centers;

(t) Schools, parochial and private;

(u) Schools, public;

(v) Welfare institutions and residential care facilities;

(w) Retail and service commercial clearly accessory to one or more of the above uses.

(4) Nonresidential floor area transfer permitted under Section 33.36.100(4).

33.36.162 Public transit facilities. (Added 152989 Mar. 18, 1982.) (1) Public transit facilities may be permitted, subject to the regulations contained in Section 33.36.170 and the procedures specified in Sections 33.106.010 to 33.106.040. Items for consideration in granting a request for a public transit facility as a conditional use in the RX Zone may include, but are not limited to, pedestrian access, screening, landscaping, artificial lighting, ability to develop air rights where feasible, and avoidance of blank walls.

(2) A transit vehicle may layover for emergency repair no longer than the time required to accomplish the repair necessary to move the vehicle, or eighteen hours, whichever is less.

33.36.170 Regulations. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) (1) Off-street parking and loading requirements, provisions governing signs, or other conditions or limitations or approval, shall be guided by regulations applicable to similar permitted or conditional uses in other zones and by specific development objectives and conditions in the RX Zone and in downtown.

(2) If regulations differing from those governing principal uses permitted in RX Zones are not specified in this chapter or in the written instrument approving a conditional use, then the regulations governing principal uses shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading, and yard requirements are contained in Chapters 33.82, 33.86 and 33.90

33.36.180 Prohibited uses. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Uses of structures and land not specifically mentioned in this chapter are prohibited in all RX Zones.

Chapter 33.38

C5 LIMITED COMMERCIAL ZONE

Sections:

33.38.010 Generally.
33.38.020 Limited to new construction only.
33.38.030 Procedure.
33.38.040 Regulations.
33.38.045 Development adjacent to watercourses and water bodies.
33.38.050 Classifications.

TYPE A

33.38.060 Locations permitted.
33.38.070 Uses permitted.
33.38.080 Limitations on uses.
33.38.090 Off-street parking required.
33.38.100 Off-street loading.
33.38.110 Maximum lot coverage.
33.38.120 Maximum height permitted.
33.38.130 Minimum front yard.
33.38.140 Minimum side yard.
33.38.150 Minimum rear yard.
33.38.160 Signs permitted.
33.38.170 Accessory buildings.
33.38.180 Uses prohibited.

TYPE B

33.38.190 Locations permitted.
33.38.200 Uses permitted.
33.38.210 Limitations on uses.
33.38.220 Off-street parking required.
33.38.230 Off-street loading required.
33.38.240 Maximum lot coverage.
33.38.250 Maximum height permitted.
33.38.260 Minimum front yard.
33.38.270 Minimum side yard.
33.38.280 Minimum rear yard.
33.38.290 Signs permitted.
33.38.300 Accessory buildings.
33.38.310 Prohibited uses.

TYPE C

33.38.320 Locations permitted.
33.38.330 Uses permitted.
33.38.340 Limitations on uses.
33.38.350 Off-street parking required.
33.38.360 Off-street loading required.
33.38.370 Maximum lot coverage.
33.38.380 Maximum height permitted.
33.38.390 Minimum front yard.
33.38.400 Minimum side yard.
33.38.410 Minimum rear yard.
33.38.420 Signs permitted.
33.38.430 Accessory buildings.
33.38.440 Prohibited uses.

CONDITIONAL USES

33.38.500 Uses permitted.
33.38.510 Development of lands adjacent to water features as defined in Section 33.38.045 (1).

33.38.010 Generally. In all C5 Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

33.38.020 Limited to new construction only. After the original enactment of this title and the official zoning maps, C5 Zones shall be established for the purpose of new construction only. Thenceforth no C5 Zone shall be established on property for the purpose of permitting the conversion of an existing structure to uses allowed in this chapter, notwithstanding the fact that such conversion could conform to all the regulations in this chapter.

33.38.030 Procedure. (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) The city council may, from time to time as warranted, establish, change or abolish C5 Zones in accordance with the following procedure:

(1) C5 Zones shall be established on petition of the owner or owners of property to be changed, or the council or the commission may initiate the change. The provisions of Chapter 33.102, together with the additional requirements cited herein, shall govern the procedure to be followed;

(2) The lot, tract, or parcel of land involved shall be: A. In one ownership, B. The subject of a petition filed jointly by the owners of all the property to be changed, or C. An urban renewal area, or part thereof, approved by the planning commission and the city council;

(3) The petitioner shall prepare and submit a preliminary development plan together with a schedule of construction of his proposed project in the C5 Zone. During consideration, a public hearing on said development plan may be held and expert advice from the design commission and other authorities on traffic, health, safety, or other matters germane to the effect of the proposed project on the surrounding property or neighborhood or the city as a whole may be requested. If it is found that the zone change is justified and the preliminary development plan and construction schedule are acceptable in accordance with regulations of this chapter and such requirements deemed necessary in the public interest, the petitioner shall prepare a final development plan and construction schedule for approval;

(4) If it is determined that the C5 Zone should be established and the final development plan and construction schedule or modifications thereof are approved, said plan and schedule shall be made a part of the zone change ordinance and the whole shall be recorded in the deed records;

(5) No building or occupancy permits shall be issued on the property involved unless they are in exact conformance with the approved final development plan;

(6) Failure to begin and complete construction on or prior to the approved dates in the construction schedule shall void the development plan and shall automatically terminate any right to proceed under the approved development plan or the zone change ordinance. Thereafter, it is unlawful for any further construction or any use to be made under the C5 Zone and development or use of the property must comply with the former classification. Whenever it is determined that the construction was not begun and completed on or prior to such approved dates in the construction schedule, a hearing may then be held and recommendation made to the council for an ordinance setting forth the reversion of the property to its former classification;

(7) During the course of construction, changes in the final development plan or schedule deemed necessary by the petitioner may be made and recommendations forwarded to the council for decision and ordinance following the procedure for an initial application;

(8) After the project is constructed and occupied, any subsequent enlargements or alterations or changes of use shall be submitted in accordance with procedure for an initial application.

33.38.040 Regulations. (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) The regulations applying to any particular lot, parcel, or tract in a C5 Zone shall be the zone change ordinance and final development plan, and amendments thereto, according to which the lot, parcel, or tract is to be improved and maintained. The regulations may be varied with each property as is necessary or desirable for the public convenience, health, safety, peace and general welfare and to protect the surrounding property and neighborhood. In no case, however, shall an ordinance establishing a C5 Zone and a final development plan be approved which does not embody at least the requirements specified in Sections 33.38.050 – 33.38.440.

Failure to include the regulations listed in said sections in the zone change ordinance shall not relieve the petitioner from complying with them.

33.38.045 Development adjacent to watercourses and water bodies. (Added 153329 effective July 5, 1982.) (1) Development shall be restricted within the following areas:

(a) Between the ordinary high water line and twenty-five feet back of the top of the bank of watercourses and water bodies such as rivers, lakes, ponds, sloughs or wetlands, as shown on the City of Portland Water Features Map.

(b) Within twenty-five feet of the centerline of watercourses such as streams, creeks and drainageways draining thirty acres or more as shown on the City of Portland Water Features Map.

(2) Within the restricted areas the provisions of Section 33.42.123 (2) through (8) shall apply.

33.38.050 Classifications. In C5 Zones, uses are regulated in accordance with the following classification of sites:

Type A: Sites of 10,000 square feet in area or smaller.

Type B: Sites between 10,000 square feet and five acres in area.

Type C: Sites of five acres in area or larger.

TYPE A

33.38.060 Locations permitted. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Type A sites shall be restricted to locations coming within at least one of the following situations:

(1) Abutting a major or secondary traffic arterial;

(2) Adjoining an RH, C or M Zone and fronting on the same street serving the adjoining lot in the RH, C or M Zone;

(3) Across a street upon which fronts an RH, C, or M Zone;

(4) Abutting or across a street from conditional uses occupying sites of twenty thousand square feet in area or greater.

33.38.070 Uses permitted. (Am 155589 ef Mar. 12, 1984) On Type A sites in C5 Zones, the following uses are permitted:

(1) Offices of the following professions:

A. Dentists;

B. Physicians and surgeons;

C. Psychiatrists.

(2) Residential homes.

33.38.080 Limitations on uses. (a) All uses and operations except off-street parking shall be confined, contained, and conducted wholly within completely enclosed buildings.

(b) High standards of exterior appearance, cleanliness, and quietness shall be maintained at all times. No use or operation shall be objectionable to residents in the vicinity.

(c) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) The site shall be landscaped and maintained at all times in a satisfactory manner.

(d) Hours of operation shall be limited from eight a.m. to ten p.m. except in cases of unusual emergencies.

(e) No merchandise shall be displayed, handled, or sold on the premises.

33.38.090 Off-street parking required. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) (a) One space per two hundred fifty square feet of gross floor area shall be provided and maintained.

(b) Such space shall be located on the site.

(c) Such space shall not be located within the required front yard, and it shall not be closer than fifteen feet to any side or rear lot line abutting an R Zone.

(d) Screening shall be provided and maintained between any parking area and a street line or property in an R Zone. Such screening shall be sufficiently dense to obscure motor vehicle headlights. It shall be at least three feet and not more than four feet high along a street line and at least five feet and not more than six feet high along any other property line. Such screen may be placed along the boundary of the parking area or along a property line but not closer than five feet to a street line. Such screening shall be composed of a masonry wall, an ornamental wooden fence, a compact evergreen hedge, or a chain-link type wire fence with evergreen vines.

(e) The provisions of Chapter 33.82, not in conflict with the above, shall also apply.

33.38.100 Off-street loading. No loading berths are required.

33.38.110 Maximum lot coverage. The area covered by all buildings including accessory buildings shall not exceed twenty-five percent of the lot area.

33.38.120 Maximum height permitted. (a) No structure shall exceed one story or fifteen feet.

(b) On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the fifteen foot height limit.

33.38.130 Minimum front yard.* (Amended by Ord. No. 150581 effective Jan. 1, 1981.) The regulations of the most restricted R Zone abutting the C5 Zone along the same street frontage shall apply.

33.38.140 Minimum side yard.* (Amended by Ord. No. 150581 effective Jan. 1, 1981.) There shall be a minimum side yard on each side of a main building equal to twice the height of the building, except no yard shall be required along a lot line abutting a C4, C3, C2, C1, MX, M3, M2 or M1 Zone.

33.38.150 Minimum rear yard.* (Amended by Ord. No. 150581 effective Jan. 1, 1981.) There shall be a minimum rear yard equal to twice the height of the building, except no yard shall be required along a lot line abutting a C4, C3, C2, C1, MX, M3, M2 or M1 Zone.

33.38.160 Signs permitted. All signs visible from the exterior of the building or buildings are prohibited except one indirectly lighted or transparency name plate not exceeding six square feet in araea, indicating the name of the use only.

*See Chapter 33.90 for additional regulations.

33.38.170 Accessory buildings. All accessory buildings shall be located as far from any lot line as are the required yard depths for main buildings.

33.38.180 Uses Prohibited. (Am 155387 Dec. 8, 1983) (a) All uses not specifically listed in Section 33.38.070, including residential uses, are prohibited on type A sites in C5 zones.

(b) All adult businesses as defined in Chapter 33.80 are prohibited.

TYPE B

33.38.190 Locations permitted. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Type B sites shall be restricted to locations coming within at least one of the following situations:

(1) Abutting a major or secondary traffic arterial;

(2) Adjoining an RH, C3, C2, C1 or M Zone and fronting on the same street serving the adjoining lot in the RH, C3, C2, C1 or M Zone;

(3) Across a street upon which fronts an RH, C3, C2, C1 or M Zone.

33.38.200 Uses permitted. On Type B sites in C5 Zones, the following uses are permitted:

(1) Offices or studios of the following professions:

A. Accountants,
B. Architects,
C. Artists,
D. Attorneys,
E. Authors and writers,
F. Dentists,
G. Designers,
H. Engineers,
I. Investment counselors,
J. Landscape architects,
K. Management consultants,
L. Ministers,
M. Physicians and surgeons,
N. Psychiatrists;

(2) Offices of administrative, educational, financial, philanthropic, religious, research, scientific or statistical organizations;

(3) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Other offices of a character found similar to the above and in accordance with Section 33.114.030;

(4) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Such accessory uses as are judged to be necessary to the use of or desirable for the convenience or recreation of employees.

(5) (Add 155589 ef Mar. 12, 1984) Residential homes.

33.38.210 Limitations on uses. (a) All uses and operations, except off-street parking or outdoor recreational facilities shall be confined, contained, and conducted wholly within completely enclosed buildings.

(b) High standards of exterior appearance, cleanliness, and quietness shall be maintained at all times. No use or operation shall be objectionable to residents in the vicinity.

(c) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) The site shall be landscaped and maintained at all times in a satisfactory manner.

(d) Hours of operation shall be limited from eight a.m. to ten p.m. except in cases of unusual emergencies.

(e) No merchandise shall be displayed, handled, or sold on the premises.

33.38.220 Off-street parking required. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) (a) One space per two hundred fifty square feet of gross floor area, excluding basement area used for heating plant, rest rooms, storage and utility use, shall be provided.

(b) Such space shall be located on the site.

(c) Such space shall not be located within the required front yard, and it shall not be closer than fifteen feet to any side or rear lot line abutting an R or C5 Zone.

(d) Screening shall be provided and maintained between any parking area and a street line or property in an R Zone. Such screening shall be sufficiently dense to obscure motor vehicle headlights. It shall be at least three feet and not more than four feet high along a street line and at least five feet and not more than six feet high along any other property line. Such screen may be placed along the boundary of the parking area or along a property line but not closer than five feet to a street line. Such screening shall be composed of a masonry wall, an ornamental wooden fence, a compact evergreen hedge, or a chain-link type wire fence with evergreen vines.

(e) The provisions of Chapter 33.82, not in conflict with the above, shall also apply.

33.38.230 Off-street loading required. Off-street loading berths shall be provided for any building or group of buildings according to gross floor area as follows:

Square Feet of Floor Area	Loading Berths Required
5,000 - 24,999	1
25,000 - 59,999	2
60,000 - 99,999	3
100,000 - 159,999	4
160,000 - 249,999	5
250,000 - 369,999	6
370,000 - 579,999	7
580,000 - 899,999	8
900,000 - 2,999,999	9
Over - 3,000,000	10

Such berths shall be regulated by Chapter 33.86.

33.38.240 Maximum lot coverage. The area covered by all buildings including accessory buildings shall not exceed twenty percent of the lot area.

33.38.250 Maximum height permitted. (a) No structure shall exceed three stories or thirty-five feet in height.

(b) On any lot, sloping downhill from the street which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the thirty-five foot height limit.

33.38.260 Minimum front yard. There shall be a minimum front yard of not less than thirty feet.

33.38.270 Minimum side yard. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) There shall be a minimum side yard on each side of a main building of not less than two times the height of the structure, except no side yard shall be required between a structure and a lot line abutting a C4, C3, C2, C1, MX, M3, M2 or M1 Zone.

33.38.280 Minimum rear yard. (Amended by Ord. N. 150581 effective Jan. 1, 1981.) There shall be a minimum rear yard of not less than two times the height of the structure, except no rear yard shall be required between a structure and a lot line abutting a C4, C3, C2, C1, MX, M3, M2 or M1 Zone.

33.38.280 Minimum rear yard. There shall be a minimum rear yard of not less than two times the height of the structure, except no rear yard shall be required between a structure and a lot line abutting a C4, C2, C1, M3, M2 or M1 Zone.

33.38.290 Signs permitted. All signs visible from the exterior of the building or buildings are prohibited except one indirectly lighted or transparency name plate, not exceeding twenty square feet in area, indicating the name of the use only.

33.38.300 Accessory buildings. All accessory buildings shall be located as far from any lot line as are the required yard depths for main buildings.

33.38.310 Prohibited uses. (Am 155387; and 155589 ef Mar. 12, 1984) (a) Residential uses except for residential homes and for quarters for caretakers or occasional use for the organization's executives or guests.

(b) All other uses not specifically listed in Section 33.38.200.

(c) Adult businesses as defined in Chapter 33.80.

TYPE C

33.38.320 Locations permitted. (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Type C sites shall be restricted to locations as may be authorized.

33.38.330 Uses permitted. On Type C sites in C5 Zones, the following uses are permitted:

(1) Offices or studios of the following professions:

A. Accountants,
B. Architects,
C. Artists,
D. Attorneys,
E. Authors and writers,
F. Dentists,
G. Designers,
H. Engineers,
I. Investment counselors,
J. Landscape architects,
K. Management consultants,

L. Ministers,
M. Physicians and surgeons,
N. Psychiatrists;

(2) Offices of administrative, educational, financial, philanthropic, religious, research, scientific or statistical organizations whose activities are such that few visitors other than employees have reason to come to the premises;

(3) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Other offices of a character found similar to the above and in accordance with Section 33.114.030;

(4) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Such accessory uses as are judged to be necessary to the use of or desirable for the convenience or recreation of employees.

(5) A private helistop may be permitted as an accessory use to the principal use and all such helistops shall be subject to the additional regulations contained in Chapter 33.78.

(6) (Add 155589 ef Mar. 12, 1984) Residential homes.

33.38.340 Limitations on uses. (a) All uses and operations, except off-street parking, private helistops or outdoor recreational facilities, shall be confined, contained and conducted wholly within completely enclosed buildings.

(b) High standards of exterior appearance, cleanliness, and quietness shall be maintained at all times. No use or operation shall be objectionable to residents in the vicinity.

(c) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) The site shall be landscaped and maintained at all times in a satisfactory manner.

(d) Hours of operation shall be limited from eight a.m. to ten p.m. except in cases of unusual emergencies.

(e) No merchandise shall be displayed, handled, or sold on the premises.

33.38.350 Off-street parking required. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) (a) One space per two employees shall be provided and maintained.

(b) Such space shall be located on the site.

(c) Such space shall not be located in any required yard.

(d) Screening shall be provided and maintained between any parking area and a street line or property in an R Zone. Such screening shall be sufficiently dense to obscure motor vehicle headlights. It shall be at least three feet and not more than four feet high along a street line and at least five feet and not more than six feet high along any other property line. Such screen may be placed along the boundary of the parking area or along a property line but not closer than five feet to a street line. Such screening shall be composed of a masonry wall, an ornamental wooden fence, a compact evergreen hedge, or a chain-link type wire fence with evergreen vines.

(e) The provisions of Chapter 33.82, not in conflict with the above, shall also apply.

33.38.360 Off-street loading required. Off-street loading berths shall be provided for any building or group of buildings according to gross floor area as follows:

Square Feet of Floor Area	Loading Berths Required
5,000 - 24,999	1
25,000 - 59,999	2
60,000 - 99,999	3
100,000 - 159,999	4
160,000 - 249,999	5
250,000 - 369,999	6
370,000 - 579,999	7
580,000 - 899,999	8
900,000 - 2,999,999	9
Over - 3,000,000	10

Such berths shall be regulated by Chapter 33.86.

33.38.370 Maximum lot coverage. The area covered by all buildings including accessory buildings shall not exceed fifteen percent of the lot area.

33.38.380 Maximum height permitted. (a) No structure shall exceed three stories or thirty-five feet in height.

(b) On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more measured in the general direction of the side lot lines, an additional story may be permitted in

such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the thirty-five foot height limit.

33.38.390 Minimum front yard. There shall be a minimum front yard of not less than four times the height of the structure.

33.38.400 Minimum side yard. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) There shall be a minimum side yard on each side of a main building of not less than one hundred feet or four times the height of the structure, whichever is the greater, except no side yard shall be required between a structure and a lot line abutting a C4, C3, C2, C1, MX, M3, M2 or M1 Zone.

33.38.410 Minimum rear yard. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) There shall be a minimum rear yard of not less than one hundred feet or four times the height of the structure, whichever is the greater, except no rear yard shall be required between a structure of 35 feet or lower and a lot line abutting a C4, C3, C2, C1, MX, M3, M2 or M1 Zone.

33.38.420 Signs permitted. All signs visible from the exterior of the building or buildings are prohibited except one indirectly lighted or transparency name plate, not exceeding thirty-five square feet in area, indicating the name of the use only.

33.38.430 Accessory buildings. All accessory buildings shall be located as far from any lot line as are the required yard depths for main buildings.

33.38.440 Prohibited uses. (Am 1555387; and 155589 ef Mar. 12, 1984) (a) Residential use except for residential homes and for quarters for caretakers or occasional use for the organization's executives or guests.

(b) All other uses not specifically listed or permitted under Section 33.38.330

(c) Adult businesses as defined in Chapter 33.80.

CONDITIONAL USES

33.38.500 Uses permitted. (Added 153329 effective July 5, 1982.) In a C5 zone the following conditional uses may be permitted subject to the regulations contained in Section 33.38.510 and under authority and according to the procedure specified in Chapter 33.106:

(1) Development of lands adjacent to water features as defined in 33.38.045 (1).

33.38.510 Development of lands adjacent to water features as defined in Section 33.38.045 (1). (Added 153329 effective July 5, 1982.) Regulations for development of lands adjacent to water features shall be those listed in Section 33.42.249.

Chapter 33.40

C4 NEIGHBORHOOD COMMERCIAL ZONE

Sections:

33.40.010 Generally.
33.40.015 Purpose.

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33.40.040 Off-street parking required.
33.40.050 Off-street loading required.
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33.40.100 Minimum front yard.
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RESIDENTIAL USES

33.40.140 On lots abutting or across a street from A1, A0, C2, C1, or M Zones.
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PRE-EXISTING USES

33.40.155 Pre-existing uses.

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33.40.170 Height.
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33.40.200 Uses permitted.
33.40.210 Regulations.
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33.44.214 High density housing.
33.40.216 Medium density housing.
33.40.218 Recycling centers.
33.40.219 Development of lands adjacent to water features as defined in Section 33.40.123.
33.40.220 Prohibited uses.

33.40.010 Generally. In all C4 Zones, the use of land and structures, the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

33.40.015 Purpose. (Added by Ord. No. 150581 effective Jan. 1, 1981.) To allow for development of convenience retail uses and professional offices in residential areas not served by nearby general commercial areas.

PRINCIPAL USES

33.40.020 Uses permitted. In a C4 Zone, the following uses are permitted:

(1) Antique furniture sales and restoration
(2) Appliance repair, small
(3) Art: gallery, store, supplies
(4) Bakery, retail
(5) Barber shop
(6) Beauty parlor
(7) Bicycle sales, service and rental
(8) Book store
(9) Boarding and rooming houses
(10) Clothes cleaning pick-up agency
(11) Clothes pressing establishment
(12) Confectionary
(13) Custom tailoring, dressmaking or millinery shop
(14) Delicatessen store without liquor
(15) Drug store
(16) Dry goods store
(17) Florist shop
(18) Garden supplies store
(19) Gift shop
(20) Grocery; fruit, vegetable, or full service
(21) Hardware store
(22) Interior decorating store
(23) Laundry pick-up agency
(24) Jewelry store
(25) Libraries
(26) Locksmith
(27) Meat or fish market
(28) Medical or dental office, clinics or laboratory
(29) Musical instrument sales, manufacture or repair
(30) Newsstands or kiosk
(31) Notion or variety store
(32) Nursery, flowers or plants, provided that all incidental equipment and supplies are within a structure
(33) Offices, business or professional
(34) Photographer
(35) Restaurant, tea room or cafe, without liquor license
(36) Second hand store
(37) Shoe repair shop
(38) Stationery store
(39) Studio; art, dance, music, photographic, etc.
(40) Tailor shop
(41) Watch and clock repair shop
(42) Wearing apparel
(43) Other uses of a neighborhood business character found similar to the above in accordance with Section 33.114.030.

33.40.030 Limitations on use. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) All business, servicing, or processing, except off-street parking, shall be confined, contained, and conducted wholly within completely enclosed buildings, except the propagation of flowers and plants for sale in connection with a florist shop or garden supplies store may be in the open, providing all equipment and materials used in such propagation are stored within completely enclosed buildings.

(b) All uses and operations shall be predominantly retained or service establishments dealing directly with ultimate consumers. Predominantly all goods produced or processed shall be sold at retail on the premises.

(c) Any uses and operations objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, and other similar causes shall be prohibited.

33.40.040 Off-street parking required. (Amended by Ord. No. 140290; 150581 and 150737 effective Jan. 1, 1981.) (a) There is no required off-street motor vehicle parking. The maximum amount of off-street parking spaces permitted is one space for every 2,000 square feet of site area. Parking and maneuvering is not allowed in required yards, except where two abutting C4 users wish to develop a joint area, in which case parking may be located in one side yard. All parking provided shall conform with the requirements of Chapter 33.82.

(b) At least 10 square feet of landscaping shall be provided within the area devoted to passenger automobile parking and maneuvering for every parking space provided.

(c) Bicycle parking: Two spaces shall be provided for each 4,000 square feet of gross floor area.

33.40.050 Off-street loading required. No loading berths are required.

33.40.060 Lot size required. For lot size there shall be no limitation.

33.40.070 Maximum lot coverage. There shall be no maximum lot coverage limitation.

33.40.080 Maximum floor area permitted. (Amended by Ord. No. 131128; and 150581 effective Jan. 1, 1981.) (a) Except as provided for in sub-section (b), the gross floor area of a main building and its accessory buildings exclusive of off-street parking garages, shall not exceed 4,000 square feet. When there are two or more main buildings and their accessory building on one lot, each main building and its accessory buildings shall not exceed 4,000 square feet and shall be no closer than is allowed by Title 24, Building Regulations, and Title 29, Housing Regulations, of this code, and shall in no case be closer than 10 feet.

(b) (Amended 151021 Jan. 22, 1981.) The gross floor area permitted in paragraph (a) of this section, may be increased to 7,000 square feet for any allowable C4 use if all the following amenities are incorporated into the project:

(1) The structure housing the C4 use shall be provided with a pitched roof having a slope of at least one vertical unit of measure for every four horizontal units of measure.

(2) At least 50 percent of the ground level, right-of-way-facing exterior wall shall be composed of transparent windows, doors, or display cases.

(3) Any mechanical equipment placed on the roof shall be screened by a sloping parapet wall which is as high as the topmost part of the equipment being screened.

(4) At least one on-site tree shall be provided for every 500 square feet of auto parking and maneuvering area in addition to the landscaping requirements of Chapter 33.82.

(5) That any wall facing an abutting right-of-way shall be offset at least 18 inches every 50 feet.

33.40.090 Maximum height permitted. (a) No structure shall exceed two stories or twenty feet in height.

(b) On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more, measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the twenty foot height limit.

33.40.100 Minimum front yard.* (a) There shall be a front yard of not less than fifteen feet; provided, however, that where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

(b) Where a lot is situated between two lots, each of which has a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirements on such lot may be the average of the front yards of the existing buildings.

(c) Where a lot adjoins only one lot having a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirement on such lot may be the average of the front yard of the existing building and the established front yard line.

(d) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and located on that side which has not yet been dedicated or condemned, unless the yards provided on such lot include both that portion of the lot lying within the future street and the required yards.

(e) On corner lots, the front yard along the long dimension of the lot may be reduced to ten feet. In case of a square lot or lot having equal frontage on two intersecting streets, one front yard may be reduced to ten feet providing the other front yard is at least fifteen feet.

33.40.110 Minimum side yard. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) A side yard is not required except where the side of the lot abuts an R zone. In such case, a side yard shall be provided on the side of the lot abutting the R zone. The minimum width of the side yard shall be six feet for a one-story building, and seven feet for a two-story building. An evergreen hedge shall be provided in required side yards which shall be five feet in height within at least two years after the date an occupancy permit is issued.

*See Chapter 33.90 for additional regulations.

33.40.120 Minimum rear yard. (Amended by Ord. No. 150581 effective Jan. 1, 181.) There shall be no limitation except where the rear lot line abuts the side of an adjoining lot in an R zone, and in such case the side yard requirement of the R zone shall apply in the rear yard of the C4 zone where the two abut. An evergreen hedge shall be provided at least five feet in height within two years after the date an occupancy permit is issued.

33.40.123 Development adjacent to watercourses and water bodies. (Added 153329 effective July 5, 1982.) (1) Development shall be restricted within the following areas:

(a) Between the ordinary high water line and twenty-five feet back of the top of the bank of watercourses and water bodies such as rivers, lakes, ponds, sloughs or wetlands, as shown on the City of Portland Water Features Map.

(b) Within twenty-five feet of the centerline of watercourses such as streams, creeks and drainageways draining thirty acres or more as shown on the City of Portland Water Features Map.

(2) Within the restricted areas the provisions of Section 33.42.123 (2) through (8) shall apply.

33.40.125 Street trees. (Added by Ord. No. 150581 effective Jan. 1, 1981.) In the C4 zone, street trees shall be provided and shall meet the requirements established in Section 33.34.120.

33.40.130 Signs permitted. (Amended 150581; and 153373 effective July 17, 1982) The following permanent on-premise signs are permitted for commercial uses in the C4 Neighborhood Commercial Zone, subject to other provisions of this title and other titles relating to signs and requiring permits. Rotating, flashing, animated, and electronic information signs are prohibited in this zone. Signs may be illuminated.

1. Area (a) Maximum sign area. The maximum sign area for all signs associated with one business location shall not exceed one and one-half square foot of sign face area for each lineal foot of street frontage, except as provided for in (b) below. Each frontage adjacent to a public right-of-way shall be considered separately when calculating the allowable area. The maximum sign area for any one sign shall not exceed fifty square feet. All sign area totalled for each individual use shall not exceed one hundred square feet.

(b) Minimum sign area. Each separate business establishment shall be permitted a minimum of twenty-five square feet of sign area.

(c) Second-Story or Basement Businesses. Businesses maintained solely on the second floor or in the basement of a building, which are the only commercial occupants of the building, shall be entitled to 50 percent of the sign area allowed in Section 1(a) with a minimum allowable area of fifteen square feet. Such signs shall be restricted to wall signs and shall not be located higher than twenty-five feet to top of sign from grade. Such signs shall not be illuminated.

2. Number and Type (a) Total number of signs. Each business is permitted two signs on the principal frontage, which may be wall, projecting or freestanding signs.

(b) Each additional street frontage is permitted one additional wall and projecting sign within the maximum sign area permitted in Subsection (1) of this section.

3. Height

The maximum height of a freestanding sign shall not exceed twenty feet above grade.

4. Shopping Centers

Signs permitted by this subsection shall be the only signs permitted in a shopping center or business complex in a C4 zone. A shopping center is defined in Section 33.92.040 of this title. The following signs are permitted for each street frontage of a center:

(a) One freestanding sign is permitted for a shopping center, not to exceed twenty feet in height or seventy-five square feet in area.

(b) One wall sign is permitted for each individual business within the center, with a maximum size of twenty-five square feet.

(c) One under-marquee, canopy or awning sign is permitted for each individual business premise.

5. Conditional Uses - (see Section 33.40.200) (a) An approved conditional use or existing nonconforming use is permitted signs in accordance with the sign regulations of this zone.

(b) If additional signing is desired, such sign(s) must be approved when application is made for the conditional use.

(c) Signs which do not conform to provisions (a) or (b) may be approved under the

conditional use procedure in Chapter 33.106 of this code.

6. Buffer Zones

Sign regulations in B Zones shall be those of the more restrictive abutting zone, whether across a street or alley or immediately adjoining.

7. Residential Uses

Residential development and signage is governed by R1 or R2 zone regulations. (see Sections 33.32.130 or 33.30.130)

8. Nonconforming Uses - (see Subsection 33.94.020(f)).

In the C4 zone, new signs on nonconforming uses shall conform to the C4 regulations governing signs found in this section.

9. Each frontage of each business location is permitted one real estate sign not to exceed four square feet in area.

33.40.135 Screening of garbage collection areas. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Areas of the site used for the storage of garbage between regular pick-up dates shall be screened from any abutting right-of-way and R zone by an evergreen hedge. Such a hedge shall be planted to produce a screen at least three feet high at the time of planting and at least five feet high within two years after the date an occupancy permit is issued.

RESIDENTIAL USES

33.40.140 On lots abbutting or across a street from R1, RH, RX, C3, C2, C1, or M Zones. (Amended by Ord. No. 150581 effective Jan. 1, 1981.)

(a) Uses permitted:

(1) One family detached dwellings;

(2) One family attached dwellings;

(3) Two family dwellings;

(4) Multi-family dwellings;

(5) Boarding and rooming houses;

(6) Hotel.

(7) (Add 155589 ef Mar. 12, 1984) Residential homes.

(b) Where any lot is used exclusively for any of the above residential uses, all regulations governing principal uses permitted in R1 Zones shall apply.

(c) Where any of the above residential uses are combined on the same lot or in the same building with a principal use permitted in C4 Zones, off-street parking and lot area as required for buildings used exclusively for residential purposes shall be provided in addition to parking maintained for the principal use. Likewise, side and rear yards shall be provided for those portions of the building arranged for or occupied as a place of residence of the depth required of buildings used exclusively for residential purposes.

33.40.150 On all other lots in C4 Zones. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) (a) Uses permitted:

(1) One family detached dwellings;

(2) One family attached dwellings;

(3) Two family dwellings;

(4) Multi-family dwellings.

(5) (Add 155589 ef Mar. 12, 1984) Residential homes.

(b) Where any lot is used exclusively for any of the above residential uses, all regulations governing principal uses permitted in R2 Zones shall apply.

(c) Where any of the above residential uses are combined on the same lot or in the same building with a principal use permitted in C4 Zones, off-street parking and lot area as required for buildings used exclusively for residential purposes shall be provided in addition to parking maintained for the principal use. Likewise, side and rear yards shall be provided for those portions of the building arranged for or occupied as a place of residence of the depth required of buildings used exclusively for residential purposes.

PRE-EXISTING USES

33.40.155 Pre-existing uses. (Add 150581; am 153826 ef Oct. 18, 1982)

(a) Purpose. The purpose of the pre-existing use section is to minimize hardships on land use activities that were subject to restrictive zone changes resulting from the implementation of the Comprehensive Plan on January 1, 1981. The Comprehensive Plan contained significant zoning map and zoning code changes to better guide future land use decisions in the City. As a result, some land use activities no longer comply with the regulations of this Title. The pre-existing use regulations are a means to provide these affected uses some of the rights of their previous zoning, while making new uses subject to the current zoning code and map. The regulations provide flexibility for expansion and continued operation of the pre-existing use. They are intended to generally be less restrictive than the non-conforming use regulations of Chapter 33.94.

(b) Definition. A pre-existing use is: (1) A use that was:

Existing at the time the Comprehensive Plan took effect on January 1, 1981; and

Was a principal or approved conditional use in its zone, and complied with all siting, structural and parking regulations; but

(2) As a result of a zoning map or zoning code change at the time of the Plan's implementation:

The use is no longer a principal or conditional use in its zone; or

The use no longer complies with all siting, structural and parking standards of this chapter.

(c) Regulations. Pre-existing uses shall be subject to the following regulations: (1) Change of use. Upon issuance of a certificate of occupancy by the Bureau of Buildings, a pre-existing use may be changed to a conforming use or to a use of the same or more restrictive classification without loss of pre-existing status. However, a pre-existing use may not be changed to a use that would not have been permitted prior to the implementation of the Comprehensive Plan on January 1, 1981. Differences between the property owner and the Bureau of Buildings as to the determination of whether a proposed use is at the same or more restrictive classification shall be referred for interpretation as specified in Section 33.114.030. After a change of a pre-existing use to a conforming use or to a more restrictive use, it shall not thereafter be changed to any less restrictive use.

(2) Change of ownership. A pre-existing use may change ownership without loss of pre-existing use status.

(3) Damage by fire. Any structure containing a pre-existing use damaged or destroyed by a fire or other cause beyond the control of the owner may be reconstructed in accordance with the floor area ratio, yard, height, and parking regulations currently in effect for the zoning category in place on December 31, 1980.

(4) Floor area expansion.

A. A pre-existing use may increase in floor area on an existing site subject to the floor area ratio, yard, height, and parking regulations currently in effect for the zoning category in place on December 31, 1980.

B. For the purpose of subsections (4) and (5) of this section, a lot will be considered part of the existing site of a pre-existing use if, on December 31, 1980 it was in the same ownership, it was in active use by the pre-existing use as part of its business and the lot contains some improvements supporting its active use.

(5) Site expansion. A pre-existing use may expand up to 100 percent in site area subject to the following requirements:

A. Site expansion shall occur only on adjacent parcels, or on ones wholly or in part directly across a public right-of-way from the original location of the pre-existing use.

B. Site expansion shall occur only on parcels that have the same or less restrictive zoning than the pre-existing use site, but in no case shall expansion be onto parcels where the expansion would not have been allowed under the zoning in place on December 31, 1980.

C. In cases where expansion site was in the same ownership as the existing site on December 31, 1980, and the expansion site had the same zoning as the pre-existing use site on

that date, the expansion is allowed outright. All other site expansions shall be subject to the conditional use process of Chapter 33.106.

D. The regulations for the site expansion governing floor area ratio, yards, height and parking shall be those currently in effect for the zone category on the expansion site in place on December 31, 1980.

E. At the time of such expansion of area, street trees must be provided on all rights-of-way abutting the use, and parking areas must be landscaped to conform with the requirements of Chapter 33.82. Tree planting layout and selection shall be in conformance with the City's street tree planting guidelines and approved by the City Forester.

(6) Signs.

A. Signs that were in conformance with the zoning in place on December 31, 1980 may be replaced by a sign of comparable area, height and illumination or by a sign which complies with the regulations of this Chapter, whichever is less restrictive.

B. Pre-existing uses not previously having a sign may install a sign subject to the regulations of this Chapter.

(7) If a pre-existing use is discontinued for more than two years, it shall not be re-established. Future use of the site shall be limited to those allowed under the provisions of this Chapter, except as provided for in Section 33.94.080.

ACCESSORY BUILDINGS AND USES

33.40.160 Generally. No separate permit shall be issued for the construction of any type of accessory building prior to that of a main building to contain a principal or residential use.

33.40.170 Height. No accessory building shall exceed two stories in height.

33.40.180 Accessory to principal use. (a) All uses accessory to a principal use shall be conducted wholly within completely enclosed buildings, except the propagation of flowers and plants for sale in connection with a florist shop or garden supplies store, providing all equipment and materials used in such propagation are stored within completely enclosed buildings.

(b) Garages, carports, storage buildings, and any other types of accessory buildings, if detached, shall be located entirely within the rear one-half of the lot upon which they are situated.

(c) (Amended by Ord. No. 150581 effective Jan. 1, 1981.) On lots abbuting R Zones, no one-story accessory building shall be located nearer than six feet to a side or rear lot line, and no two-story accessory building shall be located nearer than seven feet to a side or rear lot line.

(d) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line, it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes.

33.40.190 Accessory to residential use. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Regulations governing buildings accessory to principal and transitional uses in R2 Zones shall apply to all accessory uses and buildings to a residential use in C4 Zones.

CONDITIONAL USES

33.40.200 Uses permitted. (Amended 140290, 148244, 150581; and 153329 effective July 5, 1982.) In a C4 zone, the following conditional uses may be permitted subject to the regulations contained in Section 33.40.210 through 33.40.219 and Chapter 33.79 and under authority and according to the procedure specified in Chapter 33.106:

(1) Churches;

(2) Residential buildings accessory to churches;

(3) Colleges;

(4) Community clubs;

(5) Elderly and handicapped high density housing;

(6) Excavation and filling;

(7) Government structures and land uses, local, state or federal, which are essential to the functioning and servicing of residential neighborhoods;

(8) Greenhouses, nurseries or other propagation of plants, and their products for sale;

(9) High density multi-family;
(10) Homes, convalescent;
(11) Hospitals, general;
(12) Hospitals, mental or remedial;
(13) Uses or buildings accessory to hospitals;
(14) Libraries;
(15) Lodges, fraternal organizations or private clubs, only if located on a lot abutting R1, RH, C3, C2 or M Zones;
(16) Mass transit waiting stations or turn arounds;
(17) Medium density multi-family;
(18) Museums;
(19) Parks, public;
(20) Private helistop accessory to a hospital;
(21) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods;
(22) Recycling drop-off center;
(23) Schools, nursery;
(24) Schools, parochial or private;
(25) Schools, public;
(26) Welfare institutions.
(27) Development of lands adjacent to water features as defined in 33.40.123 (1).

33.40.210 Regulations. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Except as provided for by section 33.40.212 through 33.40.216, all regulations governing conditional uses in R2 Zones shall apply to any lot upon which a conditional use is situated in a C4 Zone, except such lots which abut R1, RH, C3, C2 or M Zones. On such lots, all regulations governing conditional uses in R1 Zones shall apply to any lot upon which a conditional use is situated in a C4 Zone.

33.40.212. Elderly and handicapped high density housing. (Added by Ord. No. 150581 effective Jan. 1, 1981.) High density projects for housing the elderly and handicapped shall meet the requirements of Chapter 33.81.

33.40.214 High density housing. (Added by Ord. No. 150581 effective Jan. 1, 1981.) High density housing may be permitted in the C4 Zone if the following conditions are met:
(1) The site for such a project must abut an RH, C3, C2, C1 or M Zone.
(2) The maximum allowable floor area ratio shall be 2:1.
(3) Housing developed under this section must meet all regulations of the RH Zone.

33.40.216 Medium density housing. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Medium density housing may be permitted in the C4 Zone if the following conditions are met:
(1) The site for such a project abuts an R2 or R1 Zone.
(2) Housing developed under this section must meet all regulations of the R1 Zone.

33.40.218 Recyling centers. (Added 151909 effective Aug. 4, 1981.) Regulations for recycling centers shall be:

(1) Lot size required. The lot area shall be at least 10,000 sq. ft. per center, and no more than 40,000 sq. ft.
(2) Exterior storage capacity shall be limited to no more than 150 cubic yards of storage containers.
(3) All exterior storage of materials shall be in sturdy, non-flammable containers which are covered, secure and maintained in good condition. Oil storage must be in containers approved by the Fire Marshal.
(4) All preparation of materials shall occur within a completely enclosed structure.
(5) A sight-obscuring fence or wall, at least 6 ft. high and not more than 8 ft. high, shall be erected and maintained between all abutting properties in C or M zones. On sites which abut or are across the street from a residential zone, a 10 ft. setback shall be provided which conforms to all of the landscaping and screening regulations of the "B" buffer zone.
(6) Border planting, including shrubs and trees, shall be provided along street frontages.
(7) A recycling center must be located on a major traffic street or neighborhood collector, as defined in the Arterial Streets Classification Policy.
(8) One parking space shall be provided for every four on-site employees, and at least 6 spaces shall be available for users.
(9) One loading berth shall be provided.
(10) A center shall not accept an individual drop-off load which exceeds 5 cubic yards.
(11) Adequate control measures for noise and litter shall be maintained continually. No food, contaminated or putrescent materials will be accepted.
(12) Staffed operating hours shall be limited to the hours between 7:00 a.m. and 7:00 p.m.

(13) Night-time receptacles shall be posted with a sign providing an emergency telephone number and public information regarding the separation of materials and responsible use of the center. Night-time drop-off areas shall be acoustically shielded from any adjacent residences.

(14) Other conditions may be attached on a case by case basis which are deemed appropriate and in the public interest to prevent unreasonable interference with the use and enjoyment of surrounding neighborhood property.

33.40.219 Development of lands adjacent to water features as defined in Section 33.40.123. (Added 153329 effective July 5, 1982.) Regulations for development of lands adjacent to water features shall be those listed in Section 33.42.249.

33.40.220 Prohibited uses. The following uses are prohibited in all C4 Zones:

(1) Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles;

(2) Outdoor advertising signs as defined in the sign regulations;

(3) The use of an automobile trailer house as a place of residence;

(4) All uses of structures and land not specifically mentioned in this chapter.

(5) (Add 152549; am 155387 Dec. 8, 1983) Adult businesses as defined in Chapter 33.80.

CHAPTER 33.41

C3 LOCAL COMMERCIAL ZONE

(Added by Ord. No. 150581 effective Jan. 1, 1981.)

Sections:

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33.41.040 Off-street parking required
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33.41.050 Off-street loading required
33.41.060 Lot size required
33.41.070 Maximum lot coverage
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33.41.275 Recycling centers.
33.41.280 Residential care facilities
33.41.285 Development of lands adjacent to water features as defined in Section 33.41.125.
33.41.290 Prohibited uses

33.41.010 Generally. In all C3 Zones, the use of land and structures, the location and erection of new structures, and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

33.41.015 Purpose. To provide for the establishment of retail and service uses that are supportive of transit services, and to provide for a variety of residential and mixed-use opportunities.

PRINCIPAL USES

33.41.020 Uses permitted. In the C3 Local Commercial Zone, the following uses are permitted.

(a) All principal uses in the C4 Zone, Chapter 33.40;

(b) GROUP 1:

(1) Bakery, retail;

(2) Barber shop;

(3) Beauty parlor;

(4) Department store;

(6) Interior decorating shop;

(7) Laundry, cleaning, or pressing pick-up agency;

(8) Pawnshop;

(9) Retail stores.

(c) GROUP 2 uses listed below:

(1) Bird store, pet shop, or taxidermist;

(2) Blueprinting, photostatting, or other reproduction process;

(3) Business machines, retail sales and service;

(4) Cleaning and pressing establishment;

(5) Commercial schools such as business colleges, music conservatories, or trade schools;

(6) Custom tailoring, dressmaking, or millinery shop;

(7) Furniture store;

(8) Gunsmith or locksmith;

(9) Household machines, retail sales and service;

(10) Instruments, scientific or professional, repair shop;

(11) Laboratories: dental, medical, photo or motion picture;

(12) Offices, business or professional other than medical and dental;

(13) Offices, governmental;

(14) Offices, public utility;

(15) Photographer;

(16) Physical culture and health services, including reducing salons, masseurs and public baths;

(17) Radio or television studio;

(18) Shoe repair shop;

(19) Watch and clock repair shop.

(d) (Am 155387 Dec. 8, 1983) GROUP 3 uses as listed below:

(1) Adult businesses as regulated by Chapter 33.80;

(2) Building materials, retail outlet only;

(3) Commercial amusements:

A. Dance Hall,

B. Games of science and skill,

C. Gymnasium,

D. Indoor arenas,

E. Penny arcade,

F. Shooting gallery;

(4) Secondhand store;

(5) Sign painting shop;

(6) Wholesale business.

(e) GROUP 4 uses as listed below:

(1) Bicycles — service and retail sales and/or rental;

(2) Garage, parking.

(f) GROUP 5 uses as listed below:

(1) Auditorium, exhibition hall, or other public assembly room;

(2) Cemeteries;

(3) Commercial amusements:

A. Swimming pool;

(4) Community clubs;

(5) Drive-in businesses, except drive-in theaters, offering goods and services directly to customers waiting in parked motor vehicles;

(6) Governmental structures and land uses, except heavy construction equipment storage and repair, and any other activity objectionable due to odor, dust, smoke, noise, glare, heat, vibration, or similar causes;

(7) Hotels;

(8) Laundry;

(9) Libraries;

(10) Lodges, fraternal organizations, or private clubs;
(11) Medical or dental offices or clinics;
(12) Museums;
(13) Optometrist;
(14) Parks;
(15) Passenger terminals, air, bus, or rail;
(16) Pleasure boats, retail sales and service, and moorages;
(17) Printing, lithographing, or publishing;
(18) Public utility lines and structures, except heavy construction equipment storage and repair, and any other activity objectionable due to odor, dust, smoke, noise, glare, heat, vibration or similar causes;
(19) Rescue mission;
(20) Residential care facility, if site is more than 800 feet from an R zone;
(21) Restaurant, tea room, or cafe;
(22) Taverns, bars, or cocktail lounges;
(23) Theaters, except drive-in theaters;
(24) Welfare institutions, if the prospective site is more than 800 feet from any R zones.
(g) GROUP 6 uses as listed below:
(1) Churches;
(2) Residential buildings accessory to churches:
(3) Colleges;
(4) Residential buildings accessory to colleges;
(5) Convalescent homes;
(6) Hospitals, general;
(7) Hospitals, mental, remedial, or detention;
(8) Nurses' homes or other residential buildings accessory to hospitals;
(9) Schools, nursery;
(10) Schools, private or parochial;
(11) Schools, public.
(h) Other uses of a transit or neighborhood oriented commercial character found similar to the above in accordance with Section 33.114.030.

33.41.030 Limitations on use. (a) For all uses in C3. Any uses and operations that are objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, and other similar causes shall be prohibited.
(b) All uses and operations shall be predominantly pedestrian or transit oriented retail or service establishments dealing with ultimate consumers. Predominantly all goods repaired, produced, or processed and all materials handled shall be sold at retail on the premises or delivered direct to ultimate consumer except for:
(1) Artist, writer, dancer, musician studio and living quarters;
(2) Churches;
(3) Residential buildings accessory to churches;
(4) Colleges;
(5) Residential buildings accessory to colleges;
(6) Convalescent homes;
(7) Hospitals, general;
(8) Hospitals, mental, remedial, or detention;
(9) Nurses' homes or other buildings accessory to hospitals;
(10) Schools, nursery, parochial, private or public;
(11) Other uses of a local commercial character found similar to the above.
(c) Principal uses are permitted in C3 Zones only if all activities and operations, except off-street parking and loading, are confined, contained, and conducted wholly within completely enclosed buildings.
(d) Parking in parking structures shall be allowed only if the following criteria are met:
(1) (Am 155630 ef Mar. 26, 1984) Where the parking structure has one or more levels more than four feet above grade, at least 60% of the structure's ground level street frontage must be available for retail, service or office commercial activities; or the perimeter of the structure must be provided with a ten foot landscaped yard planted with trees and grass or other low-lying growing ground cover, which shall not exceed one foot in height. The City's street tree planting guidelines shall govern tree selection and placement, and the final layout shall be approved by the Fire Bureau. This buffer must be provided between the structure and any street abutting the lot occupied by the parking structure wherever the ground level use of the structure is parking at the structure's periphery.

(2) The structure must be located within 1000 feet of a regional transit station or a major city transit street.
(3) The structure must provide at least 150 off-street parking spaces.
(4) (Added by Ord. 150737 effective Jan. 1, 1981.) The structure shall provide five bicycle parking spaces, or one for every 20 motor vehicle parking spaces provided, whichever is greater.

(e) (Amended 151021 Jan. 22, 1981.) In the C3 Zone, drive in businesses and facilities must be approved by both the City Traffic Engineer and Planning Director for compliance with the following criteria:

(1) The applicant must demonstrate that adequate space is provided on site for all vehicles using or waiting to use drive-in facilities at the time of peak usage.

(2) The applicant must demonstrate that all adjacent streets are presently at a D level of service (as defined in the Highway Research Board's "Highway Capacity Manual") or better at peak traffic hours.

(f) (Add 152549, am 153062, 153146; and 155387 Dec. 8, 1983) Adult businesses as defined in Chapter 33.80 are also subject to the regulations of Chapter 33.80.

(g) (Add 155630 ef Mar. 26, 1984) Developments located on superblocks must comply with the Superblock Development Regulations of Chapter 33.91.

33.41.040 Off-street parking required. (a) There shall be no minimum parking requirements in the C3 Zone; however, a maximum allowable number of spaces is established, except as provided for in paragraphs (c) and (d) below. The maximum parking permitted for any use shall be the same as the minimum requirements listed in the C2 Zone, Section 33.42.040.

(b) Parking as allowed shall also be required to meet the requirements established by Chapter 33.82 Parking Regulations.

(c) Parking in parking structures shall be exempt from the parking maximums established in this section.

(d) (Amended 151021 Jan. 22, 1981) The parking maximum established in this section may be waived provided that the applicant receive the approval of both the City Traffic Engineer and Planning Director. Such approval shall be based on compliance with the following criteria:

(1) The applicant must demonstrate that utilization of the spaces allowed in excess of the maximum will not be during the hours of peak transit traffic on the abutting streets.

(2) No more than 60% of the site area is to be used for parking and maneuvering.

(3) Adjacent streets are presently at a D level of service (as defined in the Highway Research Board's "Highway Capacity Manual") or better at peak traffic hours.

(e) (Add 155630 ef Mar. 26, 1984) New open lot (surface) parking is prohibited within 100 feet of a public street which contains a light rail transit line within that portion of its length containing the line.

(f) (Add 155630 ef Mar. 26, 1984) Motor vehicle access to any parking lots or parking structures is prohibited within 100 feet of a light rail transit station platform or within 100 feet of the center line of a street occupied by a light rail transit line, along that portion of its length containing the line.

33.41.045 Bicycle parking required. (Added by Ord. No. 150737 effective Jan. 1, 1981.) (a) Group 1 Uses: Five spaces or one space for every 20 motor vehicle parking spaces provided, whichever is greater.

(b) Group 2 Uses: Five spaces or one space for every 20 motor vehicle parking spaces provided, whichever is greater.

(c) Group 3 Uses:

(1) Gymnasiums and indoor arenas: Ten spaces or one space for every 20 motor vehicle parking spaces provided, whichever is greater.

(2) All other Group 3 uses: Five spaces or one space for every 20 motor vehicle parking spaces provided, whichever is greater.

(d) Group 4 Uses: Two spaces or one space for every 20 motor vehicle parking spaces provided, whichever is greater.

(e) Group 5 Uses:

(1) Auditoriums, exhibition halls, libraries, museums, and theaters: Ten spaces or one space for every 20 motor vehicle parking spaces provided, whichever is greater.

(2) Billboards and Cemeteries: None required.

(3) All other Group 5 Uses: Five spaces or one space for every 20 motor vehicle parking spaces provided, whichever is greater.

(f) Group 6 Uses:

(1) Elementary and High Schools: One Space for every 10 students.

(2) Colleges: One space for every 10 motor vehicle parking spaces provided.

(3) All Other Group 6 Uses: Five spaces or one space for every 20 motor vehicle parking spaces provided, whichever is greater.

(g) For all of the above uses, except schools and colleges, wherever 10 or more bicycle parking spaces are provided, 50 percent of the required spaces shall be covered. All bicycle parking required for schools and colleges shall be covered.

(h) Bicycle parking as required for the above uses shall be regulated by Chapter 33.82.

33.41.050 Off-street loading required. There shall be no loading facilities developed within ten feet of the right-of-way facing property line where the adjacent right-of-way is designated as a minor city transit street, regional transitway, or major city transit street.

Off-street loading berths shall be provided and maintained for the following uses occupying a building or buildings totaling twenty thousand square feet of gross floor area or more according to the following table:

Square Feet of Floor Area	Loading Berths Required
USES: Hotels	
20,000 — 99,999	1
100,000 and over	2
USES: Theaters	
20,000 and over	1
USES: Convalescent homes; all types of hospitals; colleges; laundries; and printing, lithographing, and publishing	
20,000 — 39,999	1
40,000 — 99,999	2
100,000 — 159,999	2
160,000 — 239,999	4
240,000 — 319,999	5
320,000 — 399,999	6
400,000 — 489,999	7
490,000 — 579,999	8
580,000 — 669,999	9
670,000 — 759,999	10
760,000 — 849,999	11
850,000 — 939,999	12
940,000 — 1,029,999	13
1,030,000 and over	14
USES: Groups 1, 2, 3 and 5	
20,000 — 24,999	1
25,000 — 59,999	2
60,000 — 99,999	3
100,000 — 159,999	4
160,000 — 249,999	5
250,000 — 369,999	6
370,000 — 589,999	7
580,000 — 899,999	8
900,000 — 2,999,999	9
3,000,000 and over	10

33.41.060 Lot size required. For lot size, there shall be no limitation.

33.41.070 Maximum lot coverage. There shall be no maximum lot coverage limitation.

33.41.080 Maximum floor area permitted.

(a) At locations 400 feet or more from an R1 or more restrictive zone, a floor area ratio of 12:1 shall be allowed.

(b) (Am 155630 ef Mar. 26, 1984) At locations within 400 feet of an R1 or more restrictive zone, a floor area ratio of 3:1 shall be allowed. However, where a lot is fully separated from the R1 or more restrictively zoned areas by RH or RX zoned lands, the maximum allowable floor area ratio shall be 6:1.

33.41.090 Maximum height permitted. (Am 151021; and 155630 ef Mar. 26, 1984) (a) Within 400 feet of any FF, R20, R10, R7, R5, R2.5, R2, R1, C5, or C4 zone, the maximum allowable height shall be three stories or forty-five feet. At locations 400 feet or more from the above listed zones, the maximum allowable height shall be two hundred and fifty feet. However, where a lot is fully separated from the R1 or more restrictively zoned area by RH or RX zoned lands, the maximum height permitted shall be either 250 feet or the height allowed in the closest intervening RX or RH zoned area, whichever is less.

(b) On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more, measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, radio and television aerials, water tanks, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space.

33.41.100 Minimum front yard. Where all the frontage is located in a C3 or more permissive zone, no front yard is required. Where the frontage abuts or is across a public right-of-way from an R, C4 or C5 Zone, the front yard requirements of the most restrictive adjacent zone apply.

33.41.110 Minimum side yard. A side yard is not required except where the side of a lot abuts an R Zone. In such case, the side yard requirement of the most restrictive abutting R Zone shall apply in the C3 Zone on that side of the lot abutting the R Zone.

33.41.120 Minimum rear yard. There shall be no limitation except where the rear lot line abuts the side of an adjoining lot in an R Zone, and in such case the side yard requirement of the most restrictive abutting R Zone shall apply to the rear yard of the C3 Zone.

33.41.125 Development adjacent to watercourses and water bodies. (Added 153329 effective July 5, 1982.) (1) Development shall be restricted within the following areas:

(a) Between the ordinary high water line and twenty-five feet back of the top of the bank of watercourses and water bodies such as rivers, lakes, ponds, sloughs or wetlands, as shown on the City of Portland Water Features Map.

(b) Within twenty-five feet of the centerline of watercourses such as streams, creeks and drainageways draining thirty acres or more as shown on the City of Portland Water Features Map.

(2) Within the restricted areas the provisions of Section 33.42.123 (2) through (8) shall apply.

33.41.130 Street trees. In the C3 Zone, street trees shall be provided and shall meet the requirements established in Section 33.34.120.

33.41.140 Building orientation. (Am 155630 ef Mar. 26, 1984) Any land between an adjacent regional transitway, major city transit street or minor city transit street (as identified in the Arterial Streets Classification Policy), and a structure shall be treated as an extension of the sidewalk; i.e., paved with material which allows for the movement of pedestrians, or landscaped. Motor vehicle parking and maneuvering is prohited in such areas. Where a lot is so located that it has three or more frontages facing the above listed transit streets, no more than two of the frontages need comply with these building orientation provisions.

33.41.150 Signs permitted. All signs, their location, size, placement and type in areas zoned C3 Local Commercial shall conform with the signs permitted regulations of the C2 zone found in Section 33.42.130 of this title.

RESIDENTIAL USES

33.41.160 On all lots in C3 Zones. (a) Uses permitted:

(1) One family detached dwellings;

(2) One family attached dwellings;

(3) Two family dwellings;

(4) Multi-family dwellings;

(5) Elderly and handicapped high density housing;

(6) Boarding and rooming houses.

(7) (Add 155589 ef Mar. 12, 1984) Residential homes.

(b) High density housing for the elderly and handicapped is permitted subject to the regulations set forth in chapter 33.81.

(c) Residential portions of developments in C3 zones shall be regulated by the requirements of residential zones according to the following:

(1) Lots located within 400 feet of an R1 or more restrictive residential zone shall meet the requirements of the R1 zone.

(2) Lots located 400 feet or more from R20, R10, R7, R5, R2.5, R2 or R1 Zones, but adjacent to an RH, C5 or C4 Zone shall meet the requirements of the RH Zone. Such residential development shall be limited to a floor area ratio of 4:1, except that on lots with less than 10,000 square feet of area, residential development shall be limited to a floor area ratio of 2:1.

(3) All other lots shall meet the requirements of the RH zone except that the floor area ratio and height allowed shall be the same as for non-residential development in the C3 zone.

(d) Where any of the above residential uses are combined on the same lot or in the same building with a principal use permitted in C3 Zones, off-street parking and lot area as required for buildings used exclusively for residential purposes shall be provided. Side and rear yards shall be provided, for those portions of the building arranged for or occupied as a place of residence, of the depth required of buildings used exclusively for residential purposes.

PRE-EXISTING USES

33.41.170 Pre-existing uses. (Am 153826; and 155630 ef Mar. 26, 1984)

(a) Purpose. The purpose of the pre-existing use section is to minimize hardships on land use activities that were subject to restrictive zone changes resulting from the implementation of the Comprehensive Plan on January 1, 1981. The Comprehensive Plan contained significant zoning map and zoning code changes to better guide future land use decisions in the City. As a result, some land use activities no longer comply with the regulations of this Title. The pre-existing use regulations are a means to provide these affected uses some of the rights of their previous zoning, while making new uses subject to the current zoning code and map. The regulations provide flexibility for expansion and continued operation of the pre-existing use. They are intended to generally be less restrictive than the non-conforming use regulations of Chapter 33.94.

(b) Definition. A pre-existing use is: (1) A use that was:

Existing at the time the Comprehensive Plan took effect on January 1, 1981; and

Was a principal or approved conditional use in its zone, and complied with all siting, structural and parking regulations; but

(2) As a result of a zoning map or zoning code change at the time of the Plan's implementation:

The use is no longer a principal or conditional use in its zone; or

The use no longer complies with all siting, structural and parking standards of this chapter.

(c) Regulations. Pre-existing uses shall be subject to the following regulations: (1) Change of use. Upon issuance of a certificate of occupancy by the Bureau of Buildings, a pre-existing use may be changed to a conforming use or to a use of the same or more restrictive classification without loss of pre-existing status. However, a pre-existing use may not be changed to a use that would not have been permitted prior to the implementation of the Comprehensive Plan on January 1, 1981. Differences between the property owner and the Bureau of Buildings as to the determination of whether a proposed use is at the same or more restrictive classification shall be referred for interpretation as specified in Section 33.114.030. After a change of a pre-existing use to a conforming use or to a more restrictive use, it shall not thereafter be changed to any less restrictive use.

(2) Change of ownership. A pre-existing use may change ownership without loss of pre-existing use status.

(3) Damage by fire. Any structure containing

a pre-existing use damaged or destroyed by a fire or other cause beyond the control of the owner may be reconstructed in accordance with the floor area ratio, yard, height, and parking regulations currently in effect for the zoning category in place on December 31, 1980.

(4) Floor area expansion.

A. A pre-existing use may increase in floor area on an existing site subject to the floor area ratio, yard, height, and parking regulations currently in effect for the zoning category in place on December 31, 1980.

B. For the purpose of subsections (4) and (5) of this section, a lot will be considered part of the existing site of a pre-existing use if, on December 31, 1980 it was in the same ownership, it was in active use by the pre-existing use as part of its business and the lot contains some improvements supporting its active use.

(5) Site expansion. A pre-existing use may expand up to 100 percent in site area subject to the following requirements:

A. Site expansion shall occur only on adjacent parcels, or on ones wholly or in part directly across a public right-of-way from the original location of the pre-existing use.

B. Site expansion shall occur only on parcels that have the same or less restrictive zoning than the pre-existing use site, but in no case shall expansion be onto parcels where the expansion would not have been allowed under the zoning in place on December 31, 1980.

C. In cases where expansion site was in the same ownership as the existing site on December 31, 1980, and the expansion site had the same zoning as the pre-existing use site on that date, the expansion is allowed outright. All other site expansions shall be subject to the conditional use process of Chapter 33.106.

D. The regulations for the site expansion governing floor area ratio, yards, height and parking shall be those currently in effect for the zone category on the expansion site in place on December 31, 1980.

E. At the time of such expansion of area, street trees must be provided on all rights-of-way abutting the use, and parking areas must be landscaped to conform with the requirements of Chapter 33.82. Tree planting layout and selection shall be in conformance with the City's street tree planting guidelines and approved by the City Forester.

(6) Signs.

A. Signs that were in conformance with the zoning in place on December 31, 1980 may be replaced by a sign of comparable area, height and illumination or by a sign which complies with the regulations of this Chapter, whichever is less restrictive.

B. Pre-existing uses not previously having a sign may install a sign subject to the regulations of this Chapter.

(7) If a pre-existing use is discontinued for more than two years, it shall not be reestablished unless the Planning Director grants an additional year's extension of this period on finding that the existing principal building(s) is/are not suitable for C3 uses, that the building(s) is/are in good condition and that the public interest would not be served by the building's removal. Future use of the site shall be limited to those allowed under the provisions of this Chapter, except as provided for in Section 33.94.080.

(8) Requests for extensions of pre-existing uses shall be processed as outlined in Section 33.98.025 (b) for major variances, except that the notice specified in Section 33.98.025 (b) (2) and (3) shall also be provided to the neighborhood association(s) within whose boundaries the pre-existing use is located, area neighborhood office, and other interested parties who have requested such notice, and except that any party so notified may object in writing to the requested extension and request the opportunity to testify in person or by a representative at a public hearing.

ACCESSORY BUILDINGS AND USES

33.41.180 Generally. No separate permit shall be issued for the construction of any type of accessory building prior to that of a main building to contain a principal or residential use.

33.41.190 Height. No accessory building or structure shall exceed two stories in height.

33.41.200 Accessory to principal use. (a) On lots abutting R Zones, no accessory building shall be located nearer to a lot line separating the R Zone from the C3 Zone than the requirement for accessory buildings in the R Zone.

(b) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot.

33.41.210 Accessory to residential use. Regulations governing buildings accessory to principal uses in R1 Zones shall apply to all uses and buildings accessory to a residential use in a C3 Zone.

CONDITIONAL USES

33.41.220 Uses permitted. (Amended 153329 effective July 5, 1982.) In a C3 zone the following conditional uses may be permitted subject to the regulations contained in Sections 33.41.230 through 33.41.285 and Chapter 33.106.

(1) Animal hospital or veterinary office providing overnight care;
(2) Excavation and filling;
(3) Helistop, private or public;
(4) High density multi-family;
(5) Labor intensive industry;
(6) Public transit stations and rights-of-way;
(7) Recycling drop-off centers;
(8) Residential care facility, when the proposed site is located 800 feet or less from an R Zone;
(9) Welfare institutions if the prospective site is 800 feet or less from any R Zones.
(10) Development of lands adjacent to water features as defined in 33.41.125.

33.41.230 Regulations. Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum requirements and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval. If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82 Parking, 33.86 Loading and 33.90 Yards.

33.41.240 Excavation and filling. Excavating or filling as defined in this title shall be regulated as a conditional use.

33.41.250 Private or public helistop. A private or public helistop may be permitted subject to the additional regulations contained in Chapter 33.78.

33.41.260 High density multi-family. Regulations for high density apartments shall be as follows:

(a) Apartments developed shall meet the requirements of the RH Zone, Chapter 33.34.
(b) Such apartment development shall not exceed a floor area ratio of 2:1.
(c) Such a project must be within 500 feet of a bus stop served by at least one bus line providing service at least every thirty minutes between 7:00 a.m. and 7:00 p.m.
(d) Such a project must be within one-half mile of a full service grocery.
(e) Such a project must be within one-half mile of a public park or provide recreation facilities for project residents within the project site.

33.41.270 Labor intensive industry. Labor-intensive industrial activities shall be regulated by the provisions presented in Section 33.42.227.

33.41.272 Public transit stations. (Add 155630 ef Mar. 26, 1984) At a public transit station a minimum of four covered bicycle parking spaces shall be provided and clearly identified as available for public use. Required bicycle parking shall be provided at, or within 200 feet of, every transit station.

33.41.275 Recyling centers. (Added 151909 effective Aug. 4, 1981.) Regulations for recycling centers shall be:

(1) Lot size required. The lot area shall be at least 10,000 sq. ft. per center, and no more than 40,000 sq. ft.
(2) Exterior storage capacity shall be limited to no more than 150 cubic yards of storage containers.
(3) All exterior storage of materials shall be in sturdy, non-flammable containers which are covered, secure and maintained in good condition. Oil storage must be in containers approved by the Fire Marshal.
(4) All preparation of materials shall occur within a completely enclosed structure.
(5) A sight-obscuring fence or wall, at least 6 ft. high and not more than 8 ft. high, shall be erected and maintained between all abutting properties in C or M zones. On sites which abut or are across the street from a residential zone, a 10 ft. setback shall be provided which conforms to all of the landscaping and screening regulations of the "B" buffer zone.

(6) Border planting, including shrubs and trees, shall be provided along street frontages.

(7) A recycling center must be located on a major traffic street or neighborhood collector, as defined in the Arterial Streets Classification Policy.

(8) One parking space shall be provided for every four on-site employees, and at least 6 spaces shall be available for users.

(9) One loading berth shall be provided.

(10) A center shall not accept an individual drop-off load which exceeds 5 cubic yards.

(11) Adequate control measures for noise and litter shall be maintained continually. No food, contaminated or putrescent materials will be accepted.

(12) Staffed operating hours shall be limited to the hours between 7:00 a.m. and 7:00 p.m.

(13) Night-time receptacles shall be posted with a sign providing an emergency telephone number and public information regarding the separation of materials and responsible use of the center. Night-time drop-off areas shall be acoustically shielded from any adjacent residences.

(14) Other conditions may be attached on a case by case basis which are deemed appropriate and in the public interest to prevent unreasonable interference with the use and enjoyment of surrounding neighborhood property.

33.41.280 Residential care facilities. Regulations for residential care facilities shall be:

(1) Lot size required. The minimum lot area shall be five thousand square feet per facility.

(2) Minimum on-site open space.

(a) Two hundred square feet for each resident served under the age twelve years.

(b) Three hundred square feet for each resident served of twelve years through seventeen years of age.

(c) One hundred fifty square feet for each resident served eighteen years of age or older.

(3) Minimum off-street parking. One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility.

(4) Valid certificate of review (license to operate) issued under Chapter 8.80 of the Municipal Code.

33.41.285 Development of lands adjacent to water features as defined in Section 33.41.125. (Added 153329 effective July 5, 1982.) Regulations for development of lands adjacent to water features shall be those listed in Section 33.42.249.

33.41.290 Prohibited uses. Uses of structures and land not specifically mentioned in this chapter are prohibited in all C3 Zones.

Chapter 33.42

C2 GENERAL COMMERCIAL ZONE

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33.42.015 Purpose.

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PRE-EXISTING USES

33.42.135 Pre-existing uses.

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33.42.140 On lots developed for residential uses in a C2 Zone.

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33.42.160 Generally.
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33.42.247 Trailer parks.
33.42.249 Development of lands adjacent to water features as defined in Section 33.42.123 (1).
33.42.250 Prohibited uses.

33.42.010 Generally. In all C2 Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargment, or moving of existing structures shall conform in all respects to the regulations in this chapter.

33.42.015 Purpose. (Added by Ord. No. 150581 effective Jan. 1, 1981.) To permit along certain portions of major traffic streets as designated by the Arterial Streets Policy transit-oriented and auto-related commercial uses.

PRINCIPAL USES

33.42.020 Uses permitted. (Amended by Ord. No. 134013, 134079, 137951, 138853, 138936, 139311, 150581; and 151417 Apr. 16, 1981.) In a C2 Zone the following uses are permitted:

(a) All principal uses in the C3 zone;
(b) GROUP 1:
(1) Bakery, retail;
(2) Barber shop;
(3) Beauty parlor;
(4) Department store;
(5) Florist shop;
(6) Interior decorating shop;
(7) Laundry, cleaning, or pressing pick-up agency;
(8) Pawnshop;
(9) Retail stores.
(c) GROUP 2:
(1) Bird store, pet shop, or taxidermist;
(2) Blueprinting, photostatting, or other reproduction process;
(3) Business machines, retail sales and service;
(4) Catering establishment;
(5) Cleaning and pressing establishment;
(6) Commercial schools such as business colleges, music conservatories, or trade schools;
(7) Custom tailoring, dressmaking, or millinery shop;
(8) Film exchange;
(9) Furniture store;
(10) Gunsmith or locksmith;
(11) Household machines, retail sales and service;

(12) Instruments, scientific or professional, repair shop;
(13) Laboratories: dental, medical, photo or motion picture;
(14) Offices, business or professional other than medical and dental;
(15) Offices, governmental;
(16) Offices, public utility;
(17) Photographer;
(18) Physical culture and health services, including reducing salons, masseurs and public baths;
(19) Radio or television studio;
(20) Shoe repair shop;
(21) Watch and clock repair shop.
(d) (Am 155387 Dec. 8, 1983) GROUP 3:
(1) Adult businesses as regulated by Chapter 33.80;
(2) Building and related contractors, excluding excavating contractors:
(3) Building materials, retail outlet only;
(4) Cabinet or carpenter shop;
(5) Commercial amusements:
A. Billiards and pool,
B. Bowling,
C. Dance hall,
D. Games of science and skill,
E. Gymnasium,
F. Indoor arenas,
G. Penny arcade,
H. Shooting gallery,
I. Skating rink;
(6) Feed store, retail only;
(7) Fuels, solid, retail outlet only;
(8) Production, fabrication, or assembly of goods or articles from previously prepared materials primarily for retail sale on the premises;
(9) Secondhand store;
(10) Sign painting shop;
(11) Upholstering shop;
(12) Wholesale business.
(e) GROUP 4:
(1) Bicycles and motorcycles — service and retail sales and/or rental;
(2) Garage, parking or repair;
(3) Retail sales, service and rental of new motor vehicles, not to exceed a gross vehicle weight of 18,000 lbs.;
(4) Tire sales and service;
(5) Self-service car wash;
(6) Car washing by mechanical means;
(7) Retail sales, service and rental of new or used trailers, excluding house trailers (mobile homes), travel trailers, and truck trailers.
(8) Billboards and other advertising signs and structures.
(f) GROUP 5:
(1) Auditorium, exhibition hall, or other public assembly room;
(2) Banks, loan companies, or other financial institutions;
(4) Cemeteries;
(5) Commercial amusements:
A. Golf driving range,
B. Miniature golf,
C. Outdoor stadiums,
D. Race tracks, except auto and motorcycle,
E. Swimming pool;
(6) Community clubs;
(7) Crematories, mausoleums, columbariums;
(8) Drive-in businesses, except drive-in theaters, offering goods and services directly to customers waiting in parked motor vehicles;
(9) Frozen food lockers, excluding wholesale storage;
(10) Governmental structures and land uses, except heavy construction equipment storage and repair, and any other activity objectionable due to odor, dust, smoke, noise, glare, heat, vibration, or similar causes;
(11) greenhouses and nurseries;
(12) Hotels;
(13) Ice house, not more than five tons capacity;
(14) Laundry;
(15) Libraries;
(16) Lodges, fraternal organizations, or private clubs;
(17) Medical or dental offices or clinics;
(18) Mortuary;
(19) Motels;
(20) Museums;
(21) Optometrist;
(22) Parks;
(23) Passenger terminals, air, bus, or rail;
(24) Pleasure boats, retail sales and service, and moorages;
(25) Printing, lithographing, or publishing;
(26) Public utility lines and structures, except heavy construction equipment storage and repair, and any other activity objectionable due to odor, dust, smoke, noise, glare, heat, vibration or similar causes;
(27) Rescue mission;
(28) Residential care facility, if site is more than 800 feet from an R zone;
(29) Restaurant, tea room, or cafe;

(30) Taverns, bars, or cocktail lounges;
(31) Telephone exchanges;
(32) Theaters, except drive-in theaters;
(33) Wedding chapel or reception hall;
(34) Welfare institutions, if the prospective site is more than 800 feet from any R zones.

(g) GROUP 6:
(1) Churches;
(2) Residential buildings accessory to churches;
(3) Colleges;
(4) Residential buildings accessory to colleges;
(5) Convalescent homes;
(6) Hospitals, general;
(7) Hospitals, mental, remedial, or detention;
(8) Nurses' homes or other residential buildings accessory to hospitals;
(9) Schools, nursery;
(10) Schools, private or parochial;
(11) Schools, public.

(h) GROUP 7:
(1) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers and crystal holders;
(2) Laboratories: experimental, research or testing;
(3) Laundry for carpets, overalls, rags and rug cleaning;
(4) Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries — excluding the refining and rendering of fats and oils — and food and beverage products, except sauerkraut, vinegar, pickles, meat and fish products;
(5) Manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), and yarns;
(6) Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;
(7) Manufacture of optical goods and scientific and precision instruments and equipment;
(8) Manufacture of artificial limbs, hearing aids, dentures, surgical instruments and dressings, and other devices employed by the medical and dental professions;
(9) Motion picture studio;
(10) Parcel delivery service;
(11) Veterinary or animal hospital.

(i) Other uses of a general commercial character found similar to the above in accordance with Section 33.114.030.

33.42.030 Limitations on use.

(a) GROUPS 1 TO 6, INCLUSIVE:
Any uses and operations objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, and other similar causes shall be prohibited.

(b) GROUPS 1 TO 5, INCLUSIVE:
All uses and operations shall be predominantly retail or service establishments, except as noted, dealing directly with ultimate consumers. Predominantly all goods repaired, produced, or processed and all materials handled shall be sold at retail, except as noted, on the premises or delivered direct to ultimate consumers.

(c) (Am 155387 Dec. 8, 1983) GROUP 3:
Such uses are permitted in C2 Zones only if all activities and operations, except off-street parking and loading, are confined, contained, and conducted wholly within completely enclosed buildings except retail building materials outlets need not be entirely within enclosed buildings provided all outside activities and operations, including outside storage, are completely enclosed by a sight-obscuring screen at least six feet high. Such screen shall be a masonry wall, a wooden or metal fence, a compact evergreen hedge, or a chain link type wire fence with evergreen vines. Adult businesses as defined in Chapter 33.80 are subject to the regulations of Chapter 33.80.

(d) GROUP 4:
(1) Firms whose primary activity is body and fender work, painting, upholstering, repairing of wrecked vehicles, or salvaging parts are not permitted in C2 Zones;
(2) Lubrication, repair and servicing, tube and tire repairing, battery service, incidental body and fender painting, upholstery work, storage of materials and merchandise, shall be confined, contained and conducted wholly within completely enclosed buildings;
(3) Car washing by mechanical means shall be allowed only when:

A. Located on the same property and operated in combination with retail gasoline facilities,

B. Located within a building not more than fifty-six feet long, not more than twenty-five feet wide, and completely enclosed during operation except for driveway entrances and exits,

C. Located within a building which is sound insulated in such a manner as to at all times comply with subsection (a),

D. Located within a building not less than 10 feet from and with no driveway doorway oriented toward the side or rear lot line of any R or A Zone lot,

E. Operated only between seven thirty a.m. and nine thirty p.m.,

F. All maneuvering of vehicles is accomplished on the property and no portion of any abutting street right-of-way is used for such purposes.

(4) (Added by Ord. No. 137951 passed Mar. 14, effective Apr. 15, 1974.) Retail sales and/or rental of uses listed in Item (7) (Group 4, Section 33.42.020) shall be allowed only if:

A. Automobiles are current year models only;

B. Any repair of automobiles or trailers is conducted and confined wholly within a building; and

C. Sight-obscuring screening is provided as required in Chapter 33.82 (Parking Regulations).

(e) GROUP 5:

Residential care facilities are required to receive a certificate of review according to Chapter 8.80 of the City Code. (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.)

(f) (Added by Ord. No. 150581 effective Jan. 1, 1981.) GROUP 7:

(1) All activities and operations, except off-street parking and loading, must be confined, contained and conducted wholly within completely enclosed buildings.

(2) Any use or operation objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, and other similar causes is prohibited.

(3) Gross floor area shall be limited to 10,000 sq. ft. for all buildings, including those housing uses accessory to the principal use.

(g) (Add 155630 ef Mar. 26, 1984) Developments located on superblocks must comply with the Superblock Development Regulations of Chapter 33.91.

33.42.040 Off-street parking required.

(a) GROUP 1 USES: One space per five hundred square feet of gross floor area.

(b) GROUP 2 USES: One space per seven hundred square feet of gross floor area.

(c) (Am 155387 Dec. 8, 1983) GROUP 3 uses:

(1) Adult businesses, parking requirements for adult businesses are listed in Section 33.80.080;

(2) Building contractors: One space per seven hundred square feet of gross floor area, but not more than one space per four employees;

(3) Building materials outlet: One space per five hundred square feet of gross floor area, excluding area used for storage of materials;

(4) Cabinet or carpenter shop: One space per seven hundred square feet of gross floor area;

(5) Commercial amusements:

A. Billiards and pool: One space per table,

B. Bowling: Two spaces per alley,

C. Dance hall or night club: One space per fifty square feet of dance floor and area occupied by tables,

D. Games of science and skill: One space per five hundred square feet of gross floor area,

E. Gymnasium: One space per fifty-six square feet of floor area occupied by spectators; or where seating is fixed, one space per eight seats or sixteen feet of bench length,

F. Indoor arenas: One space per fifty-six square feet of floor area occupied by spectators; or where seating is fixed, one space per eight seats or sixteen feet of bench length,

G. Penny arcade: One space per five hundred square feet of gross floor area,

H. Shooting gallery: One space per five hundred square feet of gross floor area,

I. Skating rink: One space per one hundred square feet of rink area;

(6) Feed store: One space per five hundred square feet of gross floor area, excluding area used for storage of materials;

(7) Fuels, solid, outlet: One space per five hundred square feet of gross floor area, excluding area used for storage of materials;

(8) Production and fabrication of goods: One space per seven hundred square feet of gross floor area;

(9) Secondhand store: One space per five hundred square feet of gross floor area;

(10) Sign painting shop: One space per seven hundred square feet of gross floor area;

(11) Upholstering shop: One space per seven

hundred square feet of gross floor area;

(12) Wholesale business: One space per seven hundred square feet of gross floor area.

(d) GROUP 4 USES: (Amended 151417 Apr. 16, 1981)

One space per two employees in addition to spaces provided for customers' vehicles and vehicles in stock. Billboards do not require any parking provisions.

(e) GROUP 5 USES: (Amended 138936, 140290, 150581; and 151417 Apr. 16, 1981)

(1) Auditorium, exhibition hall, or other public assembly room: One space per fifty-six square feet of floor area; or where seating is fixed, one space per eight seats or sixteen feet of bench length;

(2) Banks, loan companies, or other financial institutions: One space for every 100 square feet of customer service, lobby and teller area;

(4) Cemeteries: None;

(5) Commercial amusements:

A. Golf driving range: One space per twenty linear feet of driving line,

B. Miniature golf: One space per two holes,

C. Outdoor stadiums: One space per twelve seats or twenty-four feet of bench length,

D. Race tracks: One space per twelve seats or twenty-four feet of bench length,

E. Swimming pools: One space per one hundred square feet of pool area six feet deep or shallower;

(6) Community clubs: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed, one space per twelve seats or twenty-four feet of bench length;

(7) Crematories, mausoleums, columbariums: One space per thirty-five square feet in the chapel; or where seating is fixed, one space per five seats or ten feet of bench length;

(8) Drive-in businesses: One space per two employees in addition to spaces provided for customers' vehicles;

(9) Frozen food lockers: One space per one thousand square feet of gross floor area;

(10) Governmental structures and uses, other than offices: One space per four employees headquartered at such structures;

(11) Greenhouses and nurseries: One space per five hundred square feet of floor area in retail sales rooms;

(12) Hotels: One space per four guest rooms or suites, and additional spaces as specified in this section for restaurants, bars, dance halls, and public assembly rooms;

(13) Ice house: Two spaces;

(14) Laundry: One space per six washing machines in self-service laundries; one space per four employees in other types of laundries;

(15) Libraries: One space per four hundred square feet of reading room area;

(16) Lodges, fraternal organizations, and private clubs: One space per three hundred square feet of gross floor area;

(17) Medical or dental offices or clinics: One space per two hundred fifty square feet of gross floor area;

(18) Mortuary: One space per thirty-five square feet in the chapel; or where seating is fixed, one space per five seats or ten feet of bench length;

(19) Motel: One space per guest room or suite;

(20) Museums: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed, one space per twelve seats or twenty-four feet of bench length;

(21) Optometrist: One space per four hundred square feet of gross floor area;

(22) Parks: None;

(23) Passenger terminals, air, bus, or rail: One space per one thousand square feet of gross floor area;

(24) Pleasure boats, sales and service, and moorages: One space per one thousand square feet of gross floor area plus one space per two moorages;

(25) Printing, lithographing, or publishing: One space per seven hundred square feet of gross floor area, but not more than one space per four employees;

(26) Public utility structures: One space per four employees headquartered at such structures;

(27) Rescue mission: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed, one space per twelve seats or twenty-four feet of bench length;

(28) Residential care facilities:

A. One space for each seven residents served under the age of twelve,

B. One space for each four residents served twelve through seventeen years of age,

C. One space for each four residents served eighteen years or older;

(29) Restaurant, tea room, or cafe: One space per one hundred square feet of patron serving area;

(30) Taverns, bars, or cocktail lounges: One space per one hundred square feet of patron serving area;

(31) Telephone exchanges: One space per four employees headquartered at such structures;

(32) Theaters, except drive-in: One space per fifty-six square feet of floor area; or where seating is fixed, one space per eight seats or sixteen feet of bench length;

(33) Wedding chapel or reception hall: One space per fifty-six square feet of floor area in public rooms;

(34) Welfare institution: One space per ten beds for patients or inmates.

(f) GROUP 6 USES:

(1) Churches: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Residential buildings accessory to churches: One space shall be provided for each ten persons residing in such buildings;

(3) Colleges: One space per ten seats in classrooms;

(4) Residential buildings accessory to colleges: One space shall be provided for each five students housed in dormitories, fraternities or sororities;

(5) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Convalescent home: One space per five beds, except for homes of twenty beds or over, one space per three beds.

(6) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Hospitals, general: One space per two beds plus one space per two employees;

(7) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Hospitals, mental, remedial or detention: One space per two beds plus one space per two employees;

(8) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Nurses' homes or other residential buildings accessory to hospitals: One space shall be provided for each five persons residing in such building.

(9) Schools, nursery: One space per teacher in schools having four or more teachers;

(10) Schools, private, parochial, or public elementary and public primary: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(11) Schools, public, private, and parochial high: One space per fifty-six square feet of floor area in the main auditorium; or where seating is fixed to the floor, on space per eight seats or sixteen feet of bench length in the main auditorium.

(g) (Added by Ord. No. 150581 effective Jan. 1, 1981.) GROUP 7 USES: Parking requirements are the same as those listed in 33.50.040.

(h) Parking as required for the above uses shall be regulated by Chapter 33.82.

(i) (Added by 150537 effective Jan. 1, 1981.) Parking required by this Section may be reduced by one space for every two bicycle parking spaces provided under the provisions of 33.42.045 Bicycle Parking, up to a maximum reduction of 20 percent of the required motor vehicle spaces, if the Bureau of Traffic Engineering approves the reduction.

33.42.045 Bicycle parking required. (Added by Ord. No. 150737 effective Jan. 1, 1981.) (a) Group 1 Uses: Five spaces or one space for every 20 motor vehicle parking spaces provided, whichever is greater.

(b) Group 2 Uses: Five spaces or one space for every 20 motor vehicle parking spaces provided, whichever is greater.

(c) Group 3 Uses:

(1) Gymnasiums and indoor arenas: Ten spaces or one space for every 20 motor vehicle parking spaces provided, whichever is greater.

(2) All Other Group 3 uses: Five spaces or one space for every 20 motor vehicle parking spaces provided, whichever is greater.

(d) Group 4 Uses: Two spaces or one space for every 20 motor vehicle parking spaces provided, whichever is greater.

(e) Group 5 Uses:

(1) Auditoriums, exhibition halls, libraries, museums, and theaters: Ten spaces or one space for every 20 motor vehicle parking spaces provided, whichever is greater.

(2) Billboards and Cemeteries: None

required.

(3) All Other Group 5 Uses: Five spaces or one space for every 20 motor vehicle parking spaces provided, whichever is greater.

(f) Group 6 Uses:

(1) Elementary and High Schools: One space for every 10 students.

(2) Colleges: One space for every 10 motor vehicle parking spaces provided.

(3) All Other Group 6 Uses: Five spaces or one space for every 20 motor vehicle parking spaces provided, whichever is greater.

(g) For all of the above uses, except schools and colleges, wherever 10 or more bicycle parking spaces are provided, 50 percent of the required spaces shall be covered. All bicycle parking required for schools and colleges shall be covered.

(h) Bicycle parking as required for the above users shall be regulated by Chapter 33.82.

33.42.050 Off-street loading required. Off-street loading berths shall be provided and maintained for the following uses occupying a building or buildings totaling twenty thousand square feet of gross floor area or more according to the following table:

Square Feet of Floor Area	Loading Berths Required
USES: HOTELS	
20,000 - 29,999	1
30,000 - 69,999	2
70,000 - 129,999	3
130,000 - 219,999	4
220,000 - 379,999	5
380,000 - 699,999	6
700,000 - 1,499,999	7
Over - 1,500,000	8
USES: THEATERS	
20,000 and over	1
USES: CONVALESCENT HOMES; ALL TYPES OF HOSPITALS; COLLEGES; LAUNDRIES; AND PRINTING, LITHOGRAPHING, AND PUBLISHING	
20,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14
USES: GROUPS 1, 2, 3, and 5	
20,000 - 24,999	1
25.000 - 59,999	2
60,000 - 99,999	3
100,000 - 159,999	4
160,000 - 249,999	5
250,000 - 369,999	6
370,000 - 579,999	7
580,000 - 899,999	8
900,000 - 2,999,999	9
Over - 3,000,000	10

33.42.060 Lot size required. For lot size there shall be no limitation.

33.42.070 Maximum lot coverage. There shall be no maximum lot coverage limitation.

33.42.080 Maximum floor area permitted. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) (a) The gross floor area devoted to the conduct of any individual Group 3 use, other than subdivisions (2) and (4), Section 33.42.020 (d), together with its accessory uses, shall not exceed five thousand square feet, and hereafter no permit shall be issued to construct or to enlarge a building to contain one of such uses exceeding five thousand square feet in gross floor area.

(b) Maximum floor area shall be limited to a floor area ratio of 12:1 at locations 400 feet or more from an FF, R20, R10, R7, R5, R2.5, R2, C5, or C4 zone.

(c) (Am 155630 ef Mar. 26, 1984) Maximum floor area shall be limited to a floor area ratio of 3:1 at locations less than 400 feet from an FF, R20, R10, R7, R5, R2.5, R2, R1, C5 or C4 zone. However, where a lot is fully separated from the above listed zones by RH or RX zoned lands the maximum allowable floor ratio shall be 6:1.

33.42.090 Maximum height permitted. (Am 150581; and 155630 ef Mar. 26, 1984) (a) No structure shall exceed three stories or forty-five feet in height, except there shall be a height limit of 250 feet on any structure located four

hundred feet or farther from any FF, R20, R10, R7, R5, R2.5, R2, R1, C5 or C4 zone and on any structure housing the elderly and/or handicapped and conforming with the requirements of Chapter 33.81. However, where a lot is fully separated from the above listed zones by RH or RX zoned lands the maximum height permitted shall be either 250 feet or the height allowed in the closest intervening RX or RH zoned area, whichever is less.

(b) On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more, measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, radio and television aerials, water tanks, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space.

33.42.100 Minimum front yard.* (Am 153828 ef Oct. 18, 1982) Where all the frontage is located in a C2 Zone, no front yard shall be required. Where the frontage is located partly in a C2 Zone and partly in an R or FF zone, the front yard requirement of the R or FF zone shall apply in the C2 zone.

33.42.110 Minimum side yard. (Am 153828 ef Oct. 18, 1982) A side yard is not required except where the side of a lot abuts an R or FF zone. In such case, the side yard requirement of the R or FF zone shall apply in the C2 Zone on that side of the lot abutting the R or FF zone.

33.42.120 Minimum rear yard. (Am 153828 ef Oct. 18, 1982) There shall be no limitation except where the rear lot line abuts the side of an adjoining lot in an R or FF zone and in such case the side yard requirement of the R or FF zone shall apply to the rear yard of the C2 Zone where the two abut.

33.42.123 Development adjacent to watercourses and water bodies. (Added 153329 effective July 5, 1982.) (1) Development shall be restricted within the following areas:

(a) Between the ordinary high water line and twenty-five feet back of the top of the bank of watercourses and water bodies such as rivers, lakes, ponds, sloughs or wetlands, as shown on the City of Portland Water Features Map.

(b) Within twenty-five feet of the centerline of watercourses such as streams, creeks and drainageways draining thirty acres or more as shown on the City of Portland Water Features Map.

(2) Within the restricted areas no structures, accessory buildings or uses as defined in Title 33, excavations, or fills shall be allowed unless approved as a conditional use pursuant to Chapter 33.106.

(3) If enforcement of this provision shall result in less than fifty percent of allowable area on any individual C or M zoned lot after zoning setbacks are accounted for, this water feature section is waived to allow up to fifty percent of allowable area.

(4) Lands regulated by the Willamette River Greenway Overlay zone are exempt from these provisions.

(5) River related and river dependent uses, as defined in Chapter 33.77, are exempt from these provisions.

(6) Flood and erosion control measures, and maintenance thereof, are exempt from these provisions.

(7) Streets, roads, water lines, storm and sanitary sewers, waste water pumping stations, underground utility lines and similar facilities are exempted from these provisions.

(8) The regulations of this section shall be considered minimum requirements and do not supersede Chapter 56 of Title 24, Building Regulations.

33.42.125 Street trees. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Within the C2 Zone street trees shall be provided and shall meet the requirements established in Section 33.34.120.

*See Chapter 33.90 for additional regulations.

33.42.127 Building orientation. (Add 150851; am 155630 ef Mar. 26, 1984) On sites that abut a regional transitway, major city transit street or minor transit street (as identified in the City's Arterial Streets Classification Policy), any land between the adjacent transit street and any structure shall be treated as an extension of the sidewalk; i.e., paved with material which allows for the movement of pedestrians, or landscaped. Motor vehicle parking and maneuvering is prohibited in such areas. Where a lot is so located that it has three or more frontages facing an above listed transit street, no more than two of the frontages need comply with the building orientation provisions.

33.42.130 Signs permitted. (Amended 139117, 139702, 139974, 149063, 150581, 151021; and 153373 effective July 17, 1982) On-premise permanent and temporary signs. The following permanent and temporary on-premise signs are permitted for commercial uses in the C2 General Commercial Zone, subject to the provisions of this title and other titles relating to signs. Permanent signs require permits. No permit is required for temporary signs. Residential uses within the C2 zone shall be permitted only the signage permitted in Section 33.32.130, the R1 zone.

1. General Provisions (a) Maximum sign area. The maximum sign area for all permanent signs associated with one business location shall not exceed one and one-half square feet of sign-face area for each lineal foot of property line that is parallel and adjacent to a right-of-way. Property fronting on separate rights-of-way shall be measured separately when calculating the allowable sign area. Contiguously owned property that is not associated with the business location, or that is unimproved, shall not be considered when calculating the allowable sign area. Signs may be illuminated. The maximum sign area for any one sign shall not exceed two hundred square feet, however up to an additional fifty square feet of sign area for any one sign may be approved if the Sign Review Committee or appropriate superseding group finds that the proposed sign substantially meets the following criteria:

(1) Special conditions and circumstances exist which are peculiar to the land or structure which make it difficult to read the sign and which are not applicable to other land or structures in the immediate vicinity.

(2) The additional sign area is required to provide for clear legibility of the principal message at the location of the proposed sign.

(3) No other on-premise location is available which could provide adequate legibility for a sign of two hundred square feet.

(4) The proposed increase in sign size will not significantly detract from the character or value of surrounding property.

Requests for additional sign area for individual signs shall be processed under the procedures set out in Section 33.92.110(4), Sign Adjustments and Appeals, but proposed signs which have substantially met the criteria listed

above are not subject to the findings and criteria requirements of that section.

(b) Minimum sign area. Each separate business establishment shall be permitted a minimum of fifty square feet of sign area, except as provided for in Subsection (5) of this section.

(c) Street frontage in excess of three hundred lineal feet. A business location which has more than three hundred lineal feet of frontage on one right-of-way is permitted additional signs located at a minimum distance of two hundred lineal feet from other signs on the premise. The excess lineal footage shall be considered as a separate street frontage. The area, number, and type of signs permitted shall be regulated as provided in this section.

(d) Alleys. Signs on buildings having public entryways on alleys or parking lots are permitted one additional wall sign per business location for each such building orientation. Such sign shall not exceed fifty square feet in area except in instances where the primary entrance of the business is oriented onto an alley or parking lot. In such instances, the maximum area permitted for the additional sign shall be one hundred square feet.

(e) Second-story or Basement Businesses. Businesses maintained solely on the second floor or in the basement of a building, which are the only commercial occupants of the building, shall be entitled to 50 percent of the sign areas allowed in section 1(a) with a minimum allowable area of twenty-five square feet. Such signs shall be limited to wall signs and shall not be located higher than twenty-five feet to top of sign as measured from grade.

2. Number and Type. Each street frontage of each business premise is permitted the following number and type of permanent signs subject to the area provisions above:

(a) There shall be no more than one freestanding, projecting or roof sign.

(b) The total number of signs for any use shall be based on frontage. Any use with up to three hundred feet of frontage shall be allowed three signs. Uses with over three hundred feet of frontage may have one additional sign for each one hundred feet of additional frontage over three hundred feet. The Sign Review Committee or the appropriate superseding group may allow the use of one additional sign beyond the number permitted based on frontage if it is found that the proposed sign substantially meets the following criteria:

(1) The use for which the additional sign is requested presently has less than 75 percent of the total area of sign permitted based on frontage.

(2) The additional sign will be located on the frontages.

(3) Additional signage is required to be consistent with the number and type of signs traditionally associated with the particular use for which the additional sign is requested

(4) The presence of the additional sign will not significantly detract from the character or value of surrounding property.

Requests for an additional sign shall be processed under the procedures set out in Section 33.92.110(4), Sign Adjustments and Appeals, but proposed signs which have substantially met the criteria listed above are not subject to the findings and criteria requirements of that section.

(c) Wall, canopy, awning and marquee signs are permitted sign types.

(d) Rotating and animated signs are permitted except as roof signs.

(e) Flashing signs are permitted when the flashing portion does not exceed 15 percent of the sign-face area; however, within four hundred feet of an R zone, a flashing sign must be found by the Sign Review Committee or the appropriate superseding group to meet the following criteria:

(1) Flashing portion of the proposed sign must not be visible from either existing or possible new residential development in residentially zoned areas within four hundred feet of the prospective sign's location.

Flashing signs shall be processed under the procedures set out in Section 33.92.110(4), Sign Adjustments and Appeals, but proposed signs which have substantially met the criteria listed above are not subject to the findings and criteria requirements of that section.

(f) Electronic information signs are permitted. The area of these signs shall be part of the maximum sign area allowed.

(g) Incidental signs which are oriented primarily to people entering or exiting a business premise are permitted in addition to the number of signs permitted in (b) above.

3. Temporary Signs. The following signs do not require permits and are allowed in addition

to other permitted signs in this title.

(a) Banners are permitted with a maximum size of sixty square feet provided only one banner at a time shall be allowed per each business premise and each banner may be displayed no longer than sixty days in any twelve-month period. Such signs must be securely fastened and located wholly on private property and advertise goods, products, services or activities offered on the premises.

(b) Pennants and flags are permitted provided that each system of pennants and flags is erected wholly on and over private property and are not displayed longer than six months at a time in any twelve-month period.

(c) One A-board sign is permitted for each business premise. Such sign shall not exceed twelve square feet in area nor four feet in height and shall be wholly located on private property.

(d) Special-events signs, as defined in Chapter 33.92, are permitted provided that such signs are located wholly on or over private property, are not displayed for a period to exceed ninety days, and are removed within seven days after the advertised special event. Special-events signs situated on movable support structures of any kind shall be securely fastened to the ground or building in a manner satisfactory to the Portland Bureau of Buildings. Such signs shall also comply with Section 33.92.130, Vision-Clearance Areas.

4. Height (a) The maximum height of a freestanding sign shall not exceed thirty feet above grade, except as provided for in Subsection (5) of this section.

(b) The height of all signs is regulated in Chapter 33.92 under types of signs.

(c) Incidental and directional signs shall be limited to a height of four feet when freestanding and eight feet when attached to a wall.

5. Center, Business Complex or Shopping Center. Signs permitted by this section shall be the only signs permitted in a center. A center is defined in Section 33.92.040(14) of this title. The following signs are permitted for each frontage:

(a) One sign with a maximum area of three hundred square feet is permitted for the center which may be any permitted type. This sign may indicate the name of the center and the names of the individual businesses within. The height of such sign is limited to thirty-five feet.

(b) A center location which has more than three hundred feet of frontage on one street is permitted additional signs located at a minimum distance of three hundred feet from other signs on the premise. The excess lineal footage shall be considered as a separate frontage. The area, number and type of signs permitted shall be regulated as provided in Subsection 2 above.

(c) One sign is permitted for each individual business oriented onto a right-of-way or parking lot, which shall be limited to a wall sign with a permitted sign area allowed the larger of thirty square feet or one square foot per foot of frontage.

(d) One additional under-marquee, canopy or awning sign is permitted for each individual business frontage.

(e) Incidental signs which are oriented primarily to people entering or exiting a business premise are permitted in addition to those signs permitted above.

6. Conditional Uses - (See Section 33.42.200) (a) An approved conditional use is permitted signs in accordance with the sign regulations of this zone.

(b) If additional signing is desired, such sign(s) must be approved when application is made for the conditional use.

(c) Signs which do not conform to provisions (a) or (b) above may be approved under the conditional use procedures in Chapter 33.106 of this code.

7. Nonconforming Uses - (See Subsection 33.94.020(f)). Signs on nonconforming uses shall conform to the regulations governing signs in this zone.

8. Buffer Zones - (See Chapter 33.58). Sign regulations in B zones shall be those of the more restrictive abutting zone, whether across a street or alley or immediately adjoining.

9. Residential Uses. Residential uses and signage are governed by the R1 or RH zone regulations (see Chapters 33.32 and 33.34).

10. Real Estate Signs. Each frontage of each business location or property is permitted one real estate sign not to exceed thirty-two square feet in area. Such sign shall not require a permit.

PRE-EXISTING USES

33.42.135 Pre-existing uses. (Add 150581; am 153826 ef Oct. 18, 1982)

(a) Purpose. The purpose of the pre-existing use section is to minimize hardships on land use activities that were subject to restrictive zone changes resulting from the implementation of the Comprehensive Plan on January 1, 1981. The Comprehensive Plan contained significant zoning map and zoning code changes to better guide future land use decisions in the City. As a result, some land use activities no longer comply with the regulations of this Title. The pre-existing use regulations are a means to provide these affected uses some of the rights of their previous zoning, while making new uses subject to the current zoning code and map. The regulations provide flexibility for expansion and continued operation of the pre-existing use. They are intended to generally be less restrictive than the non-conforming use regulations of Chapter 33.94.

(b) Definition. A pre-existing use is: (1) A use that was:

Existing at the time the Comprehensive Plan took effect on January 1, 1981; and

Was a principal or approved conditional use in its zone, and complied with all siting, structural and parking regulations; but

(2) As a result of a zoning map or zoning code change at the time of the Plan's implementation:

The use is no longer a principal or conditional use in its zone; or

The use no longer complies with all siting, structural and parking standards of this chapter.

(c) Regulations. Pre-existing uses shall be subject to the following regulations: (1) Change of use. Upon issuance of a certificate of occupancy by the Bureau of Buildings, a pre-existing use may be changed to a conforming use or to a use of the same or more restrictive classification without loss of pre-existing status. However, a pre-existing use may not be changed to a use that would not have been permitted prior to the implementation of the Comprehensive Plan on January 1, 1981. Differences between the property owner and the Bureau of Buildings as to the determination of whether a proposed use is at the same or more restrictive classification shall be referred for interpretation as specified in Section 33.114.030. After a change of a pre-existing use to a conforming use or to a more restrictive use, it shall not thereafter be changed to any less restrictive use.

(2) Change of ownership. A pre-existing use may change ownership without loss of pre-existing use status.

(3) Damage by fire. Any structure containing a pre-existing use damaged or destroyed by a fire or other cause beyond the control of the owner may be reconstructed in accordance with the floor area ratio, yard, height, and parking regulations currently in effect for the zoning category in place on December 31, 1980.

(4) Floor area expansion.

A. A pre-existing use may increase in floor area on an existing site subject to the floor area ratio, yard, height, and parking regulations currently in effect for the zoning category in place on December 31, 1980.

B. For the purpose of subsections (4) and (5) of this section, a lot will be considered part of the existing site of a pre-existing use if, on

December 31, 1980 it was in the same ownership, it was in active use by the pre-existing use as part of its business and the lot contains some improvements supporting its active use.

(5) Site expansion. A pre-existing use may expand up to 100 percent in site area subject to the following requirements:

A. Site expansion shall occur only on adjacent parcels, or on ones wholly or in part directly across a public right-of-way from the original location of the pre-existing use.

B. Site expansion shall occur only on parcels that have the same or less restrictive zoning than the pre-existing use site, but in no case shall expansion be onto parcels where the expansion would not have been allowed under the zoning in place on December 31, 1980.

C. In cases where expansion site was in the same ownership as the existing site on December 31, 1980, and the expansion site had the same zoning as the pre-existing use site on that date, the expansion is allowed outright. All other site expansions shall be subject to the conditional use process of Chapter 33.106.

D. The regulations for the site expansion governing floor area ratio, yards, height and parking shall be those currently in effect for the zone category on the expansion site in place on December 31, 1980.

E. At the time of such expansion of area, street trees must be provided on all rights-of-way abutting the use, and parking areas must be landscaped to conform with the requirements of Chapter 33.82. Tree planting layout and selection shall be in conformance with the City's street tree planting guidelines and approved by the City Forester.

(6) Signs.

A. Signs that were in conformance with the zoning in place on December 31, 1980 may be replaced by a sign of comparable area, height and illumination or by a sign which complies with the regulations of this Chapter, whichever is less restrictive.

B. Pre-existing uses not previously having a sign may install a sign subject to the regulations of this Chapter.

(7) If a pre-existing use is discontinued for more than two years, it shall not be re-established. Future use of the site shall be limited to those allowed under the provisions of this Chapter, except as provided for in Section 33.94.080.

RESIDENTIAL USES

33.42.140 (Amended by Ord. No. 150581 effective Jan. 1, 1981.) On lots developed for residential uses in a C2 Zone.

(a) Uses permitted:

(1) One family detached dwellings;

(2) One family attached dwellings;

(3) Two family dwellings;

(4) Multi-family dwellings;

(5) Boarding and rooming houses;

(6) Elderly and handicapped high density housing as provided for by Chapter 33.81.

(7) (Add 155589 ef Mar. 12, 1984) Residential homes.

(b) Residential portions of developments in C2 zones shall be regulated by the requirements of residential zones according to the following:

(1) Lots located within 400 feet of an R1 or more restrictive residential zone shall meet the requirements of the R1 zone.

(2) Lots located 400 feet or more from R20, R10, R7, R5, R2.5, R2 or R1 Zones but adjacent to an RH, C5 or C4 Zone shall meet the requirements of the RH Zone. Such residential development shall be limited to a floor area ratio of 4:1, except that on lots with less than 10,000 square feet of area, residential development shall be limited to a floor area ratio of 2:1.

(3) All other lots shall meet the requirements of the RH zone except that the floor area ratio and height allowed shall be the same as for non-residential development in the C2 zone.

(c) Where any of the above residential uses are combined on the same lot or in the same building with a principal use permitted in C2 Zones, off-street parking and lot area as required for buildings used exclusively for residential purposes shall be provided in addition to parking maintained for the principal use. Likewise, side and rear yards shall be provided for those portions of the building arranged for or occupied as a place of residence of the depth required of buildings used exclusively for residential purposes.

33.42.150 On all other lots in C2 zones. (Rep 153828 ef Oct. 18, 1982)

ACCESSORY BUILDINGS AND USES

33.42.160 Generally. No separate permit shall be issued for the construction of any type

of accessory building prior to that of a main building to contain a principal or residential use.

33.42.170 Height. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) No accessory building or structure shall exceed two stories in height, except there shall be no limit on any structure located four hundred feet or farther from any FF, R20, R10, R7, R5, R2.5, R2, C5 or C4 Zone.

33.42.180 Accessory to principal use. (a) On lots abutting R or A Zones, no accessory building shall be located nearer to a lot line separating the R or A Zone from the C2 Zone than the requirement for accessory buildings in the R or A Zone.

(b) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot.

33.42.190 Accessory to residential use. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Regulations governing buildings accessory to principal uses in R1 Zones shall apply to all accessory uses and buildings to a residential use in a C2 Zone.

CONDITIONAL USES

33.42.200 Uses permitted. (Am 134013, 134079, 138853, 138936, 138416, 142920, 148224, 150581, 153329; and 153828 ef Oct. 18, 1982) In a C2 Zone, the following conditional uses may be permitted subject to the regulations contained in Sections 33.42.210 through 33.42.245 and Chapter 33.79 and under the authority and according to the procedure specified in Chapter 33.106:

(1) Aircraft landing area or private or public helistop
(2) Animal hospital or veterinary office
(3) Automobile service stations
(4) Excavations and filling
(5) High density multi-family
(6) Household moving centers
(7) Labor intensive industrial uses having over 10,000 square feet of gross floor area
(8) Mass transit facilities
(9) Neighborhood houses
(10) Parks
(11) Park and ride facilities
(12) Planned Unit Developments
(13) Radio and television transmitters
(14) Recycling drop-off centers
(15) Rescue missions
(16) Residential care facility, when the proposed site is located 800 feet or less from an R zone.
(17) Telephone exchanges
(18) Trailer parks
(19) Warehousing
(20) Welfare institutions, if the prospective site is 800 feet or less from any R zones.
(21) Development of lands adjacent to water features as defined in 33.42.123 (1).

33.42.210 Regulations. (Amended by Ord. No. 138936, 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

33.42.220 Excavating or filling. Excavating or filling as defined in this title shall be regulated as a conditional use.

33.42.222 High densit multi-family. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Development of high density apartments shall be governed by the regulations listed in Section 33.41.260, High Density Multi-family.

33.42.225 Household moving centers. (Added by Ord. No. 142920 passed and effective Dec. 15, 1976.) In considering a request for a household moving center conditional use in a C2 zone, it shall be determined whether the location is appropriate considering public convenience, existing traffic volumes and impact thereon, protection of neighboring uses, and other factors found applicable. Regulations for household moving centers shall be:

(a) Lot size:

(1) Minimum lot area shall be 10,000 square feet;

(2) Maximum lot area shall be 40,000 square feet;

(3) Maximum frontage on one street shall not exceed 200 linear feet.

(b) Floor area:

(1) Maximum floor area for temporary storage facilities for household goods shall not exceed 5,000 square feet.

(c) Trucks permitted:

(1) No rental trucks shall exceed a gross vehicle weight of 18,000 lbs.

(d) Screening required:

(1) Screening shall be continuous along any portion of the site that abuts the side or rear of a lot in an R or A zone and shall meet the requirements of Section 33.82.030 (b) (1) in the parking chapter of this title.

(e) Landscaping required:

(1) Border planting, including shrubs and trees shall be provided along the street frontages.

(f) Parking required:

(1) Besides spaces for rental trucks and trailers, one space per two employees in addition to spaces provided for customer's vehicles.

(g) Other limitations:

(1) All maneuvering of vehicles shall be accomplished on the property and no portion of any abutting street right-of-way shall be used for such purposes.

33.42.227 Labor intensive industry. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Labor intensive industrial uses shall be allowed subject to the following:

(1) A labor intensive industrial use must be projected to provide one employee for every 1000 square feet of site area within the first year of its operation.

(2) As a maximum, one off-street parking space shall be provided for each four (4) employees on a major shift.

(3) When a transit incentive, vanpool or carpool program is provided by the employer, off-street parking can be reduced by 50%.

(4) Labor intensive industry projects must meet the parking, street tree, and building orientation requirements of this section.

(5) All industrial activities must take place within an entirely enclosed building.

(6) Any use objectionable due to odor, dust, smoke, noise, glare, heat or vibration shall be prohibited.

33.42.228 Mass transit facilities. (Add 155630 ef Mar. 26, 1984) At a public transit station a minimum of four covered bicycle parking spaces shall be provided and clearly identified as available for public use. Required bicycle parking shall be provided at, or within 200 feet of, every transit station.

33.42.230 Private or public helistop. A private or public helistop may be permitted subject to the additional regulations contained in Chapter 33.78.

33.42.235 **Automobile service station.** (Amended by Ord. No. 134013, 134079, 139416; and 141105 passed and effective Dec. 31, 1975.) In considering a request for an automobile service station conditional use in a C2 zone, it shall be determined whether the location is appropriate considering public convenience, availability of other stations, existing traffic volumes and impact thereon, protection of neighboring uses, and other factors found applicable. Regulations for automobile service stations shall be:

(a) Lot size:

(1) Maximum lot area shall be 40,000 square feet;

(2) Maximum frontage on one street shall not exceed 200 linear feet;

(b) Screening required:

(1) Screening shall be continuous along any portion of the site that abuts the side or rear of a lot in an R or A zone and shall meet the requirements of Section 33.82.030(b) (1) in the parking chapter of this title;

(c) Landscaping required:

(1) Border planting, including shrubs and trees shall be provided along street frontages.

33.42.240 Railroad rights-of-way and passenger stations. Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated as conditional uses. All other railroad facilities, such as switching yards, holding tracks, team tracks, freight depots, shops and roundhouses are prohibited in C2 Zones.

33.42.242 Recycling centers. (Added 151909 effective Aug. 4, 1981.) Regulations for recycling centers shall be:

(1) Lot size required. The lot area shall be at least 10,000 sq. ft. per center, and no more than 40,000 sq. ft.

(2) Exterior storage capacity shall be limited to no more than 150 cubic yards of storage containers.

(3) All exterior storage of materials shall be in sturdy, non-flammable containers which are covered, secure and maintained in good condition. Oil storage must be in containers approved by the Fire Marshal.

(4) All preparation of materials shall occur within a completely enclosed structure.

(5) A sight-obscuring fence or wall, at least 6 ft. high and not more than 8 ft. high, shall be erected and maintained between all abutting properties in C or M zones. On sites which abut or are across the street from a residential zone, a 10 ft. setback shall be provided which conforms to all of the landscaping and screening regulations of the "B" buffer zone.

(6) Border planting, including shrubs and trees, shall be provided along street frontages.

(7) A recycling center must be located on a major traffic street or neighborhood collector, as defined in the Arterial Streets Classification Policy.

(8) One parking space shall be provided for every four on-site employees, and at least 6 spaces shall be available for users.

(9) One loading berth shall be provided.

(10) A center shall not accept an individual drop-off load which exceeds 5 cubic yards.

(11) Adequate control measures for noise and litter shall be maintained continually. No food, contaminated or putrescent materials will be accepted.

(12) Staffed operating hours shall be limited to the hours between 7:00 a.m. and 7:00 p.m.

(13) Night-time receptacles shall be posted with a sign providing an emergency telephone number and public information regarding the separation of materials and responsible use of the center. Night-time drop-off areas shall be acoustically shielded from any adjacent residences.

(14) Other conditions may be attached on a case by case basis which are deemed appropriate and in the public interest to prevent unreasonable interference with the use and enjoyment of surrounding neighborhood property.

33.42.245 Residential care facilities. (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) Regulations for residential care facilities shall be:

(1) Lot size required. A. The minimum lot area shall be five thousand square feet per facility.

B. The minimum lot width shall be fifty feet.

C. The minimum lot depth shall be eighty feet.

(2) Minimum on-site open space. A. Two hundred square feet for each resident served under the age of twelve years.

B. Three hundred square feet for each resident served twelve years through seventeen years of age.

C. One-hundred fifty square feet for each resident served eighteen years of age or older.

(3) Minimum off-street parking. One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility.

(4) Valid certificate of review (license to operate) issued under Chapter 8.80 of the municipal code.

33.42.247 Trailer parks. (Added by Ord. No. 150581 effective Jan. 1, 1981.) The following requirements must be met:

(1) A mobile home park shall be a place for mobile homes which are used only for residential purposes and does not provide accommodations for occupancies of less than one month.

(2) Minimum Area - Four acres.

(3) Maximum Number of Lots or Spaces - 125, or distinct neighborhoods with a maximum of 100 spaces each.

(4) Maximum Density - Sixteen lots per acre.

(5) Perimeter Treatment - Except as required for vision clearance, the outer perimeter of each park shall be improved with evergreen landcaping that is at least ten feet in depth, will mature within three years, and reach at least five feet in height at maturity.

(6) Occupied Area Surface Treatment - Unless in conflict with state laws and regulations, all areas covered by mobile homes and accessory buildings shall be paved with asphalt, concrete or other fixed paving material.

(7) Accessory Buildings and Structures Setbacks - Carports, storage buildings, porches and accessory buildings, and structures over 30 inches in height shall be located at least ten feet from the abutting lot's mobile home, accessory buildings and structures; provided, however,

that awnings, patio covers, and their supporting structures may be located within six feet of the abutting lot's mobile home, accessory buildings and structures.

(8) Mobile Home and Accessory Building Support and Tie-down - Mobile home and accessory building foundations shall be of sufficient strength to support the required live-loads and actual dead-loads based on accepted engineering design standards. Foundations, tie-downs, or other supports shall be provided to withstand the specific horizontal, up-lift and over-turning wind forces on the mobile home and any attached or supported structures based on accepted engineering design standards.

(9) Permissible Age - Prior to location of a mobile home in a mobile home park, the owner or occupant shall establish to the satisfaction of the superintendent of building inspection that the mobile home is in a condition that conforms to any construction standards in effect in Oregon after September 1, 1969.

33.42.249 Development of lands adjacent to water features as defined in Section 33.42.123 (1). (Added 153329 effective July 5, 1982.) Regulations for development of lands adjacent to water features shall be as follows:

(1) The applicant shall demonstrate a need for such development and that the development complies with the recommendations of any affected drainage district; provide an evaluation of the effect on flood flow and level, water quality, erosion, siltation, vegetation and fish and wildlife habitats; and state what measures are proposed to mitigate adverse effects.

(2) In deciding whether to approve the conditional use application the Hearings Officer, or Council on appeal, shall consider the need for the project, the potential adverse effects of the project and the adequacy of the measures to mitigate those adverse effects.

33.42.250 Prohibited uses. Uses of structures and land not specifically mentioned in this chapter are prohibited in all C2 Zones.

Chapter 33.44

C1 CENTRAL COMMERCIAL ZONE

Sections:

33.44.010	Generally.
33.44.012	Purpose.
33.44.014	Z Downtown development zone applicable.
33.44.020	Uses permitted.
33.44.030	Limitations on use.
33.44.040	Off-street parking.
33.44.050	Off-street loading.
33.44.060	Minimum lot size.
33.44.070	Maximum lot coverage.
33.44.080	Maximum floor area.
33.44.090	Maximum height.
33.44.100	Minimum yards.
33.44.120	Street trees.
33.44.130	Signs.
33.44.132	Unique sign districts and sites
33.44.135	Downtown Plan review area.
33.44.137	Demolition.
	CONDITIONAL USES
33.44.140	Uses permitted.
33.44.150	Regulations.
33.44.162	Public transit facilities.
33.44.220	Prohibited uses.

33.44.010 Generally. In all C1 Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

33.44.012 Purpose. (Added by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) The C1 Central Commercial Zone is designed to regulate development of Downtown Portland. The regulations permit a broad range of uses including but not limited to office, retail, entertainment, housing, and supporting institutional and service uses which will maintain downtown as Portland's commercial, cultural, and governmental center in furtherance of planning goals and public policies.

33.44.014 Z Downtown development zone applicable. (Added by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) The entire area within the C1 Central Commercial Zone shall also be within the Z Downtown Development Zone, and shall be subject to the provisions of Chapter 33.56.

33.44.020 Uses permitted. (Amended by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) In a C1 Zone, the following uses are permitted.

(1) GROUP 1 uses as listed in Section 33.42.020;

(2) GROUP 2 uses as listed in Section 33.42.020;

(3) GROUP 3 uses as listed in Section 33.42.020;

(4) Group 5 uses as listed in Section 33.42.020, excluding the following:

(a) drive-in businesses;

(b) billboards and other advertising signs and structures, except for signs accessory to permitted or conditional uses;

(c) cemeteries, crematories, mausoleums, and columbariums;

(5) GROUP 6 uses as listed in Section 33.42.020;

(6) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers and crystal holders;

(7) Laboratories; experimental, research or testing;

(8) Manufacture, compounding, processing, packaging or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, excluding the refining and rendering of fats and oils;

(9) Manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood excluding planing mill, yarns, and paint not employing a boiling process;

(10) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay;

(11) Manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures;

(12) Manufacture of musical instruments, toys, novelties and rubber and metal stamps;

(13) Manufacture of optical goods, scientific and precision instruments and equipment;

(14) Manufacture of artificial limbs, hearing aids, dentures, surgical instruments and dressings, and other devices employed by the medical and dental professions;

(15) Parcel delivery service;

(16) Wholesale business;

(17) (Am 155589 ef Mar. 12, 1984) Residential uses, including multi-family dwellings, boarding and rooming houses and residential homes;

(18) Accessory buildings and uses customarily incidental to any of the above uses;

(19) Other uses, consistent and harmonious with the central business district and found similar to the above in accordance with Section 33.114.030.

33.44.030 Limitations on use. (Amended by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) The following limitations shall apply to permitted uses:

(a) Any uses and operations objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, and other similar causes shall be prohibited.

(b) All uses and operations, except Groups 5 and 6 uses which are by nature of an open-air type shall be confined, contained and conducted wholly within completely enclosed buildings provided that incidental activities related to permitted uses such as outdoor sale of plants, outdoor eating areas and similar outdoor activities may be unenclosed subject to approval in accord with Chapter 33.62.

(c) (Add 152549, am 153062, 153146; and 155387 Dec. 8, 1983) Adult businesses as defined in Chapter 33.80 are subject to the regulations of Chapter 33.80.

(d) (Add 153063; rep 155387 Dec. 8, 1983)

33.44.040 Off-street parking. (Amended by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) There shall be no minimum off-street parking requirements in the C1 Zone. Off-street parking when approved in accordance with the procedures specified in Chapter 33.106 shall be subject to requirements specified in Chapter 33.56 and regulations specified in Chapter 33.82.

33.44.050 Off-street loading. (Amended by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) (1) It is city policy to require off-street loading facilities to maintain the efficient use of street right-of-way space. Off-street loading berths shall be provided as follows:

(a) Apartments:

Number of Units	Loading Berths Required
Less than 50	None
50 or more	1

(b) Offices:

Gross Floor Area	Loading Berths Required
Less than 30,000 sq. ft.	None
30,000 sq. ft. and over	1

(c) Business and service uses:

Gross Floor Area	Loading Berths Required
Less than 20,000 sq. ft.	None
20,000 sq. ft. and over	1

(d) In the aggregate no more than one (1) loading berth would be required.

(2) If the provision of off-street loading berths creates site, building development, or circulation problems, and if the Traffic Engineer concludes that on-street loading zones more effectively will promote the objectives of the Planning Guidelines/Portland Downtown Plan

and Circulation Policy, such on-street loading zones shall be authorized in lieu of off-street loading berths.

33.44.060 (Amended by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) **Minimum lot size.** There shall be no minimum lot size requirement.

33.44.070 **Maximum lot coverage.** (Amended by Ord. No. 147239 passed Feb. 15, effective March 19, 1979.) There shall be no limitation on lot coverage, except as may result from application of the minimum yard requirement of Section 33.44.120.

33.44.080 **Maximum floor area.** (Amended by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) (1) Maximum total floor area permitted on any site shall be as prescribed in Chapter 33.56.

(2) Two or more contiguous or noncontiguous sites within the C1 Zone may be developed jointly and residential and nonresidential floor area, including bonus residential floor area authorized by Section 33.56.070 may be transferred between the sites, provided that;

(a) Buildings on each site shall not exceed the total floor area or height permitted on that site;

(b) The total residential floor area requirement on all sites developed jointly involving residential bonus shall be assured by withholding issuance of a certificate of occupancy for the nonresidential floor space until a certificate of occupancy for the residential floor space has been issued.

33.44.090 (Amended by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) **Maximum height.** Maximum height shall be as prescribed in Chapter 33.56.

33.44.100 **Minimum yards.** (New Section substituted for Sections 33.44.100-120 by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) Courts and yards necessary to provide adequate light, air and privacy may be required under procedures in Chapter 33.62.

33.44.120 Street trees. (Add 153668 Aug. 12, 1982) Street trees shall be provided in the right-of-way adjacent to any project property line, in conformance with the following requirments:

(1) The planting, removal and maintenance of street trees shall be subject to the provisions established by Chapter 20.40, Street Tree Regulations. Until such time as a comprehensive plan for the planting and maintenance of street trees is developed, street tree plantings shall conform with the City's Street Tree Planting Guidelines, which may be obtained from the Park Bureau.

(2) The City's Tree Advisory Committee shall review downtown development plans to assure compliance with the intent of this chapter, Chapter 20.40 (Street Tree Regulations) and the Street Tree Planting Guidelines.

A. The committee may waive or modify street tree requirements as may be necessary in consideration of the physical constraints of a particular site.

(3) Street tree layout must be approved by the Fire Bureau and other affected City bureaus.

(4) Care and maintenance of street trees is the continuing responsibility of the project property owner.

(5) Street tree plantings, subject to these provisions, shall be required for all new construction and all additions, alterations or repairs of existing facilities exceeding 50% of the value of the existing buildings o improvement.

33.44.130 Signs. (Amended Ord 139117, 139702, 141105, 144530; and 153247 May 13, 1982.) These regulations are adopted to provide for adequate and effective identification for each business and other property users without signs becoming the dominating visual feature downtown. Exceptions to these regulations may be permitted in unique sign districts or on unique sign sites, with approval by the Design Commission or the Portland Historical Landmarks Commission, as described in 33.44.132. The definitions contained in Title 32, Signs, Section 32.04, shall apply herein when appropriate.

(a) On-premises signs, permanent materials. Signs made of permanent materials, identifying and advertising the business or activity conducted on the premises are permitted if in conformance with the following regulations. Permanent materials include glass, metal, wood, plastics, and the like. Also included are wall painted signs and window signs.

(1) Maximum area permitted. The total sign area permitted for all uses occupying any building or premises shall not exceed 1.5 square feet for each lineal foot of street or mall frontage. However, a minimum of 25 square feet shall be permitted for each individual use if located on the first floor or 15 square feet if located on the second floor or in the basement. Further, no one sign shall exceed 150 square feet in total area of all faces.

(2) Number. One sign with exposed illumination shall be permitted for any individual use for each 100 feet or fraction thereof of frontage along one street or mall. Other symbols, signs or lettering internally illuminated, unlighted or indirectly lighted shall be permitted, provided that the total area of all such signs for any individual use does not exceed the limitations of Section 33.44.130 (a) (1).

(3) Projecting signs. A. Signs which project more than 18 inches over the sidewalk and into the public right-of-way are not permitted except as provided in paragraphs (3) B., C., D., and E., below.

B. A sign below a fixed rain protection feature may project the full width of such feature. Such sign must clear the sidewalk by a minimum of 8 feet, not exceed 7 square feet in area per face, and be placed at a right angle to the sidewalk.

C. Signs are permitted along the faces or edges of marquees and other fixed canopies provided they do not extend above or below the upper or lower surfaces of such canopies or marquees. Only painted signs and symbols are permitted on awnings. The areas of signs on all such rain

protection features shall be within the limits of total sign area as permitted by paragraph (a) (1) of this section but their number may be in addition to the limits placed by paragraph (a) (2).

D. A sign or symbol not projecting more than 3½ feet over the sidewalk nor exceeding 15 square feet in area per face nor 30 square feet for all faces may be permitted.

E. (Amended by Ord. No. 150040 passed and effective July 17, 1980.) One standard parking symbol of approved uniform design not projecting more than 3½ feet over the sidewalk nor exceeding 15 square feet in area per face may be permitted along each street frontage of a parking lot or garage available to the general public for parking.

F. No part of any ground sign shall extend outside the property line except the standard parking symbol.

(4) Maximum height permitted. A. Signs attached to a building shall not extend above the roof line. No extensions shall be made to any building adding to its height for the sole purpose of elevating signs above the original roof height.

B. No sign shall extend above the second story unless approved by the design commission as provided by 33.44.130 (f) (1) A. A mezzanine floor shall be considered a full story.

C. Ground signs shall not extend more than 20 feet above the grade of the sidewalk at the point where such sign is located.

(5) Lighting. The surface brightness of any sign shall not exceed that produced by the diffused output obtained from an 800-milliampere fluorescent light source not closer than 8 inches on centers.

(6) Movement. Except for clocks and dial temperature signs, all parts of any sign shall be stationary. Signs which are designed to have parts moving either by mechanical or natural means are prohibited.

(7) Flashing signs. Flashing signs are prohibited, however signs which display either constantly or in sequence, by electronically or electrically controlled changes in the same lamp bank, time, temperature and reports of other phenomena which are variable in nature such as stock market quotations, shall be permitted, provided the copy displayed shall remain constant for at least two (2) second intervals between changes.

(8) Additional signs. A. Signs, lettering or symbols intended primarily for informational or directional purposes or oriented primarily toward pedestrians are permitted in addition to those regulated by items (1) through (7) above.

B. The total area of such additional signs shall not exceed 0.2 square foot per lineal foot of street or mall frontage.

C. No such additional sign shall be so placed to extend more than eight (8) feet above the sidewalk grade line.

D. No such additional sign shall be moving or flashing.

E. Metal or stone building plaques and cornerstones shall not be construed as signs.

(9) Conformance. A. Signs on each and every property within the several unique districts (see 33.44.130 (f)) shall be brought into conformance with the standards and guidelines for such districts prior to January 1, 1981.

B. Projecting signs which exceed 30 square feet in area shall be removed or adjusted to conform prior to January 1, 1983 or no longer than eight (8) years from the date of attachment if attached during the period commencing on January 1, 1975 and ending December 31, 1976.

C. Moving and/or flashing signs shall be removed or adjusted to conform to these regulations prior to January 1, 1983.

D. Any sign exceeding 150 square feet in area shall be removed or adjusted to conform to these regulations prior to January 1, 1983 or no longer than eight (8) years from the date of attachment if attached during the period commencing on January 1, 1975 and ending December 31, 1976.

E. All other nonconforming signs shall be removed or adjusted to conform to these regulations prior to January 1, 1985.

F. A sign which has been designated a landmark as provided by Chapter 33.120 may be continued under the conditions specified by the landmarks commission.

(b) On-premises signs, impermanent materials. Signs made of impermanent materials, advertising goods for sales and services rendered on the premises are permitted in conformance with the following regulations. Impermanent materials include paper, cloth and the like.

(1) Maximum area permitted. The total sign area permitted shall not exceed 0.5 square feet for each lineal foot of street or mall frontage.

(2) Attachment. Such impermanent signs shall be attached to or placed within buildings. No

additional supports on the ground or extensions or suspensions from buildings for the purpose of displaying such signs shall be permitted.

(3) Condition. Such impermanent and temporary signs on each and every property shall be brought into conformance with these regulations within 90 days from the effective date of this section.

(c) On-premise real estate signs. Unlighted signs not exceeding in total area 20 square feet along any one street or mall frontage, may be placed on any premise providing all copy pertains only to said sale or lease and provided further such sign or signs are removed within 20 days of the completion of the transaction.

(d) Traffic and other public signs. Except as the city's power to so restrict is limited by law, traffic directional signs and all other signs exceeding 15 square feet in area to be installed by any agency of the federal, state, county or city governments, or any other public authority such as the Port of Portland and Tri-Met, on or over public rights-of-way or on any other publicly or privately owned property shall not be erected until the location, design and structural supports are reviewed and specifically approved by the Design Commission or the planning director acting on behalf of the Design Commission.

(e) Prohibited signs. (1) Signs and devices which are intended to be moved or rotated by wind are prohibited.

(2) Strings of exposed incandescent light, typical of used car lots, are prohibited.

(3) Signs so located, lighted or shaped as to constitute a hazard to traffic are prohibited.

(4) All signs and devices prohibited by items (1) through (3) above shall be removed or otherwise discontinued within 90 days from the effective date of this section.

(5) Outdoor advertising signs are prohibited in C1 Zones and all such signs, supports and other appurtenances thereto shall be removed within three (3) years from the effective date of this section, or earlier if subject to termination by reason of inclusion in an S Zone prior to the effective date of this section.

(f) (Amended 151052 Jan. 29, 1981.) Administration. (1) Review by Design Commission or Portland Historical Landmarks Commission. A. Except as provided in subparagraph (b), no sign permit shall be issued by the Bureau of Buildings for any location if the area of the sign to be built, or if the area of the sign to be build combined with the area of existing on-premise signs, exceeds 30 square feet unless the new sign has been approved by the Design Commission. Applications for all such permits shall be referred to the Design Commission which shall review the application in accordance with the procedures established by Section 33.62.050. The Design Commission shall recommend to the council for its approval standards of evaluation acceptability for signs in C1 Zones in general as well as for signs in unique districts within C1 Zones.

Traffic and other public signs shall be subject to such design review if in excess of 15 square feet, in accordance with Section 33.44.130(d).

B. Signs subject to review by the Portland historical landmarks commission pursuant to Section 33.120.110 shall be exempt from review by the Design Commission. In reviewing such signs the Portland historical landmarks commission shall consider such sign standards of evaluation and acceptability adopted for any applicable unique district pursuant to this Section 33.44.130, as well as the criteria of Section 33.120.110.

(2) Presentation requirements. A. Presentation of the proposed sign to the design committee or the planning director shall include a plan of the sign with specifications and drawings to scale and specific information on materials and graphics to be used, together with color samples.

Additional information, in the way of renderings, photographs, or other forms of presentation, shall be provided by the applicant, as needed to indicate clearly the sign's position with respect to other elements in the streetscape, such as structures, streets, sidewalks, street furnishings, lighting, landscaping, visual obstructions or any other unusual conditions.

Primary considerations in judging the appropriateness of the signs to its physical environment will be sign proportions, congruence with surrounding architectural elements, interruption of views, compatibility of colors and materials, methods of lighting, creativity, uniqueness and diversity.

B. Sign proposals should respond positively to the elements which form the setting for the sign and its supporting structure. The use of competent graphic designers for design and delineation of graphic materials is encouraged.

(3) Adjustments. Notwithstanding the fact that a proposed sign does not fully meet all of the requirements of this Section 33.44.130, the

Design Commission on major projects and the planning director or his delegate on minor projects as specified in Section 33.62.050, may at the request of a sign owner or permit applicant authorize the bureau of buildings to issue a sign permit for the proposed sign. The sign permit may be issued only for signs outside the unique sign districts or sites and only if the Design Commission or planning director finds that the spirit and intent of the objectives of these regulations would be best served by the issuance of such a permit. In making such determinations, the Design Commission or the planning director shall consider the architecture of the buildings, the traffic characteristics of adjacent streets, the relationship of the requested sign to other nearby signs and to the building facade, the general character of the immediate environment and whether the requested adjustment will improve the effectiveness of the identification of particular business or institution, enhance the appearance of the vicinity or improve the quality of visual design of the requested sign. To achieve these ends the Design Commission or the planning director may require specifics as to shape, proportion, color, materials, relief and lighting of the sign.

(4) Review. A. The applicant or any person aggrieved by the decision of the planning director may request review of such decision by the Design Commission provided such request is filed within 14 days of the action by the planning director. Thenceforth, the Design Commission shall proceed in accordance with Sections 33.62.040 and 33.62.050.

B. The applicant or any person aggrieved by the decision of the Design Commission or the Portland Historical Landmarks Commission may request a review of such decision by City Council, in accordance with Sections 33.62.060 and 33.120.110.

(5) Notwithstanding the provisions of Sections 32.12.010 no sign shall be erected, re-erected, inscribed or structurally altered in a C1 Zone unless a permit has been first obtained from the Bureau of Buildings, Electrical Division. If no permit fee is provided for such sign the permit fee applicable shall be the minimum for any sign subject to a fee.

33.44.132 Unique sign districts and sites. (Added 153247 May 13, 1982.) Unique districts and sites exist within the C1 Zone. Guidelines which are less restrictive than the regulations set forth in Section 33.44.130 are appropriate for the Broadway and Chinatown Unique Sign Districts, while guidelines which are generally more restrictive are appropriate for the Yamhill and Skidmore/Old Town Unique Sign Districts. Both the less and more restrictive guidelines assure design compatibility with the appearance, character and functions of these unique districts and sites.

(a) Signs in unique districts and on unique sites, while regulated by the C1 Zone regulations in Section 33.44.130, may be adjusted from those regulations if the Portland Historical Landmarks Commission or the Design Commission finds that such an adjustment satisfies guidelines adopted for each unique district or site.

(b) Administration of sign review will follow the procedures established in Section 33.44.130, 33.62.050, and 33.120.110. The definitions contained in Chapter 33.92 shall apply herein when appropriate.

(c) The unique sign districts are:

(1) All Historic Districts in the C1 Zone. This includes at present the Skidmore/Old Town Historic District, and the Yamhill Historic District, as shown on the following map.

A. The regulations in Section 33.44.130 may be used or varied for signs within these two Historic District unique sign districts by review and approval of the Portland Historical Landmarks Commission, according to special sign guidelines developed, adopted and made available to the public by that Commission as provided by Section 33.120.040, items (b), (j) and (k). All sign proposals within these two Historic Districts must be reviewed and approved by the Portland Historical Landmarks Commission. The Commission may approve a sign if it finds that the proposed sign satisfies the regulations of Section 33.44.130 or the adopted sign guidelines for these two historic district unique sign districts.

(2) Broadway Unique Sign District, as shown on the following map.

A. The regulations contained in Section 33.44.130 may be varied for signs within this special district by review and approval of the Design Commission (or the Portland Historical Landmarks Commission if located on a landmark site), according to guidelines adopted by the Design Commission. The Design

Commission may approve a sign if it finds that the proposed sign satisfies the regulations of Section 33.44.130 or the adopted sign guidelines for the Broadway Unique Sign District.

(3) Chinatown Unique Sign District, as shown on the following map.

A. The regulations contained in Section 33.44.130 may be varied for signs within this special district by review and approval of the Design Commission (or the Portland Historical Landmarks Commission if located on a landmark site or in the Skidmore/Old Town Historic District) according to guidelines adopted by the Design Commission. The Design Commission may approve a sign if it finds that the proposed sign satisfies the regulations of Section 33.44.130 or the adopted sign guidelines for the Chinatown Unique Sign District.

(d) Unique Sign Sites.

(1) Notwithstanding the fact that an existing or proposed sign does not fully meet all of the requirements of Section 33.44.130, and is not a designated landmark, the Design Commission may determine that a sign outside of unique sign districts is a unique sign site, when, in the Commission's judgment, the sign is of exceptional design or other exceptional value to the community. This designation can be made at the request of the sign owner or by the initiative of the Design Commission. Unique sign sites are granted exception status from C1 sign regulations with conditions as may be prescribed by the Design Commission.

(2) All Portland Historical Landmarks in the C1 zone that are not in Historic Districts shall be considered unique sign sites.

A. The regulations in Section 33.44.130 may be used or varied for signs on unique sign sites by review and approval of the Portland Historical Landmarks Commission, according to the special sign guidelines developed, adopted and made available to the public by the Commission. All sign proposals on Historic Landmark unique sign sites must be reviewed and approved by the Portland Historical Landmarks Commission.

(33.44.135 Downtown plan review, repealed by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.)

33.44.137 Demolition. (Added by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) (1) Building demolition is regulated to encourage building rehabilitation and thereby prevent the creation of unsightly vacant lots.

(2) The Bureau of Buildings shall issue no demolition permit for any building until the proposal for demolition has been reviewed in accordance with Chapter 24.13 of the Portland Code as though the proposed demolition fell under the scope of Chapter 13 of the Appendix of the Uniform Building Code.

Conditional Uses

33.44.140 Uses permitted. (Amended by Ord. No. 132408, 138853, 138936; and 147239 passed Feb. 15, effective Mar. 19, 1979.) In the C1 Zone the following conditional uses may be permitted, subject to the regulations contained in Section 33.44.170 and the procedure specified in Sections 33.106.010 to 33.106.040 inclusive.

(1) Private or public helistop;

(2) Drive-in business, or any drive-in activity associated with a permitted use;

(3) Excavations and filling;

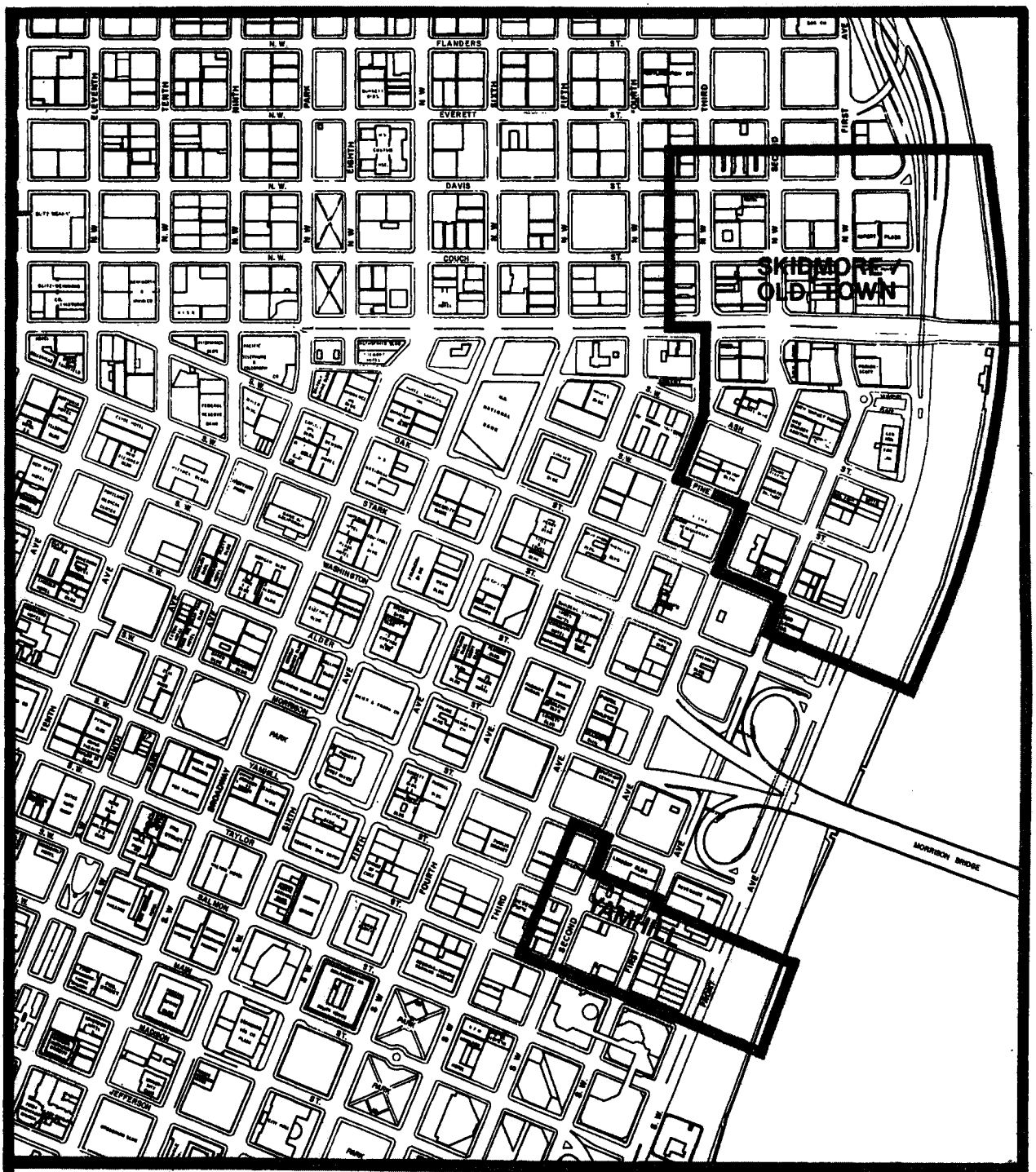
(4) Group 4 uses as listed in Section 33.42.020, except bicycle sales and services;

(5) Public or private off-street parking facilities subject to the regulations provided in Chapter 33.56;

(6) Outdoor activities not incidental and related to permitted uses, such as commercial amusements, open air markets, vendors and eating places not otherwise regulated by the city code;

(7) Radio or television transmitters;

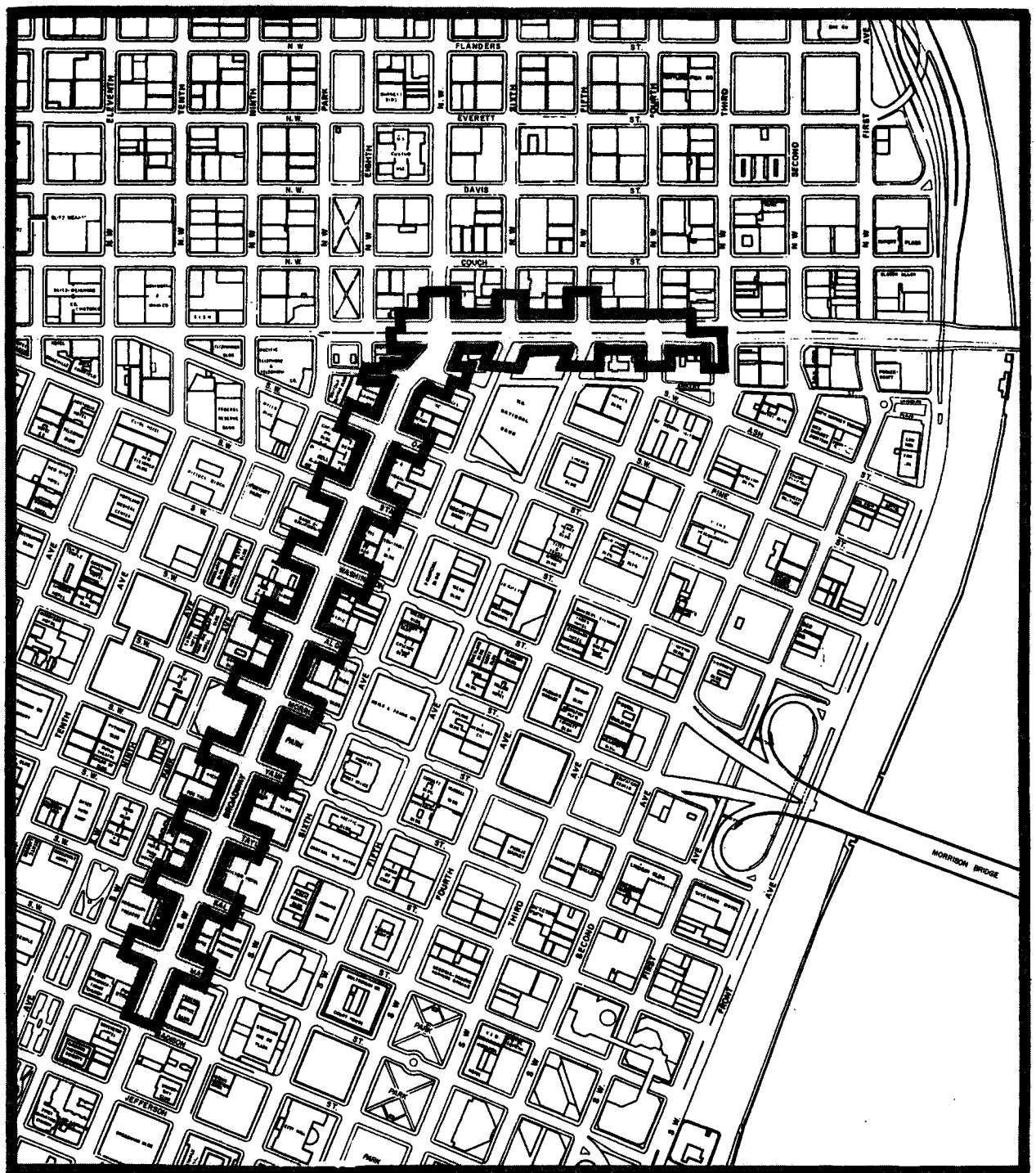
(8) (Added 152929 Mar. 18, 1982.) Public transit facilities.



Boundaries for the Historic District Unique Sign Districts

HISTORIC DISTRICT UNIQUE SIGN DISTRICTS

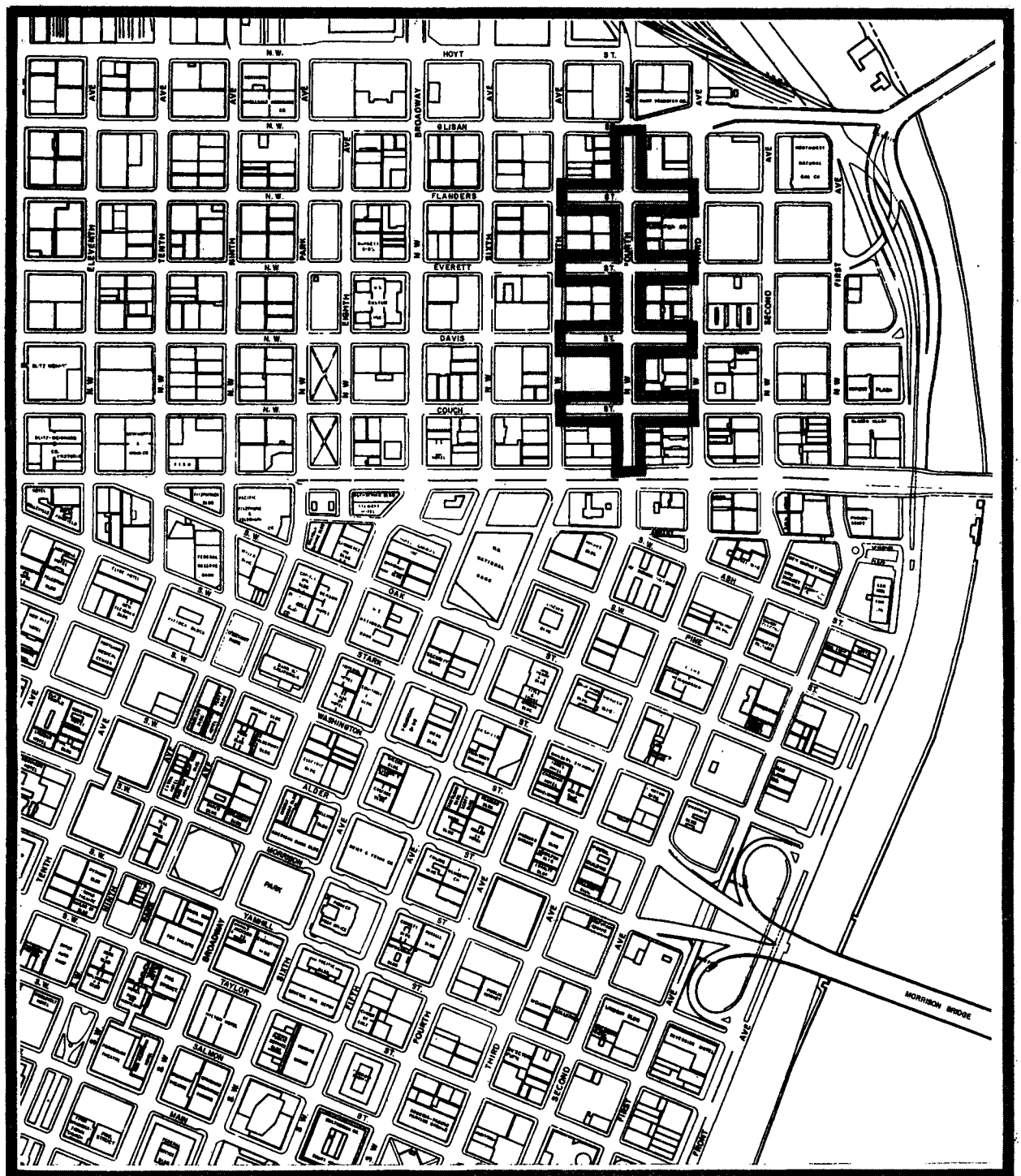
33.44.132 (c)(1)



The Broadway Unique Sign District, including all property frontages abutting the streets outlined above.

BROADWAY UNIQUE SIGN DISTRICT

33.44.132 (c)(2)



The Chinatown Unique Sign District, including all property frontages abutting the streets outlined above.

CHINATOWN UNIQUE SIGN DISTRICT

33.44.132 (c)(3)

33.44.142 Public transit facilities. (Added 152989 Mar. 18, 1982.) (1) Public transit facilities may be permitted, subject to the regulations contained in Section 33.44.150 and the procedures specified in Sections 33.106.010 to 33.106.040. Items for consideration in granting a request for a public transit facility as a conditional use in the C1 Zone may include, but are not limited to, pedestrian access, screening, landscaping, artificial lighting, ability to develop air rights where feasible, and avoidance of blank walls.

(2) A transit vehicle may layover for emergency repair no longer than the time required to accomplish the repair necessary to move the vehicle, or eighteen hours, whichever is less.

33.44.150 Regulations. (Amended by Ord. No. 138936, 139117, 139702, 141105, and 147239 passed Feb. 15, effective Mar. 19, 1979.) (1) Specific regulations and conditions governing each conditional use shall be determined at the time of approval as provided in Chapter 33.106. Off-street parking and loading requirements provisions governing signs, or other conditions or limitations of approval, shall be guided by regulations applicable to similar permitted or conditional uses in other zones and by specific development objectives and conditions in the C1 Zone and in downtown.

(2) Regulations differing from those governing principal uses permitted in C1 Zones are not specified in this chapter or in the written instrument approving a conditional use, then the regulations governing principal uses shall also govern such conditional use insofar as applicable. Additional regulations are contained in Chapters 33.56 (Z Downtown Development), 33.82 (Parking Regulations), 33.86 (Loading Regulations), and 33.90 (Yard Regulations).

(33.44.160 Drive-in business, 170 Excavating and filling, 180 Group 4 uses, 190 private or public helistop, 200 Off-street parking facilities, 210 Off-street loading facilities, and 215 Residential care facilities, repealed by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.)

33.44.220 Prohibited uses. Uses of structures and land not specifically mentioned in this chapter are prohibited in all C1 Zones.

Chapter 33.46

MX CENTRAL SERVICES ZONE

(Added by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.)

Sections:

33.46.010 Generally.
33.46.020 Purpose.
33.46.030 Z Downtown development zone applicable.
33.46.040 Uses permitted.
33.46.050 Limitations to use.
33.46.060 Off-street parking.
33.46.070 Off-street loading.
33.46.080 Minimum lot size.
33.46.090 Maximum lot coverage.
33.46.100 Maximum floor area.
33.46.110 Maximum height.
33.46.120 Minimum yards.
33.46.125 Street trees.
33.46.130 Signs permitted.
33.46.140 Uses permitted.
33.46.150 Regulations.
33.46.160 Prohibited uses.

33.46.010 Generally. In all MX Zones the use of land and structures, the location and erection of new structures, and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

33.46.020 Purpose. The MX Central Services Zone is intended to provide regulations governing use and development of property as commercial services and light manufacturing districts complimentary to downtown retail and office uses. The regulations permit various manufacturing, commercial service, wholesale, retail and other uses compatible with development of downtown Portland and in furtherance of planning goals and public policies. Although residential uses are permitted it is not intended that residential uses will predominate or that residential uses will tend to set development standards for the commercial service and light manufacturing uses.

33.46.030 Z Downtown development zone applicable. The entire area within the MX Central Services Zone also shall be within the Z Downtown Development Zone, and shall be subject to the provisions of Chapter 33.56.

Principal Uses

33.46.040 Uses permitted. In the MX Zone, the following uses are permitted:

(1) Group 1 uses as listed in Section 33.42.020;

(2) Group 2 uses as listed in Section 33.42.020;

(3) Group 3 uses as listed in Section 33.42.020;

(4) Group 4 uses as listed in Section 33.50.020, except garages, parking and repair, and automobile service stations;

(5) Group 5 uses as listed in Section 33.42.020, excluding

(a) Drive-in businesses;

(b) Billboards and other outdoor off-premises advertising signs and structures, except for signs accessory to permitted or conditional uses;

(c) Cemeteries, crematories, mausoleums, and columbariums;

(6) Group 7 uses as listed in Section 33.50.020;

(7) Ice and cold storage plant;

(8) Meat, poultry, and fish processing;

(9) Brewery or winery;

(10) Uses permitted in Section 33.36.040(1);

(11) Other uses consistent and harmonious with a service district adjoining a central business district and found similar to the above permitted uses in accordance with Section 33.114.030.

33.46.050 Limitations to use. The following limitations shall apply to permitted uses.

(1) Any uses and operations objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, and other similar causes shall be prohibited.

(2) All uses and operations shall be confined, contained, and conducted wholly within completely enclosed buildings, except

(a) incidental activities related to permitted uses such as outdoor sale of plants, outdoor eating areas and similar outdoor activities, which may be unenclosed if approved in accord with Chapter 33.62 (D Design Zone);

(b) those Group 5 uses which are by nature conducted in open air.

(3) (Add 152549, am 153062, 153146; and 155387 Dec. 8, 1983) Adult businesses as defined in Chapter 33.80 are subject to the regulations of Chapter 33.80.

(4) (Add 153063; rep 155387 Dec. 8, 1983)

33.46.060 Off-street parking. There shall be no minimum off-street parking requirements in the MX Zone. Off-street parking when approved in accordance with the procedures specified in Chapter 33.106 (conditional uses) shall be subject to requirements specified in Chapter 33.56 (Z Downtown Development Zone) and regulations in Chapter 33.82 (Parking Regulations).

33.46.070 Off-street loading. (1) It is city policy to require off-street loading facilities to maintain an efficient use of street right-of-way space. Off-street loading berths shall be provided as follows:

(a) Apartments:

Number of Units	Loading Berths Required
Less than 50	None
50 or more	1

(b) Offices:

Gross Floor Area	Loading Berths Required
Less than 30,000 sq. ft.	None
30,000 sq. ft. and over	1

(c) Business, service and manufacturing uses:

Gross Floor Area	Loading Berths Required
Less than 20,000 sq. ft.	None
20,000 sq. ft. and over	1

(d) In the aggregate no more than one (1) loading berth would be required.

(2) If the above requirements create site, building development, or circulation problems and if the Traffic Engineer concludes that on-street loading zones more effectively will promote the goals and objectives of Planning Guidelines/Portland Downtown Plan and Downtown Parking and Circulation Policy, such on-street loading zones shall be authorized in lieu of off-street loading berths.

33.46.080 Minimum lot size. There shall be no minimum lot size requirement.

33.46.090 Maximum lot coverage. There shall be no limitation on lot coverage.

33.46.100 Maximum floor area. Maximum total floor area permitted on any site shall be as prescribed in Chapter 33.56.

33.46.110 Maximum height. Maximum height shall be as prescribed in Chapter 33.56.

33.46.120 Minimum yards. No yards shall be required.

33.46.125 Street trees. (Add 153668 Aug. 12, 1982) Street trees shall be provided in the right-of-way adjacent to any project property line, in conformance with the following requirments:

(1) The planting, removal and maintenance of street trees shall be subject to the provisions established by Chapter 20.40, Street Tree Regulations. Until such time as a comprehensive plan for the planting and maintenance of street trees is developed, street tree plantings shall conform with the City's Street Tree Planting Guidelines, which may be obtained from the Park Bureau.

(2) The City's Tree Advisory Committee shall review downtown development plans to assure compliance with the intent of this chapter, Chapter 20.40 (Street Tree Regulations) and the Street Tree Planting Guidelines.

A. The committee may waive or modify street tree requirements as may be necessary in consideration of the physical constraints of a particular site.

(3) Street tree layout must be approved by the Fire Bureau and other affected City bureaus.

(4) Care and maintenance of street trees is the continuing responsibility of the project property owner.

(5) Street tree plantings, subject to these provisions, shall be required for all new construction and all additions, alterations or repairs of existing facilities exceeding 50% of the value of the existing buildings or improvement.

33.46.130 Signs permitted. (Added 153373 effective July 17, 1982) 1. All signs for residential uses in this zone shall be either wall signs or freestanding signs. Wall signs shall not be located above the first story of a building and no sign shall be located above the roofline. Freestanding signs shall not exceed a height of four feet unless otherwise specified and must be located wholly on private property.

(a) Each dwelling is permitted the following signs:

(1) One identification sign not to exceed three-quarters of a square foot in area. Such sign shall be placed flat against the building and not above the roofline except in instances where building-mounted signs are not distinctly visible from a public right-of-way, then such sign may be affixed to a permanent structure at the primary entranceway to such property at a height not to exceed four feet.

(2) One real estate sign, not to exceed four square feet in area and six feet in height, which advertises the sale or rent of the dwelling and which shall not be illuminated.

(3) Building number shall be exempt from regulation herein and shall be located as required by Chapter 17.92 of the City Code.

(b) Each tract development, attached housing project or complex is permitted the following signs requiring permits:

(1) Two permanent signs identifying the name of a housing project, each sign not to exceed twenty square feet in area.

(2) Two signs used in connection with project development and sales may be permitted for the period of construction only. Such signs may not exceed thirty-two square feet each in area and shall not be illuminated.

(c) Temporary Signs. The following signs do not require permits and are allowed in addition to other permitted signs in this title.

(1) Banners are permitted with a maximum size of sixty square feet provided only one banner at a time shall be allowed per each business premise and each banner may be displayed no longer than sixty days in any twelve-month period, measured from the date of the issuance of the sign permit for said banner. Such signs must be securely fastened and located wholly on private property and advertise goods, products, services or activities offered on the premises.

(2) Pennants and flags are permitted provided that they are erected wholly on and over private property and are not displayed longer than six months at a time, and no more than once a year, per business premise from the date of issuance of a sign permit.

(3) Paper signs and temporary signs located inside of a building so as to be seen from the right-of-way are permitted on each face of a building fronting on a public street. Such signs shall not cover more than 50 percent of the total window area. Such signs do not require permits.

(4) One temporary A-board sign is permitted for each business premise. Such sign shall not exceed twelve square feet in area nor four feet in height.

(d) Conditional Uses - (See Section 33.46.140 for uses permitted). The following signs require permits:

(1) Each authorized conditional use shall be permitted one sign not to exceed fifty square feet in area nor twenty feet in height.

(2) If additional signing is desired, such signs must be approved with the application for the conditional use.

(3) Signs which do not conform to provisions (1) or (2) above may be approved under the conditional use procedure outlined in Chapter 33.106 of this code.

(e) Nonconforming Uses - (See Subsection 33.94.020(f)). Signs on nonconforming uses shall conform to the regulations governing signs in this zone.

2. Signs Permitted, Commercial and Industrial Uses - (See Section 33.46.040 for uses permitted). (a) Signs permitted for commercial and industrial uses shall be regulated as in the C2 General Commercial Zone - (See Section 33.42.130).

Conditional Uses

33.46.140 Uses permitted. In the MX Zone the following conditional uses may be permitted, subject to the regulations contained in Section 33.46.160, the procedures in Sections 33.106.010 to 33.106.040 inclusive:

(1) Private or public helistop;

(2) Automobile service stations and repair garages subject to the regulations in 33.50.236;

(3) Drive-in activity associated with a permitted use;

(4) Excavations and filling;

(5) Public or private off-street parking facilities subject to regulations provided in Chapter 33.56;

(6) Radio or television transmitters;

(7) Outdoor activities not incidental and related to permitted uses, such as commercial amusements, open air markets, vendors and eating places not otherwise regulated by the city code.

33.46.150 Regulations. (1) Off-street parking and loading requirements provisions governing signs, or other conditions or limitations of approval, shall be guided by regulations applicable to similar or permitted or conditional uses in other zones and by specific development objectives and conditions in the MZ Zone and in downtown.

(2) In case regulations (differing from those governing principal uses permitted in MX Zones) are not specified in this chapter nor in the written instrument approving a conditional use, then the regulations governing principal uses shall also govern such conditional use insofar as applicable. Additional regulations are contained in Chapters 33.56 (Z Downtown Development Zone), 33.82 (Parking Regulations), 33.86 (Loading Regulations), and 33.90 (Yard Regulations).

33.46.160 Prohibited uses. Uses of structures and land not specifically mentioned in this chapter are prohibited in all MX Zones.

Chapter 33.48

M4 LIMITED MANUFACTURING ZONE

(Repealed by Ord. No. 150581 passed Oct. 16, 1980, effective Jan. 1, 1981.)

Chapter 33.50

M3 LIGHT MANUFACTURING ZONE

Sections:

33.50.010 Generally.

PRINCIPAL USES

33.50.020 Uses permitted.
33.50.030 Limitations on use.
33.50.040 Off-street parking required.
33.50.045 Bicycle parking required.
33.50.050 Off-street loading required.
33.50.060 Lot size required.
33.50.070 Maximum lot coverage.
33.50.080 Maximum floor area permitted.
33.50.090 Maximum height permitted.
33.50.100 Minimum front yard.
33.50.110 Minimum side yard.
33.50.120 Minimum rear yard.
33.50.123 Development adjacent to watercourses and water bodies.
33.50.125 Street trees.
33.50.130 Signs permitted.

PRE-EXISTING USES

33.50.135 Pre-existing uses.

RESIDENTIAL USES

33.50.140 On Lots six hundred feet or less from R20, R10, R7, R5, R2.5, R2, C5 or C4 Zones and 200 feet or less from R1 Zones.
33.50.150 In all other lots in M3 Zones.

ACCESSORY BUILDINGS AND USES

33.50.160 Generally.
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33.50.242 Recycling drop-off center.
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33.50.250 Prohibited uses.

33.50.010 Generally. In all M3 Zones, the use of land and structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

PRINCIPAL USES

33.50.020 Uses permitted. In an M3 Zone, the following uses are permitted:

(1) Group 1 uses listed in Section 33.42.020;

(2) Group 2 uses listed in Section 33.42.020;

(3) Group 3 uses listed in Section 33.42.020;

(4) Group 4: (Amended by Ord. No. 137951, 139311; and 142920 passed and effective Dec. 15, 1976.)

A. Group 4 uses listed in Section 33.42.020,

B. Auto reconditioning, painting, upholstering, motor rebuilding,

C. Body and fender work,

D. Retail sales, service and rental of new or used trailers, excluding truck trailers,

E. Retail sales, service and rental of new or used motor vehicles not to exceed a gross vehicle weight of 18,000 lbs.,

F. Car washing by mechanical means;

G. Household moving centers, trucks for rent shall not exceed a gross vehicle weight of 18,000 lbs.

(5) Group 5 uses listed in Section 33.42.020;

(6) Group 6 uses listed in Section 33.42.020;

(7) Group 7:

A. Assembly and fabrication of metal products,

B. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers and crystal holders,

C. Laboratories; experimental, research or testing,

D. Laundry for carpets, overalls, rags and rug cleaning,

E. Machine shop,

F. Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, excluding the refining and rendering of fats and oils, and food and beverage products, except sauerkraut, vinegar, pickles, meat and fish products,

G. Manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood excluding planing mill, and yarns,

H. Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay,

I. Manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures,

J. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps,

K. Manufacture of optical goods, scientific and precision instruments and equipment,

L. Manufacture of artificial limbs, hearing aids, dentures, surgical instruments and dressings, and other devices employed by the medical and dental professions,

M. Motion picture studio,

N. Parcel delivery service,

O. Spinning or knitting of cotton, wool, flax or other fibrous materials,

P. Stone, marble and granite monument works,

Q. Veterinary, or animal hospital,

R. Warehouses and storage buildings,

S. Welding shop,

T. Nonferrous metal foundries, utilizing not more than four electric, gas or oil fired, sixty pound crucible furnaces or equivalent melting capacity;

(8) Other light, nonnuisance manufacturing found similar to the above in accordance with Section 33.114.030.

33.50.030 Limitations on use. (a) Groups 1 to 7, inclusive:

(1) Any uses and operations objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, and other similar causes shall be prohibited;

(2) The use and installation of a power hammer, punch press exceeding twenty tons capacity, foundry, or forge shall not be permitted with any operation or manufacturing process in M3 Zones.

(b) (Am 155387 Dec. 8, 1983) GROUPS 3 and 7:

Such uses are permitted in M3 Zones only if all activities and operations, except off-street loading and parking, are confined, contained, and conducted wholly within completely enclosed buildings except retail building materials outlets need not be entirely within

enclosed buildings provided all outside activities and operations, including outside storage, are completely enclosed by a sight-obscuring screen at least six feet high. Such screen shall be a masonry wall, a wooden or metal fence, a compact evergreen hedge, or a chain-link type wire fence with evergreen vines. Adult businesses as defined in Chapter 33.80 are subject to the regulations of Chapter 33.80.

(c) Group 4:

(1) Firms whose primary activity is salvaging parts from wrecked vehicles are not permitted in M3 Zones;

(2) Lubrication, repair and servicing, tube and tire repairing, battery service, body and fender painting, upholstery work, and storage of materials and equipment shall be confined, contained and conducted wholly within completely enclosed buildings.

(3) (Added by Ord. No. 139571, passed Mar. 14, effective Apr. 15, 1974.) Retail sales and/or rental as permitted in Item (7), Group 4, Section 33.42.020 and Items D and E, Group 4, Section 33.50.020 shall be allowed if:

A. Any repair of automobiles, trucks or trailers is conducted and confined wholly within a building; and

B. Sight-obscuring screening is provided as required in Chapter 33.82 (Parking Regulations.)

(d) (Add 155630 ef Mar. 26, 1984) Developments located on superblocks must comply with the Superblock Development Regulations of Chapter 33.91.

33.50.040 Off-street parking required.

(a) Group 1 uses: One space per five hundred square feet of gross floor area.

(b) Group 2 uses: One space per seven hundred square feet of gross floor area.

(c) Group 3 uses: Required spaces shall be the same as specified for Group 3 uses in Section 33.42.040.

(d) Group 4 uses: One space per two employees in addition to spaces provided for customers' vehicles and vehicles in stock.

(e) Group 5 uses: Required spaces shall be the same as specified for Group 5 uses in Section 33.42.040.

(f) Group 6 uses: Required spaces shall be the same as specified for Group 6 uses in Section 33.42.040.

(g) Group 7 uses: One space per seven hundred square feet of gross floor area, but not more than one space per four employees.

(h) Parking as required for the above uses shall be regulated by Chapter 33.82.

33.50.045 Bicycle parking required. (Added by Ord. No. 150737 effective Jan. 1, 1981.) (a) Groups 1 through 6: Bicycle parking requirements shall be the same as specified for groups 1 through 6 in Section 33.42.045.

(b) Group 7 Uses: Two covered spaces or one covered space for every 20 motor vehicle spaces provided, whichever is greater.

(c) Parking as required for the above users shall be regulated by Chapter 33.82.

33.50.050 Off-street loading required. Off-street loading berths shall be provided and maintained for the following uses occupying a building or buildings totaling ten thousand square feet of gross floor area or more according to the table below:

Square Feet of Floor Area	Loading Berths Required
USES: HOTELS	
10,000 - 39,999	1
40,000 - 69,999	2
70,000 - 129,999	3
130,000 - 219,999	4
220,000 - 379,999	5
380,000 - 699,999	6
700,000 - 1,499,999	7
Over - 1,500,000	8
USES: THEATERS	
10,000 and over	1
USES: GROUP 7, CONVALESCENT HOMES, ALL TYPES OF HOSPITALS; COLLEGES; LAUNDRIES; AND PRINTING, LITHOGRAPHING, AND PUBLISHING	
10,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

USES: GROUPS 1, 2, 3, and 5	
10,000 - 24,999	1
25,000 - 59,999	2
60,000 - 99,999	3
100,000 - 159,999	4
160,000 - 249,999	5
250,000 - 369,999	6
370,000 - 579,999	7
580,000 - 899,999	8
900,000 - 2,999,999	9
Over - 3,000,000	10

33.50.060 Lot size required. For lot size there shall be no limitation.

33.50.070 Maximum lot coverage. There shall be no maximum lot coverage limitation.

33.50.080 Maximum floor area permitted. (Amended 150581 Jan. 1, 1981.) (a) (Amended Jan. 22, 1981.) Within 400 feet of any R Zone the gross floor area devoted to the conduct of any individual Group 3 use, other than subdivisions (2) and (4), Section 33.42.020, Group 4 use as listed in Section 33.50.020 (4) A. and C., or Group 7 use, together with its accessory uses, shall not exceed ten thousand square feet, and hereafter no permit shall be issued to construct or to enlarge a building to contain one of such uses exceeding ten thousand square feet in gross floor area. At locations over 400 feet from an R Zone, floor area shall be regulated by paragraph (b) of this section.

(b) Maximum floor area shall be limited to a floor area ratio of 12:1 at locations 400 feet or more from an Ff, R20, R10, R7, R5, R2.5, R2, C5 or C4 zone.

(c) Maximum floor area shall be limited to a floor area ratio of 3:1 at locations less than 400 feet from an Ff, R20, R10, R7, R5, R2.5, R2, C5 or C4 zone.

33.50.090 Maximum height permitted. (Amended 150581 Jan. 1, 1981.) (a) (Amended 151021 Jan. 22, 1981.) Within 400 feet of any FF, R20, R10, R7, R5, R2.5, R2, R1, C5 or C4 Zone, the maximum allowable height shall be three stories or forty-five feet. At locations 400 feet or more from the above listed zones, the maximum allowable height shall be 250 feet.

(b) On any lot, sloping downhill from the street which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more, measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, radio and television aerials, water tanks, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space.

33.50.100 Minimum front yard.* (Am 153828 ef Oct. 18, 1982) Where all the frontage is located in an M3 Zone, no front yard shall be required. Where the frontage is located partly in an M3 Zone and partly in an R or FF Zone, the front yard requirements of the R or FF Zone shall apply in the M3 Zone.

33.50.110 Minimum side yard. (Am 153828 ef Oct. 18, 1982) A side yard is not required except where the side of a lot abuts an R or FF zone. In such case, the side yard requirement of the R or FF zone shall apply in the M3 Zone on that side of the lot abutting the R or FF zone.

33.50.120 Minimum rear yard. (Am 153828 ef Oct. 18, 1982) There shall be no limitation except where the rear lot line abuts the side of an adjoining lot in an R or FF Zone, and in such case the side yard requirements of the R or FF Zone shall apply to the rear yard of the M3 Zone where the two abut.

33.50.123 Development adjacent to watercourses and water bodies. (Added 153329 effective July 5, 1982.) (1) Development shall be restricted within the following areas:

(a) Between the ordinary high water line and twenty-five feet back of the top of the bank of watercourses and water bodies such as rivers, lakes, ponds, sloughs or wetlands, as shown on the City of Portland Water Features Map.

(b) Within twenty-five feet of the centerline of watercourses such as streams, creeks and

drainageways draining thirty acres or more as shown on the City of Portland Water Features Map.

(2) Within the restricted areas the provisions of Section 33.42.123 (2) through (8) shall apply.

33.50.125 Street trees. (Added by Ord. No. 150581 effective Jan. 1, 1981.) In the M3 Zone street trees shall be provided and shall meet the requirements established in Section 33.34.120.

33.50.130 Signs permitted. (Amended 149063, 150581, 151021; and 153373 effective July 17, 1982) All signs within M3-zoned areas shall conform to the regulations listed in the C2 General Commercial Zone, under Section 33.42.130.

PRE-EXISTING USES

33.50.135 Pre-existing uses. (Add 150581; am 153826 ef Oct. 18, 1982)

(a) Purpose. The purpose of the pre-existing use section is to minimize hardships on land use activities that were subject to restrictive zone changes resulting from the implementation of the Comprehensive Plan on January 1, 1981. The Comprehensive Plan contained significant zoning map and zoning code changes to better guide future land use decisions in the City. As a result, some land use activities no longer comply with the regulations of this Title. The pre-existing use regulations are a means to provide these affected uses some of the rights of their previous zoning, while making new uses subject to the current zoning code and map. The regulations provide flexibility for expansion and continued operation of the pre-existing use. They are intended to generally be less restrictive than the non-conforming use regulations of Chapter 33.94.

(b) Definition. A pre-existing use is: (1) A use that was:

Existing at the time the Comprehensive Plan took effect on January 1, 1981; and

Was a principal or approved conditional use in its zone, and complied with all siting, structural and parking regulations; but

(2) As a result of a zoning map or zoning code change at the time of the Plan's implementation:

The use is no longer a principal or conditional use in its zone; or

The use no longer complies with all siting, structural and parking standards of this chapter.

(c) Regulations. Pre-existing uses shall be subject to the following regulations: (1) Change of use. Upon issuance of a certificate of occupancy by the Bureau of Buildings, a pre-existing use may be changed to a conforming use or to a use of the same or more restrictive classification without loss of pre-existing status. However, a pre-existing use may not be changed to a use that would not have been permitted prior to the implementation of the Comprehensive Plan on January 1, 1981. Differences between the property owner and the Bureau of Buildings as to the determination of whether a proposed use is at the same or more restrictive classification shall be referred for interpretation as specified in Section 33.114.030. After a change of a pre-existing use to a conforming use or to a more restrictive use, it shall not thereafter be changed to any less restrictive use.

(2) Change of ownership. A pre-existing use may change ownership without loss of pre-existing use status.

(3) Damage by fire. Any structure containing a pre-existing use damaged or destroyed by a fire or other cause beyond the control of the owner may be reconstructed in accordance with the floor area ratio, yard, height, and parking regulations currently in effect for the zoning category in place on December 31, 1980.

(4) Floor area expansion.

A. A pre-existing use may increase in floor area on an existing site subject to the floor area ratio, yard, height, and parking regulations currently in effect for the zoning category in place on December 31, 1980.

B. For the purpose of subsections (4) and (5) of this section, a lot will be considered part of the existing site of a pre-existing use if, on December 31, 1980 it was in the same ownership, it was in active use by the pre-existing use as part of its business and the lot contains some improvements supporting its active use.

(5) Site expansion. A pre-existing use may expand up to 100 percent in site area subject to the following requirements:

A. Site expansion shall occur only on adjacent parcels, or on ones wholly or in part

directly across a public right-of-way from the original location of the pre-existing use.

B. Site expansion shall occur only on parcels that have the same or less restrictive zoning than the pre-existing use site, but in no case shall expansion be onto parcels where the expansion would not have been allowed under the zoning in place on December 31, 1980.

C. In cases where expansion site was in the same ownership as the existing site on December 31, 1980, and the expansion site had the same zoning as the pre-existing use site on that date, the expansion is allowed outright. All other site expansions shall be subject to the conditional use process of Chapter 33.106.

D. The regulations for the site expansion governing floor area ratio, yards, height and parking shall be those currently in effect for the zone category on the expansion site in place on December 31, 1980.

E. At the time of such expansion of area, street trees must be provided on all rights-of-way abutting the use, and parking areas must be landscaped to conform with the requirements of Chapter 33.82. Tree planting layout and selection shall be in conformance with the City's street tree planting guidelines and approved by the City Forester.

(6) Signs.

A. Signs that were in conformance with the zoning in place on December 31, 1980 may be replaced by a sign of comparable area, height and illumination or by a sign which complies with the regulations of this Chapter, whichever is less restrictive.

B. Pre-existing uses not previously having a sign may install a sign subject to the regulations of this Chapter.

(7) If a pre-existing use is discontinued for more than two years, it shall not be re-established. Future use of the site shall be limited to those allowed under the provisions of this Chapter, except as provided for in Section 33.94.080.

RESIDENTIAL USES

33.50.140 On lots six hundred feet or less from R20, R10, R7, R5, R2.5, C5, or C4 Zones and two hundred feet or less from R1 Zones.

(a) Uses permitted:

(1) One family detached dwellings;

(2) One family attached dwellings;

(3) Two family dwellings;

(4) Multi-family dwellings;

(5) Boarding and rooming houses;

(6) Elderly and handicapped high density housing as regulated by Chapter 33.81.

(b) Where any lot is used exclusively for any of the above residential uses, all regulations governing principal uses permitted in R1 zones shall apply.

(c) Where any of the above residential uses are combined on the same lot or in the same building with a principal use permitted in M3 Zones, off-street parking and lot area as required for buildings used exclusively for residential purposes shall be provided in addition to parking maintained for the principal use. Likewise, side and rear yards shall be provided for those portions of the building arranged for or occupied as a place of residence of the depth required of buildings used exclusively for residential purposes.

33.50.150 On all other lots in M3 Zones. (Amended by Ord. No. 150581 effective Jan. 1, 1981.)

(a) Uses permitted:

(1) One family detached dwellings;

(2) One family attached dwellings;

(3) Two family dwellings;

(4) Multi-family dwellings;

(5) Boarding and rooming houses;

(6) Elderly and handicapped high density housing as regulated by chapter 33.81.

(b) (Amended 151021 Jan. 22, 1981.) Where any lot is used exclusively for any of the above residential uses, all regulations governing principal uses permitted in RH Zones shall apply. Such projects shall be limited to a floor area ration of 12:1.

(c) Where any of the above residential uses are combined on the same lot or in the same building with a principal use permitted in M3 Zones, off-street parking and lot area as required for buildings used exclusively for residential purposes shall be provided in addition to parking maintained for the principal use. Likewise, side and rear yards shall be provided for those portions of the building arranged for or occupied as a place of residence of the depth required of buildings used exclusively for residential purposes.

ACCESSORY BUILDINGS AND USES

33.50.160 Generally. No separate permit shall be issued for the construction of any type of accessory building prior to that of a main

33.50.170 Height. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) No accessory building or structure shall exceed two stories in height, except there shall be no limit on any structure located four hundred feet or farther from any FF, R20, R10, R7, R5, R2.5, R2, C5 or C4 Zone.

33.50.180 Accessory to principal use. (a) On lots abutting R or A Zones, no accessory building shall be located nearer to a lot line separating the R or A Zone from the M3 Zone than the requirement for accessory buildings in the R or A Zone.

(b) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot.

33.50.190 Accessory to residential use. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Regulations governing buildings accessory to principal uses in RH Zones shall apply to all accessory uses and buildings to a residential use in an M3 Zone.

CONDITIONAL USES

33.50.200 Uses permitted. (Am 134013, 134079, 138853, 138936, 139416, 148244, 150581, 153329; and 153828 ef Oct. 18, 1982) In an M3 Zone, the following conditional uses may be permitted subject to the regulations contained in Sections 33.50.210 through 33.50.240 and Chapter 33.79 and under the authority and according to the procedure specified in Chapter 33.106:

(1) Aircraft landing area or private or public helistop

(2) Automobile service stations

(3) Excavations and filling

(4) High density multi-family

(5) Natural resources, development of

(6) Planned Unit Developments

(7) Radio and television transmitters and towers

(8) Railroad rights-of-way and passenger stations

(9) Recycling drop-off center

(10) Residential care facility, when the proposed site is located 800 feet or less from an R zone.

(11) Retail fuel oil distributor

(12) House trailer parks

(13) Welfare institutions, if the prospective site is 800 feet or less from any R zones.

(14) Development of lands adjacent to water features as defined in 33.42.123 (1).

33.50.210 Regulations. (Amended by Ord. No. 138936, 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

33.50.220 Excavating or filling. Excavating or filling as defined in this title shall be regulated as a conditional use.

33.50.225 High density multi-family. (Added by Ord. No. 150581 effective Jan. 1, 1981.) High density multi-family projects with a floor area ratio of 2:1 or less may receive conditional use approval, subject to conditions outlined in Section 33.41.260.

33.50.227 Natural resources, development of. (Added 153327 effective July 5, 1982.) Regulations for resource extraction are listed in Section 33.18.280.

33.50.230 Private or public helistop. A private or public helistop may be permitted in an M3 Zone subject to the additional regulations contained in Chapter 33.78.

33.50.235 Automobile service station. (Added by Ord. No. 134013, repealed by 134079, added by 139416; amended by 141105 passed and effective Dec. 31, 1975.) In considering a request for an automobile service station conditional use, it shall be determined whether the location is appropriate considering public convenience, availability of other stations, existing traffic volumes and impact thereon, protection of neighboring uses, and other factors found applicable. Regulations for autmobile service stations shall be:

(a) Lot size:

(1) Maximum lot area shall be 40,000 square feet;

(2) Maximum frontage on one street shall not exceed 200 linear feet;

(b) Screening required:

(1) Screening shall be continuous along any portion of the site that abuts the side or rear of a lot in an R or A zone and shall meet the requirements of Section 33.82.030(b) (1) in the parking chapter of this title;

(c) Landscaping required:

(1) Border planting, including shrubs and trees shall be provided along street frontages.

33.50.240 Railroad rights-of-way and passenger stations. Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated as conditional uses. All other railroad facilities such as switching yards, holding tracks, team tracks, freight depots, shops and roundhouses are prohibited in M3 Zones.

33.50.242 Recycling drop-off center. (Add 153828 ef Oct. 18, 1982) Regulations for recycling drop-off centers shall be those listed in Section 33.42.242.

33.50.245 Development of lands adjacent to water features as defined in Section 33.50.123. (Added 153329 effective July 5, 1982.) Regulations for development of lands adjacent to water features shall be those listed in Section 33.42.249.

33.50.250 Prohibited uses. Uses of structures and land not specifically mentioned in this chapter are prohibited in all M3 Zones.

Chapter 33.52
M2 GENERAL MANUFACTURING ZONE

Sections:

33.52.010 Generally.
33.52.105 Purpose.

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33.52.020 Uses permitted.
33.52.030 Limitations on use.
33.52.040 Off-street parking required.
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33.52.060 Lot size required.
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33.53.075 Street trees.
33.52.080 Maximum floor area permitted.
33.52.090 Maximum height permitted.
33.52.100 Minimum front yard.
33.52.110 Minimum side yard.
33.52.120 Minimum rear yard.
33.52.125 Development adjacent to watercourses and water bodies.
33.52.130 Signs.

PRE-EXISTING USES

33.52.135 Pre-existing uses.

RESIDENTIAL USES

33.52.137 Residential uses.

CONDITIONAL USES

33.52.140 Uses permitted.
33.52.150 Regulations.
33.52.160 Excavating or filling.
33.52.170 Heliports or helistops.
33.52.172 Commercial uses.

33.52.173 Conversion to housing.
33.52.174 Marinas, houseboats or pleasure craft.
33.52.175 Automobile service station.
33.52.176 Natural resources, development of.
33.52.179 Development of lands adjacent to water features as defined in Section 33.52.125.
33.52.180 Prohibited uses.

33.52.010 Generally. In all M2 Zones, the use of the land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

33.52.015 Purpose. (Added 150581; amended 152941 Mar. 4, 1982) To allow for sufficient land to be available for general industrial activity, to protect industrial activity, and to protect industrial districts from the intrusion of non-manufacturing uses, while allowing certain commercial and residential uses within M2* zoned areas.

PRINCIPAL USES

33.52.020 Uses permitted. (Amended by Ord. No. 139311, 139416; and 150581 effective Jan. 1, 1981.) In an M2 zone the following uses are permitted:

(1) Group 3 uses listed in Section 33.42.020;
(2) Group 4 uses listed in Section 33.50.020;
(3) Group 7 uses listed in Section 33.50.020;
(4) Group 8:
A. Forge shop;
B. Foundry;
C. Meat or fish smoking, curing, or canning;
D. Poultry or rabbit killing;
(5) Group 9:
A. Automobile or truck wrecking;
B. Blacksmith shop;
C. Junk, rags, paper or metal salvage, storage, processing or treatment;
D. Wrecking and salvage yard of building materials
(6) Group 10:
A. Any manufacturing process, except those listed in Groups 11 and 12 in Section 33.54.020 and Group 13 in Section 33.54.140;
B. Amusement park;
C. Boat building, small;

D. Brewery, distillery, or winery;

E. Building materials sales yard, including sales of rock, sand, or gravel as incidentals to the main business but excluding concrete mixing;

F. Circus, carnival, or other type of transient and outdoor amusement enterprise;

G. Contractors' or loggers' equipment and trucks storage yard, plant, repair, rental, or sales;

H. Docks, piers, wharves, and associated shipping facilities for river or ocean-going vessels;

I. Dog kennel or other animal boarding place;

J. Draying or freighting yard or terminal;

K. Drive-in theaters;

L. Enameling or metal coating, i.e. galvanizing;

M. Express or carloading terminal;

N. Farm equipment repair;

O. Farming, truck gardening, breeding and raising animals, fish or fowl in accordance with the health and sanitation regulations;

P. Fuel oil distributor, retail;

Q. Fuels, solid, yard;

R. Grain elevator;

S. Heavy machinery, repair, sales, storage, or salvage;

T. Ice and cold storage plant;

U. Paint manufacture not employing chemical or boiling processes;

V. Pickles, sauerkraut, or vinegar production;

W. Planing mill;

X. Produce terminal or yard;

Y. Railroad facilities of all types, except major car repair shops and steam engine roundhouses;

Z. Tire retreading or recapping;

AA. Truck, truck trailer or bus sales, service, rental, repairing, or overhauling;

BB. Truck terminal;

CC. Weaving of cotton, wool, flax, or other fibrous materials using power looms;

DD. Automobile service station when not abutting an R zone;

EE. Truck service station when 100 feet or more from an R zone.

(7) Other uses of a general industrial character found similar to the above in accordance with Section 33.114.030.

(8) (Added 152941 Mar. 4, 1982) Within M2* zoned areas, Group 1, 2, 5 and 6 uses listed in Section 33.42.020(g) shall be permitted.

33.52.030 Limitations on use. (Am 152941; and 155387 Dec. 8, 1983) (a) GROUP 3: Adult businesses as defined in Chapter 33.80 are subject to the regulations of Chapter 33.80.

(b) GROUP 8:

Such uses are permitted in M2 Zones only if all activities and operations, except off-street parking and loading, are confined, contained and conducted wholly within completely enclosed buildings.

(c) GROUP 9:

Such uses are permitted in M2 Zones only if all activities and operations are within buildings or are completely enclosed by a sight-obscuring screen at least six feet high. such screen shall be a masonry wall, a wooden or metal fence, a compact evergreen hedge, or a chain-link type wire fence with evergreen vines.

(d) Within M2* zoned areas, the following new uses ordinarily permitted in an M2 Zone shall be prohibited but existing uses shall be allowed to continue as pre-existing uses:

1. Meat or fish smoking, curing or canning;
2. Automobile and truck wrecking;
3. Junk/rags, paper or metal salvage, storage, processing or treatment;
4. Poultry or rabbit killing;
5. Wrecking and salvage yard of building materials;
6. Brewery, distillery or winery;
7. Drive-in theaters;
8. Fuel oil distributor, retail;
9. Fuels, solid, yard;
10. Pickles, sauerkraut, or vinegar production.

(e) Within M2* zoned areas, new non-residential uses located adjacent to or directly across a right-of-way from an existing residential use or a residentially zoned area shall provide a landscaped buffer between the new industrial use and the residential use or residentially zoned area which meets the following requirements;

1. The buffer shall be at least 25 feet in width.

2. The buffer shall be heavily planted with evergreen bushes, trees and hedges. Such evergreen planting shall be established so as to reach a height of at least ten feet and to create a continuous hedge within a period not to exceed two years. Such planting shall at all times be maintained in a satisfactory manner.

3. The applicant may request that this buffering requirement be waived. Such requests shall be reviewed by the Planning Director or his/her designee and approved if it is found that existing topographic or other conditions would render such buffering ineffective. The applicant may appeal the decision of the Planning Director or his/her designee to the Hearings Officer, in which event the request shall be processed as a conditional use.

33.52.040 Off-street parking required. (Amended by Ord. No. 150581 and 150737 effective Jan. 1, 1981.) (a) Group 3 uses: Required spaces shall be the same as specified for Group 3 uses in Section 33.42.040.

(b) Group 4 uses: One space per two employees, in addition to spaces provided for customer's vehicle and vehicles in stock.

(c) Group 7 uses: One space per seven hundred square feet of gross floor area, but not more than one space per four employees;

(d) Group 8 uses: One space per seven hundred square feet of gross floor area, but not more than one space per four employees.

(e) Group 9 uses: One space per seven hundred square feet of gross floor area, but not more than one space per four employees.

(f) Group 10 uses:

(1) Amusement parks: One space per one thousand square feet of patron serving area;

(2) Railroad passenger terminal: One space per one thousand square feet of gross floor area;

(3) All other uses: One space per seven hundred square feet of gross floor area, but not more than one space per four employees.

(g) Parking as required for all uses shall be regulated by Chapter 33.82.

(h) When a carpooling, vanpooling, or transit incentive program is provided, or when a proposed industrial site is located within 1,000 ft. of a major transit street, the number of required off-street parking spaces may be reduced by 50%. Carpooling, vanpooling and transit incentive programs provided to qualify for this reduction must be approved by the Planning Director.

(j) Parking as required in this Section may be reduced by up to 10 percent provided that the following requirements are met:

(1) For every required space not provided, two covered bicycle parking spaces must be provided.

(2) The Bureau of Traffic Engineering approves the reduction.

(k) Parking as required for the above uses shall be regulated by Chapter 33.82.

(l) (Added 152941 Mar. 4, 1982) Within M2* zoned areas, for Group 1, 2, 5 and 6 uses, the regulations for required spaces shall be the same as those specified for Group 1, 2, 5 and 6 uses in Section 33.42.040.

33.52.050 Off-street loading required. Off-street loading berths shall be provided and maintained for the following uses occupying a building or buildings totaling ten thousand square feet of gross floor area or more according to the table below:

Square Feet of Floor Area	Loading Berths Required
USES: HOTELS	
10,000 - 29,999	1
30,000 - 69,999	2
70,000 - 129,999	3
130,000 - 219,999	4
220,000 - 379,999	5
380,000 - 699,999	6
700,000 - 1,499,999	7
Over - 1,500,000	8
USES: THEATERS	
10,000 and Over	1
USES: GROUPS 1, 2, 3, AND 5	
10,000 - 24,999	1
25,000 - 59,999	2
60,000 - 99,999	3
100,000 - 159,999	4
160,000 - 249,999	5
250,000 - 369,999	6
370,000 - 579,999	7
580,000 - 899,999	8
900,000 - 2,999,999	9
Over - 3,000,000	10

USES: GROUPS 7, 8, 9 AND 10: GOVERNMENTAL AND PUBLIC UTILITY BUILDINGS OTHER THAN OFFICES	
10,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1, 030,000	14

33.52.060 Lot size required. For lot size there shall be no limitation.

33.52.070 Maximum lot coverage. There shall be no maximum lot coverage limitation.

33.52.075 Street trees. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Street trees must be planted along property lines adjacent to streets. All tree planting layouts must meet guidelines established by the City Forester and be approved by the Fire Bureau.

33.52.080 Maximum floor area permitted. There shall be no maximum floor area limitation.

33.52.090 Maximum height permitted. There shall be no maximum height limitation, except as provided in the housing and building regulations.

33.52.100 Minimum Front Yard. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Where all the frontage is located in an M2 zone, no front yard shall be required. Where the frontage is located partly in an M2 Zone and partly in an R zone, a 5 foot landscaped front yard planted with trees is required; tree planting layout must conform with the City's street tree planting guidelines and be approved by the Fire Bureau.

33.52.110 Minimum side yard. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) A side yard is not required except where the side of a lot abuts in R Zone. In such case, the sideyard requirement of the R Zone shall apply in the M2 Zone on that side of the lot abutting the R Zone.

33.52.120 Minimum rear yard. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) There shall be no limitation except where the rear lot line abuts the side of an adjoining lot in an R Zone, and in such case the side yard requirement of the R Zone shall apply to the rear yard of the M2 Zone where the two abut;

33.52.125 Development adjacent to watercourses and water bodies. (Added 153329 effective July 5, 1982.) (1) Development shall be restricted within the following areas:

(a) Between the ordinary high water line and twenty-five feet back of the top of the bank of watercourses and water bodies such as rivers, lakes, ponds, sloughs or wetlands, as shown on the City of Portland Water Features Map.

(b) Within twenty-five feet of the centerline of watercourses such as streams, creeks and drainageways draining thirty acres or more as shown on the City of Portland Water Features Map.

(2) Within the restricted areas the provisions of Section 33.42.123 (2) through (8) shall apply.

33.52.130 Signs permitted. (Amended 139117, 139702, 141105, 149063, 150581; and 153373 effective July 17, 1982)All signs within M2-zoned areas shall conform to the signs regulations listed in the C2 General Commercial Zone, under Section 33.42.130.

Approval through the procedures set out in Chapter 33.98 may be granted to erect an outdoor advertising sign if it is found that the location does not obstruct a view of scenic interest, does not obstruct traffic visibility, and does not increase the density of such outdoor advertising signs along any arterial or heavily traveled street to an extent tending to constitute a safety hazard or a detriment to the appearance of the neighborhood.

PRE-EXISTING USES

33.52.135 Pre-existing uses. (Add 150581, am 152941; and 153826 ef Oct. 18, 1982)

(a) Purpose. The purpose of the pre-existing use section is to minimize hardships on land use activities that were subject to restrictive zone changes resulting from the implementation of the Comprehensive Plan on January 1, 1981. The Comprehensive Plan contained significant zoning map and zoning code changes to better guide future land use decisions in the City. As a result, some land use activities no longer comply with the regulations of this Title. The pre-existing use regulations are a means to provide these affected uses some of the rights of their previous zoning, while making new uses subject to the current zoning code and map. The regulations provide flexibility for expansion and continued operation of the pre-existing use. They are intended to generally be less restrictive than the non-conforming use regulations of Chapter 33.94.

(b) Definition. A pre-existing use is: (1) A use that was:

Existing at the time the Comprehensive Plan took effect on January 1, 1981; and

Was a principal or approved conditional use in its zone, and complied with all siting, structural and parking regulations; but

(2) As a result of a zoning map or zoning code change at the time of the Plan's implementation:

The use is no longer a principal or conditional use in its zone; or

The use no longer complies with all siting, structural and parking standards of this chapter.

(c) Regulations. Pre-existing uses shall be subject to the following regulations: (1) Change of use. Upon issuance of a certificate of occupancy by the Bureau of Buildings, a pre-existing use may be changed to a conforming use or to a use of the same or more restrictive classification without loss of pre-existing status. However, a pre-existing use may not be changed to a use that would not have been permitted prior to the implementation of the Comprehensive Plan on January 1, 1981. Differences between the property owner and the Bureau of Buildings as to the determination of whether a proposed use is at the same or more restrictive classification shall be referred for interpretation as specified in Section 33.114.030. After a change of a pre-existing use to a conforming use or to a more restrictive use, it shall not thereafter be changed to any less restrictive use.

(2) Change of ownership. A pre-existing use may change ownership without loss of pre-existing use status.

(3) Damage by fire. Any structure containing a pre-existing use damaged or destroyed by a fire or other cause beyond the control of the owner may be reconstructed in accordance with the floor area ratio, yard, height, and parking regulations currently in effect for the zoning category in place on December 31, 1980.

(4) Floor area expansion.

A. A pre-existing use may increase in floor area on an existing site subject to the floor area ratio, yard, height, and parking regulations currently in effect for the zoning category in place on December 31, 1980.

B. For the purpose of subsections (4) and (5) of this section, a lot will be considered part of the existing site of a pre-existing use if, on December 31, 1980 it was in the same ownership, it was in active use by the pre-existing use as part of its business and the lot contains some improvements supporting its active use.

(5) Site expansion. A pre-existing use may expand up to 100 percent in site area subject to the following requirements:

A. Site expansion shall occur only on adjacent parcels, or on ones wholly or in part directly across a public right-of-way from the original location of the pre-existing use.

B. Site expansion shall occur only on parcels that have the same or less restrictive zoning than the pre-existing use site, but in no case shall expansion be onto parcels where the expansion would not have been allowed under the zoning in place on December 31, 1980.

C. In cases where expansion site was in the same ownership as the existing site on December 31, 1980, and the expansion site had the same zoning as the pre-existing use site on that date, the expansion is allowed outright. All other site expansions shall be subject to the conditional use process of Chapter 33.106.

D. The regulations for the site expansion governing floor area ratio, yards, height and parking shall be those currently in effect for the zone category on the expansion site in place on December 31, 1980.

E. At the time of such expansion of area,

street trees must be provided on all rights-of-way abutting the use, and parking areas must be landscaped to conform with the requirements of Chapter 33.82. Tree planting layout and selection shall be in conformance with the City's street tree planting guidelines and approved by the City Forester.

(6) Signs.

A. Signs that were in conformance with the zoning in place on December 31, 1980 may be replaced by a sign of comparable area, height and illumination or by a sign which complies with the regulations of this Chapter, whichever is less restrictive.

B. Pre-existing uses not previously having a sign may install a sign subject to the regulations of this Chapter.

(7) If a pre-existing use is discontinued for more than two years, it shall not be re-established. Future use of the site shall be limited to those allowed under the provisions of this Chapter, except as provided for in Section 33.94.080.

RESIDENTIAL USES

33.52.137 Residential uses. (Added 152941 Mar. 4, 1982) Within M2* zoned areas, residential uses are permitted subject to the following regulations:

(a) Uses Permitted

1. One-Family detached dwellings;
2. One-Family attached dwellings;
3. Two-Family dwellings;
4. Multi-Family dwellings.

(b) Where any lot is used for any of the above residential uses, all regulations governing principal uses in Chapter 33.32, R1 Multi-Family Residential Zone shall apply.

(c) All new residential construction shall be constructed with sound insulation to achieve a day/night average interior noise level of 45 dBA as a maximum.

(d) All new residential construction shall be oriented away from any existing major noise sources such as railroads and any industrial activity which is inherently noisy or vibration producing.

(e) A screen of evergreen planting shall be provided for all new residential uses abutting or directly across a right-of-way from an existing non-residential use at a distance equal to the depth of the required yard. This planting shall be established so as to reach a height of at least ten feet and to create a continuous hedge within a period not to exceed two years. Such screening shall at all times be maintained in a satisfactory manner.

CONDITIONAL USES

33.52.140 Uses permitted. (Amended 134013, 134079, 138853, 138936, 139416, 144410, 150581; and 153329 effective July 5, 1982.) In an M2 zone, the following conditional uses may be permitted subject to the regulations contained in Sections 33.52.150 - 33.52.179 and under authority and according to the procedure specified in Chapter 33.106:

(1) Aircraft landing area, heliport, or private or public helistop;

(2) Automobile service stations when the proposed site abuts an R zone;

(3) Commercial uses;

(4) Conversion to housing or local commercial;

(5) Excavations and filling;

(6) Marinas, houseboats or pleasure craft;

(7) Natural resources, development of;

(8) Radio or television transmitters and towers exceeding one hundred feet in height above grade.

(9) Development of lands adjacent to water features as defined in 33.52.125.

33.52.150 Regulations. (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

33.52.160 Excavating or filling. Excavating or filling as defined in this title shall be regulated as a conditional use.

33.52.170 Heliports or helistops. A heliport or helistop, whether public or private, may be permitted subject to the additional regulations contained in Chapter 33.78, provided, however, no heliport shall be located on the roof of any building used for habitation.

33.52.172 Commercial uses. (Add 150581, am 153828; and 153936 ef Nov. 29, 1982.) (a) Any commercial use described in Group 1, Group 2 and Group 5 in Section 33.42.02 of the zoning code may be allowed as a conditional use if it is found by the appropriate hearings body that the proposed conditional use:

(1) Provides a needed service for an industrial use or is intended to serve primarily employees of the industrial area; and

(2) Will enhance the area for industrial purposes.

(b) Administrative approval for change of a commercial conditional use.

(1) An applicant may apply for an administrative approval for a change from one commercial use to another commercial use if the new use is similar in effect on the industrial area to the old use. Administrative approvals shall only be granted for changes of use, not for changes to structures. The procedures of Chapter 33.106 shall not apply to a request for administrative approval for a change of a conditional commercial use.

(2) Written application for an administrative approval for a change of commercial use shall be filed at the Bureau of Planning upon forms prescribed for that purpose and signed by the applicant and property owner, if different. The application shall be accompanied by three copies of a statement addressing how the proposed commercial use will meet the standards of Section 33.52.172 (a), and demonstrating that the findings of the approval of the original commercial use are substantially applicable to the new use. Other information may be required when necessary to understanding the proposed new use and its relationship to the surrounding industrial area. A fee shall be charged in accordance with the provisions of Section 33.114.122.

(3) The Planning Director, or designee, shall approve applications if it is found that the new commercial use meets the requirements of Section 33.52.172 (a), and that the findings of the approval of the original commercial use are substantially applicable to the new use. If it is found that an application fails to comply with these requirements, the application shall either be denied or approved with such conditions as are necessary to meet the requirements. The Planning Director, or designee, shall file a decision and supporting findings with the Bureau of Buildings within 14 days of receipt of a complete application. A copy of the decision shall be mailed to the applicant and City Auditor.

(4) Such administrative action shall not require a public hearing or notification to adjacent property owners.

(5) Within 14 days of a decision of the Planning Director, such decision may be appealed to the Hearings Officer as a conditional use in the manner provided in Chapter 33.106.

33.52.173 Conversion to housing. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Conversion of existing industrial buildings for housing or commercial is permitted in the following circumstances:

(1) When a building has been designated as a historic landmark, or is in an Historic District or an Historic Conservation District.

(2) In the case of a housing conversion, the project must meet the parking, loading, design review, and street tree requirements of the RH zone. The entire existing floor area may be utilized. However, any expansion of floor area must not produce an overall project with an FAR of more than 4:1.

33.52.174 Marinas, houseboats or pleasure craft. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Marinas, houseboats or pleasure craft are allowed as a conditional use if it can be demonstrated that they will not interfere with existing industrial uses and if they meet standards developed by the State Land Board.

33.52.175 **Automobile service station.** (Added by Ord. No. 134013, repealed by 134079, added by 139416; amended by 141105 passed and effective Dec. 31, 1975.) In considering a request for an automobile service station as a conditional use in an M2 zone, it shall be determined whether the location is appropriate considering public convenience, availability of other stations, existing traffic volumes and impact thereon, protection of neighboring uses, and other factors found applicable. Regulations for automobile service stations shall be:

(a) Lot size:

(1) Maximum lot area shall be 40,000 square feet;

(2) Maximum frontage on one street shall not exceed 200 linear feet;

(b) Screening required:

(1) Screening shall be continuous along any portion of the site that abuts the side or rear of a lot in an R or A zone and shall meet the

requirements of Section 33.82.020(b) (1) in the parking chapter of this title;

(c) Landscaping required:

(1) Border planting, including shrubs and trees shall be provided along street frontages.

33.52.176 Natural resources, development of. (Added 153327 effective July 5, 1982.) Regulations for resource extraction are listed in Section 33.18.280.

33.52.177 Residential care facilities. (Repealed by Ord. No. 150581 effective Jan. 1, 1981.)

33.52.179 Development of lands adjacent to water features as defined in Section 33.52.125. (Added 153329 effective July 5, 1982.) Regulations for development of lands adjacent to water features shall be those listed in Section 33.42.249.

33.52.180 Prohibited uses. (Amended 144140, 150581; and 152941 Mar. 4, 1982) (a) The following uses are prohibited in M2 zones:

(1) Creation of additional dwelling units by erection of new structures as one family, two family, or multi-family dwellings, except accommodations on the premises of a principal use for watchmen or caretakers;

(2) Establishment of new Group 6 uses listed in Section 33.42.020 (g) except as provided in Sections 33.52.140 to 33.52.175;

(3) All uses of structures and land not specifically mentioned in this chapter.

(b) Within M2* zoned areas, the following uses prohibited in M2 zones are allowed as principal uses:

(1) Group 6 uses as listed in Section 33.42.020(g).

(2) Residential uses as listed in Section 33.52.137(a).

Chapter 33.54

M1 HEAVY MANUFACTURING ZONE

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33.54.010 Generally. In all M1 Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

coated fabrics;
Asbestos;
Asphalt, manufacturing or refining;
Asphalt roofing paper or shingle;
Bleaching powder;
Brick, tile or terra cotta;
Building block;
By-products or scrap from fish, meat or animals;
Candle, manufacturing with rendering;
Can manufacturing or reconditioning;
Canvas;
Carborundum;
Cardboard;
Cattle or sheep dip;
Cellophane;
Celluloid;
Cellulose nitrate products;
Cement products;
Chemicals;
Chewing tobacco;
Clay products;
Cleaning and polishing preparations;
Concrete pipe;
Concrete products;
Construction equipment;
Cork;
Cottonseed oil, manufacturing and refining;
Creosote;
Dextrine;
Disinfectants;
Dyestuff;
Enamel;
Excelsior;
Felt;
Fish oil or meal;
Fungicides;
Gelatin;
Glass;
Glucose;
Glycerin;
Graphite;
Grease, manufacturing or refining;
Gum and wood chemicals;
Guncotton products;
Gunpowder, manufacturing or storage;
Guns, howitzers, mortars, and related equipment;
Gutta-percha, manufacturing or treatment;
Industrial inorganic chemicals;
Industrial organic chemicals;
Ink, from basic substances;
Insecticide;
Lampblack;
Lard;
Linoleum;
Matches;
Metal-working machinery;
Mineral wool;
Nylon;
Oilcloth;
Oiled clothing;
Paint, oil (including linseed oil), shellac, turpentine, lacquer or varnish;
Patent leather;
Phenol or phenol products;
Phonograph record blank;
Plastic;
Plywood, veneer, or shingles;
Potash;
Pottery or ceramics;
Printing ink, from basic substances;
Pyroxylin (see Chapter 31.40);
Rayon;
Rubber products;
Rubber, treatment or reclaiming plant;
Rugs;
Sandpaper or emery cloth;
Sash and doors;
Sewer pipe;
Shoddy;
Shoe polish;
Shortening and other cooking and edible fats and oils;
Size;
Soap;
Sodium compounds;
Starch;
Steel barrel or drum, manufacturing or reclaiming;
Steel pipe;
Stove;
Stove polish;
Sulfonated oils and assistants;
Tallow;
Tanks and tank components;
Tar products;
Tar roofing;
Tar waterproofing;
Tin cans and other tinware;
Tires;
Transmission cable;
Wallboard;
Wall paper;
Window shades;
Wire;

Wood and gum chemicals;
Yeast.
(8) Group 12:
Arsenal;
Boiler works;
Concrete mixing plant;
Cotton gin;
Creosote treatment;
Dismantling ships;
Jute fabrication;
Petroleum products storage;
Prefabrication of wooden buildings and structural members;
Race tracks, auto or motorcycle;
Railroad repair shops and roundhouses;
Rock, sand, or gravel storage and sales;
Rolling, drawing, or alloying ferrous and nonferrous metals;
Salt works;
Sawmill;
Scrap iron, sales and storage;
Shipbuilding, drydock, or ship repair;
Stone or rock crusher;
Stone grinding, dressing, or cutting;
Structural steel fabrication;
Sugar refining;
Wool pulling or scouring.
(9) Other uses of a heavy industrial character found similar to the above in accordance with Section 33.114.030.

33.54.030 Limitations on use. There shall be none except as are provided in other codes and ordinances of the city, other local governments, and laws of the state.

(A) (Add 155387 Dec. 8, 1983) Adult businesses as defined in Chapter 33.80 are subject to the regulations of Chapter 33.80.

33.54.040 Off-street parking required. (Amended by Ord. No. 150581 and 150737 effective Jan. 1, 1981.) (a) Group 3 uses: Required spaces shall be the same as specified for Group 3 uses in Section 33.42.040.

(b) Group 4 uses: One space per two employees, in addition to spaces provided for customer's vehicle and vehicles in stock.

(c) Group 7 uses: One space per seven hundred square feet of gross floor area, but not more than one space per four employees;

(d) Group 8 uses: One space per seven hundred square feet of gross floor area, but not more than one space per four employees.

(e) Group 9 uses: One space per seven hundred square feet of gross floor area, but not more than one space per four employees.

(f) Group 10 uses:

(1) Amusement parks: One space per one thousand square feet of patron serving area;

(2) Railroad passenger terminal: One space per one thousand square feet of gross floor area;

(3) All other uses: One space per seven hundred square feet of gross floor area, but not more than one space per four employees;

(g) Group 11 uses: One space per seven hundred square feet of gross floor area, but not more than one space per four employees.

(h) Group 12 uses:

(1) Race tracks, auto or motorcycle: One space per twelve seats or twenty-four feet of bench length in stands for spectators;

(2) All other uses: One space per seven hundred square feet of gross floor area, but not more than one space per four employees.

(i) Parking as required for all uses shall be regulated by Chapter 33.82.

(j) When a carpooling, vanpooling, or transit incentive program is provided, or when a proposed industrial site is located within 1,000 ft. of a major transit street, the number of required off-street parking spaces may be reduced by 50%. Carpooling, vanpooling and transit incentive programs provided to qualify for this reduction must be approved by the Planning Director.

(k) Parking as required in this Section may be reduced by up to 10 percent provided that the following requirements are met:

(1) For every required space not provided, two bicycle parking spaces must be provided.

(2) The Bureau of Traffic Engineering approves the reduction.

33.54.050 Off-street loading required. Off-street loading berths shall be provided and maintained for the following uses occupying a building or buildings totaling ten thousand square feet of gross floor area or more according to the table below:

Square Feet of Floor Area		Loading Berths Required
USES: HOTELS		
10,000 -	29,999	1
30,000 -	69,999	2
70,000 -	129,999	3
130,000 -	219,999	4
220,000 -	379,999	5
380,000 -	699,999	6

33.54.015 Purpose. (Added by Ord. No. 150581 effective Jan. 1, 1981.) To provide for heavy industrial activity, and to protect industrial districts from the intrusion of non-manufacturing uses.

PRINCIPAL USES

33.54.020 Uses permitted. (Amended by Ord. No. 150581 effective Jan. 1, 1981.)In the M1 zone the following uses are permitted:

(1) Group 3 uses listed in Section 33.42.020;
(2) Group 4 uses listed in Section 33.50.020;
(3) Group 7 uses listed in Section 33.50.020;
(4) Group 8 uses listed in Section 33.52.020;
(5) Group 9 uses listed in Section 33.52.020;
(6) Group 10 uses listed in Section 33.52.020;
(7) Group 11 - Manufacture of:
Agar;
Ammonia;
Animal or bone black;
Anti-knock compound for gasoline;
Artificial leather and other impregnated and

700,000 - 1,499,999	7
Over - 1,500,000	8
USES: THEATERS	
10,000 and Over	1
USES: GROUPS 1, 2, 3, AND 5	
10,000 - 24,999	1
25,000 - 59,999	2
60,000 - 99,999	3
100,000 - 159,999	4
160,000 - 249,999	5
250,000 - 369,999	6
370,000 - 579,999	7
580,000 - 899,999	8
900,000 - 2,999,999	9
Over - 3,000,000	10
USES: GROUPS 7, 8, 9, 10, 11, AND 12: GOVERNMENTAL AND PUBLIC UTILITY BUILDINGS	
10,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

33.54.060 Lot size required. For lot size there shall be no limitation.

33.54.070 Maximum lot coverage. There shall be no maximum lot coverage limitation.

33.54.075 Street trees. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Street trees must be planted along property lines adjacent to streets. All tree planting layouts must meet guidelines established by the City Forester and be approved by the Fire Bureau.

33.54.080 Maximum floor area permitted. There shall be no maximum floor area limitation.

33.54.090 Maximum height permitted There shall be no maximum height limitation except as provided in the housing and building regulations.

33.54.100 Minimum front yard. There shall be no front yard limitation.

33.54.110 Minimum Side Yard. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) A side yard is not required except where the side of a lot abuts an R Zone. In such case, the side yard requirement of the R Zone shall apply in the M1 Zone on that side of the lot abutting the R Zone.

33.54.120 Minimum rear yard. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) There shall be no limitation except where the rear lot line abuts the side of an adjoining lot in an R Zone, and in such case the side yard requirement of the R Zone shall apply to the rear yard of the M1 Zone where the two abut.

33.54.125 Development adjacent to watercourses and water bodies. (Added 153329 effective July 5, 1982.) (1) Development shall be restricted within the following areas:

(a) Between the ordinary high water line and twenty-five feet back of the top of the bank of watercourses and water bodies such as rivers, lakes, ponds, sloughs or wetlands, as shown on the City of Portland Water Features Map.

(b) Within twenty-five feet of the centerline of watercourses such as streams, creeks and drainageways draining thirty acres or more as shown on the City of Portland Water Features Map.

(2) Within the restricted areas the provisions of Section 33.42.123 (2) through (8) shall apply.

33.54.130 Signs permitted. (Amended 134013, 134079, 138853, 138936, 139416, 150581; and 153373 effective July 17, 1982) All signs within M1-zoned areas shall conform to the signs regulations listed in the C2 General Commercial Zone, under Section 33.42.130.

PRE-EXISTING USES

33.54.135 Pre-existing uses. (Add 153826 ef Oct. 18, 1982)

(a) Purpose. The purpose of the pre-existing use section is to minimize hardships on land use

activities that were subject to restrictive zone changes resulting from the implementation of the Comprehensive Plan on January 1, 1981. The Comprehensive Plan contained significant zoning map and zoning code changes to better guide future land use decisions in the City. As a result, some land use activities no longer comply with the regulations of this Title. The pre-existing use regulations are a means to provide these affected uses some of the rights of their previous zoning, while making new uses subject to the current zoning code and map. The regulations provide flexibility for expansion and continued operation of the pre-existing use. They are intended to generally be less restrictive than the non-conforming use regulations of Chapter 33.94.

(b) Definition. A pre-existing use is: (1) A use that was:

Existing at the time the Comprehensive Plan took effect on January 1, 1981; and

Was a principal or approved conditional use in its zone, and complied with all siting, structural and parking regulations; but

(2) As a result of a zoning map or zoning code change at the time of the Plan's implementation:

The use is no longer a principal or conditional use in its zone; or

The use no longer complies with all siting, structural and parking standards of this chapter.

(c) Regulations. Pre-existing uses shall be subject to the following regulations: (1) Change of use. Upon issuance of a certificate of occupancy by the Bureau of Buildings, a pre-existing use may be changed to a conforming use or to a use of the same or more restrictive classification without loss of pre-existing status. However, a pre-existing use may not be changed to a use that would not have been permitted prior to the implementation of the Comprehensive Plan on January 1, 1981. Differences between the property owner and the Bureau of Buildings as to the determination of whether a proposed use is at the same or more restrictive classification shall be referred for interpretation as specified in Section 33.114.030. After a change of a pre-existing use to a conforming use or to a more restrictive use, it shall not thereafter be changed to any less restrictive use.

(2) Change of ownership. A pre-existing use may change ownership without loss of pre-existing use status.

(3) Damage by fire. Any structure containing a pre-existing use damaged or destroyed by a fire or other cause beyond the control of the owner may be reconstructed in accordance with the floor area ratio, yard, height, and parking regulations currently in effect for the zoning category in place on December 31, 1980.

(4) Floor area expansion.

A. A pre-existing use may increase in floor area on an existing site subject to the floor area ratio, yard, height, and parking regulations currently in effect for the zoning category in place on December 31, 1980.

B. For the purpose of subsections (4) and (5) of this section, a lot will be considered part of the existing site of a pre-existing use if, on December 31, 1980 it was in the same ownership, it was in active use by the pre-existing use as part of its business and the lot contains some improvements supporting its active use.

(5) Site expansion. A pre-existing use may expand up to 100 percent in site area subject to the following requirements:

A. Site expansion shall occur only on adjacent parcels, or on ones wholly or in part directly across a public right-of-way from the original location of the pre-existing use.

B. Site expansion shall occur only on parcels that have the same or less restrictive zoning than the pre-existing use site, but in no case shall expansion be onto parcels where the expansion would not have been allowed under the zoning in place on December 31, 1980.

C. In cases where expansion site was in the same ownership as the existing site on December 31, 1980, and the expansion site had the same zoning as the pre-existing use site on that date, the expansion is allowed outright. All other site expansions shall be subject to the conditional use process of Chapter 33.106.

D. The regulations for the site expansion governing floor area ratio, yards, height and parking shall be those currently in effect for the zone category on the expansion site in place on December 31, 1980.

E. At the time of such expansion of area, street trees must be provided on all rights-of-way abutting the use, and parking areas must be landscaped to conform with the requirements of Chapter 33.82. Tree planting layout and selection shall be in conformance with the City's street tree planting guidelines and approved by the City Forester.

(6) Signs.

A. Signs that were in conformance with the zoning in place on December 31, 1980 may be replaced by a sign of comparable area, height and illumination or by a sign which complies with the regulations of this Chapter, whichever is less restrictive.

B. Pre-existing uses not previously having a sign may install a sign subject to the regulations of this Chapter.

(7) If a pre-existing use is discontinued for more than two years, it shall not be re-established. Future use of the site shall be limited to those allowed under the provisions of this Chapter, except as provided for in Section 33.94.080.

CONDITIONAL USES

33.54.140 Uses permitted. (Am 134013, 134079, 138853, 138936, 139416, 150581, 153329; and 153828 ef Oct. 18, 1982) In an M1 Zone, the following conditional uses may be permitted subject to the regulations contained in Sections 33.54.150 — 33.54.183 and under the authority and according to the procedures specified in Chapter 33.106:

(1) Aircraft landing area, heliport, or private or public helistop;

(2) Automobile service stations when the proposed site abuts in R zone;

(3) Commercial uses;

(4) Conversion to housing or local commercial;

(5) Excavations and filling;

(6) Marinas, houseboats or pleasure craft;

(7) Natural resources, development of

(8) Radio or television transmitters and towers exceeding one hundred feet in height above grade;

(9) (Repealed 151021 Jan. 22, 1981.)

(10) Group 13 uses:

A. Acid manufacture,

B. Blast furnace,

C. Cement, lime, gypsum or plaster of paris manufacture,

D. Coal distillation,

E. Coke oven,

F. Distillation of bones,

G. Dump, rubbish, cinders, slag or sawdust,

H. Explosives, ammunition and fireworks manufacture or storage,

I. Fat rendering,

J. Fertilizer manufacture,

K. Garbage, offal or dead animal reduction or dumping,

L. Gas manufacture or storage which is potentially hazardous to public health or safety, whether artificial, natural, industrial, liquefied or compressed gases (See fire regulations),

M. Glue manufacture,

N. Incinerator,

O. Ore reduction,

P. Paper or pulp manufacture,

Q. Petroleum refining,

R. Slaughter of animals or meat packing,

S. Smelting of copper, iron, lead, tin or zinc, and other metallic ores,

T. Steel manufacture,

U. Stock yards or feeding pens,

V. Tannery or the curing or storage of raw hides,

W. Any use which, in general, is especially hazardous to the public health or safety, damaging to vegetation and discharges excessive air or water pollutants;

(11) Development of lands adjacent to water features as defined in 33.54.125.

33.54.150 Regulations. (Amended by Ord. No. 139117, 139179, 139702; and 141105 passed and effective Dec. 31, 1975.) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

33.54.160 Excavating or filling. Excavating or filling as defined in this title shall be regulated as a conditional use.

33.54.170 Heliport or helistop. A heliport or helistop, whether public or private, may be permitted subject to the additional regulations contained in Chapter 33.78, provided, however, no heliport shall be located on the roof of any building used for habitation.

33.54.175 Automobile service station. (Added by Ord. No. 134013, repealed by 134079, added by 139416; amended by 141105 passed and effective Dec. 31, 1975.) In considering a request for an automobile service station as a conditional use in an M1 zone, it shall be determined whether the location is appropriate considering public convenience, availability of other stations, existing traffic volumes and impact thereon, protection of neighboring uses, and other factors found applicable. Regulations for automobile service stations shall be:

(a) Lot size:

(1) Maximum lot area shall be 40,000 square feet:

(2) Maximum frontage on one street shall not exceed 200 linear feet;

(b) Screening required:

(1) Screening shall be continuous along any portion of the site that abuts the side or rear of a lot in an R or A zone and shall meet the requirements of Section 33.82.020(b) (1) in the parking chapter of this title;

(c) Landscaping required:

(1) Border planting, including shrubs and trees shall be provided along street frontages.

33.54.177 Residential care facilities. (Repealed by Ord. No. 150581 effective Jan. 1, 1981.)

33.54.180 Group 13 uses. Regulations for Group 13 uses shall be as follows:

(1) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Limitations on use: Such uses are permitted in M1 Zones if approval by the county health officer, the bureau of fire, and the State Department of Environmental Quality regarding the location of the plant and adequacy of controls over noxious and hazardous processes is first obtained;

(2) Off-street parking required: One space per seven hundred square feet of gross floor area, but not more than one space per four employees;

(3) Off-street loading required: Off-street loading berths shall be provided and maintained for uses occupying a building or buildings totaling ten thousand square feet of gross floor area or more according to the table below:

Square Feet of Floor Area	Loading Berths Required
10,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

33.54.181 Commercial uses. (Add 150581, am 153828; and 153936 ef Nov. 29, 1982) (a) Any commercial use described in Group 1, Group 2 and Group 5 in Section 33.42.02 of the zoning code may be allowed as a conditional use if it is found by the appropriate hearings body that the proposed conditional use:

(1) Provides a needed service for an industrial use or is intended to serve primarily employee of the industrial area; and

(2) Will enhance the area for industrial purposes.

(b) Administrative approval for change of a commercial conditional use.

(1) An applicant may apply for an administrative approval for a change from one commercial use to another commercial use if the new use is similar in effect on the industrial area as the old use. Administrative approvals shall only be granted for changes of use, not for changes to structures. The procedures of Chapter 33.106 shall not apply to a request for administration approval for a change of a conditional commercial use.

(2) Written application for an administrative approval for a change of commercial use shall be filed at the Bureau of Planning upon forms prescribed for that purpose and signed by the applicant and property owner, if different. The application shall be accompanied by three copies of a statement addressing how the proposed commercial use will meet the standards of Section 33.54.181 (a), and demonstrating that the findings of the approval of the original commercial use are substantially applicable to the new use. Other information may be required when necessary to understanding the proposed new use and its relationship to the surrounding industrial area. A fee shall be charged in accordance with the provisions of Section 33.114.122.

(3) The Planning Director, or designee, shall approve applications if it is found that the new commercial use meets the requirements of Section 33.54.181 (a), and that the findings of the approval of the original commercial use are substantially applicable to the new use. If it is found that an application fails to comply with

these requirements, the application shall either be denied or approved with such conditions as are necessary to meet the requirements. The Planning Director, or designee, shall file a decision and supporting findings with the Bureau of Buildings within 14 days of receipt of a complete application. A copy of the decision shall be mailed to the applicant and City Auditor.

(4) Such administrative action shall not require a public hearing or notification to adjacent property owners.

(5) Within 14 days of a decision of the Planning Director, such decision may be appealed to the Hearings Officer as a conditional use in the manner provided in Chapter 33.106.

33.54.182 Conversion to housing. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Conversion of existing industrial buildings for housing or local commercial is permitted under the terms and conditions listed in Section 33.52.173.

33.54.183 Marinas, houseboats or pleasure craft. (Added by Ord. No. 150581 effective Jan. 1, 1981.) Marinas, houseboats or pleasure craft are allowed as a conditional use if it can be demonstrated that they will not interfere with existing industrial uses and if they meet standards developed by the State Land Board.

33.54.185 Natural resources, development of. (Added 153327 effective July 5, 1982.) Regulations for resource extraction are listed in Section 33.18.280.

33.54.187 Development of lands adjacent to water features as defined in Section 33.54.125. (Added 153329 effective July 5, 1982.) Regulations for development of land adjacent to water features shall be those listed in Section 33.42.249.

33.54.190 Prohibited uses. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) The following uses are prohibited in all M1 Zones:

(1) Creation of additional dwelling units by erection of new structures as one family, two family, or multi-family dwellings, except accommodations on the premises of a principal use for watchmen or caretakers.

(2) Establishment of new Group 6 uses listed in Section 33.42.020 (g);

(3) All uses of structures and land not specifically mentioned in this chapter.

Chapter 33.56

Z DOWNTOWN DEVELOPMENT ZONE

(Added by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.)

Sections:

33.56.010 Purpose.
33.56.020 Procedure.
33.56.030 Applicability.
33.56.040 D Design zone applicable.
33.56.050 Maximum building height.
33.56.060 Maximum floor area.
33.56.070 Residential bonus provision.
33.56.080 Maximum parking spaces in downtown.
33.56.090 Parking required.
33.56.100 Open lot parking.
33.56.110 Access to new parking facilities.
33.56.120 Required building lines.
33.56.130 Required retail activity.
33.56.140 Limitation of blank walls.

33.56.010 Purpose. The Downtown Development Zone is intended to promote and encourage development in downtown Portland in accord with public policies and downtown development goals established by the City by establishing specific regulations in addition to those regulations of regular zones which are deemed necessary to effectuate Downtown planning goals. Additional regulations are applicable within the entire Downtown Development Zone. The Council may, from time to time as warranted, establish and superimpose the Downtown Development Zone upon other regular zones, and the Council may revise the particular regulations applicable within the zone or portions thereof.

33.56.020 Procedure. The Downtown Development Zone shall be established in combination with other regular zones, and the boundaries thereof and the regulations applicable therein may be revised as provided in Chapter 33.102 (Amendments) for changes and amendments in the zoning regulations.

33.56.030 Applicability. In the event of conflict with the regulations for any regular zone with which the Z Downtown Development Zone may be combined, the provisions of the Downtown Development Zone shall control.

33.56.040 D Design zone applicable. (1) The entire area within the Z Downtown Development Zone shall also be within the D Design Zone and shall be subject to the provisions of Chapter 33.62 (D Design Zone).

(2) In the event of conflict between the regulations of Chapter 33.56 (Downtown Development Zone) and Chapter 33.62 (D Design Zone), the provisions of Chapter 33.56 shall control.

(3) In the event of conflict between the regulations of Chapter 33.62 (D Design Zone) and the regulations of Chapter 33.120 (Historical Districts, Buildings and Sites) the regulations of Chapter 33.120 shall control.

33.56.050 Maximum building height. (Am 155630 ef Mar. 26, 1984) Maximum height limitations in the Downtown Development Zone are as follows:

(1) View corridors. In order to protect scenic view corridors through the Downtown, maximum permitted building heights in these corridors shall be as designated on the Maximum Building Heights, Supplemental Zoning Map B, located in Appendix I, of this Title.

(2) Public open spaces. Public open spaces designated on the Official Zoning Maps of Portland, Oregon, Planning and Zoning Code shall be protected from buildings of a height which excessively block sunlight.

(a) Maximum building heights shall be those designated on Maximum Building Heights, Supplemental Zoning Map B, located in Appendix I, of this Title.

(b) There shall be no maximum height limitations provided it can be demonstrated to the satisfaction of the Design Commission of the City Planning Commission that shadows cast by the proposed building will not exceed 50% coverage of such designated public open space at 12:00 noon, Pacific Standard Time, and 75% coverage at 3:00 p.m., Pacific Standard Time, on April 21 and August 21 of any year.

(3) Historic districts. In order to protect Historic Districts from new construction which is not in scale with buildings within such district, maximum building heights shall be those designated on the Maximum Building Heights, Supplemental Zoning Map B, located in Appendix I, of this Title.

(4) Waterfront districts. In order to ensure a harmonious scale of development in districts bordering the Willamette River with adjacent greenway and/or water area open spaces, maximum building heights shall be as designated on the Maximum Building Heights, Supplemental Zoning Map B, located in Appendix I, of this Title.

(5) On all other sites not limited by Section 33.56.050(1), (2), (3) and (4) above, and except as to height and density limitations authorized in a development plan duly approved and recorded pursuant to downtown plan review procedures provided for in this title between June 27, 1971 and the effective date of this section, the maximum height of any building shall be 460 feet measured from the lowest grade of the site.

(6) (Am 155124 Ef Oct. 24, 1983) Any variance or adjustment from these regulations may be considered under Chapter 33.98, Exceptions.

33.56.060 Maximum floor area permitted. (Am 155630 ef Mar. 26, 1984) A maximum floor area ratio shall be applicable to each site within the Downtown Development Zone, as designated on the Maximum Floor Area Ratio, Supplemental Zoning Map C, located in Appendix I of this Title and shall be in accordance with the following:

(1) Floor area ratio is the ratio of the floor area of the structure to the area of the site.

(2) For the purpose of this chapter, floor area means the gross area under roof, measured horizontally at each floor elevation between exterior limits or faces of a building structure excluding the following:

(a) Areas constituting the upper portion of interior spaces including but not limited to lobbies, interior courts, banquet or ballrooms, theaters and gymnasiums;

(b) Areas where the floor area elevation is more than half a story below the lowest adjacent public right-of-way grade;

(c) Enclosed areas housing mechanical penthouses, accessory water tanks, cooling towers or other mechanical equipment necessary to the operation of the building itself;

(d) Floor space in open or roofed terraces, exterior balconies, breezeways or porches providing not more than 50% of the perimeter of such space is enclosed and providing that a parapet or a railing less than 40 inches in height shall not constitute an enclosure;

(e) Floor area located on roof tops where such space is developed for recreational uses such as but not limited to sun decks, tennis or handball courts, gardens and swimming pools and enclosed spaces accessory to such uses where the total area of such enclosed space is not more than 20% of the gross area developed for recreational use;

(f) Roof top parking in parking structures.

(3) Where limitations on the floor area occupied by specific uses are prescribed, lobbies, stairwells, elevator and similar spaces serving more than one use shall be allocated in proportion to the floor area occupied exclusively by the several uses.

(4) (Am 155124 Ef Oct. 24, 1983) Any variance or adjustment from these regulations may be considered under Chapter 33.98, Exceptions.

33.56.070 Residential bonus provisions. (1) Residential floor area bonus provisions are established in order to stimulate new housing construction that will enhance the vitality and economy of Downtown.

(2) (Amended by Ord. No. 150581 effective Jan. 1, 1981.) The maximum floor area limits established by Council Action may be exceeded in accord with the following provisions:

(a) In any area zoned C1Z subject to a 3:1 or a 4:1 floor area ratio, additional floor area of 1:1 shall be permitted for residential use only.

(b) In any area zoned C1Z subject to a 6:1 or a 9:1 floor area ratio, additional floor area of 2:1 shall be permitted for residential use only.

(c) In any area zoned RX or MX or in any area, subject to a floor area ratio of 10:1 or greater, residential bonus provisions shall not apply.

(d) All other sections of this chapter shall apply, including any height limits established in 33.45.050 (Maximum Building Height).

33.56.080 Maximum parking spaces in Downtown. (1) At the end of any quarter of any year the total number of parking spaces available for use in the Downtown area will not be permitted to exceed the November 7, 1973 off-street and on-street parking inventory established by the Bureau of Traffic Engineering as officially amended from time to time.

(2) New parking spaces for residential and hotel uses are exempt from this limit.

33.56.090 Parking required. (Amended by Ord. No. 150737 effective Jan. 1, 1981.) (1) There shall be no minimum off-street parking requirements in the Downtown Development Zone for passenger automobiles. The allowable number of private off-street parking spaces, when permitted as a conditional use, shall be determined in accordance with the following schedule:

Category of Use	Accessory Parking Permitted
Residential	1.2 spaces per dwelling unit
Hotel or Motel	1.0 spaces per rentable unit
All other uses	Use, as a guideline only, the schedule included in the Downtown Parking and Circulation Policy, Section H.

(2) Bicycle parking shall be provided in both new construction and building remodelings in the Downtown Development Zone.

(a) In new construction the amount of bicycle parking required shall be determined based on the following schedule:

Category of Use	Bicycle Parking Required
Residential	One space for every 4 dwelling units
Hotel or Motel	One space for every 20 employees
All other Uses	Ten spaces, or 1 space for every 20,000 gross square feet of building area, or 1 space for every 20 passenger automobile spaces allowed, whichever is greater.

(b) Where existing buildings are remodeled or renovated and the cost of such renovation exceeds 50 percent of the building's assessed value prior to renovation and the building has a loading dock, motor vehicle access, or service entrance, bicycle parking shall be provided in accordance with the schedule in the preceding paragraph.

(c) All required bicycle parking in residential projects and 50 percent of required bicycle parking in all other projects having 10 or more required bicycle parking spaces shall be covered.

(3) An off-street parking structure not exclusively serving a special permitted use when approved as a conditional use shall contain a minimum of 300 passenger automobile parking spaces available for general public use and a minimum of one bicycle parking space for every 20 passenger automobile parking spaces in the structure; such bicycle parking spaces shall be available for general public use.

33.56.100 Open lot parking. (1) New open lot parking when approved as a conditional use shall be subject to the following limitations:

(a) Such parking shall be limited to 20 spaces or less.

(b) Such parking shall serve a residential use, a permitted use located in an MX Zone, or a permitted use in a C1 Zone in accordance with the following:

C1 Zone Open Lot Parking Guidelines:

(1) The parking is an integral part of the business and for customers only;

(2) is on the same property as the commercial establishment;

(3) is only for its use;

(4) does not violate the adopted downtown goals for strengthening the retail activity.

(c) Such parking shall be approved for a period of three years only.

(d) Such parking approval may be renewed for additional three-year periods only upon application and processing as though it were a new conditional use subject to the full provisions of Chapter 33.106 (Conditional Uses);

(e) Such parking shall be subject to the provisions of Section 33.82.030 (Design Requirements for Parking Lots) with the exception of the screening requirements of this section.

(f) Such parking shall be provided with screening which shall be approved by the Design Commission of the City Planning Commission in accordance with the following standards:

(1) Such screening shall be sight obscuring and shall be a minimum of four feet in height;

(2) Such screening shall be composed of either a masonry wall, ornamental wooden fence, compact evergreen hedge, berm, or a combination of these; and

(3) Such screening shall be accompanied by the installation of a minimum of one street tree for every 50 linear feet of site fronting on a public right-of-way. Such street trees shall be a minimum of three inches in caliper and planted either on the applicant's property, bordering the street curb, or both, and shall be in accordance with the requirements of Chapter 40 (Street Tree Regulations) of Title 20 (Parks and Recreation).

(2) Open lot parking which is existing at the effective date of this section shall:

(a) Be provided with screening in accordance with Section 33.56.100(1) (f) above, within three years following said effective date;

(b) Be exempt from Section 33.94.050, Nonconforming Uses of Land in all Zones.

33.56.110 Access to new parking facilities. (Am 155630 ef Mar. 26, 1984)

(1) New parking facilities approved as conditional uses will be permitted access to or from any street designated as "permitted" on the Parking Access, Supplemental Zoning Map E, located in Appendix I of this Title.

(2) New parking facilities approved as conditional uses may be permitted access to or from streets designated as "conditional" by City Council provided there is a finding that:

(a) Such parking access would contribute substantially to the goals of the Downtown Plan and to the specific objectives and policies relating to the district within which access is proposed, and

(b) That such parking access would not lead to serious pedestrian-vehicle conflicts within the districts.

(3) Access to new parking facilities from any street not designated "permitted" or "conditional" may be considered as a variance under the provisions of Section 33.106.010 Authority.

(4) (Am 155124 Ef Oct. 24, 1983) Any variance or adjustment from these regulations may be considered under Chapter 33.98, Exceptions.

33.56.120 Required building lines. (Am 155630 ef Mar. 26, 1984)

(1) In order to maintain the urban quality of retail, office, or historic areas by preventing loss of the sense of enclosure, the continuity of display windows, and the weather protection that would result from random decisions to provide plazas or building setbacks, required building lines are established along street lot lines in certain portions of the Downtown Development Zone, as designated on the Building Requirements, Supplemental Zoning Map D, located in Appendix I of this Title.

(2) Along a frontage containing a required building line, new construction shall extend to the required building line along not less than 75% of the required building line of each lot. Portions of a building required to extend to the required building line shall be not less than one story in height or the full height of the building, whichever is less.

(3) Initial determination of whether a proposed building arrangement meets the intent, purposes and requirements of Section 33.56.120(1) and (2) above, shall be made by the Design Commission of the City Planning Commission as part of the design review undertaken pursuant to Chapter 33.62 (D Design Zone) and the provisions of Section 33.114.030 (Interpretation – Purpose – Conflict).

(4) (Am 155124 Ef Oct. 24, 1983) Any variance or adjustment from these regulations may be considered under Chapter 33.98, Exceptions.

33.56.130 Required retail uses. (Am 155630 ef Mar. 26, 1984)

(1) In order to prevent disruption to the continuity of retail display windows and retail stores that is essential to the maintenance of a healthy retail district, required retail areas within the Downtown Development Zone are established. Within a designated required retail area, as shown on the Building Requirements, Supplemental Zoning Map D, located in Appendix I, of this Title, retail activities are required as the predominant use at the ground floor or pedestrian access level of buildings.

(2) Within a required retail area all new construction and all additions, alterations, or repairs which, within any 12-month period, exceed 50 percent of the value of an existing building, shall be constructed to accommodate at least 50 percent of the portion of such building fronting on a sidewalk, plaza, or other public open space for retail or personal service uses other than banks, loan offices, travel agencies, or other ticket agencies.

(3) All such retail or personal service uses shall be directly accessible from the sidewalk, plaza or other public open space.

(4) Initial determination of whether a proposed use or building arrangement meets the intent, purposes and requirements of Section 33.56.130(1), (2), and (3), above, shall be made by the Design Commission of the City Planning Commission as part of the design review undertaken pursuant to Chapter 33.52, D Design Zone, and the provisions of Section 33.114.030, Interpretation – Purposes – Conflict.

(5) (Am 155124 Ef Oct. 24, 1983) Any variance or adjustment from these regulations may be considered under Chapter 33.98, Exceptions.

33.56.140 Limitation on blank walls. (Am 150581; and 153669 Aug. 12, 1982) (1) In order to encourage continuity of retail and consumer service uses, to encourage retail and commercial activities at street level in all buildings, to provide a pleasant, rich and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, to restrict fortress-like facades at street level and to avoid a monotonous pedestrian environment within the Z Downtown Development Zone, blank walls at pedestrian level are limited by the provisions of this section.

(2) Along block faces within the RX and C1 zones, where combined with the Z Downtown Development Zone, except in the case of residential development, on the pedestrian level, blank walls shall be limited as follows:

(a) Blank Wall Relief Provision. Except as provided in (b) and (c) below, at least 50% of the length and 25% of the exterior wall area on the pedestrians level abutting sidewalks, plazas, or other public open spaces or right-of-ways shall be devoted to windows affording views into retail, office or lobby space, pedestrian entrances or retail display windows.

(b) Buildings having less than 50% of their pedestrian level floor area in retail, office or lobby use but containing other active uses found, in the view of the DesignCommission, to be of visual interest to the pedestrian may provide windows affording views into these active uses in lieu of views into retail, office or lobby space to meet the Blank Wall Relief Provisions of (a) above (active uses are such uses as pressrooms, classrooms, kitchens or manufacturing processes). Parking areas, truck loading areas, and vehicular access ways are not to be considered active uses.

(c) Buildings having less than 50% of their pedestrian level space in retail, office, lobby or in other uses found to be of visual interest by the DesignCommission, may substitute artwork and/or display windows to meet the blank wall area relief provisons of subsection (a) above, if in the view of the DesignCommission, or in the case of historic districts, buildings or sites, the Landmarks Commission, or on appeal the City Council, the proposed display window or artwork meets the intent of this section as stated in paragraph (1) above (artwork and displays relating to activities occurring within the building should be encouraged).

(d) These provisions apply to all new construction and all additions, alterations or repairs of existing facilities exceeding 50% of the value of the existing building or improvement.

(3) Initial determination of whether a proposed use or building arrangement meets the intent, purposes, and requirements of Section 33.56.140(1) and (2) above, shall be made by the Design Commission of the City Planning Commission as part of the design review undertaken pursuant to Chapter 33.62 (D Design Zone) and the provisions of Section 33.114.030 (Interpretation – Purpose – Conflict).

(4) (Am 155124 Ef Oct. 24, 1983) Any variance or adjustment from these regulations may be considered under Chapter 33.98, Exceptions.

Chapter 33.57

Y POWELL BOULEVARD, PHASE II LAND USE CONTROLS ZONE

(Added 151415 April 15, 1981)

Sections:

33.57.010 Purpose
33.57.020 Procedure
33.57.030 Applicability
33.57.040 D Design Zone Applicable
33.57.050 Off-Street Parking Required
33.57.060 Yard Requirements
33.57.070 Uses Permitted
33.57.080 Administration

33.57.010 Purpose. The purpose of the Powell Boulevard, Phase II Land Use Controls is to assure that redevelopment within the project area preserves the quality of the neighborhood. These land use controls establish specific criteria in addition to those regulations of regular zones, to maximize the opportunity for commercial redevelopment and to provide buffering of all residential development within the project area.

33.57.020 Procedure. The Powell Boulevard, Phase II Land Use Control Zone shall be established in combination with other regular zones and the boundaries thereof and the regulations applicable therein may be revised as provided in Chapter 33.102, Amendments, for changes and amendments in the zoning regulations.

33.57.030 Applicability. In the event of a conflict with the regulations of Chapters 33.42 or 33.50 with which the Y Zone may be combined, the provisions of the Y Zone shall control.

33.57.040 D Design Zone Applicable. (1) The entire area within the Y Powell Boulevard, Phase II Land Use Controls Zone shall also be within the D Design Zone and shall be subject to the provisions of Chapter 33.62, D Design Zone.

(2) In the event of conflict between the regulations of Chapter 33.57, Powell Boulevard Y Zone, and Chapter 33.62, D Design Zone, the provision of Chapter 33.57 shall control.

33.57.050 Off-street Parking Required. Within the Powell Boulevard Zone, the regulations of the existing zones shall apply, with the exception of SE 33.42.040 pertaining to off-street parking. The following regulation shall govern off-street parking requirements within the C2Y Zone:

(a) Within areas zoned C2Y the minimum passenger automobile requirements listed in Section 33.42.040 may be reduced by the Design Commission if the Commission determines that such a reduction is warranted based on its review of the following criteria:

(1) trip generation anticipated from the proposed use, and

(2) Proximity and availablity of parking in public spaces provided through the Powell Boulevard, Phase II highway improvement project.

33.57.060 Yard Requirements. Within the Powell Boulevard, Phase II Project Area the regulations of the exisiting zones shall apply, with the exception of Sections 33.42.100 to 33.42.120 and 33.50.100 to 33.50.120 pertaining to yard requirements. The following regulations shall govern yard requirements within the C2Y and M3Y zones.

(a) No yards shall be required in the C2Y and M3Y zones as the result of sharing frontage with or having a lot abut a residential or apartment zone.

33.57.070 Uses Permitted. Within the Powell Boulevard, Phase II Project Area, all the regulations of the existing zones shall apply, with the exception of Sections 33.42.140, 33.42.150, 33.50.140 and 33.50.150, pertaining to residential uses in the C2Y and M3Y zones. The following regulations shall govern new residential uses:

(a) New residential uses shall be prohibited in the C2Y and M3Y zones within 100 feet of Powell Boulevard.

33.57.080 Administration. The administration and hearing procedures utilized for the items of this section related to the Design Zone shall be as specified in Chapter 33.62.

Chapter 33.58

B BUFFER ZONE

Sections:

33.58.010 Purpose.
33.58.020 Procedure.
33.58.030 Regulations.

33.58.010 Purpose. In recognition that lots originally platted for residential uses, with a depth of one hundred feet more or less, are ill-adapted to modern merchandising and other commercial uses, it is sometimes desirable to permit expansion of businesses through the block to abut paralleling streets. In order to maintain these paralleling streets as residential in use and character and yet permit such expansion of business, it is necessary to install a stepdown or B Buffer Zone which allows business use but which presents the appearance of residential use. Therefore, the council may, from time to time as warranted, establish and superimpose B Zones upon other regular zones in addition to B Zones established July 1, 1959.

Land classified in a B Zone shall also be classified in one or more of the regular zones as listed in Chapter 33.16. The zoning of such land shall be designated by a combination of symbols, e.g., C2B, M1B, etc.

33.58.020 Procedure. (Amended by Ord. No. 139117, 139702, 141105; and 148873 passed and effective Dec. 13, 1979.) B Zones shall be established in combination with other regular zones, and may be removed, according to the procedure as provided in Chapter 33.102 for changes and amendments to the zoning regulations. Variances within B Zones may be granted in accordance with Chapter 33.98 and in more particular Section 33.98.025(b).

33.58.030 Regulations. (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) (a) The uses of property permitted shall be those permitted in the regular zone with which the B Zone is combined.

(b) Off-street parking and loading regulations shall be those governing the regular zone with which the B Zone is combined.

(c) Height regulations shall be those of the more restrictive abutting zone, whether across a street or alley or immediately adjoining.

(d) Minimum required lot area per dwelling unit regulations shall be those of the more restricted abutting zone, whether across a street or alley or immediately adjoining.

(e) Yard regulations shall be those of the more restrictive abutting zone, whether across a street or alley or immediately adjoining, except a rear yard need be provided only where such yard adjoins the side of a lot in an R or A Zone.

(f) Yards abutting a street shall be landscaped and maintained in a satisfactory manner at all times.

(g) A screen of evergreen planting shall be provided on yards abutting streets at a distance from the street line equal to the depth of the required yard. This planting shall be established so as to reach a height of at least five feet within a period not to exceed two years. Such screening shall at all times be maintained in a satisfactory manner.

(h) No structure shall be built, no equipment or vehicles shall be parked, and no other activity of a business nature shall be permitted in any required yard.

(i) No entrance or exit shall be permitted across a yard abutting a street or through the required planting screen for either vehicles or pedestrians. No driveway permit shall be issued by the office of the city engineer granting access to property in a B Zone.

(j) Required side and rear yards in the B Zone shall be landscaped and a screen of planting shall be established so as to reach a height of at least five feet within a period not to exceed two years. Such landscaping and screening shall at all times be maintained in a satisfactory manner.

(k) Sign regulations in B Zones shall be those of the more restrictive abutting zone, whether across a street or alley or immediately adjoining.

(l) Required landscaping and screen of evergreen planting shall be made before occupancy and use of a B Zone is permitted.

Chapter 33.62

D DESIGN ZONE

(New Chapter substituted by Ord. No. 148158 passed and effective July 25, 1979.)

Sections:

33.62.010 Purpose.
33.62.020 Establishment and alteration of D zone.
33.62.030 Design Commission.
33.62.035 Technical assistance.
33.62.040 Regulations.
33.62.050 Procedures.
33.62.060 Effectiveness and appeal.
33.62.070 Acceptance.
33.62.080 Validity of certain D design zones

33.62.010 Purpose. (1) For the purpose of conserving and enhancing the appearance of the City in areas of special interest and use by City residents and visitors, of cultural note or architectural merit and for the purpose of assisting property owners and public agencies to improve and maintain property in a manner supportive of adopted City Policies and compatible with the natural and man made environs, the Council may from time to time as warranted, create and superimpose D Design Zones upon other existing zones in addition to D Zones established July 1, 1959.

(2) Further, for the purpose of encouraging design excellence in publicly supported projects outside of D Design Zones, including development in Urban Renewal areas, public rights-of-way and public lands, advisory design review may be provided.

33.62.020 Establishment and alteration of D zones. Establishment, alteration or abolishment of a D zone may be initiated by the Council, the Commission, or the property owner. Before the petition of the property owner therefore may be considered, it shall be signed by the owners of at least 50 percent of the area proposed to be changed. Requirements for notice, hearing and fees shall apply as provided in Chapter 33.102.

33.62.030 Design Commission. (Am 149311, 150763, 151415; and 154101 ef Jan. 24, 1983) (1) The Design Commission shall be appointed by the mayor of the City of Portland, shall serve without compensation and shall be composed of seven members: a member of the City Planning Commission; a City member of the Metropolitan Arts Commission; one citizen representing the public-at-large; and four members experienced in either design, engineering, financing, construction or management of buildings and land development with no more than two appointed from any of these fields. Each of the latter four members shall have had at least five years experience in his or her profession. Terms of the first two named members shall coincide with their memberships in their parent commissions, but in no case shall their terms be longer than four years. Terms of the appointment of the latter five members shall be four years except the first appointments shall be appointed initially for the following terms: one member for two years, two members for three years and two members for four years.

(2) The Design Commission shall elect its own chair and adopt such rules of procedure as are necessary to the conduct of its duties.

(3) The Design Commission shall prepare for City Council review, and shall adopt and publish guidelines of evaluation and acceptability for each separate area included in a D Zone. Such guidelines shall be appropriate to the character of the area. In adopting such guidelines, the Commission shall consider and be guided by criteria which property owners, tenants and building users may furnish for the control of their particular areas in a D zone.

(4) Regarding the Z Downtown Development Zone, the Design Commission shall use the guidelines for project evaluation and acceptability adopted by Council on November 19, 1980, by Ordinance No. 150762, unless amended by Council.

(5) Regarding the Y Powell Boulevard, Phase II Land Use Controls Zone, the Design Commission shall use the Y zone design guidelines for project evaluation and acceptability adopted by the Design Commission on February 19, 1981, and subsequently by the City Council.

(6) All reference to Design Committee in Title 33 or in other titles of the Code shall be construed to refer to the Design Commission.

(7) (Add 155246 ef Nov. 26, 1983) Regarding the Terwilliger Parkway Corridor Design Zone, the Commission shall use the Terwilliger Parkway Corridor Design Zone goals and design guidelines for project evaluation and accepta-

bility adopted by the Commission on September 28, 1982, and subsequently approved by the City Council. (Ordinance number 155245)

33.62.035 Technical Assistance. (Am 154101 ef Jan. 24, 1983) (1) The Bureau of Planning staff shall assist the Design Commission in discharging its duties.

(2) Department of Public Works and Water Bureau staff shall assist the Design Commission in cases involving public rights-of-way.

(3) When requested by the Design Commission, the City may retain the services of a professional panel of not more than three members, either architects, or landscape architects, or a combination of both specializing in urban design to review and advise the Design Commission on the quality of design and impact of proposed large projects within D Design Zones.

(4) At least one member of this advisory panel should have considerable familiarity with Portland and the other members should have broad and preferably national urban design and development experience and familiarity with the type of project being reviewed.

(5) Panel membership may change from time to time depending on the type of projects being addressed.

(6) The Planning Director shall present a list of qualified and available names with recommendations for specific project participation to the Design Commission for its review and selection.

(7) Where design advice may be provided on major projects of high visibility outside of D Design Zones as specified in Section 33.62.010(2) and Section 33.62.050 (2)e, the Design Commission may request design review assistance from the professional panel.

33.62.040 Regulations and Authority. (Am 154101 ef Jan. 24, 1983) (1) Land classified in a D Zone shall also be classified in one or more of the regular zones as listed in Chapter 33.16. The zoning of such land shall be designated by a combination of symbols, e.g., R5D, C2D, etc.

(2) In a D Zone, all the regulations of the regular zone shall apply; and, in addition, no building permit or other permit for construction or exterior alteration of any building or structure, site landscaping, street landscaping and visible appurtenances within street rights-of-way, including special sidewalk and street paving, street lights, kiosks, vendors, benches, newsstands, banners, etc., shall be issued until the proposed development is reviewed and approved in writing as to location and design by the Design Commission on major projects, the Planning Director or his delegate on minor projects, or the Landmarks Commission on designated landmarks within D Design Zones, providing that design review decisions involving public rights-of-way shall be in conformance with Title 17 Public Improvements, Municipal Code, City of Portland, Oregon.

(3) The Design Commission or the Planning Director or his delegate on minor projects, or the Landmarks Commission on designated landmarks within D Design Zones, shall have authority to require changes in the features identified in 33.62.040 (2) above, and to impose such conditions of development as are necessary in their judgement to carry out the purpose of the D Zone as stated in Section 33.62.010.

(4) Projects shall be classified as minor when the Planning Director and the Design Commission chair find that the design proposal is a minor improvement and will not significantly affect the character, use and development of surrounding properties. Projects not meeting this test will be classified as major projects.

(5) (Add 154256 ef Mar. 12, 1983) If the proposed project or remodeling is located on a site wholly within a historical district or is located on a site occupying a single block, which is divided between a D Design Zone and a historical district, review and action thereon shall be conducted by the Portland Historical Landmarks Commission. The procedures and regulations established in Chapter 33.120 shall apply. The Historical Landmarks Commission in their review of projects not wholly within the historical district but still within the D Design zone, shall consider the guidelines established by the Design Commission in lieu of the Design Commission's own review. In the event of a conflict between the applicable historical guidelines and the design guidelines, the historical guidelines shall apply.

Proposed projects located partially in a historical district and partially in a D Design zone which occupy more than a single block, shall be reviewed by both the Design Commission and the Historical Landmarks Commission.

33.62.050 Procedures. (Am 152466, 153042, 153108; 154101 ef Jan. 24, 1983) (1) A written request for design review shall be filed in the office of the Bureau of Planning upon forms prescribed for that purpose. Requests for design review shall be signed by the applicant, and by the property owner if different. A fee shall be charged in accordance with the provisions of Section 33.114.122(2). The request shall be accompanied by ten (10) legible copies of plans and elevations and a master plan of any phased development at a size convenient for distribution, showing exact dimensions and arrangement of the proposed development or changes in an existing development or use, and other drawings, topographic surveys, photographs, essential to an understanding of the proposed development and its relationship to surrounding properties. A master plan submitted should include: land uses, building heights and densities, parking amount, and pedestrian, transit and vehicular features and access, including public rights-of-way and easements.

(2) The Design Committee on major projects, the Planning Director or his delegate on minor projects or the Landmarks Commission on designated landmarks within D Zones shall use the following procedures when reviewing projects under their jurisdiction:

A. Minor Project. When a request meets the criteria specified for a minor project in Section 33.62.040 (4), the Planning Director or his delegate may, by administrative action, grant, grant with conditions, modify or deny the design requested; and the decision and findings shall be made in writing within ten (10) working days of the receipt of the application. The findings shall include the conclusions and the basic facts upon which the decision is based, although such findings need not be transmitted unless such decision has been appealed.

Such decision shall be transmitted to the applicant, to the City Auditor, and to the Bureau of Buildings. A summary sheet of such decision shall be transmitted to all persons, agencies or organizations who submitted written testimony as well as to all who submitted a written request for such notification.

The decision shall be final unless an appeal to the Design Commission has been filed in writing with the City Auditor and a copy with the Bureau of Planning by the applicant whose application has been denied or specially conditioned, within fourteen (14) days of the written decision.

Such administrative action shall not require a public hearing.

If the applicant appeals the administrative action, the design request shall be placed on the next appropriate agenda of the Design Commission for a public hearing and processed in an identical manner as Major Projects, (b) below, regarding Design Commission review, decision and appeal to City Council.

B. Major Project. The Design Commission shall act on all projects classified as major under Section 33.62.040 and hold a public hearing on such requests within sixty (60) days of receipt thereof unless such time limitation be extended with the written consent of the applicant.

Major projects should be submitted for initial design review during the conceptual stage of design preparation. Any subsequent review shall be conducted in an expeditious manner.

Before taking action on projects being reviewed, notification shall be mailed by the City Auditor to the owners of the property in the affected area, officials, and interested groups fourteen (14) days prior to a specified date at which the public hearing before the Design Commission is offered. The affected area is all real property located within lines 400 feet, including intervening street widths, from and parallel to the boundaries of the proposed development site, and such other contiguous

area as is under the legal control of the applicant.

Upon review at the public hearing, the Commission considering all testimony, may grant, grant with conditions, modify or deny the design request. The Commission shall accompany its decision with a statement setting forth its findings and the reasons for the decision it reached; and such decisions shall be made in writing. The findings shall include the conclusions and the basic facts upon which the decision is based, although such findings need not be transmitted unless such decision has been appealed.

Such decision shall be transmitted to the applicant, to the City Auditor and to the Bureau of Buildings. A summary sheet of such decision shall be transmitted to all persons, agencies or organizations who testified personally or through a representative or in writing during the proceeding as well as to all who submitted a written request for such notification.

C. Designated Landmarks. The review of designated landmarks within D Design Zones shall be conducted in accordance with Section 33.120.080 Exterior Remodeling or New Structure.

D. (Am 154256; and 155124 Ef Oct. 24, 1983) Conditional Use, Variance and Adjustment Requests.

1. The Design Commission or Historical Landmarks Commission (for projects wholly or partially within a historical district, building or site) shall review all conditional use applications within a D Zone and provide written recommendations to the Hearings Officer for consideration.

2. In the Z Zone, the Design Commission or Historical Landmarks Commission, as appropriate, shall have authority to review and grant, grant with conditions, modify or deny applications for variances or adjustments. The Commissions also have authority in the Z Zone to affirm, reverse or modify any administrative decision on variances or adjustments.

E. Public Projects outside D Design Zones. On urban renewal or public works projects of public importance outside of D Design Zones, entirely or partially financed by the City or any agency under city jurisdiction, the City Commissioner administering or coordinating the project may request or the City Council may recommend that the Design Commission review plans and prepare recommendations on any building or structure, site landscaping, street landscaping and visible appurtenances in project areas. Such design review will be advisory only.

F. (Am 154256 ef Mar. 12, 1983) Signs. The Design Commission, or the Planning Director or his delegate, or the Historical Landmarks Commission in the case of projects wholly or partially within designated historical districts, buildings or sites may grant sign review approval within the Z Zone in accordance with the provisions of Chapter 74 of this title.

33.62.060 Effectiveness and Appeal. (1) If the order or decision of the Design Commission on all projects reviewed by the Design Commission within D Zones and not subject to conditional use or variance review grants all or any portion of an application and the Design Commission determines there is no person eligible to appeal such order or decision, such order or decision shall become effective as hereafter provided. Otherwise, no order of the Design Commission under this chapter shall become effective until after an elapsed period of fourteen (14) days from the date in which a determination is made.

During the time prior to effectiveness, if any, a person aggrieved by a decision of the Design Commission may appeal such decision to the City Council by filing with the City Auditor a written notice of appeal and copy with the secretary of the

Planning Commission, provided that he is an applicant whose application has been denied or specially conditioned, or that he/she is a person who objected either personally or in writing to the application and the grounds that he/she stated have not been removed. The Planning Director or delegate shall within fourteen (14) days file with the Auditor a report on the grounds for such decision, including any design analysis prepared on a proposed project by the professional urban design panel authorized in Section 33.62.035 Technical Assistance, and a list of persons appearing on the matter before the Design Commission and any list of owners supplied with the original application. The Auditor shall fix a date for public hearing on the appeal, which shall not be more than twenty (20) days after receipt of the Planning Director's report set forth above, notify the appellant and all other affected property owners, officials or groups. At the time of hearing or thereafter, the Council may affirm, modify or reverse the decision of the Design Commission. The Council may request the participation of the professional urban design panel authorized in Section 33.62.035 Technical Assistance at the hearing. Such affirmance, modification or reversal may be made by motion, and shall not require separate permit or ordinance, but the Auditor shall transmit to the Planning Director or his delegate the effect of the action taken, which shall be made in the form of an order and shall be preserved along with the actions of the Design Commission in similar classes of decision.

(2) The appeal procedure specified in Section 33.120.080 exterior remodeling or new structure shall govern decision of the Landmarks Commission on designated landmarks within D Design Zones.

33.62.070 Acceptance. (Am 154101 ef Jan. 24, 1983) (1) In no event, however, shall any order by the Design Commission or the Planning Director or his delegate on minor projects, or the Landmarks Commission on designated landmarks within D Zones, or by the Council, become effective until the applicant, and the property owner, if different, has accepted the terms of the order in writing; the acceptance is filed with the Auditor, and the order is recorded in the appropriate county records at the expense of the applicant. Such acceptance must be filed with the Auditor within thirty (30) days from the date of the Design Commission's meeting, or of the effective date of the decision of the Planning Director or delegate on minor projects, or within (30) days from the date of the Council's hearing if an appeal has been made. If such acceptance is not filed and the fee paid within such thirty (30) day period, then the order required to be accepted before effectiveness shall be null and void. The order, when recorded, shall bear the certificate of the Auditor stating that acceptance thereof has been filed and the order is a true copy of the original.

(2) Notwithstanding the requirement of (1) above, projects located within public rights-of-way will not be subject to acceptance procedures, and decisions rendered by either the Design Commission or Planning Director or Landmarks Commission shall be effective upon completion of the appeal period.

33.62.080 Validity of certain D design zones. Notwithstanding the provisions of this chapter, all design zones which would otherwise be valid but for failure to record in the county deed records the acceptance as heretofore provided by this chapter hereby are validated as if the acceptance has been duly recorded.

Chapter 33.66

L AIRCRAFT LANDING ZONE

Sections:

33.66.010 Purpose.
33.66.020 Regulations.
33.66.030 Appeal.

33.66.010 Purpose. (Amended by Ord. No. 149149 passed and effective Feb. 14, 1980.) The purpose of this zone is to regulate height of structures and objects of natural growth in the vicinity of Portland International Airport. The intent is to further safe operating conditions for aircraft as provided under ORS 492. Height limitations are established and defined on Exhibit A, the Aircraft Landing Zone Map, developed by the Port of Portland in compliance with procedures set out in Federal Aviation Administrative Regulations and attached to the

original only of this Ordinance, and incorporated by reference herein. The physical extent of the Aircraft Landing Zone is described and made a part of this Ordinance by reference herein in Exhibits B-L.

The Aircraft Landing Zone is hereby superimposed upon other regular zoning districts, as listed in Chapter 33.16. The zoning of such land shall be designated by a combination of symbols, e.g., R5L, M2L, etc.

33.66.020 Regulations.* **Whenever the height limitations, as shown on the official zoning maps, are lower than otherwise required by this title, such height limitations shall govern.**

33.66.030 Appeal. (Amended by Ord. No. 139117, 139702, 141105; and 149149 passed and effective Feb. 14, 1980.) Any person aggrieved and desiring a variance from the height limitations in the Aircraft Landing Zone may apply therefore as provided in Chapter 33.98. When the City receives requests for variances from the height restrictions as set out in the Aircraft Landing Zone, the Port of Portland and Federal Aviation Administration will be notified prior to any action in the City. Any variance granted will be so conditioned as to require the owner of the structure or natural growth in question, to install, operate and maintain at the owner's expense, such markings and lights as may be necessary to indicate to the operators of aircraft in vicinity of the airport the presence of such structure or natural growth.

(b.) This Ordinance removes all Aircraft Landing Zone designations, and height restrictions as shown on the "Official Zoning Map, City of Portland, Oregon, Planning and Zoning Code", on file in the office of the City Auditor.

(c.) All land described and made a part of this Ordinance by reference herein in Exhibits A-L, from the effective date of its passage, have the Aircraft Landing Zone and height restrictions superimposed upon other regular zoning districts.

Chapter 33.68

mh MANUFACTURED HOUSING

(Added by Ord. No. 150581 passed Oct. 16, 1980, effective Jan. 1, 1981.)

*See Section 33.16.020.

Sections:

33.68.010 Purpose

PRINCIPAL USES

33.68.020 Uses permitted
33.68.030 Minimum standards
33.68.040 Off-street parking required
33.68.050 Lot size required
33.68.060 Lot coverage
33.68.070 Yard regulations
33.68.080 Fences
33.68.090 Street signs
33.68.100 Structural Compliance
33.68.110 Manufactured housing installation compliance
33.68.120 Permits
33.68.130 mh Planned Unit Developments

33.68.010 Purpose. To provide for the installation of manufactured housing as subdivisions or planned unit developments in the R5, R7 and R10 single-family residential zones. To also provide for compatibility between manufactured housing and adjacent developments.

33.68.020 Uses Permitted. (Amended 151021 Jan. 22, 1981.) The principal uses permitted are:

(1) Single family dwellings, detached.

(2) Manufactured dwellings, detached.

33.68.030 Minimum Standards. Requirements set forth in this section are the minimum such requirements with which an mh subdivision must conform.

(1) (Amended 151021 Jan. 22, 1981.) An mh subdivision or PUD shall not be less than four acres of contiguous land.

(2) Each mh housing unit shall contain at least 450 sq. ft. of gross floor area as determined by measurement of exterior dimensions. If a mobile home unit subdivision is considered, the gross floor area shall be determined as above and exclusive of any trailer hitch device. Space within an mh unit accessory structure shall not be included.

(3) No building, structure or land within the boundaries of an mh subdivision shall be used for any purposes except for the following uses:

(a) Manufactured houses, modular houses, double-wide mobile homes, or other pre-manufactured homes for residential purposes

only, together with the normal accessory uses such as cabana, ramada, patio slab, carport or garage, and storage buidings. Accessory buildings and uses are regulated by the provisions of the underlying zone.

(b) Each mh unit, regardless of type, must be covered by a roof pitched at a minimum slope of two inches in twelve inches, which is finished in non-reflective paint or permanently covered with non-reflective material.

(c) mh subdivision must provide public utilities.

33.68.040 Off-Street Parking Required. Residential dwellings shall have at least one permanent parking space, which shall conform to the requirements of the underlying zone and shall provide for the ingress and egress of a standard size automobile. Regular off-street parking shall not be permitted within the required yards adjacent to a street.

33.68.050 Lot Size. Lot size shall conform to the underlying zone.

33.68.060 Lot Coverage. The maximum for coverage by all structures, driveways, parking spaces and surface areas shall conform to the requirements of the underlying zone.

33.68.070 Yard Requirements. Minimum setbacks and yard requirements are those of the underlying zone.

33.68.080 Fences. Fences, walls, hedges and landscaping shall be permitted as set forth below:

(a) Not greater than three (3) feet in height in the front yard or side yard of a corner lot.

(b) Not greater than six (6) feet in height in rear yards or interior side yards.

(c) Fence material and type of construction shall be approved by the Building Bureau prior to the issuance of a buliding permit.

33.68.090 Street signs. Street signs shall be in accordance with the City Sign Ordinance.

33.68.100 Structural Compliance. A unit shall be allowed as a permanent family dwelling if there is on such unit the Insigne of Compliance issued by the Department of Housing and Urban Development (HUD), which shows the unit complies with the minimum safety and building standards required for such unit by the State of Oregon. All installation of plumbing, gas piping, electrical equipment and wiring must be in conformance with applicable statutes and regulations presently in effect.

33.68.110 Manufactured Housing Installation Compliance. (a) Each manufactured house shall be installed on its foundation in compliance with the current standards set forth by the Department of Commerce, State of Oregon, in its Statewide Setup Procedures.

(b) All towing devices and transport gear, attached to the manufactured house, shall be removed.

(c) All manufactured houses shall have compatible skirting of moisture resistant, noncombustible material which must be installed within thirty (30) days of occupancy and must be in compliance with the requirements set forth by the Department of Commerce, State of Oregon, Statewide Setup Procedures.

(d) All awnings, carports, ramadas and cabanas shall be constructed of materials, size, color and pattern so as to be compatible with the manufactured house and shall comply with the applicable codes.

33.68.120 Permit. Prior to the placement of a manufactured house on a lot or parcel of land, the owner shall obtain from the Bureau of Buildings an application for the installation and occupancy permit. No mobile home shall be occupied until the placement of the manufactured house has been inspected and approved.

(a) Authority to inspect and proof of inspection:

(1) The Designated Inspector shall inspect the unit and placement thereof to determine if the unit complies with all the requirements of this ordinance.

(2) Upon final approval the unit can be occupied as a permanent family dwelling.

(b) Installation and inspection permits:

(1) A fee for the installation permit, required under the provisions of this ordinance, shall be collected at the time the permit is issued.

(2) If a manufactured house is ever replaced by a new unit, a new installation and occupancy permit shall be required for the placement of such new unit.

33.68.130 mh Planned Unit Developments. Allow planned unit developments in the mh overlay zone if the regulations provided in Chapter 33.79 are met. Such a development must also meet all requirements of this chapter (33.68).

Chapter 33.69

N NOISE IMPACT

(Added by Ord. No 150569, passed Oct. 8, effective Nov. 8, 1980.)

Sections:

33.69.010 Purpose
33.69.020 Procedure
33.69.030 Regulations.
33.69.040 Newly annexed areas
33.69.050 Zone boundaries
33.69.055 Appeal procedure
33.69.060 Review and modification
33.69.070 Disclosure

33.69.010 Purpose. The purpose of this zone is to restrict the development of noise sensitive uses in areas with unique noise impacts. The zone is generally defined as the area within the significant noise impact area around Portland International Airport. The Noise Impact Zone Map establishes and defines the boundary of the zone and is made part of this Code, and is established to promote sound land use planning in noise impact areas through the consideration of federal guidelines, Comprehensive Plan objectives, and past City actions affecting land use near the airport.

33.69.020 Procedure. N Zones shall be established in combination with all other zones which lie within the boundaries of the Noise Impact Zone, as established by the Map referenced in 33.69.010. The boundaries of the Noise Impact Zone are, in part, determined by the location of noise contours. Where a specific noise contour is referenced as a determinant of the Noise Impact Zone and/or the regulations pertaining thereto, said noise contour will be identified by the year in which the measurements and computations deriving said noise contour were made. If no date is associated with a noise contour, the reference is to the most recently derived noise contour of the given value.

33.69.030 Regulations. (1) The development of all new residential uses, including single-family houses, mobile homes, rowhouses, duplexes, apartments, condominiums, residential care centers and houseboats, shall be prohibited within the area encompassed by the 1977 Ldn 68 or higher noise contour or the most recently derived Ldn 68 noise contour where a reduction of noise has occurred, except where such uses are located in any currently zoned area of R10, R20, FF or County Residential. When the current zoning is superseded by Comprehensive Plan designations, the exception will apply to Plan designations of R10, R20, FF or County Residential. The intent of this exception statement is to recognize those properties within the 1977 Ldn 68 noise contour which were zoned for residential use prior to the adoption of the Noise Impact Zone.

(2) All new residential uses, as identified in 33.69.030 (1), within the Noise Impact Zone boundaries, shall be constructed with sound insulation to achieve a day/night average interior noise level of 45 dBA as a maximum. Additionally, prior to construction, all new residential uses, lying within the area of the 1977 Ldn 65 noise contour and within the most recent Ldn 65 noise contour with no greater extent than the 1977 Ldn 65 noise contour, shall dedicate a noise easement to the Port of Portland, authorizing aircraft noise impact over the grantor's property at levels established by the latest review of this Ordinance, but not to exceed those levels identified in the Noise Impact Zone Map, as adopted by Council.

(3) The development of new schools, libraries, churches, day care centers, museums, hospitals, auditoriums, concert halls, music shells and resort and group camps, as defined by the underlying zone, shall be permitted within the

Ldn 65 noise contour, provided that they be constructed with sound insulation to achieve a day/night average interior noise level of 45 dBA as a maximum.

(4) All new and reconstructed buildings for the following uses: Hotels, motels, office buildings, movie theaters, restaurants, sports arenas, and manufacturing uses which are noise-sensitive within the Ldn 65 or higher noise contour, are required to be constructed with sound insulation to achieve a day/night average interior noise level of 45 dBA as a maximum. For the purpose of this Section, "reconstructed" is defined as construction having a cost exceeding 75 per cent of the pre-construction value of the building.

33.69.040 Newly annexed areas. The Noise Impact Zone shall be applied to areas within the Noise Impact Zone boundary as defined on the Noise Impact Zone Map which is made a part of this code, when and if such properties become annexed to the City.

33.69.050 Zone Boundaries. (1) The Noise Impact Zone Map establishes the boundaries of the N Noise Impact Zone. The boundaries may be amended from time to time as determined by the City Council consistent with Section 33.69.060.

(2) (Am 156176 ef July 1, 1984) The Bureau of Planning will be responsible for determining whether property is within the zone boundary and is either:

(a) Outside the Ldn 65 or Ldn 68 noise contour, or

(b) Within the Ldn 65 or Ldn 68 noise contour, or

(c) Partially within the Ldn 65 or Ldn 68 noise contour.

Large-scale maps of the most recent noise contours for the area will be maintained in the Bureau of Planning and will be the reference map for such determinations.

(3) For those lots or parcels partially within the Ldn 68 noise contour, the building site shall be determined by scale from the large-scale Noise Impact Maps. If a residential building site remains outside the Ldn 68 noise contour, including required side and rear yards, a residential building permit may be issued on the property outside the Ldn 68 noise contour.

33.69.055 Appeal procedure. (1) Any property owner or owners, affected by the Ldn 65 or Ldn 68 noise contour line, may appeal the validity of the location of the noise contour line as it applies to their property, to the City Planning Commission. The burden is on the appellant to prove that the Ldn 65 or Ldn 68 noise contour line displayed on the Noise Impact Zone Map has changed, using established measurement standards and procedures, or their equivalent. If such proof is made, the Planning Commission shall so inform the Bureau of Buildings, and a residential building permit may be issued.

(2) A determination by the Planning Commission may be appealed to the City Council. Such appeal will be heard in accordance with Chapter 33.114 Administration and Enforcement.

33.69.060 Review and Modification. (1) There shall be a review and hearing by the City Planning Commission of the location of the N Noise Impact Zone based on examination of the Ldn 65 and Ldn 68 noise contours provided by the Port of Portland at least every five (5) years. The Ldn 65 and Ldn 68 noise contours shall be modified to reflect the findings of these reviews. Failure to initiate the review process by September 30 of the review year shall void this chapter. The first such review shall be initiated not later than September 30, 1983.

(2) There shall be notification to all affected property owners in the event of establishment, alteration or abolishment of a N Noise Impact Zone, or any portion of said zone.

33.69.070 Disclosure. The owner of any residential structure located inside the Ldn 65 or higher noise contour shall provide a disclosure statement to all prospective purchasers or tenants of such residential structure, providing notice that the premises may be impacted by noise from aircraft operations from Portland International Airport.

Chapter 33.70

P PARKING ZONE

(Repealed by Ord. No. 150581, passed Oct. 16, 1980 effective Jan. 1, 1981.)

Chapter 33.72

nr NATURAL RESOURCES

(Added by Ord. No. 150581 passed Oct. 16, 1980 effective Jan. 1, 1981.)

Sections:

33.72.010 Purpose
33.72.020 Procedure
33.72.030 Regulations

33.72.010 Purpose. To preserve a non-urban character in areas of the city that are outside of the Metropolitan Service District's adopted Urban Growth Boundary.

33.72.020 Procedure. Natural Resource (nr) zones shall be established in combination with the FF zone, and may be removed according to the procedures provided in Chapter 33.102. Variances within nr zones may be granted provided that the variance, as granted, is found to be consistent with the preservation of non-urban lands.

33.72.030 Regulations. (a) Within an nr designated area, no parcel, lot or tract may be reduced in size to less than 20 acres, notwithstanding the provisions of the underlying zone.

(b) Existing lots, tracts and parcels smaller than 20 acres in size may be developed but may not be further reduced in size.

Chapter 33.74

S SIGNBOARD CONTROL ZONE

Sections:

33.74.010 Purpose.
33.74.020 General prohibition unless specially approved.
33.74.030 Permitted signs.
33.74.040 Special approval of certain signs.
33.74.050 Sign review committee.
33.74.060 Procedure and fee.
33.74.070 Effectiveness and appeal.
33.74.075 Validity of certain S signboard control zones.
33.74.080 Termination of nonconforming signs.

33.74.010 Purpose. (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) In locations where large numbers of advertising signs, business identification signs or outdoor advertising signs (billboards) would adversely affect traffic safety and the appearance and scenic outlook of the city, the control of such signs becomes necessary. S Zones are intended to include areas along bridges or bridge approaches, throughways designated by the Oregon State Highway Commission or other authority within the city, highways specially designated by the council, and other areas adjacent to such bridges, bridge approaches or designated throughways or highways and the extension thereof, where an S Zone for sign control is determined to be appropriate. The bridge or bridges, bridge approach or approaches, throughway or highway designated in establishing an "S" sign control zone or zones, shall be deemed a protected highway. Additional S sign control zones may from time to time be established. Land classified in an S Zone shall also be classified in one or more of the regular zones listed in Chapter 33.16. The zoning of such land shall be designated by a combination of such symbols, e.g. C2S, M1S, etc. The provisions of this chapter shall not apply to

directional traffic signs or signals, nor to other official signs or notices.

33.74.020 General prohibition unless specially approved. (Amended 153108 Apr. 15, 1982.) Notwithstanding the provisions relating to signs contained in this title applicable to any particular zone, no sign intended to be controlled under Section 33.74.010 shall be erected within an S zone, unless it comes within the provisions of Section 33.74.030, or unless the Sign Review Commission or Design Commission or Historical Landmarks Commission specially approves the same under Section 33.74.040.

33.74.030 Permitted signs. (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Signs shall be allowed in an S Zone without special approval as required in Section 33.74.010 in those regular zoned classifications listed in Chapter 33.16 in which signs are otherwise permitted, and subject to the regulations applicable to the regular zone as follows, but location of an outdoor advertising sign is nevertheless subject to approval under Section 33.98.050:

(1) A sign advertising only the sale or lease of the property upon which it is located, with the name, address, and telephone number of the owner or agent;

(2) Signs permitted in R or A zones under provisions governing principal uses;

(3) A sign designating a conditional use in any zone, provided such sign conforms in size, placement and illumination to other provisions of this title and other codes and ordinances of the city;

(4) In a C or M zone, an unilluminated, or illuminated but nonflashing, and nonmoving sign of block or cut-out letters or trade symbol affixed to the building or supported wholly within the lot line, if such letters or if such symbol does not exceed two hundred fifty square feet in face area, or if double-faced with copy or representation back to back, two hundred fifty square feet in each face with five hundred square feet total face area, to designate the owner of the premises or the product manufactured or fabricated, or the main goods sold or services rendered on the particular premises. Only one such sign or symbol of which the face, back or supporting structure is visible from the protected highway may be placed for each principal building, unless the additional sign or signs be approved under Section 33.74.040 (a) (2). Where the location of the sign or symbol is one hundred feet or less from the traveled roadway of a bridge or bridge approach, or between two bridge approaches lying within three hundred feet of each other, then the sign or symbol shall not exceed one hundred square feet in face area, or if double-faced with copy or representation back to back, one hundred square feet in each face with two hundred square feet total face area;

(5) As an alternative to a sign provided in paragraph (4) above, in a C or M zone, an unilluminated, or illuminated but nonflashing and nonmoving sign or symbol designating the tenant, main occupation, or product manufactured or fabricated or main goods sold or services rendered on the particular premises, if fixed flat against the building and not exceeding two hundred fifty square feet. In no event may more than one such sign or symbol of which the face, back or supporting structure is visible from the protected highway be placed for each principal building. Where the location of the sign or symbol is one hundred feet or less from the traveled roadway of a bridge or bridge approach, or between two bridge approaches lying within three hundred feet of each other, then the sign or symbol shall not exceed one hundred square feet in area;

(6) A sign or signs with no part of the copy or legible portion, back or supporting structure visible to persons traveling in vehicles on the protected highway, subject to all other applicable provisions of this title and other titles of this code.

33.74.040 Special approval of certain signs. (Amended 153108 Apr. 15, 1982.) (a) The following categories of signs and their supporting structures are permitted in S zones, if specially approved by the Sign Review Committee. However, within the Z zone, the Design Commission or the Historical Landmarks Commission in the case of designated historical districts, buildings or sites will review requests for special approval in lieu of the Sign Review Committee.

(1) An existing sign located more than one hundred feet from the protected highway, of which the back or supporting structure is visible from the protected highway, but of which the legible portion of the face or copy is not visible to persons traveling in vehicles on the protected highway;

(2) An existing or new sign and supporting structure adjudged by the sign review committee to be primarily oriented to traffic on a street or streets other than the protected highway, and only partially, incidentally, interruptedly, or slightly visible to persons traveling in vehicles on the protected highway;

(3) An existing sign and supporting structure, including outdoor advertising sign, placed flat against a building, or so situated that commercial or industrial building or buildings form a visual background for the sign and its supporting structure, notwithstanding its visibility from and orientation to a protected highway; provided, however, in considering for approval any such sign, the committee shall be guided by the standards set forth in this section and also, if considering an outdoor advertising sign, the density standards applicable under Section 33.98.050 to new outdoor advertising signs in similar locations outside an S zone. Committee approval of sign in this category shall be revocable by the committee, or by the council on appeal, whenever changed conditions are found to render revocation appropriate under the standards above mentioned.

(b) The Committee or Commission may approve a sign and its structure which come within the provisions of subsection (a) of this section, if the Committee or Commission finds that the location of the sign and structure is not detrimental to the public welfare, will not obstruct a view of scenic interest, will not degrade the appearance of the city, will not impede the rapid and free flow of traffic on the protected highway, and conforms to other applicable provisions of this and other titles and ordinances of the city.

In addition to the preceding findings, within the Z zone, the Design Commission or the Historical Landmarks Commission in the case of designated historic districts, buildings or sites must also find that the proposed sign is consistent with the Planning Goals and Guidelines for Downtown Portland, as adopted by Council on February 15, 1979, in Ordinance No. 147239 and as amended. In approving a sign and supporting structure, the Committee or Commission may impose conditions to protect the public interest.

(c) Approval under this section is in addition to the approval required for location of outdoor advertising signs under Section 33.98.050.

33.74.050 Sign review committee. (Amended by Ord. No. 143851 passed and effective June 16, 1977.) The sign review committee shall be appointed by the mayor with the approval of the city council and shall be composed of seven members. The committee shall be deemed a committee of the city planning commission. Initially, one member shall be appointed for a two-year term, three members shall be appointed for three-year terms and three members for four-year terms. After the initial committee, the terms of appointment shall be for four years. In the event any proposal or project in which a member is personally or professionally interested comes before the committee,that member shall not participate in committee proceedings.

The sign review committee shall elect its own chairman and shall adopt such rules of procedure as are necessary to the conduct of its duties.

The staff of the city planning commission shall assist the committee in carrying out its duties.

The committee shall perform the duties delegated to it under this title in relation to signs and sign structures. The committee shall make such recommendations to the city council as it finds appropriate for the modification or change in regulations affecting signs in the city and shall from time to time review S zones to determine if they are continuing to perform their intended function. The committee shall have authority to interpret and apply the provisions of this chapter and Section 33.98.050, in relation to signs and their supporting structures.

33.74.060 Procedure and fee. (Amended 152466, 153042; and 153108 Apr. 15, 1982.) Any person desiring to erect a sign requiring approval under this chapter, or who desires

approval of continuance of an existing sign requiring such approval, or whose application for building permit has been refused by the Bureau of Buildings in the absence of committee approval and the applicant claims that such approval is unnecessary, or whose existing sign has been ruled nonconforming and ordered to be taken down by the Bureau of Buildings, but the applicant claims that such order is not consistent with the intent of this title, may request in writing the approval or ruling by the appropriate committee or commission.

Such written request shall be filed with the committee or commission upon forms prescribed for that purpose. Requests for approval or ruling shall be signed by the applicant and by the property owner if different, or his authorized agent. A fee shall be charged in accordance with the provisions of Section 33.114.122 (3). The request shall be accompanied by three copies of a site plan showing exact dimensions and arrangement of the proposed or existing sign and supporting structure. The committee or commission may require other drawings, photographs, or other material it finds appropriate to an understanding of the proposed or existing sign and its relationship to surrounding properties, and may view the site.

The city auditor shall compile a list of the names and addresses of all persons owning real property within the affected area. The affected area is all real property within lines one hundred and fifty feet, including intervening street widths, from and parallel to the boundaries of the property on which the sign will be or is located and such other contiguous area as is under the legal control of the applicant. The committee or commission shall hold a public hearing on each request. The committee or commission shall notify the auditor of the date of the public hearing and the auditor shall mail notices of the public hearing to all property owners within the affected area at least seven days prior to the date of the hearing. The committee or commission shall grant in whole or in part with or without conditions or shall deny the request and transmit its decision in writing within fourteen days of the hearing to the applicant, to the city auditor, and to the Bureau of Buildings. The decision shall carry out the intent of this title.

33.74.070 Effectiveness and appeal. (Amended 138351; and 153108 Apr. 15, 1982.) If the order or decision of the appropriate committee or commission grants all or any portion of an application and the committee or commission determines that there is no person eligible to appeal such order or decision, such order or decision shall become effective as hereafter provided. Otherwise, no order of the committee or commission shall become effective until after an elapsed period of fourteen days from the date the written determination is made.

During the time prior to effectiveness, if any, any person aggrieved by a decision of the committee or commission may appeal such decision to the City Council by filing with the City Auditor a written notice of appeal and a copy with the committee or commission, provided that he is an applicant whose request has been denied or specially conditioned, or that he is a person who objected either personally or in writing to the request and the grounds he stated have not been removed.

The committee or commission shall within fourteen days file with the auditor a report on the grounds for the decision and a list of persons appearing on the matter before the committee or commission, and any list of owners supplied with the original request. The auditor shall fix a date for public hearing on the appeal, which shall not be more than twenty days after receipt of the report set forth above, notifying the appellant and all other persons who have appeared before the committee or commission on the matter and all other owners within the applicable notification on the matter and all other owners within the applicable notification area set forth in Section 33.74.060. At the time of hearing or thereafter, the council may affirm, modify or reverse the decision of the committee or commission. Such affirmance, modification, or reversal may be made by motion, and shall not require separate permit or ordinance, but the auditor shall transmit to the committee or commission the effect of the action taken, which shall be made in the form of an order and shall be preserved along with actions of the committee or commission in similar classes of decisions.

If the order of the committee or commission or the council contains any conditions thereon, such order shall not become effective until the

applicant, and the property owner, if different, or his authorized agent has accepted the terms of the order in writing, the acceptance is filed with the auditor and the order is recorded in the appopriate county records at the expense of the applicant. Such acceptance must be filed with the auditor within thirty days from the date of the committee or commission meeting or within thirty days from the date of the council hearing if an appeal has been made. If such acceptance is not filed and recording fee paid within such thirty day period, then the order required to be accepted before effectiveness shall be null and void. The order when recorded, shall bear the certificate of the auditor stating that acceptance thereof has been filed and that the order is a true copy of the original.

33.74.075 Validity of certain S signboard control zones. (Added by Ord. No. 138351, passed and effective June 6, 1974.) Notwithstanding the provisions of this chapter, all S signboard control zones which would otherwise be valid but for failure to record in the appropriate county deed records the acceptance as heretofore provided by this chapter hereby are validated as if the acceptance had been duly recorded.

33.74.080 Termination of non-conforming signs. (Amended by Ord. No. 149964 passed and effective July 3, 1980.) (a) A sign, signboard, or symbol existing at the time the area is included in an S zone, which is not allowed without approval under the provisions of Section 33.74.030 or is not specially approved under Section 33.74.040, except for signs described in subsection (e) hereof, shall not be continued longer than ten years from the effective date of inclusion in an S zone.

(b) If a sign, signboard or symbol within an S zone existed or was allowed under the provisions of Section 33.74.030, or if its continuance or erection was specially approved under the provisions of Section 33.74.040, and the sign review committee determines that in its opinion circumstances have permanently changed so that such sign, signboard or symbol could be permitted if newly erected only with special approval under Section 33.74.040, then the sign review committee shall cause the owner of such sign to be notified of the changed conditions and the requirement of special approval. The owner may then request special approval for which no fee shall be required, or may remove the sign, signboard or symbol. Such request shall be handled in the same manner as any other request for special approval under this chapter. Unless such approval is requested and granted within five years after committee determination of changed circumstances, the sign shall be removed, provided, however, the committee may extend such removal date for an additional period not exceeding five years in case of special hardship.

(c) A sign, signboard or symbol within an S zone which is not within the provisions of Section 33.74.030 or 33.74.040 as a result of circumstances which the sign review committee finds have permanently changed shall be notified by the committee of such fact and shall not be continued longer than five years from the date of such notification, unless the sign review committee extends such time for not more than an additional five years in the case of special hardship. Such sign, signboard or symbol and the structure supporting it, if any, shall be removed by the owner thereof.

(d) As soon as practicable after January 1, 1970, the sign review committee shall cause a survey to be made of non-conforming signs in S zones, and as soon as practicable after subsequent inclusion within an S zone of property, the committee shall cause a survey to be made of non-conforming signs in such areas. If it appears that non-conforming signs are subject to removal or special approval, the committee shall send to the owner of the property where each non-conforming sign is located a written notice calling the attention of the owner to the date of inclusion

of the property in an S zone and the non-conformance of the particular sign, with notice of the date of conformance or removal. If the committee finds that the non-conforming sign would be permitted if specially approved, it shall advise the owner of the provisions of this title relating to such approval. Additional notice shall be given at least six months prior to the conformance or removal date. Failure to give the first notice shall not relieve the owner of the sign, signboard or symbol from the requirements of this title. Failure to give the six months notice, however, shall extend the time for removal an additional thirty days after notice by the committee or by the Bureau of Buildings that such sign must be removed. This extension provision, however, shall not apply to requirements of this title for removal during 1969, or council extension.

(e) Notwithstanding the ten year period mentioned in subsection (a) above, when the city creates an S zone on annexed land, any sign, signboard or symbol existing at the time of annexation by the city which:

(1) would not be allowed without approval under the provisions of Section 33.74.030 or would not be specially approved under Section 33.74.040; and

(2) was subject to removal within a specific period of time under the most recent prior zoning;

shall be permitted to remain only for a period of time equal to ten years, less the number of years it has been maintained since notice was first given that the sign would be subject to removal, under prior zoning. For example, if prior zoning made the sign, signboard or symbol subject to removal in five years and three of those years had elapsed at the time of annexation to the city, the sign, signboard, or symbol would be permitted to remain under the "S" zone for seven more years, for a total of ten years prior to removal. In all other respects these signs, signboards and symbols would be subject to the subsections above.

Chapter 33.76

V VARIABLE DENSITY ZONE

(Added by Ord. No. 147623 passed Apr. 25, effective May 26, 1979.)

Sections:

33.76.010 Definitions
33.76.020 Purpose
33.76.030 Procedure
33.76.040 Generally
33.76.050 Land Classifications
33.76.060 Regulations
33.76.070 Variances

33.76.010 Definitions. For the purposes of this chapter, the words "lot" and "parcel" shall have the same definition as in Title 34.

33.76.020 Purpose. The purpose of this superimposed zone is to provide variable residential densities based upon land type: higher densities for geologically stable areas and lower densities for geologically unstable areas, to provide for safer, more orderly and beneficial development of a district characterized by a diversity of physiographic conditions. Physiographic conditions. Physiographic conditions to be considered include, but are not limited to: slope of the land, natural drainageways, wetlands, riparian areas, and potential landslide areas.

33.76.030 Procedure. The Council may from time to time as warranted, create and superimpose V Variable Density Zones upon regular R 10, One Family Residential Zones. The zoning of such land shall be designated by a combination of symbols as R-10-V. The establishment, alteration or abolishment of a V Zone may be initiated by the Council or the Planning Commission, or applied for by the property owner according to the procedures as provided in Chapter 33.102, Amendments.

33.76.040 Generally. In a V Zone, all the regulations of the regular zone shall apply except as otherwise provided in the regulations contained in Section 33.76.060. The regulations in this chapter shall pertain only to apartment projects or unit developments, planned unit developments, unit ownerships or condominium projects, subdivisions, major partitions, or cluster subdivisions or partitions as provided in Section 33.22.240 of Chapter 33.22 of this title or in Title 34, Subdivision and Partitioning Regulations.

33.76.050 Land Classifications. The precise distribution of land types within individual development areas should be determined on a site-specific basis by reference to the Pre-Development Soils and Geologic Report, Powell Butte-Mt. Scott Study, as adopted by Council. The following factors shall be used to determine the classifications.

(a) Type I Lands

Type 1 lands have severe constraints that preclude the use of standard building techniques and technical criteria. During and after construction, long and short-term environmental degradation is probable due to the very high landslide and soil erosion potential. Type I lands exist in the following areas:

1. extremely severe landslide potential areas;
2. severe landslide potential areas immediately adjacent to extremely severe areas;
3. where slopes are greater than 50%;
4. riparian areas along major waterways, including, but not limited to drainageways which drain 30 acres or more;
5. floodway channel; and
6. wetland areas.

(b) Type II Lands

These areas have severe constraints that preclude the use of standard building techniques. Sensitive hillside construction must be used to avoid landslide potential, erosion and runoff problems. Type II lands exist in the following areas:

1. where slopes are between 30% and 50% (all in severe landslide potential areas); and
2. riparian areas along minor waterways, including drainageways which drain less than 30 acres.

(c) Type III Lands

Type III lands have constraints that preclude use of standard building techniques. City roadway standards may not be met in these areas, but residential development suited for hillsides is possible. Type III lands exist in the following areas:

1. severe landslide potential areas on slopes less than 30%;
2. moderate to severe landslide potential areas; and

3. where slopes are between 20% and 30%.

(d) Type IV Lands

These areas have constraints that preclude the use of some standard building techniques. City roadway standards can generally be met in these areas. Type IV lands exist in the following areas:

1. moderate landslide potential areas;
2. where slopes are between 10% and 20%.

(e) Type V Lands

All lands not included in the other classifications comprise these areas. These lands are suitable for development. Type V lands exist where slopes are less than 10%.

33.76.060 Regulations. When an application for a conditional use, subdivision, or major partition has been submitted for consideration in an area classified in a V Zone, the following regulations shall apply:

(a) The net developable acres (NDA) shall be determined for the development area, based on the land classification of the gross acres (GA), by the following formulas:

GA = (A I & II) + (A III) + (A IV & V)

NDA = 0.25 (A I & II) + 0.50 (A III) + 1.00 (A IV & V)

where the following are computed in acres and the nearest hundredth of an acre:

A I & II = Area which meets the definition of Types I and II Lands.

A III = Area which meets the definition of Type III Lands.

A IV & V = Area which meets the definition of Types IV and V Lands.

(b) The maximum number of dwelling units that shall be permitted for the development area shall be determined by the following formula:

number of dwelling units = NDA x 3.48 units per acre

The 3.48 units per acre density standard accounts for a 20% reduction in the R 10 gross area due to local streets.

(c) Subdivisions and Major Partitions. When considering a subdivision plan or major partitioning to be duly approved and recorded after April 18, 1979, no single family dwelling may be constructed on a lot or parcel:

(1) A. where the land classification of the lot or parcel is comprised of 50% or more of Type I lands and/or Type II lands, unless the lot or parcel is at least 40,000 square feet.

B. where the land classification of the lot or parcel is comprised of 40% or more of Type III lands and 20% or more, but not more than 49%, of Type I lands and/or Type II lands, unless the lot or parcel is at least 30,000 square feet.

C. where the land classification of the lot or parcel is comprised of 50% or more of Type III lands and less than 20% of Type I lands and/or Type II lands, unless the lot or parcel is at least 20,000 square feet.

D. where the land classification of the lot or parcel is comprised of 50% or more of Type IV lands and/or Type V lands, unless the lot or parcel is at least 10,000 square feet.

(2) The minimum lot width shall be 70 feet.

(3) The minimum lot depth shall be 100 feet.

(d) Planned Unit Developments. When considering a planned unit development, to be duly approved and recorded after April 18, 1979, the location of dwelling units within the development will be governed by a maximum development density (MDD). The MDD is not to be considered a standard to determine the maximum number of units allowable on individual parcels. The total number of units allowed on an individual parcel is governed by the NDA equation.

The MDD will apply to all lands, with an exception for Types IV and V lands if the developer or property owner can supply satisfactory findings and justifications for higher density. Materials supporting an exemption to the MDD must be prepared by a qualified engineering geologist and contained in a predevelopment soils and geologic report. In absence of an exemption request, residential development will not exceed the MDD on lands with the following designations:

Land Types	MDD
Types I and II	1.05 units/acre
Type III	2.1 units/acre
Types IV and V	4.2 units/acre

Maximum Development Density standards shall be applied to the NDA, based upon the land type(s) of the development.

(e) No lot or parcel shall be reduced by transfer of ownership, immediate or future, in area, width, or depth to less than stated in subsections (c) and (d) above. Such restriction shall be included with the subdivision plat or partitioning map approved.

(f) The following design regulations shall be considered in designing the area to be developed:

(1) Designation of Type I and II lands as common natural open space is encouraged as part of apartment project or unit development, planned unit development, unit ownership or condominium project, and cluster subdivision or partitions.

(2) Maximum existing tree and other vegetation coverage should be maintained on Type I, II and III lands in order to conserve significant natural areas, decrease the potential for erosion, decrease the amount of surface water runoff, and help stabilize landslide-prone areas. Development on Type I, II, or III lands should not increase the landslide potential on areas above or below the project, or onto streets and natural drainageways.

33.76.070 Variances. Any person aggrieved by a V Zone designation may apply for a variance in accordance with, as applicable, Chapters 33.98, Variances and Adjustments, and 33.114, Administration and Enforcement, in this title and Chapter 34.100, Variances and Modifications, of Title 34, Subdivision and Partitioning Regulations.

Chapter 33.77

WILLAMETTE RIVER GREENWAY DEVELOPMENT REGULATIONS

(Added by Ord. No. 148537 passed and effective Oct. 3, 1979.)

Sections:

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33.77.010 Purposes. The purposes of the Willamette River Greenway District are to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River; to implement the City's responsibilities pursuant to ORS 390.310 to 390.368; to establish criteria, standards and procedures for the intensification of uses, change of uses, or the development of lands within the Greenway.

33.77.020 Areas affected. This chapter shall apply to those lands within the Greenway Boundary designated Willamette Greenway Industrial (WI), Willamette Greenway Scenic Development (WSD), Willamette Greenway Scenic Recreational (WSR), and Willamette Greenway Natural (WN).

33.77.030 Greenway Review approval required. Any development, change of use or intensification of use shall be subject to a Greenway Review Approval issued pursuant to the provisions of Section 33.77.060 and 33.77.070, prior to the issuance of a building permit.

33.77.035 Statewide Planning Goal 15 Exception approval. (Add 155624 Feb. 23, 1984) (A) An exception to Statewide Planning Goal 15 is required to allow development, change of use or intensification of use not otherwise permitted in this Chapter. City Council may adopt an exception to Goal 15 when the proposed use is allowed by the underlying zone, has significant public benefit, and when the following requirements or standards are met: (1) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by Statewide Planning Goal 15;

(2) The land subject to the exception is irrevocably committed to uses not allowed by Statewide Planning Goal 15 because existing adjacent uses and other relevant factors make uses allowed by the Goal impracticable; or

(3) The following standards are met: (a) Reasons justify why the State policy embodied in Statewide Planning Goal 15 should not apply;

(b) Areas which do not require a new exception cannot reasonably accommodate the use;

(c) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(d) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. To be effective, a Goal 15 Exception must be submitted for State review under the Comprehensive Plan post-acknowledgement procedures in OAR 660 Division 18 (-000) and adopted by City Council.

(B) An exception to Statewide Planning Goal 15 for the siting of uses which are neither river-dependent nor river-related within the Greenway Setback shall also comply with 33.77.150 (A).

33.77.040 Definitions. (Am 153571 ef Aug. 23, 1982) The following definitions apply to terms used in chapter 33.77: (1) "Change of Use" means making a different use of the land or water than that which existed on the effective date of this ordinance. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures, and which substantially alters or affects the land or water. Such changes of use include but are not limited to storage of materials on a previously vacant site, construction or expansion of marine facilities or parking lots, or construction or major remodeling of a structure. It does not include a change of use of a building or other structure which does not substantially alter or affect the land upon which it is situated. Removal of gravel from the bed of the Willamette River under a permit from the State of Oregon, dredging and channel maintenance shall not be considered a change of use. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building.

(2) "Development" means the act, process or result of developing.

(3) "Develop" means to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights of access.

(4) "Director" means the City of Portland Planning Director or his or her agent.

(5) "Greenway Plan" means those maps, policies and stated intents adopted by City Council and titled "Willamette River Greenway Plan."

(6) "Industrial Use" means a manufacturing use as defined in sections (7) through (12) of 33.54.020 of the Planning and Zoning chapter of the Portland City Code.

(7) "Intensification" means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or protection of property are not an intensification of use. Residential use of land within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures, or construction or placement of such accessory structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment and are permitted in the underlying zone shall not be considered an intensification. Seasonal increases in gravel operations, dredging, and channel maintenance shall not be considered an intensification of use. Placement of up to four single piles or two multiple pile dolphins along 100 feet of shoreline that does not change the use shall not be considered an intensification.

(8) "River Dependent Use" means a use or activity which can be carried out only on, in or adjacent to, the river because the use requires access to the river for waterborne transportation or recreation.

(9) "River Related Use" means a use which is not directly dependent upon access to a water body and which provides goods or services which are directly associated with water dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water dependent or water related uses of facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, factories, and trailer parks are not generally considered dependent or related to water location needs. Notwithstanding the definition of residences as non-river-related uses, houseboat moorages, because of their historic role on the Willamette, may be allowed as conditional uses.

33.77.050 Greenway Review application and fee. (Am 152466, 153571; and 155624 Feb. 23, 1984) Written application for Greenway Review shall be filed at the Bureau of Planning upon forms prescribed for that purpose and signed by the applicant and by the property owner if different. The application shall be accompanied by three copies of drawings and/or specifications addressing the requirements of the Greenway Plan.

For a Conditional Use as required in this Chapter, the Greenway Review application shall be filed and processed with the required application for the proposed Conditional Use in the manner provided in Chapter 33.106.

For a Statewide Planning Goal 15 Exception, the Greenway Review application shall be filed with the required application for the Goal 15 Exception and processed according to the Plan Map amendment notification requirements in Chapter 33.102 and the hearing and appeal procedures in Chapter 33.114.

The fee for such application shall be as prescribed in Chapter 33.114.

33.77.060 Decision by Planning Director. (Amended 153042 Apr. 1, 1982.) A decision on a Greenway Review application shall be made by the Planning Director. The Planning Director shall approve applications that comply with the intents and requirements of the applicable overlay zone. The director may also disapprove the application or approve it with such conditions as may be consistent with the Comprehensive Plan or necessary to assure compatibility with the elements of the Greenway Plan.

Copies of the completed application shall be mailed to the Oregon Department of Transportation and any persons or organizations who have requested such notice.

Within fourteen business days following receipt of a completed Greenway Review application, the Planning Director shall file a decision with the Director of the Bureau of Buildings, or if the proposed use can be expected to have a major impact on the Greenway, the river or adjacent lands, refer the application to the Hearings Officer, to be heard as stipulated under Chapter 33.106.

The Director shall mail a copy of the decision to the applicant and to the City Auditor. A summary sheet of such decision shall be transmitted to all persons, agencies or organizations who submitted written testimony as well as to all who submitted a written request for such notification.

A decision by the Planning Director on a Greenway Review application shall include written conditions, if any, and findings and conclusions. The conditions, findings, and conclusions shall specifically address the relationships between the proposal and the requirements of the Greenway Plan.

33.77.070 Appeals, time extension, decisions by Hearings Officer. (Am 153571; and 155624 Feb. 23, 1984) Within fourteen days of the decision by the Planning Director, such decision may be appealed to the Hearings Officer as a Conditional Use in the manner provided in Chapter 33.106.

The findings and conclusions made by the Hearings Officer in a Greenway Review, and the conditions or modifications of approval, if any, shall specifically address the relationships between the proposal and the elements of the Greenway Plan.

The findings and conclusions made by the Hearings Officer in a Statewide Planning Goal 15 Exception approval shall specify how the proposed use meets the Goal 15 approval criteria in 33.77.035 and, where applicable, 33.77.150(A).

Any request for time extension or renewal of a Greenway Permit pending or approved on August 23, 1982, shall be considered on the basis of the Greenway regulations in force at the time of the original approval.

Overlay Zones

33.77.080 Industrial Zone.

33.77.081 **Intent:** To ensure the viability of the deep draft shipping channel by preserving opportunities for river related and river dependent industrial development and, where possible, to preserve or establish public access and a vegetative fringe.

33.77.082 Requirements. (Am 153571 ef Aug. 23, 1982)

(A) Industrial Uses: The Director shall approve industrial uses (as defined by 33.77.040(6)) that comply with the following criteria:

(1) The proposed use is permitted by the underlying zone.

(2) The new or expanded use is for a river-dependent or river-related use.

(3) For non-river-dependent or river-related industrial uses, the applicant has shown that the site is not suited for river-dependent or river-related uses.

(4) Landscaping which preserves or reestablishes the river's vegetative fringe shall be required as is provided where it does not interfere with the function of the proposed use. Such landscaping shall consist of low maintenance plantings of domestic species typical of the lower Willamette River.

(5) (Am 155624 Feb. 23, 1984) Applicants who wish to be exempted from any of the above criteria shall be required to apply through the City's Conditional Use procedure as provided in Chapter 33.106.

(B) Non-Industrial Uses.

The development of new or intensification of existing uses which are not industrial shall be conditional uses. The following guidelines shall be used in the granting of a conditional use permit:

(1) the use is river dependent, and the site of the proposed development is not suited for river dependent or river related undustrial uses; and

(2) the proposal is consistent with the intents and requirements for development of either the Scenic Development Overlay Zone or the Scenic Recreational Overlay Zone; and

(3) The proposed use will not significantly detract from the value or functioning of an abutting property or navigational uses of the river.

33.77.090 Scenic Development Zone

33.77.091 Intent: To allow for use and development consistent with the underlying zoning while allowing for public use and enjoyment of the waterfront and enhancing the river's scenic qualities.

33.77.092 Requirements. (Am 153571 ef Aug. 23, 1982) (A) The Director shall approve proposals to change or intensify land use within this zone which comply with the following criteria:

(1) The proposed use is permitted by the underlying zone.

(2) (Am 155624 Feb. 23, 1984) Uses which are not river-dependent or river-related are set back at least 25 feet from the high water line or the top of the bank, whichever is higher, to provide for open space and vegetation as well as public access to and along the river, as outlined in the Greenway Plan and this chapter, except as provided in 33.77.150.

(3) The scale of the project, density of development and/or intensity of use are in keeping with the character of the river, and preserve or enhance the scenic qualities of the river, the site, and adjacent riparian lands.

(4) Architectural scale, style, building materials and finishes are in keeping with the character of the Willamette River. Graphics, signs and exterior lighting are to be designed to preserve and enhance the scenic qualities of the Willamette River.

(5) Landscaping shall emphasize low maintenance plantings of domestic species typical of the Lower Willamette River.

(6) The proposed development does not conflict with existing adjoining developments, land uses, and Greenway zones.

(7) The replacement or intensification of uses within existing public utility corridors, railroad rights-of-way and terminal facilities as they exist on the adoption of these regulations shall be allowed, providing the requirements for landscaping are met.

(B) The development or intensification of industrial uses in this zone shall be allowed. Such uses may be exempt from requirements (3) and (4) of subsection (A) of this section, except that a routing for the Greenway Trail, landscaping and/or bankline improvements which enhance the scenic qualities of the River and the Greenway and which do not interfere with the use, shall be provided.

(C) (Am 155624 Feb. 23, 1984) Applicants who wish to be exempted from criteria (1) and/or (3)-(7) above shall be required to apply through the City's Conditional Use procedure, as provided in Chapter 33.106. Exemptions will be judged as they meet the intent of the overlay zone, provide for public access and enhance the scenic qualities of the River and the Greenway.

33.77.100 Scenic Recreational Zone

33.77.101 Intent: To encourage a variety of river-dependent and river-related recreational developments and types of public access to and along the river. To enhance the scenic qualities of the river.

33.77.102 Requirements (Am 153571 ef Aug. 23, 1982) (A) The Director shall approve proposals to change or intensify land use within this zone which comply with the following criteria:

(1) The proposal is for river-related recreational uses or directly supportive of those uses.

(2) The proposed development reflects river-related recreational needs, the character of the river, and the unique opportunities presented by the particular site.

(3) The proposed development emphasizes open space and landscaping consisting of low maintenance plantings of domestic species typical of the Lower Willamette River.

(4) (Am 155624 Feb. 23, 1984) Non-river-dependent or river-related recreational uses shall be set back at least 25 feet from the ordinary high water line or top of bank, whichever is higher, to provide for landscaping and public access, as required by this chapter, except as provided in 33.77.150.

(5) The proposed development is in harmony with existing adjoining developments and land uses, and does not significantly detract from the value of an abutting property lying in a different Greenway zone.

(6) The replacement or intensification of uses within existing public utility corridors, railroad rights-of-way and terminal facilities as they exist on the adoption of these regulations shall be allowed, providing the requirements for landscaping are met.

(7) The proposed development is in harmony with existing adjoining developments and land use does not significantly detract from the value or functioning of an abutting property.

(B) (Am 155624 Feb. 23, 1984) Applicants who wish to be exempted from requirements (3) (5) and/or (6) above shall be required to apply through the City's Conditional Use procedure, as provided in Chapter 33.106. Exemptions from the requirements will be judged as they meet the intent of the overlay zone and provide for public access to the river and public recreation use of the waterfront.

33.77.110 Natural Zone

33.77.111 **Intent:** To protect the natural qualities of the Willamette River and its riparian environment.

33.77.112 Requirements (Am 153571 ef Aug. 23, 1982) (A) A Conditional Use permit is required for any development within this zone, with the exception of the intensification of public utility transmission facilities and railroad facilities existing on the date of adoption of these regulations. The following guidelines shall be used in the granting of a Conditional Use permit.

(1) No development or use which will present a significant detriment to the natural environment, wildlife or wildlife habitat shall be allowed within this zone.

(2) Developments which demonstrably support the natural environment, wildlife and wildlife habitat or allow for its viewing and interpretation shall be allowed on a limited basis.

(3) The applicant shall be required to submit a statement assessing the construction and long range impacts of the proposed development on the natural environment, wildlife and wildlife habitat.

(B) Public access requirements as outlined in the Greenway Plan shall be provided in such a way as to disturb the natural environment and wildlife habitat as little as possible.

(C) Developments in this zone shall be required to take all practical measures to mitigate impacts on scenic and natural values of the area.

33.77.120 Willamette River Greenway Trail

33.77.121 **Intent:** To provide, to the greatest possible degree, public access to and along the Willamette River. Provision of a Greenway Trail and public access to that trail and the river shall be considered in the issuance of all Greenway Permits and the construction of all projects within the Willamette River Greenway, as follows:

(A) South of the Broadway Bridge, on both sides of the river, a continuous Willamette Greenway Trail shall be established along the river for the use of pedestrians and bicyclists. Provision for the trail shall be made in the vicinity of the high water line, or slightly landward. The trail should not go around a site or use, or landward of such site or use, except where a river-dependent function precludes the trail. In such a case, an alternative routing shall be rpovided. Public access to the river and trail shall also be provided.

(B) North of the Broadway Bridge, on both sides of the river, a continuous trail shall be established for bicyclists and pedestrians. The trail shall overlook the river at as many places as possible and provide access to and along the river as indicated on the Greenway Plan.

(C) Nothing in this ordinance is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired in accordance with law to authorize such use.

33.77.122 Requirements. The Director can require, in accordance with the Greenway Plan, an easement, the dedication of right-of-way, and/or the construction and landscaping of the Greenway Trail to City standard as a condition of approval of any change or intensification of land use.

33.77.123 Use.

(A) The trail will be open to the public for park use as provided in Chapter 20.12, except as otherwise limited by this ordinance or by the terms of an easement granting the trail area to the City; and

(B) Trail segments planned or built as a part of a continuous system shall be open for public use and access between the hours of 5 a.m. and 10 p.m. Branch trail segments shall be open to the public for daylight hours, or as negotiated in the terms of an easement granting the trail area to the City.

33.77.124 Maintenance and Liability

(A) The City shall accept maintenance and liability, similar to its responsibilities for City-owned park property, for a Greenway trail area if the City Engineer or Director of the Bureau of Parks finds the following:

(1) The applicant requests that the City assume such responsibilities; and

(2) The trail lies within an easement or right-of-way granted to the City for trail purposes; and

(3) The trail has been constructed and landscaped to City standards; and

(4) The trail is physically continuous for at least ¼ mile along the proposed route. This requirement shall be waived if the trail has not been made physically continuous for at least ¼ mile within two years after completion of the segment under consideration; and

(5) That if a property owner, granting the City an easement for trail purposes, desires to use a private security force to patrol the easement area, the owner has signed an agreement holding the City harmless from all claims, suits or actions, of whatsoever nature, caused or arising out of the actions of such private security force, its subcontractors, agents or employees.

(B) Where the applicant retains maintenance and liability responsibilities, the trail segment shall be maintained at a level equal to those segments maintained by the City.

33.77.140 Fills and Structures Below Ordinary High Water (Add 153571 ef Aug. 23, 1982)

33.77.141 Intent. (Add 153571 ef Aug. 23, 1982) To protect the natural resource values of the Willamette. North of the Steel Bridge, to encourage river-dependent and river-related industrial uses and to restrict facilities that encourage conflicting uses. South of the Steel Bridge, to encourage river-dependent and river-related recreational uses, while protecting commercial use of the navigation channel.

33.77.142 Requirements (Add 153571 ef Aug. 23, 1982)

(A) Permitted Uses: The Director shall approve proposals to place fills less than 1,000 cubic yards or structures below the line of ordinary high water or the upper limit of wetlands, which comply with the following criteria:

(1) The proposed use is permitted by the underlying zone.

(2) The proposed use is river-dependent, or, in the Industrial Overlay Zone, river-dependent industrial.

(3) Landscaping which preserves or reestablishes the river's vegetative fringe is provided where it does not interfere with the proposed use.

(4) The Willamette Greenway Trail is provided as required in the Greenway Plan and this Chapter, and the proposed structure does not substantially interfere with views of the river from the Trail.

(5) The loss of biological productivity resulting from the fill or structure is minor and the fill or structure does not significantly interfere with fishing uses of the river.

(6) North of the Steel Bridge, the fill or structure would not significantly interfere with commercial navigation, (including transiting, turning, passing, and berthing movements) and would not restrict water access from adjacent lands.

(7) South of the Steel Bridge, the fill or structure would not significantly add to recreational boating congestion or interfere with commercial use of the navigational channel, and would not restrict water access to adjacent lands.

(8) The proposed fill or structure will be protected from wave and wake damage.

(9) The proposed fill or structure will be within the Port of Portland's Wharf Line until such time as a City Building Limit Line is established in cooperation with appropriate local, state, and federal agencies.

(10) The proposed fill or structure will not significantly interfere with publicly-used sandy beach areas.

(B) Conditional Uses: Fills greater than 1,000 cubic yards; river-related development; river-dependent, non-industrial uses and/or extension beyond the Harbor Line in the Industrial Overlay Zones; and development adjacent to the Natural Overlay Zone shall be conditional uses. In addition to the requirements of A(1) and (3-8) above, it must be demonstrated that: (1) There are no reasonable on-site alternatives with less adverse impact on the river or river bank resources.

(2) The proposed site has significant advantages over other City sites.

(3) The proposed fill or structure has significant public benefit.

(4) In Scenic Overlay Zones, the proposed development will encourage public use and enhance the appearance of the river and river bank.

(5) In the Industrial Overlay Zone, the site is not suited to river-dependent industrial use.

(6) Structures adjacent to the Natural Overlay Zone will be restricted to access structures (fishing piers, temporary moorage no larger than 100 square feet, boardwalk connection of the Willamette Greenway Trail, etc.) used for recreational, interpretive or educational purposes if they are demonstrated not to have an adverse effect on wildlife and the natural habitats of the adjacent natural area.

(7) Fills adjacent to the Natural Overlay Zone will be restricted to natural bank protection. Such fills will be allowed if it is demonstrated that significant streambank erosion is occurring and that the fill will not have an adverse effect on wildlife and the natural habitats of the riverbank and adjacent natural area.

(C) (Am 155624 Feb. 23, 1984) Statewide Planning Goal 15 Exceptions. Fills or structures within the Greenway Setback for uses that are neither river-dependent nor river-related shall require a Statewide Planning Goal 15 Exception as required by 33.77.150(A). In addition to meeting the Goal 15 approval criteria in 33.77.035 and 33.77.150(A) (1-4), it must be demonstrated that the proposed use complies with the requirements of A(1) and A(3-8) above.

33.77.145 Greenway Trail Standards. (Add 153571 ef Aug. 23, 1982) The Greenway Trail is a river-related use which must meet the standards and requirements of river-related uses in each overlay zone. Where conditional use approval is required for the Greenway Trail, the applicant must demonstrate that there is no reasonable alternative location or design that meets the requirements and intent as defined in Sections 33.77.141 and 33.77.142.

33.77.150 Greenway Setback. (Add 155624 Feb. 23, 1984) (A) The siting of uses which are neither river-dependent nor river-related within the Greenway Setback shall require a Statewide Planning Goal 15 Exception as provided in 33.77.035 and 33.77.050 and may be approved where reasons demonstrate the following:

(1) The use will not have a significant adverse effect on the Greenway values of the site under consideration or on adjacent land or water areas;

(2) The use will not significantly reduce the sites available for river-dependent or river-related uses within the City;

(3) The use will provide a significant public benefit; and

(4) The use is consistent with the Legislative findings and policy in ORS 390.314, the Willamette Greenway Plan approved by LCDC under ORS 390.322 and where applicable the Lower Willamette River Management Plan.

(B) Adjustments to the Greenway Setback shall require a conditional use, as provided in Chapter 33.106. Adjustments will be judged as they meet the intent of the Greenway Setback requirements in Statewide Planning Goal 15 and in this Chapter.

Chapter 33.78

HELIPORT AND HELISTOP REGULATIONS

Sections:

33.78.010 Location of helistop or heliport.
33.78.020 Specifications of helistop.
33.78.030 Specifications of heliport.
33.78.040 Noise.
33.78.050 Off-street parking.
33.78.060 Access.
33.78.070 Limitations on use.
33.78.080 Termination of use.

33.78.010 Location of helistop or heliport. (a) Surroundings. Every rooftop helistop or heliport shall be located so that areas adjacent to the landing and take-off area but not included within approach lanes are sufficiently clear of obstruction to provide a clear slope of 1:2, or forty-five degrees measured from the horizontal. Rooftop service installations such as elevator shaft, ventilators, chimneys, flagpoles, radio or television towers or antennas and other minor projections above the roof line on the same structure as a rooftop helistop or heliport shall not be considered an obstruction if below rotor height.

(b) Approaches. Every helistop or heliport shall be so located as to provide at least two approach lanes, at least ninety degrees apart for a helistop and at least one hundred thirty-five degrees apart for a heliport, for landing or take-off, sufficiently clear of obstruction to provide a slope of 1:8, approximately seven degrees measured from the horizontal. Any curved approach shall provide a turning radius of six hundred feet. Such approach lane shall fan out to a width of one thousand feet at a ten degree angle. Rooftop installations on the same structure as a rooftop helistop or heliport shall not be considered an obstruction if below rotor height.

(c) Site. Every helistop or heliport landing and take-off area shall be so located as to provide clearance of all obstructions above rotor height for a distance of twenty-five feet in each direction from the helistop pad.

33.78.020 Specifications of helistop. (a) Helistop pad. Every helistop located above ground level shall be provided with a helistop pad, constructed in accordance with the building regulations.

(b) Ground cover. Any ground level helistop shall be sodded or covered with dust-proof material.

(c) Lighting. Any helistop intended to be used for ight landing or take-off shall be provided with flood lights and also with linear perimeter lighting of fluorescent or cold cathode type, or by amber lights spaced around the helistop pad, approximately twenty feet apart.

33.78.030 Specifications of h liport. (a) Size. Every heliport shall afford sufficient size to provide landing area for at least one helicopter or steep-gradient aircraft and additional space shall be provided for tie-down or storing at least two helicopters or other steep-gradient aircraft, and if a terminal area and/or service area is provided, shall be of sufficient size to provide a taxiway for airborne or ground taxiing connected with take-off and landing area with such terminal or service area. These requirements shall be in addition to any space required for any buildings or structures for refueling, maintenance or repair.

(b) Fencing. Every ground level heliport shall be fenced and protected to prevent entrance of unauthorized personnel with a minimum fence

height of thirty-six inches with a minimum heliport area as established in the building regulations extended ten feet in each direction for every twelve inches increase in fence height above thirty-six inches. Other fencing shall be in accordance with the building regulations.

(c) Paving. Every take-off and landing area and taxiway for airborne or ground taxiing between such take-off and landing area and any terminal and/or service area, shall be paved with dustproof material.

(d) Marking and lighting. All heliports shall be marked in accordance with Federal Aviation Agency criteria and shall be lighted during hours of darkness with adequate lights and also with linear perimeter lighting of fluorescent or cold cathode type, or by amber lights spaced around the landing and take-off area, approximately twenty feet apart.

33.78.040 **Noise.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) (a) R and A Zones. No helistop shall be so located in a residential or apartment zone that the noise from any helicopter to be landed or to take off therefrom shall exceed 90 decibels at the boundary of adjacent property, and such helistop shall not be permitted in an R or A Zone if there is a finding that such use would interfere with the enjoyment of neighboring property, whether such interference would be due to the pitch of noise from such helistop use or other factor.

(b) C Zones. No rooftop helistop, whether public or private, shall be permitted in a commercial zone if the noise from such helistop use would exceed 90 decibles measured one hundred feet from the rooftop or at the nearest occupied premises. No ground level helistop shall be permitted in a C Zone where the noise from such helistop use would exceed 90 decibels measured at the nearest occupied premises. No helistop shall be permitted in a C Zone if there is a finding that such use would interfere with the enjoyment of neighboring property already devoted to residential use, whether such interference would be due to the pitch of noise from such helistop use or other factor.

(c) M Zones. No heliport or helistop shall be located in a manufacturing zone if there is a finding that such use would interfere with the enjoyment of neighboring property, whether such interference would be due to amount or pitch of noise from such helistop use or other factor.

33.78.050 **Off-street parking.** (a) At least five off-street parking spaces shall be provided and maintained for each public helistop, except in a C1 Zone.

(b) At least ten off-street parking spaces shall be provided and maintained for public use for each heliport and in addition one off-street parking space for each four employees serving the heliport.

33.78.060 **Access.** Any ground level heliport shall be so located as to provide direct access thereto from a public street.

33.78.070 **Limitations on use.** No helistop or heliport located within the city shall be used by turbine engine helicopters or aircraft developing during take-off more than 30,000 rpm except in an emergency, unless certificated to produce noise below the maximum provided in this title. Except in an emergency no helistop shall be used for maintenance or repair or refueling of any helicopter or steep-gradient aircraft. No rooftop helistop or heliport shall be used by any helicopter or other aircraft exceeding the gross weight for which the heliport pad or other landing area has been designed. Any rooftop helistop pad or other rooftop landing area shall be marked with its load limit in such manner as to be clearly visible to any pilot approaching within two hundred feet of such landing pad or area. Such load limit shall not exceed the limit related to size under building regulation classification and shall not exceed the structural load limit under provisions of the building regulations.

33.78.080 **Termination of use.** Notwithstanding any prior approval of location or occupancy, the council may at any time order the termination of any helistop or heliport use after five days written notice to the owner of the premises where such use is made and a public hearing thereon, if the council finds that any condition or restriction imposed by the planning commission or by any ordinance of the city relating to such occupancy has been violated, or if the council finds that such operation of helistop or heliport use unreasonably interferes with the enjoyment of the neighboring property. The council may suspend such operation or impose such conditions upon continued operations as it may deem fit, if it does not desire to terminate the operation completely.

Chapter 33.79

PLANNED UNIT DEVELOPMENTS
(Added by Ord. 148244; new Chapter substituted by 154437 passed Apr. 14, effective May 16, 1983)

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GENERAL

33.79.010 Purpose and intent. The purpose of this Chapter is to allow more site design flexibility than the conventional zoning and subdivision regulations provide. The intent is to: (a) Provide flexibility in: architectural design, placement and clustering of buildings; use of open space and outdoor living areas; provision of circulation facilities and parking; and related site and design considerations;

(b) Encourage the preservation and best use of existing beneficial landscape features;

(c) Provide for efficient use of public services and improvements;

(d) Encourage and preserve opportunities for energy efficient development; and

(e) Promote an attractive and safe living environment which is compatible with surrounding residential developments.

33.79.020 Effectiveness. The regulations and procedures of this Chapter 33.79, effective May 16, 1983, apply to all PUD preliminary applications submitted after this date. Preliminary applications for PUD's submitted prior to the effective date and final applications, including phased developments, resulting from those preliminary applications, shall be subject to the regulation and procedures for PUD's in effect at the time the preliminary applications were submitted.

33.79.030 PUD's as conditional uses. PUD's shall be reviewed as conditional uses and shall be processed according to the procedures of this Chapter. A PUD application shall be approved if it meets the standards and requirements of this Chapter and Chapter 33.106. A PUD may be approved with conditions which are reasonably related to the intentions, standards and requirements of this Chapter and Chapter 33.106.

33.79.040 Purpose of the PUD process. A PUD is reviewed in a two-step process. The purpose of this two-step approach is to help limit an applicant's development costs prior to determination on the preliminary plan for a PUD. Preliminary approval is for the PUD concept with respect to planning concerns including items such as: number, type, and location of units; parking; impact on

surrounding areas; adequacy of services; conceptual plans for service improvements; etc. Preliminary approval is only granted when there is a reasonable certainty that the PUD will fulfill all requirements of this Chapter and other relevant parts of the City Code.

To gain approval of the final plan, the applicant must submit the detailed and technical information necessary to demonstrate that all City standards, requirements and conditions have, or will be met. Approval will only be granted if the final plan is in substantial conformance with the preliminary plan.

STANDARDS AND REGULATIONS

33.79.050 Allowable uses. Planned unit developments are limited to the following zones, uses and sizes: (a) In FF, R20, R10, R7, R5, R2.5, R2, R1 and RH zones a PUD may include the following:

(1) One family, two family and multi-family dwellings including attached and clustered houses and their accessory uses.

(2) Any conditional uses designated for the underlying zone.

(3) Any commercial uses listed under 33.40.020 (C4) provided such uses are accessory to the PUD and primarily for the service and convenience of the residents of the proposed development and or neighborhood. The applicant must justify the need for the type of commercial activity and amount of commercial space, and may be required to provide a market analysis demonstrating that the amount of land to be used for commercial uses is needed and can realistically be supported by the proposed PUD.

(b) In C4, C3, C2 and M3 zones a PUD may include:

(1) One family, two family and multi-family dwellings including attached and clustered houses and their accessory uses.

(2) Principal permitted uses of the underlying zone.

(3) Any conditional use designated for the underlying zone.

(c) In all zones, PUD's shall not be allowed on site of two acres or less.

33.79.060 Computation of allowable dwelling units. Determination of the maximum number of dwelling units permitted in a PUD will be based on the following procedure: (a) The gross site area is reduced by the amount of land proposed for improved roadway and the amount of land, if any, set aside for private schools, churches and commercial uses to determine the net usable site area.

(b) The net usable site area is then divided by the minimum lot size requirement of the underlying zone to determine the maximum number of allowable dwelling units.

(c) For PUD's spanning more than one zone, the above calculations shall be done for each zone. However, the resulting dwelling units may be sited without regard to the underlying zone boundaries within the PUD.

33.79.070 Development standards. PUD's shall meet the following requirements: (a) Open space. At least 40 percent of the land not in improved roadway must be devoted to open space. Open space means land area of the site not covered by buildings, parking or maneuvering areas, but includes canopied recreational and pedestrian areas and private yards, if any.

(b) Lot sizes and minimum yard requirements. Lot sizes and minimum yard requirements shall be determined by the Hearings Officer, not by the requirements of the underlying zone. However, the front yard requirements of the underlying zone shall apply where the boundary of a PUD abuts an existing public street.

(c) Building height. The height limitation of the underlying zone shall apply.

(d) Siting and design requirements. Multi-unit structures on single family zoned land shall meet the following requirements:

(1) They must be located at least half of the minimum lot width of the underlying zone from the lot line of an adjacent existing single family home located on land zoned for single family housing. The applicable distances are: FF - 45 feet, R20 - 40 feet, R10 - 35 feet, R7 - 30 feet, and R5 - 25 feet.

(2) If they are within 100 feet of the lot line of private lands zoned FF, R20, R10, R7 or R5, or within a PUD of four acres or less:

A. They must be separated from each other by twice the side yard requirement of the underlying zone.

B. They must be buffered from existing single family homes. The buffer area must be landscaped and screened by natural features and plant materials to harmoniously integrate the PUD with the surrounding neighborhood and to provide a transition from the PUD to the neighborhood.

(3) Additional requirements for PUD's of four acres or less are:

A. No structure may contain more than two dwelling units. However, an applicant may specifically request additional units per structure and the Hearings Officer, or Council on appeal, may approve such a request if it is found that the natural features of the site warrant such action, and that the benefits of such action outweigh any potential negative effects on surrounding properties. Benefits and effects to consider may include, but are not limited to: structure height, size and shape; noise; privacy; views; natural area preservation; amount of paved areas; and service facility requirements.

B. Each structure must have its own discrete parking area or garage not connected to other parking areas.

(e) Parking.

(1) The off-street parking requirements of the underlying zone shall apply.

(2) No common parking or maneuvering areas shall be allowed wihtin 20 feet of the boundary of the PUD.

(3) All common parking or maneuvering areas shall be buffered from adjacent properties. The buffer area must be landscaped, screened, or protected by natural features with the objective of minimizing adverse impacts to surrounding properties.

(4) In addition to the above requirements, where on-street parking is prohibited, at least one-half additional parking space per dwelling unit shall be provided either in approved parking bays along the street or in an off-street parking area.

(f) Excavation, earth moving procedures, and utility construction, shall be planned and conducted so as to prevent despoilation, as practical, of the character of areas to be retained in natural condition.

(g) All manufactured slopes, other than those constructed in rock, shall be promptly planted to stabilize the soil, or otherwise protected from the effects of storm water runoff and erosion, and shall be of a character to cause the slope to blend with the surrounding terrain and development.

(h) Water features such as drainageways, streams or lakes shall be left in natural topographic conditon unless altered to improve storm water drainage or to improve the amenity of the water feature for the PUD residents. The City Engineer shall give prior approval to any alterations.

(i) The applicant may request, and the Hearings Officer may approve, reductions in the distance requirements of subsections 33.79.070(b), (d)(1), (d)(2)A, and (e)(2). The Hearings Officer may approve the reduction if he finds that the reduction is necessary due to natural conditions of the site and that the reduction will allow development that is as or more compatible with the adjacent properties than development that would be allowed under the prescribed distance requirements.

33.79.080 Service standards. Planned unit developments shall meet the following standards for service improvements. (a) Generally.

(1) It shall be the responsibility of the applicant to provide all necessary service facilities to the PUD including, but not limited to, those listed in this section. The services shall be adequate for their intended purpose. The services shall be provided at no cost to the public except as specifically provided for by the bureau responsible for such service. If off-site improvements are provided which are to be dedicated to the public, appropriate adjustments to the applicant for off-site users of the public services may be made at the reasonable discretion of the City.

(2) Services such as streets, water supply facilities, sanitary sewers, regional storm water detention facilities, etc. shall be publicly owned, operated and maintained if they are to provide service to any property not included in the PUD, unless specifically approved as private facilities by the Hearings Officer with the consent of the appropriate City Bureau.

(3) All facilities to be dedicated to the public and needed to provide immediate or future service to properties outside the PUD shall be

extended to the boundary lines of the PUD, unless such extension is specifically waived by the Hearings Officer with the consent of the appropriate City Bureaus. Where such extension is waived, rights-of-way and/or easements may be required for the future extension of the facilities.

(4) All service facilities shall be placed underground except those that by their nature must be on or above the surface such as streets, fire hydrants, and open water courses. The applicant shall make necessary arrangements with utility companies or other appropriate persons for the installation of underground lines and utilities.

(5) All service facilities to be dedicated to the public shall be located in street areas to the extent practical. If located on private property, they must be located, as practical, to provide ease of access and minimum costs for maintenance. Private street locations shall be given preference over non-street areas. The exact location of all such City utilities shall be approved by the City bureau responsible for such facilities.

(6) All facilities to be dedicated to the public shall be constructed to the standards of the City bureau responsible.

(7) Easements. For all service facilities to be dedicated to the public that are located in private property, easements shall be required for the construction, operation, maintenance and repair of such facilities. The easements shall meet the following requirements.

A. The applicant shall provide the easement at no cost to the City.

B. Easements shall have a minimum width of 15 feet, but a greater width may be required.

C. The width and location of the easement shall be approved by the City Engineer and the Water Engineer, and the document granting the easement shall be approved by the City Attorney.

D. No permanent or temporary surface or underground structures, private or public utility lines or improvements shall be constructed or located in the easement areas without the written consent of the City Engineer and, where appropriate, the Chief Engineer of the Bureau of Water Works.

E. The owners of property in the PUD, jointly and severally, file with the City a document that shall hold the City harmless to the statutory limits from any and all claims for property damage arising in the course of the construction, repair and maintenance of any City utility within the private street area, except damage caused by gross negligence or willful misconduct of the City of its officers, employees, or agents.

F. If the City should remove the street surface to conduct repair, maintenance, or replacement work on City utilities, the City will upon completion of its work, provide an asphalt or concrete patch in the paved surface, but all other street resurfacing expenses necessitated in the maintenance and repair of City utilities shall be borne by the PUD property owners. Work by the City in unpaved areas will be restored as nearly as reasonable to the condition existing prior to the work.

G. All City utility easements shall be depicted on the PUD plan map to be recorded in the County records, and the restrictions and conditions described in subsection 33.79.080 (a)(7) D through F hereof shall appear on all conveyances of PUD real property and bind all owners thereof, their heirs, successors and assigns, as restrictive covenants.

(8) The Declaration of Covenants, Conditions and Restrictions for the PUD shall require periodic assessments for the maintenance and repair of all private service facilities, and shall require that the governing body of the PUD adequately maintain such facilities.

(9) Private service facilities shall not be connected to public service facilities without permits from the City bureaus responsible for the public facilities.

(b) Streets.

(1) Where right-of-way dedications are required to provide future service to abutting properties, reserve strips or street plugs may be required.

(2) Wherever a PUD abuts or contains an existing or proposed arterial street, the Hearings Officer may require frontage streets, reserved frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear property line or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(3) Except for extensions of existing streets, no street names shall be used which will duplicate or be confused with names of existing streets. Street names shall be subject to the approval of the City Engineer.

(4) Public streets must meet applicable street standards and street lighting standards on file in the City Engineer's Office. Where conditions, particularly topography or the size and shape of the PUD, make it impractical to otherwise provide buildable sites, or where special design features of the PUD make such widths unnecessary, narrower rights-of-way and roadways may be approved by the Hearings Officer with concurrence of the City Engineer and Traffic Engineer. If necessary a slope easement may be required.

(5) Private streets shall meet the following requirements:

A. The width, weight capacity, and other street specifications of the Fire Marshal shall be satisfied to ensure safe maneuvering areas for emergency vehicles.

B. Streets shall be designed by a qualified Civil Engineer to City standard or comparable design life as determined by the Bureau of Buildings.

C. Streets shall be separated from the public roadway by a driveway-type entrance and posted as a private street.

D. Streets shall be kept open, accessible and passable at all times with the exception that obstructions to accessibility shall be approved by the Fire Marshal, Police Chief, Water Engineer and City Engineer.

(c) Pedestrianways. Pedestrian circulation systems shall be provided to facilitate movement within the PUD and to encourage pedestrian access to transit facilities. The City Engineer may require the pathways to be within public rights-of-way.

(d) Street trees shall be required on all rights-of-way abutting or within the PUD. Tree planting, layout and selection shall be in conformance with the City's street tree planting guidelines and shall be approved by the City Forester and the Fire Bureau.

(e) Water supply.

(1) Public water supply systems shall meet the requirements of subsections 33.79.080 (a)(1) through (7).

(2) In cases where access to water facilities are restricted, as referenced in subsection 33.79.080 (b)(5) D, the Water Engineer may require master metering of the PUD.

(3) Private water supply systems shall be designed by a civil engineer to City standards or comparable design life as determined by the Bureau of Buildings.

(f) Sanitary sewage disposal.

(1) A means of sanitary sewage disposal shall be provided to serve all proposed buildings with interior plumbing and all proposed building lots.

(2) Public sanitary sewage facilities shall meet the requirements of subsections 33.79.080 (a)(1) through (7).

(3) Private sanitary sewage facilities shall be designed by a qualified civil engineer to City standards or comparable design life as determined by the Bureau of Buildings.

(g) Stormwater and groundwater control and disposal. Stormwater and groundwater control and disposal facilities shall be provided in a manner satisfactory to the Bureau of Sanitary Engineering and Bureau of Buildings and shall address undeveloped areas of the site as well as stormwater runoff from all impervious surfaces on private property.

(1) The facilities shall be adequate to serve the PUD site and areas draining through the site.

(2) The facilities shall be connected to adequate drainageways, storm sewers, or subsurface disposal systems.

(3) Construction of facilities outside of the PUD may be required.

(4) Private facilities shall be designed by a qualified civil engineer to City standards or comparable design life as determined by the Bureau of Buildings.

(5) Storm drainage reserves shall be provided for the preservation of any natural or man made watercourses or water bodies on or abutting the site. The boundary of such reserves shall extend 15 feet from the top of the bank unless a lesser distance is approved by the City Engineer. The boundaries of the reserves shall conform substantially with the lines of the water features and must be accurately surveyed and described. They shall be shown and labeled on the final development plan along with the statement: "The storm drainage reserves shall remain in natural topographic condition. No private structures, culverts, excavations, or fills shall be constructed within a storm drainage reserve unless authorized by the City Engineer."

PRELIMINARY DEVELOPMENT PLAN APPLICATION AND APPROVAL

33.79.090 Pre-application conference. A preapplication conference shall be required before applying for preliminary development plan approval. (a) The applicant shall request that the Bureau of Planning arrange a pre-application conference which shall be held no more than 14 days following the applicant's written request.

(b) The applicant shall submit a tentative sketch or description of the PUD proposal at the time of the request for the preapplication conference.

(c) Representatives of the Bureau of Planning, Bureau of Buildings, City Engineer, Traffic Engineer, Fire Bureau, Water Bureau, affected neighborhood associations, and other agencies and organizations, as deemed appropriate, shall be notified of the time, date and location of the conference, and furnished with copies of the tentative sketch or description.

(d) Within 14 days after the conference, the Bureau of Planning shall provide the applicant with a written summary of the meeting, including recommendations to inform and assist the applicant in the preparation of a preliminary plan.

33.79.100 Preliminary development plan application requirements. The applicant shall submit the following for a preliminary development plan application: (a) The applicant must submit a completed conditional use request form with the appropriate signatures and a filing fee as required by Section 33.114.122.

(b) Eight copies of the preliminary development plan which shall consist of drawings and supplementary written material adequate to provide the information required in subsections (c) through (j) of this section.

(c) A statement of how the purpose and intent of Section 33.79.010 will be achieved by the proposed PUD, including sketches or illustrations of the proposed character of the development, a description of how the PUD will relate to surrounding land uses and identified key neighborhood features, if any, and whether a zone change and/or tentative subdivision plat approval is also requested.

(d) An outline of the proposed PUD stating: land use allocation by type, including the amount of land for housing, open spaces, roadways and parking; the number and type of housing units; the amount and type of commercial area, if any; and a statement of how necessary services, as listed in section 33.79.080, will be provided and whether the services will be publicly or privately owned and operated.

(e) Preliminary drawings. Preliminary drawings shall be at a reasonable size and scale to clearly show all required information. The preliminary drawings shall display the following:

(1) The name of the proposed PUD

(2) Date, northpoint and scale of drawing

(3) Legal description of the PUD other than metes and bounds, sufficient to define its location and boundaries.

(4) Names, addresses and telephone numbers of the owners, designer of the PUD, and engineer and surveyor, if any, and the date of the survey.

(5) Appropriate identification of the drawing as a preliminary plan.

(f) A preliminary drawing shall display an inventory of existing site features including:

(1) Ground elevations shown by contour lines at five foot intervals or less. City Engineer one to one hundred topographical maps may be used, if available, but more detailed topographic data may be required at a later date.

(2) Areas identifiifed on City maps or by a preliminary assessment by an engineering geologist or geotechnical engineer as having moderate or severe landslide potential.

(3) General soil types as shown on City maps or as documented by a soils engineer or engineering geologist.

(4) Fish and wildlife habitats, if any, as shown on City maps.

(5) Proposed and existing storm water detention basins as shown on City Engineer maps.

(6) Water features such as ponds, wetlands and watercourses.

(7) Areas subject to inundation or storm sewer overflow.

(8) Natural features such as large rock outcroppings or major wooded areas.

(9) Existing on-site or abutting sanitary sewage, storm drainage and water supply facilities. If such facilities are not on or abutting the site, indicate the direction and distance to the nearest ones.

(10) Width, location and purpose of all existing easements and storm drainage reserves of record on or abutting the site.

(11) Information on land areas contiguous to the proposed PUD to indicate the relationships between the proposed PUD and existing adjacent areas, including zoning classifications, land uses, densities, circulation systems, public facilities, unique natural features of the landscape, and approximate locations of nearby structures.

(g) A proposed site plan showing:

(1) The locations of dwelling units and/or individual lots.

(2) The proposed yard requirements or locations of single family homes for individual lots, if any.

(3) The exisiting and proposed traffic circulation system serving the PUD including: off-street parking and maneuvering, points of access to existing public rights-of-way, and a plan notation or descriptive narrative outlining ownership of streets and parking areas.

(4) The existing and proposed pedestrian and bicycle circulation system.

(5) Conceptual plans for all necessary services including their location and whether the services will be publicly or privately owned and maintained.

(6) Proposed location and treatment of any public or private common areas or structures including open spaces, park or recreation areas, and school sites.

(7) The general treatment proposed for the periphery of the site.

(8) The approximate amount, location and type of buffering and/or landscaping if required by Section 33.79.070.

(9) Conceptual site plans and building elevations of proposed multi-unit structures shall be provided in the case of PUD's of four acres or less. The drawings shall show such items as building height, size, shape, roof shape and proposed exterior materials.

(h) For PUD's containing lands of moderate or severe landslide potential, a preliminary assessment by an engineering geologist or geotechnical engineer addressing soil conditions, storm water runoff and ground water; and a preliminary assessment by a geotechnical engineer addressing the project's feasibility and identifying potential problems and how they might be resolved.

(i) If the PUD is being proposed for phased development, a description and timing plan for the approximate phases according to the requirements of 33.79.130.

(j) If the applicant is requesting tentative subdivison approval concurrently with the preliminary PUD approval, a tentative subdivision plat shall be submitted.

33.79.110 Preliminary development plan approval process. A request for preliminary development plan approval shall be reviewed in the following manner. (a) Within seven days of submission, the Bureau of Planning shall review the application for completeness and notify the applicant if the application is complete or what items are lacking.

(b) Upon submission of a complete application, the Bureau of Planning shall furnish two copies of the preliminary plan and supplementary material to the City Engineer, and one each to the Traffic Engineer, Geotechnical Engineer of the Bureau of Buildings, and other agencies that are known to be affected. Other agencies believed to have an interest will also be notified and given a reasonable time to review the plan and suggest revisions that appear to be in the public interest.

(c) Upon determination of a complete application the Bureau of Planning shall notify the president and contact person of the affected neighborhood association that a PUD is proposed in the area. The letter shall identify the PUD's location, size and proposed number and type of dwelling units. The letter shall also state how the applicant or their representative may be contacted.

(d) Prior to the public hearing, the neighborhood association may request the Bureau of Planning to arrange an informational meeting with neighborhood residents, the applicant and Bureau staff. If such a meeting is requested, the applicant, or his representative, shall be available to attend.

(e) A public hearing on the preliminary development plan shall be held within 60 days following acceptance by the City of a completed preliminary development plan application. The applicant or the City Engineer may request that the hearing be postponed for an additional 30 days. In no event shall the hearing be held later than 90 days after acceptance of the completed application.

(f) The Hearings Officer shall hold a hearing and review the preliminary development plan in accordance with the standards and requirements of this Chapter and Section 33.106.010. However, notwithstanding the requirements of Section 33.106.020, notice of the public hearing shall be mailed at least 30 days prior to the date of the hearing.

(g) The Hearings Officer shall consider the reports of the Planning Director, City Engineer and other bureaus, and the testimony given at the hearing. The Hearings Officer shall approve the preliminary development plan if he finds that:

(1) The proposed plan fulfills the purpose and intent of Sections 33.79.010 and 33.106.010.

(2) The proposed plan has met the requirements of Sections 33.79.060 and 33.79.100.

(3) There is reasonable certainty that the development and service standards of Sections 33.79.070 and 33.79.080 will be met.

(4) Adequate public services exist, or can be provided, to serve the proposed PUD.

(5) Where the applicant has also submitted a tentative subdivision plan, the Hearings Officer may approve the tentative plan if he finds that it meets the intent and standards of Title 34.

(h) The Hearings Officer, or the Council on appeal, may approve the preliminary development plan with conditions that are considered essential to fulfilling the requirements of 33.79.110 (g).

(i) Appeal procedure. The Hearings Officer's decision on the preliminary development plan is final unless appealed within 14 days under the provisions of Section 33.114.060.

FINAL DEVELOPMENT PLAN APPLICATION AND APPROVAL

33.79.120 Final development plan conference. A development plan conference shall be required before an applicant submits a final development plan application. (a) The applicant shall request the Bureau of Planning to arrange a conference which shall be held no more than 14 days following the applicant's written request.

(b) Representatives of the Bureau of Planning, Bureau of Buildings, City Engineer, Traffic Engineer, Fire Bureau, Water Bureau, appropriate neighborhood association, interested residents, and other agencies and organizations, as deemed appropriate, shall be notified of the time, date and location of the conference.

(c) The applicant shall present, or shall already have presented to the appropriate bureaus, the following: detailed plans which meet the service standards of 33.79.080; other plans or studies as required at preliminary approval such as a grading plan or soils engineer report; and detailed landscaping and buffering plans where required.

33.79.130 Final development plan application requirements. Within three years after approval of the preliminary development plan, the applicant shall submit to the Bureau of Planning a final development plan for the entire PUD, or a final development plan for the first phase of development if the PUD has been approved for phased development. The applicant shall submit final development plans for any subsequent phases within the time limit specified in the approval of the preliminary development plan. Items that shall be included in the final development plan are: (a) Drawings and information. The final development plan shall be drawn in clear and legible form on good quality tracing paper or mylar drafting film at a reasonable size and scale to clearly show all required information. Two prints of the plan made from this drawing shall accompany the application. The plan shall be identified as the final PUD plan.

(b) Information required on the plan. In addition to that required by the preliminary development plan, or otherwise specified by law, the following information shall be shown on the plan:

(1) Reference points of identified existing surveys related to the PUD plan by distances and bearings, and referenced to field book or map, including stakes, monuments or other evidence found on the ground and used to determine the boundaries of the PUD.

(2) The location and width of streets and easements intercepting the boundary of the tract.

(3) Easements and storm water drainage reserves, clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the PUD shall be shown. If the easement is being dedicated by the plan, it shall be properly referenced in the owners certificates of dedication.

(4) Identification of land to be dedicated for any purpose, public or private.

(c) Additional certificates or drawings. The following may be combined where appropriate.

(1) A certificate signed and acknowledged by all parties having any recorded title interest in the land, consenting to the preparation and recording of the PUD.

(2) A certificate signed and acknowledged as above, dedicating the land intended for public use, if any.

(3) A certificate with the seal of, and signed by, the surveyor responsible for the survey.

(4) Other certifications now or hereafter required by law.

(5) A title report issued by the title insurance company verifying ownership by the applicant of real property that is to be dedicated to the public.

(6) A copy of any deed restrictions applicable to the PUD.

(d) A detailed design plan for the PUD site including:

(1) The location of proposed buildings and structures, parking and maneuvering areas and/or the location of allowable building areas of individual lots, if any.

(2) Building setback lines, if any, that are to be made part of the PUD restrictions.

(3) The location and type of proposed buildings, structures or improvements in common open space areas.

(4) The location and detailed information for all proposed streets, with approval by the City Engineer for public streets, and Director of the Bureau of Buildings and Fire Marshal for private streets. Detailed information for streets includes:

A. Street boundaries and center lines with dimensions, bearings or deflective angles, radii, arcs, points of curvature and tangent bearings.

B. The street widths, and widths of dedicated rights-of-way, if any, and the widths, of existing rights-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated,

(5) A plan for water mains and fire hydrants, with approval of the Water Engineer for public facilities, and Director of the Bureau of Buildings and Fire Marshal for private facilities.

(6) A plan for sanitary sewage disposal approved by the City Engineer.

(7) A plan for storm water drainage with approval by the City Engineer and Bureau of Buildings.

(8) Plans for additional improvements such as pedestrian ways, street lighting, public utilities, street trees, etc.

(e) A landscaping and buffering plan for common open space areas, the periphery of the PUD, and other required locations that addresses the requirements of subsections 33.79.070 (d)(2)B, (e)(3), (f), (g), and (h), as appropriate.

(1) The plan shall show areas to remain in natural vegetation; and, in a clear manner, the area, sizes, numbers and general types of plant and other materials to be used for all areas landscaped or buffered by the applicant.

(2) The plan shall address the revegetation of common open space areas and periphery areas disturbed during the construction of services, dwellings or other facilities.

(3) The plan shall include a proposed schedule for required periphery landscaping or buffering. If required landscaping cannot be completed prior to occupancy of dwellings, or as otherwise required by the conditions of approval, an improvement guarantee of a sufficient amount shall be required to assure

timely completion.

(f) If the PUD is in a moderate or severe landslide area, or if required by the conditions of preliminary approval, a geotechnical engineer's report, approved by the Bureau of Buildings' Geotechnical Engineer, which includes the following:

(1) A grading plan which shall address the standards of 33.79.070(h).

(2) The identification of hazardous areas within and adjacent to the site and a statement of the development and construction methods to be followed to accommodate existing hazards.

(3) A statement of on-site slope stability after the proposed development.

(4) A statement of the estimated effect of the development on storm water and ground water runoff and the proposed method of control.

The report should provide enough detail to be sufficient for the design of all proposed or allowed structures and improvements.

(g) The PUD's Declaration of Covenants, Conditions and Restrictions and any other legal instruments for the protection and maintenance of common open space areas and private utilities, if any. The Declaration of Covenants, Conditions and Restrictions shall be approved by the City Attorney. The deeds to property in the PUD and Declaration of Covenants, Conditions and Restrictions for the PUD shall provide that each property owner in the PUD is the owner of an undivided interest in the common areas and that no private structure of any type shall be constructed in the common areas. A copy of all legal instruments shall be filed with the building permit application.

(h) If the applicant is also requesting simultaneous final plat approval all required items of Sections 34.20.060 of the Subdivision Code shall be submitted.

(b) Within seven days of a final development plan application, the Bureau of Planning shall review the application for completeness of the requirements of 33.79.110, and notify the applicant of completeness or what items are lacking.

(c) Within 21 days of submission of a complete application the Planning Director, or designee, shall review and make a decision on the application. The final development plan shall be approved if it is in substantial conformance with the approved preliminary development plan and any conditions therein. If the final development plan is denied, the decision shall be accompanied with findings of fact showing the basis for the denial and by findings which indicate what additional information must be submitted or work accomplished in order for approval to be obtained.

(d) Appeal procedure.

(1) The decision of the Planning Director, or designee, to deny the final development plan is final unless appealed by the applicant to the Hearings Officer within 14 days following notification of such decision.

(2) Upon appeal, the Hearings Officer shall consider the record from the preliminary plan approval, the Planning Director's report and a statement from the applicant. The Hearings Officer shall render a written decision within 30 days after receipt of the notice of appeal.

(e) Final decision on the planned unit development conditional use application.

(1) Approval of the final development plan shall constitute a final decision on the PUD conditional use application.

(2) The conditional use must be accepted, filed and recorded by the applicant as required by 33.114.120.

SPECIAL PROCEDURES

33.79.140 Final development plan approval process. (a) Preliminary approval for the PUD is valid for three years and shall not be extended. Within this time period the applicant shall submit to the Bureau of Planning a final development plan for the entire site, or a final development plan for the first phase if the PUD has been approved for phased development.

33.79.150 Phased development procedures. (a) An applicant may apply for and receive approval of a preliminary development plan for the total site area which includes phased development and may thereafter apply for and receive approval of final development plans for each phase of the PUD.

(b) If an applicant desires to submit a phased PUD application, the applicant shall:

(1) Comply with Section 33.79.090 with respect to the entire PUD.

(2) Submit a preliminary development plan for the entire PUD site which shall be treated as a preliminary development plan for each phase and shall contain the information required in Section 33.79.100.

(3) Submit a description of the approximate phases showing the approximate area covered by each phase and the approximate timing and sequencing of the phases.

(c) The preliminary development plan for the entire PUD shall be the preliminary development plan for each phase of the PUD and shall be reviewed pursuant to Section 33.79.110. The Hearings Officer shall make the sequencing of the phases and the intervals of time between the scheduled phases a condition of preliminary plan approval.

(d) Thereafter, the applicant shall submit a final development plan. The sum of the years between the first approved final phase and the last approved final phase may not exceed 8 years. The final development plan for each phase shall contain the information required in Section 33.79.130. The property described in that phase and each final development plan shall be reviewed pursuant to Sections 33.79.120 and 33.79.140. No separate preliminary development plan shall be required for each phase.

33.79.160 Combined PUD's and subdivisons. A subdivision plat may be approved concurrently with the approval of the PUD. To do so the applicant shall request tentative plat approval at the same time as the PUD preliminary plan approval. The combined PUD-subdivison application shall be subject to the review and appeal procedures of this Chapter, 33.79, not those of Title 34. The Hearings Officer shall require that all informational requirements of Sections 34.20.030 and 34.20.040 of the Subdivision Code be fulfilled unless information in the PUD application is sufficient to meet the intent of Title 34 requirements and to review the tentative plat application. Final plat approval shall be granted with the final development plan approval if all appropriate Title 34 requirements for final plats are met.

33.79.170 Improvement guarantees. (a) An improvement guarantee for public service improvements in the PUD is required and shall meet the requirements of Chapter 34.40 of the Subdivison Code.

(b) Prior to issuance of building permits for structures, the applicant shall either install and complete all private service improvements including streets, pedestrianways, utilities, landscaping and buffering, or file an improvement guarantee for these items.

(c) The improvement guarantee is an agreement between the applicant and the City, specifying a development schedule setting forth when service improvements will be made. The development schedule shall be approved by the Director of the Bureau of Buildings. The agreement shall be in a form satisfactory to the City Attorney, and shall be filed with the City Auditor.

(d) The applicant shall file with the agreement one of the following to assure his full and faithful performance:

(1) A certified check or checks;

(2) A Surety Bond executed by a surety company authorized to transact business in the State of Oregon;

(3) Other surety acceptable to the City.

(e) Such assurance of full and faithful performance shall be for a sum approved by the Director of the Bureau of Buildings to cover the full costs of improvements, including related engineering and City inspections.

(f) At the discretion of the Director of the Bureau of Buildings, the improvement guarantee may be in the form of separate bonds or checks covering individual portions or specific types of improvements, rather than one bond or check covering the work.

(g) Occupancy permits shall not be issued unless all improvements and conditions of approval have been fulfilled to the satisfaction of the Bureau of Buildings or the applicant has filed an improvement guarantee or guarantees for all such items.

(h) The Bureau of Buildings shall not authorize the City Auditor to return the improvement guarantee or guarantees until the improvements related to the guarantee are completed to the satisfaction of the Director of the Bureau of Buildings.

33.79.180 Amendments to the development plan. Applicants may be granted changes to approved preliminary or final PUD development plans. Requests for such amendments shall be submitted in writing to the Bureau of Planning. (a) Types of amendments.

(1) Major changes. A major change to the development plan is one that may have a significant impact on the surrounding neighborhood or will cause a substantial change in the PUD, as approved. Major changes include, but are not limited to: an increase in the number of housing units; a change in the mix of single family and multi-unit structures; a change in access to the PUD; a significant change in the amount or the location of streets or common parking areas; a reduction of approved open space; an increase in the amount of land utilized for non-residential uses; any change within 50 feet of the perimeter of the PUD; or any change that the Planning Director finds, based on a written statement of findings of fact, falls under the standards of this subsection (a)(1).

(2) Minor changes. Minor changes are all other changes to the development plan which will have little or no effect on the neighborhood and conform to the intent of the preliminary plan approval.

(b) Procedures.

(1) Major changes shall be considered and reviewed under the provisions set forth in Section 33.79.110.

(2) Minor changes may be approved by the Planning Director after consultation with appropriate City Bureaus. A written decision, with findings, shall be rendered within 15 days of the application for the change. If the Planning Director denies a minor change, the change shall be considered a major change and the written statement of findings of fact referred to in Section 33.79.180 (a)(1) must be provided.

Chapter 33.80

ADULT BUSINESSES

(Added by Ord. No. 155387 passed and effective Dec. 8, 1983)

Sections:

33.80.010 Generally
33.80.020 Purpose
33.80.030 Definition
33.80.040 Resolution of Conflicting Regulations
33.80.050 Locational Restrictions
33.80.060 Spacing Restrictions
33.80.070 Standards of Measurement
33.80.080 Off Street Parking Required
33.80.090 Compliance
33.80.100 Prohibited Uses

33.80.010 Generally. In all zones where adult businesses are permitted all regulations and requirements of this chapter must be met. Additionally, all provisions of the zone in which the business is located must also be met.

33.80.020 Purpose. This chapter regulates the location and spacing of adult businesses. These regulations are intended to reduce conflicts between adult businesses and residential uses. They also are intended to protect the city from the blighting impacts of concentrations of adult businesses. While regulating the spacing and concentration of adult businesses, these regulations have been drafted to assure the full enjoyment of all the constitutionally guaranteed rights of Portland's citizens and others who may visit this city.

33.80.030 Definition. Adult business is a term intended to cover a broad range of activities characterized by exhibitions of live, closed circuit or reproduced material which has an emphasis on nudity and/or sexual activity. The term adult business also includes the full range of relaxation treatment and related businesses defined and regulated by Chapter 44 of Title 14 of the City Code. Adult businesses generally limit their patrons to persons at least 18 years of age. Adult businesses include the following types of establishments:

(A) "Adult bookstore," an establishment having, as a substantial or significant portion of its merchandise, items such as books, magazines, other publications, films, video tapes or video discs which are for sale, rent or viewing on premises and which are distinguished by their emphasis on matters depicting specified sexual activities, as defined in Chapter 54 of Title 14, and/or nudity as defined in Chapter 44 of Title 14.

(B) "Adult theater," an establishment used primarily for presenting material (either live,

closed circuit, or pre-recorded), for observation by patrons therein, having as a dominant theme an emphasis on nudity, as defined in Chapter 44 of Title 14, and/or an emphasis on specified sexual activities, as defined in Chapter 54 of Title 14.

(C) "Adult arcade," an establishment offering viewing booths or rooms for one or more persons in which a substantial portion of the material presented, (either live, closed circuit or reproduced) is characterized by an emphasis on specified sexual activity, as defined by Chapter 54 of Title 14, and/or nudity, as defined by Chapter 44 of Title 14.

(D) "Adult cabaret," an establishment having as its primary attraction live exhibitions (either for direct viewing, closed circuit viewing or viewing through a transparent partition) for patrons, either individually or in groups, where a substantial portion of the material presented is characterized by an emphasis on nudity, as defined by Chapter 44 of Title 14, and/or specified sexual activity, as defined by Chapter 54 of Title 14.

(E) "Adult paraphernalia shop," an establishment offering as a substantial or significant portion of its merchandise, objects which simulate human genitalia and/or objects designed to be used to substitute for or be used with human genitalia while engaged in specified sexual activity as defined in Chapter 54 of Title 14 of the City Code.

(F) "Relaxation treatment and related businesses," as defined in Chapter 44 of Title 14.

(G) Other establishments which feature a combination of activities or merchandise described in (A) through (F) above which collectively make up a substantial or significant portion of the establishment's activities and/or merchandise.

(H) Other uses similar to (A) through (G) above, presenting material for patrons to view (live, closed circuit, or reproductions), and/or purchase or rent, a substantial portion of which is characterized by an emphasis on nudity, as defined in Chapter 44 of Title 14, and/or specified sexual activity, as defined in Chapter 54 of Title 14; and limiting entrance to patrons who are over eighteen years of age.

33.80.040 Resolution of Conflicting Regulations. This chapter is not intended to repeal, abrogate, annul or supersede existing provisions of other chapters of this title or other titles of the City Code. Where a conflict exists between the regulations of this chapter and other provisions of the City Code, the most restrictive provisions shall apply.

33.80.050 Location Restrictions. (A) Adult businesses in a C3, C2, C1, MX, M3, M2 or M1 zone shall not locate within 500 feet of any residential zone, including the farm and forest (FF) zone, or within 500 feet of any public or private elementary, junior high or high school.

(B) Adult businesses as defined in Section 33.80.030, are prohibited in all zones except C3, C2, C1, MX, M3, M2, and M1 zones.

33.80.060 Spacing Restrictions. New or relocating adult business as defined by Section 33.80.030, shall be located in conformance with the following minimum spacing requirements:

(A) Within C1 and MX zones no adult business shall locate within 500 feet of any existing adult business.

(B) Within C3, C2, M3, M2 and M1 zones, no adult business shall locate within 1,000 feet of any existing adult business.

33.80.070 Standards of Measurement. Distances from residential zones, farm and forest zones, protected schools, and other adult businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest point of the structure, or portion of the structure occupied or proposed for occupancy by the adult businesses, to the closest portion of the residential or farm and forest (FF) zones, school lot line, or the closest portion of the structure containing another adult business.

33.80.080 Off-Street Parking Required. In all zones in which adult businesses are permitted, except the C3, C1 and MX zones, parking shall be provided according to the following schedule:

(A) Adult bookstores, adult arcades, adult paraphernalia shops, and relaxation treatment and related businesses: one space per 500 square feet of gross floor area.

(B) Adult theater, one space per 56 square feet of gross floor area, or where seating is fixed, one space per eight seats or sixteen feet of bench length.

(C) Adult cabaret, one space per 100 square feet of patron serving area.

(D) Combination adult businesses, shall have parking requirements figured separately for each activity and added together to determine the establishment's minimum parking requirements.

(E) All parking provided in compliance with the requirements of this section shall comply also with the provisions of Chapter 33.82.

33.80.090 Compliance. Because of the severe nature of the conflict existing between these uses and residential neighborhoods, adult businesses are required to relocate within a specified period as follows:

(A) Adult bookstores lawfully established but located within 500 feet of a residential zone, public or private elementary, junior high or high school must meet the relocation requirements of Ordinance No. 152549 or cease operation. Ordinance No. 152549 was adopted in 1981 and required that establishments so located relocate or cease operation within 11 months of its date of adoption.

(B) All existing adult businesses, except adult film theaters, within 500 feet of a residential zone, public or private elementary, junior high or high school must cease operation or relocate to a permitted location within 12 months of the effective date of the Ordinance creating this Chapter (Ordinance No. 155387, effective December 8, 1983).

33.80.100 Prohibited Uses. Notwithstanding the provisions of this chapter, activities and merchandise which are illegal under city, state or federal regulations, are prohibited as part of adult businesses established at locations conforming with the regulations of this chapter.

Chapter 33.81

ELDERLY AND HANDICAPPED HIGH DENSITY

(Added by Ord. No. 150581 passed Oct. 31, 1980 effective Jan. 1, 1981.)

Sections:

33.81.010 Purpose
33.81.020 Definitions
33.81.030 Parking
33.81.040 Loading
33.81.050 Density, assigned FAR
33.81.060 Requirements

33.81.010 Purpose. To provide additional opportunities for the integration of elderly and handicapped housing options into the city, and to regulate these uses in a manner consistent with their special nature. High density elderly and handicapped projects shall be allowed as principal permitted uses in C3, C2, M3, RH and RX zones and as conditional uses in C4 and R1 zones. The regulations of this chapter governing parking, loading and density supersede those of the underlying zone.

33.81.020 Definitions. An elderly and handicapped housing project shall be defined as a project consisting of units limited in occupancy to households headed by a handicapped person or a person 60 years of age or older, with the exception that two dwelling units may be occupied by households headed by persons of any age whose principal occupation is directly involved with the management or maintenance of the project.

33.81.030 Parking. (Amended by 150737 effective Jan. 1, 1981.) (a) One parking space shall be provided for every eight dwelling units in the project designed for occupancy by elderly or handicapped persons, except as provided for in Subsection (c).

(b) One parking space shall be provided for every unit occupied by a non-elderly head of household engaged in the management or maintenance of the project.

(c) Bicycle or adult tricycle parking may be substituted for parking required under Subsection (a) if the following conditions are met:

(1) Four bicycle or adult tricycle parking spaces are provided for every passenger automobile space eliminated by this substitution.

(2) At least one passenger automobile parking space is maintained for every 12 units designed for occupancy by elderly or handicapped persons.

(3) The Bureau of Traffic Engineering approves the substitution.

33.81.040 Loading. One loading space shall be provided for every project. The required loading bay shall conform with the regulations established in chapter 33.86.

33.81.050 Density, assigned FAR. Floor area ratio (FAR) shall be assigned by zone according to the following schedule.

(1) In C4 and R1 zones, high density elderly and handicapped projects may be built to an FAR of 3:1.

(2) IN C3, C2 and M3 zones, high density elderly and handicapped projects may be built to an FAR of 4:1.

(3) In RH zoned areas where the allowable FAR is 2:1 or 3:1, high density elderly and handicapped projects may be built to an FAR of 3:1. Where the allowable FAR is 4:1, elderly handicapped projects may be built at 4:1.

33.81.060 Requirements. The following special requirements and restrictions shall apply to high density elderly projects constructed under the provisions of this chapter.

(1) All high density elderly and handicapped projects shall be subject to the coverage, height and yard requirements of the RH Zone.

(2) In a C4 or R1 zone the applicant or his/her representative must be available before the conditional use hearing to present the project to the neighborhood association within whose boundaries the project lies, should they request a presentation and notify the applicant of the location, date and time of such presenta-

tion at least seven days preceding the date set for the presentation.

(3) The property owner must execute a covenant limiting the occupancy of structures built to a higher density than allowed under the provisions of this chapter to households headed by either a handicapped person or a person 60 years of age or older, with the exception that two dwelling units may be occupied by a household headed by a person of any age whose principal occupation is directly involved with the management or maintenance of the project. Such covenant shall be an agreement with the City based upon the consideration of the City's issuing such building permit in reliance on the property owner's abiding with such covenant. Such covenant shall run with and be attached to the land and shall provide that in the event of the property owner's failure to abide by such covenant, the City shall be empowered to terminate occupancy of such structure and to obtain in the name of the City injunctive relief in a court of competent jurisdiction enjoining any future occupancy of such structure in violation of such covenant and agreement. Any such covenant shall be approved in form by the City Attorney and shall be recorded in the appropriate records of the county in which the property is located prior to issuance of any building permit.

Chapter 33.82
PARKING REGULATIONS

Sections:

33.82.010 General requirements.
33.82.020 Standards of measurement.
33.82.030 Design requirements for parking lots.
33.82.040 Completion time.
33.82.050 Assessment district exempted.

33.82.010 General requirements. (a) The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. No building or other permit shall be issued until legal evidence is presented that property is and will remain available for use as off-street parking space. When any parking area for the parking of three or more cars is to be established, a building permit shall be obtained therefor and the standards set forth herein shall be complied with.

(b) (Amended by Ord. No. 139117, 139702; and 140290 passed and effective July 24, 1975.) In cases of enlargement of a building or use of land existing on the July 1, 1959, effective date of this title or any applicable subsequent amendment thereto, the number of parking spaces required shall be based only on floor area or capacity added and not on the area or capacity of the previously existing building or use except for the enlargement of conditional use as provided in Section 33.106.010.

(c) Any change in occupancy, fifteen percent or more increase in number of employees, or increased intensity of use of any building or land shall be reported by the owner to the bureau of buildings. The additional number of parking spaces thus required shall thenceforth be provided.

(d) Requirements for types of buildings and uses not specifically listed in this title shall be determined by written decision of the commission.

(e) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

(f) Owners of two or more uses, structures, and parcels of land may utilize jointly the same parking area when the hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases or contracts securing full access to such parking areas for all the parties jointly using them.

(g) Off-street parking spaces existing prior to July 1, 1959 may be included in the number necessary to meet the requirements in case of subsequent enlargements of the building or use to which such spaces are accessory.

(h) (Amended by Ord. No. 139117, 139702, 141105; and 150581 effective Jan. 1, 1981.) Required parking spaces in R10, R7, R5, R2.5, R2 or C5 Zones shall be provided on the site except for conditional uses. The nearest portion of a parking area may be separated from the site of the conditional use it serves by a distance not to exceed one hundred feet. In all other zones, required parking spaces shall be provided on the site or in a separate area, the nearest portion of which is not more than three hundred feet removed from the use it serves.

(i) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only and shall not be rented, leased or assigned to any other person or

organization. No parking of trucks or other equipment on wheels or tracks or the conduct of any business activity shall be permitted on the required parking spaces.

(j) (Amended by Ord. No. 131819; and 140290 passed and effective July 24, 1975.) Required parking spaces located in R or A zones

(j) (Am 131819, 140290; and 153828 ef Oct. 18, 1982) Required parking spaces located in an R or FF zone shall not be rented by the day or any part thereof, or leased or assigned to any other person or organization; provided, however, that a hospital located in an R or FF zone may charge a fee, by the day or portion thereof, for all or any portion of its off-street parking except emergency parking, provided that at least fifty percent of all parking provided for the hospital and any accessory uses are located within parking structures.

(k) (Am 150581, 151021; and 153824 ef Oct. 18, 1982) Except as otherwise stated in this title, parking, maneuvering and loading areas shall not be located within the required front, side or rear yards; and access drives to parking, maneuvering or loading areas shall not occupy more than 20% of a required yard which abuts a right-of-way.

(l) A plan, drawn to scale, indicating how the off-street parking requirement is to be fulfilled, shall accompany the request for a building or occupancy permit. The plan shall show all those elements necessary to indicate that the requirements are being fulfilled and shall include:

(1) Delineation of individual parking spaces;

(2) Circulation area necessary to serve spaces;

(3) Access to streets, alleys, and property to be served;

(4) Curb cuts;

(5) Dimensions, continuity, and substance of screening;

(6) Grading, drainage, surfacing, and subgrading details;

(7) Delineation of obstacles to parking and circulation in finished parking area;

(8) Specifications as to signs and bumper guards;

(9) All other pertinent details.

(m) The bureau of buildings shall refer the plans for all parking area in excess of three spaces to the bureau of traffic engineering for study and recommendations.

33.82.020 Standards of measurement. (a) Except as otherwise stated in this title, "one space" means a minimum gross area available for maneuvering and standing of two hundred and fifty square feet. No area shall be considered a parking space unless the plans submitted under Section 33.82.010 (l) shall show that the area is accessible and usable for that purpose.

(b) "Square feet of floor area" means square feet of gross floor area under roof measured from exterior limits or face of a building or structure, excluding only space devoted to off-street parking or loading.

(c) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) "Employees" means all persons including proprietors, executives, professional people, production, sales and distribution employees working on the premises or at a use during the largest shift or employment period. When the off-street parking requirement for a structure or use is related to the number of employees, the applicant may be required to furnish an affidavit attesting to the maximum number of employees expected at said structure or use.

(d) In cases where parking spaces are not to be located on the site, the distance shall be measured in a straight line from the property line to the nearest parking spaces. Street and alley areas shall be included in the measurement.

(e) Parking spaces in public streets or alleys shall not be eligible as fulfilling any part of the parking requirements.

33.82.030 Design requirements for parking lots. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) (a) All areas used for standing and manuevering of vehicles shall be paved in accordance with the provisions of the building regulations.

(b) (Amended 151021 Jan. 22, 1981) Off street parking lots shall be provided with screening and landscaping so developed that vehicle lights do not shine into residential areas. Such screening shall be composed of a masonry wall, an ornamental wooden fence, a compact evergreen hedge, or a chain-link type wire fence with evergreen vines. Such screening shall meet the following requirements.

(1) The screening shall be continuous along any boundary which is within or less than 300 feet from an R Zone. Such screening shall be at least three and not more than four feet high along the side lot line falling within the front yards depth and at least five and not more than six feet high along rear lot lines and along side

lot lines not falling within the front yard depth. Where a difference in grade exists that makes impractical the above specifications, the screen shall be of such height as to afford comparable visual protection. Screening shall be located at a distance not less than five feet from the property line. Screening shall be edged with a five foot landscaped buffer planted with trees. Planting of trees shall conform with the City's street tree planting guidelines and be in a layout approved by the Fire Bureau.

(2) Where a parking lot located in an R, C5, C4 or other Zone where part of frontage is within an R, C5, or C4 Zone adjoins a street, the center line of the screen shall be located at a distance not less than five feet from the street property line. The screen shall be at least three feet high but not more than four feet high in that portion of the lot falling within the front yard depth. The space between the screen and the sidewalk shall be planted with trees and a low growing ground cover which shall not exceed one foot in height. This space shall be kept free of any structure with the exception of necessary access ways. Trees planted shall be in conformance with the City's street tree planting guideline and in a layout approved by the Fire Bureau.

(c) Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper rail or curb at least four inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening.

(d) Artificial lighting must be provided and operated between dusk and dawn, and shall be so deflected as not to shine into adjoining structures.

(e) Each parking space shall be accessible without moving another vehicle.

(f) Adequate ingress and egress to any parking lot shall be by means of streets and alleys adjacent to and extending through C or M Zones so far as possible rather than through R or A Zones.

(g) Signs, which are provided on parking lots or buildings located in R or A Zones, shall be non-illuminated, limited to three square feet in area each, and be for the purpose of directing traffic and identifying the owner of the facility only.

(h) In R2, R1, RH, C5, C4, C3, C2 and M3 zones, off-street parking and maneuvering areas, exclusive of required buffering adjacent to residential zones and rights-of-way, shall be provided with internal landscaping according to the following schedule:

10 or less spaces:	No additional landscaping required
11 to 20 spaces:	Five square feet per parking space
21 to 40 spaces:	Ten square feet per parking space
41 and up:	15 square feet per parking space

(i) In M2 and M1 zoned areas, surface parking lots shall be divided into landscaped bays of no more than 30 spaces each. Where parking stalls are located on both sides of a motor vehicle access drive, the spaces on both sides of such access drive shall be considered part of the same bay. Landscaped bays shall be four feet wide and planted with both growing ground cover and trees. Planting of trees shall conform with the City's street planting guidelines and shall have the planting layout approved by the Fire Bureau.

(j) (Am 153825; and 155630 ef Mar. 26, 1984) Off-street parking between the principal structure and an abutting street shall be governed by the following requirements:

(1) For lots located in an R2, R1 or RH Zone having 50 feet or less of frontage, parking lots shall be allowed between the principal structure and one abutting right-of-way subject to compliance with other applicable regulations of this title.

(2) For all other lots located in an R2, R1, RH, C5 or C4 Zone:

A. If abutting one or more designated Transitways which are not also designated a Regional or Major City Trafficway in the City of Portland Arterial Streets Classification Policy, parking and maneuvering areas shall not be allowed between the principal structure and at least one abutting right-of-way so designated.

B. If abutting one or more rights-of-way in a manner not described in subsection A, parking and maneuvering areas shall not be allowed between the principal structure and at least one abutting right-of-way.

(k) In C and M zones, where a parking lot is located less than 300 feet from an R zone, parking areas abutting a right-of-way designated in the City's "Arterial Streets Classification Policy" as a Regional Transitway, Major City Transit Street, Minor City Transit Street, Pedestrian Path, Pedestrianway, Bicycle Pathway, or Local Service Street shall be screened. Screening shall be in conformance with paragraph (b) of this section.

(l) (Add 150737; am 155630 ef Mar. 26, 1984) Bicycle parking as required by this title shall meet the following requirements:

(1) Bicycle parking requirements can be met in any one of the following ways:

A. Providing storage space inside the building in view of the bicycle owner.

B. Providing a bicycle storage room, bicycle lockers, or racks inside the building.

C. Providing bicycle lockers or racks in any parking structure accessory to the principal use or outside the building or structure housing the principal use.

D. Providing bicycle racks on the public right-of-way. Approval must be requested from and granted by the Bureau of Street and Structural Engineering before this method may be utilized.

(2) Required bicycle parking spaces located outside of the structure housing the principal use shall be placed at no greater distance from the structure's principal entrance than the closest off-street motor vehicle parking associated with the use unless the bicycle parking is placed at a light rail station. Required bicycle parking may be located at a light rail station if the station is within 400 feet of the structure housing the principal use and if the bicycle parking is covered and is placed within 200 feet of the station.

(3) Required bicycle parking spaces located out-of-doors shall be visible from the sidewalk adjacent to the property onto which the principal entrance to the building opens.

(4) Bicycle parking racks or lockers shall be anchored securely.

(5) Bicycle racks shall support the bicycle in the center of the frame and allow for the securing of the frame and both wheels with a single cable or chain and padlock.

(6) An aisle for bicycle manuevering shall be provided and maintained beside or between each row of bicycle parking. This aisle shall be at least 5 feet wide.

(7) Each required bicycle parking space shall be accessible without moving another bicycle.

(8) Bicycle parking spaces required by this Chapter shall not be rented or leased except where required motor vehicle parking is rented or leased.

(9) Areas set aside for required bicycle parking shall be clearly marked and reserved for bicycle parking only.

33.82.040 Completion time. Required parking spaces shall be improved as required in Section 33.82.030 and made available for use before the final inspection necessary for the issuance of a certificate of occupancy by the bureau of buildings. An extension of time may be granted by the bureau providing a performance bond, or its equivalent, is posted equaling the cost to complete such improvements as estimated by the bureau of buildings. In the event such improvements are not completed within one year's time, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the office of the city engineer.

33.82.050 Assessment district exempted. Any property included in an assessment district, organized for the purpose of providing off-street parking facilities as provided by ORS 223.825, shall be exempted from any regulations in this title pertaining to off-street parking.

Chapter 33.86

LOADING REGULATIONS

Sections:

33.86.010 Minimum loading berth dimensions.
33.86.020 General requirements.
33.86.030 Standards of measurement.
33.86.040 Design requirements for loading areas.
33.86.050 Plan for required off-street loading berths.

33.86.010 Minimum loading berth dimensions. Minimum loading berth dimensions shall be as follows:

Length for apartment dwellings, hotels and motels, libraries, museums, welfare institutions, and Group 6 uses	35 feet
Length for all other uses	60 feet
Unobstructed height	13 feet
Width within a row of berths	9 feet
Width at end of a row of berths	12 feet

33.86.020 General requirements. (a) The provision and maintenance of off-street loading facilities is a continuing obligation of the property owner. No building permit or other kind of permit shall be issued until legal evidence is presented that property is and will remain available for the designated use as a loading facility.

(b) In cases of enlargement of buildings existing on July 1, 1959, the number of loading berths required shall be based on the floor area

added and not on the area of the previously existing building.

(c) Any change of occupancy shall be reported by the owner, in writing, to the bureau of buildings within thirty days of such change. Where such change indicates an increase in required loading berths, thenceforth such additional berths shall be provided.

(d) Loading berths shall be located on the site and directly accessible to main structures. Loading berths not so located will be considered as fulfilling the requirements of this section if evidence is presented to show that loading activities can take place without moving materials on sidewalk or street area, and in no case for a distance in excess of three hundred feet.

(e) It is unlawful to store or accumulate goods in a loading berth rendering it useless for loading operations.

(f) Required loading berths not within a structure may be located within the required side or rear yard or a court.

(g) Where the owners of two or more properties conduct loading operations at different times of the day or week, such owners may utilize berths jointly for loading, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts assuring full access by all parties concerned to such jointly used loading berths.

33.86.030 Standards of measurement. (a) "Square feet" means square feet of gross floor area under roof measured from exterior limits or faces of a building or structure, excluding only space devoted to off-street parking and loading.

(b) In cases where loading berths are not to be located on the site, the distance shall be measured in a straight line from the property line to the nearest loading space. Street and/or alley areas shall be included in the measurement.

(c) Loading berths in public streets or alleys shall not be eligible in fulfilling any part of the loading requirements.

33.86.040 Design requirements for loading areas. (a) All areas used for standing and maneuvering of vehicles shall be paved in accordance with the provisions of the building regulations.

(b) Where the boundary of a loading area is within or adjoins an R or A Zone the loading area shall be provided with screening so developed that vehicle lights do not shine into adjacent residential areas. Such screening shall be composed of a masonry wall, an ornamental wooden fence, a compact evergreen hedge, or a chain-link type wire fence with evergreen vines. The screening shall be at least five feet and not more than six feet high.

(c) Artificial lighting, which may be provided, shall be so deflected as not to shine into adjoining structures used as dwellings or other types of living units.

(d) Each loading area shall be of usable shape and be accessible from a street or alley by driveways or aisles at least twelve feet wide.

33.86.050 Plan for required off-street loading berths. (Am 156176 ef July 1, 1984) (a) A plan, drawn to scale, indicating how the off-street loading requirement is to be fulfilled, shall be submitted to the Bureau of Planning.

(b) The plan shall indicate depth of truck berth behind property line; width of berth; overhead clearing of truck berth and maneuvering area; depth of freight platform; turning radii in maneuvering area; distance of outside edges of truck berths to opposite curbs or outside edges of opposite truck berths; specifications on screening concerning height, width, length, density, and material; specifications concerning surfacing and drainage of loading area; and all other elements concerning fulfillment of the requirements of this chapter.

(c) The Bureau of Planning shall refer all plans concerning loading berths to the Bureau of Traffic Engineering for study and recommendations.

Chapter 33.88

FLAG LOT REGULATIONS

(Added by Ord. No. 151344 passed and effective April 1, 1981)

Sections:

33.88.010 Generally
33.88.020 Lot size required
33.88.030 Minimum yard required
33.88.040 Off-street parking required
33.88.050 Access "pole"
33.88.060 Screening required
33.88.070 Conditional uses

33.88.010 Generally. In an R20, R10, R7, R5, R2.5, R2, R1, or RH zone, where a residential tract of land has an area equivalent to more than twice that required by the various residential zones, but without sufficient frontage for more than one lot or parcel, residential dwellings may be permitted on both the front and rear portions of said tract, provided that the following requirements are met:

(a) All provisions of the zone in which the property is located must be met except as provided in this chapter.

(b) Such lots must be provided with access to a dedicated right-of-way by one of the following methods:

(1) An access way or pole at least ten feet wide extending from a dedicated right-of-way to the flag lot be provided and deeded to the flag lot.

(2) A private street in which the abutting properties have common ownership.

(c) That all applicable regulations of Title 34, Subdivision and Partitioning Regulations, must be met.

(d) All regulations and requirements of this chapter must be met.

33.88.020 Lot size required. (a) The minimum lot area required for flag lots is the same as the minimum requirements of the zone in which the property is located. In computing lot area, only the flag of the lot shall be counted; the pole may not be included in calculating lot size. The lot area for a flag lot may be less than the requirements of the zone in which the lot is located if approved under the provisions of Chapter 33.98 or, in the case of a subdivision or major partition, if approved under the provisions of Chapter 34.100 of Title 34, Subdivision and Partition Regulations.

(b) Creation of a flag lot shall not reduce the minimum lot area, width or depth of any lot or parcel to less than the minimum requirements of the zone in which the property is located, unless approved under the provisions of Chapter 33.98, or, in the case of a subdivision or major partition, if approved under the provisions of Chapter 34.100 of Title 34, Subdivision and Partition Regulations.

(c) The minimum lot depth and width shall be the minimum lot width required in the zone in which the lot is located, except in the case of a lot located in an R2.5, R2, R1, or RH zone and developed as attached residential, where the minimum lot depth shall be 50 feet. Flag lot dimensions shall be measured from the midpoint between two opposite lot lines of the body of the flag lot.

33.88.030 Minimum yards required.* Minimum yards for principal and accessory buildings shall be as follows:

(a) For a detached single-family residence:

(1) In an RH. R2, R1, R2.5, R5, and R7 zone, 10 feet;

(2) In an R10 or R20 zone, 15 feet;

(b) For multi-family development in an RH, R1 or R2 zone, 10 feet.

(c) For attached residential development in an R2.5, R2, R1 or RH zone, where the attached residential lot abuts another lot that has or could have a detached single-family dwelling constructed on it, 10 feet.

33.88.040 Off-street parking required. (a) For each detached single-family dwelling located on a flag lot, two off-street parking spaces shall be provided.**

(b) For each dwelling unit located in a multi-family development on a flag lot, one and one-half off-street spaces shall be provided.**

33.88.050 Access "pole". (a) The access "pole" or driveway shall be under the same ownership as the flag of the flag lot. An easement shall not be permitted as a method of providing access to the "flag" of a flag lot.

*See chapter 33.90 for additional regulations.
**For additional regulations see the parking requirements of the zone in which the flag lot is located.

(b) The minimum width of the "pole" accessing a flag lot shall be 10 feet. Where two flag lots have abutting "poles", the combined width shall not be less than 20 feet.

(c) Access "poles" shall be paved in accordance with the provisions of the building regulations.

33.88.060 Screening required. Screening shall be provided in conformance with the following requirements.

(a) Screening shall be provided along any lot line between a flag lot (including the access pole) and an abutting lot where the abutting lot is in different ownership than the lot being partitioned/subdivided to create the flag lot.

(b) Screening shall consist of a wooden fence or an evergreen landscape hedge. Screening provided to meet this requirement shall be between five and six feet in height, except for the portion within the required front yard, in such cases screening shall not exceed three and one-half feet in height.

(c) Where an evergreen hedge is provided as a landscape screen, plants shall be placed with not more than 18 inches of space between their center.

(d) Landscaped screening provided to meet the requirements of this section shall achieve the required height within two years, and shall thereafter be maintained at the required heights of three and one-half feet in required front yards and five to six feet along other boundaries.

(e) (Am 156176 ef July 1, 1984) The screening requirements of this section may be waived if written consent is received by the Bureau of Planning from all owners of property abutting a lot line on which screening is required, prior to issuance of a building permit.

33.88.070 Conditional uses. Only the following uses may be permitted on a flag lot as conditional uses. Such uses are subject to the regulations contained in Chapter 33.106:

(1) Greenhouses, nurseries, or other propagation of plants and other products for sale.

(2) Nursery schools or daycare centers. Such schools or centers shall conform with the requirements of section 33.26.440.

Chapter 33.90

YARD REGULATIONS

Sections:

33.90.010 Yards and open spaces not to be shared.
33.90.020 Reduction of rear or side yard.
33.90.030 Open yard required.
33.90.040 Projection allowed into yards.

33.90.010 Yards and open spaces not to be shared. No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.

33.90.020 Reduction of rear or side yard. No side or rear yard shall be reduced by transfer of ownership, immediate or future, to a width or depth less than required by this title.

33.90.030 Open yard required. Every required front, side and rear yard shall be open and unobstructed from the ground to the sky.

33.90.040 Projection allowed into yards. (a) Cornices, eaves, belt courses, sills, canopies, or other similar architectural features, not including bay windows or vertical projections, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard and may extend or project into a required front or rear yard not more than thirty inches. Chimneys may also project into a required front, side or rear yard not more than twenty inches, provided the width of such side yard is not reduced to less than three feet.

(b) Open, unenclosed fire escapes may extend or project into any front, side or rear yard not more than four feet.

(c) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four feet, and such balconies may extend into a required front yard not more than thirty inches.

(d) Open, unenclosed porches, platforms or landings, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into any front or side yard not more than thirty inches and into a rear yard not more than four feet.

(e) Open, unenclosed porches, platforms or landings, not covered by a roof or canopy, which do not extend above the level of the first floor of the building may extend or project into a court a distance of not more than twenty percent of the width of such court, but in no case more than six feet.

(f) Open ornamental fences, hedges, landscape architectural features or guard railings for safety protection around depressed ramps may be located in any front, side or rear yard if maintained at a height not more than three and one-half feet above the average ground level adjacent thereto; provided, further, that an open-work type railing not more than three and one-half feet in height may be installed or constructed on any balcony, stairway, porch, platform, or landing place mentioned above in subsections (c), (d) and (e).

(g) (Am 137559; and 156176 ef July 1, 1984) A fence, lattice-work screen or wall, not more than six feet in height, or a hedge or thick growth of shrubs, maintained so as not to exceed six feet in height, may be located in any required side or rear yard, and may be located in a required front yard adjacent to (1) a side street lot line which is an extension of a side street lot line instead of a front lot line or (2) a side street lot line which is an extension of a front lot line if notarized approval of the deedholder of the adjacent lot abutting said front lot line is submitted to the Bureau of Planning provided, however, that in neither case shall any portion of such fence, lattice-work screen, wall, nedge or growth of shrubs extend closer than 30 feet to the intersection of such side street lot line with a front lot line.

(h) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side, or rear yard provided they do not produce a hedge effect contrary to the provisions of subsections (f) and (g).

(i) Name plates, bulletin boards or signs appertaining to the prospective sale, lease, or rental of the premises on which they are located, as permitted in this title, shall be allowed in any required front, side, or rear yard.

(j) The above structures or features, however, shall not be located and maintained so as to preclude complete access at all times about a main building; provided, that gates or other suitable openings at least two and one-half feet in width shall be deemed adequate for such access.

(k) Driveways, steps and walks shall be permitted without limitation.

(l) Retaining walls shall be permitted without limitation provided that no such wall shall be constructed higher than the level of the earth it is designed to retain.

(m) Uncovered, paved terraces, decks and patios shall be permitted in any required yard, provided they do not extend more than three and one-half feet above the average ground level adjacent thereto.

Chapter 33.91

SUPERBLOCK DEVELOPMENT REGULATIONS

(Added by Ord. No 155630 passed Feb. 23, effective Mar. 26, 1984)

Sections:

33.91.010 Generally
33.91.020 Purpose
33.91.030 Regulations
33.91.040 Approval procedures
33.91.050 Appeal

33.91.010 Generally. In C3, C2 and M3 zones where development is proposed on a lot which is a superblock or is located in a superblock, the development is subject to the regulations and requirements of this Chapter as well as all other provisions of this Title.

33.91.020 Purpose. This chapter regulates the design of projects located on superblocks in the City's C3, C2 and M3 zones to assure that such developments do not adversely impact light and air available to city residents and visitors, and to assure proper access for pedestrians from surrounding area locations to and through the superblocks.

33.91.030 Regulations. (a) For a development on a superblock all the regulations of the regular zone shall apply; in addition, no building permit or other permit for construction of any building or structure or for an addition to any building or structure shall be issued until the proposed development is reviewed and approved according to the approval procedures specified in Section 33.91.040.

(b) Superblock developments shall provide walkways, open spaces and plazas within the superblock equal in area to at least 50% of the amount of vacated street incorporated into the superblock. Motor vehicle parking and maneuvering areas may not be counted as open space, plazas or walkways.

(c) Walkways, open spaces and plazas may be located anywhere on the site the developer chooses. However , where the site runs continuously between two parallel streets which were formerly connected by a now vacated street, a walkway connecting the two parallel streets shall be provided as a substitution for the vacated streets. The developer need not locate connecting walkways within the alignment of the vacated streets. Where open spaces or plazas are provided, they shall be accessible from required walkways either by way of connecting walkways or by being located directly adjacent to one or more walkways or sidewalks.

(d) Within the superblock site, one or more plazas shall be provided. At least one of these plazas shall have an area of at least 5% of the total area of the superblock including vacated streets.

(e) It shall be the ongoing responsibility of the property owner to maintain, repair and replace, as necessary, the landscape and design elements provided in these walkways, open spaces and plazas.

(f) The Director of Planning shall have the responsibility for review of prospective plans for compliance with these provisions. If the Director finds that the proposed walkway and plaza design meets the following criteria the plans shall be approved: (1) The required amount of walkway, plaza and open space are provided.

(2) Walkways, plazas and open spaces are designed at a level of quality similar to those found in other nearby or adjoining private walkways, plazas or malls.

(3) Walkway locations link in pleasant and convenient ways with those on other adjacent superblocks and, where appropriate, with public transit facilities.

33.91.040 Approval procedures. Superblock development review shall be processed as outlined below: (a) A written request for superblock review shall be filed with the Bureau of Planning upon forms provided for that purpose. Requests for superblock review shall be signed by the applicant and by the property owner if different. A fee shall be charged in accordance with the provisions of Section 33.114.122. The request shall be accompanied by three legible copies of plans and elevations of proposed structures, a landscape plan and a masterplan for development of the superblock. Plans must show exact dimensions, arrangement and design features of proposed development of the superblock including walkways, open spaces and plazas and any proposed changes to existing walkways, open spaces or

plazas.

(b) Notice of a request for superblock review shall be mailed in a timely manner by the City Auditor to the abutting property owners and to the neighborhood association(s) and area neighborhood office within whose boundaries any portion of the proposed development is located. An application shall be processed as an administrative matter without public hearing unless requested by the appropriate neighborhood association or an abutting property owner. The hearing will be before the Design Commission. The Planning Director may, at his own initiative, consult with the applicant, other citizens, City agencies and other public and private organizations to solicit additional information pertinent to the request.

(c) The Planning Director shall grant the request if the Director finds that the proposal conforms with all applicable requirements of 33.91.030. If the Director finds the project as proposed does not comply with all applicable requirements, the Director shall either deny the request or grant the request with conditions necessary to bring the proposal into conformance. A decision and supporting findings shall be filed with the City Auditor and mailed to the applicant, the Bureau of Buildings, the neighborhood association(s) within whose boundaries any portion of the proposed development is located, area neighborhood office, and other interested parties who have requested such notice within ten working days of receiving the completed application and all plans required in (a) above. Subject to acceptance as provided in Section 33.98.035, the decision shall be final on the fifteenth day following the date notice of the decision is mailed unless an appeal has been filed as provided in Section 33.91; provided, however, if the applicant and the affected neighborhood association waive the right to appeal in writing, the decision shall become final upon being filed with the City Auditor.

33.91.050 Appeal (a) The applicant and the property owners, if different, the neighborhood association within whose boundaries any portion of the proposed development is located, or other interested parties as defined below shall have 14 days in which to appeal a decision or any conditions imposed in the Director's decision.

The Bureau of Planning shall supply forms to an applicant, adjacent property owners, or the applicable neighborhood association wishing to appeal. The appeal shall be accepted when signed by the property owner or applicant, adjacent property owner or appropriate neighborhood association. The appeal shall include a statement on what portion of the Director's decision is being appealed and on what grounds the appeal is based.

(b) Appeals will be heard by the Design Commission and processed as set forth for major projects under the process listed in Chapter 33.62.050. In reviewing any such appeals the Design Commission shall review for compliance with the regulations and approval criteria listed in Section 33.91.040 (b) through (f).

Chapter 33.92

SPECIAL SIGN REGULATIONS

(Added by Ord. No. 153373 passed June 16, effective July 17, 1982)

Sections:

33.92.010 Generally.
33.92.020 Purpose.
33.92.030 Scope.
33.92.040 Special sign definitions.

GENERAL SIGN REGULATIONS

33.92.050 Exempt signs.
33.92.060 Prohibited signs.
33.92.070 Validity of other regulations and resolution of conflicting regulations.
33.92.080 Code conformance.
33.92.090 Administration.
33.92.100 Interpretations.
33.92.110 Sign adjustments and appeals.
33.92.120 Sign measurement.
33.92.130 Vision clearance area.
33.92.140 Setbacks.
33.92.150 Public signs.

SPECIAL REGULATIONS BY TYPE OF SIGN

33.92.160 Regulations by type of sign.
33.92.170 Wall signs.
33.92.180 Projecting signs.
33.92.190 Freestanding signs.
33.92.200 Roof signs.
33.92.210 Marquee signs.
33.92.220 Under-marquee signs.
33.92.230 Canopy and awning signs.
33.92.240 Temporary signs.
33.92.250 Ideological and political signs.

33.92.010 Generally. In all zones except C1 and C5 zones, the regulations of this chapter shall, in addition to those contained within the chapter, regulate and control the type, size, location, placement and orientation of signs.

33.92.020 Purpose. This chapter contains the legal framework for sign regulations. The code recognizes the need to protect the safety and welfare of the public, the need for well-maintained and attractive appearance in a community, and the need for adequate business identification, advertising and communication. The code regulates and authorizes the use of signs visible from public rights-of-way, with the following objectives:

1. Compatibility with surroundings.
2. Allowing and promoting optimum conditions for meeting the sign user's needs while at the same time promoting an amenable environment.
3. Design, construction, installation and maintenance in such a manner that signs do not endanger public safety or traffic safety.
4. Legibility, readability and visibility of signs.
5. Respect for the reasonable rights of other advertisers whose messages are displayed.
6. Adequacy and effectiveness in identification of business and property users without dominating the visual appearance of the area.

33.92.030 Scope. The provisions and requirements of Sections 33.92.010 through 33.98.060 shall apply to all signs in all zones except C1 and C5, as set forth in this chapter, unless otherwise specifically modified or exempted by sign provisions of the underlying zone. The C1 Central Commercial Zone and C5 Limited Commercial Zone are regulated solely by the sign provisions of Chapter 33.44 and 33.38, respectively.

Applicable sign regulations shall be determined by reference to the regulations for the zone in which the sign is to be or is currently erected. The boundaries of these zones shall be determined by reference to official city zoning maps. The types of signs permitted, and the regulations of the number, placement and use of signs is herein established. No sign shall be erected except as allowed in the zone in which it is permitted and within the regulations of this chapter, nor shall any sign be used for any purpose or in any manner except as allowed by the regulations for the zone in which such sign is proposed or maintained and as permitted by the regulations of this chapter.

33.92.040 Special sign definitions. The following definitions are for use in reviewing signs for conformity with the general regulations of this chapter as well as those of the underlying zone in which the sign or prospective sign is to be located.

1. Abandoned Sign: An abandoned sign is one which no longer correctly directs any person or advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

2. Animated Sign: Any sign which is designed to give a message through a sequence of progressive changes of parts or lights or degree of lighting.

3. Architectural Blade. A sign structure designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

4. Awning. A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for a supporting framework.

5. Background Area. The entire area of a sign on which copy could be placed.

6. Banner. Material secured or mounted so as to allow movement caused by the winds.

7. Billboard. A sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is installed. See "off-premise sign" or "outdoor advertising sign".

8. Blanketing. The term "blanketing" applies to signs or other structures projecting over the sidewalk and means the partial or complete shutting off of the view of the face of a sign or structure by another sign or structure, when viewed by a person standing on the sidewalk.

9. Building Face or Wall. All window and wall area of a building in one plane or elevation.

10. Building Sign. A sign which gives the name of a building itself, as opposed to the name of occupants or services.

11. Bulletin. See "off-premise sign" or "outdoor advertising".

12. Canopy. A non-movable roof-like structure attached to a building.

13. Center Identification Sign. Any sign which identifies a shopping center, industrial center, or office center by name, address or symbol.

14. Center, Business complex or Shopping Center. Any building containing more than one business, or any group of buildings in close proximity to one another sharing parking, ownership and ingress and/or egress.

15. Changeable-Copy Sign (Manual). A sign on which copy is changed manually through the manipulation of letters, logos or other objects on the sign by hand; i.e., reader boards with changeable pictorial panels.

16. Construction Sign. A temporary sign identifying the persons, firms or businesses directly connected with a construction project, or identifying a project under construction.

17. Copy. The wording or message.

18. Directional Sign. Any sign which serves solely to designate the location of any place or area, whether on-premise or off-premise.

19. Directly Illuminated Sign. Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

20. Directory Signs. Any sign listing the names, use or location of the businesses or activities conducted within a building or group of buildings.

21. Electronic Information Sign. Any sign intended primarily to provide information of general interest to the community, such as time, temperature and date, atmospheric conditions, news, traffic control or commercial information of interest to the traveling public. Includes electronic information displays.

22. Erect. To build, construct, attach, hang, place, inscribe, suspend, or affix and/or paint a sign(s).

23. Exempt Sign. A sign exempted from sign regulations of this code.

24. Flashing Sign. Any sign which contains an intermittent light source of which may include the illusion of intermittance by means of animation or externally mounted light sources.

25. Freestanding Sign. A sign erected on a freestanding mast, pole(s) or column(s) and not attached to a building. A freestanding sign or "ground sign".

26. Frontage. The length of the property line of any one premises parallel to and abutting each public right-of-way bordered.

27. Graphics. An aggregate of designs, shapes, forms, colors and/or materials located

on an exterior wall and relating to or representing a symbol, word, meaning or message.

28. Ground Level. Street grade (see "Grade", defined in Section 33.12.237).

29. Ground Sign. A sign erected on a freestanding frame, mast or pole and which is not attached to any building. A "freestanding sign" is a "ground sign".

30. Horizontal Sign. A sign of which the greatest horizontal dimension is equal to or greater than its greatest vertical dimension.

31. Identification sign. A sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.

32. Ideological Sign. A sign which communicates a political, moral, philosophical, or religious sentiment, but which does not promote any commercial purpose or refer specifically to a particular candidate or ballot measure to be voted on at the next election.

33. Illuminated Sign. See "Directly Illuminated Sign" and "Indirectly Illuminated Sign".

34. Incidental Sign. A small sign intended primarily for the convenience and direction of the public on the premises which does not advertise, but is informational only. Includes signs which denote the hours of operation, telephone numbers, credit cards accepted, entrances and exits and signs required by law.

35. Indirectly Illuminated Sign. Any sign which reflects light from a source intentionally directed upon it.

36. Maintain. To permit a sign, structure or any part of each to continue or to repair or refurbish a sign, structure or any part of either.

37. Marquee. A non-movable roof-like structure which is self-draining.

38. Monument Sign. A free-standing sign with a solid base.

39. Moving Sign. Flashing, rotating, changing or animated.

40. Multi-Prism Signs. Signs made with a series of triangular vertical sections that turn and stop, or index, to show three pictures or messages in the same area.

41. Nameplate. A sign identifying only the name and occupation or profession of the occupant of premises on which the sign is located.

42. Nonconforming Sign. A sign lawfully erected and legally existing at the time of the effective date of an ordinance, but which does not conform to the new provisions of the regulations contained in the ordinance.

43. Neutral Surface. The building surface, cabinetry and opaque surfaces which are not an integral part of the sign message and which are quiet in tone.

44. Obsolete Sign. (See "Abandoned Signs")

45. On-Premise Sign. Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.

46. Off-Premise Sign. A sign that identifies or gives directional information to a commercial establishment not located on the premises where the sign is installed or maintained. (See Chapter 33.98.050)

47. Outdoor Advertising Sign (Off-Premise Sign). A sign which advertises, goods, products, or services not necessarily sold on the premises on which the sign is located, and consisting of:

(a) Poster panels or bulletins normally mounted on a building wall or freestanding structure with advertising copy in the form of pasted paper.

(b) Multi-prism signs, as defined above, and alternating advertising messages on the on-display area.

(c) Painted bulletins, where the advertiser's message is painted directly on the background of a wall-mounted or freestanding display area, (See Section 33.98.050).

48. Owner. The owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete assessment roll in the office of county assessor.

49. Pole Sign. A "ground sign" or "freestanding sign".

50. Political Sign. Any temporary sign which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot in a primary, general, or special election.

51. Portable Sign. Any sign not permanently attached to the ground or a building. Includes A-frame, sandwich boards and portable readerboards.

52. Projecting Signs. Signs, other than wall signs, which are attached to and project from a structure or building face.

53. Protected Highway. Those highways in

the city which the City Council has designated as "protected highways", and to which they have applied the S Signboard Control Zone, and throughways designated by the Oregon State Highway Commission.

54. Public Sign. A sign erected and maintained by the city, county, metropolitan, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site or public service, property or facility. Public signs include those of such public agencies as the Port of Portland, Tri-met and school districts.

55. Readerboard. A sign consisting of tracks to hold changeable letters which allows for frequent changes of copy; usually such copy is not electronic.

56. Real Estate Sign. Any sign which is only used for advertising the sale or lease of ground upon which it is located or of a building located on the same parcel of ground.

57. Repair. To paint, clean, replace damaged parts of a sign or to improve its structural strength but not in a manner that would change the the size, shape, location or character.

58. Roof Line or Ridgeline. The top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.

59. Roof Sign. Any sign erected upon, against, or directly above a roof or top of or above the parapet of a building or, in the case of a parapet having a height in excess of thirty inches, a sign more than thirty inches above the roofline.

60. Rotating Sign. Any sign or portion thereof which physically revolves about an axis.

61. Shopping Center. (See Center, Business Complex)

62. Sign. Any identification, description, illustration, symbol, or device which is affixed directly or indirectly upon a building, vehicle, structure or land and which identifies or directs attention to a product, place, activity, person, institution, business, idea, belief, candidate or political issue.

63. Sign Adjustment. A waiver or partial waiver to the sign regulations of this Title.

64. Sign Structure. Any structure which supports, has supported or is capable of supporting a sign, including a decorative cover.

65. Special-Events Sign. A temporary sign advertising or pertaining to the taking place of any civic, patriotic or special event of general public interest.

66. Swinging Sign. A sign, installed on an arm or spar that is fastened to an adjacent wall or upright pole, which is allowed to move or swing to a perceptible degree.

67. Temporary Sign. An on-premise sign, banner, balloon, pennant, valance, A-board or advertising display constructed of cloth, canvas, light fabric, paper, cardboard, plywood, wood, wallboard, plastic, sheet metal or other similar light material, with or without a frame, which is not permanently affixed to any sign structure, sign tower or building, and which is intended to display copy for a period not to exceed six months.

68. Under-Marquee Signs. Signs or other information conveying devices that are affixed to the underside of a marquee and project down from the bottom of the marquee.

69. Unlawful Sign. Any sign which was erected in violation of any pertinent ordinance or codes governing such erection or construction at the time of its erection and which sign has never been in conformance with all pertinent ordinances or codes.

70. Vertical Sign. A sign, the greatest vertical dimension of which is greater than its greatest horizontal dimension.

71. Wall Sign (Fascia Sign). A sign painted on, or attached to or erected against the wall of a building with the face in a parallel plane of the building wall.

72. Window Sign. A sign painted on, or installed inside a window for purposes of viewing from outside the premises.

GENERAL SIGN REGULATIONS

33.92.050 Exempt signs. The following signs and operations are allowed as accessory uses to the permitted uses of each zone, and shall not require a sign permit under this chapter, but shall conform to all other applicable provisions of this title. (Note: see Title 32 for other permit requirements.)

1. Changing of the advertising copy or message on a sign specifically designed for the use of replaceable copy (such as a readerboard).

2. Repainting, maintenance and repair of existing signs, or sign structures unless a structural change is made.

3. Signs not intended to be visible from the public right-of-way and beyond the boundaries of the lot or parcel.

4. Seasonal decorations for display on private property.

5. Both temporary political campaign signs and ideological signs that meet the following conditions:

(a) If located on private property;

(b) With the consent of the legal possessor of the premises;

(c) Not located on utility poles or in the public right-of-way or on public property.

(d) Limited to a sign area of three square feet in a residential zone and twenty square feet in any other zone;

(e) Maintained in a neat, clean and attractive condition;

(f) Political candidate signs shall not be erected prior to candidate filing. Political candidate and issue signs shall be removed within seven days after the election date on which the candidate and/or issue is placed before the voters.

(g) Ideological signs shall comply with (a) through (e) above.

6. Building signs and cornerstones which denote the name or date of a building.

7. Window signs.

8. Public signs under fifteen square feet in area.

33.92.060 Prohibited signs. The following types of new signs are prohibited in all zoning districts except as otherwise provided by this Title.

1. Signs or sign structures which, by coloring, wording, lighting, location or design, resemble or conflict with a traffic-control sign or device, or which make use of words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse persons travelling on the rights-of-way or which in any way create a traffic hazard.

2. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicular traffic or which obstruct a clear view of official signs or signals. (Also see Sections 16.10.040 through 16.10.070 of the City Code)

3. Signs with parts moved or rotated by the wind, unless specially approved by the Sign Review Committee or superseding group or as allowed by the regulations of the appropriate zoning district.

4. Signs on public property except when authorized by the appropriate public agency, (see Section 33.92.150 Public Signs).

5. Strobe lights.

6. All temporary signs not securely attached to the ground or building, including the readerboards on trailers, A-frames, banners, pennants, except those allowed by the regulations of the appropriate zoning district.

7. All temporary signs located on or over the sidewalk, curb or right-of-way except banners which have been specially approved under the administrative procedure provided in this chapter (Section 33.92.090).

8. Abandoned signs.

9. Signs attached to or located on any stationary vehicle or trailer placed so as to be visible from a public right-of-way for the purpose of providing advertisement of services of products or for the purpose of directing people to a business. This provision shall not apply to the identification on movable equipment.

33.92.070 Validity of other regulations and resolution of conflicting regulations. This chapter is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances and titles, or with private restrictions placed upon property by covenant, deed, or private agreement. Where this chapter imposes a greater restriction on signs than is imposed or required by such existing provisions of the law, ordinance, contract or deed, the provisions of this chapter shall control.

In cases where two or more provisions of this

title disagree, the most stringent or restrictive shall prevail except in the case of property zoned C1 or C5 in which case the provisions of those zones shall prevail. In addition to meeting the provisions of this title, the permits, materials, structural design, construction and maintenance requirements for signs must conform with the requirements contained in Title 32 of the City Code.

33.92.080 Code conformance. It shall be unlawful to hereafter erect, construct, alter, maintain, or use any sign in violation of any provisions of this chapter, except as provided in this section.

At the time of the enactment of this chapter or of any amendment thereto, any sign or sign structure which was lawfully erected and was being used in a lawful manner that does not conform to the provisions of this chapter shall be deemed to be a nonconforming use and may continue to be used in the same manner as it was being used at the time of such enactment subject to the provisions of this section, except those signs listed in the prohibited signs section of this chapter (Section 33.92.060).

1. Nonconforming Signs

(a) Any advertising structure or sign which prior to the effective date of this chapter has been lawfully erected, and which is rendered nonconforming by this ordinance, may continue to exist in its present state subject to (b) and (c) below.

(b) Any sign judged by the director of the Bureau of Buildings to be hazardous to the public safety shall be removed, relocated or altered to conform to the safety provisions of Title 32 of the City Code.

(c) Nonconforming signs may not be moved, altered, re-erected, relocated or replaced unless it is brought into compliance with the requirements of this chapter. Any change requiring a sign permit under either Title 32 or Title 33 shall require full conformance to the regulations of this chapter; however, repairing or restoring, on-site or away from site, to a safe condition any part of a sign or sign structure or normal maintenance operations performed on a sign structure shall be permitted without loss of nonconforming use status.

2. Illegal Signs. Any sign which was erected in violation of any pertinent ordinances or codes governing such erection or construction at the time of its erection, and which sign has never been in conformance with all such pertinent ordinances or codes, shall be an illegal sign and shall be in violation of this chapter and as such is subject to the requirements of Section 32.16.020 of the City Sign Code.

3. Abandoned Signs. Obsolete signs, copy and abandoned sign structures shall be removed by the owner of the property, his agent or person having the beneficial use of the building or structure upon which such sign or sign structure is erected, within thirty days after the use has changed rendering the sign copy or structure obsolete or abandoned. If such sign is not removed within thirty days, then such sign shall be an illegal sign and shall be in violation of this chapter and as such is subject to the requirements of Section 32.16.020 of the Sign Code.

When any sign is relocated or removed, except for maintenance and repairs, all structural components shall be removed or relocated with the sign. The structures of freestanding signs shall be removed to ground level. The structures of all other signs shall be removed back to the original building configuration. Painted wall signs shall be covered over in such a manner that the obsolete sign is no longer visible.

33.92.090 Administration. 1. The official charged with the administration of this chapter is the Planning Director. The Planning Director is authorized and directed to administer and carry out all provisions of this code, both in letter and spirit, with vigilance and all due speed. The Planning Director is authorized to promulgate procedures consistent with the purpose and intent of this title. The Planning Director is further empowered to delegate the duties and powers granted to and imposed under this code.

2. It shall be the duty of the Bureau of Buildings to enforce all regulations of this chapter. The Building Director or his/her designated representative shall issue all permits for the construction and erection of signs in accordance with the provisions of this chapter and related chapters and titles of the City Code. The Building Director is empowered to enter or inspect any building, structure or premises in the city upon which a sign is located for the purpose of inspection of the sign, its structural and electrical connections, and to ensure compliance with the provisions of this code.

3. All new permanent signs require permits. Permits require full conformance with all city codes, particularly Titles 32 and 33. Signs not visible from the right-of-way are not regulated herein but may require permits under the provisions of Title 32, Sign Code, administered by the Bureau of Buildings.

4. Temporary signs do not require permits. Individual temporary signs may be displayed for a period of time not to exceed six months or as regulated by the appropriate zoning district sign regulations.

5. Signs regulated in other chapters of the City Code are as follows: (a) Banners to be erected over the right-of-way shall be specially approved by the City Council through a special ordinance initiated through the City Engineer's office.

(b) Permits for banners on the Transit Mall; standards may be obtained through the City Engineer.

(c) House or building numbers are required and regulated in Title 17 of the City Code.

(d) Bench advertising is regulated in Chapter 17.44.010 of the City Code.

(e) Outdoor advertising signs (billboards) are regulated as land uses in C and M zones.

33.92.100 Interpretations. Notwithstanding the provisions of Section 33.114.030, the director of the Bureau of Planning shall be responsible for the initial interpretation of this chapter. Whenever there is any question regarding the interpretation of any provision of this chapter or the application of this chapter to any specific case or situation, the director, or any person affected by the director's initial interpretation , may submit a written request to the Sign Review Committee for interpretation of the intent of this chapter. The Sign Review Committee shall, by written decision, in response to such request, or on its own motion, interpret the intent of any provision and its application to a particular situation. Appeals from the Sign Review Committee's decision shall go the the Planning Commission for final interpretation.

33.92.110 Sign adjustment and appeals. Any person desiring to erect a sign requiring approval under this chapter, or who desires approval of continuance of an existing sign requiring such approval, or whose application for building permit has been refused by the Bureau of Buildings in the absence of committee approval, and the applicant claims that such approval is unnecessary, may request in writing the approval or ruling of the Sign Review Committee or, in the case of a sign within a historic district or on the site of a designated historic landmark, the Landmarks Commission, or, within the Z Downtown Development Zone outside of the jurisdiction of the Landmarks Commission, the Design Commission.

Sign adjustments shall be processed as outlined below. In authorizing any adjustment, the Planning Director or Sign Review Committee or superseding group may attach conditions regarding the location, character, orientation, size and other features of the existing or proposed signs and sign structure as may be deemed in the public interest and necessary to carry out the purpose of this chapter and title.

1. Design Zones. Upon receipt of an application for a sign adjustment which is located within a D zone, and is not a part of a pending application for a design review, the Planning Director shall notify the Design Commission as to the scheduled date for administrative action as required to be made and the date by which a report and recommendation of the Commission or their designee may be submitted. The application shall be considered as a sign adjustment by the Planning Director or the Sign Review Committee, as outlined in subsections 3 and 4 of this section. If the requested sign adjustment is within the Z Downtown Development Zone, the application shall be considered by the Design Commission as outlined in Subsections 3 and 4 of this section.

If the sign adjustment is a part of a design review application, then the sign shall be exempt from sign review by the Planning Director or the Sign Review Committee. The Design Commission, or the Landmarks Commission where that body has jurisdiction, in reviewing such application, shall notify the Sign Review Committee as to the scheduled date of the design-review hearing or the date for administrative action as required to be made and the date by which a report and recommendation of the Sign Review Committee or their designee may be submitted.

In reviewing such application, the Design Commission or the Landmarks Commission shall be guided by the criteria of subsection 3 below in granting, granting with conditions, or denying the proposed sign adjustment.

2. Historic Districts. Signs subject to review by the Portland Historical Landmarks Commission, pursuant to Section 33.120.110, shall be exempt from review by the Design Commission Sign Review Committee. In reviewing the application for a sign which would require a sign adjustment under the terms of this title, the Portland Historical Landmarks Commission shall consider the criteria of this section as well as the criteria in Section 33.120.110.

3. Findings and Criteria. A sign adjustment may be granted when a literal interpretation and enforcement of any provision of this title in relation to on-premise or off-premise directional signs would result in unneccessary property hardship or practical difficulties. Generally, any sign adjustment granted shall satisfy all of the following conditions and, therefore, shall be determined to have unneccessary hardship or practical difficulties:

(a) That special conditions and circumstances exist which are peculiar to the land or structure or sign involved and which are not applicable to other lands, structures or signs in the same immediate vicinity; and

(b) That the alleged hardships caused by literal interpretations of the provisions of this chapter are property hardships, that they include more than personal inconvenience and financial hardship and do not result from the actions of the owner or applicant other than facilities legally erected prior to the passage of this ordinance; and

(c) That the adjustment will not be detrimental to persons residing or working in the vicinity, nor to adjacent property, to the neighborhood, or to the public welfare in general; and

(d) That the adjustment is necessary for the preservation and enjoyment of substantial property rights; and

(e) That the adjustment is the minimum adjustment that will make possible the reasonable use of the land, structure or sign.

4. Procedure. When a sign adjustment request meets the criteria as specified in Subsection 33.92.110(3) above, the procedure shall be as follows: (a) Application shall be made on the standard sign adjustment forms and shall be signed by a qualifying applicant. A "qualifying applicant" is the property owner, bulding owner or building manager, contract purchaser, leaseholder or licensed sign contractor on behalf of the above, and in the case of new construction, the developer or contractor.

(b) The request shall be accompanied by three copies of a site plan showing exact dimensions and arrangement of the proposed or existing sign and supporting structure, as well as all property lines and all building improvements on the property. The Sign Committee or superseding group may require other drawings, photographs or other material as it finds necessary to understand the proposed or existing sign and its relationship to surrounding properties.

(c) Notification shall be mailed by the City Auditor to the owners of the property in the affected area and to the applicant, if different, fourteen days prior to a specified date on which all written comments must be received for consideration, and twenty-one days prior to a specified date on which a public hearing before the Sign Committee or superseding group is scheduled. The "affected area" is all the real property located within lines one hundred fifty feet, including intervening street widths, from and parallel to the boundaries of property on which the sign will be or is located and such other contiguous areas as are under the legal control of the applicant.

If any property owner so notified objects in writing to the requested adjustment and requests the opportunity to testify in person or by a representative at such public hearing, said hearing shall be held as scheduled. Should no such request to testify be received, the offered hearing may be cancelled without further notice.

(d) If no request for a public hearing has been recieved, the Planning Director or his/her designated agent, after consultation with the Bureau of Buildings, may by administrative action grant, grant with conditions, modify or deny the adjustment request with consideration to any written comments received, and the decision and findings shall be made in writing within five working days of the date specified in (c) above for written comments to be recieved.

However, if the administrative action is so conditioned or modified to be unacceptable to the applicant or if such action is denial, the sign

adjustment request shall be considered by the Sign Review Committee or superseding group at the public hearing originally scheduled as required in (3) above.

The findings of the administrative action shall include the relevant criteria, findings, conclusions and the basic facts upon which the decision is based, and shall be transmitted to the applicant and to all parties who submitted written comments on the request. If an appeal is filed, then such findings shall accompany the decision to the appeal body for their consideration. Such decision shall be transmitted together with the findings within five days after rendering the written decision to the applicant, to the City Auditor, and to the Bureau of Buildings, and to any party of record in the case requesting the same. The decision shall be final unless an appeal by a person as defined in Section 33.12.600 is submitted to the City Auditor, with a copy to the Bureau of Planning, within fourteen days of filing of the written decision with the City Auditor.

(e) If there has been an appeal of the administrative decision, the sign adjustment request shall be placed for public hearing on the agenda(s) of the Sign Review Committee or, in the case of a sign located in a historic district or on the site of a historic landmark the Landmarks Commission, or in the case of an appeal within the Z Downtown Development Zone not for a historic landmark or in a historic district, to the Design Commission within thirty days of such appeal, and notification shall be mailed to the property owners in the affected areas, as defined in (c) above, and shall be mailed by the City Auditor fourteen days prior to said public hearing.

(f) Upon review at the public hearing, the Sign Committee or superseding group, considering all written and oral testimony may affirm, reverse or modify in whole or in part any administrative decision or, if an initial action, the committee may grant, grant with conditions, modify or deny the sign adjustment request. The reviewing body shall accompany its decision with a statement setting forth its findings and the reasons for the decision it reached, and such decisions shall be made in writing. The findings shall include the conclusions and the basic facts upon which the decision is based. Such findings must be transmitted along with the decision and shall be on file in the office of the Bureau of Planning unless such decision has been appealed, then such findings shall accompany the decision to the appeal body for their consideration. Such decision shall be transmitted within five days after rendering the decision at the public hearing to the applicant, to the City Auditor, to the Bureau of Buildings and to any party who participated in the case, either in person, in writing or through a representative, requesting the same. The decision shall be final unless an appeal to the City Council has been filed in writing with the City Auditor and a copy to the Bureau of Planning within fourteen days of the filing of the written decision of the reviewing body with the City Auditor.

5. Specific Exclusions. Sign adjustments and other matters specifically excluded by the provisions of this chapter and not to be considered within the jurisdiction of the Planning Director, the Sign Review Committee or superseding group are: (a) Signs, structures and displays falling into any of the specific categories listed in Section 33.92.060, Prohibited Signs.

(b) Exclusions specified in other sections of this chapter.

(c) Structural requirements and sign provisions contained in Title 32 of the City of Portland.

6. Off-Premise Directional Signs. The Sign Review Committee or superseding group may authorize a sign adjustment to allow an off-premise directional sign after holding a public hearing. The application and hearing procedure shall be that outlined in Subsection 33.98.050(a), Sign Location. The criteria for granting such a sign adjustment shall be the criteria in subsection (3) of this section. (a) Any off-premise directional sign subject to such a sign adjustment must meet the following standards:

(1) It shall be limited to a maximum of 100 square feet in area and 30 feet in height.

(2) It shall contain only the name of the principal use and directions to the use in permanent lettering.

(3) It shall be placed on and over private property.

(b) In granting a sign adjustment for an off-premise directional sign the Sign Review Committee or superseding group may attach more restrictive conditions regarding the location, character, design, size and other features of the signs as it may deem to be in the

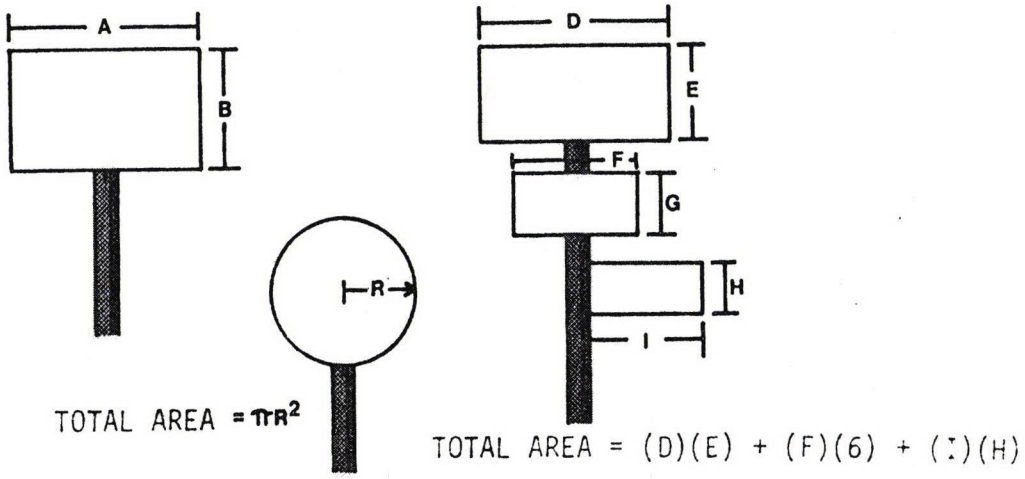
public interest and necessary to assure compatibility with the surrounding area.

7. Notwithstanding the provisions of Subsection (3) of this section, temporary signs may be adjusted according to the following procedure: (a) The Planning Director may authorize a sign adjustment to vary the zoning provisions pertaining to temporary signs upon determining that the spirit and intent of the objectives of these regulations would best be served by permitting the proposed sign adjustment. The Planning Director may require whatever information, plans, drawings or photographs necessary to make a determination. The Planning Director will transmit any decision rendered in writing to the applicant and the Bureau of Buildings for enforcement and permit process.

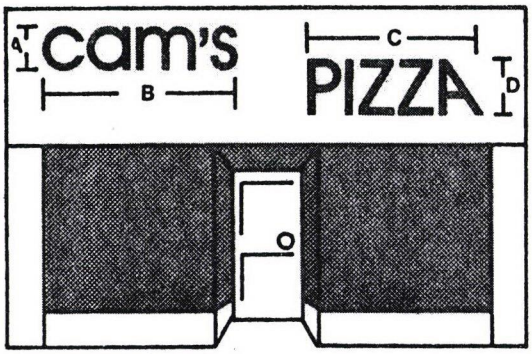
(b) The applicant or any person aggrieved by the decision of the Planning Director may request review of the director's decision by the Sign Review Committee or superseding group, provided such request is filed within five days of the written action by the Planning Director.

(c) The general provisions pertaining to temporary signs in Section 33.92.060 shall not be under the authority of the Planning Director as granted in this section. Only those items mentioned in Subsection 33.92.240(7), and regulated in the various zones, shall be subject to a sign adjustment under this subsection.

33.92.120 Sign measurement. 1. Area of Sign. Sign area includes the area within a perimeter enclosing the limits of lettering, writing, representation, emblem, figure, character and lighted surface, but excluding essential sign structure, foundations or supports. For a multiple-face sign, the sign area shall be computed for the largest face only. If the sign consists of more than one section or module, all areas will be totaled.

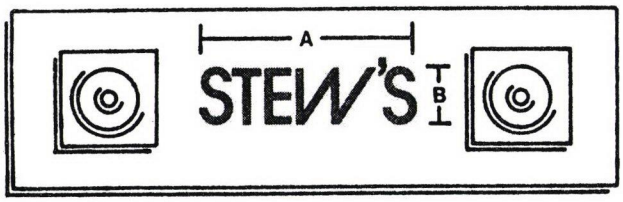


2. Area of Copy. Copy area includes the entire area within a single, continuous perimeter composed of squares or rectangles, which enclose the extreme limits of the advertising message on a wall sign.



TOTAL AREA = (A)(B) + (C)(D)

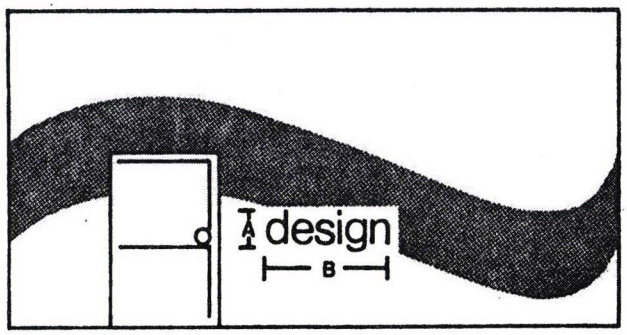
3. Neutral Surface. Neutral surfaces intended only to integrate and harmonize a wall sign with the architecture of the building to which it is attached shall not be included in the calculation of sign area, (See definition of "Neutral Surface").



TOTAL AREA = (A) x (B)

4. Area of Off-Premise Sign. Where poster panels or bulletins are installed back to back, one face only is considered as area. If there is a difference, the larger face will be counted.

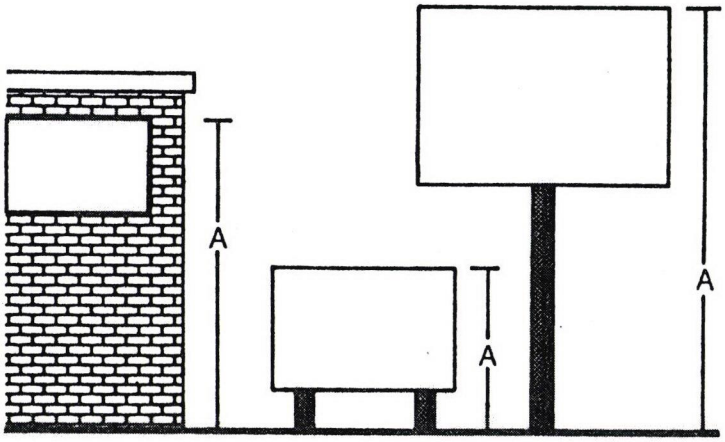
5. Area of Wall Graphics. For wall graphics, the area of the advertising, copy, logo, symbol or lettering shall be computed as sign area. Graphic design, wall murals and colored bands containing no advertising shall not be counted as sign area.



TOTAL AREA = (A) x (B)

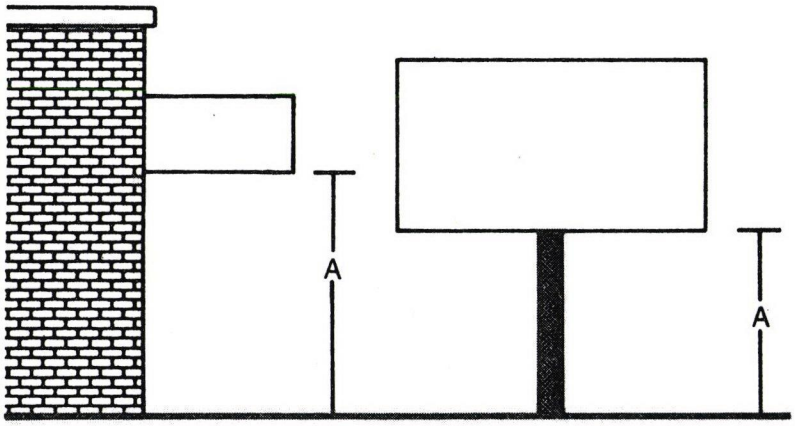
6. Total Sign Area. The area of all regulated signs on a business premise shall be counted in determining the permitted sign area.

7. Height of Sign. The overall height of a sign is measured from the grade below the sign to the topmost point of the sign or sign structure, (See definition of "grade", Section 33.12.237).



A = HEIGHT

8. Clearance. Clearance is measured from the bottom of the sign face to the grade below, ("grade" is defined in Section 33.12.237).



33.92.130 Vision-clearance areas. 1. Vision-clearance areas are described as follows: (a) At the intersection of two rights-of-way, a triangle formed by drawing a line fifteen feet back along the street or alley curblines, or the edge of the street pavement when there is no curbline, or the property line when there is no street pavement, and connecting them with a diagonal line. (See Diagram 1).

(b) Within fifteen feet of the street right-of-way along any frontage where there is an entrance onto or exit from any street or highway. (See Diagram 2).

(c) At intersections of two rights-of-way and within the area defined by (a) above, the vertical area between a point forty inches above grade and ten feet above grade, (See Diagram 3).

DIAGRAM 1:

VISION CLEARANCE FOR STREET INTERSECTIONS

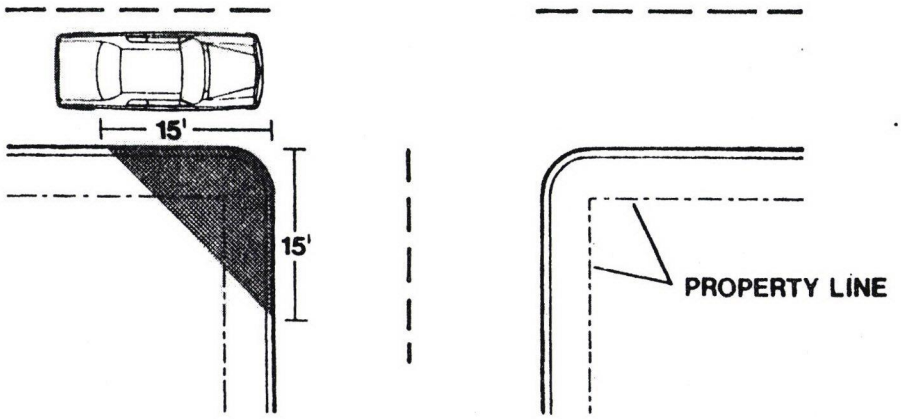


DIAGRAM 2:

VISION CLEARANCE FOR DRIVEWAYS

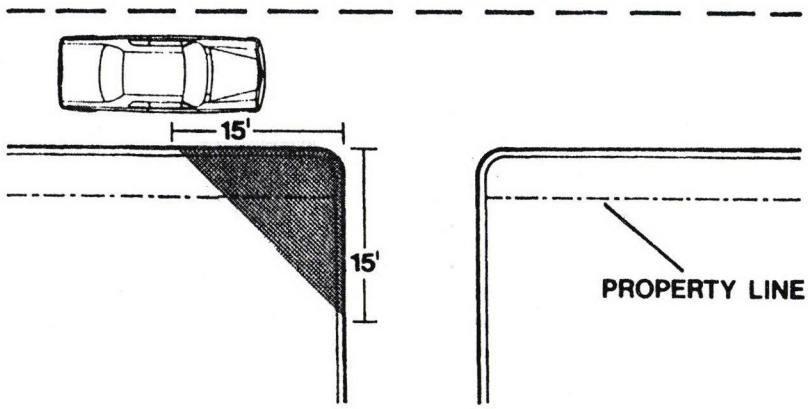
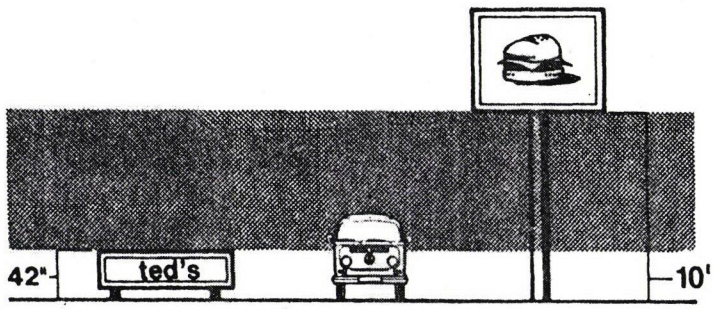


DIAGRAM 3:

VERTICAL VISION CLEARANCE AREA



2. Except as provided in this subsection, no sign shall project or extend into any vision-clearance area prescribed by this section. (a) One or two signposts supporting a freestanding sign may be located within the vision-clearance area provided they are necessary for the support of the sign and they do not exceed a combined total width of twelve inches, or a combined total depth of twelve inches.

(b) In the case of freestanding signs, no other portion of the sign or support structure may be located within the vision-clearance area between forty-two inches and ten feet above grade.

(c) Signs may project into the vision-clearance area if there is at least ten feet of vertical clearance to grade.

(d) Incidental signs and monument signs under the height of forty-two inches and not exceeding eight square feet in area may be located in vision-clearance areas.

33.92.140 Setbacks. On those rights-of-way which have been designated for special setbacks in accordance with the procedures of Chapter 33.110 of this title, the following regulations shall control the location and placement of signs within the special setback area. Where setback and vision-clearance areas overlap, the more restrictive regulations shall control:

1. Projecting signs which are designed to be attached to a building wholly behind the setback line or to a building nonconforming to the setback line are permitted within setback areas. These signs may project six feet six inches from such building. Other general provisions for projecting signs in Section 33.92.180 shall also apply.

2. Wall signs are permitted within setback areas. Wall signs may project into the setback a maximum of eighteen inches when located flat against a building located on the setback line or on a building nonconforming to the setback within the setback area.

3. Freestanding signs located outside the setback area are allowed to project over the setback area in accordance with provisions of Number 1 above. Freestanding signs projecting into Type I Urban Commercial setbacks, as defined by Section 33.110.020, shall maintain a minimum clearance below the sign of eight and one-half feet.

Freestanding sign structures are not permitted in Type I Urban Commercial setback areas. Freestanding sign structures are allowed in Type II Medium-to Low-Density Commercial and Industrial Area setbacks, as defined by Section 33.110.020, if approved under the provisions of Section 33.100.020 and 33.110.030.

4. Exceptions to these regulations shall be considered as exceptions to setback requirements and, consequently, shall be handled in accordance with Sections 33.110.020 and 33.110.030 of this title.

33.92.150 Public signs. Public signs over fifteen square feet in area, whose location, design or structural supports are subject to sign regulations adopted by this jurisdiction shall not be erected until their location, design and structural supports are reviewed and approved by the Planning Director or his/her authorized representative, unless such sign is located such that it is not visible from any public right-of-way.

SPECIAL REGULATIONS BY TYPE OF SIGN

33.92.160 Regulations by type of sign. In addition to the general requirements for all signs, contained in this chapter, and the specific requirements for signs in each zone, there are special requirements for the following types of signs:

1. Wall signs.
2. Projecting signs.
3. Freestanding signs.
4. Roof signs.
5. Marquee signs.
6. Under-marquee signs.
7. Canopy and awning signs.
8. Temporary signs.

The special requirements for these signs are contained in Sections 33.92.170 through 33.92.240 of this chapter.

33.92.170 Wall signs. Special regulations governing wall signs are as follows: 1. A wall-mounted sign shall not extend more than three feet above the roof line.

2. A wall sign shall not extend more than eighteen inches from the wall to which it is attached.

3. No wall sign shall cover wholly or partially any wall opening nor project beyond the corner of the wall to which it is attached.

4. Where a wall sign extends over a public or private walkway, a vertical clearance of 8 feet 6 inches shall be maintained above such walkway.

33.92.180 Projecting signs. Special regulations governing projecting signs are as follows: 1. No projecting sign shall project beyond the curbline.

2. The maximum projection permitted for any one sign is six and one-half or two-thirds of the width of the sidewalk below the location of the projecting sign, whichever is less.

3. A projecting sign shall not rise more than six inches above the roofline.

4. Projection over setbacks and vision-clearance areas is regulated in Sections 33.92.130 and 33.92.140.

5. Minimum clearance. All projecting signs shall have a minimum clearance to ground as follows: (a.) Over alleys and driveways, eighteen feet;

(b) Over automobile parking lots and other similar areas where vehicles are moved or stored, thirteen and one-half feet;

(c) Over footwalks, sidewalks and other spaces accessible to pedestrians, eight and one-half feet;

(d) All parts of electric reflector lamps or other illuminating devices extending over the sidewalk space must be at least eight feet above the sidewalk and the extension horizontally over the sidewalk space may not be more than nine feet, but not closer than two feet to a vertical line drawn from the curbline.

Any horizontal projecting sign or any portion thereof which projects over public property or the public right-of-way, may be not less than eight and one-half feet from the lower edge of the sign to the sidewalk. Signs when projecting over the public property or public right-of-way shall be regulated as to their maximum height as follows:

Distance of Lower Line of Horizontal Signs above the Sidewalk	Maximum Height of Horizontal Signs
10 feet	30 inches
11 feet	33 inches
12 feet	36 inches
13 feet	39 inches
14 feet	42 inches
15 feet	45 inches
16 feet	48 inches
17 feet	51 inches
18 feet	54 inches
19 feet	57 inches
20 feet	60 inches

When exceeding a distance twenty feet from the lower edge of the sign to the sidewalk, the maximum vertical dimension of a sign shall not exceed sixty inches.

TABLE OF VERTICAL SIGN REGULATIONS

Distance of Lower Line of Vertical Sign above Sidewalk	Maximum Projection of Vertical Sign beyond Property Lines into the Right-of-Way	Maximum Width of Vertical Portion Proper of Sign (See also following paragraphs)
18 feet	5 feet 9 inches	36 inches
19 feet	6 feet	36 inches
20 feet	6 feet 3 inches	36 inches
21 feet	6 feet 6 inches	36 inches
22 feet	6 feet 9 inches	38 inches
23 feet	7 feet	40 inches
24 feet	7 feet 3 inches	42 inches
25 feet	7 feet 6 inches	44 inches
26 feet	7 feet 9 inches	46 inches
27 feet	8 feet	48 inches
28 feet	8 feet 6 inches	50 inches
29 feet	9 feet	52 inches
30 feet	9 feet	54 inches
31 feet	9 feet	58 inches
32 feet	9 feet	60 inches

Exceptions to the above table are as follows:

A. The distance of the lower line of a vertical sign above the sidewalk may be reduced one foot or a fraction thereof that the center line of the vertical portion is moved nearer to the building wall but not lower than eighteen feet except as noted in exception B below:

B. A vertical sign projecting not more than three feet beyond the property line may be erected with its lowest point not less than eight and one-half feet above the sidewalk, and such sign shall not project farther than three feet beyond the property line until a height of ten feet above the sidewalk is reached. At a height of fifteen feet or more above the sidewalk, a vertical sign may project four feet beyond the property line.

All intermediate points shall not project beyond a vertical line drawn from the four-foot projection allowed ten feet above the sidewalk.

C. There may be added to the area of a vertical sign, portions exceeding in width the limitations set forth in the third column above, provided such portions are of ornamental design or character, are limited in area to one-third of the area of the vertical portions proper of the sign, and are placed twenty feet above the sidewalk.

However, a vertical sign projecting not more than three feet or following the line described in exception (B) of this subsection may have up to two horizontal projections if such projections comply in all respects with the requirements for horizontal signs, and are erected according to the table for horizontal signs, and maintain a vertical clearance of at least ten feet between horizontal projections.

D. Where are vertical or horizontal sign is located on a street corner, it may extend out diagonally from the corner of the building, in which case the dimensions of the sign and its projection shall be considered as projected upon a plane at right angles to the curb line and then measured or calculated. The inner edge or the edge nearest the property line of a horizontal sidewalk projecting sign shall not be more than one-half of the maximum dimension of the sign or in any case not over three feet from the property line. No horizontal projecting sign shall be closer than twenty-four inches to a vertical line passing through the curb, unless such a sign is at least fourteen feet above the sidewalk.

If a sign is near a corner, it may project beyond the property line one each of two streets which are at right angles to each other provided that each projection complies in all respects with the provisions for a single projecting sign and except that there may be a section built in between the two projections, which are at right angles to each other, provided that no part of such built-in section extends beyond the property line more than thirty-six inches.

6. Blanketing. For the purpose of preventing blanketing, no vertical or horizontal sign having a projection greater than three feet beyond the property line shall be located within twenty feet of another sign projecting more than three feet beyond the property line or of a marquee projecting more than three feet beyond the property line if any protion of the first-mentioned sign is in the same horizontal plane as any portion of the second-mentioned sign or marquee. No canopy shall be erected within twenty feet of a projecting sign or of a marquee sign of the second kind if any portion of the canopy is in the same horizontal plane as any portion of the sidewalk-projecting or marquee sign. If two signs, or sign and marquee, are near a corner and project over the sidewalk on different streets, this regulation shall not apply. When a vertical sign and a horizontal sign or two horizontal signs are within twenty feet of each other, the distance from the top of the lower sign to the bottom of the higher sign, measured in a vertical direction, shall be equal to the bottom of the higher sign, measured in a vertical direction, and shall be equal to at least the value of "H" in the following formula:

$$H = \frac{20-d}{4}$$

where "H" equals the minimum distance in feet from the top of the lower sign to the bottom of the higher sign and "d" equals the distance in feet measured center-to-center of the signs. In applying the above formula, signs or marquees which project less than three feet beyond the property line are not covered.

A sign with a rotating section which extends more than three feet beyond the property line shall not have such rotating section extend outward over the property line unless the lower line of the rotating section has a minimum clearance of thireen feet above the sidwalk or grade.

7. Thickness of sign. The distance measured between the metal or plastic faces of any projecting sign, measured at any point more than three feet out from the property line, shall not exceed 24 inches.

Signs having a thickness of more than 24 inches at any point more than three feet from the property line, except as to provisions for revolving action in the preceding paragraph, are classed as marquee signs.

8. All projecting signs shall be installed in such a manner that there shall be minimum visible support structure above a roof, building face or wall.

9. A cantilever support may rise twelve

inches above the parapet; however, where there is a space between the edge of the sign and the building face, such cantilever must be enclosed.

10. A projecting sign mounted on a building which is located behind the property line two and one-half feet or less may have additional sign projection not to exceed nine feet total nor six and one-half feet over the right-of-way or other abutting public property.

33.92.190 Freestanding signs. 1. No freestanding sign shall project over public property or a public right-of-way unless an adjacent structure or sign is built out to or over the property line and would block visibility to a freestanding sign on the adjoining property; then a freestanding sign may be located such that the sign structure is on private property and the sign cabinet may project over the right-of-way, subject to all the provisions regulating projecting signs which project over the right-of-way. (See Section 33.92.180.)

2. Where a freestanding sign projects over a vehicular traffic area, such as a driveway or parking lot aisle, the minimum clearance between the bottom of the sign and the grade below shall be fourteen feet.

3. Freestanding signs shall be located in accordance with the regulations under the setback and vision-clearance section. (See Sections 33.92.130 and 33.92.140)

33.92.200 Roof signs. Roof signs shall conform to the following regulations:

1. No roof sign shall extend above the ridgeline or roofline of a roof top or extend beyond the wall line, except that in the case of a roof sign located on a building with a ridgeline or roofline twelve and one-half feet above grade or less, roof signs may be placed such that their top is twelve and one-half feet above grade or less, notwithstanding the height of ridge, roof or wall.

2. All roof signs shall be set back a distance of at least three feet from the outside wall of the building on or over which they are erected, unless the lower edge of the sign is at least seven feet above the top of the wall and surface of the roof, except that a roof sign when installed perpendicular to the nearest outside wall may extend to the edge of such outside wall, provided the total horizontal measurement of such sign is not more than one-quarter of the horizontal measurement of the roof in that direction. It is the intent of this provision to have a clear passageway around or under roof signs.

3. All roof signs shall be installed or erected in such a manner that there is no visible angle-iron support structure and no visible guy wire, braces or secondary supports are to be used.

4. Any building with an actual or false mansard roof, which does not vary more than 45 degrees from the vertical, may use such walls or roof for wall sign installation.

5. An architectural blade designed primarily for the placement of signs may be erected on top of a wall, parapet or building face, and shall comply with height limits for wall signs. The supporting structure for wall facade for a sign shall be completely enclosed. Such structures shall not be erected above the ridgeline of a roof top.

33.92.210 Marquee signs. Special regulations governing marquees are as follows:

1. Signs may be placed on, attached to, or constructed, in a marquee. Such signs shall, for the purpose of determining projection, clearance, height and material, be considered part of and shall meet the requirements for a marquee as specified in Chapter 45 of the Building Code.

2. Marquee signs shall be subject to the maximum projection regulations for projecting signs (Section 33.92.180).

33.92.220 Under-marquee signs. Special regulations governing under-marquee signs are as follows:

1. Signs may be located under a marquee if a vertical clearance of eight and one-half feet is maintained between the sign and the grade below.

2. Under-marquee signs shall be limited to a maximum vertical height of twelve inches and a maximum sign area of six and one-half feet.

33.92.230 Canopy and awning signs. Special regulations governing canopy and awning signs are as follows:

1. Signs are permitted along the faces and edges of canopies and awnings; however, only

painted signs are permitted on awnings.

2. A sign below a fixed rain-protection feature, canopy or awning, may project the full width of such feature, or three and one-half feet into the right-of-way, whichever is less. Such a sign must clear the sidewalk by a minimum of eight and one-half feet, not exceed seven square feet in area and be placed at the right angle to the sidewalk.

3. Signs designed as an integral part of a canopy located along the face or edge of the canopy may be illuminated.

4. Signs located on canopies and awnings shall be limited to letters or figures not exceeding six inches in height. The subject matter shall cover only the name of the business and/or the place and kind of business. A decorative design, and/or the emblem or initials of the business occupying the premises may be placed flat on the main portions of the canopy, excluding any name or word contained therein.

33.92.240 Temporary signs. Special regulations governing temporary signs are as follows:

1. The duration of display of a temporary sign shall not exceed six months, unless otherwise noted.

2. No temporary sign shall be illuminated except as building lighting indirectly shines on a sign attached to a building.

3. All temporary signs must be located on private property with the property owner's permission.

4. All temporary signs shall be securely fastened and positioned in place so as not to constitute a hazard to pedestrians or motorists.

5. No temporary sign shall project over or into public right-of-way or property except banners specially approved.

6. No temporary sign shall project or extend into any vision-clearance area or required setback area except as provided in Sections 33.92.130 and 33.92.140.

7. The regulations governing the size, number and type of temporary signs are located in the respective zoning district regulations.

33.92.250 Ideological and political signs. (Add 154134 Jan. 6, 1983) In each instance and under the same conditions in which this Code permits an on-premise sign as defined in Code Section 33.92.040(45), or permits a sign advertising farm products for sale grown on the premises or permits a sign advertising tract development of or rental or sale of the premises where the sign is installed and maintained, an ideological or political sign of the same dimensions and characteristics shall be permitted whether or not the ideological or political sign is installed and maintained on the premises to which the message expressed in the sign pertains.

Chapter 33.94

NONCONFORMING USES

Sections:

33.94.010 Continuation of use.
33.94.020 In FF, R, C5, C4 and C3 Zones.
33.94.030 In RX, C2, C3, C1, MX, M2 and M1 Zones.
33.94.040 Nonconforming residential uses in MX, M2 and M1 Zones.
33.94.050 Nonconforming use of land in all zones.
33.94.060 Nonconforming use due to classification.
33.94.080 Special nonconforming uses.
33.94.090 Appeal and effectiveness.
33.94.100 Transfer—Termination.

33.94.010 Continuation of use. A nonconforming use may be continued, except as otherwise provided in this title, even though it is not in conformity with the use, height, area, and all other regulations for the zone in which it is located.

33.94.020 In FF, R, C5, C4, and C3 Zones. (Amended 143022, 145024, 148873, 150581; and 151027 Jan. 22, 1981.)

(a) Change of use. A nonconforming use may be changed to a conforming use. A nonconforming use may be changed to a use of the same or more restrictive classification in accordance with the procedure specified in Chapter 33.98. After

a change of a nonconforming use to a conforming use or to a more restrictive use, it shall not thereafter be changed to any less restrictive use.

(b) Discontinuance of use. Except as provided for in Section 33.94.080, if active and continuous operations are not carried on in a non-conforming use during a continuous period of one year, the building, or other structure, or tract of land where such nonconforming use previously existed, shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing.

(c) Damage and destruction. Except as provided for in Section 33.94.080, when a building or other structure is damaged by fire or any other cause beyond the control of the owner so that the cost of renewal of the damaged parts exceeds seventy-five (75) percent of the replacement of the entire building exclusive of foundations, using new materials, then such building shall not be rebuilt unless the building and its construction and uses conform fully to this title and other codes of the city as applied to new buildings and structures and to uses in the zone in which it is located, except:

(1) A one-family dwelling so damaged or destroyed may be reconstructed on a lot of any size upon which it had been legally constructed provided the yards, off-street parking, lot coverage and other requirements of the zone are complied with.

(2) A two-family or apartment dwelling so damaged or destroyed may be replaced with a one-family dwelling on a lot of any size upon which said two-family or apartment dwelling had been legally constructed provided the yards, off-street parking, lot coverage and other requirements of the zone are complied with.

Any rebuilding authorized by this title or any other applicable code shall commence within one year from the date of damage or destruction if such nonconforming use is to continue.

(d) Enlargements and moving. A nonconforming use may be enlarged or moved to another location on its lot only if conformance to all requirements of the zone in which it is located are met. In cases of practical difficulty and unnecessary hardship, a nonconforming use may be permitted to enlarge up to twenty percent in floor area as existing on July 1, 1959 in accordance with the procedure specified in Chapter 33.98. Under no circumstances, however, shall such floor area expansion be made solely for the purpose of adding more dwelling units to or within a building previously containing an excess of units as permitted by the zone in which it is situated.

(e) Repairs. Normal maintenance of a building or other structure containing a nonconforming use is permitted, provided no structural alterations shall be made except those required by law or ordinance.

(f) (Amended 153373 effective July 17, 1982) Signs. A nonconforming use in any R zone shall be permitted to continue the legal signs in existence when the use became nonconforming. These signs may be maintained but any change which warrants a sign permit shall require full conformance of all signs on the premises. A nonconforming use shall be permitted a wall sign, either indirectly or non-illuminated, not to exceed twenty-five square feet in area. The copy on such sign shall pertain only to the business conducted on the premises. In any C5, C4 or C3 zone, signs on nonconforming uses shall conform to the regulations governing in the zone in which such use is located.

33.94.030 In RX, C2, C3, C1, MX, M3, M2 and M1 Zones. (Am 147329, 148873, 150581; and 156176 ef July 1, 1984) (a) Change of use. Upon issuance of a certificate of occupancy by the Bureau of Buildings a nonconforming use may be changed to a conforming use or to a use of the same or more restrictive classification. Differences between the property owner and the Bureau of Buildings as to the determination of whether a proposed use is at the same or more restrictive classification shall be referred for interpretation as specified in Section 33.114.030. A change of nonconforming use to another use which the commission finds no more detrimental to the neighborhood and public, and which new use falls within the same zone classification as the prior use, shall be permitted without loss of the nonconforming status. After a change of a nonconforming use to a conforming use or to a more restrictive use, it shall not thereafter be changed to any less restrictive use.

(b) Repairs. Normal maintenance of a building or other structure containing a nonconforming use is permitted. Structural alterations, including those required by law, are also permissible.

(c) Enlargement. (Amended by Ordinance No. 139117, 139702, 141105; and 147235 passed Feb. 15, effective Mar. 19, 1979.) Enlargements of buildings or other structures containing nonconforming uses are permitted provided the enlargements abide by the height, yard, loading, and parking provisions of the zone in which the nonconforming use is situated. An enlargement or an aggregate of separate enlargements exceeding 20% in floor area authorized in a development plan duly approved and recorded pursuant to downtown plan review procedures provided for in this title between June 27, 1971, and the effective date of this section may be permitted or an enlargement or an aggregate of separate enlargements exceeding 20% in floor area as existing on July 1, 1959, may be permitted by variance if it is determined that such enlargements are desirable to the public convenience and welfare and not detrimental or injurious to the public health, peace or safety or to the best interest and value of surrounding properties. Procedure to be followed is that specified in Section 33.98.020.

(d) Moving. A nonconforming use may be moved to another location on its lot provided the height and yard requirements of the zone in which it is located are met.

(e) Signs. Signs on nonconforming uses shall conform to the regulations governing in the zone where such nonconforming use is located, except as is otherwise provided in Chapter 33.74.

(f) (Added by Ord. No. 143022 passed and effective Jan. 5, 1977.) The provisions of Section 33.94.020 shall govern nonconforming residential uses except that such use shall not be permitted to enlarge.

(g) Any building containing a nonconforming use in an RX Zone damaged by fire or any other cause beyond the control of the owner may be reconstructed.

33.94.040 Nonconforming residential uses in MX, M2 and M1 Zones. (Amended by Ord. No. 148873 passed and effective Dec. 13, 1979.) The provisions of Section 33.94.020 shall govern nonconforming residential uses in MX, M2 and M1 Zones except that such use shall not be permitted to enlarge.

33.94.050 Nonconforming use of land in all zones. (a) The nonconforming use of land other than residential use shall not be continued longer than ten years if: The true cash value of any improvements involved in such nonconforming use is less than two thousand dollars as determined in 1959 by the county assessor, or as determined for any subsequent year during which use of land becomes nonconforming as the result of change of zone classification of such land; or, as the nonconforming use of the land does not involve or utilize improvements as determined by the county assessor.

(b) A nonconforming use of land coming within the terms of subsection (a) of this section shall not in any way be expanded or extended either on the same or adjoining property, and no major repair or renewal shall be made to improvements utilized.

(c) A nonconforming use of land coming within the terms of subsection (a) of this section, which is changed or discontinued in whole or in part, shall be wholly terminated, and thereafter any use of such land must conform to the provisions of this title.

33.94.060 Nonconforming due to classification. The foregoing provisions of this chapter shall also apply to buildings, structures, land or uses which hereafter become nonconforming due to any reclassification of zone under this title, annexation to the city, or any subsequent change in the regulations of this title.

33.94.080 Special nonconforming uses. (Added 151027, amended 152466;and 153042 Apr. 1, 1982.) A nonconforming use which would otherwise be prohibited due to discontinued use as described in 33.94.020 (b) or destruction as described in 33.94.020 (c), may be reestablished if it meets certain requirements. A nonconforming use or structure may be reestablished if: (a) the nonconforming use and/or structure will be beneficial to the surrounding neighborhood; the use and/or structure will be reestablished or redesigned so as to be compatible with the neighborhood character as determined by the Design Review Commission the use and/or structure will be compatible with the area's current policy or comprehensive plan; and prior to its continued use or destruction, it:

(1) Provided housing; or

(2) Provided consumer services to the surrounding neighborhood which would be compatible with the neighborhood as established by the area's current policy or comprehensive plan; or

(3) Was an established business whose operation would be compatible with the neighborhood character as established by the area's current policy or comprehensive plan.

Written application for the reestablishment of a nonconforming use shall be filed in the office of the Bureau of Planning upon forms prescribed for that purpose and shall be signed by the applicant and by the property owner if different. The application shall be accompanied by three copies of the proposed reestablishment of the nonconforming use and any other materials the applicant feels would be essential to an understanding of the way that this nonconforming use complies with the standards of the city code.

A fee shall be charged in accordance with the provisions of Section 33.114.122 (5). Upon receipt of an application for the reestablishment of a nonconforming use, which is within a D zone, or which is located within a designated historic district or which involves a designated historic building or site, the Bureau of Planning staff shall notify the DesignCommissionof the City Planning Commission or the Historical Landmarks Commission, as the case may be, as to the scheduled date of the hearing and the date by which a report or recommendation of the committee or commission or their designee will be required by the Hearings Officer. In the case of the reestablishment of a nonconforming use involving both a D zone and a historic district or historic building or site, a report and recommendation to the Historical Landmarks Commission only will be required.

The City Auditor shall file a list of the names and addresses of all persons owning real property within the affected area. The affected area is all real property located within the lines 400 feet, including intervening street widths, from and parallel to the boundaries of the reestablishment site, and such other contiguous area under legal control of the applicant. A public hearing on each application for reestablishment for a nonconforming use shall be held. Notification shall be given to the City Auditor of the date of the public hearing and the Auditor shall mail notices of the public hearing to all property owners within the affected areas at least fourteen (14) days prior to the date of the hearing. Findings and determination upon the application shall be made in writing within sixty days (60) days from the date of filing of the application and a copy thereof shall be forthwith transmitted to the applicant, the City Auditor and the Bureau of Buildings. A summary sheet of such decision shall be transmitted to all persons, agencies or organizations who testified personally or through a representative or in writing during the proceeding as well as to all who submitted a written request for such notification.

In permitting the reestablishment of nonconforming uses the Hearings Officer may attach such conditions and restrictions as are necessary to protect the public interest and the surrounding properties.

33.94.090 Appeal and effectiveness. (Added 151027 Jan. 22, 1981.) The Hearings Officer's decision will become final within fourteen (14) days after it is made. Within that fourteen (14) day period the applicant, or property owner if different, and any party who participated before the Hearings Officer may appeal this decision to the City Council. The proper procedure for this is found in City Code section 33.114.070.

No request for the reestablishment of a nonconforming use shall become effective except as provided for in City Code section 33.114.120.

33.94.100 Transfer—Termination. (Added 151027 Jan. 22, 1981.) Each reestablishment of a nonconforming use issued after the effective date of this subsection shall terminate if:

(1) Construction or remodeling necessary for the reestablishment as approved has not been started within one year of the date specified on the development schedule approved with the reestablished use, or in case no such development schedule was approved, within one year of the effective date of approval, or if:

(2) Construction once commenced does not substantially progress for a one-year period, or

(3) After completion of construction or remodeling, if any, the approved use of the premises as authorized by the permit lapses for any

one year.

A reestablished nonconforming use or structure is subject to termination upon failure to meet any condition precedent to its approval, or upon subsequent breach of any condition, for such failure or breach. Upon recommendation of the Planning Director, the Commissioner in charge or the Council, the Auditor shall send written notice to the owner of record to show cause, at least ten (10) days after the mailing of the notice, why the reestablished nonconforming use or structure should not be terminated. The Auditor shall also send notice to owners of property within 400 feet of the property to which the reestablished use or structure appplies. At the time of hearing fixed or at any subsequent meeting fixed for consideration thereof, it shall be adjudged whether or not the reestablished nonconforming use or structure should be terminated or whether time would be allowed to cure the failure or breach of the condition or whether the conditions of the original approval should be modified, as may be found in the best interest of the neighborhood and the community.

Any decision that the reestablished nonconforming use or structure should not be terminated shall not prejudice subsequent possibility of termination because of future non-use of the premises or violation of a provision of the reestablishment of the nonconforming use. Any continuation of the reestablished nonconforming use or structure may be subject to such conditions as are found necessary to protect the zone and the neighboring property from the adverse effects of the use or structure.

Chapter 33.98

(Amended by Ord. No. 148873; and 155124 passed Sept. 22, effective Oct. 24, 1983)

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Appeals to City Council

33.98.300 Appeal Process

33.98.004 Purpose. (Add 155124 ef Oct. 24, 1983) The purpose of this Chapter is to provide mechanisms to allow relaxation of provisions of Title 33 for specific reasons and under special circumstances. The mechanisms serve the public interest and welfare by making the zoning code more flexible and responsive to public needs. Variances are intended to alleviate unique site hardships resulting from strict application of the zoning code. Revocable permits are used to temporarily alleviate personal hardships or to deal with situations not addressed in the zoning code. Adjustments are a means to allow certain exceptions to the zoning code to further specific policies or plans.

33.98.006 Appropriate references. (Add 155124 ef Oct. 24, 1983) All references in Title 33 to Chapter 33.98, Variances and Revocable Permits, or Variances and Adjustments, shall be construed to refer to Chapter 33.98, Exceptions. Any references to the variance chapter shall be construed to mean the variance procedures of the exceptions chapter.

VARIANCES

33.98.008 Variances. (Am renumbered from 005 by 155124 ef Oct. 24, 1983) The provisions of Section 33.98.008 through Section 33.98.045 inclusive, shall provide for the variance procedure, including the establishment of the Variance Committee. The purpose of these provisions is to describe the procedure for the relaxation of certain provisions of the zoning regulations, under specified conditions, so that the public health, safety and welfare is secure and substantial justice done most nearly in accord with the general purpose, intent and spirit of this title and in the public interest.

33.98.010 Findings. (Amended 151027; 152666 Dec. 23, 1981) A variance as specified in Section 33.98.015 may be granted if literal interpretation and enforcement of the regulations of this title applicant to a property would result in practical difficulties or unnecessary hardships or in the case of property located within a Z Zone if it is found that such a variance would be supportive of the Planning Goals and Guidelines for Downtown Portland as adopted by the Council. (a) Generally, any variance granted shall satisfy all of the following general conditions:

(1) It will not be contrary to the public interest or to the intent and purpose of this title and particularly to the zone involved.

(2) It shall not permit the establishment within a zone of any use which is not a permitted use within that zone or the establishment of any use for which a conditional use is required within that zone. This prohibition is not applicable to nonconforming uses described in Sections 33.98.015(b)(2) through 33.98.015(b)(5).

(3) It will not cause substantial adverse effect upon property values or environmental conditions in the immediate vicinity or in the zone in which the property of the applicant is located.

(4) It will relate only to the property that is owned by the applicant.

(b) Special Conditions. (Amended 150581; and 152666 Dec. 23, 1981) When all of the foregoing conditions can be satisfied a variance may be granted as follows:

(1) Minor Variances. A minor variance as specified in Section 33.98.015 (a) may be granted when it will not adversely affect the character, livability, or appropriate development of adjoining properties.

(2) Major Variances. A major variance as specified in Section 33.98.015(b) may be granted when any of the following applicable conditions can be satisfied:

A. The variance is required in order to modify the impact of exceptional or extraordinary circumstances or conditions that apply to the subject property or its development that do not apply generally to other properties in the vicinity; or

B. The variance is required in order to allow enjoyment by the appellant of a property right possessed by a substantial portion of the owners of properties in the same vicinity, while resulting in the comparatively trivial detriment to the neighborhood.

C. (Repealed 155124 ef Oct. 24, 1983)

33.98.015 Types of variances. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) Unless otherwise specified in this title, variances shall be limited to the following:

(a) Minor Variances. The following limitations shall apply for principal, transitional and accessory uses in any zone:

(1) Modification of side and/or rear yards by reduction of no more than twenty-five (25) percent of the requirement.

(2) Modification of fence heights in the side and/or rear yards by increase in height of no more than two (2) feet.

(3) Modification of eave projection into the side yard by increase of no more than twenty-five (25) percent of the requirement.

(4) Modification of the minimum lot size requirement (area, width, and/or depth) for single-family dwelling by reduction of no more than ten (10) percent of the requirement.

(b) Major Variances. Unless otherwise specified in this title, major variances shall be limited to the following:

(1) (Amended 151021 Jan. 22, 1981.) Modification of the parking requirements, off-street loading requirements only after approval by the City Traffic Engineer, lot size requirements in R2 or R1 Zones to allow an increase of not more than one dwelling unit, minimum lot size requirements for single-family, two-family and three-family dwelling not processed as a minor variance, building orientation, lot coverage, floor area, height, open space, screening limitations, identification sign limitations outside of sign control zones, and yard regulations not processed as a minor variance for principal, transitional and accessory uses in any zones as may be necessary to secure an appropriate improvement or occupancy of a lot or structure which is of such size, shape or terrain, or so located with relation to surrounding development or physical characteristics, that such modification is shown by the applicant not to be contrary to the public interest.

(2) Within FF, R20, R10, R7, R5, R2.5, R2, R1, RH, C5 or C4 Zones, change of use of property in a nonconforming status, provided such new use is a permitted use in the same zone or a more restricted zone, in which the former use would have been a permitted use.

(3) Within FF, R20, R10, R7, R5, R2.5, R2, R1, RH, C4 or C5 Zones enlargement of the floor area of a nonconforming use up to but not exceeding 20 percent of the floor area existing on July 1, 1959, the effective date of this title, or of any applicable subsequent amendment thereto, or in the case of the annexation, provided such enlarged building complies with height and yard regulations of the zone in which it is located.

(4) Within RX, C2, C1, M3, MX, M2 and M1 Zones, enlargements of the floor area of a nonconforming use exceeding 20 percent of the floor area existing on July 1, 1959, the effective date of this title, or of any applicable subsequent amendment thereto, or in the case of annexed area, the effective date of the annexation, provided such enlargement complies with height, yard, loading, and parking regulations of the zone in which it is located.

(5) Within M2 and M1 Zones, the temporary use of areas or portions thereof for dwelling purposes in demountable or other temporary buildings, under appropriate conditions and safeguards, pending the need of the area for industrial purposes, provided suitable sanitary and other facilities can be made available without extra expense to the City.

(6) (Am 155124 ef Oct. 24, 1983) Within a Z Zone, modification of required building lines, required ground floor retail uses, limitation on blank walls, maximum building heights, and maximum floor area permitted.

(c) (c repealed, d relettered c 151027 Jan. 22, 1981.) Within any zone, modification of any provisions, as proposed by applicant, must be found consistent with the preservation of non-urban lands outside the Metro-adopted Urban Growth Boundary and the land use framework guidelines for Natural Resource areas.

33.98.020 Application and fee. (Amended 152466 Oct. 28, 1981) Any applicant whose building or occupancy permit has been refused

by the Bureau of Buildings because of deviation from the requirements of this title on the matters and under the circumstances stated in Section 33.98.015 may, by written appeal, request a variance.

Such written request shall be filed in the office of the Bureau of Planning upon forms prescribed for that purpose. Requests for variances shall be signed by the applicant, and by the property owner if different. A fee shall be charged in accordance with the provisions of Section 33.114.122(6). The request shall be accompanied by three (3) copies of a site plan showing exact dimensions and arrangement of the proposed development or changes in an existing development or use and by a statement of the facts to prove and to show that the granting of the variance would be necessary and would be in the public interest. Other drawings, topographic surveys, photographs, or other material may be required when essential to an understanding of the proposed development and its relationship to surrounding properties.

No new application shall be considered for which the same or substantially similar variances for the property have been denied until the expiration of six (6) months following the denial.

33.98.025 Procedures. (Am 150091, 153042, 153108; and 153570 July 22, 1982) Variance requests for the types specified in Section 33.98.015 shall be processed as outlined below. In authorizing such variances, conditions may be attached thereto regarding the location, character and other features of the existing or proposed structures or use and as may be deemed in the public interest and/or necessary to carry out the purpose of this chapter and title.

In the case of a variance request within the Z zone, the Design Commission or the Historical Landmarks Commission in the case of designated historical districts or buildings or sites shall have authority to affirm, reverse or modify in whole or in part any administrative decision on minor variances appealed to the Design Commission or Historical Landmarks Commission or in the case of initial action on minor or major variances, the appropriate Commission may grant, grant with conditions, modify or deny the variance request.

Upon receipt of an application for a minor or major variance which is located within a D zone or which is located within a designated historic district or which involves a designated historic building or site, the Bureau of Planning staff shall notify the Design Commission or the Historical Landmarks Commission, as the case may be, as to the scheduled date of the variance hearing or the date for administrative action as required to be made and date by which a report and recommendation of the appropriate Commission or its designee will be required. In the case of a variance request involving both a D zone and a historic district or a historic building or site, a report and recommendation from the Historical Landmarks Commission only will be required.

(a) Minor Variance. When a variance request meets the criteria specified for a minor variance in Section 33.98.015(a), the procedures shall be as follows:

(1) Application shall be made on the standard variance forms and the filing fee shall be paid.

(2) Accompanying such application, the signatures, on forms provided for such purpose, of owners of all adjoining properties, not across a public street or alley, shall have been obtained favoring such request. All signatures shall designate date acquired, and no date shall exceed more than 60 days between date such signature is acquired and date when received at the office of the Bureau of Planning.

(3) If the applicant is successful in getting the required signatures, the Planning Director or designated agent may by administrative action grant, grant with conditions, modify or deny the variance or variances requested. There shall be a decision and supporting findings made in writing within ten (10) working days of the receipt of the application and completed signatures form. The findings shall include the conclusions and the basic facts upon which the decision is based, although such findings need not be transmitted

along with the decision but shall be on file in the office of the Bureau of Planning unless such decision has been appealed; then such findings shall accompany the decision to the appeal body for their consideration. Such decision shall be transmitted within five (5) days after rendering of the written decision to the applicant, to the City Auditor, to the Bureau of Buildings, and to adjoining property owners whose signatures have been acquired. The decision shall be final unless an appeal to the variance committee has been filed in writing with the City Auditor and a copy with the Bureau of Planning by the applicant, whose application has been denied or specially conditioned, or by the owner or owners of an adjoining property, within fourteen (14) days of the filing of the written decision with the City Auditor.

(4) Such administrative action shall not require a public hearing nor notification to property owners beyond the adjoining property owners already notified by the petition procedure.

(5) If the applicant is unsuccessful in obtaining the necessary signatures and requests a hearing by the variance committee, the request shall then be considered as a major variance and the appropriate fee or additional fee for a major variance shall be paid. The variance request shall then be placed on the agenda of the variance committee and the notification and procedures for a major variance shall be followed.

(6) If the applicant or owner of an adjoining property appeals the administrative action, the variance request shall be placed on the agenda of the variance committee for a public hearing within thirty (30) days of the appeal. Standard notification for the appeal shall be mailed by the City Auditor fourteen (14) days prior to the public hearing of the variance committee.

(7) Upon review at the public hearing, the committee may affirm, reverse, or modify in whole or in part any administrative decision or if initial action, the committee may grant, grant with conditions, modify or deny the variance request. The committee shall accompany its decisions with a statement setting forth its findings and the reasons for the decision it reached; and such decision shall be made in writing. The findings shall include the conclusions and the basic facts upon which the decision is based, although such findings need not be transmitted along with the decision but shall be on file in the office of the Bureau of Planning unless such decision has been appealed. then such findings shall accompany the decision to the appeal body for their consideration. Such decision shall be transmitted within five (5) days after rendering the decision at the public hearing to the applicant, to the City Auditor and to the Bureau of Buildings. A summary sheet of the decision shall be transmitted to all persons, agencies or organizations who testified personally or through a representative or in writing during the proceeding as well as to all who submitted a written request for such notification. The decision shall be final unless an appeal to the City Council has been filed in writing with the City Auditor and a copy with the Bureau of Planning within fourteen (14) days of the filing of the written decision of the variance committee with the City Auditor.

(b) Major Variance. When a variance request meets the criteria as specified for a major variance in Section 33.98.015 (b), the procedures shall be as follows:

(1) Application shall be made on the standard variance forms and the filing fee shall be paid.

(2) Notification shall be mailed by the City Auditor to the owners of the property in the affected area fourteen (14) days prior to a specified date at which time all written comments shall be received for consideration and twenty-one (21) days prior to a specified date at which a public hearing before the variance committee is offered. If any property owner so notified objects in writing to the requested variance and requests the opportunity to testify in person or by a representative at such public hearing, said hearing shall be held as scheduled. Should no such request to testify be received, the offered hearing may be cancelled without further notice.

(3) If no request for a public hearing has been received, the Planning Director or designated agent, after consultation with the Bureau of Buildings, may by administrative action grant, grant with conditions, modify or deny the variance request with consideration to any written comments received; and the decision and findings shall be made in writing within ten (10) working days of the date specified in item (2) above for written comments to be received. However, if the administrative action is so conditioned or modified to be unacceptable to the applicant or such action is for denial, the vari-

ance request shall be considered by the variance committee at the public hearing, originally scheduled in subsection (2) above. The findings of the administrative action shall include the conclusions and the basic facts upon which the decision is based, although such findings need not be transmitted along with the decision but shall be on file in the office of the Bureau of Planning unless such decision has been appealed; then such findings shall accompany the decision to the appeal body for their consideration. Such decision shall be transmitted within five (5) days after rendering the written decision to the applicant, to the City Auditor and the Bureau of Buildings. A summary sheet of such decision shall be transmitted to all persons, agencies or organizations who submitted written testimony as well as to all who submitted a written request for such notification. The decision shall be final unless an appeal, by a person as defined in 33.12.600 who has an interest in the action, to the variance committee has been filed in writing with the City Auditor, and a copy with the Bureau of Planning within fourteen (14) days of filing of the written decision with the City Auditor.

(4) If there has been an appeal of the administrative decision, the variance request shall be placed for public hearing on the variance committee agenda within thirty (30) days of such appeal, and the standard notification shall be mailed by the City Auditor fourteen (14) days prior to the said public hearing.

(5) Upon review at the public hearing, the committee, considering all written and oral testimony, may affirm, reverse, or modify in whole or in part any administrative decision; or if an initial action, the committee may grant, grant with conditions, modify or deny the variance request. The committee shall accompany its decision with a statement setting forth its findings and the reasons for the decision it reached; and such decision shall be made in writing. The findings shall include the conclusions and the basic facts upon which the decision is based; although such findings need not be transmitted along with the decision but shall be on file in the office of the Bureau of Planning unless such decision has been appealed; then such findings shall accompany the decision to the appeal body for their consideration. Such decision shall be transmitted at the public hearing to the applicant, to the City Auditor and the Bureau of Buidings. A summary sheet of such decision shall be transmitted within five (5) days after rendering the decision at the public hearing to the organizations who testified personally, or through a representative or in writing during the proceeding as well as to all who submitted a written request for such notification. The decision shall be final unless an appeal to the City Council has been filed in writing with the City Auditor and a copy with the Bureau of Planning within fourteen (14) days of the filing of the written decision of the variance committee with the City Auditor.

(c) (c repealed, d relettered c 151027 Jan. 22, 1981.) Appeal to the City Council. Any person aggrieved by a decision of the Variance Committee may appeal such decision to the City Council by filing with the City Auditor a written notice of appeal and a copy with the Bureau of Planning within fourteen (14) days of the written decision, provided that the person is an applicant or applicant's representative whose application has been denied or specifically conditioned, or that the person or representative of that person is one who objected either personally or in writing to the requested variance on the grounds that were stated have not been removed. The procedures for such an appeal shall be as follows:

(1) Filed with the notice of appeal shall be a statement stating clearly the contention of the application for review as to the correct facts or proper application of the zoning code as the case may be.

(2) The Bureau of Planning shall within fourteen (14) days file with the auditor a report on the decision and the findings and a list of persons appearing or writing on the matter before the committee.

(3) If the application for review contains the foregoing requirements, the Auditor shall set a date for a public hearing before the Council and, no less than fourteen (14) days prior thereto, shall give notice thereof to all persons notified of any previous hearing and all persons who have made an appearance in the matter.

(4) Upon review, the Council may affirm, reverse, or modify in whole or in part any decision of the committee. The Council shall accompany its decision with a statement setting forth its findings and the reasons for the decision it reached. Such affirmation, modification, or reversal may be made a motion, and shall not require separate permit or ordinance.

(5) The auditor shall transmit to the applicant and appellant, if different, the Bureau of Planning, and the Bureau of Buildings the effect of the action taken, which shall be made in the form of an order and shall be preserved along with the previous actions on the matter.

33.98.030 Notification. Where a notification is required, the City Auditor shall compile a list of the names and addresses of all persons owning real property within the affected area. The affected area or standard notification area is all real property located within lines one-hundred fifty (150) feet, including intervening street widths, from and parallel to the boundaries of the property being appealed and other contiguous area as is under the legal control of the applicant. In the case of an enlargement, a change of use, or a reestablishment of a nonconforming use, the above distance shall be four-hundred (400) feet, including intervening street widths. The notice shall give the applicant's name, the variance requested, other pertinent information regarding the request, the date, time and place of the hearing, and the date that all written response shall be received. Such notification shall be as required for the different types of variance procedures found in Section 33.98.025.

33.98.035 Effectiveness-Termination. (Am 153108, 153446; and 156037 ef June 30, 1984) If the order or decision of an administrative action or of the appropriate committee or commission grants all or any portion of an application and it is determined that no persons objected either personally at a hearing or in writing to a requested variance application or if all persons objecting to the application waive such objections in writing or if the ground stated for such objections are removed, such order or decisions shall become effective as hereafter provided. Otherwise, no such order or decision under this chapter shall become effective until after an elapsed period of fourteen (14) days from the date on which the decision is filed with the City Auditor.

No decision nor any order, whether resulting from an appeal or not, allowing any variance or adjustment shall be effective until the applicant, and the property owner, if different, has accepted the terms thereof in writing. Such acceptance must be filed with the auditor and the decision or order recorded in the appropriate county records at the expense of the applicant. If such acceptance is not filed and the fee paid within thirty (30) days after mailing by the Auditor of the acceptance forms, such decision or order shall be null and void. The document recorded shall bear the certificate of the Auditor that the acceptance thereof has been filed and that the document is a true copy of the original.

Subject to the provisions of this section, a variance issued on, or prior to, December 13, 1979 shall run with the land and shall inure to the benefit of the owner, or other persons entitled to possession, regardless of transfer of title or interest.

If construction, remodeling or land division appropriate to the variance has not been started, a variance issued after December 13, 1979 shall terminate two years after the variance is accepted and recorded. When a development schedule is approved with the variance and development does not happen by a date fixed in the schedule, the variance is terminated.

The Planning Director may extend this period one additional year. Should a variance be appealed beyond the jurisdiction of the City of Portland, the time during which it is on review before an administrative agency or court, or on remand to the City from such agency or court, shall not be counted as part of the alloted time.

33.98.040 Validity of certain variances. Notwithstanding the provisions of the chapter, all variances issued prior to April 17, 1974, which would otherwise be valid but for failure to record in the appropriate county deed records the acceptance as heretofore provided by this chapter, hereby are validated as if the acceptance had been duly recorded.

33.98.045 Variance Committee. The Variance Committee shall be appointed by the President of the Commission and shall be composed of fourteen (14) members, including not more than four (4) members from each of the following areas: The architectural, landscape architectural, or city planning professions; the engineering or legal professions; the property management, development or contracting fields. Terms of the members shall be no longer than four (4) years and shall overlap so that the terms of not more than four (4) members expire in any given year. The Variance Committee shall be allowed to divide into two (2) subcommittees, each of seven (7) members, with subcommittees meeting alternately. Members shall participate in either subcommittee. Each variance subcommittee shall elect its own chairperson and adopt such rules of procedure and standards as are necessary to the conduct of its duties and to judge the requests coming before it. At each Variance Committee hearing, four (4) members shall constitute a quorum and a decision shall be rendered by a majority of the members present at the meeting. The staff of the Bureau of Planning shall assist the committee in discharging its duties. The staff is hereby designated as the staff to serve the committee.

33.98.050 Sign location. (Amended 152466 Oct. 28, 1981) (a) Any applicant who desires to erect an outdoor advertising sign shall request the approval of the sign review committee in writing and file the same with the electrical division of the bureau of buildings, provided he applies simultaneously to erect such sign: A fee shall be charged in accordance with the provisions of Section 33.114.122(7). Such request shall be accompanied by three copies of a site plan showing the sign location on the particular property together with specifications, proposed heights and dimensions of the sign. The application shall be transmitted by the bureau of buildings to the sign review committee. The committee may require additional information essential to an understanding of the proposed sign and its relationship to surrounding properties. The committee shall hold a public hearing on each request. The city auditor shall compile a list of the names and addresses of all property owners who own property within lines one hundred fifty feet, including intervening street widths, from and parallel to the boundaries of the property where the sign is to be located. The committee shall notify the auditor of the date of the public hearing and the auditor shall mail notices of the public hearing to all such abutting property owners at least seven days prior to the date of the hearing.

The committee shall grant or deny the application and transmit its decision in writing within fourteen days of the filing of such request to the applicant, to the city auditor, and to the bureau of buildings. Approval of such request shall be void if the sign is not erected within six months after such approval.

(b) In determining the propriety of a proposed location for an outdoor advertising sign, the sign review committee shall consider the density of such signs and neighborhood appearance. The committee may adopt density standards for outdoor advertising signs relating to the city, areas thereof or classes of locations within the city, so as to protect traffic safety and appearance, and to take into account the possible effect of additional outdoor advertising signs upon traffic safety and neighborhood environment. No outdoor advertising signs shall be so located as to adversely affect residential developments, public buildings, parks, or public or private institutions, such as churches, community clubs, or other institutions of similar or different character of public or semipublic nature. The committee may change its standards from time to time to carry out the intent of this title to prevent undue density. Adoption of such standards by the committee shall not prevent it from rejecting a proposed sign which it finds will adversely affect traffic safety or general appearance of the immediate neighborhood, nor prevent the committee from approving a sign in a special situation where the committee finds hardship or other alleviating circumstances.

REVOCABLE PERMITS

33.98.060 Revocable permits. (Amended 138351, 139117, 139702, 141105, 145340, 151341; and 152466 Oct. 28, 1981) Revocable permits alter the regulations or exempt the applicant from any provisions or regulations of this title or its accompanying map.

The revocable permit procedure was created in recognition of the fact that zoning laws are enacted with general application in mind and that upon occasion temporary deviations from that general application may be permitted without detriment to the zoning laws in general and the neighborhoods surrounding revocable permits specifically.

All revocable permits shall be revocable at will by Council, with no vested rights arising to the applicant from the permitted use, with the applicant paying for all costs of putting the land back into the condition it was prior to approval of the revocable permit, and all revocable permits shall be personal to the applicant and shall neither run with the land nor be transferable upon transfer or change of ownership or ownership rights to the use of the property. The applicant shall be either the deedholder or recorded contract purchaser of the property in question.

When a revocable permit is granted, it shall be supported by findings which show that:

(1) To permit the particular deviation from the Code, as requested, would result in trivial detriment to the surrounding properties and not interfere with future enforcement of the correct zoning standards; and

(2) By its nature, the use is one which can be terminated and removed upon request.

All revocable permits may be conditioned to ensure that they do not disturb the surrounding property and otherwise comply with this section.

Requests for revocable permits shall be filed in the office of the Commission in the form of a letter in duplicate. A fee shall be charged in accordance with the provisions of Section 33.114.122(8).

The request shall be accompanied by two copies of the site plan showing exact dimensions and arrangements of the proposed development or all changes in the existing development or use. Other drawings, topographical surveys, photographs, or other material essential to an understanding of the proposed development and its relationship to surrounding properties may be required.

A public hearing shall be held on each request and a report prepared, all in accordance with provisions set forth in Chapter 33.114.

If the report recommends denial, it shall not be forwarded to the Council unless the applicant files a written request therefor. No request shall be approved by the Council until such report has been submitted.

The notices of the hearing shall be mailed by the City Auditor to the owner of each parcel within lines 400 feet, including intervening street widths, from and parallel to the boundaries of the property for which the request is filed, and such other contiguous area as is under the legal control of the applicant. Such notices of the hearing shall be mailed at least fourteen days prior to the date of the hearing.

The provisions for effectiveness and appeal of revocable permits are those set out in Chapter 33.114.

33.98.065 Validity of certain revocable permits. (Added by Ord. No. 138351, passed and effective June 6, 1974.) Notwithstanding the provisions of this chapter, all revocable permits which would otherwise be valid but for failure to record in the appropriate county deed records the acceptance as heretofore provided by this chapter hereby are validated as if the acceptance had been duly recorded.

ADJUSTMENTS

General

33.98.100 Purpose. (Add 155124 ef Oct. 24, 1983) The purpose of this chapter is to provide a mechanism that will allow provisions of Title 33 to be adjusted when such action will allow development that is supportive and consistent with the City's Comprehensive Plan and plans contained therein. The adjustment process recognizes the fact that the zoning regulations apply to a broad range of circumstances, and in some cases their strict application makes desirable development impractical or impossible. Detailed public review of individual proposals through the adjustments process provides a mechanism to adjust regulations while preventing the specific problems that the regulations were created to deal with.

33.98.110 Types of adjustments. (Add 155124; am 155630 ef Mar. 26, 1984) Adjustments may be granted for energy conservation projects under the regulations of Section 33.98.150 to 190. Adjustments in the Z Zone may be granted under the provisions of Sections 33.98.200 to 240. Alternative Design Adjustments may be granted under the provisions of Section 33.98.250 to 33.98.290.

33.98.120 General standards. (Add 155124 ef Oct. 24, 1983) Any adjustment granted through the procedures of this chapter shall satisfy all of the following conditions as well as the specific conditions required for the type of adjustment.

(a) It will not permit the establishment of a use which is not a permitted use within that zone, or the establishment of a use for which a conditional use approval is required but has not been obtained.

(b) It will not cause a substantial adverse effect upon environmental conditions or upon property values in the immediate vicinity of the property of the applicant.

(c) It will apply only to the property that is owned by the applicant and for the specific site approved.

(d) The benefit of granting the adjustment in support of a specific policy has been weighed against other relevant Comprehensive Plan policies and public concerns and has been found to be in the public interest.

(e) The adjustment granted is the minimum required to achieve the proposed benefit.

33.98.130 Application and fee. (Add 155124 ef Oct. 24, 1983) Written application for an adjustment shall be filed at the Bureau of Planning upon forms prescribed for that purpose. The application shall be signed by the applicant and property owner, if different, and accompanied by a fee charged in accordance with the provisions of section 33.114.122. The application shall include three copies of a statement, site plan and other necessary information demonstrating that the general and specific standards for the adjustment will be fulfilled. Additional drawings, topographic or other materials may be required when necessary to evaluate the adjustment request.

No new application shall be considered for which the same or substantially similar adjustments for the property have been denied until the expiration of twelve months following the denial.

33.98.140 Acceptance and termination. (Add 155124 ef Oct. 24, 1983) The regulations for acceptance and terminations of adjustment approvals shall be those cited in section 33.98.035.

Energy Conservation Adjustments

33.98.150 Purpose. (Add 155124 ef Oct. 24, 1983) The purpose of energy conservation adjustments is to allow for energy efficient developments that would not be permitted by strict application of the zoning code, and which will not result in serious negative impacts resulting from the relaxation of specific regulations. The energy conservation adjustment process is supportive of the adopted Energy Conservation Policy for Portland (Ord. No. 148251).

33.98.160 Qualifying energy conserving projects. (Add 155124 ef Oct. 24, 1983) New or remodeled structures utilizing active or passive solar space or water heating features may be granted zoning code adjustments.

33.98.170 Zoning regulations that may be adjusted. (Add 155124 ef Oct. 24, 1983) Regulations that may be adjusted for energy conservation projects are: lot coverage, floor area, height and yard regulations.

33.98.180 Approval standards. (Add 155124 ef Oct. 24, 1983) Adjustments for energy conserving projects shall not be granted unless all of the following standards are met:

(a) Except on items being replaced, the following weatherization measures have been completed on the structure:

(1) The structure has been subject to a certified energy audit, and

(2) For existing residential structures, all weatherization measures which have a ten year or less simple payback have been made.

(3) For existing business structures proposing a solar water heating project, all conservation measures for water heating with a five year or less simple payback have been made.

(4) For existing business structures proposing a solar space heating project, all weatherization measures for space heating with a five year or less simple payback have been made.

(5) The applicant shall certify on the appropriate form that the required weatherization

measures have been completed.

(6) For all new structures, all energy related requirements of the Uniform Building Code will be met.

(b) The project is demonstrably energy conserving to the following levels:

(1) For space heating projects in structures that are oil or natural gas heated, there must be at least a 20 percent projected decrease in yearly heating and cooling energy usage. For all-electric homes there must be at least a 10 percent projected decrease in electrical usage.

(2) For a water heating project, there must be at least a projected 50 percent savings in energy usage for that purpose.

(3) The applicant shall submit either a preliminarily approved application for a state tax credit, or an evaluation and explanation certified by a licensed architect or engineer to demonstrate the fulfillment of the standards of this subsection (b).

(c) The proposed site of the adjustment contains adequate solar access as demonstrated by a solar sky chart. If alternative locations or methods can be shown to be equally cost efficient, and not require an adjustment, the adjustment shall not be granted.

(d) The adjustment will produce little or no adverse effects on nearby properties.

33.98.190 Approval procedures. (Add 155124 ef Oct. 24, 1983) Energy conservation adjustment requests shall be processed as outlined below.

(a) Notification shall be mailed by the City Auditor to the owners of all the property in the affected area and the neighborhood association 14 days prior to a specified date at which time all written comments must be received for consideration, and 21 days prior to a specified date for a public hearing before the Hearings Officer. The affected area is all real property located within lines 150 feet, including intervening streets, from and parallel to the boundaries of the property where the adjustment is requested. The notice shall give the applicant's name, a description of the adjustment requested, other pertinent information regarding the request, the date in which all written comments must be received, and the date of a scheduled public hearing.

(b) If a request for a public hearing has been received, the hearing shall take place as scheduled. The Hearings Officer, upon review at the public hearing, and considering all oral and written testimony, shall approve the adjustment request if it is found that the adjustment meets the requirements of sections 33.98.120 and 33.98.180. If it is found that the application does not fully comply with the requirements, the application shall either be denied, modified, or approved with such conditions that are necessary to meet the requirements.

(c) If no request for a public hearing has been received, the Planning Director or designee, may review the application and written comments and make a decision on the adjustment request. The adjustment request shall be approved if it is found that the adjustment meets the requirements of sections 33.98.120 and 33.98.180. If it is found that the application does not fully comply with the requirements, the application shall either be denied, modified, or approved with such conditions that are necessary to meet the requirements. If the administrative decision is for denial, or is unacceptable to the applicant, the adjustment request shall be considered by the Hearings Officer at the originally scheduled public hearing.

(d) The administrative or Hearings Officer decision shall include supporting findings that state the conclusions and the basic facts upon which the decision is based, and shall be on file in the office of the Bureau of Planning. Within five days after rendering the written decision, it shall be transmitted to the applicant, City Auditor and Bureau of Buildings. A summary of the decision shall also be transmitted within five days to all persons, agencies or organizations who submitted written testimony, and any other persons requesting such notification.

(e) Appeals of the administrative decision shall be done in the following manner.

(1) The administrative decision shall be final unless an appeal has been filed in writing to the City Auditor within 14 days of the City Auditor's receipt of the adjustment decision. A copy of the appeal shall be filed concurrently with the Bureau of Planning. An appeal may only be made by an applicant or their representative whose application has been denied or specifically conditioned, or by a party who objected in writing or personally to the adjustment request.

(2) The energy adjustment request shall be scheduled for a public hearing before the Hear-

ings Officer within 30 days of such appeal, and the standard notification shall be mailed by the City Auditor 14 days prior to the public hearing.

(3) The Hearings Officer upon review at the public hearing, and considering all written and oral testimony, may affirm, reverse or modify the administrative decision. The Hearings Officer shall produce a written decision in the same manner as required in 33.98.190(d), above.

(f) Appeals of the Hearings Officer decision shall be processed under the regulations of section 33.98.300.

Z Zone Adjustments

33.98.200 Purpose. (Add 155124 ef Oct. 24 1983) The purpose of granting adjustments in the Z zone is to increase flexibility in the zoning regulations so as to allow development that is supportive of the Planning Goals and Guidelines for Downtown Portland as adopted by the Council.

33.98.210 Qualifying projects. (Add 155124 ef Oct. 24, 1983) New or remodeled structures in the Z zone may be granted zoning code adjustments.

33.98.220 Zoning regulations that may be adjusted. (Add 155124 ef Oct. 24, 1983) Within the Z zone, regulations that may be adjusted are: required building lines, required ground floor retail uses, limitation on blank walls, maximum building heights, and maximum floor area permitted.

33.98.230 Approval standards. (Add 155124 ef Oct. 24, 1983) A Z zone adjustment shall be granted if it is found that the adjustment will result in a use or structure that is more supportive of the Goals and Guidelines for Downtown Portland than would be the case without the adjustment.

33.98.240 Approval procedures. (Add 155124 ef Oct. 24, 1983) Z zone adjustment requests shall be processed as outlined below.

(a) Z zone adjustments not in a historic district, nor involving a designated landmark, building or site, shall be processed by the Design Commission under the procedures of sections 33.62.050 through 33.62.070 of this title.

(b) Z zone adjustments within a historic district, or involving a designated landmark, building or site, shall be processed by the Historical Landmarks Commission under the procedures of section 33.120.080 of this title.

(c) The Design Commission or Historical Landmarks Commission may grant the Z zone adjustment if it is found that the adjustment meets the requirements of sections 33.98.120 and 33.98.230. If it is found that the application fails to comply with the requirements, the application shall either be denied, modified, or approved with such conditions that are necessary to meet the requirements.

(d) Appeals of Design Commission or Historical Landmarks Commission decisions shall be processed under the regulations of section 33.98.300.

Alternative Design Adjustment

33.98.250 Purpose. (Add 155630 ef Mar. 26, 1984) The purpose of the alternative design process is to allow greater designer and developer flexibility in meeting the intent of several code requirements which implement the objective of a quality environment while maintaining the protection to surrounding properties and the general public intended by these regulations.

33.98.260 Qualifying projects. (Add 155630 ef Mar. 26, 1984) New or remodeled structures in C2, C3 and M3 zones which are not also in a D Design or Z Downtown Development Overlay Zone will be allowed to go through the alternative design adjustment process.

33.98.270 Zoning regulations that may be adjusted. (Add 155630 ef Mar. 26, 1984) Within the C2, C3, and M3 zones regulations eligible for an alternative design adjustment are as follows:

(a) Maximum height permitted regulations of Section 33.41.090 at locations over 400 feet from an R1 or more restrictive zone.

(b) Building orientation regulations of Section 33.41.140 and 33.42.127.

(c) Superblock development regulations of Chapter 33.91.

(d) Open lot parking and access limitations of Section 33.41.040.

33.98.280 Approval criteria. (Add 155630 ef Mar. 26, 1984) An alternative design adjustment may be granted if it is found that the project meets all the applicable criteria below and the general standards of Section 33.98.120.

(a) Assure that new buildings do not cast shadows that cover more than half of any nearby parks or plazas during daylight between 9 A.M. and 3 P.M. from March 21st through the summer until September 21st.

(b) Preserve the view of Mount St. Helens as seen from Terwilliger Boulevard viewpoints, and the view of Mount Hood as seen from the Washington Park Rose Gardens area.

(c) Provide a pleasant and convenient pedestrian pathway and open space system within superblocks as part of both full superblock developments and new developments on superblocks.

(d) Reinforce the special identity or character of the area by relating new buildings to surrounding buildings, plazas, malls, walkways and other nearby major facilities.

(e) Provide a network of plazas and open spaces that are connected along major pedestrian and/or vehicular traffic routes. Place common elements in open spaces that help to unify nearby open spaces such as parks, plazas and landscaped areas with the project and with each other. Plazas created should have their edges defined by and related to surrounding buildings or public improvements.

(f) Locate structures along the street or circulation system for pedestrians to foster a sense of enclosure as appropriate to the character of the area. At other locations, provide landscaping to create or reinforce a commercial park or office park setting.

(g) Develop a strong positive character in the area by creating or reinforcing a sense of gateway at appropriate transitions within and at the edges of the area.

(h) Provide pleasant and convenient access for pedestrians to transit stations from surrounding activity centers and good linkages to the sidewalk circulation system provided for pedestrians.

(i) Provide clear, safe and pleasant connections for pedestrians between the circulation system provided for pedestrians and building entrances.

(j) Provide screening, setbacks, and significant landscaping between the circulation system established for pedestrians and automobile parking and maneuvering areas wherever this is practical.

33.98.290 Approval procedures (Add 155630 ef Mar. 26, 1984) Alternative design requests shall be processed as outlined below:

(a) Alternative design adjustments for building orientation provisions on sites of under 40,000 square feet shall be reviewed by the Planning Director. An application shall be defined and processed as follows:

(1) An application shall consist of a fee, as provided for in Section 33.144.122, and the following submitted in duplicate:

A. A completed application form including a legal description of the property and the signature of all owners;

B. A written statement of the proposal including an explanation of how all applicable criteria are met;

C. Development or site plans including landscape features.

(2) Upon receiving a complete application the Bureau of Planning shall notify the neighborhood association within whose boundaries any portion of the proposed development is located and the abutting property owners of the application, the expected date on which a decision will be made and the expected appeal period for that decision.

(3) The Planning Director may, at the Director's initiation, consult with the applicant, other citizens, City agencies and other public and private organizations to solicit additional information pertinent to the request.

(4) The Planning Director may grant, grant with conditions, modify or deny the request. A decision and supporting findings shall be filed with the City Auditor within ten working days of receipt of the completed application materials. The City Auditor shall mail copies of the decision to the applicant, the Bureau of Buildings, the affected Neighborhood Association and other interested parties requesting such notice, within five working days of the filing of the Planning Director's decision. The decision shall be final on the 15th day following the date on which the Auditor sends out notice of the decision unless an appeal has been filed.

Appeals of the Director's decision shall be processed as alternative design adjustments under the procedures specified below. Design Commission review on such appeals shall be heard on the merits of the case and not prejudiced by the appealed administrative decision.

(b) All other alternative design adjustments not in a historic district not involving a designated landmark, building or site, shall be processed by the Design Commission under the procedures of Sections 33.62.050(2)(B) through 33.62.070 of this Title.

(c) All alternative design adjustments within an historic district, or involving a designated landmark, building or site, shall be processed by the Historical Landmarks Commission under the procedures of Section 33.120.080 of this Title.

(d) The reviewing agency, as specified above, may grant the alternative design review adjustment if it is found that the adjustment meets all the applicable requirements of Section 33.98.120 and the criteria of Section 33.98.280. If it is found that the application fails to comply with all the applicable requirements and criteria, the application shall either be denied, modified, or approved with such conditions as are necessary to meet the requirements.

(e) Appeals of the Planning Director's decision on building orientation adjustments for sites of under 40,000 square feet will be processed according to the procedures set forth in Section 33.91.060 of this Title. Appeals of Design Commission or Historical Landmarks decisions shall be processed under the regulations of Section 33.98.300.

Appeals to City Council

33.98.300 Appeal process. (Add 155124 ef Oct. 24, 1983) The appeal process for a zoning code adjustment is as follows.

(a) The adjustment decision shall be final unless an appeal to the City Council has been filed in writing to the City Auditor within 14 days of the City Auditor's receipt of the adjustment decision. A copy of the appeal shall be filed concurrently with the Bureau of Planning. An appeal may only be made by an applicant or their representative whose application has been denied or specifically conditioned, or by a party who objected in writing or personally to the adjustment request.

(b) The appellant shall file with the appeal request a statement clearly stating the contention of the appeal as to the correct facts or proper application of the zoning code, as the case may be.

(c) Within 14 days after the appeal is received, the Bureau of Planning shall file with the Auditor a report on the decision and the supporting findings and a list of persons writing on the matter.

(d) Upon receipt of a complete appeal, the Auditor shall set a date for a public hearing before the Council and, no less than 14 days prior thereto, shall give notice of the hearing to all persons notified previously and all persons who have written on the matter.

(e) Upon review, the Council may affirm, reverse, or modify in whole or in part the decision on the adjustment. The Council shall accompany its decision with a statement setting forth its findings and reasons, based on the applicable adjustment standards, for the decision it reached.

(f) Within ten days after the Council's action, the Auditor shall transmit to the applicant and apellant, if different, the Bureau of Planning and the Bureau of Buildings the result of the Council action taken, which shall be made in the form of an order and shall be preserved along with the previous actions on the matter.

along with the decision but shall be on file in the office of the Bureau of Planning unless such decision has been appealed; then such findings shall accompany the decision to the appeal body for their consideration. Such decision shall be transmitted within five (5) days after rendering of the written decision to the applicant, to the City Auditor, to the Bureau of Buildings, and to adjoining property owners whose signatures have been acquired. The decision shall be final unless an appeal to the variance committee has been filed in writing with the City Auditor and a copy with the Bureau of Planning by the applicant, whose application has been denied or specially conditioned, or by the owner or owners of an adjoining property, within fourteen (14) days of the filing of the written decision with the City Auditor.

(4) Such administrative action shall not require a public hearing nor notification to property owners beyond the adjoining property owners already notified by the petition procedure.

(5) If the applicant is unsuccessful in obtaining the necessary signatures and requests a hearing by the variance committee, the request shall then be considered as a major variance and the appropriate fee or additional fee for a major variance shall be paid. The variance request shall then be placed on the agenda of the variance committee and the notification and procedures for a major variance shall be followed.

(6) If the applicant or owner of an adjoining property appeals the administrative action, the variance request shall be placed on the agenda of the variance committee for a public hearing within thirty (30) days of the appeal. Standard notification for the appeal shall be mailed by the City Auditor fourteen (14) days prior to the public hearing of the variance committee.

(7) Upon review at the public hearing, the committee may affirm, reverse, or modify in whole or in part any administrative decision or if initial action, the committee may grant, grant with conditions, modify or deny the variance request. The committee shall accompany its decisions with a statement setting forth its findings and the reasons for the decision it reached; and such decision shall be made in writing. The findings shall include the conclusions and the basic facts upon which the decision is based, although such findings need not be transmitted along with the decision but shall be on file in the office of the Bureau of Planning unless such decision has been appealed, then such findings shall accompany the decision to the appeal body for their consideration. Such decision shall be transmitted within five (5) days after rendering the decision at the public hearing to the applicant, to the City Auditor and to the Bureau of Buildings. A summary sheet of the decision shall be transmitted to all persons, agencies or organizations who testified personally or through a representative or in writing during the proceeding as well as to all who submitted a written request for such notification. The decision shall be final unless an appeal to the City Council has been filed in writing with the City Auditor and a copy with the Bureau of Planning within fourteen (14) days of the filing of the written decision of the variance committee with the City Auditor.

(b) Major Variance. When a variance request meets the criteria as specified for a major variance in Section 33.98.015 (b), the procedures shall be as follows:

(1) Application shall be made on the standard variance forms and the filing fee shall be paid.

(2) Notification shall be mailed by the City Auditor to the owners of the property in the affected area fourteen (14) days prior to a specified date at which time all written comments shall be received for consideration and twenty-one (21) days prior to a specified date at which a public hearing before the variance committee is offered. If any property owner so notified objects in writing to the requested variance and requests the opportunity to testify in person or by a representative at such public hearing, said hearing shall be held as scheduled. Should no such request to testify be received, the offered hearing may be cancelled without further notice.

(3) If no request for a public hearing has been received, the Planning Director or designated agent, after consultation with the Bureau of Buildings, may by administrative action grant, grant with conditions, modify or deny the variance request with consideration to any written comments received; and the decision and findings shall be made in writing within ten (10) working days of the date specified in item (2) above for written comments to be received. However, if the administrative action is so conditioned or modified to be unacceptable to the applicant or such action is for denial, the vari-

ance request shall be considered by the variance committee at the public hearing, originally scheduled in subsection (2) above. The findings of the administrative action shall include the conclusions and the basic facts upon which the decision is based, although such findings need not be transmitted along with the decision but shall be on file in the office of the Bureau of Planning unless such decision has been appealed; then such findings shall accompany the decision to the appeal body for their consideration. Such decision shall be transmitted within five (5) days after rendering the written decision to the applicant, to the City Auditor and the Bureau of Buildings. A summary sheet of such decision shall be transmitted to all persons, agencies or organizations who submitted written testimony as well as to all who submitted a written request for such notification. The decision shall be final unless an appeal, by a person as defined in 33.12.600 who has an interest in the action, to the variance committee has been filed in writing with the City Auditor, and a copy with the Bureau of Planning within fourteen (14) days of filing of the written decision with the City Auditor.

(4) If there has been an appeal of the administrative decision, the variance request shall be placed for public hearing on the variance committee agenda within thirty (30) days of such appeal, and the standard notification shall be mailed by the City Auditor fourteen (14) days prior to the said public hearing.

(5) Upon review at the public hearing, the committee, considering all written and oral testimony, may affirm, reverse, or modify in whole or in part any administrative decision; or if an initial action, the committee may grant, grant with conditions, modify or deny the variance request. The committee shall accompany its decision with a statement setting forth its findings and the reasons for the decision it reached; and such decision shall be made in writing. The findings shall include the conclusions and the basic facts upon which the decision is based; although such findings need not be transmitted along with the decision but shall be on file in the office of the Bureau of Planning unless such decision has been appealed; then such findings shall accompany the decision to the appeal body for their consideration. Such decision shall be transmitted at the public hearing to the applicant, to the City Auditor and the Bureau of Buidings. A summary sheet of such decision shall be transmitted within five (5) days after rendering the decision at the public hearing to the organizations who testified personally, or through a representative or in writing during the proceeding as well as to all who submitted a written request for such notification. The decision shall be final unless an appeal to the City Council has been filed in writing with the City Auditor and a copy with the Bureau of Planning within fourteen (14) days of the filing of the written decision of the variance committee with the City Auditor.

(c) (c repealed, d relettered c 151027 Jan. 22, 1981.) Appeal to the City Council. Any person aggrieved by a decision of the Variance Committee may appeal such decision to the City Council by filing with the City Auditor a written notice of appeal and a copy with the Bureau of Planning within fourteen (14) days of the written decision, provided that the person is an applicant or applicant's representative whose application has been denied or specifically conditioned, or that the person or representative of that person is one who objected either personally or in writing to the requested variance on the grounds that were stated have not been removed. The procedures for such an appeal shall be as follows:

(1) Filed with the notice of appeal shall be a statement stating clearly the contention of the application for review as to the correct facts or proper application of the zoning code as the case may be.

(2) The Bureau of Planning shall within fourteen (14) days file with the auditor a report on the decision and the findings and a list of persons appearing or writing on the matter before the committee.

(3) If the application for review contains the foregoing requirements, the Auditor shall set a date for a public hearing before the Council and, no less than fourteen (14) days prior thereto, shall give notice thereof to all persons notified of any previous hearing and all persons who have made an appearance in the matter.

(4) Upon review, the Council may affirm, reverse, or modify in whole or in part any decision of the committee. The Council shall accompany its decision with a statement setting forth its findings and the reasons for the decision it reached. Such affirmation, modification, or reversal may be made a motion, and shall not require separate permit or ordinance.

(5) The auditor shall transmit to the applicant and appellant, if different, the Bureau of Planning, and the Bureau of Buildings the effect of the action taken, which shall be made in the form of an order and shall be preserved along with the previous actions on the matter.

33.98.030 Notification. Where a notification is required, the City Auditor shall compile a list of the names and addresses of all persons owning real property within the affected area. The affected area or standard notification area is all real property located within lines one-hundred fifty (150) feet, including intervening street widths, from and parallel to the boundaries of the property being appealed and other contiguous area as is under the legal control of the applicant. In the case of an enlargement, a change of use, or a reestablishment of a nonconforming use, the above distance shall be four-hundred (400) feet, including intervening street widths. The notice shall give the applicant's name, the variance requested, other pertinent information regarding the request, the date, time and place of the hearing, and the date that all written response shall be received. Such notification shall be as required for the different types of variance procedures found in Section 33.98.025.

33.98.035 Effectiveness-Termination. (Am 153108; and 153446 June 24, 1982) If the order or decision of an administrative action or of the appropriate committee or commission grants all or any portion of an application and it is determined that no persons objected either personally at a hearing or in writing to a requested variance application or if all persons objecting to the application waive such objections in writing or if the ground stated for such objections are removed, such order or decisions shall become effective as hereafter provided. Otherwise, no such order or decision under this chapter shall become effective until after an elapsed period of fourteen (14) days from the date on which the decision is filed with the City Auditor.

No decision nor any order, whether resulting from an appeal or not, allowing any variance or adjustment shall be effective until the applicant, and the property owner, if different, has accepted the terms thereof in writing. Such acceptance must be filed with the auditor and the decision or order recorded in the appropriate county records at the expense of the applicant. If such acceptance is not filed and the fee paid within thirty (30) days after mailing by the Auditor of the acceptance forms, such decision or order shall be null and void. The document recorded shall bear the certificate of the Auditor that the acceptance thereof has been filed and that the document is a true copy of the original.

Subject to the provisions of this section, a variance shall run with the land, and shall inure to the benefit of the owner or other persons entitled to possession regardless of transfer of title or interest. However, a variance issued after December 13, 1979 terminates if construction or remodeling necessary for the variance has not been started within two (2) years of the date specified on a development schedule approved with the variance. If no development schedule was approved, a variance issued after December 13, 1979 terminates within two (2) years of the effective date of the approval, unless the Planning Director or designated agent has extended this period not to exceed one additional year.

In no case shall a variance approved after December 13, 1979 remain in effect for more than three years from the date it became effective unless construction or remodeling necessary for the variance has commenced.

33.98.040 Validity of certain variances. Notwithstanding the provisions of the chapter, all variances issued prior to April 17, 1974, which would otherwise be valid but for failure to record in the appropriate county deed records the acceptance as heretofore provided by this chapter, hereby are validated as if the acceptance had been duly recorded.

33.98.045 Variance Committee. The Variance Committee shall be appointed by the President of the Commission and shall be composed of fourteen (14) members, including not more than four (4) members from each of the following areas: The architectural, landscape architectural, or city planning professions; the engineering or legal professions; the property management, development or contracting fields. Terms of the members shall be no longer than four (4) years and shall overlap so that the terms of not more than four (4) members expire in any given year. The Variance Committee shall be allowed to divide into two (2) subcommittees, each of seven (7) members, with subcommittees meeting alternately. Members shall participate in either subcommittee. Each variance subcommittee shall elect its own chairperson and adopt such rules of procedure and standards as are necessary to the conduct of its duties and to judge the requests coming before it. At each Variance Committee hearing, four (4) members shall constitute a quorum and a decision shall be rendered by a majority of the members present at the meeting. The staff of the Bureau of Planning shall assist the committee in discharging its duties. The staff is hereby designated as the staff to serve the committee.

33.98.050 Sign location. (Amended 152466 Oct. 28, 1981) (a) Any applicant who desires to erect an outdoor advertising sign shall request the approval of the sign review committee in writing and file the same with the electrical division of the bureau of buildings, provided he applies simultaneously to erect such sign: A fee shall be charged in accordance with the provisions of Section 33.114.122(7). Such request shall be accompanied by three copies of a site plan showing the sign location on the particular property together with specifications, proposed heights and dimensions of the sign. The application shall be transmitted by the bureau of buildings to the sign review committee. The committee may require additional information essential to an understanding of the proposed sign and its relationship to surrounding properties. The committee shall hold a public hearing on each request. The city auditor shall compile a list of the names and addresses of all property owners who own property within lines one hundred fifty feet, including intervening street widths, from and parallel to the boundaries of the property where the sign is to be located. The committee shall notify the auditor of the date of the public hearing and the auditor shall mail notices of the public hearing to all such abutting property owners at least seven days prior to the date of the hearing.

The committee shall grant or deny the application and transmit its decision in writing within fourteen days of the filing of such request to the applicant, to the city auditor, and to the bureau of buildings. Approval of such request shall be void if the sign is not erected within six months after such approval.

(b) In determining the propriety of a proposed location for an outdoor advertising sign, the sign review committee shall consider the density of such signs and neighborhood appearance. The committee may adopt density standards for outdoor advertising signs relating to the city, areas thereof or classes of locations within the city, so as to protect traffic safety and appearance, and to take into account the possible effect of additional outdoor advertising signs upon traffic safety and neighborhood environment. No outdoor advertising signs shall be so located as to adversely affect residential developments, public buildings, parks, or public or private institutions, such as churches, community clubs, or other institutions of similar or different character of public or semipublic nature. The committee may change its standards from time to time to carry out the intent of this title to prevent undue density. Adoption of such standards by the committee shall not prevent it from rejecting a proposed sign which it finds will adversely affect traffic safety or general appearance of the immediate neighborhood, nor prevent the committee from approving a sign in a special situation where the committee finds hardship or other alleviating circumstances.

REVOCABLE PERMITS

33.98.060 Revocable permits. (Amended 138351, 139117, 139702, 141105, 145340, 151341; and 152466 Oct. 28, 1981) Revocable permits alter the regulations or exempt the applicant from any provisions or regulations of this title or its accompanying map.

The revocable permit procedure was created in recognition of the fact that zoning laws are enacted with general application in mind and that upon occasion temporary deviations from that general application may be permitted without detriment to the zoning laws in general and the neighborhoods surrounding revocable permits specifically.

All revocable permits shall be revocable at will by Council, with no vested rights arising to the applicant from the permitted use, with the applicant paying for all costs of putting the land back into the condition it was prior to approval of the revocable permit, and all revocable permits shall be personal to the applicant and shall neither run with the land nor be transferable upon transfer or change of ownership or ownership rights to the use of the property. The applicant shall be either the deedholder or recorded contract purchaser of the property in question.

When a revocable permit is granted, it shall be supported by findings which show that:

(1) To permit the particular deviation from the Code, as requested, would result in trivial detriment to the surrounding properties and not interfere with future enforcement of the correct zoning standards; and

(2) By its nature, the use is one which can be terminated and removed upon request.

All revocable permits may be conditioned to ensure that they do not disturb the surrounding property and otherwise comply with this section.

Requests for revocable permits shall be filed in the office of the Commission in the form of a letter in duplicate. A fee shall be charged in accordance with the provisions of Section 33.114.122(8).

The request shall be accompanied by two copies of the site plan showing exact dimensions and arrangements of the proposed development or all changes in the existing development or use. Other drawings, topographical surveys, photographs, or other material essential to an understanding of the proposed development and its relationship to surrounding properties may be required.

A public hearing shall be held on each request and a report prepared, all in accordance with provisions set forth in Chapter 33.114.

If the report recommends denial, it shall not be forwarded to the Council unless the applicant files a written request therefor. No request shall be approved by the Council until such report has been submitted.

The notices of the hearing shall be mailed by the City Auditor to the owner of each parcel within lines 400 feet, including intervening street widths, from and parallel to the boundaries of the property for which the request is filed, and such other contiguous area as is under the legal control of the applicant. Such notices of the hearing shall be mailed at least fourteen days prior to the date of the hearing.

The provisions for effectiveness and appeal of revocable permits are those set out in Chapter 33.114.

33.98.065 **Validity of certain revocable permits.** (Added by Ord. No. 138351, passed and effective June 6, 1974.) Notwithstanding the provisions of this chapter, all revocable permits which would otherwise be valid but for failure to record in the appropriate county deed records the acceptance as heretofore provided by this chapter hereby are validated as if the acceptance had been duly recorded.

ADJUSTMENTS

General

33.98.100 Purpose. (Add 155124 ef Oct. 24, 1983) The purpose of this chapter is to provide a mechanism that will allow provisions of Title 33 to be adjusted when such action will allow development that is supportive and consistent with the City's Comprehensive Plan and plans contained therein. The adjustment process recognizes the fact that the zoning regulations apply to a broad range of circumstances, and in some cases their strict application makes desirable development impractical or impossible. Detailed public review of individual proposals through the adjustments process provides a mechanism to adjust regulations while preventing the specific problems that the regulations were created to deal with.

33.98.110 Types of adjustments. (Add 155124 ef Oct. 24, 1983) Adjustments may be granted for energy conservation projects under the regulations of sections 33.98.150 to 190. Adjustments in the Z zone may be granted under the provisions of section 33.98.200 to 240.

33.98.120 General standards. (Add 155124 ef Oct. 24, 1983) Any adjustment granted through the procedures of this chapter shall satisfy all of the following conditions as well as the specific conditions required for the type of adjustment.

(a) It will not permit the establishment of a use which is not a permitted use within that zone, or the establishment of a use for which a conditional use approval is required but has not been obtained.

(b) It will not cause a substantial adverse effect upon environmental conditions or upon property values in the immediate vicinity of the property of the applicant.

(c) It will apply only to the property that is owned by the applicant and for the specific site approved.

(d) The benefit of granting the adjustment in support of a specific policy has been weighed against other relevant Comprehensive Plan policies and public concerns and has been found to be in the public interest.

(e) The adjustment granted is the minimum required to achieve the proposed benefit.

33.98.130 Application and fee. (Add 155124 ef Oct. 24, 1983) Written application for an adjustment shall be filed at the Bureau of Planning upon forms prescribed for that purpose. The application shall be signed by the applicant and property owner, if different, and accompanied by a fee charged in accordance with the provisions of section 33.114.122. The application shall include three copies of a statement, site plan and other necessary information demonstrating that the general and specific standards for the adjustment will be fulfilled. Additional drawings, topographic or other materials may be required when necessary to evaluate the adjustment request.

No new application shall be considered for which the same or substantially similar adjustments for the property have been denied until the expiration of twelve months following the denial.

33.98.140 Acceptance and termination. (Add 155124 ef Oct. 24, 1983) The regulations for acceptance and terminations of adjustment approvals shall be those cited in section 33.98.035.

Energy Conservation Adjustments

33.98.150 Purpose. (Add 155124 ef Oct. 24, 1983) The purpose of energy conservation adjustments is to allow for energy efficient developments that would not be permitted by strict application of the zoning code, and which will not result in serious negative impacts resulting from the relaxation of specific regulations. The energy conservation adjustment process is supportive of the adopted Energy Conservation Policy for Portland (Ord. No. 148251).

33.98.160 Qualifying energy conserving projects. (Add 155124 ef Oct. 24, 1983) New or remodeled structures utilizing active or passive solar space or water heating features may be granted zoning code adjustments.

33.98.170 Zoning regulations that may be adjusted. (Add 155124 ef Oct. 24, 1983) Regulations that may be adjusted for energy conservation projects are: lot coverage, floor area, height and yard regulations.

33.98.180 Approval standards. (Add 155124 ef Oct. 24, 1983) Adjustments for energy conserving projects shall not be granted unless all of the following standards are met:

(a) Except on items being replaced, the following weatherization measures have been completed on the structure:

(1) The structure has been subject to a certified energy audit, and

(2) For existing residential structures, all weatherization measures which have a ten year or less simple payback have been made.

(3) For existing business structures proposing a solar water heating project, all conservation measures for water heating with a five year or less simple payback have been made.

(4) For existing business structures proposing a solar space heating project, all weatherization measures for space heating with a five year or less simple payback have been made.

(5) The applicant shall certify on the appropriate form that the required weatherization

measures have been completed.

(6) For all new structures, all energy related requirements of the Uniform Building Code will be met.

(b) The project is demonstrably energy conserving to the following levels:

(1) For space heating projects in structures that are oil or natural gas heated, there must be at least a 20 percent projected decrease in yearly heating and cooling energy usage. For all-electric homes there must be at least a 10 percent projected decrease in electrical usage.

(2) For a water heating project, there must be at least a projected 50 percent savings in energy usage for that purpose.

(3) The applicant shall submit either a preliminarily approved application for a state tax credit, or an evaluation and explanation certified by a licensed architect or engineer to demonstrate the fulfillment of the standards of this subsection (b).

(c) The proposed site of the adjustment contains adequate solar access as demonstrated by a solar sky chart. If alternative locations or methods can be shown to be equally cost efficient, and not require an adjustment, the adjustment shall not be granted.

(d) The adjustment will produce little or no adverse effects on nearby properties.

33.98.190 Approval procedures. (Add 155124 ef Oct. 24, 1983) Energy conservation adjustment requests shall be processed as outlined below.

(a) Notification shall be mailed by the City Auditor to the owners of all the property in the affected area and the neighborhood association 14 days prior to a specified date at which time all written comments must be received for consideration, and 21 days prior to a specified date for a public hearing before the Hearings Officer. The affected area is all real property located within lines 150 feet, including intervening streets, from and parallel to the boundaries of the property where the adjustment is requested. The notice shall give the applicant's name, a description of the adjustment requested, other pertinent information regarding the request, the date in which all written comments must be received, and the date of a scheduled public hearing.

(b) If a request for a public hearing has been received, the hearing shall take place as scheduled. The Hearings Officer, upon review at the public hearing, and considering all oral and written testimony, shall approve the adjustment request if it is found that the adjustment meets the requirements of sections 33.98.120 and 33.98.180. If it is found that the application does not fully comply with the requirements, the application shall either be denied, modified, or approved with such conditions that are necessary to meet the requirements.

(c) If no request for a public hearing has been received, the Planning Director or designee, may review the application and written comments and make a decision on the adjustment request. The adjustment request shall be approved if it is found that the adjustment meets the requirements of sections 33.98.120 and 33.98.180. If it is found that the application does not fully comply with the requirements, the application shall either be denied, modified, or approved with such conditions that are necessary to meet the requirements. If the administrative decision is for denial, or is unacceptable to the applicant, the adjustment request shall be considered by the Hearings Officer at the originally scheduled public hearing.

(d) The administrative or Hearings Officer decision shall include supporting findings that state the conclusions and the basic facts upon which the decision is based, and shall be on file in the office of the Bureau of Planning. Within five days after rendering the written decision, it shall be transmitted to the applicant, City Auditor and Bureau of Buildings. A summary of the decision shall also be transmitted within five days to all persons, agencies or organizations who submitted written testimony, and any other persons requesting such notification.

(e) Appeals of the administrative decision shall be done in the following manner.

(1) The administrative decision shall be final unless an appeal has been filed in writing to the City Auditor within 14 days of the City Auditor's receipt of the adjustment decision. A copy of the appeal shall be filed concurrently with the Bureau of Planning. An appeal may only be made by an applicant or their representative whose application has been denied or specifically conditioned, or by a party who objected in writing or personally to the adjustment request.

(2) The energy adjustment request shall be scheduled for a public hearing before the Hear-

ings Officer within 30 days of such appeal, and the standard notification shall be mailed by the City Auditor 14 days prior to the public hearing.

(3) The Hearings Officer upon review at the public hearing, and considering all written and oral testimony, may affirm, reverse or modify the administrative decision. The Hearings Officer shall produce a written decision in the same manner as required in 33.98.190(d), above.

(f) Appeals of the Hearings Officer decision shall be processed under the regulations of section 33.98.300.

Z Zone Adjustments

33.98.200 Purpose. (Add 155124 ef Oct. 24 1983) The purpose of granting adjustments in the Z zone is to increase flexibility in the zoning regulations so as to allow development that is supportive of the Planning Goals and Guidelines for Downtown Portland as adopted by the Council.

33.98.210 Qualifying projects. (Add 155124 ef Oct. 24, 1983) New or remodeled structures in the Z zone may be granted zoning code adjustments.

33.98.220 Zoning regulations that may be adjusted. (Add 155124 ef Oct. 24, 1983) Within the Z zone, regulations that may be adjusted are: required building lines, required ground floor retail uses, limitation on blank walls, maximum building heights, and maximum floor area permitted.

33.98.230 Approval standards. (Add 155124 ef Oct. 24, 1983) A Z zone adjustment shall be granted if it is found that the adjustment will result in a use or structure that is more supportive of the Goals and Guidelines for Downtown Portland than would be the case without the adjustment.

33.98.240 Approval procedures. (Add 155124 ef Oct. 24, 1983) Z zone adjustment requests shall be processed as outlined below.

(a) Z zone adjustments not in a historic district, nor involving a designated landmark, building or site, shall be processed by the Design Commission under the procedures of sections 33.62.050 through 33.62.070 of this title.

(b) Z zone adjustments within a historic district, or involving a designated landmark, building or site, shall be processed by the Historical Landmarks Commission under the procedures of section 33.120.080 of this title.

(c) The Design Commission or Historical Landmarks Commission may grant the Z zone adjustment if it is found that the adjustment meets the requirements of sections 33.98.120 and 33.98.230. If it is found that the application fails to comply with the requirements, the application shall either be denied, modified, or approved with such conditions that are necessary to meet the requirements.

(d) Appeals of Design Commission or Historical Landmarks Commission decisions shall be processed under the regulations of section 33.98.300.

Appeals to City Council

33.98.300 Appeal process. (Add 155124 ef Oct. 24, 1983) The appeal process for a zoning code adjustment is as follows.

(a) The adjustment decision shall be final unless an appeal to the City Council has been filed in writing to the City Auditor within 14 days of the City Auditor's receipt of the adjustment decision. A copy of the appeal shall be filed concurrently with the Bureau of Planning. An appeal may only be made by an applicant or their representative whose application has been denied or specifically conditioned, or by a party who objected in writing or personally to the adjustment request.

(b) The appellant shall file with the appeal request a statement clearly stating the contention of the appeal as to the correct facts or proper application of the zoning code, as the case may be.

(c) Within 14 days after the appeal is received, the Bureau of Planning shall file with the Auditor a report on the decision and the supporting findings and a list of persons writing on the matter.

(d) Upon receipt of a complete appeal, the Auditor shall set a date for a public hearing before the Council and, no less than 14 days prior thereto, shall give notice of the hearing to all persons notified previously and all persons who have written on the matter.

(e) Upon review, the Council may affirm, reverse, or modify in whole or in part the decision on the adjustment. The Council shall accompany its decision with a statement setting forth its findings and reasons, based on the applicable adjustment standards, for the decision it reached.

(f) Within ten days after the Council's action, the Auditor shall transmit to the applicant and apellant, if different, the Bureau of Planning and the Bureau of Buildings the result of the Council action taken, which shall be made in the form of an order and shall be preserved along with the previous actions on the matter.

Chapter 33.102

AMENDMENTS

Sections:

33.102.010 Map change.
33.102.015 Rezoning criteria.
33.102.020 Application for zone change — Zone change and affected areas.
33.102.030 Procedure for change of zone— Establishment of zones exceeding a particular size.
33.102.040 Fees.
33.102.050 Zoning annexed areas.
33.102.060 Text amendment.
33.102.070 Building permit moratorium.

33.102.010 Map Change. (Amended 139117, 139702, 141105, 150581; and 152547 Nov. 19, 1981) After notice to property owners in the zone change and affected areas as set forth in Section 33.102.020 and 33.102.030 and after public hearing as prescribed in Chapter 33.114, the council may change a zone or a portion of a zone from one zone to another, or may otherwise amend the official zoning maps if consistent with the Comprehensive Plan.

In granting a change in zoning classification of any property, the council may attach such conditions and requirements to the zone change as council deems necessary in the public interest. Such conditions and restrictions shall thereafter apply to the zone change. Where such conditions are attached, no zone change shall become effective until the written acceptance of the terms of the zone change ordinance by the property owner, contract purchaser (if any), and optional purchaser (if any), or by the new property owner, contract purchaser (if any), and optional purchaser (if any), who may have purchased the property or become interested in said property between the time of application and the acceptance of such ordinance, shall have been filed with the city auditor, and a certified copy shall have been recorded in the county deed records at the expense of the property owner, the contract purchaser or optional purchaser.

The council or the commission may initiate proceedings for changes in zones. Unless otherwise authorized by the council, no application for zone change shall be considered for recommendation to the council or by the council for property for which an application has been denied until the expiration of six months following denial.

All ordinances changing zone classifications in accordance with the procedure prescribed in this title shall be enacted as special ordinances. All such changes of zone shall be filed and indexed in the office of the city auditor, and shall be noted on the official zoning maps established in Section 33.16.020.

No zone change ordinance shall become effective until a certified copy has been recorded in the county deed records and the zone change has been recorded on the official zoning maps established in Section 33.16.020. Zone change ordinances initiated by the council or by the commission which specify that the zoning map is being amended for the benefit of the public and that the requirement of acceptance by the property owner is waived, shall be recorded by the city. All other zone change ordinances, whether initiated by application or by the council or the commission, shall be recorded at the expense of the property owner, the contract purchaser or optional purchaser. Written acceptance of such zone change ordinance and the terms thereof shall be filed within ninety days from the date of the council's passage of the zone change ordinance. If such acceptance is not filed and fee paid within such ninety-day period, then the zone change shall not be effective and shall have no further force and effect and shall be null and void.

33.102.015 Rezoning criteria. (Added 150581; amended 152904 Feb. 2, 1982.) Approval or disapproval of rezoning of

property shall be determined using the procedures established in this Chapter and in Chapter 33.114. Three major sets of conditions must be met before rezoning may be approved. If all conditions are satisfied, the rezoning request will be approved. The conditions are:
(1) The proposed rezoning must be to the maximum Comprehensive Plan Map designation unless:

(a) Less intense residential densities in existing R10, R20 or FF zones are planned and platted to allow for future redivision at full densities of R5, R7, or R10 zones if so designated by the plan; or

(b) Proof is provided that development at full intensity is not possible within five (5) years due to physical conditions (such as topography, street patterns, public services, existing lot arrangement, etc.)

(2) It must be found that services adequate to support the proposed industrial or commercial use or the maximum residential density allowed by the proposed rezoning are presently available or can be reasonably made available, (consistent with the Comprehensive Plan Public Facilities Policies) by the time the proposed use qualifies for a certificate of occupancy or completion from the Bureau of Buildings. For the purpose of this requirement, services include:
(a) Water supply;
(b) Sanitary sewage disposal;
(c) Stormwater disposal;
(d) Transportation capabilities;
(e) Police and fire protection

Where public utilities are required to be installed or improved by the applicant, a performance contract or bond, assuring their installation to specified standards, is required.

(3) Findings shall be provided by the Hearings Officer that the proposed upzoning:

(a) Should be approved if consistent with 1(a) and 2 above; or

(b) Should be approved if consistent with 1(b) and 2 above with the condition that development be specifically limited consistent with the adequacy of available service until such time as existing service deficiencies are corrected; or

(c) Is premature and should be denied because the land use designation on the Comprehensive Plan is related to, or dependent upon, completion of major public projects or other off-site improvements.

33.102.020 (Amended 139117, 139702, 141105, 142858; and 152547 Nov. 19, 1981) **Application for zone change — zone change and affected areas.** Applications for a map change by property owners shall be made in the following manner:

(a) Zone change area. All owners as defined in Section 33.12.580 of the property in the area proposed to be changed from one zone to another shall sign an application asking for a change in the zone classification. All signatures shall be dated.

(b) Affected area. The area assumed to be affected by a zone reclassification shall be all property within lines four hundred feet, including intervening street widths, from and parallel to the boundary lines of the property

for which a reclassification is proposed and such other contingious area as is under the legal control of the applicant or applicants. The notice requirement to owners within four hundred feet from the boundaries of the new applicant's or applicants' property may be waived in whole or in part if the ownership of the applicant's extends four hundred feet more from the area for which a zone change change is sought. A complete list of names and address of all owners in the area shall be compiled by the city auditor for the purpose of mailing notices of the public hearing.

33.102.030 Procedure for change of zone — establishment of zones exceeding a particular size. (Amended 139117, 139702, 141105, 145342, 150581; and 152547 Nov. 19, 1981)

(a) An application for change of zone shall be filed with the Bureau of Planning. Two copies of a site plan showing exact dimensions and arrangement of the proposed development or changes in an existing development or use or other drawings, topographic surveys, photographs, or other material essential to the understanding of the proposed use and its relationship to surrounding properties may be required to accompany the application. The application shall be checked for sufficiency, and the supporting documentation reviewed. A public hearing shall be held and a report to the council prepared, all in accordance with provisions set forth in Chapter 33.114. If the report recommends denial, it shall not be forwarded to the council unless applicant or applicant's representative files a written request therefor. No application shall be approved by the council until such report has been submitted. No zone change shall be approved unless the provisions of Chapter 18.10, Maximum Permissible Sound Levels, are met. The auditor shall send notice of the date of the hearing by mail to all owners of property in the zone change and affected areas as set forth in Section 33.102.020. At least 30 days shall elapse between the time of sending the notice of the hearing and the holding of the hearing. The term "change of zone" is understood to apply to a change from or to any zone classification defined in this title.

(b) Whenever the council or the commission initiates a change of zone or zones of any area exceeding eighty thousand square feet not including street area, the commission shall make a report embodying its recommendation on the proposal, whether initiated by itself or by the council and shall submit said report to the council by transmitting the same to the auditor. The auditor shall fix the date of hearing before the council and shall give notice by publication of the proposed change of zone or zones in the city's official newspaper for three successive days, the last such publication to be at least fourteen days prior to the date set for hearing. The auditor shall, simultaneously with the initial publication, post notices in at least four places within the affected area. Any reduction of the area in which a zone is or zones are to be changed after the report and publication, may be made by the council, without additional notices to the property owners in the zone change area or the affected area. The provisions of this subsection shall not apply to the establishment or enlargement of any S zone and the auditor shall notify in writing the owners of each parcel of property proposed to be included within an S zone. Subsequent reduction of an S zone, however, shall not require notification.

33.102.040 Fees. (Amended 150581, 151021; and 152466 Oct. 28, 1981) A fee shall be charged in accordance with the provisions of Section 33.114.122(9).

33.102.050 Zoning annexed areas. (Am 139117, 139702, 141105, 145338; and 156176 ef July 1, 1984) Any area annexed to the city after July 1, 1959, shall retain the zoning regulations of its former jurisdiction until changed by the City Council. In the interim period, the city shall administer and enforce the regulations of the former jurisdiction as though they were part and parcel of this title. Within six months after the effective date of the annexation, the commission staff shall present for consideration a proposal for appropriate rezoning of the area in conformance with the provisions of this title. Any area within a jurisdiction not zoned shall immediately, upon annexation, be automatically classified as R7 Zone until changed by the city council.

Within six months after the effective date of the annexation, the commission staff shall present for consideration a proposal for appropriate rezoning of the area in conformance with the provisions of this title. Any area within a jurisdiction not zoned shall immediately, upon annexation, be automatically classified as R7 Zone until changed by the city council.

The procedure for zoning or rezoning such areas shall be in accordance with that specified in Chapter 33.114 provided, however, that legislative zone changes shall be submitted to the commission, instead of the hearings officer, for public hearing and recommendation to the council.

All ordinances establishing zoning in annexed areas shall be accompanied by a map on which is indicated the zoning designations and zoning boundaries. The map, with its zoning designations and zoning boundaries shown thereon, shall be a part of the zone change ordinance, as if all the indications and designations shown thereon were fully described in the text of such ordinance. When the zone change ordinance becomes effective, the zoning designations and boundaries shall be shown upon the set of maps on file in the office of the city auditor, each entitled "Official Zoning Map, City of Portland, Oregon, Planning and Zoning Code," as required by Section 33.16.020. Such maps need not be recorded in the county deed records but rather shall be deemed initial zoning by the city.

33.102.060 Text amendment. (Amended by Ord. No. 150581 effective Jan. 1, 1981.) The council and the planning commission may initiate an amendment or supplement to the text of this title. Each proposed amendment or supplement shall be referred to the planning commission for a study and report to the council.

Natural Resource zones are subject to amendment only under the conditions of:

(1) Section 33.102.010, or

(2) Under the conditions of 33.102 when brought within the Metro-adopted Urban Growth Boundary.

33.102.070 Building permit moratorium. (Added by Ord. No. 145587 passed and effective Apr. 20, 1978.) In the following two instances a building permit moratorium shall apply:

(a) When the commission makes a report to the council on a zone change initiation, whether initiated by itself or by the council, as provided in Section 33.102.010 and its recommendation is that an area be rezoned, pending building permits for uses which are not permitted in the recommended zone shall not issue for a period of ninety days from the date of the commission action or until the council action on the report is effective, if sooner. If otherwise appropriate, such permits shall issue at the end of the ninety-day period unless the council has extended this moratorium for an additional period not to exceed ninety days. Building permits issued after council action shall comply with the requirements of the council decision.

(b) When the commission makes a report to the council on an amendment or supplement to the text, whether initiated by itself or by the council, as provided in Section 33.102.060 and its recommendation is to modify the listing of principal, transitional, accessory, or conditional uses permitted in any zone, building permits for uses which are not permitted under the amended regulations shall not issue for a period of ninety days from the date of the commission action or until the council action on the report is effective, if sooner. If otherwise appropriate, such permits shall issue at the end of the ninety-day period unless the council has extended this moratorium for an additional period not to exceed ninety days. Building permits issued after council action shall comply with the requirements of the council decision.

(c) Added by Ord. No. 148708 passed and effective Nov. 1, 1979.) Notwithstanding subsections (a) and (b) in this section, building permits may be issued despite any map or text amendment recommendation which may be adopted by the Planning Commission in conjunction with a proposed comprehensive plan for the City of Portland.

Chapter 33.106

CONDITIONAL USES

Sections:

33.106.010 Authority.
33.106.020 Procedure and fee.
33.106.030 Effectiveness and appeal.
33.106.035 Validity of certain conditional uses.
33.106.040 Transfer-Termination
33.106.050 Signs.

33.106.010 Authority. (Am 137871, 138936, 139117, 139310, 139702, 140290, 141105, 141491, 145344, 153108, 153828; and 155124 ef Oct. 24, 1983) Upon approval, in accordance with the procedures specified herein, the conditional uses specified in this Title may be permitted in the respective zones in which they are listed. In permitting such uses, it shall be determined that the use at the particular location is desirable to the public convenience and welfare and not detrimental or injurious to the public health, peace or safety, or to the character and value of the surrounding properties. However, churches and elementary or primary schools, whether public or private, are permitted in any R zones and in any C4 zone, provided the site location is found to be appropriate for such use.

Upon application for the establishment of a conditional use or with any subsequent application for change or expansion of such use, a master or long-term development plan for such conditional use may be approved and the bureau of buildings informed that permits may be issued as long as they conform with the approved master development plan without the necessity of a conditional use approval each time a building permit is requested.

In permitting conditional uses, the minimum or maximum requirements specified for each such use in the respective zones may be increased and other conditions and restrictions if necessary to protect the public interest and the surrounding properties may be imposed. Notwithstanding section 33.12.020, an accessory building or use to a conditional use may be allowed on a lot other than that on which the principal building or use is situated. In the case of churches, colleges, hospitals and grade schools only, all of the lots or sites within such project area, may be used for the purpose of computing allowed site coverage, density and floor area provided such site coverage, density and floor area, under the circumstances of the particular case, shall be found not detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity. Such conditions as are imposed shall bind any successors and shall not be affected by any subsequent transfer of ownership.

Change in use, expansion or contraction of the site area, or addition to and/or alterations of structures of conditional uses existing prior to the July 1, 1959 effective date of this title or any applicable subsequent amendment thereto shall conform to all regulations pertaining to such conditional uses as contained herein and to such additional conditions or restrictions as are required to prevent overcrowding the site and to protect the surrounding properties. (See also 33.82.010(b).)

Variances or general modifications in connection with a conditional use may be applied

for as a part of the application for the conditional use, and may be granted if the variance or modification meets the criteria set forth in Chapter 33.98. The applicant may apply for a modification of the minimum or maximum requirements specified for the particular conditional use in the respective zone. The modification may be granted only if it is found that substantially equal protection to the surrounding properties is afforded by some other means or by the physical situation.

A request for a variance or adjustment in the Z Downtown Development Zone shall be considered by the Design Commission, or the Historical Landmarks Commission in the case of designated districts, or buildings or sites. The commissions shall have authority as provided for in section 33.62.050 (2) D. 2.

Prior to approval of a residential care facility, it shall be found that: (a) Applicant has received a valid certificate of review (license to operate) issued under Chapter 8.80 of the municipal code;

(b) Construction or remodeling of structures necessary to accommodate the proposed use is compatible with the surrounding neighborhood and able to be in compliance with the regulations enforced by the Bureau of Buildings. No sign indicating its use shall be permitted. In accordance with Section 501 of the Uniform Building Code, the building inspections director will assign an appropriate occupancy to each individual residential care facility. See also 24.03.021, Code of the City of Portland.

(c) That the use of subject property as a residential care facility shall not result in a concentration of residential care facilities that would result in interference with the enjoyment of neighboring property or interfere with the residential character of the neighborhood. The planning commission guidelines shall be followed to insure that the use of the subject property as a residential care facility will not result in a concentration of social service facilities.

Any residential care facility approval shall: (1) Limit the transferability of the conditional use. If a site is approved for residential care facility use, this approval shall be granted to allow service to a specific number and class or classes of individuals. Any increase in the specific number or any change in the specific class of individuals shall require a new conditional use approval;

(2) Restrict the number of vehicles permanently located at the facility or operated on a daily basis in connection with the facility;

(3) Require additional review of any subsequent remodeling. A determination as to whether a public hearing is needed shall be made by the planning director in consultation with the building inspections director;

(4) Include such other conditions or terms as may be deemed appropriate and in the public interest to prevent interference with the use and enjoyment of public or private neighborhood property.

33.106.015 Exceptions. (Added by Ord. No. 143409 passed and effective April 6, 1977.) Notwithstanding the contents of chapter 33.106 and other provisions of title 33, upon a change of a zone from one zone to another or an amendment to title 33, any use to which a structure, building or land was lawfully put at and after July 1, 1959 that is a listed conditional use in the zone in which it is located shall be granted automatic conditional use status.

33.106.020 Procedure and fee. (Amended 137871, 139117, 139702, 141105, 145334, 147239, 152466, 153042; and 155124 ef Oct. 24, 1983) Written application for the approval of a conditional use shall be filed in the Commission's office upon forms prescribed for that purpose and shall be signed by the applicant, and by the property owner if different. The application shall be accompanied by three copies of a site plan showing exact dimensions and arrangement of the proposed development or changes in an existing conditional use. Other drawings, topographic surveys, photographs or other material essential to an understanding of the proposed use and its relationship to surrounding properties may be required. A fee shall be charged in accordance with the provisions of Section 33.114.122 (10).

Upon receipt of an application for a conditional use which is located within a D Zone or which is located within a designated historic district, building or site, the Bureau of Planning staff shall notify the Design Commission or the Historical Landmarks Commission, as the case may be, as to the scheduled date of the conditional use hearing and the date by which a report and recommendation of the commission

or its designee will be required by the hearings officer. In the case of a conditional use involving both a D zone and a historic district, building or site, a report and recommendation from the Historical Landmarks Commission only will be required.

The City Auditor shall compile a list of the names and addresses of all persons owning real property within the affected area. The affected area is all real property located within lines 400 feet, including intervening street widths, from and parallel to the boundaries of the conditional use site, and such other contiguous area as is under the legal control of the applicant. In the case of excavating and filling the distance defining the affected area shall be 150 feet, including intervening street widths, in each direction from the conditional use except along the frontage of access street where the distance shall be 400 feet, including intervening street widths, and from the site boundaries. A public hearing on each application for a conditional use shall be held. Notification shall be given to the City Auditor of the date of the public hearing and the auditor shall mail notices of the public hearing to property owners within the affected area at least fourteen days prior to the date of the hearing.

Findings and determination upon an application shall be made in writing within sixty days from the date of filing of the application and a copy thereof shall be forthwith transmitted to the applicant, the City Auditor and the Bureau of Buildings. A summary sheet of such decision shall be transmitted to all persons, agencies or organizations who testified personally or through a representative or in writing during the proceeding as well as to all who submitted a written request for such notification.

33.106.030 Effectiveness and appeal. (Amended 132408, 136991, 138351, 139117, 139702, 141105, 145344; and 151026 Jan. 22, 1981.) The provisions for appeal of conditional uses are those set out in Sections 33.114.060(e), 33.114.070, 33.114.080, and 33.114.090. The provisions for effectiveness of conditional uses are those set out in Sections 33.114.120.

33.106.035 Validity of certain conditional uses. (Added by Ord. No. 138351, passed and effective June 6, 1974.) Notwithstanding the provisions of this chapter, all conditional uses which would otherwise be valid but for failure to record in the appropriate county deed records the acceptance as heretofore provided by this chapter hereby are validated as if the acceptance had been duly recorded.

33.106.040 Transfer-Termination. (Am. 137871, 139521, 139702, 145343, 153446; and 156238 June 26, 1984) (a) Subject to the provisions of this section, a conditional use shall run with the land, and shall inure to the benefit of the owner or other person entitled to possession regardless of transfer of title or interest.

(b) Except for the case of a master or long-term development plan approved as provided in Section 33.106.010, each conditional use permit issued after the effective date of this subsection shall terminate if:

(1) Construction or remodeling necessary for the conditional use as approved has not been started within two (2) years of the date specified on a development schedule approved with the conditional use, or in case no such development schedule was approved, within two (2) years of the effective date of the conditional use approval. If the Planning Director or designated agent finds that conditions have not significantly changed since the date of the last scheduled hearing this period may be extended not to exceed one additional year, or if:

(2) Construction once commenced does not substantially progress for a two (2) year period, or if:

(3) After completion of the construction or remodeling, the approved use of the premises as authorized by the permit lapses for any two (2) year period.

(c) Should a conditional use be appealed beyond the jurisdiction of the City of Portland, the time during which it is on review before an administrative agency or court, or on remand to the city from such agency or court, shall not be counted as part of the allotted two or three year period in which an applicant has to act on an approved conditional use permit.

(d) A conditional use is subject to termination upon failure to meet any condition precedent to the use, or upon subsequent breach of any condition, for such failure or breach. Upon recommendation of the planning director, the commissioner in charge or the council, the auditor shall send written notice to the owner of

record to show cause, at least ten days after the mailing of the notice, why the conditional use should not be terminated. The auditor shall also send notice to owners of property within four hundred feet of the property to which the conditional use applies. At the time of hearing fixed or at any subsequent meeting fixed for consideration thereof, it shall be adjudged whether or not the conditional use should be terminated or whether time should be allowed to cure the failure or breach of condition or whether the conditions of the original approval should be modified, as may be found in the best interest of the neighborhood and the community.

Any decision that the conditional use will not be terminated shall not prejudice subsequent possibility of termination because of future nonuse of the premises or violation of a provision of the conditional use. Any continuation of a conditional use may be made subject to such conditions as are found necessary to protect the zone and the neighboring property from the adverse effects of the use.

33.106.050 Signs. (Added 153373 effective July 17, 1982) Signs reviewed with a conditional use or subsequent to a conditional use approval shall be reviewed with the following considerations:

(1) The sign proportion, type, relationship to other signs on the premise as well as the impact on the surrounding neighborhood.

(2) The number of signs, the need and function of each sign. Sign number should be kept to the minimum number that will adequately identify the use.

(3) Sign materials, construction and design should reflect the nature of the use and be compatible with the building's architectural elements, colors and materials.

(4) The method and type of lighting should be in character and compatible with surrounding land uses.

(5) Consideration should be given to the traffic patterns and characteristics of the adjacent streets as they affect the visibility factor.

(6) In no instance should the size, height, number, type or location of signs in residential zones exceed what is permitted in the C2 General Commercial Zone.

Chapter 33.110

SETBACK LINES

Sections:

33.110.010 Establishment.
33.110.020 Exceptions to setback regulations.
33.110.030 Appeals.

33.110.010 Establishment. (Amended 139117, 139702, 141105; and 151735 June 11, 1981.) (a) General. Setback lines may be established or amended in any district in the city for the purposes of regulating the location and alignment of structures and of maintaining appropriate open spaces and adequate distances between structures on opposite sides of a public street in the interest of public convenience, safety, health, and general welfare. More specific purposes for which setbacks may be adopted are:

(1) Increased visibility and safety for pedestrians and drivers.

(2) Separation of commercial and industrial land uses from the noise, dirt and fumes of traffic.

(3) Provision of a more pleasant pedestrian environment and human scale.

(4) Improvement of the visual quality of the corridor and reduction of clutter.

(5) Maintenance of adequate space for the growth of large street trees.

(6) Maintenance of adequate light and air.

Setbacks shall be located only on streets designated as boulevards or parkways in the "Arterial Streets Classification Policy" and shall have the primary intent of ensuring that private development is compatible with the intended landscape treatment of these streets.

(b) Procedure. Proceedings for the establishment of setback lines may be initiated by the commission or by the council.

When proposals for setback lines are initiated by the council or by the commission,

an investigation shall be made of the facts. A map showing the proposed setback line or lines shall be prepared and a report written with findings and recommendations to the commission. A list of all properties within the proposed setback corridor and their legal descriptions shall be sent to the auditor. The hearing time and cover letter information shall also be submitted.

The auditor shall complete the notification list with the names and addresses of the owners of the properties for which setback regulations are sought. The auditor shall notify all owners of listed properties of the proposed setback and of the time and place of the hearing. Not less than fourteen days shall elapse between the date of the mailing of the notice and the date of the hearing.

Following the hearing, the report and recommendations from the commission shall be filed in the office of the auditor for submission to council. The auditor shall thereupon fix a time for a hearing by the council and shall again notify all owners of property within the proposed setback corridor. The notices shall discuss the proposed setback as well as the time and place of the council hearing. Not less than fourteen days shall elapse between the date of mailing and the date of the council hearing.

(c) Maps to be part of setback ordinance. All ordinances establishing setback lines shall be accompanied by a map on which is indicated the setback line or lines established. The map, with its designations and designation rules shown thereon, shall be a part of the setback ordinance, as if all the indications and designations shown thereon were fully described in the text of such ordinance. The setback lines shown on said map shall be indicated on the zoning or district maps when the setback ordinance becomes effective.

(d) Future setback ordinances. All ordinances for the establishment of setback lines, in accordance with the procedure prescribed in this chapter, shall be enacted as special ordinances.

(e) Existing setback lines. All setbacks established under prior ordinances of the city shall be in full force and effect until or unless they are specifically repealed, and such setback lines

hereby are deemed adopted by this title and no building or other structure shall be erected closer to a street line than such setback line established, subject to the exceptions otherwise contained in this chapter.

The commission or council may initiate the repeal of setback ordinances. When so directed, the planning staff shall investigate the facts and make recommendations to the commission. A public hearing shall be held before the commission and then the council on such recommendations. Individual notification of property owners is not required.

Proceedings for the repeal of setback lines may be petitioned for by owners of property so regulated. Petitions for the repeal of setback lines initiated by property owners shall be signed by owners of not less than fifty percent of the area of all the property for which the repeal of setback lines are sought. Each signature of an owner shall be accompanied by the owner's street address and the legal description of the property represented by the signature. The petition shall contain a list of the names and addresses of all other owners of property within the setback with the legal description of the property owner by each such owner. The procedure for repeal initiated by property owners shall then be the same as prescribed for the adoption of setback lines with notification and hearings by the commission and council.

(f) Measurement. All setback lines shall be measured from the street property line or from the right-of-way center line to the nearest part of the structure, except as provided in Section 33.110.020 and on a line at right angles to or concentric with the line from which the setback is measured.

(g) Annexations. On streets with existing setback ordinances, the extension of such regulations onto newly annexed portions of the street shall be considered during rezoning proceedings.

(h) Applicability. Setback regulations will apply to new structures, to external expansions of existing structures and to changes in use along setback corridors. Existing structures and uses which do not meet setback requirements will be allowed to continue as nonconforming uses.

33.110.020 Exceptions to setback regulations. (Amended 143363; and 151735 June 11, 1981.) After the establishment of setback regulations, in accordance with this title, no structure or part of a structure shall thereafter be erected closer to a street lot line than the setback line established except as follows:

(1) Type I Setbacks: Urban Commercial - Type I setbacks are setbacks located along neighborhood collectors, local service streets or major city traffic streets within pedestrian districts. These setback corridors are generally in more dense urban areas with commercial uses and a pedestrian orientation as indicated in the "Citywide Policy on Special Setbacks." The primary purposes of these setbacks are to allow space for the growth of large street trees and to provide greater safety for pedestrians and motorists. Type I setbacks are to be paved with non-asphalt surfaces and/or landscaped with low growing plant materials. If paved with non-asphaltic surfaces, a distinction must be made between public right-of-way and private property.

(2) Within Type I Setbacks: Urban Commercial - Planters, eaves, overhangs and cornices of buildings shall be permitted provided that they project no further than three feet into the setback. The setback shall also not apply to flexible or non-permanent canopies and signs shall be permitted in Type I setbacks in accordance with sign regulations in the Planning and Zoning Code. Paving and/or landscaping of these setbacks is permitted. In all cases, however, in Type I setbacks a clear vertical space is to be maintained between three and one-half feet and eight feet.

(3) Other exemptions from or modifications of setback requirements within Type I setbacks may be allowed only if, after application and hearing, as provided for in Section 33.110.030, affirmative findings can be made to the effect that three conditions exist:

a. There must be special circumstances not shared by a majority of the property owners in the setback area.

b. The special circumstances must create a hardship related to the enforcement of the setback regulations. Hardships may include, but are not limited to, economic hardships due to shallow lots depths or irregularly shaped lots, minor innocent deviations from setback standards, and public needs for the use of setback

areas on public land.

c. The hardship must be unnecessary, indicating that the exemption or modification can be granted without subverting the purposes for imposing the setback in that area.

(4) Type II Setbacks: Medium to Low Density Commercial and Industrial Area - Type II setbacks are setbacks located along major city traffic streets which are not within pedestrian districts. As described in the "Citywide Policy on Special Setbacks," these corridors are in areas with low density commercial or industrial uses and a vehicular orientation. Type II setbacks shall be landscaped areas essentially free of all but existing non-conforming structures. Vision at intersections and driveways shall remain unobstructed.

(5) The vision clearance area at intersections shall be the triangular area between the street intersection and a line that intersects each of the property lines at points 15 feet from their intersection. The vision clearance areas at driveways shall be the triangular areas between a property line and a driveway intersection and a line that intersects the driveway edge and the property line at points 15 feet from their intersection.

(6) Within Type II Setbacks: Medium to Low Density Commercial and Industrial Area - No structure or part of a structure shall be erected closer to a street lot line than the setback line except when, after application and hearing, as provided for in Section 33.110.030, findings can be made affirmatively on the same criteria as in Section 33.110.020(3)(a), (b) and (c). Setback regulations, however, shall not apply to eaves, overhangs or to cornices of buildings projecting no more than three feet beyond the setback line. Signs also may be permitted in Type II setbacks in accordance with sign regulations in the Planning and Zoning Code. For freestanding sign structures, there need not be special circumstances creating unnecessary hardships for the granting of special setback exception permits. Instead, the criteria shall be that the granting of the permits shall not subvert the general purposes for which the setbacks were adopted.

(7) When setback regulations as well as front yard requirements apply to a property, buildings or structures shall not be located nearer to the right-of-way center line or property line than the more restrictive requirements. Provisions in the setback regulations shall also not reduce any requirements for landscaping or buffering contained in other chapters of the Code.

33.110.030 Appeals. (Amended 139117, 139702, 141105, 151735; and 152466 Oct. 28, 1981) (a) Any applicant whose sign permit or building or occupancy permit has been refused by the Bureau of Buildings because of a deviation or an alleged deviation from the regulations of this chapter may, by written appeal, request an exception or variance from such regulations through a special setback exceptions procedure. Such written request shall be filed with the bureau of planning in a letter which includes a clear explanation of the hardship. The letter shall be signed by the applicant and by the property owner if different. A fee shall be charged in accordance with the provisions of Section 33.114.122(11). The request shall be accompanied by two copies of a site plan showing exact dimensions and arrangement of the proposed development or use. Other drawings, topographic surveys, photographs or other material essential to an understanding of the proposed development and its relationship to surrounding properties may be required.

The planning staff will then examine the proposed project and make a report to the planning director. Notices shall be mailed by the city auditor to the owner of each parcel within lines one hundred fifty feet, including intervening street widths, from and parallel to the boundaries of such property for which the request is filed, and such other contiguous area as is under the legal control of the applicant. Such notices shall be mailed fourteen (14) days prior to a specified date at which time all written comments shall be received for consideration and twenty one (21) days prior to a specified date at which a public hearing before the variance committee is offered. If any property owner so notified objects in writing to the requested exception and requests an opportunity to testify in person or by a representative at such public hearing, said hearing shall be held as scheduled. Should no request to testify be received, the hearing may be cancelled without further notice.

If no request for a public hearing has been received, the planning director, after consultation with the bureau of buildings, may by administrative action grant, grant with conditions, modify or deny the exceptions request with consideration to any writtren comments received. The decisions and findings shall be made in writing within ten (10) working days of the deadline specified for receiving written comments. The findings of the administrative action shall include the conclusions and the basic facts

upon which the decision is based, although such findings need not be transmitted along with the decision but shall be on file in the office of the bureau of planning unless such decision has been appealed; then such findings shall accompany the decision to the variance committee for their consideration. Such decision shall be transmitted within five (5) days after rendering the written decision to the applicant, to the city auditor, to the bureau of buildings, and to any party of record in the case requesting the same. The decision shall be final unless a person, as defined in 33.12.600, who has an interest in the action has filed an appeal to the variance committee in writing with the city auditor and with the bureau of planning within fourteen (14) days of filing the written decision with the city auditor.

(b) (Amended 153042 Apr. 1, 1982.) In the event an appeal is filed, the special setback exceptions request shall be placed for public hearing on the variance committee agenda within thirty (30) days of such appeal, and the standard notification shall be mailed by the city auditor fourteen days (14) prior to the date of the hearing. Following the hearing, the auditor shall transmit to the applicant and the appellant, if different, to the Bureau of Planning, and to the Bureau of Buildings, the effect of the action taken. A summary sheet of such decision shall be transmitted to all persons, agencies or organizations who testified personally or through a representative or in writing during the proceeding as well as to all who submitted a written request for such notification.

If a further appeal to the council is filed within fourteen (14) days in writing with the city auditor, the auditor shall set a date for a public hearing before the council, and not less than fourteen (14) days prior thereto, shall give notice of the hearing to all persons notified of any previous hearing and all other persons who have indicated interest in the matter. Upon review, the council may affirm, reverse or modify any decision of the variance committee. The council shall accompany its decision with a statement setting forth its findings and the reasons for the decision. The matter shall be filed for council consideration no later than thirty (30) days after the appeal from the decision of the variance committee.

Such decision shall be transmitted, within fourteen (14) days after rendering the decision, to the applicant, the City Auditor, the Bureau of Buildings and the Bureau of Planning. A summary sheet of such decision shall be transmitted to all persons, agencies or organizations who testified personally or through a representative or in writing during the proceeding as well as to all who submitted a written request for such notification.

(c) Each special setback exceptions permit shall include a specified time period after which time, the permit may be reviewed to determine whether the exception should be continued. The permit may then be revoked by the city in the same manner as a revocable permit.

(d) All exceptions to setback regulations shall be by special permits and such permit shall provide in addition to other applicable terms and conditions, that such terms and conditions shall be included as restrictive covenants in any deed, lease or other transfer or grant executed by the permittee whereby title or any interest in the property described in such permit is conveyed to another. Permits to use and occupy the setback area shall be of no force and effect until accepted by the applicant, and property owner if different, in writing and in a form approved by the city attorney and recorded in the deed record file of the county clerk at the expense of the applicant.

Such acceptance must be filed within thirty days from the date of the approval of the permit. If such acceptance is not filed and fee paid within such thirty day period then the permit shall have no further force and effect and shall be null and void.

(e) (Am 156176 ef July 1, 1984) The Director of the Bureau of Planning shall be responsible for the initial interpretation of this chapter. Whenever there is any question regarding the interpretation of any provision of this chapter or the application of this chapter to any specific case or situation, the Director of the Bureau of Planning, or any person affected by the director's initial interpretation, may submit a written request to the Planning Commission for interpretation of the intent of this chapter. The commission shall, by written decision, interpret the intent of any provision in its application.

Chapter 33.114

ADMINISTRATION AND ENFORCEMENT

Sections:

33.114.010 Enforcement.
33.114.020 Conformance and permits required.
33.114.030 Interpretation–Purpose–Conflict.
33.114.040 Hearings officer.
33.114.050 Initiation of request.
33.114.060 Hearings officer procedure and findings.
33.114.070 Appeals.
33.114.080 Appeals or decisions reviewed by the planning commission.
33.114.090 Procedure upon commission's review.
33.114.120 Effectiveness.
33.114.121 Violations.
33.114.122 Fee schedule and waiver provisions.

33.114.010 Enforcement. It shall be the duty of the bureau of buildings to enforce these zoning regulations except where otherwise specified.

33.114.020 Conformance and permits required. No building, structure, or parking lot shall be erected, established, reconstructed, structurally altered, enlarged, moved, or maintained, nor shall any building, structure or land be used or designed to be used for any use other than is permitted in the zone in which such building, structure or land is located and then only after applying for and securing all permits and licenses required by all laws and ordinances.

33.114.030 Interpretation — purpose — conflict. (Am 139055, 147239, 155630; and 156176 ef July 1, 1984) In interpreting and applying these zoning regulations, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this title to interfere with or abrogate or annul any easement, covenant or other agreement between parties, provided, however, that where this title imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, titles, codes, rules, regulations, or by easements, covenants, or agreements, the provisions of this title shall control.

The Design Commission shall be responsible for the initial interpretation of the requirements for building lines, ground floor retail uses, and limitations on blank walls specified in Chapter 33.56 except as they apply to a designated historic building or site within a designated historic district where such interpretation shall be the responsibility of the Historical Landmarks Commission. The Planning Commission shall be responsible for the interpretation of the superblock development regulations specified in Chapter 33.91 and, for the Z Zone Adjustments and the Alternative Design Review Adjustments specified in Chapter 33.98. The interpretation of Chapter 33.92 shall be handled in conformance with the provisions of Section 33.92.100 of this Title.

In all other cases the Director of the Bureau of Planning shall be responsible for the initial interpretation of this title. Whenever there is any question regarding an interpretation of any provision of this title or an application of this title to any specific case or situation, the Director of the Bureau of Planning, the Design Commission, the Historical Landmarks Commission, or any person affected by an initial interpretation of the title, may submit a written request to the Planning Commission for interpretation of the intent of the title. The Commission shall, by written decision, interpret the intent of any provision in its application.

Whenever there is a question regarding the zoning provisions, "planned treatment" as found in Section 33.12.310, the Director of the Bureau of Planning may refer it to the Residential Care Facilities Licensing Board (8.80.050) for determination. Appeal of this determination may be made to the Council.

33.114.040 Hearings officer. (Amended by Ord. No. 139117, 139702, 141105; and 145339, passed and effective Mar. 9, 1978.) (a) All decisions and recommendations provided for within this title which are not specifically required to be made by the council or the commission shall be made by the hearings officer. Such applications as are considered by the hearings officer shall be subject to the provisions for procedure, effectiveness, and appeal as are set out in this section.

(b) In addition to other matters herein designated to be considered by the hearings officer, the officer shall have the authority to request, receive, and examine available information, conduct public hearings and prepare a record

thereof and enter findings and conclusions on applications for the following: revocable permits, conditional use permits, and on zone changes except those initiated by the council or commission, provided, however, that either commission or council may direct a hearings officer hearing if it decides such initiation is a quasi judicial matter.

(c) In addition to the duties and powers of the hearings officer described above, the officer shall have the power to prescribe rules and

regulations for conduct of hearings before him, provide for administration of oaths and to preserve order.

33.114.050 Initiation of request. (Added by Ord. No. 139117, amended by 139702, 141105; and 145342 passed and effective Mar. 9, 1978.) (a) An action for conditional use, revocable permit and zone change initiated by a property owner or contract purchaser shall be filed at the office of the commission on forms to be provided by that body.

(b) The hearings officer shall act upon the request and hold a public hearing thereon within sixty days of receipt thereof unless such time limitation be extended with the written consent of the applicant. Provided, however, that the time taken in seeking commission guidance under the provisions of Section 33.114.060(g) shall not be included in the computation of such 60-day period.

(c) When a request has been received, accepted and a hearing date assigned, the commission staff shall coordinate and assemble the reviews of any departments, bureaus, and governmental agencies having an interest in the subject of the application, and shall prepare a report. At least ten days prior to the scheduled hearing, the report including staff recommendation, if any, shall be filed with the hearings officer and a copy sent by certified mail to the applicant and made available to any interested person.

33.114.060 Hearings officer procedure and findings. (Added by Ord. No. 139117, amended by 139702, 141105; and 145341 passed and effective Mar. 9, 1978.) (a) The hearings officer may approve a request as submitted, deny the request or approve the request with such conditions as may be necessary to carry out the comprehensive plan or in the case of a request which requires final ap roval of the council make such a recommendation.

(b) The findings and conclusion of the hearings officer shall set forth and demonstrate:

(1) The manner in which the decision is consistent with the zoning code and the comprehensive plan of the City of Portland.

(2) (Amended 150875 Dec. 17, 1980.) The manner in which the decision is consistent with the public need, and the extent to which the general welfare of the public is served by the decision.

(3) Any and all motions, intermediate rulings, policy interpretations, matters officially noticed, and stipulations;

(4) Any proposed, intermediate or final order;

(5) Findings of the hearings officer, including conclusions, and the basic facts upon which the decision is based.

(c) (Amended 152466 Oct. 28, 1981) In addition to the specific findings and conclusions provided for in 33.114.060(b), a verbatim record of all procedings at a hearing shall be made by oral, written or electronic means, which record need not be transcribed verbatim except upon request in the event of an appeal. A fee for verbatim transcripts shall be charged in accordance with the provisions of Section 33.114.122 (13).

(d) In the event of an appeal from the decision of the hearings officer, a record of the action shall be provided by the officer to the appeals body which contains the following:

(1) The request filed and considered;

(2) All evidence, exhibits, and other information relevant and material to the request;

(3) (Added 152466 Oct. 28, 1981) The hearings officer's findings and decision.

(e) (Amended 148872, 151028; and 153042 Apr. 1, 1982.) Except as otherwise provided, the Hearings Officer shall render a written decision within ten days after the conclusion of a hearing. That decision shall be in writing and contain the elements required by 33.114.060 (b) of this title. A copy shall be provided to parties of record in the case requesting the same, and a copy shall be sent by certified mail to the applicant. A summary sheet of such decision shall be transmitted to all persons, agencies or organizations who testified personally or through a representative or in writing during the proceeding as well as to all who submitted a written request for such notification. The officer shall file a copy of his decision together with the recommended implementing ordinance with the Planning Commission and the City Auditor and notify Commission members of it within five days after the written decision is rendered. In the case of requests for variances or conditional uses, a copy of the decision shall also be filed with the Bureau of Buildings. The decision or recommendation of the Hearings Officer shall be final fourteen days after the Hearings Officer has filed it pursuant to this section, unless prior thereto an appeal is filed in accordance with 33.114.070, by a person as defined in

33.12.600 who has an interest in the action, or the Commission, at the request of any one of its members within that fourteen days, initiates review of any decision or in the case of an appeal by an interested person, the Commission, at the request of any one of its members within ten days after such an appeal has been filed, may initiate its own review.

(f) Neither the hearings officer nor the appeal bodies shall:

(1) Communicate, directly or indirectly, with any party or his representatives in connection with any issue involved in a request except upon notice and opportunity for all parties to participate.

(2) Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless the parties are provided the same and are afforded an opportunity to contest the material so noticed.

(g) When prior to, or in the course of a hearing, the hearings officer finds that the case raises a substantial question involving either the application of a policy or the interpretation of a general term that has not been defined in sufficient detail, the officer may certify that question of application or interpretation in written form to the commission for their determination.

The commission in that event at its discretion may elect by a majority vote of its members to accept or reject the officer's request for a code interpretation. When such a question is accepted by the commission, the party or parties may submit in writing his/their view(s) as to what the application or interpretation should be. Parties shall restrict their statements to the issue of interpretation or application as stated by hearings officer and shall not present the commission with arguments or evidence immaterial to the determination sought even though such evidence or argument may be relevant to the hearing officer's final decision on the application.

The commission shall render its written determination within thirty days after receipt of the question from the hearings officer. Said decision shall be transmitted to the hearings officer who will then apply the interpretation or application made to the case and render a decision on the applicant's request.

33.114.070 Appeals. (Amended 139117, 139702, 141105, 148872; and 152466 Oct. 28, 1981) (a) Appeals shall be filed with the auditor on forms provided by the bureau of planning. Appeals shall state separately and clearly:

(1) The interest of the appellant.

(2) How and in what ways that interest is damaged.

(3) Any incorrect facts that were mistakenly relied on in the decision or recommendation being appealed.

(4) Any part of the zoning code or other law, if any, claimed to be violated by the decision or recommendation being appealed.

(5) What is wrong with the decision or recommendation and what decision the appellant is asking to be made.

(b) (Amended 151028 Jan. 22, 1981.) If the appeal substantially meets the foregoing requirements, and if no member of the Commission has requested review within fourteen days after the decision is filed or ten days after such an appeal has been filed, the Auditor shall set a date for a public hearing before the Council and, no less than fourteen days prior thereto, shall give notice thereof to all persons notified of any previous hearing and all persons who have made an appearance in the matter.

(c) Interested city departments and any other interested persons may submit a written statement responding to the appeal no later than ten days prior to the date set for review, setting forth contentions regarding the issues under review by the council. Any such statement so filed shall be added to and made a part of the record to be considered by the council before reaching a decision on appeal, and a copy shall be provided to interested parties.

(d) Upon review, the council may affirm, reverse or modify in whole or in part any decision of the hearings officer or the commission. The council shall accompany its decision with a statement setting forth its findings and the reasons for the decision it reached.

Action by the council shall be decided by a vote of the majority of its members and shall be taken either at that or a subsequent meeting.

The council shall hear the matter no later than thirty days after the appeal from the decision of the hearings officer, or if the commission undertakes the question of review, within thirty days of the filing of an appeal from the commission's decision in accordance with this section.

If the council disagrees with the assessment of relevant factual evidence made by the hearings officer or commission, it must support its assessment either by reference to facts and evidence in the record or conduct its own hearing on such question(s) of fact.

If the council finds that the hearings officer or commission has made an error in an application or interpretation of the code or adopted land use policy, it shall state both what the error was and what the correct policy interpretation or application should be.

(e) (Amended 152466 Oct. 28, 1981) A verbatim record of the proceedings shall be made by oral, written or electronic means, which record need not be transcribed verbatim except upon request in the event of an appeal. A fee shall be charged for verbatim transcripts in accordance with the provisions of Section 33.114.122 (13).

33.114.080 (Amended by Ord. No. 139117, 139702, 141105; and 148872 passed and effective Dec. 13, 1979.) Appeals or decision reviewed by the planning commission.

(a) At its first regular meeting after the filing of any appeal or decision requested to be reviewed by any member, the commission may, by a majority vote of its members present, elect to review any such appeal or decision filed if the commission concludes that the action raises issues of such policy significance, or of such importance to the city or a significant portion thereof, as to require the advice and attention of the commission as the planning agency of the city.

(b) Upon a vote by the commission to review, the commission shall issue an order stating the scope of the review:

(1) On the record made before the hearings officer, or

(2) A de novo hearing on the merits, or

(3) Limited to such issues as the commission determines necessary for a proper resolution of the matter.

(c) The order of review shall include:

(1) A reference to the appeal or decision to be reviewed.

(2) In the case of an appeal a statement of the interest of the appellant to identify party status and the specific grounds relied upon in the appeal;

(3) The date of the hearing on review.

(d) No less than fourteen days prior thereto, the auditor shall give notice of the hearing to those persons notified of the initial hearing and those who have made an appearance in the matter.

(e) (Added 151028 Jan. 22, 1981.) Upon a vote by the Commission not to review, the Commission shall notify the Auditor of the decision and the Auditor shall proceed as required.

33.114.090 Procedure upon commission's review. (Added by Ord. No. 148872 passed and effective Dec. 13, 1979.) (a) Upon the commission's decision to review, the auditor shall not schedule the matter for council action unless an appeal from the commission's decision subsequently is filed in accordance with 33.114.070, or council action is otherwise needed.

(b) Interested city parties and any other interested persons may submit a written statement responding to the review order no later than ten days prior to the date set for review, setting forth contentions regarding the issue under review. Any such statement so filed shall be added to and made a part of the record to be considered before reaching a decision on review, and a copy shall be provided to interested parties.

(c) Upon review the commission may, by resolution, affirm, reverse or modify in whole or in part, any decision, determination or requirement of the hearings officer. When the commission modifies or renders a decision that reverses a decision of the hearings officer, the commission, in its resolution, shall set forth its findings and shall state its reasons for taking the action encompassed in the resolution. When the commission elects to remand the matter back to the hearings officer for such further consideration as it deems necessary, it shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify such.

(d) Action by the commission shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The commission shall render its decision no later than forty-five (45) days after voting to review and shall file that decision with the city auditor within ten (10) days after it is rendered. The commission's decision shall be final unless an appeal from that decision is filed in accordance with 33.114.070 within ten (10) days after it is rendered.

(e) (Amended 152466 Oct. 28, 1981) A verbatim record of the proceeding shall be made by oral, written or electronic means, which record need not be transcribed except upon request in the event of an appeal. A fee shall be charged for verbatim transcripts in accordance with the provisions of Section 33.114.122(13). In the event of an appeal from the decision of the commission to the council or to a court of law, or upon remand to the hearings officer, a record of the action shall be provided by the commission which contains the following:

(1) The request filed and considered.

(2) Specifications of the subject property.

(3) A detailed summary of the applicant's presentations with additional facts from their original application.

(4) All evidence, exhibits and other information relevant and material to the request.

(5) A summary of statements of proponents and opponents.

(6) The findings of the commission upon which the decision is based.

(7) The decision of the commission.

33.114.100 Procedure on appeal to council. (Added by Ord. No. 139117, repealed by Ord. No. 148872 passed and effective Dec. 13, 1979.)

33.114.120 Effectiveness. (Added by Ord. No. 141105; amended by 145341 passed and effective Mar. 9, 1978.) No decision, nor any order or ordinance, whether resulting from an appeal or not, allowing any onditional use, variance or adjustment, or revocable permit, shall be effective until the applicant, and the property owner, if different, has accepted the terms thereof in writing. Such acceptance must be filed with the auditor and the decision, order or ordinance recorded in the appropriate county records at the expense of the applicant. If such acceptance is not so filed and the fee paid within thirty days after city action becomes final, such decision, order or ordinance shall be null and void. The document recorded shall bear the certificate of the auditor that the acceptance thereof has been filed and that the document is a true copy of the original.

33.114.121 Violations. (Renumbered by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) It is unlawful for any person to violate any regulation contained in this title, to permit or maintain such violation, to refuse to obey any provision or regulations except as variation may be allowed under this title. Proof of such unlawful act or failure to act shall be deemed prima facie evidence that such act is that of the owner. Prosecution or lack thereof of either the owner or of the occupant shall not be deemed to relieve the other.

33.114.122 Fee schedule and waiver provisions. (Added 152466 Oct. 28, 1981) (1) Plan amendment. The fee for filing a Plan amendment application shall be $200.00.

(2) Design review. The fee for making written application for design review, as required by Section 33.62.050, shall be $75.00 for major design review and $40.00 for minor design review.

(3) Signboard control review. The fee for making a written request for a sign review committee approval or ruling, as required by Section 33.74.060, shall be $75.00. This fee shall not be imposed if simultaneous approval has been requested under Section 33.98.050 and fee paid thereunder.

(4) (Am 155624 Feb. 23, 1984) Greenway Review. The fee for making written application for a Greenway Review approval, as required by Section 33.77.050, shall be $40.00 for a minor Greenway Review by the Planning Director and $200.00 for a Statewide Planning Goal 15 Exception Greenway Review. The fee for a Conditional Use Greenway Review shall be the $200.00 fee required for a Conditional Use by 33.114.122(10).

(5) Special noncontorming use. The fee for making written application for special non-conforming use approval, as required by Section 33.94.080 shall be $75.00.

(6) Variance. The fee for making written application for a variance, as required by Section 33.98.020, shall be $75.00 for a major variance, and $40.00 for a minor variance. This fee shall not be imposed if approval has been requested as part of a conditional use application and the fee required by 33.114.122 (10) has been paid.

(7) Sign location. The fee for making written application for a sign location approval required by Section 33.98.050 shall be $75.00 exclusive of the fee required under Title 32.

(8) Revocable permit. The fee for making written application for a revocable permit as required by Section 33.98.060, shall be $150.00.

(9) Zone changes. The fees for zone changes as required by Section 33.102.040 shall be: For a change to FF, R20, R10, R7, R5, or R2.5 zoning, $150.00; for a change to RH at a FAR ratio less than 3:1, R2, R1, or superimposed Y, B, D, L, mh, N, nr, S, V, W1, WN, WSR, WSD or Z zoning, $350.00; and for a change to RH at a FAR ratio of 3:1 or greater, RX, C or M zoning, $500.00. Multiple zone changes in one application shall require payment of only the highest applicable fee.

Whether a request for a change of zone or a request for an amendment to a zone change is granted or denied by Council, the applicant shall not be entitled to the return of the fee paid. The fee for an amendment to a zone change Ordinance shall be one half the fee specified above for the zone change previously granted by such Ordinance. When a zone change or amendment to a zone change Ordinance is initiated by the Council or by the Planning Commission for the benefit of any private individual, partnership, corporation, or other person, the fees as herein provided shall be paid by such private individual, partnership, corporation, or other person for whom the proceeding has been initiated, unless otherwise specifically provided by the Council, or waived pursuant to Section 33.114.122(14).

(10) Conditional uses. The fee for a conditional use permit, as required by Section 33.106.020, shall be $200.00 except in the following instances: (a) The fee for a Planned Unit Development shall be $200.00 plus $12.50 per unit; (b) the required fee and the public hearing may be waived in whole or in part if it is determined by the Planning Director or his delegate that the approval requested constitutes a minor improvement of low cost and does not change the use or pose a question of public importance. The determination of the Planning Director or his delegate shall be final.

(11) Appeals of setback regulations. The fee for filing written appeals requesting an exception or variance from the setback regulations as required by Section 33.110.030 (Setback Lines) shall be $75.00.

(12) Sign adjustments. The fee for making a written application for a sign adjustment as required by Section 33.124.050 shall be $75.00 for the public hearing and $40.00 for an administrative procedure only, exclusive of the fee required under Title 32.

(13) Verbatim transcripts and photocopies. The fee for verbatim transcripts of the minutes of the Hearings Officer and the Planning Commission meetings provided by the Bureau of Planning or the Hearings Officer shall be $1.75 per page. The fee for photocopies shall be

$.25 per page. There shall be no charge for a transcript or photocopies furnished to the City Council or a neighborhood association in the event of an appeal if the association is registered with and acknowledged by the City's Office of Neighborhood Associations, pursuant to Chapter 3.96 of the City Code.

(14) Any individual making application to the City for an action under this Title, who believes that he cannot pay the fees required by Section 33.114.122, may make application for waiver. An applicant for a fee waiver must be an individual noncorporate entity. An application for a fee waiver will be required to certify gross annual income and family size. The fee will only be waived if the family income is at or below the Community Service Administration non-rural poverty level for a family of that size.

Information relating to waiver application procedures and eligibility criteria shall be made available by the Bureau of Planning. The Planning Director or his delegate shall determine eligibility for fee waivers. Information provided by the applicant shall remain confidential.

(15) The fees to be charged as listed in this section shall be reviewed biennially by the Planning Commission for updating to reflect changes in costs. The first such review shall take place by January 1, 1984.

(16) (Add 153936 ef Nov. 29, 1982) Change of commercial conditional use in M2 or M1 zone. The fee for making written application for an administrative approval of a change of a commercial conditional use in an M2 or M1 zone shall be $40.00.

(17) (Add 155124 ef Oct. 24, 1983) Energy conservation adjustment. The fee for making written application for an energy conservation adjustment required by Section 33.98.130 shall be $75.00.

(18) (Add 155124 ef Oct. 24, 1983) Z zone adjustment. The fee for making written application for a Z zone adjustment required by Section 33.98.130 shall be $75.00.

(19) (Add 155630 ef Mar. 26, 1984) Alternative Design Adjustment. The fee for making written application for an alternative Design Adjustment as provided for in 33.98.130 shall be $75.00.

(20) (Add 155630 ef Mar. 26, 1984) Superblock Development Regulations. The fee for an administrative review on a superblock development as required by Chapter 33.91 shall be $100.00.

Chapter 33.120

HISTORICAL DISTRICTS, BUILDINGS, AND SITES

(New chapter substituted by Ord. No. 140096 passed June 19, effective July 6, 1975.)

Sections:

33.120.010 Special purpose.
33.120.020 Portland historical landmarks commission.
33.120.030 Officers, meetings, rules and procedure.
33.120.040 Functions and duties.
33.120.050 Designation of historical buildings or sites.
33.120.055 Designation of conservation districts.
33.120.060 Designation of historical districts.
33.120.065 Designation not a recommendation for federal action.
33.120.070 District advisory councils.
33.120.080 Exterior remodeling or new structure.
33.120.090 Demolition permits–Building condemnation.
33.120.100 Record of demolished historical buildings–Artifacts.
33.120.110 Signs–Plaques.
33.120.120 Redevelopment and neighborhood improvement projects.
33.120.130 Recommended historical building, site, or district, or conservation district.

33.120.010 Special purpose. Buildings and sites in the city, having special historic associations or significance or of special architectural merit or significance, should be preserved as a part of the heritage of the citizens of the city, and for the education, enjoyment and pride of the citizens, as well as the beautification of the city and enhancement of the values of such property. To that end, regulatory controls and administrative procedures are necessary.

33.120.020 Portland historical landmarks commission. (Amended by Ord. No. 143920 passed and effective June 29, 1977.) There hereby is created a Portland historical landmarks commission. This commission shall consist of seven members, each entitled to one vote, as follows: one member from the Portland planning commission; one member from the curatorial staff of the Oregon Historical Society; one member from the Portland Beautification Association; one member from the Portland chapter of the American Institute of Architects; and three members from the citizens at large. All members of the commission shall serve without compensation and shall be appointed by the mayor. All members shall serve for a term of four years except the first appointments which shall be for the following terms: two members shall be appointed initially for two year terms; two members shall be appointed initially for three year terms; and three members shall be appointed initially for four year terms. Any vacancy occurring in a position for any reason other than the expiration of the term shall be filled by appointment by the mayor for the remainder of the term.

33.120.030 Officers, meetings, rules and procedure. (Amended by Ord. No. 144324 passed and effective Sept. 8, 1977.) (a) Within thirty days from September 29, 1968, the mayor shall make such appointments as are called for in this chapter and shall notify each appointee of the first regular meeting to be held within at least sixty days from September 29, 1968. The mayor shall designate one member of the Portland historical landmarks commission to be temporary chairman, and the temporary chairman shall preside over the first meeting and serve until permanent officers have been elected by majority vote of the entire membership of the Portland historical landmarks commission, and the officers so elected shall serve until the date of the first annual meeting, or until their successors are regularly elected and take office. The officers of the Portland historical landmarks commission shall consist of a chairman, vice chairman and secretary.

(b) The annual meeting of the Portland historical landmarks commission shall be held each year during the month of January. In addition, the Portland historical landmarks commission shall meet at least once every two months, and upon the call of the chairman. The regular time, place and manner of notice for meetings shall be fixed by rules of the Portland historical landmarks commission.

(c) The Portland historical landmarks commission shall establish and adopt its own rules of procedure. The Portland historical landmarks commission shall submit an annual report to the mayor covering its activity for the calendar year on or before the following February 1st.

(d) Any clerical and staff assistance necessary shall be provided by the planning director and his staff.

33.120.040 Functions and duties. (Amended by Ord. No. 144324 passed and effective Sept 8, 1977.) (a) The Portland historical landmarks commission shall serve in an advisory capacity and make recommendations concerning historical districts, conservation districts, buildings, and sites to the city council, the Portland planning commission, the Portland development commission, and other public or private agencies on matters relating to the preservation of such districts, buildings and sites.

(b) (Amended 150874 Dec. 17, 1980) The Portland Historical Landmarks Commission shall adopt such rules and regulations as it finds necessary or appropriate to carry out the intent of this chapter.

(c) The Portland historical landmarks commission shall receive requests by any citizen, by owners of the buildings or sites, or may on its own motion make recommendation concerning the designation of particular districts, buildings, and sites as historical districts, conservation districts, historical buildings or historical sites.

(d) The Portland historical landmarks commission shall recommend removal from any list of designated historical districts, conservation districts, buildings, and sites such property as it finds no longer worthy of such designation.

(e) The Portland historical landmarks commission shall have authority to inspect and investigate any district, building, or site in the city which it is requested to recommend designation as or which it has reason to believe is an architectural or historical landmark.

(f) The Portland historical landmarks commission shall review all information which it has and shall hold hearings as prescribed in this chapter and transmit the results thereof to the city officials as provided in this chapter.

(g) The Portland historical landmarks commission shall have authority to coordinate historical preservation programs of the city, county, state and federal governments as they relate to property within the city.

(h) The Portland historical landmarks commission may recommend to city council or to the legislature of the state any changes of law which it finds appropriate or needed.

(i) The Portland historical landmarks commission shall compile and maintain a current list of all historical districts, conservation districts, buildings, and sites which have been so designated pursuant to this chapter with a brief description of the district, or site and the special reasons for its inclusion on the list.

(j) The Portland historical landmarks commission shall have authority to take such steps as it finds appropriate or necessary to make available to the public information concerning its activities and the various districts, buildings, and sites so designated pursuant to this chapter.

(k) The Portland historical landmarks commission shall prepare, review, and adopt guidelines, criteria, or such other statements of policy as may be appropriate relating to the development or preservation of historical districts, conservation districts, buildings, and sites.

(l) The Portland historical landmarks commission shall assist and coordinate the work of district advisory councils with respect to historical and conservation districts.

(m) The Portland historical landmarks commission shall perform such other duties relating to historical districts, conservation districts, buildings, and sites as the city council or the mayor may request.

(n) (Added 153108 Apr. 15, 1982.) The review of designated landmarks within D Design Zones and Z Downtown Development Zones shall be conducted in accordance with Section 33.120.080 Exterior Remodeling or New Structure.

33.120.050 Designation of historical building or site. (a) (Amended by Ord No. 144324 passed and effective Sept. 8, 1977.) Upon receipt of a request to designate a particular building or site as a historical building or site, or upon direction by the city council on its own motion, the city auditor shall advise the owner of such building or site, the Portland historical landmarks commission, the Portland planning commission, and the bureau of buildings of the city, and shall fix a date and time for a public hearing before the city council thereon. The auditor shall notify abutting owners and shall transmit a copy of the request to the Portland historical landmarks commission unless such request has come from the commission. The Portland historical landmarks commission shall review all proposals for designation as historical building or site, unless the initial request has been made by the Portland historical landmarks commission, and shall submit its recommendation to the city council prior to the public hearing.

(b) At such hearing the owner of the property involved, the owners of all abutting property, a representative of the Portland historical landmarks commission, a representative from the Portland planning commission, and from the bureau of buildings of the city shall be entitled to be heard, and the council may hear all other interested parties.

(c) If the city council determines that a building proposed to be designated as an historical building has architectural significance or is of historical importance based upon past or present use, the council may designate such building as an historical building. If the council finds that a particular site had a prior use involving the establishment, growth or particular incidents relating to the history of the city, the council may designate the same as a historical site.

(d) If any historical building has been demolished or destroyed, the city council on its own motion or upon recommendation of the Portland historical landmarks commission, may remove the historical building designation therefrom. If the designation is proposed to be removed from any historical building or site for any other reason than set forth in the preceding sentence, then similar notices, recommendations and hearings shall be held as upon the designation of a building or site as historical in the first instance.

(e) An historical or architecturally significant interior space or other portion of a public building may be designated as an historical building in the same manner as provided in this section, and provisions of this chapter relating to historical buildings shall also be applicable to such designated interior space or other portion of a public building.

33.120.055 Designation of conservation districts. (Added by Ord. No. 144324 passed and effective Sept. 8, 1977.) (a) Upon receipt of a request to designate any area as a conservation district, or upon direction by the city council on its own motion, the city auditor shall advise the Portland historical landmarks commission, the Portland planning commission, and the bureau of buildings of the city, and shall fix a date and time for a public hearing before the city council thereon. The auditor shall notify owners within the proposed conservation district and shall transmit a copy of the request to the Portland historical landmarks commission unless such request has come from that commission. The Portland historical landmarks commission shall review all proposals for designation of a conservation district unless the initial request has been made by the commission, and shall submit its recommendation to the city council prior to the public hearing.

(b) At such hearing the owners of any property involved, the owners of all abutting property, a representative of the Portland historical landmarks commission, a representative for the Portland planning commission, and from the bureau of buildings of the city shall by entitled to be heard, and the council may hear all other interested parties.

(c) If the city council determines that an area proposed to be designated as a conservation

district has architectural significance or is of historical importance based upon past and/or present use, the council may designate such area as a conservation district. All sites or buildings within a district need not be of historical or architectural significance provided the district as a whole is of such importance or significance.

(d) If the primary or significant buildings within a conservation district have been demolished or destroyed, the city council on its own motion or upon recommendation of the Portland historical landmarks commission, may remove the conservation district designation. If the designation is proposed to be removed from any conservation district for any other reason than set forth in the preceding sentence, then similar notices, recommendations and hearings shall be held as upon the designation of the conservation district in the first instance.

33.120.060 Designation of historical districts. (a) (Amended by Ord. No. 144324 passed and effective Sept. 8, 1977.) Upon receipt of a request to designate any area as an historical district, or upon direction by the city council on its own motion, the city auditor shall advise the Portland historical landmarks commission, the Portland planning commission, and the bureau of buildings of the city, and shall fix a date and time for a public hearing before the city council thereon. The auditor shall notify owners within the proposed historical district and shall transmit a copy of the request to the Portland historical landmarks commission unless such request has come from the Portland historical landmarks commission. The Portland historical landmarks commission shall review all proposals for designation of an historical district unless the initial request has been made by the Portland historical landmarks commission, and shall submit its recommendation to the city council prior to the public hearing.

(b) At such hearing the owners of any property involved, the owners of all abutting property, a representative of the Portland historical landmarks commission, a representative from the Portland planning commission, and from the bureau of buildings of the city shall be entitled to be heard, and the council may hear all other interested parties.

(c) If the city council determines that an area proposed to be designated as an historical district has architectural significance or is of historical importance based upon past or present use, the council may designate such area as an historical district. All sites or buildings within a district need not be of historical or architectural significance provided the district as a whole is of such importance or significance.

(d) If the primary or significant buildings within an historical district have been demolished or destroyed, the city council on its own motion or upon recommendation of the Portland historical landmarks commission, may remove the historical district designation. If the designation is proposed to be removed from any historical district for any other reason than set forth in the preceding sentence, then similar notices, recommendations and hearings shall be held as upon the designation of the historical district in the first instance.

33.120.065 Designation not a recommendation for federal action. (Added by Ord. No. 144324 passed and effective Sept. 8, 1977.) Nothing in this chapter nor the designation of a historical or conservation district under Sections 33.120.055 or 33.120.060 shall be interpreted as a recommendation by the council of the city of Portland supporting designation of any building or structure as a "Certified Historic Structure" for purposes of Section 191 (d) (1) (B) or (C) of the Tax Reform Act of 1976. No such recommendation or certification shall be made by the city of Portland without notice to affected parties and an additional hearing thereon.

33.120.070 District advisory councils. (Amended by Ord. No. 144324; and 148169 passed and effective July 26, 1979.) (a) A district advisory council of 5 members shall be created for each historical and conservation district established by the city council. Each advisory council shall include one citizen at large appointed by the mayor; the chairman of the Portland Historical Landmarks Commission or his designee and three additional members selected by the Portland Historical Landmarks Commission including representation of residents and property owners within the historical or conservation district and approved by the city council. In any district that is

composed of more than fifty (50) percent residential structures, a minimum of three members shall be property owners residing in the district.

(b) Each district advisory council shall act in an advisory capacity to the historical landmarks commission. Each council shall recommend guidelines and criteria for development and/or preservation within the historical or conservation district.

(c) (Am 154256 ef Mar. 12, 1983) Each historical district advisory council shall review any permit for exterior remodeling or new construction wholly or partially within the historical district and submit recommendations thereon to the Portland historical landmarks commission.

(d) Each conservation district advisory council shall review any permit for new construction within the conservation district and submit recommendations thereon to the Portland historical landmarks commission.

33.120.080 Exterior remodeling or new structure. (Am 144324, 153108; and 154256 ef Mar. 12, 1983) (a) Whenever the Portland historical landmarks commission receives from any person or from the bureau of buildings an application for permit from the bureau of buildings for exterior remodeling of any designated historical building, or receives an application for construction of a new structure on a designated historical site, or receives an application for exterior remodeling of any building or new construction on any site wholly or partially within a designated historical district, or receives any application for construction of a new structure on any site within a designated conservation district, the Portland historical landmarks commission shall transmit to the bureau of buildings a copy of such application. All applications shall be accompanied by plans and specifications and the Portland historical landmarks commission may require additional sketches of the proposed remodeling.

(b) Exterior remodeling as governed by this chapter shall be deemed to include any change or alteration in color, design, or other exterior treatment. Any proposed change or alteration to the exterior of a designated historical building, or any building wholly or partially within a designated historical district, which change does not require a permit from the bureau of buildings, shall be submitted to the commission for review and approval of such change. The commission shall approve the change if the treatment proposed is determined to be harmonious and compatible with the appearance and character of the historical building or historical district, and shall disapprove the application if found detrimental as unsightly, grotesque, otherwise adversely affecting the stability of values of adjacent properties or adversely affecting the architectural significance, the integrity of historical appearance and the educational and historical value of the building. Decisions shall be subject to appeal to the city council on the same terms and conditions as set forth in this section.

(c) At the Portland historical landmarks commission hearing, the applicant, a representative of the bureau of buildings and the planning commission shall be entitled to be heard. Recommendations from the district advisory council, if the application involves any site wholly or partially within a designated historical or conservation district, shall be presented to the Portland historical landmarks commission. The Portland historical landmarks commisson may also hear any other interested party.

(d) If the Portland historical landmarks commission determines that the proposed remodeling or new structure will not adversely affect the character of the district, building, or site, and is in the public interest, or finds that the proposed exterior remodeling or new structure will enhance the historical value of the district, building, or site, then the commission shall approve the issuance of a permit therefor by the bureau of buildings, and upon compliance with the building regulations and other regulations of the city, such permit shall be issued. If the Portland historical landmarks commission finds such action appropriate, it may approve the application for permit for exterior remodeling or for a new structure wholly or partially within a historical district or for new construction in a conservation district, or on a historical site, upon conditions which the Portland historical landmarks commission imposes, to promote and preserve the historical or architectural integrity of the district, building, or site. Upon conditional approval, the building permit may be issued in accordance with such condition. However, if found

necessary and appropriate, the Portland historical landmarks commisson may reject the application. In such event the building permit shall not be issued thereafter unless the action of the Portland historical landmarks commission is reversed on appeal as set forth below.

(e) If the Portland historical landmarks commission has imposed conditions on its approval of an application or has disapproved an application as set forth in the preceding subsection, the applicant, the owner or occupant of the building or site involved may appeal from the decision of the Portland historical landmarks commission to the city council, by filing with the auditor and filing a copy with the bureau of buildings and the commission of notice of appeal to the city council if such notice is filed within ten days after such decision of the Portland historical landmarks commission. The notice of appeal shall immediately be transmitted to the city auditor who shall fix a date and time for hearing on the appeal before the city council. At the council hearing on the appeal, all interested parties may be heard. The council may reject the appeal and affirm the decision of the Portland historical landmarks commission, may modify the decision or may grant the appeal and direct a building permit to be issued, if the application for permit otherwise complies with the codes and ordinances of the city.

(f) (Am 155124 ef Oct. 24, 1983) If the historical district, building or site involved in the permit application or review procedure as provided in this section is located wholly or partially within a D Design Zone, the review and action thereon shall be conducted by the Portland Historical Landmarks Commission. Proposed projects, located partially in a historical district and partially in a D Design zone which occupy more than a single block, shall be reviewed by both the Design Commission and the Historical Landmarks Commission. Appeal from the Landmarks Commission's action shall be directly to the City Council as provided in this section. In the case of a variance or adjustment request within the Z Zone, the Historical Landmarks Commission on sites wholly or partially within designated historical districts, buildings or sites shall have authority to affirm, reverse or modify in whole or in part any administrative decision on minor variances appealed to the commission. In the case of initial action on a variance, or adjustment, the commission may grant, grant with conditions, modify or deny the variance request, in accordance with the provisions of Chapter 33.98.

(g) The Historical Landmarks Commission on sites wholly or partially within designated historical districts, buildings or sites within the Z Zone may grant sign review approval excluding existing outdoor advertising signs in accordance with the provisions of Chapter 33.74 of this title.

33.120.090 Demolition permits—Building condemnation. (Amended by Ord. No. 144324 passed and effective Sept. 8, 1977.) (a) If an application is received from the bureau of buildings or is initially made to the Portland historical landmarks commission for a permit for demolition of any historical building, or the demolition of a structure on a designated historical site or within a designated historical district, or the demolition of a structure within a designated conservation district, the Portland historical landmarks commission shall within thirty days after the application is initially filed, hold a hearing on the issuance of such permit. The applicant for permit, the owner of the property and any occupant of the property shall be entitled to be heard. The Portland historical landmarks commission may hear all other interested parties. The Portland historical landmarks commission shall consider the state of repair of the building, the reasonableness of the cost of restoration or repair, taking into account the purpose of preserving the designated historical districts, conservation districts, building, and sites, the character of the neighborhood and all other factors which it finds appropriate. The Portland historical landmarks commission may approve the issuance of the permit, in which event the bureau of buildings may issue the permit in compliance with all codes and ordinances of the city. The Portland historical landmarks commission may reject the application for permit if it determines that in the interest of preserving historical values the structure should not be demolished, and in that event issuance of the permit shall be suspended for a period fixed by the Portland historical landmarks commission, but not exceeding one hundred twenty days from the date of application. Within the suspension period, the Portland historical landmarks commission may request an

extension of the suspension period by the city council. If the city council determines that there is a program or project under way which could result in public or private acquisition of the historical building or site and the preservation or restoration of such building or site, and that there is reasonable ground to believe that the program or project may be successful, then the council, in its discretion, may extend the suspension period of an additional period not exceeding one hundred eighty days, to a total of not more than three hundred days from the date of application for demolition permit. During the period of suspension of permit application, no permit shall be issued for such demolition nor shall any person demolish the building or structure, unless the council has granted an appeal and directed the issuance. If at the end of 300 days the program or project is unsuccessful and the applicant has not withdrawn his application for demolition permit, the bureau of buildings shall issue the permit, if the applicant otherwise complies with the codes and ordinances of the city.

(b) Action by the Portland historical landmarks commission suspending issuance of permit for demolition may be appealed by the applicant for permit, the owner or the occupant, by filing a notice of appeal in the same manner as provided in this chapter for appeals from disapproval of remodeling permit. If the appeal is made, the procedure thereafter shall be the same as set forth in Section 33.120.080.

(c) Before taking any action to condemn a building or structure designated as a historical building or site, or any building or structure within a designated historic or conservation district, the Portland historical landmarks commission shall review the report of the bureau of buildings and any other city bureau relating to the condition of the building and premises and the extent of its danger, deterioration or decay. The Portland historical landmarks commission shall report on its review and make its recommendation concerning city action to the commissioner in charge for transmission to the city council if official action of condemnation is instituted.

(d) The Portland historical landmarks commission may identify specific structures within a designated historical or conservation district which may be exempt from the provisions of this section governing review of a permit for demolition.

33.120.100 Record of demolished historical buildings–Artifacts. (a) If a designated historical building is to be demolished, insofar as practicable and as funds are available, the Portland historical landmarks commission shall keep a pictorial and graphic history of the historical building or historical site with additional data as it may obtain.

(b) To the extent funds are available or the commission may obtain donations thereof, the Portland historical landmarks commission shall obtain artifacts from the building or site which it deems worthy of preservation, such as carvings, cast iron work, or other materials it deems of artistic or historical importance.

33.120.110. Signs–Plaques. (a) (Amended by Ord. No. 144324 passed and effective Sept. 8, 1977.) Either before or after submission to the Portland historical landmarks commission or a committee thereof, or to any other board or commission of the city, and before issuance of a permit therefor, an application to replace or erect a sign on a designated historical building on the property on which the designated historical building is located, or on a designated historical site, or on any building or site in a designated historical district, or on any building or site in a designated conservation district, and before issuance of a permit therefor, the application for the permit shall be reviewed by the Portland historical landmarks commission. The Portland historical landmarks commission shall hold a hearing on the sign application, at which hearing the applicant, the owner and the occupant of the premises shall be entitled to be heard. If the Portland historical landmarks commission finds that the proposed sign will not unreasonably detract from the architectural and historical significance of the premises, taking into account the size, location, construction and any lighting of such sign, then the Portland historical landmarks commission shall approve the issuance of a permit therefor. Otherwise, the Portland historical landmarks commission may impose special conditions on the size, location, construction or other characteristics of the proposed sign, or may reject the same. The hearing shall be held within thirty days after the submission of the application to the Portland historical landmarks commission. The applicant, owner or occupant shall have the same right of appeal and under the same procedural condi-

tions set forth in this chapter for appeals from actions of the Portland historical landmarks commission relating to building permits for exterior remodeling of a designated historical building. The council may sustain, modify or overrule the action of the Portland historical landmarks commission.

(b) The owner of a designated historical building or site or the occupant thereof with the consent of the owner may, at his own expense, install an identification plaque indicating the name, date, architect or other appropriate information upon the property, provided that the size, material, design, location and text of such plaque is first approved by the Portland historical landmarks commission.

33.120.120 Redevelopment and neighborhood improvement projects. (Amended by Ord. No. 144324 passed and effective Sept. 8, 1977.) In any redevelopment project or neighborhood improvement project administered or supervised by a department of the city or submitted to the city for its review and recommendations, proposed action relating to a designated historical district, conservation district, building, or site shall be submitted to the Portland historical landmarks commission for its review and recommendation. A report thereon by the Portland historical landmarks commission shall be filed with the city council and a copy shall be sent to the appropriate city department.

33.120.130 Recommended historical building, site, or district, or conservation district. (Added by Ord. No. 148813 passed and effective Nov. 29, 1979.) (a) Wherever reference is made in this chapter, either expressly or implicitly, to a designated historical building, site, or district, or to a designated conservation district, such reference shall be deemed to include any building, site, or district that has been recommended by the Portland Historical Landmarks Commission for any such designation but for which the recommendation has not yet been heard by the City Council, and the provisions of this chapter, especially those of Sections 33.120.080 and 33.120.090 relating to the remodeling and demolition of designated buildings, sites, or districts, shall extend and apply to such recommended buildings, sites, or districts from the date of such recommendation until the date of such hearing. The hearing shall be scheduled on the earliest possible council calendar, not to exceed a total of 21 days from the date of recommendation.

(b) Whenever a building site or district is recommended for landmark designation to City Council by the Portland Historical Landmarks Commission, the Commission shall notify the Bureau of Buildings in writing immediately of the pending Council hearing of the recommended landmark designation. The Bureau of Buildings shall not issue any alteration or demolition permits on recommended landmarks, unless approved by the Landmark Commission or unless the time between the landmark recommendation and the City Council hearing exceeds twenty-one (21) days.

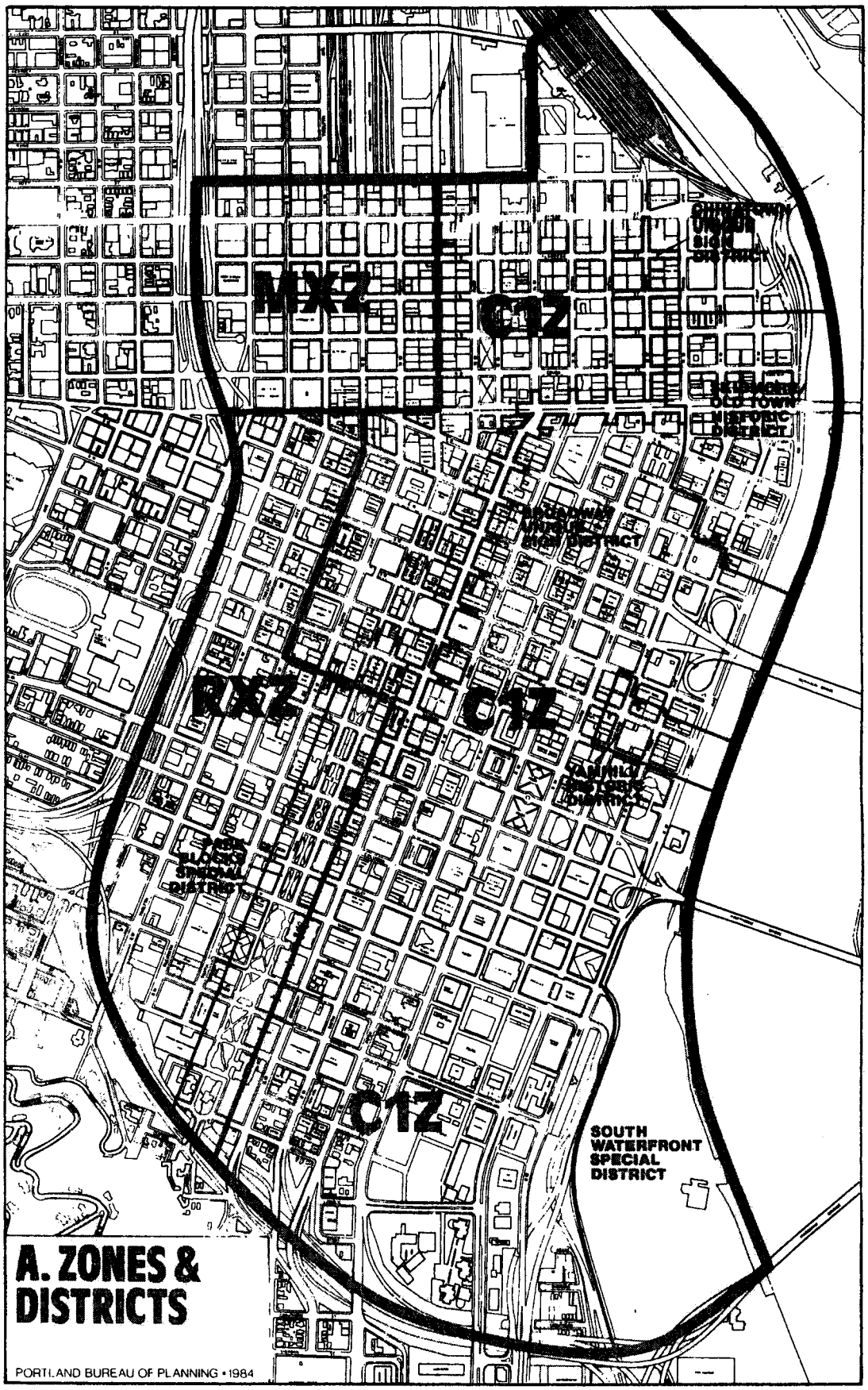
Chapter 33.124

THURMAN VAUGHN CORRIDOR IMPROVEMENT PLAN REVIEW

(Added by Ord. No. 144383 passed and effective Sept. 15, 1977, repealed by Ord. No. 150581 passed Oct. 31, 1980 effective Jan. 1, 1981.)

APPENDIX I
Downtown Supplemental Zoning Maps

Map A	**Downtown Plan Zoning Districts**
Map B	**Maximum Building Heights**
Map C	**Maximum Floor Area Ratio**
Map D	**Building Requirements**
Map E	**Parking Access**


MX2
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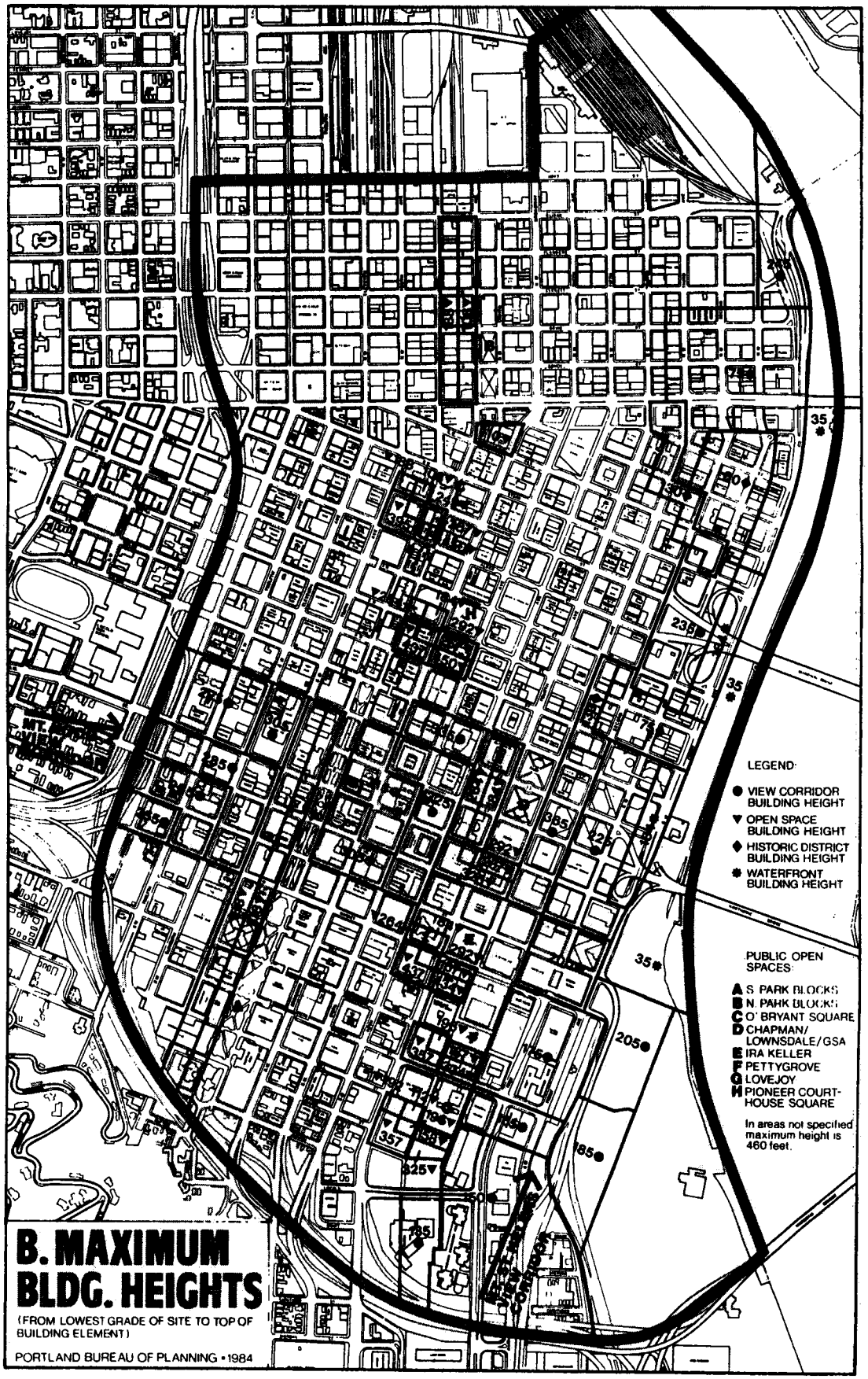
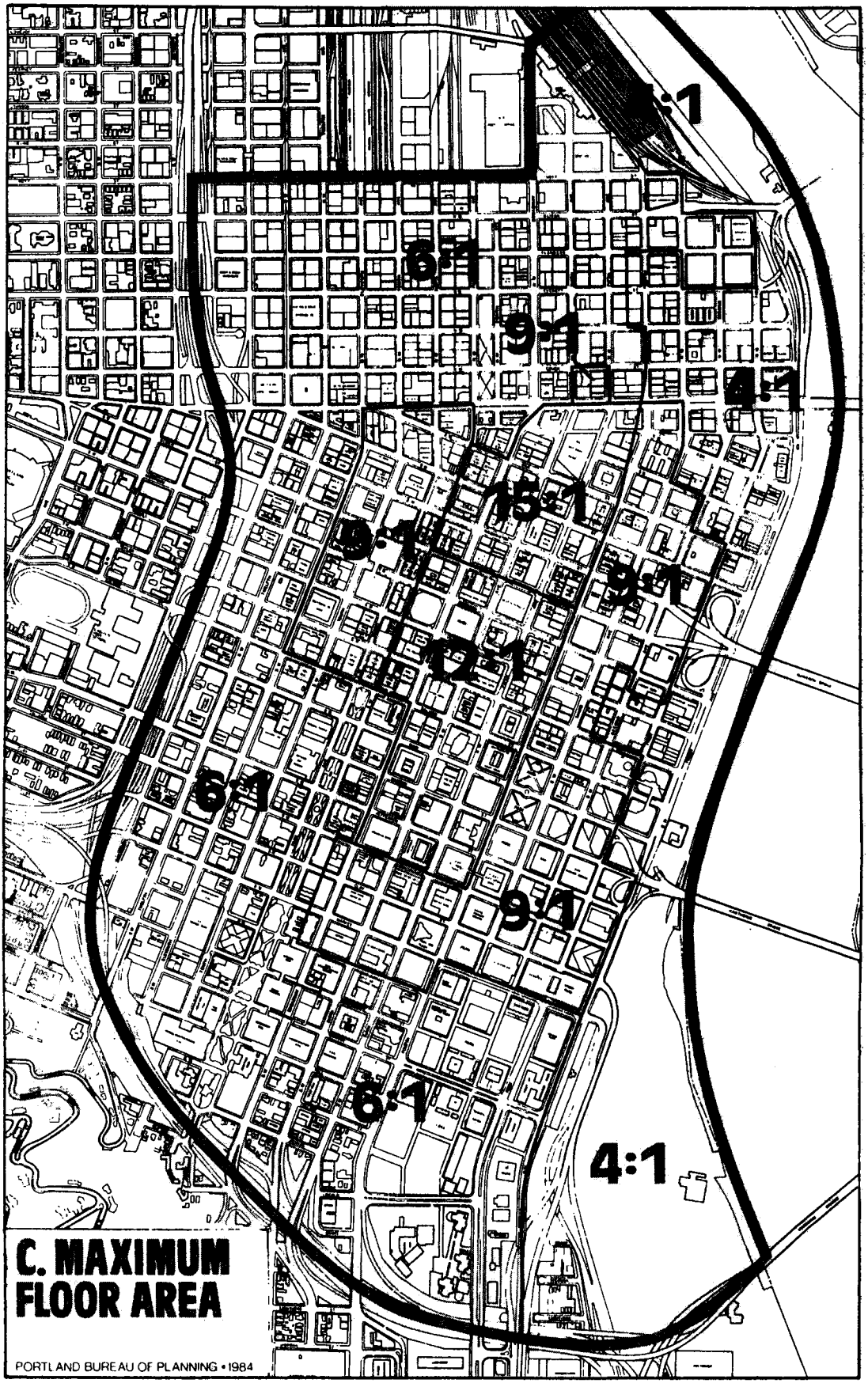
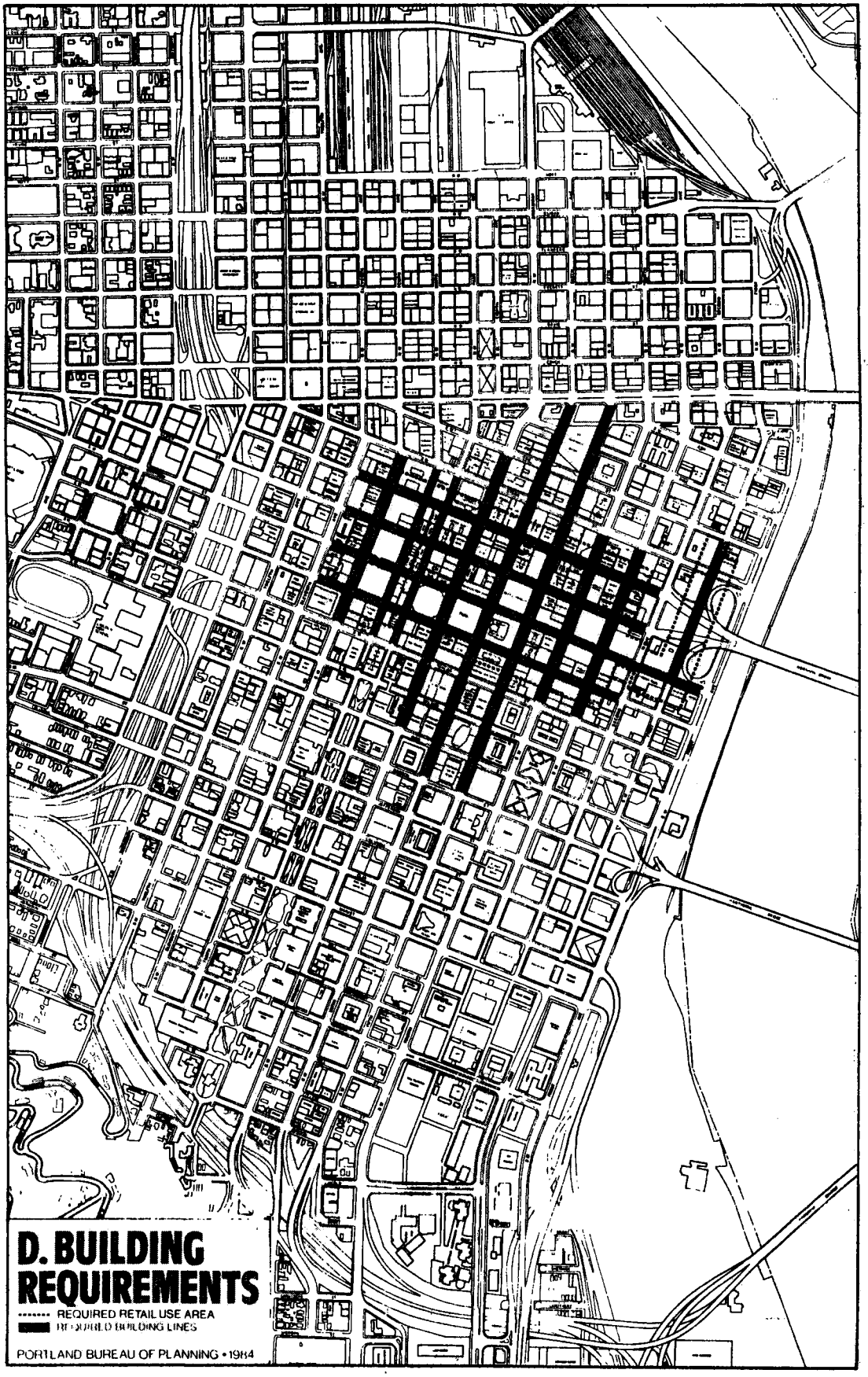
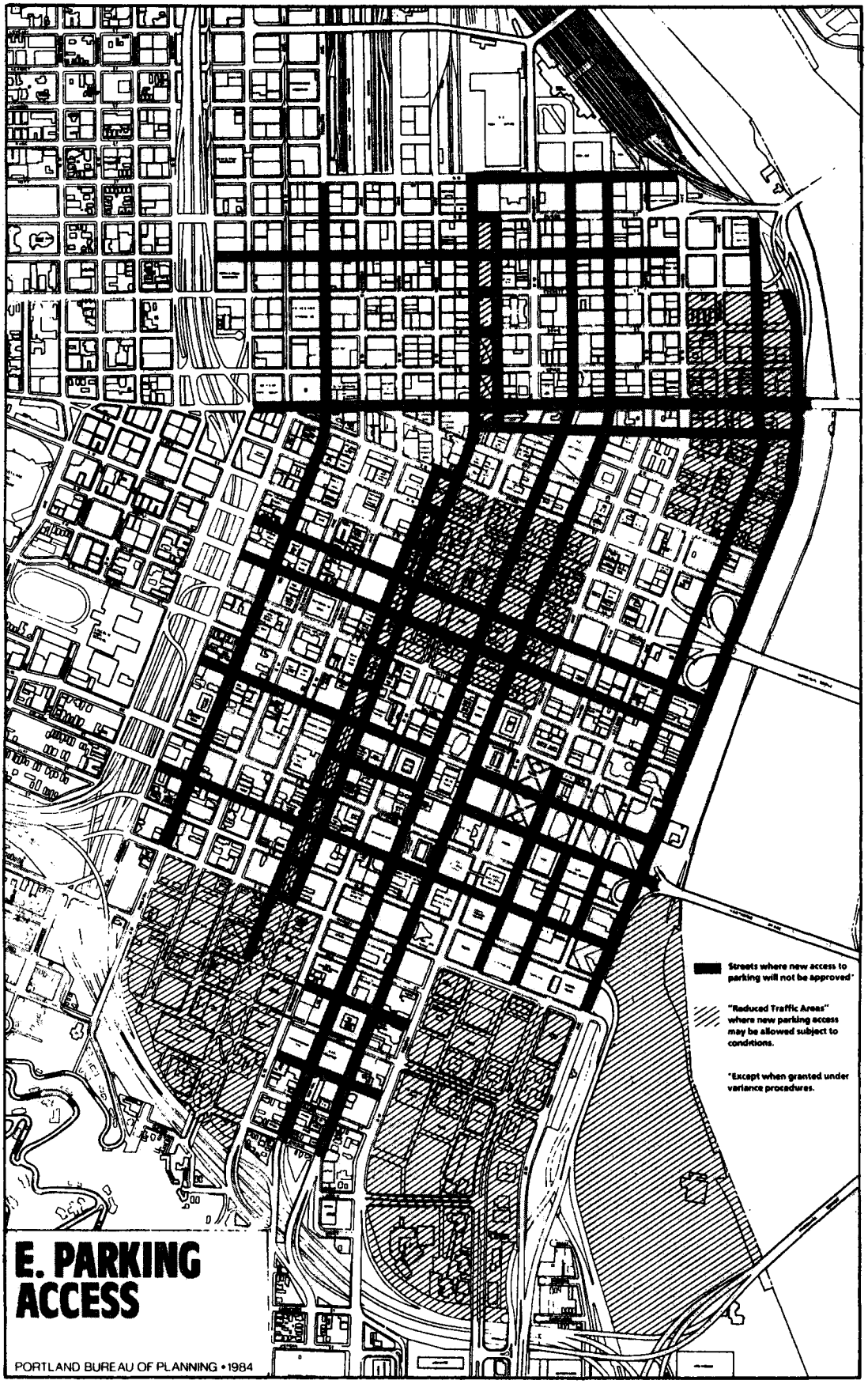
SPECIAL
DISTRICT
A. ZONES &
DISTRICTS
PORTLAND BUREAU OF PLANNING • 1984


LEGEND:
VIEW CORRIDOR BUILDING HEIGHT
OPEN SPACE BUILDING HEIGHT
HISTORIC DISTRICT BUILDING HEIGHT
WATERFRONT BUILDING HEIGHT
PUBLIC OPEN SPACES:
A S. PARK BLOCKS
B N. PARK BLOCKS
C O'BRYANT SQUARE
D CHAPMAN/ LOWNSDALE/GSA
E IRA KELLER
F PETTYGROVE
G LOVEJOY
H PIONEER COURT-HOUSE SQUARE
In areas not specified maximum height is 460 feet.
B. MAXIMUM BLDG. HEIGHTS
(FROM LOWEST GRADE OF SITE TO TOP OF BUILDING ELEMENT)
PORTLAND BUREAU OF PLANNING • 1984


6:1
9:1
4:1
15:1
9:1
12:1
9:1
6:1
9:1
6:1
4:1
C. MAXIMUM FLOOR AREA
PORTLAND BUREAU OF PLANNING • 1984


D. BUILDING REQUIREMENTS
REQUIRED RETAIL USE AREA
REQUIRED BUILDING LINES
PORTLAND BUREAU OF PLANNING • 1984


Streets where new access to parking will not be approved*
"Reduced Traffic Areas" where new parking access may be allowed subject to conditions.
*Except when granted under variance procedures.
E. PARKING ACCESS
PORTLAND BUREAU OF PLANNING • 1984

CITY OF
PORTLAND, OREGON
BUREAU OF PLANNING

Francis J. Ivancie, Mayor
Terry D. Sandblast, Director
Room 1002, 1120 S.W. Fifth Avenue
Portland, Oregon 97204-1966
(503) 796-7701

Code Administration 796-7700 Land Use 796-7700 Urban Design 796-7702

August 23, 1983

MEMORANDUM

TO: Terry D. Sandblast, Planning Director

FROM: Mark Bello, Land Use Planning MB

SUBJECT: Provisions for Appeals in Title 33 and 34

There are 17 different processes contained within Title 33, Planning and Zoning, and Title 34, Subdivision and Partitioning, which allow for appeals. The public may appeal decisions by the Planning Director, Planning Commission or subcommittee, Design Commission, Historical Landmarks Commission, and Hearings Officer. Appeals may be filed on zone changes, conditional uses, revocable permits, variances, non-conforming uses, design review, setbacks, signs, billboards, Greenway review, landmark review, planned unit developments, land partitions and subdivisions. Additionally, appeals may be filed on a review by the Planning Commission on a matter intercepted by the Planning Commission which is otherwise not appealed.

This memo considers these appeal opportunities in respect to the following bodies: the Planning Director, small committees with delegated power, the Design Commission, the Landmarks Commission, the Hearings Officer and the Planning Commission.

1. Appeal of the Planning Director's Decision

The Planning Director administratively reviews several types of requests and his decision may be appealed to an intermediate body or City Council. The following chart lists these cases, the body to whom his decision may be appealed, and the length of the appeal period. Appeal periods generally begin when a decision is filed with the auditor.

Administrative Review by Planning Director	Appeal Body	Appeal Period
Minor Variance	Variance Committee	14 days
Minor Design Review	Design Commission	14 days
Sign Adjustment	Sign Review Committee	14 days
Setback Appeal*	Variance Committee	14 days*
Greenway Review*	Hearings Officer	14 days*
Minor Land Partition*	City Council	10 days*

*In these cases an appeal period begins with a written decision.

2. Planning Commission Subcommittees, Design Commission and Historical Landmarks Commission

Several applications go directly to these committees/commissions. The following chart follows the same format, listing the process, appeal body and appeal period.

Process	Appeal Body	Appeal Period
Major Variance	City Council	14 days
Major Design Review	Design Review Committee	14 days
Sign Adjustment	Sign Review Committee	14 days
S/Billboard Review	Sign Review Committee	14 days
Landmark Development	Historical Landmarks Commission	10 days

3. Hearings Officer

Several applications go directly to the Hearings Officer. The Hearings Officer generally makes recommendation to City Council which will be established by ordinance. Conditional use decisions and establishment of non-conforming use are final unless appealed to City Council. Title 34 Hearings Officer decisions are also final unless appealed to City Council.

Process	Appeal Body	Appeal Period
Zone Change	City Council*	14 days
Conditional Use	City Council*	14 days
Revocable Permit	City Council*	14 days
Re-establishment of Non-conforming Use	City Council*	14 days
Major Land Partition	City Council	30 days
Subdivision	City Council	30 days

Also, a decision on other cases appealed to the Hearings Officer may be appealed again within another 14 days.

*
See next section for possible Planning Commission involvement.

4. Planning Commission

Plan Map amendments go directly to the Planning Commission. However, there is no specific mention of Plan Amendments in the Zoning Code.

Also, the Planning Commission has the option to review Hearings Officer cases. The Commission can review an appeal within the 14 day appeal period or can intercept an appeal within ten days after an appeal is filed with the City Auditor. The Planning Commission decision itself can be

appealed to City Council. The Commission has ten days to file its decision with the City Auditor; the public, however, only has ten days to appeal that decision from the date on which the decision is made.

To quote the Zoning Code:

> 33.114.090 (d) Action by the commission shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The commission shall render its decision no later than forty-five (45) days after voting to review and shall file that decision with the city auditor within ten (10) days after it is rendered. The commission's decision shall be final unless an appeal from that decision is filed in accordance with 33.114.070 within ten (10) days after it is rendered.

Note that the code language is inconsistent with normal city practice. Usually, a decision is filed, and then the appeal period begins. Here, the date of filing the decision with the auditor, and the last date of appeal coincide.

Postscript

Not only are there appeal periods, but there are also notification timelines for each hearing and maximum times in which to make a decision and file with the City Auditor. Unfortunately, these are not always listed. The following page lists all references to time in Title 33 and 34.

*This language was added to the code by Ordinance No. 148872, passed and effective December 13, 1979.

MB:sw

cc: Michael Harrison

Attachments

CHART C
CURRENT NOTIFICATION PERIODS AND TIME REQUIREMENTS

	Notification prior to initial hearing/action	Time period to reach decision & send notice of right to appeal	Appeal Period	Intermediate Appeal Hearing	Time period to send report to City Council	Notification of City Council hearing
Plan Amendment*	--	--	--		--	--
Zone Change/Application (Hearings Officer)	30	15	14	**(PC intercept)	--	14
Zone Change/Initiation (80,000 square feet)	--	--	--		--	16
Conditional Use	14	15	14	**(PC intercept)	--	14
Revocable Permit	14	15	14	**(PC intercept)	--	14
Variance - minor - major	0 21	15 5	14 14	(Major variance process)	 14	14 14
Non-Conforming Use	14	--	14	(Hearings Officer)	--	14
Design Review - minor - major	0 14	10 --	14 14	(Major design review process)	 14	 20
Landmark Development	--	--	10		--	--
Setback Establishment	14				--	14
Setback Appeal	21	15	14	(Variance Comm. Hearing)	--	14
Sign Adjustment	21	5	14	(Sign Review Comm. Hearing)	--	
Billboard Review	7	14	14		14	20
Greenway Review - PD - CU	0 14	14 15	14 14	(Hearings Officer) **(PC intercept)	 --	14 14
PUD	30	15	14	(Preliminary Approval)	--	14
Land Partition - minor - major ***	0 14	15 10	10 30	-- -- -- (Technical Approval)	-- --	14 14
Subdivision ***	14	10	30	(Technical Approval)	--	14

* There is no reference to Comprehensive Plan amendments in the Zoning Code. Comprehensive Plan policy states that amendments will proceed under the regulations, notification and hearing procedures used for zone change requests.

** In accordance with Hearings Officer procedure.

*** Final approval does not require public hearing/notification.

-- Not specified by Code.

VIRGINIA

LOCAL PLANNING LEGISLATION

Title 15.1, Chapter 11

Code of Virginia, 1950 (as amended)

PUBLISHED BY THE VIRGINIA DIVISION OF STATE PLANNING AND COMMUNITY AFFAIRS. OCTOBER 1975.

ARTICLE 1
General Provisions

§ *15.1-427. Declaration of legislative intent.* This chapter is intended to encourage local governments to improve public health, safety, convenience and welfare of its citizens and to plan for the future development of communities to the end that transportation systems be carefully planned; that new community centers be developed with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry and business be recognized in future growth; that residential areas be provided with healthy surrounding for family life; and that the growth of the community be consonant with the efficient and economical use of public funds. (Code 1950, §§ 15-900, 15-916; Code 1950 (Repl. Vol. 1956), § 15-891.1; Code 1950 (Suppl.), § 15-961; 1950, pp. 487, 889; 1956,c.497; 1962,c.407; 1975,c.641.)

The 1975 amendment deleted the former first sentence and second paragraph, dealing with the creation of local and regional planning commissions and their service in an advisory capacity to the governing bodies. The amendment also substituted "and welfare of its citizens" for "or welfare" near the beginning of the section.

§ *15.1-427.1. Creation of local planning commissions; participation in planning district commissions or joint local commissions.* The governing body of every county and municipality shall by resolution or ordinance create a local planning commission by July one, nineteen hundred seventy-six, in order to promote the orderly development of such political subdivision and its environs. In accomplishing the objectives of § 15.1-427 such planning commissions shall serve primarily in an advisory capacity to the governing bodies.

The governing body of any county or municipality may participate in a planning district commission in accordance with Title 15.1, chapter 34 (§ 15.1-1400 et seq.) of the Code or a joint local commission in accordance with § 15.1-443. (1975,c.641.)

§ *15.1 -428. Cooperation of planning commissions and other agencies.* The planning commission of any county or municipality may cooperate with other planning commissions or legislative and administrative bodies and officials of other counties and municipalities within or without such areas, so as to coordinate the planning and development of such county or municipality with the plans of such other counties or municipalities. Such commissions may appoint such committees and may adopt such rules as needed to effect such cooperation. Such planning commissions may also cooperate with State and federal officials, departments and agencies. Planning commissions may request from such departments and agencies, and such departments and agencies of the State shall furnish, such reasonable information which may affect the planning and development of the county or municipality. (Code 1950 (Suppl.), § 15-961.1; 1962,c.407;1975,c.641.)

The 1975 amendment deleted two references to "region" and two references to "regions" in the first sentence, deleted "the State Department of Conservation and Economic Development and use advice and information furnished by such Department and by other" following "cooperate with" in the second sentence, and rewrote the last sentence.

§ *15.1-429. Existing planning commissions and boards of zoning appeals; validation of plans previously adopted.* Upon the effective date of this chapter, planning commissions, by whatever name designated, and boards of zoning appeals heretofore established shall continue to operate as though created under the terms of this chapter. All actions lawfully taken by such commissions and boards are hereby validated and continued in effect until amended or repealed in accordance with this chapter.

The adoption of a comprehensive or master plan or any general development plans under the authority of prior acts is hereby validated and shall continue in effect until amended under the provisions of this chapter. (Code 1950 (Suppl.), § 15-961.2; 1962,c.407; 1975,c.641.)

The 1975 amendment deleted the former second paragraph, dealing with changes in membership of commissions and boards existing at the time this article was enacted.

§ *15.1-430. Definitions.* As used in this chapter the words listed below shall have the meaning given:

(a) "*Governing body*" means the board of supervisors of a county or the council of a city or town.

(b) "*Historic area*" means an area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

(c) "*Local planning commission*" or "*local commission*" means a municipal planning commission or a county planning commission.

(d) "*Municipality*" means a city or town incorporated under the laws of Virginia.

(e) "*Official map*" means a map of legally established and proposed public streets, waterways, and public areas adopted by the governing body of a county or municipality in accordance with the provisions of article 5 (§ 15.1-458 et seq.) hereof.

(f) "*Person*" means individual, firm, corporation or association.

(g) (Repealed.)

(h) "*Street*" means highway, street, avenue, boulevard, road, lane, alley, or any public way.

(i) "*Special exception*" means a special use, that is a use not permitted in a particular district except by a special use permit granted under the provisions of this chapter and any zoning ordinances adopted herewith.

(j) *"Planning district commission"* means a regional planning agency chartered under the provisions of Title 15.1, chapter 34 (§ 15.1-1400 et seq.) of the Code.

(k) *"Zoning"* or *"to zone"* means the process of classifying land within a governmental entity into areas and districts, such areas and districts being generally referred to as "zones," by legislative action and the prescribing and application in each area and district of regulations concerning building and structure designs, building and structure placement and uses to which land, buildings and structures within such designated areas and districts may be put.

(l) *"Subdivision"*, unless otherwise defined in a local ordinance adopted pursuant to §15.1-465, means the division of a parcel of land into three or more lots or parcels of less than five acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

(m) *"Development"* means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose, or is to contain three or more residential dwelling units. The term "development" shall not be construed to include any property which will be principally devoted to agricultural production.

(n) *"Plat of subdivision"* means the schematic representation of land divided or to be divided.

(o) *"Site plan"* means the proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject. (Code 1950 (Suppl.), § 15-961.3; 1962,c.407; 1964,c.547; 1966,c.344; 1975,c.641.)

The 1975 amendment added "As used in this chapter the words listed below shall have the meaning given:" at the beginning of the section, deleted former subdivision (g), defining "Regional planning commission," and added subdivisions (j) through (o).

§ 15.1-431. Advertisement of plans, ordinance, etc.; joint public hearings; written notice of certain amendments. Plans or ordinances or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a reference to the place or places within the county or municipality where copies of the proposed plans, ordinances or amendments may be examined.

The local commission shall not recommend nor the governing body adopt any plan, ordinance or amendment until notice of intention so to do has been published once a week for two successive weeks in some newspaper published or having general circulation in such county or municipality; provided, that such notice for both the local commission and the governing body may be published concurrently. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than six days nor more than twenty-one days after the second advertisement shall appear in such newspaper. The local commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If such joint hearing is held, then public notice as set forth above need be given only by the governing body.

When a proposed amendment of the zoning ordinance involves a change in the zoning classification of twenty-five or less parcels of land, then, in addition to the advertising as above required, written notice shall be given by the local commission at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved, and to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected. In any county or municipality where notice is required under the provisions of this section, notice shall also be given to the owner, their agent or the occupant, of all abutting property and property immediately across the street from the property affected which lies in an adjoining county or municipality of the Commonwealth. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant.

The adoption or amendment prior to January one, nineteen hundred seventy-four, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Provided, however, that any litigation pending prior to January one, nineteen hundred seventy-four, shall not be affected by the nineteen hundred seventy-four amendments to this section.

After enactment of any such plan, ordinance or amendment, further publication thereof shall not be required. (Code 1950 (Suppl.), § 15-961.4; 1962,c.407; 1964,c.632; 1968, cc.354, 714; 1973,cc. 117,334; 1974,cc.100,570; 1975,c.641.)

The 1973 amendments. - The first 1973 amendment added the last sentence of the third paragraph. The second 1973 amendment added the second sentence of the third paragraph.

The 1974 amendments. - The first 1974 amendment deleted "Except upon application of a property owner or his agent," at the beginning of the third paragraph and inserted "by the local commission" near the middle of the first sentence of the third paragraph. The amendment also added the fifth sentence to the third paragraph.

The second 1974 amendment substituted "twelve days nor more than twenty-eight days after the second advertisement shall appear in such newspaper" for "five days nor more than twenty-one days after final publication" at the end of the second sentence in the second paragraph and added the fourth paragraph.

The 1975 amendment deleted "When public notice is required by this chapter," at the beginning of the second paragraph, substituted "six days nor more than twenty-one days" for "twelve days nor more than twenty-eight days" in the second sentence of that paragraph, and substituted "municipality" for "city" near the beginning of the second sentence in the third paragraph and "municipality of the Commonwealth" for "city" at the end of that sentence.

ARTICLE 2
Regional Planning

§§ *15.1-432 to 15.1-436*: Repealed by Acts 1970, c. 332.

§ *15.1-437. Qualifications, appointment, removal, terms, compensation, etc., of members of local planning commissions.* A local planning commission, hereinafter sometimes referred to as local commission shall consist of not less than five nor more than fifteen members, appointed by the governing body, all of whom shall be residents of the county or municipality, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least one half of the members so appointed shall be freeholders. The local governing body may require each member of the commission to take an oath of office.

One member of the commission may be a member of the governing body of the county or municipality, and one member may be a member of the administrative branch of government of the county or municipality. The term of each of these two members shall be coextensive with the term of office to which he has been elected or appointed, unless the governing body, at the first regular meeting each year, appoints others to serve as their representatives. The remaining members of the commission first appointed shall serve respectively for terms of one year, two years, three years, and four years, divided equally or as nearly equal as possible between the membership. Subsequent appointments shall be for terms of four years each. The local governing bodies may establish different terms of office for initial and subsequent appointments. Vacancies shall be filled by appointment for the unexpired term only. Members may be removed for malfeasance in office.

The local governing body may provide for: (1) reimbursement of actual expenses incurred by members of the commission; or (2) compensation to such members, or any of them, for their services; or (3) both. (Code 1950 §§ 15-901, 15-916; Code1950 (Suppl.), § 15-963; 1956, cc. 282,497; 1960 c. 309; 1962, c. 407; 1973, c. 160; 1974, c. 521.)

The 1973 amendment added to the first sentence the proviso relating to Arlington County.

The 1974 amendment, in the first sentence of the first paragraph, deleted "and who shall be freeholders" near the middle of the sentence and substituted "provided that at least one half of the members so appointed shall be freeholders" for "provided, however, that no more than one third of the members appointed by the governing body of Arlington County need not be freeholders" at the end.

§ *15.1-438. Advisory members.* In cases where a municipality is situated within or is completely surrounded by a county, or adjoins a county or another municipality and such localities have local commissions, a representative of the local commission of such county or municipality, designated by it, may be, with the consent of the governing bodies of both localities, an advisory member of the local commission of such other county or municipality, as the case may be. (Code 1950 (Suppl.) § 15-963.1; 1962, c. 407.)

§ *15.1-439. Meetings.* The local commission shall fix the time for holding regular meetings, but it shall meet at least every two months.

Special meetings of the commission may be called by the chairman or by two members upon written request to the secretary. The secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof.

Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice. (Code 1950 (Suppl.), § 15-963.2; 1962, c. 407.)

§ *15.1-440. Quorum, majority vote.* A majority of the members shall constitute a quorum and no action of the local commission shall be valid unless authorized by a majority vote of those present and voting. (Code 1950 (Suppl.), § 15-963.3; 1962, c. 407; 1974, c. 99; 1975, c. 641.)

The 1974 amendment added "and voting" at the end of the section.

The 1975 amendment reenacted this section without change.

§ *15.1-441. Facilities for holding of meetings and preservation of documents; appropriations for expenses.* The governing body may provide the local commission with facilities for the holding of meetings and the preservation of plans, maps, documents and accounts, and may appropriate funds needed to defray the expenses of the commission (Code 1950 (Suppl.), § 15-963.4; 1962, c. 407.)

§ *15.1-442. Officers, employees and consultants; expenditures; rules and records; special surveys.* The local commission shall elect from the appointed members a chairman and a vice-chairman, whose terms shall be for one year. If authorized by the governing body the commission may (1) create and fill such other offices

as it deems necessary; (2) appoint such employees and staff as it deems necessary for its work; and (3) contract with consultants for such services as it requires. The expenditures of the commission, exclusive of gifts or grants, shall be within the amounts appropriated for such purpose by the governing body.

The commission shall adopt rules for the transaction of business and shall keep a record of its transactions which shall be a public record. Upon request of the commission, the governing body or other public officials may, from time to time, for the purpose of special surveys under the direction of the commission, assign or detail to it any members of the staffs of county or municipal administrative departments, or such governing body or other public official may direct any such department employee to make for the commission special surveys or studies requested by the local commission. (Code 1950 (Suppl.), § 15-963.5; 1962, c. 407.)

§ *15.1-443. County planning commission serving as commission of town; joint local commissions.* The governing body of any town located within a county having a local commission, may designate, with the consent of the governing body of such county, by ordinance, such commission as the local commission of such town.

A county commission designated as a town commission shall have all the powers and duties granted under this chapter to a local commission.

Any municipality designating a county commission as its local commission may contract annually to pay the county a proportionate part of the expenses properly chargeable for the planning service rendered such municipality, and any such payments may be appropriated to such county commission in addition to any funds budgeted for planning purposes.

Any one or more adjoining or adjacent counties or municipalities including any municipality within any such county may by agreement provide for a joint local commission for any two or more of such counties and municipalities. Such agreement shall provide for the number of members of such commission and how they shall be appointed, in what proportion the expenses of such commission shall be borne by the participating political subdivisions, and any other matters pertinent to the operation of the commission as the joint local commission for such political subdivisions. Any commission so created shall have, as to each participating political subdivision, the powers and duties granted to and imposed upon local commissions under this chapter. (Code 1950, §§15-900, 15-903; Code 1950 (Suppl.), §15-963.6; 1950,p. 487; 1962,c.407.)

§ *15.1-444. Duties of commissions.* To effectuate this chapter, the local commission shall:

(a) Exercise general supervision of, and make regulations for, the administration of its affairs;
(b) Prescribe rules pertaining to its investigations and hearings;
(c) Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the governing body;
(d) Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;
(e) Make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction;
(f) Prepare, publish and distribute reports, ordinances and other material relating to its activities;
(g) Prepare and submit an annual budget in the manner prescribed by the governing body of the county or municipality; and
(h) If deemed advisable, establish an advisory committee or committees. (Code 1950 (Suppl.) § 15-963.7; 1962, c. 407.)

§ *15.1-444.1:* Repealed by Acts 1970, c.463.

§ *15.1-445. Expenditures; gifts and donations.* The local commission may expend, under regular county or municipal procedure as provided by law, sums appropriated to it for its purposes and activities.

The governing body of a county or municipality may accept gifts and donations for local commission purposes. Any moneys so accepted shall be deposited with the appropriate governing body in a special nonreverting local commission fund to be available for expenditure by the local commission for the purpose designated by the donor. The disbursing officer of the county or municipality may issue warrants against such special fund only upon vouchers signed by the chairman and the secretary of the local commission. (Code 1950, §§ 15-905, 15-917; Code 1950 (Suppl.), §15-963.8; 1962, c. 407.)

ARTICLE 4
The Comprehensive Plan

§ 15.1-446: Repealed by Acts 1975, c. 641.

§ 15.1-446.1. Comprehensive plan to be prepared and adopted; scope and purpose. The local commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction.

Every governing body in this State shall adopt a comprehensive plan for the territory under its jurisdiction by July one, nineteen hundred eighty.

In the preparation of a comprehensive plan the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants.

The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

Such plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the commission's long-range recommendations for the general development of the territory covered by the plan. It may include, but need not be limited to:

1. The designation of areas for various types of public and private development and use, such as different kinds of residential, business, industrial, agricultural, conservation, recreation, public service, flood plain and drainage, and other areas;
2. The designation of a system of transportation facilities such as streets, roads, highways, parkways, railways, bridges, viaducts, waterways, airports, ports, terminals, and other like facilities;
3. The designation of a system of community service facilities such as parks, forests, schools, playgrounds, public buildings and institutions, hospitals, community centers, waterworks, sewage disposal or waste disposal areas, and the like; and
4. The designation of historical areas and areas for urban renewal or other treatment. (1975, c. 641.)

§ 15.1-447. Surveys and studies to be made in preparation of plan; implementation of plan. (1) In the preparation of a comprehensive plan, the local commission shall survey and study such matters as the following:

(a) Use of land, characteristics and conditions of existing development, trends of growth or changes, natural resources, population factors, employment and economic factors, existing public facilities, drainage, flood control and flood damage prevention measures, transportation facilities, and any other matters relating to the subject matter and general purposes of the comprehensive plan.

(b) Probable future economic and population growth of the territory and requirements therefor.

(2) The comprehensive plan shall recommend methods of implementation. Unless otherwise required by this chapter these may include but need not be limited to:

(a) An official map;
(b) A capital improvements program;
(c) A subdivision ordinance; and
(d) A zoning ordinance and zoning district maps.
(e) (Repealed.) (Code 1950 (Suppl.), § 15-964.1; 1962,c. 407; 1975,c. 641.)

The 1975 amendment rewrote this section.

§ 15.1-448. Notice and hearing on plan; recommendation by local commission to governing body. Prior to the recommendation of a comprehensive plan or any part thereof, the local commission shall give notice and hold a public hearing on the plan, after notice as required by § 15.1-431. After such public hearing has been held the commission may by resolution recommend the plan to the governing body. (Code 1950, §§ 15-908, 15-921; Code 1950 (Suppl.), § 15-964.2, 1958,c. 389; 1962,c. 407; 1968,c. 735; 1975,c.641.)

The 1975 amendment deleted a former proviso at the end of the present section allowing for waiver of the provisions of this section by counties having a population of no less than twenty-two thousand and no more than twenty-two thousand five hundred, and deleted the former second paragraph, providing that chapter 487 of the Acts of Assembly of Virginia of 1966 should remain in full force and effect.

§ 15.1-449. Copy to be certified to governing body. Upon recommendation of the comprehensive plan or a part thereof by the local commission, a copy thereof shall be certified to the governing body. (Code 1950, §§ 15-908, 15-922; Code 1950 (Suppl.), § 15-964.3; 1962,c. 407.)

Code Commission note: Acts 1975, c. 641, reenacted this section without change.

§ *15.1-450. Adoption or disapproval of plan by governing body.* The governing body after a public hearing with notice as required by § 15.1-431 shall proceed to a consideration of the plan or part thereof and shall approve and adopt, amend and adopt, or disapprove the same within sixty days after such public hearing. (Code 1950 (Suppl.), § 15-964.4; 1962,c. 407; 1975,c. 641.)

The 1975 amendment deleted "After certification of the plan or a part thereof" at the beginning of the section, inserted "or part thereof" near the middle of the section, and substituted "sixty days after such public hearing" for "six months after such certification" at the end of the section.

§ *15.1-451. Return of plan to commission; resubmission.* If such governing body disapproves the plan, then it shall be returned to the local commission for its reconsideration, with a written statement of the reasons for its disapproval.

The commission shall have sixty days in which to reconsider the plan and resubmit it, with any changes, to the governing body. (Code 1950 (Suppl.), § 15-964.5; 1962,c. 407.)

§ *15.1-452. Adoption of parts of plan.* As the work of preparing the comprehensive plan progresses, the local commission may, from time to time, recommend, and the governing body approve and adopt, parts thereof; any such part shall cover one or more major sections or divisions of the county or municipality or one or more functional matters. (Code 1950, §§ 15-906, 15-921; Code 1950 (Suppl.) § 15-964.6; 1958, c.389; 1962,c. 407.)

§ *15.1-453. Amendments.* After the adoption of a comprehensive plan, all amendments to it shall be recommended, and approved and adopted, respectively, as required by § 15.1-431. If the governing body desires an amendment it may direct the local commission to prepare an amendment and submit it to public hearing within sixty days after formal written request by the governing body. (Code 1950, §§ 15-908, 15-921; Code 1950 (Suppl.), § 15-964.7; 1958,c. 389; 1962,c. 407; 1975,c. 641.)

The 1975 amendment divided this section into two sentences and substituted "as required by § 15.1-431" for "according to the public notice and hearing procedures set forth for recommendation and approval and adoption of the original plan except that" at the end of the present first sentence.

§ *15.1-454. Plan to be reviewed at least once every five years.* At least once every five years the comprehensive plan shall be reviewed by the local commission to determine whether it is advisable to amend the plan. (Code 1950 (Suppl.), § 15-964.8; 1962,c. 407; 1975, c. 641.)

The 1975 amendment deleted "or the completed parts of it" following "comprehensive plan."

§ *15.1-455. Inclusion of incorporated towns in county plan; inclusion of adjacent unincorporated territory in municipal plan.* Any county plan may include planning of incorporated towns to the extent to which, in the county local commission's judgment, it is related to planning of the unincorporated territory of the county as a whole; provided, however, that the plan shall not be considered as a comprehensive plan for any incorporated town unless recommended by the town commission, if any, and adopted by the governing body of the town.

Any municipal plan may include the planning of adjacent unincorporated territory to the extent to which, in the municipal local commission's judgment, it is related to the planning of the incorporated territory of the municipality; provided, however, that the plan shall not be considered as a comprehensive plan for such unincorporated territory unless recommended by the county local commission, if any, and approved and adopted by the governing body of the county. (Code 1950, § 15-922; Code 1950 (Suppl.), § 15-964.9; 1962,c. 407.)

§ *15.1-456. Legal status of plan.* Whenever the local commission shall have recommended a comprehensive plan or part thereof for the county or municipality and such plan shall have been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter no street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than railroad facility, whether publicily or privately owned, shall be constructed, established or authorized, unless and until the general locatio approximate location, character, and extent thereof has been submitted to and approved by the local commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.1-431.

The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of the membership thereof. Failure of the commission to act within sixty days of such submission, unless such time shall be extended by the governing body, shall be deemed approval. In the case of approval the owner or owners or their agents may appeal the decision of the local commission to the governing body within ten days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. A majority vote of the governing body shall overrule the commission.

Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless involving a change in location or extent of a street or public area. (Code 1950, §§ 15-909, 15-923; Code 1950 (Suppl.), § 15-964.10; 1958,c.389; 1960,c.567; 1962,c.407; 1964,c.528; 1966,c.596; 1968,c.290; 1975,c.641.)

The 1975 amendment substituted the language beginning "public utility facility" and ending "railroad facility" for "public utility or public service corporation other than railroads" in the second sentence of the first paragraph and deleted "when the commission notifies the owner or owners or their agents by certified mail" at the end of the second sentence in the second paragraph.

§ *15.1-457. Duties of State agencies.* Every department, board, bureau, commission, or other agency of the Commonwealth of Virginia, which is responsible for the construction, operation, or maintenance of any public facility within the teritory to be included within a comprehensive plan or any part thereof, or which is responsible for acquiring land for any public purpose, or of disposing of such land, shall, upon the request of the local commission having authority to prepare such plan, furnish reasonable information requested relative to the plans of such agency which may affect the comprehensive plan; and every such agency shall collaborate and cooperate with such commission, when requested, in the preparation of the comprehensive plan to the end that the plan will coordinate the interests and responsibilities of all concerned. Nothing herein shall be deemed, however, to abridge the authority of any such State agency regarding the facilities now or hereafter coming under its jurisdiction. (Code 1950 (Suppl.), § 15-964.11; 1962,c.407; 1975,c.641.)

The 1975 amendment substituted "such agency" for "said agency" near the middle of the first sentence.

ARTICLE 5
The Official Map

§ *15.1-458. Maps to be prepared in counties and municipalities; what map shall show.* In counties or municipalities where no official map exists, or where an existing official map is incomplete, the local commission may make, or cause to be made, a map showing the locations of:
(a) Legally established public streets, waterways, and public areas of the county or municipality; and
(b) Future or proposed public streets, waterways and public areas.

The placing of any street or future or proposed street line upon the official map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street, nor the taking or acceptance of any land for street purposes, nor shall it obligate the county or municipality either to improve or maintain any such street. Nor shall the inclusion of proposed waterways or public areas constitute or be deemed a taking or acceptance of any land for public purposes.

No future or proposed street or street line, waterway, nor public area, shall be shown on an official map unless and until the center line of such street, the course of such waterway, or the metes and bounds of such public area, have been fixed or determined in relation to known, fixed and permanent monuments by a physical survey thereof. In addition to the center line of each street, the map shall indicate the width of the right-of-way thereof. Local commissions are hereby empowered to make or cause to be made the surveys required herein. (Code 1950 (Suppl.), § 15-965; 1962,c.407.)

§ *15.1-459. Adoption; filing in office of clerk of court.* After such map has been prepared and recommended by the local commission it shall be certified by the commission to the governing body of the county or municipality. The governing body may then approve and adopt the same by a majority vote of the membership thereof and publish it as the official map of the county or municipality. No official map shall be adopted by the governing body or have any effect until approved by ordinance duly passed by the governing body of the county or municipality after a public hearing, preceded by public notice as required by § 15.1-431.

Within thirty days after adoption of the official map the governing body shall cause it to be filed in the office of the clerk of the court or courts of the county or city wherein deeds are admitted to record. (Code 1950 (Suppl.), § 15-965.1; 1962,c.407.)

§ *15.1-460. Additions and modifications.* After adoption of the official map in accordance with this article, all streets, waterways, and public areas on subsequently recorded plats of subdivision shall be deemed additions or modifications of the official map and shall be placed thereon. No public hearing need be held or notice given in this connection.

The governing body may by ordinance make, from time to time, other additions to or modifications of the official map by placing thereon the location of proposed streets, street widenings, or street vacations, waterways and public areas in accordance with the procedures applicable to such county or municipality.

Prior to making any such additions or modifications of the official map, the governing body shall refer the same to the local commission for its consideration. The commission shall take action on such proposed additions or modifications within sixty days and report its recommendations to the governing body.

Upon receipt of the report of the commission, the governing body shall hold a public hearing on the proposed addition or modification to the official map and shall give notice of such hearing in accordance with § 15.1-431. All such reports of the commission, when delivered to the governing body, shall be available for public inspection.

Any ordinance embodying additions to or modifications of the official map shall be adopted by at least the vote required for original adoption of the official map. After the public hearing and the final passage of such ordinance, the additions or modifications shall become a part of the official map of the county or municipality. All changes, additions or modifications of the official map shall be filed with the clerk of the court as provided in § 15.1-459. (Code 1950 (Suppl.), § 15-965.2; 1962,c.407.)

§ *15.1-461. Periodic review and readoption.* The official map and any additions thereto or modifications thereof shall be reviewed within not more than five years from the date of adoption or readoption of the map by the governing body. The procedure by the local commission and the governing body in connection with such review shall conform to that prescribed as to original adoption of the map. Neither the official map nor any additions thereto or modifications thereof shall be of any force or effect for more than five years after adoption or readoption of the map unless readopted by the governing body in accordance herewith. (Code 1950 (Suppl.), § 15-965; 1962,c.407.)

§ *15.1-462. Consultation with State Highway Commission; copies of map and ordinance to be sent to State Highway Commission.* During the preparation of an official map the local commission shall consult with the State Highway Commission or its local representative as to any streets under the jurisdiction of the Highway Commission, and prior to recommendation of the map to the governing body it shall submit the same to the Highway Commission for comment. Any recommendations of the Highway Commission, not incorporated in the

official map, shall be forwarded to the governing body when the map is recommended by the local commission. When any county or municipality has adopted an official map in accordance with the terms of this chapter, a certified copy of the map and ordinance adopting it shall be sent to the Highway Commission. (Code 1950 (Suppl.), § 15-965.4; 1962,c.407.)

§ *15.1-463. Authority of counties under § 33-141 et seq. not affected.* The provisions of this article shall not affect the exercise of the authority contained in § 33-141 et seq., of the Code of Virginia, by counties that have withdrawn their roads from the secondary system of State highways. (Code 1950 (Suppl.), § 15-965.5; 1962,c.407.)

Code commission Note. Section 33-141 et seq., referred to in this section, was repealed by Acts 1970, C322, which added new Title 33.1. See now § 33.1-229 et seq.

ARTICLE 6
Capital Outlay Programs.

§ *15.1-464. Local commissions to prepare and submit annually capital improvement programs to governing body or official charged with preparation of budget.* A local commission may, and at the direction of the governing body shall, prepare and revise annually a capital improvement program based on the comprehensive plan of the county or municipality for a period not to exceed the ensuing five years. The commission shall submit the same annually to the governing body, or to the chief administrative officer or other official charged with preparation of the budget for the municipality or county, at such time as it or he shall direct. Such capital improvement program shall include the commission's recommendations, and estimates of cost of such projects and the means of financing them, to be undertaken in the ensuing fiscal year and in a period not to exceed the next four years, as the basis of the capital budget for the county or municipality. In the preparation of its capital budget recommendations, the commission shall consult with the chief administrative officer or other executive head of the government of the county or municipality, the heads of departments and interested citizens and organizations and shall hold such public hearings as it deems necessary. (Code 1950 (Suppl.), § 15-966; 1962,c.407; 1975,c.641.)

The 1975 amendment substituted "capital improvement program" for "program of capital improvement projects" in the first sentence, "chief administrative officer" for "city or town manager, county manager, county executive" in the second and fourth sentences, and "improvement program" for "outlay program" in the third sentence.

ARTICLE 7
Land Subdivision and Development

§ *15.1-465. Counties and municipalities to adopt ordinances regulating subdivision and development of land.* The governing body of any county or municipality shall adopt an ordinance to assure the orderly subdivison of land and its development. Such ordinance shall be adopted by July one, nineteen hundred seventy-seven. The word "subdivision" as used in any such ordinance shall have the meaning set forth in § 15.1-430 (1) of this Code. (Code 1950, § 15-781; Code 1950 (Suppl.), § 15-967; 1950, p. 183; 1962,c.407; 1975,c.641.)

The 1975 amendment substituted "shall" for "may" in the first sentence, deleted the former second and third sentences, which defined "subdivision," and added the present second and third sentences.

§ *15.1-466. Provisions of subdivision ordinance.* A subdivision ordinance shall include reasonable regulations and provisions that apply to or provide:

(a) For size, scale and other plat details;

(b) (Repealed.)

(c) For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades and drainage;

(d) For adequate provisions for drainage and flood control and other public purposes, and for light and air;

(e) For the extent to which and the manner in which streets shall be graded, gravelled or otherwise improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed;

(f) For the acceptance of dedication for public use of any right-of-way located within any subdivision which has constructed therein, or proposed to be constructed therein, any street, curb, gutter, sidewalk, drainage or sewerage system or other improvement, financed or to be financed in whole or in part by private funds only if the owner or developer (1) certifies to the governing body that the construction costs have been paid to the person constructing such facilities, or (2) furnishes to the governing body a certified check in the amount of the estimated costs of construction or a bond, with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned;

(g) For monuments of specific types to be installed establishing street and property lines;

(h) That unless a plat be filed for recordation within six months after final approval thereof or such longer period as may be approved by the governing body such approval shall be withdrawn and the plat marked void and returned to the approving official;

(i) For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this chapter, and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by any such ordinance to be installed; such fees and

charges shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill and administrator's expense involved. All such charges heretofore made are hereby validated; and

(j) For payment by a subdivider or developer of land of his pro rata share of the cost of providing reasonable and necessary sewerage and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development; provided, however, that no such payment shall be required until such time as the governing body or a designated department or agency thereof shall have established a general sewer and drainage improvement program for an area having related and common sewer and drainage conditions and within which the land owned or controlled by the subdivider or developer is located. Such regulations shall set forth and establish reasonable standards to determine the proportionate share of total estimated cost of ultimate sewerage and drainage facilities required adequately to serve a related and common area, when and if fully developed in accord with the adopted comprehensive plan, that shall be borne by each subdivider or developer within the area. Such share shall be limited to the proportion of such total estimated cost which the increased sewage flow and/or increased volume and velocity of storm water runoff to be actually caused by his subdivision or development bears to total estimated volume and velocity of such sewage and/or runoff from such area in its fully developed state.

Each such payment received shall be expended only for the construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the subdivider or developer; provided, however, that in lieu of such payment the governing body may provide for the posting of a bond with surety satisfactory to it conditioned on payment at commencement of such construction. (Code 1950 § 15-781; Code 1950 (Suppl.), § 15-967.1; 1950,p.183; 1962,c.407; 1970,c.436; 1973,cc. 169, 480; 1975,c.641.)

The 1973 amendments. The first 1973 amendment inserted "and contiguous to" near the beginning of subdivision(c). The second 1973 amendment added subdivision(j).

The 1975 amendment substituted "shall include" for "may include, among other things" in the first paragraph, deleted former subdivision (b), which read "For the orderly development of the general area," substituted the language beginning "public utilities" for "utilities or other facilities installed" at the end of subdivision(e), and the language beginning "six months" and ending "governing body" for "a reasonable time after final approval thereof" in subdivision (h), deleted "and" at the end of subdivision (h), deleted a former proviso at the end of subdivision (i) stating that validation would not affect litigation pending as of June 26, 1970, and added "and" at the end of subdivision (i).

§ *15.1-467. Application of municipal subdivision regulations beyond corporate limits of municipality.* The subdivision regulations adopted by a municipality shall apply within its corporate limits and may apply beyond, except as to counties with a population in excess of six hundred per square mile, if the ordinance so provides, within the distance therefrom set out below:

(a) Within a distance of five miles from the corporate limits of cities having a population of one hundred thousand or more;

(b) Within a distance of three miles from the corporate limits of cities having a population of less than one hundred thousand; and

(c) Within a distance of two miles from the corporate limits of incorporated towns.

Where the corporate limits of two municipalities are closer together than the sum of the distances from their respective corporate limits as above set forth, the dividing line of jurisdiction shall be halfway between the limits of the overlapping boundaries.

The foregoing distances may be modified by mutual agreement between the governing bodies concerned, depending upon their respective areas of interest, provided such modified limits bear a reasonable relationship to natural geographic considerations or to the comprehensive plans for the area. Any such modification shall be set forth in the respective subdivision ordinances, by map or description or both.

No such regulations or amendments thereto shall be finally adopted by any such municipality until the governing body of the county in which such area is located shall have been duly notified in writing by the governing body of the municipality or its designated agent of such proposed regulations, and requested to review and approve or disapprove the same; and if such county fail to notify the governing body of such municipality of its disapproval of such plan within forty-five days after the giving of such notice, such plan shall be considered approved. Provided, however, that in any county which has a duly appointed planning commission, the governing body or the council shall send a copy of such proposed regulations or amendments thereof to such commission which shall review and recommend approval or disapproval of the same. The county commission shall not take any such action until notice has been given and a hearing held as prescribed by § 15.1-431. Such hearing shall be held by the county commission within sixty days after the giving of notice by the municipality or its agent. Such commission shall forthwith after such hearing make its recommendations to the governing body of the county which shall within thirty days after such hearing notify the municipality of its approval or disapproval of such regulations and no regulations effective beyond the corporate limits shall be finally adopted by the municipality until notification by the governing body of the county, except that if the county fails to notify the governing body of the municipality of its disapproval of such regulations within ninety days after copy of the regulations or amendments thereof are received by the county commission, the regulations shall be deemed to have been approved. (Code 1950, § 15-786; Code 1950 (Suppl.), § 15-967.2; 1954,c.584; 1962,c.407; 1975,c.641.)

§ *The 1975 amendment* inserted "or amendments thereto" near the beginning of the fourth paragraph.

§ *15.1-468. Application of county subdivision regulations in area subject to municipal jurisdiction.* The subdivision regulations adopted by a county shall apply in all the unincorporated territory of the county; provided, that no such regulations to be effective in the area of a county subject to municipal jurisdiction shall be finally adopted by such county until the governing body of the municipality shall have been notified in writing of such proposed regulations, and requested to review and approve or disapprove the same, and if such municipality fails to notify the governing body of such county of its disapproval of such regulations within forty-five days after the giving of such notice, the same shall be considered approved; and provided further, that if the municipality has a duly appointed planning commission, the governing body of the county or its agent shall give such notice to such commission as is required to be given county planning commissions by the preceding section (§ 15.1-467), and the provisions of that section shall apply, mutatis mutandis, to the actions of such commission and the governing bodies of the county and city, respectively. (Code 1950, § 15-787; Code 1950 (Suppl.), § 15-967.3; 1962,c.407.)

§ *15.1-469. Disagreement between county and municipality as to regulations.* When a disagreement arises between the county and municipality as to what regulations should be adopted for the area, and such difference cannot be amicably settled, then after ten days' prior written notice by either to the other, either or both parties may petition the circuit court of the county wherein the area or a major part thereof lies to decide what regulations are to be adopted. The court shall hear the matter and enter an appropriate order. (Code 1950, § 15-788; Code 1950 (Suppl.), § 15-967.4; 1962,c.407; 1975,c.641.)

The 1975 amendment deleted "In either event" at the beginning of the section.

§ *15.1-470. Local commission shall prepare and recommend ordinance; notice and hearing on ordinance.* In every county or municipality the local commission shall prepare and recommend the subdivision ordinance and transmit same to the governing body. The governing body of every county or municipality shall approve and adopt a subdivision ordinance only after a notice of intention so to do has been published, and a public hearing held, in accordance with § 15.1-431. (Code 1950, § 15-782; Code 1950 (Suppl.), § 15-967.5; 1962,c.407; 1975,c.641.)

The 1975 amendment substituted the language beginning "every county" and ending "transmit same" for "any county or municipality having a local commission, any proposed subdivision ordinance shall be prepared and recommended by such commission and be transmitted" in the first sentence and substituted "every county or municipality shall" for "any county or municipality may" in the second sentence.

§ *15.1-471. Filing and recording of ordinance and amendments thereto.* When a subdivision ordinance has been adopted, or amended, a certified copy of the ordinance and any and all amendments thereto shall be filed in the office of an official of the municipality or county, designated in such ordinance, and in the clerk's office of the court or courts in which deeds are admitted to record of each county or municipality in which such ordinance is applicable. (Code 1950, § 15-783; Code 1950 (Suppl.), § 15-967.6; 1962,c.407; 1975,c.641.)

The 1975 amendment substitued "an official" for "the engineer or other official" near the middle of the section.

§ *15.1-472. Preparation and adoption of amendments to ordinance.* A local commission on its own initiative may or at the request of the governing body of the county or municipality shall prepare and recommend amendments to the subdivison ordinance. The procedure for such amendment shall be the same as for the preparation and recommendation and approval and adoption of the original ordinance; provided that no such amendment shall be adopted by the governing body of a county or municipality without a reference of the proposed amendment to the commission for recommendation, nor until sixty days after such reference, if no recommendation is made by the commission. (Code 1950 (Suppl.), § 15-967.7; 1962,c.407; 1975,c.641.)

The 1975 amendment deleted "In any county or municipality having" at the beginning of the section, "such commission" following "local commission" near the beginning of the section, and "having a local commission" following "county or municipality" in the proviso at the end of the section.

§ *15.1-473. Statutory provisions effective after ordinance adopted.* After the adoption of a subdivision ordinance in accordance with this chapter, the following provisions shall be effective in the territory to which such ordinance applies:

(a) No person shall subdivide land without making and recording a plat of such subdivision and without fully complying with the provisions of this article and of such ordinance.

(b) No such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the local commission or by the governing body or its duly authorized agent, of the county or municipality wherein the land to be subdivided is located; or by the commissions, governing bodies or agents, as the case may be, of each county or municipality having a subdivision ordinance, in which any part of the land lies.

(c) No person shall sell or transfer any land of a subdivision, before such plat has been duly approved and recorded as provided herein, unless such subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto, provided, that nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

(d) Any person violating the foregoing provisions of this section shall be subject to a fine of not more than five hundred dollars for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.
(e) No clerk of any court shall file or record a plat of a subdivision required by this article to be recorded until such plat has been approved as required herein; and the penalties provided by § 17-59 shall apply to any failure to comply with the provisions of this subsection. (Code 1950, §§15-786, 15-785, 15-784.1; Code 1950 (Suppl.), § 15-967.8; 1962,c.407; 1975,c.641.)

The 1975 amendment substituted "any land" for "any such land by reference to or exhibition of or by other use of a plat" near the beginning of subdivision (c), inserted "approved and" near the middle of subdivision (c) and substituted "five hundred dollars" for "one hundred dollars" near the beginning of subdivison (d).

§ *15.1-474. Administration and enforcement of regulations.* The administration and enforcement of subdivision regulations insofar as they pertain to public improvements as authorized in § 15.1-466 shall be vested in the governing body of the political subdivision in which the improvements are or are to be located.

Except as provided above, the governing body shall be responsible for administering and enforcing the provisions of such subdivision regulations, through its planning commission or otherwise.(Code 1950, §15-788.1; Code 1950 (Suppl.), §15-967.9; 1962, c.407; 1975, c.641.)

The 1975 amendment deleted "which adopts subdivision regulations as authorized in this article" following "governing body" in the second paragraph.

§ *15.1-475. Plat of proposed subdivision to be submitted for approval.* Whenever the owner or proprietor of any tract of land located within any territory to which a subdivision ordinance applies desires to subdivide the same, he shall submit a plat of the proposed subdivision to the local commission of the county or municipality, or an agent designated by the governing body thereof for such purpose. When the land involved lies wholly or partly within an area subject to the joint control of more than one political subdivision, the plat shall be submitted to the local commission or other designated agent of the political subdivision in which the tract of land is located.

If a local commission or other agent fails to approve or disapprove the proposed plat within sixty days after it has been officially submitted for approval, the subdivider, after ten days' written notice to the commission, or agent, may petition the circuit court of the county or municipality in which the land involved, or the major part thereof, is located, to decide whether the plat should or should not be approved. The court shall hear the matter and make and enter such order with respect thereto as it deems proper.

If a local commission or other agent disapproves a plat and the subdivider contends that such disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be.

Nothing in this article shall be deemed to prohibit the local governing body from providing in its ordinance for the submission of preliminary subdivision plats for tentative approval under such rules of preparation and procedure as may be set forth in said ordinance. (Code 1950, § 15-789; Code 1950 (Suppl.), § 15-967.10; 1952, c.333; 1962,c.407; 1964,c.498; 1975,c.641)

The 1975 amendment substituted "circuit court" for "circuit or corporation court" in the second and third paragraphs.

§ *15.1-476. Requisites of plat.* Every subdivision plat which is intended for recording shall be prepared by a certified professional engineer or land surveyor, who shall endorse upon each such plat a certificate signed by him setting forth the source of title of the owner of the land subdivided and the place of record of the last instrument in the chain of title; when the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat. Provided, however, that nothing herein shall be deemed to prohibit the preparation of preliminary studies, plans, or plats of a proposed subdivision by the owner of the land, city planners, land planners, architects, landscape architects, or others having training or experience in subdivision planning or design. (Code 1950, § 15-790; Code 1950 (Suppl.), § 15-967.11; 1962,c.407.)

§ *15.1-477. Statement of consent to subdivision; execution; acknowledgement and recordation.* Every such plat, or deed of dedication to which the plat is attached, shall contain in addition to the professional engineer's or land surveyor's certificate a statement as follows: The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any. The statement shall be signed by such persons and duly acknowledged before some officer authorized to take acknowledgment of deeds. When thus executed and acknowledged, the plat, subject to the provisions herein, shall be filed and recorded in the office of the clerk of court where deeds are admitted to record for the lands contained in the plat, and indexed in the general index to deeds under the names of the owners of lands signing such statement, and under the name of the subdivision. (Code 1950, § 15-791; Code 1950 (Suppl.), § 15-967.12; 1954,c.421; 1962,c. 407.)

§ *15.1-478. Recordation of plat as transfer of streets, termination of easements and rights-of-way, etc.* The recordation of such plat shall operate to transfer, in fee simple, to the respective counties and municipalities in which the land lies such portion of the premises platted as is on such plat set apart for streets, alleys or other public use and to transfer to such county or municipality any easement indicated on such plat to create a public right of passage over the same; but nothing contained in this article shall affect any right of a subdivider of land heretofore validly reserved.

Provided, that where the authorized officials of a county, town or city within which land is located, approve in accordance with the subdivision ordinances of such county, town or city a plat or replat of land therein, then upon the recording of such plat or replat in the clerk's office wherein land records are maintained, all rights-of-way, easements or other interest of the county, town or city in the land included on the plat or replat, except as shown thereon, shall be terminated and extinguished, except that an interest acquired by the county, town or city by condemnation or by purchase for valuable consideration and evidenced by a separate instrument of record shall not be affected thereby. (Code 1950, § 15-792; Code 1950 (Suppl.), §15-967.13; 1958,c.460; 1962,c.407; 1964,c.564; 1974,c.530.)

The 1974 amendment added the second paragraph.

§ *15.1-478.1. Validation of certain plats recorded before January 1, 1953.* Any subdivision plat recorded prior to January one, nineteen hundred fifty-three, if otherwise valid, is hereby validated and declared effective even though the technical requirements for recordation existing at the time such plat was recorded were not complied with. (1968,c.279.)

§ *15.1-479. Municipality or county not obligated to pay for grading, paving, etc.* Nothing herein shall be construed as creating an obligation upon any municipality or county to pay for grading or paving, or for sidewalks, sewers, curb and gutter improvements or construction. (Code 1950 (Suppl.), § 15-967.14; 1962,c.407.)

§ *15.1-480. Plans and specifications for utility fixtures and systems to be submitted for approval.* If the owners of any such subdivision desire to construct in, on or under any streets or alleys located in such subdivision any gas, water, sewer or electric light or power works, pipes, wires, fixtures or systems, they shall present plans or specifications therefor to the governing body of the county or municipality in which the subdivision is located or its authorized agent, for approval. If the subdivision is located beyond the corporate limits of a municipality but within the limits set forth in § 15.1-467, such plans and specifications shall be presented for approval to the governing body of such municipality, or its authorized agent, if the county has not adopted a subdivision ordinance. The governing body, or agent, shall have thirty days in which to approve or disapprove the same. In event of the failure of any governing body, or its agent, to act within such period, such plans and specifications may be submitted, after ten days' notice to the county or municipality, to the judge of the circuit or corporation court having jurisdiction within such county or city for his approval or disapproval, and his approval thereof shall, for all purposes of this article, be treated and considered as the approval of the municipality or county or its authorized agent. (Code 1950 (Suppl.), § 15-967.15; 1962,c.407.)

§ *15.1-481 Vacation of plat before sale of lot therein.* Any such plat recorded, or part thereof, may be vacated with the consent of the governing body, or its authorized agent, of the county or municipality where the land lies, by the owners, proprietors and trustees, if any, who signed the statement required by § 15.1-477 at any time before the sale of any lot therein, by a written instrument, declaring the same to be vacated, duly executed, acknowledged or proved and recorded in the same clerk's office wherein the plat to be vacated is recorded and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest such owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in such plat. (Code 1950, § 15-793; Code 1950 (Suppl.), § 15-967.16; 1950, p. 722; 1962, c.407; 1964, c.564.)

§ *15.1-482. Vacaton of plat after sale of lot.* In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

(a) By instrument in writing agreeing to said vacation signed by all the owners of lots shown on said plat and also signed on behalf of the governing body of the county or municipality in which the land shown on the plat or part thereof to be vacated lies for the purpose of showing the approval of such vacation by the governing body. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the clerk's office of any court in which said plat is recorded.

(b) By ordinance of the governing body of the county or municipality in which the land shown on the plat or part thereof to be vacated lies on motion of one of its members or on application of any interested person. Such ordinance shall not be adopted until after notice has been given as required by § 15.1-431. Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of

the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person may appear at said meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon such appeal the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded. (Code 1950, § 15-793; Code 1950 (Suppl.) § 15-967.17; 1950,p.722; 1962,c.407; 1975,c.641.)

The 1975 amendment substituted "circuit court" for "circuit or corporation court" in the fifth sentence of subdivision (b).

§15.1-482.1. Fee for processing application under § 15.1-482. The governing body of any county or municipality may prescribe and charge a reasonable fee not exceeding fifty dollars for processing an application pursuant to §15.1-482 for the vacating of any plat. (1970,c.161; 1975,c.641.)

The 1975 amendment substituted "county or municipality" for "city" near the beginning of the section.

§ 15.1-483. Effect of vacation under § 15.1-482. The recordation of the instrument as provided under paragraph (a) of § 15.1-482 or of the ordinance as provided under paragraph (b) of § 15.1-482 shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the center line of any streets, alleys or easements for public passage so vacated in the owners of abutting lots free and clear of any rights of the public or other owners of lots shown on the plat, but subject to the rights of the owners of any public utility installations which have been previously erected therein. If any such street, alley or easement for public passage is located on the periphery of the plat, such title for the entire width thereof shall vest in such abutting lot owners. The fee simple title to any portion of the plat so vacated as was set apart for other public use shall be revested in the owners, proprietors and trustees, if any, who signed the statement required by § 15.1-477 free and clear of any rights of public use in the same. (Code 1950, § 15-793; Code 1950 (Suppl.), §§ 15-967.18; 1950,p.722; 1962,c.407; 1964,c.564.)

§ 15.1-484. Vacation of plats recorded before effective date of chapter. Nothwithstanding the provisions of this article, any streets, alleys, easements or public places shown on plats of subdivisions recorded in accordance with the provisions of any statute in effect prior to June twenty-ninth, nineteen hundred and sixty-two, may be vacated according to the provisions of any statute in existence on or before June twenty-ninth, nineteen hundred and sixty-two, notwithstanding that such statute may have been, or is subsequently, repealed. (Code 1950 (Suppl.), § 15-967.19; 1962,c.407; 1964,c.564.)

§ 15.1-485. Duty of clerk when plat vacated. The clerk in whose office any plat so vacated has been recorded shall write in plain legible letters across such plat, or the part thereof so vacated, the word "vacated," and also make a reference on the same to the volume and page in which the instrument of vacation is recorded. (Code 1950, § 15-794; Code 1950 (Suppl.), § 15-967.20; 1962, c.407.)

ARTICLE 8
Zoning.

§ *15.1-486. Zoning ordinances generally; jurisdiction of counties and municipalities respectively.* The governing body of any county or municipality may,by ordinance, classify the territory under its jurisdiction or any substantial portion thereof into districts of such number, shape and size as it may deem best suited to carry out the purposes of this article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

(a) The use of land, buildings, structures and other premises for agricultural, business, industrial, residential, flood plain and other specific uses;

(b) The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;

(c) The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used;

(d) The excavation or mining of soil or other natural resources.

(e) (Repealed.)

For the purpose of zoning, the governing body of a county shall have jurisdiction over all the unincorporated territory in the county, and the governing body of a municipality shall have jurisdiction over the incorporated area of the municipality. (Code 1950 §§ 15-819, 15-844; Code 1950 (Suppl.), § 15-968; 1962,c.407;1966,c.344; 1969, Ex.Sess.,c.1;1972,c.789;1975,c.641.)

The 1975 amendment substituted "classify" for "divide" near the beginning of the first paragraph, "size" for "area" near the middle of the first paragraph and "business" for "commercial" and "plain" for "plane" at the end of subdivision (a), deleted "and" at the end of subdivision (d), and deleted former subdivision (e), which read "Sedimentation and soil erosion from nonagricultural lands."

§ *15.1-486.1:* Not set out.

Code Commission note: This section, providing that Arlington and Fairfax counties may enact ordinances providing that the planning commission, governing body or zoning appeals board may require any applicant for amendment to a zoning ordinance or variance, complete disclosure of ownership of real estate affected, was derived from Acts 1970,c.573, as amended by Acts 1975, cc. 575, 641. In furtherance of the general policy of the Commission to include in the Code only provisions having general and permanent application, this section, which is limited in its purpose and scope, is not set out here, but attention is called to it by this reference.

§ *15.1-487.* Repealed by Acts 1975, ch. 641.

§ *15.1-488. Regulations to be uniform.* All such regulations shall be uniform for each class or kind of buildings and uses throughout each district, but the regulations in one district may differ from those in other districts. (Code 1950, §§ 15-820, 15-845; Code 1950 (Suppl.), §15-968.2; 1962,c.407.)

§ *15.1-489. Purpose of zoning ordinances.* Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.1-427. To these ends, such ordinances shall be designed (1) to provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers; (2) to reduce or prevent congestion in the public streets; (3) to facilitate the creation of a convenient, attractive and harmonious community; (4) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; (5) to protect against destruction of or encroachment upon historic areas; (6) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers; and (7) to encourage economic development activities that provide desirable employment and enlarge the tax base. (Code 1950, § 15-821; Code 1950 (Suppl.), § 15-968.3; 1962,c.407; 1966,c.344; 1968,c.407;1975,c.641.)

The 1975 amendment substituted "facilitate" for "expedite" in clause (4).

§ *15.1-490. Matters to be considered in drawing zoning ordinances and districts.* Zoning ordinances and districts shall be drawn with reasonable consideration for the existing use and character of property, the existing land use plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, and the requirements for housing, schools, parks, playgrounds, recreation areas, and other public services; for the conservation of natural resources; and preservation of flood planes (plains) and for the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the county or municipality. (Code 1950, § 15-821; Code 1950, (Suppl.) § 15-968.4; 1962,c.407; 1966,c.344; 1974,c.526.)

The 1974 amendment inserted "the existing land use plan" near the beginning of the section and "housing" near the middle of the section.

§15.1-491. *Permitted provisions in ordinances; amendments.* A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

(a) For variations in or exceptions to the general regulations in any district in cases of unusual situations or to ease the transition from one district to another or for buildings, structures or uses having special requirements, and for the adoption, in counties, or towns therein which have planning commissions, wherein the urban county executive form of government is in effect as a part of an amendment to the zoning map of reasonable conditions, in addition to the regulations provided for the zoning district by the ordinance, when such conditions shall have been proffered in writing, in advance of the public hearing required by § 15.1-493 by the owner of the property which is the subject of the proposed zoning map amendment.

(b) For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.

(c) For the granting of special exceptions under suitable regulations and safeguards; and notwithstanding any other provisions of this article, the governing body of any city, county or town may reserve unto itself the right to issue such special exception or use permit.

(d) For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the county or municipality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance, including the ordering in writing of the remedying of any condition found in violation of the ordinance, and the bringing of legal action to insure compliance with the ordinance, including injunction, abatement, or other appropriate action or proceeding.

(e) For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not less than ten dollars nor more than one thousand dollars.

(f) For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incidental to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

(g) For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice require, the governing body may by ordinance, amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated by resolution of the governing body, or by motion of the local commission, or by petition of any property owner addressed to the governing body; provided, that the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year.

In any county having adopted such zoning ordinance all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map, pending on July one, nineteen hundred seventy-four, shall be acted upon and a decision made on or before December thirty-one, nineteen hundred seventy-five; all of such motions, resolutions or petitions accepted for filing after July one, nineteen hundred seventy-four but prior to July one, nineteen hundred seventy-five shall be acted upon and a decision made on or before June thirtieth, nineteen hundred seventy-six; all such motions, resolutions or petitions accepted for filing after July one, nineteen hundred seventy-five shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed twelve months, unless accepted for filing prior to December thirty-one, nineteen hundred seventy-five, in which case they shall be acted upon and a decision made on or before December thirty-one, nineteen hundred seventy-six.

(h) For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

The ordinance may also provide that petitions brought by property owners or their agents shall be sworn to under oath before a notary public or other official before whom oaths may be taken, stating whether or not any member of the local commission or governing body has any interest in such property, either individually, by ownership of stock in a corporation owning such land, or partnership. or whether a member of the immediate household of any member of the commission or governing body has any such interest. (Code 1950 (Suppl.), § 15-968.5; 1962,c.407;1964,c.564;1966,c.455;1968,cc.543,595;1973,c.286;1974,c.547;1975,cc.99,575,579,582,641.)

The 1973 amendment added to subdivision (a) the language beginning "and for the adoption."

The 1974 amendment substituted "provisions" for "provision" in subdivision (c) and added the second paragraph of subdivision (g).

The 1975 amendments. The first 1975 amendment, in the second paragraph of subdivision (g), deleted "or accepted for filing on or before July one, nineteen hundred seventy-five," following "pending on July one, nineteen hundred seventy-four," inserted the language beginning "all of such motions" and ending "June thirtieth, nineteen hundred seventy-six," near the middle of the paragraph and added, at the end of the paragraph, the language beginning "unless accepted for filing prior to December thirty-one, nineteen hundred seventy-five."

The second 1975 amendment substituted "the county of Fairfax" for "in any county having a population of more than two hundred and twenty thousand such ordinance" in a former proviso at the end of the first paragraph of subdivision (g), which proviso was deleted by the fifth 1975 amendment.

The third 1975 amendment substituted "one thousand dollars" for "two hundred fifty dollars" at the end of subdivision (e).

The fourth 1975 amendment inserted "or towns therein which have planning commissions" near the middle of subdivision (a).

The fifth 1975 amendment deleted a former proviso at the end of subdivision (g) which allowed fifteen months to elapse before a rehearing in counties having a population of more than 220,000.

§ *15.1-492. Vested rights not impaired; nonconforming uses.* Nothing in this article shall be construed to authorize the impairment of any vested right, except that a zoning ordinance may provide that land, buildings, and structures and the uses thereof which do not conform to the zoning prescribed for the district in which they are situated may be continued only so long as the then existing or a more restricted use continues and such use is not discontinued for more than two years, and so long as the buildings or structures are maintained in their then structural condition; and that the uses of such buildings or structures shall conform to such regulations whenever they are enlarged, extended, reconstructed or structurally altered and may further provide that no "nonconforming" building or structure may be moved on the same lot or to any other lot which is not properly zoned to permit such "nonconforming" use. (Code 1950, §§ 15-843, 15-848; Code 1950 (Suppl.), § 15-968.6;1962,c.407;1966,c.202;1975,c.641.)

The 1975 amendment substituted "zoning" for "regulations and restrictions" preceeding "prescribed for" near the middle of the section.

§ *15.1-493. Preparation and adoption of zoning ordinance and map and amendments thereto.* The planning commission of each county or municipality may, and at the direction of the governing body shall, prepare a proposed zoning ordinance including a map or maps showing the division of the territory into districts and a text setting forth the regulations applying in each district. The commission shall hold at least one public hearing on such proposed ordinance or any amendment of an ordinance, after notice as required by § 15.1-431, and may make appropriate changes in the proposed ordinance or amendment as a result of such hearing. Upon the completion of its work, the commission shall present the proposed ordinance or amendment including the district maps to the governing body together with its recommendations and appropriate explanatory materials.

No zoning ordinance shall be amended or reenacted unless the governing body has referred the proposed amendment or reenactment to the local commission for its recommendations. Failure of the commission to report ninety days after the first meeting of the commission after the proposed amendment or reenactment has been referred to the commission, or such shorter period as may be prescribed by the governing body, shall be deemed approval.

Before approving and adopting any zoning ordinance or amendment thereof, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by § 15.1-431, after which the governing body may make appropriate changes or corrections in the ordinance or proposed amendment; provided, however, that no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by § 15.1-431. Such ordinances shall be enacted in the same manner as all other ordinances.

The governing body of any county which has adopted an urban county form of government provided for under chapter 15 (§ 15.1-722 et seq.) of this title may provide by ordinance for use of plans, profiles, elevations, and other such demonstrative materials in the presentation of requests for amendments to the zoning ordinance.

The adoption or amendment prior to March first, nineteen hundred sixty-eight, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise, give notice or conduct more than one public hearing as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment.

The adoption of a zoning ordinance prior to July one, nineteen hundred sixty-eight, by the board of supervisors of a county having the county executive form of organization and government shall not be declared invalid by reason of a failure by said board to call for and hold an election in said county for approval of said ordinance, provided that the provisions of this section for advertisement and public hearings were complied with. Nothing herein contained shall be construed so as to affect any litigation pending on March twenty, nineteen hundred seventy. (Code 1950, §§ 15-822, 15-846; Code 1950 (Suppl.), § 15-968.7; 1962,c.407; 1964, c.279; 1968,c.652; 1970,c.216; 1972,c.818; 1975,c.641.)

The 1975 amendment substituted "planning" for "local" near the beginning of the first sentence of the first paragraph, deleted "After June twenty-ninth, nineteen hundred sixty-two" at the beginning of the second paragraph, and substituted "land may be zoned to a more intensive use" for "additional land may be zoned to a different" near the end of the first sentence in the third paragraph.

§15.1-494. Boards of zoning appeals to be created; membership, organization, etc. In and for any county or municipality which has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws, there shall be created a board of zoning appeals, which shall consist of five residents of the county or municipality, appointed by the circuit court of the county or city. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the county or municipality except that one may be a member of the local planning or zoning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies.

Counties and municipalities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals, which shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit court of each county or city, plus one member from the area at large to be appointed by the circuit court, or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

The board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the county or municipality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

Within the limits of funds appropriated by the governing body, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the board may receive such compensation as may be authorized by the respective governing bodies. Any board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him, after hearing held after at least fifteen days' notice. (Code 1950, §§ 15-825, 15-850; Code 1950 (Suppl.), § 15-968.8; 1950, pp.176,489; 1952,c.688; 1962,c.407; 1975,c.641.)

The 1975 amendment substituted "circuit court" for "circuit or corporation court" in the first sentence in the first paragraph and in two places in the first sentence in the second paragraph.

§ *15.1-495. Powers and duties of board of zoning appeals.* Boards of zoning appeals shall have the following powers and duties:

(a) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto.

(b) To authorize upon appeal or original application in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

No such variance shall be authorized by the board unless it finds:

(1) That the strict application of the ordinance would produce undue hardship.

(2) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

(3) That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

No such variance shall be authorized except after notice and hearing as required by § 15.1-431.

No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

(c) To hear and decide appeals from the decision of the zoning administrator.

No such appeal shall be heard except after notice and hearing as provided by § 15.1-431.

(d) To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such

question, and after public hearing with notice as required by § 15.1-431, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

(e) No provision of § 15.1-495 shall be construed as granting any board the power to rezone property.

(f) To hear and decide applications for such special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

No such special exception may be granted except after notice and hearing as provided by § 15.1-431. (Code 1950, §§ 15-831, 15-850; Code 1950 (Suppl.) § 15-968.9; 1950, p.176; 1962,c.407; 1964,c.535; 1972,c. 695; 1975,cc. 521, 641.)

The 1975 amendments. The first 1975 amendment inserted "or original application" near the beginning of the first paragraph in subdivision (b), deleted "or applications for such special exceptions as may be authorized in the ordinance" at the end of the first sentence in the first paragraph of subdivision (c) and deleted the former second sentence in that paragraph, which empowered the board to impose conditions on the permit and to require a guarantee or bond, substituted "No such appeal shall be heard" for "No such special exception may be granted" in the second paragraph of subdivision (c), and added subdivision (f). As to application of the first 1975 amendment to pending litigation, see § 15.1-496.3.

The second 1975 amendment reenacted this section as it stood before the first 1975 amendment without change.

The section is set out above as it appears in the first 1975 amendatory act.

§ *15.1-495.1:* Repealed by Acts 1975,c.641.

§ *15.1-496. Applications for special exceptions and variances.* Applications for special exceptions and variances may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the zoning administrator in accordance with rules adopted by the board. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board who shall place the matter on the docket to be acted upon by the board. No such special exceptions or variances shall be authorized except after notice and hearing as required by § 15.1-431. The zoning administrator shall also transmit a copy of the application to the local commission which may send a recommendation to the board or appear as a party at the hearing. (Code 1950, §§ 15-828 to 15-830, 15-832, 15-833, 15-850; Code 1950 (Suppl.), § 15-968.10; 1950,p.176; 1962,c.407; 1966,c.256; 1975,cc.521,641.)

The 1975 amendments. The first 1975 amendment inserted "and variances" in the first sentence added, "to be acted upon by the board" at the end of the third sentence, inserted "or variances" in the fourth sentence, and deleted the former second, third and fourth paragraphs. The subject matter of the deleted paragraphs is now covered by §§ 15.1-496.1 to 15.1-496.3. As to application of the first 1975 amendment to pending litigation, see § 15.1-496.3.

The second 1975 amendment reenacted this section as it stood before the first 1975 amendment without change.

The section is set out above as it appears in the first 1975 amendatory act.

§ *15.1-496.1. Appeals to board.* An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the county or municipality affected by any decision of the zoning administrator. Such appeal shall be taken within thirty days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown. (1975,c.521.)

§ *15.1-496.2. Procedure on appeal.* The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within sixty days. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. (1975,c.521.)

§ *15.1-496.3. Proceedings to prevent construction of building in violation of zoning ordinance.* Where a building permit has been issued and the construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected or abated as a violation of the zoning ordinance,

by suit filed within fifteen days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the administrative officer to the board of zoning appeals.

The 1975 amendments to §§ 15.1-495 and 15.1-496 shall not be taken into consideration nor be interpreted to have any effect on any litigation instituted prior to January twenty-one, nineteen hundred seventy-five. (1975, c. 521.)

§ *15.1-497. Certiorari to review decision of board.* Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officer, department, board or bureau of the county or municipality, may present to the circuit court of the county or city a petition specifying the grounds on which aggrieved within thirty days after the filing of the decision in the office of the board.

Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs shall not be allowed against the board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. (Code 1950, §§ 15-834 to 15-839, 15-850; Code 1950 (Suppl.), § 15-968.11; 1950, p.176; 1962,c.407; 1975,c.641.)

The 1975 amendment substituted "circuit court" for "circuit or corporation court" in the first paragraph.

§ *15.1-498. Conflict with statutes, local ordinances or regulations.* Whenever the regulations made under authority of this article require a greater width or size of yards, courts or other open spaces, require a lower height of building or less number of stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this article shall govern. Whenever the provisions of any other statute or local ordinance or regulations require a greater width or size of yards, courts or other open spaces, require a lower height of building or a less number of stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by the regulations made under authority of this article, the provisions of such statute or local ordinance or regulation shall govern. (Code 1950, § 15-842; Code 1950 (Suppl.), § 15-968.12; 1962,c.407.)

ARTICLE 9
Miscellaneous Provisions.

§ *15.1-499. Restraining, etc., violations of chapter.* Any violation or attempted violation of this chapter, or of any regulation adopted hereunder may be restrained, corrected, or abated as the case may be by injunction or other appropriate proceeding. (Code 1950, §§ 15-840, 15-851; Code 1950 (Suppl.), § 15-969; 1962,c.407.)

§ *15.1-500. Effect on existing resolutions and ordinances.* This chapter shall not affect any resolution or ordinance enacted under any other law heretofore (prior to June twenty-ninth, nineteen hundred and sixty-two) adopted except as specifically provided. (Code 1950, (Suppl.), § 15-969.1; 1962,c.407.)

§ *15.1-501. Effect of chapter on municipal charters.* No provision in any municipal charter in conflict with this chapter shall be affected hereby. Furthermore, any city exercising zoning authority within the corporate limits of such city pursuant to power expressly set out in the charter of such city may exercise, in addition to those powers so provided in such charter, any or all of the powers and authority granted in article 8 (§ 15.1-486 et seq.) of this chapter to municipalities in relation to the zoning of territory under the jurisdiction of such city, to the end that any of the purposes set out in such charter and in § 15.1-489, as from time to time amended, be accomplished. (Code 1950 (Suppl.) § 15-969.2; 1962,c.407; 1966,c.514.)

§ *15.1-502. Existing ordinances ratified.* All zoning ordinances adopted prior to June twenty-ninth, nineteen hundred and sixty-two, by any county or municipality authorized to adopt the same under any provision of chapter 24 (§ 15-819 et seq.) of Title 15 of the Code of Virginia or any municipal charter are hereby validated, ratified and confirmed notwithstanding noncompliance with any technical requirement of such chapter. (Code 1950 (Suppl.), § 15-969.3; 1962,c.407.)

Code Commission Note. Section 15-819 et seq., referred to in this section, was repealed by Acts 1962, c. 407. See now § 15.1-486 et seq.

§ *15.1-503. Validation of zoning ordinances prior to 1962.* All proceedings had in the preparation, certification and adoption of zoning ordinances after December thirty-first, nineteen hundred fifty-nine, and in counties prior to January one, nineteen hundred sixty-two, which shall have been in substantial compliance with the provisions of this article are validated and confirmed, and all such zoning ordinances adopted or attempted to be adopted pursuant to the provisions of this article are declared to be validly adopted and enacted, notwithstanding any defects or irregularities in the adoption thereof. (Code 1950 (Suppl.), § 15-854.2; 1962,c.583.)

§ *15.1-503.1*: Repealed by Acts 1973,c.270.

§ *15.1-503.2. Preservation of historical sites in counties and municipalities.* (a) The governing body of any county or municipality may adopt an ordinance setting forth the historic landmarks within the county or municipality as established by the Virginia Historic Landmarks Commission, and any other buildings or structures within the county or municipality having an important historic interest, amending the existing zoning ordinance and delineating one or more historic districts adjacent to such landmarks, buildings and structures; provided, that such amendment of the zoning ordinance and the establishment of such district or districts shall be in accordance with the provisions of article 8 (§ 15.1-486 et seq.) chapter 11, of Title 15.1 of the Code of Virginia. Such ordinance may include a provision that no building or structure, including signs, shall be erected, reconstructed, substantially altered or restored within any such historic district unless the same is approved by the governing body of such county or municipality as being architecturally compatible with the historic landmark, building or structure therein. The governing body may provide for an architectural review board to assist it in its determination. No such historic district shall extend further than one-quarter mile from the property line of the land pertaining to any such historic landmark, building or structure.

(b) Subject to the provisions of subsection (c) hereof, the governing body may provide in such ordinance that no historical landmark, building or structure within any such historic district shall be razed or demolished until the razing or demolishment thereof is approved by the governing body after consultation with such architectural review board.

(c) The governing body shall provide by ordinance for appeals to the circuit court for such county or municipality from any final decision of the governing body pursuant to subsections (a) and (b) hereof and shall specify therein the parties entitled to appeal such decisions, which such parties shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided such petition is filed within thirty days after the final decision is rendered by the governing body. The filing of the said petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the governing body if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.

In addition to the right of appeal hereinabove set forth, the owner of a historic landmark, building or structure, the razing or demolition of which is subject to the provisions of subsection (b) hereof, shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that: (1) he has applied to the governing body for such right, (2) the owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such landmark, building or structure, and the land pertaining thereto, to such county or municipality or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto, and (3) that no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the governing body, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the governing body, but thereafter the owner may renew his request to the governing body to approve the razing or demolishment of the historic landmark, building or structure. The time schedule for offers to sell shall be as follows: three months when the offering price is less than twenty-five thousand dollars; four months when the offering price is twenty-five thousand dollars or more but less than forty thousand dollars; five months when the offering price is forty thousand dollars or more but less than fifty-five thousand dollars; six months when the offering price is fifty-five thousand dollars or more but less than seventy-five thousand dollars; seven months when the offering price is seventy-five thousand dollars or more but less than ninety thousand dollars; and twelve months when the offering price is ninety thousand dollars or more.

(d) The governing body is authorized to acquire in any legal manner any historic area, landmark, building or structure, land pertaining thereto, or any estate or interest therein which, in the opinion of the governing body should be acquired, preserved and maintained for the use, observation, education, pleasure and welfare of the people; provide for their renovation, preservation, maintenance, management and control as places of historic interest by a department of the county or municipal government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use thereof or admission thereto; lease, subject to such regulations as may be established by ordinance, any such area, property, lands or estate or interest therein so acquired upon the condition that the historic character of the area, landmark, building, structure or land shall be preserved and maintained; or to enter into contracts with any person, firm or corporation for the management, preservation, maintenance or operation of any such area, landmark, building, structure, land pertaining thereto or interest therein so acquired as a place of historic interest; provided, the county or municipal government shall not use the right of condemnati under this paragraph unless the historic value of such areas, landmark, building, structure, land pertaining thereto, or estate or interest therein is about to be destroyed. (1973,c.270; 1974,c.90; 1975,cc.98,574,575,641.)

The 1974 amendment made this section applicable to Sussex and York counties.

The 1975 amendments. - The first 1975 amendment made this section applicable to Prince Edward County.

The second 1975 amendment made this section applicable to Frederick and Southampton counties.

The third 1975 amendment made this section expressly applicable to Fairfax County and deleted a provision as to "any county having a population exceeding two hundred forty thousand."

The fourth 1975 amendment rewrote this section which was formerly applicable only to certain specified counties and to any county having a population exceeding 240,000, so as to make it applicable to any county or municipality in the State.

Below is a review of the amendments to Title 15.1, Chapter 11 (Local Planning Enabling Legislation) enacted by the 1976 General Assembly Session.

§15.1-430 is amended to include:
(p) "Variance" means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk, or location of a building or structure when the strict application of the ordinance would result in unnecesary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done. (1976, c. 642.)

§15.1-431 is amended in two places. At the end of the second paragraph, the following sentence is added:
"The term two successive weeks as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six (6) days elapsing between the first and second publication." (1976, c. 642.)
The second amendment occurs in the second sentence of the fourth paragraph. The correct wording of that sentence now is:
"Provided, however, than any litigation pending prior to January one, nineteen hundred and seventy-six, shall not be affected by the nineteen hundred and seventy-four, nineteen hundred and seventy-five and nineteen hundred and seventy-six amendments to this section." (1976, c. 642.)

§15.1-446.1 is amended by adding the following to the end of the section:
"5. Methods of implementation which unless otherwise required by this chapter may include but need not be limited to:
(a) an official map;
(b) a capital improvements program;
(c) a subdivision ordinance; and
(d) a zoning ordinance and zoning district maps." (1976, c. 650.)

§15.1-448 is amended by changing the second and third sentences to read as follows:

"After such public hearing has been held, the commission may approve, amend and approve, or disapprove the plan. Upon approval of the plan, the commission shall by resolution recommend the plan to the governing body." (1976, c. 642.)

§15.1-450 is amended to read as follows:
"After certification of the plan or part thereof, the governing body after a public hearing with notice as required by §15.1-431 shall proceed to a consideration of the plan or part thereof and shall approve and adopt, amend and adopt, or disapprove the same within ninety days after the date of adoption of such resolution." (1976, c. 642.)

§15.1-456 is amended by adding the following clause to the second sentence between the words "Thereafter" and "no street....":
"unless such feature is already shown on the adopted master plan or part thereof...." (1976,c.291)

§15.1-458 is amended by adding the words "survey or aerial photographic" between the words "physical" and "survey" near the end of the first sentence of the last paragraph. (1976, c. 619.)

§15.1-464 is amended in two ways. In the sentence beginning with the word "Such," the sixteenth word, "projects," is changed to "facilities." The second change adds the words "unless otherwise required" to the end of the last sentence. (1976, c. 650.)

§15.1-466 is amended in paragraph (f) by adding the words "bicycle trail" between the words "sidewalk" and "drainage." (1976, c. 270.)

§15.1-486.1 is amended by extending this provision to the City of Fairfax. (1976, c. 370.)

§15.1-491(a) is amended by three separate laws, each of which extends the authorization for contract zoning to particular local governments. Combining all three laws in legal sequence, the affected part of the law now reads "...wherein the urban county executive form of government is in effect, or in a city completely surrounded by such a county, or in a county contiguous to any such county, and in the counties east of the Chesapeake Bay as a part...." (1976, c. 409, 470, 683.)

§15.1-491(g) is amended in the first paragarph, last sentence, by adding the following clause "or the local commission, who shall forward such petition to the governing body" before the word "provided." (1976, c. 71.)

§15.1-494 is amended by deleting the words "or zoning" in the first paragraph, next-to-the-last sentence. (1976, c. 642.)

The Code of Virginia is amended by adding a section numbered 15.1-503.3 as follows"

§15.1-503.3. Preservation of historic areas in counties, cities and towns.---A. The governing body of any county, city or town may adopt an ordinance setting forth the historic areas, as defined in §15.1-430(b), within the county, city or town and amending the existing zoning ordinance to provide historic and cultural conservation districts for the preservation and conservation of such historic areas; provided that such amendment of the zoning ordinance and the establishment of historic and cultural conservation districts shall be in accordance with the provisions of Article 8 (§15.1-486 et seq.), Chapter 11, of Title 15.1 of the Code of Virginia. Such ordinance may include a provision that no building or structure, including signs, may be erected, reconstructed, substantially altered or restored within any such historic and cultural conservation district unless the same is approved by an architectural review board appointed by the governing body of such county, city, or town as being compatible with the established architectural character of the historic area. The governing body may appoint a separate architectural review board or may assign an existing board or commission to serve as the architectural review board.

B. The governing body may provide in such ordinance that no building or structure within any such historic and cultural conservation district shall be moved, razed, or demolished without the approval of the architectural review board; provided that such approval shall not be withheld if the architectural review board cannot find an alternative to the moving, razing, or demolition which is agreeable to the owner within a period of one year from the date of the application of such approval.

C. The governing body shall provide by ordinance for appeals to the circuit court for such county or municipality from any final decision of the review board pursuant to subsections (a) and (b) hereof and shall specify therein the parties entitled to appeal such decisions, which such parties have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the review board, provided such petition is filed within thirty days after the final decision is rendered by the review board. The filing of the said petition shall stay the decision of the review board pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the review board if such decision denies the right to raze or demolish an historic area, building or structure. The court may reverse or modify the decision of the review board in whole or in part, if it finds upon review that the decision of the review board is contrary to law or that its decision is arbitrary and constitues an abuse of discretion, or it may affirm the decision of the review board. (1976, c. 748.)

Please note that all of these amendments, with the exception of the amendment which created §15.1-503.3, become effective 90 days after final adjournment of the General Assembly. Therefore, they will be effective on June 12, 1976. The amendment creating §15.1-503.3 was passed with an emergency clause and hence is in force from the date of its passage.

1977 General Assembly
Amendments to Local Planning Enabling Legislation
Effective July 1, 1977

In §15.1-430, add to "(1) Subdivision" after the word "subdivided" at the end of the definition:

"and solely for the purpose of recordation of any single division of land into two lots or parcels, a plat of such division shall be submitted for approval in accordance with 15.1-475." (1977, c.566.)

In §15.1-431 at the end of the third paragraph, the following sentence is added:

"Whenever the notices required hereby are sent by an agency, department or division of the local governing body such notices may be sent by first class mail provided, however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case." (1977, c.65.)

§15.1-446.1 is amended by changing the last (5th) subsection to read:

"An official map, a capital improvements program, a subdivision ordinance, and a zoning ordinance and zoning district maps." (1977, c.228.)

§15.1-447(1)(a) is amended by adding "the need for housing," between "transportation facilities" and "and any other matters...."

§15.1-467 is amended by adding "and Chesterfield County," after the words "six hundred per square mile" in the first paragraph. (1977, c.524.)

§15.1-475 is amended by adding the following to the end of the first paragraph:

"Site plans or plans of development required by §15.1-491(h) shall also be subject to the provisions of this section, mutatis mutandis." (1977, c.10.)

The Code of Virginia is amended by adding a section numbered 15.1-586.2 as follows:

15.1-486.2 Zoning ordinances and residential human care facilities; purpose; permitted use of property. -- A. It is the policy of this State that mentally retarded and other developmentally disabled persons should not be excluded by county or municipal zoning ordinances from the benefits of normal residential surroundings. Furthermore, it is the policy of this State to encourage and promote the dispersion of residences for the mentally retarded and other developmentally disabled persons to achieve optimal assimilation and mainstreaming into the community. Toward this end, it is the policy of this State that the number of such group homes and their location throughout the State and within any given political subdivision should be proportional, insofar as possible, to the population and population density within the State and local political subdivisions.

B. Notwithstanding any other provision of law, pursuant to the policy set out in Subsection A, locally adopted zoning regulations shall provide for family care homes, foster homes or group homes serving mentally retarded or other developmentally disabled persons, not related by blood or marriage, in appropriate residential zoning districts.

C. Conditions may be imposed on such homes to assure their compatibility with other permitted uses, but such conditions shall not be more restrictive than those imposed on other dwellings in the same zones unless such additional conditions are necessary to protect the health and safety of the residents of such homes. (1977, c.648.)

§15.1-491 is amended, near the end of (a) between the words "public hearing" and "required," by adding "before the governing body...."

Also add the following to (a):

"Once proffered and accepted as part of an amendment to the zoning ordinance, such conditions shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance." (1977, c.177.)

§15.1-494 is amended in two ways. Near the first of the section, the word "five," between the word "of" and "residents," is replaced with "no more than seven and no less than five."

Secondly, at the end of this section, between the words "municipality" and "appointed," add "but shall always be an odd number...." (1977, c.172.)

§15.1-498 is amended by adding §15.1-498.1 to §15.1-498.6 to read:

1. §1. The Board of Supervisors of York County is hereby authorized to establish, empower, and provide the following for York County:

A. To establish the position of administrator of the subdivision ordinance. Such administrator may be the same as the administrator of its zoning ordinance; and

B. To empower the Board of Zoning Appeals for York County to hear appeals by applicants seeking to subdivide from the decisions of the administrator of the subdivision ordinance; and

C. To provide for appeals by applicants seeking to subdivide from decisions of the Board of Zoning Appeals.

§2. In the event the Board of Supervisors of York County exercises the authority granted it in §1. the provisions of §§15.1-494 through 15.1-497 of the Code of Virginia shall apply, mutatis mutandis. (1977, c.494.)

§15.1-503.3 is repealed and the following changes occur in §15.1-503.2.

In (a) insert, between the words "historic" and "amending,"

"architectural or cultural interest, and any historic areas within the county or municipality as defined by §15.1-430(b) of the Code of Virginia."

Further in (a), between "structures" and "provide," insert "or encompassing such historic areas...."

Insert a new second sentence in (a) that reads, "The governing body may provide for an architectural review board to administer such ordinance."

In the third sentence, strike the word "substantially." Also in this sentence insert, between "the" and "governing:" "architectural review board or, on appeal by the...."

Near the end of this sentence, strike "landmark, building or structure" and insert "landmarks, buildings or structures" in their place.

Strike the last sentence of (a) in its entirety.

In (b), strike the word "or" after "razed"; insert "or moved" after the word "demolished"; strike "or demolishment" and insert "demolition or moving"; and add, between the words "the" and "governing," near the end of the section "architectural review board, or, on appeal, by the...."

In (c) near the end of the second paragraph, substitute the word "demolition" for demolishment...." (1977, c.473.)

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