

Portland Zoning Code

December 31, 1990

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December 31, 1990

**Portland
Zoning
Code**

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TITLE 33

PLANNING AND ZONING

MUNICIPAL CODE
CITY OF PORTLAND, OREGON

12-31-1990

TITLE 33

PLANNING AND ZONING

of Ordinance No. 130672
Passed by the Council April 2, 1970
Effective May 15, 1970

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.

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City Hall, Portland, Oregon

(Reorder 30
May 3, 1989)

12-31-1990

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(Repealed by Ord. No. 157619 passed
July 18, effective Aug. 19, 1985.
See 33.210.100)

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.

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33.12.010 Generally. (Amended by Ord. No. 161335, effective October 19, 1988.) 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 words "must", "will" and "shall" are mandatory and not discretionary.

33.12.015 Accessible. (Added by Ord. No. 156689; effective Nov. 19, 1984.) "Accessible," a term describing a site, building, facility or portion thereof that can be approached, entered, and used by physically disabled people.

33.12.016 Accessible Route. (Added by Ord. No. 156689; effective Nov. 19, 1984.) An "accessible route" is a continuous, unobstructed path connecting all

accessible elements and spaces in a building or facility that can be negotiated by a disabled person using a wheelchair and that is also safe for and usable by people with other disabilities.

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 Adult Businesses. (Added by Ord. No. 152549; amended by Ord. No. 155387; Dec. 8, 1983.) Adult businesses are defined in Section 33.80.030.

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.

(Amended by Ord. No. 153828; effective Oct. 18, 1982.) For the definition of "Apartment dwelling" see Section 33.12.270 Dwellings, multi-family.

33.12.095 Attached Residential

Dwelling. (Added by Ord. No. 150581; amended by Ord. No. 153828; effective Oct. 18, 1982.) "Attached residential dwelling" means any one-family dwelling having at least one wall located on a property line or within 6 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 dwellings" 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 pounds 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 Automobile or Truck Wrecking. (Amended by Ord. No. 139416; passed and effective Feb. 5, 1975.) "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. (Amended by Ord. No. 155307; effective Dec. 23, 1983.) "Boarding house" means a building or portion thereof with not more than 15 sleeping rooms providing only lodging and meals to more than 5 persons for compensation. Lodging and meals shall not be provided to any person for less than 7 consecutive days.

33.12.140 Building. (Amended by Ord. No. 158535 May 22, 1986.) A permanent structure with walls and a roof and used for activities such as habitation, business or storage.

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 5 feet of the street lot line.

Case II is a building which does not have an exterior wall built up to or within 5 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 5 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 have 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 10 feet but as near 10 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. (Added by Ord. No. 155124; effective 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."

33.12.205 Community Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) "Community care facility" means an establishment which provides housing or care to not more than 15 people who require such services by reason of their circumstances or condition.

A facility or institution that is operated for the purpose of providing both care and planned treatment or planned training as defined in 33.12.615 is not a "community care facility".

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.

33.12.227 Convenience Store.

(Added by Ord. No. 159258 Dec. 18, 1986.) For the purposes of the Convenience Store Review Process, a convenience store shall be defined, subject to interpretation of the Planning Director, as follows:

Convenience Store -- any retail grocery store exhibiting the following three characteristics:

- (1) Requiring a package store liquor license;
- (2) Having a building size or occupying a space generally under 3,200 gross square feet; and
- (3) Being open 15 to 24 hours a day.

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

33.12.235 Drainageway. (Added by Ord. No. 160890 effective July 15, 1988.) An open linear depression, whether manmade or natural, for the collection and drainage of surface water. It may be permanently or temporarily inundated.

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.

33.12.245 Disabled. (Added by Ord. No. 156689; effective Nov. 19, 1984.) A "disabled" person has a condition of physical or mental disability which substantially limits one or more major life activities as stated in Section 504 of the Rehabilitation Act of 1973.

33.12.250 Dormitory, Fraternity, or Sorority. "Dormitory, fraternity or 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.

33.12.257 Drive-through Facility. (Added by Ord. No. 157663 effective Aug. 31, 1985.) A drive-through facility is a portion of an activity's development built for the purpose of buying or selling, the exchange of goods, or the provision of services where one of the parties involved conducts the activity from or within a motor vehicle.

33.12.260 Dwelling. "Dwelling" means a building or portion thereof, designed for residential occupancy by three or more families living independently of each other and not classified as a one or two family dwelling.

33.12.270 Dwelling, Multi-Family. (Amended by Ord. No. 153828; effective 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. (Amended by Ord. No. 153828; effective 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.

33.12.285 Dwelling, Townhouse.

(Added by Ord. No. 158421, effective May 24, 1986.) A townhouse dwelling is a type of multi-family dwelling where the dwelling units share common walls, but not floors or ceilings.

33.12.290 Dwelling, Two Family.

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

33.12.292 Ecologically and Scientifically Significant Natural Areas.

(Added by Ord. No. 160890 effective July 15, 1988.) Land and water that has substantially retained its natural character, but is not necessarily completely natural or undisturbed, which is significant for historical, scientific, paleontological or natural features.

33.12.295 Elderly and Disabled Housing. (Added by Ord. No. 156689; effective Nov. 19, 1984.) "Elderly and disabled housing" refers to self contained dwelling units limited in occupancy to households with a disabled family member or headed by a person 60 years of age or older and built to standards of accessibility and adaptability.

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 1,000 cubic yards, or where the excavating or filling or both are not reasonably expected to be completed within 60 calendar days from the start of the work of excavating or filling.

33.12.310 Family. (Amended by Ord. No. 138371; and 155589; effective 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 institution 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.

33.12.313 Fish and Wildlife Habitat Areas. (Added by Ord. No. 160890 effective July 15, 1988.) Lands which contain significant food, water or cover for native terrestrial and aquatic species of animals. Lands included are forests, open fields, riparian areas, wetlands and water bodies.

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.

33.12.316 Flood Desynchronization. (Added by Ord. No. 160890 effective July 15, 1988.) Modification of the timing of stormwater runoff from various parts of a watershed through water retention, detention or other means which will result in a decrease in flood elevations.

33.12.319 Floodway. (Added by Ord. No. 160890 effective July 15, 1988.) The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The actual floodway boundaries are computer

activated and approximate. These boundaries are depicted on the Floodway Map. Boundaries for other water courses may be subject to identification by the Sewage System Administrator. The width of the floodway for unidentified water courses should not be less than 15 feet.

33.12.320 Floor Area. (Amended by Ord. No. 160606 effective July 1, 1988.) "Floor area" means the gross floor area under a roof measured horizontally at each floor elevation between exterior limits or faces of a building or structure, excluding the following:

(a) Areas where the floor area elevation is more than 4 feet below the lowest adjacent public right-of-way grade;

(b) Enclosed areas housing mechanical equipment necessary to the operation of the building itself;

(c) Floor area in open or roofed terraces, exterior balconies, breezeways, or porches if not more than 50 percent of the perimeter is enclosed by walls more than 42 inches in height; and

(d) Floor area located on rooftops where such space is developed for exterior recreational use.

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. (Added by Ord. No. 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 3 days and which sale is more than 6 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.

33.12.336 Good Neighbor Plan. (Added by Ord. No. 159258 Dec. 18, 1986.) The good neighbor plan is the document developed by the applicant to address the good neighbor standards as required in Chapter 33.814.030 Convenience Store Review.

33.12.337 Good Neighbor Standards. (Added by Ord. No. 159258 Dec. 18, 1986.) The good neighbor standards are the applicable criteria for review of convenience stores and for development of the good neighbor plan as required in Chapter 33.814.030.

33.12.338 Grade. (Added by Ord. No. 153373 effective July 17, 1982.) "Grade" is defined in Section 33.12.150, Building or Structure Grade.

33.12.339 Groundwater Sensitive Areas. (Added by Ord. No. 160890 effective July 15, 1988.) Areas from which groundwater is replenished and the flow enables contaminants to be carried into aquifers (aquifer recharge areas), or areas of an aquifer in which the groundwater level and flow characteristics are influenced by the withdrawal of groundwater (areas of influence).

33.12.340 Hazardous Substances. (Added by Ord. No. 160890 effective July 15, 1988.) Substances which could threaten human health, as are described in City Code Section 33.455.125, Use of Hazardous Materials and in the Resource Conservation and Recovery Act of 1976 (Federal Register 40 CFR 261.33) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (Federal Register 40 CFR Part 302, Table 302.4).

33.12.341 Helicopter Landing Facilities. (Added by Ord. No. 160497 effective Mar. 21, 1988.) Helicopter landing facility (HLF): All heliports, helipads and helistops and all areas which are used for helicopter landings and take-offs. (Peripheral areas, hangars, parking pads, passenger terminals, and helicopter service areas are part of these facilities.) A primary helicopter landing facility is defined as one which is the principal tenant of a site and which is the dominant land-use activity on the site. An accessory helicopter landing facility is one which is auxiliary to a separate land use (e.g., an organization, recreational use or business / industrial use.)

Public use helicopter landing facility: A facility which is open to use by the public without prior permission of the owner of the land. It may be owned by a public agency, an individual or a corporation as long as it is open for public use. Service facilities may or may not be available.

Private use helicopter landing facility: A facility which is restricted to use by the owner or by persons authorized by the owner. The facility cannot be used by the general public and is restricted to specific users and purposes.

Helicopter operation: Each landing or take-off.

Approach - departure flight path: A trapezoid with a width of 500 feet at a distance of 4,000 feet from the landing pad which a helicopter follows on approach to or departure from the helicopter landing facility. The inner width of the approach is the same as the width of the pad. This path is to be measured from the edge of the pad surface; the slope of the approach is 8 (horizontal) : 1 (vertical). See FAA Heliport Design Guide for additional related flight path standards and requirements.

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," "sanatorium," 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 Hospital. (Amended by Ord. No. 140290; passed and effective July 24, 1975.) "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, out-patient departments, central service facilities, and staff offices excluding offices and/or clinics of physicians 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.

33.12.420 Hotel. (Amended by Ord. No. 155589; effective 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 7 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.

33.12.427 Institutional Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) "Institutional care facility" means an establishment which provides housing, training or care to more than 15 people who require such services by reason of their circumstances or condition.

A facility or institution that is operated for the purpose of providing both care and planned treatment or planned training as defined in 33.12.615 is not an "institutional care facility".

33.12.428 Interested Person. (Added by Ord. No. 157619 effective Aug. 19, 1985.) Interested person is an owner, contract purchaser, applicant, person owning property, residing or working within the notification area or person who writes a letter or whose interests are substantially affected by the proceedings. Interested person includes recognized organizations, public bureaus and agencies and private organizations.

33.12.430 Kennel or Other Animal Boarding Place. "Kennel" as used in this Title means and includes any establishment or premises where 5 or more dogs over 1 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 6 or more cats over 4 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; amended by Ord. No. 158055 effective Jan. 13, 1986.) 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 a.m. and from 10 p.m. to midnight (0000 to 0700 and 2200 to 2400), and then averaged day-to-day over a 12-month period.

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

*See Chapter 33.86 for additional information.

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.

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 by Ord. No. 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.

33.12.558 Mitigate. (Added by Ord. No. 160890 effective July 15, 1988.) To rectify, repair or compensate for impacts which result from other actions.

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 by Ord. No. 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.

33.12.567 Noise Contour. (Added by Ord. No. 150569; passed 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 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. (Amended by Ord. No. 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, co-partnership, 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. (Added by Ord. No. 155630; effective 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 by Ord. No. 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 Recognized Organization. (Added by Ord. No. 157619 effective Aug. 19, 1985.) A neighborhood, business or industrial association or organization recognized or listed by the Office of Neighborhood Associations (ONA). The recognized organization as used in this Title shall include ONA district offices.

33.12.614 Recycling Drop-off Center. (Added by Ord. No. 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 Regional Public Attraction. (Added by Ord. No. 160606 effective July 1, 1988. 33.12.615 and 33.12.617 renumbered to 33.12.616 and 33.12.618.) The term regional public attraction is limited to large uses (normally occupying several acres) whose principal activity is the exhibition and/or display to the public of performances, objects, flora, fauna and/or aquatic life of artistic, educational, scientific or historical interest. Regional public attractions include museums, aquariums, botanical gardens, arboretums and performing arts facilities. The term does not encompass commercial amusements, meeting spaces, convention facilities, lodgings or other retail or business activities.

33.12.616 Residential Care Facility. (Added by Ord. No. 138936; amended by Ord. No. 155589 and 156374; effective Sept. 10, 1984.) "Residential care

facility" means an establishment operated with 24-hour supervision for the purpose of and responsibility for providing care and planned treatment or planned training to 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.

(Added by Ord. No. 155589; 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.

33.12.618 Resource Enhancement.

(Added by Ord. No. 160890 effective July 15, 1988.) Modification of a natural resource or resources to improve the quality or quantity of the resource and resource values. It can include actions that

result in increased animal and plant species, increased numbers of types of natural habitat, and/or increased amount of area devoted to natural habitat. It may also include improvements in scenic views and sites, increased capacity for stormwater detention, or other improvements to resource values.

33.12.619 Riparian Areas. (Added by Ord. No. 160890 effective July 15, 1988.) Lands which are adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such contain elements of both aquatic and terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils which are usually largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal.

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.

(Amended by Ord. No. 155307; effective Dec. 23, 1983.) "Rooming house" means a building or portion thereof with not more than 15 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.

(Added by Ord. No. 153828; effective 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 12th 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 Related Definitions.
(Added by Ord. No. 158535 May 22, 1986.)

A. Abandoned sign. A sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days.

B. Awning sign. A sign incorporated into or attached to an awning.

C. Banner. A sign made of fabric or other non-rigid material with no enclosing framework.

D. Building frontage.

1. Primary. Primary building frontages are exterior building walls facing a right-of-way or private roadway, and any other exterior building wall facing a parking lot which contains a public entry to the occupant's premises.

2. Secondary. Secondary building frontages are exterior building walls which are not classified as primary frontages.

E. Directional sign. A permanent sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.

F. Electronic message center. Signs whose message or display is presented with patterns of lights that may be changed at intermittent intervals by an electronic process.

G. Fascia sign. A single faced sign attached flush to a building.

H. Flush pitched roof sign. A sign attached to a roof with a pitch of one to four or greater and placed parallel to the building wall.

I. Freestanding sign. A sign on a frame, pole or other support structure which is not attached to any building.

J. Lighting methods:

1. Direct. Exposed lighting or neon tubes on the sign face.

2. Flashing. Lights which blink on and off randomly or in sequence.

3. Indirect. The light source is separate from the sign face or cabinet and is directed so as to shine on the sign.

4. Internal. The light source is concealed within the sign.

K. Maintenance. Normal care needed to keep a sign functional such as

cleaning, oiling, and changing of light bulbs.

L. Marquee sign. A sign incorporated into or attached to a marquee or permanent canopy.

M. Moving parts. Features or parts of a sign structure which through mechanical means are intended to move, swing or have some motion.

N. Nonconforming sign. A sign or sign structure lawfully erected and properly maintained that would not be allowed under the sign regulations presently applicable to the site.

O. Painted wall decorations. Painted wall decorations are displays painted directly on a wall and are designed and intended as a decorative or ornamental feature.

P. Painted wall highlights. Painted wall highlights are painted areas which highlight a building's architectural or structural features.

Q. Painted wall sign. A sign applied to a building wall with paint and which has no sign structure.

R. Permanent sign. A sign attached to a building, structure, or the ground in some manner requiring a permit and made of materials intended for more than short term use.

S. Projecting sign. A sign attached to and projecting out from a building face or wall and generally at right angles to the building. Projecting signs include signs projecting totally in the right-of-way, partially in the right-of-way, and fully on private property.

T. Repair. Fixing or replacement of broken or worn parts. Replacement is of comparable materials only. Repairs may be made with the sign in position or with the sign removed.

U. Roof line. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections.

V. Roof top sign. A sign on a roof with a pitch of less than one to four.

W. Rotating sign. Sign faces or portions of a sign face which revolve around a central axis.

X. Secondary building wall.

Exterior building walls or faces which are oriented towards another lot, not a right-of-way or private roadway.

Y. Sign. Materials placed or constructed primarily to convey a message or other display and which can be viewed from a right-of-way, private roadway or another property.

Z. Sign structure. A structure specifically intended for supporting or containing a sign.

AA. Site. The same as a lot, as defined in 33.12.450.

BB. Site frontage. The length of the property line parallel to and along each public right-of-way or private roadway.

CC. Structural alteration. Modification of the size, shape, or height of a sign structure. Also includes replacement of sign structure materials with other than comparable materials, for example metal parts replacing wood parts.

DD. Rigid sign. A temporary sign, other than a lawn sign, made of rigid materials such as wood, plywood, plastic.

EE. Temporary sign. A sign not permanently attached to a building, structure, or the ground.

FF. Vision clearance area. Those areas near intersections of roadways and ingress and egress points where a clear field of vision is necessary for public safety.

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 4 feet above the grade) or (unless more than 40 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 2 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. (Added by Ord. No. 155630; effective 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.

33.12.775 Top of Bank. (Added by Ord. No. 159565 Apr. 8, 1987.) "Top of bank" means the first major change in the slope of the incline from the ordinary high water level of the water body, generally a difference of 10 degrees or more. If there is no major change or break within a

distance of 50 feet from the ordinary high water level, then the top of bank will be the elevation 2 feet above the ordinary high water level.

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 power-driven vehicle and used for sleeping or living quarters.

33.12.781 Transit Facilities, Public. (Added by Ord. No. 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.

33.12.787 Uplands. (Added by Ord. No. 160890 effective July 15, 1988.) Lands not characterized by the presence of riparian areas, water bodies, or wetlands.

33.12.790 Use. (Amended by Ord. No. 153373 and 158535; May 22, 1986.) "Use" means the purpose for which a

building lot or other structure is arranged, designed or intended, or for which either land or a building is or may be occupied, or other structure is maintained.

33.12.795 Water Bodies. (Added by Ord. No. 160890 effective July 15, 1988.) Permanently or temporarily flooded lands which may lie below the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live, whether or not they are attached to the bottom. The bottom may sometimes be considered nonsoil or the water may be too deep or otherwise unable to support emergent vegetation. Water bodies include rivers, streams, creeks, sloughs, drainageways, lakes, and ponds.

33.12.800 Wetland. (Added by Ord. No. 160890 effective July 15, 1988.) An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas.

33.12.805 Willamette Greenway Definitions. (Added by Ord. No. 160237 effective Jan. 1, 1988.)

Accessory Use: A use associated with, but auxiliary to the primary use, and located on the same parcel.

City: The appropriate review body, as designated in this Chapter, or Chapters 33.210 and 33.215.

Development: The act, process or result of developing.

Develop: To construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land including fills and excavations, to divide land into parcels, or to create or terminate rights of access.

Director: The City of Portland Planning Director or the Director's designee.

Greenway Approval: A decision of approval or approval with conditions made by the City.

Greenway Design Guidelines: A statement of design requirements for development within the Greenway. Each design guideline must be met as written unless an owner can demonstrate to the City's satisfaction that a specific guideline cannot be met but that the resulting project will meet the Greenway goal and objectives through alternate means. While there may be more than one way to satisfy each design guideline, all development in the Willamette Greenway must satisfy the Design Guidelines to the extent described above.

Greenway Setback: A setback of a minimum of 25 feet, measured landward from the top of bank.

Greenway Industrial Use: For the purposes of Chapter 33.630, only the uses contained in the following general use categories: Industrial Product Sales, Industrial Service, Manufacturing and Production, Warehouse and Distribution, Infrastructure and Natural Resource Extraction.

Intensification: 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 a structure.

Primary Use: The classification of the predominant activity conducted on the site, based on the uses listed in the base zone.

River-Dependent Use: 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. Bridges supported by piers or pillars, as opposed to fill, are river-dependent uses.

River-Related Use: A use which is not directly dependent upon access to a water body but which provides goods or services that are directly associated with river-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 river-dependent or river-related water uses or facilities, residences (including houseboats), parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally

considered dependent on or related to water location needs. Recreational trails and viewpoints adjacent to the river are river-related uses. Bridge exit and entrance ramps supported by piers or pillars, as opposed to fill, are river-related uses.

Significant Detrimental Environmental Impact: Affecting the natural environment to the point where existing ecological systems are disrupted or destroyed, resulting in the loss of elements including but not limited to vegetation, water, food, cover and nesting sites, considered vital or important for the continued use of the area by wildlife, fish and plants or the enjoyment of the area for its scenic qualities.

Utility Corridors: Parcels and easements used for the express purpose of transmitting or transporting electricity, natural gas, oil, water, sewage or communications signals.

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 Ord. No. 138018, 147623, 148537, 150581, 157663, 158421, 160108; and 160606 effective July 1, 1988.) To carry out the purposes of this Title, the City of Portland is divided into regular and superimposed zones, known as:

REGULAR ZONES

Full Name	Short Name
FF Farm and Forest Zone	FF Zone
R20 Limited Single-Family Residential Zone	R20 Zone
R10 Low Density Single-Family Residential Zone	R10 Zone
R7 Medium Density Single-Family Residential Zone	R7 Zone
R5 High Density Single-Family Residential Zone	R5 Zone
R2.5 Attached Single-Family Residential Zone	R2.5 Zone
R3 Townhouse Multi-Family Residential Zone	R3 Zone
R2 Low Density Multi-Family Residential Zone	R2 Zone
R1 Medium Density Multi-Family Residential Zone	R1 Zone
RH High Density Multi-Family Residential Zone	RH Zone
RX Central 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
CX Central Commercial Zone	CX Zone
M3 Light Manufacturing	M3 Zone
GE General Employment Zone	GE-1 and GE-2 Zone
CE Commercial Employment	CE Zone
M2 General Manufacturing	M2 Zone
GI General Industrial Zone	GI-1 and GI-2 Zone
M1 Heavy Manufacturing	M1 Zone
HI Heavy Industrial	HI Zone

SUPERIMPOSED ZONES

B Buffer Overlay Zone	B Zone
D Design Overlay Zone	D Zone

L Aircraft Landing Zone	L Zone
mh Manufactured Housing Overlay Zone	mh Zone
N Portland International Airport Noise Overlay	N Zone
nr Natural Resources Zone	nr Zone
S Sign Control Overlay	S Zone
SEC Significant Environmental Concern Overlay Zone	SEC Zone
SR Site Review Overlay Zone	SR Zone
t Transit Overlay Zone	t Zone
V Variable Density Zone	V Zone
ri River Industrial Overlay Zone	ri Zone
rd River Development Overlay Zone	rd Zone
rr River Recreational Overlay Zone	rr Zone
rn River Natural Overlay Zone	rn Zone

33.16.020 Maps. (Amended by Ord. No. 150581 and 155630; and 159256 effective Jan. 1, 1987.) The zones aforesaid and the boundaries of such zones are shown upon the City's adopted Comprehensive Plan Map, and 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 1 inch equals 200 feet.

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

These maps and others added by subsequent annexations may only be amended pursuant to a final decision of a review body or legislative action by the Council as provided in this Title. The zones hereby established and shown on said maps, and the boundaries thereof, are hereby confirmed.

Whenever the terms "R" Zone, "C" Zone, 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.
- 33.18.112 Solar Access Requirements.
- 33.18.115 Maximum Lot Coverage.
- 33.18.120 Signs.

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.
- 33.18.290 Helicopter Landing Facility.
- 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 by Ord. No. 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 by Ord. No. 150581; amended by Ord. No. 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 50 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 150 feet.

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

(a) Between the ordinary high-water line and 25 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 25 feet of the centerline of watercourses such as streams, creeks and drainageways draining 30 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 2 acres, and in no case shall there be less than 2 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 45 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 25 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 2 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 45 foot height limit so long as they are in compliance with the Federal Aviation Administration regulations.

(4) (Added by Ord. No. 157990 effective Feb. 18, 1986.) In addition to the height limits of this Section, the height limits of the solar access regulations of Chapter 33.525 must also be met.

33.18.090 Minimum Front Yard.

(Amended by Ord. No. 153330; effective July 5, 1982.)

(1) There shall be a front yard of not less than 30 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 25 feet on each side of any structure of 25 feet or less in height, but for every additional story of 10 feet in height, there shall be an additional 3 feet of yard space, except as provided for in Subsection (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 50 feet in width.

33.18.110 Minimum Rear Yard.*

There shall be a minimum rear yard of 25 feet for every structure of 25 feet or less in height, but for every additional story of 10 feet in height, there shall be an additional 3 feet of yard space.

33.18.112 Solar Access

Requirements. (Added by Ord. No. 157990 effective Feb. 18, 1986.) In addition to other height, setback and yard limits of this Title, the solar access requirements of Chapter 33.525 must also be met.

33.18.115 Maximum Lot Coverage.

(Added by Ord. No. 153330; effective July 5, 1982.) The area covered by all buildings,

*See Chapter 33.90 for additional regulations.

including accessory buildings, and impermeable surfaces shall not exceed 10 percent of the lot area.

33.18.120 Signs. (New section substituted by Ord. No. 158535 May 22, 1986.) Sign regulations for all uses are stated in Chapter 33.525, Signs.

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

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 crafts person 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) (Repealed by Ord. No. 158535 May 22, 1986.)

(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 10 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 4 feet, but not more than 6 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 percent of adjacent neighbors indicate approval. This is included within the normally required 50 percent 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

percent 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) (Amended by Ord. No. 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 2 years only. It shall be the responsibility of the applicant to apply for a permit every 2 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 50 percent of all property in the area bounded by lines 100 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 8 a.m. and 10 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 5 years.

(4) The new rental unit may not occupy more than 25 percent 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

33.18.240 Uses Permitted.

(Amended by Ord. No. 139117, 139702, 141105, 150581, 153327, 153330; and 160497 effective Mar. 21, 1988.) 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) Helicopter landing facilities;
- (5) Kennels;
- (6) Public and private parks, recreation areas, golf courses, country clubs and grounds for games and sports;
- (7) Planned unit developments;
- (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 by Ord. No. 139117, 139702, 14105, 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 2 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 by Ord. No. 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 by Ord. No. 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.

33.18.290 Helicopter Landing Facility. (Added by Ord. No. 160497 effective Mar. 21, 1988.) Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

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.

Chapter 33.20

R20 ONE FAMILY RESIDENTIAL ZONE

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- 33.20.495 Development of Lands
Adjacent to Water Features as
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- 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 Permitted. 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) (Added by Ord. No. 155589; effective Mar. 12, 1984.) Residential homes.

33.20.030 Off-street Parking Required. (Amended by Ord. No. 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 160 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 1/2-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 by Ord. No. 151344 April 1, 1981.) The minimum lot area shall be 20,000 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 80 feet.

(c) (Amended by Ord. No. 151344 April 1, 1981.) The minimum lot depth shall be 120 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 1 family dwelling shall be permitted upon a lot with dimensions less than 14,000 square feet in area, 70 feet in width, and 120 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 25 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 35 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 25 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 2 feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the 35 foot height limit.

(d) (Added by Ord. No. 157990 effective Feb. 18, 1986.) In addition to the height limits of this Section, the height limits of the solar access regulations of Chapter 33.525 must also be met.

33.20.090 Minimum Front Yards.*

(Amended by Ord. No. 151344 April 1, 1981.)

(a) There shall be a front yard of not less than 30 feet except in the case of flag lots (yard regulations for flag lots are listed in Section 33.88.030), and where lots comprising 40 percent or more of the frontage, excluding reverse corner lots, are developed with buildings having front yards with a variation of not more than 10 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 25 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 1 lot having a main building, within 25 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 20 feet in case of a square lot or lot having equal frontage on two intersecting streets, one front yard may be reduced to 20 feet providing the other front yard is at least 30 feet.

33.20.100 Minimum Side Yard.*

(Amended by Ord. No. 150581; and 151344 April 1, 1981.) There shall be a minimum side yard on each side of any main building of 10 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.

See Chapter 33.90 for additional regulations.

(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 20 feet in width.

33.20.110 Minimum Rear Yard.*

(Amended by Ord. No. 151344 April 1, 1981.)

There shall be a minimum rear yard of 10 feet except in the case of flag lots (Regulations governing minimum yards for flag lots are listed in Section 33.88.030).

33.20.112 Solar Access

Requirements. (Added by Ord. No. 157990 effective Feb. 18, 1986.) In addition to other height, setback and yard limits of this Title, the solar access requirements of Chapter 33.525 must also be met.

33.20.115 Development Adjacent to Watercourses and Water Bodies. (Added by Ord. No. 153329 effective July 5, 1982.)

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

(a) Between the ordinary high water line and 25 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 25 feet of the centerline of watercourses such as streams, creeks and drainageways draining 30 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. (New Section substituted by Ord. No. 158535 May 22, 1986.) Sign regulations for all uses are stated in Chapter 33.525, Signs.

*See Chapter 33.90 for additional regulations.

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 100 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 10,000 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 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 25 feet from the corner of a lot where two streets intersect;

(2) No accessory building shall be located less than 25 feet from the corner of a lot where 2 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 40 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 4 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 12 inches from the side and/or rear lot line with 4-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 10 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 5 feet below the sidewalk elevation. However, in no case shall the front wall of the garage be closer to the street lot line than 5 feet. Such garage shall not exceed a height of 10 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 10 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 25,000 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 60 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 40 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 50 feet of any dwelling;

(5) If built higher than 30 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 5 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 50 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 8 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 10 or more feet to the rear of the main building,

B. If an attached accessory building is located 40 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 12 inches from the side and/or rear lot line with 4-inch allowance for eave or gutter projection and any wall located closer than 30 inches shall be sheathed with 2 layers of shiplap with joints staggered and covered with finished siding or shakes;

(4) No swimming pool shall be located closer than 3 feet to any property line nor closer than 3 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 square feet 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 5 years.

(4) The new rental unit may not occupy more than 25 percent 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 by Ord. No. 132825, 138936, 140290, 148244, 150581, 151344, 153329, 156374; and 160497 effective Mar. 21, 1988.) 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) 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) Helicopter landing facility;
- (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) Community care facility;
- (33) Institutional care facility;
- (34) 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, 1971.)

33.20.270 Churches. Regulations for churches shall be as follows:

(1) 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;

(2) Site area: Hereafter, no church shall be established on a site of less than 20,000 square feet in area. Churches existing on a site less than 20,000 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 25 percent of the site area;

(4) Minimum front yard: For buildings under 45 feet in height, 30 feet. For buildings 45 feet and higher in height, 45 feet;

(5) Minimum side or rear yard: the minimum side or rear yard for buildings under 15 feet in height shall be 20 feet. For buildings 15 feet in height and higher the minimum side or rear yard shall be 20 feet plus 5 feet for each additional 10 feet of height over 15 feet;

(6) (Amended by Ord. No. 153373; repealed by Ord. No. 158535 May 22, 1986.)

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 10 persons residing in such building;

(2) Site area: In addition to required site area for church buildings, a minimum of 5,000 square feet shall be provided for each 10 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 10 seats in classrooms. In addition, 1 space per 5 students housed on the campus in dormitories, fraternities, or sororities shall be provided;

(2) Minimum front yard: 50 feet;

(3) Minimum side or rear yard: No classroom, laboratory, stadium, or other main building shall be erected closer than 100 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 30 feet for a 1-story building plus 5 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 84 square feet of floor area in the main auditorium; or where seating is fixed to the floor, 1 space per 12 seats or 24 feet of bench length in the main auditorium;

(2) Site area: Hereafter no

community club shall be established on a site of less than 20,000 square feet in area. Community clubs existing on smaller sites may be enlarged but in no case by more than 20 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 25 percent of the site area;

(4) Minimum front yard: For buildings under 45 feet in height, 30 feet, For buildings 45 feet and higher in height, 45 feet;

(5) Minimum side or rear yard: The minimum side or rear yard for buildings under 15 feet in height shall be 20 feet. For buildings 15 feet and higher, the minimum side or rear yard shall be 20 feet plus 5 feet for each additional 10 feet of height over 15 feet.

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 100 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 200 feet from any property line bordering or within an R or A Zone.

33.20.335 Helicopter Landing Facility. (Added by Ord. No. 160497 effective Mar. 21, 1988.) Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

33.20.340 Convalescent Home.

Regulations for a convalescent home 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) (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 35 feet, except there shall be no limit on buildings located more than 400 feet away from property lines bounding the project;

(6) Minimum front yard: Small or medium homes 40 feet provided, however, that where lots comprising 40 percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than 10 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 50 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 5 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 5,000 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
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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 1 acre in area;

B. At least 2,500 square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or 35 feet, except there shall be no limit on buildings located more than 400 feet away from property lines bounding the project;

(5) Minimum front yard: 50 feet;

(6) Minimum side or rear yard: 50 feet;

(7) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Area covered by all buildings including accessory buildings shall not exceed 25 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 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
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 10 acres in area,

B. At least 3,000 square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or 35 feet, except there shall be no limit on buildings located more than 400 feet away from the property lines bounding the project;

(5) Minimum front yard: 50 feet;

(6) Minimum side or rear yard: 50 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 25 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 Uses or Buildings

Accessory to Hospitals. (Amended by Ord. No. 140290 passed and effective July 24, 1975.) 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 100 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 35 feet, whichever is less, except there shall be no limit on buildings more than 400 feet away from property lines bounding the project.

(5) Minimum front yard: 50 feet.

(6) Minimum side or rear yard: 50 feet.

(7) Maximum site coverage: Area

covered by all buildings shall not exceed 25 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, 1 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.

(2) Site area: In addition to required site area for hospitals, a minimum of 20,000 square feet shall be provided for each 10 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 10 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, 1 space shall be provided per 10 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: 1 space per 400 square feet of reading room area;

(2) Site area: Hereafter, no library shall be established on a site of less than 20,000 square feet in area. Libraries existing on a site less than 20,000 square feet may be enlarged, but in no case by more than 20 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 25 percent of the site area;

(4) Minimum front yard: For buildings under 45 feet in height, 30 feet. For buildings 45 feet and higher in height, 45 feet;

(5) Minimum side or rear yard: The minimum side or rear yard for buildings under 15 feet in height shall be 20 feet. For buildings 15 feet and higher, the minimum side or rear yard shall be 20 feet plus 5 feet for each additional 10 feet of height over 15 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 20,000 square feet in area. Museums existing on a site less than 20,000 square feet may be enlarged, but in no case more than 20 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 25 percent of the site area;

(3) Minimum front yard:

For buildings under 45 feet in height, 30 feet,

For buildings 45 feet and higher in height, 45 feet;

(4) Minimum side or rear yard:

The minimum side or rear yard for buildings under 15 feet in height shall be 20 feet. For buildings 15 feet and higher, the minimum side or rear yard shall be 20 feet plus 5 feet for each additional 10 feet of height over 15 feet.

33.20.395 Natural Resources, Development of. (Added by Ord. No. 153327 effective July 5, 1982.) Regulations for resource extraction are listed in Section 33.18.280.

33.20.400 Private Helistop. (Repealed by Ord. No. 160497 effective Mar. 21, 1988.)

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 100 feet to interior lot lines bordering or within and 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 R 20 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 100 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 4 feet but not more than 6 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: 1 space per 84 square feet of floor area in the main auditorium, or where seating is fixed to the floor, 1 space per 12 seats or 24 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	Class-rooms 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: 50 feet;
- (4) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	40
Buildings 15 to 24 ft.	40
Buildings 25 to 34 ft.	50
Buildings 35 to 44 ft.	50

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

(1) Off-street parking required: 1 space per 84 square feet of floor area in the main auditorium; or where seating is fixed to the floor, 1 space per 12 seats or 24 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	Class-rooms 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: 50 feet;
- (4) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	40
Buildings 15 to 24 ft.	40
Buildings 25 to 34 ft.	50
Buildings 35 to 44 ft.	50

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 56 square feet of floor area in the main auditorium; or where seating is fixed to the floor, 1 space per 8 seats or 16 feet of bench length in the main auditorium;

- (2) Minimum front yard: 50 feet;
- (3) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	40
Buildings 15 to 24 ft.	40
Buildings 25 to 34 ft.	50
Buildings 35 to 44 ft.	50

33.20.475 Residential Care Facility. (Added by Ord. No. 138936; substituted by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for residential care facilities are found in Chapter 33.106.

33.20.480 Tract Development and Sales. (Amended by Ord. No. 139117, 153373 and 158535; May 22, 1986.) 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 3 years, at which time such temporary structures will be removed.

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.

33.20.491 Community Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for community care facilities are found in Chapter 33.106.

33.20.492 Institutional Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for institutional care facilities are found in Chapter 33.106.

33.20.495 Development of Lands Adjacent to Water Features as Defined in Section 33.20.115. (Added by Ord. No. 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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33.22.010 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) (Added by Ord. No. 155589; effective 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 160 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 1/2-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 by Ord. No. 151344 April 1, 1981.) The minimum lot area shall be 10,000 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 70 feet.

(c) (Amended by Ord. No. 151344 April 1, 1981.) The minimum lot depth shall be 100 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 the 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 10,000 square feet but not less than 7,000 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 7,000 square feet in area, 60 feet in width, and 100 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) (Amended by Ord. No. 161335, effective Oct. 19, 1988.) Construction of a one-family dwelling is permitted only on a lot having sewer and water service immediately available which can be furnished to the proposed structure. Such lots must be on a street that is improved to the satisfaction of the City Engineer; the Engineer may accept an LID waiver as an alternative to full or partial improvement of the abutting street.

(h) (Added by Ord. No. 150581 effective, Jan. 1, 1981.) Allow cluster housing on sites of 4 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 feet 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 2,000 square feet of gross area.

33.22.060 Maximum Lot Coverage. The ground area covered by all buildings, including accessory buildings, shall not exceed 30 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 2-1/2 stories, or 35 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 25 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 2 feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the 35 foot height limit.

(d) (Added by Ord. No. 157990 effective, Feb. 18, 1986.) In addition to the height limits of this Section, the height limits of the solar access regulations of Chapter 33.525 must also be met.

33.22.090 Minimum Front Yard*.

(a) (Amended by Ord. No. 151344; April 1, 1981.) There shall be a front yard of not less than 30 feet, except in the case of flag lots (yard regulations for flag lots are listed in Section 33.88.030), and where lots comprising 40 percent or more of the frontage, excluding reversed corner lots, are developed with building having front yards with a variation of not more than 10 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 25 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 25 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 20 feet. In case of a square lot or lot having equal frontage on two intersecting streets, one front yard may be reduced to 20 feet providing the other front yard is at least 30 feet.

33.22.100 Minimum Side Yard*.

(a) (Amended by Ord. No. 150581 and 151344; April 1, 1981.) There shall be a minimum side yard on each side of any main building of 10 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 20 feet in width.

33.22.110 Minimum Rear Yard*.

(Amended by Ord. No. 151344; April 1, 1981.) There shall be a minimum rear yard of 10 feet except in the case of flag lots.

*See Chapter 33.90 for additional regulations.

(Regulations governing minimum yards for flag lots are listed in Section 33.88.030.)

33.22.112 Solar Access

Requirements. (Added by Ord. No. 157990 effective Feb. 18, 1986.) In addition to other height, setback and yard limits of this Title, the solar access requirements of Chapter 33.525 must also be met.

33.22.115 Development Adjacent to Watercourses and Water Bodies. (Added by Ord. No. 153329; effective July 5, 1982.)

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

(a) Between the ordinary high water line and 25 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 25 feet of the centerline of watercourses such as streams, creeks and drainageways draining 30 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 set backs 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.

*See Chapter 33.90 for additional regulations.

(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. (New Section substituted by Ord. No. 158535 May 22, 1986.) Sign regulations for all uses are stated in Chapter 33.535, Signs.

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 100 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 5,000 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 30 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

25 feet from the corner of a lot where two streets intersect;

(2) No accessory building shall be located less than 25 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 40 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 nor more than 4 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) above, it shall be located at least twelve (12) inches from the side and/or rear lot line with 4-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 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 10 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 5 feet below the sidewalk elevation. However, in no case shall the front wall of the garage be closer to the street lot line than 5 feet. Such garage shall not exceed a

height of 10 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 10 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 classification shall comply with the following:

(1) No Type 2 accessory building shall be built on a lot less than 15,000 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 60 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 30 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, shall not be located within 50 feet of any dwelling.

(5) If built higher than 30 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 5 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 50 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 8 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 10 or more feet to the rear of the main building,

B. If an attached accessory building is located 40 feet or more from the front lot line,

C. If an existing accessory building on the lot adjoining has already been legally built on a 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 12 inches from the side and/or rear lot line with 4-inch allowance for eave or gutter projection any wall located closer than 30 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 3 feet to any property line nor closer than 3 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 craftsman 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 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) (Repealed by Ord. No. 158535 May 22, 1986.)

(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 1 truck of no more than 8,400 pounds 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 not 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 10 children may be cared for if:

(i) There is at least 100 square feet 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 4 feet, but not more than 6 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 percent of adjacent neighbors indicate approval. This is included within the normally required fifty (50) percent 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 percent 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) (Amended by Ord. No. 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 2 years only. It shall be the responsibility of the applicant to apply for a permit every 2 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 50 percent of all property in the area bounded by lines 100 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 8:00 a.m. and 10:00 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 square feet 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 5 years.

(4) The new rental unit may not occupy more than 25 percent 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 by Ord. No. 132825, 138936, 140290, 148244, 150581, 151344, 153329 156374; and 160497 effective Mar. 21, 1988.) 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) Cemeteries;
- (2) Churches;
- (3) Residential buildings accessory to churches;
- (4) Colleges;
- (5) Community clubs;
- (6) Crematories, mausoleums and columbariums;
- (7) Excavations and fillings;
- (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) Helicopter landing facilities;
- (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) Community care facility;
- (33) Institutional care facility;
- (34) 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 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;

(2) Side area: Hereafter, no church shall be established on a site of less than 20,000 square feet in area. Churches existing on a site less than 20,000 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 30 percent of the site area;

(4) Minimum front yard: For buildings under 45 feet in height - 30 feet,

For buildings 45 feet and higher in height - 45 feet;

(5) Minimum side or rear yard: The minimum side or rear yard for buildings under 15 feet in height shall be 20 feet. For buildings 15 feet and higher, the minimum side or rear yard shall be 20 feet plus 5 feet for each additional 10 feet of height over 15 feet;

(6) (Repealed by Ord. No. 158535 May 22, 1986.)

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 10 persons residing in such building;

(2) Site area: In addition to required site area for church buildings, a minimum of 5,000 square feet shall be provided for each 10 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 10 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: 50 feet;

(3) Minimum side or rear yard: No classroom, laboratory, stadium, or other main building shall be erected closer than 100 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 30 feet for a one story building plus 5 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 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;

(2) Site area: Hereafter no community club shall be established on a site of less than 20,000 square feet in area. Community clubs existing on smaller sites may be enlarged but in no case by more than 20 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 30 percent of the site area;

(4) Minimum front yard:

For buildings under 45 feet in height 30 feet,

For buildings 45 feet and higher in height 45 feet;

(5) Minimum side or rear yard: The minimum side or rear yard for buildings under 15 feet in height shall be 20 feet. For buildings 15 feet and higher, the minimum side or rear yard shall be 20 feet plus 5 feet for each additional 10 feet of height over 15 feet.

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 100 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 200 feet from any property line bordering or within an R or A Zone.

33.22.335 Helicopter Landing Facility. (Added by Ord. No. 160497 effective Mar. 21, 1988.) Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

33.22.340 Convalescent Home.

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

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

(4) Minimum lot area: 1,000 square feet per bed;

(5) Maximum height: 2-1/2 stories or 35 feet, except there shall be no limit on buildings located more than 400 feet away from property lines bounding the project;

(6) Minimum front yard:

Small or medium homes 30 feet provided, however, that where lots comprising 40 percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than 10 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 40 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 5 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 5,000 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 1 acre in area,

B. At least 2,500 square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: 2-1/2 stories or 35 feet, except there shall be no limit on buildings located more than 400 feet away from property lines bounding the project;

(5) Minimum front yard: 50 feet;

(6) Minimum side or rear yard: 50 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 30 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 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
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 10 acres in area,

B. At least 3,000 square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: 2-1/2 stories or 35 feet, except there shall be no limit on buildings located more than 400 feet away from property lines bounding the project;

(5) Minimum front yard: 50 feet;

(6) Minimum side or rear yard: 50 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 30 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 Uses or Buildings

Accessory to Hospitals. (Amended by Ord. No. 140290; passed and effective July 24, 1975.) 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 100 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: 2-1/2 stories or 35 feet, whichever is less, except there shall be no limit on buildings more than 400 feet away from property lines bounding the project.

(5) Minimum front yard: 50 feet.

(6) Minimum side or rear yard: 50 feet.

(7) Maximum site coverage: Area covered by all buildings shall not exceed 30 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 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.

(2) Site area: In addition to required site area for hospitals, a minimum of 10,000 square feet shall be provided for each 10 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 by

Ord. No. 153373 effective July 17, 1982.)
The floor area devoted to all such uses within a main building or buildings shall not exceed 10 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.

33.22.380 Libraries. Regulations for libraries shall be as follows:

(1) Off-street parking required: One space per 400 square feet of reading room area;

(2) Site area: Hereafter, no library shall be established on a site of less than 15,000 square feet in area. Libraries existing on site less than 15,000 square feet in area may be enlarged, but in no case by more than 20 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 30 percent of the site area;

(4) Minimum front yard:

Height	Feet
Buildings under 45 ft.	30
Buildings 45 ft. and higher	45

(5) Minimum side or rear yard: The minimum side or rear yard for buildings under 15 feet in height shall be 20 feet. For buildings 15 feet and higher, the minimum side or rear yard shall be 20 feet plus 5 feet for each additional 10 feet of height over 15 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 15,000 square feet in area. Museums existing on a site less than 15,000 square feet may be enlarged, but in no case more than 20 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 30 percent of the site area;

(3) Minimum front yard:

Height	Feet
Buildings under 45 ft.	30
Buildings 45 ft. and higher	45

(4) Minimum side or rear yard: The minimum side or rear yard for buildings under 15 feet in height shall be 20 feet. For buildings 15 feet and higher, the minimum side or rear yard shall be 20 feet plus 5 feet for each additional 10 feet of height over 15 feet.

33.22.395 Natural Resources, Development of. (Added by Ord. No. 153327 effective July 5, 1982.) Regulations for resource extraction are listed in Section 33.18.280.

33.22.400 Private Helistop.
(Repealed by Ord. No. 160497 effective Mar. 21, 1988.)

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 100 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 100 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 4 feet but not more than 6 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 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;

(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	Class-rooms 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: 50 feet;

(4) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	40
Buildings 15 to 24 ft.	40
Buildings 25 to 34 ft.	50
Buildings 35 to 44 ft.	50

33.22.460 Public Elementary Schools. Regulations for public elementary schools shall be as follows;

(1) 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 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	Class-rooms 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: 50 feet;
- (4) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	40
Buildings 15 to 24 ft.	40
Buildings 25 to 34 ft.	50
Buildings 35 to 44 ft.	50

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 56 square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per eight seats or 16 feet of bench length in the main auditorium;

- (2) Minimum front yard: 50 feet;
- (3) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	40
Buildings 15 to 24 ft.	40
Buildings 25 to 34 ft.	50

33.22.475 Residential Care Facility. (Added by Ord. No. 138936; substituted by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for residential care facilities are found in Chapter 33.106.

33.22.480 Tract Development and Sales. (Amended by Ord. No. 139117, 139702, 141105, 153373 and 158535 May 22, 1986.) 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 3 years, at which time such temporary structures will be removed.

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.

33.22.491 Community Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for community care facilities are found in Chapter 33.106.

33.22.492 Institutional Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for institutional care facilities are found in Chapter 33.106.

33.22.495 Development of Lands Adjacent to Water Features as Defined in Section 33.22.115 (1). (Added by Ord. No. 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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- 33.24.490 Tract Development and Sales.
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- 33.24.501 Community Care Facility.
- 33.24.502 Institutional Care Facility.
- 33.24.505 Development of Lands Adjacent to Water Features as Defined in Section 33.24.115.
- 33.24.510 Prohibited Uses.

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) (Added by Ord. No. 155589; effective Mar. 12, 1984.) Residential homes.

33.24.030 Off-street Parking Required.

- (a) (Amended by Ord. No. 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 160 square feet in area.

(d) Such space shall not be located in the required front yard, but 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 1/2 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 by Ord. No. 151344; April 1, 1981.) The minimum lot area shall be 7,000 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 60 feet.

(c) (Amended by Ord. No. 131818 and 151344; April 1, 1981.) The minimum lot depth shall be 90 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 7,000 square feet but not less than 5,000 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 5,000 square feet in area, 50 feet in width, and 90 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) (Amended by Ord. No. 161335, effective Oct. 19, 1988.) Construction of a one-family dwelling is permitted only on a lot having sewer and water service immediately available which can be furnished to the proposed new structure. Such lots must be on a street that is improved to the satisfaction of the City Engineer; the Engineer may accept an LID waiver as an alternative to full or partial improvement of the abutting street.

(h) (Added by Ord. No. 150581; effective Jan. 1, 1981.) Allow cluster housing on sites of 4 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 feet 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 2,000 square feet of gross area.

33.24.060 Maximum Lot Coverage. The ground area covered by all buildings, including accessory buildings, shall not exceed 35 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 2-1/2 stories or 35 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 25 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 2 feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the 35 foot height limit.

(d) (Added by Ord. No. 157990 effective Feb. 18, 1986.) In addition to the height limits of this Section, the height limits of the solar access regulations of Chapter 33.525 must also be met.

33.24.090 Minimum Front Yard*.

(a) (Amended by Ord. No. 151344; April 1, 1981.) There shall be a front yard of not less than 20 feet, except in the case of flag lots (yard regulations for flag lots are listed in Section 33.88.030), and where lots comprising 40 percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than 10 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 25 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 25 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 10 feet. In case of a square lot or lot having equal frontage on two intersecting streets, one front yard may be reduced to 10 feet providing the other front yard is at least 20 feet.

33.24.100 Minimum Side Yard*.

(a) (Amended by Ord. No. 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 1 story	5 feet
For 1-1/2 stories	6 feet
For 2 stories	6 feet
For 2-1/2 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.

*See Chapter 33.90 for additional regulations.

(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 15 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 1 story	5 feet
For 1-1/2 stories	6 feet
For 2 stories	6 feet
For 2-1/2 stories	7 feet

33.24.112 Solar Access

Requirements. (Added by Ord. No. 157990 effective Feb. 18, 1986.) In addition to other height, setback and yard limits of this Title, the solar access requirements of Chapter 33.525 must also be met.

33.24.115 Development Adjacent to Watercourses and Water Bodies. (Added by Ord. No. 153329; effective July 5, 1982.)

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

(a) Between the ordinary high water line and 25 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 25 feet of the centerline of watercourses such as streams, creeks and drainageways draining 30 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. (New Section substituted by Ord. No. 158535 May 22, 1986.) Sign regulations for all uses are stated in Chapter 33.535, Signs.

*See Chapter 33.90 for additional regulations.

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 100 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 3,500 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 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.

33.24.190 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 22 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 25 feet from the corner of a lot where two streets intersect;

(2) No accessory building shall be located less than 25 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 40 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 22 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 4 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 12 inches from the side and/or rear lot line with 4-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 10 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 5 feet below the sidewalk elevation. However, in no case shall the front wall of the garage be closer to the street lot line than 5 feet. Such garage shall not exceed a height of 10 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 15 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 12,000 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 60 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 25 feet to a street lot line;

(2) Such outbuildings shall not encroach upon a required yard or 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 50 feet of any dwelling;

(5) If built higher than 25 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 5 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 50 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 8 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 10 or more feet to the rear of the main building,

B. If an attached accessory building is located 40 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 not 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 12 inches from the side and/or rear lot line with 4-inch allowance for eave or gutter projection and

any wall located closer than 30 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 3 feet to any property line nor closer than 3 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 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) (Repealed by Ord. No. 158535 May 22, 1986.)

(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 square feet 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 4 feet, but not more than 6 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 percent of adjacent neighbors indicate approval. This is included within the normally required 50 percent 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 percent 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 five 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) (Amended by Ord. No. 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 2 years only. It shall be the responsibility of the applicant to apply for a permit every 2 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 50 percent of all property in the area bounded by lines 100 feet, excluding street widths, from and parallel to the boundary line 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 8:00 a.m. and 10:00 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 square feet 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 5 years.

(4) The new rental unit may not occupy more than 25 percent 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 by Ord. No. 132825, 138936, 140290, 148244, 150581, 151344, 153329, 156374; and 160497 effective Mar. 21, 1988.) 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) Helicopter landing facilities;
- (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) Community care facility;
- (33) Institutional care facility;
- (34) 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 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.

33.24.270 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 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;

(2) Site area: Hereafter, no church shall be established on a site of less than 15,000 square feet in area. Churches existing on a site less than 15,000 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 30 percent of the site area;

(4) Minimum front yard:

Height	Feet
Buildings under 45 ft.	20

Height	Feet
Buildings 45 ft. and higher	35

(5) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20
Buildings 45 to 54 ft.	25
Buildings 55 to 64 ft.	35
Buildings 65 to 74 ft.	45

(6) (Repealed by Ord. No. 158535
May 22, 1986.)

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 10 persons residing in such building;

(2) Site area: In addition to required site area for church buildings, a minimum of 5,000 square feet shall be provided for each 10 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 10 seats in classrooms. In addition, one space per five students housed in dormitories, fraternities, or sororities shall be provided;

(2) Minimum front yard: 40 feet.

(3) Minimum side or rear yard: No classroom, laboratory, stadium, or other main building shall be erected closer than 50 feet to any side or rear lot line. The side and rear yards for dormitories, fraternities, and sororities shall not be less than 15 feet for a one story building plus 5 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 5,000 square feet of site area shall be provided for each 10 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 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;

(2) Site area: Hereafter, no community club shall be established on a site of less than 15,000 square feet in area. Community clubs existing on smaller sites may be enlarged but in no case by more than 20 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 30 percent of the site area;

(4) Minimum front yard:

Height	Feet
Buildings under 45 ft.	20
Buildings 45 ft. and higher	35

(5) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	10

33.24.330 Excavating or

Filling. Excavating or filling as defined in this Title shall be regulated as a conditional use.

33.24.335 Helicopter Landing Facility. (Added by Ord. No. 160497 effective Mar. 21, 1988.) Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

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 100 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 200 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 10 or fewer patient beds are classed as small; 11 to 20 beds, medium; over 20 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: 1,000 square feet per bed;

(5) Maximum height: 2-1/2 stories or 35 feet, except there shall be no limit on buildings located more than 400 feet away from property lines bounding the project;

(6) Minimum front yard: Small or medium homes 20 feet provided, however, that where lots comprising 40 percent or more of the frontage are developed with buildings having front yards with a variation of not more than 10 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 30 feet;

(7) Minimum side or rear yards:

Small homes - 5 feet for a one story building, 6 feet for a two story building, and 7 feet for a 2-1/2 story building.

Medium homes 12 feet.

Large homes - 15 feet for a one story building plus 5 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 5,000 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 1 acre;

B. At least 2,500 square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: 2-1/2 stories or 35 feet, except there shall be no limit on buildings located more than 400 feet away

from property lines bounding the project;

(5) Minimum front yard: 40 feet;

(6) Minimum side or rear yard: 40 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 35 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 5,000 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
40,000	-	99,999
100,000	-	159,999
160,000	-	239,999
240,000	-	319,999
320,000	-	399,999
400,000	-	489,999
490,000	-	579,999
580,000	-	669,999
670,000	-	759,999
760,000	-	849,999
850,000	-	939,999
940,000	-	1,029,999
Over	-	1,030,000

(3) Minimum site area:

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

B. At least 3,000 square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: 2-1/2 stories or 35 feet, except there shall be no limit on buildings located more than 400 feet away from property lines bounding the project;

(5) Minimum front yard: 40 feet;

(6) Minimum side or rear yard: 40 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 35 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 Uses or Buildings Accessory to Hospitals. (Amended by Ord. No. 140290; passed and effective July 24, 1975.) 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 100 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: 2-1/2 stories or 35 feet, whichever is less, except there shall be no limit on buildings more than 400 feet away from property lines bounding the project.

(5) Minimum front yard: 40 feet.

(6) Minimum side or rear yard: 40 feet.

(7) Maximum site coverage: Area covered by all buildings shall not exceed 35 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 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.

(2) Site area: In addition to required site area for hospitals, a minimum of 7,000 square feet shall be provided for each 10 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 10 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.

33.24.390 Libraries. Regulations for libraries shall be as follows:

(1) Off-street parking required: One space per 400 square feet of reading room area;

(2) Site area: Hereafter, no library shall be established on a site of less than 15,000 square feet in area. Libraries existing on a site less than 15,000 square feet may be enlarged, but in no case by more than 20 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 30 percent of the site area;

(4) Minimum front yard:

Height	Feet
Buildings under 45 ft.	15
Buildings 45 ft. and higher	30

(5) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20
Buildings 45 to 54 ft.	25
Buildings 55 to 64 ft.	35
Buildings 65 to 74 ft.	45

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 15,000 square feet in area. Museums existing on a site less than 15,000 square feet may be enlarged, but in no case by more than 20 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 30 percent of the site area;

(3) Minimum front yard:
For buildings under 45 feet in height 15 feet,
For buildings 45 feet and higher in height 30 feet;

(4) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20
Buildings 45 to 54 ft.	25
Buildings 55 to 64 ft.	35
Buildings 65 to 74 ft.	45

33.24.405 Natural Resources, Development of. (Added by Ord. No. 153327 effective July 5, 1982.) Regulations for resource extraction are listed in Section 33.18.280.

33.24.410 Private Helistop.
(Repealed by Ord. No. 160497 effective Mar. 21, 1988.)

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 100 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 100 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 4 feet but not more than 6 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 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;

(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	Class-rooms 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:** 40 feet;

(4) **Minimum side or rear yard:**

Height	Feet
Buildings under 15 ft.	20
Buildings 15 to 24 ft.	30
Buildings 25 to 34 ft.	40
Buildings 35 to 44 ft.	50

33.24.470 Public Elementary Schools. Regulations for public elementary schools shall be as follows:

(1) **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;

(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	Class-rooms 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:** 40 feet;

(4) **Minimum side or rear yard:**

Height	Feet
Buildings under 15 ft.	20
Buildings 15 to 24 ft.	30
Buildings 25 to 34 ft.	40
Buildings 35 to 44 ft.	50

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 56 square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per eight seats or 16 feet of bench length in the main auditorium;

(2) Minimum front yard: 40 feet;

(3) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	20
Buildings 15 to 24 ft.	30
Buildings 25 to 34 ft.	40
Buildings 35 to 44 ft.	50

33.24.485 Residential Care Facility. (Added by Ord. No. 138936; substituted by Ord. No. 156374 effective Sept. 10, 1984.) Regulations for residential care facilities are found in Chapter 33.106.

33.24.490 Tract Development and Sales. (Amended by Ord. No. 139117, 139702, 141105, 153373; and 158535 May 22, 1986.) 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 3 years, at which time such temporary structures will be removed.

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.

33.24.501 Community Care Facility. (Added by Ord. No. 156374 effective Sept. 10, 1984.) Regulations for community care facilities are found in Chapter 33.106.

33.24.502 Institutional Care Facility. (Added by Ord. No. 156374 effective Sept. 10, 1984.) Regulations for institutional care facilities are found in Chapter 33.106.

33.24.505 Development of Lands Adjacent to Water Features as Defined in Section 33.24.115. (Added by Ord. No. 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

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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 January 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) (Added by Ord. No. 155589; effective March 12, 1984.) Residential homes.

33.26.030 Off-street Parking Required.

(a) (Amended by Ord. No. 151344; April 1, 1981.) One space per dwelling unit shall be provided and maintained on the same lot except in 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 160 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 1/2-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 by Ord. No. 151344; April 1, 1981.) The minimum lot area shall be 5,000 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 50 feet.

(c) (Amended by Ord. No. 151344; April 1, 1981.) The minimum lot depth shall be 80 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 August 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 5,000 square feet but not less than 3,750 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 3,750 square feet in area, 35 feet in width, and 80 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) (Amended by Ord. No. 161335, effective Oct. 19, 1988.) Construction of a one-family dwelling is permitted only on a lot having sewer and water service immediately available which can be furnished to the proposed structure. Such lots must be on a street that is improved to the satisfaction of the City Engineer; the Engineer may accept an LID waiver as an alternative to full or partial improvement of the abutting street.

(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 35 percent of the lot area.

(5) (Amended by Ord. No. 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 10 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 4 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 feet 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 2,000 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 45 percent of the lot area; and the area covered by the portions of all buildings exceeding one story in height shall not exceed 35 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 2-1/2 stories, or 35 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 25 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 2 feet above the average curb level along the front of the lot.

(c) Chimneys, radios, and television aerials may extend above the 35 foot height limit.

(d) (Added by Ord. No. 157990 effective Feb. 18, 1986.) In addition to the height limits of this Section, the height limits of the solar access regulations of Chapter 33.525 must also be met.

33.26.090 Minimum Front Yard*.

(a) (Amended by Ord. No. 151344; and 159256 effective Jan. 1, 1987.) 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 40 percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than 10 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 1/2 of a lot shall not be counted.

(b) 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 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 25 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 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 10 feet. In case of a square lot or lot having equal frontage on two intersecting streets, one front yard may be reduced to 10 feet providing the other front yard is at least 15 feet.

33.26.100 Minimum Side Yard.*

(a) (Amended by Ord. No. 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 1 story	5 feet
For 1-1/2 stories	6 feet
For 2 stories	6 feet
For 2-1/2 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 15 feet in width.

33.26.110 Minimum Rear Yard.*

(Amended by Ord. No. 151344; April 1, 1981.) There shall be a minimum rear yard

*See Chapter 33.90 for additional regulations.

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 1 story	5 feet
For 1-1/2 stories	6 feet
For 2 stories	6 feet
For 2-1/2 stories	7 feet

33.26.112 Solar Access

Requirements. (Added by Ord. No. 157990 effective Feb. 18, 1986.) In addition to other height, setback and yard limits of this Title, the solar access requirements of Chapter 33.525 must also be met.

33.26.115 Development Adjacent to Watercourses and Water Bodies. (Added by Ord. No. 153329; effective July 5, 1982.)

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

(a) Between the ordinary high water line and 25 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 25 feet of the centerline of watercourses such as streams, creeks, and drainageways draining 30 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. (New Section substituted by Ord. No. 158535 May 22, 1986.) Sign regulations for all uses are stated in Chapter 33.535, Signs.

33.26.125 Pre-existing Multi-family Use. (Added by Ord. No. 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 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) (Amended by Ord. No. 153823; effective 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.

(Amended by Ord. Nos. 137307, 141161, 150581, 151021, and 153822; effective Oct. 18, 1982.) On a lot or portion of a lot, not exceeding 100 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.

(Amended by Ord. Nos. 141161 and 153822; effective Oct. 18, 1982.) Minimum lot size and density of residential development shall be regulated by Section 33.30.050.

33.26.145 Other Regulations.

(Amended by Ord. Nos. 141161 and 153822; effective Oct. 18, 1982.) Parking, yards, and all other regulations applicable to principal uses in 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, care-taker's quarters, or any such accessory building used for dwelling purposes.

Type 3: Woodshed, toolshed, chicken house, rabbit hutch, barns, silos, and other such out-buildings 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 22 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 25 feet from the corner of a lot where two streets intersect;

(2) No accessory building shall be located less than 25 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 40 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 22 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 4 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 12 inches from the side and/or rear lot line with 4-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 10 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 5 feet below the sidewalk elevation. However, in no case shall the front wall of the garage be closer to the street lot line than 5 feet. Such garage shall not exceed a height of 10 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 15 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 9,000 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 60 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 25 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 50 feet of any dwelling;

(5) If built higher than 25 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 5 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 50 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 8 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 10 or more feet to the rear of the main building,

B. If an attached accessory building is located 40 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 12 inches from the side and/or rear lot line with 4-inch allowance for eave or gutter projection and any wall located closer than 30 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 3 feet to any property line nor closer than 3 feet to any wall or fence.

33.26.230 Type 6. (Amended by Ord. Nos. 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 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) (Repealed by Ord. No. 158535 May 22, 1986.)

(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 pounds 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

permitted 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 10 children may be cared for if:

(i) There is at least 100 square feet 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 4 feet, but not more than 6 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 percent of adjacent neighbors indicate approval. This is included within the normally required 50 percent 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 percent 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 five 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) (Amended by Ord. No. 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 2 years only. It shall be the responsibility of the applicant to apply for a permit every 2 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 50 percent of all property in the area bounded by lines 100 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 8:00 a.m. and 10:00 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 square feet 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 5 years.

(4) The new rental unit may not occupy more than 25 percent 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 by Ord. Nos. 132825, 138936, 140290, 148244, 150581, 151344, 153329, 156374; and 160497 effective Mar. 21, 1988.) 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) Helicopter landing facilities;
- (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) Parks, public;
- (20) Planned Unit Developments;
- (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) Community care facility;
- (31) Institutional care facility;
- (32) Development of lands adjacent to water features as defined in 33.26.115.

33.26.250 Regulations. (Amended by Ord. Nos. 139117, 139702, and 141105; passed and effective December 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.

33.26.270 Churches. Regulations for churches shall be as follows:

(1) 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;

(2) Site area: Hereafter, no church shall be established on a site of less than 15,000 square feet in area. Churches existing on a site less than 15,000 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 30 percent of the site area;

(4) Minimum front yard:

Height	Feet
Buildings under 45 ft.	15
Buildings 45 ft. and higher	30

(5) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20
Buildings 45 to 54 ft.	25
Buildings 55 to 64 ft.	35
Buildings 65 to 74 ft.	45

(6) (Repealed by Ord. No. 158535 May 22, 1986.)

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 10 persons residing in such building;

(2) Site area: In addition to required site area for church buildings, a minimum of 5,000 square feet shall be provided for each 10 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 10 seats in classrooms. In addition, one space per five students housed in dormitories, fraternities, or sororities shall be provided;

(2) Minimum front yard: 30 feet;

(3) Minimum side or rear yard: No classroom, laboratory, stadium, or other main building shall be erected closer than 50 feet to any side or rear lot line. The side and rear yards for dormitories, fraternities, and sororities shall not be less than 15 feet for a one story building plus 5 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 5,000 square feet of site area shall be provided for each 10 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 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;

(2) Site area: Hereafter, no community club shall be established on a site of less than 15,000 square feet in area. Community clubs existing on smaller sites may be enlarged but in no case by more than 20 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 30 percent of the site area;

(4) Minimum front yard:

Height	Feet
Buildings under 45 ft.	15
Buildings 45 ft. and higher	30

(5) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20

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 100 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 200 feet from any property line bordering or within an R or A Zone.

33.26.335 Helicopter Landing

Facility. (Added by Ord. No. 160497 effective Mar. 21, 1988.) Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

33.26.340 Convalescent Home.

Regulations for a convalescent home shall be as follows:

(1) Classification: Homes having a capacity of 10 or fewer patient beds are classed as small; eleven to 20 beds, medium; over 20 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 35 feet, except there shall be no limit on buildings located more than 400 feet away from property lines bounding the project;

(6) Minimum front yard: Small or medium homes - 15 feet; provided, however, that where lots comprising 40 percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yard with a variation of not more than 10 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 homes 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.

33.26.350 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 5,000 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	- 319,000	5
320,000	- 399,999	6
400,000	- 489,999	7
490,000	- 579,999	8
580,000	- 669,999	9
670,000	- 759,000	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 20,000 square feet in area,

B. At least 2,000 square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or 35 feet, except there shall be no limit on buildings located more than 400 feet away from property lines bounding the project;

(5) Minimum front yard: 30 feet;

(6) Minimum side or rear yard: 30 feet;

(7) (Added by Ord. No. 140190; passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including accessory buildings shall not exceed 35 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 5,000 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

Square Feet of Floor Area		Loading Berths Required
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 2,500 square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or 35 feet, except there shall be no limit on buildings located more than 400 feet away from property lines bounding the project;

(5) Minimum front yard: 30 feet;

(6) Minimum side or rear yard: 30 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 25 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 Uses or Buildings

Accessory to Hospitals. (Amended by Ord. No. 140290; passed and effective July 24, 1975.) 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 100 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 35 feet, whichever is less, except there shall be no limit on buildings more than 400 feet away from property lines bounding the project.

(5) Minimum front yard: 30 feet.

(6) Minimum side or rear yard: 30 feet.

(7) Maximum site coverage: Area covered by all buildings shall not exceed 35 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.

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.

(2) Site area: In addition to required site area for hospitals, a minimum of 5,000 square feet shall be provided for each 10 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 the 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 by Ord. No. 153373; effective July 17, 1982.) The floor area devoted to all such uses within a main building or buildings shall not exceed 10 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.

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.

33.26.380 Libraries. Regulations for libraries shall be as follows:

(1) Off-street parking required: One space per 400 square feet of reading room area;

(2) Site area: Hereafter, no library shall be established on a site of less than 15,000 square feet in area. Libraries existing on a site less than 15,000 square feet may be enlarged, but in no case by

more than 20 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 30 percent of the site area;

(4) Minimum front yard:
Buildings under 45 ft. in height 15 ft.
Buildings 45 ft. and higher in height 30 ft.

(5) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20
Buildings 45 to 54 ft.	25
Buildings 55 to 64 ft.	35
Buildings 65 to 74 ft.	45

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 15,000 square feet in area. Museums existing on a site less than 15,000 square feet may be enlarged, but in no case by more than 20 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 (2), (3), and (4);

(2) Maximum site coverage: Area covered by all buildings shall not exceed 30 percent of the site area;

(3) Minimum front yard:
Buildings under 45 ft. in height 15 ft.
Buildings 45 ft. and higher in height 30 ft.

(4) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20
Buildings 45 to 54 ft.	25
Buildings 55 to 64 ft.	35
Buildings 65 to 74 ft.	45

33.26.400 Private Helistop.
(Repealed by Ord. No. 160497 effective Mar. 21, 1988.)

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 100 feet to the 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 100 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 4 feet but not more than 6 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 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;

(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	Class-rooms 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: 30 feet;
- (4) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	20
Buildings 15 to 24 ft.	30
Buildings 25 to 34 ft.	40
Buildings 35 to 44 ft.	50

33.26.460 Public Elementary Schools. Regulations for public elementary schools shall be as follows:

(1) Off-street parking required: One space per 84 square feet of floor 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;

(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	Class-rooms 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: 30 feet;
- (4) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	20
Buildings 15 to 24 ft.	30
Buildings 25 to 34 ft.	40
Buildings 35 to 44 ft.	50

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 56 square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per eight seats or 16 feet of bench length in the main auditorium;

- (2) Minimum front yard: 30 feet;
- (3) Minimum side or rear yard;

Height	Feet
Buildings under 15 ft.	20
Buildings 15 to 24 ft.	30
Buildings 25 to 34 ft.	40
Buildings 35 to 44 ft.	50

33.26.475 Residential Care Facility. (Added by Ord. No. 138936; substituted by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for residential care facilities are found in Chapter 33.106.

33.26.480 Tract Development and Sales. (Amended by Ord. Nos. 139117, 139702, 141105, 153373 and 157535; May 22, 1986.) 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 3 years at which time such temporary structures will be removed.

33.26.485 Unit Ownership or Condominium Project. (Added by Ord. No. 132825; passed and effective June 10, 1971.) Regulations for unit ownership or condominiums 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.

33.96.491 Community Care Facility.
(Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for community care facilities are found in Chapter 33.106.

33.26.492 Institutional Care Facility.
(Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for institutional care facilities are found in Chapter 33.106.

33.26.495 Development of Lands Adjacent to Water Features as Defined in 33.26.115. (Added by Ord. No. 153329; effective July 5, 1982.) Regulations for development of lands adjacent to water features shall be those listed in Section 33.26.495.

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.
33.28.132 Solar Access Requirements.
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.
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33.28.200 Generally.
33.28.210 Height.
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Conditional Uses

33.28.300 Uses Permitted.
33.28.310 Regulations.
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33.28.330 Churches.

- 33.28.340 Residential Buildings
- 33.28.350 Accessory to Churches.
- 33.28.360 Colleges.
- 33.28.370 Community Clubs.
- 33.28.380 Conversion to Two Family Use.
- 33.28.390 Excavations and Filling.
- 33.28.400 Golf Courses, Other County Clubs, and Athletic Clubs.
- 33.28.410 Helicopter Landing Facility.
- 33.28.420 Convalescent Homes.
- 33.28.430 Libraries.
- 33.28.440 Museums.
- 33.28.450 Public Parks.
- 33.28.460 Public Utility Structures.
- 33.28.470 Railroad Rights-of-Way and Passenger Stations.
- 33.28.480 Nursery Schools.
- 33.28.490 Private or Parochial Elementary and Public Primary Schools.
- 33.28.500 Public Elementary Schools.
- 33.28.510 Private, Parochial or Public High Schools.
- 33.28.512 Residential Care Facility.
- 33.28.514 Unit Ownership or Condominium Projects.
- 33.28.515 Community Care Facility.
- 33.28.516 Institutional Care Facility.
- 33.28.517 Development of Lands Adjacent to Water Features as Defined in Section 33.28.135.
- 33.28.520 Prohibited Uses.

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 incidental to residential or farming use and in accordance with Health and Sanitation Regulations.

(5) (Added by Ord. No. 155589 effective Mar. 12, 1984.) Residential homes.

33.28.030 Off-street Parking Required. (Amended by Ord. No. 153828; and 161335, effective Oct. 19, 1988.)

(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 Parking Regulations.

(h) No driveway serving one lot shall be wider than 10 feet and no driveway serving two lots shall be wider than 20 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 10 feet wide.

(b) All such access drives located adjacent to a property line shall be provided with a 3-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. (Amended by Ord. No. 161335, effective, Oct. 19, 1988.) Where attached units are developed in a series and such a subdivision occupies a continuous area between two parallel rights-of-way, or where the units abut one right-of-way and one or more of the units also abut a second right-of-way, parking may be located off of a common access drive located along the rear property line. Such parking access must 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 3 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. (Amended by Ord. No. 151344; and 161335 effective Oct. 19, 1988.)

(a) Within any attached residential subdivision, the average lot size shall not be less than 2,500 square feet. The minimum lot size for any single lot in the subdivision shall be 1,600 square feet. Up to 20 percent of the total site area may be developed for commonly owned parking, parking access, landscaping and recreational 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 lot width shall be 16 feet.

(2) The minimum lot depth shall be 40 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 3,750 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.

(Amended by Ord. No. 161335, effective Oct. 19, 1988.) The combined area covered by all enclosed buildings, including both dwellings and accessory buildings, in an attached housing project must not exceed 50 percent of the total lot area. The maximum area covered by all buildings on a single lot, not a part of an attached housing project must not exceed 50 percent 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 2-1/2 stories or 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 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 2 feet above the average curb level along the front of the lot.

(c) Chimneys and radio and

television aerials may extend above the 35-foot height limit.

(d) (Added by Ord. No. 157990 effective Feb. 18, 1986.) In addition to the height limits of this Section, the height limits of the solar access regulations of Chapter 33.525 must also be met.

33.28.110 Minimum Front Yard.

(Amended by Ord. No. 151344; and 161335 effective Oct. 19, 1988.)

(a) 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 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, in the case of attached residential development, the front yard along the long dimension of the lot, or lots, being developed as attached residential is treated as a required side yard and subject to the setbacks specified in 33.28.120 (b), in all other cases, the front yard along the long dimension of the lot may be reduced to 10 feet.

33.28.120 Minimum Side Yard.

(Amended by Ord. No. 151021, 151344, and 153828; effective 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 6 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 1 story	5 feet
For 1-1/2 stories	6 feet
For 2 stories	6 feet
For 2-1/2 stories	7 feet

33.28.130 Minimum Rear Yard.

(Amended by Ord. No. 151344; and 161335, effective Oct. 19, 1988.)

(a) There shall be a minimum rear yard of at least 10 feet except in the case of flag lots and corner lots (regulations governing yard requirements for flag lots are listed in Section 33.88.030). On corner lots, the yard and building setback provisions of this Section must be applied only to the yard adjacent to the shorter of the two rear lot lines. If both rear lot lines are the same length, this requirement must be applied only to the yard opposite the frontage which will receive a street address. The other rear yard is exempt from this setback requirement. Garages, parking areas and parking access drives (driveways) may be located within the rear yard; however, in such cases, an area of 150 square feet or more must be retained as decks, lawns or patios. Any deck, lawn, or patio provided in satisfaction of this requirement must have a minimum dimension of 8 feet.

(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.

33.28.132 Solar Access

Requirements. (Added by Ord. No. 157990, effective Feb. 18, 1986.) In addition to other height, setback and yard limits of this Title, the solar access requirements of Chapter 33.525 must also be met.

33.28.135 Development Adjacent to Watercourses and Water Bodies. (Added by Ord. No. 153329; effective July 5, 1982.)

(1) Development shall be restricted

within the following areas:

(a) Between the ordinary high water line and 25 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 25 feet of the centerline of watercourses such as streams, creeks and drainageways draining 30 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 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. (New Section substituted by Ord. No. 158535 May 22, 1986.) Sign regulations for all uses are stated in Chapter 33.535, Signs.

33.28.175 Pre-existing Multi-family Use. (Added by Ord. No. 152468; passed 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) (Amended by Ord. No. 153823; effective, 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.

(Amended by Ord. No. 151021 and 153822; effective Oct. 18, 1982.) On a lot or portion of a lot not exceeding 50 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.

(Added by Ord. No. 153822; effective Oct. 18, 1982.) Minimum lot size and density of residential development shall be regulated by Section 33.32.050.

33.28.190 Other Regulations.

(Amended by Ord. No. 153822; effective 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 out-buildings 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. (Amended by Ord. No. 161335, effective Oct. 19, 1988.) In R2.5 Zones, uses and buildings on the same lot accessory to the 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 shall be located closer to the street lot line than 18 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 associated with an attached house shall be located less than 15 feet from the corner of a lot where two streets intersect. For developments other than attached housing, no driveway shall be located less than 25 feet from the corner of a lot where two streets intersect;

(2) No accessory building shall be located less than 25 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 40 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 22 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 4 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 12 inches from the side and/or rear lot line with 4-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 10 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 5 feet below the sidewalk elevation. However, in no case shall the front wall of the garage be closer to the street lot line than 5 feet. Such garage shall not exceed a height of 10 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 must not exceed 15 percent of the lot area. Type 1 accessory uses located in the same building as a dwelling(s) and below the dwelling(s) are not subject to this limitation.

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 9,000 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 60 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 25 feet to a street lot line;

(2) Such outbuilding shall not encroach upon a required yard or 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 1/20th 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 25 feet of any dwelling;

(5) If built higher than 25 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 5 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 50 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 8 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 10 or more feet to the rear of the main building,

(b) If an attached accessory building is located 40 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 12 inches from the side and/or rear lot line with 4-inch allowance for eave or gutter projection, and any wall located closer than 30 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 3 feet to any property line nor closer than 3 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 crafts person or salesperson;

(5) Home babysitting.

(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)(Repealed by Ord. No. 158535 May 22, 1986.)

(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 pound 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 10 children may be cared for if:

(i) There is at least 100 square feet 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 4 feet, but not more than 6 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 percent of adjacent neighbors indicate approval. This is included within the normally required 50 percent 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 percent 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) (Amended by Ord. No. 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 2 years only. It shall be the responsibility of the applicant to apply for a permit every 2

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 50 percent of all property in the area bounded by lines 100 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 8:00 a.m. and 10:00 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 square feet 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 5 years.

(4) The new rental unit may not occupy more than 25 percent 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 using 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 by Ord. No. 151344, 153329, 156374; and 160497 effective Mar. 21, 1988.) 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) Helicopter landing facilities;
- (12) Homes, convalescent;
- (13) Libraries;
- (14) Mass transit waiting stations or turnarounds;
- (15) Museums;
- (16) Parks, public;
- (17) Planned unit development;
- (18) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods;
- (19) Railroad rights-of-way and passenger stations;
- (20) Residential care facilities;
- (21) Schools, nursery;
- (22) Schools, parochial or private;
- (23) Schools, public;
- (24) Tract development and sales;
- (25) Community care facility;
- (26) Institutional care facility;
- (27) 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 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;

(2) Site area: Hereafter, no church shall be established on a site of less than 15,000 square feet in area. Churches existing on a site less than 15,000 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 30 percent of the site area;

(4) Minimum front yard: For buildings under 45 feet in height - 15 feet. For buildings 45 feet and higher in height - 30 feet;

(5) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20
Buildings 45 to 54 ft.	25
Buildings 55 to 64 ft.	35
Buildings 65 to 74 ft.	45

(6) (Repealed by Ord. No. 158535 May 22, 1986.)

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 10 persons residing in such building;

(2) **Site area:** In addition to required site area for church buildings, a minimum of 5,000 square feet shall be provided for each 10 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 10 seats in classrooms. In addition, one space per five students housed in dormitories, fraternities or sororities shall be provided;

(2) **Minimum front yard:** 30 feet;

(3) **Minimum side or rear yard:** No classroom, laboratory, stadium, or other main building shall be erected closer than 50 feet to any side or rear lot line. The side and rear yards for dormitories, fraternities and sororities shall not be less than 15 feet for a one story building, plus 5 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 5,000 square feet of site area shall be provided for each 10 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 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;

(2) **Site area:** Hereafter, no community club shall be established on a site of less than 15,000 square feet in area. Community clubs existing on smaller sites may be enlarged, but in no case by more than 20 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 30 percent of the site area;

(4) **Minimum front yard:**

Height	Feet
Buildings under 45 ft.	15
Buildings 45 ft. and higher	30

(5) **Minimum side or rear yard:**

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20

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 500 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, sidestriped 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 food shall not be closer than 100 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 200 feet from any property line bordering or within an R Zone.

33.28.395 Helicopter Landing Facility. (Added by Ord. No. 160497 effective Mar. 21, 1988.) Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

33.28.400 Convalescent Home.
Regulations for a convalescent home 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;

(4) Minimum lot area: 1,000 square feet per bed;

(5) Maximum height: Two and one-half stories or 35 feet, except there shall be no limit on buildings located more than 400 feet away from property lines bounding the project;

(6) Minimum front yard:

Small or medium homes 15 feet;

provided, however, that where lots comprising 40 percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yard with variation of not more than 10 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 1 story building 6 feet

For a 2 story building, and
for a 2-1/2 story building 7 feet

Medium homes 12 feet

Large homes 15 feet

For a 1 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 400 square feet of reading room area;

(2) Site area: Hereafter, no library shall be established on a site of less than 15,000 square feet in area. Libraries existing on a site less than 15,000 square feet may be enlarged, but in no case by more than 20 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 30 percent of the site area;

(4) Minimum front yard:

Height	Feet
Buildings under 45 ft.	15
Buildings 45 ft. and higher	30

(5) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20
Buildings 45 to 54 ft.	25
Buildings 55 to 64 ft.	35
Buildings 65 to 74 ft.	45

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 15,000 square feet in area. Museums existing on a site less than 15,000 square feet may be enlarged, but in no case by more than 20 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 30 percent of the site area;

(3) **Minimum front yard:**

Height	Feet
Buildings under 45 ft.	15
Buildings 45 ft. and higher	30

(4) **Minimum side or rear yard:**

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20
Buildings 45 to 54 ft.	25
Buildings 55 to 64 ft.	35
Buildings 65 to 74 ft.	45

33.28.430 Public Parks. (Amended by Ord. No. 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 100 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 100 square feet per child of total enrollment capacity of the school. Screening shall be at least 4 feet but not more than 6 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 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;

(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	Class-rooms 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: 30 feet;

(4) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	20
Buildings 15 to 24 ft.	40
Buildings 35 to 44 ft.	50

33.28.480 Public Elementary Schools. Regulations for public elementary schools shall be as follows:

(1) 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;

(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	Class-rooms 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: 30 feet;

(4) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	20
Buildings 15 to 24 ft.	30
Buildings 25 to 34 ft.	40
Buildings 35 to 44 ft.	50

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 56 square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per eight seats or 16 feet of bench length in the main auditorium;

(2) Minimum front yard: 30 feet;

(3) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	20
Buildings 15 to 24 ft.	30
Buildings 25 to 35 ft.	40
Buildings 35 to 44 ft.	50

33.28.500 Residential Care

Facility. (Substituted by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for residential care facilities are found in Chapter 33.106.

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.

33.28.512 Community Care

Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for community care facilities are found in Chapter 33.106.

33.28.514 Institutional Care

Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for institutional care facilities are found in Chapter 33.106.

33.28.515 Development of Lands

Adjacent to Water Features as Defined in Section 33.28.135. (Added by Ord. No. 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

R2 MULTI-FAMILY RESIDENTIAL ZONE

(Amended by Ord. No. 150581; effective Jan. 1, 1981.)

Sections:

- 33.30.010 Generally.
- 33.30.015 Purpose.

Principal Uses

- 33.30.020 Uses Permitted.
- 33.30.030 Off-street Parking Required.
- 33.30.040 Off-street Loading.
- 33.30.050 Lot Size Required.
- 33.30.060 Maximum Lot Coverage.
- 33.30.070 Minimum Floor Area Permitted.
- 33.30.080 Maximum Height Permitted.
- 33.30.090 Minimum Front Yard.
- 33.30.100 Minimum Side Yard.
- 33.30.110 Minimum Rear Yard.
- 33.30.120 Minimum Distance Between Buildings.
- 33.30.125 Street Trees.
- 33.30.127 Development Adjacent to Watercourses and Water Bodies.
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Transitional Uses

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- 33.30.290 Colleges.
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to Hospitals.
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- 33.30.400 Public Parks.
- 33.30.410 Public Utility Structures.
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Passenger Stations.
- 33.30.425 Residential Care Facility.
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- 33.30.440 Private or Parochial
Elementary and Public
Primary Schools.
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- 33.30.460 Private, Parochial or
Public High Schools.
- 33.30.470 Tract Development and Sales.
- 33.30.481 Community Care Facility.
- 33.30.482 Institutional Care Facility.
- 33.30.485 Development of Land
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, 155589 and 156689; effective Nov. 19, 1984.) 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) Residential homes.
- (6) Elderly and disabled high density housing as regulated by Section 33.30.050(k).

33.30.030 Off-street Parking Required. (Amended by Ord. No. 150581, 150737, 151344 and 156689; effective Nov. 19, 1984.)

(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 160 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 1/2-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) 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 multi-family housing limited by covenant to occupancy by the elderly and disabled shall provide one space for every four dwelling units and meet the regulations in Chapter 33.81. 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 five 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, 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 5-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 Requirements.

(Amended by Ord. No. 131818, 134366, 139117, 139702, 141105, 144667, 144717, 148873, 150581, 151344, 152319, 153828, 156689; and 161335 effective, Oct. 19, 1988.)

(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 1,600 square feet for an attached single family dwelling; however, within any attached housing subdivision the average lot area shall be 2,000 square feet (there are special regulations governing computation of lot area for flag lots. These are listed in Section 33.88.020).

(c) The minimum lot area shall be 2,000 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 80 feet except in the case of attached residential developments and flag lots (regulations governing minimum lot depth for flag lots are listed in Sections 33.88.020). Minimum lot depth requirements for attached residential development are those listed in Section 33.28.070.

(f) 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 1,800 square feet, minimum lot width of 16 feet and a minimum lot depth of 70 feet.

(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) 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 4,000 square feet but not less than 3,750 square feet located in a subdivision plat duly approved and recorded with the County Clerk, prior to July, 1959, in accordance with the City Charter and the 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 3,750 square feet in area, 35 feet in width, and 80 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 structure enabled by this Subsection.

(3) Construction of a one-family dwelling is permitted only on a lot having sewer and water service immediately available which can be furnished to the proposed structure. Such lots must be on a street that is improved to the satisfaction of the City Engineer; the Engineer may accept an LID waiver as an alternative to full or partial improvement of the abutting street.

(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 35 percent of the lot area.

(5) 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 1-car garage or carport. The ground area covered by garage or carport shall not exceed 10 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 including housing for the elderly and disabled if the following provisions are met:

(1) The requirements of Chapter 33.81 Elderly and Disabled High Density and 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 Sections of this Chapter, shall be met.

(2) The property owner shall execute a covenant limiting the occupancy of units built in excess of the number of units permitted by the base zone to

households with a disabled family member or headed by a person 60 years of age or older. Such covenant shall be an agreement with the City based upon the same considerations, restrictions, and obligations as listed in Chapter 33.81.

33.30.060 Maximum Lot Coverage.

(Amended by Ord. No. 161335, effective Oct. 19, 1988.) For all development except attached residential, the area covered by all buildings, including accessory buildings, not exceeding one story in height shall not exceed 45 percent of the lot area, and the area covered by the portion of all buildings exceeding one story in height shall not exceed 35 percent of the lot area. Maximum lot coverage for attached residential development is regulated by the provisions of 33.28.080.

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 Maximum Height

Permitted. (Amended by Ord. No. 150581; effective Jan. 1, 1981.)

(a) No structure shall exceed four stories, or 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 25 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 2 feet above the average curb level along the front of the lot.

(c) Chimneys and radio and television aerials may extend above the 45-foot height limit.

33.30.090 Minimum Front Yard.

(a) (Amended by Ord. No. 151021, 151344, 153824; and 161335, effective Oct. 19, 1988.) There shall be a front yard of not less than 15 feet, except in the case of flag lots (yard regulations for flat lots are listed in Section 33.88.030), and where lots comprising 40 percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than 10 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 25 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 25 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) For all development except attached residential, on corner lots, the front yard along the long dimension of the lot may be reduced to 10 feet. In case of a square lot or lot having equal frontage on two intersecting streets, one front yard may be reduced to 10 feet providing the other front yard is at least 15 feet. Minimum front yard requirements for attached residential developments on corner lots are those listed in Section 33.28.110.

(f) 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) (Added by Ord. No. 153824; effective 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 percent 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 percent 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 by Ord. No. 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 3,500 square feet 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) (Amended by Ord. No. 153824; effective 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.

(e) (Added by Ord. No. 153824; effective 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 percent 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 percent of the required side yard area or which are a total of 18 feet in width, whichever is greater, is required.

*See Chapter 33.90 for additional regulations.

33.30.110 Minimum Rear Yard*.
(Amended by Ord. No. 150581 and 151344;
April 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):

For 1 story	5 feet
For 1-1/2 stories	6 feet
For 2 stories	6 feet
For 2-1/2 stories	7 feet
For 3 stories	9 feet
For 4 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 percent 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:

*See Chapter 33.90 for additional regulations.

(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 by Ord. No. 153329, effective July 5, 1982.)

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

(a) Between the ordinary high water line and 25 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 25 feet of the centerline of watercourses such as streams, creeks and drainageways draining 30 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. (New Section substituted by Ord. No. 158535 May 22, 1986.) Sign regulations for all uses are stated in Chapter 33.535, Signs.

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 75 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 100 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 - 5,000 square feet of lot area.

Four units - 6,500 square feet of lot area.

Five units - 7,500 square feet of lot area.

Each additional unit - 2,000 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. 154081; and 161335 effective Oct. 19, 1988.) 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 18 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 less than 15 feet from the street corner of a corner lot. No driveway entrance associated with an attached house shall be located less than 15 feet from the corner of a lot where two streets intersect. For developments other than attached housing, no driveway entrance shall be located less than 25 feet from the corner of a lot where two streets intersect;

(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 8 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 10 or more feet to the rear of the main building,

B. If an attached accessory building is located 40 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 4 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 12 inches from the side and/or rear lot line with 4-inch allowance for eave or gutter projection and any wall located closer than 30 inches shall be sheathed with 2 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 18 feet from the street lot line;

(8) A detached or attached garage, not exceeding 550 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 75 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 10 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 10 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 5 feet below the sidewalk elevation. However, in no case shall the front wall of the garage be closer to the street lot line than 5 feet. Such garage shall not exceed a height of 10 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 must not exceed 10 percent of the lot area. Type 1 accessory uses located in the same building as a dwelling(s) and below the dwelling(s) are not subject to this limitation.

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 9,000 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 60 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 25 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 50 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 5 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 50 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 uses;

(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 8 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 10 or more feet to the rear of the main building,

B. If an attached accessory building is located 40 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 12 inches from the side and/or rear lot line with 4-inch allowance for eave or gutter projection and any wall located closer than 30 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 3 feet to any property line nor closer than 3 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 babysitting;

(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 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) (Repealed by Ord. No. 158535 May 22, 1986.)

(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 pounds 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 10 children may be cared for if

(i) There is at least 100 square feet 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 4 feet, but not more than 6 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 percent of adjacent neighbors indicate approval. This is included within the normally required 50 percent 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 percent 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 five 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) (Amended by Ord. No. 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 2 years only. It shall be the responsibility of the applicant to apply for a permit every 2 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 50 percent of all property in the area bounded by lines 100 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 8:00 a.m. and 10:00 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 by Ord. Nos. 132825, 135386, 138936, 140290, 150581, 151344, 153329, 156374; and 160497 effective Mar. 21, 1988.) 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) Helicopter landing facilities;
- (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) Parks, public;
- (20) Planned unit development;
- (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 facility;
- (25) Schools, nursery;
- (26) Schools, parochial or private;
- (27) Schools, public;
- (28) Tract development and sales;
- (29) Community care facility;
- (30) Institutional care facility;
- (31) Development of lands adjacent to water features as defined in Section 33.30.127.

33.30.260 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 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.

33.30.270 Churches. Regulations for churches shall be as follows:

(1) 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;

(2) Site area: Hereafter, no church shall be established on a site of less than 15,000 square feet in area. Churches existing on a site less than 15,000 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 40 percent of the site area;

(4) Minimum front yard:

For buildings 45 feet in height 15 feet,

For buildings 45 feet and higher in height 30 feet;

(5) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20
Buildings 45 to 54 ft.	25
Buildings 55 to 64 ft.	35
Buildings 65 to 74 ft.	45

(6) (Repealed by Ord. No. 158535 May 22, 1986.)

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 10 persons residing in such building;

(2) Site area: In addition to required site area for church buildings, a minimum of 5,000 square feet shall be provided for each 20 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 10 seats in classrooms. In addition, one space per five students housed in dormitories, fraternities, or sororities shall be provided;

(2) Minimum front yard: 30 feet;

(3) Minimum side or rear yard: No classroom, laboratory, stadium, or other main building shall be erected closer than 50 feet to any side or rear lot line. The side and rear yards for dormitories, fraternities, and sororities shall not be less than 15 feet for a one story building plus 5 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 5,000 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 84 square feet of floor area in the main auditorium or largest assembly room; or where seating is fixed to the floor, one space per 12 seats or 24 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 15,000 square feet in area. Community clubs existing on smaller sites may be enlarged, but in no case by more than 20 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 30 percent of the site area;

(4) Minimum front yard:

For buildings under 45 feet in height 15 feet,

For buildings 45 feet and higher in height 30 feet;

(5) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20

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 100 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 200 feet from any property line bordering or within an R Zone.

33.30.325 Helicopter Landing Facility. (Added by Ord. No. 160497 effective Mar. 21, 1988.) Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

33.30.330 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) (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: 1,000 square feet per bed;

(5) Maximum height: Two and one-half stories or 35 feet, except there shall be no limit on buildings located more than 400 feet away from property lines bounding the project;

(6) Minimum front yard: Small or medium homes 15 feet provided, however, that where lots comprising 40 percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than 10 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 homes - 5 feet for a one story building, 6 feet for a 2-story building, and 7 feet for a 2-1/2-story building.

Medium homes - 12 feet.

Large homes - 15 feet for a 1 story building plus 5 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 5,000 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 20,000 square feet in area,

B. At least 2,000 square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or 35 feet, except there shall be no limit on buildings located more than 400 feet away from property lines bounding the project;

(5) Minimum front yard: 30 feet;

(6) Minimum side or rear yard: 30 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 35 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 5,000 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 5 acres in area,

B. At least 2,500 square feet of lot site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or 35 feet, except there shall be no limit on buildings located more than 400 feet away from property lines bounding the project;

(5) Minimum front yard: 30 feet;

(6) Minimum side or rear yard: 30 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 35 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 Uses or Buildings Accessory to Hospitals. (Amended by Ord. No. 140290; passed and effective July 24, 1975.) 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 100 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 35 feet, whichever is less, except there shall be no limit on buildings more than 400 feet away from property lines bounding the project.

(5) Minimum front yard: 30 feet.

(6) Minimum side or rear yard: 30 feet.

(7) Maximum site coverage: Area covered by all buildings shall not exceed 35 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 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.

(2) Site area: In addition to required site area for hospitals, a minimum of 5,000 square feet shall be provided for each 10 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 by Ord. No. 153373; effective July 17, 1982.) The floor area devoted to all such uses within a main building or buildings shall not exceed 10 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.

33.30.370 Libraries. Regulations for libraries shall be as follows:

(1) Off-street parking required: One space per 400 square feet of reading room area;

(2) Site area: Hereafter, no library shall be established on a site of less than 15,000 square feet in area. Libraries existing on a site less than 15,000 square feet may be enlarged but in no case by more than 20 percent of 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 30 percent of the site area;

(4) Minimum front yard:

Height	Feet
Buildings under 45 ft.	15
Buildings 45 ft. and higher	30

(5) Minimum side or rear yards:

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft..	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20
Buildings 45 to 54 ft.	25
Buildings 55 to 64 ft.	35
Buildings 65 to 74 ft.	45

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 15,000 square feet in area. Museums existing on a site less than 15,000 square feet may be enlarged, but in no case by more than 20 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 30 percent of the site area;

(3) Minimum front yard:

Height	Feet
Buildings under 45 ft.	15
Buildings 45 ft. and higher	30

(4) Minimum side or rear yards:

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20
Buildings 45 to 54 ft.	25
Buildings 55 to 64 ft.	35
Buildings 65 to 74 ft.	45

33.30.390 Private Helistop.
(Repealed by Ord. No. 160497 effective Mar. 21, 1988.)

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 100 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 Facility. (Added by Ord. No. 138936; substituted by Ord. No. 156374 effective Sept. 10, 1984.) Regulations for residential care facilities are found in Chapter 33.106.

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 100 square feet per child or total enrollment capacity of the school. Screening shall be provided separating such play area from abutting lots. Such screen shall be at least 4 feet but not more than 6 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 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;

(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	Class-rooms 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: 30 feet;

(4) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	20
Buildings 15 to 24 ft.	30
Buildings 25 to 34 ft.	40
Buildings 35 to 44 ft.	50

33.30.450 Public Elementary Schools. Regulations for public elementary schools shall be as follows:

(1) 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;

(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	Class-rooms 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: 30 feet;
- (4) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	20
Buildings 15 to 24 ft.	30
Buildings 25 to 34 ft.	40
Buildings 35 to 44 ft.	50

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 56 square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per 8 seats or 16 feet of bench length in the main auditorium;

- (2) Minimum front yard: 30 feet;
- (3) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	20
Buildings 15 to 24 ft.	30
Buildings 25 to 34 ft.	40
Buildings 35 to 44 ft.	50

33.30.470 Tract Development and Sales. (Amended by Ord. No. 139117, 139702, 141105, 153373 and 158535; May 22, 1986.) 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 3 years, at which time such temporary structures will be removed.

2. (Repealed by Ord. No. 158535 May 22, 1986.)

33.30.480 Welfare Institutions. (Repealed by Ord. No. 156374; effective Sept. 10, 1984.)

33.30.481 Community Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for community care facilities are found in Chapter 33.106.

33.30.482 Institutional Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for institutional care facilities are found in Chapter 33.106.

33.30.485 Development of Lands Adjacent to Water Features as Defined in Section 33.30.127. (Added by Ord. No. 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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33.32.010 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, 150581, 155589 and 156689; effective Nov. 19, 1984.) 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) Residential homes.

(7) Elderly and disabled high density housing as regulated by Section 33.32.050(k).

33.32.030 Off-street Parking

Required. (Amended by Ord. No. 142734, 150581, 151344, 153824, 156689; and 161335, effective Oct. 19, 1988.)

(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 multi-family housing limited by covenant to occupancy by the elderly and disabled shall provide one space for every four dwelling units and meet the regulations in Chapter 33.81. 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 160 square feet in area;
- (4) Such space shall not be located in a required yard;
- (5) 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

R1

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 1/2-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 five 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 Section 33.28.030.

(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 50 or more dwelling units shall provide off-street loading berths according to the number of dwelling units as follows:

50 to 99 units	1 berth
100 to 199 units	2 berths
200 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 Requirements. (Amended by Ord. No. 131818, 134366, 139117, 139702, 141105, 142734, 144667, 144717, 148873, 150581, 151344, 152319, 153828, 156689; and 161335, effective Oct. 19, 1988.)

(a) One family detached, two family and three family dwellings: 4,000 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
4	6,000
5	7,500
6	8,500
7	9,500

(c) For multi-family dwellings on sites of 10,000 square feet or larger: 1,000 square feet per dwelling unit is required, except that the allowable density is increased 10 percent 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) The minimum lot width for a detached dwelling or multi-family dwelling shall be 40 feet.

(e) The minimum lot depth shall be 80 feet except in the case of attached residential developments and flag lots. (Regulations governing minimum lot depth for flag lots are listed in Section 33.88.020.) Minimum lot depth requirements for attached residential development are those listed in Section 33.28.070.

(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.

(l) 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 2,000 square feet in area, 20 feet wide, and 70 feet deep in the case of a two family dwelling; or at least 1,300 square feet in area, 13 feet wide, and 70 feet deep in the case of a three family dwelling.

(g) The minimum lot area shall be 800 square feet for an attached single family dwelling; however, within any attached housing Subdivision the average lot area shall be 1,000 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 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 4,000 square feet but not less than 3,750 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:

(l) No construction of a one family dwelling shall be permitted upon a lot with dimensions less than 3,750 square feet in area, 35 feet in width, and 80 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) Construction of a one-family dwelling is permitted only on a lot having sewer and water service immediately available which can be furnished to the proposed structure. Such lots must be on a street that is improved to the satisfaction of the City Engineer; the Engineer may accept an LID waiver as an alternative to full or partial improvement of the abutting street.

(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 35 percent of the lot area.

(5) 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 10 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 including housing for the elderly and disabled if the following provisions are met:

(l) The requirements of Chapter 33.81 Elderly and Disabled High Density and 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 shall execute a covenant limiting the occupancy of units built in excess of the number of units permitted in the base zone to

households with a disabled family member or headed by a person 60 years of age or older. Such covenant shall be an agreement with the City based upon the same considerations, restrictions, and obligations as set out in Chapter 33.81.

33.32.051 Amenity Package, Crime Prevention. (Added by Ord. No. 150581; effective Jan. 1, 1981.) Allow a 10 percent increase in density if all of the following are provided:

(1) One window (minimum 6 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 an 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 8 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 by Ord. No. 150581; effective Jan. 1, 1981.) Allow a 10 percent 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 3 and 5 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 percent increase in density if all of the following provisions are met:

(1) No auto parking or maneuvering area may be within 5 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 4 feet wide and 3 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 6 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 6 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 percent 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 8 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 square feet floor area each;
Linen closet - 20 square feet shelf area;
Guest hall or coat closet - 10 square feet floor area;
Private storage locker - 100 cubic feet.

(4) At least 30 percent of all units must have two, and at least 10 percent 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 percent 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 1 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 4 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 percent 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 1,000 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 5

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 ratio of one feature for every 5 units.

33.32.057 Amenity Package, Support Facilities. (Added by Ord. No. 150581; effective Jan. 1, 1981.) Allow a 10 percent 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 40 lineal feet of indoor 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; and 161335 effective Oct. 19, 1988.) For all development except attached residential, the area covered by all buildings, including accessory buildings, shall not exceed 45 percent of the lot area. Porches, decks, patios and balconies will be exempt from this coverage limit. Maximum lot coverage for attached residential development is regulated by the provisions of 33.28.080.

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 45 feet in height, except there shall be no height limit on any structure located 400 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 25 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 2 feet above the average curb level along the front of the lot.

- (c) Chimneys, radio and television

aerials may extend above the 45 foot height limit.

33.32.090 Minimum Front Yard.

(a) (Amended by Ord. No. 151344; and 161335, effective Oct. 19, 1988.) There shall be a front yard or not less than 15 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 40 percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than 10 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 2 lots, each of which has a main building, within 25 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 25 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) For all development except attached residential on corner lots, the front yard along the long dimension of the lot may be reduced to 10 feet. In case of a square lot or lot having equal frontage on two intersecting streets, one front yard may be reduced to 10 feet provided the other

front yard is at least 15 feet. Minimum front yard requirements for attached residential developments on corner lots are those listed in Section 33.28.110.

(f) (Added by Ord. No. 151021; amended by Ord. No. 153824; effective 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) (Added by Ord. No. 153824; effective 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 percent 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 percent 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 by Ord. No. 150581 and 151344; April 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 1 story	6 feet
For 2 stories	7 feet
For 3 stories	9 feet
For 4 stories	12 feet

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) (Amended by Ord. No. 153824; effective 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 by Ord. Nos. 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 1 story	6 feet
For 2 stories	7 feet
For 3 stories	9 feet
For 4 stories	12 feet

For any other height-width in feet shall equal 3 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 percent 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 by Ord. No. 153329; effective July 5, 1982.)

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

(a) Between the ordinary high water line and 25 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 25 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. (New Section substituted by Ord. No. 158617 June 12, 1986.) Sign regulations for all uses are stated in Chapter 33.535, Signs.

33.32.135 Pre-existing Uses.

(Added by Ord. No. 150581; amended by Ord. No. 153827, 157206, 158535; and 160964 effective June 22, 1988.)

(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 or July 26, 1979 for land which has been annexed by the City on or after July 26, 1979. The Comprehensive Plan contained significant zoning map and Zoning Code changes to better guide future land use decisions. As a result, some land use activities no longer comply with the applicable regulations. 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 within the City limits of Portland at the time the Comprehensive Plan took effect on January 1, 1981, was subject to the City Comprehensive Plan and zoning provisions, and was a legally established principal or conditional use in its zone, and complied with all siting, structural, and parking requirements; but 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 the zone; or the use no longer complies with all siting, structural, and parking standards of this Chapter; or

(2) A use that was a lawfully established use which was subject to and complied with the applicable Multnomah County Plan and zoning ordinance provisions prior to July 26, 1979, but was not listed in the applicable zone as a primary use, use permitted under prescribed conditions, a

community service use or conditional use on July 26, 1979 and which has been annexed to the City of Portland on or after July 26, 1979 and the property owner can provide evidence that the use is a pre-existing use as defined in this definition. Notwithstanding the provisions of Section 33.570.040 (A) regarding the prohibition of pre-existing uses in a transit zone, pre-existing uses within this definition shall be recognized in the transit zones and shall be subject to the provision of 33.32.135 (C).

(c) Regulations: The following regulations apply to pre-existing uses as defined by 33.32.135 (b) (1) and (b) (2). When the regulations are applied to a pre-existing use under 33.32.135 (b) (1), the applicable dates are as provided below. When the regulations are applied to a pre-existing use under 33.32.135 (b) (2), the applicable dates are as follows: July 25 shall be substituted for December 31, 1980 and July 26 shall be substituted for January 1, 1981. 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. Floor area expansions for uses that were conditional uses under the former zoning, are subject to the conditional use procedures of Chapter 33.106.

B. All other pre-existing uses 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.

C. 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. A use that was a conditional use under the former zoning may expand site area subject to the conditional use procedures of Chapter 33.106.

D. All other pre-existing uses may expand site area as follows:

(i) 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.

(ii) Other site expansions shall be subject to the conditional use process of Chapter 33.106.

E. 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.

F. 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) (Repealed by Ord. No. 158535 May 22, 1986.)

(7) If a pre-existing use is discontinued for more than 2 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; and 161335, effective Oct. 19, 1988.) In R1 Zones, uses and buildings on the same lot accessory to the 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 18 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 less than 15 feet from the street corner of a corner lot. No driveway associated with an attached house shall be located less than 15 feet from the corner of a lot where two streets intersect. For developments other than attached housing, no driveway shall be located less than 25 feet from the corner of a lot where two streets intersect;

(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 8 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 10 feet or more to the rear of the main building.

B. If an attached accessory building is located 40 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 4 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 12 inches from the side and/or rear lot line with a 4-inch allowance for eave or gutter projection and any wall located closer than 30 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 18 feet from the street lot line;

(8) A detached or attached garage, not exceeding 550 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 75 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 10 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 10 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 5 feet. Such garage shall not exceed a height of 10 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 must not exceed 10 percent of the lot area. Type 1 accessory uses located in the same building as a dwelling(s) and below the dwelling(s) are not subject to this limitation.

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 9,000 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 60 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 25 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 1/20 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 50 feet of any dwelling;

(5) If built higher than 25 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 5 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 50 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 8 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 10 or more feet to the rear of the main building,

B. If an attached accessory building is located 40 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 12 inches from the side and/or rear lot line with 4-inch

allowance for eave or gutter projection and any wall located closer than 30 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 3 feet to any property line nor closer than 3 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 craftsman 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 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) (Repealed by Ord. No. 158535 May 22, 1986.)

(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. 139311, passed Jan. 16, effective Feb. 17, 1975.) Other than normal passenger automobiles, only one truck of no more than 8,400 pounds 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 10 children may be cared for if;

(i) there is at least 100 square feet 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 4 feet, but not more than 6 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 percent of adjacent neighbors indicate approval. This is included within the normally required 50 percent 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 percent 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 five 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) (Amended by Ord. No. 153762; effective 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 2 years only. It shall be the responsibility of the applicant to apply for a permit every 2 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 50 percent of all property in the area bounded by lines 100 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 8:00 a.m. and 10:00 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 by Ord. No. 138936, 140290, 142734, 148244, 150581, 151344, 153329,

156374, 156689; and 160497 effective Mar. 21, 1988.) 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 neighborhoods;
- (10) Greenhouses, nurseries, or other propagation of plants and their products for sale;
- (11) Helicopter landing facilities;
- (12) Elderly and disabled high density housing as regulated by Chapter 33.81;
- (13) Homes, convalescent;
- (14) Hospitals, general;
- (15) Hospitals, mental or remedial;
- (16) Uses or buildings accessory to hospitals;
- (17) Libraries;
- (18) Lodges, fraternal organizations, or private clubs;
- (19) Mass transit waiting stations or turnarounds;
- (20) Museums;
- (21) Parks, public;
- (22) Planned unit developments;
- (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) Community care facility;
- (32) Institutional care facility;
- (33) 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 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;

(2) Site area: Hereafter, no church shall be established on a site of less than 15,000 square feet in area. Churches existing on a site less than 15,000 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 40 percent of the site area;

(4) Minimum front yard:

Height	Feet
Buildings under 45 ft.	15
Buildings 45 ft. and higher	30

(5) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20
Buildings 45 to 54 ft.	25
Buildings 55 to 64 ft.	35
Buildings 65 to 74 ft.	45

(6) (Repealed by Ord. No. 158535 May 22, 1986.)

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 10 persons residing in such building;

(2) Site area: In addition to required site area for church buildings, a minimum of 5,000 square feet shall be provided for each 20 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 10 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 1 story building	20 feet
For 2 story building	25 feet
For 3 story building	30 feet
For 4 story building	35 feet

(3) Site area: For dormitories, fraternities, and sororities not located on or contiguous to the college campus, a minimum of 5,000 square feet of site area shall be provided for each 10 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 84 square feet of floor area in the main auditorium; or where seating is fixed to the floor, 1 space per 12 seats or 24 feet of bench length in the main auditorium;

(2) Site area: Hereafter, no community club shall be established on a site of less than 15,000 square feet in area. Community clubs existing on smaller sites may be enlarged but in no case by more than 20 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 35 percent of the site area;

(4) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20

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 100 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 200 feet from any property line bordering or within an R Zone.

33.32.302 Helicopter Landing

Facility. (Added by Ord. No. 160497 effective Mar. 21, 1988.) Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

33.32.305 Elderly and Disabled High Density Housing. (Added by Ord. No. 150581; amended by Ord. No. 156689; effective Nov. 19, 1984.) High density housing for the elderly and disabled 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 10 or fewer patient beds are classed as small; 11 to 20 beds, medium; over 20 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 45 feet, except there shall be no limit on buildings located more than 400 feet away from property lines bounding the project;

(5) Minimum side or rear yards: Large homes - 15 feet for a one story building plus 5 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 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
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 45 feet, except there shall be no limit on buildings located more than 400 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 40 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 5,000 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 5 acres in area,

B. At least 1,000 square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Three stories or 45 feet, except there shall be no limit on buildings located more than 400 feet from R10, R7, R5, R2.5, R2, C5, or C4 Zones.

(5) Minimum front yard: 30 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 40 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 200 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 of 45 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 40 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 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.

(2) Site area: In addition to required site area for hospitals, a minimum of 5,000 square feet shall be provided for each 15 persons residing in such accessory building.

(e) Retail facilities for the needs of the patient including a 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 10 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.

33.32.350 Libraries. Regulations for libraries shall be as follows: Off-street parking required: One space per 400 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 300 square feet of gross floor area;

(3) Maximum site coverage: Area covered by all buildings shall not exceed 35 percent of the site area:

(4) Minimum front yard:

Height	Feet
Buildings under 45 ft.	15
Buildings 45 ft. and higher	30

(5) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	10
Buildings 15 to 24 ft.	13
Buildings 25 to 34 ft.	16
Buildings 35 to 44 ft.	20
Buildings 45 to 54 ft.	25
Buildings 55 to 64 ft.	35
Buildings 65 to 74 ft.	45

(6) Signs permitted: Sign or signs, illuminated or non-illuminated, not exceeding 6 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.
(Repealed by Ord. No. 160497 effective Mar. 21, 1988.)

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 100 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 100 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 4 feet but not more than 6 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 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;

(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	Class-rooms 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 side or rear yard:

Height	Feet
Buildings under 15 ft.	20
Buildings 15 to 24 ft.	25
Buildings 25 to 34 ft.	30
Buildings 35 to 44 ft.	35

33.32.430 Public Elementary Schools. Regulations for public elementary schools shall be as follows:

(1) 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;

(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	Class- rooms 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 side or rear yard:

Height	Feet
Buildings under 15 ft.	20
Buildings 15 to 24 ft.	25
Buildings 25 to 34 ft.	30
Buildings 35 to 44 ft.	35

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 8 seats or 16 feet of bench length in the auditorium;

(2) Minimum side or rear yard:

Height	Feet
Buildings under 15 ft.	20
Buildings 15 to 24 ft.	25
Buildings 25 to 34 ft.	30
Buildings 35 to 44 ft.	35

33.32.445 Residential Care

Facility. (Added by Ord. No. 138936; substituted by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for residential care facilities are found in Chapter 33.106.

33.32.450 Tract Development and Sales. (Amended by Ord. Nos. 139117, 139702, 141105, 153373 and 158535; May 22, 1986.) 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 3 years, at which time such temporary structures will be removed.

2. (Repealed by Ord. No. 158535 May 22, 1986.)

33.32.460 Welfare

Institutions. (Repealed by Ord. No. 156374; effective Sept. 10, 1984.)

33.32.461 Community Care

Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for community care facilities are found in Chapter 33.106.

33.32.462 Institutional Care

Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for institutional care facilities are found in Chapter 33.106.

33.32.465 Development of Lands Adjacent to Water Features as Defined in Section 33.32.115. (Added by Ord. No. 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.

Principal Uses

- 33.34.020 Uses Permitted.
- 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 or Rear Yards.
- 33.34.110 Minimum Distance Between Buildings.
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- 33.34.125 Development Adjacent to Water Courses and Water Bodies.
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Pre-existing Uses

- 33.34.140 Pre-existing Uses.

Accessory Buildings and Uses

- 33.34.150 Generally.
- 33.34.160 Classifications.
- 33.34.170 Type 1.
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Conditional Uses

- 33.34.210 Uses Permitted.
- 33.34.220 Regulations.
- 33.34.230 Churches.
- 33.34.240 Residential Buildings Accessory to Churches.
- 33.34.250 Colleges.
- 33.34.260 Community Clubs.
- 33.34.270 Athletic Clubs.
- 33.34.275 Helicopter Landing Facility.
- 33.34.280 Convalescent Homes.
- 33.34.290 Excavation and Filling.
- 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 Neighborhood Commercial.
- 33.34.370 Nursery Schools.
- 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 Facility.
- 33.34.441 Community Care Facility.
- 33.34.442 Institutional Care Facility.
- 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. (Amended by Ord. No. 155589 and 156689; effective Nov. 19, 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) Elderly and disabled high density housing as regulated by Chapter 33.81.

(8) Nonresidential uses as regulated by 33.34.150 Pre-existing Uses.

33.34.030 Off-street Parking Required. (Amended by Ord. Nos. 150737, 151021, 151344; and 161335, effective Oct. 19, 1988.)

(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 160 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 5 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 1/2-ton capacity used in the conduct of a business activity shall be permitted.

(b) Attached single family developments: One space per dwelling. Such space shall be in conformance with the provisions of Section 33.28.030.

(c) 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) 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 50 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 by Ord. No. 151344, 152319; and 161335, effective Oct. 19, 1988.)

(a) One family detached dwellings, duplexes, and three unit multi-family developments; 4,000 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 must have a lot areas of at least 800 square feet.

(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) The minimum lot depth shall be 80 feet except in the case of attached residential developments and flag lots (Regulations governing minimum lot depth for flag lots are listed in Section 33.88.020). Minimum lot depth requirements for attached residential development are those listed in Section 33.28.070.

(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 1,400 square feet in area, 14 feet wide and 70 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 4,000 square feet but not less than 3,750 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 3,750 square feet in area, 35 feet in width, and 80 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 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) Construction of a one-family dwelling is permitted only on a lot having sewer and water service immediately available which can be furnished to the proposed structure. Such lots must be on a street that is improved to the satisfaction of the City Engineer; the Engineer may accept an LID waiver as an alternative to full or partial improvement of the abutting street.

(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 35 percent of the lot area.

(5) (Amended by Ord. No. 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 1-car garage or carport. The ground area covered by garage or carport shall not exceed 10 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 percent of the total site area.

33.34.070 Maximum Floor Area Ratio (FAR) Permitted. (Amended by Ord. No. 151344, 156689; and 161926, effective June 17, 1989.) 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 (special regulations governing computation of size or lot area of flag lots are listed in Section 33.88.020.):

(1) Site of elderly and disabled high density housing: as regulated by Chapter 33.81, Elderly and Disabled High Density.

(2) Sites of less than 10,000 square feet: Maximum FAR 2:1.

(3) Sites of 10,000 square feet or larger are assigned a floor area ratio of 2:1 unless shown as greater on the Maximum Floor Area Ratio (FAR) maps (maps 1-10) at the end of this Chapter or as modified by an adopted plan district or overlay zone.

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. (Amended by Ord. Nos. 151344 and 153824; effective 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 10 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 percent 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 percent 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 by Ord. No. 151344; April 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 1 story	5 feet
For 2 stories	6 feet
For 3 stories	8 feet
For 4 stories	10 feet

For any height above 4 stories, 6 feet plus 2 additional feet for each story over 2, with a maximum requirement of 20 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 property owner;
- (4) Trees which die must be replaced by the property owner.

33.34.125 Development Adjacent to Watercourses and Water Bodies. (Added by Ord. No. 153329; effective July 5, 1982.)

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

(a) Between the ordinary high water line and 25 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 25 feet of the centerline of watercourses such as streams, creeks, and drainageways draining 30 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. (New Section substituted by Ord. No. 158535 May 22, 1986.) Sign regulations for all uses are stated in Chapter 33.535, Signs.

PRE-EXISTING USES

33.34.140 Pre-existing Uses.
(Amended by Ord. No. 153827; and 161335 effective Oct. 19, 1988.)

(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 or July 26, 1979 for land which has been annexed by the City on or after July 26, 1979. The Comprehensive Plan contained significant zoning map and Zoning Code changes to better guide future land use decisions. As a result, some land use activities no longer comply with the applicable regulations. 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 within the City limits of Portland at the time the Comprehensive Plan took effect on January 1, 1981, was subject to the City Comprehensive Plan and zoning provisions, and was a legally established principal or conditional use in its zone, and complied with all siting, structural, and parking requirements; but 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 the zone; or the use no longer complies with all siting, structural, and parking standards of this Chapter; or

(2) A use that was a lawfully established use which was subject to and complied with the applicable Multnomah County Plan and zoning ordinance provisions prior to July 26, 1979, but was not listed in the applicable zone as a primary use, use permitted under prescribed conditions, a

community service use or conditional use on July 26, 1979 and which has been annexed to the City of Portland on or after July 26, 1979 and the property owner can provide evidence that the use is a pre-existing use as defined in this definition. Notwithstanding the provisions of Section 33.570.040 (A) regarding the prohibition of pre-existing uses in a transit zone, pre-existing uses within this definition shall be recognized in the transit zones and shall be subject to the provision of 33.32.135 (C).

(c) Regulations: The following regulations apply to pre-existing uses as defined by 33.32.135 (b) (1) and (b) (2). When the regulations are applied to a pre-existing use under 33.32.135 (b) (1), the applicable dates are as provided below. When the regulations are applied to a pre-existing use under 33.32.135 (b) (2), the applicable dates are as follows: July 25 shall be substituted for December 31, 1980 and July 26 shall be substituted for January 1, 1981. 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

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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. Floor area expansions for uses that were conditional uses under the former zoning, are subject to the conditional use procedures of Chapter 33.106.

B. All other pre-existing uses 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.

C. 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. A use that was a conditional use under the former zoning may expand site area subject to the conditional use procedures of Chapter 33.106.

D. All other pre-existing uses may expand site area as follows:

(i) 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.

(ii) Other site expansions shall be subject to the conditional use process of Chapter 33.106.

E. 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.

F. 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) (Repealed by Ord. No. 158535 May 22, 1986.)

(7) If a pre-existing use is discontinued for more than 2 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.

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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. (Amended by Ord. No. 161335, effective Oct. 19, 1988.) 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)), must not be located closer to the street lot line than 18 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 8 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 10 or more feet to the rear of the main building,

(b) If an attached accessory building is located 40 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 4 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 12 inches from the side and/or rear lot line with 4-inch allowance for eave or gutter projection and any wall located closer than 30 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)), must not be built closer to a street lot line than the building wall at the side or above unless the wall of the garage entrance portion is at least 18 feet from the street lot line. No driveway associated with an attached house shall be located less than 15 feet from the corner of a lot where two streets intersect. For developments other than attached housing, no driveway shall be located less than 25 feet from the corner of a lot where two streets intersect;

(7) A detached or attached garage, not exceeding 550 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 75 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 10 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 10 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 5 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 5 feet. Such garage shall not exceed a height of 10 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 I accessory buildings on the same lot of a one or two family dwelling must not exceed 10 percent of the lot area. Type I accessory uses located in the same building as a dwelling(s) and below the dwelling(s) are not subject to this limitation.

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 8 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 10 or more feet to the rear of the main building,

(b) If an attached accessory building is located 40 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 Subsection (2), it shall be located at least 12 inches from the side and/or rear lot line with 4-inch allowance for eave or gutter projection and any wall located closer than 30 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 3 feet to any property line nor closer than 3 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 10 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 56 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 or 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) (Repealed by Ord. No. 158535 May 22, 1986.)

(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 pounds 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 10 children may be cared for if:

(i) There is at least 100 square feet 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 4 feet, but not more than 6 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 percent of adjacent neighbors indicate approval. This is included within the normally required 50 percent approval for home occupations generally.

(iv) If, subsequent to granting a Home Occupation permit for the care of 6 to 10 children (Paragraph b), a petition from 75 percent 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 five 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) (Amended by Ord. No. 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 2 years only. It shall be the responsibility of the applicant to apply for a permit every 2

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 purchases of not less than 50 percent of all property in the area bounded by lines 100 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 8 a.m. and 10 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 by Ord. No. 151344, 153329, 156374; and 160497 effective Mar. 21, 1988.) 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) Helicopter landing facilities;
- (9) Homes, convalescent;
- (10) Hospitals, general;
- (11) Hospitals, mental or remedial;
- (12) Uses or buildings accessory to hospitals;
- (13) Hotels;
- (14) Libraries;
- (15) Lodges, fraternal organizations, or private clubs;
- (16) Mass transit waiting stations;
- (17) Museums;
- (18) Neighborhood commercial;
- (19) Outside entrances for accessory businesses;
- (20) Parks, public;
- (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) Community care facility;
- (26) Institutional care facility;
- (27) 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 8,400 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;

- (2) (Repealed by Ord. No. 158535 May 22, 1986.)

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 10 persons residing in such building.

33.34.250 Colleges. Regulations for colleges shall be as follows:

- (1) Off-street parking required: One space per 10 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 1 mile of the proposed site.

(2) Off-street parking required: One space per 100 square feet of athletic facilities area.

33.34.275 Helicopter Landing

Facility. (Added by Ord. No. 160497 effective Mar. 21, 1988.) Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

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
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: 20 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 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
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 5 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.

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.

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 other 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 by Ord. No. 153373; effective July 17, 1982.) The floor area devoted to all such uses within a main building or buildings shall not exceed 10 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:

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 6 square feet in total area, indicating the name of the organization.

33.34.360 Neighborhood

Commercial. (Amended by Ord. No. 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 part of a residential development, they must be located on the same lot as the residential development they are a part of, and such a commercial use shall occupy no more than 20 percent 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 1/8 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 10,000 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 6 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 100 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 4 feet high but not more than 6 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. (Repealed by Ord. No. 160497 effective Mar. 21, 1988.)

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 50 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 84 square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per every 12 seats or 24 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	Class-rooms 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: 20 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 56 square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per 8 seats or 16 feet of bench length in the main auditorium;

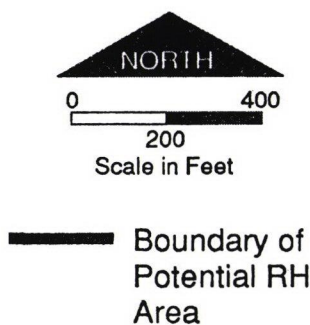


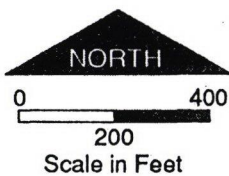
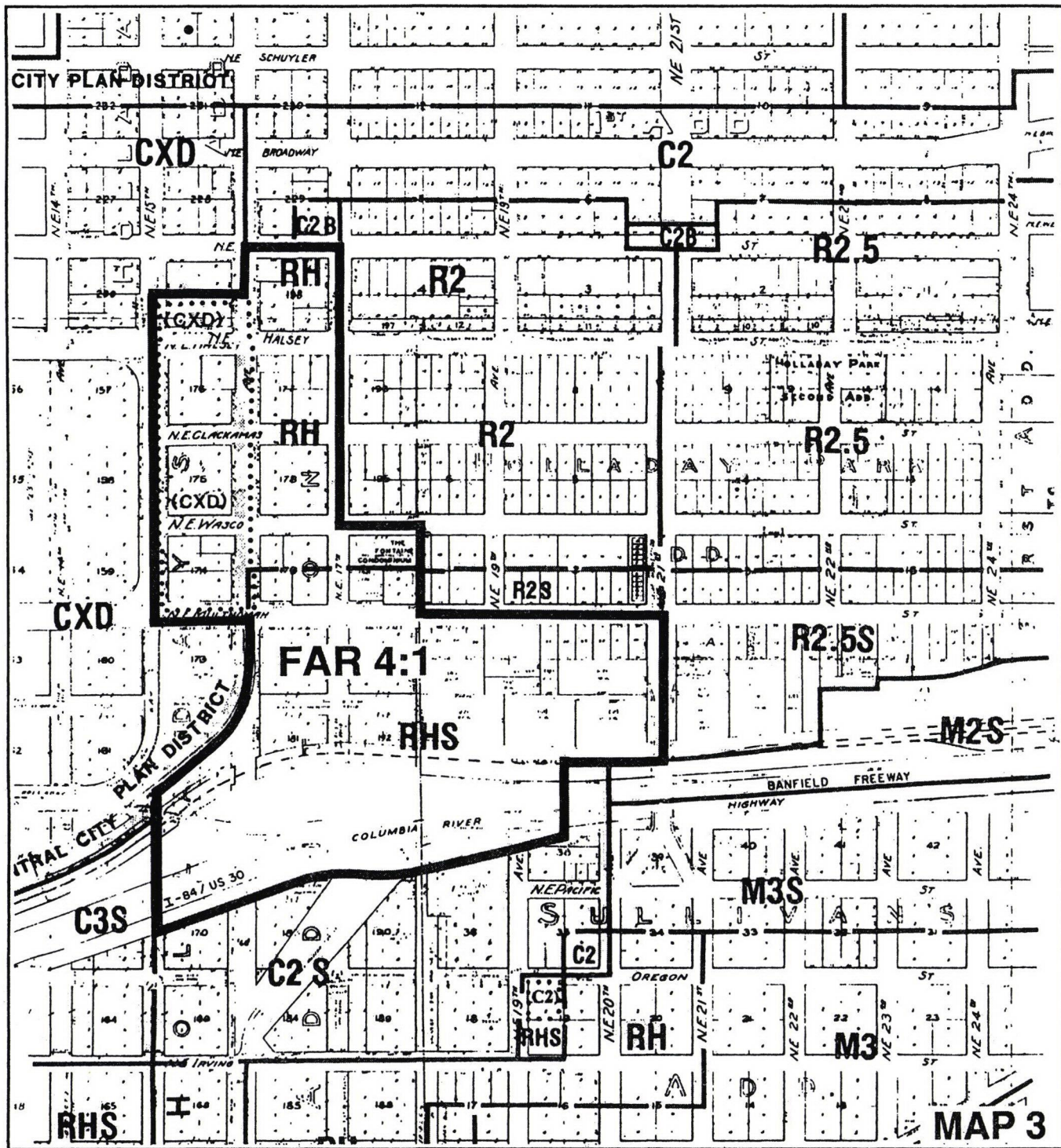
Maximum Floor Area Ratio (FAR) in RH Areas

Quarter Section: 2831

[See Section 33.34.070(3)]

Bureau of Planning • City of Portland, Oregon





— Boundary of Potential RH Area

Maximum Floor Area Ratio (FAR) in RH Areas

Quarter Section: 2832, 2932

[See Section 33.34.070(3)]

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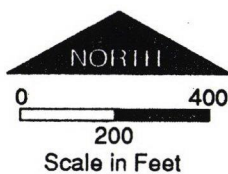
MAP 4

Maximum Floor Area Ratio (FAR) in RH Areas

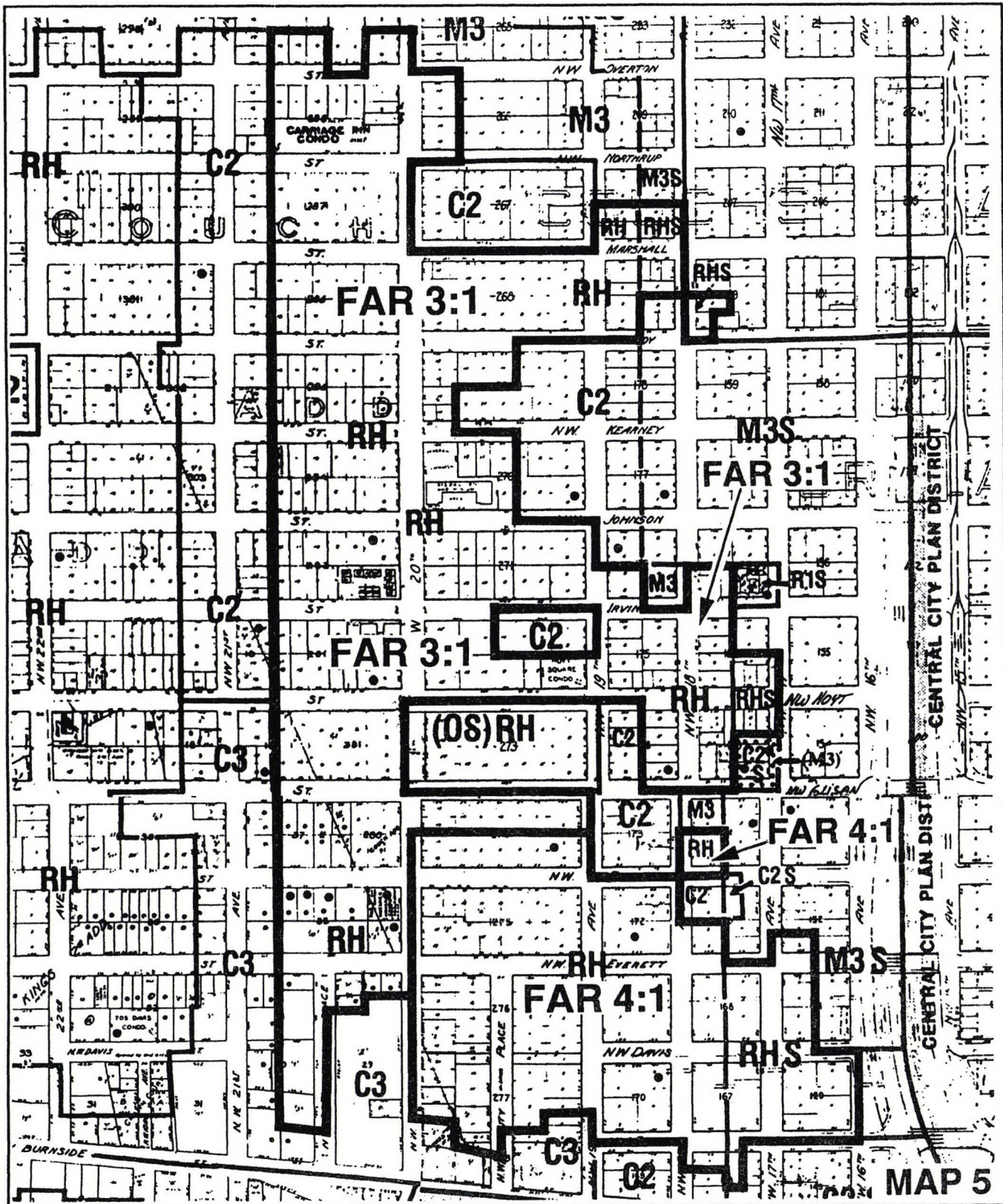
Quarter Section: 2835

[See Section 33.34.070(3)]

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**Boundary of
Potential RH
Area**

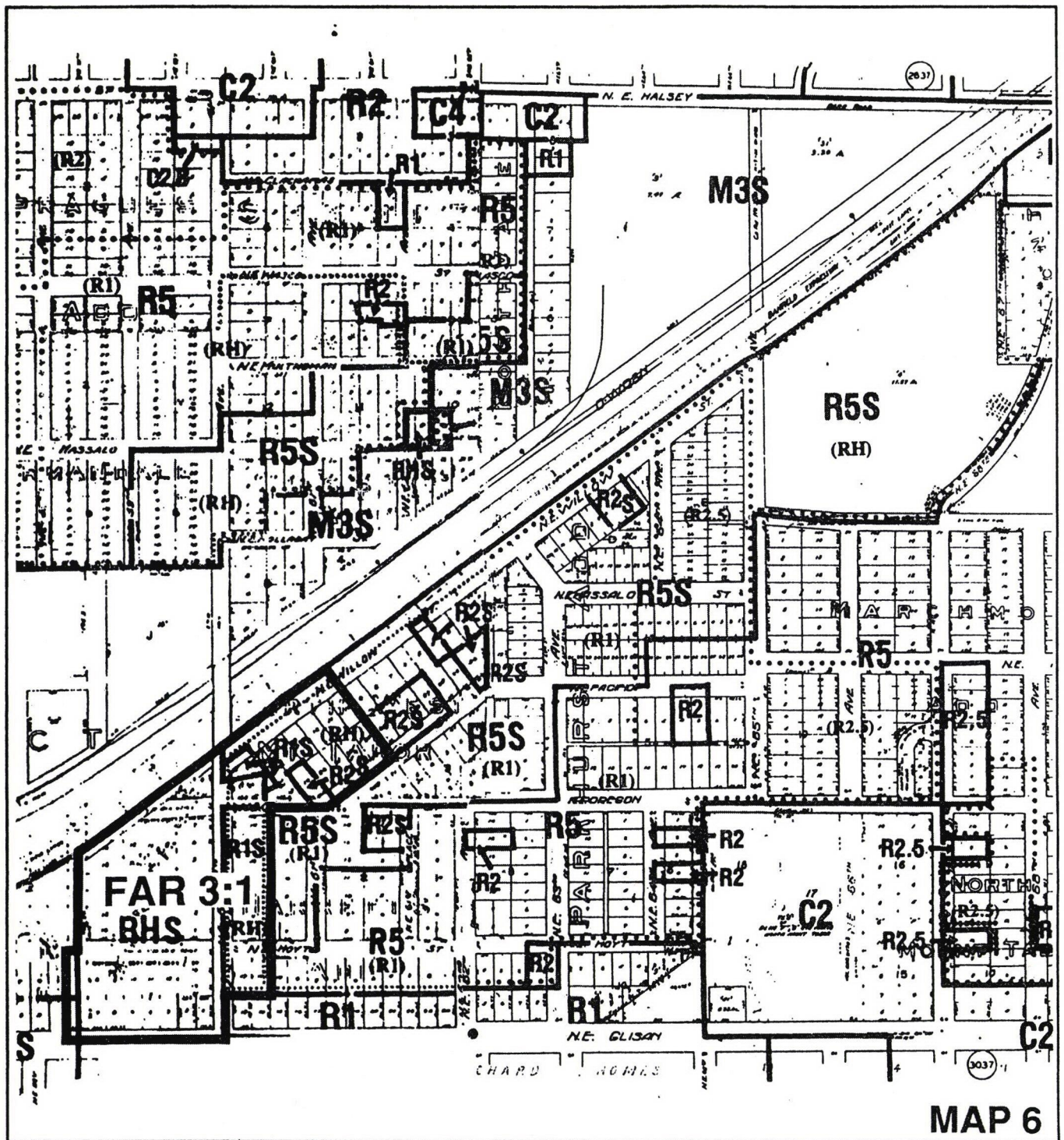


Maximum Floor Area Ratio (FAR) in RH Areas

Quarter Section: 2927-28, 3027-28

[See Section 33.34.070(3)]

Bureau of Planning • City of Portland, Oregon

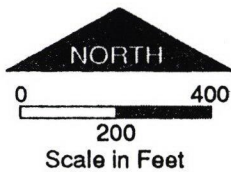
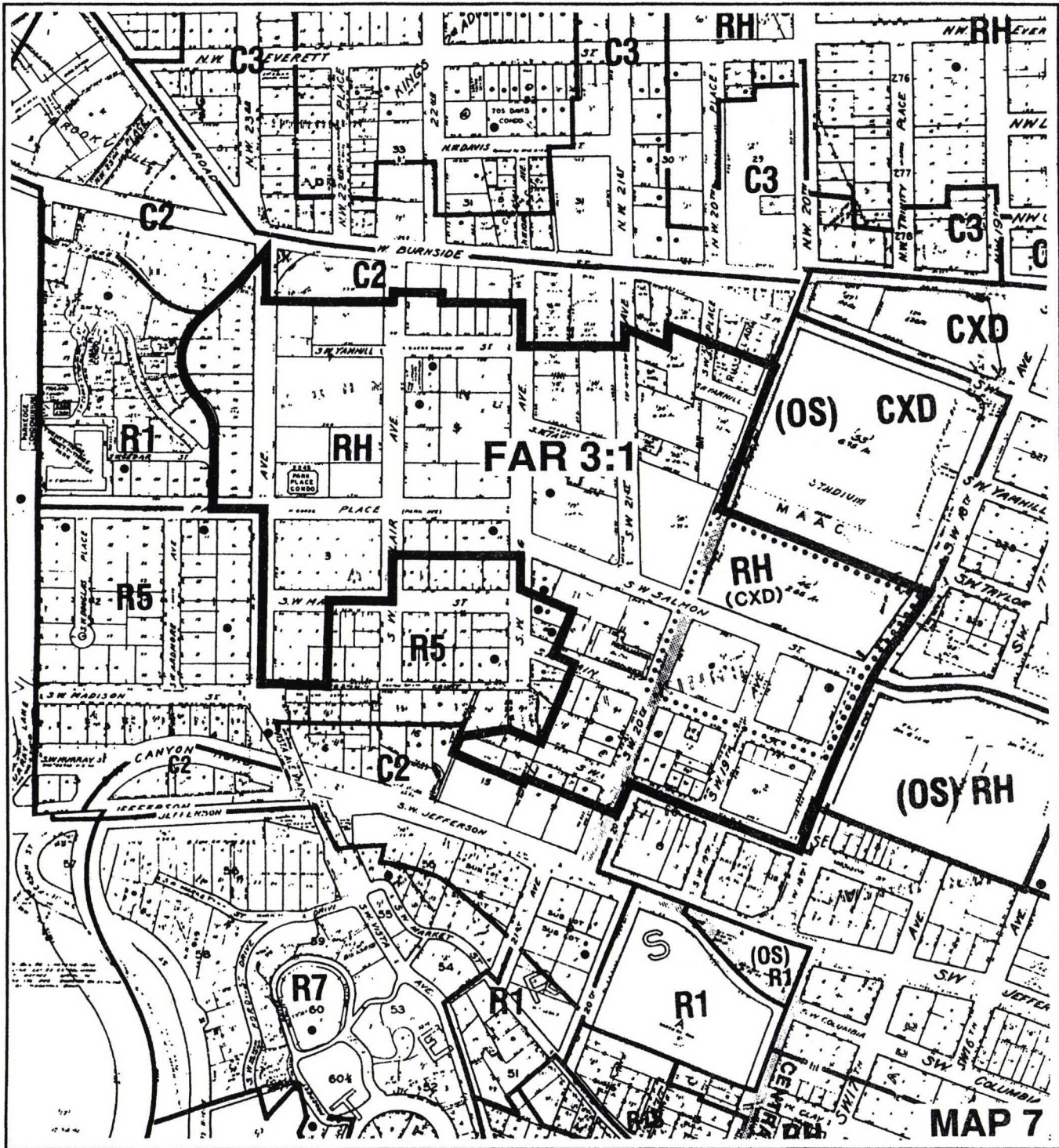


Maximum Floor Area Ratio (FAR) in RH Areas

Quarter Section: 2936-37

[See Section 33.34.070(3)]

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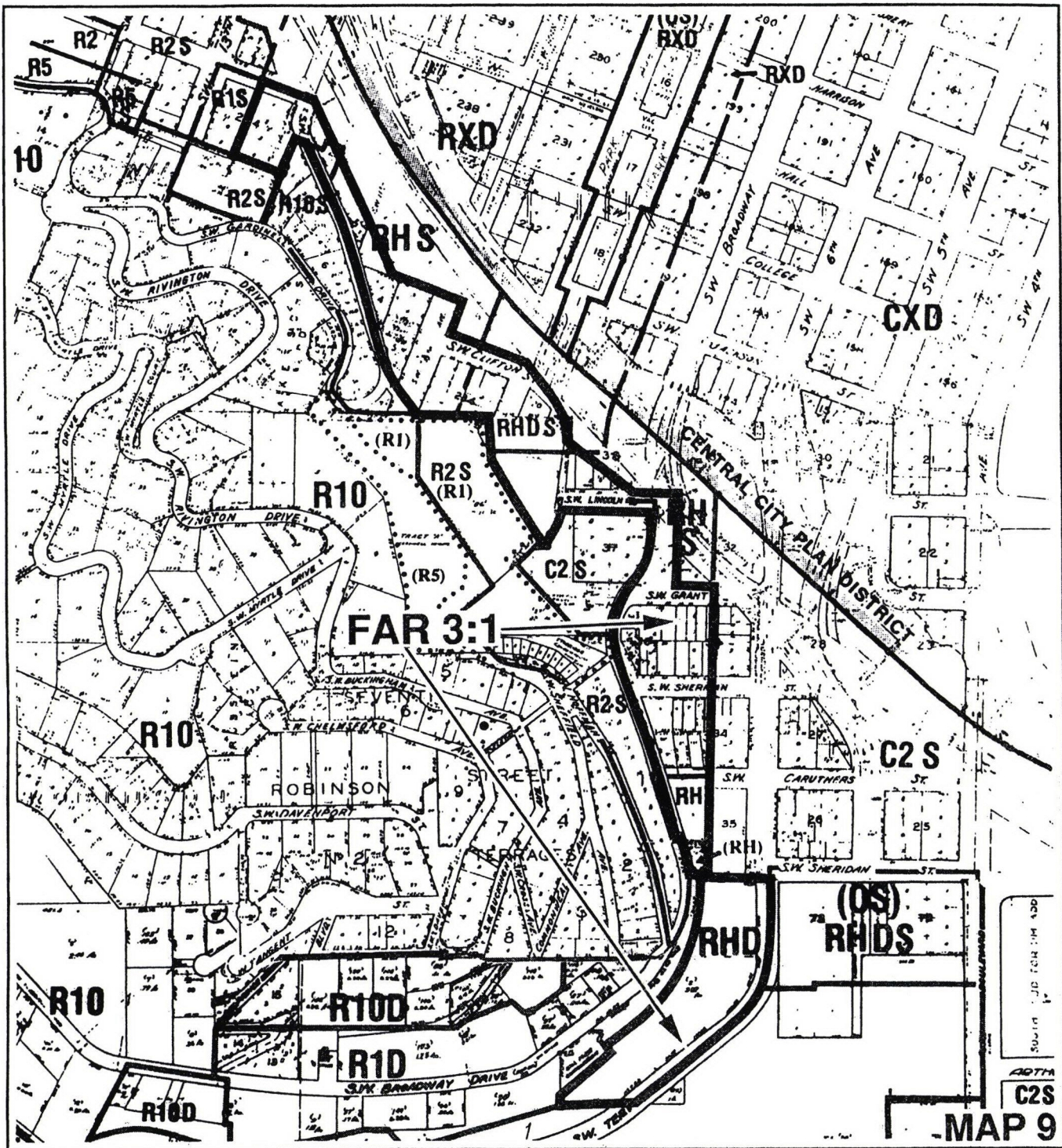


— Boundary of Potential RH Area

Maximum Floor Area Ratio (FAR) in RH Areas **Quarter Section: 3027-28, 3127-28**

[See Section 33.34.070(3)]

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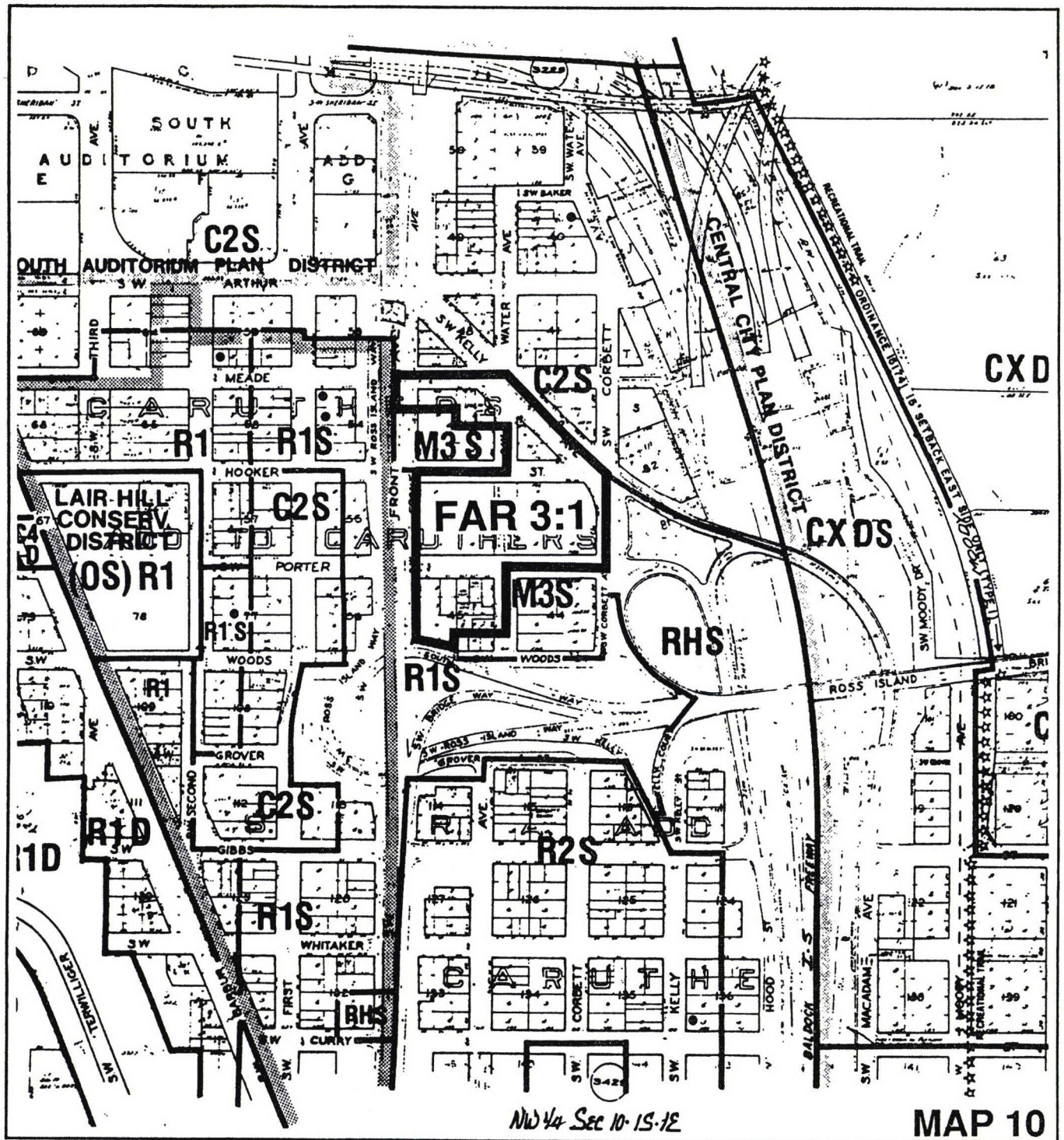


Maximum Floor Area Ratio (FAR) in RH Areas

Quarter Section: 3228, 3328

[See Section 33.34.070(3)]

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Maximum Floor Area Ratio (FAR) in RH Areas

Quarter Section: 3329

[See Section 33.34.070(3)]

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(2) minimum side or rear yard: 20 feet.

33.34.430 Residential Care

Facility. (Substituted by Ord. No. 156374 effective Sept. 10, 1984.) Regulations for residential care facilities are found in Chapter 33.106.

33.34.440 Welfare Institution.

(Repealed by Ord. No. 156374 effective Sept. 10, 1984.)

33.34.441 Community Care

Facility. (Added by Ord. No. 156374 effective Sept. 10, 1984.) Regulations for community care facilities are found in Chapter 33.106.

33.34.442 Institutional Care

Facility. (Added by Ord. No. 156374 effective Sept. 10, 1984.) Regulations for institutional care facilities are found in Chapter 33.106.

33.34.445 Development of Lands

Adjacent to Water Features as Defined in Section 33.34.125. (Added by Ord. No. 153329 effective July 5, 1982.) Regulations for development of lands adjacent to water features shall be those listed in Section 33.24.495.

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

**RX CENTRAL MULTI-FAMILY
RESIDENTIAL ZONE**

(Added by Ord. No. 147239;
amended by 150581; and 160606
effective July 1, 1988.)

Sections:

33.36.010 Generally.
33.36.020 Purpose.
33.36.030 Plan Districts.

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.
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.
33.36.164 Residential Care Facility.
33.36.166 Community Care Facility.
33.36.167 Helicopter Landing Facility.
33.36.168 Institutional Care Facility.
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; and 160606 effective July 1, 1988.) The Central Multi-family Zone (RX) assures that new and existing development in areas designated as Central Residential in the Comprehensive Plan are predominantly residential in character and use. New commercial space is permitted only in new mixed-use projects, and the amount of commercial floor area is limited to retain and enhance the desirability of, and opportunity for, residential development. Institutional uses are recognized as important activities in these areas, but their growth is controlled to assure development of a predominantly residential character.

33.36.030 (Amended by Ord. No. 150581; and 160606 effective July 1, 1988.) **Plan Districts.** Areas within RX Central Multi-family Zones may be subject to the provisions of a Plan District of this Title. The provisions of Plan District or Districts may supersede the provisions of this Chapter.

PRINCIPAL USES.

33.36.040 Uses Permitted. (Amended by Ord. No. 150581, 155589 and 156689; effective Nov. 19, 1984.)

(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) Residential homes.
- (g) Elderly and disabled high

density housing as regulated by Chapter 33.81.

(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 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) (Added by Ord. No. 152549; amended by Ord. No. 153062, and 155387; Dec. 8, 1983.) Adult businesses as defined in Chapter 33.80 are prohibited.

(5) (Added by Ord. No. 159258 Dec. 18, 1986.) Convenience stores shall be subject to the requirements and procedures specified in Chapter 33.814 Convenience Store Review Process.

33.36.060 Off-street Parking. (Amended by Ord. No. 150581; and 160606 effective July 1, 1988.) There are no minimum off-street parking requirements in the RX Zone. Off-street parking provided must comply with all the regulations of Chapter 33.82.

33.36.065 Bicycle Parking. (Added by Ord. No. 160606 effective July 1, 1988.) Bicycle parking must be provided for both new construction and building modifications. All required bicycle parking in residential projects and 50 percent of required bicycle parking in nonresidential projects having 10 or more required bicycle parking spaces must be covered.

A. Standard. The minimum amount of bicycle parking provided must meet the following:

1. Residential use: one space per every four dwelling units;
2. Hotel or motel use: one space per every 20 employees;
3. All other uses: 10 spaces, or one space for every 20,000 gross square feet of building area, or one space for every 20 passenger automobile spaces provided, whichever is greater;
4. Parking structures independent of a specific use: one space for every 20 passenger automobile spaces.

B. Compliance. All new construction projects are subject to this requirement. If the building has a loading dock or motor vehicle access, bicycle parking must also be provided for all major remodeling projects in accordance with Subsection A., above. Major remodeling projects are those where the building floor area is being increased by 50 percent or more or where the cost of the remodeling is greater than 50 percent of the assessed value of the existing improvements on the site (assessed value is the value shown on the Multnomah County assessment and taxation records for the current year). Multiple remodeling projects undertaken since the initial effective date of this Chapter that cumulatively meet the above description of a major project are treated as a major project and must comply when their total costs are equivalent to 50 percent of the assessed improvement value.

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:

Less than 30,000 sq ft	None
30,000 sq ft and over	1

(c) Business and service uses:

Less than 20,000 sq ft	None
20,000 sq ft and over	1

(d) In the aggregate no more than one 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; and 160606 effective July 1, 1988.)

A. In RX Zones, the maximum floor area permitted on any lot is limited to a floor area ratio of 4:1.

B. Of the total floor area on any

site, no more than 20 percent may, as a matter of right, house the commercial uses listed as permitted in Section 33.36.040 (2), or by Section 33.36.160 (2). Up to an additional 20 percent of the total floor area for commercial uses, permitted by 33.36.040 (2), may be approved as conditional uses if approved under the procedures specified in Chapter 33.106. This may be increased to 50 percent of the total floor area when the site is located, in its entirety, within 500 feet of a right-of-way containing a light rail line (Metropolitan Area Express line).

C. With the exception of the Park Blocks frontage limitation, as set forth in Section 33.36.040 (3), nonresidential floor area may be transferred between two or more lots within a RX zoned area if approved under the provisions of 33.106 and 33.36.165.

33.36.110 Maximum Height. (Amended by Ord. No. 160606 effective July 1, 1988.) In RX Zones, the maximum height permitted on any lot is 75 feet.

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. (Added by Ord. No. 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 requirements:

(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.

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 additions, alterations, or repairs of existing facilities exceeding 50 percent of the value of the existing buildings or improvement.

33.36.130 Signs. (New Section substituted by Ord. No. 158535 May 22, 1986.) Sign regulations for all uses are stated in Chapter 33.535, Signs.

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. (Amended by Ord. No. 153828; effective 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 Conditional Uses. (Amended by Ord. No. 152989, 156374, 160497; and 160606 effective July 1, 1988.) In RX zoned areas, 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:

(a) Artist studios;
(b) Athletic clubs;
(c) Auto service facilities if enclosed in a public or private off-street parking structure when such facility does not exceed 5,000 square feet of gross floor area;

(d) Colleges;
(e) Community clubs;
(f) Excavation and filling;
(g) Helicopter landing facilities;
(h) municipal, county, State, and federal governmental structures and land uses, which are essential to the functioning and servicing of residential neighborhoods;

(i) Libraries;
(j) Lodges or fraternal organizations or private clubs;

(k) Museums;
(l) Nurses' homes or other residential buildings accessory to hospitals;

(m) 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;

(n) Places of worship;
(o) Public or private off-street for fee parking;

(p) Public or private off-street parking;

(q) Public transit facilities;
(r) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods;

(s) Residential buildings accessory to places of worship;

(t) Nursery schools, day care centers;

(u) Schools, parochial and private;
(v) Schools, public;
(w) Residential care facilities, community care facilities, and institutional care facilities;

(4) Nonresidential floor area transfer.

33.36.162 Public Transit Facilities.
(Added by Ord. No. 152989 effective March 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 18 hours, whichever is less.

33.36.163 Commercial Uses in RX Zoned Areas. (Added by Ord. No. 160606 effective July 1, 1988.) The review for this conditional use is to assure the allowance of commercial uses in greater amounts than allowed outright to financially support the development of housing.

A. Specific regulations.

1. Uses. Uses are limited to those in the Office, Personal Service, and Retail Sales and Service Activity categories.

2. Floor Area Limits. Up to 20 percent of a building's gross square footage may be developed for commercial uses by right. Up to 40 percent of a new building's gross square footage may be used for commercial uses as a conditional use. This may be increased to 50 percent of a new building's gross floor area on building sites that are located, in their entirety, within 500 feet of a right-of-way containing a light rail transit line. Approval of more than 40 percent (or 50 percent for sites near light

rail) of the gross floor area for commercial use is prohibited.

3. Type of building. Commercial uses in amounts requiring a conditional use permit may go only into new development.

B. Approval criteria. All the following approval criteria must be met:

1. The overall development will result in a net increase in housing units on the site;

2. The additional amount of commercial use is clearly shown to be needed to make the housing project financially feasible, (a financial analysis must be included with the application which explains the financial role of commercial portions of the project in supporting residential portions of the project); and

3. The appearance, location, and amount of commercial uses in the project will not by itself or in combination with other nearby development decrease the desirability of the area for retention of existing housing or the development of new housing.

33.36.164 Residential Care

Facility. (Added by Ord. No. 156374 effective Sept. 10, 1984.) Regulations for residential care facilities are found in Chapter 33.106.

33.36.165 Nonresidential Floor Area

Transfer. (Added by Ord. No. 160606 effective July 1, 1988.) A project may be erected on two or more lots in the RX Zone with one or more of the sites as a 100 percent nonresidential development if all the following approval criteria are met:

A. All buildings on each site conform to all Sections of this Chapter;

B. The total residential floor area to be developed on all sites involved in the transfer is completed and receives a certificate of occupancy at the same time or prior to issuance of any temporary or permanent occupancy certificate for structures housing nonresidential floor area; and

C. The nonresidential development will not detract from, or significantly reduce, the residential character of the area in which it is proposed to be located.

33.36.166 Community Care

Facility. (Added by Ord. No. 156374 effective Sept. 10, 1984.) Regulations for community care facilities are found in Chapter 33.106.

33.36.167 Helicopter Landing

Facility. (Added by Ord. No. 160497 effective Mar. 21, 1988.) Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

33.36.168 Institutional Care

Facility. (Added by Ord. No. 156374 effective Sept. 10, 1984.) Regulations for institutional care facilities are found in Chapter 33.106.

33.36.169 Public or Private

Off-Street For Fee Parking. (Added by Ord. No. 160606 effective July 1, 1988.) Parking not accessory to a principal or conditional use located in the RX Zone, and operated as a commercial enterprise, may be permitted if all of the following approval criteria are met:

A. Parking proposed within the boundaries of the Downtown Parking and Circulation Policy meets all requirements of the Policy;

B. The parking serves primarily uses within the RX Zone; and

C. Surface parking lots comply with all provisions of Chapter 33.82 Parking.

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 ZONE

(Substituted by Ord. No. 159798
passed June 18, effective
July 20, 1987.)

Sections:

- 33.38.010 Purpose.
- 33.38.020 Applicability.
- 33.38.030 Classifications.
- 33.38.040 Locations Permitted.
- 33.38.050 Uses Permitted.
- 33.38.060 Accessory Uses.
- 33.38.065 Accessory Structures.
- 33.38.070 Limitations on Uses.
- 33.38.080 Prohibited Uses.
- 33.38.090 General Site Development Regulations.
- 33.38.095 Residential Uses.
- 33.38.100 Type A Site Development Regulations.
- 33.38.110 Type B Site Development Regulations.
- 33.38.120 Conditional Uses.

33.38.010 Purpose. The C5, Limited Commercial, Zone is intended to provide for professional office uses in concentrated areas and in locations where office uses can act as a buffer and transitional use between residential areas and more intense development. The C5 Zone affords opportunities for business and professional services in close proximity to residential neighborhoods and transportation facilities. Residential uses are also permitted.

33.38.020 Applicability. In all C5 Zones, the use of the land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures must conform in all respects to the regulations in this Chapter.

33.38.030 Classifications. In C5 Zones, uses and site development regulations are governed in accordance with the following classification of sites:

Type A: Sites of less than one acre.
Type B: Sites of one acre or more.

33.38.040 Locations Permitted. In approving a C5 zone change and Comprehensive Plan map amendment, the following locational criteria shall be met in addition to other applicable standards of Policy 10.4 and 10.8 of the Comprehensive Plan:

A. The site abuts a major traffic or district collector, or major transit street (as identified in the Arterial Streets Classification Policy), or

B. The site abuts an arterial or principle collector (as identified by the Multnomah County classification system), or

C. The site adjoins an RH, C5, C3, C2, C1, M, GE, GI, or HI Zone.

33.38.050 Uses Permitted.

A. The following principal uses are allowed by right, subject to the site development regulations of this Chapter, and other requirements of this Title:

1. Offices for business or professional activities.

2. Medical or dental offices or clinics.

B. Residential uses as permitted in and regulated by the R2 Zone.

C. Accessory commercial uses as permitted by Section 33.38.060 (Accessory Uses) below.

D. Conditional uses as permitted by Section 33.38.130 (Conditional Uses).

33.38.060 Accessory Uses.

A. Accessory commercial uses are permitted under the following restrictions:

1. Commercial uses are allowed only on Type B sites.

2. Commercial uses are limited to personal service and retail product sales and service as described in Chapter 33.111.

3. Commercial uses are permitted only as part of an office or clinic development, and must be located in the same building as the office or clinic use.

4. Commercial uses may occupy, by right, no more than 5 percent of the total gross square footage of the office or clinic

development.

B. Additional Accessory Commercial. The 5 percent limitation on accessory commercial uses may be increased up to, but in no case more than, 20 percent of the gross floor area of an office or clinic development through a Type II procedure assigned to the Hearings Officer. The additional square footage will be granted if it is found that:

1. The increase will not create additional traffic on residential streets above what is reasonably expected to be generated by the primary uses. The increase will not create additional noise above the amount allowed by City standards nor other negative impacts such as unsightliness on any residential development in the area.

2. The use is oriented to primarily serve the employees and users of the principal use on the site; and

3. The overall appearance, character and layout of the development will remain an office or clinic.

33.38.065 Accessory Structures.

A. The setbacks for accessory buildings are the same as those for the main structure, except for Subsection B below:

B. Structures accessory to a residential use are governed by Sections 33.30.160 - 33.30.240 of the R2 Zone.

33.38.070 Limitations on Uses. All uses and operations, except for off-street parking and loading, must be confined, contained, and conducted within completely enclosed buildings.

33.38.080 Prohibited Uses. All uses not specifically listed as permitted uses are prohibited.

33.38.090 General Site Development Regulations. The following site development regulations apply to office and clinic uses, including their accessory uses and structures:

A. Off-street parking.

1. For medical and dental offices and clinics, one parking space is required for

each 300 square feet of gross floor area.

2. For all other uses, one parking space is required for each 500 square feet of gross floor area.

3. All associated parking must be provided on-site.

4. Screening, buffering, and landscaping are required for parking areas in accordance with the regulations of Chapter 33.82.

B. Bicycle parking. Three bicycle parking spaces are required for each 50 or fewer automobile parking spaces. One additional bicycle parking space is required for each additional 20 spaces of automobile parking. Bicycle parking is governed by Chapter 33.82.

C. Lot coverage. The maximum lot coverage for all buildings and structures covered with a roof is 50 percent of the total lot area.

D. Mechanical equipment. Mechanical equipment such as ventilating fans, heating and cooling units, elevator shafts or similar equipment to maintain or operate the building may extend above the height limit. Such equipment must be completely screened with a wall, fence or other architectural feature which is 100 percent obscuring. The screening must be as tall or taller than any equipment behind the screen or within the screen enclosure.

E. Street trees. Street trees are required and must meet the requirements of Section 33.34.120 (Street Trees).

F. Landscaping. Site area not regulated by Chapter 33.82 and not devoted to vehicle maneuvering or parking, structures or walkways must be landscaped to a minimum of level L1 in Section 33.520.020 (Required Materials).

G. (Added by Ord. No. 161219; effective Sept. 8, 1988.) Building orientation. Development is subject to the provisions of Section 33.82.035, Building Orientation.

H. Signs. Sign regulations for all uses are stated in Chapter 33.535, Signs.

I. Development adjacent to watercourses and water bodies. Development is subject to the provisions of Subsection 33.22.115 (2) through (8) within

the following areas:

1. Between the ordinary high water line and 25 feet back from the top of the banks of watercourses and water bodies such as rivers, lakes, ponds, sloughs or wetlands, as shown on the City of Portland Water Features Map.

2. Within 25 feet of the centerline of watercourses such as streams, creeks, and drainageways draining 30 acres or more, as shown on the City of Portland Water Features Map.

33.38.095 Residential Uses.

A. The regulations of Chapter 33.30 govern residential development in the C5 Zone.

B. Where any permitted residential uses are combined, on the same lot or in the same building, with another principal use permitted in the C5 Zone, off-street parking and lot area are calculated for each use separately. Side and rear yards may be reduced to the requirements of the R2 Zone for the portion of the structure containing residential uses.

C. Signs for residential uses are regulated by Section 33.535.240 and Table 535.2 of the Sign Chapter.

33.38.100 Type A Site Development Regulations. In addition to the site development regulations of Section 33.38.090, the following regulations apply to Type A sites:

A. Height. The maximum permitted height of any structure is 35 feet. Chimneys and radio and television whip aerials may extend above the height limit.

B. Front yard. The front yard regulations of the most restrictive R Zone along the same street frontage applies, or 15 feet if no residential zone abuts the site. On corner lots, the required front yard along the long dimension of the lot is 10 feet.

C. Side and rear yards. A 10-foot yard is required along any lot line abutting an R Zone. No yard is required along any lot line abutting a commercial or industrial zone, except as required for residential uses.

33.38.110 Type B Site Development Regulations. In addition to the site development regulations of Section 33.38.090, the following regulations apply:

A. Height. The maximum height permitted of any structure is 45 feet. Chimneys and radio and television whip aerials may extend above the height limit.

B. Front yard. A minimum front yard of 30 feet is required. On corner lots, the required front yard along the long dimension of the lot is 10 feet.

C. Side and rear yards. A 30-foot yard is required along any lot line abutting an R Zone. No yard is required along any lot line abutting a commercial or industrial zone, except as required for residential use.

D. Floor area ratio. The maximum floor area ratio (FAR) of all structures on a lot shall not exceed 1:1.

33.38.120 Conditional Uses.

A. Uses permitted. In a C5 Zone the following conditional uses may be permitted under authority and according to the procedures specified in Chapter 33.106:

1. Development of land adjacent to water features as defined in Subsection 33.38.090 H.

a. Regulations for development of lands adjacent to water features shall be those listed in section 33.42.249.

2. (Added by Ord. No. 160497 effective Mar. 21, 1988.) Helicopter Landing Facility. Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

Chapter 33.40

C4 NEIGHBORHOOD COMMERCIAL ZONE

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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.)

(a) 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.

(d) (Added by Ord. No. 159258 Dec. 18, 1986.) Convenience stores shall be subject to the requirements and procedures specified in Chapter 33.814 Convenience Store Review Process.

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 Subsection (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 by Ord. No. 151021; effective Jan. 22, 1981). The gross floor area permitted in paragraph (a) of this Section, may be increased to 7,000 square feet for an 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 1 vertical unit of measure for every 4 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) The 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 20 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 25 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 2 feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the 20 foot height limit.

(d) (Added by Ord. No. 157990 effective Feb. 18, 1986.) In addition to the

height limits of this Section, the height limits of the solar access regulations of Chapter 33.525 must also be met.

33.40.100 Minimum Front Yard*.

(a) There shall be a front yard of not less than 15 feet; provided, however, that where lots comprising 40 percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than 10 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 25 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 25 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 10 feet. In case of a square lot or lot having equal frontage on two intersecting streets, one front yard may be reduced to 10 feet providing the other front yard is at least 15 feet.

*See Chapter 33.90 for additional regulations.

33.40.110 Minimum Side Yard.

(Amended by Ord. No. 150581; effective Jan. 1, 1981.) A side yard is not required except where the use 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 6 feet for a one story building, and 7 feet for a two story building. An evergreen hedge shall be provided in required side yards which shall be 5 feet in height within at least 2 years after the date an occupancy permit is issued.

33.40.120 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 in the rear yard of the C4 Zone where the two abut. An evergreen hedge shall be provided at least 5 feet in height within 2 years after the date an occupancy permit is issued.

33.40.121 Solar Access

Requirements. (Added by Ord. No. 157990 effective Feb. 18, 1986.) In addition to other height, setback and yard limits of this Title, the solar access requirements of Chapter 33.525 must also be met.

33.40.123 Development Adjacent to Watercourses and Water Bodies. (Added by Ord. No. 153329; effective July 5, 1982.)

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

(a) Between the ordinary high water line and 25 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 25 feet of the centerline of watercourses such as streams, creeks, and drainageways draining 30 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. (New Section substituted by Ord. No. 158535 May 22, 1986.) Sign regulations for all uses are stated in Chapter 33.535, Signs.

33.40.132 Building Orientation. (Added by Ord. No. 161219; effective Sept. 8, 1988.) Development is subject to the provisions of Section 33.82.035, Building Orientation.

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 screening 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 3 feet high at the time of planting and at least 5 feet high within 2 years after the date an occupancy permit is issued.

RESIDENTIAL USES

33.40.140 On Lots Abutting 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) (Amended by Ord. No. 155589;

March 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) (Added by Ord. No. 155589; March 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.

(Added by Ord. No. 150581; amended by Ord. No. 153827; and 161335 effective Oct. 19, 1988.)

(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 or July 26, 1979 for land which has been annexed by the City on or after July 26, 1979. The Comprehensive Plan contained significant zoning map and Zoning Code changes to better guide future land use decisions. As a result, some land use activities no longer comply with the applicable regulations. 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 within the City limits of Portland at the time the Comprehensive Plan took effect on January 1, 1981, was subject to the City Comprehensive Plan and zoning provisions, and was a legally established principal or conditional use in its zone, and complied with all siting, structural, and parking requirements; but 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 the zone; or the use no longer complies with all siting, structural, and parking standards of this Chapter; or

(2) A use that was a lawfully established use which was subject to and complied with the applicable Multnomah County Plan and zoning ordinance provisions prior to July 26, 1979, but was not listed in the applicable zone as a primary use, use permitted under prescribed conditions, a community service use or conditional use on July 26, 1979 and which has been annexed to the City of Portland on or after July 26, 1979 and the property owner can provide evidence that the use is a pre-existing use as defined in this definition. Notwithstanding the provisions of Section 33.570.040 (A) regarding the prohibition of pre-existing uses in a transit zone, pre-existing uses within this definition shall be recognized in the transit zones and shall be subject to the provision of 33.32.135 (C).

(c) Regulations: The following regulations apply to pre-existing uses as defined by 33.32.135 (b) (1) and (b) (2). When the regulations are applied to a pre-existing use under 33.32.135 (b) (1), the applicable dates are as provided below. When the regulations are applied to a pre-existing use under 33.32.135 (b) (2), the applicable dates are as follows: July 25 shall be substituted for December 31, 1980 and July 26 shall be substituted for January 1, 1981. 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 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. Floor area expansion for uses that were conditional uses under the former zoning are subject to the conditional use procedures of Chapter 33.106.

B. All other pre-existing uses 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.

C. 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. A use that was a conditional use under the former zoning may expand site area subject to the conditional use procedures of Chapter 33.106.

D. All other pre-existing uses may expand site area as follows:

(i) 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.

(ii) Other site expansions shall be subject to the conditional use process of Chapter 33.106.

E. The regulations for the site expansion governing floor area ratio, yards, height and all parking shall be those currently in effect for the zone category on the expansion site in place on December 31, 1980.

F. 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 and the Fire Bureau.

(6) (Repealed by Ord. No. 158535 May 22, 1986.)

(7) If a pre-existing use is discontinued for more than 2 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 abutting R

Zones, no one story accessory building shall be located nearer than 6 feet to a side or rear lot line, and no two story accessory building shall be located nearer than 7 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 12 inches from the side and/or rear lot line with 4-inch allowance for eave or gutter projection and any wall located closer than 30 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 by Ord. No. 140290, 148244, 150581, 153329, 156374, 156689; and 160497 effective Mar. 21, 1988.) 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 disabled 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) Helicopter landing facilities;
- (10) High density multi-family;
- (11) Homes, convalescent;
- (12) Hospitals, general;
- (13) Hospitals, mental, or remedial;
- (14) Uses or buildings accessory to hospitals;
- (15) Libraries;
- (16) Lodges, fraternal organizations, or private clubs, only if located on a lot abutting R1, RH, C3, C2, or M Zones;
- (17) Mass transit waiting stations or turn arounds;
- (18) Medium density multi-family;
- (19) Museums;
- (20) Parks, public;
- (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) Community care facility;
- (27) Institutional care facility;
- (28) Residential care facility;
- (29) 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.

33.40.211 Community Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for community care facilities are found in Chapter 33.106.

33.40.212 Elderly and Disabled High Density Housing.
(Added by Ord. No. 150581; amended by Ord. No. 156689 effective Nov. 19, 1984.) High density housing for the elderly and disabled shall meet the requirements of Chapter 33.81.

33.40.213 Helicopter Landing Facility. (Added by Ord. No. 160497 effective Mar. 21, 1988.) Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

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.

33.40.215 Institutional Care Facility. (Added by Ord. No. 156374 effective Sept. 10, 1984.) Regulations for institutional care facilities are found in Chapter 33.106.

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.

33.40.217 Residential Care Facility. (Added by Ord. No. 156374 effective Sept. 10, 1984.) Regulations for residential care facilities are found in Chapter 33.106.

33.40.218 Recycling Centers.

(Added by Ord. No. 151909 effective Aug. 4, 1981.) Regulations for recycling centers shall be:

(1) Lot Size Required. The lot area shall be at least 10,000 square feet per center, and no more than 40,000 square feet.

(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 feet high and not more than 8 feet 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 foot 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 six 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 five 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 by Ord. No. 153329 effective July 5, 1981.) 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) (Added by Ord. No. 152549; amended by Ord. No. 155387; effective 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.)

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- 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. (Amended by Ord. No. 156374; effective Sept. 10, 1984.) 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) (Amended by Ord. No. 155387; effective 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:
 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) Optometrists;
 (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) Community care facilities and institutional care facilities, 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) (Amended by Ord. No. 155630; effective March 16, 1984.) where the parking structure has one or more levels more than 4 feet above grade, at least 60 percent 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 10- foot landscaped yard planted with trees and grass or other low-lying growing ground cover, which shall not exceed 1 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 1,000 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. No. 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 by Ord. No. 151021; effective 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) (Added by Ord. No. 152549; amended by Ord. No. 153062, 153146, and 155387; effective Dec. 8, 1983.) Adult businesses as defined in Chapter 33.80 are

also subject to the regulations of Chapter 33.80.

(g) (Added by Ord. No. 155630; effective March 26, 1984.) Developments located on superblocks must comply with the Superblock Development Regulations of Chapter 33.91.

(h) (Added by Ord. No. 159258 Dec. 18, 1986.) Convenience stores shall be subject to the requirements and procedures specified in Chapter 33.814 Convenience Store Review Process.

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 by Ord. No. 151021; effective 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 percent 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) (Added by Ord. No. 155630; effective March 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) (Added by Ord. No. 155630; effective March 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:** 10 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 10 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 20,000 square feet of gross floor area or more according to the following table:

Square Feet of Floor Area	Loading Berths Required
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USES: Hotels

20,000 - 99,999	1
100,000 and over	2

USES: Theaters

20,000 and over	1
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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

Square Feet
of Floor Area

Loading Berths
Required

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

Square Feet
of Floor Area

Loading Berths
Required

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. (Amended by Ord. No. 155630; and 160606 effective July 1, 1988.)

(a) A maximum floor area ratio of 3:1 is allowed.

33.41.090 Maximum Height Permitted. (Amended by Ord. No. 151021, 155630; and 160606 effective July 1, 1988.)

(a) The maximum allowable height is 45 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 25 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 2 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 by Ord. No. 153329; effective July 5, 1982.)

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

(a) Between the ordinary high water line and 25 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 25 feet of the centerline of watercourses such as streams, creeks,

and drainageways draining 30 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.

33.41.135 Superblock. (Added by Ord. No. 159256 effective Jan. 1, 1987.) Superblock development regulations may apply. Refer to Chapter 33.91 for applicability.

33.41.140 Building Orientation. (Amended by Ord. No. 155630; and 161219 effective Sept. 8, 1988.) Development is subject to the provisions of Section 33.82.035, Building Orientation.

33.41.150 Signs. (New Section substituted by Ord. No. 158535 May 22, 1986.) Sign regulations for all uses are stated in Chapter 33.535, Signs.

RESIDENTIAL USES

33.41.160 On All Lots in C3 Zones. (Amended by Ord. No. 155589 and 156689; effective Nov. 19, 1984.)

(a) Uses permitted:

(1) One family detached dwellings;

(2) One family attached dwellings;

(3) Two family dwellings;

(4) Multi-family dwellings;

(5) Elderly and disabled high density housing as regulated by Chapter 33.81;

(6) Boarding and rooming houses.

(7) Residential homes.

(b) 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, 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 Zones.

(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 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.

(Added by Ord. No. 150581; amended by Ord. No. 153827; and 161335 effective Oct. 19, 1988.)

(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 or July 26, 1979 for land which has been annexed by the City on or after July 26, 1979. The Comprehensive Plan contained significant zoning map and Zoning Code changes to better guide future land use decisions. As a result, some land use activities no longer comply with the applicable regulations. 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 within the City limits of Portland at the time the Comprehensive Plan took effect on January 1, 1981, was subject to the City Comprehensive Plan and zoning provisions, and was a legally established principal or conditional use in its zone, and complied with all siting, structural, and parking requirements; but 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 the zone; or the use no longer complies with all siting, structural, and parking standards of this Chapter; or

(2) A use that was a lawfully established use which was subject to and complied with the applicable Multnomah County Plan and zoning ordinance provisions prior to July 26, 1979, but was not listed in the applicable zone as a primary use, use permitted under prescribed conditions, a community service use or conditional use on July 26, 1979 and which has been annexed to the City of Portland on or after July 26, 1979 and the property owner can provide evidence that the use is a pre-existing use as defined in this definition. Notwithstanding the provisions of Section 33.570.040 (A) regarding the prohibition of pre-existing uses in a transit zone, pre-existing uses within this definition shall be recognized in the transit zones and shall be subject to the provision of 33.32.135 (C).

(c) Regulations: The following regulations apply to pre-existing uses as defined by 33.32.135 (b) (1) and (b) (2). When the regulations are applied to a pre-existing use under 33.32.135 (b) (1), the applicable dates are as provided below. When the regulations are applied to a pre-existing use under 33.32.135 (b) (2), the applicable dates are as follows: July 25 shall be substituted for December 31, 1980 and July 26 shall be substituted for January 1, 1981. 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 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. Floor area expansion for uses that were conditional uses under the former zoning are subject to the conditional use procedures of Chapter 33.106.

B. All other pre-existing uses 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.

C. 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. A use that was a conditional use under the former zoning may expand site area subject to the conditional use procedures of Chapter 33.106.

D. All other pre-existing uses may expand site area as follows:

(i) 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.

(ii) Other site expansions shall be subject to the conditional use process of Chapter 33.106.

E. The regulations for the site expansion governing floor area ratio, yards, height and all parking shall be those currently in effect for the zone category on the expansion site in place on December 31, 1980.

F. 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 and the Fire Bureau.

(6) (Repealed by Ord. No. 158535 May 22, 1986.)

(7) If a pre-existing use is discontinued for more than 2 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

33.41.180 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 by Ord. No. 153329, 156374; and 160497 effective Mar. 21, 1988.) 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) Helicopter landing facilities;
- (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) Community care facilities and institutional care facilities, 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 (Section substituted by Ord. No. 160497 effective Mar. 21, 1988.) **Helicopter Landing Facility.** Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

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 30 minutes between 7:00 a.m. and 7:00 p.m.

(d) Such a project must be within 1/2 mile of a full service grocery.

(e) Such a project must be within 1/2 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.

(Added by Ord. No. 155630; effective March 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 Recycling Centers.

(Added by Ord. No. 151909; effective August 4, 1981.) Regulations for recycling centers shall be:

(1) Lot Size Required. The lot area shall be at least 10,000 square feet per center, and no more than 40,000 square feet.

(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 feet high and not more than 8 feet 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-foot 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 streets, 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 six 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 five 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

Facility. (Substituted by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for residential care facilities are found in Chapter 33.106.

33.41.281 Community Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for community care facilities are found in Chapter 33.106.

33.41.282 Institutional Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for institutional care facilities are found in Chapter 33.106.

33.41.285 Development of Lands Adjacent to Water Features as Defined in Section 33.41.125. (Added by Ord. No. 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

Sections:

- 33.42.010 Generally.
- 33.42.015 Purpose.

Principal Uses

- 33.42.020 Uses Permitted.
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- 33.42.040 Off-Street Parking Required.
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- 33.42.060 Lot Size Required.
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- 33.42.160 Generally.
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- 33.42.245 Residential Care Facilities.
- 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, enlargement, 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; April 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 milinery 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) GROUP 3 (Amended by Ord. No. 155387; Dec. 8, 1983.):
 - (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 pounds;

- (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) (Repealed by Ord. No. 158535 May 22, 1986.)
- (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 theatres, offering goods and services directly to the 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 5-ton 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) Theatres, except drive-in theatres;
- (33) Wedding chapel or reception hall;
- (34) (Substituted by Ord. No. 156374; effective Sept. 10, 1984.) Community care facilities and institutional care facilities, 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) GROUP 3: (Amended by Ord. No. 155387: Dec. 8, 1983.) 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 6 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 56 feet long, not more than 25 feet wide, and completely enclosed during operation except for driveway entrances and exits,

C. Located within a building which is sound insulated in 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 7:30 a.m. and 9:30 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 March 14, effective April 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) GROUP 7: (Added by Ord. No. 150581; effective Jan. 1, 1981.)

(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 square feet for all buildings, including those housing uses accessory to the principal use.

(g) (Added by Ord. No. 155630; effective March 26, 1984.) Developments located on superblocks must comply with the Superblock Development Regulations of Chapter 33.91.

(h) (Added by Ord. No. 157457; repealed by Ord. No. 158535 May 22, 1986.)

(i) (Added by Ord. No. 159258 Dec. 18, 1986.) Convenience stores shall be subject to the requirements and procedures specified in Chapter 33.814 Convenience Store Review Process.

33.42.040 Off-street Parking Required.

(a) GROUP 1 USES: One space per 500 square feet of gross floor area.

(b) GROUP 2 USES: One space per 700 square feet of gross floor area.

(c) GROUP 3 USES: (Amended by Ord. No. 155387; Dec. 8, 1983.)

(1) Adult businesses, parking requirements for adult businesses are listed in Section 33.80.080;

(2) Building contractors: One space per 700 square feet of gross floor area, but not more than one space per four employees;

(3) Building materials outlet: One space per 500 square feet of gross floor area, excluding area used for storage of materials;

(4) Cabinet or carpenter shop: One space per 700 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 50 square feet of dance floor and area occupied by tables,

D. Games of science and skill: One space per 500 square feet of gross floor area,

E. Gymnasium: One space per 56 square feet of floor area occupied by spectators; or where seating is fixed, one space per eight seats or 16 feet of bench length,

F. Indoor arenas: One space per 56 square feet of floor area occupied by spectators; or where seating is fixed, one space per eight seats or 16 feet of bench length,

G. Penny arcade: One space per 500 feet of gross floor area,

H. Shooting gallery: One space per 500 square feet of gross floor area,

I. Skating rink: One space per 100 square feet of rink area;

(6) Feed store: One space per 500 feet of gross floor area, excluding area used for storage of materials;

(7) Fuels, solid, outlet: One space 500 square feet of gross floor area, excluding area used for storage of materials;

(8) Production and fabrication of goods: One space per 700 square feet of gross floor area;

(9) Secondhand store: One space per 500 square feet of gross floor area;

(10) Sign painting shop: One space per 700 square feet of gross floor area;

(11) Upholstering shop: One space per 700 square feet of gross floor area;

(12) Wholesale business: One space per 700 square feet of gross floor area.

(d) GROUP 4 USES: (Amended by Ord. No. 151417; April 16, 1981.)

One space per two employees in addition to spaces provided for customer's vehicles and vehicles in stock. Billboards do not require any parking provisions.

(e) GROUP 5 USES: (Amended by Ord. No. 138936, 140290, 150581, and 151417; April 16, 1981.)

(1) Auditorium, exhibition hall, or other public assembly room: One space per 56 square feet of floor area; or where seating is fixed, one space per eight seats or 16 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 20 linear feet driving line,

B. Miniature golf: One space per two holes,

C. Outdoor stadiums: One space per 12 seats or 24 feet of bench length,

D. Race tracks: One space per 12 seats or 24 feet of bench length,

E. Swimming pools: One space per 100 square feet of pool area 6 feet deep or shallower;

(6) Community clubs: One space per 84 square feet of floor area in the main auditorium; or where seating is fixed, one space per 12 seats or 24 feet of bench length;

(7) Crematories, mausoleums, columbariums: One space per 35 square feet in the chapel; or where seating is fixed, one space per five seats or 10 feet of bench length;

(8) Drive-in businesses: One space per two employees in addition to spaces provided for customer's vehicles;

(9) Frozen food lockers: One space per 1,000 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 500 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 400 square feet of reading room area;

(16) Lodges, fraternal organizations, and private clubs: One space per 300 square feet of gross floor area;

(17) Medical or dental offices or clinics: One space per 250 square feet of gross floor area;

(18) Mortuary: One space per 35 square feet in the chapel; or where seating is fixed, one space per five seats or 10 feet of bench length;

(19) Motel: One space per guest room or suite;

(20) Museums: One space per 84 square feet of floor area in the main auditorium; or where seating is fixed, one space per 12 seats or 24 feet of bench length;

(21) Optometrist: One space per 400 square feet of gross floor area;

(22) Parks: None;

(23) Passenger terminals, air, bus, or rail: One space per 1,000 square feet of gross floor area;

(24) Pleasure boats, sales, and service, and moorages: One space per 1,000 square feet of gross floor area, plus one space per two moorages;

(25) Printing, lithographing, or publishing: One space per 700 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 84 square feet of floor area in the main auditorium; or where seating is fixed, one space per 12 seats or 24 feet of bench length;

(28) Residential care facilities:

A. One space for each seven residents served under the age of 12.

B. One space for each four residents served 12 through 17 years of age.

C. One space for each four residents served 18 years or older;

(29) Restaurant, tea room, or cafe: One space per 100 square feet of patron serving area;

(30) Taverns, bars, or cocktail lounges: One space per 100 square feet of patron serving area;

(31) Telephone exchanges: One space per four employees headquartered at such structures;

(32) Theatres, except drive-in: One space per 56 square feet of floor area; or where seating is fixed, one space per eight seats or 16 feet of bench length;

(33) Wedding chapel or reception hall: One space per 56 square feet of floor area in public rooms;

(34) (Substituted by Ord. No. 156374; effective Sept. 10, 1984.) Community care facilities and institutional care facilities: One space per 10 people served.

(f) GROUP 6 USES:

(1) Churches: 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;

(2) Residential buildings accessory to churches: One space shall be provided for each 10 persons residing in such buildings;

(3) Colleges: One space per 10 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 20 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 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;

(11) Schools, public, private, and parochial high: One space per 56 square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per eight seats or 16 feet of bench length in the main auditorium.

(g) GROUP 7 USES: (Added by Ord. No. 150581; effective Jan. 1, 1981.) 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 Ord. No. 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 or 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 theatres: 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 20,000 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: Theatres

20,000 and over	1
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USES: Convalescent homes; all types of hospitals; colleges; laundries; and printing, lithographing, and publishing

	Square Feet of Floor Area	Loading Berths Required
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, 155630; and 160606 effective July 1, 1988.)

(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 5,000 square feet, and hereafter no permit shall be issued to construct or to enlarge a building to contain one of such uses exceeding 5,000 square feet in gross floor area.

(b) The maximum floor area ratio permitted is 3:1.

33.42.090 Maximum Height Permitted. (Amended by Ord. No. 150581, 155630; and 160606 effective July 1, 1988.)

(a) The maximum allowed height is 45 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 25 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 2 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*. (Amended by Ord. No. 153828; effective 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. (Amended by Ord. No. 153828; effective Oct. 18, 1982.) A side yard is not required

*See Chapter 33.90 for additional regulations.

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.

(Amended by Ord. No. 153828; effective 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 by Ord. No. 153329; effective July 5, 1982.)

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

(a) Between the ordinary high water line and 25 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 25 feet of the centerline of watercourses such as streams, creeks, and drainageways draining 30 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 50 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 50 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, such 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.

33.42.126 Superblock. (Added by Ord. No. 159256 effective Jan. 1, 1987.) Superblock development regulations may apply. Refer to Chapter 33.91 for applicability.

33.42.127 Building Orientation. (Added by Ord. No. 150851; amended by Ord. No. 155630 and 161219; effective Sept. 8, 1988.) Development is subject to the provisions of Section 33.82.035, Building Orientation.

33.42.130 Signs. (New Section substituted by Ord. No. 158535 May 22, 1986.) Sign regulations for all uses are stated in Chapter 33.535, Signs.

PRE-EXISTING USES

33.42.135 Pre-existing Uses. (Added by Ord. No. 150581; amended by Ord. No. 153827; and 161335 effective Oct. 19, 1988.)

(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 or July 26, 1979 for land which has been annexed by the City on or after July 26, 1979. The Comprehensive Plan contained significant zoning map and Zoning Code changes to better guide future land use decisions. As a result, some land use activities no longer comply with the applicable regulations. 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 within the City limits of Portland at the time the Comprehensive Plan took effect on January 1, 1981, was subject to the City Comprehensive Plan and zoning provisions, and was a legally established principal or conditional use in its zone, and complied with all siting, structural, and parking requirements; but 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 the zone; or the use no longer complies with all siting, structural, and parking standards of this Chapter; or

(2) A use that was a lawfully established use which was subject to and complied with the applicable Multnomah County Plan and zoning ordinance provisions prior to July 26, 1979, but was not listed in the applicable zone as a primary use, use permitted under prescribed conditions, a community service use or conditional use on July 26, 1979 and which has been annexed to the City of Portland on or after July 26, 1979 and the property owner can provide evidence that the use is a pre-existing use as defined in this definition. Notwithstanding the provisions of Section 33.570.040 (A) regarding the prohibition of pre-existing uses in a transit zone, pre-existing uses within this definition shall be recognized in the transit zones and shall be subject to the provision of 33.32.135 (C).

(c) Regulations: The following regulations apply to pre-existing uses as defined by 33.32.135 (b) (1) and (b) (2). When the regulations are applied to a pre-existing use under 33.32.135 (b) (1), the applicable dates are as provided below. When the regulations are applied to a pre-existing use under 33.32.135 (b) (2), the applicable dates are as follows: July 25 shall be substituted for December 31, 1980 and July 26 shall be substituted for January 1, 1981. 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 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. Floor area expansion for uses that were conditional uses under the former zoning are subject to the conditional use procedures of Chapter 33.106.

B. All other pre-existing uses 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.

C. 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. A use that was a conditional use under the former zoning may expand site area subject to the conditional use procedures of Chapter 33.106.

D. All other pre-existing uses may expand site area as follows:

(i) 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.

(ii) Other site expansions shall be subject to the conditional use process of Chapter 33.106.

E. The regulations for the site expansion governing floor area ratio, yards, height and all parking shall be those currently in effect for the zone category on the expansion site in place on December 31, 1980.

F. 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 and the Fire Bureau.

(6) (Repealed by Ord. No. 158535 May 22, 1986.)

(7) If a pre-existing use is discontinued for more than 2 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 On Lots Developed for Residential Uses in a C2 Zone: (Amended by Ord. No. 150581, 155589 and 156689; effective Nov. 19, 1984.)

(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 disabled high density housing as regulated by Chapter 33.81.

(7) 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 portion 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

33.42.160 Generally. No separate permit shall be issued for 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 400 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. (Amended by Ord. No. 134013, 134079, 138853, 138936, 139416, 142920, 148224, 150581, 153329, 153828, 156374; and 160497 effective Mar. 21, 1988.) 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) Animal hospital or veterinary office
- (2) Automobile service stations
- (3) Excavations and filling
- (4) Helicopter landing facilities;
- (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) Community care facilities and institutional care facilities, 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.

33.42.221 Helicopter Landing Facility. (Added by Ord. No. 160497 effective Mar. 21, 1988.) Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

33.42.222 High Density 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 the 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 pounds.
- (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 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 1,000 square feet of site area within the first year of operation.

(2) As a maximum, one off-street parking space shall be provided for each four 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 percent.

(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, noise, glare, heat, or vibration shall be prohibited.

33.42.228 Mass Transit Facilities. (Added by Ord. No. 155630; effective March 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. (Repealed by Ord. No. 160497 effective Mar. 21, 1988.)

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 by Ord. No. 151909 effective Aug. 4, 1981.) Regulations for recycling centers shall be:

(1) Lot size required. The lot area shall be at least 10,000 square feet per center, and no more than 40,000 square feet.

(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 feet high and not more than 8 feet 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-foot 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 six 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 a.m. and 7 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.

33.42.243 Community Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for community care facilities are found in Chapter 33.106.

33.42.244 Institutional Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for institutional care facilities are found in Chapter 33.106.

33.42.245 Residential Care Facilities. (Added by Ord. No. 138936; substituted by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for residential care facilities are found in Chapter 33.106.

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 1 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 - 16 lots per acre.

(5) Perimeter Treatment - Except as required for vision clearance, the outer perimeter of each park shall be improved with evergreen landscaping that is at least 10 feet in depth, will mature within 3 years, and reach at least 5 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 10 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 6 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, and 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 by Ord. No. 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

(Amended by Ord. 160606 effective
July 1, 1988.)

CX CENTRAL COMMERCIAL ZONE

Sections:

- 33.44.010 Generally.
- 33.44.012 Purpose.
- 33.44.014 Plan District Applicability.
- 33.44.020 Principal Uses Permitted.
- 33.44.030 Limitations on Activities.
- 33.44.040 Off-street Parking.
- 33.44.045 Bicycle 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 Conditional Uses.
- 33.44.142 Public Transit Facilities.
- 33.44.150 Regulations.
- 33.44.220 Prohibited Uses.
- 33.44.400 Helicopter Landing Facility.

33.44.010 Generally. (Amended by Ord No. 160606 effective July 1, 1988.) In all CX Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures must conform in all respects to the regulations in this Chapter.

33.44.012 Purpose. (Added by Ord. No. 147239; amended by 160606 effective July 1, 1988.) The CX Central Commercial Zone is designed to direct development within Portland's most urban commercial areas. The Central City's commercial pattern is the most intense and dense area in the City, region and state. The regulations permit a broad range of uses in recognition of this area's diverse and important role. Uses allowed include, but are not limited to, office, retail, entertainment, residential and institutional uses which help to maintain the Central City as Portland's commercial, cultural, and governmental center.

33.44.014 (Added by Ord. No. 147239; amended by 160606 effective July 1, 1988.) **Plan District Applicability.** Areas within a CX, Central Commercial Zone may be subject to the provisions of a Plan Districts of this Title. The provisions of the Plan District or Districts may supersede the provisions of this Chapter.

33.44.020 Principal Uses

Permitted. (Amended by Ord. No. 147239, 155589, 158535; and 160606 effective July 1, 1988.) In a CX Zone the following activities, as described in Chapter 33.111, are permitted within the limitations set by Sections 33.44.030 and 33.44.140:

- (1) Office Activities,
- (2) Personal Service,
- (3) Retail Products Sales and Service,
- (4) Religious Institutions,
- (5) Colleges and Hospitals,
- (6) Infrastructure,
- (7) Open Recreation,
- (8) Passive Open Areas,
- (9) Public Service,
- (10) Schools,
- (11) Major Event Entertainment,
- (12) Residential Uses (residential density is limited only by the floor area and height regulations of this zone),
- (13) Industrial Service,
- (14) Manufacturing and Production,
- (15) Vehicle Services.

33.44.030 Limitations on

Activities. (Amended by Ord. No. 147239, 152549, 153062, 153063, 153146, 155387, 159258; and 160606 effective July 1, 1988.) The following limitations apply to uses permitted in the CX, Central Commercial Zone:

- (a) Uses and operations which are objectionable due to odor, dust, smoke, noise, glare, heat, or vibration are prohibited.
- (b) In CX zoned areas, outdoor display of motor vehicles is permitted in association with a new car dealership provided that the screening requirements of Chapter 33.82 are met.
- (c) (Added by Ord. No. 152549; amended by Ord. No. 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) (Added by Ord. No. 153063; repealed by Ord. No. 155387; Dec. 8, 1983.)
- (e) (Added by Ord. No. 159258 Dec. 18, 1986.) Convenience stores shall be subject to the requirements and procedures specified in Chapter 33.814 Convenience Store Review Process.
- (f) Motor vehicle related Industrial Services are not permitted.
- (g) Manufacturing and Production uses are limited to those assembling or creating products from previously prepared materials which are not manufactured on-site.
- (h) Correctional Institutions are allowed only as conditional uses.

33.44.040 Off-street Parking.

(Amended by Ord. No. 147239; and 160606 effective July 1, 1988.) Provision of off-street parking is not required in the CX Zone. Parking provided is subject to the requirements of Chapter 33.82.

A. Downtown parking review. Off-street parking within the boundaries of the Downtown Parking and Circulation Policy is subject to special review prescribed in Chapter 33.702, Central City Plan District. All surface parking must also comply with all the provisions of Chapter 33.82.

B. Accessory parking. Surface parking which is accessory to another use is allowed but not required.

C. Commercial parking. Parking which is provided for a fee as a commercial business is a conditional use and must be reviewed and approved in accordance with the provisions of Chapter 33.106.

33.44.045 Bicycle Parking. (Added by Ord. No. 160606 effective July 1, 1988.) Bicycle parking must be provided for both new construction and building modifications within the CX Zone in accordance with the following requirements. 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 must be covered.

A. Standard. The amount of bicycle parking required is determined based on the following schedule:

1. Residential use: one space per every four dwelling units.

2. Hotel or motel use: one space per every 20 employees.

3. All other uses: 10 spaces, or one space for every 20,000 gross square feet of building area, or one space for every 20 passenger automobile spaces allowed, whichever is greater.

4. Parking structures independent of a specific use: one space for every 20 passenger automobile spaces allowed.

B. Compliance. All new construction projects are subject to this requirement. If the building has a loading dock or motor vehicle access bicycle

parking must be provided for major remodeling projects in accordance with Subsection A. above. Major remodeling projects are those where the building floor area is being increased by 50 percent or more or where the cost of the remodeling is greater than 50 percent of the assessed value of the existing improvements on the site (assessed value is the value shown on the Multnomah County assessment and taxation records for the current year). Multiple remodeling projects, undertaken since the initial effective date of this Chapter that cumulatively meet the above description of a major project are treated as a major project and must comply when the total cost of all projects are equivalent to 50 percent of the assessed improvement value.

33.44.050 Off-street Loading.

(Amended by Ord. No. 147239; passed Feb. 15, effective March 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:

<u>Number of Units</u>	<u>Loading Berths Required</u>
Less than 50	None
50 or more	1

(b) Offices:

<u>Gross Floor Area</u>	<u>Loading Berths Required</u>
Less than 30,000 sq. ft.	None
30,000 sq. ft. and over	1

(c) Business and Service Uses:

<u>Gross Floor Area</u>	<u>Loading Berths Required</u>
Less than 20,000 sq. ft.	None
20,000 sq. ft. and over	1

(d) In the aggregate no more than one 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 Minimum Lot Size.

(Amended by Ord. No. 147239; passed Feb. 15, effective March 19, 1979.) 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; and 160606 effective July 1, 1988.) Maximum total floor area permitted on any site is a floor area ratio of 4:1.

33.44.090 Maximum Height.

(Amended by Ord. No. 147239; and 160606 effective July 1, 1988.) Maximum height permitted in the CX Zone is 75 feet.

33.44.100 Minimum Yards. (New

Section substituted for Sections 33.44.100-120 by Ord. No. 147239; passed Feb. 15, effective March 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. (Added by Ord. No. 153668; effective August 12, 1982.) Street trees shall be provided in the right-of-way adjacent to any project property line, in conformance with the following requirements:

(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 percent of the value of the existing buildings for improvement.

33.44.130 Signs. (New Section substituted by Ord. No. 158535 May 22, 1986.) Sign regulations for all uses are stated in Chapter 33.535, Signs.

33.44.132 Unique Sign Districts and Sites. (Repealed by Ord. No. 158617 June 12, 1986.)

33.44.135 Downtown Plan Review. (Repealed by Ord. No. 147239; passed February 15, 1979, effective March 19, 1979.)

33.44.137 Demolition. (Added by Ord. No. 147239; passed February 15, 1979, effective March 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 (Amended by Ord. No. 132408, 138853, 138936, 147239, 152989, 160497; and 160606 effective July 1, 1988.)
Conditional Uses. In the CX Zone, the following conditional uses may be permitted subject to the regulations contained in Section 33.44.150 and the procedures specified in Chapter 33.106.

(1) Drive-in business, or any drive-in activity associated with a permitted use;

(2) Drive-in business, or drive-through facilities associated with a permitted use at locations within the boundaries of the Downtown Plan, Northwest Triangle Plan, or at other locations within 100 feet of a right-of-way in which a light rail transit line is located;

(3) Excavations and Fills;

(4) Vehicle Services, as defined in Chapter 33.111, at locations within the boundaries of the Downtown Plan and the Northwest Triangle Plan;

(5) Permanent outdoor activities not accessory to a permitted use such as commercial amusements, open air markets, vendors, and eating places not otherwise regulated by this Title;

(6) Correctional Institutions;

- (7) Commercial Parking;
- (8) Radio or television transmitters;
- (9) Industrial Products Sales and Service;
- (10) Helicopter landing facilities.

33.44.142 Public Transit Facilities.
(Added by Ord. No. 152989; passed March 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 18 hours, whichever is less.

33.44.150 Regulations. (Amended by Ord. No. 138936, 139117, 139702, 141105, 147239, and 160606 effective July 1, 1988.)

(1) The specific regulations and conditions governing each conditional use are determined as part of the approval process for each application. Approval is granted only if it is found that the proposed facility at the proposed location is consistent with the Goals and Policies of the Comprehensive Plan and applicable sub-area plans which are a part of the Comprehensive Plan.

(2) Conditional uses are also subject to the regulations governing principal uses permitted in the CX Zone, including all other regulations of other Chapters of this Title.

33.44.220 Prohibited Uses.

(Amended by Ord. No. 160606 effective July 1, 1988.) Uses of structures and land not permitted in this Chapter are prohibited in all CX Zones.

33.44.400 Helicopter Landing Facility. (Added by Ord. No. 160497 effective Mar. 21, 1988.) Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

Chapter 33.46

MX CENTRAL SERVICES ZONE

(Added by Ord. No. 147239, repealed by 160606 effective July 1, 1988.)

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.
- 33.50.126 Superblock.
- 33.50.127 Building Orientation.
- 33.50.130 Signs.

Pre-existing Uses

33.50.135 Pre-existing Uses.

Residential Uses

- 33.50.140 On Lots 600 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.
- 33.50.170 Height.
- 33.50.180 Accessory to Principal Use.
- 33.50.190 Accessory to Residential Use.

Conditional Uses

- 33.50.200 Uses Permitted.
- 33.50.210 Regulations.
- 33.50.220 Excavating or Filling.
- 33.50.222 Helicopter Landing Facility.
- 33.50.225 High Density Multi-family.
- 33.50.227 Natural Resources, Development of.
- 33.50.235 Automobile Service Station.
- 33.50.240 Railroad Rights-of-way and Passenger Stations.
- 33.50.241 Residential Care Facility.
- 33.50.242 Recycling Drop-off Center.
- 33.50.243 Community Care Facility.
- 33.50.244 Institutional Care Facility.
- 33.50.245 Development of Lands Adjacent to Water Features as Defined in Section 33.50.123.
- 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 pounds,

F. Car washing by mechanical means;

G. Household moving centers, trucks for rent shall not exceed a gross vehicle weight of 18,000 pounds

(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, 60 pound crucible furnaces or equivalent melting capacity;

(8) Other light, non-nuisance 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 20 tons capacity, foundry, or forge shall not be permitted with any operation or manufacturing process in M3 Zones.

(b) (Amended by Ord. No. 155387; effective 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 6 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. 137951; passed March 14, 1974, effective April 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) (Added by Ord. No. 155630; effective March 26, 1984.) Developments located on superblocs must comply with the Superblock Development Regulations of Chapter 33.91.

(e) (Added by Ord. No. 157457, repealed by Ord. No. 158535 May 22, 1986.)

33.50.040 Off-street Parking Required.

(a) Group 1 Uses: One space per 500 square feet of gross floor area.

(b) Group 2 Uses: One space per 700 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 700 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 10,000 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

Square Feet of Floor Area	Loading Berths Required
USES: Theatres	

10,000 and Over	1
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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 by Ord. No. 150581, 151021; and 160606 effective July 1, 1988.)

(a) 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 10,000 square feet, and hereafter no permit shall be issued to construct or to enlarge a building to contain one of such uses exceeding 10,000 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 ratio is 3:1.

33.50.090 Maximum Height Permitted. (Amended by Ord. No. 150581, 151021; and 160606 effective July 1, 1988.)

(a) The maximum allowable height is 45 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 25 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 2 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.

(Amended by Ord. No. 153828; effective October 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.

(Amended by Ord. No. 153828; effective October 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.

(Amended by Ord. No. 153828; effective October 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 by Ord. No. 153329; effective July 5, 1982.)

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

(a) Between the ordinary high water line and 25 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 25 feet of the center line of watercourses such as streams, creeks and drainageways draining 30 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.

33.50.126 Superblock. (Added by Ord. No. 159256 effective Jan. 1, 1987.) Superblock development regulations may apply. Refer to Chapter 33.91 for applicability.

33.50.127 Building Orientation. (Added by Ord. No. 161219; effective Sept. 8, 1988.) Development is subject to the provisions of Section 33.82.035, Building Orientation.

33.50.130 Signs. (New Section substituted by Ord. No. 158535 May 22, 1986.) Sign regulations for all uses are stated in Chapter 33.535, Signs.

PRE-EXISTING USES

33.50.135 Pre-existing Uses. (Added by Ord. No. 150581; amended by Ord. No. 153827; and 161335 effective Oct. 19, 1988.)

(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 or July 26, 1979 for land which has been annexed by the City on or after July 26, 1979. The Comprehensive Plan contained significant zoning map and Zoning Code changes to better guide future land use decisions. As a result, some land use activities no longer comply with the applicable regulations. 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 within the City limits of Portland at the time the Comprehensive Plan took effect on January

1, 1981, was subject to the City Comprehensive Plan and zoning provisions, and was a legally established principal or conditional use in its zone, and complied with all siting, structural, and parking requirements; but 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 the zone; or the use no longer complies with all siting, structural, and parking standards of this Chapter; or

(2) A use that was a lawfully established use which was subject to and complied with the applicable Multnomah County Plan and zoning ordinance provisions prior to July 26, 1979, but was not listed in the applicable zone as a primary use, use permitted under prescribed conditions, a community service use or conditional use on July 26, 1979 and which has been annexed to the City of Portland on or after July 26, 1979 and the property owner can provide evidence that the use is a pre-existing use as defined in this definition. Notwithstanding the provisions of Section 33.570.040 (A) regarding the prohibition of pre-existing uses in a transit zone, pre-existing uses within this definition shall be recognized in the transit zones and shall be subject to the provision of 33.32.135 (C).

(c) Regulations: The following regulations apply to pre-existing uses as defined by 33.32.135 (b) (1) and (b) (2). When the regulations are applied to a pre-existing use under 33.32.135 (b) (1), the applicable dates are as provided below. When the regulations are applied to a pre-existing use under 33.32.135 (b) (2), the applicable dates are as follows: July 25 shall be substituted for December 31, 1980 and July 26 shall be substituted for January 1, 1981. 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 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. Floor area expansion for uses that were conditional uses under the former zoning are subject to the conditional use procedures of Chapter 33.106.

B. All other pre-existing uses 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.

C. 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. A use that was a conditional use under the former zoning may expand site area subject to the conditional use procedures of Chapter 33.106.

D. All other pre-existing uses may expand site area as follows:

(i) 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.

(ii) Other site expansions shall be subject to the conditional use process of Chapter 33.106.

E. The regulations for the site expansion governing floor area ratio, yards, height and all parking shall be those currently in effect for the zone category on the expansion site in place on December 31, 1980.

F. 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 and the Fire Bureau.

(6) (Repealed by Ord. No. 158535 May 22, 1986.)

(7) If a pre-existing use is discontinued for more than 2 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 600 feet or less from R20, R10, R7, R5, R2.5, C5, or C4 Zones and 200 feet or less from R1 Zones. (Amended by Ord. No. 150581 and 156689; effective Nov. 19, 1984.)

(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 disabled 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, 151021; and 156689; effective Nov. 19, 1984.)

(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 disabled 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 the RH Zone shall apply. Such projects shall be limited to the floor area ratio allowed by 33.81.030.

(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 building to contain a principal or residential use.

33.50.170 Height. (Amended by Ord. No. 150581; passed and 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 400 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. (Amended by Ord. No. 134013, 134079, 138853, 138936, 139416, 148244, 150581, 153329, 153828, 156374; and 160497 effective Mar. 21, 1988.) 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) Automobile service stations
- (2) Excavations and filling
- (3) Helicopter landing facilities;
- (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) Community care facilities and institutional care facilities, 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.

33.50.222 Helicopter Landing

Facility. (Added by Ord. No. 160497 effective Mar. 21, 1988.) Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

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 by Ord. No. 153327; effective July 5, 1982.) Regulations for resource extraction are listed in Section 33.18.280.

33.50.230 Private or Public Helistop.

(Repealed by Ord. No. 160497 effective Mar. 21, 1988.)

33.50.235 Automobile Service Station.

(Added by Ord. No. 134013; repealed by Ord. No. 134079; added by Ord. No. 139416; amended by Ord. No. 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 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.

33.50.240 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.

33.50.241 Residential Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for residential care facilities are found in Chapter 33.106.

33.50.242 Recycling Drop-off Center. (Added by Ord. No. 153828; effective Oct. 18, 1982.) Regulations for recycling drop-off centers shall be those listed in Section 33.42.242.

33.50.243 Community Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for community care facilities are found in Chapter 33.106.

33.50.244 Institutional Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.) Regulations for institutional care facilities are found in Chapter 33.106.

33.50.245 Development of Lands Adjacent to Water Features as Defined in

Section 33.50.123. (Added by Ord. No. 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.
33.52.015 Purpose.

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33.52.100 Minimum Front Yard.
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- 33.52.173 Conversion to Housing.
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- 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 by Ord. No. 150581; amended by Ord. No. 152941; effective March 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 theatres;
 - 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 by Ord. No. 152941; effective March 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.

(Amended by Ord. No. 152941 and 155387; effective 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 6 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 theatres;

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 10 feet and to create a continuous hedge within a period not to exceed 2 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.

(f) (Added by Ord. No. 157457, repealed by Ord. No. 158535 May 22, 1986.)

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 700 square feet of gross floor area, but not more than one space per four employees;

(d) Group 8 uses: One space per 700 square feet of gross floor area, but not more than one space per four employees.

(e) Group 9 uses: One space per 700 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 1,000 square feet of patron serving area;

(2) Railroad passenger terminal: One space per 1,000 square feet of gross floor area;

(3) All other uses: One space per 700 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 feet of a major transit street, the number of required off-street parking spaces may be reduced by 50 percent. Carpooling, vanpooling and transit incentive programs provided to qualify for this reduction must be approved by the Planning Director.

(i) 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.

(i) (Added by Ord. No. 152941; effective March 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 10,000 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 : Theatres

10,000 and Over	1
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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	-	1,020,999	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 the 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 by Ord. No. 153329; effective July 5, 1982.)

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

(a) Between the ordinary high water lines and 25 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 25 feet of the centerline of watercourses such as streams, creeks, and drainageways draining 30 acres or more as shown on the City of Portland Water Features Map.

(2) Within the restricted area the provisions of Section 33.42.123 (2) through (8) shall apply.

33.52.130 Signs. (New Section substituted by Ord. No. 158535 May 22, 1986.) Sign regulations for all uses are stated in Chapter 33.535, Signs.

PRE-EXISTING USES

33.52.135 Pre-existing Uses. (Added by Ord. No. 150581; amended by Ord. No. 153827; and 161335 effective Oct. 19, 1988.)

(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 or July 26, 1979 for land which has been annexed by the City on or after July 26, 1979. The Comprehensive Plan contained

significant zoning map and Zoning Code changes to better guide future land use decisions. As a result, some land use activities no longer comply with the applicable regulations. 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 within the City limits of Portland at the time the Comprehensive Plan took effect on January 1, 1981, was subject to the City Comprehensive Plan and zoning provisions, and was a legally established principal or conditional use in its zone, and complied with all siting, structural, and parking requirements; but 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 the zone; or the use no longer complies with all siting, structural, and parking standards of this Chapter; or

(2) A use that was a lawfully established use which was subject to and complied with the applicable Multnomah County Plan and zoning ordinance provisions prior to July 26, 1979, but was not listed in the applicable zone as a primary use, use permitted under prescribed conditions, a community service use or conditional use on July 26, 1979 and which has been annexed to the City of Portland on or after July 26, 1979 and the property owner can provide evidence that the use is a pre-existing use as defined in this definition. Notwithstanding the provisions of Section 33.570.040 (A) regarding the prohibition of pre-existing uses in a transit zone, pre-existing uses within this definition shall be recognized in the transit zones and shall be subject to the provision of 33.32.135 (C).

(c) Regulations: The following

regulations apply to pre-existing uses as defined by 33.32.135 (b) (1) and (b) (2). When the regulations are applied to a pre-existing use under 33.32.135 (b) (1), the applicable dates are as provided below. When the regulations are applied to a pre-existing use under 33.32.135 (b) (2), the applicable dates are as follows: July 25 shall be substituted for December 31, 1980 and July 26 shall be substituted for January 1, 1981. 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 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. Floor area expansion for uses that were conditional uses under the former zoning are subject to the conditional use procedures of Chapter 33.106.

B. All other pre-existing uses 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.

C. 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. A use that was a conditional use under the former zoning may expand site area subject to the conditional use procedures of Chapter 33.106.

D. All other pre-existing uses may expand site area as follows:

(i) 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.

(ii) Other site expansions shall be subject to the conditional use process of Chapter 33.106.

E. The regulations for the site expansion governing floor area ratio, yards, height and all parking shall be those currently in effect for the zone category on the expansion site in place on December 31, 1980.

F. 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 and the Fire Bureau.

(6) (Repealed by Ord. No. 158535 May 22, 1986.)

(7) If a pre-existing use is discontinued for more than 2 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 by Ord. No. 152941; March 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 nonresidential 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 10 feet and to create a continuous hedge within a period not to exceed 2 years. Such screening shall at all times be maintained in a satisfactory manner.

CONDITIONAL USES

33.52.140 Uses Permitted.

(Amended by Ord. No. 134013, 134079, 138853, 138936, 139416, 144410, 150581, 153329; and 160497 effective Mar. 21, 1988.) 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) Automobile service stations when the proposed site abuts an R Zone;

(2) Commercial uses;

(3) Conversion to housing or local commercial;

(4) Excavations and filling;

(5) Helicopter landing facilities;

(6) Marinas, houseboats, or pleasure craft;

(7) Natural resources, development of;

(8) Radio or television transmitters and towers exceeding 100 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 December 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 (Section substituted by Ord. No. 160497 effective Mar. 21, 1988.) **Helicopter Landing Facility.** Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

33.52.172 Commercial Uses. (Added by Ord. No. 150581; amended by Ord. No. 153936 effective 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 his 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 an historic landmark, or is 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 2:1.

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 Ord. No. 134079; added by 139416; amended by Ord. No. 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:

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:

Border planting, including shrubs and trees shall be provided along street frontages.

33.52.176 Natural Resources, Development of. (Added by Ord. No. 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 by Ord. No. 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 by Ord. No. 144140, 150581; and 152941 March 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 and 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

Sections:

33.54.010 Generally.

33.54.015 Purpose.

Principal Uses

- 33.54.020 Uses Permitted.
- 33.54.030 Limitations on Use.
- 33.54.040 Off-street Parking Required.
- 33.54.050 Off-street Loading Required.
- 33.54.060 Lot Size Required.
- 33.54.070 Maximum Lot Coverage.
- 33.54.075 Street Trees.
- 33.54.080 Maximum Floor Area Permitted.
- 33.54.090 Maximum Height Permitted.
- 33.54.100 Minimum Front Yard.
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- 33.54.125 Development Adjacent to Watercourses and Water Bodies.
- 33.54.130 Signs.

Pre-existing Uses

- 33.54.135 Pre-existing Uses.

Conditional Uses

- 33.54.140 Uses Permitted.
- 33.54.150 Regulations.
- 33.54.160 Excavating or Filling.
- 33.54.170 Helicopter Landing Facility.
- 33.54.175 Automobile Service Station.
- 33.54.180 Group 13 Uses.
- 33.54.181 Commercial Uses.
- 33.54.182 Conversion to Housing.
- 33.54.183 Marinas, Houseboats or Pleasure Craft.
- 33.54.185 Natural Resources, Development of.
- 33.54.187 Development of Lands Adjacent to Water Features as Defined in Section 33.54.125.
- 33.54.190 Prohibited Uses.

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.

33.54.015 Purpose. (Added by Ord. No. 150581 effective Jan. 1, 1981.) To provide for heavy industrial activity, and to protect industrial district from the intrusion of nonmanufacturing 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 in Section 33.42.020;
- (2) Group 4 uses in Section 33.50.020;
- (3) Group 7 uses in Section 33.50.020;
- (4) Group 8 uses in Section 33.52.020;
- (5) Group 9 uses in Section 33.52.020;
- (6) Group 10 uses 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 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;	Rayon;
Concrete pipe;	Rubber products;
Concrete products;	Rubber, treatment or reclaiming plant;
Construction equipment;	Rugs;
Cork;	Sandpaper or emery cloth;
Cottonseed oil, manufacturing and refining;	Sash and doors;
Creosote;	Sewer pipe;
Dextrine;	Shoddy;
Disinfectants;	Shoe polish;
Dyestuff;	Shortening and other cooking and edible fats and oils;
Enamel;	Size;
Excelsior;	Soap;
Felt;	Sodium compounds;
Fish oil or meal;	Starch;
Fungicides;	Steel barrel or drum, manufacturing or reclaiming;
Gelatin;	Steel pipe;
Glass;	Stove;
Glucose;	Stove polish;
Glycerin;	Sulfonated oils and assistants;
Graphite;	Tallow;
Grease, manufacturing or refining;	Tanks and tank components;
Gum and wood chemicals;	Tar products;
Guncotton products;	Tar roofing;
Gunpowder, manufacturing or storage;	Tar waterproofing;
Guns, howitzers, mortars, and related equipment;	Tin cans and other tin ware;
Gutta-percha, manufacturing or treatment;	Tires;
Industrial inorganic chemicals;	Transmission cable;
Industrial organic chemicals;	Wallboard;
Ink, from basic substances;	Wall paper;
Insecticide;	Window shades;
Lampblack;	Wire;
Lard;	Wood and gum chemicals;
Linoleum;	Yeast.
Matches;	(8) Group 12:
Metal-working machinery;	Arsenal;
Mineral wool;	Boiler works;
Nylon;	Concrete mixing plant;
Oilcloth;	Cotton gin;
Oiled clothing;	Creosote treatment;
Paint, oil (including linseed oil), shellac, turpentine, lacquer, or varnish;	Dismantling ships;
Patent leather;	Jute fabrication;
Phenol or phenol products;	Petroleum products;
Phonograph record blank;	Prefabrication of wooden buildings and structural members;
Plastic;	Race tracks, auto or motorcycle;
Plywood, veneer, or shingles;	Railroad repair shops and roundhouses;
Potash;	Rock, sand, or gravel storage and sales;
Pottery or ceramics;	Rolling, drawing, or alloying ferrous and nonferrous metals;
Printing ink, from basic substances;	Salt works;
Pyroxylin (See Chapter 31.40);	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.

(Amended by Ord. No. 155387, 157457 and 158535; May 22, 1986.) There shall be none except as are provided in other codes and ordinances of the City, other local governments, and laws of the State.

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 700 square feet of gross floor area, but not more than one space per four employees;

(d) Group 8 uses: One space per 700 square feet of gross floor area, but not more than one space per four employees.

(e) Group 9 uses: One space per 700 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 1,000 square feet of patron serving area;

(2) Railroad passenger terminal: One space per 1,000 square feet of gross floor area;

(3) All other uses: One space per 700 square feet of gross floor area, but not more than one space per four employees.

(g) Group 11 uses: One space per

700 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 12 seats or 24 feet of bench length in stands for spectators;

(2) All other uses: One space per 700 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 feet of a major transit street, the number of required off-street parking spaces may be reduced by 50 percent. Carpooling, vanpooling, or 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 10,000 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: Theatres

10,000 and over	1
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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 minimum 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 by Ord. No. 153329; effective July 5, 1982.)

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

(a) Between the ordinary high water line and 25 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 25 feet of the centerline of watercourses such as streams, creeks, and drainageways draining 30 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. (New Section substituted by Ord. No. 158535 May 22, 1986.) Sign regulations for all uses are stated in Chapter 33.535, Signs.

PRE-EXISTING USES

33.54.135 Pre-existing Uses.

(Added by Ord. No. 150581; amended by Ord. No. 153827; and 161335, effective Oct. 19, 1988.)

(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 or July 26, 1979 for land which has been annexed by the City on or after July 26, 1979. The Comprehensive Plan contained significant zoning map and Zoning Code changes to better guide future land use decisions. As a result, some land use activities no longer comply with the applicable regulations. 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 within the City limits of Portland at the time the Comprehensive Plan took effect on January 1, 1981, was subject to the City Comprehensive Plan and zoning provisions, and was a legally established principal or conditional use in its zone, and complied with all siting, structural, and parking requirements; but 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 the zone; or the use no longer complies with all siting, structural, and parking standards of this Chapter; or

(2) A use that was a lawfully established use which was subject to and complied with the applicable Multnomah County Plan and zoning ordinance provisions prior to July 26, 1979, but was not listed in the applicable zone as a primary use, use permitted under prescribed conditions, a community service use or conditional use on July 26, 1979 and which has been annexed to the City of Portland on or after July 26, 1979 and the property owner can provide evidence that the use is a pre-existing use as defined in this definition. Notwithstanding the provisions of Section 33.570.040 (A) regarding the prohibition of pre-existing uses in a transit zone, pre-existing uses within this definition shall be recognized in the transit zones and shall be subject to the provision of 33.32.135 (C).

(c) Regulations: The following regulations apply to pre-existing uses as defined by 33.32.135 (b) (1) and (b) (2). When the regulations are applied to a pre-existing use under 33.32.135 (b) (1), the applicable dates are as provided below. When the regulations are applied to a pre-existing use under 33.32.135 (b) (2), the applicable dates are as follows: July 25 shall be substituted for December 31, 1980 and July 26 shall be substituted for January 1, 1981. 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 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. Floor area expansion for uses that were conditional uses under the former zoning are subject to the conditional use procedures of Chapter 33.106.

B. All other pre-existing uses 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.

C. 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. A use that was a conditional use under the former zoning may expand site area subject to the conditional use procedures of Chapter 33.106.

D. All other pre-existing uses may expand site area as follows:

(i) 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.

(ii) Other site expansions shall be subject to the conditional use process of Chapter 33.106.

E. The regulations for the site expansion governing floor area ratio, yards, height and all parking shall be those currently in effect for the zone category on the expansion site in place on December 31, 1980.

F. 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 and the Fire Bureau.

(6) (Repealed by Ord. No. 158535 May 22, 1986.)

(7) If a pre-existing use is discontinued for more than 2 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.

(Amended by Ord. No. 134013, 134079, 138853, 138936, 139416, 150581, 153329, 153828, 160497; and 161775, effective Apr. 6, 1989.) 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, evaluation factors, and findings requirements specified in Chapter 33.106.

(1) Automobile service stations when the proposed site abuts an R Zone;

(2) Commercial uses;

(3) Conversion to housing or local commercial;

(4) Excavations and filling;

(5) Helicopter landing facilities;

(6) Marinas, houseboats, or pleasure craft;

(7) Natural resources, development of;

(8) Radio or television transmitters and towers exceeding 100 feet in height above grade;

(9) (Repealed by Ord. No. 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, amunition, 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.

X. Waste disposal.

(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 (Section substituted by Ord. No. 160497 effective Mar. 21, 1988.) **Helicopter Landing Facility.** Helicopter landing facilities are regulated by the standards contained in Chapter 33.815.

33.54.175 Automobile Service Station. (Added by Ord. No. 134013; repealed by Ord. No. 134079; amended by Ord. No. 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:

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:

Border planting, including shrubs and trees shall be provided along street frontages.

33.54.180 Group 13 Uses. (Amended by Ord. No. 139117, 139702, 141105; and 161775, effective Apr. 6, 1989.) Regulations for Group 13 uses shall be as follows:

(1) 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 700 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 10,000 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
40,000	-	99,999
100,000	-	159,999
160,000	-	239,999
240,000	-	319,999
320,000	-	399,999
400,000	-	489,999
490,000	-	579,999
580,000	-	669,999
670,000	-	759,999
760,000	-	849,999
850,000	-	939,999
940,000	-	1,029,999
Over	-	1,030,000

(4) Solid waste handling and disposal facilities, such as solid waste transfer stations, are subject to conditional use review and must conform with all applicable evaluation factors, findings requirements, and approval criteria of Chapter 33.106.

33.54.181 Commercial Uses.

(Added by Ord. No. 150581; amended by Ord. No. 153828, and 153936; effective 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 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 his 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 the 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.

Chapter 33.56

Z DOWNTOWN DEVELOPMENT ZONE

(Added by Ord. No. 147239,
repealed by Ord. No. 160606
effective July 1, 1988.)

33.54.182 Conversion to Housing.
(Amended 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. (Amended 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 by Ord. No. 153327; effective July 5, 1982.) Regulations for resource extraction are listed in Section 33.18.280.

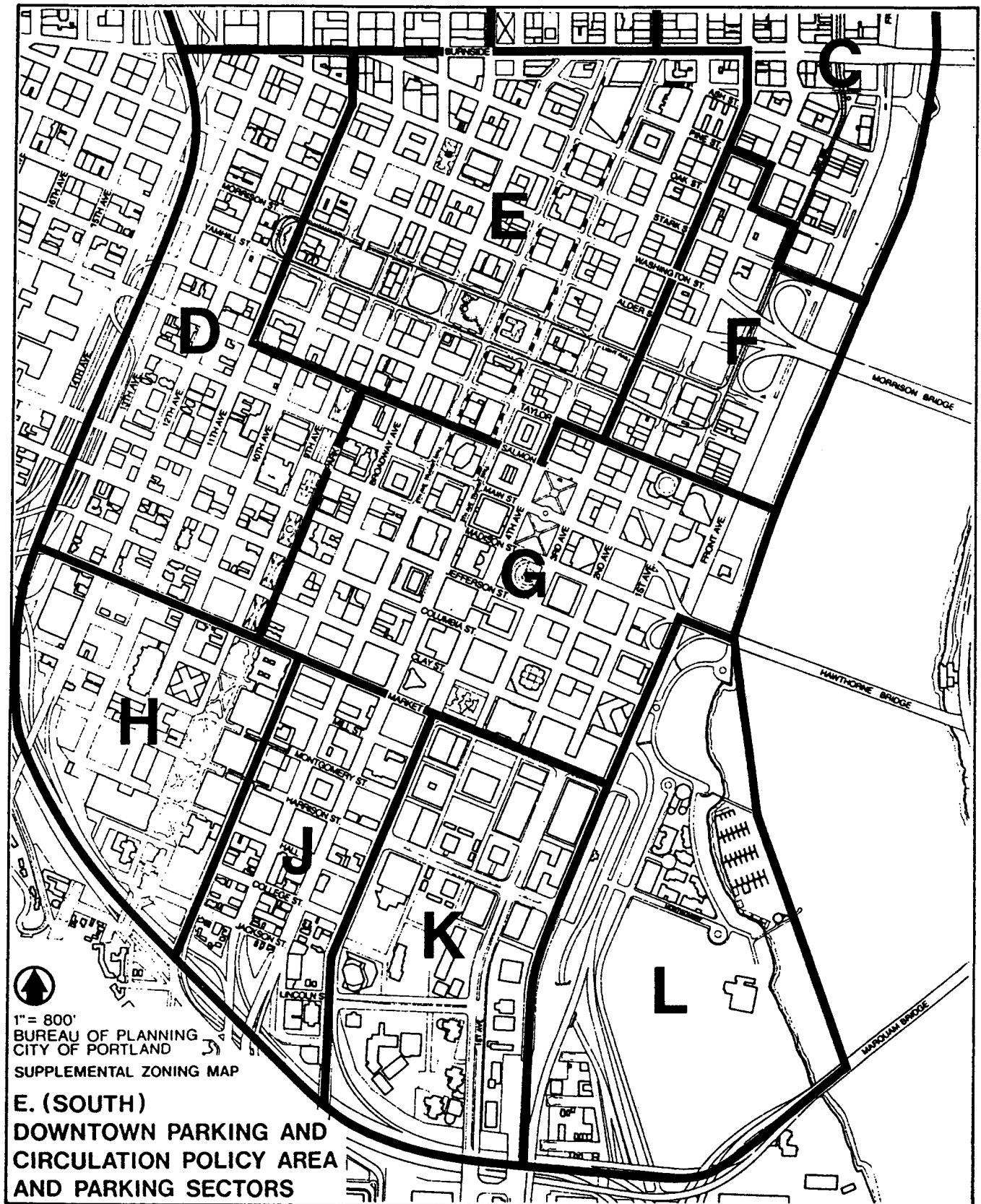
33.54.187 Development of Lands Adjacent to Water Features as Defined in Section 33.54.125. (Added by Ord. No. 153329; effective July 5, 1982.) Regulations for development of land adjacent to water features shall be those listed in Section 33.42.249.

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 33.57

Y POWELL BOULEVARD
PHASE II LAND USE CONTROLS ZONE

(Added by Ord. No. 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. (Amended by Ord. No. 159256 effective Jan. 1, 1987.) The Powell Boulevard, Phase II Land Use Control Zone shall be established in combination with other regular zones and boundaries thereof and the regulations applicable therein may be revised as provided in Chapter 33.102 Zone Changes.

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 Section 33.42.040 pertaining to off-street parking. The following regulation shall govern off-street parking requirements within the C2Y Zone:

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 availability 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 existing

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.

No yards shall be required in the C2Y and M3Y zones as a 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:

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.

Buffer Zone in Conjunction with the HI, GI and GE Zones

- 33.58.100 Purpose.
- 33.58.105 Application.
- 33.58.110 Permitted Activities.
- 33.58.115 Off-site Impacts of Industrial Zoned Activities.
- 33.58.120 Site Development Regulations.

33.58.010 Purpose. In recognition that lots originally platted for residential

uses, with a depth of 100 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 5 feet within a period not to exceed 2 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 5 feet within a period not to exceed 2 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.

BUFFER ZONE IN CONJUNCTION WITH THE HI, GI AND GE ZONES

33.58.100 Purpose. (Added by Ord. No. 157663 effective Aug. 31, 1985.) The

specific buffer regulations used in conjunction with industrial zones are to protect the livability of residential areas adjacent to industrial areas. Emphasis is on limiting the potential nuisance effects of industry and ensuring that development will be compatible with adjacent residential development.

33.58.105 Application. (Added by Ord. No. 157663 effective Aug. 31, 1985.) The buffer zone shall be applied where the HI, GI and GE zones abut R zoned lands and where there is not adequate separation resulting from natural features such as hillsides or man-made features such as major roads or freeways.

33.58.110 Permitted Activities. (Added by Ord. No. 157663 effective Aug. 31, 1985.) Permitted activities are those of the base zone.

33.58.115 Off-site Impacts of Industrial Zoned Activities. (Added by Ord. No. 157663 effective Aug. 31, 1985.) If the Director of the Bureau of Planning finds that there is a potential that the proposed activity or development will not conform with one or more of the off-site impact standards of 33.455.805, the following information may be required from the applicant:

(a) A description of the activity regarding processes, materials used, storage, waste disposal, types of machinery and other such items as it relates to off-site impacts. However, the applicant shall not be required to reveal any trade secrets which would cause any secret manufacturing procedure, compound or product to become public knowledge and be available to competitors;

(b) An explanation of any mechanisms or techniques which are proposed to restrict any hazardous or nuisance effects, including the type and location of any abatement devices and/or recording instruments to measure conformance with the required standard;

(c) An evaluation and explanation certified by a registered engineer or

architect, as appropriate, that the proposed activity can achieve the off-site impact standard or standards in question.

33.58.120 Site Development

Regulations. (Added by Ord. No. 157663 effective Aug. 31, 1985.)

(a) Access.

(1) Where street frontages face industrially or commercially zoned lands, access is not restricted.

(2) Where street frontages face R zoned lands, no access is permitted if the site may be accessed from another street within the industrial area.

(3) Where lot lines abut R zoned lands, access into R zoned lands is prohibited.

(b) Building height. Maximum building heights are stated in Table 58.1. Buildings must also meet the setback requirements of Table 58.2.

(c) Exterior activities. Exterior activities, as defined in 33.455.215 B, and drive-through facilities are not permitted in the buffer zone.

(d) Setbacks.

(1) Where lot lines do not abut or face an R zone, the setback regulations of the base zone shall apply. If lot lines abut or face R zoned lands, then the setbacks stated in Table 58.2 apply.

(2) Qualifiers and exceptions.

A. If developments are set back farther than the minimum required, the required screening and plantings must still be provided.

B. Required screens shall be provided on the industrial side of the required landscaped area.

C. If parking or exterior display areas are placed between a building and a frontage facing an R zone, one-half of the required building landscaped area must be provided adjacent to the building in addition to the parking or display landscaping.

(e) Signs. Signs within 50 feet of an R zone lot line or on a street facing an R zone may not be illuminated.

(f) Garbage areas. All waste disposal collection areas shall be placed in such a location, or screened by a wall, so that they are not visible from R zoned lands.

(g) Landscape plan. A specific landscape and screening plan for the areas fronting or adjacent to R zoned lands shall be submitted as part of the building permit application and is a requirement for issuance of the permit. The plan shall show how all landscape requirements are being fulfilled including items such as plant materials, plant sizes, planting locations, and screen materials and size. The landscape plan shall also include a timetable

TABLE 58.1
MAXIMUM BUILDING HEIGHTS

Distance From R Zone Lot Line	Maximum Height Allowed
25 feet or more	45 feet or adjacent R zone height limit if higher
16 to 25 feet	35 feet
11 to 15 feet	25 feet
6 to 10 feet	15 feet

TABLE 58.2
BUFFER SETBACK, LANDSCAPING AND SCREENING REQUIREMENTS

Where the B zone is applied in conjunction with the HI, GI-2 or GE-2 zones:

Development Type	Street Frontages Facing R Lands			Lot Lines Adjacent to R Lands		
	Minimum Depth of Setback/ Landscaping	Minimum Screen Type	Minimum Level of Plantings	Minimum Depth of Setback/ Landscaping	Minimum Screen Type	Minimum Level of Plantings
	a	b	b	a	b	b
Buildings	25 ft	-	L1	35 ft	-	L1 & L2
Exterior Display	10 ft	-	L1	15 ft	S3	L1 & L3
Exterior Storage or Loading	10 ft	S3	L1 & L2	15 ft	S3	L1 & L3
Parking	10 ft	S1	L1 & L2	15 ft	S3	L1 & L3

Where the B zone is applied in conjunction with the GI-1 or GE-1 zones:

Buildings	6 ft	-	L1	6 ft	-	L3
Exterior Display	6 ft	-	L1	6 ft ^c	S3	L3
Exterior Storage or Loading	6 ft	S3	L2	6 ft ^c	S3	L3
Parking	6 ft	S1	L2	6 ft ^c	S3	L3

Notes:

- a - If the base zone setback requirement is greater, it shall apply, but the landscaping and screening requirement of this Table shall be used.
- b - Standards are stated in 33.520.020.
- c - An S4 screen with no setback or landscaping may be substituted.

stating when plantings will be made. Security, as required by 33.520.050 must be made for all plantings that will not be made prior to issuance of a certificate of occupancy.

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.
- 33.62.040 Regulations.
- 33.62.050 Procedures.
- 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. (Amended by Ord. No. 159256 effective Jan. 1, 1987.) 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 therefor may be considered, it shall be signed by the owners of at least 50 percent of the area proposed to be changed.

Requests shall be processed as a Type III procedure or as a legislative action as provided for by this Title.

33.62.030 Design Commission. (Repealed by Ord. No. 157619 effective Aug. 19, 1985.)

33.62.035 Technical Assistance. (Repealed by Ord. No. 157619 effective Aug. 19, 1985.)

33.62.040 Regulations and Authority. (Amended by Ord. No. 154101, 154256, 158535; and 159256 effective Jan. 1, 1987.)

(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, sign permit for a sign over 32 square feet, 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 judgment 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. In the case of signs, all signs over 32 square feet and conforming with the base zone sign regulations shall be a minor design review. Projects not meeting these tests will be classified as major projects.

(5) 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 provisions and regulations of 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. (Amended by Ord. No. 152466, 153042, 153108, 154101, 154256, 155124, 156431, 157144, 158535; and 159256 effective Jan. 1, 1987.)

(1) In addition to the requirements of Section 33.215.120 (Application Requirements), the request shall be accompanied by 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. A 1"=50' cardboard model of new downtown buildings or changes in mass of existing buildings shall be furnished at the time an application is filed for design review and a 1"=50' wooden model constructed to the City's specifications shall be required for newly constructed buildings as built.

(2) Minor Project. When a request meets the criteria specified for a minor project in Subsection 33.62.040 (4), it is processed through a Type I procedure. A Type I application which has been denied or approved with conditions unacceptable to the applicant may be reapplied for through a Type III procedure assigned to the Design Commission or Landmarks Commission as provided in Subsection 33.62.050 (3).

(3) Major Project. Requests classified as major projects as provided by Subsection 33.62.040 (4) are processed through a Type III procedure. The Design Commission is the review body except in the case of review of a designated historical district, building, or site within a D Zone. In these cases, the Landmarks Commission is the review body.

The requirement for a pre-application conference may be waived by the Director

Chapter 33.66

L AIRCRAFT LANDING ZONE

Sections:

- 33.66.010 Purpose.
- 33.66.020 Regulations.
- 33.66.030 Appeal.

if, in the process of accepting the application, or in the determination of whether a minor or major project, significant and pertinent information is exchanged making the pre-application conference redundant.

The Director may modify required elements of an application as stated in 33.215.120 (Application Requirements), as is necessary for the evaluation of the request.

(4) 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 of 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.

(5) 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 adjustments within the D Zone in accordance with the provisions of this Title.

33.62.060 Effectiveness and Appeal. (Repealed by Ord. No. 159256 effective Jan. 1, 1987.)

33.62.070 Acceptance. (Repealed by Ord. No. 159256; effective Jan. 1, 1987.)

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.

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 therein 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.)

(a) Any person aggrieved and desiring a variance from the height limitations in the Aircraft Landing Zone may apply therefor as provided. 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.)

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 by Ord. No. 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 4 acres of contiguous land.

(2) Each mh housing unit shall contain at least 450 square feet 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 buildings. 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 2 inches in 12 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 3 feet in height in the front yard or side yard of a corner lot.

(b) Not greater than 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 building 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, non-combustible material which must be installed within 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;
repealed by 158055 passed
Dec. 12, 1985, effective Jan. 13, 1986
- See Chapter 33.640.)

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

(Repealed by Ord. No. 157457;
July 12, 1985.)

(See Chapter 33.645
SIGNBOARD CONTROL ZONE)

Chapter 33.76

V VARIABLE DENSITY ZONE

(Added by Ord. No. 147623; passed
April 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 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. (Amended by Ord. No. 159256 effective Jan. 1, 1987.) 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, (Zone Changes).

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.

Typed I 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 percent;

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 percent (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 percent;

2. moderate to severe landslide potential areas; and

3. where slopes are between 20 and 30 percent.

(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 percent and 20 percent.

(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 percent.

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:

$$\text{number of dwelling units} = NDA \times 3.48 \text{ units per acre}$$

The 3.48 units per acre density standard accounts for a 20 percent reduction in the R10 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:

(I) A. where the land classification of the lot or parcel is comprised of 50 percent 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 percent or more of Type III lands and 20 percent or more, but not more than 49 percent, 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 percent or more of Type III lands and less than 20 percent 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 percent 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 pre-development 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, and III lands should not increase the landslide potential on areas above or below the project, or onto streets and natural drainage ways.

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 34.110, Variances and Modifications, of Title 34, Subdivision and Partitioning Regulations.

Chapter 33.77

WILLAMETTE RIVER GREENWAY DEVELOPMENT REGULATIONS

(Added by Ord. No. 148537; repealed by 160237 effective Jan. 1, 1988.)
See Chapter 33.630

Chapter 33.78

HELIPORT AND HELISTOP REGULATIONS

(Repealed by Ord. No. 160497
passed Feb. 18, effective
Mar. 21, 1988.)

Chapter 33.79

PLANNED UNIT DEVELOPMENTS

(Added by Ord. No. 148244; new Chapter substituted by Ord. No. 154437; passed April 14, effective May 16, 1983.)

General

- 33.79.010 Purpose and Intent.
- 33.79.020 Effectiveness.
- 33.79.030 PUD's as Conditional Uses.
- 33.79.040 Purpose of the PUD Approval Process.

Standards and Regulations

- 33.79.050 Allowable Uses.
- 33.79.060 Computation of Allowable Dwelling Units.
- 33.79.070 Development Standards.
- 33.79.080 Service Standards.

Preliminary Development Plan Application and Approval

- 33.79.090 Pre-application Conference.
- 33.79.100 Preliminary Development Plan Application Requirements.
- 33.79.110 Preliminary Development Plan Approval Process.

Final Development Plan Application and Approval

- 33.79.120 Final Development Plan Conference.

- 33.79.130 Final Development Plan Application Requirements.
- 33.79.140 Final Development Plan Approval Process.

Special Procedures

- 33.79.150 Phased Development Procedures.
- 33.79.160 Combined PUD's and Subdivisions.
- 33.79.170 Improvement Guarantees.
- 33.79.180 Amendment to the Development Plan.

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 PUDs 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 PUDs in

effect at the time the preliminary applications were submitted.

33.79.030 PUDs as Conditional Uses. PUDs 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 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. (Amended by Ord. No. 160326 Dec. 10, 1987.) 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 GE-2, GI-1 and HI Zones a PUD may include:

(1) Principal permitted uses of the underlying zone.

(2) Any conditional use designated for the underlying zone.

(3) Exceptions or additions to the Industrial Park Development or Planned Unit Development regulations may be allowed by the Planning Director, as long as such exceptions or additions are in conformance with the purpose and definition of industrial parks, 33.455.300 - 310 and purpose and intent of planned unit development, 33.79.010 a-d.

(d) In all zones, PUDs shall not be allowed on site of 2 acres or less.

33.79.060 Computation of Allowable Dwelling Units. Determination of the maximum number of dwelling units permitted in 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 PUDs 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. (Amended by Ord. No. 157990; effective Feb. 18, 1986.) PUDs 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. Also, all lots in a PUD, even if not newly created, shall have solar envelopes which meet the standards of 34.60.040 (B)-(D).

(c) Height limits. The height limit of the underlying zone shall apply. Also, all structures and vegetation shall comply with solar envelope height limits as stated in 33.525.040.

(d) Siting and design requirements.

(1) Multi-unit structures on single family zoned land 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 in a single family zone. The applicable distances are: FF-45 feet, R20-40 feet, R10-35 feet, R7-30 feet, and R5-25 feet.

(2) Multi-unit structures on single-family zoned land, which are within 100 feet of the lot line of private lands zoned FF, R20, R10, R7, or R5, or within a PUD of 4 acres or less must:

A. Be separated from each other by twice the side yard requirement of the underlying zone; and

B. 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) Solar access design standards. When there is more than one structure on a lot, the following additional solar access restrictions shall apply:

A. The shadow pattern from all the structures combined shall shade no more than 20 percent of the combined south walls of all dwellings on the lot.

B. The Hearings Officer shall approve to the minimum extent necessary exceptions to (A) above if there is no other building arrangement which would permit allowed densities because of factors such as:

i. The need to conform with an approved road plan; or

ii. The need to assure maximum allowable densities; or

iii. The substantial savings in infrastructure costs that would result; or

iv. Easements, drainageways, soil conditions or other legal or natural constraints which will require the placement of the structure on the north half of the lot; or

v. The lot is on a north slope steeper than 25 percent; or

vi. The lot is in an area where more than 80 percent of the land, including existing and proposed road areas, is forested in trees over 20 feet in height.

(4) Additional requirements for PUDs of 4 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 within 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 1/2 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 condition 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 surfaces 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 record 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 impracticable 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 16 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 pre-application 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 pre-application 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. (Amended by Ord. No. 157990; effective Feb. 18, 1986.) 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 Subsection (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 5-foot intervals or less. City Engineer 1:100 topographical maps may be used, if available, but more detailed topographic data may be required at a later date.

(2) Areas identified 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.

(12) The location of existing structures and vegetation exempt from the solar envelope requirement or exempt from the shading of new dwellings, consistent with Section 34.20.040 (A) (2) (i) (1) and (2).

(g) A proposed site plan showing:

(1) The locations of dwelling units, structures and/or individual lots. When more than one structure will be on a lot, the approximate height and shadow pattern for each structure. Identification of the level of shade protection on the south wall for each dwelling.

(2) The proposed yard requirements or locations of single family homes for individual lots, if any. Lots shall be shown as having 6 foot or 14 foot solar envelopes, or as exempted from the solar envelope requirement.

(3) The existing 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 PUDs of 4 acres or less. The drawings shall show such items as building height, size, shape, roof shape, and proposed exterior materials.

(h) For PUDs 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 subdivision approval concurrently with the preliminary PUD approval, a tentative subdivision plat shall be submitted.

(k) If no lots are being created in conjunction with the PUD, an identification of the solar envelope for the entire PUD as being a 6 foot or 14 foot envelope.

(l) A detailed explanation of reasons for:

(1) Exempting lots from the solar envelope requirement; or

(2) Using 14 foot solar envelopes instead of 6 foot ones; or

(3) How multiple dwellings structures on a single lot are protected from shadow patterns at grade.

33.79.110 Preliminary Development Plan Approval Process. A request for preliminary development plan approval shall be reviewed in the following manner.

(a) Within 7 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 the 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. (Amended by Ord. No. 157990; and 158640 effective July 21, 1986.) Within 3 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. Should the PUD 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 3-year period in which an applicant has to act on an approved PUD permit. 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 reference in the owner's 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. The solar envelopes for all lots not exempted.

(2) Building setback lines or height limits, 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 deflection angles, radii, arcs, points of curvature, and tangent bearings.

B. The street widths, and the 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.

(9) For all lots where two or more structures will be located:

A. Shadow patterns for all proposed structures; and

B. The designation on the plan of

the height of the south wall shade protection for each dwelling. There shall also be a statement on the final PUD plan that in the future, only exempt structures may violate this height.

(10) The location of all existing structures and vegetation exempt from required solar envelopes or shadow patterns.

(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.

33.79.140 Final Development Plan Approval Process. (Amended by Ord. No. 158640 effective July 21, 1986.)

(a) Preliminary approval for the PUD is valid for 3 years. The period shall not be extended and will not begin until any appeals beyond the jurisdiction of the City are completed. 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.

(b) Within 7 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

33.79.150 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 PUDs and Subdivisions. 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-subdivision application shall be subject to the review and appeal procedures of this Chapter, 33.79, not those of Title 34. The Hearings

Officer shall required 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 Subdivision 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 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 substantial or significant portion of its merchandise, items such as books, magazines, other publications, films, video tapes, or video disks 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 18 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 Locational Restrictions.

(Amended by Ord. No. 160606 effective July 1, 1988.)

(A) Adult businesses in a C3, C2, CX, CE, M3, GE, GI, M2, HI 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, CX, CE, M3, GE, GI, M2, HI and M1 Zones.

33.80.060 Spacing Restrictions. (Amended by Ord. No. 160606 effective July 1, 1988.) New or relocating adult businesses as defined by Section 33.80.030, must be located in conformance with the following minimum spacing standard:

(A) Within CX and CE Zones, no adult business shall locate within 500 feet of any existing adult business.

(B) Within C3, C2, M3, GE, GI, M2, HI, 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. (Amended by Ord. No. 160606 effective July 1, 1988.) In all zones in which adult businesses are permitted, except the C3, CX and CE Zones, parking must be provided according with the following:

(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 16 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 Ordinances 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 theatres, 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.

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 DISABLED HIGH DENSITY

(Added by Ord. No. 150581; amended 156689, effective Nov. 19, 1984.)

Sections:

- 33.81.010 Purpose.
- 33.81.020 Occupancy.
- 33.81.030 Density, Assigned FAR and Height Limitations.
- 33.81.040 Design.
- 33.81.050 Parking and Loading.
- 33.81.060 Safety.
- 33.81.070 Nonresidential Facilities.
- 33.81.080 Review.
- 33.81.090 Requirements.

33.81.010 Purpose. To provide additional opportunities for the integration of elderly and disabled housing options into the City, and to increase the ability of the elderly and disabled to live independently. Further, to regulate these uses in a manner consistent with their special nature and the principles of accessibility, safety, convenience and affordability.

High density housing for elderly and disabled persons 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. Publicly funded housing subject to federal or state regulations on accessibility, safety or design are exempted from the similar requirements of this Chapter.

33.81.020 Occupancy. Units built under this Chapter in excess of the number of units permitted by the base zone shall be limited in occupancy to households with a disabled family member or headed by a person 60 years of age or older.

Shared living arrangements that require support or outside assistance may take the form of resident managers or assistants or personal care aides who may live in or come daily as needed by the residents. Residential care facilities or other facilities intended to provide planned training or planned treatment in a residential setting requiring licensing under Chapter 8.80 of the Municipal Code are not allowed under this Chapter.

33.81.030 Density, Assigned FAR and Height Limitations. Housing built

under the provisions of this Chapter may exceed the density of the underlying zone and result in an increased number of dwelling units. Density shall be measured by floor area ratio (FAR) and assigned by zone according to the following schedule:

(A) In C4 and R1 Zones, high density housing for the elderly and disabled may be built to an FAR of 3:1.

(B) In C3, C2 and M3 Zones, high density housing for the elderly and disabled may be built to an FAR of 4:1.

(C) In RH Zoned areas where the allowable FAR is 2:1 or 3:1, high density housing for the elderly and disabled may be built to an FAR of 3:1. Where the allowable FAR is 4:1, elderly and disabled housing may be built at 4:1.

(D) Building height is limited to 250 feet measured from the lowest grade of the site. Within 20 feet of the front or rear property line the maximum height shall be 65 feet.

33.81.040 Design.

(A) All structures and dwelling units in excess of the number of units permitted by the base zone built under the provisions of this Chapter shall be located on and connected by an accessible route. Access from the street, driveway or passenger loading zone to the principal accessible entrance shall not require use of ramps with runs in excess of 30 feet unless one level rest platform is provided at the top, bottom and at least every 30 feet. An accessible route shall connect all dwelling units with common use spaces and rooms or spaces within dwelling units. Fifteen percent of the increased number of dwelling units shall be built to standards of adaptability.

(B) American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People, ANSI A117.1-1980 shall be the standard for compliance for all provisions relating to accessible route, parking, clear floor area, controls, operating mechanisms and adaptability.

(C) The number of dwelling units in excess of the number of units permitted

by the base zone built under this chapter shall vary according to number of bedrooms as follows:

- (a) One bedroom - 25 percent,
- (b) Two or more bedrooms - 25 percent.

Where there is an odd number of units, the odd unit may contain either one or two or more bedrooms. Minimum bedroom size shall be 150 square feet except for units of two or more bedrooms where only one bedroom must meet this standard. Unit mix and minimum bedroom size requirements do not apply to the housing units allowed by the base zone or to development initiated under 33.30.050 or 33.32.050.

33.81.050 Parking and Loading.

(A) One parking space shall be provided for every four dwelling units limited by covenant to occupancy by elderly or disabled persons except that housing limited by funding program restrictions to occupancy by primarily elderly individuals (75 percent or more of total dwelling units) shall have one parking space for every eight dwelling units. Fifteen percent or a minimum of one of these spaces shall be designed and reserved for use by disabled persons. All parking shall comply with the regulations contained in Chapter 33.82.

(B) Parking for the units permitted by the base zone shall meet the parking requirements of the base zone and of Chapter 33.82.

(C) One passenger loading zone complying with ANSI A117.1-1980 and one loading space shall be provided for every project. The required loading bay shall conform with the regulations established in Chapter 33.86. The passenger loading zone and off-street loading berth may be combined.

33.81.060 Safety. The following safety features shall be incorporated into all housing including units limited by covenant to occupancy by the elderly or disabled built under the provisions of this Chapter.

- (A) Housing with five or more

such units or more than two stories shall comply with the fire and safety provisions of the Oregon State Structural and Specialty Code (1982 ed.) relating to SR-1 occupancies. All dwelling units shall be prewired for a visible and audible emergency alarm system.

(B) A single ramp, corridor or courtyard may not be used as the principal entrance to more than eight such units. All main entrances to these units shall be capable of being monitored either by visual observation via wide angle peepholes installed at 48 inches and 54 inches, sidelights at the front door, or a volume adjustable annunciator system and be secured by deadbolt locks. One window (minimum six square feet) must be provided in each of these units that overlooks the circulation space leading to the unit.

(C) Windows and sliding glass doors for these units shall have the sliding section on an inside track and have effective locking devices. Floor mounted tracks shall pose no obstruction to egress.

(D) Emergency exit lighting shall be provided for every public space, corridor, stairway, elevator and other means of egress so that residents do not become disoriented as a result of poor lighting. Exterior lighting shall be provided in areas of heavy pedestrian or vehicular traffic.

(E) Ramps integral to egress must be constructed of nonslip, fire retardant materials. Where ramps are infeasible due to space limitations, small wheelchair lifts with capacity to operate in a power outage shall be installed to overcome level changes.

(F) Stairs shall not be used as the principal entrance to any such unit or the main path of travel. Where stairways are used as a secondary method of vertical circulation or egress, they shall be designed with unobstructed floor landings or intermediate platforms no smaller in area than 5 feet by 6 feet with 18 inches on the latch side of each door. Handrails shall be continuous on both sides 32 inches above the nosings and extend 18 inches horizontally beyond the top and bottom risers.

(G) Swing out, sliding, or pocket doors shall be used for any room of such units with a single means of egress. Doors to small spaces such as pantries and storage closets shall be wide enough to allow reaching access.

(H) Thermostatically controlled water temperature gauges and anti-scald devices shall be installed in line in these units. Exposed water pipes, drain pipes or motors shall be recessed, housed or insulated.

(I) Structural reinforcement complying with ANSI A117.1-1980 shall be built into the bathroom walls of all such units to allow the future installation of grab bars.

(J) Hardware and controls in these units intended to be used or operated by the occupants shall be capable of being operated by a single, nonprecise movement not requiring gripping or twisting, surrounded by clear floor space allowing for a close approach, and consistently located within the safe reach limitations of the average seated adult. Fixtures, hardware or controls located less than 7 feet from the floor shall not protrude over 4 inches.

33.81.070 Nonresidential Facilities. Nothing in this Chapter shall preclude the provision of community social rooms, recreation rooms, dining areas and kitchens, toilet facilities or other facilities for the primary use of the residents. Where these facilities are provided, they shall be located on an accessible route.

33.81.080 Review.

(A) Upon notification of an applicant's intent to develop housing under the provisions of this Chapter, the City's Disability Project Coordinator, Metropolitan Human Relations Commission, shall furnish the applicant with a guidebook outlining accessibility and adaptability standards. The Coordinator shall have the authority to adopt and publish additional guidelines of evaluation and acceptability for residential housing for the elderly and disabled under this Chapter, if needed. Such guidelines shall ensure technical compliance with the

criteria of accessibility, safety, convenience and affordability.

(B) Prior to the issuance of a building permit or other permit for moving or alteration of any structure developed under the provisions of this Chapter and concurrent with review by the Planning Bureau, the Disability Project Coordinator shall review building permit applications for any housing units built under this Chapter. Review shall be completed within 14 days of the receipt of the application. The Disability Project Coordinator shall ensure that units meet the accessibility standards and adaptability needs of the disabled population and assist architects and developers in designing accessible and adaptable units. The Coordinator shall instruct the applicant in writing to make any corrections necessary to obtain compliance.

33.81.090 Requirements. The following special requirements and restrictions shall apply to high density housing for elderly and disabled persons constructed under the provisions of this Chapter.

(A) All high density elderly and disabled housing initiated under this Chapter shall be subject to the lot coverage, and yard requirements of the RH Zone and building height limitation in 33.81.030.

(B) In a C4 or R1 Zone the applicant or his/her representative must be available before the conditional use hearing to present the development proposal to the neighborhood association within whose boundaries the proposed development lies, should they request a presentation and notify the applicant of the location, date and time of such presentation at least seven days preceding the date set for the presentation.

(C) The property owner shall execute a covenant with the City in consideration of the City's issuing such building permit and permitting a greater density than would otherwise be allowed by the base zone. 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 or portions thereof 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, be recorded in the appropriate records of the county in which the property is located prior to issuance of any building permit and shall specify the following conditions:

(1) Where structures are built to higher density than allowed by the underlying zoning, occupancy of the units in excess of the number of units permitted by the base zone shall be limited to households with a disabled family member or headed by a person 60 years of age or older.

(2) The property owner shall submit a summary of each unit's adaptable features to renters or buyers and the Disability Project Coordinator and furnish renters or buyers with the instructions for adjusting or replacing kitchen counters and sink heights and for removing cabinets; a scale drawing showing methods and locations for the installation of grab bars; a scale drawing showing the location of adjustable or replaceable counter areas and removable cabinets; identification of the location of any equipment and parts required for adjusting or replacing countertops, cabinets and sinks; and instructions for installing a visual emergency alarm system.

(3) Fixtures or items not installed at the time of construction under the adaptable provisions of this Chapter and fixtures installed which might need to be removed to provide access shall be installed or removed by the owner at the owner's expense when the dwelling is rented to a tenant who needs and requests the specified feature.

(4) When vacancies occur in units limited by covenant to occupancy by the elderly or disabled, the property owner shall notify the Disability Project Coordinator or his/her designee who shall be responsible for dissemination of vacancy information to social service agencies or a

centralized housing data referral bank.

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, 15 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 100 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 300 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, 140290, and 153828; effective October 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 50 percent of all parking provided for the hospital and any

accessory uses are located within parking structures.

(k) (Amended by Ord. No. 150581, 151021, and 153824; effective 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 percent 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 250 square feet. No area shall be considered a parking space unless the plans submitted under Section 33.82.010 (1) 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, 150737, 151021, 153825, 155630, 156689, 158535, 159287, 160606, 161219; and 161673, effective Mar. 31, 1989.)

(a) All areas used for standing and maneuvering of vehicles shall be paved in accordance with the provisions of the Building Regulations.

(b) 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 3 and not more than 4 feet high along the

side lot line falling within the front yard's depth and at least 5 and not more than 6 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. When in an R Zone or when the property line abuts an R Zone, screening shall be located at a distance not less than 5 feet from the property line. Screening shall be edged with a 5-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 5 feet from the street property line. The screen shall be at least 3 feet high but not more than 4 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 1 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 4 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) (Repealed by Ord. No. 158535 May 22, 1986.)

(h) In R2, R1, RH, RX, C5, C4, C3, C2, CX 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 spaces or less:	No additional landscaping required
11 to 20 spaces:	5 sq. ft. per parking space
21 to 40 spaces:	10 sq. ft. per parking space
41 and up:	15 sq. ft. 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 4 feet wide and planted with both growing ground cover and trees. Planting of trees shall conform to the City's street planting guidelines and shall have the planting layout approved by the Fire Bureau. (See 33.82.035 (a) (1) p.422)

(j) Sidewalk link. In C2, C3, C4, C5 and M3 zoned areas, a sidewalk link at least 5 feet in width must be provided between the principal building entrance and surrounding public sidewalks. Sidewalk links shall be part of a circulation system which connects the principal building, other buildings on-site or on adjacent sites, and the public sidewalk system. Sidewalk links should be placed along side lot lines/landscaped areas rather than through parking areas as much as practical. Sidewalk links crossing parking, drive-through lanes or loading areas shall be visibly raised and of a different material.

Any area treated in compliance with the building location requirement of Paragraph 33.82.035 (a) (1) constitutes compliance with this Subsection.

(k) In Commercial, Manufacturing and Employment Zones, where a parking lot is located more 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 must be screened. Screening must be in conformance with Paragraph (b) of this Section.

(l) Landscaping. In C2, C3, C4, C5 and M3 zoned areas, a minimum of 10 percent of the gross site must be landscaped with green growing ground cover, unless the site is designed to meet the requirements of Section 33.82.035 (a) (1). Any on-site landscaping required by Title 33 or areas paved in accordance with the building location regulation, will be applied toward the 10 percent requirement.

(m) 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) The intent of this Subsection is to ensure that required bicycle racks are designed so that bicycles may be securely locked to them without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

A. Bicycle racks shall hold bicycles securely by means of the frame. The frame shall be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels.

B. Bicycle racks shall accommodate:

(i) Locking the frame and both wheels to the rack with a high-security U-shaped shackle lock, if the bicyclist removes the front wheel; and

(ii) Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock, if the bicyclist leaves both wheels on the bicycle; and

(iii) Locking the frame and both wheels to the rack with a chain or cable not longer than 6 feet without removal of the front wheel.

C. Staff of the alternative transportation program in the Bureau of Transportation Engineering shall make an initial determination as to whether a rack meets the requirements of this Section.

D. Any person or organization who is denied approval of a proposed bicycle rack because it does not meet the requirements of this Section, but who feels the rack meets the intent stated above, may appeal the denial. Appeals shall be filed by writing a letter to the Chief Engineer of the Bureau of Transportation Engineering asking for review of the staff decision of denial. The letter shall describe the applicant's rack, describe how it meets the intent of this Section, and how staff erred in denying approval. The Chief Engineer shall reply to the applicant within 30 days, in writing,

either granting or denying the appeal.

(6) An aisle for bicycle maneuvering 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.

(n) Parking for the disabled shall be the closest parking spaces to an accessible entrance of the structure which is reached by travel on an accessible circulation route and subject to requirements specified in ANSI A117.1-1980 and Section 3108 of the Oregon State Structural and Specialty Code (1982 ed.). Parking spaces must be placed adjacent to a walk system with a hard surface that is accessible from the space.

33.82.035 Building Orientation.

(Added by Ord. No. 161219; effective Sept. 8, 1988.)

(a) Building orientation in C2, C3, C4, C5 and M3 zones. The following regulations apply to all sites within a C3, C4 or C5 zone. Within a C2 or M3 zone these regulations apply to sites fronting a major or minor transit street which do not also abut a truck route or state highway. Major and minor transit streets are specified in the most recent update of Portland's Arterial Streets Classification Policy. Truck routes and state highways are shown on Map 1, located at the back of this Chapter.

(1) Building location. Motor vehicle parking and/or maneuvering is not allowed between any building and the public right-of-way. The land between the building and the street shall be landscaped or hard-surfaced, or a mix of both, for use by pedestrians. In C2 or M3 Zones, this requirement will apply only to lots fronting on transit streets.

(2) Blank wall limitation. Any facade within 15 feet of a public right-of-way must contain transparent windows and/or entrances for pedestrians covering at least 25 percent of the length and 15 percent of the area of the facade within 8 feet of finished grade.

(3) Access. Specific driveway locations and widths are subject to approval by the City Traffic Engineer as stated in Chapter 17.28 of the City Code. The number of driveways and driveway widths must be minimized while allowing for adequate access for the proposed use.

(b) Building orientation in R2, R1, RH Zones. Parking areas shall not be allowed between the principal structures and at least one abutting right-of-way. If the lot abutts two or more rights-of-way, this limitation applies to only one such frontage.

(c) Small lot perimeter landscaping exemption. Lot lines of lots developed in compliance with the design standards of Section 33.82.035 (a) (1), (2), and (3) are exempt from the perimeter landscaping requirements for parking lots of Section 33.82.030 (b) if all the following criteria are met:

(1) The lot is an interior lot with 100 feet or less of lot width or the lot is any lot with 50 feet or less of lot width.

(2) The lot line does not abut a lot which is in a residential zone.

(3) Parking lot screening is provided along all side and rear lot lines meeting an L2 or S1 standard.

(4) Parking lots located along a front lot line must be provided with a L1 landscape buffer and a L2 or S1 screen along the front and side lot lines. The screen may be interrupted to allow a vehicle access to the parking lot.

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 1 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 30 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 300 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 the 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 5 feet and not more than 6 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 12 feet wide.

33.86.050 Plan for Required Off-street Loading Berths. (Amended by Ord. No. 156176; effective 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 Requirement.
- 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 10 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. (Amended by Ord. No. 159256 effective Jan. 1, 1987.)

(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 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 subdivision or major partition, if approved under the provisions 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 mid-point 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 on a multi-family development on a flag lot, 1-1/2 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.

(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 5 and 6 feet in height, except for the portion within the required front yard, in such cases screening shall not exceed 3-1/2 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 2 years, and shall thereafter be maintained at the required heights of 3-1/2 feet in required front yards and 5 to 6 feet along other boundaries.

(e) (Amended by Ord. No. 156176; effective 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 the 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 front, side, and rear yard shall be open and unobstructed from the ground to the sky.

33.90.040 Projection Allowed into Yards. (Amended by Ord. No. 137559, 156176, 158535; and 161335, effective Oct. 19, 1988.)

(a) Cornices, eaves, belt courses, sills, canopies, bay windows or other similar architectural features may extend or project into a required side yard not more than 2 inches for each 1 foot of width of such side yard and may extend or project into a required front or rear yard not more than 30 inches. Bay windows projecting into any required yard may total up to 12 feet in length. Length must be measured, for each bay window, in a straight line parallel to the property line from the initial to the final point of projection into the required yard. A bay window projecting into a required yard may be more than one story in height and must be predominantly glazed surfaces. Chimneys may also project into a required front, side, or rear yard not more than 20 inches. The width of side yards must not be reduced by projections allowed by this Section to less than 3 feet.

(b) Open, unenclosed fire escapes may extend or project into any front, side, or rear yard not more than 4 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 4 feet or one-half the depth of the required rear yard, whichever is greater. Balconies may extend into a required front yard not more than 30 inches. Open stairways or wheelchair ramps not covered by a roof or canopy, leading to the front door of a dwelling may extend into a required front yard up to the front lot line.

(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 30 inches and into a rear yard not more than 4 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 20 percent of the width of

such court, but in no case more than 6 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 3-1/2 feet above the average ground level adjacent thereto; provided, further, that an open-work type railing not more than 3-1/2 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) A fence, lattice-work screen or wall, not more than 6 feet in height, or a hedge or thick growth of shrubs, maintained so as not to exceed 6 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 line is submitted to the Bureau of Planning; provided, however, that in neither case shall any portion of such fence, lattice-work screen, wall, hedge, 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) (Repealed by Ord. No. 158535 May 22, 1986.)

(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 2-1/2 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 3-1/2 feet above the average ground level adjacent thereto.

Chapter 33.91

SUPERBLOCK DEVELOPMENT REGULATIONS

(Added by Ord. No. 155630; passed
Feb. 23, effective March 26, 1984.)

Sections:

- 33.91.010 Generally.
- 33.91.020 Purpose.
- 33.91.030 Regulations.
- 33.91.040 Approval Criteria.
- 33.91.050 Procedures.

33.91.010 Generally. (Amended by Ord. No. 160606 effective July 1, 1988.) The regulations of this Chapter cover C3, C2, CX, M3 and CE zoned areas outside of the Downtown Plan or Northwest Triangle Plan subareas of the Central City Plan District. 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. (Amended by Ord. No. 160606 effective July 1, 1988.) This Chapter regulates the design of projects located on superblocks in the City's C3, C2, CX, CE and M3 Zones outside the areas included within the Downtown Plan or Northwest Triangle Plan subareas of the Central City Plan District. This review protects light and air available to City residents and visitors and assures good access for pedestrians from surrounding area locations to and through the superblocks.

33.91.030 Regulations. (Amended by Ord. No. 159256 Jan. 1, 1987.)

(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 provisions of Section 33.91.050.

(b) Superblock developments shall provide walkways, open spaces, and plazas within the superblock equal in area to at least 50 percent 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 percent 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.

33.91.040 (Amended by Ord. No. 159256 effective Jan. 1, 1987.) **Approval Criteria.** If the proposed walkway and plaza design meets the following criteria, then the plans shall be approved:

(a) The requirements of 33.91.030, above, are met.

(b) The required amount of walkway, plaza, and open space are provided.

(c) 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.

(d) Walkway locations link in pleasant and convenient ways with those on other adjacent superblocks and, where appropriate, with public transit facilities.

33.91.050 (Amended by Ord. No. 159256 effective Jan. 1, 1987.) **Procedures.** Superblock development review shall be processed through a Type I procedure. A Type I application which has been denied or approved with conditions unacceptable to the applicant may be reapplied for through a Type III procedure assigned to the Design Commission.

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, CX, M3, M2, and M1 Zones.
- 33.94.040 Nonconforming Residential Uses in 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.
- 33.94.200 Nonconforming Use Regulations for the HI, GI GE and CE Zones.

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, and C4 Zones. (Amended by Ord. No. 143022, 145024, 148873, 150581, 151027, 153373, 158535, 159256; and 160108 effective Oct. 12, 1987.)

(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 as provided by 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 nonconforming use during a continuous period of 1 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 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 dwelling 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 1 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 20 percent in floor area as existing on July 1, 1959, as provided by 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.

33.94.030 In RX, C2, C3, CX, M3, M2 and M1 Zones. (Amended by Ord. No. 139117, 139702, 141105, 143002, 147235, 147329, 148873, 150581, 156176, 159256; and 160606 effective July 1, 1988.)

(a) Change of Use. A nonconforming use may be changed to a conforming use or to a use of the same or more restrictive classification. Such a change of use requires verification from the Bureau of Planning. A Certificate of Occupancy from the Bureau of Buildings may also be required.

Questions as to whether the proposed use is the same or of a more restricted classification shall be referred for interpretation as specified in Section 33.205.040, in the Administration Chapter. In such a case, the Director may determine that a proposed use will retain its nonconforming use status if:

(1) There will be no greater detriment to the neighborhood and the public; and

(2) The proposed use falls within the same, or more restrictive, classification of the prior use.

After the 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. 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 percent 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 percent 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. Such variance requests are processed through a Type II procedure.

(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) (Repealed by Ord. No. 158535 May 22, 1986.)

(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 M2 and M1 Zones. (Amended by Ord. No. 148873; and 160606 effective July 1, 1988.) The provisions of Section 33.94.020 govern nonconforming residential uses in M2 and M1 Zones except that such use are not 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 10 years if: The true cash value of any improvements involved in such nonconforming use is less than \$2,000 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 by Ord. No. 151027; amended by Ord. No. 152466, 153042; and 159256 effective Jan. 1, 1987.) 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 re-established if it meets the approval criteria.

(a) Approval criteria. A nonconforming use or structure may be re-established if:

(1) The nonconforming use and/or structure will be beneficial to the surrounding neighborhood;

(2) The use and/or structure will be re-established or redesigned so as to be compatible with the neighborhood character as determined by the Design Review Commission;

(3) The use and/or structure will be compatible with the area's current policy or comprehensive plan; and

(4) Prior to its continued use or destruction, it:

A. Provided housing; or

B. 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

C. Was an established business whose operation would be compatible with the neighborhood character as established by the area's current policy or comprehensive plan.

(b) Procedure. A request to re-establish a nonconforming use is processed through a Type III procedure assigned to the Hearings Officer. A decision for approval is forwarded to City Council for enactment by Ordinance. A request for a change of use may be considered concurrently as a part of a special nonconforming use request.

33.94.090 Appeal and Effectiveness. (Repealed by Ord. No. 159256 effective Jan. 1, 1987.)

33.94.100 Transfer - Termination. (Repealed by Ord. No. 159256 effective Jan. 1, 1987.)

33.94.200 Nonconforming Use Regulations for the HI, GI, GE and CE Zones. (Added by Ord. No. 157663; amended by 160606 effective July 1, 1988.) The regulations for nonconforming uses apply only to the activity, not to the structure or other site improvements. Specific provisions for site improvements that are nonconforming are contained within the industrial site development regulations. The regulations for nonconforming activities, as defined in 33.455.115, are:

(a) Nonconforming activities may continue to operate, may change ownership and may resume activities after accidental damage or fire.

(b) Nonconforming activities may resume operations if discontinued for a continuous period of up to 2 years. If discontinued for 2 years or longer the site and structure may only be occupied by a permitted use, except as provided for in 33.94.080.

(c) Nonconforming activities may change to a permitted use. If they do so they may not change back to a prohibited activity as stated in 33.455.105.

(d) They may change to another use within the same prohibited activity category.

(e) They may change to a conditional use under the provisions of 33.455.110.

(f) Expansion of a nonconforming activity is limited to the lot of record at the time of implementation date of the zone. The expansion is permitted outright.

(g) Residential structures may be expanded or remodeled, but additional dwellings may not be added or created.

Chapter 33.98

EXCEPTIONS

(Amended by Ord. No. 148873, and 155124; passed Sept. 22, effective Oct. 24, 1983.)

Sections:

- 33.98.004 Purpose.
33.98.006 Appropriate References.

Variances

- 33.98.008 Variances.
33.98.010 Findings.
33.98.015 Types of Variances.
33.98.020 Procedures.
33.98.040 Validity of Certain Variances.
33.98.045 Variance Committee.
33.98.050 Sign Location.

Revocable Permits

- 33.98.060 Revocable Permits.
33.98.065 Validity of Certain Revocable Permits.

Adjustments

General

- 33.98.100 Purpose.
33.98.110 Types of Adjustments.
33.98.120 General Standards.

Energy Conservation Adjustments

- 33.98.150 Purpose.
33.98.160 Qualifying Energy Conserving Projects.
33.98.170 Zoning Regulations That May Be Adjusted.
33.98.180 Approval Standards.
33.98.190 Approval Procedures.

Central City Plan District Adjustments

- 33.98.200 Purpose.
33.98.210 Qualifying Projects.
33.98.220 Zoning Regulations That May Be Adjusted.
33.98.230 Approval Standards.
33.98.240 Approval Procedures.

Alternative Design Adjustment

- 33.98.250 Purpose.
33.98.260 Qualifying Projects.
33.98.270 Zoning Regulations That May Be Adjusted.

- 33.98.280 Approval Criteria.
- 33.98.290 Approval Procedures.

**Landscaping and Screening
Adjustments**

- 33.98.360 Purpose.
- 33.98.370 Applicability.
- 33.98.380 Procedures and Assignment
of Reviews.
- 33.98.390 Approval Criteria.

**Industrial Zone Site Development
Adjustments**

- 33.98.400 Purpose.
- 33.98.410 Applicability.
- 33.98.420 Assignment of Reviews.
- 33.98.430 Procedures and Approval
Criteria for Specific
Adjustments.

Sign Adjustments

- 33.98.450 Purpose of Sign Adjustments.
- 33.98.460 Applicability.
- 33.98.470 Procedures.
- 33.98.480 General Approval Criteria.
- 33.98.490 Approval Criteria in Design
Zones and Historic Review
Areas.

Building Orientation Adjustments

- 33.98.500 Purpose.
- 33.98.510 Qualifying Projects.
- 33.98.520 Approval Standards.
- 33.98.530 Approval Procedures.

33.98.004 Purpose. (Added by Ord. No. 155124; effective 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. (Added by Ord. No. 155124; amended by 159256 effective Jan. 1, 1987.) 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 reference to the Variance Chapter shall be construed to mean the variance provisions of the Exceptions Chapter.

VARIANCES

33.98.008 Variances. (Amended by Ord. No. 155124; and 159256 effective Jan. 1, 1987.) The variance regulations are intended to allow for the relaxation of certain provisions of the zoning regulations, under specified conditions, in such a way 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 by Ord. No. 151027, 152666; and 160606 effective July 1, 1988.) A variance as specified in Section 33.98.015 may be granted if literal interpretation and enforcement of the regulations of this Title applicable to a property would result in practical difficulties or unnecessary hardships.

(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 by Ord. No. 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.

33.98.015 Types of Variances. (Amended by Ord. No. 150581, 151021, 151027, 158535, 159256, 160606; and 161219 effective Sept. 8, 1988.) Unless otherwise specified in this Title, variances are 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 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 2 feet.

(3) Modification of eave projection into the side yard by increase of no more than 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 10 percent of the requirement.

(b) Major Variances. Unless otherwise specified in this Title, major variances shall be limited to the following:

(1) 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 in R1, R2 and RH residential zones, lot coverage, floor area, height, open space, screening limitations, solar setback requirements, 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, CX, M3, CE, M2 and M1 Zones, enlargement 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 areas, 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.

(c) 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.

(Repealed by Ord. No. 159256 effective Jan. 1, 1987.)

33.98.025 Procedures. (Repealed by Ord. No. 159256 effective Jan. 1, 1987.)

33.98.020 Procedures. (Added by Ord. No. 159256; amended by 160606 effective July 1, 1988.)

(a) Minor variances as described in Subsection 33.98.015 (a) are processed through a Type I procedure. A Type I application which has been denied, or approved with conditions unacceptable to the applicant, may be reapplied for through a Type III procedure assigned as provided in Subsection 33.98.020 (b) below.

(b) Major variances as described in Subsection 33.98.015 (b) are processed through a Type II procedure. The review body is as follows:

(1) The Variance Committee is the review body except in the case of a request within a D, or Y Zone, or within a designated historical district, building, or site.

(2) In the case of a request within a D, or Y Zone, the Design Commission is the review body, except when the request is also within a designated historical district, building, or site.

(3) In the case of a request within a designated historical district, building, or site, the Historical Landmarks Commission is the review body.

33.98.030 Notification. (Repealed by Ord. No. 159256 effective Jan. 1, 1987.)

33.98.035 Effectiveness - Termination. (Repealed by Ord. No. 159256 effective Jan. 1, 1987.)

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.

REVOCABLE PERMITS

33.98.060 Revocable Permits.

(Amended by Ord. No. 138351, 139117, 139702, 141105, 145340, 151341, 152466; and 159256 effective Jan. 1, 1987.) Revocable permits alter the regulations or exempt the applicant from any provisions or regulations of this Title or its accompanying map.

The revocable permit provisions were 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.

Revocable permit requests are processed through a Type III procedure assigned to the Hearings Officer. A

decision of approval is forwarded to City Council for enactment by ordinance.

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. (Added by Ord. No. 155124; effective 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. (Added by Ord. No. 155124; amended by 155630, 157663, 157990; repealed by 158535 May 22, 1986.)

33.98.120 General Standards. (Added by Ord. No. 155124; amended by Ord. No. 159256 effective Jan. 1, 1987.) 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 adjustment granted is the minimum required to achieve the proposed benefit.

33.98.130 Application and Fee.

(Repealed by Ord No. 159256 effective Jan. 1, 1987.)

33.98.140 Acceptance and

Termination. (Repealed by Ord No. 159256 effective Jan. 1, 1987.)

**ENERGY CONSERVATION
ADJUSTMENTS**

33.98.150 Purpose. (Added by Ord. No. 155124; effective 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. (Added by Ord. No. 155124; effective 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. (Added by Ord. No. 155124; effective 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.

(Added by Ord. No. 155124; amended by 159256 effective Jan. 1, 1987.) 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 10-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 5-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 5-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 preliminary 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.

(e) 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.

33.98.190 Approval Procedures.

(Added by Ord. No. 155124; amended by 159256 effective Jan. 1, 1987.) Energy conservation adjustment requests shall be processed through a Type II procedure assigned to the Hearings Officer.

CENTRAL CITY PLAN DISTRICT ADJUSTMENTS

33.98.200 Purpose. (Added by Ord. No. 155124; amended by 157665; and 160606 effective July 1, 1988.) The purpose of granting adjustments in the Central City Plan District area is to increase flexibility in the zoning regulations and allow development that is supportive of the Central City Plan, and its subordinate plans, but that may not conform to the numeric standards of the Central City Plan District regulations.

33.98.210 Qualifying Projects.

(Added by Ord. No. 155124; amended by 160606 effective July 1, 1988.) New or remodeled structures in the Central City Plan District may be granted Zoning Code adjustments.

33.98.220 Zoning Regulations That May Be Adjusted. (Added by Ord. No. 155124; amended by 157665; and 160606 effective July 1, 1988.) Within the Central City Plan District, regulations that may be adjusted are: required building lines, required ground floor retail uses and limitations on blank walls.

33.98.230 Approval Standards.

(Added by Ord. No. 155124; amended by 157665, 159256; and 160606 effective July 1, 1988.) A Central City Plan District adjustment may be granted if it is found that:

(a) The adjustment will result in a use or structure that is more supportive of the Central City Plan and its subordinate plans than would be the case without the adjustment; and

(b) 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.

33.98.240 Approval Procedures.

(Added by Ord. No. 155124; amended by 159256; and 160606 effective July 1, 1988.) Central City Plan District adjustment requests shall be processed as outlined below:

(a) Central City Plan District adjustments which are not in a historic district, or which do not involve a designated landmark, building, or site, are processed as provided in Section 33.62.050. If they are determined to be

major projects, the review body is the Design Commission.

(b) Central City Plan District adjustments which are within a historic district, or which involve a designated landmark, building, or site are processed as provided in Subsection 33.120.080(b).

ALTERNATIVE DESIGN ADJUSTMENT

33.98.250 Purpose. (Added by Ord. No. 155630; effective March 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. (Added by Ord. No. 155630; amended by 160606 effective July 1, 1988.) New or remodeled structures in C2, C3, and M3 Zones which are not also in a D Design Overlay Zone may go through the alternative design adjustment process.

33.98.270 Zoning Regulations That May Be Adjusted. (Added by Ord. No. 155630; amended by 160606; and 161219 effective Sept. 8, 1988.) Within the C2, C3, and M3 Zones regulations eligible for an alternative design adjustment are as follows:

(a) Superblock development regulations of Chapter 33.91.

(b) Open lot parking and access limitations of Section 33.41.040.

33.98.280 Approval Criteria. (Added by Ord. No. 155630; amended by 159256; and 161219 effective Sept. 8, 1988.) 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 Mt. 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) Providing screening, setbacks, and significant landscaping between the circulation system established for pedestrians and automobile parking and maneuvering areas wherever this is practical.

(k) 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.

33.98.290 (Added by Ord. No. 155630; amended by 159256 effective Jan. 1, 1987.) **Procedures.** Alternative design requests are processed as follows:

(a) Alternative design adjustments for building orientation provisions on sites of under 40,000 square feet are processed through a Type I procedure. A Type I application which has been denied or approved with conditions unacceptable to the applicant, may be reapplied for through a Type III procedure assigned as provided in Subsection (b) below.

(b) All other alternative design adjustments are processed as follows:

(1) Requests which are not in a historic district, or which do not involve a designated landmark, building, or site, are processed through a Type III procedure assigned to the Design Commission.

(2) Requests which are within a historic district, or which involve a designated landmark, building, or site, are processed as provided in Subsection 33.120.080(b).

33.98.300 **Appeal Process.**
(Repealed by Ord. No. 159256; effective Jan. 1, 1987.)

(Sections 33.98.310, .320, .330, .340 and .350 repealed by Ord. No. 160050 effective Sept. 1, 1987.)

**LANDSCAPING AND SCREENING
ADJUSTMENTS**

33.98.360 Purpose. (Added by Ord. No. 157663 effective Aug. 31, 1985.) Adjustments to the landscaping and screening standards are allowed to provide greater development flexibility while still fulfilling the intent of the required landscaping or screening.

33.98.370 Applicability. (Added by Ord. No. 157663; amended by 160049 effective Sept. 19, 1987.) Landscaping and screening adjustments may only be granted for screening materials and number, type or placement of plants required in 33.520.020 of the landscaping and screening Chapter and for the quantity or area of landscaping as required in 33.801.025 G.

33.98.380 Procedures and Assignment of Reviews. (Added by Ord. No. 157663; amended by 159256 effective Jan. 1, 1987.) Requests in a commercial or industrial zone are processed through a Type I procedure. A Type I application which has been denied, or approved with conditions unacceptable to the applicant, may be reapplied for through a Type III procedure assigned to the Hearings Officer. Requests in a residential zone or in the buffer zone are processed through a Type II procedure assigned to the Hearings Officer.

33.98.390 Approval Criteria. (Added by Ord. No. 157663 effective Aug. 31, 1985.) Adjustments may be approved if it is found that protection and separation will be provided at a greater, similar or equal level to the landscape requirement. Consideration shall be made of such items as topography, increased setbacks and existing on-site and adjacent landscaping and screening.

**INDUSTRIAL ZONE SITE
DEVELOPMENT ADJUSTMENTS**

33.98.400 Purpose. (Added by Ord. No. 157663 effective Aug. 31, 1985.) Adjustments to the industrial zone site development regulations are allowed to provide greater development flexibility. The approval criteria for each adjustment ensure that deviations from the zoning requirements will fulfill the intent of the regulations. If no adjustment provision is listed in this division for a specific regulation, it is not eligible for any form of exception process in this Title.

33.98.410 Applicability. (Added by Ord. No. 157663 effective Aug. 31, 1985.) The industrial zone adjustments of this division apply to the HI, GI and GE zones only.

33.98.420 Assignment of Reviews. (Added by Ord. No. 157663; amended by 159256 effective Jan. 1, 1987.) All Type II and III reviews are assigned to the Hearings Officer. Type I applications which have

been denied, or approved with conditions unacceptable to the applicant, may be reapplied for through a Type III procedure assigned to the Hearings Officer.

33.98.430 Procedures and Approval Criteria for Specific Adjustments. (Added by Ord. No. 157663 effective Aug. 31, 1985.)

(a) Setback reductions. Reductions for building, parking and exterior development setbacks may be made based on the following procedures and criteria. Required landscaping and screening must still be provided in remaining setback areas.

(1) Procedures. Setback reductions for 25 percent or less of the requirement shall be reviewed under a Type I procedure. Setback reductions for more than 25 percent of the requirement shall be a Type II procedure.

(2) Approval criteria. Setback reductions shall be approved when the following findings are made:

A. Reducing the setback is the only practical means to allow for efficient site development due to site conditions and/or surrounding development patterns; and

B. The separation of land uses is being maintained, where possible, through increased landscape and/or screening materials; and

C. Granting the adjustment will not be detrimental to the economic function or character of the industrial area.

(b) Required street side setbacks. In addition to (a) above, landscaped setbacks fronting public streets may be reduced under a Type I procedure when the following standards are met:

(1) There is a landscaped area in the public right-of-way immediately adjacent to the property line that meets the required landscape standard; and

(2) A deed restriction is created which states that the property owner will maintain the public landscaping area adjacent to the property, except for street trees. The deed restriction shall also state that if the property owner fails in this maintenance, the City shall maintain the

area and bill the property owner for such services; and

(3) The reduced landscaped setback is not greater than the width of the public landscaped area.

(c) Reduction of required auto parking spaces.

(1) Procedure. A reduction of 10 percent or less of the required auto spaces may be granted under Type I review. A reduction of over 10 percent of the required auto spaces may be granted under a Type II review.

(2) Factors to be considered. The findings for the review shall be based on a study showing as appropriate the following:

A. The present and projected service level of the adjacent streets;

B. The on-street parking and traffic situation near the site;

C. The potential to provide additional parking on or near the site; and

D. The availability of mass transit, alternative transportation facilities and the opportunity for shared parking between adjacent activities.

(3) Approval criteria. Reductions in required parking spaces shall be approved when it is found that:

A. The number of parking spaces required is inappropriate at the site; and

B. Approval of the request will result in no increase of on-street parking problems and no interruptions or hazards to the movement of traffic, pedestrians or transit vehicles; and

C. Granting the adjustment will not be detrimental to the economic function or character of the industrial area.

(d) Bicycle parking space reductions. Required bicycle parking spaces may be reduced under a Type I review. Bicycle parking spaces may be reduced when it is found that the required number of spaces are not needed because of the type of use, or the availability of spaces in or near the building, or the expected low demand for bicycle parking due to the location of the site.

(e) Adjustments to required loading regulations.

(1) Procedure. An adjustment to

the required loading regulations may be granted under a Type I procedure.

(2) A reduction in the number of required loading spaces shall be approved if it is found that there is adequate on-site areas for loading and that no significant adverse transportation impacts will result.

(3) Reductions to the required loading berth dimensions shall be granted if it is found that there is substantial evidence that vehicles that are apt to use the loading area will be able to do so without standing in the right-of-way.

(4) Adjustments to the loading access provision stated in 33.455.225 C shall be granted if it is found that lot size, existing developments or other site conditions make compliance unreasonable or impossible.

(f) Landscape and screening materials. Modifications to required landscaping or screening materials are permitted under the provisions of 33.98.360 to 390.

(g) Development within the water features' required open area. The water features' open area requirements may be decreased based on the following procedures and criteria.

(1) Procedures. Reductions for 10 percent or less of the distance shall be reviewed under a Type I review. Exceptions for over 10 percent of the requirement shall be a Type III review.

(2) Approval criteria.

A. The Type I reviews shall be approved if it is found that the proposal will have no impact or trivial impact on the nearby water feature.

B. The Type III reviews shall be approved if it is found that criteria i or ii, and iii through v are met.

i. There are no other reasonable on-site alternatives to the proposal; or

ii. The proposal will be incorporating the water feature as an amenity into the development;

AND ALL OF THE FOLLOWING

iii. The proposal will not adversely affect the water feature due to increased

erosion or potential cave-ins of banks; and

iv. Direct stormwater runoff into the water feature from impervious surfaces will not be increased; and

v. Identified fish and wildlife habitats and riparian vegetation will be reasonably conserved.

SIGN ADJUSTMENTS

33.98.450 Purpose of Sign

Adjustments. (Added by Ord. No. 158535 May 22, 1986.) Sign adjustments are intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. The sign adjustment approval criteria allow signs which enhance the overall character of an area or to mitigate unusual site conditions.

33.98.460 Applicability. (Added by Ord. No. 158535 May 22, 1986.) Sign adjustments for proposed and existing signs may be requested for all sign regulations except for those items listed as prohibited. However, S Zone sign adjustments are limited by the provisions of the S Zone.

33.98.470 Procedures. (Added by Ord. No. 158535; amended by 159256 effective Jan. 1, 1987.)

(a) Outside of design review and historic areas. Sign adjustments for no more than a 25 percent deviation from a numerical standard are a Type I review. Type I applications which have been denied, or approved with conditions unacceptable to the applicant, may be reapplied for through a Type III procedure assigned to the Hearings Officer. Sign adjustments for more than a 25 percent deviation from a numerical standard or from some other sign regulation are a Type II review assigned to the Hearings Officer.

(b) Design zones and historic areas. Adjustments in design zones or on sites where historic reviews are required, are processed the same as for those outside of these areas, as stated in (a) above. The reviews are assigned to the Design Commission in design zones and the Historical Landmarks Commission in historic areas, buildings or sites.

33.98.480 General Approval

Criteria. (Added by Ord. No. 158535 May 22, 1986.) Sign adjustments on sites outside of design zones and historic areas may be approved if the criteria of (a) or (b) below, are met. In addition, moved, replaced, or altered nonconforming signs may be approved under the provisions of Subsection (c).

(a) Area enhancement.

(1) If the proposed sign extends into the right-of-way, the sign will not create a traffic or safety hazard; and

(2) The adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, or to signs adversely dominating the visual image of the area; and one of the following:

(3) The adjustment will allow a unique sign of exceptional design or style which will enhance the area or which will be a visible landmark; or

4. The adjustment will allow a sign that is more consistent with the architecture and development of the site.

(b) Site difficulties. If there are unusual site factors which preclude an allowable sign from being visible to the roadway adjacent to the site frontage, an adjustment may be granted to achieve the visibility standards of (b) (4) below. Site difficulties include problems arising from the site's topography, existing development, or landscaping; or from adjacent development or landscaping. This set of adjustment criteria are generally intended for freestanding and projecting signs. The adjustment may be approved when the following criteria are found to be met:

(1) There is no reasonable place for the site for an allowable sign to achieve the visibility standards of (b) (4) below; and

(2) If the proposed sign extends into the right-of-way, it will not cause a traffic or safety hazard; and

(3) Of potential adjustments to meet the visibility standard of (b) (4) below, the request is the most consistent with the surrounding development and sign patterns; and

(4) The adjustment is the minimum needed for a sign to meet the following visibility standards.

Posted Road Speed

35 mph or less
40 - 50 mph
55 mph

Visibility to Travel Lanes On The Roadway In Front of Site Frontage

200 feet
300 feet
400 feet

(c) Nonconforming signs.

Nonconforming signs and sign structures which are moved, replaced, or structurally altered may be allowed to not achieve conformance when it is found through a Type I procedure that:

(1) The modified sign is closer to conformance than the old sign; and

(2) The overall visual impact of all signs on the site has been improved.

33.98.490 Approval Criteria in Design Zones and Historic Review Areas. (Added by Ord. No. 158535 May 22, 1986.) Sign adjustments in Design Zones or areas subject to historic review may be approved if it is found:

(a) If the proposed sign extends into the right-of-way, it will not create a traffic or safety hazard; and

(b) The adjustment for the proposed sign conforms to the design guidelines or historic area guidelines for the area, and to any specific area plan policies.

BUILDING ORIENTATION ADJUSTMENTS

33.98.500 Purpose. (Added by Ord. No. 161219; effective Sept. 8, 1988.) Adjustments to the building orientation regulations are allowed to provide greater development flexibility provided the intent of building orientation regulations are maintained. The intent of the regulations is as follows:

(1) To encourage pedestrian travel and use of public transit by making the environment for pedestrians pleasant and safe, while insuring that uses established in a C2 or M3 zone are developed to serve both transit and auto-oriented patrons.

(2) To promote economic development and neighborhood liveability by

encouraging building/site design which reinforces the architectural and functional character and identity of commercial areas and fits within a neighborhood commercial context.

33.98.510 Qualifying Projects.

(Added by Ord. No. 161219; effective Sept. 8, 1988.) All projects in C5, C4, C3, C2 or M3 zones may request an adjustment to building location or blank wall limitation regulations of Subsection 33.82.035 (a).

33.98.520 Approval Standards.

(Added by Ord. No. 161219; effective Sept. 8, 1988.)

(a) In addition to general adjustment approval criteria in Chapter 33.98.120, an adjustment to building location may be granted if it is found that:

(1) The proposed project provides an environment for pedestrians which is pleasant and safe; and

(2) Fifty percent of the commercially-zoned properties within 500 linear feet of the applicant's site does not meet the building location regulation of 33.82.035 (a) (1). The linear measurement shall be made along both sides of the street subject to the adjustment request.

(b) An adjustment to the blank wall limitation requirement may be granted if it is found that:

(1) The proposed project provides an environment for pedestrians which is pleasant and safe; and

(2) The proposed project is compatible with and reinforces the character and identity of the surrounding area.

(3) A project which is granted an adjustment to the blank wall limitation must provide display cases, artwork and/or sculpture or other items of visual interest.

(c) Convenience store review. Within a C2 or M3 zone, adjustments to these regulations may be approved upon the issuance of a convenience store permit pursuant to the convenience store review process when the Good Neighbor Plan meets criteria (s) (1) and (2) and/or criteria (b) (1) through (3) of this Section.

33.98.530 Approval Procedures.

(Added by Ord. No. 161219; effective Sept. 8, 1988.)

(a) Procedure. Building orientation adjustment requests in the C3, C4 or C5 zones are processed through a Type II procedure. Building orientation adjustment requests in C2 or M3 zones are processed through a Type I procedure.

(b) Review body. Building orientation adjustments are assigned to the Design Commission.

Chapter 33.102

(Amended by Ord. No. 159256 effective Jan. 1, 1987).

ZONE CHANGES

Sections:

33.102.010 Procedure.

33.102.015 Approval Criteria for Base Zones.

33.102.020 Approval Criteria for Overlay Zones.

33.102.050 Zoning Annexed Areas.

33.102.070 Building Permit Moratorium.

33.102.010 Procedure. (Amended by Ord. No. 139117, 139702, 141105, 150581, 152547, 159256; and 161335, effective Oct. 19, 1988.) Zone change requests which are in compliance with the Comprehensive Plan Map are processed through a Type II procedure assigned to the Hearings Officer.

Zone change requests which include a Comprehensive Plan Map amendment are processed through a Type III procedure assigned to the Hearings Officer and are forwarded to the City Council for enactment by ordinance if approved.

In granting a change in zoning the classification of any property, the review body may attach such conditions and requirements to the zone change as the review body deems necessary, pursuant to 33.215.170(d) (Findings, Conclusions and Decisions). Such conditions and restrictions shall thereafter apply to the zone change.

The Council, or the Commission, or property owner may initiate proceedings for changes in zones.

All changes of zone must be filed and indexed in the office of the City Auditor, and must be noted on the official zoning maps established in Section 33.16.020.

No zone change 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 changes initiated by the Council or by the Commission and processed legislatively as specified in Chapter 33.220 do not require acceptance by the property owner and are recorded by the City.

33.102.015 (Added by Ord. No. 150581; amended by 152904, and 159256 effective Jan. 1, 1987.) **Approval Criteria for Base Zones.** Approval or disapproval of rezoning of property shall be determined using the following criteria. 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 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 Application for Zone Change - Zone Change and Affected Areas. (Repealed by Ord. No. 159256 effective Jan. 1, 1987.)

33.102.020 Approval Criteria For Overlay Zones. (Added by Ord. No. 159256 effective Jan. 1, 1987.) Changes of overlay zones shall be approved when the following criteria are met:

(1) If an overlay zone is being applied, the zone is needed to address a specific situation and the application is consistent with the intent and purpose of the overlay zone; or

(2) If an overlay zone is being removed:

(a) The problem the overlay zone was intended to address is no longer present; or

(b) The problem the overlay zone was intended to address will be adequately addressed through other means.

(3) If one overlay zone is

substituted for another, the criteria of (1) and (2) above must be met.

33.102.030 Procedure for Change of Zone - Establishment of Zones Exceeding a Particular Size. (Repealed by Ord. No. 159256 effective Jan. 1, 1987.)

33.102.040 Fees. (Repealed by Ord. No. 159256 effective Jan. 1, 1987.)

33.102.050 Zoning Annexed Areas. (Amended by Ord. No. 139117, 139702, 141105, 145338, 156176, 159256; and 160964, effective June 22, 1988.) Any area in Clackamas and Washington Counties annexed to the City after July 1, 1959 and any area in Multnomah County annexed after July 1, 1959 and before or on June 15, 1988, 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. In this period the Planning Director shall have the authority to: interpret the County's Code and Comprehensive Plan; apply land use procedures set forth in Chapter 33.215 most similar to the County's procedures; and determine the applicable fees in conjunction with these procedures.

Within a reasonable period of time 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.

The procedure for zoning or rezoning such areas shall be as provided in this Chapter provided, however, that legislative zone changes are processed as provided in Chapter 33.220 (Legislative Actions).

All decisions 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 decision, as if all the indications and designations shown thereon were fully described in the text of such decision. When the zone change decision

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.

(b) Any area annexed to the City from Multnomah County after June 15, 1988 shall automatically receive comparable Portland Comprehensive Plan Map designations and zones upon officially being incorporated into the City. The Comprehensive Plan Map designation and zone conversion process shall be a ministerial process and shall become effective on the effective date of the annexation.

Application of Comprehensive Plan Map designations and zones shall be in accordance with the designations and zones as provided in the Portland/Multnomah County Comprehensive Plan Map Designation and Zone Conversion Chart of this Section with the following noted exceptions:

(1) Portland Neighborhood Commercial Comprehensive Plan Map designation and C4 zone will be applied to annexed properties with owner documented County approved conditional use retail operations in County Multi-Family zones. Limited Commercial Comprehensive Plan Map designation and C5 zone will be applied to owner documented County approved conditional use office activities in County Multi-Family zones.

(2) Portland Neighborhood Commercial Comprehensive Plan Map designation and C4 zone will be applied to annexed properties located in County Local Commercial or Strip Conversion Zones where primary on-site retail use is allowed in the City C4 zone, the site is less than 40,000 square feet or less, and the annexed property does not abut a property with General Commercial Comprehensive Plan Map designation and C2 zone or abuts property with General Commercial Comprehensive Plan Map designation and C2

zone on one side. Property is not considered abutting if it is separated by a street or other right-of-way.

(3) Portland General Commercial Plan Map designation and zone will be applied to annexed sites in County Local Commercial or Strip Conversion Zones where the primary on-site activity is not allowed in the City C4 zone; or the site is more than 40,000 square feet; or properties with General Commercial Comprehensive Plan Map designations and C2 zones abut the annexed property on two or more sides. Property is not considered abutting if it is separated by a street or other right-of-way.

(4) Portland Comprehensive Plan Map designation and zone will be determined through quasi-judicial review initiated by the Director of Planning upon the effective date of annexation for any annexed Multnomah County property located in a County Urban Future Zone.

33.102.060 Text Amendment.

(Repealed by Ord. No. 159256 effective Jan. 1, 1987.)

33.102.070 Building Permit

Moratorium. (Added by Ord. No. 145587, amended by 148708; and 159256 effective Jan. 1, 1987.) 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 Chapter 33.220 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 90 days from the date of the Commission action or until the Council action of the report is effective, if sooner. If otherwise appropriate, such permits shall issue at the end of the 90-day period unless the Council has extended this moratorium for an additional period not to exceed 90 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, 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 90 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 90-day period unless the Council has extended this moratorium for an additional period not to exceed 90 days. Building permits issued after Council action shall comply with the requirements of the Council decision.

(c) (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.
- 33.106.015 Automatic Status.
- 33.106.020 Procedure.
- 33.106.035 Validity of Certain Conditional Uses.
- 33.106.050 Signs.
- 33.106.100 Residential Care Facility.
- 33.106.105 Community Care Facility.
- 33.106.110 Institutional Care Facility.

Industrial Zone Conditional
Use Reviews

- 33.106.200 Review Types.
- 33.106.205 Change of Use.
- 33.106.210 Expansions.
- 33.106.215 Colleges and Hospitals in the GE Zone.
- 33.106.220 Fixed Transportation in the HI, GI and GE Zones.
- 33.106.225 Major Event Entertainment in the HI, GI and GE Zones.
- 33.106.230 Natural Resource Extraction in the HI, GI and GE Zones.
- 33.106.235 Office, Personal Service, and Retail Product Sales and Services in the HI and GI Zones.
- 33.106.240 Open Recreation in the HI and GI Zones.
- 33.106.245 Radio or Television Broadcast Facility in the HI, GI and GE Zones.
- 33.106.250 Residential Activities in the GI and GE Zones.
- 33.106.255 Waste Disposal in the HI, GI and GE Zones.
- 33.106.260 Radio and Television Broadcast Facilities.

33.106.010 Authority. (Amended by Ord. No. 137871, 138936, 139117, 139310, 139702, 140290, 141105, 141491, 145344, 153108, 153828, 155124, 156374, 158254; and 159256 effective Jan. 1, 1987.) 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 pursuant to 33.215.170 D. (Findings, Conclusions and Decisions). 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).)

Changes which constitute a minor improvement of low costs and which do not change the use or pose a question of public importance, as determined by the Planning Director, are allowed outright.

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 an exception to the regulations of the Downtown Parking and Circulation Policy shall be applied for in connection with the conditional use for parking and shall be processed by the Hearings Officer concurrently with the conditional use review. All other requests 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.

33.106.015 (Added by Ord. No. 143409; amended by 159256 effective Jan. 1, 1987.) **Automatic Status.** Notwithstanding the contents of Chapter 33.106 and other provisions of Title 33, upon a change of 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 (Amended by Ord. No. 137871, 139117, 139702, 141105, 145334, 147239, 152466, 153042, 155124; and 159256 effective Jan. 1, 1987.) **Procedure.** Conditional use review is processed through a Type III procedure assigned to the Hearings Officer.

33.106.030 Effectiveness and Appeal. (Repealed by Ord. No. 159256 effective Jan. 1, 1987.)

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. (Repealed by Ord. No. 159256 effective Jan. 1, 1987.)

33.106.050 Signs. (Added by Ord. No. 153373; repealed by Ord. No. 158535 May 22, 1986.)

33.106.100 Residential Care Facility. (Added by Ord. No. 156374; amended by 160474 effective Mar. 14, 1988.)

(A) **Regulations.** In addition to the regulations of the base zone, the following regulations shall be met:

(1) **Minimum Lot Size.**

(a) For residential care facilities serving up to 15 people, the minimum lot size shall be that required by the base zone.

(b) For residential care facilities serving more than 15 people, the minimum lot size shall be twice that required by the base zone or 20,000 square feet, whichever is less.

(2) **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.

(3) Minimum On-site Open Space.

(a) Two hundred square feet for each resident served under the age of 12 years.

(b) Three hundred square feet for each resident served 12 through 17 years of age.

(c) One hundred fifty square feet for each resident served 18 years of age or older.

(B) General Requirements. Prior to approval of a residential care facility, it shall be found that:

(1) The applicant shall comply with any and all applicable federal, state or county regulations relative to the operation of a residential care facility and present written evidence of such compliance.

(2) The applicant shall comply with the City of Portland Density Guidelines for the Siting of Residential Care Facilities; and

(3) Any construction or remodeling required to bring the structure into compliance with the regulations enforced by the Bureau of Buildings will be completed prior to occupancy. No sign indicating use of the structure as a residential care facility shall be permitted. In accordance with Section 501 of the Uniform Building Code, the Buildings Inspection Director shall assign an appropriate occupancy to residential care facility; and

(4) The number of vehicles permanently located at the facility or operated on a daily basis in connection with the facility shall be restricted; and

(5) 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 shall be included.

(C) Nontransferability. Approval of a site for a residential care facility is limited to the applicant personally and approval by the City is not transferable to any other person or site. Any change to these conditions shall require a new conditional use approval.

33.106.105 Community Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.)

(A) Regulations. In addition to those of the base zone, the following regulations shall be met:

(1) 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.

(B) General Requirements. Prior to approval of a community care facility, it shall be found that:

(1) Any construction or remodeling required to bring the structure into compliance with the regulations enforced by the Bureau of Buildings shall be completed prior to occupancy. In accordance with Section 510 of the Uniform Building Code, the Buildings Inspection Director shall assign an appropriate occupancy to the community care facility; and

(2) The number of vehicles permanently located at the facility or operated on a daily basis in connection with the facility shall be restricted; and

(3) Other conditions or terms as may be deemed appropriate or in the public interest to prevent interference with the use and enjoyment of public or private neighborhood property shall be included.

33.106.110 Institutional Care Facility. (Added by Ord. No. 156374; effective Sept. 10, 1984.)

(A) Regulations. In addition to the regulations of the underlying zone, the following regulations shall be met.

(1) Minimum Lot Size. The minimum lot size shall be twice that required by the base zone or 20,000 square feet, whichever is less.

(2) Minimum Off-street Parking.

(a) One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility; and

(b) One space shall be required for each 10 persons served or employed at the facility.

(3) Minimum Off-street Loading.

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 - or more	4

(B) General Requirements. Prior to approval of an institutional care facility, it shall be found that:

(1) Any construction or remodeling required to bring the structure into compliance with the regulations enforced by the Bureau of Buildings shall be completed prior to occupancy. In accordance with Section 510 of the Uniform Building Code, the Buildings Inspection Director shall assign an appropriate occupancy to the institutional care facility; and

(2) The number of vehicles permanently located at the facility or operated on a daily basis in connection with the facility shall be restricted; and

(3) Other conditions or terms as may be deemed appropriate or in the public interest to prevent interference with the use and enjoyment of public or private property shall be included.

INDUSTRIAL ZONE CONDITIONAL USE REVIEWS

33.106.200 Review Types. (Added by Ord. No. 157663; amended by 159256 effective Jan. 1, 1987.) All industrial zone conditional use reviews are a Type III review unless otherwise stated. All reviews are assigned to the Hearings Officer. A Type I application which has been denied may reapply through a Type III procedure also assigned to the Hearings Officer.

33.106.205 Change of Use. (Added by Ord. No. 157663 effective Aug. 31, 1985.) A change of use to another activity within the same activity category or to a

permitted use is allowed outright. Changes to activities in other activity categories shall be processed as a new conditional use.

33.106.210 Expansions. (Added by Ord. No. 157663 effective Aug. 31, 1985.)

(a) Modifications. Modifications to the activity or its development which do not add to the amount of the activity are permitted outright.

(b) Minor expansions. Expansions which add 10 percent or less to the amount of the activity shall be reviewed under a Type I procedure. Approvals shall be made if the expansion does not significantly increase the impacts or service demands of the activity.

(c) Major expansions. Expansions which add more than 10 percent to the amount of the activity shall be reviewed using a Type III procedure. The approval criteria are those stated for the activity.

33.106.215 Colleges and Hospitals in the GE Zone. (Added by Ord. No. 157663 effective Aug. 31, 1985.) The approval criteria for colleges and hospitals in the GE zone are the same as in other zones where they are conditional uses.

33.106.220 Fixed Transportation in the HI, GI and GE Zones. (Added by Ord. No. 157663 effective Aug. 31, 1985.) Requests for fixed transportation activities may be approved if the following findings are made:

(a) The area's transportation network is adequate and will not be adversely impacted by the project; and

(b) There are adequate protections from nuisance effects or safety concerns for surrounding properties; and

(c) Passenger terminals, if any, are proposed in such a manner as to not impede the economic efficiency of the industrial area; and

(d) Benefits to the City outweigh any identified unmitigated impacts arising from the proposal; and

(e) If the request is for a heliport or helistop, it complies with all requirements of Chapter 33.78.

33.106.225 Major Event

Entertainment in the HI, GI and GE Zones. (Added by Ord. No. 157663 effective Aug. 31, 1985.) Requests for major event entertainment activities may be approved if the following findings are made:

(a) Approval of the request will not have significant adverse impacts on industrial, commercial or residential activities in the area; and

(b) The transportation system is adequate to handle traffic generated by events; and

(c) Approval of the request will not create significant pressure on adjacent industrial properties for conversion to nonindustrial activities; and

(d) Benefits to the City outweigh any identified unmitigated impacts arising from the proposal.

33.106.230 Natural Resource

Extraction in the HI, GI and GE Zones. (Added by Ord. No. 157663 effective Aug. 31, 1985.) The approval criteria for natural resource extraction activities are the same as in other zones where they are a conditional use.

33.106.235 Office, Personal Service and Retail Product Sales and Services in the HI and GI Zones. (Added by Ord. No. 157663; amended 158205 effective Mar. 10, 1986.)

(a) Procedures.

(1) Type II. Requests for individual activities in the above categories when 3,001 to 5,000 square feet of gross floor area are a Type II review, unless (a) (2) B below applies.

(2) Type III. The following are Type III reviews.

A. Activities in the above categories when over 5,000 square feet of gross floor area.

B. Developments containing the above individual activities which together total over 12,000 square feet of gross floor area.

(b) Review Criteria. A Type II or Type III request may be granted if it meets criteria (1) through (4) and either (5), (6) or (7).

(1) Approval of the request will not create significant adverse effects for industrial firms adjoining the site; and

(2) Approval of the request will not produce a safety hazard for pedestrians, motorists or industrial vehicles; and

(3) There is adequate capacity of public services for the proposed use; and

(4) The requested development will not significantly alter the area's industrial character;

AND ONE OF THE FOLLOWING

(5) The proposed activity requires a location in an industrial area or in an industrial type building; or

(6) The projected major market of the proposed activity is the industrial firms of the area or their employees or customers; or

(7) The site or structure is not suitable for an industrial activity due to site size, shape, access or the character of the existing building.

33.106.240 Open Recreation in the HI and GI Zones. (Added by Ord. No. 157663 effective Aug. 31, 1985.) Requests for open recreation activities in the HI and GI zones may be approved if the following findings are made:

(a) The proposed site is not suitable for industrial development due to factors such as topography, soils and floodplains; and

(b) The transportation system is adequate to handle traffic generated by the activity.

33.106.245 Radio or Television Broadcast Facility in the HI, GI and GE Zones. (Added by Ord. No. 157663 effective Aug. 31, 1985.) The approval criteria for requests for radio or television broadcast facilities are the same as in other zones where they are conditional uses.

33.106.250 Residential Activities in the GI and GE Zones. (Added by Ord. No. 157663 effective Aug. 31, 1985.)

(a) Approval criteria for requests

in the GI zone. Requests for residential uses may be granted if either (1) or (2) of the following criteria are met:

(1) The request is limited to conversion of an existing industrial building, and:

A. The building is a designated historical landmark or is in an Historical District or Historical Conservation District; and

B. The building is no longer suitable for industrial use; and

C. The request will meet the parking, loading, design and landscape requirements of the RH zone. The entire existing floor area may be used. However, any expansion of floor area must not produce an overall project with an FAR of more than 4:1.

OR

(2) The residences are houseboats and have demonstrated that they will not interfere with existing industrial uses or industrial usage of the waterway.

(b) Approval criteria for requests in the GE zone. Requests for residential uses may be granted if one of the following criteria are met:

(1) Criteria (a) (1) above; or

(2) Criteria (a) (2) above; or

(3) For new residences or conversion of buildings that are not a designated landmark, in an Historical District or in an Historical Conservation District:

A. The proposal will conform with all housing development regulations of the RI zone; and

B. The proposed site is not suitable for industrial development because of factors such as topography or lot shape, or is in an area made up primarily of nonindustrial activities; and

C. The proposal will not create problems for nearby industrial uses, such as interfering with areas traditionally used for truck loading or maneuvering, or locating near activities using large quantities of hazardous materials; and

D. The proposal includes a design,

landscape and transportation plan which will adequately limit potential conflicts between residential and industrial activities.

33.106.255 Waste Disposal in HI, MI, and GI Zones. (Added by Ord. No. 157663; amended by 161775, effective Apr. 6, 1989.)

(a) Evaluation factors. Factors to be evaluated in reviewing requests shall include but are not limited to:

(1) Safety hazards and proposed safety measures;

(2) Effect of the proposal on surrounding land uses and any residential areas;

(3) The potential for dust, odors, toxic fumes and other nuisances;

(4) Transportation routes and access to the site;

(5) Expected duration of the waste disposal activities;

(6) Location of the site in relation to identified areas of special environmental concern such as watercourses, water wells, underground aquifers or fish or wildlife habitats; and

(7) Use of the land after waste disposal activities are completed.

(b) Waste disposal conditional use requests may be approved if all the following findings are made:

(1) The proposed site will not be needed for the location or expansion of manufacturing activities in the City within the foreseeable future.

(2) Approval of the request will not create more than a trivial safety or health risk to the public or to surrounding properties and activities.

(3) The project will meet the "Off Site Impact" standards of Chapter 33.805, of the Code of the City of Portland. These standards related to level of noise, odor, vibration and glare permitted to reach other properties. These standards, including Title 18 noise standards, must be met for impacts on other properties permitting or housing dwellings, offices, retail facilities, public open space and public attractions.

(4) It is not disposing of hazardous wastes on the site under the provisions of

OAR 340.100-110.

(5) The project includes a specific plan for the facilities operation which will control and provide for the removal of facility related litter along public transportation routes leading to the facility and for the control and removal of litter in the vicinity of the proposed facility. The litter control plan must include, at a minimum the following provisions:

Establish, at the applicant's expense, gates, signs and other traffic control devices that direct facility related traffic to the facility along approved routes and prevent facility related traffic from negatively impacting surrounding sensitive areas. Sensitive areas considered must include public parks, residential and retail districts and major public attractions;

Establish, as part of the approval, a primary impact area in which the operator will assume responsibility for removal of litter and illegally dumped wastes.

Establish a patrol and schedule for removal of litter and illegally dumped waste within the primary impact area. Litter removal within the primary impact area must be completed for the entire area at least twice each day, seven days each week;

The facility operator will document and remove, for proper disposal, all illegal dumping occurring in the primary impact area. The operator will remove illegally dumped waste within 24 hours of the illegal dumps discovery and/or within 12 hours of being notified of the illegal dump by the City;

The operator must post, at the facility, the proper routes providing access to the facility and the fees for bringing both covered and uncovered loads to the facility;

The operator must annually publish and distribute, throughout the area served by the facility, a brochure which includes the proper routes providing access to the facility, the fees for bringing both covered and uncovered loads to the facility, and both explains and encourages recycling.

(6) Approval of the request will not create a significant detrimental impact on environmentally sensitive areas or water features;

(7) The facilities development will include provisions for wildlife enhancement of drainageways and wildlife corridors potentially impacted by the project. These enhancements must offset all but the most trivial impact on the drainageway or wildlife corridor. Enhancement measures must be fully detailed in a biological management plan submitted with the application approval of the facility;

(8) The proposed facility site contains no illegal fills or the proposal contains a provision for a program to remove and/or mitigate for illegal fills that has been approved by State and federal agencies with regulatory authority over such fills;

(9) Transfer of waste from one vehicle or container to another vehicle or container will be done within a containment area designed to assure that waste materials do not enter the ground, the ground water or any water feature;

(10) The facility, if other than a sewage treatment facility, will provide pre-treatment of any liquid being discharged into the City's storm or sanitary disposal system;

(11) In the case of facilities, other than landfills, all activities relating to the receiving, sorting, processing, transfer and shipping of waste must take place entirely within an enclosed building;

(12) The design of the facility will enhance the architectural character of the area;

(13) Approval of the request will not be detrimental to the character and economic function of the area;

(14) The project design includes landscaping and screening provisions that will complement and enhance the character of the area. The design of the facility must be approved through the City of Portland's site review process as specified in Chapter 33.903 of this Title;

(15) The project meets the buffering standards of Section 33.58.120, not only for lands adjacent to residential zoned property but also for lands adjacent or across a street from a public open space and/or a major public attraction;

(16) There is access to major roadways and truck routes adequate to allow those traveling to the facility, particularly trucks, to travel primarily on truck routes with only trivial traffic, noise, litter and related impacts on other streets. The road system is adequate to handle traffic generated by the use without creating conflicts with the classification of streets as listed in the most current version of the City's "Arterial Streets Classification Policy." The facility will have an operational plan that assures that those traveling to the facility, particularly trucks, travel primarily on truck routes with only trivial traffic noise, litter and related impacts on other streets;

(17) A detailed traffic impact evaluation (TIE) shall be conducted as a means of assessing measures needed to mitigate for expected traffic;

(18) Based on the results of the TIE, adequate space will be provided on the site for the queuing of peak number of vehicles projected to come to the facility at any one time;

(19) The proposal contains an adequately detailed reclamation or redevelopment plan. The plan must include a timeline and be fully in conformance with the acknowledged Comprehensive Plan of the City of Portland;

(20) The facility will not over saturate the City or any district or neighborhood in the City with waste disposal related facilities;

(21) The positive economic benefits to the City and the area outweigh any identified unmitigated impacts arising from the proposal. In determining whether this criteria is met, the use of host fees or other financial means to enhance the local economy will be examined; and

(22) A nuisance mitigation monitoring program must be approved with the proposal, which provides for monitoring, reporting on and eliminating any negative impacts on site, and on other properties. Negative impacts include traffic volume, truck volume, truck routing, litter, dust, odors, noise, glare, reduction in wildlife or fish populations (both diversity of species

and numbers of each species) and toxic fumes. Reports on the program shall be made every six months to the City of Portland.

33.106.260 Radio and Television Broadcast Facilities. (Added by Ord. No. 160049 effective Sept. 19, 1987.)

(a) Purpose. Regulation of radio and television broadcast facilities is to preserve the opportunity for continued and growing service from the radio and television broadcast industry, to preserve the quality of living in residential areas in close proximity to radio and television broadcast facilities and to protect the health and safety of the citizens from the adverse impacts of radio and television broadcast emissions.

(b) Affected facilities. Upon the effective date of these regulations, no installation of a new source of RF emissions, as defined in 33.801.020, or changes in an existing source shall occur without obtaining a conditional use approval or amendment, unless as otherwise provided in 33.801.020 or the base zone.

(c) Review types.

(1) Minor conditional uses shall be reviewed under a Type I procedure. The following qualify as minor conditional uses:

A. A minor modification or amendment to an existing approved use, which would not result in an increase in RF emission levels at the points specified in 33.801.040, increase post-construction traffic to or from the site, or significantly increase the visibility of the facilities from residential properties.

B. Transmitters and antennas with an effective radiated power (ERP) of 1,000 watts or less.

C. Transmitters and antennas added to a tower previously required to plan and engineer its facilities for multiple users (tower sharing), as long as the emissions standards in Table 801.1 are not exceeded.

(2) Major conditional uses shall be reviewed under a Type III procedure. Major conditional uses are all those not qualifying as minor conditional uses and include the following:

A. Transmitters and antennae with an ERP greater than 1,000 watts.

B. Towers, masts, poles and other supporting structures for radio or television broadcast facilities accessory to a commercial use or function exceeding the height limitation of the underlying zone or in excess of 50 feet in height, whichever is less.

C. Accessory uses not permitted by the underlying zoning.

D. Any modification or amendment to an approved Masterplan or approved conditional use exceeding the limits for a minor conditional use.

E. Any use determined by the Planning Director to have a potential for significant negative impacts and warranting a major conditional use review.

(d) Approval criteria. A minor or major conditional use approval may only be granted if it is found that:

(1) The emission levels calculated in accordance with the procedures in 33.801.040, including the existing measured background, do not exceed the RF standards in Table 801.1.

A. If the calculated RF emission levels exceed one-half of the levels in Table 801.1, for any of the points specified by Section 33.801.040, then approval shall be contingent on measurements made after the source becomes functional, showing that the maximum levels in Table 801.1 are not exceeded.

B. If calculated levels exceed the RF emission levels allowed, the application shall be denied.

AND

(2) The tower appearance and landscaping and screening requirements of 33.801.025 are met; and

(3) If a new tower is proposed, the site development standards of Chapter 33.801 are met.

Chapter 33.110

SETBACK LINES

Sections:

- 33.110.010 Establishment.
- 33.110.020 Exceptions to Setback Regulations.
- 33.110.030 Procedure for Exception.

33.110.010 Establishment. (Amended by Ord. No. 139117, 139702, 141105, 151735; and 159256 effective Jan. 1, 1987.)

(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, as provided in Chapter 33.220 (Legislative Actions).

(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 provisions of 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 50 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 non-conforming uses.

33.110.020 Exceptions to Setback Regulations. (Amended by Ord. No. 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 3 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 3-1/2 feet and 8 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 3 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 (Amended by Ord. No. 139117, 139702, 141105, 151735, 152466, 153042, 156176; and 159256 effective Jan. 1, 1987.) Procedure for Exception.

(a) A request for an exception to the special setback regulations is processed through a Type II procedure assigned to the Variance Committee.

(b) 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.

(c) 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.

Chapter 33.111

GENERAL ACTIVITY CATEGORIES

(Added by Ord. No. 157663 passed July 31, effective Aug. 31, 1985.)

General

Sections:

- 33.111.010 Purpose.
- 33.111.020 Applicability.
- 33.111.030 Category Titles.
- 33.111.040 Classification of Activities.

Industrial Categories

- 33.111.100 Industrial Product Sales.
- 33.111.110 Industrial Service.
- 33.111.120 Manufacturing and Production.
- 33.111.130 Warehouse and Distribution.

Sales and Service Categories

- 33.111.200 Major Event Entertainment.
- 33.111.210 Office Activities.
- 33.111.220 Personal Service.
- 33.111.230 Retail Product Sales and Service.
- 33.111.240 Vehicle Services

Institutional Categories

- 33.111.300 Religious Institutions.
- 33.111.310 Colleges and Hospitals.
- 33.111.320 Infrastructure.
- 33.111.330 Open Recreation.
- 33.111.340 Passive Open Areas.
- 33.111.350 Public Service.
- 33.111.360 Schools.

Residential Categories

- 33.111.400 (Reserved).

Other Activity Categories

- 33.111.500 Agricultural Activities.
- 33.111.510 Fixed Transportation.
- 33.111.520 Natural Resource Extraction.
- 33.111.530 Radio Towers and Transmitters.
- 33.111.540 Waste Disposal.

GENERAL

33.111.010 Purpose. This Chapter classifies land use activities into categories on the basis of common functional, product or compatibility characteristics. These characteristics include the type of activity, the type of customers, how goods or services are sold or delivered, and certain site factors. The categories provide a systematic basis for assignment of activities to zones based on the goals and policies of the Comprehensive Plan.

33.111.020 Applicability. (Amended by Ord. No. 160606 effective July 1, 1988.) The activity categories of this Chapter may be used only in conjunction with the HI, GI, GE, CE, C5 and CX zones or with other zones which are also in the T Overlay Zone.

33.111.030 Category Titles. The names of the activity categories start with capital letters throughout this Title.

33.111.040 Classification of Activities. (Amended by Ord. No. 161775, effective Apr. 6, 1989.)

A. Classification. All activities

shall be classified into the categories whose designation most closely portrays the nature of the activity. Activities or firms not clearly belonging to a category shall be assigned to a category by the Director. The assignment shall be based on the characteristics of the specific firm. All uses identified as "examples" in a category are uses permitted outright or conditional uses as provided by Table 455.1. A use that is not identified as an example and is assigned to a category by the Director is also a use permitted outright or a conditional use as provided by Table 455.1.

B. Multi-activity uses. A firm containing more than one separate activity shall be assigned to a category based on the firm's primary business activity. If the firm has more than one primary activity, it shall be classified in two categories.

C. Appeals. Appeals of the Director's assignment of a firm to a specific category shall be made to the Planning Commission under the procedures of 33.205.040.

INDUSTRIAL CATEGORIES

33.111.100 Industrial Product Sales.

A. Characteristics. Firms are involved in the sale, rent or lease of products generally intended for industrial or commercial users. Sales may be wholesale or retail. Emphasis is on-site sales or order taking and may include display areas. Products may be delivered to the customer.

B. Accessory activities. Accessory activities may include offices, product repair, warehouses, minor fabrication services, and repackaging of goods.

C. Examples. Industrial product sales activities may include: sale of machinery, equipment, trucks, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, office furniture, and store fixtures. Industrial product sales also include industrial equipment and vehicle rentals.

D. Exceptions. Firms that primarily engage in retail sales to the

general public are classified as retail product sales and service.

33.111.110 Industrial Services.

(Amended by Ord. No. 161775, effective Apr. 6, 1989.)

A. Characteristics. Firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods, do so by mainly providing centralized services for separate retail outlets. Contractor's building maintenance services and similar activities perform services off-site. Few customers, especially the general public, come to the site.

B. Accessory activities.

Accessory activities may include offices, retail drop-off centers, rail spur or lead lines, and docks.

C. Examples. Industrial service activities may include welding shops; machine shops; tool and appliance repair; electrical motor repair; enameling and plating; truck and large equipment repair, storage, and salvage; drydocks; auto salvage; truck service stations; garbage (but not disposal); headquarters for building, heating, plumbing or electrical contractors; printing, publishing and blueprinting; exterminators; recycling operations; janitorial and building maintenance services; medical, research and testing laboratories; laundry, drycleaning, and carpet cleaning plants; and photofinishing laboratories.

33.111.120 Manufacturing and

Production.

A. Characteristics. Firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, are a subordinate part of sales. Relatively few customers come to the manufacturing site.

B. Accessory activities.

Accessory activities may include: offices, cafeterias, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, truck fleets, retail outlets, a caretaker's quarters, and quarters for artists in conjunction with studio space.

C. Examples. Manufacturing and production activities may include: processing of food related products; weaving or production of textiles or apparel; lumber mills; woodworking including cabinet makers; production of chemical, rubber, leather, clay, or glass materials or products; ship and barge building; production or fabrication of metals or metal products; manufacture or assembly of machinery, equipment, vehicles, appliances, precision items, and other electrical items; production of artwork and sign making.

D. Exceptions. Manufacturing of goods to be sold primarily on-site and to the general public are classified in the retail product sales and service category.

33.111.130 Warehouse and Distribution.

A. Characteristics. Firms are involved in the movement, storage and/or sale of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. The category includes wholesale sales which are not open to the general public and where on-site sales are low.

B. Accessory activities.

Accessory activities may include: offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, repackaging of goods, and showrooms or display areas, but generally not for direct sale. Temporary "warehouse sales" to the general public are an accessory activity if held 3 days or less in a calendar month.

C. Examples. Warehouse and distribution firms may include: warehouses used by retail stores such as furniture and appliance stores; food and hardware distributors; household moving and general freight storage; distribution of industrial items such as steel products or machinery

parts; building materials, plumbing and electrical distributors; truck terminals; marine terminals and related activities; parcel services; heating oil distributors; major post offices; mail order houses; and public mini-warehouses.

SALES AND SERVICE CATEGORIES

33.111.200 Major Event Entertainment.

A. Characteristics. Firms characterized by structures and activities that draw large numbers of people to specific events or shows, in contrast to general entertainment activities that draw people on a continuous basis. Activities are generally of a passive recreational nature.

B. Examples. Examples include: stadiums, sports arenas, coliseums, race tracks (auto, horse, dogs, etc.), movie or live theaters, auditoriums, exhibition and meeting areas, and drive-in theaters.

C. Exceptions.

1. Theaters and auditoriums with less than 300 seats are classified as personal service.

2. Exhibition and meeting areas with less than 5,000 square feet of event area are classified as personal service.

33.111.210 Office Activities. (Amended by Ord. No. 158205 effective Mar. 10, 1986.)

A. Characteristics. Firms where activities are conducted in an office setting and generally focus on business or personal services. If a service is being provided, the client need not be present for the activity to take place. If the office activity is part of a larger firm, it does not need to be on the same site as the primary activity. Most people coming to the site are employees.

B. Accessory activities. Accessory uses may include: cafeterias, health facilities, or other amenities primarily for the use of employees in the firm or building.

C. Examples. Examples include: professional services such as lawyers, accountants, engineers, or architects; financial businesses such as brokerage

houses, lenders, or realtors; data processing; TV and radio studios; sales offices; industrial or commercial company headquarters when not adjacent with other portions of the firm; and government offices.

D. Exceptions.

1. Offices which are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with a use in another category, are considered part of the other category.

2. Office activities which primarily offer on-site services to the general public and where the customer must be present are classified as personal service.

33.111.220 Personal Service.

A. Characteristics. These establishments provide on-site personal services or entertainment to the general public or business person. Persons generally spend some time on the site, in contrast to short drop-offs or pick-ups. This category includes office activities offering on-site services where the customer must be present.

B. Accessory activities. Accessory uses may include: offices, product sales, and laboratories.

C. Examples. Examples include: barbers, hair salons and personal care services; banks, savings and loans, and credit unions; continuous entertainment activities such as arcades, bowling alleys, ice rinks, libraries, and museums; cafes, restaurants, bars, and taverns; day care facilities; laundromats; business and trade schools; dance and martial arts schools; health clubs, gyms, racquet centers, membership clubs, and lodges; hotels, motels and other temporary lodging; medical and related offices such as doctors, dentists, optometrists and veterinarians; public service agencies such as employment offices, social service agencies, and permit issuing offices.

33.111.230 Retail Product Sales and Service.

A. Characteristics. Firms are

involved in the sale, lease or rent of new or used products or goods to the general public and/or provide on-site product repair or services for consumer and business goods. Goods are displayed and sold on site, and use or consumption is primarily off site. Goods are generally taken off site by the customer at the time of sale or may be delivered by the firm. For items being serviced, customers generally deliver and pick up the items and spend little time at the site.

B. Accessory activities.

Accessory uses may include: offices, storage of goods, manufacture or repackaging of goods for on-site sale.

C. Examples. Examples include: stores selling apparel, housewares, furniture, hardware, auto parts, flowers, personal care items, bicycles, sporting goods, stationery supplies, office products and machines, and computers; food, produce or meat markets; bakeries, delicatessens and caterers; tool rental and household moving centers; sales of cars, motorcycles, boats, recreational vehicles and mobile homes; sale of building materials and lumber yards; plant nurseries; repair of TVs, appliances, shoes, precision instruments, and business machines; laundry or dry cleaning drop-off; recycling drop-off centers; on-site launderers; photo drop-off; quick printing or reproducing; tailors; locksmiths; upholsterers; and furniture refinishing.

D. Exceptions.

1. Lumber yards and other building material sales which sell primarily to contractors and do not have a retail orientation are classified in the industrial product sales category.

2. Repair and service of consumer vehicles is classified in the vehicle service category. Repair of motor vehicles in conjunction with vehicle sales is classified in the vehicle service category.

3. Repair and service of industrial vehicles and equipment is classified in the industrial service category.

33.111.240 Vehicle Services.

A. Characteristics. Firms servicing automobiles, light trucks (less than 18,000 pounds gross vehicle weight) and

other consumer vehicles such as motorcycles, boats and recreational vehicles.

B. Examples. Examples may include: gas stations, vehicle repair, auto body shop, alignment shop, auto upholstery shop, tire sales and mounting, towing and vehicle storage; and surface or garage fee parking.

C. Accessory activities.

Accessory uses may include offices and sales of parts.

INSTITUTIONAL CATEGORIES

33.111.300 Religious Institutions.

A. Characteristics. Religious institutions are structures which are primarily intended for organized religious services such as churches, synagogues, temples, etc.

B. Accessory activities.

Accessory uses may include instructional areas, meeting areas and housing for caretakers or leaders.

33.111.310 Colleges and Hospitals.

A. Characteristics.

1. Colleges. Colleges include colleges and other institutions of higher learning offering a course of general or specialized studies leading to a degree, and certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multi-blocks.

2. Hospitals. A hospital provides medical or surgical care to patients who may be kept overnight. Hospitals tend to be in campus-like or multi-block settings.

B. Accessory activities.

1. Colleges. Accessory uses may include offices, housing, laboratories, health facilities, theaters, recreational and sports facilities, support commercial, and parking structures.

2. Hospitals. Accessory uses may include out-patient clinics, offices, laboratories, support commercial, teaching facilities, housing and parking structures.

C. Exceptions. Hospital type activities providing exclusive care and

planned treatment or planned training for mental, psychiatric, alcohol or drug problems, and treating patients on an inpatient basis only, are classed in the residential category.

33.111.320 Infrastructure.

A. Characteristics. These are basic services where employees and people are not generally present and which need to be in or near the area where the service is provided.

B. Examples. Examples include: power lines and structures, pump stations, electric transformers, utility pipelines, water towers and reservoirs.

33.111.330 Open Recreation.

A. Characteristics. These activities are predominantly open air recreation uses of a more active or commercial nature than passive open areas' activities.

B. Examples. Examples include: zoos, golf courses, golf driving ranges, riding stables and academies, boat marinas and amusement parks.

33.111.340 Passive Open Areas.

A. Characteristics. Passive open areas are used for passive and primarily non-commercial recreation or serve as an open space.

B. Examples. Examples include: parks, squares, ball fields, recreational trails, cemeteries, arboretums, botanical gardens, natural areas, and boat launching areas, but not storage or permanent docking of boats.

33.111.350 Public Service.

A. Characteristics. Public services are basic services where people are present on a regular basis. This contrasts with activities in the infrastructure category where people are not generally present.

B. Examples. Examples include: police stations, fire stations, ambulance stations, telephone exchanges, light rail and other mass transit stations, and park and ride stations.

33.111.360 Schools.

A. Characteristics. This category includes public or private schools at the primary, elementary, middle or secondary level.

B. Accessory activities. Accessory activities include play areas, recreational facilities and auditoriums.

C. Exceptions.

1. Business and vocational schools are classified in the personal service category.

2. Facilities for the day or evening care of children under 6 years of age or of other children before or after regular school hours are classified in the personal service category.

RESIDENTIAL CATEGORIES

Residential activities and structures are those that provide lodging on an extended basis. Activities with lodging available for less than a 7 day period are defined as temporary lodging and are classified in the personal service and entertainment category.

OTHER ACTIVITY CATEGORIES

33.111.500 Agricultural Activities.

A. Characteristics. Activities which raise, produce or keep plants or animals, but do not process agricultural products.

B. Accessory activities. Accessory activities include dwellings for proprietors and employees of the activity.

C. Examples. Examples include: farming; truck gardening; forestry; plant nurseries; breeding or raising of fish, fowl or animals; dairies; and dog kennels or other animal boarding places.

33.111.520 Fixed Transportation.

A. Characteristics. Fixed transportation activities require unique and major capital facilities. The impacts from these activities may be considerable and area wide.

B. Examples. Examples include: airports, rail yards, rail trunk and branch

lines, heliports, public helistops and associated passenger terminals.

C. Exceptions.

1. Docks and marine terminals are classified in the warehouse and distribution category.

2. Bus passenger terminals are classified in the personal service category.

33.111.530 Natural Resource Extraction.

A. Characteristics. Activities involve mining or extraction of materials from the ground.

B. Examples. Examples include: quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, geothermal or groundwater drilling.

33.111.540 Radio or Television Broadcast Facility.

A. Characteristics. Any and all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating at a discrete unit to produce a signal or message.

33.111.550 Waste Disposal.
(Amended by Ord. No. 161775, effective Apr. 6, 1989.)

A. Characteristics. Activities which receive solid or liquid wastes from others for disposal on the site, or for transfer from one vehicle or container to another vehicle or container in anticipation of transport to another location where disposal will occur. Also, activities which receive hazardous wastes from others and are subject to the regulations of OAR 340.100-110.

B. Examples. Examples include: sanitary landfills, disposal sites for demolition and inert materials, energy recovery plants, waste composting facilities, sewer treatment plants, waste transfer stations, portable sanitary collection equipment storage and pumping, and hazardous waste collection sites.

Chapter 33.114

ADMINISTRATION AND ENFORCEMENT

(New Chapter substituted by Ord. No. 159256 effective Jan. 1, 1987.)

Sections:

33.114.010 Administration and Enforcement.

33.114.010 Administration and Enforcement. Chapter 33.114 is superseded by Chapters 33.200 through 33.225. Procedures assigned to Chapters 33.114 are regulated by Section 33.215.050 (Type III Procedure) and assigned to the Hearings Officer unless specifically assigned to another review body. All references to Chapter 33.114 concerning appeals are regulated by Section 33.215.190 (Appeals to City Council). All references to Section 33.114.122 concerning fees are regulated by Chapter 33.225 (Fees) and the official Title 33 Fee Schedule adopted by the City Council.

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.
33.120.050 Designation of Historical Building or Site.
33.120.055 Designation of Conservation Districts.
33.120.060 Designation of Historical Districts.
33.120.065 Designation not a Recommendation for Federal Action.
33.120.080 Landmark Review.
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 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. (Repealed by Ord. No. 157619 effective Aug. 19, 1985.)

33.120.030 Officers, Meetings, Rules, and Procedure. (Repealed by Ord. No. 157619 effective Aug. 19, 1985.)

33.120.040 Functions and Duties. (Repealed by Ord. No. 157619 effective Aug. 19, 1985.)

33.120.050 Designation of Historical Building or Site. (Amended by Ord. No. 144324; and 161335 effective Oct. 19, 1988.)

(a) Procedure. Designation of historical buildings, interior spaces, and sites are processed through a Type II procedure assigned to the Portland Historical Landmarks Commission. Any person may apply for historical landmark designation of any building, site and/or interior.

(b) Application requirements. The application requirements of the Landmark Designation application packet are in lieu of the requirements of Section 33.215.120.

(c) Approval criteria. Applications for designation of buildings, sites and/or interiors as historical landmarks may be approved if on review it is found that the property has architectural and/or historical importance.

(d) Removal of designation. If a designated landmark is removed or altered to such degree that, in the view of the Historical Landmarks Commission its merit as a landmark is lost, the Commission may remove the landmark designation.

Proceedings to consider removal of landmark designation may be initiated by the Director and are processed through a Type II procedure assigned to the Historical Landmarks Commission.

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 a 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 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 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 an 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 historic 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. (Amended 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 the affected parties and an additional hearing thereon.

33.120.070 District Advisory Councils. (Repealed by Ord. No. 157619 effective Aug. 19, 1985.)

33.120.080 (Amended by Ord. No. 144324, 153108, 154256, 155124, 156431, 156866; and 159256 effective Jan. 1, 1987.)
Landmark Review.

(a) Required review. Landmark review is required for the following: Exterior remodeling of any designated historical building, or construction of a new structure on a designated historical site, or exterior remodeling of any building or new construction on any site wholly or partially within a designated historical district, or construction of a new structure on any site within a designated conservation district.

Exterior remodeling as governed by this Chapter shall be deemed to include any change or alteration in color, design, or other exterior treatment.

(b) Procedure. When a request for landmark review is determined to be minor in nature as provided by paragraph 33.210.120 D.2, it is processed through a Type I procedure. A Type I application which has been denied, or approved with conditions unacceptable to the applicant, may be reapplied for through a Type III procedure assigned to the Landmarks Commission. When a request for landmark review is determined to be major in nature as provided by Paragraph 33.210.120 D.2, it is processed through a Type III procedure assigned to the Landmarks Commission.

The requirement for a pre-application conference may be waived by the Director if, in the process of accepting the application, or in the determination of whether a minor or major project, significant and pertinent information is exchanged making the pre-application conference redundant.

The Director may modify required elements of an application as stated in 33.215.120 (Application Requirements), as is necessary for the evaluation of the request.

A 1 inch equals 50 feet cardboard model of new buildings or additions or changes in mass of existing buildings in Historic Districts within the Z Zone, shall be furnished at the time an application is filed for (design) landmark review, and a 1 inch equals 50 feet wooden model constructed to the City's specifications shall be required for newly constructed buildings as built.

(c) Approval Criteria. The request shall be approved if it is found that:

(1) The treatment proposed is determined to be harmonious and compatible with the appearance and character of the historical building or historical district.

(2) The treatment proposed is not detrimental as unsightly, grotesque, otherwise adversely affecting the stability of values of adjacent property or adversely affecting the architectural significance, the integrity of historical appearance and the

educational and historical value of the building or surrounding buildings.

(3) 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 that the proposed exterior remodeling or new structure will enhance the historical value of the district, the building, or site.

If the Portland Historical Landmarks Commission finds such action appropriate, it may approve the application upon conditions which the Portland Historical Landmarks Commission imposes, to promote and preserve the historical or architectural integrity of the district, building, or site. However, if found necessary and appropriate, the Portland Historical Landmarks Commission may reject the application.

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 30 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 120 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 180 days, to a total of not more than 300 days from the date of application for demolition permit. During the period of suspension or 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 as designated as an 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 District 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 30 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 conditions 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 the City or submitted to the City for its review and recommendations, proposed action relating to a designated historical 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 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 21 days.

Chapter 33.200

ADMINISTRATION AND PROCEDURES
PURPOSE

(Added by Ord. No. 157619 passed
July 18 effective Aug. 19, 1985.)

Sections:

- 33.200.010 Purpose.
- 33.200.020 Content.

33.200.010 Purpose. The Chapters in this heading provide the foundation for implementation of the City's zoning code. The first Chapter covers administration and enforcement of the Code. The relationship of zoning to other parts of the municipal code and to other governmental regulations is addressed. The second Chapter establishes the review bodies and decision makers for land use regulations and land use reviews. The third Chapter presents the three types of procedures for all land use reviews. The procedures cover the mechanics of land use reviews and are intended to provide a simplified and systematic approach to processing land use applications. The fourth Chapter presents the procedures for legislative actions. The last Chapter states the fees for land use reviews.

33.200.020 Content. The administration and procedures Chapters contain the following chapters:

- Chapter 33.205. Administration
- Chapter 33.210. Review Bodies
- Chapter 33.215. Procedures
- Chapter 33.220. Legislative Actions
- Chapter 33.225. Fees

Chapter 33.205

ADMINISTRATION

(Added by Ord. No. 157619 passed
July 18, effective Aug. 19, 1985.)

Sections:

- 33.205.010 Purpose.
- 33.205.020 Conformance and Permits Required.
- 33.205.030 Enforcement and Violations.
- 33.205.035 Revocation.
- 33.205.040 Interpretations of this Title.
- 33.205.050 Transfer of Approval Rights.
- 33.205.060 Amendments to Title 33.

33.205.010 Purpose. Effective, accurate and timely administration of the zoning regulations helps to fulfill the Comprehensive Plan. Administration of the Code incorporates interpretations, application and enforcement.

33.205.020 Conformance and Permits Required. All development shall conform to the regulations in this Title. No use, construction, remodeling or change which requires a building permit or certificate of occupancy from the Bureau of Buildings shall be issued without prior review by the Planning Director to determine that the proposed development, building, structure and use meet the requirements of this Title.

33.205.030 Enforcement and Violations. (Amended by Ord. No. 159256 effective Jan. 1, 1987.)

A. It shall be unlawful for any person to violate any provisions of this Title, or to permit or maintain such violation or refuse to obey any provision or regulations. 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.

B. It shall be the duty of the Director of the Bureau of Buildings to enforce regulations of this Title except

where otherwise specifically provided.

C. It shall be unlawful for any person to undertake or maintain any use unless all conditions of approval granted have been met under this Title.

D. The Bureau of Buildings shall give notice of violations of this Title, or of quasi-judicial decisions, including conditions, to the owner and the operator if different. Notice shall be given in a manner reasonably calculated to provide the owner and operator with actual notice of the violations. If a violation exists the Director of the Bureau of Buildings, or the Director's delegate may take remedial action as provided for by Section 3.30.015 (Remedies) of Title 3. A failure of the owner or operator to receive actual notice of the violations shall not invalidate any action taken by the Director of the Bureau of Buildings or the Code Hearings Officer pursuant to Section 3.30.015.

33.205.035 Revocation. (Added by Ord. No. 160498 effective Mar. 21, 1988.)

A. Authority and Procedure. An approved revocable permit or a conditional use permit may be considered for revocation as follows:

1. The Planning Director may initiate the revocation process if there is evidence that any of the criteria of Subsection B of this Section are applicable.

2. Revocation may be initiated by the Bureau of Buildings as provided for in Subsection 33.205.030 D. The Bureau of Buildings may refer the matter in writing to the Planning Director if total compliance has not been achieved through the enforcement process.

3. After initiation, the revocation is processed following the provisions of Subsections 33.215.050 B through F. This is a modified Type III procedure. A pre-application conference is not required and no fee is charged. The revocation review is assigned to the land use Hearings Officer. The property owner and operator, if different, will be notified that the revocation process has been initiated. Such notice will be mailed 30 days prior to the scheduled hearing and will comply with

the notice requirements of 33.215.130 C.

B. Revocation criteria. The revocable permit or conditional use permit may be revoked if the review body finds that any of the following criteria are met:

1. The land use being conducted on the site is not the same use, is of greater scale or is of greater intensity than that which was approved; or

2. A material misrepresentation or mistake of fact was made by the applicant in the application or the testimony whether intentional or unintentional and it was relied upon in making the decision; or

3. A failure to comply with the terms and conditions of approval;

4. The operation of the use unreasonably interferes with the enjoyment of the neighboring property; or

5. In the case of a revocable permit, the circumstances on the site or within the surrounding area, have changed sufficiently so that the current approval criteria for revocable permits are not being met.

C. Actions.

1. The review body may take the following actions:

a. May revoke the permit if it finds that any of the criteria of Subsection B of this Section have been met;

b. May find that the activity being conducted on the site is within the intent of the approval and conditions and may be permitted to continue;

c. May clarify the original approval or the conditions of the approval as they relate to limits on the scale or the intensity or make other clarifications necessary in individual cases; or

d. It may add conditions necessary to carry out the original intent of the approval in order to assure the operation of the use is the same intensity and the same scale as that which was approved or it may add conditions to assure the use does not unreasonably interfere with the enjoyment of neighboring property.

2. In the case of a revocable permit, the decision making body may impose additional conditions to ensure compliance with the current approval criteria.

3. In the case of a conditional use, the decision making body may not approve an increase in scale or increase in intensity of use over the amount previously approved.

D. Enforcement of revocation.

1. In the event that a permit is revoked, the property owner and operator, if different, must terminate the prohibited land use on the property within 21 days of final action unless the decision to rescind permit approval provides otherwise.

2. Enforcement may take place as provided by Section 33.205.030, Enforcement and Violations.

33.205.040 Interpretations of this Title. (Amended by Ord. No. 159256; and 161335, effective Oct. 19, 1988.)

A. The Planning Director is responsible for the initial interpretation and application of this Title and of any Comprehensive Plan provisions. Requests for a written interpretation of the content or application of this Title or of any Comprehensive Plan provision must be in writing. The Planning Director must issue the initial written interpretation within 10 working days of receipt of a written request. A fee must be charged in accordance with the provisions of Chapter 33.225. A copy of the written interpretation must be forwarded to the members of the appropriate commission as indicated in Subsection B of this Section.

B. Review of interpretation to a commission. A request for review of the interpretation made by the Planning Director shall be to a commission. Design zone and portions of the Code assigned to the Design Commission shall be interpreted by the Design Commission. Historic designations and districts as authorized by Section 33.210.120 D shall be interpreted by the Landmarks Commission. All other Code provisions shall be interpreted by the Planning Commission.

A person requesting an interpretation by commission shall submit the request in writing and may offer an opinion or recommendation. The fee for an interpretation from a private person to a commission shall be paid in compliance with

Chapter 33.225. Public notification shall be mailed at least 14 days prior to the hearing to interested persons and recognized organizations.

The commission shall issue a written response as soon as possible, but within a maximum of 45 days from receipt of the request for interpretation. A commission interpretation shall be made in writing and transmitted to the review body or person requesting the interpretation.

C. Appeal to the City Council. Appeals from a commission interpretation to the City Council may be filed in compliance with 33.215.190, Appeals to City Council. The appeal fee shall be one-half of the filing fee of the interpretation by a commission.

D. Interpretation effectiveness. Interpretations issued in writing by the Planning Director, a commission or the Council shall be binding on the City and the petitioner on the facts presented. A record shall be kept of written interpretations.

33.205.050 Transfer of Approval Rights.

A. All approvals including conditions and restrictions shall run with the land and shall be transferable except revocable permits and residential care facilities (RCFs). Revocable permits and RCFs are personal and are not transferable.

B. Conditions or time limits may be placed upon Type I, II and III approvals. Such conditions or time limits shall be part of the final approval and shall be binding if the property is transferred.

33.205.060 Amendments to Title 33. (Amended by Ord. No. 159256 effective Jan. 1, 1987.) The Planning Commission shall be empowered to recommend amendments to this Title to City Council as prescribed in Chapter 33.220. Legislative Actions.

Chapter 33.210

REVIEW BODIES

(Added by Ord. No. 157619 passed
July 18, effective Aug. 19, 1985.)

Sections:

- 33.210.010 Purpose.
- 33.210.020 Delegation of Authority.
- 33.210.030 Commissions and Committees Generally.
- 33.210.100 Planning Commission.
- 33.210.110 Design Commission.
- 33.210.120 Historical Landmarks Commission.
- 33.210.130 Variance Committee.
- 33.210.140 Planning Director.
- 33.210.150 Hearings Officer.

33.210.010 Purpose. Review bodies are established by this Chapter to make decisions on land use actions. The diversity of review bodies provides an opportunity for citizen involvement, ensures proper expertise for specific topic areas, and balances the need for prompt decision making. The provisions of this Chapter set the powers and duties for each review body, and state how each body shall be structured.

33.210.020 Delegation of Authority. The commissions, committees and officers provided in this Chapter are empowered to perform, on behalf of the City Council, all duties assigned to them by this Title.

33.210.030 Commissions and Committees Generally.

A. Length of terms. Members of commissions and committees provided under this Chapter shall be appointed to terms of not more than four years. Initial appointments for newly formed commissions or committees shall include a sufficient number of appointments for less than the maximum four-year term of office to provide overlap and a continuity of membership. Members may be reappointed upon expiration for their terms of office. Vacancies which may occur shall be filled

for the unexpired term. Members shall be limited to a maximum of two full consecutive terms.

B. Required attendance. If a member fails to attend three consecutive meetings or misses 20 percent or more of the meetings held during a calendar year, the position may be considered vacant by the Mayor.

C. Officers. Each commission and committee shall elect its own presiding officers and shall adopt such written rules of procedure as are necessary to fulfill its duties.

D. Voting. No individual member shall be entitled to more than one vote for the conduct of commission or committee business.

E. Remuneration. All voting members on a commission or committee shall serve without pay.

F. Public meetings. All meetings including informal reviews shall be open to the public as provided by the Oregon Public Meetings law.

G. Staff. The Planning Director shall provide each commission and committee with staff assistance necessary to enable it to discharge its duties.

H. Records. The Planning Director shall keep an accurate record or minutes of all proceedings of each commission and committee.

33.210.100 Planning Commission.
(Amended by Ord. No. 159256 effective Jan. 1, 1987.)

A. Purpose. The Planning Commission shall develop City planning policy, foster public communication and insure planning and policy implementation. The Planning Commission shall make recommendations to the City Council and other public authorities concerning planning issues such as streets, housing, land development, land use, alternative energy protection, economic development as are advisable from promoting the public health, safety, comfort, convenience of the City. The Planning Commission shall be a comprehensive and broad-based commission which develops and recommends plans,

policies and planning issues of City-wide importance.

B. Membership. The Planning Commission shall consist of nine members who may not hold elective office. The members shall be appointed by the Mayor and confirmed by the City Council. No more than two members of the Planning Commission shall be engaged in the same occupation, business, trade or profession. No more than two members of the Commission may be individuals or members of any partnership or officers or employees of any corporation that engages principally in the buying, selling or developing of real estate for profit.

C. Meetings and election of officers. The Planning Commission shall meet at least once a month. Meetings shall be conducted in accordance with adopted, official rules of order. Five members shall constitute a quorum at a meeting. The election of officers shall take place at the first meeting of each calendar year.

D. Powers and duties. The Planning Commission shall have and exercise all of the powers and duties which are now or may in the future be imposed upon City planning commissions by state law, by this Title, by ordinance, by the City Council or by the City Charter. The Planning Commission shall hold hearings and make recommendations on all policy matters related to the Comprehensive Plan.

The powers and duties of the Planning Commission shall include recommending and advising the City Council on plans and policies regarding transportation systems, housing, alternative energy, urban renewal plans, public buildings, land use goals and policies of City-wide interest.

The Planning Commission shall have the power to divide its membership into special committees which may be authorized to act on behalf of the Commission for the assigned purpose. Three members of the Commission shall constitute a quorum on such committees. When less than a quorum of a committee votes favorably on a motion, the item under discussion shall automatically be referred to the Commission as a whole.

E. Communications on appeal. The Planning Commission may submit written responses or appear in person on appeals of land use decisions to the City Council. Any statement shall be made a part of the record and considered by the City Council.

F. Annual report. The Planning Commission shall make an annual report of the actions and accomplishments of the Planning Commission for the preceding fiscal year. The report shall be filed with the Planning Director by the first working day of September of each year for inclusion in the Bureau of Planning report to the City Council.

33.210.110 Design Commission.
(Amended by Ord. No. 159256 effective Jan. 1, 1987.)

A. Purpose. The Design Commission shall develop design guidelines and policies and implement design excellence in areas of design concern. The Design Commission shall hold public hearings on development requests within design areas.

B. Membership. The Design Commission shall consist of seven members, appointed by the Mayor and confirmed by the City Council. The membership shall consist of: a member of the City Planning Commission; a member of the Metropolitan Arts Commission; a citizen representing the public-at-large; and four members experienced in either design, city planning, engineering, financing, construction or management of buildings, land development, the legal profession and real estate, with no more than two appointed from any one of these fields.

C. Meetings and election of officers. The Design Commission shall meet at least once every month, and as required to act on applications, appeals and projects. Meetings shall be conducted in accordance with adopted, official rules of order. Four members shall constitute a quorum at a meeting. The election of officers shall take place at the first meeting of each calendar year.

D. Powers and duties. The

Design Commission shall hold hearings and have and exercise all of the powers and duties assigned to it under this Title and by the City Council, and shall prepare for City Council review, adoption and use design guidelines for each separate area included in an area subject to design review.

The Design Commission shall have the power to divide its membership into special committees which may be authorized to act on behalf of the Commission for the assigned purpose. Three members of the Commission shall constitute a quorum on such committees. When less than a quorum of a committee votes favorably on a motion, the item under discussion shall automatically be referred to the Commission as a whole.

E. Annual report. The Design Commission shall make an annual report of the actions and accomplishments of the preceding fiscal year. The report shall be filed with the Planning Director by the first working day of September of each year for inclusion in the Bureau of Planning report to the City Council.

F. Reference designation. All reference to the Design Committee in this Title or other Titles of the Code shall be construed to refer to the Design Commission.

33.210.120 Historical Landmarks Commission. (Amended by Ord. No. 159256 effective Jan. 1, 1987.)

A. Purpose. The Portland Historical Landmarks Commission shall carry out all functions, duties and responsibilities assigned to it under this Title. The Commission is charged with the protection and preservation of historic areas, districts, buildings, objects, sites and spaces in the City that have special historical associations or significance, or of special architectural merit. It is important that historic areas, districts, buildings, objects, sites and spaces be preserved as a part of the heritage of the City, for the education, enjoyment and pride of the citizens, as well as for the beautification of the City and enhancement of the values of such property. The Commission's leadership

and expertise on the subject of maintaining and enhancing Portland's historical and architectural heritage shall be exerted through its designated powers, policies and administrative procedures for the aesthetic, historic and economic enrichment of a City of diverse peoples, styles and structures.

B. Membership. The Historical Landmarks Commission shall consist of seven members, appointed by the Mayor and confirmed by the City Council. The membership shall consist of: a member of the City Planning Commission; a member from the staff of the Oregon Historical Society; a member from the Portland Chapter of the American Institute of Architects; and four members from the citizens at large.

C. Meetings. The Historical Landmarks Commission shall meet at least once every month, or as required to act on applications, appeals and projects. Meetings shall be conducted in accordance with adopted, official rules of order. Four members shall constitute a quorum at a meeting.

D. Powers and duties. The Historical Landmarks Commission shall have and exercise all of the powers and duties assigned to it under this Title, by the City Council and:

1. Shall serve in an advisory capacity and make recommendations concerning historical districts, conservation districts, buildings, objects, sites and spaces 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, objects, sites and spaces.

2. May adopt such rules and regulations as it finds necessary or appropriate to carry out the intent of this Title.

3. Shall receive requests from any person or may on its own motion make decisions concerning the designation of particular districts, buildings, objects, sites and spaces as historic districts, conservation districts, historic landmarks or historic sites.

4. Shall remove designated historic districts, conservation districts, buildings, objects, sites and spaces it finds no longer worthy of the designation.

5. Shall have the authority to inspect and investigate any district, building, object, site or space in the City for which a designation has been requested and/or which it has reason to believe is of special historic significance or architectural importance.

6. Shall review all information which it has and shall hold hearings as prescribed in this Title and transmit the results to the City officials as required.

7. Shall have authority to coordinate historical preservation programs of the City, county, state and federal governments as they relate to property in the City.

8. May recommend to City Council or the State legislature any changes of law which it finds appropriate or needed.

9. Shall compile and maintain a current list of all historical districts, conservation districts, buildings, objects, sites and spaces which have been designated with a brief description of each and the special reasons for its designation.

10. Shall have the authority to make information available to the public concerning its activities and the various designated districts, landmarks and sites.

11. Shall prepare, review and adopt guidelines, criteria, or other statements of policy as may be appropriate to the development or preservation of historical districts, conservation districts, buildings, objects and sites.

12. Shall assist and coordinate the work of district advisory councils with respect to historical and conservation districts.

13. Shall perform such other duties relating to historical districts, conservation districts, buildings, objects, sites and spaces as the City Council or the Mayor may request.

14. Shall conduct design review for designated landmarks within D Design and Z Downtown Development zones.

15. Shall have the power to divide its membership into special committees

which may be authorized to act on behalf of the Commission for the assigned purpose. Three members of the Commission shall constitute a quorum on such committees. When less than a quorum of a committee votes favorably on a motion, the item under discussion shall automatically be referred to the Commission as a whole.

E. Annual report. The Portland Historical Landmarks Commission shall make an annual written report of its actions and accomplishments during the preceding fiscal year. The report shall be filed with the Planning Director by the first working day of September of each year for inclusion in the Bureau of Planning report to the City Council.

F. Advisory councils. Each historic district and historic conservation district shall have a five-member advisory council. Each advisory council shall include one citizen-at-large appointed by the Mayor; the chair of the Landmarks Commission or another member of the Landmarks Commission appointed by the chair; and three additional members selected by the Landmarks Commission and approved by the City Council, including representation of residents and property owners within the district. In a district composed of 50 percent or more residential structures, a minimum of three members shall be property owners residing in the district. The advisory councils shall be advisory to the Landmarks Commission and shall make recommendations to the Landmarks Commission with respect to guidelines, development criteria and permits for construction within the district. Advisory councils for historic districts shall also make recommendations to the Commission with respect to exterior remodeling of properties within the district. Advisory councils shall not have standing to appeal decisions of the Portland Historical Landmarks Commission.

33.210.130 Variance Committee.
(Amended by Ord. No. 159256 effective Jan. 1, 1987.)

A. Purpose. The purpose of the Variance Committee is to hold public

hearings and decide on variance applications submitted by the public in compliance with the intent of the zoning code and legal precedence.

B. **Membership.** The Variance Committee shall consist of 14 members, including not more than four members each from the following fields: architecture, landscape architecture, or of planning professions; the property management, development, or contracting fields; the engineering or legal professions; other members shall represent the general public. Members shall be appointed by the president of the Planning Commission.

C. **Meetings.** The Variance Committee is authorized to divide into two subcommittees of seven members each. The membership proportions of Paragraph B. shall be maintained in the subcommittees. Subcommittees shall meet alternately. Any member may be called in order to attain a quorum. Meetings shall be conducted in accordance with adopted, official rules of order. Four members shall constitute a quorum at any subcommittee meeting. The election of officers shall take place at the first meeting of each calendar year.

D. **Powers and duties.** The Variance Committee shall act on variance requests in compliance with the procedures of Chapter 33.215, Procedures, unless the variance is specifically assigned to another review body under this Title in conjunction with a concurrent review conducted by another review body.

E. **Annual report.** The Variance Committee shall make an annual report of its actions and accomplishments during the preceding fiscal year. The report shall be filed with the Planning Director by the first working day of September of each year for inclusion in the Bureau of Planning report to the City Council.

33.210.140 Planning Director. The Planning Director shall direct and manage the staff of the Bureau of Planning. The Planning Director shall provide staff services to the commissions and committees provided in this Chapter. The Planning Director shall be responsible for the

decisions, recommendations and interpretations required by this Title. For the purposes of this Title, the term Director shall mean the Director of the Bureau of Planning or delegated staff member.

33.210.150 Hearings Officer.
(Amended by Ord. No. 159256 effective Jan. 1, 1987.)

A. **Purpose.** The position of the Land Use Hearings Officer is established to perform quasi-judicial reviews and decisions on land use applications not assigned to a commission or committee by this Title. This frees the Planning Commission from a heavy quasi-judicial case load, assigns those quasi-judicial reviews to a body with expertise in application of policy and meeting legal requirements for proper processing and formatting of such decisions, and allows for prompt decision making.

B. **Appointment.** The Land Use Hearings Officer or Officers shall be appointed by the City Commissioner in charge of the City Attorney's office in conformance with the civil service rules of the City. The Land Use Hearings Officer may also be cited as the Hearings Officer.

C. **Meetings.** The Hearings Officer shall conduct hearings as necessary to decide or act upon complete applications.

D. **Powers and duties.**

1. The Hearings Officer shall act on behalf of the City Council as a review body to decide matters assigned by this Title.

2. All decisions and recommendations provided for in this Title which are not specifically required to be made by the Council or by some other review body shall be made by the Hearings Officer.

3. The Hearings Officer shall have the power to request, receive and examine available information, conduct public hearings, prepare a record and enter findings and conclusions on all matters for which the Hearings Officer is authorized by this Title to act as review body.

4. The Hearings Officer shall have the power to prescribe rules and

regulations for conduct of hearings before the Hearings Officer.

E. Annual report. The Hearings Officer shall make an annual report of the actions and accomplishments of the preceding fiscal year. The report shall be filed with the Planning Director by the first working day of September of each year for inclusion in the Bureau of Planning report to the City Council.

Chapter 33.215

PROCEDURES

(Added by Ord. No. 157619 passed
July 18, effective Aug. 19, 1985.)

Sections:

- 33.215.010 Purpose.
- 33.215.020 Land Use Review Procedures.
- 33.215.030 Type I Procedure.
- 33.215.040 Type II Procedure.
- 33.215.050 Type III Procedure.
- 33.215.100 Pre-Application Conference.
- 33.215.110 Concurrent Reviews.
- 33.215.120 Application Requirements.
- 33.215.130 Public Notice Requirements.
- 33.215.140 Hearing Requirements.
- 33.215.150 Ex Parte Contact.
- 33.215.160 Conflict of Interest.
- 33.215.170 Findings, Conclusions
and Decisions.
- 33.215.180 Expiration.
- 33.215.190 Appeals to City Council.
- 33.215.200 Changes to Conditions on
Approval.
- 33.215.210 Reapplication.

33.215.010 Purpose. Title 33 provides for a range of land use reviews. These procedures permit diverse reviews, improve the public understanding of this Code, encourage efficient processing and foster citizen involvement. As the magnitude of discretion or potential impact increases, the intensity or complexity of the review process increases.

33.215.020 Land Use Review

Procedures. (Amended by Ord. No. 159256 effective Jan. 1, 1987.) Procedures are assigned to land use processes based upon the magnitude of discretion and the potential impact of the use. Applications for land use approvals authorized by this Title shall be processed as either a Type I, Type II or Type III procedure. The numerical value of the procedure indicates the complexity: a Type III deals with the greatest impact or discretion, then Type II, then I. All procedure types provide for a fee, see Chapter 33.225. Land use review procedures shall be processed within 120 days of the filing of a complete application unless the applicant consents to a longer period.

33.215.030 Type I Procedure.

(Amended by Ord. No. 159256 effective Jan. 1, 1987.) A Type I procedure is an administrative process and the decision is made by the Planning Director without public hearing. Such decision is final for the purposes of review upon signing by the Director and filing with the Auditor. Applications processed under Type I procedures shall be specified by this Title.

A. Application. After a complete application is received by the Planning Director, the Director may consult with the owner, applicant, other citizens, City agencies and other public and private organizations to solicit pertinent information.

B. Findings and Conclusions. Findings and conclusions regarding the application shall be entered based upon the Director's evaluation of the case and the applicable requirements. The findings and conclusions shall be retained in the Bureau of Planning files.

C. Notification. Within 3 days of the receipt of an application, the Planning Director shall mail notification to the recognized organization. Such notice shall provide 7 days for response prior to an administrative decision. The notice shall be entered in a public registry a minimum of 7 days prior to the administrative decision.

D. Decision. Within 10 working

days of the receipt of a complete application, the Planning Director shall file a decision based upon the findings and conclusions entered in the case. The applicant may extend the 10 working day limit. The decision shall grant, grant with conditions, or deny the application. The decision shall be filed with the City Auditor with copies mailed to the owner and to the applicant, if different. The decision shall be final when filed with the Auditor. Acceptance and recording shall meet the requirements of Section 33.215.170, Findings, Conclusions and Decisions. A Type I application which has been denied may be reapplied for through a Type III procedure. In this case a pre-application conference is not required.

33.215.040 Type II Procedure.

(Amended by Ord. No. 159256; and 161335, effective Oct. 19, 1988.) A Type II procedure provides for an administrative decision with the option of a public hearing. Applications processed using Type II procedures are identified in this Title.

A. Application and notification. A pre-application conference shall be optional. Application shall be made in compliance with this Title. A public hearing shall be scheduled within 60 days after a complete application is received. The public notification shall contain a description of the request. The notice shall include the tentative hearing date. The notice shall describe the process and specify the deadline for submission to request a public hearing. The notice shall be mailed to the owner, applicant, and all property owners within 150 feet of the site. Notification shall be mailed to the affected recognized organization whose boundaries include the site and also to any recognized organization within 1,000 feet of the site. Public notice shall be mailed 30 days prior to the tentative hearing. All comments and requests for hearings shall be received by the 14th day prior to the notified hearing date. Comments received less than 14 days prior to the hearing need not be considered.

B. Administrative decision. The

Director may waive the public hearing and grant an application with or without conditions if:

1. A request for a public hearing has not been received 14 days prior to the scheduled hearing date; and

2. The applicant accepts the tentative decision and conditions.

A copy of the decision shall be filed within 10 working days with the City Auditor and mailed to the owner and applicant. The decision shall be final upon filing with the Auditor. Findings and conclusions supporting the decision shall be retained in the Bureau of Planning files.

C. Public hearing. The scheduled public hearing shall be held if:

1. Any interested person or notified property owner responds and requests an opportunity to testify in person or through a representative at that hearing; or

2. The Director denies the application; or

3. If the preliminary decision modifies the request to the extent that the original notice is no longer accurate.

D. Hearing procedure. A request for a public hearing shall be conducted by a review body as provided in Chapter 33.210. The hearing shall be de novo at the time and date specified in the notification. The public hearing and procedures of this Title shall be met, including notification, public hearings, reports and decision requirements.

E. Report. If a public hearing is held, the Planning Director shall coordinate and assemble all responses and evaluate applicable facts, findings, policies and codes and shall prepare a report. At least 10 days prior to the scheduled hearing, the Bureau of Planning report and recommendation shall be filed with the review body and a copy mailed to applicant, to any affected recognized organizations, and made available to any interested persons.

F. Review body decisions. If there is a hearing, the review body shall render a written decision within 10 working days of the scheduled hearing date. The decision shall be filed within 5 working days

of the rendering. On the filing date, a copy of the decision shall be filed with the City Auditor and mailed to the owner and applicant. On the filing date, a summary of the decision shall be mailed to the recognized organization, all persons, agencies or organizations who testified in person or by written letter and to any person who requested a copy of the decision in writing. The decision, acceptance and recording shall meet the requirements of 33.215.170, Findings, Conclusions and Decisions.

G. Effectiveness following a public hearing. The decision of a review body shall be final on the 15th day following the filing date unless an appeal has been filed in compliance with Section 33.215.190.

If the decision grants all or part of the application, the decision shall become final upon filing with the City Auditor if the owner and applicant, if different, accept the decision and,

1. If no one has objected to the request either in writing or in person at the hearing; or

2. If anyone objected in writing or in person at the hearing, and the record shows that the grounds for the objection have been removed, or

3. All persons eligible to appeal the decision waive their right to appeal, either in writing or at the hearing.

H. Appeals. An appeal from a decision of a review body is to the City Council. The appeal procedures of Section 33.215.190 must be met.

33.215.050 Type III Procedure. (Amended by Ord. No. 159256; and 161335, effective Oct. 19, 1988.) A Type III procedure requires a public hearing and the decision shall be rendered by the assigned review body. The decision is final unless appealed. Applications processed as Type III procedures are specified in this Title.

A. Application. A pre-application conference is required. After receipt of a complete application, the Planning Director must notify any affected recognized organizations, department or bureau of the City and any other affected

agency, requesting their review and comments. A public hearing must be held within 60 days of receipt of the completed application.

B. Report. Prior to the hearing, the Planning Director shall coordinate and assemble all responses and evaluate applicable facts, findings, codes and policies and shall prepare a report. At least 10 days prior to the scheduled hearing, the Bureau of Planning report and recommendation on the matter shall be filed with the review body and a copy mailed to all those identified in the application by the applicant as owners, the applicant, any affected recognized organizations and shall be made available to any interested person.

C. Notification. The City Auditor shall mail notice at least 14 days prior to the hearing. Notice shall be mailed to the owner and applicant, if different, and to all property owners within 400 feet of the property. Notification shall also be mailed to any affected recognized organizations whose boundaries include the site and also to any recognized organization within 1,000 feet of the site.

D. Public hearing. The review body shall conduct the public hearing and render a written decision on the matter. The review body shall have the opportunity to request, receive and examine available information and shall prepare findings and conclusions to support the decision.

E. Decision. The review body shall render a written decision within 10 working days after the scheduled hearing date. The decision shall be filed within 5 working days of the rendering. On the filing date, a copy of the decision shall be filed with the City Auditor and mailed to the owner and applicant. On the filing date, a summary of the decision shall be mailed to the recognized organization, all persons, agencies or organizations who testified in person or by written letter and to any person who requested a copy of the decision in writing. The decision, acceptance and recording shall meet the requirements of 33.215.170, Findings, Conclusions and Decisions.

F. Appeal. The decision shall be final on the 15th day following the filing

date unless an appeal has been submitted in compliance with Section 33.215.190.

However, if the decision grants all or part of the matter heard it shall become final upon being filed with the City Auditor if the owner accepts the decision and the following apply:

1. If no one has objected to the request either in writing or in person at the hearing; or

2. If anyone objected in writing or in person at the hearing and the record shows that the grounds for the objection have been removed; or

3. If all persons eligible to appeal the decision waive their right to appeal, in writing or at the hearing.

33.215.100 Pre-Application Conference. (Amended by Ord. No. 159256; and 161335 effective Oct. 19, 1988.)

A. Purpose. The purpose of the pre-application conference is to inform the owner or applicants of the substantive and procedural requirements of this Title, provide for an exchange of information regarding applicable requirements of the City Codes, make available technical and design assistance which will aid in the development of an application, and to identify policies and regulations that create opportunities or pose significant problems for a proposal.

B. Types and procedures.

1. Type II procedures. An applicant for a Type II review may elect to participate in an optional pre-application conference.

2. Type III procedures. Each applicant must participate in a pre-application conference.

3. Forms for pre-application conferences shall be available from the Planning Director. A pre-application conference shall be held within 10 working days of receipt of a completed request form. A fee is required in compliance with Chapter 33.225. The fee shall be paid at the time a request for a pre-application conference is submitted.

C. Participants. At the pre-application conference, the applicant shall meet with the Bureau of Planning staff. In addition, City urban service or technical representatives may attend. Representatives of affected recognized organizations shall be invited to attend.

D. Pre-application conference recommendations. Following the pre-application conference, the Planning Director shall provide the applicant with a written summary of the pre-application conference within 7 days. The written summary shall include suggestions and information for inclusion in any land use review application.

33.215.110 Concurrent Reviews. (Amended by Ord. No. 159256 effective Jan. 1, 1987.)

A. Consolidated Applications. Applications for more than one procedure or land use review on the same property and all integral parts of the same development proposal, may be consolidated into a single application at the request of the applicant. Separate findings shall be required for each decision and one decision may be rendered contingent upon another.

B. Concurrent pre-application conference. Application for a land use review and a pre-application conference may be submitted at the same time. However, it is recommended that an application be filed after the pre-application conference so that the information obtained at the conference may be incorporated in the application submittal.

C. Multiple land use reviews.

1. Multiple reviews with different procedure types. When more than one review is necessary, and the reviews are assigned different procedures, the review is processed using the highest procedure assigned. A Type III procedure is the highest, followed by a Type II, with a Type I being the lowest procedure. See 3. for exception.

2. Multiple reviews with the same procedure type. When more than one review is necessary, and the reviews are assigned to the same procedure type but

different review bodies, the reviews are processed separately; or if requested by the applicant and approved by the Director, the reviews are processed simultaneously with a joint hearing before the applicable review bodies. See 3. for exception.

3. Exceptions for Variance Committee assignments.

a. When a request for a variance assigned to a Type II procedure is coupled with an alternative design adjustment assigned to a Type I procedure, the review is processed through a Type II procedure assigned to the Design Commission.

b. When a variance assigned to a Type II procedure is coupled with another Type II review, the review is assigned to the body assigned the non-variance review. In this case a joint hearing is not held.

33.215.120 Application

Requirements. (Amended by Ord. No. 161335; effective Oct. 19, 1988.)

A. Time limits. An application for a land use review authorized by this Title shall be submitted to the Planning Director on the forms provided. The Planning Director shall review the application for sufficiency and shall notify the applicant of any missing information or materials within 10 days. Should the applicant for a Type I procedure not provide the missing information, the application shall be considered complete on the 14th day after filing and may be denied. Should the applicant subject to a Type II or III procedure not provide the missing information the application shall be considered complete on the 31st day following its submission and shall be processed based on the information submitted. The applicant shall have the option of requesting additional time in excess of 14 or 30 days to provide missing information. A waiver of the 120 day processing may be granted upon submission of a written request for extension of the application deadline by all applicants. If the applicant subsequently declines to provide the required information, or if after 120 days following the initial receipt of the application the requested information has not been submitted, the application may be

denied by the Director.

The plans and information submitted with the application shall be the basis for the public notification, report and decision. The deadline for revisions to an application or plan shall be 5 working days prior to the mailing of the public notification. Materials submitted after the deadline shall require submittal of a new application and fee.

B. Requirements. Unless stated elsewhere in this Title, an application shall consist of:

1. Two copies of the completed application form bearing an accurate legal description, tax account number(s) and location of the property. The application shall include the names of all property owners and their addresses and phone numbers, the signature of the applicant and the nature of the applicant's interest in the property. The applicant is responsible for the accuracy of this information and must include with the application an affidavit attesting to the accuracy of the ownership information submitted. Except in the case of designation of historical landmarks, all owners must accept and record a land use decision before the decision may take effect.

2. One copy of a written statement shall include the following five items:

a. A complete list of all land use approvals requested;

b. A complete description of the proposal including existing and proposed use(s) or change(s) to the site or building(s);

c. Information requested at the pre-application conference, if applicable or needed to understand the proposal;

d. A statement describing conformity with all approval criteria required in the application.

3. Three copies of a site or development plan shall be required. At least one complete copy shall be 8-1/2 inches by 11 inches, suitable for photocopy reproduction. The site or development plan shall be drawn accurately to scale and shall show:

All property lines with dimensions and total lot area;

North arrow and scale of drawing;

Adjacent streets, access (driveways);
Natural features such as watercourses
and topography;
Easements and on-site utilities;
Existing and proposed development with
all dimensions;
Building elevations in feet and stories;

Distances of all existing and proposed development to property lines;

Lot coverage, yard projections, types of vegetation, street trees, screening, fencing and building materials;

Parking, including bicycle, automobile and truck, number of parking spaces, parking lot or structure design and circulations; and

Additional plan requirements of the specific land use review.

4. In the case of a Type III procedure, a copy of the completed pre-application conference summary or proof of participation.

5. The applicable filing fees provided by Chapter 33.225.

C. Voiding of decision. In the event that the person or persons accepting the terms of the decision proves not to have been the owner, the decision is void and, if the decision has been recorded, a notice indicating the decision is void will be recorded by the City Auditor.

33.215.130 Public Notice Requirements. (Amended by Ord. No. 159256, effective Jan. 1, 1987.)

A. Persons notified. Under a Type II or III procedure, notice of public hearings shall be mailed first class by the City Auditor to the owner(s), applicants, if different, of the subject property, owners of all property within the notification area specified under the type of procedure, and to any recognized organization whose boundaries include the site. Recognized organizations within 1,000 feet of the site shall be notified of the initial review body hearing.

B. Area to be notified. Measurement of the affected area shall be made by drawing lines the specified distance, including intervening street widths, from and parallel to the boundary lines of the subject property and all other contiguous property that is under the legal control of the owner. If the notification area includes public lands not to exceed 200 feet in depth for a Type II procedure and 500 feet in depth for a Type III procedure, the first non-public properties in the given

direction shall be included in the notification.

C. Content of notice. The notice of hearing shall contain at least the following information:

1. The date, time and place of the hearing;

2. The location of the subject property, giving both address and legal description in lot, block, addition or tax lot, section, township and range;

3. A description or explanation of the proposal;

4. The land use reviews requested and other land use reviews which may be considered as an option;

5. A map depicting the subject property in relation to surrounding properties;

6. Where information on the matter may be examined;

7. When and how written comments may be submitted;

8. The name of the owner and applicant, if different; and

9. The name and telephone number of the affected recognized organization(s).

D. Deferrals. A written or verbally announced rescheduling of a hearing at the time and place scheduled to a date and time shall constitute adequate public notice of deferral of a hearing. No additional notice shall be required in such cases.

E. Procedure for mailed notice. The City Auditor shall obtain addresses for mailing notice from the latest available county real property tax records. Unless the Auditor has received a written request for notification, a person whose name is not in the tax records need not be mailed notice. The recognized organization address shall be the address on file with the Office of Neighborhood Associations. The failure of the property owner to receive notice shall not invalidate the action if a good faith attempt was made to comply with this Section.

F. Procedure for mailing staff reports. Staff reports for public hearings shall be mailed first class unless an owner or

applicant requests certified mail for their own reports.

33.215.140 Hearing Requirements.

All public hearings shall conform to the rules of procedure adopted by the review body and to the State of Oregon public meetings law.

33.215.150 Ex Parte Contact.

Except for legislative actions as discussed in Chapter 33.220, the following standards apply:

A. Private contacts. Prior to rendering a decision, no member of a review body shall communicate, directly or indirectly, with any person interested in the outcome or representative in connection with any issue involved in an application except upon notice and opportunity for all parties to participate. Should such communication occur, the member of the review body shall:

1. Enter into the record the substance of any such written or oral communication; and

2. Publicly announce the content of the communication and provide an opportunity to rebut the substance of the contact.

B. Bureau of Planning contacts. The Planning Director and Bureau of Planning staff may communicate with owners, their representatives, citizens, City agencies and other public and private organizations as part of the processing of land use applications.

33.215.160 Conflict of Interest. A member of a review body shall not participate in any proceeding or action in which any of the following has a direct or substantial financial interest: the member or spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous 2 years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the

review body meeting where the action is scheduled.

33.215.170 Findings, Conclusions and Decisions. (Amended by Ord. No. 159256; and 161335 effective Oct. 19, 1988.) A decision may be made to grant, grant with conditions, modify, or deny an application, as provided by the applicable approval criteria. Decisions shall be issued as follows:

A. Generally.

1. All decisions shall be issued in writing.

2. All decisions shall include:

The file number;

The owner's and applicant's name and address;

The legal description and site location;

Brief description of the application(s) and proposal;

The review body and authority for action;

The filing and decision date;

Decision of the review body;

The Code and Comprehensive Plan goals and policies and other adopted plans and policies relied upon in rendering the decision;

The criteria and facts relied upon in the decision and the justification for the decision;

Applicable appeal or review date and summary of appeal or review process.

3. Summaries of a decision shall include:

The file number;

The owner's and applicant's name and address;

The legal description and site location;

A brief description of the application(s) and proposal;

The review body;

The filing and decision date;

The decision;

The applicable appeal or review date and summary of the appeal or review process.

B. Records. Types I, II and III decisions shall include:

1. The decision as provided by Section 33.215.170 A. 2.

2. The findings and conclusions to

support the decision of the review body which shall be retained in the Bureau of Planning files. All approval decisions shall be accepted and recorded as required by Subsection E. below.

C. Hearing record. A record of all public hearings shall be made and retained in written or electronic form. No verbatim transcript shall be produced unless requested and paid for as provided by Chapter 33.225, Fees.

D. Conditions of approval. Conditions of approval may be attached to the approval of a Type I, Type II, or Type III decision. Conditions may include, but are not limited to: a time limit, a termination date, a requirement for a performance bond or other type of security, and other conditions which meet one of the following criteria:

1. The condition is required to protect the public from the potentially deleterious effects from the proposed use;

2. The condition is required to fulfill the public service or public facility demand created by the proposed use; or

3. The condition is required to carry out the policies of an adopted City Plan or Code provision.

E. Acceptance and effectiveness.

1. No final decision, other than designation of a historical landmark, on any application for land use review shall become effective for issuance of permits until the owner and any applicant has accepted the terms thereof in writing. Such acceptance must be filed with the City Auditor. Historical landmark designations become effective the day the final local decision is made. In the event that the person or persons accepting the terms of the decision proves not to have been the owner, the decision is void. The decision shall be recorded in the appropriate county records at the expense of the applicant. The recorded document shall bear the certificate of the City Auditor attesting that the acceptance has been filed and that the document is a true copy of the original. If such acceptance is not filed and the fee paid within 60 days after the Auditor has mailed the request for acceptance, the

decision shall be null and void.

2. Late acceptance may be requested up to 3 years after the final decision, provided the facts on which the initial approval was based, have not changed substantially. Late acceptance requests are processed as a Type I procedure.

3. Projects located in the public right-of-way are not subject to acceptance procedures. Decisions are effective upon final action by the review body.

33.215.180 Expiration. (Added by Ord. No. 159256; amended by 161335 effective Oct. 19, 1988.)

A. Expirations. Land use approval shall become null and void under any of the following circumstances.

1. If the decision is not accepted and recorded by the applicant as required by Chapter 33.215.

2. If within 3 years of the decision (not applicable to plan map amendments and zone changes):

- a. A building permit has not been issued; or

- b. When a building permit is not required, the approved activity has not commenced; or

- c. In situations involving only lot creations, the land division has not been recorded.

B. Extensions of the expiration period.

1. If appealed beyond the jurisdiction of the City, the expiration period will not begin until review before the court(s) or administrative agency has been completed, including remand back to the City.

33.215.190 Appeals to City Council. (Amended by Ord. No. 159256; and 161335 effective Oct. 19, 1988.) A review body decision may be appealed as follows:

A. Eligibility to appeal. A decision made at a public hearing (a nonadministrative Type II or a Type III) may be appealed by the owner or applicant, if different, or by anyone who is considered a party. Parties are persons who submitted oral or written testimony on the merits or

on a procedural aspect of the case. Persons who sign petitions are not considered parties. In the event petitions are submitted and a representative of the petitioners is identified on the petition, the representative shall be included as a party.

B. Appeal acceptance criteria. All appeals of review body decisions shall be filed within 14 days after the decision filing date. All appeals shall be in writing on forms available from the Planning Director and shall include:

1. The file number and land use review(s) appealed;
2. The appellant's name, address and signature, phone number and relationship to the land use action;
3. A clear statement of the specific reasons for the appeal including any alleged misapplication of the City Codes, and
4. The required fee as provided in Chapter 33.225 Fees.

C. Appeal procedures.

1. An appeal from a review body decision shall be filed with the Director within the 14 day appeal period. The Planning Director shall forward a copy of the appeal to the review body whose decision is being appealed, any recognized organization and the City Auditor within 5 working days of receipt. A public hearing shall then be scheduled before the City Council by the City Auditor.

2. The City Council public hearing shall be scheduled within 30 days of receipt of the appeal. Copies of the appeal shall be provided to the Planning Commission members.

3. At least 21 days prior to the scheduled City Council public hearing, the decision and report of the review body shall be filed with the City Auditor for the City Council. If the decision being appealed was made by the Hearings Officer, the Hearings Officer must submit the decision and report. In all other appeal cases, the Planning Director will submit the decision and report. The Planning Director must represent all review bodies before the City Council. A copy of the review body decision, together with a copy of the appeal

shall be mailed to the applicant and appellant, if different, and affected recognized organizations and must be made available to other interested persons.

4. The record shall consist of:

a. The review body report including the findings, conclusions and decision as provided by Section 33.215.170.

b. Evidence, exhibits, information and materials submitted as a part of the record.

c. The appeal filed;

d. A transcript if requested and paid for in compliance with Section 33.225.030.

D. City Council hearing notification. Public notification shall comply with 33.215.130 C. The notification shall be mailed by the Auditor at least 14 days prior to the hearing before the City Council. The notification shall be mailed to the owner, applicants, appellant, if different, recognized organizations, persons participating in the hearing, and the owners of property within 150 feet for Type II procedures and within 400 feet for Type III procedures. The notification shall include a statement that the City Council hearing is an appeal hearing, the appellant's name and a summary of the appeal points.

E. City Council procedures. The City Council may at its option hold the hearing "on the record" limited to the points or issues raised in the appeal; or may admit additional testimony and other evidence, or may hold a de novo hearing. If additional testimony, issues, or evidence are presented, opposing persons shall be given a reasonable opportunity to respond.

F. City Council decision. The decision of the City Council shall comply with Section 33.215.170. The Council may uphold and adopt the review body's decision as the Council's findings and decision. The Council may modify the findings, conclusions and decision of the review body. The Council may reject the review body's findings, conclusions and decision. If the review body's findings and decision are modified or rejected and both sides are represented by land use planning professionals or attorneys, the prevailing

party shall provide findings and conclusions to support the City Council's decision. If either side is not represented by a planning professional or attorney, the City must provide findings and conclusions to support the Council's decision. The Council may make tentative action and direct that proposed findings, conclusions and a decision be prepared. Prior to final City Council adoption, those findings prepared by the representative of the prevailing party must be reviewed and approved by the City Attorney. The findings and decision shall be adopted by Council vote at a public meeting after affording an adequate opportunity for public comment on the findings. No additional public hearing is required if the vote is at a subsequent public meeting. All City Council decisions shall be in the form of an Order of the Council.

G. Notice of the decision. Within 5 working days of the date the decision becomes final, written notice of the decision shall be given to all parties as defined in Section 33.215.190 A (Appeals to City Council).

33.215.200 Changes to Conditions of Approval. (Added by Ord. No. 159256 effective Jan. 1, 1987.) Requests for changes to conditions of approval are processed through the original land use review procedure.

33.215.210 Reapplication. (Added by Ord. No. 159256 effective Jan. 1, 1987.) After a Type II or Type III land use review is denied, reapplications may be made as follows:

A. For mandatory reviews which are required for any development on a particular site, such as required design review, site review, greenway review, or superblock review: an identical request may not be made for 6 months after denial.

B. For optional reviews such as zone changes, condition uses, variances, or

adjustments: an identical or generally similar request may not be made for 6 months after denial.

C. If a Type I review is denied, there is no time restriction on an allowed reapplication.

Chapter 33.220

LEGISLATIVE ACTIONS

(Added by Ord. No. 157619 passed
July 18, effective Aug. 18, 1985.)

Sections:

33.220.010	Purpose.
33.220.020	Procedure.

33.220.010 Purpose. Legislative actions provide for the establishment and modification of legislative land use policies and plans. Legislative actions include a public hearing by a designated commission. If the commission recommends an action to City Council, the Council also holds a public hearing prior to rendering a decision.

33.220.020 Procedure.

A. Initiation. Legislative actions may be initiated by the City Council or a commission.

B. Notification.

1. After initiation of the land use action, the Planning Director shall notify any affected recognized organization, department or bureau of the City, and any other affected agency or interested party requesting their review and comments.

2. At least 30 days prior to the hearing, notice shall be mailed by the Planning Director to the following:

a. For actions amending the Comprehensive Plan goals and policies, amending Title 33 or 34, or other actions with a general City-wide impact, notice shall be mailed to all recognized organizations, affected

TITLE 33 PLANNING AND ZONING

bureaus and other interested persons identified by the Director.

b. For actions affecting a specific area such as a plan map amendment or a large area zone change, adoption of a neighborhood plan or area design guidelines, or establishment of a plan district, notices shall be mailed to all property owners and recognized organizations within the subject area. The City Auditor shall compile the list of property owners.

C. Report. Prior to the hearing, the Planning Director shall coordinate and assemble all responses, evaluate applicable facts, findings, codes, plans, Comprehensive Plan goals and policies and any other applicable guidelines or policies and shall prepare a report. At least 10 days prior to the scheduled hearing, the Bureau of Planning report and recommendation on the matter shall be filed with the review body and a summary copy mailed to any recognized organization and made available to any interested persons who request a copy.

D. Public hearing. A commission shall conduct a public hearing. The authorized commission shall have the authority to request, receive and examine available information and shall prepare a recommendation to the City Council.

E. Commission recommendation and decisions.

1. Favorable recommendations. If the proposal is approved, a report and recommendation shall be forwarded to City Council.

2. Other actions.

a. If the commission denies the proposal, and it was the initiator of the proposal, the matter shall be terminated.

b. If the commission denies the proposal, and the Council was the initiator, the proposal shall be forwarded to Council with a report and recommendation of denial.

F. City Council consideration.

1. The commission shall forward a

report and recommendations and any necessary implementing ordinances to carry out its recommendation.

The City Auditor shall schedule a public hearing that complies with applicable statutes and administrative rules pertaining to post-acknowledgement review.

2. At least 14 days prior to the hearing, notice shall be mailed to all those who have made an appearance on the matter, submitted written testimony, testified through a representative, or who have requested such notice.

3. At the conclusion of its hearing, the Council may adopt, modify or give no further consideration to the recommendation. If the decision is to adopt a Code or policy change originally authorized by ordinance, the Council shall enact its decision by ordinance.

Chapter 33.221

TEMPORARY PROHIBITION ON THE DISTURBANCE OF FORESTS

(Added by Ord. No. 163498,
Sept. 26, 1990.)

Sections:

33.221.010	Purpose.
33.221.020	Definition.
33.221.030	Prohibition.
33.221.040	Exceptions to Prohibition.
33.221.050	Enforcement of Prohibition.
33.221.060	Expiration of Prohibition.

33.221.010 Purpose. The purpose of this chapter is to prohibit the disturbance of forests pending the establishment of permanent regulations.

33.221.020 Definition. For the purposes of this Chapter the term "forest" means any grove or stand of 100 or more trees,

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33.221.020 Definition. For the purposes of this Chapter the term "forest" means any grove or stand of 100 or more trees, predominated by tree species native to the Pacific Northwest, in which the average size of the 25 largest native trees is greater than 9 inches in diameter at 5 feet above the ground and in which the tree cover extends over an area larger than 2 acres within any single lot or within contiguous lots in common ownership.

33.221.030 Prohibition. The following activities are prohibited in forests within the areas designated as the Tualatin River Basin, N.W. Hills Natural Areas, S.W. Hills Natural Areas, Johnson Creek, Balch Creek Watershed, and East Buttes and Uplands as shown in the map at the end of this Chapter:

- A. Herbicide application.
- B. Burning of vegetation.
- C. Cutting, damaging, or removing vegetation.

33.221.040 Exceptions to the Prohibition. Notwithstanding the general prohibition of Section 33.221.030 above, the following activities are allowed:

A. Any activity on a lot 2 acres or smaller in area.

B. Cutting, damaging, or removing of non-native landscape vegetation.

C. — Cutting, damaging, or removing of Himalayan blackberry (*Tubris discolor*), evergreen blackberry (*Rubris laciniatus*), tansey ragwort (*Senecio jacobaea*), western clematis (*Clematis linguisticiflora*), Traveler's joy (*Clematis vitalba*), and English ivy (*Hedera helix*).

D. Cutting or moving of any tree by the City Forester for reasons of safety.

E. Any activity authorized by a land use decision accepted and recorded before the effective date of this ordinance.

F. Any activity authorized by a public

works permit issued before the effective date of this ordinance.

G. Any activity authorized by a tree planting, pruning, ore removal permit issued before the effective date of this ordinance.

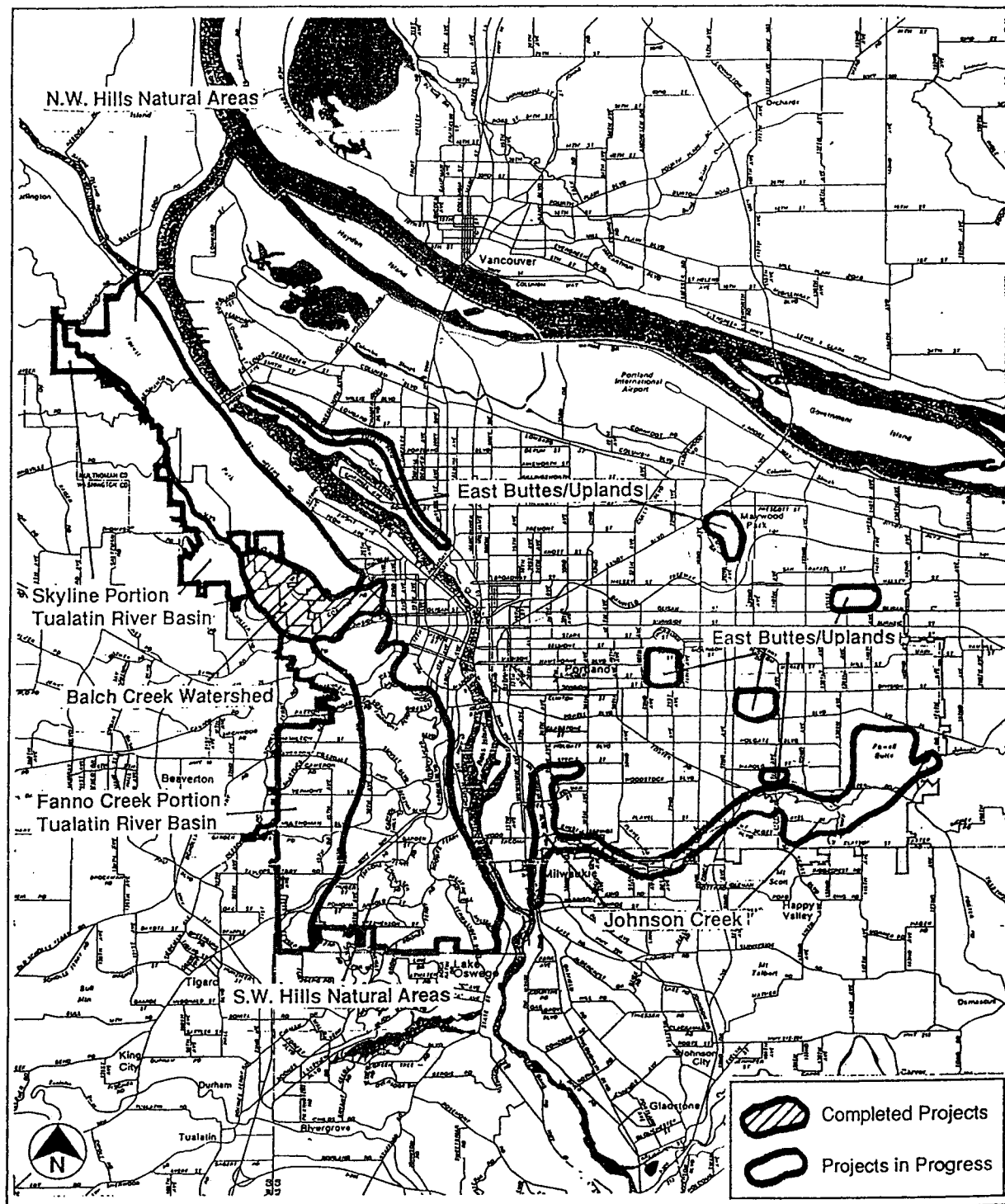
H. Any activity authorized by a tree perservation condition of an approved plat accepted and recorded before the effective date of this ordinance.

I. Any activity, use of land, or division of land authorized by the City Council, the City Land Use Hearings Officer, the City Engineer or the City Planning Director on or after the effective date of this ordinance in which the authorization contains tree preservation conditions necessary to comply with Goal 8 of the Portland Comprehensive Plan.

33.221.040 Enforcement of the Prohibition. In the event the Director of the Bureau of Planning learns or has information that leads the Director or believe a violation of this Section has or is likely to occur, the Director may inform the Commissioner In Charge who may thereafte authorize the filing of such civil actions by the City Attorney as the Commissioner and City Attorney deem appropriate.

33.221.060 Expiration of Prohibition. This Chapter shall cease to have force and effect on July 1, 1991, or on the date of enactment of a replacement Chapter recommended by the City Planning Commission, whichever date is first in time.

**TITLE 33
PLANNING AND ZONING**



Bureau of Planning
**Temporary Prohibition on the
Disturbance of Forests**

9/30/90

404-2

12-31-1990

Chapter 33.225

FEES

(Added by Ord. No. 157619 passed
July 18, effective Aug. 19, 1985.)

Sections:

- 33.225.010 Purpose.
- 33.225.020 Land Use Procedure Fee
Schedule.
- 33.225.030 Verbatim Transcripts and
Photocopies.
- 33.225.040 Waiver.

33.225.010 Purpose. The purpose of the filing fee is to aid in defraying the City's cost for processing applications. Fees charged shall not exceed the actual cost for processing of an application.

33.225.020 Land Use Procedure Fee Schedule. (Amended by Ord. No. 159256, 159565; and 161335, effective Oct. 19, 1988.)

A. Required fees. Each land use application request shall include a filing fee as stated in the official Title 33 Fee Schedule adopted by the City Council. The pre-application and all application fees are non-refundable.

B. Concurrent applications. The highest procedure fee shall be charged plus one-half the fee for all comparable or lesser procedures when applications are filed concurrently except in the case of concurrent review for SEC and SR review, only the greater of the two fees will be assessed. All other fees associated with the project will charge for the highest fee and one-half the fee for all comparable or lesser reviews.

C. Interpretation fee. A fee is required for a Planning Director's written interpretation of the Code or for a request for commission review of a Planning Director's written interpretation of the Code as specified

by the official Title 33 Fee Schedule. However, no fee shall be charged to recognized organizations.

D. Appeal fee. The appeal fee shall be one-half the total application fee. However, no fee shall be charged to recognized organizations in the following circumstances:

1. The recognized organization must have standing to appeal, either by participating in the hearing, or through written testimony;

2. The decision to appeal must be made by a vote of the land use subcommittee if any, of the general membership, or of the board; and

3. The appeal must contain the signature of the chairperson or the contact person of the recognized organization, as listed on the most recent list published by Office of Neighborhood Associations, confirming the vote to appeal as required in 2 above.

E. Change of condition of approval. The fee for a request to change the conditions of approval is the current fee for the applicable land use review.

F. Fee update. The fees charged in this Chapter shall be reviewed biennially by the Planning Commission to reflect changes in costs. Reviews shall begin on or before the first of January of even-numbered years and any changes implemented the following fiscal year beginning July 1.

33.225.030 Verbatim Transcripts and Photocopies. (Amended by Ord. No. 159256 effective Jan. 1, 1987.) The fee for verbatim transcripts of a review body meeting and the fee for photocopies shall be as set forth in the official Title 33 Fee Schedule. There shall be no charge for a transcript or photocopies requested by the City Council or for a recognized organization if it participated in the hearing.

33.225.040 Waiver. (Amended by Ord. No. 159256 effective Jan. 1, 1987.)

A. Individual waivers. Any individual making application to the City for an action under this Title who believes that he or she cannot pay the fees required by this Chapter, may make application for waiver or reduction of fees. An owner requesting a fee waiver must be an individual, noncorporate entity. An application for a fee waiver will be required to certify gross annual income and household size. The fee will only be waived for households with a gross annual income of less than 50 percent of the area median income as established by the Department of Housing and Urban Development (HUD), as adjusted for household size. Information relating to waiver application procedures and eligibility criteria shall be made available by the Planning Director. The Planning Director or delegate shall determine eligibility for fee waivers. Information provided by the owner shall remain confidential.

B. Governmental and nonprofit fee waiver. The Director may waive the filing fee for governmental entities. The fee may also be waived for nonprofit organizations serving low-income individuals. In either case the Director must find that the activities of the organization are consistent with, and further the goals and policies of the City.

Chapter 33.455

INDUSTRIAL ZONES

(Added by Ord. No. 157663 passed July 31, effective Aug. 31, 1985.)

General

Sections:

- 33.455.010 Introduction.
- 33.455.020 Applicability.
- 33.455.030 List of Industrial and Employment Zones.
- 33.455.040 Purpose and Intent of the Specific Industrial Zones.
- 33.455.050 Approval Criteria for Exceptions and Modifications.
- 33.455.060 Fractions.

Activities Allowed

- 33.455.100 Purpose.
- 33.455.105 Allowable Activities.
- 33.455.110 Permitted Amounts of Certain Conditional Uses in the HI and GI Zones.
- 33.455.112 Limitations.
- 33.455.115 Nonconforming Uses and Existing Conditional Uses.
- 33.455.117 Maximum Floor Area in the GE-2 Zone.
- 33.455.120 Off-site Impacts on Lands Permitting Dwellings.
- 33.455.125 Use of Hazardous Materials.
- 33.455.130 On-site Waste Disposal.

Site Development Regulations

- 33.455.200 Purpose.
- 33.455.205 New Lot Sizes.
- 33.455.210 Buildings.
- 33.455.215 Exterior Development.
- 33.455.220 Parking.
- 33.455.225 Loading Areas.
- 33.455.230 Street Trees and Water Feature Landscaping.
- 33.455.235 Wastewater and Stormwater Disposal.
- 33.455.240 Excavations and Fills.
- 33.455.245 Signs.
- 33.455.250 Helistops.
- 33.455.255 Adjustments to the Site Development Regulations.

Industrial Park Developments

- 33.455.300 Purpose.
- 33.455.310 Definition of Industrial Park.
- 33.455.320 Permitted Zones and Minimum Site Sizes.
- 33.455.330 Allowable Activities.
- 33.455.340 Regulations Which May Be Modified.
- 33.455.350 Additional Requirements.
- 33.455.360 Public Services.
- 33.455.370 Approval Procedure and Requirements.
- 33.455.380 Existing Industrial Parks.

GENERAL

33.455.010 Introduction. These industrial zones provide regulations and standards for the industrial areas in the City. The zones are distinguished from each other based on the allowable uses and the site development requirements. The regulations are designed to provide flexibility within a zone for industrial activities, address area character, protect the health, safety and welfare of the public, address environmental concerns, and implement the Comprehensive Plan.

33.455.020 Applicability. The regulations of this Chapter apply to all land use activities and development within the areas where these zones are applied. Developments which have made a bona-fide building permit application prior to this date or which have a master plan approved by the City are subject to the regulations of the zone in effect at the time of the permit application or plan approval.

33.455.030 List of Industrial and Employment Zones. (Amended by Ord. No. 160606 effective July 1, 1988.) This Chapter provides regulations for four zones. Their names and abbreviations are:

Heavy Industrial	HI
General Industrial	GI-1 and GI-2
General Employment	GE-1 and GE-2
Commercial Employment	CE

33.455.040 Purpose and Intent of the Specific Industrial Zones.

A. Heavy Industrial, HI. This zone is one of two zones implementing the Comprehensive Plan's industrial sanctuary map designation. The zone allows for areas where intense industries may locate and not be in conflict with residential or commercial areas or more sensitive industrial uses. Industrial activities of all types are permitted including those not desirable in other zones due to objectionable impacts or appearance. New office, business and retail uses are limited and new residential uses are not allowed. The site development regulations are limited to the minimum standards necessary to assure safe, functional, efficient and environmentally sound development.

B. General Industrial, GI.

1. This zone is one of two implementing the Comprehensive Plan's industrial sanctuary map designation. The zone provides areas where most industrial activities may locate. New office, business and retail activities are limited and new residential uses are permitted only under special circumstances.

2. The site development regulations include two separate sets of provisions, only one of which is applied in an area. This allows the GI zone to be applied in newer and older industrial areas and still promote development that is compatible with each area's character. The two types of regulations are presented below.

a. GI-1. These regulations are for industrial areas which are primarily older, mostly developed, near the center of the City, have small lots, have a grid block pattern of generally 200 foot blocks. The regulations are intended to allow new development to take place in the style and character of existing development in the area.

b. GI-2. These regulations are for areas which are primarily not fully developed, away from the center of the City, have larger lots, and have irregular block patterns. The intent of the provisions is to help shape the area's character and development patterns and to promote healthy, viable and attractive industrial areas.

C. General Employment, GE.

1. This zone provides for areas which allow a wide range of employment opportunities without potential conflicts from interspersed residential development. Industrial, office, business and retail activities are all permitted. Residential development is restricted.

2. The site development regulations include two separate sets of provisions, only one of which is applied in an area. This allows the GE zone to be applied in newer and older areas and still promote development that is compatible with each area's character. The two types of regulations are presented below.

a. GE-1. These regulations are for areas which are primarily older, mostly

developed, have small lots or blocks, have a mix of industrial and commercial uses, and might be adjacent or close to residential areas. The regulations to allow new development which is similar in character to existing development. The provisions also assure that new development will not be incompatible with any nearby residential areas.

b. GE-2. These regulations are for areas which are primarily less developed, have large lots, contain commercial uses or even large commercial or entertainment activities. Surrounding areas are primarily industrial. The regulations address larger scale new developments. The intent is to promote healthy, viable and attractive areas for a mix of industrial, office, commercial and retail activities.

D. (Added by Ord. No. 160606 effective July 1, 1988.) Commercial Employment, CE. This commercial and employment zone is primarily intended to help implement the Central City, Northwest Triangle and Downtown plans. The CE Zone permits a broad range of commercial service, manufacturing, wholesale, retail and other uses compatible with development in the Central City. Development may be in either mixed-use or single-use buildings. Residential uses are permitted; however, they are not intended to predominate or set development standards for other uses in the area.

33.455.050 Approval Criteria for Exceptions and Modifications. Approval for all land use reviews in this Chapter or permitted by this Chapter shall be based on the approval criteria stated with the review. The approval criteria have been derived and are based on the Comprehensive Plan. Unless specifically required, reviews against the goals and policies of the Comprehensive Plan are not required. Fulfillment of all requirements and approval criteria shall be deemed to be in conformance with the Comprehensive Plan.

33.455.060 Fractions. Throughout this Chapter, all fractions in determining a

requirement or in determining what review procedure is appropriate shall be rounded up to the next whole number.

ACTIVITIES ALLOWED

33.455.100 Purpose. The regulations of this division of the Chapter state which activities are permitted in each zone, and under what circumstances. Activities in the industrial zones are regulated for the following reasons:

A. To implement the City's Comprehensive Plan;

B. To ensure that adequate locational opportunities are available in Portland for industrial activities;

C. To promote the economic health and vitality of the City and region;

D. To separate incompatible land uses; and

E. To match activities with the provision of infrastructure and public services.

33.455.105 Allowable Activities.

A. Activity category descriptions. Descriptions and characteristics of the activity categories listed below are contained in Chapter 33.111.

B. Permitted activities. Activities permitted in the industrial zones are stated in Table 455.1.

C. Transportation Studies. Developments in the sales and service categories in the GE-1 zone which are 50,000 square feet or more of gross floor area, or 100,000 square feet or more in the GE-2 zone, must provide a transportation study as part of a building permit application. The study should include proposed uses by square footage, estimated employees, estimated number of trips which will be generated, available traffic counts on adjacent streets, assignment of expected traffic to adjacent streets and a description of the availability of transit services. The transportation study must meet the requirements of the Office of Transportation. Applicants are encouraged to meet with the Office of Transportation prior to submission of the building permit and transportation study.

D. Retail outlets of manufacturing firms. In the HI and GI zones, accessory retail outlets of firms in the manufacturing and production category are subject to the regulations for retail product sales and service uses listed in Section 33.455.110.

E. Adult businesses. Adult businesses, as defined in Chapter 33.80, are subject to the regulations of that Chapter.

F. Outdoor advertising signs. Outdoor advertising signs are subject to the regulations of 33.92.260.

33.455.110 Permitted Amounts of Certain Conditional Uses in the HI and GI Zones. (Amended by Ord. No. 158205; and 160606 effective July 1, 1988.) Activities in the office, personal service and retail product sales and service categories are exempted from a conditional use review in the following situations. In the GI-1 Zone, one activity per site is exempt if the activity uses 3,000 square feet or less of gross floor area. In the GI-2 and HI Zones, up to four activities per site are exempt if each uses 3,000 or less square feet of gross floor area. Use of over 3,000 gross square feet for a single use, or using over 12,000 gross square feet for four uses, may only be permitted through a conditional use process. Conditional use permits for these activities may be approved only when the total on site floor area to be committed to these activities is less than a floor area ratio of 1:1 when the project is complete.

33.455.112 Limitations. (Added by Ord. No. 161775, effective Apr. 6, 1989.) Solid waste handling and disposal facilities, such as solid waste transfer stations, are permitted only if the facility is approved by METRO under their authority as prescribed by ORS 268.317, and if the facility meets all the following standards:

A. METRO'S approval of the facility includes a mitigation plan, the requirements for which are approved by the City Council through an intergovernmental agreement with METRO, adopted prior to METRO'S approval of the facility; and

B. The facility's location is in conformance with METRO'S Regional Solid Waste Management Plan.

Other waste disposal facilities are subject to conditional use review and must conform with all evaluation factors, findings, requirements, and approval criteria of Chapter 33.106.

33.455.115 Nonconforming Uses and Existing Conditional Uses. (Amended by Ord. No. 160606 effective July 1, 1988.)

A. Nonconforming uses. Nonconforming uses in the HI, GI, GE and CE zones are those uses legally in operation prior to the implementation or amendment of these zones which are a prohibited activity as stated in Table 455.1. Prior to the implementation of the regulations, the activity may have been a permitted use, an approved conditional use, a pre-existing use, or a nonconforming use. The regulations for nonconforming uses in the industrial zones are stated in Chapter 33.94.

B. Existing conditional uses. Existing activities which would otherwise require a conditional use review under the provisions of this Chapter are considered approved conditional uses. Future changes or expansions are subject to the conditional use regulations.

33.455.117 Maximum Floor Area in the GE-2 Zone. (Added by Ord. No. 159565 Apr. 8, 1987.) Office category development in the GE-2 Zone is limited to a Floor Area Ratio (FAR) limit of 0.45:1. Development from the personal service category and the retail product sales and service category is not covered by this restriction. Parking structures associated with office development are not included in this FAR limitation. Industrial category developments and approved industrial parks are also exempt, including the 35 percent of floor area which may be developed for commercial uses in approved industrial parks.

In an approved subdivision or industrial park, a transfer of FAR within and/or between sites is allowed. The method of accounting for transfers is determined as part of the subdivision or industrial park approval process.

33.455.120 Off-site Impacts on Lands Permitting Dwellings. (Amended by Ord. No. 160606 effective July 1, 1988.)

A. The standard. Off-site impacts on lands permitting dwellings resulting from noise, vibration, odor, glare, heat and humidity shall not exceed the levels stated in Chapter 33.805.

B. Lands permitting dwellings. Lands permitting dwellings are lands zoned FF, R, C, M3 and CE. However, lands with

TABLE 455.1
PERMITTED ACTIVITIES

33.111 (p. 349)

ACTIVITY	ZONE			
	HI	GI	GE	CE
Industrial Categories:				
Industrial Product Sales	Y	Y	Y	Y
Industrial Service	Y	Y	Y	Y
Manufacturing and Production	Y	Y	Y	Y
Warehouse and Distribution	Y	Y	Y	Y
Sales and Service Categories:				
Major Event Entertainment	CU	CU	CU	Y
Office Activities	CU ¹	CU ¹	Y	Y
Personal Service	CU ¹	CU ¹	Y	Y
Retail Product Sales and Service	CU ¹	CU ¹	Y	Y
Vehicle Service	Y	Y	Y	Y
Institutional Categories:				
Religious Institutions	N	N	Y	CU
Colleges and Hospitals	N	N	CU	CU
Infrastructure	Y	Y	Y	Y
Open Recreation	CU	CU	Y	Y
Passive Open Areas	Y	Y	Y	Y
Public Service	Y	Y	Y	Y
Schools	N	N	N	Y
Residential Uses:				
	N	CU*	CU	Y
(Residential density is limited only by floor area and height restrictions applicable to the site.)				
Other Activity Categories:				
Agricultural Activities	Y	Y	Y	N
Fixed Transportation	CU	CU	CU	CU
Natural Resource Extraction	CU	CU	CU	N
Radio or Television Broadcast Facility	CU	CU	CU	CU
Waste Disposal	CU/L ²	CU/L ²	N	N

Y = Yes, N = No, CU = Conditional Use

Notes: ¹ These activities are permitted outright up to the amounts stated in 33.455.110.

² Solid waste facilities are allowed but limited. Limitations are listed in Section 33.455.112. Other waste disposal uses are subject to conditional use review.

(Amended by Ord. No. 160606; and 161775, effective Apr. 6, 1989.)

these zones abutting the zoning district which have a Comprehensive Plan open space designation shall not be included for the purpose of these standards.

33.455.125 Use of Hazardous Materials. (Amended by Ord. No. 160606 effective July 1, 1988.) Hazardous materials are substances which are capable of posing a severe risk to health, safety or property. The hazard potential of a substance is based on its inherent danger, on the quantity of the materials at a site, on its storage and usage.

A. The standards. The permitted on-site quantities and uses of hazardous materials for an activity are listed in Table 455.2.

B. Hazardous material categories. Hazardous material categories are defined by the U.S. Department of Transportation (DOT) in the Code of Federal Regulations (CFR), Title 49, Parts 100 to 177 (October, 1983). Specific hazardous materials are assigned to categories in the Hazardous Materials Table, 49 CFR, Part 172.101.

C. Definition of hazardous material quantities.

1. Bulk plant. Hazardous materials at the bulk plant level are collected, stored and distributed, but are not used on site. Materials are stored in large fixed containers. Bulk plant quantities are larger than the amount transported in or out in any single shipment. Manufacturers or processors of hazardous materials will generally be at this level.

2. Bulk storage. Hazardous materials at the bulk storage level are used or sold on site. The materials are transported to the site in an unpackaged form and are then transferred to the activity's storage container by hose, pipeline, conveyor belt, etc. On-site usage of a rail car, tanker truck or similar vehicle for storage is considered at this quantity level.

3. Package usage. Hazardous materials at the package level are stored in discrete containers which are handled individually, palletized or unitized for purposes of transportation. Packaged materials are used or sold on site. Packages

may include cylinders, drums, boxes, glass jars, etc.

4. Consumer commodities.

Consumer commodities are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care or household use.

D. Qualifiers and exceptions.

1. In addition to these regulations, all storage or use of hazardous materials must be approved by the Fire Bureau and be in conformance with all appropriate fire and building codes.

2. Unless otherwise stated in Table 455.2, packaged quantities of hazardous materials for on-site use or sale are permitted in the zones.

3. Consumer commodities of hazardous materials are exempt from these provisions.

E. Radioactive materials. Any activity requiring a permit from the State of Oregon Radiation Control Section for use of radioactive materials must also have a public safety plan approved by the Fire Bureau and Police Bureau.

F. Hazardous material reviews. Required hazardous material reviews shall be processed as follows.

1. Procedures. Hazardous material reviews shall be a Type III procedure assigned to the Hearings Officer.

2. Evaluation factors. Factors to be evaluated in reviewing requests shall include, but are not limited to:

a. The amount and dangerousness of the material;

b. Safety measures being proposed;

c. The potential for odors and toxic fumes;

d. The number of people and amount of land and structures which would be at risk if there was a major accident;

e. Location of the site in relation to identified areas of special environmental concern such as water courses, water wells, underground aquifers or fish and wildlife habitats;

f. Location of the site in relation to designated routes for the transport of hazardous materials; and

TABLE 455.2
PERMITTED HAZARDOUS MATERIALS

Hazardous Material Category ¹	HI	GI	GE	CE
Class A & B Explosive Forbidden	b-N, s-R	b-N, s-N	b-N, s-N, p-N	b-N, s-N, P-N
Poison A or B Pyrophoric Liquid	b-N, s-R	b-N, s-R	b-N, s-N, p-R	b-N, s-N, p-Y
Corrosive Flammable Gas Flammable Liquid Non-Flammable Gas	b-R, s-Y	b-N, s-Y	b-N, s-Y	b-N, s-Y
Flammable Solid Irritating ORM A, B or E Organic Peroxide Oxidizer	b-Y ² , s-Y	b-R, s-Y	b-N, s-Y	b-N, s-Y
Combustible liquid	b-Y ² , s-Y	b-R ³ , s-Y	b-R ³ , s-Y	b-R, s-Y

Quantities: b = bulk plant, s = bulk storage, p = package usage, see 33.455.125 C.

Permissibility: Y = Yes, permitted, R = Review required, N = No, not permitted.

Notes to Table 455.2:

1. Hazardous materials belonging to more than one category are subject to the regulations of the more stringent category. See 33.455.125 B for definitions of the categories.
2. If one-half mile or closer to an R zone, school, college or hospital, then a hazardous material review is required.
3. If stored underground, then permitted outright.

(Amended by Ord. No. 160606 effective July 1, 1988.)

g. Any other public welfare concerns identified by the staff.

3. Approval criteria. The request may be approved if it is found:

a. Approval of the request will not create more than a trivial safety or health risk to the public or to surrounding properties and activities; and

b. Approval of the request will not be detrimental to the character and economic function of the industrial area; and

c. Approval of the request will not create more than a trivial risk to environmentally sensitive areas; and

d. The request has been approved by the Fire Bureau and reviewed by the Office of Emergency Management.

33.455.130 On-site Waste Disposal.

A. Purpose. These provisions are intended to protect public and private lands from the potential effects of on-site waste disposal activities. This Section applies only to waste materials generated by an activity and disposed of on the site. Collection and disposal of waste materials from others is considered in the waste disposal category and is a conditional use.

B. Definitions.

1. Hazardous wastes. Hazardous wastes are defined in ORS 459.410 and OAR 340.100-110.

2. Solid wastes. Solid wastes are defined in ORS 459.005. Solid wastes are generally all discarded materials which are not classified as hazardous wastes.

C. The regulations.

1. On-site disposal of hazardous wastes is not permitted.

2. On-site disposal of solid wastes generated by the activity may be permitted if approved through an on-site waste disposal review. Note, a disposal permit from DEQ is also required if City approval is granted.

D. On-site waste disposal reviews.

1. Procedure. Reviews shall use a Type III procedure and are assigned to the Hearings Officer.

2. Evaluation factors. Factors to be evaluated in reviewing requests may include, but are not limited to:

a. Safety hazards and proposed safety measures;

b. Effect of the proposal on surrounding land uses;

c. The potential for dust, odors, toxic fumes and other nuisances;

d. Location of the site in relation to identified areas of special environmental concern such as water courses, water wells, underground aquifers or fish or wildlife habitats;

e. Use of the land after disposal activities are completed; and

f. Any other public welfare concerns identified by the staff.

3. The approval criteria for requests for on-site waste disposal are:

a. Approval of the request will not create more than a trivial safety or health risk to the public or to surrounding properties and activities; and

b. Approval of the request will not contaminate other properties and will not create more than a trivial risk to environmentally sensitive areas; and

c. The request will not be detrimental to the character and economic functioning of the industrial area; and

d. The proposal contains an adequate reclamation or redevelopment plan.

SITE DEVELOPMENT REGULATIONS

33.455.200 Purpose. The regulations of this division address the issue of physical compatibility between development by:

A. Promoting functional and safe site development;

B. Encouraging new development to be in harmony with the area it locates in;

C. Providing for coordinated and efficient use of industrial lands; and

D. Addressing environmental, natural resource and aesthetic concerns relating to development.

33.455.205 New Lot Sizes.

A. Purpose. The new lot requirements promote lot sizes and shapes that are economical to assemble and develop, now and in the future, and which minimize access and congestion problems.

B. Minimum size and shape for new lots.

1. HI and GI-2.

a. All new lots shall meet Standard A of Subsection C unless created through the provisions of b or c below.

b. For subdivisions of 10 or more lots, at least 80 percent of the lots shall meet Standard A and the remainder shall meet Standard C.

c. All but one lot in land divisions of less than 10 lots shall meet Standard A. One lot may meet Standard C. The lots meeting Standard A may not be redivided unless through the regulations of Subsection a or b above.

2. GI-1 and GE-1. All new lots shall meet Standard C of Subsection C.

3. GE-2.

a. All new lots shall meet Standard B of Subsection C unless created through the provisions of b or c below.

b. For subdivisions of 10 or more lots, at least 80 percent of the lots shall meet Standard B and the remainder shall meet Standard C.

c. All but one lot in a land division of less than 10 lots shall meet Standard B. One lot may meet Standard C. The lots meeting Standard B may not be redivided unless through the regulations of Subsections a or b above.

4. (Added by Ord. No. 160606 effective July 1, 1988.) CE. There are no minimum lot size requirements for new lots zoned CE.

TABLE 455.3
REGULATIONS FOR BUILDINGS

<u>Regulation</u>	<u>HI</u>	<u>GI-1</u>	<u>GI-2</u>	<u>GE-1</u>	<u>GE-2</u>	<u>CE</u>
Maximum Height:	no limit	no limit	no limit	45 ft.	no limit	75 ft.
Floor Area Ratio:						4:1
Minimum setbacks & landscaping ¹						
Local service street frontages: ²	0	0	15 ft. (L1)	0	15 ft. (L1)	0
All other street frontages: ²	15 ft. (L1)	0	25 ft. (L1)	0	25 ft. (L1)	0
Side and rear lot lines:	0	0	0	0	0	0

Maximum building coverage: No limit after meeting other regulations.

Notes: 1. Landscaping standards, in brackets, are stated in 33.520.020.

2. Street designations are based on the Arterial Streets Classification Policy (ASCP).

(Amended by Ord. No. 160606 effective July 1, 1988.)

C. New lot standards.

1. Standard A: lots shall have a minimum of 40,000 square feet and be of such shape that a square 150 feet on a side will fit on the lot.

2. Standard B: lots shall have a minimum of 20,000 square feet and be of such shape that a square 100 feet on a side will fit on the lot.

3. Standard C: lots shall have a minimum of 10,000 square feet and be of such shape that a square 75 feet on a side will fit on the lot.

4. Standard D: lots shall have a minimum of 5,000 square feet and be of such shape that a square 50 feet on a side will fit on the lot.

D. Division of developed parcels. In all zones, land under existing buildings may be divided into lots meeting at least Standard D when the existing building is also being divided and the building division has been approved by the Bureau of Buildings.

E. Existing lots not in conformance with the new sizes. Development on existing lots of record below the required sizes is allowed.

33.455.210 Buildings.

A. Purpose. The building regulations promote buildings that are sized and placed so as to be compatible with adjacent developments; that provide adequate air, light and access; and which will not detract from character of the City's industrial areas.

B. Building regulations. The regulations for new and expanded buildings are stated in Table 455.3.

C. Details of Table 455.3.

1. Minimum setback from streets applies to all public or private streets abutting the site. Where a block frontage has already been developed, the setback may be reduced to the average setback of the existing buildings on the frontage.

2. The side setback requirements do not apply to the common wall side of buildings and lots that are divided.

D. Pedestrian access. Pedestrian access shall be provided between a building entrance and an adjacent street. Access

may be in the form of a sidewalk, pathway or clearly demarcated walkway.

E. Nonconforming buildings.

Existing buildings not in conformance with the building regulations are subject to the following provisions.

1. They may be rebuilt to the same dimensions after accidental damage or fire.

2. Expansions of the building are permitted if the new areas conform with these regulations.

33.455.215 Exterior Development.

A. Purpose. The regulations of this Section are intended to ensure that exterior development will not be a nuisance to adjacent activities, will not be detrimental to the overall character of the industrial area, and will not have adverse effects on the environment. Exterior development includes exterior activities, storage and display and drive-through facilities.

B. Definitions. For the purpose of this Section, the following definitions apply:

1. Exterior activities include: outdoor processing, assembly or fabrication of goods; movement of bulk goods not in containers or pipelines; and maintenance, repair and salvage of equipment.

2. Exterior storage includes the outdoor storage of: raw or finished goods (packaged or bulk) including gases, oil, chemicals, gravel, etc., building materials; packing materials; salvage goods; machinery; equipment; damaged vehicles; etc.

3. Exterior display includes the display of products, vehicles, equipment and machinery for sale or lease. Display items are intended to be viewed by customers and are not just being stored or parked. Exterior display does not include damaged vehicles, vehicles or equipment being serviced, bulk goods and materials, or other such products.

4. Drive-through facilities are defined in Chapter 33.12.

C. Exterior development regulations. The regulations for exterior development are stated in Table 455.4.

TABLE 455.4
EXTERIOR DEVELOPMENT REGULATIONS

<u>Exterior activities</u>	<u>HI</u>	<u>GI-1</u>	<u>GI-2</u>	<u>GE-1</u>	<u>GE-2</u>	<u>CE</u>
Permitted:	Yes	Yes	Yes	No	No	No
Local service street setback & landscaping: 1, 2	0	0 (S2)	15 ft. (S2/L1 & L2)	--	--	--
Other street setback & landscaping: 1, 2	0 (S2)	6 ft. (S3/L2)	25 ft. (S3/L1 & L2)	--	--	--
Side and rear setback & landscaping: 2	0	0 (S2)	0 (S2)	--	--	--
<u>Exterior storage</u>						
Permitted:	Yes	Yes	Yes	Yes	Yes	No
Local service street setback & landscaping: 1, 2	0	0 (S2)	15 ft. (S2/L1 & L2)	0 (S3)	15 ft. (S2/L1 & L2)	--
Other street setback & landscaping: 1, 2	0 (S2)	0 (S3)	25 ft. (S3/L1 & L2)	6 ft. (S3/L1 & L2)	25 ft. (S3/L1 & L2)	--
Side and rear setback & landscaping: 2	0	0 (S2)	0 (S2)	0 (S3)	0 (S3)	--
<u>Exterior display</u>						
Permitted:	Yes	Yes	Yes	Yes	Yes	No
Local service street setback & landscaping: 1, 2	0	3 ft. (L1)	3 ft. (L1)	3 ft. (L1)	3 ft. (L1)	--
Other street setback & landscaping: 1, 2	0	3 ft. (L1)	6 ft. (L1)	3 ft. (L1)	6 ft. (L1)	--
Side and rear setback & landscaping: 2	0	0	0	0	0	--

TABLE 455.4 CONTINUED
EXTERIOR DEVELOPMENT REGULATIONS

Drive-through facilities

Permitted:	Yes	Yes	Yes	Yes	Yes	Yes
Street setback	25 ft.	25 ft.	35 ft.	25 ft.	35 ft.	5 ft.
Side and rear setback & landscaping: ²	15 ft.	15 ft. (S3)	25 ft. (S3)	15 ft. (S3)	25 ft. (S3)	5 ft.

- Notes:
1. Street designations are based on the Arterial Streets Classification Policy (ASCP). Setbacks apply to public and private streets.
 2. Landscape and screening standards, the bracketed numbers, are stated in 33.520.020.

(Amended by Ord. No. 160606 effective July 1, 1988.)

D. Street side development. In all zones, if auto parking areas are placed between exterior development and the street, required screening, but not landscaping, must be provided.

E. Fencing. Fencing may be required around exterior developments if the Planning Director finds a safety hazard will be present otherwise.

F. Paving.

1. HI and GI-2 zones: exterior development areas within 50 feet of a driveway must be paved.

2. (Amended by Ord. No. 160606 effective July 1, 1988.) GI-1, GE-1, GE-2 and CE zones: all exterior development must be paved.

3. Use of permeable paving material such as grasscrete is permitted.

G. Drive-through facilities. The circulation plan for a drive-through facility must meet the requirements of the Office of Transportation.

H. Nonconforming exterior developments.

1. Exterior developments may not

be expanded into required setback areas.

2. Expanded exterior development areas must comply with the regulations of this Section.

3. Exterior development expansions over 1,000 square feet shall require all street side landscaping and screening for the entire exterior development be met. If there is less than 2 feet available for street side landscaping and screening, only screening is required.

4. Exterior activity areas in zones where not permitted may continue, but may not be expanded. In addition, they must be landscaped and screened if the use is modified by:

a. Expansions of floor area over 20 percent; or

b. There are additions, alterations or repairs exceeding 50 percent of the value of the existing building or improvement; or

c. There is a change of use to another activity category.

The landscaping and screening shall meet the standard for exterior storage in that zone.

33.455.220 Parking.

A. Purpose. The parking and loading regulations promote safe and efficient off-street parking for vehicles and pedestrians, limit congestion on roads and streets, minimize negative environmental effects and create an aesthetically pleasing development.

B. Required automobile parking spaces.

1. For all zones, the minimum number of required parking spaces shall be as stated in Table 455.5 except where adopted plans or requirements approved by the Council control. Descriptions of the general activity categories are contained in Chapter 33.111. In computing required parking spaces, all fractions shall be rounded up to the next whole number. The parking and loading requirements of this Chapter are minimums. It is the responsibility of the establishment to provide adequate off-street parking and loading for all employees and customers.

2. Company vehicles. In addition to the above required parking, adequate off-street parking shall be provided for all vehicles used either in conjunction with the activity or serviced by the activity.

3. Parking space reductions may be permitted if a rideshare or transit incentive program is provided. See 33.98.430(c).

C. Required bicycle parking.

1. Activities in the industrial categories or in the vehicle service category: two covered parking spaces or one covered space for every 40 auto parking spaces required, whichever is greater.

2. Activities in the sales and service categories, except for vehicle service: two covered spaces or one covered space per 20 auto spaces required, whichever is greater.

3. Activities in the institutional categories: the same requirements as in the C2 zone, see 33.42.045.

4. In addition to 1 through 3 above, required auto parking may be reduced by up to 10 percent provided that the following requirements are met:

a. For every required space not

provided, two covered bicycle parking spaces must be provided; and

b. The Office of Transportation approves the reduction.

D. Parking lot placement and development standards.

1. Auto parking and maneuvering areas are permitted within required building setback areas.

2. Setbacks. Surface parking lots shall be set back and have landscaping in the setbacks as stated in Table 455.6

3. Parking lot interior landscaping. Parking lots containing 12 or more auto spaces shall contain one tree per four parking spaces. The standards for parking lot interior trees are stated in 33.520.040 C.

4. Truck parking. Truck parking areas shall meet the setback, landscaping and screening requirements for exterior storage areas stated in 33.455.215.

5. Bicycle parking. Bicycle parking areas shall meet the development standards stated in 33.82.030.

E. Developments not providing all required parking. For existing developments not providing the required amounts of parking, the following regulations apply.

1. Changes of use within the same parking group, as stated in Table 455.5 do not require additional parking to be provided.

2. Changes of use to a parking group, as stated in Table 455.5, requiring fewer parking spaces than the previous use are permitted without the required deficient parking being provided.

3. Changes of use to a parking group, as stated in Table 455.5, requiring more parking spaces than the previous group must provide the increased number of parking spaces required.

4. If such structures or activities are expanded, they must provide the parking required for the expanded portion and meet the development standards for the new parking provided.

F. Parking lots not meeting the landscape requirements of D 2 or D 3 above.

1. Deficient border landscaping. Parking lot expansions over 20 percent shall require all landscaping and screening

TABLE 455.5
MINIMUM REQUIRED AUTO PARKING SPACES

General Activity Categories and Specific Activities	Required Number of Parking Spaces
1. Industrial Product Sales Industrial Service Manufacturing & Production Vehicle Service	1 space per 750 sq. ft. of gross floor area. However, if lot size is 5,000 sq. ft. or less, then no more than 4 spaces are required, and if lot size is from 5,001 to 10,000 sq. ft., then no more than 7 spaces are required.
2. Warehouse and Distribution	1 space per 750 sq. ft. of gross floor area for the first 5,000 sq. ft. and 1 space per 2,000 sq. ft. for all additional gross square footage. However, if lot size is 5,000 sq. ft. or less, then no more than 4 spaces are required, and if lot size is from 5,001 to 10,000 sq. ft., then no more than 7 spaces are required.
3. Office Activities Personal Service Retail Product Sales & Service	1 space per 500 sq. ft. of gross floor area plus 1 space per 2,000 sq. ft. of exterior display or exterior storage area. However, if lot size is 5,000 sq. ft. or less, then no more than 6 spaces are required, and if lot size is from 5,001 to 10,000 sq. ft., then no more than 10 spaces are required.
4. Fixed Transportation Facilities Natural Resource Extraction	To be determined as part of the activity's review.
5. Hotels, motels and other transient lodging	1 space per guest room and any other required parking for restaurants, meeting rooms, etc.
6. Institutional categories	The minimum requirements are those listed for institutional uses in the C2 zone (See 33.42.040).
7. Major Event Entertainment (including those below 300 seats or 5,000 sq. ft. of event area)	If fixed seating: 1 space per 4 seats or 8 feet of bench for first 1,000 seats or equivalent, and 1 space per 8 seats or 16 feet of bench for remaining seating. If no fixed seating: 1 space per 100 sq. ft. of event area.
8. Passenger terminals (including bus & marine)	1 space per 1,000 sq. ft. of gross floor area.

TABLE 455.6
REQUIRED SETBACKS AND LANDSCAPING FOR SURFACE PARKING LOTS¹

	<u>HI</u>	<u>GI-1</u>	<u>GI-2</u>	<u>GE-1</u>	<u>GE-2</u>	<u>CE</u>
Local service street frontages ²	0	0	6 ft. (L2)	0	6 ft. (L2)	5 ft. (L1)
Other street frontages ²	0	3 ft. (L2)	10 ft. (L1 & L2)	3 ft. (L2)	10 ft. (L1 & L2)	5 ft. (L1 & L2)
Side and rear setbacks	0	0	0 (S1) or 3 ft. (L2)	0	0 (S1) or 3 ft. (L2)	0 (S1) or 3 ft. (L2)

Notes: 1. Landscape standards, in brackets, are stated in 33.520.020.

2. Street designations are in the Arterial Streets Classification Policy (ASCP). Setbacks apply to public and private streets. (Amended by Ord. No. 160006 effective July 1, 1988.)

requirements for the entire parking lot to be met. If there is less than 2 feet available for border landscaping, only an S1 screen is required.

2. Deficient interior landscaping. Interior landscaping shall be provided for the entire lot if:

a. A lot is expanded more than 20 percent or improved from unpaved to paved, and

b. If there is no interior landscaping, or if what is existing does not meet the standard of D 3 above or that of the prior zone.

G. Developments not providing all required bicycle parking. Required bicycle parking shall be provided when:

1. Additions, alterations or repairs exceeding 50 percent of the value of the existing building or structure are made; or

2. There are expansions of the activity over 20 percent; or

3. The auto parking lot is expanded by 20 percent or more.

33.455.225 Loading Areas.

A. Required loading areas. All structures containing 5,000 square feet or more of gross floor area shall provide at least one loading area on the site.

B. Loading area dimensions. Loading areas for activities in the sales and service categories must have a minimum length of 35 feet, not the 60 feet required in 33.86.010.

C. Loading access. In the HI, GI-2 and GE-2 zones, loading areas shall be designed so that vehicles enter and exit the site in a forward motion.

D. Existing noncomplying buildings. Existing buildings with inadequate number or size of loading areas may continue. If buildings are expanded by more than 20 percent of floor area, deficient loading spaces must be provided.

33.455.230 Street Trees and Water Feature Landscaping.

A. Purpose. The purpose of these landscaping regulations and those throughout this Chapter are to:

1. Provide landscaped areas which are designed to facilitate movement of traffic, to break up large areas of impervious surfaces, to provide shade, to buffer and screen adjacent properties, and which promote a safe environment and a pleasant appearance;

2. Promote energy efficiency and conservation of water, provide wind buffers and decrease airborne and waterborne dust; and

3. Promote development next to unique or special environmental areas and habitat areas which does not decrease the quality or character of those areas.

B. Required landscaping and open areas. In addition to the landscaping required in other parts of this Chapter, landscaping and open areas are required in the following situations.

1. Street trees. Street trees are required on the right-of-way side of all property lines abutting public streets and adjacent to all private streets. However, if the City Engineer determines that a safety hazard would be created due to the design speed of the road, the trees shall be placed on the property side of the right-of-way line.

2. Development adjacent to water features.

a. There shall be a distance of 25 feet of open area adjacent to water features such as ponds, sloughs, rivers, creeks, etc. which are identified on the City's water features map. Measurements shall be made from the top of the bank of water bodies such as ponds and lakes and of the Columbia River, Johnson Creek, Fanno Creek, the Columbia Slough, the Multnomah County Drainage District No. 1 canals and the Peninsula Drainage District No. 2 canals. Measurements for all other watercourses shall be made from the centerline.

b. The water features open area requirement shall not apply to lands within the Willamette River Greenway Overlay zone; to water features that have been covered by the E zone (even if less than 25 feet); to activities which are river related and river dependent, as defined in Chapter 33.77; flood and erosion controls and maintenance; and to streets, water lines,

storm and sanitary sewers, waste pumping stations and similar utility facilities.

c. The standards for open areas are stated in 33.520.020 A.

d. Other water feature related restrictions of the flood plain ordinance (Bureau of Buildings) or the Bureau of Environmental Services may apply.

C. Developments not conforming with the landscaping and open area regulations.

1. Street trees. Required street trees shall be provided by:

a. All new construction; or

b. All additions, alterations or repair exceeding 50 percent of the value of the existing building or improvement; or

c. Expansions of floor area over 20 percent; or

d. A change of use to a different activity category.

2. Water feature open areas. Existing development within the water feature required open area may continue. Expansions may be permitted under the provisions of 33.98.440 G.

33.455.235 Wastewater and Stormwater Disposal.

A. Industrial wastewater. All wastewater from the site shall be disposed into a sanitary sewer unless otherwise approved by DEQ for other disposal. This includes wastewater resulting from production and resulting from the washing of equipment, vehicles, etc. wastewater disposal shall be approved by the City Engineer. Industrial wastewater pretreatment may be required. Sanitary and industrial wastewater quality shall meet City Code requirements. A sampling manhole and industrial wastewater discharge permit may be required. Stormwater runoff and landscape watering are exempt from this provision.

B. Stormwater disposal. All stormwater and groundwater shall be discharged to an adequate watercourse, waterbody, storm sewer or approved on-site disposal system. Stormwater and groundwater disposal methods and the determination of the adequacy of the

receiving systems require the approval of the Plumbing Division of the Bureau of Buildings and/or the Bureau of Environmental Services. A permit from DEQ may also be required.

33.455.240 Excavations and Fills.

A. Purpose. The purpose of a land use review for excavations and fills is to protect residential areas from the problems that may result from such development. These problems may include dust, noise and safety concerns. Technical, engineering related problems are addressed as part of the building permit review.

B. Affected excavations and fills.

1. Excavations and fills in conjunction with a building or foundation permit for a structure do not require a land use review.

2. Excavations and fills over 5,000 cubic yards and within 400 feet of an R zone shall be reviewed under a Type II procedure assigned to the Hearings Officer.

3. All other excavations and fills do not require a land use review unless mandated by an overlay zone. For further requirements and information relative to excavation and filling, contact the Engineering Services Division of the Bureau of Environmental Services and the Geotechnical Plan Review Section of the Bureau of Buildings. Filling of wetlands is discouraged and additional permits from the U.S. Army Corps of Engineers and Oregon Division of State Lands may be required.

C. Approval criteria. Applications shall be approved if it is found that the excavation or fill will be carried out in such a manner that:

1. Dirt is not left on roadways; and
2. There will not be an on-site safety hazard during the activity period; and
3. The hours of activity, the route for trucks and the total expected time period for the request will not be a nuisance for nearby land uses.

33.455.245 Signs. (New Section substituted by Ord. No. 158535 May 22, 1986.) Sign regulations for all uses are stated in Chapter 33.535, Signs.

33.455.250 Helistops. Public and

private helistops may have refueling facilities if approved by the Fire Marshal.

33.455.255 Adjustments to the Site Development Regulations. The adjustment process for specifically listed site development regulations is stated in Chapter 33.98, Exceptions.

INDUSTRIAL PARK DEVELOPMENTS

33.455.300 Purpose. The industrial park regulations allow greater flexibility for large, integrated developments by relaxing certain zoning requirements. The zoning requirements may be relaxed because the development is large enough to create its own inner character while not being incompatible or conflicting to surrounding activities. The provisions create a mechanism to achieve planning goals through private means such as master plans and/or covenants, conditions and restrictions (C, C and R's). The master plan and/or C, C and R's ensure internal compatibility, efficient service provision, and compatibility with surrounding land uses.

33.455.310 Definition of Industrial Park. An industrial park is designed as a coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest. It has an enforceable master plan and/or C, C and R's. The development may be on one parcel, may be subdivided, may have condominium ownerships, or a combination of these types.

Uses may include manufacturers, warehouse, research and development facilities, distribution firms, some office buildings, and various support businesses such as retail activities. Support uses are generally oriented towards uses in and near the industrial park. Variations on the industrial park theme are commerce centers, business parks and research parks.

33.455.320 Permitted Zones and Minimum Site Sizes. The industrial park provisions are limited to the zones and to projects at least as large as those stated below.

HI:	20 acres
GI-1:	10 acres
GI-2:	20 acres
GE-1:	Not permitted
GE-2:	20 acres

33.455.330 Allowable Activities.

A. Permitted activities.

1. To qualify for the industrial park provisions, uses are limited to the industrial categories permitted by the base zone except as stated in 2 below.

2. Office activities, retail product sales and service activities, and personal service activities are permitted in total as follows:

a. For industrial parks 100 acres or less in size, up to 35 percent of the gross floor area.

b. For industrial parks over 100 acres in size, up to 35 percent of the gross floor area for a designated 100 acres. The designated 100 acres must be shown at the time of the application. In the remainder of the industrial park, the base zone's permitted activities shall control.

3. Offices, cafeterias, or other such accessory uses which are part of an industrial firm shall not be counted as part of the 35 percent. The sales, service and office proportion of uses shall be based on the proposed amount of development at the project.

B. Additional nonindustrial activities. Office activities, retail product sales and service activities and personal service activities in excess of the 35 percent standard shall be subject to conditional use reviews under the provisions of 33.106.205.

33.455.340 Regulations Which May Be Modified. Unless stated below, the site development regulations of the base zone shall apply.

A. New lot characteristics. There shall be no minimum size requirements for new lots. All lots must have access to a street.

B. Setbacks.

1. The base zone's minimum setback and landscape regulations shall only apply along the periphery of the industrial park.

2. However, throughout the project, the street frontage setbacks of the base zone shall apply along non-local service streets as designated in the arterial street classification policy.

C. Parking and loading.

1. For developments with common parking areas, there shall be no fixed minimum amounts of required automobile parking and loading areas. It shall be the responsibility of the developer to provide adequate off-street parking and loading. On-street parking and loading shall not be permitted. However, provision of parking spaces below what is required in 33.455.220 B shall be approved as part of the approval for the industrial park.

2. Bicycle parking shall be required as stated in 33.455.220 C.

3. Surface parking lots shall meet the interior landscaping provisions of 33.455.220 D 3.

33.455.350 Additional Requirements.

A. Master plans and C, C and R's. Master plans and/or C, C and R's are required for all industrial parks. However, all industrial parks which are also subdivisions or major or minor partitions, must have C, C and R's.

B. Pedestrian circulation. The development shall provide a circulation system for pedestrians made up of sidewalks or paved pathways which serves buildings and parking in the development and which connects to outside sidewalks, if any.

C. Landscaping. Overall, at least 15 percent of the development must be landscaped or devoted to open areas, as defined in 33.520.020. Landscaping shall meet at least the L1 standard, stated in 33.520.020. Parking lot landscaping, pedestrian facilities, and any exterior recreational facilities provided, may be applied towards the 15 percent requirement.

D. Utilities. All local utility wires and services shall be underground.

33.455.360 Public Services.

A. Streets. Streets that will serve as a collector or greater function must be a dedicated right-of-way and meet City Engineer standards. Streets that will be at

a local service level may be public or private. Determination of the function level of a street shall be made by the Office of Transportation.

B. Service extensions. Extensions of streets, water lines, sanitary sewers or storm sewers may be required to provide services to adjacent properties.

33.455.370 Approval Procedure and Requirements.

A. Application requirements.

1. The application shall include the following information: proposed activities, service provision, access points, circulation and parking, building types and sizes, landscaping and open areas. Required master plans and/or C, C and R's shall be submitted.

2. The information may be general to preserve future flexibility, but shall be of such detail to show conformance with these provisions.

3. The application may be submitted and approved for discrete phases of the development, or for the total development. Applications may be made in conjunction with a subdivision request or partition request.

B. Pre-application conference. A pre-application conference is required prior to submission of an industrial park application.

C. (Amended by Ord. No. 160326 Dec. 10, 1987.) Review procedure. Review of an industrial park request shall be a Type II procedure assigned to the Hearings Officer. Review of issues or proposals not covered by this Chapter, upon request by the applicant, may be reviewed as a planned unit development Type III procedure, assigned to the Hearings Officer.

D. Approval criteria. The development shall be approved when it is found:

1. That the proposal will not be detrimental to the economic functioning of the surrounding industrial or business area based on a review of site and area characteristics and proposed uses; and

2. That the proposal will not be detrimental to the livability or character of any adjacent residential areas; and

3. That there is adequate public services capacity for the proposal; and

4. There is a mechanism enforceable by the applicant which assures that the requirements of this Chapter and Title are met.

E. Extended approvals.

Adjustments for specific site development regulations may be requested at the time of the application for the industrial park. The entire review shall be processed using the highest procedure type required by any of the requests. Applicants shall include adequate information and be specific enough to address the approval criteria for each request. Approval of the specific request may be made with conditions to ensure that the intent and purpose of the industrial park provisions and this Chapter and Title are met.

F. Recording. Approved C, C and R's must be recorded prior to issuance of any building permits for development.

G. Changes in the master plan or restrictive covenants. Changes in the master plan or restrictive covenant may be made as long as they continue to meet the requirements of these provisions. Major changes shall be reviewed under a Type II procedure. Major changes are those that significantly alter access points, the placement of buildings or development along the periphery, and on-site public service needs. All other changes are minor and shall be reviewed through a Type I review.

H. Record. A copy of the development plan and/or C, C and R's will be kept on record at the Bureau of Planning. Building permits and certificates of occupancy shall not be issued for development or uses not in conformance with portions of the plan or covenants pertaining to required provisions of this Chapter or Title.

33.455.380 Existing Industrial Parks. Developed or partially developed industrial parks may request approval under these provisions. They shall be subject to the same regulations and approval criteria as new developments.

Chapter 33.520

LANDSCAPING AND SCREENING

(Added by Ord. No. 157663 passed
July 31, effective Aug. 31, 1985.)

Sections:

- 33.520.010 Purpose.
- 33.520.020 Required Materials.
- 33.520.030 Landscape Plans.
- 33.520.040 Planting Standards and Layout.
- 33.520.050 Maintenance.
- 33.520.060 Completion of Landscaping.

33.520.010 Purpose. This Chapter provides the standards for landscaping, screening and trees required in this Title. These provisions are to ensure that the required elements will fulfill the purposes for which they were intended.

33.520.020 Required Materials.

A. Minimum materials for required landscaping.

1. Open areas. Required open areas shall be landscaped, seeded or left in natural condition, and may include trails, pathways, recreational areas or furniture for pedestrians. Open areas may not be paved, gravelled, filled, excavated, covered by structures, or used as storage areas.

2. L1: Green growing ground cover. May include grass, shrubs, perennial flowers and vines. Plantings should be made in such number or size to cover 100 percent of the landscaped area within 3 years. Where required ground cover areas are 5 feet or wider, a line of trees shall also be provided at the rate of one tree for every 30 lineal feet or fraction thereof.

3. L2: Low hedge. May include hedge plants and shrubs. Plants should be of such type and number to reach a height of 3 feet within 3 years and to be of such density as to be at least 75 percent opaque year around.

4. L3: High hedge. May include trees, hedge plants and large shrubs. Plants should be of such type and number to reach

a height of 6 feet within 3 years and to be of such density to be at least 75 percent opaque year around.

5. S1: Low solid screen. A fence or wall 3 to 4 feet high and fully sight obscuring. May be masonry, concrete or wood. Wire fences with slats are permitted if also planted with fast growing evergreen vines such as ivy.

6. S2: High open screen. A screen 6 to 8 feet high and partially sight obscuring. May be a picket fence, lattice fence, or wire fence with slats. A plain wire fence does not qualify.

7. S3: High solid screen. A screen 6 to 8 feet high and sight obscuring. May be of wood or masonry. Wire fences with slats are permitted if also planted with fast growing evergreen vines such as ivy. May also be a masonry wall with lattice work resulting from an open brick pattern or use of open masonry blocks.

8. S4: Solid wall. A wall 6 to 8 feet high and fully sight obscuring. The wall may be masonry, brick, cinder block, concrete or exposed aggregate.

9. Street trees. Street trees shall meet the requirements of the City Forester.

10. Other required trees. Deciduous trees at the time of planting shall be fully branched, have a minimum caliper of 1-1/2 inches, and a minimum height of 8 feet. Evergreen trees at the time of planting shall be fully branched and a minimum of 6 feet in height.

B. Existing vegetation. Existing vegetation, if preserved, shall be counted towards the landscape requirements.

C. Adjustments to the landscaping and screening standards. The adjustment process for specifically listed landscaping and screening standards is stated in Chapter 33.98, Exceptions.

33.520.030 Landscape Plans.

Landscape plans must be submitted for the required landscaped or screened areas. They shall be drawn to scale and show species, size and placement of plants. Common plant names may be used. Materials, size and placement of screens shall also be shown.

33.520.040 Planting Standards and Layout.

A. Installation. Plant materials shall be installed to current nursery industry standards. Plant materials shall be properly guyed and staked as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian movement.

B. Material choices.

1. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscaped area. Selection should include consideration of soil type and depth, maintenance required, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site.

2. Excluded materials. Required landscaped areas shall not include plants identified by the Planning Director or City Forester which when mature might damage sidewalks, roads, underground utilities, drainage improvements, foundations, etc.

C. Required interior parking lot trees. Trees shall be planted within the parking lot and some may also be planted around the parking lot perimeter. Trees shall be planted in a manner to provide a high degree of shade throughout the parking lot. Trees may be planted in planters or in unpaved areas at least 4 feet square. Planted areas shall include curbs, bumper guards or some other means to protect trees from vehicles.

33.520.050 Maintenance. Provision shall be made for watering planting areas where such are needed. Required landscaping shall be continuously maintained in a healthy and attractive manner. An irrigation system is encouraged to establish and maintain the plants. Vegetation shall be pruned back from pedestrian areas and vehicle travel areas based on City Forester guidelines.

33.520.060 Completion of Landscaping.

A. Completion prior to occupancy. Required landscaping and screening shall be installed prior to issuance

of a certificate of occupancy permit. However, if completion of the development is not during the planting season of October 1 to May 30, the certificate may be issued if approved security is made to ensure that the landscaping and screening will be provided.

B. Security.

1. The security shall be filed with the City to ensure installation within, at most, 6 months.

2. The security shall be for 110 percent of the estimated cost of the plant materials and/or screening materials and their installation as determined by the Planning Director. The applicant shall provide acceptable cost estimates of the materials and installation of the incomplete items. The security may consist of a performance bond payable to the City, cash, certified check, time certificate of deposit or assignment of a savings account. The form shall meet with the approval of the City Attorney and be filed with the City Auditor.

3. If the installation of the required landscaping or screening is not completed within the period specified, the security may be used by the City to contract for completion of the installation. Upon completion of the installation, any portion of the remaining security shall be returned.

4. The Bureau of Buildings shall perform the final landscape and screening inspection prior to any security being returned. Any portions of the landscaping not installed properly shall cause the certificate of occupancy to be withheld or revoked until the project is completed or cause the security to be used by the City.

Chapter 33.525

**SOLAR ACCESS DESIGN REQUIREMENTS
FOR EXISTING LOTS**

(Added by Ord. No. 157990; substituted
by 160638 effective Apr. 14, 1988.)

Sections:

- 33.525.010 Purpose.
- 33.525.020 Conflict Resolution.
- 33.525.030 Applicability.
- 33.525.040 Solar Site Plan Required.
- 33.525.050 Special Solar Access
Definitions.
- 33.525.060 Maximum Shade Point Height
Standard.
- 33.525.070 Exemption From the Maximum
Shade Point Height Standard.
- 33.525.080 Modifications to the
Maximum Shade Point Height
Standard.
- 33.525.090 Analysis of Allowed Shade
on Solar Feature.
- 33.525.100 Solar Balance Point.
- 33.525.110 Yard Setback Adjustment.
- 33.525.120 Review Process.

33.525.010 Purpose. The purposes of this ordinance are to promote the use of solar energy, to minimize shading of structures by structures and accessory structures, and, where applicable, to minimize shading of structures by trees. Decisions related to this ordinance are intended to be ministerial.

33.525.020 Conflict Resolution. Except as provided for in this Chapter, the regulations of 33.525 are in addition to all height and yard requirements of the applicable zones of this title. When two regulations apply, the most restrictive will be in force. New land divisions and planned-unit developments will be subject to the requirements contained in those Sections of the City Code.

33.525.030 Applicability. This ordinance applies to an application for a

building permit for all structures in FF, R20, R10, R7 and R5 zones and to all single-family detached structures in any zone, except to the extent the approval authority finds the applicant has shown that one or more of the conditions listed in Sections 33.525.070 or 080 exists, and exemptions or adjustments provided for there are warranted.

33.525.040 Solar Site Plan

Required. An applicant for a building permit for a structure subject to this ordinance shall submit a site plan that shows the maximum shade point height allowed under Section 33.525.060 and the allowed shade on the proposed structure's solar features as provided in 33.525.090. If applicable, the site plan also shall show the solar balance point for the structure as provided in Section 33.525.100.

33.525.050 Special Solar Access

Definitions. The following definitions are for use in conjunction with solar access design requirements.

A. Crown cover: The area within the drip line or perimeter of the foliage of a tree.

B. Development: Any short plat, partition, subdivision or planned unit development that is created under the City's land division or zoning regulations.

C. Exempt tree or vegetation: The full height and breadth of vegetation that the City Forester has identified as "solar friendly" and listed in "The Solar Friendly Tree Guidelines", and any vegetation listed on a plat map, a document recorded with the plat, or a solar access permit as exempt.

D. Front lot line: For purposes of the solar access regulations, a lot line abutting a street. For corner lots the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the lot line that is most parallel to and closest to the street, excluding the pole portion of the flag lot. [See "Front Lot Line" illustration.]

E. Non-exempt tree or vegetation: Vegetation that is not exempt.

F. Northern lot line: The lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard area, the northern lot line shall be at the north edge of such undevelopable area. If two lot lines have an identical angle relative to a line drawn east-west, then the northern lot line shall be a line 10 feet in length within the lot parallel with and at a maximum distance from the lot line. [See "Northern Lot Line" Illustration.]

G. North-South dimension: The length of a line beginning at the midpoint of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary. [See "North-South Dimension of the Lot" Illustration.]

H. Protected solar building line: A line on a plat or map recorded with the plat that identifies the location on a lot where a point two feet above may not be shaded by structures or non-exempt trees. [See "Solar Lot Option 2: Protected Solar Building Line" Illustration].

I. Shade: A shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.

J. Shade point: The part of a structure or non-exempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south; except a shadow caused by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole or wire. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. [See "Shade Point Height" Illustration.]

If the shade point is located at the north end of a ridgeline of a structure

oriented within 45 degrees of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by 3 feet. If a structure has a roof oriented with 45 degrees of a true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal), the shade point will be the eave of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof. [See "Height of the Shade Point of the Structure" Illustration.]

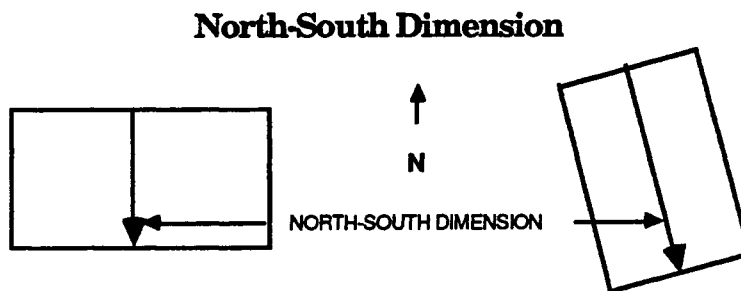
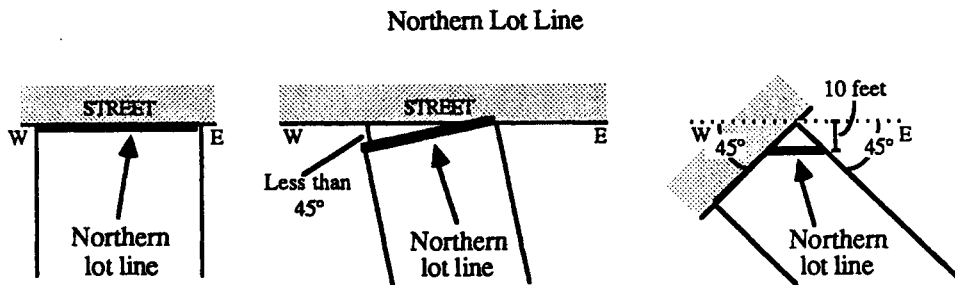
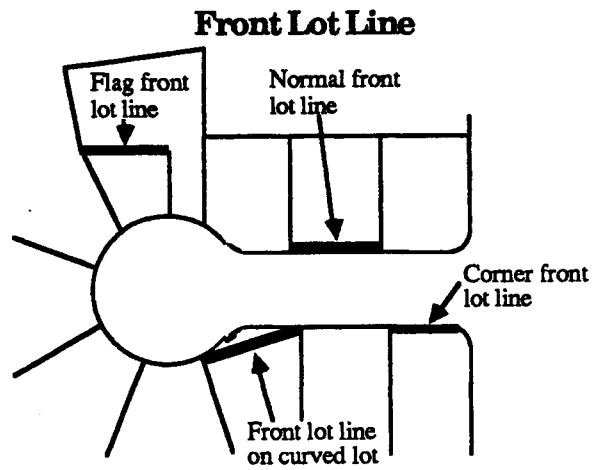
K. Shade reduction line: A line drawn parallel to the northern lot line that intersects the shade point. [See "Shade Reduction Line" Illustration.]

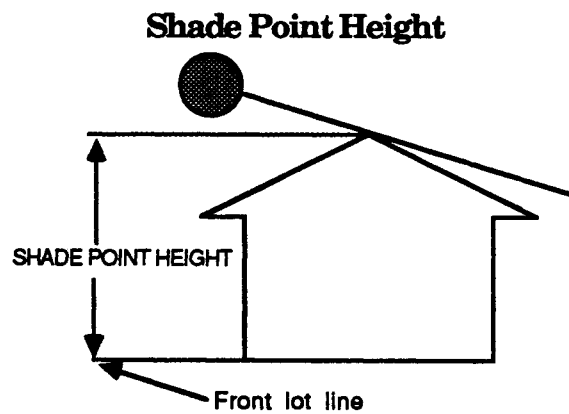
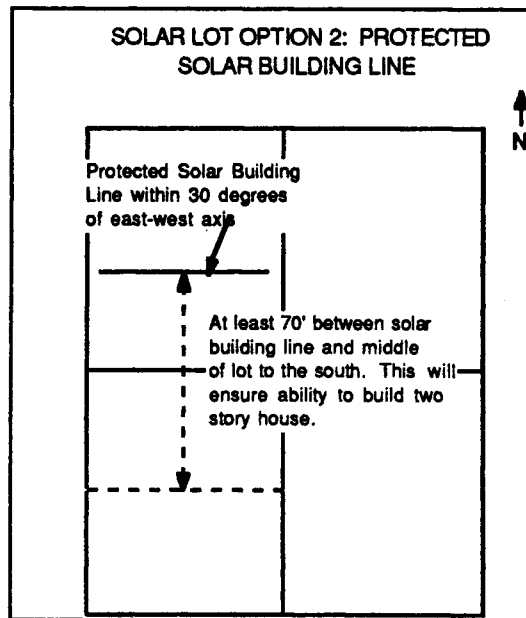
L. Shadow pattern: A graphic representation of an area that would be shaded by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging between 22.7 degrees east and west of true south.

M. Solar access height limit: A series of contour lines establishing the maximum permitted height for non-exempt vegetation on lots affected by a Solar Access Permit.

N. Solar access permit: A document issued by the City that describes the maximum height that non-exempt vegetation is allowed to grow on lots to which a solar access permit applies.

O. Solar feature: A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window that contains at least 20 square feet of glazing oriented within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows totalling 20 square feet in area and without other features that use solar energy is not a solar





feature for purposes of this ordinance.

P. Solar gain line: A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot. [See "Solar Gain Line" Illustration.]

Q. South or south facing: True south, or 20 degrees east of magnetic south, or generally southerly-facing. Unless otherwise specified in this ordinance, generally south-facing will refer to structures with faces within 30 degrees of south.

R. Sunchart: One or more photographs that plot the position of the sun between 10:30 a.m. and 1:30 p.m. on January 21, prepared pursuant to guidelines issued by the Planning Director. The sunchart will show the southern skyline through a transparent grid on which is imposed solar altitude for a 45-degree and 30-minute northern latitude in 10 degree increments and solar azimuth from true south in 15 degree increments.

S. Undevelopable area: An area that cannot be used practicably for a habitable structure, because of natural conditions, such as slopes exceeding 20% in a direction greater than 45 degrees east or west of true south, severe topographic relief, water bodies or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or man-made conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

33.525.060 Maximum Shade Point Height Standard. The height of the shade point shall comply with either Subsection A or B below.

A. Basic Requirement. The height of the shade point shall be less than or equal to the height specified in Table A or

computed using the following formula. If necessary, interpolate between the 5-foot dimensions listed in Table A.

$$H = \frac{(2 \times \text{SRL}) - N + 150}{5}$$

Where:

H = the maximum allowed height of the shade point;

SRL = shade reduction line (the distance between the shade point and the northern lot line); and

N = a north-south lot dimension of more than 90 feet shall use a value of 90 feet for this Section.

Provided the maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula or Table A for each foot that the average grade at the rear property line exceeds the average grade at the front property line.

B. Performance Options. The proposed structure, or applicable non-exempt vegetation, will shade not more than 20 percent of the south-facing glazing of existing habitable structure(s) or, where applicable, the proposed structure, or non-exempt vegetation will comply without the options listed below.

1. Protected solar building line option.

a. A protected solar building line or an approved solar envelope for the lot to the north is designated on the plat, or documents recorded with the plat; and

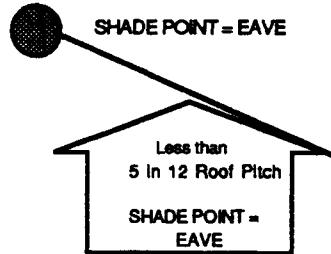
b. The protected solar building line for the lot to the north is oriented within 30 degrees of a true east-west axis; and

c. There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and

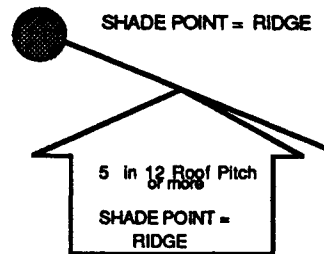
d. There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are

HEIGHT OF THE SHADE POINT OF THE STRUCTURE

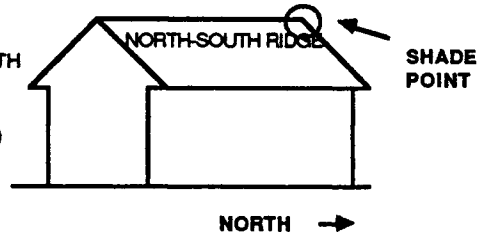
If the ridgeline runs EAST-WEST
and the pitch is or flatter than 5 in 12:



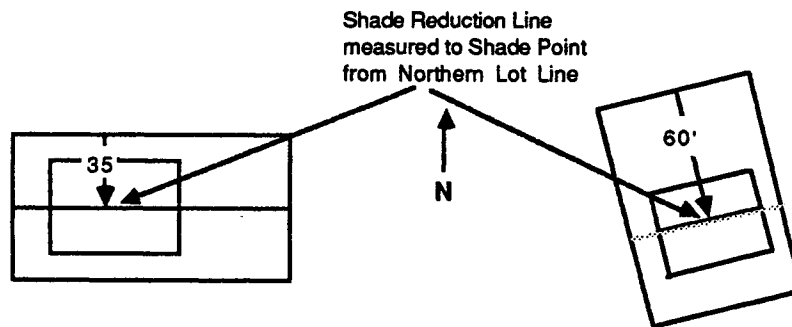
If the ridgeline runs EAST-WEST
and the pitch is 5 in 12 or steeper:



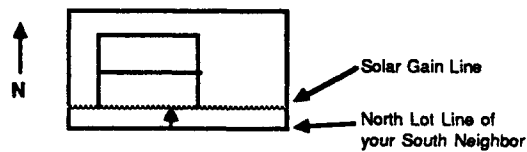
If the ridgeline runs NORTH-SOUTH
measure from the northernmost
point of the ridge, but reduce the
height measurement by three (3)
feet.



SHADE REDUCTION POINT



SOLAR GAIN LINE



situated so that at least 80 percent of their south-facing wall will not be shaded by structures or non-exempt vegetation.

2. Lot orientation and passive solar features option.

a. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis and at least 80 percent of their ground floor south wall protected from shade by structures and non-exempt trees; or

b. Habitable structures built on that lot will have at least 32 percent of their glazing and 500 square feet of their roof area which faces within 30 degrees of south and is protected from shade by structures and non-exempt trees.

33.525.070 Exemption from the Maximum Shade Point Height Standard. The Planning Director shall exempt a proposed structure or non-exempt vegetation from Sections 33.525.040 and .060 of this ordinance if the applicant shows that one or more of the conditions of this section exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

A. Exempt Lot. When created, the lot was subject to the lot standards for solar access contained in Title 34, Subdivision and Partitioning, and was not subject to the provisions for protection from future shade of that ordinance.

B. Pre-existing Shade. The structure or applicable non-exempt vegetation will shade an area that is shaded by one or more of the following:

1. An existing or approved building or structure;

2. A topographic feature;

3. A non-exempt tree that will remain after development of the site. It is assumed a tree will remain after development if it is situated in a building setback required by local law; is part of a developed area or landscaping required by local law, a public park or landscape strip, or legally reserved open space; is in or separated from the developable remainder

of a parcel by an undevelopable area or feature; or is on the applicant's property and not affected by the development. A duly executed covenant also can be used to preserve trees causing such shade.

C. Slope. The site has an average slope that exceeds 20 percent in a direction greater than 45 degrees east or west of true south based on a topographic survey by a licensed professional land surveyor.

D. Insignificant benefit. The proposed structure or non-exempt vegetation shades one or more of the following:

1. An undevelopable area; or

2. The wall of an unheated space, such as a typical garage; or

3. Less than 20 square feet of south-facing glazing.

E. Public Watertanks.

33.525.080 Modifications to the Maximum Shade Point Height Standard. The Planning Director shall increase the maximum permitted height of the shade point determined using Section 33.525.060 to the extent it finds the applicant has shown one or more of the following conditions exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

A. Physical conditions. Physical conditions preclude development of the site in a manner that complies with Section 33.525.060, due to such things as a lot size less than 3,000 square feet, unstable or wet soils, or a drainage way, public or private easement, or right-of-way.

B. Conflict between the Maximum Shade Point Height and Allowed Shade on the Solar Feature Standards. A proposed structure may be sited to meet the solar balance point standard described in Section 33.525.100 or be sited as near to the solar balance point as allowed by Section 33.525.100, if:

1. When the proposed structure is sited to meet the maximum shade point height standard determined using Section

33.525.060, its solar feature will potentially be shaded as determined using Section 33.525.090, and

2. The application includes a form provided by the City that:

a. Releases the applicant from complying with Section 33.525.060 and agrees that the proposed structure may shade an area otherwise protected by Section 33.525.060;

b. Releases the City from liability for damages resulting from the modification; and

c. Is signed by the owner(s) of the properties that would be shaded by the proposed structure more than allowed by the provisions of Section 33.525.060.

3. Before the City issues a permit for a proposed structure for which a modification has been granted pursuant to Section 33.525.080.B, the applicant shall provide proof that the form provided for in Subsection B.2 above has been filed in the office of the county recorder with the deeds to the affected properties.

33.525.090 Analysis of Allowed Shade on Solar Feature.

A. The applicant is exempt from this section if the lot(s) south of and adjoining the applicant's property is exempt from Section 33.525.060 of this ordinance.

B. Applicants shall be encouraged to design and site a proposed habitable structure so that the lowest height of the solar feature(s) will not be shaded by buildings or non-exempt trees on lot(s) to the south. The applicant shall complete the following calculation procedure to determine if the solar feature(s) of the proposed structure will be shaded. To start, the applicant shall choose which of the following sources of shade originating from adjacent lot(s) to the south to use to calculate the maximum shade height at the north property line:

1. Existing structure(s) or non-exempt trees; or

2. The maximum shade that can be cast from future buildings or non-exempt trees, based on Table C. If the lot(s) to the south can be further divided, then the

north-south dimension shall be assumed to be the minimum lot width required for a new lot in that zone.

C. The height of the lowest point of any solar feature of the proposed structure shall be calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.

D. The applicant shall determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in Subsection B by using the following formula or Table B.

$$\text{SFSH} = \text{SH} (\text{SGL}/2.5)$$

Where:

SFSH = the allowed shadow height on the solar feature.

SH = the height of the shade at the northern lot line of lot(s) to the south as determined in Section 33.525.090B.

SGL = the solar gain line (the distance from the solar feature to the northern lot line of adjacent lot(s) to the south.

E. If the allowed shade height on the solar feature calculated in Subsection D is higher than the lowest height of the solar feature calculated in Subsection C, the applicant shall be encouraged to consider any changes to the house design or location which would make it practical to locate the solar feature so that it will not be shaded in the future.

33.525.100 Solar Balance Point. If a structure does not comply with the maximum shade point height standard in Section 33.525.060 and the allowed shade on a solar feature standard in Section 33.525.090, then the solar balance point of the lot shall be calculated. The solar balance point is the point on the lot where a structure would be the same distance from complying with both of these standards. [See "Solar Balance Point Standard" Illustration.]

TABLE A - MAXIMUM PERMITTED SHADE POINT HEIGHT (In Feet)

Distance to Shade Reduction Line from northern lot line (in feet)	North-south lot dimension (in feet)												
	100+	95	90	85	80	75	70	65	60	55	50	45	40
70	40	40	40	41	42	43	44						
65	38	38	38	39	40	41	42	43					
60	36	36	36	37	38	39	40	41	42				
55	34	34	34	35	36	37	38	39	40	41			
50	32	32	32	33	34	35	36	37	38	39	40	41	42
45	30	30	30	31	32	33	34	35	36	37	38	39	40
40	28	28	28	29	30	31	32	33	34	35	36	37	38
35	26	26	26	27	28	29	30	31	32	33	34	35	36
30	24	24	24	25	26	27	28	29	30	31	32	33	34
25	22	22	22	23	24	25	26	27	28	29	30	31	32
20	20	20	20	21	22	23	24	25	26	27	28	29	30
15	18	18	18	19	20	21	22	23	24	25	26	27	28
10	16	16	16	17	18	19	20	21	22	23	24	25	26
5	14	14	14	15	16	17	18	19	20	21	22	23	24

TABLE B - MAXIMUM PERMITTED HEIGHT OF SHADOW AT SOLAR FEATURE (In Feet)

Allowed Shade Height at Northern Lot Line
of Adjacent Lot(s) to the South (In Feet)

Distance from
Solar Gain
Line to lot
line (in Feet)

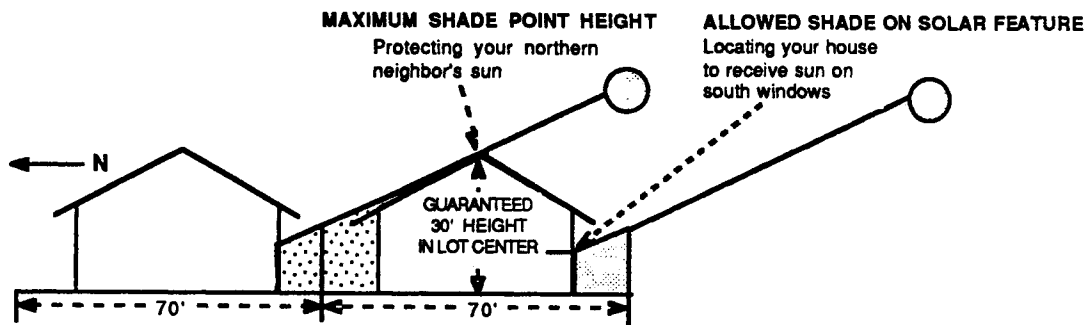
	22	21	20	19	18	17	16	15	14	13	12
50	2	1									
45	4	3	2	1							
40	6	5	4	3	2	1					
35	8	7	6	5	4	3	2	1			
30	10	9	8	7	6	5	4	3	2	1	
25	12	11	10	9	8	7	6	5	4	3	2
20	14	13	12	11	10	9	8	7	6	5	4
15	16	15	14	13	12	11	10	9	8	7	6
10	18	17	16	15	14	13	12	11	10	9	8
5	20	19	18	17	16	15	14	13	12	11	10

Table C may be used to determine (SH) in the above formula.

TABLE C

North-south lot dimension of adjacent lot(s) to the south	100	95	90	85	80	75	70	65	60	55	50	45	40
Allowed shade height at the north property line of adjacent lot(s) to south	12	12	12	13	14	15	16	17	18	19	20	21	22

SOLAR BALANCE POINT STANDARD



**SETBACK ADJUSTMENTS IF NEEDED
TO MEET SOLAR STANDARDS**

33.525.110 Yard Setback

Modification. The City shall grant a modification to the side and/or rear setback requirement(s) by up to 50 percent, and to the front setback requirement by up to 25 percent, but in no case less than 3 feet, if necessary to build a proposed structure so it complies with either the shade point height standard in Section 33.525.060, or the allowed shade on a solar feature standard in Section 33.525.090, or the solar balance point standard in Section 33.525.100, as provided herein. This modification is not intended to encourage reductions in available solar access or unnecessary modification of setback requirements, and shall apply only if necessary for a structure to comply with the applicable provisions of this ordinance.

33.525.120 Review Process.

Compliance with the terms of this Chapter shall be assessed at the time of building permit application. No building permit will be issued until the applicant has shown that the proposed structure complies fully with these requirements. Exemptions as provided for in Section 33.525.070, modifications to the maximum shade point height standard in Section 33.525.080, and modifications to the yard setback standards as provided for in Section 33.525.110 shall be granted at the time of building permit issuance if the applicable standards are met.

Chapter 33.535

SIGNS

(Added by Ord. No. 158535
passed and effective May 22, 1986.)

Sections:

- 33.535.010 Purpose.
- 33.535.020 Applicability and Scope.
- 33.535.030 Conformance.
- 33.535.040 Severability.
- 33.535.050 Definitions.

General Regulations

- 33.535.100 Exempt Signs.
- 33.535.110 Prohibited Signs.
- 33.535.120 Sign Measurement.
- 33.535.130 Undeveloped Sites.
- 33.535.140 Nonconforming Signs.
- 33.535.150 Sign Adjustments.

Base Zone Sign Regulations

- 33.535.200 C3, C2, M3, MX, M2, M1, GE, GI and HI Zones.
- 33.535.210 C1 Zone.
- 33.535.220 C4 and RX Zones.
- 33.535.230 C5 Zone.
- 33.535.240 FF, R20, R10, R7, R5, R2.5 R2, R1 and RH Zones.

Specific Sign Development Regulations

- 33.535.300 Applicability.
- 33.535.310 Sign Placement.
- 33.535.320 Signs Extending Into the Right-of-Way.
- 33.535.330 Fascia Signs.
- 33.535.340 Projecting Signs.
- 33.535.350 Flush Pitched Roof Signs.
- 33.535.360 Marquee and Awning Signs.
- 33.535.370 Directional Signs.
- 33.535.380 Temporary Signs.

33.535.010 Purpose.

A. This Chapter regulates signs which are visible from the right-of-way and

from beyond the property where erected. These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising for all land uses. The regulations for signs have the following specific objectives:

1. To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised;

2. To allow and promote positive conditions for meeting sign users' needs while at the same time avoiding nuisances to nearby properties and promoting an attractive environment;

3. To reflect and support the desired character and development patterns of the various zones;

4. To allow for adequate and effective signs in commercial and industrial zones while preventing signs from dominating the visual appearance of the area; and

5. To ensure that the constitutionally guaranteed right of free speech is protected.

B. The regulations allow for adequate and multiple types of signs for a site. The provisions do not necessarily assure or provide for a property owner's desired level of visibility for the signs.

33.535.020 Applicability and Scope.

This Chapter regulates the number, size, placement and physical characteristics of signs. The regulations are not intended to, and do not, restrict, limit or control the content or message of signs. The regulations of this Chapter apply to all zones in the City. Signs in Design Zones, historic districts, Portland Historical Landmarks, S Zones, or plan districts may also be subject to additional regulations. Signs 32 square feet or less in area are not subject to design review in Design Zones. The regulations of this Chapter are in addition to all other regulations in the Municipal Code applicable to signs.

33.535.030 Conformance. No sign may be erected unless it conforms with the regulations of this Chapter. Sign permits, as required by Title 32, must be approved prior to erection of the sign. When required, signs in Design Zones must be approved through the design review process. All signs in historic districts or buildings, or sites containing Portland Historical Landmarks must be approved through the historic landmarks review process.

33.535.040 Severability. If any portion of this Chapter is for any reason ruled invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such ruling shall not affect the validity of the remaining portions of this Chapter, Title, or Code.

33.535.050 Definitions. Sign related definitions are listed in Chapter 33.12.

General Regulations

33.535.100 Exempt Signs. The following signs are exempt from the provisions of this Chapter, but may be subject to other portions of the Municipal Code:

A. Signs not oriented or intended to be legible from a right-of-way, private road or other private property;

B. Signs inside a building, except for strobe lights visible from a right-of-way, private road or other private property;

C. Signs legally erected in the right-of-way in accordance with Titles 16 and 17;

D. Building numbers required by Chapter 17.92 of the Municipal Code.

E. Signs carved into or part of materials which are an integral part of the building;

F. Flags on permanent flag poles which are designed to allow raising and lowering of the flags;

G. Painted wall decorations and painted wall highlights; and

H. Signs affected by stipulated

judgments to which the City is a party entered by courts of competent jurisdiction.

33.535.110 Prohibited Signs. The following signs are prohibited and shall be removed:

A. Strobe lights and signs containing strobe lights which are visible beyond the property line;

B. Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed for by this Code; and

C. Abandoned signs.

33.535.120 Sign Measurement.

A. Sign face area.

1. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see Figure 535.1). Sign area does not include foundations, supports, and other essential structures which are not serving as a backdrop or border to the sign. Only one side of a double faced sign is counted.

2. When a sign is on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used unless it is clear that part of the base contains no sign, related display or decoration.

3. When signs are constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all the pieces (see Figure 535.2).

4. For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face (see Figure 535.3).

5. The maximum surface area visible at one time of a round or three dimensional sign is counted to determine sign area.

6. When signs are incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign, related display or decoration.

B. Height of signs. The overall

Murals included

height of a sign or sign structure is measured from the grade directly below the sign to the highest point of the sign or sign structure (see Figure 535.4).

C. Clearances. Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face (see Figure 535.5).

D. Primary building frontages. Primary building frontages are derived for each ground floor occupant's qualifying exterior walls (see Figure 535.6).

E. Corner signs. Corner signs facing more than one street shall be assigned to a frontage by the applicant. The sign must meet all provisions for the frontage it is assigned to.

33.535.130 Undeveloped Sites.

Permanent signs are not allowed on undeveloped sites except for allowed subdivision signs.

33.535.140 Nonconforming Signs.

Nonconforming signs are not subject to the provisions of 33.94, Nonconforming Uses. Unless previously approved through an exception process, lawfully erected signs not conforming to the regulations of this Chapter may continue to exist and are subject to the following provisions.

A. Maintenance, repairs, and changing of sign faces, when no structural alterations are made, are allowed.

B. Signs and sign structures which are moved, replaced, or structurally altered shall be brought into conformance with the current sign regulations.

C. Temporary signs. Nonconforming temporary signs shall be removed.

33.535.150 Sign Adjustments. Under the provisions of 33.98.450 to 490, sign adjustments may be requested for all sign regulations including items not allowed, but not for prohibited signs.

Base Zone Sign Regulations

33.535.200 (Amended by Ord. No. 160606 effective July 1, 1988.) C3, C2, M3, CE, M2, M1, GE, GI and HI Zones. For all uses and sites in the above stated zones, the following types, numbers, sizes, and features of signs are allowed. All allowed signs must also be in conformance with the sign development regulations of 33.535.300 to 380.

A. Freestanding signs.

1. Allowable area. Freestanding signs are allowed 1 square foot of sign face area per lineal foot of site frontage, up to a maximum of 300 square feet.

2. Number. One freestanding sign is allowed for the first 300 lineal feet of site frontage and one for each additional 300 feet of site frontage or fraction thereof. The second sign's area is determined by the length of frontage not part of the initial 300 feet.

3. Height. The maximum height of a freestanding sign is 30 feet.

4. Extension into the right-of-way. Freestanding signs may extend into the right-of-way subject to the provisions of 33.535.320.

B. Signs attached to buildings.

1. Total allowable area. For ground floor occupants, the total allowable area for all permanent signs attached to the building is determined as follows.

a. If there is no freestanding sign on the site frontage toward which the building wall is oriented, then 1-1/2 square feet of sign face area per lineal foot of the occupant's primary building frontage is allowed, or 32 square feet, whichever is more. If the total of all signs attached to the building is more than 1 square foot of sign face area per lineal foot of primary building frontage, then no freestanding sign is allowed.

b. If there is a freestanding sign on the site frontage towards which the building wall is oriented, then 1 square foot of sign face area per lineal foot of occupant's primary building frontage is allowed, or 32 square feet, whichever is more.

2. Individual sign face area. The maximum size of an individual sign within

FIGURE 535.1
SIGN FACE MEASUREMENT

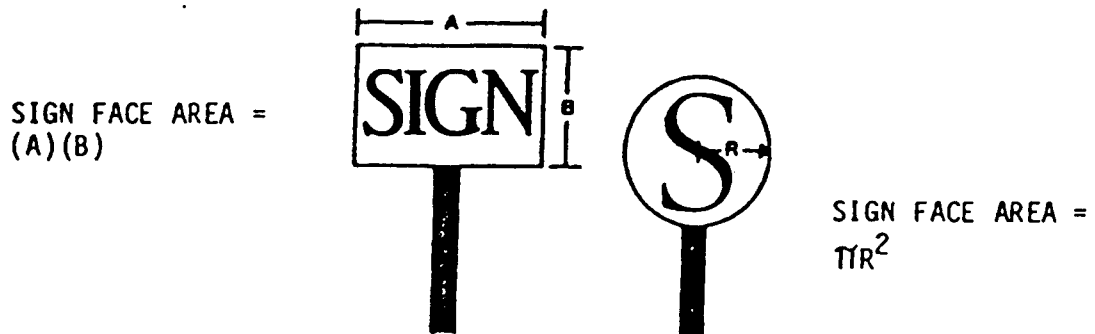


FIGURE 535.2
SIGN FACE MEASUREMENTS

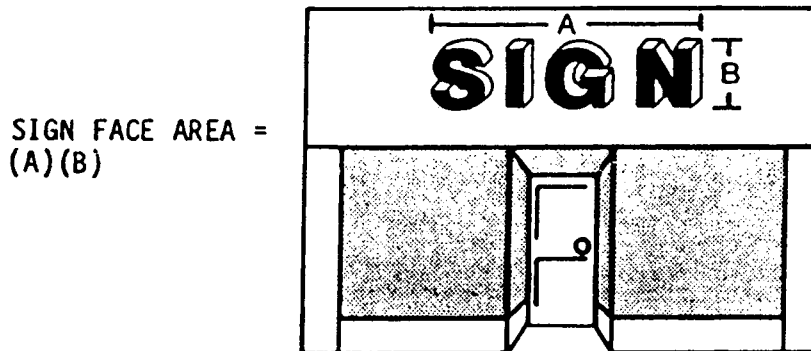


FIGURE 535.3
SIGN FACE MEASUREMENTS

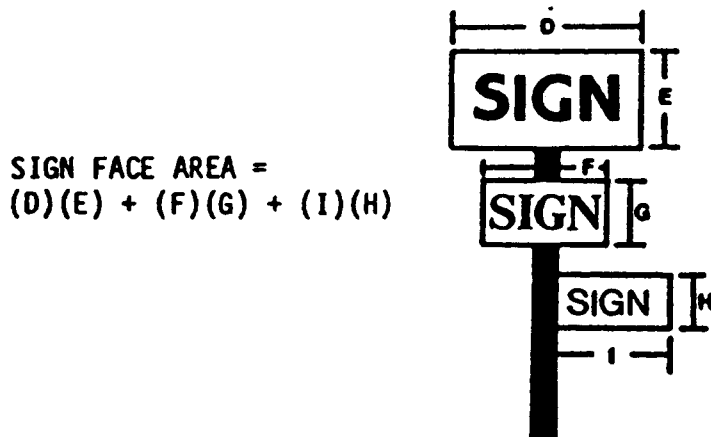


FIGURE 535.4
SIGN HEIGHT

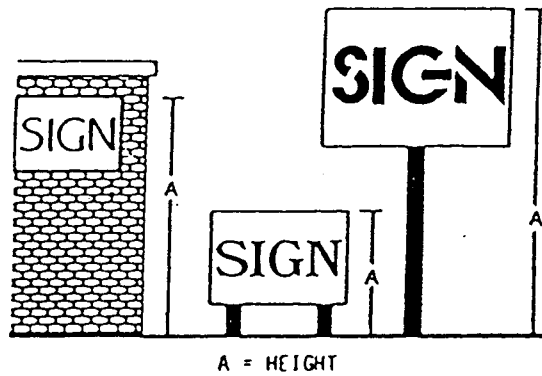


FIGURE 535.5
SIGN CLEARANCES

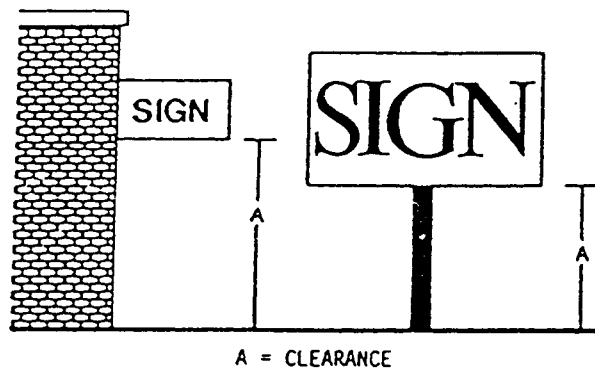


FIGURE 535.6
BUILDING FRONTAGE MEASUREMENT

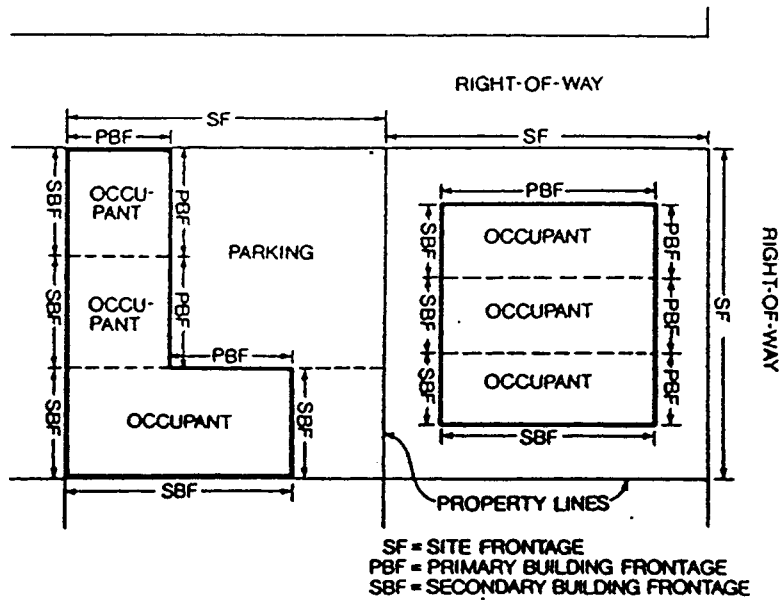
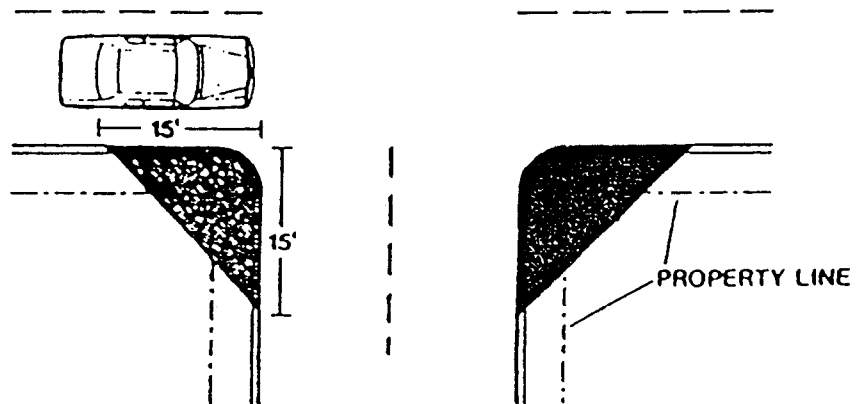
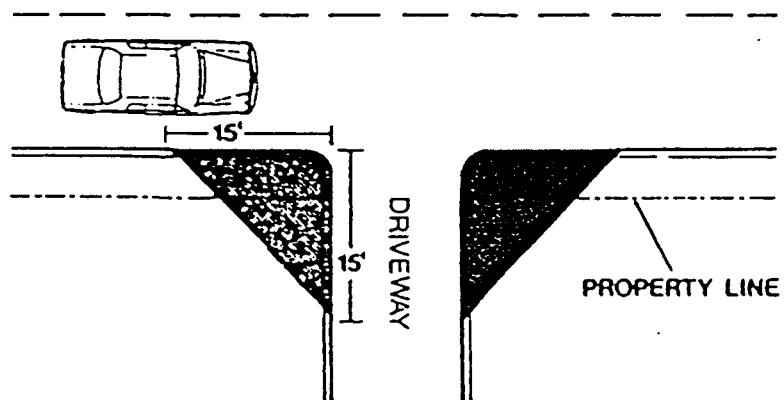


FIGURE 535.7
VISION CLEARANCE AREA

VISION CLEARANCE FOR STREET INTERSECTIONS



VISION CLEARANCE FOR DRIVEWAYS



VERTICAL VISION CLEARANCE AREA



the total allowable area limits is 300 square feet.

3. Types of signs. Fascia, projecting, marquee, awning, and flush pitched roof signs are allowed. Roof top signs are not allowed.

4. Number of signs. There is no limit on the number of signs if within the total allowable area limit. However, only one projecting sign is allowed per building frontage, and shall only be allowed if there is no freestanding sign on the same site frontage.

5. Extensions into the right-of-way. Projecting, marquee and awning signs may extend into the right-of-way subject to the provisions of 33.535.310.

C. Sign features. Permanent signs may have the following features.

1. Signs may be indirectly, internally, or directly illuminated.

2. Electronic message centers are allowed.

3. Thirty percent of a marquee sign area and 15 percent of the face of all other sign types may be flashing.

4. Rotating signs are allowed.

5. Moving parts are not allowed.

D. Additional signs allowed. In addition to the sign amounts allowed based on the site and building frontages, the following signs are allowed.

1. Directional signs.

2. Temporary lawn, banner, and rigid signs.

3. Subdivisions may have a freestanding sign at each entrance, up to a total of four, each of which may be up to 10 feet in height and 50 square feet in area.

4. Painted wall signs. Painted wall signs are allowed on all walls up to 50 percent of the exposed wall area.

33.535.210 (Amended by Ord. No. 160606 effective July 1, 1988.) **CX Zone.** For all uses and sites in the CX Zone, the following types, numbers, sizes, and features of signs are allowed. All signs must conform with the sign development regulations of Sections 33.535.300 through 33.535.380.

A. Freestanding signs.

1. Allowable area. Freestanding

signs are allowed 1 square foot of sign face area per lineal foot of site frontage, up to a maximum of 75 square feet.

2. Number. One freestanding sign is allowed per site frontage.

3. Height. The maximum height of a freestanding sign is 20 feet.

4. Extension into the right-of-way. Freestanding signs may extend into the right-of-way subject to the provisions of 33.535.320.

B. Signs attached to buildings.

1. Total allowable area. For ground floor occupants, the total allowable area for all permanent signs attached to the building is determined as follows.

a. If there is no freestanding sign on the site frontage toward which the building wall is oriented, then 1-1/2 square feet of sign face area per lineal foot of the occupant's primary building frontage is allowed, or 32 square feet, whichever is more. If the total of all signs attached to the building is more than 1 square foot of sign face area per lineal foot of primary building frontage, then no freestanding sign is allowed.

b. If there is a freestanding sign on the site frontage toward which the building wall is oriented, then 1 square foot of sign face area per lineal foot of occupant's building frontage is allowed, or 32 square feet, whichever is more.

2. Individual sign face area. The maximum size of an individual sign within the total allowable area limits is 150 square feet, except for projecting signs which are limited to 75 square feet per face.

3. Types of signs. Fascia, projecting, marquee, and awning signs are allowed. Roof top and flush pitched roof signs are not allowed.

4. Number of signs. There is no limit on the number of signs if within the total allowable area limit. However, only one projecting sign is allowed per building frontage, and shall only be allowed if there is no freestanding sign on the same site frontage.

5. Extensions into the right-of-way. Projecting, marquee and awning signs may extend into the

right-of-way subject to the provisions of 33.535.320.

C. Sign features. Permanent signs may have the following features.

1. Signs may be indirectly, internally, or directly illuminated.

2. Electronic message centers may not be greater than 20 square feet in area.

3. Flashing signs are not allowed.

4. Rotating signs are not allowed.

5. Moving parts are not allowed.

D. Additional signs allowed. In addition to the sign amounts allowed based on the site and building frontages, the following signs are allowed.

1. Directional signs.

2. Temporary lawn, banner, and rigid signs.

3. Signs in special sign districts which have been approved through the design review process.

4. Subdivisions may have a freestanding sign at each entrance, up to a total of four, each of which may be up to 10 feet in height and 50 square feet in area.

5. Painted wall signs. Painted wall signs are allowed on all walls up to 50 percent of the exposed wall area.

33.535.220 C4 and RX Zones. For all uses and sites in the C4 and RX Zones, the following types, numbers, sizes, and features of signs are allowed. All allowed signs must also be in conformance with the sign development regulations of 33.535.300 to 390.

A. Freestanding signs.

1. Allowable area. Freestanding signs are allowed 1 square foot of sign face area per lineal foot of site frontage, up to a maximum of 75 square feet.

2. Number. One freestanding sign is allowed per site frontage.

3. Height. The maximum height of a freestanding sign is 20 feet.

4. Extension into the right-of-way. Freestanding signs may extend into the right-of-way subject to the provisions of 33.535.320.

B. Signs attached to buildings.

1. Total allowable area. For

ground floor occupants, the total allowable area for all permanent signs attached to the building is determined as follows.

a. If there is no freestanding sign on the site frontage toward which the building wall is oriented, then 1-1/2 square feet of sign face area per lineal foot of the occupant's primary building frontage is allowed, or 32 square feet, whichever is more. If the total of all signs attached to the building is more than 1 square foot of sign face area per lineal foot of primary building frontage, then no freestanding sign is allowed.

b. If there is a freestanding sign on the site frontage toward which the building wall is oriented, then 1 square foot of sign face area per lineal foot of occupant's building frontage is allowed, or 32 square feet, whichever is more.

2. Individual sign face area. The maximum size of an individual sign within the total allowable area limit is 50 square feet.

3. Types of signs. Fascia, projecting, marquee, and awning signs are allowed. Roof top and flush pitched roof signs are not allowed.

4. Number of signs. There is no limit on the number of signs if within the total allowable area limit. However, only one projecting sign is allowed per building frontage, and shall only be allowed if there is no freestanding sign on the same site frontage.

5. Extensions into the right-of-way. Projecting, marquee, and awning signs may extend into the right-of-way subject to the provisions of 33.535.320.

C. Sign features. Permanent signs may have the following features.

1. Signs may be indirectly, internally, or directly illuminated.

2. Electronic message centers are not allowed.

3. Flashing signs are not allowed.

4. Rotating signs are not allowed.

5. Moving parts are not allowed.

D. Additional signs allowed. In addition to the sign amounts allowed based on the site and building frontages, the

Table 535.1
PERMANENT SIGNS - C5

Number of Signs Per Site:	1
Maximum Sign Face Area:	C5, Type A - 20 square feet per building C5, Type B - 35 square feet per building
Types of Signs Allowed:	Fascia Freestanding Awning Painted Wall
Maximum Height:	Fascia, Awning, or Painted Wall - Top of Wall or 10 feet, whichever is lower Freestanding - 10 feet
Extensions into R-O-W:	Not Allowed
Lighting:	Indirect or Internal
Flashing Lights:	Not Allowed
Electronic Message Centers:	Not Allowed
Moving or Rotating Parts:	Not Allowed
Directional Signs:	Not Allowed
Temporary Signs:	Lawn Signs

following signs are allowed.

1. Directional signs.
2. Temporary lawn, banner, and rigid signs.
3. Subdivisions may have a freestanding sign at each entrance, up to a total of four, each of which may be up to 10 feet in height and 50 square feet in area.
4. Painted wall signs. Painted wall signs are allowed on all walls up to 50 percent of the exposed wall area.

33.535.230 C5 Zone. (Amended by Ord. No. 159798 effective July 20, 1987.) For office and clinic and accessory commercial uses in the C5 Zone, the sign regulations of Table 535.1 apply. All allowed signs must also be in conformance with the sign development regulations of 33.535.300 to .390.

33.535.240 FF, R20, R10, R7, R5, R2.5, R2, R1, and RH Zones. For all uses and sites in the above stated zones, the sign regulations of Table 535.2 apply. All allowed signs must also be in conformance with the sign development regulations of 33.535.300 to .390.

Table 535.2
PERMANENT SIGNS - FF THROUGH RH ZONES

	<u>Number of Signs</u>	<u>Maximum Sign Face Area</u>	<u>Type of Signs Permitted</u>	<u>Maximum Sign Height</u>
Sites with 1 or 2 residential units in a building	1 per site	1-1/2 sq ft	Fascia Painted Wall	Top of wall or 10 ft, whichever is less.
			Freestanding	6 ft

Sites with 3 or more residential units in a building and most approved CU's*	1 per building	10 sq ft for each sign	Fascia Awning Painted Wall	Top of Wall or 10 ft, whichever is less
			Freestanding	6 ft

Residential Subdivisions PUD/s and farms	1 per entrance, maximum of 4	20 sq ft for each sign	Freestanding	10 ft

Extensions into R-O-W:			Not Allowed	
Lighting:			Indirect	
Flashing Lights:			Not Allowed	
Electronic Message Centers:			Not Allowed	
Moving or Rotating Parts:			Not Allowed	
Directional Signs:			Not Allowed	
Temporary Signs:			Lawn Signs	

*Approved uses from the Community Service, Educational Institution, Health Institution, and Religious Institution categories are subject to the sign regulations for the C4 Zone, rather than those of the base zone.

**Specific Sign Development
Regulations**

33.535.300 Applicability. All signs allowed under the base zone provisions must comply with the development regulations of the following sections.

33.535.310 Sign Placement.

A. Placement. All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into the right-of-way.

B. Frontages. Signs allowed based on the length of one site frontage may not be placed on another site frontage. Signs allowed based on a primary building frontage may be placed on a secondary building frontage.

C. Vision clearance areas.

1. No sign may be located within a vision clearance area as defined in Subsection C 2 below. No support structure(s) for a sign may be located in a vision clearance area unless the combined total width is 12 inches or less and the combined total depth is 12 inches or less.

2. Location of vision clearance areas. Vision clearance areas are triangular shaped areas located at the intersection of any combination of rights-of-way, private roads, alleys or driveways. The sides of the triangle extend 15 feet from the intersection of the vehicle travel areas (see Figure 535.7). The height of the vision clearance area is from 42 inches above grade to 10 feet above grade.

D. Vehicle area clearances. When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.

E. Pedestrian area clearances. When a sign extends over private sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least 8-1/2 feet above the ground.

F. Required yards and setbacks. Signs may be erected in required yards and

setbacks.

G. Special setback areas. In areas with special right-of-way setbacks established in accordance with Chapter 33.116, Setback Lines, the provisions of this Chapter apply as well as the following regulations:

1. Freestanding signs may not be erected in Type I - Urban Commercial setbacks. Exceptions to this regulation are considered an exception to the setback provisions and reviewed in accordance with Chapter 33.110.

2. Freestanding signs may be erected in a Type II - Medium to Low Density Commercial and Industrial Area setback if approved in accordance with Chapter 33.110.

3. Freestanding and projecting signs may extend into special setback areas.

33.535.320 Signs Extending Into the Right-of-Way. The following standards regulate permanent signs erected on private property and extending into the right-of-way.

A. Distance into the right-of-way.

1. Freestanding and projecting signs.

a. All zones where allowed, except the C1 Zone. Signs may extend into the right-of-way 6-1/2 feet or 2/3 of the distance to the roadway, whichever is less. However, no sign may extend within 2 feet of the roadway.

b. C1 Zone. Signs may extend into the right-of-way 42 inches.

c. Diagonal corner signs may extend into the right-of-way to a point that is determined by extending a line from the maximum points allowed for a standard projecting sign on the same site frontage.

2. Awnings and marquees. Awnings and marquees containing signs may extend into the right-of-way the same distance as allowed for those that do not contain signs. Signs attached below an awning or marquee may extend the full length of the feature.

B. Maximum sign face area in the right-of-way.

1. Freestanding and projecting signs.

a. All zones where allowed, except the C1 Zone. Signs may not have more than 30 square feet in the right-of-way.

b. C1 Zone. Signs extending 18 inches or less into the right-of-way are not limited to area in the right-of-way, those over 18 inches are limited to 15 square feet in the right-of-way.

2. Signs on awnings or marquees extending into the right-of-way are allowed up to the amounts that awnings and marquees are allowed in the right-of-way.

3. Signs hanging from marquees or awnings may not have more than 7 square feet of each sign face in the right-of-way.

C. Required clearances. Freestanding and projecting signs projecting into the right-of-way must have the following clearances.

1. If the sign extends into the right-of-way 3 feet or less, then it must have a clearance of at least 8-1/2 feet.

2. For signs extending over 3 feet into the right-of-way:

a. If there is 20 square feet or less of sign area in the right-of-way, it must have a clearance of at least 10 feet; or

b. If there is over 20 square feet of sign face in the right-of-way, then the required clearance increases 1 lineal foot for each 1 square foot increase of sign area in the right-of-way, up to a 20 foot clearance.

D. Blanketing. A sign extending into the right-of-way more than 3 feet may not be within 20 feet of another sign extending more than 3 feet into the right-of-way if the new sign is within horizontal lines drawn from the top and bottom of the prior sign.

E. Removal of signs. When roadways are widened, or other improvements made in the right-of-way, which create unsafe conditions due to a sign extending into the right-of-way, the City Engineer may protect the public safety by requiring the sign to be modified or removed. The modification or removal shall be at the owner's expense.

33.535.330 Fascia Signs.

A. Height. Fascia signs may not extend more than 6 inches above the roof line.

B. Extensions. No point on the face of a fascia sign may extend more than 18 inches from the wall to which it is attached, except for electronic message signs which may be up to 24 inches in thickness. Fascia signs may not extend beyond the corner of buildings.

33.535.340 Projecting Signs.

A. Height. The face of projecting signs may not extend more than 6 inches above the roof line.

B. Placement. Projecting signs are not allowed on roof tops or on pitched roofs.

C. Support structures. Support structures shall be designed so that there is the minimum visible support structure above the sign face. There shall be no more than 1 foot of support structure between the building wall and the sign.

33.535.350 Flush Pitched Roof Signs.

A. Height. The face of flush pitched roof signs may not extend more than 6 inches above the roof line.

B. Placement. Flush pitched roof signs shall be parallel to the building face. They may not extend beyond the building wall.

C. Visual backing. When reviewed straight on, flush pitched roof signs shall have a visual backing formed by the roof.

D. Support structures. Support structures shall be designed so that there is no visible support structure above the sign.

33.535.360 Marquees and Awnings.

Marquees and awnings with or without signs are regulated by the provisions of Title 24, Buildings. Signs may be placed on or incorporated into these structures provided they do not extend above the upper surfaces of the structure. Signs may be hung below marquees and awnings if the sign clears the sidewalk by at least 8-1/2 feet.

Table 535.3
DIRECTIONAL SIGNS

Maximum Sign Face Area:	6 square feet
Types of Signs Allowed:	Freestanding, Fascia, Projecting, Painted Wall
Maximum Height:	Freestanding 42 inches Fascia and Projecting - 8 feet
Extensions into R.O.W.:	Not Allowed
Lighting:	Indirect or Internal
Flashing Lights:	Not Allowed
Electronic Message Centers:	Not Allowed
Moving or Rotating Parts:	Not Allowed

33.535.370 Directional Signs.

Directional signs, where allowed, shall meet the provisions of Table 535.3. Directional signs shall be designed only for non-changing messages or displays.

33.535.380 Temporary Signs.

A. Time limit. Temporary signs and support structures, if any, must be removed within 6 months of the date of erection. Temporary signs erected for longer than 6 months are considered permanent signs and subject to the regulations for permanent signs.

B. Attachment. Temporary signs may not be permanently attached to the ground, buildings, or other structures.

C. Lawn signs. Lawn signs may not be greater than 3 square feet in area and may not be over 42 inches in height.

D. Banners. One banner is allowed per primary building frontage and may not exceed 60 square feet. Additional temporary flags and pennants are allowed, but may not extend into the right-of-way.

E. Temporary rigid signs.

1. Type. Rigid signs may be freestanding or placed on building sides.

2. Size. The maximum size of a rigid sign is 32 square feet.

3. Number. One rigid sign is allowed per site frontage.

4. Height. Rigid signs on buildings may not be placed above roof lines. The maximum height freestanding is 8 feet.

5. Extensions into the right-of-way. Rigid signs may not extend into the right-of-way.

6. Lighting and movement. Rigid signs may not be illuminated or have moving or rotating parts.

Chapter 33.570

TRANSIT OVERLAY ZONE

(Added by Ord. No. 160108 passed
Sept. 10, effective Oct. 12, 1987.)

Sections:

General

- 33.570.010 Purpose.
- 33.570.020 Short Name.
- 33.570.030 Applicability.

Regulations

- 33.570.040 Prohibited Uses and Facilities.
- 33.570.050 Additional Uses Permitted.
- 33.570.060 Additional Site Development Objectives.
- 33.570.070 Minimum Floor Area Ratio.
- 33.570.080 Front Yard Requirements.
- 33.570.090 Off-street Parking and Loading.
- 33.570.100 Vision Clearance Areas.
- 33.570.110 Blank Walls.
- 33.570.120 Landscaping.
- 33.570.130 Gates.
- 33.570.200 Exceptions.
- 33.570.210 Nonconforming Situations.
- 33.570.220 Conditional Uses.

GENERAL

33.570.010 Purpose. The Transit Overlay Zone is intended to encourage development within certain light rail stations areas which will provide goods and services primarily to public transit users and pedestrians. The T Zone provides for a mix of residential, commercial, and employment opportunities in order to focus increased density within the station area boundaries. The T Zone is designed to improve the experience of pedestrians near the transit stations by encouraging an intensive area of shops and activities as well as amenities such as benches, kiosks, and outdoor cafes.

The T Zone allows an intense and efficient use of land for the mutual reinforcement of public investments and private development. The building design and site development standards of the T Zone are intended to foster safe, pleasant and convenient access to transit stations by limiting conflicts between vehicles and pedestrians.

33.570.020 Short Name. The Transit Overlay Zone is also called the T Zone and is shown with a "t" in conjunction with a base zone on the official zoning maps of the City.

33.570.030 Applicability. The regulations of this Chapter supplement, and in some cases supersede, the regulations of the base zone. In the case of conflict with other provisions of this Title, the most restrictive regulations of the T Zone control.

REGULATIONS

33.570.040 Prohibited Uses and Facilities.

A. The following uses and facilities are prohibited in all zones on sites which face a light rail line or are within 300 feet of a street containing a light rail line.

1. Vehicle service uses as defined in 33.111.240 (Vehicle Services), except surface lots and parking structures are regulated by 33.570.050 C. and 33.570.220 A. and B. of this Chapter.

2. Drive-in businesses (defined by 33.12.255).

3. Drive through facilities (defined by 33.12.257), except where vehicle access to or from the drive through facility is from a street not containing a light rail line.

4. Sale or rental of new or used vehicles including, but not limited to, automobiles, motorcycles, boats, recreational vehicles, mobile homes and trailers, but not including bicycles.

B. In the RH, R1, R2 and R3 zones, single-family detached residential development is not allowed. However, on a

vacant substandard platted lot, a one-family detached dwelling may be constructed as regulated by the base zone.

33.570.050 Additional Uses Permitted.

A. Duplexes are allowed in the R5 Zone. The minimum lot size is 4,000 square feet per dwelling unit.

B. Rowhouses are permitted in the R5 Zone if:

1. The minimum average lot size is 2,500 square feet per dwelling unit, and

2. The other applicable requirements of Chapter 33.28 (R2.5, One-Family Residential Zone) are met, and

3. At least one of the following applies:

a. The side lot line abuts a multi-family, commercial or industrial zone; or

b. The lot is a corner lot; or

c. The lot abuts a street containing a light rail line.

C. Park-and-ride parking lots or structures as defined in 33.111.350 (Public Services) are allowed in the C3, C2, M3 and GE Zones if:

1. The locations of entrances and exits are approved by the Office of Transportation;

2. Five bicycle parking spaces are provided for any parking facility of up to 50 spaces and one additional bicycle space is provided for each additional 20 spaces (or fraction of 20). Bicycle parking is regulated by Chapter 33.82, Parking; and

3. For a parking structure which has one or more levels more than 4 feet above grade, one of the following is provided:

a. At least 60 percent of the structure's street level frontage is available for retail, office or service commercial activities; or

b. The perimeter of the structure is provided with a 10 foot landscaped yard at standard L1 (see Chapter 33.520, Landscaping and Screening) for all areas between the street and parking.

33.570.060 Additional Site Development Objectives. All development is subject to the site review regulations and procedures of Chapter 33.903 (Site Review) except single family, attached or detached, and duplex residences.

In addition to the requirements of Section 33.903.060 (General Site Review Objectives), the following objectives must be met:

A. Building placement and site layout. Buildings must be placed and designed to:

1. Provide an interesting and integrated facade along street frontages by providing landscaping and/or hard-surfaced areas with such street furniture as benches, kiosks and planters;

2. Provide adequate visibility along street frontages to limit vehicle / pedestrian / bicycle hazards; and

3. Allow for future intensification of the site if it is not being developed to its maximum potential.

B. Vehicular circulation. Areas for vehicular parking and circulation must be designed to:

1. Limit the amount of surface parking to encourage the efficient use of land;

2. Locate parking on the side or rear portion of the property;

3. Take advantage of opportunities for shared parking and consolidation of curb cuts; and

4. Prohibit new curb cuts along a street containing a light rail line unless the Office of Transportation finds that approval of the curb cut is supportive of the objectives of this Chapter and/or is necessary to ensure safe traffic flow.

C. Landscaping, screening and buffering. Landscaping, screening and buffering must be used and placed to:

1. Provide screening along street frontages adjacent to parking areas that will continue the materials and/or treatment of the building facade.

33.570.070 Minimum Floor Area

Ratio.

A. In the M3, C2 and C3 zones, the minimum floor area ratio (FAR) is .5 for all new development.

B. In the GE Zone, the minimum FAR is .5 for retail product sales and service and personal service uses as defined in Chapter 33.111.

C. Expansions of existing development are exempt from these minimums.

D. Exceptions to the regulations of this Section must meet the approval criteria of 33.570.200 (Exceptions).

33.570.080 Front Yard

Requirements. The minimum front yard for all zones is 10 feet.

33.570.090 Off-street Parking and Loading.

A. In addition to the minimum parking requirements of the base zone, off-street parking spaces may not exceed the following amounts:

ZONE	MAXIMUM OFF-STREET PARKING
C5	150% of minimum
C2	150% of minimum
M3	150% of minimum
GE	150% of minimum

B. Maximum off-street parking requirements for the C3 Zone are established in Section 33.41.040 (Off-street Parking Required).

C. Parking in parking structures, park-and-ride lots or in surface lots not associated with any other use are exempt from parking maximums established by this Section.

D. Motor vehicle parking, loading and maneuvering is prohibited between the main structure(s) and the street containing the light rail line, unless all parking areas and accessways are more than 300 feet from that street.

33.570.100 Vision Clearance Areas.

A vision clearance area must be maintained on the corners of all sites adjacent to non-signalized intersections.

A. The vision clearance area may not contain a fence, wall or structure over 3-1/2 feet in height.

B. The vision clearance area may not contain any planting over 3-1/2 feet in height except trees may be permitted if all branches below 8 feet are removed.

C. Signs in the vision clearance area are regulated by Section 33.535.310 (Sign Placement) of this Title, except that the size of the vision clearance area is measured as shown in Figure 570.1.

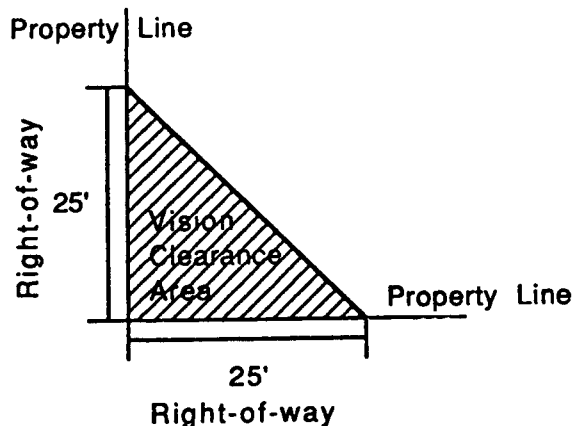


FIGURE 570-1

33.570.110 Blank Walls. This Section applies to all nonresidential development at the street level facing a street containing a light rail line.

A. At least one primary public entranceway to the building must face the light rail line.

B. At least 50 percent of the length and 25 percent of the surface of the main structure(s) must be in public entranceways and windows or retail display windows (for the street level only).

33.570.120 Landscaping. For development that is required to meet Subsection 33.570.090 D. of this Chapter, the land between the principal structure and the street must be landscaped and/or

hard-surfaced for use by pedestrians. If hard-surfaced, the area must contain pedestrian amenities such as benches or drinking fountains and/or other design elements (e.g., public art, planters and kiosks) and be physically separated from parking or maneuvering areas by tire stops, or some other device. Landscaping must meet standard L1 (see Chapter 33.520, Landscaping and Screening).

This Subsection applies to all new development other than single-family attached or detached, or duplex residences. (Expansion of nonconforming situations are governed by Subsection 33.570.210 of this Chapter.)

33.570.130 Gates. In addition to the regulations contained in Chapter 33.90 (Yards), the following applies:

If a gate is constructed across a vehicle accessway, it must be located at least 20 feet back from the interior edge of the sidewalk. Where no sidewalk is present, the gate must be a minimum of 20 feet back from the property line adjacent to the right-of-way.

33.570.200 Exceptions. An exception from the regulations of this Chapter is a Type II procedure assigned to the Hearings Officer. The applicable approval criteria are:

A. The exception is consistent with the purpose and site development objectives of the T Zone and any applicable community plan and/or neighborhood plan policies;

B. The development will have safer or more convenient pedestrian access to the light rail transit station than development meeting the Code requirements;

C. The location of the development will not preclude future development that would better meet the requirements of this Chapter; and

D. The regulation is one for which an exception may be granted.

33.570.210 Nonconforming Situations.

A. The nonconforming use regulations of Title 33 apply. Where land use review is required, the approval criteria of the nonconforming use regulations and the following criteria must be met:

1. For a change from one nonconforming use to another nonconforming use: the current building, buildings or other substantial site improvements make conversion to a use listed in the zone of this Chapter impractical; and

2. For an expansion or for a change of use, the change or expansion will have fewer negative impacts than the most recent use considering:

a. The character of the use and the development of the surrounding area;

b. The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line;

c. The comparative numbers and kinds of vehicular trips to the site;

d. The comparative amount, placement and nature of outside storage, loading and parking; and

e. The mitigation of any existing nuisance impacts.

33.570.220 Conditional Uses.

A. In addition to the conditional uses allowed by the underlying zones, the following may be permitted as conditional uses in the C3, C2, M3 and GE Zones:

1. Structured or surface fee parking as defined in 33.111.240 (Vehicle Services).

B. In addition to the conditional uses allowed by the underlying zone, the following may be permitted as conditional uses in the RH Zone:

1. Park-and-ride lots or structures as defined in 33.111.350 (Public Service).

C. In approving the uses of Subsection 33.570.220 A. and B. above, the applicable standards of 33.570.050 C. (1 through 3) and the standards of this Subsection must be met.

1. The primary vehicle entrance and exit must be onto other than a street containing a light rail line.

2. Any secondary vehicle entrances or exits onto a street containing a light rail line must be approved by the Office of Transportation consistent with the objectives of this Chapter and/or as necessary to ensure safe traffic flow.

D. In approving any conditional use allowed by the base zone or allowed above, the following criteria will be considered in addition to the standards of Chapter 33.106 (Conditional Uses):

1. The site area is adequate for the proposed use and the applicable site development regulations in this Chapter can be met;

2. There are adequate public facilities to serve the proposal; and

3. The applicable light rail goals and policies of adopted community and/or neighborhood plans are met.

Chapter 33.630

GREENWAY REGULATIONS

(Added by Ord. No. 160237 passed Nov. 5,
1987 effective Jan. 1, 1988.)

Sections:

- 33.630.010 Purposes.
- 33.630.020 Applicability.
- 33.630.030 Short Names.
- 33.630.040 Review and Approval.
- 33.630.050 Greenway Approval Exemptions.
- 33.630.060 Greenway Goal Exceptions.
- 33.630.100 Greenway Overlay Zones.
- 33.630.200 Greenway Development Standards.
- 33.630.300 Public Recreational Trails.
- 33.630.310 Public Viewpoints.
- 33.630.320 View Corridors.
- 33.630.400 Fills, Excavations and Structures.

33.630.010 Purposes. The purposes of the Greenway regulations are to:

A. Protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational

qualities of lands along Portland's rivers; and

B. To establish criteria, standards and procedures for the development of land, change of uses and the intensification of uses within the Greenway; and

C. To increase public access to and along the Willamette River for the purpose of increasing recreational opportunities, providing emergency vehicle access, assisting in flood protection and control, providing connections to other transportation systems and helping to create a pleasant, aesthetically pleasing urban environment;

D. To implement the City's Willamette River Greenway responsibilities pursuant to ORS 390.310 to 390.368.

33.630.020 Applicability.

A. This Chapter applies to all lands within the Greenway Plan boundary designated on the Official Zoning Maps with River Industrial, River Development, River Recreational or River Natural overlay zones.

B. In addition to 33.630.020 A above, the provisions of 33.630.300 Public Recreational Trails apply to all lands designated on the Willamette Greenway Plan with the recreational trail symbol.

33.630.030 Short Names.

The Greenway overlay zones are also referred to by the short names listed below. Lower case versions of the short names are used on the Official Zoning Maps.

<u>Full Name</u>	<u>Short Name</u>	<u>Official Zoning Map Symbols</u>
River Industrial	RI	ri
River Development	RD	rd
River Recreational	RR	rr
River Natural	RN	rn

33.630.040 Review and Approval.

A. All new developments, changes of use or intensification of uses, except those exempted in 33.630.050, are subject to review by the Planning Bureau and must obtain Greenway Approval before the issuance of a building permit.

B. In order to obtain Greenway Approval, the development, use or intensification of use must:

1. Be a use permitted by the overlay zone; and

2. Meet the Greenway Development Standards specified in Section 33.630.200; and

3. Meet the Public Recreational Trail, Viewpoint and View Corridor requirements specified in Sections 33.630.300 - 320, if applicable; and

4. Meet the Fill, Excavations and Structures requirement specified in Section 33.630.400, if applicable.

C. Written application for Greenway Approval must be filed at the Bureau of Planning, in accordance with Chapter 33.215 Procedures.

D. All applications are processed as follows:

1. River-dependent or river-related industrial applications will be processed using a Type I procedure, provided that no fills, excavations or nonriver-dependent structures are proposed riverward of the top of bank, or within 50 feet of an RN Zone, and provided that the use is not located in an RN Zone. Applicants whose Type I application was denied and are reapplying using a Type III procedure, will be reviewed by the Hearings Officer.

2. All other river-dependent or river-related industrial applications will be processed using a Type II procedure. The Hearings Officer will be the review body.

3. All other applications, except those requiring a Greenway Goal Exception, will be processed using a Type II procedure. The Hearings Officer will be the review body for all but the Greenway design guidelines, which will be reviewed by the Design Commission.

4. Greenway Goal Exceptions are a Willamette Greenway Plan amendment and will be processed using a Type III procedure and be heard by the Hearings Officer. In addition, the application must go to City Council for final local approval, using the Post-Acknowledgment Review procedure.

E. Upon accepting an application for Greenway Approval, the Bureau of Planning will forward a copy of the application to the Parks and Recreation Division of the Oregon Department of Transportation, to be sent certified mail - return receipt requested. The results of all final actions will also be forwarded to the Parks and Recreation Division.

33.630.050 Greenway Approval Exemptions. The following activities and uses are not required to obtain Greenway approval:

A. Changes of use where there are no major exterior alterations to buildings or structures, or increases in floor area, impervious surfaces or storage area.

B. The sale of property.

C. The normal maintenance and repair necessary for an existing use.

D. Emergency procedures necessary for the safety or protection of property. This does not include revetments.

E. Activities permitted by the base zoning which are usual and necessary for the use and enjoyment of an existing residence, including the modification of existing accessory structures or facilities and the construction of driveways.

F. Dredging, channel maintenance and the removal of gravel from rivers.

G. The placement of up to four single piles or two multiple-pile dolphins for each 100 feet of shoreline for an existing river-dependent or river-related use.

33.630.060 Greenway Goal Exception.

A. When a Greenway goal exception is required. An exception to Statewide Planning Goal 15 Willamette River Greenway is required for a nonriver-dependent or nonriver-related use to locate, fill or construct structures within or riverward of the Willamette River Greenway setback. This also applies to nonriver-dependent or nonriver-related accessory uses or development associated with a river-dependent or river-related use. A Greenway goal exception is not required to add revetments to a riverbank. Bridges and their exit and entrance ramps, when

supported by fill, as opposed to piers or pillars, are not river-dependent or river-related uses and require a goal exception. Houseboat moorages require a goal exception.

B. Approval Criteria. The City must find the applicant to have shown that:

1. The proposed use is permitted outright to through the conditional use process in the base zone; and

2. The use will not have a significant adverse effect on the inventoried greenway values of the site under consideration or on adjacent land or water areas; and

3. The use will not significantly reduce the sites available for river-dependent or river-related uses within the City; and

4. The use will provide a significant public benefit; and

5. The use is consistent with the Legislative findings and policy in ORS 390.314 and the Willamette Greenway Plan approved by LCDC under ORS 390.322; and

6. The use cannot reasonably be accommodated in a location not requiring a goal exception; and

7. Of all other potential locations within the Greenway requiring a goal exception, there are none with significantly better long-term environmental, economic, social and energy consequences after mitigation measures; and

8. The proposed use is compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

33.630.100 Greenway Overlay Zones.

A. Intent. The intent of the Greenway overlay zones is to implement the land use pattern identified in the Willamette Greenway Plan. The focus of the Greenway overlay zones is on river-dependent and river-related industrial and recreational uses, natural and scenic areas, while allowing for other nonriver-dependent and nonriver-related uses. The intent of each of the overlay zones is as follows:

1. River Industrial - The RI overlay zone encourages and promotes the

development of river-dependent and river-related industries which strengthen the economic viability of Portland as a marine shipping and industrial harbor, while preserving and enhancing the riparian habitat and providing public access where practical.

2. River Development - The RD overlay zone allows for uses and development consistent with the base zoning, which allow for public use and enjoyment of the waterfront and enhance the river's natural and scenic qualities.

3. River Recreational - The RR overlay zone encourages river-dependent and river-related recreational uses, which provide a variety of types of public access to and along the river, and enhance the river's natural and scenic qualities.

4. River Natural - The RN overlay zone protects, conserves and enhances land of scenic quality or of significant importance as wildlife habitat.

B. Permitted Uses. Only the uses listed in Table 630-1 are permitted in the Greenway overlay zones provided they are allowed outright or through the conditional use process in the base zone.

Table 630-1

USES PERMITTED IN THE GREENWAY OVERLAY ZONES

<u>Greenway Overlay Zones</u>	<u>Permitted Uses</u>
River Natural	All uses permitted by the base zone; utility corridors, public and rail rights-of-way.
River Development	All uses permitted by the base zone; utility corridors, public and rail rights-of-way.
River Recreational	River-dependent and river-related recreational uses; nonriver-dependent and nonriver-related accessory uses or developments associated with the primary recreational use; utility corridors, public and rail rights-of-way.
River Industrial	River-dependent and river-related Greenway industrial uses;* other uses permitted by base zone;** utility corridors, public and rail rights-of-way.

* "Greenway industrial use" is defined in Chapter 33.12.

** These uses may not locate on parcels fronting the river, unless the City finds the applicant to have shown the site to be unsuitable for river-dependent and river-related industrial uses.

33.630.200 Greenway Development Standards. (Amended by Ord. No. 160606 effective July 1, 1988.)

A. Intent. The intent of the Greenway development standards are to ensure that the goal and objectives of the Willamette Greenway Plan are met.

B. Greenway development standards. All of the following must be met to obtain Greenway approval in any of the overlay zones:

1. Greenway setback. The greenway setback is a minimum of 25 feet measured from the top of the bank. Nonriver-dependent and nonriver-related uses cannot fill, excavate or locate within or riverward of the Greenway setback without obtaining a Greenway goal exception.

2. Floor area ratio. A maximum floor area ratio (FAR) limitation of 2:1 for the first 200 feet inland, measured from the ordinary high water line, and a FAR of 4:1 for the next 200 feet is to be applied to all applications, unless the site:

a. Is already subject to a more restrictive FAR; or

b. Is located in the Central City Plan District, where the Central City Plan District's FAR limits and regulations control; or

c. Is an industrial use in an HI, GI, M1 or M2 base zone.

3. Landscaping:

a. Landscape treatment is provided which preserves or re-establishes vegetative cover within the Greenway setback, according to the standards specified below. This is in addition to any landscape requirements of other chapters of this title, although the Greenway landscape requirements may be included in any overall percentage-of-site landscape requirements. The landscape requirements may be waived in all but the RN overlay zone for those portions of a river-dependent or river-related use where the City finds the applicant to have shown that it would interfere with the functioning of the proposed use or pose a fire safety hazard.

b. The landscape treatment standards are:

(1) A minimum of 1 tree for every 20 feet of river frontage;

(2) A minimum of 1 shrub for every 2 feet of river frontage. If the Greenway trail is proposed to be wider than 12 feet, the shrub calculations will be based on a minimum of 1 shrub per 25 square feet of unpaved or unrevetted area within and riverward of the Greenway setback;

(3) Living ground cover for the remaining unpaved and unrevetted surfaces;

(4) These plants are to be generally planted within and riverward of the Greenway setback;

(5) Areas of high human use providing public access to the river, such as water access areas in a park, may also be excluded from the shrub calculations.

c. The standards are for calculation purposes only, and do not require or imply linear planting. Grouping of trees and shrubs is encouraged, particularly on the riverbank.

d. All landscaping plans in the Willamette Greenway are required to meet the regulations in Chapter 33.520 Landscaping and Screening.

4. Navigation. The City finds the applicant to have shown that the proposed use or development will not restrict boat access to adjacent properties, or interfere with the commercial navigational use of the river, including transiting, turning, passing and berthing movements.

5. Design guidelines. The City finds the applicant to have shown that the Willamette Greenway design guidelines have been met, unless an owner can demonstrate to the City's satisfaction that a guideline cannot be met but that the resulting project will meet the Greenway goal and objectives through alternate means.

6. RN overlay zones. On lands with River Natural overlay zoning:

a. The proposed development, use or intensification of an existing use, will not have a significant detrimental environmental impact on the wildlife, wildlife habitat and scenic qualities of the site and adjacent lands. The documentation

must include the impacts of construction and the long-range impacts of the proposal on the site and adjacent lands, and proposed mitigation measures to minimize adverse impacts; and

b. Any required recreational trail is designed in such a way as to minimize disturbance of the natural environment.

33.630.300 Public Recreational Trails.

A. Intent. The public recreational trail requirements are intended to help meet the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

B. Dedication of right-of-way or easement. All new developments, changes of use or intensifications of uses for nonriver-dependent and nonriver-related uses on lands designated with recreational trail symbols on the Willamette Greenway Plan are required to dedicate right-of-way or an easement for the recreational trail.

C. Provision of trail. All applications for Greenway approval on lands designated with recreational trail symbols on the Willamette Greenway Plan may be required to provide a recreational trail.

D. Trail standards and guidelines. The recreational trail must comply with City construction standards for recreational trails and meet the trail design guidelines contained in the Greenway Plan.

E. Use of trail. Public use and conduct on the recreational trail are subject to the regulations in Chapter 12 of Title 22 of the Code of the City of Portland, except as otherwise limited by the terms of an easement between the applicant and the City.

F. Hours of use. The recreational trail and access paths must be open to the public between the hours of 5 a.m. and 10 p.m., except as otherwise limited by the terms of an easement between the applicant and the City.

G. Trespass. Nothing in this Chapter 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.

H. Trail maintenance and liability.

1. City maintenance. The City will accept maintenance and liability, similar to its responsibilities for City-owned park property, for a recreational trail segment if the City Engineer or Superintendent of the Bureau of Parks finds the following:

a. The applicant requests that the City assume the responsibilities; and

b. The trail lies within an easement or right-of-way granted to the City for trail purposes; and

c. The trail has been constructed and landscaped to City standards; and

d. The trail is physically continuous for at least 1/4 mile along the designated route. This requirement will be waived if the trail has not been made part of a physically continuous segment of at least 1/4 mile within 2 years after completion of the segment under consideration; and

e. When 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 any nature, caused or arising out of the actions of such private security force, its subcontractors, agents or employees.

2. Applicant maintenance. The applicant retains maintenance and liability responsibilities unless these responsibilities are accepted by the City. Where the applicant retains maintenance and liability responsibilities, the trail segment must be maintained at a level at least equal to those segments maintained by the City.

33.630.310 Public Viewpoints.

A. Intent. The public viewpoint requirements are intended to help meet the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

B. Provision of viewpoints. All applications for Greenway approval on lands designated with a viewpoint symbol on the Willamette Greenway Plan may be required to provide a public viewpoint.

C. Viewpoint guidelines. Public viewpoints must meet the viewpoint guidelines contained in the Greenway Plan.

D. Additional regulations. The use of trail, hours of use, trespass and trail maintenance and liability requirements specified in Section 33.630.300 apply to public viewpoints, except that under Subsection d., Trail maintenance and liability, the viewpoint must be located along the physically continuous trail segment.

33.630.320 View Corridors.

A. Intent. The view corridor requirements are intended to help meet the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

B. Provisions of corridors. All view corridors identified on the Willamette Greenway Plan are to meet the design guidelines contained in the Greenway Plan.

33.630.400 Fills, Excavations and Structures.

A. Intent. The intent of these regulations is to limit fills and structures within the Willamette River Greenway to conserve the water surface area of the river, ensure that they will not have a detrimental impact on the use and functioning of the river and adjacent parcels, and conserve, enhance and maintain the natural habitat and scenic qualities of lands along the Willamette River. The regulations discourage their use when a practical alternative is available.

B. Applicability. All fills, excavations and structures within and riverward of the Greenway setback, except as stated in C.3 below, must meet the requirements of this Section. In addition to any City requirements, the applicant is also required to obtain separate approvals from the Division of State Lands and the U.S. Army Corp of Engineers.

C. General Requirements.

1. These regulations supersede and void any fill requirements in a base zone which apply within or riverward of the Greenway setback or in or within 50 feet of

an RN overlay zone.

2. Fills and excavations in the RN overlay zone are considered to be an intensification of use and are also subject to the RN development criteria.

3. Docks and wharfs for river-dependent and river-related uses where no fill is involved are exempt from the requirements of this Section.

4. Nonriver-dependent or nonriver-related uses applying to fill or construct structures within or riverward of the Greenway setback are required to obtain an exception to Statewide Planning Goal 15 Willamette River Greenway, as prescribed in 33.630.060.

5. Revetments for nonriver-dependent and nonriver-related uses do not require a Greenway goal exception.

D. Fills, excavations and structures within a RN Zone. Fills and excavations within an RN overlay zone must be for the purpose of mitigating significant streambank erosion, bank enhancement, the construction of a recreational trail, or the enhancement of wildlife habitat, and done in such a manner that it will not have a significant detrimental environmental impact on the RN land. Structures may be permitted if the City finds the applicant to have shown that the structure will not have a significant detrimental environmental impact on the RN land.

E. Fills within the Greenway setback or within 50 feet of an RN Zone. Fills within the Greenway setback or within 50 feet of an RN overlay zone are allowed provided the City finds the applicant to have shown that the fill will not have a significant detrimental environmental impact on the riverbank or land within the RN overlay zone.

F. Fills and structures riverward of the Greenway setback. All fills over 50 cubic yards and structures riverward of the Greenway setback are allowed provided the City finds the applicant to have shown that:

1. It is in conjunction with a river-dependent or river-related use. An exception to this requirement is provided for in Section 33.630.060;

2. There are no practical on-site

alternatives which achieve the same level of public benefit;

3. The proposal has significant public benefit;

4. It will not result in the significant loss of biological productivity in the river;

5. The fill or structure will not extend beyond the Port of Portland's wharf line;

6. It will not interfere with commercial navigation (including transiting, turning, passing and berthing movements), or with fishing use of the river or significantly add to recreational boating congestion;

7. The bank will be protected from wave and wake damage;

8. It will not significantly interfere with publicly-used sandy beach areas;

9. It will not restrict boat access to adjacent properties; and

10. If within 50 feet of an RN overlay, fills or excavations must be done in such a manner that it will not have a significant detrimental environmental impact on the RN land.

Chapter 33.635

ENVIRONMENTAL CONCERN ZONE

(Added by Ord. No. 160890 effective
July 15, 1988.)

Sections:

- 33.635.010 Purpose of the
Environmental Regulations.
- 33.635.020 Zone Names And Symbols.
- 33.635.030 Subareas of the
Environmental Zones.
- 33.635.040 Coordination Between
Regulatory Agencies.
- 33.635.050 Uses Allowed.
- 33.635.060 Environmental Review and
Approval Required.
- 33.635.070 Procedure And Review Body
For Environmental Review.
- 33.635.080 Environmental Review
Approval Criteria.
- 33.635.090 Site Development Regulations.
- 33.635.100 Natural Resource Management
Plans.
- 33.635.110 Exceptions To Environmental
Regulations.
- 33.635.120 Impact Evaluation.
- 33.635.130 Mitigation Plans.

33.635.010 Purpose of the Environmental Regulations. The environmental regulations are designed to implement the Comprehensive Plan policies and objectives and to protect natural resources and their natural resource values. These resources and their values have been identified by the City in the inventory and the economic, social, environmental, and energy (ESEE) analysis as important for the benefit of the public. Some natural resource areas have been determined to need more protection than others. Therefore, this Chapter consists of two overlay zones with different levels of regulation and requirements.

The regulations of the Environmental Conservation zone are intended to allow development in situations where any adverse impacts from the development can be mitigated. The regulations of the Environmental Natural Zone are intended to

limit development in areas that are determined to be of such significant value that most development would have a detrimental impact.

The regulations provide for a transition area around the natural resource area to be protected. The purpose of the transition area is to protect the adjacent natural resource by ensuring that development in the transition area will not harm the natural resource area.

The regulations of this Chapter are an important element in the City's compliance with Statewide Land Use Goal 5. The regulations also encourage coordination between City, State, and Federal agencies that are concerned with regulatory programs, especially with wetlands and water bodies.

33.635.020 Zone Names And Symbols. The environmental overlay zones are also referred to by the short names listed below and are shown on the official zoning maps with the symbols listed below. Collectively, the zones are called the environmental zones or the E zones.

<u>Full Name</u>	<u>Short Name</u>	<u>Map Symbol</u>
Environmental Conservation	EC	ec
Environmental Natural	EN	en

33.635.030 Subareas Of The Environmental Zones. The environmental zones are divided into two subareas:

A. Natural resource area. This is the land containing the natural resource areas to be protected, and other lands necessary to protect the resource from conflicting development and activities; and,

B. Transition area. This is the land around the edges of the natural resource area that constitutes a transition area for the natural resource area. The first 25 feet of the environmental zone, measured inward from the E zone boundary, is the transition area.

33.635.040 Coordination Among Regulatory Agencies. The provisions of this Chapter contain the City's regulations for areas within EC and EN zones. The regulations of other agencies may also apply to individual sites. Possible affected agencies include: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, Oregon Division of State Lands, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, and local drainage districts. The City will notify the U.S. Army Corps of Engineers, the Oregon Division of State Lands, and other appropriate agencies when requests for environmental review in EC or EN zones are received. This does not guarantee participation by other agencies nor does it insure that City approval will result in approval by other regulatory agencies. Because other agencies may have more restrictive regulations than the City, applicants are encouraged to contact all regulatory agencies for information and advice before development plans are completed.

33.635.050 Uses Allowed. The regulations of this Chapter do not restrict the classification of uses and activities which may be allowed on a site under the base zone. However, the amount and placement of uses and activities may be limited to conform with the regulations of this Chapter.

33.635.060 Environmental Review and Approval Required.

A. Purpose. The requirement for environmental review of activities and development in environmental zones is intended to provide adequate protection for the identified natural resources. The review is also intended to provide for flexibility and reasonable development opportunities when development is sensitive to the special environmental concerns of the site.

B. Review and approval. Environmental review and approval is required for all development or activities listed in this subsection. Approval is

required prior to the start of the following development or activities:

1. New development;
2. Fills and excavations, including those under 1000 cubic yards in size, and modification of drainage patterns, except as provided for in subsections C.3., 4., and 8. below;
3. Site modifications, including changes to the size or location of parking and maneuvering areas, loading areas, exterior storage, landscaped areas, or identified resources;
4. Exterior expansion of any building, or change or expansion of any exterior use or activity;
5. New above or below ground utilities not in public rights-of-way except as provided in subsection C.6.;
6. Dedication of new public rights-of-way, including extensions of existing rights-of-way except as provided in Subsection C.8.;
7. Herbicide application, removal of trees, or cutting, mowing, or removal of any noncultivated vegetation except Himalayan and evergreen blackberries and tansy ragwort;
8. Resource enhancement activities;
9. Freestanding signs; and
10. Intensification of any existing uses or activities, including increasing the amount of land in cultivation or grazing.
11. Change of use except as provided in subsection C.1.

C. Items Exempt From Environmental Review. The following items are exempt from environmental review in both the EC and EN zones:

1. Change of use where there are no exterior alterations to buildings or structures, or increases in floor area, impervious surfaces, or storage area, except as provided in subsection B.3., or no increase of or change of use of hazardous substances;
2. Sale of property;
3. Normal maintenance and repair necessary for an existing use, including flood control, irrigation, and water control facilities;

4. Customary dredging and channel maintenance of existing drainage facilities, to include vegetative maintenance for access and stormwater/flood control purposes within and adjacent to drainageways, but not the placement of fill or dredge spoils except for temporary storage outside a wetland or water body;

5. Temporary emergency procedures necessary for the safety or protection of property;

6. Single utility poles required to provide service to the local area;

7. Development in compliance with an approved natural resource management plan;

8. Public right-of-way dedication and improvement projects which are subject to federal environmental review conforming to the National Environmental Protection Act (NEPA) of 1969, and right-of-way dedications for widening when right-of-way is needed to insure a contiguous width of existing rights-of-way;

9. Groundwater monitoring wells when constructed to standards approved by the City; and,

10. Existing uses, including agricultural and tree farming activities, except as regulated in 33.635.060(B).

D. Environmental review for modification of E zone boundaries.

E zone boundaries may be modified as part of environmental review through the procedures described in subsection 635.070.A.3. only to reflect new resource boundaries when accompanied by the incorporation of mitigation sites necessary to offset resource value impacts into the E zone. All other requests for boundary changes are processed as provided for in Chapter 33.102, Zone Changes.

33.635.070 Procedures And Review Body For Environmental Review.

A. Procedures.

1. A pre-application conference is required for all reviews for development or activities in natural resource areas.

2. In transition areas in both the EC and EN zones, development or activities

as described in Subsection 635.060 B. within the transition area are reviewed through a Type II procedure.

3. In natural resource areas, except as provided for in Section 635.100, Resource Management Plans:

a. In EC zones, development or activities as described in Subsection 635.060 B. within the natural resource area in EC zones are reviewed through a Type II procedure.

b. In EN zones, development or activities as described in Subsection 635.060 B. within the natural resource area in EN zones are reviewed through a Type III procedure.

B. Review body. The Hearings Officer is the review body for environmental reviews.

C. Special evaluation by a trained professional. Upon a finding that additional expertise is warranted due to exceptional circumstances, the Planning Director may hire a professional with expertise in the applicable natural resource or potential adverse impacts on the natural resource to evaluate proposals and make recommendations to the review body. This provision will be applied only to proposals to develop in the natural resource area. The fee for these services will be charged to the applicant in addition to the application fee; the fee will be limited to a maximum of 0.3% of the estimated value of the proposed improvements.

D. Requests for response. The City will send notice of pre-application conferences and applications to other public agencies and recognized neighborhood/business associations which are concerned with the applicable natural resources and resource values on a site. This notice may request response and recommendations on the merits of the application including the adequacy of any proposed mitigation plan.

E. Supplemental Application Requirements For Environmental Review. In addition to the standard application requirements of Section 33.215.120, the following supplemental requirements apply:

1. Special site plan requirements:

a. The site plan must clearly show the boundaries of the natural resource area and the transition area at a scale of 1"=100' or greater. Location of the E zone shall be based upon the maps adopted with the ESEE analysis for the area.

b. Additional Site Plan Requirements. In addition, the site plan must show:

- (1) Proposed site contouring;
- (2) Proposed stormwater management and disposal;
- (3) Existing or proposed, above or below ground utilities;
- (4) Proposed right-of-way dedications;
- (5) Groves of trees and all other individual trees greater than six inches in diameter at 5 feet above the ground;
- (6) Other vegetation cover types, general distribution, and identification of vegetation affected by the proposed project;
- (7) Proposed trails or outdoor recreational spaces;
- (8) Existing floodplains and elevations; and
- (9) Proposed sanitary waste disposal systems.

2. The following information is required in either a site plan or narrative form, or in a combination of the two:

a. A detailed description of any proposed mitigation plans, on-site or off-site.

b. A construction management plan. A construction management plan must show enough detail to fully address the concerns described in Subsection 635.090 A.10.

33.635.080 Environmental Review Approval Criteria. Development or activities in E zones will be approved when the following criteria are met.

A. Development within transition areas in both EC and EN zones.

1. Development within the transition area will not result in significant adverse impacts on adjacent natural resource area from any change of drainage patterns, erosion, sedimentation, hazardous material spills, litter, or exterior lighting;

2. The proposed construction management plan is adequate to protect the adjacent natural resource area; and

3. The proposal will conform to all relevant regulations of Section 635.090, Site Development Regulations.

B. Development within natural resource areas in the EC zone.

1. The proposal has as few adverse impacts on resource values as is practical. The determination of least practical impacts is made on a case-by-case basis, through impact evaluation, as required in Section 635.120, Impact Evaluation. The case-by-case evaluation also takes into consideration the economic, social, environmental, and energy (ESEE) analysis for the site;

2. Any adverse impacts on the resource values are compensated for through a mitigation plan, as required in Section 33.635.130, Mitigation Plans;

3. The proposed construction management plan is adequate to protect remaining natural resource areas during the construction period; and

4. The proposal will conform to all relevant site development regulations of Section 33.635.090, Site Development Regulations.

C. Development within natural resource areas in the EN zone.

1. Approval criteria for resource enhancement: Any mitigation as provided in Section 33.635.130, Mitigation Plans, is adequate to ensure that there will be no net loss of natural resource and resource values and that the objectives of the enhancement plan will be achieved.

2. Approval criteria for all other development or activities:

a. There are no alternative sites suitably zoned for the use intended or methods of development available within the City which would have less impact on natural resources;

b. An analysis of the economic, social, environmental, and energy consequences finds that there is a public need for the development in the natural resource and the public need or benefit resulting from the development outweighs

the detrimental impact on the natural resource;

c. All detrimental impacts on resource values are compensated for through a mitigation plan, as provided for in Section 33.635.130, Mitigation Plans;

d. The proposed construction management plan is adequate to protect remaining natural resource areas during the construction period; and

e. The proposal will conform to all relevant site development regulations of Section 33.635.090, Site Development Regulations.

33.635.090 Site Development Regulations.

A. Development in transition areas. The following development requirements are designed to ensure that development within the transition area will not significantly adversely affect adjacent natural resource areas. Consideration of the visual protection of the resource area is also included in the content of the regulations.

1. Building placement. This standard is intended to protect adjacent resource areas by allowing for solar access, and controlling the scale and bulk of buildings near resources.

a. Height at the natural resource area boundary. A building or structure up to 25 feet in height may be placed on the boundary of the natural resource area.

b. Setback for additional height. A setback of at least one foot for every one foot in height over 25 feet is required from the natural resource area boundary to any portion of a building or structure. For example, a 35-foot high building must be placed at least 10 feet from the natural resource area boundary.

2. Drainage and topography.

a. The site must be contoured, planted, or developed to prevent drainage of hazardous materials as described in Section 33.455.125, Use of Hazardous Materials, and in the Resource Conservation and Recovery Act of 1976 (Federal Register 40 CFR 261.33) and the Comprehensive Environmental Response, Compensation, and

Liability Act of 1980, as amended (Federal Register 40 CFR Part 302, Table 302.4), and reduce to the minimum practical level erosion, pollution, or sedimentation from proposed development or activities into the adjacent natural resource area.

b. Water pollution mitigation measures may be required as a condition of approving the discharge of runoff into a resource or into a stormwater drainage facility which discharges into a resource. Stormwater drainage from impervious surfaces, construction areas, and other areas subject to significant pollution from land uses and activities may be required to pass through a passive treatment facility, such as a settling pond or wetland, to avoid adverse impact on the resource. Where such measures or facilities will be required, the type of measure or facility, will be determined by the Bureau of Environmental Services. Preferred treatment is with natural pollution control systems compatible in character with the natural resource.

3. Auto and truck areas. These regulations are intended to provide a transition between the natural resource area and development, to assist in controlling runoff, and to protect the visual amenity values of the natural resource.

a. Auto maneuvering and parking areas. Any auto maneuvering and parking areas must be set back at least 10 feet from natural resource area boundaries and be landscaped at an L2 level as stated in Chapter 33.520, Landscaping.

b. Truck loading, maneuvering, and parking areas must be set back at least 10 feet from natural resource area boundaries and landscaped at an L3 level as stated in Chapter 33.520, Landscaping.

4. Exterior development.

a. Exterior activities as defined in section 33.455.215, except for river-related and river-dependent uses, are prohibited due to their potential for adverse impacts on adjacent natural resource areas.

b. Exterior storage and display areas must be set back at least 10 feet from resource area boundaries and landscaped at an L3 level as stated in Chapter 33.520, Landscaping.

5. Landscape materials. The landscape materials requirement of this subsection, and of the buffering provisions above, are intended to provide a transition between the proposed development and the natural resource, provide opportunity for food or cover for animals located in the natural resource area, and to protect the visual amenity values of the natural resource.

a. Except as in subsection b, the first 10 feet of landscaping, measured from the natural resource boundary line, must be planted with plant species native to the Willamette Valley, or to the Pacific Northwest, as described in Section IV C, Landscaping, of the Willamette River Greenway Plan. This requirement applies to all landscaping whether required or optional.

b. Where the identified natural resource does not include native plant species as a characteristic or value, landscaping may be similar in type and character to that in the natural resource area.

6. Lighting. Exterior and interior lights must be placed so that they do not shine directly into natural resource areas.

7. Trash collection areas. Trash collection areas are not allowed.

8. Vegetation. Existing vegetation, including trees, shown on the site plan, should be maintained and retained to the extent possible.

9. Construction management. The construction phase of the development must be done in such a manner to safeguard the portions of the site within an E zone that have not been approved for development so that construction equipment, construction materials, excess fill, runoff, et cetera. will not ultimately harm the natural resource area.

B. Development in the natural resource area. Development of trails, rest points, view points, and other facilities for the enjoyment or enhancement of the resource must be done in such a manner to reduce impacts on the natural resource while allowing for the enjoyment of the natural resource.

C. Development in natural resource management plan areas. Development in areas covered by a natural resource management plan must conform to the requirements of the plan. The site development regulations of Subsections A. and B. above apply unless the plan states otherwise.

33.635.100 Natural Resource Management Plans.

A. Purpose of natural resource management plans. Natural resource management plans provide an alternative approach to individual environmental reviews for conservation of significant natural resources and preservation of the resource values. The plan may be either comprehensive in its treatment of resources within the management plan area, or it may be a functional plan which addresses a single or limited range of resources and resource values. Examples of a functional plan might be a 40-Mile Loop implementation plan or a drainageway development plan. Plans should cover large natural resources, such as a creek or slough, which may pass through many ownerships, or large areas which may have many protected natural resources and many ownerships. The plan provides a means for a single environmental evaluation and review of a large ecosystem. This process is not intended for small parcels. The process allows for coordination with other local, state, and federal agencies to provide consistency in implementation of environmental related regulations. A natural resource management plan will also result in more certainty for land owners and in more rapid processing of development requests.

B. What is covered in a plan.

1. A natural resource management plan must cover all significant natural resources protected by the environmental zone(s) within the plan boundaries which are relevant to the scope of the plan. The plan must address all of the identified resource values of the natural resource areas which are significantly affected by actions or developments

addressed in the plan.

2. The plan may also address concerns of other governmental agencies if the plan is being developed to be used concurrently by other agencies.

3. Management objectives which maintain or enhance identified resource values should be included.

C. Details and content of the plan.

1. The plan must be of adequate detail, description and mapping to provide site specific certainty to property owners and to allow Bureau of Planning staff to review all development proposals for compliance with the plan.

2. The plan may include additional site development regulations to, or exemptions from, the site development regulations of this Chapter.

3. The plan must also identify:

a. Where development is and is not allowed and the types of development allowed;

b. The location and type of any mitigation measures;

c. The timing of development, mitigation measures, and other improvements; and

d. The manner in which all requests for exceptions to an approved plan will be processed.

D. Adoption procedure for a plan.

1. A natural resource management plan may be implemented through a Plan District, Urban Renewal District or master plan.

2. Natural resource management plan approval requests are to be assigned to the Planning Commission.

3. Amendments to or removal of a plan are also assigned to the Planning Commission.

4. Development of the plan may be done by the City, other government agency, or affected property owners.

E. Approval criteria for adoption of a plan. A natural resource management plan may be adopted if it is found that:

1. The plan is consistent with the purpose of the E zone; and

2. The plan meets the approval

criteria contained in Section 33.635.080, Environmental Review Approval Criteria, except Subsections A.3., B.4., and C.2.e.

33.635.110 Exceptions To Environmental Regulations. Modifications of the site development standards of this Chapter may be approved as provided in Chapter 33.98, Exceptions. The only requirements of this chapter that are eligible for modification are those that are specifically listed in Section 33.98.015, Types of Variances. The regulations of the base zone, other overlay zones, or plan districts are subject to their specific exception reviews.

33.635.120 Impact Evaluation. An impact evaluation is required for any use or activity requiring review in the natural resource area, as described in Subsection 635.060.B.

A. The difference between natural resources and resource values.

1. Natural resources. A natural resource is the physical resource itself. Natural resources that are regulated by this Chapter are significant:

a. Wetlands;

b. Water bodies and riparian areas;

c. Fish and wildlife habitat areas; and

d. Ecologically and scientifically significant natural areas.

An environmental overlay zone may be placed on a site due to the presence of one or more of these resources. The adopted inventory of natural resources and the ESEE analysis contain additional information about the significant resources at individual sites.

2. Resource values. Significant natural resources are important because of their resource values. Resource values are the functional values of a resource. They may be physical functions. For example, two resource values of a wetland could be: 1) The ability to provide stormwater detention for "x" units of water draining "y" acres, and 2) The ability to provide food and shelter for "z" varieties of migrating

waterfowl. Resource values may also be aesthetic, educational, or other non-physical functions. For example, an unusual native species of plant in a resource would be of educational, heritage, and scientific value for that resource.

Most resources will have many resource values. Some general categories of resource values are:

- a. The provision of groundwater recharge and discharge;
- b. The provision of flood storage and desynchronization;
- c. The provision of domestic water supplies;
- d. The provision of shoreline anchoring and dissipation of erosive forces;
- e. The provision of sediment trapping;
- f. The provision of nutrient retention and removal;
- g. The provision of pollution control (to maintain water quality);
- h. The provision of habitat for fish and wildlife;
- i. The provision of recreational opportunities;
- j. The provision of visual amenities and character; and
- k. The retention of heritage value.

The adopted inventories and ESEE analyses contain more information on the types of resource values in individual natural resource areas.

B. Impact evaluation process. The following steps describe the process for evaluating the impacts of a proposal.

1. The natural resources are defined;
2. The resource values of the identified natural resources are defined by characteristics and quantity;
3. The impacts of the proposal on the natural resources and resource values are determined;
4. Alternative locations, design modifications, or alternative methods of development on the subject property which would reduce the impacts on natural resources shall be preferred; and
5. Any resulting degradation or

loss of resource values are compensated for according to a mitigation plan as outlined in Section 33.635.140.

33.635.130 Mitigation Plans.

A. Definition. A mitigation plan is a plan to compensate for adverse impacts on natural resource values identified in the ESEE analysis as being of public benefit. It may also be a plan to improve a natural resource area through enhancement of resource values. It is a comprehensive and long-range plan.

B. Purpose of a mitigation plan. Development within a natural resource area has the potential of degrading or destroying the natural resource and its resource values identified in the ESEE analysis as being of public benefit. If development outside of the resource area is not practical, the negative impacts must be eliminated or compensated for through mitigation. These provisions are intended to preserve the natural resource values while providing flexibility for development within a natural resource area. In evaluating proposals for mitigation, the following order of locational and resource preference applies:

1. On the resource site, with the same kind of resource;
2. Off-site, with the same kind of resource;
3. On-site, with a different kind of resource;
4. Off-site, with a different kind of resource.

C. Preparation and implementation. It is recommended that, based upon the resource values to be mitigated and the complexity of the project, the mitigation plan be prepared and implemented with the guidance of professionals with experience and credentials in the applicable natural resource areas and values. These professionals may include wildlife biologists, ecologists, hydrologists, foresters, and wetland scientists. The property owner of the affected site, at the time of execution of each element of the mitigation plan, is responsible for the design and/or

implementation of each element.

D. Elements of a mitigation plan. A mitigation plan must contain the following elements:

1. Documentation of the existing natural resource and resource values identified in the ESEE analysis as being of public benefit on both the site to be impacted and the mitigation site in written and mapped form.

2. The objectives of the mitigation plan, including resource values that are being conserved.

3. An implementation plan which may include the following, based on the resource values to be mitigated and the complexity of the project:

a. A description of the mitigation plan, including the following:

(1) Information indicating no net loss of resource values; and

(2) Coordination efforts with and requirements of other local, state, and federal regulatory agencies;

b. A site plan including the following items:

(1) Applicable elements required in Subsection 33.635.070.E.;

(2) The species, size, and spacing of any vegetation;

(3) Any water bodies, including depths;

(4) Any water sources, including volumes; and

(5) Any dams, weirs, or other structures relating to mitigation;

c. A construction plan, including timetables and assurances for performance; and

d. A management plan for ongoing maintenance, including assurances for performance.

4. A monitoring plan for both during and after implementation.

5. Assurances to rectify any mitigation actions which are not successful. This may include bonding or other surety.

E. Location of mitigation actions. Mitigation must be done within the City Limits, and preferably in the same local watershed.

Chapter 33.640

PORTLAND INTERNATIONAL AIRPORT
NOISE IMPACT ZONE

(Added by Ord. No. 158055 passed
Dec. 12, 1985, effective Jan 13, 1986.)

Sections:

- 33.640.010 Purpose.
- 33.640.020 Short Name.
- 33.640.030 Application of the PDZ Noise Zone.
- 33.640.040 Regulations.
- 33.640.050 Determinations and Appeal.
- 33.640.060 Review and Modification.

33.640.010 Purpose. This Chapter establishes supplemental development regulations for the noise impacted area in the vicinity of the Portland International Airport in order to ensure compatible land use designations and development within the area, to provide public notice of the level of aircraft noise, and to mitigate the potential impact of that noise within the area.

33.640.020 Short Name. (Amended by Ord. No. 159256 effective Jan. 1, 1987.) The Portland International Airport Noise Impact Zone shall also be called the PDX Noise Zone and shall be indicated on the Official Zoning Maps by the letter N. References to the N Noise Impact Zone throughout this Title shall mean the Portland International Noise Impact Zone.

33.640.030 Application of the PDX Noise Zone.

A. PDX Noise Zone boundary and contour locations. The boundary of the PDX Noise Zone shall coincide with the location of the 1983 Ldn 65 noise contour as established by the 1983 Portland International Airport Noise Abatement Plan. Where a noise contour is referenced as a determinant of the PDX Noise Zone regulations, the 1983 noise contours shall be used except where the 1977 Ldn 68 noise contour is specifically referenced in the regulation.

B. PDX Noise Zone maps.

1. The PDX Noise Zone maps establish the boundaries of the PDX Noise

Zone and the location of the noise contours within that zone. The PDX Noise Zone maps shall consist of quarter-section "Official Zoning Maps" superimposed with the location of the 1983 Ldn 65 noise contour boundary, the location of each successively higher 1983 Ldn noise contour at a one Ldn increment, and the location of the 1977 Ldn 68 noise contour.

2. All 1983 noise contour locations shall be those established by the 1983 Portland International Airport Noise Abatement Plan. The 1977 Ldn 68 noise contour location shall be that established by the Port of Portland.

C. Newly annexed areas. The PDX Noise Zone shall be applied to areas annexed to the City which are located within the 1983 Ldn 65 or higher noise contour as part of the annexation rezoning of the areas.

33.640.040 Regulations.

A. Prohibition of new residential uses. The development of all new residential uses, including single family and multi-family dwellings, manufactured housing, mobile homes, houseboats and residential institutions shall be prohibited within the 1977 Ldn 68 or higher noise contour except where such uses are located in any area zoned or designated on the Comprehensive Plan Map as R10, R20, FF or County Residential as of January 1, 1981.

B. Restriction on density of new residential uses.

1. For property located between the 1983 Ldn 65 and the 1977 Ldn 68 noise contours, the maximum residential zoning permitted in areas currently designated R and Comprehensive Plan Map designations shall be R10.

2. For property located between the 1983 Ldn 65 and the 1977 Ldn 68 noise contours, the maximum density of residential uses permitted in areas currently zoned C shall be R1.

C. Noise insulation.

1. All new, replacement, or reconstructed structures within the Noise Impact Zone shall be constructed with sound insulation or other means to achieve a day/night average interior noise level of 45 dBA except where such structures are used for manufacturing and production or

warehouse and distribution uses as specified in 33.111 or for nonresidential agricultural uses. For purposes of this Section, reconstruction is defined to mean construction having a cost exceeding 75 percent of the preconstruction value as determined by the true cash value of improvements given in the current County assessment roll.

2. An Oregon registered engineer knowledgeable in acoustical engineering shall certify that the building plans comply with the performance standard for sound insulation prior to issuance of a building permit.

3. The City, in consultation with the Department of Environmental Quality and the Port of Portland, shall provide a list of at least three registered engineers knowledgeable in acoustical engineering. At the property owner's request, the Port of Portland shall be responsible for the certification of compliance with the performance standard for sound insulation, at no cost to the property owner, when the certification is performed by an engineer on the City list. The property owner shall also have the option to retain any registered engineer knowledgeable in acoustical engineering, at the property owner's expense.

D. Noise disclosure statement. Prior to the issuance of a building permit for new residential construction within the 1983 Ldn 65 or higher noise contour, the property owner shall sign a noise disclosure statement, on forms provided by the City, acknowledging that the property is located within the 1983 Ldn noise contour shown on the PDX Noise Zone maps, which shall be recorded in the appropriate County records.

E. Noise easement. Prior to the issuance of a building permit for new residential construction or reconstruction as defined in C. above within the PDX Noise Zone, the property owner shall dedicate a noise easement to the Port of Portland, on forms provided by the City, authorizing aircraft noise impact over the grantor's property at levels established by the 1983 Ldn noise contour. Any increase of Ldn noise level above that stated on the

easement will not void nor be protected by such easement.

33.640.050 Determinations and Appeal.

A. Determinations.

1. The Bureau of Planning will be responsible for determining whether property is within the PDX Noise Zone and the specific Ldn noise contour within which the property is located.

2. For those lots or parcels partially within the 1977 Ldn 68 noise contour and subject to the regulations of 33.640.040 A. and B., the building site shall be determined by scale from the PDX Noise Zone maps. If a residential building site remains outside the 1977 Ldn 68 noise contour, including required side and rear yards, a residential building permit may be issued on the property located outside the 1977 Ldn 68 noise contour.

3. The quarter-section PDX Noise Zone maps shall be used as the reference maps for such determinations.

B. Appeal. Any property owner within the PDX Noise Zone may appeal to the Planning Director the location of the noise contour lines shown on the PDX Noise Zone maps as it applies to their property. The burden is on the applicant to demonstrate that the noise contour line displayed on the maps does not conform with the location of the 1983 Ldn noise contours as established by the PIA Noise Abatement Plan and, where applicable, the 1977 Ldn 68 noise contour. If such demonstration is made, the Director shall authorize the revision of the PDX Noise Zone maps. A decision by the Director is appealable to the Planning Commission.

33.640.060 Review and Modification.

A. Review required. The location of the Ldn noise contour lines and other provisions of this Chapter shall not be subject to amendment for a period of 5 years from the date of their adoption. At the conclusion of that period, there shall be a review and hearing by the Planning Commission on the location of the PDX Noise Zone based on examination of the

most current and projected future Ldn 65 noise contours provided by the Port of Portland. The review shall be initiated no later than September 30, 1990.

B. Notification. There shall be mailed notice to all affected property owners prior to the Planning Commission hearing regarding any proposed amendment to this Chapter.

Chapter 33.645

SIGN CONTROL ZONE

(Added by Ord. No. 157457;
new Chapter substituted by 158535
May 22, 1986.)

Sections:

- 33.645.010 Purpose.
- 33.645.020 Short Name.
- 33.645.030 Application of the S Zone.
- 33.645.040 Regulations.

33.645.010 Purpose. The regulations of this Chapter are for signs in areas where highly visible signs would adversely affect the appearance and scenic qualities of the City.

33.645.020 Short Name. The Sign Control Zone shall also be called the S Zone and shown with an "S" on the official zoning maps.

33.645.030 Application of the S Zone. S Zones are intended to include areas along bridges, bridge approaches, freeways, throughways designated by the Oregon Department of Transportation on other authority, and other highways or areas where the City Council determines the S Zone controls are appropriate. Roadways designated with the S Zone are deemed protected roadways.

33.645.040 Regulations. Signs in the S Zone not facing or oriented towards the protected roadway are subject to the sign provisions of the base zone stated in Chapter 33.535. Signs facing or oriented towards the protected roadway are subject to the sign provisions of the base zone, except for subsections A through C below.

A. Maximum size. Signs are limited to 100 square feet if they are 100 lineal feet or less from a bridge crossing the Willamette or Columbia Rivers or if they are within 100 feet of the bridge's approach ramp. All other signs facing or oriented towards a protected roadway are limited to 250 square feet.

B. Adjustments. Adjustments for signs facing or oriented towards the protected roadway may not be granted for more than a 10 percent deviation from the applicable regulation.

C. Nonconforming signs. Nonconforming signs are subject to the provisions of 33.535.140.

Chapter 33.700

PLAN DISTRICTS IN GENERAL

(Added by Ord. No. 157032, passed
Feb. 7, effective Mar. 11, 1985.)

Sections:

- 33.700.010 Purpose and Intent.
- 33.700.020 Applicability and Scope.
- 33.700.030 Adoption and Modification
Procedures.
- 33.700.040 Adoption Criteria.
- 33.700.050 Continued Timeliness.
- 33.700.060 Regulations and Maps.

33.700.010 Purpose and Intent. Plan districts provide a means to modify zoning regulations for specific areas defined in special plans or studies. Each plan district has its own and non-transferrable set of regulations. This contrasts with base zone and overlay zone provisions which are intended to be applicable in large areas or more than one area. Plan districts are not intended for small, individual properties.

An area may be unique based on natural, economic or historical attributes; be subject to problems from rapid and or severe transitions of land use; or contain public facilities which require specific land use regulations for their efficient operation. The purpose of plan districts is to address these special concerns when other zoning mechanisms cannot achieve the desired results.

33.700.020 Applicability and Scope. Plan district regulations shall be established in conjunction with a base zone. The plan district provisions may modify any portion of the regulations of the base zone or of this Title. The provisions may apply additional requirements or permit exceptions to regulations. However, all modifications shall conform with the Comprehensive Plan and with the general purpose of the base zone or provisions being modified.

33.700.030 Adoption and Modification Procedures. (Amended by Ord. No. 159256 effective Jan. 1, 1987.)

Establishment, modification or removal of plan district boundaries or regulations is a legislative action. A plan district may be established only as the result of a planning study such as a neighborhood plan or other area plan initiated by the Planning Commission or City Council.

33.700.040 Adoption Criteria. A plan district may be established if it is found that:

(A) The area proposed for the plan district has characteristics or problems of a natural, economic, historical, public facility, or transitional land use or development nature which are not generally common to other areas of the City; and

(B) Existing base and overlay zone provisions are inadequate to achieve a desired public benefit or to address an identified problem in the area; and

(C) The proposed plan district and regulations are the result of a legislative study or plan documenting the special characteristics or problems of the area and how the application of a plan district will best address relevant issues; and

(D) The regulations of the plan district are in conformance with the Comprehensive Plan and continue to meet the general purpose and intent of the base zone and any overlay zones applied in the district.

33.700.050 Continued Timeliness. The regulations for each plan district shall state a calendar year between 5 and 10 years after adoption at which time the Planning Commission will review the regulations.

33.700.060 Regulations and Maps. (Amended by Ord. No. 159256 effective Jan. 1, 1987.) The regulations for each plan district shall be contained in a separate Chapter numbered sequentially beginning with 33.701. The boundaries of each plan district established shall be shown on supplemental zoning maps located at the end of each Chapter. In addition, the plan districts shall be identified on the official City zoning maps.

Chapter 33.701

MACADAM PLAN DISTRICT

(Added by Ord. No. 157795 passed
Sept. 4 effective Oct. 5, 1985.)

Sections:

- 33.701.010 Purpose.
- 33.701.020 Regulations.
- 33.701.030 Use Restrictions.
- 33.701.040 Drive-in Facilities.
- 33.701.050 Minimum Setback Regulations.
- 33.701.060 Allowable Building Height.
- 33.701.070 Maximum Floor Area Permitted.
- 33.701.080 Maximum Building Profile.
- 33.701.090 Maximum Lot Coverage.
- 33.701.100 View Corridors.
- 33.701.110 Sign Regulations.
- 33.701.120 Interim Traffic Impact Review.
- 33.701.130 Review for Timeliness.

33.701.010 Purpose. The provisions of this Chapter address the qualities identified in the Macadam Corridor Study which distinguish this corridor from other commercial districts in the City. These regulations discourage strip commercial development and establish standards which respect the public and private investments in the appearance of the avenue and adjacent properties. The purpose of the Macadam Plan District is to promote development responsive to the unique and/or desirable natural, economic, historic and physical attributes of an urban mixed-use district.

33.701.020 Regulations.

A. The regulations of this Chapter apply to development within the Macadam Plan District, the boundaries of which are designated on the Macadam Plan District Supplemental Zoning Map A, located at the end of this Chapter.

B. These regulations supersede or supplement the regulations of the base zone. In the case of conflict with other provisions of this Title, the regulations of this Chapter shall control.

33.701.030 Use Restrictions.

(Amended by Ord. No. 158535 May 22, 1986.) All uses permitted in the base zone are permitted in the Macadam Plan District except the following:

- A. Retail sales, service and rental of motorcycles;
- B. Repair garage;
- C. Retail sales, service and rental of new or used motor vehicles;
- D. Tire sales and service;
- E. Self-service or mechanical car wash;
- F. Retail sales, service and rental of new or used trailers, including mobile homes, travel trailers and truck trailers;

33.701.040 Drive-in Facilities.

Businesses with drive-in facilities, as defined in 33.12.255, shall be permitted when found to comply with the following review criteria:

A. A drive-in lane of drive-in business shall not locate within 50 feet of residentially (R) zoned land;

B. The approval of a new drive-in business shall not require the creation of new curb cuts for access onto Macadam Avenue;

C. The applicant must demonstrate to the Planning Bureau that the drive-in location will not create or intensify congestion on the residentially zoned portions of adjacent local service streets;

1. This can be done by angling access drives away from residentially zoned land; and

2. By providing on-site signs which direct customer traffic leading the business away from residentially zoned land and toward Macadam Avenue.

D. The applicant must demonstrate that all adjacent streets are presently at a D level of service (as defined in the "Highway Capacity Manual") or better at peak traffic hours;

E. A drive-in business must provide stacking space of at least 150 feet for vehicles waiting to use the drive-in facility;

F. At least 25 percent of the lot area of a drive-in business must be

landscaped;

G. A 10-foot wide buffer must be provided between a drive-in business and an existing adjacent residential use:

1. This buffer shall consist of evergreen shrubs and trees in addition to green growing ground cover and may be included in the required 25 percent on-site landscaping.

33.701.050 Minimum Setback Regulations.

A. Minimum setbacks shall be established in the following manner: sky exposure shall be maintained between existing, proposed and future independent buildings by retaining a space between cornices (rooflines) defined by an arc of 90 degrees measured from grade. Portions of the primary plane described in the 90 degree arc may be penetrated up to a secondary plane described by a 60 degree arc if the average projection of all facing cornices lies beneath the primary plane.

1. For purposes of this Section, the imaginary planes forming the 90 degree arc are called primary planes; the planes forming the 60 degree arc are called secondary planes. (See Drawing A).

B. If the proposed construction abuts a public right-of-way, i.e., a street, then the primary and secondary planes shall be projected from the right-of-way center line. (See Drawing B).

C. If no structures exist on adjoining property, then the primary and secondary planes shall be projected from the property line. (See Drawing C).

D. No permanent structure other than permissible signs, flag poles and antennas may penetrate the secondary sky exposure plane.

E. On sites of 15,000 square feet or less, the sky exposure plane need not be applied along any side of a proposed structure which does not abut a public right-of-way.

F. Along the side of a lot abutting the easement for the potential LRT facility, the primary and secondary planes shall be projected from the farther boundary line of the easement.

G. At the riverfront, the primary

and secondary planes shall be projected from the ordinary high water line. Sky exposure planes shall not be applied to river dependent uses as defined by this Title.

33.701.060 Allowable Building Height.

A. Allowable building heights shall be as specified on Macadam Plan Area Supplemental Zoning Map A, located at the end of this Chapter.

B. Mechanical penthouses or other roof structures not housing leasable floor space may exceed the maximum height. However, any structured, above-grade parking shall be included within the height calculation of the building of which it is a part.

33.701.070 Maximum Floor Area Permitted. Maximum floor area permitted shall be limited to a floor area ratio of 2:1.

33.701.080 Maximum Building Profile.

A. The maximum building profile as seen from end to end from any side or elevation shall not exceed 200 lineal feet in total horizontal length on any and all floors.

B. For purposes of this requirement, building profile shall be its outline in cross section at the widest point on each horizontal axis or in elevation.

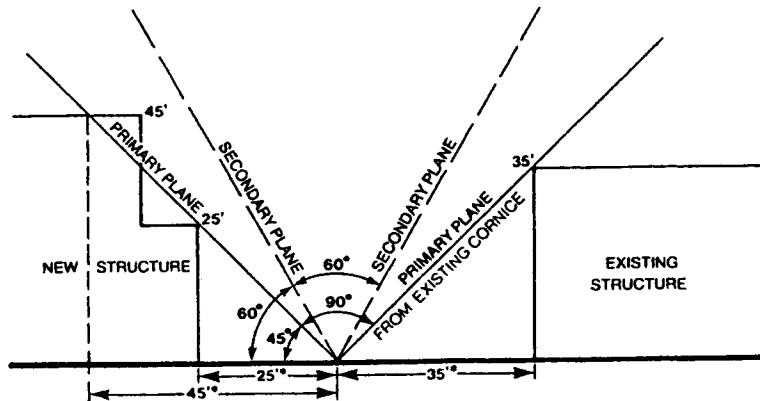
C. An exterior wall of a building adjacent to a street shall not continue along an uninterrupted, continuous plane for more than 100 feet.

D. For purposes of this requirement an uninterrupted, continuous plane is a wall having no variation in exterior surface along its length of more than 3 feet as measured at a perpendicular line from the plane of the wall.

33.701.090 Maximum Lot Coverage. Maximum lot coverage of any structure or group of structures shall not exceed 75 percent of lot area.

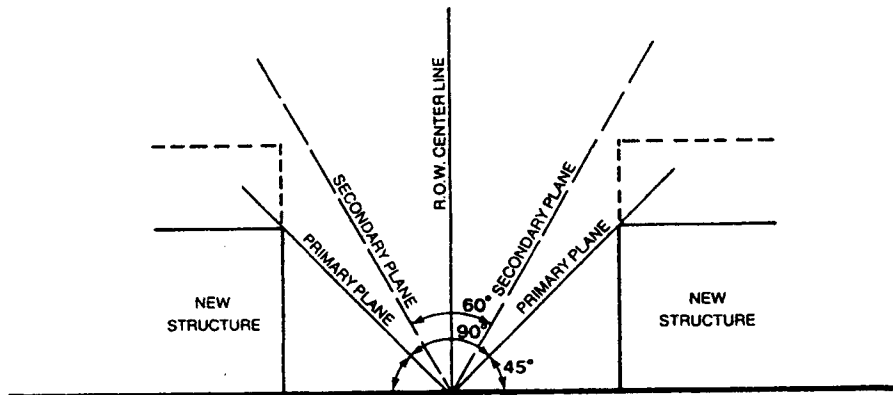
33.701.100 View Corridors.

A. Ground level view corridors shall be maintained along the unobstructed rights-of-way of SW Miles, SW Nevada,

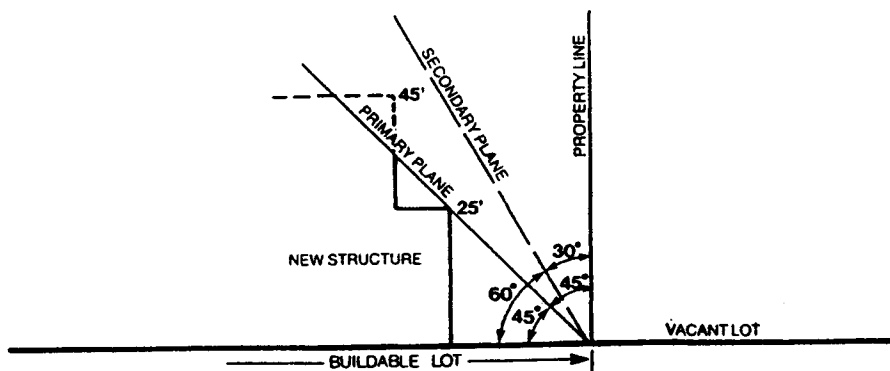


a. Lots Abutting Existing Structure.

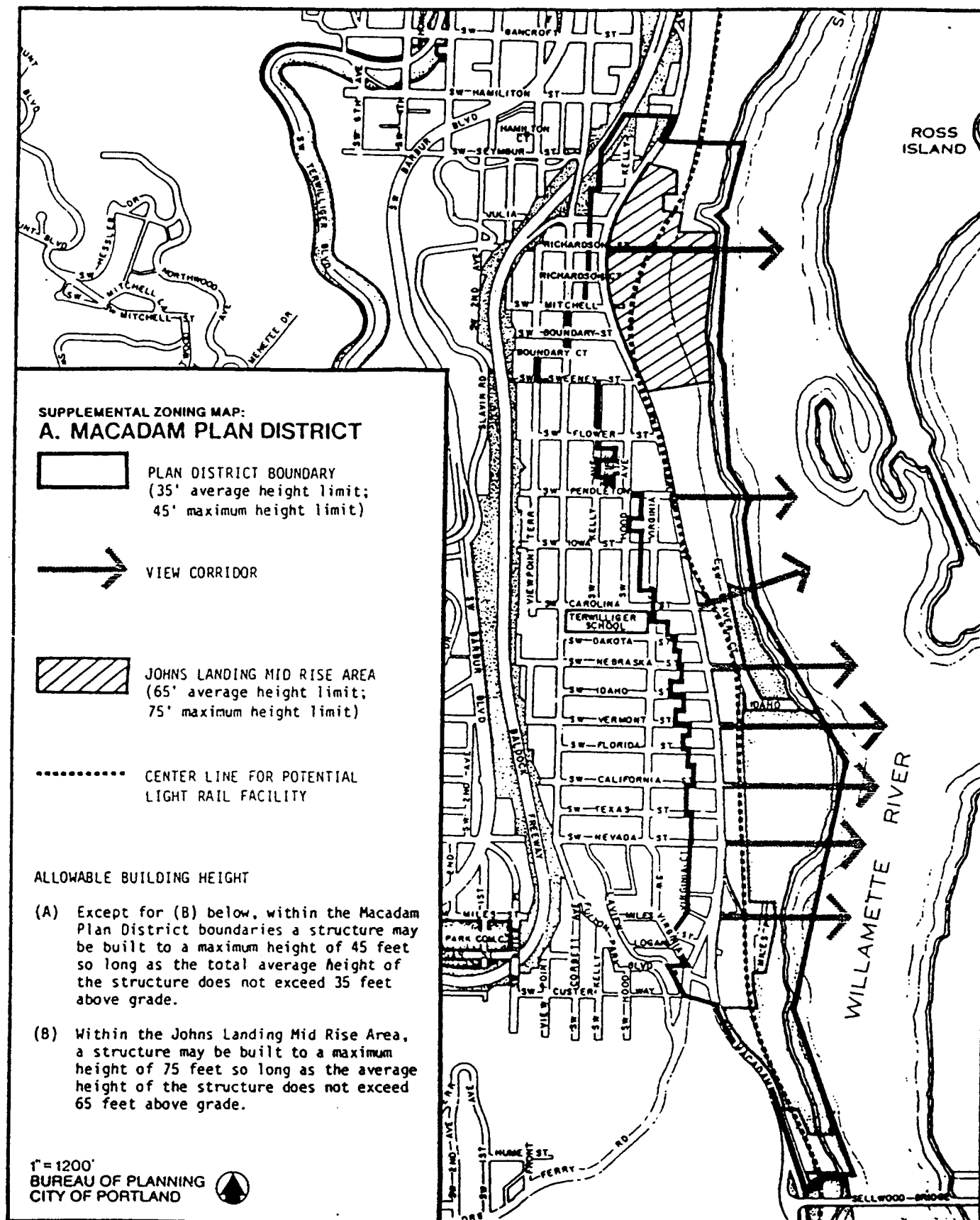
- * Dimensions of setbacks illustrate principle that under the 90° primary plane, the length of the setback equals the height of the structure (as measured at cornice of flat roof).



b. Lots Abutting a Public Right-of-Way.



c. Lots Abutting Vacant Lots.



SW California, SW Vermont, SW Nebraska, SW Pendleton and SW Richardson Street. These view corridors shall be preserved by maintaining open space from Macadam to the river along axis 30 feet from the center line of each of these extended rights-of-way. A 60 foot wide ground level view corridor shall also be maintained at SW Carolina Street. This view corridor shall be directed northeasterly beginning at the intersection of Macadam and SW Carolina and extending so that the northern edge of the view corridor meets the intersection of the mean low water line and the north property line of River Lot 6, Southern Portland Addition. With the Miles Street view corridor, single-family housing shall be exempt from the view corridor regulation.

B. Along the Richardson Street view corridor, a public access easement for pedestrians and bicycles connecting Macadam Avenue and the Greenway Trail shall be provided and improved. Improvements shall include a walkway/bikeway, landscaping, benches and other features designed in a manner consistent with those provided in the Greenway Trail abutting the river. The property owners, their heirs and assignees shall maintain the Trail improvements in a good state of repair.

C. These view corridors are shown on Macadam District Supplemental Zoning Map A, located at the end of this Chapter.

33.701.110 Sign Regulations.

(Amended by Ord. No. 158535 May 22, 1986.)

A. The total sign face area for all permanent signs is 1/2 square foot of sign face area per lineal foot of site frontage. The maximum sign area for any sign face is 100 square feet.

B. Signs with rotating or moving parts are not allowed.

C. Flashing signs shall not be permitted within 400 feet of a residential zone.

D. The maximum height of a freestanding sign is 15 feet.

33.701.120 Interim Traffic Impact Review.

A. Prior to completion of the Macadam Corridor Transportation Study, each application for development in the Macadam Plan District will be reviewed by the Office of Transportation to determine the project's potential impact on the following:

1. Neighborhood traffic levels;
2. Capacity of the district's streets; and
3. Intersection operations.

B. For development adding more than 100 vehicle trips a day (as projected by the ITE Trip Generation Manual), the applicant shall estimate the development's traffic impact and submit for City approval specific traffic management strategies which may include the following:

1. Vehicular parking, access and internal circulation patterns designed to optimize traffic capacity and safety, and to minimize additional traffic impacts on residential streets.

2. Participation in a program of demand management strategies such as carpooling or vanpooling promotion, transit subsidies for employees, and employee flex-time scheduling.

C. Except as noted in D below, traffic impact review shall be conducted within 30 days of receipt of the applicant's traffic impact review.

D. The review process shall occur as a part of a conditional use or Greenway review procedure when applicable. In this case, the recommendations of Office of Transportation staff shall be incorporated into the record of the hearing conducted before the City's Hearings Officer.

E. Interim traffic impact review will be replaced by the corridor-wide strategies identified in the Macadam Corridor Transportation Plan, when completed and adopted by the City Council.

33.701.130 Review for Timeliness.

(Added by Ord. No. 159256 effective Jan. 1, 1987.) The regulations of this Chapter shall be reviewed for continued applicability in 1995 as required by Section 33.700.050.

Chapter 33.702

CENTRAL CITY PLAN DISTRICT

(Added by Ord. No. 160606 passed
Mar. 24 effective July 1, 1988.)

Sections:

- 33.702.010 Purpose.
- 33.702.020 Regulations.
- 33.702.030 Use Restrictions.
- 33.702.040 Maximum Building Height Permitted.
- 33.702.050 Maximum Floor Area Permitted.
- 33.702.060 Floor Area and Height Bonus Provisions.
- 33.702.070 SRO Housing Transfer Development Rights Provisions.
- 33.702.080 Open Space Height Transfer Provisions.
- 33.702.090 Covenants with the City.
- 33.702.100 Required Residential Development.
- 33.702.110 Central City Master Plan Opportunity Provisions.
- 33.702.120 Essential Service Providers (ESP).
- 33.702.130 Special Parking Areas and Regulations.
- 33.702.140 Required Landscaping and Screening.
- 33.702.150 Northwest Triangle Open Area Requirement.
- 33.702.160 Northwest Triangle Waterfront Development.
- 33.702.170 Required Building Lines.
- 33.702.180 Required Retail Opportunity.
- 33.702.190 Limitation on Blank Walls.
- 33.702.200 Review for Timeliness.

33.702.010 Purpose. The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, The Northwest Triangle Plan, and The Downtown Parking and Circulation Policy. The Central City Plan District improves the implementation of these plans by adding code provisions which address special circumstances existing in the Central City.

33.702.020 Regulations. (Amended by Ord. No. 161696, effective Mar. 9, 1989.) The provisions of this Chapter apply to all development within the Central City Plan District. The boundaries of the Central City Plan District are designated on Plan District Map A, located at the end of this Chapter. In the event of a conflict between the maximum building height, maximum floor area, floor area bonus, building height bonus, SRO housing transfer of development rights, required residential, Central City Master Plan, and or parking provisions, the provisions of the Central City Plan District control. In other cases the most restrictive provision controls. Amendment or modification of the provisions of the Central City Plan District including requirements specified on Plan District Maps, may be processed only as a legislative action under the provisions of Chapter 33.220.

33.702.030 Use Restrictions. Within the Central City Plan District there are additional restrictions which modify the uses allowed in the base zones. These restrictions are:

A. Within the entire Central City Plan District a drive-in or drive-through facility is permitted only as a conditional use when the proposed use is located within 100 feet of a right-of-way in which a light rail transit line is located. The 100 feet distance is measured from the property line of the proposed site to the edge of the right-of-way housing the light rail transit line.

B. Within the the Downtown Plan and Northwest Triangle Plan areas the types of allowed uses are restricted to reduce motor vehicle traffic, help improve air quality, and reinforce a pleasant urban environment for pedestrians and transit patrons. The boundaries of the Downtown Plan and the Northwest Triangle Plan are shown on Plan District Map A located at the back of this Chapter. These additional restrictions apply:

1. All permanent uses except for outdoor public markets, outdoor dining, and commercial recreational uses (which by their nature require an outdoor location) must be conducted wholly within completely

enclosed buildings.

2. Vehicle service uses are allowed only within CX and CE Zoned areas as conditional uses.

3. Drive-in and drive-through facilities are permitted only in CX and CE Zoned areas as conditional uses.

C. Limitation on SRO housing and shelter beds. Within the North of Burnside District, the number of SRO housing units and shelter beds are limited. The boundaries of the North of Burnside District are Shown on Plan District Map A, located at the back of this Chapter.

1. The maximum number of permanent shelter beds that may exist in this district is 252.

2. The maximum combined number of SRO housing units plus permanent shelter beds that may exist in this district is 1,282.

3. If all existing or potential permanent shelter beds are replaced by SRO housing units, the maximum number of SRO housing units that may exist in the district is 1,282. One SRO unit may be added for each shelter bed eliminated.

33.702.040 Maximum Building Height Permitted. (Amended by Ord. No. 161673; and 161696, effective Mar. 9, 1989.)

A. Purpose. Maximum building heights are established to accomplish a number of Central City Plan purposes. These include protecting views, limiting shadows on public open spaces, assuring building height compatibility with historical districts, creating a step-down of building heights to the Willamette River, and limiting shadows from new development on residential neighborhoods in and at the edges of the Central City.

B. Maximum building height. The maximum building height for each site within the Central City Plan District is designated on Plan District Map B, located at the end of this Chapter. These building heights may be higher or lower than those listed in the base zone. The heights specified in this Plan District control. Exceptions to the maximum height limits specified on Plan District Map B are prohibited except as permitted under the

procedures and conditions presented in Subsection C. and D. of this Section and under the bonus height provisions of Section 33.702.060.

C. Exceptions adjacent to open space. Building heights to the south and/or west of areas designated Open Space may be increased above the limits specified on Plan District Map B if the applicant demonstrates that the amount of shadow the proposed building will cast on the open space will be less than or equal to the shadow that would result from a building constructed to the maximum specified on Plan District Map B. Requests for increased height adjacent to open spaces will be reviewed through a Type I procedure. If the application is denied or approved with conditions not acceptable to the applicant, the applicant may reapply through a Type III procedure assigned to the Hearings Officer. For purposes of computing whether a proposed building design will be less than the shadow that would result from a building built to the limits prescribed on Plan District Map B, shadows must be analyzed at noon and 3:00 p.m. on April 21. Exceptions for heights greater than 460 feet are prohibited.

D. Exceptions adjacent to historic districts. Building heights on certain blocks adjacent to the Yamhill and Skidmore Fountain/Old Town Historic District may be increased above the limits specified on Plan District Map B. Requests for such exceptions will be reviewed through a Type I procedure. If the application is denied or approved with conditions not acceptable to the applicant, the applicant may reapply through a Type III procedure assigned to the Design Commission. The exception will be approved if all of the following standards are met:

1. The site is on a single block, adjacent to but not part of a historic district, which is subject to two different height limits, as shown on Plan District Map B;

2. The project does not include removal of any buildings designated as a Portland Historical Landmark;

3. No City-designated landmark structure has been cleared from the site

during the 60 months that preceded the date of application for the height exception;

4. City-designated Historic Landmarks on the project site must be restored and preserved as part of the proposed development;

5. For each foot, measured horizontally, of building that encroaches into the area regulated by the lower height limit, an exterior building wall along the sidewalk, or "street wall," must be provided. The street wall provided must be at least equal in height to the distance of the horizontal encroachment into the area regulated by the lower height limit;

6. Street walls provided to qualify for this exception must be at least 30 feet high;

7. Street walls provided in satisfaction of this subsection's requirements must extend along the entire frontage facing a historic district and 25 feet beyond the end of the historic district;

8. Portions of the building fronting on a street that contains a historic district boundary must not exceed 75 feet in height within 25 feet of the property line;

9. Portion of the structure located behind a street wall required to qualify for this exception must comply with the required retail opportunity provisions of 33.702.180; and

10. The project must not result in a building that exceeds a maximum height of 250 feet or the higher of the two height limits on the block, whichever is lower.

Approval of an exception based on compliance with the standards of this Subsection in no way limits the ability of the review body conducting design review to require reconfiguration of the building's design, including lowering the height of the building or reducing the amount of exception granted. The review body conducting design review will base its review on application of both the general design guidelines applicable to the area, and the district guidelines applicable to the adjacent historic district.

If a street frontage that provides a street wall to qualify for this exception is also subject to the required building lines

provision of 33.702.170, the building wall height required by that Section may be included within the street wall height required to qualify for this exception. Exceptions and to the standards and requirements of this Subsection are prohibited.

E. Ultimate height. Ultimate height is an increased maximum building height that may be allowed through a Central City Master Plan Process. Areas identified on Plan District Map B as having an ultimate height limit above the initial or base height may achieve the ultimate height only through development of, and compliance with, a Central City Master Plan. A Central City Master Plan may be approved under the provisions of Section 33.702.110.

33.702.050 Maximum Floor Area Permitted.

A. Purpose. Maximum floor area limitations are established to accomplish several purposes of the Central City Plan. These include coordinating private development with public investments in transportation systems and other infrastructure, protecting sensitive uses such as industrial activities from displacement pressure due to speculation, limiting and stepping down building bulk to the Willamette River, and lowering density near residential areas. While consistent with these purposes, the building bulks allowed in the Central City (floor area ratios) are intended to be the largest in the region.

B. Maximum floor area ratio. Maximum floor area for each site within the Central City is prescribed by the floor area ratios (FARs) designated for each site on Plan District Map C, located at the end of this Chapter. These floor area ratios may be greater or less than those listed in the base zone. The FARs prescribed in this Plan District control. Other than the potential for increased floor area created by Subsections C., D., and E. of this Section, by Sections 33.702.060 and 33.702.070 of this Chapter, exceptions to the maximum floor area limits specified on Plan District Map C are prohibited.

C. Limits on bonus provisions and floor area transfers. While floor area may be increased based on the bonus and transfer provisions of this Title, the maximum such increase is limited. Floor area ratio increases of more than a FAR of 3:1 above the limits shown on Plan District Map C are prohibited.

D. Ultimate floor area ratio. Ultimate floor area ratio is an increased maximum floor area ratio that may be allowed through a Central City Master Plan Process. Areas identified on Plan District Map C as having an ultimate floor area ratio above the initial or base floor area ratio may achieve the ultimate floor areas only through development of, and compliance with, a Central City Master Plan approved under the provisions of Section 33.702.110.

E. Between block transfer of floor area. In CX and CE Zones two or more sites that are contiguous, or would be contiguous but for a right-of-way, may be developed jointly. Floor area, including bonus floor area, may be transferred between these sites through a Type I review. Should a Type I application be denied or approved with conditions unacceptable to the applicant, the applicant may reapply through a Type III procedure assigned to the Hearings Officer. The transfer will be approved if all the following criteria are met:

1. Buildings on each site may not exceed the height limit established for that site by the provisions of this Chapter and other Chapters of this Title;

2. If bonus floor area is included in the transfer, those facilities to be provided in exchange for the bonus floor area, must be completed on or before the time of issuance of any occupancy permit whatsoever; and

3. The transfer of floor area is not within the boundary of the area covered by the Downtown Plan (adopted March 26, 1972).

33.702.060 Floor Area and Height Bonus Provisions.

A. Purpose. Floor area and height bonuses are offered as incentives to encourage provision of facilities and amenities which implement the Central City Plan.

B. Bonus floor area provisions. Bonus floor area is additional floor area allocated to a project because the project includes desirable features for which increased floor area is offered as an incentive. The following bonus floor area provisions are available as additions to the maximum floor area ratios shown on Plan District Map C within the Central City Plan District.

1. Residential bonus provision. Projects in the Central City Plan District in CX and CE Zones will receive bonus floor area of up to an additional floor area ratio of 3:1 if they include residential use. Projects which include housing built under building permits issued prior to July 1, 1998 may commit up to two-thirds of bonus floor area to nonresidential uses. Projects built based on building permits issued after July 1, 1998 may commit up to one-half of their bonus floor area built to nonresidential uses. Residential portions of mixed-use projects receiving this bonus must be completed and receive a certificate of

occupancy at the same time, or before, a certificate of occupancy is received for any nonresidential portion of the project. Future continuation and maintenance of the residential development provided to qualify for this bonus must be assured by the property owner executing a covenant with the City in conformance with the requirements of Section 33.702.090 of this Chapter.

2. Day care bonus provision. Projects providing day care within CX, CE, and/or RX Zones may receive a floor area bonus. For each one square foot of interior space developed and committed to use as a qualifying day care facility for children a bonus of three square feet of additional floor area will be granted. To qualify for this bonus, the day care facility must meet the following approval criteria:

a. The day care facility will be used for the purpose of day care for the life of the building. The facility will be open during normal business hours at least five days each week and fifty weeks each calendar year.

b. The day care facility will be maintained and kept in a good state of repair throughout the life of the building.

c. Future day care use and maintenance of the day care facility is assured by the acceptance and recording of a covenant with the City meeting the requirements of Section 33.702.090 of this Chapter.

3. Retail use bonus provision. Projects providing retail space in the retail core, beyond the minimum amount required in Section 33.702.180, may receive a floor area bonus. To qualify for this bonus provision gross building square footage equal to at least one-half the lot area must be committed to retail space. For each square foot of retail space over this amount, one additional square foot of building space is permitted. The retail core is identified on Plan District Map D, located at the end of this Chapter. Use of this retail bonus provision outside of the retail core is prohibited. Future continuation and maintenance of retail space provided to qualify for bonus floor area must be assured

by the property owner executing a covenant with the City in conformance with the requirements of Section 33.702.090 of this Chapter.

4. "Percent for art" bonus provision. Projects which commit one percent of their total construction cost to public art may receive a floor area ratio bonus of 1:1. Total construction costs must be assumed to be the sum of all construction costs shown on all building permits associated with the project. Projects committing more than one percent to public art receive additional bonus floor area ratio of .1:1 for each additional .1 percent of the project's total construction cost devoted to public art, up to a maximum total "percent for art" floor area ratio bonus of 2:1. Projects utilizing this bonus provision must place at least 25 percent of the project's public art budget into a Central City Public Art Trust Fund, maintained by the Metropolitan Arts Commission. Should a project's developers choose to, the entire amount of "percent for art" funds may be placed in the Public Art Trust Fund. The Public Art Trust Fund is used to purchase and install public art in the Central City. Works of art to be placed on the project site in satisfaction of a "percent for art" commitment must meet all the following criteria:

a. The process and budget for selecting the artist and for selecting and installing the specific works of art to be included in the project will be approved by the Metropolitan Arts Commission;

b. Works of art to be placed in a project will be approved by the Metropolitan Arts Commission;

c. Works of art will be placed on the outside of the building or at a location clearly visible and freely accessible by the public from the sidewalk during daylight hours; the location of each work of art will be approved by the Metropolitan Arts Commission;

d. The public art provided may not also satisfy another provision of the City Code, State or Federal law; and

e. Installation, future preservation, maintenance, and replacement

if necessary, of the public art provided to qualify for this bonus is assured by the property owner executing a covenant with the City in conformance with the requirements of Section 33.702.090 of this Chapter.

5. Rooftop gardens bonus provision. Within all commercial, employment, and residential zones of the Central City, a bonus of one square-foot of additional floor area may be granted for each one square foot of qualifying rooftop garden space provided. To qualify for this bonus, the rooftop garden must meet all the following approval criteria:

a. The rooftop garden must cover at least 50 percent of the roof area of the building;

b. The surface of the rooftop garden must be composed of at least 30 percent living plant materials; and

c. Future preservation and maintenance of rooftop gardens provided is assured by the property owner executing a covenant with the City in conformance with the requirements of Section 33.702.090 of this Chapter.

6. "Theaters on Broadway" bonus provision. Within the Broadway Theater District, a bonus of two square feet of floor area may be granted for each one square foot of space occupied by a qualifying theater or theaters. Both existing and new theaters may qualify for this bonus. The area included in the Broadway Theater District is shown on Plan District Map D, located at the end of this Chapter. To qualify for this bonus a theater must meet all the following approval criteria:

a. The theater facilities provided seat at least 150 people;

b. The theater space will be used for the life of the building and at least 200 performances will be given each calendar year (both live theater performances and film exhibition may be given to meet this requirement); and

c. The theater facilities provided will be maintained and kept in a good state of repair throughout the life of the building.

d. Future theatrical use and maintenance of the theater space is assured

by the acceptance and recording of a covenant with the City meeting the requirements of Section 33.702.090 of this Chapter.

7. Water features or public fountains bonus provision. Projects which commit a percentage of the total construction cost of the project to the development and maintenance of a water feature or public fountain will receive additional FAR. For each .1 percent of construction cost committed to development of fountains or water features, a FAR bonus of .1:1 will be granted, up to a maximum of .5:1. Total construction costs are defined as the sum of all construction costs shown on all building permits associated with the project. To qualify for this bonus, the water feature or public fountain must meet the following criteria:

a. The design of the water feature or public fountain must be approved as part of the design review of the total project.

b. To enhance the environment for pedestrians the water feature or public fountain must be accessible by pedestrians from a sidewalk or from a plaza which is accessible from a sidewalk.

c. The water feature or public fountain must be located outdoors.

d. The fountain or water feature must be visible and accessible by the public from the sidewalks that provide access for pedestrians to the project.

e. If public art is included in the fountain or water feature, the art object must meet all the approval criteria for the "Percent for Art" bonus.

f. The fountain will be maintained by the building owners.

g. The water feature must be designed to use water efficiently with a low water make-up rate. The water feature must recirculate water and be designed to reduce water loss due to evaporation and wind. A method of keeping the water clean must be provided.

h. The maintenance and continued operation of the water feature or public fountain, on private property, will be assured by the acceptance and recording of

a covenant with the City meeting the requirements of Section 33.702.090 of this Chapter.

C. General bonus height provision. In addition to bonus floor area achieved through the provisions listed above, bonus height is also granted at certain locations. Bonus height is additional height beyond the maximum height allowed a project because the project includes desirable features for which the increased height is offered as an incentive. The height bonus allowed is based on the FAR bonus provisions of Subsection B. of this Section. Maximum height areas which may qualify for these height bonuses are shown on Plan District Map B, located at the end of this Chapter. Those locations at which bonus height is available are those where increased height must not interfere with the protection of established view corridors, preservation of the character of historical districts, protection of public open spaces from shadow, and preservation of the City's visual focus on important buildings (such as the Union Station Clock Tower). In areas qualifying for a height bonus the amount of bonus height awarded is based on the following schedule:

1. For achieving a bonus floor area ratio of at least 1:1, but less than 2:1, a height bonus of 15 feet is to be awarded.
2. For achieving a bonus floor area ratio of at least 2:1, but less than 3:1, a height bonus of 30 feet is to be awarded.
3. For achieving a bonus floor area ratio of 3:1, a height bonus of 45 feet is to be awarded.

D. Bonus height provision for housing. As an alternative to the use of the bonus height provisions allowed by Subsection C. of this Section, projects wishing to use bonus height exclusively to accommodate housing may achieve greater bonus height at certain locations. This bonus height is additional height beyond the maximum height allowed a project because the project includes housing and the bonus height will be used to accommodate only housing. Areas which qualify for this bonus are shown on Plan District Map B, located at the back of this Chapter. To

qualify for this bonus height at locations less than 500 feet from a residential zone, the review body must find that there will be no significant negative impacts from shadows cast by the proposed building on dwelling units in residentially zoned areas. Projects which employ the bonus height provisions of Subsection C of this Section may not use the bonus height provisions of this Subsection. At locations which qualify for this bonus the amount of bonus height is 75 feet.

E. Approval procedure. The procedures for approval of the bonus provisions provided by this Section are as follows:

1. Approval of the bonus provisions provided for in Subsections B. and C. of this Section is through a Type I procedure. Should an applicant be denied or find that conditions imposed in the Type I decision are not acceptable, the applicant may reapply through a Type III procedure with review assigned to the Design Commission. In the case of historical landmarks or buildings located within historic districts, Type III review is assigned to the Landmarks Commission. Exceptions to the approval criteria and the amount of bonus floor area and/or height granted are prohibited. In the case of the "percent for art" bonus, the Metropolitan Arts Commission will develop and publish guidelines and procedures for review, selection, installation and payment for works of art included in a project to qualify for the bonus.

2. Approval of the height bonus provision for Subsection D. of this Section at locations 500 feet or more away from a residential zone is through the same procedures that apply to bonus provisions provided for in Subsections B. and C. of this Section.

3. Approval of the height bonus provision of Subsection D. of this Section at locations less than 500 feet from a residential zone is through a Type II procedure assigned to the Design Commission. In the case of historical landmarks or buildings located within

historic districts, Type II review is assigned to the Landmarks Commission. Exceptions to the approval criteria and the amount of bonus floor area and/or height granted are prohibited.

F. General limit on bonus floor area. The maximum floor area increase that may be achieved through the use of bonus provisions must be within the limits prescribed in Section 33.702.050 Subsection C.

G. Limit on bonus floor area in target housing areas. In areas targeted for residential development as shown on Plan District Map D, the bonus allowed for housing must be used before any other bonus provision. A bonus floor area ratio of at least 1.5:1 from the housing bonus must be incorporated into the project before the project can qualify for other bonus provisions.

H. Time limit. Approvals for bonus floor area must be implemented by construction which must begin within two years of the date of final approval, or the approval is revoked. The final approval date is the date on which the final local decision is made, or in the case of an appeal beyond the local jurisdiction, the date of the final decision by the reviewing board or courts beyond which there is no further appeal. The Planning Director may extend this two-year time limit an additional year if the director finds that the findings justifying the original approval are still valid.

33.702.070 SRO Housing Transfer Development Rights Provisions.

A. Purpose. Transfer of floor area potential from sites occupied by single room occupancy housing, SROs, is allowed in order to reduce the market pressure for removal of this needed and hard to replace housing.

B. Qualifying projects. Those developments which qualify are vacant, existing, and new single room occupancy housing (SRO) located in a CX or CE Zone.

C. Procedure. Qualifying developments may transfer their surplus floor area potential to other sites in the Central City through a Type II procedure assigned to the Hearings Officer.

D. Approval criteria. To be approved the proposal must meet all the following:

1. The SRO housing structure is in good repair at the time of the transfer application, or is brought into a state of good repair as part of the development proposal to which floor area is being transferred. In the case of new construction, SRO housing will be built as part of the development proposal to which floor area is being transferred;

2. At least 60 percent of the SRO housing structure is used for housing;

3. Use of the SRO structure, from which floor area is transferred, will be predominantly for provision of SRO housing; and

4. In the event that the SRO housing structure is removed, the number of SRO housing units lost will be replaced either on the site or at another location in the Central City. When replacement SRO units are provided, they must receive an occupancy permit at the same time or in advance of issuance of any occupancy permit for a new building on the former SRO housing site;

5. The property owner executes covenants with the City which are attached to and recorded with the deed of both the site transferring and the site receiving the transfer of floor area reflecting the respective increase and decrease of potential floor area and assuring future continuation and maintenance of the SRO housing in conformance with all requirements of this Section and Section 33.702.090 of this Chapter.

E. Limit on transfers of FAR. The maximum floor area increase achievable through the use of development rights transfers is established by Section 33.702.050 Subsection C.

33.702.080 Open Space Height Transfer Provisions.

A. Purpose. Provide an incentive for the creation of needed open space and efficient use of land.

B. Qualifying projects. Those developments which qualify for the transfer

of additional height must meet the intent of the Central City Plan. The site selected for an open space must be consistent with the Central City Plan's Open Space Deficient and Proposed Open Space designations located on the Central City Plan Map. If not, then the applicant must receive approval of the location from the Portland Park and Planning Bureaus.

C. Approval procedure. Approval of the transfer provision is through a Type I procedure if it is identified on the Plan Map as a Proposed Open Space. The Type II Procedure applies to other park locations. Should an applicant be denied or find that conditions imposed in the Type I decision are not acceptable, the applicant may reapply through a Type III procedure with review assigned to the Design Commission. Exceptions to the approval criteria and the amount of height granted are prohibited.

D. Approval criteria. To be approved, the proposal must meet all the following:

1. The area designated for the open space shall be dedicated to the City as a Public Park.

2. The minimum size of the open space shall be a full block, at least 35,000 square feet of continuous land.

3. The open space must be cleared and the open space improvements must be approved by the Design Commission, with the advice of the Park Bureau, prior to the issuance of building permits for the building receiving the increased height allowance.

4. To assure continuation of the height transfer for the provision of open space, the property owner must execute covenants with the City which are attached to and recorded with the deed of both the site transferring and the site receiving the transfer of height. The covenant must reflect the respective increase and assure future continuation and maintenance of the public park in conformance with all the requirements of this Section and Section 33.702.090. The covenant is required in consideration of the City's issuing a building permit, allowing additional height beyond the amount permitted based on Plan District Map B.

5. The height increase shall not interfere with the protection of established view corridors, preservation of the character of historic districts, the protection of public open spaces from shadow, and preservation of the City's visual focus on important buildings such as the Union Station Clock Tower.

E. Limit on transfers of height. The amount of height transferred is determined by the maximum height allowed on the donating block as specified in the Plan District, or the base zone for areas not within a Plan District. The maximum amount of height transferrable is 100 feet. The transfer may only be to a site eligible for a height bonus as shown on Plan District Map B, located at the back of this Chapter. The site receiving the bonus height shall not exceed the 460-foot height cap.

33.702.090 Covenants with the City.

A. Purpose. To assure continuation of amenities and housing built to qualify the project for bonus and/or transfer of floor area the property owner must execute a covenant with the City. The covenant is required in consideration of the City's issuing a building permit allowing additional floor area beyond the amount permitted based on Plan District Map C.

B. Requirements. The covenant must run with the land and be attached to the land. It must provide that in the event of the property owner's failure to abide by the covenant, the City is empowered to terminate occupancy of the structure and to obtain, in the name of the City, injunctive relief in a court of competent jurisdiction enjoining future occupancy of the structure while a violation of the covenant exists. All covenants must be approved in form by the City Attorney and be recorded in the appropriate records of the county in which the project site is located. Covenants must be recorded prior to issuance of any building permit and must specify that the owner will comply with all approval conditions, conditions listed for approval of the applicable bonus provision, and the provisions of this Section.

33.702.100 Required Residential Development.

A. Purpose. The residential requirements of this Section assure that new development in areas suitable and attractive for new housing include housing. This requirement is imposed as an alternative to the creation of exclusively residential zoning. This increases development flexibility while still addressing the housing objectives of the Central City Plan.

B. Applicability. The requirements of this Section are applicable to all new construction and to major expansion projects. Areas subject to this requirement are identified on Plan District Map E, located at the end of this Chapter. Major expansions are those where the improvements made since initial enactment of this requirement exceed the value or gross square footage of the building as shown in the Multnomah County assessment and taxation records in the year in which this Section became effective (1988). In determining whether this threshold is exceeded, all improvements completed since initial adoption of this Central City Plan District must be considered.

C. Residential density required. Within the areas identified as requiring residential development, a minimum of 15 dwelling units per net acre of site area must be provided. The net site area is the lot area reduced by any lands dedicated as public rights-of-way, public parks and/or a regional public attraction (such as a museum or an aquarium). One housing unit is required for each 2,900 square feet of net site area or part thereof. Residential floor area provided in accordance with this Section qualifies as bonus floor area under the provisions of Section 33.702.060.

D. Type of housing. Housing constructed in satisfaction of this requirement may be in either a single-use, or mixed-use building or project.

E. Occupancy of the project. Housing constructed in conformance with this provision, as part of a mixed-use project, must receive an occupancy permit at the same time as, or in advance of,

issuance of an occupancy permit for nonresidential portions of the project.

F. Central City Master Plan opportunity. Nonresidential portions of a project may be completed in advance of the residential portions if the project's phasing is approved as part of a Central City Master Plan. Housing required by this Section may be provided at a location other than on the development site if approved as part of a Central City Master Plan. Central City Master Plans must be developed and approved in conformance with the provisions of Section 33.702.110.

33.702.110 Central City Master Plan Opportunity Provisions.

A. Purpose. This provision creates added development opportunity and flexibility for projects which have successfully demonstrated that the service needs and policy objectives of the Central City Plan are addressed by their specific development plans. The Central City Master Plan is an option available to those wishing greater project flexibility. It is not a requirement. Project developers not desiring this flexibility may build in accordance with the base regulations applicable to a given site and need not develop a Central City Master Plan. A Central City Master Plan may also be created through a legislative process initiated by the City.

B. Flexibility achieved. An approved master plan allows additional flexibility in the following areas:

1. To reach ultimate heights and floor area ratios as shown on Plan District Maps B and C;

2. To proceed with nonresidential development in a required residential area as identified on Plan District Map E;

3. To allow the development of required housing at a location outside of the required housing area; and

4. To allocate permitted floor area to development sites within the master plan area. Densities greater or less than the specific numeric limit for each site may be assigned on a site-specific basis. The total combined density for all sites included in

the master plan area must be within the maximum allowed floor area for the master plan area, exclusive of dedicated rights-of-way and dedicated public open spaces. Floor area transfers outside of the master plan areas are not permitted through the use of this master plan provision.

C. Approval procedure. Master plan approval requests are to be processed through a Type III procedure assigned to the Planning Commission.

D. Approval Criteria. Approval of a Central City Master Plan may be granted if the proposal meets all of the following approval criteria:

1. View protection.

a. The master plan clearly identifies and protects significant public viewpoints; and

b. The master plan clearly identifies and protects significant view corridors down public rights-of-way.

2. Circulation.

a. The master plan identifies a clear internal circulation system that joins the surrounding street system at logical points and meets the needs of pedestrians and bicyclists as well as drivers; and

b. The master plan provides for creation of public open spaces that for riverfront areas tie the pedestrian and bicycle circulation system to the Willamette River. Open spaces and plazas are to be at locations convenient for use both by those living and working within the master plan area and by the general public.

3. Access to the Water. At locations adjacent to the Willamette River, the master plan includes a proposal for access to the water as well as along the top of the bank.

4. Required housing.

a. The master plan identifies the location and density of housing to be constructed in compliance with the provisions of Section 33.702.100. The site selected for future residential development is reserved for that development through concurrent application for a residential comprehensive plan and zoning designation on the proposed housing site; and

b. The master plan may

accommodate the required housing outside the required housing area if the site identified meets the following criteria. The site is under the applicant's control, is vacant, or is used for surface parking, and/or has improvements with an assessed value less than one-third the value of the land. The site is within the Central City Plan District and is zoned CX or CE at the time of application for a master plan and is concurrently rezoned to residential as required in a. above.

5. Infrastructure capability.

a. The master plan shows that the first phase of the proposed development can be accommodated within the capacity of the public and private infrastructure systems serving the site;

b. The master plan identifies on and off-site infrastructure improvements needed to accommodate the amount of development proposed for the site at each phase of the proposed project; and

c. The master plan links the development of each phase of the project to the provision of services necessary to meet the infrastructure service needs of the development associated with that phase.

6. Floor area ratio. The master plan indicates the amount of building floor area which is to be assigned to each parcel.

E. Review for conformance with approved Central City Master Plans. After approval of a master plan, each development proposal within the area included in the master plan must be reviewed. This review is through a Type I procedure. A preapplication conference is required prior to submittal of a Type I application for development in conformance with a master plan. Should a Type I application be denied, or approved with conditions unacceptable to the applicant, the applicant may reapply through a Type III procedure assigned to the Hearings Officer. The proposed development may be approved if the following approval criteria are met:

1. The proposed development is consistent with and conforms to all particulars of the approved master plan; and

2. The transportation, water, storm water disposal, and waste water

disposal systems identified as necessary to serve the development at the time of initial approval of the master plan are in place; or

3. Improvements are being undertaken as part of the project or concurrently with the project and the system improvements identified in the master plan as needed by the project will be in place when the project is ready for occupancy.

F. Central City Master Plan amendments. Amendments to an approved master plan may be approved through the following procedures:

1. Major amendments. Major amendments are processed through a Type II procedure assigned to the Hearings Officer. The amendment may be approved if the proposed change results in a master plan which continues to meet all approval criteria for master plans listed in Subsection D. above.

2. Minor amendments. Minor amendments are those which in the view of the Planning Director have little or no effect on the property or the surrounding area. Minor amendments are processed through a Type I procedure. If the application is denied or approved with conditions not acceptable to the applicant, the applicant may reapply through a Type III procedure assigned to the Hearings Officer. Minor amendments must not permit any of the following:

a. Blocked view corridors identified as protected or preserved in the original master plan approval;

b. A change in the location of circulation corridors planned to accommodate the movement of pedestrians and/or bicycles by more than ten feet;

c. A reduced amount of landscaped open space;

d. A reduced amount of access to the waters surface;

e. A change in the location, density, or timing of housing required under 33.702.100;

f. Development to proceed in advance of provision of the public facilities that have been identified in the master plan as necessary to serve the development;

g. More development in the area covered by the master plan than was originally approved; or

h. Relieve the property owner from the obligation to comply with any condition of approval imposed as part of the original approval process.

33.702.120. Essential Service Providers (ESPs).

A. Purpose. To allow the provision of essential services to no, or low-income people while preserving a positive climate for investment and enhancing public safety. These provisions are established to reduce conflict between ESPs and other uses and assure that ESP uses do not dominate an area's character.

B. Applicability. These provisions are applicable only in the CX and CE zones within the Central City Plan District.

C. Definition. Essential Services Provider (ESP) are establishments which are primarily engaged in directly providing food and/or temporary shelter for free or at significantly below market rates. This definition does not apply to other uses and activities which are often run by, or for the benefit of, agencies which are "Essential Service Providers" such as:

1. Administrative offices where there is not direct service,

2. Retail outlets,

3. Counseling and vocational training facilities or workshops,

4. "Single Room Occupancy" (SRO) housing.

D. When review is required. Review is required of all new, relocating or expanding ESPs.

E. Procedure. All ESPs must be reviewed though the procedures specified below:

1. Situations requiring a Type I review:

a. Locating an ESP facility which is 750 feet or more from an existing ESP.

b. Expanding an existing ESP facility for a similar use, or replacing an existing facility with a similar use, or creating a multi-facility, co-location, on the site of an existing facility. A co-location is

a location on a single block, which is under a single ownership and houses two or more ESPs.

2. Situations requiring a Type II review:

a. Locating an ESP facility which is within 750 feet of an existing ESP and serves 15 or more people per hour at peak hours.

F. Approval Criteria:

1. ESP facilities approved through a Type I procedure must meet the following standards:

a. All activities associated with the agency's activities will take place within the building proposed to house the agency;

b. Outdoor waiting cannot be within the public right-of-way, must be separated from the public right-of-way, and must be large enough to accommodate the expected clientele;

c. Functioning rest rooms must be provided to serve clientele.

2. ESP facilities approved through a Type II procedure must meet the standards listed in 1., above, and all the following criteria:

a. The agency will primarily serve those residing in the area.

b. The facility must be designed using crime prevention through environmental design techniques to protect both clients and the public.

c. The facility must be designed to provide ease of maintenance and cleanliness for the site and structure.

d. The use is complementary or supportive of existing ESPs in the vicinity.

e. Building and site must be maintained in good condition.

f. A litter control plan, which provides for effective litter removal at and near the site of the facility, must be submitted with the application and must be followed.

g. The use will not result in ESP establishments dominating the character of the area.

33.702.130 Special Parking Areas and Regulations.

A. Purpose. The provisions of this Section address several public objectives. They implement the Downtown Parking and Circulation Policy; reduce conflicts between pedestrians, light rail facilities, and motor vehicles; and they establish controls on the design and landscaping of parking facilities.

B. Downtown parking and circulation policy area.

1. Applicability. The Downtown Parking and Circulation Policy area is enclosed by the west bank of the Willamette River, the Broadway Bridge and Broadway Ramp, Hoyt Street, the Stadium Freeway, and the Marquam Bridge. The policy area is shown on Plan District Map A, located at the end of this Chapter.

2. Special definitions and regulations. Special definitions and parking regulations applicable to the Downtown Parking and Circulation Policy area are contained within Sections 1-3, 1-4, 2-1, 2-4, 2-5, 2-6, 2-7, and 3-6 of the Downtown Parking and Circulation Policy: 1985 Update, adopted by City Council Ordinance No. 158245 on February 26, 1986, and are a part of this document.

3. Review required. All off-street parking within the Downtown Parking and Circulation Policy area requires a conditional use review. The review shall be a Type III procedure assigned to the Hearings Officer. Requests for exceptions to the Downtown Parking and Circulation Policy regulations are processed by the Hearings Officer concurrently with the conditional use review.

4. Approval criteria. This review is intended to allow parking facilities in ways which support downtown development. It is not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired commercial, employment, or residential character of the zone. Parking may be approved if all the following criteria are met:

a. The proposal will not by itself, or in combination with other uses, significantly lessen the overall desired

character of the area based on the number and proximity of other parking facilities and large paved areas;

b. The parking facility is found to be consistent with the Downtown Parking and Circulation Policy;

c. The parking facility and access points will be located in a manner that does not increase traffic congestion or safety problems for autos, transit vehicles, bicyclists, or pedestrians;

d. If the facility is a surface lot, it will provide separation and landscape buffering between the sidewalk and the lot;

e. If the facility is in a RX Zone, its appearance will not detract from the residential desirability of the area based on such things as setbacks, perimeter and interior landscaping, screening location, and amount of lighting, and location and size of signs; and

f. If the facility is a surface parking lot, it will meet all the landscaping requirements of Chapter 33.82 of this Title.

C. Northwest Triangle Plan Area.

1. Applicability. The regulations in Paragraph 2. below, are applicable in the Northwest Triangle Plan area which is outside of the area of the Downtown Plan. This area is shown on Plan District Map A, located at the end of this Chapter.

2. Regulations. There is no minimum parking requirement in the Northwest Triangle area. Surface parking must meet the surface parking lot requirements of Sections 2-6 of the Downtown Parking and Circulation Policy: 1985 Update, and the parking lot landscaping requirements of Chapter 33.82 of this Title.

D. Other Central City areas.

1. Applicability. The regulations in Paragraph 2. below are applicable in Central City Plan District areas zoned CX, CE or RX which are outside both the Downtown Parking and Circulation Policy area and the Northwest Triangle Plan area.

2. Regulations. These other Central City areas have no minimum number of required off-street parking spaces. Surface parking which is provided must meet all the parking lot landscaping

requirements of Chapter 33.82 of this Title.

E. Open Lot Parking near light rail. All new surface parking is prohibited within 100 feet of the center line of a public street which contains a light rail transit line within that portion of its length containing the line. Light rail transit lines are those public transit lines in use by the Metropolitan Area Express.

F. Parking access near light rail. Motor vehicle access to any parking facility is prohibited within 100 feet of the center line of a public street occupied by a light rail transit line along that portion of its length containing the line. Light rail transit lines are those public transit lines in use by the Metropolitan Area Express.

G. Parking structures. Parking in parking structures is encouraged. At locations outside the area covered by the Downtown Plan, as shown on Plan District Map A, located at the end of this Chapter, parking structures must comply with one of the following:

1. Where a parking structure has one or more levels more than four feet above grade, at least 60 percent of the structure's ground level street frontage will be available for retail, service or office commercial activities; or

2. Seventy-five percent of the perimeter of the structure will be provided with a 5-foot landscaped yard meeting the LI landscaping standard of Section 33.520.020.

H. Attended parking. Within the Central City Plan District, parking facilities staffed with an attendant during hours of operation may be "stacked." Stacked means that the attendant may park patron's vehicles so that access to a parked vehicle requires movement of other vehicles. Lots staffed with attendants must be developed in full conformance with all other provisions of Chapter 33.82, Parking Regulations.

33.702.140 Required Landscaping and Screening. (Amended by Ord. No. 161673, effective Mar. 31, 1989.)

A. Purpose. The requirements of this Section are intended to enhance the

appearance of the Central City by establishing additional landscaping and screening standards for parking areas.

B. Off-street parking requirement. Off-street parking in the Central City Plan District area must meet all the requirements of Chapter 33.82, Parking Regulations, with the exception of Sections 33.82.030 (b) and 33.82.030 (h) as provided below:

1. Within the Central City Plan District, the perimeter landscaping and screening requirements for surface off-street parking must be provided with continuous landscaping and screening bordering the public right-of-way in accordance with the following:

a. Landscape and screening border materials will be either a three-foot wide L2, Low Hedge, or S1, Low Solid Screen, as specified in Chapter 33.520, Landscaping and Screening; or

b. Landscaping and screening materials will be a 5-foot wide L1, green growing cover, protected by wheel stops at least 8 feet from the property line.

2. Within the Downtown District, internal landscaping and screening in accordance with 33.82.030 (h) is not required. The boundaries of the Downtown District are shown on Central City Plan District Map A.

C. Street tree requirements. Landscaping and screening must be accompanied by the installation of a minimum of one street tree for every 30 linear feet of site fronting a public right-of-way. Street trees must be a minimum of three inches in caliper measured four feet above the adjacent grade when planted. The trees must be planted in accordance with the requirements of Chapter 20.40, Street Tree Regulations.

D. Downtown surface parking lots. Surface parking lots within the Downtown Parking and Circulation Policy area must be provided with the landscaping and screening regulations in accordance with Subsection A. above, by March 19, 1982. [This compliance date was passed by the Portland City Council as part of the Downtown Development Regulations on March 19, 1979].

33.702.150 Northwest Triangle Open Area Requirement.

A. Purpose. This open area requirement assures adequate amounts of light and air, year-round opportunities for outdoor recreation, visual relief, contrast, and spatial orientation; and facilitates circulation for pedestrians to and throughout the Northwest Triangle District.

B. Definition. Open area includes sheltered or unsheltered walkways, parks, plazas, and landscaped features or areas. It does not include areas used for motor vehicle circulation, parking or maneuvering, or landscaping within areas devoted to vehicular use.

C. Applicability.

1. These regulations were developed specifically for, and are limited in their application to the Northwest Triangle District. The boundaries of the Northwest Triangle District are shown on Plan District Map A, located at the back of this Chapter.

2. Parcels over 40,000 square feet must devote a minimum of 30 percent of their land area to open area. The majority of this area is to be developed as parks or plazas, rather than for use solely as walkways. Parcels of 40,000 square feet or less are not subject to the open area requirement.

3. Development consisting primarily of uses from the industrial categories (Industrial Product Sales, Industrial Services, Manufacturing and Production, and Warehouse and Distribution) is exempt from the open area regulations. However, redevelopment resulting in more than 50 percent of site area falling into nonindustrial use categories require compliance with the open area requirement.

D. Standards.

1. Intent. Open areas should provide opportunities for both active and passive use.

a. A minimum of 25 percent of the required open area must be devoted to one primary gathering space; and

b. A maximum of 25 percent of the required open area must be devoted to walkways or sidewalks.

2. Shadow standard. Open areas

are to be sited so that shadows from buildings cover no more than 50 percent of a park or plaza at 12:00 noon, Pacific Standard Time, and 75 percent at 3:00 p.m., Pacific Standard Time on April 21 and August 21 of any year. Trees are not to be included in consideration of the limitation on shadows.

3. Tree planting standard. A minimum of one tree per 1,000 square feet of plaza or park is required to enhance and support activity in parks and plazas.

4. Border standard. To ensure that parks and plazas have clearly defined borders, peripheral tree lines, low walls, planters, or other similar treatment along the edges are required.

5. Linkages. Open areas and walkways must provide safe, attractive, and convenient linkages to adjacent existing and future development and to existing sidewalks.

6. Continuity. Open areas must be designed at a level of quality similar to that found in other recent nonindustrial developments in the Northwest Triangle.

33.702.160 Northwest Triangle Waterfront Development.

A. Purpose. These Northwest Triangle waterfront regulations are intended to assure both frequent views of the river and physical connections to the river and its activities.

B. Applicability. The provisions of this Section are applicable within the area covered by the Northwest Triangle Plan. The boundary of the Northwest Triangle Plan is shown on Plan District Map A, located at the end of this Chapter.

C. Standards.

1. View corridors. Between Front Avenue and the Willamette River, a minimum of 25 percent of the length of the site must be maintained as a view corridor, or as view corridors. The corridor must provide an unobstructed view from Front Avenue to the Willamette River. Parking is not permitted within a view corridor; however, vehicular and pedestrian circulation is allowed.

2. Setbacks. Minimum setback regulations apply, using the sky exposure

plane concept, from Front Avenue, adjacent buildings and/or property lines, to the top of the bank of the Willamette River.

a. Minimum setbacks must be established in the following manner: sky exposure must be maintained between existing, proposed and future independent buildings by retaining a space between cornices (roof lines) defined by an arc of 90 degrees measured from grade. Portions of the primary plane described by the 90 degree arc may be penetrated up to a secondary plane described by a 60 degree arc if the average projection of all facing cornices lies beneath the primary plane. (For the purposes of this Section, the imaginary planes forming the 60 degree arc are called secondary planes; bridges and bridge ramps are not considered structures.) See diagram 702-1a, located at the end of this Chapter.

b. If the proposed construction abuts a public right-of-way, the primary and secondary planes must be projected from the right-of-way center line. Primary and secondary planes must project from the top of the bank for all projects abutting the Willamette River. See diagram 702-1b, located at the end of this Chapter.

c. If no structure exists on adjacent property, the primary and secondary planes must be projected from the property line. See diagram 702-1c, located at the end of this Chapter.

d. No permanent structure other than allowed signs, flag poles, and antennas may penetrate the secondary sky exposure plane.

3. Maximum building dimension. The maximum building dimension on waterfront properties is 200 feet. The limitation applies to both building length and depth. The limitation is intended to enhance the view corridor perspective from Front Avenue.

4. Public access. Public access must be available and clearly signed for pedestrians moving between Front Avenue and the Greenway Trail as part of each development lot.

5. Docks, boat ramps, and moorages. Docks or destination landings such as seawall tie-up locations must be day

use facilities. Such facilities must be protected from the wake action of larger vessels. Boat ramps and permanent moorage for recreational boats are not permitted.

33.702.170 Required Building Lines.

A. Purpose. Required building lines are established to enhance the urban quality of retail, office, and historic areas in portions of the Central City.

B. Applicability. Areas subject to this requirement are shown on Plan District Map F, located at the end of this Chapter.

C. Standard. Along a frontage containing a required building line, development projects must comply with Paragraphs 1. or 2. below. Portions of a building designed to meet the requirements of this Section must be at least 15 feet high.

1. The building must extend to the street lot line along at least 75 percent of the lot line; or

2. The building must extend to within 12 feet of the lot line for 75 percent of the lot line and the space between the building and the lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."

D. Compliance. All new construction and all major remodeling projects located along a frontage subject to this requirement must comply. Major remodeling projects are those where the building floor area is being increased by 50 percent or more, or where the cost of the remodeling is greater than the assessed value of the existing improvements on the site (assessed value is the value shown on the Multnomah County assessment and taxation records for the current year). Multiple remodeling projects undertaken since the initial effective date of this Chapter that cumulatively meet the above description of a major project are treated as a major project and must also comply when the total cost of all projects are equivalent to 50 percent of the assessed value.

33.702.180 Required Retail Opportunity.

A. Purpose. The required retail opportunity provisions within the Central City Plan District are established to reinforce the continuity of retail display windows and retail stores and to help maintain healthy retail districts.

B. Applicability. Required retail opportunity areas are shown on Plan District Map G, located at the end of this Chapter.

C. Standard. Within a required retail area, buildings must be designed and constructed to accommodate at least 50 percent of the building's exterior perimeter walls fronting on a sidewalk, plaza, or other public open space in retail or personal service uses.

D. Access. All spaces for retail or personal service uses provided in compliance with this Section must be directly accessible from a sidewalk, plaza, or other exterior public open space.

E. Compliance. All new construction and all major remodeling projects located along a frontage subject to this requirement must comply. Major remodeling projects are those where the building floor area is being increased by 50 percent or more, or where the cost of the remodeling is greater than the assessed value of the existing improvements on the site (assessed value is the value shown on the Multnomah County assessment and taxation records for the current year). Multiple remodeling projects, undertaken since the initial effective date of this Chapter that cumulatively meet the above description of a major project are treated as a major project and must also comply when the total cost of all projects are equivalent to 50 percent of the assessed value.

33.702.190 Limitation on Blank Walls.

A. Purpose. Blank walls on the ground floor level are limited to encourage continuity of retail and consumer service uses; to encourage retail and commercial activities at street level; to provide a pleasant, rich and diverse experience for pedestrians by visually connecting activities

occurring within a structure to adjacent sidewalk areas; to enhance crime prevention by increasing opportunities for surveillance of the street from interiors of buildings; to restrict fortress-like facades at the street level; and to avoid a monotonous environment.

B. Standards.

1. In RX and CX Zones, at least 50 percent of the length and 25 percent of the exterior wall area on the floor abutting sidewalks, plazas, or other public open spaces or rights-of-way must be devoted to windows affording views into retail, office or lobby space, pedestrian entrances, or retail display windows.

2. This limitation on blank walls does not apply to sides of buildings having residential units located adjacent to the exterior ground floor wall.

3. Buildings having less than 50 percent of their ground level floor area in retail, office, or lobby use, but containing other active uses found during the design review process to be of visual interest to the pedestrian may provide windows affording views of the active use as an alternative to Paragraph 1. above. (Examples of such uses are pressrooms, classrooms, kitchens, or manufacturing processes.) Parking areas, truck loading areas, and vehicular access ways are not active uses.

4. Buildings having less than 50 percent of their sidewalk level space in retail, office, or lobby, or in other visually interesting active uses may substitute artwork and/or display windows to meet the blank wall provisions of Paragraph B.1. and B.2. above, if the proposed display window or artwork is found to meet the intent of this Section as stated in Paragraph A., above, during the design review process. (Artwork and displays relating to activities occurring within the building are encouraged.)

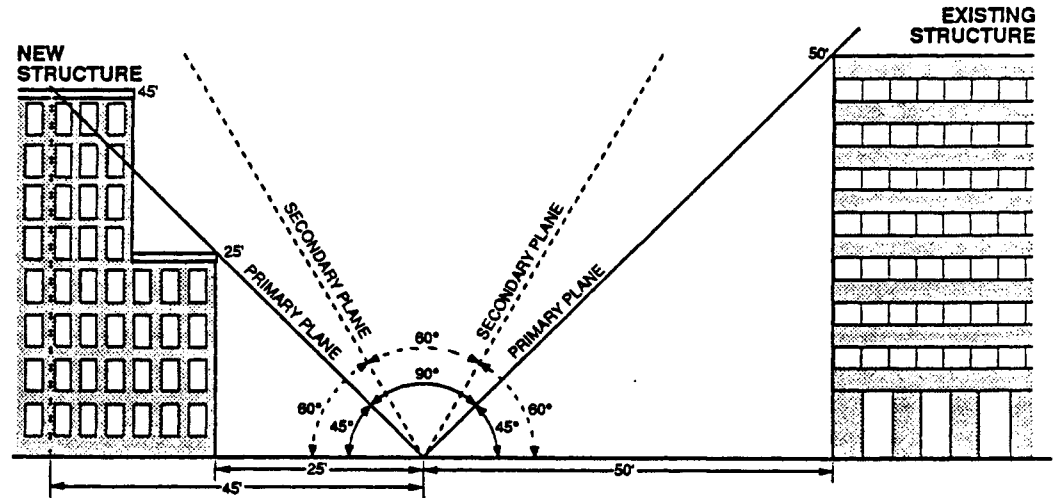
C. Compliance. All new construction and all major remodeling projects are subject to this requirement and must comply. Major remodeling projects are those where the building floor area is being increased by 50 percent or more, or

where the cost of the remodeling is greater than the assessed value of the existing improvements on the site (assessed value is the value shown on the Multnomah County assessment and taxation records for the current year). Multiple remodeling projects, undertaken since the initial effective date of this Chapter that cumulatively meet the above description of a major project are treated as a major project and must also comply when the total cost of all projects are equivalent to 50 percent of the assessed value.

33.702.200 Review for Timeliness.

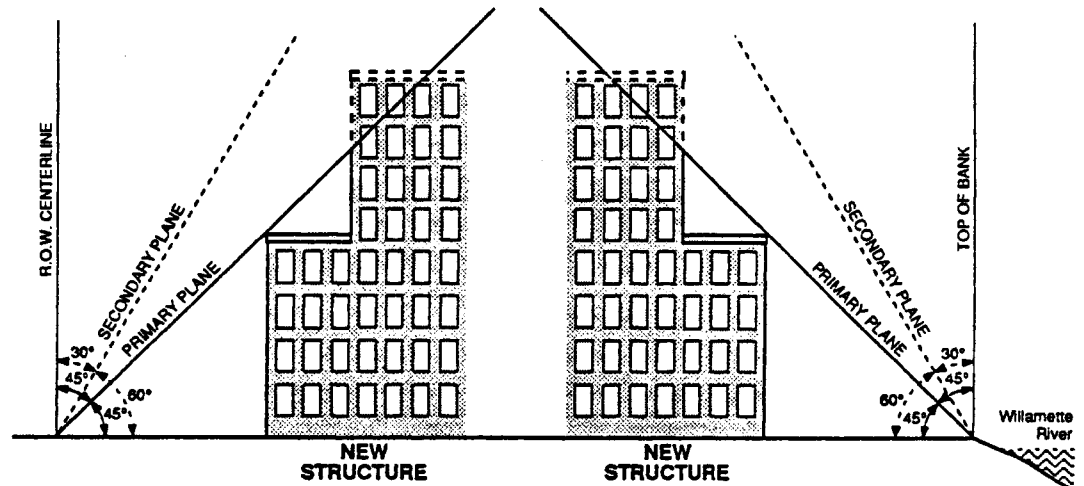
The regulations of this Chapter will be reviewed for continued applicability in 1999 as required by Section 33.700.050.

Diagram
702-1a



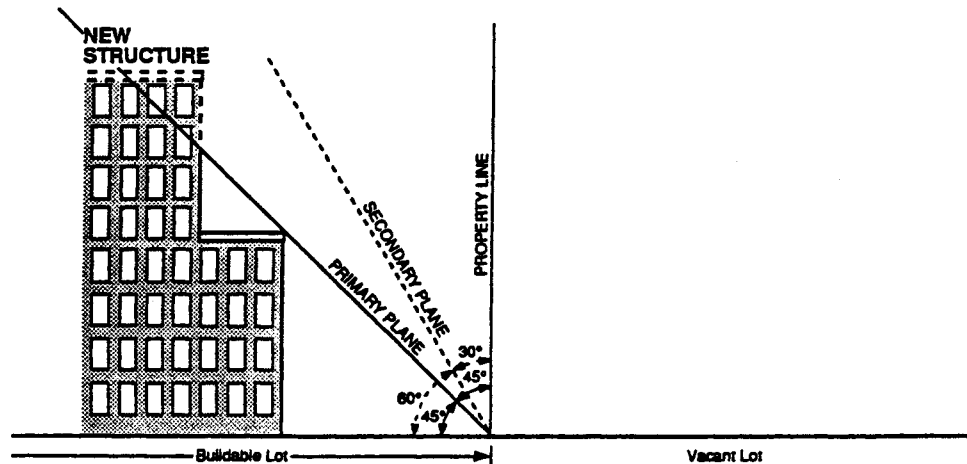
- A. Sky exposure between buildings must be maintained by retaining a space between cornices defined by an arc of 90 degrees measured from the ground.

Diagram
702-1b

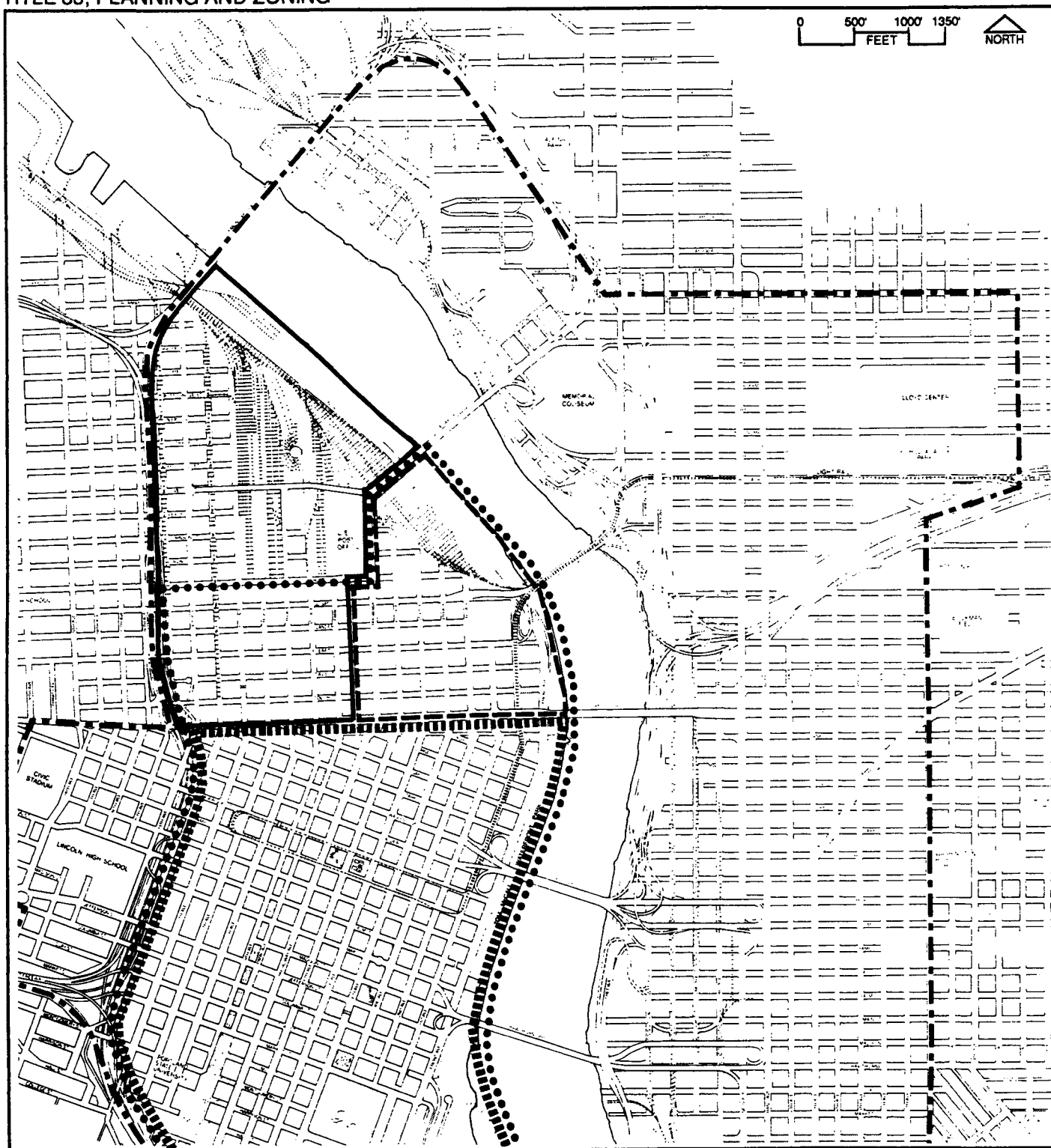


- B. The primary and secondary planes abutting a public right-of-way are projected from the right-of-way center line. Primary and secondary planes are projected from the top of the bank for projects abutting the Willamette River.

Diagram
702-1c



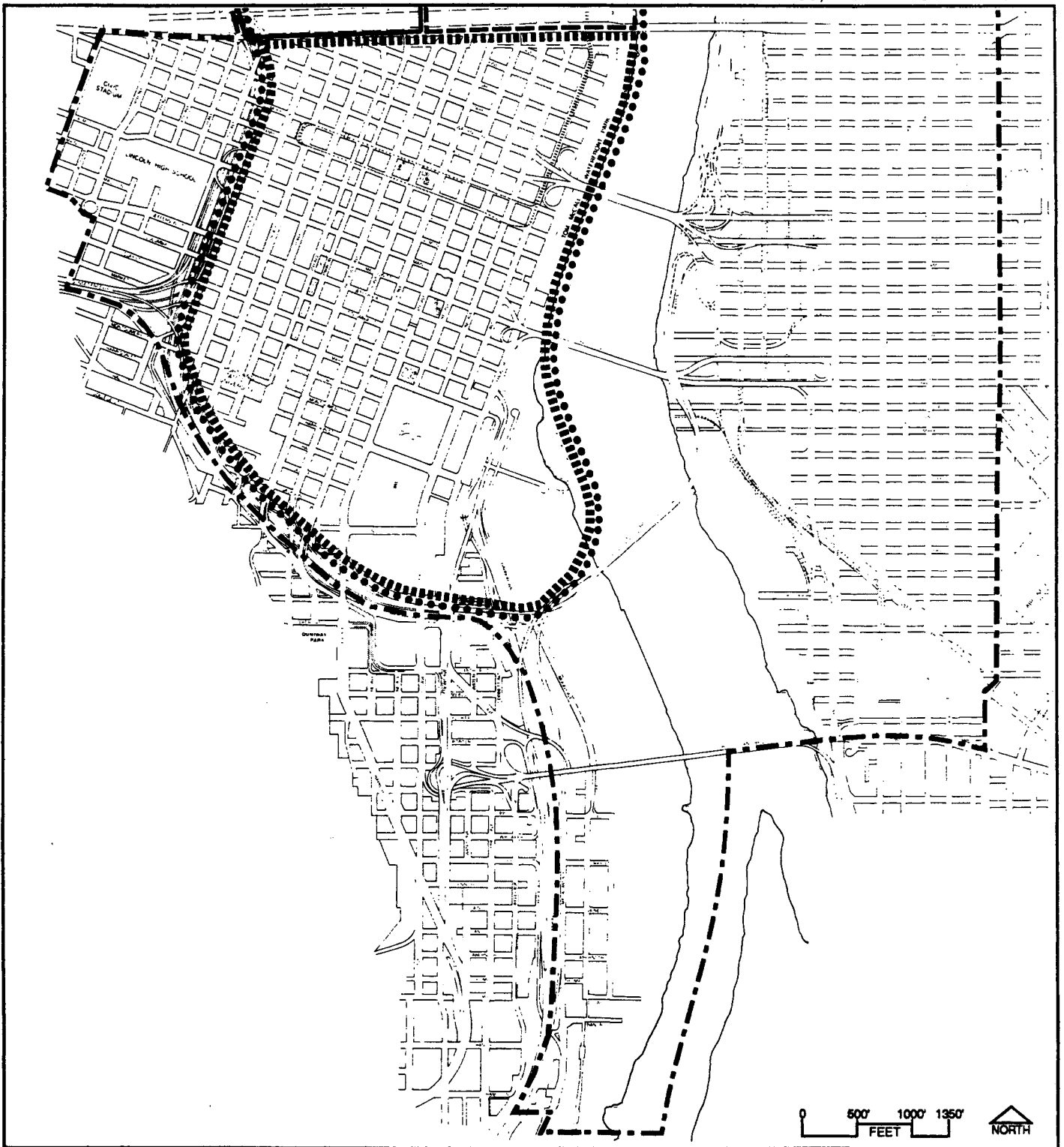
- C. If no structure exists on adjacent property, the primary and secondary planes are projected from the property line.



**CENTRAL CITY PLAN
PLAN DISTRICT MAP A
1 of 2: NORTH
PLAN DISTRICTS**

LEGEND

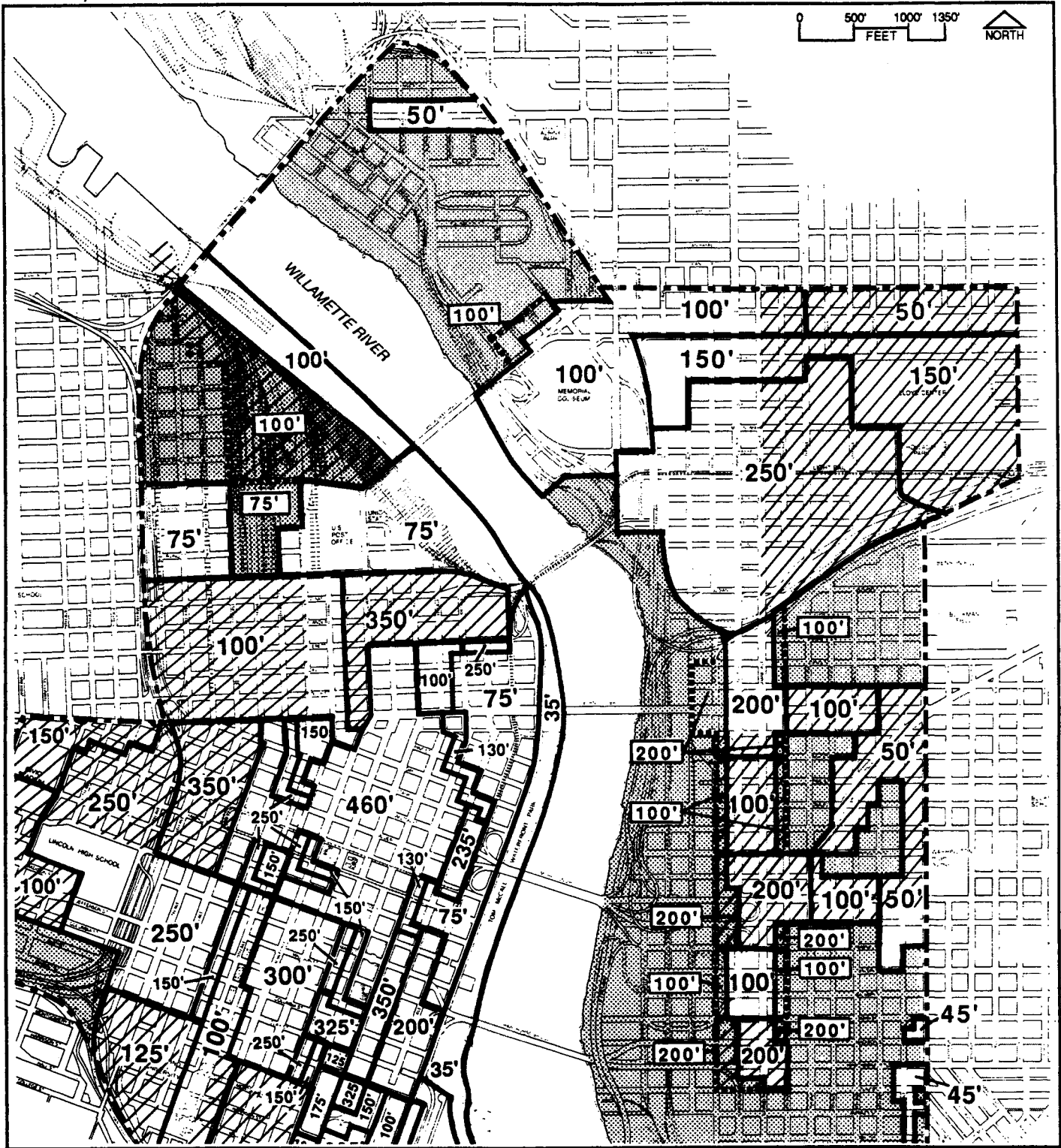
- Central City Plan District Boundary
- Downtown Plan And Downtown Parking and Circulation Policy Area Boundary
- Northwest Triangle Plan Boundary
- .- North of Burnside District
- Downtown District



CENTRAL CITY PLAN
PLAN DISTRICT MAP A
 2 of 2: SOUTH
PLAN DISTRICTS

LEGEND

- — Central City Plan District Boundary
- • • • Downtown Plan And Downtown
Parking and Circulation Policy
Area Boundary
- Northwest Triangle Plan Boundary
- — North of Burnside District
- • • • Downtown District



**CENTRAL CITY PLAN
PLAN DISTRICT MAP B**

1 of 2: NORTH

**MAXIMUM
BUILDING
HEIGHTS**

LEGEND

--- Central City Plan District Boundary

X' Maximum Building Height Area

— Boundary of Building Height Area

 Allowable Building Heights When Rezoned to CE or CX Zone

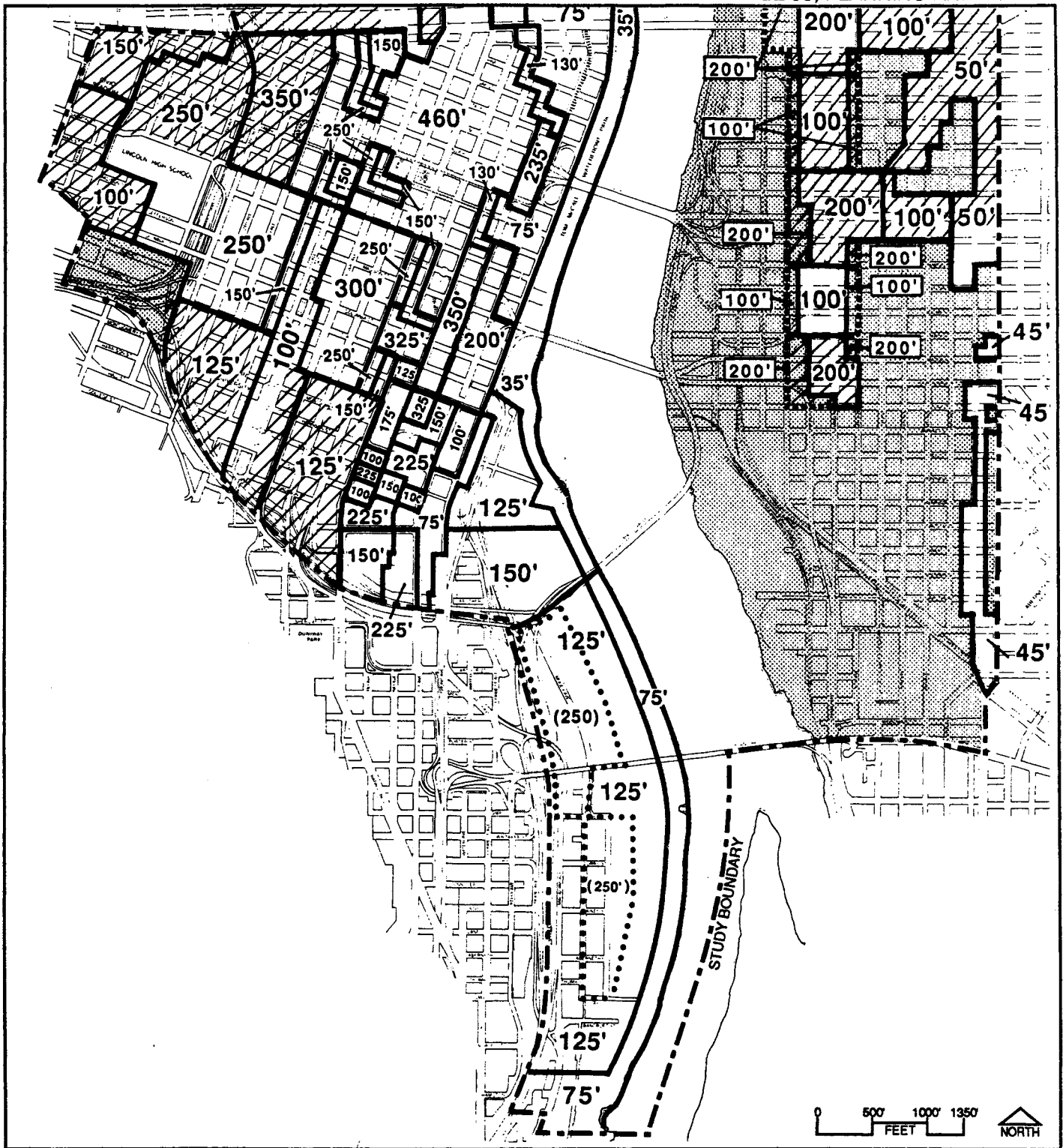
..... Boundary of Area Where Building Heights Tied to Rezoning to CE or CX Zone

(X') Ultimate Building Height Which May be Reached Through a Central City Master Plan

..... Boundary of Ultimate Building Height Area Tied to Central City Master Plan

 Area Eligible for Height Bonuses

 Area Where Heights are Controlled by Base Zoning

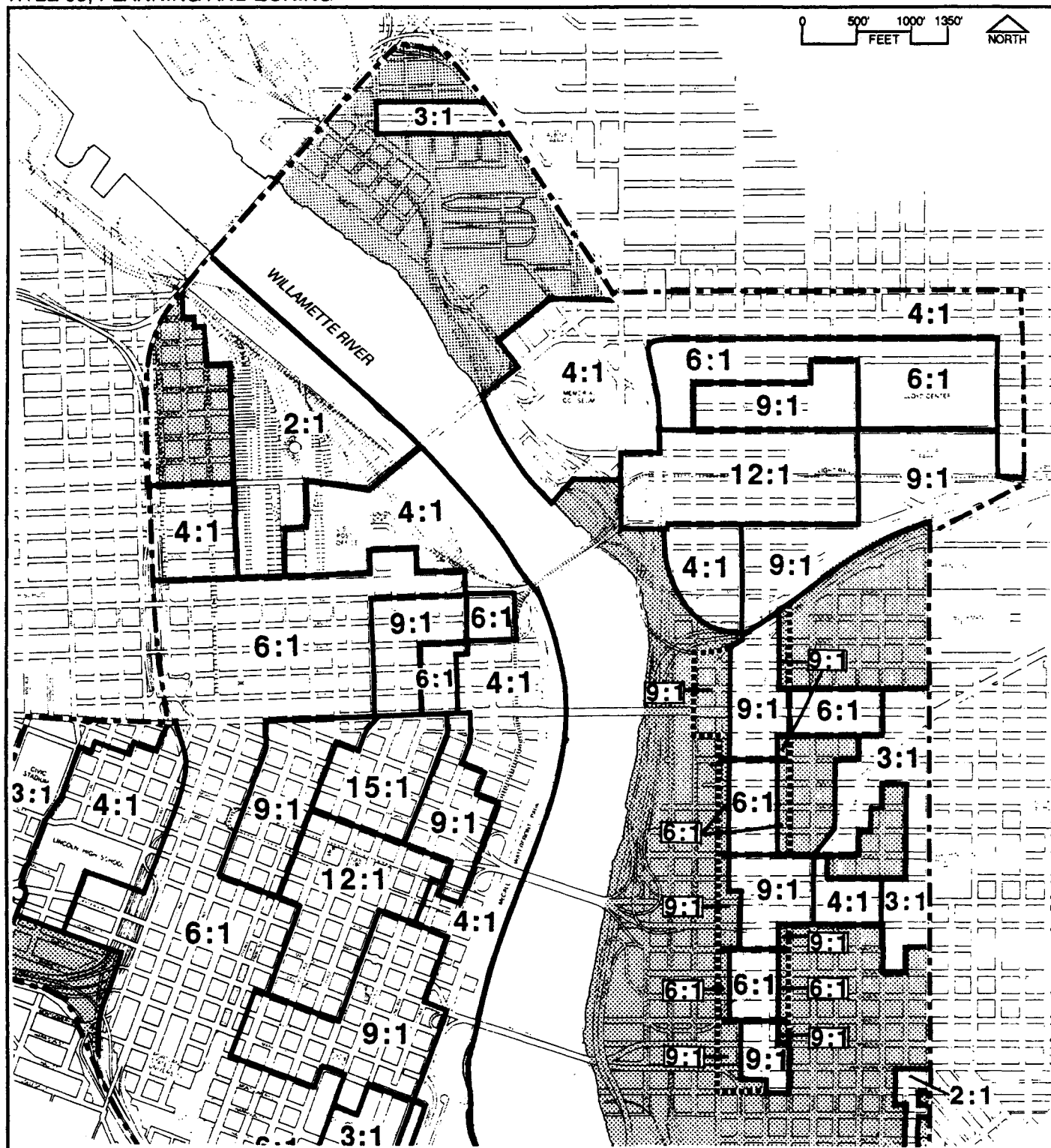


CENTRAL CITY PLAN
PLAN DISTRICT MAP B
2 of 2: SOUTH
**MAXIMUM
BUILDING
HEIGHTS**

LEGEND

- Central City Plan District Boundary
- X' Maximum Building Height Area
- Boundary of Building Height Area
- X' Allowable Building Heights When Rezoned to CE or CX Zone
- Boundary of Area Where Building Heights Tied to Rezoning to CE or CX Zone

- (X') Ultimate Building Height Which May be Reached Through a Central City Master Plan
- Boundary of Ultimate Building Height Area Tied to Central City Master Plan
- Area Eligible for Height Bonuses
- Area Where Heights are Controlled by Base Zoning



CENTRAL CITY PLAN PLAN DISTRICT MAP C

1 of 2: NORTH

MAXIMUM FLOOR AREA PERMITTED

LEGEND

--- Central City Plan District Boundary

X:Y Floor Area Ratio (FAR):
X=Number of Square Feet of
Building Allowed
Y=For Each Square Foot of
Land on Site

— FAR Boundary

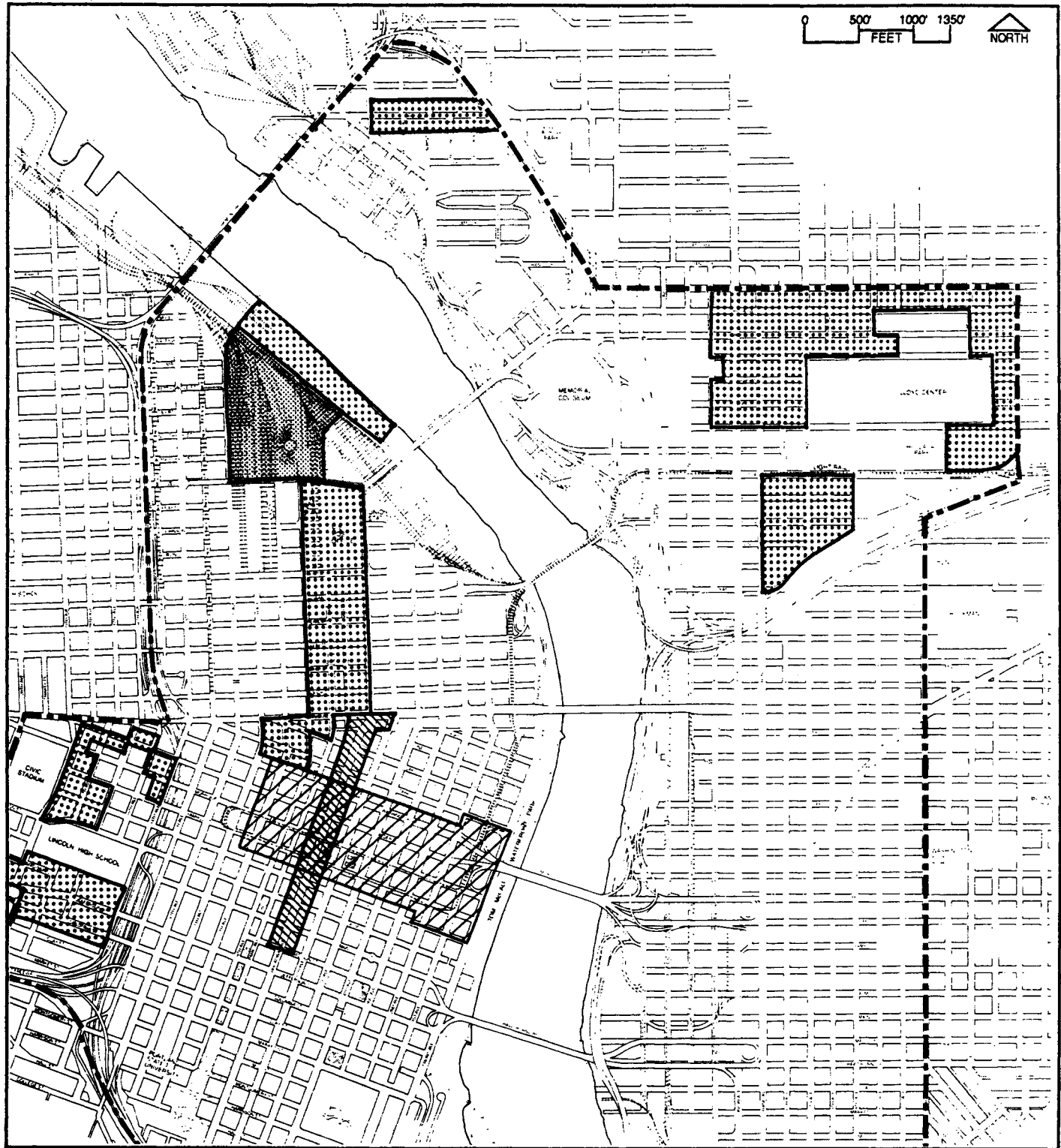
Area Where FAR is Controlled by
Base Zoning

(X:Y) Ultimate Floor Area Ratio Which
May be Reached Through a
Central City Master Plan Process

----- Boundary of Ultimate FAR Area





X:Y Allowable FAR when Rezoned to
CE or CX Zone

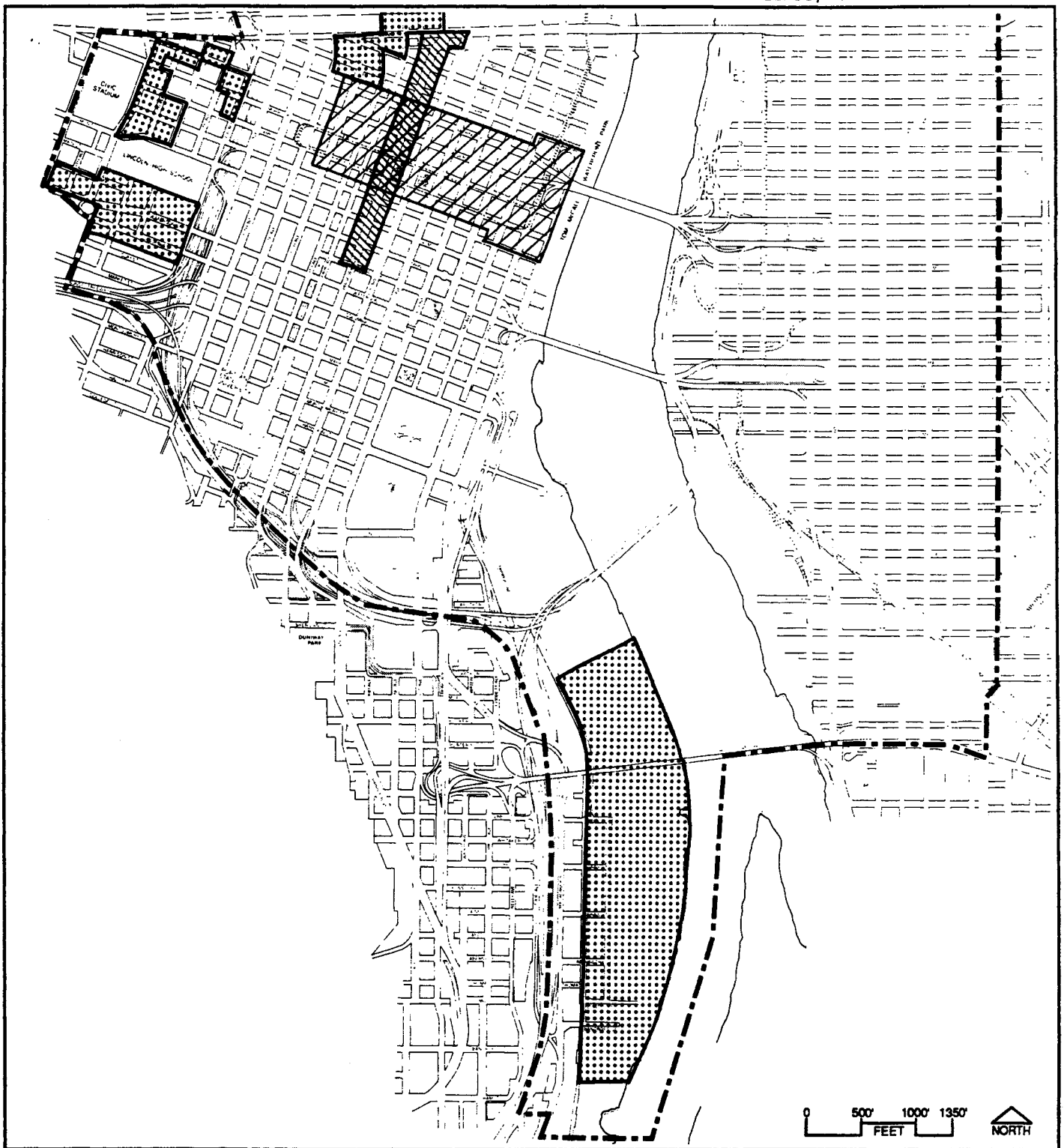
----- Boundary of Allowable FAR when
Rezoned to CE or CX Zone



**CENTRAL CITY PLAN
PLAN DISTRICT MAP D
1 of 2: NORTH
BONUS
PROVISION
TARGET AREAS**

LEGEND

- Central City Plan District Boundary
-  Residential Bonus Target Area
-  Residential Bonus Target Area when Rezoned to CE Zone
-  Retail Use Bonus Provisions and Retail Core
-  Theaters on Broadway Bonus Provision District








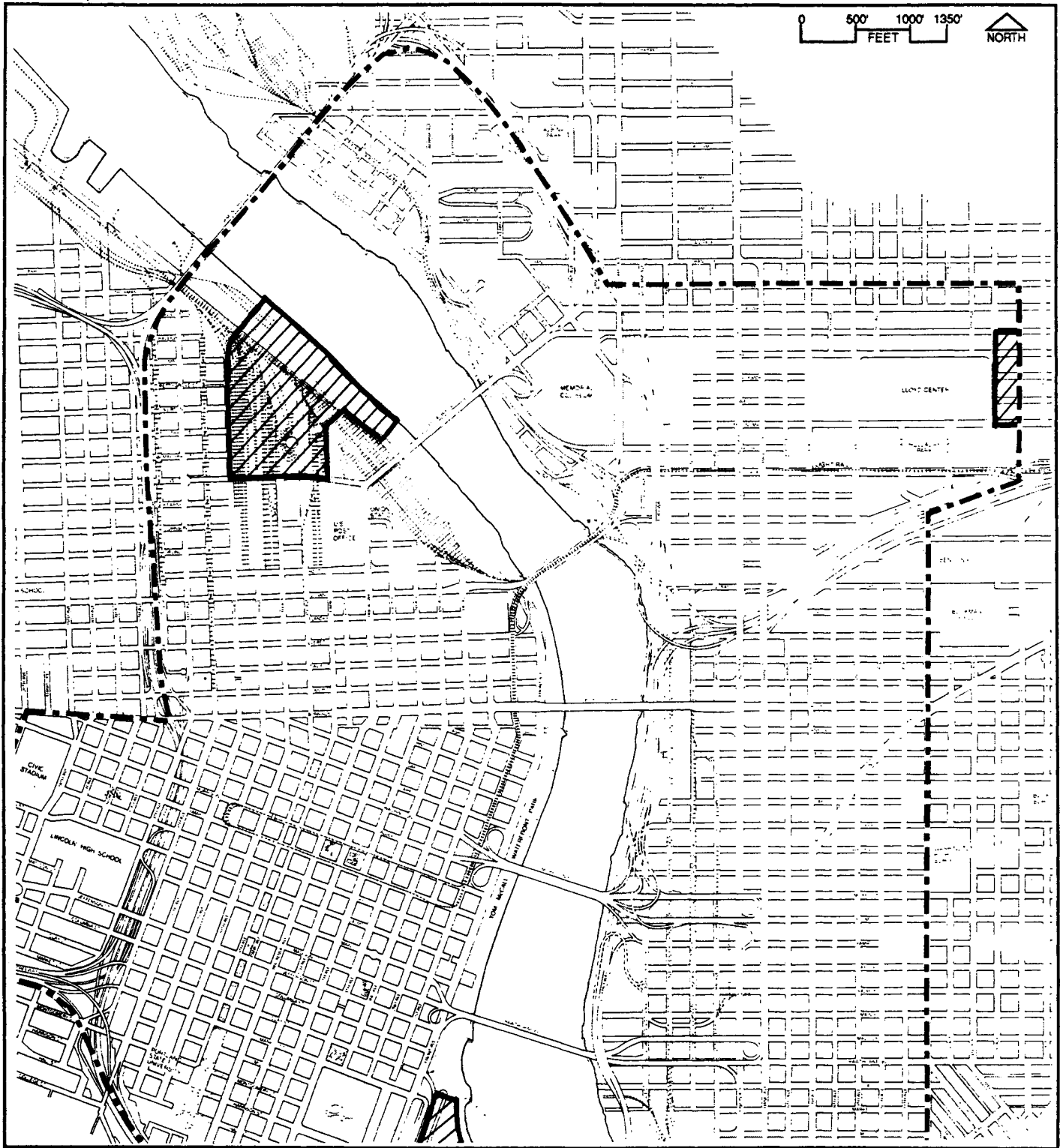
CENTRAL CITY PLAN
PLAN DISTRICT MAP D

2 of 2: SOUTH

BONUS PROVISION TARGET AREAS

LEGEND

-  Central City Plan District Boundary
-  Residential Bonus Target Area
-  Residential Bonus Target Area when Rezoned to CE Zone
-  Retail Use Bonus Provisions and Retail Core
-  Theaters on Broadway Bonus Provision District




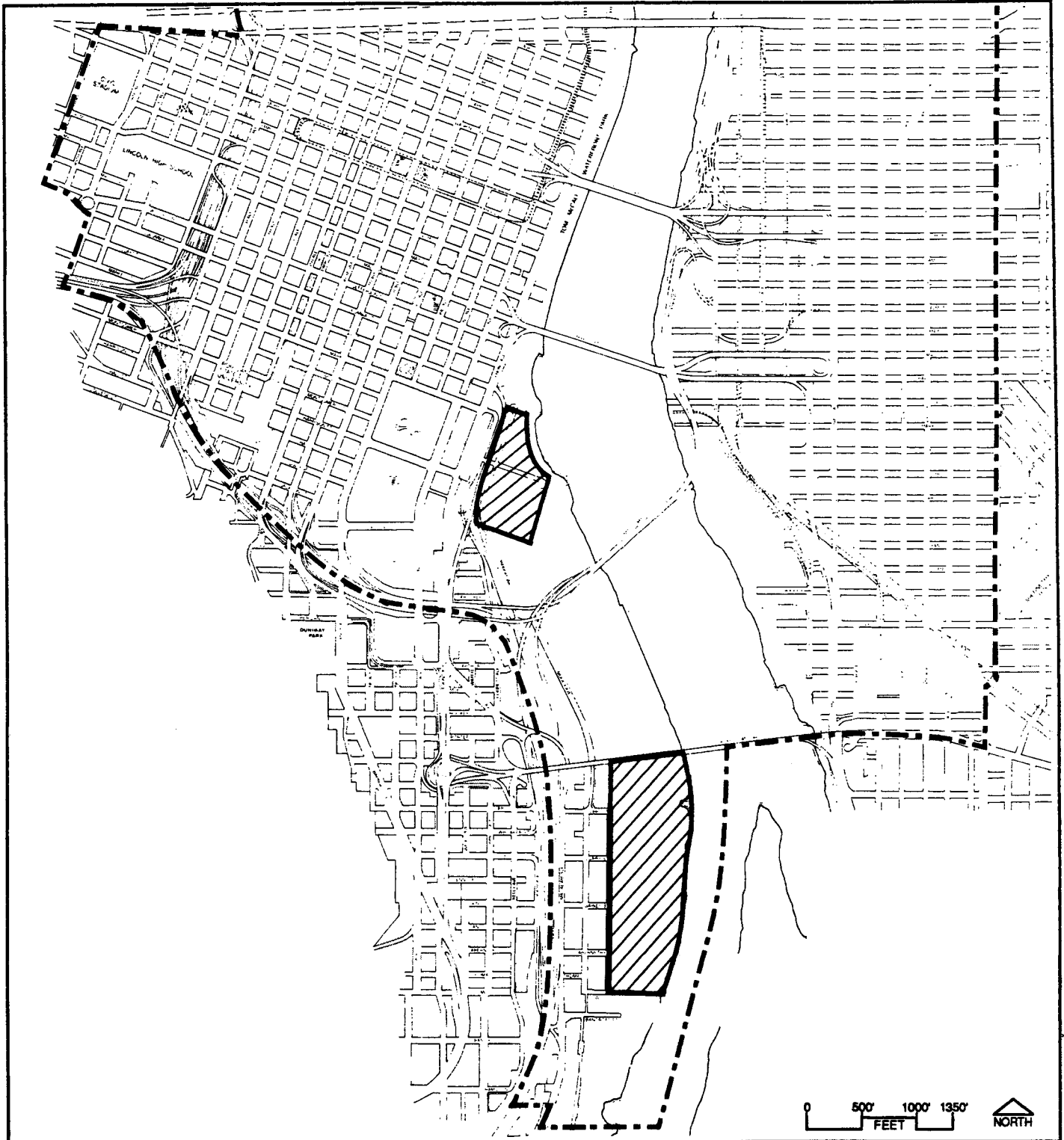
**CENTRAL CITY PLAN
PLAN DISTRICT MAP E**

1 of 2: NORTH

**REQUIRED
RESIDENTIAL
DEVELOPMENT
AREAS**


LEGEND

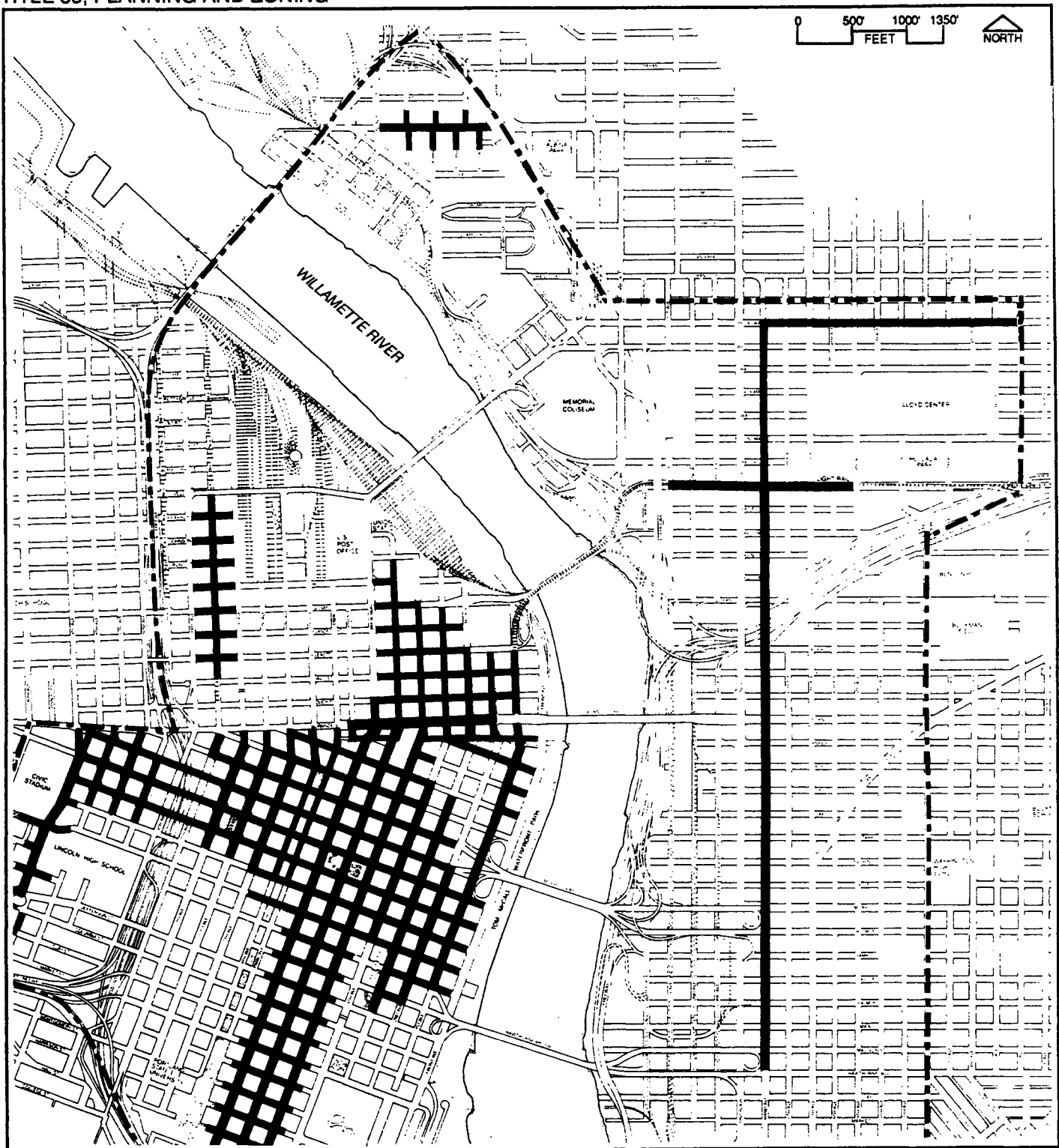
- Central City Plan District Boundary
-  Required Residential Development Area



CENTRAL CITY PLAN
 PLAN DISTRICT MAP E
 2 of 2: SOUTH
**REQUIRED
 RESIDENTIAL
 DEVELOPMENT
 AREAS**

LEGEND

- - - Central City Plan District Boundary
-  Required Residential Development Area



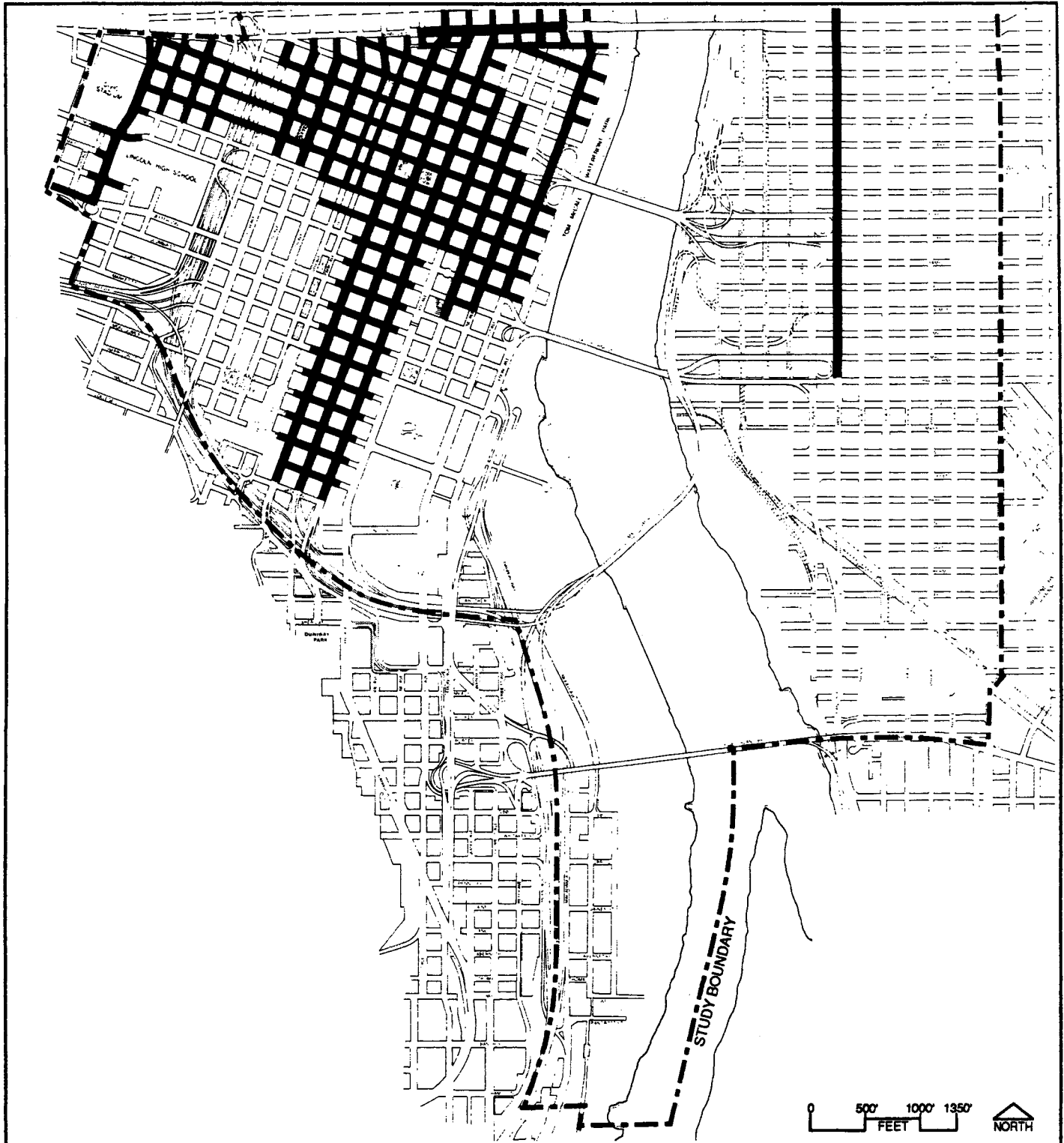
**CENTRAL CITY PLAN
PLAN DISTRICT MAP F**

1 of 2: NORTH

**REQUIRED
BUILDING
LINES**

LEGEND

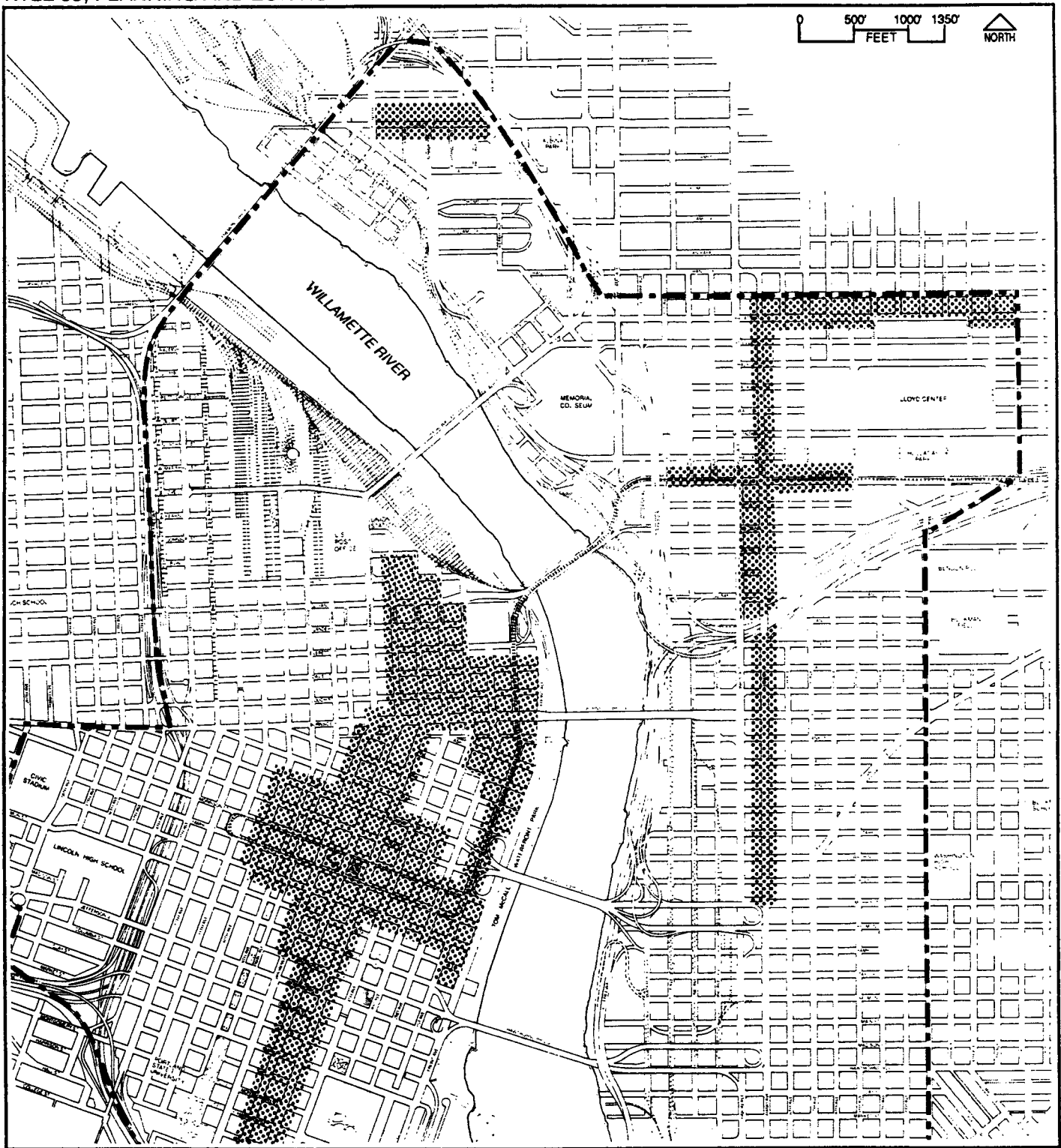
- - - Central City Plan District Boundary
- Required Building Lines



CENTRAL CITY PLAN
 PLAN DISTRICT MAP F
 2 of 2: SOUTH
**REQUIRED
 BUILDING
 LINES**

LEGEND

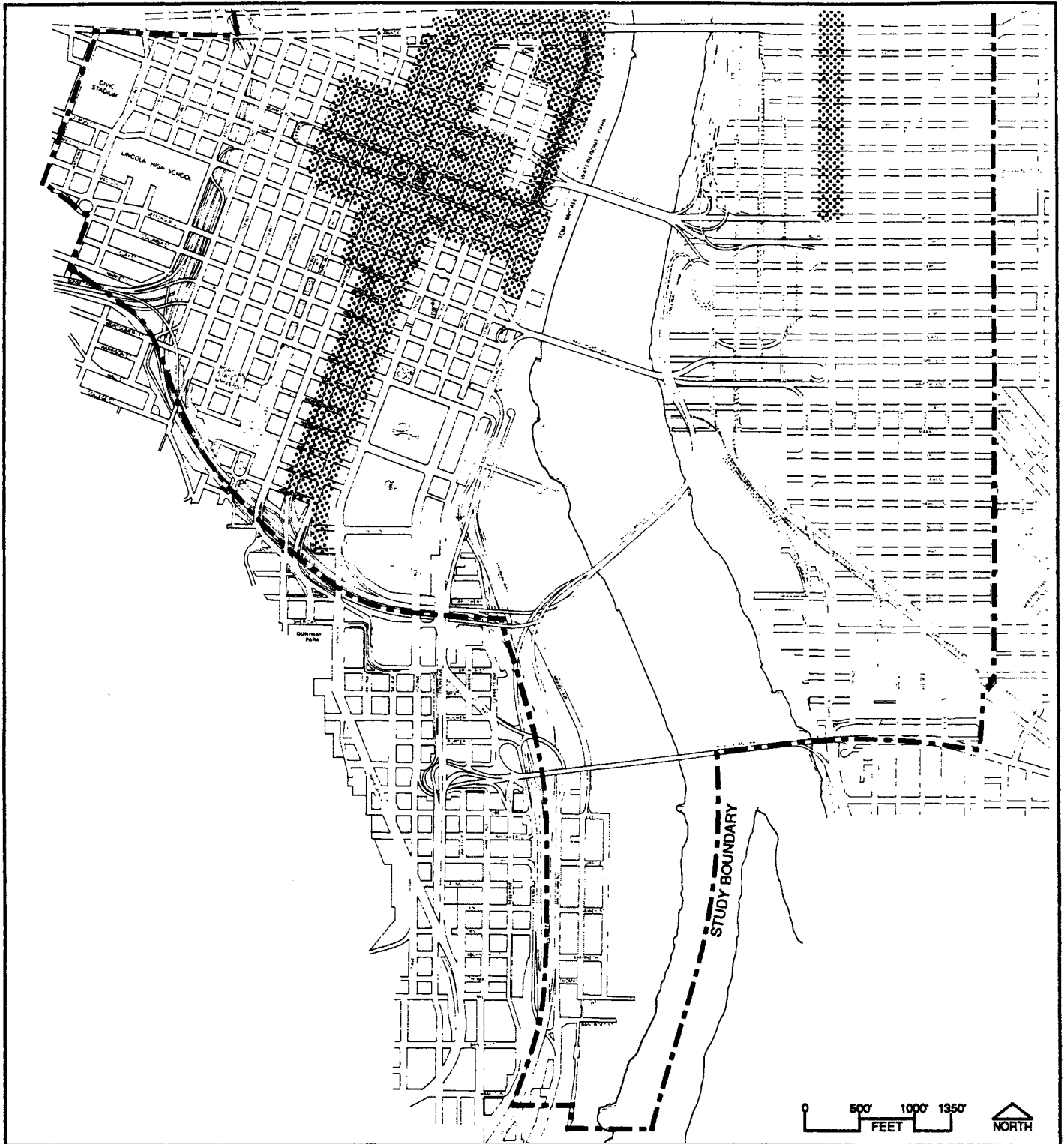
- - - Central City Plan District Boundary
- █ Required Building Lines



**CENTRAL CITY PLAN
PLAN DISTRICT MAP G
1 of 2: NORTH
REQUIRED RETAIL
OPPORTUNITY
AREA**

LEGEND

- — — Central City Plan District Boundary
-  Required Retail Use Area



CENTRAL CITY PLAN
PLAN DISTRICT MAP G

2 of 2: SOUTH

REQUIRED RETAIL OPPORTUNITY AREA

LEGEND

--- Central City Plan District Boundary

 Required Retail Use Area

Chapter 33.703

GATEWAY PLAN DISTRICT

(Added by Ord. No. 159045 passed
Oct. 1, effective Nov. 1, 1986.)

Sections:

- 33.703.010 Purpose.
- 33.703.020 Boundaries and Relationship
to Other Regulations.
- 33.703.030 Site Review Required.
- 33.703.040 Uses Affected.
- 33.703.050 Site Development Regulations.
- 33.703.060 Site Review Approval
Criteria.
- 33.703.070 Exceptions.
- 33.703.080 Review for Timeliness.

33.703.010 Purpose. The purpose of the Gateway Plan District is to provide for an intensive level of mixed use development that will be supportive of the Light Rail Transit (LRT) facility. This is to be accomplished by:

A. Requiring a mix of uses which are supportive of transit use and which generate transit use throughout the day;

B. Encouraging new development and the intensification of existing development to promote district growth and LRT ridership; and

C. Promoting compatibility between private investments and public investments in the LRT system through building design and site layout standards which provide safe, pleasant, and convenient access for pedestrians to the LRT station.

33.703.020 Boundaries and Relationship to Other Regulations.

A. Boundaries. The regulations of this Chapter apply to the Gateway Plan District. The boundaries of the Plan District, including a subarea, are shown on the official zoning maps and on Map 703.1 at the end of this Chapter.

B. Other regulations. The regulations of this Chapter supplement, and in some cases supersede, the regulations of the base zone. In the case of conflict with other provisions of this Title, the regulations of this Chapter control.

33.703.030 Site Review Required. All development is subject to the site review regulations and procedures of Chapter 33.903.

33.703.040 Uses Affected. The regulations of the C3 base zone control permitted, conditional, and prohibited uses except as stated below.

A. Additional uses permitted. Mass transit facilities and support

infrastructure and park and ride facilities are permitted.

B. Uses prohibited. Drive-through facilities are prohibited.

C. District limitations on retail uses. No new commercial development or expansion of existing commercial buildings are allowed if the resulting mix of uses in the entire plan district is more than 4 to 1 of retail uses to nonretail uses. This subparagraph applies only to development approved under the provisions of this Chapter. Nonretail uses include offices, clinics, public service uses, residential uses, etc. Measurements shall be in gross square feet of floor area. It is the responsibility of the applicant to provide information documenting compliance with this requirement.

D. Subarea. A retail use limitation. In subarea A buildings may not have more than 20 percent of their gross floor area in retail uses. The retail uses are limited to the ground or mezzanine floors.

E. Residential uses. Residential development in the plan district is subject to the RH Zone regulations. Development may be up to a 3 to 1 FAR and is in addition to any allowed nonresidential development on the site.

33.703.050 Site Development Regulations. The site development regulations of the C3 base zone, including loading, lot size, lot coverage, bicycle parking, yards, street trees, and signs, apply unless modified below. The modified regulations are intended to achieve the purpose of the Gateway Plan District.

A. Maximum structure height. The maximum height of all structures is 120 feet.

B. Floor area ratio. The maximum floor area ratio (FAR) for all development on a lot is 3 to 1, except for residential uses which are allowed an additional 3 to 1 FAR per 33.703.040 C.

C. Building orientation. The base zone building orientation and superblock regulations do not apply. However, buildings must be placed and oriented and/or designed in such a manner that there is at

least one major entrance oriented towards the LRT facility and connected to the pedestrian circulation system.

D. Internal circulation. Clearly marked sidewalks, pathways, and bike paths must be developed so as to provide safe, pleasant and convenient pedestrian and bicycle connections between buildings and the LRT facility.

E. Landscaped buffer.

1. A 20 foot wide landscaped yard is required along NE Pacific Street.

2. A 10 foot wide landscaped yard is required along NE Halsey.

3. At least half of each yard must meet the level 2 landscape standard and the remainder level 1. The landscape standards are stated in Chapter 33.520, Landscaping and Screening.

F. Maximum parking. The off-street parking requirements of the base zone do not apply. There is no minimum or maximum auto parking required.

33.703.060 Site Review Approval Criteria. In addition to the site review approval criteria of 33.903, the following criteria must also be met:

A. The applicable goals and policies of the Hazelwood Community Plan are met.

B. A sanitary sewer will be provided to the property prior to the date of an occupancy permit for the new development. The Planning Director in a Type I review and the Hearings Officer in a Type III review may modify the date requirement upon petition of the applicant. The modification may be made upon finding that delays in financing or construction of the sewer or other circumstances make it impractical, and that adequate interim sewage disposal means will be provided.

C. Installation of traffic signals on NE 102nd Avenue in the vicinity of NE Multnomah Street has been assured to regulate traffic movements to and from the district. These improvements are subject to the approval of the Portland Office of Transportation.

D. The applicant is implementing any coordination agreements that have been

entered into with the Tri-County Metropolitan Transit District to provide a pedestrian and vehicular access system to the transit station.

33.703.070 Exceptions.

A. Use regulations. The retail ratio limitation of 33.703.040 C, but not of 33.703.040 D, may be excepted through a Type II procedure assigned to the Hearings Officer. The exception may be granted if it is found:

1. The requirement is economically unreasonable under the present market conditions; or

2. The development and uses proposed are equally transit supportive as a required nonretail use.

B. Site development regulations. An exception from a site development regulation of this Chapter, the base zone, or of the site review provisions may be granted as part of the site review if it is no more than a 25 percent deviation from the regulation. Exceptions over 25 percent or for a nonnumerical regulation are a Type II procedure assigned to the Hearings Officer. The applicable approval criteria are:

1. The exception is consistent with the purposes of the Gateway Plan District; and one of the following:

a. Development which is more supportive of transit use will result; or

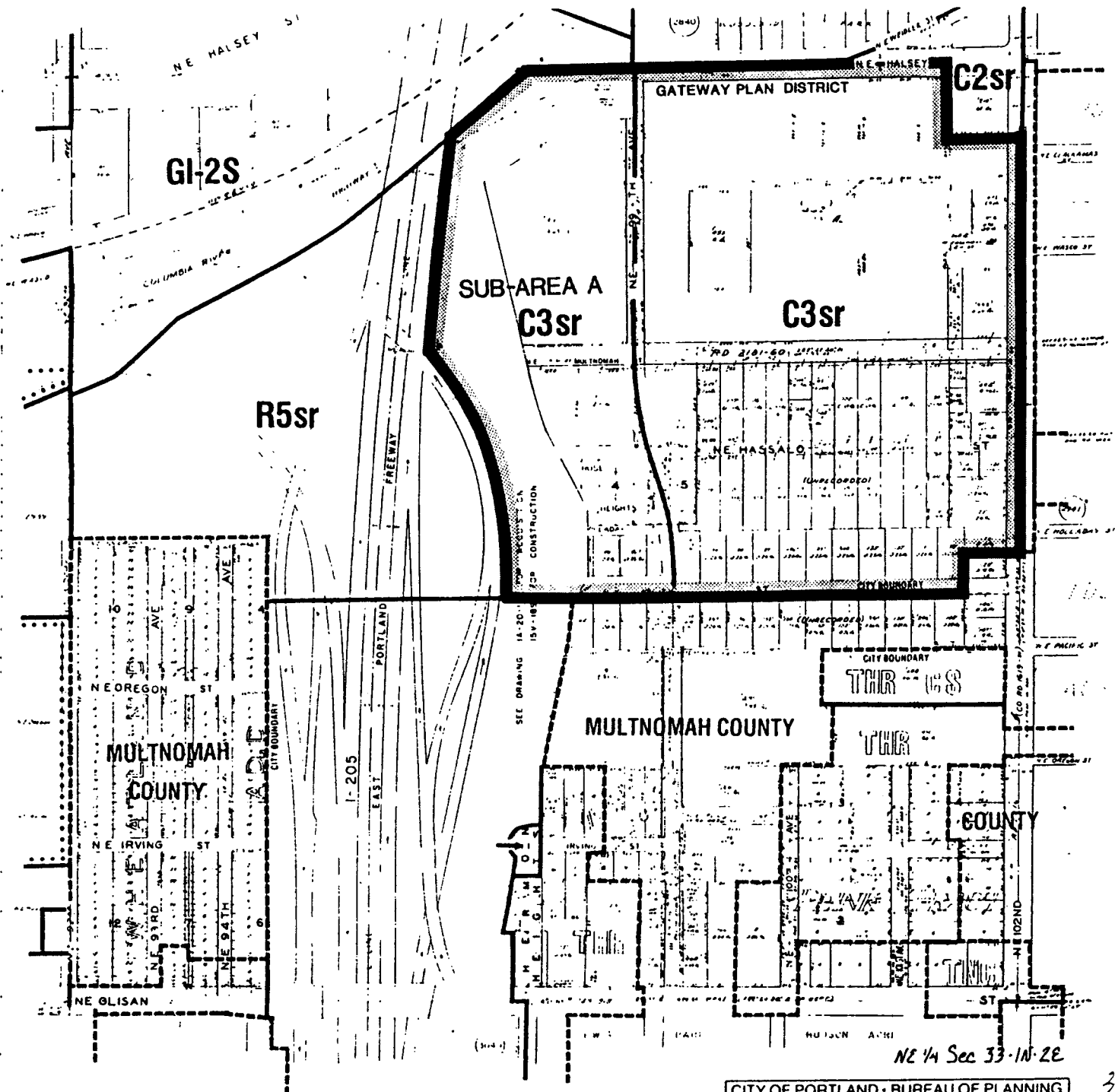
b. The development will have safer, or more convenient or more pleasant pedestrian access to the light rail transit station than development allowed by the Code; or

c. Additional substantial, public amenities are being provided which justify the exception being granted, such as public plazas, parks, and open spaces.

33.703.080 Review for Timeliness.

The regulations of this Chapter shall be reviewed for continued applicability in 1992 as required by Section 33.700.050.

TITLE 33
PLANNING AND ZONING



SUPPLEMENTAL ZONING MAP
GATEWAY PLAN DISTRICT

PLAN DISTRICT BOUNDARY

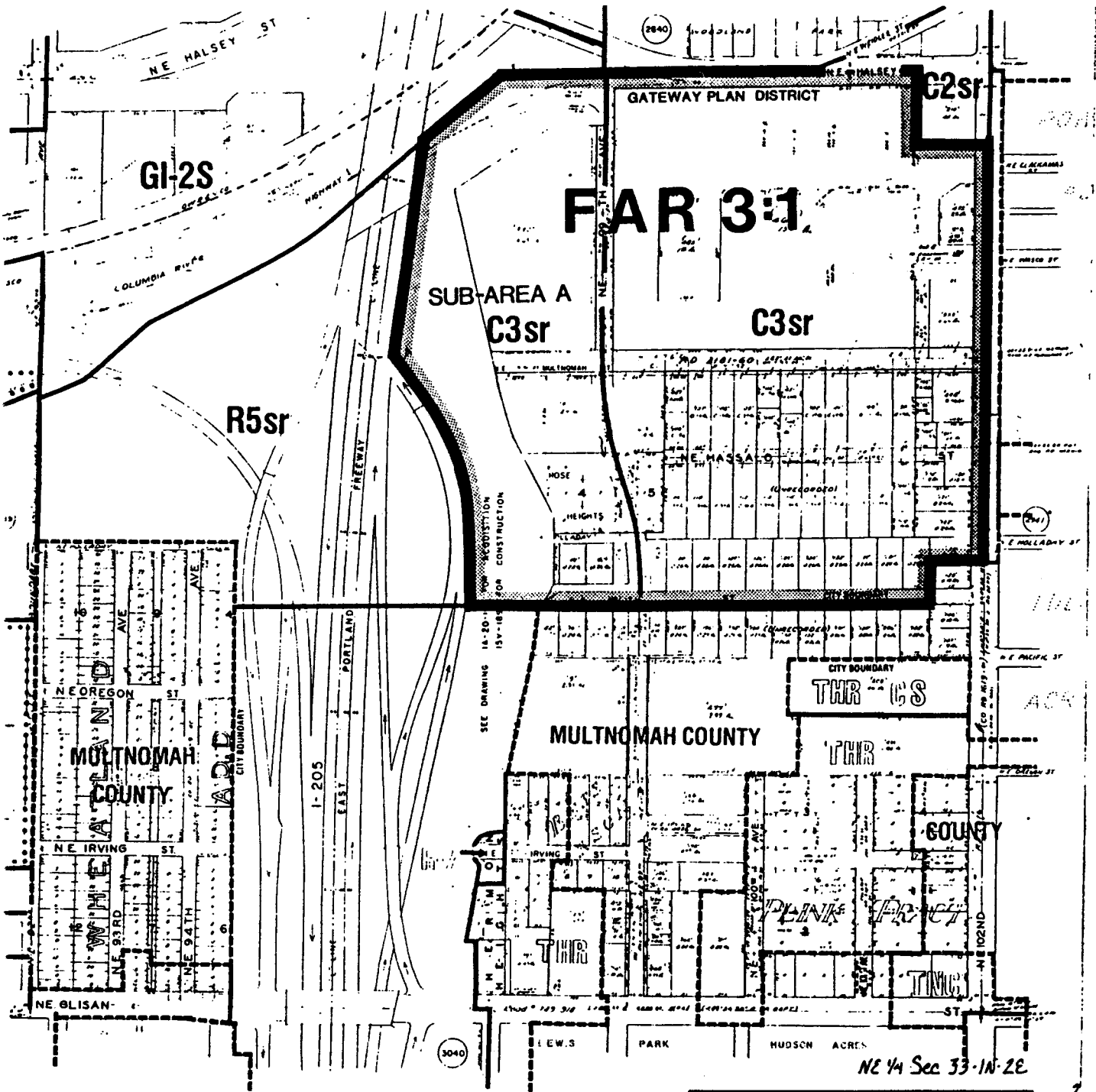
CITY OF PORTLAND • BUREAU OF PLANNING

R5	Current Zoning
(R5)	Maximum Potential Zoning as per Comprehensive Plan

SCALE 1" = 100'
DATE 5-86
2940

33.703.020 A

TITLE 33
PLANNING AND ZONING



ZONING DESIGNATIONS ARE SUBJECT TO CHANGE
FOR FUTURE CONSTRUCTION, VARIATION, AND
TO DEVELOPMENT OR SALES.

CITY OF PORTLAND - BUREAU OF PLANNING	
R5 Current Zoning	SCALE 1" = 200'
(R5) Maximum Potential Zoning as per Comprehensive Plan	PLANNING NO. 5-86 2940

SUPPLEMENTAL ZONING MAP
GATEWAY PLAN DISTRICT
MAXIMUM FLOOR AREA RATIO

PLAN DISTRICT BOUNDARY

33.703.050 B

Chapter 33.704

GLENDOVEER PLAN DISTRICT

(Added by Ord. No. 159379 passed
Jan. 28, effective Feb. 28, 1987.)

Sections:

- 33.704.010 Purpose.
- 33.704.020 Regulations.
- 33.704.030 Minimum Lot Size.
- 33.704.040 Yard Regulations.
- 33.704.050 Review for Timeliness.

33.704.010 Purpose. The provisions of this Chapter are intended to assure that the special development pattern fostered by Glendoveer zoning and succeeding zoning provisions established by Multnomah County are protected and continued under City planning and zoning regulations subsequent to annexation.

33.704.020 Regulations.

A. The regulations of this Chapter apply to development within areas of the Glendoveer Plan District which are zoned R7 and which were zoned LR7.5 prior to establishment of City zoning. The boundaries of the Glendoveer Plan District are designated on supplemental zoning map A located at the end of this Chapter, and on the Official Zoning Maps of the City of Portland. Areas within the Glendoveer Plan District which formerly were zoned LR7.5 and in which these regulations are applicable are shown on supplemental zoning Map B, also located at the end of this Chapter.

B. These regulations supplement the provisions of the R7 Zone. In case of a conflict with other provisions of this Title, the regulations of this Chapter control.

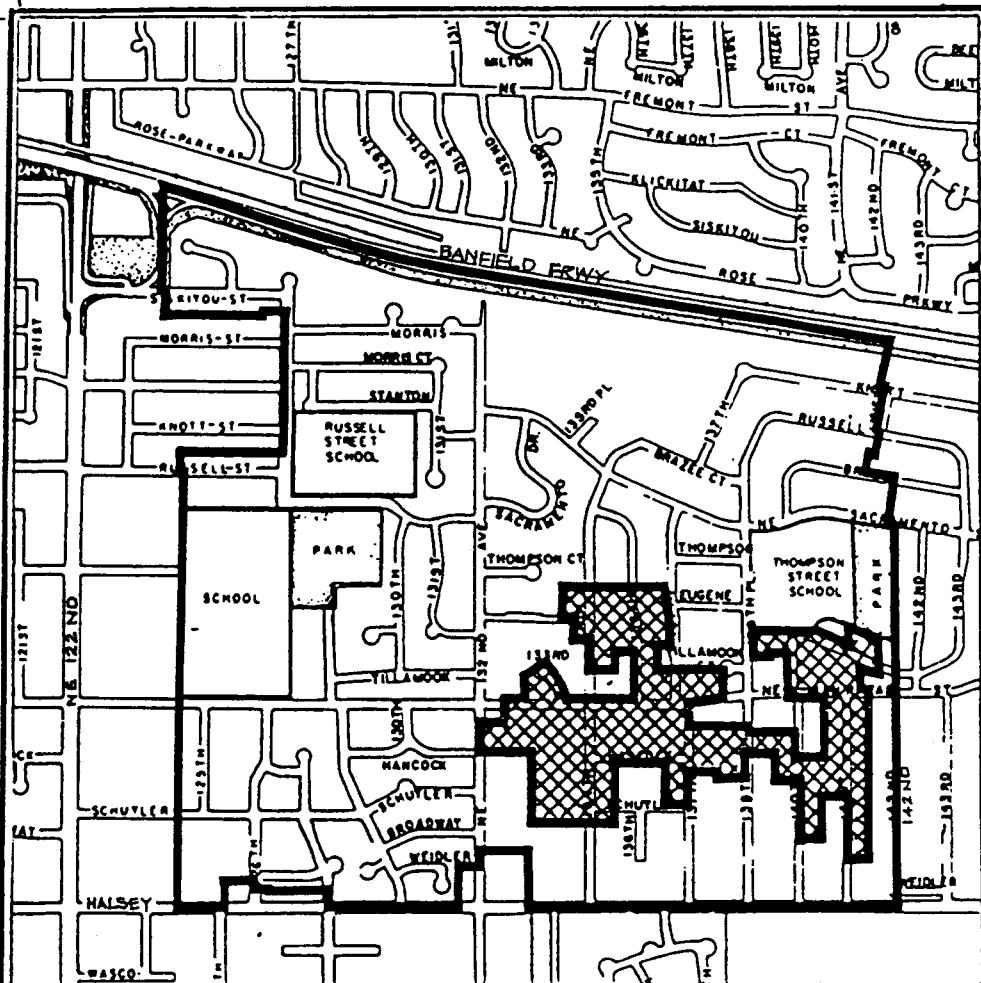
33.704.030 Minimum Lot Size. The minimum lot size is 7,500 square feet. The minimum lot width is 70 feet.

33.704.040 Yard Regulations. Yards shall be provided which meet or exceed the following minimums:

Front Yard	30 Feet
Side Street Lot Line Yard	10 Feet
Side Yard	10 Feet
Rear Yard	15 Feet

In the case of a corner lot, the yard opposite the side street lot line will be considered a side yard.

33.704.050 Review for Timeliness. The regulations of this Chapter shall be reviewed for continued application in 1997 as required by Section 33.700.050.



**SUPPLEMENTAL ZONING MAP
GLENDOVEER PLAN DISTRICT**



SCALE: 1"=1200'



PLAN DISTRICT BOUNDARY



MULTNOMAH COUNTY AREA EXCLUDED FROM GLENDOVEER PLAN DISTRICT

MAP A

Chapter 33.705

COLUMBIA SOUTH SHORE PLAN DISTRICT

(Added by Ord. No. 159565, Apr. 8, 1987.)

Sections:

- 33.705.010 Purpose.
- 33.705.020 Boundaries and Relationship to Other Regulations.
- 33.705.030 Industrial Business Opportunity Subarea.
- 33.705.035 On-Site Containment Plan Review.
- 33.705.040 Prohibited Uses.
- 33.705.042 Exterior Development.
- 33.705.050 Excavations and Fills.
- 33.705.055 Special Setbacks and Landscaping Requirements for Surface Parking and Exterior Display.
- 33.705.060 Recreational Trails.
- 33.705.065 Pre-Application Conference Required.
- 33.705.070 Significant Environmental Concern.
- 33.705.080 Conditional Uses.
- 33.705.090 Review for Timeliness.

33.705.010 Purpose. The purpose of the Columbia South Shore Plan District is to encourage the development of the Columbia South Shore as an industrial employment center which attracts a diversity of employment opportunities while protecting significant environmental resources and maintaining the capacity of the area infrastructure to accommodate future development.

33.705.020 Boundaries and Relationship to Other Regulations.

A. Boundaries. The regulations of this Chapter apply to the Columbia South Shore Plan District. The boundaries of the Plan District, including a subarea, are shown on the official zoning maps and on Map 705.1 at the end of this Chapter.

B. Other regulations. The regulations of this Chapter supplement, and in some cases supercede, the regulations of the base zone. In the case of conflict with other provisions of this Title, the regulations of this Chapter control.

33.705.030 Industrial Business Opportunity Subarea.

A. Within certain areas zoned GI-2, the restrictions on some office uses with an industrial orientation, are loosened. These areas are shown as "Industrial Business Opportunity Subarea" on Map 705.1 at the end of this Chapter. Industrial business activities that are permitted include the following:

1. Research and development;
2. Data processing;
3. Flex space developments; and
4. Other uses similar to the above.

B. These industrial business activities are limited and restricted as follows:

1. Any research and development or data processing activity must be located as either single tenants or in flex space structures which conform with Section 33.705.030 2 below.

2. Flex space developments must have 50 percent or more of the gross floor area built with characteristics suitable for a wide range of industrial activities. Industrial building characteristics include a minimum ceiling height of 15 feet, a dock high loading berth serving each tenant space, and overall height of not more than two stories.

3. Any amount of research and development, data processing, or flex space proposal beyond that permitted by the GI-2 Zone, may be approved through a Type I review. Approval criteria are adequacy of public services. Planning Bureau staff will solicit information from City service bureaus. Services reviewed for adequacy will include transportation, water, stormwater and sanitary disposal, police, fire and parks.

4. A pre-application conference is required in advance of submitting the Type I application. The pre-application conference serves to identify information required by the service bureaus for expeditious processing of the Type I application.

When required by the Bureau of Transportation Planning and Finance, the applicant must submit a traffic management plan acceptable to that bureau.

5. Activities in the personal service category and the retail product sales and service category are restricted to those allowed by the GI-2 Zone. However, the four individual uses of up to 3,000 square feet each that are permitted on a site may be combined into a single use of up to 10,000 square feet.

6. Mixed use development is allowed and the limitations on the industrial business activities listed above are not applicable to those aspects of a development which conform with the provisions of the GI-2 Zone.

33.705.035 On-Site Containment Plan Review. (Added by Ord. No. 160821, effective July 1, 1988.)

A. Actions requiring containment plan review. Any development that involves the manufacture, use, loading, handling, storage or disposal of hazardous materials in the Columbia South Shore area is required to obtain a plan check review and provide hazardous materials containment which includes routing, storage, detention and treatment systems as described in the Columbia South Shore Hazardous Materials Containment Facilities Design Handbook.

1. Actions requiring the review are:

New uses;

Remodeling and expansions;

Changes in the types and quantities of hazardous materials used on the site; and

Changes in the location or method of loading, storage or disposal of hazardous materials.

2. Any approval granted is specific to that action. Subsequent actions require separate containment plan reviews.

B. Review procedures. The Bureau of Buildings is responsible for implementing this plan review and for coordinating the review with the Bureau of Water Works and Bureau of Environmental Services. The applicant is responsible for submitting a list of the types and quantities of hazardous materials to be used on-site which must be signed by a registered engineer. Before the Bureau of Buildings may approve the plans, the Bureaus of

Water Works and Environmental Services must determine that the proposed development meets containment criteria of the handbook and recommend approval of the development. The applicant may propose a containment system which varies from the systems outlined in the handbook. The bureaus may recommend approval of the request under these circumstances if the bureaus determine that the proposed containment system is equal to or better than the containment system described in the handbook.

C. Containment systems defined. On-site containment systems are site improvements that are designed to isolate and prevent contaminant-carrying runoff and hazardous materials from entering the soil or surface water/ground water environments. These containment systems are dependent on the site size and the type and quantity of hazardous materials present at each site and are described in the handbook.

33.705.040 Prohibited Uses.

(Amended by Ord. No. 160821, effective July 1, 1988.)

A. Purpose. Certain uses are prohibited or require an impact review in the Columbia South Shore area because they pose a high risk to the surface and groundwater resources. This Section is a major component of the Water Quality Protection Plan and is meant to supplement and be used in conjunction with the other Plan elements. Preventative measures are the most effective and economical measures available to protect the water quality of the aquifer systems.

Exposure is reduced by prohibiting large quantities of hazardous materials, hazardous wastes and specific uses that traditionally use these substances. Additional regulations are required since the base land use zones otherwise allow these uses. The prohibited use provisions only apply in the Columbia South Shore Plan District.

B. Prohibited uses. The following uses are prohibited in the Columbia South Shore Plan District:

1. Manufacturing and production

of hazardous materials, excluding production for on-site usage only. These materials include:

a. Any hazardous substance or hazardous waste as listed in the following federal regulations:

(1) Superfund Amendments and Reauthorization Act (SARA) of 1986, Section 302 Extremely Hazardous Substance List (40 C.F.R. 300, App. A and B);

(2) Comprehensive Environmental Response Compensation & Liability Act Superfund (CERCLA) of 1980, Hazardous Substances List (40 C.F.R. 302, Table 302.4);

(3) SARA of 1986, Section 313, Toxic Chemicals List (40 C.F.R. Section 372.45); and

(4) Resource Conservation and Recovery Act (RCRA) of 1976 and 1984 Amendments, Hazardous Wastes List (P&U Categories) (40 C.F.R. Section 261.33 (e) and (f)).

Note: The lists referenced in Section B.1.a. are summarized in the Title III List of Lists - Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, published July, 1987, US. EPA.

b. Nuclear or radioactive materials or wastes.

2. The following specific uses are prohibited:

a. Bulk plants for hazardous materials as defined in Subsection 33.455.125 C, including petroleum refining.

b. Permanent storage or disposal of hazardous wastes (as defined under the Federal Resource Conservation and Recovery Act, Subpart D, 40 C.F.R. 261.30; 261.31; 261.32; 261.33), industrial or municipal sludges or radioactive materials including solid waste landfills.

c. Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials from off-site sources and radioactive materials;

d. Wood preserving operations using formulations of Chrome - Copper - Arsenate (CCC), pentachlorophenol (PENTA) and creosote and related chemicals;

e. Battery recycling and

reprocessing;

f. Retail gas stations and truck stops;

g. Agricultural application of halogenated volatile liquid organic pesticides (e.g., ethylene dibromide (EDB) and dibromochloropropane (DBCP), related chemicals and their commercial formulations);

h. Processing, reprocessing and storage of PCB containing oils;

i. Manufacturing and production of paving, roofing and other construction materials, using asphaltic and petroleum based coatings and preserving materials; and

j. Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals.

C. Water quality impact reviews. The uses listed below traditionally utilize solvents and other hazardous materials. However, it is recognized that changes in operational and containment process technology may be proposed. These uses are not allowed unless approval is granted.

1. The uses are as follows:

a. Furniture stripping or refinishing;

b. Exterior and vehicle salvage, drum recycling and cleaning, commercial truck or rail tanker cleaning operations;

c. Industrial and commercial dry cleaning plants;

d. Rolling, drawing, extruding, casting, forging and heat treating of ferrous and non-ferrous metals;

e. Industrial electroplating, plating, anodizing and coloring of ferrous and non-ferrous metals; and

f. Other similar uses as may be determined by the Planning Director to pose a high potential risk to the ground and surface water resources. The applicant will be notified of any such determination within 10 working days after the pre-application conference.

2. Procedure. Water quality impact reviews are a Type II land use procedure.

3. Evaluation factors. Factors to be evaluated in determining whether the approval criterion contained in Section

33.705.040 B.4.a. is satisfied include, but are not limited to:

a. Pre-design information referenced in the Columbia South Shore Hazardous Materials Containment Facilities Design Handbook;

b. Type types and quantities of all on-site hazardous materials, including solvents;

c. Operational and containment process technology;

d. The location of the site in relation to surface and ground water resources and other identified areas of special environmental concern;

e. Any proposed on-site monitoring activities; and

f. The location of the site in relation to designated routes for the transport of hazardous materials.

4. Approval criteria. The proposed use will be approved when all of the criteria are found to be met:

a. Approval of the request will not potentially degrade environmentally sensitive areas, particularly ground and surface water resources; and

b. The Bureaus of Water Works and Environmental Services recommend approval of the request. The Bureaus may recommend approval of the request if the Bureaus determine that the proposed use and process technology meets or exceeds the proscribed requirements and performance objectives described in the Handbook.

5. Relationship to hazardous materials review. This procedure does not serve to replace the Hazardous Material Review (Subsection 33.455.125), if applicable. However, the reviews may be processed concurrently in accordance with Subsection 33.215.110 C.

D. Exemptions from the use prohibition. The following uses are categorically exempt from the prohibited use regulations:

1. Application of non-prohibited fertilizers, plant growth retardants and pesticides in accordance with state and federal standards for accepted farming and horticultural practices.

2. Petroleum storage tanks for exclusive use of registered on-site fleet vehicles.

E. Existing prohibited uses. Existing uses at the time of adoption of this Section, described in Subsection 33.705.040 B, Prohibited Uses, may continue to operate. However, the quantities of hazardous materials produced for off-site usage may not be increased. Uses covered in Subsection 33.705.040 C, water quality impact reviews, may expand subject to on-site containment plan review. All changes in the type of materials or the location or method of loading, storage or disposal of hazardous materials on the entire site are subject to Section 33.705.035, On-Site Containment Plan Review.

F. Sumps, septic tanks and on-site disposal systems prohibited. New sumps, septic tanks, cesspools and other on-site disposal systems for sanitary, industrial or storm water are prohibited. All on-site storm water and waste water will be disposed of into a City approved storm water or sanitary sewerage system.

33.705.042 Exterior Development. (Added by Ord. No. 161647, effective Feb. 22, 1989.) Within the area, roughly between NE 82nd, and 138th Avenues and the Columbia Slough and Columbia River, as shown on Columbia South Shore Plan District Map 3, additional restrictions on exterior development apply.

A. Exterior Display. Exterior display is prohibited.

B. Exterior activities and storage must be landscaped and screened. Landscaping and screening provided must comply with all the following requirements:

1. Screening must be provided around the entire perimeter of all exterior storage and/or exterior activity areas.

2. All of the perimeter of the exterior activity and/or storage area, not screened by a building, must be screened using a solid wall built to the S4 standard listed in Chapter 33.520 of the Zoning Code. The wall must, in turn, be screened using the landscape materials listed in Subsections C and D of this Section.

3. A 10 foot wide L1 landscape strip must be provided around the exterior activity or storage area. In addition, the landscape strip must also be provided with a L3, high hedge. The high hedge must be located adjacent to the S4 solid wall required in Subsection B of this Section. Landscaping standards for L1, S4 and L3 are listed in Chapter 33.520.

4. The landscaping must be sight obscuring from adjacent streets, Marine Drive, I-205 and the Columbia Slough within three years of the time of planting. This determination will be made during the site review or SEC review process.

33.705.045 Water Features Setback.
(Repealed by Ord. No. 161896, effective May 4, 1989.)

33.705.050 Excavations and Fills.
Prior to issuance of a permit for excavation or filling of over 50 cubic yards, including permits associated with construction, the applicant will provide evidence that the development proposal meets all state and federal requirements, including the requirements for a Clean Water Act Section 404 permit, as administered by the Division of State Lands and U.S. Corps of Army Engineers.

Appendix G of the Columbia South Shore report on Economic, Social Environmental, and Energy (ESEE) Consequences, contains a map that shows properties that have been identified by the Corps of Army Engineers as requiring Section 404 permit review. The applicant should consult state and federal agencies for updated status of particular properties. The map may be amended upon approval of a Section 404 regional permit, or at any time at the request of the U.S. Army Corps of Engineers, with the agreement of the Planning Director.

33.705.055 Special Setback and Landscaping Requirements for Surface Parking and Exterior Display. (Added by Ord. No. 162818, Mar. 8, 1990.) Purpose: Within the Columbia South Shore Plan District, special landscaped setbacks are

required for surface parking and exterior display along the NE Airport Way, east of Interstate 205, property frontages in order to provide additional landscaping and screening along this main street within the Plan District. This Section is intended to supplement the landscaping and screening requirements of the base zone. The regulations are intended to achieve a more formal landscape design along site frontages and a sense of continuity throughout the Plan District which is an important and highly visible gateway into Portland.

A. NE Airport Way (east of Interstate 205): A minimum 10-foot wide public easement has been acquired along the NE Airport Way right-of-way east of Interstate 205 which shall be landscaped by the Portland Development Commission. A 15-foot wide landscaped setback shall be required along site frontages in addition to the 10-foot wide public easement in order to achieve a 25-foot wide landscaped setback for surface parking. A 15-foot wide landscaped setback shall be required along site frontages in addition to the 10-foot wide public easement in order to achieve a 25-foot wide landscaped setback for exterior display.

Landscaping: The landscaped setback shall be planted with a mix of deciduous and coniferous trees at an average of one three per 25 feet of lineal street frontage for each site. The setback area, with the exception of access, shall be planted with a mixture of low-growing shrubs and hedges at an average of at least one plant per 6 feet of lineal street frontage for each site. The balance of the landscaped area shall be planted with organic plant materials to achieve 100 percent ground cover within 3 years. Landscaping materials should be compatible (as determined through Site Review) with the spacing, size and species of plant materials installed, or planned to be installed within the public rights-of-way.

Existing businesses in the Plan District affected by this amendment may continue their existing (as of the date of City Council adoption or the ordinance enacting this amendment) uses and to expand their business without meeting the new setback

and landscaping standards. Only the new portions of developments on these sites shall be required to meet the current setback and landscaping requirements.

33.705.060 Recreational Trails.

A. Dedication of right-of-way or easement. Prior to issuance of any building permit for a site containing a Comprehensive Plan Recreational Trail designation, the owner must grant to the City an access easement for public use of the trail, when established. The easement will conform to the easement requirement of the Willamette River Greenway Trail.

B. Provision of trail. Prior to occupancy of any new or remodeled structure on a site containing a trail designation, the owner must either make the full trail improvement at his/her expense or pay into the Columbia South Shore Recreational Trail Trust Fund. The building permit must indicate which option is chosen. If the trail improvement option is chosen, its location must be shown on the site plans. The owner's responsibility is based on the relative value of on-site trail improvements to total project costs, as follows:

1. On-site trail improvements valued at one percent or less of the total project cost. If the value of the on-site designated recreational trail equals one percent or less of the total project cost, the trail segment must be fully improved at the owner's expense.

2. On-site trail improvements valued at more than one percent of total project costs. If the value of the on-site designated recreational trail exceeds one percent of total project costs, the owner has the option of building the on-site trail segment or paying into the trust fund. The optional trust fund contribution is one percent of total project costs, even if this amount does not cover trail construction costs.

3. Trust fund contributions and total project costs. Trust fund contributions and total project costs are each cumulative from the adoption date of this plan district. Cumulative means that all trust fund contributions from that date and all project costs from that date are included in the

calculation. If the total trust fund contribution for a site reaches the amount of the trail construction costs for the site, then no further trust fund contributions are required. It is the owner's responsibility to submit documentation of contributions to the trust fund.

C. Trail standards. The recreational trail must comply with City standards for recreational trails. Recreational trail segments located along the Columbia Slough will meet, as a minimum, the soft surface pedestrian standards for the Willamette River Greenway Trail. Trail standards for all other designated trail segments will be determined in consultation with the Bureau of Parks and Recreation.

D. Use of trail. Public use and conduct on the recreational trail are subject to the regulations in Chapter 12 of Title 20, except as otherwise limited by the terms of an easement between the applicant and the City.

E. Hours of use. The recreational trail and access paths must be open to the public between the hours of 5 a.m. and 10 p.m., except as otherwise limited by the terms of an easement between the applicant and the City.

F. Trespass. Nothing in this Chapter 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.

G. Trail maintenance and liability.

1. City maintenance. The City will accept maintenance and liability, similar to its responsibilities for City-owned park property, for a recreational trail segment if the City Engineer or Superintendent of the Bureau of Parks finds the following:

a. The applicant requests that the City assume the responsibilities;

b. The trail lies within an easement or right-of-way granted to the City for trail purposes;

c. The trail has been constructed and landscaped to City standards;

d. The trail is physically continuous for at least 1/4 mile along the designated route. This requirement will be waived if the trail has not been made part

of a physically continuous segment of at least 1/4 mile within 2 years after completion of the segment under consideration;

e. When 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 any nature, caused or arising out of the actions of such private security force, its subcontractors, agents or employees.

2. Applicant maintenance. Where the applicant retains maintenance and liability responsibilities, the trail segment must be maintained at a level at least equal to those segments maintained by the City.

33.705.065 Pre-Application

Conference Required. (Amended by Ord. No. 160821, effective July 1, 1988.) All development proposals in the Columbia South Shore Plan District subject to Section 33.705.040, Prohibited Uses, will go through a pre-application conference.

33.705.070 Significant Environmental Concern. When applying Section 33.902.080 of this Code, only those criteria expressly dealing with the rationale for applying the SEC Zone, as identified on Supplemental Zoning Maps 705.2A and 705.2B at the back of this Chapter, shall be deemed relevant.

33.705.080 Conditional Uses. (Amended by Ord. No. 161647, effective Feb. 22, 1989.)

A. Within the Plan District, the following uses are allowed as a conditional use in the FF, Farm and Forest Zone:

1. Restaurants.
2. Recreational Boat Marinas.
3. Houseboat marinas located outside the N, Noise Impact Overlay Zone.
4. Other retail uses which support the recreational uses of the Columbia River waterfront.

B. Within the area shown on Columbia South Shore Plan District Map 3, "commercial parking facilities" are conditional uses subject to the following procedures and conditions:

1. Procedures. The conditional use will be processed through a Type II procedure assigned to the Hearings Officer. Prior to completing its staff report the Planning Bureau will notify the Portland Development Commission Staff of the application and request their assessment of the project's ability to meet the approval criteria. The Development Commission will be given up to 20 working days in which to respond.

2. Approval criteria.

Applications for commercial parking facilities may be approved if the review body finds that the proposal meets all the following approval criteria:

a. Approval of a commercial parking facility will be for a period of three years or less.

b. When the conditional use permit for a commercial parking facility expires, the facility must be removed immediately unless a new Conditional Use permit has been issued.

c. The proposed parking facility meets or exceeds the Zoning Code's landscaping and screening requirements applicable to the site.

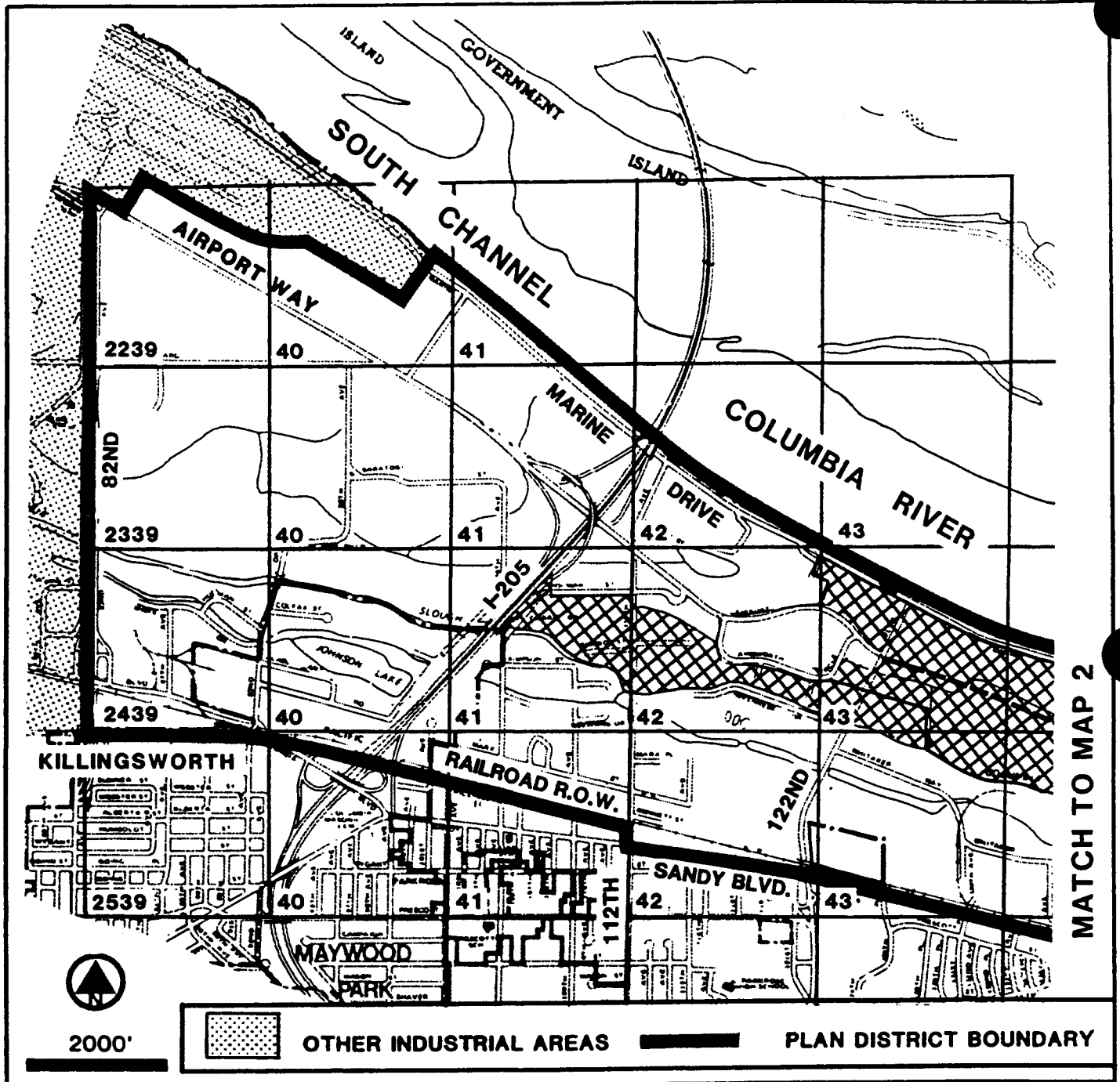
d. The site is not needed for more intense development activity at the present time and likely will not be needed during the three years for which a conditional use is granted.

e. The development is consistent with the Portland Development Commission's adopted renewal plan for the area.

33.705.090 Review for Timeliness.

The regulations of this Chapter will be reviewed for continued applicability no later than 1998 as required by Section 33.700.050.

MAP 705.1A



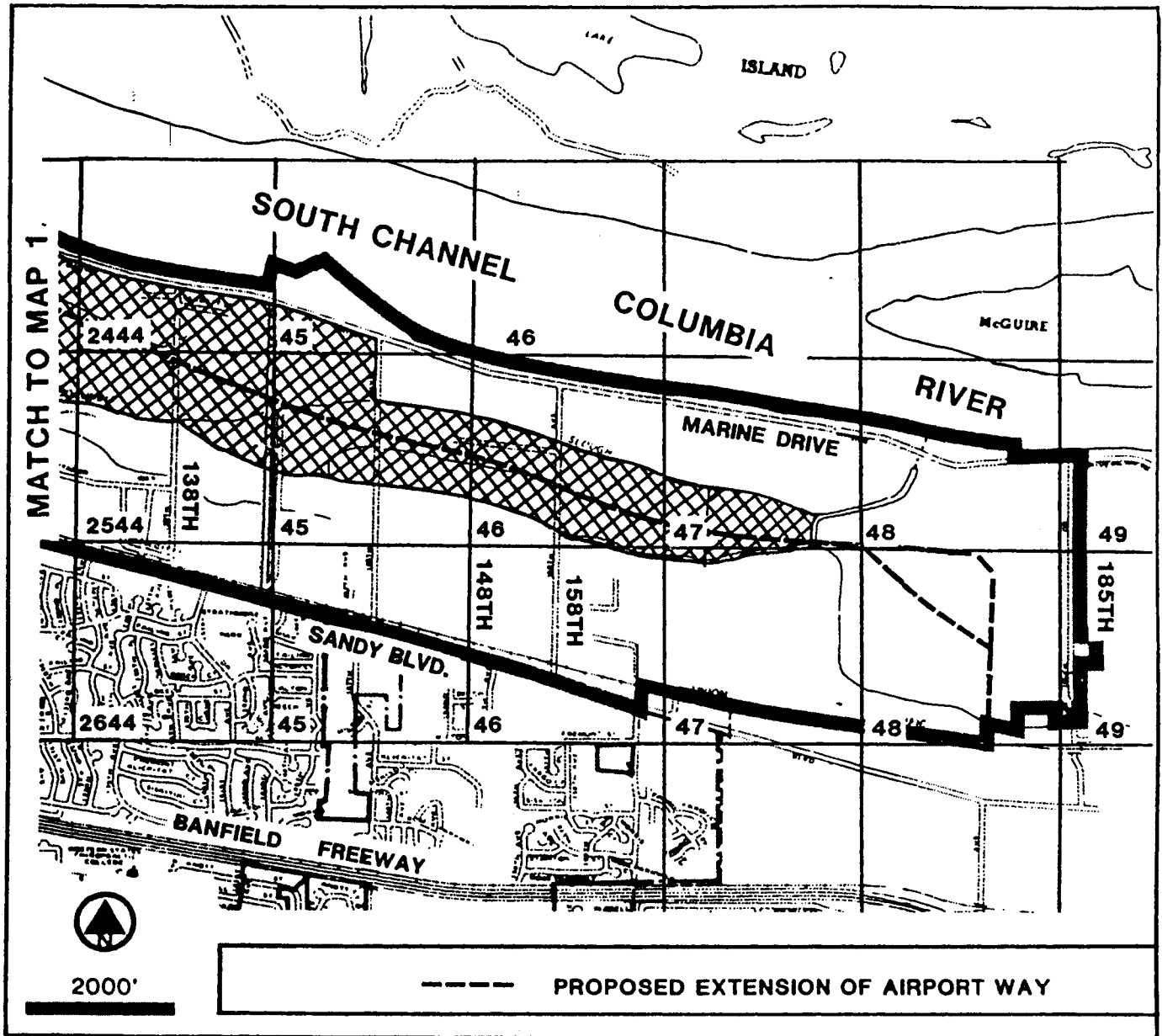
Supplemental Zoning Map:

COLUMBIA SOUTH SHORE PLAN DISTRICT

Plan District & Business Subarea / Map 1 of 2

- Plan District Boundary
- Industrial Business Opportunity Subarea

MAP 705.1B

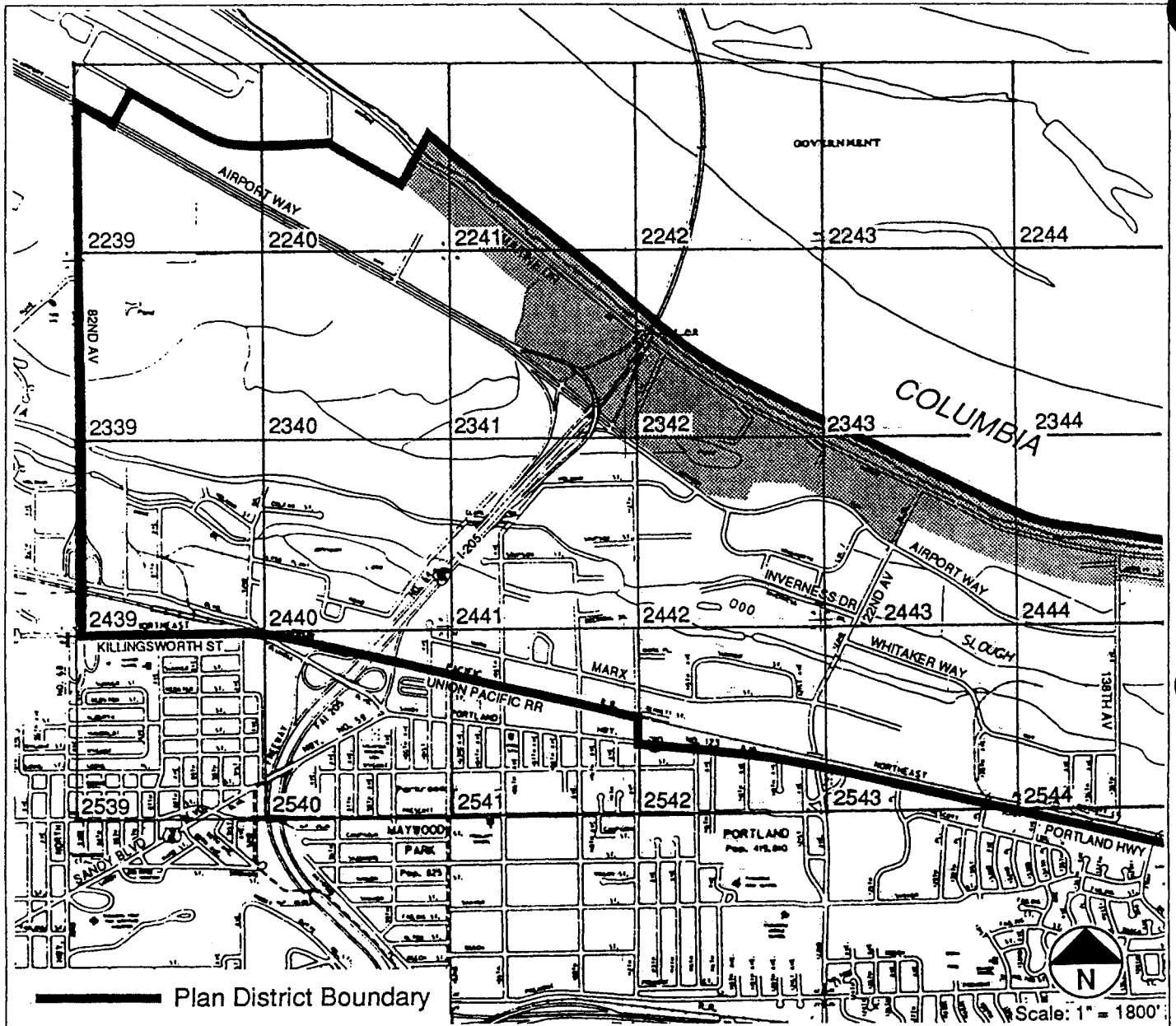


Supplemental Zoning Map:

COLUMBIA SOUTH SHORE PLAN DISTRICT


Plan District & Business Subarea / Map 2 of 2

- Plan District Boundary
- Industrial Business Opportunity Subarea

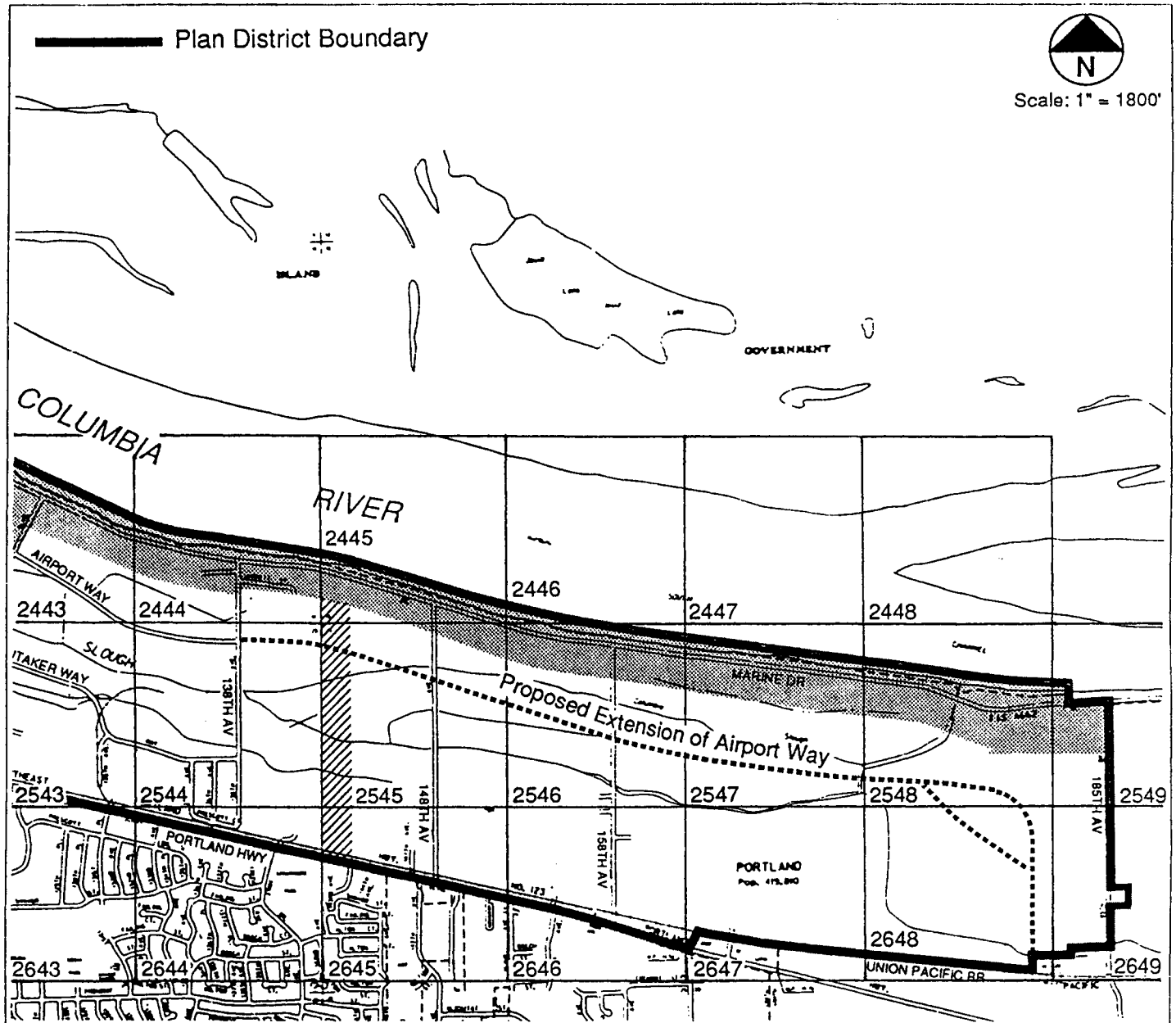


**Supplemental Zoning Map:
COLUMBIA SOUTH SHORE PLAN DISTRICT**

Principal Rationale for Application of S.E.C.* Zone / Map 1 of 2


 Significant views from Marine Drive to the river and south. Marine Drive is a scenic drive, contains two major entrances to the City, one at I-205 from the north, the other at 185th Avenue from the east. Follows County S.E.C., but extended to include areas west of 122nd Avenue to protect I-205 entrance to the City and the State.


*S.E.C. refers to Significant Environmental Concern Overlay Zone.



Supplemental Zoning Map:
COLUMBIA SOUTH SHORE PLAN DISTRICT

Principal Rationale for Application of S.E.C.* Zone / Map 2 of 2

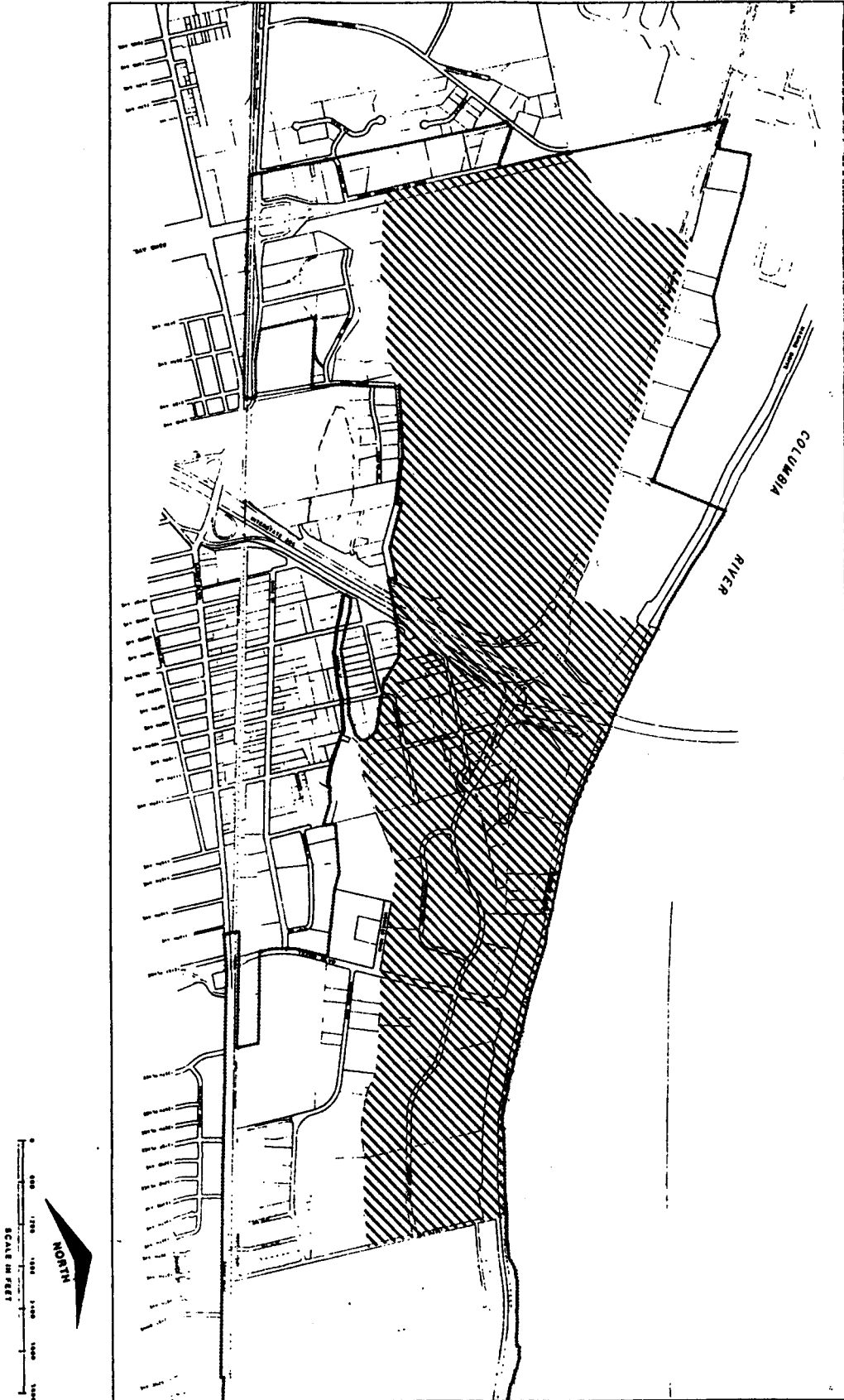
 Significant views from Marine Drive to the river and south. Marine Drive is a scenic drive, contains two major entrances to the City, one at I-205 from the north, the other at 185th Avenue from the east. Follows County S.E.C., but extended to include areas west of 122nd Avenue to protect I-205 entrance to the City and the State.

 Cross-dike. It is significantly above the surrounding land and provides important views to the east and west including several fine views of Mt. Hood. Applied 200 feet out from the center line of the dike on each side.

*S.E.C. refers to Significant Environmental Concern Overlay Zone.

Columbia South Shore Plan District

Map 3



Chapter 33.706

SOUTH AUDITORIUM PLAN DISTRICT

Added by Ord. No. 161023,
effective Aug. 5, 1988.)

Sections:

- 33.706.010 Purpose.
- 33.706.020 Applicability.
- 33.706.030 Setbacks.
- 33.706.040 Landscaping.
- 33.706.050 Sign Restrictions.
- 33.706.060 Roof Top Treatment.
- 33.706.070 Design Review.
- 33.706.080 Development Commission Review.
- 33.706.090 Review for Timeliness.

33.706.010 Purpose. This Chapter protects and assures the continuation of the important characteristics of the South Auditorium Urban Renewal District. The South Auditorium project is an award winning development, recognized as an important part of Portland's Downtown, and has its own special character. The characteristics which create the special quality of the area are a product of the development restrictions which were created for the area as part of the South Auditorium Urban Renewal District. The restrictions of the renewal plan are expiring with the completion of the renewal project. This Chapter continues those renewal plan restrictions most important to the preservation of the character of the area.

33.706.020 Applicability.

A. The regulations of this Chapter apply to development within the South Auditorium Plan District, as shown on Map 706-1, located at the end of this Chapter.

B. The regulations of this Chapter are generally more restrictive than the applicable base zones and supplement the other regulations of this Title. In case of conflict with other provisions of this title, the most restrictive provision controls.

33.706.030 Setbacks. New

developments and modifications of existing developments must provide the following landscape setback areas:

A. At least six feet from all property lines adjacent to Fourth Avenue;

B. At least six feet from any pedestrian mall and/or open space (as designated in the Central City Plan and/or Comprehensive Plan); and

C. At least 15 feet from any public street other than Fourth Avenue.

33.706.040 Landscaping.

The Landscaping requirements specified in this Section are minimum requirements. When reviewing a development proposal, the requirements may be increased by the Design Commission if such an increase is needed to achieve compliance with the currently applicable guidelines of design acceptability.

A. Parking lot landscaping. Surface parking lots must be provided with a perimeter landscape buffer on all sides which face pedestrian malls and/or right-of-ways. The landscaping must be at least five feet wide and conform with the L1 landscaping materials requirement and also contain an L2 low hedge, (L1 and L2 requirements are specified in Chapter 33.520 of this Title). The interior of surface parking lots must also be provided with trees at a rate of at least one tree for each 500 square feet of paved area.

B. Setback area landscaping. All properties fronting on a right-of-way, open space or mall must be provided with an L1 landscape area in the setback area required by 33.706.030.

C. Preservation of existing trees. Existing trees must be preserved. Removal of existing trees is permitted only when specifically approved. Requests for existing tree removal are processed as a Type I review. Requests which are denied, or are approved with conditions not acceptable to the applicant, may reapply through a Type III procedure assigned to the Design Commission. Requests for removal of existing trees may be approved, or approved with conditions, if the following criteria are met:

1. The tree to be removed is diseased or dead and will be replaced; or

2. The tree is to be replaced with a new tree at a location elsewhere within the Plan District; and

3. The location of the tree to be removed is needed for development of a new building that has been approved through the Design Review Process.

33.706.050 Sign Restrictions. Signs are subject to the following limitations:

A. Total sign area as defined in Section 33.535.120 may not exceed a maximum of one square foot for each three lineal feet of occupants primary building face as measured on the side of the building where the sign is located. If desired, a single sign for the building complex is allowed. The sign area will be measured by the combined total of lineal feet of each occupant's building face. The sign may not exceed one square foot for each three lineal feet for the entire building face where the sign is located. In addition, retail uses may have one square foot of sign for each lineal foot of shop front. All retail signs must be wall signs and may not project above the roof line or wall coping.

B. Lots developed with only residential uses are limited to one wall sign not exceeding 10 square feet in total area.

C. Temporary signs associated with a given lot are limited to a total combined area of 25 square feet.

D. Projecting and roof signs are prohibited. Wall signs shall not project above the roof line or wall coping.

E. Lots located in areas zoned CX are allowed one free standing sign per frontage. The sign must not exceed 12 feet in total height above grade and up to 100 square feet in total area. A second free standing sign is allowed on a frontage if it does not exceed five feet in total height above grade and is not more than ten square feet in total area. All free standing signs are subject to the sign area limitation of Subsection A. of this Section.

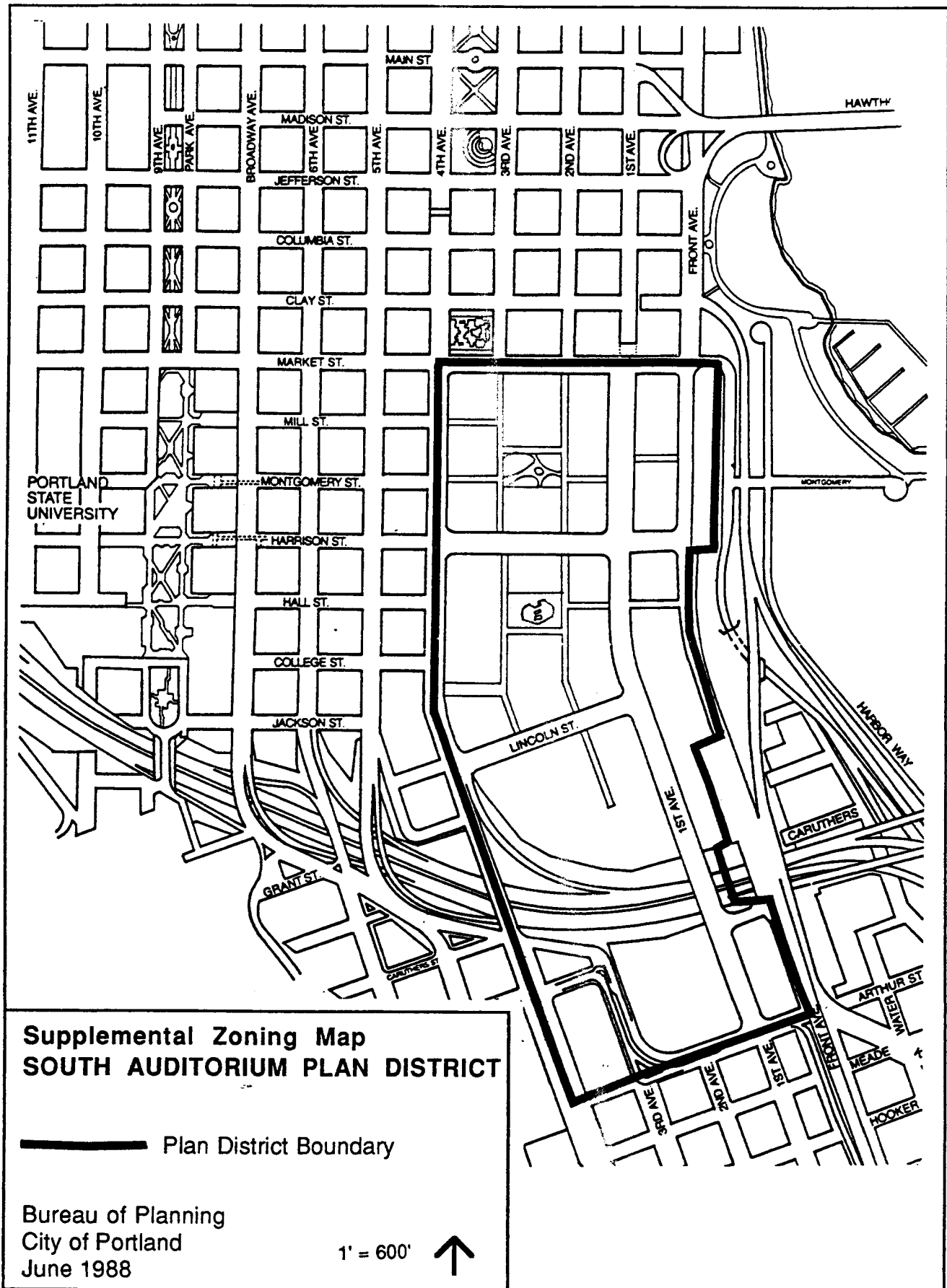
F. All signs, regardless of size, are subject to the design review requirements of this Title.

33.706.060 Roof Top Treatment. All roof tops of buildings must provide sight obscuring screening of all mechanical equipment, duct work and other roof structures housing mechanical equipment. Satellite dish antennas must also be screened unless the Design Commission, as part of design review, finds that the proposed dish design is in conformance with the applicable design guidelines.

33.706.070 Design Review. The entire Plan District area is subject to design review under the provisions of Chapter 33.62 of this Title. In conducting pre-application conferences on development proposals within the South Auditorium Plan District, the Bureau of Planning will notify and invite the participation of the Portland Development Commission. All projects within the Plan District must be reviewed for compliance with the most current Downtown Design Guidelines as approved for use by the Portland City Council.

33.706.080 Development Commission Review. Prior to finalization of staff recommendations on Type II or Type III land use review within the Plan District, the Bureau of Planning must request comment from the Portland Development Commission. The Development Commission must be allowed at least 20 working days from the date of notification in which to respond. The review by the Development Commission is advisory in nature.

33.706.090 Review for Timeliness. This Chapter must be reviewed by the Planning Commission for continuation on or before January 1, 1999.



Chapter 33.801

RADIO AND TELEVISION
BROADCAST FACILITIES

(Added by Ord. No. 160049 passed
Aug. 19, effective Sept. 19, 1987.)

Sections:

- 33.801.010 Purpose.
- 33.801.015 Definitions.
- 33.801.020 Affected Facilities.
- 33.801.025 Site Development Standards.
- 33.801.030 Emission Standards.
- 33.801.035 Registration of Existing Facilities.
- 33.801.040 Application Requirements.
- 33.801.045 Nonconforming Facilities.

33.801.010 Purpose. Regulation of radio and television broadcast facilities is to preserve the opportunity for continued and growing service from the radio and television broadcast and communications industries, to preserve the quality of living in residential areas in close proximity to radio and television broadcast facilities and to protect the health and safety of the citizens from the adverse impacts of radio frequency (RF) emissions

33.801.015 Definitions. To promote understanding and accuracy and to promote ease of use of the regulations, the following definitions shall apply throughout this Chapter.

Antenna height. The vertical distance between the highest point of the antenna and the ground directly below this point.

Duty cycle. The percentage of time that an emission source actually contributes radio frequency energy to the surrounding environment. (A 24-hour continuously broadcasting source has a duty cycle of 100%.)

Effective radiated power (ERP). The power input to the antenna, times the numerical power gain of the antenna relative to the dipole or isotropic radiator, respectively.

Emergency services communications. Two-way radio communications, directly associated with the "911" emergency services, including fire, police and emergency medical aid or ambulance service.

Emission source. Any device, machine or facility producing nonionizing electromagnetic radiation between 100KHz and 300 GHz in frequency, with an effective radiated power of 1 watt or greater.

Excessive emission level. Any measured or calculated emission level exceeding the levels allowed by the RF Emission Standards contained in Table 801.1.

Gigahertz (GHz). One billion (1,000,000,000) hertz, see: Hertz.

Hand-held source. An emission source (transmitter) normally held in the hand of, or on the person of, the person operating said source.

Hertz (Hz). Cycles per second. The rate of oscillation of a sine wave from maximum amplitude through minimum amplitude and back to maximum amplitude.

Intermittent source. A signal or emission that is not normally present for more than 15 minutes continuous operation, recurring at random times throughout the day.

Kilohertz (KHz). One thousand (1,000) hertz, see: Hertz.

Megahertz (MHz). One million (1,000,000) hertz, see: Hertz.

Microwatt (uW). One millionth (1/1,000,000) of one watt, a measure of electrical power.

Milliwatt (mW). One thousandth (1/1,000) of one watt, a measure of electrical power.

Mobile source. Transmitters and associated antennas attached to or installed in vehicles which normally move about (automobiles, watercraft, aircraft).

Mounting bracket. Any device or substance used to affix an antenna to a tower, pole, mast, or other structure.

Point-to-point broadcast. To send or transmit electromagnetic waves in a specified single direction, limiting the potential for reception (normally) to one receiving antenna.

RF. Radio frequency; nonionizing electromagnetic waves with an oscillation rate or frequency within the radio wave portion of the electromagnetic spectrum.

Radio or television broadcast facility. Any and all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz or 300 GHz and operating as a discrete unit to produce a signal or message.

Single source. An individual transmitter/antenna broadcasting on a single frequency, a discrete emitter.

Source. See: Emission source.

Specific absorption rate (SAR). The time rate at which radio frequency electromagnetic radiation is imparted to an element of mass of a biological body.

Square centimeter (cm²). A measure of surface area, consisting of a square one centimeter to a side.

Tower, pole, or mast. Any device or structure meant to elevate an antenna above the surrounding terrain or structures. A tower, pole, or mast may also be considered an antenna, if part of the apparatus necessary to produce a clear signal or message within the licensee's operating range, as allowed by the Federal Communications Commission.

33.801.020 Affected Facilities.

A. Affected facilities. Affected facilities include:

1. Towers, masts, poles and other supporting structures for broadcast/emitting antennas.

2. Radio frequency emitting devices, antennas and transmitters for the five frequency ranges, referenced by the Emission Standards, Section 33.801.030:

100 KHz	-	3 MHz
3 MHz	-	30 MHz
30 MHz	-	300 MHz
300 MHz	-	1,500 MHz
1,500 MHz	-	300 GHz

3. Accessory uses such as transmitter buildings.

B. Facilities not affected. Facilities not affected by the regulations of this Chapter include:

1. Uses listed as accessory to the base zone, which are permitted and including any restrictions or limitations imposed in that base zone.

2. Industrial, scientific and medical equipment operating at frequencies designated for that purpose by the Federal Communications Commission.

3. Radio frequency machines which:

a. Have an effective radiated power (ERP) of 7 watts or less;

b. Are designated and marketed as consumer products, such as microwave ovens and remote control toys; or

c. Are in storage, shipment or on display for sale, provided such machines are not operated.

4. Transmitters operating at a frequency less than 1 GHz and at less than 7 watts transmitter power output.

5. Transmitters and antenna operating at a frequency less than 1 GHz and with an ERP of 100 watts or less, when sited at least 500 feet from any other emission source in the same frequency range.

6. Temporary facilities, operating with less than 1,000 watts ERP, for a period of time not to exceed 30 days of consecutive operation, nor more than 120 days of operation in total.

7. Military and civilian radars, operating within the regulated frequency ranges, for the purpose of defense or aircraft safety.

8. Hand-held, mobile and marine radio transceivers.

9. Amateur and citizen band transmitters and antennas.

10. Two-way communication transmitters utilized on a temporary basis for emergency services communications.

11. Emergency or routine repairs, reconstruction or routine maintenance of previously approved facilities or replacement of transmitters, antennas or other components of previously approved facilities which does not create a significant change in visual impact or an increase in

emission levels.

12. Point-to-point microwave facilities.

13. Towers, masts, poles or other supporting structures accessory to a residential use with a transmitter output power of 1,500 watts or less.

33.801.025 Site Development Standards.

A. Intent. The intent of the site development standards is to provide development in a manner resulting in an appearance compatible with the permitted uses of the base zone; protect adjacent property from tower failure, falling ice and other safety hazards; and to protect adjacent areas of human habitation from excessive emission levels.

B. Site size for new applications.

1. Minimum site size. The minimum lot area in all R zones shall be 40,000 square feet, in all other zones the minimum lot area shall be that required by the underlying zone and the following criteria.

2. Site size shall be sufficient to:

a. Prevent noise levels in excess of that allowed by the underlying zone; and

b. Protect adjacent areas of human habitation regularly occupied by any member of the general population from excessive emission levels.

C. Tower and antenna placement for new applications.

1. Yards shall meet the following requirements:

a. Provide a setback in residential zones from the base of the tower to the property line equal to 20 percent of the tower height where the property line abuts a residential zone, public street or public property.

b. Provide yards and setbacks in residential zones for guy anchors at least equal to the required yards of the underlying zone.

2. Multiple towers. More than one tower per site shall be encouraged when it is technically feasible to group towers and where grouping will not result in excessive emission levels.

3. Prior to the issuance of a building permit for a tower or other support structure for an antenna falling into one of the following four categories, the Planning Director or designee shall determine that the antenna meets the following requirements:

a. For an ERP of less than 100 watts the highest current point of the antenna shall be located at least 10 feet and all portions of the antenna 3 feet from the external surface of any habitable structure not located on the property containing the source and from habitable space on the same property normally occupied on a regular basis by others than the immediate family and/or employees of the owner and/or operator of the source.

b. For an ERP greater than 100 watts, but less than 1,000 watts, the highest current point of the antenna shall be at least 15 feet and all portions of the antenna at least 6 feet from the external surface of any habitable structure not located on the property containing the source and from habitable space on the same property normally occupied on a regular basis by others than the immediate family and/or employees of the owner and/or operator of the source.

c. For an ERP equal to or greater than 1,000 watts, but less than 10 KW, the antenna meets the following separation criteria from the external surface of any habitable structure not located on the property containing the source and from habitable space on the same property normally occupied on a regular basis by others than the immediate family and/or employees of the owner and/or operator of the source.

TITLE 33
PLANNING AND ZONING

<u>Frequency</u>	<u>Minimum Distance From Highest Current Portion</u>	<u>Minimum Distance From Any Portion</u>
< 7 MHz	11 feet	5 feet
7 - 30 MHz	$f/0.67$ feet	$f/1.5$ feet
30 - 300 MHz	45 feet	20 feet
300 - 1500 MHz	$780/\sqrt{f}$ feet	$364/\sqrt{f}$ feet
> 1500 MHz	20 feet	10 feet

Where f is frequency in megahertz.

d. For an ERP equal to or greater than 10 KW the antenna meets the following separation criteria from the external surface of any habitable structure not located on the property containing the source, and from habitable space on the same property normally occupied on a regular basis by others than the immediate family and/or employees of the owner and/or operator of the source.

<u>Frequency</u>	<u>Minimum Distance From Highest Current Portion</u>	<u>Minimum Distance From Any Portion</u>
7 MHz	17.5 feet	8 feet
7 - 30 MHz	$f/0.4$ feet	$f/0.91$ feet
30 - 300 MHz	75 feet	33 feet
300 - 1500 MHz	$1300/\sqrt{f}$ feet	$572/\sqrt{f}$ feet
1500 MHz	34 feet	15 feet

D. Accessory use placement for new applications. Provide setbacks to all accessory uses at least as great as the required yards of the underlying zone.

E. New towers. Any application for a new tower in a residential zone shall show the following:

1. Documentation of effort to locate on an existing tower and/or reasons why that is not possible. Failure to document a good faith effort to locate on an existing tower or a valid reason for not doing so are grounds for denial.

2. For a tower accommodating a radio or television broadcast facility of 100,000 watts or more, the tower shall be designed to support at least two additional transmitter/antenna systems of equal or greater power to that proposed by the

applicant and one microwave facility, and at least three two-way antennas for every 40 feet of tower over 200 feet of height above ground.

3. For any other tower, the design shall accommodate at least three two-way antennas for every 40 feet of tower, or at least one two-way antenna for every 20 feet of tower and one microwave facility.

4. Such other combination as found by the approval authority to provide the maximum number of compatible users.

F. Tower appearance.

1. For towers not regulated by the Oregon Aeronautics Division or Federal Aviation Administration, a finish (paint/surface) shall be provided that reduces the impact (visibility) of the structure.

2. Towers shall not be illuminated except and as required for the Oregon State Aeronautics Division or the Federal Aviation Administration.

G. Landscaping and screening in residential zones.

1. For towers 200 feet tall or less, the minimum requirements for landscaping shall commence at the property line, and as described in 33.520, shall be: 5 feet of L3; 5 feet of L2; 15 feet of L1; and the trees required in L1 shall be coniferous.

2. For towers more than 200 feet tall, the minimum requirement for landscaping shall commence at the property line, and as described in 33.520, shall be: 5 feet of L3; 5 feet of L2; and 30 feet of L1, with two lines of trees, one to be coniferous and the other deciduous.

3. In lieu of the above standards, the applicant can request an adjustment from the specific landscape requirements in accordance with Chapter 33.98. (NB landscape review in conjunction with a Type I conditional use review will be a Type I review.)

4. A site in excess of 5 acres shall not be subject to the landscaping requirements set forth in this Section provided that the topographic features of the site and the natural state of vegetation on the site provide an aesthetic impact buffer consistent with the purposes set forth

in Section 33.106.260 (a).

H. Parking in residential zones. A minimum of two parking spaces shall be provided on each site; more may be required where facilities require on-site personnel. On sites with personnel routinely in attendance for more than 4 hours, two spaces in excess of the number routinely in attendance shall be provided.

33.801.030 Emission Standards. No radio or television broadcast facility shall be operated in a manner which causes any member of the general population to be exposed to off-site emission levels in excess of the mean squared electric (E^2) or mean squared magnetic (H^2) field strengths, or their equivalent plane wave free space power density, as specified in Table 801.1.

A. Supersession. In the event the federal government promulgates mandatory or advisory standards more stringent than those described in this Chapter, the Planning staff shall prepare a report and recommendation on any necessary revisions to the City's adopted standards. The Council shall act to bring the City standards into compliance with more stringent federal standards within 30 days of the date the new federal standards become effective.

B. Instrument calibration. For all measurements made to ensure compliance with this Section, evidence shall be submitted showing that the instrument or instruments used were calibrated within the manufacturer's suggested periodic calibration interval; that the calibration is by methods traceable to the National Bureau of Standards; a statement that the measurements were made in accordance with good engineering practice; and a statement or statements as to the accuracy of the results of the measurements.

C. Method. The latest revision of ANSI's American National Standard C95.3, Techniques and Instrumentation for the Measurement of Potentially Hazardous Electromagnetic Radiation at Microwave Frequencies, is incorporated here by reference as one source of acceptable methods for measuring nonionizing radiation levels in determining compliance with this standard.

TABLE 801.1

RF EMISSION STANDARDS^{1.}

<u>Frequency Range</u>	<u>Mean Squared Electric (E²) Field Strength (V²/m²)^{2.}</u>	<u>Mean Squared Magnetic (H²) Field Strength (A²/m²)^{3.}</u>	<u>Equivalent Plane-Wave Power Density (mW/cm²)^{4.}</u>
100 KHz - 3MHz	80,000	0.5	20
3 MHz - 30 MHz	4,000 (180/f ²) ^{5.}	0.025 (180/f ²)	180/f ²
30 MHz - 300 MHz	800	0.005	0.2
300 MHz - 1500 MHz	4,000 (f/1500)	0.025 (f/1500)	f/1500
1500 MHz - 300 GHz	4,000	0.025	1.0

(NB This standard will be reviewed by the City of Portland 5 years from its date of effectiveness to determine its adequacy relative to public health.)

1. All standards refer to root mean square (rms) measurements gathered by an approved method.
2. V²/m² = Volts squared per meter squared.
3. A²/m² = Amperes squared per meter squared.
4. mW/cm² = Milliwatts per centimeter squared.
5. f = Frequency in megahertz (MHz).

33.801.035 Registration of Existing Facilities.

A. All radio and television facilities subject to this ordinance and existing on the date of adoption of this ordinance shall furnish, on forms provided for that information:

1. Name and address of the FCC licensee(s).
2. Name and address of owner of the property on which the transmitter and/or antenna is located.
3. Location of transmitter by legal description of the lot(s) or parcel(s) on which it is located.
4. Output frequency of transmitter.
5. Type of modulation and class of service.

6. Power output of transmitter.
7. Effective radiated power.
8. Manufacturer, type and model number of antenna.
9. Height of antenna above ground.
10. Elevation above sea level of ground at the antenna location.
11. The call letters assigned to the source, if applicable.
12. Date of installation of present transmitter, of the associated antenna and of the structure, if any, on which the antenna is located.
13. Authorizations for siting and operation.

33.801.040 Application Requirements.

A. All applications for radio or television broadcast facilities shall be on

forms provided for that purpose and shall include:

1. Name and address of owner of transmitter and/or antenna the FCC licensee(s).
2. Name and address of owner of property on which the transmitter and/or antenna is located.
3. Location of transmitter by legal description of the lot(s) or parcel(s) on which it is located.
4. Output frequency of transmitter.
5. Type of modulation and class of service.
6. Power output of transmitter.
7. Effective radiated power.
8. Manufacturer, type and model number of antenna.
9. Height of antenna above ground.
10. Elevation above sea level of ground at the antenna location.
11. The call letters assigned to the source, if applicable.
12. Date of installation of present transmitter, and date of installation of the associated antenna, date of installation of the structure, if any, on which the antenna is located.
13. Authorizations of siting and operation: City of Portland.
14. The measured existing cumulative radiation levels, by frequency range, at the point on the property line nearest the radiating source (as measured by radial distance from the antenna), the point on the property line of the predicted maximum emission level from all effecting sources, and the nearest point regularly occupied by other than the immediate family and/or employees of the facilities owner and/or operator.
 - a. These measurements shall be made at the time of the expected highest emissions in accord with the ANSI C95.3 measurement protocol and shall be made by a qualified licensed engineer with a Federal Communications Commission First Class or General Radio-Telephone License or under the supervision of a registered professional electrical engineer.

b. Alternatively, these measurements may be made by whatever means are determined best by a registered professional electrical engineer.

c. The effects of contributing sources of frequency below the lower frequency limit of broadband instruments may be appropriately shown by a separate single instant measurement.

d. Property lines between two adjacent broadcast facility sites and sites separated only by a street or other use where no regular habitation occurs are exempt from required measurements. If the point of predicted maximum emission level falls on such a property line, this measurement shall be made on the property line of predicted maximum emission level not falling between two adjacent broadcast facility sites so exempted.

15. The calculated average radiation levels at the three points specified in 14 after installation of the new source, including both the background and the new source.

16. The calculated radiation levels at the boundaries of other sources at which the new source may cause a detectable increase in radiation level.

17. The calculated level at the predicted point of maximum radiation off of the property on which the new source is located caused by the new source along with the measured background radiation level at this point. This measurement shall meet the requirements of 14.

18. A scaled site plan shall identify the location of each point of measurement and/or calculation, in relation to the subject facility.

19. The formulas used for any and all calculations must be clearly described.

B. Measurement exemption. All commercial intermittent single-source facilities, with less than 1,000 watts ERP are exempt from the requirements of A.14 above, if they comply with the tower placement requirements of 33.801.025.

33.801.045 Nonconforming Facilities.

A. Nonconforming to site development standards. When an existing facility makes application for an addition (or change) to that facility, except an exempted facility as listed in Section 33.801.020 B., under the provisions of this Chapter, compliance with 33.801.025 F. and G. shall be required, but the facility shall be exempt from the requirements of 33.801.025 B. through E. and H.

B. Nonconforming to emission standards. No radio or television broadcast facility, as regulated by this Chapter, including existing facilities, shall be permitted to exceed the RF emission standards or cause some other facility to exceed the RF emission standards of Table 801.1 or any other applicable emission standard.

Chapter 33.805

OFF-SITE IMPACTS ON LANDS
PERMITTING DWELLINGS

(Added by Ord. No. 157663 passed
July 31, effective Aug. 31, 1985.)

Sections:

- 33.805.010 Purpose.
- 33.805.015 Applicability.
- 33.805.020 Relationship to Other Regulations.
- 33.805.025 General Standard.
- 33.805.030 Noise.
- 33.805.035 Vibration.
- 33.805.040 Odor.
- 33.805.045 Glare.
- 33.805.050 Enforcement.

33.805.010 Purpose. These regulations are intended:

A. To ensure that all activities will provide adequate control measures or locate in such locations as to protect the community from hazards, nuisances and objectionable effects; and

B. To permit objective and precise evaluation of compliance with the permissible off-site impact levels; and

C. To protect specific industries or firms from exclusion in a zone based solely on the general characteristics of similar industries in the past.

33.805.015 Applicability. These regulations shall apply only to land use activities in the HI, GI and GE zones unless otherwise stated in this Title. However, the off-site impact standards shall not be applied to machinery, equipment and facilities which were at the site at the time of a zone change to a zone subject to the off-site impact standards. If there are questions about when the item was brought to the site, documentation is the responsibility of the business.

33.805.020 Relationship to Other Regulations. The off-site impact standards are in addition to all other regulations of the Municipal Code. The standards do not

replace regulations of the Department of Environmental Quality (DEQ), relevant county regulations, or such standards as the Uniform Fire Code.

33.805.025 General Standard.

A. The standard. No off-site impacts are permitted which are found to be objectionable on lands permitting dwellings. Off-site impacts may result from noise, vibration, odor and glare. Objectionable effects are defined as those over the standards stated in 33.805.030 to 33.805.045.

B. Lands permitting dwellings. Lands permitting dwellings are lands zoned FF, any R zone, any C zone, M3 or MX. However, lands with these zones abutting the zoning district which have a Comprehensive Plan Open Space designation are not included for the purpose of these standards.

33.805.030 Noise. The City noise standards are stated in Title 18, Noise. Additional DEQ regulations may also apply for firms adjacent or near noise sensitive uses such as dwellings, churches, schools and hospitals.

33.805.035 Vibration.

A. The standard. No continuous, frequent or repetitive vibrations shall be produced which are discernible to a person of normal sensitivities on non-industrial zoned lands. No continuous, frequent or repetitive vibrations shall be produced which exceed 0.002g peak on non-industrial zoned lands.

B. Qualifiers and exceptions.

1. Vibrations from temporary construction and vehicles which leave the site (such as trucks, trains, airplanes and helicopters) are excluded. Vibrations from primarily on-site vehicles and equipment are included.

2. Vibrations of no more than 5 minutes in any one day shall not be deemed continuous, frequent or repetitive for this regulation.

C. Measurement. Seismic or electronic vibration measuring equipment may be used for measurements.

33.805.040 Odor.

A. The standard. No continuous, frequent or repetitive odors are permitted which are detectable on non-industrial zoned lands and which exceed scentometer No. 0.

B. Qualifier. An odor detected no more than 15 minutes in any one day shall not be deemed continuous, frequent or repetitive for this regulation.

C. Explanation. The odor threshold is the point at which an odor may just be detected. The scentometer reading is based on the number of clean air dilutions required to reduce the odorous air to the threshold level. Scentometer No. 0 is 1 to 2 dilutions of clean air.

33.805.045 Glare.

A. The standards. Glare shall not directly or indirectly from reflection cause illumination in excess of 0.5 footcandles on non-industrial zoned lands.

B. Definitions.

1. Glare is defined as illumination caused by incandescent, fluorescent or arc lighting; or from high temperature processes such as welding or metallurgical refining.

33.805.050 Enforcement. (Amended by Ord. No. 158205; and 159256 effective Jan. 1, 1987.)

A. Violations. The Bureau of Building shall investigate any reported violation of the off-site impact standards. If a violation is found, a copy of the findings shall be forwarded to the owner or operator of the activity. If the violation is not found to be from items exempted under 33.805.015, and if the violation continues, the Director of Bureau of Buildings may take remedial action as provided for by Title 3, Administration, Subsection 3.30.015 (Remedies).

B. Measurements.

1. Measurement for compliance with these standards shall be made on non-industrial zoned properties. Measurements may be made at ground level or at habitable levels of buildings.

2. If the City does not have the equipment or expertise to measure and

evaluate a specific complaint, it may contract with another agency or an independent expert to perform such operations. If a violation is found, the cost for the contract shall be borne by the violator. Non-payment of the cost of an investigation shall be deemed a violation of this Code and may be referred to the Code Hearings Officer under the process provided for in Title 22. If no violation is found, the City shall bear the expense.

Chapter 33.814

CONVENIENCE STORE REVIEW PROCESS

(Added by Ord. No. 159258 passed and effective Dec. 18, 1986.)

Sections:

- 33.814.010 Purpose.
- 33.814.020 Applicability.
- 33.814.030 Approval Criteria.
- 33.814.040 Procedures.
- 33.814.050 Sunset Provision.

33.814.010 Purpose. The Convenience Store Review Process is intended to provide a consistent method for convenience store developers or operators to get together with interested parties through the local neighborhood association and address issues and areas of mutual concern. Through good neighbor standards and open communication, both before and after store construction, differences or misunderstandings between parties are resolved, the development process is streamlined, and commercial store developments and operations are more sensitive to the needs of local neighborhood residents and businesses.

33.814.020 Applicability. All new and, under certain circumstances, existing convenience stores are subject to the procedures of the Convenience Store Review Process and applicable good neighbor standards (pursuant to Paragraph IV.B. of the Convenience Store Review Process).

33.814.030 Approval Criteria.

(Amended by Ord. No. 160513 Feb. 25, 1988.) Convenience stores are permitted subject to the following requirements:

A. Pre-permit notification to the neighborhood. Prior to making a permit application to the City for convenience store review, the convenience store applicant shall notify by mail, on forms provided by the City to persons and associations designated by the Bureau of Planning, the local neighborhood association, the local District Neighborhood Office, any neighborhood association within 200 feet of the proposed convenience store, adjacent property owners and residents, and the local business association of the applicant's intention to make a permit application for and to request a pre-permit meeting with the neighborhood association (as set forth in Paragraph IV.C.1 and 2 of the Convenience Store Review Process). The applicant, in the pre-permit notification letter to the neighborhood, is required to indicate all of the anticipated land use and liquor reviews and the anticipated timeline for the development of the convenience store.

B. Pre-permit meeting(s) with neighborhood. Prior to making a permit application to the City for convenience store review, the convenience store applicant shall arrange and attend a pre-permit meeting(s) with the neighborhood association and present the proposed good neighbor plan (pursuant to Paragraphs IV.C.3, 4, 5 and 6 of the Convenience Store Review Process).

It is the intent that applicants and neighbors, through the pre-permit meeting(s) process, will reach agreement on the substance of each good neighbor plan. However, the presence of a complete agreement between the applicant and neighborhood association will not result in City approval of a good neighbor plan which fails to meet the good neighbor standards. Conversely, the absence of a complete agreement will not defeat the City approval of a good neighbor plan which does meet the good neighbor standards.

C. Submit the good neighbor plan for Type I review. Following its pre-permit meeting(s), the convenience store applicant shall submit its good neighbor plan to the Bureau of Planning for Type I review as described below in 33.814.040 Procedures, and in Section IV.D of the Convenience Store Review Process. The good neighbor plan shall conform to and be consistent with the good neighbor standards (as set forth in Paragraph IV.E of the Convenience Store Review Process). The presence or absence of an agreement between the applicant and the neighborhood shall not be a review requirement.

33.814.040 Procedures. (Amended by Ord. No. 160613 Feb. 25, 1988.)

A. Convenience store review shall be conducted as outlined in Section IV of the Convenience Store Review Process in accordance with Type I procedures set forth in Chapter 33.215.030. In addition to the notification requirements of a Type I procedure, Bureau of Planning staff shall also notify the local District Neighborhood Office and any neighborhood association within 200 feet of the proposed convenience store. If a Type I application is denied or is approved with conditions unsatisfactory to the applicant, reapplication may be made through a Type III procedure as set forth in Chapter 33.215.040. A required public hearing shall be conducted by the Hearings Officer as provided in 33.210.150. For both the Type I and Type III procedures, findings, conclusions, and decisions shall be based upon the applicable requirements of Section IV of the Convenience Store Review Process as adopted by City Council Ordinance No. 159258 on December 18, 1986.

B. When a conditional use, variance or alternative design adjustment is also required, as specified in Title 33, convenience store review may be processed simultaneously as part of the more restrictive review procedure.

C. Convenience store review may run concurrent with the normal review of building permits. Convenience store review may precede, run concurrent, or follow liquor license review procedures. However, no building permit shall be issued until approval of the convenience store has been granted under this Chapter.

33.814.050 Sunset Provision.
(Amended by Ord. No. 160613 Feb. 25, 1988.) Neighborhood issues regarding commercial retail developments are not confined to convenience stores. As such, the Bureau of Planning is examining relevant neighborhood/commercial issues as part of the commercial section of the Zoning Code improvement project to retain consistent commercial review criteria and procedures. The requirements of this Chapter shall become void with City Council adoption of the findings and recommendations of the commercial section of the Zoning Code improvement project.

Chapter 33.815

HELICOPTER LANDING FACILITIES

(Added by Ord. No. 160497 passed
Feb. 18 effective Mar. 21, 1988.)

Sections:

- 33.815.010 Purpose and Policy.
- 33.815.020 Definitions.
- 33.815.030 Zones Permitted and
Use-Related Regulations.
- 33.815.040 Approval Procedures.
- 33.815.050 Development Standards.
- 33.815.060 Required Information.
- 33.815.070 Approval Criteria.
- 33.815.080 Helicopter Landing Facilities
Approved Prior to Jan. 1, 1988.
- 33.815.090 Monitoring and Reevaluation.

33.815.010 Purpose and Policy.

Helicopter landing facilities have unique land-use impacts, needs, benefits and characteristics. This Chapter provides criteria for the evaluation of proposals for nonairport helicopter landing facilities to ensure that each landing facility is consistent with the public interest, public health, safety and welfare, and that impacts on surrounding land uses are minimized. The following policies will guide the decision making process in the siting of helicopter landing facilities.

A. Limit development of such facilities in residential zones to situations where public benefits far outweigh any negative impacts.

B. Require more protection for residential and some mixed-use zones from such facilities than for commercial and industrial zones.

C. Encourage consolidation of such facilities and encourage the pre-planning for such facilities during master planning processes.

D. Encourage the operators of proposed and existing facilities to coordinate activities and to operate aircraft in a manner sensitive to the land uses in

flight paths and in nearby areas.

E. Locate helicopter landing facilities so that they may take advantage of existing natural flight corridors such as freeways, rivers, regional trafficways and industrial areas.

33.815.020 Definitions. All definitions regarding helicopter landing facilities are contained in Section 33.12.340.

33.815.030 Zones Permitted and Use-Related Regulations.

A. Helicopter landing facilities are permitted as shown in Table 815-1.

TABLE 815-1

	<u>R, C5, C4</u>	<u>C3, C2, C1 M, GE, GI, HI</u>
Primary Landing Facility	NO	CU
Accessory Landing Facility	CU*	CU

*Permitted only as accessory to a hospital

B. Accessory helicopter landing facilities.

1. Accessory helicopter landing facilities in the R, C5 and C4 zones are permitted only as accessory to hospitals.

2. Accessory helicopter landing facilities in the R, C5 and C4 zones may have no more than one helicopter located on the site, either permanently or temporarily. The only trips which can be made are those which directly support the primary use. In the case of hospitals, trips that directly support the primary use are limited to the transport of patients in medical emergencies and specifically excludes the transport of nonemergency patients or hospital personnel only. In the case of other land uses permitted in the R, C5 and C4 zones, trips must be only for the purposes of transporting goods or personnel associated

with the business. Temporary is defined as one month or less.

C. Refueling. Refueling facilities are allowed in any zone where a HLF is approved, if approved by the Fire Marshal.

D. Repair facilities. Repair facilities are permitted only in the HI, GI, M1 and M2 zones.

33.815.040 Approval Procedures.

A. The procedures assigned in this Section supersede the conditional use procedures of Chapter 33.106.

B. Conditional use review.

1. New uses. Applications for new helicopter landing facilities are reviewed through a Type III procedure.

2. Modifications or changes to existing helicopter landing facilities.

a. Type III - in all zones, requests for modifications of existing helicopter landing facilities which would result in: (1) an increase in the number of flights; (2) change in flight path; the number of aircraft, or the hours of operation; (3) change in the approved setback requirements or minimum distances from other uses; or (4) a change in the minimum site area or off-street parking as required by the Traffic Engineer, are reviewed through a Type III procedure. In the R, C5 and C4 zones, a change which would result in an increase in (1) site size; or (2) the number of employees is also reviewed through a Type III procedure.

b. Type I. All modifications not listed in 33.815.040 B 2 a are reviewed through a Type I procedure and may be approved if the following findings are made:

(1) The addition does not result in any of the impacts listed under 33.815.040 B 2 a;

(2) The value of the improvements does not exceed 30 percent of the assessed value of the property;

(3) Any floor area expansion does not exceed 20 percent of the existing gross floor area of the building.

3. Review body: The Hearings Officer is assigned review of HLF applications.

C. Noise review. The applicant

must obtain approval for the proposal from the City of Portland Noise Review Board and the State of Oregon Department of Environmental Quality (DEQ) prior to acceptance of the conditional use permit application by the Planning Bureau. This requirement applies to requests for new helicopter landing facilities and modifications of existing helicopter landing facilities.

D. Other reviews.

1. The applicant must obtain provisional approval from the State of Oregon Aeronautics Division prior to acceptance of the conditional use permit application by the Planning Bureau.

2. For facilities which require Federal Aviation Administration (FAA) approval, the applicant must file FAA Form 7480, Notice of Landing Area Proposal, and must comply with all FAA regulations prior to issuance of a building permit.

E. Master plans. It is City policy to encourage the pre-planning of helicopter landing facilities during master plan processes for institutional uses and in the design of commercial centers and industrial parks and subdivisions where helicopter landing facilities are intended by the applicant and where the facility can meet the criteria of 33.815.070. When practical, helicopter landing facilities should be included as part of the Type III review for these developments.

33.815.050 Development Standards.

A. Safety standards.

1. Federal standards. Public use facilities must meet the most stringent safety standards since they are used by pilots of varying familiarity with the flight path locations, typical wind effects and facility layout. To meet this highest level of safety, such facilities must meet all recommended standards of the FAA Heliport Design Guide, AC150/5390. The review body will include any conditions of approval recommended by the FAA as a condition of approval.

2. State standards. Private use facilities must meet safety standards as required by the State of Oregon,

Aeronautics Division.

3. Fire safety standards. All proposals must meet fire suppression and safety standards of the Fire Marshal in regard to the handling, transporting and storage of fuel.

B. Site development standards.

1. Minimum site area. The site area and physical facilities must be adequate to accommodate aircraft parking and the landing pad, auto parking, automobile access to streets other than local service streets, automobile and emergency equipment access, buffering and screening to allow the landing of approaching aircraft without delay.

2. Setbacks and minimum distances from residential zones:

a. The review body may impose setback requirements and minimum distances from residential zones on all helicopter landing facilities.

b. A distance of 200 feet will be used as a guideline for setbacks for all helicopter landing facilities developed within residential zones, and a distance of 50 feet will be used as a guideline for setbacks for helicopter landing facilities developed within commercial or industrial zones. All setbacks will be measured from the edge of the landing pad to the edge of the property.

c. A guideline of 200 feet will be used for minimum distances from residentially zoned land for all helicopter landing facilities which are developed in commercial or industrial zones. All such minimum distances will be measured from the property line of the nearest residentially zoned land.

d. These figures may be increased or decreased by the review body upon consideration of factors such as the number of flights, hours of operation, types of aircraft, number of aircraft, types of existing land uses in the area, topography, proximity to natural aircraft corridors, and type and nature of the proposed noise mitigation plan.

Portions of the setbacks which are at ground level must meet the S4 screening and L4 landscaping standards as described in

Chapter 33.520.

3. Off-street parking. One off-street parking space for every two employees specifically related to the existence of the helicopter landing facility. The amount of off-street parking required will be determined during the public review based on the number of employees, types and number of flights and types of facilities proposed. There will be no additional off-street parking requirements for accessory uses.

4. Street trees. Street trees may be required for all ground-level facilities as required by the City Forester. Trees must be located so as to not encroach into the 8 (horizontal) : 1 (vertical) flight path from the landing pad in all directions.

5. Surfacing. All take-off, landing and parking areas of helistops must be surfaced with dust-proof material.

33.815.060 Required Information.
All applications for helicopter landing facilities must include the following information in addition to the application requirements of 33.215.120:

A. A detailed site plan of the project showing the layout of the aircraft landing and parking spaces, fire suppression equipment and access, auto parking areas, fences, landscaping, lights, walkways, adjacent streets and other details which show the development standards listed in 33.815.050 have been satisfied.

B. An approach-departure flight path site plan showing proposed flight path locations, widths, lengths, slopes and other necessary details, as required by the State of Oregon.

C. A copy of the State of Oregon Aeronautics Division provisional heliport approval identifying and approving the following:

1. Direction, angles and number of approaches;
2. Helipad size and surface;
3. Nearby obstructions;
4. Lighting and markings;
5. Tie downs;
6. Number of operations;
7. Location; and

8. Fencing.

D. A copy of FAA Form 7480-1, "Notice of Landing Area Proposal," and evidence that it has been filed with the FAA.

E. The proposed maximum number of operations on a daily, weekly and annual basis.

F. The proposed number and type of aircraft to be located on the site or expected to regularly use the site.

G. The proposed hours of operation.

H. The purpose of the flights and any resulting public benefits.

I. An acoustical report and a noise mitigation plan to be reviewed and approved by the Bureau of Buildings or the Noise Review Board. Such a plan must include a discussion of preferred approach - departure flight paths, preferred approach - departure path slopes, preferred approach - departure air speeds, preferred times of use and other relevant factors. In addition, the plan must include a discussion of the existing physical factors, such as topography and proposed physical barriers, such as walls, fences, structures or vegetation and how these factors would be used to reduce noise impacts. If Title 18 cannot be met by the proposal, the applicant must request and obtain a noise variance from the Noise Review Board.

J. A copy of the applicant's Airport Noise Impact Boundary analysis and comments as provided by the State of Oregon Department of Environmental Quality review.

K. The relationship of the site to natural flight corridors, such as freeways, rivers and industrial areas.

L. Discussion on the feasibility of consolidating the proposed facility with other nearby facilities. This must include a map showing the location of other approved helicopter landing facilities within a one-half mile radius of the site.

33.815.070 Approval Criteria.

A. All helicopter landing facilities which have been determined to be subject to Type III review, must satisfy all of the conditional use criteria in this Section. A helicopter landing facility that satisfies all

of these criteria will be deemed to have satisfied the conditional use standards contained in 33.106.010. The approval criteria which must be satisfied are as follows:

1. The facility meets the necessary safety standards as required by state or federal agencies. The facility must be approved by State Aeronautics and the FAA.

2. The facility is located so that the flights may take advantage of existing natural flight corridors, such as freeways, rivers, regional trafficways and industrial areas. Proposed locations which are closer to such corridors will be viewed more favorably by the review body. Proximity to the river alone shall not be a factor in giving preferential treatment in evaluating an application.

3. It has been established that the consolidation of the facilities with other existing nearby facilities is not possible or feasible.

4. In commercial and industrial zones, the facility will not have a greater impact than allowed uses. If the facility will have significantly greater impacts, then it must be found that the public benefits of the HLF outweigh the harm of the impacts. Any location more than 500 feet from a residential zoning boundary will be viewed more favorably by the review body.

5. In residential zones, and in the C5 and C4 zones, the facility will not have a significant negative impact on the livability of the area. Factors to be considered include number of flights, hours of operation, noise levels and location of approach - departure path.

6. The facility meets all development standards contained in 33.815.050.

7. The facility meets all noise regulations of the State of Oregon Department of Environmental Quality and Title 18, Noise, of the City of Portland.

8. The proposal is consistent with the policies contained in 33.815.010.

B. The applicant has the burden of proof to demonstrate that the proposed site plan complies with the approval criteria. In

particular, it must be shown that the proposed setbacks and minimum distances from other uses are adequate to meet City noise standards and to protect nearby properties.

C. The Hearings Officer may place conditions on the approval as provided by 33.205.035.

33.815.080 Helicopter Landing

Facilities Approved Prior to January 1, 1988. All helicopter landing facilities which were legally established prior to January 1, 1988 will be allowed to continue to operate under all relevant conditions. All applications requesting changes to such helicopter landing facilities shall be subject to the procedural requirements of 33.815.040, the safety requirements of 33.815.050 A, and the approval criteria of 33.815.070, except items 3 and 6. Such helicopter landing facilities shall be subject to the site development standards which were in effect at the time of approval. All land use impacts of helicopter landing facilities to be modified will be considered cumulatively by the Hearings Officer.

33.815.090 Monitoring and

Reevaluation. The review body may require the following as a condition of approval:

A. A flight log of all flights.

1. The review body may require a flight log to be kept when the approval is conditioned upon a limitation in the number of flights, the hours of operation or in the scope of the use.

2. The log should include the origin and destination of each trip, the time and date and purpose. The applicant must log any deviations from any conditions of approval and the reason for the deviation(s). A copy of the log must be submitted to the Bureau of Planning every six months and must be available for inspection by City staff upon request.

B. A specific date for review.

1. The review body may require the approval to be reevaluated at a date certain when there is conflicting evidence in the record regarding the impacts of the use. The purpose of the reevaluation is to

apply the known facts about the operation to the approval criteria.

2. The hearings body may affirm its prior decision, modify the approval or terminate the use.

3. In applying the condition of approval, the condition must state a specific date for the initiation of the reevaluation hearing process. In no case shall that date be more than 36 months from the date of the original approval. The hearing is a Type III procedure.

Chapter 33.901

R3 ZONE

(Added by Ord. No. 158421 passed
Apr. 23, effective May 24, 1986.)

Sections:

- 33.901.010 Purpose.
- 33.901.020 Applicability.
- 33.901.030 Uses Allowed.
- 33.901.040 Density Allowed.
- 33.901.050 Site Development Regulations.
- 33.901.060 Transitional Uses.
- 33.901.070 Accessory Uses.
- 33.901.080 Conditional Uses.

33.901.010 Purpose. The R3 Medium-density Residential Zone is intended to encourage infill of available lands; to provide a choice of housing types suitable for a greater range of households, lifestyles, and economic levels of present and anticipated populations; to accommodate housing types which will relate well with existing neighborhood character and scale; and to provide lower-density multi-family and higher-density single-family opportunities at locations having appropriate public improvements and services. The intent of the R3 Zone is to promote land use patterns and building configurations which provide for energy efficiency and adequate privacy and usable outdoor areas for residents.

The R3 Zone also provides for special review and approval of specified nonresidential uses which provide needed services and promote the public convenience and welfare.

33.901.020 Applicability. The R3 Zone is intended for application to sites annexed to the City from Multnomah County that have a County designation of MR4 or MR3. In addition, the R3 Zone may be applied in annexed areas which have a County designation of UR (Urban Future) if such application is found to be appropriate based on applicable goals and policies.

33.901.030 Uses Allowed.

A. The following principal uses are allowed by right, subject to the site development regulations and other requirements of this Title:

1. Single-family dwellings, attached or detached;
2. Two-family dwellings;
3. Townhouse dwellings;
4. Multi-family dwellings;
5. Truck gardening and sales. Produce sold is limited to that grown on the premises;

6. Public and private conservation areas and structures for the protection of water, soil, open space, forest and wildlife resources.

B. Except as otherwise provided in this Title, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered, or enlarged in this Zone except for the uses listed in 33.901.030 A (above), 33.901.070 (Accessory Uses), and 33.901.080 (Conditional Uses).

C. More than one dwelling structure or dwelling unit may be located on a lot, provided that all of the density, site development, and other requirements of this Zone are met for all structures.

33.901.040 Density Allowed.

A. Minimum lot size. The minimum lot size shall be as follows:

Use/Structure	Lot Area		
	per Dwelling Unit	Lot Width	Lot Depth
Detached single -family	4,000	40	80
Attached single -family	3,000	16	80
Two family	3,000	40	80
Townhouse	3,000	16	80
Multi-family	3,000	40	80

B. Flag lots. Flag lots must meet the requirements of Chapter 33.88 (Flag Lot Regulations) for the R5 Zone.

C. Substandard lots. In a subdivision which was approved and recorded prior to July 1, 1959, or which was approved and recorded at any time under a jurisdiction other than the City of Portland and subsequently annexed to Portland, a lot which would be otherwise substandard may be developed with a detached single-family dwelling subject to the provisions of Subsection 33.30.050 (j), paragraphs (1) through (5).

33.901.050 Site Development Regulations.

A. Minimum yard requirements. The minimum yard requirements apply to all structures on a site, except as provided in Section 33.901.070 (Accessory Uses).

1. The minimum front, side and rear yards are as follows:

Stories	Front	Side	Rear
One-story Structure	20'	5'	15'
1-1/2 or more story Structure	20'	7'	15'

2. On a corner lot, the front yard along the long dimensions of the lot may be reduced to 10 feet.

3. In the event a front yard less than the minimum has been legally established on one or both of the adjacent lots, the minimum front yard for an interior lot may be reduced for a single-family or two-family dwelling to the average of the established or required adjoining front yards.

4. In the case of a multi-family structure in this Zone, a minimum yard equal to the structure height shall be provided between the structure in this Zone and any adjacent lot line in a R20, R10, R7 or R5 Zone.

B. Maximum number of units per structure. In the case of townhouse or multi-family development, no more than six dwelling units may be attached in one building.

C. Minimum distance between buildings. The minimum distance between

detached dwelling structures on a lot shall not be less than the sum of the required side yards computed separately for each structure.

D. Maximum lot coverage. The maximum lot coverage for all buildings and structures covered with a roof is 45 percent of the total lot area.

E. Maximum height. The maximum height of any structure is 35 feet.

F. Minimum off-street parking. One parking space is required for each dwelling unit.

G. Signs. Signs must meet the requirements of 33.535 (Signs) for an R2 Zone.

H. Street trees. Street trees are required as provided in Section 33.30.125.

I. Development adjacent to watercourses and water bodies. Development shall be subject to the provisions of 33.22.115 (2) through (8) within the following areas:

1. Between the ordinary high waterline and 25 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.

2. Within 25 feet of the centerline of watercourses such as streams, creeks and drainageways draining 30 acres or more as shown on the City of Portland Water Features Map.

33.901.060 Transitional Uses.

Transitional use regulations apply only to a lot or portions of a lot not exceeding 100 feet in width, where the side lot line abuts a C3, C2, C1, M3, GE, GI, or HI Zone. The commercial or industrial zone must abut at least 50 percent of the side lot line. Transitional use regulations apply across an alley but not across a street.

A. Increased density allowed. Development within the transitional area is subject to the minimum lot size requirements of Subsection 33.30.050 for the R2 Zone.

B. Other regulations. All other regulations of the R3 Zone shall apply.

33.901.070 Accessory Uses.

Accessory uses are allowed by right, subject to the provisions of Subsections 33.30.160 through 33.30.240 (Accessory Buildings and Uses for the R2 Zone).

33.901.080 Conditional Uses.

Uses permitted by conditional use are those listed in Subsection 33.30.250 and are permitted subject to the provisions of Subsection 33.30.250 through 33.30.485 (Conditional Use Regulations for the R2 Zone).

Chapter 33.902

**SIGNIFICANT ENVIRONMENTAL
CONCERN OVERLAY ZONE.**

(Added by Ord. No. 158421 passed
Apr. 23, effective May 24, 1986.)

Sections:

- 33.902.010 Purpose.
- 33.902.020 Short Name.
- 33.902.030 Applicability.
- 33.902.040 Exceptions to Required Permit.
- 33.902.050 Application for Review.
- 33.902.060 Review Procedures.
- 33.902.070 Scope of Conditions.
- 33.902.080 Approval Criteria.

33.902.010 Purpose. The Significant Environmental Concern Overlay Zone is intended to protect, conserve, enhance, restore, and maintain significant natural and man-made features which are of public value, including among other things, river corridors, streams, lakes and islands, domestic water supply watersheds, flood water storage areas, natural shorelines and unique vegetation, wildlife and fish habitats, significant geological features, tourist attractions, historical and archaeological features and sites, and scenic views and vistas. The Significant Environmental Concern Overlay Zone also establishes criteria and procedures for the development, change of use or alteration of such features or of the lands adjacent thereto.

The Significant Environmental Concern Overlay Zone is intended for application on sites which are annexed to the City and that have a County SEC designation. The City SEC Overlay Zone will be applied concurrently with rezoning to a City base zone.

33.902.020 Short Name.

The Significant Environmental Concern Overlay Zone shall also be called the SEC Zone and shown with an "sec" in conjunction with a base zone on the official zoning maps of the City.

33.902.030 Applicability.

A. All uses allowed under the provisions of the base zone are permitted on lands with an SEC Overlay Zone. However, the location, design, change, or alteration of a use, except as provided in Section 33.902.040 requires approval of a SEC permit.

B. Any excavation of any removal of materials or archaeological, historical, prehistorical, or anthropological nature in a SEC Overlay Zone, requires approval of a SEC permit.

33.902.040 Exceptions to Required Permit. A SEC permit is not required for the following:

A. Farm use, as defined in ORS 215.203 (2) (a), including accessory buildings and structures;

B. The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the Forest Practices Act from a farm wood lot of less than 20 acres as described in the definition of "farm use" in ORS 215.203;

C. Customary dredging and channel maintenance, but not the placement of spoils;

D. The placing, by a public agency, of signs, markers, aids, etc., to serve the public;

E. Activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands;

F. Activities regulated pursuant to the provisions of ORS 390.805 to 390.925 on lands designated as scenic waterways under the Oregon Scenic Waterways System;

G. The expansion of capacity or the replacement of existing communication or energy distribution and transmission systems, except substations;

H. The maintenance and repair of existing flood control facilities; and

I. Uses legally existing on the effective date of this Chapter; provided, however, that any change or alteration of such use shall require an SEC permit.

33.902.050 Application for Review.

An application for SEC review shall be submitted as provided in 33.215.120 (Application Requirements).

33.902.060 Review Procedures.

A. Type I SEC review. The development, location, design, change, or alteration of any use allowed by the base zone, which would not otherwise require review under this Title shall be reviewed through a Type I procedure. In addition, all fills shall be reviewed through a Type I procedure, unless a higher procedure is required due to other regulations of this Title. The decision shall be based on findings of consistency with the purposes of the SEC Overlay Zone and with the approval criteria specified in Section 33.902.080. Type I requests which are denied may reapply through a Type III review, assigned to the Hearings Officer.

B. Type III SEC review. Any excavation or any removal of materials of archaeological, historical, prehistorical, or anthropological nature shall be reviewed through a Type III procedure assigned to the Hearings Officer. The decision shall be based on findings of consistency with the purposes of the SEC Overlay Zone and the approval criteria specified in Section 33.902.080.

C. Concurrent review. In the case of development, location, design, change or alteration of any use on a site which also requires another review under this Title, such as conditional use, variance, or

adjustment, the SEC review may be processed currently with the other review. The procedure type shall be the highest procedure required by any of the necessary reviews, and the review body shall be the Hearings Officer.

33.902.070 Scope of Conditions.

A. Conditions of approval of an SEC permit, if any, shall be designed to bring the application into conformance with the applicable approval criteria. The conditions may relate to the location, design and maintenance of existing and proposed improvements, including but not limited to buildings, structures and use areas, parking, pedestrian and vehicular circulation and access, natural vegetation and landscaped areas, fencing, screening and buffering, excavations, cuts and fills, signs, graphics, and lighting.

B. Approval of an SEC permit shall be deemed to authorize associated public utilities, including energy and communication facilities.

33.902.080 Approval Criteria. An application for an SEC permit shall be approved if the proposal meets all of the following approval criteria to the maximum extent which is practical and relevant.

A. A landscaped area, open space area, or vegetation shall be provided between any use and a river, stream, lake or flood water storage area.

B. Agricultural or forest land shall be preserved and maintained for farm and forest use.

C. The harvesting of timber on lands designated SEC shall be conducted in a manner which insures that natural, scenic and watershed qualities are maintained or will be restored within 2 years.

D. A building, structure or use shall be located on a lot in a manner which balances functional considerations and costs with the need to preserve and protect areas of environmental significance.

E. Recreational needs shall be satisfied while reducing conflicts with areas of environmental significance.

F. The protection of the public

Chapter 33.903

SITE REVIEW OVERLAY ZONE

(Added by Ord. No. 158421 passed
Apr. 23, effective May 24, 1986.)

Sections:

- 33.903.010 Purpose.
- 33.903.020 Short Name.
- 33.903.030 Applicability.
- 33.903.040 Procedure.
- 33.903.050 Site Review Application Requirements.
- 33.903.060 General Site Review Objectives.
- 33.903.070 Additional Development Standards.
- 33.903.080 Approval Criteria.
- 33.903.090 Minor Exceptions.

safety and of public and private property, especially from vandalism and trespass, shall be provided.

G. Significant fish and wildlife habitats shall be protected.

H. The natural vegetative fringe along rivers, lakes and streams shall be protected and enhanced to assure scenic quality and protection from erosion.

I. Buildings, structures and sites of historic significance shall be preserved, restored and maintained.

J. Archaeological areas shall be preserved for their historic, scientific and cultural value and protected from vandalism or unauthorized entry.

K. Extraction of aggregates and minerals, the depositing of dredge spoils and similar activities shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, historical or archaeological features, vegetation, erosion, stream flow, visual quality, noise and safety, and to guarantee necessary reclamation.

L. (Amended by Ord. No. 159565 Apr. 8, 1987.) Areas of annual flooding, floodplains, water areas and wetlands shall be retained in their natural state to preserve water quality and storm water run-off capacity.

An exception to this approval criteria may be obtained through compliance with a wetland management plan developed in cooperation with state and federal regulatory agencies and approved by the Portland City Council.

M. Areas of erosion or potential erosion shall be protected from loss.

N. The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and environmental significance of the area.

O. An area generally recognized as a fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state.

33.903.010 Purpose. The Site Review Overlay Zone is intended to promote functional, safe and attractive site developments which are compatible with the natural environment and with surrounding development and uses. Site review is not intended to evaluate the proposed use. Rather, site review focuses on the site development aspects of a proposed development such as setbacks, building placement and landscaping.

The site review process provides for the balancing of specified site development objectives when reviewing development proposals. The process allows for flexibility while maintaining quality site development.

The Site Review Overlay Zone is intended for application on lands annexed to the City from jurisdictions with adopted comprehensive plans that require a site review process. This will provide continuity in development regulations for these areas. The Zone is also intended for application in other areas where such review is necessary to accomplish public policy and the objectives of the Comprehensive Plan.

33.903.020 Short Name. The Site Review Overlay Zone shall also be called the SR Zone and shown with an "sr" in

conjunction with a base zone on the official zoning maps of the City.

33.903.030 Applicability. All development requiring a building permit is subject to the regulations of this Chapter as follows:

A. Required review. Except as noted in Subsection B below, the following requires site review:

1. New development;
2. Additions to existing buildings which include modifications to the exterior of the building;
3. Other modifications to a site, including but not limited to, modifications to parking and maneuvering areas, exterior storage; and
4. Change of use, when exterior alterations are necessary as a result of the application of different land use regulations.

B. Exemptions. The following are exempt from site review:

1. Detached single-family, attached single-family with not more than two attached units, and duplex developments and related accessory structures;
2. Any change to a building face which does not add to the floor area of the building;
3. Change of use, when alterations are not required as a result of the application of different land use regulations, such as increased parking requirements; and
4. Signs.

C. Level of compliance required:

1. In the case of new development, the entire site is reviewed for compliance with this Chapter.

2. In the case of modifications to existing development, review will be as follows:

a. If the value of the proposed improvements is equal to, or greater than 50 percent of the value of the existing improvements on the site, or if the value of the proposed improvements is \$100,000 or more, then the entire site is reviewed for compliance with this Chapter.

b. If the value of the proposed improvements is less than 50 percent of the

value of the existing improvements on the site, and this value is less than \$100,000, then only the area of modification is reviewed for compliance with this Chapter.

D. Conflicting regulations. In the case where other regulations of this Title may conflict with the regulations of this Chapter, the most restrictive regulations apply, unless otherwise noted.

33.903.040 Procedure. The site review procedure is an administrative review that provides for evaluation of applications against a set of site review objectives, standards and approval criteria. No building permit may be issued until approval of a required site review.

A. Pre-application conference. A pre-application conference is allowed and encouraged for large proposals, but is not required.

B. Application. A complete application shall include the following:

1. Compliance with Subsection 33.215.120 B.

2. Four copies of a site plan which meets the requirements of 33.903.050.

3. A fee equal to 3/10 of one percent of the value of the proposed improvements, however, the minimum fee shall be \$25 and the maximum fee shall be \$1,000.

C. Processing. Within 10 working days of receipt of a complete application, the Planning Director shall mail a written decision to the applicant. The decision may be to approve, approve with modifications, or to deny the application. In the case when the original application is not approved, the Planning Director or the Director's designee, shall work with the applicant to modify the plans as necessary to bring them into compliance with the regulations. The 10 day limit for a decision may be extended by the applicant.

D. Decision. The final decision shall include written findings which address the approval criteria and specify any exceptions granted. Four copies of the final plan shall be stamped with approval. One copy shall be retained in the Bureau of Planning files. Three copies shall be

returned to the applicant. These copies may be used by the applicant to meet the Bureau of Planning requirements upon application for a building permit.

A site review application which is denied may be re-applied for as a Type III procedure assigned to the Hearings Officer.

E. Concurrent reviews.

1. In the case where other land use reviews are applied for on a site, site review may be processed concurrently with the other reviews. The procedure shall be the highest procedure type required and the review body shall be the body assigned to the highest procedure type.

2. In the case where a building permit is requested concurrently with a site review, and no other land use reviews are required, the Bureau of Planning check for compliance with zoning regulations function shall be processed concurrently with the site review.

33.903.050 Site Review Application Requirements. An application for site review shall meet the requirements of Subsection 33.215.120 B, as well as the following:

A. Site plan requirements. The site plan of an application for site review shall include the following:

1. The site plan requirements of Paragraph 33.215.120 B 3;
2. The use, placement and height of structures on adjacent property;
3. Pedestrian circulation;
4. Any existing overhead wires and any proposed above ground utilities;
5. The location and species of existing trees greater than 6 inches in diameter at 5 feet above the ground;
6. Existing and proposed street trees;
7. Area to be landscaped, including landscape materials, spacing and size of planting;
8. Proposed site contouring;
9. Exterior lighting;
10. Service areas for uses such as mail delivery, trash disposal, loading and delivery;

11. Private and shared outdoor recreation spaces for residential developments; and

12. Significant wildlife habitat.

B. Minor exceptions. An application shall include a complete description of, and justification for, any minor exceptions requested as provided by Section 33.903.090 (Minor Exceptions).

C. Additional Information. Additional information necessary to understand a request, or to demonstrate compliance with the regulations, may be required by the Planning Director. In addition, the Planning Director may waive portions of the application requirements if they are found to be unnecessary to the processing of a specific request.

33.903.060 General Site Review Objectives. In reviewing a proposal the following objectives shall be met. In the case of conflict between objectives, it shall be found that the proposal provides a desirable balance between the objectives.

A. Building placement and site layout. To the extent possible, buildings should be placed and designed so as to:

1. Preserve existing trees and other significant natural features;
2. Provide protection from undesirable off-site impacts such as noise and dust pollution;
3. Not detract from the positive visual characteristics of surrounding developments.

B. Safety and privacy.

1. New development should maintain safety and privacy on adjacent residential developments through:

- a. The placement and orientation of buildings and windows;
- b. Screening and landscaping;
- c. The use of setbacks; and
- d. The placement of exterior lighting.

2. New residential developments should provide transitional areas from public to private space and should provide private outdoor space.

C. Vehicular circulation. Areas for vehicular parking and circulation should be designed to:

1. Where practical, limit negative impacts on roadway traffic through review of the number and location of access points; and

2. Provide safety to pedestrians and vehicles in parking areas.

D. Pedestrian circulation. Pedestrian areas should be designed to provide clearly delineated, safe, and convenient routes between:

1. Building entrances and streets; and

2. Building entrances and parking areas.

E. Landscaping, screening and buffering. Landscaping, screening and buffering should be used and placed to:

1. In order to limit the impact of one use on another, provide buffering, separation and transitions between different uses on adjacent sites;

2. Promote energy conservation of building design;

3. Provide landscaping to shade and cool parking areas and to break up the appearance of large expanses of paved areas;

4. Provide a transition between public and private spaces;

5. Provide site obscuring screening of unsightly areas such as trash collections, exterior vents and mechanical devices, exterior storage areas, truck parking areas, etc.; and

6. Provide landscaping and screening materials which promote safety and privacy.

F. Utilities. For new development, utilities should be underground, where possible.

G. Neighborhood plan site review guidelines. The proposal should meet any specific site review guidelines of adopted neighborhood plans.

33.903.070 Additional Development Standards. In addition to the requirements of the base zone, the following site development standards shall apply.

A. Landscaping.

1. A minimum of 10 percent of the site area shall be landscaped. The computation of this minimum may include

areas landscaped as required by this Section, or by other Sections of this Title.

2. The following requirements apply to parking, loading and vehicular maneuvering areas and supersede the requirements of Subsection 33.82.030 (a), (b), (c), (h) and (i):

a. Perimeter landscaping:

(1) A vehicular area shall be separated from any lot line adjacent to a street by a landscaped strip at least 5 feet in width. The landscaped strip shall contain:

(a) Trees, spaced as appropriate to the species, not to exceed an average of 50 feet apart;

(b) A low hedge meeting the requirement of L2 landscaping in paragraph 33.520.020 A 3; and

(c) Green growing ground cover, planted so as to achieve 100 percent coverage within 3 years.

(2) A vehicular area shall be separated from any other lot line by a landscaped strip at least 5 feet in width. The landscaped strip shall contain:

(a) Trees, spaced as appropriate to the species, not to exceed an average of 50 feet apart;

(b) A high hedge meeting the requirements of L3 landscaping in paragraph 33.520.020 A 4, except that a low hedge may be required if staff determines that it is appropriate due to issues of safety and crime prevention; and

(c) Green growing ground cover, planted so as to achieve 100 percent coverage within 3 years.

(3) In the case where parking areas on separate lots are adjacent, and are connected by vehicular access, the landscaping requirements of sub-subparagraph (2) above need not be provided if the internal landscaping requirements of subparagraph b below are met.

b. Internal landscaping. A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space. This landscaping shall meet the requirements of L1 landscaping in paragraph 33.520.020 A 2, with the provision

that trees be provided at a ratio of one tree for every four parking spaces. These landscaped areas shall be uniformly distributed throughout the parking or loading area in order to provide shading and to provide visual relief from large expanses of paved areas. These areas shall have a minimum width of 5 feet.

3. All areas subject to site review and not otherwise improved shall be landscaped.

4. All landscaping required by this Chapter is subject to the installation and maintenance provisions of Section 33.520.050 and 33.520.060.

B. Residential recreational areas. Residential developments shall provide the following:

1. Private areas. Each ground level dwelling unit shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be partially enclosed, screened, or otherwise designed to provide privacy for residents and shall have a minimum width of 6 feet.

2. Shared areas. In any multi-family residential development, usable outdoor recreational space shall be provided for the shared use of residents, at the rate of:

a. For one or two bedroom units: 200 square feet per unit.

b. For three or more bedroom units: 300 square feet per unit.

C. Residential storage. All residential developments shall provide completely enclosed storage areas for each residential unit, for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. Each storage area shall have a minimum interior area at least 8 feet wide, by 3 feet deep, by 8 feet high.

33.903.080 Approval Criteria. A site review application shall be approved if it is found that the following approval criteria are met:

A. The general site review objectives of Section 33.903.060 are met, or in the case of conflict between objectives, it shall be found that the proposal provides a desirable balance between the objectives; and

B. Any applicable neighborhood plan site review guidelines are met, or in the case of conflict between guidelines, it shall be found that the proposal provides a desirable balance between the guidelines; and

C. The additional development standards of Section 33.903.070 are met; and

D. The approval criteria for any minor exceptions are met.

33.903.090 Minor Exceptions. Minor exceptions to the yard, parking and landscape requirements are allowed as part of the site review process in order to provide flexibility in meeting the purpose of the site review Chapter.

A. Regulations. The following minor exceptions may be granted as part of the site review process:

1. Yards - up to 25 percent reduction in the dimensional standard for required yards of the base zone;

2. Parking spaces - up to a 25 percent deviation in the maximum or minimum number of parking spaces allowed in the base zone; and

3. Landscaping;

a. In the case of new development, up to a 25 percent reduction in the dimensional or area requirements of this Chapter for landscaping; or

b. In the case of modification to improved sites, up to a 100 percent reduction in the dimensional or area requirements of this Chapter for landscaping.

B. Approval criteria. Minor exceptions will be approved if the following approval criteria are met:

1. In the case of minor yard exception, it shall be found that approval will result in all of the following:

a. More efficient use of the site;

b. Preservation of significant natural features, such as wildlife habitat or vegetation;

c. Provision of adequate light, air and privacy to adjoining properties; and

d. Access for emergency vehicles.

2. In the case of a minor exception to the number of off-street

parking spaces, it shall be found that approval will provide adequate off-street parking in relation to user demands. The following factors may be considered in granting such an exception:

a. Special characteristics of users which indicate low demand for off-street parking (e.g., elderly);

b. Opportunities for joint use of nearby off-street parking facilities;

c. Availability of public transit; and

d. Natural features of the site (topography, vegetation and drainage) which would be adversely affected by application of the required parking standards.

3. In the case of a minor exception to the dimensional or area requirements for landscaping for new development, it shall be found that approval will result in:

a. Buffering, screening or separation between uses, which will mitigate potential negative impacts on the site and surrounding areas; and

b. The break-up of large expanses of paved areas; and

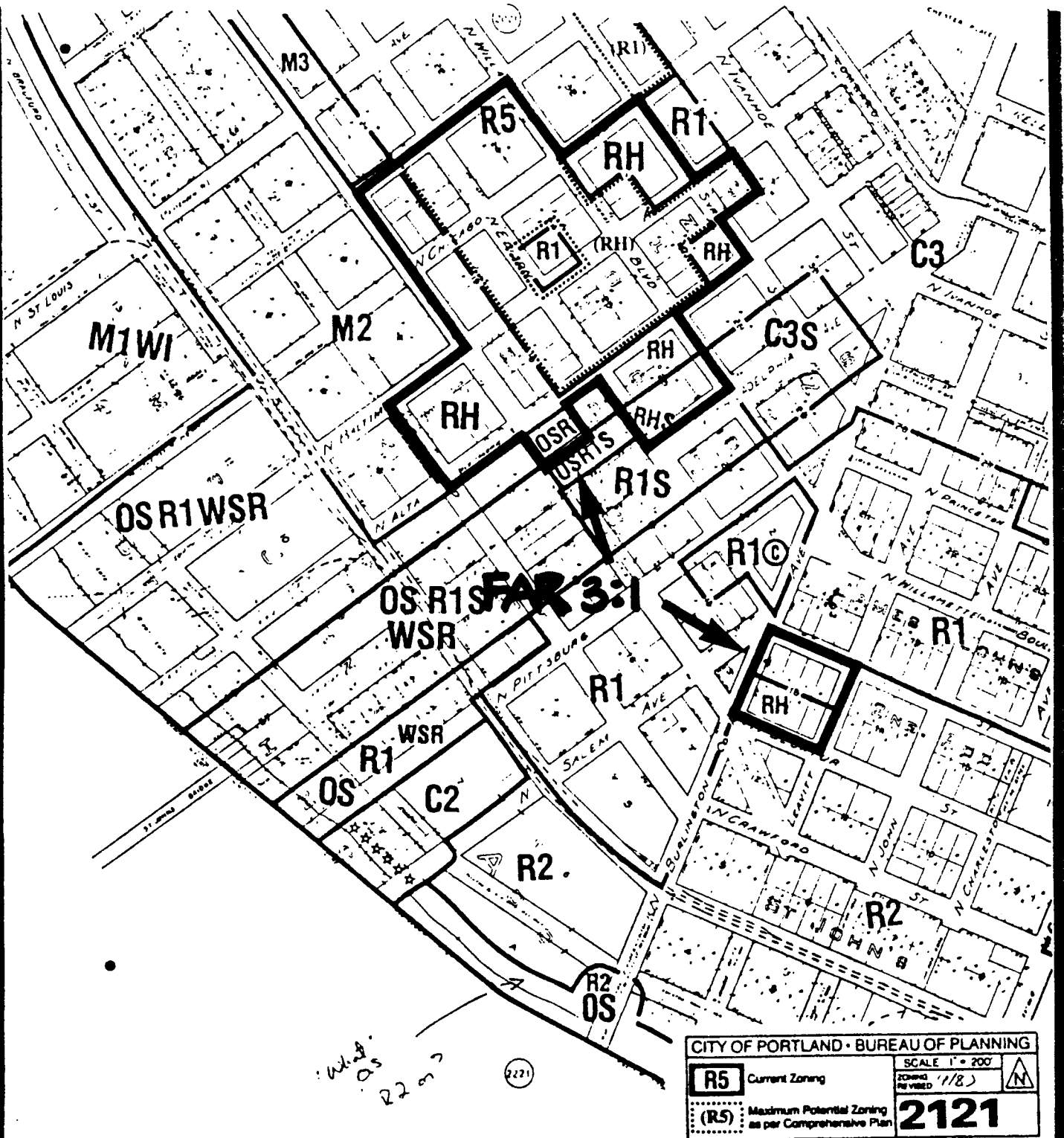
c. Summertime shading of parking areas.

4. In the case of a minor exception to the dimensional or area requirements for landscaping for modifications to improved sites, it shall be found that:

a. The provision of the required landscaping is not possible due to the location of existing buildings and improvements; and

b. Any possible landscaping is provided to mitigate negative impacts.

C. Other exception requests. Any requests for exceptions beyond the scope of the minor exceptions allowed in Subsection A above shall be processed as otherwise provided in this Title.



FAR: Floor Area Ratio

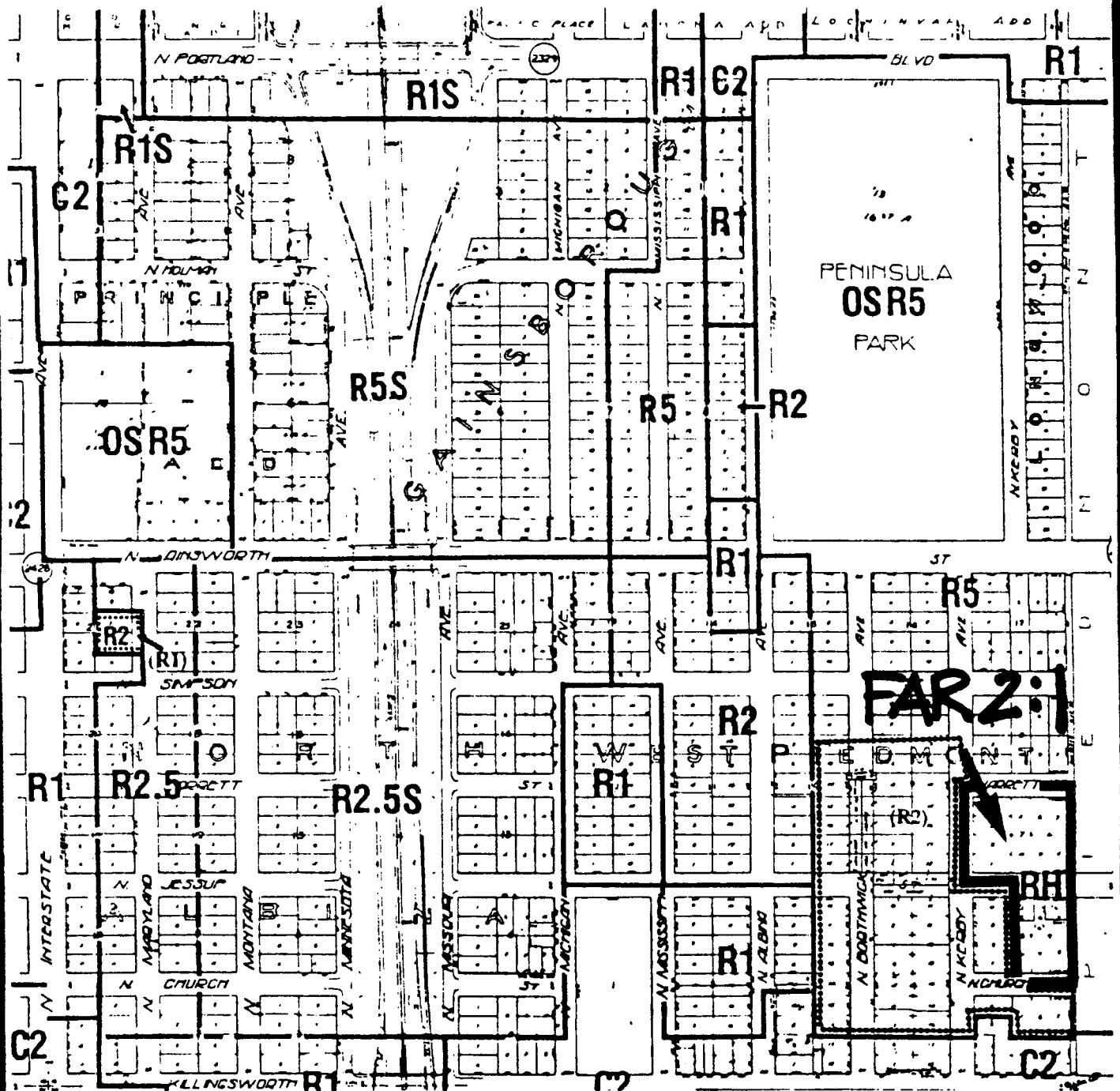
Boundary of Potential RII Area

Quarter Sections: **2124**

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

33.34.070 (3)

FIGURE 1
12-31-1990



FAR: Floor Area Ratio

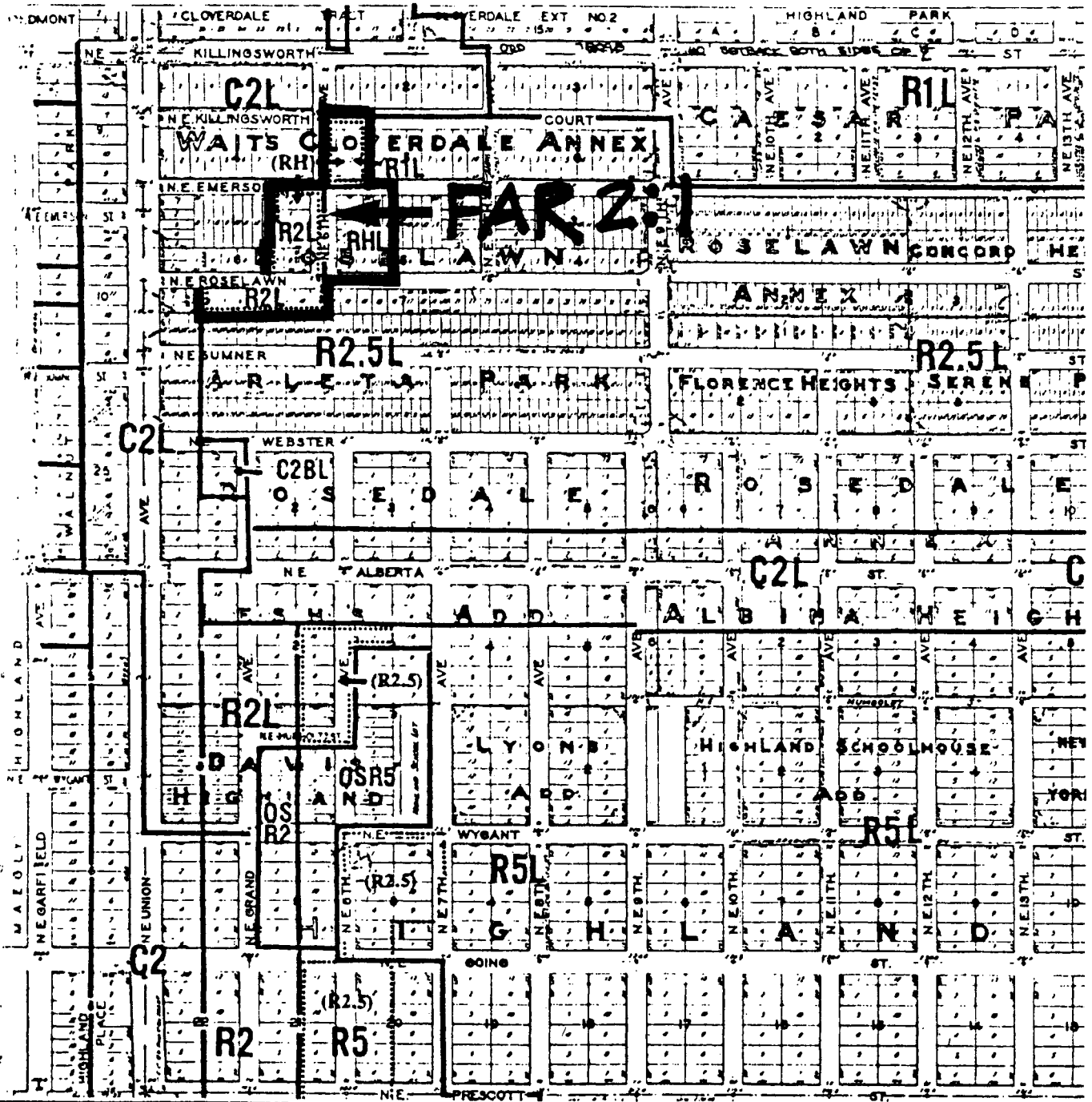
Boundary of Potential RI Area

Quarter Sections: 2429

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

33.34.070 (3) (b)

FIGURE 2
12-31-1990



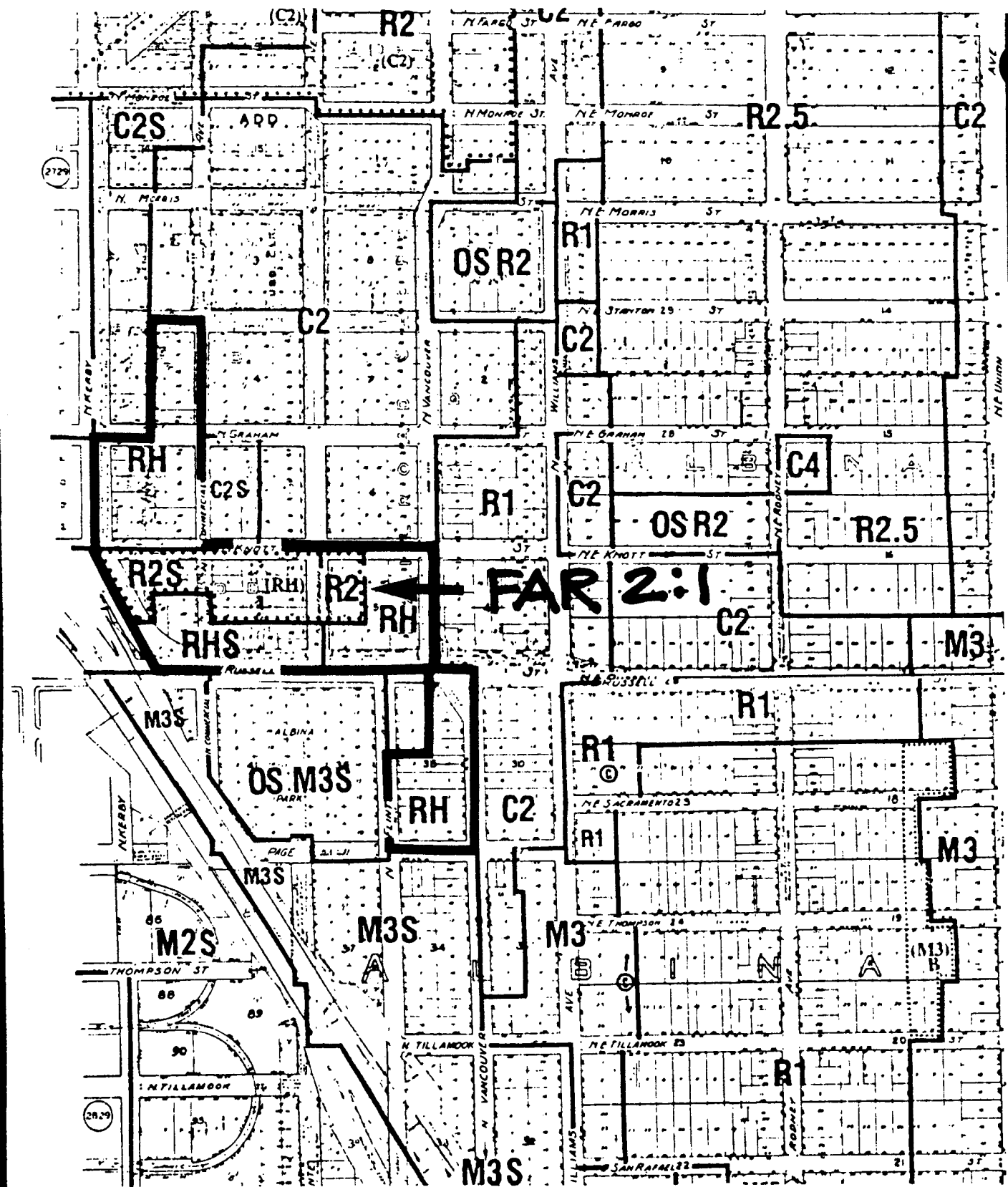
FAR: Floor Area Ratio

Boundary of Potential R/H Area

ALLOWABLE HOUSING DENSITY IN
HIGH DENSITY MULTI-FAMILY
AREAS

Quarter Sections: 2531

33.34.070 (3) (c)



FAR: Floor Area Ratio

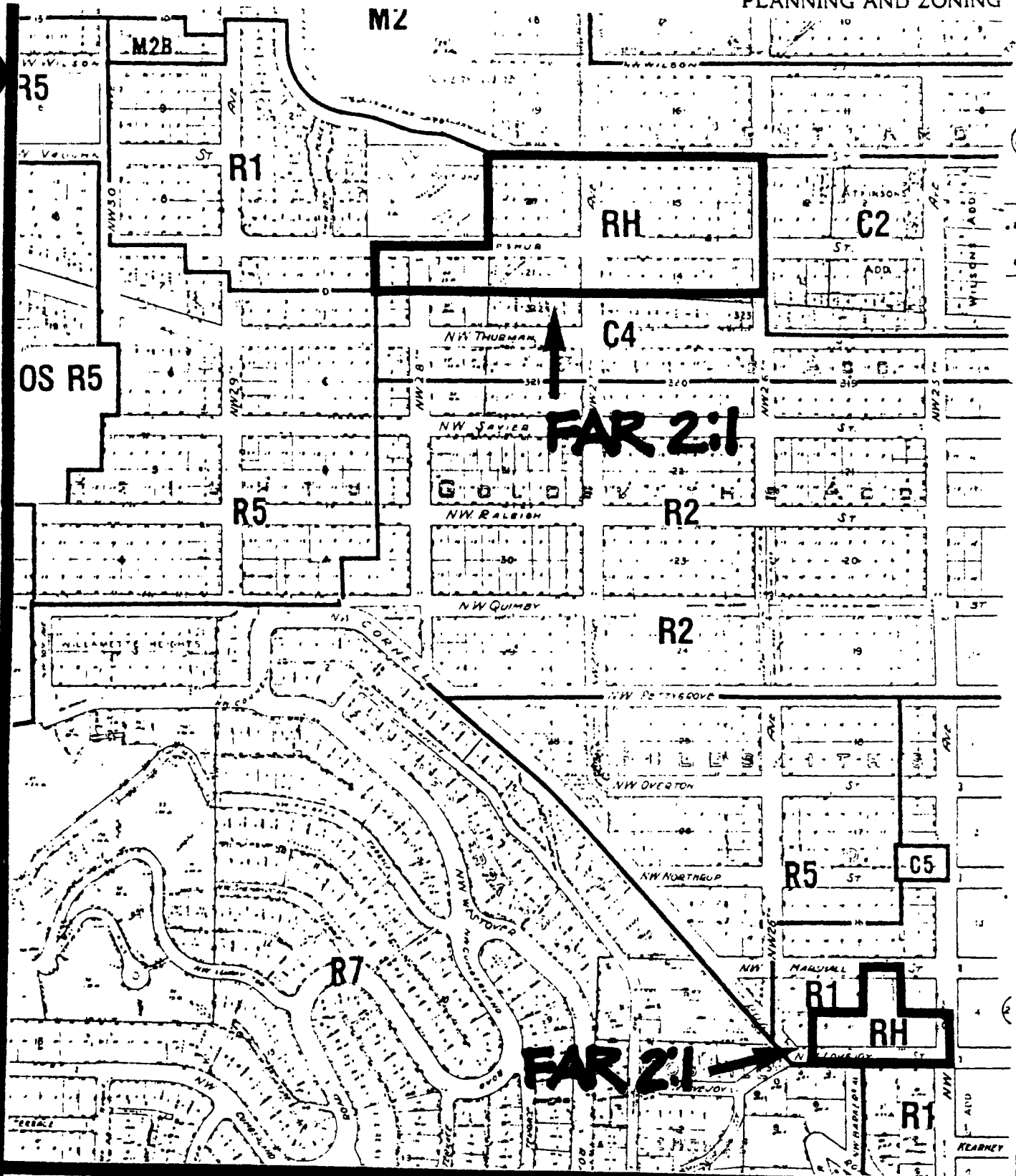
Boundary of Potential RII Area

Quarter Sections: 2730, 2830

FIGURE 4
12-31-1990

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

33.34.070 (3) (d)



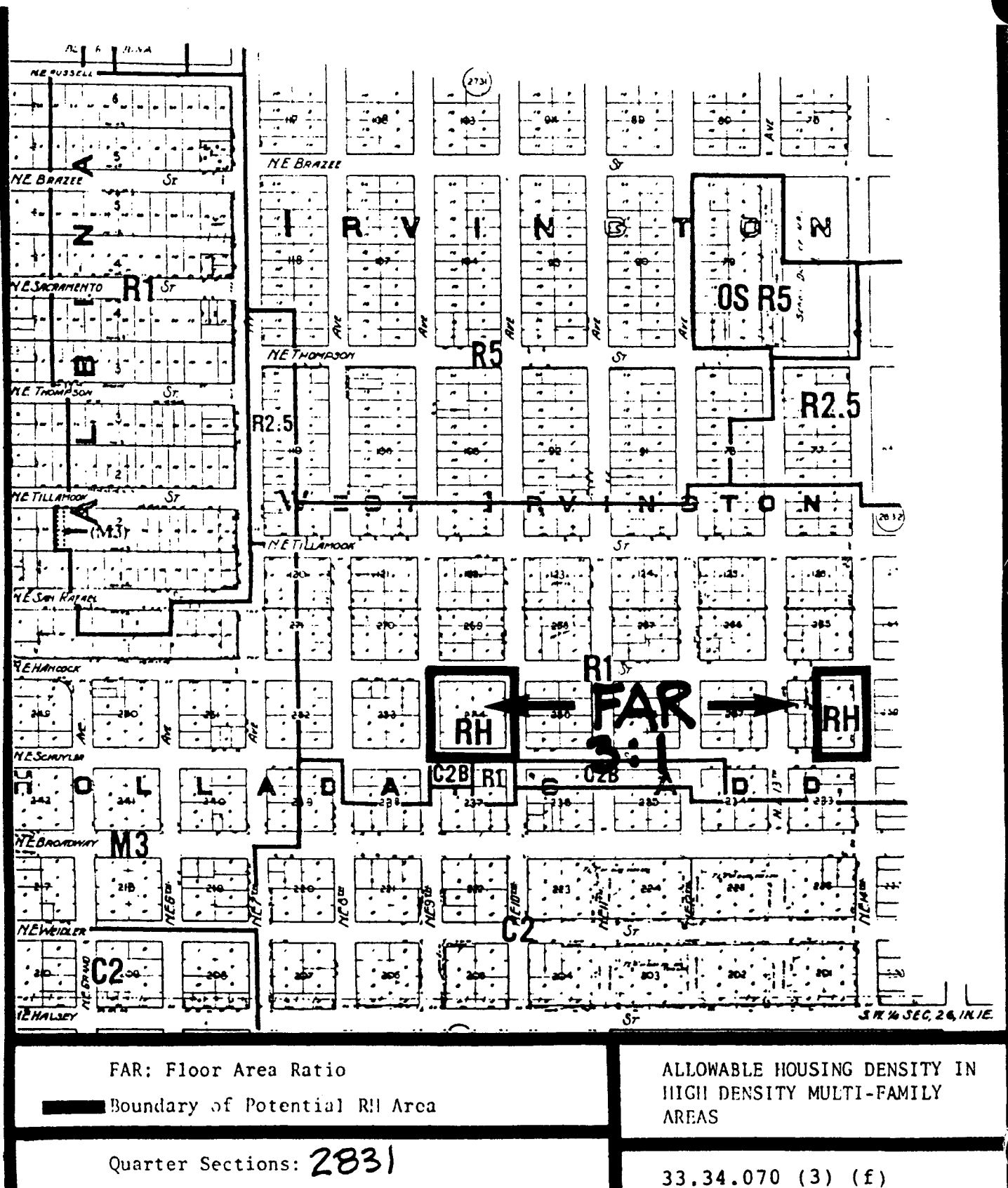
FAR: Floor Area Ratio

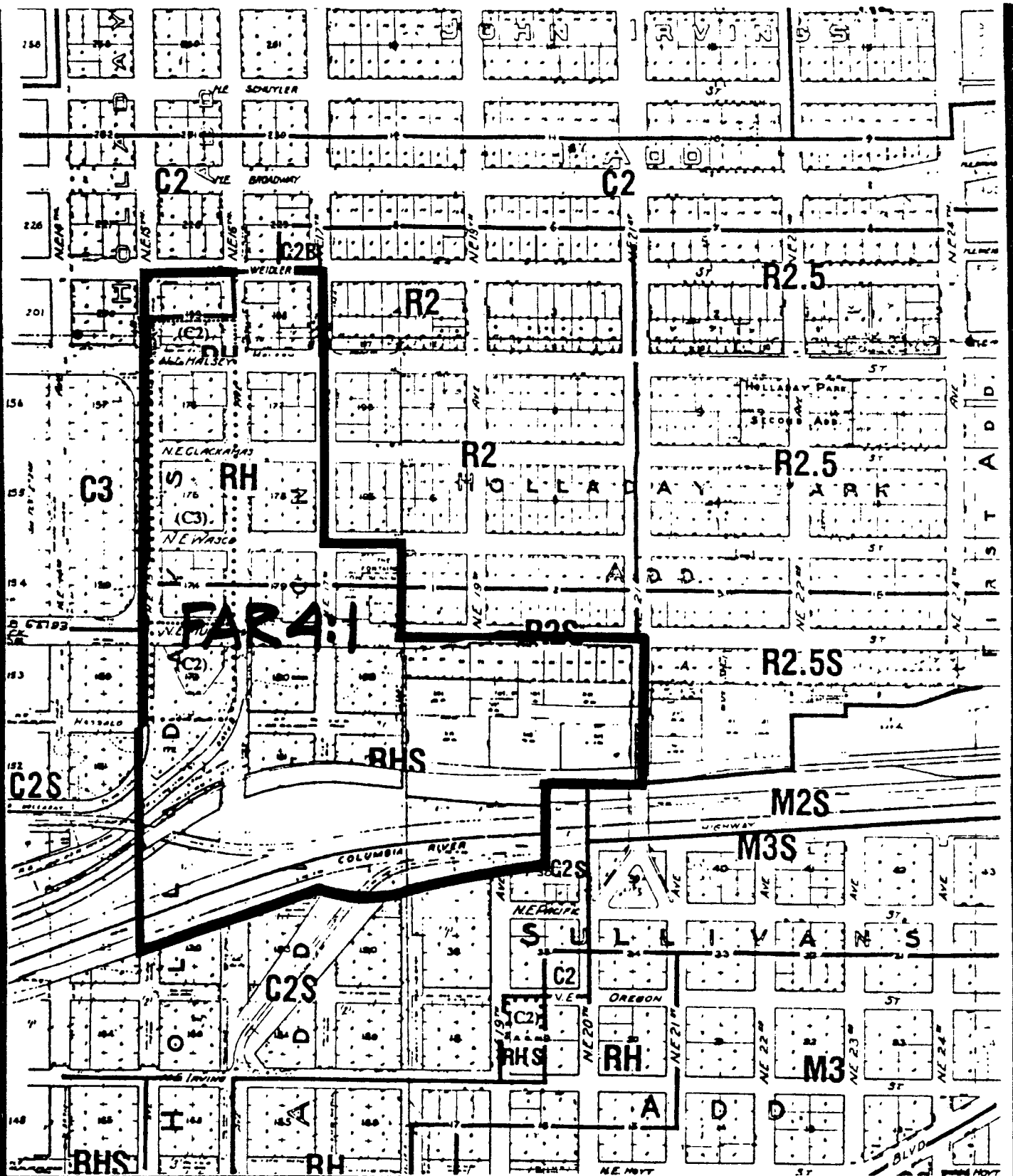
Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN
HIGH DENSITY MULTI-FAMILY
AREAS

Quarter Sections: **2826, 2926**

33.34.070 (3) (e)





FAR: Floor Area Ratio

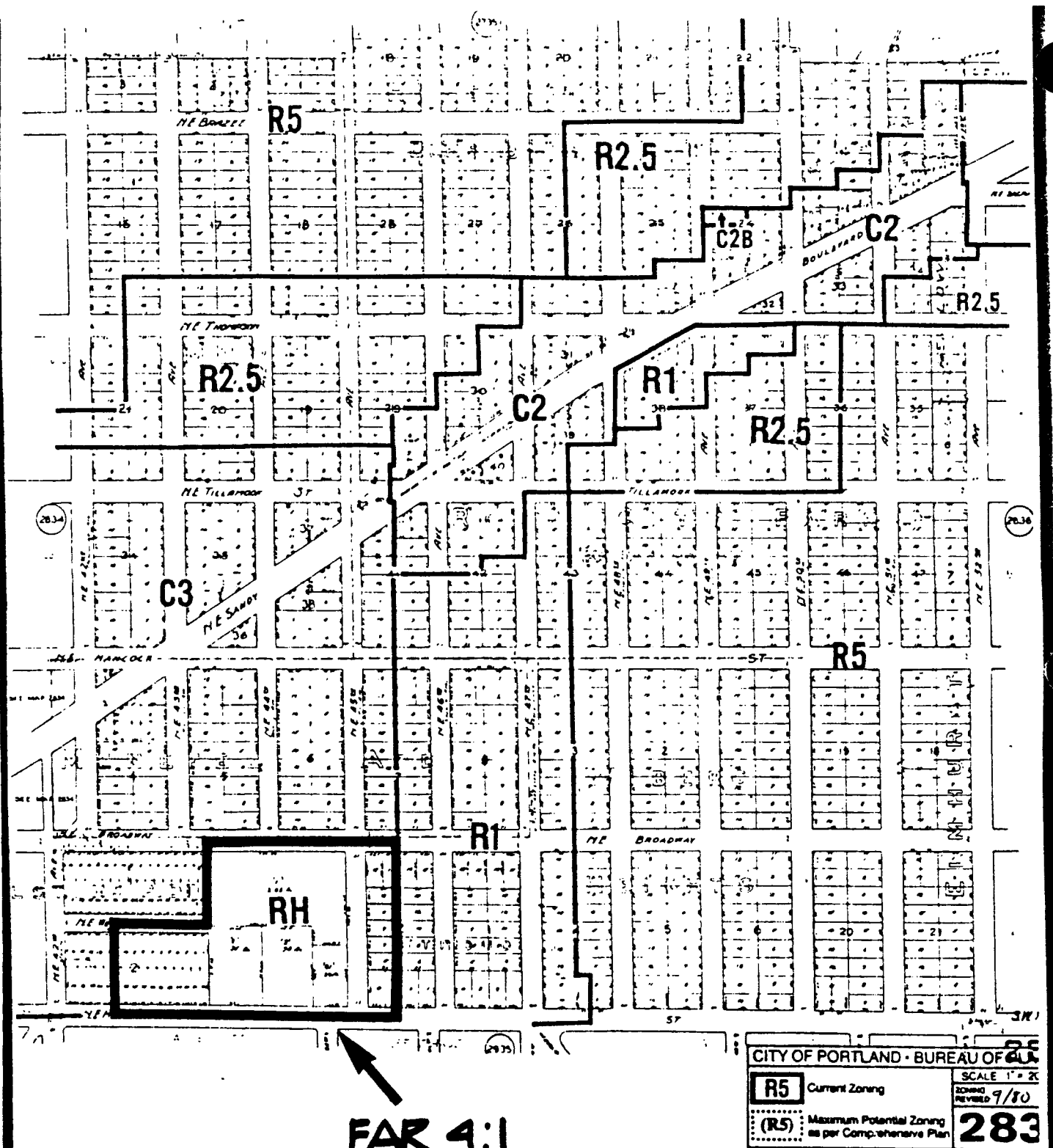
Boundary of Potential RII Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 2832, 2932

33.34.070 (3) (g) (Am
153828 ef Oct. 18, 1982)

FIGURE 7
12-31-1990



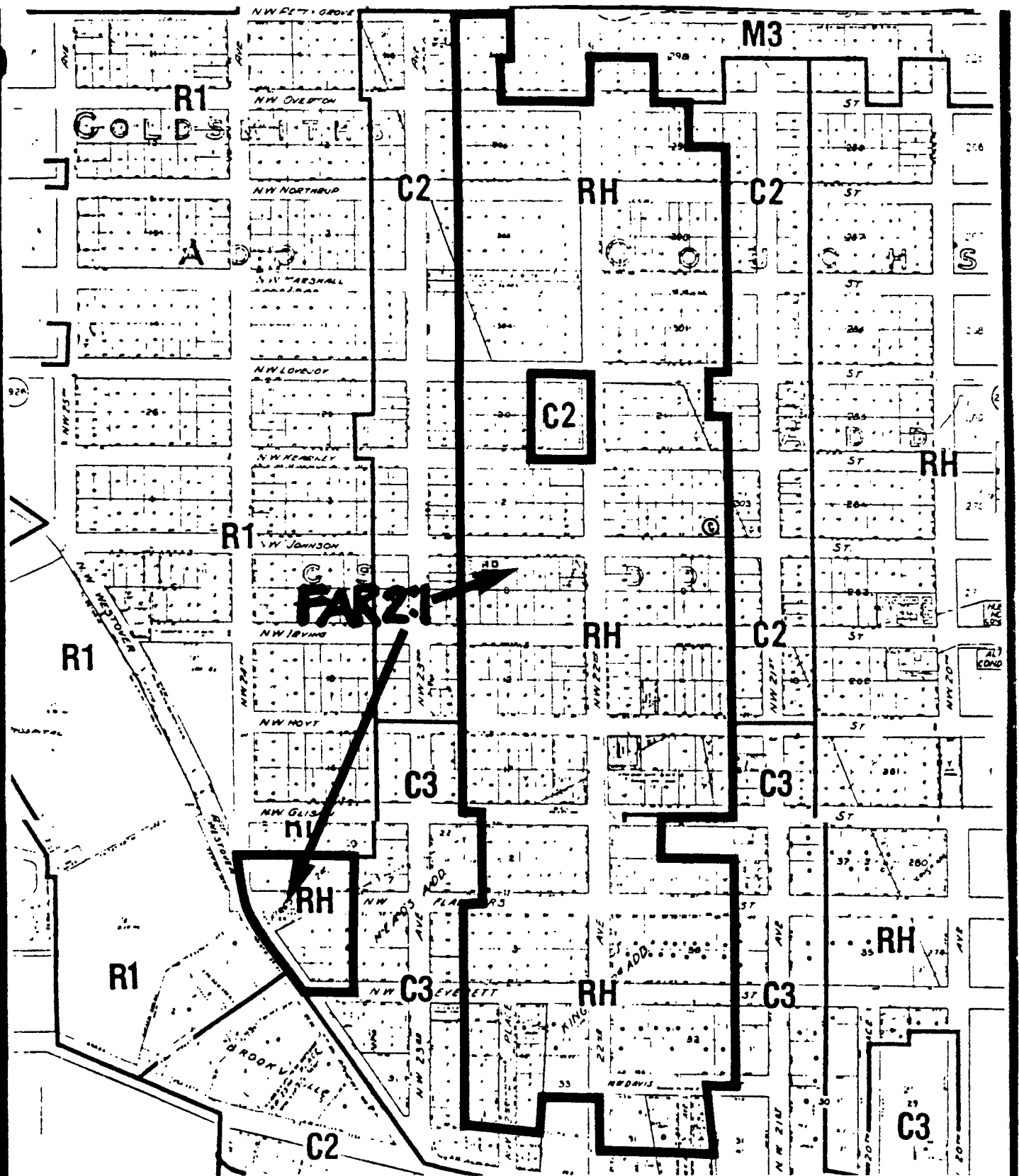
FAR: Floor Area Ratio

Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN
HIGH DENSITY MULTI-FAMILY
AREAS

Quarter Sections: **2835**

33.34.070 (3) (h)



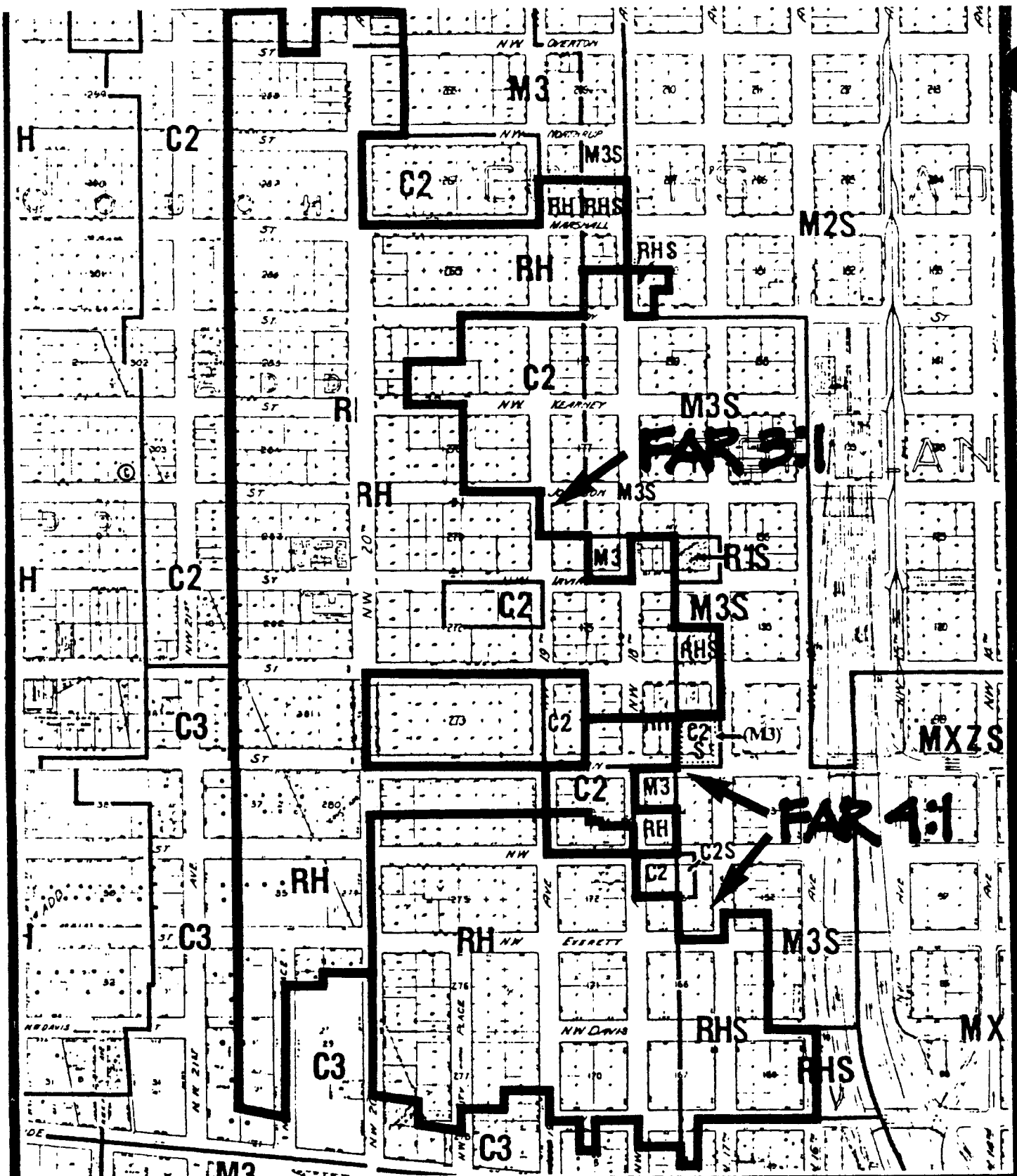
FAR: Floor Area Ratio

Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN
HIGH DENSITY MULTI-FAMILY
AREAS

Quarter Sections: **2927, 3027**

33.34.070 (3) (i)



FAR: Floor Area Ratio

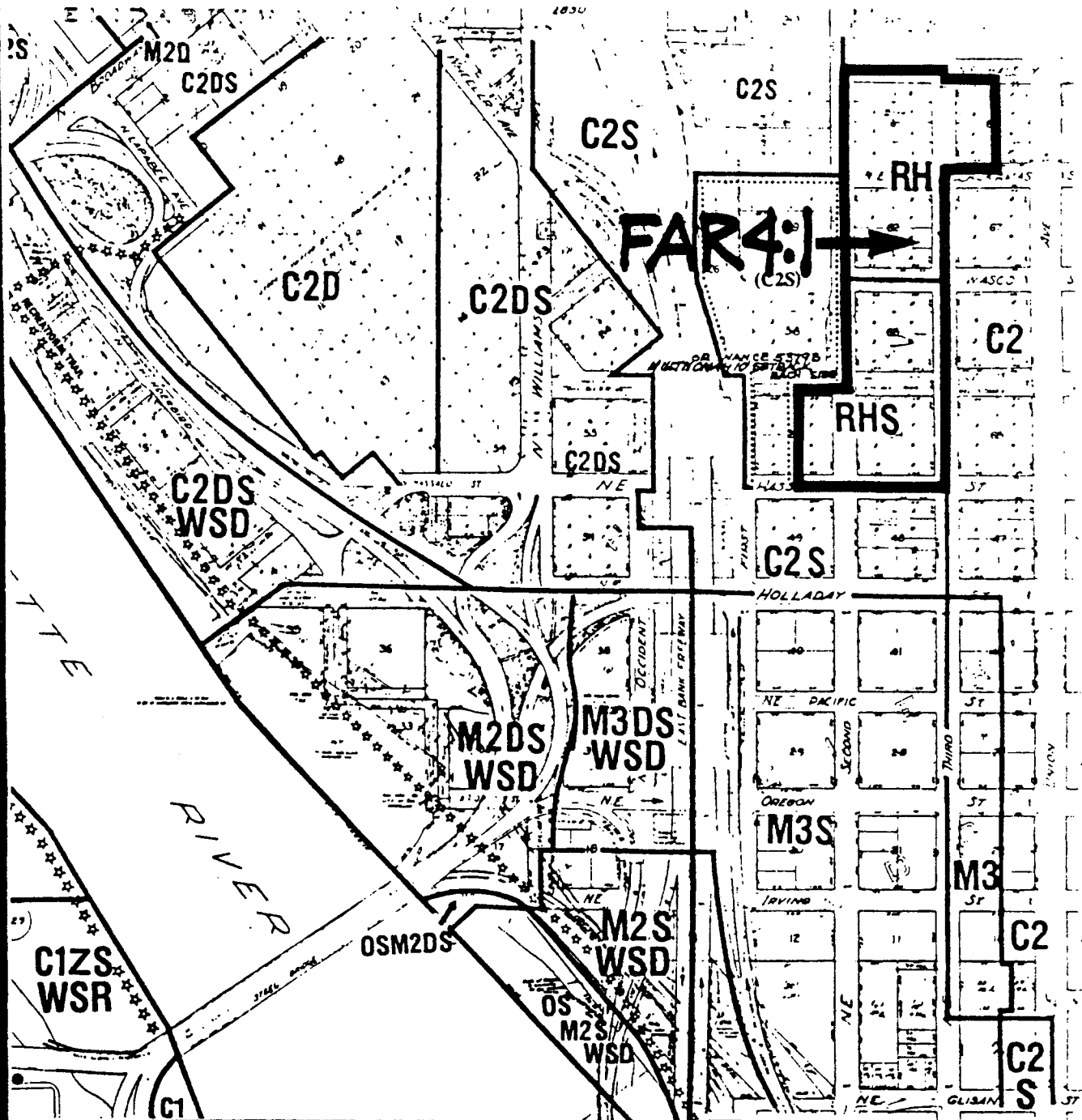
Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN
HIGH DENSITY MULTI-FAMILY
AREAS

Quarter Sections: **2927-28, 3027-28**

33.34.070 (3) (j)

FIGURE 10
12-31-1990



FAR: Floor Area Ratio

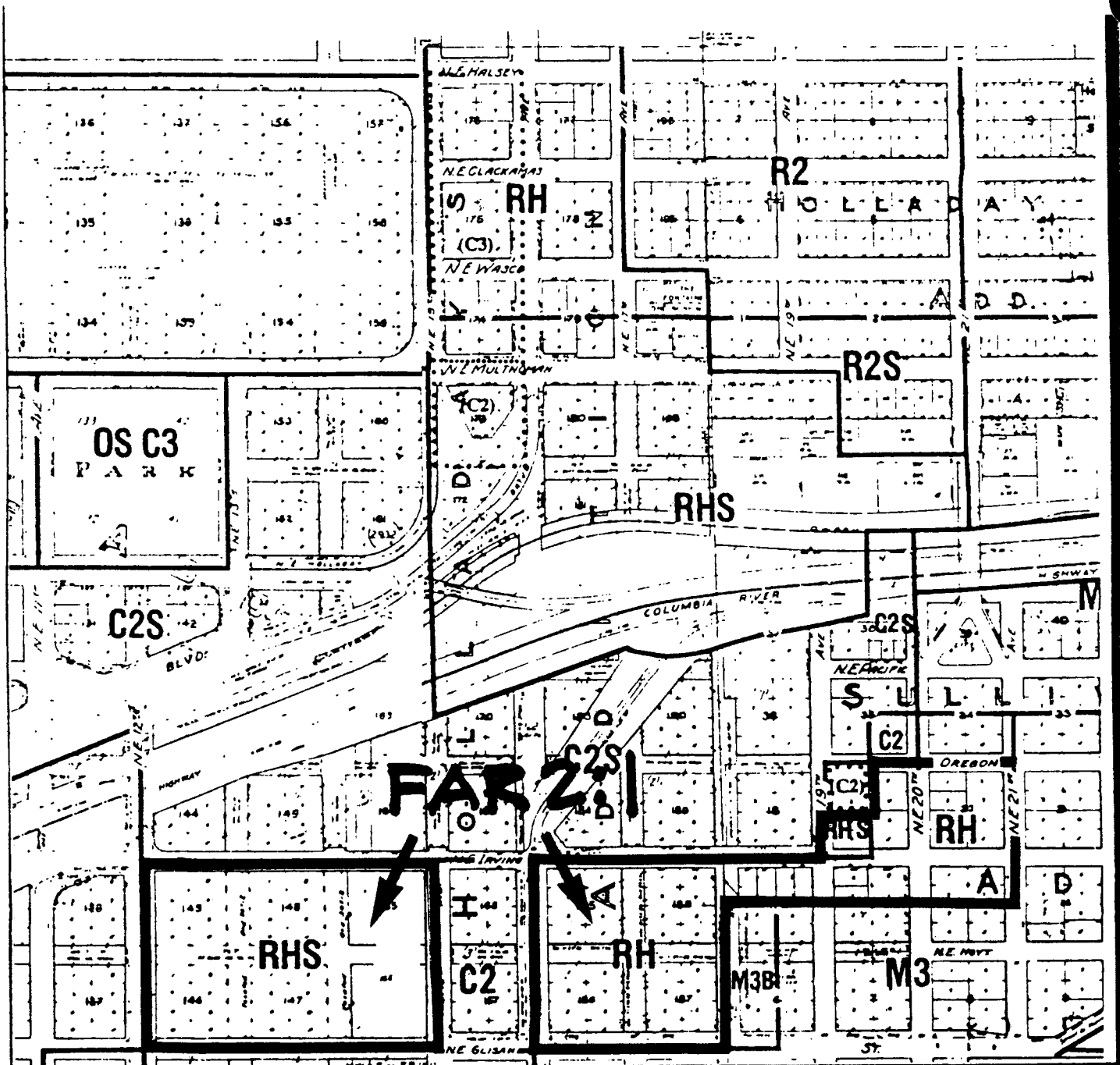
Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN
HIGH DENSITY MULTI-FAMILY
AREAS

Quarter Sections: 2930

33.34.070 (3) (k)

TITLE 33
PLANNING AND ZONING



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)

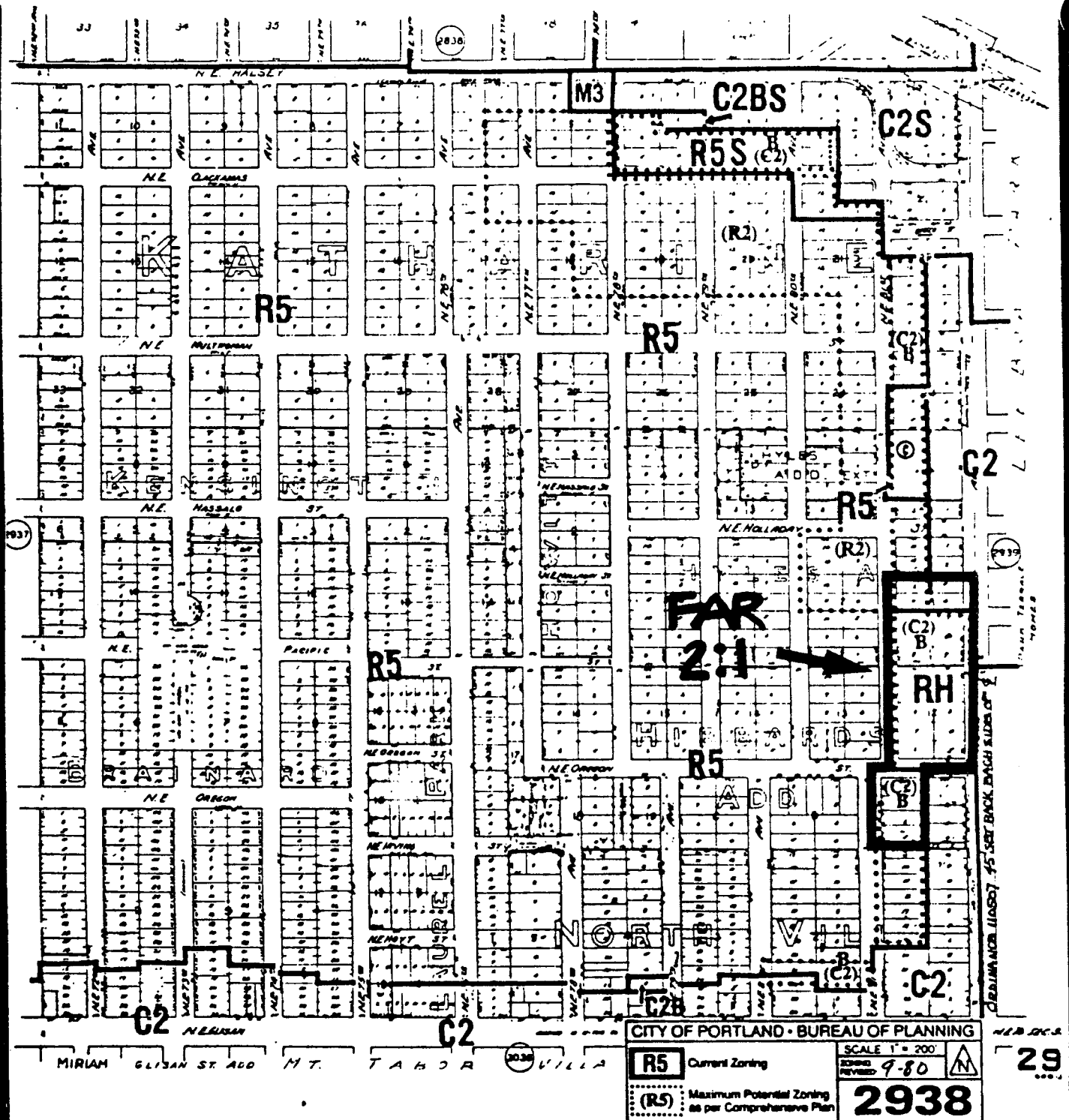
FIGURE 12-31-1990



Boundary of Potential RII Area

33.34.070 (3) (m)

FIGURE 13
12-31-1990



FAR: Floor Area Ratio

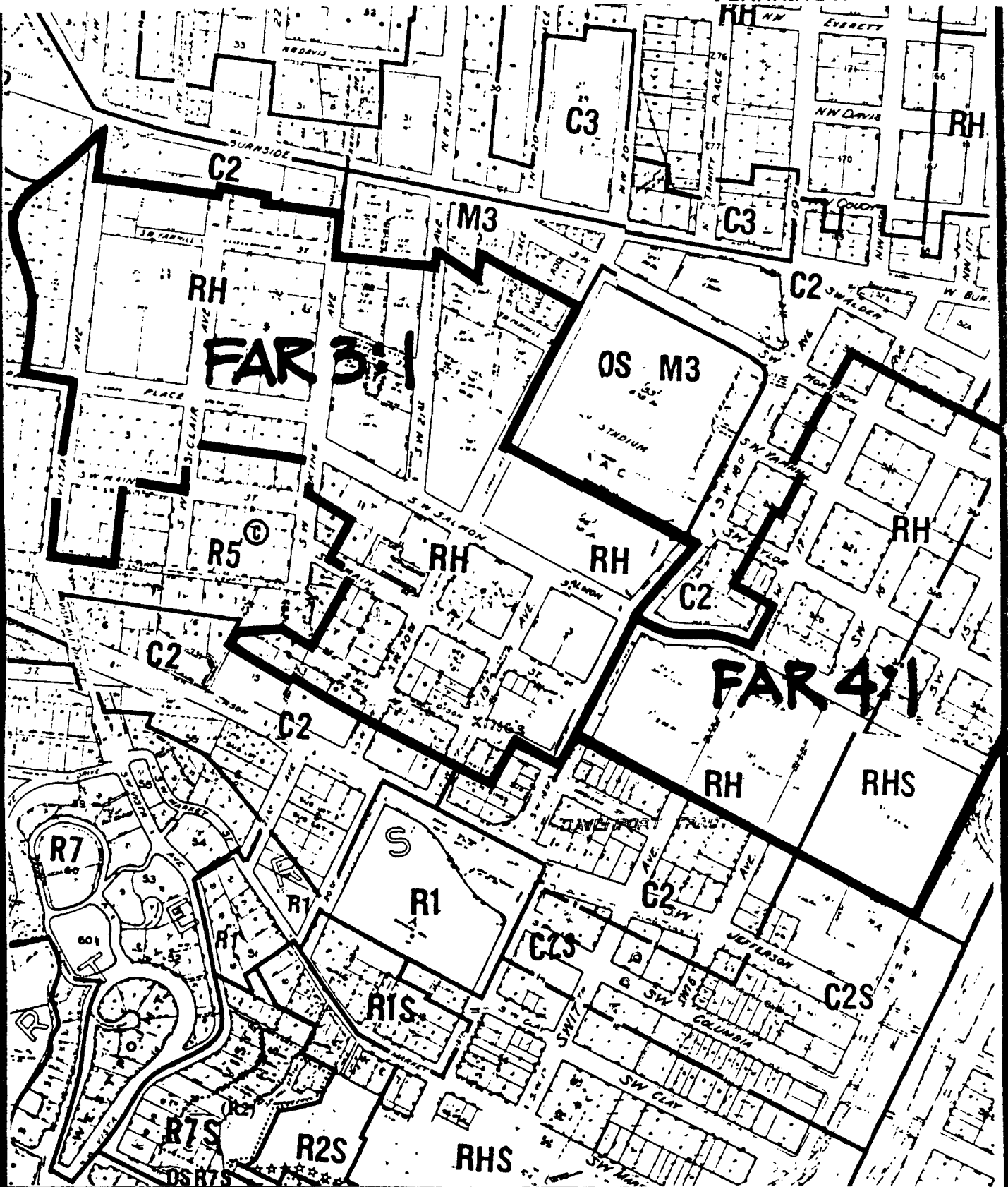
Boundary of Potential RII Area

Quarter Sections: **2938**

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

33.34.070 (3) (n)

FIGURE 14-1990



FAR: Floor Area Ratio

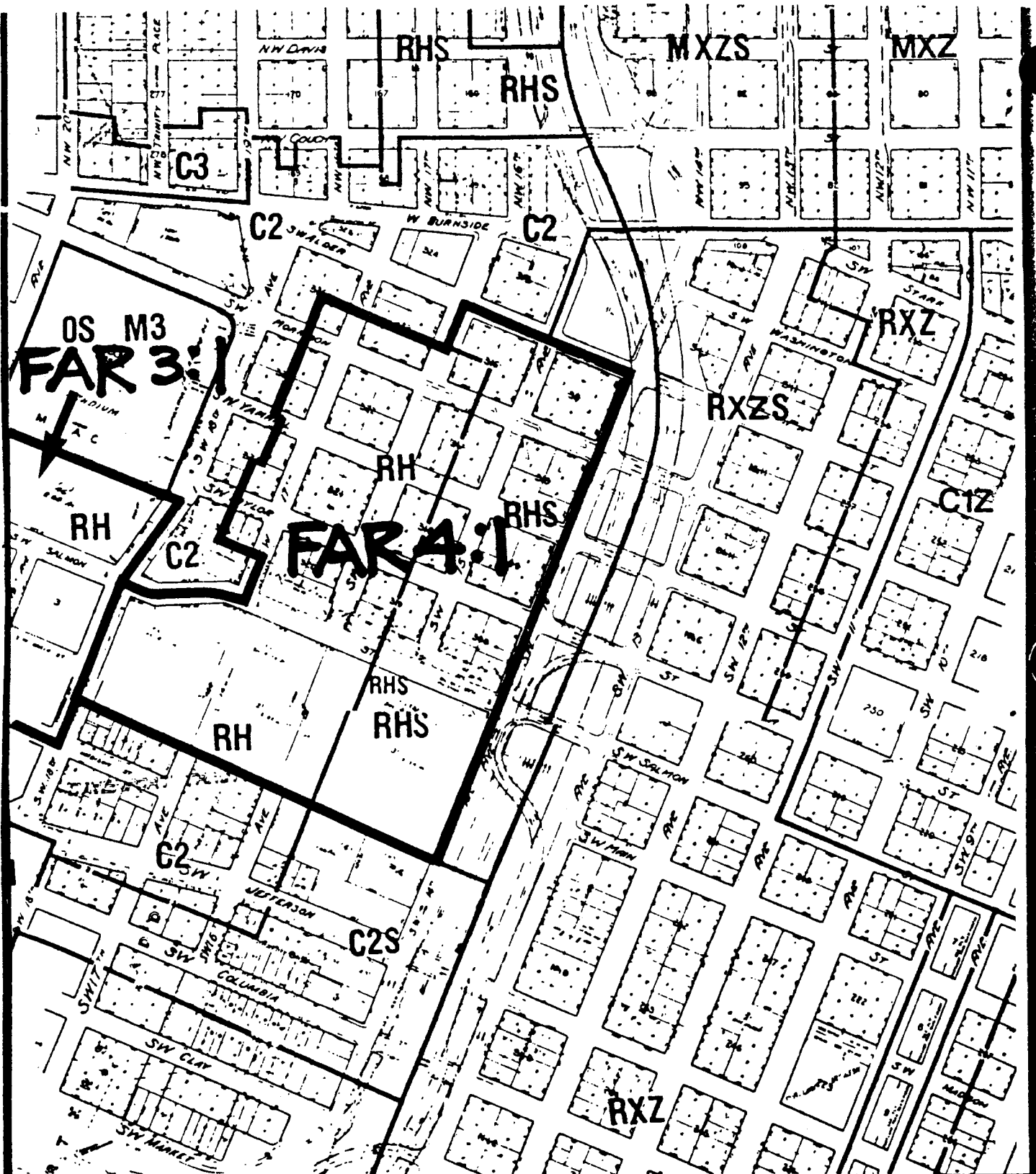
Boundary of Potential RII Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 3027-28, 3127-28

33.34.070 (3) (o)

FIGURE 15
12-31-1990



FAR: Floor Area Ratio

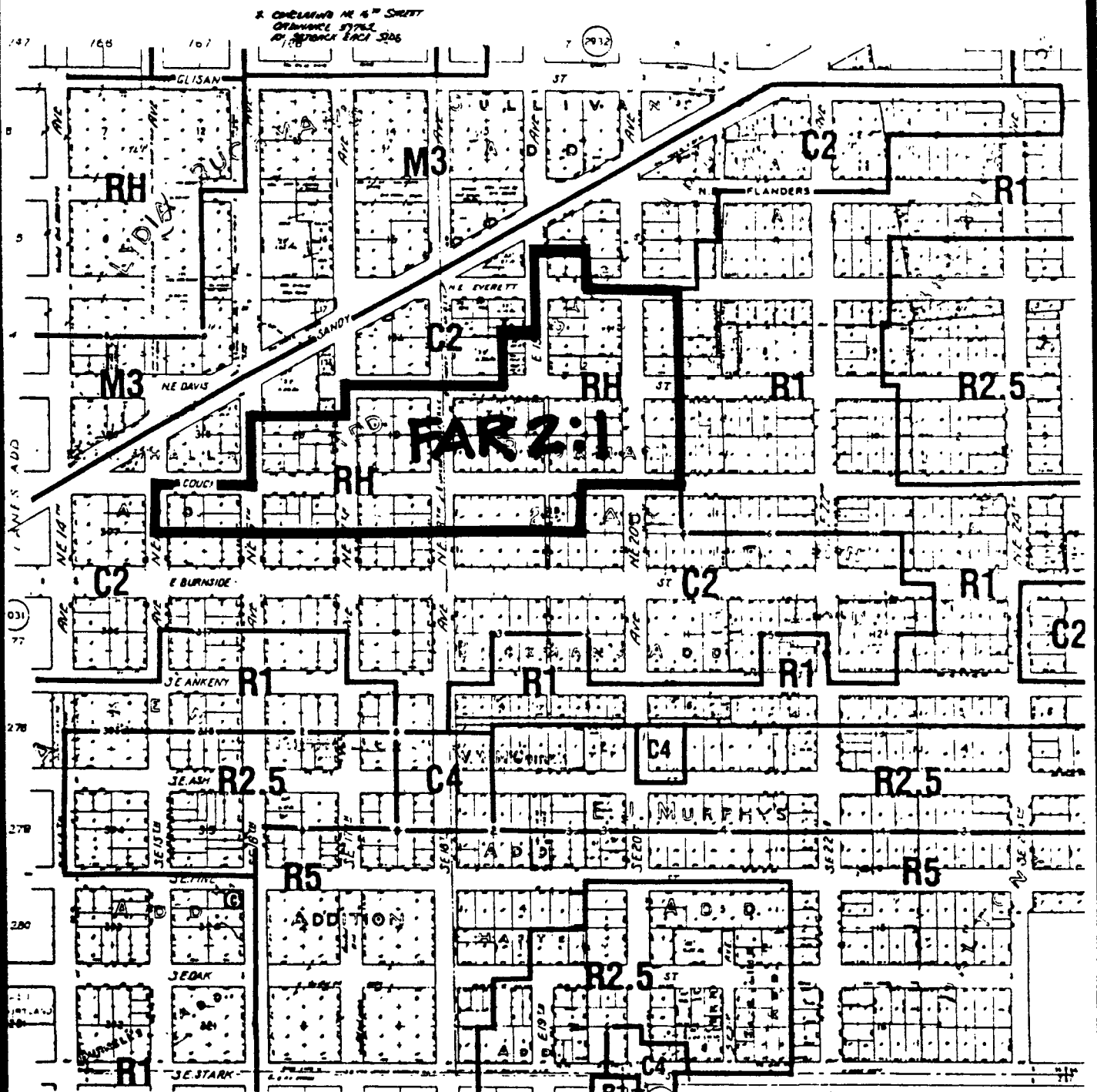
Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN
HIGH DENSITY MULTI-FAMILY
AREAS

Quarter Sections: 3028, 3128

33.34.070 (3) (p)

FIGURE 16
12-31-1990



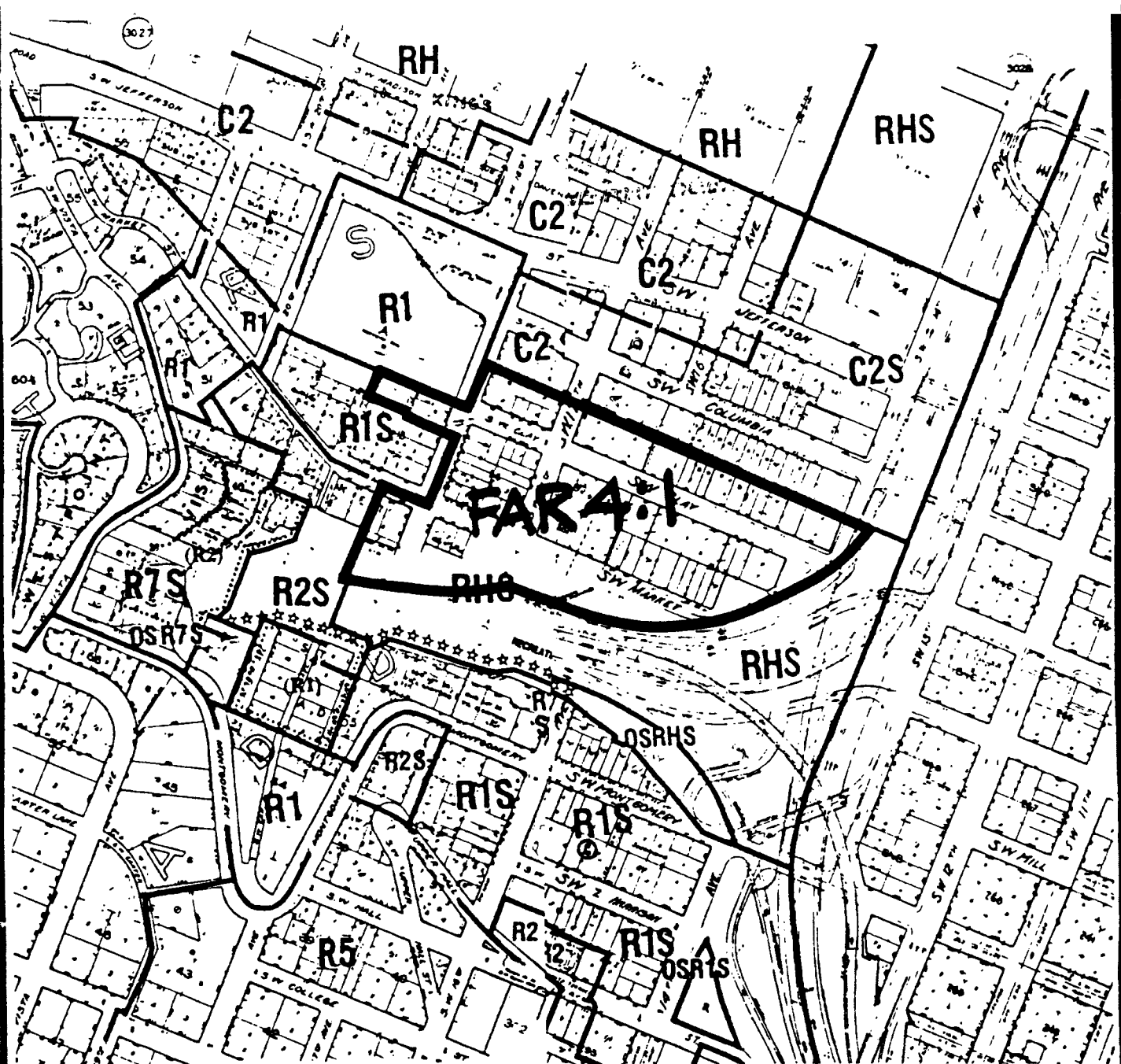
FAR: Floor Area Ratio

Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN
HIGH DENSITY MULTI-FAMILY
AREAS

Quarter Sections: 3032

33.34.070 (3) (g)



FAR: Floor Area Ratio

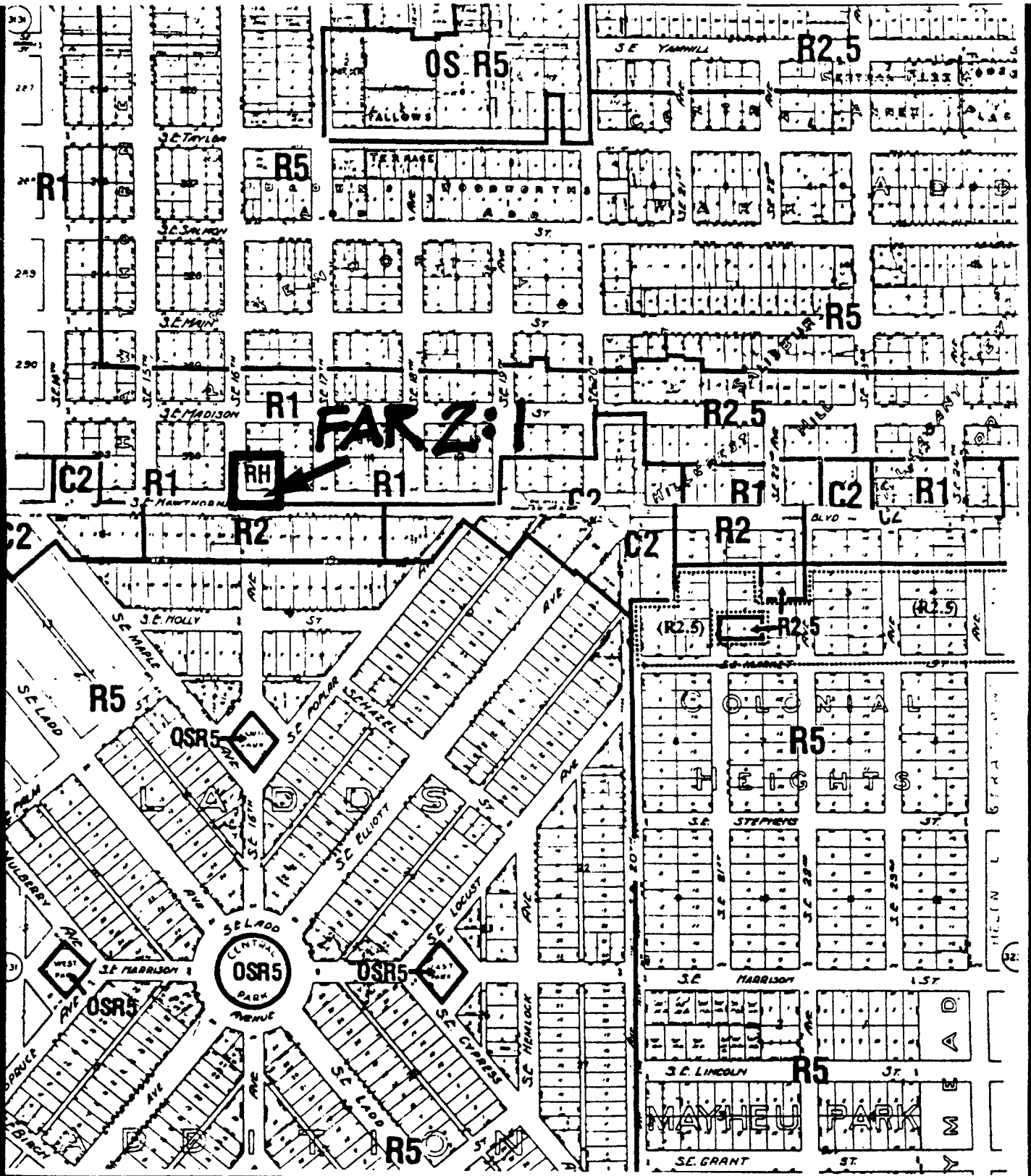
Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN
HIGH DENSITY MULTI-FAMILY
AREAS

Quarter Sections: 3127, 3128

33.34.070 (3) (r)

FIGURE 18
12-31-1990



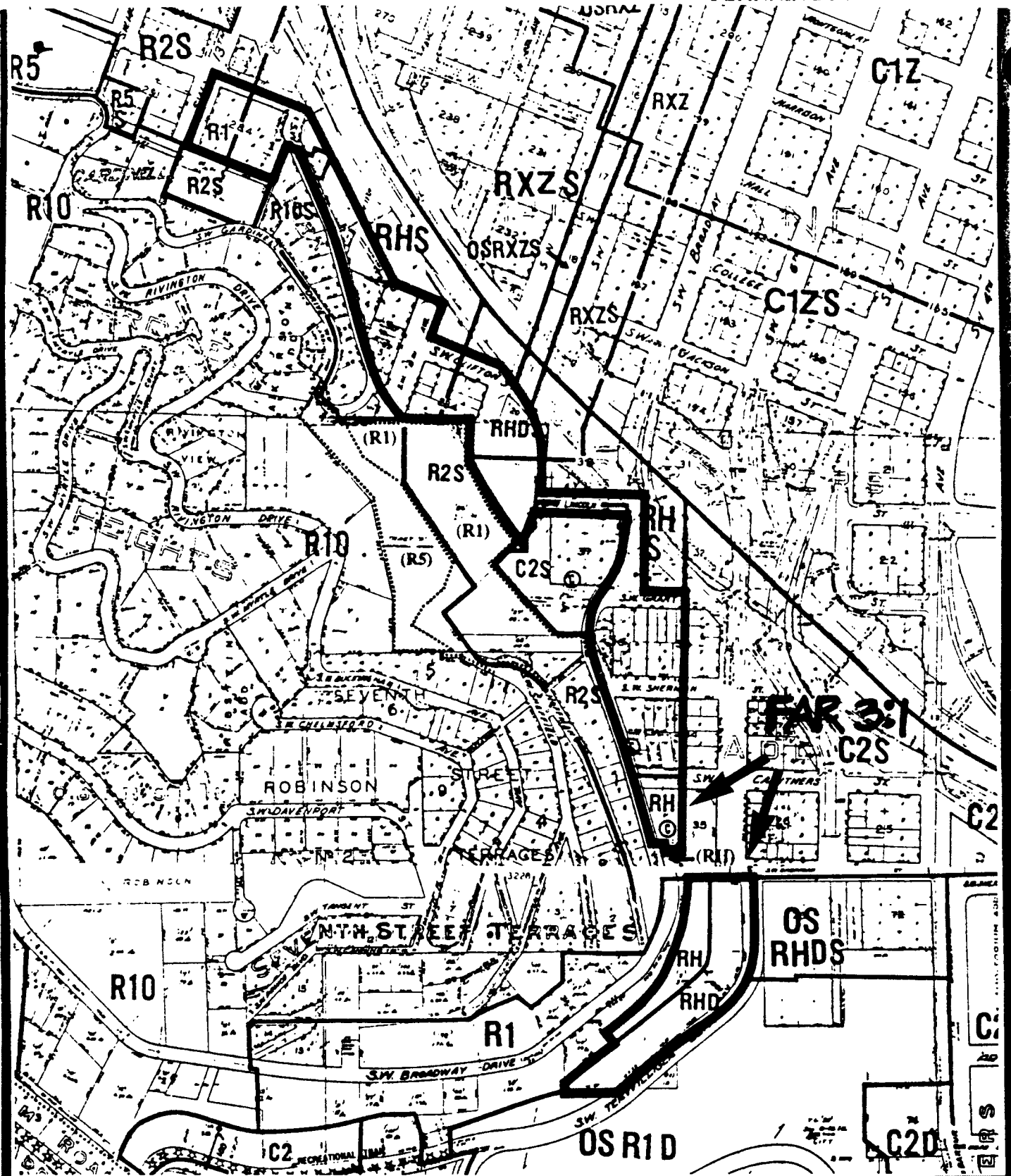
FAR: Floor Area Ratio

Boundary of Potential RHI Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 3132

33.34.070 (3) (S)



FAR: Floor Area Ratio

Boundary of Potential RII Area

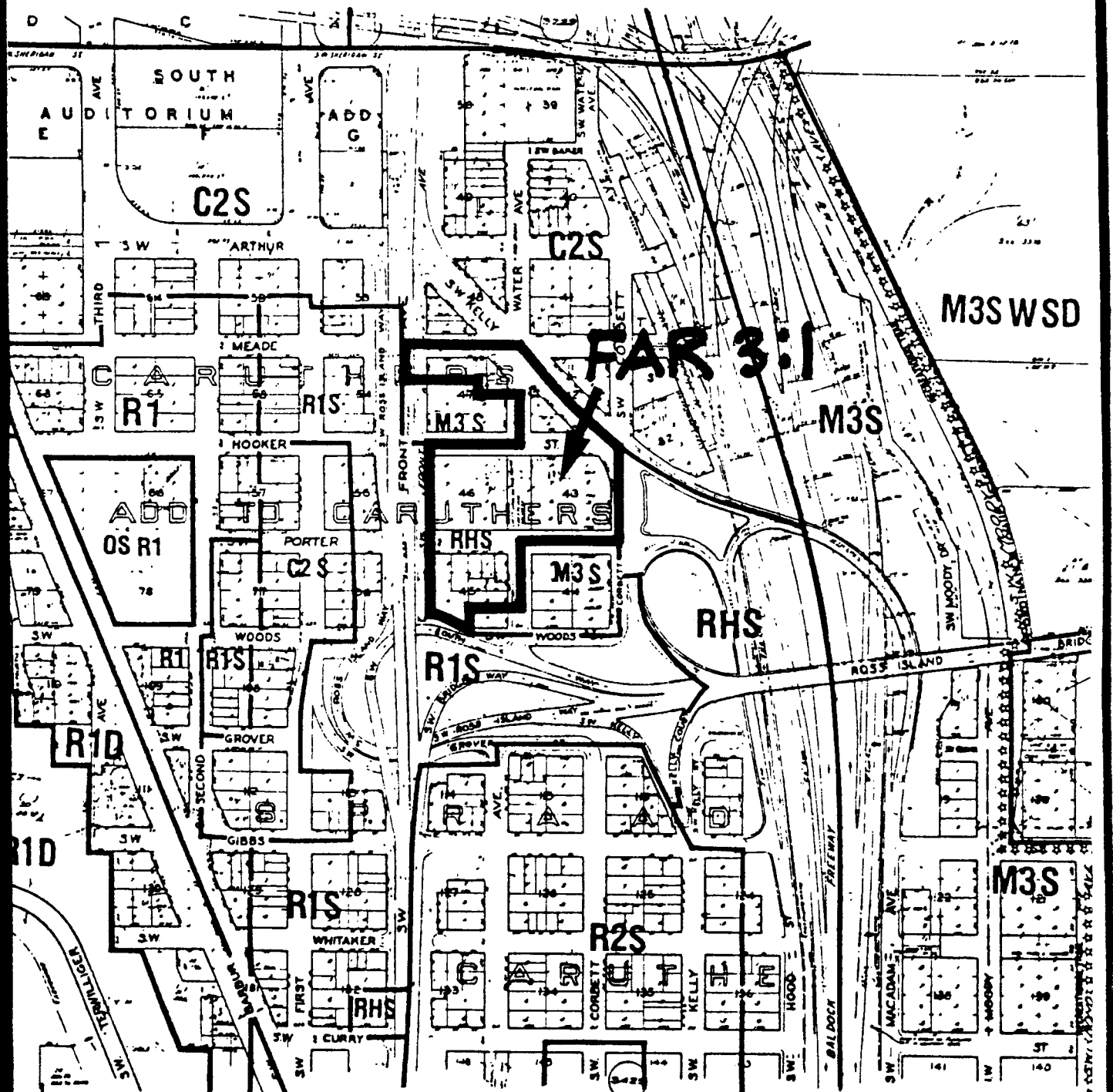
ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: **3228, 3328**

33.34.070 (3) (t)

FIGURE 20-1990
12-31-1990

TITLE 33
PLANNING AND ZONING



FAR: Floor Area Ratio

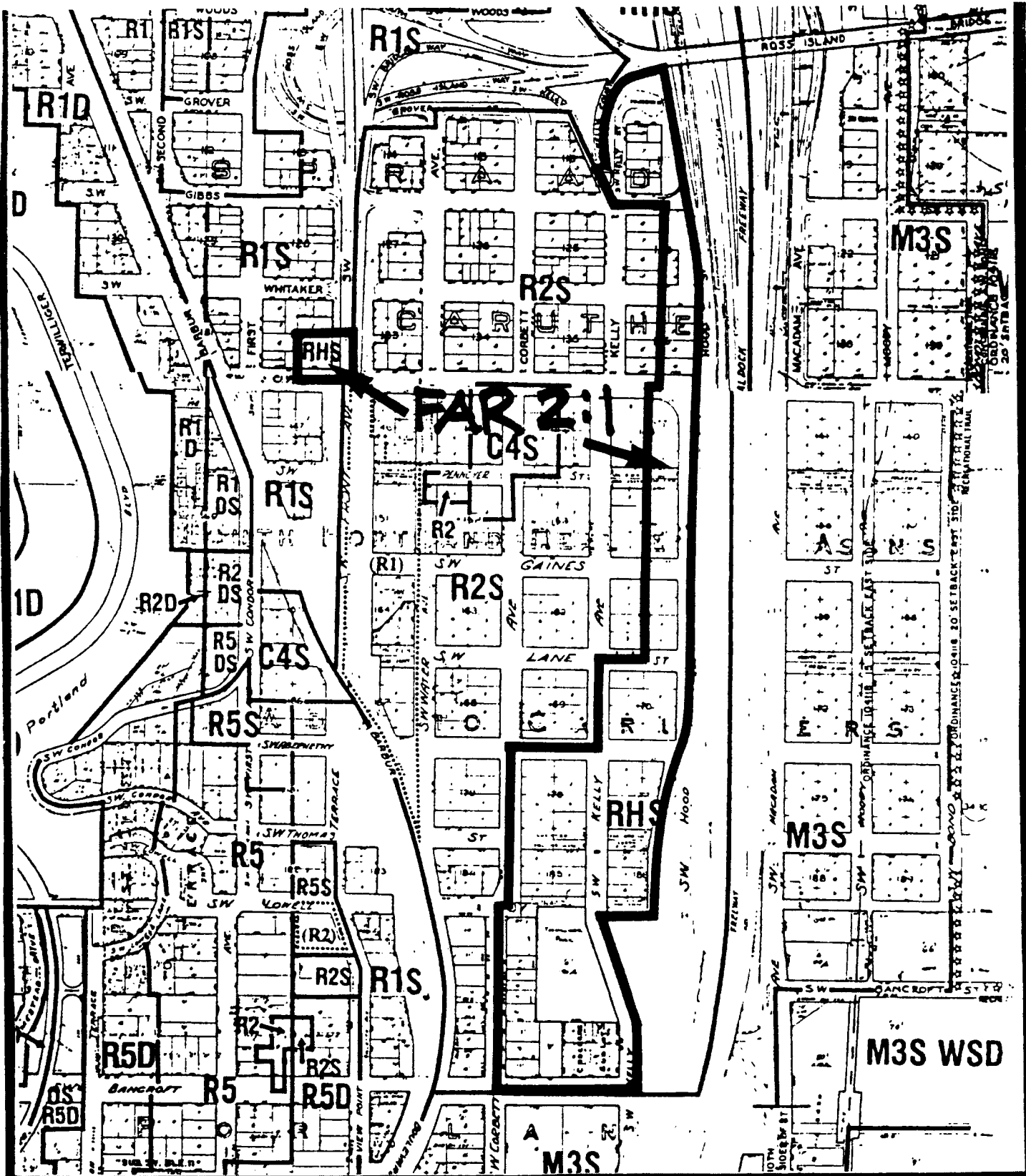
Boundary of Potential RH Area

ALLOWABLE HOUSING DENSITY IN HIGH DENSITY MULTI-FAMILY AREAS

Quarter Sections: 3329

33.34.070 (3) (u)

TITLE 33
PLANNING AND ZONING



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)

FIGURE 22
12-31-1990

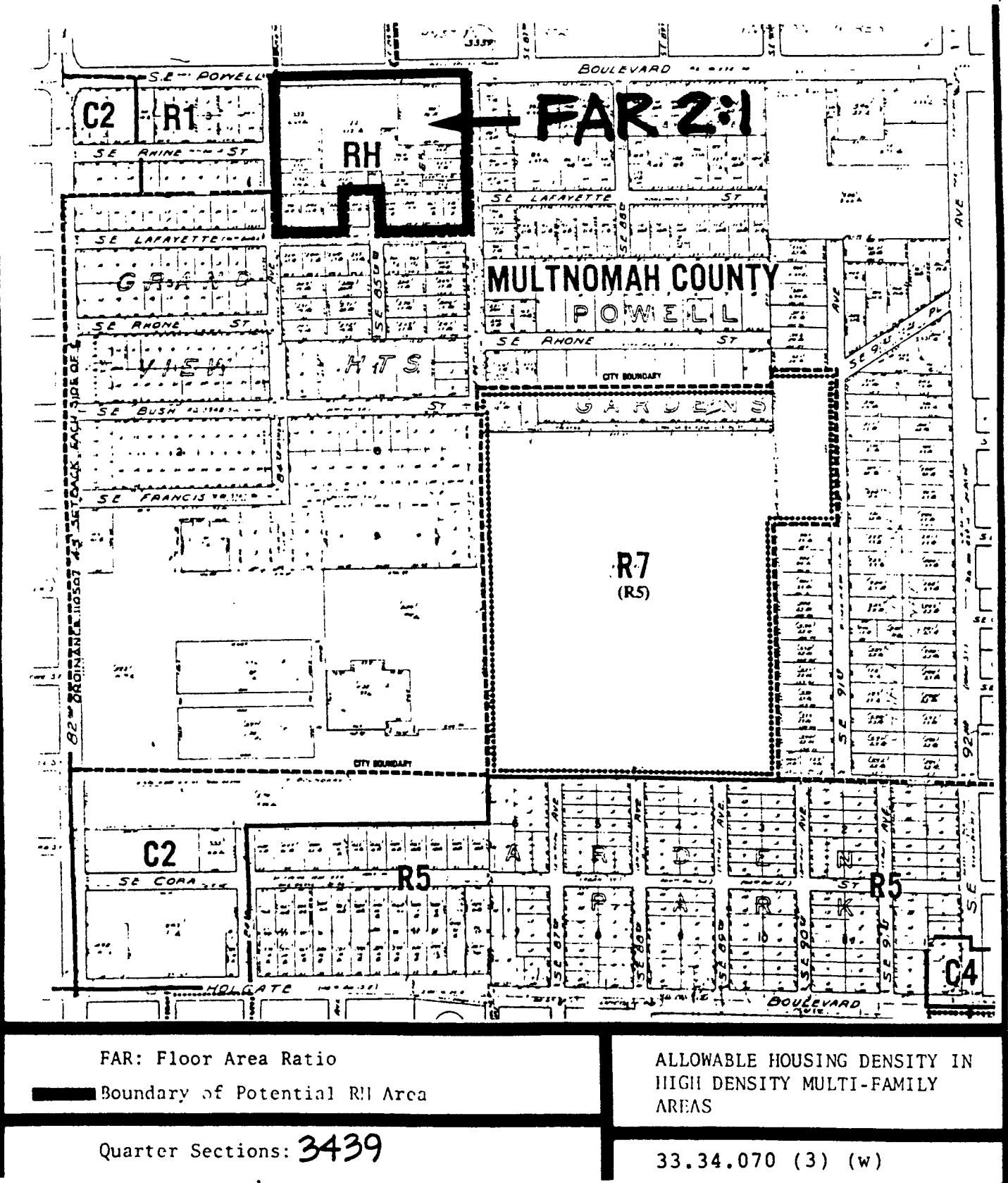
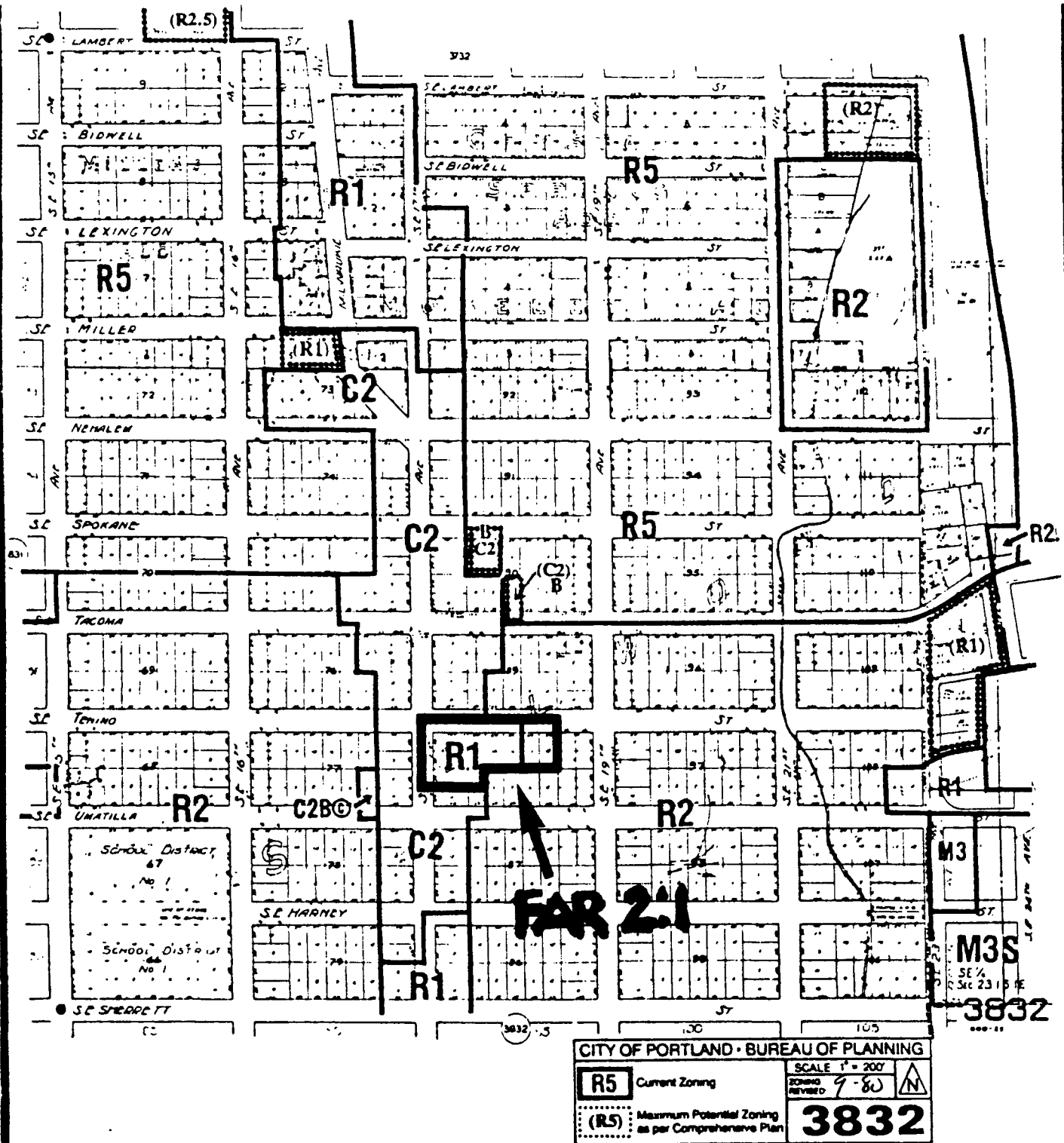


FIGURE 23
12-31-1990



FAR: Floor Area Ratio

Boundary of Potential R1 Area

Quarter Sections: **3832**

ALLOWABLE HOUSING DENSITY IN
HIGH DENSITY MULTI-FAMILY
AREAS

33.34.070 (3) (x)

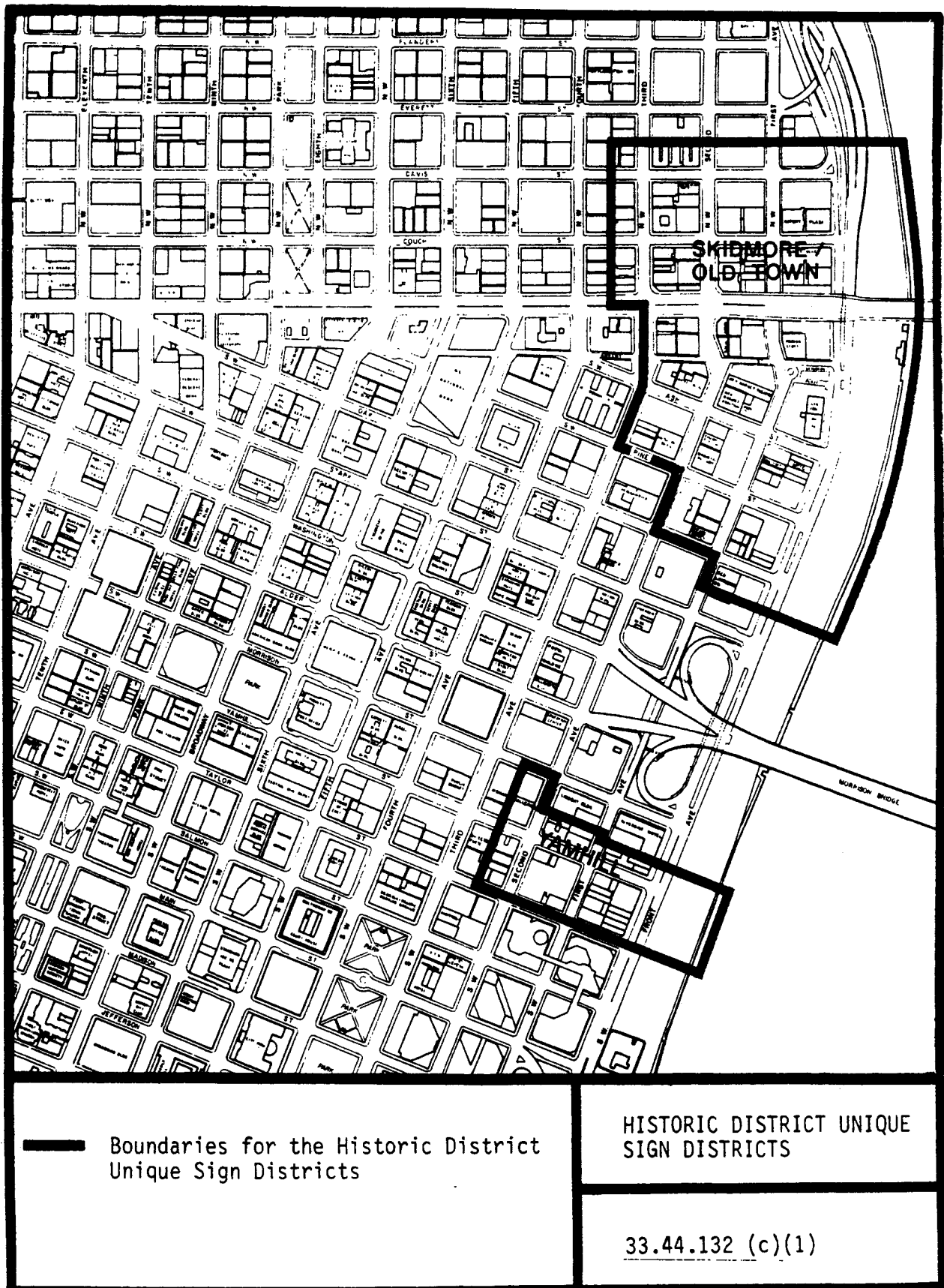
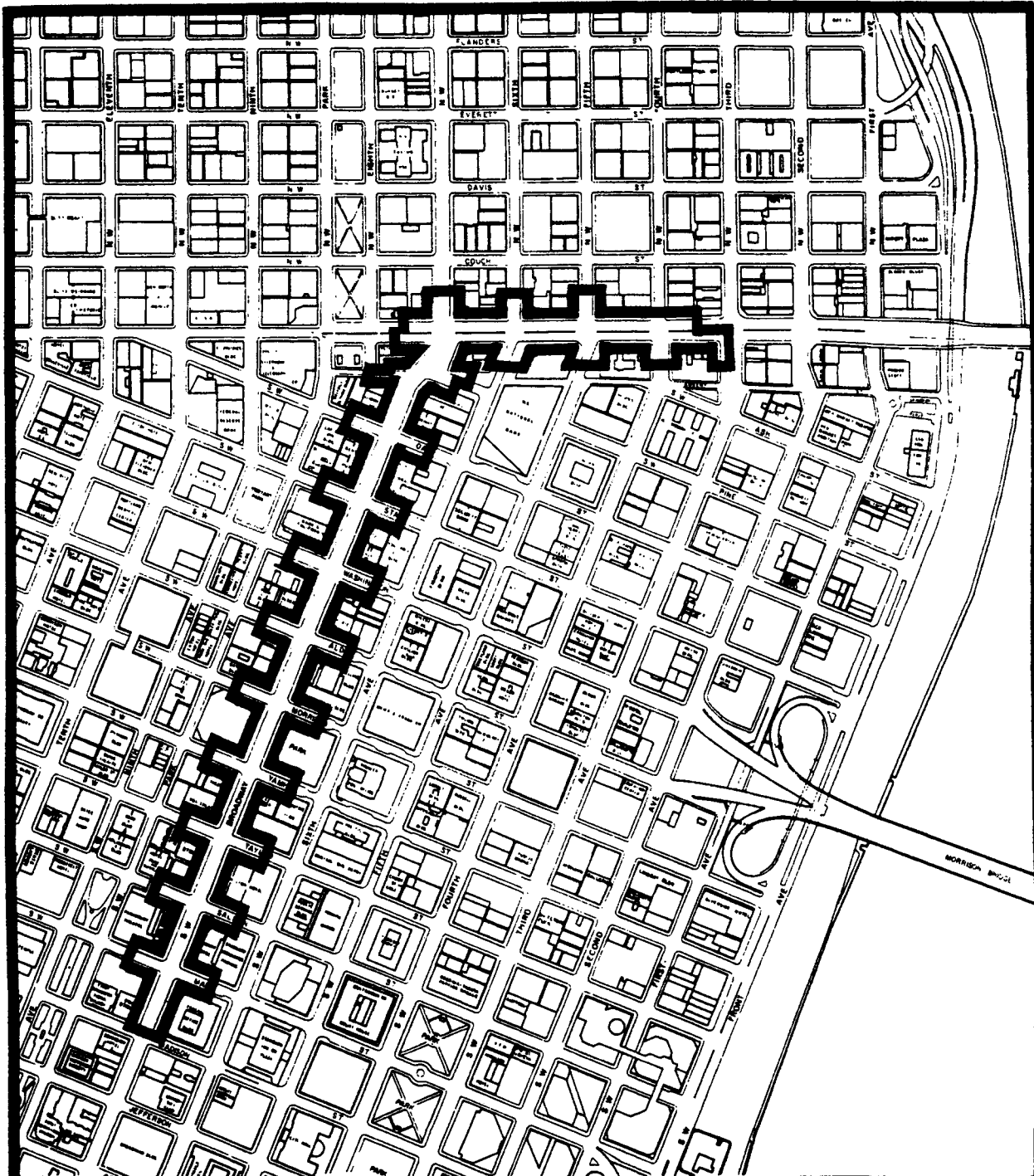


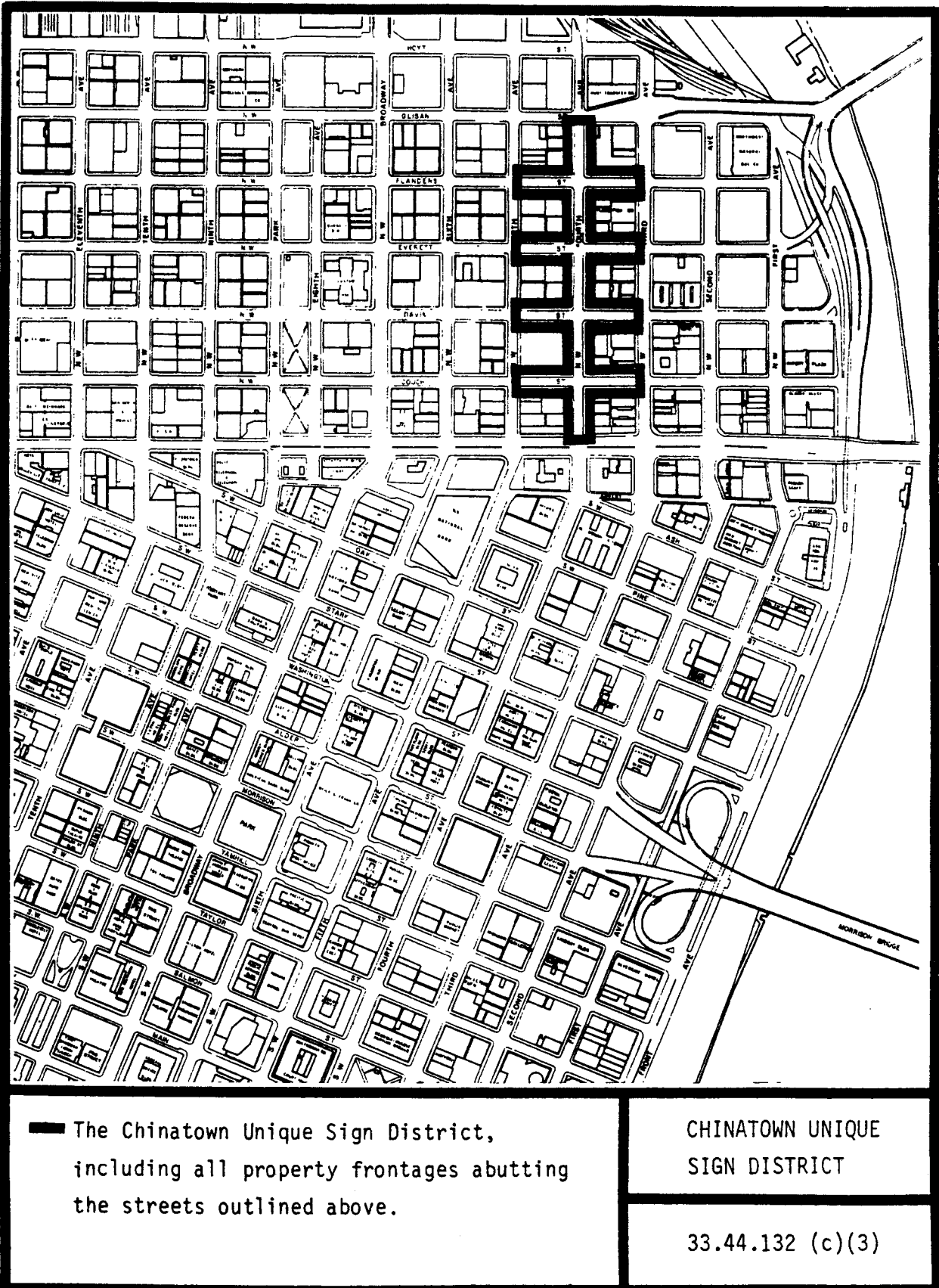
FIGURE 25
12-31-1990



— The Broadway Unique Sign District,
including all property frontages abutting
the streets outlined above.

BROADWAY UNIQUE
SIGN DISTRICT

33.44.132 (c)(2)



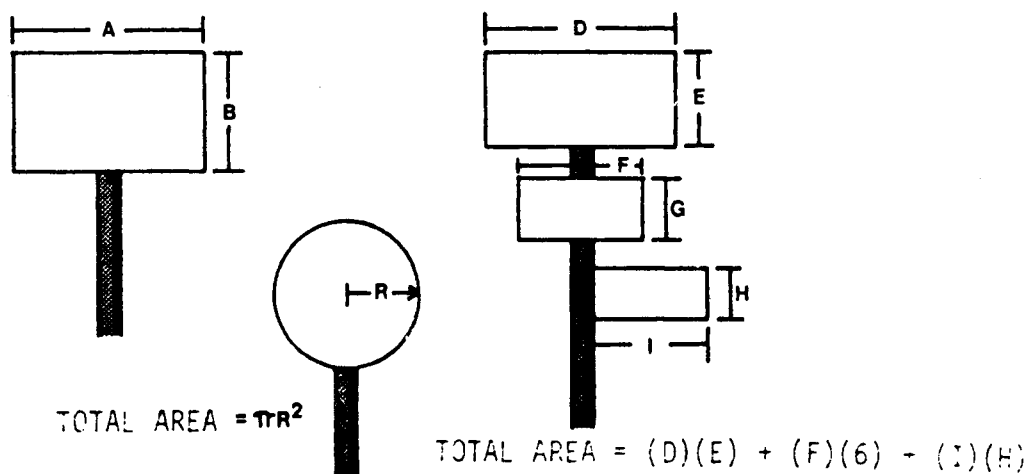


FIGURE 28 (Section 33.92.120)

DIAGRAM 1:
VISION CLEARANCE FOR STREET INTERSECTIONS

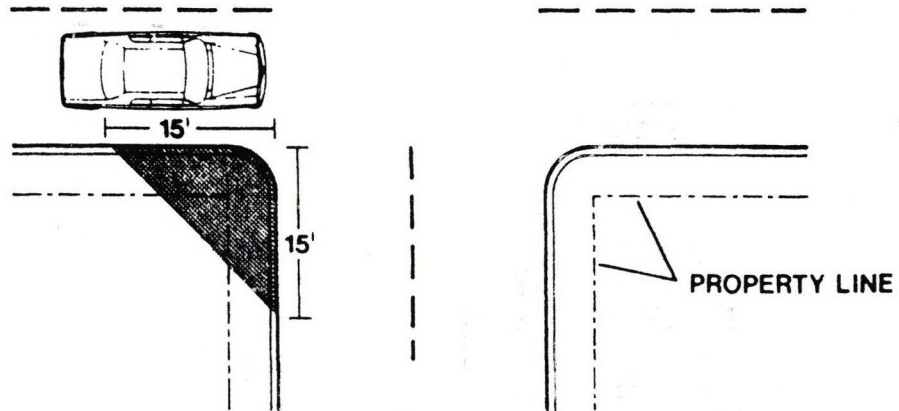


FIGURE 34 (Section 33.92.130)

DIAGRAM 2:
VISION CLEARANCE FOR DRIVEWAYS

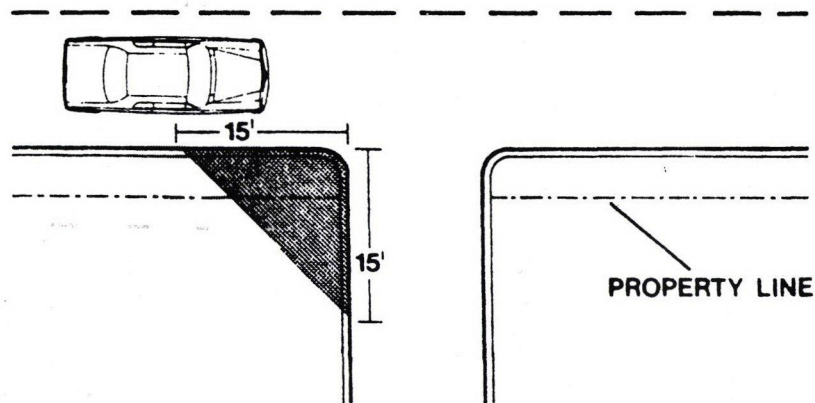


FIGURE 35 (Section 33.92.130)

DIAGRAM 3:
VERTICAL VISION CLEARANCE AREA

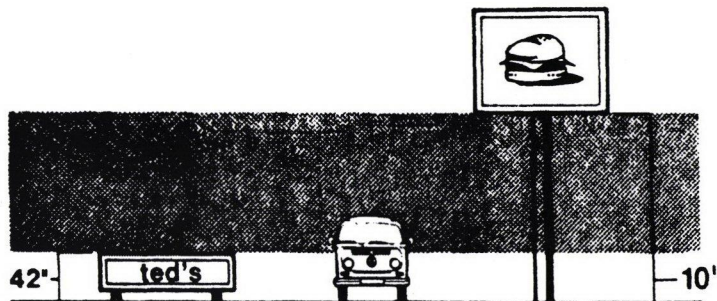


FIGURE 36 (Section 33.92.130)
12-31-1990