

Portland Zoning Code

**March 22, 1951**

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# City of Portland Zoning Code



## 1942 Code adopted by:

- Ordinance # - 77953 passed 10/8/42, effective

## 1942 Code as amended by:

- Ordinance # - 80393, passed 10/13/44, effective 11/14/44, subjects amended: 6-613
- Ordinance # - 81383, passed 8/30/45, effective 9/30/45, subjects amended: 6-120, 6-121, 6-123, 6-124, 6-125, 6-126, 6-127, 6-301, 6-303, 6-304, 6-306, 6-605, 6-609, 6-612
- Ordinance # - 81522, passed and effective 10/4/45, subjects amended: 6-615
- Ordinance # - 81846, subjects amended: 6-607
- Ordinance # - 82488, passed 4/18/46, effective 5/19/46, subjects amended: 6-304, 6-603, 6-605, 6-607, 6-609, 6-701
- Ordinance # - 83482, subjects amended: 6-605, 6-607
- Ordinance # - 85904, passed and effective 9/18/47, subjects amended: 6-605, 6-607
- Ordinance # - 86016, passed 10/2/47, effective 11/2/47, subjects amended: 6-306, 6-605, 6-607, 6-609, 6-704
- Ordinance # - 86792, passed 2/26/48, effective 3/28/48, subjects amended: 6-128, 6-801
- Ordinance # - 87840, passed and effective 9/10/48, subjects amended: 6-120
- Ordinance # - 88297, passed and effective 12/2/48, subjects amended: 6-901
- Ordinance # - 88737, passed and effective 2/17/49, subjects amended: 6-404
- Ordinance # - 89121, subjects amended: 6-704
- Ordinance # - 89800, passed and effective 7/14/49, subjects amended: 6-302
- Ordinance # - 89954, passed and effective 8/4/49, subjects amended: 6-704
- Ordinance # - 91173, subjects amended: 6-306
- Ordinance # - 91734, effective 6/1/50, subjects amended: 6-1003
- Ordinance # - 92918, passed 11/16/50, effective 12/17/50, subjects amended: 6-305, 6-306, 6-605
- Ordinance # - 93349, passed and effective 1/11/51, subjects amended: 6-1004
- Ordinance # - 93825, passed and effective 5/22/51, subjects amended: 6-305

Date Stamp – March 22, 1951

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PLANNING AND ZONING CODE  
OF THE CITY OF PORTLAND, OREGON

Issued by the Department of Public Works  
William A. Bowes, Commissioner

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See Section 6-401 to 6-15 for ordinance creating and governing Planning Commission; following Section 6-15 for State laws concerning Commission and for Planning Commission By-laws.

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Edited and Compiled by the  
BUREAU OF MUNICIPAL RESEARCH AND SERVICE  
University of Oregon

Cooperating with the  
League of Oregon Cities

With the Assistance of the  
Work Projects Administration  
Official Project No. 165-1-94-33

August 1942

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2nd ADDITION  
Including amendments to 10-26-44 Incl.  
WILL E. GIBSON  
Auditor of the City of Portland

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Ordinance No. 77953

An ordinance to be known as the planning and zoning code; providing for definitions; prescribing administrative regulations; establishing a planning commission and board of appeals; dividing the city of Portland into districts and prescribing the uses to which property therein may be put; providing for setback lines; and setting up penalties for violations.

The City of Portland does ordain as follows:

Article 1. Definitions.

Section 6-101. SHORT TITLE. This ordinance shall be known as the "planning and zoning code" and may be so cited and pleaded.

Section 6-102. SCOPE AND INTERPRETATION OF THE CODE. The provisions of this code shall be the minimum requirements for the preservation of public health, safety, convenience, comfort and general welfare of the people of the city of Portland.

Section 6-103. PERSON. The word "person" shall mean and include any natural person, copartnership, association, or corporation, whether he, she, or it is acting for himself, herself, or itself, or as the servant, employe, agent, or representative of another. The singular number shall include the plural and the plural the singular.

Section 6-104. ALLEY. The word "alley" shall mean a lawfully dedicated thoroughfare less than 20 feet in width.

For ACCESSORY USE, see "USE, ACCESSORY".

Section 6-105. ALTERATION. The word "alteration", when applied to a building, shall mean a change in construction or a change of occupancy. When used in connection with a change in construction, it shall apply to any change, addition, or modification in construction, but it shall not include such changes as are properly termed "repairs."

When used in connection with a change of use, the term "alteration" shall not apply to a change of tenants, but shall mean a change of use from one kind to another.

Section 6-106. APARTMENT HOUSE. The term "apartment house" shall mean a multiple dwelling used or occupied by 3 or more families, with cooking facilities provided for such families and the families living independently of each other. However, such families may have common use of corridors, entrances, exits, recreation and laundry rooms, etc.

Section 6-107. BOARDING HOUSE. The term "boarding house" shall mean a building accommodating more than 5 persons as lodgers for compensation, direct or indirect, but not having more than 15 sleeping

6-101 to 6-107

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rooms, the lodgers generally being provided with meals. If meals are provided for the public, other than the lodgers or guests of the lodgers, the boarding house shall also carry the designation of and be subject to the regulations for a restaurant.

Note: A boarding house which is also a restaurant is not allowed in a Class II, residential district and is required by the license code to have a restaurant license.]

The term "boarding house" shall not be applied to a hotel, place of detention, an institutional home, or place where facilities for cooking are provided for lodgers or boarders. If a dormitory room is used, it shall be understood that sleeping accommodations for 2 persons in the form of bunks, beds or otherwise, shall be counted as one sleeping room.

Section 6-108. BUILDING. The word "building" shall mean an artificial structure erected or fixed in or upon the soil and designed for use as a place of habitation, business, construction, assembly, amusement, or shelter for persons, animals, or property.

Section 6-109. DORMITORY.

- (a) The word "dormitory", when applied to a building, shall mean a building used for sleeping purposes by members of an organization or group.
- (b) When applied to a room, the term "dormitory" shall be understood to mean a room used for sleeping purpose, accommodating more than 3 persons. If such a room is divided into cubicles by means of dwarf partitions, it shall be termed a "cubicle dormitory".

In the determination of the number of bedrooms in a building, a dormitory shall be counted as the same number of bedrooms as the number of cubicles in the dormitory. If there are no cubicles, it shall be counted as the number of persons provided with sleeping accommodations by bunks, beds, or otherwise, divided by 2.

Section 6-110. DWELLING. The word "dwelling" shall mean a building which is occupied in whole or in part as the home, residence, or sleeping place of one or more people, either permanently or transiently.

Under the general term "dwelling" there shall be three general types:

- (a) Single family dwelling. The term "single family dwelling" shall mean a dwelling used by one family only, in which the number of lodgers and/or boarders accommodated, if any, other than immediate members of the family, does not exceed 5.

The term "lodger" or "boarder", as used in this section, shall not include dependent children, the aged, infirm,

invalide, or others regularly requiring, for hire or pay, supervision, nursing or medical attention. A dwelling sheltering such persons shall be deemed a "hospital" or "institutional home", as these terms are elsewhere herein defined. The terms "lodger" and "roomer" as used in this code are synonymous.

- (b) Two-family Dwelling. The term "2-family dwelling" shall mean a dwelling used by 2 families living independently, where the accommodations, if any, for lodgers, do not exceed 5 for each family.
- (c) Multiple Dwelling. The term "multiple dwelling" shall mean all dwellings occupied or intended to be occupied as a dwelling, other than as a single-family or 2-family dwelling.

This term shall also apply to more than 2 single-family dwellings when attached together so as to constitute a single building.

Section 6-111. FAMILY. The word "family" shall mean one or more persons who occupy a dwelling or a portion of a dwelling, forming a household, and having cooking facilities. Where more than one person constitutes a family, there are 2 types: a related family, and a group family.

A related family means several persons forming a household, consisting of the head of the household to whom other members of the family are related by blood, marriage, or legal adoption. In a related family there may be lodgers or boarders not exceeding 5 in number in addition to the regular family. In case the number of boarders or lodgers exceeds 5, the group shall be considered and regulated as a multiple family and not as a single family.

A group family means a number of persons constituting a household, not connected by blood or marriage relationship. If the number of persons in the group exceeds 8, the group shall be considered as a multiple-family group, but if 8 or less, the group shall be considered as a single family. In this classification there may be such organizations as fraternities, sororities, men's and women's clubs, nurses' homes, or other similar small groups where the accommodations furnished consist only of sleeping and living accommodations with or without meals.

Section 6-112. GARAGE. The word "garage" shall mean a building used for the shelter of self-propelled vehicles. Garages shall be divided into the following types: private, storage, and public.

- (a) A private garage is a garage accommodating not more than 4 self-propelled vehicles, the building being an accessory use to a dwelling.
- (b) A storage garage is a garage other than a private garage, used only for the storage of self-propelled vehicles, where

there is no servicing, repairing, or sale of vehicles or parts.

- (c) A public garage is a garage where self-propelled vehicles are serviced, repaired, sold, or rented to the public.

A service station having shelter accommodations for not to exceed 4 self-propelled vehicles shall be regulated as a service station rather than a public garage.

Section 6-113. HOME OCCUPATIONS. The term "home occupation" shall mean any lawful activity commonly carried on within a dwelling by a member or members of a family, no servant, employe or other person being engaged in the same, which activity is secondary to the use of the dwelling for dwelling purposes and in connection with which personal services and/or articles of merchandise may be sold; provided, that there is used in the making thereof only such equipment as is usually kept in a home for family use; provided, that no sale or sales of merchandise shall be made in such dwelling or on the premises connected therewith; and provided, that such occupation does not constitute a full time activity of any members of the family.

Section 6-114. HOME OFFICE. The term "home office" shall mean an office conducted in the home by a physician, surgeon, or dentist, as an auxiliary and in addition to a regular office elsewhere maintained by such physician, surgeon, or dentist, and wherein no person other than such physician, surgeon, or dentist shall be employed.

Section 6-115. HOSPITAL. The word "hospital" shall mean a place where medical, surgical, or nursing care is given or administered to human beings in addition to food and shelter.

This term shall also include convalescent homes, sanitariums, and institutions for the remedial treatment of persons addicted to the use of drugs or liquor.

Section 6-116. HOSPITAL, ANIMAL. The term "animal hospital" shall mean any place kept or designed for the medical or surgical treatment of domestic animals and/or domestic pets, including dog hospitals, cat hospitals, veterinary hospitals, etc.

Section 6-117. HOTEL. The word "hotel" shall mean a multiple dwelling having more than 15 sleeping rooms rented for compensation, direct or indirect, to persons who receive lodging accommodations with or without meals. This term shall not be applied to a dwelling used as a hospital, place of detention, or an institutional home.

In the determination of the number of bedrooms in a hotel, if there is a dormitory room, see definition of a dormitory.

Section 6-118. INSTITUTIONAL HOME. The term "institutional home" shall mean homes providing meals and lodging for babies, children, or old people, under conditions where the definition of "hospital" does not apply and where there is no bodily restraint other than the



restraint needed for normal children as required in a place of detention, such as a prison, jail, or detention home.

Section 6-119. LODGING HOUSE. The term "lodging house" shall be understood to be included under the term "hotel".

MAIN USE, see "USE, MAIN".

Section 6-120. LOT, PLATTED LOT, PARKING LOT.

Note: Section 6-120 amended by Ordinance No. 81383 passed August 30, 1945 effective September 30, 1945.

- (a) Lot. The term "lot" shall mean a parcel or tract of land all of which is in the same ownership.
- (b) Platted Lot. The term "platted lot" shall mean a parcel of land shown as a lot or tract and having an individual designation in a formal plat duly recorded with the County Clerk.

Note: Subsection (c) amended by Ordinance No. 87840 passed and effective September 10, 1948.

- (c) Parking Lot - storage - shall mean a lot for the parking of automobiles (a) for tenants of a multiple dwelling (b) customers of a selling enterprise (c) employees of any mercantile, manufacturing or other commercial enterprise.

Section 6-121. OWNER

Note: Section 6-121 amended by Ordinance No. 81383 passed August 30, 1945 effective September 30, 1945.

The word "owner" when used in connection with real property shall be understood to mean the record owner as shown on the tax roll of Multnomah County. The word "owner" shall also be understood to mean a person who is purchasing a piece of property under contract. When this Code requires the signature or consent of an owner of real property, the contract owner may sign as the owner.

Section 6-122 ROOMING HOUSE.

Note: Section 6-122 amended by Ordinance No. 81383 passed August 30, 1945 effective September 30, 1945.

The term "rooming house" shall mean a dwelling accommodating more than 5 lodgers for compensation, but not having more than 15 sleeping rooms, the lodgers not being provided with meals. If a dormitory room is used, it shall be understood that sleeping accommodations for 2 persons in the form of bunks, beds, or otherwise, shall be counted as one sleeping room.

Section 6-123. STREET.

Note: Section 6-123 amended by Ordinance No. 81383 passed August 30, 1945 effective September 30, 1945.

The word "street" shall mean a lawfully dedicated thoroughfare 20 feet or more in width.

Section 6-124. PLACE OF DETENTION

Note: Section 6-124 amended by ordinance no. 81383 passed August 30, 1945, effective September 30, 1945.]

The term "place of detention" or "detention building" shall mean a jail, a prison, a detention home, a reform school, or other institution where persons are bodily restrained for the purpose of treatment, reform, or punishment.

Section 6-125. USE

Note: Section 6-125 amended by ordinance no. 81383 passed August 30, 1945, effective September 30, 1945.]

The word "use" or "used", when applied to buildings or property, shall be considered to include arranged, designed, or intended to be used.

Section 6-126. USE, ACCESSORY

Note: Section 6-126 amended by ordinance no. 81383 passed August 30, 1945, effective September 30, 1945.]

The term "accessory use" shall mean a use subordinate to the main use, which contributes to the comfort, convenience, or necessity of persons occupying the property.

Section 6-127. USE, MAIN.

Note: Section 6-127 added by ordinance no. 81383 passed August 30, 1945, effective September 30, 1945.]

The term "main use" shall apply to that use which is the most important or principal use.

Section 6-128. WORK OF ART

Note: Section 6-128 added by ordinance no. 86792 passed February 26, 1948, effective March 28, 1948.]

The term "work of art" as used in this code shall apply to and include all paintings, mural decorations, stained glass, statues, bas-reliefs, or other sculptures, monuments, fountains, arches, and other structures of permanent character intended for ornament or commemoration.

Article 2. Penalties.

Section 6-201. PENALTY FOR VIOLATION. Any person violating any provisions of this code shall upon conviction be punished by a fine not to exceed \$500.00 or by imprisonment in the city jail not to exceed 6 months or by both such fine and imprisonment. Each day that a violation of this code continues shall constitute a separate offense.

Section 6-202. ILLEGAL OCCUPANCY. Any use of a premise or a building which deviates from or violates any of the provisions of this code shall be termed an illegal occupancy. The person responsible therefor shall be subject to the penalties herein provided.

Section 6-203. VALIDITY OF ORDINANCE. If any section, paragraph, subdivision, clause, sentence, or provision of this code shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this code; but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

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Article 3. Administrative Provisions.

Section 6-301. CHANGE OF DISTRICTS OR ZONES.

[Note: Section 6-301 amended by ordinance no. 81383 passed August 30, 1945 effective September 30, 1945.]

The Council shall determine the boundaries of zones and any changes from one zone to another. There are three ways by which a zone change may be initiated, as follows:

1. By petition of property owners.
2. By the suggestion of the Planning Commission.
3. By the City Council on its own initiative.

No change in zone shall be made until the owners of property affected by such change shall have been notified and hearing has been held by the Council.

All ordinances changing zone classifications in accordance with the procedure prescribed in this code shall be enacted as special ordinances. Each such change in zone shall be numbered consecutively, in addition, to the ordinance number of passage, and shall continue with the next number after the last change of zone effected before the passage of this code. All such changes of zone shall be filed and indexed in the office of the Auditor, and shall be noted on the zoning maps established in Section 6-601. Zone changes under former ordinances of the City of Portland shall be in full force and effect unless or until they are specifically repealed, especially those amendments to Section 1 of Ordinance No. 45614, changing the zone classification for numerous parcels of property in the city.

Section 6-302. CONDITIONS FOR CHANGE BY PETITION OF PROPERTY OWNERS. The zone classification of any parcel of property may be changed by petition of the owner. Such petition shall be made in the following manner:

(a) Area to be Changed. All owners of property in the area proposed to be changed from one zone to another shall sign a petition asking for a change in the zone classification.

(b) Measurements. All distances specified in this article shall be exclusive of street widths.

(c) Petition. Each signer of a petition for a change of zone shall give his address and the description of his property as shown on the assessment and tax roll of Multnomah county, showing the lot, block, and addition of the property.

(d) Ownership in Affected District. It shall not be necessary to secure signatures of owners in this district, but a

complete list of names and addresses of all owners in the district must be furnished, together with a description of their property as specified in the preceding subsection.

(e) Areas in Other Zones. If there be property within the petition area or the affected district in the same or a less restrictive zone than the proposed change, property in such zone shall be disregarded and not included on the list of ownerships furnished.

(f) Petition Area. Before a petition may be presented to the Council for consideration the petition shall be signed by the owners of not less than 50 per cent of all property in the area bounded by lines 100 feet from and parallel and/or concentric to the side lines of the property proposed to be changed in zone classification.

(g) Affected District. The district assumed to be affected by a zone reclassification shall be all property within lines 300 feet from and parallel and/or concentric to the side lines of the property for which a reclassification is proposed.

(h) Signature Requirements. The signer of a petition for, or a remonstrance against a zone change, or a person filing a written withdrawal of his signature from a petition or remonstrance for or against a zone change shall also place opposite the signature on any such document or writing the date when said person signed the same.

Note: Subsection (i) added by Ordinance No. 89800 passed and effective July 14, 1949.

(i) Limitation of Class III Special Signatures

In any petition for the change of zone to Zone III, Zone III Special property within the petition area shall not be counted either for or against such zone change. The owners or other persons having proprietary control of Zone III Special property shall not be permitted to sign any petition or remonstrance, and if so signed, the signing shall be disregarded in the compilation of percentage for or against any zone change. In any case where Zone III Special property is located within the petition area for property proposed to be changed to Zone III, such Zone III Special property shall be excluded and the petition area extended so as to provide for a 100-foot radius as set forth in paragraph (f) hereof beyond such Zone III Special property. The provisions of this paragraph shall not be deemed or construed so as to prevent the owners of Zone III Special property from signing a petition for the change of such property to Zone III.

Section 6-303. PROCEDURE FOR CHANGE OF ZONE.

Note: Section 6-303 amended by Ordinance No. 81383 passed August 30, 1945, effective September 30, 1945.

A petition for change of zone shall be first presented to the City Planning Commission. The City Planning Commission shall check said petition for sufficiency, and shall make a report embodying its recommendations. No such petition shall be approved by the Council until the City Planning Commission has submitted a report relative to the same. The report of the City Planning Commission shall be transmitted to the Auditor, who shall fix the day of hearing before the Council and shall send notice of the date of the hearing by mail to each person on the submitted list. Ten (10) days shall elapse between the time of sending the notice of the hearing and the holding of the hearing by the Council. The term "change of zone" shall be understood to apply to a change from or to a special zone.

Section 6-304. PROCEDURE FOR COUNCIL APPROVAL OF OCCUPANCY OR CONSTRUCTION IN A SPECIAL RESTRICTED DISTRICT.

Note: Section 6-304 amended by Ordinance No. 81383 and Ordinance No. 82488 passed April 18, 1946 effective May 19, 1946.7

When in this code the approval of the Council is required for the establishment of a certain use or occupancy of a building or of a property, or when Council approval is required for construction in a special restricted district, the procedure shall be as follows:

The applicant shall file with the Bureau of Buildings an application signed by the owner of the property or the authorized agent of the owner addressed to the Council, giving information as to the building and the property and the proposed use, together with a list of the names and addresses of all persons owning real property, all or any part of which is within 200 feet (exclusive of street width) of the property upon which the proposed use is to occur or the building is to be erected or an addition is to be constructed. To the application shall be attached a copy of the receipt for the fee paid to the City Treasurer. (For the amount of fee, see Section 6-306). After checking the application and the attached information, and finding it to be sufficient, and after obtaining a report or recommendation from the Planning Commission, the Bureau of Buildings shall forward the application, the information and the report to the City Auditor. The Auditor shall cause notices to be mailed to the owners of the property on the list, addressed as their names and addresses appear on the tax roll of Multnomah County; that the Council will, on a certain date, hold a hearing and consider the approval or rejection of such application. At least ten (10) days shall elapse from the time of mailing of such notices until the time of the hearing by the Council. If the owner or owners of property, as given on said list, shall fail to appear at said hearing, or to file with the Auditor his written protest of such use prior to the time of said hearing, he shall be deemed to have irrevocably consented to such use, and irrespective of whether or not he shall have received notice of said hearing.

Section 6-305. PROCEDURE FOR COUNCIL APPROVAL OF SPECIAL TWO-FAMILY USE OF DWELLINGS IN CLASS I DISTRICTS.

Note: New section 6-305 added by Ordinance No. 92918, amended by No. 93825 passed and effective March 22, 1951.7

The owner of a dwelling in a Class I district, which dwelling is by greater size, greater age, obsolete planning, material, construction, large site area or other feature, substantially different from the dwellings in its immediate neighborhood, may apply to the Council for approval of special two-family use of such dwellings and for permission to alter, repair, and remodel the premises for such use. Such application shall be filed in the office of the City Planning Commission and to such application shall be attached a copy of the receipt for the fee paid to the City Treasurer in accordance with the requirements of Section 6-306. Such application shall be accompanied by reports, maps, sketches or photographs to show that the dwelling for which such special two-family use is sought is substantially different from the general pattern or character of other dwellings in the immediate neighborhood. Such application must be accompanied by a plan showing the site dimensions and the over-all dimensions of the existing

6-304 to 6-305

dwelling, and the size and arrangement of rooms in said dwelling as existing and as proposed to be altered or used. Such application shall not be considered unless said reports, maps, sketches, etc. show that no portion of the dwelling for which Council approval of two-family occupancy is requested is less than ten (10) feet from any other dwelling; that the yard requirements of the Housing Code are complied with, notwithstanding any prior nonconformance; that as proposed to be altered, repaired, remodeled or used, each of the two-family units proposed shall comprise at least eight hundred (800) square feet of floor area exclusive of halls and entrances, without encroachment upon the open space hereinabove required between existing dwellings; and that each of the two-family units proposed shall be provided with separate and complete sanitary conveniences. Said application shall also be accompanied by a list showing the names and addresses of the owners of every parcel of property within three hundred (300) feet of the boundaries of the property on which the dwelling of the applicant is located.

After checking the application and the attached information, the City Planning Commission shall make a report to the City Council setting forth its recommendation as to whether Council approval shall or shall not be given, which report shall set forth the reasons of the Commission for believing that the required conditions in accordance with the foregoing provisions do or do not exist, and shall forward said application with said report to the City Auditor. The Auditor shall fix the date of hearing and cause notices to be mailed to the owners of the property on the list above mentioned, addressed as their names and addresses appear on the tax roll of Multnomah County, that the Council will on a certain date hold a hearing and consider the approval or rejection of such application. At least ten (10) days shall elapse from the time of mailing such notices until the time of hearing by the Council. If the owner or owners of the property as given on said list shall fail to appear at said hearing or to file with the Auditor written protest of such use prior to the time of hearing, such owner or owners shall be deemed to have irrevocably consented to such use, irrespective of whether or not notice of said hearing was received.

The Council as a result of such hearing may approve two-family occupancy of the dwelling without a change in zone. Approval of such two-family occupancy shall be considered authority for issuance of a permit for alteration of the existing dwelling to provide the required two-family conversion, but this shall not be deemed a waiver of any requirement of the Building Code or the Housing Code or any other code of the City, including the requirements for payments of fees, as such codes may be or become applicable to said dwellings.

Section 6-306. FEES.

Note: Section 6-306 amended by Ordinance Nos. 81383, 86016, 91173; and 92918 passed November 16, 1950 effective December 17, 1950.7

In order to defray the expenses connected with the consideration of changes of zoning, and for approval of the City Council, where such approval is required by this code, and for local option application the person presenting the application shall pay a fee as follows:

6-305to 6-306

Application for change of zone of property having an area of 10,000 square feet or less	\$35.00
Application for change of zone of property having an area over 10,000 square feet	50.00
Application for Council approval of the use or occupancy of a building or property where the property has an area of 10,000 square feet or less	10.00
Application for Council approval for use or occupancy of a building or property where the property has an area over 10,000 square feet	20.00
Application for Council approval of erection of a building or addition to a building in a special restricted district	10.00
Application for local option approval for moving of a building	20.00
Application for local option approval (except for moving a building)	10.00
<u>Application for Council approval for two-family use of dwelling in Class I district</u>	<u>35.00</u>

Fees shall be paid to the City Treasurer, who shall issue a receipt in duplicate; one copy of the receipt shall be attached to the application as filed with the City Auditor. Denial by the Council for applications will not entitle the applicant to return of the fee.



Article 4. City Planning Commission.

Section 6-401. ESTABLISHMENT. The City Planning Commission, having been established and constituted as planning agency of the City of Portland, is hereby continued.

Section 6-402. MEMBERSHIP. The City Planning Commission shall be administered by 9 members, appointed by the Mayor. On the expiration of the term of any member of the City Planning Commission, his successor shall be appointed by the Mayor for a term of 4 years. Resignations, when made, shall be addressed to and accepted by the Mayor, who shall fill such vacancies by appointment for the unexpired term.

Section 6-403. PRESIDING MEMBERS. The City Planning Commission shall elect a President and a Vice-President, who shall be members appointed by the Mayor and who shall hold office during the pleasure of the Commission.

Section 6-404. RECORDS OF COMMISSION.

[Note: Section 6-404 amended by Ordinance No. 88737, passed and effective February 17, 1949.]

Members of the City Planning Commission shall serve without salary or compensation of any nature. The City Planning Commission shall have a Secretary, who shall be an employe of the department to which the Bureau of Buildings is assigned, appointed by the Commissioner in charge of the Bureau of Buildings to act as Secretary. The Secretary shall keep an accurate record of all proceedings of said Commission. The Commission shall, on the first day of February of each year, make and file a report of all transactions of the Commission with the Auditor, who shall transmit such report to the Council. Said Secretary shall serve without extra compensation over and above his regular salary as an employe of the department to which the Bureau of Buildings is assigned.

Section 6-405. MEETINGS. Five members of the City Planning Commission shall constitute a quorum. The Commission may make and alter rules and regulations for its government and procedure consistent with the laws of the State of Oregon and with the charter, ordinances and codes of the City; and it shall meet at least once a month. The Council shall assign to the City Planning Commission an office or headquarters in the City Hall in which to hold its meetings, transact its business, and keep its records. All meetings of the Commission shall be held in the City Hall and shall be public.

Section 6-406. POWERS AND DUTIES. It shall be the duty of the City Planning Commission, and it shall have power, except as otherwise provided by law, to recommend and make suggestions to the Council and all other public authorities concerning the laying out, widening, extending, parking, and locating of streets, sidewalks, boulevards, and set-back lines, and concerning the relief of traffic congestion, the betterment of housing and sanitation conditions, and the establishment of zones or districts limiting the use, height, area, and bulk of buildings and structures. It may recommend to the Council and all other public

6-401 to 6-406

authorities plans consistent with the future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of all public utilities, harbor, shipping, and transportation facilities. It may do and perform any and all other acts and things necessary or proper to carry out the provisions of this code, and it may in general study and propose such measures as may be advisable for the promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the city and of the area 6 miles adjacent thereto.

Section 6-407. APPROVAL OF MAPS. All maps, plats, and replats of land laid out in building lots and the streets, alleys, or other portions of the same intended to be dedicated for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto and located within the city limits, and all plans, plats, and replats for vacating, laying-out, widening, extending, parking, and locating streets or plans for public buildings shall first be submitted to the city planning commission by the city engineer or other proper municipal officer. A report thereon from the commission, secured in writing before approval, shall be given to every such map, plat, replat, or plan by the municipal official. No final action by the council on any of said matters shall be held to be void or insufficient because of a failure to comply with this section.

Section 6-408. REFERENCE OF ACTIVITIES TO COMMISSION. All matters pertaining to activities described in section 6-406 of this code may be referred to the city planning commission by the mayor, council, or any other public authority for consideration, recommendation, or report before final action shall be taken thereon.

Section 6-409. SUBMISSION OF CHANGES. Copies of all ordinances for the establishment of the boundaries of any zone or district provided by section 6-406 of this code, and of all ordinances regulating or limiting the use, height, area, bulk, and construction of buildings to be submitted to the council, shall, before the same are presented to the council, be first submitted by the commissioner of public works to the city planning commission for recommendation. Said commission shall make its recommendation thereon in writing to the commissioner of public works who shall report to the council; provided, that the city planning commission shall first hold a public hearing at such time in the city hall as may be directed by the council, and shall make appropriate investigation thereon; and provided, further, that unless the council definitely names a longer period for the return of a report specified herein, the approval of the city planning commission to any matter so referred to it shall be deemed to have been given at the end of 30 days after the receipt of the same in writing by its secretary unless the city planning commission shall submit a report thereon prior to that time. No hearing need be had unless directed by the council, and, in such case the commission shall report within fifteen days. No ordinance need be submitted to the commission when the subject of the ordinance has previously been submitted to the commission and acted upon by it.

Section 6-410. RECOMMENDATIONS OF COMMISSION. The city planning commission may make recommendations to any person or public authority with reference to the location of buildings, structures, or works to be erected, constructed, or altered by or for such person or public authority; provided, however, such recommendation shall not have the force or effect of a law or ordinance except when so prescribed by the laws of the state of Oregon or by city ordinance. Any person or public authority having charge of the constructing, placing, or designing of buildings or other structures and improvements, or objects of art, may call upon the city planning commission for a report thereon.

Section 6-411. NOTICES OF HEARINGS. The city planning commission shall cause notices of conspicuous size and character to be prepared and to be posted in each district and locality where a public meeting of property owners and residents of the district is to be held for the discussion of zoning. Such notices shall be headed: "Neighborhood Zoning Meeting" in letters of not less than 1 inch in length and shall state the date, location, and purpose of the meeting, shall designate the boundaries of the district affected, and shall contain an invitation to property owners and residents in the district to be present at the meeting. The city planning commission shall cause such notices to be conspicuously posted at 10 or more places in the district affected at least 2 days in advance of the time set for the meeting.

Section 6-412. INDIVIDUAL NOTICES. The city planning commission shall provide for the distribution of printed cards or notices at the various dwellings or buildings in each district where a public meeting of property owners and residents of the district is to be held for the discussion of zoning not later than noon of the day upon which said meeting is to be held. Such cards or notices shall state the time, place, and purpose of the meeting, the boundaries of the district, and an invitation to property owners and residents to be present.

Section 6-413. REVIEW OF RECOMMENDATIONS. All the notices referred to in sections 6-411 and 6-412 of this code shall state specifically that any written communication from any property owner or resident of a particular district filed with the city auditor within 10 days after a public district meeting on zoning shall be reviewed by the city planning commission before the zoning classification for the said district is finally adopted and recommended to the council.

Section 6-414. EFFECT OF HEARINGS. Since the purpose of these meetings is merely to secure an expression of public opinion upon the proposed zoning classification for the various portions of the city, failure of a property owner or resident to receive a marked copy of the city official newspaper provided for in section 6-412 of this code or any other slight mistake or irregularity in carrying out the provisions of this code shall not in any way invalidate or prejudice the final action taken by the city council and the city planning commission in providing a comprehensive plan of zoning for the city.

Section 6-415. COMMISSION, AN ADVISORY BODY. The services of the commission created under the provisions of this code are advisory. No failure to follow the provisions of this code shall in anywise impair the validity of any proceeding or proceedings instituted or taken by the council for vacating, laying out, widening, extending, parking, or improving any street or streets, for establishing set-back lines, or for the construction of any sewer or other structure or work to be paid for by local assessment.

Article 5. Board of Appeals for Zoning.

Section 6-501. BOARD OF APPEAL. The board of appeal heretofore established for Zoning is hereby continued. It shall consist of 5 members, appointed by the mayor.

Section 6-502. CONSTITUTION OF THE BOARD. All appointments shall be for a period of 3 years. All members in office at the time of the passage of this code shall remain in office for the period for which they were originally appointed. One member of the board shall be an architect with at least 10 years' experience in his profession; one, a civil or structural engineer with at least 10 years' experience in his profession; one, a building contractor with at least 10 years' experience in his profession; and one, a realtor with at least 10 years' experience in his profession. The board shall elect a chairman from its own membership, who shall determine the time of regular and special meetings which shall be open to the public. Three members of the board shall constitute a quorum, and a majority of the members present shall control the action of the board. The mayor may remove from office any member of the board for malfeasance in office or neglect of duty. A continuous absence from meetings for over 3 meetings without acceptable excuse shall be considered as a neglect of duty. The members of the board shall receive no compensation and the secretary of the city planning commission shall be the secretary of the board of appeals.

Section 6-503. WORK OF BOARD. All appeals to the board shall be filed in writing at least 24 hours before the meeting in which the same is considered. In case of the absence of any member a temporary appointment to such vacancy shall be made by the mayor. The minutes of all meetings shall be kept and shall be open to public inspection. The duties of the board shall be to interpret the meaning of the zoning code in case there is dispute between the administrative officials of the city and the owners of property and to recommend changes in the code or in districts. Any such recommendations shall be transmitted to the city planning commission which shall report to the council within 60 days together with the changes recommended by the commission. The report of the commission shall be accompanied by the recommendations of the board.

(Notations from Mr. Howser's copy)

A building or property having a non-conforming use may be changed to another use in the bracket of allowed uses which contains the use legalized by non-conformity.

Letter from City Attorney Latourette to Freeman  
February 5, 1941

States that Attorney Grant's letter of May 11, 1937 does not allow change of occupancy of degree encompassed in change from a Zone III use to a Zone III local option.  
(Filed in Amendments to Zoning Ordinance book) 6-501 to 6-503

Article 6. Establishment of Zoning Districts.

Section 6-601. MAPS TO BE PART OF CODE. The property shown on the zoning maps designated by the following numbers in the auditor's office:

1717-18  
1817-18  
1916-17-18-19-20-21-22-23-24-25  
2016-17-18-19-20-21-22-23-24-25-26  
2116-17-18-19-20-21-22-23-24-25-26-27-28-29  
2217-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32  
2318-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34  
2419-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34  
2521-22-23-24-25-26-27-28-29-30-31-32-33-34  
2621-22-23-25-26-27-28-29-30-31-32-33-34-37-38-39  
2725-26-27-28-29-30-31-32-33-34-35-36-37-38-39  
2825-26-27-28-29-30-31-32-33-34-35-36-37-38-39  
2925-26-27-28-29-30-31-32-33-34-35-36-37-38-39  
3025-26-27-28-29-30-31-32-33-34-35-36-37-38-39  
3126-27-28-29-30-31-32-33-34-35-36-37-38-39-40  
3226-27-28-29-30-31-32-33-34-35-36-37-38-39  
3326-27-28-29-30-31-32-33-34-35-36-37-38  
3426-27-28-29-30-31-32-33-34-35-36-37-38-39-40  
3526-27-28-29-30-31-32-33-34-35-36-37-38-39-40  
3623-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40  
3725-26-27-28-29-30-31-32-33-34-35-39-40  
3825-26-27-28-29-30-31-32-33-34-35  
3925-26-27-28-31-32

is divided into districts, the limitations of which and the regulations for which are hereinafter set forth. These maps as heretofore amended and as amended hereafter, are hereby declared to be a part of this code. The districts heretofore established and designated on the maps, and the boundaries thereof are hereby confirmed.

Section 6-602. BOUNDARIES OF A DISTRICT. It is the intention to have the boundaries of the districts either to follow streets and alleys, or to follow lot lines. Where uncertainty exists regarding boundaries of a district shown on any map, it shall be understood that the boundary occurs either at a street or alley or along a lot line as shown on the recorded plat. Where the property traversed by a district line has not been subdivided into lots and blocks, the boundary line shall be understood to be parallel or concentric to street lines and at a designated distance therefrom unless said lines are otherwise definitely located.

Section 6-603. NONCONFORMING USE.

Note: Section 6-603 amended by Ordinance No. 82488 passed April 18, 1946 effective May 19, 1946.

When a property or an existing building at the time of the approval by the voters of the Zoning Ordinance No. 45614 on November 4, 1924 had a use which was legal prior to said approval or when in a district a property or building has a legal use under the terms of this code and a change of the district is made to a more restrictive district,

such use may continue even though it is not in conformity to the regulations of this code as applied to the district in which the use is located. Such property or building may be said to have a "nonconforming" use. However, if the use of a nonconforming property or building is altered it shall be made to conform to the regulations of this code unless such altered use is of the same general character as the previous use and is no more objectionable. After a change of a nonconforming use to a conforming use it shall not be permissible to change the use back to a nonconforming use.

When a building having a nonconforming use is damaged by fire or by any other cause so that the cost of renewal of the damaged parts exceeds 75% of the cost 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 code and other codes of the city as applied to new buildings and to uses in the district in which it is located. When such building is damaged by fire or otherwise, rebuilding shall commence within 6 months if the building is to be used for the same use as the one existing before the damage.

No premises or building having a nonconforming use shall be enlarged unless such enlargement shall have been approved in accordance with the local option requirements set forth in article 7 except as provided in Section 6-605 (c) and Section 6-607 (c) for the enlargement of churches, schools and other institutional uses in a Class 1 and in a Class 2 district.

Section 6-604. DIVISION OF THE CITY INTO DISTRICTS. For the purpose of regulating the location of trades and industries and the location of buildings erected or altered for specific uses, the city of Portland is hereby divided into "use districts," designated as follows:

Class I: Single-family residential district, shown on the zoning maps by single diagonal lines approximately  $3/8$  inch apart.

*yellow*

Class I: Special 2-family residential district, shown on the zoning maps by a line the same as for a Class I, single-family residential district, and by a dotted diagonal line directly below at a distance about  $1/32$  inch.

*brown*

Class II: Residential districts, shown on the zoning maps by diagonal lines drawn in units of 2, approximately  $1/16$  inch apart, the units being  $5/16$  inch apart.

*white*

Class II: Special temporary residence districts, shown on the zoning maps by lines that are the same as for a Class II, residential district, except a dotted line is placed between the 2 close lines.

Class III: Business districts, shown on the maps by diagonal lines which are drawn in units of 3, the lines being approximately  $1/16$  inch apart, the units being about  $1/4$  inch apart.

*red*

Class III: Special business districts, shown on the zoning maps by lines that are the same as for a Class III, business district, except 2 dotted lines are placed between the 3 regular lines.

*red lines*

Class IV: Unrestricted districts, which comprise all property on the zoning maps not shown in the other classifications. *Gene*

Note: The above described marking refer to lines on original zone maps on file in the city hall.

Section 6-605. CLASS I SINGLE-FAMILY RESIDENTIAL DISTRICT.

(a) Allowed Uses. In Class I, single-family residential districts, the allowed uses shall be as follows:

1. Single-family dwellings.
2. Accessory uses to single-family dwellings, including a green house or hot house for private use; a pergola; a private garage for not more than 3 motor vehicles, etc.
3. The raising of vegetables and produce on a vacant lot or on the same lot as a dwelling; provided, that there is no stable or live stock kept or maintained in connection therewith.
4. Home occupations; provided, that no home occupation shall be conducted in a manner that will disturb the peace or quiet of the neighborhood and that such activity, if involving noise audible outside of the home, shall not be carried on before 7 a.m. nor after 10 p.m.
5. Home offices of a physician, surgeon, dentist, or practitioner of any other recognized school of healing.  
See subsection (f) for allowed signs.

(Note: Subsection (b) amended by Ordinance No. 82488 passed April 18, 1946 effective May 19, 1946.)

(b) Local Option Uses. In Class I, single-family residential districts, when approved by local option as provided in Article 7 the following uses shall be allowed:

1. Community clubs; provided, the building is used exclusively for and operated by a nonprofit community club or organized for the improvement of the district and social recreation of the community.
2. Fire stations.
3. An old people's home, a children's or baby home, or a convalescent home, if any one of these is established in a dwelling and serves not more than 5 persons in addition to the members of the related family living in the dwelling.
4. Private garages accessory to a dwelling, accommodating more than 3 motor vehicles; provided the number of such vehicles in any such garage shall not exceed one for each full unit of 1500 square feet in the area of the property.



5. Public parks and playgrounds with essential structures.
6. A public park and playground building, when authorized by local option, may be utilized for refreshment stands or booths for the sale of foods, candy, soft drinks, etc.; provided such building is at least 100 feet removed from privately owned property.
7. Temporary buildings, the use of which is incidental to the development of a residential property and used for offices, tool sheds, or similar purposes; provided, such use may not continue more than 1 year, at which time such temporary structures shall be removed.

Note: Paragraph 8 of subsection (b) added by Ordinance No. 86016 passed October 2, 1947, effective November 2, 1947.7

8. No building shall be moved into a Class I residential district or from one lot to another in a Class I residential district until local option approval for such moving shall have first been secured.

Note: Subsection (c) amended by Ordinance No. 81383, 82488, 83482, 86016; and 92918 passed November 16, 1950 effective December 17, 1950.7

(c) Council approval for uses.

Council approved uses. There shall not be established in this district a church, a school, a philanthropic, fraternal or other institutional use, including a hospital, an old people's home, a children's or baby home or a convalescent home, except institutional homes for not over 5 persons as covered in paragraph (b) 3, until the Council shall have first approved the location as not detrimental or injurious to the public health, peace or safety of the City or to the character of the district. The procedure to be followed is given in Section 6-304.

The property upon which one of these uses exists as a nonconforming use or as a use established with the approval of the Council shall not be enlarged unless the Council shall have first approved the enlargement as not detrimental or injurious to the public health, peace or safety of the City or to the character of the district. The procedure to be followed is given in Section 6-304.

These uses if existing as a nonconforming use or if established under Council approval may be enlarged by the enlargement of a building or by the construction of a new building with no enlargement of the property if the application for permit for such enlargement or new building is first submitted to the Council and is approved as not overcrowding the property, as not encroaching upon a reasonable set-back from the street, or as not coming too close to adjacent property, and in keeping with the character of the district, and in other respects as being in accordance with the various codes regulating buildings. Such action of the Council may be without notice or hearing.

No building in this district shall be used as a two-family dwelling unless application has been made therefor in accordance with the provisions of Section 6-305 and the Council first approves such two-family use, as reasonable in view of greater size, age, obsolete plan, material, construction, large site area or other feature by which the dwelling for which application for Council approval of such use is made, is substantially different from the character and pattern of other dwellings in the immediate neighborhood.

**(d) Prohibited Uses.**

1. In Class I, single-family districts, all uses and occupancies not allowed under subsections (a), (b), and (c) are prohibited, except such nonconforming uses as shall be permitted under the provision of Section 6-603.
2. The erection and/or maintenance in any Class I, single-family dwelling district, of any sign or sign-board of whatsoever nature is prohibited except as specifically permitted in subsections (f) and (g).
3. The painting or re-painting on existing nonconforming use buildings of any sign or signs advertising any business not conducted on the premises is prohibited.
4. The erection or maintenance of temporary or shack buildings for residential or other purposes is prohibited, except shack or temporary office structures used temporarily by a contractor during the construction of a building, and temporary buildings authorized under subsection (b).

**Note:** Subsection (e) amended by Ordinance No. 82488 passed April 18, 1946 effective May 19, 1946.]

**(e) Enlargement of Certain Uses.** The following uses may be enlarged by constructing an addition to a building used exclusively as a public utility station, a public utility substation, or a public library provided the addition shall conform to the general character of the district and shall not exceed the height of the existing building, and further that any such addition shall not be located less than 10 feet from the rear or side lot line of the property upon which it is located. The grounds around such public utility building shall be maintained with shrubs, flowers and lawn in harmony with the character of the district.

Under other conditions such an enlargement shall not be made until the approval of the Council is first obtained. The procedure to be followed is given in Section 6-304. [See subsection (g) for requirements for enlarging a sign, for changing a sign from non-illuminated to the illuminated type, and for a new sign.]

**(f) Allowed Signs:** In Class I, single-family residential districts signs shall be allowed as follows:

1. Signs advertising only the sale or lease of the property upon which they are located; provided, such signs shall be of the nonilluminated type only.
2. Signs of the nonilluminated type advertising a home occupation or the home office of a physician, surgeon, dentist, or practitioner of any other recognized school of healing; provided that any such sign shall be affixed flat against the building and the dimensions shall not exceed 6 inches by 18 inches.
3. Signs of the nonilluminated type designated a local option use, as provided in subsection (b), or designated a use approved by the Council, as provided in subsection (c). Any such sign shall be limited to one inscribed on the wall of the building or to one affixed flat against the building and shall not exceed 6 square feet in area.
4. Sign for nonconforming use building. An existing sign designating or advertising a nonconforming use may remain so long only as it is in good condition, but shall not be changed in size, character, or construction. No existing sign advertising a business not conducted on the premises shall be renewed or repainted, or be changed as to its inscription. No new sign advertising a business not conducted on the premises shall be permitted.

(g) Signs allowed with Local Option Approval. Signs allowed when local option approval, as provided in Article 7, has first been obtained shall be as follows:

1. Sign of an illuminated type, advertising only the sale or lease of the property on which it is located.
2. Sign of an illuminated type and/or exceeding in size 6 inches by 18 inches, advertising the home office of a physician, surgeon, dentist, or other practitioner of any recognized school of healing; provided, such sign shall be affixed flat against the building.
3. Signs of an illuminated type and/or having an area exceeding 6 square feet, designating a local option use as provided in subsection (b), or designating a use approved by the Council, as provided in subsection (c). Any such sign shall be limited to one inscribed on the wall of the building or to one affixed flat against the building.
4. Signs for nonconforming uses of kind and character as follows:
  - a. New sign.
  - b. Enlargement of existing signs.
  - c. Changing existing signs from nonilluminated to illuminated sign; provided, that no sign advertising a business not conducted on the premises shall be erected, renewed, painted, repainted, or in any way changed.

Note: Paragraph 5 of subsection (g) added by Ordinance No. 85904 passed and effective September 18, 1947./

5. A directional sign of nonilluminated type placed by other than a governmental agency. Such sign shall be placed on private property and shall be not larger than eighteen inches by thirty inches (18" x 30"). The copy permitted on such sign shall have only the name of the person or firm, address or distance, and some directional design. No existing signs may be repainted, repaired or replaced without conforming to all sign regulations.

Section 6-606. CLASS I, SPECIAL 2-FAMILY DWELLING DISTRICT.

Class I, Special 2-family dwelling districts, may be established, wherein 2-family dwelling use shall be permitted and in respect to which districts the rules and regulations provided in Section 6-605 for Class I single-family districts, shall in other respects apply.

Section 6-607. CLASS II, RESIDENTIAL DISTRICT.

Note: Subsection (a) amended by Ordinance No. 82488 passed April 18, 1946, effective May 19, 1946.7

(a) Allowed Uses. In Class II, residential districts, the allowed uses shall be as follows:

1. Single-family dwellings.
2. 2-family dwellings.
3. Multiple dwelling of all kinds except convalescent homes, detention homes, hospitals, institutional homes, sanitariums, and similar institutions which are regulated in paragraph (b) or (c) depending on their size, and hotels which are regulated in paragraph (b).
4. Accessory uses, including a private garage for not more than 3 motor vehicles, a pergola, summer house, and green house or hot house for private use only.
5. Community club, provided the building is used exclusively for and operated by a non-profit community club organized for the improvement of the district and the social recreation of the community.
6. Fire Stations.
7. Home occupations; provided, that no home occupation shall be conducted in a manner that will disturb the peace or quiet of the neighborhood, and that such activity, if involving noise audible outside of the home shall not be carried on before 7 a.m. nor after 10 p.m.
8. Home offices of a physician, surgeon, dentist or practitioner of any other recognized school of healing.
9. Public parks and public park building. For refreshment booths, see subsection (b).7
10. Public playgrounds and public playground buildings. For refreshment booths, see subsection (b).7

6-605 to 6-607

11. Storage garages having an accessory use to a multiple dwelling. Such garages may be in a building used as a multiple dwelling or may be attached to or detached from the building; provided, that it shall be under the direction or management of the management of the multiple dwelling. The number of motor vehicles sheltered in such garage shall not exceed one for each bedroom in the dwelling. Storage facilities may be provided by not to exceed 2 such detached garages. No storage garage shall be permitted in the district, except under local option approval as set forth in subsection (b), other than on the same lot with the dwelling to which it is an accessory.
12. Storage parking lot; provided, that such storage parking lot shall have an accessory use to a multiple dwelling or shall have a transition use. No motor vehicle on a storage parking lot shall be parked closer than 5 feet to the street lot line and a 5-foot strip along the street lot line shall be planted with shrubs, flowers, and grass except for necessary driveways.

An automobile trailer arranged for living purposes shall not be parked on a storage parking lot for more than 30 days and during that time shall not be used for living or sleeping purposes.

A storage parking lot having an accessory use shall be located on the same property as the dwelling to which it is an accessory. For storage parking lots not so located, see subsection (b).

A storage parking lot for a transition use shall be adjacent and contiguous to property zoned as Class III business district; provided, that an alley may separate the Class III property from the parking lot, and provided, that any storage parking lot having such transition use shall have an accessory use to the Class III property to which it relates.

See subsection (f) for allowed sign.

Note: Subsection (b) amended by Ordinance No. 82488 passed April 18, 1946, effective May 19, 1946.

(b) Local Option Uses. In Class II, residential districts, when approved by local option as provided in Section 6-701 the following uses shall be allowed:

1. Booths or stands for the sale of food or refreshments, etc. in a public park or playground.
2. Old people's home, children's or baby home, or convalescent home if established in a dwelling and serving not more than 10 persons in addition to the members of a related family occupying the dwelling.

3. Hotels
4. Interior commercial uses in hotels and apartment houses; provided, such allowed uses shall be restaurants, lunch counters, tailor shops, delicatessens, and booths or stores for the sale of merchandise. All such permitted uses shall have access only through the main entrance lobby or hall of the building wherein situated, and no outside display window or windows nor signs advertising such uses and visible without such building or buildings shall be allowed.
5. Places of detention.
6. Public libraries.
7. Private garages accessory to single-or 2 family dwellings for more than 3 motor vehicles.
8. Public service stations or substations.
9. Refuge homes.
10. Storage garages which have an accessory use to multiple dwellings under the same conditions as allowed in subsection (a), except located elsewhere than on the same lot with the multiple dwelling.
11. Storage parking lots accessory to multiple dwelling under the same conditions allowed in subsection (a), except located elsewhere than on the same lot with the multiple dwelling.
12. Temporary dwellings. Under local option approval a temporary dwelling may be maintained for a period of time not exceeding 2 years. At the end of which time such building shall be disposed of in one of the following ways:
  - a. The building shall be changed to comply with the regulations governing the construction of a permanent dwelling.
  - b. The building shall be torn down or moved out of the district.
  - c. The building shall be changed to a permitted occupancy such as a private garage, woodshed, or similar accessory use.
  - d. Maintenance of a temporary dwelling may from time to time, when approved by local option be extended for additional periods not to exceed 2 years each. No temporary dwelling shall be located within 400 feet of a Class I, residential district, or within 100 feet of any street designated by the Council or other competent authority as a major traffic street or thoroughfare. [See subsection (g) for signs allowed with local option approval.]

Note: Paragraph 13 subsection (b) added by Ordinance No. 86016 passed October 2, 1947, effective November 2, 1947.7

13. No building shall be moved into a Class II residential district or from one lot to another in a Class II residential district until local option approval for such moving shall have first been secured.

Note: Subsection (c) amended by Ordinance No. 81846, 82488, 83482 and No. 86016 passed October 2, 1947, effective November 2, 1947.7

(c) Council approval for uses.

Council approved uses: There shall not be established in this district a church, a school, a philanthropic, fraternal or other institutional use including a hospital, an old people's home, a children's or baby home, or a convalescent home except institutional homes having not over 10 persons as covered in paragraph (b) 2 unless the Council shall have first approved the location as not detrimental or injurious to the public health, peace or safety of the City or to the character of the district. The procedure to be followed is given in Section 6-304.

The property upon which one of these uses exist as a non-conforming use or as a use established with the approval of the Council shall not be enlarged unless the Council shall have first approved the enlargement as not detrimental or injurious to the public health, peace or safety of the City or to the character of the district. The procedure to be followed is given in Section 6-304.

These uses if existing as a nonconforming use or if established under Council approval may be enlarged by the enlargement of a building or by construction of a new building with no enlargement of the property if the application for permit for such enlargement or new building is first submitted to the Council and is approved as not overcrowding the property, as not encroaching upon a reasonable setback from the street, or as not coming too close to adjacent property, and in keeping with the character of the district, and in other respects as being in accordance with the various codes regulating buildings. Such action of the Council may be without notice or hearing.

- (d) Prohibited Uses. In Class II, residential districts, all uses and occupancies not allowed under subsections (a), (b), and (c) are prohibited except nonconforming uses which may continue in accordance with the provisions of Section 6-603. The erection and maintenance of sign boards and billboards are prohibited. The erection and maintenance of any sign except those specifically covered in subsections (f) and (g) are prohibited.

Note: Subsection (e) amended by Ordinance No. 82488 passed April 18, 1946, effective May 19, 1946.7

- (e) Enlargement of Certain Uses. The following uses may be enlarged by constructing an addition to a building used exclusively as a

public utility station or a public utility substation provided the addition shall conform to the general character of the district and shall not exceed the height of the existing building, and, further, that any such addition shall not be located less than 10 feet from the rear or side lot line of the property upon which it is located. The grounds around such public utility building shall be maintained with shrubs, flowers and lawn in harmony with the character of the district.

Under other conditions such an enlargement shall not be made until the approval of the Council is first obtained. The procedure to be followed for such approval is given in Section 6-304.

(f) Allowed signs. In Class II residential districts signs shall be allowed as follows:

1. A sign advertising only the sale or lease of the property upon which it is located; provided, such sign shall be of the nonilluminated type only.
2. A sign of the nonilluminated type designating the home office of a physician, surgeon, dentist, or practitioner of any other recognized school of healing; provided, such sign shall be fixed flat against the building, and provided, further, that the dimensions of such sign shall not exceed 6 inches by 18 inches.
3. A sign of the nonilluminated type, designating a community club, fire station, multiple dwelling, public park or playground building, or a local option use as provided in subsection (b), or a Council approved use as provided in subsection (c).
4. A sign of the nonilluminated type, designating a home occupation, fixed flat against the building, the dimensions of such sign not exceeding 6 inches by 18 inches.
5. A sign of the nonilluminated type designating a storage garage, fixed flat against the building, the dimensions of such sign not exceeding 6 inches by 18 inches.
6. A sign of the nonilluminated type designating a storage parking lot, such sign being located back of the street lot line and the dimensions not exceeding 6 inches by 18 inches.
7. Signs for nonconforming uses. An existing sign may remain as long as it is in good condition. No existing sign advertising a business not conducted on the premises shall be altered, renewed, repainted or have its inscription changed. No new sign shall be permitted except as allowed in subsection (b). For enlargement or illumination of existing signs, see subsection (g).



(g) Signs allowed with Local Option Approval.

Signs allowed when local option approval as provided in article 7 has first been obtained shall be as follows:

1. Sign of an illuminated type advertising only the sale or lease of the property on which it is located.
2. Sign of an illuminated type advertising the home office of a physician, surgeon, dentist, or practitioner of any other recognized school of healing; provided, such sign is affixed flat against the wall of the building and does not exceed in dimensions 6 inches by 18 inches.
3. Sign of an illuminated type and/or having an area exceeding 6 square feet designating an apartment house, a boarding house, a church, a commercial club, a hotel, an institutional home, a public utility station or substation, a school, or a building having a use that has been approved by the Council; provided, that all such signs shall be affixed flat against the building.
4. New signs for nonconforming uses; provided, that they are affixed flat against the building. Existing signs for nonconforming use buildings may be altered by increasing their size, by changing their inscription and/or by changing a nonilluminated sign to an illuminated sign; provided, that no such altered sign shall extend beyond the property line and no such sign shall advertise any business not conducted on the premises.

Note: Paragraph 5 of Subsection (g) added by Ordinance No. 85904 passed and effective September 18, 1947.]

5. A directional sign of non-illuminated type placed by other than a governmental agency. Such sign shall be placed on private property and shall be not larger than eighteen inches by thirty inches (18" x 30"). The copy permitted on such sign shall have only the name of the person or firm, address or distance, and some directional design. No existing signs may be repainted, repaired or replaced without conforming to all sign regulations.

Section 6 608. CLASS II, SPECIAL TEMPORARY RESIDENCE DISTRICT.

In a Class II, special temporary residence district, the regulations shall be the same as for an ordinary Class II, residential district, except that temporary dwellings will be permitted to be erected and maintained for a period of 2 years without being approved be under local option regulations; provided, such dwellings are at least 200 feet from the boundaries of the district. No temporary dwelling shall be erected, altered, or maintained within 200 feet of the boundaries of the district unless the same has been authorized under the local option regulations set forth in Article 7. In any temporary dwelling erected in this district, city water shall be installed. The installation of a sink and toilet will not be required; provided, the sanitary conditions in and about the building are maintained in a manner which the health officer finds safe for the public health. At the end of 2 years the building shall be disposed of in one of the following ways:

- (a) The building shall be changed to comply with the regulations governing the construction of a permanent dwelling.
- (b) The building shall be torn down.
- (c) The building shall be changed to some legal occupancy, such as a small garage, wood shed or similar use.
- (d) Further maintenance of the building as a temporary dwelling may continue for periods of time not exceeding 2 years when authorized under local option regulations as set forth in Article 7 and not otherwise.

No such dwelling shall be located within 400 feet of a Class I, residence district, or within 100 feet of any street now or hereafter designated by the Council as a major traffic street.

Section 6-609. CLASS III BUSINESS DISTRICT.

(Note: Subsection 6-609 (a) amended by Ordinance No. 82488 passed April 18, 1946, effective May 19, 1946.)

(a) Allowed Uses. Subject to the exceptions and limitations hereinafter set forth, the following uses in Class III, business districts, shall be allowed; provided, that no shop, factory, foundry or other business establishment permitted in Class III, business districts, shall in the conduct of its business create or permit any noise therein to the manifest annoyance or disturbance of the neighborhood; and provided, further, that no such shop, foundry, factory, or other place of business shall permit the escape of smoke, gases, obnoxious or foul odors to the injury of the health or to the manifest annoyance of persons residing in such neighborhood.

1. Assembly Uses

Amusement parks  
Assembly halls  
Athletic parks  
Auditoriums  
Churches  
Convention halls  
Lodge Halls  
Motion picture theaters  
Pool or billiard halls  
Railroad or bus stations  
Stadiums  
Theaters  
and similar uses

2. General Business Uses

Animal hospitals  
Bakeries  
Bottling plants  
Breweries  
Creameries or milk bottling plants  
Department stores  
Dry cleaning establishments  
Foundries, including iron and steel foundry  
Garages  
Manufacturing plants and factories, none of which use power driven hammer or riveter  
Offices: business, professional, sales, etc.  
Printing plants, including newspaper plants  
Restaurants  
Service stations  
Shops: barber, beauty, blacksmith, machine, repair, tin, etc., none of which use power driven hammer or riveter

General Business Uses - continued

Stores: retail and wholesale  
Testing laboratories  
Undertaking parlors  
Warehouses  
and similar uses.

There shall be exempted from any of the above uses, those uses that are permitted under local option approval in subsection (b) and those uses that are prohibited in subsection (d).

3. Public Uses

Court houses  
Custom houses  
Fire stations  
Hospitals  
Libraries  
Museums  
Parks and playgrounds  
Places of detention, such as jail, prison, etc.  
Police stations  
Postoffices  
Sanitariums  
Schools  
and similar uses

4. Residential Uses

Apartment houses  
Boarding houses  
Childrens' homes, including baby homes and nurseries  
Clubs, fraternal and social  
Convalescent homes  
Convents  
Dormitory buildings  
Dwellings, including single and 2-family  
Hotels and lodging houses  
Institutional homes  
Monasteries  
Old peoples' homes  
Refuge homes  
Rooming houses  
and similar uses.

5. Signs of all kinds as permitted by the sign code.

Note: Subsection 6-609 (b) amended by Ordinance No. 86016 passed October 2, 1947, effective November 2, 1947.

(b) Local Option Uses.

1. In Class III, business districts, when approved by local option as provided in Article 7, the following uses shall be allowed:

Bowling alleys  
Commercial heating, lighting, or power plants  
Dance halls or dancing schools  
Disinfectant manufacturing plants where no materials are used that are explosive or have a sulphur base  
Dye, shoe or stove polish manufacturing plant  
Excelsior manufacturing plant  
Foundries, iron or steel  
Gas holders or tanks containing over 5,000 cubic feet  
Junk yards  
Lumber mills  
Lumber yards, including wholesale and retail lumber sales uses  
Petroleum product storages in excess of 1,000 barrels of crude oil or 2,000 gallons of lighter products  
Planing mills or sash and door factories  
Rawhide or raw skin warehouses  
Sauerkraut manufacturing plants  
Shoddy manufacturing plants  
Shooting galleries  
Shops: blacksmith, machine or similar shops using power driven hammer or riveter  
Skating rinks: roller or ice  
Soap manufacturing plants, where no fat is rendered  
Stables  
Vinegar manufacturing plants, including pickles  
Yeast manufacturing plants

2. No building shall be moved into a Class III business district or from one lot to another in a Class III business district until local option approval for such moving shall have first been secured.

It is provided, however, that a newspaper carrier's station building not exceeding 300 square feet in ground area covered is exempted from the foregoing requirements and a used car sales office building not exceeding 200 square feet in ground area covered is also exempted from the above requirements.

Note: Section 6-609 (c) amended by Ordinance No. 81383 and No. 86016 passed October 2, 1947, effective November 2, 1947.

(c) Council approval for uses.

Council approved uses. The following uses may be established in Class III business district: bunkers, bins or dumps for crushed stone, sand or crushed stone, sand or gravel fuel yards, rock or stone crushers, provided the Council shall have first approved the location as not detrimental or injurious to the public health, peace and safety of the City, or to the character of the district. The procedure to be followed is given in Section 6-304.

Note: Subsection 6-609 (d) amended by Ordinance No. 82488 passed April 18, 1946, effective May 19, 1946.

(d) Prohibited Uses. In Class III, business districts, there shall be prohibited the following uses:

1. Animal Products

Fertilizer plants -  
Glue or sizing plants  
Soap factories, where fat is rendered -  
Tannery  
Wool pullery  
and similar uses.

2. Burned Clay Products

Brick plant  
Terra cotta plant  
and similar uses.

3. Chemical Products

Acid plant  
Ammonia plant  
Bleaching powder plant  
Celluloid plant  
Cement plant  
Chlorine plant  
Creosote plant  
Dextrine plant  
Disinfectant plant, where sulphur base is used  
Lime plant  
Soda and soda compound plant  
and similar uses

4. Distillation or Reduction Products

Bone distillation plant  
Charcoal plant  
Coke ovens  
Garbage distillation  
Gas tar distillation  
Wood distillation  
and similar uses.

5. Explosives

Explosive plant  
Powder plant.  
Shell loading plant  
and similar uses

6. Metal Products

Aluminum reduction plant  
Blast furnace  
Boiler shop  
Copper refinery  
Iron rolling mill  
Ore smelting  
Steel rolling mill  
Tin refinery  
Zinc refinery  
and similar uses

7. Vegetable Products

Garbage reduction plant  
Incinerator, garbage or rubbish  
Vegetable oil mill  
and similar uses

Section 6-610. CLASS III, SPECIAL BUSINESS DISTRICT.

(a) Allowed Uses. In a Class III, special business district, there may be erected, altered, and maintained such buildings and uses as are allowed in a residential district adjoining thereto and also store buildings limited to 1-story in height, except when a second story has been authorized by local option regulations. The uses to which such a store building can be put are those such as are needed to supply a residential district, which uses shall include a grocery store, drug store, meat shop, candy or confectionery store, bakery, delicatessen, and similar uses. Where a setback line has been established the creation of a Class III special district shall not change or affect the setback regulations.

In connection with such a building a sign not exceeding 6 x 18 inches in size, placed flat against the building, which sign shall have only the name of the store or the owner of the store upon it shall be permitted not exceeding one for each store. Larger signs shall be regulated under subsection (c).

(b) Local Option Uses. In such a district there may be erected, altered, or maintained a second story on a store building, when authorized under the local option regulations given in article 7, for office uses only.

6-609 to 6-610

When signs larger than specified in subsection (a) are desired, such signs shall be approved under the local option regulations given in article 7 under the following provisions: Such signs shall not exceed 6 square feet in area and shall be placed flat against the building. They shall advertise only the business, the name of the store, or the name of the proprietor.

(c) Prohibited Uses. There is prohibited in a Class III, special district, the erection or the alteration of any building used or to be used for flats, apartments, hotel, manufacturing or for commercial purpose except as especially provided for above. Living quarters are prohibited in connection with any store building. Signboards and billboards shall be prohibited, as shall be all other signs except those authorized in subsections (a) and (b). Signs advertising special sales shall be prohibited. The storage or display of goods on the outside of a store building shall be prohibited.

Section 6-611. CLASS IV, UNRESTRICTED DISTRICTS. In a Class IV, unrestricted district, the allowed uses, the local option uses, and the prohibited uses of a Class III district shall be permitted without restriction; provided, that a Class IV. district shall be subject to the general ordinances and codes of the city applying to all portions of the city.

Section 6-612. SPECIAL RESTRICTED DISTRICTS.

(Note: Section 6-612 amended by Ordinance No. 81383 passed August 30, 1945 effective September 30, 1945.)

S. W. Terwilliger Boulevard, between the south line of S. W. Sherman Street and S. W. 6th Avenue, and the north line of S. W. Slavin Road and 200 feet on each side thereof, is hereby fixed as a restricted district. No building or structure of any kind or character, or any addition to any existing building or structure, shall be constructed or made within said district until an application for the approval of the erection or addition shall have first been approved by the Council. The application for approval shall not be granted by the Council whenever it appears that the granting of the same is or may be detrimental to the public health, peace or safety or to the character of the district. The procedure to be followed is given in Section 6-304.



Section 6-613. TERRITORY ALLOWED FOR CEMETERY, ABBEY, AND CREMATORIUM PURPOSES.

[Note: Section 6-613 amended by Ordinance No. 80393 passed October 13, 1944 effective November 13, 1944.]

It shall be unlawful to inter or deposit any dead body or ashes of a dead body in any grave, vault, tomb, niche or elsewhere within the city of Portland except within the following places, limits and structures: vaults of Riverview Abbey; niches, vaults, and tombs of Portland Cremation association; and that part of Lone Fir cemetery beginning at a point 30 feet south and 75.6 feet east of the northwest corner of section 1, township 1 south, range 1 east, Willamette Meridian, thence south 804.27 feet, thence west along the north side of the right of way of the city and Suburban Railway company to the southeast corner of block 7, Garrison's sub-division in East Portland, thence north to the Base Line road, thence east along the south line of the Base Line road to the place of beginning; provided, that no grave, vault or tomb shall be dug or opened within 70 feet of the east line of S. E. 26 avenue between S. E. Stark Street and S. E. Belmont Street; all of Riverview cemetery situated in section 22, township 1 south, range 1 east, Willamette Meridian; all of the Jewish cemetery situated in section 21, township 1 south, range 1 east, Willamette meridian; all of the Columbian cemetery situated in section 19, township 1 north, range 1 east, Willamette meridian; and all cemeteries which have been or shall be brought into the city of Portland by annexation of territory subsequent to April 10, 1918.

Section 6-614. AUTO CAMPS PROHIBITED.

It shall be unlawful for any person to establish, maintain, or operate any auto camping park or ground within the city limits. An auto camping park or ground shall be any camping ground space, or area within the City of Portland held out to the public as a place where motor vehicles and the owners thereof may camp for any length of time and where a compensation for camping privileges is charged. This prohibition shall not apply to any space, ground, or area within the corporate limits of the city where motor vehicles may stand or be parked for compensation.

Section 6-615. UNLAWFUL TO ESTABLISH OR USE AIRPLANE LANDING FIELD WITHOUT COUNCIL APPROVAL.

[Note: Section 6-615 added by Ordinance No. 81522 passed and effective October 4, 1945.]

It shall be unlawful for any person without council approval to construct, establish, maintain or use any airplane landing field in the corporate limits of the City of Portland without first obtaining Council approval as provided in other cases of Council approved uses, except that the list of owners shall embrace all within 1000 feet of the exterior limits of such field, and notice shall be mailed to each of such owners, and a fee of \$20.00 shall be paid to the City Treasurer at the time of filing such application.

Article 7. Local Option Regulations.

Section 6-701. REGULAR METHOD.

(Note: Section 6-701 amended by Ordinance No. 82488 passed April 18, 1946, effective May 19, 1946.)

When the use of any property or building or sign is subject to local option regulations, the person desiring such use shall first submit to the Bureau of Buildings an application, upon which is given the following information:

- (a) A description of the property or the building or the sign and property on which the building or sign is to be located.
- (b) The use or occupancy proposed.
- (c) A list of the names and addresses of the owners of all property and the legal description of that property within a district bounded by lines 100 feet from and parallel to or concentric with the side lines of the property in question, street areas not to be included in these measurements. The applicant shall pay a fee as required in Section 6-306.

Where a property or building is in a district adjacent to another district of a less restrictive character, the area in the adjacent district shall be disregarded. The area of any property owned by the applicant shall be disregarded. The Bureau of Buildings shall notify the owners of property within the district of the contemplated use of the premises or the building; and, if within 10 days the owner or owners of more than 50 per cent of such property, calculated according to area, protest against such use of the property or the building, the application shall be denied; and such use shall not be lawful unless the applicant takes the matter up with the council and the council finds that such use will not be injurious to the public peace, health, comfort or safety. If there be no protest against such use or if the protest be made by owners of 50 per cent or less of the district, then the Bureau of Buildings shall issue a permit and such use shall be lawful.

Section 6-702. QUICK METHOD.

If the applicant for local option approval files with the bureau of buildings an application having the information required by section 6-701, and in addition, signed statements of owners of not less than 75 per cent in area of the district specified in section 6-701 (c) stating that they approve such building or sign and use, then the bureau of buildings, after checking the application and statements and finding them to be correct, shall issue a permit for such use.

Section 6-703. CANCELLATION OF PERMIT

Any misstatement or inaccuracy in the application will be sufficient grounds for the revocation by the Bureau of Buildings of any permit issued under local option regulations. After such revocation of a permit it shall be unlawful to continue such local option use.

Section 6-704. MOVING BUILDINGS

Note: Section 6-704 added by Ordinance No. 86016, amended by Ordinance No. 89121 and No. 89954 passed and effective Aug. 4, 1949./

When in this code local option approval is required for moving a building, the procedure shall be as follows:

- (a) The applicant shall file with the Bureau of Buildings an application for the proposed moving, signed by the owner of the building or by his authorized agent. To the application shall be attached a copy of the City Treasurer's receipt for the fee specified in Section 6-306 of this code, together with 2 photographs of the building to be moved, one photograph of the rear elevation and one of the front elevation, not less than 5" x 7" in size. The application shall contain a description of the building to be moved, the property to which it is to be moved, and the use and occupancy proposed. The Bureau of Buildings shall investigate the proposed moving, as to soundness and strength of building, fire hazard, sanitary hazard or bad living conditions for the occupants or for neighbors and shall approve or deny the application based upon its findings of above facts and shall thereupon advise the applicant of its decision. If the application be approved, the Bureau of Buildings shall then notify the owners of property in the affected district, as provided in subsection (b) hereof.
- (b) To the application shall be attached a list of the names and addresses of the owners of all property and the legal description of that property within a district bounded by lines 100 feet from and parallel to or concentric with the side lines of the property in question, street areas not included. The Bureau of Buildings shall notify the owners of property within said affected district of the proposed moving of the building and if within 10 days protests representing more than 50 per cent of such property, calculated according to area, are filed with the Bureau of Buildings, the application shall be denied and such moving shall not be lawful unless the application is submitted to and approved by the City Council. If protest be made by owners of 50 per cent or less of the property in the affected district, then the Bureau of Buildings shall issue a permit and such moving shall be lawful.
- (c) If the applicant for a permit to move a building files with the Bureau of Buildings an application containing the information required by subsections (a) and (b), and in addition, signed waivers of objection to said moving, by owners of not less than 75 per cent in area of the property in the district specified in subsections (a) and (b) hereof, then the Bureau of Buildings, after checking the application and statements and finding them to be correct, shall issue a permit for such proposed moving.

- (d) Upon completion of the moving of the building, the owner shall proceed immediately to bring the building into compliance with all requirements of the Building, Housing, Plumbing and Zoning Codes and other applicable ordinances and all such ordinances shall be complied with not later than 6 months from the date of the permit for the moving. Provided that in the building as constructed ceiling height, room area, window area and general arrangement of rooms and similar structural forms shall not be required to comply with existing regulations.

Article 8. Set-back Lines.

Section 6-801. ESTABLISHMENT OF SETBACK LINES.

- (a) General. For the purpose of regulating the location and alignment of buildings, and of maintaining appropriate open spaces and adequate distances between buildings on opposite sides of a street in the interest of the public convenience, safety, health, and general welfare, building set-backlines may be established, or amended, in any district in the city.
- (b) Procedure. Proceedings for the establishment of set-back lines may be initiated by owners of property to be so regulated, by the city planning commission, or by the council.

Petitions for set-backlines initiated by property owners shall be signed by the owners of not less than 20 per cent of the area of all the property for which set-backlines are sought. Each signature of an owner shall be accompanied by the owner's street address and the 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 for which the set-backline or lines are sought, with a description of the property owned by each of such owners. Such petitions shall also describe the desired set-back regulations.

Upon receipt of such a petition, the city planning commission shall make an investigation of the facts, make a map showing the proposed set-backline or lines, and make a report of its findings, with a recommendation to the council. The petition, report, and recommendation of the city planning commission shall be filed in the office of the auditor, for submission to the council. The auditor shall thereupon fix a time for a hearing on the same by the council. He shall also notify all the owners of the property listed in the petition of the filing of the petition and of the time and place of the hearing. Not less than 10 days shall elapse between the date of the sending of the notice and the date of the hearing.

When proposals for set-backlines are initiated by the council or by the city planning commission, the city planning commission, in addition to making the necessary investigation and preparing the map showing the proposed set-backline or lines, shall furnish the auditor with a list of the names and addresses of the owners of all the property for which set-back regulations are sought, together with a description of the affected property owned by each. The procedure for notices and hearings shall be the same as above prescribed on the petition of property owners.

NOTE: This takes place of Ordinance No. 69613 passed in 1937.

- (c) Maps to be a Part of a Set-back Ordinance. All ordinances establishing set-back lines shall be accompanied by a map on which is indicated the set-back line or lines established. Said map, with its designations and designation rules shown thereon, shall be a part of set-back ordinance as if all the indications and designations shown thereon were fully described in the text of such ordinance. The set-back lines shown on said map shall be indicated on the zoning or district maps when the set-back ordinance becomes effective.
- (d) Future Set-back Ordinances. All ordinances for the establishment of set-back lines in accordance with the procedure prescribed in this section shall be enacted as special ordinances. Each set-back established by such an ordinance shall be numbered consecutively, in addition to the ordinance number of passage, and shall continue with the next number after the last set-back established before the passage of this code. All set-backs established under former ordinances of the city of Portland shall be in full force and effect until or unless they are specifically repealed, especially those amendments to section 1 of ordinance no. 45614, establishing set-back lines for certain areas of the city. All set-back ordinances shall be filed and indexed in the office of the auditor.
- (e) Measurements. All set-back lines shall be measured from the street property line to the nearest part of a building, except as provided in subsection (f) and on a line at right angles to or concentric with the street line.
- (f) Exceptions to Set-back Regulations. After the establishment of set-back regulations in a district in accordance with this code, no building or part of a building shall thereafter be erected closer to a street line than the set-back line established, except as follows: The building set-back line shall not apply to the eaves or cornice of a building projecting not over 3 feet beyond the set-back line, to an uncovered flight of steps leading to the first story level, to a flight of steps leading to an upper porch, to a private garage built into a bank in accordance with provisions of the housing code or building code, to a garage under a lawful porch or to an uncovered porch not exceeding 2 feet above the level of the adjoining ground; however, a covered porch or similar projection from a building shall be subject to the set-back regulations.
- (g) Appeals. Appeals from the action of the bureau of buildings may be taken to the board of appeal, as provided for in article 5 of this code, when a building permit involving application of any established set-back line shall have been denied by said bureau, or in case of disputes between said bureau and an applicant or applicants for building permits in interpreting the meaning of any provision of any set-back ordinance enacted in accordance with the provisions of this

section, or in case of an alleged hardship not within the true intent and meaning of this article.

The board of appeal shall be confined in its action to a determination of said matters.

In all cases involving adjudged hardship or unreasonableness in the application of prescribed set-back regulations, the board of appeal shall have the power to make adjustments in the application of set-back regulations, where topography, odd shape or size of the lot, existing buildings, or other peculiar conditions render a strict interpretation of the law unreasonable, unjust, or harmful and not within the true intent and meaning of this article.

Article 9. Works of Art, Ornament or Commemoration.

[Note: Article 9 added by Ordinance No. 86792, passed February 26, 1948, effective March 28, 1948.]

Section 6-901. FUNCTIONS OF COMMISSION. The City Planning Commission shall act as an advisory board to the Council of the City of Portland with regard to conservation of beauty and artistic use of properties owned by the City or constructed or proposed to be constructed in any public street, avenue, place, or other public place. In exercising this function the City Planning Commission may act in its own behalf or may act by committee, which committee shall include one or more members of the City Planning Commission and five laymen, including one representative of the Portland Art Association, one from the American Institute of Architects, one a professional landscape architect, one from the Society of Oregon Artists, and one representing the public at large. Matters concerning such conservation and use as above recited may be referred by the City Council or any City Commissioner to the City Planning Commission for its advice and recommendation and the Commission is hereby authorized to make initiative recommendations to the City Council relative to such conservation and use. No work of art shall be acquired by the City of Portland by gift or purchase or be erected or placed in any building owned by the City of Portland or in any street, avenue, or park, or other public place, or relocated, or altered, until such work of art or the complete design of the same, together with data as to its proposed location, has been submitted to the City Planning Commission and passed upon by said Commission and approved by the Council. Failure of the Commission to act within 30 days shall be deemed approval and the matter may then be acted upon by the Council.

Copied for Plan.Com.  
Agenda for April, 1948.  
PC files 4-5-48



Article 10. Interim Zoning for Annexed Territory.

[Note: Article No. 10 added by Ordinance No. 88297 passed and effective December 2, 1948.]

Section 6-1001. ZONING MAP OF THE BERTHA WATER DISTRICT AREA TO BE PART OF THIS ARTICLE AND CODE.

The property within the area outlined in yellow, which includes the Bertha Water District Area annexed to the City of Portland in 1948, shown on the zoning map designated as Map No. 1 (See Council Calendar No. 5498, November 26, 1948 for map) entitled "Proposed Rezoning of 1948 Annexations" in the Auditor's office is divided into districts, the zoning regulations for which are hereinafter set forth. Said map hereby is declared to be a part of this article and Code. The districts heretofore established and designated on said map and the boundaries thereof hereby are confirmed.

Section 6-1002.

Zone I. The area within said yellow outline remaining uncolored on said map shall be designated as Interim Zone I and shall embrace and be limited to the same classifications and uses as those designated under the general headings "Class I" of Section 6-604 and related sections of this Code.

Zone II. The area colored blue on said map shall be designated Interim Zone II and shall embrace and be limited to the same classifications and uses as those under the general headings "Class II" of Section 6-604 and related sections of this Code.

Zone III. The area colored red on said map shall be designated as Interim Zone III and shall embrace and be limited to the same classifications and uses as those designated under the general headings "Class III" of Section 6-604 and related sections of this Code.

Section 6-1003.

In all respects except as hereinabove otherwise specifically provided the provisions of the Planning and Zoning Code of the City of Portland (Ordinance No. 77953, passed October 8, 1942) shall apply to the property within said annexed territory, as designated on said map, and it is the intention of this article to apply the restrictions of all Class I zones of the City of Portland to the areas designated as Zone I on said map, of all Class II zones of the City of Portland to the areas designated as Zone II on said map, and of all Class III zones of the City of Portland to the areas designated as Zone III on said map. The provisions of this Planning and Zoning Code with reference to non-conforming uses shall apply in said annexed area, except that non-conforming uses in such area shall date from the effective date of this amendment, rather than the effective dates for non-conforming uses in other portions of the City of Portland as defined in other parts of this Planning and Zoning Code.

NOTE: See Ordinance No. 91734  
June 1, 1950

Making permanent zoning (ZONES I AND III)  
For Bertha Water District and  
Hessler Heights.

6-1001 to 6-1003

3-22-1951

Section 6-1004.

Note: Section 6-1004 added by Ordinance No. 93349 passed and effective January 11, 1951.7

In addition to the provisions hereinbefore provided for the Bertha Water District area, any other area hereafter annexed to the City of Portland, or heretofore annexed which has not been zoned, shall immediately upon such annexation, or as of the effective date of this amendment, be automatically classified as Zone I until a zoning plan for said area has been adopted by the Council; provided, however, that nothing herein shall be construed as affecting existing uses in the said area as of the date of annexation or the date of this amendment. The City Planning Commission shall recommend to the Council appropriate zoning for any area hereafter annexed and area heretofore annexed which has not been zoned at the time of this amendment within 60 days from and after the effective date of annexation and in so far as area heretofore annexed but not zoned within 60 days from effective date of this amendment.

6-1004

3-22-1951

Passed by the council October 8, 1942

R. E. Riley  
Mayor of the City of Portland

Attest:

Will E. Gibson  
Auditor of the City of Portland

Introduced by \_\_\_\_\_  
Approved by city attorney

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REFERENCE INDEX TO PLANNING AND ZONING CODE

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Ordinance No. 73797

Section 18-1805. APPLICATION FOR PERMIT. Such permit may be granted by the Bureau of Health upon written application, in districts in which the keeping of live stock is permitted by the planning and zoning code. In Zoning districts II and III the Bureau of Health may issue such a permit if the applicant obtain the approval of not less than 85% of the owners or persons in possession of residences within 300 feet of such existing or proposed stable, and if the Health Officer find that local conditions are such that such stable will not be detrimental to the public health, comfort, peace, safety or welfare. In Zone IV such a permit may be granted on the approval of the Health Officer.

Each permit shall be conditioned that the applicant shall maintain the stable in such a way as not to create a nuisance in the neighborhood. Such permit shall be refused if the Health Officer find that local conditions are such that the existing or proposed stable will be detrimental to the public health, comfort, peace, safety or welfare in the neighborhood.

Copied 6-7-51  
(bh)

3-22-1951



HEALTH AND SANITATION CODE  
OF THE CITY OF PORTLAND, OREGON.  
\* \* \* \* \*

Article 7. General Regulations.

\* \* \* \* \*

Section 18-711. POULTRY.

- (a) It shall be unlawful for any person to keep or store any live rabbits or live chickens, ducks, turkeys, geese, or any other live fowl in any cellar or basement or in or underneath any room where foodstuffs are kept, stored, prepared for sale, sold or offered for sale.
- (b) It shall be unlawful to kill any rabbits, chickens, ducks, turkeys, geese, or any other fowl in any cellar or basement or in or underneath any room where foodstuffs are kept, stored, prepared, sold, or offered for sale.
- (c) Slaughterhouses and other places where rabbits or fowl are killed or prepared for sale or storage shall be constructed with cement flooring with properly trapped sewer connections, connected with sewer or cesspool. Immediately after each killing, the floor shall be washed thoroughly, and the place shall at all times be kept in a clean and sanitary condition.
- (d) Should offensive or obnoxious odors arise from buildings or inclosures where fowl or rabbits are kept, the keeper thereof shall remove the same upon order so to do by the Bureau of Health.
- (e) All pens, yards and inclosures shall be kept in a clean and sanitary condition.

\* \* \* \* \*

Section 18-1112. MEAT MARKET AS A POULTRY SLAUGHTERHOUSE.

Every meat market which kills 50 or more fowls per week shall be subject so far as applicable to the regulations governing poultry slaughterhouses.

\* \* \* \* \*

Section 18-1202. UNLAWFUL TO SLAUGHTER WITHIN CITY LIMITS

It shall be unlawful for any person to kill or slaughter or cause to be killed or slaughtered within the limits of the City of Portland any animal or animals the flesh of which is to be sold or offered for sale or intended for human consumption. It shall be unlawful to erect, maintain or use within the limits of the city of Portland any house, shed, building, structure, yard, block, or enclosure or other building or place as a slaughterhouse or for the purpose of slaughtering animals.

\* \* \* \* \*

Passed by the Council April 9, 1942.

R. E. Riley

Mayor of the City of Portland

Attest:

Will E. Gibson  
Auditor of the City of Portland.

Copied 6-7-51  
(bh)

Section 22-1316.1. AUTOMOBILE TRAILERS USED FOR LIVING AND SLEEPING PURPOSES.

Note: Section 22-1316-1 added by Ordinance No. 77813 passed and effective September 10, 1942 and amended by Ordinance No. 77995, passed and effective November 5, 1942.

- (a) The number of trailers that may be located on the same lot with a dwelling and used for living or sleeping purposes, shall be limited to two (2) to a dwelling, provided that the lot on which such dwelling is located shall be not less in area than four thousand (4000) square feet for two trailers and three thousand three hundred (3300) square feet for one trailer. There shall be provided in the dwelling on the lot, at least one (1) toilet, one (1) sink, one (1) bath tub or shower and one (1) laundry tray.

A trailer shall be parked not closer to a street than the walls of the dwelling on the same lot which are closest to the street lot line and the trailer shall be not closer than ten (10) feet to any dwelling or to any other trailer. The occupant of the dwelling shall pay a minimum water fee for the dwelling and for each trailer.

- (b) Trailers used for living or sleeping purposes may be located on the same property with a gasoline filling station under the following conditions:

The number of such trailers shall not exceed two (2) for each water closet located in the filling station and available for use by the trailer occupants. Separate toilet facilities shall be provided for each sex.

A trailer shall be located not closer than ten (10) feet to any other trailer or to any building of frame construction; or closer than five (5) feet to a rear or side lot line; or closer than twenty (20) feet to a street lot line if in a Class I, Class I Special or a Class II residential zone as established by the Zoning Ordinance.

There shall be in the filling station as many wash basins or sinks made available for the use of the trailer occupants as the number of water closets.

Note: Section 22-1316.1 (c) amended by Ordinance No. 78377 passed and effective February 11, 1943.

- (c) The following regulations shall apply both to trailers located on the same lot with a dwelling, as covered in paragraph (a) and to trailers on the same lot with a filling station, as covered in paragraph (b):

fees see Section 22-1317. In connection with the application for such permit, there shall be furnished a plot plan showing the location of the dwelling or filling station and the location of all trailers on the lot, the address of the lot, the name of the occupant of the dwelling or manager of the filling station; the names of the occupants of the trailer, the license number of the trailer; a list of the sanitary facilities provided in the dwelling or in the filling station for use of the occupants of the trailer; and the type of heating and cooking facilities within the trailer. The life of the permit shall be only for the duration of the present war emergency and the time limit agreement covered in Section 22-1320 shall be signed by the occupant of the dwelling or the manager of the filling station. If, after issuance of a permit, the trailer authorized thereunder is moved from the premises, such permit shall be void and another trailer may not be located on the premises until a new permit shall have been issued. The permit for a trailer may be revoked by the Health Inspector in the event of unsatisfactory sanitary maintenance. If the occupant of the dwelling or manager of the filling station is changed, a new permit and agreement to cover each trailer is required.

- (d) In connection with a filling station utilized by trailers for sleeping or living purposes, the filling station may be itself utilized for living or sleeping purposes, provided it complies with the regulations of this article for a dwelling.

Section 22-1317. BUILDING PERMIT.

[Note: Section 22-1317 amended by Ordinance No. 78377, passed and effective February 11, 1943.]

A building permit shall be taken out for the construction, conversion, alteration or use of any building coming under the terms of this ordinance even though no construction work is involved. The fee for a permit issued under the regulations of this article shall be in accordance with the following schedule:

<u>Building alteration for the first new or additional family unit .....</u>	<u>\$2.50</u>
<u>For each additional family unit .....</u>	<u>1.00</u>
<u>For each new or additional sleeping room not a part of a family unit .....</u>	<u>.50</u>

<u>Dormitory for fifteen (15) or less persons</u>	3.00
<u>For each unit of ten (10) persons or part thereof over the first unit of fifteen (15)</u>	1.00
<u>Shack or garage converted to one family unit</u>	2.00
<u>Shack or garage converted for sleeping room only</u> . . . . .	1.50
<u>Trailer, each</u> . . . . .	1.50
<u>Minimum fee</u> . . . . .	1.50

The owner shall furnish to the Bureau of Buildings information in duplicate as to the present uses of the existing building and as to the proposed uses. The owner shall also furnish any other information needed to apply properly the regulations of this article.

Generally, the information furnished shall consist of sketch floor plans of each floor used for living purposes, giving dimensions of rooms, size of windows, number, location and width of stairs, corridors and fire escapes, and the number and location of plumbing fixtures. Any changes in partitions or other construction shall be clearly indicated.

When a permit is issued, one copy of the plans and other information shall be returned to the owner and the other copy shall be retained by the Bureau of Buildings.

No sketch or plan need be furnished if the Inspector of Buildings finds that it is not needed. If no sketch or plan is furnished the permit shall show all alteration and/or new construction and, if a plan or sketch is furnished, all alterations and/or new construction shall be indicated thereon.

A separate record shall be kept of the permits issued under the regulations of this article.

Note: Section 22-1317 amended by adding following paragraph by ordinance no. 78593, passed and effective April 8, 1943.

In cases where governmental authorities propose to erect, improve or alter structures upon property owned or controlled by the government or any of its governmental agencies and decline to comply with the ordinance provisions of the city, during the present war period and for six months after a formal declaration of peace the Bureau of Buildings is hereby authorized to entertain consideration of such applications and accompanying plans and indicate the points of noncompliance, and suggest compliance, but if the government authorities nevertheless propose to proceed without complying, the Bureau of Buildings may issue a permit therefor but such permit shall have stamped thereon the following:

This permit is a courtesy permit to the United States Government or one of its governmental agencies for construction as indicated herein but this construction does not fully comply with city of Portland ordinance requirements, and the city therefore assumes no moral or other responsibility for the consequences of such noncompliance.

The Bureau of Buildings shall also endorse a reference to this ordinance. On building permits heretofore issued under circumstances like the above the Bureau of Buildings shall make a similar endorsement upon the copy of permit in the possession of said bureau.