

Portland Zoning Code

**December 31, 1980**

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**Portland Zoning Code**  
**as of**  
**December 31, 1980**

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December 31, 1980



# **TITLE 33**

## **PLANNING AND ZONING**

**MUNICIPAL CODE**

**CITY OF PORTLAND, OREGON**

12-31-1980



TITLE 33

PLANNING AND ZONING

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

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

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

(Reprint 60  
June 6, 1979)



Title 33

PLANNING AND ZONING\*

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## Chapter 33.04

## TITLE AND PURPOSE

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- 33.04.010 Short title.  
33.04.020 Scope and purpose.

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

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

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

## Chapter 33.08

## PLANNING COMMISSION

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**33.08.010 Established.** The city planning commission, having been established and constituted as the planning agency of the city, is hereby continued.

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

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

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

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

**33.08.060 Power and duties.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) The city planning commission shall have and exercise all the powers and duties which are now or may hereafter be granted to or imposed upon city planning commissions by laws of the state; and, in addition thereto, such powers as are or may be provided by ordinance, this title, and the city charter.



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

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

## Chapter 33.12

### DEFINITIONS

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

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

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

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

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

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

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

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

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

**33.12.090 Apartment dwelling.** "Apartment dwelling" means a building or portion thereof, designed for occupancy by three or more families living independently of each other.

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

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

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

**33.12.130 Boarding house.** "Boarding house" means a building or portion thereof with not more than fifteen sleeping rooms where lodging and meals for more than five persons are



provided for compensation.

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

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

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

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

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

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

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

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

For a face having a curved or irregular surface of the ground, the face shall be divided into a number of parts, each having the same length with the length not exceeding ten feet but as

near ten feet as the case permits. The average elevation shall be determined at the center of these parts and the sum of the elevations shall be divided by the number of parts, the answer giving the average elevation of the face.

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

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

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

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

**33.12.185 Clinic, medical.** (Added by Ord. No. 140290 passed and effective July 24, 1975.) "Medical clinic" shall mean any facility occupied by state-licensed persons in private practice providing physical or mental health service and medical or surgical care of sick or injured persons but shall not include in-patient or over-night accommodations. "Medical clinic" includes health center, health clinic, and doctors' offices whether medical, dental, psychiatric or chiropractic.

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

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



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

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

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

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

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

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

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

**33.12.270 Dwellings, multi-family.** For the definition of "multi-family dwellings" see Apartment dwellings, Section 33.12.090.

**33.12.280 Dwelling, one family.** "One family dwelling" means a detached building designed exclusively for occupancy by one family.

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

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

**33.12.310 Family.** (Amended by Ord. No. 138371 passed June 13, effective July 13, 1974.) "Family" means one person or two or more persons related by blood, marriage, legal adoption or guardianship plus not more than four additional persons, excluding servants, all living together as a single housekeeping unit in a dwelling unit.

Facilities or institutions that are operated for the purpose of providing care that includes a planned treatment or training program are not a "family."

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

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



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

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

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

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

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

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

any helicopter or other aircraft capable of hovering regardless of ownership or control.

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

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

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

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

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



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

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

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

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

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

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

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

**33.12.410 Hospital, remedial.** (Repealed by Ord. No. 140290 passed and effective July 24, 1975.)

**33.12.420 Hotel.** "Hotel" means a building designed or used for occupancy as the place of abode of individuals who are lodged with or without meals, in which there are more than fifteen sleeping rooms, and in which no provision is made for cooking in any individual room or suite.

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

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

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

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

**33.12.450 Lot.** (Amended by Ord. No. 131818, 135378; and 140290 passed and effective July 24, 1975.) "Lot" means any continuous area, tract or parcel of land owned

\*See Chapter 33.86 for additional information.



## PLANNING AND ZONING

by or under the lawful control and in the lawful possession of one distinct ownership undivided by a dedicated street or alley or another ownership. An abutting "platted lot" or property described by metes and bounds in the same ownership shall be considered a part of such "lot" and any division of the ownership shall be in compliance with provisions of this code. Where the term "site" is used in this title it is used in place of "lot".

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

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

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

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

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

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

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

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

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

**33.12.535 Lot, platted.** (Added by Ord. No. 131818 passed Nov. 19, effective Dec. 21,

1970.) "Platted lot" means one of the category of smallest described parcels of land in the subdivision, duly approved and recorded with the county clerk.

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

**33.12.550 Lot width.** "Lot width" means the perpendicular distance measured between the mid-points of the two principal opposite side lot lines and at approximately right angles to the lot depth.

**33.12.560 Motel.** "Motel" means an individual building or group of attached or detached buildings containing guest rooms; together with conveniently located parking space on the same lot which is designed, used, or intended to be used for the accommodation of automobile transients. The term includes auto courts, motor lodges and tourist courts.

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

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

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

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

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

**33.12.569 Noise sensitive uses.** (Added by Ord. No. 150569 passed Oct. 8, effective Nov. 8, 1980.) "Noise-sensitive uses" are those uses and activities whose enjoyment or value are most likely to be affected by noise, including: resi-



dences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, picnic areas, recreation areas, playgrounds, active sports areas and parks.

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

**33.12.580 Owner.** (Amended by Ord. No. 148680 passed and effective Oct. 25, 1979.) "Owner" means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete assessment roll in the office of the county assessor.

**33.12.590 Parking space.\*** "Parking space" means a minimum gross area of two hundred and fifty square feet available for maneuvering and standing of operable passenger automobiles.

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

**33.12.605 Planned Unit Development.** (Added by Ord. No. 148244 passed Aug. 2, effective Sept. 4, 1979.) "Planned Unit Development" (PUD) is the residential development of a site based on a comprehensive

\*See Chapter 33.82 for additional information.

and complete design or plan treating the entire complex of land, structures, and uses as a single project. The standards of the underlying zone for lot size, minimum lot dimensions, type of structures, and yard requirements do not apply in a PUD.

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

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

**33.12.615 Residential care facility.** (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) "Residential care facility" means an establishment operated with twenty-four hour supervision for the purpose of serving not more than fifteen persons who by reason of their circumstances or condition require care while living as a single housekeeping unit in a dwelling unit.

Care is defined as room and board and the provision of a planned treatment program; and planned treatment means a previously determined program of counseling, therapy, or other rehabilitative social service provided for a group of persons of similar or compatible circumstances or conditions; and a planned treatment program which requires regular on-premise physician's or nurse's care as part of the planned treatment shall not be allowed.

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

**33.12.630 Rooming house.** "Rooming house" means a building or portion thereof with not more than fifteen sleeping rooms where lodging for more than five persons is provided for compensation.

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

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

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

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

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

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

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

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



## PLANNING AND ZONING

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

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

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

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

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

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

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

the State Highway Commission changes its status to an ordinary highway.

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

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

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

**33.12.790 Use.** "Use" means the purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied.

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

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

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

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

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

Chapter 33.16

**ZONES ESTABLISHED — MAP**

**Sections:**

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

33.16.010 Zones Enumerated. (Amended by Ord. No. 138018, 147623; and 148537 passed and effective Oct. 3, 1979.) In order to carry out the purposes and provisions of these zoning regulations, the city of Portland is hereby divided into eighteen regular and eleven superimposed zones, known as:



## REGULAR ZONES

	<u>Full Name</u>	<u>Short Name</u>
FF	Farm and Forest Zone	FF Zone
R10	One Family Residential Zone	R10 Zone
R20	One Family Residential Zone	R20 Zone
R7	One Family Residential Zone	R7 Zone
R5	One Family Residential Zone	R5 Zone
A2.5	Apartment Residential Zone	A2.5 Zone
A1	Apartment Residential Zone	A1 Zone
A0	Apartment Residential Zone	A0 Zone
AX	Downtown Apartment Residential Zone	AX Zone
C5	Limited Commercial Zone	C5 Zone
C4	Local Commercial Zone	C4 Zone
C2	General Commercial Zone	C2 Zone
C1	Central Commercial Zone	C1 Zone
MX	Central Services Zone	MX Zone
M4	Limited Manufacturing Zone	M4 Zone
M3	Light Manufacturing Zone	M3 Zone
M2	General Manufacturing Zone	M2 Zone
M1	Heavy Manufacturing Zone	M1 Zone

## SUPERIMPOSED ZONES

Z	Downtown Development Zone	Z Zone
B	Buffer Zone	B Zone
D	Design Zone	D Zone
L	Aircraft Landing Zone	L Zone
P	Parking Zone	P Zone
S	Signboard Control Zone	S Zone
V	Variable Density Zone	V Zone
WI	Willamette Greenway Industrial	W1 Zone
WSD	Willamette Greenway Scenic Development	WSD Zone
WSR	Willamette Greenway Scenic Recreational	WSR Zone
WN	Willamette Greenway Natural	WN Zone

**33.16.020 Maps.** The zones aforesaid and the boundaries of such zones are shown upon the set of maps on file in the office of the city auditor, each entitled "Official Zoning Map, City of Portland, Oregon, Planning and Zoning Code," drawn to a scale of one inch equals one hundred feet and designated by the following numbers:

1619-20-21  
 1716-17-18-19-20-21-22-26-27  
 1816-17-18-19-20-21-22-26-27-28-29  
 1915-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30  
 2016-17-18-19-20-21-22-23-24-25-26-27-28-29-30  
 2116-17-18-19-20-21-22-23-24-25-26-27-28-29  
 2217-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-35  
 2318-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36  
 2419-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35  
 2519-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35  
 2618-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-37-38-39-40  
 2719-20-21-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40  
 2819-20-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40  
 2923-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40  
 3024-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40  
 3124-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40  
 3223-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40  
 3324-25-26-27-28-29-30-31-32-33-34-35-36-37-38  
 3423-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41  
 3523-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41  
 3622-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41  
 3722-23-24-25-26-27-28-29-30-31-32-33-34-35-37-39-40-41-42-43  
 3823-24-25-26-27-28-29-30-31-32-33-34-35-39-40-41-42-43  
 3923-24-25-26-27-28-29-30-31-32-34-35-39-40-41-42  
 4024-25-26-27-28-29-30-31  
 4125-26-30  
 4225-26

These maps and others added by subsequent annexations, and as amended hereafter, are hereby declared to be a part of this title. The zones hereby established and shown on said maps, and the boundaries thereof, are hereby confirmed. The maps and all notations, references, and other information shown



thereon shall be as much a part of this title as if the matters and information set forth by the maps were all fully described herein.

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

The R20 Zone is the most restricted, and the M1 Zone the least restricted.

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

## Chapter 33.18

### FF FARM AND FOREST ZONE

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

#### Sections:

33.18.010 Generally.

#### Principal Uses

- 33.18.020 Uses permitted.
- 33.18.050 Lot size required.
- 33.18.080 Maximum height permitted.
- 33.18.090 Minimum front yard.
- 33.18.100 Minimum side yard.
- 33.18.110 Minimum rear yard.
- 33.18.120 Signs permitted.

#### Conditional Uses

- 33.18.240 Uses permitted.
- 33.18.250 Regulations.
- 33.18.500 Prohibited uses.

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

#### Principal Uses

**33.18.020 Uses permitted.** In an FF Zone, the following uses are permitted:

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

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

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

(4) Public and private parks, playgrounds, recreational grounds, and grounds for games and sports except those the chief activity of which is carried on, or is customarily carried on, as a business.

(5) Single family dwelling if incidental to the above listed uses.

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

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

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

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



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

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

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

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

**33.18.090 Minimum front yard.\*** (1) There shall be a front yard of not less than fifty feet.

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

**33.18.100 Minimum side yard.\*** There shall be a minimum side yard of twenty-five feet on each side of any structure of twenty-five feet or less in height, but for every additional story of ten feet in height, there shall be an additional three feet of yard space.

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

**33.18.120 Signs permitted.** (1) One indirectly lighted or transparency name plate for each dwelling, not exceeding three-quarters of a square foot in area, indicating the name of the occupant.

(2) One unlighted sign, not exceeding twelve square feet in area containing only the name of the farm or other enterprise or advertising the dwelling or property for sale or rent.

(3) Signs, indirectly lighted or unlighted, not exceeding twenty square feet in area advertising farm products for sale, providing such products are grown on the premises.

#### Conditional Uses

**33.18.240 Uses permitted.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) In an FF Zone, the following may be permitted subject to the regulations contained in Section 33.18.250 and under the authority and according to the procedure specified in Chapter 33.106.

- (1) Cemeteries;
- (2) Crematories, mausoleums and columbariums;
- (3) Excavations and fillings;
- (4) Parks, recreation areas, golf courses, country clubs, and grounds for sports and games, which are customarily carried on as a business;
- (5) Kennels;
- (6) Private helistops;
- (7) Public utility structures and lines which are essential to the functioning and servicing of area residents;
- (8) Radio and television transmitter;
- (9) Railroad rights of way and passenger stations;
- (10) Riding academies;
- (11) Mass transit waiting stations or turn-arounds;
- (12) Natural resources.

\*See Chapter 33.90 for additional regulations.

\*See Chapter 33.90 for additional regulations.



## PLANNING AND ZONING

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

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

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

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

### **R20 ONE FAMILY RESIDENTIAL ZONE**

#### **Chapter 33.20**

##### **Sections:**

**33.20.010 Generally.**

##### **Principal Uses**

- 33.20.020** Uses permitted
- 33.20.030** Off-street parking required.
- 33.20.040** Off-street loading.
- 33.20.050** Lot size required.
- 33.20.060** Maximum lot coverage.
- 33.20.070** Minimum floor area permitted.
- 33.20.080** Maximum height permitted.
- 33.20.090** Minimum front yard.
- 33.20.100** Minimum side yard.
- 33.20.110** Minimum rear yard.
- 33.20.120** Signs permitted.

##### **Transitional Uses**

- 33.20.130** Uses permitted.
- 33.20.140** Lot size required.
- 33.20.145** Other regulations.

##### **Accessory Buildings and Uses**

- 33.20.150** Generally.
- 33.20.160** Height.
- 33.20.170** Classifications.
- 33.20.180** Type 1.
- 33.20.190** Type 2.
- 33.20.200** Type 3.
- 33.20.210** Type 4.

**33.20.220** Type 5.

**33.20.230** Type 6.

##### **Conditional Uses**

- 33.20.240** Uses permitted.
- 33.20.250** Regulations.
- 33.20.260** Apartment project or unit development.
- 33.20.270** Churches.
- 33.20.280** Residential buildings accessory to churches.
- 33.20.290** Colleges.
- 33.20.300** Community clubs.
- 33.20.310** Conversions to two family use.
- 33.20.320** Excavating or filling.
- 33.20.330** Golf courses, other country clubs and athletic clubs.
- 33.20.340** Convalescent home.
- 33.20.350** General hospitals.
- 33.20.360** Mental, remedial or detention hospitals.
- 33.20.370** Uses or buildings accessory to hospitals.

**33.20.380** Libraries.

**33.20.390** Museums.

**33.20.400** Private helistop.

**33.20.410** Public parks.

**33.20.420** Public utility structures.

**33.20.430** Railroad right-of-way and passenger stations.

**33.20.440** Nursery schools.

**33.20.450** Private or parochial elementary and public primary schools.

**33.20.460** Public elementary schools.

**33.20.470** Private, parochial or public high schools.

**33.20.475** Residential care facilities.

**33.20.480** Tract development and sales.

**33.20.485** Unit ownership or condominium project.

**33.20.490** Welfare institutions.

**33.20.500** Prohibited uses.

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

##### **Principal Uses**

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

- (1) One family dwelling;



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

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

**33.20.030 Off-street parking required.** (a) One off-street parking space per dwelling unit shall be provided and maintained on the same lot.

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

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

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

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

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

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

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

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

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

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

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

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

**33.20.050 Lot size required.** (a) The minimum lot area shall be twenty thousand square feet per dwelling unit.

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

(c) The minimum lot depth shall be one hundred twenty feet.

(d) (Amended by Ord. No. 144717 passed and effective Nov. 10, 1977.) No lot, tract, or

parcel of land shall be reduced by transfer of ownership, immediate or future, in area, width, or depth to less than stated in subsections (a), (b) and (c) above unless approved as provided in Chapter 33.98.

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

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

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

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

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

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

(b) On any lot, sloping downhill from the street which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more, measured in the general direction of the side lot



lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

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

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

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

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

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

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

**33.20.100 Minimum side yard.\*\*** (a) There shall be a minimum side yard on each side of any main building of ten feet.

(b) Where an entire frontage is designed and constructed as a unit, the required width of side yards with respect to lot lines may be varied

providing the distance between adjoining buildings equals the total combined width of two adjoining required side yards. This total combined width shall not thereafter be reduced by enlargement of either adjoining building.

**33.20.110 Minimum rear yard.\*** There shall be a minimum rear yard of ten feet.

**33.20.120 Signs permitted.** (a) One indirectly lighted or transparency name plate for each dwelling, not exceeding three-quarters of a square foot in area, indicating the name of the occupant.

(b) One unlighted sign, not exceeding twelve square feet in area, advertising the dwelling for sale or rent.

(c) Signs, indirectly lighted or unlighted, not exceeding twenty square feet in area, advertising farm products for sale, providing such products are grown on the premises.

(d) Advertising signs or features permanently identifying the tract development or a housing project shall be regulated as a conditional use.\*\*

#### Transitional Uses

**33.20.130 Uses permitted.** (Amended by Ord. No. 137307, 141161; and 142240 passed July 29, effective Aug. 30, 1976.) On a lot or portion of a lot, not exceeding one hundred feet in width, where the side of such lot abuts a C2, C1, M3, M2, or M1 zone, a two-family dwelling is permitted.

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

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

#### Accessory Buildings and Uses

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

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

**33.20.170 Classifications.** Accessory buildings and uses permitted in R20 Zones shall be divided into types as follows:

\*See Chapter 33.90 for additional regulations.  
\*\*See Chapter 33.106 and Section 33.20.500.

\*See Chapter 33.90 for additional regulations.  
\*\*See Chapter 33.90 for additional regulations.



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

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

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

Type 4: Moorage for private pleasure boats.

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

Type 6: Home occupations.

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

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

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

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

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

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

(4) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (3), it shall be

located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and in compliance with (3)A and (3)B;

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

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

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

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

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

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

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

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

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

(2) Such outbuilding shall not encroach upon a required yard of another building on the same lot. The distance from any such outbuilding to a



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rear or side lot line shall be the same as for a detached garage of the same size;

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

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

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

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

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

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

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

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

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

(1) Where a Type 5 accessory use contains a building, or is contained within a building, said building, whether attached or detached, shall

not be located closer to any lot line than that distance required of the principal use;

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

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

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

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

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

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

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



## Conditional Uses

**33.20.240 Uses permitted.** (Amended by Ord. No. 132825, 138936, 140290; and 148244 passed Aug. 2, effective Sept. 4, 1979.) In an R20 Zone, the following conditional uses may be permitted subject to the regulations contained in Section 33.20.250 and Chapter 33.79 and under the authority and according to the procedure specified in Chapter 33.106;

- (1) Aircraft landing area or private helistop
- (2) Cemeteries
- (3) Churches
- (4) Residential buildings accessory to churches
- (5) Colleges
- (6) Community Clubs
- (7) Conversions to two family use
- (8) Crematories, mausoleums and columbariums
- (9) Excavations and filling
- (10) Golf courses, other country clubs and athletic clubs
- (11) Governmental structures and land uses (local, state or federal) which are essential to the functioning and servicing of residential neighborhoods
- (12) Greenhouses, nurseries, or other propagation of plants, and their products for sale
- (13) Homes, convalescent
- (14) Hospitals, general
- (15) Hospitals, mental, remedial or detention
- (16) Uses or buildings accessory to hospitals
- (17) Libraries
- (18) Mass transit waiting stations or turn-arounds
- (19) Museums
- (20) Natural resources, development of
- (21) Parks, public
- (22) Planned Unit Developments
- (23) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods

- (24) Radio and television transmitters
- (25) Railroad rights-of-way and passenger stations
- (25.5) Residential care facility
- (26) Riding academies
- (27) Schools, nursery
- (28) Schools, parochial or private
- (29) Schools, public
- (30) Tract development and sales
- (31) Unit ownership or condominium projects
- (32) Welfare institutions

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

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

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



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

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

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

(4) Minimum front yard:

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

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

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

(6) Signs permitted: One sign not to exceed seven feet in length nor fifteen square feet in area and one church bulletin board, not exceeding twenty square feet in area. Neither sign nor bulletin board shall extend above the building height nor over the sidewalk and each must be located on the property of the church. Any illumination shall be indirect and nonflashing.

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

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

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

**33.20.290 Colleges.** Regulations for colleges shall be as follows:

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



provided;

(2) Minimum front yard: Fifty feet;

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

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

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

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

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

(4) Minimum front yard:

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

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

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

**33.20.310 Conversions to two family use.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Regulations for conversions to two family use shall be as follows:

(1) The owner of a one family dwelling which is by greater size, greater age, obsolete plan, material, construction, large site size, or other features substantially different from the dwellings characterizing its immediate neighborhood, may petition for special two family use of the dwelling, and for permission to alter and recondition the premises for such use;

(2) Minimum floor area: The alterations shall provide a minimum floor area of one thousand



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square feet, exclusive of halls and entries, for each family unit to be constructed;

(3) Separate and complete sanitary conveniences shall be provided for each family unit;

(4) The converted dwelling shall conform to all other regulations governing one family dwellings in R20 Zones, except the lot size shall not be less than ten thousand square feet per dwelling unit.

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

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

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

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

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

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

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

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

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

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

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

(6) Minimum front yard:

Small or medium homes forty feet provided,

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

Large homes fifty feet;

(7) Minimum side or rear yards:

Small homes 10 feet

Medium homes 15 feet

Large homes 20 feet

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

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

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

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

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

(3) Minimum site area:

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

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

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



hundred feet away from property lines bounding the project;

(5) Minimum front yard: Fifty feet;

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

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

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

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

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

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

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

(3) Minimum site area:

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

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

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

hundred feet away from the property lines bounding the project;

(5) Minimum front yard: Fifty feet;

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

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

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

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

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

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

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

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

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



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

(5) Minimum front yard: Fifty feet.

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

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

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

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

(c) Parking garages.

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

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

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

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

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

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

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

(4) No outside display window or windows nor signs advertising such uses visible from without the building wherein situated shall be allowed.

(5) The floor area devoted to all such uses within a main building or buildings shall not exceed ten percent of the gross floor area of such main building or buildings.

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

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

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

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

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

(4) Minimum front yard:

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

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

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

**33.20.390 Museums.** Regulations for museums shall be as follows:

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

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

(3) Minimum front yard:



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Minimum front yard: Fifty feet;

(4) Minimum side or rear yard:

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



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

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

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

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

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

(3) Minimum front yard: Fifty feet;

(4) Minimum side or rear yard:

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

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

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

(2) Minimum front yard: Fifty feet;

(3) Minimum side or rear yard:

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

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

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

B. The minimum lot width shall be eighty feet;

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

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

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

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

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

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

**33.20.480 Tract development and sales.** Regulations for tract development and sales shall be as follows:

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

(2) (Amended by Ord. No. 139117, passed and effective Nov. 20, 1974.) Signs and other features of a permanent nature intended to identify and designate the name of a subdivision or tract development are permitted. Any proposal hereunder may be referred to the design committee for review and suggested changes.

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

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



# R10 ONE FAMILY RESIDENTIAL ZONE

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

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

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

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

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

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

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

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

(5) Minimum front yard: Fifty feet;

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

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

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

## Chapter 33.22

### R10 ONE FAMILY RESIDENTIAL ZONE

#### Sections:

33.22.010 Generally.

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 33.22.030 Off-street parking required.  
 33.22.040 Off-street loading.  
 33.22.050 Lot size required.  
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 33.22.070 Minimum floor area permitted.  
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- 33.22.420 Public utility structures.
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- 33.22.450 Private or parochial elementary and public primary schools.
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- 33.22.470 Private, parochial or public high schools.
- 33.22.475 Residential care facilities.
- 33.22.480 Tract development and sales.
- 33.22.485 Unit ownership or condominium project.
- 33.22.490 Welfare institution.
- 33.22.500 Prohibited uses.

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

### Principal Uses

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

- (1) One family dwellings;
- (2) Farming and truck gardening. Produce sold shall be limited to that grown on the premises;
- (3) Keeping such animals and fowls as are incidental to residential or farming use and in accordance with health and sanitation regulations.

### **33.22.030 Off-street parking required.**

(a) One off-street parking space per dwelling unit shall be provided and maintained on the same lot.

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

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

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

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

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

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

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

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

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

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

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

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

**33.22.050 Lot size required.** (a) The minimum lot area shall be ten thousand square feet per dwelling unit.

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

(c) The minimum lot depth shall be one hundred feet.

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

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

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



33.98.020(b) of this title, the reference to 33.98.010 notwithstanding.

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

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

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

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

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

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

**33.22.090 Minimum front yard.\*** (a) There shall be a front yard of not less than thirty feet. Provided, however, that where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely

\*See Chapter 33.90 for additional regulations.



on the rear one-half of a lot shall not be counted.

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

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

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

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

**33.22.100 Minimum side yard.\*** (a) There shall be a minimum side yard on each side of any main building of ten feet.

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

**33.22.110 Minimum rear yard.\*** There shall be a minimum rear yard of ten feet.

**33.22.120 Signs permitted.** (a) One indirectly lighted or transparency name plate for each dwelling, not exceeding three-quarters of a square foot in area, indicating the name of the occupant.

(b) One unlighted sign, not exceeding twelve square feet in area, advertising the dwelling for sale or rent.

(c) Signs, indirectly lighted or unlighted, not exceeding twenty square feet in area, advertising farm products for sale, providing such products are grown on the premises.

(d) Advertising signs or features permanently identifying the tract development or a housing project shall be regulated as a conditional use.\*

#### Transitional Uses

**33.22.130 Uses permitted.** (Amended by Ord. No. 137307; and 141161 passed Jan. 15, effective July 15, 1976.) On a lot, or portion of a lot, not exceeding one hundred feet in width, where the side of such lot abuts a C2, C1, M3, M2, or M1 zone, a two-family dwelling is permitted.

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

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

#### Accessory Buildings and Uses

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

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

**33.22.170 Classifications.** Accessory buildings and uses permitted in R10 Zones shall be divided into types, as follows:

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

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

Type 3: Woodshed, toolshed, chicken house, rabbit hutch, barns, silos and other such

\*See Chapter 33.90 for additional regulations.

\*See Chapter 33.106 and Sections 33.22.250-33.22.490.



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outbuildings of utilitarian character and use, not necessarily related in design to the dwelling.

Type 4: Moorage for private pleasure boats.

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

Type 6: Home occupations.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

distance required of the principal use;

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

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

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

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

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

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

**33.22.230 Type 6.** (a) In R10 Zones home occupations in the same lot accessory to principal uses and transitional uses of a Type 6 classification shall be permitted only in the following categories:

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

(2) Studio for arts, handicrafts or tutoring;

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

(4) Headquarters for a craftsman or salesman.

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

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

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



(3) The scale of operations shall be distinctly limited in nature and conducted primarily as a supplementary, and not principal, source of family income; or as an accommodation for a handicapped or retired person; or as a starter operation for a limited period only until its size or other characteristics compel relocation to the appropriate nonresidential zone;

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

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

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

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

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

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

(10) (Amended by Ord. No. 140534 passed Sep. 4, effective Oct. 6, 1975.) Sign: A home occupation shall be permitted one nonilluminated or indirectly illuminated, non-flashing sign, not exceeding three quarters square foot in area, bearing the name of the occupant and/or a designation of any authorized home occupation, business, profession or calling conducted on the site. Such sign shall be in lieu of, not in addition to, any sign permitted by Section 33.22.120(a);

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

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

(13) Products made or sold shall be disposed

of primarily by delivery from the premises to the homes or places of business of customers;

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

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

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

(c) Procedure to establish and maintain a home occupation:

(1) Permits for home occupations shall be issued by the bureau of buildings, shall be valid for a period of two years only, and may be revoked at any time if the requirements of this title are not being met. The fee for such permit shall be ten dollars;

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

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

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



occupation is issued by the bureau of buildings.

(31) Unit ownership or condominium projects

(32) Welfare institutions

### Conditional Uses

**33.22.240 Uses permitted.** (Amended by Ord. No. 132825, 138936; 140290 and 148244 passed Aug. 2, effective Sept. 4, 1979.) In an R10 Zone, the following conditional uses may be permitted subject to the regulations contained in Section 33.22.500 and Chapter 33.79 and under the authority and according to the procedure specified in Chapter 33.106:

- (1) Aircraft landing area or private helistop
- (2) Cemeteries
- (3) Churches
- (4) Residential buildings accessory to churches
- (5) Colleges
- (6) Community clubs
- (7) Conversions to two family use
- (8) Crematories, mausoleums, and columbariums
- (9) Excavations and filling
- (10) Golf courses, other country clubs and athletic clubs
- (11) Governmental structures and land uses (local, state or federal) which are essential to the functioning and servicing of residential neighborhoods
- (12) Greenhouses, nurseries or other propagation of plants, and their products for sale
- (13) Homes, convalescent
- (14) Hospitals, general
- (15) Hospitals, mental, remedial or detention
- (16) Uses or buildings accessory to hospitals
- (17) Libraries
- (18) Mass transit waiting stations or turn-arounds
- (19) Museums
- (20) Natural resources, development of
- (21) Parks, public
- (22) Planned Unit Developments
- (23) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods
- (24) Radio and television transmitters
- (25) Railroad rights-of-way and passenger stations
- (25.5) Residential care facility
- (26) Riding academies
- (27) Schools, nursery
- (28) Schools, parochial or private
- (29) Schools, public
- (30) Tract development and sales

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

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

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



**33.22.270 Churches.** Regulations for churches shall be as follows:

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

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

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

(4) Minimum front yard:

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

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

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

(6) Signs permitted: One sign not to exceed seven feet in length nor fifteen square feet in area and one church bulletin board, not exceeding twenty square feet in area. Neither sign nor bulletin board shall extend above the building height nor over the sidewalk and each must be located on the property of the church. Any illumination shall be indirect and nonflashing.

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

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

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

**33.22.290 Colleges.** Regulations for colleges shall be as follows:

(1) Off-street parking required: One space per ten seats in classrooms. In addition, one space per five students housed on the campus in dormi-



tories, fraternities, or sororities shall be provided;

(2) Minimum front yard: Fifty feet;

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

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

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

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

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

(4) Minimum front yard:

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

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

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

**33.22.310 Conversions to two family use.** Regulations for conversions to two family use shall be as follows:

(1) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) The owner of a one family dwelling which is by greater size, greater age, obsolete plan, material, construction, large site size, or other features substantially different from the dwellings characterizing its immediate neighborhood, may petition for special two family use of the dwelling, and for permission to alter and recondition the premises for such use;

(2) Minimum floor area: The alterations shall provide a minimum floor area of one thousand square feet, exclusive of halls and entries, for each family unit to be constructed;

(3) Separate and complete sanitary conveniences shall be provided for each family unit;

(4) The converted dwelling shall conform to all other regulations governing one family



dwellings in R10 Zones, except the lot size shall not be less than five thousand square feet per dwelling unit.

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

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

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

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

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

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

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

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

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

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

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

(6) Minimum front yard:

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

on the rear one-half of a lot shall not be counted.

Large homes forty feet;

(7) Minimum side or rear yards:

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

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

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

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

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

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

(3) Minimum site area:

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

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

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

(5) Minimum front yard: Fifty feet;

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



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

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

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

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

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

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

(3) Minimum site area:

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

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

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be

no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Fifty feet;

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

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

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

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

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

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

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

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



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

(5) Minimum front yard: Fifty feet.

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

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

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

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

(c) Parking garages.

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

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

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

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

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

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

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

(4) No outside display window or windows nor signs advertising such uses visible from without the building wherein situated shall be allowed.

(5) The floor area devoted to all such uses within a main building or buildings shall not exceed ten percent of the gross floor area of such main building or buildings.

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

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

### **33.22.380 Libraries. Regulations for libraries shall be as follows:**

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

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

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

(4) Minimum front yard:

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

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

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

### **33.22.390 Museums. Regulations for museums shall be as follows:**

(1) Site area: Hereafter, no museum shall be established on a site of less than fifteen thousand square feet in area. Museums existing on a site less than fifteen thousand square feet may be enlarged, but in no case more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not



reduce the width of yards or increase the building coverage specified in subdivisions (2), (3) and (4);

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

(3) Minimum front yard:

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

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

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

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

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

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

**33.22.430 Railroad rights-of-way and passenger stations.** Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated as conditional uses. All other railroad facilities, such as switching yards, holding tracks, team tracks, freight depots, shops and roundhouses

are prohibited in R10 Zones.

**33.22.440 Nursery schools.** Regulations for nursery schools shall be as follows:

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

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

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

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

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

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

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

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

(3) Minimum front yard: Fifty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet in height 40 feet



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

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

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

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

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

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

(3) Minimum front yard: Fifty feet;

(4) Minimum side or rear yard:

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

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

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

(2) Minimum front yard: Fifty feet;

(3) Minimum side or rear yard:

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

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

(1) Lot size required. A. The minimum lot area shall be ten thousand square feet per facility;

B. The minimum lot width shall be seventy feet;

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

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

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

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

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

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

**33.22.480 Tract development and sales.** Regulations for tract development and sales shall be as follows:

(1) Advertising signs and temporary buildings, such as offices, tool sheds or similar structures, used in connection with tract development and sales, may be permitted provided such use may not continue more than three years, at which time such temporary structures will be moved;

(2) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Signs and other features of a permanent nature intended to identify and designate the name of a subdivision or tract development are permitted. Any proposal hereunder may be referred to the design committee for review and suggested changes.

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

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

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

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



**33.22.490 Welfare institution.** Regulations for welfare institutions shall be as follows:

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

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

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

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

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

(5) Minimum front yard: Fifty feet;

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

**33.22.500 Prohibited uses.** Uses of structures and land not specifically mentioned in this chapter are prohibited in all R10 Zones.

The use of automobile trailer houses as residences is prohibited in all R10 Zones. Such trailers are below the room size, ceiling height, and other regulations in the housing regulations.



Chapter 33.24

**R7 ONE FAMILY  
RESIDENTIAL ZONE**

**Sections:**

33.24.010 Generally.

**Principal Uses**

- 33.24.020 Uses permitted.
- 33.24.030 Off-street parking required.
- 33.24.040 Off-street loading.
- 33.24.050 Lot size required.
- 33.24.060 Maximum lot coverage.
- 33.24.070 Minimum floor area permitted.
- 33.24.080 Maximum height permitted.
- 33.24.090 Minimum front yard.
- 33.24.100 Minimum side yard.
- 33.24.110 Minimum rear yard.
- 33.24.120 Signs permitted.

**Transitional Uses**

- 33.24.130 Uses permitted.
- 33.24.140 Lot size required.
- 33.24.150 Other regulations.

**Accessory Buildings and Uses**

- 33.24.160 Generally.
- 33.24.170 Height.
- 33.24.180 Classifications.
- 33.24.190 Type 1.
- 33.24.200 Type 2.
- 33.24.210 Type 3.
- 33.24.220 Type 4.
- 33.24.230 Type 5.
- 33.24.240 Type 6.

**Conditional Uses**

- 33.24.250 Uses permitted.
- 33.24.260 Regulations.
- 33.24.280 Churches.
- 33.24.290 Residential building accessory to churches.
- 33.24.300 Colleges.
- 33.24.310 Community clubs.
- 33.24.320 Conversions to two family use.
- 33.24.330 Excavating or filling.
- 33.24.340 Golf courses, other country clubs and athletic clubs.
- 33.24.350 Convalescent home.

- 33.24.360 General hospitals.
- 33.24.370 Mental, remedial or detention hospitals.
- 33.24.380 Uses or buildings accessory to hospitals.
- 33.24.390 Libraries.
- 33.24.400 Museums.
- 33.24.410 Private helistop.
- 33.24.420 Public parks.
- 33.24.430 Public utility structures.
- 33.24.440 Railroad rights-of-way and passenger stations.
- 33.24.450 Nursery schools.
- 33.24.460 Private or parochial elementary and public primary schools.
- 33.24.470 Public elementary schools.
- 33.24.480 Private, parochial or public high schools.
- 33.24.485 Residential care facilities.
- 33.24.490 Tract development and sales.
- 33.24.495 Unit development or condominium project.
- 33.24.500 Welfare institution.
- 33.24.510 Prohibited uses.

**33.24.010 Generally.** In all R7 Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement or moving of existing structures shall conform in all respects to the regulations in this chapter.

**Principal Uses**

**33.24.020 Uses permitted.** In an R7 Zone, the following uses are permitted:

- (1) One family dwellings;
- (2) Farming and truck gardening. Produce sold shall be limited to that grown on the premises;
- (3) Keeping such animals and fowls as are incidental to residential or farming use and in accordance with health and sanitation regulations.

**33.24.030 Off-street parking required.** (a) One space per dwelling unit shall be provided and maintained on the same lot.

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

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

(d) Such space shall not be located in the



required front yard, but it may be located in the required side or rear yard, if not within a garage, carport, or other structure.

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

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

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

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

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

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

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

(l) In an R7 Zone, no overnight parking of trucks or other equipment on wheels or tracks exceeding one-half ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming and truck gardening on the premises.

**33.24.040 Off-street loading.** No off-street loading berths are required of principal uses in R7 Zones.

**33.24.050 Lot size required.** (a) The minimum lot area shall be seven thousand square feet per dwelling unit.

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

(c) (Amended by Ord. No. 131818 passed Nov. 19, effective Dec. 21, 1970.) The minimum lot depth shall be ninety feet.

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

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

or parcel meets the minimum requirements of (a), (b), (c) and (d) above.

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

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

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

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

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

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

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

**33.24.090 Minimum front yard.\*** (a) There shall be a front yard of not less than twenty feet; provided, however, that where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with

\*See Chapter 33.90 for additional regulations.



a variation of not more than ten feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

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

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

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

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

**33.24.100 Minimum side yard.\*** (a) There shall be a minimum side yard on each side of any main building according to height as follows:

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet

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

**33.24.110 Minimum rear yard.\*** There shall

\*See Chapter 33.90 for additional regulations.

be a minimum rear yard varying according to the height of the main building as follows:

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet

**33.24.120 Signs permitted.** (a) One indirectly lighted or transparency name plate for each dwelling, not exceeding three-quarters of a square foot in area, indicating the name of the occupant.

(b) One unlighted sign not exceeding twelve square feet in area, advertising the dwelling for sale or rent.

(c) Signs, indirectly lighted or unlighted, not exceeding twenty square feet in area, advertising farm products for sale providing such products are grown on the premises.

(d) Advertising signs or features permanently identifying the tract development or a housing project shall be regulated as a conditional use.\*

#### Transitional Uses

**33.24.130 Uses permitted.** (Amended by Ord. No. 137307; and 141161 passed Jan. 15, effective July 15, 1976.) On a lot, or portion of a lot, not exceeding seventy feet in width, where the side of such lot abuts a C2, C1, M3, M2, or M1 zone, a two-family dwelling is permitted.

**33.24.140 Lot size required.** (Amended by Ord. No. 141161 passed Jan. 15, effective July 15, 1976.) The minimum lot area shall be thirty-five hundred square feet per dwelling unit.

**33.24.150 Other regulations.** (Amended by Ord. No. 141161 passed Jan. 15, effective July 15, 1976.) Parking, yards and all other regulations applicable to principal uses in R7 zones shall apply.

#### Accessory Buildings and Uses

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

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

**33.24.180 Classifications.** Accessory buildings and uses permitted in R7 Zones shall be divided into types, as follows:

Type 1: Garage, carport, studio, pergola, private greenhouse or other similar structure

\*See Chapter 33.106-



related to dwelling in design, whether attached or detached.

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

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

Type 4: Moorage for private pleasure boats.

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

Type 6: Home occupations.

**33.24.190 Type 1.** In R7 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 1 classification shall comply with the following:

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

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

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

A. If an accessory building is located forty feet or more from the front lot line. Provided, however, that on a corner lot, a Type 1 accessory building may be located no closer than twenty-two feet to the front property line along the long dimension of the lot,

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

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

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

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

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



**33.24.200 Type 2.** In R7 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 2 classification shall comply with the following:

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

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

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

**33.24.210 Type 3.** In R7 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 3 classification shall comply with the following:

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

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

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

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

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

**33.24.220 Type 4.** In R7 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 4 classification shall comply with the following:

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

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

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

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

**33.24.230 Type 5.** In R7 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 5 classification shall comply with the following:

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

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

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

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

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

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

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

**33.24.240 Type 6.** (a) In R7 Zones home occupations in the same lot accessory to principal uses and transitional uses of a Type 6 classification shall be permitted only in the following categories:

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

(2) Studio for arts, handicrafts or tutoring;

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



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(4) Headquarters for a craftsman or salesman.

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

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

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

(3) The scale of operations shall be distinctly limited in nature and conducted primarily as a supplementary, and not principal source of family income; or as an accommodation for a handicapped or retired person; or as a starter operation for a limited period only until its size or other characteristics compel relocation to the appropriate nonresidential zone;

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

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

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

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

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

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

(10) (Amended by Ord. No. 140534 passed Sep. 4, effective Oct. 6, 1975.) Sign: A home occupation shall be permitted one nonilluminated or indirectly illuminated, non-flashing sign, not exceeding three quarters square foot in area, bearing the name of the occupant and/or a designation of any authorized home occupation, business, profession or calling conducted on the

site. Such sign shall be in lieu of, not in addition to, any sign permitted by Section 33.24.120(a).

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

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

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

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

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

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

(c) Procedure to establish and maintain a home occupation:

(1) Permits for home occupations shall be issued by the bureau of buildings, shall be valid for a period of two years only, and may be revoked at any time if the requirements of this title are not being met. The fee for such a permit shall be ten dollars;

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

(3) If, in the opinion of the applicant, the



bureau of buildings has acted arbitrarily and capriciously in withholding or revoking a permit for a home occupation, he may request an interpretation of the title by the city planning commission as provided in Section 33.114.030. In such cases the dwelling or accessory building to be devoted to a home occupation shall be open for inspection to the staff of the city planning commission on any day between eight a.m. and ten p.m.;

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

### CONDITIONAL USES

**33.24.250 Uses permitted.** (Amended by Ord. No. 132825, 138936, 140290; and 148244 passed Aug. 2, effective Sept. 4, 1979.) In an R7 Zone, the following conditional uses may be permitted subject to the regulations contained in Section 33.24.510 and Chapter 33.79 and under the authority and according to the procedure specified in Chapter 33.106:

- (1) Cemeteries
- (2) Churches
- (3) Residential buildings accessory to churches
- (4) Colleges
- (5) Community clubs
- (6) Conversions to two family use
- (7) Crematories; mausoleums and columbariums
- (8) Excavations and filling
- (9) Golf courses, other country clubs and athletic clubs
- (10) Governmental structures and land uses, local, state or federal, which are essential to the functioning and servicing of residential neighborhoods
- (11) Greenhouses, nurseries or other propagation of plants and their products for sale
- (12) Homes, convalescent
- (13) Hospitals, general
- (14) Hospitals, mental, remedial, or detention
- (15) Uses or buildings accessory to hospitals
- (16) Libraries
- (17) Mass transit waiting stations or turn-arounds
- (18) Museums
- (19) Natural resources, development of

- (20) Parks, public
- (21) Planned Unit Developments
- (22) Private helistop, accessory to a hospital
- (23) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods
- (24) Radio and television transmitters
- (25) Railroad rights-of-way and passenger stations
- (25.5) Residential care facility
- (26) Riding academies
- (27) Schools, nursery
- (28) Schools, parochial or private
- (29) Schools, public
- (30) Tract development and sales
- (31) Unit ownership or condominium projects
- (32) Welfare institutions

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

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

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



33.24.280 Churches. Regulations for churches shall be as follows:

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

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

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

(4) Minimum front yard:

For buildings under  
forty-five feet in  
height

twenty feet

For buildings forty-  
five feet and higher  
in height

thirty-five feet;

(5) Minimum side or rear yard:

For buildings under 15 feet in height	10 feet
For buildings 15 to 24 feet in height	13 feet
For buildings 25 to 34 feet in height	16 feet
For buildings 35 to 44 feet in height	20 feet
For buildings 45 to 54 feet in height	25 feet
For buildings 55 to 64 feet in height	35 feet
For buildings 65 to 74 feet in height	45 feet;

(6) Signs permitted: One sign not to exceed seven feet in length nor fifteen square feet in area and one church bulletin board, not exceeding twenty square feet in area. Neither sign nor bulletin board shall extend above the building height nor over the sidewalk and each must be located on the property of the church. Any illumination shall be indirect and nonflashing.



**33.24.290 Residential building accessory to churches.** Regulations for residential building accessory to churches shall be as follows:

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

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

**33.24.300 Colleges.** Regulations for colleges shall be as follows:

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

(2) Minimum front yard: Forty feet;

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

(4) Site area: For dormitories, fraternities, and sororities not located on or contiguous to the college campus, a minimum of five thousand square feet of site area shall be provided for each ten persons residing in such buildings.

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

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

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

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

(4) Minimum front yard:

For buildings under forty-five feet in height

twenty feet

For buildings forty-five feet

and higher in height

thirty-five feet;

(5) Minimum side or rear yard:



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For buildings under 15 feet in height 10 feet  
For buildings 15 to 24 feet in height 13 feet  
For buildings 25 to 34 feet in height 16 feet  
For buildings 35 to 44 feet in height 20 feet.

**33.24.320 Conversions to two family use.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Regulations for conversions to two family use shall be as follows:

(1) The owner of a one family dwelling which is by greater size, greater age, obsolete plan, material, construction, large site size, or other features substantially different from the dwellings characterizing its immediate neighborhood, may petition for special two family use of the dwelling, and for permission to alter and recondition the premises for such use;

(2) **Minimum floor area:** The alterations shall provide a minimum floor area of eight hundred square feet, exclusive of halls and entries, for each family unit to be constructed;

(3) **Separate and complete sanitary conveniences** shall be provided for each family unit;

(4) The converted dwelling shall conform to all other regulations governing one family dwellings in R7 Zones, except the lot size shall not be less than thirty-five hundred square feet per dwelling unit.

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

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

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

(2) **Miniature golf courses and golf driving ranges** are prohibited in R7 Zones. Such uses are classified as commercial uses and are permitted only in C2 and M Zones;

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

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

(1) **Classification:** Homes having a capacity of ten or fewer patient beds are classed as small;

eleven to twenty beds, medium; over twenty beds, large;

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

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

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

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

(6) **Minimum front yard:**

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

Large homes thirty feet;

(7) **Minimum side or rear yards:** Small homes — five feet for a one story building, six feet for a two story building, and seven feet for a two and one-half story building.

Medium homes twelve feet.

Large homes — fifteen feet for a one story building plus five feet for each additional story.

**33.24.360 General hospitals.** Regulations for general hospitals shall be as follows:

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

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

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6



# R7 ONE FAMILY RESIDENTIAL ZONE

400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

## (3) Minimum site area:

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

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

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

(5) Minimum front yard: Forty feet;

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

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

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

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

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

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

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5

## Square Feet of Floor Area

## Loading Berths Required

320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

## (3) Minimum site area:

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

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

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

(5) Minimum front yard: Forty feet;

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

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

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

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

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

Upon submission of satisfactory evidence either that the accessory building will be



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

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

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

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

(5) Minimum front yard: Forty feet.

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

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

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

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

(c) Parking garages.

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

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

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

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

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

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

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

(4) No outside display window or windows nor signs advertising such uses visible from without the building wherein situated shall be allowed.

(5) The floor area devoted to all such uses within a main building or buildings shall not exceed ten percent of the gross floor area of such main building or buildings.

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

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

### 33.24.390 Libraries. Regulations for libraries shall be as follows:

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

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

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

(4) Minimum front yard:

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

For buildings forty-five feet and higher in



height thirty feet;

(5) Minimum side or rear yard:

For buildings under 15 feet in height .....	10 feet
For buildings 15 to 24 feet in height .....	13 feet
For buildings 25 to 34 feet in height .....	16 feet
For buildings 35 to 44 feet in height .....	20 feet
For buildings 45 to 54 feet in height .....	25 feet
For buildings 55 to 64 feet in height .....	35 feet
For buildings 65 to 74 feet in height .....	45 feet.

**33.24.400 Museums.** Regulations for museums shall be as follows:

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

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

(3) Minimum front yard:

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

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

(4) Minimum side or rear yard:

For buildings under 15 feet in height .....	10 feet
For buildings 15 to 24 feet in height .....	13 feet
For buildings 25 to 34 feet in height .....	16 feet
For buildings 35 to 44 feet in height .....	20 feet
For buildings 45 to 54 feet in height .....	25 feet
For buildings 55 to 64 feet in height .....	35 feet
For buildings 65 to 74 feet in height .....	45 feet.

**33.24.410 Private helistop.** A private

helistop may be permitted in connection with a principal or conditional hospital use and shall be subject to the additional regulations contained in Chapter 33.78.

**33.24.420 Public parks.** Regulations for public parks shall be as follows:

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

**33.24.430 Public utility structures.**

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

**33.24.440 Railroad rights-of-way and passenger stations.** Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated as conditional uses. All other railroad facilities such as switching yards, holding tracks, freight depots, shops, and roundhouses are prohibited in R7 Zones.

**33.24.450 Nursery schools.** Regulations for nursery schools shall be as follows:

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

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

(3) Outdoor play area: An outdoor play area shall be provided and thereafter maintained with a minimum area of one hundred square feet per child of total enrollment capacity of the school. Screening shall be provided separating such play area from abutting lots. Such screen shall be at least four feet but not more than six feet high



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and shall be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge.

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

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

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

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

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

(3) Minimum front yard: Forty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet	
in height . . . . .	20 feet
For buildings 15 to 24 feet	
in height . . . . .	30 feet
For buildings 25 to 34 feet	
in height . . . . .	40 feet
For buildings 35 to 44 feet	
in height . . . . .	50 feet.

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

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

(2) Site area: For school buildings being

enlarged or being constructed for the first time, the area of the site shall not be less than the following:

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

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

(3) Minimum front yard: Forty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet	
in height . . . . .	20 feet
For buildings 15 to 24 feet	
in height . . . . .	30 feet
For buildings 25 to 34 feet	
in height . . . . .	40 feet
For buildings 35 to 44 feet	
in height . . . . .	50 feet.

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

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

(2) Minimum front yard: Forty feet;

(3) Minimum side or rear yard:

For buildings under 15 feet	
in height . . . . .	20 feet
For buildings 15 to 24 feet	
in height . . . . .	30 feet
For buildings 25 to 34 feet	
in height . . . . .	40 feet
For buildings 35 to 44 feet	
in height . . . . .	50 feet.

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



## R5 ONE FAMILY RESIDENTIAL ZONE

(1) Lot size required. A. The minimum lot area shall be seven thousand square feet per facility;

B. The minimum lot width shall be sixty feet;

C. The minimum lot depth shall be ninety feet.

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

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

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

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

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

**33.24.490 Tract development and sales.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Regulations for tract development and sales shall be as follows:

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

(2) Signs and other features of a permanent nature intended to identify and designate the name of a subdivision or tract development are permitted. Any proposal hereunder may be referred to the design committee for review and suggested changes.

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

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

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

(3) The entire site as developed shall be restricted as to changes or dissolution of unit

ownership, as found appropriate in the interest of the neighborhood and the public.

**33.24.500 Welfare institution.** Regulations for welfare institutions shall be as follows:

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

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

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

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

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

(5) Minimum front yard: Forty feet;

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

**33.24.510 Prohibited uses.** Uses of structures and land not specifically mentioned in this chapter are prohibited in all R7 Zones.

The use of automobile trailer houses as residences is prohibited in all R7 Zones. Such trailers are below the room size, ceiling height, and other regulations in the housing regulations.

### Chapter 33.26

### R5 ONE FAMILY

### RESIDENTIAL ZONE

#### Sections:

33.26.010 Generally.

#### PRINCIPAL USES

33.26.020 Uses permitted.

33.26.030 Off-street parking required.

33.26.040 Off-street loading.



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- 33.26.050 Lot size required.
- 33.26.060 Maximum lot coverage.
- 33.26.070 Minimum floor area permitted.
- 33.26.080 Maximum height permitted.
- 33.26.090 Minimum front yard.
- 33.26.100 Minimum side yard.
- 33.26.110 Minimum rear yard.
- 33.26.120 Signs permitted.

### TRANSITIONAL USES

- 33.26.130 Uses permitted.
- 33.26.140 Lot size required.
- 33.26.145 Other regulations.

### ACCESSORY BUILDINGS AND USES

- 33.26.150 Generally.
- 33.26.160 Height.
- 33.26.170 Classifications.
- 33.26.180 Type 1.
- 33.26.190 Type 2.
- 33.26.200 Type 3.
- 33.26.210 Type 4.
- 33.26.220 Type 5.
- 33.26.230 Type 6.

### CONDITIONAL USES

- 33.26.240 Uses permitted.
- 33.26.250 Regulations.
- 33.26.260 Apartment project or unit development.
- 33.26.270 Churches.
- 33.26.280 Residential buildings accessory to churches.
- 33.26.290 Colleges.
- 33.26.300 Community clubs.
- 33.26.310 Conversions to two family use.
- 33.26.320 Excavating or filling.
- 33.26.330 Golf courses, other country clubs and athletic clubs.
- 33.26.340 Convalescent home.
- 33.26.350 General hospitals.
- 33.26.360 Mental, remedial or detention hospitals.
- 33.26.370 Uses or buildings accessory to hospitals.
- 33.26.380 Libraries.
- 33.26.390 Museums.
- 33.26.400 Private helistop.
- 33.26.410 Public parks.
- 33.26.420 Public utility structures.
- 33.26.430 Railroad rights-of-way and passenger stations.
- 33.26.440 Nursery schools.
- 33.26.450 Private or parochial elementary and public primary schools.
- 33.26.460 Public elementary schools.

- 33.26.470 Private, parochial or public high schools.

- 33.26.475 Residential care facilities.
- 33.26.480 Tract development and sales.
- 33.26.485 Unit ownership or condominium project.
- 33.26.490 Welfare institutions.
- 33.26.500 Prohibited uses.

33.26.010 Generally. In all R5 Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

### PRINCIPAL USES

33.26.020 Uses permitted. In an R5 Zone, the following uses are permitted:

- (1) One family dwellings;
- (2) Farming and truck gardening. Produce sold shall be limited to that grown on the premises;
- (3) Keeping such animals and fowls as are incidental to residential or farming use and in accordance with health and sanitation regulations.

### 33.26.030 Off-street parking required.

(a) One space per dwelling unit shall be provided and maintained on the same lot.

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

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

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

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

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

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

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

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

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



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

(l) In an R5 Zone, no overnight parking of trucks or other equipment on wheels or tracks exceeding one-half ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming and truck gardening on the premises.

**33.26.040 Off-street loading.** No off-street loading berths are required of principal uses in R5 Zones.

**33.26.050 Lot size required.** (a) The minimum lot area shall be five thousand square feet per dwelling unit.

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

(c) The minimum lot depth shall be eighty feet.

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

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

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

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

**33.26.060 Maximum lot coverage.** The area covered by all buildings, including accessory buildings, not exceeding one story in height, shall not exceed forty-five percent of the lot area; and the area covered by the portions of all buildings exceeding one story in height shall not exceed thirty-five percent of the lot area.

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



**33.26.080 Maximum height permitted.**

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

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

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

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

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

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

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

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

**33.26.100 Minimum side yard.\*** (a) There shall be a minimum side yard on each side of any main building according to height as follows:

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet.

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

**33.26.110 Minimum rear yard.\*** There shall be a minimum rear yard according to the height of the main building as follows:

For one story	5 feet
For one and one-half stories	6 feet
For two stories	6 feet
For two and one-half stories	7 feet.

\*See Chapter 33.90 for additional regulations.

\*See Chapter 33.90 for additional regulations.



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**33.26.120 Signs permitted.** (a) One indirectly lighted or transparency name plate for each dwelling, not exceeding three-quarters of a square foot in area, indicating the name of the occupant.

(b) One unlighted sign, not exceeding twelve square feet in area, advertising the dwelling for sale or rent.

(c) Signs, indirectly lighted or unlighted, not exceeding twenty square feet in area, advertising farm products for sale, providing such products are grown on the premises.

(d) Advertising signs or features permanently identifying the tract development or a housing project shall be regulated as a conditional use.\*

### TRANSITIONAL USES

**33.26.130 Uses permitted.** (Amended by Ord. No. 137307; and 141161 passed Jan. 15, effective July 15, 1976.) On a lot or portion of a lot not exceeding fifty feet in width, where the side of such lot abuts a C2, C1, M3, M2, or M1 zone, a two-family dwelling is permitted.

**33.26.140 Lot size required.** (Amended by Ord. No. 141161 passed Jan. 15, effective July 15, 1976.) The minimum lot area shall be twenty-five hundred square feet per dwelling unit.

**33.26.145 Other regulations.** (Renumbered and amended by Ord. No. 141161 passed Jan. 15, effective July 15, 1976.) Parking, lot size, yards and other regulations applicable to principal uses in R5 zones shall apply.

### ACCESSORY BUILDINGS AND USES

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

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

**33.26.170 Classifications.** Accessory buildings and uses permitted in R5 Zones shall be divided into types, as follows:

Type 1: Garage, carport, studio, pergola, private greenhouse or other similar structure related to dwelling in design, whether attached

or detached.

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

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

Type 4: Moorage for private pleasure boats.

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

Type 6: Home occupations.

**33.26.180 Type 1.** In R5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 1 classification shall comply with the following:

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

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

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

A. If an accessory building is located forty feet or more from the front lot line. Provided, however, that on a corner lot, a Type 1 accessory building may be located no closer than twenty-two feet to the front property line along the long dimension of the lot.

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

(4) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (3), it shall be located at least twelve inches from the side

\*See Sections 33.26.230-33.26.500.



and/or rear lot line with four inch allowance for eave or gutter projection and in compliance with subdivisions (3)A and (3)B above;

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

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

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

**33.26.190 Type 2.** In R5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 2 classification shall comply with the following:

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

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

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

**33.26.200 Type 3.** In R5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 3 classification shall comply with the following:

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

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

(3) The combined area of all Type 3

accessory buildings on the same lot or property shall not exceed in ground area one-twentieth of the area of the lot on which such buildings are situated;

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

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

**33.26.210 Type 4.** In R5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 4 classification shall comply with the following:

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

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

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

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

**33.26.220 Type 5.** In R5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 5 classification shall comply with the following:

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

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

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

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

C. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to



the front property line than permitted in A. or B.;

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

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

**33.26.230 Type 6.** (a) In R5 Zones home occupations in the same lot accessory to principal uses and transitional uses of a Type 6 classification shall be permitted only in the following categories:

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

(2) Studio for arts, handicrafts or tutoring;

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

(4) Headquarters for a craftsman or salesman.

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

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

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

(3) The scale of operations shall be distinctly limited in nature and conducted primarily as a supplementary, and not principal, source of family income; or as an accommodation for a handicapped or retired person; or as a starter operation for a limited period only until its size or other characteristics compel relocation to the appropriate nonresidential zone;

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

(5) The aggregate of all space within any or all buildings devoted to one or more home

occupations shall not exceed two hundred square feet in floor area;

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

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

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

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

(10) (Amended by Ord. No. 140534 passed Sep. 4, effective Oct. 6, 1975.) Sign: A home occupation shall be permitted one nonilluminated or indirectly illuminated, non-flashing sign, not exceeding three quarters square foot in area, bearing the name of the occupant and/or a designation of any authorized home occupation, business, profession or calling conducted on the site. Such sign shall be in lieu of, not in addition to, any sign permitted by Section 33.26.120(a).

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

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

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

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



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

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

(c) Procedure to establish and maintain a home occupation:

(1) Permits for home occupation shall be issued by the bureau of buildings, shall be valid for a period of two years only, and may be revoked at any time if the requirements of this title are not being met. The fee for such a permit shall be ten dollars;

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

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

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

### CONDITIONAL USES

33.26.240 Uses permitted. (Amended by Ord. No. 132825, 138936, 140290; and 148244 passed Aug. 2, effective Sept. 4, 1979.) In an R5 Zone, the following conditional uses may be permitted subject to the regulations contained in

Sections 33.26.250 - 33.26.490 and Chapter 33.79 and under the authority and according to the procedure specified in Chapter 33.160:

- (1) Cemeteries
- (2) Churches
- (3) Residential buildings accessory to churches
- (4) Colleges
- (5) Community clubs
- (6) Conversions to two family use
- (7) Crematories, mausoleums and columbariums
- (8) Excavations and filling
- (9) Golf Courses, other country clubs and athletic clubs;
- (10) Governmental structures and land uses, local, state or federal, which are essential to the functioning and servicing of residential neighborhoods
- (11) Greenhouses, nurseries or other propagation of plants and their products for sale
- (12) Homes, convalescent
- (13) Hospitals, general
- (14) Hospitals, mental, remedial or detention
- (15) Uses or buildings accessory to hospitals
- (16) Libraries
- (17) Mass transit waiting stations or turn-arounds
- (18) Museums
- (19) Parks, public
- (20) Planned Unit Developments
- (21) Private helistop, accessory to a hospital
- (22) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods
- (23) Radio and television transmitters
- (24) Railroad rights-of-way and passenger stations
- (24.5) Residential care facility
- (25) Schools, nursery
- (26) Schools, parochial or private
- (27) Schools, public
- (28) Tract development and sales
- (29) Unit ownership or condominium projects
- (30) Welfare institutions



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

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

**33.26.260 Apartment project or unit development.** (Repealed by Ord. No. 148547 passed and effective Oct. 4, 1979.)



**33.26.270 Churches.** Regulations for churches shall be as follows:

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

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

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

(4) Minimum front yard:

For buildings under forty-five feet in height fifteen feet

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

(5) Minimum side or rear yard:

For buildings under 15 feet in height . . . 10 feet

For buildings 15 to 24 feet in height . . . 13 feet

For buildings 25 to 34 feet in height . . . 16 feet

For buildings 35 to 44 feet in height . . . 20 feet

For buildings 45 to 54 feet in height . . . 25 feet

For buildings 55 to 64 feet in height . . . 35 feet

For buildings 65 to 74 feet in height . . . 45 feet;

(6) Signs permitted: One sign not to exceed seven feet in length nor fifteen square feet in area and one church bulletin board, not exceeding twenty square feet in area. Neither sign nor bulletin board shall extend above the building height nor over the sidewalk and each must be located on the property of the church. Any illumination shall be indirect and nonflashing.

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

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



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

**33.26.290 Colleges.** Regulations for colleges shall be as follows:

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

(2) Minimum front yard: Thirty feet;

(3) Minimum side or rear yard: No classroom, laboratory, stadium, or other main building shall be erected closer than fifty feet to any side or rear lot line. The side and rear yards for dormitories, fraternities and sororities shall not be less than fifteen feet for a one story building plus five feet for each additional story;

(4) Site area: For dormitories, fraternities and sororities not located on or contiguous to the college campus, a minimum of five thousand square feet of site area shall be provided for each ten persons residing in such buildings.

**33.26.300 Community clubs.** Regulations for community clubs shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium, or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: Hereafter, no community club shall be established on a site of less than fifteen thousand square feet in area. Community clubs existing on smaller sites may be enlarged but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5);

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet  
in height ..... fifteen feet  
For buildings forty-five feet and  
higher in height ..... thirty feet;

(5) Minimum side or rear yard:

For buildings under 15 feet in height ... 10 feet  
For buildings 15 to 24 feet in height ... 13 feet  
For buildings 25 to 34 feet in height ... 16 feet  
For buildings 35 to 44 feet in height ... 20 feet

**33.26.310 Conversions to two family use.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Regulations for conversions to two family use shall be as follows:

(1) The owner of a one family dwelling which is by greater size, greater age, obsolete plan, material, construction, large site size, or other features substantially different from the dwellings characterizing its immediate neighborhood, may petition for special two family use of the dwelling, and for permission to alter and recondition the premises for such use;

(2) Minimum floor area: The alterations shall provide a minimum floor area of eight hundred square feet, exclusive of halls and entries, for each family unit to be constructed;

(3) Separate and complete sanitary conveniences shall be provided for each family unit;

(4) The converted dwelling shall conform to all other regulations governing one family dwellings in R5 Zones, except the lot size shall not be less than twenty-five hundred square feet per dwelling unit.

**33.26.320 Excavating or filling.** Excavating or filling as defined in this title shall be regulated as a conditional use.

**33.26.330 Golf courses, other country clubs and athletic clubs.** Regulations for golf courses, other country clubs and athletic clubs shall be as follows:

(1) Minimum side or rear yards: Club houses, swimming pools, stadiums and any other structure dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R or A Zone;

(2) Miniature golf courses and golf driving ranges are prohibited in R5 Zones. Such uses are classified as commercial uses and are permitted only in C2 and M Zones;

(3) Quarters for animals shall be located at least two hundred feet from any property line bordering or within an R or A Zone.

**33.26.340 Convalescent home.** Regulations for a convalescent home shall be as follows:



(1) Classification: Homes having a capacity of ten or fewer patient beds are classed as small; eleven to twenty beds, medium; over twenty beds, large;

(2) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per five beds except for large homes, one space per three beds;

(3) Off-street loading: Large convalescent homes shall provide one berth;

(4) Minimum lot area: One thousand square feet per bed;

(5) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(6) Minimum front yard:

Small or medium homes ..... fifteen feet provided, however, that where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yard with a variation of not more than ten feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

Large homes ..... twenty-five feet;

(7) Minimum side or rear yards:

Small homes ..... five feet for a one story building, six feet for a two story building, and seven feet for a two and one-half story building.

Medium homes ..... 12 feet

Large homes ..... 15 feet

for a one story building plus five feet for each additional story.

**33.26.350 General hospitals.** Regulations for general hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any general hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum site area:

A. No hospital shall be established on a site less than twenty thousand square feet in area,

B. At least two thousand square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Thirty feet;

(6) Minimum side or rear yard: Thirty feet;

(7) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including accessory buildings shall not exceed thirty-five percent of the site area;

(8) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

**33.26.360 Mental, remedial or detention hospitals.** Regulations for mental, remedial or detention hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any mental, remedial, or detention hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:



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Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

### (3) Minimum site area:

A. No hospital shall be established on a site of less than five acres in area,

B. At least twenty-five hundred square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Thirty feet;

(6) Minimum side or rear yard: Thirty feet.

(7) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including accessory buildings shall not exceed twenty-five percent of the site area.

(8) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

**33.26.370** (Amended by Ord. No. 140290 passed and effective July 24, 1975.) **Uses or buildings accessory to hospitals.** Regulations for uses or buildings accessory to hospitals shall be as follows: (a) General regulations.

(1) The site of any accessory use or building shall be in the same ownership as the hospital to which it is an accessory unless a restriction is

placed upon the property occupied by the accessory use or building and recorded in the appropriate county records at the expense of the applicant, using forms prescribed for that purpose obtainable from the office of the planning commission.

Upon submission of satisfactory evidence either that the accessory building will be removed or that the proposed use of the accessory building will not be in conflict with the zoning in which it is located and that it will not alter the parking, site coverage, density and floor area of the hospital as permitted within a project area, the restriction upon the property shall be removed. A copy of said restriction removal shall be made available to the owner of said property for the purpose of recordation.

(2) The accessory use or building shall be located on the hospital site or on a separate site, the nearest portion of which is not more than one hundred feet removed from the hospital site to which it is an accessory.

(3) The accessory use or building, if located on a separate site, shall be restricted to a location abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

(4) Maximum height: Two and one-half stories or thirty-five feet, whichever is less, except there shall be no limit on buildings more than four hundred feet away from property lines bounding the project.

(5) Minimum front yard: Thirty feet.

(6) Minimum side or rear yard: Thirty feet.

(7) Maximum site coverage: Area covered by all buildings shall not exceed thirty-five percent of the site area if located on a separate site from the hospital to which it is an accessory. (See also Section 33.106.010.)

(b) Offices and/or clinics of physicians for private medical practice.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per each two hundred fifty square feet of gross floor area of any area assigned to such use.

(c) Parking garages.

(d) Residential facilities for staff, including nurses' homes, interns' quarters and other residential buildings.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided for each five persons residing in such building.



(2) Site area: In addition to required site area for hospitals, a minimum of five thousand square feet shall be provided for each ten persons residing in such accessory building.

(e) Retail facilities for the needs of the patient including gift shop, barber shop, book store, beauty shop, coffee shop, drug store or pharmacy, and other similar uses.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space per each two employees of such shop or store provided such employee has not been included as a hospital employee.

(2) Such use shall be conducted entirely within the hospital buildings to which it is accessory except that a coffee shop may have an outdoor dining area provided such area is screened so that it is not visible from a public street or another property.

(3) Such use shall have pedestrian access only through an interior hall or lobby of the building wherein situated.

(4) No outside display window or windows nor signs advertising such uses visible from without the building wherein situated shall be allowed.

(5) The floor area devoted to all such uses within a main building or buildings shall not exceed ten percent of the gross floor area of such main building or buildings.

(f) Training facilities including school of nursing and other types of training facilities.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per ten seats in classrooms provided students have not been included as hospital employees.

### 33.26.380 Libraries. Regulations for libraries shall be as follows:

(1) Off-street parking required: One space per four hundred square feet of reading room area;

(2) Site area: Hereafter, no library shall be established on a site of less than fifteen thousand square feet in area. Libraries existing on a site less than fifteen thousand square feet may be enlarged, but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5);

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height fifteen feet,

For buildings forty-five feet and higher in height thirty feet;

(5) Minimum side or rear yard:

For buildings under 15 feet

in height ..... 10 feet

For buildings 15 to 24 feet

in height ..... 13 feet

For buildings 25 to 34 feet

in height ..... 16 feet

For buildings 35 to 44 feet

in height ..... 20 feet

For buildings 45 to 54 feet

in height ..... 25 feet

For buildings 55 to 64 feet

in height ..... 35 feet

For buildings 65 to 74 feet

in height ..... 45 feet.

### 33.26.390 Museums. Regulations for museums shall be as follows:

(1) Site area: Hereafter, no museum shall be established on a site of less than fifteen thousand square feet in area. Museums existing on a site less than fifteen thousand square feet may be enlarged, but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (2), (3) and (4);

(2) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(3) Minimum front yard:

For buildings under forty-five feet in height fifteen feet,

For buildings forty-five feet and higher in height thirty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet

in height ..... 10 feet

For buildings 15 to 24 feet

in height ..... 13 feet

For buildings 25 to 34 feet

in height ..... 16 feet



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For buildings 35 to 44 feet in height .....	20 feet
For buildings 45 to 54 feet in height .....	25 feet
For buildings 55 to 64 feet in height .....	35 feet
For buildings 65 to 74 feet in height .....	45 feet.

**33.26.400 Private helistop.** A private helistop may be permitted only in connection with a principal or conditional hospital use. Any such private helistop shall be subject to the additional regulations contained in Chapter 33.78.

**33.26.410 Public parks.** Regulations for public parks shall be as follows:

Minimum side or rear yards: Community centers, swimming pools, stadiums and buildings or portions of buildings containing concessions dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R or A Zone.

**33.26.420 Public utility structures.** Exempted from these regulations are underground pipes and conduits and aboveground electric transmission, distribution, communication, and signal lines on a single pole system. All other transmission and public utility structures, such as double poles and steel towers for transmission lines, substations, automatic telephone exchanges, relay stations, pumping stations, and treatment plants shall be regulated as conditional uses.

**33.26.430 Railroad rights-of-way and passenger stations.** Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated as conditional uses. All other railroad facilities, such as switching yards, holding tracks, team tracks, freight depots, shops, and roundhouses are prohibited in R5 Zones.

**33.26.440 Nursery schools.** Regulations for nursery schools shall be as follows:

(1) Off-street parking required: One space per teacher in schools having four or more teachers;

(2) Off-street loading required: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and

unloading children shall be located on the site of any school having four or more teachers. Such driveway shall be paved with material as specified in the building regulations;

(3) Outdoor play area: An outdoor play area shall be provided and thereafter maintained with a minimum area of one hundred square feet per child of total enrollment capacity of the school. Screening shall be provided separating such play area from abutting lots. Such screen shall be at least four feet but not more than six feet high and shall be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge.

**33.26.450 Private or parochial elementary and public primary schools.** Regulations for private or parochial elementary and public primary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms On:	Maximum Number of Classrooms Per Acre
60 percent or more vacant	One floor	3.0
60 percent or more vacant	Two floors	3.0
Less than 60 percent vacant	One floor	4.0
Less than 60 percent vacant	Two floors	4.5

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area providing such space is made available by agreement with the bureau of parks;

(3) Minimum front yard: Thirty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet in height .....	20 feet
For buildings 15 to 24 feet in height .....	30 feet
For buildings 25 to 34 feet in height .....	40 feet



For buildings 35 to 44 feet  
in height .....50 feet.

**33.26.460 Public elementary schools.** Regulations for public elementary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms on:	Maximum Number of Classrooms Per Acre
60 percent or more vacant	One floor	2.5
60 percent or more vacant	Two floors	2.5
Less than 60 percent vacant	One floor	3.5
Less than 60 percent vacant	Two floors	4.0

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area provided such space is made available by agreement with the bureau of parks;

- (3) Minimum front yard: Thirty feet;  
(4) Minimum side or rear yard:

For buildings under 15 feet  
in height ..... 20 feet  
For buildings 15 to 24 feet  
in height ..... 30 feet  
For buildings 25 to 34 feet  
in height ..... 40 feet  
For buildings 35 to 44 feet  
in height .....50 feet.

**33.26.470 Private, parochial or public high schools.** Regulations for private, parochial or public high schools shall be as follows:

(1) Off-street parking required: One space per fifty-six square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per eight seats or sixteen feet of bench length in the main auditorium;

(2) Minimum front yard: Thirty feet;

(3) Minimum side or rear yard:

For buildings under 15 feet  
in height ..... 20 feet  
For buildings 15 to 24 feet  
in height ..... 30 feet  
For buildings 25 to 34 feet  
in height ..... 40 feet  
For buildings 35 to 44 feet  
in height .....50 feet.

**33.26.475 Residential care facilities.** (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) Regulations for residential care facilities shall be:

(1) Lot size required. A. The minimum lot area shall be five thousand square feet per facility.

B. The minimum lot width shall be fifty feet.

C. The minimum lot depth shall be eighty feet.

(2) Minimum on-site open space. A. Two hundred square feet for each resident served under the age of twelve years.

B. Three hundred square feet for each resident served twelve years through seventeen years of age.

C. One-hundred fifty square feet for each resident served eighteen years of age or older.

(3) Minimum off-street parking. One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility.

(4) Valid certificate of review (license to operate) issued under Chapter 8.80 of the municipal code.

**33.26.480 Tract development and sales.** Regulations for tract development and sales shall be as follows:

(1) Advertising signs and temporary buildings, such as offices, tool sheds, or structures used for similar purposes in connection with tract development and sales, may be permitted provided such use may not continue more than three years, at which time such temporary structures will be removed:

(2) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Signs and other features of a permanent nature intended to identify and designate the name of a subdivision or tract development are permitted. Any proposal hereunder may be referred to the design committee for review and suggested changes.



**33.26.485 Unit ownership or condominium project.** (Added by Ord. No. 132825 passed and effective June 10, 1971.) Regulations for unit ownership or condominium project shall be as follows:

(1) Development or use shall consist of dwellings compatible with use and development in the adjacent area, and suitable to the topography of the land;

(2) Development of roadways shall be in accordance with requirements of The City Engineer;

(3) The entire site as developed shall be restricted as to changes or dissolution of unit ownership, as found appropriate in the interest of the neighborhood and the public.

**33.26.490 Welfare institutions.** Regulations for welfare institutions shall be as follows:

(1) Off-street parking: One space per ten beds for patients or inmates;

(2) Off-street loading: For any welfare institution of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum site area: No institution shall be established on a site less than twenty thousand square feet in area;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Thirty feet;

(6) Minimum side or rear yard: Thirty feet.

**33.26.500 Prohibited uses.** Uses of structures and land not specifically mentioned in

this chapter are prohibited in all R5 Zones.

The use of automobile trailer houses as residences is prohibited in all R5 Zones. Such trailers are below the room size, ceiling height, and other regulations in the housing regulations.

## Chapter 33.30

### A2.5 APARTMENT RESIDENTIAL ZONE

#### Sections:

33.30.010 Generally.

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- 33.30.030 Off-street parking required.
- 33.30.040 Off-street loading.
- 33.30.050 Lot size required.
- 33.30.060 Maximum lot coverage.
- 33.30.070 Minimum floor area permitted.
- 33.30.080 Maximum height permitted.
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- 33.30.320 Golf courses, other country clubs and athletic clubs.
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- 33.30.440 Private or parochial elementary and public primary schools.
- 33.30.450 Public elementary schools.
- 33.30.460 Private, parochial or public high schools.
- 33.30.470 Tract development and sales.
- 33.30.475 Unit ownership or condominium project.
- 33.30.480 Welfare institutions.
- 33.30.490 Prohibited uses.

**33.30.010 Generally.** In all A2.5 Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

#### PRINCIPAL USES

**33.30.020 Uses permitted.** In an A2.5 Zone, the following uses are permitted:

- (1) One family dwellings;
- (2) Two family dwellings;
- (3) Apartment dwellings.

**33.30.030 Off-street parking required.** (a) One and two family dwellings: One space per dwelling unit according to the following regulations:

- (1) Such space shall be accessible to a public street or alley;
- (2) Such space shall be at least one hundred and sixty square feet in area;
- (3) Such space shall not be located in the required front yard but it may be located in the required side or rear yard, if not within a garage, carport, or other structure;
- (4) Such space shall be available for the parking of operable passenger automobiles only;
- (5) Such space shall not be rented by the day or part thereof;



## A2.5 APARTMENT RESIDENTIAL ZONE

(6) Such space, if uncovered, shall be paved in accordance with the provisions of the building regulations;

(7) The provision and maintenance of off-street parking space is a continuing obligation of the property owner;

(8) A plan, drawn to scale, indicating how the off-street parking requirement is to be fulfilled, shall accompany the request for a building or occupancy permit;

(9) Such space shall be improved and made available for use before the issuance of a certificate of final inspection by the bureau of buildings;

(10) Additional parking spaces provided on the premises shall be regulated as specified in subdivisions (3), (5) and (6);

(11) In an A2.5 Zone, no overnight parking of trucks or other equipment on wheels or tracks exceeding one-half ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming and truck gardening if permitted on the premises.

(b) Apartment dwellings: One space per dwelling unit according to the regulations in Chapter 33.82.

**33.30.040 Off-street loading.** No off-street loading berths are required of principal uses in A2.5 Zones.

**33.30.050 Lot size required.** (a) The minimum lot area shall be five thousand square feet for each one family dwelling.

(b) The minimum lot area shall be twenty-five hundred square feet per dwelling unit in structures containing two or more dwelling units.

(c) The minimum lot width shall be fifty feet.

(d) The minimum lot depth shall be eighty feet.

(e) (Amended by Ord. No. 144717 passed and effective Nov. 10, 1977.) No lot, tract, or parcel of land shall be reduced by transfer of ownership, immediate or future, in area, width, or depth to less than stated in subsections (a), (b), (c) and (d) unless approved as provided in Chapter 33.98.

(f) (Amended by Ord. No. 144667 passed and effective Nov. 3, 1977.) A one-family or two-family dwelling may be constructed notwithstanding the requirements of subsections (a), (b), (c), and (d) of this section is approved as provided in Chapter 33.98.

(g) (Amended by Ord. No. 134366, 139117, 139702, 141105; and 148873 passed and effective Dec. 13, 1979.) No dwelling shall be built or moved onto a lot not abutting a public street. Modification of this provision may be granted with procedure set forth in Sections 33.98.020 to 33.98.035 and more particularly Section 33.98.020(b) of this title, the reference to 33.98.010 notwithstanding.

(h) (Amended by Ord. No. 131818, 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) On a platted lot located in a subdivision plat duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, and held in ownership different from the ownership on any abutting lot, a one family dwelling may be constructed notwithstanding the requirements of subsections (a), (c) and (d) in this section; provided, however, that no construction of a one family dwelling shall be permitted upon a lot with dimensions less than four thousand square feet in area, forty feet in width, and eighty feet in depth unless approved as provided in Chapter 33.98.

**33.30.060 Maximum lot coverage.** The area covered by all buildings, including accessory buildings, not exceeding one story in height shall not exceed forty-five percent of the lot area, and the area covered by the portions of all buildings exceeding one story in height shall not exceed thirty-five percent of the lot area.

**33.30.070 Minimum floor area permitted.** There shall be no limitation except as regulated by the room size requirements in the housing regulations.

**33.30.080 Maximum height permitted.** (a) No structure shall exceed two and one-half stories, or thirty-five feet in height.

(b) On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more, measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the thirty-five foot height limit.

**33.30.090 Minimum front yard.** (a) There shall be a front yard of not less than fifteen feet; provided, however, that where lots comprising



forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

(b) Where a lot is situated between two lots, each of which has a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirements on such lot may be the average of the front yards of the existing buildings.

(c) Where a lot adjoins only one lot having a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirements on such lot may be the average of the front yard of the existing building and the established front yard line.

(d) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and located on that side which has not yet been dedicated or condemned, unless the yards provided on such lot include both that portion of the lot lying within the future street and the required yards.

(e) On corner lots, the front yard along the long dimension of the lot may be reduced to ten feet. In case of a square lot or lot having equal frontage on two intersecting streets, one front yard may be reduced to ten feet providing the other front yard is at least fifteen feet.

**33.30.100 Minimum side yard.\*** (a) There shall be a minimum side yard on each side of any main building according to height as follows:

For one story . . . . . 5 feet  
For one and one-half stories . . . . . 6 feet  
For two stories . . . . . 6 feet  
For two and one-half stories . . . . . 7 feet.

(b) Where an entire frontage is designed and constructed as a unit, the required width of side yards with respect to lot lines may be varied

providing the distance between adjoining buildings equals the total combined width of two adjoining required side yards. This total combined width shall not thereafter be reduced by enlargement of either adjoining building.

**33.30.110 Minimum rear yard.\*** There shall be a minimum rear yard according to the height of the main building as follows:

For one story . . . . . 5 feet  
For one and one-half stories . . . . . 6 feet  
For two stories . . . . . 6 feet  
For two and one-half stories . . . . . 7 feet.

**33.30.120 Minimum distance between buildings.** Where apartment houses are grouped as one project on one tract of land, the minimum distances between two buildings at any given point shall not be less than the sum of the required side yards computed separately for each building at that point.

**33.30.130 Signs permitted.** (a) One indirectly lighted or transparency name plate for each dwelling unit, not exceeding three-quarters of a square foot in area, indicating the name of the occupant.

(b) One unlighted sign, not exceeding twelve square feet in area, advertising the dwelling for sale or rent.

(c) Advertising signs or features permanently identifying the tract development of a housing project shall be regulated as a conditional use.\*\*

(d) Sign or signs, unlighted or indirectly lighted, not exceeding six square feet in total area, indicating the name of an apartment house.

#### TRANSITIONAL USES

**33.30.140 Uses permitted.** (Amended by Ord. No. 141161 passed Jan. 15, effective July 15, 1976.) On a lot, or portion of a lot, not exceeding seventy-five feet in width, where the side of such lot abuts C2, C1, or M zones, and where such lot, or portion of a lot, is no closer than one hundred feet to any property in an R zone, apartment dwellings are permitted with a minimum lot area as follows:

Three units - 5,000 square feet of lot area.  
Four units - 6,500 square feet of lot area.  
Five units - 7,500 square feet of lot area.  
Each additional unit - 2,500 square feet of lot area.

\*See Chapter 33.90 for additional regulations.

\*See Chapter 33.90 for additional regulations.  
\*\*See Sections 33.30.240-33.30.490.



**33.30.150 Other regulations.** (Amended by Ord. No. 141161 passed Jan. 15, effective July 15, 1976.) Parking, yards and all other regulations applicable to principal uses in A2.5 zones shall apply.

### ACCESSORY BUILDINGS AND USES

**33.30.160 Generally.** No separate permit shall be issued for the construction of any type of accessory building prior to that of the main dwelling.

**33.30.170 Height.** No accessory building shall exceed two stories in height.

**33.30.180 Classifications.** Accessory buildings and uses permitted in A2.5 Zones shall be divided into types, as follows:

Type 1: Garage, carport, studio, pergola, private greenhouse or other similar structure related to dwelling in design, whether attached or detached.

Type 2: A guest house, servant's house, caretaker's quarters or any such accessory building used for dwelling purposes.

Type 3: Woodshed, toolshed, chicken house, rabbit hutch, and other such outbuildings of utilitarian character and use, not necessarily related in design to the dwelling.

Type 4: Moorage for private pleasure boats.

Type 5: Swimming pool, tennis court, or other type of home recreational facility.

Type 6: Home occupations.

**33.30.190 Type 1.** In A2.5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 1 classification shall comply with the following:

(1) No Type 1 accessory building detached or attached to a one family dwelling, except a garage in a bank of earth or on sloping ground (see subdivisions (8) and (9)), shall be located closer to the street lot line than twenty-two feet;

(2) No accessory building, except a garage in a bank of earth or on sloping ground (see subdivisions (8) and (9)), shall be located in the street corner quarter of a corner lot;

(3) Under the following conditions, any Type 1 accessory building may be built adjacent to or on a rear and/or side lot line if the wall along or adjacent to such rear and/or side lot line is of masonry not less than eight inches in thickness

for its full length and width and for the full height of such accessory building:

A. If a detached accessory building is located ten or more feet to the rear of the main building,

B. If an attached accessory building is located forty feet or more from the front lot line,

C. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line; provided, however, a one-story detached garage legally erected along or adjacent to said lot line before March 4, 1948 may be extended in length not more than four feet with same type of construction as the existing garage if the number of cars to be accommodated is not increased;

(4) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (3), it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes;

(5) Any Type 1 accessory building, attached or detached, if more than one story, shall not be built up to either side and/or rear lot lines, and shall be subject to the regulations for lot coverage, yards, courts, and setback of a dwelling;

(6) No door of an accessory building shall at any point of its travel extend over a street lot line, except an overhead garage door;

(7) A garage may be located in a lower story of a dwelling but the garage portion of the dwelling, except when in a bank of earth or on sloping ground (see subdivisions (8) and (9)), shall not be built closer to a street lot line than the building wall at the side or above unless the wall of the garage portion is at least twenty-two feet from the street lot line. No motor vehicle door of such garage shall be located less than twenty-five feet from the corner of a lot where two streets intersect;

(8) A detached or attached garage, not exceeding five hundred fifty square feet in area, may be constructed in a natural bank of earth without regard to the front yard regulations, provided all exterior walls of the garage, with



the exception of the front wall, are concealed by the earth for not less than seventy-five percent of their separate areas. The height of the highest part of the garage wall or roof, if same comes above the level of the adjoining earth, shall not exceed ten feet above the floor level of the garage;

(9) When a detached or attached garage is constructed on a lot sloping downward from a street, the average elevation of the lot being not less than ten feet below the sidewalk level, the front wall of the garage need not set back farther from the street lot line than the average contour elevation line of the lot which is five feet below the sidewalk elevation. However, in no case shall the front wall of the garage be closer to the street lot line than five feet. Such garage shall not exceed a height of ten feet above the adjacent sidewalk level, shall not encroach upon the required yard of any building on the same lot, unless it is built up to the side lot line and complies with subdivision (3);

(10) The ground area covered by all Type 1 accessory buildings on the same lot of a one or two family dwelling shall not exceed ten percent of the lot area.

**33.30.200 Type 2.** In A2.5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 2 classification shall comply with the following:

(1) No Type 2 accessory building shall be built on a lot less than nine thousand square feet in area;

(2) If located to the rear of the main dwelling, a Type 2 accessory building shall be separated from the main dwelling by at least sixty feet;

(3) Type 2 accessory buildings shall conform in location on the lot to side, rear, and front yard regulations for principal uses.

**33.30.210 Type 3.** In A2.5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 3 classification shall comply with the following:

(1) No Type 3 accessory building shall be located closer than twenty-five feet to a street lot line;

(2) Such outbuilding shall not encroach upon a required yard of another building on the same lot. The distance from any such outbuilding to a rear or side lot line shall be the same as for a detached garage of the same size;

(3) The combined area of all Type 3 accessory buildings on the same lot or property shall not exceed in ground area one-twentieth of the area of the lot on which such buildings are situated;

(4) An outbuilding used for keeping chickens, pigeons, rabbits, goats or other animals, in addition to complying with the building regulations and health and sanitation regulations, shall not be located within fifty feet of any dwelling.

**33.30.220 Type 4.** In A2.5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 4 classification shall comply with the following:

(1) Any structure shall be located five feet or more from a side lot line;

(2) Covered structures shall be located adjacent to the natural shore line;

(3) Covered structures shall not occupy more than fifty percent of the width of the lot at the natural shore line;

(4) Any boat using such moorage shall not be used as a place of residence when so moored.

**33.30.230 Type 5.** In A2.5 Zones, uses and buildings on the same lot accessory to principal uses and transitional uses of a Type 5 classification shall comply with the following:

(1) Where a Type 5 accessory use contains a building or is contained within a building, the building whether attached or detached, shall not be located closer to any lot line than that distance required of the principal use;

(2) Under the following conditions, any Type 5 accessory building may be built adjacent to or on a rear and/or side lot line if the wall along or adjacent to such rear and/or side lot line is of masonry not less than eight inches in thickness for its full length and width and for the full height of such accessory building:

A. If a detached accessory building is located ten or more feet to the rear of the main building,

B. If an attached accessory building is located forty feet or more from the front lot line,

C. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line than permitted in A. or B. above;

(3) A detached accessory building shall not



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encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (2) above, it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes;

(4) No swimming pool shall be located closer than three feet to any property line nor closer than three feet to any wall or fence.

**33.30.240 Type 6.** (a) In A2.5 Zones home occupations in the same lot accessory to principal uses and transitional uses of a Type 6 classification shall be permitted only in the following categories:

(1) Office for professional, personal or business service;

(2) Studio for arts, handicrafts or tutoring;

(3) Shop for limited or custom production or minor repair service;

(4) Headquarters for a craftsman or salesman.

(b) Any such home occupations shall comply with the following limitations:

(1) No servant, employee or any person other than a member or members of the family residing within the dwelling shall engage in a home occupation therein or within an accessory building;

(2) No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations;

(3) The scale of operations shall be distinctly limited in nature and conducted primarily as a supplementary, and not principal, source of family income; or as an accommodation for a handicapped or retired person; or as a starter operation for a limited period only until its size or other characteristics compel relocation to the appropriate nonresidential zone;

(4) All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed Type 1, 2 or 3 accessory building;

(5) The aggregate of all space within any or all buildings devoted to one or more home occupations shall not exceed two hundred square feet in floor area, except such space within or on a lot occupied by an apartment

dwelling containing three or more units shall not exceed one hundred square feet in floor area for any one dwelling unit;

(6) Any home occupation which causes abnormal automotive or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited;

(7) No enlargements nor alterations to a dwelling or accessory building for the sole purpose of conducting a home occupation shall be permitted;

(8) The premises shall at all times be maintained as residential in appearance, cleanliness and quietness;

(9) Dimensions, power rating or weight of such equipment and tools used in the conduct of the home occupation shall not exceed that of normal household equipment and tools;

(10) (Amended by Ord. No. 140534 passed Sep. 4, effective Oct. 6, 1975.) Sign: A home occupation shall be permitted one nonilluminated or indirectly illuminated, non-flashing sign, not exceeding three quarters square foot in area, bearing the name of the occupant and/or a designation of any authorized home occupation, business, profession or calling conducted on the site. Such sign shall be in lieu of, not in addition to, any sign permitted by Section 33.30.130(a);

(11) Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building;

(12) Customer and client contact shall be primarily by telephone, mail or in their homes and places of business and not on the premises of the home occupation, except for those home occupations which by their very nature cannot otherwise be conducted except by personal contact with clients;

(13) Products made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers;

(14) (Amended by Ord. No. 139311 passed Jan. 16, effective Feb. 17, 1975.) Other than normal passenger automobiles, only one truck of no more than 8,400 lb. gross vehicle weight (GVW) is permitted to be operated, whether owned or rented, in connection with a home occupation. Such truck, if parked on the premises, shall be kept within a completely enclosed garage;



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(15) Instruction in music shall be limited to no more than two students at one time and in crafts to no more than six students at one time;

(16) An office for a physician or dentist is permitted primarily for emergency cases and as an accommodation for retired or part-time practitioners and not as a principal office for the practice of the profession.

(c) Procedure to establish and maintain a home occupation:

(1) Permits for home occupations shall be issued by the bureau of buildings, shall be valid for a period of two years only, and may be revoked at any time if the requirements of this title are not being met. The fee for such a permit shall be ten dollars;

(2) No permit shall be issued by the bureau of buildings until or unless the applicant shall have received the favorable approval, as indicated by signatures on the authorized application form, of owners or contract purchasers of not less than seventy-five percent of all property in the area bounded by lines one hundred feet, excluding street widths, from and parallel to the boundary lines of the lot proposed to contain each home occupation. Area of any property owned or occupied by the applicant shall be excluded in computing required percentage of approval;

(3) If, in the opinion of the applicant, the bureau of buildings has acted arbitrarily and capriciously in withholding or revoking a permit for a home occupation, he may request an interpretation of this title by the city planning commission as provided in Section 33.114.030. In such cases the dwelling or accessory building to be devoted to a home occupation shall be open for inspection to the staff of the city planning commission on any day between eight a.m. and ten p.m.;

(4) The bureau of licenses shall not issue a business license or accept payment of the fee until an occupancy permit for a home occupation is issued by the bureau of buildings.

### CONDITIONAL USES

**33.30.250 Uses permitted.** In an A2.5 Zone, the following conditional uses may be permitted subject to the regulations contained in Sections 33.30.260 - 33.30.480 and under the authority and according to the procedure specified in Chapter 33.106:

- (1) Cemeteries;
- (2) Churches;
- (3) Residential buildings accessory to churches;
- (4) Colleges;
- (5) Community clubs;
- (6) Crematories, mausoleums and columbariums;
- (7) Excavations and filling;
- (8) Golf courses, other country clubs and athletic clubs;
- (9) Governmental structures and land uses, local, state or federal, which are essential to the functioning and servicing of residential neighborhoods;
- (10) Greenhouses, nurseries or other propagation of plants, and their products for sale;
- (11) Homes, convalescent;
- (12) Hospitals, general;
- (13) Hospitals, mental, remedial or detention;
- (14) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Uses or buildings accessory to hospitals;
- (15) Libraries;
- (16) Mass transit waiting stations or turn-arounds;
- (17) Museums;
- (18) Parks, public;
- (19) Planned unit development;
- (20) Private helistop, accessory to a hospital;
- (21) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods;
- (22) Radio and television-transmitters;
- (23) Railroad rights-of-way and passenger stations;
- (23.5) Residential care facility; (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.)
- (24) Schools, nursery;
- (25) Schools, parochial or private;
- (26) Schools, public;
- (27) Tract development and sales;
- (28) (Changed by 132825; and 135386 passed Oct. 5, effective Nov. 6, 1972.) Welfare institutions.



## A2.5 APARTMENT RESIDENTIAL ZONE

**33.30.260 Regulations.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.



**33.30.265 Additional uses permitted.** (Added by Ord. No. 142826; amended by 143407 passed and effective April 6, 1977.) (a) Notwithstanding the conditional uses permitted under section 33.30.250, the following conditional use may be permitted when a zone change to A2.5 zone from a less restrictive zone has been granted under the authority and in accordance with the provisions of chapter 33.102.

(1) Apartment dwellings subject to the requirements of sections 33.32.030 to 33.32.130.

(b) Such conditional use may be permitted subject to the regulations contained in Section 33.30.260 and under the authority and according to the procedure specified in chapter 33.106. In addition, the conditional use shall satisfy certain criteria and requirements relating to the standard of quality in design and construction of such conditional use. A copy of said criteria and requirements as adopted by the council shall be filed with the auditor.

**33.30.270 Churches.** Regulations for churches shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: Hereafter, no church shall be established on a site of less than fifteen thousand square feet in area. Churches existing on a site less than fifteen thousand square feet may be enlarged provided such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5), and provided further that the off-street parking requirements shall be met;

(3) Maximum site coverage: Area covered by all buildings shall not exceed forty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height fifteen feet,

For buildings forty-five feet and higher in height thirty feet;

(5) Minimum side or rear yard:

For buildings under 15 feet

in height ..... 10 feet

For buildings 15 to 24 feet

in height ..... 13 feet

For buildings 25 to 34 feet

in height ..... 16 feet

For buildings 35 to 44 feet

in height ..... 20 feet

For buildings 45 to 54 feet

in height ..... 25 feet

For buildings 55 to 64 feet

in height ..... 35 feet

For buildings 65 to 74 feet

in height ..... 45 feet

(6) Signs permitted: One sign not to exceed seven feet in length nor fifteen square feet in area and one church bulletin board, not exceeding twenty square feet in area. Neither sign nor bulletin board shall extend above the building height nor over the sidewalk and each must be located on the property of the church. Any illumination shall be indirect and nonflashing.

**33.30.280 Residential buildings accessory to churches.** Regulations for residential buildings accessory to churches shall be as follows:

(1) Off-street parking required: In addition to spaces required for the church, one space shall be provided for each ten persons residing in such building;

(2) Site area: In addition to required site area for church buildings, a minimum of five thousand square feet shall be provided for each twenty persons residing in accessory residential buildings.

**33.30.290 Colleges.** Regulations for colleges shall be as follows:

(1) Off-street parking required: One space per ten seats in classrooms. In addition, one space per five students housed in dormitories, fraternities, or sororities shall be provided;

(2) Minimum front yard: Thirty feet;

(3) Minimum side or rear yard: No classroom, laboratory, stadium, or other main building shall be erected closer than fifty feet to any side or rear lot line. The side and rear yards for dormitories, fraternities, and sororities shall not be less than fifteen feet for a one story building plus five feet for each additional story;

(4) Site area: For dormitories, fraternities, and sororities not located on or contiguous to the college campus, a minimum of five thousand square feet of site area shall be provided for each five persons residing in such buildings.

**33.30.300 Community clubs.** Regulations for community clubs shall be as follows:

(1) Off-street parking required: One space



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per eighty-four square feet of floor area in the main auditorium or largest assembly room; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium or largest assembly room;

(2) Site area: Hereafter, no community club shall be established on a site of less than fifteen thousand square feet in area. Community clubs existing on smaller sites may be enlarged, but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5);

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height fifteen feet,

For buildings forty-five feet and higher in height thirty feet;

(5) Minimum side or rear yard:

For buildings under 15 feet

in height . . . . . 10 feet

For buildings 15 to 24 feet

in height . . . . . 13 feet

For buildings 25 to 34 feet

in height . . . . . 16 feet

For buildings 35 to 44 feet

in height . . . . . 20 feet.

**33.30.310 Excavating or filling.** Excavating or filling as defined in this title shall be regulated as a conditional use.

**33.30.320 Golf courses, other country clubs and athletic clubs.** Regulations for golf courses, other country clubs and athletic clubs shall be as follows:

(1) Minimum side or rear yards: Club houses, swimming pools, stadiums, and any other structure dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R or A Zone;

(2) Miniature golf courses and golf driving ranges are prohibited in A2.5 Zones. Such uses are classified as commercial uses and are permitted only in C2 and M Zones;

(3) Quarters for animals shall be located at least two hundred feet from any property line bordering or within an R or A Zone.

**33.30.330 Convalescent home.** Regulations for convalescent homes shall be as follows:

(1) Classification: Homes having a capacity of ten or fewer patient beds are classed as small; eleven to twenty beds, medium; over twenty beds, large;

(2) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per five beds except for large homes, one space per three beds;

(3) Off-street loading: Large convalescent homes shall provide one berth;

(4) Minimum lot area: One thousand square feet per bed;

(5) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(6) Minimum front yard: Small or medium homes fifteen feet provided, however, that where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

Large homes, twenty five feet;

(7) Minimum side or rear yards:

Small homes—five feet for a one story building, six feet for a two story building, and seven feet for a two and one-half story building.

Medium homes—twelve feet.

Large homes—fifteen feet for a one story building plus five feet for each additional story.

**33.30.340 General hospitals.** Regulations for general hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any general hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2



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100,000 - 159,999	3	160,000 - 239,999	4
160,000 - 239,999	4	240,000 - 319,999	5
240,000 - 319,999	5	320,000 - 399,999	6
320,000 - 399,999	6	400,000 - 489,999	7
400,000 - 489,999	7	490,000 - 579,999	8
490,000 - 579,999	8	580,000 - 669,999	9
580,000 - 669,999	9	670,000 - 759,999	10
670,000 - 759,999	10	760,000 - 849,999	11
760,000 - 849,999	11	850,000 - 939,999	12
850,000 - 939,999	12	940,000 - 1,029,999	13
940,000 - 1,029,999	13	Over - 1,030,000	14
Over - 1,030,000	14		

**(3) Minimum site area:**

A. No hospital shall be established on a site of less than twenty thousand square feet in area,

B. At least two thousand square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Thirty feet;

(6) Minimum side or rear yard: Thirty feet.

(7) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including accessory buildings shall not exceed thirty-five percent of the site area.

(8) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

**33.30.350 Mental, remedial or detention hospitals.** Regulations for mental, remedial or detention hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any mental, remedial, or detention hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3

**(3) Minimum site area:**

A. No hospital shall be established on a site of less than five acres in area,

B. At least twenty-five hundred square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Thirty feet;

(6) Minimum side or rear yard: Thirty feet.

(7) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including accessory buildings shall not exceed thirty-five percent of the site area.

(8) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

**33.30.360** (Amended by Ord. No. 140290 passed and effective July 24, 1975.) **Uses or buildings accessory to hospitals.** Regulations for uses or buildings accessory to hospitals shall be as follows: (a) General regulations.

(1) The site of any accessory use or building shall be in the same ownership as the hospital to which it is an accessory unless a restriction is placed upon the property occupied by the accessory use or building and recorded in the appropriate county records at the expense of the applicant, using forms prescribed for that purpose obtainable from the office of the planning commission.

Upon submission of satisfactory evidence either that the accessory building will be removed or that the proposed use of the accessory building will not be in conflict with



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the zoning in which it is located and that it will not alter the parking, site coverage, density and floor area of the hospital as permitted within a project area, the restriction upon the property shall be removed. A copy of said restriction removal shall be made available to the owner of said property for the purpose of recordation.

(2) The accessory use or building shall be located on the hospital site or on a separate site, the nearest portion of which is not more than one hundred feet removed from the hospital site to which it is an accessory.

(3) The accessory use or building, if located on a separate site, shall be restricted to a location abutting a major or secondary traffic

arterial with off-street parking ingress directly from and egress directly to such arterial.

(4) Maximum height: Two and one-half stories or thirty-five feet, whichever is less, except there shall be no limit on buildings more than four hundred feet away from property lines bounding the project.

(5) Minimum front yard: Thirty feet.

(6) Minimum side or rear yard: Thirty feet.

(7) Maximum site coverage: Area covered by all buildings shall not exceed thirty-five percent of the site area if located on a separate site from the hospital to which it is an accessory. (See also Section 33.106.010.)

(b) Offices and/or clinics of physicians for



private medical practice.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per each two hundred fifty square feet of gross floor area of any area assigned to such use.

(c) Parking garages.

(d) Residential facilities for staff, including nurses' homes, interns' quarters and other residential buildings.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided for each five persons residing in such building.

(2) Site area: In addition to required site area for hospitals, a minimum of five thousand square feet shall be provided for each ten persons residing in such accessory building.

(e) Retail facilities for the needs of the patient including gift shop, barber shop, book store, beauty shop, coffee shop, drug store or pharmacy, and other similar uses.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space per each two employees of such shop or store provided such employee has not been included as a hospital employee.

(2) Such use shall be conducted entirely within the hospital buildings to which it is accessory except that a coffee shop may have an outdoor dining area provided such area is screened so that it is not visible from a public street or another property.

(3) Such use shall have pedestrian access only through an interior hall or lobby of the building wherein situated.

(4) No outside display window or windows nor signs advertising such uses visible from without the building wherein situated shall be allowed.

(5) The floor area devoted to all such uses within a main building or buildings shall not exceed ten percent of the gross floor area of such main building or buildings.

(f) Training facilities including school of nursing and other types of training facilities.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per ten seats in classrooms provided students have not been included as hospital employees.

**33.30.370 Libraries.** Regulations for libraries shall be as follows:

(1) Off-street parking required: One space per four hundred square feet of reading room area;

(2) Site area: Hereafter, no library shall be established on a site of less than fifteen thousand square feet in area. Libraries existing on a site less than fifteen thousand square feet may be enlarged but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5);

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet in height fifteen feet;

For buildings forty-five feet and higher in height thirty feet;

(5) Minimum side or rear yards:

For buildings under 15 feet

in height ..... 10 feet

For buildings 15 to 24 feet

in height ..... 13 feet

For buildings 25 to 34 feet

in height ..... 16 feet

For buildings 35 to 44 feet

in height ..... 20 feet

For buildings 45 to 54 feet

in height ..... 25 feet

For buildings 55 to 64 feet

in height ..... 35 feet

For buildings 65 to 74 feet

in height ..... 45 feet.

**33.30.380 Museums.** Regulations for museums shall be as follows:

(1) Site area: Hereafter no museum shall be established on a site of less than fifteen thousand square feet in area. Museums existing on a site less than fifteen thousand square feet may be enlarged, but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (2), (3) and (4);

(2) Maximum site coverage: Area covered by all buildings shall not exceed thirty percent of the site area;

(3) Minimum front yard:

For buildings under forty-five feet in height



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fifteen feet,

For buildings forty-five feet and higher in height thirty feet;

(4) Minimum side or rear yards:

For buildings under 15 feet

in height ..... 10 feet

For buildings 15 to 24 feet

in height ..... 13 feet

For buildings 25 to 34 feet

in height ..... 16 feet

For buildings 35 to 44 feet

in height ..... 20 feet

For buildings 45 to 54 feet

in height ..... 25 feet

For buildings 55 to 64 feet

in height ..... 35 feet

For buildings 65 to 74 feet

in height ..... 45 feet

33.30.385 Planned unit development.  
(Repealed by Ord. No. 148547 passed and  
effective Oct. 4, 1979.)



**33.30.390 Private helistop.** A private helistop may be permitted in connection with a principal or conditional hospital use. Any such private helistop shall be subject to the additional regulations contained in Chapter 33.78.

**33.30.400 Public parks.** Regulations for public parks shall be as follows:

Minimum side or rear yards: Community centers, swimming pools, stadiums, and buildings or portions of buildings containing concessions dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R or A Zone.

**33.30.410 Public utility structures.** Exempted from these regulations are underground pipes and conduits and aboveground electric transmission, distribution, communication and signal lines on a single pole system. All other transmission and public utility structures, such as double poles and steel towers for transmission lines, substations, automatic telephone exchanges, relay stations, pumping stations, and treatment plants shall be regulated as conditional uses.

**33.30.420 Railroad rights-of-way and passenger stations.** Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated as conditional uses. All other railroad facilities, such as switching yards, holding tracks, team tracks, freight depots, shops and roundhouses are prohibited in A2.5 Zones.

**33.30.425 Residential care facilities.** (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) Regulations for residential care facilities shall be:

(1) Lot size required. A. The minimum lot area shall be five thousand square feet per facility.

B. The minimum lot width shall be fifty feet.  
C. The minimum lot depth shall be eighty feet.

(2) Minimum on-site open space. A. Two hundred square feet for each resident served under the age of twelve years.

B. Three hundred square feet for each resident served twelve years through seventeen years of age.

C. One-hundred fifty square feet for each resident served eighteen years of age or older.

(3) Minimum off-street parking. One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility.

(4) Valid certificate of review (license to operate) issued under Chapter 8.80 of the municipal code.

**33.30.430 Nursery schools.** Regulations for nursery schools shall be as follows:

(1) Off-street parking required: One space per teacher in schools having four or more teachers;

(2) Off-street loading required: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having four or more teachers. Such driveway shall be paved with material as specified in the building regulations;

(3) Outdoor play area: An outdoor play area shall be provided and thereafter maintained with a minimum area of one hundred square feet per child of total enrollment capacity of the school. Screening shall be provided separating such play area from abutting lots. Such screen shall be at least four feet but not more than six feet high and shall be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge.

**33.30.440 Private or parochial elementary and public primary schools.** Regulations for private or parochial elementary and public primary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:



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Condition of Land Acquired	Classrooms on:	Maximum Number of Classrooms Per Acre
60 percent or more vacant	One floor	3.0
60 percent or more vacant	Two floors	3.0
Less than 60 percent vacant	One floor	4.0
Less than 60 percent vacant	Two floors	4.5

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area providing such space is made available by agreement with the bureau of parks;

(3) Minimum front yard: Thirty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet in height	20 feet
For buildings 15 to 24 feet in height	30 feet

For buildings 25 to 34 feet in height ..... 40 feet  
For buildings 35 to 44 feet in height ..... 50 feet.

**33.30.450 Public elementary schools.**  
Regulations for public elementary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms on:	Maximum Number of Classrooms Per Acre
60 percent or more vacant	One floor	2.5
60 percent or more vacant	Two floors	2.5



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Less than 60 percent vacant	One floor	3.5
Less than 60 percent vacant	Two floors	4.0

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area providing such space is made available by agreement with the bureau of parks;

(3) Minimum front yard: Thirty feet;

(4) Minimum side or rear yard:

For buildings under 15 feet in height	20 feet
For buildings 15 to 24 feet in height	30 feet
For buildings 25 to 34 feet in height	40 feet
For buildings 35 to 44 feet in height	50 feet.

**33.30.460 Private, parochial or public high schools.** Regulations for private, parochial or public high schools shall be as follows:

(1) Off-street parking required: One space per fifty-six square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per eight seats or sixteen feet of bench length in the main auditorium;

(2) Minimum front yard: Thirty feet;

(3) Minimum side or rear yard:

For buildings under 15 feet in height	20 feet
For buildings 15 to 24 feet in height	30 feet
For buildings 25 to 34 feet in height	40 feet
For buildings 35 to 44 feet in height	50 feet.

**33.30.470 Tract development and sales.** Regulations for tract development and sales shall be as follows:

(1) Advertising signs and temporary buildings, such as offices, tool sheds, or structures used for similar purposes in connection with tract development and sales, may be permitted provided such use may not continue more than three years, at which time such temporary structures will be removed;

(2) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Signs and other features of a permanent nature intended to identify and designate the name of a subdivision or tract development are permitted. Any proposal hereunder may be referred to the design committee for review and suggested changes.

**33.30.475 Unit ownership or condominium project.** (Added by Ord. No. 132825; repealed by 135386 passed Oct. 5, effective Nov. 6, 1972.)

**33.30.480 Welfare institutions.** Regulations for welfare institutions shall be as follows:

(1) Off-street parking: One space per ten beds for patients or inmates;

(2) Off-street loading: For any welfare institution of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum site area: No institution shall be established on a site of less than twenty



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thousand square feet of area;

(4) Maximum height: Two and one-half stories or thirty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum front yard: Thirty feet;

(6) Minimum side or rear yard: Thirty feet.

**33.30.490 Prohibited uses.** Uses of structures and land not specifically mentioned in this chapter are prohibited in all A2.5 Zones.

The use of automobile trailer houses as residences is prohibited in all A2.5 Zones. Such trailers are below the room size, ceiling height, and other regulations in the housing regulations.

### Chapter 33.32

#### A1 APARTMENT RESIDENTIAL ZONE

##### Sections:

**33.32.010** Generally.

##### PRINCIPAL USES

- 33.32.020** Uses permitted.
- 33.32.030** Off-street parking required.
- 33.32.040** Off-street loading required.
- 33.32.050** Minimum lot size required.
- 33.32.060** Maximum lot coverage.
- 33.32.070** Minimum floor area permitted.
- 33.32.080** Maximum height permitted.
- 33.32.090** Minimum front yard.
- 33.32.100** Minimum side yard.
- 33.32.110** Minimum rear yard.
- 33.32.120** Minimum distance between buildings.
- 33.32.130** Signs permitted.

##### ACCESSORY BUILDINGS AND USES

- 33.32.140** Generally.
- 33.32.150** Height.
- 33.32.160** Classifications.
- 33.32.170** Type 1.
- 33.32.180** Type 2.
- 33.32.190** Type 3.
- 33.32.200** Type 4.
- 33.32.210** Type 5.
- 33.32.220** Type 6.

##### CONDITIONAL USES

- 33.32.230** Uses permitted.
- 33.32.240** Regulations.
- 33.32.245** Additional uses permitted.

- 33.32.250** Churches.
- 33.32.260** Residential buildings accessory to churches.
- 33.32.270** Colleges.
- 33.32.280** Community clubs.
- 33.32.290** Excavating or filling.
- 33.32.300** Golf courses, other country clubs and athletic clubs.
- 33.32.310** Convalescent home.
- 33.32.320** General hospitals.
- 33.32.330** Mental, remedial or detention hospitals.
- 33.32.340** Uses or buildings accessory to hospitals.
- 33.32.350** Libraries.
- 33.32.360** Lodges, fraternal organizations or private clubs.
- 33.32.365** Motels and hotels.
- 33.32.370** Private helistop.
- 33.32.380** Public parks.
- 33.32.390** Public utility structures.
- 33.32.400** Railroad rights-of-way and passenger stations.
- 33.32.410** Nursery schools.
- 33.32.420** Private or parochial elementary and public primary schools.
- 33.32.430** Public elementary schools.
- 33.32.440** Private, parochial or public high school.
- 33.32.445** Residential care facilities.
- 33.32.450** Tract development and sales.
- 33.32.460** Welfare institutions.
- 33.32.470** Prohibited uses.
- 33.32.010** **Generally.** In all A1 Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

##### PRINCIPAL USES

**33.32.020** Uses permitted. (Amended by Ord. No. 142734 passed Oct. 28, effective Nov. 29, 1976.) In an A1 zone, the following uses are permitted:

- (1) One family dwellings;
- (2) Two family dwellings;
- (3) Apartment dwellings;
- (4) Boarding and rooming houses.



**33.32.030 Off-street parking required.** (Amended by Ord. No. 142734 passed Oct. 28, effective Nov. 29, 1976.) (a) One, two, and three family dwellings; one space per dwelling unit according to the following regulations:

- (1) Such space shall be located on the same lot as the main dwelling;
- (2) Such space shall be accessible to a public street or alley;
- (3) Such space shall be at least one hundred and sixty square feet in area;
- (4) Such space shall not be located in the required front yard but it may be located in the required side or rear yard, if not within a garage, carport, or other structure;
- (5) Such space shall be available for the parking of operable passenger automobiles only;
- (6) Such space shall not be rented by the day or part thereof;
- (7) Such space, if uncovered, shall be paved in accordance with the provisions of the building regulations;
- (8) The provision and maintenance of off-street parking space is a continuing obligation of the property owner;
- (9) A plan, drawn to scale, indicating how the off-street requirement is to be fulfilled, shall accompany the request for a building or occupancy permit;
- (10) Such space shall be improved and made available for use before the issuance of a certificate of final inspection by the bureau of buildings;
- (11) Additional parking spaces provided on the premises shall be regulated as specified in subdivisions (4), (6) and (7);
- (12) In an A1 Zone, no overnight parking of trucks or other equipment on wheels or tracks exceeding one-half ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming and truck gardening if permitted on the premises.

(b) Apartment dwellings: One space per dwelling unit.

(c) Boarding and rooming houses: One space per set of accommodations for each five guests.

(d) Parking as required in subsections (b) and (c) above shall be regulated by Chapter 33.82.

**33.32.040 Off-street loading required.** (Amended by Ord. No. 142734 passed Oct. 28, effective Nov. 29, 1976.) (a) Apartment dwellings three or more stories high and having fifty or more dwelling units shall provide off-street loading berths according to the number of dwelling units as follows:

Fifty to ninety-nine units ..... 1 berth  
One hundred to one hundred ninety-nine units ..... 2 berths  
Two hundred units or more ..... 3 berths.

(b) Off-street loading as required in subsection (a) above shall be regulated by Chapter 33.86.

**33.32.050 Minimum lot size required.** (Amended by Ord. No. 131818, 134366, 139117, 139702, 141105; and 142734 passed Oct. 28, effective Nov. 29, 1976.) (a) One family, two family and three family dwellings: Five thousand square feet.

(b) Apartment dwellings or other types of multi-family dwellings containing four, five, six, ~~seven, eight, or nine~~ dwelling units: 6,000, 7,000, 8,000, 8,500, 9,000 and 9,500 square feet respectively.

(c) Apartment or other types of multi-family dwellings containing ten or more dwelling units: One thousand square feet per dwelling unit.

(d) The minimum lot width shall be fifty feet.

(e) The minimum lot depth shall be eighty feet.

(f) (Amended by Ord. No. 144717 passed and effective Nov. 10, 1977.) No lot, tract, or parcel of land shall be reduced by transfer of ownership, immediate or future, in area, width, or depth to less than stated in subsections (a) to (e) inclusive, unless approved as provided in Chapter 33.98.

(g) (Amended by Ord. No. 144667 passed and effective Nov. 3, 1977.) A one-family, two-family, or three-family dwelling may be constructed notwithstanding the requirements of subsections (a), (d), and (e) of this section if approved as provided in Chapter 33.98.

(h) (Amended by Ord. No. 148873 passed and effective Dec. 13, 1979.) No dwelling shall be built or moved onto a lot not abutting a public street. Modification of this provision may be granted with procedure set forth in Sections 33.98.020 to 33.98.035 and more particularly Section 33.98.020(b) of this title, the reference to 33.98.010 notwithstanding.

(i) On a platted lot located in a subdivision duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, and held in ownership different from the ownership on any abutting lot, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (d) and (e) in this section; provided, however, that no construction of a one-family dwelling shall be permitted on a lot



## PLANNING AND ZONING

with dimensions less than four thousand square feet in area, forty feet in width, and eighty feet in depth unless approved as provided in Chapter 33.98.

**33.32.060 Maximum lot coverage.** The area covered by all buildings, including accessory buildings, shall not exceed forty-five percent of the lot area.

**33.32.070 Minimum floor area permitted.** There shall be no limitation except as regulated by the room size requirements in the housing regulations.

**33.32.080 Maximum height permitted.** (a) No structure shall exceed three stories, or forty-five feet in height, except there shall be no height limit on any structure located four hundred feet or farther from any R10, R7, R5, A2.5, C5, or C4 Zone.

(b) On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the forty-five foot height limit.

**33.32.090 Minimum front yard.** (a) There shall be a front yard of not less than fifteen feet; provided, however, that where lots comprising forty percent or more of the frontage, excluding reversed corner lot, are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

(b) Where a lot is situated between two lots, each of which has a main building, within twenty-five feet of its side lot lines, which

projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirements on such lot may be the average of the front yards of the existing buildings.

(c) Where a lot adjoins only one lot having a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirement on such lot may be the average of the front yard of the existing building and the established front yard line.

(d) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and located on that side which has not yet been dedicated or condemned, unless the yards provided on such lot include both that portion of the lot lying within the future street and the required yards.

(e) On corner lots, the front yard along the long dimension of the lot may be reduced to ten feet. In case of a square lot or lot having equal frontage on two intersecting streets, one front yard may be reduced to ten feet provided the other front yard is at least fifteen feet.

**33.32.100 Minimum side yard.\*** (a) There shall be a minimum side yard on each side of any main building varying according to height as follows:

For one story .....	6 feet
For two stories .....	7 feet
For three stories .....	9 feet
For four stories .....	12 feet
For any other height .....	Width of side yard in feet shall equal three times number of stories.

(b) Where an entire frontage is designed and constructed as a unit, the required width of side yards with respect to lot lines may be varied providing the distance between adjoining buildings equals the total combined width of two adjoining required side yards. This total combined width shall not thereafter be reduced by enlargement of either adjoining building.

**33.32.110 Minimum rear yard.\*** There shall

\*See Chapter 33.90 for additional regulations.



be a minimum rear yard varying according to the height of the main building as follows:

For one story . . . . .	6 feet
For two stories . . . . .	7 feet
For three stories . . . . .	9 feet
For four stories . . . . .	12 feet
For any other height . . . . .	Width of side yard
	in feet shall equal three times
	number of stories.

**33.32.120 Minimum distance between buildings.** Where apartment houses are grouped as one project on one tract of land, the minimum distances between two buildings at any given point shall not be less than the sum of the required side yards computed separately for each building at that point.

**33.32.130 Signs permitted.** (Amended by Ord. No. 142734 passed Oct. 28, effective Nov. 29, 1976. (a) One indirectly lighted or transparency name plate for each dwelling unit, not exceeding three-quarters of a square foot in area, indicating the name of the occupant.

(b) One unlighted sign, not exceeding twelve square feet in area, advertising the dwelling for sale or rent.

(c) Advertising signs or features permanently identifying the tract development or housing project shall be regulated as a conditional use.\*

(d) Sign or signs, nonilluminated or nonflashing illuminated, not exceeding twelve square feet in total area, indicating the name of an apartment house or boarding and rooming house.

## ACCESSORY BUILDINGS AND USES

**33.32.140 Generally.** No separate permit shall be issued for the construction of any type of accessory building prior to that of the main dwelling.

**33.32.150 Height.** No accessory building shall exceed two stories in height.

**33.32.160 Classifications.** Accessory buildings and uses permitted in A1 Zones shall be divided into types, as follows:

Type 1: Garage, carport, studio, pergola, private greenhouse or other similar structure related to dwelling in design, whether attached or detached.

Type 2: A guest house, servant's house, caretaker's quarters or any such accessory building used for dwelling purposes.

**Type 3: Woodshed, toolshed, chicken house, rabbit hutch, barns, silos, and other such outbuildings of utilitarian character and use, not necessarily related in design to the dwelling.**

**Type 4: Moorage for private pleasure boats.**

Type 5: Swimming pool, tennis court or other type of home recreational facility.

**Type 6: Home occupations.**

**33.32.170 Type 1.** In A1 Zones, uses and buildings on the same lot accessory to principal uses of a Type 1 classification shall comply with the following:

(1) No type 1 accessory building, detached or attached, to a one family dwelling, except a garage in a bank of earth or on sloping ground (see subdivisions (8) and (9)), shall be located closer to the street lot line than twenty-two feet;

(2) No accessory building except a garage in a bank of earth or on sloping ground (see subdivisions (8) and (9)), shall be located in the street corner quarter of a corner lot;

(3) Under the following conditions, any Type 1 accessory building may be built adjacent to or on a rear and/or side lot line if the wall along or adjacent to such rear and/or side lot line is of masonry not less than eight inches in thickness for its full length and width and for the full height of such accessory building:

A. If a detached accessory building is located ten feet or more to the rear of the main building,

B. If an attached accessory building is located forty feet or more from the front lot line.

C. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line; provided, however, a one story detached garage legally erected along or adjacent to said lot line before March 4, 1948 may be extended in length not more than four feet with same type of construction as the existing garage if the number of cars to be accommodated is not increased;

(4) A detached accessory building shall not encroach upon the required yard or court of any

**\*See Chapter 33.106.**



building on the same lot, and if the necessary building is not built up to the lot line in compliance with subdivision (3), it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes;

(5) Any Type 1 accessory building, attached or detached, if more than one story, shall not be built up to either side and/or rear lot lines, and shall be subject to regulations for lot coverage, yards, and courts of a principal use;

(6) No door of an accessory building shall at any point of its travel extend over a street lot line, except an overhead garage door;

(7) A garage may be located in a lower story of a dwelling but the garage portion of the dwelling, except when in a bank of earth or on sloping ground (see subdivisions (8) and (9)), shall not be built closer to a street lot line than the building wall at the side or above unless the wall of the garage portion is at least twenty-two feet from the street lot line. No motor vehicle door of such garage shall be located less than twenty-five feet from the corner of the lot where two streets intersect;

(8) A detached or attached garage, not exceeding five hundred and fifty square feet in area, may be constructed in a natural bank of earth without regard to front yard regulations, provided all exterior walls of the garage, with the exception of the front wall, are concealed by the earth for not less than seventy-five percent of their separate areas. The height of the highest part of the garage wall or roof, if same comes above the level of the adjoining earth, shall not exceed ten feet above the floor level of the garage;

(9) When a detached or attached garage is constructed on a lot sloping downward from a street, the average elevation of the lot being not less than ten feet below the sidewalk level, the front wall of the garage need not set back farther from the street lot line than the average contour elevation line of the lot which is five feet below the sidewalk elevation. It is provided, however, that in no case shall the front wall of the garage be closer to the street lot line than five feet. Such garage shall not exceed a height of ten feet above the adjacent sidewalk level, shall not encroach upon the required yard of any building on the same lot, unless it is built up

to the side lot line and complies with subdivision (3);

(10) The ground area covered by all Type 1 accessory buildings on the same lot of a one or two family dwelling shall not exceed ten percent of the lot area.

**33.32.180 Type 2.** In A1 Zones, uses and buildings on the same lot accessory to principal uses of a Type 2 classification shall comply with the following:

(1) No Type 2 accessory building shall be built on a lot less than nine thousand square feet in area;

(2) If located to the rear of a main dwelling, a Type 2 accessory building shall be separated from the main dwelling by at least sixty feet;

(3) Type 2 accessory buildings shall conform in location on the lot to side, rear and front yard regulations for principal uses.

**33.32.190 Type 3.** In A1 Zones, uses and buildings on the same lot accessory to principal uses of a Type 3 classification shall comply with the following:

(1) No Type 3 accessory building shall be located closer than twenty-five feet to a street lot line;

(2) Such outbuilding shall not encroach upon a required yard of another building on the same lot. The distance from any such outbuilding to a rear or side lot line shall be the same as for a detached garage of the same size;

(3) The combined area of all Type 3 accessory buildings on the same lot or property shall not exceed in ground area one-twentieth of the area of the lot on which such buildings are situated;

(4) An outbuilding used for keeping chickens, pigeons, rabbits, goats or other animals, in addition to complying with the provisions of the building regulations and health and sanitation regulations, shall not be located within fifty feet of any dwelling;

(5) If built higher than twenty-five feet, barns, silos and other agricultural buildings shall be located as far from any lot line as the height of the structure.

**33.32.200 Type 4.** In A1 Zones, uses and buildings on the same lot accessory to principal uses of a Type 4 classification shall comply with the following:

(1) Any structure shall be located five feet or

more from a side lot line;

(2) Covered structures shall be located adjacent to the natural shore line;

(3) Covered structures shall not occupy more than fifty percent of the width of the lot at the natural shore line;

(4) Any boat using such moorage shall not be used as a place of residence when so moored.

**33.32.210 Type 5.** In A1 Zones, uses and buildings on the same lot accessory to principal uses of a Type 5 classification shall comply with the following:

(1) Where a Type 5 accessory use contains a building or is contained within a building, said building, whether attached or detached, shall not be located closer to any lot line than that distance required of the principal use;

(2) Under the following conditions, any Type 5 accessory building may be built adjacent to or on a rear and/or side lot line if the wall along or adjacent to such rear and/or side lot line is of masonry not less than eight inches in thickness for its full length and width and for the full height of such accessory building:

A. If a detached accessory building is located ten or more feet to the rear of the main building,

B. If an attached accessory building is located forty feet or more from the front lot line,

C. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line than permitted in A. or B.;

(3) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (2), it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes;

(4) No swimming pool shall be located closer than three feet to any property line nor closer than three feet to any wall or fence.

**33.32.220 Type 6.** (a) In A1 Zones home occupations in the same lot accessory to principal uses of a Type 6 classification shall be

permitted only in the following categories:

(1) Office for professional, personal or business service;

(2) Studio for arts, handicrafts or tutoring;

(3) Shop for limited or custom production or minor repair service;

(4) Headquarters for a craftsman or salesman.

(b) Any such home occupations shall comply with the following limitations:

(1) No servant, employee or any person other than a member or members of the family residing within the dwelling shall engage in a home occupation therein or within an accessory building;

(2) No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations;

(3) The scale of operations shall be distinctly limited in nature and conducted primarily as a supplementary, and not principal, source of family income; or as an accommodation for a handicapped or retired person; or as a starter operation for a limited period only until its size or other characteristics compel relocation to the appropriate nonresidential zone;

(4) All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed Type 1, 2 or 3 accessory building;

(5) The aggregate of all space within any or all buildings devoted to one or more home occupations shall not exceed two hundred square feet in floor area, except such space within or on a lot occupied by an apartment dwelling containing three or more units shall not exceed one hundred square feet in floor area for any one dwelling unit;

(6) Any home occupation which causes abnormal automotive or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited;

(7) No enlargements nor alterations to a dwelling or accessory building for the sole purpose of conducting a home occupation shall be permitted;

(8) The premises shall at all times be maintained as residential in appearance, cleanliness and quietness;

(9) Dimensions, power rating or weight of



such equipment and tools used in the conduct of the home occupation shall not exceed that of normal household equipment and tools;

(10) (Amended by Ord. No. 140534 passed Sep. 4, effective Oct. 6, 1975.) Sign: A home occupation shall be permitted one nonilluminated or indirectly illuminated, non-flashing sign, not exceeding three quarters square foot in area, bearing the name of the occupant and/or a designation of any authorized home occupation, business, profession or calling conducted on the site. Such sign shall be in lieu of, not in addition to, any sign permitted by Section 33.32.130(a);

(11) Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building;

(12) Customer and client contact shall be primarily by telephone, mail or in their homes and places of business and not on the premises of the home occupation, except for those home occupations which by their very nature cannot otherwise be conducted except by personal contact with clients;

(13) Products made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers;

(14) (Amended by Ord. No. 139311 passed Jan. 16, effective Feb. 17, 1975.) Other than normal passenger automobiles, only one truck of no more than 8,400 lb. gross vehicle weight (GVW) is permitted to be operated, whether owned or rented, in connection with a home occupation. Such truck, if parked on the premises, shall be kept within a completely enclosed garage;

(15) Instruction in music shall be limited to no more than two students at one time and in crafts to no more than six students at one time;

(16) An office for a physician or dentist is permitted primarily for emergency cases and as an accommodation for retired or part-time practitioners and not as a principal office for the practice of the profession.

(c) Procedure to establish and maintain a home occupation:

(1) Permits for home occupations shall be issued by the bureau of buildings, shall be valid for a period of two years only, and may be revoked at any time if the requirements of this title are not being met. The fee for such a permit shall be ten dollars;

(2) No permit shall be issued by the bureau of buildings until or unless the applicant shall have received the favorable approval, as indicated by signatures on the authorized application form of owners or contract purchasers of not less than seventy-five percent of all property in the area bounded by lines one hundred feet, excluding street widths, from and parallel to the boundary lines of the lot proposed to contain each home occupation. Area of any property owned or occupied by the applicant shall be excluded in computing required percentage of approval;

(3) If, in the opinion of the applicant, the bureau of buildings has acted arbitrarily and capriciously in withholding or revoking a permit for a home occupation, he may request an interpretation of this title by the city planning commission as provided in Section 33.114.030. In such cases the dwelling or accessory building to be devoted to a home occupation shall be open for inspection to the staff of the city planning commission on any day between eight a.m. and ten p.m.;

(4) The bureau of licenses shall not issue a business license or accept payment of the fee until an occupancy permit for a home occupation is issued by the bureau of buildings.

#### CONDITIONAL USES

33.32.230 Uses permitted. (Amended by Ord. No. 138936, 140290, 142734; and 148244, passed Aug. 2, effective Sept. 4, 1979.) In an A1 zone, the following conditional uses may be permitted subject to the regulations contained in Sections 33.32.240 - 33.32.460 and Chapter 33.79 and under the authority and according to the procedure specified in Chapter 33.106:

- (1) Cemeteries
- (2) Churches
- (3) Residential buildings accessory to churches
- (4) Colleges
- (5) Community clubs
- (6) Crematories, mausoleums and columbariums
- (7) Excavations and filling
- (8) Golf courses, other country clubs and athletic clubs
- (9) Governmental structures and land uses, local, state or federal, which are essential to the functioning of residential neighborhoods
- (10) Greenhouses, nurseries or other propagation of plants, and their products for sale

- (11) Homes, convalescent
- (12) Hospitals, general
- (13) Hospitals, mental, remedial or detention
- (14) Uses or buildings accessory to hospitals
- (15) Libraries
- (16) Lodges or fraternal organizations or private clubs
- (17) Mass transit waiting stations or turn-arounds
- (18) Motels or hotels
- (19) Museums
- (20) Parks, public
- (21) Planned Unit Developments
- (22) Private helistop; accessory to a hospital
- (23) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods
- (24) Radio and television transmitters
- (25) Railroad rights-of-way and passenger stations
- (26) Residential care facility
- (27) Schools, nursery
- (28) Schools, parochial or private
- (29) Schools, public
- (30) Tract development and sales
- (31) Welfare institutions

**33.32.240 Regulations.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

**33.32.245 Additional uses permitted.** (Added by Ord. No. 142826; amended by Ord. No. 143407 passed and effective April 6, 1977.) (a) Notwithstanding the conditional uses permitted under section 33.32.230, the following conditional use may be permitted when a zone change to A1 zone from a less restrictive zone has been granted under the authority and in accordance with the provisions of chapter 33.102.

(1) Apartment dwellings subject to the requirements of sections 33.34.030, 33.34.040,

33.34.050, 33.34.060 and 33.34.070. All other requirements shall be governed by sections 33.32.080 to 33.32.130.

(b) Such conditional use may be permitted subject to the regulations contained in section 33.32.240 and under the authority and according to the procedure specified in chapter 33.106. In addition, the conditional use shall satisfy certain criteria and requirements relating to the standard of quality in design and construction of said conditional use. A copy of such criteria and requirements as adopted by council shall be filed with the auditor.

**33.32.250 Churches.** Regulations for churches shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: Hereafter, no church shall be established on a site of less than fifteen thousand square feet in area. Churches existing on a site less than fifteen thousand square feet may be enlarged provided such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5), and provided further that the off-street parking requirements shall be met;

(3) Maximum site coverage: Area covered by all buildings shall not exceed forty percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet

in height . . . . . fifteen feet

For buildings forty-five feet and

higher in height . . . . . thirty feet;

(5) Minimum side or rear yard:

For buildings under 15 feet in height . . . 10 feet

For buildings 15 to 24 feet in height . . . 13 feet

For buildings 25 to 34 feet in height . . . 16 feet

For buildings 35 to 44 feet in height . . . 20 feet

For buildings 45 to 54 feet in height . . . 25 feet

For buildings 55 to 64 feet in height . . . 35 feet

For buildings 65 to 74 feet in height . . . 45 feet;

(6) Signs permitted: One sign not to exceed seven feet in length nor fifteen square feet in area and one church bulletin board, not exceeding twenty square feet in area. Neither sign nor bulletin board shall extend above the building height nor over the sidewalk and each must be located on the property of the church. Any illumination shall be indirect and nonflashing.



**33.32.260 Residential buildings accessory to churches.** Regulations for residential buildings accessory to churches shall be as follows:

(1) Off-street parking required: In addition to spaces required for the church, one space shall be provided for each ten persons residing in such building;

(2) Site area: In addition to required site area for church buildings, a minimum of five thousand square feet shall be provided for each twenty persons residing in accessory residential buildings.

**33.32.270 Colleges.** Regulations for colleges shall be as follows:

(1) Off-street parking required: One space per ten seats in classrooms. In addition, one space per five students housed in dormitories, fraternities, or sororities shall be provided;

(2) Minimum side or rear yard:

For one story building	20 feet
For two story building	25 feet
For three story building	30 feet
For four story building	35 feet;

(3) Site area: For dormitories, fraternities, and sororities not located on or contiguous to the college campus, a minimum of five thousand square feet of site area shall be provided for each ten persons residing in such buildings.

**33.32.280 Community clubs.** Regulations for community clubs shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: Hereafter, no community club shall be established on a site of less than fifteen thousand square feet in area. Community clubs existing on smaller sites may be enlarged but in no case by more than twenty percent of the floor area existing on July 1, 1959. Moreover, such enlargement shall not reduce the width of yards or increase the building coverage specified in subdivisions (3), (4) and (5);

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty-five percent of the site area;

(4) Minimum side or rear yard:

For buildings under 15 feet in height	... 10 feet
For buildings 15 to 24 feet in height	... 13 feet
For buildings 25 to 34 feet in height	... 16 feet
For buildings 35 to 44 feet in height	... 20 feet.

**33.32.290 Excavating or filling.** Excavating or filling as defined in this title shall be regulated as a conditional use.

**33.32.300 Golf courses, other country clubs and athletic clubs.** Regulations for golf courses, other country clubs and athletic clubs shall be as follows:

(1) Minimum side or rear yards: Club houses, swimming pools, stadiums, and any other structure dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R or A Zone;

(2) Miniature golf courses and golf driving ranges are prohibited in A1 Zones. Such uses are classified as commercial uses and are permitted only in C2 and M Zones;

(3) Quarters for animals shall be located at least two hundred feet from any property line bordering or within an R or A Zone.

**33.32.310 Convalescent home.** Regulations for convalescent homes shall be as follows:

(1) Classification: Homes having a capacity of ten or fewer patient beds are classed as small; eleven to twenty beds, medium; over twenty beds, large;

(2) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per five beds except for large homes, one space per three beds;

(3) Off-street loading: Large convalescent homes shall provide one berth;

(4) Maximum height: Three stories or forty-five feet, except there shall be no limit on buildings located more than four hundred feet away from property lines bounding the project;

(5) Minimum side or rear yards: Large homes - Fifteen feet for a one story building plus five feet for each additional story.

**33.32.320 General hospitals.** Regulations for general hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any general hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the following table:

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Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Maximum height: Three stories or forty-five feet, except there shall be no limit on buildings located more than four hundred feet from R10, R7, R5, A2.5, C5, or C4 Zones;

(4) Minimum side or rear yard:

For one story building ..... 20 feet  
For two story building ..... 25 feet  
For three story building ..... 30 feet  
For four story building ..... 35 feet.

(5) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including accessory buildings shall not exceed forty percent of the site area.

(6) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

**33.32.330 Mental, remedial or detention hospitals.** Regulations for mental, remedial or detention hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any mental, remedial, or detention hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum site area:

A. No hospital shall be established on a site of less than five acres in area,

B. At least one thousand square feet of lot or site area shall be provided for each patient bed;

(4) Maximum height: Three stories or forty-five feet, except there shall be no limit on buildings located more than four hundred feet from R10, R7, R5, A2.5, C5 or C4 Zones;

(5) Minimum front yard: Thirty feet;

(6) Minimum side or rear yard:

For one story building ..... 20 feet  
For two story building ..... 25 feet  
For three story building ..... 30 feet  
For four story building ..... 35 feet.

(7) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Maximum site coverage: Area covered by all buildings including accessory buildings shall not exceed forty percent of the site area.

(8) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

**33.32.340** (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Uses or buildings accessory to hospitals. Regulations for uses or buildings accessory to hospitals shall be as follows: (a) General regulations.

(1) The site of any accessory use or building shall be in the same ownership as the hospital to



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which it is an accessory unless a restriction is placed upon the property occupied by the accessory use or building and recorded in the appropriate county records at the expense of the applicant, using forms prescribed for that purpose obtainable from the office of the planning commission.

Upon submission of satisfactory evidence either that the accessory building will be removed or that the proposed use of the accessory building will not be in conflict with the zoning in which it is located and that it will not alter the parking, site coverage, density and floor area of the hospital as permitted within a project area, the restriction upon the property shall be removed. A copy of said restriction removal shall be made available to the owner of said property for the purpose of recordation.

(2) The accessory use or building shall be located on the hospital site or on a separate site, the nearest portion of which is not more than two hundred feet removed from the hospital site to which it is accessory and within the same zone or less restrictive zone as the hospital is located.

(3) The accessory use or building, if located on a separate site, shall be restricted to a location abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

(4) Maximum height: Three stories or forty-five feet, except there shall be no limit on buildings located more than four hundred feet from R10, R7, R5, A2.5, C5 or C4 Zones;

(5) Minimum side or rear yard:

For one story building .....	20 feet
For two story building .....	25 feet
For three story building .....	30 feet
For four story building .....	35 feet

(6) Maximum site coverage: Area covered by all buildings shall not exceed forty percent of the site area if located on a separate site from the hospital to which it is an accessory. (See also Section 33.106.010.)

(b) Offices and/or clinics of physicians for private medical practice.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per each two hundred fifty square feet of gross floor area of any area assigned to such use.

(c) Parking garages.

(d) Residential facilities for staff, including nurses' homes, interns' quarters and other

residential buildings.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided for each five persons residing in such building.

(2) Site area: In addition to required site area for hospitals, a minimum of five thousand square feet shall be provided for each fifteen persons residing in such accessory building.

(e) Retail facilities for the needs of the patient including gift shop, barber shop, book store, beauty shop, coffee shop, drug store or pharmacy, and other similar uses.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space per each two employees of such shop or store provided such employee has not been included as a hospital employee.

(2) Such use shall be conducted entirely within the hospital buildings to which it is accessory except that a coffee shop may have an outdoor dining area provided such area is screened so that it is not visible from a public street or another property.

(3) Such use shall have pedestrian access only through an interior hall or lobby of the building wherein situated.

(4) No outside display window or windows nor signs advertising such uses visible from without the building wherein situated shall be allowed.

(5) The floor area devoted to all such uses within a main building or buildings shall not exceed ten percent of the gross floor area of such main building or buildings.

(f) Training facilities including school of nursing and other types of training facilities.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per ten seats in classrooms provided students have not been included as hospital employees.

**33.32.350 Libraries.** Regulations for libraries shall be as follows: Off-street parking required: One space per four hundred square feet of reading room area.

**33.32.360 Lodges, fraternal organizations or private clubs.** Regulations for lodges, fraternal organizations or private clubs shall be as follows:

(1) Such use shall be operated for the benefit of members only and not as a business;

(2) Off-street parking required: One space per three hundred square feet of gross floor area;

(3) Maximum site coverage: Area covered by all buildings shall not exceed thirty-five percent of the site area;

(4) Minimum front yard:

For buildings under forty-five feet

in height ..... fifteen feet

For buildings forty-five feet and

higher in height ..... thirty feet;

(5) Minimum side or rear yard:

For buildings under 15 feet in height ... 10 feet

For buildings 15 to 24 feet in height ... 13 feet

For buildings 25 to 34 feet in height ... 16 feet

For buildings 35 to 44 feet in height ... 20 feet

For buildings 45 to 54 feet in height ... 25 feet

For buildings 55 to 64 feet in height ... 35 feet

For buildings 65 to 74 feet in height ... 45 feet;

(6) Signs permitted: Sign or signs, illuminated or nonilluminated, not exceeding six square feet in total area, indicating the name of the organization.

**33.32.365 Motels and hotels.** (Added by Ord. No. 142734 passed Oct. 28, effective Nov. 29, 1976.) Regulations for motels and hotels shall be as follows:

(1) The site for a motel or hotel shall abut upon and derive access from a numbered state or federal highway other than a throughway (limited access);

(2) No business other than renting of rooms and operation of coin operated vending machines for the convenience of guests shall be conducted on the premises;

(3) Off-street parking required: One space per guest room or suite;

(4) Minimum lot size: One thousand feet per guest room or suite providing cooking facilities;

(5) Signs permitted: Sign or signs, nonflashing illuminated, or nonilluminated, not exceeding twenty square feet in total area, indicating the name of the motel or hotel.

**33.32.370 Private helistop.** A private helistop may be permitted in connection with a principal or conditional hospital use, and any such helistop shall be subject to the additional regulations contained in Chapter 33.78.

**33.32.380 Public parks.** Regulations for public parks shall be as follows:

Minimum side or rear yards: Community centers, swimming pools, stadiums and buildings

or portions of buildings containing concessions dispensing refreshments or food shall not be closer than one hundred feet to interior lot lines bordering or within an R or A Zone.

**33.32.390 Public utility structures.** Exempted from these regulations are underground pipes and conduits and aboveground electric transmission, distribution, communication and signal lines on a single pole system. All other transmission and public utility structures, such as double poles and steel towers for transmission lines, substations, automatic telephone exchanges, relay stations, pumping stations and treatment plants shall be regulated as conditional uses.

**33.32.400 Railroad rights-of-way and passenger stations.** Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated as conditional uses. All other railroad facilities, such as switching yards, holding tracks, team tracks, freight depots, shops, and roundhouses are prohibited in A1 Zones.

**33.32.410 Nursery schools.** Regulations for nursery schools shall be as follows:

(1) Off-street parking required: One space per teacher in schools having four or more teachers;

(2) Off-street loading required: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having four or more teachers. Such driveway shall be paved with material as specified in the building regulations;

(3) Outdoor play area: An outdoor play area shall be provided and thereafter maintained with a minimum area of one hundred square feet per child of total enrollment capacity of the school. Screening shall be provided separating such play area from abutting lots. Such screen shall be at least four feet but not more than six feet high and shall be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge.

**33.32.420 Private or parochial elementary and public primary schools.** Regulations for private or parochial elementary and public primary schools shall be as follows:

(1) Off-street parking required: One space



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per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms On:	Max. Number of Classrooms Per Acre
60% or more vacant	One floor	3.0
60% or more vacant	Two floors	3.0
Less than 60% vacant	One floor	4.0
Less than 60% vacant	Two floors	4.5

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area providing such space is made available by agreement with the bureau of parks;

(3) Minimum side or rear yard:

For buildings under 15 feet in height ... 20 feet  
For buildings 15 to 24 feet in height ... 25 feet  
For buildings 25 to 34 feet in height ... 30 feet  
For buildings 35 to 44 feet in height ... 35 feet.

### 33.32.430 Public elementary schools.

Regulations for public elementary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms On:	Max. Number of Classrooms Per Acre
60% or more vacant	One floor	2.5
60% or more vacant	Two floors	2.5
Less than 60% vacant	One floor	3.5
Less than 60% vacant	Two floors	4.0

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area providing such space is made available by agreement with the bureau of parks;

(3) Minimum side or rear yard:

For buildings under 15 feet in height ... 20 feet  
For buildings 15 to 24 feet in height ... 25 feet  
For buildings 25 to 34 feet in height ... 30 feet  
For buildings 35 to 44 feet in height ... 35 feet.

33.32.440 Private, parochial or public high school. Regulations for private, parochial or public high schools shall be as follows:

(1) Off-street parking required: One space per eight seats or sixteen feet of bench length in the auditorium;

(2) Minimum side or rear yard:

For buildings under 15 feet in height ... 20 feet  
For buildings 15 to 24 feet in height ... 25 feet  
For buildings 25 to 34 feet in height ... 30 feet  
For buildings 35 to 44 feet in height ... 35 feet.

33.32.445 Residential care facilities. (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) Regulations for residential care facilities shall be:

(1) Lot size required. A. The minimum lot area shall be five thousand square feet per facility.

B. The minimum lot width shall be fifty feet.

C. The minimum lot depth shall be eighty feet.

(2) Minimum on-site open space. A. Two hundred square feet for each resident served under the age of twelve years.

B. Three hundred square feet for each resident served twelve years through seventeen years of age.

C. One-hundred fifty square feet for each resident served eighteen years of age or older.

(3) Minimum off-street parking. One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility.

33.32.450 Tract development and sales. Regulations for tract development and sales shall be as follows:

(1) Advertising signs and temporary buildings, such as offices, tool sheds, or similar structures used in connection with tract development and sales, may be permitted

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provided such use may not continue more than three years, at which time such temporary structures will be removed;

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(2) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Signs and other features of a permanent nature intended to identify and designate the name of a subdivision or tract development are permitted. Any proposal hereunder may be referred to the design committee for review and suggested changes.

**33.32.460 Welfare institutions.** Regulations for welfare institutions shall be as follows:

(1) Off-street parking: One space per ten beds for patients or inmates;

(2) Off-street loading: For any welfare institution of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Maximum height: Three stories or forty-five feet, except there shall be no limit on buildings located more than four hundred feet from R10, R7, R5, A2.5, C5, or C4 Zones;

(4) Minimum side or rear yard:  
For one story building ..... 20 feet  
For two story building ..... 25 feet  
For three story building ..... 30 feet  
For four story building ..... 35 feet.

**33.32.470 Prohibited uses.** Uses of structures and land not specifically mentioned in this chapter are prohibited in all A1 Zones.

The use of automobile trailer houses as residences is prohibited in all A1 Zones. Such trailers are below the room size, ceiling height, and other regulations of the housing regulations.

### Sections:

**33.34.010 Generally.**

#### PRINCIPAL USES

- 33.34.020** Uses permitted.
- 33.34.030** Off-street parking required.
- 33.34.040** Off-street loading required.
- 33.34.050** Minimum lot size required.
- 33.34.060** Maximum lot coverage.
- 33.34.070** Maximum floor area permitted.
- 33.34.080** Maximum height permitted.
- 33.34.090** Minimum front yard.
- 33.34.100** Minimum side yard.
- 33.34.110** Minimum rear yard.
- 33.34.120** Minimum distance between buildings.
- 33.34.130** Signs permitted.
- 33.34.135** Downtown Plan review.

#### ACCESSORY BUILDINGS AND USES

- 33.34.140** Generally.
- 33.34.150** Classifications.
- 33.34.160** Type 1.
- 33.34.170** Type 5.
- 33.34.180** Type 6.
- 33.34.190** Type 7.

#### CONDITIONAL USES

- 33.34.200** Uses permitted.
- 33.34.210** Regulations.
- 33.34.220** Churches.
- 33.34.230** Residential buildings accessory to churches.
- 33.34.240** Colleges.
- 33.34.250** Community clubs.
- 33.34.260** Excavating or filling.
- 33.34.270** Golf courses, other country clubs, and athletic clubs.
- 33.34.280** Convalescent home.
- 33.34.290** General hospitals.
- 33.34.300** Mental, remedial or detention hospitals.
- 33.34.310** Uses or buildings accessory to hospitals.
- 33.34.320** Libraries.
- 33.34.330** Lodges, fraternal organizations or private clubs.
- 33.34.335** Motels and hotels.
- 33.34.340** Private or public helistop.
- 33.34.350** Public parks.



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- 33.34.360 Professional or business offices.
- 33.34.370 Public utility structures.
- 33.34.380 Railroad rights-of-way and passenger stations.
- 33.34.390 Nursery schools.
- 33.34.400 Private or parochial elementary and public primary schools.
- 33.34.410 Public elementary schools.
- 33.34.420 Private, parochial or public high schools.
- 33.34.425 Residential care facilities.
- 33.34.430 Welfare institution.
- 33.34.440 Prohibited uses.
- 33.34.010 **Generally.** In all AO Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

### PRINCIPAL USES

33.34.020 Uses permitted. (Amended by Ord. No. 142734 passed Oct. 28, effective Nov. 29, 1976.) In an AO zone, the following uses are permitted:

- (1) One family dwellings;
- (2) Two family dwellings;
- (3) Apartment dwellings;
- (4) Boarding and rooming houses.

33.34.030 **Off-street parking required.** (Amended by Ord. No. 142734 passed Oct. 28, effective Nov. 29, 1976.) (a) One, two, and three family dwellings: One space per dwelling unit. If not located on the same lot as the main dwelling, the required parking space or spaces shall be regulated by Chapter 33.82. If located on the same lot as the main dwelling, the following regulations shall govern:

- (1) Such space shall be accessible to a public street or alley;
- (2) Such space shall be at least one hundred sixty square feet in area;
- (3) Such space shall not be located in the required front yard but it may be located in the required side or rear yard if not within a garage, carport, or other structure;
- (4) Such space shall be available for the parking of operable passenger automobiles only;
- (5) Such space shall not be rented by the day or part thereof;
- (6) Such space, if uncovered, shall be paved in accordance with the provisions of the building regulations;

(7) The provision and maintenance of off-street parking space is a continuing obligation of the property owner;

(8) A plan, drawn to scale, indicating how the off-street parking requirement is to be fulfilled, shall accompany the request for a building or occupancy permit;

(9) Such space shall be improved and made available for use before the issuance of a certificate of final inspection by the bureau of buildings;

(10) Additional parking spaces provided on the premises shall be regulated as specified in subdivisions (4), (6) and (7);

(11) In an AO Zone, no overnight parking of trucks or other equipment on wheels or tracks exceeding one-half ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming and truck gardening if permitted on the premises.

(b) **Apartment dwellings:**

(1) For one room apartments: Three spaces per five dwelling units;

(2) For two room apartments: Four spaces per five dwelling units;

(3) For three or more room apartments: One space per dwelling unit.

(c) **Boarding and rooming houses:** One space per set of accommodations for each five guests.

(d) Parking as required in subsections (b) and (c) shall be regulated by Chapter 33.82.

33.34.040 **Off-street loading required.** (Amended by Ord. No. 142734 passed Oct. 28, effective Nov. 29, 1976.) (a) Apartment dwellings three or more stories high and having fifty or more dwelling units shall provide off-street loading berths according to the number of dwelling units as follows:

Fifty to ninety-nine units	1 berth
One hundred to one hundred ninety-nine units	2 berths
Two hundred units or more	3 berths

(b) Off-street loading as required in subsection (a) shall be regulated by Chapter 33.86.

**33.34.050 Minimum lot size required.** (Amended by Ord. No. 131818, 134366, 139117, 139702, 141105; and 142734 passed Oct. 28, effective Nov. 29, 1976.) (a) One family, two family and three family dwellings: Five thousand square feet.

(b) Apartment dwellings or other types of multi-family dwellings containing four and five dwelling units: 6,000 and 7,000 square feet respectively.

Apartment dwellings or other types of multi-family dwellings containing six or more dwelling units: The minimum lot size shall be determined by the gross floor area within such buildings as specified in Section 33.34.070; provided, however, that in no case shall such lot size be less than eight thousand square feet.

(c) The minimum lot width shall be fifty feet.

(d) The minimum lot depth shall be eighty feet.

(e) (Amended by Ord. No. 144717 passed and effective Nov. 10, 1977.) No lot, tract or parcel of land shall be reduced by transfer of ownership, immediate or future, in area, width, or depth to less than stated in subsections (a) to (d), inclusive, unless approved as provided in Chapter 33.98.

(f) (Amended by Ord. No. 144667 passed and effective Nov. 3, 1977.) A one-family, two-family or three-family dwelling may be constructed notwithstanding the requirements of subsections (a), (c) and (d) of this section if approved as provided in Chapter 33.98.

(g) (Amended by Ord. No. 148873 passed and effective Dec. 13, 1979.) No dwelling shall be built or moved onto a lot not abutting a public street. Modification of this provision may be granted with procedure set forth in Section 33.98.020 to 33.98.035 and more particularly Section 33.98.020(b) of this title, the reference to 33.98.010 notwithstanding.

(h) On a platted lot located in a subdivision plat duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, and held in ownership different from the ownership on any abutting lot, a one family dwelling may be constructed notwithstanding the requirements of subsections (a), (c) and (d) in this section; provided, however, that no construction of a one family dwelling shall be permitted upon a lot with dimensions less than four thousand square feet in area, forty feet in width, and

eighty feet in depth unless approved as provided in Chapter 33.98.

**33.34.060 Maximum lot coverage.** (a) The area covered by one family dwellings of one, two and three story houses converted to multi-family dwellings after July 1, 1959, together with accessory buildings, shall not exceed forty-five percent of the lot area.

(b) There shall be no limitation on other structures except as regulated by the maximum floor area permitted.\*

**33.34.070 Maximum floor area permitted.** The gross floor area of a main building or group of main buildings shall not exceed the site area by more than the following ratios:

Site Area	Ratio of Gross Floor Area to Site Area
Under 15,000 square feet . . . . .	3.0 ÷ 1
15,000 to 19,999 square feet . . . . .	3.5 ÷ 1
20,000 to 24,999 square feet . . . . .	4.0 ÷ 1
25,000 to 29,999 square feet . . . . .	4.5 ÷ 1
30,000 to 34,999 square feet . . . . .	5.0 ÷ 1
35,000 to 39,999 square feet . . . . .	5.5 ÷ 1
40,000 square feet or more . . . . .	6.0 ÷ 1.

**33.34.080 Maximum height permitted.** There shall be no limitation except as regulated by the maximum floor area permitted.\*

**33.34.090 Minimum front yard.** (a) There shall be a front yard of not less than ten feet; provided, however, that where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

(b) Where a lot is situated between two lots, each of which has a main building within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirements on such lot may be the average of the front yards of the existing buildings.

\*See Section 33.34.070.



(c) Where a lot adjoins only one lot having a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirement on such lot may be the average of the front yard of the existing building and the established front yard line.

(d) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and located on that side which has not yet been dedicated or condemned, unless the yards provided on such lot include both that portion of the lot lying within the future street and the required yard.

**33.34.100 Minimum side yard.\*** There shall be a minimum side yard on each side of any main building varying according to height as follows:

For one story .....	6 feet
For two stories .....	7 feet
For three stories .....	9 feet
For any height .....	Width of side yard shall be seven feet plus two feet additional for each story over two.

**33.34.110 Minimum rear yard.\*** There shall be a minimum rear yard varying according to the height of the main building as follows:

For one story .....	6 feet
For two stories .....	7 feet
For three stories .....	9 feet
For any height .....	Width of rear yard shall be seven feet plus two feet additional for each story over two.

**33.34.120 Minimum distance between buildings.** Where apartment houses are grouped as one project on one tract of land, the minimum distances between two buildings at any given point shall not be less than the sum of the required side yards computed separately for each building at that point.

**33.34.130 Signs permitted.** (Amended by Ord. No. 142734 passed Oct. 28, effective Nov. 29, 1976.) (a) One indirectly lighted or transparency name plate for each dwelling unit, not exceeding three-quarters of a square foot in area, indicating the name of the occupant.

(b) One unlighted sign, not exceeding twelve square feet in area, advertising the dwelling for sale or rent.

(c) Advertising signs or features permanently identifying a tract development or a housing project shall be regulated as a conditional use.

(d) Sign or signs, nonilluminated or non-flashing illuminated, not exceeding twelve square feet in total area, indicating the name of an apartment house or boarding and rooming house.

Any unlighted sign or billboard not exceeding two hundred fifty square feet in area, advertising an apartment or housing project, and located on the property being developed, may be maintained for not to exceed three years.

**33.34.135 Downtown plan review.** (Added by Ord. No. 132895; reinstated by 134323; continued by 134820; amended by 134895, 136364, 136808, 136891, 137775, 138412; and 140091 passed and effective June 19, 1975.) Notwithstanding other provisions of this chapter, the following regulations shall govern the downtown plan review as to any uses or permits or approvals therefor prior to December 31, 1975 or when new downtown zoning regulations are adopted.

The downtown plan review area is the area bounded by the Willamette on the east, the Stadium Freeway on the south and west extending north to NW Davis Street, then east along NW Davis to a north-south line bisecting Blocks 58, 59, 60 and 73, Couch's Addition, then north to NW Hoyt, then east along NW Hoyt to NW Broadway, then north and northeast along NW Broadway and the Broadway Bridge to the Willamette River; excluding the existing South Auditorium and Portland State urban renewal projects.

\*See Chapter 33.90 for additional regulations.

(1) Approval shall be obtained from the planning commission prior to commencement of any phase of construction within the downtown review area on the following:

- A. Any new structure or enlargement of an existing structure.
- B. Any new parking structure or enlargement of an existing parking structure.
- C. Drive-in business facilities.
- D. Off-street loading facilities.
- E. Temporary surface off-street parking for a period not exceeding two years.

(2) The planning commission may, as it deems advisable, hold a public hearing on any request within the scope of paragraph (1) of this section.

(3) In all matters coming within the provisions of this section, decisions of the planning commission shall be made on the basis of the planning guidelines, Portland downtown plan, adopted by the Portland city council on December 28, 1972, and the downtown parking and circulation policy adopted February 26, 1975. If it is determined that a proposed development and use at the particular location accords with council adopted goals, land use, environment, circulation and building density elements of the planning guidelines and parking policy then the proposed use shall be approved.

(4) Notwithstanding the provisions of this title, there shall be no minimum off-street parking requirements within the downtown plan review area.

(5) Hearing and appeals. Hearing and notification procedures utilized by the planning commission for the purposes of this section shall

be those specified in Chapter 33.106. Appeals shall use the procedure as provided in 33.106 for an off-street parking structure.

## ACCESSORY BUILDINGS AND USES

**33.34.140 Generally.** No separate permit shall be issued for the construction of any type of accessory building or use prior to that of the main dwelling.

**33.34.150 Classifications.** (Amended by Ord. No. 140828 passed Nov. 6, effective Dec. 8, 1975.) Types of accessory buildings and uses permitted in AO zones are the following:

Type 1: Garage, carport, private studio, pergola, art objects and other landscape features and private greenhouse.

Types 2, 3 and 4 are not permitted.

Type 5: Swimming pool, tennis court, or other type of home recreational facility.

Type 6: Business and service enterprises primarily for the convenience of apartment residents and hotel or motel guests.

Type 7: Home occupations.

**33.34.160 Type 1.** In AO Zones, uses and buildings, on the same lot accessory to principal uses of a Type 1 classification shall comply with the following:



(1) No Type 1 accessory buildings, detached or attached, to a one family dwelling, except a garage in a bank of earth or on sloping ground (see subdivisions (8) and (9)), shall be located closer to the street lot line than twenty-two feet;

(2) Under the following conditions, any Type 1 accessory building one story in height may be built adjacent to or on a rear and/or side lot line if the wall along or adjacent to such rear and/or side lot line is of masonry not less than eight inches in thickness for its full length and width and for the full height of such accessory building:

A. If a detached accessory building is located ten or more feet to the rear of the main building,

B. If an attached accessory building is located forty feet or more from the front lot line,

C. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line; provided, however, a one story detached garage legally erected along or adjacent to said lot line before March 4, 1948, may be extended in length not more than four feet with same type of construction as the existing garage if the number of cars to be accommodated is not increased;

(3) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (2), it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes;

(4) Any Type 1 accessory building, attached or detached, if more than one story, shall not be built up to either side and/or rear lot lines, and shall be subject to the regulations for lot coverage, yards, and courts of a principal use;

(5) No door of an accessory building shall at any point of its travel extend over a street lot line, except an overhead garage door;

(6) A garage may be located in a lower story of a dwelling, but the garage portion of the dwelling, except when in a bank of earth or on sloping ground (see subdivisions (7) and (8)), shall not be built closer to a street lot line than the building wall at the side of or above unless

the wall of the garage portion is at least twenty-two feet from the street lot line. No motor vehicle door of such garage shall be located less than twenty-five feet from the corner of a lot where two streets intersect;

(7) A detached or attached garage, not exceeding five hundred and fifty square feet in area, may be constructed in a natural bank of earth without regard to front yard regulations, provided all exterior walls of the garage, with the exception of the front wall, are concealed by the earth for not less than seventy-five percent of their separate areas. The height of the highest part of the garage wall or roof, if same comes above the level of the adjoining earth, shall not exceed ten feet above the floor level of the garage;

(8) When a detached or attached garage is constructed on a lot sloping downward from a street, the average elevation of the lot being not less than ten feet below the sidewalk level, the front wall of the garage need not set back farther from the street lot line than the average contour elevation line of the lot which is five feet below the sidewalk elevation. It is provided, however, that in no case shall the front wall of the garage be closer to the street lot line than five feet. Such garage shall not exceed a height of ten feet above the adjacent sidewalk level, shall not encroach upon the required yard of any building on the same lot, unless it is built up to the side lot line and complies with subdivision (3);

(9) The ground area covered by all Type 1 accessory buildings on the same lot of a one or two family dwelling shall not exceed ten percent of the lot area.

**33.34.170** Type 5. In A0 Zones, uses and buildings on the same lot accessory to principal uses of a Type 5 classification shall comply with the following:

(1) Where a Type 5 accessory use contains a building or is contained within a building, said building whether attached or detached, shall not be located closer to any lot line than that distance required of the principal use;

(2) Under the following conditions, any Type 5 accessory building may be built adjacent to or on a rear and/or side lot line if the wall along or adjacent to such rear and/or side lot line is of masonry not less than eight inches in thickness for its full length and width and for the full height of such accessory building:

A. If a detached accessory building is located

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ten or more feet to the rear of the main building,

B. If an attached accessory building is located forty feet or more from the front lot line,

C. If an existing accessory building on the lot adjoining has already been legally built on the property line, a new accessory building may be built to this same property line but no closer to the front property line than permitted in A. or B.;

(3) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line in compliance with subdivision (2), it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes;

(4) No swimming pool shall be located closer than three feet to any property line nor closer than three feet to any wall or fence.

**33.34.180 Type 6.** In A0 Zones, uses of a Type 6 classification accessory to principal uses shall comply with the following:

(1) Such businesses and services shall be limited to the following:

A. Barber shops,

B. Beauty parlors,

C. Collection agency for laundry, cleaning or pressing,

D. Delicatessens,

E. Dining rooms,

F. Food stores,

G. Office of a physician,

H. Public meeting rooms,

I. Retail shops selling reading matter, clothing, curios, art objects, or household sundries only,

J. Service station for the sale of gasoline and lubrication and minor services to automobiles only,

K. Tailoring, dressmaking, or millinery shops;

L. (Added by Ord. No. 140828 passed Nov. 6, effective Dec. 8, 1975.) Other uses of a business and service nature of a character found similar to the above in accordance with Section 33.114.030;

(2) Such use shall be conducted entirely within the apartment, hotel or motel building or buildings to which it is accessory;

(3) Such use shall have pedestrian access only through an interior hall or lobby of the building

wherein situated;

(4) No outside display window or windows nor signs advertising such uses visible from without such apartment house, hotel or motel shall be allowed;

(5) The floor area devoted to all such uses within a main building or buildings shall not exceed ten percent of the gross floor area of such main building or buildings;

(6) In addition to off-street parking required in Section 33.34.030, hotels and apartments having meeting rooms available for public meetings, entertaining, and other gatherings shall provide one space per fifty-six square feet of floor area within such rooms. Regulations of Chapter 33.82 shall govern.

**33.34.190 Type 7.** (a) In A0 Zones home occupations in the same lot accessory to principal uses and transitional uses of a Type 7 classification shall be permitted only in the following categories:

(1) Office for professional, personal or business service;

(2) Studio for arts, handicrafts or tutoring;

(3) Shop for limited or custom production or minor repair service;

(4) Headquarters for a craftsman or salesman.

(b) Any such home occupations shall comply with the following limitations:

(1) No servant, employee or any person other than a member or members of the family residing within the dwelling shall engage in a home occupation therein or within an accessory building;

(2) No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations;

(3) The scale of operations shall be distinctly limited in nature and conducted primarily as a supplementary, and not principal, source of family income; or as an accommodation for a handicapped or retired person; or as a starter operation for a limited period only until its size or other characteristics compel relocation to the appropriate nonresidential zone;

(4) All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed Type 1, 2 or 3 accessory building;

(5) The aggregate of all space within any or all buildings devoted to one or more home occupations shall not exceed two hundred square feet in floor area, except such space



within or on a lot occupied by an apartment dwelling containing three or more units shall not exceed one hundred square feet in floor area for any one dwelling unit;

(6) Any home occupation which causes abnormal automotive or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited;

(7) No enlargements nor alterations to a dwelling or accessory building for the sole purpose of conducting a home occupation shall be permitted;

(8) The premises shall at all times be maintained as residential in appearance, cleanliness and quietness;

(9) Dimensions, power rating or weight of such equipment and tools used in the conduct of the home occupation shall not exceed that of normal household equipment and tools;

(10) (Amended by Ord. No. 140534 passed Sep. 4, effective Oct. 6, 1975.) Sign: A home occupation shall be permitted one nonilluminated or indirectly illuminated, non-flashing sign, not exceeding three quarters square foot in area, bearing the name of the occupant and/or a designation of any authorized home occupation, business, profession or calling conducted on the site. Such sign shall be in lieu of, not in addition to, any sign permitted by Section 33.34.130(a);

(11) Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building;

(12) Customer and client contact shall be primarily by telephone, mail or in their homes and places of business and not on the premises of the home occupation, except for those home occupations which by their very nature cannot otherwise be conducted except by personal contact with clients;

(13) Products made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers;

(14) (Amended by Ord. No. 139311 passed Jan. 16, effective Feb. 17, 1975.) Other than normal passenger automobiles, only one truck of no more than 8,400 lb. gross vehicle weight (GVW) is permitted to be operated, whether

owned or rented, in connection with a home occupation. Such truck, if parked on the premises, shall be kept within a completely enclosed garage;

(15) Instruction in music shall be limited to no more than two students at one time and in crafts to no more than six students at one time;

(16) An office for a physician or dentist is permitted primarily for emergency cases and as an accommodation for retired or part-time practitioners and not as a principal office for the practice of the profession.

(c) Procedure to establish and maintain a home occupation:

(1) Permits for home occupations shall be issued by the bureau of buildings, shall be valid for a period of two years only, and may be revoked at any time if the requirements of this title are not being met. The fee for such a permit shall be ten dollars;

(2) No permit shall be issued by the bureau of buildings until or unless the applicant shall have received the favorable approval, as indicated by signatures on the authorized application form, of owners or contract purchasers of not less than seventy-five percent of all property in the area bounded by lines one hundred feet, excluding street widths, from and parallel to the boundary lines of the lot proposed to contain each home occupation. Area of any property owned or occupied by the applicant shall be excluded in computing required percentage of approval;

(3) If, in the opinion of the applicant, the bureau of buildings has acted arbitrarily and capriciously in withholding or revoking a permit for a home occupation, he may request an interpretation of this title by the city planning commission as provided in Section 33.114.030. In such cases the dwelling or accessory building to be devoted to a home occupation shall be open for inspection to the staff of the city planning commission on any day between eight a.m. and ten p.m.;

(4) The bureau of licenses shall not issue a business license or accept payment of the fee until an occupancy permit for a home occupation is issued by the bureau of buildings.

## CONDITIONAL USES

**33.34.200 Uses permitted.** (Amended by Ord. No. 138936, 140290, 142734, 142873, and 148244 passed Aug. 2, effective Sept. 4, 1979.) In an AO Zone the following conditional uses may be permitted subject to the regulations contained in Sections 33.32.210-33.34.430 and Chapter 34.79 and under the authority and according to the procedure specified in chapter 33.106:

- (1) Blood collection facility
- (2) Churches
- (3) Residential buildings accessory to churches
- (4) Colleges
- (5) Community clubs
- (6) Excavations and filling
- (7) Golf courses, other country clubs and athletic clubs
- (8) Governmental structures and land uses, local, state or federal, which are essential to the functioning and servicing of residential neighborhoods
- (9) Homes, convalescent
- (10) Hospitals, general
- (11) Hospitals, mental, remedial or detention
- (12) Uses or buildings accessory to hospitals
- (13) Libraries
- (14) Lodges or fraternal organizations or private clubs
- (15) Motels or hotels
- (16) Mass transit waiting stations or turn-arounds
- (17) Museums
- (18) Outside entrances for accessory businesses
- (19) Parks, public
- (20) Planned Unit Developments
- (21) Private helistop accessory to a hospital
- (22) Professional building or offices
- (23) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods
- (24) Radio and television transmitters
- (25) Railroad rights-of-way and passenger stations
- (26) Residential care facility
- (27) Schools, nursery
- (28) Schools, parochial and private
- (29) Schools, public
- (30) Welfare institutions

**33.34.210 Regulations.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

**33.34.220 Churches.** Regulations for churches shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Signs permitted: One sign not to exceed seven feet in length nor fifteen square feet in area and one church bulletin board, not exceeding twenty square feet in area. Neither sign nor bulletin board shall extend above the building height nor over the sidewalk and each must be located on the property of the church. Any illumination shall be indirect and nonflashing.

**33.34.230 Residential buildings accessory to churches.** Regulations for residential buildings accessory to churches shall be as follows:

Off-street parking required: In addition to spaces required for the church, one space shall be provided for each ten persons residing in such building.

**33.34.240 Colleges.** Regulations for colleges shall be as follows:

(1) Off-street parking required: One space per ten seats in classrooms. In addition, one space per five students housed in dormitories, fraternities or sororities shall be provided;

(2) Minimum side or rear yard: Twenty feet.



**33.34.250 Community clubs.** Regulations for community clubs shall be as follows:

Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium.

**33.34.260 Excavating or filling.** Excavating or filling as defined in this title shall be regulated as a conditional use.

**33.34.270 Golf courses, other country clubs and athletic clubs.** Miniature golf courses and golf driving ranges are prohibited in AO Zones. Such uses are classified as commercial uses and are permitted only in C2 and M Zones.

**33.34.280 Convalescent home.** Regulations for convalescent homes shall be as follows:

(1) Classification: Homes having a capacity of ten or fewer patient beds are classed as small; eleven to twenty beds, medium; over twenty beds, large;

(2) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per five beds except for large homes, one space per three beds;

(3) Off-street loading: Large convalescent homes shall provide one berth.

**33.34.290 General hospitals.** Regulations for general hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any general hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9

670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum side or rear yard: Twenty feet.

(4) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

**33.34.300 Mental, remedial or detention hospitals.** Regulations for mental, remedial or detention hospitals shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking: One space per two beds plus one space per two employees;

(2) Off-street loading: For any mental, remedial, or detention hospital of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum site area:

A. No hospital shall be established on a site of less than five acres in area,

B. At least one thousand square feet of lot or site area shall be provided for each patient bed;

(4) Minimum side or rear yard: Twenty feet.

(5) (Added by Ord. No. 140290 passed and effective July 24, 1975.) Locations permitted: New hospital sites shall be restricted to locations abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

**33.34.310** (Amended by Ord. No. 140290 passed and effective July 24, 1975.) **Uses or buildings accessory to hospitals.** Regulations for uses or buildings accessory to hospitals shall be as follows: (a) General regulations.

(1) The site of any accessory use or building shall be in the same ownership as the hospital to which it is an accessory unless a restriction is placed upon the property occupied by the accessory use or building and recorded in the appropriate county records at the expense of the applicant, using forms prescribed for that purpose obtainable from the planning commission.

Upon submission of satisfactory evidence either that the accessory building will be removed or that the proposed use of the accessory building will not be in conflict with the zoning in which it is located and that it will not alter the parking, site coverage, density and floor area of the hospital as permitted within a project area, the restriction upon the property shall be removed. A copy of said restriction removal shall be made available to the owner of said property for the purpose of recordation.

(2) The accessory use or building shall be located on the hospital site or on a separate site, the nearest portion of which is not more than three hundred feet removed from the hospital site to which it is an accessory.

(3) The accessory use or building, if located on a separate site, shall be restricted to a location abutting a major or secondary traffic arterial with off-street parking ingress directly from and egress directly to such arterial.

(4) Minimum side or rear yard: Twenty feet.

(b) Offices and/or clinics of physicians for private medical practice.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per each two hundred fifty square feet of gross floor area of any area assigned to such use.

(c) Parking garages.

(d) Residential facilities for staff, including nurses' homes, interns' quarters and other residential buildings.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided for each five persons residing in such building.

(e) Retail facilities for the needs of the patient including gift shop, barber shop, book

store, beauty shop, coffee shop, drug store or pharmacy, and other similar uses.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space per each two employees of such shop or store provided such employee has not been included as a hospital employee.

(2) Such use shall be conducted entirely within the hospital buildings to which it is accessory except that a coffee shop may have an outdoor dining area provided such area is screened so that it is not visible from a public street or another property.

(3) Such use shall have pedestrian access only through an interior hall or lobby of the building wherein situated.

(4) No outside display window or windows nor signs advertising such uses visible from without the building wherein situated shall be allowed.

(5) The floor area devoted to all such uses within a main building or buildings shall not exceed ten percent of the gross floor area of such main building or buildings.

(f) Training facilities including school of nursing and other types of training facilities.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per ten seats in classrooms provided students have not been included as hospital employees.

**33.34.320 Libraries.** Regulations for libraries shall be as follows:

Off-street parking required: One space per four hundred square feet of reading room area.

**33.34.330 Lodges, fraternal organizations or private clubs.** Regulations for lodges, fraternal organizations or private clubs shall be as follows:

(1) Such use shall be operated for the benefit of members only and not as a business;

(2) Off-street parking required: One space per three hundred square feet of gross floor area;

(3) Signs permitted: Sign or signs, illuminated or nonilluminated, not exceeding six square feet in total area, indicating the name of the organization.

**33.34.335 Motels and hotels.** (Added by Ord. No. 142734 passed Oct. 28, effective Nov. 29, 1976.) Regulations for motels and hotels shall be as follows:

to



- (1) Off-street parking;  
 A. Motels: One space per guest room or suite,  
 B. Hotels: One space per four rooms or suites,  
 C. Additional spaces are required for accessory businesses as specified in Section 33.34.180 for businesses and services accessory to principal uses;

(2) Minimum lot size required: The minimum lot size shall be determined by the gross floor area within the building or buildings as specified in Section 33.34.070 for principal uses;

(3) Signs permitted: Sign or signs, non-illuminated or nonflashing illuminated, not exceeding twenty square feet in total area, indicating the name of a motel or hotel.

**33.34.340 Private or public helistop.** A private helistop may be permitted in connection with a hospital, subject to the additional regulations contained in Chapter 33.78.

**33.34.350 Public parks.** Regulations for public parks shall be as follows:

Minimum side or rear yards: Community centers, swimming pools, stadiums and buildings or portions of buildings containing concessions dispensing refreshments or food shall not be closer than fifty feet to interior lot lines bordering or within an R or A Zone.

**33.34.360 Professional or business offices.** Regulations for professional or business offices shall be as follows:

(1) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Off-street parking required: One space per five hundred square feet of floor area, except medical and dental offices and clinics which shall provide one space per two hundred fifty square feet of floor area;

(2) Such use and all accessory operations, except parking, shall be confined to the lower three floors of any building. For the purposes of this provision, basements or sub-basements devoted to such professional or business office use or accessory operations shall be considered as a "floor";

(3) No more than ten thousand square feet of gross floor area shall be devoted to business and professional offices in any individual building, and hereafter no building to be used for such purpose exclusively shall be constructed containing more than ten thousand square feet in gross floor area;

(4) No merchandise shall be displayed, handled, or sold on the premises;

(5) Signs permitted: One nonflashing illuminated or nonilluminated sign not exceeding six square feet in area indicating the name of the office only.

**33.34.370 Public utility structures.** Exempted from these regulations are underground pipes and conduits and aboveground electric transmission, distribution, communication and signal lines on a single pole system. All other transmission and public utility structures, such as double poles and steel towers for transmission lines, substations, automatic telephone exchanges, relay stations, pumping stations, and treatment plants shall be regulated as conditional uses.

**33.34.380 Railroad rights-of-way and passenger stations.** Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated as conditional uses. All other railroad facilities, such as switching yards, holding tracks, team

**33.34.390 Nursery schools.** Regulations for nursery schools shall be as follows:

(1) Off-street parking required: One space per teacher in schools having four or more teachers;

(2) Off-street loading required: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having four or more teachers. Such driveway shall be paved with material as specified in the building regulations;

(3) Outdoor play area: An outdoor play area shall be provided and thereafter maintained with a minimum area of one hundred square feet per child of total enrollment capacity of the school. Screening shall be provided separating such play area from abutting lots. Such screen shall be at least four feet but not more than six feet high and shall be a masonry wall, an ornamental wooden fence, a chain-link type wire fence with evergreen vines, or a compact evergreen hedge.

**33.34.400 Private or parochial elementary and public primary schools.** Regulations for private or parochial elementary and public primary schools shall be as follows:

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(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms On:	Maximum Number of Classrooms Per Acre
60 percent or more vacant	One floor	3.0
60 percent or more vacant	Two floors	3.0
Less than 60 percent vacant	One floor	4.0
Less than 60 percent vacant	Two floors	4.5

Playground space in a public park adjoining the school site, not separated by a public street, may be included as part of the school site area providing such space is made available by agreement with the bureau of parks;

(3) Minimum side or rear yard: Twenty feet.

**33.34.410 Public elementary schools.** Regulations for public elementary schools shall be as follows:

(1) Off-street parking required: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Site area: For school buildings being enlarged or being constructed for the first time, the area of the site shall not be less than the following:

Condition of Land Acquired	Classrooms On:	Maximum Number of Classrooms Per Acre
60 percent or more vacant	One floor	2.5
60 percent or more vacant	Two floors	2.5
Less than 60 percent vacant	One floor	3.5
Less than 60 percent vacant	Two floors	4.0

Playground space in a public park adjoining the school site, not separated by a public street may be included as part of the school site area

providing such space is made available by agreement with the bureau of parks;

(3) Minimum side or rear yard: Twenty feet.

**33.34.420 Private, parochial or public high schools.** Regulations for private, parochial or public high schools shall be as follows:

(1) Off-street parking: One space per fifty-six square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per eight seats or sixteen feet of bench length in the main auditorium;

(2) Minimum side or rear yard: Twenty feet.

**33.34.425 Residential care facilities.** (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) Regulations for residential care facilities shall be:

(1) Lot size required. A. The minimum lot area shall be five thousand square feet per facility.

B. The minimum lot width shall be fifty feet.

C. The minimum lot depth shall be eighty feet.

(2) Minimum on-site open space. A. Two hundred square feet for each resident served under the age of twelve years.

B. Three hundred square feet for each resident served twelve years through seventeen years of age.

C. One-hundred fifty square feet for each resident served eighteen years of age or older.

(3) Minimum off-street parking. One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility.

(4) Valid certificate of review (license to operate) issued under Chapter 8.80 of the municipal code.

**33.34.430 Welfare institution.** Regulations for welfare institutions shall be as follows:

(1) Off-street parking: One space per ten beds for patients or inmates;

(2) Off-street loading: For any welfare institution of five thousand square feet of floor area or greater, off-street loading berths shall be provided according to the table below:



## AX DOWNTOWN APARTMENT RESIDENTIAL ZONE

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

(3) Minimum side or rear yard: Twenty feet.

**33.34.440 Prohibited uses.** Uses of structures and land not specifically mentioned in this chapter are prohibited in all AO Zones.

The use of an automobile trailer house as a residence is prohibited in all AO Zones. Such trailers are below the room size, ceiling height, and other regulations in the housing regulations.

### Chapter 33.36

## AX DOWNTOWN APARTMENT RESIDENTIAL ZONE

(Added by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.)

#### Sections:

- 33.36.010 Generally.
- 33.36.020 Purpose.
- 33.36.030 Z Downtown development zone applicable.

#### Principal Uses

- 33.36.040 Uses permitted.
- 33.36.050 Limitations on use.
- 33.36.060 Off-street parking.
- 33.36.070 Off-street loading.
- 33.36.080 Minimum lot size.
- 33.36.090 Maximum lot coverage.
- 33.36.100 Maximum floor area.
- 33.36.110 Maximum height.
- 33.36.120 Minimum yards.
- 33.36.130 Signs permitted.
- 33.36.140 Demolition.

#### Accessory Buildings and Uses

33.36.150 Accessory buildings and uses.

#### Conditional Uses

33.36.160 Uses permitted.

33.36.170 Regulations.

33.36.180 Prohibited uses.

**33.36.010 Generally.** In all AX Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

**33.36.020 Purpose.** The AX Downtown Apartment Residential Zone is intended to provide regulations governing use and development for a mixture of apartment residential and institutional uses, together with appropriate office and retail activities serving the residents of the zone as well as complementing nearby downtown retail and office uses.

**33.36.030 Z Downtown development zone applicable.** The entire area within the AX Downtown Apartment Residential Zone also shall be considered to be within the Z Downtown Development Zone, and shall be subject to the provisions of Chapter 33.56.

#### Principal Uses

**33.36.040 Uses permitted.** (1) Residential uses. The following residential uses are permitted in any part of the AX Zone:

- (a) One family dwellings;
- (b) Two family dwellings;
- (c) Apartment dwellings;
- (d) Boarding and rooming houses;
- (e) Hotels in which more than half the rooms are occupied on a weekly or monthly basis.

(2) Commercial uses. Except the area as provided for in subsection (3) of this section, all uses listed under 33.44.020 with limitations as provided for in 33.36.100.

(3) Park Block Frontage. Commercial uses shall not be permitted on Lots 1-4, Blocks 221-232, Portland; Lots 5-8, Blocks 197-208, Portland; and Lot 8, Block 196, Portland unless authorized under Conditional Uses 33.36.160 Uses Permitted.

(4) Other uses of a general commercial character found similar to the above in accordance with Section 33.114.030.



## PLANNING AND ZONING

**33.36.050 Limitations on use.** The following limitations shall apply to permitted CI Central Commercial Uses:

(1) All business and service activities, other than those approved as conditional uses, shall be confined, contained, and conducted wholly within completely enclosed buildings provided that incidental activities related to permitted uses such as outdoor sale of plants, outdoor eating areas and similar outdoor activities may be unenclosed subject to approval in accord with Chapter 33.62 (D Design Zone).

(2) A majority of all goods produced or processed on the premises shall be sold at retail on the premises.

(3) Any uses and operations objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, and other similar causes shall be prohibited.

**33.36.060 Off-street parking.** There shall be no minimum off-street parking requirements in the AX Zone. Off-street parking when approved in accordance with the procedures specified in Chapter 33.106 shall be subject to requirements specified in Chapter 33.56 and regulations in Chapter 33.82.

**33.36.070 Off-street loading.** (1) It is the policy of the city to require off-street loading facilities in order to maintain an efficient use of street right-of-way. Off-street loading berths meeting the requirements of Chapter 33.86 shall be provided as follows:

(a) Apartments (or apartment dwelling):  
33.12.090):

Number of Units	Loading Berths Required
Less than 50	None
50 or more	1

(b) Offices:

Gross Floor Area	Loading Berths Required
Less than 30,000 sq. ft.	None
30,000 sq. ft. and over	1

(c) Business and service uses:

Gross Floor Area	Loading Berths Required
Less than 20,000 sq. ft.	None
20,000 sq. ft. and over	1

(d) In the aggregate no more than one (1) loading berth would be required.

(2) If the above provisions create site, building development, or circulation problems, and if the Traffic Engineer concludes that on-street loading zones more effectively will promote the goals and objectives set forth in Planning Guidelines/Portland Downtown Plan and Downtown Parking and Circulation Policy, such on-street loading zones shall be authorized in lieu of off-street loading berths.

**33.36.080 Minimum lot size.** There shall be no minimum lot size requirement.

**33.36.090 Maximum lot coverage.** There shall be no limitation on lot coverage, except as may result from requirements of Section 33.36.120.

**33.36.100 Maximum floor area.** (1) Maximum total floor area permitted on each site shall be as prescribed in Chapter 33.56.

(2) Of the total floor area built on any one site, no more than 20% may, as a matter of right, house commercial uses permitted by Section 33.36.040(2) or by Section 33.36.160(2). No more than an additional 20% of the total floor area built may house commercial uses permitted by Section 33.36.040(2) if approved as conditional uses under procedures specified in Chapter 33.106.

(3) With exception to the Park Block frontage specified in Section 33.36.040(3), for a three-year period after the effective date of this ordinance more than 40% and up to 100% of the total floor area built may house commercial uses if approved as conditional uses according to the procedure specified in Chapter 33.106 and if in compliance with guidelines adopted by City Council.

(4) With exception to Park Block frontage specified in Section 33.36.040(3) nonresidential floor area may be transferred between two or more contiguous or noncontiguous sites within AX Zones, provided that:

(a) buildings on each site shall conform to all sections of this chapter, and

(b) the total residential floor area on all sites developed jointly involving transfer shall be assured by withholding issuance of a certificate of occupancy for the nonresidential floor space until a certificate of occupancy for the residential floor space is issued.

(c) nonresidential floor area transfer is approved under 33.36.160(4).



**33.36.110 Maximum height.** Maximum height shall be prescribed in Chapter 33.56.

**33.36.120 Minimum yards.** Courts and yards necessary to provide adequate light, air and privacy may be required under the procedures set forth in Chapter 33.62.

**33.36.130 Signs permitted.** (Section reserved).

**33.36.140 Demolition.** No demolition permit will be issued for any existing residential structure by the Bureau of Buildings until such proposal for demolition has been reviewed in accordance with Chapter 24.13 of the Portland Zoning Code as though the proposed demolition fell under the scope of Chapter 13 of the

Appendix of the Uniform Building Code.

Review will not be required if a building permit already has been issued for that site, or if condemnation proceedings on such structure have been accomplished.

#### Accessory Buildings and Uses

**33.36.150 Accessory buildings and uses.** All accessory buildings and uses in the AX Zone must comply with Sections 33.34.140 through 33.34.190 inclusive.

#### Conditional Uses

**33.36.160 Uses permitted.** In the AX Zone the following conditional uses may be permitted, subject to the regulations contained in

Section 33.36.170 and the procedures specified in Sections 33.106.010 to 33.106.040.

(1) All uses permitted under Section 33.36.040(2) with limitations as provided for in Section 33.36.100.

(2) Retail and Service Commercial with limitations as provided for in 33.36.100(2).

(3) The following uses which are exempt from the maximum floor area provisions of Section 33.36.100(2):

(a) Artist studios;

(b) Athletic clubs;

(c) Auto service facilities if enclosed in a public or private off-street parking structure when such service facility does not exceed 5,000 sq. ft. of gross floor area;

(d) Colleges;

(e) Community clubs;

(f) Excavations and filling;

(g) Municipal, county, state and federal governmental structures and land uses, which are essential to the functioning and servicing of residential neighborhoods;

(h) Libraries;

(i) Lodges or fraternal organizations or private clubs;

(j) Museums;

(k) Nurses' homes or other residential buildings accessory to hospitals;

(l) Outdoor activities not incidental or related to permitted uses, such as commercial amusements, open air markets, vendors and eating places not otherwise regulated by the City code;

(m) Places of worship;

(n) Public parks, recreation and cultural facilities;

(o) Public or private off-street parking;

(p) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods;

(q) Residential buildings accessory to places of worship;

(r) Nursery schools, day care centers;

(s) Schools, parochial and private;

(t) Schools, public;

(u) Welfare institutions and residential care facilities;

(v) Retail and service commercial clearly accessory to one or more of the above uses.

(4) Nonresidential floor area transfer permitted under Section 33.36.100(4).

**33.36.170 Regulations.** (1) Off-street parking and loading requirements, provisions governing signs, or other conditions or limitations of approval, shall be guided by regulations applicable to similar permitted or conditional uses in other zones and by specific development objectives and conditions in the AX Zone and in downtown.

(2) If regulations differing from those governing principal uses permitted in AX Zones are not specified in this chapter or in the written instrument approving a conditional use, then the regulations governing principal uses shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading, and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

**33.36.180 Prohibited uses.** Uses of structures and land not specifically mentioned in this chapter are prohibited in all AX Zones.

## Chapter 33.38

### C5 LIMITED COMMERCIAL ZONE

#### Sections:

33.38.010 Generally.

33.38.020 Limited to new construction only.

33.38.030 Procedure.

33.38.040 Regulations.

33.38.050 Classifications.

#### TYPE A

33.38.060 Locations permitted.

33.38.070 Uses permitted.

33.38.080 Limitations on uses.

33.38.090 Off-street parking required.

33.38.100 Off-street loading.

33.38.110 Maximum lot coverage.

33.38.120 Maximum height permitted.

33.38.130 Minimum front yard.

33.38.140 Minimum side yard.

33.38.150 Minimum rear yard.

33.38.160 Signs permitted.

33.38.170 Accessory buildings.

33.38.180 Uses prohibited.



**TYPE B**

- 33.38.190 Locations permitted.
- 33.38.200 Uses permitted.
- 33.38.210 Limitations on uses.
- 33.38.220 Off-street parking required.
- 33.38.230 Off-street loading required.
- 33.38.240 Maximum lot coverage.
- 33.38.250 Maximum height permitted.
- 33.38.260 Minimum front yard.
- 33.38.270 Minimum side yard.
- 33.38.280 Minimum rear yard.
- 33.38.290 Signs permitted.
- 33.38.300 Accessory buildings.
- 33.38.310 Prohibited uses.

**TYPE C**

- 33.38.320 Locations permitted.
- 33.38.330 Uses permitted.
- 33.38.340 Limitations on uses.
- 33.38.350 Off-street parking required.
- 33.38.360 Off-street loading required.
- 33.38.370 Maximum lot coverage.
- 33.38.380 Maximum height permitted.
- 33.38.390 Minimum front yard.
- 33.38.400 Minimum side yard.
- 33.38.410 Minimum rear yard.
- 33.38.420 Signs permitted.
- 33.38.430 Accessory buildings.
- 33.38.440 Prohibited uses.

**33.38.010 Generally.** In all C5 Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

**33.38.020 Limited to new construction only.** After the original enactment of this title and the official zoning maps, C5 Zones shall be established for the purpose of new construction only. Thenceforth no C5 Zone shall be established on property for the purpose of permitting the conversion of an existing structure to uses allowed in this chapter, notwithstanding the fact that such conversion could conform to all the regulations in this chapter.

**33.38.030 Procedure.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) The city council may, from time to time as warranted, establish, change or abolish C5 Zones in accordance with the following procedure:

(1) C5 Zones shall be established on petition of the owner or owners of property to be changed, or the council or the commission may initiate the change. The provisions of Chapter 33.102, together with the additional requirements cited herein, shall govern the procedure to be followed;

(2) The lot, tract, or parcel of land involved shall be: A. In one ownership, B. The subject of a petition filed jointly by the owners of all the property to be changed, or C. An urban renewal area, or part thereof, approved by the planning commission and the city council;

(3) The petitioner shall prepare and submit a preliminary development plan together with a schedule of construction of his proposed project in the C5 Zone. During consideration, a public hearing on said development plan may be held and expert advice from the design committee and other authorities on traffic, health, safety, or other matters germane to the effect of the proposed project on the surrounding property or neighborhood or the city as a whole may be requested. If it is found that the zone change is justified and the preliminary development plan and construction schedule are acceptable in accordance with regulations of this chapter and such requirements deemed necessary in the public interest, the petitioner shall prepare a final development plan and construction schedule for approval;

(4) If it is determined that the C5 Zone should be established and the final development plan and construction schedule or modifications thereof are approved, said plan and schedule shall be made a part of the zone change ordinance and the whole shall be recorded in the deed records;

(5) No building or occupancy permits shall be issued on the property involved unless they are in exact conformance with the approved final development plan;

(6) Failure to begin and complete construction on or prior to the approved dates in the construction schedule shall void the development plan and shall automatically terminate any right to proceed under the approved development plan or the zone change ordinance. Thereafter, it is unlawful for any further construction or any use to be made under the C5 Zone and development or use of the property must comply with the former classification. Whenever it is determined that the construction was not



begun and completed on or prior to such approved dates in the construction schedule, a hearing may then be held and recommendation made to the council for an ordinance setting forth the reversion of the property to its former classification;

(7) During the course of construction, changes in the final development plan or schedule deemed necessary by the petitioner may be made and recommendations forwarded to the council for decision and ordinance following the procedure for an initial application;

(8) After the project is constructed and occupied, any subsequent enlargements or alterations or changes of use shall be submitted in accordance with procedure for an initial application.

**33.38.040 Regulations.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) The regulations applying to any particular lot, parcel, or tract in a C5 Zone shall be the zone change ordinance and final development plan, and amendments thereto, according to which the lot, parcel, or tract is to be improved and maintained. The regulations may be varied with each property as is necessary or desirable for the public convenience, health, safety, peace and general welfare and to protect the surrounding property and neighborhood. In no case, however, shall an ordinance establishing a C5 Zone and a final development plan be approved which does not embody at least the requirements specified in Sections 33.38.050 — 33.38.440.

Failure to include the regulations listed in said sections in the zone change ordinance shall not relieve the petitioner from complying with them.

**33.38.050 Classifications.** In C5 Zones, uses are regulated in accordance with the following classification of sites:

Type A: Sites of 10,000 square feet in area or smaller.

Type B: Sites between 10,000 square feet and five acres in area.

Type C: Sites of five acres in area or larger.

## TYPE A

**33.38.060 Locations permitted.** Type A sites shall be restricted to locations coming within at least one of the following situations:

(1) Abutting a major or secondary traffic arterial;

(2) Adjoining an AO, C or M Zone and fronting on the same street serving the adjoining lot in the AO, C, or M Zone;

(3) Across a street upon which fronts an AO, C, or M Zone;

(4) Abutting or across a street from conditional uses occupying sites of twenty thousand square feet in area or greater.

**33.38.070 Uses permitted.** Only offices of the following professions are permitted on Type A sites in C5 Zones:

(1) Dentists;

(2) Physicians and surgeons;

(3) Psychiatrists.

**33.38.080 Limitations on uses.** (a) All uses and operations except off-street parking shall be confined, contained, and conducted wholly within completely enclosed buildings.

(b) High standards of exterior appearance, cleanliness, and quietness shall be maintained at all times. No use or operation shall be objectionable to residents in the vicinity.

(c) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) The site shall be landscaped and maintained at all times in a satisfactory manner.

(d) Hours of operation shall be limited from eight a.m. to ten p.m. except in cases of unusual emergencies.

(e) No merchandise shall be displayed, handled, or sold on the premises.

**33.38.090 Off-street parking required.**

(a) One space per two hundred fifty square feet of gross floor area shall be provided and maintained.

(b) Such space shall be located on the site.

(c) Such space shall not be located within the required front yard and it shall not be closer than fifteen feet to any side or rear lot line abutting an R or A Zone.

(d) Screening shall be provided and maintained between any parking area and a street line or property in an R or A Zone. Such screening shall be sufficiently dense to obscure motor vehicle headlights. It shall be at least



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three feet and not more than four feet high along a street line and at least five feet and not more than six feet high along any other property line. Such screen may be placed along the boundary of the parking area or along a property line but not closer than five feet to a street line. Such screening shall be composed of a masonry wall, an ornamental wooden fence, a compact evergreen hedge, or a chain-link type wire fence with evergreen vines.

(e) The provisions of Chapter 33.82, not in conflict with the above, shall also apply.

**33.38.100 Off-street loading.** No loading berths are required.

**33.38.110 Maximum lot coverage.** The area covered by all buildings including accessory buildings shall not exceed twenty-five percent of the lot area.

**33.38.120 Maximum height permitted.**

(a) No structure shall exceed one story or fifteen feet.

(b) On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the fifteen foot height limit.

**33.38.130 Minimum front yard.\*** The regulations of the most restricted R or A Zone abutting the C5 Zone along the same street frontage shall apply.

**33.38.140 Minimum side yard.\*** There shall be a minimum side yard on each side of a main building equal to twice the height of the building, except no yard shall be required along a lot line abutting a C4, C2, C1, M3, M2 or M1 Zone.

**33.38.150 Minimum rear yard.\*** There shall be a minimum rear yard equal to twice the height of the building except no yard shall be

required along a lot line abutting a C4, C2, C1, M3, M2, or M1 Zone.

**33.38.160 Signs permitted.** All signs visible from the exterior of the building or buildings are prohibited except one indirectly lighted or transparency name plate not exceeding six square feet in area, indicating the name of the use only.

**33.38.170 Accessory buildings.** All accessory buildings shall be located as far from any lot line as are the required yard depths for main buildings.

**33.38.180 Uses prohibited.** All uses not specifically listed in Section 33.38.070, including residential uses, are prohibited on Type A sites in C5 Zones.

### TYPE B

**33.38.190 Locations permitted.** Type B sites shall be restricted to locations coming within at least one of the following situations:

(1) Abutting a major or secondary traffic arterial;

(2) Adjoining an A0, C2, C1 or M Zone and fronting on the same street serving the adjoining lot in the A0, C2, C1 or M Zone;

(3) Across a street upon which fronts an A0, C2, C1 or M Zone.

**33.38.200 Uses permitted.** On Type B sites in C5 Zones, the following uses are permitted:

(1) Offices or studios of the following professions:

- A. Accountants,
- B. Architects,
- C. Artists,
- D. Attorneys,
- E. Authors and writers,
- F. Dentists,
- G. Designers,
- H. Engineers,
- I. Investment counselors,
- J. Landscape architects,
- K. Management consultants,
- L. Ministers,
- M. Physicians and surgeons,
- N. Psychiatrists;

(2) Offices of administrative, educational, financial, philanthropic, religious, research, scientific or statistical organizations;

\*See Chapter 33.90 for additional regulations.



(3) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Other offices of a character found similar to the above and in accordance with Section 33.114.030;

(4) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Such accessory uses as are judged to be necessary to the use of or desirable for the convenience or recreation of employees.

**33.38.210 Limitations on uses.** (a) All uses and operations, except off-street parking or outdoor recreational facilities shall be confined, contained, and conducted wholly within completely enclosed buildings.

(b) High standards of exterior appearance, cleanliness, and quietness shall be maintained at all times. No use or operation shall be objectionable to residents in the vicinity.

(c) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) The site shall be landscaped and maintained at all times in a satisfactory manner.

(d) Hours of operation shall be limited from eight a.m. to ten p.m. except in cases of unusual emergencies.

(e) No merchandise shall be displayed, handled, or sold on the premises.

**33.38.220 Off-street parking required.** (a) One space per two hundred fifty square feet of gross floor area, excluding basement area used for heating plant, rest rooms, storage and utility use, shall be provided and maintained.

(b) Such space shall be located on the site.

(c) Such space shall not be located within the required front yard and it shall not be closer than fifteen feet to any side or rear lot line abutting an R, A, C5 or M4 Zone.

(d) Screening shall be provided and maintained between any parking area and a street line or property in an R or A Zone. Such screening shall be sufficiently dense to obscure motor vehicle headlights. It shall be at least three feet and not more than four feet high along a street line and at least five feet and not more than six feet high along any other property line. Such screen may be placed along the boundary of the parking area or along a property line but not closer than five feet to a street line. Such screening shall be composed of a masonry wall, an ornamental wooden fence, a compact evergreen hedge, or a chain-link type wire fence with evergreen vines.

(e) The provisions of Chapter 33.82, not in conflict with the above, shall also apply.

**33.38.230 Off-street loading required.** Off-street loading berths shall be provided for any building or group of buildings according to gross floor area as follows:

Square Feet of Floor Area	Loading Berths Required
5,000 - 24,999	1
25,000 - 59,999	2
60,000 - 99,999	3
100,000 - 159,999	4
160,000 - 249,999	5
250,000 - 369,999	6
370,000 - 579,999	7
580,000 - 899,999	8
900,000 - 2,999,999	9
Over - 3,000,000	10

Such berths shall be regulated by Chapter 33.86.

**33.38.240 Maximum lot coverage.** The area covered by all buildings including accessory buildings shall not exceed twenty percent of the lot area.

**33.38.250 Maximum height permitted.** (a) No structure shall exceed three stories or thirty-five feet in height.

(b) On any lot, sloping downhill from the street which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the thirty-five foot height limit.

**33.38.260 Minimum front yard.** There shall be a minimum front yard of not less than thirty feet.

**33.38.270 Minimum side yard.** There shall be a minimum side yard on each side of a main building of not less than two times the height of the structure, except no side yard shall be required between a structure and a lot line abutting a C4, C2, C1, M3, M2, or M1 Zone.



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**33.38.280 Minimum rear yard.** There shall be a minimum rear yard of not less than two times the height of the structure, except no rear yard shall be required between a structure and a lot line abutting a C4, C2, C1, M3, M2 or M1 Zone.

**33.38.290 Signs permitted.** All signs visible from the exterior of the building or buildings are prohibited except one indirectly lighted or transparency name plate, not exceeding twenty square feet in area, indicating the name of the use only.

**33.38.300 Accessory buildings.** All accessory buildings shall be located as far from any lot line as are the required yard depths for main buildings.

**33.38.310 Prohibited uses.** (a) Residential uses except quarters for caretakers or occasional use for the organization's executives or guests.

(b) All other uses not specifically listed in Section 33.38.200.

### TYPE C

**33.38.320 Locations permitted.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Type C sites shall be restricted to locations as may be authorized.

**33.38.330 Uses permitted.** On Type C sites in C5 Zones, the following uses are permitted:

(1) Offices or studios of the following professions:

- A. Accountants,
- B. Architects,
- C. Artists,
- D. Attorneys,
- E. Authors and writers,
- F. Dentists,
- G. Designers,
- H. Engineers,
- I. Investment counselors,
- J. Landscape architects,
- K. Management consultants,
- L. Ministers,
- M. Physicians and surgeons,
- N. Psychiatrists;

(2) Offices of administrative, educational, financial, philanthropic, religious, research, scientific or statistical organizations whose activities are such that few visitors other than employees have reason to come to the premises;

(3) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.)

Other offices of a character found similar to the above and in accordance with Section 33.114.030;

(4) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Such accessory uses as are judged to be necessary to the use of or desirable for the convenience or recreation of employees.

(5) A private helistop may be permitted as an accessory use to the principal use and all such helistops shall be subject to the additional regulations contained in Chapter 33.78.

**33.38.340 Limitations on uses.** (a) All uses and operations, except off-street parking, private helistops or outdoor recreational facilities, shall be confined, contained and conducted wholly within completely enclosed buildings.

(b) High standards of exterior appearance, cleanliness, and quietness shall be maintained at all times. No use or operation shall be objectionable to residents in the vicinity.

(c) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) The site shall be landscaped and maintained at all times in a satisfactory manner.

(d) Hours of operation shall be limited from eight a.m. to ten p.m. except in cases of unusual emergencies.

(e) No merchandise shall be displayed, handled, or sold on the premises.

**33.38.350 Off-street parking required.**

(a) One space per two employees shall be provided and maintained.

(b) Such space shall be located on the site.

(c) Such space shall not be located in any required yard.

(d) Screening shall be provided and maintained between any parking area and a street line or property in an R or A Zone. Such screening shall be sufficiently dense to obscure motor vehicle headlights. It shall be at least three feet and not more than four feet high along a street line and at least five feet and not more than six feet high along any other property line. Such screen may be placed along the boundary of the parking area or along a property line but not closer than five feet to a street line. Such screening shall be composed of a masonry wall, an ornamental wooden fence, a compact evergreen hedge, or a chain-link type wire fence with evergreen vines.

(e) The provisions of Chapter 33.82, not in conflict with the above, shall also apply.



**33.38.360 Off-street loading required.** Off-street loading berths shall be provided for any building or group of buildings according to gross floor area as follows:

Square Feet of Floor Area	Loading Berths Required
5,000 - 24,999	1
25,000 - 59,999	2
60,000 - 99,999	3
100,000 - 159,999	4
160,000 - 249,999	5
250,000 - 369,999	6
370,000 - 579,999	7
580,000 - 899,999	8
900,000 - 2,999,999	9
Over - 3,000,000	10

Such berths shall be regulated by Chapter 33.86.

**33.38.370 Maximum lot coverage.** The area covered by all buildings including accessory buildings shall not exceed fifteen percent of the lot area.

**33.38.380 Maximum height permitted.** (a) No structure shall exceed three stories or thirty-five feet in height.

(b) On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the thirty-five foot height limit.

**33.38.390 Minimum front yard.** There shall be a minimum front yard of not less than four times the height of the structure.

**33.38.400 Minimum side yard.** There shall be a minimum side yard on each side of a main building of not less than one hundred feet or four times the height of the structure, whichever is the greater, except no side yard shall be required between a structure and a lot line abutting a C4, C2, C1, M3, M2, or M1 Zone.

**33.38.410 Minimum rear yard.** There shall be a minimum rear yard of not less than one hundred feet or four times the height of the structure, whichever is the greater, except no rear yard shall be required between a structure of thirty-five feet or lower and a lot line abutting a C4, C2, C1, M3, M2, or M1 Zone.

**33.38.420 Signs permitted.** All signs visible from the exterior of the building or buildings are prohibited except one indirectly lighted or transparency name plate, not exceeding thirty-five square feet in area, indicating the name of the use only.

**33.38.430 Accessory buildings.** All accessory buildings shall be located as far from any lot line as are the required yard depths for main buildings.

**33.38.440 Prohibited uses.** (a) Residential uses except quarters for caretakers or occasional use for the organization's executives or guests.

(b) All other uses not specifically listed or permitted under Section 33.38.330.

## Chapter 33.40

### C4 LOCAL COMMERCIAL ZONE

#### Sections:

33.40.010 Generally.

#### PRINCIPAL USES

- 33.40.020 Uses permitted.
- 33.40.030 Limitations on use.
- 33.40.040 Off-street parking required.
- 33.40.050 Off-street loading required.
- 33.40.060 Lot size required.
- 33.40.070 Maximum lot coverage.
- 33.40.080 Maximum floor area permitted.
- 33.40.090 Maximum height permitted.
- 33.40.100 Minimum front yard.
- 33.40.110 Minimum side yard.
- 33.40.120 Minimum rear yard.
- 33.40.130 Signs permitted.

#### RESIDENTIAL USES

- 33.40.140 On lots abutting or across a street from A1, A0, C2, C1, or M Zones.
- 33.40.150 On all other lots in C4 Zones.



# **ACCESSORY BUILDINGS AND USES**

- 33.40.160 Generally.
- 33.40.170 Height.
- 33.40.180 Accessory to principal use.
- 33.40.190 Accessory to residential use.

## **CONDITIONAL USES**

- 33.40.200 Uses permitted.
- 33.40.210 Regulations.
- 33.40.220 Prohibited uses.

**33.40.010 Generally.** In all C4 Zones, the use of land and structures, the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

## **PRINCIPAL USES**

**33.40.020 Uses permitted.** In a C4 Zone, the following uses are permitted:

- (1) Art gallery or store;
- (2) Bakery, retail;
- (3) Barber shop;
- (4) Beauty parlor;
- (5) Book store;
- (6) Clothes cleaning pick-up agency;
- (7) Clothes pressing establishment;
- (8) Confectionery;
- (9) Custom dressmaking;
- (10) Delicatessen store;
- (11) Drug store;
- (12) Dry goods store;
- (13) Florist shop;
- (14) Garden supplies store;
- (15) Gift shop;
- (16) Grocery, fruit or vegetable store;
- (17) Hardware store;
- (18) Jewelry store;
- (19) Laundry pick-up agency;
- (20) Meat market;
- (21) Millinery shop;
- (22) Notions or variety store;
- (23) Office, business or professional;
- (24) Photographer;
- (25) Radio and television sales and service;
- (26) Shoe repair shop;
- (27) Shoe store;
- (28) Stationery store;
- (29) Tailor shop;
- (30) Wearing apparel;
- (31) Other uses of a neighborhood business character found similar to the above in accordance with Section 33.114.030.

**33.40.030 Limitations on use.** (a) All business, servicing, or processing, except off-street parking, shall be confined, contained, and conducted wholly within completely enclosed buildings, except the propagation of

flowers and plants for sale in connection with a florist shop or garden supplies store may be in the open, providing all equipment and materials used in such propagation are stored within completely enclosed buildings.

(b) All uses and operations shall be predominantly retail or service establishments dealing directly with ultimate consumers. Predominantly all goods produced or processed shall be sold at retail on the premises.

(c) All stores and shops shall deal primarily in new merchandise.

(d) Any uses and operations objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, and other similar causes shall be prohibited.

**33.40.040 Off-street parking required.** (Amended by Ord. No. 140290 passed and effective July 24, 1975.) One space per seven hundred square feet of floor area, except medical and dental offices and clinics which shall provide one space per two hundred fifty square feet of floor area, according to the regulations in Chapter 33.82. Such space shall not be located in the front yard if such is provided in accordance with Section 33.40.100.

**33.40.050 Off-street loading required.** No loading berths are required.

**33.40.060 Lot size required.** For lot size there shall be no limitation.

**33.40.070 Maximum lot coverage.** There shall be no maximum lot coverage limitation.

**33.40.080 Maximum floor area permitted.** (Amended by Ord. No. 131128 passed July 2, effective Aug. 3, 1970.) The gross floor area of a main building and its accessory buildings exclusive of off-street parking garages, shall not exceed four thousand square feet. When there are two or more main buildings and their accessory buildings on one lot, each main building and its accessory buildings shall not exceed four thousand square feet and shall be no closer to another main building and its accessory buildings that is allowed by Title 24, Building Regulations, and Title 29, Housing Regulations, of this code, and shall in no case be closer than ten feet.

**33.40.090 Maximum height permitted.** (a) No structure shall exceed two stories or twenty feet in height.

(b) On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more, measured in the general direction of the side lot



lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Chimneys, radio and television aerials may extend above the twenty foot height limit.

**33.40.100 Minimum front yard.\*** (a) There shall be a front yard of not less than fifteen feet; provided, however, that where lots comprising forty percent or more of the frontage, excluding reversed corner lots, are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

(b) Where a lot is situated between two lots, each of which has a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirements on such lot may be the average of the front yards of the existing buildings.

(c) Where a lot adjoins only one lot having a main building, within twenty-five feet of its side lot lines, which projects beyond the required front yard line and has been so maintained since July 1, 1959, the front yard requirement on such lot may be the average of the front yard of the existing building and the established front yard line.

(d) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and located on that side which has not yet been dedicated or condemned, unless the yards provided on such lot include both that portion of the lot lying within the future street and the required yards.

(e) On corner lots, the front yard along the long dimension of the lot may be reduced to ten feet. In case of a square lot or lot having equal frontage on two intersecting streets, one front yard may be reduced to ten feet providing the other front yard is at least fifteen feet.

**33.40.110 Minimum side yard.\*** A side yard

\*See Chapter 33.90 for additional regulations.

is not required except where the side of a lot abuts an R or A Zone. In such case, a side yard shall be provided on that side of the lot abutting the R or A Zone. The minimum width of the side yard shall be six feet for a one story building and seven feet for a two story building.

**33.40.120 Minimum rear yard.** There shall be no limitation except where the rear lot line abuts the side of an adjoining lot in an R or A Zone, and in such case the side yard requirement of the R or A Zone shall apply to the rear yard of the C4 Zone where the two abut.

**33.40.130 Signs permitted.** (a) Any exterior sign displayed shall pertain only to the use conducted within the building.

(b) Such sign shall be attached flat against a wall of the building and parallel with its horizontal dimension.

(c) Such sign shall front the principal street; a parking area, if in the rear; or in the case of a corner lot, on that portion of the side street wall within fifty feet of the principal street.

(d) In no case shall any part of a sign extend above the roof line of the building.

(e) Such sign may be illuminated but it shall not be a flashing type.

(f) Signs of a type and in a location other than described by subsections (a) to (e), inclusive, are prohibited in all C4 Zones.

## RESIDENTIAL USES

**33.40.140 On lots abutting or across a street from A1, A0, C2, C1, or M Zones.**

(a) Uses permitted:

- (1) One family dwellings;
- (2) Two family dwellings;
- (3) Apartment dwellings;
- (4) Boarding and rooming houses;
- (5) Hotel or motel.

(b) Where any lot is used exclusively for any of the above residential uses, all regulations governing principal uses permitted in A1 Zones shall apply.

(c) Where any of the above residential uses are combined on the same lot or in the same building with a principal use permitted in C4 Zones, off-street parking and lot area as required for buildings used exclusively for residential purposes shall be provided in addition to parking maintained for the principal use. Likewise, side and rear yards shall be provided for those



## PLANNING AND ZONING

portions of the building arranged for or occupied as a place of residence of the depth required of buildings used exclusively for residential purposes.

**33.40.150 On all other lots in C4 Zones. (a)** Uses permitted:

- (1) One family dwellings;
- (2) Two family dwellings;
- (3) Apartment dwellings.

(b) Where any lot is used exclusively for any of the above residential uses, all regulations governing principal uses permitted in A2.5 Zones shall apply.

(c) Where any of the above residential uses are combined on the same lot or in the same building with a principal use permitted in C4 Zones, off-street parking and lot area as required for buildings used exclusively for residential purposes shall be provided in addition to parking maintained for the principal use. Likewise, side and rear yards shall be provided for those portions of the building arranged for or occupied as a place of residence of the depth required of buildings used exclusively for residential purposes.

### ACCESSORY BUILDINGS AND USES

**33.40.160 Generally.** No separate permit shall be issued for the construction of any type of accessory building prior to that of a main building to contain a principal or residential use.

**33.40.170 Height.** No accessory building shall exceed two stories in height.

**33.40.180 Accessory to principal use. (a)** All uses accessory to a principal use shall be conducted wholly within completely enclosed buildings, except the propagation of flowers and plants for sale in connection with a florist shop or garden supplies store, providing all equipment and materials used in such propagation are stored within completely enclosed buildings.

(b) Garages, carports, storage buildings, and any other types of accessory buildings, if detached, shall be located entirely within the rear one-half of the lot upon which they are situated.

(c) On lots abutting R or A Zones, no one story accessory building shall be located nearer than six feet to a side or rear lot line, and no two story accessory building shall be located

nearer than seven feet to a side or rear lot line.

(d) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot, and if the accessory building is not built up to the lot line, it shall be located at least twelve inches from the side and/or rear lot line with four inch allowance for eave or gutter projection and any wall located closer than thirty inches shall be sheathed with two layers of shiplap with joints staggered and covered with finished siding or shakes.

**33.40.190 Accessory to residential use.** Regulations governing buildings accessory to principal and transitional uses in A2.5 Zones shall apply to all accessory uses and buildings to a residential use in C4 Zones.

### CONDITIONAL USES

**33.40.200 Uses permitted.** (Amended by Ord. No. 140290; and 148244 passed Aug. 2, effective Sept. 4, 1979.) In a C4 Zone, the following conditional uses may be permitted subject to the regulations contained in Section 33.40.210 and Chapter 33.79 and under the authority and according to the procedure specified in Chapter 33.106:

- (1) Churches
- (2) Residential buildings accessory to churches
- (3) Colleges
- (4) Community clubs
- (5) Excavations and filling
- (6) Governmental structures and land uses, local, state or federal, which are essential to the functioning and servicing of residential neighborhoods
- (7) Greenhouses, nurseries or other propagation of plants, and their products for sale
- (8) Homes, convalescent
- (9) Hospitals, general
- (10) Hospitals, mental, remedial or detention
- (11) Uses or buildings accessory to hospitals
- (12) Libraries
- (13) Lodges, fraternal organizations or private clubs, only if located on a lot abutting A1, A0, C2 or M Zones
- (14) Mass transit waiting stations or turn-arounds
- (15) Museums
- (16) Parks, public
- (17) Planned Unit Developments
- (18) Private helistop accessory to a hospital



(19) Public utility structures and lines which are essential to the functioning and servicing of residential neighborhoods

(20) Radio and television transmitters

(21) Railroad rights-of-way and passenger stations

(22) Schools, nursery

(23) Schools, parochial, private

(24) Schools, public

(25) Welfare institutions

**33.40.210 Regulations.** All regulations governing conditional uses in A2.5 Zones shall apply to any lot upon which a conditional use is situated in a C4 Zone, except such lots which abut A1, A0, C2 or M Zones. On such lots, all regulations governing conditional uses in A1 Zones shall apply to any lot upon which a conditional use is situated in a C4 Zone.

**33.40.220 Prohibited uses.** The following uses are prohibited in all C4 Zones:

(1) Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles;

(2) Outdoor advertising signs as defined in the sign regulations;

(3) The use of an automobile trailer house as a place of residence;

(4) All uses of structures and land not specifically mentioned in this chapter.

## Chapter 33.42

### C2 GENERAL COMMERCIAL ZONE

#### Sections:

33.42.010 Generally.

#### PRINCIPAL USES

- 33.42.020 Uses permitted.
- 33.42.030 Limitations on use.
- 33.42.040 Off-street parking required.
- 33.42.050 Off-street loading required.
- 33.42.060 Lot size required.
- 33.42.070 Maximum lot coverage.
- 33.42.080 Maximum floor area permitted.
- 33.42.090 Maximum height permitted.
- 33.42.100 Minimum front yard.
- 33.42.110 Minimum side yard.
- 33.42.120 Minimum rear yard.
- 33.42.130 Signs.
- 33.43.135 Downtown Plan review.

#### RESIDENTIAL USES

33.42.140 On lots six hundred feet or less from R, A2.5, C5, or C4 Zones and two hundred feet or less from A1 Zones.

33.42.150 On all other lots in C2 Zones.

#### ACCESSORY BUILDINGS AND USES

33.42.160 Generally.

33.42.170 Height.

33.42.180 Accessory to principal use.

33.42.190 Accessory to residential use.

#### CONDITIONAL USES

33.42.200 Uses permitted.

33.42.210 Regulations.

33.42.220 Excavating or filling.

33.42.225 Household moving center.

33.42.230 Private or public helistop.

33.42.235 Automobile service station.

33.42.240 Railroad rights-of-way and passenger stations.

33.42.245 Residential care facilities.

33.42.250 Prohibited uses.

**33.42.010 Generally.** In all C2 Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

#### PRINCIPAL USES

**33.42.020 Uses permitted.** In a C2 Zone, the following uses are permitted:

##### (a) GROUP 1:

- (1) Bakery, retail;
- (2) Barber shop;
- (3) Beauty parlor;
- (4) Department store;
- (5) Florist shop;
- (6) Interior decorating shop;
- (7) Laundry, cleaning, or pressing pick-up agency;

(8) Pawnshop;

(9) Retail stores.

##### (b) GROUP 2:

(1) Banks, loan companies, or other financial institutions;

(2) Bird store, pet shop, or taxidermist;

(3) Blueprinting, photostating, or other reproduction process;

(4) Business machines, retail sales and service;

(5) Catering establishment;

(6) Cleaning and pressing establishment;



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(7) Commercial schools such as business colleges, music conservatories, or trade schools;

(8) Custom tailoring, dressmaking, or millinery shop;

(9) Film exchange;

(10) Furniture store;

(11) Gunsmith or locksmith;

(12) Household machines, retail sales and service;

(13) Instruments, scientific or professional, repair shop;

(14) Laboratories: dental, medical, photo or motion picture;

(15) Offices, business or professional other than medical and dental;

(16) Offices, governmental;

(17) Offices, public utility;

(18) Photographer;

(19) Physical culture and health services, including reducing salons, masseurs and public baths;

(20) Radio or television studio;

(21) Shoe repair shop;

(22) Watch and clock repair shop.

### (c) GROUP 3:

(1) Building and related contractors, excluding excavating contractors;

(2) Building materials, retail outlet only;

(3) Cabinet or carpenter shop;

(4) Commercial amusements:

A. Billiards and pool,

B. Bowling,

C. Dance hall,

D. Games of science and skill,

E. Gymnasium,

F. Indoor arenas,

G. Penny arcade,

H. Shooting gallery,

I. Skating rink;

(5) Feed store, retail only;

(6) Fuels, solid, retail outlet only;

(7) Production, fabrication, or assembly of goods or articles from previously prepared materials primarily for retail sale on the premises;

(8) Secondhand store;

(9) Sign painting shop;

(10) Upholstering shop;

(11) Wholesale business.

(d) GROUP 4: (Amended by Ord. No. 134013, 134079, 137951; and 139311 passed Jan. 16, effective Feb. 17, 1975.)

(1) Bicycles and motorcycles—service and retail sales and/or rental;

(2) Garage, parking or repair;

(3) Retail sales, service and rental of new motor vehicles, not to exceed a gross vehicle weight of 18,000 lbs.;

(4) Tire sales and service;

(5) Self-service car wash;

(6) Car washing by mechanical means;

(7) Retail sales, service and rental of new or used trailers, excluding house trailers (mobile homes), travel trailers, and truck trailers.

### (e) GROUP 5:

(1) Auditorium exhibition hall, or other public assembly room;

(2) Billboards and other advertising signs or structures;

(3) Cemeteries;

(4) Commercial amusements:

A. Golf driving range,

B. Miniature golf,

C. Outdoor stadiums,

D. Race tracks, except auto and motorcycle,

E. Swimming pool;

(5) Community clubs;

(6) Crematories, mausoleums, columbariums;

(7) Drive-in businesses, except drive-in theaters, offering goods and services directly to customers waiting in parked motor vehicles;

(8) Frozen food lockers, excluding wholesale storage;

(9) Governmental structures and land uses, except heavy construction equipment storage and repair, and any other activity objectionable due to odor, dust, smoke, noise, glare, heat, vibration, or similar causes;

(10) Greenhouses and nurseries;

(11) Hotels;

(12) Ice house, not more than five tons capacity;

(13) Laundry;

(14) Libraries;

(15) Lodges, fraternal organizations, or private clubs;

(16) Medical or dental offices or clinics;

(17) Mortuary;

(18) Motels;

(19) Museums;

(20) Optometrist;

(21) Parks;

(22) Passenger terminals, air, bus, or rail;

(23) Pleasure boats, retail sales and service, and moorages;

(24) Printing, lithographing, or publishing;

(25) Public utility lines and structures, except heavy construction equipment storage and repair, and any other activity objectionable due to odor, dust, smoke, noise, glare, heat,



vibration or similar causes;

(26) Rescue mission;

(26.5) Residential care facility, if site is more than 800 feet from an R or A zone. (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.)

(27) Restaurant, tea room, or cafe;

(28) Taverns, bars, or cocktail lounges;

(29) Telephone exchanges;

(30) Theaters, except drive-in theaters;

(31) Wedding chapel or reception hall;

(32) (Amended by Ord. No. 138853, passed and effective Sept. 19, 1974.) Welfare institutions, if the prospective site is more than 800 feet from any R or A zones.

**(f) GROUP 6:**

(1) Churches;

(2) Residential buildings accessory to churches;

(3) Colleges;

(4) Residential buildings accessory to colleges;

(5) Convalescent homes;

(6) Hospitals, general;

(7) Hospitals, mental, remedial, or detention;

(8) Nurses' homes or other residential buildings accessory to hospitals;

(9) Schools, nursery;

(10) Schools, private or parochial;

(11) Schools, public.

(g) Other uses of a general commercial character found similar to the above in accordance with Section 33.114.030.

**33.42.030 Limitations on use.**

**(a) GROUPS 1 TO 6, INCLUSIVE:**

Any uses and operations objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, and other similar causes shall be prohibited.

**(b) GROUPS 1 TO 5, INCLUSIVE:**

All uses and operations shall be predominantly retail or service establishments, except as noted, dealing directly with ultimate consumers. Predominantly all goods repaired, produced, or processed and all materials handled shall be sold at retail, except as noted, on the premises or delivered direct to ultimate consumers.

**(c) GROUP 3:**

Such uses are permitted in C2 Zones only if all activities and operations, except off-street

parking and loading, are confined, contained, and conducted wholly within completely enclosed buildings except retail building materials outlets need not be entirely within enclosed buildings provided all outside activities and operations, including outside storage, are completely enclosed by a sight-obscuring screen at least six feet high. Such screen shall be a masonry wall, a wooden or metal fence, a compact evergreen hedge, or a chain link type wire fence with evergreen vines.

**(d) GROUP 4:**

(1) Firms whose primary activity is body and fender work, painting, upholstering, repairing of wrecked vehicles, or salvaging parts are not permitted in C2 Zones;

(2) Lubrication, repair and servicing, tube and tire repairing, battery service, incidental body and fender painting, upholstery work, storage of materials and merchandise, shall be confined, contained and conducted wholly within completely enclosed buildings;

(3) Car washing by mechanical means shall be allowed only when:

A. Located on the same property and operated in combination with retail gasoline facilities,

B. Located within a building not more than fifty-six feet long, not more than twenty-five feet wide, and completely enclosed during operation except for driveway entrances and exits,

C. Located within a building which is sound insulated in such a manner as to at all times comply with subsection (a),

D. Located within a building not less than 10 feet from and with no driveway doorway oriented toward the side or rear lot line of any R or A Zone lot,

E. Operated only between seven thirty a.m. and nine thirty p.m.,

F. All maneuvering of vehicles is accomplished on the property and no portion of any abutting street right-of-way is used for such purposes.

(4) (Added by Ord. No. 137951 passed Mar. 14, effective Apr. 15, 1974.) Retail sales and/or rental of uses listed in Item (7) (Group 4, Section 33.42.020) shall be allowed only if:

A. Automobiles are current year models only;

B. Any repair of automobiles or trailers is conducted and confined wholly within a building; and



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C. Sight-obscuring screening is provided as required in Chapter 33.82 (Parking Regulations).

### (e) GROUP 5:

Residential care facilities are required to receive a certificate of review according to Chapter 8.80 of the City Code. (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.)

### 33.42.040 Off-street parking required.

(a) GROUP 1 USES: One space per five hundred square feet of gross floor area.

(b) GROUP 2 USES: One space per seven hundred square feet of gross floor area.

### (c) GROUP 3 USES:

(1) Building contractors: One space per seven hundred square feet of gross floor area, but not more than one space per four employees;

(2) Building materials outlet: One space per five hundred square feet of gross floor area, excluding area used for storage of materials;

(3) Cabinet or carpenter shop: One space per seven hundred square feet of gross floor area;

### (4) Commercial amusements:

A. Billiards and pool: One space per table,

B. Bowling: Two spaces per alley,

C. Dance hall or night club: One space per fifty square feet of dance floor and area occupied by tables,

D. Games of science and skill: One space per five hundred square feet of gross floor area,

E. Gymnasium: One space per fifty-six square feet of floor area occupied by spectators; or where seating is fixed, one space per eight seats or sixteen feet of bench length,

F. Indoor arenas: One space per fifty-six square feet of floor area occupied by spectators; or where seating is fixed, one space per eight seats or sixteen feet of bench length,

G. Penny arcade: One space per five hundred square feet of gross floor area,

H. Shooting gallery: One space per five hundred square feet of gross floor area,

I. Skating rink: One space per one hundred square feet of rink area;

(5) Feed store: One space per five hundred square feet of gross floor area, excluding area used for storage of materials;

(6) Fuels, solid, outlet: One space per five hundred square feet of gross floor area, excluding area used for storage of materials;

(7) Production and fabrication of goods: One space per seven hundred square feet of gross floor area;

(8) Secondhand store: One space per five hundred square feet of gross floor area;

(9) Sign painting shop: One space per seven hundred square feet of gross floor area;

(10) Upholstering shop: One space per seven hundred square feet of gross floor area;

(11) Wholesale business: One space per seven hundred square feet of gross floor area.

### (d) GROUP 4 USES:

One space per two employees in addition to spaces provided for customers' vehicles and vehicles in stock.

### (e) GROUP 5 USES:

(1) Auditorium, exhibition hall, or other public assembly room: One space per fifty-six square feet of floor area; or where seating is fixed, one space per eight seats or sixteen feet of bench length;

(2) Billboards: None;

(3) Cemeteries: None;

(4) Commercial amusements:

A. Golf driving range: One space per twenty linear feet of driving line,

B. Miniature golf: One space per two holes,

C. Race tracks: One space per twelve seats or twenty-four feet of bench length,

D. Outdoor stadiums: One space per twelve seats or twenty-four feet of bench length,

E. Swimming pools: One space per one hundred square feet of pool area six feet deep or shallower;

(5) Community clubs: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed, one space per twelve seats or twenty-four feet of bench length;

(6) Crematories, mausoleums, columbariums: One space per thirty-five square feet in the chapel; or where seating is fixed, one space per five seats or ten feet of bench length;

(7) Drive-in businesses: One space per two employees in addition to spaces provided for customers' vehicles;

(8) Frozen food lockers: One space per one thousand square feet of gross floor area;

(9) Governmental structures and uses, other than offices: One space per four employees headquartered at such structures;

(10) Greenhouses and nurseries: One space per five hundred square feet of floor area in



retail sales rooms;

(11) Hotels: One space per four guest rooms or suites and additional spaces as specified in this section for restaurants, bars, dance halls, and public assembly rooms;

(12) Ice house: Two spaces;

(13) Laundry: One space per six washing machines in self-service laundries; one space per four employees in other types of laundries;

(14) Libraries: One space per four hundred square feet of reading room area;

(15) Lodges, fraternal organizations, and private clubs: One space per three hundred square feet of gross floor area;

(16) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Medical or dental offices or clinics: One space per two hundred fifty square feet of gross floor area;

(17) Mortuary: One space per thirty-five square feet in the chapel; or where seating is fixed, one space per five seats or ten feet of bench length;

(18) Motel: One space per guest room or suite;

(19) Museums: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed, one space per twelve seats or twenty-four feet of bench length;

(20) Optometrist: One space per four hundred square feet of gross floor area;

(21) Parks: None;

(22) Passenger terminals, air, bus, or rail: One space per one thousand square feet of gross floor area;

(23) Pleasure boats, sales and service, moorages: One space per one thousand square feet of gross floor area plus one space per two moorages;

(24) Printing, lithographing, or publishing: One space per seven hundred square feet of gross floor area, but not more than one space per four employees;

(25) Public utility structures: One space per four employees headquartered at such structures;



(25.5) Residential care facilities: (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) A. One space for each seven residents served under the age of twelve.

B. One space for each five residents served twelve through seventeen years of age.

C. One space for each four residents served eighteen years or older.

(26) Rescue mission: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed, one space per twelve seats or twenty-four feet of bench length;

(27) Restaurant, tea room, or cafe: One space per one hundred square feet of patron serving area;

(28) Taverns, bars, or cocktail lounges: One space per one hundred square feet of patron serving area;

(29) Telephone exchanges: One space per four employees headquartered at such structures;

(30) Theaters, except drive-in: One space per fifty-six square feet of floor area; or where seating is fixed, one space per eight seats or sixteen feet of bench length;

(31) Wedding chapel or reception hall: One space per fifty-six square feet of floor area in public rooms;

(32) Welfare institution: One space per ten beds for patients or inmates.

(f) GROUP 6 USES:

(1) Churches: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(2) Residential buildings accessory to churches: One space shall be provided for each ten persons residing in such buildings;

(3) Colleges: One space per ten seats in classrooms;

(4) Residential buildings accessory to colleges: One space shall be provided for each five students housed in dormitories, fraternities or sororities;

(5) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Convalescent home: One space per five beds, except for homes of twenty beds or over, one space per three beds.

(6) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Hospitals, general: One space per two beds plus one space per two employees;

(7) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Hospitals, mental, remedial or detention: One space per two beds plus one space per two employees;

(8) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) Nurses' homes or other residential buildings accessory to hospitals: One space shall be provided for each five persons residing in such building.

(9) Schools, nursery: One space per teacher in schools having four or more teachers;

(10) Schools, private, parochial, or public elementary and public primary: One space per eighty-four square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per twelve seats or twenty-four feet of bench length in the main auditorium;

(11) Schools, public, private, and parochial high: One space per fifty-six square feet of floor area in the main auditorium; or where seating is fixed to the floor, one space per eight seats or sixteen feet of bench length in the main auditorium.

(g) Parking as required for the above uses shall be regulated by Chapter 33.82.

**33.42.050 Off-street loading required.**

Off-street loading berths shall be provided and maintained for the following uses occupying a building or buildings totaling twenty thousand square feet of gross floor area or more according to the following table:

Square Feet of Floor Area	Loading Berths Required
<b>USES: HOTELS</b>	
20,000 - 29,999	1
30,000 - 69,999	2
70,000 - 129,999	3
130,000 - 219,999	4
220,000 - 379,999	5
380,000 - 699,999	6
700,000 - 1,499,999	7
Over - 1,500,000	8
<b>USES: THEATERS</b>	
20,000 and over	1
<b>USES: CONVALESCENT HOMES; ALL TYPES OF HOSPITALS; COLLEGES; LAUNDRIES; AND PRINTING, LITHOGRAPHING, AND PUBLISHING</b>	
20,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3



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160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14
<b>USES: GROUPS 1, 2, 3, and 5</b>	
20,000 - 24,999	1
25,000 - 59,999	2
60,000 - 99,999	3
100,000 - 159,999	4
160,000 - 249,999	5
250,000 - 369,999	6
370,000 - 579,999	7
580,000 - 899,999	8
900,000 - 2,999,999	9
Over - 3,000,000	10

**33.42.060 Lot size required.** For lot size there shall be no limitation.

**33.42.070 Maximum lot coverage.** There shall be no maximum lot coverage limitation.

**33.42.080 Maximum floor area permitted.** There shall be no limitation except that the gross floor area devoted to the conduct of any individual Group 3 use, other than subdivisions (2) and (4), Section 33.42.020(c), together with its accessory uses, shall not exceed five thousand square feet, and hereafter no permit shall be issued to construct or to enlarge a building to contain one of such uses exceeding five thousand square feet in gross floor area.

**33.42.090 Maximum height permitted. (a)** No structure shall exceed three stories or forty-five feet in height, except there shall be no height limit on any structure located four hundred feet or farther from any R10, R7, R5, A2.5, C5, or C4 Zone.

**(b)** On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more, measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet

above the average curb level along the front of the lot.

**(c)** Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, radio and television aerials, water tanks, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space.

**33.42.100 Minimum front yard.\*** Where all the frontage is located in a C2 Zone, no front yard shall be required. Where the frontage is located partly in a C2 Zone and partly in an R or A Zone, the front yard requirement of the R or A Zone shall apply in the C2 Zone.

**33.42.110 Minimum side yard.** A side yard is not required except where the side of a lot abuts an R or A Zone. In such case, the side yard requirement of the R or A Zone shall apply in the C2 Zone on that side of the lot abutting the R or A Zone.

**33.42.120 Minimum rear yard.** There shall be no limitation except where the rear lot line abuts the side of an adjoining lot in an R or A Zone, and in such case the side yard requirement of the R or A Zone shall apply to the rear yard of the C2 Zone where the two abut.

**33.42.130 Signs.** (Amended by Ord. No. 139117, 139702; and 139974 passed and effective May 29, 1975.) Signs other than outdoor advertising signs as defined in the sign regulations are permitted without limitation if in accordance with the sign regulations; except that no part of any sign of any kind or sign structure attached to a building shall extend more than eighteen feet above the roof line of a building nor more than forty-five feet above building grade, and no part of any free standing pylon sign or sign structure shall extend more than forty-five feet above the ground level adjoining thereto in a portion of a C2 Zone within four hundred feet of an R10, R7, R5, A2.5, C5 or C4 Zone.

\*See Chapter 33.90 for additional regulations.



Outdoor advertising signs may be erected if the variance committee first approves the location as not obstructing a view of scenic interest, as not obstructing traffic visibility, and as not increasing the density of such outdoor advertising signs along any arterial or heavily traveled street to an extent tending to constitute a safety hazard or a detriment to the appearance of the neighborhood.

**33.42.135 Downtown plan review.** (Added by Ord. No. 132895; reinstated by 134323; continued by 134820; amended by 134895, 136364, 136808, 136891, 137775, 138412; and 140091 passed and effective June 19, 1975.) Notwithstanding other provisions of this chapter, the following regulations shall govern the downtown plan review as to any uses or permits or approvals therefor prior to December 31, 1975 or when new downtown zoning regulations are adopted.

The downtown plan review area is the area bounded by the Willamette on the east, the Stadium Freeway on the south and west extending north to NW Davis Street, then east along NW Davis to a north-south line bisecting Blocks 58, 59, 60 and 73, Couch's Addition, then north to NW Hoyt, then east along NW Hoyt to NW Broadway, then north and northeast along NW Broadway and the Broadway Bridge to the Willamette River; excluding the existing South Auditorium and Portland State urban renewal projects.

(1) Approval shall be obtained from the planning commission prior to commencement of any phase of construction within the downtown review area on the following:

A. Any new structure or enlargement of an existing structure.

B. Any new parking structure or enlargement of an existing parking structure.

C. Drive-in business facilities.

D. Off-street loading facilities.

E. Temporary surface off-street parking for a period not exceeding two years.

(2) The planning commission may, as it deems advisable, hold a public hearing on any request within the scope of paragraph (1) of this section.

(3) In all matters coming within the provisions of this section, decisions of the planning commission shall be made on the basis of the planning guidelines, Portland downtown plan, adopted by the Portland city council on December 28, 1972, and the downtown parking and circulation policy adopted February 26, 1975. If it is determined that a proposed development and use at the particular location accords with council adopted goals, land use, environment, circulation and building density elements of the planning guidelines and parking policy then the proposed use shall be approved.

(4) Notwithstanding the provisions of this title, there shall be no minimum off-street parking requirements within the downtown plan review area.

(5) Hearing and appeals. Hearing and notification procedures utilized by the planning commission for the purposes of this section shall be those specified in Chapter 33.106. Appeals shall use the procedure as provided in 33.106 for an off-street parking structure.



## RESIDENTIAL USES

**33.42.140** On lots six hundred feet or less from R, A2.5, C5, or C4 Zones and two hundred feet or less from A1 Zones.

(a) Uses permitted:

- (1) One family dwellings;
- (2) Two family dwellings;
- (3) Apartment dwellings;
- (4) Boarding and rooming houses.

(b) Where any lot is used exclusively for any of the above residential uses, all regulations governing principal uses permitted in A1 Zones shall apply.

(c) Where any of the above residential uses are combined on the same lot or in the same building with a principal use permitted in C2 Zones, off-street parking and lot area as required for buildings used exclusively for residential purposes shall be provided in addition to parking maintained for the principal use. Likewise, side and rear yards shall be provided for those portions of the building arranged for or occupied as a place of residence of the depth required of buildings used exclusively for residential purposes.

**33.42.150** On all other lots in C2 Zones.

(a) Uses permitted:

- (1) One family dwellings;
- (2) Two family dwellings;
- (3) Apartment dwellings;
- (4) Boarding and rooming houses.

(b) Where any lot is used exclusively for any of the above residential uses, all regulations governing principal uses permitted in A0 Zones shall apply.

(c) Where any of the above residential uses are combined on the same lot or in the same building with a principal use permitted in C2 Zones, off-street parking and lot area as required for buildings used exclusively for residential purposes shall be provided in addition to parking maintained for the principal use. Likewise, side and rear yards shall be provided for those portions of the building arranged for or occupied as a place of residence of the depth required of buildings used exclusively for residential purposes.

## ACCESSORY BUILDINGS AND USES

**33.42.160** Generally. No separate permit shall be issued for the construction of any type

of accessory building prior to that of a main building to contain a principal or residential use.

**33.42.170** Height. No accessory building or structure shall exceed two stories in height, except there shall be no limit on any structure located four hundred feet or farther from any R10, R7, R5, A2.5, C5, or C4 Zone.

**33.42.180** Accessory to principal use. (a) On lots abutting R or A Zones, no accessory building shall be located nearer to a lot line separating the R or A Zone from the C2 Zone than the requirement for accessory buildings in the R or A Zone.

(b) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot.

**33.42.190** Accessory to residential use. Regulations governing buildings accessory to principal uses in A1 Zones shall apply to all accessory uses and buildings to a residential use in a C2 Zone.

## CONDITIONAL USES

**33.42.200** Uses permitted. (Amended by Ord. No. 134013, 134079; and 138853, 138936, 139416, 142920; and 148244 passed Aug. 2, effective Sept. 4, 1979.) In a C2 Zone, the following conditional uses may be permitted subject to the regulations contained in Section 33.42.210 and Chapter 33.79 and under the authority and according to the procedure specified in Chapter 33.106;

- (1) Aircraft landing area or private or public helistop
- (2) Animal hospital or veterinary office
- (2.5) Automobile service stations
- (3) Excavations and filling
- (4) Planned Unit Developments
- (5) Radio and television transmitters
- (6) Residential care facility, when the proposed site is located 800 feet or less from an R or A zone.
- (7) Trailer parks
- (8) Welfare institutions, if the prospective site is 800 feet or less from any R or A zones



**33.42.210 Regulations.** (Amended by Ord. No. 138936, 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

**33.42.220 Excavating or filling.** Excavating or filling as defined in this title shall be regulated as a conditional use.

**33.42.225 Household moving centers.** (Added by Ord. No. 142920 passed and effective Dec. 15, 1976.) In considering a request for a household moving center conditional use in a C2 zone, it shall be determined whether the location is appropriate considering public convenience, existing traffic volumes and impact thereon, protection of neighboring uses, and other factors found applicable. Regulations for household moving centers shall be:

(a) Lot size:

(1) Minimum lot area shall be 10,000 square feet;

(2) Maximum lot area shall be 40,000 square feet;

(3) Maximum frontage on one street shall not exceed 200 linear feet.

(b) Floor area:

(1) Maximum floor area for temporary storage facilities for household goods shall not exceed 5,000 square feet.

(c) Trucks permitted:

(1) No rental trucks shall exceed a gross vehicle weight of 18,000 lbs.

(d) Screening required:

(1) Screening shall be continuous along any portion of the site that abuts the side or rear of a lot in an R or A zone and shall meet the requirements of Section 33.82.030 (b) (1) in the parking chapter of this title.

(e) Landscaping required:

(1) Border planting, including shrubs and trees shall be provided along the street frontages.

(f) Parking required:

(1) Besides spaces for rental trucks and trailers, one space per two employees in addition to spaces provided for customer's vehicles.

(g) Other limitations:

(1) All maneuvering of vehicles shall be accomplished on the property and no portion of any abutting street right-of-way shall be used for such purposes.

**33.42.230 Private or public helistop.** A private or public helistop may be permitted subject to the additional regulations contained in Chapter 33.78.

**33.42.235 Automobile service station.** (Amended by Ord. No. 134013, 134079, 139416; and 141105 passed and effective Dec. 31, 1975.) In considering a request for an automobile service station conditional use in a C2 zone, it shall be determined whether the location is appropriate considering public convenience, availability of other stations, existing traffic volumes and impact thereon, protection of neighboring uses, and other factors found applicable. Regulations for automobile service

(a) Lot size:

(1) Maximum lot area shall be 40,000 square feet;

(2) Maximum frontage on one street shall not exceed 200 linear feet;

(b) Screening required:

(1) Screening shall be continuous along any portion of the site that abuts the side or rear of a lot in an R or A zone and shall meet the requirements of Section 33.82.030(b) (1) in the parking chapter of this title;

(c) Landscaping required:

(1) Border planting, including shrubs and trees shall be provided along street frontages.

**33.42.240 Railroad rights-of-way and passenger stations.** Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated



as conditional uses. All other railroad facilities, such as switching yards, holding tracks, team tracks, freight depots, shops and roundhouses are prohibited in C2 Zones.

**33.42.245 Residential care facilities.** (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) Regulations for residential care facilities shall be:

(1) Lot size required. A. The minimum lot area shall be five thousand square feet per facility.

B. The minimum lot width shall be fifty feet.

C. The minimum lot depth shall be eighty feet.

(2) Minimum on-site open space. A. Two hundred square feet for each resident served under the age of twelve years.

B. Three hundred square feet for each resident served twelve years through seventeen years of age.

C. One-hundred fifty square feet for each resident served eighteen years of age or older.

(3) Minimum off-street parking. One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility.

(4) Valid certificate of review (license to operate) issued under Chapter 8.80 of the municipal code.

**33.42.250 Prohibited uses.** Uses of structures and land not specifically mentioned in this chapter are prohibited in all C2 Zones.

#### Chapter 33.44

### C1 CENTRAL COMMERCIAL ZONE

#### Sections:

- 33.44.010 Generally.
- 33.44.012 Purpose.
- 33.44.014 Z Downtown development zone applicable.
- 33.44.020 Uses permitted.
- 33.44.030 Limitations on use.
- 33.44.040 Off-street parking.
- 33.44.050 Off-street loading.
- 33.44.060 Minimum lot size.
- 33.44.070 Maximum lot coverage.
- 33.44.080 Maximum floor area.
- 33.44.090 Maximum height.
- 33.44.100 Minimum yards.

**33.44.130 Signs.**

**33.44.137 Demolition.**

#### CONDITIONAL USES

**33.44.140 Uses permitted.**

**33.44.150 Regulations.**

**33.44.220 Prohibited uses.**

**33.44.010 Generally.** In all C1 Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

**33.44.012 Purpose.** (Added by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) The C1 Central Commercial Zone is designed to regulate development of Downtown Portland. The regulations permit a broad range of uses including but not limited to office, retail, entertainment, housing, and supporting institutional and service uses which will maintain downtown as Portland's commercial, cultural, and governmental center in furtherance of planning goals and public policies.

**33.44.014 Z Downtown development zone applicable.** (Added by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) The entire area within the C1 Central Commercial Zone shall also be within the Z Downtown Development Zone, and shall be subject to the provisions of Chapter 33.56.

**33.44.020 Uses permitted.** (Amended by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) In a C1 Zone, the following uses are permitted.

(1) GROUP 1 uses as listed in Section 33.42.020;

(2) GROUP 2 uses as listed in Section 33.42.020;

(3) GROUP 3 uses as listed in Section 33.42.020;

(4) Group 5 uses as listed in Section 33.42.020, excluding the following:

(a) drive-in businesses;

(b) billboards and other advertising signs and structures, except for signs accessory to permitted or conditional uses;

(c) cemeteries, crematories, mausoleums, and columbariums;



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(5) GROUP 6 uses as listed in Section 33.42.020;

(6) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers and crystal holders;

(7) Laboratories; experimental, research or testing;

(8) Manufacture, compounding, processing, packaging or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, excluding the refining and rendering of fats and oils;

(9) Manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood excluding planing mill, yarns, and paint not employing a boiling process;

(10) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay;

(11) Manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures;

(12) Manufacture of musical instruments, toys, novelties and rubber and metal stamps;

(13) Manufacture of optical goods, scientific and precision instruments and equipment;

(14) Manufacture of artificial limbs, hearing aids, dentures, surgical instruments and dressings, and other devices employed by the medical and dental professions;

(15) Parcel delivery service;

(16) Wholesale business;

(17) Residential uses, including apartment dwellings and boarding and rooming houses;

(18) Accessory buildings and uses customarily incidental to any of the above uses;

(19) Other uses, consistent and harmonious with the central business district and found similar to the above in accordance with Section 33.114.030.

**33.44.030 Limitations on use.** (Amended by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) The following limitations shall apply to permitted uses:

(a) Any uses and operations objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, and other similar causes shall be prohibited.

(b) All uses and operations, except Groups 5 and 6 uses which are by nature of an open-air type shall be confined, contained and conducted wholly within completely enclosed buildings provided that incidental activities related to permitted uses such as outdoor sale of plants, outdoor eating areas and similar outdoor activities may be unenclosed subject to approval in accord with Chapter 33.62.

**33.44.040 Off-street parking.** (Amended by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) There shall be no minimum off-street parking requirements in the C1 Zone. Off-street parking when approved in accordance with the procedures specified in Chapter 33.106 shall be subject to requirements specified in Chapter 33.56 and regulations specified in Chapter 33.82.

**33.44.050 Off-street loading.** (Amended by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) (1) It is city policy to require off-street loading facilities to maintain the efficient use of street right-of-way space. Off-street loading berths shall be provided as follows:

(a) Apartments:

Number of Units	Loading Berths Required
Less than 50	None
50 or more	1

(b) Offices:

Gross Floor Area	Loading Berths Required
Less than 30,000 sq. ft.	None
30,000 sq. ft. and over	1

(c) Business and service uses:

Gross Floor Area	Loading Berths Required
Less than 20,000 sq. ft.	None
20,000 sq. ft. and over	1

(d) In the aggregate no more than one (1) loading berth would be required.

(2) If the provision of off-street loading berths creates site, building development, or circulation problems, and if the Traffic Engineer concludes that on-street loading zones more effectively will promote the objectives of the Planning Guidelines/Portland Downtown Plan



and Circulation Policy, such on-street loading zones shall be authorized in lieu of off-street loading berths.

**33.44.060** (Amended by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) **Minimum lot size.** There shall be no minimum lot size requirement.

**33.44.070 Maximum lot coverage.** (Amended by Ord. No. 147239 passed Feb. 15, effective March 19, 1979.) There shall be no limitation on lot coverage, except as may result from application of the minimum yard requirement of Section 33.44.120.

**33.44.080 Maximum floor area.** (Amended by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) (1) Maximum total floor area permitted on any site shall be as prescribed in Chapter 33.56.

(2) Two or more contiguous or noncontiguous sites within the C1 Zone may be developed jointly and residential and nonresidential floor area, including bonus residential floor area authorized by Section 33.56.070 may be transferred between the sites, provided that;

(a) Buildings on each site shall not exceed the total floor area or height permitted on that site;

(b) The total residential floor area requirement on all sites developed jointly involving residential bonus shall be assured by withholding issuance of a certificate of occupancy for the nonresidential floor space until a certificate of occupancy for the residential floor space has been issued.

**33.44.090** (Amended by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) **Maximum height.** Maximum height shall be as prescribed in Chapter 33.56.

**33.44.100 Minimum yards.** (New Section substituted for Sections 33.44.100-120 by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) Courts and yards necessary to provide adequate light, air and privacy may be required under procedures in Chapter 33.62.

**33.44.130 Signs.** (Amended by Ord. No. 139117, 139702, 141105; and 144530 passed and effective Oct. 6, 1977.) These regulations are adopted to provide for adequate and effective identification for each business and other property users without signs becoming the dominating visual feature downtown. The definitions contained in Chapter 32.04 shall apply herein when appropriate.

(a) On-premises signs, permanent materials. Signs made of permanent materials, identifying and advertising the business or activity conducted on the premises are permitted if in conformance with the following regulations. Permanent materials include glass, metal, wood, plastics, and the like. Also included are wall painted signs and window signs.

(1) Maximum area permitted. The total sign area permitted for all uses occupying any building or premises shall not exceed 1.5 square feet for each lineal foot of street or mall frontage. However, a minimum of 25 square feet shall be permitted for each individual use if located on the first floor or 15 square feet if located on the second floor or in the basement. Further, no one sign shall exceed 150 square feet in total area of all faces.

(2) Number. One sign with exposed illumination shall be permitted for any individual use for each 100 feet or fraction thereof of frontage along one street or mall. Other symbols, signs or lettering internally illuminated, unlighted or indirectly lighted shall be permitted, provided that the total area of all such signs for any individual use does not exceed the limitations of Section 33.44.130 (a) (1).

(3) Projecting signs. A. Signs which project more than 18 inches over the sidewalk and into the public right-of-way are not permitted except as provided in paragraphs (3) B., C., D., and E., below.

B. A sign below a fixed rain protection feature may project the full width of such feature. Such sign must clear the sidewalk by a minimum of 8 feet, not exceed 7 square feet in area per face, and be placed at a right angle to the sidewalk.

C. Signs are permitted along the faces or edges of marquees and other fixed canopies provided they do not extend above or below the upper or lower surfaces of such canopies or marquees. Only painted signs and symbols are permitted on awnings. The areas of signs on all such rain



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protection features shall be within the limits of total sign area as permitted by paragraph (a) (1) of this section but their number may be in addition to the limits placed by paragraph (a) (2).

D. A sign or symbol not projecting more than 3½ feet over the sidewalk nor exceeding 15 square feet in area per face nor 30 square feet for all faces may be permitted.

E. (Amended by Ord. No. 150040 passed and effective July 17, 1980.) One standard parking symbol of approved uniform design not projecting more than 3½ feet over the sidewalk nor extending 15 square feet in area per face may be permitted along each street frontage of a parking lot or garage available to the general public for parking.

F. No part of any ground sign shall extend outside the property line except the standard parking symbol.

(4) Maximum height permitted. A. Signs attached to a building shall not extend above the roof line. No extensions shall be made to any building adding to its height for the sole purpose of elevating signs above the original roof height.

B. No sign shall extend above the second story unless approved by the design committee as provided by 33.44.130 (f) (1) A. A mezzanine floor shall be considered a full story.

C. Ground signs shall not extend more than 20 feet above the grade of the sidewalk at the point where such sign is located.

(5) Lighting. The surface brightness of any sign shall not exceed that produced by the diffused output obtained from an 800-milliamper fluorescent light source not closer than 8 inches on centers.

(6) Movement. Except for clocks and dial temperature signs, all parts of any sign shall be stationary. Signs which are designed to have parts moving either by mechanical or natural means are prohibited.

(7) Flashing signs. Flashing signs are prohibited, however signs which display either constantly or in sequence, by electronically or electrically controlled changes in the same lamp bank, time, temperature and reports of other phenomena which are variable in nature such as stock market quotations, shall be permitted, provided the copy displayed shall remain constant for at least two (2) second intervals between changes.

(8) Additional signs. A. Signs, lettering or

symbols intended primarily for informational or directional purposes or oriented primarily toward pedestrians are permitted in addition to those regulated by items (1) through (7) above.

B. The total area of such additional signs shall not exceed 0.2 square foot per lineal foot of street or mall frontage.

C. No such additional sign shall be so placed to extend more than eight (8) feet above the sidewalk grade line.

D. No such additional sign shall be moving or flashing.

E. Metal or stone building plaques and cornerstones shall not be construed as signs.

(9) Conformance. A. Signs on each and every property within the several unique districts (see 33.44.130 (f)) shall be brought into conformance with the standards and guidelines for such districts prior to January 1, 1981.

B. Projecting signs which exceed 30 square feet in area shall be removed or adjusted to conform prior to January 1, 1983 or no longer than eight (8) years from the date of attachment if attached during the period commencing on January 1, 1975 and ending December 31, 1976.

C. Moving and/or flashing signs shall be removed or adjusted to conform to these regulations prior to January 1, 1983.

D. Any sign exceeding 150 square feet in area shall be removed or adjusted to conform to these regulations prior to January 1, 1983 or no longer than eight (8) years from the date of attachment if attached during the period commencing on January 1, 1975 and ending December 31, 1976.

E. All other nonconforming signs shall be removed or adjusted to conform to these regulations prior to January 1, 1985.

F. A sign which has been designated a landmark as provided by Chapter 33.120 may be continued under the conditions specified by the landmarks commission.

(b) On-premises signs, impermanent materials. Signs made of impermanent materials, advertising goods for sales and services rendered on the premises are permitted in conformance with the following regulations. Impermanent materials include paper, cloth and the like.

(1) Maximum area permitted. The total sign area permitted shall not exceed 0.5 square feet for each lineal foot of street or mall frontage.

(2) Attachment. Such impermanent signs shall be attached to or placed within buildings. No



additional supports on the ground or extensions or suspensions from buildings for the purpose of displaying such signs shall be permitted.

(3) Condition. Such impermanent and temporary signs on each and every property shall be brought into conformance with these regulations within 90 days from the effective date of this section.

(c) On-premise real estate signs. Unlighted signs not exceeding in total area 20 square feet along any one street or mall frontage, may be placed on any premise providing all copy pertains only to said sale or lease and provided further such sign or signs are removed within 20 days of the completion of the transaction.

(d) Traffic and other public signs. Except as the city's power to so restrict is limited by law, traffic directional signs and all other signs exceeding 15 square feet in area to be installed by any agency of the federal, state, county or city governments, or any other public authority such as the Port of Portland and Tri-Met, on or over public rights-of-way or on any other publicly or privately owned property shall not be erected until the location, design and structural supports are reviewed and specifically approved by the design committee or the planning director acting on behalf of the design committee.

(e) Prohibited signs. (1) Signs and devices which are intended to be moved or rotated by wind are prohibited.

(2) Strings of exposed incandescent light, typical of used car lots, are prohibited.

(3) Signs so located, lighted or shaped as to constitute a hazard to traffic are prohibited.

(4) All signs and devices prohibited by items (1) through (3) above shall be removed or otherwise discontinued within 90 days from the effective date of this section.

(5) Outdoor advertising signs are prohibited in C1 Zones and all such signs, supports and other appurtenances thereto shall be removed within three (3) years from the effective date of this section, or earlier if subject to termination by reason of inclusion in an S Zone prior to the effective date of this section.

(f) Administration. (1) Review by design committee or Portland historical landmarks commission. A. Except as provided in subparagraph (b) no sign permit shall be issued by the bureau of buildings for any location if the area of the sign to be built combined with the area of existing on-premise signs exceeds 30 square feet

unless the new sign has been approved by the design committee. Applications for all such permits shall be referred to the design committee which shall review the application in accordance with the procedures established by Section 33.62.050. The design committee shall recommend to the council for its approval standards of evaluation and acceptability for signs in C1 Zones in general as well as for signs in unique districts within C1 Zones.

Traffic and other public signs shall be subject to such design review if in excess of 15 square feet in accordance with Section 33.44.130 (d).

B. Signs subject to review by the Portland historical landmarks commission pursuant to Section 33.120.110 shall be exempt from review by the design committee. In reviewing such signs the Portland historical landmarks commission shall consider such sign standards of evaluation and acceptability adopted for any applicable unique district pursuant to this Section 33.44.130, as well as the criteria of Section 33.120.110.

(2) Presentation requirements. A. Presentation of the proposed sign to the design committee or the planning director shall include a plan of the sign with specifications and drawings to scale and specific information on materials and graphics to be used, together with color samples.

Additional information, in the way of renderings, photographs, or other forms of presentation, shall be provided by the applicant, as needed to indicate clearly the sign's position with respect to other elements in the street-scape, such as structures, streets, sidewalks, street furnishings, lighting, landscaping, visual obstructions or any other unusual conditions.

Primary considerations in judging the appropriateness of the signs to its physical environment will be sign proportions, congruence with surrounding architectural elements, interruption of views, compatibility of colors and materials, methods of lighting, creativity, uniqueness and diversity.

B. Sign proposals should respond positively to the elements which form the setting for the sign and its supporting structure. The use of competent graphic designers for design and delineation of graphic materials is encouraged.

(3) Adjustments. Notwithstanding the fact that a proposed sign does not fully meet all of the requirements of this Section 33.44.130, the



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planning director may at the request of a sign owner or permit applicant authorize the bureau of buildings to issue a sign permit upon determining that the spirit and intent of the objectives of these regulations would be best served by the issuance of such a permit. In making such determinations, the planning director shall consider the architecture of the building, the traffic characteristics of adjacent streets, the relationship of the requested sign to other nearby signs, the general character of the immediate environment and whether the requested adjustment will improve the effectiveness of the identification of particular business or institution, enhance the appearance of the vicinity or improve the quality of visual design of the requested sign. To achieve these ends the planning director may require specifics as to shape, proportion, color, materials, relief and lighting of the sign.

(4) Review. The applicant or any person aggrieved by the decision of the planning director may request review of such decision by the design committee, provided such request is filed within 5 days of the action by the planning director. Thenceforth, the design committee shall proceed in accordance with Sections 33.62.030 and 33.62.040.

(5) Unique districts. In recognition of the fact that unique areas within the C1 Zones may be best served by sign regulations at variance with those contained herein, the design committee shall recommend to the council for adoption the creation of such unique districts, the boundaries thereof and standards of evaluation and acceptability for signs within such districts. Areas to be considered shall include Skidmore Fountain/Old Town, The Riverfront Area, Yamhill Historic District, frontage on 5th and 6th Avenues Transit Mall, Broadway Theater Strip, frontage on North and South Park Blocks, South Auditorium Urban Renewal Project, frontages on O'Bryant, Pioneer Courthouse, and Schunk Squares.

The standards and guidelines for evaluation and acceptability of signs shall be appropriate to the appearance, character and functions of each unique and specialized district. In preparing and recommending such guidelines, the committee shall hold public hearings, consider criteria offered by property owners and tenants, as well as the historical landmarks commission, preservation and beautification groups, professional, trade, and business associations.

(6) Notwithstanding the provisions of Section 32.12.010 no sign shall be erected, reerected, inscribed or structurally altered in a C1 Zone unless a permit has been first obtained from the bureau of buildings, electrical division. If no permit fee is provided for such sign the permit fee applicable shall be the minimum for any sign subject to a fee.

(33.44.135 Downtown plan review, repealed by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.)

**33.44.137 Demolition.** (Added by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.) (1) Building demolition is regulated to encourage building rehabilitation and thereby prevent the creation of unsightly vacant lots.

(2) The Bureau of Buildings shall issue no demolition permit for any building until the proposal for demolition has been reviewed in accordance with Chapter 24.13 of the Portland Code as though the proposed demolition fell under the scope of Chapter 13 of the Appendix of the Uniform Building Code.

### Conditional Uses

**33.44.140 Uses permitted.** (Amended by Ord. No. 132408, 138853, 138936; and 147239 passed Feb. 15, effective Mar. 19, 1979.) In the C1 Zone the following conditional uses may be permitted, subject to the regulations contained in Section 33.44.170 and the procedure specified in Sections 33.106.010 to 33.106.040 inclusive.

- (1) Private or public helistop;
- (2) Drive-in business, or any drive-in activity associated with a permitted use;
- (3) Excavations and filling;
- (4) Group 4 uses as listed in Section 33.42.020, except bicycle sales and services;
- (5) Public or private off-street parking facilities subject to the regulations provided in Chapter 33.56;
- (6) Outdoor activities not incidental and related to permitted uses, such as commercial amusements, open air markets, vendors and eating places not otherwise regulated by the city code;
- (7) Radio or television transmitters.



**33.44.150 Regulations.** (Amended by Ord. No. 138936, 139117, 139702, 141105, and 147239 passed Feb. 15, effective Mar. 19, 1979.) (1) Specific regulations and conditions governing each conditional use shall be determined at the time of approval as provided in Chapter 33.106. Off-street parking and loading requirements provisions governing signs, or other conditions or limitations of approval, shall be guided by regulations applicable to similar permitted or conditional uses in other zones and by specific development objectives and conditions in the C1 Zone and in downtown.

(2) Regulations differing from those governing principal uses permitted in C1 Zones are not specified in this chapter or in the written instrument approving a conditional use, then the regulations governing principal uses shall also govern such conditional use insofar as applicable. Additional regulations are contained in Chapters 33.56 (Z Downtown Development), 33.82 (Parking Regulations), 33.86 (Loading Regulations), and 33.90 (Yard Regulations).

(33.44.160 Drive-in business, 170 Excavating and filling, 180 Group 4 uses, 190 private or public helistop, 200 Off-street parking facilities, 210 Off-street loading facilities, and 215 Residential care facilities, repealed by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.)

**33.44.220 Prohibited uses.** Uses of structures and land not specifically mentioned in this chapter are prohibited in all C1 Zones.

## Chapter 33.46

### MX CENTRAL SERVICES ZONE

(Added by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.)

#### Sections:

- 33.46.010 Generally.
- 33.46.020 Purpose.
- 33.46.030 Z Downtown development zone applicable.
- 33.46.040 Uses permitted.
- 33.46.050 Limitations to use.
- 33.46.060 Off-street parking.
- 33.46.070 Off-street loading.

- 33.46.080 Minimum lot size.
- 33.46.090 Maximum lot coverage.
- 33.46.100 Maximum floor area.
- 33.46.110 Maximum height.
- 33.46.120 Minimum yards.
- 33.46.130 Signs permitted.
- 33.46.140 Uses permitted.
- 33.46.150 Regulations.
- 33.46.160 Prohibited uses.

**33.46.010 Generally.** In all MX Zones the use of land and structures, the location and erection of new structures, and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

**33.46.020 Purpose.** The MX Central Services Zone is intended to provide regulations governing use and development of property as commercial services and light manufacturing districts complimentary to downtown retail and office uses. The regulations permit various manufacturing, commercial service, wholesale, retail and other uses compatible with development of downtown Portland and in furtherance of planning goals and public policies. Although residential uses are permitted it is not intended that residential uses will predominate or that residential uses will tend to set development standards for the commercial service and light manufacturing uses.

**33.46.030 Z Downtown development zone applicable.** The entire area within the MX Central Services Zone also shall be within the Z Downtown Development Zone, and shall be subject to the provisions of Chapter 33.56.

### Principal Uses

**33.46.040 Uses permitted.** In the MX Zone, the following uses are permitted:

- (1) Group 1 uses as listed in Section 33.42.020;
- (2) Group 2 uses as listed in Section 33.42.020;
- (3) Group 3 uses as listed in Section 33.42.020;
- (4) Group 4 uses as listed in Section 33.50.020, except garages, parking and repair, and automobile service stations;
- (5) Group 5 uses as listed in Section



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33.42.020, excluding

- (a) Drive-in businesses;
- (b) Billboards and other outdoor off-premises advertising signs and structures, except for signs accessory to permitted or conditional uses;
- (c) Cemeteries, crematories, mausoleums, and columbariums;
- (6) Group 7 uses as listed in Section 33.50.020;
- (7) Ice and cold storage plant;
- (8) Meat, poultry, and fish processing;
- (9) Brewery or winery;
- (10) Uses permitted in Section 33.36.040(1);
- (11) Other uses consistent and harmonious with a service district adjoining a central business district and found similar to the above permitted uses in accordance with Section 33.114.030.

**33.46.050 Limitations to use.** The following limitations shall apply to permitted uses.

(1) Any uses and operations objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, and other similar causes shall be prohibited.

(2) All uses and operations shall be confined, contained, and conducted wholly within completely enclosed buildings, except

(a) incidental activities related to permitted uses such as outdoor sale of plants, outdoor eating areas and similar outdoor activities, which may be unenclosed if approved in accord with Chapter 33.62 (D Design Zone);

(b) those Group 5 uses which are by nature conducted in open air.

**33.46.060 Off-street parking.** There shall be no minimum off-street parking requirements in the MX Zone. Off-street parking when approved in accordance with the procedures specified in Chapter 33.106 (conditional uses) shall be subject to requirements specified in Chapter 33.56 (Z Downtown Development Zone) and regulations in Chapter 33.82 (Parking Regulations).

**33.46.070 Off-street loading.** (1) It is city policy to require off-street loading facilities to maintain an efficient use of street right-of-way space. Off-street loading berths shall be provided as follows:

(a) Apartments:

**Number of Units**

- Less than 50
- 50 or more

(b) Offices:

**Gross Floor Area**

- Less than 30,000 sq. ft.
- 30,000 sq. ft. and over

(c) Business, service and manufacturing uses:

**Gross Floor Area**

- Less than 20,000 sq. ft.
- 20,000 sq. ft. and over

(d) In the aggregate no more than one (1) loading berth would be required.

(2) If the above requirements create site, building development, or circulation problems and if the Traffic Engineer concludes that on-street loading zones more effectively will promote the goals and objectives of Planning Guidelines/Portland Downtown Plan and Downtown Parking and Circulation Policy, such on-street loading zones shall be authorized in lieu of off-street loading berths.

**33.46.080 Minimum lot size.** There shall be no minimum lot size requirement.

**33.46.090 Maximum lot coverage.** There shall be no limitation on lot coverage.

**33.46.100 Maximum floor area.** Maximum total floor area permitted on any site shall be as prescribed in Chapter 33.56.

**33.46.110 Maximum height.** Maximum height shall be as prescribed in Chapter 33.56.

**33.46.120 Minimum yards.** No yards shall be required.

**33.46.130 Signs permitted.** (Section reserved).

### Conditional Uses

**33.46.140 Uses permitted.** In the MX Zone the following conditional uses may be permitted, subject to the regulations contained in Section 33.46.160, the procedures in Sections 33.106.010 to 33.106.040 inclusive:

- (1) Private or public helistop;

Loading Berths Required
None
1

Loading Berths Required
None
1

Loading Berths Required
None
1

(2) Automobile service stations and repair garages subject to the regulations in 33.50.236;

(3) Drive-in activity associated with a permitted use;

(4) Excavations and filling;

(5) Public or private off-street parking facilities subject to regulations provided in Chapter 33.56;

(6) Radio or television transmitters;

(7) Outdoor activities not incidental and related to permitted uses, such as commercial amusements, open air markets, vendors and eating places not otherwise regulated by the city code.

**33.46.150 Regulations.** (1) Off-street parking and loading requirements provisions governing signs, or other conditions or limitations of approval, shall be guided by regulations applicable to similar or permitted or conditional uses in other zones and by specific development objectives and conditions in the MZ Zone and in downtown.

(2) In case regulations (differing from those governing principal uses permitted in MX Zones) are not specified in this chapter nor in the written instrument approving a conditional use, then the regulations governing principal uses shall also govern such conditional use insofar as applicable. Additional regulations are contained in Chapters 33.56 (Z Downtown Development Zone), 33.82 (Parking Regulations), 33.86 (Loading Regulations), and 33.90 (Yard Regulations).

**33.46.160 Prohibited uses.** Uses of structures and land not specifically mentioned in this chapter are prohibited in all MX Zones.

## Chapter 33.48

### M4 LIMITED MANUFACTURING ZONE.

#### Sections:

33.48.010	Generally.
33.48.020	Procedure.
33.48.030	Regulations.
33.48.040	Minimum site area.
33.48.050	Locations permitted.



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- 33.48.060 Uses permitted.
- 33.48.070 Limitations on uses.
- 33.48.080 Off-street parking required.
- 33.48.090 Off-street loading required.
- 33.48.100 Maximum lot coverage.
- 33.48.110 Maximum height permitted.
- 33.48.120 Minimum front yard.
- 33.48.130 Minimum side yard.
- 33.48.140 Minimum rear yard.
- 33.48.160 Accessory buildings and uses.
- 33.48.170 Prohibited uses.

**33.48.010 Generally.** In all M4 Zones, the use of land and structures; the location and erection of new structures, and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

**33.48.020 Procedure.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) The city council may, from time to time as warranted, establish, change or abolish M4 Zones in accordance with the following procedure:

(1) M4 Zones shall be established only on petition of the owner or owners of the property to be changed, except the council or the commission may initiate the change of an urban renewal area or part thereof to an M4 Zone. The provisions of Chapter 33.102, together with the additional requirements cited herein, shall govern the procedure to be followed;

(2) The lot, tract, or parcel of land involved shall be: A. In one ownership, B. The subject of a petition filed jointly by the owners of all the property to be changed, or C. An urban renewal area or part thereof approved by the city planning commission and the city council;

(3) The petitioner shall prepare and submit a preliminary development plan together with a schedule of construction of his proposed project in the M4 Zone. During study and consideration thereof, a public hearing on said development plan may be held and expert advice from the design committee and other authorities on traffic, health, safety, or other matters germane to the effect of the proposed project on the surrounding property or neighborhood of the city as a whole may be requested. If it is found that the zone change is justified and that the preliminary development plan and construction schedule are acceptable in accordance with regulations of this chapter and such other requirements deemed necessary to the public interest, the petitioner shall prepare a final development plan and construction schedule for approval;

(4) If it is determined that the M4 Zone should be established and the final development plan and construction schedule or modifications thereof are approved, said plan and schedule shall be made a part of the zone change ordinance, and the whole shall be recorded with the county clerk;

(5) No building or occupancy permits shall be issued on the property involved unless they are in exact conformance with the recorded final development plan;

(6) Failure to begin and complete construction on or prior to the approved dates in the construction schedule shall void the development plan and shall automatically terminate any right to proceed under the approved development plan or the zone change ordinance. Thereafter, it is unlawful for any further construction or any use to be made under the M4 Zone and development or use of the property must comply with the former classification. Whenever it is determined that the construction was not begun and completed on or prior to such approved dates in the construction schedule, a



## M4 LIMITED MANUFACTURING ZONE

hearing may then be held and recommendation made to the council for an ordinance setting forth the reversion of the property to its former classification;

(7) During the course of construction, changes in the final development plan or schedule deemed necessary by the petitioner may be made and recommendations forwarded to the council for decision and ordinance following the procedure for an initial application;

(8) After the project is constructed and occupied, any subsequent enlargements or alterations or changes of use shall be submitted in accordance with procedure for an initial application.

**33.48.030 Regulations.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) The regulations applying to any particular lot, parcel or tract in an M4 Zone shall be the zone change ordinance and final development plan, and amendments thereto, according to which the lot, parcel, or tract is to be improved and maintained. The regulations may be varied with each property as is necessary or desirable for the public convenience, health, safety, peace and general welfare and to protect the surrounding property and neighborhood. In no case, however, shall an ordinance establishing an M4 Zone and a final development plan be approved which does not embody at least the requirements specified in Sections 33.48.040 - 33.48.170.

Failure to include the regulations listed in said sections in the zone change ordinance shall not relieve the petitioner from complying with them.

**33.48.040 Minimum site area.** An M4 Zone shall be established only on sites of ten acres in area or larger.

**33.48.050 Locations permitted.** M4 Zones shall be restricted to locations coming within at least one of the following situations:

- (1) Abutting a major or secondary traffic arterial;
- (2) Adjoining an M Zone and fronting on the same street serving the adjoining tract in the M Zone;
- (3) Across a street upon which fronts an M Zone;
- (4) Abutting a railroad right-of-way.

**33.48.060 Uses permitted.** In an M4 Zone, the following uses are permitted:

- (1) Any Group 7 use listed in Section 33.50.020;



(2) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Any other manufacturing use except those listed in Groups 11 and 12 in Section 33.54.020 and Group 13 in Section 33.54.140 judged after advice from traffic, health, and safety authorities to be no more detrimental to the surrounding vicinity than Group 7 uses;

(3) Offices;

(4) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Such other uses, retail and service establishments (nonmanufacturing) as are judged to be necessary for the convenience of employees and complementary to other uses in the zone.

**33.48.070 Limitations on uses.** (a) All uses and operations except off-street parking shall be confined, contained and conducted wholly within completely enclosed buildings.

(b) High standards of exterior appearance, cleanliness and orderliness shall be maintained at all times.

(c) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) The site shall be landscaped and maintained at all times in a satisfactory manner.

(d) Any uses and operations objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration and other similar causes shall be prohibited.

**33.48.080 Off-street parking required.** (a) One space per two employees shall be provided and maintained. In addition, retail and service establishments shall provide off-street parking spaces as required for such uses in Section 33.42.040.

(b) Such space shall be located on the site.

(c) Such space shall not be located in any required yard.

(d) Screening shall be provided and maintained between any parking area and a street line or property in an R or A Zone. It shall be at least three feet and not more than four feet high along a street line and at least five feet and not more than six feet high along any

other property line. Such screen may be placed along the boundary of the parking area or along a property line not closer than five feet to a street line. Such screening shall be composed of a masonry wall an ornamental wooden fence, a compact evergreen hedge, or a chain-link type wire fence with evergreen vines. Such screening shall be sufficiently dense to obscure motor vehicle headlights.

(e) The provisions of Chapter 33.82, not in conflict with the above, shall also apply.

**33.48.090 Off-street loading required.** Off-street loading berths shall be provided for any building or group of buildings according to gross floor area as follows:

Square Feet of Floor Area	Loading Berths Required
5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

Such berths shall be regulated by Chapter 33.86.

**33.48.100 Maximum lot coverage.** The area covered by all buildings including accessory buildings shall not exceed forty percent of the lot area.

**33.48.110 Maximum height permitted.** No structure shall exceed thirty-five feet in height, except that this height limit may be exceeded in locations where the petitioner can demonstrate that any structure above thirty-five feet in height will not obscure the panoramic view from any property located in a zone or part of zone having a three story or lower height limit and within three thousand feet of the petitioner's project by more than a horizontal angle of six degrees.

**33.48.120 Minimum front yard.** (a) Across a street from an R, A, C5, or C4 Zone, a



minimum front yard of one hundred feet shall be provided and maintained.

(b) In all other locations, a minimum front yard of thirty feet shall be provided.

**33.48.130 Minimum side yard.** (a) Abutting an R or A Zone, a minimum side yard of one hundred fifty feet shall be provided and maintained.

(b) In all other locations, a minimum side yard of twenty feet or twice the height of the structure, whichever is the greater, shall be provided and maintained.

**33.48.140 Minimum rear yard.** (a) Abutting an R or A Zone, a minimum rear yard of one hundred fifty feet shall be provided and maintained.

(b) In all other locations, a minimum rear yard of twenty feet or twice the height of the structure, whichever is the greater, shall be provided and maintained.

**33.48.150 Signs permitted.** (a) Signs necessary to direct traffic on the premises.

(b) All other signs visible from the exterior of the building or buildings are prohibited except one sign, illuminated or nonilluminated, not exceeding two hundred and fifty square feet in area, indicating the name of the use.

**33.48.160 Accessory buildings and uses.** All accessory buildings shall be located as far from any lot line as are the required yard depths for main buildings. A private or public helistop may be located in an M4 Zone subject to the additional regulations contained in Chapter 33.78.

**33.48.170 Prohibited uses.** (a) Residential uses except quarters for caretakers, occasional use for company executives or guests, and for transients in hotels or motels.

(b) All other uses not specifically listed in Section 33.48.060.

## Chapter 33.50

### M3 LIGHT MANUFACTURING ZONE

#### Sections:

33.50.010 Generally.

#### PRINCIPAL USES

33.50.020 Uses permitted.

33.50.030 Limitations on use.

33.50.040 Off-street parking required.

33.50.050 Off-street loading required.

33.50.060 Lot size required.

33.50.070 Maximum lot coverage.

33.50.080 Maximum floor area permitted.

33.50.090 Maximum height permitted.

33.50.100 Minimum front yard.

33.50.110 Minimum side yard.

33.50.120 Minimum rear yard.

33.50.130 Signs.

33.50.135 Downtown Plan review.

#### RESIDENTIAL USES

33.50.140 On lots six hundred feet or less from R, A2.5, C5, or C4 Zones and two hundred feet or less from A1 Zones.

33.50.150 In all other lots in M3 Zones.

#### ACCESSORY BUILDINGS AND USES

33.50.160 Generally.

33.50.170 Height.

33.50.180 Accessory to principal use.

33.50.190 Accessory to residential use.

#### CONDITIONAL USES

33.50.200 Uses permitted.

33.50.210 Regulations.

33.50.220 Excavating or filling.

33.50.230 Private or public helistop.

33.50.235 Automobile service station.

33.50.240 Railroad rights-of-way and passenger stations.

33.50.250 Prohibited uses.

**33.50.010 Generally.** In all M3 Zones, the use of land and structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

#### PRINCIPAL USES

**33.50.020 Uses permitted.** In an M3 Zone, the following uses are permitted:

(1) Group 1 uses listed in Section 33.42.020;

(2) Group 2 uses listed in Section 33.42.020;

(3) Group 3 uses listed in Section 33.42.020;

(4) Group 4: (Amended by Ord. No. 137951, 139311; and 142920 passed and effective Dec. 15, 1976.)

A. Group 4 uses listed in Section 33.42.020,

B. Auto reconditioning, painting, upholstering, motor rebuilding,

C. Body and fender work,

D. Retail sales, service and rental of new or used trailers, excluding truck trailers,



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E. Retail sales, service and rental of new or used motor vehicles not to exceed a gross vehicle weight of 18,000 lbs.,

F. Car washing by mechanical means;

G. Household moving centers, trucks for rent shall not exceed a gross vehicle weight of 18,000 lbs.

(5) Group 5 uses listed in Section 33.42.020;

(6) Group 6 uses listed in Section 33.42.020;

(7) Group 7:

A. Assembly and fabrication of metal products,

B. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers and crystal holders,

C. Laboratories; experimental, research or testing,

D. Laundry for carpets, overalls, rags and rug cleaning,

E. Machine shop,

F. Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, excluding the refining and rendering of fats and oils, and food and beverage products, except sauerkraut, vinegar, pickles, meat and fish products,

G. Manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood excluding planing mill, and yarns,

H. Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay,

I. Manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures,

J. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps,

K. Manufacture of optical goods, scientific and precision instruments and equipment,

L. Manufacture of artificial limbs, hearing aids, dentures, surgical instruments and dressings, and other devices employed by the medical and dental professions,

M. Motion picture studio,

N. Parcel delivery service,

O. Spinning or knitting of cotton, wool, flax or other fibrous materials,

P. Stone, marble and granite monument works,

Q. Veterinary, or animal hospital,

R. Warehouses and storage buildings,

S. Welding shop,

T. Nonferrous metal foundries, utilizing not more than four electric, gas or oil fired, sixty pound crucible furnaces or equivalent melting capacity;

(8) Other light, nonnuisance manufacturing found similar to the above in accordance with Section 33.114.030.

**33.50.030 Limitations on use.** (a) Groups 1 to 7, inclusive:

(1) Any uses and operations objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, and other similar causes shall be prohibited;

(2) The use and installation of a power hammer, punch press exceeding twenty tons capacity, foundry, or forge shall not be permitted with any operation or manufacturing process in M3 Zones.

(b) Groups 3 and 7:

Such uses are permitted in M3 Zones only if all activities and operations, except off-street loading and parking, are confined, contained, and conducted wholly within completely enclosed buildings except retail building materials outlets need not be entirely within enclosed buildings provided all outside activities and operations, including outside storage, are completely enclosed by a sight-obscuring screen at least six feet high. Such screen shall be a masonry wall, a wooden or metal fence, a compact evergreen hedge, or a chain-link type wire fence with evergreen vines.

(c) Group 4:

(1) Firms whose primary activity is salvaging parts from wrecked vehicles are not permitted in M3 Zones;

(2) Lubrication, repair and servicing, tube and tire repairing, battery service, body and fender painting, upholstery work, and storage of materials and equipment shall be confined, contained and conducted wholly within completely enclosed buildings.

(3) (Added by Ord. No. 139571, passed Mar. 14, effective Apr. 15, 1974.) Retail sales and/or rental as permitted in Item (7), Group 4, Section 33.42.020 and Items D and E, Group 4, Section 33.50.020 shall be allowed if:

A. Any repair of automobiles, trucks or trailers is conducted and confined wholly within a building; and

B. Sight-obscuring screening is provided as required in Chapter 33.82 (Parking Regulations.)

**33.50.040 Off-street parking required.**

(a) Group 1 uses: One space per five hundred square feet of gross floor area.

(b) Group 2 uses: One space per seven hundred square feet of gross floor area.

(c) Group 3 uses: Required spaces shall be the same as specified for Group 3 uses in Section



# M3 LIGHT MANUFACTURING ZONE

33.42.040.

(d) Group 4 uses: One space per two employees in addition to spaces provided for customers' vehicles and vehicles in stock.

(e) Group 5 uses: Required spaces shall be the same as specified for Group 5 uses in Section 33.42.040.

(f) Group 6 uses: Required spaces shall be the same as specified for Group 6 uses in Section 33.42.040.

(g) Group 7 uses: One space per seven hundred square feet of gross floor area, but not more than one space per four employees.

(h) Parking as required for the above uses shall be regulated by Chapter 33.82.

**33.50.050 Off-street loading required.** Off-street loading berths shall be provided and maintained for the following uses occupying a building or buildings totaling ten thousand square feet of gross floor area or more according to the table below:

Square Feet of Floor Area	Loading Berths Required
<b>USES: HOTELS</b>	
10,000 - 39,999	1
40,000 - 69,999	2
70,000 - 129,999	3
130,000 - 219,999	4
220,000 - 379,999	5
380,000 - 699,999	6
700,000 - 1,499,999	7
Over - 1,500,000	8
<b>USES: THEATERS</b>	
10,000 and over	1
<b>USES: GROUP 7, CONVALESCENT HOMES, ALL TYPES OF HOSPITALS; COLLEGES; LAUNDRIES; AND PRINTING, LITHOGRAPHING, AND PUBLISHING</b>	
10,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

**USES: GROUPS 1, 2, 3, and 5**

10,000 - 24,999	1
25,000 - 59,999	2
60,000 - 99,999	3
100,000 - 159,999	4
160,000 - 249,999	5
250,000 - 369,999	6
370,000 - 579,999	7
580,000 - 899,999	8
900,000 - 2,999,999	9
Over - 3,000,000	10

**33.50.060 Lot size required.** For lot size there shall be no limitation.

**33.50.070 Maximum lot coverage.** There shall be no maximum lot coverage limitation.

**33.50.080 Maximum floor area permitted.** There shall be no limitation except within four hundred feet of an R or A2.5 Zone. In said locations, the gross floor area devoted to the conduct of any individual Group 3 use other than subdivisions (2) and (4), Section 33.42.020, Group 4 use as listed in Section 33.50.020 (4) A. and C. or Group 7 use, together with its accessory uses, shall not exceed ten thousand square feet, and hereafter no permit shall be issued to construct or to enlarge a building to contain one of such uses exceeding ten thousand square feet in gross floor area.

**33.50.090 Maximum height permitted.**  
(a) No structure shall exceed three stories or forty-five feet in height, except there shall be no height limit on any structure located four hundred feet or farther from any R10, R7, R5, A2.5, C5 or C4 Zone.

(b) On any lot, sloping downhill from the street which has an average ground slope on that portion of the lot to be occupied by the main building of twenty-five percent or more, measured in the general direction of the side lot lines, an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two feet above the average curb level along the front of the lot.

(c) Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, radio and television



aerials, water tanks, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space.

**33.50.100 Minimum front yard.\*** Where all the frontage is located in an M3 Zone, no front yard shall be required. Where the frontage is located partly in an M3 Zone and partly in an R or A Zone, the front yard requirement of the R or A Zone shall apply in the M3 Zone.

**33.50.110 Minimum side yard.** A side yard is not required except where the side of a lot abuts an R or A Zone. In such case, the side yard requirement of the R or A Zone shall apply in the M3 Zone on that side of the lot abutting the R or A Zone.

**33.50.120 Minimum rear yard.** There shall be no limitation except where the rear lot line abuts the side of an adjoining lot in an R or A Zone, and in such case the side yard requirement of the R or A Zone shall apply to the rear yard of the M3 Zone where the two abut.

**33.50.130 Signs.** Signs other than outdoor advertising signs as defined in the sign regulations are permitted without limitation if in accordance with the sign regulations; except that no part of any sign of any kind or sign structure attached to a building shall extend more than eighteen feet above the roof line of a building nor more than forty-five feet above building grade, and no part of any free standing pylon sign or sign structure shall extend more than forty-five feet above the ground level adjoining thereto, in a portion of an M3 Zone within four hundred feet of an R10, R7, R5, A2.5, C5 or C4 Zone.

Outdoor advertising signs may be erected if the variance committee first approves the locations as not obstructing a view of scenic interest, as not obstructing traffic visibility, and as not increasing the density of such outdoor advertising signs along any arterial or heavily traveled street to an extent tending to constitute a safety hazard or a detriment to the appearance of the neighborhood.

**33.50.135 Downtown plan review.** (Added by Ord. No. 132895; reinstated by 134323; continued by 134820; amended by 134895, 136364, 136808, 136891, 137775, 138412; and 140091 passed and effective June 19, 1975.) Notwithstanding other provisions of this chapter, the following regulations shall govern the downtown plan review as to any uses or permits or approvals therefor prior to December 31, 1975 or when new downtown zoning regulations are adopted.

The downtown plan review area is the area bounded by the Willamette on the east, the Stadium Freeway on the south and west extending north to NW Davis Street, then east along NW Davis to a north-south line bisecting Blocks 58, 59, 60 and 73, Couch's Addition, then north to NW Hoyt, then east along NW Hoyt to NW Broadway, then north and northeast along NW Broadway and the Broadway Bridge to the Willamette River; excluding the existing South Auditorium and Portland State urban renewal projects.

(1) Approval shall be obtained from the planning commission prior to commencement of any phase of construction within the downtown review area on the following:

- A. Any new structure or enlargement of an existing structure.
- B. Any new parking structure or enlargement of an existing parking structure.
- C. Drive-in business facilities.
- D. Off-street loading facilities.
- E. Temporary surface off-street parking for a period not exceeding two years.

(2) The planning commission may, as it deems advisable, hold a public hearing on any request within the scope of paragraph (1) of this section.

(3) In all matters coming within the provisions of this section, decisions of the planning commission shall be made on the basis of the planning guidelines, Portland downtown plan, adopted by the Portland city council on December 28, 1972, and the downtown parking and circulation policy adopted February 26, 1975. If it is determined that a proposed development and use at the particular location accords with council adopted goals, land use, environment, circulation and building density elements of the planning guidelines and parking policy then the proposed use shall be approved.

\*See Chapter 33.90 for additional regulations.



(4) Notwithstanding the provisions of this title, there shall be no minimum off-street parking requirements within the downtown plan review area.

(5) Hearing and appeals. Hearing and notification procedures utilized by the planning commission for the purposes of this section shall be those specified in Chapter 33.106. Appeals shall use the procedure as provided in 33.106 for an off-street parking structure.

- (1) One family dwellings;
- (2) Two family dwellings;
- (3) Apartment dwellings;
- (4) Boarding and rooming houses.

(b) Where any lot is used exclusively for any of the above residential uses, all regulations governing principal uses permitted in AO Zones shall apply.

(c) Where any of the above residential uses are combined on the same lot or in the same building with a principal use permitted in M3 Zones, off-street parking and lot area as required for buildings used exclusively for residential purposes shall be provided in addition to parking maintained for the principal use. Likewise, side and rear yards shall be provided for those portions of the building arranged for or occupied as a place of residence of the depth required of buildings used exclusively for residential purposes.

#### RESIDENTIAL USES

**33.50.140** On lots six hundred feet or less from R, A2.5, C5, or C4 Zones and two hundred feet or less from A1 Zones. (a) Uses permitted:

- (1) One family dwellings;
- (2) Two family dwellings;
- (3) Apartment dwellings;
- (4) Boarding and rooming houses.

(b) Where any lot is used exclusively for any of the above residential uses, all regulations governing principal uses permitted in A1 Zones shall apply.

(c) Where any of the above residential uses are combined on the same lot or in the same building with a principal use permitted in M3 Zones, off-street parking and lot area as required for buildings used exclusively for residential purposes shall be provided in addition to parking maintained for the principal use. Likewise, side and rear yards shall be provided for those portions of the building arranged for or occupied as a place of residence of the depth required of buildings used exclusively for residential purposes.

**33.50.150** On all other lots in M3 Zones. (a) Uses permitted:

#### ACCESSORY BUILDINGS AND USES

**33.50.160** Generally. No separate permit shall be issued for the construction of any type of accessory building prior to that of a main building to contain a principal or residential use.

**33.50.170** Height. No accessory building or structure shall exceed two stories in height, except there shall be no limit on any structure located four hundred feet or farther from any R10, R7, R5, A2.5, C5 or C4 Zone.

**33.50.180** Accessory to principal use. (a) On lots abutting R or A Zones, no accessory building shall be located nearer to a lot line separating the R or A Zone from the M3 Zone than the requirement for accessory buildings in the R or A Zone.

(b) A detached accessory building shall not encroach upon the required yard or court of any building on the same lot.

**33.50.190** Accessory to residential use. Regulations governing buildings accessory to principal uses in AO Zones shall apply to all accessory uses and buildings to a residential use in an M3 Zone.



## CONDITIONAL USES

**33.50.200 Uses permitted.** (Amended by Ord. No. 134013, 134079, 138853, 138936, 139416; and 148244 passed Aug. 2, effective Sept. 4, 1979.) In an M3 Zone, the following conditional uses may be permitted subject to the regulations contained in Sections 33.50.210-33.50.240 and Chapter 33.79 and under the authority and according to the procedure specified in Chapter 33.106:

(1) Aircraft landing area or private or public helistop

(1.5) Automobile service stations

(2) Excavations and filling

(3) Natural resources, development of

(4) Planned Unit Developments

(5) Radio or television transmitters

(6) Railroad rights-of-way and passenger stations

(6.5) Residential care facility, when the proposed site is located 800 feet or less from an R or A zone

(7) Retail fuel oil distributor

(8) House trailer parks

(9) Welfare institutions if the prospective site is 800 feet or less from any R or A zones

**33.50.210 Regulations.** (Amended by Ord. No. 138936, 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

**33.50.220 Excavating or filling.** Excavating or filling as defined in this title shall be regulated as a conditional use.

**33.50.230 Private or public helistop.** A private or public helistop may be permitted in an M3 Zone subject to the additional regulations contained in Chapter 33.78.

**33.50.235 Automobile service station.** (Added by Ord. No. 134013, repealed by 134079, added by 139416; amended by 141105 passed and effective Dec. 31, 1975.) In considering a request for an automobile service station conditional use, it shall be determined whether the location is appropriate considering public convenience, availability of other stations, existing traffic volumes and impact thereon, protection of neighboring uses, and other factors found applicable. Regulations for automobile service stations shall be:

(a) Lot size:

(1) Maximum lot area shall be 40,000 square feet;

(2) Maximum frontage on one street shall not exceed 200 linear feet;

(b) Screening required:

(1) Screening shall be continuous along any portion of the site that abuts the side or rear of a lot in an R or A zone and shall meet the requirements of Section 33.82.030(b) (1) in the parking chapter of this title;

(c) Landscaping required:

(1) Border planting, including shrubs and trees shall be provided along street frontages.

**33.50.240 Railroad rights-of-way and passenger stations.** Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated as conditional uses. All other railroad facilities such as switching yards, holding tracks, team tracks, freight depots, shops and roundhouses are prohibited in M3 Zones.

**33.50.250 Prohibited uses.** Uses of structures and land not specifically mentioned in this chapter are prohibited in all M3 Zones.



## PLANNING AND ZONING

### Chapter 33.52

#### M2 GENERAL MANUFACTURING ZONE

##### Sections:

33.52.010 Generally.

##### PRINCIPAL USES

- 33.52.020 Uses permitted.
- 33.52.030 Limitations on use.
- 33.52.040 Off-street parking required.
- 33.52.050 Off-street loading required.
- 33.52.060 Lot size required.
- 33.52.070 Maximum lot coverage.
- 33.52.080 Maximum floor area permitted.
- 33.52.090 Maximum height permitted.
- 33.52.100 Minimum front yard.
- 33.52.110 Minimum side yard.
- 33.52.120 Minimum rear yard.
- 33.52.130 Signs.
- 33.52.135 Downtown Plan review area.

##### CONDITIONAL USES

- 33.52.140 Uses permitted.
- 33.52.150 Regulations.
- 33.52.160 Excavating or filling.
- 33.52.170 Heliports or helistops.
- 33.52.172 Hospitals, general.
- 33.52.173 Hospitals, mental, remedial and detention.
- 33.52.174 Uses or buildings accessory to hospitals except nurses' homes or other residential buildings.
- 33.52.175 Automobile service station.
- 33.52.177 Residential care facilities.
- 33.52.180 Prohibited uses.

33.52.010 Generally. In all M2 Zones, the use of the land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

##### PRINCIPAL USES

**33.52.020 Uses permitted.** In an M2 Zone, the following uses are permitted:

- (1) Group 1 uses listed in Section 33.42.020;
- (2) Group 2 uses listed in Section 33.42.020;
- (3) Group 3 uses listed in Section 33.42.020;
- (4) Group 4 uses listed in Section 33.50.020;
- (5) Group 5 uses listed in Section 33.42.020;
- (6) Group 7 uses listed in Section 33.50.020;
- (7) Group 8:

- A. Forge shop,
- B. Foundry,
- C. Meat or fish smoking, curing, or canning,
- D. Poultry or rabbit killing;
- (8) Group 9:
  - A. Automobile or truck wrecking,
  - B. Blacksmith shop,
  - C. Junk, rags, paper or metal salvage storage, processing or treatment,
  - D. Wrecking and salvage yard or building materials;
- (9) Group 10:
  - A. Any manufacturing process, except those listed in Groups 11 and 12 in Section 33.54.020 and Group 13 in Section 33.54.140,
  - B. Amusement park,
  - C. Boat building, small,
  - D. Brewery, distillery, or winery,
  - E. Building materials sales yard, including sales of rock, sand, or gravel as incidentals to the main business but excluding concrete mixing.
  - F. Circus, carnival, or other type of transient and outdoor amusement enterprise,
  - G. Contractors' or loggers' equipment and trucks storage yard, plant, repair, rental, or sales,
  - H. Docks, piers, wharves, and associated shipping facilities for river or ocean-going vessels,
  - I. Dog kennel or other animal boarding place,
  - J. Draying or freighting yard or terminal,
  - K. Drive-in theaters,
  - L. Enameling or metal coating, i.e. galvanizing,
  - M. Express or carloading terminal,
  - N. Farm equipment repair,
  - O. Farming, truck gardening, breeding and raising animals, fish, or fowl in accordance with the health and sanitation regulations,
  - P. Fuel oil distributor, retail,
  - Q. Fuels, solid, yard,
  - R. Grain elevator,
  - S. Heavy machinery, repair, sales, storage, or salvage,
  - T. Ice and cold storage plant,
  - U. Paint manufacture not employing chemical or boiling processes,
  - V. Pickles, sauerkraut, or vinegar production,
  - W. Planing mill,
  - X. Produce terminal or yard,
  - Y. Railroad facilities of all types, except major car repair shops and steam engine roundhouses,
  - Z. Tire retreading or recapping,



AA. (Amended by Ord. No. 139311 passed Jan. 16, effective Feb. 17, 1975.) Truck, truck trailer or bus sales, service, rental, repairing, or overhauling;

BB. Truck terminal,

CC. Weaving of cotton, wool, flax, or other fibrous materials using power looms;

DD. Automobile service station when not abutting an R or A zone; (Added by Ord. No. 139416 passed and effective Feb. 5, 1975.)

EE. Truck service station when 100 feet or more from an R or A zone. (Added by Ord. No. 139416 passed and effective Feb. 5, 1975.)

(10) Other uses of a general industrial character found similar to the above in accordance with Section 33.114.030.

(b) Group 9:

Such uses are permitted in M2 Zones only if all activities and operations are within buildings or are completely enclosed by a sight-obscuring screen at least six feet high. such screen shall be a masonry wall, a wooden or metal fence, a compact evergreen hedge, or a chain-link type wire fence with evergreen vines.

33.52.030 Limitations on use. (a) Group 8:

Such uses are permitted in M2 Zones only if all activities and operations, except off-street parking and loading, are confined, contained and conducted wholly within completely enclosed buildings.

33.52.040 Off-street parking required.

(a) Group 1 uses: One space per five hundred square feet of gross floor area.

(b) Group 2 uses: One space per seven hundred square feet of gross floor area.

(c) Group 3 uses: Required spaces shall be

## M2 GENERAL MANUFACTURING ZONE

the same as specified for Group 3 uses in Section 33.42.040.

(d) Group 4 uses: One space per two employees in addition to spaces provided for customer's vehicle and vehicles in stock.

(e) Group 5 uses: Required spaces shall be the same as specified for Group 5 uses in Section 33.42.040.

(f) Group 7 uses: One space per seven hundred square feet of gross floor area, but not more than one space per four employees.

(g) Group 8 uses: One space per seven hundred square feet of gross floor area, but not more than one space per four employees.

(h) Group 9 uses: One space per seven hundred square feet of gross floor area, but not more than one space per four employees.

(i) Group 10 uses:

(1) Amusement parks: One space per one thousand square feet of patron serving area;

(2) Railroad passenger terminal: One space per one thousand square feet of gross floor area;

(3) All other uses: One space per seven hundred square feet of gross floor area, but not more than one space per four employees.

(j) Parking as required for the above uses shall be regulated by Chapter 33.82.

**33.52.050 Off-street loading required.** Off-street loading berths shall be provided and maintained for the following uses occupying a building or buildings totaling ten thousand square feet of gross floor area or more according to the table below:

Square Feet of Floor Area	Loading Berths Required
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### USES: HOTELS

10,000 - 29,999	1
30,000 - 69,999	2
70,000 - 129,999	3
130,000 - 219,999	4
220,000 - 379,999	5
380,000 - 699,999	6
700,000 - 1,499,999	7
Over - 1,500,000	8

### USES: THEATERS

10,000 and Over	1
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### USES: GROUPS 1, 2, 3, AND 5

10,000 - 24,999	1
25,000 - 59,999	2
60,000 - 99,999	3
100,000 - 159,999	4
160,000 - 249,999	5
250,000 - 369,999	6

370,000 - 579,999	7
580,000 - 899,999	8
900,000 - 2,999,999	9
Over - 3,000,000	10

USES: GROUPS 7, 8, 9 AND 10:

GOVERNMENTAL AND PUBLIC

UTILITY BUILDINGS

OTHER THAN OFFICES

10,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

**33.52.060 Lot size required.** For lot size there shall be no limitation.

**33.52.070 Maximum lot coverage.** There shall be no maximum lot coverage limitation.

**33.52.080 Maximum floor area permitted.** There shall be no maximum floor area limitation.

**33.52.090 Maximum height permitted.** There shall be no maximum height limitation, except as provided in the housing and building regulations.

**33.52.100 Minimum front yard.\*** Where all the frontage is located in an M2 Zone, no front yard shall be required. Where the frontage is located partly in an M2 Zone and partly in an R or A Zone, the front yard requirements of the R or A Zone shall apply in the M2 Zone.

**33.52.110 Minimum side yard.** A side yard is not required except where the side of a lot abuts an R or A Zone. In such case, the side yard requirement of the R or A Zone shall apply in the M2 Zone on that side of the lot abutting the R or A Zone.

\*See Chapter 33.90 for additional regulations.



## PLANNING AND ZONING

**33.52.120 Minimum rear yard.** There shall be no limitation except where the rear lot line abuts the side of an adjoining lot in an R or A Zone, and in such case the side yard requirement of the R or A Zone shall apply to the rear yard of the M2 Zone where the two abut.

**33.52.130 Signs.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Signs other than outdoor advertising signs as defined in the sign regulations are permitted without limitation, if in accordance with the sign regulations; except that no part of any sign shall extend more than eighteen feet above the roof line of a building in a portion of an M2 Zone within four hundred feet of an R10, R7, R5, A2.5, C5 or C4 Zone.

Approval through the procedures set out in Chapter 33.38 may be granted to erect an outdoor advertising sign if it is found that the location does not obstruct a view of scenic interest, does not obstruct traffic visibility, does not increase the density of such outdoor advertising signs along any arterial or heavily traveled street to an extent tending to constitute a safety hazard or a detriment to the appearance of the neighborhood.

**33.52.135 Downtown plan review.** (Added by Ord. No. 132895; reinstated by 134323; continued by 134820; amended by 134895, 136364, 136808, 136891, 137775, 138412; and 140091 passed and effective June 19, 1975.) Notwithstanding other provisions of this chapter, the following regulations shall govern the downtown plan review as to any uses or permits or approvals therefor prior to December 31, 1975 or when new downtown zoning regulations are adopted.

The downtown plan review area is the area bounded by the Willamette on the east, the Stadium Freeway on the south and west extending north to NW Davis Street, then east along NW Davis to a north-south line bisecting Blocks 58, 59, 60 and 73, Couch's Addition, then north to NW Hoyt, then east along NW Hoyt to NW Broadway, then north and northeast along NW Broadway and the Broadway Bridge to the Willamette River; excluding the existing South Auditorium and Portland State urban renewal projects.

(1) Approval shall be obtained from the planning commission prior to commencement of any phase of construction within the downtown review area on the following:

A. Any new structure or enlargement of an existing structure.

B. Any new parking structure or enlargement of an existing parking structure.

C. Drive-in business facilities.

D. Off-street loading facilities.

E. Temporary surface off-street parking for a period not exceeding two years.

(2) The planning commission may, as it deems advisable, hold a public hearing on any request within the scope of paragraph (1) of this section.

(3) In all matters coming within the provisions of this section, decisions of the planning commission shall be made on the basis of the planning guidelines, Portland downtown plan, adopted by the Portland city council on December 28, 1972, and the downtown parking and circulation policy adopted February 26, 1975. If it is determined that a proposed development and use at the particular location accords with council adopted goals, land use, environment, circulation and building density elements of the planning guidelines and parking policy then the proposed use shall be approved.

(4) Notwithstanding the provisions of this title, there shall be no minimum off-street parking requirements within the downtown plan review area.

(5) Hearing and appeals. Hearing and notification procedures utilized by the planning commission for the purposes of this section shall be those specified in Chapter 33.106. Appeals shall use the procedure as provided in 33.106 for an off-street parking structure.

## CONDITIONAL USES

**33.52.140 Uses permitted.** (Amended by Ord. No. 134013, 134079, 138853; and 144140 passed and effective Aug. 3, 1977.) In an M2 zone, the following conditional uses may be permitted subject to the regulations contained in Sections 33.52.150—33.52.170 and under the authority and according to the procedure specified in Chapter 33.106:

(1) Aircraft landing area, heliport or private or public helistop;

(1.5) Automobile service stations when the proposed site abuts an R or A zone; (Added by Ord. No. 139416 passed and effective Feb. 5, 1975.)

(2) Excavations and filling;



(2.5) General hospital uses except inpatient beds and noise sensitive activities.

(2.6) Mental, remedial or detention hospital uses, except inpatient beds and noise sensitive activities.

(2.7) Uses or buildings accessory to hospitals except nurses' residences or other residential buildings and noise sensitive activities.

(3) Natural resources, development of;

(4) Radio or television transmitters and towers exceeding one hundred feet in height above grade;

(5) Welfare institutions, if the prospective site is 800 feet or less from any R or A zones.

(6)(Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) Residential care facility, when the proposed site is located 800 feet or less from an R or A zone.

**33.52.150 Regulations.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

**33.52.160 Excavating or filling.** Excavating or filling as defined in this title shall be regulated as a conditional use.

**33.52.170 Heliports or helistops.** A heliport or helistop, whether public or private, may be permitted subject to the additional regulations contained in Chapter 33.78, provided, however, no heliport shall be located on the roof of any building used for habitation.

**33.52.172 Hospitals, general.** (Added by Ord. No. 144140 passed and effective Aug. 3, 1977.) Regulations for hospitals, general, shall be as follows: Off-street parking required: one space per two employees.

**33.52.173 Hospitals, mental, remedial and detention.** (Added by Ord. No. 144140 passed and effective Aug. 3, 1977.) Regulations for hospitals, mental, remedial and detention shall be as follows: Off-street parking required: one space per two employees.

**33.52.174 Uses or buildings accessory to hospitals except nurses' homes or other residential buildings.** (Added by Ord. No. 144140 passed and effective Aug. 3, 1977.) Regulations for uses or buildings accessory to hospitals except nurses' homes or other residential buildings shall be as follows: (a) Offices and/or clinics of physicians for private medical practice.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per each two hundred fifty square feet of gross floor area of any area assigned to such use.

(b) Retail facilities for the needs of the patient including gift shop, barbershop, book store, beauty shop, coffee shop, drug store or pharmacy, and other similar uses.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space per each two employees of such shop or store provided such employee has not been included as a hospital employee.

(c) Training facilities including school of nursing and other types of training facilities.

(1) Off-street parking required: In addition to spaces required for the hospital and any other accessory use, one space shall be provided per ten seats in classrooms provided students have not been included as hospital employees.

**33.52.175 Automobile service station.** (Added by Ord. No. 134013, repealed by 134079, added by 139416; amended by 141105 passed and effective Dec. 31, 1975.) In considering a request for an automobile service station as a conditional use in an M2 zone, it shall be determined whether the location is appropriate considering public convenience, availability of other stations, existing traffic volumes and impact thereon, protection of neighboring uses,



and other factors found applicable. Regulations for automobile service stations shall be:

- (a) Lot size:
  - (1) Maximum lot area shall be 40,000 square feet;
  - (2) Maximum frontage on one street shall not exceed 200 linear feet;
- (b) Screening required:
  - (1) Screening shall be continuous along any portion of the site that abuts the side or rear of a lot in an R or A zone and shall meet the requirements of Section 33.82.020(b) (1) in the parking chapter of this title;
- (c) Landscaping required:
  - (1) Border planting, including shrubs and trees shall be provided along street frontages.

**33.52.177 Residential care facilities.** (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) Regulations for residential care facilities shall be:

- (1) Lot size required. A. The minimum lot area shall be five thousand square feet per facility.
  - B. The minimum lot width shall be fifty feet.
  - C. The minimum lot depth shall be eighty feet.
- (2) Minimum on-site open space. A. Two hundred square feet for each resident served under the age of twelve years.
  - B. Three hundred square feet for each resident served twelve years through seventeen years of age.
  - C. One-hundred fifty square feet for each resident served eighteen years of age or older.
- (3) Minimum off-street parking. One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility.
- (4) Valid certificate of review (license to operate) issued under Chapter 8.80 of the municipal code.

**33.52.180 Prohibited uses.** The following uses are prohibited in all M2 Zones:

- (1) Creation of additional dwelling units by alteration of existing structures or by erection of new one family, two family, or apartment dwellings, except accommodations on the premises of a principal use for watchmen or caretakers. This provision shall become effective on July 1, 1969. Until said date, the regulations of A1 Zones shall govern residential uses in M2 Zones;
- (2) (Amended by Ord. No. 144140 passed and effective Aug. 3, 1977.) Establishment of new Group 6 uses listed in Section 33.42.020 (f) except as provided in Sections 33.52.140 to 33.52.174;
- (3) All uses of structures and land not specifically mentioned in this chapter.

## Chapter 33.54

### M1 HEAVY MANUFACTURING ZONE

#### Sections:

33.54.010 Generally.

#### PRINCIPAL USES

- 33.54.020 Uses permitted.
- 33.54.030 Limitations on use.
- 33.54.040 Off-street parking required.
- 33.54.050 Off-street loading required.
- 33.54.060 Lot size required.
- 33.54.070 Maximum lot coverage.
- 33.54.080 Maximum floor area permitted.
- 33.54.090 Maximum height permitted.
- 33.54.100 Minimum front yard.
- 33.54.110 Minimum side yard.
- 33.54.120 Minimum rear yard.
- 33.54.130 Signs.

### CONDITIONAL USES

- 33.54.140 Uses permitted.
- 33.54.150 Regulations.
- 33.54.160 Excavating or filling.
- 33.54.170 Heliport or helistop.
- 33.54.175 Automobile service station.
- 33.54.177 Residential care facilities.
- 33.54.180 Group 13 uses.
- 33.54.190 Prohibited uses.

**33.54.010 Generally.** In all M1 Zones, the use of land and structures; the location and erection of new structures; and the alteration, enlargement, or moving of existing structures shall conform in all respects to the regulations in this chapter.

### PRINCIPAL USES

**33.54.020 Uses permitted.** In an M1 Zone, the following uses are permitted:

- (1) Group 1 uses listed in Section 33.42.020;
- (2) Group 2 uses listed in Section 33.42.020;
- (3) Group 3 uses listed in Section 33.42.020;
- (4) Group 4 uses listed in Section 33.50.020;
- (5) Group 5 uses listed in Section 33.42.020;
- (6) Group 7 uses listed in Section 33.50.020;
- (7) Group 8 uses listed in Section 33.52.020;
- (8) Group 9 uses listed in Section 33.52.020;
- (9) Group 10 uses listed in Section 33.52.020;

- (10) Group 11: Manufacture of:
  - Agar,
  - Alcohol,
  - Ammonia,
  - Animal or boneblack,
  - Anti-knock compound for gasoline,
  - Artificial leather and other impregnated and coated fabrics,
  - Asbestos,
  - Asphalt, manufacturing or refining,
  - Asphalt roofing paper or shingle,
  - Bleaching powder,
  - Brick, tile or terra cotta,
  - Building block,
  - By-products or scrap from fish, meat or animals,
  - Candle, manufacturing with rendering,
  - Can manufacturing or reconditioning,
  - Canvas,
  - Carborundum,
  - Cardboard,
  - Cattle or sheep dip,
  - Cellophane,
  - Celluloid,
  - Cellulose nitrate products,

- Cement products,
- Chemicals,
- Chewing tobacco,
- Clay products,
- Cleaning and polishing preparations,
- Concrete pipe,
- Concrete products,
- Construction equipment,
- Cork,
- Cottonseed oil, manufacturing and refining,
- Creosote,
- Dextrine,
- Disinfectants,
- Dyestuff,
- Enamel,
- Excelsior,
- Felt,
- Fish oil or meal,
- Fungicides,
- Gelatin,
- Glass,
- Glucose,
- Glycerin,
- Graphite,
- Grease, manufacturing or refining,
- Gum and wood chemicals,
- Guncotton products,
- Gunpowder, manufacturing or storage,
- Guns, howitzers, mortars, and related equipment,
- Gutta-Percha, manufacturing or treatment,
- Industrial inorganic chemicals,
- Industrial organic chemicals,
- Ink, from basic substances,
- Insecticide,
- Lampblack,
- Lard,
- Linoleum,
- Matches,
- Metal working machinery,
- Mineral wool,
- Nylon,
- Oilcloth,
- Oiled clothing,
- Paint, oil, including linseed oil, shellac, turpentine, lacquer or varnish,
- Patent leather,
- Phenol or phenol products,
- Phonograph record blank,
- Plastic,
- Plywood, veneer, or shingles,
- Potash,
- Pottery or ceramics,
- Printing ink, from basic substances,



## PLANNING AND ZONING

Pyroxylin (see Chapter 31.40),  
Rayon  
Rubber products,  
Rubber, treatment or reclaiming plant,  
Rugs,  
Sandpaper or emery cloth,  
Sash and doors,  
Sewer pipe,  
Shoddy,  
Shoe polish,  
Shortening and other cooking and edible fats  
and oils,  
Size,  
Soap,  
Sodium compounds,  
Starch,  
Steel barrel or drum, manufacturing or  
reclaiming,  
Steel pipe,  
Stove,  
Stove polish,  
Sulfonated oils and assistants,  
Tallow,  
Tanks and tank components,  
Tar products,  
Tar roofing,  
Tar waterproofing,  
Tin cans and other tinware,  
Tires,  
Transmission cable,  
Wallboard,  
Wallpaper,  
Window shades,  
Wire,  
Wood and gum chemicals,  
Yeast;  
(11) Group 12:  
Arsenal,  
Boiler works,  
Concrete mixing plant,  
Cotton gin,  
Creosote treatment,  
Dismantling ships,  
Jute fabrication,  
Petroleum products storage,  
Prefabrication of wooden buildings and  
structural members,  
Race tracks, auto or motorcycle,  
Railroad repair shops and roundhouses,  
Rock, sand, or gravel storage and sales,  
Rolling, drawing, or alloying ferrous and  
nonferrous metals,  
Salt works,

Sawmill,  
Scrap iron, sales and storage,  
Shipbuilding, drydock, or ship repair,  
Stone or rock crusher,  
Stone grinding, dressing, or cutting,  
Structural steel fabrication,  
Sugar refining,  
Wood pulling or scouring;

(12) Other uses of a heavy industrial  
character found similar to the above in  
accordance with Section 33.114.030.

**33.54.030 Limitations on use.** There shall  
be none except as are provided in other codes  
and ordinances of the city, other local  
governments, and laws of the state.

### **33.54.040 Off-street parking required.**

(a) Group 1 uses: One space per five hundred  
square feet of gross floor area.

(b) Group 2 uses: One space per seven  
hundred square feet of gross floor area.

(c) Group 3 uses: Required spaces shall be  
the same as specified for Group 3 uses in Section  
33.42.040.

(d) Group 4 uses: One space per two  
employees in addition to spaces provided for  
customers' vehicles and vehicles in stock.

(e) Group 5 uses: Required spaces shall be  
the same as specified for Group 5 uses in Section  
33.42.040.

(f) Group 7 uses: One space for seven  
hundred square feet of gross floor area, but not  
more than one space per four employees.

(g) Group 8 uses: One space per seven  
hundred square feet of gross floor area, but not  
more than one space per four employees.

(h) Group 9 uses: One space per seven  
hundred square feet of gross floor area, but not  
more than one space per four employees.

(i) Group 10 uses:

(1) Amusement parks: One space per one  
thousand square feet of patron serving area;

(2) Railroad passenger terminal: One space  
per one thousand square feet of gross floor area;

(3) All other uses: One space per seven  
hundred square feet of gross floor area, but not  
more than one space per four employees.

(j) Group 11 uses: One space per seven  
hundred square feet of gross floor area, but not  
more than one space per four employees.

(k) Group 12 uses:

(1) Race tracks, auto or motorcycle: One  
space per twelve seats or twenty-four feet of



# M1 HEAVY MANUFACTURING ZONE

bench length in stands for spectators;

(2) All other uses: One space per seven hundred square feet of gross floor area, but not more than one space per four employees.

(b) Parking as required for the above uses shall be regulated by Chapter 33.82.

**33.54.050 Off-street loading required.** Off-street loading berths shall be provided and maintained for the following uses occupying a building or buildings totaling ten thousand square feet of gross floor area or more according to the table below:

Square Feet of Floor Area	Loading Berths Required
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## USES: HOTELS

10,000 - 29,999	1
30,000 - 69,999	2
70,000 - 129,999	3
130,000 - 219,999	4
220,000 - 379,999	5
380,000 - 699,999	6
700,000 - 1,499,999	7
Over - 1,500,000	8

## USES: THEATERS

10,000 and Over	1
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## USES: GROUPS 1, 2, 3, AND 5

10,000 - 24,999	1
25,000 - 59,999	2
60,000 - 99,999	3
100,000 - 159,999	4
160,000 - 249,999	5
250,000 - 369,999	6
370,000 - 579,999	7
580,000 - 899,999	8
900,000 - 2,999,999	9
Over - 3,000,000	10

## USES: GROUPS 7, 8, 9, 10, 11, AND 12:

### GOVERNMENTAL AND PUBLIC

### UTILITY BUILDINGS

10,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

**33.54.060 Lot size required.** For lot size there shall be no limitation.

**33.54.070 Maximum lot coverage.** There shall be no maximum lot coverage limitation.

**33.54.080 Maximum floor area permitted.** There shall be no maximum floor area limitation.

**33.54.090 Maximum height permitted.** There shall be no maximum height limitation, except as provided in the housing and building regulations.

**33.54.100 Minimum front yard.** There shall be no front yard limitation.

**33.54.110 Minimum side yard.** A side yard is not required except where the side of a lot abuts an R or an A Zone. In such case, the side yard requirement of the R or A Zone shall apply in the M1 Zone on that side of the lot abutting the R or A Zone.

**33.54.120 Minimum rear yard.** There shall be no limitation except where the rear lot line abuts the side of an adjoining lot in an R or A Zone, and in such case the side yard requirement of the R or A Zone shall apply to the rear yard of the M1 Zone where the two abut.

**33.54.130 Signs.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Signs other than outdoor advertising signs as defined in the sign regulations are permitted without limitation, if in accordance with the sign regulations; except that no part of any sign shall extend more than eighteen feet above the roof line of a building in a portion of an M1 Zone within four hundred feet of an R10, R7, R5, A2.5, C5 or C4 Zone.

Approval through the procedures set out in Chapter 33.38 may be granted to erect an outdoor advertising sign if it is found that the location does not obstruct a view of scenic interest, does not obstruct traffic visibility, does not increase the density of such outdoor advertising signs along any arterial or heavily traveled street to an extent tending to constitute a safety hazard or a detriment to the appearance of the neighborhood.

## CONDITIONAL USES

**33.54.140 Uses permitted.** (Amended by Ord. No. 134013, 134079; and 138853 passed and effective Sept. 19, 1974.) In an M1 Zone, the



following conditional uses may be permitted subject to the regulations contained in Sections 33.54.150-33.54.180 and under the authority and according to the procedure specified in Chapter 33.106:

(1) Aircraft landing area, heliport or public or private heliport;

(1.5) Automobile service stations when the proposed site abuts an R or A zone; (Added by Ord. No. 139416 passed and effective Feb. 5, 1975.)

(2) Excavations and filling;

(3) Natural resources, development of;

(4) Radio or television transmitters and towers exceeding one hundred feet in height above grade;

(4.5) (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) Residential care facility, when the proposed site is located 800 feet or less from an R or A zone.

(5) Group 13 uses:

A. Acid manufacture,

B. Blast furnace,

C. Cement, lime, gypsum or plaster of paris manufacture,

D. Coal distillation,

E. Coke ovens,

F. Distillation of bones,

G. Dump, rubbish, cinders, slag or sawdust,

H. Explosives, ammunition and fireworks manufacture or storage,

I. Fat rendering,

J. Fertilizer manufacture,

K. Garbage, offal or dead animal reduction or dumping,

L. Gas manufacture or storage which is potentially hazardous to public health or safety, whether artificial, natural, industrial, liquefied or compressed gases (See fire regulations),

M. Glue manufacture,

N. Incinerator,

O. Ore reduction,

P. Paper or pulp manufacture,

Q. Petroleum refining,

R. Slaughter of animals or meat packing,

S. Smelting of copper, iron, lead, tin or zinc, and other metallic ores,

T. Steel manufacture,

U. Stock yards or feeding pens,

V. Tannery or the curing or storage of raw hides,

W. Any use which, in general, is especially hazardous to the public health or safety, damaging to vegetation and discharges excessive air or water pollutants;

(6) Welfare institutions, if the prospective site is 800 feet or less from any R or A zones.

**33.54.150 Regulations.** (Amended by Ord. No. 139117, 139179, 139702; and 141105 passed and effective Dec. 31, 1975.) Decisions on applications for conditional uses shall be determined as provided in Chapter 33.106. However, the regulations in this chapter shall be considered minimum or maximum requirements as the case may be and shall apply to the particular conditional uses mentioned unless specifically modified at the time of approval.

If regulations are not provided for in the conditional use in this chapter and are not provided in the written instrument approving a conditional use, then the regulations governing principal uses in this chapter and this title shall also govern such conditional use insofar as applicable. Additional regulations governing parking, loading and yard requirements are contained in Chapters 33.82, 33.86 and 33.90.

**33.54.160 Excavating or filling.** Excavating or filling as defined in this title shall be regulated as a conditional use.

**33.54.170 Heliport or heli-stop.** A heliport or heli-stop, whether public or private, may be permitted subject to the additional regulations contained in Chapter 33.78, provided, however, no heliport shall be located on the roof of any building used for habitation.

**33.54.175 Automobile service station.** (Added by Ord. No. 134013, repealed by 134079, added by 139416; amended by 141105 passed and effective Dec. 31, 1975.) In considering a request for an automobile service station as a conditional use in an M1 zone, it shall be determined whether the location is appropriate considering public convenience, availability of other stations, existing traffic volumes and impact thereon, protection of neighboring uses, and other factors found applicable. Regulations for automobile service stations shall be:

(a) Lot size:

(1) Maximum lot area shall be 40,000 square feet;



(2) Maximum frontage on one street shall not exceed 200 linear feet;

(b) Screening required:

(1) Screening shall be continuous along any portion of the site that abuts the side or rear of a lot in an R or A zone and shall meet the requirements of Section 33.82.020(b) (1) in the parking chapter of this title;

(c) Landscaping required:

(1) Border planting, including shrubs and trees shall be provided along street frontages.

**33.54.177 Residential care facilities.** (Added by Ord. No. 138936 passed Oct. 9, effective Nov. 9, 1974.) Regulations for residential care facilities shall be:

(1) Lot size required. A. The minimum lot area shall be five thousand square feet per facility.

B. The minimum lot width shall be fifty feet.

C. The minimum lot depth shall be eighty feet.

(2) Minimum on-site open space. A. Two hundred square feet for each resident served under the age of twelve years.

B. Three hundred square feet for each resident served twelve years through seventeen years of age.

C. One hundred fifty square feet for each resident served eighteen years of age or older.

(3) Minimum off-street parking. One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility.

(4) Valid certificate of review (license to operate) issued under Chapter 8.80 of the municipal code.

**33.54.180 Group 13 uses.** Regulations for Group 13 uses shall be as follows:

(1) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Limitations on use: Such uses are permitted in M1 Zones if approval by the county health officer, the bureau of fire, and the State

Department of Environmental Quality regarding the location of the plant and adequacy of controls over noxious and hazardous processes is first obtained;

(2) Off-street parking required: One space per seven hundred square feet of gross floor area, but not more than one space per four employees;

(3) Off-street loading required: Off-street loading berths shall be provided and maintained for uses occupying a building or buildings totaling ten thousand square feet of gross floor area or more according to the table below:

Square Feet of Floor Area	Loading Berths Required
10,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 669,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over - 1,030,000	14

**33.54.190 Prohibited uses.** The following uses are prohibited in all M1 Zones:

(1) Creation of additional dwelling units by alteration of existing structures or by erection of new one family, two family, or apartment dwellings except accommodations on the premises of a principal use for watchmen or caretakers. This provision shall become effective on July 1, 1969. Until said date, the regulations of A1 Zones shall govern residential uses in M1 Zones;

(2) Establishment of new Group 6 uses listed in Section 33.42.020;

(3) All uses of structures and land not specifically mentioned in this chapter.



## PLANNING AND ZONING

### Chapter 33.56

#### Z DOWNTOWN DEVELOPMENT ZONE

(Added by Ord. No. 147239 passed Feb. 15, effective Mar. 19, 1979.)

##### Sections:

- 33.56.010 Purpose.
- 33.56.020 Procedure.
- 33.56.030 Applicability.
- 33.56.040 D Design zone applicable.
- 33.56.050 Maximum building height.
- 33.56.060 Maximum floor area.
- 33.56.070 Residential bonus provision.
- 33.56.080 Maximum parking spaces in downtown.
- 33.56.090 Maximum parking requirements.
- 33.56.100 Open lot parking.
- 33.56.110 Access to new parking facilities.
- 33.56.120 Required building lines.
- 33.56.130 Required retail activity.
- 33.56.140 Limitation of blank walls.

**33.56.010 Purpose.** The Downtown Development Zone is intended to promote and encourage development in downtown Portland in accord with public policies and downtown development goals established by the City by establishing specific regulations in addition to those regulations of regular zones which are deemed necessary to effectuate Downtown planning goals. Additional regulations are applicable within the entire Downtown Development Zone. The Council may, from time to time as warranted, establish and superimpose the Downtown Development Zone upon other regular zones, and the Council may revise the particular regulations applicable within the zone or portions thereof.

**33.56.020 Procedure.** The Downtown Development Zone shall be established in combination with other regular zones, and the boundaries thereof and the regulations applicable therein may be revised as provided in Chapter 33.102 (Amendments) for changes and amendments in the zoning regulations.

**33.56.030 Applicability.** In the event of conflict with the regulations for any regular zone with which the Z Downtown Development Zone

may be combined, the provisions of the Downtown Development Zone shall control.

**33.56.040 D Design zone applicable.** (1) The entire area within the Z Downtown Development Zone shall also be within the D Design Zone and shall be subject to the provisions of Chapter 33.62 (D Design Zone).

(2) In the event of conflict between the regulations of Chapter 33.56 (Downtown Development Zone) and Chapter 33.62 (D Design Zone), the provisions of Chapter 33.56 shall control.

(3) In the event of conflict between the regulations of Chapter 33.62 (D Design Zone) and the regulations of Chapter 33.120 (Historical Districts, Buildings and Sites) the regulations of Chapter 33.120 shall control.

**33.56.050 Maximum building height.** Maximum height limitations in the Downtown Development Zone are as follows:

(1) View corridors. In order to protect scenic view corridors through the Downtown, maximum permitted building heights in these corridors shall be as designated by City Council on the Official Zoning Maps of Portland, Oregon, Planning and Zoning Code.

(2) Public open spaces. Public open spaces designed by the City Council on the Official Zoning Maps of Portland, Oregon, Planning and Zoning Code shall be protected from buildings of a height which excessively block sunlight from such open spaces.

(a) Maximum building heights shall be those designated by the City Council on the Official Zoning Maps, City of Portland, Oregon, Planning and Zoning Code, or

(b) There shall be no maximum height limitations provided it can be demonstrated to the satisfaction of the Design Committee of the City Planning Commission that shadows cast by the proposed building will not exceed 50% coverage of such designated public open space at 12:00 noon, Pacific Standard Time, and 75% coverage at 3:00 p.m., Pacific Standard Time, on April 21 and August 21 of any year.

(3) Historic districts. In order to protect Historic Districts which are established by the Council from new construction which is not in scale with buildings within such district, maximum building heights shall be those designated by City Council on the Official Zoning Maps,



City of Portland, Planning and Zoning Code.

(4) Waterfront districts. In order to ensure a harmonious scale of development in districts bordering the Willamette River with adjacent greenway and/or water area open spaces, maximum building heights shall be designated by City Council on the Official Zoning Maps, City of Portland, Planning and Zoning Code.

(5) On all other sites not limited by Section 33.56.050(1), (2), (3) and (4) above, and except as to height and density limitations authorized in a development plan duly approved and recorded pursuant to downtown plan review procedures provided for in this title between June 27, 1971 and the effective date of this section, the maximum height of any building shall be 460 feet measured from the lowest grade of the site.

(6) Any variances from these regulations may be considered under Chapter 33.98 (Variances and Adjustments).

**33.56.060 Maximum floor area permitted.** A maximum floor area ratio shall be applicable to each site within the Downtown Development Zone, and shall be in accordance with the following:

(1) Floor area ratio is the ratio of the floor area of the structure to the area of the site.

(2) For the purpose of this chapter, floor area means the gross area under roof, measured horizontally at each floor elevation between exterior limits or faces of a building structure excluding the following:

(a) Areas constituting the upper portion of interior spaces including but not limited to lobbies, interior courts, banquet or ballrooms, theaters and gymnasiums;

(b) Areas where the floor area elevation is more than half a story below the lowest adjacent public right-of-way grade;

(c) Enclosed areas housing mechanical pent-houses, accessory water tanks, cooling towers or other mechanical equipment necessary to the operation of the building itself;

(d) Floor space in open or roofed terraces, exterior balconies, breezeways or porches providing not more than 50% of the perimeter of such space is enclosed and providing that a parapet or a railing less than 40 inches in height shall not constitute an enclosure;

(e) Floor area located on roof tops where such space is developed for recreational uses

such as but not limited to sun decks, tennis or handball courts, gardens and swimming pools and enclosed spaces accessory to such uses where the total area of such enclosed space is not more than 20% of the gross area developed for recreational use;

(f) Roof top parking in parking structures.

(3) Where limitations on the floor area occupied by specific uses are prescribed, lobbies, stairwells, elevator and similar spaces serving more than one use shall be allocated in proportion to the floor area occupied exclusively by the several uses.

(4) Any variances from these regulations may be considered under Chapter 33.98 (Variances and Adjustments).

**33.56.070 Residential bonus provisions.** (1) Residential floor area bonus provisions are established in order to stimulate new housing construction that will enhance the vitality and economy of Downtown.

(2) The maximum floor area limits established by Council Action may be exceeded in accord with the following provisions:

(a) In any area zoned C1Z subject to a 3:1 or a 4:1 floor area ratio, additional floor area of 1:1 shall be permitted for residential use only.

(b) In any area zoned C1Z subject to a 6:1 or a 9:1 floor area ratio, additional floor area of 2:1 shall be permitted for residential use only.

(c) In any area zoned AX or MX or in any area subject to a floor area ratio of 10:0 to 1 or greater, residential bonus provisions shall not apply.

(d) All other sections of this chapter shall apply, including any height limits established in 33.45.050 (Maximum Building Height).

**33.56.080 Maximum parking spaces in Downtown.** (1) At the end of any quarter of any year the total number of parking spaces available for use in the Downtown area will not be permitted to exceed the November 7, 1973 off-street and on-street parking inventory established by the Bureau of Traffic Engineering as officially amended from time to time.

(2) New parking spaces for residential and hotel uses are exempt from this limit.

**33.56.090 Parking requirements.** (1) There shall be no minimum off-street parking requirements in the Downtown Development Zone.



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The allowable number of private off-street parking spaces when permitted as a conditional use, shall be determined in accordance with the following schedule:

Category of Use	Accessory Parking Permitted
Residential	1.2 spaces per dwelling unit
Hotel or Motel	1.0 spaces per rentable unit
All other uses	Use, as a guideline only, the schedule included in the Downtown Parking and Circulation Policy, Section H

(2) An off-street parking structure not exclusively serving a specific permitted use when approved as a conditional use shall contain a minimum of 300 parking spaces available for general public use.

**33.56.100 Open lot parking.** (1) New open lot parking when approved as a conditional use shall be subject to the following limitations:

(a) Such parking shall be limited to 20 spaces or less.

(b) Such parking shall serve a residential use, a permitted use located in an MX Zone, or a permitted use in a C1 Zone in accordance with the following:

**C1 Zone Open Lot Parking Guidelines:**

(1) The parking is an integral part of the business and for customers only;

(2) is on the same property as the commercial establishment;

(3) is only for its use;

(4) does not violate the adopted downtown goals for strengthening the retail activity.

(c) Such parking shall be approved for a period of three years only.

(d) Such parking approval may be renewed for additional three-year periods only upon application and processing as though it were a new conditional use subject to the full provisions of Chapter 33.106 (Conditional Uses);

(e) Such parking shall be subject to the provisions of Section 33.82.030 (Design Requirements for Parking Lots) with the exception of the screening requirements of this section.

(f) Such parking shall be provided with screening which shall be approved by the Design Committee of the City Planning Commission in accordance with the following standards:

(1) Such screening shall be sight obscuring and shall be a minimum of four feet in height;

(2) Such screening shall be composed of

either a masonry wall, ornamental wooden fence, compact evergreen hedge, berm, or a combination of these; and

(3) Such screening shall be accompanied by the installation of a minimum of one street tree for every 50 linear feet of site fronting on a public right-of-way. Such street trees shall be a minimum of three inches in caliper and planted either on the applicant's property, bordering the street curb, or both, and shall be in accordance with the requirements of Chapter 40 (Street Tree Regulations) of Title 20 (Parks and Recreation).

(2) Open lot parking which is existing at the effective date of this section shall:

(a) Be provided with screening in accordance with Section 33.56.100(1) (f) above, within three years following said effective date;

(b) Be exempt from Section 33.94.050, Non-conforming Uses of Land in all Zones.

**33.56.110 Access to new parking facilities.**

(1) New parking facilities approved as conditional uses will be permitted access to or from any street designated as "permitted" by City Council.

(2) New parking facilities approved as conditional uses may be permitted access to or from streets designated as "conditional" by City Council provided there is a finding that:

(a) Such parking access would contribute substantially to the goals of the Downtown Plan and to the specific objectives and policies relating to the district within which access is proposed, and

(b) That such parking access would not lead to serious pedestrian-vehicle conflicts within the districts.

(3) Access to new parking facilities from any street not designated "permitted" or "conditional" on supplemental zoning map E, Parking Access, may be considered as a variance under the provisions of Section 33.106.010 (Authority).

(4) Any variances from these regulations may be considered under Chapter 33.98, Variances and Adjustments.

**33.56.120 Required building lines.** (1) In order to maintain the urban quality of retail, office, or historic areas by preventing loss of the sense of enclosure, the continuity of display windows, and the weather protection that would



result from random decisions to provide plazas or building setbacks, required building lines are established by the Council along the street lot lines in certain portions of the Downtown Development Zone.

(2) Along a frontage containing a required building line as indicated on supplemental zoning map D, Building Requirements, new construction shall extend to the required building line along not less than 75 percent of the required building line of each lot. Portions of a building required to extend to the required building line shall be not less than one story in height or the full height of the building whichever is less.

(3) Initial determination of whether a proposed building arrangement meets the intent, purposes and requirements of Section 33.56.120(1) and (2) above, shall be made by the Design Committee of the City Planning Commission as part of the design review undertaken pursuant to Chapter 33.62 (D Design Zone) and the provisions of Section 33.114.030 (Interpretation - Purpose - Conflict).

(4) Any variances from these regulations may be considered under Chapter 33.98 (Variances and Adjustments).

**33.56.130 Required retail uses.** (1) In order to prevent disruption to the continuity of retail display windows and retail stores that is essential to the maintenance of a healthy retail district, required retail areas within the Downtown Development Zone are established by the Council. Within a designated required retail area, retail activities are required as the predominant use at the ground floor or pedestrian access level of buildings.

(2) Within a required retail area as designated on the Official Zoning Maps, City of Portland, Oregon, Planning and Zoning Code, all new construction and all additions, alterations, or repairs which, within any 12-month period, exceed 50 percent of the value of an existing building, shall be constructed to accommodate at least 50 percent of the portion of such building fronting on a sidewalk, plaza, or other public open space for retail or personal service uses other than banks, loan offices, travel agencies, or other ticket agencies.

(3) All such retail or personal service uses shall be directly accessible from the sidewalk, plaza or other public open space.

(4) Initial determination of whether a proposed use or building arrangement meets the intent, purposes and requirements of Section 33.56.130(1), (2), and (3), above, shall be made by the Design Committee of the City Planning Commission as part of the design review undertaken pursuant to Chapter 33.52, D Design Zone, and the provisions of Section 33.114.030, Interpretation - Purposes - Conflict.

(5) Any variance from these regulations may be considered under Chapter 33.98 (Variances and Adjustments).

**33.56.140 Limitation on blank walls.** (1) In order to encourage continuity of retail and consumer service uses and to avoid a monotonous pedestrian environment within the Downtown Development Zone, blank walls at pedestrian level are prohibited in certain locations.

(2) Along block faces within the AX and CI Zones when combined with the Downtown Development Zone, excepting the case of residential development on the first story, at least 50 percent of the width of a new or reconstructed first story building wall facing a street shall be devoted to pedestrian entrances, display windows, or windows affording views into retail, office, or lobby space.

(3) Initial determination of whether a proposed use or building arrangement meets the intent, purposes, and requirements of Section 33.56.140(1) and (2) above, shall be made by the Design Committee of the City Planning Commission as part of the design review undertaken pursuant to Chapter 33.62 (D Design Zone) and the provisions of Section 33.114.030 (Interpretation - Purpose - Conflict).

(4) Any variances from these regulations may be considered under Chapter 33.98 (Variances and Adjustments).



## Chapter 33.58

## B BUFFER ZONE

## Sections:

- 33.58.010 Purpose.
- 33.58.020 Procedure.
- 33.58.030 Regulations.

**33.58.010 Purpose.** In recognition that lots originally platted for residential uses, with a depth of one hundred feet more or less, are ill-adapted to modern merchandising and other commercial uses, it is sometimes desirable to permit expansion of businesses through the block to abut paralleling streets. In order to maintain these paralleling streets as residential in use and character and yet permit such expansion of business, it is necessary to install a stepdown or B Buffer Zone which allows business use but which presents the appearance of residential use. Therefore, the council may, from time to time as warranted, establish and superimpose B Zones upon other regular zones in addition to B Zones established July 1, 1959.

Land classified in a B Zone shall also be classified in one or more of the regular zones as listed in Chapter 33.16. The zoning of such land shall be designated by a combination of symbols, e.g., C2B, M1B, etc.

**33.58.020 Procedure.** (Amended by Ord. No. 139117, 139702, 141105; and 148873 passed and effective Dec. 13, 1979.) B Zones shall be established in combination with other regular zones, and may be removed, according to the procedure as provided in Chapter 33.102 for changes and amendments to the zoning regulations. Variances within B Zones may be granted in accordance with Chapter 33.98 and in more particular Section 33.98.025(b).

**33.58.030 Regulations.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) (a) The uses of property permitted shall be those permitted in the regular zone with which the B Zone is combined.

(b) Off-street parking and loading regulations shall be those governing the regular zone with which the B Zone is combined.

(c) Height regulations shall be those of the

more restrictive abutting zone, whether across a street or alley or immediately adjoining.

(d) Minimum required lot area per dwelling unit regulations shall be those of the more restricted abutting zone, whether across a street or alley or immediately adjoining.

(e) Yard regulations shall be those of the more restrictive abutting zone, whether across a street or alley or immediately adjoining, except a rear yard need be provided only where such yard adjoins the side of a lot in an R or A Zone.

(f) Yards abutting a street shall be landscaped and maintained in a satisfactory manner at all times.

(g) A screen of evergreen planting shall be provided on yards abutting streets at a distance from the street line equal to the depth of the required yard. This planting shall be established so as to reach a height of at least five feet within a period not to exceed two years. Such screening shall at all times be maintained in a satisfactory manner.

(h) No structure shall be built, no equipment or vehicles shall be parked, and no other activity of a business nature shall be permitted in any required yard.

(i) No entrance or exit shall be permitted across a yard abutting a street or through the required planting screen for either vehicles or pedestrians. No driveway permit shall be issued by the office of the city engineer granting access to property in a B Zone.

(j) Required side and rear yards in the B Zone shall be landscaped and a screen of planting shall be established so as to reach a height of at least five feet within a period not to exceed two years. Such landscaping and screening shall at all times be maintained in a satisfactory manner.

(k) Sign regulations in B Zones shall be those of the more restrictive abutting zone, whether across a street or alley or immediately adjoining.

(l) Required landscaping and screen of evergreen planting shall be made before occupancy and use of a B Zone is permitted.



Chapter 33.62

D DESIGN ZONE

(New Chapter substituted by Ord. No. 148158 passed and effective July 25, 1979.)

Sections:

- 33.62.010 Purpose.
- 33.62.020 Establishment and alteration of D zone.
- 33.62.030 Design Committee.
- 33.62.035 Technical assistance.
- 33.62.040 Regulations.
- 33.62.050 Procedures.
- 33.62.060 Effectiveness and appeal.
- 33.62.070 Acceptance.
- 33.62.080 Validity of certain D design zones.

**33.62.010 Purpose.** (1) For the purpose of conserving and enhancing the appearance of the City in areas of special interest and use by City residents and visitors, of cultural note or architectural merit and for the purpose of assisting property owners and public agencies to improve and maintain property in a manner supportive of adopted City Policies and compatible with the natural and man made environs, the Council may from time to time as warranted, create and superimpose D Design Zones upon other existing zones in addition to D Zones established July 1, 1959.

(2) Further, for the purpose of encouraging design excellence in publicly supported projects outside of D Design Zones, including development in Urban Renewal areas, public rights-of-way and public lands, advisory design review may be provided.

**33.62.020 Establishment and alteration of D zones.** Establishment, alteration or abolishment of a D zone may be initiated by the Council, the Commission, or the property owner. Before the petition of the property owner therefore may be considered, it shall be signed by the owners of at least 50 percent of the area proposed to be changed. Requirements for notice, hearing and fees shall apply as provided in Chapter 33.102.

**33.62.030 Design Committee.** (1) The Design Committee shall be appointed by the mayor of the City of Portland, shall serve without compensation and shall be composed of seven members: a member of the City Planning

Commission, a City member of the Metropolitan Arts Commission; one citizen representing the public-at-large; and four members experienced in either design, engineering, financing, construction or management of buildings and land development with no more than two appointed from any of these fields. Each of the latter four members shall have had at least five years experience in his profession. Terms of the first two named members shall coincide with their memberships in their parent commissions, but in no case shall their terms be longer than four years. Terms of the appointment of the latter five members shall be four years except the first appointments shall be appointed initially for the following terms: one member for two years, two members for three years and two members for four years.

(2) The Design Committee shall elect its own chairperson and adopt such rules of procedure as are necessary to the conduct of its duties.

(3) The Committee shall prepare for City Council review, and shall adopt and publish standards of evaluation and acceptability for each separate area included in a D Zone. Such standards shall be appropriate to the character of the area. In adopting such standards, the Committee shall consider and be guided by criteria which property owners, tenants and building users may furnish for the control of their particular areas in a D Zone.

(4) (Amended by Ord. No. 149311 passed and effective Mar. 20, 1980.) Regarding the Z Downtown Development Zone area, the Planning Commission shall, with the assistance of the Design Committee, within one year of the effective date of this chapter, July 25, 1979, prepare for City Council consideration, guidelines for project evaluation and acceptability. When adopted by the City Council, these guidelines shall be utilized by the Design Committee or the director or his delegate on all design review applications. During the interim period until adoption of the guidelines, the Design Committee shall use the Council adopted Downtown Plan Goals and Guidelines for reference on design review cases.

**33.62.035 Technical Assistance.** (1) The Bureau of Planning staff shall assist the Design Committee in discharging its duties.

(2) Department of Public Works and Water Bureau staff shall assist the Design Committee in



cases involving public rights-of-way.

(3) When requested by the Design Committee, the City may retain the services of a professional panel of not more than three members, either architects, or landscape architects or a combination of both specializing in urban design to review and advise the Design Committee on the quality of design and impact of proposed large projects within D Design Zones.

(4) At least one member of this advisory panel should have considerable familiarity with Portland and the other members should have broad and preferably national urban design and development experience and familiarity with the type of project being reviewed.

(5) Panel membership may change from time to time depending on the type of projects being addressed.

(6) The Planning Director shall present a list of qualified and available names with recommendations for specific project participation to the Design Committee for its review and selection.

(7) Where design advice may be provided on major projects of high visibility outside of D Design Zones as specified in Section 33.62.010(2) and Section 33.62.050(2) the Design Committee may request design review assistance from the professional panel.

**33.62.040 Regulations and Authority.** (1) Land classified in a D Zone shall also be classified in one or more of the regular zones as listed in Chapter 33.16. The zoning of such land shall be designated by a combination of symbols, e.g., R5D, C2D, etc.

(2) In a D Zone, all the regulations of the regular zone shall apply; and, in addition, no building permit or other permit for construction or exterior alteration of any building or structure, site landscaping, street landscaping and visible appurtenances within street rights-of-way, including special side-walk and street paving, street lights, kiosks, vendors, benches, newstands, banners, etc., shall be issued until the proposed development is reviewed and approved in writing as to location and design by the Design Committee on major projects, the Planning Director or his delegate on minor projects, or the Landmarks Commission on designated landmarks within D Design Zones, providing that design review decisions involving

public right-of-way shall be in conformance with Title 17 Public Improvements, Municipal Code City of Portland, Oregon.

(3) The Design Committee, or the Planning Director or his delegate on minor projects, or the Landmarks Commission on designated landmarks within D Design Zones, shall have authority to require changes in the features identified in 33.62.040(2) above, and to impose such conditions of development as are necessary in their judgement to carry out the purpose of the D Zone as stated in Section 33.62.010.

(4) Projects shall be classified as minor when the Planning Director and the Design Committee chairman find that the design proposal is a minor improvement and will not significantly affect the character, use, and development of surrounding properties. Project not meeting this test will be classified as major projects.

**33.62.050 Procedures.** (1) A written request for design review shall be filed in the office of the Bureau of Planning upon forms prescribed for that purpose. Requests for design review shall be signed by the applicant, and by the property owner if different. The fee shall be fifty (50) dollars for a major project and twenty (20) dollars for a minor project. The request shall be accompanied by ten (10) legible copies of plans and elevations and a master plan of any phased development at a size convenient for distribution, showing exact dimensions and arrangement of the proposed development or changes in an existing development or use, and other drawings, topographic surveys, photographs, essential to an understanding of the proposed development and its relationship to surrounding properties. A master plan submitted should include: land uses, building heights and densities, parking amount, and pedestrian, transit and vehicular features and access including public rights-of-way and easements.

(2) The Design Committee on major projects, the Planning Director or his delegate on minor projects or the Landmarks Commission on designated landmarks within D Zones shall use the following procedures when reviewing projects under their jurisdiction:

A. Minor Project. When a request meets the criteria specified for a minor project in Section 33.62.040(4), the Planning Director or his delegate may, by administrative action, grant,



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grant with conditions, modify or deny the design requested; and the decision and findings shall be made in writing within ten (10) working days of the receipt of the application. The findings shall include the conclusions and the basic facts upon which the decision is based, although such findings need not be transmitted unless such decision has been appealed. Such decision shall be transmitted to the applicant, to the City Auditor, and to the Bureau of Buildings. The decision shall be final unless an appeal to the Design Committee has been filed in writing with the City Auditor and a copy with the Bureau of Planning by the applicant, whose application has been denied or specially conditioned, within fourteen (14) days of the written decision.

Such administrative action shall not require a public hearing.

If the applicant appeals the administrative action, the design request shall be placed on the next appropriate agenda of the Design Committee for a public hearing and processed in an identical manner as Major Projects, (b) below, regarding Design Committee review, decision and appeal to City Council.

**B. Major Project.** The Design Committee shall act on all projects classified as major under Section 33.62.040 and hold a public hearing on such requests within sixty (60) days of receipt thereof unless such time limitation be extended with the written consent of the applicant.

Major projects should be submitted for initial design review during the conceptual stage of design preparation. Any subsequent review shall be conducted in an expeditious manner.

Before taking action on projects being reviewed, notification shall be mailed by the City Auditor to the owners of the property in the affected area, officials, and interested groups fourteen (14) days prior to a specified date at which the public hearing before the Design Committee is offered. The affected area is all real property located within lines 400 feet, including intervening street widths, from and parallel to the boundaries of the proposed development site, and such other contiguous area as is under the legal control of the applicant.

Upon review at the public hearing, the Committee, considering all testimony, may grant, grant with conditions, modify or deny the design request. The Committee shall accompany

its decision with a statement setting forth its findings and the reasons for the decision it reached; and such decisions shall be made in writing. The findings shall include the conclusions and the basic facts upon which the decision is based, although such findings need not be transmitted unless such decision has been appealed. Such decision shall be transmitted to the applicant, to the City Auditor, to the Bureau of Buildings, and to any part of record in the case requesting same.

**C. Designated Landmarks.** The review of designated landmarks within D Design Zones shall be conducted in accordance with Section 33.120.080 Exterior Remodeling or New Structure.

**D. Conditional Use or Variances.** In the case of building permits or permits requiring conditional use approval pursuant to Chapter 33.106 (Conditional Uses) or variance approval pursuant to Chapter 33.98 (Variances and Adjustments), in a D Zone the Design Committee or Planning Director on minor projects shall review the proposed plans and transmit recommendations in writing, to the Hearings Officer or Variance Committee to be entered into the record of the proceedings.

**E. Public Projects outside D Design Zones.** On urban renewal or public works projects of public importance outside of D Design Zones, entirely or partially financed by the City or any agency under city jurisdiction, the City Commissioner administering or coordinating the project may request or the City Council may recommend that the Design Committee review plans and prepare recommendations on any building or structure, site landscaping, street landscaping and visible appurtenances in project areas. Such design review will be advisory only.

**33.62.060 Effectiveness and Appeal.** (1) If the order or decision of the Design Committee on all projects reviewed by the Committee within D Zones and not subject to conditional use or variance review grants all or any portion of an application and the Committee determines there is no person eligible to appeal such order or decision, such order or decision shall become effective as hereafter provided. Otherwise, no order of the Committee under this chapter shall become effective until after an elapsed period of 14 days from the date in which a determination is made.



During the time prior to effectiveness, if any, any person aggrieved by a decision of the Committee may appeal such decision to the City Council by filing with the City Auditor a written notice of appeal and copy with the secretary of the Commission, provided that he is an applicant whose application has been denied or specially conditioned, or that he is a person who objected either personally or in writing to the application and the grounds he stated have not been removed. The Planning Director or his delegate shall within 14 days file with the Auditor a report on the grounds for such decision, including any design analysis prepared on a proposed project by the professional urban design panel authorized in Section 33.62.035 Technical Assistance, and a list of persons appearing on the matter before the Committee and any list of owners supplied with the original application. The Auditor shall fix a date for public hearing on the appeal, which shall not be more than 20 days after receipt of the Planning Director's report set forth above, notify the

appellant and all other affected property owners, officials, or groups. At the time of hearing or thereafter, the Council may affirm, modify or reverse the decision of the Committee. The Council may request the participation of the professional urban design panel authorized in Section 33.62.035 Technical Assistance at the hearing. Such affirmance, modification or reversal may be made by motion, and shall not require separate permit or ordinance, but the Auditor shall transmit to the Planning Director or his delegate the effect of the action taken, which shall be made in the form of an order and shall be preserved along with the actions of the Committee in similar classes of decision.

(2) The appeal procedure specified in Section 33.120.080 exterior remodeling or new structure shall govern decision of the Landmarks Commission on designated landmarks within D Design Zones.

**33.62.070 Acceptance.** (1) In no event, however, shall any order by the Design Committee, or the Planning Director or his delegate on minor projects, or the Landmarks Commission on designated landmarks within D Zones, or by the Council, become effective until the applicant, and property owner, if different, has accepted the terms of the order in writing; the acceptance is filed with the Auditor, and the order is recorded in the appropriate county records at the expense of the applicant. Such acceptance must be filed with the Auditor within 30 days from the date of the Committee's meeting, or of the effective date of the decision of the Planning Director or his delegate on minor projects, or within 30 days from the date of the Council's hearing if an appeal has been made. If such acceptance is not filed and the fee paid within such 30 day period, then the order required to be accepted before effectiveness shall be null and void. The order, when recorded, shall bear the certificate of the Auditor stating that acceptance thereof has been filed and the order is a true copy of the original.

(2) Notwithstanding the requirement of (1) above, projects located within public rights-of-way will not be subject to acceptance procedures, and decisions rendered by either the Design Committee or Planning Director or Landmarks Commission shall be effective upon completion of the appeal period.

**33.62.080 Validity of certain D design zones.** Notwithstanding the provisions of this chapter,

all design zones which would otherwise be valid but for failure to record in the county deed records the acceptance as heretofore provided by this chapter hereby are validated as if the acceptance has been duly recorded.

## Chapter 33.66

### L AIRCRAFT LANDING ZONE

#### Sections:

- 33.66.010 Purpose.
- 33.66.020 Regulations.
- 33.66.030 Appeal.

**33.66.010 Purpose.** (Amended by Ord. No. 149149 passed and effective Feb. 14, 1980.) The purpose of this zone is to regulate height of structures and objects of natural growth in the vicinity of Portland International Airport. The intent is to further safe operating conditions for aircraft as provided under ORS 492. Height limitations are established and defined on Exhibit A, the Aircraft Landing Zone Map, developed by the Port of Portland in compliance with procedures set out in Federal Aviation Administrative Regulations and attached to the original only of this Ordinance, and incorporated by reference herein. The physical extent of the Aircraft Landing Zone is described and made a part of this Ordinance by reference herein in Exhibits B-L.

The Aircraft Landing Zone is hereby superimposed upon other regular zoning districts, as listed in Chapter 33.16. The zoning of such land shall be designated by a combination of symbols, e.g., R5L, M2L, etc.

**33.66.020 Regulations.\*** Whenever the height limitations, as shown on the official zoning maps, are lower than otherwise required by this title, such height limitations shall govern.

**33.66.030 Appeal.** (Amended by Ord. No. 139117, 139702, 141105; and 149149 passed and effective Feb. 14, 1980.) Any person aggrieved and desiring a variance from the height limitations in the Aircraft Landing Zone may apply therefore as provided in Chapter 33.98. When the City receives requests for variances from the height restrictions as set out in the Aircraft Landing Zone, the Port of Portland and Federal Aviation Administration will be notified prior to any action in the City. Any variance

\*See Section 33.16.020.



granted will be so conditioned as to require the owner of the structure or natural growth in question, to install, operate and maintain at the owner's expense, such markings and lights as may be necessary to indicate to the operators of aircraft in vicinity of the airport the presence of such structure or natural growth.

(b.) This Ordinance removes all Aircraft Landing Zone designations, and height restrictions as shown on the "Official Zoning Map, City of Portland, Oregon, Planning and Zoning Code", on file in the office of the City Auditor.

(c.) All land described and made a part of this Ordinance by reference herein in Exhibits A-L, from the effective date of its passage, have the Aircraft Landing Zone and height restrictions superimposed upon other regular zoning districts.

## Chapter 33.69

### N NOISE IMPACT

(Added by Ord. No 150569, passed Oct. 8, effective Nov. 8, 1980.)

#### Sections:

- 33.69.010 Purpose
- 33.69.020 Procedure
- 33.69.030 Regulations.
- 33.69.040 Newly annexed areas
- 33.69.050 Zone boundaries
- 33.69.055 Appeal procedure
- 33.69.060 Review and modification
- 33.69.070 Disclosure

**33.69.010 Purpose.** The purpose of this zone is to restrict the development of noise sensitive uses in areas with unique noise impacts. The zone is generally defined as the area within the significant noise impact area around Portland International Airport. The Noise Impact Zone Map establishes and defines the boundary of the zone and is made part of this Code, and is established to promote sound land use planning in noise impact areas through the consideration of federal guidelines, Comprehensive Plan objectives, and past City actions affecting land use near the airport.

**33.69.020 Procedure.** N Zones shall be established in combination with all other zones

which lie within the boundaries of the Noise Impact Zone, as established by the Map referenced in 33.69.010. The boundaries of the Noise Impact Zone are, in part, determined by the location of noise contours. Where a specific noise contour is referenced as a determinant of the Noise Impact Zone and/or the regulations pertaining thereto, said noise contour will be identified by the year in which the measurements and computations deriving said noise contour were made. If no date is associated with a noise contour, the reference is to the most recently derived noise contour of the given value.

**33.69.030 Regulations.** (1) The development of all new residential uses, including single-family houses, mobile homes, rowhouses, duplexes, apartments, condominiums, residential care centers and houseboats, shall be prohibited within the area encompassed by the 1977 Ldn 68 or higher noise contour or the most recently derived Ldn 68 noise contour where a reduction of noise has occurred, except where such uses are located in any currently zoned area of R10, R20, FF or County Residential. When the current zoning is superseded by Comprehensive Plan designations, the exception will apply to Plan designations of R10, R20, FF or County Residential. The intent of this exception statement is to recognize those properties within the 1977 Ldn 68 noise contour which were zoned for residential use prior to the adoption of the Noise Impact Zone.

(2) All new residential uses, as identified in 33.69.030 (1), within the Noise Impact Zone boundaries, shall be constructed with sound insulation to achieve a day/night average interior noise level of 45 dBA as a maximum. Additionally, prior to construction, all new residential uses, lying within the area of the 1977 Ldn 65 noise contour and within the most recent Ldn 65 noise contour with no greater extent than the 1977 Ldn 65 noise contour, shall dedicate a noise easement to the Port of Portland, authorizing aircraft noise impact over the grantor's property at levels established by the latest review of this Ordinance, but not to exceed those levels identified in the Noise Impact Zone Map, as adopted by Council.

(3) The development of new schools, libraries, churches, day care centers, museums, hospitals, auditoriums, concert halls, music shells and resort and group camps, as defined by the underlying zone, shall be permitted within the



Ldn 65 noise contour, provided that they be constructed with sound insulation to achieve a day/night average interior noise level of 45 dBA as a maximum.

(4) All new and reconstructed buildings for the following uses: Hotels, motels, office buildings, movie theaters, restaurants, sports arenas, and manufacturing uses which are noise-sensitive within the Ldn 65 or higher noise contour, are required to be constructed with sound insulation to achieve a day/night average interior noise level of 45 dBA as a maximum. For the purpose of this Section, "reconstructed" is defined as construction having a cost exceeding 75 per cent of the pre-construction value of the building.

**33.69.040 Newly annexed areas.** The Noise Impact Zone shall be applied to areas within the Noise Impact Zone boundary as defined on the Noise Impact Zone Map which is made a part of this code, when and if such properties become annexed to the City.

**33.69.050 Zone Boundaries.** (1) The Noise Impact Zone Map establishes the boundaries of the N Noise Impact Zone. The boundaries may be amended from time to time as determined by the City Council consistent with Section 33.69.060.

(2) The Bureau of Buildings will be responsible for determining whether property is within the zone boundary and is either:

- (a) Outside the Ldn 65 or Ldn 68 noise contour, or
- (b) Within the Ldn 65 or Ldn 68 noise contour, or
- (c) Partially within the Ldn 65 or Ldn 68 noise contour.

Large-scale maps of the most recent noise contours for the area will be maintained in the Bureau of Buildings and will be the reference map for such determinations.

(3) For those lots or parcels partially within the Ldn 68 noise contour, the building site shall be determined by scale from the large-scale Noise Impact Maps. If a residential building site remains outside the Ldn 68 noise contour, including required side and rear yards, a residential building permit may be issued on the property outside the Ldn 68 noise contour.

**33.69.055 Appeal procedure.** (1) Any property owner or owners, affected by the Ldn 65 or Ldn 68 noise contour line, may appeal the valid-

ity of the location of the noise contour line as it applies to their property, to the City Planning Commission. The burden is on the appellant to prove that the Ldn 65 or Ldn 68 noise contour line displayed on the Noise Impact Zone Map has changed, using established measurement standards and procedures, or their equivalent. If such proof is made, the Planning Commission shall so inform the Bureau of Buildings, and a residential building permit may be issued.

(2) A determination by the Planning Commission may be appealed to the City Council. Such appeal will be heard in accordance with Chapter 33.114 Administration and Enforcement.

### **33.69.060 Review and Modification-**

(1) There shall be a review and hearing by the City Planning Commission of the location of the N Noise Impact Zone based on examination of the Ldn 65 and Ldn 68 noise contours provided by the Port of Portland at least every five (5) years. The Ldn 65 and Ldn 68 noise contours shall be modified to reflect the findings of these reviews. Failure to initiate the review process by September 30 of the review year shall void this chapter. The first such review shall be initiated not later than September 30, 1983.

(2) There shall be notification to all affected property owners in the event of establishment, alteration or abolishment of a N Noise Impact Zone, or any portion of said zone.

**33.69.070 Disclosure.** The owner of any residential structure located inside the Ldn 65 or higher noise contour shall provide a disclosure statement to all prospective purchasers or tenants of such residential structure, providing notice that the premises may be impacted by noise from aircraft operations from Portland International Airport.

## **Chapter 33.70**

### **P PARKING ZONE**

#### **Sections:**

- 33.70.010 Purpose.
- 33.70.020 Procedure.
- 33.70.030 Regulations.

**33.70.010 Purpose.** In recognition of the increasing use of automobiles for individual travel within Portland and in view of the need



for greater spaces for parking next to businesses, industries, places of public assembly and other uses permitted in C and M Zones; the council may, from time to time as warranted, establish and superimpose P Parking Zones upon other regular R or A Zones in addition to P Zones established by enactment of this title.

Land classified in a P Zone shall also be classified in one or more of the regular R or A Zones as listed in Chapter 33.16. The zoning of such land shall be designated by a combination of symbols, e.g., R5P, A1P, etc.

**33.70.020 Procedure.** (Amended by Ord. No. 139117, 139702, 141105; and 148873 passed and effective Dec. 13, 1979.) P Zones shall be established in combination with R or A Zones, and may be removed, according to the procedure as provided in Chapter 33.102 for changes and amendments to the zoning regulations. Variances within P Zones may be granted in accordance with Chapter 33.98 and in more particular Section 33.98.025(b).

**33.70.030 Regulations.** All regulations of the R or A Zone with which a P Zone is combined shall apply; and, in addition, off-street parking of operable passenger automobiles owned by customers, employees or patrons of businesses, industries, places of public assembly and other uses permitted in C and M Zones in the vicinity is permitted in the open and not within structures. No storage of trucks or other equipment on wheels or tracks or the conduct of any business activity shall be permitted. Before open air automobile parking may be permitted in a P Zone, the area for such use shall be improved as specified in Section 33.82.030.

## Chapter 33.74

### S SIGNBOARD CONTROL ZONE

#### Sections:

- 33.74.010 Purpose.
- 33.74.020 General prohibition unless specially approved.
- 33.74.030 Permitted signs.
- 33.74.040 Special approval of certain signs.
- 33.74.050 Sign review committee.
- 33.74.060 Procedure and fee.
- 33.74.070 Effectiveness and appeal.
- 33.74.075 Validity of certain S signboard control zones.
- 33.74.080 Termination of nonconforming signs.

**33.74.010 Purpose.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) In locations where large numbers of advertising signs, business identification signs or outdoor advertising signs (billboards) would adversely affect traffic safety and the appearance and scenic outlook of the city, the control of such signs becomes necessary. S Zones are intended to include areas along bridges or bridge approaches, thoroughways designated by the Oregon State Highway Commission or other authority within the city, highways specially designated by the council, and other areas adjacent to such bridges, bridge approaches or designated thoroughways or highways and the extension thereof, where an S Zone for sign control is determined to be appropriate. The bridge or bridges, bridge approach or approaches, thoroughway or highway designated in establishing an "S" sign control zone or zones, shall be deemed a protected highway. Additional S sign control zones may from time to time be established. Land classified in an S Zone shall also be classified in one or more of the regular zones listed in Chapter 33.16. The zoning of such land shall be designated by a combination of such symbols, e.g. C2S, M1S, etc. The provisions of this chapter shall not apply to



directional traffic signs or signals, nor to other official signs or notices.

**33.74.020 General prohibition unless specially approved.** Notwithstanding the provisions relating to signs contained in this title applicable to any particular zone, no sign intended to be controlled under Section 33.74.010 shall be erected within an S zone, unless it comes within the provisions of Section 33.74.030, or unless the sign review committee specially approves the same under Section 33.74.040.

**33.74.030 Permitted signs.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Signs shall be allowed in an S Zone without special approval as required in Section 33.74.010 in those regular zoned classifications listed in Chapter 33.16 in which signs are otherwise permitted, and subject to the regulations applicable to the regular zone as follows, but location of an outdoor advertising sign is nevertheless subject to approval under Section 33.98.050:

(1) A sign advertising only the sale or lease of the property upon which it is located, with the name, address, and telephone number of the owner or agent;

(2) Signs permitted in R or A zones under provisions governing principal uses;

(3) A sign designating a conditional use in any zone, provided such sign conforms in size, placement and illumination to other provisions of this title and other codes and ordinances of the city;

(4) In a C or M zone, an unilluminated, or illuminated but nonflashing, and nonmoving sign of block or cut-out letters or trade symbol affixed to the building or supported wholly within the lot line, if such letters or if such symbol does not exceed two hundred fifty square feet in face area, or if double-faced with copy or representation back to back, two hundred fifty square feet in each face with five hundred square feet total face area, to designate the owner of the premises or the product manufactured or fabricated, or the main goods sold or services rendered on the particular premises. Only one such sign or symbol of which the face, back or supporting structure is visible from the protected highway may be placed for each principal building, unless the additional sign or signs be approved under Section 33.74.040 (a) (2). Where the location of the sign

or symbol is one hundred feet or less from the traveled roadway of a bridge or bridge approach, or between two bridge approaches lying within three hundred feet of each other, then the sign or symbol shall not exceed one hundred square feet in face area, or if double-faced with copy or representation back to back, one hundred square feet in each face with two hundred square feet total face area;

(5) As an alternative to a sign provided in paragraph (4) above, in a C or M zone, an unilluminated, or illuminated but nonflashing and nonmoving sign or symbol designating the tenant, main occupation, or product manufactured or fabricated or main goods sold or services rendered on the particular premises, if fixed flat against the building and not exceeding two hundred fifty square feet. In no event may more than one such sign or symbol of which the face, back or supporting structure is visible from the protected highway be placed for each principal building. Where the location of the sign or symbol is one hundred feet or less from the traveled roadway of a bridge or bridge approach, or between two bridge approaches lying within three hundred feet of each other, then the sign or symbol shall not exceed one hundred square feet in area;

(6) A sign or signs with no part of the copy or legible portion, back or supporting structure visible to persons traveling in vehicles on the protected highway, subject to all other applicable provisions of this title and other titles of this code.

**33.74.040 Special approval of certain signs.**

(a) The following categories of signs and their supporting structures are permitted in S zones, if specially approved by the sign review committee:

(1) An existing sign located more than one hundred feet from the protected highway, of which the back or supporting structure is visible from the protected highway, but of which the legible portion of the face or copy is not visible to persons traveling in vehicles on the protected highway;

(2) An existing or new sign and supporting structure adjudged by the sign review committee to be primarily oriented to traffic on a street or streets other than the protected highway, and only partially, incidentally, interruptedly, or slightly visible to persons traveling in vehicles on the protected highway;



(3) An existing sign and supporting structure, including outdoor advertising sign, placed flat against a building, or so situated that commercial or industrial building or buildings form a visual background for the sign and its supporting structure, notwithstanding its visibility from and orientation to a protected highway; provided, however, in considering for approval any such sign, the committee shall be guided by the standards set forth in this section and also, if considering an outdoor advertising sign, the density standards applicable under Section 33.98.050 to new outdoor advertising signs in similar locations outside an S zone. Committee approval of sign in this category shall be revocable by the committee, or by the council on appeal, whenever changed conditions are found to render revocation appropriate under the standards above mentioned.

(b) The sign review committee may approve a sign and its structure which come within the provisions of subsection (a) of this section, if the committee finds that the location of the sign and structure is not detrimental to the public welfare, will not obstruct a view of scenic interest, will not degrade the appearance of the city, will not impede the rapid and free flow of traffic on the protected highway, and conforms to other applicable provisions of this and other titles and ordinances of the city. In approving a sign and supporting structure, the committee may impose conditions to protect the public interest.

(c) Approval under this section is in addition to the approval required for location of outdoor advertising signs under Section 33.98.050.

**33.74.050 Sign review committee.** (Amended by Ord. No. 143851 passed and effective June 16, 1977.) The sign review committee shall be appointed by the mayor with the approval of the city council and shall be composed of seven members. The committee shall be deemed a committee of the city planning commission. Initially, one member shall be appointed for a two-year term, three members shall be appointed for three-year terms and three members for four-year terms. After the initial committee, the terms of appointment shall be for four years. In the event any proposal or project in which a member is personally or professionally interested comes before the committee, that member

shall not participate in committee proceedings.

The sign review committee shall elect its own chairman and shall adopt such rules of procedure as are necessary to the conduct of its duties.

The staff of the city planning commission shall assist the committee in carrying out its duties.

The committee shall perform the duties delegated to it under this title in relation to signs and sign structures. The committee shall make such recommendations to the city council as it finds appropriate for the modification or change in regulations affecting signs in the city and shall from time to time review S zones to determine if they are continuing to perform their intended function. The committee shall have authority to interpret and apply the provisions of this chapter and Section 33.98.050, in relation to signs and their supporting structures.

**33.74.060 Procedure and fee.** Any person desiring to erect a sign requiring approval under this chapter, or who desires approval of continuance of an existing sign requiring such approval, or whose application for building permit has been refused by the bureau of buildings in the absence of committee approval and the applicant claims that such approval is unnecessary, or whose existing sign has been ruled nonconforming and ordered to be taken down by the bureau of buildings, but the applicant claims that such order is not consistent with the intent of this title, may request in writing the approval or ruling by the sign review committee.

Such written request shall be filed with the sign review committee upon forms prescribed for that purpose by the sign review committee. Requests for approval or ruling shall be signed by the applicant and by the property owner if different, or his authorized agent. The fee for such request shall be twenty dollars. This fee shall not be imposed if approval has been requested under Section 33.98.050 simultaneously and fee paid thereunder. The request shall be accompanied by three copies of a site plan showing exact dimensions and arrangement of the proposed or existing sign and supporting structure. The committee may require other drawings, photographs, or other material it finds appropriate to an understanding of the proposed or existing sign and its relationship to surrounding properties, and may view the site.



The city auditor shall compile a list of the names and addresses of all persons owning real property within the affected area. The affected area is all real property located within lines one hundred fifty feet, including intervening street widths, from and parallel to the boundaries of the property on which the sign will be or is located and such other contiguous area as is under the legal control of the applicant. The committee shall hold a public hearing on each request. The committee shall notify the auditor of the date of the public hearing and the auditor shall mail notices of the public hearing to all property owners within the affected area at least seven days prior to the date of the hearing. The committee shall grant in whole or in part with or without conditions or shall deny the request and transmit its decision in writing within fourteen days of the hearing to the applicant, to the city auditor, and to the bureau of buildings. The committee's decision shall carry out the intent of this title.

**33.74.070 Effectiveness and appeal.** (Amended by Ord. No. 138351, passed and effective June 6, 1974.) If the order or decision of the sign review committee grants all or any portion of an application and the committee determines that there is no person eligible to appeal such order or decision, such order or decision shall become effective as hereafter provided. Otherwise, no order of the committee shall become effective until after an elapsed period of fourteen days from the date the written determination is made.

During the time prior to effectiveness, if any, any person aggrieved by a decision of the committee, may appeal such decision to the city council by filing with the City Auditor a written notice of appeal and a copy with the sign review committee, provided that he is an applicant whose request has been denied or specially conditioned, or that he is a person who objected either personally or in writing to the request and the grounds he stated have not been removed.

The sign review committee shall within fourteen days file with the auditor a report on the grounds for the committee's decision and a list of persons appearing on the matter before the committee, and any list of owners supplied with the original request. The auditor shall fix a date for public hearing on the appeal, which shall not be more than twenty days after receipt

of the report set forth above, notifying the appellant and all other persons who have appeared before the committee on the matter and all other owners within the applicable notification area set forth in Section 33.74.060. At the time of hearing or thereafter, the council may affirm, modify or reverse the decision of the committee. Such affirmance, modification, or reversal may be made by motion, and shall not require separate permit or ordinance, but the auditor shall transmit to the sign review committee the effect of the action taken, which shall be made in the form of an order and shall be preserved along with actions of the committee in similar classes of decisions.

If the order of the committee or the council contains any conditions thereon, such order shall not become effective until the applicant, and the property owner, if different, or his authorized agent, has accepted the terms of the order in writing, the acceptance is filed with the auditor and the order is recorded in the appropriate county records at the expense of the applicant. Such acceptance must be filed with the auditor within thirty days from the date of the committee meeting or within thirty days from the date of the council hearing if an appeal has been made. If such acceptance is not filed and recording fee paid within such thirty day period, then the order required to be accepted before effectiveness shall be null and void. The order when recorded, shall bear the certificate of the auditor stating that acceptance thereof has been filed and that the order is a true copy of the original.

**33.74.075 Validity of certain S signboard control zones.** (Added by Ord. No. 138351, passed and effective June 6, 1974.) Notwithstanding the provisions of this chapter, all S signboard control zones which would otherwise be valid but for failure to record in the appropriate county deed records the acceptance as heretofore provided by this chapter hereby are validated as if the acceptance had been duly recorded.

**33.74.080 Termination of non-conforming signs.** (Amended by Ord. No. 149964 passed and effective July 3, 1980.) (a) A sign, signboard, or symbol existing at the time the area is included in an S zone, which is not allowed without approval under the provisions of Section 33.74.030 or is not



pecially approved under Section 33.74.040, except for signs described in subsection (e) hereof, shall not be continued longer than ten years from the effective date of inclusion in an S zone.

(b) If a sign, signboard or symbol within an S zone existed or was allowed under the provisions of Section 33.74.030, or if its continuance or erection was specially approved under the provisions of Section 33.74.040, and the sign review committee determines that in its opinion circumstances have permanently changed so that such sign, signboard or symbol could be permitted if newly erected only with special approval under Section 33.74.040, then the sign review committee shall cause the owner of such sign to be notified of the changed conditions and the requirement of special approval. The owner may then request special approval for which no fee shall be required, or may remove the sign, signboard or symbol. Such request shall be handled in the same manner as any other request for special approval under this chapter. Unless such approval is requested and granted within five years after committee determination of changed circumstances, the sign shall be removed, provided, however, the committee may extend such removal date for an additional period not exceeding five years in case of special hardship.

(c) A sign, signboard or symbol within an S zone which is not within the provisions of Section 33.74.030 or 33.74.040 as a result of circumstances which the sign review committee finds have permanently changed shall be notified by the committee of such fact and shall not be continued longer than five years from the date of such notification, unless the sign review committee extends such time for not more than an additional five years in the case of special hardship. Such sign, signboard or symbol and the structure supporting it, if any, shall be removed by the owner thereof.

(d) As soon as practicable after January 1, 1970, the sign review committee shall cause a survey to be made of non-conforming signs in S zones, and as soon as practicable after subsequent inclusion within an S zone of property, the committee shall cause a survey to be made of non-conforming signs in such areas. If it appears that non-conforming signs are subject to removal or special approval, the committee shall send to the owner of the property where each non-conforming sign is located a written notice calling the attention of the owner to the date of inclusion

of the property in an S zone and the non-conformance of the particular sign, with notice of the date of conformance or removal. If the committee finds that the non-conforming sign would be permitted if specially approved, it shall advise the owner of the provisions of this title relating to such approval. Additional notice shall be given at least six months prior to the conformance or removal date. Failure to give the first notice shall not relieve the owner of the sign, signboard or symbol from the requirements of this title. Failure to give the six months notice, however, shall extend the time for removal an additional thirty days after notice by the committee or by the Bureau of Buildings that such sign must be removed. This extension provision, however, shall not apply to requirements of this title for removal during 1969, or council extension.

(e) Notwithstanding the ten year period mentioned in subsection (a) above, when the city creates an S zone on annexed land, any sign, signboard or symbol existing at the time of annexation by the city which:

(1) would not be allowed without approval under the provisions of Section 33.74.030 or would not be specially approved under Section 33.74.040; and

(2) was subject to removal within a specific period of time under the most recent prior zoning shall be permitted to remain only for a period of time equal to ten years, less the number of years it has been maintained since notice was first given that the sign would be subject to removal, under prior zoning. For example, if prior zoning made the sign, signboard or symbol subject to removal in five years and three of those years had elapsed at the time of annexation to the city, the sign, signboard, or symbol would be permitted to remain under the "S" zone for seven more years, for a total of ten years prior to removal. In all other respects these signs, signboards and symbols would be subject to the subsections above.



## Chapter 33.76

## V VARIABLE DENSITY ZONE

(Added by Ord. No. 147623 passed Apr. 25, effective May 26, 1979.)

## Sections:

- 33.76.010 Definitions
- 33.76.020 Purpose
- 33.76.030 Procedure
- 33.76.040 Generally
- 33.76.050 Land Classifications
- 33.76.060 Regulations
- 33.76.070 Variances

**33.76.010 Definitions.** For the purposes of this chapter, the words "lot" and "parcel" shall have the same definition as in Title 34.

**33.76.020 Purpose.** The purpose of this superimposed zone is to provide variable residential densities based upon land type: higher densities for geologically stable areas and lower densities for geologically unstable areas, to provide for safer, more orderly and beneficial development of a district characterized by a diversity of physiographic conditions. Physiographic conditions to be considered include, but are not limited to: slope of the land, natural drainageways, wetlands, riparian areas, and potential landslide areas.

**33.76.030 Procedure.** The Council may from time to time as warranted, create and superimpose V Variable Density Zones upon regular R 10, One Family Residential Zones. The zoning of such land shall be designated by a combination of symbols as R-10-V. The establishment, alteration or abolishment of a V Zone may be initiated by the Council or the Planning Commission, or applied for by the property owner according to the procedures as provided in Chapter 33.102, Amendments.

**33.76.040 Generally.** In a V Zone, all the regulations of the regular zone shall apply except as otherwise provided in the regulations contained in Section 33.76.060. The regulations in this chapter shall pertain only to apartment projects or unit developments, planned unit developments, unit ownerships or condominium projects, subdivisions, major partitions, or

cluster subdivisions or partitions as provided in Section 33.22.240 of Chapter 33.22 of this title or in Title 34, Subdivision and Partitioning Regulations.

**33.76.050 Land Classifications.** The precise distribution of land types within individual development areas should be determined on a site-specific basis by reference to the Pre-Development Soils and Geologic Report, Powell Butte-Mt. Scott Study, as adopted by Council. The following factors shall be used to determine the classifications.

## (a) Type I Lands

Type I lands have severe constraints that preclude the use of standard building techniques and technical criteria. During and after construction, long and short-term environmental degradation is probable due to the very high landslide and soil erosion potential. Type I lands exist in the following areas:

1. extremely severe landslide potential areas;
2. severe landslide potential areas immediately adjacent to extremely severe areas;
3. where slopes are greater than 50%;
4. riparian areas along major waterways, including, but not limited to drainageways which drain 30 acres or more;
5. floodway channel; and
6. wetland areas.

## (b) Type II Lands

These areas have severe constraints that preclude the use of standard building techniques. Sensitive hillside construction must be used to avoid landslide potential, erosion and runoff problems. Type II lands exist in the following areas:

1. where slopes are between 30% and 50% (all in severe landslide potential areas); and
2. riparian areas along minor waterways, including drainageways which drain less than 30 acres.

## (c) Type III Lands

Type III lands have constraints that preclude use of standard building techniques. City roadway standards may not be met in these areas, but residential development suited for hillsides is possible. Type III lands exist in the following areas:

1. severe landslide potential areas on slopes less than 30%;
2. moderate to severe landslide potential areas; and



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3. where slopes are between 20% and 30%.

### (d) Type IV Lands

These areas have constraints that preclude the use of some standard building techniques. City roadway standards can generally be met in these areas. Type IV lands exist in the following areas:

1. moderate landslide potential areas;
2. where slopes are between 10% and 20%.

### (e) Type V Lands

All lands not included in the other classifications comprise these areas. These lands are suitable for development. Type V lands exist where slopes are less than 10%.

**33.76.060 Regulations.** When an application for a conditional use, subdivision, or major partition has been submitted for consideration in an area classified in a V Zone, the following regulations shall apply:

(a) The net developable acres (NDA) shall be determined for the development area, based on the land classification of the gross acres (GA), by the following formulas:

$$GA = (A I \& II) + (A III) + (A IV \& V)$$

$$NDA = 0.25 (A I \& II) + 0.50 (A III) + 1.00$$

(A IV & V)

where the following are computed in acres and the nearest hundredth of an acre:

A I & II = Area which meets the definition of Types I and II Lands.

A III = Area which meets the definition of Type III Lands.

A IV & V = Area which meets the definition of Types IV and V Lands.

(b) The maximum number of dwelling units that shall be permitted for the development area shall be determined by the following formula:

number of dwelling units = NDA x 3.48 units per acre

The 3.48 units per acre density standard accounts for a 20% reduction in the R 10 gross area due to local streets.

(c) Subdivisions and Major Partitions. When considering a subdivision plan or major partitioning to be duly approved and recorded after April 18, 1979, no single family dwelling may be constructed on a lot or parcel:

(1) A. where the land classification of the lot or parcel is comprised of 50% or more of Type I lands and/or Type II lands, unless the lot or parcel is at least 40,000 square feet.

B. where the land classification of the lot or parcel is comprised of 40% or more of Type III

lands and 20% or more, but not more than 49%, of Type I lands and/or Type II lands, unless the lot or parcel is at least 30,000 square feet.

C. where the land classification of the lot or parcel is comprised of 50% or more of Type III lands and less than 20% of Type I lands and/or Type II lands, unless the lot or parcel is at least 20,000 square feet.

D. where the land classification of the lot or parcel is comprised of 50% or more of Type IV lands and/or Type V lands, unless the lot or parcel is at least 10,000 square feet.

(2) The minimum lot width shall be 70 feet.

(3) The minimum lot depth shall be 100 feet.

(d) Planned Unit Developments. When considering a planned unit development, to be duly approved and recorded after April 18, 1979, the location of dwelling units within the development will be governed by a maximum development density (MDD). The MDD is not to be considered a standard to determine the maximum number of units allowable on individual parcels. The total number of units allowed on an individual parcel is governed by the NDA equation.

The MDD will apply to all lands, with an exception for Types IV and V lands if the developer or property owner can supply satisfactory findings and justifications for higher density. Materials supporting an exemption to the MDD must be prepared by a qualified engineering geologist and contained in a pre-development soils and geologic report. In absence of an exemption request, residential development will not exceed the MDD on lands with the following designations:

Land Types	MDD
Types I and II	1.05 units/acre
Type III	2.1 units/acre
Types IV and V	4.2 units/acre

Maximum Development Density standards shall be applied to the NDA, based upon the land type(s) of the development.

(e) No lot or parcel shall be reduced by transfer of ownership, immediate or future, in area, width, or depth to less than stated in subsections (c) and (d) above. Such restriction shall be included with the subdivision plat or partitioning map approved.

(f) The following design regulations shall be considered in designing the area to be developed:



(1) Designation of Type I and II lands as common natural open space is encouraged as part of apartment project or unit development, planned unit development, unit ownership or condominium project, and cluster subdivision or partitions.

(2) Maximum existing tree and other vegetation coverage should be maintained on Type I, II and III lands in order to conserve significant natural areas, decrease the potential for erosion, decrease the amount of surface water runoff, and help stabilize landslide-prone areas. Development on Type I, II, or III lands should not increase the landslide potential on areas above or below the project, or onto streets and natural drainageways.

**33.76.070 Variances.** Any person aggrieved by a V Zone designation may apply for a variance in accordance with, as applicable, Chapters 33.98, Variances and Adjustments, and 33.114, Administration and Enforcement, in this title and Chapter 34.100, Variances and Modifications, of Title 34, Subdivision and Partitioning Regulations.

#### **Chapter 33.77**

### **WILLAMETTE RIVER GREENWAY DEVELOPMENT REGULATIONS**

(Added by Ord. No. 148537 passed and effective Oct. 3, 1979.)

#### **Sections:**

- 33.77.010 Purposes.
- 33.77.020 Areas affected.
- 33.77.030 Greenway Review approval required.
- 33.77.040 Definitions.
- 33.77.050 Greenway Review applications and fee.
- 33.77.060 Decision by Planning Director.
- 33.77.070 Appeals, decision by Hearing Officer.

#### **OVERLAY ZONES**

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- 33.77.120 Willamette River Greenway trail.
- 33.77.121 Intent.
- 33.77.122 Requirements.
- 33.77.123 Use.
- 33.77.124 Maintenance and liability.

**33.77.010 Purposes.** The purposes of the Willamette River Greenway District are to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River; to implement the City's responsibilities pursuant to ORS 390.310 to 390.368; to establish criteria, standards and procedures for the intensification of uses, change of uses, or the development of lands within the Greenway.

**33.77.020 Areas affected.** This chapter shall apply to those lands within the Greenway Boundary designated Willamette Greenway Industrial (WI), Willamette Greenway Scenic Development (WSD), Willamette Greenway Scenic Recreational (WSR), and Willamette Greenway Natural (WN).

**33.77.030 Greenway Review approval required.** Any development, change of use or intensification of use shall be subject to a Greenway Review Approval issued pursuant to the provisions of Section 33.77.060 and 33.77.070, prior to the issuance of a building permit.

**33.77.040 Definitions.** The following definitions apply to terms used in chapter 33.77:

(1) "Change of Use" means making a different use of the land or water than that which existed on the effective date of this ordinance. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures, and which substantially alters or



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affects the land or water. Such changes of use include but are not limited to storage of materials on a previously vacant site, construction or expansion of marine facilities or parking lots, or construction or major remodeling of a structure. It does not include a change of use of a building or other structure which does not substantially alter or affect the land upon which it is situated. Removal of gravel from the bed of the Willamette River under a permit from the State of Oregon, dredging and channel maintenance shall not be considered a change of use. Change of use shall not include the completion of a structure for which a valid permit has been issued prior to the effective date of this ordinance and under which permit substantial construction has been undertaken within 120 days. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building.

(2) "Development" means the act, process or result of developing.

(3) "Develop" means to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights of access.

(4) "Director" means the City of Portland Planning Director or his or her agent.

(5) "Greenway Plan" means those maps, policies and stated intents adopted by City Council and titled "Willamette River Greenway Plan."

(6) "Industrial Use" means a manufacturing use as defined in sections (7) through (12) of 33.54.020 of the Planning and Zoning chapter of the Portland City Code.

(7) "Intensification" means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure is an intensification when it will substantially alter the appearance of the structure. Intensification shall not include the completion of a structure for which a valid permit has been issued as of the effective date of this ordinance and under which permit substantial construction has been undertaken within 120 days. Maintenance and

repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or protection of property are not an intensification of use. Residential use of land within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures, or construction or placement of such accessory structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification. Seasonal increases in gravel operations, dredging, and channel maintenance shall not be considered an intensification of use.

(8) "River Dependent Use" means a use that cannot exist in any other than a river or riverfront location, and which is dependent on the river by reason of the intrinsic nature of the use. Such uses include but are not limited to:

(a) terminal and transfer facilities for marine commerce and industries

(b) marine construction, dismantling and repair

(c) permanent and temporary moorages for ships, tugboats and barges

(d) boat marinas, launches, and moorages

(9) "River Related Use" means a use which does not depend on a riverfront location to continue its operation, but whose operation is facilitated by a riverfront location. Such uses include but are not limited to:

(a) industries with a functional linkage to an existing river-dependent use

(b) marine sales and service facilities

**33.77.050 Greenway Review application and fee.** Written application for Greenway Review approval shall be filed at the Bureau of Planning upon forms prescribed for that purpose and signed by the applicant and by the property owner if different. The application shall be accompanied by three copies of drawings and/or specifications addressing the requirements of the Greenway Plan.

The fee for such application shall be fifty dollars; provided, however, that the required fee may be waived in whole or in part if it is found by the Director that the approval requested relates to a matter which constitutes a minor improvement of low cost and does not pose a question of public importance. For a conditional use as specified in the underlying zone, the Greenway Review application shall be filed with the required application for the proposed conditional use in the manner provided in Chapter 33.106.

**33.77.060 Decision by Planning Director.** A decision on a Greenway Review application shall be made by the Planning Director. The Planning Director shall approve applications that comply with the intents and requirements of the applicable overlay zone. The Director may also disapprove the application or approve it with such conditions as may be consistent with the Comprehensive Plan or necessary to assure compatibility with the elements of the Greenway Plan.

Copies of the completed application shall be mailed to the Oregon Department of Transportation and any persons or organizations who have requested such notice.

Within fifteen business days following receipt of a completed Greenway Review application, the Planning Director shall file a decision with the Director of the Bureau of Buildings or, if the proposed use can be expected to have a major impact on the Greenway, the river or adjacent lands, refer the application to the Hearings Officer, to be heard as stipulated under Chapter 33.106. The Director shall mail a copy of the decision to the applicant and to other persons who request the same.

A decision by the Planning Director on a Greenway Review application shall include written conditions, if any, and findings and conclusions. The conditions, findings, and conclusions shall specifically address the relationships between the proposal and the requirements of the Greenway Plan.

**33.77.070 Appeals, decision by Hearings Officer.** Within fourteen days of a decision by the Planning Director, such decision may be appealed to the Hearings Officer as a

Conditional Use in the manner provided in Chapter 33.106.

The findings and conclusions made by the Hearings Officer in a Greenway Review, and the conditions or modifications of approval, if any, shall specifically address the relationships between the proposal and the elements of the Greenway Plan.

A decision by the Hearings Officer on a Greenway Review application may be appealed in the manner provided in Chapter 33.114.

#### Overlay Zones

##### **33.77.080 Industrial Zone.**

**33.77.081 Intent:** To ensure the viability of the deep draft shipping channel by preserving opportunities for river related and river dependent industrial development and, where possible, to preserve or establish public access and a vegetative fringe.

##### **33.77.082 Requirements.**

###### **(A) Industrial Uses**

(1) The Director shall approve the development of new or the intensification of existing river-dependent and river-related industrial uses in this zone.

(2) The Director shall not approve the development of new, or the intensification of existing non-river-dependent and non-river-related uses within this zone unless he finds that the site of the proposed development or intensification is not suited to river-dependent or river-related use.

(3) Landscaping which preserves or re-establishes the river's vegetative fringe shall be required as it does not interfere with the function of the proposed use. Such landscaping shall consist of low maintenance plantings of domestic species typical of the lower Willamette River. Plantings shall be of sufficient depth to screen the proposed use from the river.

(4) The replacement or intensification of uses within existing public utility corridors, railroad rights-of-way and terminal facilities as they exist on the adoption of these regulations shall be allowed, providing the requirements for landscaping are met.

(5) Applicants who wish to be exempted from any of the above criteria shall be required to appeal through the City's Conditional Use procedure, as provided in Chapter 33.106.



**(B) Non-Industrial Uses.**

The development of new or intensification of existing uses which are not industrial shall be conditional uses. The following guidelines shall be used in the granting of a conditional use permit:

(1) the use is river dependent, and the site of the proposed development is not suited for river dependent or river related undustrial uses; and

(2) the proposal is consistent with the intents and requirements for development of either the Scenic Development Overlay Zone or the Scenic Recreational Overlay Zone; and

(3) the proposed use will not significantly detract from the value of an abutting property or the use and maintenance of the deep draft shipping channel.

**33.77.090 Scenic Development Zone**

**33.77.091 Intent:** To allow for use and development consistent with the underlying zoning while allowing for public use and enjoyment of the waterfront and enhancing the river's scenic qualities.

**33.77.092 Requirements**

(a) The Director shall approve proposals to change or intensify land use within this zone which comply with all of the following criteria:

(1) The proposed use is permitted by the underlying zone.

(2) Uses which are not river dependent are set back landward from the high water line no less than twenty-five feet, so as to provide for open space and vegetation as well as public access to and along the river, as outlined in the Greenway Plan and this chapter.

(3) The scale of the project, density of development and/or intensity of use are in keeping with the character of the river, and preserve or enhance the scenic qualities of the river, the site, and adjacent riparian lands.

(4) Architectural scale, style, building materials and finishes are in keeping with the character of the Willamette River. Graphics, signs and exterior lighting are to be designed to preserve and enhance the scenic qualities of the Willamette River.

(5) Landscaping shall emphasize low maintenance plantings of domestic species typical of the Lower Willamette River.

(6) The proposed development does not conflict with existing adjoining developments,

land uses, and Greenway zones.

(7) The replacement or intensification of uses within existing public utility corridors, railroad rights-of-way and terminal facilities as they exist on the adoption of these regulations shall be allowed, providing the requirements for landscaping are met.

(B) The maintenance and intensification of industrial uses in this zone shall be allowed. Such uses shall be exempt from requirements (3) and (4) of subsection (A) of this section, except that a routing for the Greenway Trail and landscaping which do not interfere with the use shall be provided.

(C) Applicants who wish to be exempted from any of the above criteria shall be required to apply through the City's Conditional Use procedure, as provided in Chapter 33.106.

**33.77.100 Scenic Recreational Zone**

**33.77.101 Intent:** To encourage a variety of river-dependent and river-related recreational developments and types of public access to and along the river. To enhance the scenic qualities of the river.

**33.77.102 Requirements**

(A) The Director shall approve proposals to change or intensify land use within this zone which comply with all of the following conditions:

(1) The proposal is for river-related recreational uses or directly supportive of those uses.

(2) The proposed development reflects river-related recreational needs, the character of the river, and the unique opportunities presented by the particular site.

(3) The proposed development emphasizes open space and landscaping consisting of low maintenance plantings of domestic species typical of the Lower Willamette River.

(4) The proposed development provides for public access as outlined in the Greenway Plan of this chapter.

(5) The proposed development is in harmony with existing adjoining developments and land uses, and does not significantly detract from the value of an abutting property lying in a different Greenway zone.

(6) The replacement or intensification of uses within existing public utility corridors, railroad

rights-of-way and terminal facilities as they exist on the adoption of these regulations shall be allowed, providing the requirements for landscaping are met.

(B) Applicants who wish to be exempted from any of the above criteria shall be required to apply through the City's Conditional Use procedure, as provided in Chapter 33.106.

### **33.77.110 Natural Zone**

**33.77.111 Intent:** To protect the natural qualities of the Willamette River and its riparian environment.

### **33.77.112 Requirements**

(A) A Conditional Use permit is required for any development within this zone, with the exception of the intensification of public utility transmission facilities and railroad facilities existing on the date of adoption of these regulations. The following guidelines shall be used in the granting of a conditional use permit.

(1) No development or use which will be demonstrably detrimental to the natural environment, wildlife or wildlife habitat shall be allowed within this zone.

(2) Developments which demonstrably support the natural environment, wildlife and wildlife habitat or allow for its viewing and interpretation shall be allowed on a limited basis.

(3) The applicant shall be required to submit a statement assessing the construction and long range impacts of the proposed development on the natural environment, wildlife and wildlife habitat.

(B) Public access requirements as outlined in the Greenway Plan shall be provided in such a way as to disturb the natural environment and wildlife habitat as little as possible.

(C) Developments in this zone shall be required to take all practical measures to mitigate impacts on scenic and natural values of the area.

### **33.77.120 Willamette River Greenway Trail**

**33.77.121 Intent:** To provide, to the greatest possible degree, public access to and along the Willamette River. Provision of a Greenway Trail and public access to that trail and the river shall be considered in the issuance of all Greenway

Permits and the construction of all projects within the Willamette River Greenway, as follows:

(A) South of the Broadway Bridge, on both sides of the river, a continuous Willamette Greenway Trail shall be established along the river for the use of pedestrians and bicyclists. Provision for the trail shall be made in the vicinity of the high water line, or slightly landward. The trail should not go around a site or use, or landward of such site or use, except where a river-dependent function precludes the trail. In such a case, an alternative routing shall be provided. Public access to the river and trail shall also be provided.

(B) North of the Broadway Bridge, on both sides of the river, a continuous trail shall be established for bicyclists and pedestrians. The trail shall overlook the river at as many places as possible and provide access to and along the river as indicated on the Greenway Plan.

(C) Nothing in this ordinance is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired in accordance with law to authorize such use.

**33.77.122 Requirements.** The Director can require, in accordance with the Greenway Plan, an easement, the dedication of right-of-way, and/or the construction and landscaping of the Greenway Trail to City standard as a condition of approval of any change or intensification of land use.

### **33.77.123 Use.**

(A) The trail will be open to the public for park use as provided in Chapter 20.12, except as otherwise limited by this ordinance or by the terms of an easement granting the trail area to the City; and

(B) Trail segments planned or built as a part of a continuous system shall be open for public use and access between the hours of 5 a.m. and 10 p.m. Branch trail segments shall be open to the public for daylight hours, or as negotiated in the terms of an easement granting the trail area to the City.

### **33.77.124 Maintenance and Liability**

(A) The City shall accept maintenance and liability, similar to its responsibilities for



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City-owned park property, for a Greenway trail area if the City Engineer or Director of the Bureau of Parks finds the following:

(1) The applicant requests that the City assume such responsibilities; and

(2) The trail lies within an easement or right-of-way granted to the City for trail purposes; and

(3) The trail has been constructed and landscaped to City standards; and

(4) The trail is physically continuous for at least  $\frac{1}{4}$  mile along the proposed route. This requirement shall be waived if the trail has not been made physically continuous for at least  $\frac{1}{4}$  mile within two years after completion of the segment under consideration; and

(5) That if a property owner, granting the City an easement for trail purposes, desires to use a private security force to patrol the easement area, the owner has signed an agreement holding the City harmless from all claims, suits or actions, of whatsoever nature, caused or arising out of the actions of such private security force, its subcontractors, agents or employees.

(B) Where the applicant retains maintenance and liability responsibilities, the trail segment shall be maintained at a level equal to those segments maintained by the City.

**Chapter 33.78**  
**HELIPORT AND**  
**HELISTOP REGULATIONS**

**Sections:**

- 33.78.010 Location of helistop or heliport.
- 33.78.020 Specifications of helistop.
- 33.78.030 Specifications of heliport.
- 33.78.040 Noise.
- 33.78.050 Off-street parking.
- 33.78.060 Access.
- 33.78.070 Limitations on use.
- 33.78.080 Termination of use.

**33.78.010 Location of helistop or heliport.**  
(a) Surroundings. Every rooftop helistop or heliport shall be located so that areas adjacent to the landing and take-off area but not included within approach lanes are sufficiently clear of obstruction to provide a clear slope of 1:2, or forty-five degrees measured from the horizontal. Rooftop service installations such as elevator shaft, ventilators, chimneys, flagpoles, radio or television towers or antennas and other minor projections above the roof line on the same structure as a rooftop helistop or heliport shall not be considered an obstruction if below rotor height.

(b) Approaches. Every helistop or heliport shall be so located as to provide at least two approach lanes, at least ninety degrees apart for a helistop and at least one hundred thirty-five degrees apart for a heliport, for landing or take-off, sufficiently clear of obstruction to provide a slope of 1:8, approximately seven degrees measured from the horizontal. Any curved approach shall provide a turning radius of six hundred feet. Such approach lane shall fan out to a width of one thousand feet at a ten degree angle. Rooftop installations on the same structure as a rooftop helistop or heliport shall not be considered an obstruction if below rotor height.

(c) Site. Every helistop or heliport landing and take-off area shall be so located as to provide clearance of all obstructions above rotor height for a distance of twenty-five feet in each direction from the helistop pad.

**33.78.020 Specifications of helistop.**  
(a) Helistop pad. Every helistop located above ground level shall be provided with a helistop pad, constructed in accordance with the building regulations.

(b) Ground cover. Any ground level helistop shall be sodded or covered with dust-proof material.

(c) Lighting. Any helistop intended to be used for night landing or take-off shall be provided with flood lights and also with linear perimeter lighting of fluorescent or cold cathode type, or by amber lights spaced around the helistop pad, approximately twenty feet apart.

**33.78.030 Specifications of heliport.**  
(a) Size. Every heliport shall afford sufficient size to provide landing area for at least one helicopter or steep-gradient aircraft and additional space shall be provided for tie-down or storing at least two helicopters or other steep-gradient aircraft, and if a terminal area and/or service area is provided, shall be of sufficient size to provide a taxiway for airborne or ground taxiing connected with take-off and landing area with such terminal or service area. These requirements shall be in addition to any space required for any buildings or structures for refueling, maintenance or repair.

(b) Fencing. Every ground level heliport shall be fenced and protected to prevent entrance of unauthorized personnel with a minimum fence



height of thirty-six inches with a minimum heliport area as established in the building regulations extended ten feet in each direction for every twelve inches increase in fence height above thirty-six inches. Other fencing shall be in accordance with the building regulations.

(c) Paving. Every take-off and landing area and taxiway for airborne or ground taxiing between such take-off and landing area and any terminal and/or service area, shall be paved with dustproof material.

(d) Marking and lighting. All heliports shall be marked in accordance with Federal Aviation Agency criteria and shall be lighted during hours of darkness with adequate lights and also with linear perimeter lighting of fluorescent or cold cathode type, or by amber lights spaced around the landing and take-off area, approximately twenty feet apart.

**33.78.040 Noise.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) (a) R and A Zones. No helistop shall be so located in a residential or apartment zone that the noise from any helicopter to be landed or to take off therefrom shall exceed 90 decibels at the boundary of adjacent property, and such helistop shall not be permitted in an R or A Zone if there is a finding that such use would interfere with the enjoyment of neighboring property, whether such interference would be due to the pitch of noise from such helistop use or other factor.

(b) C Zones. No rooftop helistop, whether public or private, shall be permitted in a commercial zone if the noise from such helistop use would exceed 90 decibels measured one hundred feet from the rooftop or at the nearest occupied premises. No ground level helistop shall be permitted in a C Zone where the noise from such helistop use would exceed 90 decibels measured at the nearest occupied premises. No helistop shall be permitted in a C Zone if there is a finding that such use would interfere with the enjoyment of neighboring property already devoted to residential use, whether such interference would be due to the pitch of noise from such helistop use or other factor.

(c) M Zones. No heliport or helistop shall be located in a manufacturing zone if there is a finding that such use would interfere with the enjoyment of neighboring property, whether such interference would be due to amount or pitch of noise from such helistop use or other factor.

**33.78.050 Off-street parking.** (a) At least five off-street parking spaces shall be provided and maintained for each public helistop, except in a C1 Zone.

(b) At least ten off-street parking spaces shall be provided and maintained for public use for each heliport and in addition one off-street parking space for each four employees serving the heliport.

**33.78.060 Access.** Any ground level heliport shall be so located as to provide direct access thereto from a public street.

**33.78.070 Limitations on use.** No helistop or heliport located within the city shall be used by turbine engine helicopters or aircraft developing during take-off more than 30,000 rpm except in an emergency, unless certificated to produce noise below the maximum provided in this title. Except in an emergency no helistop shall be used for maintenance or repair or refueling of any helicopter or steep-gradient aircraft. No rooftop helistop or heliport shall be used by any helicopter or other aircraft exceeding the gross weight for which the heliport pad or other landing area has been designed. Any rooftop helistop pad or other rooftop landing area shall be marked with its load limit in such manner as to be clearly visible to any pilot approaching within two hundred feet of such landing pad or area. Such load limit shall not exceed the limit related to size under building regulation classification and shall not exceed the structural load limit under provisions of the building regulations.

**33.78.080 Termination of use.** Notwithstanding any prior approval of location or occupancy, the council may at any time order the termination of any helistop or heliport use after five days written notice to the owner of the premises where such use is made and a public hearing thereon, if the council finds that any condition or restriction imposed by the planning commission or by any ordinance of the city relating to such occupancy has been violated, or if the council finds that such operation of helistop or heliport use unreasonably interferes with the enjoyment of the neighboring property. The council may suspend such operation or impose such conditions upon continued operations as it may deem fit, if it does not desire to terminate the operation completely.

Chapter 33.79

PLANNED UNIT DEVELOPMENTS

(Added by Ord. No. 148244 passed Aug. 2, effective Sept. 4, 1979.)

Sections:

- 33.79.010 Objectives for planned unit developments.
- 33.79.020 PUD's as conditional uses.
- 33.79.030 Qualifying requirements in R and A zones
- 33.79.040 Qualifying requirements in C4, C2 and M3 zones.
- 33.79.050 Development standards.
- 33.79.060 Application, preliminary review and decision procedure.
- 33.79.070 Plan review procedure, decision an appeal.
- 33.79.080 Procedures for phased development and review.
- 33.79.090 Final decision on the planned unit development conditional use application.
- 33.79.100 Assurance of improvements.
- 33.79.110 Amendments to the final development plan.

**33.79.010 Objectives for planned unit developments.** (a) To facilitate the efficient use of land, to promote an economic arrangement of land uses, buildings, circulation systems, open spaces, and utilities.

(b) To preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure that can relate the type and design of a development to a particular site.

(c) To encourage developments that recognize the relationship between buildings, their use, open spaces, and accessways and thereby maximize the opportunities for innovative and diversified living environments.

**33.79.020 PUD's as conditional uses.** PUD's shall be reviewed and approved, or disapproved, as conditional uses. This means that a PUD shall be approved if it meets the standards and requirements set forth in this Chapter 33.79 and in Chapter 33.106 and may be approved with conditions which are reasonably related to the objectives, requirements and standards set forth

in this Chapter 33.79 and in Chapter 33.106.

**33.79.030 Qualifying requirements in R and A zones.** Planned unit developments may be permitted as a conditional use in R20, R10, R7, R5, A2.5, A1 and A0 zones with the following requirements:

(a) Uses permitted:

(1) Single family, two family and multi-family dwellings including townhouses, rowhouses and clustered houses and their accessory uses.

(2) Any conditional use designated for the underlying zone.

(3) Any commercial uses listed under 33.40.020 (C4) provided such uses are accessory to or primarily for the service and convenience of the residents of the proposed development. The applicant must justify the need for the type and amount of commercial space and may be required to provide a market analysis demonstrating that the amount of land to be used for commercial uses is needed and can realistically be supported by the proposed PUD.

(b) Residential density:

(1) The number of dwelling units allowed shall be computed by dividing the net site area by the density of the underlying zone.

(a) The net site area is the total site area reduced by: (1) the area of land set aside for private schools, churches, and commercial land uses, and (2) the amount of land to be developed in improved roadway.

**33.79.040 Qualifying requirements in C4, C2 and M3 zones.** Planned unit developments may be permitted as a conditional use in C4, C2 and M3 zones with the following requirements:

(a) Uses permitted:

(1) Single family, two family and multi-family dwellings including townhouses, rowhouses and clustered houses and their accessory uses.

(2) Any conditional use designated for the underlying zone.

(b) Residential Density:

(1) The number of dwelling units allowed shall be computed by dividing the net site area by the density of the underlying zone.

(a) The net site size is the total site area reduced by the area of land set aside for private schools, churches, and commercial uses.



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**33.79.050 Development standards.** Planned Unit Developments shall meet the following standards:

(a) Open space: At least 40% of the net site area must be devoted to open space. Open space means land area of the site not covered by buildings, but includes canopied recreational and pedestrian areas and private yards, if any.

(b) Building height: The height limitation of the underlying zone shall apply.

(c) Parking: Required parking shall be governed by the applicable use regulations of this Code. Parking requirements may be altered or the joint use of spaces may be allowed if it is demonstrated, based on the type of use and the level of proposed transportation, that such alteration or joint use will not lead to the creation of hazards to pedestrian or vehicular traffic.

(d) Streets:

(1) Streets and roads may be dedicated to the public or retained in private ownership.

(2) Public streets must meet the applicable street standards and street lighting standards on file in the City Engineer's Office.

(3) Private streets must meet the following requirements:

A. The width and weight capacity specifications of the Fire Marshal to insure safe maneuvering of emergency vehicles.

B. Separation from the public roadway by a driveway-type entrance and posted as a private street.

C. The Declaration of Covenants, Conditions and Restrictions for the PUD shall require periodic assessments for the maintenance and repair of private streets and shall require that the governing body of the PUD adequately maintain and repair private streets.

D. All private streets must be kept open, accessible and passable at all times for all emergency and postal vehicles. The means of insuring accessibility shall be approved by the City Fire Marshal and Police Chief.

(e) Water, Sanitary and Storm Facilities:

(1) All water, sanitary, and storm facilities to be dedicated to the public shall be located, to the extent feasible, in street areas, and the exact location of all such City utilities shall be approved by the responsible City bureaus.

(2) Such City utilities may be placed in private streets only on the following conditions:

A. All costs associated with the initial installation of these City utilities within the PUD shall be borne by the applicant, with appropriate adjustments for off-site activities of users at the reasonable discretion of the City.

B. Upon the request of the City, the applicant shall grant to the City at no cost an easement in the street area, at least 20 feet in width, unless the City Engineer approves a lesser width, for utility construction, maintenance, and repair, and the location of the easement agreement shall be approved by the City Engineer, the Chief Engineer of the Bureau of Water Works and the City Attorney.

C. The street subject to the utility easement must be paved and utilized for vehicular traffic.

D. No surface or underground structures, permanent or temporary, private or public utility lines or improvements shall be constructed or located in the easement area without the written consent of the City Engineer and the Chief Engineer of the Bureau of Water Works.

E. The owners of property in the PUD, jointly and severally, shall hold the City harmless from any and all claims for property damage arising in the course of the construction, repair or maintenance of any City utility within the private street area, except damage caused by gross negligence or willful misconduct of the City or its officers, employees, or agents.

F. If the City should remove the street surface to conduct repair, maintenance, or replacement work on City utilities, the City will upon completion of its work, provide an asphalt patch in the street surface, but all other street resurfacing expenses necessitated in the maintenance and repair of City utilities shall be borne by the PUD property owners.

G. All City utility easements shall be depicted on the PUD plat map to be recorded in the County records and the restrictions and conditions described in subsections (d) through (f) hereof shall appear on all conveyances of PUD real property and bind all owners thereof, their heirs, successors and assigns, as restrictive covenants.

(3) Easements for City utilities in areas outside of streets or roads shall be at least 15 feet in width, and shall comply with Section 33.79.050(E)(1) and (2), except for the width requirement in Section 33.79.050(E)(2)(b) and

Section 33.79.050(E)(2)(c).

(4) Development of property that is traversed by a water course such as a drainageway, channel, or stream shall require a storm drainage reserve according to the provisions of the City Code and the Federal Flood Insurance Act.

(5) Electrical and other lines, including but not limited to communication, street lighting and cable television, shall be placed underground. The applicant shall make necessary arrangements with utility companies or other appropriate persons for the installation of underground lines and facilities.

(f) Relationship to Neighboring Properties:

(1) Objectives:

In applying this Section 33.79.050(F), the following objectives shall be utilized:

A. Along those perimeters of a PUD adjacent to any R zone an area equal to the minimum lot depth in the underlying zone parallel to such boundary of the PUD is declared an area of special concern in which the requirements of this Section 33.79.050(F) must be met.

B. PUDs should, along their peripheries, relate harmoniously to adjacent residential zones and uses.

C. Over time, all undeveloped lands within the City should be developed to the density standard set forth in the property's underlying zone in order to efficiently utilize the City's diminishing supply of land and the City's urban services.

D. PUDs should be utilized to provide a range of housing at costs which reflect the needs of the City's various income groups.

(2) Limitations: Within the area of special concern described above, the PUD must meet the following standards unless a departure from these standards is allowed pursuant to Section 33.79.050(F)(3):

A. No building structure may exceed 97 feet in any dimension.

B. No more than four dwelling units may share common walls or be included in any common structure.

C. All buildings containing more than one dwelling unit must be separated by twice the minimum side yard in the underlying zone.

(3) Exception:

A. The requirements of Section 33.79.050(F)(2) may be varied by the Hearings Officer upon the request of the applicant in accordance with the procedures set forth in

Section 33.79.070. The purpose of this review process is to balance and resolve conflicts among the objectives set forth in Section 33.79.050(F)(1) as they apply to a particular site. The applicant shall submit to the Hearings Officer a statement explaining why the variation requested is necessary based upon: site size, topography, and shape; the soil, vegetation, and other natural conditions of the site; the character of the adjoining neighborhood; access to the PUD; the market demand for housing units; proposed landscaping or other means available to mitigate any adverse effects upon the adjoining property; and the architectural means available to bring the proposed structures into harmony with the neighboring property.

B. If the plan submitted by the applicant accommodates the objectives listed above to a great extent and sets forth an arrangement of the number of units allowed under Section 33.79.040 which has minimized adverse effects on the adjoining property to a substantial extent, then the plan shall be approved. If the Hearings Officer rejects the plan, he must accompany his decision with a detailed statement of specific objectives which have not been met and in what way they have not been met.

**33.79.060 Application, preliminary review and decision procedure.** A request for a PUD conditional use shall be reviewed in accordance with the following procedure.

(a) Pre-application Conference. The applicant shall request that the Bureau of Planning arrange a pre-application conference at which he shall submit to representatives of the Planning Bureau, City Engineer, Traffic Engineer, Fire Bureau, Bureau of Water Works, the appropriate neighborhood organizations, and other agencies and organizations as deemed appropriate:

(1) a topographic map of the site;

(2) a tax lot map of the site;

(3) a written or graphic description of the proposed land use plan;

(4) a written or graphic description of how water, sewer and storm drainage will be provided.

After this conference, which shall be held no more than 14 days following the applicant's request, the Bureau of Planning shall, within 14 days after the conference, provide the applicant with a written summary of the meeting,



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including recommendations to inform and assist him in the preparation of a preliminary plan.

(b) Preliminary development plan approval. To apply for approval of a preliminary development plan, the applicant shall submit the following:

(1) A completed conditional use request form with the appropriate signatures and \$50.00 filing fee.

(2) Legal description of the site proposed for the PUD.

(3) Statement of planning objectives achieved through the use of the PUD and a description of the proposed character of the development and relationship to surrounding land uses.

(4) Statement of the proposal's conformance to the Comprehensive Plan, adopted by the City Council.

(5) Outline of the proposed preliminary development plan including land use allocations, total number and type of housing units, amount of site area in roadways, amount of open space, and the number of parking spaces.

(6) A proposed site plan showing:

A. Existing site conditions including topography, water courses, significant vegetation, floodplains, unique natural features, and existing storm, sanitary and water facilities.

B. The approximate location of dwelling units or building sites with graphic or written support material indicating the character of the proposed units.

C. The existing and proposed traffic circulation system serving the development, including off street parking and points of access to existing public rights-of-way, and a plan notation or descriptive narrative outlining ownership of streets and parking areas.

D. Proposed location and treatment of any public or common areas including open spaces, park or recreation areas and school sites.

E. The existing and proposed pedestrian circulation system.

F. Proposed conceptual utility plans including sanitary sewers and water lines and provisions for storm drainage.

(7) Information on land areas contiguous to the proposed PUD to indicate the relationships between the proposed PUD and existing adjacent areas, including zoning classifications, land uses, densities, circulation systems, public facilities, and unique natural features of the

landscape.

(8) If the PUD is being proposed for phased development, a description and timing plan for the approximate phases according to the requirements of 33.79.080.

(9) If the applicant is requesting simultaneous subdivision approval, a tentative subdivision plat that meets the requirements of Section 34.20 of the Subdivision Code.

### 33.79.070 Plan review procedure, decision and appeal.

(a) Review Procedure. A hearing on the Preliminary Development Plan shall be held as provided for in 33.106.020 and 33.114.060 of this Title.

(b) Decision Procedure. The Hearings Officer shall approve the preliminary development plan if he finds that:

(1) The proposed PUD preliminary development plan is consistent with the Comprehensive Plan adopted by the City Council, meets requirements of Chapter 33.106, and can be served by existing or proposed public facilities such as streets, water mains, sewer lines, public safety facilities and schools.

(2) The proposed PUD preliminary development plan provides an effective and unified treatment of the subject site and addresses the objectives listed in 33.79.010.

(3) The development standards listed in Section 33.79.050 are met.

(c) Appeal procedure. The Hearings Officer's decision on the Preliminary Development Plan is final unless appealed under the provisions of 33.114.090 of this Title.

(d) Final development plan: review and decision

(1) Application procedure. Within three years after approval of the PUD Preliminary Development Plan, the applicant shall submit to the Planning Bureau a Final Development Plan for the entire PUD or a Final Development Plan for the first phase of the development if the PUD has been approved for phased development. Final Development Plan submission requirements are:

A. The PUD's Declaration of Covenants, Conditions and Restrictions and any other legal instruments for the protection and maintenance of common open areas.

B. A landscape plan indicating what areas the applicant will be responsible for landscaping and

what areas will be the responsibility of the PUD residents. The plan must show the materials and sizes to be used for all areas to be landscaped by the applicant.

C. The proposed treatment of the perimeter of the PUD.

D. A detailed design plan for the PUD site including:

1. The location of proposed buildings and structures or the location of allowable building areas.

2. Location, grade, right-of-way widths, and radii of curves of all proposed streets.

3. Location, width and purpose of all existing or proposed easements, dedications and utility corridors.

4. A plan for all storm and sanitary sewers and water mains including the proposed location of fire hydrants.

F. If the proposed site is in a moderate or severe land hazard area, as defined and indicated on maps adopted by the Planning Commission, the applicant shall submit an engineering geologist's or soils engineer's report, prepared by a qualified individual or firm, which includes:

1. A grading plan.

2. The identification of hazardous areas within and adjacent to the site.

3. A statement of the development and construction methods to be followed to accommodate existing hazards.

4. A statement of on-site slope stability after the proposed development.

5. A statement of the estimated effect of the development on surface water and recommendations for control.

G. If PUD plan approval and subdivision plat approval is being requested simultaneously, a subdivision plat map that meets the requirements of 34.20.60.

(2) Final plan review and decision procedure. Within 10 days of receipt, the Planning Director or his delegate shall review the Final Development Plan submission materials and determine if they are complete. He shall notify the applicant in writing of his determination, and if the plan is determined to be incomplete, specify what information is necessary to complete the submission. Within 21 days of the determination of a complete Final Development plan, the Planning Director or his delegate shall review and shall approve the Final Development Plan provided he finds that it is in conformance

with the Preliminary Development Plan approval and any conditions included in that approval. If the Planning Director does not approve the Final Development Plan, he shall accompany his decision with findings of fact showing the basis for the denial.

(3) Appeal procedure.

A. The decision of the Planning Director or his delegate to not approve the Final Development Plan may be appealed to the Hearings Officer within 10 days following notification of such decision.

B. The Hearings Officer shall consider these appeals based on the record from the proceedings involving approval of the Preliminary Plan, a report from the Planning Director, and a statement from the applicant and shall render a written decision within 30 days after the receipt of the notice of appeal.

**33.79.080 Procedures for phased development and review.** (a) An applicant may apply for and receive approval of a preliminary development plan for the total site area showing a phased PUD and may thereafter apply for and receive approval of final development plans for each phase of the PUD.

(b) If an applicant desires to submit a phased PUD application, the applicant shall:

- (1) Comply with Section 33.79.060(A) with respect to the entire PUD.

- (2) Submit a preliminary development plan for the entire PUD site which plan shall be treated as a preliminary development plan for the entire PUD site and shall contain the information set forth in Section 33.79.060(b).

- (3) Submit a description of the approximate phases showing the approximate area covered by each phase and the approximate timing and sequencing of the phases.

(c) The preliminary development plan for the entire PUD shall be the preliminary development plan for each phase of the PUD and shall be reviewed pursuant to Section 33.79.070. The Hearings Officer shall make the sequencing of the phases and the intervals of time between the scheduled phases a condition of preliminary plan approval. The sum of the years between the first approved phase and the last approved phase may not exceed 8 years.

(d) Thereafter, the applicant may submit a final development plan for each phase shown on the preliminary development plan for the entire



PUD site and the final development plan for each phase shall contain the information required by Section 33.79.070(C) as to the property described in that phase and each such final development plan shall be reviewed pursuant to Section 33.79.070(C). No separate preliminary development plan shall be required for each phase, in addition to the preliminary development plan for the entire site.

**33.79.090 Final decision on the planned unit development conditional use application.** (a) Approval of the final development plan shall constitute a final decision on the PUD conditional use application.

(b) The conditional use must be accepted, filed and recorded as required by 33.114.120.

**33.79.100 Assurance of improvements.** (a) Prior to the issuance of building construction permits by the Bureau of Buildings, the applicant shall either install the site improvements, including streets, pedestrianways, public utilities, landscaping, planting and screening, or execute and file with the City Auditor an agreement between himself and the City, specifying a development schedule setting forth when these site improvements will be constructed. The applicant shall file with the agreement to assure his full and faithful performance thereof one of the following:

(1) A surety bond executed by a surety company authorized to transact business in the State of Oregon.

(2) A certified check.

(3) A letter of credit from an established lending institution.

(b) Such assurance of full and faithful performance shall be for a sum approved by the City Engineer as sufficient to cover the cost of improvements, including related engineering and City inspection.

(c) Weather and soil conditions permitting, the developer shall commence installation of

landscaping of common areas within six months after completion of construction of each phase of the planned unit development, if a phased development, or if not, then after completion of construction of the planned unit development. The Declaration of Covenants, Conditions and Restrictions for the planned unit development shall provide for continuing maintenance of the landscaping by owners of property within the planned unit development.

**33.79.110 Amendments to the final development plan.** (a) Major changes in a preliminary or final development plan consist of the following: an increase in the overall density of the development, a change in the access to the PUD or a material change in the location of interior streets and roads, a substantial change in the mix of dwelling types referred to in Section 33.79.030(A)(1) or 33.79.040(A)(1), an increase in the amount of land utilized for non-residential purposes or a change in the type of non-residential uses, a reduction of approved open space, a change in the perimeter treatment of the development, or any other change where the Planning Director finds, based on a written statement of findings of fact, that the change would have a substantial impact on the objectives set forth in this Chapter 33.79. Major changes will be considered and reviewed under the procedures set forth in Section 33.79.060.

(b) All other changes in a preliminary or final development plan shall be considered minor changes. Minor changes may be authorized by the Planning Director after consultation with the appropriate City bureaus. If the Planning Director fails to act on a request for a minor change within 15 days it shall be deemed approved. If the Planning Director denies a minor change then he must provide the written statement of findings of fact referred to in Section 33.79.110(A) and the change shall be considered a major change.

## Chapter 33.80

## SERVICE STATION SITES

Added by Ord. No. 139417; repealed by 149785  
passed June 19, effective July 21, 1980.)

## Chapter 33.82

## PARKING REGULATIONS

## Sections:

- 33.82.010 General requirements.
- 33.82.020 Standards of measurement.
- 33.82.030 Design requirements for parking lots.
- 33.82.040 Completion time.
- 33.82.050 Assessment district exempted.

**33.82.010 General requirements.** (a) The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. No building or other permit shall be issued until legal evidence is presented that property is and will remain available for use as off-street parking space. When any parking area for the parking of three or more cars is to be established, a building permit shall be obtained therefor and the standards set forth herein shall be complied with.

(b) (Amended by Ord. No. 139117, 139702; and 140290 passed and effective July 24, 1975.) In cases of enlargement of a building or use of land existing on the July 1, 1959, effective date of this title or any applicable subsequent amendment thereto, the number of parking spaces required shall be based only on floor area or capacity added and not on the area or capacity of the previously existing building or use except for the enlargement of conditional use as provided in Section 33.106.010.

(c) Any change in occupancy, fifteen percent or more increase in number of employees, or increased intensity of use of any building or land shall be reported by the owner to the bureau of buildings. The additional number of parking spaces thus required shall thenceforth be provided.

(d) Requirements for types of buildings and uses not specifically listed in this title shall be determined by written decision of the commission.

(e) In the event several uses occupy a single structure or parcel of land, the total

requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

(f) Owners of two or more uses, structures, and parcels of land may utilize jointly the same parking area when the hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases or contracts securing full access to such parking areas for all the parties jointly using them.

(g) Off-street parking spaces existing prior to July 1, 1959 may be included in the number necessary to meet the requirements in case of subsequent enlargements of the building or use to which such spaces are accessory.

(h) (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Required parking spaces in R10, R7, R5, A2.5, C5, C4, or M4 Zones shall be provided on the site except for conditional uses. The nearest portion of a parking area may be separated from the site of the conditional use it serves by a distance not to exceed one hundred feet. In all other zones, required parking spaces shall be provided on the site or in a separate area, the nearest portion of which is not more than three hundred feet removed from the use it serves.

(i) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only and shall not be rented, leased or assigned to any other person or organization. No parking of trucks or other equipment on wheels or tracks or the conduct of any business activity shall be permitted on the required parking spaces.

(j) (Amended by Ord. No. 131819; and 140290 passed and effective July 24, 1975.) Required parking spaces located in R or A zones shall not be rented by the day or part thereof, or leased or assigned to any other person or organization; provided, however, that a hospital located in an R or A zone may charge a fee, by the day or portion thereof, for all or any portion of its off-street parking except emergency parking, provided that at least fifty percent of all parking provided for the hospital and its accessory uses is located within parking structures.

(k) Required parking spaces not within a garage, carport, or other structure may be located within the required side or rear yards.

(l) A plan, drawn to scale, indicating how the



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off-street parking requirement is to be fulfilled, shall accompany the request for a building or occupancy permit. The plan shall show all those elements necessary to indicate that the requirements are being fulfilled and shall include:

- (1) Delineation of individual parking spaces;
- (2) Circulation area necessary to serve spaces;
- (3) Access to streets, alleys, and property to be served:

shall not be rented by the day or part thereof, or leased or assigned to any other person or organization; provided, however, that a hospital located in an R or A zone may charge a fee, by the day or portion thereof, for all or any portion of its off-street parking except emergency parking, provided that at least fifty percent of all parking provided for the hospital and its accessory uses is located within parking structures.

(k) Required parking spaces not within a garage, carport, or other structure may be located within the required side or rear yards.

(1) A plan, drawn to scale, indicating how the off-street parking requirement is to be fulfilled, shall accompany the request for a building or occupancy permit. The plan shall show all those elements necessary to indicate that the requirements are being fulfilled and shall include:

- (1) Delineation of individual parking spaces;
- (2) Circulation area necessary to serve spaces;
- (3) Access to streets, alleys, and property to be served;



- (4) Curb cuts;
- (5) Dimensions, continuity, and substance of screening;
- (6) Grading, drainage, surfacing, and subgrading details;
- (7) Delineation of obstacles to parking and circulation in finished parking area;
- (8) Specifications as to signs and bumper guards;
- (9) All other pertinent details.
- (m) The bureau of buildings shall refer the plans for all parking area in excess of three spaces to the bureau of traffic engineering for study and recommendations.

### 33.82.020 Standards of measurement.

(a) Except as otherwise stated in this title, "one space" means a minimum gross area available for maneuvering and standing of two hundred and fifty square feet. No area shall be considered a parking space unless the plans submitted under Section 33.82.010 (l) shall show that the area is accessible and usable for that purpose.

(b) "Square feet of floor area" means square feet of gross floor area under roof measured from exterior limits or face of a building or structure, excluding only space devoted to off-street parking or loading.

(c) (Amended by Ord. No. 140290 passed and effective July 24, 1975.) "Employees" means all persons including proprietors, executives, professional people, production, sales and distribution employees working on the premises or at a use during the largest shift or employment period. When the off-street parking requirement for a structure or use is related to the number of employees, the applicant may be required to furnish an affidavit attesting to the maximum number of employees expected at said structure or use.

(d) In cases where parking spaces are not to be located on the site, the distance shall be measured in a straight line from the property line to the nearest parking spaces. Street and alley areas shall be included in the measurement.

(e) Parking spaces in public streets or alleys shall not be eligible as fulfilling any part of the parking requirements.

33.82.030 Design requirements for parking lots. (a) All areas used for standing and maneuvering of vehicles shall be paved in accordance with the provisions of the building

regulations.

(b) In the following two instances, off-street parking lots shall be provided with screening so developed that vehicle lights do not shine into adjacent residential areas. Such screening shall be composed of a masonry wall, an ornamental wooden fence, a compact evergreen hedge, or a chain-link type wire fence with evergreen vines.

(1) The screening shall be continuous along any boundary which is within or adjoins an R or A Zone. Such screening shall be at least five and not more than six feet high along any rear or side lot line in the rear of a front yard. Where a difference in grade exists that makes impractical the above specifications, the screen shall be of such height as to afford comparable visual protection;

(2) Where a parking lot located in an R, A, C5, C4 or other Zone, where part of frontage is within an R, A, C5 or C4 Zone, adjoins a street, the center line of the screen shall be located at a distance not less than five feet to the street property line. The screen shall be at least three feet high but not more than four feet high in that portion of the lot falling within the front yard depth. The space between the screen and the sidewalk shall be planted to grass or other low ground cover which shall not exceed one foot in height. This space shall be kept free of any structure with the exception of necessary access ways.

(c) Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper rail or curb at least four inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening.

(d) Artificial lighting which may be provided shall be so deflected as not to shine into adjoining structures used as dwellings or other types of living units.

(e) Each parking space shall be accessible without moving another vehicle.

(f) Adequate ingress and egress to any parking lot shall be by means of streets and alleys adjacent to and extending through C or M Zones so far as possible rather than through R or A Zones.

(g) Signs, which are provided on parking lots or buildings located in R or A Zones, shall be non-illuminated, limited to three square feet in area each, and be for the purpose of directing traffic and identifying the owner of the facility only.

**33.82.040 Completion time.** Required parking spaces shall be improved as required in Section 33.82.030 and made available for use before the final inspection necessary for the issuance of a certificate of occupancy by the bureau of buildings. An extension of time may be granted by the bureau providing a performance bond, or its equivalent, is posted equaling the cost to complete such improvements as estimated by the bureau of buildings. In the event such improvements are not completed within one year's time, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the office of the city engineer.

**33.82.050 Assessment district exempted.** Any property included in an assessment district, organized for the purpose of providing off-street parking facilities as provided by ORS 223.825, shall be exempted from any regulations in this title pertaining to off-street parking.

## Chapter 33.86

### LOADING REGULATIONS

#### Sections:

- 33.86.010 Minimum loading berth dimensions.
- 33.86.020 General requirements.
- 33.86.030 Standards of measurement.
- 33.86.040 Design requirements for loading areas.
- 33.86.050 Plan for required off-street loading berths.

**33.86.010 Minimum loading berth dimensions.** Minimum loading berth dimensions shall be as follows:

Length for apartment dwellings, hotels and motels, libraries, museums, welfare institutions, and Group 6 uses	35 feet
Length for all other uses	60 feet
Unobstructed height	13 feet
Width within a row of berths	9 feet
Width at end of a row of berths	12 feet

**33.86.020 General requirements.** (a) The provision and maintenance of off-street loading facilities is a continuing obligation of the

property owner. No building permit or other kind of permit shall be issued until legal evidence is presented that property is and will remain available for the designated use as a loading facility.

(b) In cases of enlargement of buildings existing on July 1, 1959, the number of loading berths required shall be based on the floor area added and not on the area of the previously existing building.

(c) Any change of occupancy shall be reported by the owner, in writing, to the bureau of buildings within thirty days of such change. Where such change indicates an increase in required loading berths, thenceforth such additional berths shall be provided.

(d) Loading berths shall be located on the site and directly accessible to main structures. Loading berths not so located will be considered as fulfilling the requirements of this section if evidence is presented to show that loading activities can take place without moving materials on sidewalk or street area, and in no case for a distance in excess of three hundred feet.

(e) It is unlawful to store or accumulate goods in a loading berth rendering it useless for loading operations.

(f) Required loading berths not within a structure may be located within the required side or rear yard or a court.

(g) Where the owners of two or more properties conduct loading operations at different times of the day or week, such owners may utilize berths jointly for loading, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts assuring full access by all parties concerned to such jointly used loading berths.

**33.86.030 Standards of measurement.** (a) "Square feet" means square feet of gross floor area under roof measured from exterior limits or faces of a building or structure, excluding only space devoted to off-street parking and loading.

(b) In cases where loading berths are not to be located on the site, the distance shall be measured in a straight line from the property line to the nearest loading space. Street and/or alley areas shall be included in the measurement.

(c) Loading berths in public streets or alleys shall not be eligible in fulfilling any part of the loading requirements.



**33.86.040 Design requirements for loading areas.** (a) All areas used for standing and maneuvering of vehicles shall be paved in accordance with the provisions of the building regulations.

(b) Where the boundary of a loading area is within or adjoins an R or A Zone the loading area shall be provided with screening so developed that vehicle lights do not shine into adjacent residential areas. Such screening shall be composed of a masonry wall, an ornamental wooden fence, a compact evergreen hedge, or a chain-link type wire fence with evergreen vines. The screening shall be at least five feet and not more than six feet high.

(c) Artificial lighting, which may be provided, shall be so deflected as not to shine into adjoining structures used as dwellings or other types of living units.

(d) Each loading area shall be of usable shape and be accessible from a street or alley by driveways or aisles at least twelve feet wide.

**33.86.050 Plan for required off-street loading berths.** (a) A plan, drawn to scale, indicating how the off-street loading requirement is to be fulfilled, shall be submitted to the bureau of buildings.

(b) The plan shall indicate depth of truck berth behind property line; width of berth; overhead clearing of truck berth and maneuvering area; depth of freight platform; turning radii in maneuvering area; distance of outside edges of truck berths to opposite curbs or outside edges of opposite truck berths; specifications on screening concerning height, width, length, density, and material; specifications concerning surfacing and drainage of loading area; and all other elements concerning fulfillment of the requirements of this chapter.

(c) The bureau of buildings shall refer all plans concerning loading berths to the bureau of traffic engineering for study and recommendations.

## Chapter 33.90

### YARD REGULATIONS

#### Sections:

**33.90.010** Yards and open spaces not to be shared.

**33.90.020** Reduction of rear or side yard.

**33.90.030** Open yard required.

**33.90.040** Projection allowed into yards.

**33.90.010 Yards and open spaces not to be shared.** No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.

**33.90.020 Reduction of rear or side yard.** No side or rear yard shall be reduced by transfer of ownership, immediate or future, to a width or depth less than required by this title.

**33.90.030 Open yard required.** Every required front, side and rear yard shall be open and unobstructed from the ground to the sky.

**33.90.040 Projection allowed into yards.** (a) Cornices, eaves, belt courses, sills, canopies, or other similar architectural features, not including bay windows or vertical projections, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard and may extend or project into a required front or rear yard not more than thirty inches. Chimneys may also project into a required front, side or rear yard not more than twenty inches, provided the width of such side yard is not reduced to less than three feet.

(b) Open, unenclosed fire escapes may extend or project into any front, side or rear yard not more than four feet.

(c) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four feet, and such balconies may extend into a required front yard not more than thirty inches.

(d) Open, unenclosed porches, platforms or landings, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into any front or side yard not more than thirty inches and into a rear yard not more than four feet.

(e) Open, unenclosed porches, platforms or landings, not covered by a roof or canopy, which do not extend above the level of the first floor of the building may extend or project into a court a distance of not more than twenty percent of the width of such court, but in no case more than six feet.

(f) Open ornamental fences, hedges, landscape architectural features or guard railings for safety protection around depressed ramps may be located in any front, side or rear yard if maintained at a height not more than three and one-half feet above the average ground level adjacent thereto; provided, further, that an open-work type railing not more than three and one-half feet in height may be installed or constructed on any balcony, stairway, porch, platform, or landing place mentioned above in subsections (c), (d) and (e).

(g) (Amended by Ord. No. 137559 passed Dec. 6, 1973, effective Jan. 7, 1974.) A fence, lattice-work screen or wall, not more than six feet in height, or a hedge or thick growth of shrubs, maintained so as not to exceed six feet in height, may be located in any required side or rear yard, and may be located in a required front yard adjacent to (1) a side street lot line which is an extension of a side street lot line instead of a front lot line or (2) a side street lot line which is an extension of a front lot line if notarized approval of the deedholder of the adjacent lot abutting said front lot line is submitted to the Bureau of Buildings; provided, however, that in neither case shall any portion of such fence, lattice-work screen, wall, hedge or growth of shrubs extend closer than 30 feet to the intersection of such side street lot line with a front lot line.

(h) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side, or rear yard provided they do not produce a hedge effect contrary to the provisions of subsections (f) and (g).

(i) Name plates, bulletin boards or signs appertaining to the prospective sale, lease, or rental of the premises on which they are located, as permitted in this title, shall be allowed in any required front, side, or rear yard.

(j) The above structures or features, however, shall not be located and maintained so as to preclude complete access at all times about a main building; provided, that gates or other suitable openings at least two and one-half feet

in width shall be deemed adequate for such access.

(k) Driveways, steps and walks shall be permitted without limitation.

(l) Retaining walls shall be permitted without limitation provided that no such wall shall be constructed higher than the level of the earth it is designed to retain.

(m) Uncovered, paved terraces, decks and patios shall be permitted in any required yard, provided they do not extend more than three and one-half feet above the average ground level adjacent thereto.

## Chapter 33.94

### NONCONFORMING USES

#### Sections:

- 33.94.010 Continuation of use.
- 33.94.020 In FF, R, A2.5, A1, A0, C5, C4 and M4 Zones.
- 33.94.030 In AX, C2, C1, MX, M3, M2 and M1 Zones.
- 33.94.040 Nonconforming residential uses in MX, M2 and M1 Zones.
- 33.94.050 Nonconforming use of land in all zones.
- 33.94.060 Nonconforming use due to classification.

**33.94.010 Continuation of use.** A nonconforming use may be continued, except as otherwise provided in this title, even though it is not in conformity with the use, height, area, and all other regulations for the zone in which it is located.

**33.94.020** In FF, R, A2.5, A1, A0, C5, C4, and M4 Zones. (Amended by Ord. No. 143022, 145024; and 148873 passed and effective Dec. 13, 1979.)

(a) Change of use. A nonconforming use may be changed to a conforming use. A nonconforming use may be changed to a use of the same or more restrictive classification in accordance with the procedure specified in Chapter 33.98. After



a change of a nonconforming use to a conforming use or to a more restrictive use, it shall not thereafter be changed to any less restrictive use.

(b) Discontinuance of use. Except as provided for in Section 33.98.025(c), if active and continuous operations are not carried on in a nonconforming use during a continuous period of one year, the building, or other structure, or tract of land where such nonconforming use previously existed, shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing.

(c) Damage and destruction. Except as provided for in Section 33.98.025(c), when a building or other structure is damaged by fire or any other cause beyond the control of the owner so that the cost of renewal of the damaged parts exceeds seventy-five (75) percent of the replacement of the entire building exclusive of foundations, using new materials, then such building shall not be rebuilt unless the building and its construction and uses conform fully to this title and other codes of the city as applied to new buildings and structures and to uses in the zone in which it is located, except:

(1) A one-family dwelling so damaged or destroyed may be reconstructed on a lot of any size upon which it had been legally constructed provided the yards, off-street parking, lot coverage and other requirements of the zone are complied with.

(2) A two-family or apartment dwelling so damaged or destroyed may be replaced with a one-family dwelling on a lot of any size upon which said two-family or apartment dwelling had been legally constructed provided the yards, off-street parking, lot coverage and other requirements of the zone are complied with.

Any rebuilding authorized by this title or any other applicable code shall commence within one year from the date of damage or destruction if such nonconforming use is to continue.

(d) Enlargements and moving. A nonconforming use may be enlarged or moved to another location on its lot only if conformance to all requirements of the zone in which it is located are met. In cases of practical difficulty and unnecessary hardship, a nonconforming use may be permitted to enlarge up to twenty percent in floor area as existing on July 1, 1959 in accordance with the procedure

specified in Chapter 33.98. Under no circumstances, however, shall such floor area expansion be made solely for the purpose of adding more dwelling units to or within a building previously containing an excess of units as permitted by the zone in which it is situated.

(e) Repairs. Normal maintenance of a building or other structure containing a nonconforming use is permitted, provided no structural alterations shall be made except those required by law or ordinance.

(f) Signs. A nonconforming use in any R or A Zone shall be permitted a sign, either illuminated but nonflashing or unilluminated, not to exceed fifty square feet in area placed flat against the building. The inscription on such sign shall be only for the purpose of designating the business conducted on the premises. In any C5, C4, or M4 Zone, signs on nonconforming uses shall conform to the regulations governing in the zone in which such use is located.

33.94.030 In AX, C2, C1, MX, M2 and M1 Zones. (Amended by Ord. No. 147329; and 148873 passed and effective Dec. 13, 1979.)

(a) Change of use. Upon issuance of a certificate of occupancy by the bureau of buildings, a nonconforming use may be changed to a conforming use or to a use of the same or more restrictive classification. Differences between the property owner and the bureau of buildings as to the determination of whether a proposed use is at the same or more restrictive classification shall be referred for interpretation to the commissions specified in Section 33.114.030. A change of nonconforming use to another use which the commission finds no more detrimental to the neighborhood and public, and which new use falls within the same zone classification as the prior use, shall be permitted without loss of the nonconforming status. After a change of a nonconforming use to a conforming use or to a more restrictive use, it shall not thereafter be changed to any less restrictive use.

(b) Repairs. Normal maintenance of a building or other structure containing a nonconforming use is permitted. Structural alterations, including those required by law, are also permissible.

(c) Enlargement. (Amended by Ordinance No. 139117, 139702, 141105; and 147235 passed Feb. 15, effective Mar. 19, 1979.) Enlargements of buildings or other structures containing nonconforming uses are permitted provided the enlargements abide by the height, yard, loading, and parking provisions of the zone in which the nonconforming use is situated. An enlargement or an aggregate of separate enlargements exceeding 20% in floor area authorized in a development plan duly approved and recorded pursuant to downtown plan review procedures provided for in this title between June 27, 1971, and the effective date of this section may be permitted or an enlargement or an aggregate of separate enlargements exceeding 20% in floor area as existing on July 1, 1959, may be permitted by variance if it is determined that such enlargements are desirable to the public convenience and welfare and not detrimental or injurious to the public health, peace or safety or to the best interest and value of surrounding properties. Procedure to be followed is that specified in Section 33.98.020.

(d) Moving. A nonconforming use may be moved to another location on its lot provided the height and yard requirements of the zone in which it is located are met.

(e) Signs. Signs on nonconforming uses shall conform to the regulations governing in the zone where such nonconforming use is located, except as is otherwise provided in Chapter 33.74.

(f) (Added by Ord. No. 143022 passed and effective Jan. 5, 1977.) The provisions of Section 33.94.020 shall govern nonconforming residential uses except that such use shall not be permitted to enlarge.

(g) (Added by Ord. No. 148873 passed and effective Dec. 13, 1979.) Any building containing a nonconforming use in an AX Zone damaged by fire or any other cause beyond the control of the owner may be reconstructed.

**33.94.040 Nonconforming residential uses in MX, M2 and M1 Zones.** (Amended by Ord. No. 148873 passed and effective Dec. 13, 1979.) The provisions of Section 33.94.020 shall govern nonconforming residential uses in MX, M2 and M1 Zones except that such use shall not be permitted to enlarge.

**33.94.050 Nonconforming use of land in all zones.** (a) The nonconforming use of land other than residential use shall not be continued longer than ten years if: The true cash value of any improvements involved in such nonconforming use is less than two thousand dollars as determined in 1959 by the county assessor, or as determined for any subsequent year during which use of land becomes nonconforming as the result of change of zone classification of such land; or, as the nonconforming use of the land does not involve or utilize improvements as determined by the county assessor.

(b) A nonconforming use of land coming within the terms of subsection (a) of this section shall not in any way be expanded or extended either on the same or adjoining property, and no major repair or renewal shall be made to improvements utilized.

(c) A nonconforming use of land coming within the terms of subsection (a) of this section, which is changed or discontinued in whole or in part, shall be wholly terminated, and thereafter any use of such land must conform to the provisions of this title.

**33.94.060 Nonconforming due to classification.** The foregoing provisions of this chapter shall also apply to buildings, structures, land or uses which hereafter become nonconforming due to any reclassification of zone under this title, annexation to the city, or any subsequent change in the regulations of this title.

#### Chapter 33.98

(New Sections substituted by Ord. No. 148873, passed and effective Dec. 13, 1979, except sections 050, 060 and 065.)

#### VARIANCES AND REVOCABLE PERMITS

##### Sections:

33.98.005	Purpose
33.98.010	Findings
33.98.015	Types of variances;
33.98.020	Application and Fee.
33.98.025	Procedure.
33.98.030	Notification.



- 33.98.035 Effectiveness-Termination.
- 33.98.040 Validity of Certain Variances.
- 33.98.045 Variance Committee.
- 33.98.050 Sign Location.
- 33.98.060 Revocable Permits.
- 33.98.065 Validity of Certain Revocable Permits

**33.98.005 Purpose.** The provisions of Section 33.98.005 through Section 33.98.045 inclusive, shall provide for the variance procedure, including the establishment of the Variance Committee. The purpose of these provisions is to prescribe the procedure for the relaxation of certain provisions of the zoning regulations, under specified conditions, so that the public health, safety and welfare is secure and substantial justice done most nearly in accord with the general purpose, intent and spirit of this title and in the public interest.

**33.98.010 Findings.** A variance as specified in Section 33.98.015 may be granted if literal interpretation and enforcement of the regulations of this title applicable to a property would result in practical difficulties or unnecessary hardships. (a) Generally, any variance granted shall satisfy all of the following general conditions:

- (1) It will not be contrary to the public interest or to the intent and purpose of this title and particularly to the zone involved.
  - (2) It shall not permit the establishment within a zone of any use which is not a permitted use within that zone or the establishment of any use for which a conditional use is required within that zone. This prohibition is not applicable to nonconforming uses described in Sections 33.98.015(b)(2) through 33.98.015(b)(5) and Section 33.98.015(c).
  - (3) It will not cause substantial adverse effect upon property values or environmental conditions in the immediate vicinity or in the zone in which the property of the applicant is located.
  - (4) It will relate only to the property that is owned by the applicant.
- (b) Special conditions. When all of the foregoing conditions can be satisfied, a variance may be granted as follows:

(1) Minor Variances. A minor variance as specified in Section 33.98.015(a) may be

granted when it will not adversely affect the character, livability, or appropriate development of adjoining properties.

(2) Major Variances. A major variance as specified in Section 33.98.015(b) may be granted when the following applicable conditions can be satisfied:

A. The variance is required in order to modify the impact of exceptional or extraordinary circumstances or conditions that apply to the subject property or its development that do not apply generally to other properties in the vicinity; or

B. The variance is required in order to allow enjoyment by the appellant of a property right possessed by a substantial portion of the owners of properties in the same vicinity, while resulting in the comparatively trivial detriment to the neighborhood.

(3) Special variances. A special variance as specified in Section 33.98.015(c) may be granted to allow re-establishment of a non-conforming use and/or structure, if:

A. The City of Portland has no comprehensive plan or this subsection has been expressly continued after adoption of such plan; and

B. The nonconforming use and/or structure will be beneficial to the surrounding neighborhood; the use and/or structure will be re-established or redesigned so as to be compatible with the neighborhood character as determined by the design review committee; the use and/or structure will be compatible with the area's current policy or comprehensive plan; and prior to its discontinued use or destruction, it:

1. Provided housing; or
2. Provided consumer services to the surrounding neighborhood which would be compatible with the neighborhood as established by the area's current policy or comprehensive plan; or
3. Was an established business whose operation would be compatible with the neighborhood character as established by the area's current policy or comprehensive plan.

Ⓢ The Variance Committee, upon receipt of a verified application under this subsection, from the owner of the property affected stating fully the grounds of the application and the facts relied upon and the arguments showing that granting the variance would be in the public interest, shall request a joint meeting with the design review committee to making findings as

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to reestablishment or redesign of the nonconforming use and/or structure based upon:

(1) The historical or architectural significance of the use and/or structure;

(2) The compatibility of the use and/or structure with the neighborhood in terms of size and scale; and

(3) The possible detrimental impact of waiving height, yards and off-street parking requirements.

**33.98.015 Types of Variances.** Unless otherwise specified in this title, variances shall be limited to the following:

(a) Minor Variances. The following limitations shall apply for principal, transitional and accessory uses in any zone:

(1) Modification of side and/or rear yards by reduction of no more than twenty-five (25) percent of the requirement.

(2) Modification of fence heights in the side and/or rear yards by increase in height of no more than two (2) feet.

(3) Modification of eave projection into the side yard by increase of no more than twenty-five (25) percent of the requirement.

(4) Modification of the minimum lot size requirement (area, width, and/or depth) for single-family dwelling by reduction of no more than ten (10) percent of the requirement.

(b) Major Variances. Unless otherwise specified in this title, major variances shall be limited to the following:

(1) Modification of the parking requirements, off-street loading requirements only after approval by the City Traffic Engineer, lot size requirements in A zones to allow an increase of not more than one dwelling unit, minimum lot size requirement for single-family, two-family and three-family dwelling not processed as a minor variance, lot coverage, floor area, height, open space, screening limitations, identification sign limitations outside of sign control zones, and yard regulations not processed as a minor variance for principal, transitional and accessory uses in any zones as may be necessary to secure an appropriate improvement or occupancy of a lot or structure which is of such size, shape or terrain or so located with relation to surrounding development or physical characteristics, that such modification is shown by the applicant not to be contrary to the public interest.

(2) Within FF, R, A2.5, A1, A0, C5, C4, or

M4 zones, change of use of property in a nonconforming status, provided such new use is a permitted use in the same zone or a more restricted zone, in which the former use would have been a permitted use.

(3) Within FF, R, A2.5, A1, A0, C4, C5, or M4 zones, enlargement of the floor area of a nonconforming use up to but not exceeding twenty (20) percent of the floor area existing on July 1, 1959, the effective date of this title, or of any applicable subsequent amendment thereto, or in the case of an annexed area, the effective date of the annexation, provided such enlarged building complies with height and yard regulations of the zone in which it is located.

(4) Within AX, C2, C1, M3, MX, M2 and M1 zones, enlargements of the floor area of a nonconforming use exceeding twenty (20) percent of the floor area existing on July 1, 1959, the effective date of this title, or of any applicable subsequent amendment thereto, or in the case of annexed area, the effective date of the annexation, provided such enlargement complies with height, yard, loading, and parking regulations of the zone in which it is located.

(5) Within M2 and M1 zones, the temporary use of areas or portions thereof for dwelling purposes in demountable or other temporary buildings, under appropriate conditions and safeguards, pending the need of the area for industrial purposes, provided suitable sanitary and other facilities can be made available without extra expense to the city.

(6) Within a Z Zone, modification of required building lines, required ground floor retail uses, limitation on blank walls, maximum building heights, and maximum floor area permitted, as may be necessary to secure improvement or occupancy of a lot or structure which is of such size, shape, or terrain, or of such architectural design, or so located with respect to surrounding or adjoining structures that such modification as proposed by the applicant is found to be in the public interest and supportive of the Planning Goals and Guidelines for Downtown Portland as adopted by the Council.

(c) Special Variances. Special variances shall be for the reestablishment of nonconforming uses, which are compatible with a current comprehensive or policy plan adopted after April 1, 1977 and which would otherwise be prohibited due to discontinued use as described



in 33.94.020(b) or destruction as described in 33.94.020(c).

**33.98.020 Application and Fee.** Any applicant whose building or occupancy permit has been refused by the Bureau of Buildings because of deviation from the requirements of this title on the matters and under the circumstances stated in sections 33.98.015 may, by written appeal, request a variance.

Such written request shall be filed in the office of the Bureau of Planning upon forms prescribed for that purpose. Requests for variances shall be signed by the applicant, and by the property owner if different. The fee for such a request shall be twenty (20) dollars. The request shall be accompanied by three (3) copies of a site plan showing exact dimensions and arrangement of the proposed development or changes in an existing development or use and by a statement of the facts to prove and to show that the granting of the variance would be necessary and would be in the public interest. Other drawings, topographic surveys, photographs, or other material may be required when essential to an understanding of the proposed development and its relationship to surrounding properties.

No new application shall be considered for which the same or substantially similar variances for the property have been denied until the expiration of six (6) months following the denial.

b.

**33.98.025 Procedures.** Variance requests for the types specified in Section 33.98.015 shall be processed as outlined below. In authorizing such variances, conditions may be attached thereto regarding the location, character and other features of the existing or proposed structures or use and as may be deemed in the public interest and/or necessary to carry out the purpose of this chapter and title.

Upon receipt of an application for a minor or major variance which is located within a D Zone or which is located within a designated historic district or which involves a designated historic building or site, the Bureau of Planning staff shall notify the Design Committee of the City Planning Commission or the Historical Landmarks Commission, as the case may be, as to the scheduled date of the variance hearing or the date for administrative action as required to be

made and date by which a report and recommendation of the Committee or Commission or their designee will be required. In the case of a variance request involving both a D Zone and a historic district or a historic building or site, a report and recommendation from the Historical Landmarks Commission only will be required.

(a) Minor Variance. When a variance request meets the criteria specified for a minor variance in Section 33.98.015(a), the procedures shall be as follows:

(1) Application shall be made on the standard variance forms and the filing fee shall be paid.

(2) Accompanying such application, the signatures, on forms provided for such purpose, of owners of all adjoining properties, not across a public street or alley, shall have been obtained favoring such request. All signatures shall designate date acquired, and no date shall exceed more than 60 days between date such signature is acquired and date when received at the office of the Bureau of Planning.

(3) If the applicant is successful in getting the required signatures, the Planning Director or designated agent may by administrative action grant, grant with conditions, modify or deny the variance or variances requested. There shall be a decision and supporting findings made in writing within ten (10) working days of the receipt of the application and completed signatures form. The findings shall include the conclusions and the basic facts upon which the decision is based, although such findings need not be transmitted along with the decision but shall be on file in the office of the Bureau of Planning unless such decision has been appealed; then such findings shall accompany the decision to the appeal body for their consideration. Such decision shall be transmitted within five (5) days after rendering of the written decision to the applicant, to the City Auditor, to the Bureau of Buildings, and to adjoining property owners whose signatures have been acquired. The decision shall be final unless an appeal to the variance committee has been filed in writing with the City Auditor and a copy with the Bureau of Planning by the applicant, whose application has been denied or specially conditioned, or by the owner or owners of an adjoining property, within fourteen (14) days of the filing of the written decision with the City Auditor.

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(4) Such administrative action shall not require a public hearing nor notification to property owners beyond the adjoining property owners already notified by the petition procedure.

(5) If the applicant is unsuccessful in obtaining the necessary signatures and requests a hearing by the variance committee, or the applicant or owner of an adjoining property appeals the administrative action, the variance request shall be placed on the agenda of the variance committee for a public hearing within thirty (30) days of such request or appeal.

(6) Standard notification shall be mailed by the City Auditor fourteen (14) days prior to the public hearing of the variance committee.

(7) Upon review at the public hearing, the committee may affirm, reverse, or modify in whole or in part any administrative decision, or if initial action, the committee may grant, grant with conditions, modify or deny the variance request. The committee shall accompany its decisions with a statement setting forth its findings and the reasons for the decision it reached; and such decision shall be made in writing. The findings shall include the conclusions and the basic facts upon which the decision is based, although such findings need not be transmitted along with decision but shall be on file in the office of the Bureau of Planning unless such decision has been appealed; then such findings shall accompany the decision to the appeal body for their consideration. Such decision shall be transmitted within five (5) days after rendering the decision at the public hearing to the applicant, to the City Auditor, to the Bureau of Buildings, and to any party of record in the case requesting same. The decision shall be final unless an appeal to the City Council has been filed in writing with the City Auditor and a copy with the Bureau of Planning within fourteen (14) days of the filing of the written decision of the variance committee with the City Auditor.

(b) Major Variance. (Amended by Ord. No. 150091 passed and effective July 24, 1980.) When a variance request meets the criteria as specified for a major variance in Section 33.98.015(b), the procedures shall be as follows:

(1) Application shall be made on the standard variance forms and the filing fee shall be paid.

(2) Notification shall be mailed by the City Auditor to the owners of the property in the affected area fourteen (14) days prior to a speci-

fied date at which time all written comments shall be received for consideration and twenty-one (21) days prior to a specified date at which a public hearing before the variance committee is offered. If any property owner so notified objects in writing to the requested variance and requests the opportunity to testify in person or by a representative at such public hearing, said hearing shall be held as scheduled. Should no such request to testify be received, the offered hearing may be cancelled without further notice.

(3) If no request for a public hearing has been received, the Planning Director or designated agent, after consultation with the Bureau of Buildings, may be administrative action grant, grant with conditions, modify or deny the variance request with consideration to any written comments received; and the decision and findings shall be made in writing within ten (10) working days of the date specified in item (2) above for written comments to be received. However, if the administrative action is so conditioned or modified to be unacceptable to the applicant or such action is for denial, the variance request shall be considered by the variance committee at the public hearing, originally scheduled in subsection (2) above. The findings of the administrative action shall include the conclusions and the basic facts upon which the decision is based, although such findings need not be transmitted along with the decision but shall be on file in the office of the Bureau of Planning unless such decision has been appealed; then such findings shall accompany the decision to the appeal body for their consideration. Such decision shall be transmitted within five (5) days after rendering the written decision to the applicant, to the City Auditor, to the Bureau of Buildings, and to any party of record in the case requesting the same. The decision shall be final unless an appeal, by a person as defined in 33.12.600 who has an interest in the action, to the variance committee has been filed in writing with the City Auditor, and copy with the Bureau of Planning within fourteen (14) days of filing of the written decision with the City Auditor.

(4) If there has been an appeal of the administrative decision, the variance request shall be placed for public hearing on the variance committee agenda within thirty (30) days of such appeal, and the standard notification shall be mailed by the City Auditor fourteen (14)



days prior to the said public hearing.

(5) Upon review at the public hearing, the committee, considering all written and oral testimony, may affirm, reverse, or modify in whole or in part any administrative decision; or if an initial action, the committee may grant, grant with conditions, modify or deny the variance request. The committee shall accompany its decision with a statement setting forth its findings and the reasons for the decision it reached; and such decisions shall be made in writing. The findings shall include the conclusions and the basic facts upon which the decision is based, although such findings need not be transmitted along with the decision but shall be on file in the office of the Bureau of Planning unless such decision has been appealed; then such findings shall accompany the decision to the appeal body for their consideration. Such decision shall be transmitted within five (5) days after rendering the decision at the public hearing to the applicant, to the City Auditor, to the Bureau of Buildings, and to any party of record in the case requesting same. The decision shall be final unless an appeal to the City Council has been filed in writing with the City Auditor and a copy with the Bureau of Planning within fourteen (14) days of the filing of the written decision of the variance committee with the City Auditor.

(c) Special Variance. When a variance request meets the criteria as specified for a special variance in Section 33.98.015(c), the procedures shall be as follows:

(1) Application shall be made on the standard variance forms and the filing fee shall be paid.

(2) Notification of the joint meeting of the variance committee and the design review committee shall be mailed to the owners of the property in the affected areas by the City Auditor fourteen (14) days prior to said meeting.

(3) The decision taking into consideration any written or oral testimony and the criteria specified in Section 33.98.010(b)(3) shall be made in writing by a quorum of the joint committee. The quorum of such joint meeting shall consist of a quorum from each of the individual committees. The findings shall include the conclusions and the basic facts upon which the decision is based, although such findings need not be transmitted along with the decision but shall be on file in the office of the Bureau of Planning unless such decision has been appealed;

then such findings shall accompany the decision to the appeal body for their consideration. Such decision shall be transmitted within five (5) days after rendering the decision at the public hearing to the applicant, to the City Auditor, to the Bureau of Buildings, and to any party of record in the case requesting same. The decision shall be final unless an appeal to the City Auditor and an appeal to the City Council has been filed with the City Auditor and a copy with the Bureau of Planning within fourteen (14) days of the filing of the written decision with the City Auditor.

(d) Appeal to the City Council. Any person aggrieved by a decision of the variance committee and in the case of a special variance by a decision of the joint meeting of the Variance Committee and the Design Review Committee may appeal such decision to the City Council by filing with the City Auditor a written notice of appeal and a copy with the Bureau of Planning within fourteen (14) days of the written decision, provided that the person is an applicant whose application has been denied or specially conditioned, or that the person or representative of that person is one who objected either personally or in writing to the requested variance and the grounds that were stated have not been removed. The procedures for such an appeal shall be as follows:

(1) Filed with the notice of appeal shall be a statement stating clearly the contention of the application for review as to the correct facts or proper application of the zoning code as the case may be.

(2) The Bureau of Planning shall within fourteen (14) days file with the auditor a report on the decision and the findings and a list of persons appearing or writing on the matter before the committee.

(3) If the application for review contains the foregoing requirements, the Auditor shall set a date for a public hearing before the Council and, no less than fourteen (14) days prior thereto, shall give notice thereof to all persons notified of any previous hearing and all persons who have made an appearance in the matter.

(4) Upon review, the Council may affirm, reverse, or modify in whole or in part any decision of the committee. The Council shall accompany its decision with a statement setting forth its findings and the reasons for the decision it reached. Such affirmation, modification, or reversal may be made a motion, and shall not require separate permit or ordinance.

(5) The auditor shall transmit to the applicant and appellant, if different, the Bureau of Planning, and the Bureau of Buildings the effect of the action taken, which shall be made in the form of an order and shall be preserved along with the previous actions on the matter.

**33.98.030 Notification.** Where a notification is required, the City Auditor shall compile a list of the names and addresses of all persons owning real property within the affected area. The affected area or standard notification area is all real property located within lines one-hundred fifty (150) feet, including intervening street widths, from and parallel to the boundaries of the property being appealed and other contiguous area as is under the legal control of the applicant. In the case of an enlargement, a change of use, or a reestablishment of a non-conforming use, the above distance shall be four-hundred (400) feet, including intervening street widths. The notice shall give the applicant's name, the variance requested, other pertinent information regarding the request, the date, time and place of the hearing, and the date that all written response shall be received. Such notification shall be as required for the different types of variance procedures found in Section 33.98.025.

**33.98.035 Effectiveness-Termination.** If the order or decision of an administrative action or of the Variance Committee grants all or any portion of an application and it is determined that no persons objected either personally at a hearing or in writing to the requested variance application or if all persons objecting to the application waive such objections in writing or if the grounds stated for such objections are removed, such order or decision shall become effective as hereafter provided. Otherwise, no order of an administrative action or of the committee under this chapter shall become effective until after an elapsed period of fourteen (14) days from the date on which the decision is filed with the City Auditor.

No decision nor any order, whether resulting from an appeal or not, allowing any variance or adjustment, shall be effective until the applicant, and the property owner, if different, has accepted the terms thereof in writing. Such acceptance must be filed with the auditor and the decision or order recorded in the appropriate

county records at the expense of the applicant. If such acceptance is not filed and the fee paid within thirty (30) days after mailing by the Auditor of the acceptance forms, such decision or order shall be null and void. The document recorded shall bear the certificate of the Auditor that the acceptance thereof has been filed and that the document is a true copy of the original.

Subject to the provisions of this section, a variance shall run with the land, and shall inure to the benefit of the owner or other persons entitled to possession regardless of transfer of title or interest. However, a variance issued after December 13, 1979 terminates if construction or remodeling necessary for the variance has not been started within one (1) year of the date specified on a development schedule approved with the variance, or in case no such development schedule was approved, within one (1) year of the effective date of the approval, unless the Planning Director or designated agent has extended this period not to exceed one (1) additional year.

**33.98.040 Validity of certain variances.** Notwithstanding the provisions of the chapter, all variances issued prior to April 17, 1974, which would otherwise be valid but for failure to record in the appropriate county deed records the acceptance as heretofore provided by this chapter, hereby are validated as if the acceptance had been duly recorded.

**33.98.045 Variance Committee.** The Variance Committee shall be appointed by the President of the Commission and shall be composed of fourteen (14) members, including not more than four (4) members from each of the following areas: The architectural, landscape architectural, or city planning professions; the engineering or legal professions; the property management, development or contracting fields. Terms of the members shall be no longer than four (4) years and shall overlap so that the terms of not more than four (4) members expire in any given year. The Variance Committee shall be allowed to divide into two (2) subcommittees, each of seven (7) members, with subcommittees meeting alternately. Members shall participate in either subcommittee. Each variance subcommittee shall elect its own chairperson and adopt such rules of procedure and standards as are necessary to the conduct of its duties and to judge the



requests coming before it. At each Variance Committee hearing, four (4) members shall constitute a quorum and a decision shall be rendered by a majority of the members present at the meeting. The staff of the Bureau of Planning shall assist the committee in discharging its duties. The staff is hereby designated as the staff to serve the committee.

33.98.045 Validity of certain variances.  
(Added by Ord. No. 138080; amended by 138351, passed and effective June 6, 1974.)  
Notwithstanding the provisions of this chapter, all variances which would otherwise be valid but for failure to record in the appropriate county deed records the acceptance as heretofore provided by this chapter hereby are validated as if the acceptance had been duly recorded.

**33.98.050 Sign location.** (a) Any applicant who desires to erect an outdoor advertising sign shall request the approval of the sign review committee in writing and file the same with the electrical division of the bureau of buildings, provided he applies simultaneously to erect such sign. The fee for such request shall be twenty dollars, in addition to the fee or fees required under the sign regulations. Such request shall be accompanied by three copies of a site plan showing the sign location on the particular property together with specifications, proposed heights and dimensions of the sign. The application shall be transmitted by the bureau of buildings to the sign review committee. The committee may require additional information essential to an understanding of the proposed sign and its relationship to surrounding properties. The committee shall hold a public hearing on each request. The city auditor shall compile a list of the names and addresses of all property owners who own property within lines one hundred fifty feet, including intervening street widths, from and parallel to the boundaries of the property where the sign is to be located. The committee shall notify the auditor of the date of the public hearing and the auditor shall mail notices of the public hearing to all such abutting property owners at least seven days prior to the date of the hearing.

The committee shall grant or deny the application and transmit its decision in writing within fourteen days of the filing of such

request to the applicant, to the city auditor, and to the bureau of buildings. Approval of such request shall be void if the sign is not erected within six months after such approval.

(b) In determining the propriety of a proposed location for an outdoor advertising sign, the sign review committee shall consider the density of such signs and neighborhood appearance. The committee may adopt density standards for outdoor advertising signs relating to the city, areas thereof or classes of locations within the city, so as to protect traffic safety and appearance, and to take into account the possible effect of additional outdoor advertising signs upon traffic safety and neighborhood environment. No outdoor advertising signs shall be so located as to adversely affect residential developments, public buildings, parks, or public or private institutions, such as churches, community clubs, or other institutions of similar or different character of public or semipublic nature. The committee may change its standards from time to time to carry out the intent of this title to prevent undue density. Adoption of such standards by the committee shall not prevent it from rejecting a proposed sign which it finds will adversely affect traffic safety or general appearance of the immediate neighborhood, nor prevent the committee from approving a sign in a special situation where the committee finds hardship or other alleviating circumstances.

**33.98.060 Revocable permits.** (Amended by Ord. No. 138351, 139117, 139702, 141105; and 145340 passed and effective Mar. 9, 1978.) Requests for revocable permits, which alter the regulations or exempt the applicant from any provisions or regulations of this title or its accompanying map, shall be acted upon as provided in Chapter 33.114.

Requests for such revocable permits shall be filed in the office of the commission in the form of a letter in duplicate. The fee for such request shall be twenty dollars.

The request shall be accompanied by two copies of a site plan showing exact dimensions and arrangement of the proposed development or changes in an existing development or use. Other drawings, topographic surveys, photographs, or other material essential to an understanding of the proposed development and its relationship to surrounding properties may be required.

A public hearing shall be held on each request and a report prepared, all in accordance with the provisions set forth in Chapter 33.114. If the report recommends denial, it shall not be forwarded to the council unless the applicant files a written request therefor. No request shall be approved by the council until such report has been submitted.

Notices of the hearing shall be mailed by the city auditor to the owner of each parcel within lines one hundred fifty feet, including intervening street widths, from and parallel to the boundaries of the property for which the request is filed, and such other contiguous area as is under the legal control of the applicant. Such notices of the hearing shall be mailed at least fourteen days prior to the date of the hearing.

The provisions for effectiveness and appeal of revocable permits are those set out in Chapter 33.114.

**33.98.065 Validity of certain revocable permits.** (Added by Ord. No. 138351, passed and effective June 6, 1974.) Notwithstanding the provisions of this chapter, all revocable permits which would otherwise be valid but for failure to record in the appropriate county deed records the acceptance as heretofore provided by this chapter hereby are validated as if the acceptance had been duly recorded.

## Chapter 33.102

## AMENDMENTS

### Sections:

- 33.102.010 Map change.
- 33.102.020 Conditions for change by petition of property owners.
- 33.102.030 Procedure for change of zone—Establishment of zones exceeding a particular size.
- 33.102.040 Fees.
- 33.102.050 Zoning annexed areas.
- 33.102.060 Text amendment.
- 33.102.070 Building permit moratorium.



## PLANNING AND ZONING

**33.102.010 Map change.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) After notice to property owners in the zone change, petition and affected areas as set forth in Sections 33.102.020 and 33.102.030 and after public hearing as prescribed in Chapter 33.114, the council may change a zone or a portion of a zone from one zone to another, or may otherwise amend the official zoning maps.

In granting a change in zoning classification of any property, the council may attach such conditions and requirements to the zone change as the council deems necessary in the public interest. Such conditions and restrictions shall thereafter apply to the zone change. Where such conditions are attached, no zone change shall become effective until the written acceptance of the terms of the zone change ordinance by the property owner, contract purchaser (if any), and optional purchaser (if any), or by the new property owner, contract purchaser (if any), and optional purchaser (if any), who may have purchased the property or become interested in said property between the time of petition and the acceptance of such ordinance, shall have been filed with the city auditor, and a certified copy shall have been recorded in the county deed records at the expense of the property owner, the contract purchaser or optional purchaser.

The council or the commission may initiate proceedings for changes in zones. Unless otherwise authorized by the council, no petition for zone change shall be considered for recommendation to the council or by the council for property for which a petition has been denied until the expiration of six months following denial.

All ordinances changing zone classifications in accordance with the procedure prescribed in this title shall be enacted as special ordinances. All such changes of zone shall be filed and indexed in the office of the city auditor, and shall be noted on the official zoning maps established in Section 33.16.020.

No zone change ordinance shall become effective until a certified copy has been recorded in the county deed records and the zone change has been recorded on the official zoning maps

established in Section 33.16.020. Zone change ordinances initiated by the council or by the commission which specify that the zoning map is being amended for the benefit of the public and that the requirement of acceptance by the property owner is waived, shall be recorded by the city. All other zone change ordinances, whether initiated by petition or by the council or the commission, shall be recorded at the expense of the property owner, the contract purchaser or optional purchaser. Written acceptance of such zone change ordinance and the terms thereof shall be filed within ninety days from the date of the council's passage of the zone change ordinance. If such acceptance is not filed and fee paid within such ninety day period, then the zone change shall not be effective and shall have no further force and effect and shall be null and void.

**33.102.020 Conditions for change by petition of property owners.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Petitions for change by property owners shall be made in the following manner:

(1) Zone change area. All owners of property and all contract purchasers in the area proposed to be changed from one zone to another shall sign a petition asking for a change in the zone classification. All signatures shall be dated;

(2) Petition area. Before a petition may be presented for consideration, the petition shall be signed by the owners or contract purchasers of not less than fifty percent of all property between the boundary lines of the zone change area and lines one hundred fifty feet, including intervening street widths, from and parallel to the boundary lines of such zone change area. If there be property within the petition area in the same or a less restrictive zone than the proposed change, property in such zone shall be disregarded in the computation of the petition percentage;

(3) 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 the county, showing the lot, block and addition of the property, and shall state whether he holds title or is a contract purchaser;

(4) Affected area. The area assumed to be affected by a zone reclassification shall be all property within lines four hundred feet, in-

cluding intervening street widths, from and parallel to the boundary lines of the property for which a reclassification is proposed and such other contiguous area as is under the legal control of the applicant. The notice requirement to owners within four hundred feet from the boundaries of the petitioner's property may be waived in whole or in part if the ownership of the petitioner extends four hundred feet or more from the area for which a zone change is sought;

(5) Ownership in affected area. It shall not be necessary to secure signatures of owners in this area. A complete list of names and addresses of all owners in the area shall be compiled by the city auditor for the purpose of mailing notices of the public hearing;

(6) Measurements. All distances specified in this chapter shall include street widths;

(7) 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 and the legal description of the property owned or being purchased on contract by the person signing;

(8) (Amended by Ord. No. 142858 passed and effective Dec. 1, 1976.) Time limit for remonstrance or for adding to or withdrawing from petition. Any person desiring to remonstrate against any petition for a zone change shall file such remonstrance in writing with the city auditor within twelve days from the mailing of notice of the initial public hearing prescribed in chapter 33.114 to persons and property owners within the petition area and affected district by the city auditor. No additions to or withdrawals from a petition for zone change shall be permitted after the twelve day period, nor shall any additions to or withdrawals from a remonstrance be permitted after the twelve day period. The strength of the petition at the expiration of the twelve day period mentioned herein shall be the basis for consideration of such petition and no petition shall be considered for recommendation or by the council unless the petition as of that date is signed by the owners of not less than fifty percent of all property in the petition area, nor shall a petition be considered where upon expiration of the twelve day period the petition is signed by less than fifty percent or the remonstrances against such zone change contains the signatures of owners of

more than fifty percent of all property owned in the petition area. Nothing contained in this subsection shall be deemed to deny the right of any person to be heard for or against a proposed zone change at the time of consideration of the zone change, but such representation made after the expiration of the twelve days mentioned above shall not remove jurisdiction to hear, consider and determine the matter.

**33.102.030 Procedure for change of zone—Establishment of zones exceeding a particular size.** (Amended by Ord. No. 139117, 139702, 141105; and 145342 passed and effective Mar. 9, 1978.) (a) A petition for change of zone shall be filed in the office of the commission. Two copies of a site plan showing exact dimensions and arrangement of the proposed development or changes in an existing development or use, or other drawings, topographic surveys, photographs, or other material essential to the understanding of the proposed use and its relationship to surrounding properties may be required to accompany the petition. The petition shall be checked for sufficiency, and the supporting documentation reviewed. A public hearing shall be held and a report to the council prepared, all in accordance with provisions set forth in Chapter 33.114. If the report recommends denial, it shall not be forwarded to the council unless applicant files a written request therefor. No petition shall be approved by the council until such report has been submitted. The auditor shall send notice of the date of the hearing by mail to all owners of property in the zone change, petition and affected areas as set forth in Section 33.102.020. At least fourteen days shall elapse between the time of sending the notice of the hearing and the holding of the hearing. The term "change of zone" is understood to apply to a change from or to any zone classification defined in this title.

(b) Whenever the council or the commission initiates a change of zone or zones of any area exceeding eighty thousand square feet not including street area, the commission shall make a report embodying its recommendation on the proposal, whether initiated by itself or by the council and shall submit said report to the council by transmitting the same to the auditor. The auditor shall fix the date of hearing before the council and shall give notice by publication of the proposed change of zone or zones in the city's official newspaper for three successive days, the last such publication to be at least fourteen days prior to the date set for hearing. The auditor shall, simultaneously with the initial



publication, post notices in at least four places within the affected area. Any reduction of the area in which a zone is or zones are to be changed after the report and publication, may be made by the council, without additional notices to the property owners in the zone change area or the affected area. The provisions of this subsection shall not apply to the establishment or enlargement of any S zone and the auditor shall notify in writing the owners of each parcel of property proposed to be included within an S zone. Subsequent reduction of an S zone, however, shall not require notification.

**33.102.040 Fees.** (Amended by Ord. No. 135339, 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) In order to defray the expenses connected with the consideration of petitions for change of zone and requests for amendments to zone change ordinances, whenever a petition for a change of zone or a request for an amendment to a zone change ordinance is presented, the person presenting the petition or request shall pay to the city treasurer the fee herein required. The city treasurer shall issue his receipt to said person in duplicate. One copy of such receipt shall be attached to the petition or request and the auditor shall not file a petition or request without such receipt being attached thereto. The fee shall be fifty dollars for a change to R zoning, one hundred dollars for a change to A2.5, A1 or superimposed P or B zoning, and one hundred fifty dollars for a change to AO, C or M zoning. The fee for an amendment to a zone change ordinance shall be one half the fee specified above for the zone change previously granted by such ordinance. Whether a petition for a change of zone or a request for an amendment to a zone change ordinance is granted or denied by the Council, the petitioner or applicant shall not be entitled to the return of the fee paid. When a zone change or amendment to a zone change ordinance is initiated by the Council or recommended for initiation by the planning commission for the benefit of any private individual, partnership, corporation, or other person, the fee as herein provided shall be paid by such private individual, partnership, corporation, or other person for whom the proceeding has been initiated, unless otherwise specifically provided by the council.

**33.102.050 Zoning annexed areas.** (Amended by Ord. No. 139117, 139702, 141105; and 145338 passed and effective Mar. 9, 1978.) Any area annexed to the city after July 1, 1959, shall retain the zoning regulations of its former

jurisdiction until changed by the city council. In the interim period, the bureau of buildings shall enforce the regulations of the former jurisdiction as though they were part and parcel of this title. Within six months after the effective date of the annexation, the commission staff shall present for consideration a proposal for appropriate rezoning of the area in conformance with the provisions of this title. Any area within a jurisdiction not zoned shall immediately, upon annexation, be automatically classified as R7 Zone until changed by the city council.

The procedure for zoning or rezoning such areas shall be in accordance with that specified in Chapter 33.114 provided, however, that legislative zone changes shall be submitted to the commission, instead of the hearings officer, for public hearing and recommendation to the council.

All ordinances establishing zoning in annexed areas shall be accompanied by a map on which is indicated the zoning designations and zoning boundaries. The map, with its zoning designations and zoning boundaries shown thereon, shall be a part of the zone change ordinance, as if all the indications and designations shown thereon were fully described in the text of such ordinance. When the zone change ordinance becomes effective, the zoning designations and boundaries shall be shown upon the set of maps on file in the office of the city auditor, each entitled "Official Zoning Map, City of Portland, Oregon, Planning and Zoning Code," as required by Section 33.16.020. Such maps need not be recorded in the county deed records but rather shall be deemed initial zoning by the city.

**33.102.060 Text amendment.** The council and the commission may initiate an amendment or supplement to the text of this title. Each proposed amendment or supplement shall be referred to the commission for a study and report to the council.

**33.102.070 Building permit moratorium.** (Added by Ord. No. 145587 passed and effective Apr. 20, 1978.) In the following two instances a building permit moratorium shall apply:

(a) When the commission makes a report to the council on a zone change initiation, whether initiated by itself or by the council, as provided in Section 33.102.010 and its recommendation is that an area be rezoned, pending building permits for uses which are not permitted in the recommended zone shall not issue for a period of ninety days from the date of the commission

action or until the council action on the report is effective, if sooner. If otherwise appropriate, such permits shall issue at the end of the ninety-day period unless the council has extended this moratorium for an additional period not to exceed ninety days. Building permits issued after council action shall comply with the requirements of the council decision.

(b) When the commission makes a report to the council on an amendment or supplement to the text, whether initiated by itself or by the council, as provided in Section 33.102.060 and its recommendation is to modify the listing of principal, transitional, accessory, or conditional uses permitted in any zone, building permits for uses which are not permitted under the amended regulations shall not issue for a period of ninety days from the date of the commission action or until the council action on the report is effective, if sooner. If otherwise appropriate, such permits shall issue at the end of the ninety-day period unless the council has extended this moratorium for an additional period not to exceed ninety days. Building permits issued after council action shall comply with the requirements of the council decision.

(c) Added by Ord. No. 148708 passed and effective Nov. 1, 1979.) Notwithstanding subsections (a) and (b) in this section, building permits may be issued despite any map or text amendment recommendation which may be adopted by the Planning Commission in conjunction with a proposed comprehensive plan for the City of Portland.

### Chapter 33.106

### CONDITIONAL USES

#### Sections:

- 33.106.010 Authority.
- 33.106.020 Procedure and fee.
- 33.106.030 Effectiveness and appeal.
- 33.106.035 Validity of certain conditional uses.
- 33.106.040 Transfer--Termination.

**33.106.010 Authority.** (Amended by Ord. No. 137871, 138936, 139117, 139310, 139702, 140290, 141105, 141491; and 145344 passed and effective Mar. 9, 1978.) Upon approval, in accordance with the procedures specified herein, the conditional uses specified in this title may be permitted in the respective zones in which they

are listed. In permitting such uses, it shall be determined that the use at the particular location is desirable to the public convenience and welfare and not detrimental or injurious to the public health, peace or safety, or to the character and value of the surrounding properties. However, churches and elementary or primary schools, whether public or private, are permitted in any R or A zones and in any C4 zone, providing the site location is found to be appropriate for such use.

Upon application for the establishment of a conditional use or with any subsequent application for change or expansion of such use, a master or long-term development plan for such conditional use may be approved and the bureau of buildings informed that permits may be issued as long as they conform with the approved master development plan without the necessity of a conditional use approval each time a building permit is requested.

In permitting conditional uses, the minimum or maximum requirements specified for each such use in the respective zones may be increased and other conditions and restrictions if necessary to protect the public interest and the surrounding properties may be imposed. Notwithstanding section 33.12.020, an accessory building or use to a conditional use may be allowed on a lot other than that on which the principal building or use is situated. In the case of churches, colleges, hospitals, and graded schools only, all of the lots or sites within a project area permitted to be occupied by one of such uses and its accessory uses, except those lots or sites located more than one hundred feet from another of the lots or sites within such project area, may be used for the purpose of computing allowed site coverage, density and floor area provided such site coverage, density and floor area, under the circumstances of the particular case, shall be found not detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. Such conditions as are imposed shall bind any successors and shall not be affected by any subsequent transfer of ownership.

Change in use, expansion or contraction of the site area, or addition to and/or alterations of structures of conditional uses existing prior to the July 1, 1959 effective date of this title or any applicable subsequent amendment thereto shall conform to all regulations pertaining to



such conditional uses as contained herein and to such additional conditions or restrictions as are required to prevent overcrowding the site and to protect the surrounding properties. (See also 33.82.010(b).)

Variances or adjustments in connection with a conditional use may be applied for as a part of the application for the conditional use, if the variance or adjustment sought meets the criteria set forth in Chapter 98 of this title. The applicant may apply for a modification of the minimum or maximum requirements specified for the particular conditional use in the respective zone, so as to relax such requirements as a variance or adjustment. The variance or adjustment may be granted only if it is found that substantially equal protection to the surrounding properties is afforded by some other means or by the physical situation

Prior to approval of a residential care facility, it shall be found that: (a) Applicant has received a valid certificate of review (license to operate) issued under Chapter 8.80 of the municipal code;

(b) Construction or remodeling of structures necessary to accommodate the proposed use is compatible with the surrounding neighborhood and able to be in compliance with the regulations enforced by the Bureau of Buildings. No sign indicating its use shall be permitted. In accordance with Section 501 of the Uniform Building Code, the building inspections director will assign an appropriate occupancy to each individual residential care facility. See also 24.03.021, Code of the City of Portland.

(c) That the use of subject property as a residential care facility shall not result in a concentration of residential care facilities that would result in interference with the enjoyment of neighboring property or interfere with the residential character of the neighborhood. The planning commission guidelines shall be followed to insure that the use of the subject property as a residential care facility will not result in a concentration of social service facilities.

Any residential care facility approval shall: (1) Limit the transferability of the conditional use. If a site is approved for residential care facility use, this approval shall be granted to allow service to a specific number and class or classes of individuals. Any increase in the specific number or any change in the specific class of individuals shall require a new conditional use approval;

(2) Restrict the number of vehicles permanently located at the facility or operated on a daily basis in connection with the facility;

(3) Require additional review of any subsequent remodeling. A determination as to whether a public hearing is needed shall be made by the planning director in consultation with the building inspections director;

(4) Include such other conditions or terms as may be deemed appropriate and in the public interest to prevent interference with the use and enjoyment of public or private neighborhood property.

**33.106.015 Exceptions.** (Added by Ord. No. 143409 passed and effective April 6, 1977.) Notwithstanding the contents of chapter 33.106 and other provisions of title 33, upon a change of a zone from one zone to another or an amendment to title 33, any use to which a structure, building or land was lawfully put at and after July 1, 1959 that is a listed conditional use in the zone in which it is located shall be granted automatic conditional use status.

**33.106.020 Procedure and fee.** (Amended by Ord. No. 137871, 139117, 139702, 141105, 145344; and 147239 passed Feb. 15, effective Mar. 19, 1979.) Written application for the approval of a conditional use shall be filed in the Commission's office upon forms prescribed for that purpose and shall be signed by the applicant, and by the property owner if different. The application shall be accompanied by three copies of a site plan showing exact dimensions and arrangement of the proposed development or changes in an existing conditional use. Other drawings, topographic surveys, photographs, or other material essential to an understanding of the proposed use and its relationship to surrounding properties may be required.

The fee for such application shall be fifty dollars except the following: Conversions to two family use, thirty-five dollars; excavating or filling, thirty-five dollars; provided, however, that the Commission may waive the required fifty dollar fee, in whole or in part, and the required public hearing if the Commission finds that the approval requested relates to a matter which constitutes a minor improvement of low cost and does not change the use nor pose a question of public importance. No additional fee shall be required for a variance or adjustment applied for as a part of the application for conditional use. Upon receipt of an application for approval of a conditional use which is

located within a D Zone or which is located within a designated historic district or which involves a designated historic building or site, the Bureau of Planning staff shall notify the Design Committee of the City Planning Commission or the Historical Landmarks Commission, as the case may be, as to the scheduled date of the conditional use hearing and the date by which a report and recommendation of the Committee or Commission or their designee will be required by the hearings officer. In the case of a conditional use involving both a D Zone and a historic district or a historic building or site, a report and recommendation from the Historical Landmarks Commission only will be required.

The City Auditor shall compile a list of the names and addresses of all persons owning real property within the affected area. The affected area is all real property located within lines four hundred feet, including intervening street widths, from and parallel to the boundaries of the conditional use site, and such other contiguous area as is under the legal control of the applicant. In the case of excavating and filling, the distance defining the affected area shall be one hundred fifty feet, including intervening street widths, in each direction from the conditional use except along the frontage or access street where the distance shall be four hundred feet, including intervening street widths, from the site boundaries. A public hearing on each application for a conditional use shall be held. Notification shall be given to the City Auditor of the date of the public hearing and the Auditor shall mail notices of the public hearing to all property owners within the affected area at least fourteen days prior to the date of hearing. Findings and determination upon an application shall be made in writing within sixty days from the date of filing of the application and a copy thereof shall be forthwith transmitted to the applicant, the City Auditor and the Bureau of Buildings.

**33.106.030 Effectiveness and appeal.** (Amended by Ord. No. 132408, 136991, 138351, 139117, 139702, 141105; and 145344 passed and effective Mar. 9, 1978.) The provisions for effectiveness and appeal of conditional uses are those set out in Section 33.114.120.

**33.106.035 Validity of certain conditional uses.** (Added by Ord. No. 138351, passed and effective June 6, 1974.) Notwithstanding the

provisions of this chapter, all conditional uses which would otherwise be valid but for failure to record in the appropriate county deed records the acceptance as heretofore provided by this chapter hereby are validated as if the acceptance had been duly recorded.

**33.106.040 Transfer-Termination.** (Amended by Ord. No. 137871, 139521, 139702; and 145343 passed and effective Mar. 9, 1978.)

(a) Subject to the provisions of this section, a conditional use shall run with the land, and shall inure to the benefit of the owner or other person entitled to possession regardless of transfer of title or interest.

(b) Except for the case of a master or long-term development plan approved as provided in Section 33.106.010, each conditional use permit issued after the effective date of this subsection shall terminate if:

(1) Construction or remodeling necessary for the conditional use as approved has not been started within one year of the date specified on a development schedule approved with the conditional use, or in case no such development schedule was approved, within one year of the effective date of approval, or if:

(2) Construction once commenced does not substantially progress for a one-year period, or if:

(3) After completion of the construction or remodeling, the approved use of the premises as authorized by the permit lapses for any one-year period.

(c) A conditional use is subject to termination upon failure to meet any condition precedent to the use, or upon subsequent breach of any condition, for such failure or breach. Upon recommendation of the planning director, the commissioner in charge or the council, the auditor shall send written notice to the owner of record to show cause, at least ten days after the mailing of the notice, why the conditional use should not be terminated. The auditor shall also send notice to owners of property within four hundred feet of the property to which the conditional use applies. At the time of hearing fixed or at any subsequent meeting fixed for consideration thereof, it shall be adjudged whether or not the conditional use should be terminated or whether time should be allowed to cure the failure or breach of condition or whether the conditions of the original approval



should be modified, as may be found in the best interest of the neighborhood and the community.

Any decision that the conditional use will not be terminated shall not prejudice subsequent possibility of termination because of future nonuse of the premises or violation of a provision of the conditional use. Any continuation of a conditional use may be made subject to such conditions as are found necessary to protect the zone and the neighboring property from the adverse effects of the use.

## Chapter 33.110

### SETBACK LINES

#### Sections:

- 33.110.010 Establishment.
- 33.110.020 Exceptions to setback regulations.
- 33.110.030 Appeals.

**33.110.010 Establishment.** (a) General. For the purposes of regulating the location and alignment of structures and of maintaining appropriate open spaces and adequate distances between structures on opposite sides of a public street in the interest of public convenience, safety, health and general welfare, building setback lines may be established or amended in any district in the city.

(b) Procedure. (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) Proceedings for the establishment of setback lines may be petitioned for by owners of property to be so regulated or initiated by the commission or by the council.

Petitions for setback lines initiated by property owners shall be signed by the owners of not less than twenty percent of the area of all the property for which setback lines are sought. Each signature of an owner shall be accompanied by the owner's street address and the legal description of the property represented by the signature. The petition shall contain a list of the names and addresses of all other owners of property for which the setback line or lines are sought, with a legal description of the property owned by each such owner. Such petitions shall also describe the desired setback regulations.

Upon receipt of such a petition, an investiga-

tion shall be made of the facts, a map made showing the proposed setback line or lines, and a report made of findings and a recommendation to the council. The petition report and recommendation 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 fourteen days shall elapse between the date of the sending of the notice and the date of the hearing.

When proposals for setback lines are initiated by the council or by the commission, the commission, in addition to making the necessary investigation and preparing the map showing the proposed setback line or lines, shall furnish the auditor with a list of the legal descriptions of all the properties for which setback regulations are sought. The auditor shall complete such list with the names and addresses of the owners of the properties shown thereon. The procedure for notices and hearings shall be the same as above prescribed on the petition of property owners.

(c) Maps to be part of setback ordinance. All ordinances establishing setback lines shall be accompanied by a map on which is indicated the setback line or lines established. The map, with its designations and designation rules shown thereon, shall be a part of the setback ordinance, as if all the indications and designations shown thereon were fully described in the text of such ordinance. The setback lines shown on said map shall be indicated on the zoning or district maps when the setback ordinance becomes effective.

(d) Future setback ordinances. All ordinances for the establishment of setback lines, in accordance with the procedure prescribed in this chapter, shall be enacted as special ordinances.

(e) Existing setback lines. All setbacks established under prior ordinances of the city shall be in full force and effect until or unless they are specifically repealed, and such setback lines hereby are deemed adopted by this title and no building or other structure shall be erected closer to a street line than such setback line established, subject to the exceptions otherwise contained in this chapter.

(f) Measurements. All setback lines shall be measured from the street property line to the nearest part of a structure, except as provided in

Section 33.110.020 and on a line at right angles to or concentric with the street property line.

**33.110.020 Exceptions to setback regulations.** (Amended by Ord. No. 143363 passed and effective March 30, 1977.) After the establishment of setback regulations, in accordance with this title, no structure or part of a structure shall thereafter be erected closer to a street lot line than the setback line established, except as follows: The building setback shall not apply to signs projecting over the setback area provided such signs are attached to a supporting structure wholly behind the setback line or to a building nonconforming to the setback line and located within the setback area; to the eaves or cornice of a building projecting not over three feet beyond the setback 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 the provisions of this title; to the garage under a lawful porch or to an uncovered porch or landing not exceeding two feet above the level of the adjoining ground; however, a covered porch or similar projection from a building shall be subject to the setback regulations.

When setback regulations as well as front yard requirements apply to a property, buildings or structures shall not be located nearer to the street property line than the more restrictive requirements.

The setback regulations shall not apply to any sign which would otherwise be permitted except for the setback regulations upon the granting of a permit to erect such sign by the bureau of buildings. Application shall be made to the director in a form satisfactory to the city attorney. Permits shall be filed with the city auditor, and shall only be granted on the condition that permission to erect such sign shall be revocable at the pleasure of the city council. The permittee shall stipulate that upon revocation the sign shall be removed at the expense of the permittee and no expenditure of money thereunder or lapse of time or any act or thing shall operate as an estoppel against the city of Portland or be held to give the permittee any vested or other right. The auditor shall record a copy of the permit with the county clerk and the conditions of the permit shall run with the land and be binding on the permittee, his heirs and assigns in perpetuity.

**33.110.030 Appeals.** (Amended by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) (a) Any applicant whose sign permit or building or occupancy permit has been refused by the bureau of buildings because of a deviation or an alleged deviation from the regulations of this chapter, may, by written appeal, request an exception or variance from such regulations. Such written request shall be filed in the office of the commission upon forms prescribed for that purpose and shall be signed by the applicant, and by the property owner if different. The fee for such request shall be twenty dollars. The request shall be accompanied by two copies of a site plan showing exact dimensions and arrangement of the proposed development or changes in an existing development or use. Other drawings, topographic surveys, photographs, or other material essential to an understanding of the proposed development and its relationship to surrounding properties may be required.

A public hearing shall be held on each request and a report and recommendation forwarded to the council. The council shall then proceed upon the request as set out in Chapter 33.114. Notices of the hearing shall be mailed by the city auditor to the owner of each parcel within lines one hundred fifty feet, including intervening street widths, from and parallel to the boundaries of the property for which the request is filed, and such other contiguous area as is under the legal control of the applicant. Such notices of the hearing shall be mailed at least seven days prior to the date of the hearing.

All exceptions and variances to setback regulations shall be by special ordinance which shall be personal to the applicant and each such ordinance shall provide, in addition to other applicable terms and conditions, that such terms and conditions shall be included as restrictive covenants in any deed, lease or other transfer or grant executed by the permittee whereby title or any interest in the property described in such ordinance is conveyed to another. Ordinances granting a revocable permit to use and occupy setback area shall be of no force and effect until accepted by the applicant, and property owner if different, in writing and in a form approved by the city attorney and recorded in the deed record file of the county clerk at the expense of the applicant.



Such acceptance must be filed within thirty days from the date of the council's passage of the ordinance. If such acceptance is not filed and fee paid within such thirty day period then the ordinance shall have no further force and effect and shall be null and void.

(b) The director of the bureau of buildings shall be responsible for the initial interpretation of this chapter. Whenever there is any question

regarding his interpretation of any provision of this chapter or his application of this chapter to any specific case or situation, the director of the bureau of buildings, or any person affected by his initial interpretation, may submit a written request to the commission for interpretation of the intent of this chapter. The commission shall, by written decision, interpret the intent of any provision in its application.

Chapter 33.114

ADMINISTRATION AND ENFORCEMENT

Sections:

- 33.114.010 Enforcement.
- 33.114.020 Conformance and permits required.
- 33.114.030 Interpretation—Purpose—Conflict.
- 33.114.040 Hearings officer.
- 33.114.050 Initiation of request.
- 33.114.060 Hearings officer procedure and findings.
- 33.114.070 Appeals.
- 33.114.080 Appeals or decisions reviewed by the planning commission.
- 33.114.090 Procedure upon commission's review.
- 33.114.120 Effectiveness.
- 33.114.121 Violations.

**33.114.010 Enforcement.** It shall be the duty of the bureau of buildings to enforce these zoning regulations except where otherwise specified.

**33.114.020 Conformance and permits required.** No building, structure, or parking lot shall be erected, established, reconstructed, structurally altered, enlarged, moved, or maintained, nor shall any building, structure or land be used or designed to be used for any use other than is permitted in the zone in which such building, structure or land is located and then only after applying for and securing all permits and licenses required by all laws and ordinances.

**33.114.030 Interpretation — purpose — conflict.** (Amended by Ord. No. 139055; and 147239 passed Feb. 15, effective Mar. 19, 1979.) In interpreting and applying these zoning regulations, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this title to interfere with or abrogate or annul any easement, covenant, or other agreement between parties, provided, however, that where this title imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, titles, codes, rules, regulations, or by easements, covenants, or agreements, the provisions of this title shall control.

The Design Committee of the City Planning

Commission shall be responsible for the initial interpretation of the requirements for building lines, ground floor retail uses, limitations on blank walls, and rain protection features specified in Chapter 33.56 except as they apply to a designated historic building or site within a designated historic district where such interpretation shall be the responsibility of the Historical Landmarks Commission. In all other cases the Director of the Bureau of Buildings shall be responsible for the initial interpretation of this title. Whenever there is any question regarding an interpretation of any provision of this title or an application of this title to any specific case or situation, the Director of the Bureau of Buildings, the Design Committee, the Historical Landmarks Commission, or any person affected by an initial interpretation of the title, may submit a written request to the Commission for interpretation of the intent of the title. The Commission shall, by written decision, interpret the intent of any provision in its application.

Whenever there is a question regarding the zoning provisions, "planned treatment" as found in Section 33.12.310, the Director of the Bureau of Buildings may refer it to the Residential Care Facilities Licensing Board (8.80.050) for determination. Appeal of this determination may be made to the Council.

**33.114.040 Hearings officer.** (Amended by Ord. No. 139117, 139702, 141105; and 145339, passed and effective Mar. 9, 1978.) (a) All decisions and recommendations provided for within this title which are not specifically required to be made by the council or the commission shall be made by the hearings officer. Such applications as are considered by the hearings officer shall be subject to the provisions for procedure, effectiveness, and appeal as are set out in this section.

(b) In addition to other matters herein designated to be considered by the hearings officer, the officer shall have the authority to request, receive, and examine available information, conduct public hearings and prepare a record thereof and enter findings and conclusions on applications for the following: revocable permits, conditional use permits, and on zone changes except those initiated by the council or commission, provided, however, that either commission or council may direct a hearings officer hearing if it decides such initiation is a quasi judicial matter.

(c) In addition to the duties and powers of the hearings officer described above, the officer

shall have the power to prescribe rules and



regulations for conduct of hearings before him, provide for administration of oaths and to preserve order.

**33.114.050 Initiation of request.** (Added by Ord. No. 139117, amended by 139702, 141105; and 145342 passed and effective Mar. 9, 1978.)

(a) An action for conditional use, revocable permit and zone change initiated by a property owner or contract purchaser shall be filed at the office of the commission on forms to be provided by that body.

(b) The hearings officer shall act upon the request and hold a public hearing thereon within sixty days of receipt thereof unless such time limitation be extended with the written consent of the applicant. Provided, however, that the time taken in seeking commission guidance under the provisions of Section 33.114.060(g) shall not be included in the computation of such 60-day period.

(c) When a request has been received, accepted and a hearing date assigned, the commission staff shall coordinate and assemble the reviews of any departments, bureaus, and governmental agencies having an interest in the subject of the application, and shall prepare a report. At least ten days prior to the scheduled hearing, the report including staff recommendation, if any, shall be filed with the hearings officer and a copy sent by certified mail to the applicant and made available to any interested person.

**33.114.060 Hearings officer procedure and findings.** (Added by Ord. No. 139117, amended by 139702, 141105; and 145341 passed and effective Mar. 9, 1978.) (a) The hearings officer may approve a request as submitted, deny the request or approve the request with such conditions as may be necessary to carry out the comprehensive plan or in the case of a request which requires final approval of the council make such a recommendation.

(b) The findings and conclusion of the hearings officer shall set forth and demonstrate:

(1) The manner in which the decision is consistent with the zoning code and the comprehensive plan of the City of Portland.

(2) The manner in which the decision is consistent with the public need, the extent to which the general welfare of the public is served by the decision and how the public need is best met by the request.

(3) Any and all motions, intermediate rulings, policy interpretations, matters officially noticed, and stipulations;

(4) Any proposed, intermediate or final order;

(5) Findings of the hearings officer, including conclusions, and the basic facts upon which the decision is based.

(c) In addition to the specific findings and conclusions provided for in 33.114.060(b), a record of all proceedings at a hearing shall be kept, but need not be transcribed unless the decision of the officer is appealed.

(d) In the event of an appeal from the decision of the hearings officer, a record of the action shall be provided by the officer to the appeals body which contains the following:

(1) The request filed and considered;

(2) All evidence, exhibits, and other information relevant and material to the request;

(e) (Amended by Ord. No. 148872 passed and effective Dec. 13, 1979.) Except as otherwise provided, the hearings officer shall render a written decision within ten days after the conclusion of a hearing. That decision shall be in writing and contain the elements required by 33.114.060(b) of this title. A copy shall be provided to parties of record in the case requesting the same, and a copy shall be sent by certified mail to the applicant. The officer shall file a copy of his decision together with the recommended implementing ordinance with the planning commission and the city auditor and notify commission members of it within five days after the written decision is rendered. In the case of requests for variances or conditional uses, a copy of the decision shall also be filed with the bureau of buildings. The decision or recommendation of the hearings officer shall be final fourteen days after the hearings officer has filed it pursuant to this section, unless prior thereto an appeal is filed in accordance with 33.114.070, by a person as defined in 33.12.600 who has an interest in the action, or the commission, at the request of any one of its members within that fourteen days, initiates review of any decision or appeal.

(f) Neither the hearings officer nor the appeal bodies shall:

(1) Communicate, directly or indirectly, with any party or his representatives in connection with any issue involved in a request except upon notice and opportunity for all parties to participate.

(2) Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless the parties are provided the same and are afforded an opportunity to contest the material so noticed.

(g) When prior to, or in the course of a hearing, the hearings officer finds that the case raises a substantial question involving either the application of a policy or the interpretation of a general term that has not been defined in sufficient detail, the officer may certify that question of application or interpretation in written form to the commission for their determination.

The commission in that event at its discretion may elect by a majority vote of its members to accept or reject the officer's request for a code interpretation. When such a question is accepted by the commission, the party or parties may submit in writing his/their view(s) as to what the application or interpretation should be. Parties shall restrict their statements to the issue of interpretation or application as stated by hearings officer and shall not present the commission with arguments or evidence immaterial to the determination sought even though such evidence or argument may be relevant to the hearing officer's final decision on the application.

The commission shall render its written determination within thirty days after receipt of the question from the hearings officer. Said decision shall be transmitted to the hearings officer who will then apply the interpretation or application made to the case and render a decision on the applicant's request.

**33.114.070 Appeals.** (Amended by Ord. No. 139117, 139702, 141105; and 148872 passed and effective Dec. 13, 1979.) (a) Appeals shall be filed with the auditor on forms provided by the commission and shall state separately and clearly:

- (1) The interest of the appellant.
- (2) How and in what ways that interest is damaged.
- (3) Any incorrect facts that were mistakenly relied on in the decision or recommendation being appealed.
- (4) Any part of the zoning code or other law, if any, claimed to be violated by the decision or recommendation being appealed.

(5) What is wrong with the decision or recommendation and what decision the appellant is asking to be made.

(b) If the appeal substantially meets the foregoing requirements, and if no member of the commission has requested review within fourteen days after the decision is filed, the auditor shall set a date for a public hearing before the council and, no less than fourteen days prior thereto, shall give notice thereof to all persons notified of any previous hearing and all persons who have made an appearance in the matter.

(c) Interested city departments and any other interested persons may submit a written statement responding to the appeal no later than ten days prior to the date set for review, setting forth contentions regarding the issues under review by the council. Any such statement so filed shall be added to and made a part of the record to be considered by the council before reaching a decision on appeal, and a copy shall be provided to interested parties.

(d) Upon review, the council may affirm, reverse or modify in whole or in part any decision of the hearings officer or the commission. The council shall accompany its decision with a statement setting forth its findings and the reasons for the decision it reached.

Action by the council shall be decided by a vote of the majority of its members and shall be taken either at that or a subsequent meeting. The council shall hear the matter no later than thirty days after the appeal from the decision of the hearings officer, or if the commission undertakes the question of review, within thirty days of the filing of an appeal from the commission's decision in accordance with this section.

If the council disagrees with the assessment of relevant factual evidence made by the hearings officer or commission, it must support its assessment either by reference to facts and evidence in the record or conduct its own hearing on such question(s) of fact.

If the council finds that the hearings officer or commission has made an error in an application or interpretation of the code or adopted land use policy, it shall state both what the error was and what the correct policy interpretation or application should be.

(e) A verbatim record of the proceedings shall



be made by oral, written, or mechanical means, which record need not be transcribed except upon review of the record by a court of law or upon remand to the commission or the hearings officer.

33.114.080 (Amended by Ord. No. 139117, 139702, 141105; and 148872 passed and effective Dec. 13, 1979.) Appeals or decision reviewed by the planning commission.

(a) At its first regular meeting after the filing of any appeal or decision requested to be reviewed by any member, the commission may, by a majority vote of its members present, elect to review any such appeal or decision filed if the commission concludes that the action raises issues of such policy significance, or of such importance to the city or a significant portion thereof, as to require the advice and attention of the commission as the planning agency of the city.

(b) Upon a vote by the commission to review, the commission shall issue an order stating the scope of the review:

(1) On the record made before the hearings officer, or

(2) A de novo hearing on the merits, or

(3) Limited to such issues as the commission determines necessary for a proper resolution of the matter.

(c) The order of review shall include:

(1) A reference to the appeal or decision to be reviewed.

(2) In the case of an appeal a statement of the interest of the appellant to identify party status and the specific grounds relied upon in the appeal;

(3) The date of the hearing on review.

(d) No less than fourteen days prior thereto, the auditor shall give notice of the hearing to those persons notified of the initial hearing and those who have made an appearance in the matter.

33.114.090 Procedure upon commission's review. (Added by Ord. No. 148872 passed and effective Dec. 13, 1979.) (a) Upon the commission's decision to review, the auditor shall not schedule the matter for council action

unless an appeal from the commission's decision subsequently is filed in accordance with 33.114.070, or council action is otherwise needed.

(b) Interested city parties and any other interested persons may submit a written statement responding to the review order no later than ten days prior to the date set for review, setting forth contentions regarding the issue under review. Any such statement so filed shall be added to and made a part of the record to be considered before reaching a decision on review, and a copy shall be provided to interested parties.

(c) Upon review the commission may, by resolution, affirm, reverse or modify in whole or in part, any decision, determination or requirement of the hearings officer. When the commission modifies or renders a decision that reverses a decision of the hearings officer, the commission, in its resolution, shall set forth its findings and shall state its reasons for taking the action encompassed in the resolution. When the commission elects to remand the matter back to the hearings officer for such further consideration as it deems necessary, it shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify such.

(d) Action by the commission shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The commission shall render its decision no later than forty-five (45) days after voting to review and shall file that decision with the city auditor within ten (10) days after it is rendered. The commission's decision shall be final unless an appeal from that decision is filed in accordance with 33.114.070 within ten (10) days after it is rendered.

(e) A verbatim record of the proceedings shall be made by oral, written or mechanical means, which record need not be transcribed except upon review of the record by an appeal to the council, appeal to a court of law, or upon remand to the hearings officer.

**33.114.100 Procedure on appeal to council.** (Added by Ord. No. 139117, repealed by Ord. No. 148872 passed and effective Dec. 13, 1979.)

**33.114.120 Effectiveness.** (Added by Ord. No. 141105; amended by 145341 passed and effective Mar. 9, 1978.) No decision, nor any order or ordinance, whether resulting from an appeal or not, allowing any conditional use, variance or adjustment, or revocable permit, shall be effective until the applicant, and the property owner, if different, has accepted the terms thereof in writing. Such acceptance must be filed with the auditor and the decision, order or ordinance recorded in the appropriate county records at the expense of the applicant. If such acceptance is not so filed and the fee paid within thirty days after city action becomes final, such decision, order or ordinance shall be null and void. The document recorded shall bear the certificate of the auditor that the acceptance thereof has been filed and that the document is a true copy of the original.

**33.114.121 Violations.** (Renumbered by Ord. No. 139117, 139702; and 141105 passed and effective Dec. 31, 1975.) It is unlawful for any person to violate any regulation contained in this title, to permit or maintain such violation, to refuse to obey any provision or regulations except as variation may be allowed under this title. Proof of such unlawful act or failure to act shall be deemed prima facie evidence that such act is that of the owner. Prosecution or lack thereof of either the owner or of the occupant shall not be deemed to relieve the other.

## Chapter 33.120

### HISTORICAL DISTRICTS, BUILDINGS, AND SITES

(New chapter substituted by Ord. No. 140096 passed June 19, effective July 6, 1975.)

#### Sections:

- 33.120.010 Special purpose.
- 33.120.020 Portland historical landmarks commission.
- 33.120.030 Officers, meetings, rules and procedure.

- 33.120.040 Functions and duties.
- 33.120.050 Designation of historical buildings or sites.
- 33.120.055 Designation of conservation districts.
- 33.120.060 Designation of historical districts.
- 33.120.065 Designation not a recommendation for federal action.
- 33.120.070 District advisory councils.
- 33.120.080 Exterior remodeling or new structure.
- 33.120.090 Demolition permits—Building condemnation.
- 33.120.100 Record of demolished historical buildings—Artifacts.
- 33.120.110 Signs—Plaques.
- 33.120.120 Redevelopment and neighborhood improvement projects.
- 33.120.130 Recommended historical building, site, or district, or conservation district.

**33.120.010 Special purpose.** Buildings and sites in the city, having special historic associations or significance or of special architectural merit or significance, should be preserved as a part of the heritage of the citizens of the city, and for the education, enjoyment and pride of the citizens, as well as the beautification of the city and enhancement of the values of such property. To that end, regulatory controls and administrative procedures are necessary.

**33.120.020 Portland historical landmarks commission.** (Amended by Ord. No. 143920 passed and effective June 29, 1977.) There hereby is created a Portland historical landmarks commission. This commission shall consist of seven members, each entitled to one vote, as follows: one member from the Portland planning commission; one member from the curatorial staff of the Oregon Historical Society; one member from the Portland Beautification Association; one member from the Portland chapter of the American Institute of Architects; and three members from the citizens at large. All members of the commission shall serve without compensation and shall be appointed by the mayor. All members shall serve for a term of four years except the first appointments which shall be for the following terms: two members shall be appointed initially for two year terms; two members shall be appointed initially for



three year terms; and three members shall be appointed initially for four year terms. Any vacancy occurring in a position for any reason other than the expiration of the term shall be filled by appointment by the mayor for the remainder of the term.

**33.120.030 Officers, meetings, rules and procedure.** (Amended by Ord. No. 144324 passed and effective Sept. 8, 1977.) (a) Within thirty days from September 29, 1968, the mayor shall make such appointments as are called for in this chapter and shall notify each appointee of the first regular meeting to be held within at least sixty days from September 29, 1968. The mayor shall designate one member of the Portland historical landmarks commission to be temporary chairman, and the temporary chairman shall preside over the first meeting and serve until permanent officers have been elected by majority vote of the entire membership of the Portland historical landmarks commission, and the officers so elected shall serve until the date of the first annual meeting, or until their successors are regularly elected and take office. The officers of the Portland historical landmarks commission shall consist of a chairman, vice chairman and secretary.

(b) The annual meeting of the Portland historical landmarks commission shall be held each year during the month of January. In addition, the Portland historical landmarks commission shall meet at least once every two months, and upon the call of the chairman. The regular time, place and manner of notice for meetings shall be fixed by rules of the Portland historical landmarks commission.

(c) The Portland historical landmarks commission shall establish and adopt its own rules of procedure. The Portland historical landmarks commission shall submit an annual report to the mayor covering its activity for the calendar year on or before the following February 1st.

(d) Any clerical and staff assistance necessary shall be provided by the planning director and his staff.

**33.120.040 Functions and duties.** (Amended by Ord. No. 144324 passed and effective Sept 8, 1977.) (a) The Portland historical landmarks commission shall serve in an advisory capacity and make recommendations concerning historical districts, conservation districts, buildings,

and sites to the city council, the Portland planning commission, the Portland development commission, and other public or private agencies on matters relating to the preservation of such districts, buildings and sites.

(b) The Portland historical landmarks commission may adopt such rules and regulations as it finds necessary or appropriate to carry out the intent of this chapter.

(c) The Portland historical landmarks commission shall receive requests by any citizen, by owners of the buildings or sites, or may on its own motion make recommendation concerning the designation of particular districts, buildings, and sites as historical districts, conservation districts, historical buildings or historical sites.

(d) The Portland historical landmarks commission shall recommend removal from any list of designated historical districts, conservation districts, buildings, and sites such property as it finds no longer worthy of such designation.

(e) The Portland historical landmarks commission shall have authority to inspect and investigate any district, building, or site in the city which it is requested to recommend designation as or which it has reason to believe is an architectural or historical landmark.

(f) The Portland historical landmarks commission shall review all information which it has and shall hold hearings as prescribed in this chapter and transmit the results thereof to the city officials as provided in this chapter.

(g) The Portland historical landmarks commission shall have authority to coordinate historical preservation programs of the city, county, state and federal governments as they relate to property within the city.

(h) The Portland historical landmarks commission may recommend to city council or to the legislature of the state any changes of law which it finds appropriate or needed.

(i) The Portland historical landmarks commission shall compile and maintain a current list of all historical districts, conservation districts, buildings, and sites which have been so designated pursuant to this chapter with a brief description of the district, or site and the special reasons for its inclusion on the list.

(j) The Portland historical landmarks commission shall have authority to take such steps as it finds appropriate or necessary to make available to the public information concerning its activities and the various districts, buildings, and sites so designated pursuant to this chapter.

(k) The Portland historical landmarks commission shall prepare, review, and adopt guidelines, criteria, or such other statements of policy as may be appropriate relating to the development or preservation of historical districts, conservation districts, buildings, and sites.

(l) The Portland historical landmarks commission shall assist and coordinate the work of district advisory councils with respect to historical and conservation districts.

(m) The Portland historical landmarks commission shall perform such other duties relating to historical districts, conservation districts, buildings, and sites as the city council or the mayor may request.

**33.120.050 Designation of historical building or site.** (a) (Amended by Ord No. 144324 passed and effective Sept. 8, 1977.) Upon receipt of a request to designate a particular building or site as a historical building or site, or upon direction by the city council on its own motion, the city auditor shall advise the owner of such building or site, the Portland historical landmarks commission, the Portland planning commission, and the bureau of buildings of the city, and shall fix a date and time for a public hearing before the city council thereon. The auditor shall notify abutting owners and shall transmit a copy of the request to the Portland historical landmarks commission unless such request has come from the commission. The Portland historical landmarks commission shall review all proposals for designation as historical building or site, unless the initial request has been made by the Portland historical landmarks commission, and shall submit its recommendation to the city council prior to the public hearing.

(b) At such hearing the owner of the property involved, the owners of all abutting property, a representative of the Portland historical landmarks commission, a representative from the Portland planning commission, and from the bureau of buildings of the city shall be entitled to be heard, and the council may hear all other interested parties.

(c) If the city council determines that a building proposed to be designated as an historical building has architectural significance or is of historical importance based upon past or present use, the council may designate such building as an historical building. If the council finds that a particular site had a prior use involving the establishment, growth or particular incidents

relating to the history of the city, the council may designate the same as a historical site.

(d) If any historical building has been demolished or destroyed, the city council on its own motion or upon recommendation of the Portland historical landmarks commission, may remove the historical building designation therefrom. If the designation is proposed to be removed from any historical building or site for any other reason than set forth in the preceding sentence, then similar notices, recommendations and hearings shall be held as upon the designation of a building or site as historical in the first instance.

(e) An historical or architecturally significant interior space or other portion of a public building may be designated as an historical building in the same manner as provided in this section, and provisions of this chapter relating to historical buildings shall also be applicable to such designated interior space or other portion of a public building.

**33.120.055 Designation of conservation districts.** (Added by Ord. No. 144324 passed and effective Sept. 8, 1977.) (a) Upon receipt of a request to designate any area as a conservation district, or upon direction by the city council on its own motion, the city auditor shall advise the Portland historical landmarks commission, the Portland planning commission, and the bureau of buildings of the city, and shall fix a date and time for a public hearing before the city council thereon. The auditor shall notify owners within the proposed conservation district and shall transmit a copy of the request to the Portland historical landmarks commission unless such request has come from that commission. The Portland historical landmarks commission shall review all proposals for designation of a conservation district unless the initial request has been made by the commission, and shall submit its recommendation to the city council prior to the public hearing.

(b) At such hearing the owners of any property involved, the owners of all abutting property, a representative of the Portland historical landmarks commission, a representative for the Portland planning commission, and from the bureau of buildings of the city shall be entitled to be heard, and the council may hear all other interested parties.

(c) If the city council determines that an area proposed to be designated as a conservation



district has architectural significance or is of historical importance based upon past and/or present use, the council may designate such area as a conservation district. All sites or buildings within a district need not be of historical or architectural significance provided the district as a whole is of such importance or significance.

(d) If the primary or significant buildings within a conservation district have been demolished or destroyed, the city council on its own motion or upon recommendation of the Portland historical landmarks commission, may remove the conservation district designation. If the designation is proposed to be removed from any conservation district for any other reason than set forth in the preceding sentence, then similar notices, recommendations and hearings shall be held as upon the designation of the conservation district in the first instance.

proposed to be designated as an historical district has architectural significance or is of historical importance based upon past or present use, the council may designate such area as an historical district. All sites or buildings within a district need not be of historical or architectural significance provided the district as a whole is of such importance or significance.

(d) If the primary or significant buildings within an historical district have been demolished or destroyed, the city council on its own motion or upon recommendation of the Portland historical landmarks commission, may remove the historical district designation. If the designation is proposed to be removed from any historical district for any other reason than set forth in the preceding sentence, then similar notices, recommendations and hearings shall be held as upon the designation of the historical district in the first instance.

### 33.120.060 Designation of historical districts.

(a) (Amended by Ord. No. 144324 passed and effective Sept. 8, 1977.) Upon receipt of a request to designate any area as an historical district, or upon direction by the city council on its own motion, the city auditor shall advise the Portland historical landmarks commission, the Portland planning commission, and the bureau of buildings of the city, and shall fix a date and time for a public hearing before the city council thereon. The auditor shall notify owners within the proposed historical district and shall transmit a copy of the request to the Portland historical landmarks commission unless such request has come from the Portland historical landmarks commission. The Portland historical landmarks commission shall review all proposals for designation of an historical district unless the initial request has been made by the Portland historical landmarks commission, and shall submit its recommendation to the city council prior to the public hearing.

(b) At such hearing the owners of any property involved, the owners of all abutting property, a representative of the Portland historical landmarks commission, a representative from the Portland planning commission, and from the bureau of buildings of the city shall be entitled to be heard, and the council may hear all other interested parties.

(c) If the city council determines that an area

33.120.065 Designation not a recommendation for federal action. (Added by Ord. No. 144324 passed and effective Sept. 8, 1977.) Nothing in this chapter nor the designation of a historical or conservation district under Sections 33.120.055 or 33.120.060 shall be interpreted as a recommendation by the council of the city of Portland supporting designation of any building or structure as a "Certified Historic Structure" for purposes of Section 191 (d) (1) (B) or (C) of the Tax Reform Act of 1976. No such recommendation or certification shall be made by the city of Portland without notice to affected parties and an additional hearing thereon.

33.120.070 District advisory councils. (Amended by Ord. No. 144324; and 148169 passed and effective July 26, 1979.) (a) A district advisory council of 5 members shall be created for each historical and conservation district established by the city council. Each advisory council shall include one citizen at large appointed by the mayor; the chairman of the Portland Historical Landmarks Commission or his designee and three additional members selected by the Portland Historical Landmarks Commission including representation of residents and property owners within the historical or conservation district and approved by the city council. In any district that is

composed of more than fifty (50) percent residential structures, a minimum of three members shall be property owners residing in the district.

(b) Each district advisory council shall act in an advisory capacity to the historical landmarks commission. Each council shall recommend guidelines and criteria for development and/or preservation within the historical or conservation district.

(c) Each historical district advisory council shall review any permit for exterior remodeling or new construction within the historical district and submit recommendations thereon to the Portland historical landmarks commission.

(d) Each conservation district advisory council shall review any permit for new construction within the conservation district and submit recommendations thereon to the Portland historical landmarks commission.

**33.120.080 Exterior remodeling or new structure.** (Amended by Ord. No. 144324 passed and effective Sept. 8, 1977.) (a) Whenever the Portland historical landmarks commission receives from any person or from the bureau of buildings an application for permit from the bureau of buildings for exterior remodeling of any designated historical building, or receives an application for construction of a new structure on a designated historical site, or receives an application for exterior remodeling of any building or new construction on any site within a designated historical district, or receives any application for construction of a new structure on any site within a designated conservation district, the Portland historical landmarks commission shall transmit to the bureau of buildings a copy of such application. All applications shall be accompanied by plans and specifications and the Portland historical landmarks commission may require additional sketches of the proposed remodeling.

(b) Exterior remodeling as governed by this chapter shall be deemed to include any change or alteration in color, design, or other exterior treatment. Any proposed change or alteration to the exterior of a designated historical building, or any building in a designated historical district, which change does not require a permit from the bureau of buildings, shall be submitted to the commission for review and approval of such

change. The commission shall approve the change if the treatment proposed is determined to be harmonious and compatible with the appearance and character of the historical building or historical district, and shall disapprove the application if found detrimental as unsightly, grotesque, otherwise adversely affecting the stability of values of adjacent properties or adversely affecting the architectural significance, the integrity of historical appearance and the educational and historical value of the building. Decisions shall be subject to appeal to the city council on the same terms and conditions as set forth in this section.

(c) At the Portland historical landmarks commission hearing, the applicant, a representative of the bureau of buildings and the planning commission shall be entitled to be heard. Recommendation from the district advisory council, if the application involves any site in a designated historical or conservation district, shall be presented to the Portland historical landmarks commission. The Portland historical landmarks commission may also hear any other interested party.

(d) If the Portland historical landmarks commission determines that the proposed remodeling or new structure will not adversely affect the character of the district, building, or site, and is in the public interest, or finds that the proposed exterior remodeling or new structure will enhance the historical value of the district, building, or site, then the commission shall approve the issuance of a permit therefor by the bureau of buildings, and upon compliance with the building regulations and other regulations of the city, such permit shall be issued. If the Portland historical landmarks commission finds such action appropriate, it may approve the application for permit for exterior remodeling or for a new structure in an historical district or for new construction in a conservation district, or on an historical site, upon conditions which the Portland historical landmarks commission imposes, to promote and preserve the historical or architectural integrity of the district, building, or site. Upon conditional approval, the building permit may be issued in accordance with such condition. However, if found necessary and appropriate, the Portland historical landmarks commission may reject the application. In such event the building permit shall not be issued thereafter



unless the action of the Portland historical landmarks commission is reversed on appeal as set forth below.

(e) If the Portland historical landmarks commission has imposed conditions on its approval of an application or has disapproved an application as set forth in the preceding subsection, the applicant, the owner or occupant of the building or site involved may appeal from the decision of the Portland historical landmarks commission to the city council, by filing with the auditor and filing a copy with the bureau of buildings and the commission of notice of appeal to the city council if such notice is filed within ten days after such decision of the Portland historical landmarks commission. The notice of appeal shall immediately be transmitted to the city auditor who shall fix a date and time for hearing on the appeal before the city council. At the council hearing on the appeal, all interested parties may be heard. The council may reject the appeal and affirm the decision of the Portland historical landmarks commission, may modify the decision or may grant the appeal and direct a building permit to be issued, if the application for permit otherwise complies with the codes and ordinances of the city.

(f) If the historical district, building, or site involved in the permit application or review procedure as provided in this section is located within a D design zone, the review and action thereon may be conducted by the Portland historical landmarks commission. Appeal from action shall be directly to the city council as provided in this section.

**33.120.090 Demolition permits—Building condemnation.** (Amended by Ord. No. 144324 passed and effective Sept. 8, 1977.) (a) If an application is received from the bureau of buildings or is initially made to the Portland historical landmarks commission for a permit for demolition of any historical building, or the demolition of a structure on a designated historical site or within a designated historical district, or the demolition of a structure within a designated conservation district, the Portland historical landmarks commission shall within thirty days after the application is initially filed, hold a hearing on the issuance of such permit. The applicant for permit, the owner of the property and any occupant of the property shall be entitled to be heard. The Portland historical landmarks commission may hear all other in-

terested parties. The Portland historical landmarks commission shall consider the state of repair of the building, the reasonableness of the cost of restoration or repair, taking into account the purpose of preserving the designated historical districts, conservation districts, building, and sites, the character of the neighborhood and all other factors which it finds appropriate. The Portland historical landmarks commission may approve the issuance of the permit, in which event the bureau of buildings may issue the permit in compliance with all codes and ordinances of the city. The Portland historical landmarks commission may reject the application for permit if it determines that in the interest of preserving historical values the structure should not be demolished, and in that event issuance of the permit shall be suspended for a period fixed by the Portland historical landmarks commission, but not exceeding one hundred twenty days from the date of application. Within the suspension period, the Portland historical landmarks commission may request an extension of the suspension period by the city council. If the city council determines that there is a program or project under way which could result in public or private acquisition of the historical building or site and the preservation or restoration of such building or site, and that there is reasonable ground to believe that the program or project may be successful, then the council, in its discretion, may extend the suspension period of an additional period not exceeding one hundred eighty days, to a total of not more than three hundred days from the date of application for demolition permit. During the period of suspension of permit application, no permit shall be issued for such demolition nor shall any person demolish the building or structure, unless the council has granted an appeal and directed the issuance. If at the end of 300 days the program or project is unsuccessful and the applicant has not withdrawn his application for demolition permit, the bureau of buildings shall issue the permit, if the applicant otherwise complies with the codes and ordinances of the city.

(b) Action by the Portland historical landmarks commission suspending issuance of permit for demolition may be appealed by the applicant for permit, the owner or the occupant, by filing a notice of appeal in the same manner as provided in this chapter for appeals from disapproval of remodeling permit. If the appeal is

made, the procedure thereafter shall be the same as set forth in Section 33.120.080.

(c) Before taking any action to condemn a building or structure designated as a historical building or site, or any building or structure within a designated historic or conservation district, the Portland historical landmarks commission shall review the report of the bureau of buildings and any other city bureau relating to the condition of the building and premises and the extent of its danger, deterioration or decay. The Portland historical landmarks commission shall report on its review and make its recommendation concerning city action to the commissioner in charge for transmission to the city council if official action of condemnation is instituted.

(d) The Portland historical landmarks commission may identify specific structures within a designated historical or conservation district which may be exempt from the provisions of this section governing review of a permit for demolition.

**33.120.100 Record of demolished historical buildings—Artifacts.** (a) If a designated historical building is to be demolished, insofar as practicable and as funds are available, the Portland historical landmarks commission shall keep a pictorial and graphic history of the historical building or historical site with additional data as it may obtain.

(b) To the extent funds are available or the commission may obtain donations thereof, the Portland historical landmarks commission shall obtain artifacts from the building or site which it deems worthy of preservation, such as carvings, cast iron work, or other materials it deems of artistic or historical importance.

**33.120.110. Signs—Plaques.** (a) (Amended by Ord. No. 144324 passed and effective Sept. 8, 1977.) Either before or after submission to the Portland historical landmarks commission or a committee thereof, or to any other board or commission of the city, and before issuance of a permit therefor, an application to replace or erect a sign on a designated historical building on the property on which the designated historical building is located, or on a designated historical site, or on any building or site in a

designated historical district, or on any building or site in a designated conservation district, and before issuance of a permit therefor, the application for the permit shall be reviewed by the Portland historical landmarks commission. The Portland historical landmarks commission shall hold a hearing on the sign application, at which hearing the applicant, the owner and the occupant of the premises shall be entitled to be heard. If the Portland historical landmarks commission finds that the proposed sign will not unreasonably detract from the architectural and historical significance of the premises, taking into account the size, location, construction and any lighting of such sign, then the Portland historical landmarks commission shall approve the issuance of a permit therefor. Otherwise, the Portland historical landmarks commission may impose special conditions on the size, location, construction or other characteristics of the proposed sign, or may reject the same. The hearing shall be held within thirty days after the submission of the application to the Portland historical landmarks commission. The applicant, owner or occupant shall have the same right of appeal and under the same procedural conditions set forth in this chapter for appeals from actions of the Portland historical landmarks commission relating to building permits for exterior remodeling of a designated historical building. The council may sustain, modify or overrule the action of the Portland historical landmarks commission.

(b) The owner of a designated historical building or site or the occupant thereof with the consent of the owner may, at his own expense, install an identification plaque indicating the name, date, architect or other appropriate information upon the property, provided that the size, material, design, location and text of such plaque is first approved by the Portland historical landmarks commission.

**33.120.120 Redevelopment and neighborhood improvement projects.** (Amended by Ord. No. 144324 passed and effective Sept. 8, 1977.) In any redevelopment project or neighborhood improvement project administered or supervised by a department of the city or submitted to the city for its review and recommendations, proposed action relating to a designated historical district, conservation district, building, or site shall be submitted to the Portland historical



landmarks commission for its review and recommendation. A report thereon by the Portland historical landmarks commission shall be filed with the city council and a copy shall be sent to the appropriate city department.

**33.120.130 Recommended historical building, site, or district, or conservation district.** (Added by Ord. No. 148813 passed and effective Nov. 29, 1979.) (a) Wherever reference is made in this chapter, either expressly or implicitly, to a designated historical building, site, or district, or to a designated conservation district, such reference shall be deemed to include any building, site, or district that has been recommended by the Portland Historical Landmarks Commission for any such designation but for which the recommendation has not yet been heard by the City Council, and the provisions of this chapter, especially those of Sections 33.120.080 and 33.120.090 relating to the remodeling and demolition of designated buildings, sites, or districts, shall extend and apply to such recommended buildings, sites, or districts from the date of such recommendation until the date of such hearing. The hearing shall be scheduled on the earliest possible council calendar, not to exceed a total of 21 days from the date of recommendation.

(b) Whenever a building site or district is recommended for landmark designation to City Council by the Portland Historical Landmarks Commission, the Commission shall notify the Bureau of Buildings in writing immediately of the pending Council hearing of the recommended landmark designation. The Bureau of Buildings shall not issue any alteration or demolition permits on recommended landmarks, unless approved by the Landmark Commission or unless the time between the landmark recommendation and the City Council hearing exceeds twenty-one (21) days.

#### Chapter 33.124

### THURMAN VAUGHN CORRIDOR IMPROVEMENT PLAN REVIEW

(Added by Ord. No. 144383 passed  
and effective Sept. 15, 1977.)

#### Sections:

- 33.124.010 Purpose.
- 33.124.020 Effect.

33.124.030 Area defined:

33.124.040 Policy area A—Uses permitted.

33.124.050 Policy area B—Uses permitted.

33.124.060 Policy area C—Uses permitted.

33.124.070 Hearing and appeals.

33.124.080 Guidelines.

**33.124.010 Purpose.** The Thurman Vaughn corridor improvement plan review is an interim provision for use during the initiation and development of the Thurman Vaughn corridor improvement plan projects.

The purpose of this interim provision is to insure that proposed projects of the corridor will be developed in accord with the adopted Thurman Vaughn corridor improvement plan until zoning regulations can be completed and adopted for the corridor. This interim provision may apply at any time after the adoption of the plan for the corridor.

**33.124.020 Effect.** (Amended by Ord. No. 148374 passed and effective August 29, 1979.) Notwithstanding other provisions of Chapter 33.26, 33.30, 33.32, 33.42, 33.50 and 33.52, the following regulations shall govern the Thurman-Vaughn Corridor Improvement Plan Review as to any uses or permits or approvals thereof prior to the adoption of zoning regulations to carry out an adopted Comprehensive Plan for the City. As zoning for each policy area within the Thurman-Vaughn Corridor is adopted, such action for the individual area shall supersede these regulations and become the effective regulation as applied to property within that particular area.

**33.124.030 Area defined.** The Thurman Vaughn corridor improvement plan review area is bounded by NW 23rd avenue on the east; NW Vaughn, Wardway and Wilson Street on the north; NW 31st avenue between NW Thurman and 100 feet north of NW Vaughn including Block 3, Lots 1, 2, 3 of Map 3 and 6 of the plan (all of Block 19, Willamette Heights) on the west, and 100 feet south of NW Thurman street, between 50 feet east of NW 23rd avenue and NW 29th avenue, including Block 7, Lots 1 through 6 of the plan (or Lot 1, north 17 feet of Lot 2, and Lots 6, 7, 10, 11, Block 6, Willamette Heights). (See Northwest district policy plan July, 1977, Thurman Vaughn corridor plan, Map 10.)

**33.124.040 Policy area A—Uses permitted.** (a) In policy area A of the Thurman Vaughn corridor improvement plan review area, the regulations of the existing zones shall apply except in the case of property under public ownership. Policy area A is the area described as follows: Block 1, Block 2, Lots 6-23, Meriweather; Lot 1, north 17 feet of Lot 2, Lots 6, 7, 10, 11, Block 6; Blocks 7, 8, 9; Lots 1-10, Blocks 16, 18 and 19, Willamette Heights; Lots 5, 8, 9, 12, 13, 16, 17, 20, Block C, Willamette Heights; and Lots 5-20, Block D, Willamette Heights; approximately north 70 feet of Tax Lot 43, Section 32, T1N, R1E (portion east of NW 31st avenue, south of Block 19, Willamette Heights); Tax Lot 21, Section 29, T1N, R1E.

(b) For publicly owned land in policy area A, approval shall be obtained from the hearings officer (or planning commission or council on appeal) prior to commencement of any phase of construction on said land for the following:

- (1) Any new use or change of an existing use;
- (2) Any new structure or enlargement of an existing structure;
- (3) Any new parking structure or surface parking site or enlargement of an existing parking structure or surface parking site;
- (4) Drive-in business or public facility;
- (5) Off-street loading facilities;
- (6) Temporary surface off-street parking for a period not exceeding two years.

**33.124.050 Policy area B—Uses permitted.** (Amended by Ord. No. 148375 passed and effective Aug. 29, 1979.) (a) In policy area B, existing zoning regulations shall apply and in addition approval shall be obtained from the hearing officer (or planning commission or council on appeal) prior to commencement of any phase of construction on said land for the following:

- (1) Any new use or change of existing use;
- (2) Any new structure;
- (3) Any new parking structure or surface parking site or enlargement of an existing parking structure or surface parking site;
- (4) Off-street loading facilities;
- (5) Temporary surface off-street parking for a period not exceeding two years.

Policy Area B is the area described as follows: Lots 10-14, Block 318; E 33' of W 49' of Lot 15, Block 318; Lots 10-18, Block 319; Lots 10-18, Block 320; Lots 13-18; Block 321; Lots 1-6, Block 322; Lots 7-14, Block 323, Balch's

Addition; Block 14, 15, 20, 21, North Portland; Lots 3 and 4, Block C; and Lots 1-4, Block D, Willamette Heights; Tax Lots 35, 45, 49; and Tax Lots 51 and 22, Section 29, T1N, R1E.

(b) Exception. Expansion or rebuilding of existing uses and/or structures does not require approval as described in subsection (a) unless expansion or rebuilding of nonresidential use and/or structure exceeds 100% increase in land area. Expansion or rebuilding must occur on contiguous parcels adjacent to the existing use and entirely within policy area B.

**33.124.060 Policy area C — Uses permitted.** (Amended by Ord. No. 148375 passed and effective Aug. 29, 1979.) (a) Policy area C existing zoning regulations shall apply and in addition approval shall be obtained from the hearings officer (or planning commission or council on appeal) prior to commencement of any phase of construction on said land for the following:

- (1) Any new use or change of existing use;
- (2) Any new structure;
- (3) Any new parking structure or surface parking site or enlargement of existing parking structure or surface parking site;
- (4) Off-street loading facilities;
- (5) Temporary surface off-street parking for a period not exceeding two years.

Policy Area C is the area described as follows: E 1' of Lot 15, Block 318; W 32' of Lot 16, Block 318; E 18" of Lot 16, Block 318; Lots 17 and 18, Block 318, Balch's Addition; Blocks 1 and 2, Atkinson's Addition; Lots 11-14, Block 312; Lots 1-6, Block 323, Balch's Addition; Lots 1, 2, 6, 7 and 10, Block 312, Couch's Addition; Blocks 12 and 13, North Portland; Block 4, including adjacent portion of Block 7, North Portland; and Blocks 5, 6, 7, Wilson Addition.

(b) Exception. Expansion or rebuilding of existing uses and/or structures does not require approval as described in subsection (a) unless expansion or rebuilding industrial use and/or structure exceeds 100% increase in land area. Expansion or rebuilding must occur on contiguous parcels adjacent to the existing use and entirely within policy area C.

**33.124.070 Hearing and appeals.** Hearing, notification, and appeals procedures utilized for the purposes of this section shall be those specified in Chapters 33.106 and 33.114.



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**33.124.080 Guidelines.** In all matters coming within the provisions of this section, decisions of the hearings officer, planning commission, or council shall be made on the basis of the council adopted goal for the Northwest District, Land Use Policies and Development Guidelines, Circulation Plans, and Implementation Program of the adopted Thurman Vaughn corridor improvement plan, unless exempted and modified by this section. If it is determined that a proposed development and use at the particular location

accords with council adopted goals, the Land Use Policies and Development Guidelines, Circulation Plans, and Implementation Program of the adopted Thurman Vaughn corridor improvement plan, then the proposed use shall be approved. (Exhibit 1, Thurman Vaughn corridor improvement plan, Thurman Vaughn, Map 10, Policy Areas, July, 1977, attached to the original ordinance only, and incorporated by this reference and thereby made part of this ordinance).