

City of Portland
Zoning Code
pre 1959

Scanned

JUL 9

PLANNING AND ZONING CODE
OF THE CITY OF PORTLAND, OREGON

RECEIVED
CITY OF PORTLAND

5th EDITION
Including amendment to 9-6-57

WILL GIBSON
Auditor of the City of Portland

TABLE OF CONTENTS

<u>Article</u>	<u>Subject</u>
1	Definitions
2	Penalties
3	Administrative Provisions
4	City Planning Commission
5	Board of Appeals for Zoning
6	Establishment of Zoning Districts
7	Local Option Regulations
8	Set Back Lines
9	Works of Art, Ornament or Commemoration (Repealed) <u>See Administration Code, Article 327</u>
10	Interim Zoning for Annexed Territory
11	Signs Adjacent to Throughways
12	Signs Adjacent to Approaches to Bridges Across the Willamette River

Ordinance No. 77953

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

The City of Portland does ordain as follows:

Article 1. Definitions.

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

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

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

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

[For ACCESSORY USE, see "USE, ACCESSORY".]

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

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

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

Section 6-107. BOARDING HOUSE. The term "boarding house" shall mean a building accommodating more than 5 persons as lodgers for compensation, direct or indirect, but not having more than 15 sleeping rooms, the lodgers generally being provided with meals. If meals are provided for the public, other than the lodgers or guests of the lodgers, the boarding house shall also carry the designation of and be subject to the regulations for a restaurant.

Note: A boarding house which is also a restaurant is not allowed in a Class II, residential district and is required by the license code to have a restaurant license.⁷

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

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

Section 6-109. DORMITORY.

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

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

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

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

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

The term "lodger" or "boarder", as used in this section, shall not include dependent children, the aged, infirm, invalids, or others regularly requiring, for hire or pay, supervision, nursing or medical attention. A dwelling sheltering such persons shall be deemed a "hospital" or "institutional home", as these terms are elsewhere herein defined. The terms "lodger" and "roomer" as used in this code are synonymous.

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

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

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

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

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

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

- (a) A private garage is a garage accommodating not more than 4 self-propelled vehicles, the building being an accessory use to a dwelling.

- (b) A storage garage is a garage other than a private garage, used only for the storage of self-propelled vehicles, where there is no servicing, repairing, or sale of vehicles or parts.
- (c) A public garage is a garage where self-propelled vehicles are serviced, repaired, sold, or rented to the public.

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

Section 6-113. HOME OCCUPATIONS.

Note: Section 6-113 amended by Ordinance No. 98283 passed and effective April 24, 1953.

The term "home occupation" shall mean any lawful activity commonly carried on within a dwelling by a member or members of a family, no servant, employe or other person being engaged in the same, which activity is secondary to the use of the dwelling for dwelling purposes and in connection with which personal services and/or articles of merchandise may be sold; provided, that such occupation does not constitute a full time activity of any members of the family.

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

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

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

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

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

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

Section 6-118. INSTITUTIONAL HOME. The term "institutional home" shall mean homes providing meals and lodging for babies, children, or old people, under conditions where the definition of "hospital" does not apply and where there is no bodily restraint other than the restraint needed for normal children as required in a place of detention, such as a prison, jail, or detention home.

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

MAIN USE, see "USE, MAIN".

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

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

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

Subsection (c) amended by Ordinance No. 87840; and 107187 passed and effective December 26, 1957.

- (c) Parking lot - storage - shall mean a lot for the parking of automobiles, excluding all trucks except light pick-up and panel delivery trucks used as passenger vehicles, (a) for tenants of a multiple dwelling, (b) customers of a selling or service enterprise, and (c) employees of any mercantile, manufacturing or other commercial enterprise.

Section 6-121. OWNER

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

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

Section 6-122. ROOMING HOUSE.

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

The term "rooming house" shall mean a dwelling accommodating more than 5 lodgers for compensation, but not having more than 15 sleeping rooms, the lodgers not being provided with meals. If a dormitory room:

Article 6. Establishment of Zoning Districts.

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

1717-18
 1817-18
 1916-17-18-19-20-21-22-23-24-25
 2016-17-18-19-20-21-22-23-24-25-26
 2116-17-18-19-20-21-22-23-24-25-26-27-28-29
 2217-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32
 2318-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34
 2419-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34
 2521-22-23-24-25-26-27-28-29-30-31-32-33-34
 2621-22-23-25-26-27-28-29-30-31-32-33-34-37-38-39
 2725-26-27-28-29-30-31-32-33-34-35-36-37-38-39
 2825-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40
 2925-26-27-28-29-30-31-32-33-34-35-36-37-38-39
 3025-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40
 3125-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40
 3225-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40
 3326-27-28-29-30-31-32-33-34-35-36-37-38
 3424-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41
 3526-27-28-29-30-31-32-33-34-35-36-37-38-39-40
 3623-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40
 3725-26-27-28-29-30-31-32-33-34-35-39-40
 3825-26-27-28-29-30-31-32-33-34-35
 3925-26-27-28-31-32-34

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

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

Section 6-603. NONCONFORMING USE.

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

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

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

When a building having a nonconforming use is damaged by fire or by any other cause so that the cost of renewal of the damaged parts exceeds 75% of the cost of the replacement of the entire building exclusive of foundations, using new materials, then such building shall not be rebuilt unless the building and its construction and uses conform fully to this code and other codes of the city as applied to new buildings and to uses in the district in which it is located. When such building is damaged by fire or otherwise, rebuilding shall commence within 6 months if the building is to be used for the same use as the one existing before the damage.

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

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

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

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

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

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

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

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

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

The above described marking refers to lines on original zone maps on file in the City Hall.

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

Section 6-605 (a) amended by Ordinance No. 98283 passed and effective April 24, 1953.

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

1. Single-family dwellings.
2. Accessory uses to single-family dwellings, including a green house or hot house for private use; a pergola, a private garage for not more than 3 motor vehicles, etc.
3. The raising of vegetables and produce on a vacant lot or on the same lot as a dwelling; provided, that there is no stable or livestock kept or maintained in connection therewith.
4. Home offices of a physician, surgeon, dentist or practitioner of any other recognized school of healing. See subsection (f) for allowed signs.

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

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

1. Community clubs; provided, the building is used exclusively for and operated by a nonprofit community club organized for the improvement of the district and social recreation of the community.
2. Fire stations.
3. An old people's home, a children's or baby home, or a convalescent home, if any one of these is established in a dwelling and serves not more than 5 persons in addition to the members of the related family living in the dwelling.

4. Signs for nonconforming uses of kind and character as follows:

- a. New sign.
- b. Enlargement of existing signs.
- c. Changing existing signs from nonilluminated to illuminated sign; provided, that no sign advertising a business not conducted on the premises shall be erected, renewed, painted, repainted, or in any way changed.

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

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

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

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

Section 6-607. CLASS II, RESIDENTIAL DISTRICT.

Subsection (a) amended by Ordinance No. 82488; and 98283 passed and effective April 24, 1953.

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

1. Single-family dwellings.
2. 2-family dwellings.
3. Multiple dwellings of all kinds except convalescent homes, detention homes, hospitals, institutional homes, sanitariums, and similar institutions which are regulated in paragraph (b) or (c) depending on their size, and hotels which are regulated in paragraph (b).
4. Accessory uses, including a private garage for not more than 3 motor vehicles, a pergola, summer house, and green house or hot house for private use only.

5. Community club, provided the building is used exclusively for and operated by a nonprofit community club organized for the improvement of the district and the social recreation of the community.
6. Fire Stations.
7. Home offices of a physician, surgeon, dentist or practitioner of any other recognized school of healing.
8. Public parks and public park building. For refreshment booths, see subsection (b).
9. Public playgrounds and public playground buildings. For refreshment booths, see subsection (b).
10. Storage garages having an accessory use to a multiple dwelling. Such garages may be in a building used as a multiple dwelling or may be attached to or detached from the building; provided, that it shall be under the direction or management of the management of the multiple dwelling. The number of motor vehicles sheltered in such garage shall not exceed one for each bedroom in the dwelling. Storage facilities may be provided by not to exceed 2 such detached garages. No storage garage shall be permitted in the district, except under local option approval as set forth in subsection (b), other than on the same lot with the dwelling to which it is an accessory.
11. Storage parking lot; provided, that such storage parking lot shall have an accessory use to a multiple dwelling or shall have a transition use. No motor vehicle on a storage parking lot shall be parked closer than 5 feet to the street lot line and a 5-foot strip along the street lot line shall be planted with shrubs, flowers, and grass except for necessary driveways.

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

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

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

See subsection (f) for allowed sign.

[Subsection (b)1 amended by Ordinance No. 82488; and 96412 passed and effective May 22, 1952.]

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

1. Booths or stands for the sale of food or refreshments, etc. in a public park or playground; provided, however, that where the Council has authorized a contract for a concession in any public park or playground the local option provision shall be waived.
2. Old people's home, children's or baby home, or convalescent home if established in a dwelling and serving not more than 10 persons in addition to the members of a related family occupying the dwelling.
3. Hotels.
4. Interior commercial uses in hotels and apartment houses; provided, such allowed uses shall be restaurants, lunch counters, tailor shops, delicatessens, and booths or stores for the sale of merchandise. All such permitted uses shall have access only through the main entrance lobby or hall of the building wherein situated, and no outside display window or windows nor signs advertising such uses and visible without such building or buildings shall be allowed.
5. Places of detention.
6. Public libraries.
7. Private garages accessory to single or 2-family dwellings for more than 3 motor vehicles.
8. Public service stations or substations.
9. Refuge homes.
10. Storage garages which have an accessory use to multiple dwellings under the same conditions as allowed in subsection (a), except located elsewhere than on the same lot with the multiple dwelling.
11. Storage parking lots accessory to multiple dwelling under the same conditions allowed in subsection (a), except located elsewhere than on the same lot with the multiple dwelling.

12. Temporary dwellings. Under local option approval a temporary dwelling may be maintained for a period of time not exceeding 2 years, at the end of which time such building shall be disposed of in one of the following ways:

- a. The building shall be changed to comply with the regulations governing the construction of a permanent dwelling.
- b. The building shall be torn down or moved out of the district.
- c. The building shall be changed to a permitted occupancy such as a private garage, woodshed, or similar accessory use.
- d. Maintenance of a temporary dwelling may from time to time, when approved by local option be extended for additional periods not to exceed 2 years each. No temporary dwelling shall be located within 400 feet of a Class I, residential district, or within 100 feet of any street designated by the Council or other competent authority as a major traffic street or throughfare.
[See subsection (g) for signs allowed with local option approval.]

[Paragraph 13 subsection (b) added by Ordinance No. 86016, passed October 2, 1947, effective November 2, 1947.]

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

[Paragraph 14 subsection (b) added by Ordinance No. 98195 passed and effective April 9, 1953.]

14. Transmission of television radio signals received at Class I property to other property by means of electronic relay over wire or cable system.

[Paragraph 15 subsection (b) added by Ordinance No. 98235 passed and effective April 16, 1953.]

15. Enlargement of premises or a building having a non-conforming use or erection of a building to implement or carry out non-conforming use of the premises.

[Paragraph 16 subsection (b) added by Ordinance No. 98283 passed and effective April 24, 1953.]

16. Home occupations for not to exceed two years with no alterations or enlargements to dwellings or accessory buildings. /See Section 6-607 (f-4) for signs advertising home occupations./

[Subsection (c) amended by Ordinance No. 81846, 82488, 83482, 86016; and 105857 passed May 9, 1957 effective June 9, 1957.]

- (c) Council approval for uses.
 Council approved uses. There shall not be established in this district a church, a school, a philanthropic, fraternal or other

institutional use, including a hospital, an old people's home, a children's or baby home or a convalescent home, except institutional homes having not over 10 persons as covered in paragraph (b) 2; or a radio or television transmitter, such radio or television installation including only the necessary equipment to transmit and receive signals without operating or office personnel, except such essential personnel as may be necessary to maintain the installation and premises, unless the Council shall have first approved the location as not detrimental or injurious to the public health, peace or safety of the City or to the character of the ditrict. The procedure to be followed is given in Section 6-304.

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

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

[Subsection (d) amended by Ordinance No. 98486 passed May 20, 1953, effective June 20, 1953.]

- (d) Prohibited Uses. In Class II, residential districts, all uses and occupancies not allowed under subsections (a), (b) and (c) are prohibited except nonconforming uses which may continue in accordance with the provisions of Section 6-603. The erection and maintenance of signboards and billboards are prohibited. The erection and maintenance of any sign except those specifically covered in subsections (f) and (g) and in Article 11 of this code are prohibited, subject in all cases however to the restrictions contained in Article 11.

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

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

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

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

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

(g) Signs allowed with Local Option Approval.

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

1. Sign of an illuminated type advertising only the sale or lease of the property on which it is located.
2. Sign of an illuminated type advertising the home office of a physician, surgeon, dentist, or practitioner of any other recognized school of healing; provided, such sign is affixed flat against the wall of the building and does not exceed in dimensions 6 inches by 18 inches.

Section 6-609. CLASS III BUSINESS DISTRICT.

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

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

1. Assembly Uses.

Subsection (a) 1 amended by Ordinance No. 100983 passed and effective September 2, 1954.

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

2. General Business Uses.

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

General Business Uses - continued

Stores: retail and wholesale

Testing laboratories

Undertaking parlors

Warehouses

and similar uses.

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

3. Public Uses

Court houses

Custom houses

Fire stations

Hospitals

Libraries

Museums

Parks and playgrounds

Places of detention, such as jail, prison, etc.

Police stations

Postoffices

Sanitariums

Schools

and similar uses

4. Residential Uses

Apartment houses

Boarding houses

Childrens' Homes, including baby homes and nurseries

Clubs, fraternal and social

Convalescent homes

Convents

Dormitory buildings

Dwellings, including single and 2-family

Hotels and lodging houses

Institutional homes

Monasteries

Old peoples' homes

Refuge homes

Rooming houses

and similar uses.

Subsection (a-5) amended by Ordinance No. 98486 passed May 20, 1953 effective June 20, 1953.

5. Signs of all kinds as permitted by the Sign Code, except as restricted in Article 11 of this code.

Subsection (b) of Section 6-609 amended by Ordinance No. 86016, 100983; and 103036 passed and effective November 10, 1955.

(b) Local Option Uses.

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

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

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

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

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

(c) Council approval for uses.

Council approved uses. The following uses may be established in Class III business district: bunkers, bins or dumps for crushed stone, sand or crushed stone, sand or gravel, fuel yards, rock or stone crushers, provided the Council shall

have first approved the location as not detrimental or injurious to the public health, peace and safety of the City, or to the character of the district. The procedure to be followed is given in Section 6-304.

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

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

1. Animal Products

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

2. Burned Clay Products

Brick plant
Terra cotta plant
and similar uses.

3. Chemical Products

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

4. Distillation or Reduction Products

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

5. Explosives
Explosive plant
Powder plant
Shell loading plant and similar uses

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

7. Vegetable Products

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

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

[Section 6-610 amended by Ordinance No. 105168 passed December 20, 1956 effective January 20, 1957.]

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

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

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

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

- (c) Prohibited Uses. There is prohibited in a Class III, special district, the erection or the alteration of any building used or to be used for flats, apartments, hotel, manufacturing or for commercial purpose

Article 7. Local Option Regulations.

Section 6-701. REGULAR METHOD.

Note: Section 6-701 amended by Ordinance No. 82488, passed April 18, 1946, effective May 19, 1946.⁷

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

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

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

Section 6-702. QUICK METHOD.

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

Section 6-703. CANCELLATION OF PERMIT.

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

Section 6-704. MOVING BUILDINGS

Section 6-704 added by Ordinance No. 85016, amended by Ordinance No. 89121 and No. 89954, passed and effective August 4, 1949.

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

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

CERTIFICATE OF SERVICE AND FILING

I hereby certify that on February 26th, 1992, I served the foregoing RESPONDENT'S BRIEF on:

GARY M. BULLOCK
 BULLOCK AND REGIER, P.C.
 ATTORNEYS AT LAW
 1001 SW FIFTH AVENUE, SUITE 1500
 PORTLAND, OR 97204

by mailing one (1) correct copy thereof, contained in a sealed envelope with first class postage paid, and deposited with the post office at Portland, Oregon on said day.

Kathryn Beaumont Imperati
 Kathryn Beaumont Imperati, OSB #80014
 Senior Deputy City Attorney
 Of Attorneys for Respondent

I further certify that on February 26th, 1992, I filed the original and four (4) copies of the attached RESPONDENT'S BRIEF with the:

LAND USE BOARD OF APPEALS
 Suite 220
 100 High Street SE
 Salem OR 97310

by mailing said documents, contained in a sealed envelope with first class postage paid, and deposited with the post office at Portland, Oregon on said day.

Kathryn Beaumont Imperati
 Kathryn Beaumont Imperati, OSB #80014
 Senior Deputy City Attorney
 Of Attorneys for Respondent