

Ordinance No. 45611

an Ordinance dividing the City of Portland into four districts, prescribing the uses to which property in such districts may be put or used, providing for the establishment of building set-back lines, providing a penalty for violation thereof, and repealing all ordinances or parts of ordinances in conflict therewith.

The City of Portland does ordain as follows:

SECTION 1. MAPS TO BE PART OF ORDINANCE

The property shown on the accompanying maps designated by the following numbers:

1918-19-20-21-22-23-24
 2018-19-20-21-22-23-24-25-26
 2119-21-22-23-24-25-26-27-28
 2219-22-23-24-25-26-27-28-29-30-31
 2321-24-25-26-27-28-29-30-31-32-33
 2422-23-24-25-26-27-28-29-30-31-32-33-34
 2521-26-27-28-29-30-31-32-33-34
 2627-28-29-30-31-32-33-34-37-38
 2725-26-27-28-29-30-31-32-33-34-35-36-37-38-39
 2825-26-27-28-29-30-31-32-33-34-35-36-37-38-39
 2925-26-27-28-29-30-31-32-33-34-35-36-37-38-39
 3025-26-27-28-29-30-31-32-33-34-35-36-37-38-39
 3126-27-28-29-30-31-32-33-34-35-36-37-38-39
 3226-27-28-29-30-31-32-33-34-35-36-37-38-39
 3326-27-28-29-30-31-32-33-34-35-36-37-38
 3426-27-28-29-31-32-33-34-35-36-37-38-39-40
 3529-32-33-34-35-36-37-38-39-40
 3628-29-31-32-33-34-35-36-37-38-39-40
 3728-29-30-31-32-33-34-35-39-40
 3828-29-30-31-32-33-34-35
 3931-32

is divided into districts, the limitations of which and the regulations for which are hereinafter set forth. These maps are hereby declared to be a part of said ordinance. The districts designated on the maps and the boundaries thereof are hereby established.

SECTION 2. 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:

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Class I-Residential District

Shown on the zoning maps by single diagonal lines approximately 3/8-inch apart.

Class II-Residential District

Shown on the zoning maps by diagonal lines drawn in units of two, approximately 1/16-inch apart, the units being 5/16-inch apart.

Class II-Special Temporary Residence District

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 two close lines.

Class III-Business District

Shown on the maps by diagonal lines which are drawn in units of three, the lines being approximately 1/16-inch apart, the units being about 1/4-inch apart.

Class III-Special Business District

Shown on the zoning maps by lines that are the same as for a Class III Business District, except two dotted lines are placed between the three regular lines.

Class IV-Unrestricted District

The unrestricted district comprises all property on the zoning maps not shown in the other classifications.

SECTION 3. CLASS I RESIDENTIAL DISTRICT

(a) Allowed Uses.

In a Class I Residential District there may be erected, altered and maintained, single family dwellings, with or without such other accessory buildings as are appropriate to such a dwelling, including a private garage for not more than three motor vehicles, a pergola, a green house or hot house for private use and a summer house. Gardens will be permitted. The raising of vegetables and produce on vacant ground will be permitted, provided there is no farm house, cattle or stable maintained in connection therewith. The occupants of the above dwellings may be engaged in such professions as are ordinarily carried on in the home, including the home office of a physician, surgeon or dentist. For signs indicating such occupancy see paragraph (b). Signs advertising only the sale or lease of property on which they are located may be erected and maintained. It is provided that an addition may be constructed to a building used exclusively as a station or substation of a public utility company, corporation or association, by such company, corporation or association, provided such addition conforms in architectural treatment and does not exceed the

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height of the existing building, and provided such addition is built not closer than ten feet to the rear or side lot line of the property upon which it is located, and the grounds around the building shall be maintained with flowers, shrubbery and lawn in harmony with the character of the district, and it is further provided that, if at any time there is, or may be, a set-back regulation in existence at the time said addition is erected, said addition shall comply with such set-back regulation. It is provided, however, that in a Class I residential district a private or public amusement park existing at the time of the passage of this ordinance will be permitted and repairs and additions to existing buildings and structures may be made and new buildings or structures may be erected, or in case of total or partial destruction by fire, the buildings or structures may be re-erected, provided that, in any of such cases, no such buildings or structures shall be located within 300 feet of the boundaries of the tract on which the park is located. Under other conditions any amusement park is prohibited.

(b) Local Option Uses.

In such a district there may be erected, altered and maintained, when authorized under the local option regulations specified in Section 11, a church, a parish house, a public or private school, a fraternity house or a dormitory used in connection with a school, a public park, a park building or structure and a playground, or a building used exclusively for community club purposes, provided such building is erected by or for the use of a non-profitable community club organized for the improvement of the district and/or the social recreation of the members of the community. When shelter for more than three motor vehicles as an accessory to a dwelling and for the occupants thereof is desired, such shelter will be permitted when authorized under the local option regulations of Section 11 and as hereafter set forth. This shelter may be provided in the form of a garage detached from the dwelling or by a garage located in the basement, cellar or first story of the dwelling, or by a combination of the two. The total number of motor vehicles sheltered on the lot or tract of ground upon which the dwelling is located shall not exceed the number given in the following table:

<u>Lot or Tract Area in Square Feet</u>	<u>Limit of Number of Vehicles.</u>
Over 5,000, not exceeding 7,500	4
Over 7,500.	5

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A sign or inscription of the usual type designating a church, a school or parish house will be permitted, provided such sign is attached flat against the building. No such sign shall exceed six (6) square feet in area unless such sign has been authorized by the Local Option Regulations of Section 11. A sign designating a home occupation as mentioned in paragraph (a) will be permitted when authorized under the Local Option Regulations of Section 11, provided such sign is attached flat against the building and does not exceed 6 x 18 inches in dimensions. The erection of a temporary building for commerce or industry, incidental to the development of a residential property will be permitted for a period not exceeding one year under the Local Option Regulations of Section 11.

(c) Prohibited Uses.

There is prohibited in such a district all uses and occupancies not allowed in paragraphs (a) and (b), except existing non-conforming uses which may continue in accordance with the provisions of Section 10. The erection and maintenance of signboards and billboards is prohibited. The erection and maintenance of all signs, except those specifically covered in paragraphs (a) and (b) is prohibited. The re-painting of advertising signs of a business not conducted on the premises on existing non-conforming buildings is prohibited, unless signs are approved under the Local Option Regulations of Section 11. The erection, alteration and, or maintenance of a temporary or shack building for residential purposes is prohibited, except a shed or office used only by a contractor during the construction of a building and the temporary buildings authorized in paragraph (b).

SECTION 3. CLASS II RESIDENTIAL DISTRICT

(a) Allowed Uses.

In a Class II Residential District there may be erected altered and maintained single family dwellings, two family dwellings, flats, apartment houses, boarding houses, hotels, multiple dwellings, parks, playgrounds, truck gardens, farms, and in connection with any residential buildings, there will be permitted suitable outbuildings such as a private garage for not more than three motor vehicles, a pergola, a summer house, a green house or hot house for private use only. The occupants of the dwellings may be engaged in such professions as are ordinarily carried on in the home, including the home office of a physician, surgeon or dentist. Signs advertising the sale or lease of property on which they are located will be permitted. Signs advertising home occupations conducted on the premises not exceeding 6 x 18 inches in size and the

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ordinary signs for churches, schools and parish houses, not exceeding 6 square feet in area will be permitted if placed flat against the building. For signs exceeding this area, see paragraph (b). There is allowed in a park or playground, refreshment stands or booths for the sale of food, candy or soft drinks.

A building for a non-profitable community club may be erected under the same conditions as allowed in Class I. district. It is provided that on property now maintained and used exclusively for educational, hospital, religious or public utility purposes, or on property contiguous thereto but in the same block, a building, or addition to a building, may be constructed by an educational, hospital, religious or public utility company, corporation or association, provided that the same is used exclusively for educational, hospital, religious or public utility purposes, and provided that such new building or addition is located not closer than ten feet to the rear or side lot line of the property upon which it is located, and provided that, if at any time there is, or may be, a set-back regulation in existence at the time such building or addition is erected, such building or addition shall comply with such set-back regulation. Under any other conditions such building or addition shall be subject to the local option regulations as covered in paragraph (d).

(b) Local Option Uses.

In such a district there may be erected, altered and maintained under the Local Option Regulations specified in Section 11, the following occupancies and uses:

A baby home, billboard, boys' and girls' aid home, a church, convent, a garage (large or public), a green house, hospital, provided it is not used for the treatment of insane or narcotic cases, a hot house, a library, monastery, a public service building, nursery, old people's home, orphanage, parish house, post office, railroad station, refuge home, sanitarium, provided same is not used for the treatment of insane or narcotic cases, signboard, undertaking parlor or chapel and similar uses. Signs advertising home occupations conducted on the premises exceeding 6 x 18 inches in size and the ordinary signs for churches and schools exceeding 6 square feet in area will be permitted when authorized under the Local Option Regulations of Section 11. A temporary building for commerce or industry incidental to the development of a residential property may be permitted under the Local Option Regulations of Section 11. In such a district there may be erected, altered and maintained for a period not exceeding two years, when authorized under Local Option Regulations specified in Section 11, a building for a temporary dwelling. City water shall be installed, but a sink and toilet will not be required provided the sanitary conditions in and about the dwellings are maintained in a manner satisfactory to the

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Health Officer. At the end of the limit of time the building shall be disposed of in one of the following ways:

First: The building shall be changed to comply with the regulations governing the construction of a permanent dwelling.

Second: The building shall be torn down.

Third: The building shall be changed to some legal occupancy such as a small garage, wood shed or similar use.

Fourth: Further maintenance of the building as a temporary dwelling may continue for a period ^{not} exceeding two years when authorized under Local Option Regulations as set forth in Section 11 and not otherwise.

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

(c) Prohibited Uses.

There is prohibited in a Class II Residence District all uses not allowed in paragraphs (a), (b) and (d), except existing non-conforming uses which may continue in accordance with the provisions of Section 10. These prohibited uses include stores, mercantile buildings, manufacturing plants, places of amusement and similar uses.

(d) Interior Uses in Hotels and Apartment Houses.

There is permitted in a hotel or an apartment house in a Class II District, a restaurant, a lunch counter, a tailor shop, a dining room, a delicatessen, a booth or store for the sale of merchandise, provided such place of business opens from the lobby or entrance hall of the building, has no outside show window, has no sign that can be seen from the outside of the building and has no outside entrance.

SECTION 5. CLASS II SPECIAL TEMPORARY RESIDENCE DISTRICT.

In a Class II Special Temporary Residence District, the regulations will be the same as for an ordinary Class II Residence District, except that temporary dwellings will be permitted to be erected and maintained for a period of two years without being approved under Local Option Regulations, provided such dwellings are at least 200 feet from the boundaries of the district. No temporary dwelling shall be erected, altered or maintained within 200 feet of the boundaries of the district unless the same has been authorized under the Local Option Regulations set forth in Section 11. In any temporary dwelling erected in this district, city water shall be installed, but the installation of a sink and toilet will not be required provided the sanitary conditions in and about the building are maintained in a manner satisfactory to the Health Officer. At the end of two years the building shall be disposed of in one of the following ways:

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First: The building shall be changed to comply with the regulations governing the construction of a permanent dwelling.

Second: The building shall be torn down.

Third: The building shall be changed to some legal occupancy, such as a small garage, wood shed or similar use.

Fourth: Further maintenance of the building as a temporary dwelling may continue for periods of time not exceeding two years when authorized under Local Option Regulations as set forth in Section 11 and not otherwise.

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

SECTION 6. BUSINESS DISTRICT

(a) Allowed Uses.

In a Class III Business District, there may be erected, altered and maintained all of the residential buildings and uses allowed in a Class I or Class II Residence District, and in addition buildings used for general assemblage, for amusement, for public uses and for general business uses as given in the following list

General Assemblage

- Amusement parks,
- Assembly halls,
- Athletic parks,
- Auditoriums,
- Churches,
- Convention buildings,
- Dance halls,
- Ice skating rink,
- Libraries,
- Lodge buildings,
- Motion picture theatre,
- Museums,
- Parks,
- Playgrounds,
- Railroad stations,
- Roller skating rink,
- Schools,
- Stadiums,
- Theatres,
- And similar uses.

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General Business Buildings

Bakeries,
 Blacksmith shop not using power driven hammer or
 riveter,
 Breweries,
 Dry cleaning establishment,
 Garage,
 Hotel,
 Department stores,
 Lodging houses,
 Machine shop not using power driven hammer or riveter,
 Milk bottling plant,
 Newspaper offices,
 Offices,
 Printing establishment,
 Restaurant,
 Service stations,
 Stables,
 Stores, retail and wholesale,
 Testing laboratory, chemical or physical,
 Factories,
 Foundries,
 Manufacturing plants,
 Storage buildings,
 Undertaking parlors,
 Warehouses,
 And similar uses.

{ Except those occupancies
 and uses covered in
 local option occupancies
 and prohibited occupan-
 cies.

Public Buildings

Court house,
 Custom house,
 Fire engine stations,
 Hospital,
 House of correction,
 Jail,
 Library,
 Museum,
 Police station,
 Post office,
 Prison,
 Sanitarium,
 School,
 And similar uses.

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Residential Buildings.

Apartment houses,
Baby home,
Children's home,
Club,
Convent,
Dwellings,
Flats,
Hotels,
Lodging houses,
Monastery,
Multiple dwellings,
Nursery,
Old people's home,
Orphanage,
And similar uses.

(b) Local Option Uses

In such a district under Local Option Regulations specified in Section 11, property may be used and buildings may be erected, altered and maintained for the following purposes and uses:

Metal Products

Blacksmith shop using power driven hammer or riveter,
Iron or steel foundry
Machine shop using power driven hammer or riveter,
And similar uses.

Miscellaneous Uses.

Commercial heating, lighting or power plant,
Disinfectant manufacturing plant where no sulphur
base is used
Dye, shoe or stove polish manufacturing plant,
Excelsior manufacturing plant,
Fuel yard,
Gas holder or tank containing over 5,000 cubic feet,
Lumber mill or yard
Petroleum products storage in excess of 100 barrels
of crude oil or 2,000 gallons of lighter products,
Raw hide or raw skins warehouse,
Sauer kraut manufacturing plant,
Shoddy factory,
Soap factory where no fat is rendered,
Vinegar manufacturing plant,
Yeast manufacturing plant,
And similar uses

(c) In such a district there is prohibited the use of property for the erection, alteration and maintenance of buildings for the following uses:

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Animal Products

Fertilizer plant,
Glue or sizing manufacturing plant,
Packing house,
Soap factory where fat is rendered,
Tannery,
Wool pallery,
And similar uses.

Clay Products

Clay brick manufacturing plant,
Terra cotta manufacturing plant,
And similar purposes.

Chemical products

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

Explosives

Explosives, manufacture and storage of
And similar uses.

Distillation or Reduction Plants

Bone distillation plant,
Charcoal plant,
Coal distillation plant,
Coke ovens,
Garbage distillation plant,
Gas distillation plant,
Tar distillation plant,
Wood distillation plant,
And similar uses.

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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.

Stone Products

Stone crusher,
And similar uses.

Vegetable Products

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

SECTION 7. CLASS III SPECIAL BUSINESS DISTRICT.

(a) There may be established within the boundaries of a Class I District a Class III Special District. The method of establishing such a district shall comply with the regulations given in Section 13.

Allowed Uses

(b) In such a district there may be erected, altered and maintained such buildings and uses as are allowed in a Class I Residential District and also store buildings limited to one-story in height, except when a second story has been authorized by Local Option Regulations. The uses to which such a store building can be put are those such as are needed to supply a residential district, which uses shall include a grocery store, a drug store, a meat shop, a candy or confectionery store, a bakery, a delicatessen and similar uses. Where a setback line has been established in connection with a Class I District 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 six by eighteen (6 x 18) inches in size placed flat against the building, which sign shall have only the name of the store, or the owner of the store upon it, shall be permitted not exceeding one for each store. For larger signs see Paragraph (c).

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Local Option Uses.

(c) 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 Section 11 for office uses only.

When signs larger than specified in Paragraph (b) are desired, such signs shall be approved under the Local Option Regulations given in Section 11 under the following provisions:

Such signs shall not exceed six (6) square feet in area and shall be placed flat against the building and shall advertise only the business, the name of the store, or the name of the proprietor.

Prohibited Uses

(d) There is prohibited in a Class III Special District the erection or the alteration of any building used for flats, apartments, hotels, for manufacturing purposes and for commercial purposes except as especially provided for above. Living quarters are prohibited in connection with any store building. Signboards and billboards are prohibited, and all other signs except those authorized in paragraphs (b) and (c). Signs advertising special sales are prohibited. The storage or display of goods on the outside of a store building is prohibited.

SECTION 8. CLASS IV UNRESTRICTED DISTRICT

In a Class IV Unrestricted District the allowed uses, the local option uses and the prohibited uses of a Class III District are permitted without restriction except a Class IV District is subject to the general ordinances of the city applying to all portions of the city.

SECTION 9. 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 is understood that the boundary is to occur either at a street, 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 to street lines and at a designated distance therefrom unless said line is otherwise definitely located.

SECTION 10. EXISTING BUILDING AND NON-CONFORMING USE

When a property or an existing building at the time of the passage of this ordinance has a use which is legal prior to the passage of this ordinance, such use may continue even though same be not in conformity to the Zoning Regulations. If, however, the use of the building or premises is changed, it shall be changed to a use conforming to the Zoning Regulations and after such change it will not be permissible to change back again to the original non-conforming use. When a building having a non-conforming use is damaged by fire or any other cause so that the total deterioration exceeds 90 per cent of the cost of replacing the building using new materials, then such building shall not be rebuilt unless such building in its construction and uses conforms fully to the requirements of this ordinance and other ordinances of the city as applied to new buildings and uses in the district in which it is located. No premises or building having a non-conforming use shall be enlarged unless such enlargement has been approved in accordance with the Local Option requirements set forth in Section 11.

When a non-conforming use building is destroyed by fire, rebuilding shall commence within six months if the new building is to be used for the same use as before the fire.

SECTION 11. LOCAL OPTION REGULATIONS

(a) Regular Method

When the use of any premises or building or sign is subject to Local Option Regulations, the person or persons desiring such use shall first submit to the Bureau of Buildings an application on which is given the following information:

First: A description of the building or sign and property on which same is located.

Second: The use or occupancy proposed.

Third: A list of the names and addresses of the owners of all property within a radius of 200 feet of the property in question.

Fourth: A list of all properties within a radius of 200 feet of the property in question with the description given on the assessment and tax roll of Multnomah County.

Where a property or building is in a district adjacent to another district of a less restrictive character, the 200 foot radius line shall include no property in such adjacent district. The Bureau of Buildings shall notify the owners of property within the 200 foot radius of the con-

templated use of the premises or the building and if within ten days the owner or owners of more than 50 per cent of such property, calculating 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. If there is no protest against such use or if the protest is made by owners of 50 per cent or less of the area of the property within the 200 foot radius then the Bureau of Buildings shall issue a permit and such use shall be lawful.

(b) Quick Method

If the applicant for Local Option approval files with the Bureau of Buildings an application having the information required by paragraph (a) and in addition files signed statements of owners of not less than 75 per cent in area of the property within the 200 foot radius 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.

(c) Cancellation of Permit

Any misstatement or inaccuracy on 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 12. CONTRACT OWNER MAY SIGN AS OWNER

When this ordinance requires a signature or consent of an owner of property, any person or persons who are purchasing the property under a contract may sign their names as owner or owners of the property, provided they state that they are purchasing the property in question under a contract.

SECTION 13. CHANGE OF DISTRICT AND AMENDMENT OF THE ORDINANCE.

The Council may on petition after notice and public hearing, amend this ordinance and may change the boundaries of districts and may change a district from one class to another. To change a Class II district to a Class II Special District, and a Class III to a Class III Special District, the regular procedure of change from one district to another shall be followed. Any ordinance coming under the terms of this section shall be referred to the City Planning Commission and no ordinance shall be passed by the Council until the City Planning Commission has submitted a report to the Council relative to the same. Any such amendment or change of district that has failed to receive the approval of the City Planning Commission shall not be passed by the

Council by less than a four-fifths vote. When any petition for a change in a district has been submitted to the Council, such petition shall be accompanied by the following information:

First: A list of the names and addresses of the owners of all property within the area proposed to be changed.

Second: A list of property or properties affected with the description given on the assessment and tax roll of Multnomah County.

If such an area proposed to be changed is less than one block in area and the change is to a less restrictive use, the list of names and properties shall include the property within a radius of 200 feet of the block in question. The width of streets not to be included in the 200 foot radius. The owners of property on the submitted list shall be notified of the proposed change and at least ten days shall elapse between the time of sending the notice and the holding of the hearing by the Council. If a written protest against such amendment is presented to the Council by owners of 20 per cent of the area of the land proposed to be changed, such amendment shall not be passed by less than a four-fifth vote of the Council. When the owners of 50 per cent or more of the land in area present a petition duly signed to the Council requesting a change of district, it shall be the duty of the Council to vote upon such amendment within 90 days of the filing of the same by the petitioners.

SECTION 14. SET-BACK LINES FOR RESIDENTIAL DISTRICTS.

A petition may be presented to the Council for set-back regulations in a Class I or Class II Residential District or a part thereof by the property owners or by the City Planning Commission. When a petition is presented by the property owners, the same shall be referred to the City Planning Commission for report and no petition shall be finally disposed of by the Council until the City Planning Commission has submitted a report on the same. Any petition requesting the establishment of set-back lines in a residential district shall have attached to the same the following information:

First: A list of the names and addresses of the owners of all property affected by such set-back regulations.

Second: A list of the property or properties affected with the description given on the assessment and tax roll of Multnomah County.

Third: A statement of the distance of the set-back desired for each street and piece of property.

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When such a petition is presented by property owners, it shall be signed by the owner or owners of at least 60 per cent of the area of the property affected by the petition. After a petition has been filed, the time for the hearing on the same shall be set and a notice shall be sent to the affected property owners of the filing of the petition and of the hearing. At least ten days shall intervene between the sending of the notice and the hearing. If written protest against the petition is made by the owner or owners of 20 per cent of the area of the land covered by the petition, the set-back regulations shall not be established by less than a four-fifths vote of the Council. The set-back lines shall be clearly indicated on the zoning or district maps. After the establishment by the Council of set-back regulations in a district no building or part of a building, except as hereafter noted, shall be erected closer to a street line than the set-back line for such street. A private garage not over 400 square feet in area, which is erected in a bank of earth with no portion of the garage extending more than 2 feet above the top of the adjoining earth, is excepted from the set-back regulations. An eave or a cornice of a building projecting not over 3 feet beyond the set-back line will be permitted. An uncovered flight of steps leading to the first story level is not subject to the set-back regulation. An uncovered porch exceeding 2 feet above the level of the adjoining ground or a covered porch or similar projection from a building is subject to the set-back regulations.

SECTION 15. MINIMUM REQUIREMENTS

The provisions of this ordinance shall be held to be the minimum requirements for the preservation of public safety, health, convenience, comfort, prosperity and general welfare of the people of the City of Portland.

SECTION 16. BOARD OF APPEAL

A Board of Appeal for the Zoning Ordinance is hereby created and established. The same is to consist of five members appointed by the Mayor.

Constitution of the Board

One member is to be appointed for one year, two members each for two years, and two members each for three years, after which appointments, all appointments are to be for a period of three years. One member of the Board shall be an architect with at least ten years' experience in his profession, one a civil or structural engineer with at least

ten years' experience in his profession, one a building contractor with at least ten years' experience in his profession, and one a realtor with at least ten years' experience in his profession. The Board shall elect their own chairman who shall determine the time of regular and special meetings, which shall be open to the public. Three members of the Board shall constitute a quorum and a majority of the members present shall control the action of the Board. The Mayor may remove from office any member of the Board for malfeasance in office or neglect of duty; a continuous absence from meetings for over three meetings without excuse being considered as a neglect of duty. All appeals to the Board shall be filed in writing at least twenty four (24) hours before the meeting in which the same is considered. In case of the absence of any member a temporary appointment to such vacancy shall be made by the Mayor. The minutes of all meetings shall be kept and shall be open to public inspection. The duties of the Board shall be to interpret the meaning of the Zoning Ordinance, in case there is dispute between the administrative officials of the City and the owners of property and to recommend changes in the ordinance or in districts. Any such recommendations shall be transmitted to the City Planning Commission for report, which shall be sent to the Council together with the changes recommended by the Board within a period of sixty days. The members of the Board are to serve without compensation and an employee of the Department of Public Works shall be provided to serve as Secretary of the Board.

SECTION 17. VALIDITY OF ORDINANCE

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

SECTION 18. ILLEGAL OCCUPANCY

Any use of a premises or a building which deviates from or violates any of the provisions of this ordinance shall be termed an illegal occupancy and the person or persons responsible therefor shall be subject to the penalties herein provided.

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SECTION 19 CONFLICTING PROVISIONS REPEALED

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed. The provisions of Sections 706 and 707 of the Building Code are hereby repealed in connection with any district shown on a zoning map which is attached to and made a part of this ordinance.

SECTION 20 PENALTY FOR VIOLATION

Any person violating any provisions of this ordinance shall upon conviction be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) or by imprisonment in the City Jail not to exceed six (6) months or by both such fine and imprisonment. Each day that a violation of this ordinance continues shall be considered a separate offense.

SECTION 21 This Ordinance shall be referred to the people of the City of Portland for their adoption or rejection at the election to be held on November 4, 1924. If adopted at such election the same shall go into effect immediately upon its adoption and if rejected at such election the same shall be null and void.

Passed by the Council SEPT. 24 1924.

OSCAR L. RAHNER

Mayor of The City of Portland.

Attest:



Auditor of The City of Portland.