



TABLE OF CONTENTS
Ordinance No. 1316

<u>Section</u>	<u>Page</u>
ARTICLE 1. INTRODUCTORY PROVISIONS	
1.010 Title.....	1
1.020 Purpose.....	1
1.030 Definitions.....	1
ARTICLE 2. BASIC PROVISIONS	
2.010 Compliance with Ordinance Provisions.....	6
2.020 Classification of Zones.....	6
2.030 Location of Zones.....	7
2.040 Boundaries of Zones.....	7
2.050 Zoning Maps.....	7
2.060 Zoning of Annexed Areas.....	7
ARTICLE 3. USE ZONES	
3.010 Single Family Residential Zone R-10.....	8
3.020 Single Family Residential Zone R-7.....	10
3.030 Single Family Residential Zone R-5.....	12
3.040 Apartment Residential Zone A-3.....	14
3.050 Apartment Residential Zone A-2.....	16
3.060 Apartment-Business Office Residential Zone A-1-B.....	18
3.070 Neighborhood Commercial Zone C-N.....	20
3.080 Limited Commercial Zone C-L.....	21
3.090 Central Commercial Zone C-C.....	23
3.100 General Commercial Zone C-G.....	25
3.110 Limited Manufacturing-Industrial Zone M-L.....	28
3.120 General Manufacturing-Industrial Zone M-G.....	31
3.130 Aircraft Landing Facility Zone LF.....	34
3.140 Design Zone D.....	35
3.150 Flood Hazard Zone FH.....	36

<u>Section</u>	<u>Page</u>
3.160 Planned Development Zone PD.....	40
ARTICLE 4. SUPPLEMENTARY REGULATIONS AND EXCEPTIONS	
4.010 Accessory Uses, General Provisions.....	42
4.020 Storage in Front Yard.....	42
4.030 Clear Vision Areas.....	43
4.040 Maintenance of Minimum Ordinance Requirements.....	43
4.050 Dual Use of Required Open Space.....	43
4.060 Buildings on the Same Lot.....	43
4.070 Distance from Property Line.....	43
4.080 Projections from Buildings.....	43
4.090 Lot Size Requirements, General Exceptions.....	43
4.100 Yard Requirements, General Exceptions.....	44
4.110 Building Height Limitations, General Exceptions.....	44
ARTICLE 5. OFF-STREET PARKING AND LOADING	
5.010 Off-Street Parking Requirements.....	45
5.020 Off-Street Loading Requirements.....	47
5.030 Off-Street Parking and Loading, General Provisions.....	48
ARTICLE 6. CONDITIONAL USES	
6.010 Authorization to Grant or Deny Conditional Uses.....	49
6.020 Standards Governing Conditional Uses.....	49
6.030 Conditional Use Procedure.....	51
ARTICLE 7. VARIANCES AND EXCEPTIONS	
7.010 Authorization to Grant or Deny Variances.....	51
7.020 Circumstances for Granting Variances.....	52
7.030 Variance Procedure.....	52
7.040 Authorization to Grant or Deny Variances.....	52
7.050 Exception Procedures.....	53

<u>Section</u>	<u>Page</u>
ARTICLE 8 NONCONFORMING USES	
8.010 Continuation of Nonconforming Structure or Use.....	53
8.020 Discontinuance of Nonconforming Use.....	53
8.030 Improvement of Certain Nonconforming Uses.....	53
8.040 Change of a Nonconforming Structure.....	53
8.050 Change of Nonconforming Use.....	53
8.060 Destruction of Nonconforming Structure or Use.....	53
8.070 Completion of Structure.....	53
ARTICLE 9. AMENDMENTS	
9.010 Authorization to Initiate Amendments.....	54
9.020 Amendment Procedure.....	54
ARTICLE 10. ADMINISTRATIVE PROVISIONS	
10.010 Enforcement.....	54
10.020 Appeal from Ruling of Planning Commission.....	54
10.030 Form of Petitions, Applications, and Appeals.....	54
10.040 Filing Fees.....	54
10.050 Notice of Public Hearing.....	55
10.060 Recess of Hearing.....	55
10.070 Time Limit on a Permit for a Conditional Use or Variance.....	55
ARTICLE 11. MISCELLANEOUS PROVISIONS	
11.010 Interpretation.....	55
11.020 Severability.....	55
11.030 Repeal.....	55
ARTICLE 12 REMEDIES	
12.010 Penalty.....	55
12.020 Alternative Remedy.....	56



ORDINANCE NO. 1316

AN ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES IN MILWAUKIE, OREGON, AND ESTABLISHING ZONES FOR THAT PURPOSE, AND ALSO REPEALING ORDINANCE NO. 1183 AND ALL AMENDMENTS THERETO.

The City of Milwaukie, Oregon, does ordain as follows:

ARTICLE I. INTRODUCTORY PROVISIONS

Section 1.010. Title. This Ordinance shall be known and may be cited as the "Zoning Ordinance of Milwaukie, Oregon."

Section 1.020. Purpose. The purpose of this Ordinance is to provide for the public health, safety and general welfare of the citizens of the City of Milwaukie through orderly community development, with consideration for concentration of population, protection of property and values, recreation, aesthetic and economic development, limitation of dangerous, offensive or unwholesome trades or industries, maintenance of adequate light and air and regulation of traffic.

Section 1.030. Definitions. As used in this Ordinance:

1. "Access" means the way or means by which pedestrians and vehicles enter and leave property.
2. "Accessory Structure" or "Accessory Use" means a structure or use incidental and subordinate to the main use of property and located on the same lot as the main use, including any required off-street parking within 200 feet (measured in a straight line) of the building or use it is intended to serve.
3. "Agriculture" means the tilling of the soil, the raising of crops, dairying or animal husbandry, but not including the keeping or raising of fowl, pigs, or fur-bearing animals unless the keeping of animals is clearly incidental to the principal use of the property for the raising of crops.
4. "Airport" or "Aircraft Landing Facility" means any landing area, runway, or other facility designed, used, or intended to be used by aircraft and including all necessary taxi-ways, hangars, and other necessary buildings and open spaces.
5. "Alley" means a minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
6. "Alteration" means a change in construction or a change in occupancy. Where the term "alteration" is applied to a change in construction, it is intended to apply to any change, addition, or modification in construction. When the term is used in connection with a change in occupancy, it is intended to apply to changes in occupancy from one use to another.
7. "Alteration, Structural" means a change or repair which would tend to prolong the life of the supporting members of a building or structure. A change in the external dimensions of the building shall be considered a structural alteration.
8. "Apartment" means a building or portion thereof which is designed or built incorporating separate housekeeping facilities to be occupied, or which is occupied as residence of three or more families, living independently of each other.
9. "Automobile Service Station" means a retail place of business engaged primarily

in the sale of motor fuels, but also supplying goods and services required in the operation and maintenance of automotive vehicles. These may include petroleum products, tires, batteries, automotive accessories and replacement items, washing and lubrication services, the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products, but not major automotive repairs, painting and body and fender work.

10. "Basement" means a portion of a building, not deemed a story, which has more than one-half of its height (but not more than six feet) measured from finished floor to finished ceiling above the adjoining ground level grade.
11. "Boarding, Lodging or Rooming House" means a building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily by persons paying consideration for sleeping purposes where meals may or may not be provided.
12. "Building" means a structure built for the support, shelter, or enclosure of any persons, animals, chattles, or property of any kind excepting uncovered patios or decks not exceeding 18 inches in height above the average grade of the adjoining ground.
13. "Building Height" means the vertical distance measured from the adjoining street centerline grade as established by the City to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip, or gambrel roof, provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.
14. "Building Line" means a line that coincides with the front side of the main building.
15. "Cellar" means a room or a group of rooms, usually under a building, which has more than one-half of its height measured from finished floor to finished ceiling below the average grade of the adjoining ground.
16. "City" means the City of Milwaukie, Oregon.
17. "Day Care Center" means any facility, institution, establishment or place not a part of a school as defined in 1.030.59, that provides day care to eight (8) or more children not of common parentage under the age of fifteen (15) years, including day nurseries, nursery schools, pre-schools, day care facilities or similar units operating under any name for a period not exceeding twelve (12) hours per day for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward.
18. "Day Care Home" means a private residence in which are commonly received at one time seven (7) or less children not related by parentage to the provider of the day care service fifteen (15) years of age or under for a period not exceeding twelve (12) hours per day for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.
19. "Dormitory" means a room which is rented for sleeping purposes for more than four persons.
20. " Dwelling Unit" means one or more rooms designed for occupancy by one family for living purposes.

21. "Dwelling, Single Family or One Family" means a detached building designed for occupancy by one family.
22. "Dwelling, Duplex or Two Family" means a building designed exclusively for occupancy by two families living independently of each other.
23. "Dwelling, Apartment or Multiple Family" means a building or portion thereof, designed for occupancy by three or more families living independently of each other.
24. "Family" means one person or two or more persons related by blood, marriage, legal adoption, or guardianship; or a group of not more than five persons (excluding servants) all or part of whom are not related by blood, marriage, legal adoption, or guardianship living together as a single housekeeping unit in a dwelling unit.
25. "Fence, Sight Obscuring" means a fence consisting of wood, metal, masonry, or similar materials, or an evergreen hedge or other evergreen planting, arranged in such a way as to obscure vision at least 80 per cent.
26. "Floodway" means the channel of a stream and adjacent land areas which are required to carry and discharge the flood waters or flood flows of an Intermediate Regional Flood, as defined by the Corps of Engineers.
27. "Floodway Fringe" means that land area which is outside of the stream floodway but is subject to periodic inundation by an Intermediate Regional Flood, as defined by the Corps of Engineers.
28. "Floor Area" means the sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings, but not including:
 - a. Attic space providing headroom of less than seven feet;
 - b. Basement or cellar;
 - c. Uncovered steps or fire escapes;
 - d. Private garages, carports or porches;
 - e. Accessory water towers or cooling towers;
 - f. Accessory off-street parking or loading spaces.
29. "Foster Home" means any home maintained by a person licensed by the State of Oregon to provide care, food and lodging in such home for not more than ten (10) children, including his or her own children, under the age of eighteen (18) years and unaccompanied by a parent or guardian.
30. "Frontage" means property abutting on a street.
31. "Grade, Ground Level" means the average of the finished ground level at the center of all walls of a building. Where the walls are parallel to and within five feet of a public sidewalk, the ground level shall be measured at the average sidewalk elevation.
32. "Home Occupation" means an occupation carried on at a dwelling as an accessory use to the dwelling, with the activity conducted in such a manner as to give no appearance of a business, and with no infringement upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
33. "Horticulture" means the cultivation of plants, garden crops, trees, or nursery

stock.

34. "Hotel" means a building or portion thereof designed or used for occupancy of transient individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.
35. "Institution, Higher Educational" means a college or university, accredited by the State of Oregon.
36. "Junk or Wrecking Yard" means any property where a person is engaged in breaking up, dismantling, sorting, storing, distributing, buying or selling any scrap or waste material.
37. "Kennel" means any lot or premises on which four or more dogs, more than four months of age, are kept.
38. "Loading Space" means an off-street space or berth on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley or other appropriate means of access and egress.
39. "Lot" means a plot, parcel, or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.
40. "Lot Area" means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public streets.
41. "Lot, Corner" means a lot abutting on two or more streets, other than an alley, at their intersection.
42. "Lot Coverage" means the area covered by a building or buildings on a lot, expressed as a percentage of the total lot area.
43. "Lot, Depth" means the average horizontal distance between the front lot line and rear lot line.
44. "Lot, Interior" means a lot other than a corner lot.
45. "Lot Line" means the property line bounding a lot.
46. "Lot Line, Front" means, for an interior lot, a line separating the lot from the street; and for a corner lot, a line separating either (but not both) frontage of the lot from the street. In the case of a corner lot, the City shall determine the front lot line.
47. "Lot Line, Rear" means, for an interior lot, a line separating one lot from another on the opposite side of the lot from the front lot line; for corner lots either (but not both) interior lot line separating one lot from another; and for an irregular or triangular shaped lot, a straight line 10 feet in length that is parallel to and at the maximum distance from the front lot line. In the case of a corner lot, the City shall determine the rear lot line.
48. "Lot Line, Side" means, for interior lots, a line separating one lot from the abutting lot or lots fronting on the same street; for corner lots, a line other than the front lot line separating the lot from the street or a line

- separating the lot from the abutting lot along the same frontage.
49. "Lot, Through" means an interior lot having frontage on two streets.
50. "Lot Width" means the horizontal distance between side lot lines measured at the building line.
51. "Motel or Tourist Court" means one or more buildings designed or used as temporary living quarters for transients.
52. "Nonconforming Structure or Use" means a lawful existing structure or use, at the time this Ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.
53. "Open Space" means any parcel of land or portion of a parcel without a structure.
54. "Owner" includes an authorized agent of the owner.
55. "Parking Space" means an area available for the parking of a standard American automobile.
56. "Person" means any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.
57. "Railroad facilities" means railroad switching yards, terminal structure, railroad tracks, or any other facilities connected with railroads which generate substantial noise or nuisance.
58. "School, Commercial" means a place where instruction is given to pupils in arts, crafts, trades, or other occupational skills, and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation.
59. "School, Primary, Elementary, Junior High, or High" includes public, private or parochial but not nursery school, kindergarten or day nursery, except when operated in conjunction with a school.
60. "Story" means that portion of a building included between a floor and the ceiling next above it which is six feet or more above the grade.
61. "Story, Half" 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.
62. "Street" means the entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms "road," "highway," "lane," "place," "avenue," "alley" and other similar designations.
63. "Structure" means something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.
64. "Trailer House" or "Mobile Home" means any vehicle or similar portable device so designed or constructed as to permit human occupancy for living or sleeping purposes.
65. "Trailer Park" means a lot upon which two or more trailer houses occupied for dwelling or sleeping purposes are located, regardless of whether a charge is

made for such accommodation.

66. "Transitional Area" means an area within a residential zone, abutting a boundary of a commercial or industrial zone, and extending not more than 100 feet into the residential zone.
67. "Transitional Use" means a use allowed in a transitional area intended to create a gradual change in use from residential to commercial or industrial.
68. "Use" means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.
69. "Vegetation" means plantings or natural growth of trees, grass, shrubs, etc. which would permit normal percolation.
70. "Vehicle" means a device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
71. "Yard" means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance.
72. "Yard, Front" means a yard between side lot lines and measured horizontally at right angles to the front lot line from the lot line to the nearest point of the building.
73. "Yard, Rear" means a yard between side lot lines or between a street side yard and opposite side lot line and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building.
74. "Yard, Side" means a yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the building.
75. "Yard, Street Side" means a yard adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of the building.

ARTICLE 2. BASIC PROVISIONS

Section 2.010. Compliance with Ordinance Provisions. A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this Ordinance permits.

Section 2.020. Classification of Zones. For the purposes of the Ordinance the following zones are hereby established in the City:

<u>Zone Description</u>	<u>Abbreviated Designation</u>
Residential, Single Family	R-10
Residential, Single Family	R-7
Residential, Single Family	R-5
Residential, Apartment	A-3
Residential, Apartment	A-2
Residential, Apartment-Business Office	A-1-B

(continued on next page)

<u>Zone Description</u>	<u>Abbreviated Designation</u>
Commercial, Neighborhood	C-N
Commercial, Limited	C-L
Commercial, Central	C-C
Commercial, General	C-G
Manufacturing-Industrial, Limited	M-L
Manufacturing-Industrial, General	M-G
Aircraft Landing Facility Design	LF D
Flood Hazard	FH
Planned Development	PD

Section 2.030 Location of Zones. The boundaries for the zones established in this Ordinance are indicated on a map entitled "Zoning Map of Milwaukie, Oregon," which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

Section 2.040. Boundaries of Zones. If a zone boundary as shown on the map divides a lot between two zones, the entire lot shall be deemed to be in the zone in which the greater area of the lot lies, provided that this adjustment involves a distance not to exceed 20 feet from the mapped zone boundary.

Section 2.050. Zoning Maps. A zoning map or zoning map amendments adopted by Section 2.030. of this Ordinance (or by an amendment thereto) shall be prepared by authority of the City Planning Commission or be a modification by the City Council of a map or map amendment so prepared. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained without change in the office of the City Recorder as long as this Ordinance remains in effect.

Section 2.060. Zoning of Annexed Areas. Area annexed to the City shall be included within the boundaries of zones established in this Ordinance. The Planning Commission shall, by resolution, determine the appropriate zoning as follows:

1. Area not zoned before annexation shall be in the R-10, Single Family Residential, zone, or the zone indicated by the adopted Comprehensive Plan of the City.
2. Area already zoned before annexation shall be in the City zone most closely approximating the zoning in effect prior to annexation or the zone indicated by the adopted Comprehensive Plan of the City.

ARTICLE 3. USE ZONES

Section 3.010. Single Family Residential Zone R-10. In an R-10 zone the following regulations shall apply:

1. Outright Uses Permitted. In an R-10 zone the following uses and their accessory uses are permitted outright:
 - a. Single family dwelling.
 - b. Agricultural or horticultural use, provided that:
 - (1) A retail or wholesale business sales office is not maintained on the premises; and
 - (2) Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
 - c. Public park, playground, and any other similar publicly owned recreational use.
 - d. In a transitional area, a duplex; offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists and others of a professional nature whose activities generate a minimal amount of traffic; or off-street parking facility.
 - e. Any other use similar to the above and not listed elsewhere.
2. Conditional Uses Permitted. In an R-10 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:
 - a. Church and other religious structures.
 - b. Primary, elementary, junior high or high school, kindergarten or day nursery, or a higher educational institution (college or university).
 - c. Community meeting building.
 - d. Golf course, except a commercial driving range or miniature course.
 - e. Temporary real estate office in a subdivision.
 - f. Cemetery.
 - g. Utility substation.
 - h. Commercial or amateur radio or television studio, transmitter or antenna tower.
 - i. Passenger terminal.
 - j. Government or municipal structure or use.
 - k. Duplex
 - l. Day care center.
 - m. Any other use similar to the above and not listed elsewhere.
3. Standards. In an R-10 zone the following standards shall apply:
 - a. Lot Size: Lot area shall be at least 10,000 square feet and shall be not less than 13,500 square feet for a duplex. Lot width shall be at least 70 feet. Average lot depth shall be at least 100 feet.

- b. Front Yard: A front yard shall be at least 20 feet
- c. Side Yard: A side yard shall be at least 10 feet, except on corner lots a side yard shall be at least 20 feet on the side abutting the street.
- d. Rear Yard: A rear yard shall be at least 20 feet.
- e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.100 shall be established in accordance with the standard set forth therein.
- f. Off-Street Parking and Loading: As specified in Article 5.
- g. Height Restriction: Maximum height of a structure shall be 2½ stories or 35 feet, whichever is less.
- h. Lot Coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 30 per cent of the total area of the lot.
- i. Minimum Vegetation: Minimum area that must be left or planted in trees, grass, shrubs, etc. shall be 35 per cent of the total area of the lot.
- j. Access Requirement: Every lot shall abut a public street other than an alley for at least 35 feet.

Section 3.020. Single Family Residential Zone R-7. In an R-7 zone the following regulations shall apply:

1. Outright Uses Permitted. In an R-7 zone the following uses and their accessory uses are permitted outright:
 - a. Single family dwelling.
 - b. Agricultural or horticultural use, provided that:
 - (1) A retail or wholesale business sales office is not maintained on the premises; and
 - (2) Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
 - c. Public park, playground, and any other similar publicly owned recreational use.
 - d. In a transitional area, a duplex; offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists and others of a professional nature whose activities generate a minimal amount of traffic or off-street parking facility.
 - e. Any other use similar to the above and not listed elsewhere.
2. Conditional Uses Permitted. In an R-7 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:
 - a. Church and other religious structures.
 - b. Primary, elementary, junior high or high school, kindergarten or day nursery, or a higher educational institution (college or university).
 - c. Community meeting building.
 - d. Golf course, except a commercial driving range or miniature course.
 - e. Temporary real estate office in a subdivision.
 - f. Cemetery.
 - g. Utility substation.
 - h. Commercial or amateur radio or television studio, transmitter or antenna tower.
 - i. Passenger terminal.
 - j. Government or municipal structure or use.
 - k. Duplex.
 - l. Day care center.
 - m. Any other use similar to the above and not listed elsewhere.
3. Standards. In an R-7 zone the following standards shall apply:
 - a. Lot Size: Lot area shall be at least 7,000 square feet and shall be not less than 10,000 square feet for a duplex. Lot width shall be at least 60 feet. Average lot depth shall be at least 80 feet.
 - b. Front Yard: A front yard shall be at least 20 feet.

- c. Side Yard: A side yard shall be at least 5 feet and one side yard shall be at least 10 feet except on corner lots a side yard shall be at least 20 feet on the side abutting the street.
- d. Rear Yard: A rear yard shall be at least 20 feet
- e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.100 shall be established in accordance with the standard set forth therein
- f. Off-Street Parking and Loading: As specified in Article 5.
- g. Height Restriction: Maximum height of a structure shall be 2½ stories or 35 feet, whichever is less.
- h. Lot Coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 30 per cent of the total area of the lot.
- i. Minimum Vegetation: Minimum area that must be left or planted in trees, grass, shrubs, etc. shall be 30 per cent of the total area of the lot.
- j. Access Requirement: Every lot shall abut a public street other than an alley for at least 35 feet.

Section 3.030. Single Family Residential Zone R-5. In an R-5 zone the following regulations shall apply:

1. Outright Uses Permitted. In an R-5 zone the following uses and their accessory uses are permitted outright:
 - a. Single family dwelling.
 - b. Agricultural or horticultural use, provided that:
 - (1) A retail or wholesale business sales office is not maintained on the premises; and
 - (2) Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
 - c. Public park, playground, and any other similar publicly owned recreational use.
 - d. In a transitional area, a duplex; offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists and others of a professional nature whose activities generate a minimal amount of traffic; or off-street parking facility.
 - e. Any other use similar to the above and not listed elsewhere.
2. Conditional Uses Permitted. In an R-5 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6.
 - a. Church and other religious structures.
 - b. Primary, elementary, junior high or high school, kindergarten or day nursery, or a higher educational institution (college or university).
 - c. Community meeting building.
 - d. Golf course, except a commercial driving range or miniature course.
 - e. Temporary real estate office in a subdivision.
 - f. Cemetery.
 - g. Utility substation.
 - h. Commercial or amateur radio or television studio, transmitter or antenna tower.
 - i. Passenger terminal.
 - j. Government or municipal structure or use.
 - k. Duplex.
 - l. Day care center.
 - m. Hospital, sanitarium, rest home, or nursing home.
 - n. Fraternal meeting building
 - o. Any other use similar to the above and not listed elsewhere.
3. Standards. In an R-5 zone the following standards shall apply:
 - a. Lot size: Lot area shall be at least 5,000 square feet and shall be not less than 7,500 square feet for a duplex. Lot width shall be at least

- 50 feet. Average lot depth shall be at least 80 feet.
- b. Front Yard: A front yard shall be at least 20 feet.
- c. Side Yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over 2 stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street.
- d. Rear Yard: A rear yard shall be at least 20 feet.
- e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.100 shall be established in accordance with the standard set forth therein.
- f. Off-Street Parking and Loading: As specified in Article 5.
- g. Height Restriction: Maximum height of a structure shall be 2½ stories or 35 feet, whichever is less.
- h. Lot Coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 35 per cent of the total area of the lot.
- i. Minimum Vegetation: Minimum area that must be left or planted in trees, grass, shrubs, etc. shall be 25 per cent of the total area of the lot.
- j. Access Requirement: Every lot shall abut a public street other than an alley for at least 35 feet.

Section 3.040. Apartment Residential Zone A-3 In an A-3 zone the following regulations shall apply:

1. Outright Uses Permitted In an A-3 zone the following uses and their accessory uses are permitted outright:
 - a. Single family dwelling
 - b. Agricultural or horticultural use, provided that:
 - (1) A retail or wholesale business sales office is not maintained on the premises; and
 - (2) Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
 - c. Public park, playground, and any other similar publicly owned recreational use.
 - d. In a transitional area, offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature whose activities generate a minimal amount of traffic; or off-street parking facility.
 - e. Duplex.
 - f. Apartment dwelling of not more than four units.
 - g. Any other use similar to the above and not listed elsewhere.
2. Conditional Uses Permitted. In an A-3 zone the following conditional uses and their accessory uses are permitted subject to provisions of Article 6.
 - a. Church and other religious structures.
 - b. Primary, elementary, junior high or high school, kindergarten or day nursery, or a higher educational institution (college or university).
 - c. Community meeting building.
 - d. Golf course, except a commercial driving range or miniature course.
 - e. Temporary real estate office in a subdivision.
 - f. Cemetery.
 - g. Utility substation.
 - h. Commercial or amateur radio or television studio, transmitter or antenna tower
 - i. Passenger terminal.
 - j. Government or municipal structure or use.
 - k. Day care center.
 - l. Hospital, sanitarium, rest home, or nursing home.
 - m. Fraternal meeting building.
 - n. Boarding, lodging or rooming house.
 - o. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons,

psychologists, and others of professional nature whose activities generate a minimal amount of traffic, except in transitional area.

p. Any other use similar to the above and not listed elsewhere

3. Standards In an A-3 zone the following standards shall apply:

- a. Lot Size: Lot area shall be at least 5,000 square feet and shall be not less than 3,750 square feet per dwelling unit. Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.
- b. Front Yard: A front yard shall be at least 15 feet.
- c. Side Yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street.
- d. Rear Yard: A rear yard shall be at least 10 feet.
- e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4 100. shall be established in accordance with the standard set forth therein.
- f. Off-Street Parking and Loading: As specified in Article 5.
- g. Height Restriction: Maximum height of a structure shall be 2½ stories or 35 feet, whichever is less.
- h. Lot Coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 40 per cent of the total area of the lot.
- i. Minimum Vegetation: Minimum area that must be left or planted in trees, grass, shrubs, etc. shall be 20 per cent of the total area of the lot.
- j. Access Requirement: Every lot shall abut a public street other than an alley for at least 35 feet.
- k. Buffer Area: If any use in this zone, except a single family dwelling, abuts or faces an R-10, R-7 or R-5 zone, then such use shall be reviewed by the Planning Commission. There may be required a yard up to 35 feet on the side abutting or facing the adjacent zone in order to provide a buffer area. Screening, landscaping or other conditions necessary to preserve the character of the adjacent zone may be required by the Planning Commission.

Section 3.050. Apartment Residential Zone A-2. In an A-2 zone the following regulations shall apply:

1. Outright Uses Permitted. In an A-2 zone the following uses and their accessory uses are permitted outright:
 - a. Single family dwelling.
 - b. Agricultural or horticultural use, provided that:
 - (1) A retail or wholesale business sales office is not maintained on the premises; and
 - (2) Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
 - c. Public park, playground, and any other similar publicly owned recreational use.
 - d. In a transitional area, offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of professional nature whose activities generate a minimal amount of traffic; or off-street parking facility.
 - e. Duplex.
 - f. Apartment dwelling.
 - g. Any other use similar to the above and not listed elsewhere.
2. Conditional Uses Permitted. In an A-2 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:
 - a. Church and other religious structures.
 - b. Primary, elementary, junior high or high school, kindergarten or day nursery, or a higher educational institution (college or university).
 - c. Community meeting building.
 - d. Golf course, except a commercial driving range or miniature course.
 - e. Temporary real estate office in a subdivision.
 - f. Cemetery.
 - g. Utility substation.
 - h. Commercial or amateur radio or television studio, transmitter or antenna tower.
 - i. Passenger terminal.
 - j. Government or municipal structure or use.
 - k. Day care center.
 - l. Hospital, sanitarium, rest home, or nursing home.
 - m. Fraternal meeting building.
 - n. Boarding, lodging or rooming house.
 - o. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons,

psychologists, and others of professional nature whose activities generate a minimal amount of traffic, except in transitional area.

- p. Hotel or motel.
- q. Trailer park
- r. Marina
- s. Any other use similar to the above and not listed elsewhere.

3. Standards in an A-2 zone the following standards shall apply:

- a. Lot Size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and there shall be not less than 2,500 square feet for each dwelling unit over one. Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.
- b. Front Yard: A front yard shall be at least 15 feet.
- c. Side Yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street.
- d. Rear Yard: A rear yard shall be at least 10 feet.
- e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.100 shall be established in accordance with the standard set forth therein.
- f. Off-Street Parking and Loading: As specified in Article 5.
- g. Height Restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less, but higher structures may be permitted if approved by the Planning Commission after a public hearing as provided in Section 10.050 i.b.
- h. Lot Coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 45 per cent of the total area of the lot.
- i. Minimum Vegetation: Minimum area that must be left or planted in trees, grass, shrubs, etc. shall be 20 per cent of the total area of the lot.
- j. Access Requirement: Every lot shall abut a public street other than an alley for at least 35 feet.
- k. Buffer Area: If any use in this zone, except a single family dwelling, abuts or faces an R-10, R-7, R-5, or A-3 zone then such use shall be reviewed by the Planning Commission. There may be required a yard up to 35 feet on the side abutting or facing the adjacent zone in order to provide a buffer area. Screening, landscaping or other conditions necessary to preserve the character of the adjacent zone may be required by the Planning Commission.



Section 3 060 Apartment-Business Office Residential Zone A-1-B. In an A-1-B zone the following regulations shall apply:

1. Outright Uses Permitted. In an A-1-B zone the following uses and their accessory uses are permitted outright:
 - a. Single family dwelling.
 - b. Agricultural or horticultural use, provided that:
 - (1) A retail or wholesale business sales office is not maintained on the premises; and
 - (2) Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
 - c. Public park, playground, and any other similar publicly owned recreational use.
 - d. In a transitional area, an off-street parking facility.
 - e. Duplex.
 - f. Apartment dwelling.
 - g. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others whose activities generate a minimal amount of traffic.
 - h. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations whose activities generate a minimal amount of traffic.
 - i. Any other use similar to the above and not listed elsewhere.
2. Conditional Uses Permitted. In an A-1-B zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6.
 - a. Church and other religious structures.
 - b. Primary, elementary, junior high or high school, kindergarten or day nursery, or a higher educational institution (college or university).
 - c. Community meeting building.
 - d. Golf course, except a commercial driving range or miniature course.
 - e. Temporary real estate office in a subdivision.
 - f. Cemetery.
 - g. Utility substation.
 - h. Commercial or amateur radio or television studio, transmitter or antenna tower.
 - i. Passenger terminal.
 - j. Government or municipal structure or use.
 - k. Day care center.
 - l. Hospital, sanitarium, rest home, or nursing home.
 - m. Fraternal meeting building.
 - n. Boarding, lodging or rooming house.

- o. Hotel or motel
- p. Trailer park
- q. Marina
- r. Any other use similar to the above and not listed elsewhere.

3 Standards in an A-1-B zone the following standards shall apply:

- a. Lot Size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and for each dwelling unit over one there shall be not less than 1,000 square feet. Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.
- b. Front Yard: A front yard shall be at least 15 feet.
- c. Side Yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street.
- d. Rear Yard: A rear yard shall be at least 10 feet.
- e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.100 shall be established in accordance with the standard set forth therein.
- f. Off-Street Parking and Loading: As specified in Article 5.
- g. Height Restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less, but higher structures may be permitted if approved by the Planning Commission after a public hearing as provided in Section 10.050.1.b.
- h. Lot Coverage: Maximum area that may be covered by the principal structure and accessory buildings shall not exceed 50 per cent of the total area of the lot.
- i. Minimum Vegetation: Minimum area that must be left or planted in trees, grass, shrubs, etc. shall be 15 per cent of the total area of the lot.
- j. Access Requirement: Every lot shall abut a public street other than an alley for at least 35 feet.
- k. Buffer Area: If any use in this zone, except a single family dwelling, abuts or faces an R-10, R-7, R-5, A-3 or A-2 zone then such use shall be reviewed by the Planning Commission. There may be required a yard up to 35 feet on the side abutting or facing the adjacent zone in order to provide a buffer area. Screening, landscaping or other conditions necessary to preserve the character of the adjacent zone may be required by the Planning Commission.

Section 3.070. Neighborhood Commercial Zone C-N. In a C-N zone the following regulations shall apply:

1. Outright Uses Permitted. In a C-N zone the following uses and their accessory uses are permitted outright:
 - a. Single family dwelling.
 - b. Agricultural or horticultural use, provided that:
 - (1) A retail or wholesale business sales office is not maintained on the premises; and
 - (2) Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
 - c. Public park, playground and any other similar publicly owned recreational use.
 - d. Any other use similar to the above and not listed elsewhere.
2. Conditional Uses Permitted. In a C-N zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6.
 - a. A food store not exceeding 2,500 square feet of floor area.
 - b. Day care center.
 - c. Any other use similar to the above and not listed elsewhere.
3. Standards. In a C-N zone the following standards shall apply:
 - a. Lot Size: Lot area shall be at least 5,000 square feet. Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.
 - b. Front Yard: A front yard shall be at least 15 feet.
 - c. Side Yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street.
 - d. Rear Yard: A rear yard shall be at least 10 feet.
 - e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.100. shall be established in accordance with the standard set forth therein.
 - f. Off-Street Parking and Loading: As specified in Article 5.
 - g. Height Restriction: Maximum height of a structure shall be 2½ stories or 35 feet, whichever is less.
 - h. Lot Coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 40 per cent of the total area of the lot.
 - i. Minimum Vegetation: Minimum area that must be left or planted in trees, grass, shrubs, etc. shall be 20 per cent of the total area of the lot.
 - j. Access Requirement: Every lot shall abut a public street other than an alley for at least 35 feet.

Section 3.080 Limited Commercial Zone C-L. In a C-L zone the following regulations shall apply:

1. Outright Uses Permitted: In a C-L zone the following uses and their accessory uses are permitted outright:
 - a. Single family dwelling.
 - b. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
 - c. Public park, playground, and any other similar publicly owned recreational use.
 - d. Duplex.
 - e. Apartment dwelling.
 - f. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists and others of a professional nature.
 - g. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations.
 - h. Retail trade establishment such as a food store, drug store, gift shop, hardware store, selling primarily from a shelf goods inventory.
 - i. Personal service business such as a barber shop, tailor shop or laundry and drycleaning pickup station.
 - j. Any other use similar to the above and not listed elsewhere.
2. Conditional Uses Permitted. In a C-L zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:
 - a. A use permitted outright in this zone with drive-in service facilities including an automobile service station.
 - b. Church and other religious structures.
 - c. Funeral home.
 - d. Commercial recreation and motion picture theater, not including a drive-in theater.
 - e. Community meeting building; fraternal or other social organization.
 - f. Eating or drinking establishment.
 - g. Hotel or motel.
 - h. Marina.
 - i. Parking facility.
 - j. Passenger terminal.
 - k. Repair, maintenance or service of the type of goods to be found in any permitted retail trade establishment.
 - l. Financial institution.
 - m. Trade or commercial school.
 - n. Governmental use.

- o Day care center.
- p Any other use similar to the above and not listed elsewhere.

3. Standards in a C-L zone the following standards shall apply:

- a. Lot Size: None, except as follows for dwelling: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and for each dwelling unit over one there shall be not less than 1,000 square feet. Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.
- b. Front Yard: None, except as provided in "e" and "f" below.
- c. Side Yard: None, except as provided in "e" and "f" below.
- d. Rear Yard: None, except as provided in "e" and "f" below.
- e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.100 shall be established in accordance with the standards set forth therein.
- f. Buffer Area: If any use in this zone, except a single family dwelling, abuts or faces a residential zone then such use shall be reviewed by the Planning Commission. A yard up to 50 feet may be required on the side abutting or facing the adjacent zone in order to provide a buffer area. Screening, landscaping, or other conditions necessary to preserve the character of the adjacent zone may be required by the Planning Commission.
- g. Access: Entrances from a public street to properties in this zone shall be located to minimize traffic congestion and avoid directing traffic onto residential streets. Every lot shall abut a public street other than an alley for at least 35 feet.
- h. Off-Street Parking and Loading: As specified in Article 5.
- i. Height Restriction: Maximum height of any structure shall be three stories or 45 feet, whichever is less, but higher structures may be permitted if approved by the Planning Commission after a public hearing as provided in Section 10.050.1.b.
- j. Open Use: A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, shall be screened with a sight-obscuring fence not less than 6 feet high.

Section 3.090. Central Commercial Zone C-C in a C-C zone the following regulations shall apply:

1. **Outright Uses Permitted.** In a C-C zone the following uses and their accessory uses are permitted outright:
 - a. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
 - b. Public park, playground, and any other similar publicly owned recreational use.
 - c. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of professional nature.
 - d. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations.
 - e. Retail trade establishment such as a food store, drug store, gift shop, hardware store, selling primarily from a shelf goods inventory.
 - f. Personal service business such as a barber shop, tailor shop or laundry and drycleaning pickup station.
 - g. Department or furniture store.
 - h. Repair, maintenance or service of the types of goods to be found in any permitted retail trade establishment.
 - i. Eating or drinking establishment.
 - j. Financial institution.
 - k. Motion picture theater, not including a drive-in.
 - l. Radio or TV studio.
 - m. Any other use similar to the above and not listed elsewhere.
2. **Conditional Uses Permitted.** In a C-C zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:
 - a. A use permitted outright in this zone with drive-in service facilities, but not including a drive-in theater.
 - b. Church and other religious structures.
 - c. Commercial recreation.
 - d. Parking facility.
 - e. Passenger terminal.
 - f. Motel or hotel.
 - g. Trade or commercial school.
 - h. Community meeting building; fraternal or social organization.
 - i. Utility substation.
 - j. Government structure or use.
 - k. Automobile service stations and automobile and motor vehicle repair (excluding body and fender repair and painting) when in conjunction with an automobile service station and conducted within a completely enclosed building.

1. Any other use similar to the above and not listed elsewhere.

3. Standards. In a C-C zone the following standards shall apply:

a. Lot Size: None Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.

b. Front Yard: None, except as provided in "e" and "f" below.

c. Side Yard: None, except as provided in "e" and "f" below.

d. Rear Yard: None, except as provided in "e" and "f" below.

e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.100. shall be established in accordance with the standards set forth therein.

f. Buffer Area: If any use in this zone abuts or faces a residential zone, then such use shall be reviewed by the Planning Commission. A yard up to 50 feet may be required on the side abutting or facing the adjacent zone in order to provide a buffer area. Screening, landscaping, or other conditions necessary to preserve the character of the adjacent zone may be required by the Planning Commission.

g. Access: Entrances from a public street to properties in this zone shall be located to minimize traffic congestion and avoid directing traffic onto residential streets. Every lot shall abut a public street other than an alley for at least 35 feet.

h. Off-Street Parking and Loading: As specified in Article 5.

i. Height Restriction: Maximum height of a structure shall be four stories or 60 feet, whichever is less, but higher structures may be permitted if approved by the Planning Commission after a public hearing as provided in Section 10.050.i.b.

j. Open Use: A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, shall be screened with a sight-obscuring fence not less than 6 feet high.

Section 3.100. General Commercial Zone C-G. In a C-G zone the following regulations shall apply:

1. Outright Uses Permitted. In a C-G zone the following uses and their accessory uses are permitted outright:
 - a. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
 - b. Public park, playground and any other similar publicly owned recreational use.
 - c. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists and others of professional nature.
 - d. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations.
 - e. Retail trade establishment such as a food store, drug store, gift shop, hardware store, selling primarily from a shelf goods inventory.
 - f. Personal service business such as a barber shop, tailor shop or laundry and drycleaning pickup station.
 - g. A use permitted outright in this zone with drive-in service facilities.
 - h. Church or other religious structures.
 - i. Funeral home.
 - j. Commercial recreation and motion picture theater.
 - k. Community meeting building; fraternal or other social organization.
 - l. Eating or drinking establishment.
 - m. Hotel or motel.
 - n. Marina.
 - o. Parking facility.
 - p. Passenger terminal.
 - q. Repair, maintenance or service of the type of goods to be found in any permitted retail trade establishment.
 - r. Financial institution.
 - s. Trade or commercial school.
 - t. Governmental use or structure.
 - u. Department or furniture store.
 - v. Radio or TV studio.
 - w. Utility substation.
 - x. Automobile, boat, trailer, or other vehicle or equipment sales and service.
 - y. Car wash.
 - z. Carpenter or cabinet shop.
 - aa. Drive-in theater.
 - bb. Furniture upholstery.
 - cc. Building materials supply.

- dd. Plumbing, heating, ventilation or electrical shop.
- ee. Printing plant
- ff. Repair garage
- gg. Automobile service station
- hh. Sign painting shop.
- ii. Tire shop.
- jj. Any other use similar to the above and not listed elsewhere.

2. Conditional Uses Permitted. In a C-G zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:

- a. Animal hospital or boarding kennel.
- b. Auditorium or stadium.
- c. Contractor's storage yard.
- d. Sheet metal shop.
- e. Day care center.
- f. Any other use similar to the above and not listed elsewhere.

3. Standards. In a C-G zone the following standards shall apply:

- a. Lot Size: None. Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.
- b. Front Yard: None, except as provided in "e" and "f" below.
- c. Side Yard: None, except as provided in "e" and "f" below.
- d. Rear Yard: None, except as provided in "e" and "f" below.
- e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.100 shall be established in accordance with the standards set forth therein.
- f. Buffer Area: If any use in this zone abuts or faces a residential zone then such use shall be reviewed by the Planning Commission. A yard up to 50 feet may be required on the side abutting or facing the adjacent zone in order to provide a buffer area. Screening, landscaping, or other conditions necessary to preserve the character of the adjacent zone may be required by the Planning Commission.
- g. Access: Entrances from a public street to properties in this zone shall be located to minimize traffic congestion and avoid directing traffic onto residential streets. Every lot shall abut a public street other than an alley for at least 35 feet.
- h. Off-Street Parking and Loading: As specified in Article 5.
- i. Height Restriction: Maximum height of any structure shall be three stories or 45 feet, whichever is less, but higher structures may be permitted if approved by the Planning Commission after a public hearing as provided in Section 10.050 1.b.
- j. Open Use: A use not contained within an enclosed building, such as open

storage, abutting or facing a residential zone, shall be screened with a sight-obscuring fence not less than 6 feet high.

Except for open storage, the following uses shall be conducted within an enclosed building:

- (1) Carpenter or cabinet shop.
- (2) Furniture upholstery.
- (3) Plumbing shop.
- (4) Repair garage.
- (5) Sign painting shop.
- (6) Tire shop.
- (7) Heating or ventilation shop.

Section 3.100. Limited Manufacturing-Industrial Zone M-L. In an M-L zone the following regulations shall apply:

1. **Outright Uses Permitted** In an M-L zone the following uses and their accessory uses are permitted outright:
 - a. Assembling, fabricating, storage, or repair of such products as electrical appliances, heating and ventilating equipment, musical instruments, signs, or toys.
 - b. Manufacturing, compounding, processing, packaging, or storage of such products as cosmetics, drugs, or foods and beverages.
 - c. Manufacturing, assembling, treating, storage, or repair of articles made from previously prepared materials such as bone, cellophane, clay, cork, fabric, fur, glass, hair, leather, paper, plastics, precious or semi-precious stone or metal, shell, wire, or wood.
 - d. Blacksmith, electroplating, machine, or welding shop.
 - e. Commercial or industrial laundry.
 - f. Distributing, wholesaling, and warehousing.
 - g. Experimental, film, or testing laboratory.
 - h. Foundry casting light-weight non-ferrous metals.
 - i. Ice or cold storage plant.
 - j. Stone monument works.
 - k. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
 - l. Public park, playground, and any other similar publicly owned recreational use.
 - m. Utility substation.
 - n. Automobile, boat, trailer, or other vehicle or equipment sales and service.
 - o. Car wash.
 - p. Drive-in theater.
 - q. Plumbing, heating, ventilation or electrical shop.
 - r. Printing plant.
 - s. Repair garage.
 - t. Automobile service station.
 - u. Sign painting shop.
 - v. Tire shop.
 - w. Animal hospital or boarding kennel.
 - x. Auditorium or stadium.
 - y. Contractor's storage yard.
 - z. Sheet metal shop.
 - aa. Any other use similar to the above and not listed elsewhere.
2. **Conditional Uses Permitted** In an M-L zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:
 - a. Offices, studios, or clinics of accountants, architects, artists, attorneys,

authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature.

- b. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations.
- c. Retail trade establishment such as a food store, drug store, gift shop, hardware store, selling primarily from a shelf goods inventory.
- d. Personal service business such as a barber shop, tailor shop or laundry and drycleaning pickup station.
- e. A use permitted outright in this zone with drive-in service facilities.
- f. Church and other religious structures.
- g. Funeral home.
- h. Commercial recreation and motion picture theater.
- i. Community meeting building; fraternal or other social organization.
- j. Eating or drinking establishment.
- k. Hotel or motel.
- l. Marina.
- m. Parking facility.
- n. Passenger terminal.
- o. Financial institution.
- p. Trade or commercial school.
- q. Governmental use or structure.
- r. Day care center.
- s. Department or furniture store.
- t. Radio or TV studio.
- u. A use permitted outright processing such products as fish, meat, sauerkraut, vinegar, pickles, or fats and oils.
- v. A use permitted outright employing a punch or other press exceeding a rated capacity of 20 tons.
- w. A use permitted outright constituting a potential hazard or nuisance in terms of fire, explosion, pollution or excessive noise.
- x. Freight terminal.
- y. Surface mining.
- z. Junk or wrecking yard.
- aa. Railroad facilities.
- bb. Any other use similar to the above and not listed elsewhere.

3. Standards. In an M-L zone the following standards shall apply:

- a. Lot Size: None. Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.
- b. Front yard: None, except as provided in "e" and "f" below.

- c. Side yard: None, except as provided in "e" and "f" below.
- d. Rear yard: None, except as provided in "e" and "f" below.
- e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4.100 shall be established in accordance with the standards set forth therein.
- f. Buffer Area: If a use in this zone abuts or faces a residential or commercial zone, then such use shall be reviewed by the Planning Commission. A yard up to 100 feet may be required on the side abutting or facing the adjacent zone in order to provide a buffer area. Screening, landscaping, or other conditions necessary to preserve the character of the adjacent zone may be required by the Planning Commission.
- g. Access: Entrances from a public street to properties in this zone shall be located to minimize traffic congestion and avoid directing traffic onto residential streets. Every lot shall abut a public street other than an alley for at least 35 feet.
- h. Off-Street Parking and Loading: As specified in Article 5.
- i. Height Restriction: Maximum height of any structure shall be three stories or 45 feet, whichever is less, but higher structures may be permitted if approved by the Planning Commission after a public hearing as provided in Section 10.050 i.b.
- j. Open Use: A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, shall be screened with a sight-obscuring fence not less than 6 feet high.

Except for open storage, the following uses shall be conducted within an enclosed building:

- (1) Carpenter or cabinet shop.
- (2) Furniture upholstery.
- (3) Plumbing shop.
- (4) Repair garage.
- (5) Sign painting shop.
- (6) Tire shop.
- (7) Heating or ventilation shop.

- k. Storage: Materials shall be stored and grounds maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard, or be unsightly.

Section 3.120. General Manufacturing-Industrial Zone M-G. In an M-G zone the following regulations shall apply:

1. Outright Uses Permitted. In an M-G zone the following uses and their accessory uses are permitted outright:
 - a. Any manufacturing-industrial use including assembling, fabricating, compounding, processing, packaging, repair and storage, except railroad facilities or a use constituting a potential hazard or nuisance in terms of fire, explosion, pollution or excessive noise.
 - b. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
 - c. Public park, playground, and any other similar publicly owned recreational use.
 - d. Utility substation.
 - e. Automobile, boat, trailer, or other vehicle or equipment sales and service.
 - f. Car wash.
 - g. Drive-in theater.
 - h. Plumbing, heating, ventilation or electrical shop.
 - i. Printing plant.
 - j. Repair garage.
 - k. Automobile service station.
 - l. Sign painting shop.
 - m. Tire shop.
 - n. Animal hospital or boarding kennel.
 - o. Auditorium or stadium.
 - p. Contractor's storage yard.
 - q. Sheet metal shop.
 - r. Any other use similar to the above and not listed elsewhere.
2. Conditional Uses Permitted. In an M-G zone the following uses and their accessory uses are permitted subject to the provisions of Article 6:
 - a. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature.
 - b. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations.
 - c. Retail trade establishment such as a food store, drug store, gift shop, hardware store, selling primarily from a shelf goods inventory.
 - d. Personal service business such as a barber shop, tailor shop or laundry and drycleaning pickup station.
 - e. A use permitted outright in this zone with drive-in service facilities.
 - f. Church and other religious structures.

- g. Funeral home
 - h. Commercial recreation and motion picture theater.
 - i. Community meeting building; fraternal or other social organization.
 - j. Eating or drinking establishment.
 - k. Hotel or motel
 - l. Marina
 - m. Parking facility.
 - n. Passenger terminal.
 - o. Financial institution.
 - p. Trade or commercial school.
 - q. Governmental use or structure.
 - r. Day care center.
 - s. Department or furniture store.
 - t. Radio or TV studio.
 - u. A use permitted outright constituting a potential hazard or nuisance in terms of fire, explosion, pollution, or excessive noise.
 - v. Railroad facilities.
 - w. Any other use similar to the above and not listed elsewhere.
3. Standards. In an M-G zone the following standards shall apply:
- a. Lot Size: None. Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.
 - b. Front Yard: None, except as provided in "e" and "f" below.
 - c. Side Yard: None, except as provided in "e" and "f" below.
 - d. Rear Yard: None, except as provided in "e" and "f" below.
 - e. Yard Abutting a Major Street: A yard abutting a major street listed in Section 4 100 shall be established in accordance with the standards set forth therein.
 - f. Buffer Area: If a use in this zone abuts or faces a residential or commercial zone, then such use shall be reviewed by the Planning Commission. A yard up to 100 feet may be required on the side abutting or facing the adjacent zone in order to provide a buffer area. Screening, landscaping, or other conditions necessary to preserve the character of the adjacent zone may be required by the Planning Commission.
 - g. Access: Entrances from a public street to properties in this zone shall be located to minimize traffic congestion and avoid directing traffic onto residential streets. Every lot shall abut a public street other than an alley for at least 35 feet.
 - h. Off-Street Parking and Loading: As specified in Article 5.
 - i. Height Restriction: Maximum height of any structure shall be three stories or 45 feet, whichever is less, but higher structures may be

permitted if approved by the Planning Commission after a public hearing as provided in Section 10.050.1.b.

- j. Open Use: A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone shall be screened with a sight-obscuring fence not less than 6 feet high.

Except for open storage, the following uses permitted shall be conducted within an enclosed building:

- (1) Carpenter or cabinet shop.
- (2) Furniture upholstery.
- (3) Plumbing shop.
- (4) Repair garage.
- (5) Sign painting shop.
- (6) Tire shop.
- (7) Heating or ventilation shop.

- k. Storage: Materials shall be stored and grounds maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard, or be unsightly.
- l. Surface Mining Setback: Open pit or sand and gravel excavating or processing shall not be permitted nearer than 50 feet to the boundary of an adjoining property line, unless written consent of the owner of such property is first obtained. Excavating or processing shall not be permitted nearer than 30 feet to the right-of-way line of an existing or platted street or an existing public utility right of way.
- m. Surface Mining Slope: Production from an open pit or the removal of sand and gravel shall not leave a slope exceeding one foot horizontal for one foot vertical.
- n. Surface Mining Fencing: An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.
- o. Surface Mining Equipment: A rock crusher, washer, or sorter shall not be located nearer than 500 feet to a residential or commercial zone. Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which are injurious or substantially annoying to persons living in the vicinity.
- p. Junk or Wrecking Yard Fencing: A junk or wrecking yard shall be enclosed by a sight-obscuring fence not less than 6 feet high.

Section 3.130. Aircraft Landing Facility Zone LF in an LF zone the following regulations shall apply:

- I. Purpose. Special height limitations or other restrictions in addition to those already embodied in this Ordinance may be necessary in order to prevent the establishment of obstructions to the air space required by aircraft in landing and taking off from airports, heliports, or other landing fields. Furthermore, establishment of any new aircraft landing facility should be undertaken only after an evaluation has been made of its effects on the safety, welfare, and property values of owners or occupants of nearby property. The purpose of the LF zone is to minimize hazards related to aircraft landing facilities. It is a superimposed zone applied in combination with existing regular zones.
2. Limitations on Use. In an LF zone an airport, heliport, or other aircraft landing facility and a use or conditional use permitted in accordance with the provisions of the pre-established regular zone shall be permitted only as provided below:
 - a. The height of any structure or part of a structure, such as a chimney, tower, antenna, etc., shall be limited according to requirements established by the Planning Commission or by other appropriate authorities.
 - b. In approach zones to airports or other aircraft landing facilities, as designated by the Planning Commission or other appropriate authorities, no meeting place which is designed to accommodate more than 25 persons at one time shall be permitted.
 - c. The size of the property upon which the airport or landing facility is proposed shall be sufficient to permit the safe operation of aircraft, to allow adequate space for all associated facilities and to protect adjacent property from the impact of aircraft operation and associated activity.
 - d. Prior to a decision on the establishment of an LF zone the Planning Commission shall request a report and recommendation from the Oregon State Board of Aeronautics as to the suitability of the particular property for airport purposes and as to other conditions which might be necessary to safeguard the safety and general welfare of the public.
3. Procedures. The following procedures shall govern the application of LF zones:
 - a. An LF zone may be established by enactment of this Ordinance or may be established, altered, or abolished as amendments subject to the provisions of Article 9.
 - b. An LF zone shall be established in combination with other regular zones, and an area approved as an LF zone shall be identified on the zoning map or map amendments with the letters "LF" in addition to the abbreviated designation of the existing zoning.

Section 3.140. Design Zone D. In a D zone the following regulations shall apply:

1. Purpose. The purpose of a D zone is to assist in conserving and enhancing the appearance of the City of Milwaukee in areas of existing or potential scenic, historic, architectural, or other design significance. The use of these provisions is intended to help property owners and occupants maintain the appearance or character of the City's unique localities or neighborhoods. The D zone is a superimposed zone applied in combination with the existing regular zones.
2. Limitations on Use. In a D zone a use or conditional use permitted in accordance with the provisions of the pre-established regular zone shall be permitted only as provided below:
 - a. No building permit or other permit for construction, alteration, or demolition of any building, structure or use shall be issued until architectural plans including elevations have been reviewed and approved by the Planning Commission.
 - b. The Planning Commission may prepare and adopt suitable evaluation or acceptability guidelines for each separate area included in a D zone. The assistance of appropriate committees, consultants, or other individuals may be utilized.
 - c. To carry out the purpose of the D zone, the Planning Commission may require changes in the appearance of a proposed building, structure, alteration or use in accordance with its adopted guidelines. Other conditions may also be required relating to such factors as building materials, landscaping, relationship to adjoining structures, or protection of existing trees or landmarks.
3. Procedures. The following procedures shall govern the application of D zones:
 - a. A "D" zone may be established by enactment of this Ordinance or may be established, altered or abolished as amendments subject to the provisions of Article 9.
 - b. A "D" zone shall be established in combination with other regular zones, and an area approved as a D zone shall be identified on the zoning map or map amendments with the letter "D" in addition to the abbreviated designation of the existing zoning.

Section 3.150. Flood Hazard Zone FH In an FH zone the following regulations shall apply:

1. Purpose. The FH zone is a superimposed zone applied in combination with existing regular zones for the purpose of promoting the public health, safety and general welfare, and to minimize flood losses by provisions designed to:
 - a. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or cause increased flood heights or velocities.
 - b. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
 - c. Protect individuals, as much as possible, from buying lands which are unsuited for intended purposes, because of flood hazard.
2. Classification. Within the Flood Hazard district section of the Zoning Ordinance two (2) sub-classifications are established as delineated by the U. S. Army Corps of Engineers: Floodway (FW) and Floodway Fringe (FF) Each of these two sub-classifications are as hereinafter described as to their workings and function.
3. Limitations of Use. In an FH zone, an outright use or a conditional use permitted in accordance with the provisions of the pre-established regular zone shall be permitted only as provided below:
 - a. Floodway (FW) and Floodway Fringe (FF) sub-classifications. These two sub-classifications shall allow and control only those uses which are stated within each sub-classification. All regulatory and dimensional standards of the underlying zoning classification shall also apply to all uses allowed in these two sub-classifications
 - (1) Floodway (FW) sub-classification permitted uses:
 - (a) Any use permitted outright in the underlying zoning district provided that no structure, fill, excavation, or storage of materials or equipment are proposed.
 - (b) Conditional uses permitted in the underlying zoning districts limited to the following:
 1. Marinas, docks, piers, etc provided any structure or building shall be designed and constructed to withstand the waters of a regional flood without significant damage or obstruction of flow.
 2. A roadway, bridge or utility structure that will not significantly impede the waters of a regional flood.
 3. Storage of material or equipment that either is not subject to damage by a flood or is mobile and readily removable from the area within the limited time available after flood warning. If not subject to damage by a flood, the material or equipment shall be anchored to prevent flotation. Material or equipment stored shall be only items which will not create a hazard to the health or safety of persons, property, animals, or plant life

should the storage area be inundated

4. Extraction of sand, gravel and other materials.

(2) Floodway Fringe (FF) sub-classification permitted uses:

(a) All uses permitted in 3.a.i. above.

(b) Structures or uses specified in the underlying zoning district provided that no building permit or other permit for construction or alteration of any structure or use shall be issued until plans have been reviewed and approved by the Planning Commission.

1. In considering an application for a use or conditional use, permitted in accordance with the provisions of the pre-established regular zone within an area designated FH, the Planning Commission shall consider the following:
 - a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - b. The danger that materials may be swept on to other lands or downstream to the injury of others.
 - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - e. The importance of the services provided by the proposed facility to the community.
 - f. The requirements of the facility for a waterfront location.
 - g. The availability of alternative locations not subject to flooding for the proposed use.
 - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - i. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for the area.
 - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - l. Such other factors which are relevant to the purposes of this Ordinance.

2. Upon consideration of the factors listed above and the purposes of this Ordinance, the Planning Commission may attach such conditions to the granting of a special exception permit as it deems necessary to further the purposes of this Ordinance. Among such conditions without limitation because of specific enumeration may be included:
 - a. Modification of waste disposal and water supply facilities.
 - b. Limitations on periods of use and operation.
 - c. Imposition of operational controls, sureties, and deed restrictions.
 - d. Requirements for construction of channel modifications, dikes, levees, and other protective measures.
 - e. Flood proofing measures.

Flood proofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Planning Commission may require that the applicant submit a plan or document, certified by a civil, structural, or naval architecture and marine engineering registered professional engineer that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. The following flood proofing measures may be required without limitation because of specific enumeration:

- (1) Anchorage to resist flotation and lateral movement.
 - (2) Installation of watertight doors, bulkheads, and shutters.
 - (3) Reinforcement of walls to resist water pressures.
 - (4) Use of paints, membranes, or mortars to reduce seepage of water through walls.
 - (5) Addition of mass or weight to structures to resist flotation.
 - (6) Installation of pumps to lower water levels in structures.
 - (7) Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
4. Procedures. The following procedures shall govern the application of FH zones:
 - a. An FH zone may be established by enactment of this Ordinance or may be established, altered, or revoked as amendments subject to the provisions of Article 9.

- b. An FH zone shall be established in combination with other regular zones, and an area approved as an FH zone shall be identified on the zoning map or map amendments with the letters "FH" in addition to the abbreviated designation of the existing zoning.

Section 3.160. Planned Development Zone PD. In a PD zone the following regulations shall apply:

1. Purpose. The purpose of a planned development zone is to permit the application of new techniques and greater freedom of design when a large tract of land is under a single ownership or control. The granting of a permit shall be dependent upon the submission of an acceptable plan and satisfactory assurance it will be carried out. The PD zone is a superimposed zone applied in combination with an existing regular zone or zones.
2. Outright Uses Permitted. In a PD zone the following uses and their accessory uses are permitted outright:
 - a. A use permitted outright or a conditional use permitted in any zone.
3. Standards. In a PD zone the following standards shall apply:
 - a. The minimum area of the PD zone shall be 5 acres.
 - b. Density, yard, off-street parking, or other standards shall be based upon the standards of the primary zone upon which the PD zone is superimposed, and shall accomplish substantially the same general objectives for the area as those set forth in the City's Comprehensive Plan.
 - c. A performance bond shall be required, in an amount to be determined by the Planning Commission, to insure that a development proposal is completed as approved and within the time limits agreed to.
4. Procedures. The following procedures shall govern the application of a PD zone:
 - a. An applicant shall submit 15 copies of a preliminary development plan to the Planning Commission for study at least 14 days prior to the meeting at which it will be considered. The preliminary plan shall include the following information:
 - (1) Statement of objectives.
 - (2) Land use plan.
 - (3) Building locations and housing unit densities.
 - (4) Traffic circulation plan.
 - (5) Status of street ownership.
 - (6) Plan for open space uses.
 - (7) Parking plan.
 - (8) Relation of the proposed development to the surrounding area and the City's Comprehensive Plan.
 - (9) Utilities plan:
 - (a) Method of water supply and sewage disposal.
 - (b) Grading and drainage plan.
 - (c) Placement of street lighting fixtures.
 - b. Prior to discussion of the plan at a Planning Commission meeting the City Manager shall distribute copies of the proposal to affected agencies.
 - c. In a meeting to consider the proposed preliminary development plan, the Planning Commission shall review the comments of persons who have received

the plan for study and shall seek to determine whether:

- (1) There are special physical conditions or objectives of development which warrant a departure from the standard ordinance requirements.
 - (2) Resulting development will be consistent with the purpose of this Ordinance.
 - (3) The area around the development can be planned to be in substantial harmony with the proposed plan.
 - (4) The development can be completed within a reasonable period of time.
 - (5) The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.
 - (6) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
- d. The Planning Commission shall notify the applicant in writing whether, in its opinion, the provisions of this Ordinance have been satisfied, or if not, shall advise the applicant of the general areas of deficiency.
- e. Following this meeting, the applicant may file an application for an amendment to this Ordinance subject to the provisions of Article 9.
- f. In addition to the requirements of this section, the Planning Commission may attach conditions it finds necessary to carry out the purposes of this Ordinance.
- g. A PD zone shall be established in combination with other regular zones, and an approved planned development shall be identified on the zoning map or map amendments with the letters "PD" in addition to the abbreviated designation of the pre-established zoning.
- h. A certified print of the approved plan shall be maintained without change in the office of the City Recorder.
- i. Building permits in a planned development shall be issued only in accordance with the approved plan. Changes in the approved plan shall be submitted to the Planning Commission for processing as an amendment to this Ordinance, subject to the provisions of Article 9.

ARTICLE 4. SUPPLEMENTARY REGULATIONS

Section 4.010. Accessory Uses, General Provisions. Accessory uses shall comply with all requirements for the principal use except where specifically modified by this Ordinance and shall comply with the following limitations:

1. Fences, walls, or plantings shall be constructed or maintained only so as to permit unobstructed vision of passenger vehicle operators when approaching intersecting streets or driveways. Fences, walls, and plantings on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained so as to insure light and air and maintain aesthetic freedom for adjacent properties. A fence, wall or planting over the height of six (6) feet shall be presumed to be confining and detrimental to adjacent properties.
2. A greenhouse or hothouse may be maintained accessory to a dwelling provided nothing is grown to be sold on the premises.
3. A guest house without kitchen facilities may be maintained accessory to a dwelling.
4. Regardless of the yard requirements of the zone, a side or rear yard may be reduced to 3 feet for an accessory structure erected more than 60 feet from a street other than an alley provided the structure is detached from other buildings by 6 feet or more and does not exceed a height of one story nor an area of 480 square feet.
5. A home occupation shall not occupy more than one quarter of the ground floor area of the dwelling. The residential character of the building shall be maintained and the activity shall not have the outward appearance of a business nor detract from the residential character of the neighborhood. There shall be no outside display or storage of merchandise, materials, or equipment on the premises. Noise, odor, smoke, gases, fallout, vibration, heat, or glare resulting from the home occupation shall not be detectable beyond the limits of the property.
6. Keeping of livestock or poultry shall be in buildings that fully comply with building and sanitary codes. The keeping of chickens or other domestic or domesticated fowl shall not exceed 50 in number and requires the written consent of all owners of real property (or a part thereof) within 100 feet of any point on the boundary of the property on which the chickens or domesticated fowl are proposed to be kept.
7. Keeping of colonies of bees shall be prohibited except that the Planning Commission may approve an application to keep not more than two colonies of bees whenever such application is accompanied by the written consent of all the owners of real property (or a part thereof) within 100 feet of any point on the boundary of the property on which the bees are proposed to be kept.
8. Regardless of the yard requirements of the zone, a side, rear, or front yard may be reduced to three feet for an uncovered patio or deck not exceeding 18 inches in height above the average grade of the adjoining ground (finished elevation).

Section 4.020. Storage in Front Yard. Vehicles that are partially dismantled or do not have a valid State license shall not be stored more than ten days in a required front yard or street side yard.

Section 4.030. Clear Vision Areas. A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

1. A clear vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this Section, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two sides.
2. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 30 inches in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except:
 - a. Trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of 8 feet above the grade; and
 - b. Open wire fencing that does not obscure sight more than ten per cent may be a maximum of 36 inches high.
3. The following requirements shall govern clear vision areas:
 - a. In a residential zone the minimum distance shall be 30 feet, or 10 feet at intersections which include an alley.
 - b. In all other zones except C-C zones the minimum distance shall be 10 feet, except that when the angle of intersection between streets other than an alley is less than 45 degrees the distance shall be 25 feet.

Section 4.040. Maintenance of Minimum Ordinance Requirements. No lot area, yard, other open space, or off-street parking or loading area shall be reduced by conveyance or otherwise below the minimum requirements of this Ordinance, except by dedication or conveyance for a public use.

Section 4.050. Dual Use of Required Open Space. No lot area, yard, or other open space or off-street parking or loading area which is required by this Ordinance for one use shall be a required lot area, yard, or other open space or off-street parking or loading area for other use, except as provided in Section 5.030.3.

Section 4.060. Buildings on the Same Lot. A minimum distance of 6 feet shall be maintained between a building designed for dwelling purposes and other buildings on the same lot. In R-10, R-7, R-5, and A-3 zones only one building designed for dwelling purposes shall be permitted per lot.

Section 4.070. Distance from Property Line. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 3 feet from the property line.

Section 4.080. Projections from Buildings. Architectural features such as cornices, eaves, canopies, sunshades, gutters, steps, and flues may project up to 24 inches into a required side yard or 36 inches into a required front or rear yard.

Section 4.090. Lot Size Requirements, General Exceptions. If a lot or the aggregate of contiguous lots or parcels platted prior to effective date of this Ordinance has an area or dimension which does not meet the requirements of this Ordinance, the lot or aggregate holdings may be put to a use permitted outright

subject to the other requirements of the zone in which the property is located except that a residential use shall be limited to a single family dwelling or to the number of dwelling units consistent with the density requirements of the zone. However, no dwelling shall be built on a lot with less area than 3,000 square feet, or with no frontage on a public street.

Section 4.100. Yard Requirements, General Exceptions. The following exceptions to the yard requirements are established for a lot in any zone:

1. The required front yard need not exceed the average depth of the two abutting front yards within 100 feet of the proposed structure.
2. The required front yard need not exceed the average depth of the abutting front yard within 100 feet of the proposed structure and the required front yard depth.
3. To insure better light, air, and vision on more heavily traveled streets, any yard abutting a major street listed in the following Table 1 shall be established so that the minimum distance from the centerline of the street to the face of any structure shall be as specified:

Table 1

<u>Major Street</u>	<u>Distance from Centerline</u> (plus yard requirements in zone)
Harmony Road	40 feet
Harrison Street (Milwaukie Expressway to 44th)	40 feet
Harrison Street (Milwaukie Expressway to McLoughlin)	30 feet
Harvey Street (32nd to 41st)	30 feet
Home Avenue	30 feet
Johnson Creek Boulevard	30 feet
King Road	40 feet
Linwood Avenue	40 feet
Lake Road	30 feet
Logus Road	25 feet
McLoughlin Boulevard	60 feet
Monroe Street (Grant to Linwood)	25 feet
Oak Street	30 feet
Oatfield Road	30 feet
Ochoco Street	30 feet
Railroad Avenue	30 feet
River Road (Ochoco to McLoughlin)	40 feet
River Road (south of 6th Street)	30 feet
Roswell Avenue	30 feet
Washington Street (west of Railroad)	30 feet
7th Avenue	30 feet
21st Street	30 feet
32nd Street (north of Harrison)	30 feet
40th Street (Harvey to Railroad)	40 feet
41st Street (north of Harvey)	40 feet
43rd Street (south of Covell)	25 feet

Section 4.110. Building Height Limitations, General Exceptions. Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and other similar objects not used for human occupancy are not subject to the building height limitations of this Ordinance, except as provided in an LF zone.

ARTICLE 5. OFF-STREET PARKING AND LOADING

Section 5.010. Off-Street Parking Requirements. At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed within any zone in the City, except the C-C zone, off-street parking spaces shall be provided in accordance with the requirements of this Section and Section 5.030, unless greater requirements are otherwise established. If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if it would result in less than is required by this Section. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of property, but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

UsesParking Spaces Required

1. Residential

- | | |
|---|---|
| a. One or two family dwelling | Two spaces per dwelling unit, one of which must be covered. Covered space may be eliminated one year after final inspection if two spaces are provided. |
| b. Apartment dwelling | 0 - 24 dwelling units: two spaces per dwelling unit.

over 24 dwelling units:
1.5 spaces - one bedroom
1.75 spaces - two bedrooms
2 spaces - three bedrooms. |
| c. Rooming or boarding house, fraternity, motel, or tourist court | One space per guest room or suite, plus one additional space per 2 employees. |
| d. Hotel | One space per two guest rooms or suites, plus one space per two employees. |
| e. Trailer court | Two spaces per trailer or mobile home. |
| f. Convalescent, nursing and other health homes and institutions, homes for the aged, children's homes and welfare or correctional institutions | One space per 3 beds for patients plus one additional space per two employees. |

2. Public and Semi-Public Buildings and Uses

- | | |
|---|--|
| a. Auditorium or meeting room (other than church or school) | One space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each 4 seats or 8 feet of bench length. |
| b. Church | One space per 80 square feet of floor area in the main assembly area or, where seating is |

UsesParking Spaces Required

	fixed to the floor, one space per 4 seats or 8 feet of bench length.
c. Club, lodge, or association	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
d. Hospital	One and one-half spaces per bed.
e. Library	One space per 400 square feet of reading room plus one space per two employees.
f. Day care center, kindergarten, equivalent private or parochial school	Two spaces per teacher or staff member.
g. Elementary, junior high, or equivalent private or parochial school	One space per employee or one space per 4 seats or 8 feet of bench length in the auditorium or assembly room, whichever is greater.
h. Senior high school, or equivalent private or parochial school	One space per employee or one space per 4 seats or 8 feet of bench length in the auditorium or assembly room, whichever is greater.
i. College, universities, institutions of high learning and equivalent private or parochial schools	One space per three seats in classrooms.
j. Passenger terminal	One space for each 500 square feet of floor area.
k. Post office	One space for each 50 square feet of patron service floor area plus one space per employee.
3. Commercial	
a. Retail store, except as provided in subsection "b" below	One space for each 200 square feet of gross floor area plus one space per employee.
b. Service or repair shop or retail store handling bulky merchandise such as automobiles or furniture	One space for each 600 square feet of gross floor area plus one space per employee.
c. Bank or office except medical or dental	One space for each 400 square feet of floor area plus one space per employee.
d. Medical or dental offices or clinics	One space per 300 square feet of floor area plus one space per employee.
e. Eating or drinking establishment	One space per 200 square feet of floor area plus one space per employee.

<u>Uses</u>	<u>Parking Spaces Required</u>
f. Mortuary	One space per 4 chapel seats or 8 feet of bench length.
4. Commercial Recreation	
a. Amusement park	One space for each 1,000 square feet of patron serving area.
b. Billiard or pool hall	One space per table plus one space per employee.
c. Bowling alley	Five spaces for each alley plus one space per employee.
d. Dance hall, skating rink or gymnasium	One space per 50 square feet of patron area plus one space per employee.
e. Go-kart track	One space per kart plus one space per employee.
f. Golf driving range	One space per 10 linear feet of driving line.
g. Indoor arena or theater	One space per 4 seats or 8 feet of bench length.
h. Miniature golf course	One space per 2 holes plus one space per employee.
i. Race track or stadium	One space per 4 seats or 8 feet of bench length.
j. Shooting gallery	One space per 500 square feet of floor area plus one space per employee.
k. Swimming pool	One space per 50 square feet of pool plus one space per employee.
l. Tennis court	One space per court.
5. Industrial	
a. Manufacturing use	One space per employee.
b. Storage or wholesale use	One space per employee plus one space per 700 square feet of patron serving area.

Section 5.020. Off-Street Loading Requirements. At the time a structure is erected or enlarged, or the use of a structure or parcel of land changed, within any zone in the City, off-street loading spaces shall be provided in accordance with the requirements of this Section and Section 5.030, unless greater requirements are otherwise established.

1. Merchandise, Materials, or Supplies. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths, in accordance with standards adopted by the Planning Commission. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-

street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

2. Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school or other public meeting place which is designed to accommodate more than 25 persons at one time.

Section 5.030: Off-Street Parking and Loading, General Provisions. The following general provisions shall govern the application of off-street parking and loading requirements:

1. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission based upon the requirements of comparable uses listed.
2. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the requirements of the several uses computed separately.
3. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the City in the form of deeds, leases or contracts to establish the joint use.
4. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Required off-street parking spaces other than for dwellings shall be located not farther than 200 feet from the building or use that they are required to serve, measured in a straight line from the building.
5. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of delivery vehicles used in conducting the business or use.
6. Required parking and loading spaces shall not be located in a required front or street side yard except for required off-street parking for one or two family dwellings.
7. A plan drawn to scale and dimensioned, indicating how the off-street parking and loading requirements are to be met, shall accompany an application for a building permit.
8. Design requirements for parking spaces and loading areas shall be as follows:
 - a. Any area used for standing and maneuvering of vehicles shall have paved surfaces drained so as to avoid water standing or flowing onto adjacent properties.
 - b. Except for parking to serve one or two family residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than 5 nor more than 6 feet in height except where vision clearance is required.

- c. Parking spaces along the outer boundaries of a lot shall be contained by a curb at least 4 inches high and set back a minimum of 4½ feet from the property line.
- d. Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.
- e. Parking spaces and aisles for turning and maneuvering of vehicles shall be in accordance with standards adopted by the Planning Commission.
- f. Groups of 5 or more parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street other than an alley will be required.
- g. On parking lots having 5 or more parking spaces, such spaces shall be clearly marked in a permanent manner.
- h. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives.
- i. Service drives shall have a minimum clear vision area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points 20 feet from their intersection.

ARTICLE 6. CONDITIONAL USES

Section 6.010. Authorization to Grant or Deny Conditional Uses. Conditional uses in this Ordinance may be permitted, enlarged, or otherwise altered upon authorization by the Planning Commission in accordance with the standards and procedures set forth in Section 6.010. through 6.030. In permitting a conditional use or the modification of a conditional use, the Planning Commission may impose, in addition to standards and requirements expressly specified by the Ordinance, any additional conditions which it considers necessary to protect the welfare of the surrounding property and the City as a whole. These requirements may include increasing the required lot size or yard dimensions, limiting the height of buildings, controlling the location and number of off-street parking and loading spaces, limiting the number, size and location of signs, and requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property. In the case of a use existing prior to the effective date of this Ordinance and classified in this Ordinance as a conditional use, any change in use or in lot area or an alteration of structure shall conform with the requirements dealing with conditional uses.

Section 6.020. Standards Governing Conditional Uses. A conditional use shall comply with the standards of the zone in which it is located, except as these standards have been modified in authorizing the conditional use and as otherwise modified as follows:

1. Yards. In a residential zone, yard area shall be equal to at least two-thirds the height of the principal structure. In any zone, additional yard requirements may be imposed.

2. Height Exception. A church or public building may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet, except as provided in an LF zone, if the total floor area of the building does not exceed one and one-half times the area of the site and if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.
3. Access to Property and Building Openings. The City may limit or prohibit vehicle access from a conditional use to a residential street, and it may limit or prohibit building openings within 50 feet of residential property in a residential zone if the openings will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.
4. Church. The Planning Commission may authorize a church as a conditional use if in its judgment the size of the site is adequate for the intended use, but not less than 10,000 square feet in area, access to the site is adequate, and the surrounding property will not otherwise be adversely affected.
5. Public Utility or Communication Facility. In considering a conditional use application for such facilities as a utility substation, water storage tank, radio or television transmitter, etc., the Planning Commission shall determine that the site is located as to best serve the intended area with a minimum effect on surrounding property. As far as possible, towers, tanks, poles, overhead wires, pumping stations, and similar gear shall be located, designed, and installed with suitable regard for aesthetic values.
6. School. In considering a conditional use application for school facilities, the Planning Commission shall determine that the site is located as to best serve the intended area, and access to the site is adequate, and the surrounding property will not otherwise be adversely affected.
7. Trailer Park. The Planning Commission may authorize a trailer park as a conditional use providing it meets the requirements of Chapter 446, Oregon Revised Statutes, and the requirements of the Oregon State Board of Health. In addition, the following minimum requirements shall apply:
 - a. The minimum area for a trailer park shall be three acres.
 - b. The average area of mobile home sites within the trailer park shall not be less than 2,500 square feet, excluding road ways, recreation areas, and other accessory facilities. No mobile home site shall have an area less than 2,000 square feet.
 - c. A sight-obscuring fence not less than 6 feet high shall enclose the trailer park except at points of ingress and egress.
8. Surface Mining. In considering a conditional use application for surface mining, the following minimum requirements shall apply:
 - a. Open pit and gravel excavating or processing shall not be permitted nearer than 50 feet to the boundary of an adjoining property line, unless written consent of the owner of such property is first obtained. Excavating or processing shall not be permitted closer than 30 feet to the right-of-way line of an existing or platted street or an existing public utility right of way.
 - b. Production from an open pit or the removal of sand and gravel shall not

leave a slope exceeding one foot horizontal for one foot vertical.

- c. An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.
 - d. A rock crusher, washer, or sorter, shall not be located nearer than 500 feet to a residential or commercial zone. Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which is injurious or substantially annoying to persons living in the vicinity.
9. Junk or Wrecking Yard. In considering a conditional use application for a junk or wrecking yard, the Planning Commission shall require that it be enclosed by a sight-obscuring fence not less than 6 feet high.
10. Day Care Center. The Planning Commission may authorize a day care center provided it meets the requirements of all State and County statutes or ordinances regulating such uses. In addition, the following minimum requirements shall apply:
- a. The minimum lot size shall be 10,000 square feet.
 - b. The minimum outside play area shall be 100 square feet per child, must be fenced and may be partially covered.
11. Hospital, Sanitarium, Rest Home or Nursing Home. In considering a conditional use application for the above, the following minimum requirements shall apply:
- a. The minimum lot size shall be 15,000 square feet plus one thousand (1,000) square feet per bed for each bed over fifteen (15).

Section 6.030. Conditional Use Procedure. The following procedures shall be followed in applying for and acting on a conditional use:

1. A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application with the City Manager, using forms prescribed pursuant to Section 10.030. The Planning Commission may require other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties.
2. Before the Planning Commission may act on a request for a conditional use, it shall hold a public hearing.
3. Within five days after a decision has been rendered with reference to a request for a conditional use, the City Manager shall provide the applicant with written notice of the decision of the Planning Commission.

ARTICLE 7. VARIANCES AND EXCEPTIONS

Section 7.010. Authorization to Grant or Deny Variances. The Planning Commission may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary hardship. In granting a variance, the Planning Commission, in addition to the time limitation of Section 10.070., may attach conditions which it finds necessary to

4. There exists no other practical use of the property under the provisions of this Ordinance.
5. Economic hardship shall not be a primary basis for allowance of an exception nor shall circumstances of which applicant had prior knowledge be considered upon application.

Section 7.050. Exception Procedures. The procedures in applying for and acting upon an exception shall be the same as those of Section 7.030.

ARTICLE 8. NONCONFORMING USES

Section 8.010. Continuation of a Nonconforming Structure or Use. Subject to the provisions of this article, a nonconforming structure or use may be continued and maintained in reasonable repair, but shall not be altered or extended unless such alteration or extension is approved by the Planning Commission after a public hearing as provided in Section 10.050.1.b., upon a determination that the proposed modifications would result in no more of a detriment to surrounding properties than the existing structure or use.

Section 8.020. Discontinuance of Nonconforming Use.

1. If a nonconforming use involving a structure is discontinued for a period of six months, further use of the property shall conform to this Ordinance.
2. If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall conform to this Ordinance.

Section 8.030. Improvement of Certain Nonconforming Uses. A use which is nonconforming with respect to provision for screening shall provide screening within a period of five years from the effective date of this Ordinance.

Section 8.040. Change of a Nonconforming Structure. Except for signs, a structure conforming as to use but nonconforming as to height, yard requirements, or lot coverage may be altered or extended provided the alteration or extension does not exceed the height, yard requirements or lot coverage requirements of this Ordinance.

Section 8.050. Change of Nonconforming Use.

1. If a nonconforming use not involving a structure is replaced by another use, the new use shall conform to this Ordinance.
2. If a nonconforming use involving a structure is replaced by another use, the new use shall conform to this Ordinance unless the Planning Commission, after a public hearing as provided in Section 10.050.1.b., determines that such structure is suitable only for another nonconforming use no more detrimental to surrounding properties than the one to be replaced.

Section 8.060. Destruction of Nonconforming Structure or Use. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 50 per cent of its fair market value as indicated by the records of the County Assessor or is not returned to use within six months from the date of destruction, a future structure or use on the site shall conform to this Ordinance.

Section 8.070. Completion of Structure Nothing contained in this Ordinance shall

protect the welfare of the City and otherwise achieve the purposes of this Ordinance.

Section 7.020. Circumstances for Granting Variances. A variance may be granted only in the event that all the following circumstances exist:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Zoning Ordinance.
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.
3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
5. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

Section 7.030. Variance Procedure. The following procedures shall be followed in applying for and acting on a variance:

1. A property owner may initiate a request for a variance by filing an application with the City Manager, using forms prescribed pursuant to Section 10.030. The application shall be accompanied by a site plan drawn to scale showing the condition to be varied and the dimensions and arrangement of the proposed development. The Planning Commission may request other drawings or material essential to an understanding of the variance request.
2. Within five days after a decision has been rendered with reference to a request for a variance, the City Manager shall provide the applicant with notice of the decision of the Planning Commission.
3. The Planning Commission may hold a hearing on an application for variance upon giving notice to property owners as provided in Section 10.050. of this Ordinance.

Section 7.040. Authorization to Grant or Deny Exceptions. The Planning Commission may authorize exceptions to uses established by this Ordinance upon a determination that the following circumstances exist:

1. Exceptional circumstances apply to the property which do not apply generally to other properties in the same zone, resulting from circumstances over which the applicant has no control.
2. The proposed use would not be substantially detrimental to the interests of neighboring, but not necessarily adjacent, owners.
3. That substantial justice to all owners would be afforded thereby within the purposes of this Ordinance.

require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction work has commenced prior to effective date of this Ordinance, provided the building, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the building permit is issued.

ARTICLE 9. AMENDMENTS

Section 9.010. Authorization to Initiate Amendments. An amendment to the text of this Ordinance or to a zoning map may be initiated by the City Council, by the Planning Commission or by the application of a property owner. However, application to initiate a "D" zone amendment by property owners requires 50 per cent of the ownership within the "D" zone proposed to be established or changed.

Section 9.020. Amendment Procedure. The following procedures shall be followed in applying for and acting on all amendments:

1. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed and shall, within 40 days after the hearing, provide a report and recommendation to the City Council regarding the proposed amendment.
2. The City Recorder shall maintain records of amendments to the text and map of this Ordinance in a form convenient for use by the public.

ARTICLE 10. ADMINISTRATIVE PROVISIONS

Section 10.010. Enforcement. The City Manager shall have the power and duty to enforce the provisions of this Ordinance. An appeal from a ruling by him regarding a requirement of the Ordinance may be made only to the Planning Commission.

Section 10.020. Appeal from Ruling of Planning Commission. Any action or ruling of the Planning Commission pursuant to this Ordinance may be appealed to the City Council within 15 days after the Planning Commission has rendered its decision. Written notice of the appeal shall be filed with the City Recorder. If the appeal is not filed within the 15 day period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation on it from the Planning Commission and shall hold a public hearing on the appeal.

Section 10.030. Form of Petitions, Applications and Appeals. All petitions, applications and appeals provided for in this Ordinance shall be made on forms prescribed by the City. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure or part thereof, the number of families, if any, to be accommodated thereon, and such other information as is needed to determine conformance with this Ordinance.

Section 10.040. Filing Fees. A fee as established by Resolution of the City Council shall be paid to the City of Milwaukie upon the filing of an application. Such fees shall not be refundable.

Section 10.050. Notice of Public Hearing.

1. When either the Planning Commission or City Council elects or is required to hold a public hearing, notice thereof shall be given as follows:
 - a. Notice of a hearing on amendment of this Ordinance or of a change of zone, or modification of the zoning map or amendments thereto, shall be published once each week for two consecutive weeks in a newspaper of general circulation in the City of Milwaukie of which the second publication shall be not less than five days prior to the date of hearing. In addition, should it be deemed practical, notice of hearing may be given as provided in Paragraph "b" of this Section.
 - b. Notice of hearing on allowance of a conditional use, a variance, or exception, or alteration, extension or change of nonconforming use, or of an appeal from a ruling of the Planning Commission thereon, shall be mailed to the owners of all property within 250 feet of the exterior boundaries of the property affected not less than 10 days prior to the date of hearing. For this purpose the names and addresses of the owners as shown on the records of the County Assessor or City Recorder may be used.

Section 10.060. Recess of Hearing. The Planning Commission or City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to resume shall be announced.

Section 10.070. Time Limit on a Permit for a Conditional Use or Variance. Authorization of a conditional use or variance shall be void after six months unless substantial construction pursuant thereto has taken place. However, the Planning Commission may in its discretion extend authorization for an additional six months upon request.

ARTICLE 11. MISCELLANEOUS PROVISIONS

Section 11.010. Interpretation. Where the conditions imposed by any provisions of this Ordinance are less restrictive than comparable conditions imposed by any other provisions of this Ordinance or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

Section 11.020. Severability. The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.

Section 11.030. Repeal. Ordinance No. 1183 and all amendments thereto are hereby repealed, with the provision that violations of that ordinance and all amendments thereto shall remain violations to the extent that the matters in violation do not conform to the provisions of this Ordinance.

ARTICLE 12. REMEDIES

Section 12.010. Penalty. A person violating a provision of this Ordinance shall, upon conviction, be punished by imprisonment for not more than thirty (30) days or by a fine of not more than \$150.00 or both. A violation of this Ordinance shall

be considered a separate offense for each day the violation continues.

Section 12.020. Alternative Remedy. In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used in violation of this Ordinance, the building or land in violation shall constitute a nuisance, and the City may, as an alternative to other remedies that are legally available for enforcing this Ordinance, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use.

Read the first time this 7th day of July, 1975, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council this 7th day of July, 1975.

Signed by the Mayor this 7th day of July, 1975.

Bill Hupp
Bill Hupp, Mayor

ATTEST:

Dorothy E. Farrell
Dorothy E. Farrell, Recorder

Approved as to form:

Meyer Avedovech
Meyer Avedovech, City Attorney

ORDINANCE NUMBER 1324

AN ORDINANCE AMENDING ORDINANCE NUMBER 1316, AN ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES IN MILWAUKIE, OREGON, AND ESTABLISHING ZONES FOR THAT PURPOSE.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. That Section 1.030 of Ordinance Number 1316 is hereby amended by adding the following subsection 76:

"76. 'Kitchen Facility' means an area in which something is built, installed or established to prepare food for eating by a heating process."

Section 2. That Section 3.150 of Ordinance Number 1316 is hereby amended by adding the following subsection 3.a.(1)(b) 5:

"5. Fill or excavation."

Read the first time this 6th day of October, 1975, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council this 6th day of October, 1975.

Signed by the Mayor this 6th day of October, 1975.

/s/ Bill Hupp

Bill Hupp, Mayor

ATTEST:

/s/ Dorothy E. Farrell

Dorothy E. Farrell, Recorder

Approved as to form:



Myer Avedovech, City Attorney





