

ORDINANCE 474 C.M.S. ZONING DISTRICTS AND REGULATIONS

(Article 1, Chapter 7, passed February 5, 1935)

DEFINITIONS

SEC. 7-1.01 DEFINITIONS. For the purpose of this Article, certain words and phrases are defined and certain provisions shall be construed as herein set out unless it shall be apparent from the context that they have a different meaning.

SEC. 7-1.01 (a) "ACCESSORY BUILDING" is a subordinate building whose use is purely incidental to that of the main building on the same lot.

SEC. 7-1.01 (b) "ALLEY" is a way which affords only a secondary means of access to abutting property.

SEC. 7-1.01 (c) "APARTMENT HOUSE" is a multiple dwelling.

SEC. 7-1.01 (d) "BOARDING HOUSE" is a dwelling other than a hotel where lodging or lodging and meals for four (4) or more persons is provided for compensation.

SEC. 7-1.01 (e) "BUILDING" is a structure having a roof supported by columns or walls.

SEC. 7-1.01 (f) "BUNGALOW COURT" is a group dwelling.

SEC. 7-1.01 (g) "COURT" is an open unoccupied space other than a yard on the same lot on which a building is erected or situated; or the open space provided for access to group dwellings on the same lot.

SEC. 7-1.01 (h) "DWELLING, ONE-FAMILY" is a building designed for occupancy by one (1) family exclusively.

"DWELLING, TWO-FAMILY" is a building designed for occupancy by two (2) families living independently of each other as separate housekeeping units.

"DWELLING, MULTIPLE" is a building designed for occupancy by three (3) or more families living independently of each other as separate housekeeping units, but shall not include a tourist court, hotel or boarding house as defined herein.

"DWELLING, GROUP" is a group or row of dwellings occupying a lot in one ownership and having a court in common, and shall include bungalow courts but shall not include a tourist court, hotel or boarding house as defined herein.¹

SEC. 7-1.01 (i) "FAMILY" is an individual or two or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding servants) not related by blood or marriage, living together as a single nonprofit housekeeping unit in a dwelling unit.²

SEC. 7-1.01 (j) "GARAGE, PRIVATE" is an accessory building or portion of the main building, where not more than four (4) motor vehicles are stored only.

"GARAGE, PUBLIC" is a premises where motor vehicles are rented out to or hired by the public or where any work is done on or repairs are made to motor vehicles, for remuneration.

¹ As amended by Ordinance No. 4354 C.M.S., passed March 2, 1954.

² As amended by Ordinance No. 4244 C.M.S., passed October 6, 1953.

"GARAGE, STORAGE" is any premises where more than four (4) motor vehicles are stored only.

SEC. 7-1.01 (k) "HEIGHT OF BUILDING" is the vertical distance from the average elevation of the adjoining ground level to the lowest point of the finished ceiling of the top-most story.

SEC. 7-1.01 (l) "HOME OCCUPATION" is a use carried on in a dwelling by a resident thereof and which use is merely incidental to the residential use of the dwelling and shall include the practice of a dentist, physician, chiropractor and osteopath when not more than one assistant is employed.

Other home occupations permitted where no assistants are employed shall include a dressmaker, beauty shop, milliner, music teacher, portrait or landscape painter and writer.

No signs advertising a home occupation may be displayed in any residential district other than one name plate not exceeding one square foot in area.¹

SEC. 7-1.01 (m) "HOTEL" is a building or portion thereof open to transient guests containing six (6) or more sleeping rooms which are offered to the public for compensation and in which rooms no provision is made for cooking.²

SEC. 7-1.01 (n) "LOT" is a parcel of land occupied or capable of being occupied by a use, building, or unit group of buildings and accessory buildings and uses, together with such open spaces and lot areas as are required by this Article and having its principal frontage on a street (as defined in this Article) or upon a private easement for access to said lot, not less than twenty (20) feet in width, provided that such easement has been approved by the Board of Adjustments.

"CORNER LOT" is a lot situated at the junction of two (2) or more streets.

"INTERIOR LOT" is a lot other than a corner lot.

"THROUGH LOT" is an interior lot having a frontage on two (2) streets.³

SEC. 7-1.01 (o) "NON-CONFORMING USE" is a use that does not conform with the regulations of the district in which it is situated.

SEC. 7-1.01 (p) "STORY" is that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

"STORY, HALF" is a story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

SEC. 7-1.01 (q) "STREET" is a dedicated public way, other than an alley (as defined in this Article), or a private undedicated way, not less than forty (40) feet in width, which affords the principal means of access to abutting property. Any public or private way, which was of record prior to the effective date of this amendment, shall be considered a street as herein defined.³

SEC. 7-1.01 (r) "STRUCTURE" is anything constructed or erected, having location on the ground or attached to something having location on the ground.

"STRUCTURAL ALTERATION" is any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

¹ As amended by Ordinance No. 3433 C.M.S., passed August 17, 1950.

² As amended by Ordinance No. 3800 C.M.S., passed November 6, 1951.

³ As amended by Ordinance No. 4245 C.M.S., passed October 6, 1953.

SEC. 7-1.01 (s) "USE" is the purpose to which a building or structure or land or anything on land, may be put.

SEC. 7-1.01 (t) "YARD" is an open space on the same lot with a building, unoccupied and unobstructed from the ground upward, and shall be a front yard, a rear yard, or a side yard.

"YARD, FRONT" is a yard extending across the front of the lot between the inner side yard lines. A front yard shall have a depth equal to the shortest distance between the building and the front lot line.

"YARD, REAR" is a yard between the building and the rear lot line and extending across the full width of the lot. A rear yard shall have a depth equal to the shortest distance between the building and the rear lot line.

"YARD, SIDE" is a yard between the building and the side lot line and extending from the street line to the rear yard. A side yard shall have a width equal to the shortest distance between the building and the side lot line.

SEC. 7-1.01 (u) "STONE QUARRY" is an excavation from which rock, stone, clay, gravel, or soil is cut, dug or otherwise taken out, whether or not the same is crushed or otherwise processed, for removal for commercial purposes.¹

SEC. 7-1.01 (v) "GRAVEL PIT" is a pit or excavation where loose gravel or sand is dug or taken out, whether or not the same is cleaned, screened or otherwise processed, for removal for commercial purposes.⁶

SEC. 7-1.01 (w) "NURSING HOME" is any place or institution which makes provisions for bed care, or chronic or convalescent care, for one (1) or more non-related patients who, by reason of illness or physical infirmity, are unable to properly care for themselves.²

SEC. 7-1.01 (x) "TOURIST COURT" is a building or group of buildings, attached or detached, containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to the units, including auto courts, motels and motor lodges.³

SEC. 7-1.01 (y) "APARTMENT HOTEL" is a combined apartment and hotel building under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the apartments and hotel rooms, and in which at least 70 per cent of the total units, or fraction thereof, shall be designed and used as separate dwelling units. An Apartment Hotel shall not include a tourist court, hotel, or boarding house as defined herein.

"APARTMENT HOTEL APARTMENT" is one dwelling unit of an apartment hotel.

"APARTMENT HOTEL ROOM" is a sleeping room offered to the public for compensation in which no provision is made for cooking and to which access is provided only from a hallway or another hotel room.

"DWELLING UNIT" is a room or suite of two or more rooms that is designed for, or is occupied by, one family doing its own cooking therein and having only one kitchen.⁴

PURPOSE AND APPLICATION

SEC. 7-1.011 TO WHOM THIS CHAPTER APPLIES. All of the provisions of Chapter 7 of this Code are intended for the purpose of protecting the health, comfort and general welfare of the inhabitants of the City of Oakland,

¹As added by Ordinance No. 1805 C.M.S., passed May 25, 1944

²As added by Ordinance No. 2885 C.M.S., passed September 10, 1948

³As amended by Ordinance No. 4306 C.M.S., passed December 8, 1953.

⁴As amended by Ordinance No. 4355 C.M.S., passed March 2, 1954.

and it is expressly declared that all of said provisions shall apply to all property within the City of Oakland whether owned by private persons, firms or corporations, or by the Government of the United States of America, or any of its agencies, or by the State of California or any of its political subdivisions or agencies, or by any county, city and county, city, town or municipal corporation, or any of its or their agencies.¹

DISTRICT REGULATIONS

GENERAL

SEC. 7-1.02 NAMES OF ZONING DISTRICTS. In order to regulate and restrict the location of businesses, trades and industries, and the location of buildings erected or altered for specified uses, and to regulate the uses on land, and to regulate and limit the height and bulk of buildings hereafter erected or altered, and to regulate and determine the area of yards and other open spaces, the City of Oakland is hereby divided into districts of which there shall be nine (9) kinds known as:

"A"	One-Family District or "A" District
"B"	Two-Family District or "B" District
"C"	Multiple Dwelling District or "C" District
"D"	Multiple Dwelling District or "D" District
"E"	Commercial District or "E" District
"F"	General Business District or "F" District
"G"	Central Business District or "G" District
"H"	Light Industrial District or "H" District
"I"	Heavy Industrial District or "I" District

The Term "Dwelling District" when used hereinafter shall refer to District "A", "B", "C", or "D".

SEC. 7-1.03 DISTRICT MAP. The districts referred to in Section 7-1.02 of this Article are respectively bounded and described for purposes of this Article as they are shown upon the map attached to and adopted by Ordinance No. 475 C.M.S., of the City of Oakland, which map is sometimes referred to in this Article as the "District Map", and said map and all the notations, references and other information shown thereon shall be as much a part of this Article as if the matters and information set forth by said map were all fully described herein.

SEC. 7-1.031 (Repealed by Ordinance No. 474 C.M.S., passed February 5, 1935.)

SEC. 7-1.04 DISTRICT REGULATIONS GENERALLY. No building shall be erected, reconstructed or structurally altered in any manner, nor shall any building or land be used for any purpose other than is permitted by the terms of this Article in the district in which such building or land is located.

SEC. 7-1.05 LOT REDUCTIONS FORBIDDEN. No lot shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Article.

SEC. 7-1.06 YARDS FOR EACH BUILDING. No yard or other open space provided about any building for the purpose of complying with the provisions of this Article shall be considered as providing a yard or open space for any other buildings; provided, further, that no yard or open space or an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.

SEC. 7-1.07 ONE BUILDING TO A LOT. Every building hereafter erected shall be located on a lot, and in no case shall there be more than one building on one lot, except as otherwise in this Article provided.

"A" ONE-FAMILY DISTRICT

SEC. 7-1.08 "A" DISTRICT USES. In the "A" District the following regulations shall apply, and the following uses only are permitted:

- One-family dwellings,
- Museums, libraries, parks, playgrounds or community centers owned and operated by the City of Oakland.

¹As added by Ordinance No. 2199 C.M.S., passed May 31, 1946.

Golf courses.
 Farms and truck gardens.
 Churches.
 Public and parochial elementary, junior high and high schools.
 Home occupations.
 Cemeteries, mausoleums, columbariums and crematories existing on January 1, 1935; alterations or additions thereto; uses requisite to, necessary for, related to, or incidental thereto.
 Accessory buildings on the same lot with any of the above uses, including one private garage, when located not less than sixty (60) feet from the front lot line, and provided that in no case shall any wall of the accessory building be nearer the side street line than the side line of the main building, and provided further, in the case of a through lot, no wall of the accessory building shall be nearer to the rear frontage than the line fixed by this ordinance for buildings on adjoining lots, and on a lot of not less than fifteen thousand (15,000) square feet, one private stable for the keeping of not to exceed three (3) horses, when located not less than sixty (60) feet from any street line, and not less than thirty (30) feet from any side or rear property line and not less than thirty (30) feet from any dwelling or any other building except an accessory building; and provided that the height of the stable shall not exceed one-and-a-half (1½) stories or twenty (20) feet, and provided further that no horses shall be boarded therein.

No outdoor advertising or display or sign of any character shall be permitted in the "A" District except: a name plate not exceeding one (1) square foot in area; a sign not exceeding six (6) square feet in area appertaining only to the lease, hire, sale or display of a building or premises; an identification sign not exceeding twelve (12) square feet in area, not illuminated, located flat against a wall of a museum, library, community center, public or parochial elementary, junior high or high school, or on the premises of a park, playground or golf course; provided that no such sign or name plate shall be permitted in a front, side or rear yard; a church identification sign for which a variance has been granted by the Board of Adjustments pursuant to Section 7-1.82; and except a bulletin board which, excluding ornamental trim, shall not exceed twenty (20) square feet in area, which, if lighted, shall be indirectly illuminated, which shall serve only to identify a church and announce its services and activities, and which shall be located flat against a wall of a church or in a front or side yard but no closer than ten (10) feet from any street line and no closer than five (5) feet from a side property line.¹

SEC. 7-1.09 BUILDING HEIGHT LIMIT IN "A" DISTRICT is two and one-half (2½) stories and not exceeding thirty-five (35) feet in height.

SEC. 7-1.10 SIDE YARDS REQUIRED IN "A" DISTRICT are five (5) feet in width on each side of a building; provided, however, that for a lot less than fifty (50) feet in width and of record on the first day of January, 1935, the side yard on each side of the building may be reduced to ten (10) per cent of the width of such lot, but shall be not less than three (3) feet in width.

SEC. 7-1.11 REAR YARD REQUIRED IN "A" DISTRICT is twenty-five (25) feet in depth; provided, however, that for a lot less than one hundred twenty-five (125) feet in depth and of record on the first day of January, 1935, the rear yard may be reduced to twenty (20) per cent of the depth of such lot, but shall be not less than fifteen (15) feet in depth.

SEC. 7-1.12 FRONT YARD REQUIRED IN "A" DISTRICT is twenty (20) feet in depth.

SEC. 7-1.13 LOT AREA REQUIRED IN "A" DISTRICT is five thousand (5000) square feet for each one-family dwelling.

"B" TWO-FAMILY DISTRICT

SEC. 7-1.14 "B" DISTRICT USES. In the "B" District the following regulations shall apply, and the following uses only are permitted:

Uses permitted in the "A" District.
 Two-family dwellings.

¹As amended by Ordinance No. 4150 C.M.S., passed June 2, 1953.

Multiple dwellings and group dwellings having accommodations for not more than four (4) families. Nurseries or greenhouses for the propagation or cultivation of plants; provided that no part of the premises shall be used primarily for the sale or display of the products therefrom.

No outdoor advertising or display or sign of any character shall be permitted in the "B" District except: a name plate not exceeding one (1) square foot in area; a sign not exceeding six (6) square feet in area appertaining only to the lease, hire, sale or display of a building or premises; an identification sign not exceeding twelve (12) square feet in area, not illuminated, located flat against a wall of a museum, library, community center, public or parochial elementary, junior high or high school, or on the premises of a park, playground or golf course; provided that no such sign or name plate shall be permitted in a front, side or rear yard; a church identification sign for which a variance has been granted by the Board of Adjustments pursuant to Section 7-1.82; and except a bulletin board which, excluding ornamental trim, shall not exceed twenty (20) square feet in area, which, if lighted, shall be indirectly illuminated, which shall serve only to identify a church and announce its services and activities, and which shall be located flat against a wall of a church or in a front or side yard but no closer than ten (10) feet from any street line and no closer than five (5) feet from a side property line.¹

SEC. 7-1.15 BUILDING HEIGHT LIMIT IN "B" DISTRICT is the same as in the "A" District.

SEC. 7-1.16 SIDE AND REAR YARDS REQUIRED IN "B" DISTRICT are the same as in the "A" District.

SEC. 7-1.17 FRONT YARD REQUIRED IN "B" DISTRICT is fifteen (15) feet in depth.

SEC. 7-1.18 LOT AREAS REQUIRED IN "B" DISTRICT are: four thousand (4000) square feet for each one-family or two-family dwelling; four thousand five hundred (4500) square feet for each three-family multiple dwelling or group dwelling; five thousand (5000) square feet for each four-family multiple dwelling or group dwelling.

"C" MULTIPLE DWELLING DISTRICT

SEC. 7-1.19 "C" DISTRICT USES. In the "C" District the following regulations shall apply, and the following uses only are permitted:

Uses permitted in the "A" and "B" Districts.

Multiple dwellings; group dwellings.

Boarding houses.

Nursing homes as defined in Section 7-1.01 (w) of this Code.

Libraries; museums.

Private Clubs, fraternities, sororities, lodges, excepting those the chief activity of which is a service customarily carried on as a business.

Accessory buildings and uses customarily incident to any of the above uses when located in the same lot and not involving the conduct of a business including private and storage garages, when located not less than sixty (60) feet from the front lot line nor less than five (5) feet from any other street line, or when constructed as a part of the main building.

No outdoor advertising or display or sign of any character shall be permitted in the "C" and "D" Districts except: a name plate not exceeding one (1) square foot in area; a sign not exceeding six (6) square feet in area appertaining only to the lease, hire, sale or display of a building or premises; an identification sign not exceeding twelve (12) square feet in area, not illuminated, located flat against a wall of a museum, library, community center, public or parochial elementary, junior high or high school, or on the premises of a park, playground or golf course; provided that no such sign or name plate shall be permitted in a front, side or rear yard; a church identification sign for which a variance has been granted by the Board of Adjustments pursuant to Section 7-1.82; and except a bulletin board which, excluding ornamental trim, shall not exceed twenty (20) square feet in area, which, if lighted, shall be indirectly illuminated, which shall serve only to identify a church and announce its services and activities, and which shall be located flat against a wall of a church or in a front or side yard but no closer than five (5) feet from any street line and no closer than five (5) feet from a side property line.²

¹As amended by Ordinance No. 4013 C.M.S., passed October 30, 1952.

²As amended by Ordinance No. 4356 C.M.S., passed March 2, 1954.

SEC. 7-1.20 BUILDING HEIGHT LIMIT IN "C" DISTRICT is six (6) stories and not exceeding seventy-five (75) feet in height.

SEC. 7-1.21 SIDE YARDS REQUIRED IN "C" DISTRICT: Not required except on that side of a lot abutting upon the side of a lot in the "A" or "B" District, in which case there shall be a side yard of not less than three (3) feet in width.

SEC. 7-1.22 REAR YARD REQUIRED IN "C" DISTRICT is ten (10) feet in depth.

SEC. 7-1.23 FRONT YARD REQUIRED IN "C" DISTRICT is ten (10) feet in depth.

"D" MULTIPLE DWELLING DISTRICT

SEC. 7-1.24 "D" DISTRICT USES. In the "D" District the following regulations shall apply, and the following uses only are permitted.

Uses permitted in the "A", "B" and "C" Districts.

SEC. 7-1.25 BUILDING HEIGHT LIMIT IN "D" DISTRICT is eight (8) stories and not exceeding one hundred (100) feet in height; provided that the height of any building shall not exceed two (2) times the width of the adjoining street or two (2) times the width of the narrower street in the case of a corner lot.

SEC. 7-1.26 YARDS REQUIRED IN "D" DISTRICT are the same as in the "C" District.

"E" COMMERCIAL DISTRICT

SEC. 7-1.27 "E" DISTRICT USES. In the "E" District the following regulations shall apply, and the following uses only are permitted:

Any lawful use except those hereinafter in this section and in Section 7-1.28 designated:

Automobile or motor vehicle wrecking.

Bakery, other than that whose products are sold only at retail on the premises.

Blacksmith or horse shoeing shop.

Bottling works.

Building materials, storage yard.

Cabinet or woodworking shop.

Carting, expressing, hauling or storage yard.

Cleaning and dyeing works but not excluding the installation and use of one (1) synthetic dry cleaning machine using nonflammable and nonexplosive solvents and having a capacity of not to exceed forty (40) pounds per cycle; and provided further that the use of the synthetic dry cleaning unit is restricted to retail business conducted exclusively from the premises.

Contractor's plant or storage yard.

Feed or fuel yard.

Foodstuff, manufacture or preparation.

Ice plant of more than fifteen (15) tons daily capacity, or ice storage house of more than fifteen (15) tons capacity.¹

SEC. 7-1.28 The following uses in addition to those set forth in Section 7-1.27 shall be excluded in the "E" Commercial District.

Laundry, including self-service or hand laundry, unless such laundry, self-service or hand laundry occupies not more than 2,000 square feet and the machinery used therein is operated by hand, gas, or electricity, and does not emit noise, smoke, or steam.

Livery stable or riding academy.

¹As amended by Ordinance No. 3863 C.M.S., passed February 14, 1952.

Lumber yard.
 Milk bottling or milk distributing station, other than a retail business conducted on the premises.
 Stone monumental works.
 Storage of goods or materials.
 Tinsmith shop.
 Wholesale business.
 Any use excluded from the "H" Light Industrial District.
 Any kind of manufacture or treatment other than the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises.¹

SEC. 7-1.29 PUBLIC GARAGE IN "E" DISTRICT SHALL be permitted only if:

- (a) It is incidental to the conduct of a gasoline super-service station and covers not more than thirty (30) per cent of the total ground space thereof, nor is closer than thirty (30) feet to any street line; or, if
- (b) It is incidental to an automobile salesroom where the major business is the display and sale of new automobiles and where the area allowed for the storage and repair of automobiles is not nearer than thirty (30) feet to the front line of the building; or if
- (c) Its location is approved by the Board of Adjustments, as hereinafter provided.

SEC. 7-1.30 A MORTUARY or undertaker or funeral director or embalmer or morgue or other place intended for the care, storage, or preparation of the human dead prior to burial may be permitted in Districts "E" to "I" inclusive if the location thereof, and the accommodation for the parking of motor vehicles and the preparation of the funeral procession, are approved by the City Manager after a hearing and recommendation by the City Planning Commission. Every application for permission to locate such business shall be made in the same manner and subject to the same requirements as petitions for a Change of District or regulations.

SEC. 7-1.301 HOTELS AND TOURIST COURTS may be permitted in the "E" Commercial District. Tourist courts shall provide on the site automobile parking spaces equivalent to seventy-five (75) per cent, or fraction thereof, of the total number of sleeping rooms in the tourist court.²

SEC. 7-1.31 BUILDING HEIGHT LIMIT IN "E" DISTRICT is one hundred (100) feet when both sides of a street between two (2) intersecting streets are in the "E" Commercial District, and at least one (1) side abuts a district with a height limit of seventy-five (75) feet or over; provided, however, that a building may be erected not to exceed forty-five (45) feet in height in the case when districts abutting the "E" Commercial District on both sides of a street have a height limit of forty-five (45) feet or less.

SEC. 7-1.32 SIDE YARDS REQUIRED IN "E" DISTRICT: Not required except on that side of a lot abutting upon the side of a lot in a dwelling district, in which case there shall be a side yard of not less than three (3) feet in width. In any case a side yard, if provided for a building, shall be not less than three (3) feet in width.

SEC. 7-1.33 REAR YARD REQUIRED IN "E" DISTRICT: Not required except for a building erected for dwelling purposes or where the "E" Commercial District abuts upon a dwelling district. In each case a rear yard of not less than ten (10) feet is required.

SEC. 7-1.34 FRONT YARD REQUIRED IN "E" DISTRICT: Not required except where a portion of the frontage on one side of a street, between two intersecting streets, is included partly in the "E" District and partly in a dwelling district, in which case the front yard depth, and the side yard width on the street side of a corner lot, shall be the same as in the dwelling district.

"F" GENERAL BUSINESS DISTRICT

SEC. 7-1.35 "F" DISTRICT USES. In the "F" District the following regulations shall apply, and the following uses only are permitted:

¹As amended by Ordinance No. 4014 C.M.S., passed October 30, 1952.

²As amended by Ordinance No. 4304 C.M.S., passed December 8, 1953.

Any lawful use except the following:

- Lumber yard.
- Automobile or motor vehicle wrecking.
- Contractor's plant or storage yard.
- Feed or fuel yard.
- Building materials storage yard.
- Any use excluded from the "H" Light Industrial District.

SEC. 7-1.36 BUILDING HEIGHT LIMIT IN "F" DISTRICT is the same as in the "E" District.

SEC. 7-1.37 YARDS REQUIRED IN "F" DISTRICT are the same as in the "E" District.

"G" CENTRAL BUSINESS DISTRICT

SEC. 7-1.38 "G" DISTRICT USES. In the "G" District the following regulations shall apply, and the following uses only are permitted:

All uses permitted in Districts "A" to "F" inclusive.

SEC. 7-1.39 BUILDING HEIGHT LIMIT IN "G" DISTRICT is one hundred fifty (150) feet in height at the street line, provided that above the height permitted at the street line, three (3) feet may be added to the height of a building for each one (1) foot that the building or portion thereof is set back from the street line; provided further, that the total cubical contents of such building may not exceed the cubic feet obtained by multiplying one hundred fifty (150) feet by the lot area.

SEC. 7-1.40 YARDS REQUIRED IN "G" DISTRICT are the same as in the "E" District.

"H" LIGHT INDUSTRIAL DISTRICT

SEC. 7-1.41 "H" DISTRICT USES. In the "H" District the following regulations shall apply, and the following uses only are permitted:

Any lawful use except those hereinafter in this section and in Sections 7-1.42, 7-1.43 and 7-1.44 designated:

- Acid manufacture.
- Alcohol or alcoholic beverages manufacture.
- Ammonia, bleaching powder or chlorine manufacture.
- Arsenal.
- Bag Cleaning.
- Boiler Works.
- Bricks, tile, pottery, or terra cotta manufacture other than the manufacture of handicraft products only.
- Cement, lime, gypsum or plaster of paris manufacture.
- Celluloid manufacture or treatment.
- Central mixing plant for cement, mortar, plaster or paving materials.
- Chemical manufacture.
- Cooperage works.
- Cotton gin.
- Cemeteries, mausoleums, columbariums and crematories.
- Disinfectants manufacture.¹

SEC. 7-1.42 The following in addition to those set forth in Sections 7-1.41, 7-1.43 and 7-1.44 shall be excluded from the "H" District.

- Distillation of bones, coal or wood.
- Dog pound.

¹As amended by Ordinance No. 1086 C.M.S., passed February 15, 1940.

Dyestuff manufacture.
 Emery cloth or sandpaper manufacture.
 Explosives or fireworks manufacture or storage.
 Exterminator or insect poison manufacture.
 Fat rendering.
 Fertilizer manufacture.
 Fish curing, packing or storage.
 Forge plant.
 Foundry or metal fabrication plant.
 Garbage, offal or dead animal reduction or dumping.
 Gas manufacture or storage.
 Glass manufacture.
 Glue, size or gelatine manufacture.
 Grease, lard, or tallow manufacture or refining from or of animal fat.

SEC. 7-1.43. The following uses in addition to those set forth in Sections 7-1.41, 7-1.42 and 7-1.44, shall be excluded from the "H" District.

Iron, junk, or rags storage or baling.
 Lamp black manufacture.
 Linseed oil manufacture.
 Match manufacture.
 Oil cloth or linoleum manufacture.
 Oiled or rubber goods manufacture.
 Paint, oil, shellac, turpentine or varnish manufacture.
 Paper or pulp manufacture.
 Petroleum or its products, refining or wholesale storage of.
 Pickle manufacture.
 Planing mill.
 Potash works.
 Power plant, (steam).
 Pyroxylin manufacture.

SEC. 7-1.44 The following uses, in addition to those set forth in Sections 7-1.41, 7-1.42 and 7-1.43, shall be excluded from the "H" District.

Rubber or gutta-percha manufacture or treatment.
 Salt works.
 Sauerkraut manufacture.
 Sawmill.
 Shipbuilding or shipyard.
 Shoe polish manufacture.
 Smelting of tin, copper, zinc, iron or other ores.
 Soap manufacture other than liquid soap.
 Soda or soda compound manufacture.
 Stockyard or slaughter of animals or fowls.
 Stone mill.
 Stove polish manufacture.
 Sugar refining.
 Tanning, curing or storing of raw hides or skins.
 Tobacco (chewing) manufacture or treatment.
 Vinegar manufacture.
 Wool pulling or scouring.
 Yeast plant.

And in general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, vibration, or noise, or which may impose hazard to life or property.

SEC. 7-1.45 BUILDING HEIGHT LIMIT IN "H" DISTRICT is one hundred (100) feet in height.

SEC. 7-1.46 YARDS REQUIRED IN "H" DISTRICT are the same as in the "E" District.

"I" HEAVY INDUSTRIAL DISTRICT

SEC. 7-1.47 "I" DISTRICT USES. In the "I" District the following regulations shall apply, and the following uses only are permitted:

Any use not in conflict with any ordinance of the City of Oakland regulating nuisances; provided, however, that no permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the City Manager after report by the City Planning Commission as to the effect of such use on the public health, safety and welfare:

- Acid manufacture.
- Cement, lime gypsum, or plaster of paris manufacture.
- Distillation of bones.
- Explosives, manufacture or storage.
- Fat rendering.
- Fertilizer manufacture.
- Garbage, offal or dead animal reduction or dumping.
- Gas manufacture.
- Glue manufacture.
- Iron, junk or rags storage or baling.
- Petroleum refining.
- Smelting of tin, copper, zinc, iron or other ores.
- Stockyards or slaughter of animals.
- Tannery.¹

SEC. 7-1.471 "I" DISTRICT EXCEPTIONS. In that portion of "I" District hereinafter described, signs of the following character only shall be permitted:

- (a) Signs not exceeding six (6) square feet in area, advertising the sale, lease, or rent of the property on which said signs are erected;
- (b) Signs consisting of lettering of a single line, not exceeding two (2) feet in height, advertising the business conducted upon the premises.

That portion of "I" District hereinabove referred to is described as follows:

Beginning at the intersection of the southwestern boundary line of the Town of Emeryville with the northern production of the center line of Harlan Street; and running thence southerly, along the center line, and its productions, of Harlan Street, to the center line of Peralta Street, thence southwesterly, along said center line of Peralta Street, to the center line, produced, easterly of that portion of 34th Street that exists westerly of Haven Street; thence westerly, along said center line, and its production, of 34th Street, to the center line of Ettie Street; thence southerly, along the center line of Ettie Street, to the center line of 32nd Street; thence westerly, along the center line of 32nd Street, and its production, to the western boundary line of the City of Oakland; thence northerly, along the western boundary line of the City of Oakland to the southern boundary line of the City of Berkeley; thence easterly, along the boundary line common to the cities of Oakland and Berkeley, to the aforesaid southwestern boundary line of the Town of Emeryville; and thence southeasterly along the last said boundary line (being the boundary line common to the City of Oakland and the Town of Emeryville) to the point of beginning.²

SEC. 7-1.48 SIDE AND REAR YARDS REQUIRED IN "I" DISTRICT are the same as in the "E" District.

NON-CONFORMING USES

SEC. 7-1.49 NON-CONFORMING LAND USES. The lawful use of land existing at the time of the adoption of this Article, although such use does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued, any future use of said land shall be in conformity with the provisions of this Article.

¹As amended by Ordinance No 3541 C.M.S., passed January 16, 1951.

²As added by Ordinance No. 684 C.M.S., passed December 17, 1936.

SEC. 7-1.50 NON-CONFORMING BUILDING USES. The lawful use of a building existing at the time of the adoption of this Article may be continued, although such use does not conform to the provisions hereof, and such use may be extended throughout the building provided no structural alterations except those required by law are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.

SEC. 7-1.501 EXTENSION OF NON-CONFORMING USE. The City Council may, by resolution, allow the extension of a non-conforming use of land, and/or the extension and/or structural alteration of a non-conforming building, upon receipt of a petition therefor substantially in accordance with the provisions of Section 7-1.90 and proceedings taken as provided in Sections 7-1.91, 7-1.92 and 7-1.93.¹

SEC. 7-1.51 RESUMPTION OF USE. If a building or any portion thereof is vacant at the time of adoption of this Article such building may be used for the purpose for which it was last lawfully used or for any purpose of the same or more restricted classification.

SEC. 7-1.52 REMOVAL OF NON-CONFORMING USE. If a non-conforming building is removed, every future use of such premises shall be in conformity with the provisions of this Article.

SEC. 7-1.53 NON-CONFORMING USES IN CHANGED DISTRICTS. The foregoing provisions of this Article pertaining to non-conforming uses shall also apply to non-conforming uses in districts hereafter changed.

SEC. 7-1.54 RESTORATION OF BUILDINGS. Nothing in this Article shall be deemed to prevent the restoration of a non-conforming building destroyed to the extent of not more than seventy-five (75) per cent of its reasonable value, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction; provided, however, that where a building is destroyed to such an extent that the total demolition is required by the provisions of the Building Laws of the City of Oakland, any future building or use shall conform to the provisions of this Article.

EXCEPTION TO USE

SEC. 7-1.541 EXCEPTION TO USE OF PROPERTY REGULATIONS. Subject to the provisions of this Article and in harmony with the general purpose and intent thereof, the City Council, in a specific case and after recommendation from the City Planning Commission, may grant an exception to any provision of this Article regulating the use of property and as a condition thereof may impose such reasonable conditions or restrictions as it deems necessary or appropriate.²

SEC. 7-1.542 PETITIONS. A petition for an exception to a use of property regulation may be filed only by the record owner of the land, by a purchaser thereof under a contract in writing duly executed and acknowledged by both the buyer and the seller, by a lessee in possession of the property with the written consent of the owner of record of the legal title to make such application, or by the agent of any of the foregoing, duly authorized thereto in writing. The petition must be in writing on a form furnished by the City Planning Commission and signed by the petitioner. The petition must contain a complete description of the property involved and a statement of all facts relied upon by the petitioner and any maps or plans required by the said Commission.²

SEC. 7-1.543 HEARING REQUIRED. Upon the filing with the Planning Commission of a petition for an exception to a use of property regulation, the matter shall be set for public hearing before said Commission and such hearing shall be within thirty (30) days of the filing of such petition. Each hearing shall be open to the public. A summary of the hearing shall be made containing a report of the essential facts. Any hearing may be continued from time to time.²

SEC. 7-1.544 NOTICE OF HEARING. A notice of the hearing shall be given by posting notice thereof on both sides of each and every street on which the property involved in the petition abuts, not less than five (5) days prior to the date of the hearing. The posting of such notices shall extend along such street or streets for a distance of not less than five hundred (500) feet from the exterior limits of the property involved in the petition. The

¹As added by Ordinance No. 522 C.M.S., passed August 29, 1935.

²As added by Ordinance No. 2125 C.M.S., passed March 5, 1946.

notice shall contain a description or designation of the property from which the property may be readily identified; notice of the time, place and purpose of the hearing on the petition for exception; reference to the petition on file with the City Planning Commission for particulars; a statement that any interested person may appear, either in person or by agent, and be heard.¹

SEC. 7-1.545 ACTION BY CITY PLANNING COMMISSION. The City Planning Commission may recommend an exception to use of property restriction if, from the petition, or the facts presented at the public hearing, or by investigation by or at the instance of the Commission, said Commission finds:

- (1) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property so that denial of the petition would result in undue property loss, and
- (2) That such variance will not be detrimental to the public safety, health, convenience, comfort, prosperity or general welfare nor injurious to the property or improvements of other owners of property.¹

SEC. 7-1.546 NOTICE OF DECISION. The Planning Commission shall render its decision within fourteen (14) days after the conclusion of the hearing and shall immediately thereafter mail notice of its decision to the petitioner at the address set forth in the petition. Should the Planning Commission recommend the granting of an exception to a use of property restriction, it shall transmit to the City Council the original application and a written statement setting forth the reasons for its decision.¹

SEC. 7-1.547 ACTION BY CITY COUNCIL. Upon receipt of the application for an exception to a use of property regulation and the recommendation of the City Planning Commission thereon, the Council shall review the proceedings and the decision of the Commission. In conformity with the provisions of this Article, the Council may approve the recommendation of the Commission and by resolution authorize such exception, or may modify or reject, wholly or partly, the recommendation of the Commission and may make such decision or determination or may impose such conditions as the facts warrant, and its decision or determination shall be final. In the event the determination of the Council varies from the recommendation of the Commission, the Council shall make a written finding of fact setting forth wherein the specific case does or does not require, as the case may be, the granting of such exception.¹

SEC. 7-1.548 DEPOSIT TO ACCOMPANY PETITION. At the time of filing a petition, for an exception to use of property regulation, the petitioner shall deposit with the petition a cash deposit as provided for in Section 7-1.93 of this Article.

EXCEPTION TO HEIGHT

SEC. 7-1.55 EXCEPTIONS GENERALLY. The regulations of this Article shall be subject to the exceptions and amplifications hereinafter set forth in Sections 7-1.57 to 7-1.78, both inclusive.

SEC. 7-1.56 WHEN BASEMENT IS A STORY. A basement shall be counted as a story for the purpose of height regulations if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor and his family.

SEC. 7-1.57 PUBLIC BUILDING HEIGHTS. In the districts having building height limits of thirty-five (35) or forty-five (45) feet, a public or semi-public building, hospital, sanitarium or school may be erected to a height not exceeding seventy-five (75) feet when the front, side and rear yards are increased one (1) additional foot for each foot such building exceeds the height allowed in the district.

SEC. 7-1.58 ONE-FAMILY BUILDING HEIGHTS. A one-family dwelling in a district having a thirty-five (35) foot height limit may be increased in height by not more than ten (10) feet when two (2) side yards of not less than fifteen (15) feet each are provided. Such dwelling, however, shall not exceed three and one-half (3½) stories in height.

¹As added by Ordinance No. 2125 C.M.S., passed March 5, 1946.

SEC. 7-1.59 SPECIAL EXCEPTIONS TO HEIGHT LIMITS. Chimneys, towers, pent-houses, scenery lofts, sugar refineries, monuments, cupolas, domes, spires, false mansards, parapet walls, similar structures and necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances of the City of Oakland.

SEC. 7-1.60 HEIGHTS ON THROUGH LOTS. On through lots one hundred fifty (150) feet or less in depth, the height of a building may be measured according to the height permitted on either street. On through lots more than one hundred fifty (150) feet in depth, the height regulations for the street permitting the greater height shall apply only to the half of the lot nearest such street.

SEC. 7-1.61 HEIGHTS ON LOTS REARING UPON LESSER HEIGHT DISTRICTS. In a district having a height limit of seventy-five (75) feet or over where the rear line of a lot abuts a dwelling district with a height limit of forty-five (45) feet or less, the following regulations shall apply: A building may be erected to a height not to exceed forty-five (45) feet at the inner line of the required rear yard abutting the lesser height district; provided, however, that ten (10) feet may be added to the height of the building for each two (2) feet that the building, or portion thereof, is set back from the inner rear yard line.

SEC. 7-1.62 HEIGHTS ON LOTS SIDING UPON LESSER HEIGHT DISTRICTS. In a district having a height limit of seventy-five (75) feet or over where the side line of a lot abuts a dwelling district with a height limit of forty-five (45) feet or less, the following regulations shall apply: A building may be erected to a height not to exceed forty-five (45) feet at the inner line of the required side yard abutting the lesser height district; provided, that ten (10) feet may be added to the height of the building for each one (1) foot that the building, or portion thereof, is set back from the inner side yard line, as established by the side yard requirement of a building forty-five (45) feet in height.

EXCEPTION TO AREA

SEC. 7-1.63 SIDE YARD FOR DWELLING OF MORE THAN ONE FAMILY. For the purpose of side yard regulations, any two-family dwelling or any multiple dwelling shall be considered as one building occupying one lot.

SEC. 7-1.64 GROUP DWELLINGS - DISTANCES BETWEEN DWELLINGS. For group dwellings, the side of one building shall not be closer to the side of any other building (arranged "side-to-side") than six (6) feet; the rear of one building shall not be closer to the front or side of any other building ("rear-to-front or rear-to-side" respectively) or the side of one building shall not be closer to the front of any other building ("side-to-front") than twenty (20) feet; provided, that the distance between any two buildings as prescribed in this section shall be increased by one (1) foot for each story in height that the higher building exceeds two (2) stories.

SEC. 7-1.65 GROUP DWELLINGS - WIDTH OF SIDE YARDS REARED UPON. For a group of buildings rearing upon a required side yard, such yard shall be increased in width by one (1) foot for each building abutting thereupon.

SEC. 7-1.66 GROUP DWELLINGS - REAR YARD. For group dwellings the depth of the rear yard need not be greater than ten (10) feet when no dwelling rears upon such yard.

SEC. 7-1.67 GROUP DWELLINGS - WIDTH OF COURT. For group dwellings abutting upon one (1) side only of a court, the width of such court shall be not less than one and one-half ($1\frac{1}{2}$) times the width of the side yard as required in Section 7-1.65 of this Article; provided, further, that this width shall be not less than one-third ($1/3$) of the height in feet of the highest building abutting thereupon, nor less than twelve (12) feet in any case.

SEC. 7-1.68 GROUP DWELLINGS - WIDTH OF COURT. For group dwellings abutting upon at least two (2) sides of a court, such court shall be not less than three (3) times the width of the widest side yard as required in Section 7-1.65 of this Article; provided, further that this width shall be not less than one-half ($\frac{1}{2}$) of the height in feet of the highest building abutting thereupon, nor less than eighteen (18) feet in any case.

SEC. 7-1.69 GROUP DWELLINGS - MINIMUM SIDE YARDS. For the purpose of regulating group dwellings on a lot in the "C" or "D" district, the required side yard width on such lot shall be three (3) feet.

SEC 7-1.70 DWELLINGS ABOVE STORES. The front and side yard requirements for dwellings shall be waived where dwellings are located above stores or shops.

SEC. 7-1.71 PORTION OF ALLEY AS REAR YARD. In computing the depth of a rear yard for any building where such yard opens onto an alley, one-half of the width of such alley may be assumed to be a portion of the rear yard; provided, that the depth of such yard actually on the lot shall be not less than ten (10) feet for a lot in the "A" or "B" District, nor less than five (5) feet for a lot in any district other than "A" or "B".

SEC. 7-1.72 ACCESSORY BUILDING IN REAR YARD. An accessory building not exceeding twelve (12) feet in height may occupy not more than forty (40) per cent of a required rear yard.¹

SEC. 7-1.73 OBSTRUCTIONS IN YARDS AND COURTS. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projections of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves, provided, however, that none of the above projections shall extend into a minimum court more than six (6) inches nor into a minimum side yard or front yard more than twenty-four (24) inches; provided, further, that incoved porches or paved terraces may project not more than eight (8) feet into a minimum front yard, or rear yard, and not more than four (4) feet into a minimum side yard; provided, further that stairs from the ground to such uncovered porches or paved terraces or stairs from the ground to the first floor of a building may project into a minimum yard.

SEC. 7-1.74 OBSTRUCTIONS IN YARDS AND COURTS. Open or enclosed fire escapes, fire proof outside stairways and balconies projecting into a minimum yard or court not more than three and one-half (3½) feet, and the ordinary projections of chimneys and flues, may be permitted by the Building Inspector where same are so placed as not to obstruct the light and ventilation.

SEC. 7-1.75 CORNICE OVER STREET. No cornice shall project over the street line more than five (5) per cent of the width of such street, nor more than four (4) feet.

SEC. 7-1.76 EXCEPTIONS TO LOT AREA REQUIREMENTS. The lot area requirements in the "A" and "B" Districts shall be subject to the following exceptions: A single family dwelling may be erected in the "A" District and a single family or two-family dwelling may be erected in the "B" District on any lot in one ownership and of record on the first day of January 1935. It is further provided that subdivisions or portions of subdivisions of record on the first day of January 1935, may be re-subdivided for the purpose of increasing the lot areas even though such increased areas are less than the district requirements.²

SEC. 7-1.77 SIDE YARDS ON CORNER LOTS. On corner lots in "A", "B", "C" and "D" Districts, the side yard regulation shall apply to the street side of a lot, except in the case of reversed frontage, where the corner lot faces an intersecting street. In this case there shall be a side yard width on the street side of the corner lot of not less than fifty (50) per cent of the front yard depth required on the lots in the rear of such corner lot, and no accessory building on said corner lot shall project beyond the front yard line on the lots in the rear; provided, that this regulation shall not be so interpreted as to reduce the buildable width of such corner lot of record at the time of adoption of this Article to less than twenty-five (25) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

SEC. 7-1.78 FRONT YARDS - VARIATIONS. The front yard required in Districts "A", "B", "C", and "D" shall be subject to the following regulations:

That where lots comprising forty (40) per cent of the frontage in a block, between two intersecting streets, are developed with buildings, the front yard requirements on the remaining lots shall be the average of existing front yard depths; provided, that on vacant lots situated between lots developed with buildings, the front yard requirements shall be the average depth of front yards on the developed lots immediately adjoining such vacant lots; provided, further that in computing average front yard depths for the purpose of this section, the figure of thirty (30) feet shall be used for any front yard depth greater than thirty (30) feet.

¹As amended by Ordinance No. 2140 C.M.S., passed March 21, 1946.

²As amended by Ordinance No. 731 C. M. S., passed May 13, 1937.

BOARD OF ADJUSTMENT VARIANCE

SEC. 7-1.79 BOARD OF ADJUSTMENTS. A Board of Adjustments is hereby created.

SEC. 7-1.80 MEMBERSHIP. The membership of the Board of Adjustments hereinafter referred to as the Board, shall consist of three (3) members of the City Planning Commission appointed at the beginning of each fiscal year by the Chairman thereof. Vacancies shall be filled by the Chairman of the Planning Commission for the balance of the term. The Board shall designate a Chairman and a Secretary and shall adopt its own rules regarding meetings and the procedure of the Board.¹

SEC. 7-1.81 POWERS OF THE BOARD OF ADJUSTMENTS. In order to prevent or lessen unnecessary hardship or practical difficulties in exceptional cases where it is difficult or impossible to comply with the strict letter of this Article, the Board of Adjustments shall have the power to make such variances from the strict letter of this Article as are specified in this Section and in Sections 7-1.82, 7-1.821, 7-1.822, 7-1.83 and 7-1.831. The Board shall exercise its powers on these matters in such a way that, in its opinion, public welfare is secured, and substantial justice done most nearly in accord with the intent and purpose of this Article.²

SEC. 7-1.82 ADDITIONAL POWERS OF THE BOARD OF ADJUSTMENTS. The Board of Adjustments shall have power to grant the following variances:

To interpret the provisions of this Article.

To interpret the District Boundaries of the plan, as shown upon the "District Map", when the street layout actually on the ground varies from the street layout as shown on the map aforesaid.

To interpret and vary the application of the yard and open space regulations in specific cases.

To permit a temporary building for commerce or industry in a dwelling district which is incidental to the residential development thereof, such permit to be issued for a period of not more than one (1) year.

To permit the extension of a use into a more restricted district, where the district boundary line divides a lot in a single ownership on the first day of January 1935.

To permit a private garage, as an accessory building in the front yard, where the ground slope prevents its location in the rear yard, or its inclusion as a part of the main building.

On a corner lot, where a building is to have frontages on both streets, the Board may reduce the depth of the rear yard to the width of a required side yard for interior lots, if there is provided an open space at the inner rear corner of the lot, having no dimensions less than the required depth of the rear yard; provided, further, that the total aggregate area of open spaces about the building shall be not less than if a full rear yard were required.

To permit the erection of a three- or four-family multiple dwelling in the "B" District on a lot of record on the first day of January 1935, and having less than the lot area required therein.

To permit the exterior alteration of a dwelling for a home occupation in the "A", "B", "C" or "D" District, if the nature of such alteration is in keeping with the residential character of such dwelling.

To permit an identification sign on a church subject to the following conditions:

1. That the sign shall be in conformity with the architecture of the church building;
2. That the sign shall not be located in any required front, side or rear yard;
3. That the sign shall not be located so as to create a hazard to public safety;

¹As amended by Ordinance No. 3806 C.M.S., passed November 8, 1951.

²As amended by Ordinance No. 4373 C.M.S., passed March 25, 1954.

4. That if the sign is illuminated, such illumination shall not flash on and off, and shall be extinguished before 10:00 p.m.; and
5. That the sign shall serve to identify the church only and shall not include any other matter.

To permit the replacement of appurtenances to a non-conforming building use, including signs, when the purpose of such replacement is to modernize or to replace worn-out or damaged appurtenances.

To impose regulations as a condition of granting a variance, and a violation of any such regulation shall automatically invalidate the permit therefor.¹

SEC. 7-1.821 ADDITIONAL POWERS OF THE BOARD OF ADJUSTMENTS. The Board of Adjustments, after public hearing, prior notice of which shall be given the City Council, shall have power to grant the following variances, subject to the approval of the City Council in cases in which an appeal is taken under Section 7-1.832.

To permit in the "C" and "D" Districts the location, reconstruction or enlargement of tourist courts, subject to the following conditions:

1. That the tourist court shall have at least one off-street parking space for each sleeping room for seventy-five (75) per cent, or fraction thereof, of the total number of sleeping rooms.
2. That the parking area shall be surfaced to prevent dust.
3. That wherever the parking area adjoins a dwelling, a landscaped strip at least 4 feet wide shall be planted and maintained.
4. That the entrances and exits shall be approved by the Board of Adjustments and the Superintendent of Streets.
5. That all buildings shall be set back from the front property line at least 10 feet; that there shall be a rear yard of at least 10 feet; and that on corner lots there shall be a side yard of at least 5 feet.
6. That only the following signs shall be permitted: one identification sign not exceeding 40 square feet, endorsement signs the total area of which shall in no event exceed 15 square feet, informative signs (except dining room signs) the total area of which shall in no event exceed 10 square feet. No signs shall extend over any property line.

For the purposes of this subsection endorsement and informative signs are defined as follows: an endorsement sign includes any sign of a recognized firm or association which endorses a tourist court as to the quality of its service or accommodations; an informative sign includes any of the following - "Office", "TV", "Quiet Please", "Entrance", "(No) Vacancy", or others of a similar nature.

7. That if the premises, or sign(s), are illuminated, the lighting shall be so arranged as to be reflected away from surrounding dwellings.
8. That there shall be no flashing signs.
9. That the site plan, landscaping plan, and building plan, and the design and location of sign(s), shall be approved by the Board of Adjustments in conformity with the following objectives:
 - (a) To minimize interference with street traffic.
 - (b) To ensure that the parking layout is workable.
 - (c) To create conditions in harmony with the surrounding area.
 - (d) To ensure that the appearance of the structures and open spaces conforms with the appearance of the surrounding area and is in accord with the intent of this Article.
10. That the Board of Adjustments may permit a dining room in a tourist court subject to the following conditions:
 - (a) That the entrance for patrons shall be from within the building, or from a court, and that such entrance shall not face toward or upon any street.

¹As amended by Ordinance No. 4246 C.M.S., passed October 6, 1953.

- (b) That no window or other display or sign is used to advertise such use except an inside window sign, not to exceed two square feet, flat against the window. Such sign may be electric or neon, but shall not be of a flashing type.
- (c) That off-street parking spaces shall be provided for such dining room in addition to those required under condition number 1 above, in the ratio of one parking space for each 100 square feet of floor area, or fraction thereof, of such dining room or other rooms, interior patios or courts, designed and used for serving meals.
- (d) That the Board may prescribe such other conditions as may be deemed necessary to protect the safety, welfare and character of property in the surrounding neighborhood.

To impose regulations as a condition of recommending a variance, and a violation of any such regulation shall automatically invalidate the permit therefor.

No decision of the Board of Adjustments taken under the provisions of this Section shall become effective until ten (10) days following the date of the decision.¹

SEC. 7-1.822 ADDITIONAL POWERS OF THE BOARD OF ADJUSTMENTS. The Board of Adjustments, after public hearing, prior notice of which shall be given the City Council, shall have power to grant the following variances, subject to the approval of the City Council in cases in which an appeal is taken under Section 7-1.832.

To permit in the "C" and "D" District the location, reconstruction or enlargement of apartment hotels, subject to the following conditions:

1. That the apartment hotel shall have at least one off-street parking space for each hotel room and apartment for seventy-five (75) per cent, or fraction thereof, of the total number of hotel rooms and apartments.
2. That if outdoor parking area is provided the parking area shall be surfaced to prevent dust.
3. That wherever the parking area adjoins a dwelling, a landscaped strip at least 4 feet wide shall be planted and maintained.
4. That the entrances and exits shall be approved by the Board of Adjustments and the Superintendent of Streets.
5. That all buildings shall be set back from the front property line at least 10 feet, that there shall be a rear yard of at least 10 feet, and that on corner lots there shall be a side yard of at least 5 feet.
6. That there shall be no signs other than one flat wall sign not exceeding 20 square feet in area.
7. That if the premises, or the identification sign, are illuminated, the lighting shall be so arranged as to be reflected away from surrounding dwellings.
8. That there shall be no flashing signs.
9. That the site plan, landscaping plan, and building plan, and the design of the identification sign, shall be approved by the Board of Adjustments in conformity with the following objectives:
 - (a) To minimize interference with street traffic.
 - (b) To ensure that the parking layout is workable.

¹As amended by Ordinance No. 4482 C.M.S., passed August 31, 1954.

- (c) To create conditions in harmony with the surrounding area.
 - (d) To ensure that the appearance of the structures and open spaces conforms with the appearance of the surrounding area and is in accord with the intent of this Article.
10. That the Board of Adjustments may permit a dining room in an apartment hotel subject to the following conditions:
- (a) That the entrance for patrons shall be from within the building.
 - (b) That no window or other display or sign is used to advertise such use except an inside window sign, not to exceed two square feet, flat against the window. Such sign may be electric or neon, but shall not be of a flashing type.
 - (c) That off-street parking spaces shall be provided for such dining room in addition to those required under condition number 1, above, in the ratio of one parking space for each 100 square feet of floor area, or fraction thereof, of such dining room or other rooms, interior patios or courts, designed and used for serving meals.
 - (d) That the Board may prescribe such other conditions as may be deemed necessary to protect the safety, welfare and character of property in the surrounding neighborhood.

To impose regulations as a condition of recommending a variance, and a violation of any such regulation shall automatically invalidate the permit therefor.

No decision of the Board of Adjustments taken under the provisions of this section shall become effective until ten (10) days following the date of the decision.¹

SEC. 7-1.83 ADDITIONAL POWERS OF THE BOARD OF ADJUSTMENTS. The Board of Adjustments, after public hearing, prior notice of which shall be given the City Council, shall have power to grant the following variances, subject to the approval of the City Council in cases in which an appeal is taken under Section 7-1.832.

To permit the location, reconstruction or enlargement of the following uses in a district from which they are otherwise prohibited by the provisions of this Article: Community center, gravel pit, stone quarry, greenhouse or nursery, library, museum, riding academy, school, day nursery school, hospital or institution of an educational or philanthropic nature.

To permit governmental, public utility or public service uses and structures in any district when found to be necessary for the public health, convenience or welfare.

To permit, in a district from which it is otherwise prohibited by the provisions of this Article, an increase in area of a cemetery existing on January 1, 1935, to be used for the erection and maintenance of mausoleums, columbariums, crematories or other interment or cemetery purposes, and any uses requisite to, necessary for, related to, or incidental thereto; provided, however, that no permit shall be required for the construction, enlargement or alteration of any mausoleum, columbarium, crematory or other structure used for interment or other cemetery purposes, in any cemetery existing on January 1, 1935, or for any uses requisite to, necessary for, related to, or incidental thereto. Any permit issued, as herein first provided, for the enlargement in area of a cemetery shall be only of land that abuts thereto.

To permit in the "C" and "D" District the erection of a storage garage building or to permit off-street parking when the use thereof is primarily for the convenience of the occupants or users of adjacent buildings.

To permit in the "C" and "D" District the location, reconstruction or enlargement of the following uses: Clinics, offices for doctors and persons practicing the medical profession; provided, that all entrances to such offices or to accessory business uses in the same building be from within the building only; and provided further, that

¹As added by Ordinance No. 4357 C.M.S., passed March 2, 1954.

adequate off-street parking facilities may in the discretion of the Board be required for the use of the occupants and users of such building.

To impose regulations as a condition of recommending a variance, and a violation of any such regulation shall automatically invalidate the permit therefor.

No decision of the Board of Adjustments taken under the provisions of this Section shall become effective until ten (10) days following the date of the decision.¹

SEC. 7-1.831 AUTOMOBILE STORAGE. The Board of Adjustments, after public hearing, shall have power to grant the following variances, subject to the approval of the City Council in cases in which an appeal is taken under Section 7-1.832.

To permit in any dwelling district parking lots for the storage of automobiles of owners, tenants, employees, customers or patrons subject to the following conditions:

1. That the parking lot must be immediately adjacent to, or opposite property zoned for business or industry.
2. That the parking lot use shall be only for automobile parking with no sales, dead storage, repair work, dismantling or servicing of any kind.
3. That the entrances and exits shall be approved as to location by the Superintendent of Streets.
4. That wherever the parking lot adjoins property zoned for a dwelling district a planting strip with a width of not less than 4 feet may in the discretion of the Board be required to be planted and maintained and/or a bumper rail placed when deemed necessary for the protection of the dwelling district.
5. That no advertising signs nor any structures shall be erected on or used in conjunction with the parking lot.
6. That the parking lot shall be surfaced to prevent dust.
7. That adequate lighting shall be provided and so arranged as to be reflected away from the residential area so as to cause no annoying glare.
8. That the parking lot shall be subject to such other further conditions as may be deemed desirable in the interest of public safety, convenience, and welfare.

To permit a public garage in a commercial district where it is deemed necessary for the public convenience.

To permit in the "A", "B" or "C" District the erection of a building to a height in excess of that permitted in these districts where an unnecessary hardship would result from a strict compliance with height regulations.

To impose regulations as a condition of recommending a variance, and a violation of any such regulation shall automatically invalidate the permit therefor.

No decision of the Board of Adjustments taken under the provisions of this Section shall become effective until ten (10) days following the date of the decision.²

¹As amended by Ordinance No. 4053 C.M.S., passed December 30, 1952.

²As amended by Ordinance No. 3830 C.M.S., passed December 26, 1951.

SEC. 7-1.832 ACTION BY CITY COUNCIL. The City Council shall review the proceedings and decision of the Board of Adjustments on all of the matters included in Sections 7-1.821, 7-1.822, 7-1.83 and 7-1.831 when the decision of the Board of Adjustments is appealed to the City Council within ten (10) days of the date of the decision. The City Council may approve, reject or modify, by resolution, the Board's decision.

An appeal to the City Council from the decision of the Board of Adjustments on any of the matters included in said last mentioned sections may be taken by filing a petition with the City Clerk within ten (10) days of the decision. Immediately upon receipt of such petition the City Clerk shall set the time for consideration of the appeal by the Council.¹

SEC. 7-1.833 REVIEW OF PRIOR DECISIONS OF THE BOARD OF ADJUSTMENTS. The Board of Adjustments after one year has elapsed since the time a decision has been rendered by it, and no building permit has been issued pursuant to said decision, may on its own motion, or upon written request, review any prior proceedings and modify, amend or rescind said decision; providing a public hearing is held thereon and ten (10) days' written notice thereof has been given to the property owner.

If the original proceedings were reviewed by the City Council upon appeal under Section 7-1.832, any action taken by the Board of Adjustments under the provisions of this Section shall be subject to action by the City Council as provided in Section 7-1.832.²

SEC. 7-1.84 BUILDING PERMIT FOR A VARIANCE. In all cases where the Board of Adjustments, or the City Council has allowed a variance, as authorized in Section 7-1.82 to Section 7-1.832, inclusive, the Building Inspector may issue a building permit sufficient to allow such building or work to be done in accordance with the decision of the Board or the Council.³

SEC. 7-1.85 HEARING - NOTICE. The Board may in its discretion provide for notice and public hearing upon any application made pursuant to the provisions of Section 7-1.82. When a public hearing is to be held pursuant to this Section or Sections 7-1.821, 7-1.822, 7-1.83 or 7-1.831 such notice of hearing as the Board may direct shall be given not less than 5 days nor more than 30 days before the date of such hearing.⁴

SEC. 7-1.851 FEES. Before filing an application for variance the applicant shall pay to the Board of Adjustments for the expenses of processing such application, a fee or fees in accordance with the following schedule:

Interpretation of provision of Ordinance No. 474 C.M.S.	No Charge
Interpretation of district boundaries when the street layout on ground varies from street layout on map.	No Charge
Variance of yard or open space requirements due to topographic hardship.	\$ 5.00
Variance of yard or open space requirements due to lot shape.	\$ 5.00
Variance of yard or open space requirements due to natural features.	\$ 5.00
Variance of yard or open space requirements due to location of existing structures.	\$10.00
Variance of yard or open space requirements due to location of public utilities.	\$10.00

¹As amended by Ordinance No. 4375 C.M.S., passed March 25, 1954.

²As added by Ordinance No. 4015 C.M.S., passed October 30, 1952.

³As amended by Ordinance No. 3830 C.M.S., passed December 26, 1951.

⁴As amended by Ordinance No. 4376 C.M.S., passed March 25, 1954.

Variance of yard or open space requirements due to landscaping.	\$10.00
Variance of yard or open space requirements due to view.	\$10.00
Variance to permit extension of a use into a more restricted district where the district boundary line divides a lot in a single ownership.	No Charge, or \$25.00 if public hearing called
Variance to permit a private garage as an accessory building in a front yard.	\$ 5.00
Variance to reduce the depth of the required rear yard on a corner lot.	\$ 5.00
Variance to permit the erection of a three or four family multiple dwelling in the "B" District on a lot of record January 1, 1935, having less than the minimum area.	\$10.00
Variance to permit the exterior alteration of a dwelling for a home occupation.	\$10.00
Variance to permit a temporary building for commercial or industrial use in a dwelling district incidental to residential development.	\$25.00
Variance to permit location, reconstruction or enlargement of community center, gravel pit, stone quarry, greenhouse or nursery, library, museum, riding academy, school, hospital, or institution of an educational or philanthropic nature.	\$25.00
Variance to permit governmental, public utility or public service uses or structures in any district.	\$25.00
Variance to increase area of a cemetery to be used for mausoleum, columbarium, crematory, etc.	\$25.00
Variance to permit storage garage in the "C" or "D" District.	\$25.00
Variance to permit clinics or doctors' offices in "C" or "D" District.	\$25.00
Variance to permit parking lots in dwelling districts.	\$25.00
Variance to permit a public garage in a commercial district.	\$25.00
Variance to permit erection of building to a height in excess of minimum in "A", "B", or "C" District. ¹	\$25.00

SEC. 7-1.852 FEES. Before filing an application for variance the applicant shall pay to the Board of Adjustments for the expenses of processing such application, a fee or fees, in accordance with the following schedule:

Variance to permit a day nursery school in a residential zone.	\$25.00
Variance to permit a tourist court in the "C" and "D" District.	\$25.00
Variance to permit an apartment hotel in the "C" and "D" District.	\$25.00
Variance to permit a building upon a lot having its principal frontage upon a private easement of not less than 20 feet in width.	\$10.00

¹As added by Ordinance No. 3844 C.M.S., passed January 24, 1952.

Variance to permit an identification sign upon a church located in a residential zone.	\$ 5.00
Variance to permit the replacement of appurtenances, including signs, to a non-conforming building use. ¹	\$ 5.00

SEC. 7-1.86 PLATS. All applications for building permits shall be accompanied by a drawing or plan in duplicate showing the lot plan, the location of the building on the lot, accurate dimensions of building and lot, and such other information as may be necessary to provide for the enforcement of those regulations. A careful record or the original copy of such application and plats shall be kept in the office of the Building Inspector, and the duplicate copy shall be kept at the building at all times during construction.

SEC. 7-1.87 BOUNDARIES OF DISTRICTS. Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Map, the following rules shall apply:

The district boundaries are either streets or alleys unless otherwise shown, and where any district designated on the District Map is bounded approximately by street or alley lines said streets or alleys shall be construed to be the boundaries of such district.

Where district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where any district designated on the District Map is bounded approximately by lot lines, said lot lines shall be construed to be the boundaries of such district.

In unsubdivided property, the district boundary lines on the District Map shall be determined by use of the scale contained on such map.

Where further uncertainty exists, the Planning Commission, upon written application or upon its own motion, shall determine the location of such boundaries.

INTERPRETATION

SEC. 7-1.88 INTERPRETATION, PURPOSE AND CONFLICT. In interpreting and applying the provisions of this Article they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Article to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Article imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required, by other ordinance, rules, regulations, or by easements, covenants, or agreements, the provisions of this Article shall govern.

REZONING AND TEXT CHANGES

SEC. 7-1.89 CHANGE OF DISTRICTS OR REGULATIONS. The City Planning Commission shall not make a recommendation to the City Council concerning the change of any district or the change of any regulation unless a public hearing thereon is first had before the City Planning Commission, and no action shall be taken by the City Council, to change any district established by Ordinance No. 475 C.M.S., or any regulation established by this Article until after the Council has received a recommendation from the City Planning Commission concerning such change.

SEC. 7-1.90 PETITION FOR CHANGE. The owner of any property may petition the City Council to change any district established by Ordinance No. 475 C.M.S. or any regulation established by this Article, affecting his property, by filing with the City Clerk a petition in triplicate setting forth the following information:

¹As added by Ordinance No. 4408 C.M.S., passed May 11, 1954.

The petitioner's name in full.

His residence.

Address or description of property sought to be rezoned.

An accurate diagram of said property, showing the location of all buildings thereon, the type thereof, and their uses.

Such other information as the City Planning Commission or the City Clerk may desire.

SEC. 7-1.91 RECEIPT OF PETITION. Immediately upon receipt of such petition, the City Clerk shall file the original with the records of his office, and forward the other two copies of such petition to the Secretary of the City Planning Commission.

SEC. 7-1.92 HEARING AND NOTICE OF HEARING. The Secretary of the City Planning Commission shall, if said petition is found to be properly prepared, fix a day for the hearing of such petition. The Secretary shall, not less than five days nor more than thirty days before the date of such hearing, give such notice of hearing as the City Planning Commission may direct.

SEC. 7-1.93 PETITION DEPOSIT. At the time of filing a petition, it shall be accompanied by a cash deposit in an amount fixed by the City Planning Commission to defray the cost of printing, mailing and giving notice and such other work as may be required to be done in connection with such petition.

Such portion of such deposit as may remain unexpended shall be returned to the petitioner by the City Clerk upon the receipt of a written notice from the City Planning Commission that such petition has been disposed of by it. When the City Council shall have denied any application for the change of any district in which any property is located, the City Clerk shall not thereafter accept any other application for the same change of district affecting the same property, or any portion thereof, until the expiration of one (1) year from the date of such previous denial.