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## Title 19 DEVELOPMENT CODE

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## Article I. Introduction to the Development Code

### Chapter 19.05 GENERAL

#### Sections:

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#### 19.05.010 Title.

This title shall be known as the “Fairview Zoning Ordinance and Code.” (Ord. 6-2001 § 1)

#### 19.05.020 Purpose.

The purpose of this title is to establish city regulations governing and guiding the development and use of land in the city of Fairview and in accordance with the Fairview Comprehensive Plan. (Ord. 6-2001 § 1)

#### 19.05.030 Scope and compliance.

Any building, structure, or land shall hereafter be used, possessed, or occupied, and any building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered only in accordance with the provisions of this title and other applicable city ordinances. (Ord. 6-2001 § 1)

#### 19.05.040 Zoning map.

Zoning districts are as mapped on the official zoning map and is hereby incorporated as part of this title. Zone boundaries shall run along streets, alleys or lot lines unless otherwise provided. (Ord. 6-2001 § 1)

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## Chapter 19.10 INTRODUCTION

### Sections:

[19.10.010](#) How to use the development code.

#### 19.10.010 How to use the development code.

Welcome to the City of Fairview Development Code. This is a comprehensive land use and development code that governs all of the land within the incorporated limits of the city of Fairview. The five articles of the code are used together to review land use applications. They are organized as follows:

A. Article I. In addition to this brief introduction, Article I provides definitions for selected terms and information on the legal construction of the code. It also explains the city authority to enforce the development code.

B. Article II. Every parcel, lot, and tract of land within the city's incorporated boundaries is also within a "land use district." (Land use districts are shown on the city's official zoning map.) Article II identifies the land uses that are permitted within each district, and the standards that apply to each type of land use (e.g., lot standards, setbacks, and use-specific design standards). As required by state law, the zones or "land use districts" conform to the city of Fairview's Comprehensive Plan. The districts reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities. Overlay districts reflect special conditions that add special conditions, criteria or standards to uses within these areas.

C. Article III. The design standards contained in Article III apply throughout the city. They are used in preparing development plans, and reviewing applications, to ensure compliance with city standards for access and circulation, landscaping, parking, public facilities, surface water management, housing densities, and sensitive lands.

D. Article IV. This article provides all of the application requirements and procedures for obtaining permits required by this code. Four types of permit procedures are covered: Type I (nondiscretionary, "ministerial" decision); Type II (limited discretionary, "administrative" decision); Type III (discretionary, "quasi-judicial" decision with public hearing); and Type IV ("legislative" decision by city council).

E. Article V. This article provides standards and procedures for variances and

nonconforming situations (i.e., existing uses or development that do not comply with the code). This code cannot provide standards to fit every potential development situation. The city's varied geography, and complexities of land development, requires flexibility. Article V provides that flexibility, while maintaining the purposes and intent of the code. (Ord. 6-2001 § 1)



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## Chapter 19.12 GENERAL ADMINISTRATION

### Sections:

<a href="#">19.12.010</a>	Severability.
<a href="#">19.12.020</a>	Compliance and scope.
<a href="#">19.12.030</a>	Consistency with plan and laws.
<a href="#">19.12.040</a>	Use of a development.
<a href="#">19.12.050</a>	Pre-existing approvals.
<a href="#">19.12.060</a>	Building permit and certificate of occupancy.
<a href="#">19.12.070</a>	Official action.

#### 19.12.010 Severability.

The provisions of this title are severable. If any section, sentence, clause or phrase of this title is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this title. (Ord. 6-2001 § 1)

#### 19.12.020 Compliance and scope.

A. Compliance with the Provisions in the Development Code. Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, only as this development code (“code”) or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this code.

B. Obligation by Successor. The requirements of this code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.

C. Most Restrictive Regulations Apply. Where this code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.

D. Variances. Variances shall be governed by the provisions of Chapter [19.520](#) FMC.

E. Transfer of Development Standards Prohibited. No lot area, yard or other open space or off-street parking or loading area which is required by this code for one use shall be a required lot area, yard or other open space or off-street



parking or loading area for another use, except as otherwise specifically allowed by this code. (Ord. 6-2001 § 1)

#### 19.12.030 Consistency with plan and laws.

Each development and use application and other procedure initiated under this code shall be consistent with the adopted comprehensive plan of the city of Fairview as implemented by this code, and with applicable state and federal laws and regulations. All provisions of this code shall be construed in conformity with the adopted comprehensive plan. This provision does not create an independent requirement for additional findings of compliance with the Comprehensive Plan unless a particular Comprehensive Plan provision is directly applicable to the proposed request. (Ord. 6-2001 § 1)

#### 19.12.040 Use of a development.

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this code (including nonconforming uses), subject to Chapter [19.530](#) FMC, and is not prohibited by law. (Ord. 6-2001 § 1)

#### 19.12.050 Pre-existing approvals.

This section describes the status of development proposals approved under earlier city or county codes. The “effective date” of the revised code will be on the cover page.

A. Legality of Pre-existing Approvals. Developments, including subdivisions, projects requiring development review or site design review approval, or other development applications for which approvals were granted prior to the effective date of this code, may occur pursuant to such approvals; except that modifications to development approvals shall comply with Chapter [19.460](#) FMC, Modifications to Approved Plans and Conditions of Approval.

B. Subsequent Development Applications. All development proposals and applications received by the city administrator after the adoption of this code shall be subject to review for conformance with the standards under this code or as otherwise provided by state law. (Ord. 6-2001 § 1)

#### 19.12.060 Building permit and certificate of occupancy.

A. Building Permit. A building permit shall not be issued until the city administrator has issued a development permit in accordance with the provisions of Chapter [19.400](#) FMC, Administration of Land Use and Development Review, or otherwise found that a development permit is not required.

B. Certificate of Occupancy Required. To ensure completion of a development or use in the manner approved, a development shall not be occupied and a use shall not begin until the city administrator or his or her designee has issued a

certificate of occupancy (except for single-family residences which shall require a final inspection) following completion of the work in substantial conformance to the applicable land use and building permits.

C. Prior to Final Completion. Prior to the final completion of all work, a certificate of occupancy may be issued for a portion of the structure conditioned upon further work being completed by a date certain or other satisfactory assurance such as bonds, cash deposits, etc. (Ord. 6-2001 § 1)

#### 19.12.070 Official action.

A. Official Action. All officials, departments, employees (including contractor-officials) of the city vested with authority to issue permits or grant approvals shall adhere to and require conformance with this code, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this code.

B. Severability. Any permit or approval issued or granted in conflict with the provisions of this code shall be void.

C. Notice. The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this code. (Ord. 6-2001 § 1)

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## Chapter 19.13 DEFINITIONS

### Sections:

<a href="#">19.13.010</a>	“A” definitions.
<a href="#">19.13.020</a>	“B” definitions.
<a href="#">19.13.030</a>	“C” definitions.
<a href="#">19.13.040</a>	“D” definitions.
<a href="#">19.13.050</a>	“E” definitions.
<a href="#">19.13.060</a>	“F” definitions.
<a href="#">19.13.070</a>	“G” definitions.
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<a href="#">19.13.110</a>	“K” definitions.
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<a href="#">19.13.140</a>	“N” definitions.
<a href="#">19.13.150</a>	“O” definitions.
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<a href="#">19.13.190</a>	“S” definitions.
<a href="#">19.13.200</a>	“T” definitions.
<a href="#">19.13.210</a>	“U” definitions.
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<a href="#">19.13.230</a>	“W” definitions.
<a href="#">19.13.240</a>	“X” definitions.
<a href="#">19.13.250</a>	“Y” definitions.
<a href="#">19.13.260</a>	“Z” definitions.

19.13.010 “A” definitions.

“Abutting” means contiguous or adjoining. It shall include the terms “adjacent,”

“adjoining” and “contiguous.”

“Access easement” means an easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access.

“Access management” means the control of street (or highway) access for the purpose of improving the efficiency, safety and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement.

“Accessible” means approachable and usable by people with disabilities; complies with the Americans with Disabilities Act.

Accessory Dwelling. An “accessory dwelling” is a small, secondary housing unit on a single-family lot, usually the size of a studio apartment.

Accessory Use/Accessory Structure. “Accessory uses and structures” are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the residential district include detached garages, sheds, workshops, greenhouses and similar structures.

“Adjacent” means abutting or located directly across a street right-of-way.

“Administrative” means a discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal.

“Adverse impact” means negative effect of development that can be measured (e.g., noise, air pollution, vibration, dust, etc.).

“Affordable” means housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. For more information, refer to the Federal Department of Housing and Urban Development and the Oregon Department of Housing and Community Services.

“Agriculture,” as used in this code, is the same as “farm use.”

“Alley” means a narrow street (10-foot to 20-foot right-of-way), usually a thoroughfare through the middle of the block giving access to the rear of lots or buildings, which has been dedicated or deeded to the public.

“Alteration” means any change, addition or modification in construction or occupancy.

“Ambient” means something that surrounds, as in the level of light, dust or noise.

“Arcade” means an arched or covered passageway, often along building fronts or between streets.

“Arterial” means an arterial street. Arterials form the primary roadway network within a region, providing a continuous road system that distributes traffic between cities, neighborhoods, and districts. Generally, arterials are high capacity roadways.

“Articulate/articulation” means the jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

“Automobile-oriented use” means automobiles and/or other motor vehicles are an integral part of the use such as drive-in restaurants, quick access or auto repair businesses. (Ord. 6-2001 § 1)

#### 19.13.020 “B” definitions.

“Basement” means any floor level below the first story in a building; a floor level in a building having only one floor shall be classified as a basement unless such floor level qualifies as a first story as defined in the building code.

“Bed and breakfast inn” provides accommodations (three or more rooms) plus breakfast on a daily or weekly basis in an operator- or owner-occupied home that is primarily used for this purpose. This use is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. This level includes inns that operate restaurants offering meals to the general public as well as to overnight guests.

“Berm” means a small rise or hill in a landscape which is intended to buffer or visually screen certain developments, such as parking areas.

“Beveled building corner” means a rounded or flat edge on a building, usually at a street corner; may include an entrance, windows, pillars, or other architectural details and ornamentation.

“Block” means a parcel of land or group of lots bounded by intersecting streets.

“Boarding, lodging or rooming house” means any building or portion thereof, containing not more than five guest rooms where rent is paid.

“Bollard” means a post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards are usually decorative, and may contain sidewalk or pathway lighting.

“Boulevard” means a street with broad open space areas, typically with planted medians.

“Building division” means a city governmental unit charged with the administration and enforcement of the city of Fairview and Oregon specialty codes, including building, plumbing, electrical and mechanical.

“Building footprint” means the outline of a building, as measured around its foundation.

Building Height. See zoning districts.

“Building mass” means the aggregate size of a building, or the total height, width, and depth of all its parts.

“Building pad” means a vacant building site on a lot with other building sites.

“Building scale” means the dimensional relationship of a building and its component parts to other buildings.

“Bulkhead” means the wall below ground-floor windows on a building (i.e., may be differentiated from other walls by using different materials or detailing).

“Business” means any profession, trade, occupation, commercial or industrial enterprise of any kind or nature including those carried on for profit or for

nonprofit purposes, but excluding federally tax exempt organizations and nonprofit religious organizations. (Ord. 6-2001 § 1)

#### 19.13.030 “C” definitions.

“Capacity” means maximum holding or service ability, as used for transportation, utilities, parks and other public facilities.

“Centerline radius” means the radius of a centerline of a street right-of-way.

“Childcare center, family childcare” means facilities that provide care and supervision of minor children for periods of less than 24 hours. “Family child care providers” provide care for not more than 12 children in a home.

“City administrator” means the appointed chief administrative officer or a designee of the city who is generally responsible for the administration of all city ordinances.

“Clear and objective” relates to decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

“Collector” means type of street which serves traffic within the commercial, industrial and residential neighborhood areas. Collectors connect local neighborhoods or districts to the arterial network. Collectors help form part of the grid system.

“Commercial” means land use involving buying/selling of goods or services as the primary activity.

“Common area” means land commonly owned to include open space, landscaping or recreation facilities (e.g., typically owned by homeowners associations).

“Conditional use” means a use which requires a conditional use permit.

“Consensus” means agreement or consent among participants.

“Conservation easement” means an easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees, floodplains, wildlife habitat, and similar resources.

“Constrained slope” means land on slope that is between 15 to 20 percent.

“Corner radius” means the radius of a street corner, as measured around the curb or edge of pavement.

“Cornice” means the projecting horizontal element that tops a wall or flat roof.

“Cottage” means a small house that may be used as an accessory dwelling.

“Court” means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

“Courtyard” means a court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.

“Curb cut” means a driveway opening where a curb is provided along a street. (Ord. 6-2001 § 1)

#### 19.13.040 “D” definitions.

“Deciduous” means a tree or shrub that sheds its leaves seasonally.

“Dedication” means the designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners association.

“Density(ies)” means a measurement of the number of dwelling units in relationship to a specified amount of land. As used in this code, density does not include land devoted to street right-of-way. Density is a measurement used generally for residential uses.

“Developable” means buildable land, as identified by the city’s Comprehensive Plan, includes both vacant land and land likely to be redeveloped.

“Development” means all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage, or activities.

Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes.

“Discontinued/abandoned use” means a use that physically vacates the land it was on, cessation of an allowed activity, or use terminated at the end of any lease or contract.

“Discretionary” describes a permit action or decision that involves substantial judgment or discretion.

“Drip-line” means an imaginary line around a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.

“Drive lane/travel lane” means an improved (e.g., paved) driving surface for one lane of vehicles.

“Driveway” means areas that provide vehicular access to a site, except for public and private streets. A driveway begins at the property line and extends into the site. Driveways do not include parking, maneuvering, or circulation areas in parking space areas.

“Driveway apron/approach” means the edge of a driveway where it abuts a public way; usually constructed of concrete.

Drought-Tolerant/Drought-Resistant Plants. Refer to Sunset Western Garden Book (latest edition).

“Duplex” means a building with two attached housing units on one lot or parcel. Dwelling Unit. A “dwelling unit” is a living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code, for not more than one family, or a congregate residence for 10 or less persons. (Ord. 6-2001 § 1)

#### 19.13.050 “E” definitions.

“Easement” means a right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations.

“Elevation” refers to a building face, or scaled drawing of the same, from grade to roof ridgeline.

Environmentally Sensitive Areas. See “sensitive lands.”

“Established residential area” means an area within the residential district that was platted prior to the effective date of a land ordinance.

“Evidence” means application materials, plans, data, testimony and other factual information used to demonstrate compliance or noncompliance with a code standard or criterion. (Ord. 6-2001 § 1)

#### 19.13.060 “F” definitions.

“Facade” means the outside wall of a structure designated as either front, rear, or side facade. The front facade does not include front porches, bay windows or other similar architectural features.

“Facility, higher education” means a college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instruction as approved by a recognized accrediting agency, excluding elementary and high schools, and trade and commercial schools.

Family Day Care. See “Child care center, family childcare.”

“Farm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.

“Fence, sight-obscuring” means a barrier consisting of wood, metal, concrete or masonry arranged in such a way as to obstruct or obscure vision, or to enclose an area.

“Fire apparatus lane” means as defined by the Uniform Fire Code.

“Flag lot” means a lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement.

Floor Area Ratio. “Floor area ratio (FAR)” is measured by dividing the gross enclosed floor area of a building by the land area of the development.

“Frontage” means the dimension of a property line abutting a public or private street.

“Frontage street or road” means a minor street which parallels an arterial street in order to provide access to abutting properties and minimize direct access onto the arterial.

Front Yard Orientation. See zoning districts. The “front yard orientation” on corner lots is determined by the location of the main building entrance.

“Functional classification” means the classification given to streets (e.g., “local/collector/arterial”) by the city’s Transportation System Plan, by adopted county plans, and Oregon Department of Transportation. (Ord. 6-2001 § 1)

#### 19.13.070 “G” definitions.

“Grade” means the degree of rise or descent of a sloping surface.

“Grade (adjacent ground elevation)” means the lowest point of elevation of the



finished surface of the ground, paving or sidewalk within the area between the building and the property line, or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

“Grade, finished” means the final or finish elevation of the ground surface after the development.

“Grade, natural” means the elevation of the ground surface in its natural state, before manmade alterations.

“Grading” means any stripping, cutting, filling, stockpiling of earth, rock or land, including the land in its cut or filled condition.

“Ground cover” means a plant material or nonplant material (e.g., mulch, bark chips/dust) that is used to cover bare ground. (Ord. 6-2001 § 1)

#### 19.13.080 “H” definitions.

“Hammerhead turnaround” means a “T” or “L” shaped dead-end street that allows for vehicles to turn around.

“Hardscape” means nonplant landscape materials, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas, and similar amenities.

“Historic building” means any building or structure on the city’s historic buildings inventory and so designated by action of the city.

“Home occupation,” “home occupation site” means small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence.

“Hotel” means any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes of guests.

“Human-scale design/development” means site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those that are primarily intended to accommodate automobile traffic. (Ord. 6-2001 § 1)

#### 19.13.090 “I” definitions.

“Impervious surface” means development which does not allow for water infiltration (e.g., pavement, roofs, etc.).

“Incidental and subordinate to” means a use or portion of a development that is secondary to, and less apparent, than the primary use or other portion of the

development.

“Infill” means a dwelling that is proposed on land that is zoned for residential use where at least 75 percent of the abutting parcels have a dwelling, but not counting any parcel that is too small for a residence and any parcel that is large enough that it can be divided into four or more lots. These standards also apply where a home is removed to make way for a new house, manufactured home duplex and attached house. These standards do not apply to a dwelling that is proposed on land that is large enough that it can be divided into four or more lots. (Ord. 6-2001 § 1)

19.13.100 “J” definitions.

“Junk yard” means the use of more than 200 square feet of any lot for the dismantling or “wrecking” or for the storage or keeping of junk, including scrap metals or other scrap materials. (Ord. 6-2001 § 1)

19.13.110 “K” definitions.

“Kennel or other animal boarding place” means any establishment or premises where five or more dogs over one year of age are kept for any purpose whatsoever, or any establishment or premises where dogs are bred, boarded or offered for sale as a commercial business. “Other animal boarding place” as used in this title means and includes any establishment or premises where five or more cats or other animals are bred, boarded or offered for sale as a commercial business. (Ord. 6-2001 § 1)

19.13.120 “L” definitions.

“Land division” means the process of dividing land to create parcels or lots.

“Land use” means the main activity that occurs on a piece of land, or the structure in which the activity occurs (e.g., residential, commercial, mixed use, industrial, open space, recreation, street rights-of-way, vacant, etc.).

Land Use District. As used in this title, a “land use district” is the same as a zone district.

“Landing” means a level part of a staircase, as at the end of a flight of stairs.

“Landscaping” means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Landscaping also includes irrigation systems, mulches, topsoil, and revegetation or the preservation, protection and replacement of existing trees.

“Lane,” “mid-block lane” means a narrow, limited use roadway facility usually used to access a limited number of dwelling units; similar to an alley in design.

“Legislative” means a legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation).

“Legislative action” means any action which would result in a change in city policy including a change to the Comprehensive Plan text, a change to the Comprehensive Plan map which involves a number of parcels of land, a change to the text of an implementing ordinance, a change to the zoning map which involves a number of parcels of land, a change to any land use plan or map which represents a change in city land use policy.

“Level of service (LOS)” means, for transportation, a standard of a street’s carrying capacity, based upon prevailing roadway, traffic and traffic control conditions during a given time period. The level of service range, from LOS A (free flow) to LOS F (forced flow) describes operational conditions within a traffic stream and their perception by motorists/passengers. Level of service is normally measured for the peak traffic hour, at intersections (signalized or unsignalized) or street segments (between signalized intersections).

“Light manufacture” means light manufacturing operations (e.g., electronic equipment, printing, bindery, furniture, and similar goods). See zoning district.

“Livestock” means domestic animal types customarily raised or kept on farms.

“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 buildings or use, for 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.

“Local improvement district (LID)” means a small public district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with state statutes.

“Lot” means a lot is a unit of land that is created by a subdivision of land (See ORS Chapter 92). A lot or parcel under the same ownership.

“Lot area” means the total surface area (measured horizontally) within the lot lines of a lot.

“Lot coverage” means the area of a lot covered by a building or buildings expressed as a percentage of the total lot area.

“Lot depth, average” means the average distance from the narrowest frontage to the lot line opposite.

“Lot line adjustment” means the adjustment of a property line by the relocation of a common line where no additional lots are created.

“Lot width” means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. (Ord. 6-2001 § 1)

#### 19.13.130 “M” definitions.

“Maneuvering area/aisle” refers to the driving area in a parking lot where motor vehicles are able to turn around and access parking spaces.

Main/Primary Entry/Entrance. A “main entrance” is the entrance, or entrances, to

a building that most pedestrians are expected to use. Generally, smaller buildings have one main entrance. Main entrances may also be the widest entrance of those provided for use by pedestrians. In multitenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multitenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. Buildings may also have main entrances opening directly into a reception or sales area, a courtyard, or plaza.

"Manufactured home" means a transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the U. S. Department of Housing and Urban Development, but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety Regulations, and is intended for permanent occupancy.

Manufactured Home Park. See ORS Chapter 446.

"Mass movement" means the movement of earth (rock, soil, or fill) downslope as a function of gravity. The main types of mass movement include earthflow, slump, rockslide, rockfall and mudflow.

"Ministerial" means a routine governmental action or decision that involves little or no discretion. The issuance of a building permit is such an action.

"Mitigation" means to avoid, rectify, repair, or compensate for negative impacts which result from other actions (e.g., improvements to a street may be required to mitigate for transportation impacts resulting from development).

Mixed-Use Building/Development/Horizontal/ Vertical. See FMC [19.30.130\(C\)](#).

"Multifamily housing" means housing that provides more than three dwellings on an individual lot (e.g., multiplexes, apartments, condominiums, etc.). See FMC [19.30.130](#).

"Multi-use pathway" means pathways for pedestrian and bicycle use. See FMC [19.162.030](#) (A)(4). (Ord. 6-2001 § 1)

#### 19.13.140 "N" definitions.

"Natural resource areas/natural resources" means the same as sensitive lands.

"Natural hazard" means natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas include steep slopes, unstable soils, landslides, flood areas.

"Neighborhood" means a geographic area lived in by neighbors and usually having distinguishing character.

"Neighborhood-scale design" means site and building design elements that are dimensionally related to housing and pedestrians, such as narrower streets with tree canopies, smaller parking areas, lower building heights (as compared to downtown areas) and similar neighborhood characteristics. These features are generally smaller in scale than those that are primarily intended to accommodate automobile traffic.

"Neighborhood commercial" means small-scale commercial uses allowed within

the neighborhood commercial district.

“Nonconforming use/nonconforming development” means a land use/structure that exists which would not be permitted by the regulations imposed by the code, but was lawful at the time it was established (see Chapter [19.530](#) FMC).

“Non-native invasive plants” means plants not historically found in the Fairview area prior to 1840. See the Metro Native Plant List. (Ord. 6-2001 § 1)

#### 19.13.150 “O” definitions.

“Obstruction” means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire, fence, rock, gravel refuse, fill structures or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

“Off-street parking” means all off-street areas designed, used, required or intended to be used for the parking of motor vehicles. Off-street parking areas shall conform to the requirements of Chapter [19.164](#) FMC.

“On-street parking” means parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb.

“Open space (common/private/active/passive)” means land within a development which has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreation, conservation or other open space uses.

“Orientation” means to cause to face toward a particular point of reference (e.g., “a building oriented to the street”).

Oriented to a Street. See “Orientation.”

“Outdoor commercial use” means a use supporting a commercial activity, which provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumberyards and equipment rental businesses.

Overlay Zone/District. “Overlay zones” provide regulations that address specific subjects that may be applicable in more than one land use district. (Ord. 6-2001 § 1)

#### 19.13.160 “P” definitions.

“Parcel” means a parcel is a unit of land that is created by a partitioning of land (see ORS Chapter 92). See the Procedure Section.

“Parking lot perimeter” means the boundary of a parking lot area which usually

contains a landscaped buffer area.

Parking vs. Storage. "Parking" is the area used for leaving motor vehicles for a temporary time. "Storage" is to place or leave in a location for maintenance, repair, sale, rental, or future use.

"Partition" means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year (see also ORS Chapter 92).

"Pedestrian amenity(ies)" means pedestrian areas and objects that serve as places for socializing and enjoyment of the city's downtown/main street. Examples include benches or public art or sculpture.

"Pier" means exterior vertical building elements that frame each side of a building or its ground-floor windows (usually decorative).

"Planter strip," "tree cut-out" means a landscape area for street trees and other plantings within the public right-of-way, usually between the street and a sidewalk.

"Plat" means a map of a subdivision, prepared as specified in ORS Chapter 92, and recorded with Multnomah County. All plats shall also conform to the Land Divisions section.

"Plaza" means a public square or extra-wide sidewalk (e.g., as on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activity.

"Pocket park" means a small park, usually less than one-half acre.

Practicable Alternative. At least two alternative locations on-site must be considered in determining whether the proposed option is "practicable." In determining whether a practicable alternative exists the analysis must first address relocating the proposed project on-site outside of the significant environmental concern or wetlands and riparian buffer overlay. If no design alternative is available on-site outside of the overlay, alternative sites on-site within the overlay shall be considered to avoid loss of resources protected by the applicable code provision. The lowest cost alternative is not automatically the only practicable alternative. Cost should be considered based on what might reasonably be expected as part of the development process, taking into account site conditions and constraints. The applicant's inability to pay for a particular alternative does not automatically preclude that alternative from being considered practicable. Standard landscaping practices, methods, designs and technology should generally be considered practicable, though new innovations may be practicable if they are reasonable. The applicant may not define the scope of the development project so narrowly that other reasonable alternatives are precluded from consideration.

"Primary" means the largest or most substantial element on the property, as in "primary" use, residence, entrance, etc. All other similar elements are secondary in size or importance.

“Professional office” means an office used by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist, teacher or other member of a recognized, legal profession.

“Property line: front, rear, interior side, street side” means legal borders of a lot or parcel of land.

“Public facilities” means public and private transportation facilities and utilities. See Chapter [19.165](#) FMC.

“Public improvements” means development of public facilities. See Chapter [19.165](#) FMC. (Ord. 6-2001 § 1)

#### 19.13.170 “Q” definitions.

“Quasi-judicial” refers to an action or decision that requires substantial discretion or judgement in applying the standards or criteria of this code, and usually involves a public hearing. (Ord. 6-2001 § 1)

#### 19.13.180 “R” definitions.

“Residence” means the same as “dwelling unit.”

“Residential care facility” means a facility licensed by or under the authority of the Oregon Department of Human Resources, which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

“Residential caretaker unit” means a dwelling unit for caretakers living on-site in the general industrial district. The unit must be served by water and sanitary sewage and conform with other applicable building standards.

“Residential care home” means residential treatment or training homes or adult foster homes licensed by the state of Oregon.

“Residential home” means a home licensed by or under the authority of the Department of Human Resources, which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals, who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

“Ridge line (building)” means the top of a roof at its highest elevation.

“Right-of-way” means land that is owned in fee simple by the public, usually for transportation facilities.

“Roof pitch” means the slope of a roof, usually described as ratio (e.g., one foot of rise per two feet of horizontal distance).

“Rooftop garden” means a garden on a building terrace, or on top of a building with a flat roof (usually on a portion of a roof).

Rooming House. See “Boarding, lodging or rooming house.” (Ord. 6-2001 § 1)

19.13.190 “S” definitions.

“School, commercial” means a building or land where instruction is given to pupils in arts, crafts, or trade, and operated as a commercial enterprise as distinguished from school endowed and/or supported by taxation or public funds.

“School, primary and secondary” means any building used for educational purposes through the twelfth grade.

“Senior housing” means housing designated and/or managed for persons over the age of 55. (Specific age restrictions vary.)

“Sensitive lands” means wetlands, significant trees, steep slopes, floodplains and other natural resource areas designated for protection or conservation by the Comprehensive Plan.

“Setback” means the distance between a building (or other feature of development) and a property line. Minimum and maximum setbacks may be required for front, side and rear yards.

“Shared driveway” means when land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) may be created for this purpose.

“Shared parking” means required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (daytime versus nighttime primary uses).

“Shopping street” means a street or drive designed with the elements of a pedestrian-oriented street: buildings with close orientation to the street, on street parking, wide sidewalks, street trees, pedestrian scale lighting.

“Significant trees,” “significant vegetation” means trees and shrubs with a trunk diameter of six inches or greater, as measured four feet above the ground, and all plants within the drip line of such trees and shrubs. Other trees may be deemed significant, when designated by the city council as “heritage trees.” Any trees and shrubs in areas that have been designated as “sensitive lands,” in accordance with this code.

“Single-family attached housing (townhomes)” means two or more single-family dwellings with common end-walls.

“Single-family detached house” means a single-family dwelling that does not share a wall with any other building.

“Single-family detached zero-lot line house” means a single-family detached house with one side yard setback equal to “0.”

“Site” means a property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this code.

“Site design review” means a discretionary review that applies to all developments in the city, except those specifically listed under development



review. Site design review ensures compliance with the basic development standards of the land use district, as well as more detailed design standards and public improvement requirements in Article III of this title.

“Slope” means the degree of deviation of a surface from the horizontal usually expressed in percent or degrees. The vertical distance divided by the horizontal distance.

“Specific area plan” describes in more detail the type of development planned for a specific area than is typically found in a comprehensive plan, zone map, or public facilities plan.

Standards and Criteria. “Standards” are code requirements. “Criteria” are the elements required to comply with a particular standard.

“Steep slopes” means slopes of greater than 30 percent.

“Storefront character” means the character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.

“Stormwater facility” means a detention and/or retention pond, swale, or other surface water feature that provides storage during high-rainfall events and/or water quality treatment.

“Street” means any thoroughfare or public way not less than 16 feet in width which has been dedicated or deeded to the public for public use and accepted by an appropriate public body.

“Street/road” means a public or private way for travel by vehicles, bicycles and pedestrians that meets the city standards.

“Street access” means safe and efficient passage for pedestrians and vehicles to circulate through a connected street system.

“Street connectivity” means the number of street connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

“Street furniture/furnishings” means benches, lighting, bicycle racks, drinking fountains, mailboxes, kiosks, and similar pedestrian amenities located within a street right-of-way.

“Street stub” means a temporary street ending; i.e., where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

“Street tree” means a tree planted in a planter strip or tree cut-out.

“Subdivision” means to divide land into four or more lots within a single calendar year.

“Swale” means a type of stormwater facility; usually a broad, shallow depression with plants that filter and process contaminants. (Ord. 6-2001 § 1)

### 19.13.200 “T” definitions.

“Tangent” means meeting a curve or surface in a single point.

“Terrace” means a porch or promenade supported by columns, or a flat roof or other platform on a building.

“Topographical constraint” means where existing slopes prevent conformance with a code standard.

“Tract, private/public” means a piece of land set aside in a separate area for dedication to the public, a homeowner’s association, or other entity (e.g., open space, recreation facilities, sensitive lands, etc.).

“Transportation facilities” means the physical improvements used to move people and goods from one place to another (i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.).

“Transportation mode” means the method of transportation (e.g., automobile, bus, walking, bicycling, etc.).

“Triplex” means a building with three attached housing units on one lot or parcel. (Ord. 6-2001 § 1)

#### 19.13.210 “U” definitions.

“Urban growth area” means as defined in state law.

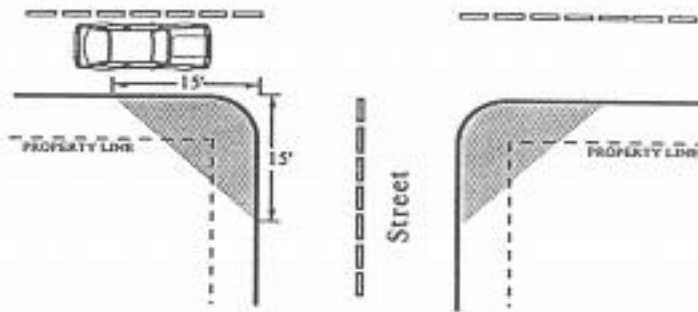
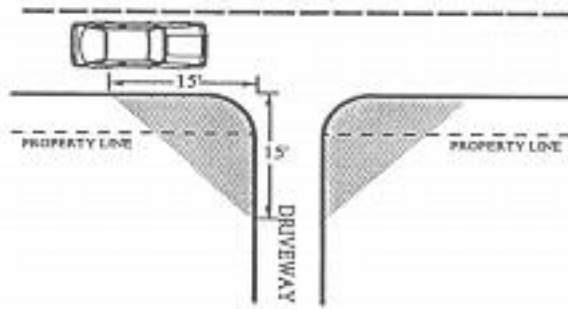
“Urban growth boundary” means as defined in state law. (Ord. 6-2001 § 1)

#### 19.13.220 “V” definitions.

“Vacate plat/street” means to abandon a subdivision or street right-of-way. For example, vacation of a public right-of-way that is not needed or cannot be used for a street or other public purpose. A plat may be vacated, returning the property to an undivided condition.

“Variance” means an administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this code.

“Vision clearance area” means the shaded area as shown on the following figure is the vision clearance area.



(Ord. 6-2001 § 1)

19.13.230 “W” definitions.

Wetland. “Wetlands” are land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities. They are defined more specifically by the Federal Clean Water Act and Oregon Administrative Rules.

“Window hood” means an architectural detail placed above a window, used as an accent.

“Wireless communication equipment” includes cell towers, antennas, monopoles, and related facilities used for radio signal transmission and receiving (see Chapter [19.245](#) FMC). (Ord. 6-2001 § 1)

19.13.240 “X” definitions.

Reserved. (Ord. 6-2001 § 1)

19.13.250 “Y” definitions.

“Yard” means the area defined by setbacks (i.e., between the setback line and respective property line). The term yard (front, rear and side) references the term “setback” used in the revised code. (Ord. 6-2001 § 1)

19.13.260 “Z” definitions.

“Zero-lot line house” means a single-family courtyard home that is not subject to side yard setbacks on one side of a typical lot. (Ord. 6-2001 § 1)

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## Chapter 19.14 ENFORCEMENT

### Sections:

- [19.14.010](#) Provisions of this code declared to be minimum requirements.
- [19.14.020](#) Violation of code prohibited.
- [19.14.030](#) Penalty.
- [19.14.040](#) Complaints regarding violations.
- [19.14.050](#) Inspection and right of entry.
- [19.14.060](#) Abatement of violations.
- [19.14.070](#) Stop order.

19.14.010 Provisions of this code declared to be minimum requirements.

A. Minimum Requirements Intended. In their interpretation and application, the provisions of this code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.

B. Most Restrictive Requirements Apply. When the requirements of this code vary from other provisions of this code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern. (Ord. 6-2001 § 1)

19.14.020 Violation of code prohibited.

No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this code or any amendment thereto. (Ord. 6-2001 § 1)

19.14.030 Penalty.

A. Class 1 Penalty. A violation of this code shall constitute a Class 1 civil infraction which shall be processed accordingly.

B. Each Violation a Separate Infraction. Each violation of a separate provision of this code shall constitute a separate infraction, and each day that a violation of this code is committed or permitted to continue shall constitute a separate infraction.

C. Abatement of Violation Required. A finding of a violation of this code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the city.

D. Responsible Party. If a provision of this code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section. (Ord. 6-2001 § 1)

#### 19.14.040 Complaints regarding violations.

A. Filing Written Complaint. Whenever a violation of this code occurs, or is alleged to have occurred, any person may file a signed, written complaint.

B. File Complaint with City Administrator. Such complaints, stating fully the causes and basis thereof, shall be filed with the city administrator or his or her designee. The city administrator shall properly record such complaints, investigate and take action thereon as provided by this code. (Ord. 6-2001 § 1)

#### 19.14.050 Inspection and right of entry.

A. Whenever any officer or employee of the city is authorized to enter any building or premises for the purpose of making an inspection to enforce any ordinance or other regulation, the officer or employee is hereby authorized to enter such building or premises at all reasonable times to inspect the same; provided, that the officer or employee shall effect entry either with consent of the person having charge or control or in the manner provided in subsection B of this section.

B. If the building or premises to be inspected is occupied, the authorized officer or employee shall first present proper credentials and demand entry: If such building or premises is unoccupied, the officer or employee shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry to the building or premises from them. If consent to entry is not given, the officer or employee shall have recourse to every remedy provided by law to secure entry. (Ord. 6-2001 § 1)

#### 19.14.060 Abatement of violations.

Any development or use which occurs contrary to the provisions of this code or contrary to any permit or approval issued or granted under this code is unlawful, and may be abated by appropriate proceedings. (Ord. 6-2001 § 1)

#### 19.14.070 Stop order.

A. Stop Order Issued. Whenever any work is being done in violation of the provisions of the code or a condition of any permit or other approval granted pursuant hereto, the city administrator or his or her designee may order the work stopped by notice in writing served on persons engaged in doing such work or

causing such work to be done. All work under the permit or approval shall cease until it is authorized to continue.

B. Stop Order Hearing. The city administrator shall schedule a hearing on the stop order for the earliest practicable date, if requested by the property owner, but not more than 30 days after the effectiveness of any required notice. At the discretion of the city administrator such hearing may be:

1. Part of a hearing on revocation of the underlying development approval; or
2. Solely to determine whether a violation has occurred. The city administrator shall hold this hearing and shall make written findings as to the violation within 30 days of issuing the stop-work order. Upon a finding of no violation, the planning commission shall require the issuance of a resume work order. Upon finding a violation, the stop-order shall continue to be effective until the violating party furnishes sufficient proof to the planning commission that the violation has been abated. The planning commission decision is subject to review as a Type III (public hearing) procedure. (Ord. 6-2001 § 1)



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## Article II. Land Use Districts

### Chapter 19.20 LAND USE DISTRICT ADMINISTRATION

#### Sections:

- [19.20.010](#) Classification of land use districts.
- [19.20.020](#) Land use district map.
- [19.20.030](#) Determination of land use district boundaries.

#### 19.20.010 Classification of land use districts.

All areas within the city of Fairview are divided into land use districts. The use of each lot, parcel and tract of land is limited to the uses permitted by the applicable land use district. The applicable land use district shall be determined based on the land use district map, and the provisions of this chapter. (Ord. 6-2001 § 1)

#### 19.20.020 Land use district map.

A. Consistency with Land Use District Map. The boundaries of each of the land use districts contained within this chapter shall coincide with the land use district boundaries identified on the city's official zoning map, retained by the city recorder. Said map by this reference is made a part of this land development code. The city shall maintain a certified print of the adopted land use district map, and any map amendments.

B. Applicability of Zoning Requirements. Each lot, tract and parcel of land or portion thereof within the land use district boundaries, as designated and marked on the zoning map, is classified, zoned and limited to the uses as hereinafter specified and defined for the applicable district classification.

C. Land Use District Map Amendments. All amendments to the city land use district (zoning) map shall be made in accordance with the provisions of Chapter [19.470](#) FMC.

1. Copies of all map amendments shall be dated with the effective date of the ordinance adopting the map amendment, and shall be maintained without change, together with the adopting documents, on file at the city; and

2. The city shall make available for public inspection an up-to-date copy of the revised land use district map, so that it accurately portrays changes of zone



boundaries or classification, as applicable. (Ord. 6-2001 § 1)

#### 19.20.030 Determination of land use district boundaries.

Where due to the scale, lack of scale, lack of detail or illegibility of the city zoning district map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of district boundary lines, the boundary lines shall be determined by the city administrator in accordance with the following:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, railroad tracks or alleys shall be constructed to follow such centerlines;
- B. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;
- C. Boundaries indicated as approximately following a city boundary, or the urban growth boundary, shall be constructed as following said boundary;
- D. Boundaries indicated as approximately following river, stream and/or drainage channels or basins shall be constructed as following river, stream and/or drainage channels or basins, as applicable; and
- E. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated area. In cases where the right-of-way formerly served as a land use district boundary, the lands formerly within the vacated right-of-way shall be allocated proportionately between the subject land use districts. (Ord. 6-2001 § 1)

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Chapter 19.25  
AGRICULTURAL HOLDING ZONE (F-2)

## Sections:

- [19.25.010](#) Purpose.
- [19.25.020](#) Permitted uses.
- [19.25.030](#) Conditional uses.
- [19.25.040](#) Additional requirements.

## 19.25.010 Purpose.

This zone is intended primarily as a holding zone to be used for agricultural uses until the land is developed for industrial purposes. (Ord. 6-2001 § 1)

## 19.25.020 Permitted uses.

The following uses and their accessory uses are permitted in the F-2 zone:

- A. Grazing, agriculture, horticulture, or the growing of timber.
- B. Dwelling or dwellings for owner, operator and/or help required to carry out grazing, agriculture, horticulture or the growing of timber.
- C. Accessory building.
- D. Family day care providers and residential homes activities in existing buildings.
- E. Home occupations.
- F. Telecommunications facilities: monopoles and antennas pursuant to Chapter [19.245](#) FMC. (Ord. 6-2001 § 1)

## 19.25.030 Conditional uses.

The following uses and their accessory uses are permitted in an F-2 zone after approval of the planning commission:

- A. Schools and associated structures and facilities.
- B. Churches and associated structures and facilities.
- C. Community centers and associated structures and facilities and day care centers.
- D. Golf courses (excluding miniature golf courses and driving ranges).
- E. Telecommunications facilities: guyed towers pursuant to Chapter [19.245](#) FMC.
- F. Community service/parks.
- G. Other community service uses and uses similar in nature to those listed

above when approved by the planning commission. (Ord. 6-2001 § 1)

19.25.040 Additional requirements.

All land use shall be subject to the applicable requirements of appropriate overlays. (Ord. 6-2001 § 1)



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## Chapter 19.30 RESIDENTIAL (R) DISTRICT

### Sections:

<a href="#">19.30.010</a>	Purpose.
<a href="#">19.30.020</a>	Permitted land uses.
<a href="#">19.30.030</a>	Building setbacks.
<a href="#">19.30.040</a>	Lot area and dimensions.
<a href="#">19.30.050</a>	Flag lots and lots accessed by mid-block lanes.
<a href="#">19.30.060</a>	Residential density and building size.
<a href="#">19.30.070</a>	Maximum lot coverage.
<a href="#">19.30.080</a>	Building height.
<a href="#">19.30.090</a>	Building orientation.
<a href="#">19.30.100</a>	Architectural standards.
<a href="#">19.30.110</a>	Special standards for certain uses.
<a href="#">19.30.120</a>	Additional residential districts.
<a href="#">19.30.130</a>	Multifamily district (MF).
<a href="#">19.30.140</a>	Manufactured home park district (MH).

### 19.30.010 Purpose.

A. The residential district is intended to promote the livability, stability and improvement of the city's neighborhoods. This chapter provides standards for the orderly expansion and improvement of neighborhoods based on the following principles:

1. Make efficient use of land and public services, implement the Comprehensive Plan, and provide minimum and maximum density standards for housing.
2. Accommodate a range of housing needs, including owner-occupied and rental housing.
3. Provide for compatible building and site design at an appropriate neighborhood scale.
4. Reduce reliance on the automobile for neighborhood travel and provide options for walking, bicycling, and transit use.
5. Provide direct and convenient access to schools, parks and neighborhood services.
6. Utilize subdistricts to add additional allowed uses to the uses in the R, single-family residential, base district.
7. Utilize overlay districts to limit uses in the underlying base district.

B. The Old Town and low density residential overlay zones are established to reflect the unique history

and character of those two areas of the city.

Old Town was originally platted with lots 50 feet by 150 feet (7,500 square feet) in size. The maintenance of that open character and density is important to maintaining the identity of that area.

The low density overlay zone area is a portion of Fairview that has had historically large lots of an acre or more. While it is anticipated that the area will eventually change to a higher density through incremental zone changes initiated by property owners, the city will wait until those changes are proposed to consider the appropriateness of increasing the density in that portion of Fairview. (Ord. 3-2003; Ord. 6-2001 § 1)

19.30.020 Permitted land uses.

A. Permitted Uses. The land uses listed in Table 19.30.020.A are permitted in the residential district, subject to the provisions of this chapter. Only land uses which are specifically listed in Table 19.30.020.A, and land uses which are approved as “similar” to those in Table 19.30.020.A, may be permitted. The land uses identified with a “CU” in Table 19.30.020.A require conditional use permit approval prior to development or a change in use, in accordance with Article IV of this title.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter [19.480](#) FMC

Table 19.30.020.A Land Uses and Building Types Permitted in the Residential District

USES							
RESIDENTIAL	a. Single-family detached	X			X	X	X
	b. Single-family detached zero-lot line	X*			X*	X*	X*
	c. Accessory dwellings	X*			X*	X*	X*
	d. Accessory uses and structures (other than accessory dwellings)	X*	X*	X*	X*	X*	X*
	e. Manufactured homes on individual lots	X*				X*	X*

	f. Single-family attached townhomes		X*		X*		
	g. Two-family – Duplex	CU*				CU*	CU*
	h. Three-family – Triplex		X*				
	i. Multifamily (four or more units)		X*, **				
	j. Manufactured home park				X*		
RESIDENTIAL CARE	k. Residential care homes	X*	X*	X*	X*	X*	X*
	l. Residential care facilities		X*, **				
	m. Family day care	X	X	X	X	X	X
	n. Child care center (more than 12 children)		X**				
RESIDENTIAL COMMERCIAL	o. Small scale retail goods and services		X**				
	p. Medical and dental offices and clinics		X**				
	q. Personal services (e.g., barber shops, salons, similar uses)		X**				
	r. Repair services, conducted entirely within building; auto repair and similar uses excluded		X**				

	s. Mixed use building – Residential with other permitted use		X**				
	t. Bed and breakfast inns		CU*				
OTHER	u. Home occupations and temporary uses	X***	X***	X***	X***	X***	X***
	v. Community services/parks	X (CU)*	X (CU)*	X (CU)*	X (CU)*	X (CU)*	X (CU)*
<p>* Subject to standards in FMC <a href="#">19.30.110</a>, Special standards for certain uses.                  ** Subject to additional standards in FMC <a href="#">19.30.130</a>, Multifamily district (MF).                  *** Subject to standards in Chapter <a href="#">19.490</a> FMC, Miscellaneous Permits (Temporary Uses, Home Occupations, Others).</p>							

(Ord. 3-2003; Ord. 6-2001 § 1)

19.30.030 Building setbacks.

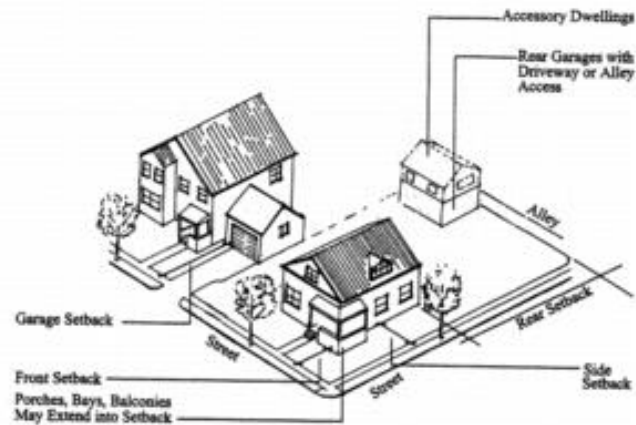


Figure 19.30.030 – Building Setbacks

A. Front Setbacks.

1. Residential Uses (single-family detached and attached, duplex and triplex, manufactured homes on lots, multifamily housing types). Setbacks for manufactured home parks are located in FMC [19.30.130](#).

a. A minimum setback of 10 feet and a maximum setback of 30 feet is required, except that an unenclosed porch may be within eight feet of the right-of-way, as long as it does not encroach into a public utility

ement. These setbacks shall also apply to accessory dwelling units. See also FMC [19.30.030\(F\)](#), which provides standards for setbacks for established residential areas (for homes built on vacant lots surrounded by existing development).

b. Garages and carports shall be accessed from rear alleys or otherwise recessed behind the front building elevation (facade or porch) by a minimum of six feet. Alternatively, garage and carport entrances may be built flush with the front building elevation when the building is set back at least 20 feet.

c. Multifamily housing shall also comply with the building orientation standards in FMC [19.30.090](#), Building orientation.

## 2. Residential Commercial Buildings.

a. A minimum front setback is not required, except as necessary to comply with the vision clearance standards in FMC [19.162.020](#).

b. A maximum setback of 10 feet is required. This standard is met when a minimum of 50 percent of the front building elevation is placed 10 feet or closer to the front property line. On parcels with more than one building, this standard applies to the largest building. Exception: The setback may be increased when an expanded sidewalk, outdoor seating area, plaza, pocket park, or town square is provided between the building and front property line.

3. Public and Institutional Buildings. The standards in subsection (A)(2) of this section (residential commercial buildings) shall also apply to public and institutional buildings, except that the maximum setback standard in subsection (A)(2)(b) shall not be required for buildings that do not receive the public (e.g., buildings used solely for storage or housing mechanical equipment, and similar uses).

B. Rear Setbacks. The minimum rear setback shall be 15 feet for street-access lots, and two feet for alley-access lots (for accessory structures).

C. Side Setbacks. The minimum side setback shall be five feet on interior side yards, and 10 feet on street corner yards; or when zero-lot line development is permitted, the minimum side setbacks shall be 10 feet minimum on one side of the dwelling unit, and no setback required on the opposite side. (See the special standards for zero-lot line housing in FMC [19.30.110](#).)

D. Setback Exceptions. The following architectural features are allowed to encroach into the setback yards: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than three feet. Decks and similar structures not exceeding 36 inches in height (attached railings not included) may encroach into setbacks by no more than five feet, subject to the front yard setback provisions in subsection A of this section. Walls and fences may be placed on property lines, subject to the standards in Chapter [19.163](#) FMC, Landscaping, Street Trees, Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in FMC [19.162.020](#).

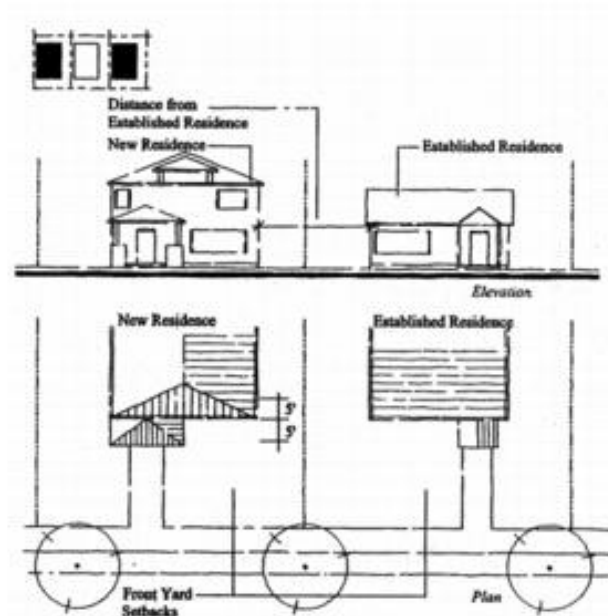
E. Special Yards – Distance between Buildings on the Same Lot. To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be no less than 12 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscape yard, or other open space. This standard does not apply to detached garages and accessory dwelling units.

F. Setbacks for Infill Housing in Established Residential Areas. “Established residential area” means an area within the residential district that was platted prior to the effective date of the ordinance codified in this title. In



such areas, the following setback standards shall apply:

Figure 19.30.030.F – Infill/Established Residential Area



### Setbacks

1. When an existing single-family residence on the same street is located within 30 feet of the subject site, a front yard setback similar to that of the nearest single-family residence shall be used. "Similar" means the setback is within five feet of the setback provided by the nearest single-family residence on the same street. For example, if the existing single-family residence has a front yard setback of 20 feet, then the new building shall have a front yard setback between 15 feet and 25 feet. If the new building is to be located between two existing residences, then the setback for the new building shall be based on the average setback of both adjacent residences, plus or minus five feet.
2. In no case shall a front yard setback be less than 10 feet. Zero-lot line houses shall comply with the standards for zero-lot line housing in FMC [19.30.110](#).
3. The preceding standards in subsections (F)(1) and (F)(2) of this section shall not be changed, except through a Type III variance (i.e., to avoid significant trees, topographic constraints or other sensitive lands). (Ord. 6-2001 § 1)

19.30.040 Lot area and dimensions.

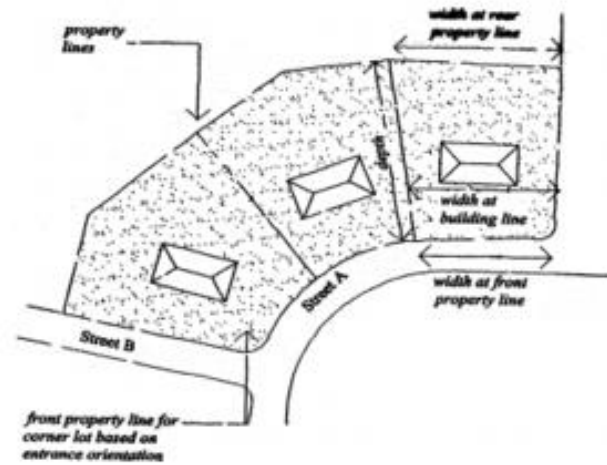


Figure 19.30.040 – Lot Dimensions

Table 19.30.040 – Lot Area and Dimensions

<p>Detached Single-Family Housing; Manufactured Homes on Lots</p>	<p>Standard Residential District and Townhouse Overlay Zone: Minimum: 6,000 square feet. Maximum: 10,000 square feet.</p> <p>Old Town Overlay Zone: Minimum: 7,500 square feet. Maximum: 10,000 square feet.</p> <p>Lower Density Residential Overlay Zone: Minimum: 10,000 square feet. Maximum: None.</p>	<p>Minimum Width: 30 feet at front property line, except for flag lots and lots served by private lanes (see FMC <a href="#">19.30.050</a>).</p> <p>Maximum Depth: Three times the lot width; except as may be required by this code (e.g., to protect sensitive lands, etc.).</p>	<p>The average lot area and residential floor area in new developments shall conform to the standards in FMC <a href="#">19.30.060</a>, Residential density and building size.</p>
<p>Single-Family Attached Townhomes</p>	<p>MF Subdistrict and Townhouse Overlay Zone: Minimum: 2,000 square feet. Maximum: 4,500 square feet.</p>		
<p>Two-Family Attached Housing</p>	<p>Standard Residential District, Old Town Overlay Zone and Lower Density Residential Overlay Zone: Minimum: 6,000 square feet. Maximum: 10,000 square feet.</p>		

Three-Family Attached Housing (Triplex)	MF Subdistrict: Minimum: 6,000 square feet. Maximum: 10,000 square feet.	Minimum Width: 60 feet at front property line, except for flag lots and lots served by private lanes (see FMC <a href="#">19.30.050</a> ). Maximum Depth: Three times the lot width; except as required to protect sensitive lands, etc.	
Multifamily Housing (Four Units or More)	MF Subdistrict: Minimum Area: 2,500 square feet per unit. Maximum Area: None. (The maximum lot/parcel area is controlled by the block area standards in Chapter 19.162 FMC, Access and Circulation.)	Minimum Width: 60 feet at front property line. Maximum Depth: None.	
Manufactured Home Parks	MH Subdistrict: See FMC <a href="#">19.30.140</a> for special standards.	See FMC <a href="#">19.30.140</a> for manufactured home park standards.	
Public and Institutional Uses	All Residential Districts: Minimum Area: None. Maximum Area: None. (See FMC <a href="#">19.30.110</a> for special standards.)	Minimum Width: 0 feet at front property line for open space uses and 60 feet at front property line for all other uses. Maximum Depth: None.	The maximum lot/parcel area is controlled by the block area standards in Chapter <a href="#">19.162</a> FMC, Access and Circulation.
Residential Commercial Uses	MF Subdistrict: Minimum Area: None. Maximum Area: None. (See FMC <a href="#">19.30.130</a> for special standards.)	Minimum Width: 60 feet at front property line. Maximum Depth: None.	The maximum lot/parcel area is indirectly controlled by the floor area standards for residential commercial development, as provided in FMC <a href="#">19.30.130</a> (C)(4).
*See Table 19.30.020 for permitted uses and building types			

(Ord. 3-2003; Ord. 6-2001 § 1)

19.30.050 Flag lots and lots accessed by mid-block lanes.

As shown below, some lots in existing neighborhoods may have standard widths but may be unusually deep compared to other lots in the area. Essentially unused space at the back of a lot may provide room for one or more lots for infill housing. Infill lots may be developed as “flag lots” or “mid-block developments,” as defined below:

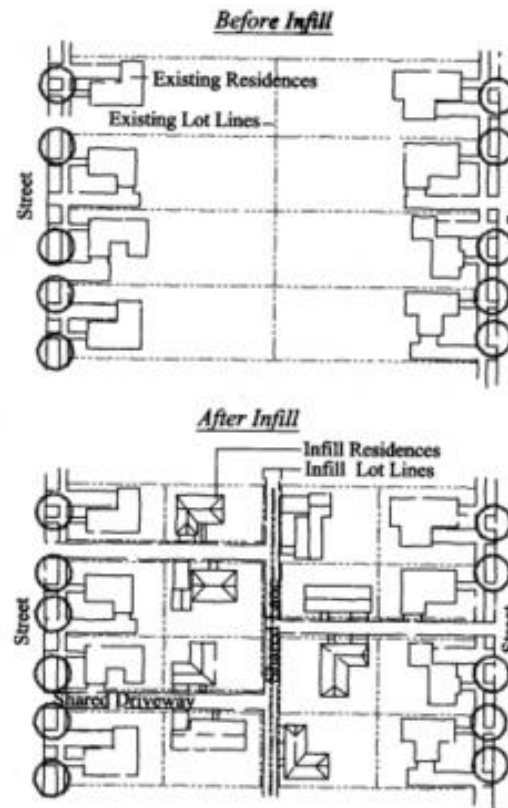


Figure 19.30.050 – Mid-Block Infill

A. Mid-Block Lanes. Lots may be developed without frontage onto a public street when lot access is provided by a series of mid-block lanes, as shown above. Mid-block lanes shall be required whenever practicable as an alternative to approving flag lots. The lanes shall meet the standards for alleys, per subsections B through E of this section.

B. Driveway and Lane Width. The minimum width of all shared drives and lanes shall be 12 feet; the maximum width is 20 feet, except as required by the Uniform Fire Code.

C. Dedication of Drive Lane. The owner shall dedicate 12 feet of right-of-way or record a 12-foot easement (i.e., six feet for each property sharing a drive) for vehicle access similar to an alley. The dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.

D. Maximum Drive Lane Length. The maximum drive lane length is 400 feet unless a greater length is approved based upon the requirements of the Uniform Fire Code.

E. Future Street Plans. Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e., as shown in the preceding graphic). (Ord. 6-2001 § 1)

19.30.060 Residential density and building size.

A. Residential Density Standard. New development applications must achieve at least the minimum density of the zoning district in which they are located. Projects proposed at less than the minimum density must demonstrate on a site plan or other means, how, in all aspects, future intensifications of the site to the minimum density or greater can be achieved without a variance. For the purposes of this subsection, new development shall mean intensification of the site by adding new primary dwelling units, other than accessory dwelling units, or land division of the property. New development is not intended to refer to additions to existing structures, rehabilitation, renovation, remodeling, or other building modifications or revisions of existing structures.

B. Minimum Density Calculation. Multiply the total (gross) site area by .80 to obtain total net site area. Divide the total net site area by the maximum lot size and multiply that figure by .80 to determine the minimum density or the minimum number of required units.

For example, density for a five-acre parcel would be calculated in the following manner:

Net site area	=	Total site area (217,800 sq. ft.) multiplied by .80 for streets and roads = 174,200 sq. ft.
Density	=	Net site area (174,200 sq. ft.) divided by 6,000 sq. ft. (minimum lot area) = 29.03
Minimum density	=	29.03 multiplied by .80 = 23.22. Therefore, 23 units is the minimum number of units which must be placed on the site.

This is only one example; actual lot sizes will vary based on the proposed building type and the lot area standards in FMC [19.30.040](#). The flag “pole” portion of the flag lot shall be considered buildable for the purpose of calculating densities. See Figure 19.30.060B.

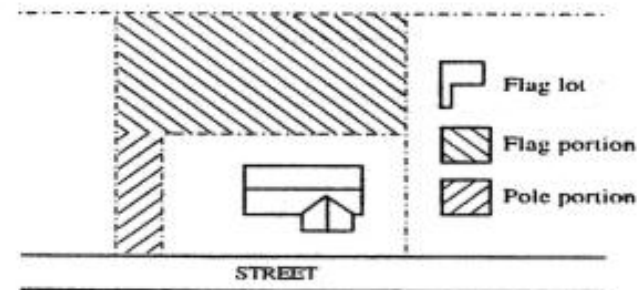


Figure 19.30.060.B – Flag Lot (Typical)

1. The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex and triplex lots used to comply with the density standard shall be so designated on the final subdivision plat.
2. The following types of housing are exempt from the density standards: Residential care homes/facilities and partitions creating two lots.

C. Residential Building Size Standard. In order to implement the residential building intensity policies of the Comprehensive Plan and limit the mass of residential buildings in relation to the lot area, the following floor area standards are established:

1. Existing Development. On any lot where the adjusted floor area which existed on the effective date of this

section exceeded or was within 100 square feet of the maximum adjusted floor area specified in subsection (C) (2) of this section, a building permit may be obtained for up to 100 square feet of additional adjusted floor area, without requiring a variance, where the proposed addition complies with all other provisions of this section.

2. Adjusted Floor Area. As used in this section, “adjusted floor area” is the sum of the gross horizontal areas of all floors of all principal and accessory buildings measured from the exterior faces of the exterior walls of the building(s), and all other enclosed volumes which could be utilized as floor area and have minimum dimensions of eight feet by 10 feet and seven and one-half feet head room, without additional excavation. Adjusted floor area excludes all unenclosed horizontal surfaces such as balconies, decks or porches; the first 500 square feet of garage space; the first 500 square feet of any accessory dwelling; and any areas below or predominately below both the natural and finished grade, measured at the perimeter of the building, which in the opinion of the planning director does not add to the visual mass of the building. Interpretation of this section made by the director may be appealed to the planning commission, as specified in Article IV of this title. (Ord. 6-2001 § 1)

#### 19.30.070 Maximum lot coverage.

A. Maximum Lot Coverage. The following maximum lot coverage standards shall apply to all, subject to the maximum building size standards in FMC [19.30.060](#):

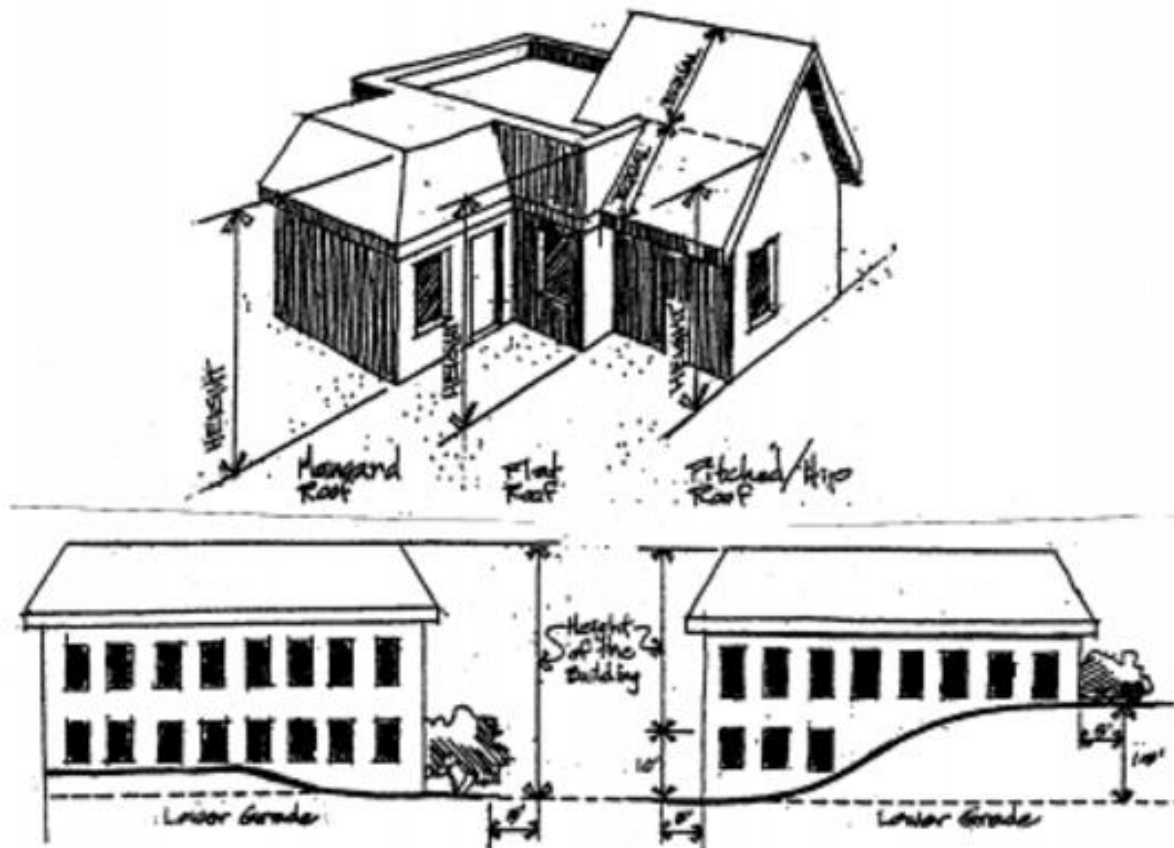
1. Single-family detached houses: 65 percent;
2. Duplexes and triplexes: 70 percent;
3. Single-family attached townhomes: 70 percent;
4. Multiple-family housing: 70 percent; and
5. Residential commercial and public/institutional uses: 85 percent.

B. Lot Coverage Defined. “Lot coverage” means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 36 inches above the finished grade and all impervious surfaces (such as paved or bricked areas).

C. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses. (Ord. 3-2002 § 1; Ord. 6-2001 § 1)

#### 19.30.080 Building height.

Figure 19.30.080 – Building Height Measurement (Composite of Several Roof Forms)



The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scale design:

A. Building Height Standard. Buildings within the residential district shall be no more than 35 feet or two and one-half stories in height, whichever is less. Building height within the multifamily housing district and for residential commercial buildings may be up to 45 feet or four stories. Building height may be restricted to less than these maximums when necessary to comply with the building height transition standard in subsection C of this section.

B. Method of Measurement. "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (see above examples). The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in

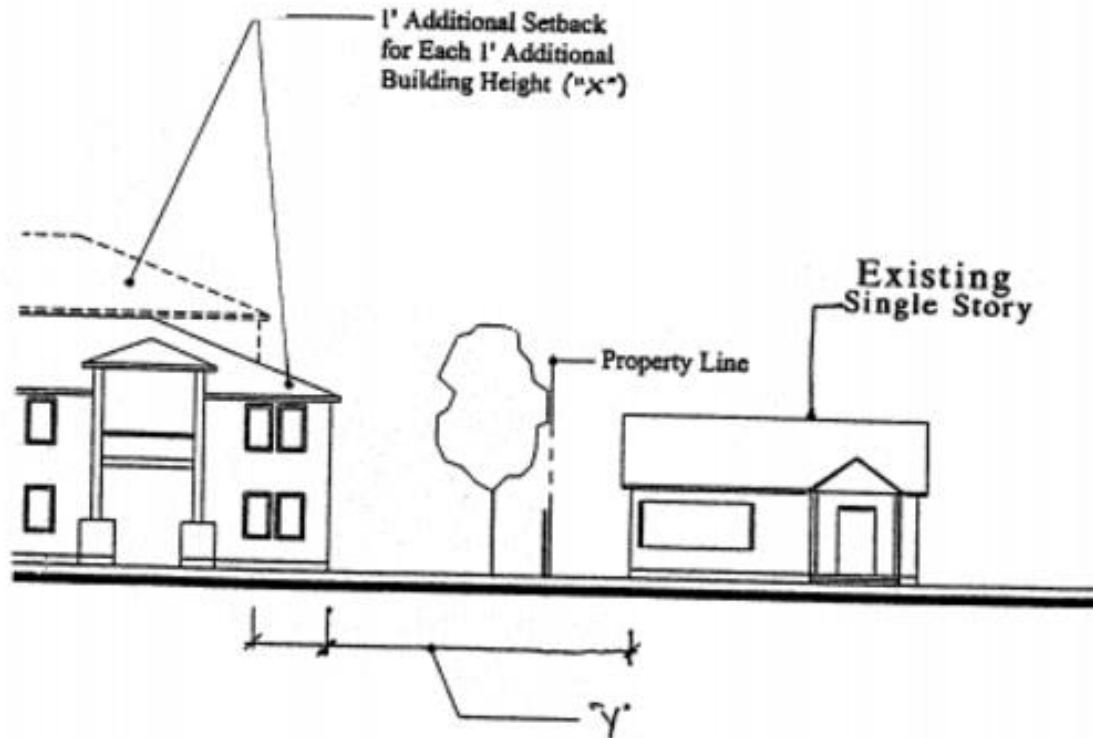
subsection (B)(1) of this section is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features which are not for human occupancy.

C. Building Height Transition. To provide compatible building scale and privacy between developments, taller buildings shall “step-down” to create a building height transition to adjacent single-story building(s).

1. This standard applies to new and vertically expanded buildings within 20 feet (as measured horizontally) of an existing single-story building with a height of 20 feet or less, as shown above.

2. The building height transition standard is met when the height of the taller building (“x”) does not exceed one foot of height for every one foot separating the two buildings (“y”), as shown in Figure 19.30.080.C.

Figure 19.30.080.C – Building Height Transition



(Ord. 6-2001 § 1)

19.30.090 Building orientation.

Figure 19.30.090.A – Typical Building Orientation (Multifamily/Attached Housing)



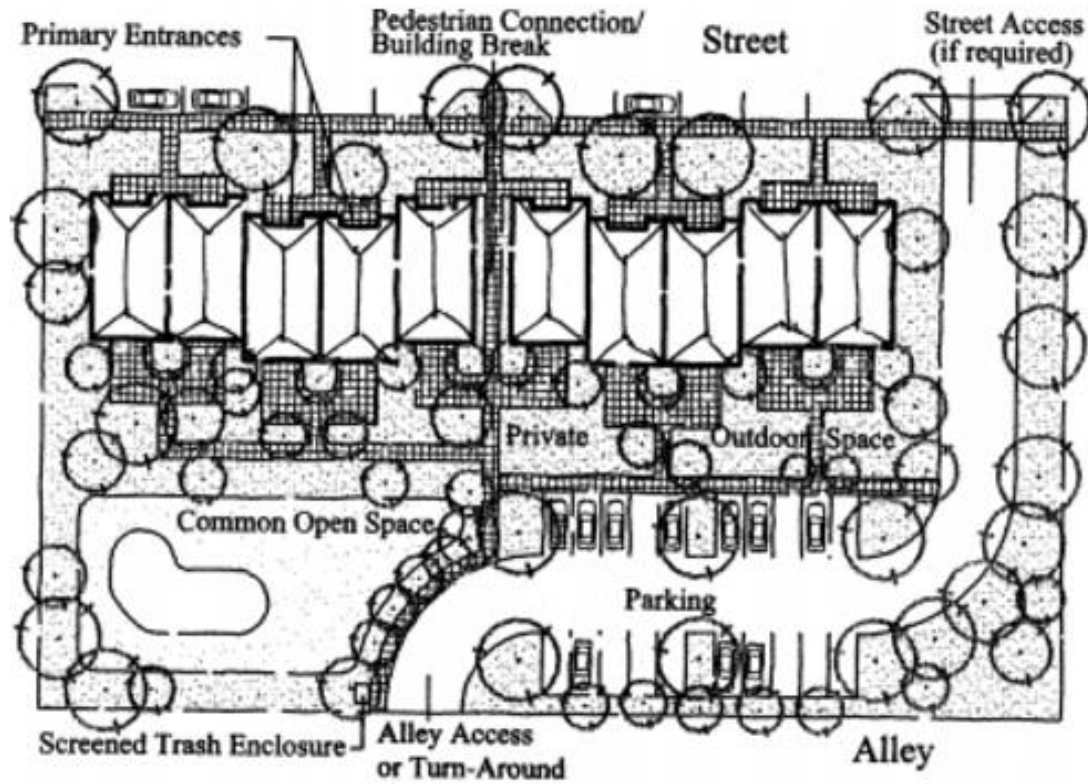
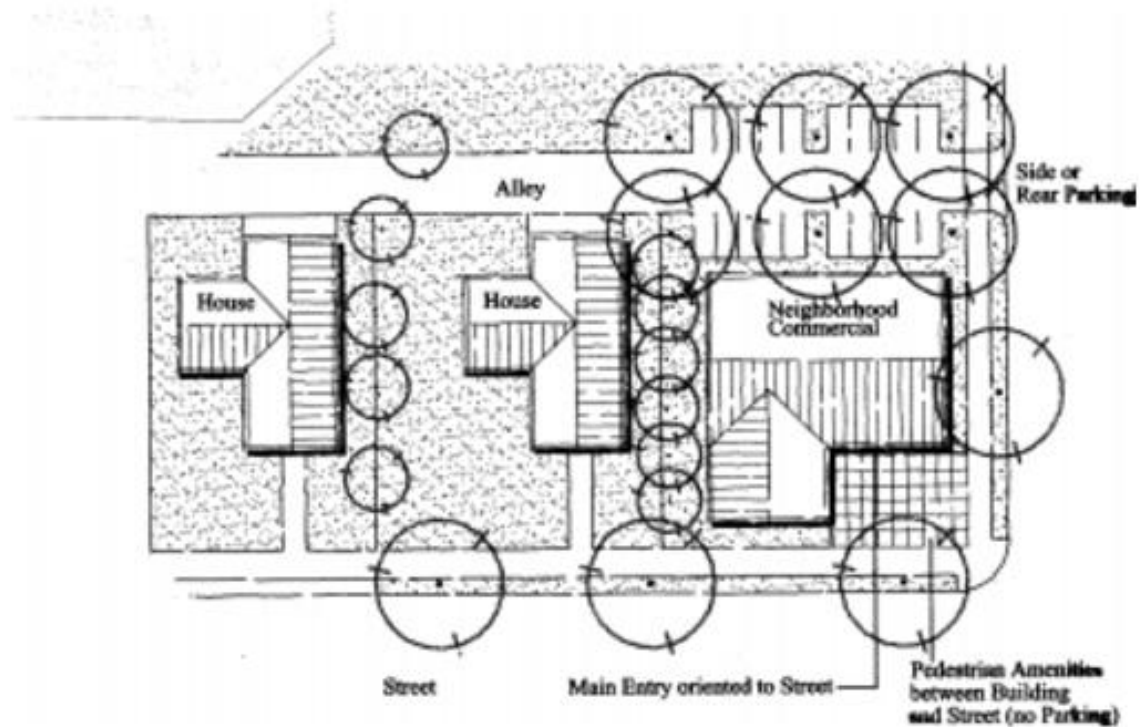


Figure 19.30.090.B – Typical Building Orientation (Residential Commercial Building)



A. Purpose. The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more “eyes-on-the-street.”

B. Applicability. This section applies to: single-family detached housing (except for flag lot development); attached townhomes which are subject to site design review (three or more attached units); multifamily housing; residential commercial buildings; and public and institutional buildings, except that the standard shall not apply to public and institutional buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses.)

C. Building Orientation Standards. All developments listed in subsection B of this section shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in FMC [19.30.030](#).
2. All buildings shall have their primary entrance(s) oriented to the street. Multifamily and neighborhood commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/ courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Chapter [19.162](#) FMC, Access and Circulation. In this case, at least one entrance shall be provided not more than 20 feet from the closest sidewalk or street.
3. Off-street parking, drives or other vehicle areas shall not be placed between buildings and streets where

building placement complies with this standard. (Ord. 6-2001 § 1)

### 19.30.100 Design standards.

A. Purpose. The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

B. Applicability. This section applies to all of the following types of buildings, and shall be applied during site design review:

1. Single-family attached townhomes which are subject to site design review (three or more attached units);
2. Multifamily housing;
3. Public and institutional buildings;
4. Residential commercial and mixed use buildings; and
5. Duplexes and triplexes.

C. Standards. All buildings which are subject to this section shall comply with all of the following standards.

The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section.

An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

Figure 19.30.100.C(1) – Building Form (Multifamily Housing Example)



1. Building Form. The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed 120 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above figure. Along the vertical face of a structure, such features shall occur at a minimum of every 35 feet, and on each floor shall contain at least two of the following features:

- a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of five feet;
- b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; and/or
- c. Offsets or breaks in roof elevation of two feet or greater in height.

2. Eyes on the Street. All building elevations visible from a street right-of-way shall provide doors, porches, balconies, and/or windows. A minimum of 60 percent of front (i.e., street-facing) elevations, and

a minimum of 30 percent of side and rear building elevations shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

Figure 19.30.100.C(2) – Examples of Design Details on a



### Duplex

3. Detailed Design. All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least three of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

- a. Dormers;
- b. Gables;
- c. Recessed entries;
- d. Covered porch entries;
- e. Cupolas or towers;
- f. Pillars or posts;
- g. Eaves (minimum six-inch projection);
- h. Off-sets in building face or roof (minimum 16 inches);
- i. Window trim (minimum four inches wide);
- j. Bay windows;
- k. Balconies;
- l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features);
- m. Decorative cornices and rooflines (e.g., for flat roofs);
- n. An alternative feature providing visual relief, similar to options in subsections (C)(3)(a) through (m) of this section.

Figure 19.30.100.C(3) – Examples of Architectural Details



(Ord. 6-2001 § 1)

19.30.110 Special standards for certain uses.

This section supplements the standards contained FMC [19.30.010](#) through [19.30.100](#). It provides standards for the following land uses in order to control the scale and compatibility of those uses within the residential district:

A. "Zero-Lot Line" Single-Family Home. "Zero-lot line" houses are subject to the same standards as single-family housing, except that a side yard setback is not required on one side of a typical lot (as shown below).

This type of housing is permitted to allow development on smaller (i.e., narrower) lots and still provide usable outdoor living area in side-oriented courtyards. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

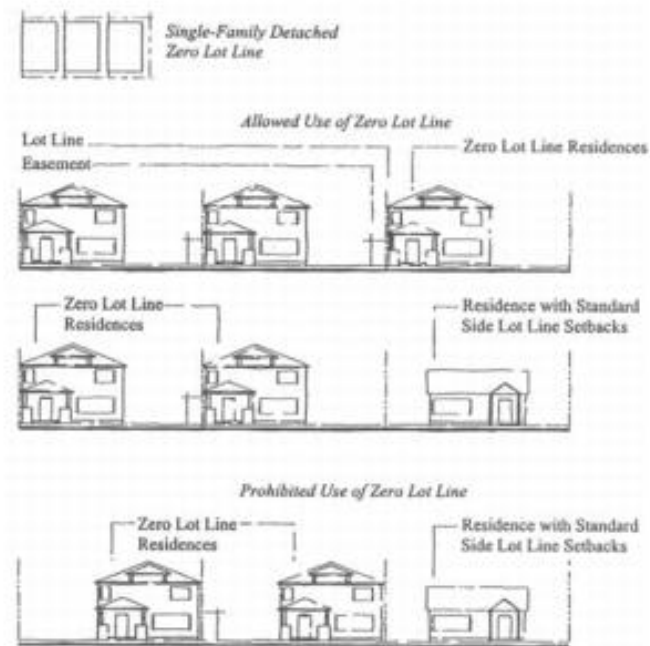


Figure 19.30.110.A – Zero-Lot Line Housing

1. **Setbacks Adjacent to Non-Zero-Lot Line Development.** When a zero-lot line house shares a side property line with a non-zero-lot line development, the zero-lot line building shall be set back from the common property line by a minimum of 10 feet;
  2. **Construction and Maintenance Easement.** Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and
  3. **Buffering.** The building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots. For example, this standard is met by placing ground-floor windows (along the zero setback) above sight lines with direct views into adjacent yards, or by directing views away from yards (e. g., bay window), or by using frosted/non-see-through windows, as necessary.
- B. Accessory Dwelling (Attached, Separate Cottage, or Above Detached Garage).** An accessory dwelling is a small, secondary housing unit on a single-family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the residential district does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:
1. **Oregon Structural Specialty Code.** The structure complies with the Oregon Structural Specialty Code;
  2. **Owner-Occupied.** The primary residence or accessory dwelling shall be owner-occupied. Alternatively, the

owner may appoint a family member as a resident caretaker of the principal house or of the accessory dwelling;

3. One Unit. A maximum of one accessory dwelling unit is allowed per lot;

4. Floor Area. The total square footage of the accessory dwelling shall not exceed 800 square feet;

5. Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 20 feet, as measured in accordance with FMC [19.30.080](#);

6. Buffering. A minimum four-foot hedge or sight-obscuring fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents;

7. Units per Block. The number of accessory dwelling units is not to exceed 50 percent of the lots within any block;

8. Parking. The development of the accessory dwelling shall provide an additional on-site parking space if the primary dwelling has less than four on-site spaces available before construction of the accessory unit; and

9. Lot Coverage. The accessory dwelling and all other buildings and impermeable surfaces shall not exceed the 70 percent lot coverage requirement in FMC [19.30.070](#).

C. Manufactured Homes on Individual Lots. Manufactured homes are permitted on individual lots, subject to all of the following design standards. Exception: The following standards do not apply to units which existed on site prior to the effective date of the ordinance codified in this title.

1. Floor Plan. The manufactured home shall be multisectional and have an enclosed floor area of not less than 1,000 square feet.

2. Roof. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees).

3. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof materials used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing).

4. Garages and Carports. The manufactured home shall have a garage or carport constructed of like materials when nearby residences have carports or garages. The city may require an attached or detached garage where that would be consistent with the predominance construction of immediately surrounding residences.

5. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturers certification shall not be required.

6. Placement. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home.

7. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted.

8. Prohibited. The manufactured home shall not be located in a designated historic district or immediately adjacent to a historic landmark (as is allowed by ORS 197.314(3)).

D. Residential Care Homes and Facilities. Residential care homes are residential treatment or training homes

or adult foster homes licensed by the state of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for five or fewer individuals (“homes”) or six to 15 individuals (“facilities”) who need not be related. Staff persons required to meet state licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents.

Residential care homes and facilities shall comply with the following standards, consistent with Oregon statutes:

1. Licensing. All residential care homes shall be duly licensed by the state of Oregon.
2. Parking. A minimum of one parking space shall be provided for each employee and typical number of visitors, in accordance with city parking requirements.

E. Single-Family Attached (Townhomes), Duplexes and Triplexes. Single-family attached housing (townhome units on individual lots), duplex and triplex developments shall comply with the standards in subsections (E) (1) through (E)(4) of this section. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

Figure 19.30.110.E – Townhomes and Multiplex Housing with Alley Access

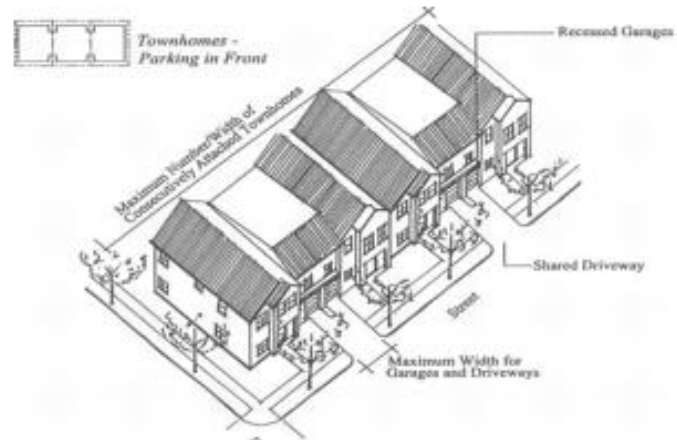


1. Building Mass Supplemental Standard. Within the residential district, the maximum number and width of consecutively attached town-homes on individual lots (i.e., with attached walls at property line) shall not exceed four units. Within the multifamily district, the number and width of consecutively attached townhome units on one lot shall not exceed six units.

2. Alley Access. Townhome, duplex, triplex and subdivisions (four or more lots) shall receive vehicle access only from a rear alley. Alley(s) shall be created at the time of subdivision approval, in accordance with FMC [19.165.020](#), Transportation standards, and Chapter [19.430](#) FMC, Land Divisions and Lot Line Adjustments. Alleys are not required when existing development patterns or topography make construction of an alley impracticable (see subsection (E)(3) of this section for standards). As necessary, the city shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Chapter [19.162](#) FMC, Access and Circulation.

Figure 19.30.110.E(3) – Townhomes and Multiplex Housing With Street Access





3. Street Access Developments. Town-homes, duplexes and triplexes receiving access directly from a public or private street (and not an alley) shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, maximize on-street parking, improve appearance of the streets, and minimize paved surfaces for better stormwater management.

a. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of four feet.

b. The maximum allowable driveway width facing the street is 12 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garage facing the street.

c. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

4. Common Areas. "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

F. Community Services/Parks. Public and institutional uses (as listed in Table 19.30.020.A) are allowed in the residential district subject to the following land use standards, which are intended to control the scale of these developments and their compatibility with nearby residences:

1. Development Site Area. The maximum development site area shall be eight acres, except that this standard shall not apply to parks and open space uses. Larger developments may be approved as a conditional use, in accordance with Chapter [19.440](#) FMC, Conditional Use Permits, or as part of a master planned development, in accordance with Chapter [19.450](#) FMC.

2. Vehicle Areas and Trash Receptacles. All vehicle areas (i.e., parking, drives, storage, etc.) and trash

receptacles shall be oriented away from adjacent residences to the greatest extent practicable, and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height.

G. Accessory Uses and Structures. Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot, except for accessory dwelling units. Typical accessory structures in the residential district include detached garages, sheds, workshops, greenhouses and similar structures. (For standards applicable to accessory dwellings, please refer to subsection B of this section.) All accessory structures shall comply with all of the following standards:

1. Primary Use Required. An accessory structure shall not be allowed without another permitted use (e.g., as listed in Table 19.30.020.A) pre-existing or developed simultaneously.
2. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
3. Compliance with Land Division Standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
4. Buffering. A minimum four-foot hedge or fence may be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is provided or the distance to adjacent dwelling(s) is greater than 50 feet.
5. Lot Coverage. Existing lot coverage standards for the applicable district would apply.
6. Accessory structures are allowed subject to the following standards:
  - a. Accessory structures must comply with the setback requirements of the main building, except where specifically modified by this section.
  - b. Accessory structures 120 square feet or smaller must be located behind the front facade of the main building, but may be placed on the site with zero side and/or rear setbacks if in compliance with the Oregon Building Codes.
  - c. No accessory structure shall be erected or maintained and no existing accessory structure shall be altered, modified, converted, enlarged or moved unless such accessory structure is located on the lot in conformance with the following:
    - i. No accessory structure shall be located in a required front yard, nor shall an accessory structure be constructed on a lot which lacks a principal building.
    - ii. If attached to the principal building they shall fulfill the same front, side and rear yard setbacks as required of the principal building.
    - iii. No accessory structure shall encroach onto an easement of record unless detached, portable and written permission has been granted by the entity which is the grantee under the easement.
    - iv. The maximum size for accessory structures on lots up to one acre in size is 1,000 square feet. Lots larger than one acre shall have no accessory building size limit except as provided elsewhere in this code.
    - v. No accessory structure may be located closer than six feet from any other structure unless constructed to conform with the Oregon Building Codes.
    - vi. Lot coverage requirements apply to all accessory structures.
    - vii. Accessory structures situated on a corner lot and detached from the main building shall have a minimum side yard setback of 10 feet, except for accessory structures where private vehicles are stored and have an entrance from the street side yard, where a minimum street side yard setback of 20 feet shall be required.
    - viii. All accessory structures attached to the principal building shall meet the requirements of the Oregon Building Codes.

d. Accessory structures larger than 120 square feet must meet the following standards:

- i. If located within five feet of the property line accessory structures shall be no more than 10 feet in height.
- ii. If located at five feet or more, but less than the setback required for the principal structure, the building may be as tall as the main building or 20 feet in height, whichever is less.
- iii. If located at a greater distance from the property line than the setback required for the principal building, the accessory structure may be as tall as the principal structure or 25 feet, whichever is less.
- iv. Accessory structures 450 square feet or larger shall be constructed of materials that provide the same appearance, and be of a similar design to the main building.

H. Bed and Breakfast Inns.

1. Purpose. The purpose of this section is to provide standards for the establishment of a bed and breakfast inn.
2. Accessory Use. A bed and breakfast inn must be accessory to a household already occupying the structure.
3. Maximum Size. The bed and breakfast structure is limited to a maximum of five bedrooms for guests and a maximum of six guests per night.
4. Employees. The bed and breakfast facility may have up to two nonresident employees for the facility.
5. Food Service. Food services may only be provided to overnight guests of the bed and breakfast inn.
6. Owner-Occupied. The bed and breakfast inn shall be owner-occupied and shall maintain the exterior physical characteristics of a single-family dwelling. No separate structures shall be allowed (except for usual residential accessory buildings such as sheds, or detached garages).
7. Signs. Allowed signage permits one non-illuminated on-premises sign identifying the name of the bed and breakfast and the operator shall be permitted. The sign shall not exceed four square feet in area.
8. Monitoring. All bed and breakfast inns must maintain a guest logbook. It must include the names and home address of the guest, guests' license plate number if traveling by car, dates of stay and the room number of each guest. The log must be available for inspection by city staff upon request. (Ord. 3-2002 § 1; Ord. 6-2001 § 1)

19.30.120 Additional residential districts.

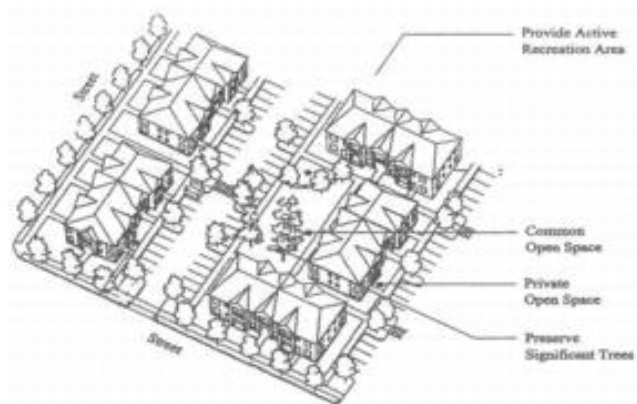
A. Districts Authorized. These districts provide needed land for land uses that may not otherwise be accommodated in the underlying residential district. The Comprehensive Plan identifies a need for maintaining higher density development, providing small commercial services within residential neighborhoods, and encouraging the development of multifamily housing. Therefore, the city has adopted the following additional subdistricts: residential multifamily (MF), FMC [19.30.130](#), and mobile home park (MH), FMC [19.30.140](#).

B. Applicability. These districts are identified on the city's official zoning map. Properties designated with the MF-1 and MH-1 districts shall comply with the provisions of the underlying residential district, except as may be modified by this section. (Ord. 6-2001 § 1)

19.30.130 Residential multifamily district (MF).

A. Purpose/Intent Statement. The multifamily district is designed to provide land for larger multiple-family housing and residential commercial uses. Multifamily housing is housing that provides four or more dwellings on an individual lot (e.g., multiplexes, apartments, condominiums, etc.). New multifamily developments shall comply with all of the following standards.

Figure 19.30.130.A – Multifamily Housing (Typical Site)



### Layout)

#### B. Multifamily Housing Development Standards.

1. **Common Open Space.** Inclusive of required yard setbacks, a minimum of 10 percent of the site area shall be designated and permanently reserved as usable common open space in all multiple-family developments. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands (e.g., wetlands, floodplains, steep hillsides) and historic buildings or landmarks open to the public and designated by the Comprehensive Plan or by the U.S. Department of the Interior may be counted toward meeting the common open space requirements.

2. **Private Open Space.** Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following standards:

a. Ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet.

“Ground-floor housing” means the housing unit entrance (front or rear) is within five feet of the finished ground elevation (i.e., after grading and landscaping);

b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches measuring at least 48 square feet. “Upper-floor housing” means housing units which are more than five feet above the finished grade; and

c. Private open space areas shall be oriented toward common open space areas and away from adjacent single-family residences, and adjacent and on-site trash receptacles, parking and drives, to the greatest extent practicable.

3. **Exemptions.** Exemptions may be granted for the first 50 units of a larger project when these developments are within one-quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., Americans with Disabilities Act-compliant), lighted, and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides active recreation areas such as play fields, children’s play area, sports courts, walking/fitness course, or similar facilities.

4. **Trash Receptacles.** Trash receptacles shall be oriented away from adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles must be accessible to trash pickup trucks.

### C. Residential Commercial Standards.

1. Permitted Uses. Only those residential commercial uses specifically listed in Section 2 of Table 19.30.020.A are permitted. Residential and residential commercial uses may be mixed “vertically,” meaning that a residential use is developed above the commercial use (i.e., ground floor retail/office with upper-story apartments, town-homes, or condominiums), or may be mixed “horizontally,” meaning commercial and residential uses both occupy ground floor space. Automobile-oriented uses, as defined in FMC [19.65.090\(E\)](#) or where only service vehicles are parked.

2. Location. Residential commercial uses shall locate the front facade of the building along a city-designated collector or arterial street.

3. Building Mass Supplemental Standard. The maximum width or length of a residential commercial or mixed use (residential and commercial) building shall not exceed 80 feet (from end-wall to end-wall).

4. Floor Area Supplemental Standards. The maximum commercial floor area shall not exceed 5,000 square feet total per residential commercial site within the residential commercial district. Floor area is measured by totaling the interior floor area of all building stories, except crawl spaces (i.e., with less than seven and one-half feet of vertical clearance).

5. Hours of Operation. Residential commercial land uses shall be limited to the following hours of operation: 7:00 a.m. to 10:00 p.m. with alternative hours proposed as a conditional use.

Figure 19.30.130.C – Residential Commercial (Typical Site Layout)



(Ord. 6-2001 § 1)

19.30.140 Residential manufactured home park district (MH).

A. Manufactured Home Park. Manufactured home parks are permitted on parcels of one acre or larger within the manufactured home park (MH) district, subject to compliance with subsections (A)(1) through (A)(5) of this section (in cases of conflict with state statutes, the statutes shall prevail, see ORS Chapters 197 and 446):

1. **Permitted Uses.** Manufactured homes, manufactured home park manager's office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with FMC [19.490.200](#), Home occupation permits.
  2. **Space.** The minimum size pad or space for each home is 2,500 square feet; provided, that the overall density of the park does not exceed 14 units per acre. Each space shall be at least 30 feet wide and 40 feet long, in accordance with ORS 446.100(c).
  3. **Setbacks and Building Separation.** The minimum setback between park structures and abutting properties is five feet. The minimum setback between park structures and public street rights-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than five feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than six feet to any other structure or dwelling, except that a double carport or garage may be built which serves two dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least three feet.
  4. **Perimeter Landscaping.** When manufactured homes are oriented with their back or side yards facing a public right-of-way, the city may require installation of fencing and planting of a 10-foot to 15-foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.
  5. **House Design.** Manufactured homes in parks shall meet the following design standards, consistent with ORS 197.314(6):
    - a. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees).
    - b. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing).
    - c. **Exception.** Subsections (A)(5)(a) and (b) of this section do not apply to manufactured homes sited within the city prior to the effective date of the ordinance codified in this title. (Ord. 6-2001 § 1)
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Chapter 19.60  
NEIGHBORHOOD COMMERCIAL  
(NC) DISTRICT

## Sections:

<a href="#">19.60.010</a>	Purpose.
<a href="#">19.60.020</a>	Permitted land uses.
<a href="#">19.60.030</a>	Building setbacks.
<a href="#">19.60.040</a>	Lot coverage – Building size.
<a href="#">19.60.050</a>	Block layout and building orientation.
<a href="#">19.60.060</a>	Building height.
<a href="#">19.60.070</a>	Architectural guidelines and standards.
<a href="#">19.60.080</a>	Pedestrian and transit amenities.
<a href="#">19.60.090</a>	Special standards for certain uses.

## 19.60.010 Purpose.

This district is intended for convenience retail and service establishments of limited scale to serve primarily the needs of nearby residents rather than the city as a whole. Such uses shall be physically and visually compatible with adjacent residential development through appropriate use of landscaping, access, parking, signs and architectural design. This district will promote walking to nearby neighborhood services. Vertically and horizontally mixed housing will be allowed on a conditional basis to promote live/work units for small business owners, and convenient housing for the elderly and those who choose not to use an automobile. (Ord. 6-2001 § 1)

## 19.60.020 Permitted land uses.

A. Permitted Uses. The land uses listed in Table 19.60.020.A are permitted in the neighborhood commercial district, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 19.60.020.A, and land uses that are approved as “similar” to those in Table 19.60.020.A, may be permitted. The land uses identified with a “CU” in Table 19.60.020.A require conditional use permit approval prior to development or a change in use.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter [19.480](#) FMC.

Table 19.60.020.A

Land Uses and Building Types Permitted in the Neighborhood Commercial District

1. Residential Multifamily on second floor or in back of commercial buildings only (CU)	g. Gift shop	o. Restaurant, excluding drive in service
2. Home Occupations	h. Art supply store	p. Similar uses to those listed above
3. Commercial Uses	i. Self-serve laundry	4. Public and Institutional (CU)
a. Day care center	j. Business or professional office (CU)	Community service/parks
b. Barber or beauty shop	k. Book or stationery store	5. Telecommunications Facilities*
c. Shoe repair store	l. Bicycle sales and service shop	Antennas pursuant to Chapter <a href="#">19.245</a> FMC
d. Dressmaking or tailoring shop	m. Hardware, electrical appliance store or small appliance repair and sales, including radio, television and electronics	Telecommunications facilities: monopoles pursuant to Chapter <a href="#">19.245</a> FMC
e. Photography studio	n. Small grocery or variety store	
f. Florist shop		

Uses marked with an asterisk (\*) are subject to the standards in FMC [19.60.090](#), Special standards for certain uses.

Land uses marked with a CU shall require a conditional use permit.

C. Land Uses Prohibited in the Commercial District. Only uses specifically listed in Table 19.60.020.A, and uses similar to those in Table 19.60.020.A, are permitted in this district. The following uses are expressly prohibited: industrial uses, drive-up, drive-in and drive-through facilities. (Ord. 6-2001 § 1)

#### 19.60.030 Building setbacks.

In the neighborhood commercial district, buildings are placed close to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street, and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed use buildings for a walkable commercial area. Building setbacks are measured from the wall/facade to the respective property line. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following page, apply to primary structures as well as accessory structures. The standards may be modified only by approval of a variance.

Building setbacks are as follows:

##### A. Front Setbacks.

1. Minimum Setback. There is no minimum front setback required.
2. Maximum Setback. The maximum allowable front setback is 10 feet. This standard is met when a minimum of 80 percent of the front building elevation is placed no more than 10 feet back from the front property line. On parcels with more than one building, this standard applies to the building with the largest street-facing facade. The setback standard may be increased by 50 percent (or five feet, whichever is greater) when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. (See also pedestrian amenities standards in FMC [19.60.080](#), and architectural standards in FMC [19.60.070](#) for related building entrance standards.)

##### B. Rear Setbacks.

1. Minimum Setback. The minimum rear setback for all structures shall be none for street-access lots, and eight feet for alley-access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking. If the property abuts a residential district, the side setback shall be the same as the base zone setback for the abutting residential property.
2. Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front setbacks in subsection A of this section shall apply to both frontages.

C. Side Setbacks. There is no minimum side setback required, except that buildings shall conform to the vision clearance standards in Chapter [19.162](#) FMC, Access and Circulation, and the applicable fire and building codes for attached structures, firewalls, and related requirements.

D. Setback Exceptions. Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features may encroach into setbacks by no more than four feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. Walls and fences may be placed on the property line, subject to the requirements of Chapter [19.163](#) FMC, Landscaping, Street Trees, Fences and Walls. (Ord. 6-2001 § 1)

#### 19.60.040 Lot coverage – Building size.

A. Lot Coverage. There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses.

B. Building Size. The building footprint is limited to 20,000 square feet. (Ord. 6-2001 § 1)

#### 19.60.050 Block layout and building orientation.

This section is intended to promote the walkable, storefront character of the neighborhood commercial district by forming short blocks and orienting (placing or locating) buildings close to streets. Placing buildings close to the street also slows traffic down and provides more “eyes on the street,” increasing the

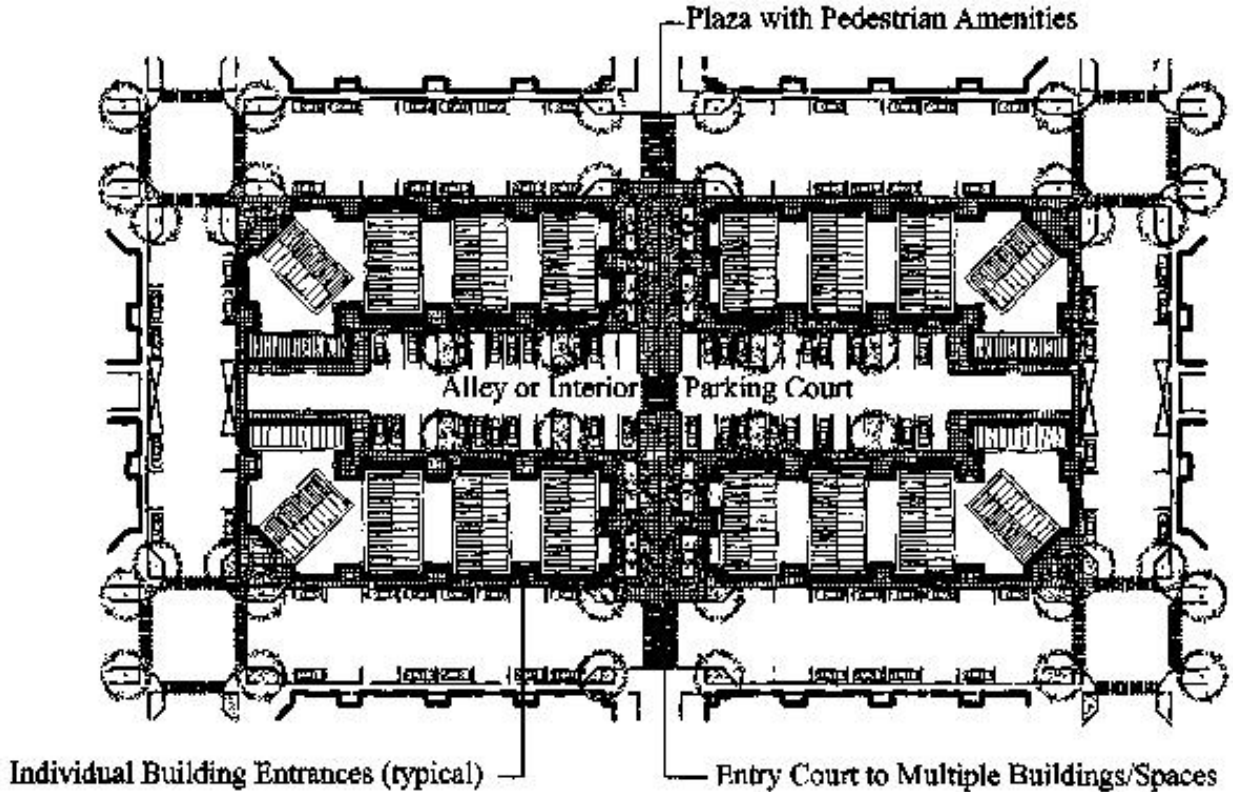


safety of public spaces. The standards, as listed on the following page and illustrated above, compliment the front setback standards in FMC [19.60.030](#).

A. Applicability. This section applies to new land divisions and all of the following types of development (i. e., subject to site design review):

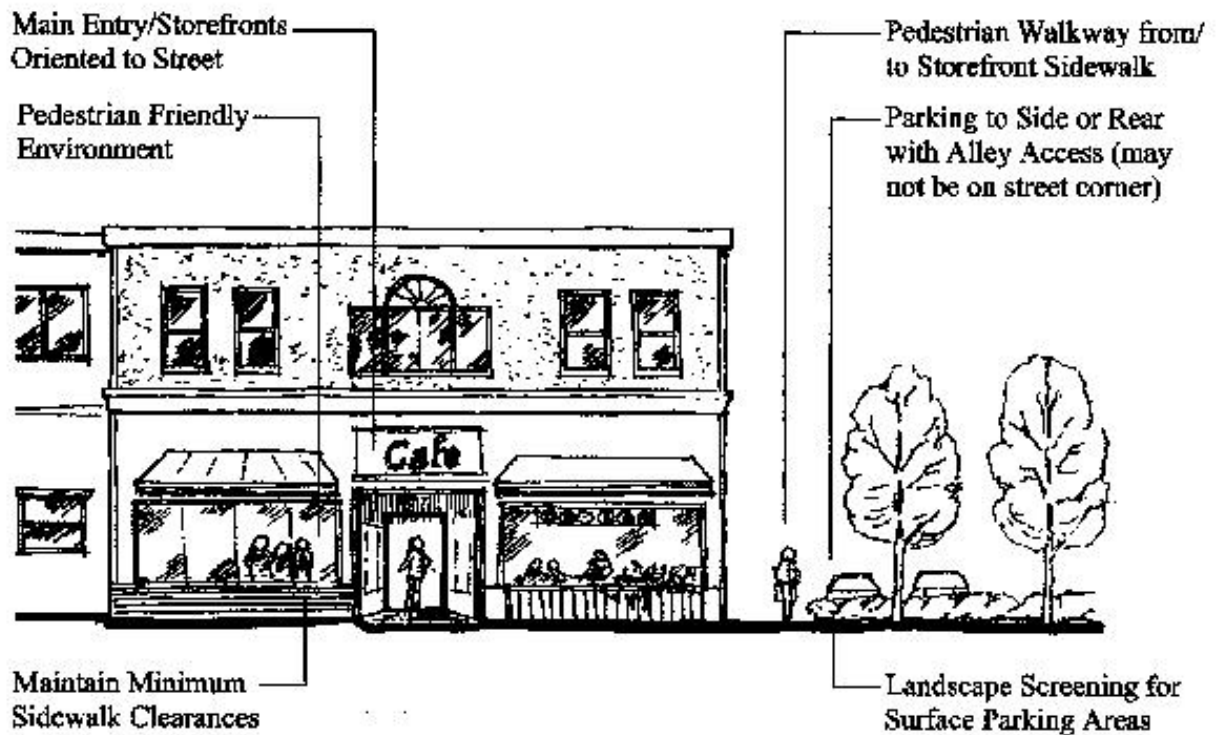
1. Commercial and mixed use buildings subject to site design review.
2. Compliance with all of the provisions of subsections B through E of this section shall be required.

Figure 19.60.050.A – Block Layout (Typical)



B. Block Layout Standard. New land divisions and developments which are subject to site design review shall be configured to provide an alley or interior parking court, as shown above. Blocks (areas bound by public street right-of-way) shall have a length not exceeding 200 feet, and a depth not exceeding 200 feet. Pedestrian pathways shall be provided from the street right-of-way to interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking.

Figure 19.60.050.B – Building Orientation (Typical)

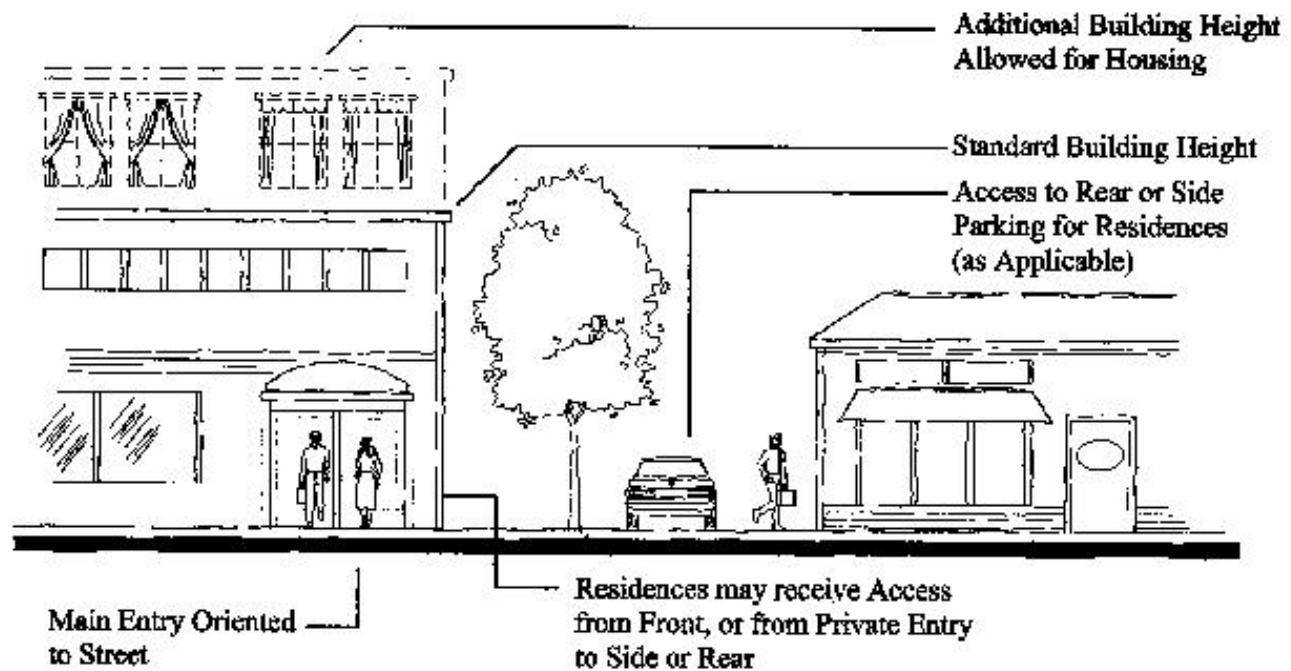


- C. Building Orientation Standard. All of the developments listed in subsection A of this section shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:
1. The minimum and maximum setback standards in FMC [19.60.030](#) are met.
  2. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side when a direct pedestrian walkway not exceeding 15 feet in length is provided between the building entrance and the street right-of-way.
  3. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street, which is used to comply with subsection B of this section. Corner lots, buildings and their entrances shall be oriented to the street corner, as shown above; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.
- D. Variances. Variances will be made in accordance with Chapter [19.520](#) FMC. The standard may be varied to address topographic or other physical constraints, in accordance with the provisions for Class B or C variances in Article IV of this title. (Ord. 6-2001 § 1)

#### 19.60.060 Building height.

All buildings in the commercial district shall comply with the following building height standards. The standards are intended to allow for development of appropriately scaled buildings with a storefront character:

Figure 19.60.060 – Building Height Diagram



A. Maximum Height. Buildings shall be no more than two and one-half stories or 35 feet in height, whichever is greater.

B. Method of Measurement. "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (see Figure 19.60.060 for examples of measurement). The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection (B)(1) of this section is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features, which are not for human occupancy. (Ord. 6-2001 § 1)

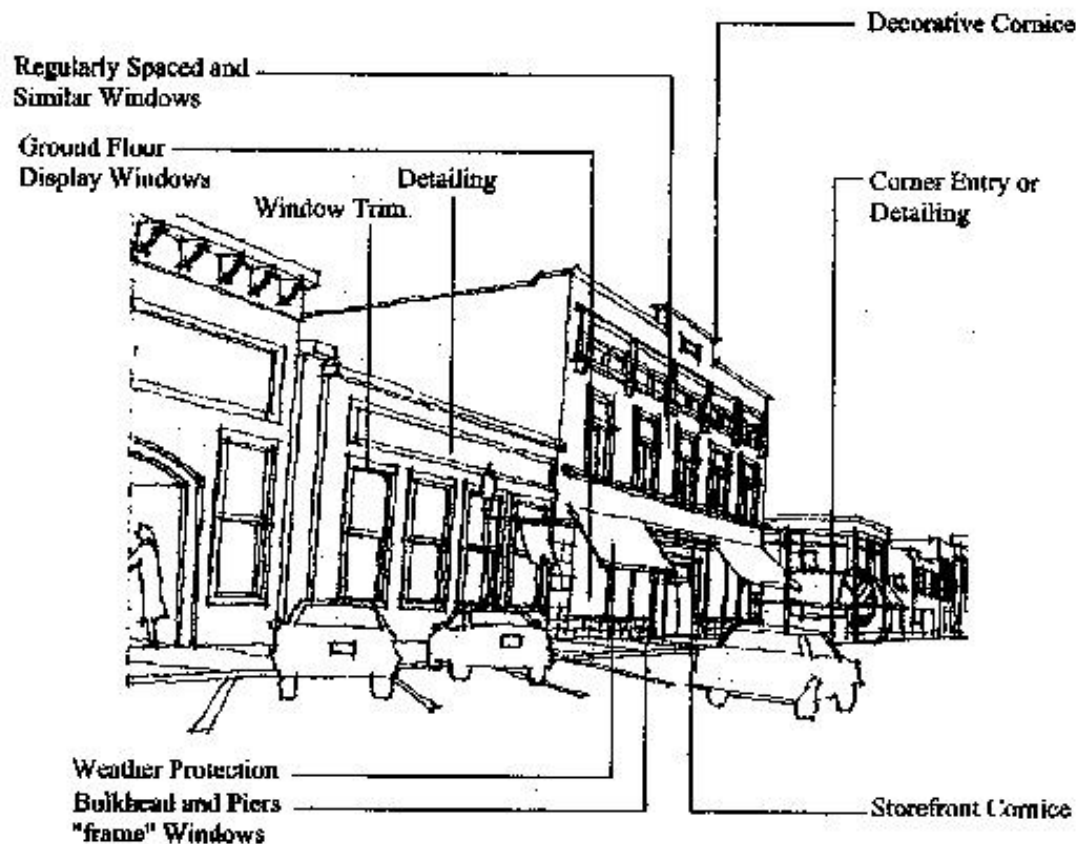
19.60.070 Architectural guidelines and standards.

A. Purpose and Applicability. The neighborhood commercial district architectural guidelines standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles. This section applies to all of the following types of buildings:

1. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
2. Commercial and mixed use buildings subject to site design review.

B. Guidelines and Standards. Each of the following standards shall be met. An architectural feature used to comply with one standard may be used to comply with another standard.

Figure 19.60.070 – Commercial District Building Design Elements (Typical)



1. Detailed Storefront Design. All buildings shall contribute to the storefront character and visual relatedness of commercial district buildings. This criterion is met by providing all of the architectural features listed in subsections (B)(1)(a) through (e) of this section along the front building elevation (i.e., facing the street), as applicable.

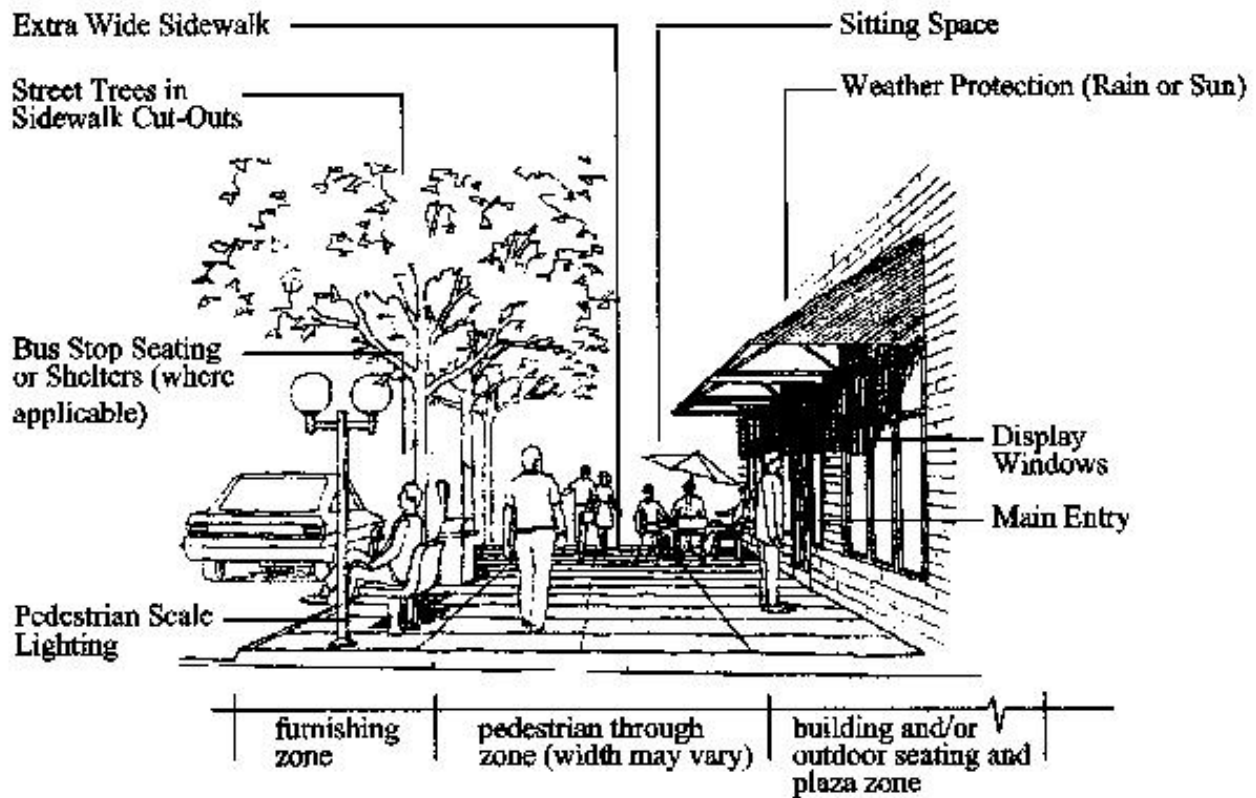
- a. Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
- b. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).
- c. Large display windows on the ground floor (nonresidential uses only). Bulkheads, piers and a storefront cornice (e.g., separates ground-floor from second story, as shown above), shall frame display windows.
- d. Decorative cornice at top of building (flat roof); or eaves provided with pitched roof. (Ord. 6-2001 § 1)

#### 19.60.080 Pedestrian and transit amenities.

A. Purpose and Applicability. This section is intended to complement the building orientation standards in FMC [19.60.050](#), and the street standards in Chapter [19.165](#) FMC by providing comfortable and inviting pedestrian spaces within the neighborhood commercial district. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the city's neighborhood commercial districts, and contribute to a walkable district. This section applies to all of the following types of buildings:

1. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
2. Commercial and mixed use buildings subject to site design review.

Figure 19.60.080 – Pedestrian and Transit Amenities (Typical)



B. Guidelines and Standards. Every development shall provide one or more of the “pedestrian amenities” listed in subsections (B)(1) through (B)(3) of this section, and illustrated above. Pedestrian amenities may be provided within a public right-of-way when approved by the applicable jurisdiction.

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of eight feet);
2. Sitting space (i.e., dining area, benches or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width);
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of four feet over a sidewalk or other pedestrian space);
4. Public art that incorporates seating (e.g., fountain, sculpture, etc.);
5. Transit amenity, such as bus shelter or pullout, in accordance with the city’s transportation plan and with consideration of guidelines established by Tri-Met. (Ord. 6-2001 § 1)

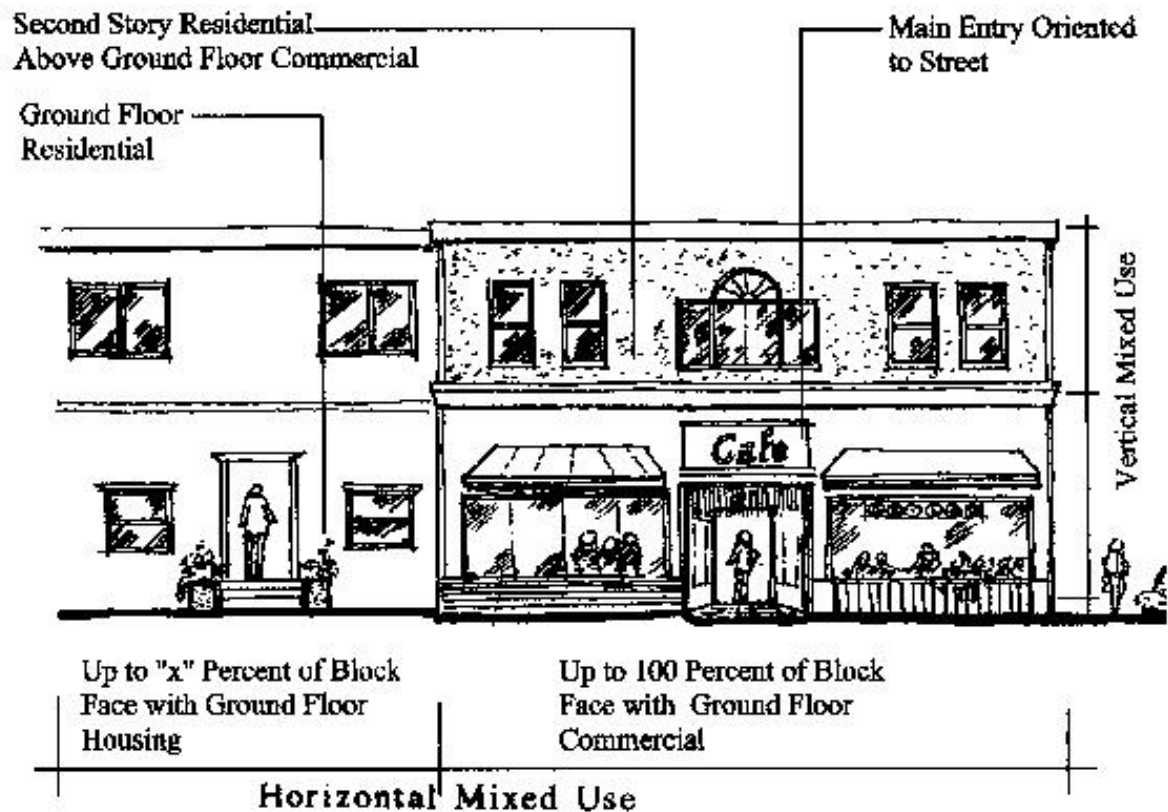
19.60.090 Special standards for certain uses.

This section supplements the standards contained in FMC [19.60.030](#) to 19.60.080. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the neighborhood commercial district:

- Residential Uses
- Accessory Uses and Structures
- Sidewalk Displays

A. Residential Uses. All residential developments shall comply with the standards in subsections (A)(1) through (A)(6) of this section which are intended to require mixed use development; conserve the community’s supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses, which existed prior to the effective date of the ordinance codified in this title, are exempt from this section.

Figure 19.60.090.A – Mixed Use Development in the Neighborhood Commercial District



1. Mixed Use Development Required. Residential uses shall be permitted only when part of a mixed use development (residential with commercial). Only "vertical" mixed use (housing above the ground floor) developments are allowed, subject to the standards in subsections (A)(2) through (A)(6) of this section.
  2. Limitation on Street-Level Housing. No more than 50 percent of a single street frontage may be occupied by residential uses. This standard is intended to reserve storefront space for commercial uses and public/institutional uses; it does not limit residential uses above the street level on upper stories. For parcels with street access at more than one level (e.g., sloping sites with two street frontages), the limitation on residential building space shall apply to all street frontages.
  3. Density. There is no minimum or maximum residential density standard. Density shall be controlled by the applicable lot, building size and building height standards.
  4. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building; except that side yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of six feet. On corner lots, garage entrances shall be oriented to a side street when access cannot be provided from an alley.
  5. Creation of Alleys. When a subdivision (e.g., four or more townhome lots) is proposed, a public or private alley shall be created for the purpose of vehicle access. Alleys are not required when existing development patterns or topography make construction of an alley impracticable. As part of a subdivision, the city may require dedication of right-of-way or easements, and construction of pathways between townhome lots (e.g., between building breaks) to provide pedestrian connections through a development site, in conformance with Chapter [19.162](#) FMC, Access and Circulation.
  6. Common Areas. All common areas (i.e., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.
- B. Accessory Uses and Structures. Accessory uses and structures are of a nature customarily incidental

and subordinate to the principal use or structure on the same lot. Typical accessory structures in the neighborhood commercial district include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the neighborhood commercial district, as identified in Table 19.60.020.A. Accessory structures shall comply with the following standards:

1. Primary Use Required. An accessory structure shall not be allowed before or without a primary use, as identified in Table 19.60.020.A.
  2. Setback Standards. Accessory structures shall comply with the setback standards in FMC [19.60.030\(A\)](#), except that the maximum setback provisions shall not apply.
  3. Design Guidelines. Accessory structures shall comply with the Neighborhood Commercial design guidelines, as provided in FMC [19.60.070](#).
  4. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
  5. Compliance with Subdivision Standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
- C. Sidewalk Displays. Sidewalk display of merchandise and vendors shall be limited to cards, plants, gardening/floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians (i.e., non-automobile oriented). A minimum clearance of four feet shall be maintained. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment, is prohibited. (Ord. 6-2001 § 1)

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Chapter 19.65  
TOWN CENTER COMMERCIAL  
(TCC) DISTRICT

Sections:

- [19.65.010](#) Purpose.
- [19.65.020](#) Permitted land uses.
- [19.65.030](#) Building setbacks.
- [19.65.040](#) Lot coverage, floor area ratio and maximum building size.
- [19.65.050](#) Block layout and building orientation.
- [19.65.060](#) Building height.
- [19.65.070](#) Architectural guidelines and standards.
- [19.65.080](#) Pedestrian and transit amenities
- [19.65.090](#) Special standards for certain uses.

19.65.010 Purpose.

A city goal is to strengthen the town center commercial district as the “heart” of the community and as the logical place for people to gather and create a business center. The town center commercial district is intended to support this goal through elements of design and appropriate mixed use development. This chapter provides standards for the orderly improvement of the district based on the following principles:

- A. Efficient use of land and urban services;
- B. A mixture of land uses to encourage walking as an alternative to driving, and to provide more employment and housing options;
- C. Both formal and informal community gathering places;
- D. A distinct storefront character that identifies commercial districts;
- E. Connections to neighborhoods and other employment areas;
- F. Reduced reliance on the automobile and reduced parking needs. (Ord. 6-2001 § 1)

19.65.020 Permitted land uses.

A. Permitted Uses. The land uses listed in Table 19.65.020.A are permitted in the town center commercial district, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 19.65.020.A, and land uses that are approved as “similar” to those in Table 19.65.020.A, may be permitted. The land uses identified with a “CU” in Table 19.65.020.A require conditional use permit approval prior to development or a change in use.

Table 19.65.020.A

Land Uses and Building Types Permitted in the Town Center Commercial District



<p>1. Residential*</p> <p>Single-Family</p> <p>a. Single-family detached housing (existing housing only)</p> <p>b. Zero-lot line housing (existing only)</p> <p>c. Accessory dwellings</p> <p>d. Manufactured homes – individual lots (existing housing only)</p> <p>e. Single-family attached townhomes (CU)</p> <p>Two-Family</p> <p>f. Two-family housing (duplex) (CU)</p> <p>Multifamily and Three-Family</p> <p>g. Multifamily housing and triplexes (CU)</p> <p>Residential care</p> <p>h. Residential care homes and facilities (CU)</p> <p>i. Family day care (12 or fewer children)</p> <p>2. Home occupations</p> <p>3. Bed and breakfast inns and vacation rentals (CU)</p>	<p>4. Public and Institutional*</p> <p>a. Churches and places of worship</p> <p>b. Clubs, lodges, similar use</p> <p>c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)</p> <p>d. Libraries, museums, community centers, concert halls and similar uses</p> <p>e. Public parking lots and garages</p> <p>f. Private utilities</p> <p>g. Public parks and recreational facilities</p> <p>h. Schools (public and private)</p> <p>i. Special district facilities</p> <p>j. Telecommunications equipment – antennas pursuant to Chapter <a href="#">19.245</a> FMC</p> <p>k. Telecommunications equipment – monopoles (CU) pursuant to Chapter <a href="#">19.245</a> FMC</p> <p>l. Uses similar to those listed above subject to applicable CU requirements</p> <p>5. Accessory Uses and Structures*</p> <p>6. Commercial</p> <p>a. Auto-oriented uses and facilities (CU)*</p>	<p>b. Entertainment (e.g., theaters, clubs, amusement uses)</p> <p>c. Hotels/motels</p> <p>d. Medical and dental offices, clinics and laboratories</p> <p>e. Mixed use development (housing and other permitted use)*</p> <p>f. Office uses (i.e., those not otherwise listed)</p> <p>g. Personal and professional services (e.g., child care center, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)</p> <p>h. Repair services (must be enclosed within building)</p> <p>i. Retail trade and services, except auto-oriented uses</p> <p>j. Uses similar to those listed above (subject to CU requirements, as applicable)</p> <p>7. Industrial*</p> <p>Light manufacture (e.g., small-scale crafts, electronic equipment, furniture, similar goods when in conjunction with retail) (CU)</p>
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Uses marked with an asterisk (\*) are subject to the standards in FMC [19.65.090](#), Special standards for certain uses.  
 Land uses marked with a CU shall require a conditional use permit.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter [19.480](#) FMC.

C. Land Uses Prohibited in the Commercial District. Only uses specifically listed in Table 19.65.020.A, and uses similar to those in Table 19.65.020.A, are permitted in this district.

The following uses are expressly prohibited: Industrial uses not permitted in section 7 of Table 19.65.020.

A. (Ord. 6-2001 § 1)

19.65.030 Building setbacks.

In the town center commercial district, buildings are placed close to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street, and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed use buildings for a walkable commercial area.

Building setbacks are measured from the wall or facade to the respective property line. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following page, apply to primary structures as well as accessory structures. The standards may be modified only by approval of a variance.

A. Front Setbacks.

1. Minimum Setback. There is no minimum front setback required.

2. Maximum Setback. The maximum allowable front setback is 10 feet. This standard is met when a minimum of 80 percent of the front building elevation is placed no more than 10 feet back from the front property line. On parcels with more than one building, this standard applies to the largest building. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. (See also pedestrian amenities standards in FMC [19.65.080](#), and architectural standards in FMC [19.65.070](#) for related building entrance standards.)

B. Rear Setbacks.

1. Minimum Setback. The minimum rear setback for all structures shall be zero feet, except for doorways which will be recessed to assure safe exiting, for street-access lots, and eight feet for alley-access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking. When a building abuts a residential district the minimum rear setback shall be 15 feet.

2. Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front setbacks in subsection A of this section shall apply.

C. Side Setbacks. There is no minimum side setback required, except that buildings shall conform to the vision clearance standards in FMC [19.162.020](#) and the applicable fire and building codes for attached structures, firewalls, and related requirements.

D. Setback Exceptions. Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features may encroach into setbacks by no more than four feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. Walls and fences may be placed on the property line, subject to the requirements of Chapter [19.163](#) FMC, Landscaping, Street Trees, Fences and Walls. (Ord. 6-2001 § 1)

19.65.040 Lot coverage, floor area ratio and maximum building size.

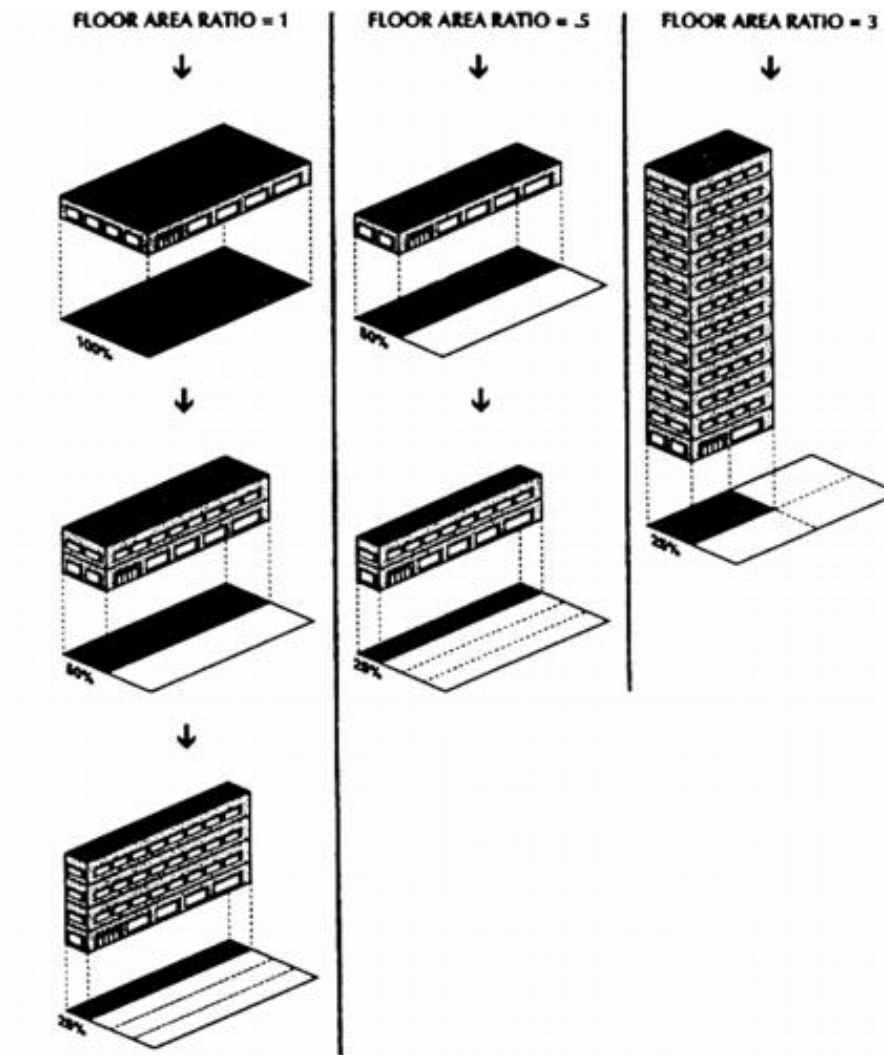
A. Lot Coverage. There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses.

B. Floor Area Ratio. Floor Area Ratio (FAR) controls the bulk and mass of development. FAR is measured by dividing the gross enclosed area of all floors of a building (or combination of buildings in a single development) by the net land area of the development (not including street rights-of-way). For example, a 1.0 FAR equals two building stories (approximately 25 to 30 feet high) with 50 percent lot coverage. A FAR of 4.0 equals six building stories (more than 75 feet high) with 67 percent lot coverage. The following standard shall be met in all commercial, industrial and mixed use (residential with nonresidential) developments:

1. The maximum floor area shall be 1.0 in the town center commercial district.

C. Maximum Building Size. Individual maximum building size is 60,000 square feet.

Figure 19.65.040 – Floor Area Ratio



(Ord. 6-2001 § 1)

#### 19.65.050 Block layout and building orientation.

This section is intended to promote the walkable, storefront character of the town center commercial district by forming short blocks and orienting (placing or locating) buildings close to streets. Placing buildings close to the street also slows traffic down and provides more “eyes on the street,” increasing the safety of public spaces. The standards, as listed on the following page and illustrated above, compliment the front setback standards in FMC [19.65.030](#).

A. Applicability. This section applies to new land divisions and all of the following types of development (i.e., subject to site design review):

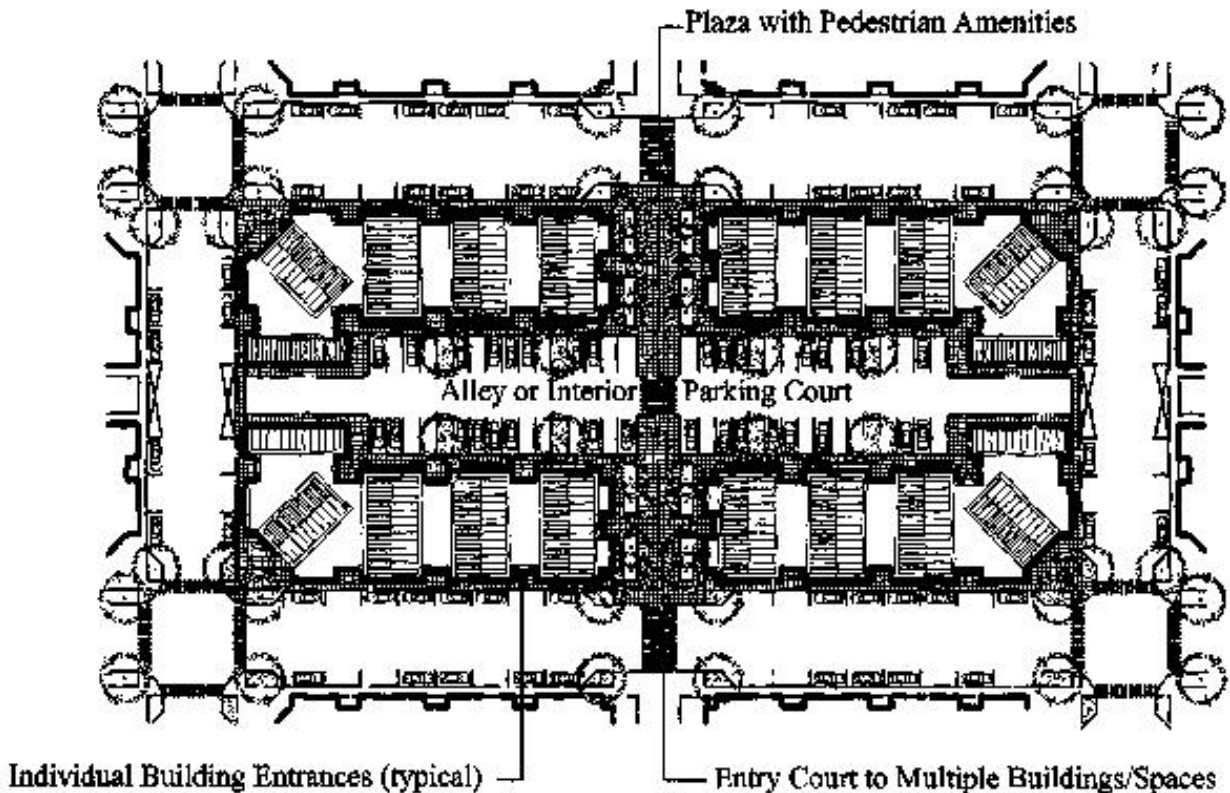
1. Three or more single-family attached townhomes on their own lots (i.e., townhomes subject to site design review);
2. Duplex and triplex developments with more than one building (i.e., duplex and triplex developments subject to site design review);
3. Multifamily housing;
4. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
5. Commercial and mixed use buildings subject to site design review.

Compliance with all of the provisions of subsections B through E of this section shall be required.

B. Block Layout Standard. New land divisions and developments, which are subject to site design review, shall be configured to provide an alley or interior parking court, as shown above. Blocks (areas bound by

public street right-of-way) shall have a length not exceeding 200 feet, and a depth not exceeding 200 feet. Pedestrian pathways shall be provided from the street right-of-way to interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. Exceptions to this standard may be approved when all of the provisions of subsection C of this section, superblock developments, are met.

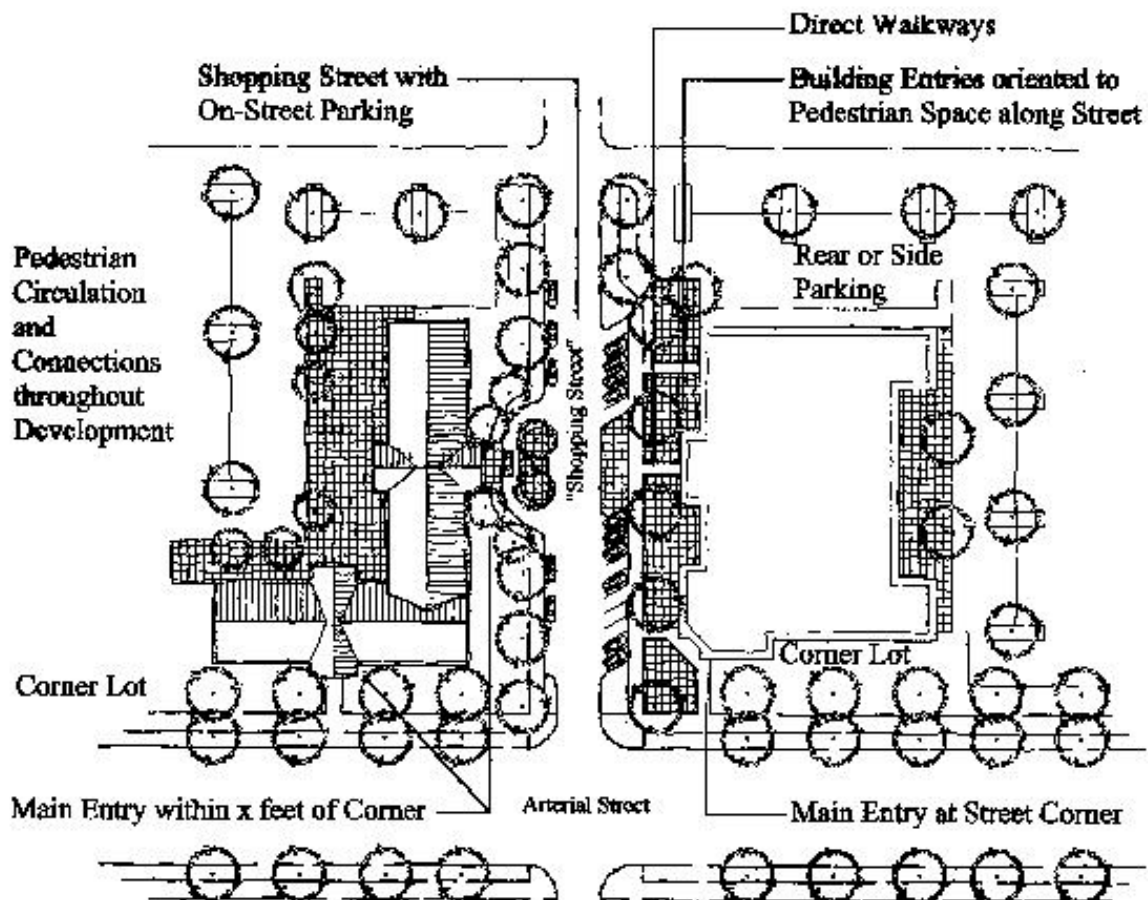
Figure 19.65.050.B – Block Layout (Typical)



C. Superblock Developments. Commercial and mixed use developments may exceed the block width and depth standards in subsection B of this section, when the total floor area of those developments (i.e., one or more buildings on one or more lots) exceeds 40,000 square feet on the ground floor. These “superblock developments” shall conform to all of the standards in subsections (C)(1) and (C)(2) of this section (see Figure 19.65.050.C):

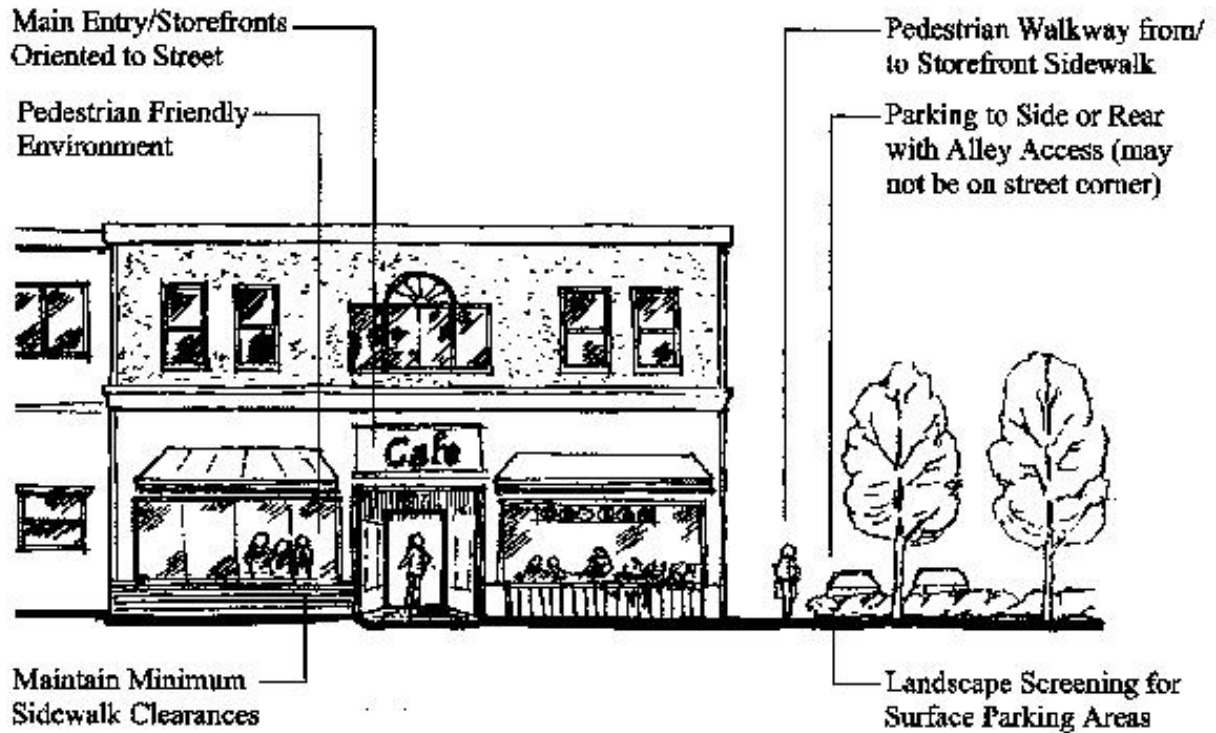
1. Create a “Shopping Street.” Each development has at least one street or drive designed with the basic elements of a good pedestrian-oriented shopping street: buildings oriented (placed) close to both sides of a “main street,” which may be public or private; on-street parking; wide sidewalks (e.g., 8 to 12 feet typical); street trees; pedestrian-scale lighting and other similar enhancements.
2. Provide Usable Pedestrian Space. “Pedestrian space” means a plaza or extra-wide pathway/sidewalk near one or more building entrances. Each development provides street trees or planters, space for outdoor seating, canopies or awnings, and on-street parking (in selected areas) to improve the pedestrian environment along internal private drives.

Figure 19.65.050.C – “Superblock” Layout (Typical)



- D. Building Orientation Standard. All of the developments listed in subsection A of this section shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:
1. The minimum and maximum setback standards in FMC [19.65.030](#) are met;
  2. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side when a direct pedestrian walkway not exceeding 15 feet in length is provided between the building entrance and the street right-of-way.
  3. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street which is used to comply with subsection (D)(2) of this section. On corner lots, buildings and their entrances should be oriented to the street corner, as shown above; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.

Figure 19.65.050.D – Building Orientation (Typical)

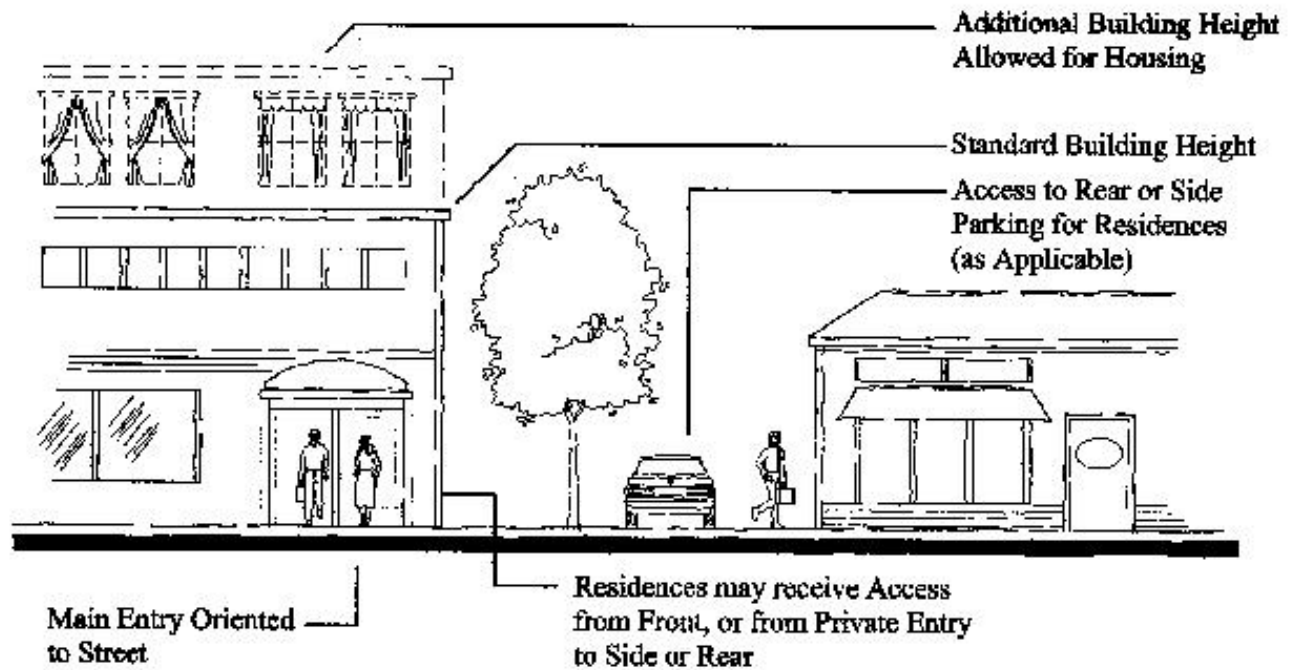


E. Variances. Variances will be made in accordance with Chapter [19.520](#) FMC. The standard may be varied to address topographic or other physical constraints, in accordance with the provisions for Class B or C variances in Chapter [19.520](#) FMC. (Ord. 6-2001 § 1)

#### 19.65.060 Building height.

All buildings in the town center commercial district shall comply with the following building height standards. The standards are intended to allow for development of appropriately scaled buildings with a storefront character:

Figure 19.65.060 – Building Height Diagram (Credit for Housing)



A. Maximum Height. Buildings shall be no more than three stories or 45 feet in height, whichever is greater. The maximum height may be increased by 12 feet when housing is provided above the ground floor (“vertical mixed use”), as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing.

B. Method of Measurement. “Building height” is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (see Figure 19.65.060 for examples of measurement). The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection (B)(1) of this section is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features which are not for human occupancy. (Ord. 6-2001 § 1)

#### 19.65.070 Architectural guidelines and standards.

A. Purpose and Applicability. The town center commercial district architectural guidelines standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles. This section applies to all of the following types of buildings:

1. Three or more single-family attached townhomes on their own lots (i.e., townhomes subject to site design review);
2. Duplex and triplex developments with more than one building (i.e., duplex and triplex developments subject to site design review);
3. Multifamily housing;
4. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
5. Commercial and mixed use buildings subject to site design review.

B. Guidelines and Standards. Each of the following standards shall be met. An architectural feature used to comply with one standard may be used to comply with another standard.

1. Detailed Storefront Design. All buildings shall contribute to the storefront character and visual relatedness of town center commercial district buildings. This criterion is met by providing all of the architectural features listed in subsections (B)(1)(a) through (e) of this section along the front building elevation (i.e., facing the street), as applicable.

a. Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.

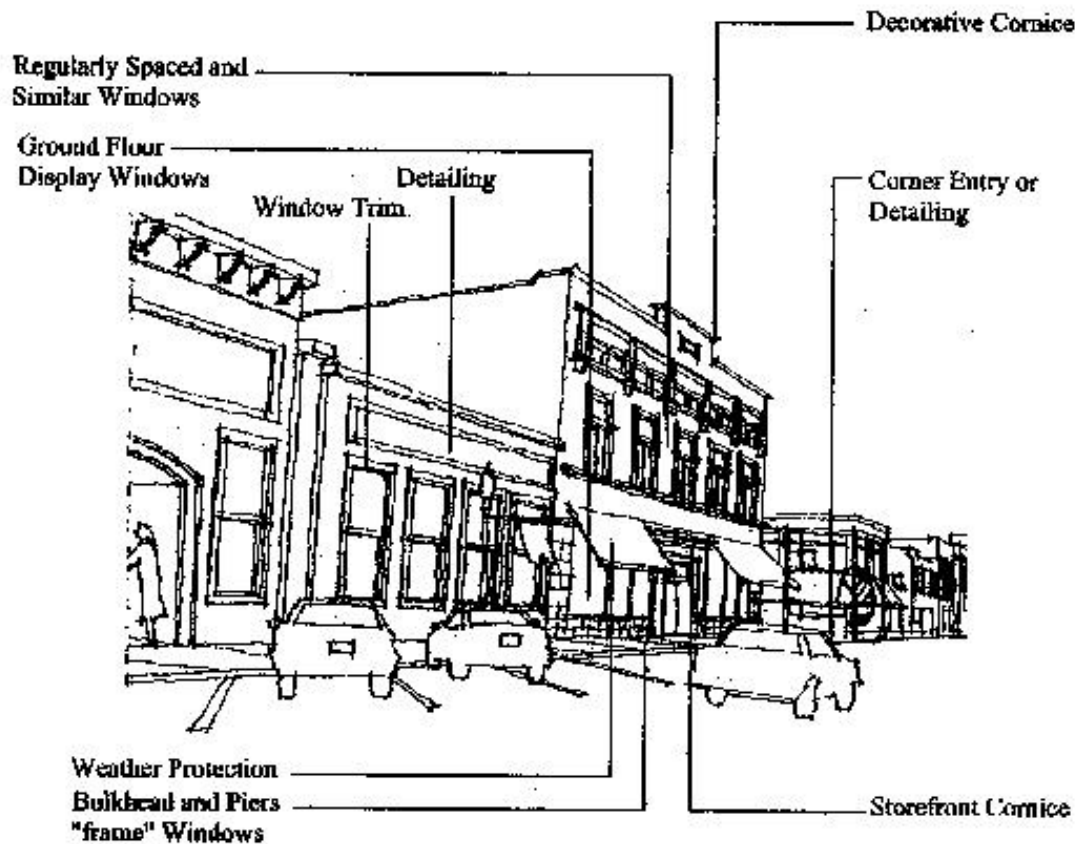
b. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).

c. Large display windows on the ground floor (nonresidential uses only). Bulkheads, piers and a storefront cornice (e.g., separates ground-floor from second story, as shown above) shall frame display windows.

d. Decorative cornice at top of building (flat roof); or eaves provided with pitched roof.

e. All residential buildings subject to design review shall comply with the residential district architectural guidelines, as listed in FMC [19.30.100](#).

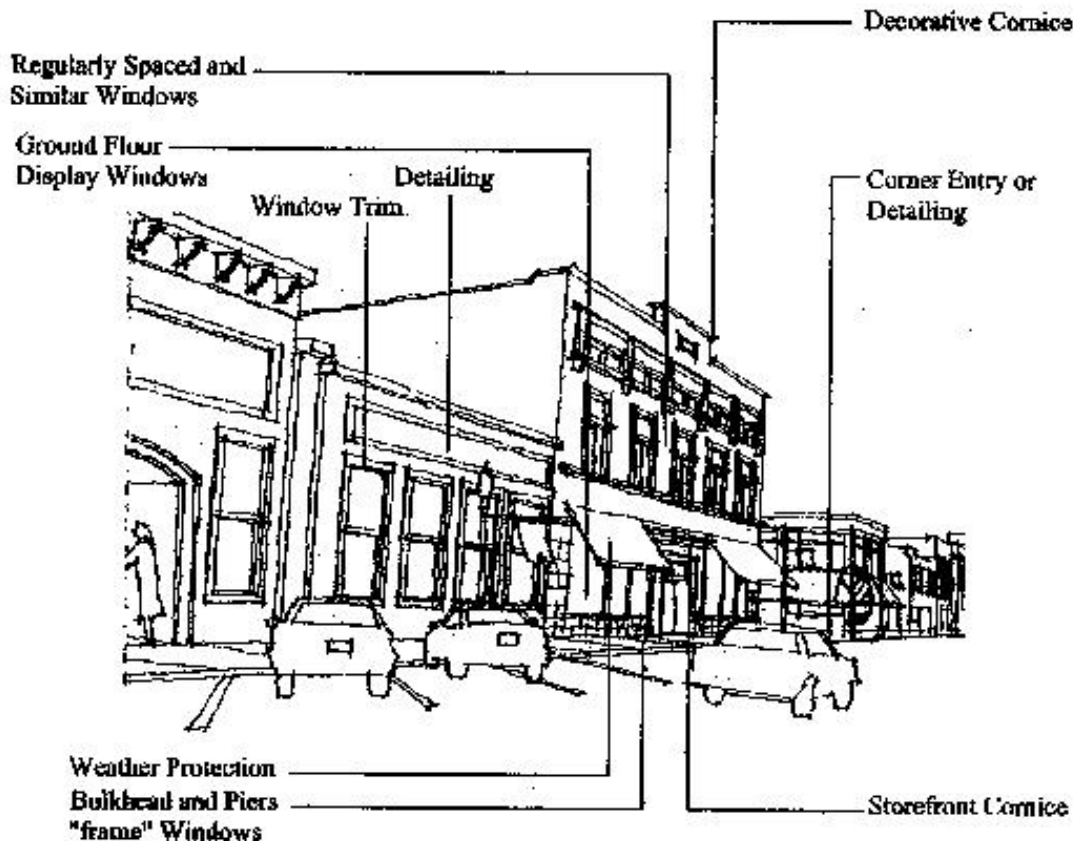
Figure 19.65.070.B(1) – Town Center Commercial District Building Design Elements (Typical)



[Note: the example shown above is meant to illustrate required building design elements, and should not be interpreted as a required architectural style.]

Figure 19.65.070.B(2) – Design of Large-Scale Buildings and Developments (Typical)





[Note: the example shown above is meant to illustrate examples of these building design elements, and should not be interpreted as a required architectural style.]

2. Design of Large-Scale Buildings and Developments. The standards in subsection (B)(2)(c) of this section shall apply to large-scale buildings and developments, as defined in subsections (B)(2)(a) and (b):

- a. Buildings with greater than 20,000 square feet of enclosed ground-floor space (i.e., "large-scale"). Multitenant buildings shall be counted as the sum of all tenant spaces within the same building shell;
- b. Multiple-building developments with a combined ground-floor space (enclosed) greater than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments);
- c. All large-scale buildings and developments, as defined in subsections (B)(2)(a) and (b) of this section, shall provide human-scale design by conforming to all of the following criteria:
  - i. Incorporate changes in building direction (i.e., articulation) and divide large masses into varying heights and sizes, as shown above. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and similar features.
  - ii. Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building entrance; except that building elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may not be required to meet this standard. Pathways shall connect all entrances to the street right-of-way, in conformance with Chapter [19.162 FMC](#), Access and Circulation. (Ord. 6-2001 § 1)

#### 19.65.080 Pedestrian and transit amenities

A. Purpose and Applicability. This section is intended to complement the building orientation standards in

FMC [19.65.050](#), and the street standards in Chapter [19.165](#) FMC, by providing comfortable and inviting pedestrian spaces within the town center commercial district. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the city's town center commercial district, and contribute to a walkable district. This section applies to all of the following types of buildings:

1. Three or more single-family attached townhomes on their own lots (i.e., townhomes subject to site design review);
2. Duplex and triplex developments with more than one building (i.e., duplex and triplex developments subject to site design review);
3. Multifamily housing;
4. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
5. Commercial and mixed use buildings subject to site design review.

B. Guidelines and Standards. Every development shall provide one or more of the "pedestrian amenities" listed in subsections (B)(1) through (B)(5) of this section. Pedestrian amenities may be provided within a public right-of-way when approved by the applicable jurisdiction.

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of eight feet);
2. Sitting space (i.e., dining area, benches or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width);
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of four feet over a sidewalk or other pedestrian space);
4. Public art which incorporates seating (e.g., fountain, sculpture, etc.);
5. Transit amenity, such as bus shelter or pullout, in accordance with the city's transportation system plan and guidelines established by Tri-Met. (Ord. 6-2001 § 1)

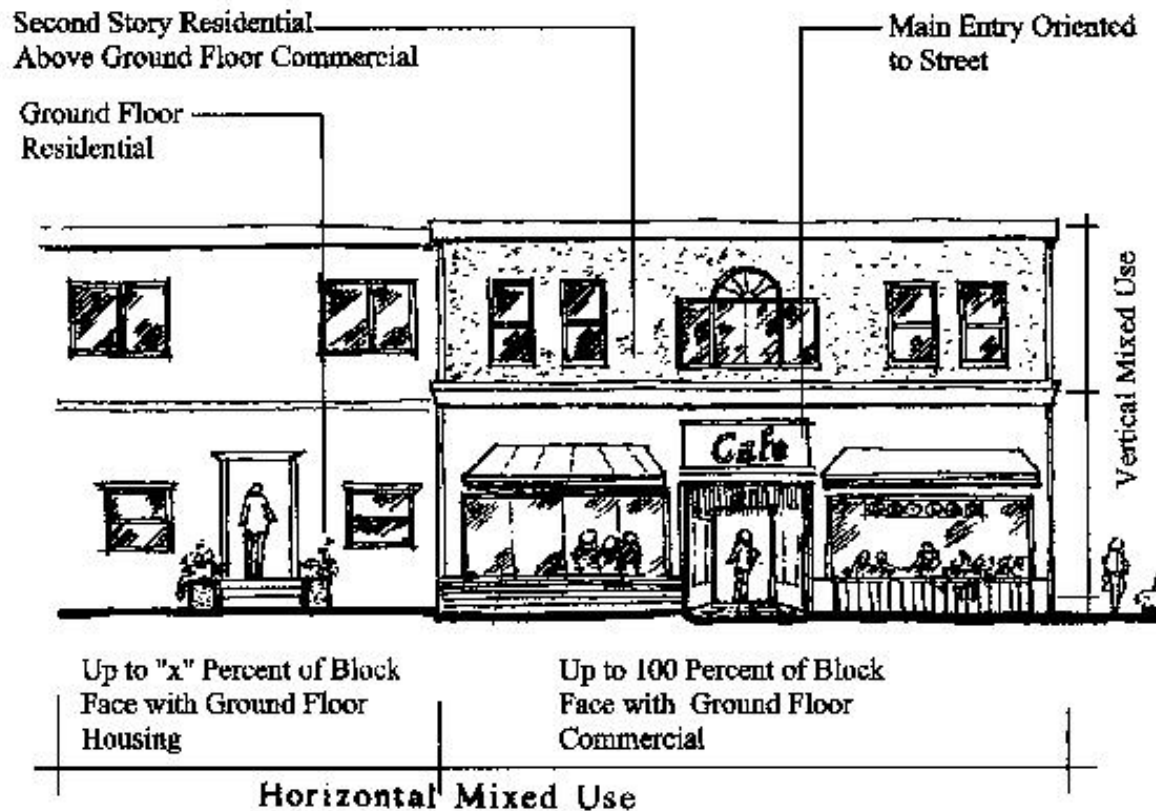
19.65.090 Special standards for certain uses.

This section supplements the standards contained in FMC [19.65.030](#) through [19.65.080](#). It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Town Center Commercial District:

- Residential Uses
- Public and Institutional Uses
- Accessory Uses and Structures
- Automobile-Oriented Uses and Facilities
- Outdoor Storage and Display

A. Residential Uses. Higher density residential uses, such as multifamily buildings and attached townhomes, are permitted to encourage housing near employment, shopping and services. All residential developments shall comply with the standards in subsections (A)(1) through (A)(6) of this section which are intended to require mixed use development; conserve the community's supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses which existed prior to the effective date of this code are exempt from this section.

Figure 19.65.090.A – Mixed Use Development in the Town Center Commercial District



1. Mixed Use Development Required. Residential uses shall be permitted only when part of a mixed use development (residential with commercial or public/institutional use). Both "vertical" mixed use (housing above the ground floor), and "horizontal" mixed use (housing on the ground floor) developments are allowed, subject to the standards in subsections (A)(2) through (A)(6) of this section.
  2. Limitation on Street-Level Housing. No more than 50 percent of a single street frontage may be occupied by residential uses. This standard is intended to reserve storefront space for commercial uses and public/institutional uses; it does not limit residential uses above the street level on upper stories, or behind street-level storefronts. For parcels with street access at more than one level (e.g., sloping sites with two street frontages), the limitation on residential building space shall apply to all street frontages.
  3. Density. There is no minimum or maximum residential density standard. Density shall be controlled by the applicable floor area and building height standards.
  4. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building; except that side yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of five feet. On corner lots, garage entrances shall be oriented to a side street when access cannot be provided from an alley.
  5. Creation of Alleys. When a subdivision (e.g., four or more townhome lots) is proposed, a public or private alley shall be created for the purpose of vehicle access. Alleys are not required when existing development patterns or topography make construction of an alley impracticable. As part of a subdivision, the city may require dedication of right-of-way or easements, and construction of pathways between townhome lots (e.g., between building breaks) to provide pedestrian connections through a development site, in conformance with Chapter [19.162](#) FMC, Access and Circulation.
  6. Common Areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.
- B. Public and Institutional Uses. Public and institutional uses (as listed in Table 19.65.020.A) are allowed in

the town center commercial district, except that automobile-oriented uses shall comply with the standards in subsection D of this section. Typical automobile oriented uses in this category include public works yards, equipment storage and repair, school bus companies, and similar facilities that store, repair or service automobiles, trucks, buses, heavy equipment and construction materials.

C. Accessory Uses and Structures. Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the town center commercial district include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the town center commercial district, as identified in Table 19.65.020.A. Accessory structures shall comply with the following standards:

1. Primary Use Required. An accessory structure shall not be allowed before or without a primary use.
2. Setback Standards. Accessory structures shall comply with the setback standards in FMC [19.65.030](#), except that the maximum setback provisions shall not apply.
3. Design Guidelines. Accessory structures shall comply with town center commercial district design guidelines, as provided in FMC [19.65.070](#).
4. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
5. Compliance with subdivision standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

D. Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in the town center commercial district. The standards are intended to provide a vibrant storefront character, slow traffic, and encourage walking.

1. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of a building; except that side yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front elevation by a minimum of five feet. On corner lots, garage entrances shall be oriented to a side street (i.e., away from the more major street) when vehicle access cannot be provided from an alley. Individual surface parking lots shall not exceed a total of 200 parking spaces, or one-half city block, whichever is smaller; larger parking areas shall be in multiple story garages.

2. Automobile-Oriented Uses. "Automobile-oriented use" means automobiles and/or other motor vehicles are an integral part of the use. These uses are restricted because, when unrestricted, they detract from the pedestrian-friendly, storefront character of the district and can consume large amounts of land relative to other permitted uses. Automobile-oriented uses shall comply with the following standards:

- a. Vehicle Repair, Sales, Rental, Storage, Service. Businesses that repair, sell, rent, store, or service automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, and similar vehicles and equipment are permitted when the use does not exceed 5,000 square feet (indoor and outdoor). Outdoor storage and display for these uses is prohibited unless the use is in a fully enclosed structure.

- b. Drive-Up, Drive-In, and Drive-Through Facilities. Drive-up, drive-in, and drive-through facilities (e.g., associated with restaurants, banks, car washes, and similar uses) are permitted only when accessory to a primary commercial "walk-in" use, and shall conform to all of the following standards:

- i. The facility receives access from an alley or driveway, and not a street;
- ii. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, drop-boxes, and similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a corner);
- iii. The facility is subordinate to a primary permitted use. "Subordinate" means all components of the facility, in total, occupy less street frontage than the primary commercial or public/institutional building; and
- iv. No more than one drive-up, drive-in, or drive-through facility shall be permitted on one block, or for a distance of 400 linear feet along the same street frontage, whichever is less.

- E. Sidewalk Displays. Sidewalk display of merchandise and vendors shall be limited to cards, plants, gardening/floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians (i.e., non-automobile-oriented). A minimum clearance of five feet shall be maintained. Display

of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment, is prohibited.

F. Light Industrial Uses.

1. High Traffic-Generating Uses. Uses which are likely to generate “significant” levels of vehicle traffic (e.g., due to shipping, receiving, and/or customer traffic) shall require a conditional use permit, in accordance with Chapter [19.440](#) FMC. “Significant traffic” means that the average number of daily trips, or the average number of peak hour trips, on any existing street would increase by 10 percent or greater as a result of the development. The city may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by Oregon Department of Transportation (ODOT) for developments that increase traffic on state highways. The conditional use permit shall include appropriate transportation improvement requirements, as identified by the traffic analysis, in conformance with Chapter [19.165](#) FMC.

2. Wireless Communication Equipment. Wireless communication equipment, including radio (i.e., cellular), television and similar types of transmission and receiving facilities are permitted, subject to the standards for wireless communication equipment in Chapter [19.245](#) FMC. (Ord. 6-2001 § 1)



Chapter 19.70  
CORRIDOR COMMERCIAL  
(CC) DISTRICT

Sections:

- [19.70.010](#) Purpose.
- [19.70.020](#) Permitted land uses.
- [19.70.030](#) Corridor commercial setback standards.
- [19.70.040](#) Lot coverage and floor area ratio.
- [19.70.050](#) Site layout and building orientation.
- [19.70.060](#) Building height.
- [19.70.070](#) Architectural guidelines and standards.
- [19.70.080](#) Pedestrian and transit amenities.
- [19.70.090](#) Special standards for certain uses.

19.70.010 Purpose.

The corridor commercial district is intended to allow auto-accommodating commercial development while encouraging walking, bicycling, and transit. The district allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects and ensure that they do not dominate the character of the commercial area. The district's development standards promote attractive development, an open and pleasant street appearance and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves. (Ord. 6-2001 § 1)

19.70.020 Permitted land uses.

A. Permitted Uses. The land uses listed in Table 19.70.020.A are permitted in the corridor commercial district, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 19.70.020.A, and land uses that are approved as "similar" to those in Table 19.70.020.A, may be permitted. The land uses identified with a "CU" in Table 19.70.020.A require conditional use permit approval prior to development or a change in use.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter [19.480](#) FMC, Code Interpretations.

Table 19.70.020.A

Land Uses and Building Types Permitted in the Corridor Commercial District

1. Residential* a. Manufactured homes – individual lots (existing housing only) b. Residential care homes and facilities (CU) c. Family day care (12 or fewer children) (CU) 2. Public and Institutional (CU) a. Churches and places of worship b. Clubs, lodges, similar uses	i. Special district facilities j. Telecommunications equipment – antennas pursuant to Chapter <a href="#">19.245</a> FMC k. Telecommunications equipment – monopoles (CU) pursuant to Chapter <a href="#">19.245</a> FMC l. Uses similar to those listed above subject to applicable CU requirements 3. Accessory Uses and Structures 4. Commercial	f. Office uses (i.e., those not otherwise listed) g. Personal and professional services (e.g., child care center, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, and similar uses) h. Repair services (must be enclosed within building) i. Retail trade and services (e.g., grocery, hardware and variety
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<ul style="list-style-type: none"> <li>c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)</li> <li>d. Libraries, museums, community centers, concert halls and similar uses</li> <li>e. Public parking lots and garages</li> <li>f. Private utilities</li> <li>g. Public parks and recreational facilities</li> <li>h. Schools (public and private)</li> </ul>	<ul style="list-style-type: none"> <li>a. Auto-oriented uses and facilities*</li> <li>b. Entertainment (e.g., theaters, clubs, amusement uses)</li> <li>c. Hotels/motels</li> <li>d. Medical and dental offices, clinics and laboratories</li> <li>e. Mixed use development (housing and other permitted use)</li> </ul>	<ul style="list-style-type: none"> <li>stores, banks and financial institutions)</li> <li>j. Uses similar to those listed above (subject to CU requirements, as applicable)</li> <li>5. Industrial* <ul style="list-style-type: none"> <li>a. Light manufacture (e.g., small-scale crafts, electronic equipment, furniture, similar goods when in conjunction with retail or if determined by the planning commission to be compatible with the purposes of the district and other uses in the district) (CU)</li> </ul> </li> </ul>
<p>Land uses marked with an asterisk (*) use the special standards for certain uses in FMC <a href="#">19.70.090</a>.  Land uses marked with a CU shall require a conditional use permit according to Article IV of this title.</p>		

(Ord. 6-2001 § 1)

#### 19.70.030 Corridor commercial setback standards.

A. Building Setbacks. In the corridor commercial district, setback standards are flexible to allow parking to be located near the entrance of new commercial development. Building setbacks are measured from the wall or facade to the respective property line. The setback standards apply to primary structures as well as accessory structures. The standards may be modified only by approval of a variance.

##### 1. Front Setbacks.

a. Minimum Setback. The minimum allowable front setback is zero feet. There is no maximum front setback.

##### 2. Rear Setbacks.

a. Minimum Setback. The minimum rear setback for all structures shall be zero feet for street-access lots, and eight feet for alley-access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking. When a building abuts a residential district the minimum rear setback shall be 15 feet.

b. Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front setbacks in subsection (A)(1) of this section shall apply.

3. Side Setbacks. There is no minimum side setback required, except that buildings shall conform to the vision clearance standards in Chapter [19.162](#) FMC, the landscaping and buffering requirements in Chapter [19.163](#) FMC, and the applicable fire and building codes for attached structures, firewalls, and related requirements.

##### 4. Setback Exceptions.

a. Architectural Features. Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features may encroach into setbacks by no more than four feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. Walls and fences may be placed on the property line, subject to the requirements of Chapter [19.163](#) FMC, Landscaping, Street Trees, Fences and Walls. (Ord. 6-2001 § 1)

#### 19.70.040 Lot coverage and floor area ratio.

There are no maximum lot coverage or floor area ratio requirements, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses. (Ord. 6-2001 § 1)

#### 19.70.050 Site layout and building orientation.

This section is intended to encourage the efficient use of space, and connectivity to parking areas. The standards, as listed on the following page and illustrated above, compliment the front setback standards in FMC [19.70.030](#).

A. Applicability. This section applies to all new land divisions, site design review, and conditional use applications.

Compliance with all of the provisions of subsections B through E of this section is required. As an alternative to meeting the requirements of subsections B through E, the applicant may propose alternative design solutions that satisfy the criteria in subsection F.

B. Pedestrian Access Standard. New land divisions and developments, which are subject to site design review or conditional use permits, shall provide pedestrian pathways as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking.

1. From adjoining street right-of-way to building entrances and off-street parking these pathways shall be provided with an average maximum interval of 100 feet along the street right-of-way.

2. Between adjoining developments where practical.

3. In conformity with applicable requirements in Chapter [19.162](#) FMC, Access and Circulation.

C. Building Orientation Standard. All of the developments listed in subsection A of this section are encouraged to be oriented to a street. The building orientation standard is met when all of the following criteria are met:

1. Buildings shall have their primary entrance(s) oriented to (facing) the street with a direct pedestrian walkway connecting with the adjoining street right-of-way. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side when a direct pedestrian walkway not exceeding 30 feet in length is provided between the building entrance and the street right-of-way.

2. Off-street parking, driveways or other vehicular circulation should not be placed between a building and the street. On corner lots, buildings and their entrances should be oriented to the street corner. Parking, driveways and other vehicle areas shall not be permitted adjacent to street corners. (Ord. 6-2001 § 1)

#### 19.70.060 Building height.

All buildings in the corridor commercial district shall comply with the following building height standards.

The standards are intended to allow for development of appropriately scaled buildings.

A. Maximum Height. Buildings shall be no more than 45 feet in height.

B. Method of Measurement. "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;

2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection (B)(1) of this section is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy.

C. Performance Option. The allowable building height may be increased to 55 feet, when approved as part of a conditional use permit. The development approval may require additional setbacks, stepping-down of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height transition between the development and adjacent development. Roof equipment and other similar features, which are necessary to a commercial or industrial operation shall be screened, and may not exceed eight feet in height without approval of a conditional use permit. (Ord. 6-2001 § 1)

#### 19.70.070 Architectural guidelines and standards.

A. Purpose and Applicability. The corridor commercial district architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles. This section applies to all development applications that are subject to site plan review or conditional use permits.

B. Guidelines and Standards. Each of the following standards shall be met. An architectural feature used to comply with more than one standard in this title.



1. Pedestrian-Oriented Design. All buildings shall contribute to the desired pedestrian-friendly character of corridor commercial district buildings. This criterion shall be met by providing all of the architectural features listed in subsections (B)(1)(a) through (d) of this section, along the front building elevation (i.e., facing the street), as applicable.

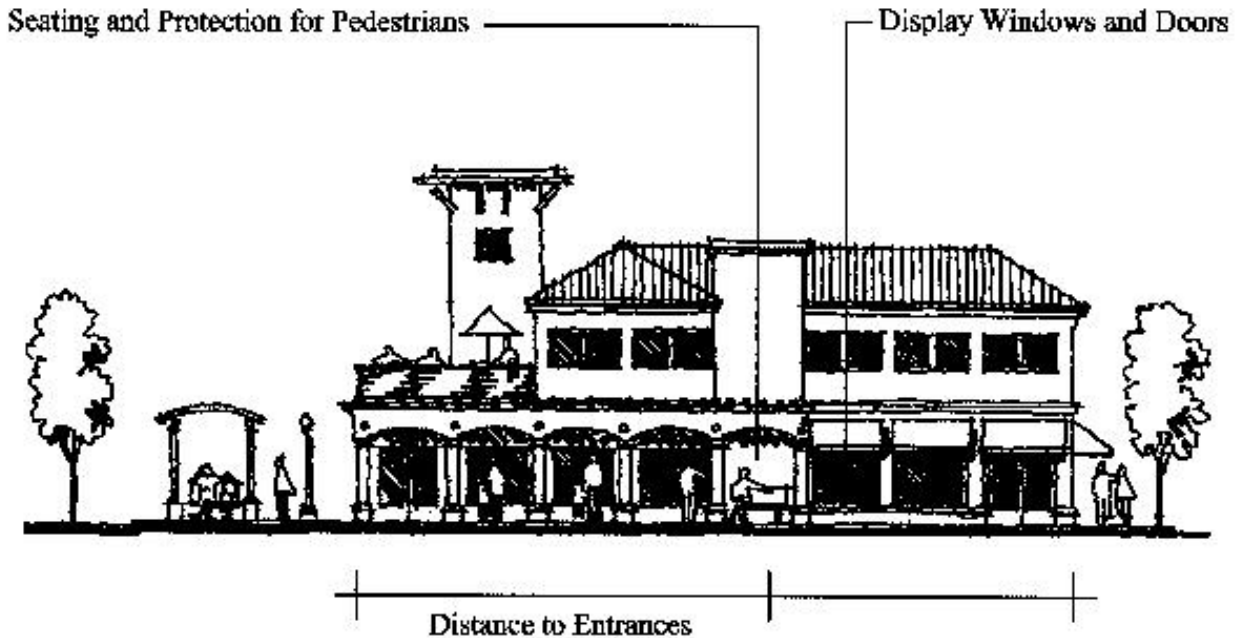
a. Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.

b. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).

c. Large display windows on the ground floor. Bulkheads, piers and a storefront cornice (i.e., separates ground floor from second story) shall frame display windows.

d. Decorative cornice at the top of a building (flat roof); or eaves provided with pitched roof.

Figure 19.70.070.B(2) – Design of Large-Scale Buildings and Developments (Typical)



[Note: the example shown above is meant to illustrate examples of these building design elements, and should not be interpreted as a required architectural style.]

2. Design of Large-Scale Buildings and Developments. The standards in subsection (B)(2)(c) of this section shall apply to large-scale buildings and developments, as defined in subsections (B)(2) (a) and (b) of this section:

a. Buildings with greater than 20,000 square feet of enclosed ground-floor space (i.e., “large-scale”). Multitenant buildings shall be counted as the sum of all tenant spaces within the same building shell;

b. Multiple-building developments with a combined ground-floor space (enclosed) greater than 40,000 square feet (i.e., shopping centers, public/institutional campuses, and similar developments);

c. All large-scale buildings and developments, as defined in subsections (B)(2)(a) and (b) of this section, shall provide human-scale design by conforming to all of the following criteria:

i. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown above. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (i.e., wall-mounted lighting, or up-lighting); and similar features.

ii. Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building entrance, which is open during business hours. Pathways shall connect all entrances to the street right-of-way, in conformance with Chapter [19.162 FMC](#), Access and Circulation, unless waived by the approval authority when the applicant can demonstrate that the building(s) is unable to provide such an entrance because the function of the building and/or the

characteristics of the site do not allow an alternative floor plan or building orientation that could reasonably provide it. (Ord. 6-2001 § 1)

#### 19.70.080 Pedestrian and transit amenities.

A. Purpose and Applicability. This section is intended to complement the building orientation standards in FMC [19.70.050](#), and the street standards in Chapter [19.165](#) FMC, by providing pedestrian spaces within the corridor center commercial district. This section applies to all development applications that are subject to site design review or conditional use permits.

B. Guidelines and Standards. Every development shall provide at least one of the “pedestrian amenities” listed in subsections (B)(1) through (B)(5) of this section. Pedestrian amenities may be provided within a public right-of-way when approved by the applicable jurisdiction.

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of eight feet);
2. Sitting space (i.e., dining area, benches or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width);
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of four feet over a sidewalk or other pedestrian space);
4. Public art which incorporates seating (e.g., fountain, sculpture, etc.);
5. Transit amenity, such as bus shelter or pullout, in accordance with the city’s Transportation System Plan, Sandy Blvd. Corridor Refinement Plan, and guidelines established by Tri-Met. (Ord. 6-2001 § 1)

#### 19.70.090 Special standards for certain uses.

This section supplements the standards contained in FMC [19.70.030](#) through [19.70.080](#). It provides additional standards for the following land uses in order to control the scale and compatibility of those uses within the corridor commercial district:

- Accessory Uses and Structures
- Automobile-Oriented Uses and Facilities
- Sidewalk Displays
- Light Industrial

A. Accessory Uses and Structures. Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the corridor commercial district include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the corridor commercial district, as identified in Table 19.70.020.A. Accessory structures shall comply with the following standards:

1. Primary Use Required. An accessory structure shall not be allowed before or without a primary use.
2. Setback Standards. Accessory structures shall comply with the setback standards in FMC [19.70.030](#), except that the maximum setback provisions shall not apply.
3. Design Guidelines. Accessory structures shall comply with corridor commercial district design guidelines, as provided in FMC [19.70.070](#).
4. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
5. Compliance with Subdivision Standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

B. Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in the corridor commercial district. The standards are intended to provide a vibrant commercial character and encourage walking, bicycling, and transit.

1. Parking, Garages, and Driveways. On corner lots, parking lot or garage entrances shall be oriented to a side street (i.e., away from the more major street), unless topography, ownership patterns or unreasonable expense would make this requirement not practicable.
2. Automobile-Oriented Uses. “Automobile-oriented use” means automobiles and/or other motor vehicles are an integral part of the use. These uses are restricted because, when unrestricted, they detract from the pedestrian-friendly character of the district and can consume large amounts of land relative to other permitted uses. Automobile-oriented uses shall comply with the following standards:

a. Vehicle Repair, Sales, Rental, Storage, Service. Outdoor storage and display for these uses is prohibited unless the use is in a fully enclosed structure.

b. Drive-Up, Drive-In, and Drive-Through Facilities. Drive-up, drive-in, and drive-through facilities (i.e., associated with restaurants, banks, car washes, and similar uses) are permitted only when accessory to a primary commercial “walk-in” use, and shall conform to all of the following standards:

i. The facility receives access from an alley or driveway, and not a street;

ii. None of the drive-up, drive-in, or drive-through facilities (i.e., driveway queuing areas, windows, teller machines, service windows, drop-boxes, and similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a corner); and

iii. The facility is subordinate to a primary permitted use. “Subordinate” means all components of the facility, in total, occupy less street frontage than the primary commercial or public/institutional building.

C. Sidewalk Displays. Sidewalk display of merchandise and vendors shall be limited to cards, plants, gardening/floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians (i.e., non-automobile-oriented). A minimum clearance of five feet shall be maintained. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment, is prohibited.

D. Light Industrial Uses.

1. High Traffic-Generating Uses. Uses which are likely to generate “significant” levels of vehicle traffic (e.g., due to shipping, receiving, and/or customer traffic) shall require a conditional use permit. “Significant traffic” means that the average number of daily trips, or the average number of peak hour trips, on any existing street would increase by 10 percent or greater as a result of the development. The city may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by Oregon Department of Transportation (ODOT) for developments that increase traffic on state highways. The conditional use permit shall include appropriate transportation improvement requirements, as identified by the traffic analysis and/or ODOT, in conformance with Chapter [19.165](#) FMC.

2. Wireless Communication Equipment. Wireless communication equipment, including radio (i.e., cellular), television and similar types of transmission and receiving facilities are permitted, subject to the standards for wireless communication equipment in Chapter [19.245](#) FMC. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the corridor commercial district. (Ord. 6-2001 § 1)

## Chapter 19.80 LIGHT INDUSTRIAL (LI) DISTRICT

### Sections:

<a href="#">19.80.010</a>	Purpose.
<a href="#">19.80.020</a>	Permitted land uses.
<a href="#">19.80.030</a>	Development setbacks.
<a href="#">19.80.040</a>	Lot coverage.
<a href="#">19.80.050</a>	Building height.
<a href="#">19.80.060</a>	Building orientation.
<a href="#">19.80.070</a>	Architectural guidelines and standards.
<a href="#">19.80.080</a>	Special standards for certain uses.

### 19.80.010 Purpose.

The light industrial district accommodates a range of light manufacturing, industrial-office uses, automobile-oriented uses (e.g., lodging, restaurants, auto-oriented retail), and similar uses which are not appropriate in the town center areas. The district's standards are based on the following principles:

- A. To ensure efficient use of land and public services;
- B. To provide a balance between jobs and housing, and encourage mixed use development;
- C. To provide transportation options for employees and customers;
- D. To provide business services close to major employment centers;
- E. To ensure compatibility between industrial uses and nearby residential areas;
- F. To provide appropriately zoned land with a range of parcel sizes for industry;
- G. To provide for automobile-oriented uses, while preventing strip-commercial development in highway corridors. (Ord. 6-2001 § 1)

### 19.80.020 Permitted land uses.

A. Permitted Uses. The land uses listed in Table 19.80.020.A are permitted in the light industrial district, subject to the provisions of this chapter. Only land uses which are specifically listed in Table 19.80.020.A, and land uses which are approved as "similar" to those in Table 19.80.020.A, may be permitted. The land uses identified with a "CU" in Table 19.80.020.A require conditional use permit approval prior to development or a change in use.

Table 19.80.020.A  
Land Use Types Permitted in the Light Industrial District

<p>1. Industrial*</p> <p>a. Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods)</p> <p>b. Laboratories</p> <p>c. Warehousing and distribution</p> <p>d. Mini-warehouse and storage</p> <p>e. Similar uses</p> <p>2. Commercial*</p> <p>a. Automobile-oriented uses (vehicle repair, sales, rental,</p>	<p>f. Outdoor commercial uses (e.g., outdoor storage, sales and display) (CU)</p> <p>g. Personal and professional services (e.g., child care, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses) (CU)</p> <p>h. Repair services (CU)</p>	<p>3. Civic and Semi-Public Uses (CU)*</p> <p>a. Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities)</p> <p>b. Utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)</p> <p>c. Special district facilities (e.g., irrigation district, and similar</p>
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storage, service; drive-up, drive-in, and drive-through facilities; and similar uses) (CU)	i. Retail trade and services, not exceeding 5,000 square feet of floor area per building	facilities)
b. Delicatessen shop (CU)	j. Wholesale trade and services, not exceeding 5,000 square feet of floor area per building	d. Trade or commercial schools
c. Entertainment (e.g., theaters, amusement uses) (CU)	k. Professional, executive and administrative offices (CU)	e. Churches
d. Hotels and motels (CU)	l. Uses similar to those listed above (CU)	f. Uses similar to those listed above
e. Medical and dental clinics and laboratories (CU)		4. Accessory Uses
		5. Wireless Communication Equipment (CU)*

Land uses with an asterisk (\*) are subject to the standards in FMC [19.80.080](#).  
Items with a CU require a conditional use permit subject to the procedure and standards in Chapter [19.440](#) FMC, Conditional Use Permits.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter [19.480](#) FMC, Code Interpretations.

C. Only uses specifically listed in Table 19.80.020.A, and uses similar to those in Table 19.80.020.A, are permitted in this district. The following uses are expressly prohibited: new housing, and similar facilities, and nonvocational schools. (Ord. 6-2001 § 1)

#### 19.80.030 Development setbacks.

Development setbacks provide building separation for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. Building setbacks are measured from the building foundation to the respective property line.

A. Front Setbacks. The minimum front building setback shall be none, except that additional setback may be required to provide for planned widening of an adjacent street.

B. Rear Setbacks. There is no required rear setback, except that buildings shall be setback from the residential district by a minimum of 20 feet.

C. Side Setbacks. There are no required side setbacks, except that buildings shall be set back from the residential district by a minimum of 20 feet.

D. Other Requirements.

1. Buffering. A 20-foot minimum buffer zone shall be required between development and any adjacent residential district. The buffer zone shall provide landscaping to screen parking, service and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in Chapter [19.163](#) FMC may require buffering other situations, as well.

2. Neighborhood Access. Construction of pathway(s) and fence breaks in setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Chapter [19.162](#) FMC, Access and Circulation.

3. Building and Fire Codes. All developments shall meet applicable fire and building code standards, which may require greater setbacks than those listed above (e.g., for combustible materials, etc.). (Ord. 6-2001 § 1)

#### 19.80.040 Lot coverage.

The maximum allowable lot coverage in the light industrial district is 85 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures, as a percentage of total lot area. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses. (Ord. 6-2001 § 1)

#### 19.80.050 Building height.

The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

A. Base Requirement. Buildings shall be no more than three stories or 45 feet in height, whichever is greater.

B. Performance Option. The allowable building height may be increased to 55 feet, when approved as part of a conditional use permit. The development approval may require additional setbacks, stepping-down of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height transition between the development and adjacent non-industrial development. Roof equipment and other similar features which are necessary to the industrial operation shall be screened, and may not exceed eight feet in height without approval of a conditional use permit.

C. Method of Measurement. "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection A of this section is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features which are not for human occupancy. (Ord. 6-2001 § 1)

#### 19.80.060 Building orientation.

All of the following standards shall apply to new development within the light industrial district in order to reinforce streets as public spaces and encourage alternative modes of transportation, such as walking, bicycling and use of transit.

A. Building Entrances. All buildings shall have a primary entrance oriented to a street. "Oriented to a street" means that the building entrance faces the street, or is connected to the street by a direct and convenient pathway not exceeding 30 feet in length. Streets used to comply with this standard may be public streets, or private streets that contain sidewalks and street trees, in accordance with the design standards in Chapter [19.163 FMC](#).

B. Corner Lots. Buildings on corner lots shall have their primary entrance oriented to the street corner, or within 15 feet of the street corner (i.e., as measured from the lot corner). In this case, the street corner shall provide an extra-wide sidewalk or plaza area with landscaping, seating or other pedestrian amenities. The building corner shall provide architectural detailing or beveling to add visual interest to the corner.

C. Pathway Connections. Pathways shall be placed through setbacks as necessary to provide direct and convenient pedestrian circulation between developments and neighborhoods. Pathways shall conform to the standards in Chapter [19.162 FMC](#).

D. Arterial Streets. When the only street abutting a development is an arterial street, the building's entrance (s) may be oriented to an internal drive. The internal drive shall provide a raised pathway connecting the building entrances to the street right-of-way. The pathway shall conform to the standards in Article III of this title.

E. Buffers. The city may require a 30-foot landscape buffer (including berms, noise abatement structure, sound wall, etc.) between development in the light industrial district and adjacent residential district(s) to reduce light, glare, noise, and aesthetic impacts.

F. Commercial Developments. Commercial buildings and uses comprising more than 40,000 square feet of total ground-floor building space shall additionally conform to the block layout and building orientation standards for the town center commercial district, as contained in FMC [19.65.050](#). (Ord. 6-2001 § 1)

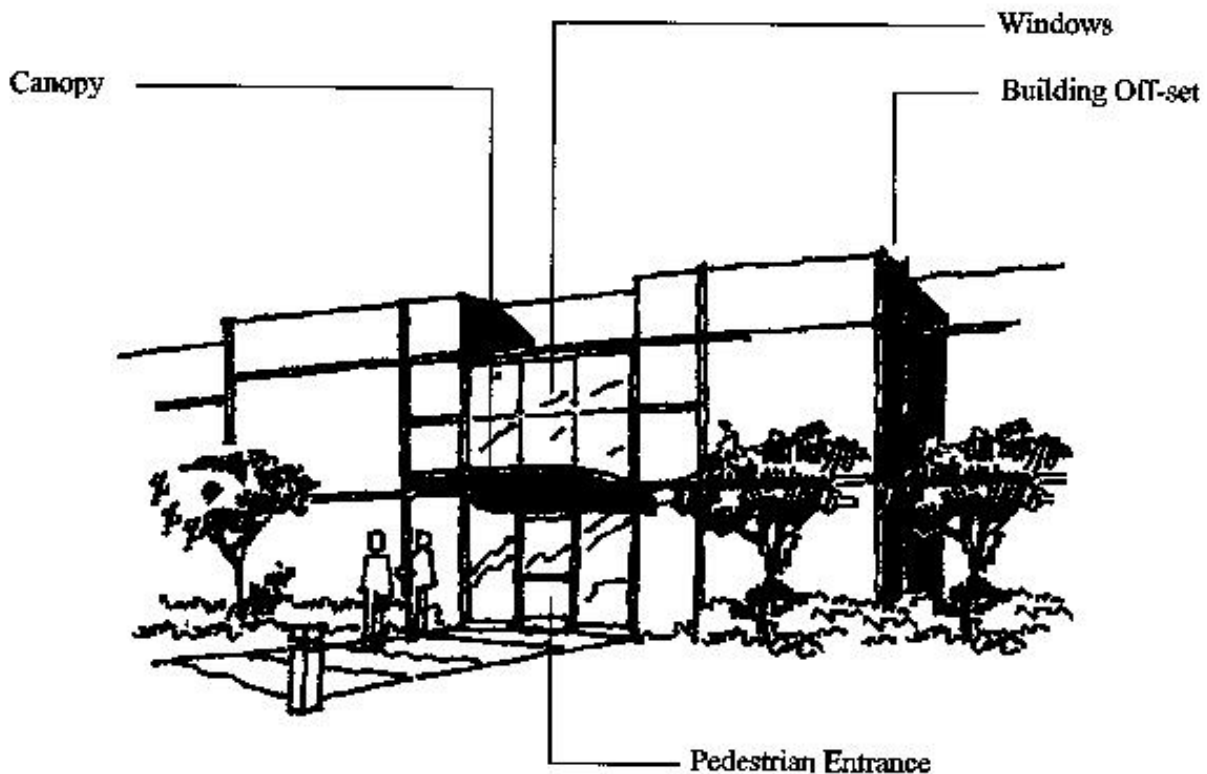
#### 19.80.070 Architectural guidelines and standards.

All developments in the light industrial district shall be evaluated during site design review for conformance with the criteria in subsections A and B of this section.

A. Building Mass. Where building elevations are oriented to the street in conformance with FMC [19.80.060](#), architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials or similar features, shall be used to break up and articulate large building surfaces and volumes.

B. Pedestrian-Scale Building Entrances. Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian-scale.

Figure 19.80.070.A – Architectural Features (Typical)



[Note: the example shown above is meant to illustrate typical building design elements, and should not be interpreted as a required architectural style.]

(Ord. 6-2001 § 1)

19.80.080 Special standards for certain uses.

A. High Traffic-Generating Uses. Uses which are likely to generate “significant” levels of vehicle traffic (e.g., due to shipping, receiving, and/or customer traffic) shall require a conditional use permit, in accordance with FMC [19.80.020\(A\)](#). “Significant traffic” means that the average number of daily trips, or the average number of peak hour trips, on any existing street would increase by 10 percent or greater as a result of the development. The city may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by Oregon Department of Transportation (ODOT) for developments that increase traffic on state highways. The conditional use permit shall include appropriate transportation improvement requirements, as identified by the traffic analysis, in conformance with Chapter [19.165](#) FMC.

B. Wireless Communication Equipment. Wireless communication equipment, including radio (i.e., cellular), television and similar types of transmission and receiving facilities are permitted, subject to the standards for wireless communication equipment in Chapter [19.245](#) FMC. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the light industrial district.

C. Watchperson’s Quarters. To be occupied by no more than two people, not to exceed 1,000 square feet in size, and such permit shall be renewed annually by the planning commission. In addition, use of the watchperson’s quarters, if approved, would be permitted only as long as the site need exists, with the assumption, rebuttable, that if the concerned area and use was no longer operational, the need would cease and be cause for revocation of permit. (Ord. 6-2001 § 1)

## Chapter 19.85 GENERAL INDUSTRIAL (GI) DISTRICT

### Sections:

- [19.85.010](#) Purpose.
- [19.85.020](#) Permitted land uses.
- [19.85.030](#) Development setbacks.
- [19.85.040](#) Lot coverage.
- [19.85.050](#) Development orientation.
- [19.85.060](#) Building height.
- [19.85.070](#) Special standards for certain uses.

### 19.85.010 Purpose.

This district is intended for a broad range of uses, which can be located in areas where they do not directly affect the livability of residential neighborhoods and the quality and viability of commercial areas in the city. This district provides for the normal operation of an industry, which can meet and maintain the standards set in this section in order to reasonably protect nearby residential and commercial districts. The general industrial district accommodates a range of light and heavy industrial land uses. It is intended to segregate incompatible developments from other districts, while providing a high-quality environment for businesses and employees. This chapter guides the orderly development of industrial areas based on the following principles:

- A. Provide for efficient use of land and public services;
- B. Provide transportation options for employees and customers;
- C. Provide appropriate design standards to accommodate a range of industrial users, in conformance with the Comprehensive Plan. (Ord. 6-2001 § 1)

### 19.85.020 Permitted land uses.

A. Permitted Uses. The land uses listed in Table 19.85.020.A are permitted in the general industrial district, subject to the provisions of this chapter. Only land uses which are specifically listed below, and land uses which are approved as “similar” to those listed below, may be permitted. The land uses identified with a “CU” in Table 19.85.020.A require conditional use permit approval prior to development or a change in use.

Table 19.85.020.A

### Land Uses Types Permitted in the General Industrial District

<p>1. Industrial*</p> <p>a. Heavy manufacturing, assembly, and processing of raw materials (CU)</p> <p>b. Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods)</p> <p>c. Warehousing and distribution</p> <p>d. Junk yard, motor vehicle wrecking yards, and similar uses</p> <p>e. Columbia River industrial uses north of Marine Drive</p>	<p>a. Retail and commercial service uses up to 5,000 square feet in gross floor area (e.g., convenience market, small restaurant, secondary use for wholesaler, similar use)</p> <p>4. Community Services/Parks Uses (CU)*</p> <p>a. Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities where the</p>	<p>5. Wireless Communication Equipment – subject to the standards in Chapter <a href="#">19.245</a> FMC</p> <p>6. Accessory Uses and Structures</p> <p>7. Uses Requiring Groundwater Protection Compliance</p> <p>a. Machine shop with drop hammer or punch press</p> <p>b. Dry cleaning or dyeing using explosive materials</p> <p>c. Enameling and metal coating (galvanizing)</p>
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<p>f. Uses similar to those listed above</p> <p>2. Residential* One caretaker unit shall be permitted for each development, subject to the standards in FMC <a href="#">19.85.070</a>(B). Other residential uses are not permitted, except that residences existing prior to the effective date of this code may continue, subject to the requirements for nonconforming uses and developments</p> <p>3. Commercial (CU) Offices and other commercial uses are permitted when they are integral to a primary pre-existing or concurrently established industrial use (e.g., administrative offices, wholesale of goods produced on location, and similar uses).</p>	<p>public is generally not received)</p> <p>b. Private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)</p> <p>c. Passive open space (e.g., natural areas)</p> <p>d. Special district facilities (e.g., irrigation district, and similar facilities)</p> <p>e. Vocational schools co-located with parent industry or sponsoring organization</p> <p>f. Uses similar to those listed above</p>	<p>d. Ornamental metal works</p> <p>e. Welding or sheet metal shop and other manufacturing of a similar nature</p> <p>f. Any other uses, including similar to those listed in FMC <a href="#">19.85.020</a>, as may be determined by the city to pose a high potential risk to the ground and surface water resources</p> <p>g. All uses occurring within the city's groundwater protection area</p>
<p>Land uses with an asterisk (*) are subject to the standards in FMC <a href="#">19.85.070</a>, Special standards for certain uses.</p> <p>Conditional Uses (CU) shall require a conditional use permit when they generate significant noise, light/glare, dust and vibration impacts, or traffic; or when they include resource extraction.</p>		

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter [19.480](#) FMC, Code Interpretations.

C. Land Uses Prohibited in General Industrial District. Only uses specifically listed in Table 19.85.020.A, and uses similar to those in Table 19.85.020.A, are permitted in this district. The following uses are expressly prohibited: new housing, churches and similar facilities and schools. (Ord. 6-2001 § 1)

19.85.030 Development setbacks.

Development setbacks provide separation between industrial and nonindustrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.

A. Front, Side and Rear Setbacks.

1. None, unless the property abuts a parcel of land in a more restrictive manufacturing district (i.e., LI), or a commercial district, in which case the requirements of the abutting property shall apply. If an established building line exists, the setback may be the same as the established building line following approval by the planning commission.

2. If any use in this district abuts or faces any residential zone, a setback of 50 feet on the side abutting or facing the residential district may be required.

3. Setbacks for Insufficient Right-of-Way. Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Plan and applicable ordinances and standards.

B. Other Requirements.

1. Buffering. The city may require landscaping, walls or other buffering in setback yards to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent properties.

2. Neighborhood Access. Construction of pathway(s) within setbacks may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Chapter [19.162](#) FMC, Access and Circulation.

3. Building and Fire Codes. All developments shall meet applicable fire and building code standards, which

may require setbacks different from those listed above (e.g., combustible materials, etc.).

4. Groundwater Protection. All development shall meet the standards for the groundwater protection area. (Ord. 6-2001 § 1)

19.85.040 Lot coverage.

The maximum allowable lot coverage in the general industrial district is 85 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses. (Ord. 6-2001 § 1)

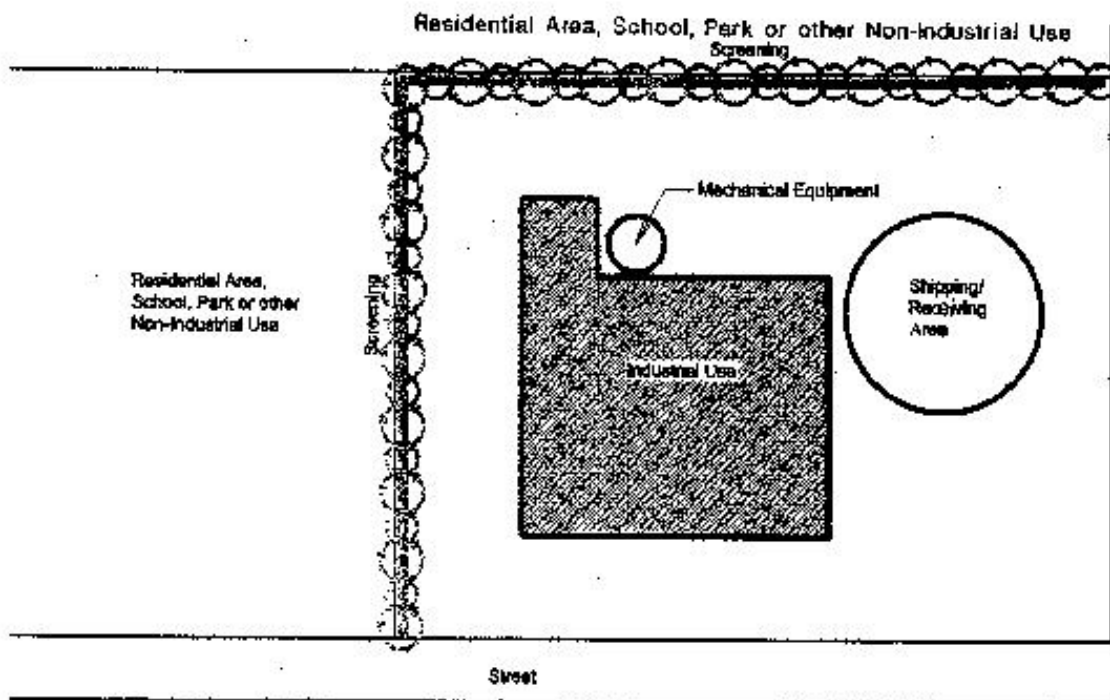
19.85.050 Development orientation.

Industrial developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and protect the privacy of adjacent uses to the extent possible. The following standards shall apply to all development in the general industrial district:

A. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other nonindustrial areas to the maximum extent practicable; and

B. The city may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof) to mitigate adverse impacts that cannot be avoided through building orientation standards alone.

Figure 19.85.050 – Industrial Development Orientation



(Ord. 6-2001 § 1)

19.85.060 Building height.

The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

A. Base Requirement. Buildings shall be no more than three stories or 45 feet in height, whichever is greater, and shall comply with the building setback standards in FMC [19.85.030](#).

B. Performance Option. The allowable building height may be increased to 55 feet, when approved as part of a conditional use permit. The development approval may require additional setbacks, stepping-down of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height

transition between industrial development and adjacent nonindustrial development. Smoke stacks, cranes, roof equipment, and other similar features which are necessary to the industrial operation may not exceed 20 feet in height without approval of a conditional use permit.

C. Method of Measurement. "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection (C)(1) of this section is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features which are not for human occupancy. (Ord. 6-2001 § 1)

19.85.070 Special standards for certain uses.

A. Uses With Significant Noise, Light/Glare, Dust, Vibration, or Traffic Impacts. The following uses shall require conditional use permit approval, in addition to development review or site design review:

1. Uses with Significant Noise, Light/Glare, Dust and Vibration Impacts. Uses which are likely to create significant adverse impacts beyond the industrial district boundaries, such as noise, light/glare, dust, or vibration, shall require conditional use approval, in conformance with Article IV of this title. The following criteria shall be used in determining whether the adverse impacts of a use are likely to be "significant":
  - a. Noise. The noise level beyond the property line exceeds 65 dBA (24-hour average) on a regular basis.
  - b. Light/Glare. Lighting and/or reflected light from the development exceeds ordinary ambient light and glare levels (i.e., levels typical of the surrounding area).
  - c. Dust and/or Exhaust. Dust and/or exhaust emissions from the development exceeds ambient dust or exhaust levels, or levels that existed prior to development.
2. Traffic. Uses which are likely to generate unusually high levels of vehicle traffic due to shipping and receiving. "Unusually high levels of traffic" means that the average number of daily trips on any existing street would increase by 10 percent or more as a result of the development. The city may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by ODOT for developments that increase traffic on state highways.
3. Resource extraction, such as the operation of mineral and aggregate quarries and similar uses, shall require a conditional use permit in conformance with Article IV of this title. The applicant shall also be required to prepare a site reclamation plan for review and approval by the city and other affected agencies, prior to commencing resource extraction. The required scope of the reclamation plan shall be identified by the conditional use permit, and shall comply with applicable requirements of state natural resource regulatory agencies.

B. Residential Caretakers. One residential caretaker unit shall be permitted for each primary industrial use, subject to the following conditions:

1. The unit shall be served with public water and sanitary sewerage disposal, in conformance with city engineering requirements.
2. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter.

C. Wireless Communication Equipment. Wireless communication equipment includes radio (i.e., cellular), television and similar types of transmission and receiving facilities. The requirements for wireless communication equipment are provided in Chapter [19.245 FMC](#). Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the general industrial district.

D. Columbia River Uses Located North of Marine Drive.

1. Lot Coverage. The maximum allowable lot coverage in the general industrial district is 90 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures. Compliance with other sections of this code

may preclude development of the maximum lot coverage for some land uses.

2. Building Height. The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

a. Base Requirement. Buildings shall be no more than 60 feet in height, and shall comply with the building setback/height standards in FMC [19.85.030](#), unless subject to additional standards in the airport overlay zone.

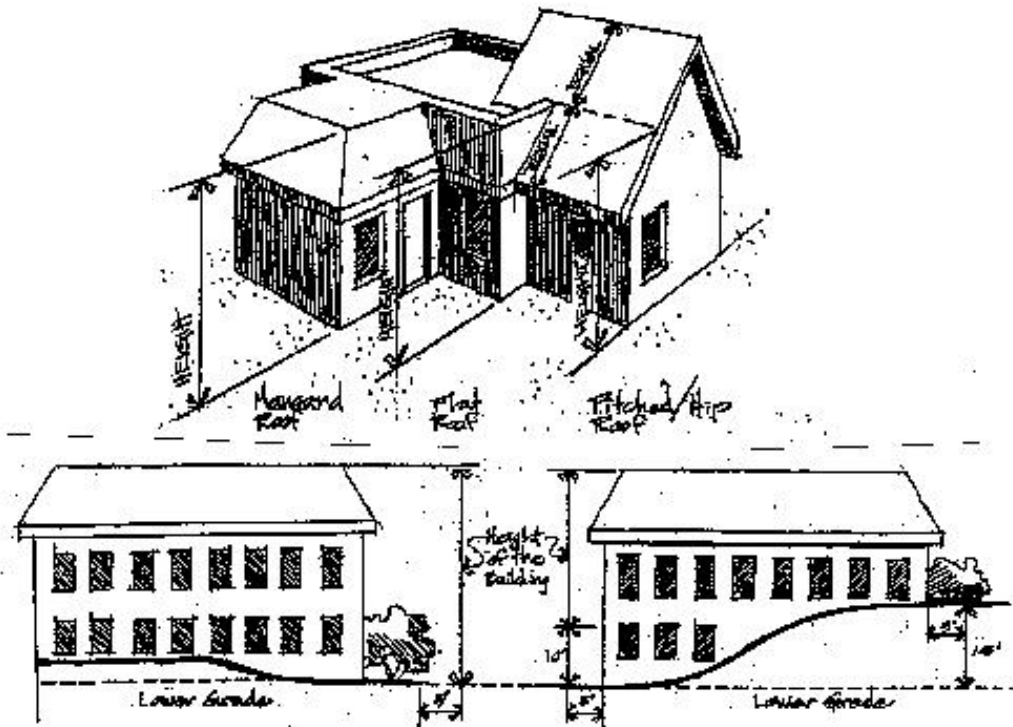
b. Performance Option. The allowable building height may be increased to 70 feet, when approved as part of a conditional use permit. The development approval may require additional setbacks, stepping-down of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height transition between industrial development and adjacent non-industrial development. Smoke stacks, cranes, roof equipment, and other similar features, which are necessary to the industrial operation, may not exceed 20 feet in height without approval of a conditional use permit.

c. Method of Measurement. "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

i. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;

ii. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection (D)(2)(c)(i) of this section is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features which are not for human occupancy.

Figure 19.85.070 – Building Height Measurement (Composite of Several Roof Forms)



(Ord. 6-2001 § 1)

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## Chapter 19.95 AIRPORT OVERLAY

### Sections:

- [19.95.010](#) Uses.
- [19.95.020](#) Purpose.
- [19.95.030](#) Compliance.
- [19.95.040](#) Special definitions.
- [19.95.050](#) Permitted uses within the airport approach surface zone.
- [19.95.060](#) Conditional uses within the airport surface zone.
- [19.95.070](#) Procedures.

#### 19.95.010 Uses.

Uses permitted in the airport overlay district are any permitted in the zoning district in which the land is located, except as hereinafter provided. (Ord. 6-2001 § 1)

#### 19.95.020 Purpose.

In order to carry out the provisions of this overlay zone, there are hereby created and established certain zones which include all of the land lying beneath the airport imaginary surfaces as they apply to the city of Fairview. Such zones are shown on the current airport approach and clear zone map, prepared by Oregon State Aeronautics Division.

This overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of Fairview and Multnomah County. (Ord. 6-2001 § 1)

#### 19.95.030 Compliance.

In addition to complying with the provisions of the primary zoning district, uses and activities shall comply with the provisions of this overlay zone. In the event of any conflict between any provisions of this overlay zone and the primary zoning district, the more restrictive provisions shall apply. (Ord. 6-2001 § 1)

## 19.95.040 Special definitions.

A. "Airport approach safety zone" means a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach surface is the same width as the primary surface and extends to a width of: 1,250 feet for a utility runway having only visual approaches; 2,500 feet for a runway other than a utility runway having only visual approaches; 2,000 feet for a utility runway having a nonprecision instrument approach; and 3,500 feet for a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile. The airport approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet for each one foot upward (20:1) for all utility and visual runways and 10,000 feet at a slope of 34 feet for each one foot upward (34:1) for all nonprecision instrument runways other than utility.

B. "Airport hazard" means any structure, tree or use of land, which exceeds height limits established by the airport imaginary surfaces.

C. "Airport imaginary surfaces" means those imaginary areas in space which are defined by the airport approach safety zone, transitional zone, horizontal zone, clear zone and conical surface and in which any object extending above these imaginary surfaces is an obstruction.

D. "Clear zone" extends from the primary surface to a point where the approach surface is 50 feet above the runway and elevation.

E. "Conical surface" extends one foot upward for each 20 feet outward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the primary surface of each visual and utility at 150 feet above the airport elevation) and upward extending to a height of 350 feet above the airport elevation.

F. "Horizontal surface" means a horizontal plane of 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the primary surface of each visual or utility runway and 10,000 feet from the center of each of the primary surface of all other runways connecting the adjacent arcs by lines tangent to those arcs.

G. "Noise impact" means noise levels exceeding 55 Ldn.

H. "Place of public assembly" means a structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.

I. "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is 250 feet for utility runways having only visual approaches, 500 feet for utility runways having

nonprecision instrument approaches and 500 feet for other than utility runways.  
J. "Transitional zones" extend one foot upward for each seven feet outward (7:1) beginning on each side of the primary surfaces which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (horizontal surface).

K. "Utility runway" means a runway is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less. (Ord. 6-2001 § 1)

19.95.050 Permitted uses within the airport approach surface zone.

A. Farm uses, excluding the raising and feeding of animals, which would be adversely affected by aircraft passing overhead.

B. Landscape nursery, cemetery or recreational areas, which do not include buildings or structures.

C. Roadways, parking areas and storage yards located in such manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in anyway impair visibility in the vicinity of the land approach surfaces must clear these areas by a minimum of 15 feet.

D. Pipeline.

E. Underground utility wire.

F. Single-family dwellings, mobile homes, duplexes and multifamily dwellings. (Ord. 6-2001 § 1)

19.95.060 Conditional uses within the airport surface zone.

A. A structure or building accessory to a permitted use.

B. Commercial and industrial uses, when authorized in the primary zoning district; provided the use does not result in the following:

1. Creating electrical interference with navigational signals or radio communication between the airport and aircraft.
2. Making it difficult for pilots to distinguish between airport lights or others.
3. Impairing visibility.
4. Creating bird strike hazards.
5. Endangering or interfering with the landing, taking off or maneuvering of aircraft intending to use the airport.
6. Attracting large number of people.

C. Buildings and uses of public works, public service or public utility nature. (Ord. 6-2001 § 1)

19.95.070 Procedures.

A. To meet the standards and reporting requirements established in FAA

Regulations, Part 77, no structure shall penetrate into the airport imaginary surfaces.

B. No place of public assembly shall be permitted in the airport approach safety zone.

C. No structure or building shall be allowed within the clear zone.

D. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitations fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.

E. No glare producing materials shall be used on the exterior of any structure located within the airport approach safety zone. (Ord. 6-2001 § 1)





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## Chapter 19.100 SIGNIFICANT ENVIRONMENTAL CONCERN OVERLAY

### Sections:

<a href="#">19.100.010</a>	Purpose.
<a href="#">19.100.020</a>	Area affected.
<a href="#">19.100.030</a>	SEC permit required.
<a href="#">19.100.040</a>	Exceptions.
<a href="#">19.100.050</a>	Application for SEC permit.
<a href="#">19.100.060</a>	SEC permit – Required findings.
<a href="#">19.100.070</a>	Decision by planning commission.
<a href="#">19.100.080</a>	Scope of conditions.
<a href="#">19.100.090</a>	Criteria for approval of SEC permit.

#### 19.100.010 Purpose.

It is the purpose of the significant environmental concern designation to protect and conserve valuable cultural areas, wetlands, riparian and upland wildlife habitat areas, and ecologically and scientifically significant natural areas while permitting appropriate development activities when carried out in a sensitive manner with minimal impacts on identified natural resource values. (Ord. 6-2001 § 1)

#### 19.100.020 Area affected.

This section shall apply to those lands designated SEC on the natural areas protected by the significant environmental concern overlay map in the Fairview Comprehensive Plan. (Ord. 11-2006 § 1; Ord. 6-2001 § 1)

#### 19.100.030 SEC permit required.

All uses permitted under the provision of the underlying zone are permitted on lands designated SEC or listed as having a culturally significant site; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in FMC [19.100.040](#), shall be subject to an SEC permit. Where an activity requires a permit or other approval from the state or other government entity, the applicant is encouraged to obtain final approval prior to submitting an application for an SEC permit. (Ord. 6-2001 § 1)

#### 19.100.040 Exceptions.

An SEC permit shall not be required for the following:

- A. Existing farm use, including accessory buildings and structures.
- B. Activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands.
- C. The expansion of capacity or the replacement of existing communication or energy distribution and transmission systems, except substations.
- D. The maintenance and repair of existing flood control facilities.
- E. Uses legally existing on the effective date of the ordinance codified in this title; provided, however, that any change or alteration of such use shall require an SEC permit as provided herein. (Ord. 6-2001 § 1)

#### 19.100.050 Application for SEC permit.

An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC shall address the applicable criteria for approval and shall be filed with the city with the appropriate fees to be heard by the Fairview planning commission.

Applications for extraction of aggregates and minerals, depositing of dredge spoils and similar activities must, where applicable, include a copy of any necessary approval(s) from the Department of Environmental Quality regarding any applicable standards for water quality, noise, vibration and toxic or noxious matter as well as a copy of any necessary approval(s) from the Oregon Department of Geology and Mineral Industries for surface mining operations. Where such approvals are subject to conditions, the applicant shall provide a statement regarding compliance with those conditions. Where final approval is not obtained prior to submitting the application, the applicant will provide a statement from the relevant jurisdiction or other evidence that such approval is feasible. (Ord. 6-2001 § 1)

#### 19.100.060 SEC permit – Required findings.

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of the SEC zone and with the criteria for approval specified in FMC [19.100.090](#). (Ord. 6-2001 § 1)

#### 19.100.070 Decision by planning commission.

- A. A decision on an SEC permit application shall be made by the planning commission.
- B. The planning commission may approve or deny the proposal or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan and necessary to assure compatibility with FMC [19.100.090](#). (Ord. 6-2001 § 1)

### 19.100.080 Scope of conditions.

A. Conditions of approval of an SEC permit, if any, shall be designed to bring the application into conformance with the applicable policies of the Comprehensive Plan. Said conditions may relate to the locations, design and maintenance of existing and proposed improvements, including but not limited to buildings, structures and use areas, parking, pedestrian and vehicular circulation and access, natural vegetation and landscaped areas, fencing, screening and buffering, excavations, cuts and fills, signs, graphics, and lighting.

B. Approval of an SEC permit shall be deemed to authorize associated public utilities, including energy and communication facilities. (Ord. 6-2001 § 1)

### 19.100.090 Criteria for approval of SEC permit.

A. Open space and existing vegetation shall be maintained for scenic and aesthetic enhancement in any SEC designated area. New landscaping shall be provided as specified in FMC [19.106.040](#), Construction standards.

B. The cutting of trees, including commercial forestry as regulated under the Oregon Forest Practices Act, shall be conducted in a manner which will ensure that the natural, scenic and watershed qualities will be maintained, and shall comply with the following provisions:

1. A tree preservation plan must be submitted at the time an application is submitted for a design review, subdivision, minor partition or other permit which involves review of a site development plan. The plan must show all individual trees with a diameter of six inches or greater at four feet above grade. As an option to showing individual trees in areas not being disturbed, the crown cover outline of trees can be shown. Trees to be removed must be shown as such on the plan.

2. The plan must show replacement trees based on a one-for-one (or more) replacement for each tree being removed. Replacement trees shall be a native species and conifers. The minimum tree size at time of planting shall be a one and one-half inch caliper for deciduous trees and a height of six feet for conifer trees.

3. The location of buildings, parking areas, driveways, and other structures shall not displace more than 50 percent of the trees on sites proposed for development. Techniques such as the planned development process and density transfer will be considered as a means to locate development around such areas. The variance process can be used to offer flexibility in building setbacks.

C. To be sited in a SEC area the building, structure or use must demonstrate no practicable alternative exists for placement.

D. Public recreation needs shall comply with the adopted open space/parks plan, and construction of community recreational facilities shall be consistent with the following standards:

1. There is no disturbance of any significant vegetation unless previously

granted permit approval by the approval of a parks master plan.

2. There is no excavation, fill, or change in the topography of the SEC site.

3. Only public facilities or equipment will be located on the SEC site.

4. Pedestrian trails are permitted subject to the following criteria:

a. Construction must take place between May 1st and October 30th.

b. Trail construction must leave no scars greater than three inches in diameter on live parts of native plants.

c. Trails must not be placed between the top of bank and a water body or stream.

E. The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be addressed by providing either a sight-obscuring, evergreen landscape screen measuring six feet in height at time of planting, or sight-obscuring fencing measuring six feet in height at time of construction.

F. Displacement of significant wildlife habitats having a Wildlife Habitat Assessment rating of 60 or higher as documented in the Comprehensive Plan or determined by a professional wildlife biologist shall not exceed 25 percent of the habitat area.

G. Except as permitted under Chapter [19.106](#) FMC (Wetlands and Riparian Buffer Overlay District), the natural vegetative fringe along SEC designated lakes and streams shall be preserved to assure scenic quality and prevention of erosion.

H. Buildings, structures and sites of historic significance shall be preserved, protected, enhanced, restored, and/or maintained with issuance of the SEC permit.

I. Archeological sites shall be preserved for their historic, scientific and cultural value and protected from vandalism or unauthorized entry or, where preservation is not practical, inventoried.

J. Development activity within SEC areas shall be the minimum necessary to allow lawful use of the overall site, as determined by the planning commission at the time of review, and based up the standards and purposes of this chapter.

K. Areas of erosion or potential erosion shall be protected from loss according to provisions specified in the city's erosion control ordinance.

L. An area identified in the Comprehensive Plan as a fragile or endangered plant habitat, or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in its natural state.

M. The Comprehensive Plan policies which pertain to natural resource sites shall be satisfied. (Ord. 6-2001 § 1)

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## Chapter 19.105 FLOODPLAIN OVERLAY

### Sections:

<a href="#">19.105.010</a>	Purpose.
<a href="#">19.105.020</a>	Area affected.
<a href="#">19.105.030</a>	Compliance.
<a href="#">19.105.040</a>	Procedures.
<a href="#">19.105.050</a>	Permitted uses.
<a href="#">19.105.060</a>	Conditional uses.
<a href="#">19.105.070</a>	Prohibited uses.
<a href="#">19.105.090</a>	Performance standards.

#### 19.105.010 Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. (Ord. 6-2001 § 1)

#### 19.105.020 Area affected.

This section shall apply to all areas designated as areas of special flood hazard by the federal insurance administration on its current flood hazard boundary map (FHBM), applicable to and including all areas within the boundaries of the city of Fairview or more current information such as Metro flood management maps, if demonstrated to be accurate. (Ord. 6-2001 § 1)

#### 19.105.030 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of Chapter [16.05](#) FMC. (Ord. 6-2001 § 1)

#### 19.105.040 Procedures.

A development permit shall be obtained before construction or development begins within any area of special flood hazard. Requirements for the permit as well as specific and general standards are outlined in Chapter [16.05](#) FMC. (Ord. 6-2001 § 1)

#### 19.105.050 Permitted uses.

The following uses are permitted outright:

- A. Excavation and fill required to plant any new trees or vegetation.
- B. Restoration or enhancement of floodplains, riparian areas, upland and streams. (Ord. 6-2001 § 1)

#### 19.105.060 Conditional uses.

The following uses are permitted conditionally:

- A. All uses allowed in the base zone or existing flood hazard overlay zone. (Ord. 6-2001 § 1)

#### 19.105.070 Prohibited uses.

The following uses are not permitted:

- A. Any use otherwise prohibited in the base zone or existing flood hazard overlay zone.
- B. Any uncontained area of hazardous materials as defined by DEQ. (Ord. 6-2001 § 1)

#### 19.105.090 Performance standards.

- A. Any development should maintain or increase the capacity of the flood management area.
- B. All fill placed at or below design flood elevation shall be balanced with at least an equal amount of soil material removal.
- C. Excavation of areas that would be filled with water in non-stormwater conditions is not to be counted as part of the floodplain balance referenced in subsection B of this section.
- D. Temporary fills permitted during construction shall be removed in a timely manner. (Ord. 6-2001 § 1)

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## Chapter 19.106 WETLANDS AND RIPARIAN BUFFER OVERLAY

### Sections:

<a href="#">19.106.010</a>	Purpose and objectives.
<a href="#">19.106.020</a>	Definitions.
<a href="#">19.106.030</a>	Riparian buffer.
<a href="#">19.106.040</a>	Construction standards.
<a href="#">19.106.050</a>	Application required.
<a href="#">19.106.060</a>	Permit procedure for unlisted uses.
<a href="#">19.106.070</a>	Floodplain ordinance.
<a href="#">19.106.080</a>	Emergency exemption.
<a href="#">19.106.090</a>	Fairview Creek maintenance – Emergency procedure.
<a href="#">19.106.100</a>	Fairview Creek maintenance – Property owner liability.
<a href="#">19.106.110</a>	Drainage district exemption.
<a href="#">19.106.120</a>	Penalty.

### 19.106.010 Purpose and objectives.

A. The city has, during its continuing review, investigation and development of appropriate regulation and guidelines to promote the application and utilization of the city's Comprehensive Plan, determined that the city's major water features of the Columbia River and the Fairview Creek Watershed: Fairview Creek, Osburn Creek, No Name Creek, Salmon Creek, Fairview Lake, Columbia Slough, and associated wetlands and riparian areas, as defined herein, are a valuable and irreplaceable natural resource to the community and as such it is the intention of the Fairview city council to protect and regulate them with the following purposes and objectives in mind:

1. To protect the natural functions of the watershed, its soil structure and vegetation, thereby maintaining water quantity and quality, recharging groundwater, and reducing needs for future water treatment, collection and control facilities.
2. To prevent property damage and degradation from storms and floods.

3. To protect and enhance valuable fisheries and wildlife habitat.
4. To provide an aesthetically pleasing and healthy environment.
5. To implement the city's Comprehensive Plan.
6. To allow for the storage and conveyance of stream flows through existing and natural flood conveyance systems.
7. To reduce flood velocities, flood peak flows and wind and wave impacts.
8. To maintain water quality by reducing and sorting sediment loads, processing chemical and organic wastes and reducing nutrients.
9. To recharge, store and discharge ground water.
10. To provide plant and animal habitat and support riparian ecosystems.

B. The objectives of the regulations are:

1. To protect waterbodies from chemical pollution and siltation by maintaining the vegetative cover and stability of the land surrounding them.
2. To maintain lower water temperatures by maintaining or enhancing vegetative cover.
3. To maintain the quantity, quality and rate of runoff from sites during and after any alteration, including construction, excavation, filling, earth removal, dredging, et al.
4. To reduce adverse impacts to wetland functions and values from adjacent development.
5. To slow the rate of storm water runoff, thereby reducing flooding and erosion, and to improve summer water release, by maintaining healthy floodplains and wetlands.
6. To enhance in-stream habitat by protecting and enhancing silt-free rock and gravel bottoms, by maintaining in-stream boulders and woody debris that does not create or foster hazardous conditions. (Ord. 6-2001 § 1)

#### 19.106.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. "Bank" means the land area bordering and/or confining a waterbody. The bank has a steeper slope than the bed, and usually has steeper slope than the surrounding landscape. The top of the bank is the first significant break in the slope between the toe of the bank at waterline and the surrounding landscape.
- B. "Channelize" means to change the location of a drainage way by digging a new channel and diverting the water from the old channel into the new one.
- C. "Erosion" means the detachment of solid particles by water, wind, ice, gravity or organisms.
- D. "Riparian" means the environment (soil, plants, animals) adjacent to a river or lake which affects the waterbody and which is affected by it.
- E. "Storm water" means surface water that washes off land, especially impervious surfaces such as roofs and pavement, during periods of precipitation.
- F. "Stream" means a body of moving water including creeks, brooks, and rivers, which moves in a definite channel.



G. "Waterbody" means an area, which is covered by surface or near-surface groundwater, either continually or for sufficiently long periods to become the primary factor determining the landscape and the vegetative community. The term shall include rivers, streams, other drainage ways, lakes, ponds, and wetlands.

H. "Wetland" means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. (Ord. 6-2001 § 1)

#### 19.106.030 Riparian buffer.

A. The riparian buffer is that area of land immediately adjacent to the edges of banks (including the area within the banks) of Fairview Creek, Fairview Lake and the Columbia Slough. The buffer shall be:

1. Columbia River, Fairview Creek, Osburn Creek, Clear Creek, No Name Creek, Salmon Creek and Columbia Slough. 50 feet from the top of the banks or the mean high water level in locations where no distinctive bank can be determined. The area within the bank will be protected as well.
2. Fairview Lake. 50 feet from top of the bank, or 50 feet from the annual mean high water level (11.4 feet NGVD) of the lake in those areas where there is no bank or significant break in slope along the shoreline. Includes the submerged lake bottom within the city limits.

B. Riparian Vegetation. A major purpose and goal of the riparian buffer is to preserve, to the maximum extent possible, riparian vegetation within the buffer area. Trimming of vegetation to alleviate a hazard is allowed. Removal of riparian vegetation, as defined in "Alteration" (subsection D of this section), is allowed only after a permit has been granted. Replacement vegetation must be riparian species as approved in the permit.

C. Wetlands. An undeveloped buffer area which measures at least 50 feet shall be established between the wetland and the proposed development as a condition of development permit approval.

1. Properties which contain wetland areas shall have a preliminary delineation of the wetland boundary approved by Division of State Land (DSL) or Department of Fish and Wildlife (ODFW) staff before any development permit is issued. If in making such determination, state staff indicates that a "jurisdictional delineation" study of the boundary is necessary, the study shall be completed by the applicant's biologist and approved by DSL staff before building permits are issued.

2. When development is proposed adjoining a wetland area, an undeveloped buffer area of at least 50 feet shall be established between the wetland and the development as a condition of development permit approval. The required buffer area width as well as its treatment or enhancement shall be established during the permit review process, after consultation with DSL or ODFW staff.

D. Alteration. An alteration is a change in the topography or vegetation of a

waterbody or its riparian environment, as regulated by this section, which may affect the functions and values of such features listed in FMC [19.106.010](#).

Alteration of the riparian buffer area is subject to the permit procedure and standards of this chapter. No alteration will be allowed which would appreciably diminish the values or functions of the water body or wetland, as set forth in FMC [19.106.010](#). An alteration includes the following activities:

1. Dredging, filling, excavation or the placement of riprap or a mooring with rock, trees wood, etc.
2. The clearing of any native riparian vegetation within the riparian buffer or the removal of any native tree within the buffer which has a diameter of six inches or greater at four feet above grade.
3. Construction of buildings and other structures, including the installation of a bridge, culvert, pipeline, retaining wall, dock, boathouse or deck or any other development as defined by this code.
4. Changing the course or banks of a regulated waterbody.
5. Public streets, including bridges, when part of an approved future street plan, subdivision plan construction, improvement or alteration or city transportation plan.
6. Public bicycle pedestrian paths.
7. Public parks and recreational facilities.
8. Private driveways or pedestrian paths where necessary to afford access between portions of private property that may be bisected by a riparian buffer.
9. Public utilities such as water, storm water and sanitary sewer lines.
10. Water detention, filtration facilities and erosion control improvements. Such projects include detention ponds, biofiltration swales or ponds check dams and bank stabilization measures.
11. In the Fairview Lake Area. Docks, decks, piers, boathouses and similar structures; provided, that no more than 20 percent of the lot width within the buffer setback area be occupied by such a structure or structures. However, a shared (communal) dock(s) or similar structures may exceed this limit if it results in a lesser number of such structures begin located on the adjacent shoreline.

E. Water areas and wetlands shall be protected in their natural state to preserve water quality and maintain water retention, overflow and natural functions as follows:

1. Activity within wetland areas is subject to the permit requirements of the Division of State Lands (DSL) and the U.S. Army Corps of Engineers. No building permit will be issued for such activity unless all pertinent state and federal requirements are met. The Division of State Lands will be notified of any regulated development proposed in a wetland area.
2. Properties, which contain wetland areas, shall have a preliminary delineation of the wetland boundary approved by DSL or Oregon Department of Fish and Wildlife (ODFW) staff before any development permit is issued. If in making this determination, state staff indicate that a "jurisdictional delineation" study of the

boundary is necessary, the study shall be completed by the applicant and approved by the DSL staff biologist before building permits are issued.

3. Any proposed dredging or filling of a wetland area will require issuance of a DSL permit or a finding by the agency that a permit is not necessary, before building permits are issued by the city. All such activity (which requires a DSL permit) will require the applicant to demonstrate, as part of the permit application, that the activity is necessary to develop on that part of the property outside of the wetland, that there is no practical alternative to impacting the wetland, and that measures (described in the application) will be taken to minimize the fill area and other negative impacts. These findings may be waived if, in the opinion of DSL or ODFW, the applicant proposes to create a replacement wetland area on the property that will be of superior value to wildlife compared to the impacted area.

4. An undeveloped buffer area, which measures at least 50 feet, shall be established between a wetland (not one of the listed water features) and the proposed development as a condition of development permit approval to achieve the maintenance of a vegetative cover and the water quality characteristics of the area.

5. The city will not approve a partition or subdivision in a wetland area that proposes to create a lot, which because more than 50 percent of its area is a designated wetland, would be unbuildable without variance approval.

6. Construction sites adjacent to wetlands shall be required to install erosion/sedimentation control devices between the land area to be disturbed and the wetland. All such devices shall conform with the specifications and procedure outlined in the city's erosion control ordinance.

7. Developments adjacent to wetlands which have significant impervious surface areas will be required to have storm water detention and filtration facilities as part of their approved design. The design of such facilities shall conform to the best management practices (BMPs) described in the city's standard specifications ordinance and related ordinances and technical/guidance manuals.

8. The city will also consider the use of tools such as dedication and conservation easements as a means to fully protect wetland areas during the development review process. (Ord. 6-2001 § 1)

#### 19.106.040 Construction standards.

All permits issued under this chapter shall specify measures to be taken to protect the resource or integrity of the buffer area during and after project construction. These measures will include:

A. Defining the limits of construction on the site plan not to exceed 25 percent of the buffer area, beyond which no disturbance elsewhere in the site's buffer area may take place.

B. Requiring erosion/sedimentation control devices to be installed between the

area to be disturbed and the adjacent water feature; these devices shall comply with specifications and procedures outlined in the soil erosion control ordinance (Chapter [16.15](#) FMC) and must be installed prior to any soil disturbance, plus remain in place during construction and afterwards until the soil has stabilized.

C. Requiring stormwater detention and filtration facilities which are designed according to the best management practices described in the standard specifications ordinance (Ord. 9-1974<sup>1</sup>) and related ordinances and technical guidance manuals.

D. Planting riparian type trees, shrubs and ground cover to supplement existing vegetation or to replace removed vegetation in accord with the following standards:

1. A minimum of six trees, 12 shrubs and ground cover plantings per hundred lineal feet of riparian buffer area.
2. Plant materials shall be guyed and staked to nursery industry standards.
3. Deciduous trees shall be fully branched and have a minimum caliper of one and one-half inches at the time of planting.
4. Evergreen trees shall be fully branched and have a minimum height of six feet at the time of planting.
5. Shrubs shall be supplied in one-gallon containers or eight-inch burlap balls with a minimum spread of 12 inches.
6. Ground cover plantings shall be planted at a maximum of 30 inches on center and 30 inches between rows. Rows of plants shall be staggered for a more effective covering. Ground cover planting shall be supplied in a minimum four-inch size container.

E. Designing bridges, culverts and similar structures to facilitate fish passage during periods of low stream flow.

F. Ensuring that roads, bridges, culverts, and utility crossings of a waterbody or associated riparian buffer area conform with Oregon Department of Fish and Wildlife (ODFW) requirements for such crossings or obtain ODFW approval for any deviation from them; however, such crossings shall be avoided when practical alternative routing exists, and roads shall be constructed away from waterbodies and riparian areas, except at crossings, which shall be aligned perpendicular to the resource site. (Ord. 6-2001 § 1)

#### 19.106.050 Application required.

Before a permit is issued for an alteration or development within a riparian buffer area, an application must first be submitted to the city by the person or entity requesting the alteration and the responsible property owner. The application shall include:

- A. A completed permit request form with legal description and address of the concerned property, owner's authorization, and the information requested thereon.
- B. Application fee as set forth by resolution.

C. A written narrative which describes the alteration or development materials to be used, the purpose or reasons for the alteration or development, alterations considered to determine no practicable alternatives exist to the proposed encroachment or fill, how the impacts have been minimized and or mitigated.

D. Scaled drawing or drawings of the proposed alteration which should show items such as:

1. Overall specifications and dimensions for the proposed alterations or development.
2. The distances from the concerned areas to the adjacent shoreline or bank, structures, etc.
3. Depth of cuts and fills, final slopes, descriptions of fill material, etc.
4. Description of any vegetation that will be removed and of vegetation to be planted.
5. Indicated any proposed erosion control measures.

E. Proof of evidence that applications for all required or pertinent state and federal permits have been submitted. Permits may be required from the State Division of Lands, the Oregon Department of Fish and Wildlife, the United States Army Corps of Engineers, the Environmental Protection Agency, the Federal Emergency Management Agency and/or other agencies.

F. Application for planting vegetation shall be a Type I application. Placement of docks, rock buffers, pathways or other activities that may negatively impact the values and/or purposes of this chapter shall be a Type II. Applications with structures or other more intrusive activities shall be processed as a Type III application.

G. Other pertinent information as may be requested, advisable or helpful to the permit process. (Ord. 6-2001 § 1)

19.106.060 Permit procedure for unlisted uses.

A proposed alteration which is not listed in FMC [19.106.030](#) will only be allowed after the granting of a permit pursuant to the requirements of this section. All such requests must be approved by the planning commission at a public hearing in accordance with the hearing procedures of the city's zoning ordinance. A planning commission decision can be appealed to the city council.

In addition to satisfying the applicable construction standards of FMC [19.106.040](#), an alteration/development must satisfy all of the following criteria:

A. The alteration or development cannot be located in an area other than the riparian buffer zone due to physical or topographic conditions which render unbuildable more than 25 percent of the total property area (including contiguous parcels under the same ownership that existed as of the adoption date of the ordinance codified in this chapter).

B. More than 25 percent of a property area (including contiguous parcels under the same ownership that existed as of the adoption date of the ordinance codified in this chapter) is contained within the riparian buffer overlay zone.

C. The alteration or development will cause no more than a 25 percent removal of the riparian buffer area in order to accommodate such work. For residential uses, a reduction in the total number of dwellings allowed, clustering of units, and/or attached dwellings shall be considered prior to approving the alteration of any portion of the buffer area.

D. The alteration or development is a use allowed by the underlying zoning district and does not conflict with the policies adopted for the following elements of the Comprehensive Plan:

1. Open spaces, scenic and historic areas, and natural resources element.
2. Air, water, and land resources quality element.
3. Natural hazard areas element.

E. The alteration or development is consistent with regional land use and development standards. (Ord. 6-2001 § 1)

#### 19.106.070 Floodplain ordinance.

Areas adjacent to Fairview Lake and Fairview Creek are also regulated by the city's floodplain overlay district. All riparian buffer alterations must be in compliance with the applicable standards of the floodplain overlay zone before permit issuance. Where regulations of the riparian buffer overlay zone differ from those found in the floodplain overlay zone, the more restrictive standards shall apply. (Ord. 6-2001 § 1)

#### 19.106.080 Emergency exemption.

The city shall be exempt from the permit requirements of this chapter, if during a flooding event the city administrator determines that a portion of the creek channel must be immediately altered in some manner in order to avoid substantial property damage. (Ord. 6-2001 § 1)

#### 19.106.090 Fairview Creek maintenance – Emergency procedure.

In the event of an emergency, whether from flood obstruction in the creek or from other cause, from which property damage or personal injury may be expected, the city shall have the right to enter property adjoining the creek and remove the condition creating or aggravating the emergency without prior notice to the property owner or owners involved. Such work shall be completed without expense to the owner unless it shall be demonstrated that actions or negligence of the owner or owner's agent created the emergency. (Ord. 6-2001 § 1)

#### 19.106.100 Fairview Creek maintenance – Property owner liability.

It shall be the responsibility of the owners of property containing Fairview Creek to keep the creek clean and free from obstructions and litter.

If a property owner fails to keep the creek clean and free from obstruction in their abutting buffer area, and such lack of maintenance causes or threatens to

cause damage to the stream values set forth in FMC [19.106.010](#), the city shall send written notice to the owner directing the owner to such work or action necessary to remedy the situation.

In the event the work has not been completed within 14 days of such notice, the city may proceed to undertake whatever work or action required including any right to utilize necessary equipment and machinery on the concerned property to mitigate the situation. Such work will be done at the owner's expense who will be billed thereafter. (Ord. 6-2001 § 1)

#### 19.106.110 Drainage district exemption.

This chapter shall not apply to the maintenance or dredging of Fairview Lake and the Columbia Slough by Multnomah Drainage District #1, so long as no riparian vegetation is removed during such activity. (Ord. 6-2001 § 1)

#### 19.106.120 Penalty.

Any person, group, corporation or association violating the terms or provisions of this chapter, upon conviction thereof, shall be punished by a fine not exceeding \$500.00. Each day the violation continues shall be considered a separate offense. (Ord. 6-2001 § 1)

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[1](#)

Code reviser's note: Ord. 9-1974 was repealed by Ord. 10-1990.

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Chapter 19.107  
SOUTH FAIRVIEW LAKE  
DESIGN OVERLAY

## Sections:

<a href="#">19.107.010</a>	Purpose.
<a href="#">19.107.020</a>	Applicability.
<a href="#">19.107.030</a>	Permitted uses.
<a href="#">19.107.040</a>	Conditional uses.
<a href="#">19.107.050</a>	Development standards – Density.
<a href="#">19.107.060</a>	Design standards.

## 19.107.010 Purpose.

This design overlay zone is intended to offer design flexibility for properties adjacent to the south side of Fairview Lake which provide a variety of housing opportunities for city residents while maintaining the established single-family residential character of the area and protecting important environmental and scenic values of the lake. If during the administration of this chapter, standards or requirements create uncertainty or ambiguity, the city shall interpret these regulations according to the intent expressed in the record for the adoption and subsequent amendment to the South Fairview Lake design overlay zone. (Ord. 6-2001 § 1)

## 19.107.020 Applicability.

The South Fairview Lake design overlay zone designation may be requested at the discretion of the applicant at the time of subdivision, partition, or development permit review. (Ord. 6-2001 § 1)

## 19.107.030 Permitted uses.

The permitted uses in the R-7.5 zone shall continue to apply in the South Fairview Lake design overlay zone. In addition to single-family detached residences (Figure 19.107.030), the following single-family residential housing types are also permitted:

A. Charleston Row Houses. These are detached residences on relatively narrow lots. Each residence is typically located with a minimum zero-foot side yard setback on only one side of the lot and a minimum six-foot side yard setback on the opposite side of the lot with a total of at least six feet between the structures. The front and side yards serve as the open space on the lot. Garages are at the rear of the building with access to an alley (Figure 19.107.030.A).

B. Courtyard Cluster Homes. These are detached residences developed in groups of five to seven lots. Each residence is typically located with a minimum zero-foot side yard setback on only one side of the lot, and a minimum five-foot side yard setback on the opposite side, with a total of at least five feet between the structures. The lots are clustered around a common driveway, which provides pedestrian and vehicle access to all or the majority of the homes (Figure 19.107.030.B).

C. Attached Townhomes. These are attached residences which typically have zero-foot side yard setbacks on one or both sides. Each townhome is located on a separate lot and arranged in clusters of three to seven units (Figure 19.107.030.C).

Figure 19.107.030 – Fairview Lake Way Design Overlay  
Detached Single-Family Home



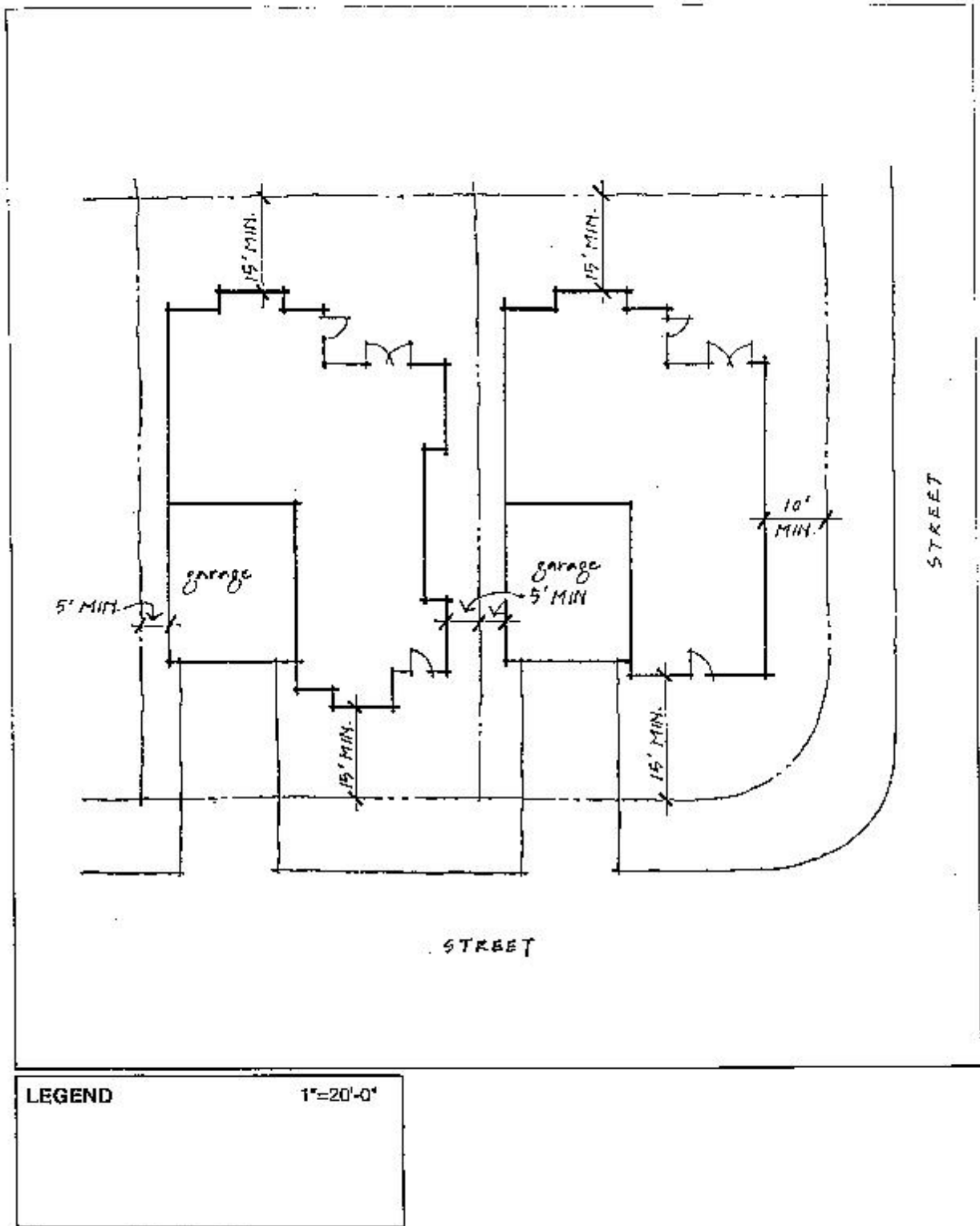


Figure 19.107.030.A – Fairview Lake Way Design Overlay  
Charleston Row House Home

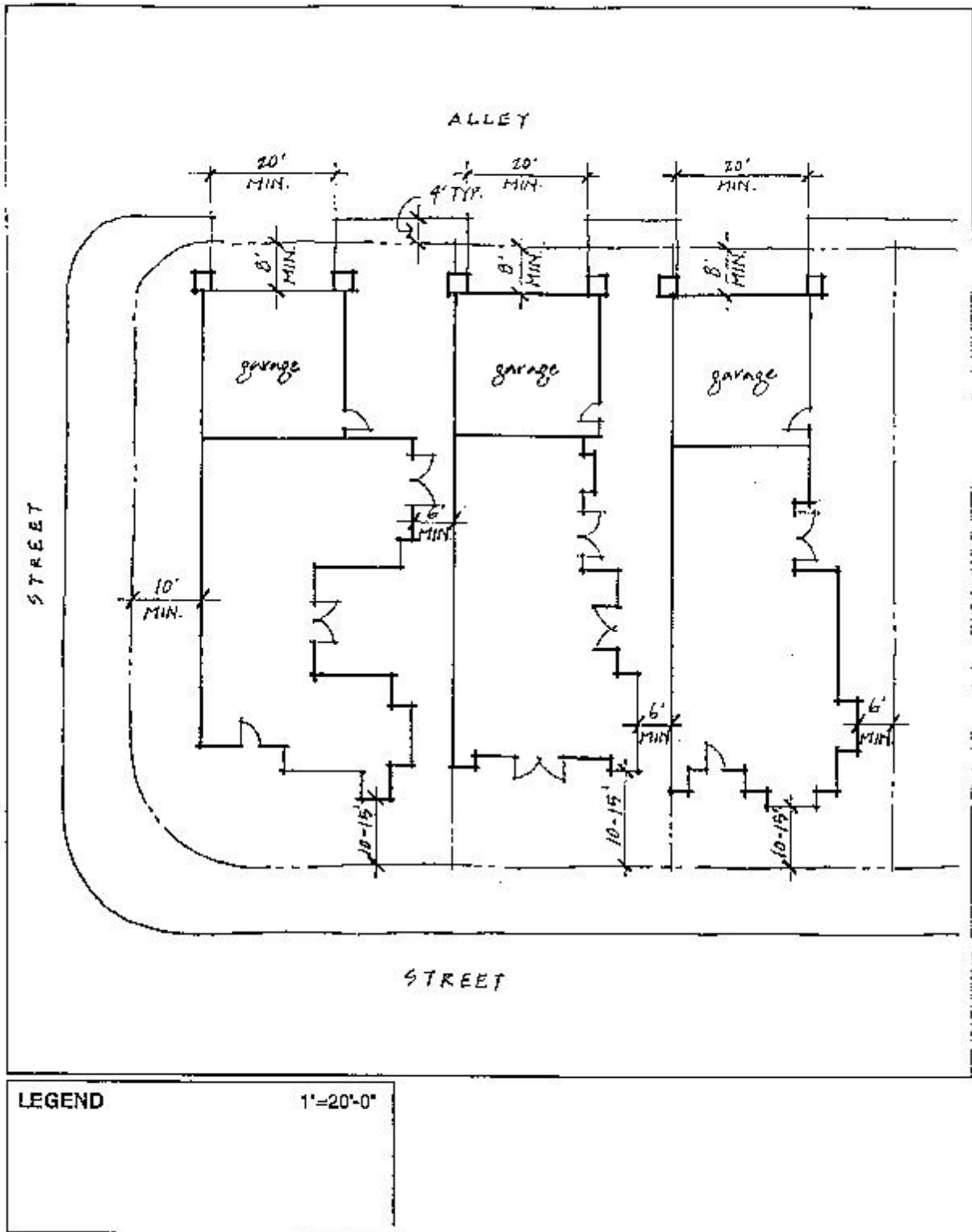


Figure 19.107.030.B – Fairview Lake Way Design Overlay  
Courtyard Cluster Home

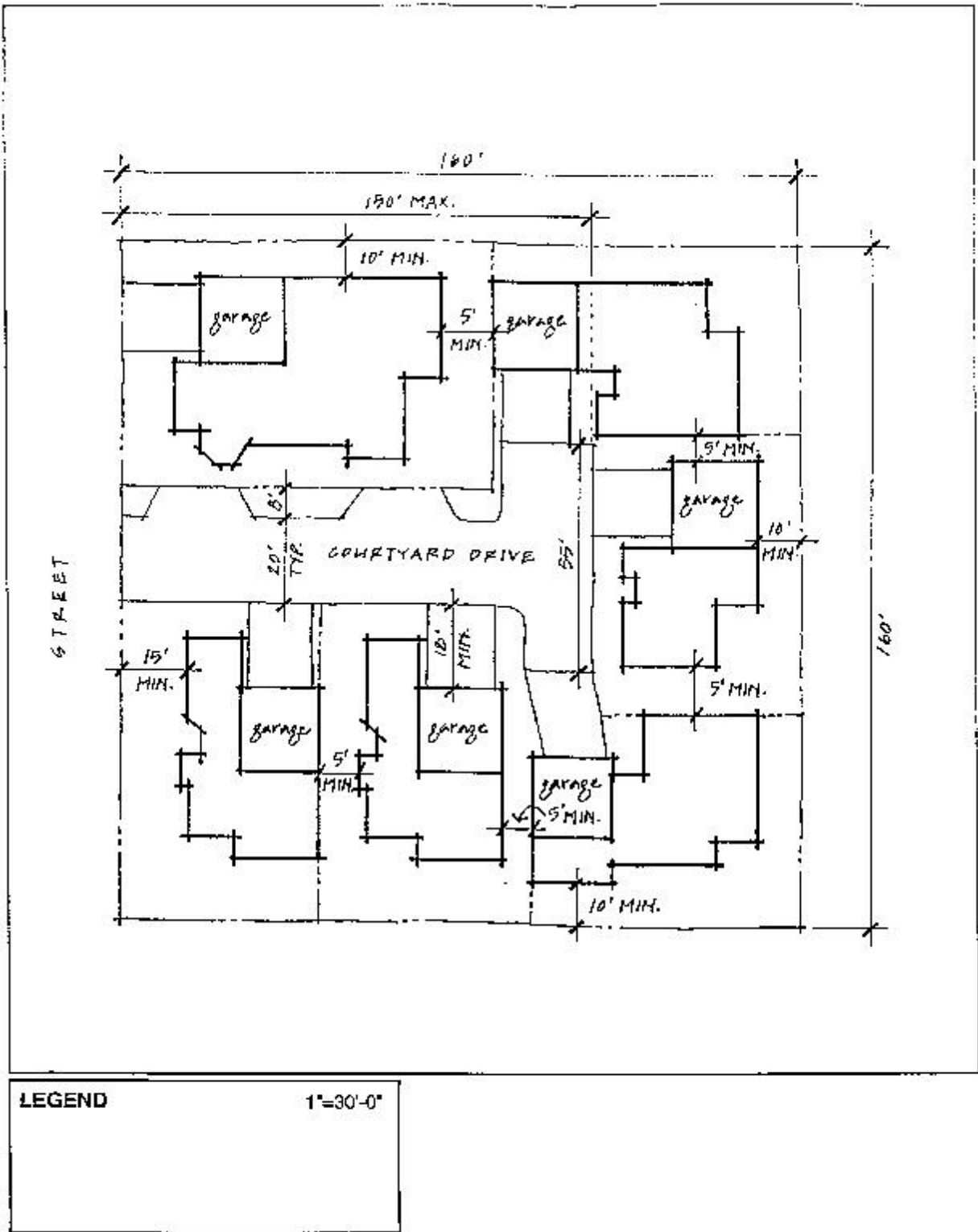
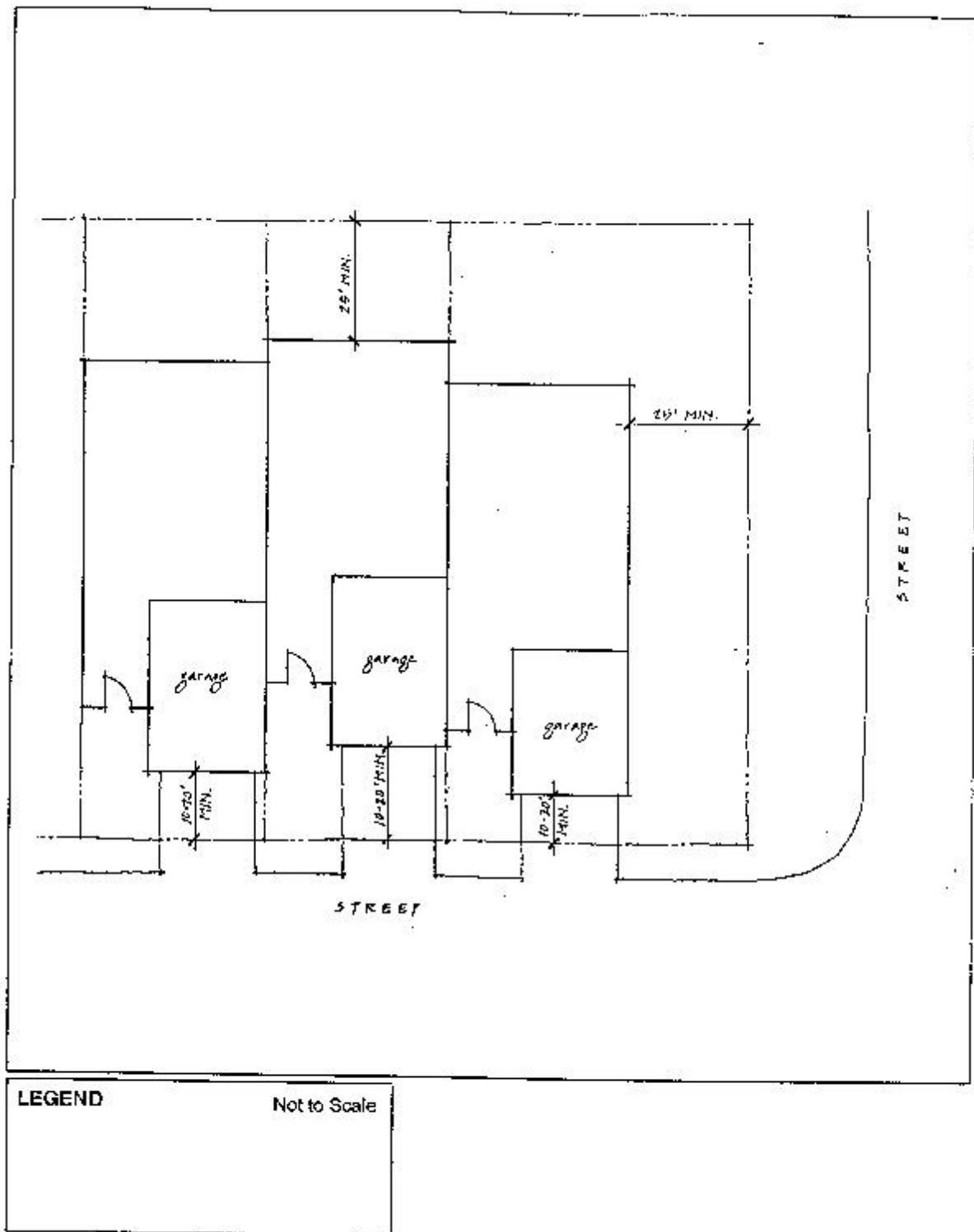


Figure 19.107.030.C – Fairview Lake Way Design Overlay Attached Townhomes



(Ord. 6-2001 § 1)

19.107.040 Conditional uses.

All conditional uses in the R-7.5 zone shall continue to be allowed as conditional uses in the South Fairview Lake design overlay zone. (Ord. 6-2001 § 1)

19.107.050 Development standards – Density.

A. Development Standards. See Table 19.107.050.A – Development Standards – Density.

Table 19.107.050.A  
Development Standards – Density

Density				
Minimum lot size	5,000 square feet	3,000 square feet	3,000 square feet	2,500 square feet
Maximum lot size	25,000 square feet	4,500 square feet	6,500 square feet	4,000 square feet
Minimum average lot area per unit	6,000 square feet	3,000 square feet	4,000 square feet	3,000 square feet
Lot Dimensions				
Minimum average lot width	50 feet	30 feet	50 feet	20 feet
Maximum average lot depth	80 feet	90 feet	80 feet	80 feet
Lot Coverage				
Maximum lot coverage for all structures	60%	50%	2-story structures: 50% 1-story structures: 60%	50%
Height				
Maximum building height	35 feet	35 feet	35 feet	35 feet
Setbacks				
Front – minimum	15 feet	10 feet	10 feet	5 feet (architectural projections, i.e., front porches, cannot encroach into this setback)
Front – maximum	20 feet	15 feet	15 feet	20 feet
Side – minimum	5 feet	Interior – 6 feet one side only/0 feet one side only. Corner lot – 10 feet on street side, minimum building separation – 6 feet. Builders will provide a site plan that indicates setbacks on adjoining lots at the time of application.	Interior – 5 feet on one or both sides/0 feet one side only is optional. Corner and between clusters – 10 feet on street side, minimum building separation – 5 feet.	0 feet
Rear – minimum	15 feet/adjacent to Fairview Lake conservation easement	8 feet from alley	10 feet	15 feet
Garage entrance – minimum	18 feet	Alley – 8 feet	Street and common driveway – 18 feet	18-foot public street – 5 feet private street or common driveway
Parking (off-street)	1 compact, 1 standard	1 compact, 1 standard	1 compact, 1 standard	1 compact, 1 standard

B. Allowed shall be three units per acre. (Ord. 6-2001 § 1)

#### 19.107.060 Design standards.

The following design standards shall apply to residential developments which are subject to the South Fairview Lake design overlay zone.

A. Street System. The proposed street system shall be designed to create a safe, aesthetically pleasing, and pedestrian-oriented neighborhood. Five of the six street types are narrower than the typical city standard minimizing the physical presence of paved areas, allowing for additional landscaping adjacent to streets and sidewalks, and effectively controlling traffic speeds. Specific applications of these street designs shall be

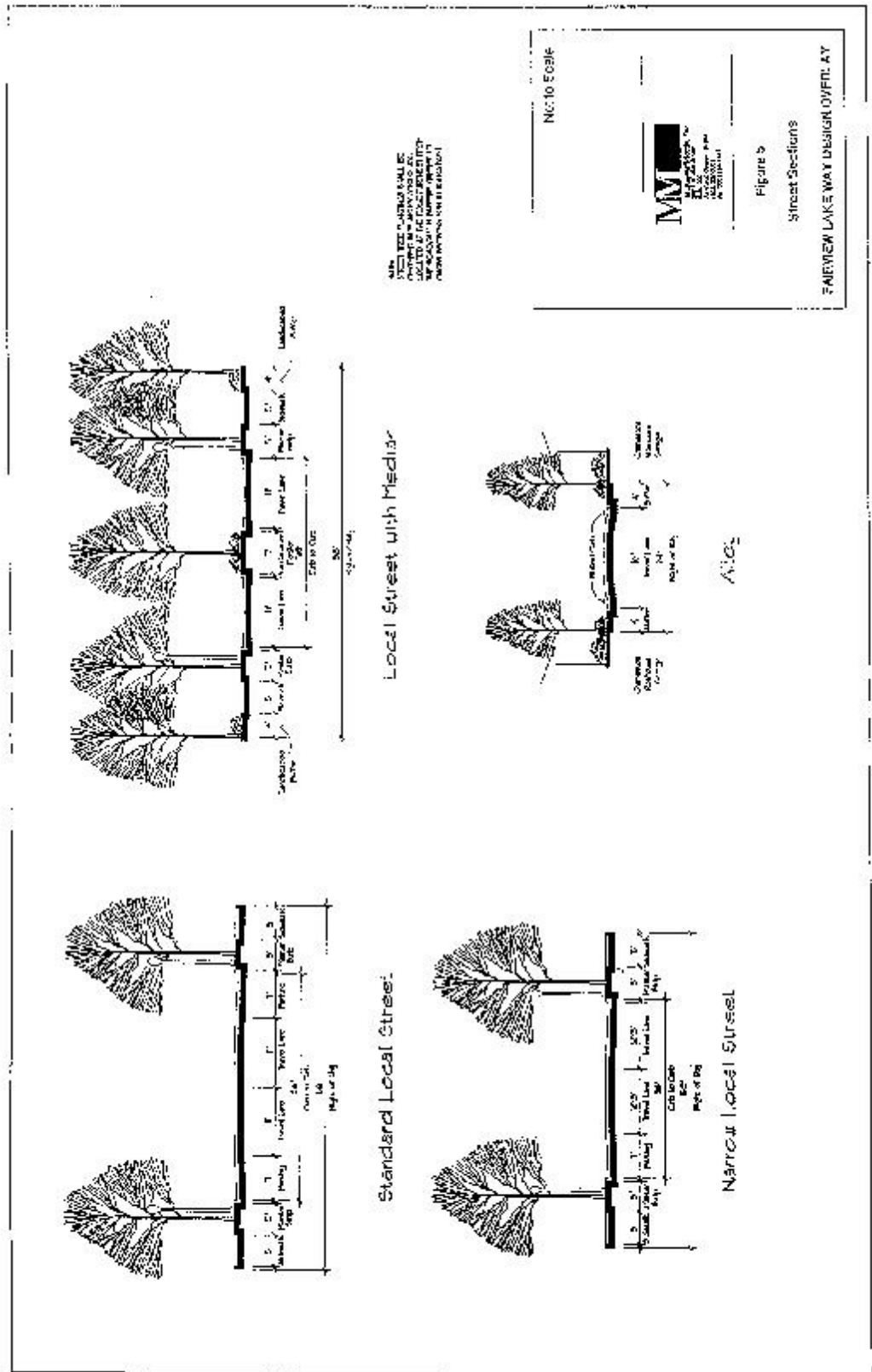
approved by the city in consideration of anticipated traffic volumes, emergency access, and on-street parking demand. All streets are intended for traffic speeds of 25 miles per hour or less. Street design requirements are summarized in Table 19.107.060 and illustrated in cross-section in Figure 19.107.060.A.

1. **Standard Local Street.** Standard local streets shall constitute public streets with a 58-foot right-of-way consisting of two 11-foot travel lanes, two seven-foot parking lanes, two five-foot planter strips, and two five-foot sidewalks.
2. **Narrow Local Street.** Narrow local streets shall constitute public streets with a 50-foot right-of-way consisting of two 10.5-foot travel lanes, one seven-foot parking lane, two five-foot planter strips, and two five-foot sidewalks.
3. **Local Street with Median.** The local street with a median shall constitute a public street with a 58-foot right-of-way consisting of two 11-foot travel lanes, a seven-foot median, two five-foot planter strips, two five-foot sidewalks, and two four-foot landscaped buffers. No on-street parking will be allowed, to minimize the width of the right-of-way.
4. **Alley.** Alleys shall constitute public streets with a 24-foot public right-of-way consisting of a 16-foot travel lane and two four-foot buffers. The buffer shall be paved along the front of the garages and the remainder shall be landscaped with ground covers, shrubs, or a combination thereof. Alleys shall have rolled curbs with gutters draining to a storm sewer system.
5. **Attached Townhomes Street.** The attached townhomes street shall constitute a private street with a 35-foot-wide right-of-way consisting of two 10-foot travel lanes, two four-foot sidewalks, and two three-foot landscaped buffers. The buffer shall be landscaped with street trees, ground covers and shrubs. The rolled curbs shall have gutters draining to a storm sewer system.
6. **Courtyard Street.** Courtyard streets shall constitute private streets with a 28-foot right-of-way consisting of two 10-foot travel lanes, one eight-foot parking lane, and a maximum length of 150 feet. Landscape which extends from the edge of the paved surface to the house facade shall be planted with trees, ground covers and shrubs, or a combination thereof, and shall be maintained by a homeowners association.

Table 19.107.060  
Street Design Requirements

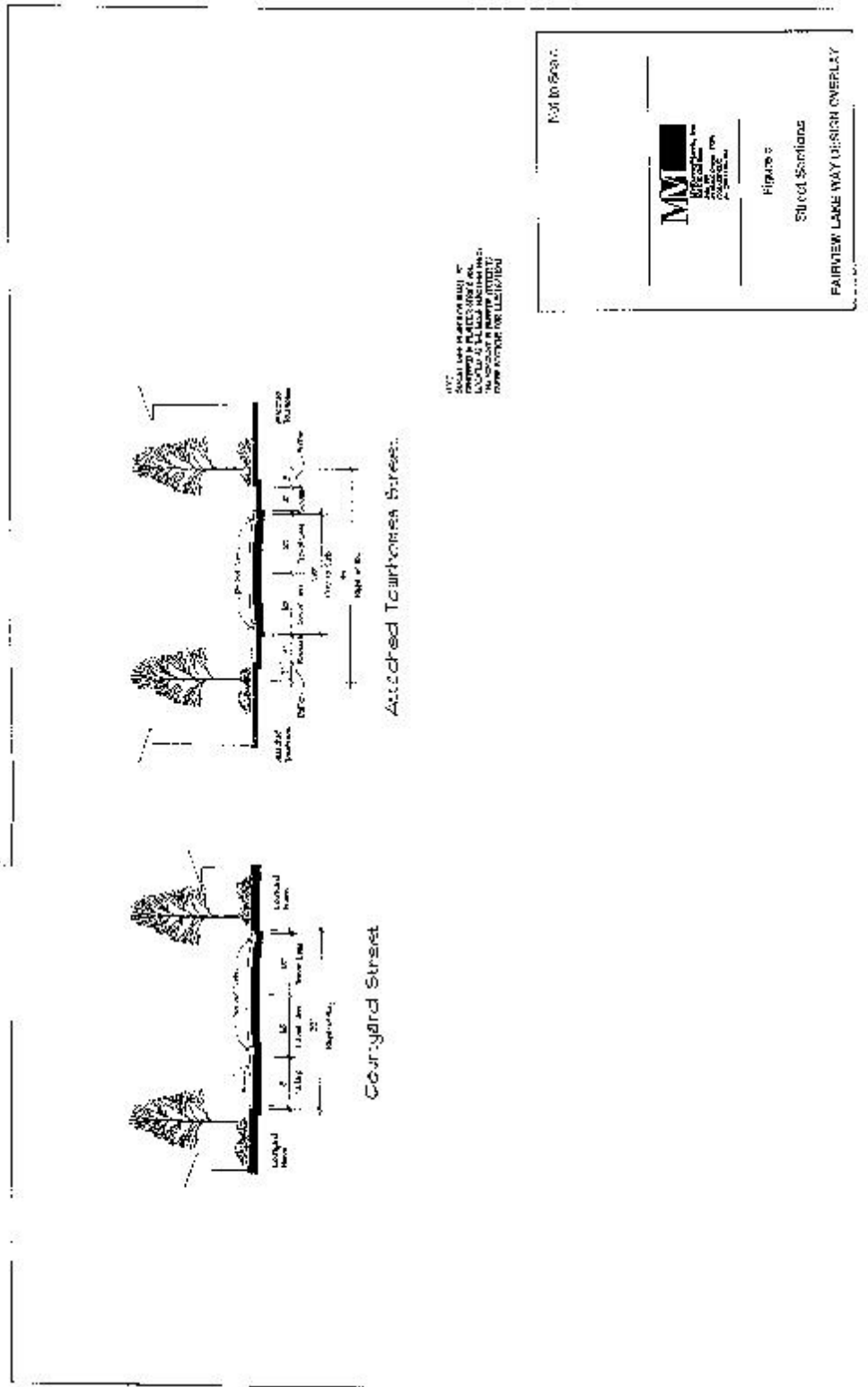
Standard local street	58'	11'/11'	7'/7'	5'/5'	no	5'/5'	no
Narrow local street	50'	10.5'/10.5'	7' one side	5'/5'	no	5'/5'	no
Local street with median	58'	11'/11'	no	5'/5'	6'	5'/5'	4'/4'
Alley	private tract 24'	8'/8'	no	no	no	no	4'/4'
Attached townhouses street (private)	private tract 35'	10'/10'	no	no	no	4'/4'	3'/3'
Courtyard street (private)	private tract 28'	10'/10'	8' one side	N/A	N/A	N/A	N/A

Figure 19.107.060.A – Fairview Lake Design Overlay



Street Sections

Figure 19.107.060.A – Fairview Lake Design Overlay Street Sections (continued)



B. Fences. The maximum height for front yard and street side yard fences shall be four feet.

C. Intersections.

1. Vision Clearance Areas. Signage, structures and plant material 42 inches above grade shall be prohibited within the vision clearance area located at the intersection of streets and/or alleys. The area is defined by a triangle with two sides of the triangle extending 15 feet from the intersection.
2. Curb Extensions. Curb extensions shall be provided as required by the adopted Fairview Lake Way standards.
3. Paved Surface Details. Paving and curb cuts shall facilitate safe pedestrian crossing and meet all ADA



requirements for accessibility. Textured accent paving shall be used at the main entry intersection to clearly define the pedestrian crosswalk. The pavers or pattern shall be of a level material which does not impede wheelchair accessibility or conflict with surfacing for sight-impaired individuals.

#### D. Landscape.

##### 1. Landscape Plans and Installation.

a. Prior to issuance of building permits, the developer shall submit landscape plans and completion scheduled for:

- i. All areas within the public right-of-way or common open spaces; and
- ii. All private front yards which include lawn and/or other living ground cover.

b. Landscape materials shown on the approved plans for public right-of-way or common open space areas shall be installed prior to issuance of occupancy permits for more than 80 percent of the homes abutting these public areas.

c. Landscape materials shown on the approved plans for private front yards shall be installed prior to occupancy of the home.

##### 2. Planter Strips.

a. All planter strips shall be a minimum of five feet wide and shall be planted with either lawn, ground cover or a combination of shrubs and ground cover such that the entire surface area is covered with plant material.

Placement of plant material shall adhere to clear sight line requirements as provided in FMC [19.140.030\(D\)](#), vision clearance areas.

b. Planter strips without adjacent parking shall have street trees in conjunction with low ground covers and/or shrubs to enhance visibility while still providing a psychological and physical barrier from passing traffic. Plantings shall be predominately evergreen year-round, provide seasonal interest with fall color or blooms, and at maturity grow within the confines of the planter strip. Planter strips with adjacent parking shall have only street trees and lawn or low ground cover which adheres to the requirements of this section.

##### 3. Medians.

a. All medians shall be a minimum of seven feet wide and shall be landscaped with a combination of street trees, shrubs, and/or ground covers.

b. Medians shall have low plant masses near intersections for the safety of pedestrians and motorists. The remaining median area shall have taller plant masses to block lights of oncoming traffic, decrease dust and heat, and to improve the aesthetics of the roadway. Plants shall be predominantly evergreen year-round, provide seasonal interest with fall color, blooms or fruits, and at maturity stay within the confines of the median.

Placement of plant material shall adhere to clear sight line requirements as provided in FMC [19.140.030\(D\)](#).

4. Traffic Diverters. Traffic diverters shall be landscaped with a combination of trees, and low shrubs and/or ground covers. Plantings shall be predominantly evergreen year-round, provide seasonal interest with fall color, blooms or fruits, and at maturity stay within the confines of the traffic diverter. Placement of plant material shall adhere to clear sight line requirements as provided in FMC [19.140.030\(D\)](#), Vision clearance areas.

##### 5. Street Trees.

a. Location. Street trees are required along both sides of streets and within medians and the traffic diverters. Street trees along the street edge, excluding the attached townhouse street, shall be planted within the planter strip at a frequency of 30 feet on center. Street trees in the buffer strip of the attached townhouse street shall be planted an average of 20 feet on center to accommodate curb cuts for driveways. Trees proposed for medians and the traffic diverters shall be spaced according to the size of tree and design intent.

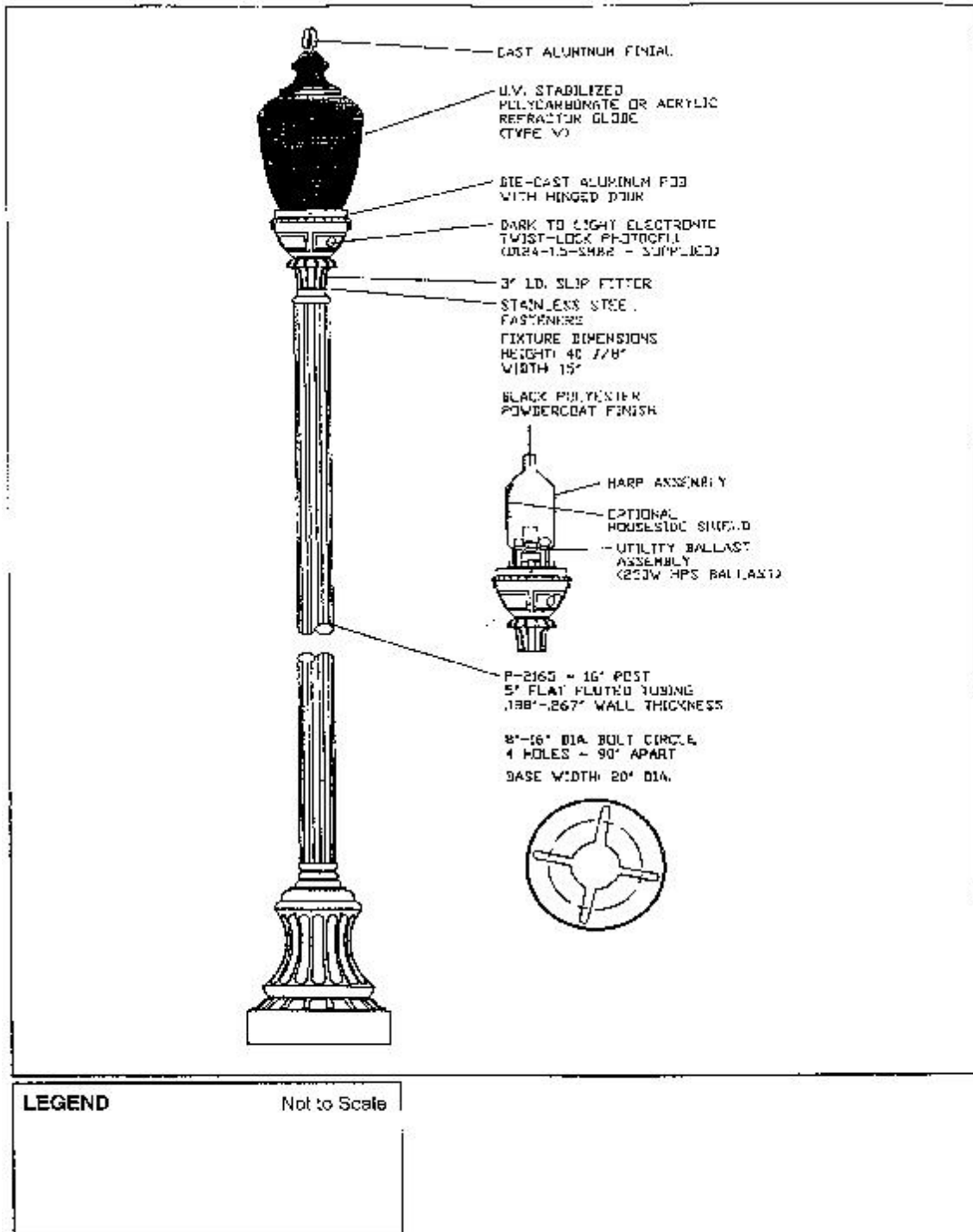
b. Characteristics. Street trees will provide climate control and serve as a unifying architectural feature in the streetscape. For all street types except the attached townhouse street, specimens shall be a minimum of 30 feet in height at maturity with a round, broad, oval or pyramidal canopy a minimum of 25 feet in diameter. Species selections may include: Red Sunset Maple (*Acer rubrum* 'Franksred'), Skyline Honeylocust (*Gleditsia triacanthos* 'Skycole') and Green Vase Zelkova (*Zelkova serrata* 'Green Vase'). For the attached townhouse street, specimens shall be a minimum of 15 feet in height at maturity with a columnar, oval, narrow, fastigiated or round canopy not to exceed 25 feet in diameter. Species selections may include: Corinthian Linden (*Tilia cordata* 'Corzam'), Bowhall Maple (*Acer rubrum* 'Bowhall'), and Canticlear Pear (*Pyrus calleryana* 'Glen's Form'). Leaf color shall be light to dark. Flowering trees without heavy nonleaf litter, i.e., catkins, fruit, may also be considered. Specimens shall be well branched and have a two-and-one-half-inch caliper prior to installation. All trees shall be staked at planting as directed by an arborist or a landscape architect.

E. Erosion Control Standards. Site erosion and pollution and sedimentation of Fairview Lake must be prevented during and after construction activities. Appropriate erosion and sedimentation control measures shall be installed as required by the city of Fairview erosion control standards.

F. Lighting. Street lighting shall be provided for all public streets in the development, excluding private courtyard streets. Ornamental lighting shall be 12-foot to 14-foot tall "acorn" style fixtures consistent in style with the city of Fairview standard (Figure 19.107.060.F). Fixtures shall be sited within the planter strip at 150-foot to 200-foot

intervals to provide a traditional image and consistent level of lighting.

Figure 19.107.060.F – Fairview Lake Way Design Overlay  
Typical Street Lighting Detail



G. Irrigation for and maintenance of landscaped areas within the public right-of-way shall be provided as required by the adopted Fairview Lake Way standards.

H. Fairview Lake Conservation Easements.

1. Shoreline Conservation Easements.

a. Shoreline conservation easements shall provide a 50-foot setback from top of bank or annual mean water level, in areas where there is no bank or break in the shoreline along Fairview Lake.

b. Trees and native vegetation shall be maintained or enhanced within the easement area.

c. Structures and landscaping may occur up to the southern edge of easement.

2. Wooded, Wetland, and SEC Area Conservation Easement.

a. Easement location varies according to existing treeline and wetland vegetation and the identified SEC

(significant environmental concern, Chapter [19.100](#) FMC).

b. Structures shall maintain a 15-foot setback from the edge of the easement.

c. Landscaping may occur up to the edge of the easement.

3. Allowed Activities within Conservation Easements. Within the protected area, development and resource alteration, excluding mitigation or enhancement, shall be prohibited. Enhancement shall be required in disturbed riparian and wetland areas providing revegetation with appropriate native species only. Planting non-native, ornamental vegetation in the easement shall be prohibited. Similarly, invasive, non-native ornamental plantings shall be maintained in private landscapes to prevent encroachment.

I. Minimum Common Space Area. All developments shall provide a minimum of five percent of the net development area as common public or private open space, excluding conservation easement areas.

J. Residential Housing Design Standards. In addition to the development standards in FMC [19.107.050](#), the following design standards shall apply:

1. Charleston Row Houses.

a. Stories: two.

b. Garages: access only to the alley.

c. Main entry: oriented toward the street or front corner of the house with a usable front porch.

d. Minimum building separation: six feet.

2. Courtyard Cluster Homes.

a. Stories: minimum of one one-story home for clusters of up to five homes and two one-story homes for clusters of six or seven homes.

b. Garages: one direct driveway access to the public street for each cluster.

c. Main entry: one main entry oriented to the public street for each cluster.

d. Minimum building separation: six feet.

3. Townhomes.

a. Stories: two.

b. Garages: direct driveway access to a private or public street.

c. Main entry: oriented toward a private or public street with a usable front porch or entry which has an equal or lesser front yard setback than the garage. (Ord. 6-2001 § 1)

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Chapter 19.108  
COMMUNITY SERVICE/PARKS OVERLAY

Sections:

[19.108.010](#) Uses.

19.108.010 Uses.

The following community service/parks uses and those of a similar nature may be permitted in any zoning district when approved at a public hearing by the planning commission. The district is to be applied only to public property (lands owned by public agencies) or utilities.

- A. Government building or use.
- B. Park, playground, athletic or recreational use.
- C. Open space and green way.
- D. Library.
- E. School, private, parochial or public educational institution.
- F. Power substation or other public utility building or use.
- G. Telecommunications facilities where permitted. (Ord. 6-2001 § 1)

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## Chapter 19.110 VILLAGE GENERAL PROVISIONS

### Sections:

<a href="#">19.110.010</a>	Purpose.
<a href="#">19.110.020</a>	Village concept.
<a href="#">19.110.030</a>	Area of application.
<a href="#">19.110.040</a>	Definitions.
<a href="#">19.110.050</a>	Conflict clause.
<a href="#">19.110.060</a>	Phased subdivision.

#### 19.110.010 Purpose.

This section implements the policies of the Fairview Village community plan by providing a mixture of single-family, townhouse, and multifamily residential uses as well as retail/office, commercial and business park uses. These uses are located in the areas where suitable services and facilities are currently provided or can be provided as development occurs. In addition, this plan area allows for pedestrian-oriented development with good connections via the sidewalks, trails and street system from residential areas to parks, schools, open spaces, retail and office uses. (Ord. 6-2001 § 1)

#### 19.110.020 Village concept.

This section describes the desired feel and texture of a mixed use community development. Fairview Village is designed to be a functioning mixed use neighborhood with a range of housing types and commercial stores. Chapters [19.110](#) through [19.155](#) FMC are intended to implement this objective and to ensure a successful, livable neighborhood.

The Village will provide a commercial core or downtown area to provide the daily necessities of nearby residents. The Village main street should be architecturally unified with wide, landscaped, pedestrian-friendly sidewalks. Retail and office buildings are brought to or near the sidewalks with parking located to the rear of the site. The design of the streets should slow the flow of automobile traffic and allow pedestrians to easily cross at intersections. Principal retail uses such as grocery anchors and hardware stores will have adequate parking and walkways that encourage pedestrian travel to the branch bank, dry cleaners, video store and other retail stores and residences. This commercial core will be located

south of NE Halsey, a major bus route.

The commercial core is immediately surrounded by high density housing. Apartments and townhouses are located to ensure a two to five minute walk for basic necessities. This segment of the Village, which will provide the fabric and feel of urban living, is intended to encourage a diminished reliance on the automobile for transport to basic services.

As the streets move away from the grid of the commercial core they begin to meld with the topography of the land and Fairview Creek. The housing becomes less dense with small and larger lot single-family homes, all still within walking distance of the Village center. A network of pedestrian ways and trails will provide easy access for everyone in the community. (Ord. 6-2001 § 1)

#### 19.110.030 Area of application.

The Fairview Village community plan is applied to the area located generally east of the NE 207th Connector, south of NE Halsey Street, north of NE Glisan Street, and west of NE 223rd Avenue as illustrated in Figure V-1, following Chapter [19.155](#) FMC. (Ord. 6-2001 § 1)

#### 19.110.040 Definitions.

The following definitions shall be utilized in the implementation of this chapter:

A. "Block frontage" means all of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts.

B. "Common line setback" means the combined setback distance between two structures on abutting lots.

C. "Curb radius" means the curved edge of the street at intersections, measured at the edge of the travel lanes. Curbs at intersections shall not intrude into the intersection beyond the specified maximum curb radius. Where streets of different use categories intersect, the requirements of the higher intensity use shall govern. The curb radius shall be handicapped accessible.

D. "Front porch" means an open roofed structure attached to the front of the dwelling unit. A front porch shall have a minimum depth of six feet and a minimum width of 12 feet and, except for insect screening, shall only have supporting columns visible above 42 inches from the finished porch floor level. Side and rear porches are not subject to these requirements. All or a portion of the front porch may encompass a ramp providing handicap access.

E. "Jurisdictional wetlands" means areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, wet meadows, and similar areas.

F. "Net acre" means all area within a private development zone excluding public rights-of-way.

G. "Pedestrian way" means any off-street public accessway which is dedicated for the primary use of pedestrians and/or bicycles.

H. "Riparian area" means a riparian area is a terrestrial zone influenced by annual and intermittent water, a high water table, or wet soils. The riparian area is found adjacent to a body of water, such as a stream, lake, or estuary. Riparian vegetation includes native herbaceous plants, shrubs, understory trees, and canopy trees. The riparian area contributes shade, leaves, woody debris, and insects to a body of water.

I. "Tower element" means an inhabitable structure typically higher than its diameter and high relative to its surroundings that may be attached to a larger structure, and that may be fully enclosed or of skeleton framework.

J. "Visual clearance zone" means those areas near intersections of roadways and motor vehicle access points where a clear field of vision is necessary for traffic safety. See diagram in Figure V-2, following Chapter [19.155](#) FMC. (Ord. 6-2001 § 1)

#### 19.110.050 Conflict clause.

Within the Village when there is a conflict between the Village regulations and base zone, overlay zone, or other regulations of this code, the Village regulations control. All regulations of the base zone still apply except where expressly written otherwise. (Ord. 6-2001 § 1)

#### 19.110.060 Phased subdivision.

The Village development will be phased. When an applicant desires to record and develop subdivision plats covering portions of an approved tentative plan in phases, the approval authority may authorize a time schedule for platting the various phases. Each phase may be for a period of time in excess of one year, but in no case shall the total time period for all phases be greater than seven years without resubmission of the tentative plan. Each phase so platted and developed shall conform to the applicable requirements of this code and the subdivision code. Portions platted after the passage of one year may be required to have modifications to avoid conflicts with a change in the Comprehensive Plan, Village district zoning code, or subdivision code. (Ord. 6-2001 § 1)

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## Chapter 19.115 VILLAGE SINGLE-FAMILY (VSF)

### Sections:

<a href="#">19.115.010</a>	Purpose.
<a href="#">19.115.020</a>	Permitted uses.
<a href="#">19.115.030</a>	Conditional uses.
<a href="#">19.115.040</a>	Development standards.

#### 19.115.010 Purpose.

This zone is intended primarily for single-family dwellings in a low and medium-density residential neighborhood environment. (Ord. 6-2001 § 1)

#### 19.115.020 Permitted uses.

The following uses and their accessory uses are permitted in the VSF zone:

- A. Single-family dwellings (detached).
- B. Accessory buildings such as garages, carports, studios, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.
- C. Parks and playgrounds.
- D. Family day care providers and residential homes – see Chapter [19.200](#) FMC.
- E. Home occupations – see Chapter [19.450](#) FMC.
- F. Signs – see Chapter [19.170](#) FMC.
- G. Churches.
- H. A maximum of one accessory dwelling unit is allowed per lot. Accessory dwelling units shall be constructed only over the garage – see FMC [19.30.110](#) (B). (Ord. 6-2001 § 1)

#### 19.115.030 Conditional uses.

The following uses and their accessory uses are permitted as conditional uses in a VSF zone after approval of the planning commission:

- A. All conditional uses in the R zone except for golf courses. (Ord. 6-2001 § 1)

#### 19.115.040 Development standards.

- A. Density. All VSF lots shall be no less than 4,000 square feet and no more



than 7,700 square feet in area, except that lots which contain conservation easements, have obvious irregular shapes restricting the developable area or corner lots may exceed the maximum area provided the identified building envelope does not exceed 7,700 square feet in area. In such cases, the maximum building envelope shall be depicted on the preliminary plan approval.

B. Lot Dimensions. All lots in the VSF zone shall have a minimum width of 35 feet and a minimum depth of 70 feet. Pie-shaped lots shall have a minimum midpoint width of 35 feet and a minimum midpoint depth of 70 feet.

C. Lot Coverage. The total of all structures in the VSF zone shall cover no more than 60 percent of any lot.

D. Height. Buildings within this zone may not exceed 35 feet in height.

E. Setbacks.

1. Basic Standards.

a. Front facades shall be set back from the right-of-way for a distance of either 10 or 15 feet.

b. On pie-shaped or irregularly-shaped lots, the front facade may be set back deep enough on the lot to accommodate a maximum 40-foot-wide building envelope between side yard setbacks.

c. Lots that abut Fairview or Clear Creek may have dwelling units with attached, front accessed garages positioned perpendicular to the right-of-way. Such garages shall be set back four feet from the right-of-way. On such dwelling units, the front facade is exempt from the 10-foot or 15-foot setback requirement, but in all cases the facade shall be in back of the garage.

d. Sides of units may have a minimum setback of four feet from the property line on one side of the lot and a minimum of five feet on the opposite side of the lot; provided, that the common line setback (combined distance between two structures on abutting lots) is a minimum of nine feet. On corner lots the side setback for any portion of the structure shall be a minimum of 10 feet on the side abutting the street.

e. The rear facade of the main dwelling unit shall be setback a minimum of 15 feet from the rear property line.

2. Lots that Abut Fairview Creek. The front and side setbacks described in subsection (E)(1) of this section apply. The rear property line shall be the centerline of Fairview Creek, and the rear setback shall be 50 feet from creek centerline.

3. Lots that Abut Clear Creek. The front and side setbacks described in subsection (E)(1) of this section apply. The rear property line shall be the centerline of Clear Creek, and the rear setback shall be 37.5 feet from creek centerline.

F. Garages.

1. Four out of five attached garages with front access on any block frontage in the VSF zone shall be set back a minimum of 20 feet from the front facade. Such garages may have a single garage door for up to two vehicle spaces.

2. One out of five attached garages on any block frontage in the VSF zone are not required to be set back from the front facade. Such garages shall not be built on abutting lots, shall be set back at least 15 feet from the right-of-way, and shall have a separate garage door for each vehicle space with a maximum of two garage doors, each having a maximum width of 10 feet.

3. Lots that abut Fairview or Clear Creek may have garages with a minimum four-foot setback. Such garages shall orient the garage doors perpendicular to the right-of-way, shall have a separate garage door for each vehicle space with a maximum of two garage doors, each having a maximum width of 10 feet, and shall not be constructed on abutting lots.

4. Detached Garages on Non-Alley Lots.

a. Detached garages on all non-alley lots except those that abut Fairview or Clear Creek or abut other perpendicularly oriented lots shall have a minimum rear property line setback of four feet and a minimum side yard setback equal to the minimum side yard setback of the dwelling unit on that lot.

b. Detached garages on lots abutting Fairview and Clear Creek shall have rear setbacks in compliance with the environmental setbacks of those creeks; 50 feet and 37.5 feet respectively. Minimum side yard setbacks shall be equal to the minimum side yard setbacks of the dwelling unit on that lot.

c. Detached garages on non-alley lots that abut other lots oriented perpendicular to such lots shall have a minimum rear setback of 15 feet and minimum side yard setbacks equal to the minimum side yard setbacks of the dwelling unit on that lot.

5. Garages on Alley Lots.

a. Detached garages on alley lots shall have a minimum rear setback of four feet and a minimum side yard setback of two feet for single level garages only. Side yard setbacks for alley garages with more than one level shall be equal to the minimum side yard setbacks of the dwelling unit on that lot.

b. Attached rear accessed garages on alley lots shall have a minimum rear setback of four feet and a minimum side yard setback of two feet for single level garages only. Side yard setbacks for alley garages with more than one level shall be equal to the minimum side yard setbacks of the dwelling unit on that lot.

G. Special Development Standards. All development in this zone shall comply with applicable development standards in Chapter [19.145](#) FMC. (Ord. 6-2001 § 1)

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Chapter 19.120  
VILLAGE TOWNHOUSE  
RESIDENTIAL (VTH)

Sections:

<a href="#">19.120.010</a>	Purpose.
<a href="#">19.120.020</a>	Permitted uses.
<a href="#">19.120.030</a>	Conditional uses.
<a href="#">19.120.040</a>	Development standards.

19.120.010 Purpose.

This zone is intended primarily for attached single-family dwellings in a medium- to high-density residential environment. (Ord. 6-2001 § 1)

19.120.020 Permitted uses.

The following uses and their accessory uses are permitted in a VTH zone:

- A. Single-family dwellings (detached).
- B. Attached single-family dwellings (townhouses, row houses, duplexes).
- C. Two-family dwellings.
- D. Accessory buildings such as garages, carports, studios, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.
- E. Parks and playgrounds.
- F. Family day care providers and residential homes – see Chapter [19.200](#) FMC.
- G. Home occupations – see Chapter [19.490](#) FMC.
- H. Signs – see Chapter [19.170](#) FMC.
- I. Accessory dwelling units shall be subject to FMC [19.30.110\(B\)](#). (Ord. 6-2001 § 1)

19.120.030 Conditional uses.

The following uses and their accessory uses are permitted as conditional uses in a VTH zone after approval of the planning commission:

- A. Schools.
- B. Churches.
- C. Community centers/day care providers.

- D. Community services/parks.
- E. Similar uses. (Ord. 6-2001 § 1)

19.120.040 Development standards.

A. Density. VTH lots shall be no less than 2,000 square feet and no greater than 4,000 square feet in area. Corner lots in the VTH zone may be larger than 4,000 square feet but shall be no more than 5,500 square feet in area.

B. Lot Dimensions. Lots in VTH zone shall have a minimum width of 20 feet and a minimum depth of 70 feet.

C. Lot Coverage. The total of all structures shall cover no more than 70 percent of any lot.

D. Height. Buildings within this zone may not exceed 35 feet in height.

E. Setbacks. Dwelling unit front facades shall be set back from the right-of-way for a distance of either 10 or 15 feet. Sides of units may have a setback of zero feet from property line on both sides of the lot. The rear facade shall be setback a minimum of 15 feet from the rear property line.

F. Garages.

1. Attached garages with front access are not permitted on lots accessible from an alley or rear parking lot.

2. Attached garages or detached garages may have a minimum setback of zero feet from the rear property line; provided the front facade setback requirement in subsection E of this section is met and provided there is a minimum of eight feet of separation between adjacent garages; provided further, where the garage vehicle entrance is perpendicular to the alley, a four-foot setback shall apply.

3. Attached or detached garages may have a side yard setback of zero feet.

G. Special Development Standards. All development in this zone shall comply with applicable development standards in Chapter [19.145](#) FMC. (Ord. 6-2001 § 1)

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## Chapter 19.125 VILLAGE APARTMENT (VA)

### Sections:

<a href="#">19.125.010</a>	Purpose.
<a href="#">19.125.020</a>	Permitted uses.
<a href="#">19.125.030</a>	Conditional uses.
<a href="#">19.125.040</a>	Development standards.

#### 19.125.010 Purpose.

This zone is intended primarily for multifamily dwellings in a high-density residential environment. (Ord. 6-2001 § 1)

#### 19.125.020 Permitted uses.

The following uses and their accessory uses are permitted in a VA zone:

- A. Apartment dwellings, condominiums.
- B. Two-family dwellings.
- C. Accessory buildings such as garages, carports, studios, private workshops, playhouses, private greenhouses or other similar structures related to the dwelling in design, whether attached or detached.
- D. Parks and playgrounds.
- E. Family day care providers and residential homes – see Chapter [19.200](#) FMC.
- F. Home occupations – see Chapter [19.490](#) FMC.
- G. Signs – see Chapter [19.170](#) FMC.
- H. Residential (care) facility.
- I. Public buildings and facilities (such as government offices, post office, parking, etc.). (Ord. 6-2001 § 1)

#### 19.125.030 Conditional uses.

The following uses and their accessory uses are permitted as conditional uses in a VA zone after approval of the planning commission:

- A. All conditional uses in the VTH zone with the addition of single-family attached dwelling units. (Ord. 6-2001 § 1)

#### 19.125.040 Development standards.

- A. Density. The minimum density shall be no less than 20 units per net acre. The maximum density shall be no more than 30 units per acre.
- B. Lot Coverage. The total of all structures shall cover no more than 65 percent of each lot in the zone.
- C. Height. Buildings within these zones may not exceed 45 feet in height and tower elements may not exceed 60 feet.
- D. Setbacks. Front facades shall be set back from right-of-way a distance of either zero feet or 10 feet or 15 feet. There are no setback requirements for side and rear facades, except for the VA zone adjacent to NE Halsey Street where the setback for the Halsey Street frontage shall be 20 feet.
- E. Automobile Access. No direct motor vehicle access to apartment parking lots is permitted off NE Halsey Street.
- F. Special Development Standards. All development in this zone shall comply with applicable development standards in Chapter [19.145](#) FMC. Certain standards and requirements under Chapter [19.140](#) FMC, Village General Standards, also apply regarding pedestrian ways, off street parking, bicycle parking, landscaping, etc.
- G. Additional Requirements. Design review is required for all uses in the VA zone. (Ord. 6-2001 § 1)



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## Chapter 19.130 VILLAGE OFFICE (VO)

### Sections:

<a href="#">19.130.010</a>	Purpose.
<a href="#">19.130.020</a>	Permitted uses.
<a href="#">19.130.030</a>	Conditional uses.
<a href="#">19.130.040</a>	Development standards.

#### 19.130.010 Purpose.

The purpose of this zone is to provide suitable opportunity for business, government and professional office uses. Generally such uses shall rely upon collector streets for vehicular ingress and egress, thereby ensuring a high level of access with minimum conflicts with adjoining residential zones. (Ord. 6-2001 § 1)

#### 19.130.020 Permitted uses.

The following uses and their accessory uses are permitted in a VO zone:

##### A. Office Uses.

1. Business, government and professional offices, including legal, financial, architectural, engineering, governmental, manufacturer's representatives, property management, corporate and administrative offices.
2. Medical and dental services, clinics or community health care programs, counseling services, and associated pharmacies.
3. Graphic arts, printing, blueprinting, photo processing or reproduction labs, publishing and bookbinding services, and testing laboratories and facilities; provided no operation shall be conducted or equipment used which would create hazards and/or noxious or offensive conditions.
4. Light manufacturing, assembly, artisan, research and development uses which have physical and operational requirements which are similar to other office uses allowed in this zone.
5. Banks, credit unions, and savings and loan, brokerage, and other financial institutions.
6. Business services such as duplicating, photocopying, mailing and stenographic services, fax and computer facilities, employment agencies, office management services, notary public, business and communications equipment

and service, and real estate offices.

7. Personal services, answering service, travel agent.

B. Service Commercial Uses. The following service commercial uses and their accessory uses may be provided within an office development; provided such uses occupy no more than 20 percent of the gross floor area of a building:

1. Coffee shops, cafes and delicatessens which serve at least breakfast and/or lunch, and catering services.

2. Day care facilities shall be permitted; provided they are located within office buildings and do not exceed 1,500 square feet or serve more than 13 children each.

3. Health and recreational facilities, such as exercise spas, gymnasiums, tennis and racquetball courts, swimming pools, saunas.

C. Institutional Uses.

1. Public and private educational facilities and trade schools, art, music, or dance studios, radio and television studios, excluding transmission towers.

2. Galleries and museums, small-scale (seating capacity up to 500) assembly or convention facilities and theaters for performing arts, exhibition halls, administration facilities, libraries, senior centers and fraternal organizations.

(Ord. 6-2001 § 1)

19.130.030 Conditional uses.

Other uses when found similar to those above by planning commission and when approved at a public hearing. (Ord. 6-2001 § 1)

19.130.040 Development standards.

A. Height. Buildings within this zone may not exceed 55 feet in height and tower elements shall not exceed 70 feet.

B. Setbacks. There are no setback requirements in the VO zone.

C. Additional Requirements. The VO zone must meet all development standards in Chapter [19.150](#) FMC.

D. Design Review. Design review is required for all uses in the VO zone. (Ord. 6-2001 § 1)



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Chapter 19.135  
VILLAGE COMMERCIAL (VC) AND MIXED USE (VMU)

Sections:

- [19.135.010](#) Permitted uses.
- [19.135.020](#) Conditional uses.
- [19.135.030](#) Development standards.

19.135.010 Permitted uses.

The following uses and their accessory uses are permitted in the Village commercial and mixed use zones:

1. Retail store or business.
2. Banks and similar financial service uses.
3. Health and recreational facilities.
4. Locksmith.
5. Public offices.
6. Printing and copying services, telecommuting center.
7. Residential dwelling units in conjunction with permitted uses when developed in accordance with the VMU design standards of FMC [19.135.030\(A\)\(2\)](#).
8. Tanning salon.
9. Theater (VC only).
10. Travel agent.
11. Video rental.
12. Bakery.
13. Blueprint or photostat shop.
14. Business school or private school operated as a commercial enterprise.
15. Catering establishment.
16. Cleaning establishment, other than commercial dry cleaning.
17. Department or furniture store (VC only).
18. Frozen food locker, excluding wholesale storage.
19. Interior decorating store.
20. Medical or dental clinic or laboratory.
21. Hotel, motel (VC only); bed and breakfast (VMU and VC).
22. Music instruction establishment.
23. Martial arts or dance instruction establishment.
24. Newsstand.

25. Flower or plant store.
26. Pet shop (VC only).
27. Restaurant or tavern.
28. Supermarkets over 5,000 square feet (VC only); food markets less than 5,000 square feet (VMU and VC).
29. Art studio/supply.
30. Hardware store (VC only).
31. Meat market.
32. Pharmacy.
33. Multifamily dwelling units subject to the development standards of FMC [19.135.030](#)(A)(1) (VC zone) and (A)(2) (VMU zone).
34. Day care.
35. Barber/beauty shop.
36. Photography studio/supply store.
37. Sporting goods shop.
38. Shoe repair.
39. Dressmaking or tailoring shop.
40. Telecommunications facilities: antennas pursuant to Chapter [19.245](#) FMC. (Ord. 4-2004 § 1; Ord. 6-2001 § 1)

#### 19.135.020 Conditional uses.

The following uses and their accessory uses are permitted as conditional uses in the VC and VMU zones:

- A. Multifamily dwellings or commercial or office space not more than two stories in height as redevelopment of surface parking.
- B. Attached single-family dwelling units.
- C. Similar uses to those listed above as determined by the planning director. (Ord. 6-2001 § 1)

#### 19.135.030 Development standards.

##### A. Setbacks and Design Elements.

##### 1. Within the VC zone:

- a. This area shall be occupied by no less than one anchor store prior to occupancy of 50 percent of the minimum buildable square footage in the zone.
- b. Structure facades shall conform to the blank wall standard described in FMC [19.140.100](#).
- c. All buildings shall be set back at least 15 feet from property lines abutting residential zones.
- d. All building facades (front, rear, sides of unit) shall be set back from the NE Halsey Street right-of-way a minimum distance of 20 feet.
- e. All buildings shall have their first floors occupied exclusively by commercial/office uses, except for the special "VC flex" area located on the extreme western portion of the VC zone, as depicted in Figure V-1, following Chapter [19.155](#)

FMC, where residential uses are allowed on the first floors.

2. Within the VMU zone:

a. The VMU area shall be occupied by townhomes and commercial uses.

b. Parking lots shall occupy no more than 50 percent of the street frontage. One or more pedestrian accessways connecting parking lots to adjacent streets shall be provided at a minimum frequency of 250 feet along the street frontage.

c. Retail structure facades must extend to the right-of-way along at least 75 percent of the lot line; or

Retail structure facades must extend to within 12 feet of the lot line for 75 percent of the lot line and the space between the building and the lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."

Such facades shall conform to the blank wall standard described in FMC [19.140.100](#).

d. All buildings shall be set back at least five feet from property lines abutting residential areas.

e. Awnings may extend up to four feet into a public right-of-way. Awnings shall have a minimum clearance of 7.0 feet and a maximum height of 12.5 feet. Awning covering material shall be metal, glass, canvas or any combination thereof.

f. Buildings in the "four corners area" of the VMU zone (delineated in Figure V-1, following Chapter [19.155](#) FMC) shall have a minimum front facade height of 18 feet as measured from the finished street grade with residential uses restricted to the second and/or third floor.

B. Density. Residential density shall not exceed 45 units per acre.

C. Maximum Lot Coverage. Buildings shall cover no more than 75 percent of each lot in the zone.

D. Height Restrictions. Buildings within the Village commercial or Village mixed use zone shall not exceed 45 feet in height except that tower elements may be 60 feet in height with a footprint of no more than 400 square feet.

Building front facade height, as measured from the street grade, shall be no less than 18 feet.

E. Special Development Standards. All development in these zones shall comply with applicable development standards in Chapter [19.150](#) FMC.

F. Design Review. Design review is required for all uses in the VC and VMU zones. (Ord. 4-2004 § 2; Ord. 6-2001 § 1)

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Chapter 19.140  
VILLAGE GENERAL STANDARDS

Sections:

- [19.140.010](#) Pedestrian ways and trails.
- [19.140.020](#) On-site pedestrian ways for commercial, multifamily (four or more units), institutional and office development.
- [19.140.030](#) Streets.
- [19.140.040](#) Minimum required off-street parking requirements.
- [19.140.050](#) Street trees.
- [19.140.060](#) Erosion control standards.
- [19.140.070](#) Landscape standards.
- [19.140.080](#) Fairview Creek and Clear Creek conservation easements.
- [19.140.090](#) Bicycle parking.
- [19.140.100](#) Blank wall standard.
- [19.140.110](#) Signs.

19.140.010 Pedestrian ways and trails.

A. Pedestrian ways shall be provided from subdivisions and multifamily developments to:

1. Commercial facilities and public amenities such as existing or planned transit stops or facilities, school, park, church, day care center, children's play area, outdoor activity areas, plazas, library, or similar facility;
2. A dead-end street, loop, or mid-block where the block is longer than 600 feet; and
3. Streets or pedestrian ways which abut the site.

B. Except as provided in FMC [19.140.020](#)(B) and (H), pedestrian ways shall include at least a 10-foot right-of-way with a minimum five-foot wide paved surface and shall have a maximum slope of five percent wherever practical.

C. Pedestrian ways shall be illuminated so that they may be safely used at night and shall be direct with at least one end of the pedestrian way always visible from any point along the pedestrian way.

D. The maximum height of a fence along such a facility shall not exceed four feet.

E. Bollards or other similar treatments may be required in order to prevent cars from entering the pedestrian way.

F. All pedestrian ways shall be landscaped in conformance with FMC [19.140.070](#).

G. Pedestrian ways depicted on the Fairview Village trail system plan shall be constructed in conjunction with development of the same lot or parcel consistent with the provisions of Chapter [19.155](#) FMC. (Ord. 6-2001 § 1)

19.140.020 On-site pedestrian ways for commercial, multifamily (four or more units), institutional and office development.

A. Pedestrian ways shall provide direct connections to other portions of the site such as buildings, parking lots, child play areas and outdoor pedestrian-oriented activity areas such as plazas, resting areas and viewpoints.

B. Pedestrian ways shall be constructed of concrete or paving bricks and be at least five feet in unobstructed width. ADA certified curb ramps shall be provided where pedestrian ways intersect with streets.

C. Pedestrian ways shall be illuminated throughout the length with pedestrian scale lighting not to exceed 20 feet in height having a minimum of 0.5 foot-candle power average illumination and oriented so as not to shine directly upon adjacent residences.

D. Pedestrian ways and pedestrian areas shall be separated from automobile and truck circulation, parking, and loading whenever possible.

E. Where a pedestrian way crosses driveways, parking areas, or similar vehicle maneuvering areas, the pedestrian way shall be readily identifiable through the use of elevation changes, speed bumps, different paving materials, or other similar methods.

F. Where the pedestrian way is parallel and adjacent to an auto travel lane, the safety of the pedestrian shall be assured through a raised path or shall be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used, the ends of the raised portions shall be equipped with ADA certified curb ramps.

G. Pedestrian ways shall provide a direct connection between all new development and adjacent streets. Stub connections shall be required between developments and neighboring sites not yet developed or capable of being further subdivided or partitioned.

The connections shall be completed when the neighboring site is developed.

H. Pedestrian ways bordering parking spaces shall be at least seven feet in unobstructed width or a minimum of five feet in unobstructed width when concrete bumpers, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles from obstructing the pedestrian way.

I. A reduction in the number of pedestrian connections may be granted by the

review authority based on a determination that reducing the number of connections would not result in an increase in out of direction pedestrian travel from the street to any main building entrance. (Ord. 6-2001 § 1)

#### 19.140.030 Streets.

Streets within Fairview Village shall comply with the design standards outlined in Figure V-3, following Chapter [19.155](#) FMC.

A. Cul-de-sacs are permitted only when topographic conditions or existing or planned street patterns preclude future extension of streets. The maximum cul-de-sac radius shall be 40 feet.

B. All alleys shall constitute public streets with a minimum right-of-way of 16 feet.

C. Intersection dimensions should be minimized to reduce pedestrian crossing distances and to reduce vehicle speeds. At intersections in all Fairview Village zones, curb radii shall be 15 feet with clear zone radii of 25 feet. (Figure V-4, following Chapter [19.155](#) FMC.)

#### D. Vision Clearance Areas.

1. Structures or signs may not be located within a vision clearance area as defined in subsection (D)(2) of this section. Support structures for a sign may be located in a vision clearance area only if the combined total width is 12 inches or less and the combined total depth is 12 inches or less.

2. Location of Vision Clearance Areas. Vision clearance areas are triangular-shaped areas located at the intersection of any combination of streets and/or alleys. The sides of the triangle extend 15 feet from the intersection of the vehicle travel areas. The height of the vision clearance area is from 42 inches above grade to 10 feet above grade (see Figure V-2, following Chapter [19.155](#) FMC). This standard shall not apply to public safety signage and street identification signage. (Ord. 6-2001 § 1)

#### 19.140.040 Minimum required off-street parking requirements.

All base zone parking standards apply (see Chapter [19.164](#) FMC) except where expressly written otherwise.

#### A. Residential.

1. One-, two- and three-unit dwelling structures: two space per dwelling unit.

2. Attached dwellings containing four or more dwelling units including dwelling units above retail uses: one and one-half spaces per dwelling unit.

#### B. Commercial.

1. a. Supermarkets: one space per 250 square feet of floor area.

b. Banks, offices: one space per 330 square feet of floor area.

c. Barber shop/beauty parlor: one space per 250 square feet of floor area.

d. Eating or drinking establishment: one space per 100 square feet of floor area.

e. Retail trade: one space per 500 square feet of floor area.

f. General office: one space per 500 square feet of floor area.

#### 2. Parking Stall and Aisle Dimensions.

- a. Parking lot aisles shall have a minimum width of 24 feet.
  - b. Standard parking lot stalls shall have a minimum width of nine feet and a minimum depth of 18 feet.
  - c. Compact-vehicle parking stalls shall have a minimum width of eight feet and a minimum depth of 16 feet.
- C. Joint Use. Off-street parking required by this code for any use shall not be considered as providing parking spaces for any other use except where a joint use facility exists. Such a facility, defined by legal instrument such as an easement, shall contain no less than the total number of spaces as determined individually by user, except that fewer spaces may be permitted where uses on adjoining sites have different hours of operation and the same parking spaces or loading berths can serve both without conflict. A determination of the extent, if any, to which joint use will achieve the purposes of this chapter shall be made by the planning director, who may require submission of a site development plan and a parking demand study or other data necessary to reach a decision.
- D. On-Street Parking. In the VC, VMU, and VO zones, on-street parking which borders the property frontage shall apply toward satisfying the parking standards in this section.
- E. In the event that a change in commercial use is proposed different than that in place as of March 9, 2004, a Type II modification of conditions permit shall be required. The permit will be granted upon demonstration that the requirements of subsection B of this section are met by the proposed use. (Ord. 4-2004 § 3; Ord. 6-2001 § 1)

#### 19.140.050 Street trees.

- A. Location. Street trees are required along both sides of all collector streets and local streets within the Village adjacent to new development and on at least one side of streets with a higher classification. The spacing requirement shall be on average one tree per 30 linear feet. Along collector streets or streets with a higher classification, metal grating, nonmortared brick, grasscrete, or similar material shall be installed at grade over the planting area around street trees, or raised planters shall be constructed to prevent soil compaction and damage to the trunk. Planting strips or tree wells are required along all remaining streets.
- B. Characteristics. The characteristics of the street trees shall be consistent with the criteria shown in Figure V-5, following Chapter [19.155](#) FMC. (Ord. 6-2001 § 1)

#### 19.140.060 Erosion control standards.

The site must be contoured, planted, or developed to prevent erosion, pollution, and sedimentation into adjacent natural resource areas within six weeks of the issuance of the certificate of occupancy. Erosion control techniques must meet city of Fairview erosion control handbook standards. (Ord. 6-2001 § 1)

### 19.140.070 Landscape standards.

Where the area to be landscaped is less than 30 feet deep, the requirement shall be on average one tree per 30 linear feet. Where the area is 30 feet deep or greater, the requirement is one tree per 800 square feet and either two high shrubs or three low shrubs per 400 square feet of landscaped area. The shrubs and trees may be grouped; provided, that ground cover plants must fully cover the remainder of landscaped area. The landscaping details for the various, respective sectors of Fairview Village shall be presented in a landscape plan in design review or in a development permit application.

A. Trees may be deciduous or evergreen. Deciduous trees at the time of planting must be fully branched, have a minimum diameter of two inches, measured five feet above the ground, and have a minimum height of 10 feet. Evergreen trees at the time of planting must be fully branched and a minimum of six feet in height.

B. Low shrubs must form a continuous screen three feet high and 95 percent opaque year-round. High shrubs must form a screen six feet high and 95 percent opaque year-round.

C. Groundcover plants shall be installed on all areas where slopes are five to one or steeper and must be installed at a minimum of 18 inches on center and four-inch pots at time of planting.

D. All required groundcover plants and shrubs must be of sufficient size and quantity to meet the required standards within three years of planting. The use of mulch must be confined to areas underneath plants and shall not be considered a substitute for groundcover plants.

E. The required materials are shown in Figure V-6, following Chapter [19.155](#) FMC. (Ord. 6-2001 § 1)

### 19.140.080 Fairview Creek and Clear Creek conservation easements.

A. Concurrent with development of any site containing Fairview Creek or Clear Creek, a conservation easement shall be granted to the city. The conservation easement of approximately 100 feet for Fairview Creek and 75 feet for Clear Creek will provide a control mechanism for these creek corridors. The easements, which shall extend not less than 50 feet from Fairview Creek centerline and not less than 37.5 feet from Clear Creek centerline in either direction, will protect water quality, provide for wildlife movement and enhance the neighborhood aesthetics by providing a greenbelt through the single-family residential area.

B. Within the 100-foot protected area along Fairview Creek, development and resource alteration, other than mitigation or enhancement, will be prohibited within 70 feet of the corridor centered on the creek. The other 15 feet remaining on either side may allow wooden fences up to six feet in height and plantings using only materials shown on the Fairview Village plant list. Trees existing



within the 100-foot corridor shall be nurtured and protected. Plantings that appear on the approved list are encouraged especially where they would provide shade to the creek from direct sun.

C. Within the 75-foot protected area along Clear Creek, development and resource alteration, other than mitigation or enhancement, will be prohibited within 45 feet of the corridor centered on the creek. The other 15 feet remaining on either side may allow wooden fences up to six feet in height with plantings using only materials shown on the Fairview plant list (Fairview uses the Metro Plant List). Trees existing within the 75-foot corridor shall be nurtured and protected. Plantings that appear on the approved list are encouraged especially where they would provide shade to the creek from direct sun.

D. Variance. An applicant may apply for a Class C variance to the conservation easement standards provided in subsections A through C above. (Ord. 6-2001 § 1)

#### 19.140.090 Bicycle parking.

##### A. Number Required.

1. Multifamily dwelling: one space per unit (.25 per unit if occupancy restricted to 55 years or older).
2. Commercial use classifications: five percent of the requirement for automobile parking spaces, except for the following classifications, which are exempt:
  - a. Animal sales and service.
  - b. Auto-related uses.
  - c. Warehousing – Wholesale and distribution.

##### B. Bicycle Parking Space and Aisle Dimensions.

1. Uncovered spaces shall be at least six feet long and two feet wide.
2. Covered spaces shall be at least seven feet long and two feet wide.
3. A five-foot-wide aisle is required adjacent to each row of bicycle parking.

C. Required bicycle parking racks shall be located no further than the closest automobile parking space from the major building entrance.

D. When more than seven bicycle parking spaces are required, 50 percent of the spaces shall be covered.

E. When more than 15 covered bicycle parking spaces are required, 50 percent of the covered spaces shall be enclosed and offer a high level of security (i.e., bicycle lockers or a locked cage or room with locking facilities inside, to provide safe long-term parking). (Ord. 6-2001 § 1)

#### 19.140.100 Blank wall standard.

Windows must occupy at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls which abut sidewalks, plazas, or other public open spaces. Walls may be recessed three feet in maximum increments

of 15 feet with landscaping in lieu of windows. Recess landscaping shall obscure the wall year-round. (Ord. 6-2001 § 1)

### 19.140.110 Signs.

A. Purpose. It is the city's policy to create a consistent and aesthetically pleasing sign design theme for the Village zones.

B. Application. The provisions of this section are to be used in conjunction with the city sign regulations in Chapter [19.170](#) FMC. The sign requirements in Chapter [19.170](#) FMC shall govern in the Fairview Village zones with the exception of the following:

1. The types of signs permitted shall be limited only to those signs described in this chapter.
2. All signs in the Village zones shall comply with the design standards described in this chapter.

#### C. Permitted Signs Within the Village Zones.

1. Village Single-Family (VSF) and Village Townhouse (VTH). No permanent signs shall be permitted except for those listed in FMC [19.170.080](#).

2. Village Apartment (VA).

##### a. Freestanding Signs.

- i. Area. Maximum sign face area of 32 square feet.
- ii. Height shall be a maximum of four feet above grade.
- iii. Number. Multiple signs are allowed as long as the total sign area of all sign faces does not exceed a maximum of 64 square feet.
- iv. Base Dimension. The base/foundation dimensions shall be provided and not exceed 30 inches in depth or eight feet in width and shall be no less than 18 inches in height or more than 24 inches.

##### b. Fascia Signs.

- i. Area. Maximum sign face area of 32 square feet.
- ii. Dimensions. The vertical dimension of any fascia sign shall not exceed three feet. The horizontal dimension of any fascia sign shall not exceed 24 feet.
- iii. Number. Two signs are allowed if the total combined area of the sign faces does not exceed 32 square feet.
- iv. Placement. The signs shall be placed on the facade of the building oriented with its main entry signs shall not extend beyond the corners or the top of the building facade.

3. Village Mixed Use (VMU) and Village Office (VO).

##### a. Ground Story Signs (Figure V-7, following Chapter [19.155](#) FMC).

- i. Area. The total combined square footage of all sign faces attached to the ground story shall be a maximum of 10 percent of the area of the ground story facade on which the sign(s) will be attached. Regardless of the facade area, a maximum total sign area of 10 square feet shall be permitted.
- ii. Types of Signs. Fascia signs, projecting signs, awnings and window signs/graphics are permitted.

- iii. Dimensions. The vertical dimension of any sign shall not exceed three feet, with the exception of projecting signs which shall have a vertical dimension no greater than four feet. The dimensions of all ground story signs shall include foundations, supports and other essential sign structures.
  - iv. Projection Over Sidewalk. Projecting signs and awnings shall not exceed a distance of four feet from the facade of the building to which that specific sign is attached.
  - v. Sign Clearance. Projecting signs and awnings shall have a minimum clearance of 7.0 feet above the finished grade.
  - vi. Placement. Fascia signs may not extend beyond the corners or the top of the building facade.
  - vii. Number. Multiple signs allowed as long as the total area of all sign faces does not exceed the area limits in subsection (C)(3)(a)(i) of this section.
- b. Upper Story Signs (Figure V-7, following Chapter [19.155](#) FMC).
- i. Area. The total combined square footage of all signs attached to stories above the first story shall be a maximum of 25 percent of the area of the upper story facade on which the sign(s) will be attached.  
Regardless of the facade area, a maximum total sign area of 25 square feet shall be permitted.
  - ii. Types of Signs. Fascia signs only are permitted.
  - iii. Dimensions. The vertical dimension of any sign shall not exceed three feet.
  - iv. Placement. Signs shall not extend beyond the corners or the top of the building facade.
  - v. Number. Multiple signs allowed as long as the total area of all sign faces does not exceed the area limits in subsection (C)(3)(b)(i) of this section.
4. Village Commercial (VC). All signs in the VC zone shall comply with the design standards described in FMC [19.170.050](#), Specific sign development provisions, with the following exceptions:
- a. Freestanding signs shall not be permitted; and
  - b. For businesses of less than 5,000 square feet, the requirements of the VMU and VO zones (subsection (C)(3) of this section) shall apply.
5. Freestanding Monument Entry Signs. These signs are intended to identify the Village entrances. The number and location of these signs is shown in Figure V-8, following Chapter [19.155](#) FMC.
- a. Area. Maximum face area of 75 square feet.
  - b. Height shall be a maximum of 12 feet above grade.
  - c. Width shall be limited to a maximum of 15 feet.
  - d. Placement. Sign base shall be set on a foundation at finished grade level, anchored to the ground.
  - e. Location. Sign locations shall be located at four designated entrances into the Village (Figure V-8, following Chapter [19.155](#) FMC).
  - f. Base Dimension. The base/foundation dimensions shall not exceed 36 inches in depth or 15 feet in width and shall be no less than 18 inches or more than 24

inches in height.

#### 6. Design Requirements for the VSF, VTH, VA, VMU, and VO Zones.

##### a. Freestanding Signs.

i. Placement. The sign base shall be set directly on a foundation at finished grade level, anchored to the ground (Figure V-9, following Chapter [19.155 FMC](#)).

ii. Materials. Base/foundation shall be provided and constructed of native materials to include stone, aggregate or brick. Construction to be consistent and compatible in form, material and pattern with all other monument signs in the Village. Elevated design shall be constructed of metal or stone with wood or metal informational lettering. No plastics or synthetic material shall be allowed.

iii. Size of lettering shall be limited to a maximum of 12 inches in height.

iv. Illumination. Signs shall be limited to external illumination to include conventional lighting and neon, if neon is applied to sign plane area. Internally illuminated signs are prohibited.

##### b. Fascia Signs.

i. Materials shall be limited to wood, metal, or glass.

ii. Size of lettering shall be limited to a maximum of 12 inches in height.

iii. Illumination. Signs shall be limited to external illumination to include conventional lighting and neon, if neon is applied to sign plane area. Internally illuminated signs are prohibited.

##### c. Projecting Signs.

i. Materials shall be limited to wood, metal, or glass.

Support structure for signs shall be constructed in materials to complement the overall sign design.

ii. Size of lettering shall be limited to a maximum of 12 inches in height.

iii. Illumination. Signs shall be limited to external illumination to include conventional lighting and neon, if neon is applied to sign plane area. Internally illuminated signs are prohibited.

##### d. Awnings.

i. Materials shall be limited to metal glass and/or canvas (or fabric of comparable quality).

ii. Size of lettering shall be limited to a maximum of 12 inches in height.

iii. Illumination shall be limited to external illumination. Internally illuminated awnings are prohibited.

e. Window Signs/Graphics. Any signs placed in windows shall be consistent with FMC [19.140.100](#), Blank wall standard.

#### D. Prohibited Permanent Signs.

1. Internally illuminated signs with the exception of the VC zone only.

2. Painted wall signs (without sign structure).

3. Roof signs.

4. Painted wall decorations and painted wall highlights.

5. Readerboards.

6. Sidewalk A-board signs.

7. Flashing signs.
  8. Electronic message centers.
  9. Bench signs.
  10. Subdivision signs. (Ord. 6-2001 § 1)
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Chapter 19.145  
SPECIAL DEVELOPMENT STANDARDS – VSF, VTH AND VA ZONES

Sections:

<a href="#">19.145.010</a>	Applicability.
<a href="#">19.145.020</a>	Entries and front porches.
<a href="#">19.145.030</a>	Window trim.
<a href="#">19.145.040</a>	Roofs.
<a href="#">19.145.050</a>	Fences, screening, and buffering.
<a href="#">19.145.060</a>	Public recreational uses.
<a href="#">19.145.070</a>	Landscaping.
<a href="#">19.145.080</a>	Materials.
<a href="#">19.145.090</a>	Automobile access.

19.145.010 Applicability.

The special standards provided in this chapter apply in the Village single-family (VSF), Village town house (VTH) and Village agricultural (VA) zones unless otherwise provided. (Ord. 6-2001 § 1)

19.145.020 Entries and front porches.

A. Primary entries shall be accessed directly from a public street and must be visible from the street.

B. A minimum of every other residential unit within a block frontage shall have a front porch. Residential units without front porches shall not be constructed on adjacent lots.

C. Front porches may encroach into front setback and are not subject to lot coverage limitations. (Ord. 6-2001 § 1)

19.145.030 Window trim.

Window trim in the VSF, VTH, and VA zones shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head and sill. (Ord. 6-2001 § 1)

19.145.040 Roofs.

Hipped gambrel or gabled roofs are required. The pitch of the roof shall be no

less than 4:12. Flat roofs are not permitted except for mechanical equipment areas in VA zones. Thirty-inch-high parapets are required along street facades where flat roofs are used. Flat roofs are not permitted in VSF and VTH zones. (Ord. 6-2001 § 1)

#### 19.145.050 Fences, screening, and buffering.

Fences, screens, and sight-obscuring plantings shall meet the intersection sight distance requirements as established by city engineering department. The maximum height of a fence, screen, or sight-obscuring plantings shall be six feet along the side and rear yards back from the front building line and four feet forward of the front building line. (Ord. 6-2001 § 1)

#### 19.145.060 Public recreational uses.

Publicly owned and operated parks, playgrounds, recreational and community buildings and related improvements such as tennis courts, and similar recreational uses; provided, that any principal building, swimming pool, or use shall be located not less than 45 feet (VSF) or 30 feet (VTH and VA) from any other lot in the same zone. (Ord. 6-2001 § 1)

#### 19.145.070 Landscaping.

In all VTH and VA zones, a minimum of 25 percent of site area shall be landscaped in conformance with FMC [19.140.070](#). (Ord. 6-2001 § 1)

#### 19.145.080 Materials.

Exterior finishes and fences shall be wood and/or masonry. (Ord. 6-2001 § 1)

#### 19.145.090 Automobile access.

On lots that abut alleys, automobile access to garages shall be exclusively from the alley. No driveway access onto the street will be allowed. (Ord. 6-2001 § 1)

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## Chapter 19.150 SPECIAL DEVELOPMENT STANDARDS – VO, VC AND VMU ZONES

### Sections:

<a href="#">19.150.010</a>	Applicability.
<a href="#">19.150.020</a>	Access and on-site circulation.
<a href="#">19.150.030</a>	Entries.
<a href="#">19.150.040</a>	VO, VC and VCM facade design.
<a href="#">19.150.050</a>	Roofs in the mixed use zone (VMU).
<a href="#">19.150.060</a>	Materials.
<a href="#">19.150.070</a>	VO and VC landscaping and street furniture.
<a href="#">19.150.080</a>	Screening.
<a href="#">19.150.090</a>	Trails.

#### 19.150.010 Applicability.

The special standards provided in this chapter apply in the Village office (VO), Village commercial (VC) and Village mixed use (VMU) zones unless otherwise provided. (Ord. 6-2001 § 1)

#### 19.150.020 Access and on-site circulation.

A. Pedestrians. Pedestrian ways shall connect the Village commercial zone with transit facilities and with NE Halsey Street.

B. Motor Vehicles. The location, design and development of access and on-site circulation shall comply with the following:

1. Shared driveway entrances, rear yard parking, shared parking and maneuvering areas, and interior driveways between parking lots shall be required for all nonresidential uses.
2. The maximum width for a driveway shall be 35 feet.
3. Within the Village commercial, mixed use, and Village office, a minimum of five percent, but not fewer than one space, of the employee parking spaces shall be marked and signed for exclusive use as carpool/vanpool spaces. Required carpool/vanpool spaces shall be located closer to the major building entrance than all other spaces except handicapped spaces.
4. Village office parking lots shall be placed behind buildings or behind a five-foot landscaped buffer; provided, that such parking lots shall not front more than



50 percent of the block frontage of any public street. (Ord. 6-2001 § 1)

#### 19.150.030 Entries.

A. Primary entries shall face a public street or designated pedestrian way and shall be accessed from a public sidewalk. The entries shall be open to the public during all business hours. Secondary entries may face parking lots or loading areas.

B. VCM upper story residential uses shall have shared or individual entries every 70 feet on the first level only; no outside staircases are allowed. (Ord. 6-2001 § 1)

#### 19.150.040 VO, VC and VCM facade design.

All VO and VC building facades shall conform to FMC [19.140.100](#), Blank wall standard. (Ord. 6-2001 § 1)

#### 19.150.050 Roofs in the mixed use zone (VMU).

Hipped, gambrel or gabled roofs are required. Flat roofs are not permitted except for mechanical equipment areas in VMU zones. Thirty-inch high parapets are required along all street facades where flat roofs are used. (Ord. 6-2001 § 1)

#### 19.150.060 Materials.

Exterior finishes of buildings shall be primarily of materials such as masonry, wood siding, shingles or stucco (or similar material). Sheet metal, cinder block, and T1-11 are prohibited as exterior wall material. (Ord. 6-2001 § 1)

#### 19.150.070 VO and VC landscaping and street furniture.

A minimum of 15 percent of the developed VO and VC site areas must be used for landscaping.

A. Parking and service areas shall be screened from adjacent residential zones. This requirement may be modified during development design review to accommodate required pedestrian access to the site, but in no case shall pedestrian access be eliminated.

B. Parking lots shall have at least one tree on average for every six parking spaces, distributed throughout the interior of the parking area to provide maximum shading.

C. Parking lots shall be placed behind buildings or a 10-foot buffer landscaped in conformance with FMC [19.140.070](#). (see also Setbacks and Configuration). (Ord. 6-2001 § 1)

#### 19.150.080 Screening.

A. All primary and accessory uses associated with Village office and Village commercial uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.

B. Parking and service areas shall be screened from pedestrian ways or public right-of-way by a three-foot-high hedge or sight-obscuring wall.

C. Loading areas and dumpsters shall be screened from public rights-of-way and pedestrian ways by walls, trellises, fences, or landscaping.

D. Mechanical equipment and satellite dishes over one meter in size shall be screened from view from any pedestrian way or public right-of-way. (Ord. 6-2001 § 1)

#### 19.150.090 Trails.

All trails will be built according to the Fairview Village trail master plan. (Ord. 6-2001 § 1)



## Chapter 19.155 VILLAGE TRAIL SYSTEM PLAN

### Sections:

- [19.155.010](#) Purpose.
- [19.155.020](#) Location – Generally.
- [19.155.030](#) Design.
- [19.155.040](#) Construction prior to occupancy.
- [19.155.050](#) Dedication.
- [19.155.060](#) Operation – Maintenance.
- [19.155.070](#) Location – Specifically.

#### 19.155.010 Purpose.

The public recreational trail requirements are intended to increase recreational opportunities within the city of Fairview, help create a pleasant, aesthetically pleasing urban environment, and provide consistent standards for trail development. (Ord. 6-2001 § 1)

#### 19.155.020 Location – Generally.

The trail system will generally occur within the wetland and upland park/open space areas, and other selected alignments within the developed portions of the Village. The pedestrian ways and/or trail system will provide internal and external connections between the wetland and upland park/open space areas, other Village open spaces, and to adjacent commercial and residential development. (Ord. 6-2001 § 1)

#### 19.155.030 Design.

The trail system shall be designed to provide multiple access points for the public. The trail surface itself and the associated access points shall satisfy ADA requirements and be suitable for walking, running, and bicycling. (Ord. 6-2001 § 1)

#### 19.155.040 Construction prior to occupancy.

The portion of the trail system located on the site for new development shall be constructed by the developer prior to occupancy. The city of Fairview shall extend system development charge credit to the developer equal to the land costs and actual costs for trail and park development as referenced in the city parks recreation/open space master plan. (Ord. 6-2001 § 1)

#### 19.155.050 Dedication.

The trail system and associated pedestrian ways and access points within the wetland and upland park/open space areas shall either be dedicated to the city, an easement granted to the city, or funds provided to the city in lieu of dedication. A legal instrument or mechanism shall be developed that will allow the city to acquire park/open space sites through dedications or to receive funds in lieu of dedications that will allow the city to acquire park/open space sites in adjacent areas, in accordance with the city's parks and recreation/open spaces master plan. (Ord. 6-2001 § 1)

#### 19.155.060 Operation – Maintenance.

Trails, pedestrian ways and access points within Fairview Village shall be operated and maintained by the city. (Ord. 6-2001 § 1)

#### 19.155.070 Location – Specifically.

The location and distribution of planned parks and open spaces are shown on Figure V-10, following Chapter [19.155](#) FMC. (Ord. 6-2001 § 1)

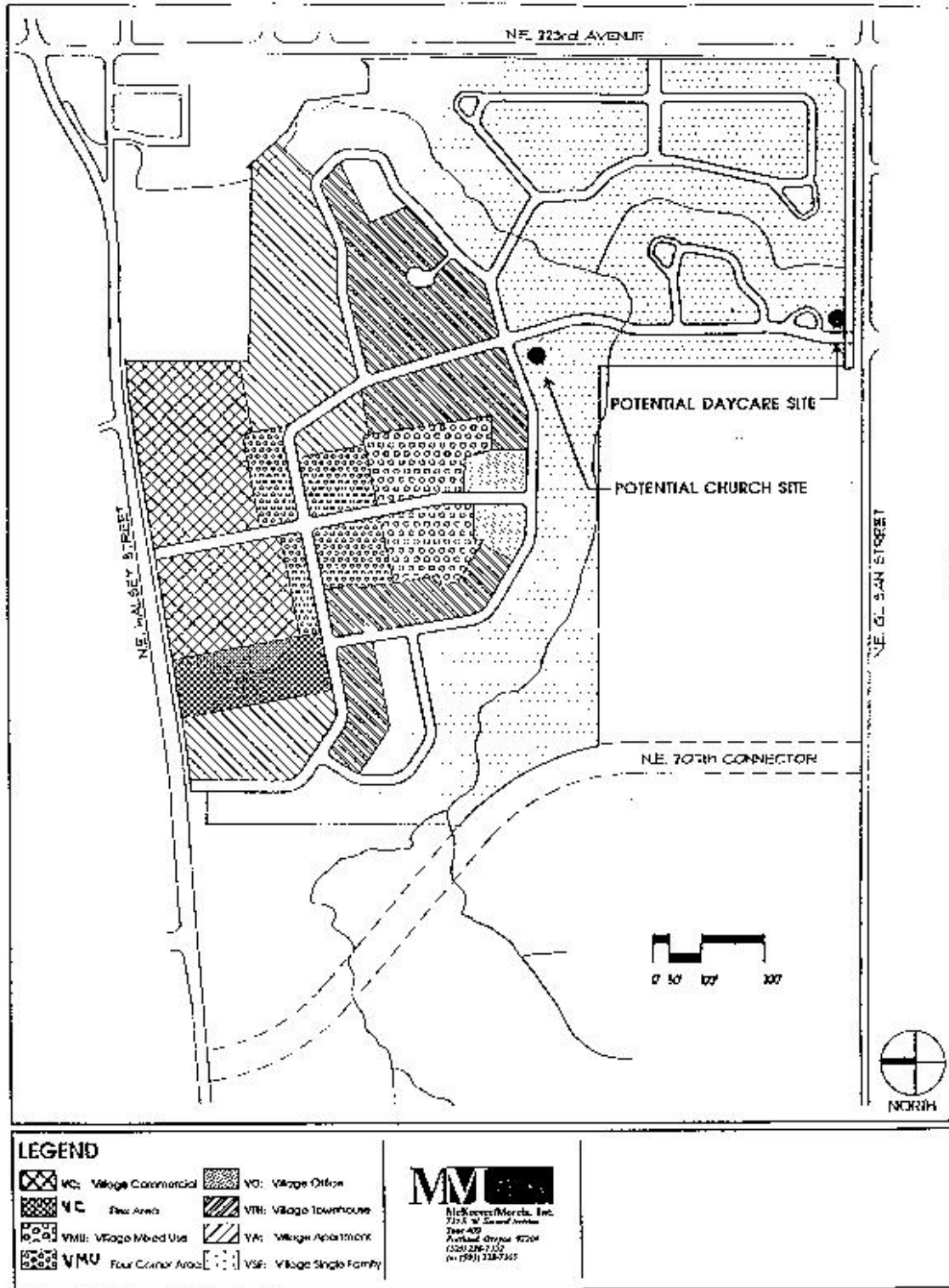
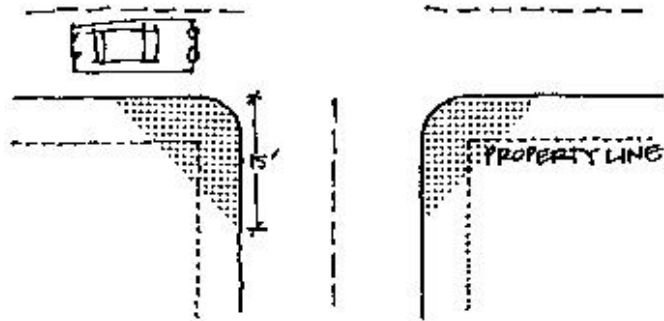


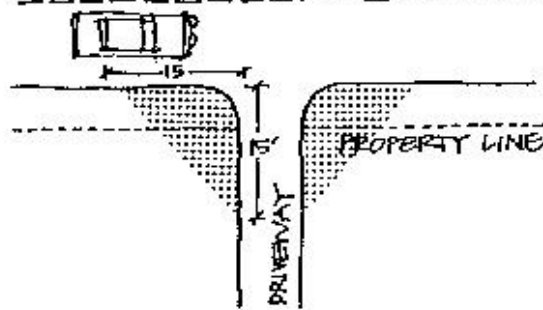
Figure V-1

- Fairview Village Proposed Land Use Plan

Figure V-2 - Fairview Village Vision Clearance




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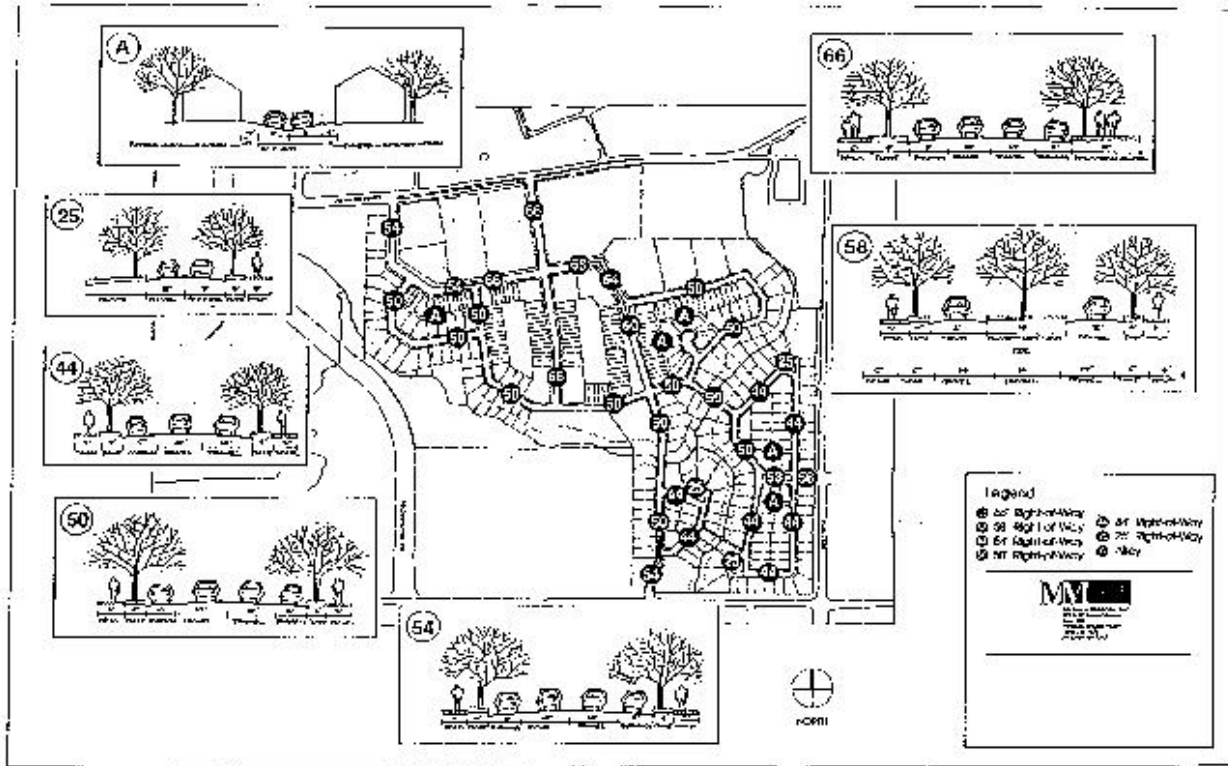


VISION CLEARANCE FOR HEIGHTS:



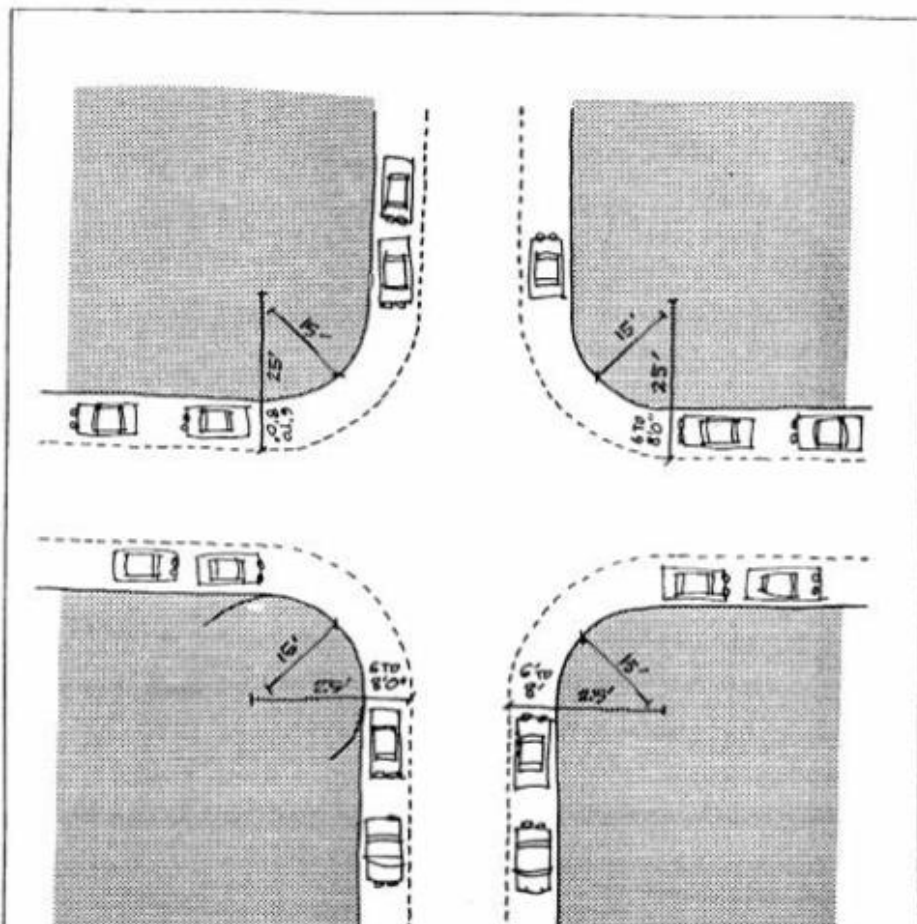
LEGEND

 VISION CLEARANCE AREA  
(NO OBSTRUCTING ELEMENT  
ALLOWED)



V-3 – Fairview Village Street Plan and Section

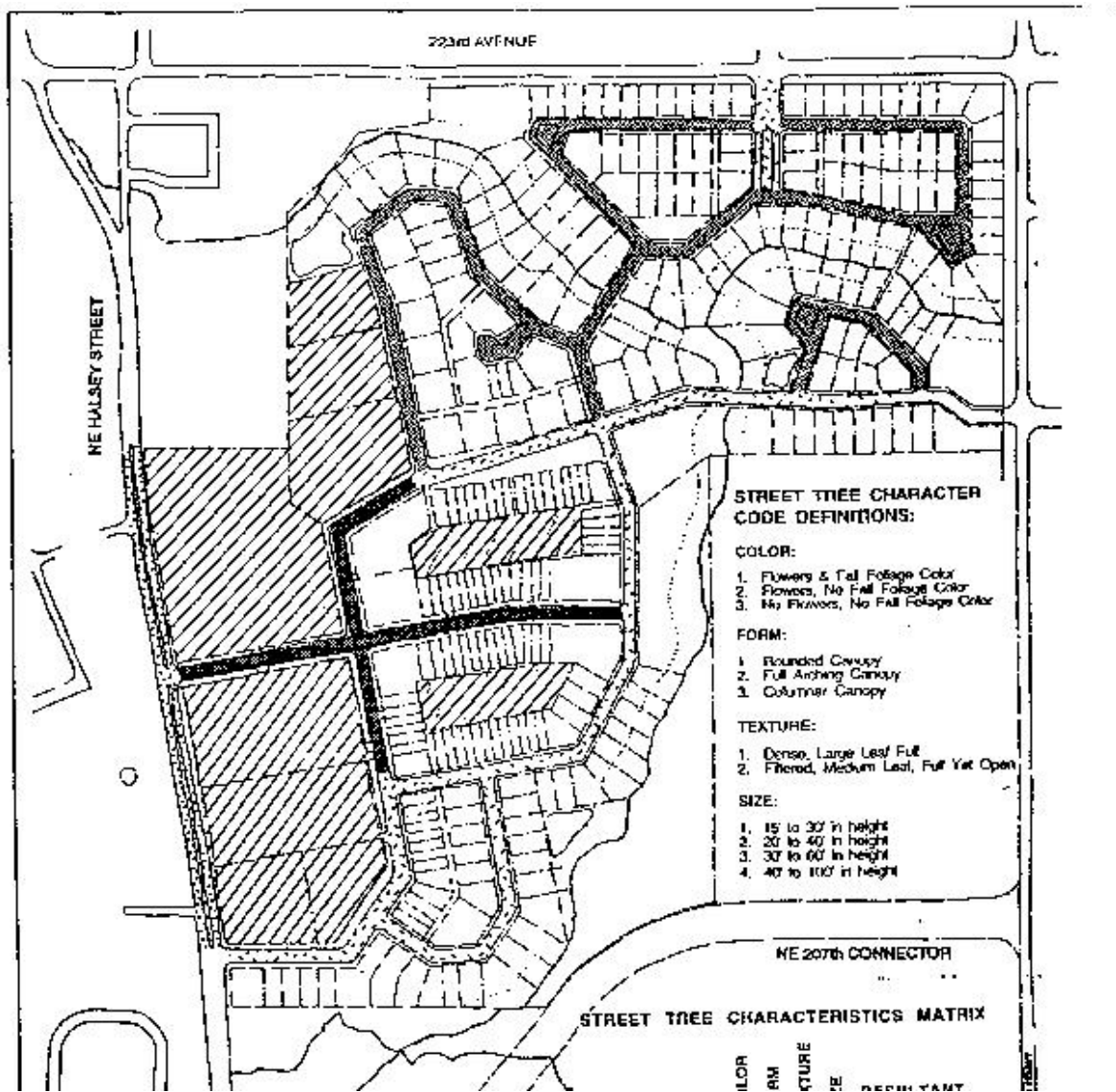
Figure

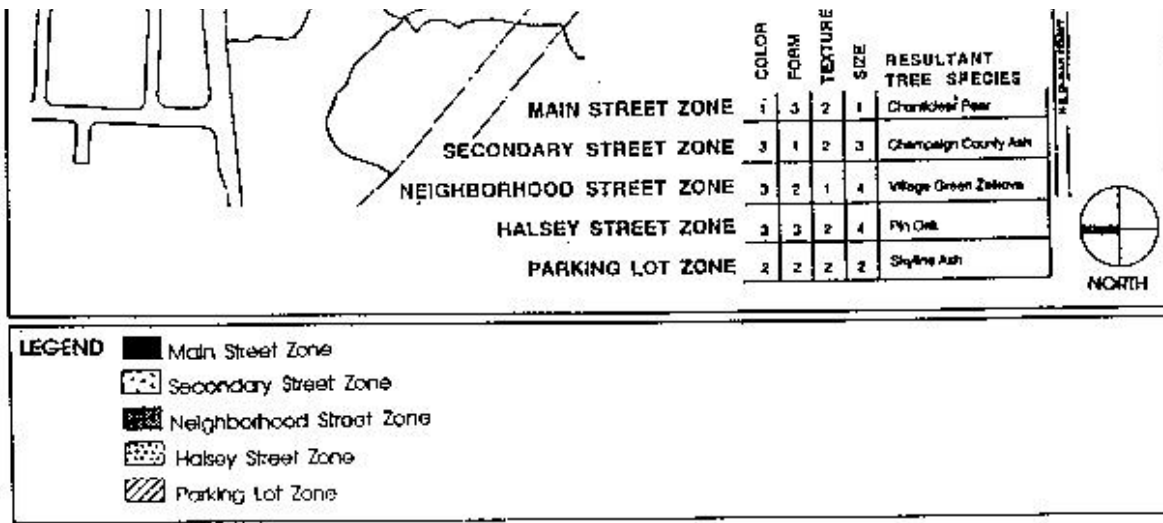




V-4 – Fairview Village Intersection Dimensions

Figure





Figure

V-5 – Fairview Village Street Matrix and Selection

Figure V-6 – Fairview Village Plant List

FAIRVIEW VILLAGE PLANT LIST							
Scientific Name	Common Name	Habitat Type					
		Wetland	Riparian	Forest	Slope	Upland	Shady
<i>Abies grandis</i>	Grand Fir						
<i>Acer macrophyllum</i>	Big-leaf Maple						
<i>Alnus rubra</i>	Red Alder						
<i>Arbutus menziesii</i>	Madrone						
<i>Cornus nuttallii</i>	Western Flowering Dogwood						
<i>Crataegus douglasii douglasii</i>	Black Hawthorn (wetland form)						
<i>Crataegus douglasii siskiyoni</i>	Black Hawthorn (upland form)						
<i>Fraxinus latifolia</i>	Oregon Ash						
<i>Populus trichocarpa</i>	Black Cottonwood						
<i>Pseudotsuga menziesii</i>	Douglas Fir						
<i>Quercus garryana</i>	Garry Oak						
<i>Salix fluviatilis</i>	Columbia River Willow						
<i>Salix lasioandra</i>	Pacific Willow						
<i>Salix scouleriana</i>	Scouler Willow						
<i>Salix alba</i>	White Willow						
<i>Thuja plicata</i>	Western Red Cedar						
<i>Tsuga heterophylla</i>	Western Hemlock						
<i>Acer circinnatum</i>	Vine Maple						
<i>Amelanchier alnifolia</i>	Western Serviceberry						
<i>Berberis aquifolium</i>	Tall Oregongrape						
<i>(Mahonia sp)</i>							
<i>Berberis nervosa</i>	Dwarf Oregongrape						
<i>(Mahonia sp)</i>							
<i>Cornus stolonifera</i>	Red-osier Dogwood						
<i>Corylus cornuta</i>	Hazelnut						
<i>Hedera helix</i>	English Ivy						
<i>Ostrya virginiana</i>	White Oak						
<i>Prunella americana</i>	Indian Plum						
<i>Physocarpus opulifolius</i>	Pacific Ninebark						
<i>Prunus virginiana</i>	Common Chokecherry						
<i>Rhus typhina</i>	Winged Ailanthus						
<i>Rhododendron macrophyllum</i>	Western Rhododendron						
<i>Rubus sanguineus</i>	Red Currant						
<i>Rosa nutkana v. nutkana</i>	Nootka Rose						
<i>Rosa pratincola</i>	Swamp Rose						
<i>Rubus spectabilis</i>	Salmalberry						
<i>Sambucus racemosa</i>	Blue Elderberry						
<i>Sambucus racemosa</i>	Red Elderberry						
<i>Spiraea douglasii</i>	Douglas's Spirea						
<i>Symphoricarpos albus</i>	Common Snowberry						
<i>Vaccinium ovatum</i>	Evergreen Huckleberry						
<i>Alisma plantago-aquatica</i>	American Waterplantain						
<i>Alpeyria perfoliata</i>	Water Foxglove, Marsh Foxglove						
<i>Asplenium trichomanes</i>	Maidenhair Spleamwort						
<i>Athyrium filix-femina</i>	Lady Fern						
<i>Azolla filixoides</i>	Duckweed						
<i>Bizonia ornata</i>	Stinking Begonia-lick						
<i>Bizonia grandis</i>	Leafy Begonia-lick						
<i>Bizonia grandis</i>	Western Begonia-lick						
<i>Blechnum spicant</i>	Deer Fern						
<i>Brasenia schreberi</i>	Water-shield						
<i>Carex acutata</i>	Columbia Sedge						
<i>Carex demissa</i>	Dewey's Sedge						
<i>Carex obnupta</i>	Slough Sedge						
<i>Carex rostrata</i>	Beakod Sedge						
<i>Carex allportii</i>	Sawbeak Sedge						

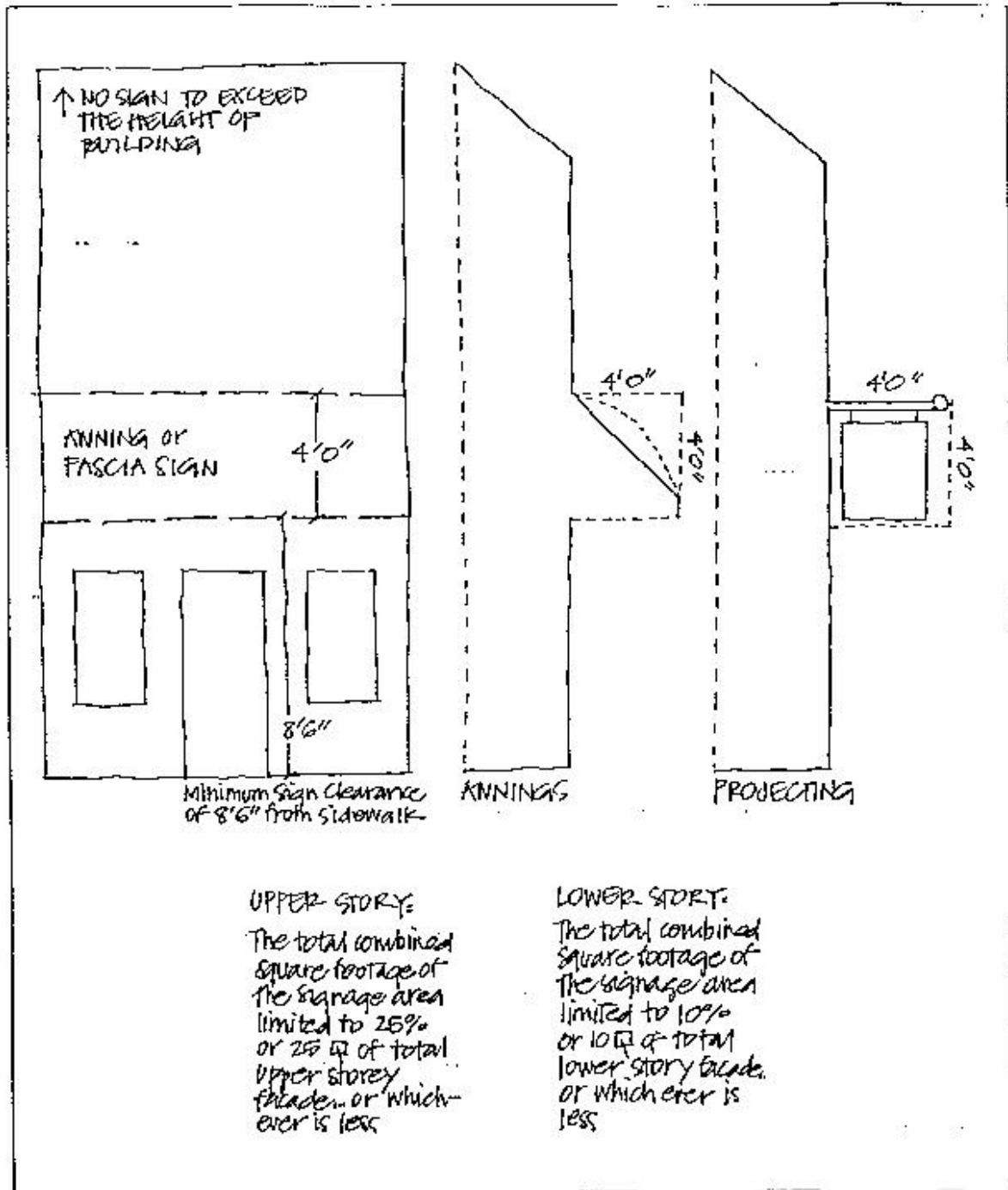


<i>Carex rostrata</i>	Beakod Sedge								
<i>Carex allipata</i>	Sawbeak Sedge								
<i>Castilleja leucosticta</i>	Golden Indian-palmbrush								
<i>Delphinium leucocephalum</i>	Pale Larkspur								
<i>Delphinium menziesii</i>	Menzies' Larkspur								
<i>Lythridaceae</i>									

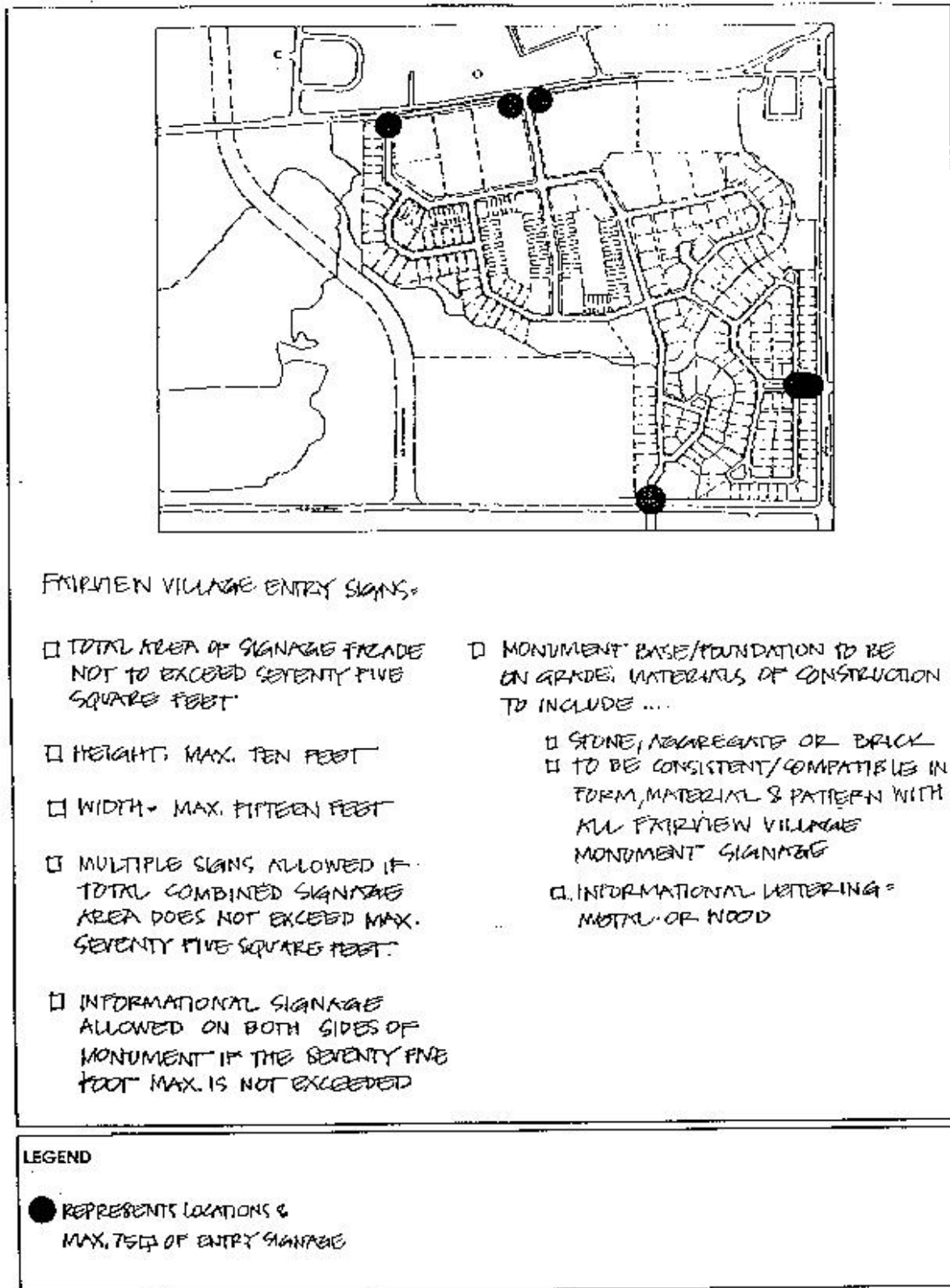
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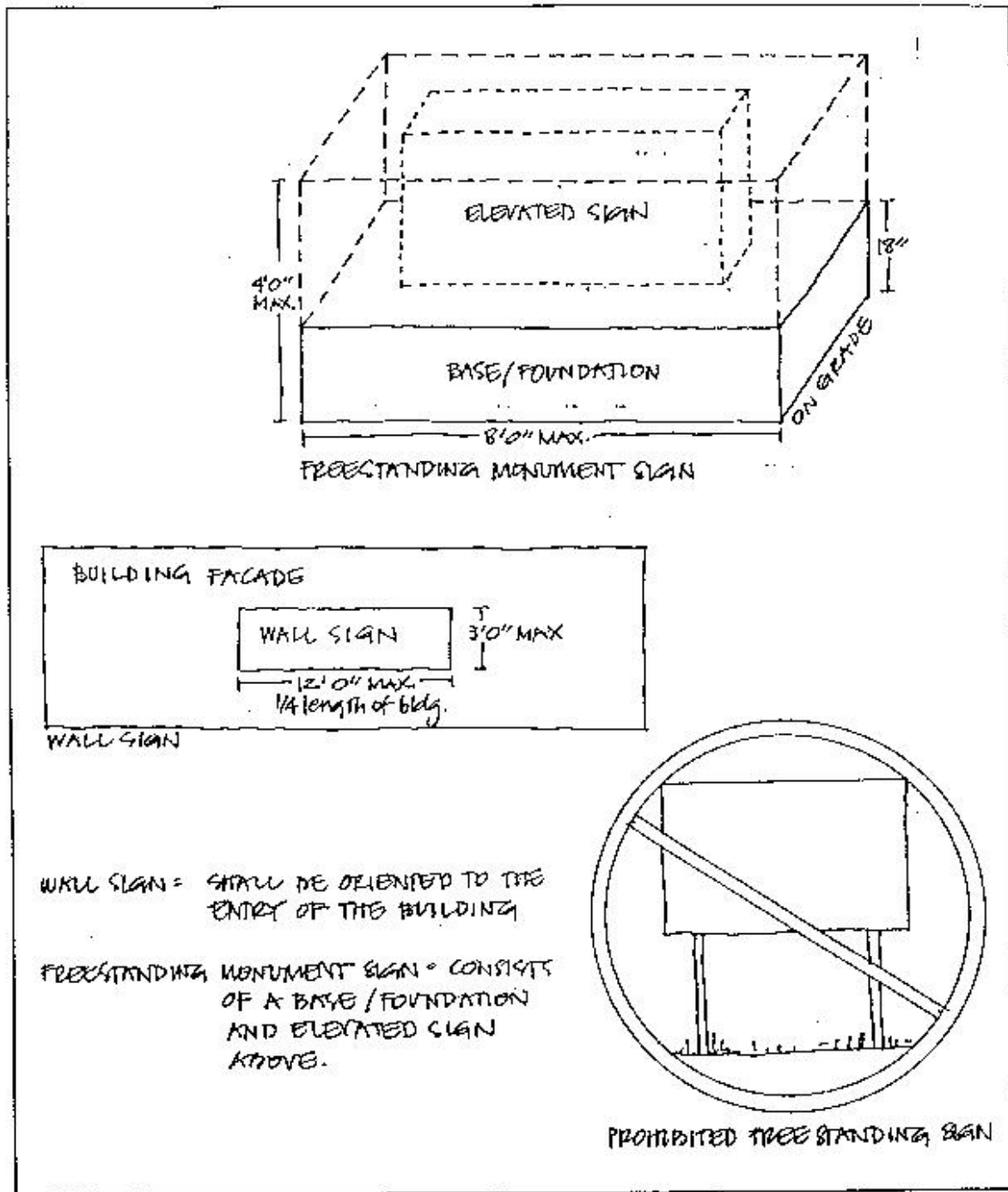
Scientific Name	Common Name	Habitat Type					
		Wetland	Riparian Forest	Slope	Thicket	Grass	Floody
<i>Delphinium nuttallii</i>	Nuttall's Larkspur						
<i>Deschampsia cespitosa</i>	Tufted Hair grass						
<i>Diocentia formosa</i>	Pacific Bloodrootleaf						
<i>Dryopteris austriaca</i>	Spreading Wood Fern						
<i>Echinochloa crusgalli</i>	Large Barnyard-grass						
<i>Elychis palustris</i>	Creeping Spike-torch						
<i>Empetrum granitatum</i>	Common Willow-wood						
<i>Epilobium watsonii</i>	Watson's Willow-wood						
<i>Equisetum hyemale</i>	Common Scouring-rush						
<i>Equisetum palustre</i>	Marsh Horsetail						
<i>Festuca rubra v. rubra</i>	Red Fescue grass						
<i>Galium aparine</i>	Cleavers						
<i>Galium trifidum</i>	Small Bedstraw						
<i>Glycyrrhiza occidentalis</i>	NY Mannan grass						
<i>Gracchidium palustre</i>	Marsh Clubwood						
<i>Juncus pallidus</i>	Balko Rush						
<i>Juncus bufonius</i>	Toad Rush						
<i>Juncus alpinus</i>	Common Rush						
<i>Juncus ossifolius</i>	Dagger-leaf Rush						
<i>Juncus lanula</i>	Slender Rush						
<i>Lomatium stricklandii</i>	Common Lomatium						
<i>Lupinus bicolor</i>	Two-color Lupine						
<i>Lupinus latifolius</i>	Broadleaf Lupine						
<i>Lupinus hispidus</i>	Spurred Lupine						
<i>Lupinus luteus</i>	Purple Lupine						
<i>Lupinus micranthus</i>	Field Lupine						
<i>Lupinus micropus</i>	Chick Lupine						
<i>Lupinus polyphyllus</i>	Large-leaved Lupine						
<i>Lupinus varius</i>	Stream Lupine						
<i>Lupinus sulphureus</i>	Sulfur Lupine						
<i>Lysichiton americanus</i>	Skunk Cabbage						
<i>Mentha arvensis</i>	Field Mint						
<i>Mentha perfoliata</i>	Mint's Lintica						
<i>Nuphar polysepalum</i>	Yellow Water-lily						
<i>Oenanthe sermentosa</i>	Pacific Water-parsley						
<i>Oxalis oregana</i>	Oregon Oxalis						
<i>Oxalis latifolia</i>	Trilium-leaved Wood sorrel						
<i>Poa pratensis</i>	Broad-leaved Poa						
<i>Poa pratensis</i>	Kentucky Bluegrass						
<i>Polygonum amphibium</i>	Water Smartweed						
<i>Polygonum hydropiperoides</i>	Common Water-piper						
<i>Polypodium glycyrrhiza</i>	Licorice Fern						
<i>Polypodium hesperium</i>	Licorice Fern						
<i>Potentilla palustris</i>	Marsh Cinquefoil						
<i>Ranunculus flammula</i>	Creeping Buttercup						
<i>Rumex crispus</i>	Waxing Dock						
<i>Sagittaria latifolia</i>	Wapato						
<i>Scirpus acutus</i>	Hardstem Bulrush						
<i>Scirpus microcarpus</i>	Small-fruited Bulrush						
<i>Scirpus validus</i>	Sottstem Bulrush						
<i>Smilacina racemosa</i>	Western False Solomon's Seal						
<i>Solidago canadensis</i>	Canada Goldenrod						
<i>Stachys palustris v. pilosa</i>	Swamp Hedge-nettle						
<i>Thelypteris nevadensis</i>	Wood Fern						
<i>Trillium chloropetalum</i>	Great Trillium						
<i>Trillium ovatum</i>	Western Trillium						
<i>Typha latifolia</i>	Common Cattail						
<i>Viola adunca</i>	Early Blue Violet						
<i>Viola spaldingii</i>	Johann's Blue Violet						
<i>Viola palustris</i>	Marsh Violet						
<i>Viola sarraciniensis</i>	Evergreen Violet						



V-7 – Fairview Village Main Street Signage Placement

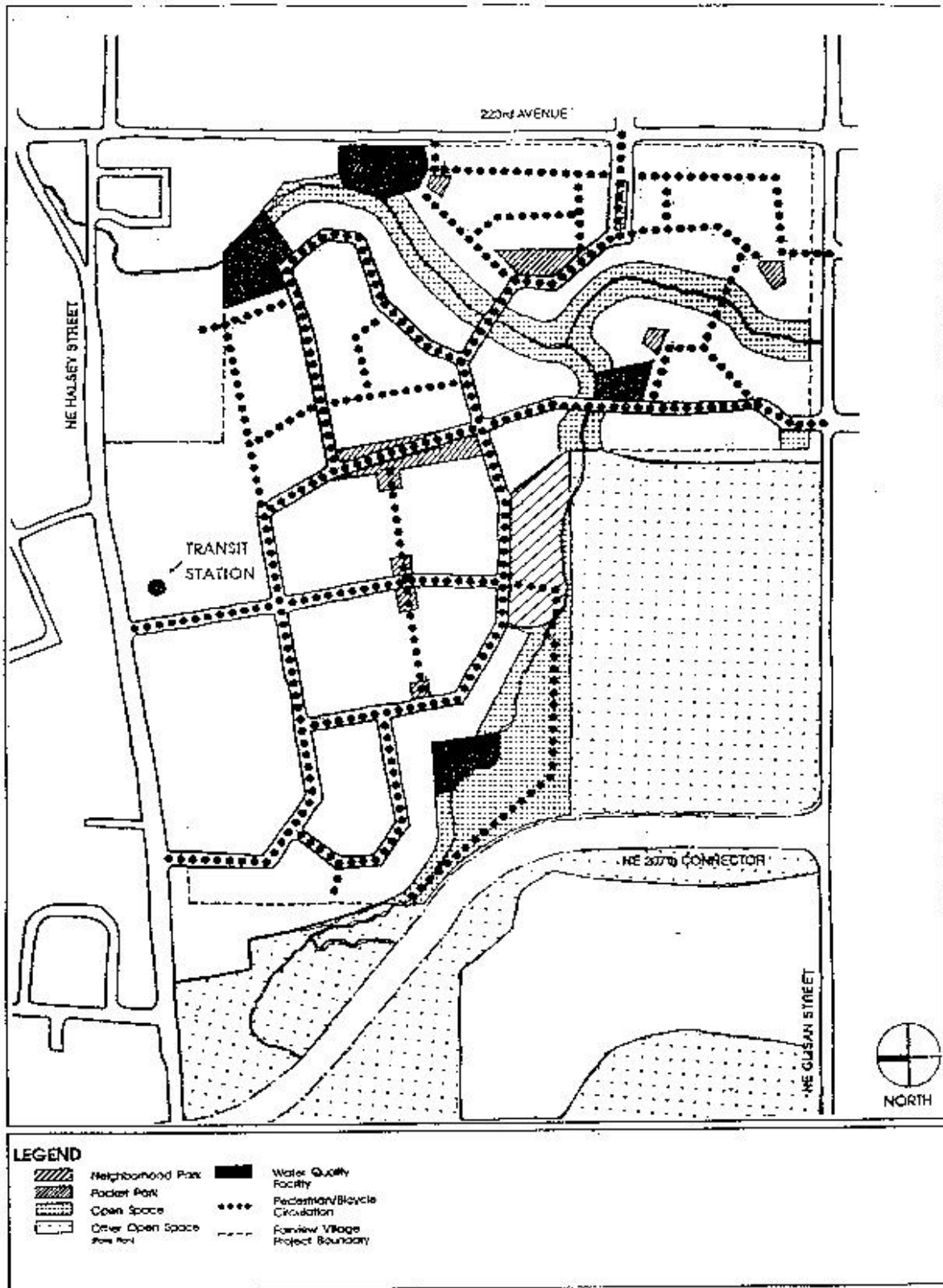


V-8 – Fairview Village Monument Entry Signage



V-9 – Fairview Village VA and Institutional Signage

Figure



V-10 – Fairview Village Parks, Open Spaces and Circulation

Figure

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## Article III. Design Standards

### Chapter 19.160 DESIGN STANDARDS ADMINISTRATION

#### Sections:

- [19.160.001](#) Design standards administration.
- [19.160.010](#) Purpose.
- [19.160.015](#) Applicability.
- [19.160.020](#) Types of design standards.

#### 19.160.001 Design standards administration.

These guidelines provide sufficient guidance relating to new developments to enhance an area and provide sufficient services. (Ord. 6-2001 § 1)

#### 19.160.010 Purpose.

The design guidelines provided in this article protect the city by requiring sufficient access, circulation, landscaping, parking, etc., that not only provides sufficient services, but also buffers uses and creates livable and accessible neighborhoods. (Ord. 6-2001 § 1)

#### 19.160.015 Applicability.

All developments within the city must comply with the provisions of Chapters [19.160](#) through 19.169 FMC. Some developments, such as major projects requiring land division and/or site design review approval, may require detailed findings demonstrating compliance with each chapter of the code. For smaller, less complex projects, fewer code provisions may apply. Though some projects will not require land use or development permit approval, they are still required to comply with the provisions of this article. (Ord. 6-2001 § 1)

#### 19.160.020 Types of design standards.

The city's development design standards are contained in both Article II (Land Use Districts) and Article III (Design Standards). It is important to review both articles, and all relevant code sections within the articles, to determine which standards apply. The city may prepare checklists to assist property owners and applicants in determining which sections apply.

A. Article II. Each land use district provides design standards that are specifically tailored to the district. For example, the residential district contains building design guidelines that are different than those provided in the town center commercial district, due to differences in land use, building types, and compatibility issues. In addition, each district provides special standards that are meant to address the impacts or characteristics of certain land uses.

B. Article III. The design standards contained within the following chapters apply throughout the city, for all land use types:

19.162 – Access and Circulation.

19.163 – Landscaping, Street Trees, Fences and Walls.

19.164 – Vehicle and Bicycle Parking.

19.165 – Public Facilities Standards.

19.170 – Sign Regulations. (Ord. 6-2001 § 1)



## Chapter 19.162 ACCESS AND CIRCULATION

### Sections:

- [19.162.010](#) Purpose.
- [19.162.020](#) Vehicular access and circulation.
- [19.162.030](#) Pedestrian access and circulation.

### 19.162.010 Purpose.

The purpose of this chapter is to ensure that developments provide safe and efficient access and circulation, for pedestrians and vehicles. FMC [19.162.020](#) provides standards for vehicular access and circulation. FMC [19.162.030](#) provides standards for pedestrian access and circulation. Standards for transportation improvements are provided in Chapter [19.165](#) FMC. (Ord. 6-2001 § 1)

### 19.162.020 Vehicular access and circulation.

A. Intent and Purpose. The intent of this section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways as required by the city’s transportation system plan. Major roadways, including highways, arterials, and collectors, serve as the primary system for moving people and goods. “Access management” is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. This section attempts to balance the right of reasonable access to private property with the right of the citizens of the city and the state of Oregon to safe and efficient travel. It also requires all developments to construct planned streets (arterials and collectors) and to extend local streets.

To achieve this policy intent, state and local roadways have been categorized in the transportation system plan by function and classified for access purposes based upon their level of importance and function (see Chapter [19.165](#) FMC). Regulations have been applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

B. Applicability. This section shall apply to all public streets within the city and to all properties that abut these streets.

C. Access Permit Required. Access to a public street requires an access permit in accordance with the following procedures:

1. Permits for access to city streets shall be subject to review and approval by the city engineer based on the standards contained in this chapter, and the provisions of the transportation standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval. In either case, an access permit will be reviewed consistent with the procedures required for the complementary development permit. If no development permit is requested, the access permit shall be reviewed consistent with a Type III process.
2. Permits for access to state highways shall be subject to review and approval by the Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the city or Multnomah County. In that case, the city or county shall determine whether access is granted based on its adopted standards.
3. Permits for access to county highways shall be subject to review and approval by Multnomah County, except where the county has delegated this responsibility to the city, in which case the city shall determine



whether access is granted based on adopted county standards.

D. Traffic Study Requirements. The city may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements.

A traffic study must be provided for any proposed development that includes more than 10 dwellings or generates at least 100 vehicle trips per day. The traffic study shall include those adjacent intersections that will receive more than 50 vehicle trips per day.

E. Conditions of Approval. The city may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street. When obtaining access to off-street parking areas (both to and from), backing onto a public street shall not be permitted, except for single-family dwellings.

F. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods. These methods are “options” to the developer/subdivider, unless one method is specifically required by “Special Standards for Certain Uses.” A minimum of 10 feet per lane is required.

1. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.

2. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.

3. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing.

4. Subdivisions Fronting onto an Arterial Street. New residential subdivisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).

5. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the residential district, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the residential district, a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowners association, etc.).

*Important cross-references to other code sections:* Provisions in Articles II and III of this title may require buildings placed at or near the front property line and driveways and parking areas oriented to the side or rear yard. The city may require the dedication of public right-of-way and construction of a street (e.g., frontage road, alley or other street) when the development impact is proportionate to the need for such a street, and the street is identified by the Comprehensive Plan or an adopted local streets plan. (Please refer to the transportation standards in Chapter [19.165 FMC](#).)

G. Access Spacing. Access spacing ensures safe connections to local and arterial streets. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

1. Local Streets. A minimum of 50 feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in subsection (G)(3) of this section.

2. Arterial and Collector Streets. Access spacing on collector and arterial streets, and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the city’s Transportation System Plan. Access to Interstate 84 is subject to the jurisdiction of ODOT.

3. Special Provisions for All Streets. Direct street access may be restricted for some land uses, in conformance with the provisions of Chapters 19.20 through 19.155 – Land Use Districts. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections (G)(1) and (G)(2) of this section may be required by the city, county or ODOT for the purpose of protecting the function, safety and operation of the street for all users. (See subsection I of this section.) Where no other alternatives

exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

H. Number of Access Points. Reducing the number of access points on a street provides pedestrians fewer obstructions, fewer points at which automobile traffic crosses the sidewalk, and fewer opportunities for conflicts between through traffic and vehicles using access points.

For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards in subsection G of this section. The number of street access points for multiple-family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsection I of this section in order to maintain the required access spacing, and minimize the number of access points.

I. Shared Driveways. Shared driveways serve to reduce impermeable surfaces, reduce visual blight associated with large expanses of pavement, and provide more linear curb space for on-street parking.

The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
  2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
  3. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.
- J. Figure 19.162.020.J provides examples of street layout and connectivity.

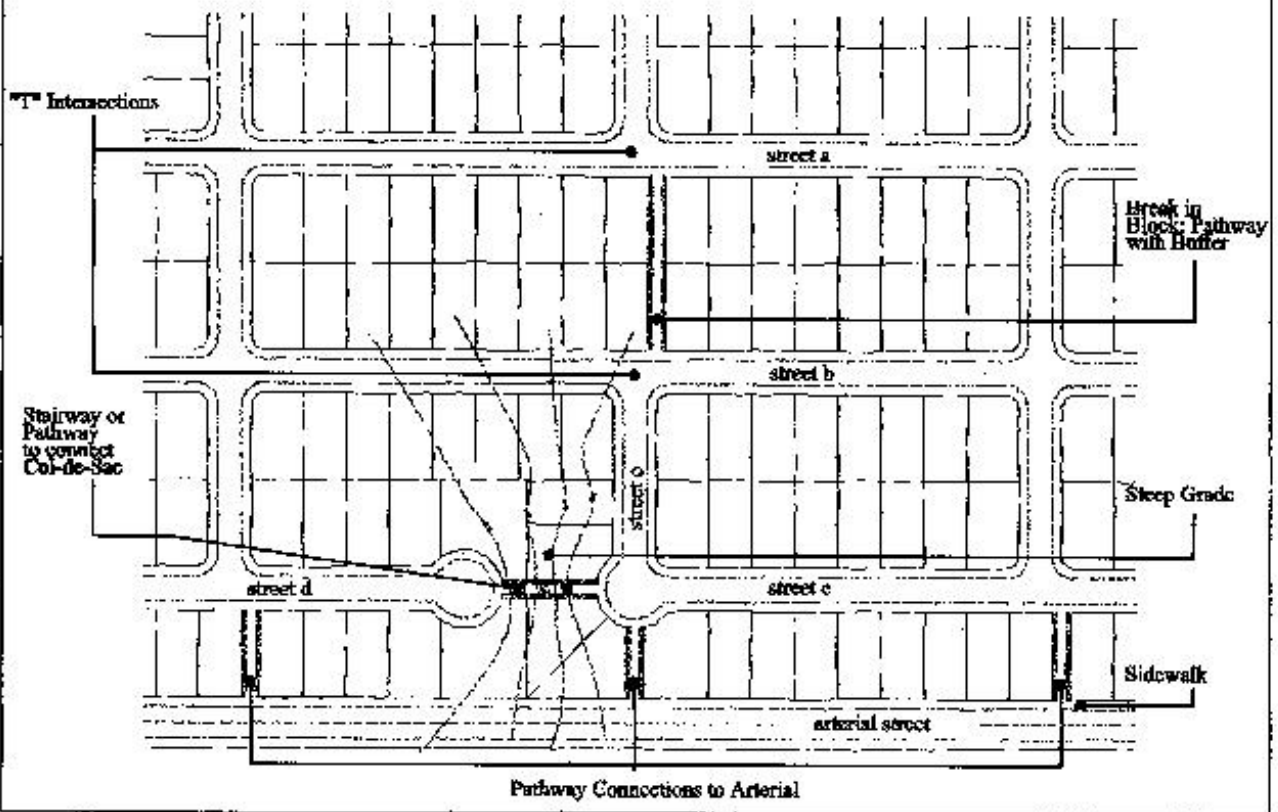
Figure 19.162.020.J – Street Connectivity and Formation of Blocks

## Street Connectivity and Formation of Blocks

### Standard Blocks



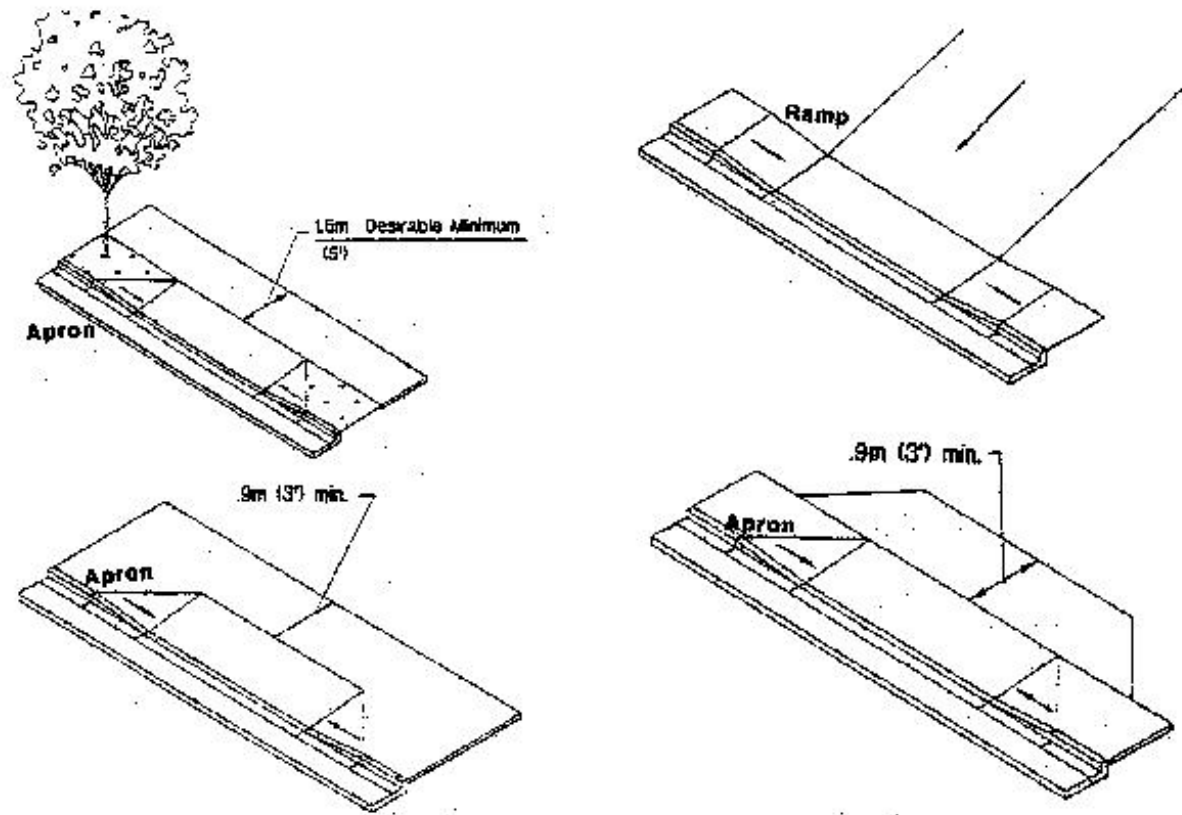
### Exceptions



K. Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

1. Block Length and Perimeter. The maximum block length and perimeter shall not exceed:
  - a. Six hundred (600) feet length and 1,600 feet perimeter in the residential district;
  - b. Two hundred (200) feet length and 1,200 feet perimeter in the town center commercial district, except as provided by FMC [19.65.050](#), Block layout and building orientation;
  - c. Three hundred (300) feet and 1,200 feet perimeter in the corridor commercial district and neighborhood commercial;
  - d. Not applicable to the general industrial district; and
  - e. Seven hundred (700) feet length and 1,700 feet perimeter in the light industrial district, except as required for commercial developments subject to FMC [19.80.060](#)(F).
2. Street Standards. Public and private streets shall also conform to FMC [19.165.025](#), Transportation standards, FMC [19.162.030](#), Pedestrian access and circulation, and applicable Americans with Disabilities Act (ADA) design standards.
3. Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of FMC [19.162.030](#)(A). Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.
- L. Driveway Openings. All driveway openings must comply with the "Standard Specifications for Public Works Construction," pages 53 – 55. Driveway openings or curb cuts shall be within the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:
  1. Single-family, two-family, and three-family uses shall have a minimum driveway width of 10 feet, and a maximum width of 24 feet, except that one recreational vehicle pad driveway may be provided in addition to the standard driveway for lots containing more than 10,000 square feet of area.
  2. Multiple-family uses with between four and seven dwelling units shall have a minimum driveway width of 20 feet, and a maximum width of 24 feet.
  3. Multiple-family uses with more than eight dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the city engineer determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.
  4. Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 19.164, Vehicle and Bicycle Parking.
  5. Driveway Aprons. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown above. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of three feet in width, with a cross slope not exceeding two percent.

Figure 19.162.020.L – Examples of Acceptable Driveway Openings Next to Sidewalks/  
Pathways

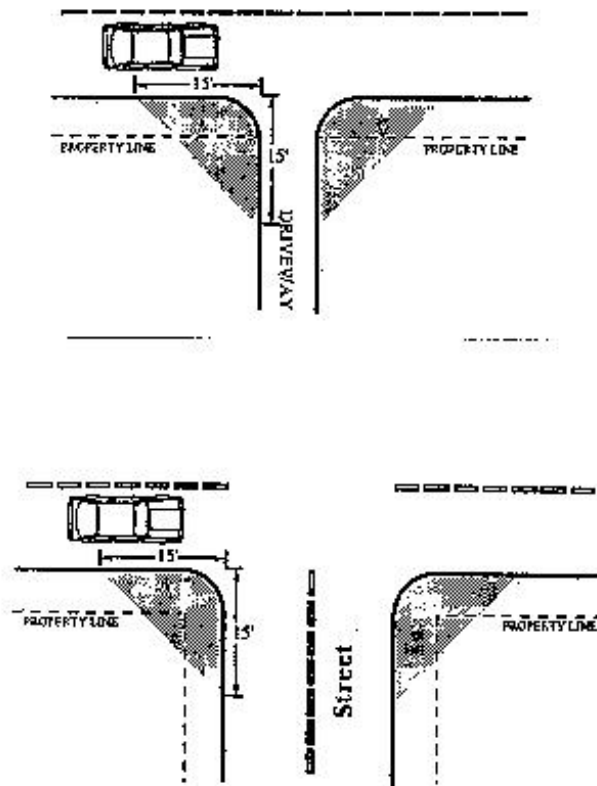


M. Fire Access and Parking Area Turn-arounds. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to Chapter [19.165 FMC](#).

N. Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13 feet 6 inches for their entire length and width.

O. Vision Clearance. No signs, structures or vegetation in excess of three feet in height shall be placed in "vision clearance areas," as shown above. The city engineer upon finding that more sight distance is required may increase the minimum vision clearance area (i.e., due to traffic speeds, roadway alignment, etc.).

Figure 19.162.020.O – Vision Clearance Areas



P. Construction. The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:

1. Surface Options. Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or a durable nonpaving material may be used to reduce surface water runoff and protect water quality. Paving surfaces shall be subject to review and approval by the city engineer.
2. Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with city standards.
3. Driveway Aprons. When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing (see also subsection L of this section). (Ord. 6-2001 § 1)

#### 19.162.030 Pedestrian access and circulation.

The standards presented in this code provide standards for safe, connected and user-friendly pedestrian connections and pathways that join neighborhoods and buildings within a development.

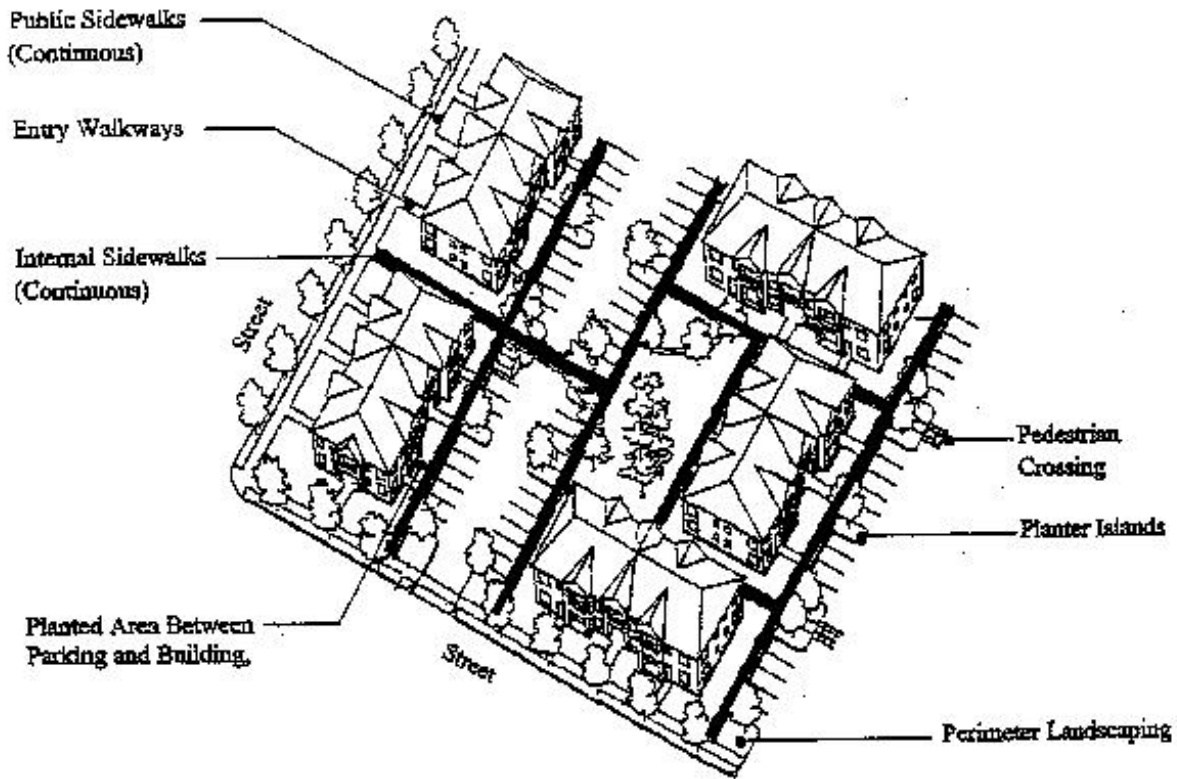
A. Pedestrian Access and Circulation. To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections (A)(1) through (A)(3) of this section:

1. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of FMC [19.162.020](#), Vehicular access and circulation, and the transportation standards in Chapter [19.165](#) FMC.
2. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the

following definitions:

- a. "Reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
  - b. "Safe and convenient" means bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
  - c. For commercial, industrial, mixed use, public, and institutional buildings, the "primary entrance" is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
  - d. For residential buildings the "primary entrance" is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard or breezeway, which serves as a common entrance for more than one dwelling.
3. Connections within Development. For all developments subject to site design review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.
4. Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near midblock where the block length exceeds the length required by FMC [19.162.020](#). Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:
- a. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 10 feet wide and located within a 20-foot-wide right-of-way or easement that allows access for emergency vehicles.
  - b. If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted.
  - c. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep.
  - d. The city may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties.
  - e. The hearings body or planning director may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this code prohibit the pathway connection.

Figure 19.162.030.A – Pedestrian Pathway System for Multifamily Development (Typical)

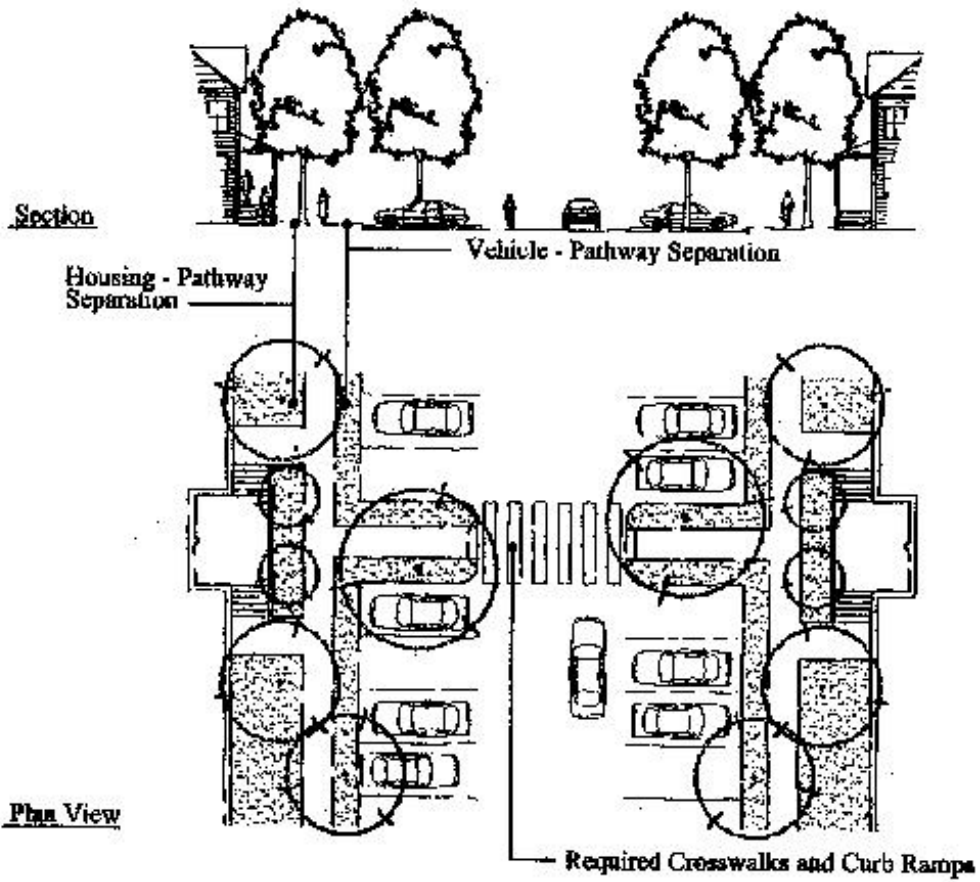


B. Design and Construction. Pathways shall conform to all of the standards in subsections (B)(1) through (B)(5) of this section:

1. **Vehicle/Pathway Separation.** Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six inches and curbed, or separated from the driveway/street by a five-foot minimum strip with bollards, a landscape buffer, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
2. **Housing/Pathway Separation.** Pedestrian pathways shall be separated a minimum of five feet from all residential living areas on the ground floor, except at building entrances. Separation is measured as measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Chapter [19.163 FMC](#), Landscaping, Street Trees, Fences and Walls. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
3. **Crosswalks.** Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings.
4. **Pathway Surface.** Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least six feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 10 feet wide. (See also Chapter [19.165 FMC](#), Transportation Standards for public, multi-use pathway standard.)
5. **Accessible Routes.** Pathways shall comply with the Americans with Disabilities Act, which requires accessible routes of travel.

Figure 19.162.030.B – Pathway Standards (Typical)





(Ord. 6-2001 § 1)

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Chapter 19.163  
LANDSCAPING, STREET TREES,  
FENCES AND WALLS

Sections:

<a href="#">19.163.010</a>	Purpose.
<a href="#">19.163.020</a>	Landscape conservation.
<a href="#">19.163.025</a>	Existing landscaping.
<a href="#">19.163.030</a>	New landscaping.
<a href="#">19.163.040</a>	Street trees.
<a href="#">19.163.050</a>	Fences and walls.

19.163.010 Purpose.

The purpose of this chapter is to promote community health, safety and welfare by protecting natural vegetation, and setting development standards for landscaping, street trees, fences and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces.

The chapter is organized into the following sections:

19.163.020, Landscape Conservation. This section prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands and other protected natural resource areas. This section cross-references Chapters [19.100](#) through [19.106](#) FMC, which regulate development of sensitive lands.

19.163.030, New Landscaping. This section sets standards for and requires landscaping of all development sites that require site design review. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other landscaping standards are provided in Article II of this title, Land Use Districts, for specific types of development.

19.163.040, Street Trees. This section sets standards for and requires planting of trees along all streets for shading, comfort and aesthetic purposes.

19.163.050, Fences and Walls. This section sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics. (Ord. 6-2001 § 1)

19.163.020 Landscape conservation.

A. Applicability. All development sites containing significant vegetation, as defined below, shall comply with the standards of this section. The purpose of this section is to incorporate

significant native vegetation into the landscapes of development and protect vegetation that is subject to requirements of the significant environmental concern and riparian buffer overlay zones, Chapters [19.100](#) and [19.106](#) FMC. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.

B. Significant Vegetation. "Significant vegetation" means:

1. Significant Trees and Shrubs. Individual trees and shrubs with a trunk diameter of six inches or greater, as measured four feet above the ground (DBH), and all plants within the drip line of such trees and shrubs, shall be protected.
2. Sensitive Lands. Trees and shrubs on sites that have been designated as "sensitive lands," in accordance with the Chapter [19.100](#) FMC, Significant Environmental Concern, Chapter [19.106](#) FMC, Riparian Buffer Overlay Zone, and Chapter [19.105](#) FMC, Floodplain Overlay (e.g., due to slope, natural resource areas, wildlife habitat, etc.) shall be protected.
3. Exception. Protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for Multnomah County.

C. Mapping and Protection Required. Significant vegetation shall be mapped as required by this code. Significant trees shall be mapped individually and identified by species and size (diameter at four feet above grade, or "DBH"). A "protection" area shall be defined around the edge of all branches (drip-line) of each tree (drip lines may overlap between trees). The city also may require a inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.

D. Protection Standards. All of the following protection standards shall apply to significant vegetation areas:

1. Protection of Significant Trees. Significant trees identified as meeting the criteria in subsection (B)(1) of this section shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.
2. Sensitive Lands. Sensitive lands shall be protected in conformance with the provisions of Chapters [19.100](#), [19.105](#) and [19.106](#) FMC.
3. Conservation Easements and Dedications. When necessary to implement the Comprehensive Plan, the city may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees. This will be addressed on a case by case basis. (Ord. 6-2001 § 1)

#### 19.163.025 Existing landscaping.

A. Applicability. This section shall apply to all developments.

B. Construction. All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the city for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area, and any required mitigation is provided in conformance with Chapter [19.100](#) FMC, Sensitive Lands, Chapter [19.105](#) FMC, Floodplains and Chapter [19.106](#) FMC, Riparian Buffer Overlay Zones.

C. Exemptions. The protection standards in FMC [19.163.020](#)(D) shall not apply in the following situations:

1. Dead, Diseased, and/or Hazardous Vegetation. Vegetation that is dead or diseased, or poses a hazard to personal safety, property or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection (C)(2) of this section.
2. Emergencies. Significant vegetation may be removed in the event of an emergency without land use approval when the vegetation poses an immediate threat to life or safety, as determined by the planning director. The planning director shall prepare a notice or letter of decision within 10 days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall. (Ord. 6-2001 § 1)

#### 19.163.030 New landscaping.

A. Applicability. This section shall apply to all developments requiring site design review, and other developments with required landscaping.

B. Landscaping Plan Required. A landscape plan is required at the time of design review or other pertinent applications. All landscape plans shall conform to the requirements in FMC 19.420.020 (E), Landscape plans.

C. Landscape Area Standards. The minimum percentage of required landscaping equals:

1. Residential districts: 20 percent of the site.
2. Town center commercial district: five percent of the site.
3. General industrial district: 10 percent of the site.
4. Light industrial district: 10 percent of the site.
5. Corridor commercial district: five percent of the site.
6. Neighborhood commercial district: 10 percent of the site.

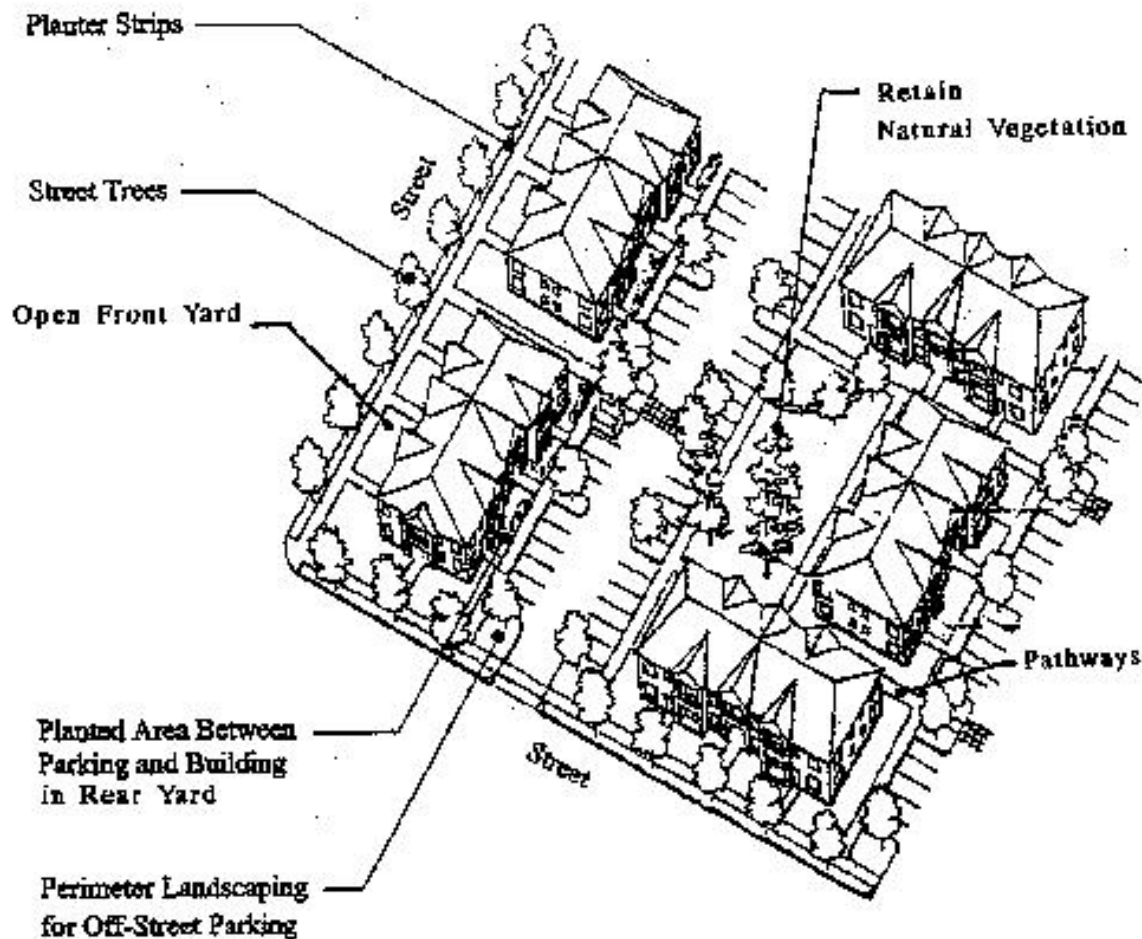
D. Landscape Materials. This section provides guidelines that ensure significant vegetation growth and establishment using a variety of size specifications and coverage recommendations.

Landscape materials include trees, shrubs, ground cover plants, nonplant ground covers, and outdoor hardscape features, as described below:

1. Native Vegetation. Native vegetation shall be preserved or planted where practicable.
2. Plant Selection. A combination of deciduous and evergreen trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.
3. Non-native, invasive plants, as per FMC [19.164.020\(B\)](#), shall be prohibited.
4. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 15 percent of the required landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
5. Nonplant Ground Covers. Bark dust, chips, aggregate or other nonplant ground covers may be used, but shall cover no more than five percent of the area to be landscaped. "Coverage" is measured based on the size of plants at maturity or after five years of growth, whichever comes sooner.
6. Tree Size. Trees shall have a minimum caliper size of 1.5 inches or greater, or be six feet or taller, at time of planting.
7. Shrub Size. Shrubs shall be planted from one-gallon containers or larger.
8. Ground Cover Size. Ground cover plants shall be sized and spaced so that they grow together to cover a minimum of 80 percent of the underlying soil within three years.

9. Significant Vegetation. Significant vegetation preserved in accordance with FMC [19.163.020](#) may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The street tree standards of FMC [19.163.040](#) may be waived when trees preserved within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.
10. Stormwater Facilities. Stormwater facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants.

Figure 19.163.030 – Landscape Areas in a Multiple-Family Development (Typical)



E. Landscape Design Standards. The landscape design standards provide guidelines within setback areas, parking areas, etc.

All yards, parking lots and required street tree planter strips shall be landscaped in accordance with the provisions of this chapter. Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, based on the following standards:

1. Yard Setback Landscaping. Landscaping shall satisfy the following criteria:
  - a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;
  - b. Use shrubs and trees as windbreaks, as appropriate;

- c. Retain natural vegetation, as practicable;
- d. Define pedestrian pathways and open space areas with landscape materials;
- e. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;
- f. Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;
- g. Use a combination of plants for year-long color and interest;
- h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds.

2. **Parking Areas.** A minimum of five percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per five parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of four feet by four feet to ensure adequate soil, water, and space for healthy plant growth.

3. **Buffering and Screening Required.** Buffering and screening are required under the following conditions:

- a. **Parking/Maneuvering Area Adjacent to Streets and Drives.** Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall be established parallel to the street or driveway. The required wall or screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. The design of the wall or screening shall also allow for visual surveillance of the site for security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover. All walls shall be maintained in good condition, or otherwise replaced by the owner.
- b. **Parking/Maneuvering Area Adjacent to Building.** Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no less than four feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential ground-floor living space, a landscape buffer is required to fulfill this requirement.
- c. **Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses.** All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and residential districts. Screening shall be provided by one or more the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, non-see-through fence, or a similar feature that provides a non-see-through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter [19.162](#) FMC, Access and Circulation. (Ord. 6-2001 § 1)

19.163.040 Street trees.

The guidelines provided in this section promote healthy street trees and adequate canopy cover to provide shade, reduce stormwater runoff, and improve the appearance of a development.

Street trees shall be planted for all developments that are subject to land division or site design review. Requirements for street tree planting strips are provided in Chapter [19.165 FMC, Public Facility Standards](#). Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

A. Soil Preparation, Planting and Care. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting.

B. Assurances. The city shall require the developer to provide a performance and maintenance bond in an amount determined by the city engineer, to ensure the planting of the tree(s) and care during the first two years after planting.

C. Growth Characteristics. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:

1. Provide a broad canopy where shade is desired.
2. Use low-growing trees for spaces under utility wires.
3. Select trees which can be "limbed-up" where vision clearance is a concern.
4. Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
5. Use species with similar growth characteristics on the same block for design continuity.
6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
7. Select trees that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
8. Select trees for their seasonal color, as desired.
9. Use deciduous trees for summer shade and winter sun.

D. Caliper Size. The minimum caliper size at planting shall be 1.5 inches, based on the American Association of Nurserymen Standards.

E. Spacing and Location. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.

F. Maintenance and Irrigation. The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All other landscape features required by this code shall be maintained in good condition, or otherwise replaced by the owner.

G. Additional Requirements. Additional buffering and screening may be required for specific land uses, as identified by Article II of this title, and the city may require additional landscaping through the conditional use permit process. (Ord. 6-2001 § 1)

#### 19.163.050 Fences and walls.

The fences and walls section provides height limits for construction of new walls. The

guidelines prevent walls that reduce pedestrian connectivity and sight clearance. The standards also provide guidelines relating to maintenance.

The following standards shall apply to all fences and walls:

A. General Requirements. All fences and walls shall comply with the standards of this section. The city may require installation of walls and/or fences as a condition of development approval, in accordance with conditional use permits or site design review. Walls built for required landscape buffers shall comply with FMC [19.163.030](#).

B. Dimensions.

1. The maximum allowable height of fences and walls is six feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed six feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for walls exceeding six feet in height, in conformance with the Uniform Building Code.

2. The height of fences and walls within a front yard setback shall not exceed four feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way.

3. Walls and fences to be built for required buffers shall comply with FMC [19.163.030](#).

4. Fences and walls shall comply with the vision clearance standards of FMC [19.162.020](#).

C. Maintenance. For safety and for compliance with the purpose of this chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the owner.

D. Fences – Recreational Courts. Any recreational court, with the consent of the planning commission, may be enclosed by a wire fence not to exceed 12 feet in height; provided, that no part of the court fence is within 20 feet of any street.

E. Swimming Pool Fences. A swimming pool, or other manmade outside body of water, which has a minimum depth of three and one-half feet shall be enclosed with a fence not less than four feet and not more than six feet in height. The fence shall not have any opening, holes or gaps therein larger than six inches square, except for doors or gates. The fence gates shall be equipped with a self-closing, self-catching device. The dwelling unit and/or accessory building can be used as part of the enclosure.

F. Barbed Wire Fencing. Barbed wire fencing may be permitted for property zoned commercial or industrial when the wire is employed on the top of any other type of fencing, and when the barbed wire is a minimum of six feet above the finished ground surface.

Standard barbed wire fencing may be used to enclose property which is zoned agricultural.

G. Electrically Charged or Sharp Pointed Fencing. No electrically charged or sharp pointed fencing (other than barbed wire fencing) shall be constructed or maintained within the city limits except that electrically charged fencing may be permitted within the perimeter of the lot, if the lot is completely enclosed with exterior fencing, and the property is zoned agricultural.

(Ord. 6-2001 § 1)



## Chapter 19.164 VEHICLE AND BICYCLE PARKING

### Sections:

- [19.164.010](#) Purpose.
- [19.164.020](#) Applicability.
- [19.164.030](#) Vehicle parking standards.
- [19.164.040](#) Bicycle parking standards.

#### 19.164.010 Purpose.

The purpose of this chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. This chapter recognizes that each development has unique parking needs by providing a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards). This chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community. (Ord. 6-2001 § 1)

#### 19.164.020 Applicability.

All developments subject to site design review Chapter [19.420](#) FMC, including development of parking facilities, shall comply with the provisions of this chapter. (Ord. 6-2001 § 1)

#### 19.164.030 Vehicle parking standards.

A. The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in Table 19.164.030.A.

There is no minimum number of off-street parking spaces required in the town center commercial district, however, the “maximum parking” standards of this chapter apply.

#### Table 19.164.030.A

#### Vehicle Parking – Minimum Standards Option

The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways so long as vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area. Credit shall be allowed for “on-street parking,” as provided in FMC [19.164.030\(B\)](#). Parking ratios are based on spaces per 1,000 square feet of gross leasable area unless otherwise stated.

#### Residential Uses

Single-Family Detached Housing. One parking space shall be provided for each detached single-family dwelling or manufactured home on an individual lot.

Two- and Three-Family Housing. 1.5 spaces per dwelling unit.

Multifamily and Single-Family Attached Housing.

- a. Studio units or 1-bedroom units less than 500 sq. ft. – 1 space.
  - b. 1-bedroom units 500 sq. ft. or larger – 1.25 spaces.
  - c. 2-bedroom units – 1.50 spaces.
  - d. 3-bedroom or greater units – 1.75 spaces.
  - e. Retirement complexes for seniors 55 years or greater – 1 space per unit, plus one per three employees.
- Rooming and Boarding Houses, Dormitories. Two spaces for each three guest rooms, or one per three beds, whichever is more.

Senior Housing. Same as for retirement complexes.

Manufactured Home Parks. Same as for single-family detached housing.

Accessory Dwelling. One space.

Commercial Uses

Auto, Boat or Trailer Sales, Retail Nurseries and Similar Bulk Retail Uses. One space per 1,000 square feet of the first 10,000 square feet of gross land area; plus one space per 5,000 square feet for the excess over 10,000 square feet of gross land area; and one space per two employees.

Business, General Retail, Personal Services. General – 4.1 per 1,000 square feet of gross floor area.

Furniture and appliances – 0.5 space per 1,000 square feet of gross leasable area.

Chapels and Mortuaries. Two spaces per four fixed seats in the main chapel.

Hotels and Motels. One space per 1,000 square feet of gross leasable area.

Offices. Medical and dental offices – 3.9 spaces per 1,000 square feet of gross leasable area; general offices – 2.7 spaces per 1,000 square feet of gross leasable area.

Restaurants, Bars, Ice Cream Parlors and Similar Uses. 15.3 spaces per 1,000 sq. ft. of gross leasable floor area.

Theaters, Auditoriums, Stadiums, Gymnasiums, Similar Uses. 0.3 spaces per each seat.

Industrial Uses

Industrial Uses, Except Warehousing. 1.6 spaces per 1,000 square feet of leasable floor area.

Warehousing. 0.3 spaces per 1,000 square feet of gross floor area. Parking ratios apply to warehouses 150,000 gross square feet or greater.

Public Utilities (Gas, Water, Telephone, Etc.), Not Including Business Offices. One space per each employee on the largest shift, plus one space per company vehicle.

Public and Institutional Uses

Childcare Centers Having 13 or More Children. One space per two employees; a minimum of two spaces is required.

Churches and Similar Places of Worship. The same as other similar uses.

Golf Courses, Except Miniature. Eight spaces per hole, plus additional spaces for auxiliary uses set forth in this section. Miniature golf courses – four spaces per hole.

Hospitals. Two spaces per patient bed based on maximum capacity.

Nursing and Convalescent Homes. One space per two patient beds based on maximum capacity.

Rest Homes, Homes for the Aged, or Assisted Living. One space for each per dwelling plus one per three employees.

Schools, Elementary and Junior High. One space per employee.

High Schools. 0.2 spaces per each student and staff member.

Colleges, Universities and Trade Schools. 0.2 spaces per each student and staff member.

Unspecified Uses

Where a use is not specifically listed in this table, parking requirements shall be determined by finding that a use is similar to those listed in terms of parking needs.

B. Credit for On-Street Parking.

- 1. The credit for on-street parking allows a reduction of one off-street parking space for every one on-street parking space adjacent to the development if deemed appropriate by the city.
- 2. On-Street Parking Credit. The amount of off-street parking required shall be reduced by one off-street

parking space for every uncommitted on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by city standards. The following constitutes an on-street parking space:

- a. Parallel parking, each 24 feet of uninterrupted curb;
- b. Fifty (50) degree diagonal, each with 12 feet of curb;
- c. Ninety (90) degree (perpendicular) parking, each with 10 feet of curb;
- d. Curb space must be connected to the lot which contains the use;
- e. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
- f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

#### C. Parking Location and Shared Parking.

1. Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations for parking are indicated in Article II of this title for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). (See also Chapter [19.162](#) FMC, Access and Circulation.)
2. Off-Site Parking. Except for single-family dwellings, the vehicle parking spaces required by this chapter may be located on another parcel of land, provided the parcel is within 500 feet walking distance of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.
3. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street vehicle parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.
4. Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.
5. Availability of Facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable. Signs shall conform to the standards of Chapter [19.170](#) FMC, Signage.

D. Maximum Number of Parking Spaces. The number of parking spaces provided shall not exceed the standards in the following table:

General Office	3.4/1,000 s.f.	4.1
Light Industrial	none	none
Warehouse (150,000 s.f. or larger)	0.4	0.5
Schools, Colleges, etc.	0.3	0.3
Tennis, Racquetball Courts	1.3	1.5
Sports Club/Recreation Facilities	5.4	6.5
Retail/Commercial, Including Shop Centers	5.1	6.2
Bank with Drive-In	5.4	6.5
Movie Theater (spaces/seats)	0.4	0.5
Fast Food with Drive-In	12.4	14.9
Other Restaurants	19.1	23
Worship Places (spaces/seats)	0.6	0.8
Medical/Dental Clinic	4.9	5.9

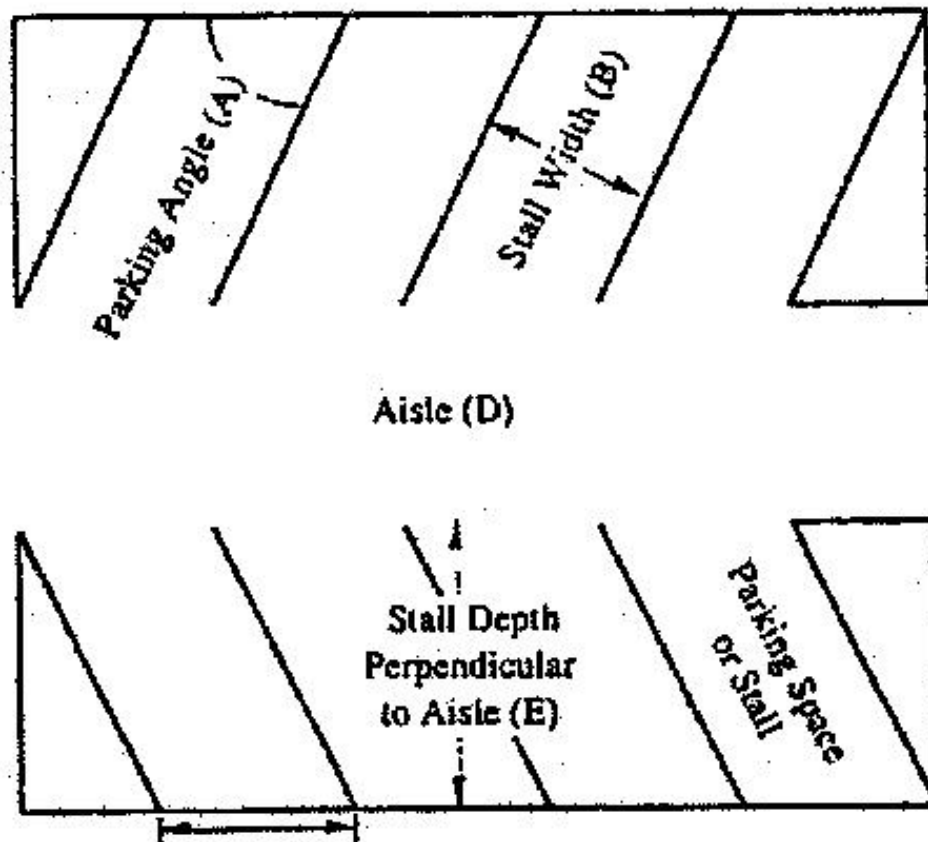
Residential Uses	none	none
Hotel/Motel	none	none
Single-Family Detached	none	none
Residential, less than 500 s.f. per unit, one bedroom	none	none
Multifamily/Townhouse/1 bedroom	none	none
Multifamily/Townhouse/2 bedroom	none	none
Multifamily/Townhouse/3 bedroom	none	none

E. Parking Management. The planning director may require a parking management plan for development of any use that requires more than 10 parking spaces based on the minimum parking spaces provided in Table 19.164.030.A. The parking management plan shall be prepared by a qualified parking or traffic consultant or certified engineer and should include the following:

1. Defining a study area and time period necessary to evaluate parking supply and demand in the area consistent with the planning period for the city's transportation system plan.
2. Surveying the capacity of the parking supply options in the study area such as shared parking, transit stations or other high-efficiency parking management alternatives.
3. Defining a study area and time period necessary to evaluate parking supply and demand in the area consistent with the planning period for the city's transportation system plan.
4. Surveying the capacity of the parking supply options in the study area such as shared parking, transit stations or other high-efficiency parking management alternatives.

F. Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to city standards for surfacing, stormwater management and striping, and provide dimensions in accordance with the following table. Disabled person parking shall conform to the standards and dimensions of this chapter.

Figure 19.164.030.F – Parking Stall Standard Dimensions and Compact Car Parking



Minimum Parking Space and Aisle Dimensions

0° (Parallel)	Standard Compact Disabled	8 ft. 7 ft. 6 in.	22 ft. 6 in. 19 ft. 6 in.	12 ft. 12 ft.	24 ft. 24 ft.	8 ft. 7 ft. 6 in.
30°	Standard Compact Disabled	9 ft. 7 ft. 6 in.	18 ft. 15 ft.	12 ft. 12 ft.	24 ft. 24 ft.	17 ft. 14 ft.
45°	Standard Compact Disabled	9 ft. 7 ft. 6 in.	12 ft. 6 in. 10 ft. 6 in.	12 ft. 12 ft.	24 ft. 24 ft.	19 ft. 16 ft.
60°	Standard Compact Disabled	9 ft. 7 ft. 6 in.	10 ft. 6 in. 8 ft. 6 in.	18 ft. 15 ft.	24 ft. 24 ft.	20 ft. 16 ft. 6 in.
90°	Standard Compact Disabled	9 ft. 7 ft. 6 in.	9 ft. 7 ft. 6 in.	24 ft. 22 ft.	24 ft. 24 ft.	19 ft. 15 ft.

G. Variances. Developments may request exceptions to the parking standards, see FMC [19.520.030\(A\)\(4\)](#). *Important cross-references:* See also Article II of this title, land use district standards; Chapter [19.162](#) FMC, Access and Circulation; Chapter [19.163](#) FMC, Landscaping; FMC [19.165.050](#), Surface water management.

H. Disabled Person Parking Spaces. The following parking shall be provided for disabled persons, in conformance with the Americans with Disabilities Act (Figure 19.164.030.H):

Figure 19.164.030.H – Disabled Person

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (20' & 35' stalls)	Van Accessible Parking Spaces with min. 86" wide access aisle	Accessible Parking Spaces with min. 90" wide access aisle
	Column A		
1 to 25	2	1	0
26 to 50	3	1	1
51 to 75	4	1	2
76 to 100	5	1	3
101 to 150	6	1	4
151 to 200	7	1	5
201 to 300	8	1	6
301 to 400	9	1	7
401 to 500	10	1	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A*	1/10 of Column A**
1001 and over	2% plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**

\* one out of every 8 accessible spaces    \*\* 7 out of every 8 accessible parking spaces

### Parking Spaces

The following graphics and text further illustrate Americans with Disability Act requirements.



## ADA Design Guide

### 1

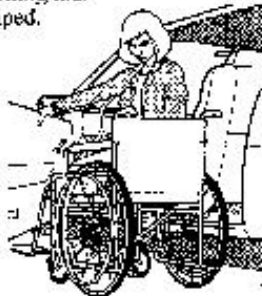
## Restriping Parking Lots

### Accessible Parking Spaces

When a business, State or local government agency, or other covered entity restripes a parking lot, it must provide accessible parking spaces as required by the ADA Standards for Accessible Design. Failure to do so would violate the ADA.

In addition, businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access in existing parking lots when it is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases.

This ADA Design Guide provides key information about how to create accessible car and van spaces and how many spaces to provide when parking lots are restriped.



### Accessible

#### Parking Spaces for Cars

Accessible parking spaces for cars have at least a 60-inch-wide access aisle located adjacent to the designated parking space. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces are identified with a sign and located on level ground.

### Van-Accessible Parking Spaces

Van-accessible parking spaces are the same as accessible parking spaces for cars except for three features needed for vans:

- a wider access aisle (96") to accommodate a wheelchair lift;
- vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space, and
- an additional sign that identifies the parking spaces as "van accessible."

One of eight accessible parking spaces, but always at least one, must be van-accessible.



### Location

Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.

When accessible parking spaces are added in an existing parking lot, locate the spaces on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least 3-foot wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.

Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the 98-inch minimum vertical height requirement).

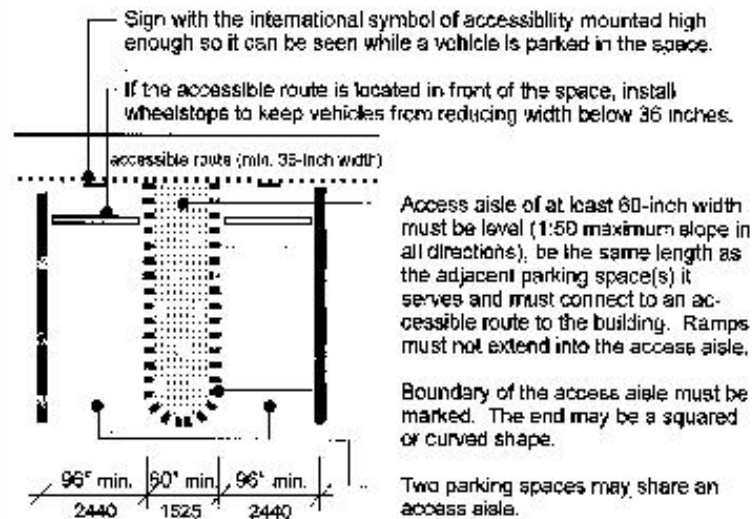
### Free Technical Assistance

Answers to technical and general questions about restriping parking lots or other ADA requirements are available by telephone on weekdays. You may also order the ADA Standards for Accessible Design and other ADA publications, including regulations for private businesses or State and local governments, at any time day or night. Information about ADA-related IRS tax credits and deductions is also available from the ADA Information Line.

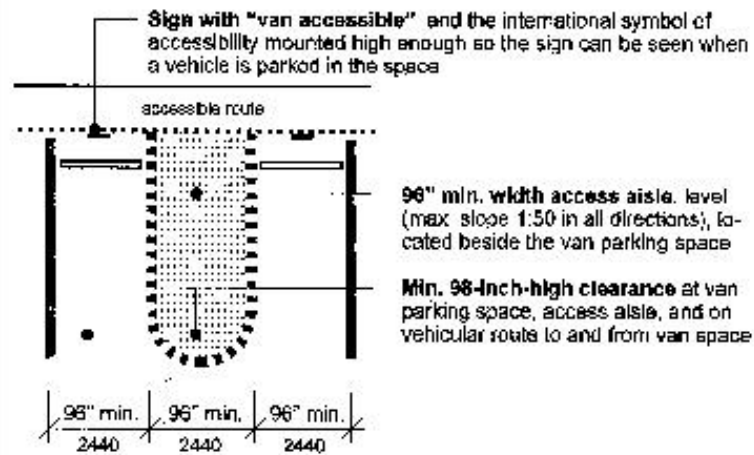
#### Department of Justice ADA Information Line

**800-514-0301 (voice)**  
**800-514-0383 (tty)**

### Features of Accessible Parking Spaces for Cars



### Three Additional Features for Van-Accessible Parking Spaces



### Internet

You may also review or download information on the Department's ADA Internet site at any time. The site provides access to ADA regulations, technical assistance materials, and general ADA information. It also provides links to other Federal agencies, and updates on new ADA requirements and enforcement efforts. Internet address: [www.usdoj.gov/cert/ada/ada.htm](http://www.usdoj.gov/cert/ada/ada.htm)

### Reference:

ADA Standards for Accessible Design (28 CFR Part 36):

- § 4.1.6 Alterations;
- § 4.1.2 Accessible Sites and Exterior Facilities: New Construction, and
- § 4.1.6 Parking and Passenger Loading Zones.

(Ord. 8-2002 §§ 1 – 3; Ord. 6-2001 § 1)

19.164.040 Bicycle parking standards.

All uses which are subject to site design review shall provide bicycle parking, in conformance with the following standards, which are evaluated during site design review:

- A. Number of Bicycle Parking Spaces. A minimum of two bicycle parking spaces per use is required for all uses with greater than 10 vehicle parking spaces. The following additional standards apply to specific types of development:
1. Multifamily Residences. Every residential use of four or more dwelling units provides at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.
  2. Parking Lots. All public and commercial parking lots and parking structures provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
  3. Schools. Elementary and middle schools, both private and public, provide one bicycle parking space for every eight students and employees. High schools provide one bicycle parking space for every five students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
  4. Colleges and Trade Schools. Colleges and trade schools shall provide one bicycle parking space for every eight motor vehicle spaces plus one space for every dormitory unit. Fifty (50) percent of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
  5. Town Center Commercial District. Within the town center commercial district, bicycle parking for customers shall be provided along the street at a rate of at least one space per use. Individual uses shall provide their own parking, or spaces may be clustered to serve up to six bicycles. Bicycle parking spaces shall be located in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building, or under an eave, overhang, or similar structure) shall be provided at a rate of one space per 10 employees, with a minimum of one space per store.
  6. Multiple Uses. For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required.
- B. Exemptions. This section does not apply to single-family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than eight vehicle parking spaces.
- C. Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, streetlights, planters and other pedestrian amenities.
- D. Visibility and Security. Bicycle parking should be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
- E. Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
- F. Lighting. Bicycle parking shall be at least as well lit as vehicle parking for security.
- G. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (Chapter [19.162 FMC](#), Access and Circulation). (Ord. 6-2001 § 1)



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## Chapter 19.165 PUBLIC FACILITIES STANDARDS

### Sections:

<a href="#">19.165.010</a>	Purpose and applicability.
<a href="#">19.165.020</a>	Transportation standards.
<a href="#">19.165.025</a>	Transportation improvements.
<a href="#">19.165.030</a>	Public use areas.
<a href="#">19.165.040</a>	Sanitary sewer and water service improvements.
<a href="#">19.165.050</a>	Storm drainage.
<a href="#">19.165.060</a>	Utilities.
<a href="#">19.165.070</a>	Easements.
<a href="#">19.165.080</a>	Construction plan approval and assurances.
<a href="#">19.165.090</a>	Installation.

### 19.165.010 Purpose and applicability.

A. Purpose. The purpose of this chapter is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth, and provide a range of transportation options, including options for driving, walking, bus transit and bicycling. This chapter is also intended to implement the city's transportation system plan.

B. When Standards Apply. Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities and other public improvements within the city shall occur in accordance with the standards of this chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established in this chapter. The street cross sections shown in Figures 19.165.025(F)(1) through (F)(6) may be modified to accommodate alternative stormwater management methods in accordance with the adopted stormwater design manual subject to the approval of the public works director. The public works director may require modification of the typical cross section to accommodate alternative stormwater management methods when associated with development proposals. Such modifications may be applied as conditions of development approval.

C. Standard Specifications. The city engineer shall establish standard construction specifications consistent with the design standards of this chapter and application of engineering principles. They are incorporated in this code by reference.

D. Conditions of Development Approval. No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this code. Improvements required as a condition of development approval that require a dedication of property for a public use, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact of the proposed development on public facilities.

E. Rough Proportionality Report. Where the applicant objects to the imposition of any applicable development standard under this chapter that required a dedication of property for a public use, the applicant must provide a rough proportionality report justifying an alternative level of improvements including:

1. The estimated extent, on a quantitative basis, to which the improvements will be used by persons served by the building or development, whether the use is for safety or convenience;

2. The estimated level, on a quantitative basis, of improvements needed to meet the estimated extent of use by persons served by the building or development;
3. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements will be a part; and
4. The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system. (Ord. 2-2007 § 1(Exh. 1 § 1); Ord. 6-2001 § 1)

#### 19.165.020 Transportation standards.

Transportation standards are necessary so that the Fairview street system remains intact and well connected. Streets are critical to the connection of neighborhoods, businesses, schools, etc. It is important to regulate roadway sizes, locations and right-of-way dimensions.

The street standards are based directly on the Fairview transportation system plan. Traffic calming measures are addressed in the adopted transportation system plan. The city of Fairview has no formalized traffic-calming plan, but has recently adopted a speed hump management program. The street alignment illustrations used in the proposed code are taken directly from the transportation system plan. (Ord. 6-2001 § 1)

#### 19.165.025 Transportation improvements.

A. Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Chapter [19.162](#) FMC, Access and Circulation, and the following standards are met:

1. Streets within or adjacent to a development shall be improved in accordance with the transportation system plan and the provisions of this chapter;
2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable city, county or state jurisdiction;
3. New streets and drives connected to a collector or arterial street shall be paved; and
4. The city may accept a future improvement guarantee (e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:
  - a. A partial improvement may create a potential safety hazard to motorists or pedestrians;
  - b. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
  - c. The improvement would be in conflict with an adopted capital improvement plan; or
  - d. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

B. Variances. Variances to the transportation design standards in this section may be granted by means of a Class B variance, as governed by Article V of this title, Variances. A variance may be granted under this provision only if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands Chapter [19.100](#) FMC.

C. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the city may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the city council for the purpose of implementing the transportation system plan, and the deeded right-of-way conforms to the standards of this code. All deeds of dedication shall be in a form prescribed by the city engineer and shall name "the public," as grantee.

D. Creation of Access Easements. The city may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Chapter [19.162](#) FMC, Access and Circulation. Setback standards do not permit conflicting structures to be built in public easements.

E. Street Location, Width and Grade. Except as noted below, the location, width and grade of all streets shall conform to the transportation system plan, and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic

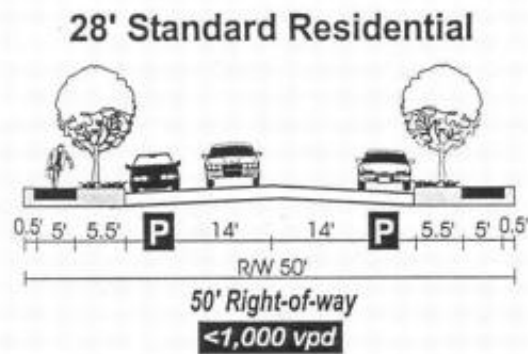
conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the city engineer in accordance with the design standards in subsection N of this section; and
2. Where the location of a street is not shown in an existing street plan (see subsection H of this section), the location of streets in a development shall either:
  - a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this chapter, or
  - b. Conform to a street plan adopted by the planning commission, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

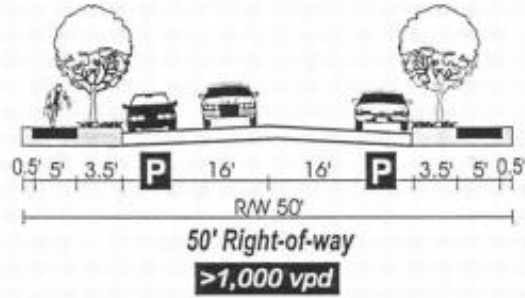
F. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths as shown in Figures 19.165.025 (F)(1) to (6). A variance shall be required to vary the standards shown in Figures 19.165.025(F)(1) to (6). Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:

1. Street classification in the transportation system plan;
2. Anticipated traffic generation;
3. On-street parking needs;
4. Sidewalk and bikeway requirements based on anticipated level of use;
5. Requirements for placement of utilities;
6. Street lighting;
7. Minimize drainage, slope, and sensitive lands impacts, as identified by Chapter [19.100](#) FMC;
8. Street tree location, as provided for in Chapter [19.163](#) FMC;
9. Protection of significant vegetation, as provided for in Chapter [19.163](#) FMC;
10. Safety and comfort for motorists, bicyclists, and pedestrians;
11. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
12. Access needs for emergency vehicles; and
13. Transition between different street widths (i.e., existing streets and new streets), as applicable.

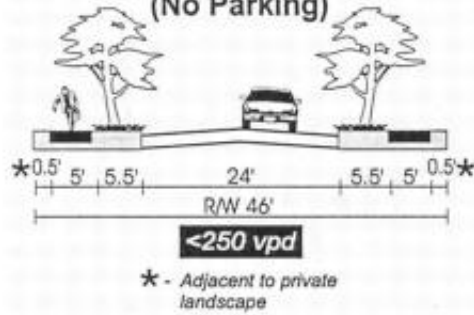
Figure 19.165.025(F)(1) – Local Residential Street Sections



### 32' Standard Residential



### Cul-de-sac (No Parking)



### 32' Neighborhood Residential

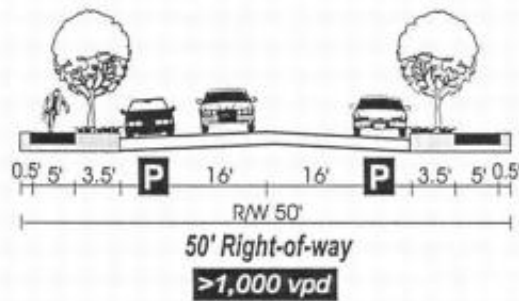




Figure 19.165.025(F)(2) – Alley and Pathway Sections

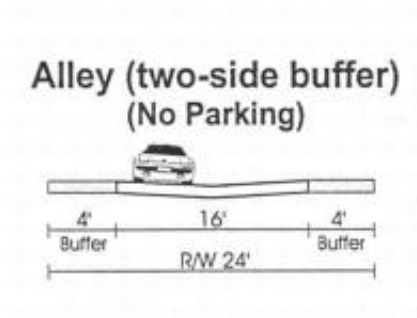
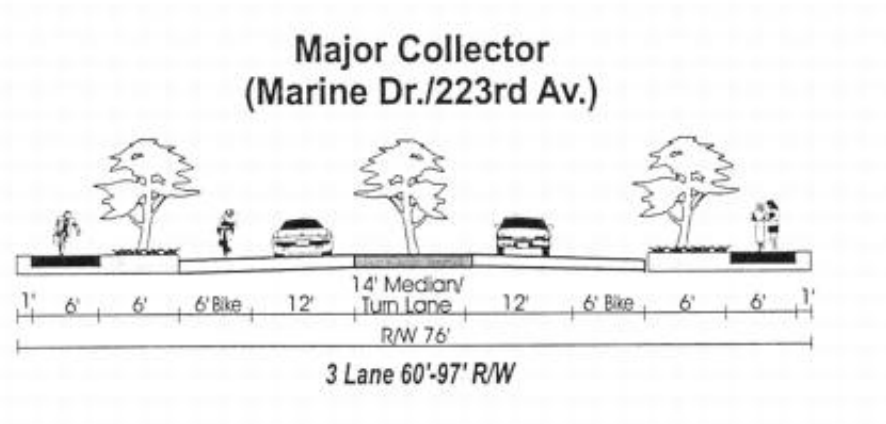
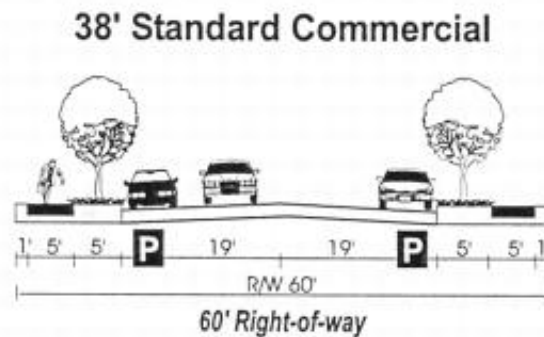


Figure 19.165.025(F)(3) – Residential Collector Street Sections



Criteria	Major Collector
Vehicle Lane Widths:	10-12 ft.
On Street Parking:	5-8 ft.
Bicycle Lanes:	5-6 ft.
Sidewalks:	6-7 ft.
Landscape Strips:	0-8 ft.
Medians/Turn Lane Widths:	10-14 ft.
Neighborhood Traffic Management:	Under Special Conditions

Figure 19.165.025(F)(4) – Commercial/Industrial Collector Street Sections (Parking One Side)



### 40' Standard Industrial

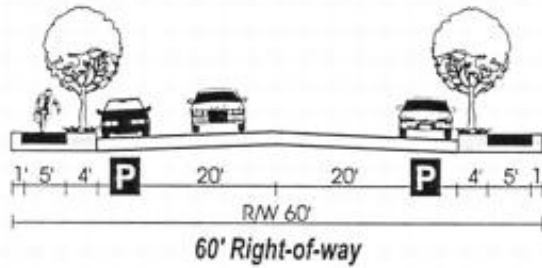
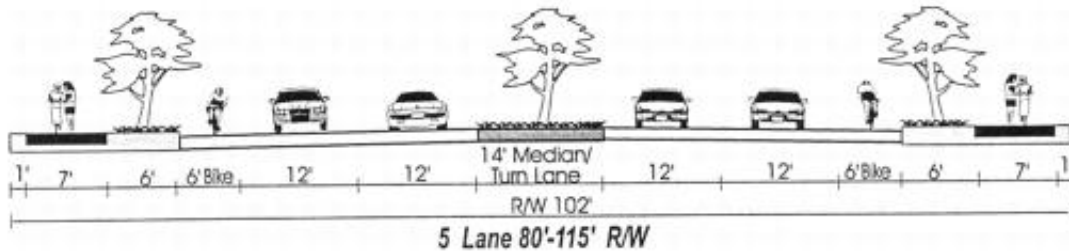


Figure 19.165.025(F)(5) – Three-Lane Arterial-Boulevard Street Section

### Principal/Major Arterial (Glisan St./207th Av.)



### Minor Arterial (Sandy Blvd./Halsey St./223rd Av.)

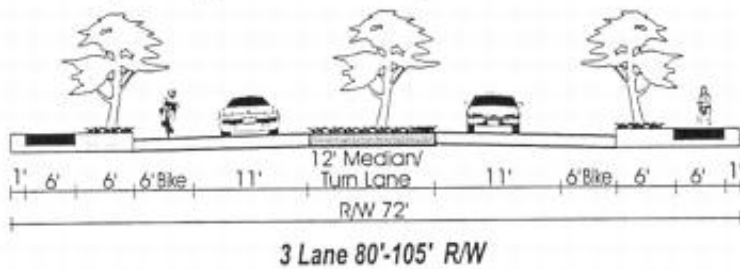




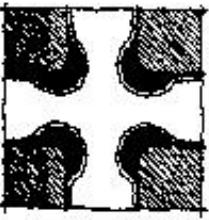
Figure 19.165.025(F)(6)

<b>Criteria</b>	<b>Principal/Major Arterial</b>	<b>Minor Arterial</b>
Vehicle Lane Widths:	11-14 ft.	11-12 ft.
On Street Parking:	None	None
Bicycle Lanes:	5-6 ft.	5-6 ft.
Sidewalks:	6-8 ft.	5-8 ft.
Landscape Strips:	0-8 ft.	0-8 ft.
Medians/Turn Lane Widths:	12-15 ft.	12-14 ft.
Neighborhood Traffic Management:	Not Appropriate	Not Appropriate

### G. Traffic Signals and Traffic Calming Features.

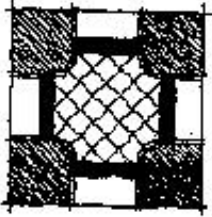
1. Traffic-calming features, such as traffic circles, curb extensions, narrow residential streets, and special paving may be used to slow traffic in neighborhoods and areas with high pedestrian traffic.
2. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual, and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.

Figure 19.165.025(G) – Traffic Calming Features

<b>Drawing</b>	<b>Technique</b>	<b>Description</b>
	<b>Traffic Circles</b>	Circular raised islands centered within intersections. Circles can be landscaped or surfaced with special paving. Landscaping can be maintained by the local jurisdiction or by neighborhood volunteers.
	<b>Chicanes</b>	Alternately placed curb extensions into the street that force motorists to drive in a serpentine pattern. Chicanes are offset from each other in mid-block locations and can be used to keep through-trucks versus local delivery off residential streets.
	<b>Curb Bulb-Outs, Chokers/ Neckdowns</b>	Curb extensions placed at mid-block locations or intersections which narrow the street to provide visual distinction and reduce pedestrian crossing distances. Bulb-outs help to provide a clear visual signal to drivers that a crossing is approaching and makes waiting pedestrians more visible. Neckdowns are often longer than bulb-outs and often line up with and help to define parallel street parking areas. They narrow the appearance of the street and can be attractive, especially when landscaped.



attractive, especially when landscaped.



### Special Paving

Alternative road surfaces, such as brick, colored concrete or special pavers, can be used at crossings, intersections, or along the sides of the street to break up the visual expanse of pavement and define areas of pedestrian travel.

### H. Future Street Plan and Extension of Streets.

1. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 500 feet surrounding and adjacent to the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development.
2. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the city council determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to subsections (H)(2) (a) through (c) of this section:
  - a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
  - b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the city or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
  - c. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.

### I. Street Alignment and Connections.

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.
2. Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.
3. All local and collector streets which abut a development site shall be extended within the site to provide through circulation unless the applicant demonstrates that extension is prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15 percent for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.
4. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks and transit facilities.
5. In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to the following standards in Chapter [19.162](#) FMC, Access and Circulation. The maximum block length shall not exceed:
  - a. Six hundred (600) feet in the residential district;
  - b. Two hundred (200) feet in the town center commercial district, except as provided by FMC [19.65.050](#), Block layout and building orientation;
  - c. Not applicable to the general industrial district;
  - d. Seven hundred (700) feet in the light industrial district, except as required for commercial

developments subject to Chapter [19.80](#) FMC;

e. Three hundred (300) feet in the corridor commercial district;

f. Three hundred (300) feet in the neighborhood commercial district.

Exceptions to the above standards may be granted when an access way is provided at or near midblock, in conformance with the provisions of Chapter [19.162](#) FMC.

J. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Figures 19.165.025(F)(1) to (6), applicable provisions of the transportation system plan, the Comprehensive Plan, and adopted street plans. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner. All work must comply with the city of Fairview public works construction standards.

K. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:

1. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;

2. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and

3. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.

L. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of FMC [19.165.025](#) (C).

M. Cul-de-Sacs. A dead-end street shall be no more than 200 feet long, shall not provide access to greater than eight dwelling units, and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation:

1. All cul-de-sacs shall terminate with a circular turnaround. Circular turnarounds shall have a radius of no less than 25 feet, and not more than a radius of 40 feet (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width; and

2. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

N. Grades and Curves. Grades shall not exceed 10 percent on arterials, 12 percent on collector streets, or 12 percent on any other street (except that local or residential access streets may have segments with grades up to 15 percent for distances of no greater than 250 feet), and:

1. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and

2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less.

Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.

O. Curbs, Curb Cuts, Ramps, and Driveway Approaches. Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in Chapter [19.162](#) FMC, Access and Circulation.

P. Streets Adjacent to Railroad Right-of-Way. Wherever the proposed development contains or is adjacent to a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land shall be created. New railroad crossings and modifications to existing crossings are subject to review and approval by Oregon Department of Transportation.

Q. Development Adjoining Arterial Streets. Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one or more of the following:

1. A parallel access street along the arterial with a landscape buffer separating the two streets;

2. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along

another street. Double-frontage lots shall conform to the buffering standards in FMC [19.163.030](#);

3. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial;

4. Other treatment suitable to meet the objectives of this subsection; or

5. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street, in conformance with Chapter [19.162](#) FMC.

R. Alleys, Public or Private. Alleys shall conform to the standards in Figure 19.165.025(F)(2). While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.

S. Private Streets. Private streets shall not be used to avoid connections with public streets. Gated communities (i.e., where a gate limits access to a development from a public street) are prohibited. Design standards for private streets shall conform to the provisions of Figures 19.165.025(F)(1) to (6).

T. Street Names. No street name shall be used which will duplicate or be confused with the names of existing streets in Multnomah County, except for extensions of existing streets. Street names, signs and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers.

U. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the city, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the city that all boundary and interior monuments shall be reestablished and protected.

V. Street Signs. The city, county or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

W. Mail Boxes. Plans for mail boxes to be used shall be approved by the United States Postal Service.

X. Streetlight Standards. Streetlights shall be installed in accordance with city standards.

Y. Street Cross-Sections. All street cross-sections must comply with the Standard Specifications for Public Works Construction pages 40-51. The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final city acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the city Engineer. The final lift shall also be placed no later than when 90 percent of the structures in the new development are completed or one year from the commencement of initial construction of the development, whichever is less. All work must comply with public works construction standards.

1. Sub-base and leveling course shall be of select crushed rock;

2. Surface material shall be of Class C or B asphaltic concrete;

3. The final lift shall be Class C asphaltic concrete as defined by APWA standard specifications; and

4. No lift shall be less than one and one-half inches in thickness. (Ord. 6-2001 § 1)

#### 19.165.030 Public use areas.

Public use areas implement Comprehensive Plan policies that may require a developer to reserve a piece of land for future park and open space to serve the residents of the new development. Specific issues to consider include the amount of time the city has to purchase parkland and whether dedication of park land should count as a credit towards SDCs.

##### A. Dedication Requirements.

1. Where a proposed park, playground or other public use shown in a plan adopted by the city is located in whole or in part in a subdivision, the city may require the dedication or reservation of this area on the final plat for the subdivision.

2. If determined by the planning commission to be in the public interest in accordance with adopted comprehensive plan policies, and where an adopted plan of the city does not indicate proposed public use areas, the city may require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses.

3. All required dedications of public use areas shall conform to FMC [19.430.150\(D\)](#), Conditions of approval.

B. Acquisition by Public Agency. If the developer is required to reserve land area for a park or playground, the land shall be acquired by the appropriate public agency within 12 months following final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to

the property owner.

C. System Development Charge Credit. Dedication of land to the city for public use areas shall be eligible as a credit toward any required system development charge for parks. (Ord. 6-2001 § 1)

#### 19.165.040 Sanitary sewer and water service improvements.

The sanitary sewer and water service improvements ensure adequate sanitary sewer services to new developments.

A. Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the city's construction specifications and the applicable Comprehensive Plan policies.

B. Sewer and Water Plan Approval. Development permits for sewer and water improvements shall not be issued until the city engineer has approved all sanitary sewer and water plans in conformance with city standards.

C. Oversizing. Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The developer shall be entitled to system development charge credits for the oversizing.

D. Permits Denied. Development permits may be restricted by the city where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505 to 197.520. (Ord. 6-2001 § 1)

#### 19.165.050 Storm drainage.

The storm drainage section requires developers to accommodate and treat stormwater runoff from buildings and parking lots.

A. General Provisions. The city shall issue a development permit only where adequate provisions for stormwater and flood water runoff have been made.

B. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the city engineer.

C. Effect on Downstream Drainage. Where it is anticipated by the city engineer that the additional runoff resulting from the development will overload an existing drainage facility, the city may deny approval of the development permit unless provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with city standards.

D. Easements. Where a development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance. (Ord. 6-2001 § 1)

#### 19.165.060 Utilities.

The utilities section provides standards regarding electric lines and cable. Many types of utilities now must be installed underground for safety and aesthetic purposes.

A. Underground Utilities. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic;
2. The city reserves the right to approve the location of all surface-mounted facilities;

3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
  4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
- B. Easements. Easements shall be provided for all underground utility facilities.
- C. Exception to Undergrounding Requirement. The standard applies only to proposed subdivisions. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, Chapters [19.100](#) and [19.106](#) FMC, or existing development conditions. (Ord. 6-2001 § 1)

#### 19.165.070 Easements.

The easements section provisions reserves adequate space for utilities.

Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. See also, Chapter [19.420](#) FMC, Development Review and Site Design Review and Chapter 19.430, Land Divisions and Lot Line Adjustments. The developer or applicant shall make arrangements with the city, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The city's standard width for public main line utility easements shall be 20 feet unless otherwise specified by the utility company, applicable district, or city engineer. (Ord. 6-2001 § 1)

#### 19.165.080 Construction plan approval and assurances.

The construction plan approval portion ensures the completion of a development by a builder.

No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the city, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the city for construction and other services in connection with the improvement. The permit fee shall be set by the city council. The city may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. (Ord. 6-2001 § 1)

#### 19.165.090 Installation.

- A. Conformance Required. Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the city.
- B. Adopted Installation Standards. The Standard Specifications for Public Works Construction, Oregon Chapter APWA shall be a part of the city's adopted installation standard(s); other standards may also be required upon recommendation of the city engineer.
- C. Commencement. Work shall not begin until the city has been notified in advance.
- D. Resumption. If work is discontinued for more than one month, it shall not be resumed until the city is notified.
- E. City Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the city. The city may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under Chapter [19.460](#) FMC, Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.
- F. Engineer's Certification and As-Built Plans. A registered civil engineer shall provide written certification in a form required by the city that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to city acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide three sets (one mylar, one electronic, one paper copy) of "as-built" plans, in conformance with the city engineer's specifications, for permanent filing with the city. (Ord. 6-2001 § 1)

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## Chapter 19.170 SIGN REGULATIONS

### Sections:

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<a href="#">19.170.180</a>	Maintenance.

#### 19.170.010 Purpose.

It is the city's policy to protect the public interest by promoting signs which:

- A. Protect the public health and safety.
- B. Assist in preserving natural resources.
- C. Maintain a balance between the need to identify sites and activities, and the negative impact on community image created by visual clutter. (Ord. 6-2001 § 1)

#### 19.170.020 Application.

- A. The erection and/or installation of all signs within the city of Fairview will be

subject to design review in order to promote coordination of signs with other site elements, such as architecture, landscaping, access, and parking. Design elements identified during design review will govern future changes in copy or sign faces.

B. Signs will be designed in a manner which reflects the intent and scale of the land use zone in which they are constructed.

C. Signs that distract or endanger motorists and pedestrians will be prohibited.

D. Signs that present physical hazards to safety will be prohibited; signs will be maintained in good condition, both structurally, and in their appearance.

E. Freestanding signs will be constructed with limitations placed on number, size and height, so that their cumulative effect projects an orderly, positive community image.

F. Signs attached to structures will be constructed in a way which protects the visual or architectural value of the structure, and will be limited in number, size and height.

G. Temporary signs will be limited to sites where permanent signs are inappropriate or not feasible. Temporary signs will be limited in size, number, and duration. (Ord. 6-2001 § 1)

#### 19.170.030 Definitions.

“Sign” means materials placed or constructed primarily to convey a message or other display to identify sites and activities and which can be viewed from right-of-way, private roadway or another property.

“Sign, A-board” means a double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom, and not supported by a structure in the ground.

“Sign, abandoned” means a sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days.

“Sign, awning” means a sign incorporated into or attached to an awning.

“Sign, awning illuminated” means a sign made of a translucent flexible covering designed in awning form. Such signs are internally illuminated.

“Sign, balloon” means any three-dimensional ambient air-filled object depicting a container, figure or product, or to which a temporary sign has been attached, or to which a sign has been incorporated.

“Sign, banner” means a temporary sign made of fabric or other nonrigid material with or without an enclosing framework.

“Sign, bench” means a sign that is displayed on a structure designed for sitting and displayed out of doors in view of the general public.

“Sign, billboard” means a freestanding sign not pertaining to the activity of the premises on which it is located and with display surface or surfaces primarily designed for the purpose of painting or posting a message thereon at periodic intervals.

“Sign, directional” means a permanent sign which is designed and installed

solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.

“Sign, electronic message center” means signs whose message or display is presented with patterns of lights that may be changed at intermittent interval by an electronic process.

“Sign face” means the display portion of a sign.

“Sign, fascia” means a single-faced sign attached flush to a building.

“Sign, fin” means a sign which is supported by a pole or poles and partly by a building.

“Sign, flag” means a rectangular piece of fabric or other material of distinctive design, used as a symbol.

“Sign, flashing” means lights which blink on and off randomly or in sequence.

“Sign, freestanding” means a sign on a frame, pole or other support structure which is not attached to any building.

“Sign illumination, direct” means exposed lighting or neon tube on the sign face.

“Sign illumination, indirect” means the light source is separate from the sign face or cabinet and is directed so as to shine on the sign.

“Sign illumination, internal” means the light source is concealed within the sign.

“Sign installation” means erecting, constructing, reconstructing, placing, altering, changing the sign face, relocating, suspending, attaching and the installation of electrical parts, wiring or illumination of any sign. However, installation shall not include changes in copy of a readerboard or outdoor advertising sign or of the removable panels of a freestanding multibusiness complex sign.

“Sign maintenance” means normal care needed to keep a sign functional such as cleaning, oiling and changing of light bulbs.

“Sign, mansard wall” means any sign placed on a building with an actual or false roof which does not vary more than 30 degrees from the vertical. Such mansard wall shall extend along the full width of the building.

“Sign, marquee” means a sign incorporated into or attached to a marquee or permanent canopy.

“Sign, moving parts” means features or parts of a sign structure which through mechanical means are intended to move, swing or have some action.

“Sign, multibusiness complex” means a premises planned and developed as a unit with an undivided or nonsegregated parking area that functions and advertises as a center and which has multiple occupancy by business or service firms. A business is considered as part of a multi-business complex regardless of whether said business occupies a separate structure or is under a separate ownership or is on a separate parcel.

“Sign, nonconforming” means a sign or sign structure lawfully installed and properly maintained that would not be allowed under the sign regulations presently applicable to the site.

“Sign, on-site directory” means a sign listing the names, and/or use, and/or location of the various businesses or activities conducted within a building or



group of buildings.

“Sign, outdoor advertising” means a sign supported by a substantial permanent sign structure with a display surface or display surfaces designated primarily for the purpose of painting or posting a message thereon at periodic intervals.

“Sign, painted highlights” means painted areas which highlight a building’s architectural or structural features.

“Sign, painted wall” means a sign applied to a building wall with paint and which has no sign structure.

“Sign, painted wall decorations” means displays painted directly on a wall and are designed and intended as a decorative or ornamental feature. Painted wall decorations may not contain copy, logos or trademarks which are greater than 20 square feet, or 10 percent of the building wall, whichever is less.

“Sign, pennant” means a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles.

“Sign, permanent” means a sign attached to a building, structure or the ground in some manner requiring a permit and made of materials intended for more than short-term use.

“Sign, portable” means a sign designed to be transported which can be freestanding and unattached, or temporarily or permanently attached to the ground, structures or other signs.

“Sign, projecting” means a sign attached to and projecting out from a building face or wall and generally at right angles to the building. Projecting sign include signs projecting totally in the right-of-way, partially in the right-of-way and fully on private property.

“Sign, readerboard” means a sign on which message copy can be changed manually, in the field, through the utilization of attachable letters, number, symbols and other similar characters or changeable pictorial panels.

“Sign repair” means fixing or replacement of broken or worn parts. Replacement is of comparable materials only. Repairs may be made with the sign in position or with the sign removed.

“Sign, roof” means a sign installed upon, against or directly above a roof, or roof eave, or on top or above the parapet, or on a nonfunctional architectural appendage above the roof or roof eave.

“Sign, roof line” means the lower edge of the roof or top of the parapet, whichever forms the top lines of the building wall.

“Sign, rotating” means signs faces or portions of a sign face which revolve around a central axis.

“Sign, special event banner” means a banner sign that is temporarily displayed over a right-of-way for a limited period of time for a public event. A special event occurs on specific date or dates, is open to the community, and has been declared a special event by the city council.

“Sign, structural alteration of a” means modification of the size, shape or height of a sign structure. Also includes replacement of sign structure materials with

other than comparable materials, for example metal parts replacing wood parts. "Sign structure" means a structure specifically intended for supporting or containing a sign.

"Sign, temporary" means any sign, regardless of construction material, that is not permanently attached to a building, structure or the ground and/or is intended to be displayed for a limited period of time.

"Sign, temporary lawn" means a temporary rigid sign not more than six square feet in area.

"Sign, temporary rigid" means a temporary sign made of rigid materials such as wood, plywood and plastic.

"Sign, under marquee" means a sign which is installed or maintained under and supported or partially supported by a marquee.

"Sign, unsafe" means any sign determined to be a hazard to the public by the building official or authorized representative.

"Sign, wind" means any attention-getting device or series of devices such as streamers, banners and pennants designed and fastened in such a manner as to move upon being subject to pressure by the atmosphere. (Ord. 6-2001 § 1)

#### 19.170.040 Sign permit.

##### A. Sign Permit Application.

1. Sign Permit Form. Application for a sign permit shall be made on the sign permit application form provided by the city.

2. Administrative Approval. Completed sign permit applications must be approved by the city administrator or designee. Incomplete sign permit applications are subject to denial.

3. Plans. The applicant shall submit two copies of plans. These plans must be detailed enough to show compliance with the sign regulations. The plan is to include:

a. A drawing to scale showing the design of the sign, including dimension, sign size, method of attachment, source of illumination and showing the relationship to any building or structure to which it is, or is proposed to be, installed or affixed, or to which it relates, to include elevations.

b. A fully dimensioned plot plan, drawn to scale, indicating the location of the sign relative to property line, rights-of-way, streets, sidewalks, vehicle area and other building or structures on the premises.

c. The maximum and minimum heights and clearances of the sign.

d. Number, size and location of all existing signs on the same building, lot or premises.

e. Structural and mechanical design and engineering data sufficient to ensure the sign's structural stability.

##### B. Inspection Required.

1. All work for signs requiring a permit shall be inspected in the following stages:

a. When excavations for supporting footings, pilings, poles or columns have

been made and before such excavations have been filled with earth or building materials of any kind.

b. When connecting elements have been installed on supporting buildings or structures, and before the sign is attached to these elements.

c. When electrical work is completed. Electrical signs shall not be energized until the final electrical inspection has been approved.

d. After installation is complete.

2. Every permanent sign shall display the name of the sign installer.

#### C. Construction.

1. The construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code.

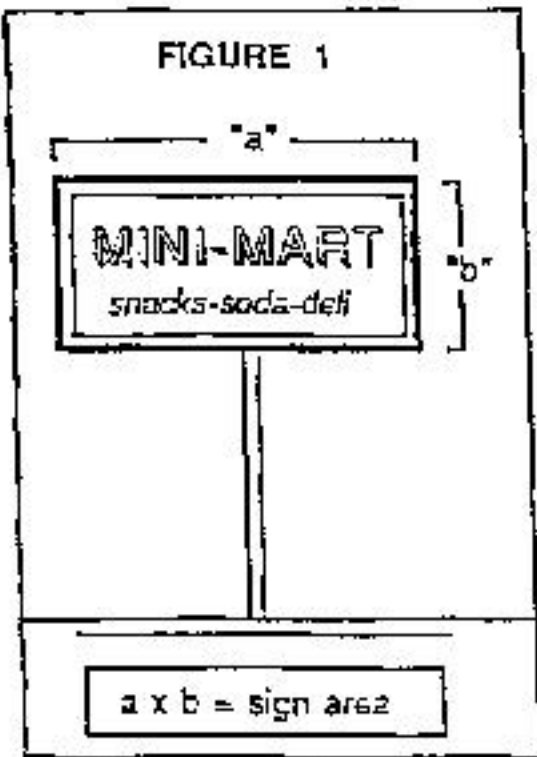
2. All illuminated signs must be installed by a licensed sign contractor, subject to provisions of the State Electrical Code. All electrically illuminated signs shall bear the underwriters laboratory label or equivalent. (Ord. 6-2001 § 1)

### 19.170.050 Specific sign development provisions.

#### A. Measurements.

##### 1. Sign Area.

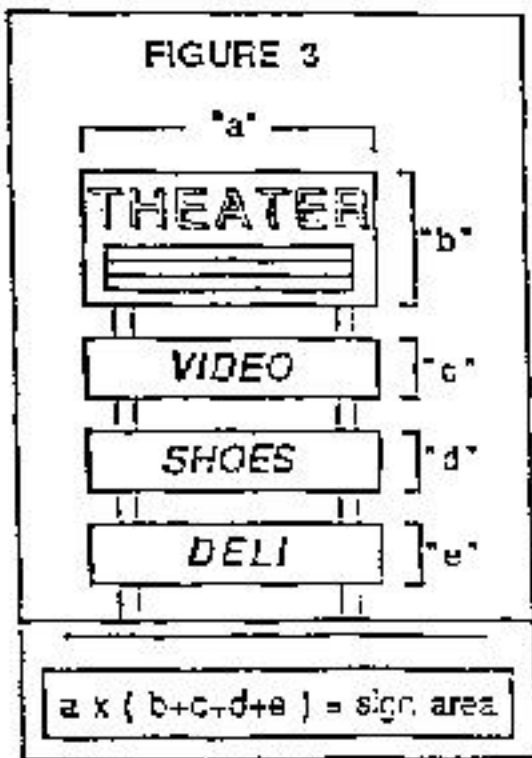
a. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see Figure 1). Sign area does not include foundations, supports or other essential structures which are not serving as a backdrop or border to the sign. Only one face of a double-faced sign is counted. If a sign has more than two faces, the total area may not exceed twice the area permitted.



- b. When a sign is on a base material and attached without a frame, such as wood board or Plexiglas panel, the dimensions of the base material are to be used unless it is clear that part of the base contains no sign, related display or decoration.
- c. When signs are constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn (the greater height multiplied by the greater width) around all the pieces (see Figure 2).



d. For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face (see Figure 3).



- e. The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.
  - f. When signs are incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign, related display or decoration.
  - g. The area of an illuminated awning sign shall be as calculated for a sign incorporated into an awning except that illuminated face of the awning shall not exceed three times the sign area allowed.
2. Sign Height. The overall height of a sign or sign structure is measured from the average grade directly below the sign to the highest point of the sign or sign structure.
  3. Sign Clearance. Clearances are measured from the average grade directly below the sign to the bottom of the sign structure enclosing the sign face.
- B. Placement.**
1. Placement. All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into or over the right-of-way.
  2. Frontages. Signs allowed based on the length of one site frontage may not be placed on another site frontage. Signs allowed based on a building frontage may not be placed on another building frontage.
  3. Clear Vision Area. No sign shall be located in the clear vision area as defined in Chapter 19.235 FMC. No support structure(s) shall be located in the clear vision area unless the combined total width is 12 inches or less and the

combined total depth is 12 inches or less.

4. Vehicle Area Clearances. When a sign extends over a private area where vehicles travel or are parked, there shall be a minimum 14-foot clearance.

Exception: the bottom of an electric sign or an outline lighting enclosure shall have not less than a 16-foot clearance unless such enclosures are protected from physical damage. In no cases shall the vehicle area clearance be less than 14 feet. Vehicle areas include driveways, alleys, parking lots and loading and maneuvering areas.

5. Pedestrian Area Clearances. When a sign extends over private sidewalk, walkways or other spaces accessible to pedestrians, there shall be a minimum eight-foot six-inch clearance.

6. Required Yards. Signs may be erected in required yards.

C. Fascia Sign. No point of a fascia sign may extend more than 18 inches from the wall to which it is attached, except for permitted electronic message signs which may be up to 24 inches in thickness. Fascia signs may not extend beyond the corner of buildings.

D. Projecting Sign. The support structure for a projecting sign shall be designed so that there is the minimum visible support structure above the sign face. There shall be no more than one foot of support structure between the building wall and the sign.

E. Marquees and Awnings.

1. Signs may be placed on or incorporated into marquees and awnings; provided they do not extend above the upper surfaces of the structure.

2. Marquees and awnings containing signs may extend into the right-of-way the same distance as allowed for those that do not contain signs.

F. Illuminated Awning Sign.

1. Illuminated awning signs may extend into the right-of-way the same distance as is allowed for awnings.

2. The projection of an illuminated awning sign shall not be less than three feet.

3. An illuminated awning sign shall be limited to a wall facing a street or adjacent to a pedestrian walkway. (Ord. 6-2001 § 1)

19.170.060 Signing of nonconforming uses.

The following provisions for signs shall apply when a use has been found to be lawfully existing within the provision of Chapter 19.185 FMC; the provisions of this section are not intended to allow a sign to exceed the requirements set forth in the zoning district within which the subject nonconforming use would be a permitted use.

A. Freestanding Sign. Any existing freestanding sign on the premises of a nonconforming use can be maintained, improved or relocated on the premises as long as the change does not increase the total sign area or exceed the height of the existing sign.

B. Wall Sign. Any existing wall sign on the premises of a nonconforming use can

be maintained, improved or relocated on the premises as long as the maximum area of a wall sign does not exceed five percent of the wall area upon which the sign is located. Only one wall sign shall be permitted.

C. Projecting Sign. Any existing projecting sign on the premises of a nonconforming use can be maintained, improved, or relocated on the premises as long as the change does not increase the total sign area or exceed the height of the existing sign.

D. Readerboard. A permanent readerboard may be incorporated into any one, but not more than one, of the above permitted signs; provided, that the readerboard assembly is an integral part of the sign and the readerboard portion of the sign does not exceed 40 inches in height. The readerboard may be no more than 60 percent of the face of the sign.

E. Replacement. Existing signs for nonconforming uses found in the commercial and industrial zones may be replaced by signs as allowed in that section. Existing signs for nonconforming uses found in the residential zones may be replaced with signs as allowed in that section.

F. A-Board Signs. Two A-board signs are allowed on a site fronting on a state highway and having at least 300 feet of linear state highway frontage. Such A-board signs are not to exceed 32 square feet in area, must be anchored and are to be displayed only during the hours of operation.

G. Billboard Signs. Billboard signs existing at the effective date of the ordinance codified in this title shall be permitted to remain and be maintained in reasonable repair, but may not be replaced, relocated, enlarged, or otherwise structurally modified. Changes in message shall not affect nonconforming status. (Ord. 6-2001 § 1)

#### 19.170.070 Hardship relief.

A. Hardship relief may be requested from the planning commission for all sign regulations except for prohibited signs.

B. Hardship relief for billboards displaced by public improvement projects may be requested from the planning commission and shall be processed in accordance with Chapter 19.180 FMC. (Ord. 6-2001 § 1)

#### 19.170.080 Exemptions.

The following signs shall not require a permit but shall conform to all other applicable provisions of this title:

A. Signs not exceeding one square foot in area and bearing only property numbers, post box number, name or occupants of premises, or other identification of premises.

B. Professional non-illuminated nameplates not exceeding two square feet in area identifying the name and occupation or profession of the occupant of the premises on which the sign is located.

C. Signs directing traffic into off-street parking areas. An on-site directional sign



(s) shall not exceed three square feet in area. A freestanding sign may not exceed 42 inches in height. A wall sign may not exceed eight feet in height above grade.

D. Traffic or other municipal signs, directional signs for hospital or emergency services, legal notices, railroad signs and danger signs.

E. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface, or constructed of bronze or other noncombustible surface or when constructed of bronze or other noncombustible material not to exceed eight square feet in area.

F. Flags displayed from permanently located freestanding or wall-mounted flagpoles which are designed to allow raising and lowering of flags. The number of such flags shall be limited in number to one per 100 feet of linear frontage, with a maximum of six per premises. Such displays shall be kept neat, clean and in good repair.

G. Painted wall decorations and painted wall highlights.

H. Holiday decorations in season; provided, that such decorations shall be removed within 15 days of the passing holiday to which they pertain.

I. One time clock and/or scoreboard sign shall be permitted at each athletic field. Such signs shall have a maximum height of 15 feet above grade.

J. Athletic Field Signs. Banners or temporary rigid signs located on the outfield fence of athletic fields may be installed. Each individual sign shall be no more than 32 square feet in area. There shall be no more than 32 square feet of area for any eight linear feet of fence. The maximum height shall not exceed eight feet above grade. The sign shall not project above the fence. (Ord. 6-2001 § 1)

#### 19.170.090 Temporary signs.

Temporary signs are prohibited signs except as provided in this section.

##### A. Generally.

1. Illumination. No temporary sign shall be internally or externally illuminated.

2. Location. No temporary sign shall extend into or over the public right-of-way or the clear vision area.

3. Maintenance. Temporary signs shall be kept neat, clean and in good repair. Materials used should not fade, tear, rip or otherwise become unsightly during the period of installation.

4. Placement. Except as provided by this section temporary signs may not be attached to fences, trees, shrubbery, utility poles, or like items. They shall not obstruct or obscure primary signs on adjacent premises. They shall not create a traffic hazard because of distractive character to motorists of any such device or the cumulative effect of all such devices.

##### B. Sign Types.

1. Lawn Signs. Lawn signs shall be pole-mounted or wall-mounted. Temporary lawn signs and sign structures, if any, must be removed within six months of the date of installation. Pole-mounted lawn signs shall not exceed 42 inches in

height. Wall-mounted lawn signs shall conform to all other provisions of this title.

2. Rigid Signs. Temporary rigid signs shall be pole-mounted or wall-mounted. Temporary rigid signs and sign structures, if any, must be removed within six months of the date of installation. Pole-mounted rigid signs shall not exceed eight feet in height. Wall-mounted rigid signs shall not extend above the roof line at the wall or above the top of a parapet wall. The maximum area of a rigid sign shall be 16 square feet in area. Rigid signs shall not require a permit, but shall conform to all other provisions of this title.

3. Balloon Signs. One balloon sign per site may be permitted. Balloon signs shall be ground-mounted or roof-mounted and air filled. The overall height of a ground-mounted balloon sign shall not exceed 25 feet above grade. The overall height of a roof-mounted balloon sign shall not exceed 25 feet above the roof top. The display period is limited to 14 days in any 180-day period and 28 days in any 360-day period.

4. Banner Signs. One banner sign attached to a building wall per building frontage per street frontage may be permitted. Such banner sign(s) is limited to 32 square feet in area. Banner signs shall not require a development permit, but shall conform to all other provisions of this title.

5. Special Event Banner Signs. Permitted in all land use zones when in conformance with the following criteria:

a. Notarized, written consent from the property owner where the banner will be located. The consent shall identify any restrictions that the property owner requires of the permit holder.

b. Plans showing the location of the banner; banner height above the right-of-way, support devices for the banner; and proposed dates.

c. The display period shall not exceed 25 consecutive days in duration and no more than once in any 12-month period.

d. A copy of any liability and/or property damage insurance required by the property owner where the banner will be located. (Ord. 6-2001 § 1)

#### 19.170.100 Prohibited signs.

It shall be unlawful for any person to install, display or maintain any sign or advertising structure falling within any of the following descriptions:

A. Hazardous Signs. The following signs or advertising structures are identified as hazardous, either directly through their structural design or indirectly through distracting or confusing features or functions that are visible from a right-of-way, private roadway, or other property:

1. Moving signs, or any sign which has any visible moving part or visible mechanical movement of any description, including movement created by normal wind currents. Clocks and barber poles are exceptions.

2. Flashing signs, or any signs which achieve apparent movement through electrical pulsations, including strobe lights and bead lighting.

3. Signs that substantially obstruct free and clear vision of the traveling public at

the intersection of any street or driveway.

4. Signs that interfere with the traveling public's perception of traffic controls, including signs that use the words "stop," "look," "danger," or any other word, phrase, character symbol or graphic that is reasonably likely to distract or confuse vehicle operators.
5. Signs that incorporate reflective-type bulbs, or par spot bulbs, or directly visible bulbs of greater than 25 watts capacity. Electronic message center signs are exceptions.
6. Signs that incorporate white or blue neon tubing that exceed 300 milliamperes rating, or other neon tubing that exceed 120 milliamperes rating.
7. Signs that incorporate fluorescent tubing that exceeds an illumination equivalent of 800 milliamperes rating, or a spacing of less than nine inches, center to center.
8. Temporary readerboards, portable readerboards, A-board or sandwich signs, or any other portable signs capable of blocking public right-of-way that are not expressly permitted in this title.
9. Signs that obstruct in any way a fire escape, stairway or standpipe, or interfere with human exit through a window or any room located above the first floor of any building, or any door required exit from a building, or required light or ventilation source.

B. Other Prohibited Signs. The following signs or advertising structures are identified as having unnecessary and adverse visual impact on the community:

1. Roof signs, fin signs, or any sign structure that is attached to a building that does not conform to the sign standards contained in the remainder of this section.
2. Temporary signs, bench signs, banners, pennants, wind signs, balloon signs, flags or any other temporary sign structure that does not conform to the sign standards contained in the remainder of this section.
3. Nonconforming signs that have been modified in a manner which is not consistent with this section.
4. Billboard signs except as provided by FMC [19.170.060](#), [19.170.070](#) and [19.170.150](#). (Ord. 6-2001 § 1)

19.170.110 Nonconforming signs.

A. Nonconforming signs are those signs lawfully installed prior to September 1, 1990, which do not conform to the requirements of this section.

B. Any nonconforming sign shall be made to comply with this title when structural alteration, changes of sign face, or relocation or replacement of a sign occur. However, changes in copy on readerboard or outdoor advertising signs shall be permitted without loss of nonconforming status. On-site or off-site repairing or restoring any part of a sign or sign structure to a safe condition, including normal maintenance, shall be permitted without loss of nonconforming status.

C. Any nonconforming permanent sign installed prior to September 1, 1990, which does not comply with this title, shall be made to comply, or be removed by September 1, 2000. Any nonconforming temporary sign installed prior to September 1, 1990, which does not comply with this title, shall be made to comply, or be removed by March 1, 1991.

D. Signs identified by the city as hazardous shall be made to comply with this title or be removed within 90 days of the adoption of the ordinance codified in this title. Other prohibited signs shall be made to comply with this title, or be removed within one year of the adoption of the ordinance codified in this title.

E. Exceptional signs recognized by the planning commission and signs associated with designated historic landmarks are exempt to amortization measures for nonconforming and prohibited signs included in this section; provided they comply with other applicable standards in this title. (Ord. 6-2001 § 1)

#### 19.170.120 Nonconforming exceptional signs.

The planning commission may recognize exceptional nonconforming signs. Exceptional signs must be shown to meet all of the following criteria:

A. The entire sign structure was constructed at least 20 years prior to the date of application, and has been maintained in its original location, design and appearance.

B. The entire sign structure is unique in appearance and design, and is clearly outstanding in its visual impact.

C. The sign structure is recognized as a special feature in the city, and considered a unique visual asset.

D. The sign structure has been inspected and certified by a licensed sign contractor and a licensed electrician to be in safe condition. (Ord. 6-2001 § 1)

#### 19.170.130 Permitted signs within residential zones.

##### A. Subdivision Signs.

1. Type. Freestanding sign(s) are permitted for residential subdivisions.

2. Area. A subdivision sign shall be a maximum of 32 square feet.

3. Height. A subdivision sign shall not exceed a height of four feet.

4. Number. One subdivision sign is permitted for a subdivision containing up to 39 units. A second sign is permitted for a subdivision containing 40 or more units.

5. Illumination. The sign may have external illumination if the lighting is oriented away from street and adjacent properties. No sign shall be illuminated between the hours of 12:00 midnight and 7:00 a.m. Internally illuminated signs are not permitted.

6. Maintenance. The applicant shall submit a maintenance agreement for the sign. The city may approve the sign permit if the agreement will insure long-term maintenance of the sign.

##### B. Multidwelling Signs.

1. Freestanding Sign.

- a. Area shall be limited to a maximum of 32 square feet.
- b. Height shall be limited to a maximum height of eight feet above grade.
- c. Number shall be limited to one per site.
- d. Illumination.
  - i. The sign may have external illumination if the lighting is oriented away from street and adjacent properties.
  - ii. The sign may be internally illuminated when the illumination is confined to the lettering and logo. The illuminated areas of the sign shall not exceed 50 percent of the sign face.
  - iii. No sign shall be illuminated between the hours of 12:00 midnight and 7:00 a. m.

2. Wall Sign.

- a. Area shall be limited to 32 square feet.
- b. Types of Signs. Fascia, awning and painted wall signs are permitted.
- c. Height. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher, but in no case shall the sign exceed a height of 25 feet above grade.
- d. Number shall be limited to one per site.

C. Manufactured and Mobile Home Signs.

1. Freestanding Sign.

- a. Area shall be limited to two square feet per dwelling unit up to a maximum of 32 square feet.
- b. Height shall be limited to a maximum height of eight feet above grade.
- c. Number shall be limited to one per site.
- d. Illumination.
  - i. The sign may have external illumination if the lighting is oriented away from street and adjacent properties.
  - ii. The sign may be internally illuminated when the illumination is confined to the lettering and logo. The illuminated areas of the sign shall not exceed 50 percent of the sign face.
  - iii. No sign shall be illuminated between the hours of 12:00 midnight and 7:00 a. m.

D. Commercial Use Permitted in the R/MF Zone.

1. Wall Sign.

- a. Area shall be limited to 32 square feet.
- b. Types of Signs. Fascia, awning and painted sign shall be permitted.
- c. Height. No wall sign shall extend above the first floor business portion of the structure and in no case shall exceed a height of 25 feet above grade.
- d. Number. One wall sign per business establishment is permitted.
- e. Illumination.
  - i. May be internally illuminated when the illumination is confined to the lettering and logo. The background of the sign face shall be opaque. The illuminated

areas of the sign shall not exceed 50 percent of the sign face.

ii. Unless the commercial use operates on a 24-hour basis the sign shall not be illuminated between the hours of 12:00 midnight and 7:00 a.m.

f. Readerboard. A permanent readerboard may be incorporated into the wall sign provided the readerboard assembly is an integral part of the sign and the readerboard portion of the sign does not exceed 40 inches in height. The readerboard may be no more than 60 percent of the face of the sign.

E. Temporary Signs. Pursuant to FMC [19.170.090](#) the following temporary signs shall be permitted:

1. Lawn signs.

2. Rigid Signs. Temporary rigid signs shall be pole-mounted or wall-mounted. Temporary rigid signs and sign structures, if any, must be removed within six months of the date of installation. Pole-mounted rigid signs shall not exceed eight feet in height. Wall-mounted rigid signs shall not extend above the roof line at the wall or above the top of a parapet wall. The maximum area of a rigid sign shall be 16 square feet in area.

3. Banner Signs. Placement is limited to multiple-dwelling and commercial buildings. (Ord. 6-2001 § 1)

19.170.140 Permitted signs within commercial and industrial zones.

A. Freestanding Sign.

1. Area. The maximum permitted area per sign face shall be .40 square feet of sign face area per linear foot of site frontage, up to a maximum of 100 square feet. Regardless of site frontage a minimum of 40 square feet of sign area may be permitted.

2. Height. The maximum height of any portion of a sign or sign structure shall be 25 feet above grade.

3. Number. One sign per site shall be permitted. However, no freestanding sign shall be permitted on the same site where there is a projecting sign.

B. Wall Sign.

1. Area. The maximum permitted area of a wall sign shall be 10 percent of the wall area upon which the wall is located.

2. Types of Signs. Fascia, mansard wall, awning, illuminated awning, marquee and painted wall signs are permitted.

3. Height. No wall sign shall extend above the roof line at the wall or the top of a parapet wall, whichever is higher.

4. Number. There is no limit on the number of signs if within the total permitted area limit.

C. Projecting Sign.

1. Area. The maximum permitted area of a projecting sign shall be 18 square feet per sign face.

2. Height. A projecting sign shall not extend above the roof line at the wall or

above the top of a parapet wall, whichever is higher. In no case shall any portion of a projecting sign exceed a height of 25 feet above grade.

3. Clearance. Projecting signs shall have a minimum clearance of eight feet between the bottom of the sign and the ground.

4. Location. Projecting signs may extend into the right-of-way two feet except no portion of the sign shall be closer than 30 feet from the centerline of an existing right-of-way.

5. Number. One sign per site shall be permitted. However, no projecting sign shall be permitted on the same site where there is a freestanding sign.

#### D. Under Marquee Sign.

1. Area. The maximum permitted area of an under marquee sign shall be eight square feet per sign face. The maximum vertical height of a sign face shall be two feet.

2. Clearance. A minimum eight-foot six-inch clearance shall be maintained between the sign and the ground. No sign can project past the outer edge of the marquee.

3. Number. One sign per premises shall be permitted.

#### E. On-Site Directory Sign.

1. Area. A three-square-foot sign panel is permitted for each business or activity on the site.

2. Location. On-site directory signs shall be located a minimum of 20 feet back from the property line at the street access point.

3. Number. One on-site directory sign is permitted for each street access point to the development.

#### F. Sign Features.

1. Illumination. Signs may be indirectly or internally illuminated.

2. Readerboard. A permanent readerboard may be incorporated either in a freestanding sign or wall sign but not both. The readerboard shall be an integral part of the sign design and shall not exceed 40 inches in height.

3. Electronic Message Center. An electronic message center may be incorporated into either a freestanding sign or wall sign, but not both. The electronic message center shall be an integral part of the sign design and shall not exceed eight square feet in height.

G. Temporary Signs. Pursuant to FMC [19.170.090](#) the following temporary signs shall be permitted.

1. Lawn signs.

2. Rigid Signs. One rigid sign per site frontage shall be permitted. A site frontage of at least 300 linear feet shall be permitted an additional rigid sign. Rigid signs on the same frontage shall be spaced at least 50 feet apart.

3. Banner signs.

4. Balloon signs.

H. Billboard Signs. Billboard signs existing at the effective date of the ordinance codified in this title shall be permitted to remain and be maintained in reasonable

repair, but may not be replaced, relocated, enlarged or otherwise structurally modified. (Ord. 6-2001 § 1)

#### 19.170.150 Community service development signs.

Community service developments are permitted in all land use zones. All community service developments shall conform to the sign standards identified in the specific land use zone of the property. (Ord. 6-2001 § 1)

#### 19.170.160 Sidewalk A-board signs.

Within a multibusiness complex, sidewalk A-board signs may be permitted subject to the following criteria:

- A. Sign is in place during operating hours only each day.
- B. Sign is attached securely to the building and placed next to the building.
- C. Sign placement will not interfere with pedestrian traffic, handicapped access and clear vision areas at driveway and street intersections.
- D. Sign area is limited to 12 square feet per face.
- E. No more than one A-board sign per street level business is permitted.
- F. Sidewalk A-board signs shall be placed on private walkways only. (Ord. 6-2001 § 1)

#### 19.170.170 Abatement of substandard and dangerous signs.

Every sign identified by the city as being an abandoned and/or noncomplying sign is substandard and subject to abatement proceedings before the city council. Signs found by the city to be unsafe shall be subject to immediate civil action by the city. (Ord. 6-2001 § 1)

#### 19.170.180 Maintenance.

All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and be maintained in a safe, neat, clean and attractive condition, free from rust, corrosion, peeling paint or other surface deterioration. Any sign structure or support that is not maintained is substandard and subject to abatement procedures. (Ord. 6-2001 § 1)



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Chapter 19.200  
FAMILY DAY CARE PROVIDERS IN A RESIDENTIAL ZONE

## Sections:

- [19.200.010](#) Purpose.
- [19.200.020](#) Operational standards.
- [19.200.030](#) Establishing and maintaining a family day care provider.
- [19.200.040](#) Appeal process.

## 19.200.010 Purpose.

The purpose of this section is to provide for family day care providers in residential zones in a manner that will ensure that they are utilized only as accessory uses incidental to the primary residential use of the premises upon which they are located. A home occupation permit may be granted; provided the use is not inconsistent with or disruptive to the normal residential usage of the premises or cause external effects which are detrimental to neighboring properties or are incompatible with the characteristics of the residential zone. (Ord. 6-2001 § 1)

## 19.200.020 Operational standards.

Family day care providers shall be limited to those activities which are customarily carried on within a dwelling, and which are operated entirely within the principal dwelling by a member of the family residing in the dwelling unit as a clearly secondary and incidental use of such a dwelling. The use must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. Fulfill all requirements for a day care facility as defined in ORS 418.805 and the state of Oregon Children's Services Division (CSD) Rules for Certification.
- B. Have no more children than allowed by state and county regulations for the size of facility in question.
- C. Be permitted to operate at any time during a 24-hour period.
- D. Be permitted to have children dropped off and picked up at any time during this 24-hour period, with due consideration to neighboring residents in regards to noise and traffic congestion. Children are to be escorted to (and from) the day care residence and the vehicle.

E. Be permitted to utilize more than 20 percent of the gross floor area of the dwelling unit for day care as long as the dwelling remains consistent with the residential nature of the premises.

F. Need not be confined, contained and conducted within the dwelling in so far as outdoor play areas may be provided, which meet all standards of the CSD, and with due consideration to neighboring residents in regards to noise and activity. Field trips off the premises are to meet all requirements set by CSD.

G. No significant enlargement or alteration to a dwelling for the sole purpose of conducting a family day care provider facility shall be permitted that is inconsistent with the residential nature of the premises.

H. The premises shall at all times be maintained as residential in appearance, cleanliness and quietness.

I. Dimensions, power rating or weight of such equipment and tools used in the conduct of a family day care facility shall not exceed that of normal household equipment and tools.

J. There shall be no exterior indication of the family day care provider facility; no exterior signs shall be used; no other on-site advertising visible from the exterior shall be used which informs the public of the address of the home occupation.

(Ord. 6-2001 § 1)

19.200.030 Establishing and maintaining a family day care provider.

A. Within 10 days after a permit is issued, notices of issuance of a home occupation permit shall be sent to all property owners and residents in the area bounded by lines 150 feet, excluding street widths, from and parallel to the boundary lines of the lot proposed to contain the family day care provider facility.

B. The city shall not issue a business license until a home occupation permit is issued. Copies of all certification from the Children's Services Division are to be attached to the application form. Home occupation permits are valid until the end of the calendar year and are to be renewed by reapplication at the same time as the business license.

C. Permits for home occupations may be revoked at any time for failure to adhere to standards and conditions of approval for home occupation. If the business license of a home occupation permit holder is revoked, the home occupation permit may be reviewed for possible revocation, and visa versa.

D. A change in the characteristics of the use will require a new permit. (Ord. 6-2001 § 1)

19.200.040 Appeal process.

A. A decision of the staff to issue or revoke a home occupation permit may be appealed to the city council by an affected party by filing an appeal within 15 days of notice of this decision. The notice of appeal shall indicate the decision that is being appealed.

B. Any person may request staff to review a home occupation permit if evidence of noncompliance to this code is evident. (Ord. 6-2001 § 1)

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## Chapter 19.205 AMENDMENTS

### Sections:

<a href="#">19.205.010</a>	Procedure.
<a href="#">19.205.020</a>	Criteria.
<a href="#">19.205.030</a>	Limitation on reapplication.
<a href="#">19.205.040</a>	Effective dates.
<a href="#">19.205.050</a>	Notice of ordinance or plan amendments.

#### 19.205.010 Procedure.

A proposal to amend the zoning ordinance text or map may be initiated by the city council, the planning commission or a property owner who files an application with the city.

Amending the zoning ordinance text or map shall require a public hearing before both the planning commission and the city council. Mailed notice of hearing shall include the owners of the property within 250 feet of the subject parcel or parcels when the proposed amendment is site specific. (Ord. 6-2001 § 1)

#### 19.205.020 Criteria.

Approval of an ordinance text or map amendment shall be based on finding that it complies with the following criteria:

- A. The amendment will not interfere with the livability, development or value of other land in the vicinity of site-specific proposals when weighed against the public interest in granting the proposed amendment.
- B. The amendment will not be detrimental to the general interests of the community.
- C. The amendment will not violate the land use designations established by the comprehensive land use plan and map or related text.
- D. The amendment will place all property similarly situated in the area in the same zoning designation or in appropriate complementary designations without creating inappropriate "spot zoning." (Ord. 6-2001 § 1)

#### 19.205.030 Limitation on reapplication.

No application of a property owner for an ordinance text or map amendment shall be considered within the one-year period immediately following a denial of

a request for the same property, except the hearing body may permit a new application upon making a determination that it is warranted because of new evidence or a change in circumstances. (Ord. 6-2001 § 1)

19.205.040 Effective dates.

An ordinance text or map amendment shall take effect 30 days after the date of approval, unless appealed or immediately where an emergency is declared to exist consistent with Section 33 of the City Charter. (Ord. 6-2001 § 1)

19.205.050 Notice of ordinance or plan amendments.

Type III decisions shall comply with the notice provisions of FMC [19.415.030](#).

Type IV decisions shall comply with the provisions of FMC [19.416.040](#). (Ord. 6-2001 § 1)



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Chapter 19.230  
MANUFACTURED/MOBILE HOME PARKS

Sections:

- [19.230.010](#) Purpose.
- [19.230.020](#) Manufactured/mobile home park standards.
- [19.230.030](#) Manufactured homes on individual building lots.
- [19.230.040](#) Nonconforming mobile homes.

19.230.010 Purpose.

The purpose of this chapter is to establish criteria for the placement of manufactured/mobile homes in mobile home parks and manufactured homes on individual building lots within the city of Fairview. (Ord. 6-2001 § 1)

19.230.020 Manufactured/mobile home park standards.

The design for the manufactured/mobile home park shall conform to all applicable state standards established by the state of Oregon. (Ord. 6-2001 § 1)

19.230.030 Manufactured homes on individual building lots.

The establishment, location, and use of manufactured homes as scattered site residences shall be permitted subject to pertinent covenants, conditions and restrictions in any zone permitting such use subject to requirements and limitations applying generally to such residential uses in the zone, and provided such homes shall meet the following requirements and limitations:

- A. The manufactured home shall meet all requirements applicable to single-family dwellings and possess all necessary improvement, location, building, and occupancy permits and other certifications required by the title.
- B. The manufactured home shall be larger than 1,000 square feet of occupied space or meet the minimum square footage requirements for the appropriate zone, whichever be the lesser.
- C. All manufactured homes placed or located in a housing zone shall be elevated on a permanent foundation so that the lowest floor of the manufactured home is at or above the base flood elevation, and shall be securely anchored to an adequately anchored foundation system in accordance with the regulations adopted by the Oregon Department of Commerce and with the manufacturer's

installation specifications.

D. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the city of Fairview planning commission.

E. The manufactured homes shall have a roof composed of a material customarily used on site-built residential dwellings such as asbestos, fiberglass, shake, asphalt, or tile, which shall be installed onto a surface appropriately pitched for the materials used. (Ord. 6-2001 § 1)

#### 19.230.040 Nonconforming mobile homes.

A. Mobile home parks existing at the adoption of the ordinance codified in this chapter not meeting the standards set forth in this title shall be considered nonconforming.

B. Mobile homes in such a park may be replaced but only with units that meet city standards existing at the time they are replaced. (Ord. 6-2001 § 1)



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## Chapter 19.245 TELECOMMUNICATIONS FACILITIES

### Sections:

<a href="#">19.245.010</a>	Purpose.
<a href="#">19.245.020</a>	Definitions.
<a href="#">19.245.030</a>	Administration and enforcement.
<a href="#">19.245.040</a>	Applicability.
<a href="#">19.245.050</a>	Application procedure.
<a href="#">19.245.060</a>	Design criteria.
<a href="#">19.245.070</a>	Uses.

#### 19.245.010 Purpose.

It is the city's policy to protect the public interest by promoting telecommunications facilities in a way which:

- A. Protects public health and safety.
- B. Minimizes disruption of residential, natural, historical and environmentally sensitive areas.
- C. Aesthetically complements the surrounding environment whenever possible.
- D. Limits regulation of telecommunications providers and services, consistent with federal and state law.
- E. Assures that all telecommunication providers' facilities or services within the city comply with the ordinances, rules and regulations of the city.
- F. Assures that the city can continue to responsibly protect the public health, safety and welfare.
- G. Enables the city to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development. (Ord. 6-2001 § 1)

#### 19.245.020 Definitions.

For the purpose of this chapter, the following terms and phrases shall have the following meaning.

- A. "Amateur or 'ham' radio" means radio facilities operated for noncommercial purposes by individuals licensed by the Federal Communications Commission with an interest in construction and operation of radio equipment, usually as a hobby or vocation.



- B. "Ancillary facilities" means structures and equipment required for the operation of telecommunications equipment, including, without limitation, antennas, repeaters, equipment housing structure, ventilation and other mechanical equipment.
- C. "Antenna" means an electrical conductor or group of electrical conductors, commonly in the form of a metal rod, panel or dish, that transmit or receive radio waves, excluding amateur radio and television antennas, and is typically mounted on a tower, pole, mast or building.
- D. "Applicant" means any person awaiting approval for a telecommunications facility and/or lease or other appropriate agreement.
- E. "Building" means any structure capable of being used to support or shelter any use or occupancy.
- F. "City" means the city of Fairview, Oregon.
- G. "City property" means all real property owned or otherwise utilized by the city and all property held in a proprietary capacity by the city and shall include all public ways and public facilities as defined herein.
- H. "Co-location" means the placement of two or more antennas and/or telecommunications systems, platforms or facilities owned by FCC license holders on structures such as a support structure, building, water tank or utility pole.
- I. "Direct-to-home satellite service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without use of ground receiving or distribution equipment, except at the subscriber's premises or in the uplink process to the satellite.
- J. "Emergency" means a condition of imminent danger to the health, safety and welfare of property or persons located within the city including, without limitation, possible damage to persons or property from human or naturally caused consequences.
- K. "Overhead facilities" means utility poles, utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.
- L. "Person" includes corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies and other entities or individuals authorized to do business in the state of Oregon.
- M. "Planning commission" means the city of Fairview, Oregon, planning commission.
- N. "Provider" shall have the same meaning as "telecommunications provider" as defined below.
- O. "Public facilities" means all city owned properties including but not limited to buildings, water towers, poles, public streets, thoroughfares and utility easements and all other properties granted to the city, as those terms are defined herein, but only to the extent of the city's right, title, interest or authority to grant a license or lease to occupy and use such streets and easements for

telecommunications facilities.

P. "State" means the state of Oregon.

Q. "Telecommunications facilities" means commercial facilities designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices. For the purpose of this chapter, amateur radio transmission facilities and facilities used exclusively for the transmission or reception of television and radio signals are not telecommunications facilities.

R. "Telecommunications provider" means any person, association or organization which directly or indirectly owns, controls, operates or manages equipment inside the city used or to be used for the purpose of offering telecommunications service.

S. "Telecommunications services" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

T. "Telecommunications support structure" means a structure, tower, pole or mast erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, monopoles, lattice towers, wood poles and guyed towers.

U. "Telecommunications system" shall have the same meaning as "telecommunications facilities" as defined above.

V. "Tower footprint" means the area described at the base of a transmission tower as the perimeter of the transmission tower including the transmission tower foundation and any attached or over-hanging equipment, attachments or structural members, excluding ancillary facilities, guy wires and anchors.

W. "Tower height" means the vertical distance measured from the highest point on the transmission tower or other structure, including any antenna, to the original grade of the ground directly below this point.

X. "Tower pad" means the area that encompasses the tower footprint, ancillary facilities, fencing and screening.

Y. "Transmission tower" means the monopole or lattice framework designed to support transmitting and receiving antennas. For the purpose of this chapter, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not transmission towers.

Transmission towers include:

1. "Guyed tower" means a tower which is supported by the use of cables which are permanently anchored.

2. "Lattice tower" means a tower characterized by an open framework of lateral cross members which stabilize the tower.

3. "Monopole" means a tower characterized by an open framework of lateral cross members which stabilize the tower.

Z. "Underground facilities" means utility and telecommunications facilities located underground, excluding the underground foundations or supports for

overhead facilities.

AA. "Usable space" means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified by applicable codes, rules, laws, policies, regulations and ordinances.

BB. "Utility easement" means any easement to the city or others, acquired, established, dedicated or devoted wholly or partially to public utility purposes. (Ord. 6-2001 § 1)

19.245.030 Administration and enforcement.

It shall be the responsibility of the city administrator or designee to administer and enforce all provisions of this chapter. (Ord. 6-2001 § 1)

19.245.040 Applicability.

A. Pre-existing Towers and Antennas.

1. Any tower, antenna or telecommunications facility for which the required approval has been properly issued prior to the effective date of the ordinance codified in this chapter shall not be subject to the requirements of this chapter, other than those set forth by the federal government, state building codes, or other applicable laws. Any such towers antennas or facilities shall be referred to in this chapter as pre-existing towers or antennas.

2. Upon expiration of said pre-existing approval, any tower, antenna or telecommunications facility shall become subject to the provisions herein.

B. Exemptions. For the purpose of this chapter, the following are exempt:

1. Cable television service.

2. Open video system service.

3. Direct-to-home satellite service.

4. Over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto.

5. Send and receive citizen band radio antennas or antennas operated by federally licensed amateur ("ham") radio operators.

6. Industrial, scientific and medial equipment as regulated by the Federal Communications Commission in 47 DFR Part 18.

7. Military and government radar antennas and associated communications towers used for navigational purposes as regulated by the Federal Communications Commission in 47 DFR Parts 95 and 97.

8. Military and federal, state and local government communications facilities used for public safety and emergency preparedness purposes.

9. Normal, routine and emergency maintenance and repair of existing telecommunications facilities which do not increase the height, size, bulk or footprint of such facilities and which otherwise comply with city, state and federal law and regulations. (Ord. 6-2001 § 1)

### 19.245.050 Application procedure.

A. Telecommunications Facility Application. Any person wishing to obtain approval for a telecommunications facility shall complete an application form provided by the city which shall contain the following information:

1. The name, address and telephone number of the applicant.
2. The name, address and telephone number of the contractor.
3. The name, address and telephone number of the electrical contractor.
4. The type of facility, height and any other pertinent information.
5. The location of the proposed telecommunications facility by street address and legal description.

B. Telecommunications Facility Proposal. A telecommunications facility proposal is required to accompany the telecommunications facility application and shall include the following information:

1. A description of the proposed facility to include the type, proposed height, and square footage of ground facilities.
2. The location of all overhead and underground public utility, telecommunications, cable, water, sewer drainage and other facilities in the vicinity of the proposed facility.
3. The location(s), if any, for interconnection with other telecommunications facilities.
4. The specific trees, structures, improvements, facilities and obstructions, if any, that applicant requests to temporarily or permanently remove or relocate.
5. A preliminary construction schedule and completion date.
6. A preliminary traffic control plan, if applicable.
7. Information to establish that the applicant has obtained all other governmental approvals and licenses to construct and operate the facilities and to offer or provide the telecommunications services.
8. A certification from a registered professional engineer that the drawings, plans and specifications submitted with the application that comply with applicable technical codes, rules and regulations.
9. A report indicating the anticipated capacity of the telecommunications support structure, including the number and types of antennas which can be accommodated.
10. A visual study containing, at a minimum, a vicinity map depicting where, within the city of Fairview, any portion of the proposed tower which could be visible and a graphic simulation showing the appearance of the proposed tower and ancillary facilities from five points within the impacted vicinity. Such points are to be mutually agreed upon by the planning director and applicant. This study shall be required for transmission towers only.
11. A landscape plan drawn to scale showing proposed landscaping, including type, spacing, size and irrigation methods. This plan shall not be required for co-location on existing buildings or where there is no opportunity to provide

additional landscaping.

12. Evidence demonstrating co-location is impractical on existing structures, existing transmission towers and existing tower facility sites for reasons of safety, available space, or failing to meet service coverage area needs. This evidence shall not be required for co-location proposals.

13. Such other and further information as may be required by the city administrator. (Ord. 6-2001 § 1)

#### 19.245.060 Design criteria.

A. All telecommunications facilities shall meet the following design criteria:

1. Site Size. Property upon which a new or co-located telecommunications

facility is to be located shall be of a size, shape and location sufficient to provide:

a. Setback from any property line to the tower footprint which is at least two-thirds the tower height. This standard shall not apply to co-located facilities.

b. Protection to adjoining property from the potential impact of tower failure and ice falling from the tower. A licensed structural engineer's analysis shall be submitted to demonstrate that such failure and ice fall will be accommodated on the site.

c. Separation from Pre-Existing Towers. Tower separation shall be measured by following a straight line from the base of the proposed new tower to the base of any pre-existing tower. Minimum separation distances (listed in linear feet) shall be as follows:

	Guyed	Monopole >80'	Monopole <80'
Guyed	5,000	1,500	750
Monopole >80'	1,500	1,500	750
Monopole <80'	750	750	750

d. Each telecommunications facility shall include one adjacent parking space.

#### 2. Co-location.

a. Applicants shall exhaust all co-location options prior to being granted a license by the city by:

i. Identifying all existing towers and other structures of sufficient height within the city to support co-location.

ii. Provide evidence that property owners declined to offer their property for lease.

b. New towers shall be constructed to accommodate future co-location, based on expected demand for transmission towers in the service area. Towers shall be designed to accommodate a minimum expansion of three two-way antennas for every 40 vertical feet of tower.

c. Antennas or attachments may be placed on existing structures such as

athletic field light poles, utility poles or towers and tall buildings; provided, that the addition of the antenna equipment will not cause undue interference with the normal operation of utilities or existing transmission facilities and the tower or attachment either complies with the height limit of the underlying zoning district or is no more than 10 feet taller than the existing structure in a residential neighborhood or is no more than 20 feet taller than the existing structure in an agricultural or commercial zoning district. The color and design of such antennas, attachments and any ancillary facilities shall be compatible with the existing structure.

d. Applicants shall provide a report indicating the anticipated capacity of the telecommunications support structure, including the number and types of antennas which can be accommodated.

### 3. Height.

a. The height of a telecommunication facility shall include the support structure and any attached antennas proposed at the time of application.

b. Maximum height for a telecommunication support structure and antennas shall not exceed the maximum height allowed by the city airport overlay zone per Chapter [19.95](#) FMC.

c. Antennas attached to any building or facility shall not exceed the maximum height limitation set forth in subsection (A) (2) of this section.

d. Maximum allowable heights are as follows:

i. Community service/parks: 45 linear feet.

ii. F-2 – Agricultural holding: 55 linear feet.

iii. NC – Neighborhood commercial: 45 linear feet.

iv. TCC – Town center commercial: 45 linear feet.

v. CC – Corridor commercial: 55 linear feet.

vi. GI – General manufacturing: 55 linear feet.

vii. LI – Light manufacturing: 55 linear feet.

viii. V-O – Village office: 45 linear feet.

ix. VC – Village commercial: 45 linear feet.

x. VMU – Village mixed use: 45 linear feet.

4. Visual Impact. An applicant shall demonstrate that the tower or other facility will have the least visual impact on the environment by addressing the following:

a. The height and mass of the transmission tower shall not exceed that which is essential for its intended use and public safety as demonstrated in a report prepared by a licensed structural engineer.

b. All towers shall be painted in order to best camouflage the tower with regard to compatibility with surrounding objects and colors and as approved by the city. Unless towers are otherwise disguised or co-located, towers shall be camouflaged as trees whenever structurally possible.

c. Equipment shelters, buildings and cabinets housing radio electronics equipment shall be concealed, camouflaged or placed underground.

d. Telecommunication facility antennas shall be made to blend with the

predominant background or architectural features to the greatest extent possible as seen from abutting uses, roadways or other public ways or thoroughfares and shall match the color of the facility to which they are attached whenever possible.

e. Antennas shall be designed to minimize their appearance to surrounding development.

f. A visual study containing, at a minimum, a vicinity map depicting where, within the city of Fairview, any portion of the proposed tower could be visible, and a graphic simulation showing the appearance of the proposed tower and ancillary facilities from five points within the impacted vicinity. Such points are to be mutually agreed upon by the planning director and applicant. This study shall not be required for co-location on preexisting transmission towers, but shall be required for co-location on other structures.

#### 5. Fencing and Landscaping.

a. Telecommunications facilities shall be enclosed by a six-foot tall wall or fence which is compatible with surrounding walls or fencing.

b. Landscaping shall be placed outside of fences and shall consist of fast growing vegetation with a minimum planted height of six feet placed densely to form a solid hedge and shall be compatible with surrounding landscaping.

c. When antennas, attachments or ancillary facilities are to be located on existing buildings or structures and are secure from public access, landscaping and fencing requirements may be waived.

d. A landscape plan drawn to scale showing proposed landscaping, including type, spacing, size and irrigation methods, shall be provided. This plan shall not be required for co-location on existing buildings or where there is no opportunity to provide additional landscaping.

#### 6. Signage.

a. All telecommunications support structures shall be identified with a non-illuminated sign not to exceed two square feet. The sign shall list the telecommunication provider's name and emergency telephone number(s) and shall be posted in a place visible to the general public. The sign shall be constructed of weather resistant material and lettering shall contrast with the sign's background.

b. Lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall not be placed on or affixed to any part of a telecommunications facility or portion thereof other than as required by federal, state or county regulation(s) and subsection (6)(a) of this section.

7. Lighting. Telecommunications facilities shall not be illuminated except as required by the Federal Aviation Administration and/or the Oregon State Aeronautics Division. High intensity white lights shall not be located on transmission towers.

8. Noise Reduction. Noise generating equipment shall be sound-buffered by means of baffling, barriers or other suitable means to reduce the sound level

measured at the property line to 30 dBA above the level of ambient background noise when adjacent to residential uses and 45 dBA above the level of ambient background noise in other areas.

9. Anti-Climbing Devices. All telecommunications transmission towers and required fencing shall be equipped with appropriate anti-climbing devices.

10. Attachment to Trees Prohibited. It is prohibited to attach any telecommunications facility or portion thereof to any tree.

#### B. Setbacks.

1. Ancillary facilities and telecommunications support structures which are attached to existing buildings or other permanent structures shall comply with the setback requirements for the underlying zoning district.

2. Telecommunications support structures and transmission towers shall be set back from any property line by a minimum distance equal to or greater than 1.5 times the height of the transmission tower.

3. Setbacks for telecommunications support structures and transmission towers shall be measured from the ground level base of the structure.

4. The setback in any zoning district may be reduced if the applicant can demonstrate that:

a. Reduction in the setback increases the screening opportunities between the facility and abutting uses.

b. The reduction in setback is the minimum required to achieve the increased screening of the facility for abutting uses.

c. The reduction in setback shall be wide enough to accommodate required landscaping and fencing.

d. The reduction in setback will not cause a greater visual, aesthetic or safety impact to abutting uses. (Ord. 6-2001 § 1)

#### 19.245.070 Uses.

##### A. Community Service/Parks.

1. Maximum height for telecommunications transmission towers shall be 45 linear feet.

2. Minimum setback for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.

3. Guyed towers are not permitted.

4. Monopoles are conditionally permitted.

5. Antennas are permitted.

##### B. F-2 – Agricultural.

1. Maximum height for telecommunications shall be subject to the limitations set forth by the airport overlay zone.

2. Minimum setback for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.



3. Guyed towers are not permitted.
  4. Monopoles are conditionally permitted.
  5. Antennas are permitted.
  6. Community service/parks are conditionally permitted.
- C. NC – Neighborhood Commercial.

1. Maximum height for telecommunications transmission towers shall be 45 linear feet.
2. Minimum setback for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.
3. Guyed towers are not permitted.
4. Monopoles are conditionally permitted.
5. Antennas are permitted.
6. Community service/parks are conditionally permitted.

D. TCC – Town Center Commercial.

1. Maximum height for telecommunications transmission towers shall be 45 linear feet.
2. Minimum setback for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.
3. Guyed towers are not permitted.
4. Monopoles are conditionally permitted.
5. Antennas are permitted.
6. Community service/parks are conditionally permitted.

E. CC – Corridor Commercial.

1. Maximum height for telecommunications transmission towers shall be 55 linear feet.
2. Minimum setback for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.
3. Guyed towers are not permitted.
4. Monopoles are conditionally permitted.
5. Antennas are permitted.
6. Community service/parks are conditionally permitted.

F. GI – General Manufacturing.

1. Maximum height for telecommunications transmission towers shall be subject to the limitations set forth by the airport overlay zones.
2. Minimum setback for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.
3. Guyed towers are conditionally permitted.
4. Monopoles are permitted.
5. Antennas are permitted.

6. Community service/parks are conditionally permitted.

G. LI – Light Manufacturing.

1. Maximum height for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.

2. Minimum setback for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.

3. Guyed towers are not permitted.

4. Monopoles are conditionally permitted.

5. Antennas are permitted.

6. Community service/parks are conditionally permitted.

H. VO – Village Office.

1. Maximum height for telecommunications transmission towers shall be 45 linear feet.

2. Minimum setback for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.

3. Guyed towers are not permitted.

4. Monopoles are conditionally permitted.

5. Antennas are permitted.

I. VC – Village Commercial.

1. Maximum height for telecommunications transmission towers shall be 45 linear feet.

2. Minimum setback for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.

3. Guyed towers are not permitted.

4. Monopoles are conditionally permitted.

5. Antennas are permitted.

J. VMU – Village Mixed Use.

1. Maximum height for telecommunications transmission towers shall be 45 linear feet.

2. Minimum setback for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.

3. Guyed towers are not permitted.

4. Monopoles are conditionally permitted.

5. Antennas are permitted.

K. Prohibited Use.

1. Telecommunications facilities including telecommunications support structures, transmission towers, ancillary facilities and antennas shall not be permitted in the following zoning districts:

- a. R – Residential.
  - b. MF – Multifamily.
  - c. M-H – Manufactured housing park.
  - d. VSF – Village single-family.
  - e. VTH – Village townhouse residential.
  - f. VA – Village apartment.
2. Lattice towers are not permitted.
- L. Use Summary. For the purpose of this sub-section:
1. “P” shall mean permitted use.
  2. “C” shall mean conditional use.
  3. “X” shall mean specifically prohibited. (Ord. 6-2001 § 1)



Chapter 19.250  
MINIMUM DENSITIES

Sections:

[19.250.010](#) Minimum density.

19.250.010 Minimum density.

A. When single-family lots are created through partition or subdivision, a minimum density permitted in the zone is required on all parcels within the R zones. For purposes of this section, the number of lots required shall be determined by multiplying the maximum density, exclusive of potentially allowable density transfer, by 0.8.

B. In all multifamily zones 80 percent of the allowable density must be achieved by all residential developments. (Ord. 6-2001 § 1)

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## Article IV. Applications and Review Procedures

### Chapter 19.400

#### ADMINISTRATION OF LAND USE AND DEVELOPMENT REVIEW

##### Sections:

[19.400.010](#) Introduction.

[19.400.020](#) Purpose.

##### 19.400.010 Introduction.

This article provides all of the application requirements and procedures for obtaining permits required by this code. Please refer to Table 19.412 for a key to determining which land use permits and procedures are required, and the decision-making body for a particular type of permit application. (Ord. 6-2001 § 1)

##### 19.400.020 Purpose.

The purpose of this article is to establish standard decision-making procedures that will enable the city, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. (Ord. 6-2001 § 1)

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## Chapter 19.412 DESCRIPTION OF PERMIT PROCEDURES

### Sections:

[19.412.010](#) Description of permit/decision-making procedures.

19.412.010 Description of permit/decision-making procedures.

All land use and development permit applications, except building permits, shall be decided by using the procedures contained in this chapter. General procedures for all permits are contained in Chapter [19.417](#) FMC. Specific procedures for certain types of permits are contained in Chapters [19.412](#) through [19.416](#) FMC. The procedure “type” assigned to each permit governs the decision-making process for that permit. There are four types of permit/decision-making procedures: Type I, II, III, and IV. These procedures are described in subsections A through D of this section. In addition, Table 19.412 lists all of the city’s land use and development applications and their required permit procedure(s).

A. Type I Procedure (Ministerial). Type I decisions are made by the city administrator, or someone he or she officially designates, without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria, and applying city standards and criteria requires no use of discretion.

B. Type II Procedure (Administrative). Type II decisions are made by the city administrator or their designate with public notice and an opportunity for a public hearing if the city administrator or their designate determines that a public hearing is appropriate and needed due to the complexity or need for discretionary review. The appeal of a Type II decision is heard by the planning commission.

C. Type III Procedure (Quasi-Judicial). Type III decisions are made by the planning commission after a public hearing, with appeals reviewed by the city council. Type III decisions generally use discretionary approval criteria.

D. Type IV Procedure (Legislative). Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments which apply to entire districts). Type IV matters are considered initially by the Planning Commission with final decisions made by the city council.

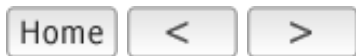
Table 19.412

Summary of Development Decisions/Permit by Type of Decision-Making Procedure\*

Access Permit (public street)	Type I	Chapters 3.1, 4.2, 4.3
Annexation	Type IV	Comprehensive Plan and city/county intergovernmental agreement(s), as applicable.
Building Permit	N/A	Building Code
Code Interpretation	Type I/II	Chapter 4.8
Code Amendment	Type IV	Chapter 4.7
Comprehensive Plan Amendment	Type IV	Comprehensive Plan
Conditional Use Permit	Type III	Chapter 4.4
Floodplain Development Permit	Type I	Sensitive Land development
Home Occupation Permit	Type I	Chapter 4.9
Master Planned Development	Type III	Chapter 4.5
Modification to Approval	Type II/III	Chapter 4.6
Land Use District Map Change		

Quasi-Judicial (no plan amendment required)	Type III	Chapter 4.7
Legislative (plan amendment required)	Type IV	Chapter 4.7
Lot Line Adjustment	Type I	Chapter 4.3
Nonconforming Use or Development Confirmation	Type I	Chapter 5.2
Partition	Type II	Chapter 4.3
Sensitive Lands Permit	Type III	Chapter 3.7
Sign Permit	Type I	Chapter 3.6
Development Review	Type I	Chapter 4.2, Building Code
Site Design Review		
Type II	Type II	Chapter 4.2
Type III	Type III	Chapter 4.2
Subdivision	Type II/III	Chapter 4.3
Temporary Use Permit	Type II/III	Chapter 4.9
Tree Removal	Type I/II	Chapter 3.2 (may require sensitive land development permit first)
Variance		
Class A	Type I	Chapter 5.1
Class B	Type II	Chapter 5.1
Class C	Type III	Chapter 5.1
*Note: The chapters referenced above in the right-hand column describe the types of land uses and development activity that require permits under each type of decision-making procedure.		

(Ord. 6-2001 § 1)



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Chapter 19.413  
TYPE I PROCEDURE (MINISTERIAL)

## Sections:

- [19.413.010](#) Application requirements.
- [19.413.020](#) Administrative decision requirements.
- [19.413.030](#) Final decision.
- [19.413.040](#) Effective date.

## 19.413.010 Application requirements.

A. Application Forms. Type I applications shall be made on forms provided by the city.

B. Application Requirements. Type I applications shall:

1. Include the information requested on the application form;
2. Address the criteria in sufficient detail for review and action; and
3. Be filed with the required fee. (Ord. 6-2001 § 1)

## 19.413.020 Administrative decision requirements.

The city administrator's decision shall address all of the approval criteria. Based on the criteria and the facts contained within the record, the city administrator shall approve, approve with conditions, or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at City Hall. (Ord. 6-2001 § 1)

## 19.413.030 Final decision.

The decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first. The decision is the final decision of the city. (Ord. 6-2001 § 1)

## 19.413.040 Effective date.

The decision is effective the day after it is final. (Ord. 6-2001 § 1)



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## Chapter 19.414 TYPE II PROCEDURE (ADMINISTRATIVE)

### Sections:

<a href="#">19.414.010</a>	Preapplication conference.
<a href="#">19.414.020</a>	Application requirements.
<a href="#">19.414.030</a>	Notice of application for Type II administrative decision.
<a href="#">19.414.040</a>	Administrative decision requirements.
<a href="#">19.414.050</a>	Notice of decision.
<a href="#">19.414.060</a>	Final decision and effective date.
<a href="#">19.414.070</a>	Appeal.
<a href="#">19.414.080</a>	Appeal to city council.

#### 19.414.010 Preapplication conference.

A preapplication conference is required for Type II applications. Preapplication conference requirements and procedures are in Chapter [19.417](#) FMC. In addition, the applicant may be required to present his or her development proposal to a city-recognized neighborhood association or group before the city accepts the application as complete. (See Chapter 19.419 FMC.) (Ord. 6-2001 § 1)

#### 19.414.020 Application requirements.

A. Application Forms. Type II applications shall be made on forms provided by the city.

B. Submittal Information. The application shall:

1. Include the information requested on the application form;
2. Be filed with 15 paper copies and one electronic copy, if requested, of a narrative statement and associated drawings that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making;
3. Be accompanied by the required fee;
4. Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application as required in FMC [19.414.030](#). The records of the Multnomah County department of

assessment and taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list. Alternatively, the applicant may pay a fee for the city to prepare the public notice mailing;

5. Include an impact study for all land division applications. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet city standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this code requires the dedication of real property to the city, the applicant shall either specifically agree to the dedication requirement, or provide evidence that shows that the real property dedication requirement is not roughly proportional to the projected impacts of the development. (Ord. 6-2001 § 1)

19.414.030 Notice of application for Type II administrative decision.

A. Before making a Type II administrative decision, the city administrator or designate shall mail notice to:

1. All owners of record of real property within 100 feet;
2. All city-recognized neighborhood groups or associations whose boundaries include the site;
3. Any person who submits a written request to receive a notice; and
4. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city. The city may notify other affected agencies, as appropriate, for review of the application.

B. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application, before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process;

C. Notice of a pending Type II administrative decision shall:

1. Provide a 14-day period for submitting written comments before a decision is made on the permit;
2. List the relevant approval criteria by name and number of code sections;
3. State the place, date and time the comments are due, and the person to whom the comments should be addressed;
4. Include the name and telephone number of a contact person regarding the administrative decision;
5. Identify the specific permits or approvals requested and explain the nature of the application and the proposed uses which could be authorized;

6. Describe the street address or other easily understandable reference to the location of the site;
7. State that failure to raise an issue prior to the end of the 14-day comment period accompanied by statements and evidence sufficient to afford the decision maker and the parties an opportunity to respond precludes an appeal on that issue, and only comments on the relevant approval criteria will be considered;
8. State that all evidence relied upon by the city administrator or designate to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the city;
9. State that after the comment period closes, the city administrator or designate shall issue a Type II administrative decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;
10. Contain the following notice: "Notice to mortgagee, lienholder, vendor, or seller: The Fairview Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."
11. Any person who is adversely affected or aggrieved or who is entitled to written notice as provided under subsection A of this section may appeal to the planning commission within 14 days from the date of the mailing of this notice. The decision will not become final until the 14-day appeal period expires and no appeal is filed. (Ord. 6-2001 § 1)

#### 19.414.040 Administrative decision requirements.

The city administrator or designate shall make Type II written decisions addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the city administrator or designate shall approve, approve with conditions, or deny the requested permit or action. (Ord. 6-2001 § 1)

#### 19.414.050 Notice of decision.

A. Within five days after the city administrator or designate signs the decision, a notice of decision shall be sent by mail to:

1. Any person who submits a written request to receive notice, or provides comments during the application review period;
2. The applicant and all owners or contract purchasers of record of the site which is the subject of the application;
3. Any person who submits a written request to receive notice, or provides comments during the application review period;
4. Any city-recognized neighborhood group or association whose boundaries include the site;
5. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city, and other agencies which were notified or provided comments during the application review period.

B. The city shall cause an affidavit of mailing and posting of the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and posted, and shall demonstrate that the notice was mailed to the people and within the time required by law.

C. The Type II notice of decision shall contain:

1. A description of the applicant's proposal and the city's decision on the proposal (i.e., may be a summary);
2. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;
3. A statement of where the city's decision can be obtained;
4. The date the decision shall become final, unless appealed;
5. A statement that all persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision;
6. A statement briefly explaining how an appeal can be filed, the deadline for filing an appeal, and where further information can be obtained concerning the appeal process; and
7. A statement that unless appellant (the person who files the appeal) is the applicant, the hearing on the appeal shall be limited to the specific issues identified in the written comments submitted during the comment period. Additional evidence related to the notice of appeal (see FMC [19.414.070](#)) may be submitted by any person during the appeal hearing, subject to any rules of procedure adopted by the planning commission. (Ord. 6-2001 § 1)

19.414.060 Final decision and effective date.

A Type II administrative decision is final for purposes of appeal, when it is mailed by the city. A Type II administrative decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is reduced to writing, signed and mailed as required by FMC [19.415.070](#). (Ord. 6-2001 § 1)

19.414.070 Appeal.

A Type II administrative decision may be appealed to the planning commission as follows:

A. Who May Appeal. The following people have legal standing to appeal a Type II administrative decision:

1. The applicant;
2. Any person who was mailed written notice of the Type II administrative decision;
3. Any other person who participated in the proceeding by submitting written comments.

B. Appeal Procedure.

1. Notice of Appeal. Any person with standing to appeal, as provided in

subsection A of this section, may appeal a Type II administrative decision by filing a notice of appeal according to the following procedures;

2. Time for Filing. A notice of appeal shall be filed with the city administrator within 14 days of the date the notice of decision was mailed;

3. Content of Notice of Appeal. The notice of appeal shall contain:

a. An identification of the decision being appealed, including the date of the decision;

b. A statement demonstrating the person filing the notice of appeal has standing to appeal;

c. A statement explaining the specific issues raised on appeal along with a statement or evidence documenting that the issues were raised during the comment period;

d. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;

e. Filing fee.

C. Fees. The amount of the filing fee shall be established by resolution of the city council. The maximum fee for an initial hearing shall be the city's cost for preparing and for conducting the hearing, or the statutory maximum, whichever is less.

D. Scope of Appeal. The appeal of a Type II administrative decision by a person with standing shall be limited to the specific issues raised during the written comment period and presented in the notice of appeal, unless the hearings body decides otherwise. Only in extraordinary circumstances should new issues be considered by the hearings body on appeal of a Type II administrative decision. The appeals shall be limited to the record unless the hearings body determines additional evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of Type II administrative appeals by encouraging persons with standing to submit their specific concerns in writing during the comment period.

E. Appeal Procedures. Unless this chapter specifically provides otherwise, Type III notice and hearing procedures shall be used for all Type II administrative appeals.

F. Record. The record for a Type II appeal shall include all testimony and evidence submitted to the city during the 14-day comment period and not specifically rejected by the city administrator or designee. Evidence or testimony submitted after the comment period is generally not included within the record unless the hearings body expressly incorporates that information into the record. (Ord. 6-2001 § 1)

19.414.080 Appeal to city council.

The decision of the planning commission regarding an appeal of a Type II administrative decision is the final decision of the city unless appealed to city council. An appeal to city council shall follow the same notification and hearing

procedures as for the planning commission appeal. (Ord. 6-2001 § 1)

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Chapter 19.415  
TYPE III PROCEDURE (QUASI-JUDICIAL)

Sections:

<a href="#">19.415.010</a>	Preapplication conference.
<a href="#">19.415.020</a>	Application requirements.
<a href="#">19.415.030</a>	Notice of hearing.
<a href="#">19.415.040</a>	Conduct of the public hearing.
<a href="#">19.415.050</a>	The decision process.
<a href="#">19.415.060</a>	Decision-making time limits.
<a href="#">19.415.070</a>	Notice of decision.
<a href="#">19.415.080</a>	Final decision and effective date.

19.415.010 Preapplication conference.

A preapplication conference is required for all Type III applications. The requirements and procedures for a preapplication conference are described in FMC [19.417.030](#). In addition, the city may require the applicant to present his or her development proposal to a city-recognized neighborhood association or group before the application is accepted as complete for review and decision. (See Chapter 19.419 FMC.) (Ord. 6-2001 § 1)

19.415.020 Application requirements.

A. Application Forms. Type III applications shall be made on forms provided by the city.

B. Content. Type III applications shall:

1. Include the information requested on the application form;
2. Be filed with copies of a narrative statement that explains how the application satisfies each and all of the relevant criteria in sufficient detail for review and action;
3. Be accompanied by the required fee;
4. Include one set of pre-stamped and pre-addressed envelopes for all property owners of record as specified in FMC [19.414.030](#), Notice of hearing. The records of the Multnomah County department of assessment and taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice

list. Alternatively, the applicant may pay a fee for the city to prepare the public notice mailing;

5. Include an impact study for all Type III applications. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet city standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this code requires the dedication of real property to the city, the applicant shall either specifically agree to the dedication requirement, or provide evidence that shows that the real property dedication requirement is not roughly proportional to the projected impacts of the development. (Ord. 6-2001 § 1)

#### 19.415.030 Notice of hearing.

A. Mailed Notice. Notice of a Type III application hearing or Type II appeal hearing shall be given by the city administrator or designate in the following manner:

1. At least 20 days before the hearing date, notice shall be mailed to:
  - a. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
  - b. All property owners of record within 250 feet of the site;
  - c. Any governmental agency, which has entered into an intergovernmental agreement with the city, which includes provision for such notice, or who is otherwise entitled to such notice;
  - d. Any neighborhood or community organization recognized by the city council and whose boundaries include the property proposed for development;
  - e. Any person who submits a written request to receive notice;
  - f. For appeals, notice shall be given consistent with subsections (A)(1)(a) through (e) of this section in addition to the appellant and all persons who provided testimony or written comments in the proceeding below; and
  - g. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;
2. The city shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was posted on the property and mailed to the persons who must receive notice;
3. At least 10 business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the city. The newspaper's affidavit of publication of the notice shall be made part of the administrative record;
4. At least 10 business days before the hearing, the applicant shall post notice of



the hearing on the property per subsection B of this section. The applicant shall prepare and submit an affidavit of posting of the notice, which shall be made part of the administrative record.

B. Content of Notice. Notice of appeal of a Type II administrative decision or a Type III hearing to be mailed, posted and published per subsection A of this section shall contain the following information:

1. The nature of the application and the proposed land use or uses which could be authorized for the property;
2. The applicable criteria and standards from the development code(s) that apply to the application;
3. The street address or other easily understood geographical reference to the subject property;
4. The date, time, and location of the public hearing;
5. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;
6. The name of a city representative to contact and the telephone number where additional information on the application may be obtained;
7. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at City Hall at no cost and that copies shall be provided at a reasonable cost;
8. A statement that a copy of the city's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
9. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings;
10. The following notice: "Notice to mortgagee, lienholder, vendor, or seller: The Fairview Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser." (Ord. 6-2001 § 1)

19.415.040 Conduct of the public hearing.

A. At the commencement of the hearing, the hearings body shall state to those in attendance that:

1. The applicable approval criteria and standards that apply to the application or appeal;
2. A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations which the person testifying believes to apply to the decision;
3. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that

issue;

4. Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a "continuance") per subsection B of this section, or by leaving the record open for additional written evidence or testimony per subsection C of this section;

5. Failure to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the hearings body to respond to the issue precludes an action for damages in circuit court.

B. If the hearings body grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence.

C. If the hearings body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the city in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings body shall reopen the record per subsection E of this section.

1. When the planning commission or hearings officer re-opens the record to admit new evidence or testimony, any person may raise new issues which relate to that new evidence or testimony;

2. An extension of the hearing or record is subject to the limitations of ORS 227.178 ("120-day rule"), unless the continuance or extension is requested or agreed to by the applicant;

3. The city shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.

D. The Record.

1. The record shall contain all testimony and evidence that is submitted to the city and the hearings body and not rejected;

2. The hearings body may take official notice of judicially cognizable facts as defined by ORS 40.065. If the review authority takes official notice, it must announce its intention and allow persons participating in the hearing to present rebuttal evidence concerning the noticed facts;

3. The review authority shall retain custody of the record until the city issues a final decision and the applicable appeal period expires or any appeal is

concluded.

E. Participants. Participants in the appeal of a Type II administrative decision or a Type III hearing are entitled to an impartial review authority as free from conflicts of interest and pre-hearing ex parte contacts as reasonably possible. ORS Chapters 227 and 244 set standards for conflicts of interest, ex parte contacts and bias.

F. Presenting and Receiving Evidence.

1. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
2. No oral testimony shall be accepted after the close of the public hearing unless the hearings body by motion opens the record. Written testimony may be received after the close of the public hearing, only as provided in this section;
3. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the hearing and an opportunity is provided to dispute the evidence. In the alternative, a member of the hearings body may visit the property to familiarize himself or herself with the site and surrounding area, but not to independently gather evidence. In the second situation, at the beginning of the hearing, he or she shall disclose the circumstances of the site visit and shall allow all participants to ask about the site visit. (Ord. 6-2001 § 1)

19.415.050 The decision process.

A. Basis for Decision. Approval or denial of an appeal of a Type II administrative decision or a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the city as a whole;

B. Findings and Conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;

C. Form of Decision. The hearings body shall issue a final written order containing the findings and conclusions stated in subsection B of this section, which either approves, denies, or approves with specific conditions. The hearings body may also issue appropriate intermediate rulings when more than one permit or decision is required. (Ord. 6-2001 § 1)

19.415.060 Decision-making time limits.

A final order for any Type II administrative appeal or Type III action shall be filed with the city administrator or designate within 10 business days after the close of the deliberation. (Ord. 6-2001 § 1)

19.415.070 Notice of decision.

Written notice of a Type II administrative appeal decision or a Type III decision shall be mailed to the applicant and to all participants of record within five business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice. (Ord. 6-2001 § 1)

19.415.080 Final decision and effective date.

The decision of the hearings body on any Type II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the city. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the city council. The notification and hearings procedures for Type III applications on appeal to the city council shall be the same as for the initial hearing, except that no new evidence may be submitted and testimony must address only matter provided to the record at the hearing before the planning commission. (Ord. 6-2001 § 1)



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## Chapter 19.416 TYPE IV PROCEDURE (LEGISLATIVE)

### Sections:

<a href="#">19.416.010</a>	Preapplication conference.
<a href="#">19.416.020</a>	Timing of requests.
<a href="#">19.416.030</a>	Application requirements.
<a href="#">19.416.040</a>	Notice of hearing.
<a href="#">19.416.050</a>	Hearing process and procedure.
<a href="#">19.416.060</a>	Continuation of the public hearing.
<a href="#">19.416.070</a>	Decision-making considerations.
<a href="#">19.416.080</a>	Approval process and authority.
<a href="#">19.416.090</a>	Vote required for a legislative change.
<a href="#">19.416.100</a>	Notice of decision.
<a href="#">19.416.110</a>	Final decision and effective date.
<a href="#">19.416.120</a>	Record of the public hearing.

#### 19.416.010 Preapplication conference.

A preapplication conference is required for all Type IV applications. The requirements and procedures for a preapplication conference are described in FMC [19.417.030](#). (Ord. 6-2001 § 1)

#### 19.416.020 Timing of requests.

The city shall review proposed Type IV actions no more than twice yearly, based on the city's approved schedule for such actions. (Ord. 6-2001 § 1)

#### 19.416.030 Application requirements.

A. Application Forms. Type IV applications shall be made on forms provided by the city.

B. Submittal Information. The application shall contain:

1. The information requested on the application form;
2. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
3. The required fee; and
4. Fifteen (15) copies of a letter or narrative statement (including maps or

sketches) that explains how the application satisfies each and all of the relevant approval criteria and standards. (Ord. 6-2001 § 1)

19.416.040 Notice of hearing.

A. Required Hearings. A minimum of two hearings, one before the planning commission and one before the city council, are required for all Type IV applications, except annexations where only a hearing by the city council is required.

B. Notification Requirements. Notice of public hearings for the request shall be given by the city in the following manner:

1. At least 30 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

a. Each owner whose property would be rezoned in order to implement the ordinance (i.e., owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);

b. Any affected governmental agency;

c. Recognized neighborhood groups or associations affected by the ordinance;

d. Any person who requests notice in writing;

e. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

2. At least 10 days before the scheduled planning commission public hearing date, and 10 days before the city council hearing date, notice shall be published in a newspaper of general circulation in the city.

3. The city shall:

a. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection (B)(1) of this section; and

b. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection (B)(2) of this section.

4. The department of land conservation and development (DLCDD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received.

5. Notifications for annexation shall follow the provisions of this chapter.

C. Content of Notices. The mailed and published notices shall be consistent with ORS 227.186 and ORS 197.610 and include the following information:

1. The number and title of the file containing the application, and the address and telephone number of the city administrator or his or her designee where additional information about the application can be obtained;

2. A description of the location of the proposal reasonably calculated to give notice of the location of the geographic area;

3. A description of the proposal in enough detail for people to determine that a change is proposed, and the place where all relevant materials and information may be obtained or reviewed;

4. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the council and available at City Hall (see FMC [19.416.050](#)); and

5. Each mailed notice required by this section shall contain the following statement: "Notice to mortgagee, lienholder, vendor, or seller: The Fairview Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

D. Failure to Receive Notice. The failure of any person to receive notice shall not invalidate the action, providing:

1. Personal notice is deemed given where the notice is deposited with the United States Postal Service;

2. Published notice is deemed given on the date it is published. (Ord. 6-2001 § 1)

19.416.050 Hearing process and procedure.

A. Unless otherwise provided in the rules of procedure adopted by the city council:

1. The presiding officer of the planning commission and of the city council shall have the authority to:

a. Regulate the course, sequence, and decorum of the hearing;

b. Direct procedural requirements or similar matters; and

c. Impose reasonable time limits for oral presentations.

2. No person shall address the commission or the council without:

a. Receiving recognition from the presiding officer; and

b. Stating his or her full name and residence address.

3. Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.

B. Unless otherwise provided in the rules of procedures adopted by the council, the presiding officer of the commission and of the council, shall conduct the hearing as follows:

1. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the city council or the final decision of the council;

2. The city administrator's report and other applicable staff reports shall be presented;

3. The public shall be invited to testify;

4. The public hearing may be continued to allow additional testimony or it may

be closed; and

5. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present. (Ord. 6-2001 § 1)

19.416.060 Continuation of the public hearing.

The planning commission or the city council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time. (Ord. 6-2001 § 1)

19.416.070 Decision-making considerations.

The recommendation by the planning commission and the decision by the city council shall be based on consideration of the following factors:

A. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;

B. Comments from any applicable federal or state agencies regarding applicable statutes or regulations;

C. Any applicable intergovernmental agreements; and

D. Any applicable comprehensive plan policies and provisions of this code. (Ord. 6-2001 § 1)

19.416.080 Approval process and authority.

A. The planning commission shall:

1. After notice and a public hearing, vote on and prepare a recommendation to the city council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and

2. Within 10 business days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the city.

B. Any member of the planning commission who votes in opposition to the planning commission's majority recommendation may file a written statement of opposition with the city before the council public hearing on the proposal. The city administrator or designate shall send a copy to each council member and place a copy in the record;

C. If the planning commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal, within 60 days of its first public hearing on the proposed change, the city administrator shall:

1. Report the failure together with the proposed change to the city council; and

2. Provide notice and put the matter on the city council's agenda, a public hearing to be held, and a decision to be made by the council. No further action shall be taken by the commission.

D. The city council shall:

1. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application



to the planning commission for rehearing and reconsideration on all or part of the application;

2. Consider the recommendation of the planning commission; however, it is not bound by the commission's recommendation; and

3. Act by ordinance, which shall be signed by the mayor after the council's adoption of the ordinance. (Ord. 6-2001 § 1)

19.416.090 Vote required for a legislative change.

A. A vote by a majority of the qualified voting members of the planning commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.

B. A vote by a majority of the qualified members of the city council present is required to decide any motion made on the proposal. (Ord. 6-2001 § 1)

19.416.100 Notice of decision.

Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the department of land conservation and development, within five business days after the city council decision is filed with the city administrator or designate. The city shall also provide notice to all persons as required by other applicable laws. (Ord. 6-2001 § 1)

19.416.110 Final decision and effective date.

A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant. (Ord. 6-2001 § 1)

19.416.120 Record of the public hearing.

A. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;

B. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;

C. The official record shall include:

1. All materials considered by the hearings body;

2. All materials submitted by the city staff to the hearings body regarding the application;

3. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;

4. The final ordinance;

5. All correspondence; and

6. A copy of the notices which were given as required by this chapter. (Ord. 6-2001 § 1)

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## Chapter 19.417 GENERAL PROVISIONS

### Sections:

<a href="#">19.417.010</a>	120-day rule.
<a href="#">19.417.020</a>	Time computation.
<a href="#">19.417.030</a>	Preapplication conferences.
<a href="#">19.417.040</a>	Applications.
<a href="#">19.417.050</a>	City duties.
<a href="#">19.417.060</a>	Amended decision process.
<a href="#">19.417.070</a>	Resubmittal of application following denial.

#### 19.417.010 120-day rule.

The city shall take final action on permit applications which are subject to this chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete. Any exceptions to this rule shall conform to state and local regulations. (Ord. 6-2001 § 1)

#### 19.417.020 Time computation.

In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday. (Ord. 6-2001 § 1)

#### 19.417.030 Preapplication conferences.

A. Participants. When a preapplication conference is required, the applicant shall meet with the city administrator or his/her designee(s).

B. Information Provided. At such conference, the city shall:

1. Cite the comprehensive plan policies and map designations applicable to the proposal;
2. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
3. Provide available technical data and assistance which will aid the applicant;

4. Identify other governmental policies and regulations that relate to the application; and

5. Reasonably identify other opportunities or constraints concerning the application.

C. Disclaimer. Failure of the city administrator or his/her designee to provide any of the information required by this section shall not constitute a waiver of any of the standards, criteria or requirements for the application.

D. Changes in the Law. Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete. (Ord. 6-2001 § 1)

#### 19.417.040 Applications.

##### A. Initiation of Applications.

1. Applications for approval under this chapter may be initiated by:

a. Order of city council;

b. Resolution of the planning commission;

c. The city administrator;

d. A record owner of property (person(s) whose name is on the most recently-recorded deed), or contract purchaser with written permission from the record owner;

e. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on his or her behalf.

B. Consolidation of Proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.

1. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: The council, the commission, or the city administrator.

2. When proceedings are consolidated:

a. The notice shall identify each application to be decided;

b. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and

c. Separate findings and decisions shall be made on each application.

C. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:

1. Acceptance. When an application is received by the city, the city administrator

shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant;

- a. The required form;
- b. The required fee;
- c. The signature of the applicant on the required form, and signed written authorization of the property owner of record if the applicant is not the owner.

## 2. Completeness.

a. Review and Notification. After the application is accepted, the city administrator or designee shall review the application for completeness. If the application is incomplete, the city shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days to submit the missing information.

b. When Application Deemed Complete for Review. In accordance with the application submittal requirements of this chapter, the application shall be deemed complete upon the receipt by the city of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the city in subsection (C)(2)(a) of this section. For the refusal to be valid, the refusal shall be made in writing and received by the city no later than 14 days after the date on the city administrator's letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete on the thirty-first day after the city first accepted the application.

c. Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first accepted.

D. Changes or Additions to the Application during the Review Period. Once an application is deemed complete:

1. All documents and other evidence relied upon by the applicant shall be submitted to the city administrator or his or her designee at least seven days before the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by the city administrator or his or her designee, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation;

2. When documents or other evidence are submitted by the applicant during the review period, but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;

3. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a

significant change (see subsection (D)(4) of this section), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;

4. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the city shall take one of the following actions, at the choice of the city:

a. Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes. Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates;

b. Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (FMC [19.417.010](#)) on the existing application. If the applicant does not consent, the city shall not select this option;

c. Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The city will complete its decision-making process without considering the new evidence;

5. If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted. (Ord. 6-2001 § 1)

#### 19.417.050 City duties.

The city administrator or his or her designee shall:

A. Prepare application forms based on the criteria and standards in applicable state law, the city's comprehensive plan, and implementing ordinance provisions;

B. Accept all development applications which comply with this chapter;

C. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or nonconformance with the criteria. The staff report should also provide a recommended decision of: approval; denial; or approval with specific conditions that ensure conformance with the approval criteria;

D. Prepare a notice of the proposal decision:

1. In the case of an application subject to a Type I or II review process, the city shall make the staff report and all case-file materials available at the time that the notice of the decision is issued;

2. In the case of an application subject to a hearing (Type III or IV process), the city shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the case-file materials available when

notice of the hearing is mailed, as provided by FMC [19.414.030](#) (Type II), [19.415.030](#) (Type III), or [19.416.040](#) (Type IV);

E. Administer the hearings process;

F. File notice of the final decision in the city's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law;

G. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; and any other exhibit, information or documentation which was considered by the decision-maker(s) on the application; and

H. Administer the appeals and review process. (Ord. 6-2001 § 1)

19.417.060 Amended decision process.

A. The purpose of an amended decision process is to allow the city to correct typographical errors, rectify inadvertent omissions and/or make other minor changes which do not materially alter the decision.

B. The city administrator may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 10 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new 10-day appeal period shall begin on the day the amended decision is issued.

C. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.

D. Modifications to approved plans or conditions of approval requested by the applicant shall follow the procedures contained in Chapter [19.416](#) FMC. All other requested changes to decisions that do not qualify as minor or major modifications shall follow the appeal process. (Ord. 6-2001 § 1)

19.417.070 Resubmittal of application following denial.

An application which has been denied, or an application which was denied and which on appeal or review has not been reversed by a higher authority, including the land use board of appeals, the land conservation and development commission or the courts, may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least 12 months from the date the final city action is made denying the application, unless there is substantial change in the facts or a change in city policy which would change the outcome, as determined by the city administrator or designee. (Ord. 6-2001 § 1)

[Home](#)

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## Chapter 19.418 NEIGHBORHOOD MEETINGS

### Sections:

[19.418.010](#) Neighborhood meeting requirement.

19.418.010 Neighborhood meeting requirement.

Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input and exchange information about the proposed development. In some cases, the city administrator or his or her designee may require the applicant to meet with a city-recognized neighborhood association or group prior to accepting an application as complete. A neighborhood meeting is required for the following types of applications:

- A. Subdivisions;
- B. Site design review applications within the residential land use district;
- C. Other development applications that are likely to have neighborhood or community-wide impacts (e.g., traffic, parking, noise, or similar impacts), as determined by the city administrator or his or her designee. (Ord. 6-2001 § 1)

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## Chapter 19.420 DEVELOPMENT REVIEW AND SITE DESIGN REVIEW

Sections:

[19.420.010](#) Purpose.

19.420.010 Purpose.

The purpose of this chapter is to:

- A. Provide rules, regulations and standards for efficient and effective administration of site development review;
  - B. Carry out the development pattern and plan of the city and its comprehensive plan policies;
  - C. Promote the public health, safety and general welfare;
  - D. Lessen or avoid congestion in the streets, and secure safety from fire, flood, pollution and other dangers;
  - E. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage;
  - F. Encourage the conservation of energy resources;
  - G. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design. (Ord. 6-2001 § 1)
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## Chapter 19.422 APPLICABILITY

### Sections:

- [19.422.001](#) Applicability.
- [19.422.010](#) Site design review.
- [19.422.020](#) Development review.

#### 19.422.001 Applicability.

Development review or site design review shall be required for all new developments and modifications of existing developments, except that regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair shall be exempt. The criteria for each type of review are as follows in this chapter. (Ord. 6-2001 § 1)

#### 19.422.010 Site design review.

Site design review is a discretionary review conducted by the planning commission with a public hearing. It applies to all developments in the city, except those specifically listed under FMC [19.422.020](#), Development review. Site design review ensures compliance with the basic development standards of the land use district (e.g., building setbacks, lot coverage, maximum building height), as well as other more detailed design standards and public improvement requirements in Articles II and III of this title. (Ord. 6-2001 § 1)

#### 19.422.020 Development review.

Development review is a nondiscretionary or “ministerial” review conducted by the city administrator’s designee without a public hearing. It is for less complex developments and land uses that do not require site design review approval. Development review is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as building setbacks, lot coverage, maximum building height, and similar provisions. Development review is required for all of the types of development listed below, except that all developments in sensitive land areas and historic districts shall also use the development review procedures for those districts:

- A. Single-family detached dwelling (including manufactured homes), when

required by a condition of land division approval;

B. A single duplex, up to two single-family attached (townhome) units, or a single triplex which is not being reviewed as part of any other development, and accessory parking on the same lot;

C. Building additions of not more than 500 square feet, and minor modifications to development approvals;

D. Any proposed development which has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with Chapter [19.440](#) FMC, Conditional Use Permits;

E. Home occupation, subject to review under Chapter [19.490](#) FMC;

F. Temporary use, except that temporary uses shall comply with the procedures and standards for temporary uses as contained in Chapter [19.490](#) FMC;

G. Accessory structures with less than 600 square feet of floor area, including accessory dwellings;

H. Other developments, when required by a condition of approval. (Ord. 6-2001 § 1)



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## Chapter 19.423 DEVELOPMENT REVIEW APPROVAL CRITERIA

Sections:

[19.423.010](#) Development review approval criteria.

19.423.010 Development review approval criteria.

Development review shall be conducted only for the developments listed in FMC [19.422.020](#) and it shall be conducted as a Type I procedure. Prior to issuance of building permits, the following standards shall be met:

A. The proposed land use is permitted by the underlying land use district.

B. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any subdistrict(s) are met.

C. All applicable building and fire code standards are met.

D. The approval shall lapse, and a new application shall be required, if a building permit has not been issued within one year of site review approval, or if development of the site is in violation of the approved plan or other applicable codes. (Ord. 6-2001 § 1)

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Chapter 19.424  
SITE DESIGN REVIEW – APPLICATION REVIEW PROCEDURE

Sections:

[19.424.010](#) Procedure.

[19.424.020](#) Determination of Type II and Type III applications.

19.424.010 Procedure.

Site design review shall be conducted as a Type III procedure, as specified in FMC [19.424.020](#), using the procedures in Chapter 19.410 FMC, and using the approval criteria contained in Chapter [19.426](#) FMC. (Ord. 6-2001 § 1)

19.424.020 Determination of Type II and Type III applications.

Applications for site design review shall be subject to Type II or Type III review, based on the following criteria:

A. Residential buildings with three or fewer dwelling units shall be reviewed as a Type II application, except when development review is allowed under Chapter [19.423](#) FMC. Residential buildings with greater than three units shall be reviewed as a Type III application.

B. Commercial, industrial, public/semi-public, and institutional buildings with 5,000 square feet of gross floor area or smaller shall be reviewed as a Type II application, except when development review is allowed under Chapter [19.423](#) FMC. Commercial, industrial, public/semi-public, and institutional buildings with greater than 5,000 square feet of gross floor area shall be reviewed as a Type III application.

C. Developments with more than one building (e.g., two duplex buildings or an industrial building with accessory workshop) shall be reviewed as Type III applications, notwithstanding the provisions contained in subsections A and B of this section.

D. Developments with 25 or fewer off-street vehicle parking spaces shall be reviewed as Type II applications, and those with more than 25 off-street vehicle parking spaces shall be reviewed as Type III applications, notwithstanding the provisions contained in subsections A through C and E and F of this section.

E. Developments involving the clearing and/or grading of 10 acres or a larger area shall be reviewed as Type III applications, notwithstanding the provisions

contained in subsections A through D and F of this section.

F. All developments in designated sensitive lands and historic overlay districts shall be reviewed as Type III applications. (Ord. 6-2001 § 1)

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## Chapter 19.425 SITE DESIGN REVIEW – APPLICATION SUBMISSION REQUIREMENTS

### Sections:

- [19.425.001](#) Site design review – Application submission requirements.
- [19.425.010](#) General submission requirements.
- [19.425.020](#) Site design review information.

19.425.001 Site design review – Application submission requirements.

All of the following information is required for site design review application submittal. (Ord. 6-2001 § 1)

19.425.010 General submission requirements.

The applicant shall submit an application containing all of the general information required by Chapter [19.414](#) FMC (Type II Application) or Chapter [19.415](#) FMC (Type III Application), as applicable. The type of application shall be determined in accordance with FMC [19.424.020](#). (Ord. 6-2001 § 1)

19.425.020 Site design review information.

An application for site design review shall include the following information, as deemed applicable by the city administrator or designee:

- A. Site Analysis Map. At a minimum the site map shall contain the following:
  1. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the city, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;
  2. Topographic contour lines at intervals determined by the city;
  3. Identification of slopes greater than 25 percent;
  4. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
  5. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the city,

- county, or state as having a potential for geologic hazards;
6. Resource areas, including marsh and wetland areas, streams, wildlife habitat identified by the city or any natural resource regulatory agencies as requiring protection;
  7. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
  8. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;
  9. The location, size and species of trees and other vegetation having a caliper (diameter) of six inches or greater at four feet above grade;
  10. North arrow, scale, names and addresses of all persons listed as owners on the most recently recorded deed;
  11. Name and address of project designer, engineer, surveyor, and/or planner, if applicable;
  12. Other information, as determined by the city. The city may require studies or exhibits prepared by qualified professionals to address specific site features.
- B. Proposed Site Plan. The site plan shall contain the following information, if applicable:
1. The proposed development site, including boundaries, dimensions, and gross area;
  2. Features identified on the existing site analysis map which are proposed to remain on the site;
  3. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
  4. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
  5. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
  6. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
  7. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);
  8. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
  9. Loading and service areas for waste disposal, loading and delivery;
  10. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable;
  11. Location, type, and height of outdoor lighting;
  12. Location of mail boxes, if known;
  13. Name and address of project designer, if applicable;

14. Location of bus stops and other public or private transportation facilities;
15. Locations, sizes, and types of signs;
16. Other information, determined by the city. The city may require studies or exhibits prepared by qualified professionals to address specific site features (e. g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this code.

C. Architectural Drawings. Architectural drawings shall be submitted showing:

1. Building elevations (as determined by the city with building height and width dimensions);
2. Building materials, color and type;
3. The name of the architect or designer.

D. Preliminary Grading Plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.

E. Landscape Plan. A landscape plan is required and shall show the following:

1. The location and height of existing and proposed fences and other buffering or screening materials;
2. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
3. The location, size, and species of the existing and proposed plant materials (at time of planting);
4. Existing and proposed building and pavement outlines;
5. Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule;
6. Other information as deemed appropriate by the city. An arborist's report may be required for sites with mature trees that are protected under this code;
7. Sign drawings shall be required in conformance with the city's sign code;
8. Copies of all existing and proposed restrictions or covenants;
9. Letter or narrative report documenting compliance with the applicable approval criteria contained in Chapter [19.426](#) FMC. (Ord. 6-2001 § 1)



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Chapter 19.426  
SITE DESIGN REVIEW –  
APPROVAL CRITERIA

Sections:

<a href="#">19.426.001</a>	Site design review approval criteria.
<a href="#">19.426.010</a>	Complete application.
<a href="#">19.426.020</a>	Compliance with land use district provisions.
<a href="#">19.426.030</a>	Upgrade existing development.
<a href="#">19.426.040</a>	Compliance with design standards.
<a href="#">19.426.050</a>	Conditions.
<a href="#">19.426.060</a>	Exceptions.

19.426.001 Site design review approval criteria.

The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application. (Ord. 6-2001 § 1)

19.426.010 Complete application.

The application is must be complete, as determined in accordance with Chapter [19.413](#) FMC through Chapter [19.416](#) FMC, on types of applications, and Chapter [19.425](#) FMC. (Ord. 6-2001 § 1)

19.426.020 Compliance with land use district provisions.

The application complies with all of the applicable provisions of the underlying land use district, including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses. (Ord. 6-2001 § 1)

19.426.030 Upgrade existing development.

The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter [19.530](#) FMC, Nonconforming Uses and Development. (Ord. 6-2001 § 1)

19.426.040 Compliance with design standards.

The application complies with the design standards contained in Article III of this title. All of the following standards shall be met:

- A. Chapter [19.162](#) FMC – Access and Circulation;
- B. Chapter [19.163](#) FMC – Landscaping, Street Trees, Fences and Walls;
- C. Chapter [19.164](#) FMC – Automobile and Bicycle Parking;
- D. Chapter [19.165](#) FMC – Public Facilities Standards;
- E. Other standards (telecommunications facilities, solid waste storage, environmental performance, signs), as applicable. (Ord. 6-2001 § 1)

19.426.050 Conditions.

All conditions required as part of an approval shall be met. (Ord. 6-2001 § 1)

19.426.060 Exceptions.

Exceptions to criteria in FMC [19.426.040](#)(A) through (E) may be granted only when approved as a variance. (Ord. 6-2001 § 1)



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## Chapter 19.427 BONDING AND ASSURANCES

### Sections:

- [19.427.010](#) Performance bonds for public improvements.
- [19.427.020](#) Release of performance bonds.
- [19.427.030](#) Completion of landscape installation.
- [19.427.040](#) Business license filing.

19.427.010 Performance bonds for public improvements.  
On all projects where public improvements are required, the city shall require a bond in an amount not greater than 110 percent or other adequate assurances as a condition of site development approval in order to guarantee the public improvements. (Ord. 6-2001 § 1)

19.427.020 Release of performance bonds.  
The bond or assurance shall be released when the city finds the completed project conforms to the site development approval, including all conditions of approval. (Ord. 6-2001 § 1)

19.427.030 Completion of landscape installation.  
Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the city is filed with the city recorder assuring such installation within 12 months after occupancy. If the installation of the landscaping is not completed within the 12-month period, the security may be used by the city to complete the installation. (Ord. 6-2001 § 1)

19.427.040 Business license filing.  
The applicant shall ensure that all business occupants of the completed project, whether permanent or temporary, shall apply for and receive a city business license prior to initiating business. (Ord. 6-2001 § 1)

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## Chapter 19.428 DEVELOPMENT IN ACCORDANCE WITH PERMIT APPROVAL

### Sections:

- [19.428.001](#) Development in accordance with permit approval.
- [19.428.010](#) Modifications to approved plans and developments.
- [19.428.020](#) Approval period.
- [19.428.030](#) Extension.
- [19.428.040](#) Phased development.

19.428.001 Development in accordance with permit approval. Development shall not commence until the applicant has received all of the appropriate land use development approvals (i.e., site design review approval) and building permits. Construction of public improvements shall not commence until the city has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The city may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements, in accordance with Chapter [19.427](#) FMC. Development review and site design review approvals shall be subject to all of the following standards and limitations. (Ord. 6-2001 § 1)

19.428.010 Modifications to approved plans and developments. Minor modifications of an approved plan or existing development, as defined in Chapter [19.460](#) FMC, shall be processed as a Type I procedure and require only site review. Major modifications, as defined in Chapter [19.460](#) FMC, shall be processed as a Type II or Type III procedure and shall require site design review. For information on Type I, Type II and Type III procedures, please refer to Chapter 19.410 FMC. For modifications approval criteria, please refer to Chapter [19.460](#) FMC. (Ord. 6-2001 § 1)

19.428.020 Approval period.  
Development review and site design review approvals shall be effective for a

period of one year from the date of approval. The approval shall lapse if:

- A. A building permit has not been issued within a one-year period; or
- B. Construction on the site is in violation of the approved plan. (Ord. 6-2001 § 1)

#### 19.428.030 Extension.

The community development director may, upon written request by the applicant, grant an extension of the approval period not to exceed one year; provided, that:

- A. No changes are made on the original approved site design review plan.
- B. The applicant can show intent of initiating construction on the site within the one-year extension period.
- C. There have been no changes to the applicable code provisions on which the approval was based. If there have been changes to the applicable code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required.
- D. The applicant demonstrates that failure to obtain building permits and substantially begin construction within one year of site design approval was beyond the applicant's control. (Ord. 6-2001 § 1)

#### 19.428.040 Phased development.

Phasing of development may be approved with the site design review application, subject to the following standards and procedures:

- A. A phasing plan shall be submitted with the site design review application.
- B. The city shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than seven years without reapplying for site design review.
- C. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:
  - 1. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
  - 2. The development and occupancy of any phase dependent on the use of temporary public facilities shall require city council approval. Temporary facilities shall be approved only upon city receipt of bonding or other assurances to cover the cost of required public improvements. A temporary public facility is any facility not constructed to the applicable city or district standard, subject to review by the city engineer;
  - 3. The phased development shall not result in requiring the city or other property owners to construct public facilities that were required as part of the approved development proposal; and
  - 4. An application for phasing may be approved after site design review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (Chapter [19.460](#) FMC). (Ord. 6-2001 § 1)

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Chapter 19.430  
LAND DIVISIONS AND LOT LINE ADJUSTMENTS

## Sections:

<a href="#">19.430.110</a>	Purpose.
<a href="#">19.430.120</a>	General requirements.
<a href="#">19.430.130</a>	Approvals process.
<a href="#">19.430.140</a>	Preliminary plat submission requirements.
<a href="#">19.430.150</a>	Approval criteria – Preliminary plat.
<a href="#">19.430.160</a>	Variances authorized.
<a href="#">19.430.170</a>	Final plat submission requirements and approval criteria.
<a href="#">19.430.180</a>	Public improvements.
<a href="#">19.430.190</a>	Performance guarantee.
<a href="#">19.430.200</a>	Filing and recording.
<a href="#">19.430.210</a>	Replatting and vacation of plats.
<a href="#">19.430.220</a>	Lot line adjustments.

## 19.430.110 Purpose.

The purpose of this chapter is to:

- A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments.
  - 1. Subdivisions involve the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.
  - 2. Partitions involve the creation of three or fewer lots within one calendar year.
  - 3. Lot line adjustments involve modifications to lot lines or parcel boundaries which do not result in the creation of new lots.
- B. Carry out the city's development pattern, as envisioned by the Comprehensive Plan.
- C. Encourage efficient use of land resources, full utilization of urban services, and transportation options.
- D. Promote the public health, safety and general welfare through orderly and efficient urbanization.
- E. Lessen or avoid traffic congestion, and secure safety from fire, flood, pollution and other dangers.

F. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage.

G. Encourage the conservation of energy resources. (Ord. 6-2001 § 1)

#### 19.430.120 General requirements.

A. Subdivision and Partition Approval through Two-Step Process. Applications for subdivision or partition approval shall be processed through a two-step process: the preliminary plat and the final plat.

1. The preliminary plat shall be approved before the final plat can be submitted for approval consideration; and

2. The final plat shall demonstrate compliance with all conditions of approval of the preliminary plat.

B. Compliance with ORS Chapter 92. All subdivision and partition proposals shall be in conformance to state regulations set forth in Oregon Revised Statutes (ORS) Chapter 92, Subdivisions and Partitions.

C. Future Redivision Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the city shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this code. A redivision plan shall be submitted which identifies:

1. Potential future lot division(s) in conformance with the housing and density standards.

2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.

3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the city or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.

D. Lot Size Averaging. Single-family residential lot size may be averaged to allow lots less than the minimum lot size in the residential district, as long as the average area for all lots is not less than allowed by the district. No lot created under this provision shall be less than 80 percent of the minimum lot size allowed in the underlying district. For example, if the minimum lot size is 10,000 square feet, the following three lots could be created: 10,000 square feet, 9,000 square feet, and 8,000 square feet.

E. Temporary Sales Office. A temporary sales office in conjunction with a subdivision may be approved as set forth in FMC [19.490.100](#), Temporary use permits.

F. Minimize Flood Damage. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots

shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway. Development in a 100-year floodplain shall comply with Federal Emergency Management Agency requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before city approval of the final plat.

G. Determination of Base Flood Elevation. Where a development site consists of two or more lots, or is located in or near areas prone to inundation, and the base flood elevation has not been provided or is not available from another authoritative source, it shall be prepared by a qualified professional, as determined by the city administrator or his or her designee.

H. Need for Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to prevent or minimize flood damage to the extent practicable.

I. Need for Adequate Drainage. All subdivision and partition proposals shall have adequate surface water drainage provided to reduce exposure to flood damage. Water quality or quantity control improvements may be required.

J. Floodplain, Park, and Open Space Dedications. Where land filling and/or development is allowed within or adjacent to the 100-year floodplain outside the zero-foot rise floodplain, and the Comprehensive Plan designates the subject floodplain for park, open space, or trail use, the city may require the dedication of sufficient open land area for a greenway adjoining or within the floodplain. When practicable, this area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the city's adopted trails plan or pedestrian and bikeway plans, as applicable. The city shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system. (Ord. 6-2001 § 1)

19.430.130 Approvals process.

A. Review of Preliminary Plat. Review of a preliminary plat for a subdivision or partition with 10 or fewer lots shall be processed by means of a Type II procedure, as governed by Chapter [19.414](#) FMC. Preliminary plats with greater than 10 lots shall be processed with a Type III procedure under Chapter [19.415](#) FMC. All preliminary plats shall be reviewed using approval criteria contained in FMC [19.430.140](#). An application for subdivision may be reviewed concurrently with an application for a master planned development under Chapter [19.450](#) FMC.

B. Review of Final Plat. Review of a final plat for a subdivision or partition shall be processed by means of a Type I procedure under Chapter [19.413](#) FMC, using the approval criteria in FMC [19.430.160](#).



C. Preliminary Plat Approval Period. Preliminary plat approval shall be effective for a period of one year from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted within the one-year period.

D. Modifications and Extensions. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter [19.460](#) FMC, Modifications. The city administrator or his or her designee shall, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed one year; provided, that:

1. Any changes to the preliminary plat follow the procedures in Chapter [19.460](#) FMC;
2. The applicant has submitted written intent to file a final plat within the one-year extension period;
3. An extension of time will not prevent the lawful development of abutting properties;
4. There have been no changes to the applicable code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
5. The extension request is made before expiration of the original approved plan.

E. Phased Development.

1. The city may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than two years without reapplying for a preliminary plat;
2. The criteria for approving a phased land division proposal are:
  - a. Public facilities shall be constructed in conjunction with or prior to each phase;
  - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require city council approval. Temporary facilities shall be approved only upon city receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with FMC [19.430.180](#). A temporary public facility is any facility not constructed to the applicable city or district standard;
  - c. The phased development shall not result in requiring the city or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and
  - d. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat. (Ord. 6-2001 § 1)

19.430.140 Preliminary plat submission requirements.

A. General Submission Requirements. For Type II subdivisions (10 lots or fewer) and partitions, the applicant shall submit an application containing all of the information required for a Type II procedure under Chapter [19.414](#) FMC. For

Type III subdivisions (greater than 10 lots), the application shall contain all of the information required for a Type III procedure under Chapter [19.415](#) FMC, except as required for master planned neighborhood developments:

1. Master Planned Neighborhood Development. Submission of a master plan, as provided in Chapter [19.450](#) FMC, shall be required for:

a. Development sites in the residential district which are planned in accordance with the procedures for master planned developments.

The neighborhood master plan shall be approved either prior to, or concurrent with, the preliminary plat application.

B. Preliminary Plat Information. In addition to the general information described in subsection A of this section, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

1. General Information.

a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with county surveyor);

b. Date, north arrow, and scale of drawing;

c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;

d. Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey; and

e. Identification of the drawing as a "preliminary plat."

2. Site Analysis.

a. Streets. Location, name, present width of all streets, alleys and rights-of-way on and abutting the site;

b. Easements. Width, location and purpose of all existing easements of record on and abutting the site;

c. Utilities. Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;

d. Ground elevations shown by contour lines at five-foot vertical intervals for ground slopes exceeding 10 percent and at two-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established bench mark or other datum approved by the county surveyor. This requirement may be waived for partitions when grades, on average, are less than two percent;

e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

f. Potential natural hazard areas, including any floodplains, areas subject to high water table, landslide areas, and areas having a high erosion potential;

g. Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the city or natural resource regulatory agencies as requiring

protection;

- h. Site features, including existing structures, pavement, areas having unique views, and drainage ways, canals and ditches;
- i. Designated historic and cultural resources on the site and adjacent parcels or lots;
- j. The location, size and species of trees having a caliper (diameter) of six inches or greater at four feet above grade in conformance with Article III of this title;
- k. North arrow, scale, name and address of owner;
- l. Name and address of project designer, if applicable; and
- m. Other information, as deemed appropriate by the city administrator or his or her designee. The city may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

### 3. Proposed Improvements.

- a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts which are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
- b. Easements. Location, width and purpose of all easements;
- c. Lots and Private Tracts (e.g., private open space, common area, or street). Approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;
- d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;
- e. Proposed improvements, as required by Article III of this title (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
- f. The proposed source of domestic water;
- g. The proposed method of sewage disposal, and method of surface water drainage and treatment if required;
- h. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
- i. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation related to proposed railroad crossing(s);
- j. Changes to navigable streams, shorelines or other water courses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;
- k. Identification of the base flood elevation for development in or near an identified floodplain. Evidence of contact with the Federal Emergency Management Agency to initiate a floodplain map amendment shall be required

when development is proposed to modify a designated 100-year floodplain;

l. Evidence of contact with Multnomah County or Oregon Department of Transportation (ODOT) for any development requiring access to a county road or state highway as pertinent; and

m. Evidence of contact with the applicable natural resource regulatory agency (ies) for any development within or adjacent to jurisdictional wetlands and other sensitive lands, as identified in Article III of this title. (Ord. 6-2001 § 1)

19.430.150 Approval criteria – Preliminary plat.

A. General Approval Criteria. The city may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with all of the applicable development code sections and other applicable ordinances and regulations. At a minimum, the provisions of this chapter, and the applicable sections of Article II (Land Use Districts) and Article III (Design Standards) of this title shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article V (Exceptions);

2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat; and

4. All proposed private common areas and improvements (e.g., home owner association property) are identified on the preliminary plat.

B. Housing Density. The subdivision meets the city's housing standards of Article II.

C. Block and Lot Standards. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (Article II), and the standards for street connectivity and formation of blocks.

2. Setbacks shall be as required by the applicable land use district.

3. Each lot shall conform to the standards for access and circulation.

4. Landscape or other screening may be required to maintain privacy for abutting uses. See also Article II – Land Use Districts, and Article III – Landscaping.

5. In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See also Article III – Access and Circulation.

6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.

D. Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations, and may require reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties. See also Article III – Public Facilities. (Ord. 6-2001 § 1)

19.430.160 Variances authorized.

Adjustments to the standards of this chapter shall be processed in accordance with Chapter [19.520](#) FMC, Variances. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted. (Ord. 6-2001 § 1)

19.430.170 Final plat submission requirements and approval criteria.

A. Submission Requirements. Final plats shall be reviewed and approved by the city prior to recording with Multnomah County. The applicant shall submit the final plat within one year of the approval of the preliminary plat as provided by FMC [19.430.120](#). Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the city administrator or his or her designee.

B. Approval Criteria. By means of a Type I procedure, the city administrator or his or her designee shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:

1. The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;

2. All public improvements required by the preliminary plat have been installed and approved by the city administrator or his or her designee. Alternatively, the developer has provided a performance guarantee in accordance with FMC [19.430.190](#);

3. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;

4. The streets and roads held for private use have been approved by the city as conforming to the preliminary plat;

5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage and water supply systems;

6. The applicant has provided copies of all recorded homeowners association codes, covenants, and restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and

other recorded documents pertaining to common improvements recorded and referenced on the plat;

7. The plat complies with the applicable sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);

8. Certification by the city or service district, as applicable, that water and sanitary sewer service is available to each and every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider to the city that such services will be installed in accordance with Chapter [19.165](#) FMC, Public Facilities Standards, and the bond requirements of FMC [19.430.190](#). The amount of the bond, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to review and approval by the city;

9. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location. (Ord. 6-2001 § 1)

#### 19.430.180 Public improvements.

The following procedures apply to subdivisions and partitions when public improvements are required as a condition of approval:

A. Public Improvements Required. Before city approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider shall provide a performance guarantee, in accordance with FMC [19.430.190](#). (Ord. 6-2001 § 1)

#### 19.430.190 Performance guarantee.

A. Performance Guarantee Required. When a performance guarantee is required under FMC [19.430.180](#), the subdivider shall file an assurance of performance with the city supported by one of the following:

1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the city in writing that it may be terminated; or
3. Cash.

B. Determination of Sum. The assurance of performance shall be for a sum determined by the city as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

C. Itemized Improvement Estimate. The developer shall furnish to the city an

itemized improvement estimate, certified by a registered civil engineer, to assist the city in calculating the amount of the performance assurance.

D. Agreement. An agreement between the city and developer shall be recorded with the final plat that stipulates all of the following:

1. Specifies the period within which all required improvements and repairs shall be completed;
2. A provision that if work is not completed within the period specified, the city may complete the work and recover the full cost and expenses from the applicant;
3. Stipulates the improvement fees and deposits that are required;
4. Provides for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

The agreement may be prepared by the city, or in a letter prepared by the applicant. It shall not be valid until it is signed and dated by both the applicant and city administrator or his or her designee.

E. When Subdivider Fails to Perform. In the event the developer fails to carry out all provisions of the agreement and the city has un-reimbursed costs or expenses resulting from such failure, the city shall call on the bond, cash deposit or letter of credit for reimbursement.

F. Termination of Performance Guarantee. The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the city. (Ord. 6-2001 § 1)

#### 19.430.200 Filing and recording.

A. Filing Plat with County. Within 60 days of the city approval of the final plat, the applicant shall submit the final plat to Multnomah County for signatures of county officials as required by ORS Chapter 92.

B. Proof of Recording. Upon final recording with the county, the applicant shall submit to the city a mylar copy and two paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.

C. Prerequisites to Recording the Plat.

1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;
2. No plat shall be recorded until it is approved by the county surveyor in the manner provided by ORS Chapter 92. (Ord. 6-2001 § 1)

#### 19.430.210 Replatting and vacation of plats.

A. Replatting and Vacations. Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed. Consistency with ORS Chapter 92 is required.

B. Procedure. All applications for a replat or vacation shall be processed in

accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to replat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process.

C. Basis for Denial. A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria.

D. Recording of Vacations. All approved plat vacations shall be recorded in accordance with FMC [19.430.200](#) and the following procedures:

1. Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and

2. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.

E. After Sale of Lots. When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.

F. Vacation of Streets. All street vacations shall comply with the procedures and standards set forth in city ordinance and ORS Chapter 271. (Ord. 6-2001 § 1)

#### 19.430.220 Lot line adjustments.

Lot line adjustments include the consolidation of lots, and the modification of lot boundaries, when no new lots are created. The application submission and approvals process is as follows:

A. Submission Requirements. All applications for lot line adjustment shall be made on forms provided by the city and shall include information required for a Type I application, as governed by Chapter [19.413](#) FMC. The application shall include a preliminary lot line map identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of significant vegetation as defined and mapped in Chapter [19.163](#) FMC; existing fences and walls; and any other information deemed necessary by the city administrator or his or her designee for ensuring compliance with city codes.

B. Approval Process.

1. Decision-Making Process. Lot line adjustments shall be reviewed by means of a Type I procedure, as governed by Chapter [19.413](#) FMC, using approval criteria contained in subsection C, below.

2. Time Limit on Approval. The lot line adjustment approval shall be effective for a period of one year from the date of approval, during which time it must be recorded.

3. Lapsing of Approval. The lot line adjustment approval shall lapse if:

- a. The lot line adjustment is not recorded within the time limit in subsection (B) (2) of this section;



- b. The lot line adjustment has been improperly recorded with Multnomah County without the satisfactory completion of all conditions attached to the approval; or
- c. The final recording is a departure from the approved plan.

C. Approval Criteria. The city administrator or his or her designee shall approve or deny a request for a lot line adjustment in writing based on findings that all of the following criteria are satisfied:

1. No additional parcel or lot is created by the lot line adjustment;
2. Lot standards. All lots and parcels comply with the applicable lot standards of the land use district (Article II of this title) including lot area and dimensions;
3. Access. All lots and parcels comply with the standards or requirements of Chapter [19.162](#) FMC, Access and Circulation;
4. Setbacks. The resulting lots, parcels, tracts, and building locations comply with the standards of the land use district (Article II of this title); and
5. Exemptions from Dedications and Improvements. A lot line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required.

D. Recording Lot Line Adjustments.

1. Recording. Upon the city's approval of the proposed lot line adjustment, the applicant shall record the lot line adjustment with Multnomah County within 60 days of approval (or the decision expires), and submit a copy of the recorded survey map to the city, to be filed with the approved application.
2. Time Limit. The applicant shall submit the copy of the recorded lot line adjustment survey map to the city within 15 days of recording and prior to the issuance of any building permits on the reconfigured lots.

E. Extension. The city shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:

1. No changes are made on the original plan as approved by the city;
2. The applicant can show intent of recording the approved partition or lot line adjustment within the one-year extension period;
3. There have been no changes in the applicable code or plan provisions on which the approval was based. In the case where the lot line adjustment conflicts with a code change, the extension shall be denied; and
4. The extension request is made before expiration of the original approved plan. (Ord. 6-2001 § 1)

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## Chapter 19.440 CONDITIONAL USE PERMITS

### Sections:

- [19.440.100](#) Purpose.
- [19.440.200](#) Approvals process.
- [19.440.300](#) Application submission requirements.
- [19.440.400](#) Criteria, standards and conditions of approval.
- [19.440.500](#) Additional development standards for conditional use types.

#### 19.440.100 Purpose.

There are certain uses, which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as “conditional uses” in Article II of this title, Land Use Districts. The purpose of this chapter is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met. (Ord. 6-2001 § 1)

#### 19.440.200 Approvals process.

A. Initial Application. An application for a new conditional use shall be processed as a Type III procedure. The application shall meet the submission requirements, and the approval criteria contained in this chapter.

B. Modification of Approved or Existing Conditional Use. Modifications to approved or existing conditional uses shall be processed in accordance with Chapter [19.460](#) FMC, Modifications to Approved Plans and Conditions of Approval. (Ord. 6-2001 § 1)

#### 19.440.300 Application submission requirements.

In addition to the submission requirements required elsewhere, an application for conditional use approval must include the information in subsections A through H of this section, as applicable. For a description of each item, please refer to site design review application submission requirements.

- A. Existing site conditions;
- B. Site plan;

- C. Preliminary grading plan;
- D. A landscape plan;
- E. Architectural drawings of all structures;
- F. Drawings of all proposed signs;
- G. A copy of all existing and proposed restrictions or covenants;
- H. Narrative report or letter documenting compliance with all applicable approval criteria. (Ord. 6-2001 § 1)

19.440.400 Criteria, standards and conditions of approval.

The city shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria.

A. Use Criteria.

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval; and
3. All required public facilities have adequate capacity to serve the proposal.

B. Site Design Standards. The criteria for site design review approval (Chapter [19.420](#) FMC) shall be met.

C. Conditions of Approval. The city may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building height, size or lot coverage, and/or location on the site;
5. Designating the size, number, location and/or design of vehicle access points or parking areas;
6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height and/or lighting of signs;
9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;

10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
13. Requiring the dedication of sufficient land to the public, and/or construction of a pedestrian/bicycle pathways in accordance with the adopted plans. Dedication of land and construction shall conform to the provisions of Chapter [19.160](#) FMC. (Ord. 6-2001 § 1)

19.440.500 Additional development standards for conditional use types.

A. Concurrent Variance Application(s). A conditional use permit shall not grant variances to regulations otherwise prescribed by the development code.

Variance application(s) may be filed in conjunction with the conditional use application and both applications may be reviewed at the same hearing.

B. Additional Development Standards. Development standards for specific uses are contained in Article II of this title, Land Use Districts. (Ord. 6-2001 § 1)



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## Chapter 19.450 MASTER PLANNED DEVELOPMENTS

### Sections:

<a href="#">19.450.100</a>	Purpose.
<a href="#">19.450.110</a>	Applicability.
<a href="#">19.450.120</a>	Review and approvals process.
<a href="#">19.450.130</a>	Allowed uses.
<a href="#">19.450.140</a>	Applicability of the land use district standards.
<a href="#">19.450.150</a>	Applicability of design standards (Article III).
<a href="#">19.450.160</a>	Overlay zone and concept plan submission.
<a href="#">19.450.170</a>	Overlay zone and concept plan approval criteria.
<a href="#">19.450.180</a>	Administrative procedures.
<a href="#">19.450.190</a>	Detailed development plan submission requirements.
<a href="#">19.450.200</a>	Detailed development plan approval criteria.
<a href="#">19.450.210</a>	Development review and building permit approvals.

### 19.450.100 Purpose.

The purposes of this chapter are to:

- A. Implement the neighborhood development standards of Article II of this title, by providing a means for master planning large development sites;
- B. Encourage innovative planning that results in more mixed use development, improved protection of open spaces, and greater housing and transportation options;
- C. Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovative and diversified living environments;
- D. Facilitate the efficient use of land;
- E. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
- F. Preserve to the greatest extent possible the existing landscape features and amenities, that may not otherwise be protected through conventional

development;

G. Encourage energy conservation and improved air and water quality. (Ord. 6-2001 § 1)

#### 19.450.110 Applicability.

The master planned development designation is an overlay zone which may be applied over any of the city's land use districts. An applicant may elect to develop a project as a master planned development in compliance with the requirements of this chapter. In addition, the city may require that the following types of development be processed using the provisions of this chapter:

A. Subdivisions required to conform to the master planned neighborhood development standards of Chapter [19.30](#) FMC (Residential District).

B. Business parks, industrial parks or other large developments when phased over a multiyear period. (Ord. 6-2001 § 1)

#### 19.450.120 Review and approvals process.

A. Review Steps. There are three required steps to planned development approval:

1. The approval of a planned development overlay zone and concept plan;
2. The approval of a detailed development plan; and
3. The approval of a preliminary subdivision plat(s) and/or site design review application(s).

B. Approval Process.

1. The master planned development (PD) overlay zone and concept plan shall be reviewed together using the Type III procedure in Chapter [19.415](#) FMC, the application requirements in FMC [19.415.020](#), and the decision process in FMC [19.415.050](#).

2. The detailed development plan shall be reviewed using the Type III procedure in Chapter [19.415](#) FMC to ensure substantial compliance with the approved concept plan.

3. Preliminary subdivision plats and site design review applications for approved planned developments shall be reviewed using a Type II procedure, as governed by Chapter [19.414](#) FMC (this variation from the standard procedures of Chapter [19.420](#) FMC, Site Design Review, and Chapter [19.430](#) FMC, Land Divisions, is intended to streamline review for projects which have received the required planned development approvals).

4. The steps in subsections (B)(1) through (B)(3) of this section may be combined in any manner, so long as the decision-making sequence follows that in subsection A. Notification and hearings may be combined. (Ord. 6-2001 § 1)

#### 19.450.130 Allowed uses.

A. In the Residential District(s). In the residential district the following uses are

allowed outright when they are included in an approved master planned development:

1. All uses allowed outright in the underlying land use district;
2. Single-family detached and attached residential units;
3. Duplex and triplex residential units;
4. Multifamily residential units;
5. Manufactured homes;
6. Neighborhood commercial uses;
7. Public uses, as determined during master plan review;
8. Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;
9. Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and
10. Recreational vehicle storage area.
11. Conditional uses shall require a conditional use permit, in accordance with Chapter [19.440](#) FMC (except that the following “conditional uses” may be permitted by right when approved as part of the master planned development: (reserved for list)).

B. In the Town Center District. In the TCC district, all of the uses permitted outright in the district are allowed within a master planned development. In addition, the ground-floor restriction on residential uses on individual city blocks shall not apply if ground floor residential uses occupy no more than 50 percent of the ground floor space in the entire development (i.e., all blocks).

C. In the Industrial or Commercial Districts. In I and C districts, a planned development shall contain only those uses allowed outright in the underlying district. (Ord. 6-2001 § 1)

#### 19.450.140 Applicability of the land use district standards.

A. Land Use District Standards. Master planned developments shall conform to the provisions of the underlying land use district, as follows:

1. Density, Floor Area, Building Size. The density, floor area, and building size standards of the district shall apply. The floor area standards may be increased by up to 25 percent, if balanced by social or environmental benefits useful to the community as a whole;
2. The lot area and dimensional standards of the district may not apply;
3. The lot coverage standards of the district shall apply;
4. Building Height. The maximum building height standard shall apply; and
5. Setbacks.
  - a. Front yard and rear yard setbacks for structures on the perimeter of the project shall be the same as that required by the underlying district, unless increased through the master plan review;
  - b. The side yard setback provisions may be reduced except that all detached structures shall meet Uniform Building Code requirements for fire walls; and

- c. Front yard and rear yard setback requirements of the underlying district shall not apply to structures on the interior of the project except that:
  - i. A minimum front yard setback of 15 feet is required for any garage structure which opens facing a public or private street;
  - ii. A minimum front yard setback of eight feet is required for any garage opening facing an alley.
- B. Other Provisions of the District. All other provisions of the land use district shall apply, except as modified by this chapter.
- C. More than One Overlay Zone. When more than one overlay zone applies to the development, and standards conflict between the overlay zones, the more restrictive standards shall apply (i.e., those which afford the greatest protection to identified resources and amenities, compatibility between land uses, etc.). (Ord. 6-2001 § 1)

19.450.150 Applicability of design standards (Article III).  
The design standards of Article III apply to all master planned developments. Variances shall conform to the standards and procedures of Chapter [19.520](#) FMC, Variances. (Ord. 6-2001 § 1)

- 19.450.160 Overlay zone and concept plan submission.
- A. General Submission Requirements. The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Chapter [19.415](#) FMC. In addition, the applicant shall submit the following:
    - 1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
    - 2. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
    - 3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.
    - 4. Narrative report or letter documenting compliance with the applicable approval criteria contained in FMC [19.450.170](#).
    - 5. Special studies prepared by qualified professionals may be required by the city staff, planning commission or city council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.
  - B. Additional Information. In addition to the general information described in subsection A of this section, the concept plan, data, and narrative shall include the following exhibits and information:



1. Existing conditions map, as defined in Chapter [19.420](#) FMC, Development Review and Site Design Review;
2. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);
3. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated);
4. Landscape concept (e.g., shows retention of existing vegetation and general planting areas);
5. Architectural concept (e.g., information sufficient to describe architectural styles, building heights, and general materials);
6. Sign concept (e.g., locations, general size, style and materials of signs);
7. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.). (Ord. 6-2001 § 1)

#### 19.450.170 Overlay zone and concept plan approval criteria.

The city shall make findings that all of the following criteria are satisfied when approving or approving with conditions, the overlay zone and concept plan. The city shall make findings that all of the criteria are not satisfied when denying an application:

A. Comprehensive Plan. All relevant provisions of the Comprehensive Plan are met;

B. Land Division Chapter. All of the requirements for land divisions, as applicable, shall be met (Chapter [19.430](#) FMC);

C. Article II Land Use and Design Standards. All of the land use and design standards contained in Article II of this title are met, except as modified in FMC [19.450.140](#) and the following provisions for density bonuses:

1. Density Bonus. The housing density standards shall be determined based on the densities in Article II of this title. When allowed by the Comprehensive Plan, the city may authorize a density bonus above the density allowed by Article II, as an incentive to increase or enhance open space, protect sensitive lands, provide unique architectural character, and or accomplish other purposes of the district, as identified in FMC [19.450.100](#). The density bonus shall not result in the allowable density exceeding 25 percent of the allowable density in Article II. The criteria in subsections (C)(1)(a) through (d) of this section shall be used in granting density bonuses. The percentage of density bonus granted shall be proportional to the land area used to meet the criteria in subsections (C)(1)(a) through (d).

a. A maximum of 10 percent of the density allowed by the district may be approved for the provision of public open space, or protection of natural features in common open space;

b. A maximum of two percent of the density allowed by the district may be

approved for streetscape (e.g., parkways or landscaped boulevard) development; plazas, pathways or other pedestrian amenities; or recreation area development;

c. A maximum of three percent of the density allowed by the district may be approved for the protection or enhancement of community views and vistas (e.g., by providing a public view point, parkway, plaza, or open space);

d. A maximum of 10 percent of the density allowed by the district may be approved for development of affordable housing. Affordable housing is defined as housing affordable to households earning 80 percent of the median household income in Multnomah County, or less. Such households, on average, do not spend more than 30 percent of their income on housing. Housing prices and/or rents shall be limited to that level through deed restriction for up to five years.

D. Requirements for Common Open Space. Where common open space is designated, the following standards apply:

1. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and

2. The open space shall be conveyed in accordance with one of the following methods:

a. By dedication to the city as publicly owned and maintained open space. Open space proposed for dedication to the city must be acceptable to the city administrator or his or her designee with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level one environmental assessment), and budgetary and maintenance abilities;

b. By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the city retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the city. (Ord. 6-2001 § 1)

19.450.180 Administrative procedures.

A. Land Use District Map Designation. After a planned development overlay zone has been approved, the land use district map shall be amended in accordance with Chapter [19.460](#) FMC, to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.

B. Time Limit on Filing of Detailed Development Plan. Within one and one-half years after the date of approval of the concept plan, the applicant or his or her successor shall prepare and file with the city a detailed development plan, in conformance with FMC [19.450.190](#).

C. Extension. The city shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one

year; provided, that:

1. No changes have been made on the original conceptual development plan as approved;
2. The applicant can show intent of applying for detailed development plan review within the one-year extension period;
3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
4. The extension request is made before expiration of the original approval period. (Ord. 6-2001 § 1)

19.450.190 Detailed development plan submission requirements. The contents of the detailed development plan shall be determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features, prior to approval of a development permit (e.g., land division, development review, site design review, etc.). The detailed development plan shall be reviewed using a Type III procedure. (Ord. 6-2001 § 1)

19.450.200 Detailed development plan approval criteria.

The city shall approve the detailed development plan upon finding that the final plan conforms with the concept plan and required conditions of approval. Minor changes to the approved concept plan may be approved with the detailed plan, consistent with the following criteria:

- A. Increased residential densities by no more than five percent, when such change conforms to the Comprehensive Plan.
- B. A reduction to the amount of open space or landscaping by no more than three percent.
- C. An increase in lot coverage by buildings or changes in the amount of parking by no more than five percent. Greater changes require a major modification (Chapter [19.460](#) FMC).
- D. No change in land use shall be permitted without approving a major modification to the concept plan (Chapter [19.460](#) FMC).
- E. No change which places development within environmentally sensitive areas or areas subject to a potential hazard shall be approved without approving a major modification to the concept plan (Chapter [19.460](#) FMC).
- F. The location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements shall be as proposed on the concept plan, or as modified through conditions of approval. Changes in the location or alignment of these features by more than 10 feet shall require approval of a major modification, in conformance with Chapter [19.460](#) FMC.
- G. Other substantial modifications made to the approved conceptual development plan shall require approval of either a minor modification or major

modification, in conformance with Chapter [19.460](#) FMC. (Ord. 6-2001 § 1)

19.450.210 Development review and building permit approvals. Upon receiving detailed development plan approval, the applicant may apply for development review (e.g., land division, development review, site design review, etc.). Building permits shall not be issued until all required development permits have been issued and appeal periods have ended.

A. Chapter [19.420](#) FMC applies to developments requiring development review or site design review.

B. Chapter [19.430](#) FMC applies to land divisions.

C. Streamlined Review Option. Preliminary subdivision plats and site design review applications for approved master planned developments may be reviewed using a Type II procedure, rather than the conventional Type III procedure. This shall be the applicant's option. The variation from the standard procedures of Chapter [19.420](#) FMC, Site Design Review, and Chapter [19.430](#) FMC, Land Divisions, is intended to streamline review of projects that have received planned development approvals, since those projects have previously been subject to public review and hearings. (Ord. 6-2001 § 1)



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Chapter 19.460  
MODIFICATIONS TO APPROVED PLANS AND CONDITIONS OF  
APPROVAL

Sections:

<a href="#">19.460.100</a>	Purpose.
<a href="#">19.460.200</a>	Applicability.
<a href="#">19.460.300</a>	Major modifications.
<a href="#">19.460.400</a>	Minor modifications.

19.460.100 Purpose.

The purpose of this chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve city resources. (Ord. 6-2001 § 1)

19.460.200 Applicability.

A. This chapter applies to all development applications approved through the provisions of Article IV of this title, including:

1. Site design review approvals;
2. Subdivisions, partitions, and lot line adjustments;
3. Conditional use permits;
4. Master planned developments; and
5. Conditions of approval on any of the above application types.

B. This chapter does not apply to land use district changes, text amendments, temporary use permits, or other permits. (Ord. 6-2001 § 1)

19.460.300 Major modifications.

A. Major Modification Defined. The city administrator or his or her designee shall determine that a major modification(s) is required if one or more of the changes listed below are proposed:

1. A change in land use;
2. An increase in the number of dwelling units;
3. A change in the type and/or location of access ways, drives or parking areas that affect off-site traffic;
4. An increase in the floor area proposed for nonresidential use by more than

five percent where previously specified;

5. A reduction of more than five percent of the area reserved for common open space and/or usable open space;

6. A reduction to specified setback requirements by more than 10 percent, or to a degree that the minimum setback standards of the land use district cannot be met; or

7. Changes similar to those listed in subsections (A)(1) through (A)(6) of this section, which are likely to have an adverse impact on adjoining properties.

B. Major Modification Request. An applicant may request a major modification as follows:

1. Upon the city administrator or his or her designee determining that the proposed modification is a major modification, the applicant shall submit an application for the major modification.

2. The modification request shall be subject to the same review procedure (Type I, II, or III) and approval criteria used for the initial project approval, however, the review shall be limited in scope to the modification request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated pathways, lighting and landscaping. Notice shall be provided in accordance with the applicable review procedure. (Ord. 6-2001 § 1)

19.460.400 Minor modifications.

A. Minor Modification Defined. Any modification to a land use decision or approved development plan which is not within the description of a major modification as provided in FMC [19.460.300](#) shall be considered a minor modification.

B. Minor Modification Request. An application for approval of a minor modification is reviewed using Type II procedure in Chapter [19.414](#) FMC. A minor modification shall be approved, approved with conditions, or denied by the city administrator or his or her designee based on written findings on the following criteria:

1. The proposed development is in compliance with all applicable requirements of the development code; and

2. The modification is not a major modification as defined in FMC [19.460.300](#).

(Ord. 6-2001 § 1)

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Chapter 19.470  
LAND USE DISTRICT MAP AND  
TEXT AMENDMENTS

Sections:

<a href="#">19.470.100</a>	Purpose.
<a href="#">19.470.200</a>	Legislative amendments.
<a href="#">19.470.300</a>	Quasi-judicial amendments.
<a href="#">19.470.400</a>	Conditions of approval.
<a href="#">19.470.500</a>	Record of amendments.
<a href="#">19.470.600</a>	Transportation planning rule compliance.

19.470.100 Purpose.

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this code and the land use district map. These will be referred to as “map and text amendments.” Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law. (Ord. 6-2001 § 1)

19.470.200 Legislative amendments.

Legislative amendments are policy decisions made by city council. They are reviewed using the Type IV procedure in Chapter [19.416](#) FMC. (Ord. 6-2001 § 1)

19.470.300 Quasi-judicial amendments.

A. Quasi-Judicial Amendments. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or code revision. Quasi-judicial map amendments shall follow the Type III procedure, as governed by Chapter [19.415](#) FMC, using standards of approval in FMC [19.470.400](#). The approval authority shall be as follows:

1. The planning commission shall review and recommend land use district map changes which do not involve comprehensive plan map amendments. The city council shall decide such applications;
2. The planning commission shall make a recommendation to the city council on an application for a comprehensive plan map amendment. The city council shall

decide such applications; and

3. The planning commission shall make a recommendation to the city council on a land use district change application which also involves a comprehensive plan map amendment application. The city council shall decide both applications.

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;

2. Demonstration of compliance with all applicable standards and criteria of this code, and other applicable implementing ordinances;

3. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application. (Ord. 6-2001 § 1)

19.470.400 Conditions of approval.

A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved or denied. (Ord. 6-2001 § 1)

19.470.500 Record of amendments.

The city recorder shall maintain a record of amendments to the text of this code and the land use districts map in a format convenient for public use. (Ord. 6-2001 § 1)

19.470.600 Transportation planning rule compliance.

A. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility consistent with OAR 660-012-0060.

B. Amendments to the comprehensive plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

1. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or

2. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or

3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation. (Ord. 6-2001 § 1)



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## Chapter 19.480 CODE INTERPRETATIONS

### Sections:

- [19.480.100](#) Purpose.
- [19.480.200](#) Code interpretation procedure.

#### 19.480.100 Purpose.

Some terms or phrases within the code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the code text. (Ord. 6-2001 § 1)

#### 19.480.200 Code interpretation procedure.

A. Requests. A request for a code interpretation (“interpretation”) shall be made in writing to the city administrator or his or her designee.

B. Decision to Issue Interpretation. The city administrator or his or her designee shall have the authority to review a request for an interpretation. The city administrator or his or her designee shall advise the requester in writing within 14 days after the request is made, on whether or not the city will issue the requested interpretation.

C. Declining Requests for Interpretations. The city administrator or his or her designee is authorized to issue or decline to issue a requested interpretation. The basis for declining may include, but is not limited to, a finding that the subject code section affords only one reasonable interpretation and the interpretation does not support the request. The city administrator’s decision to issue or decline to issue an interpretation is final when the decision is mailed to the party requesting the interpretation and the decision is not subject to any further local appeal.

D. Written Interpretation. If the city administrator or his or her designee decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation and any other person who specifically requested a copy of the interpretation. The written interpretation shall be issued within 14 days after the city advises the requester that an interpretation shall be issued. The decision shall become effective 14 days later, unless an appeal is filed in accordance with subsections E through G of this section.

E. Appeals. The applicant and any party who received such notice or who participated in the proceedings through the submission of written or verbal evidence of an interpretation may appeal the interpretation to the city planning commission within 14 days after the interpretation was mailed or delivered to the applicant. The appeal may be initiated by filing a notice of appeal with the city administrator or his or her designee pursuant to FMC [19.414.070](#).

F. Appeal Procedure. City planning commission shall hear all appeals of a city administrator's interpretation as a Type III action pursuant to Chapter [19.415](#) FMC except that written notice of the hearing shall be provided to the applicant, any other party who has filed a notice of appeal, and any other person who requested notice.

G. Final Decision/Effective Date. The decision of the city planning commission on an appeal of an interpretation shall be final and effective when it is mailed to the applicant. If an appeal of the planning commission decision is made to the city council it shall follow the same process as above. The decision of the city council remains effective unless or until it is modified by the land use board of appeals or a court of competent jurisdiction.

H. Interpretations on File. The city administrator or his or her designee shall keep on file a record of all code interpretations. (Ord. 6-2001 § 1)



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## Chapter 19.490 MISCELLANEOUS PERMITS (TEMPORARY USES, HOME OCCUPATIONS, OTHERS)

### Sections:

[19.490.100](#) Temporary use permits.

[19.490.200](#) Home occupation permits.

### 19.490.100 Temporary use permits.

Temporary uses are characterized by their short-term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. Three types of temporary uses require permit approval:

A. Seasonal and Special Events. These types of uses occur only once in a calendar year and for no longer a period than 90 days. Using the Type II procedure under Chapter [19.414](#) FMC, the city shall approve, approve with conditions or deny a temporary use permit based on findings that all of the following criteria are satisfied:

1. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval);
2. The applicant has proof of the property-owner's permission to place the use on his/her property;
3. No parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet his or her minimum parking requirement under Chapter [19.164](#) FMC, Vehicle and Bicycle Parking;
4. The use provides adequate vision clearance, as required by FMC [19.162.020](#) (O), and shall not obstruct pedestrian access on public streets;
5. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Chapter [19.162](#) FMC, Access and Circulation;
6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use;

and

7. The use is adequately served by sewer or septic system and water, if applicable (the applicant shall be responsible for obtaining any related permits);

8. An extension of 60 days may be obtained if determined appropriate by the city administrator.

B. Temporary Sales Office or Model Home. Using a Type II procedure under Chapter [19.414](#) FMC, the city may approve, approve with conditions or deny an application for the use of any real property within the city as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the city, but for no other purpose, based on the following criteria:

1. Temporary Sales Office.

a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold; and

b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.

2. Model House.

a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and

b. The model house shall be designed as a permanent structure that meets all relevant requirements of this code.

C. Temporary Building. Using a Type II procedure, as governed by Chapter [19.414](#) FMC, the city may approve, approve with conditions or deny an application for a temporary trailer or prefabricated building for use on any real commercial or industrial property within the city as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, based on following criteria:

1. The temporary trailer or building shall be located within the boundaries of the parcel of land on which it is located;

2. The primary use on the property to be used for a temporary trailer is already developed;

3. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Chapter [19.162](#) FMC, Access and Circulation;

4. There is adequate parking for the customers or users of the temporary use as required by Chapter [19.164](#) FMC, Vehicle and Bicycle Parking;

5. The use will not result in vehicular congestion on streets;

6. The use will pose no hazard to pedestrians in the area of the use;

7. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use;

8. The building complies with applicable building codes;

9. The use can be adequately served by sewer and water, if necessary. (The

applicant shall be responsible for obtaining any related permits);

10. The length of time that the temporary building will be used does not exceed 12 months, and if a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit; and

11. Adequate landscaping, buffering or other method to assure the structure is visually consistent with conditions surrounding the site. (Ord. 6-2001 § 1)

#### 19.490.200 Home occupation permits.

The purpose of this section is to encourage those who are engaged in small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. They are permitted by right in all residential units (dwellings), subject to the following standards:

##### A. Appearance of Residence.

1. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
2. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
3. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
4. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.
5. Home occupation activities will occupy no more than 30 percent of the gross floor area.
6. One professional, non-illuminated nameplate is permitted (see sign regulations).
7. Home occupations in accessory structures are only allowed after approval of a conditional use permit by the planning commission.

##### B. Storage.

1. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.
2. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
3. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

##### C. Employees.

1. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one full time equivalent employee at

the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the lot on which the home occupation is conducted.

2. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.

3. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

D. Advertising and Signs. Signs shall comply with Chapter [19.170](#) FMC. In no case shall a sign exceed the residential district standard of 32 square feet (e.g., eight feet by four feet).

E. Vehicles, Parking and Traffic.

1. One commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.

2. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 10:00 p.m. to 7:00 a.m.

3. There shall be no more than one client’s or customer’s vehicle at any one time and no more than eight per day at the home occupation site.

F. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7:00 a.m. to 10:00 p.m. only, subject to subsections A and E of this section.

G. Prohibited Home Occupation Uses.

1. Any activity that produces radio or TV interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line is prohibited.

2. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business are allowed subject to subsections A through F of this section.

3. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:

a. Ambulance service;

b. Animal hospital, veterinary services, kennels or animal boarding;

c. Auto and other vehicle repair, including auto painting;

d. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

H. Enforcement. The city administrator or his or her designee may visit and

inspect the site of home occupations in accordance with this chapter periodically to insure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with Chapter [19.14](#) FMC, Enforcement. (Ord. 6-2001 § 1)



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## Article V. Exceptions to Code Standards

### Chapter 19.510 INTRODUCTION

#### Sections:

[19.510.010](#) Introduction.

#### 19.510.010 Introduction.

This chapter provides standards and procedures for variances and nonconforming situations (i.e., existing uses or development that do not comply with the code). This code cannot provide standards to fit every potential development situation. The city's varied geography, and complexities of land development, requires flexibility. This article provides that flexibility, while maintaining the purposes and intent of the code. The variance procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes. The standards for nonconforming uses and development are intended to provide some relief from code requirements for older developments that do not comply. (Ord. 6-2001 § 1)

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## Chapter 19.520 VARIANCES

### Sections:

<a href="#">19.520.010</a>	Purpose.
<a href="#">19.520.020</a>	Class A variances.
<a href="#">19.520.030</a>	Class B variances
<a href="#">19.520.040</a>	Class C variances.
<a href="#">19.520.050</a>	Variance application and appeals.

#### 19.520.010 Purpose.

The purpose of this chapter is to provide flexibility to development standards, in recognition of the complexity and wide variation of site development opportunities and constraints. The variance procedures are intended to provide flexibility while ensuring that the purpose of each development standard is met. Because some variances are granted using “clear and objective standards,” they can be granted by means of a Type I procedure. Other variances, as identified below, require a Type II or III procedure because they involve discretionary decision-making. (Ord. 6-2001 § 1)

#### 19.520.020 Class A variances.

A. Class A Variances. The following variances are reviewed using a Type I procedure, as governed by Article IV of this title, using the approval criteria in subsection B of this section:

1. Front Yard Setbacks. Up to a 10 percent change to the front yard setback standard in the land use district.
2. Interior Setbacks. Up to a 10 percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use district.
3. Lot Coverage. Up to a 10 percent increase of the maximum lot coverage required in the base zone.
4. Landscape Area. Up to a 10 percent reduction in landscape area (overall area or interior parking lot landscape area).

B. Class A Variance Approval Criteria. A Class A variance shall be granted if the applicant demonstrates compliance with all of the following criteria:

1. The variance requested is required due to the lot configuration, or other conditions of the site;

2. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;
3. The variance will not result in violation(s) of Article III of this title, or other design standards. (Ord. 6-2001 § 1)

#### 19.520.030 Class B variances

A. Class B Variances. Due to their discretionary nature, the following types of variances shall be reviewed using a Type II procedure, in accordance with Article IV of this title.

1. Variance to Minimum Housing Density Standard (Article II). The city may approve a variance after finding that the minimum housing density provided in Article II of this title cannot be achieved due to physical constraints that limit the division of land or site development. "Physical constraint" means steep topography, sensitive lands (Article III) unusual parcel configuration, or a similar constraint. The variances approved shall be the minimum variance necessary to address the specific physical constraint on the development.
2. Variance to Vehicular Access and Circulation Standards (Article III). Where vehicular access and circulation cannot be reasonably designed to conform to code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the city may grant a variance to the access requirements after finding the following:
  - a. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;
  - b. There are no other alternative access points on the street in question or from another street;
  - c. The access separation requirements cannot be met;
  - d. The request is the minimum adjustment required to provide adequate access;
  - e. The approved access or access approved with conditions will result in a safe access; and
  - f. The visual clearance requirements will be met.
3. Variances to Street Tree Requirements (Article III). The city may approve, approve with conditions, or deny a request for a variance to the street tree requirements in Article III of this title, after finding the following:
  - a. Installation of the tree would interfere with existing utility lines;
  - b. The tree would cause visual clearance problems; or
  - c. There is not adequate space in which to plant a street tree; and
  - d. Replacement landscaping is provided elsewhere on the site (e.g., parking lot area trees).
4. Variance to Parking Standards.
  - a. The city may approve variances to the minimum or maximum standards for off-street parking upon finding the following:
    - i. The individual characteristics of the use at that location require more or less

- parking than is generally required for a use of this type and intensity;
  - ii. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and
  - iii. All other parking design and building orientation standards are met.
- b. The city may approve a reduction of required bicycle parking, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.
  - c. The city may allow a reduction in the amount of vehicle stacking area required in for drive-through facilities if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors.
- B. Variance to Maximum or Minimum Yard Setbacks to Reduce Tree Removal or Impacts to Wetlands. The city may grant a variance to the applicable setback requirements of this code for the purpose of preserving a tree or trees on the site of proposed development or avoiding wetland impacts. Modification shall not be more than is necessary for the preservation of trees on the site.
- C. Variances to Transportation Improvement Requirements. The city may approve, approve with conditions, or deny a variance to the transportation improvement standards, based on the criteria for granting variances. When a variance request cannot be supported by the provisions of that chapter, then the request shall be reviewed as a Class C variance. (Ord. 6-2001 § 1)

#### 19.520.040 Class C variances.

- A. Purpose. The purpose of this section is to provide standards for variances which exceed the Class A and Class B variance criteria in this article. Class C variances may be granted if the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable land use district would create a hardship to development which is peculiar to the lot size or shape, topography, sensitive lands, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district); except that no variances to “permitted uses” shall be granted.
- B. Applicability.
- 1. The variance standards are intended to apply to individual platted and recorded lots only.
  - 2. An applicant who proposes to vary a specification standard for lots yet to be created through a subdivision process may not utilize the Class C variance procedure.
  - 3. A variance shall not be approved which would vary the “permitted uses” of a land use district.
- C. Approvals Process and Criteria.
- 1. Class C variances shall be processed using a Type III procedure, using the

approval criteria in subsection (C)(2) of this section. In addition to the application requirements contained in this code, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection (C)(2).

2. The city shall approve, approve with conditions, or deny an application for a variance based on finding that all of the following criteria are satisfied:

- a. The proposed variance will not be materially detrimental to the purposes of this code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;
- b. A hardship to development exists which is peculiar to the lot size or shape, topography, sensitive lands, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);
- c. The use proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
- d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject code standard;
- e. The hardship is not self-imposed; and
- f. The variance requested is the minimum variance which would alleviate the hardship. (Ord. 6-2001 § 1)

19.520.050 Variance application and appeals.

The variance application shall conform to the requirements for Type I, II, or III applications, as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for his/her request, alternatives considered, and why the subject standard cannot be met without the variance. Appeals to variance decisions shall be processed in accordance with the provisions of this code. (Ord. 6-2001 § 1)

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## Chapter 19.530 NONCONFORMING USES AND DEVELOPMENTS

### Sections:

[19.530.010](#) Nonconforming uses.

[19.530.020](#) Nonconforming development.

### 19.530.010 Nonconforming uses.

Where at the time of adoption of this code a use of land exists which would not be permitted by the regulations imposed by this code and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided:

A. Expansion Prohibited. No such nonconforming use is enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this code. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land.

B. Location. No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this code.

C. Discontinuation or Abandonment. The nonconforming use of land is not discontinued for any reason for a period of more than 12 months. For purposes of calculating the 12 month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:

1. On the date when the use of land is physically vacated;
2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
4. On the date a request for final reading of water and power meters is made to the applicable utility districts.

D. Application of Code Criteria and Standards. If the use is discontinued or abandoned for any reason for a period of more than 12 months, any subsequent use of land shall conform to the applicable standards and criteria specified by this code for the land use district in which such land is located. (Ord. 6-2001 § 1)

### 19.530.020 Nonconforming development.

Where a structure exists at the effective date of adoption or amendment of this title that could not be built under the terms of this title by reason of restrictions on lot area, lot coverage, height, yard, equipment, its location on the lot or other requirements concerning the structure; and the structure was lawful when constructed, the structure may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity; but any structure or portion thereof may be enlarged up to 10 percent, or altered in a way that satisfies the current requirements of the development code or will decrease its nonconformity;

B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent more than 75 percent of its current value as assessed by the Multnomah County assessor, it shall be reconstructed only in conformity with the development code; and

C. Should such structure be moved for any reason and by any distance, it shall thereafter conform to the regulations of the development code. (Ord. 6-2001 § 1)

