



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/28/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Wood Village Plan Amendment
DLCD File Number 002-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, January 11, 2011

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Carole Connell, City of Wood Village
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA/ph

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: *City of Wood Village*
Date of Adoption: *12/14/10*

Local file number: *PA 10-03 Misc. Code*
Date Mailed: *12/18/10* *Amendments*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: *prior to 10-1-10*

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Limitations on Banners and Flashing signs; By definition restricted vehicle lease and sale in the TC & NC commercial zones; specified hard surface lot coverage in MR zones; Deleted references to a 3rd big box store in the TC zone since it has been built.

Does the Adoption differ from proposal? Please select one

Did not delete the requirement for a mix of industrial medical and office use in the TC zone and only permitted drive-thrus in the developed portions of the TC zone.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: *NA* to: *NA*

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

- 45-days prior to first evidentiary hearing? Yes No
- If no, do the statewide planning goals apply? Yes No
- If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 002-10 (18546) [16465]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: *Carla McConnell*
Address: *City of Wood Village*
City: Zip:

Phone: *(503) 297-6660* Extension:

Fax Number: - -

E-mail Address: *connellpc@cmucast.net*

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE 15-2010

AN ORDINANCE ADOPTING FINDINGS AND AMENDING THE CITY OF WOOD VILLAGE ZONING AND DEVELOPMENT CODE

THE CITY OF WOOD VILLAGE ORDAINS AS FOLLOWS:

WHEREAS, the City determined there was a need to amend the Town Center Zone to remove outdated requirements and to develop standards for growth opportunities; and

WHEREAS, the City determined there were other miscellaneous code amendments needed to improve zoning standards and procedures; and

WHEREAS, the Planning Commission conducted a public hearing on November 15, 2010 in an effort to include citizens in the development of the amendments; and

WHEREAS, on November 15, 2010 at their regular meeting and duly called Public Hearing, the Planning Commission considered the proposed Zoning and Development Code text amendments and voted unanimously to recommend that the City Council approve the amendments;

NOW, THEREFORE, based upon the Planning Commission's recommendations, the staff report and findings of fact in the City staff report dated November 8, 2010, and its own review and analysis, public input as received, and consideration of all materials submitted, this Council does hereby make the findings and ordains as follows:

Section 1. The City Council does hereby adopt the amendments to the City's Zoning and Development Code sections as attached in Exhibit A with additions in *Italics* and deletions in ~~Strikeout~~, and by this reference made a part hereof.

Section 3. The City Council does hereby adopt the findings in the City staff report dated November 8, 2010 as attached in Exhibit B.

Section 4. Saving Clause: If any article, section, subsection, subdivision, phrase, clause, sentence or word in this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this Ordinance, but shall be confined to the article, section, subsection, subdivision, clause, sentence, or word so held invalid or unconstitutional.

UPON UNANIMOUS CONSENT OF CITY COUNCIL, THERE BEING PRESENT A QUORUM, READ BY TITLE ONLY THIS 14th DAY OF DECEMBER 2010.

READ A SECOND TIME BY TITLE ONLY THIS 14th DAY OF DECEMBER 2010 WITH UNANIMOUS CONSENT OF ALL MEMBERS OF THE CITY COUNCIL, THERE BEING PRESENT A QUORUM.

PASSED BY THE COMMON COUNCIL OF THE CITY OF WOOD VILLAGE, OREGON
THIS 14th DAY OF DECEMBER 2010.

Motion to approve by Dirks; seconded by Tim Clark and adopted this
14th day of DECEMBER 2010.

YEAS 5 NAYS 0



DAVID M. FULLER, MAYOR

ATTEST:



GREG DIRKS, CITY RECORDER

EXHIBIT A TO ORDINANCE 15-2010

220.350 Site Coverage.

- A. **Building Coverage.** The maximum combined building coverage on a site for all covered structures is stated in Table 220-3 & Table 220-4.
- B. *Hard Surface Coverage for one and two family dwellings. The maximum front or rear yard areas which may be in hard surface is 40%.*

235.295 Fairview-Wood Village Town Center Non-Retail Employment Uses

A. **Purpose.** The Fairview-Wood Village Town Center Non-Retail Employment Use requirement ensures that the scale of retail development within this Town Center is appropriate and that the commercial component of development includes office, light industrial and other permitted non-retail employment uses to provide employment opportunities in addition to retail employment. The provisions of this section apply to development in the Wood Village portion of the Fairview-Wood Village Town Center in lieu of the provision of Section 235.290.

B. Requirement.

(1) The Master Plan for the property in this Town Center zone shall demonstrate that 50 percent of the new floor area of non-residential development is designed to be used as or is adaptable to non-retail employment use, even if it is initially intended for retail use.

(a) To be adaptable to non-retail employment use, the development must not contain structural barriers to non-retail employment use. The applicant shall provide evidence that conversion to non-retail employment use is feasible.

(b) In addition, for that portion of non-residential development intended to be used as or adaptable to office use, individual structures must have ground floor windows along at least 50 percent of the length of exterior building walls that abut sidewalks, plazas or other public open spaces. The windows must cover 25 percent of the ground level wall area up to 9 feet above grade on those walls to which the standard applies.

(2) No more than three retail uses with a floor area of more than 60,000 square feet (“big box development”) are allowed in the Wood Village portion of the Fairview-Wood Village Town Center, and such large scale retail uses shall total no more than 362,000 square feet. The total floor area devoted to retail use shall not exceed 412,000 square feet except as provided in

paragraph (3). ~~Because the original Wood Village Town Center approval anticipated only two big box developments in the Town Center, the applicant for the third big box development shall, in addition to compliance with other applicable requirements, comply with the following criteria and conditions.~~

~~(a) The applicant shall update the previous transportation analysis to evaluate the impacts of the remaining Town Center development, including the third big box development, on the surrounding transportation system at site build-out in the year 2020. For the purposes of this subsection, “surrounding transportation system” includes, but is not limited to, the intersections of 242nd Avenue & Glisan Street, 242nd Avenue & Stark Street, and 223rd Avenue & Sandy Boulevard. Such analysis shall evaluate the difference in trip generation, trip length and travel pattern, especially pass-by and internal trip rates, of the proposed big box in comparison to the previously anticipated retail uses. If the proposed development would increase the traffic impact from the level of impact projected in the original projected in the original transportation analysis, the applicant shall be required to pay for a proportionate share of the increased improvements needed to accommodate the third big box development.~~

~~(b) The City will impose as a condition of approval that the applicant construct a cul-de-sac to dead-end Arata Road at 223rd Avenue in compliance with the applicable Multnomah County standards prior to the opening of the third big box development.~~

~~(c) The architecture and design of the third big box development shall be consistent with the previously established village-style design standards for the Town Center. Such standards include, but are not limited to, provision of a variety of storefront evaluations and raised parapets; pedestrian connections; landscape features; opportunities for outdoor seating areas; and complementary building materials and colors.~~

~~(d) The ground floor of the third big box shall not exceed 90,000 square feet.~~

(3) No less than 125,000 square feet shall be devoted to Non-Retail Employment Uses. At least 50 percent of this Non-Retail Employment Use requirement must be satisfied from the following use categories: light industrial uses, medical center uses and office uses. If government offices or public meeting rooms are constructed as part of the Town Center development's community feature, the area devoted to those uses in the community feature shall be counted toward the 125,000 square feet non-retail office/light industrial requirement.

(4) In the Wood Village portion of the Fairview-Wood Village Town Center, no less than 25 percent of total non-residential development, excluding the

community feature, shall be Non-Retail Employment Uses. Following approval of the first increment of retail development and for each increment of retail thereafter, no further permits for retail shall be issued until the following “benchmarks” are satisfied:

- (a) For the first 67 percent of the 500,000 square feet of non-residential development allowed under the Master Plan, the Non-Retail Employment Use requirement need not exceed 15% of the total non-residential development approved;
- (b) Provided however, that the 25 percent Non-Retail Employment Use requirement for the entire development shall be met as part of the final 33 percent of the 500,000 square feet of non-residential development.

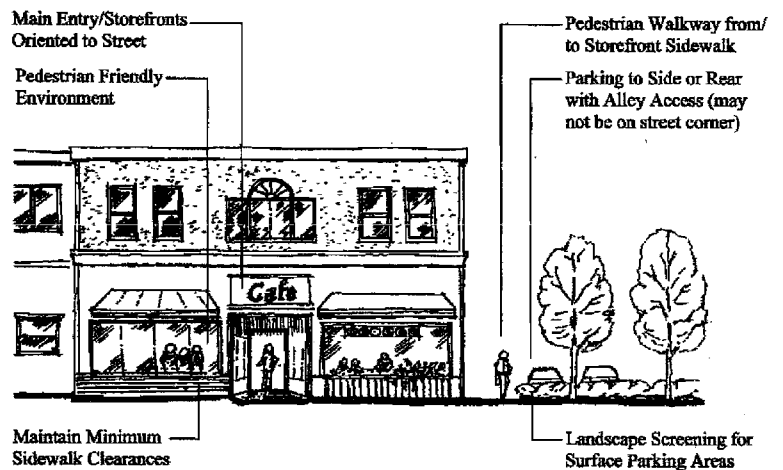
~~(5) The limitations on non-residential and retail development may be reviewed and revised in coordination with affected state, regional and local governments on or after August 27, 2007.~~

235.400 Town Center Mixed Use Architectural and Pedestrian Design Standards

- A. **Purpose and Applicability.** This section is intended to provide detailed, human-scale design that is characteristic of Wood Village, while affording flexibility to use a variety of architectural building styles. All new buildings and major remodels shall meet the standards of these subsections which are applied through Site Design Review. The applicant demonstrates that the standards are met by complying with the criteria under each standard.
- B. **Architectural Standards:**
 - 1. **Building Mass:** Where building elevations are oriented to the street or other public places, architectural features such as articulated facades, building offsets, varied roof lines, pitched roofs and gables, windows, and pedestrian entrances shall be used to avoid large monotonous building surfaces and large building masses.
 - 2. **New buildings:** Should architecturally transition in terms of bulk and mass to respect adjacent existing buildings. This transition can be accomplished by selecting designs that “step down” or “step up” from small to big structures and vice versa. Transitions can also take the form of carrying building patterns and lines (e.g., parapets, windows, etc.) from the existing building to the new one.

3. **Building Block Layout:** The site shall be configured into blocks that have frontage onto streets, interior parking courts or common open space. Blocks shall not exceed 400 feet in length.
4. **Building Orientation:** Developments subject to this Section shall have their buildings oriented to a public or private street, as generally shown in the Figure below. This standard is met when all of the following criteria are met:
 - a. Compliance with the setback standards in Table 235-2 where applicable. The front yard setback may be a maximum of 10' to provide pedestrian amenities between a building and its adjoining street;
 - b. Except as provided in subsections below, all buildings shall have at least one primary building entrance (i.e., dwelling entrance, a tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45

Figure 1 – Building Orientation



degrees of the street property line), or if the building entrance is turned more than 45 degrees from the street (i.e., front door is on a side elevation), the primary entrance shall not be more than 20-40 feet from a street sidewalk, except to provide pedestrian amenities; a walkway shall connect the primary entrance to the sidewalk in this case.

- c. In a mixed-use development, off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented; Off-street parking in a mixed-use development shall be oriented internally to the site and divided by landscape areas into bays of not more than [24] parking spaces per bay.

5. **Building Materials:** Natural materials such as wood, veneer siding, stucco, masonry, or glass shall be the primary exterior structural siding materials. Also use reclaimed or new brick, cultured stone, or other rapidly renewable resources. Unfinished metal siding, corrugated sheet metal, vinyl siding, T1-11 siding or plywood, and reflective glass are prohibited. Whenever, possible,

use energy efficient building materials in accordance with LEED Certification standards.

- a. **Colors:** Generally subdued earth tones in gray, brown, off-white, slate, green and black. Accent trims and other colors may also used as approved by the Design Review Board.

6. **Roof-mounted Equipment:** All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar heating panels are exempt from this standard:

- a. A parapet as tall as the tallest part of the equipment;
- b. A screen around the equipment that is as tall as the tallest part of the equipment;
- c. The equipment is set back from the street facing perimeters of the building four feet for each foot of height of the equipment; or,
- d. If the equipment is a satellite dish or other communication device, it is added to the façade of a penthouse that contains mechanical equipment, is no higher than the top of the penthouse, is flush mounted, and is painted to match the façade of the penthouse.

7. **Roofs:** Buildings must have either a sloped roof with a pitch no flatter than 4/12 or a flat roof with a cornice that meets the following:

- a. There must be two parts to the cornice. The top part of the cornice must project at least 6 inches from the face of the building and be at least 2 inches further from the face of the building than the bottom part of the cornice; and
- b. The height of the cornice is based on the height of the building as follows:
 - Buildings 18 feet or less in height must have a cornice at least 12 inches high.
 - Buildings greater than 18 feet and less than 30 feet in height must have a cornice at least 18 inches high.
 - Buildings 30 feet or greater in height must have a cornice at least 24 inches high.

8. **Pedestrian-Orientation:** The design of all buildings on a site shall support a safe and attractive pedestrian environment. This standard is met when the

approval body finds that all of the criteria in 1-7, below, are met. Alternatively, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard.

- a. The building orientation standards under Section 235.400 B(4) are met; and
- b. Primary building entrances shall open directly to the outside and, if not abutting a street, shall have walkways connecting them to the street sidewalk; every building shall have at least one primary entrance that does not require passage through a parking lot or garage to gain access; and
- c. Corner buildings (*i.e.*, buildings within 20 feet of a corner as defined by the intersecting curbs) shall have corner entrances, or shall provide at least one entrance within [20] feet of the street corner or corner plaza; and
- d. At least [20-60] percent of the building's front façade (measured horizontally in linear feet) shall be located at the build-to line or closer to the street, unless modified by the Design Review board; and
- e. Ground floor windows or window displays shall be provided along at least [30-60] percent of the building's (ground floor) street-facing elevation(s); windows and display boxes shall be integral to the building design and not mounted to an exterior wall; and
- f. Primary building entrance(s) are designed with weather protection, such as awnings, canopies, overhangs, or similar features; and
- g. Drive-up and drive-through facilities are not allowed *except on Lots 1 through 17, Wood Village Town Center, Wood Village, OR*

9. Compatibility. All new buildings and major remodels shall be designed consistent with the architectural context in which they are located. This standard is met when the approval body finds that all of the criteria in 1-7, below, are met.

- a. There is continuity in building sizes between new and existing buildings;
- b. The ground floor and upper floor elevations and architectural detailing are compatible with adjacent commercial buildings;
- c. Buildings adjacent to the TC Zone height step-down, as required by Section Building Height Transition.

- d. Roof elevation is compatible with adjacent commercial buildings (roof pitch, shape, height step-down);
- e. There is continuity of building sizes on the site if more than one building is proposed;
- f. There is continuity in the rhythm of windows and doors on the proposed building(s);
- g. The relationship of buildings to public spaces, such as streets, plazas, other areas, and public parking, including on-street parking, is strengthened by the proposed building(s).

10. Human Scale. The design of all buildings shall be to a human-scale. This standard is met when the approval body finds that all of the criteria in 1-6, below, are met. Alternatively, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard. Figure 1 contrasts examples of building elevations that are consistent/inconsistent with human scale criteria.

- a. Regularly spaced and similarly-shaped windows are provided on all building stories;
- b. Ground floor retail spaces have tall ceilings (*i.e.*, 12-16 feet) with display windows on the ground-floor;
- c. Display windows are trimmed, recessed, or otherwise defined by wainscoting, sills, water tables, or similar architectural features;
- d. On multi-story buildings, ground floors are defined and separated from upper stories by appropriate architectural features (*e.g.*, cornices, trim, awnings, canopies, arbors, trellises, overhangs, or other features) that visually identifies the transition from ground floor to upper story; such features should be compatible with the surrounding architecture;
- e. The tops of flat roofs are treated with appropriate detailing (*i.e.*, cornice, pediment, flashing, trim, or other detailing) that is compatible with the surrounding architecture;
 - 1. Pitched roofs have eaves, brackets, gables with decorative vents, or other detailing that is consistent with the surrounding architecture;
 - 2. Historic design and compatibility requirements, where applicable, are met; and

- f. Where buildings with greater than [8,000] square feet of enclosed ground-floor space are proposed, they shall provide articulated facades on all street-facing elevations. This criterion is met when an elevation contains at least one of the following features for every [40] feet of building (horizontal length): windows; primary entrances; weather protection (awnings, canopies, arbors, trellises), building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; ornamentation; screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and/or similar features as generally shown in Figure 2.3.170.D. [Note: Figure 2.3.170.D should not be interpreted as a required architectural style.]

370.020 General Provisions:

A. No person shall erect, construct, alter, place, change, relocate, suspend or attach any sign without first obtaining from the City Building Department a written permit to do so, paying the fees prescribed therefore, and otherwise complying with all of the applicable provisions of this Code. Signs will be maintained in good condition, both structurally, and in their appearance.

- B. **Permit Application:** Application for a sign permit shall be made on a form prescribed by the City and shall include at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign(s)' location, colors, graphic design, structural and mechanical design and engineering data which ensures its structural stability unless otherwise excepted herein. The application shall also contain the names and addresses of the owner(s) of the subject property, the person authorizing erection of the sign and the party erecting the same as well as the party who shall maintain the same.
- C. **Application Approval and Permit Issuance:** Unless otherwise provided by this Code, no permit shall be issued for any new sign or substantial modification thereof within the City until the same be reviewed and approved under the direction of the City Administrator. Applicants for structural work within the City requiring building applications are required to incorporate sign permit review as a part of their initial submittal of design plans on such new projects to the City Building Department.
- D. **Signs Exempt from Permits:** The following signs do not require permits as herein required:
 - (1) **Traffic or other governmental street signs**, such as railroad crossing signs and notices as may be authorized or required by State or Federal Law or the Wood Village City Council.

- (2) **Signs of public utility companies** indicating danger or which serve as an aid to public safety or which show the location of underground facilities or of public telephones.
- (3) **Signs not visible from public right-of-ways.**

E. **Signs Exempt from Permits but Requiring Conformance to Set Standards and Regulations:**

- (1) **Construction Project Sign:** a sign erected in conjunction with a construction project and used to inform the public of the architects, engineers and construction organizations participating in the project and indicating "future home of" information. One (1) such sign may be erected after appropriate building permits have been obtained. No such sign shall exceed sixty-four (64) square feet total or thirty-two (32) square feet per face; no free-standing sign shall exceed (8) feet in height. The sign shall be removed at the time final occupancy is approved by the City or in the event a building permit or license for such construction shall have expired.
- (2) **Garage Sale Sign:** a sign advertising garage sales or similar events in residential zones. Such sign shall not exceed a size per face of four (4) square feet and shall not exceed four (4) feet in height. Such sign may be erected up to one (1) week prior to the event and shall be removed no later than the day after the event. Such sign shall not be placed in the public right-of-way or vision clearance areas and shall not be maintained for more than ten (10) days in any one six (6) months' period of time.
- (3) **Gasoline Station Price Sign:** Unless otherwise herein provided, one (1) changeable copy sign shall be allowed for the purpose of advertising gasoline prices. The sign shall be one (1) or two (2) faced sign with a maximum of six (6) square feet in area per face and shall be permanently affixed to the building.
- (4) **Name Plate:** a sign when otherwise permitted in an area identifying the name, street address, occupation and/or profession of the occupant of the premises. Graphic information and all name plates shall be limited to the identification of the business name as registered with the State of Oregon. One (1) name plate, not exceeding two (2) square feet total shall be allowed for each occupant and shall be affixed to the building wall.
- (5) **Non-Commercial Sign:** a notice or pictorial sign, except those used for purposes of making things known about goods, services or

activities offered by "for profit" entities shall be allowed in any zone when otherwise permitted, subject to the same regulations as signs in the particular zone and counted in the quantity limitations of signs for that zone for each property.

- (6) **Banner:** a temporary sign made of fabric, vinyl or other non-rigid material with or without an enclosing framework typically on a pole or lamppost. When a banner extends over a public sidewalk, or other space accessible to pedestrians, there must be a minimum 9-foot clearance. Banners are considered temporary and must be removed within 30 days. *Banners may not exceed 60 square feet. Banners may not be located in public right-of-way except for City owned banners.*

Opening Banner: one (1) banner announcing the opening of a new business ("grand opening" or works to that effect) will be allowed either from date of issuance of building permit until four (4) weeks after issuance of certificate of occupancy or if no building permit be issued for four (4) weeks from occupancy of a new business. Such banner shall not exceed sixty-four (64) square feet total and thirty-two (32) square feet per face. This section does not apply to announcing the availability of office space or residential units.

- (7) **Public Safety and Convenience:** Signs used to serve the public safety or convenience such as "entrance", "parking", or "no-smoking", "turn off motor" signs. Such signs shall not exceed three (3) square feet per face and shall meet all other pertinent requirements and City standards.
- (8) **Window Sign:** A sign not exceeding twenty (20) percent of an interior window area when otherwise permitted therein.
- (9) **Non-Commercial Flags:** Flags displayed from permanently located free-standing 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 hundred feet of linear frontage, with a maximum of six per premises. Such displays shall be kept neat, clean and in good repair.
- (10) **Political Signs:** Signs relating to the nomination or election of any individual for public office or advocacy of any measure to be voted upon at any special or general election shall be permitted from a date not more than forty-five (45) days prior thereto to a date ten (10) days following such election. Such sign if placed in a residential zone shall not exceed an area of two (2) square feet and

in a non-residential area not more than ten (10) square feet; such sign shall be considered temporary in nature and shall be placed upon the concerned property only by the property owner, resident or with the consent of the owner, occupant or lessee thereof.

- (11) **Tourist Attraction Directional Sign:** A uniformly designed sign used by a public agency to identify a local or regional tourist attraction.

F. Signs or Advertising Devices Expressly Prohibited:

- (1) **Signs Structurally Unsafe:** no sign shall be constructed, erected or maintained unless the sign and sign structure is so constructed, erected and maintained as to be able to withstand wind, seismic and other loads as specified in the Uniform Building Code of the City.
- (2) **Intersection Signs:** notwithstanding any other provisions of this Code, no sign except authorized traffic signs shall be erected at the intersection of any street in such a manner as to create a traffic hazard by obstructing vision or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- (3) **Regulatory Sign Confusion:** signs resembling traffic signs or signals shall not be constructed, erected or maintained or signs which bear the words "stop", "go slow", "caution", "danger" and "warning" or similar words except as officially authorized and installed by the City or other authorized governmental agencies.
- (4) **Obstructing Signs:** notwithstanding other provisions of this Code, no sign or sign structure shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. No sign shall be erected or maintained so as to obstruct any window to such an extent that light or ventilation is reduced below minimums required by any applicable law or ordinance.
- (5) **Portable Signs:** signs not permanently affixed to a building structure or the ground and designed to move from place to place except garage sale signs, special event signs, political signs, real estate signs or as otherwise provided in this Code including Section 370.030 (C)(3) regulating free-standing signs in commercial and industrial zones. Portable signs primarily include, but are not limited to, A-frame signs, except certain A-frame signs are permitted and exempt from a sign permit, including a public

event directional A-frame sign; and one A-frame or sandwich board sign when located within 10 feet of the business being promoted, which must be removed at close of business each day, and signs attached to wood or metal frames designed to be self-supporting and movable including trailer reader boards, paper, cardboard or canvas signs wrapped around supporting poles.

- (6) **Roof Signs:** signs erected, maintained and displayed above the eaves of a building or structure.
 - (7) **Flashing Signs:** signs, any part of which flash intermittently ~~except when attached to a building and meeting other requirements of this Code,~~ except time and temperature signs.
 - (8) **Off-Premise Signs:** except as otherwise permitted by this Code, off-premise signs are prohibited.
 - (9) **Electronic or Video Message Center Signs:** signs that include animated messaging, video clips, rapidly alternating messages or any other presentation that could distract drivers.
- G. **Other Prohibitions:** the following sign or sign "characteristics" are prohibited unless specifically provided for herein:
- (1) **Signs Attached to Any Tree or Public Utility Pole** other than warning signs issued by public utilities.
 - (2) **Signs Using Bare-Bulb Illumination or Lighted** so that the immediate source of illumination is visible. This is not intended to prohibit the use of neon as a source of illumination.
 - (3) **Signs Using Flame** as a source of light.
 - (4) **Signs Designed or Used for the Purpose of Emitting Sound or Dispersing Smells.**

710.240

RETAIL SALES AND SERVICE

- A. **Characteristics.** Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.
- B. **Accessory Uses.** Accessory uses may include offices, storage of goods, manufacture or repacking of goods for on-site sale, and parking.

C. **Examples.** Examples include uses from the four subgroups listed below:

- (1) **Product-oriented:** Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, videos, and food sales.
- (2) **Personal Service-oriented:** Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; quick photo finishing; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; and animal grooming.
- (3) **Entertainment-oriented:** Restaurants, cafes, delicatessens, taverns and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, and motels.
- (4) **Repair-oriented:** Repair of TV's, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop-off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

D. **Exceptions.**

- (1) Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
- (2) Sales of landscape materials, including bark chips and compost, is classified as Industrial Service.
- (3) *Sales, rental, lease*, repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.
- (4) Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.

- (5) Hotels, restaurants, and other services which are part of a truck stop are considered an accessory to the truck stop which is classified as Industrial Service.

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