

- c. Landscape strips along a street may be pierced by pedestrian and vehicular accessways. Landscape strips along a street shall be landscaped according to the standards in EC 9.6210(2) Low Screen Landscape Standard (L-2). **(See Figure 9.6420(3)(c)1. Parking Area Landscaping Along a Street and Figure 9.6420(3)(c)2. Parking Area Landscaping Along a Driveway Entrance.)**
2. Parking area driveway entrances, except at alleys, shall be provided with a landscape strip at least 7 feet in width, measured from the outside edges of 6 inch wide curbs, and the full length of the parking stall, between the entry drive and the parking area to heighten entryway visibility and improve parking area circulation. Entrance driveway landscape strips shall be landscaped according to the standards in EC 9.6210(2) Low Screen Landscape Standard (L-2) except the height of the low screen within vision clearance area shall not exceed 18 inches. **(See Figure 9.6420(3)(c)2. Parking Area Landscaping Along a Driveway Entrance.)**
- (d) Perimeter Parking Area Landscaping.
  1. Along the perimeter of the parking area, except for developments within a /TD overlay zone, a landscape strip, at least 7 feet in width, measured from the outside edge of a 6 inch wide curb, shall be provided. The landscape strip may be pierced by pedestrian and vehicular accessways. Where abutting lots share parking and/or loading areas, the perimeter of these shared areas shall be considered the outside of the functional areas. Perimeter landscaping shall not be required along the interior lot lines of the 2 lots that are sharing parking and/or loading areas.
  2. On development sites 22,000 square feet or larger with a /TD overlay zone, parking lots abutting an interior lot line, other than an alley, shall provide a landscape strip, at least 5 feet in width measured from the outside edge of a 6 inch wide curb, between the property line and the parking area. Development sites less than 22,000 square feet with the /TD overlay zone are not required to provide perimeter parking area landscaping.
  3. All parking areas shall provide perimeter landscaping according to the following standards:
    - a. Parking areas adjacent to property that is zoned residentially shall provide perimeter landscaping along interior yards according to EC 9.6210(3) High Screen Landscape Standard (L-3). Where loading areas abut property zoned residentially, a barrier shall be provided between the 2 uses according to EC 9.6210(4) High Wall Standard (L-4).
    - b. Parking areas adjacent to property that is not zoned residential shall provide perimeter landscaping according to EC 9.6210(2)

## Low Screen Landscape Standard (L-2).

(e) Interior Parking Area Landscaping.

1. In addition to the landscaping required in subsections (c) and (d), landscaping shall be provided within the interior of surface parking areas for 50 or more motor vehicles so as to:
  - a. Improve the visual qualities of these areas.
  - b. Delineate and define circulation movements of motorists and pedestrians.
  - c. Improve air quality.
  - d. Encourage energy conservation by moderating parking area microclimates.

Parking area landscaping shall be provided according to Table 9.6420(3)(e)3. Interior Parking Area Landscaping.

Table 9.6420(3)(e) Interior Parking Area Landscaping	
Total Number of Spaces in Parking Area	Minimum Interior Parking Area Landscape Area
50 to 99 spaces	15 square feet per parking space
100 or more spaces	22 square feet per parking space

2. A continuous landscape strip or raised pedestrian path shall be provided between every 4 rows of parking. The landscape strip or pedestrian path shall be a minimum of 7 feet in width, measured from the outside edge of a 6 inch wide curb. (See Figure 9.6420(3)(e)2. **Interior Parking Area Landscaping.**)
  3. Planting islands shall be provided at the ends of each parking row and at intervals within parking rows so that no parking stall is more than 45 feet from a planting island. Planting islands shall be at least 7 feet in width, as measured from the outside edge of a 6 inch wide curb, and a minimum area of 140 square feet. Each of these islands shall provide at least 1 canopy tree. (See Figure 9.6420(3)(e)3. **Parking Area Interior Planting Islands.**)
- (f) Structured Parking.
1. Along the perimeter of the non-commercial portion of structured parking, a landscape strip, a minimum of 5 feet in width, shall be provided between the property line and the structure wall. This standard does not apply to property lines abutting an alley.
  2. Structured parking landscape strips shall be planted with shrubs and trees according to EC 9.6210(3) High Screen Landscape Standard (L-3).
- (4) **Lighting.** Parking area lights shall conform with the standards in EC 9.6725 Outdoor Lighting Standards.
- (5) **Loading and Service Drives.**
- (a) When 3 or more parking spaces or 1 or more loading spaces are provided

on a development site, except those in conjunction with one-family or two-family residences on a single lot and those located along alleys, they all shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide safety for traffic ingress and egress, and safety of pedestrian and vehicular traffic on the site. In no case shall two-way and one-way driveways be less than 20 feet wide and 12 feet wide respectively. Up to 2 existing parking spaces serving an existing one- or two-family residence are not included in the total number of spaces at the time of redevelopment, if the existing spaces are in a different location than new parking spaces and the one- and two-family residences will remain on the development site.

(b) No service drive is required for parking spaces located along alleys.

**(6) Surfacing and Bumpers.**

(a) All parking areas that contain 3 or more parking spaces, access aisles, service drives, or loading areas on a development site, except those in conjunction with one-family or two-family residences, shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete or other approved materials. Other approved materials may include pervious paving materials.

(b) Areas on a development site used for the outdoor sale of vehicles are required to be paved, except for areas used for the sales or storage of tracked heavy equipment, mobile homes, or manufactured homes. A paved access aisle a minimum of 12 feet in width is required adjacent to all unpaved long-term vehicle storage spaces.

(c) All parking areas that contain 3 or more parking spaces on a development site or have outdoor vehicle sales, except those required in conjunction with a 1 family or 2 family dwelling, shall provide a substantial bumper at least 2 feet from the protected area that will prevent vehicles from encroachment on abutting property or into required landscape beds or required pedestrian paths.

(Section 9.6420, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6430 Shared Off-Street Parking.** When 2 or more uses share common parking facilities, the total number of parking spaces required shall be the sum of spaces required for those uses individually unless an adjustment is authorized pursuant to the criteria of EC 9.8030(10)(d) of this land use code.

(Section 9.6430, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6435 Special Event Permanent Parking Facilities.**

- (1) **Applicability.** Special event parking provisions shall be applied only to parking lots in the PL Public Land zone with 1000 or more spaces on which special events such as fairs, equipment displays, and community festivals are regularly scheduled.
- (2) **Professional Coordinator and Design Team.** A professional coordinator, licensed in the State of Oregon, to practice architecture, landscape architecture or engineering, or an American Institute of Certified Planners member in good standing shall ensure that required plans are prepared and executed. The professional coordinator shall also be the liaison between the applicant and the city. A design team, consisting of an architect, a landscape architect, an engineer, and a land surveyor, shall be designated by the professional coordinator to prepare appropriate plans. Each team member shall be licensed to practice in the State of Oregon.
- (3) **Allowed Adjustment to Parking Lot Design and Landscaping Standards.** Except as otherwise stated in these regulations, general parking area screening and landscape standards, and site planning provisions pertaining to pedestrian circulation, sidewalk design, height of light standards, minimum number of trees, parking area entrance driveways, visual breaks, loading and delivery areas, minimum interior parking area landscaping, interior area landscape strips, and planting islands locations and sizes may be adjusted subject to a finding of consistency with the criteria for adjustment of EC 9.8030(10)(d) of this land use code.
- (4) **Pedestrian Path Design.** Routes to and through parking lots shall be clearly established by striping or shall be constructed with a different paving material to reduce conflict between pedestrians and auto traffic, and to designate motor vehicle routes.
- (5) **Parking Lot Lights.** Parking lot lights shall conform to the standards in EC 9.6725 Outdoor Lighting Standards.
- (6) **Minimum Number of Trees.** Trees shall be provided on the development site in the amounts described in EC 9.6420(3)(b), but need not be evenly distributed throughout the parking area.

(Section 9.6435, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6440 Adjustments to Motor Vehicle Parking and Loading Standards.** Adjustments may be made to the standards in EC 9.6410 through 9.6435 if consistent with the criteria in EC 9.8030(10) Motor Vehicle Parking and Loading Standards Adjustments of this land use code.

(Section 9.6440, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

## Public Improvement Standards

### 9.6500 Easements.

- (1) The city may require the dedication of easements for wastewater sewers and other public utilities, and for access thereto for maintenance, of a sufficient width to meet the intended use, provided the city makes findings to demonstrate consistency with constitutional requirements.
- (2) Easements may be required along lot or parcel rear lines or side lines, or elsewhere as necessary to provide needed facilities for present or future development of the area.
- (3) No building, structure, tree, or other obstruction shall be placed or located on or in a public utility easement. Prior to approval of a final PUD, final site review plans, or final plats, there shall appear thereon a restriction showing compliance with this subsection.

(Section 9.6500, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

### 9.6505 Improvements - Specifications. All public improvements shall be designed and constructed in accordance with adopted plans and policies, the procedures specified in Chapter 7 of this code, and standards and specifications adopted pursuant to Chapter 7 of this code. Additionally, all developments shall make and be served by the following infrastructure improvements:

- (1) **Water Supply.** All developments shall be served by the water system of the Eugene Water & Electric Board.
- (2) **Sewage.** All developments shall be served by the wastewater sewage system of the city, complying with provisions in Chapter 6 of this code.
- (3) **Streets and Alleys.** The developer shall grade and pave all streets and alleys in the development site and, except for applications proposing needed housing, the city manager may require the developer to pave streets and alleys that are impacted by the development. All paving shall be to the width specified in EC 9.6870 Street Width and provide for drainage of all such streets and alleys, and construct curbs and gutters within the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies. Private streets and alleys are prohibited unless the developer can demonstrate to the satisfaction of the planning director that a public street is not necessary for compliance with this land use code and EC 9.6815 Connectivity for Streets. Private streets shall be designed and constructed according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code.
- (4) **Sidewalks.** Sidewalks shall be located, designed and constructed according to the provisions of this land use code, the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways, construction and design

standards adopted pursuant to Chapter 7 of this code, and other adopted plans and policies.

- (5) **Bicycle Paths and Accessways.** Bicycle Paths and Accessways shall be designed and constructed according to provisions of this land use code, the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways, construction and design standards adopted pursuant to Chapter 7 of this code, and other adopted plans and policies.

(Section 9.6505, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

**9.6510 Stormwater Drainage.** Except for applications proposing needed housing, the city manager may require the applicant to provide adequate drainage for new development by constructing storm water drainage facilities and dedicating to the public easements approved by the city as adequate for the drainage needs of the area, provided the city makes findings to demonstrate consistency with constitutional requirements. Stormwater drainage facilities shall be designed and constructed according to adopted plans and policies, and in accordance with standards in Chapters 6 and 7 of this code. The conveyance of ownership or dedication of easements may be required in any of the following circumstances:

- (1) (a) Except for areas on the city's acknowledged Goal 5 inventory, where the subject property in the proposed development is or will be periodically subject to accumulations of surface water or is traversed by any open drainage way, headwater, stream, creek, wetland, spring, or pond, including those not maintained by the city which drain onto or from city-owned property or into city maintained facilities.
- (b) For areas on the city's acknowledged Goal 5 inventory, where the subject property in the proposed development is or will be periodically subject to accumulations of surface water or is traversed by any water course or channel.
- (2) Where necessary to extend public drainage facilities and services to adjoining undeveloped property.
- (3) To provide necessary drainage from the public right-of-way.

(Section 9.6510, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

## Sign Standards

**9.6600** **Purpose of Sign Standards.** The purpose of sections 9.6600 through 9.6680 is to establish standards for the design, quality of materials, construction, size, number, location, electrification, illumination, installation and maintenance of all signs and sign structures not located within a building. The regulations are not intended to, and do not restrict, the content of sign messages. The primary basis for the sign standards are:

- (1) Private signs make use of a public resource by seeking to communicate with persons using the public right-of-way. It is necessary to regulate such signs to assure that they do not interfere with other uses of the public right-of-way.
- (2) It is necessary to the public safety that official traffic regulation devices be easily visible and free from nearby visual obstructions and distractions, such as flashing signs, an excessive number of signs, or signs in any way resembling official signs.
- (3) It is necessary to regulate the number, type and location of signs to implement the Metro Plan, such as preserving views of natural land features, waterways, and distinct local and neighborhood areas. Proliferation of signs seriously detracts from the pleasure of observing the natural scenic beauty and the human environment of the city.
- (4) It is necessary to protect residential neighborhoods from the adverse impact that signs may have on the residential atmosphere.
- (5) It is necessary to regulate the size, type and location of signs to encourage the effective use of signs as a means of communication and to provide equality and equity among sign owners and those who wish to use signs.
- (6) It is necessary to provide regulations that can be administered to allow sign owners and sign users the opportunity to realize the value of their investment and make as many of their own choices as possible while protecting the needs of the public.
- (7) The cumulative effect of numerous signs close to each other has a detrimental impact which can not be addressed in any way other than by limiting the number and size of all signs.

(Section 9.6600, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6605** **Reconciliation.** In any case where a part of the sign standards are found to be in conflict with a provision of this land use code or a building, fire, safety or health statute, ordinance, or rule, the provision which establishes a stricter standard shall prevail. In any case where a provision of the sign standards is found to be in conflict with a provision of any other city ordinance or state structural specialty code that establishes a standard less likely to promote the purposes of the sign standards, to the extent allowed by law the provisions of the sign standards shall prevail.

(Section 9.6605, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6610 Exemptions to Sign Standards.**

- (1) Except as provided in subsection (2) of this section, the following signs are exempt from the requirements of EC 9.6600 through 9.6680, and are exempt from the requirement to obtain a sign permit:

Addresses. Number and street name of any size. (Addresses are regulated per EC 8.005(21) Numbering of Structures and Premises and Fire Code 901.4.4 Premise Identification.)

Conference and Convention Banners. One banner may be installed on the exterior wall of a hotel, motel, convention center or auditorium where an event is being held. The banner may be installed up to 7 days before the event and may remain in place up to 3 days after the event. It shall be a flat wall mounted sign, and may be up to 120 square feet in surface area.

Contractor Signs. One sign per contractor while a development permit is active and work is proceeding on the premises.

Flags. Up to 3 flags may be flown or displayed on each development site.

Hand Held Signs. Hand carried signs of 9 square feet or less in area, worn or carried by an individual.

Historical Agency Plaques. Plaques or historical markers placed by historical agencies or organizations recognized by the city.

Historic Property Signs. Signs constructed or maintained on historic property, as defined in this land use code, which signs are otherwise subject to regulation because of their location on historic property.

Holiday Decorations. Holiday lights and decorations in place during the period between November 15 and January 15.

Mall Vending. Signs for mall permits issued per private commerce on public property (Admin Rule R-3.336).

Message Boards. One sign per business for the purpose of communicating to persons on the development site, such as a drive through menu sign or building directory. Such a sign may be up to 6 feet in height and up to 40 square feet in area.

Murals. Painted wall highlights, wall decorations and other murals.

Parking Lot Signs. Signs up to 3 square feet in area and up to 5 feet in height constructed or placed within a parking lot for the purpose of directing traffic, parking, and towing. (Towing signs are regulated per EC 5.540 Signs Required for Parking Facilities Before Citing or Towing Unauthorized Vehicles.)

Public Signs. 1) Signs constructed or placed in a public right-of-way by or with the approval of a governmental agency having legal control or ownership over the right-of-way; 2) Signs owned or constructed under the direction or authorization of the city, including, but not limited to, signs installed within parks and at natural resource areas within the NR Natural Resource Zone and PRO Parks, Recreation and Open Space Zone to account for entrances, trail signs, and markers; and 3) Signs placed by a public utility for the purpose of providing information concerning a pole, line, pipe or other facility belonging to



the public utility.

Real Estate Signs. One sign per street frontage, 12 square feet or less in area, located on the development site while the property is for sale or lease.

Signs During Elections. Signs 12 square feet or less in area, located on private property during the period from 60 days before to 5 days after any public election to be held in Oregon.

Stadium Signs. Signs located within a sports stadium which are intended for viewing primarily by persons within such stadium, where the stadium is enclosed by a site obscuring fence or wall at least 6 feet in height.

Temporary Activities Signs. Signs located on the lot where the temporary activity is occurring and which are not in vision clearance areas or the public right of way.

Traffic Directing Signs. The owner or lessor of private property may construct 1 sign at each entrance to the property and at each entrance to a building on the property for the purpose of providing direction to vehicular or pedestrian traffic. Except for signs painted on paved surfaces, each sign shall not exceed 3 square feet of surface area and shall be no more than 30 inches in height, if located in a vision clearance triangle as defined in EC 9.6780 Vision Clearance Area. If the sign is located outside a vision clearance triangle, then the sign shall be no more than 5 feet in height.

Transit Signs. Signs identifying transit stops, facilities, and bus routes only. Transit signs shall not include commercial advertising at bus stops or on transit-oriented street furnishings.

Vehicular Signs. Any sign permanently or temporarily placed on or attached to a motor vehicle, where the vehicle is used in the regular course of business for purposes other than the display of signs, except taxis whose signage is regulated by EC 3.345 Public Passenger Vehicle Services - License and/or Permit Required.

Vending Machine Signs. Any sign which forms an integral part of a machine used to dispense goods to consumers.

Wall Signs, Small. Wall signs with no interior illumination, a surface area of 6 square feet or less and which are 8 feet or less above grade, intended for persons already on the development site.

Warning Signs. Any public notice or warning required by a valid and applicable federal, state or local law, regulation, or ordinance, and emergency warning signs erected by a governmental agency, utility company or a contractor doing authorized or permitted work within a public right-of-way. Use of the signs listed in this subsection does not affect the number or type of signage otherwise allowed under EC 9.6000 through 9.6680 of this land use code.

(2) No sign is exempt from the provisions of:

- (a) EC 9.6615 Prohibited Signs,
- (b) EC 9.6620 Nonconforming Signs, or

(c) EC 9.6640 General Provisions,

unless specifically exempted under one of those provisions.

(Section 9.6610, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6615 Prohibited Signs.** Except where qualified as a nonconforming sign, the following signs are unlawful and are declared to be nuisances:

- (1) Any sign constructed or maintained which, by reason of its size, location, movement, coloring or manner of illumination may be confused with or construed as a traffic control device or which hides from view any traffic control device.
- (2) Any sign written or placed upon or within a motor vehicle with the primary purpose of providing a sign not otherwise allowed by the sign standards.
- (3) Any sign constructed, maintained or altered in a manner not in compliance with the sign standards.
- (4) Balloons and banners (pursuant to EC 9.6605 Reconciliation, flags, conference and convention banners, and signs permitted as public signs are not included within this prohibition);
- (5) Decorative laser signs, search lights, and flashing signs, except electronic message centers;
- (6) Inflatable signs other than balloons;
- (7) Portable signs, except warning signs as permitted by EC 9.6605 Reconciliation;
- (8) Strings of lights not permanently mounted to a rigid background or otherwise qualified as holiday decorations; and
- (9) Signs in the public right-of-way not authorized by a governmental agency.

(Section 9.6615, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

**9.6620 Nonconforming Signs.**

- (1) Nonconforming signs may be maintained subject to the following conditions:
  - (a) No additions or enlargements may be made to a nonconforming sign except additions or enlargements required by law.
  - (b) If any nonconforming sign is moved, voluntarily or involuntarily, that sign shall thereafter conform to the requirements of the sign standards as a newly constructed sign.
  - (c) Any sign which is constructed to replace a nonconforming sign shall be constructed in compliance with all applicable provisions of the sign standards.
- (2) Whenever a nonconforming sign is damaged or destroyed to the extent of 50 percent or less of its value as of the last date of use, it may be restored and the use of the sign which existed at the time of the damage or destruction may be continued, if such restoration is started within a period of 90 days of such damage or destruction and is diligently pursued thereafter.

- (3) Except where only a change in display copy is made, any nonconforming sign which is structurally altered or has illumination installed shall be brought into compliance with all applicable provisions of the sign standards within 90 days and shall thereafter be kept in compliance with the sign standards.
- (4) Nothing in this section shall be deemed to prevent the maintenance of any sign, or regular manual changes of sign copy on a sign intended for such purposes.
- (5) The provisions of subsection (6) of this section and subsection (2) of EC 9.6635 Approval of Permit Application do not apply to signs in existence pursuant to a validly issued sign permit as of July 1, 1990, along Goodpasture Island Road from a point 300 feet north of the intersection with Valley River Way to a point 1400 feet north of the intersection. The provisions of subsection (2) of this section shall apply except that restoration of a damaged sign shall be allowed where a sign is damaged to the extent of 100 percent of its value. All other provisions of this section shall apply.
- (6) All signs with a surface area of 200 square feet or greater shall be removed or brought into compliance with this land use code by April 1, 2003.

(Section 9.6620, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6625 Permit Required.**

- (1) Except as provided in EC 9.6610 Exemptions to Sign Standards, no person shall construct any sign unless a sign permit for that sign has been issued by the city. A sign permit for the construction and continued use of a sign shall be subject to the terms and conditions stated in the permit and to the sign standards.
- (2) Maintenance of a sign or sign structure shall not require a sign permit.
- (3) Failure to abide by the terms of a sign permit or applicable provisions of the sign standards shall invalidate a sign permit. The building and permit services manager may take such steps as are necessary to abate such a sign as a public nuisance.

(Section 9.6625, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6630 Permit Application.**

- (1) An application and related information shall be submitted by the applicant, in a manner prescribed by the city, together with a fee established by the city manager as provided by EC 2.020 City Manager - Authority to Set Fees and Charges. When a person begins construction of a sign requiring a sign permit before such a permit is approved, the permit fee shall be doubled. Payment of a double permit fee shall not otherwise exempt the person from liability for other penalties prescribed for a violation of the sign standards.
- (2) No application shall be considered, nor a permit issued until the applicant has submitted a complete application, including a set of plans for the proposed sign and structural calculations where required. A complete application shall be an application where all required information is provided to allow the city to make

a determination on the application. If a sign permit application is not determined complete by the city within 180 days of submittal, it shall expire.

- (3) When required, the applicant shall submit proof that work will be done by a contractor licensed in compliance with local or state law to perform the specialized tasks required for construction of the proposed sign.

(Section 9.6630, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6635 Approval of Permit Application.**

- (1) The building and permit services manager shall approve a sign permit upon finding that the applicant has met all requirements of the sign standards.
- (2) No permit shall be approved for the construction of a sign where the applicant or business occupant intending to use the proposed sign presently owns or uses a nonconforming sign in conjunction with a business located at the development site proposed as the location of the new sign.
- (3) No permit shall be issued for a use which is not allowed in the zone in which the development site is located.
- (4) An approved sign permit shall expire 180 days after the applicant has been notified of the permit approval unless the applicant has paid all fees and the approved permit has been issued to the applicant.
- (5) Unless the permit holder requests an extension of the permit and demonstrates good cause for such an extension, a sign permit shall expire if the sign construction or other work authorized by a sign permit is not completed within 180 days after the date of issue.
- (6) No sign construction shall be considered finally complete until the permit holder has notified the city that work is finished and the city has inspected the sign and is satisfied that the sign construction has been completed in conformity with the approved plans and otherwise complies with the sign standards.
- (7) If a permit is denied, the applicant shall receive a notice of denial in writing, setting forth the reasons for the denial.
- (8) A decision granting or denying a sign permit may be appealed to a hearings official. Appeals are processed according to other Type II applications beginning at EC 9.7200 General Overview of Type II Application Procedures. The decision of the hearings official is final.

(Section 9.6635, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6640 General Provisions.**

- (1) **Compliance with the Uniform Building Code.** All signs requiring a development permit shall be constructed in accordance with the State of Oregon Structural Specialty Code in effect at the time of permit application submittal.
- (2) **Limitation of Sign Types.** All signs not expressly permitted under the sign standards or exempt from regulation in accordance with EC 9.6610 Exemptions to Sign Standards are prohibited.

- (3) **Calculation Standards.** For purposes of calculation of all areas and distances under the sign standards, the following apply:
- (a) **Street Frontage.** Except as otherwise provided, the limitations on numbers of signs permitted on a development site is based on the development site having only 1 street frontage. Development sites fronting on 2 or more streets are allowed the number of signs permitted for each street frontage. However, the total number of signs that are oriented toward a particular street may not exceed the portion of the development site's total sign allocation that is derived from the frontage on that street.
  - (b) **Perimeter Walls.** The exterior wall of a building shall be measured at the floor level of each floor, including the ground floor. Alcoves, entryways and extruding portions shall be treated by measuring through such areas as though along the flat wall of a building. The length of each perimeter wall shall be the average of the floor lengths on that wall. (See Figure 9.6640(3)(b) Perimeter Wall Area for Sign Standards.)
  - (c) **Back-to-Back Sign Area.** When 2 sign faces supported by the same sign structure are placed back-to-back, the sign surface area shall be the area of the larger sign. As used herein, back-to-back means signs which face in opposite directions and are parallel or form an angle of no greater than 30 degrees.
  - (d) **Sign Area.** The area of all sign elements which together convey a single, complete message shall be combined and considered as a single sign. The area of a sign face shall be the entire area of each sign element included within a single, continuous perimeter which encloses the extreme limits of a sign, except for trim or structural elements lying outside all portions of the sign devoted to display, and in no case passes through or between any adjacent elements of the sign. Irregularly shaped signs or elements of a sign shall be measured in increments of 1 foot. (See Figure 9.6640(3)(d) Sign Area Calculation.)
  - (e) **Rotating Signs.** For rotating signs, each side or element containing display copy shall be counted in the total allowable sign area.
  - (f) **Sign Height.** The sign height is the vertical distance from the grade to the highest point of a sign or sign structure. All sign heights, including roof signs, shall be measured from the grade. (See Figure 9.6640(3)(f) Sign Height Calculation.)
- (4) **Location Standards.**
- (a) **Setbacks.** All signs shall comply with the setback requirements beginning at EC 9.2000 through EC 9.3915 and EC 9.6745 Setbacks - Intrusions Permitted. Signs may be installed up to 5 feet into the required front yard setback except that freestanding signs up to 5 feet in height in the I-1 zone may be installed at least 5 feet from the front property line.
  - (b) **Obstruction Prohibited.** No sign shall substantially obstruct the view of another sign when the obstructed sign is viewed from a distance of 200 feet along the closest sign-facing travel lane in the public right-of-way.
  - (c) **Projecting Over the Public Way.** Except as specified in EC 9.6670 Central Commercial Sign Standards, no privately owned sign may project over any

public right-of-way.

- (d) Vision Clearance. Signs must comply with vision standards where vehicular, bicycle and pedestrian travel intersect as specified in EC 9.6780 Vision Clearance Area. (See also EC 9.6255 Vision Clearance Area Landscaping.)

**(5) Construction Standards.**

- (a) Structural Design. Signs shall comply with adopted state building codes.
- (b) Clearance Over Pedestrian Way. The minimum clearance of all signs projecting over a pedestrian way shall be 8 feet except that where a marquee projects more than 2/3 of the distance from the property line to the curb, the minimum clearance shall be 12 feet.
- (c) Clearance Over Vehicle Use Area. The minimum clearance of all signs projecting over any portion of a vehicle use area shall be 16 feet. Bollards or other physical barriers capable of protecting all portions of the sign projecting over the vehicle use area may be used to satisfy this standard.
- (d) Rotating Signs. No sign shall rotate or have a rotating or moving part or parts that revolve at a speed in excess of 2 revolutions per minute. Readerboard signs shall not rotate.
- (e) Roof Signs. Roof signs shall be mounted so that the bottom of the roof sign is not more than 1 foot above the surface of the roof or parapet wall at the sign location.
- (f) Wall Signs. Wall signs shall project a maximum of 12 inches when the wall sign is more than 8 feet above grade and a maximum of 4 inches when the wall sign is less than 8 feet above grade.

**(6) Illumination Standards.**

- (a) Maximum Exposed Illumination. No single light source element which exceeds 15 watts shall be used in connection with a sign or to illuminate a sign in a way which exposes the face of the bulb, light or lamp when viewed from a public street.
- (b) Glare Reduction. No sign shall be illuminated or use lighting where such lighting is directed at any portion of a traveled street or will otherwise cause glare or impair the vision of the driver of a motor vehicle or otherwise interfere with the operation thereof. Exterior illumination shall be top mounted and shielded to aim light downward only.
- (c) Illumination From Signs on Nonresidential Property. Illumination resulting from all signs and lighting on any property in a non-residential zone shall not exceed 2 foot candles at a height of 5 feet when measured at any point on property in a residential zone. External illumination shall be shielded so that the light source elements are not directly visible from property in a residential zone which is adjacent to or across a street from the property in the non-residential zone.
- (d) Illumination From signs on Residentially Zoned Property. No internally illuminated sign shall be allowed on property in a residential zone. Lighting from all light sources operated for the purposes of sign

illumination on property in a residential zone shall be shielded from other property in the residential zone and shall not be more than 2 foot candles at the closest street or property line.

- (7) **Readerboard Standards.** Except as specified in EC 9.6670 Central Commercial Sign Standards, no sign within 15 feet of a street property line shall have a proportion greater than 40 percent of the sign face used as a readerboard sign.
- (8) **Maintenance.** All signs, together with all of their supports, braces, guys, anchors and electrical equipment, shall be kept fully operable, in good repair and maintained in safe condition, free from excessive rust, corrosion, peeling paint or other surface deterioration.
- (9) **Electronic Message Centers.** Except electronic message centers operated as public signs by governmental agencies, no electronic message center, or portion of a sign used as an electronic message center, shall be larger than 3 square feet in area, display a message containing more than 5 characters, or change the displayed message at intervals of less than once every 3 seconds. No electronic message center, except for temporary construction use, shall exceed a maximum one-hour equivalent A-weighted sound pressure level of 50 dBA at the receiving property line when the receiving property is occupied by a dwelling, hospital, school, library or assisted care center.

(Section 9.6640, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

**9.6645 Applicability of Sign Standards.**

- (1) No sign permit shall be issued for any sign unless specifically identified as an allowed sign use under the terms of the applicable sign standards or otherwise allowed a permit under EC 9.6620 Nonconforming Signs or EC 9.6610 Exemptions to Sign Standards.
- (2) Except as otherwise specified, signs located on property zoned S Special Zone shall be subject to the provisions of:
  - (a) EC 9.6650 Residential Sign Standards, if the use thereon is primarily characterized as residential,
  - (b) EC 9.6680 Industrial Sign Standards, if industrial, or
  - (c) EC 9.6660 General Commercial Sign Standards.
- (3) Property within an area subject to a change in zoning shall be governed by the provisions of the sign standards applicable to the new zone upon the effective date of the order amending the zoning map or part of said map. Completed applications for sign permits made before the effective date of the zone change will be considered under the provisions of the sign standards applicable to the zone existing at the time the application was submitted. All legally established signs which are not in compliance with the provisions of the sign standards applicable to the new zone applied shall be considered legal nonconforming signs.
- (4) Except as otherwise specified, signs located on property subject to a new zoning

classification created after August 1, 2001 shall be included in and subject to the provisions of EC 9.6650 Residential Sign Standards.

- (5) For the purpose of these sign standards, tax lots or development sites with no street frontage shall be considered to have one street frontage.

(Section 9.6645, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6650 Residential Sign Standards.** The residential sign standards are hereby created and applied to all land zoned as set forth below. Signage is limited to preserve the character of the area by allowing signs only for residential purposes and for non-residential uses allowed in the applicable zone.

- (1) **Corresponding Zones.** The provisions of this section apply to all property lying within the following zones: AG, NR, PRO, R-1, R-1.5, R-2, R-3, and R-4.
- (2) **Permitted Sign Types.** Signs allowed under residential sign standards are limited to the following types:
  - (a) Awning signs;
  - (b) Freestanding signs;
  - (c) Readerboards; and
  - (d) Wall signs.
- (3) **Maximum Number of Signs.** The number of signs residential sign standards allow is based on the number of street frontages and is limited to no more than the following amounts for each street frontage:
  - (a) One wall sign per dwelling unit used as a single family dwelling.
  - (b) One freestanding, wall or awning sign for each development site used for multiple family dwellings.
  - (c) One permanent subdivision or planned unit development sign for each development site used or planned as a subdivision or planned unit development.
  - (d) One temporary subdivision sign or planned unit development sign for each development site planned or used as a subdivision or planned unit development. Such temporary sign must be constructed in connection with the offer for sale of any parcel or unit and may remain in place for 1 year, subject to renewal for no more than 1 additional year at a time where parcels or units remain unsold.
  - (e) One freestanding, wall, or awning sign for each development site used for non-residential purposes.
- (4) **Maximum Sign Area.** The residential sign standards apply the following size limitations:
  - (a) Freestanding Signs.
    1. Located on property used for residences other than one- or two-family dwellings shall be no more than 12 square feet for 1 face and 24 square feet for 2 or more faces.
    2. Located on non-residentially used property or classified as a



permanent subdivision or planned unit development sign shall be no more than 32 square feet for 1 face and 64 square feet for 2 or more faces.

3. Classified as temporary subdivision or planned unit development sales signs shall be no more than 64 square feet in area for 1 or more faces.

(b) Wall and Awning Signs.

1. Located on property used for single family dwellings shall be no more than 1.5 square feet in area.
2. Located on property used for multiple family dwellings shall be no more than 12 square feet in area.
3. Located on property used for non-residential purposes shall be no more than 32 square feet in area for 1 or more faces.
4. Classified as a permanent subdivision or planned unit development sign shall be no more than 32 square feet for 1 face and 64 square feet for 2 or more faces.
5. Classified as a temporary subdivision or planned unit development sign shall be no more than 64 square feet for 1 or more surfaces.

- (5) **Maximum Height.** All freestanding signs shall be no more than 5 feet in height, except temporary subdivision signs, which shall be no more than 8 feet in height.

(Section 9.6650, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6655** **General Office Sign Standards.** The general office sign standards are hereby created and applied to all land as set forth below. Signs are regulated to accommodate the office buildings and other public uses that are commonly located within these zones and because of the proximity of residential areas.

- (1) **Corresponding Zones.** The provisions of this section apply to all property located within the following zones: GO and PL.
- (2) **Permitted Sign Types.** Signs allowed under general office sign standards shall be limited to the following types:
  - (a) Awning signs;
  - (b) Electronic message centers;
  - (c) Freestanding signs;
  - (d) Marquee signs;
  - (e) Readerboards;
  - (f) Under-marquee signs; and
  - (g) Wall signs.
- (3) **Maximum Number of Signs.** The number of signs the general office sign standards allow shall be based on the number of street frontages and shall be limited to no more than the following amounts for each street frontage:
  - (a) One freestanding sign per occupied building;
  - (b) One under-marquee sign per business occupant; and
  - (c) One awning, marquee or wall sign per business occupant.

(4) **Maximum Sign Area.** In addition to all other standards, the general office sign standards shall apply the following size limitations:

- (a) A freestanding sign shall be no more than 32 square feet for 1 face and 64 square feet for 2 or more faces.
- (b) The sum of the area of all wall signs, marquee signs and awning signs on any wall where the general office sign standards apply shall be limited to 0.5 square feet times the length of the perimeter wall upon which the signs are located.
- (c) No awning, marquee, under-marquee, or wall sign may exceed 100 square feet per face.

(5) **Maximum Height.** A freestanding sign shall be no more than 8 feet in height. (Section 9.6655, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6660 General Commercial Sign Standards.** The general commercial sign standards are hereby created and applied to all land as set forth below. Sign limitations reflect the commercial nature of the area and the amount of vehicular traffic.

(1) **Corresponding Zones.** Except as otherwise provided in the shopping center and highway commercial sign standards, the provisions of this section apply to all property located within the following zones: C-1, C-2, or C-4.

(2) **Permitted Sign Types.** Signs allowed under these standards shall be limited to the following types:

- (a) Awning signs;
- (b) Electronic message centers;
- (c) Freestanding signs;
- (d) Marquee signs;
- (e) Readerboards;
- (f) Roof signs;
- (g) Under-marquee signs; and
- (h) Wall signs.

(3) **Maximum Number of Signs.** The number of signs general commercial sign standards allow shall be based on the number of street frontages and shall be limited to no more than the following amounts for each street frontage:

- (a) If the development site is occupied by only 1 business occupant:
  - 1. One under-marquee sign, and
  - 2. One awning, marquee, or freestanding sign.
  - 3. The business occupant may substitute 2 wall signs on separate walls, or 2 single-faced roof signs, or 1 wall and 1 single-faced roof sign for the free-standing sign permitted in paragraph (a)2. of this subsection.
- (b) If the development site is occupied by more than 1 business occupant:
  - 1. One under-marquee sign per business;
  - 2. One awning, marquee or wall sign per business; and,
  - 3. One freestanding sign, or 2 single-faced roof signs, or 2 additional wall signs, or 1 additional wall sign and 1 single-faced roof sign per

development site, provided that such additional wall signs are placed on separate walls.

- (4) **Maximum Sign Area.** In addition to all other standards, the general commercial sign standards shall apply the following size limitations:
- (a) Freestanding signs and roof signs shall not exceed 40 square feet in area for 1 face and 80 square feet in area for 2 or more faces for each business occupant on a development site. The maximum sign area when 2 business occupants are on the development site shall not exceed 80 square feet for 1 face or 160 square feet for 2 or more faces. The maximum sign area when 3 or more business occupants are on the development site shall not exceed 100 square feet for 1 face and 200 square feet for 2 or more faces.
  - (b) Wall, awning, marquee and under-marquee signs:
    - 1. The sum of the area of all wall signs, marquee signs and awning signs on any wall where the general commercial sign standards apply shall be limited to 1.5 square feet times the length of the perimeter wall upon which the signs are located.
    - 2. No sign shall exceed 100 square feet per face or 200 square feet for 2 or more faces.
- (5) **Maximum Height.** All freestanding signs and roof signs shall be no more than 20 feet in height.

(Section 9.6660, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6665 Shopping Center Sign Standards.** The shopping center sign standards are hereby created and applied to all land as set forth below. Sign limitations in these standards accommodate the special commercial character of these areas and the residential areas which are close to most shopping centers.

- (1) **Corresponding Zones.** The provisions of this section apply to all property not regulated by the highway commercial sign standards on which a shopping center is located and which is within the following zones: C-1, C-2 or C-4.
- (2) **Permitted Sign Types.** Signs allowed under the shopping center sign standards shall be limited to the following types:
  - (a) Awning signs;
  - (b) Electronic message centers;
  - (c) Freestanding signs;
  - (d) Marquee signs;
  - (e) Readerboards;
  - (f) Roof signs;
  - (g) Under-marquee signs; and
  - (h) Wall signs.
- (3) **Maximum Number of Signs.** Except as provided in subparagraph (b) of this subsection, the number of signs shopping center sign standards allow shall be based on the number of street frontages and shall be limited to no more than the following amounts for each street frontage:

- (a) There shall be no limitation on the number of free-standing or roof signs, except that no freestanding or roof sign shall be placed within 200 feet of another freestanding or roof sign on that development site.
- (b) Two wall, marquee or awning signs per business occupant, however, no business occupant shall have more than 3 wall or awning signs regardless of the number of street frontages. If a second or third sign is located on the same wall, it may be no larger than 40 square feet.
- (c) One under-marquee sign per business occupant.
- (4) **Maximum Sign Area.** In addition to all other standards, shopping center sign standards shall apply the following size limitations:
  - (a) Awning, marquee and wall signs: the sum of the area of all such signs on any wall where the shopping center sign standards apply shall be limited to 1.5 square feet times the length of the perimeter wall upon which the signs are located.
  - (b) No freestanding or roof sign shall exceed 100 square feet of surface area for any 1 face and 200 square feet for 2 or more faces.
  - (c) Each wall, awning, marquee and under-marquee sign shall be less than 200 square feet for 1 face or less than 400 square feet for 2 or more faces.
- (5) **Maximum Height.** Freestanding and roof signs where the shopping center sign standards apply shall not be more than 20 feet in height.

(Section 9.6665, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6670 Central Commercial Sign Standards.** The central commercial sign standards are hereby created and applied to all property within the central commercial zones as set forth below. Signs are restricted in recognition of the high density usage of these areas, where pedestrian traffic is heavy and vehicular traffic is commonly limited.

- (1) **Corresponding Zones.** The provisions of this section apply to all property not regulated by the highway commercial sign standards which is zoned C-3, to property within the S-F 5th Street Special Zone, and to those portions of the S-RP Riverfront Park Special Zone which are not within 200 feet of the Franklin Boulevard center line.
- (2) **Permitted Sign Types.** Signs allowed under the central commercial sign standards shall be limited to the following types:
  - (a) Awning signs;
  - (b) Electronic message centers;
  - (c) Freestanding signs;
  - (d) Marquee signs;
  - (e) Projecting signs;
  - (f) Readerboards;
  - (g) Roof signs;
  - (h) Under-marquee signs; and
  - (i) Wall signs.
- (3) **Maximum Number of Signs.** The number of signs central commercial sign

standards allow shall be limited to no more than 1 electronic message center, freestanding, projecting sign, readerboard, or roof sign per development site street frontage. The number of allowed awning, marque, under-marque and wall signs is not limited.

(4) **Maximum Sign Area.** In addition to all other standards, the central commercial sign standards shall apply the following size limitations:

- (a) Freestanding, roof, and projecting signs shall be no more than 100 square feet for 1 face and 200 square feet for 2 or more faces.
- (b) Awning, marquee, under-marquee and wall signs shall be less than 200 square feet per face and less than 400 square feet for 2 or more faces.
- (c) The sum of the area of all signs, except under-marquee signs, shall be limited to 1.5 square feet times the number of floors in a building times the length of the building's perimeter walls. The area of wall, marquee, awning and projecting signs shall be calculated on the basis of the wall upon which the signs are located.
- (d) In any event, each development site without a building shall be allowed a maximum sign area of 50 square feet.

(5) **Maximum Height.** No freestanding or roof signs may be more than 20 feet in height.

(6) **Special Provisions.** The following signs are subject to special provisions:

- (a) Theaters may use readerboard signs. On theaters, there shall be no limit on the size of the readerboard sign.
- (b) Awnings, marquees and projecting signs may project over public rights-of-way, and shall require a revocable permit under Chapter 7 of this code, unless the projections are required by EC 9.4085(7).
  - 1. Awnings and marquees may project a maximum of 7 feet into the public right-of-way.
  - 2. Projecting signs may project a maximum of 4.5 feet into the public right-of-way.
  - 3. No sign may project into a public right-of-way to a point within 2 feet of the vertical plane of any street (curb face), alley or driveway.
  - 4. No sign may project into an alley clearance area. The "alley clearance area" is the area formed by a line drawn from the intersecting point of a sidewalk or other public way and a public alley at an angle of 30 degrees from the projection of the boundary of the alley into the intersecting public way. (See Figure 9.6670(6)(b) Projecting Sign Area.)
  - 5. No sign may project from a building at the corner of 2 streets more than 1 foot for every 5 feet of distance from the point where the building wall on which the sign is attached would intersect the curb if that wall extended to the curb. (See Figure 9.6670(6)(b) Projecting Sign Area.)

(Section 9.6670, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20271, enacted November 25, 2002, effective December 25, 2002.)

**9.6675 Highway Commercial Sign Standards.** The highway commercial sign standards are hereby created and applied to all land as set forth below. Signs in this area are regulated to accommodate the mixed uses of the areas and the presence of major streets with high traffic volumes.

- (1) **Corresponding Zones.** The provisions of this section apply to that property within the S-RP Riverfront Park Special Zone located within 200 feet of the Franklin Boulevard center line and to property within the C-1, C-2, C-3, C-4 or any industrial zone with frontage along the following named streets:
  - (a) Beltline Road from 11th Avenue to Roosevelt Boulevard;
  - (b) Broadway from Mill Street to Franklin Boulevard;
  - (c) Coburg Road from 6th Avenue to 200 feet north of Frontier Drive;
  - (d) Franklin Boulevard east from Broadway, including the north-south segment;
  - (e) Garfield Street from 11th Avenue to 5th Avenue;
  - (f) Goodpasture Island Road from Valley River Drive to 1,700 feet north;
  - (g) Highway 99 North;
  - (h) I-5 from Henderson Avenue to 300 feet north of Laurel Hill Drive;
  - (i) I-5 on the north side only, from 720 feet east of Henderson Avenue to 1,330 feet east of Henderson Avenue;
  - (j) I-105 from the Coburg interchange to Scout Access Road;
  - (k) Mill Street from Broadway to Coburg Road;
  - (l) Railroad Boulevard;
  - (m) 6th Avenue east of conjunction with Highway 99 North;
  - (n) 7th Avenue east of conjunction with Highway 99 North; and
  - (o) 11th Avenue from 200 feet east of the centerline of Chambers Street to Terry Street.
- (2) **Permitted Sign Types.** Signs allowed under the highway commercial sign standards shall be limited to the following types:
  - (a) Awning signs;
  - (b) Billboards;
  - (c) Electronic message centers;
  - (d) Freestanding signs;
  - (e) Marquee signs;
  - (f) Projecting signs;
  - (g) Readerboards;
  - (h) Roof signs;
  - (i) Under-marquee signs; and
  - (j) Wall signs.
- (3) **Maximum Number of Signs.** The highway signs standards shall have no limit on the number of signs permitted except that no freestanding or roof sign may be constructed within 200 feet of any other freestanding or roof sign on the development site, regardless of the number of street frontages.
- (4) **Maximum Sign Area.** In addition to all other standards, the highway sign standards shall apply the following size limitations:

- (a) Freestanding signs and roof signs shall not exceed 100 square feet in area for 1 face and 200 square feet for 2 or more faces.
  - (b) Notwithstanding any other provision except (5)(c) of this section, the sum of the area of all billboards, awning signs, marquee signs, projecting signs, and wall signs located on a single development site where the highway sign standards apply shall be limited to 1 square foot times the length of the perimeter wall upon which the signs are located. If not located on a wall, the area of any billboard located on the development site shall be included in the total sign area attributed to that site.
  - (c) No awning, marquee, under-marquee, projecting or wall sign may exceed 100 square feet for any 1 face, and no awning, marquee or projecting sign may exceed 200 square feet for 2 or more faces.
  - (d) Notwithstanding the number of street frontages, no business occupant shall use more than 1000 square feet of sign surface area, including billboards, at any single development site.
- (5) **Maximum Height.** All billboards, freestanding signs and roof signs shall be no more than 30 feet in height.
- (6) **Billboards.** Billboards shall be subject to the following standards:
- (a) Billboards located along the streets named in subsection (1)(b) through (1)(g) and (1)(k) through (1)(o) of this section shall not exceed 250 square feet in surface area.
  - (b) Billboards located on developed property along streets named in subsection (1)(a) and (1)(h) through (1)(j) of this section shall not exceed 300 square feet in surface area.
  - (c) A billboard may be located on an otherwise vacant lot abutting any street designated in this section, provided that the billboard does not exceed the maximum size for billboards along such a street, and does not otherwise violate any provision of this land use code.
  - (d) Cutouts. The maximum allowable area of any billboard may be increased by a supplemental sign element no larger than 20 percent of the total surface area of the billboard. The additional sign element must be attached to the billboard and refer to or relate to the sign copy displayed on the face of the billboard.
  - (e) Billboard Locations. Billboards may be located only on property abutting a street designated for the location of billboards.
  - (f) Billboard Distances. Notwithstanding any other provision of the sign standards, no billboard may be located within 350 feet of another billboard where the billboards are located on the same side of the street. Further, no billboard may be located within 150 feet of another billboard when the billboards are located across the street. These distances between billboards shall be measured along the centerline of the street designated to be a location for billboards.
  - (g) Billboard Orientation. All billboards must be placed within 100 feet of a street designated for the location of billboards and must be oriented toward

1 of the directions of travel along the street designated for the location of billboards.

- (h) **Billboard Maximums.** Notwithstanding any other provision of the sign standards, the total area of all billboard sign faces oriented in the same direction shall not exceed 1300 square feet in any one-half mile of street frontage designated for the location of billboards.
- (i) **Billboard Removal.** The owner of a billboard shall provide the city written notice of the owner's intent to remove a billboard not more than 60 days nor less than 30 days before the removal of the billboard.
  - 1. The owner of a billboard who has notified the city of the owner's intent to remove the billboard may submit an application for the construction of a replacement billboard. If the proposed replacement billboard is to be at any location within ½ mile of the location of the removed billboard, and if the application is submitted within 30 days of the date of the removal of the billboard, such application shall be given preference over any sign permit application previously submitted but not yet approved which would have an effect on the determination of the application for a replacement billboard.
  - 2. If no such application is submitted by the owner of a billboard to be removed within 30 days after the billboard is removed, the city may grant a sign permit to any applicant, even if that permit precludes the replacement of the billboard.

(Section 9.6675, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6680 Industrial Sign Standards.** The industrial sign standards are hereby created and applied to all property zoned for industrial use as set forth below. Signs are regulated to accommodate the minimal street frontage of most parcels and the general proximity to highways and arterial streets.

- (1) **Corresponding Zones.** The provisions of this section apply to all property not regulated by the highway commercial sign standards and located within the following zones: all industrial zones.
- (2) **Permitted Sign Types.** Signs allowed under the industrial sign standards shall be limited to the following types:
  - (a) Awning signs;
  - (b) Billboards;
  - (c) Electronic message centers;
  - (d) Freestanding signs;
  - (e) Marquee signs;
  - (f) Projecting signs;
  - (g) Readerboards;
  - (h) Roof signs;
  - (i) Under-marquee signs; and
  - (j) Wall signs.



- (3) **Maximum Number of Signs.** The industrial sign standards shall have no limit on the number of signs permitted except that no freestanding or roof sign may be constructed within 200 feet of any other freestanding or roof sign on the development site, regardless of the number of street frontages.
- (4) **Maximum Sign Area.** The industrial sign standards shall apply the following size limitations:
- (a) Freestanding and roof signs shall not exceed 100 square feet in area for 1 face and 200 square feet for 2 or more faces.
  - (b) Notwithstanding any other provision, the sum of the area of all billboards, awning signs, marquee signs, projecting signs, and wall signs located on a single development site where the industrial sign standards apply shall be limited to 0.5 square feet times the length of the perimeter wall upon which the signs are located. If not located on a wall, the area of any billboard located on the development site shall be included in the total sign area attributed to that site.
  - (c) Awning, marquee, projecting or wall signs shall be less than 200 square feet for any 1 face, and less than 400 square feet for 2 or more faces.
  - (d) Notwithstanding the number of street frontages, no business occupant shall use more than 1000 square feet of sign surface area, including billboards, at any single development site.
- (5) **Maximum Height.** All billboards, freestanding signs and roof signs shall be no more than 30 feet in height except freestanding signs up to 5 feet in height are allowed in the I-1 zone at a minimum of 5 feet from the front property line.
- (6) **Billboards.** Billboards regulated by the industrial sign standards shall be subject to the following:
- (a) Billboards shall be permitted only along property which abuts the following named streets:
    - 1. Garfield Street north of 5th Avenue to the intersection of Roosevelt Boulevard.
    - 2. Seneca Street north of 11th Avenue to the intersection of Roosevelt Boulevard.
    - 3. Bertelsen Road north of 11th Avenue to the intersection of Roosevelt Boulevard.
    - 4. Obie Street north of 11th Avenue to the end of the street, but no further north than the intersection of Stewart Road.
    - 5. West 11th Avenue from 200 feet east of the centerline of Chambers Street to Terry Street.
  - (b) No billboard shall exceed 250 square feet in area.
  - (c) Notwithstanding the required connection between perimeter wall size and billboard size established in (4)(b) of this section, a billboard not to exceed 200 square feet may be located on an otherwise vacant lot abutting any street designated in this section.
  - (d) The provisions of EC 9.6675(6)(d) to (i) shall apply to all billboards in areas regulated by the industrial sign standards.

(Section 9.6680, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

## Site Development Standards

**9.6700**    **Purpose of Site Development Standards.** Certain standards are required for development on all sites within the city or within a particular area, regardless of the zoning of the site. These standards are necessary to fulfill the general purpose of this land use code in EC 9.0020 Purpose.

(Section 9.6700, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6705**    **Development in Flood Plains - Purpose.** It is the purpose of sections 9.6705 to 9.6709 to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by adopting provisions designed to:

- (1) Protect human life and health.
- (2) Minimize expenditure of public money and costly flood control projects.
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (4) Minimize prolonged business interruptions.
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard.
- (6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- (7) Ensure that potential buyers are notified that property is in an area of special flood hazard.
- (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Section 9.6705, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6706**    **Development in Flood Plains.** All development proposed for location in Special Flood Hazard Areas or Floodways as identified by the Federal Emergency Management Agency in the scientific and engineering report entitled "The Flood Insurance Study for Lane County, Oregon and Incorporated Areas" and associated Flood Insurance Rate Maps dated June 2, 1999 and any amendments thereto adopted by the city, effective at the time of the land use or development permit application, shall comply with the provisions of this code.

(Section 9.6706, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6707**    **Special Flood Hazard Areas - Development Permit.**

- (1) A development permit shall be obtained before construction or development begins within any area of special flood hazard established in section 9.6706. The permit shall be for all structures including manufactured homes as defined

in this land use code, and for all other development including fill and other activities, as also defined in section 9.0500. Application for a development permit shall be made on forms furnished by the building official and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is specifically required:

- (a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
  - (b) Elevation in relation to mean sea level to which any structure has been flood proofed.
  - (c) Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing standards in section 9.6709.
  - (d) A description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
- (2) The building official or his/her designee shall administer and implement the provisions of sections 9.6705 to 9.6709 by granting or denying development permit applications in accordance with their provisions. In connection therewith, the duties of the building official or designee shall include, but not be limited to:
- (a) Review of all development permits to determine that the permit requirements of sections 9.6705 to 9.6709 have been satisfied;
  - (b) Review of all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies, including the city, from which prior approval is required;
  - (c) Review of all development permits to determine if the proposed development is located in the floodway. If located in the floodway, the building official shall assure that the encroachment provisions of section 9.6709 are met;
  - (d) Obtaining, reviewing and reasonably utilizing any base flood elevation and floodway data available from a federal, state, or other source in order to administer the provisions of section 9.6709 (2) subsections (a) and (b), if the base flood elevation data has not been provided in accordance with subsection (1) of this section.
  - (e) Obtaining and recording the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, whether or not the structure contains a basement where base flood elevation data is provided through the Flood Insurance Study or required as in subsection (d) of this section;
  - (f) Verifying and recording the actual elevation (in relation to mean sea level) and maintaining the floodproofing certifications required in subsection (1) of this section for all new or substantially improved floodproofed structures;

- (g) Notifying adjacent communities and the Division of State Lands prior to any alteration or relocation of a watercourse, and submitting evidence of such notification to the Federal Insurance Administration;
  - (h) Requiring that maintenance is provided within the altered or relocated portion of a watercourse so that the flood carrying capacity is not diminished; and
  - (i) Maintain for public inspection all records pertaining to the provisions of sections 9.6705 to 9.6709.
- (3) Within 5 days of the decision, the building official shall mail a notice of the decision and of the opportunity to appeal to the applicant and owners and occupants of property located within 100 feet of the subject property.
- (4) The decision of the building official may be appealed to the hearings official in the manner provided in this land use code.

(Section 9.6707, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6708**    **Special Flood Hazard Areas - Variances.** The building official may approve, conditionally approve, or deny an application for a variance from the provisions of sections 9.6705 to 9.6709, except that no variance shall be allowed within a floodway. The building official's decision shall be based on the following criteria:

- (1) Compliance with applicable provisions of this land use code;
- (2) Consideration of all technical evaluations, other relevant factors and standards set forth in section 9.6709, and:
  - (a) The danger that materials may be swept onto other lands to the injury of others;
  - (b) The danger to life and property due to flooding or erosion damage;
  - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (d) The importance of the services provided by the proposed facility to the community;
  - (e) The necessity to the facility of a waterfront location, where applicable;
  - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (g) The compatibility of the proposed use with existing and anticipated development;
  - (h) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - (l) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and

facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

- (m) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
  - (n) A determination that good and sufficient cause exists for the variance;
  - (o) Failure to grant the variance would result in exceptional hardship to the applicant;
  - (p) Granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (q) That variances are interpreted in the National Flood Insurance Program based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
  - (r) That variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria, and otherwise complies with section 9.6709.
- (3) Within five days of the decision, notice of the building official's decision and of the opportunity to appeal shall be mailed to the applicant and to owners and occupants of property located within 100 feet of the subject property.
  - (4) The decision of the building official may be appealed to the hearings official in the manner set forth in this land use code.

(Section 9.6708, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

#### **9.6709     Special Flood Hazard Areas - Standards.**

- (1) **General Standards.** In all areas of special flood hazards, compliance with the following standards is required:
  - (a) Anchoring.
    - 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
    - 2. All manufactured homes shall likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
  - (b) Construction Materials and Methods. All new construction and substantial

improvements shall be constructed with materials and utility equipment resistant to flood damage, using methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) Subdivision Proposals.

1. All subdivision proposals shall:
  - a. Be consistent with the need to minimize flood damage;
  - b. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and
  - c. Have adequate drainage provided to reduce exposure to flood damage; and
2. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

(e) Review of Development Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for development permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(2) **Specific Standards.** In all areas of special flood hazards where base flood elevation data has been provided as required in subsections 9.6707(1) or (2), the following provisions are required:

(a) Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and

exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(b) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the building official as required in section 9.6707.
4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subparagraph (2)(a)2. of this section.
5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

(c) Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (1)(a)2 of this section.

(d) Floodways. Within areas of special flood hazard established in section 9.6706 are areas designated as floodways. Since a floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions

apply:

1. Prohibition on encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; and
2. If the conditions of subparagraph 1. above are met, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this section.

(e) Shallow Flooding Areas - With Depth Designations. Shallow flooding zones appear on Flood Insurance Rate Maps (FIRM), with depth designations, wherever such flooding occurs on sloping water surfaces such as alluvial fan flow, wave wash after the wave has broken, etc. In these areas, the following provisions apply:

1. New construction and substantial improvements of residential structures within these zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to at least one foot above the depth number specified on the FIRM. Where appropriate, such structures shall be elevated above the crown of the nearest road, to at least one foot above the depth number specified in the FIRM. Where hazardous velocities are noted on the FIRM, consideration shall be given to mitigating the effects of these velocities through proper construction techniques and methods.
2. New construction and substantial improvements of nonresidential structures within these zones shall either:
  - a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site to at least one foot above the depth number specified on the FIRM; or
  - b. Together with attendant utility and sanitary facilities, be completely floodproofed to at least one foot above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.

Where hazardous velocities are noted on the FIRM, consideration shall be given to mitigating the effects of these velocities through proper construction techniques and methods.

(Section 9.6709, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)



**9.6710 Geological and Geotechnical Analysis.**

- (1) **Purpose of Geological and Geotechnical Analyses.** The purpose of geological and geotechnical analyses is to ensure that public and private facilities in developments in areas of known or potential unstable soil conditions are located, designed, and constructed in a manner that provides for public health, safety, and welfare.
- (2) **Geological and Geotechnical Analysis Required.** Except for those activities exempted under EC 9.6710(3) Exemptions from Geological and Geotechnical Requirements, a geological and geotechnical analysis, prepared by an Oregon licensed Engineering Geologist or an Oregon licensed Civil Engineer with geotechnical experience, conforming with standards, procedures and content as defined in the Standards for Geological and Geotechnical Analysis adopted by the city in the manner set forth in EC 2.019 City Manager - Administrative and Rulemaking Authority and Procedures, is required for any of the following:
  - (a) All proposed tentative planned unit development, site review, or subdivision applications on properties with slopes equal to or greater than 5%.
  - (b) All proposed development that includes dedication or construction of a public street or alley or the construction of public drainage systems or public wastewater sewers.
- (3) **Exemptions from Geological and Geotechnical Analysis Requirements.** The following activities are exempt from the requirements of this section:
  - (a) Maintenance, operation, reconstruction of existing streets, driveways, and utility lines, provided soil disturbance is limited to a standard utility trench width or the area beneath street and driveway structures.
  - (b) Emergency actions which must be undertaken immediately or for which there is insufficient time for full compliance when it is necessary to prevent or abate any of the following:
    1. An imminent threat to public health or safety.
    2. An imminent danger to public or private property.
    3. An imminent threat of serious environmental degradation.
  - (c) Street and alley dedications that widen existing public right-of-way are exempt from requirements of 9.6710(2)(b).
  - (d) A residential building permit for a lot or parcel that was subject to previous reports and assessments.
  - (e) New construction, building alterations and building additions that will not result in soil disturbance.
  - (f) Activities on land included on the city's acknowledged Goal 5 inventory.
  - (g) Development activities that are part of an application proposing needed housing.
- (4) **Categories of Geological and Geotechnical Analysis.** The analysis required in geological and geotechnical analyses is based on the following categories, and shall be prepared in the manner required in the rules referenced in subsection (2) of this section:

- (a) A Level One Analysis shall consist of a compilation of record geotechnical data, on-site verification of the data and site conditions, and a report discussing site and soil characteristics in relation to the proposed development and other applicable standards.
  - (b) A Level Two Analysis shall consist of a compilation of record geological data, analysis of site characteristics, sub-surface investigation and testing to establish soil types and distribution, and a report that includes site and soil characteristics in relation to the proposed development, identification of potential problems, and recommendations for design and construction techniques and standards consistent with other standards applicable to the development proposal.
  - (c) A Level Three Analysis shall consist of a Level Two Analysis and additional site-specific geotechnical design of facilities such as, but not limited to, streets, foundations, utilities, retaining walls and structures due to geologic constraints.
- (5) **Applicability of Different Categories of Geological and Geotechnical Analysis.** Unless exempt under 9.6710(3), the category of geotechnical analysis required is based on the following:
- (a) A Level One Analysis shall be required on:
    - 1. All development sites with slopes less than 10% that include construction of public improvements;
    - 2. Subdivision, site review, and planned unit development applications for development sites with slopes greater than or equal to 5% and less than 10%.
  - (b) A Level Two Analysis shall be required on:
    - 1. All development sites with slopes greater than or equal to 10% that include construction of public improvements;
    - 2. Subdivision, site review, and planned unit development applications for development sites with slopes greater than or equal to 10%.
  - (c) A Level Three Analysis shall be required on development sites where the Level One or Two Analysis reveals evidence of existing or potential stability problems or where site conditions such as springs or seeps, depth of soil to bedrock, variations in soil types, or a combination of these conditions, in the opinion of the professional, impact the design parameters of the structure.

(Section 9.6710, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6715 Height Limitation Areas.**

- (1) **Purpose of Height Limitation Areas.** Certain geographical landmarks have scenic attributes that are of value to the community as a whole. To protect views to and from these landmarks, special limitations on building height are established on and around them.
- (2) **Applicability.** Special building height limitations apply to the specific areas

listed in this section. If the exceptions provided for in EC 9.6720 Height Exemptions for Roof Structures and Architectural Features conflict with the building height limitations in this section, this section shall apply. All elevations in the height limitation areas shall be based on the mean sea level.

(3) **Skinner Butte Height Limitation Area.** The boundaries of the Skinner Butte Height Limitation Area are as follows:

All property lying east of Washington Street, lying north of, and including, the north side of 6<sup>th</sup> Avenue, lying west of Coburg Road, and lying south of the Willamette River. (See Map 9.6715(3) Skinner Butte Height Limitation Area.) Within the Skinner Butte Height Limitation Area, the maximum height of any structure where the existing ground elevation is at, or below, 460 feet above mean sea level shall be to an elevation of 500 feet above mean sea level. The maximum height of any building where the existing ground elevation is above 460 feet mean sea level shall be 40 feet above the existing ground elevation at all points. In neither case shall the maximum height of any building or structure exceed the maximum allowed in the zone.

(Section 9.6715, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6720 Height Exceptions for Roof Structures and Architectural Features.** Except as provided in EC 9.6715, certain roof structures, architectural features and other devices may be erected above the height limits established in this land use code. Some roof structures, architectural features, and other devices may be erected no more than 18 feet above the highest point of the roof of the main building, whether such structure is attached to it or freestanding. Roof structures, architectural features, and other devices that may exceed the highest point of the main building by 18 feet as established above include:

- (1) Roof structures for the housing of elevators, stairways, tanks, ventilating fans, and similar equipment required to operate and maintain the building;
- (2) Architectural features, including fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, steeples and similar structures; and
- (3) Other devices, including television antennas and similar structures, but excluding amateur radio antennas, telecommunication facilities, and radio towers and transmitters. Amateur radio antennas, telecommunication facilities, and radio towers and transmitters may exceed the maximum building height within a zone, provided there is compliance with all other applicable requirements of this land use code.

(Section 9.6720, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6725 Outdoor Lighting Standards.**

- (1) **Purpose of Outdoor Lighting Standards.** The outdoor lighting standards are intended to produce efficient, effective, and attractive outdoor lighting that is appropriate to the need and prevents glare. The standards are designed to:
  - (a) Provide for nighttime safety, utility, security and productivity while conserving energy and other resources.
  - (b) Minimize glare, light trespass and light pollution.
  - (c) Curtail the degradation of the nighttime environment to enhance citizens' enjoyment and protect the natural cycles of plants and animals that require darkness at night in order to thrive.
- (2) **Applicability of Outdoor Lighting Standards.** Except as exempted by provisions of this land use code in EC 9.6725(5) below, the installation of outdoor lighting fixtures shall be subject to these lighting standards.
- (3) **Shielding.** All lighting fixtures subject to a lighting permit shall be cutoff and additional shielding shall be required, as necessary, to direct the light within the boundaries of the development site. Fixtures for exterior illumination of signs, including signs attached to a building, shall be top-mounted as well as shielded to aim the light downward onto the sign only. (See also EC 9.6640 General Provisions, section (6) Illumination Standards.)
- (4) **Prohibited Types of Lights.** Decorative lasers, continuously flashing lights and searchlights are prohibited. In Intrinsically Dark Areas and Low Ambient Light Areas, as defined in EC 9.6725(8), high pressure sodium lights, mercury vapor lights, and flood lights are prohibited, except when used to illuminate walkways and bikepaths in compliance with applicable standards. High pressure sodium lights are permitted in other situations only when the maximum initial lumens generated by each lighting fixture does not exceed 2,250 lumens.
- (5) **Exemptions to Lighting Standards.** The following lighting fixtures are exempt from meeting these lighting standards:
  - (a) Lighting fixtures that were lawfully installed prior to August 1, 2001 are exempt from meeting these lighting standards until the lighting fixture is replaced due to necessity or choice.
  - (b) A lighting fixture that does not exceed 1,500 lumens when the light is directed within the boundaries of the development site.
  - (c) Emergency lighting.
  - (d) Lighting fixtures that must conform with federal or state regulations, such as airport runway lights, TV and radio transmission towers, telecommunication towers and railroad lights.
  - (e) Holiday lights and decorations in place during the period between November 15 and January 15, except such lights shall not cause excessive glare that creates a public safety hazard.
  - (f) Temporary lighting installed for temporary activities.
  - (g) Lighting for governmental flags.
  - (h) Temporary lighting necessary for construction sites.
  - (i) Public streetlights designed, permitted and constructed in accordance with

standards and specifications adopted pursuant to Chapter 7 of this code.

**(6) Lighting Permit Required.**

- (a) Except as provided in EC EC 9.6725(5) Exemptions to Lighting Standards, no person shall install outdoor lighting unless a lighting permit for the lights has been issued by the building and permit services manager. A lighting permit for the construction and continued use of a light shall be subject to the terms and conditions stated in the permit and to the lighting standards.
- (b) Maintenance of a lighting fixture shall not require a lighting permit.
- (c) Failure to abide by the terms of a lighting permit or applicable provisions of the lighting standards shall invalidate a lighting permit. The building and permit services manager may take steps as are necessary to abate such a light as a public nuisance.

**(7) Lighting Permit Application and Approval Process.**

- (a) An application and related information shall be submitted by the applicant, in a manner prescribed by the city, together with a fee established by the city manager as provided by EC 2.020 City Manager- Authority to Set Fees and Charges.
- (b) The building and permit services manager shall approve a lighting permit based on verification by a lighting specialist that the plan complies with applicable lighting standards in this land use code.
- (c) An approved lighting permit shall expire 180 days after the applicant has been notified of the lighting permit approval unless the applicant has paid all fees and the approved permit has been issued to the applicant.
- (d) Unless the permit holder requests an extension of the permit and demonstrates good cause for such an extension, a lighting permit shall expire if the lighting construction or other work authorized by the lighting permit is not completed within 180 days after the date of issuance.
- (e) No lighting permit shall be considered fully complete until the permit holder has notified the city that work is finished and a lighting specialist has inspected the lighting and is satisfied that the lighting construction complies with the lighting standards.

**(8) Creation of Outdoor Lighting Classifications.** To ensure appropriate lighting while minimizing its undesirable side effects, the zones established elsewhere in this land use code are consolidated into lighting zones, as follows:

- (a) Intrinsically Dark Areas (O-1) shall consist of land zoned NR Natural Resource or PRO Park, Recreation and Open Space or contained within a conservation area/natural resource protection area. These areas are discouraged from providing lighting except where it is desirable to illuminate walkways, bike paths or other areas to be used after dark. Where lighting is to be provided the following standards shall apply:
  - 1. Except for pedestrian/bike tunnels, the walkway or pathway shall be illuminated to a minimum average maintained luminance of .3 foot-candle and not to exceed a maximum average maintained luminance

of .9 foot-candle.

2. The pedestrian/bike tunnel shall be illuminated to a minimum average maintained luminance of 4.0.
  3. Any other lighting fixtures not illuminating walkways, bike paths, or tunnels shall be designed to direct light downward, and light sources shall have an initial output of no more than 1,500 lumens.
- (b) Low Ambient Light Areas (O-2) shall consist of land zoned R-1 Low Density Residential, R-1.5 Rowhouse, R-2 Medium-Density Residential, C-1 Neighborhood Commercial, PL Public Land, unless determined to have a high level of nighttime activity as set forth in EC 9.6725(8)(d), and any other zone not specifically listed under EC 9.6725(8)(a), (c), or (d). These areas are discouraged from providing lighting except where it is desirable to illuminate walkways, bike paths, parking lots or other areas to be used after dark. Where lighting is to be provided for all areas except parking lots, the following standards shall apply:
1. Walkways or pathways shall be illuminated to a minimum average maintained luminance of .3 foot-candle and not to exceed a maximum average maintained luminance of .9 foot-candle.
  2. Pedestrian/bike tunnels shall be illuminated to a minimum average maintained luminance of 4.0.
  3. Any other lighting fixtures not illuminating walkways, bike paths, tunnels, or parking lots shall be designed to direct light downward, and light sources shall have an initial output of no more than 1,500 lumens.

Parking lot lighting shall comply with standards found at EC 9.6725(9).

- (c) Medium Ambient Light Areas (O-3) shall be permitted on land zoned R-3 Limited High-Density Residential and R-4 High-Density Residential.
  - (d) High Ambient Light Areas (O-4) shall be permitted in areas planned or developed for a mix of uses and a high level of nighttime activity. This includes areas in the broad zone category of commercial, except for C-1, and areas in the broad zone category of industrial. It also includes portions of colleges and universities, high schools, the fairgrounds, and other areas zoned PL determined by the planning director to have a high level of nighttime activity. Areas determined not to have a high level of nighttime activity that are zoned PL shall be considered Low Ambient Light Areas (O-2).
- (9) **Parking Lot Lighting.** Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and not to cause glare or direct illumination onto adjacent properties or streets. Parking lot lighting shall comply with the following standards:
- (a) All lighting fixtures serving parking lots shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA) and as defined in this land use code.
  - (b) Alternative: Within an officially designated historic district, the design for

an area may suggest the use of parking lot lighting fixtures of a particular "period" or architectural style, as either alternatives or supplements to the lighting described above.

1. If such fixtures are not "cut-off" fixtures as defined by IESNA, the maximum initial lumens generated by each fixture shall not exceed 2000.
  2. Mounting heights of such alternative fixtures shall not exceed 20 feet.
- (c) Parking area lighting standards in the various lighting areas are as shown in Table 9.6725(9) Parking Lot Lighting Standards.

<b>Table 9.6725(9) Parking Lot Lighting Standards</b>			
	<b>High Ambient Areas O-4</b>	<b>Medium Ambient Areas O-3</b>	<b>Low Ambient Areas O-2</b>
Mounting Height (Maximum). (Mounting height is the vertical distance between the surface being illuminated and the bottom of the lighting fixture.)	30 ft	25 ft	25 ft
Minimum - Maximum Average Maintained Illumination Level.	.6 to 4.0 foot-candle	.6 to 2.0 foot-candle	.2 to .8 foot-candle
Uniformity Ratio. (Uniformity ratio is the ratio of average illumination to minimum illumination.)	4:1	4:1	4:1

**(10) Lighting of Service Station/Convenience Store Aprons and Canopies.**

Lighting levels on service station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such location. Lighting of such areas shall not be used to attract attention to the business. Signs allowed under the appropriate section of these regulations shall be used for that purpose. These uses shall comply with the following standards:

- (a) Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this section. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.
- (b) Areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least 10 foot-candle and no more than 20 foot-candles. The uniformity ration (ratio of average to minimum illuminance) shall be no greater than 4:1.
- (c) Light fixtures mounted on canopies shall be installed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.

- (d) As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
  - (e) Lights shall not be mounted on the top or sides (fascias) of the canopy, and the sides (fascias) of the canopy shall not be illuminated.
- (11) **Lighting of Exterior Display/Sales Areas.** Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under the appropriate section of these regulations shall be used for that purpose. The applicant shall designate areas to be considered display/sales areas and areas to be used as parking or passive vehicle storage areas. These uses shall comply with the following standards:
- (a) Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for parking areas suggested elsewhere in this section.
  - (b) Areas designated as exterior display/sales areas shall be illuminated so that the average horizontal illuminance at grade level is no more than 5.0 foot-candles. The uniformity ration (ratio of average to minimum illuminance) shall be no greater than 4:1. The average and minimum shall be computed for only that area designated as exterior display/sales area.
  - (c) Light fixtures shall include cut-off fixtures, and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.
- (12) **Lighting of Outdoor Performance Facilities.** Outdoor nighttime performance events (concerts, athletic contests, etc.) have unique lighting needs. Illumination levels vary, depending on the nature of the event. The regulations in this section are intended to allow adequate lighting for such events while minimizing skyglow, reducing glare and unwanted illumination of surrounding streets and properties, and reducing energy consumption. These uses shall comply with the following standards:
- (a) Design Plan: A lighting design plan shall be submitted which shows in detail the proposed lighting installation. The design plan shall include a discussion of the lighting requirements of various areas and how those requirements will be met.
  - (b) Dual System: The main lighting of the event (spotlighting or floodlighting, etc.) shall be turned off no more than 60 minutes after the end of the event. A low level lighting system shall be installed to facilitate patrons leaving the facility, cleanup, nighttime maintenance, etc. The low level lighting system shall provide an average horizontal illumination level, at grade level, of no more than 3.0 foot-candles with a uniformity ration (average to minimum) not exceeding 4:1.
  - (c) Primary Playing Areas: Where playing fields or other special activity



areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.

- (d) **Parking Areas:** Lighting for parking areas shall comply with EC 9.6725(9).
- (e) **Pedestrian/Bikepath Areas:** Lighting for pedestrian and bike pathways shall comply with EC 9.6725(8)(b).
- (13) **Lighting of Building Facades and Landscaping.** With the exception of structures having exceptional symbolic or historic significance in the community, exterior building facades shall not be illuminated for the primary purpose of highlighting the building. When buildings having symbolic or historic significance are to be illuminated primarily for highlighting the building, a design for the illumination shall be approved by the planning and development director and the following provisions shall be met:
  - (a) The maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 foot-candles.
  - (b) Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads.
  - (c) Lighting fixtures mounted on the building and designed to "wash" the facade with light are preferred.
  - (d) To the extent practicable, lighting fixtures shall be directed downward (i.e. below the horizontal) rather than upward.
  - (e) When landscaping is to be illuminated, the planning and development director shall first approve a landscape lighting plan that presents the purpose and objective of the lighting, shows the location of all lighting fixtures and what landscaping each is to illuminate, and demonstrates that the installation will not generate excessive light levels, cause glare, or direct light beyond the landscaping into the night sky.

(Section 9.6725, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

#### **9.6730 Pedestrian Circulation On-Site.**

- (1) **Purpose of Pedestrian Circulation On-Site.** These standards are intended to provide safe and efficient circulation for pedestrians within all developments.
- (2) **Applicability of Standards.** As more specifically provided in this section, the standards in this section apply to any development that creates a new building entrance, but not to a building alteration or change in use.
  - (a) In any zone, except I-2 and I-3, on-site pedestrian paths shall be constructed in the following cases for institutional, office, commercial and industrial development:
    - 1. Between all new building entrances and all streets adjacent to the development site. On-site pedestrian paths shall be designed and

- constructed to provide a direct connection to existing public right-of-way and public accessways.
2. To connect any new building entrances on a development site to all other new and existing building entrances on the same development site, except entrances used primarily for loading and unloading freight.
  3. Along the exterior walls of new buildings greater than 100 feet in length when the wall of the building is located next to a street, parking lot or when a public entrance or entrances are located on the edge of the building, except in the following cases:
    - a. When the edge of a building is within 20 feet of a public sidewalk and the building entrance is connected to the public sidewalk by an on-site pedestrian facility, no on-site pedestrian facility on the edge of the building adjacent to the sidewalk is required.
    - b. When the edge of the building is bordered by a perimeter of landscaping which does not exceed 30 feet in width, and an on-site pedestrian facility is constructed at the edge of the landscaping, no on-site pedestrian facility immediately adjacent to the landscaped building edge is required.
  4. To connect institutional, office, commercial and industrial uses on the development site to adjacent existing or planned institutional, office, commercial or industrial uses, and to existing or planned transit stops, schools, or neighborhood parks where the addition of on-site pedestrian paths would reduce walking or cycling distance between the uses by 200 feet and by at least 50 percent over other available pedestrian routes.
  5. Along any development site, an on-site pedestrian facility connecting the street to the main building(s) shall be provided for every 300 feet of street frontage or for every 8 rows of vehicle parking, or for whichever standard requires the most on-site pedestrian paths.
- (b) In industrial developments on I-1 zoned property, on-site pedestrian paths shall be constructed in the following cases:
1. Between the main building entrance and all streets adjacent to the development site. On-site pedestrian paths shall be designed and constructed to provide a direct connection to existing public right-of-way and public accessways.
  2. To connect the main building entrance on the development site to adjacent existing or planned office, commercial or industrial uses, and to existing or planned transit stops where the addition of the on-site pedestrian facility would reduce walking or cycling distance between the uses by 200 feet and by at least 50 percent over other available pedestrian routes.
- (c) In all zones, on-site pedestrian paths shall be constructed within new multiple-family residential developments with 3 or more units to insure that access is provided:
1. From every unit to all other units within the residential development.

2. From every unit to all laundry, recreational and other community facilities in the residential development.
3. From every building located within 40 feet of a public or private street to the street right-of-way line.

**(3) Design of On-Site Pedestrian Facilities.** All on-site pedestrian paths provided for the purposes of complying with this land use code shall conform with the following standards:

- (a) On-site pedestrian paths shall provide direct access from public ways to building entrances.
- (b) On-site pedestrian paths shall be constructed of concrete, a comparable hard surface material, or any properly designed pervious surface that complies with the Americans with Disabilities Act.
- (c) On-site pedestrian paths shall be raised to standard curb height when adjacent to public and private streets or driveways.
- (d) On-site pedestrian paths intersected by driving aisles shall be marked with striping or constructed with a contrasting paving material to indicate a pedestrian crossing area.
- (e) Pedestrian scale lighting in conformance with the standards in EC 9.6725 Outdoor Lighting Standards shall be provided along pedestrian facilities.

(Section 9.6730, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6735 Public Access Required.** Except as otherwise provided in this land use code, no building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this land use code.

(Section 9.6735, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6740 Recycling and Garbage Screening.** Except for one- and two-family dwellings, outdoor storage areas and refuse collection areas within or adjacent to vehicular use areas shall be screened on all sides so that materials stored within these areas shall not be visible from streets, accessways, or adjacent properties. Such uses shall not be permitted within required landscaping areas. Required screening shall comply with EC 9.6210(6) Full Screen Fence Landscape Standard (L-6).

(Section 9.6740, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6745 Setbacks-Intrusions Permitted.**

- (1) Applicability.** The intrusions permitted in this section are only applicable to standard front and interior yard setback requirements and do not apply to special setbacks required according to EC 9.6750 Special Setback Standards. Except as restricted to provide solar access according to EC 9.2795 Solar Setback Standards, and except where restricted by easements or other restrictions on title, the

intrusions in this section may project into required front and interior yard setbacks to the extent and under the conditions and limitations indicated.

- (2) **Depressed Areas.** In any zone, fences, hedges, guard railings or other landscaping or devices for safety protection around depressed ramps, stairs or retaining walls, may be located in required front and interior yard setbacks, provided that such devices are not more than 42 inches in height.
- (3) **Projecting Building Features.**
- (a) **One Story Structures.** The following building features may project into the required front yard setback no more than 5 feet and into the required interior yard setback no more than 2 feet; provided, that such projections are at least 8 feet from any building on an adjacent lot:
1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
  2. Chimneys, fireplaces, and bay windows, provided they do not exceed 8 feet in width.
  3. Porches, platforms or landings with roofs which do not extend above the level of the first floor of the building.
- (b) **Multiple Story Structures (2 or more floors).** For multiple-story buildings, portions of buildings that may project into required front yard setbacks include:
1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
  2. Chimneys, fireplaces, and bay windows, provided they do not exceed 8 feet in width.
  3. Open porches no deeper than 10 feet and no higher than 15 feet may project into required yards that abut streets.
  4. Bays no greater than 3 feet deep and 10 feet long and no higher than 25 feet may project into required yards that abut streets. The maximum frequency of such bays is one bay per 15 feet of building street frontage.
  5. Balconies with a maximum depth of 10 feet are permitted to project into required yards that abut streets.
- (c) Signs conforming to all other applicable provisions of this code. Freestanding signs 5 feet high or less are allowed in the 30 foot front yard setback in the I-1 zone when located at least 5 feet from the front property line.
- (4) **Fences and Walls.** Fences and walls that conform with the standards required by the specific zones beginning at EC 9.2000 may be constructed in required front yard setbacks and interior yard setbacks.
- (5) **Public Telephone Booths and Public Bus Shelters.** Public telephone booths and public bus shelters may be located in required front yard setbacks and interior yard setbacks, provided vision clearance is maintained for vehicles passing on the street and leaving the development site, in accordance with the requirements of EC 9.6780 Vision Clearance Area.
- (6) **Driveways.** In any zone, driveways or accessways providing ingress and egress to or from parking spaces, parking areas, parking garages, or structured parking shall

be permitted, together with any appropriate traffic control devices, in any required setback.

**(7) Parking Spaces in Required Setbacks.** Parking spaces, parking areas, structured parking, and parking garages shall not be permitted in required front and interior yard setbacks, except as provided herein:

(a) In areas with a broad zone category of residential, as depicted in Table 9.1030 Zones, parking in required front and interior yard setbacks is permitted with the following restrictions:

1. Parking spaces in required front yard setbacks are permitted in conjunction with a one family dwelling, secondary dwelling, or duplex, provided the parking spaces are located on driveways.
2. For lots and parcels with at least 50 feet of frontage, driveways shall cover a maximum of one-half of the area in the required front yard setback. All portions of required front yard setbacks not otherwise covered by legal driveways shall be landscaped and maintained. In addition, the maximum width of a driveway permitted in conjunction with a one family dwelling or secondary dwelling shall be 27 feet. This includes a combined width if more than one driveway is constructed on the lot using the required front yard setback.
3. Within the required front yard setback, recreational vehicles, boats, boat trailers, and other vehicles not in daily use, may only be parked on the paved driveway portion of the required front yard setback. No parking shall occur in the landscaped portion of the required front yard setback. These vehicles not in daily use, are allowed to park in the front setback for not more than 48 consecutive hours.
4. Recreational vehicles, boat trailers, and other vehicles not in daily use, are permitted to be located in the required interior yard setbacks.

(b) In areas with the broad zone category of commercial or industrial, as depicted in Table 9.1030 Zones, except for the C-1, C-2 and I-1 zones, parking spaces and parking areas are permitted in any required interior yard setback.

**(8) Utilities.** Structures necessary for the operation and maintenance of public and private utilities may be located in required front setbacks and interior setbacks, provided these structure are screened as required by EC 9.6740 Recycling and Garbage Screening, and provided vision clearance is maintained in accordance with the requirements of EC 9.6780 Vision Clearance Area. Exceptions shall be made for such features as transformers, back flow prevention devices and closures, which already have a low visual impact.

**(9) Poles.** Poles for outdoor lights or government flags shall be permitted in any required setback.

(Section 9.6745, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6750 Special Setback Standards.**

- (1) **Purpose of Special Setbacks.** Improved streets are necessary for safe and efficient circulation within the city. Due to historical development patterns, many streets within the city have public right-of-way widths that are less than that required in EC 9.6870 Street Width. Proper public right-of-way width is required to allow the improvement of streets to the standards required in EC 9.6505 Improvements - Specifications. It is intended that all streets within the city will eventually be improved to the city standard. A special setback ensures that buildings are constructed in such a manner that they will conform with the setbacks required by specific zones when the streets on which they front are widened and improved to the city standard.
- (2) **Special Setback for Streets.** A lot or parcel of land in any zone adjoining a street for which the planned public right-of-way width and alignment has been determined, shall have a building setback line equal to a distance of one-half the width established in EC 9.6870 Street Width, plus the setback required in the zone. The centerline of right-of-way shall be either the officially surveyed centerline or a centerline as on a precise plan. In the event of conflict between the two, the latter described line shall prevail. In all other cases, a line midway between properties abutting opposite sides of the public right-of-way shall be the centerline for the purposes of this land use code. If no planned public right-of-way width and alignment has been determined, the minimum right-of-way width shall be the maximum right-of-way width allowed according to Table 9.6870.
- (3) **Special Setback for Utility Easements.** A lot or parcel of land in any zone for which there is a planned utility easement, or where extension of public infrastructure has been identified through long-range infrastructure plans or the design of existing infrastructure, shall have a special building setback line to allow for the future easement.

(Section 9.6750, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6770 Transit Improvements.**

- (1) The location of transit stops shall be based upon the size and trip generation of new development adjacent to an existing or planned transit corridor. The transit operator shall review site plans and may recommend transit-related facilities be constructed for the following developments:
  - (a) Residential developments having an average peak hour trip rate of 25 trips or greater.
  - (b) Commercial and industrial developments other than office developments, having an average peak hour trip rate of 100 trips or greater. Office developments generating 50 or more average peak hour trips.
  - (c) Institutional uses and public facilities, including churches, hospitals, middle schools, high schools, universities and colleges, public parks (other than neighborhood parks), libraries, post offices, and other institutional and public facilities generating 100 or more average peak hour trips.

- (2) To the extent it demonstrates consistency with constitutional requirements, the city shall require that the transit-related facilities recommended by the transit operator, and approved by the city manager, be identified on the site plan and constructed at the time of development. Transit-related facilities shall be constructed in accordance with the City of Eugene Arterial and Collector Street Plan.

(Section 9.6770, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6775     Underground Utilities.** All new on-site utilities shall be placed underground if there is a utility-owned structure immediately adjacent to the development site, unless adjusted pursuant to the provisions of EC 9.8030(5). This provision does not apply to temporary uses on a development site or to new utility connections to structures or buildings with legally established above ground utility service. This requirement is satisfied if the applicant verifies in writing that utilities will be placed underground concurrent with planned future development to occur within 12 months. Exceptions shall be made for such features as padmounted transformers, switch cabinets, back flow prevention devices and closures needed to safely operate and maintain utility systems.

(Section 9.6775, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002.)

**9.6780     Vision Clearance Area.** Development sites shall have triangular vision clearance areas on all street corners to provide for unobstructed vision consistent with American Association of State Highway and Transportation Officials (AASHTO) standards. (See **Figure 9.0500 Vision Clearance Area**). Vision clearance areas shall be kept free of all visual obstructions from 2 ½ feet to 9 feet above the curb line. Where curbs are absent, the crown of adjacent streets shall be used as the reference point. These vision clearance requirements may be adjusted if consistent with the criteria of EC 9.8030(11) of this land use code.

(Section 9.6780, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

## **Standards for Streets, Alleys, and Other Public Ways**

**9.6800**    **Purpose of Standards for Streets, Alleys, and Other Public Ways.** Sections 9.6800 through 9.6875 establish standards for the dedication, design and location of public ways to address the purpose of this land use code contained in EC 9.0020 Purpose.

(Section 9.6800, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6805**    **Dedication of Public Ways.** As a condition of any development, the city may require dedication of public ways for bicycle and/or pedestrian use as well as for streets and alleys, provided the city makes findings to demonstrate consistency with constitutional requirements. Except for applications proposing needed housing, the public ways to be dedicated to the public by the applicant shall be of such design and location as necessary to facilitate provision for the transportation and access needs of the community and subject property according to EC 9.0020 Purpose.

(Section 9.6805, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6810**    **Block Length.** Block length for local streets shall not exceed 600 feet, unless the developer demonstrates that a block length must be greater than 600 feet because of the existence of one or more of the following conditions:

- (1) Physical conditions preclude a block length 600 feet or less. Such conditions may include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes or upland wildlife habitat area, or a resource on the National Wetland Inventory or under protection by state or federal law.
- (2) Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude a block length 600 feet or less, considering the potential for redevelopment.
- (3) An existing public street or streets terminating at the boundary of the development site have a block length exceeding 600 feet, or are situated such that the extension of the street(s) into the development site would create a block length exceeding 600 feet. In such cases, the block length shall be as close to 600 feet as practicable.

Special block requirements related to multiple-family developments are found in section (10) of EC 9.5500 Multiple-Family Standards.

(Section 9.6810, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6815**    **Connectivity for Streets.**

- (1) **Purpose and Intent.** The street connectivity standards of EC 9.6815(2) Street Connectivity Standards are established to ensure that all of the following are met:
  - (a) Streets are designed to efficiently and safely accommodate emergency fire and



medical service vehicles.

- (b) The layout of a street system does not create excessive travel lengths.
- (c) The function of a local street is readily apparent to the user through its appearance and design in order to reduce non-local traffic on local residential streets.
- (d) Streets are interconnected to reduce travel distance, promote the use of alternative modes, provide for efficient provision of utility and emergency services, and provide for more even dispersal of traffic.
- (e) New streets are designed to meet the needs of pedestrians and cyclists and encourage walking and bicycling as transportation modes.
- (f) The street circulation pattern provides connections to and from activity centers such as schools, commercial areas, parks, employment centers, and other major attractors.
- (g) Street design is responsive to topography and other natural features and avoids or minimizes impacts to water-related resources and wildlife corridors.
- (h) Local circulation systems and land development patterns do not detract from the efficiency of adjacent collector streets or arterial streets which are designed to accommodate heavy traffic.
- (i) Streets identified as future transit routes should be designed to safely and efficiently accommodate transit vehicles, thus encouraging the use of public transit as a transportation mode.
- (j) Where appropriate, the street system and its infrastructure should be utilized as an opportunity to convey and treat storm water runoff.

**(2) Street Connectivity Standards.**

- (a) All streets and alleys shall be public unless the developer demonstrates that a public street or alley is not necessary for compliance with this land use code or the street connectivity standards of subparagraphs (b) to (g) of this subsection.
- (b) The proposed development shall include street connections in the direction of all existing or planned streets within 1/4 mile of the development site. The proposed development shall also include street connections to any streets that abut, are adjacent to, or terminate at the development site. Secondary access for fire and emergency medical vehicles is required.
- (c) The proposed development shall include streets that extend to undeveloped or partially developed land that is adjacent to the development site or that is separated from the development site by a drainage channel, transmission easement, survey gap, or similar property condition.
- (d) Except for applications proposing needed housing, all applicants shall show that the streets shall be in locations that will not prevent the adjoining property from developing consistent with applicable standards.
- (e) Except for applications proposing needed housing, all applicants shall show that the proposed street alignment shall minimize excavation and embankment and avoid impacts to natural resources, including water-related features.
- (f) Except for applications proposing needed housing, the requirements of subparagraphs (b) and (c) of this subsection do not apply if it is demonstrated

that a connection cannot be made because of the existence of one or more of the following conditions:

1. Physical conditions preclude development of the connecting street. Such conditions may include, but are not limited to, topography or likely impact to natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes or upland wildlife habitat area, or a resource on the National Wetland Inventory or under protection by state or federal law.
  2. Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude a connection now or in the future, considering the potential for redevelopment.
- (g) In cases where a required street connection would result in the extension of an existing street that is not improved to city standards and the street has an inadequate driving surface, the developer shall construct a temporary barrier at the entrance to the unimproved street section with provision for bicycle, pedestrian, and emergency vehicle access. The barrier shall be removed by the city at the time the existing street is improved to city standards or to an acceptable standard adopted by the public works director. In making a determination of an inadequate driving surface, the public works director shall consider the street rating according to Eugene's Paving Management System and the anticipated traffic volume.
- (h) The standards in this subsection (2) may be adjusted if consistent with the criteria of EC 9.8030(12)(a) of this land use code.

(Section 9.6815, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

**9.6820     Cul-de-Sacs.**

- (1) All streets that terminate shall be designed as a cul-de-sac bulb, except when any of the following conditions exist:
  - (a) The street will be extended in the future.
  - (b) Topographic constraints, existing development, or natural features prevent the construction of a bulb. This subsection does not apply to needed housing applications.
  - (c) The street is less than 150 feet long.
- (2) If a street qualifies for exception under subsection (1)(a), a temporary easement shall be provided and a turnaround constructed in an alternative location.
- (3) If a street qualifies for an exception under subsection (1)(a) or (1)(b), a hammerhead turnaround shall be substituted where possible.
- (4) There shall be no cul-de-sacs more than 400 feet long from the centerline of the intersecting street to the radius point of the cul-de-sac bulb.
- (5) The planning director shall require public accessways from a cul-de-sac longer than 150', measured from the centerline of the intersecting street to the radius point of the cul-de-sac to provide safe, convenient, and direct circulation for pedestrians, bicyclists, and emergency vehicles.