Forest Grove Code Text Amendments
Staff Report and Recommendation

Community Development Department, Planning Division

REPORT DATE:	April 26, 2019
HEARING DATE:	May 6, 2019
REQUEST:	Legislative amendments to the Forest Grove Development Code pertaining to housing types in commercial zones, bed and breakfast inns, accessory dwelling units, residential density incentives, signs, and miscellaneous minor amendments
FILE NUMBER:	311-19-000002-PLNG
PROPERTY LOCATION:	Not applicable
LEGAL DESCRIPTION:	Not applicable
APPLICANT:	City of Forest Grove
APPLICABLE STANDARDS AND CRITERIA:	City of Forest Grove Development Code: §10.1.700 et. seq. *Legislative Land Use Decision* §10.2.600 et. seq. *Development Code Text Amendment*
REVIEWING STAFF:	James Reitz, AICP, Senior Planner Dan Riordan, Senior Planner Bryan Pohl, Community Development Director
RECOMMENDATION:	Staff recommends approval of the proposed amendments listed in attached Exhibits A and B, as well as any revisions found appropriate by the Planning Commission.

I. BACKGROUND

The Development Code was adopted in 2009. It began to be amended later that same year, and amendments have continued up to the present. Amendments to date have included major revisions as well as smaller, more targeted amendments.

The proposed amendments include changes to reflect current local, regional and state policies, codes and definitions (e.g., to the Accessory Dwelling Unit code); the addition of Housing Types to commercial zoning districts, additional options for residential density incentives, an updated sign code with additional signage options, reformatting several sections, and various typographical corrections.

The Planning Commission reviewed many of the proposed amendments in a work session on February 4, 2019.

Public notice of this proposal was provided to the Department of Land Conservation and Development (DLCD), and published in the *News Times* on May 1, 2019. As of the date of this report, DLCD staff has voiced verbal support of the amendments. No comments have been received from the public.

II. PROPOSED AMENDMENTS

The pages listed below refer to attached Exhibit A – *Proposed Amendments* and Exhibit B - *Signs.* Proposed new text in the exhibits is **bolded,** while text proposed to be deleted in the exhibits is ~~struck-through~~.

The proposed amendments include the following –

Exhibit A Page 1: The amendment to **§17.3.100 Purpose** would correct a typographical error. The city has six residential zoning districts.

Pages 1 & 2: The amendments to **§17.3.120 Table 3-2** would:

i. Increase the number of rooms allowed in a bed-and-breakfast inn that could be reviewed using a Type I process from 3 to 5; and
ii. Decrease the number of rooms allowed in a bed-and-breakfast inn that could be reviewed using a Type II process from 27 to 10 (more on this below – see p. 3);
iii. Allow manufactured homes to be used as accessory dwelling units, except in historic districts; and
iv. Delete the domesticated fowl regulations from the Development Code. This text would be relocated to Forest Grove Code Chapter 93 ANIMALS. Chapter 93 includes the Animal Services Code and the Limitation on Dog Ownership and thus, seems the more logical location for these regulations.

Additional proposals to amend the Bed and Breakfast Inn code and the Accessory Dwelling Unit code are described below.

Page 2: The amendment to **§17.3.130(H) Table 3-7 Footnote #4** would adopt the same setback language as in §17.7.020(C) Accessory Structures.

Page 3: **§17.3.320 Table 3-10** would be amended to add Housing Types in the Commercial and Mixed Use Zones.

Page 4: **Footnote #4** would revise the bed-and-breakfast inn code as described above.

Page 5: The existing **Footnote 14** would eliminate the domesticated fowl code as described above. The existing **Footnote 15** would be amended to eliminate redundant language.

Page 5: **Footnote 18** would be added to limit single-family detached lot size in the NMU zoning district to 4,000 square feet so as to encourage more compact development.

Page 5: **§17.3.420 Table 3-12** would be amended to add Housing Types in the Town Center Core and Town Center Transition zoning districts.

Page 6: **§17.3.520 Table 3-14** would be amended to correct a typographical error.

Page 6: **§17.5.140** would be amended to correct a typographical error.

Page 6: **§17.5.515** would be amended to eliminate the limitation on recreational vehicle stays. This amendment is required in order to comply with ORS 197.493 *Placement and occupancy of recreational vehicle*. This statute was adopted in 2017 and states that:

(1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

(a) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;
(b) Occupied as a residential dwelling; an
(c) Lawfully connected to water and electrical supply systems and a sewage disposal system.

(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle.

Page 7: **§17.7.015** regulating Accessory Dwelling Units would be revised to comply with ORS 197.303. These amendments would eliminate the owner occupancy requirement, allow an entire floor in an existing home to be developed as an ADU even if it exceeds other square footage limits, and eliminates both the off-street parking and the appearance requirements. (The ADU definition would also be changed; see Exhibit A p. 13). The optional amendments would allow manufactured homes as ADUs (except in historic districts) and would prohibit the use of converted shipping containers.

Page 7: The existing Bed & Breakfast Inn code was adopted in 1989 and has not been reviewed or amended since. **§17.7.030** regulating B&Bs would be amended to allow up to 5 guest rooms (and increase from 3) as a Type I process in single-family, the RML and the NC zoning districts. This would potentially allow for more whole-house short-term rentals. The amendments would also reduce the overall number of rooms permitted in RMH-zoned B&Bs from 27 to 10, and require those requests to be reviewed under a Type II process instead of the current Type I. It is unknown why or how 27 guest rooms were thought acceptable in the RMH-zoned areas, nor is it known why the review process is only a Type I. Lastly, the off-street parking required would be reduced from 1 per guest room to 1 per 2 guest rooms, under the notion that additional demand for street parking would be preferable to creating new surface parking areas in residential neighborhoods.

Pages 8-9: New Residential Density Incentives would be added to **§17.7.410 Table 7-3.** Two of these (Enterprise Green Communities and Earth Advantage Homes) would provide an alternative to LEED certification. The "Other" category would be expanded to include specific options. The two examples listed are not programs that are easily quantified; an applicant proposing to use them would need to present justification for the number of points to be awarded.

Pages 9-12: The proposed revisions are formatting amendments, to locate all Building Design and Development Standards into one section. No amendments to the text are proposed.

Page 13: The park Dedication requirement of **§17.8.905** would be generalized to substitute "City" for "Commission". This change is being proposed because standard subdivision review is a Type II process, and as such, the Planning Commission has no review authority.

Page 13: The definition of Accessory Dwelling Unit would be changed to adopt the State definition per ORS 197.303 noted above.

Page 13: Two new definitions would be added to the Sign Code, pertaining to Air-Blown Devices and Feather Banners. Neither is currently defined. Proposed regulations of those sign types follows in Exhibit B.

Exhibit B: The existing Sign Code was adopted in 2009 and has not been reviewed or amended since. The current code was reviewed by the City Attorney who recommended many revisions intended to improve clarity and readability. Rather than consider those individually, they have been incorporated in total into this draft. The substantive amendments are as follows:

Page 3: **§17.8.815** Prohibited Signs has been amended to delete Off-Premise Signs. Because the City cannot regulate a sign based on content (which would violate the First Amendment), and because one cannot determine what is an off-premise sign until it is read, the City therefore can't regulate off-premise signs.

Page 3: **§17.8.820(B)** Temporary Signs has been amended to delete "One temporary sign per lot, not exceed six (6) square feet in area and 30 (thirty) inches in height" in residential zoning districts. Because this section already allows garage sale signs and real estate signs, the purpose of these additional temporary signs is unclear. The other issue is that there is currently no time limitation, which suggests that these "temporary" signs could be in place indefinitely.

Page 4: **§17.8.825** Portable Signs has been amended to include two new sign types, the feather banner and the air-blown device. Each property would continue to be allowed an A-Board type sign (here described as a "rigid portable sign") as well as one feather banner and one air-blown device. As per current regulations, all Portable Signs would need to be removed at the end of the business day.

Page 6: **§17.8.830(F)** Permanent Sign Regulations – Commercial (TC) Zones would be amended to allow Monument Signs in the TCT zoning district.

III. APPROVAL CRITERIA AND FINDINGS

Development Code §17.2.630 *Review Criteria* lists two standards to be satisfied to adopt a text amendment:

A. The text amendment is consistent with relevant goals and policies of the Forest Grove Comprehensive Plan; and

Finding: Several of the proposed amendments would clarify development requirements, or would update definitions and standards to comply with State codes. These include amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations*, §17.3.420 *Town Center – Use Regulations*, §17.5.515 *Recreational Vehicle Parks*, and §17.7.015 *Accessory Dwelling Units.* Since the Development Code serves as the principal tool for implementing the City's Comprehensive Plan, actions initiated under the Development Code are deemed consistent with the adopted Comprehensive Plan and applicable federal, state and regional laws.

Finding: Relevant goals and policies related to the proposed changes are addressed as follows:

Forest Grove Comprehensive Plan - Residential Goals and Policies

Residential Goal #1. RESIDENTIAL AREAS SHALL BE DEVELOPED IN A SAFE, AESTHETICALLY PLEASING, AND EFFICIENT MANNER.

Finding: The amendment to §17.7.015 *Accessory Dwelling Unit – Standards* would restrict the use of shipping containers as accessory dwelling units. With this amendment, residential neighborhoods can continue to be developed in an aesthetically pleasing manner by not allowing industrial-type structures in residential areas.

Forest Grove Comprehensive Plan - Housing Goals and Policies

Housing Goal #3: Promote mixed use development opportunities throughout the community.

Policy 3.1 Identify locations on the Comprehensive Plan and Zoning maps for mixed-use development opportunities. Establish standards for residential and commercial densities, desired building mix, and building design in mixed use areas.

Finding: Permitted Housing Types in the commercial and town center zoning districts are not currently listed in the Development Code. The amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* and §17.3.420 *Town Center – Use Regulations* would establish a list of Housing Types permitted in the Commercial and Mixed Use zoning districts, thus further fulfilling Policy 3.1.

Forest Grove Comprehensive Plan - Land Use Policies

Land Use Policy #8. Land designated for single-family attached and multi-family developments shall be distributed throughout the city taking into consideration availability of public services, topography and environmental constraints. Preferred locations for medium and higher density residential development include areas within walking distance of schools, parks, commercial areas, or existing/planned transit service.

Finding: The Pacific Avenue/19th Avenue Corridor Study (2005) noted that the *"corridor contains a significant amount of vacant land and vacant or underutilized buildings."* While the corridor study recommended an increase in the number of housing units along the corridor, it did not suggest or recommend specific housing types. The amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* would identify housing types that would be suitable in the corridor.

Finding: An objective of the Comprehensive Plan is to "*Implement development standards to promote transit-oriented land use within walking distance of planned high capacity transit corridors."* A frequent service transit corridor already exists along Pacific and 19th avenues. The amendments §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* would specifically identify the high-density housing types permitted along the corridor, thus promoting transit-oriented land dues within walking distance of a transit corridor.

Land Use Policy #9. Development regulations shall promote a variety of housing types suitable for owner- and renter-occupants. The Economic Opportunity Analysis indicates a need for 3,859 owner-occupied units and 878 renter-occupied units over the next 20 years.

Finding: Permitted Housing Types in the commercial and town center zoning districts are not currently listed in the Development Code. The amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* and §17.3.420 *Town Center – Use Regulations* would establish standards as to what kind of Housing Types are permitted in the Commercial and Mixed Use zoning districts, thus ensuring that a variety of housing types are available.

Land Use Policy # 12. Amend the land use regulations to expand the definition of accessory dwelling units to include units not attached or within an existing residential structure.

Finding: While the City has had code regulating accessory dwelling units since 1992, that code is not in compliance with current State codes. The amendments to §17.7.015 *Accessory Dwelling Unit – Standards* would bring this section of the Development Code into compliance.

Forest Grove Comprehensive Plan – Historic Preservation Goals and Policies

Historic Preservation Goal #1. PRESERVE AND ENHANCE AREAS, SITES AND STRUCTURES OF HISTORIC OR CULTURAL SIGNIFICANCE TO THE FOREST GROVE AREA.

Finding: An amendment to §17.5.015 *Accessory Dwelling Units – Standards* would prohibit manufactured home accessory dwelling units within historic districts. This limitation would help preserve the character of the three historic districts in the community by not allowing structures that are clearly not part of the era that the three historic districts reflect. Thus, the amendment promotes the preservation of historically significant areas.

B. The text amendment is consistent with relevant statewide and regional planning goals, programs and rules.

Finding: The City of Forest Grove Comprehensive Plan and implementing regulations have been acknowledged by the Oregon Department of Land Conservation and Development as being in compliance with Statewide Goals. Many of the proposed amendments would simply update and clarify processes and procedures, correct typographical errors, or bring the Development Code into compliance with State statutes. As such, they are consistent with relevant statewide and regional planning goals, policies and rules.

Finding: Relevant statewide and regional goals and policies related to the proposed changes are addressed as follows:

Statewide Planning Goal 10 Housing – To provide for the housing needs of citizens of the state.

Metro Urban Growth Management Functional Plan - Title 1: Housing Capacity

Finding: Permitted Housing Types in the commercial and town center zoning districts are not currently listed in the Development Code. The amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* and §17.3.420 *Town Center – Use Regulations* would establish standards as to what kind of Housing Types are permitted in the Commercial and Mixed Use zoning districts, thus ensuring that housing capacity targets can be met.

Metro Regional Framework Plan Policy 1.3 Housing Choices and Opportunities

Finding: Permitted Housing Types in the commercial and town center zoning districts are not currently listed in the Development Code. The amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* and §17.3.420 *Town Center – Use Regulations* would establish standards as to what kind of Housing Types are permitted in the Commercial and Mixed Use zoning districts, thus ensuring that a variety of housing types are available.

Finding: While the City has had code regulating accessory dwelling units since 1992, that code is not in compliance with current State codes. The amendments to §17.7.015 *Accessory Dwelling Unit – Standards* would bring this section of the Development Code into compliance.

Finding: While the City has had code regulating accessory dwelling units since 1992, this code has not permitted the use of manufactured homes as ADUs. Amendments to §17.7.015 *Accessory Dwelling Unit – Standards* would allow manufactured homes as ADUs so long as they comply with other ADU standards, thus increasing housing choices and opportunities.

Finding: The City already offers a variety of incentives to increase residential densities above base requirements. The proposed amenities would provide additional opportunities for increased densities, thus offering greater housing choices and opportunities, and, due to the increased densities, potentially lower per-unit expenses.

IV. ALTERNATIVES

The Planning Commission may recommend that the City Council approve the proposal as submitted, approve it with modifications, deny it, or the Commission may continue deliberations to a date certain.

V. RECOMMENDATION

Based on the findings above, staff recommends approval of the proposed amendments listed in attached Exhibits "A" and "B", as well as any revisions found appropriate by the Planning Commission.

VI. LIST OF EXHIBITS

The following exhibits were received, marked, and entered into the record as evidence for this application at the time this staff report was written. Exhibits received after the date of this report will be marked beginning with the next consecutive letter and will be entered into the record at the time the public hearing is opened, prior to oral testimony.

Exhibit A	Proposed Development Code Amendments
Exhibit B	Proposed Sign Code (§17.8.800 – §17.8.875)

EXHIBIT A
ORDINANCE NO. 2019-

CITY OF FOREST GROVE DEVELOPMENT CODE

RESIDENTIAL ZONES

17.3.100 PURPOSE

The City of Forest Grove has established ~~five~~ six residential zones to implement the Residential designations of the Comprehensive Plan....

17.3.120 USE REGULATIONS

TABLE 3-2 Residential Zones: Use Table

USE CATEGORY	SR	R-10	R-7	R-5	RML	RMH
RESIDENTIAL						
Household Living	P	P	P	P	P	P
Group Living	L[1]	L[1]	L[1]	L[1]	L[1]	L[1]
Transitional Housing	N	N	N	N	C	C
Home Occupation	L[2]	L[2]	L[2]	L[2]	L[2]	L[2]
Bed and Breakfast	L[3]	L[3]	L[3]	L[3]	L[3]	L[3]
HOUSING TYPES						
Single Units, Detached	P	P	P	P	P	L[4]
Single Units, Attached	L[5]	L[5]	L[5]	L[5]	P	P
Accessory Units	L[6]	L[6]	L[6]	L[6]	L[6]	L[6]
Duplexes	L[5]	L[5]	L[5]	L[5]	P	P
Manufactured Homes	L[7]	L[7]	L[7]	L[7]	L[7]	L[7]
Manufactured Home Park	N	C	C	C	C	C
Multi-Family Units	N	N	N	N	P	P
OTHER						
Agriculture / Horticulture	L[11] ~~[12]~~	L[11] ~~[12]~~	L[11] ~~[12]~~	L[11] ~~[12]~~	L[11] ~~[12]~~	N
Cemeteries	P	P	P	P	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Wireless Communication Facilities	L ~~[13]~~ [12]	L ~~[13]~~ [12]	L ~~[13]~~ [12]	L ~~[13]~~ [12]	L ~~[13]~~ [12]	L ~~[13]~~ [12]
Self-Service Storage	N	N	N	N	N	N
Information Centers	N	N	N	N	N	N
Office	N	N	N	N	N	N

P = Permitted L = Limited C = Conditional Use N = Not Permitted

Footnotes:

[1] Group living ....
[2] Home occupation...

[3] Bed & Breakfast Inn limited to ~~three (3)~~ **five (5)** guest rooms in the SR, R-10, R-7, R-5 and RML zones and ~~twenty-seven (27)~~ **ten (10)** guest rooms in the RMH zone, subject to compliance with the Bed & Breakfast Inn standards in Article 7.

[4] To preserve RMH land…

[5] For subdivision of twenty (20) or more lots…

[6] Accessory dwelling units – **including manufactured homes** - are allowed in conjunction with a single-family dwelling in any residential zone, subject to compliance with the accessory dwelling unit standards in Article 7. **Manufactured home ADUs are prohibited in historic districts.**

[7] Manufactured homes on individual lots…

[8] Commercial recreation uses…

[9] A day care facility…

[10] A neighborhood store…

[11] Agriculture uses…

~~[12] Domesticated fowl are allowed in single-family residences primarily for personal use. Domesticated fowl are allowed subject to these conditions.~~

~~(a) Up to 4 adult fowl over 6 months of age may be kept on any lot with a minimum area of 5,000 square feet. One additional adult fowl shall be permitted for each 2,000 square feet of additional lot area, up to a maximum of 12 fowl.~~

~~(b) No roosters shall be permitted.~~

~~(c) Animal waste matter shall not be allowed to accumulate.~~

~~(d) All animal food shall be stored in metal or other rodent-proof containers.~~

~~(e) Fencing shall be designed and constructed to confine all animals to the owner's property.~~

~~(f) All structures that house fowl shall be located at least 20 feet from all residences (except the animal owner's).~~

~~(g) All structures that house fowl shall be located at least 5 feet from any side or rear property line.~~

~~[13]~~ **[12]** Wireless communication facilities…

17.3.130 RESIDENTIAL ZONE DEVELOPMENT STANDARDS

H. Setback Standards

TABLE 3-7: Setback Requirements

Front Yard, Dwelling [1, 2]	20 feet (possible reduction to 14 feet)
Front Yard, Garage	20 feet
Interior Side Yard [3,4]	Either 5 feet or 1 foot for each 3 feet of building height, whichever is greater
Corner Side Yard	Same as front yard
Rear Yard [5, 6]	15 feet or 2 feet for every 3 feet in building height at the eave line, whichever is greater.

Footnotes:

[1] The front yard setback…

[2] On an infill lot…

[3] The side yard setback …

[4] Accessory buildings (including accessory dwellings and detached garages) that do not exceed one (1) story in height ~~may~~ **shall not** be located **closer than** ~~on or within~~ five (5) feet **to any** ~~of an interior~~ side ~~yard property line~~ or a rear property line.

[5] Attached garages…

[6] A larger rear yard setback …

COMMERCIAL AND MIXED USE ZONES

17.3.320 USE REGULATIONS

TABLE 3-10: Commercial and Mixed Use Zones Use Table

USE CATEGORY	NC	CC	NMU
RESIDENTIAL Household Living	L[1]	L[2]	P/L[~~15~~] [14]
Group Living	N	P	N
Transitional Housing	N	C	N
Home Occupation	L[3]	L[3]	L[3]
Bed and Breakfast	L[4]	P	L[4]
HOUSING TYPES **Single Units, Detached**	**N**	**N**	**L**[18]
Single Units, Attached	**N**	**P**	**P**
Accessory Units	**N**	**N**	**N**
Duplexes	**N**	**P**	**P**
Manufactured Dwellings	**N**	**N**	**N**
Manufactured Dwelling Park	**N**	**N**	**N**
Multi-Family Units	**P**	**P**	**P**
CIVIC / INSTITUTIONAL Basic Utilities	P	P	P
Major Utility Transmission Facilities	C	C	C
Colleges	N	C	N
Community Recreation	N	P	L[~~16~~] [15]
Cultural Institutions	P	P	L[~~16~~] [15]
Day Care	P	P	L[~~16~~] [15]
Emergency Services	C	C	L[~~16~~] [15]
Postal Services	C	P	L[~~16~~] [15]
Religious Institutions	C	P	L[~~16~~] [15]
Schools	C	C	L[~~16~~] [15]
Social/ Fraternal Clubs / Lodges	C	P	L[~~16~~] [15]
COMMERCIAL Commercial Lodging	N	L[5]	L[~~16~~] [15]
Eating and Drinking Establishments	L[6]	P	L[~~16~~] [15]
Entertainment – Oriented: - Major Event Entertainment	N	N	N
- Outdoor Entertainment	N	N	N
- Indoor Entertainment	N	P	L[~~16~~] [15]
General Retail: - Sales – Oriented	L[7]	L[7]	L[~~16~~] [15]
- Personal Services	P	P	L[~~16~~] [15]
- Repair – Oriented	P	P	L[~~16~~] [15]
- Bulk Sales	N	P	N
- Outdoor Sales	L[8]	L[8]	L[~~16~~] [15]
- Animal – Related	N	P	N
Medical Centers	N	L[12]	N

Motor Vehicle Related: - Motor Vehicles Sale / Rental	N	L[9]	N
- Motor Vehicle Servicing / Repair	N	P	L~~[17]~~[16]
- Motor Vehicle Fuel Sales	P[10]	P	N
Non-Accessory Parking	N	P	N
Office	L~~[18]~~[17]	L~~[18]~~[17]	L[16]~~[18]~~[17]
Self-Service Storage	N	C	N
INDUSTRIAL Industrial Services	N	N	N
Manufacturing and Production: - Light Industrial	N	C[11]	N
- General Industrial	N	N	N
- Medical and Recreational Marijuana Processors and Production	N	N	N
Railroad Yards	N	N	N
Research and Development	N	N	N
Warehouse / Freight Movement	N	N	N
Waste – Related	N	N	N
Wholesale Sales	N	N	N
OTHER			
Agriculture / Horticulture	L ~~[14]~~	L~~[14]~~	L~~[14]~~
Cemeteries	N	N	N
Detention Facilities	N	N	N
Mining	N	N	N
Wireless Communication Facilities	L[13]	L[13]	L[13]

P = Permitted L = Limited C = Conditional Use N = Not Permitted

Footnotes:

[1] Residential units are permitted in conjunction with a mixed-use development in the NC zone, at a minimum density of 3.48 and a maximum density of 4.35 dwelling units/net acre.

[2] Residential units are permitted as a stand-alone use or as part of a mixed-use development in the CC zone, at a minimum density of 16.22 units/net acre and a maximum density of 30.00 units/net acre. Stand-alone residential projects shall have a minimum density of 16.22 units/net acre. There is no minimum density requirement when residential units are constructed over first floor commercial uses. Residential density for affordable housing may be increased to 50.00 units/net acre pursuant to §17.7.410 Table 7-2 Tier 2.

[3] Home occupations …

[4] Bed & breakfast inn limited to ~~three (3)~~ **five (5)** guest rooms in the NC zone, subject to compliance with the bed & breakfast inn standards in Article 7.

[5] Recreational Vehicle Parks...

[6] Restaurants are permitted …

[7] Marijuana retailers are prohibited …

[8] Outdoor sales in the NC zone are limited …

[9] Cleaning, sales and repair of motor vehicles and light equipment is permitted …

[10] Automobile service station in the NC zone is limited …

[11] As a conditional use pursuant to §17.2.200 et. seq.,…

[12] Medical marijuana dispensaries …

[13] Wireless communication facilities …

~~[14]~~ ~~Domesticated fowl are allowed in conjunction with existing single-family uses and primarily for personal use. Domesticated fowl are allowed subject to these conditions.~~

~~a. Up to 4 adult fowl over 6 months of age may be kept on any lot with a minimum area of 5,000 square feet. One additional adult fowl shall be permitted for each 2,000 square feet of additional lot area, up to a maximum of 12 fowl.~~

~~b. No roosters shall be permitted.~~

~~c. Animal waste matter shall not be allowed to accumulate.~~

~~d. All animal food shall be stored in metal or other rodent-proof containers.~~

~~e. Fencing shall be designed and constructed to confine all animals to the owner's property.~~

~~f. All structures that house fowl shall be located at least 20 feet from all residences (except the animal owner's).~~

~~g. All structures that house fowl shall be located at least 5 feet from any side or rear property line.~~

~~[15]~~**[14]** Residential and day care uses – Existing uses are permitted outright. ~~New uses are permitted within a Mixed Use Planned Development approved in accordance with §10.4.300. Residential density shall be established in the Mixed Use Planned Development.~~

~~[16]~~**[15]** Use is only permitted within a Village Center of a Mixed Use Planned Development approved in accordance with §10.4.300.

~~[17]~~**[16]** Restricted to uses existing as of 03/28/2016.

~~[18]~~**[17]** Marijuana testing laboratories …

[18] Lot area per unit shall not exceed 4,000 square feet.

TOWN CENTER ZONES

17.3.420 USE REGULATIONS

TABLE 3-12: Town Center Zones Use Table

USE CATEGORY	TC - Core	TC - Transition
RESIDENTIAL Household Living	L[1]	L[1]
Group Living	P[1]	P
Transitional Housing	N	C
Home Occupation	L[2]	L[2]
Bed and Breakfast	C[2]	P
HOUSING TYPES **Single Units, Detached**	**N**	**N**
Single Units, Attached	**N**	**P**
Accessory Units	**N**	**N**
Duplexes	**N**	**P**
Manufactured Dwellings	**N**	**N**
Manufactured Dwelling Park	**N**	**N**
Multi-Family Units	**P**	**P**

INDUSTRIAL ZONES

17.3.520 USE REGULATIONS

TABLE 3-14: Industrial Zones Use Table

USE CATEGORY	LI	GI	BIP
COMMERCIAL Entertainment – Oriented: - Major Event Entertainment	N	N	N
- Outdoor Entertainment	N	N	N
- Indoor Entertainment	N	N	C
General Retail: - Sales – ~~Orientated~~ **Oriented**	N	L[4]	L[4]

TREE PROTECTION

17.5.140 PROTECTION OF REGISTER TREES

B. When development is proposed within a significant grove or when Register trees are located within a site proposed for development, a tree protection plan pursuant to ~~§17.5.110~~ **§17.5.115** shall be submitted for approval….

RECREATIONAL VEHICLE PARKS

17.5.515 DEVELOPMENT STANDARDS

A. Parks shall serve recreational vehicles:

1. As defined by OAR 918-650-0005 (18) excluding:

   a. "Park trailer" as defined by that section; and
   b. "Recreational structures" as defined by ORS 446.003.

2. Intended to be used for recreational purposes~~;~~ **.** ~~and~~

~~3. Length of stays shall be limited to 30 days or less for any one year period beginning from the date of the first overnight stay at that facility.~~

~~4. Length of stays can be waived by the Director if the Mayor or Governor declares an emergency affecting Forest Grove and temporary housing is needed to meet that emergency. Once the need has been met, the park shall only allow recreational vehicles consistent with this Code and any unit installed for purposes of the emergency shall be removed within 30 days after notification is made by the Director that the emergency has ended.~~

ACCESSORY DWELLING UNITS

17.7.015 STANDARDS

One (1) accessory dwelling unit may be allowed in conjunction with a single-family dwelling by conversion of an existing space, by means of an addition, or as an accessory structure – **including a manufactured home** - on the same lot with an existing dwelling, subject to the following standards and limitations:

A. ~~The owner(s) of the primary dwelling shall occupy at least one (1) of the units;~~ **Manufactured home ADUs are not allowed in historic districts.**

B. Any addition shall not increase the gross floor area of the original dwelling by more than 10%;

C. The gross floor area of the accessory dwelling unit shall not exceed ~~30% of the primary dwelling's gross floor area, or~~ 720 square feet~~, whichever is less~~; **However, accessory dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling would exceed 720 square feet.**

D. ~~One (1) additional off-street parking space shall be provided in addition to the required parking for the primary dwelling~~; **ADUs may not be constructed from portable metal structures that require no assembly, such as shipping containers.**

E. ~~The accessory dwelling unit shall have exterior siding and roofing similar in color, material and appearance to that used on the primary dwelling~~; and

~~G.~~ The accessory dwelling unit shall comply with applicable fire and life safety codes.

BED AND BREAKFAST INN

17.7.030 PROCEDURE

A bed and breakfast inn limited to ~~three (3)~~ **five (5)** guest rooms is permitted with Type I review in the single-family zones and the RML and Neighborhood Commercial zones. A bed and breakfast inn with up to ~~twenty-seven (27)~~ **ten (10)** guest rooms is permitted with ~~Type I~~ **Type II** review in the RMH zone. A bed and breakfast inn is permitted outright in all other zones that allow motel/hotel uses.

17.7.035 STANDARDS

A. The bed and breakfast inn shall be owner/operator occupied and limited to the number of guest rooms specified above;

B. The bed and breakfast inn shall provide breakfast to overnight guests of the establishment only; and

C. The bed and breakfast inn shall provide one (1) off-street parking space for each **two (2)** guest rooms in addition to ~~two (2)~~ **the one (1)** off-street parking spaces required for the permanent residents.

D. A reduction in the off-street parking requirements may be permitted with Type III conditional use review if the applicant shows that:

1. There is adequate and safe off-street parking available to the guests within 300 feet of the bed and breakfast inn; or
2. In the case of a property listed on the Forest Grove Inventory of Historic and Cultural Resources, there is adequate on-street parking available to the guest which will not adversely affect neighboring property owners; and
3. Provision of the required off-street parking would not be detrimental to the historic or cultural value of the site.

RESIDENTIAL DENSITY INCENTIVE ABOVE BASE REQUIREMENT

17.7.410 STANDARDS

TABLE 7-3: AMENITY CATEGORIES AND VALUES

Amenity Category	Value	Description
Bicycle Amenities	1 point	Provide residents with enhanced bicycle amenities (parking and repair area). The area dedicated to long-term bicycle parking shall be sized to accommodate 0.5 bicycles per unit and must be covered and secure. The area dedicated to bicycle repair shall be a minimum of 50 square feet in area and designed and equipped to facilitate bicycle maintenance.
Energy Efficiency	2 points	Energy efficiency improvements compliant with Energy Trust of Oregon. Projects must enroll in the Energy Trust's Design Assistance program during schematic design or earlier and commit to exceeding Oregon code requirements by a minimum of 5%.
	2 points	Achieve an Energy Star score of 7 or better, as calculated by the EPA online tool.
	3 points	Project designed to Net Zero Energy Certification.
"Green" Materials	2 points	Use environmentally sensitive ("Green") materials on at least 50% of the building's interior surfaces including: • Wall and Ceiling Latex Paint: Low VOC • Paint with recycled content: minimum 50% post-consumer • Countertop with recycled content: 25% Post-consumer content • Carpet with post-consumer recycled content (+50%) • Renewable flooring materials: Linoleum, cork, bamboo, or wool • Forest Stewardship Council-certified Reclaimed Wood
	3 points	Use of "Green Material" on at least 75% of the building's interior.
Low Impact Design	1 point	Manage all storm water from the site using low impact design techniques from *Clean Water Services Low Impact Development Handbook for the Tualatin Basin.*
Ground Floor Retail	3 points	Provide at least 5,000 square feet of retail or space which is designed to be convertible to ground level retail. A density bonus for this amenity is available in the TCT zone only.
Residential Gardening	2 points	Provide a community garden for use by residents. The garden must include raised beds (minimum size 3' by 5') with improved soil and a water source for irrigation. The garden may be at grade or rooftop, but must be located in an area with adequate sunlight (minimum 6 hours/day). The area dedicated to the community garden shall be sized to accommodate 0.3 raised beds per unit plus walkways.
Rooftop Garden or Eco-Roof	2 points	Provide a rooftop garden or an eco-roof. The rooftop garden or eco-roof must cover at least 50% of the roof area of the building. Rooftop gardens must be accessible to residents and at least 30% of the garden area must contain plants. The remaining area must include seating areas and other amenities. Eco-roofs must be designed to

		reduce storm water and be entirely covered with vegetation.
• Public Plaza • Outdoor Patio • Seating Area	2 points	Where ground floor retail is planned, provide a patio area for outdoor seating between the retail and the primary public street frontage which is designed to activate the street frontage. The patio and seating area must extend along at least 20 feet of the frontage and be at least 10 feet deep.
	3 points	Provide a public plaza with a minimum area of 2,000 square feet. Seating areas and landscape plantings are required amenities. Water features are encouraged. To promote a sense of openness and safety, public plazas shall be completely visible from an adjacent street frontage.
Structured Parking	10 points	At least 80% of the required parking is provided in a parking structure. Structures may be at- or below-grade.
LEED Certification	Silver: 8 points Gold: 10 points Platinum: 12 points	Project designed to achieve LEED Silver, Gold, or Platinum certification. Project features required to qualify for LEED certification cannot be used to qualify for points in other amenity categories.
Enterprise Green Communities	**8 points**	**Projects must be designed to achieve compliance with the mandatory EGC Criteria measures applicable to that construction type and must achieve 35 optional EGC points. Project features required to qualify for EGC certification cannot be used to qualify for points in other amenity categories.**
Earth Advantage Homes	**Silver: 8 points Gold: 10 points Platinum: 12 points**	**Projects must be designed to achieve Earth Advantage Silver, Gold, or Platinum certification. Project features required to qualify for EA certification cannot be used to qualify for points in other amenity categories.**
Other	TBD	Other amenity approved by Planning Commission. **Amenities may include (but are not limited to) compliance with the Oregon Housing and Community Services Department Sustainable Design Program, the National Council on Independent Living visitability basic requirements, etc.**

BUILDING DESIGN AND DEVELOPMENT STANDARDS

17.8.710 STANDARDS

A. Building Design Standards for Multi-Unit Development except within Town Center zones.

B. Building Design Standards for Commercial Development **in Commercial** ~~except within Town Center or~~ **and** Mixed Use zones.

1. Building Orientation
2. Massing and Form
3. Design Elements
4. Compatibility
5. Safety
6. **Single-Family and Duplexes in the NMU zone shall comply with 17.8.710(F).**

C. Building Design Standards within Town Center Districts

D. Building Design Standards for Institutional Development not within the Institutional Zone.

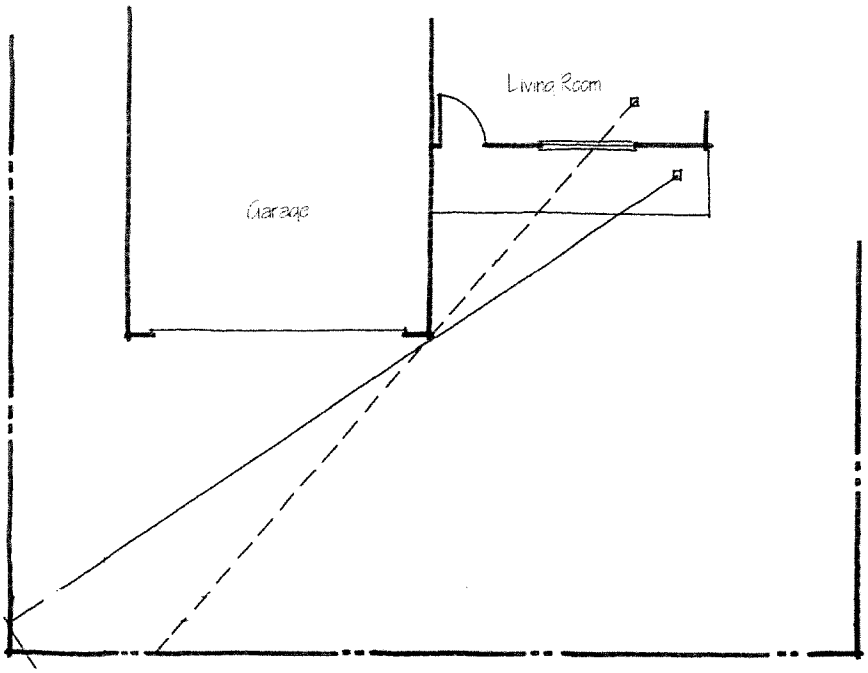
E. Building Design Standards for Historic Landmarks and within Historic Districts.
F. **Single-Family and Duplexes** (section moved from 17.8.880)

1. Purpose. The purpose of the design standards is to ensure that new residential development has a positive influence on the livability and safety of surrounding neighborhoods. The standards are narrowly focused on improving the way that new residential buildings relate to the public right-of-way (streets, sidewalks and parkways).

2. Applicability

a. The standard relating to street connection is applicable to construction of single-family dwellings, manufactured homes and duplexes on lots 9,000 square feet or smaller with an average slope of 12% or less. The intent of the standard is to ensure that dwellings on smaller lots are oriented to and visible from the public street and to enhance the pedestrian environment. The dwelling diversity standard is applicable to new subdivisions. Compliance with the design standards is checked during building plan review.

Figure 8-16: Visual Surveillance Standard



3. Standards

a. Street Connection and Visual Surveillance Standard. The front facade shall be designed to provide a line of sight starting at a point five (5) feet above the floor and two (2) feet directly back from any Standard Front Porch (see definitions) or front-facing window such that a person, if there were no vegetation, would be able to see 100% of their front property line. The intent is to create a physical

connection between the dwelling unit and the public sidewalk and/or street, and to allow the dwelling units occupants to see the public sidewalk and/or street for visual surveillance and crime prevention.

b. Lot Diversity Requirement. For subdivisions of six (6) lots or more, there shall be a variety of lot sizes, with at least a 50% increase between the smallest and largest lots.

c. Dwelling Diversity Standard. Front elevations shall not be replicated on adjacent lots nor on lots directly across the street, within any 24 month period or replicated within a subdivision over a 12 month period more than the larger number of a) 5 times or b) 10% of the total number of subdivision lots. These provisions can be met by having the requirements included in the Conditions, Covenants, and Restrictions of the subdivision. For this section the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim, and paint changes.

4. Building Façade and Elevation Standards

a. No more than six (6) single-family attached units shall be allowed in a series.
b. Duplex units with single family districts shall be designed and constructed to give the impression from the street of one single-family unit or, one corner lots, or two different units facing different directions.
c. No more than thirty-five percent (35%) of the front façade area of an attached single family or duplex unit shall be used for garage doors.
d. Front elevations shall provide design variation to avoid repetition and create architectural interest.
e. No building elevation shall have a horizontal or vertical blank wall section greater than fifteen feet (15').

5. The Director may approve an increase of the allowable percentage of duplex or single family attached units within SR, R-10, R-7 or R-5 district is the following criteria are adequately addressed:

a. The location and placement of the duplex and townhouse units maintain the appearance and single-family character of the subdivision, especially in regards to adjacent single-family development.
b. Proposed duplex designs convey the appearance of single-family units. For larger subdivisions, a number of different duplex designs would be required to justify the increase percentage.
c. The units visibility to the street, for example by having front porches or provide vehicular or parking access from a back alley.

G. Institutional Zone Design Standards (section moved from 17.8.885)

1. Purpose. The purpose of the institutional design standards is to ensure that new development has a positive influence on the livability and safety of the Forest Grove community. The standards are focused on improving the way that new institutional

buildings relate to the surrounding neighborhood, help create a pleasant pedestrian environment and support available public transit service.

2. Applicability

   a. Development in the INST zone is subject to Design Review under a Type II process.
   b. Design Review for projects within the INST zone may be conducted as part of a Type III, Conditional Use permit process.

3. Design Standards for Multi-Unit Residential Buildings in the INST Zone. Multi-unit residential buildings in the Institutional District shall meet the standards of Multi-Unit development found in this Article.

4. Design Standards for Non-Residential Buildings in the INST Zone.

   a. Building Location. The building location should imitate the pattern set by surrounding residential development. For example, if adjacent dwellings are set back twenty (20) feet from the street, the INST building(s) should maintain the same setback.
   b. Building Orientation and Entrance. At least one (1) main entrance to the INST building(s) shall be oriented to the street and sidewalk rather than toward the parking area. A direct sidewalk connection shall extend from the public sidewalk to the main entrance.
   c. Parking Location. Off-street parking for the INST building(s) should be located to the side or behind the building and shall not be located between the building and the street(s). To minimize the extent of paved areas, on street parking available along the frontage of the INST lot may be counted toward off-street parking requirements.
   d. Trash Storage Area. The INST building(s) shall provide an adequate sized trash storage area to accommodate waste generated on-site. The trash storage area shall be screened from public view from the sidewalk.
   e. Pedestrian connections and travel shall be given clear priority in INST district. The on-site pedestrian circulation system shall connect to public sidewalks adjacent to the site.
   f. Primary entrances shall be architecturally emphasized and visible from the street. Building entrances shall incorporate arcades, roofs, porches, alcoves, porticoes, or awnings that protect pedestrians from the rain and sun.

~~OTHER DEVELOPMENT REVIEW STANDARDS~~ (Moved to 17.8.710 BUILDING DESIGN AND DEVELOPMENT STANDARDS - STANDARDS)

LAND DIVISION STANDARDS

17.8.905 STANDARDS

G. Public Use Areas

1. Dedication Requirements.

a. Where a proposed park, playground or other public use shown in a development plan adopted by the City is located in whole or in part in a subdivision, the ~~Commission~~ **City** may require the dedication or reservation of such area within the subdivision.

b. Where considered desirable by the ~~Commission~~ **City** in accordance with adopted comprehensive plan policies, and where a development plan of the City does not indicate proposed public use areas, the ~~Commission~~ **City** may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks and other public use.

DEFINITIONS

17.12.210 MEANING OF SPECIFIC WORDS AND TERMS

D8. ~~Domesticated Fowl. Chickens, quail, pheasants, and ducks.~~

D13. Dwelling-Related Definitions:

b. Accessory Dwelling Unit – ~~One (1) or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling.~~ **An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.**

S3. Sign-Related Definitions.

c. **Air-Blown Device (a.k.a. air-blown dancer): Any device not otherwise specifically defined in this Code that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by mechanically-forced air. This definition specifically includes but is not limited to those devices referred to commercially as "air puppets" and "air dancers." For purposes of this Code, air-blown devices are advertising devices.**

p. **Feather Banner: A vertical portable sign, made of lightweight material that is prone to move in the wind, and that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand. This definition includes such signs of any shape including flutter, bow, teardrop, rectangular, shark, feather, and U-shaped. For purposes of this Code, a feather banner is an advertising device and sign.**

EXHIBIT B
ORDINANCE NO. 2019-

CITY OF FOREST GROVE DEVELOPMENT CODE

Development Code §17.8.000 through §17.8.875 is replaced in its entirety with the following:

SIGNS

17.8.800 PURPOSE

A. The purposes of §17.8.800 through §17.8.875 (the "Sign Code") are:

1. To promote the neat, clean, orderly and attractive appearance of the community;
2. To accommodate the need of sign users while avoiding nuisances to nearby properties;
3. To ensure safe construction, location, erection and maintenance of signs; and
4. To minimize distractions for motorists on public highways and streets.

B. The Sign Code is not intended to allow the construction, erection or maintenance of any sign in a place or manner that is unlawful under any state or federal law or City ordinance.

17.8.805 GENERAL PROVISIONS

A. Compliance with Sign Code. All signs erected, constructed or maintained in the City must comply with this Sign Code (§17.8.800 through §17.8.875). A sign that is erected, constructed or maintained in violation of the Sign Code is declared to be a nuisance and may be abated as such.

B. Oregon Motorist Information Act. The Oregon Motorist Information Act, ORS Chapter 377 (2017) is adopted by reference and incorporated into §17.8.800 to §17.8.875 as if fully set forth herein.

17.8.810 EXEMPTED SIGNS

The following signs do not require planning approval, although some may require a building permit to ensure compliance with structural requirements. Use of these signs does not affect the amount or type of signage otherwise allowed by this Sign Code. All signs listed in this section are subject to all other applicable provision(s) of the Sign Code.

A. Official signs placed or authorized by the city, county, state, or federal government in the publicly owned right-of-way as well as signs required by city, state, or federal government located on private property.
B. Flags adopted by a governmental agency.
C. Tablets, cornerstones, or commemorative plaques.
D. Signs intended to be viewed from within a building.

E. Seasonal decorations on private property.
F. Signs erected by a recognized neighborhood watch group.
G. Handheld signs.
H. Accessory signs.
I. Landmark signs.
J. Signs for hospital or emergency services and railroads.
K. Incidental Signs, provided the signs do not exceed one and a half (1.5) square feet in area for each sign, with no more than three (3) signs allowed for each permitted structure.
L. An exterior sign erected next to an entrance, exit, rest room, office door, or telephone, provided the sign is no more than four square feet in area. This type of sign is typically used to identify and locate a property feature.
M. Any sign that is not visible to motorists or pedestrians from a public highway, sidewalk, street, alley, or other area open to public travel.
N. One indirectly illuminated or non-illuminated wall sign not exceeding one-and-one-half (1.5) square feet in area placed on any residential building. This type of sign is typically used as a name or address plate.
O. Signs placed in or attached to a motor vehicle, bus, railroad car, or light rail car that is regularly used for purposes other than the display of signs.
P. Signs, up to four (4) square feet and no taller than two (2) feet, constructed or placed within a parking lot. These signs are typically used to direct traffic and parking.
Q. A sign that does not exceed four (4) square feet in area and four (4) feet in height, and is erected where there is a danger to the public or to which public access is prohibited.
R. Signs located within a sports stadium or athletic field, or other outdoor assembly area which are intended and oriented for viewing by persons within the facility.
S. Covered flier boxes under one (1) square foot in area when attached to a temporary or permanent sign.
T. Banner signs placed or authorized by the City in the publicly owned right-of-way.

17.8.815 PROHIBITED SIGNS

Notwithstanding §17.8.810 above, the following signs are prohibited:

A. Signs or sign structures that may pose a hazard to pedestrian or vehicular traffic, including but not limited to signs which obstruct clear vision areas as defined in §17.8.155 *Clear Vision Areas.*
B. Signs that are not in compliance with applicable setback requirements.
C. Signs within or which overhang the public right-of-way except signs installed or authorized by a governmental agency or public utility as permitted under the provision(s) of §90.01 et. seq. *Permitted Uses of the Public Way.*
D. Portable signs in the following categories:

    1. Signs on a parked vehicle unless the vehicle is being used for transport in the normal day-to-day operations of a business.
    2. Signs propped up by or leaning against a motor vehicle when such vehicle is parked in the public right-of-way.

E. Billboards.
F. Moving signs.
G. Festoons.

H. Balloon signs.
I. Hazardous signs.
J. Flashing signs.
K. Roof signs.
L. Signs that appear similar to traffic control devices.
M. Signs not in compliance with this Chapter.

17.8.820 TEMPORARY SIGNS

General provisions.

A. Temporary signs may be erected and maintained only in compliance with the following provisions. A temporary sign shall:

1. Contain no moving parts and shall not be lighted.
2. Be affixed to a permanent structure.
3. Be placed no higher than the building's eave, top of wall, or parapet.

B. Permitted temporary signs. Temporary signs are allowed on each lot in the following zones:

1. Residential (R-5, R-7, R-10, SR, RML, RMH) Zones (a permit is not required for such signs):

i. One temporary sign per frontage, not exceeding four (4) square feet in area, per side, which is erected for a maximum of eight (8) days in any calendar year and is removed by sunset on any day it is erected. Such signs are typically used for garage sales and other domestic purposes.
ii. Two temporary signs not exceeding 32 (thirty-two) square feet in a subdivision during the build-out of the residences in the subdivision. These types of signs are typically used for subdivision and model home identification. A sign may not be erected for an inhabited residence.
iii. One temporary sign per frontage, not exceeding six (6) square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 (thirty) days of the sale, lease or rental of the lot/structure.

2. Commercial (CC, CN, TC) and Industrial (LI, GI) Zones:

i. Up to two temporary signs not exceeding 100 square feet each (such as banner signs).
ii. Temporary signs shall be erected for no more than 30 consecutive days and for no more than sixty (60) days per calendar year.
iii. One temporary sign per frontage, not exceeding thirty-two (32) square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 (thirty) days of the sale, lease or rental of the lot/structure.

3. Institutional Zone:

i. Up to two temporary signs not exceeding 100 square feet each (such as banner signs).
ii. Temporary signs shall be erected for no more than 120 days per calendar year.
iii. One temporary sign per frontage, not exceeding thirty-two (32) square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 (thirty) days of the sale, lease or rental of the lot/structure.

C. All Zones:

1. Signs not exceeding six (6) square feet each in area during the period from six (6) weeks prior to a public election or the time the election is called, whichever is earlier, to 14 (fourteen) days after the public election. A permit is not required for such signs.
2. One temporary sign per frontage, not exceeding six (6) square feet in area, during the time of construction, landscaping, or remodeling of the property, provided that the sign is removed within 30 (thirty) days of the completion of any construction, landscaping, or remodeling.

17.8.825 PORTABLE SIGNS

General provisions. Portable signs may be erected and maintained only in compliance with the following provisions:

A. Portable signs are allowed only in the Commercial (CN, CC, TC), Industrial (LI, GI), and Institutional zones.
B. Portable signs shall not be lighted.
C. Each property is permitted one rigid portable sign, not exceeding six (6) square feet in area.
D. Each property is permitted one feather banner, not exceeding 20 square feet in area.
E. Each property is permitted one air-blown device.
F. Portable signs shall be located on private property directly adjacent to the business or institution that is responsible for the sign, unless permitted to be in the public right-of-way under the provision(s) of §90.01 et. seq. *Permitted Uses of the Public Way.*
G. Portable signs shall be removed at the close of the business day.

17.8.830 PERMANENT SIGN REGULATIONS

General provisions. Permanent signs may be erected and maintained only in compliance with the following provisions:

A. General permanent sign provisions.

1. Signs are not permitted within a public right-of-way unless authorized by a public agency.
2. Signs shall be erected in an upright position and placed perpendicular to a horizontal surface conforming to the line from horizon to horizon.
3. Maximum square footage restrictions include changeable copy and exclude accessory and incidental signs.
4. Minimum clearance for projecting, canopy, blade and hanging signs when over a walkway or access area is eight (8) feet. A sign shall not project beyond the canopy.
5. Projecting and hanging signs may extend no more than six (6) feet from a building's façade. No projecting or hanging sign may be over 24 (twenty-four) square feet in area on each side.
6. Sign setbacks are measured from the nearest property line to the nearest portion of the sign. In addition to the specific setbacks noted above, all signs must meet the clear-vision provision(s) of §17.8.155 *Clear Vision Areas.*

B. Residential (R-5, R-7, R-10, SR, RML, RMH) Zones.

1. A subdivision, manufactured home park, or multi-family complex is permitted one (1) permanent monument sign not to exceed eight (8) feet in height and 40 (forty) square feet in area. The sign shall be non-illuminated or indirectly illuminated.
2. A church or public school is permitted one (1) permanent monument sign not to exceed eight (8) feet in height and 40 (forty) square feet in area. Each sign may include changeable copy (manual or electronic). Any electronic changeable copy sign must have all illumination turned off between the hours of 9 p.m. and 7 a.m. Each sign must meet the setbacks applicable to the residential zone in which it is located.
3. Home occupation signs, not exceeding six (6) square feet in area, non-illuminated.

C. Institutional Zone.

1. An institution is permitted one (1) permanent monument sign not to exceed eight (8) feet in height and 40 (forty) square feet in area. The sign may include changeable copy (manual or electronic). Any electronic changeable copy sign must have all illumination turned off between the hours of 9 p.m. and 7 a.m. The sign must meet the setback provision(s) of §17.3.220(C) *Setbacks.*
2. In lieu of a monument sign, an institution is permitted a wall sign of up to 40 (forty) square feet in area.

D. Commercial (CC, CN), Neighborhood Mixed Use (NMU) and Industrial (LI, GI) Zones. Signs in these zones may be directly or indirectly lit and shall meet all setback provision(s) of its zone.

1. Monument Signs: Each site or multi-tenant complex is allowed one (1) permanent monument sign not to exceed 40 (forty) square feet in area and eight (8) feet in height per 400 feet of frontage, not to exceed three (3) per site or multi-tenant complex.
2. Wall signs (including window signs) shall not have a gross area greater than 15% of the face of the building to which the sign is attached or painted.
3. A canopy or hanging sign shall not exceed 15% of each wall face of the building to which the sign is attached.
4. No more than two (2) lighted signs are permitted in the windows of a business.

E. Commercial (CC) Zone:

1. In lieu of a monument sign, no more than one (1) pylon sign is allowed per street frontage. Multiple-tenant developments may be allowed additional pylon signs as provided in section (D)(1) above.
2. All pylon signs shall have a minimum clearance of ten (10) feet below the sign and shall have a maximum, overall height of twenty (20) feet above grade. A pylon signmay not have a total area of more than forty (40) square feet per face, except as provided in section (3) below.
3. Pylon signs for properties with three or more businesses may have up to seventy (70) square feet per face.

F. Commercial (TC) Zones:

1. Monument Signs: Each site or multi-tenant complex in the TCT Zone is allowed one (1) permanent monument sign not to exceed 40 (forty) square feet in area and eight (8) feet in height per 400 feet of frontage, not to exceed three (3) per site or multi-tenant complex.
2. A canopy or hanging sign shall not exceed 15% of each wall face of the building to which the sign is attached.
3. A wall sign (including window signs) may have a gross area not greater than 15% of the face of the building to which the sign is attached or painted.
4. A wall sign may not project more than 18 inches from the wall to which it is attached.
5. A business with a ground-floor entrance where the front building line is within five (5) feet of the public right-of-way is permitted one (1) projecting sign on the front building face, side, or corner in lieu of a wall sign. A projecting sign shall project no more than six (6) feet, have a maximum vertical dimension of six (6) feet, and is limited to a maximum of 24 (twenty-four) square feet of area per face.
6. Lighting for signs in the TC zones is limited to internal lighting, where the light source is inside the sign, or to indirect lighting screened from view, where the light source is located below the sign, and is part of an ornamental feature of the sign structure. Braces and struts that support indirect lighting from the top or sides of the sign are prohibited. This section does not apply to signs and lighting approved through Town Center Track 2 *Design Guidelines.*
7. No more than two (2) lighted signs are permitted in the windows of each business.
8. A lighted sign visible to and located within 100 feet of a residential zone must be turned off from 10:00 p.m. to sunrise.

Figure 8-17: Signs in the Town Center

G. Video display and changeable copy signs (manual and electronic) are subject to the following standards:

1. Video display signs are allowed only as part of a permanent monument or wall sign.
2. Manual changeable copy signs are allowed as part of a permanent monument, wall, or pylon sign.
3. The video display and changeable copy portion of a sign may not exceed 24 (twenty-four) square feet in area.
4. Electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not change at intervals of less than seven (7) seconds.
5. Video display and electronic changeable copy signs shall not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk and dawn as measured from the sign's face at maximum brightness.
6. Video display and electronic changeable copy signs shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour (1-1/2 hour) before sunset and one half-hour (1-1/2 hour) after sunrise.

17.8.835 SIGN PERMITS

A sign that is not specifically listed as exempt from the provisions of this Sign Code may not be erected, constructed, attached, relocated, or structurally altered without obtaining City approval. Approval is not required for signs listed as exempt or for routine sign maintenance.

A. A permit to modify an existing sign, or to legalize a sign for which a permit was not obtained when it was constructed, will be processed by a Type 1 procedure.
B. A permit for new signs will be processed by means of a Type 1 procedure, using the applicable standards of this Sign Code as approval criteria.

17.8.840 PERMIT REQUIREMENTS

An applicant for a sign permit shall supply the following information on forms provided by City:

A. Size, height, location, description, and material of the sign;
B. Name of the manufacturer, contractor, owner, and business advertised;
C. Scaled drawing(s) and description of copy, structure, and lighting;
D. Photo(s) or drawing(s) of the proposed sign location(s); and
E. Signature of property owner or designee.
F. Other information as the City determines necessary to demonstrate compliance with this Sign Code.

17.8.845 LANDMARK AND ABANDONED SIGNS

Landmark signs and abandoned signs are subject to the following provisions:

A. Landmark Signs may be exempted from the provisions of this Sign Code upon the recommendation of the Historic Landmarks Board.

B. Abandoned signs shall be removed or made conforming within 45 (forty-five) days of the date they become classified as abandoned.

17.8.850 CONSTRUCTION AND MAINTENANCE STANDARDS

The following standards apply to the construction and maintenance of signs in the City:

A. All permanent signs shall be constructed and erected in accordance with the design and construction requirements of the most recent edition of the State of Oregon Structural Specialty Code.
B. All illuminated signs are subject to the provisions of the State Electrical Specialty Code. It is the applicant's responsibility to demonstrate compliance with that code by supplying the City with a copy of an approved State Electrical Permit.
C. All signs shall be maintained at all times in a state of good repair. A person shall not maintain or permit to be maintained on their premises any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or other dilapidated or unsafe condition.

17.8.855 NONCONFORMING SIGNS

A. Non-conforming signs shall be brought into compliance with this Sign Code when:

1. The sign is physically modified to the extent that a building permit is required; or
2. The use of the building or tenant space to which the sign pertains changes (e.g., office to retail); or
3. The site is subject to conditional use permit review, or design review as defined in §17.2.310.

B. All temporary or portable signs not in compliance with the provisions of this Sign Code shall be removed or made compliant immediately following adoption of this code.

17.8.860 VARIANCES

A sign that does not comply with the provision(s) of this Sign Code may be approved pursuant to §17.2.720 *Variance Review Criteria.*

17.8.865 ENFORCEMENT

The Community Development Director or designee shall have the authority to order or effect the removal of any sign which does not conform to the provision(s) of this Sign Code.

17.8.870 PENALTY IMPOSED

A person who violates any provision(s) of this Sign Code may be subject to a civil penalty in an amount of not less than $100 for the first violation, $500 for the second violation, and $1,000 for any subsequent violation occurring in a two-year period starting from the issuance of the first notice of violation. In the event of a violation, the Community Development Director or person designated by the Director may cite the violator into Municipal Court.

17.8.875 PERMIT FEE

The fee for a sign permit described above shall be set by City Council by resolution.