

CITY OF DUNDEE

Meeting: Planning Commission Meeting
Location: City Council Meeting Chambers
620 S.W. 5th Street
Dundee, Oregon 97115
Date: March 21, 2012
Time: 7:00 p.m.

I. Meeting called to order.

Chairman Hinson called the meeting to order. Commissioners present, which consisted of quorum, were Kropf, Wymore, Mock, Hinson, Manning, and Fiedler. Also present were Planner Olson, CA Daykin, and Scot Siegel of Siegel Planning Services.

II. Approval of Minutes from Previous Meeting(s)

It was moved and seconded to approve the minutes of February 15, 2012. Motion passes unanimously.

III. Public Comment

There were no members of the public present.

VI. Draft Development Code Workshop

Scot Siegel introduced himself and began by informing the Commission that the Transportation System Plan Committee was going to go through the transportation section of the draft development code and recommend changes to the street standards and access sections of Article 3. He stated that the Commission may want to table these sections of the draft until the recommendations were presented.

There were some questions about this by the Commission and Scot explained that some of the standards had changed over the years so the transportation planning consultant would likely go through the new rules along-side the existing code.

The Commission began a review of the Development Code draft revision.

Specific language change requests, questions, and comments are attached to these minutes as "Attachment A".

V. Planning Issues from Commission Members.

No items to discuss were noted.

VI. Adjournment

It was moved and seconded to adjourn the meeting. Motion carries, unanimously.



David Hinson, Chairman

ATTEST:



Melody Osborne, Planning Secretary

Attachment "A"
to the 3-21-12
PC Minutes

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Chapter 3.1 - Access and Circulation

Comment [M1]: The Planning Commission requested that all instances where “zoning district” is referenced be changed to “zone”.

Sections:

- 3.1.010 Purpose
- 3.1.020 Vehicular Access and Circulation
- 3.1.030 Pedestrian Access and Circulation
- 3.1.040 Vision Clearance

3.1.010 Purpose

Chapter 3.1 contains standards for vehicular access and circulation, and pedestrian access and circulation. Street improvement requirements are contained in Chapter 3.4 Public Improvement Standards.

3.1.020 Vehicular Access and Circulation

A. **Intent and Purpose.** ~~This Section serves as the roadway access management policy of the City of Dundee until such time as the City updates and adopts implementing regulations for its Transportation System Plan. It This section~~ is intended to promote transportation safety and adequate levels of transportation service.

Comment [mo2]: Questioned regarding whether this section would become obsolete after the new TSP was adopted. CA Daykin commented that (A) was written prior to the approval of the current TSP.

B. **Applicability.** This Section applies to new development and changes in land use necessitating new or expanded street access, including land divisions.

C. **Access Permit Required.** Access to a public street (e.g., a new driveway opening or highway approach) requires permit approval by the applicable roadway authority (City, County, or ODOT). The City Planning Official reviews permit requests for access to City streets through a Type I procedure where no discretion is involved; or through a Type II or Type III procedure where discretion is involved, where a traffic impact analysis is required, or where the access permit is contingent upon a land use approval.

~~D. **Traffic Impact Analysis Requirements.** The City may require a traffic impact analysis prepared by a qualified professional and determine applicable transportation improvement requirements when one or more of the conditions in subsections (1) through (6) is/are met. The scope of work for a traffic study shall be subject to review and approval by the roadway authority. Where the roadway authority is the County or ODOT, the City may defer to the roadway authority's advice in determining the need for, and required elements of, a traffic study.~~

Comment [mo3]: Requested that the draft language be removed and a footnote be added that this section was a “placeholder” for the purpose of phase 1-reformatting.

~~1. The number of peak-hour trips increases by fifty (50) trips or more from that of the property's prior use and the increase represents a twenty (20) percent or greater increase in the number of peak-hour trips from that of the property's prior use;~~

- ~~2. The average daily trips increases by five hundred (500) trips or more from that of the property's prior use and the increase represents a twenty (20) percent or greater increase in the average daily trips from that of the property's prior use;~~
- ~~3. The daily use of an access increases by ten (10) or more vehicles with a gross vehicle weight rating of twenty-six thousand (26,000) pounds or greater;~~
- ~~4. The roadway authority demonstrates that safety or operational concerns related to the access are occurring or would occur with the proposed development or change of use;~~
- ~~5. The access does not meet a stopping sight distance requirement (measured in feet) of ten (10) times the posted speed of the roadway (measured in miles per hour) or ten (10) times the eighty-fifth (85th) percentile speed of the roadway where the eighty-fifth (85th) percentile speed is higher or lower than the posted speed. The sight distance measurement and the study to determine the eighty-fifth (85th) percentile speed shall be performed under the supervision of an engineer registered in the state of Oregon;~~
- ~~6. The proposal includes a change in zoning or a change in comprehensive plan designation where any of the conditions in subsections (1) through (5) would be met.~~

E. **Conditions of Approval.** Where an existing or proposed driveway approach does not meet a roadway authority's standards, the roadway authority may require the closing or consolidation of existing such access, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting development approval, to ensure the safe and efficient operation of the street and highway system.

F. **Driveway Approaches.** All driveway approaches (connections to a public right-of-way) shall conform to all of the following design standards:

#1 Vehicle access onto higher classification streets (e.g., collector and arterial streets) shall be minimized; where technically feasible and appropriate, access shall be taken first from a lower classification street.

#2 Driveways shall be designed and located to provide exiting vehicles with an unobstructed view of oncoming vehicles and pedestrians, in conformance with applicable sight distance and vision clearance requirements.

#3 Construction of driveway accesses along acceleration or deceleration lanes or tapered (reduced width) portions of a roadway should be avoided due to the potential for vehicular conflicts.

#4 Driveways shall be located to allow for safe maneuvering in and around loading areas.

#5 Driveways shall have a paved or approved all-weather surface with minimum dimensions and appropriate signage designating any restrictions on access (e.g., one-way, exit-only, etc.). Driveway width shall provide for required emergency vehicle access and truck/trailer turning radius, as applicable.

- 5. Where sidewalks or walkways occur adjacent to the roadway, driveway aprons shall be constructed of concrete and shall be installed between the street right-of-way and the private drive. The roadway authority may require driveway aprons in areas without sidewalks or walkways, as needed, to protect the adjacent roadway pavement.
- 6. Where Americans with Disabilities Act compliant sidewalks exist, driveway aprons shall meet accessibility requirements where they join such sidewalks.

Where a drainage ditch crosses under a driveway, a culvert extending under and beyond the edges of the driveway on both sides of the driveway is required, pursuant applicable Public Works Design Standards.

Access locations and turning movements at driveway approaches may be restricted to ensure safe roadway operations.

Lots created after *[effective date of Code]* shall have street frontage and receive access in accordance with the standards of Chapter 4.3 Land Divisions.

G. Approach Spacing. The following distances shall separate driveway, street, and alley access to streets:

| Street Classification | Approach Spacing |
|-----------------------|--|
| Arterial | 150 feet (+/- 20%), <i>except as required for state highways</i> |
| Collector | 75 feet |
| Local | 15 feet |

The roadway authority may adjust the access spacing standards by up to twenty (20) percent where mitigation measures, such as consolidated access (approaches shared by two or more properties), directional limitations (one-way), turning restrictions (e.g., right-in or right-in/right-out only), provides for sufficient traffic operations and safety. Additionally, the roadway authority may permit a reduction in the spacing of approaches for parcels lawfully developed prior to adoption of the approach spacing standards. See also, Section 3.4.010 for applicable Street Standards.

H. Circulation and Connectivity. New developments shall be required to provide a circulation system that accommodates vehicular and pedestrian, as follows:

1. *In new subdivisions*, except as restricted on arterial streets, a street or driveway intersection providing multi-modal connectivity and circulation for pedestrians, bicyclists, and automobiles shall occur not less than once for every six hundred (600) linear feet of street frontage, measured from street right-of-way line to street right-of-way line;
2. *In new subdivisions*, the maximum perimeter of any block, as measured along the shortest improved or planned pedestrian route, shall not exceed one thousand four hundred

3.1 – Access and Circulation

(1,400) feet;

3. Where it is not practicable to provide a street connection meeting the standards of subsections (1) and (2), above, due to topography, existing development patterns, or similar constraint (e.g., railroad, steep slope, wetland), the City may approve a driveway with pedestrian walkway, or a pedestrian access way, and require the conveyance of a public access easement through the subject parcel, in lieu of a public street. See Section 3.1.030 for pedestrian access way standards;
4. ~~Lots created after [effective date of Code] shall have street frontage and receive access in accordance with the standards of Chapter 4.3 Land Divisions;~~
5. *Vehicle circulation systems shall comply with applicable building codes and requirements for emergency vehicle apparatus;*
6. All residential driveways shall have a minimum ten (10) foot paved approach from the curb line.
7. Multiple use, commercial use, *institutional use*, and industrial use driveways shall be paved.
8. The City may waive a street or access way connection requirement, where it would violate provisions of a lease, easement, covenant, restriction or other legal agreement existing as of May 1, 1995 that precludes said street or access way connection.

Comment [mo4]: This date will be checked for accuracy.

I. ~~Partition Access Easements~~ Private Access Easements. Where a private access easement is permitted to serve as the required frontage for a lot created as the result of an approved through a partition, it shall conform to all of the following standards:

1. Partition access easements shall only be allowed where the applicable criteria of Section 2.208.03 (C) are satisfied. The easement shall comply with the following standards:
 - a. Minimum easement width: twenty-five (25) feet
 - b. Minimum paved ~~or curb to curb~~ width: twenty (20) feet
 - c. Maximum length: two hundred fifty (250) feet
 - d. Not more than three (3) dwelling units shall *use the same access easement.* ~~have direct access to the easement.~~
 - e. *The City may require curbing and connection to a City-approved storm drainage system, or on-site storm water retention facilities.*
2. Unless otherwise specified in the City's Engineering Design Standards [*and Dundee Public Works Design Standards*], all private streets serving ~~three-four~~ (34) or more dwelling units shall be constructed to the same pavement section specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City Attorney.

Comment [mo5]: Commission would like to keep the word "width".

Formatted: Not Strikethrough

Comment [mo6]: There was conversation regarding the definitions and language of this section. Changes were recommended.

Private streets: clarify where they are allowed and requirements.

3. A turn-around shall be required for any access easement that has only one outlet and which is in excess of one hundred fifty (150) feet long *or as required by the Uniform Fire Code*. Turn-arounds shall be circular with a minimum paved radius of 35 feet.
 4. Private access easements shall conform to design standards for emergency apparatus vehicles, consistent with applicable Fire Code requirements.
 5. Private access easements shall comply with applicable Public Works Design Standards.
- J. **Joint Use Driveways.** Where necessary to maintain an adequate level of transportation service or traffic safety with planned future development, the City may require joint use driveways. Joint use driveways (i.e., driveways providing access to more than one lot) are appropriate for developments adjacent to one another where access onto the street system is limited. In such cases, driveways shall be stubbed to property lines, allowing extension and improvement of joint use of driveways with future development.
- K. **Joint Use Access Easement and Maintenance Agreement.** Where the City requires a joint use driveway, the property owners shall record an easement with the deed allowing joint use of/cross access between adjacent properties served by the subject driveway. In addition the property owners shall record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners. The City of Dundee shall not be responsible for maintaining the driveway.
- L. **Vertical Clearances.** *Except as otherwise required by applicable building codes*, driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of thirteen (13) feet six (6) inches for their entire length and width.
- M. **Corner Vision.** Vision clearance at intersections shall conform to Section 3.1.040 *or the requirements of the roadway authority, whichever is more restrictive*.
- N. **Construction.** The following development and maintenance standards apply to all construction activities driveways:
1. **Protection of Public Ways.** During site development and construction, where applicable, unimproved driveways and access roads shall be graveled or otherwise protected to prevent soil compaction, erosion, and tracking of mud onto adjacent paved streets.
 2. **Driveway Surface.** Driveways, parking areas, aisles, and turnarounds shall be paved with asphalt, concrete, or other durable paving material approved by the Public Works Director. All paving, where it meets the public right-of-way, shall be subject to review and approval by the Public Works Director.
 3. **Surface Water Management.** Development that increases impervious surface area shall provide for surface water management, pursuant to Section 3.4.040.

Comment [mo7]: There was a discussion regarding attempting to rewrite these sections so that the differing standards were consistent. Scot suggested that some of the headings be reworded to be more specific.

Comment [mo8]: Confusion was noted regarding this section and the next about whether the standards were for permanent or temporary surfaces. There were also concerns regarding "grandfathered" properties should the code be specific to permanent surfaces.

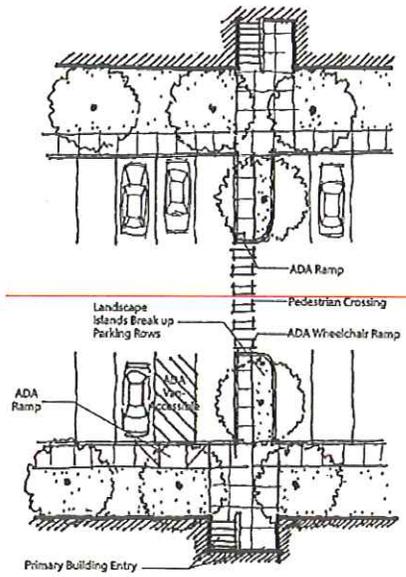
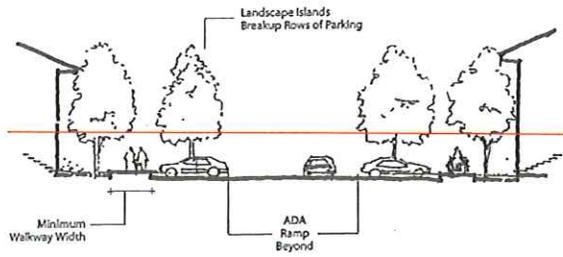
3.1.030 Pedestrian Access and Circulation

- A. **Intent and Purpose.** This Section implements the transportation policies of the City of Dundee. It is intended to provide for safe and convenient pedestrian access and circulation.
- B. **Applicability.** This Section applies to projects requiring Site Development Review pursuant to Chapter 4.2.
- C. **Site Layout and Design.** To provide safe, direct, and convenient pedestrian circulation, developments shall contain pedestrian walkways as follows:
1. **Continuous Walkway System.** The pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and all future phases of development, as applicable.
 2. **Safe, Direct, and Convenient.** Walkways within developments shall provide safe, ~~reasonably~~-direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way based on the following definitions as illustrated in Figure 3.1.030(C)(1):
 - a. **“Reasonably-dDirect”** means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel.
 - b. **“Safe and convenient”** means the route is ~~reasonably~~-free from hazards and provides a ~~reasonably~~-smooth and consistent surface and direct route of travel between destinations. The ~~Planning Commission~~City may require landscape buffering between walkways and adjacent parking lots or driveways.
 - c. **“Primary entrance”** means the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance, as applicable.
 3. **Walkway Construction.** Walkway surfaces may be concrete, asphalt, brick/masonry pavers, gravel, or other City-approved durable surface, and shall be five (5) feet in width, except where the City ~~decision-making body~~-determines that a larger or smaller dimension is warranted due to expected usage.
 4. **Accessible routes.** Americans with Disabilities Act (ADA) accessible walkways may be required, per applicable building codes.
- D. **Pedestrian Access Way.** Where a pedestrian access way is required in lieu of a standard street connection, pursuant with Section 3.1.020(H) or Chapter 4.3 (Land Divisions), the access way shall consist of a ten (10) foot minimum width concrete or asphalt surface within a twenty (20) foot public right-of-way tract or easement; the City ~~decision-making body~~-may adjust the widths and construction specifications upward or downward based on expected

Comment [mo9]: There was a comment that anywhere there was a reference to a “decision making body” or specific person the language should be changed to “the City”.

usage, including the need for any emergency vehicle access.

Figure 3.1.030C(1) Pedestrian Access and Circulation Details



3.1.040 Vision Clearance

- A. **Intent and Purpose.** This Section implements the transportation policies of the City of Dundee. It is intended to provide for transportation safety at street intersections, including driveway approaches.
- B. **Applicability.** This Section applies to all uses of real property at all times.
- C. **Clear Vision Area.** Except as provided by Section 3.1.040(D), clear vision area shall be maintained at each access to a public street and on each corner of property at the intersection of two streets or a street and a railroad, pursuant to subsections (1) through (4):
 - 1. No fence, wall, hedge, sign, or other planting or structure that would impede visibility between the heights of ~~two (2)~~ **three (3)** feet and eight (8) feet shall be established in the clear vision area. Measurements shall be made from the top of the curb or, where no curb exists.
 - 2. Except as provided for single use residential driveways under subsection (23), below, a clear vision area shall consist of a triangular area, two sides of which are right-of-way lines or a right-of-way line and access easement line. Where the lot lines have rounded corners, the right-of-way lines **are** extended in a straight line to a point of intersection and so measured. The third side of the triangle shall be a line connecting the non-intersecting ends of the other two lines.
 - 3. For single use residential driveways, the clear vision area shall consist of a triangular area, two sides of which are the curb line and the edge of the driveway. Where no curbs exist, the future location of the curb, based on future full street improvements shall be used.
 - 4. The following standards establish the required clear vision areas:

Comment [mo10]: Noted that the sentence was unfinished.

| <u>Type of Intersection</u> | <u>Measurement Along Each Lot Line or Drive Edge*</u> |
|--|---|
| Controlled Intersection (stop sign or signal) | 20 feet |
| Uncontrolled Intersection (60' right-of-way) | 30 feet |
| Uncontrolled Intersection (less than 60' right-of-way) | 40 feet |
| Commercial and Industrial District driveways | 20 feet |
| Residential District driveways | 10 feet |
| Alley (less than 25 feet wide) | 20 feet |

*Where there is an intersection of two or more streets of different right-of-way width, distance shall be measured along each respective lot line and shall conform to the minimum distances specified for each type street.

D. **Exceptions.** The following are allowed to be placed within a clear visions area notwithstanding the standards of subsection 3.1.040(C), *provided they do not conflict with traffic safety or operations:*

1. A public utility pole.
2. Telephone switch boxes provided they are less than ten (10) inches wide at the widest dimension.
3. A tree trimmed (to the trunk) to a line at least eight (8) feet above the grade of the intersection.
4. Plant species of open growth habit that are not planted in the form of a hedge and which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view.
5. A supporting member or appurtenance to a permanent building lawfully existing.
6. An official traffic control device, including a warning sign or signal.
7. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.
8. The post section of a pole sign when there are no more than two (2) posts and any post is less than eight (8) inches in diameter.

Chapter 3.2 – Landscaping, Screening, and Lighting

Sections:

- 3.2.010 Purpose
- 3.2.020 Applicability
- 3.2.030 Approvals Process
- 3.2.040 General Requirements
- 3.2.050 Minimum Landscape Area
- 3.2.060 Screening and Buffering
- 3.2.070 Street Trees and Parking Lot Trees
- 3.2.080 Landscape Installation
- 3.2.090 Exterior Lighting

3.2.010 Purpose

This Section establishes standards for landscaping, screening, buffering, and outdoor lighting. It is intended to protect public health and safety, while maintaining compatibility with adjacent land uses and thereby protecting property values.

3.2.020 Applicability

This Section applies to all projects subject to Site Development Review and to other projects where landscaping, screening, buffering, and/or outdoor lighting is proposed with development or is required as a condition of approval.

Comment [mo11]: Suggested to add a reference to Chapter 4.2 for more clarity.

3.2.030 Approvals Process

A. **Review Process.** Landscaping plans shall be submitted as required by the Site Development Review procedures of Chapter 4.2, and shall be reviewed by the City pursuant to Section 4.1.030 Type II Reviews.

B. **Adjustments.** *The City ~~decision-making-body~~ may adjust the standards of this Section pursuant to Chapter 4.7.*

3.2 – Landscaping, Screening, and Exterior Lighting

3.2.040 General Requirements

- A. For purposes of satisfying the minimum requirements of this Section, a "landscaped area" must be planted in lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements as defined in this Code.

Consider encouraging water conserving landscaping here, and clarify which types of non-plant materials as a percentage of the overall area may counted toward landscape area.

- B. Landscaping shall be designed, developed, and maintained to satisfy the specific functional and aesthetic objectives appropriate to the development and the district, considering the following:
1. Type, variety, scale and number of plants used;
 2. Placement and spacing of plants;
 3. Size and location of landscaped areas;
 4. Contouring, shaping and preparation of landscaped areas;
 5. Use and placement of non-plant elements within the landscaping.
- C. The City may grant the applicant credit for landscaping ~~to be done in the public right-of-way. provided the elements set forth for the granting of a variance are met by the applicant. It shall not be necessary to hold a public hearing to grant this credit.~~ The City shall consider the need for future use of the right-of-way for street purposes when granting approval for credit under this section.
- D. The landscape design shall incorporate existing significant trees and vegetation preserved on the site.

Consider defining "significant trees and vegetation."

Comment [mo12]: There was a request to discuss this during the major policy re-write. General dissatisfaction with the requirements, noted that it was confusing.

Comment [mo13]: Questions regarding why the definition requires greenery, but each zone allows exceptions that are not green.

3.2.050 Minimum Landscape Area

The minimum area requirements are as follows. *The City ~~decision-making body~~ may adjust the standards of Section 3.2.050 pursuant to Chapter 4.7.*

- A. **C, CBD, and CDR Zones.** A minimum of ten (10) percent of the gross lot area shall be landscaped. In this zone courts, plazas, walkways, fountains, benches, sculptures, fences, or decks may be included within the required landscaping percentage if they are designed in conjunction with planting of street trees and potted plants and, upon design review, these features are found consistent with the purpose and intent set forth in this ordinance.

3.2 – Landscaping, Screening, and Exterior Lighting

- B. **Multi-Family Developments.** A minimum of twenty-five (25) percent of the gross land area shall be devoted to landscaping in multi-family developments. Interior courtyards, atriums, solar greenhouses, *walkways*, *outdoor recreation areas (e.g., pools and playgrounds)* and roof gardens may be included with general landscaped areas in the calculation of this percentage.
- C. **LI Zone.** A minimum of six (6) percent of the gross lot area shall be landscaped. Within the LI zone, the required landscaping can be in conjunction with the parking lot landscaping requirements.
- D. **Victorian Overlay.** Within the CV Overlay Zone, courts, plazas, walkways, foundations, benches, sculptures, fences, and decks are considered to be features of the landscape and should integrate with the Victorian style of architecture. (Please refer to Section 2.4.050 for further information.) Within the CV Overlay Zone, a variety of plant materials shall be planted to add color and visual appeal to the landscape. Wild flowers, flower gardens, plotted plants and trees, planter boxes, etc. may be included in the landscape in addition to trees shrubs and ground covers. Benches should be provided in both public and private pedestrian areas, and walkways in the CV Overlay Zone. Benches in public areas on private property, adjacent to public right-of-way, shall comply with the Victorian theme.

The above "visual appeal" language and "bench requirement" are vague and the bench "requirement" is not actually a requirement. The code should be revised to require benches or other pedestrian amenities/street furnishings consistent with the Victorian theme, or the above subsection should be removed. The Code could provide a menu from which applicants choose one or more features.

3.2.060 Screening and Buffering

Comment [mo14]: Requested that this section be added to the list of policy rewrites.

Where required by Code, or where placed as a condition of approval, screening and buffering shall meet all of the following minimum requirements:

- A. **Required Screening.** Screening shall be used to eliminate or reduce the visual impacts of the uses in subsections (1) through (9), *while addressing public safety concerns related to visibility for crime prevention and security*:
1. Commercial and industrial uses when abutting residential uses;
 2. Industrial uses when abutting commercial uses;
 3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas;
 4. Outdoor storage areas;
 5. *Parking areas adjacent to a public right-of-way;*
 6. Parking areas for twenty (20) or more vehicles for multi-family developments;

Comment [mo15]: Question about whether some of the requirements should be broken up according to zone.

3.2 – Landscaping, Screening, and Exterior Lighting

7. Parking areas for thirty (30) or more vehicles for commercial or industrial uses;
 8. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners;
 9. Any other area or use as required by this Code.
- B. **Methods of Screening.** Screening *may shall* be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement, or other design techniques, *as appropriate to the site given its visibility from adjacent uses and rights-of-way.* (See also, Section 2.2.040 for fence regulations.) Where required by Code, or where placed as a condition of approval, screening shall meet the following minimum requirements: ~~Hedge Screening.~~ *Except as required for buffering under Sections 3.2.060(D)-(E),* the required screen shall be installed as follows:
1. Evergreen shrubs shall be planted so that eighty (80) percent of the desired screening is achieved within two (2) years, one hundred (100) percent within four (4) years;
 2. Living ground cover in the screen strip such that eighty (80) percent coverage is achieved within two (2) years.
- C. **Parking Lot Landscaping and Screening Standards.** All parking lots, which for purposes of this section include areas of vehicle maneuvering, parking, and loading, shall be landscaped and screened as follows:
1. **Screening Required:** ~~Any parking area for a use other than single family Parking for commercial, industrial and multifamily uses that is adjacent to abuts a property line adjacent to in a R-1 or R-2 district residential-district shall be screened by a five- (5-) foot landscaped strip. Where screening is required between zoning districts zones is required,~~ the screening shall be incorporated into the required buffer strip, and ~~shall will~~ not be an additional requirement.
 2. **Screen Height:** The screen required under subsection (1) shall *be designed and planted to* grow to be at least thirty-six (36) inches higher than the finished grade of the parking area within one (1) year of planting; except for required vision clearance areas, the screen height may be achieved by a combination of earth mounding and plant materials. *Where the parking area to be screened is above the adjacent grade, such screening shall cover* ~~Elevated parking lots shall screen both the parking and the retaining wall or slope, as applicable.~~
- Define "ornamental."
3. **Parking Lot Landscaping:** Landscaping within or adjacent to a parking lot shall consist of a minimum of six (6) percent of the total parking area plus a ratio of one (1) tree per fifteen (15) parking spaces. Trees and landscaping shall be installed as follows:

3.2 – Landscaping, Screening, and Exterior Lighting

- a. The tree species shall be an appropriate large canopied shade tree selected from the street tree list of Section 3.2.070 to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians.
 - b. The tree shall be planted in a landscaped area such that the tree bole is at least three (3) feet from any curb or paved area.
 - c. The landscaped area shall be planted with shrubs, grass, or living groundcover to assure eighty (80) percent coverage within two (2) years.
 - d. That portion of a required landscaped yard, buffer strip or screening strip abutting parking stalls may be counted toward required parking lot landscaping as long as the tree species, living plant material coverage, placement and distribution criteria are also met.
 - e. Landscaping should be evenly distributed throughout the parking area and perimeter.
4. **Wheel Guards:** Parking lot landscaping shall be protected from damage by secured wheel guards *or curbing* to prevent vehicles entering into landscaped areas. *Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least four (4) inches high, located a minimum of three (3) feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.*

D. Required Buffers. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses.

Consider updating planting requirements. See sample text at the end of chapter.

E. Methods of Buffering. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:

1. **Planting Area:** Width not less than fifteen (15) feet, planted with the following materials:
 - a. At least one row of deciduous or evergreen trees staggered and spaced not more than fifteen (15) feet apart, and.
 - b. At least one row of evergreen shrubs which will grow to form a continuous hedge at least five (5) feet in height within one (1) year of planting, and
 - c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.
2. **Berm Plus Planting Area:** Width not less than ten (10) feet, developed in accordance with the following standards:

3.2 – Landscaping, Screening, and Exterior Lighting

- a. Berm form shall not slope more than forty (40) percent (2.5H:1V) on the side away from the area screened from view (the slope for the other side (screened area) may vary), and
 - b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use, and
 - c. Combined total height of the berm plus the hedge shall be at least five (5) feet within one (1) year of planting.
3. Wall Plus Planting Area: Width must not be less than five (5) feet developed in accordance with the following standards:
- a. A masonry wall or fence not less than five (5) feet in height, and
 - b. Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.
4. Other methods that produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the City.

3.2.070 Street Trees and Parking Lot Trees

Consider updating the planting requirements. See sample text at the end of chapter.

Comment [mo16]: There were some questions about why trees would not be required in all zones.

A. **Street Trees Required in CBD Zone.** All new development projects in the CBD zone fronting a public or private street, or with a driveway longer than 100 feet in length, shall be required to plant street trees in accordance with this Section.

Comment [mo17]: It was noted that in the existing code both CBD and CV were required to have street trees.

B. **Street Trees in Other Zones.** Except as otherwise required by a Specific Area Plan or Planned Unit Development approval, where street trees are provided in zones other *the than* the CBD, the tree planting plan shall generally conform to the standards of this Section.

C. **Type of Tree.** Tree planting must conform to the list of recommended trees below. Trees that are known to severely damage utilities, streets, sidewalks, or create hazards shall be avoided. Approval of any planting list is subject to review.

RECOMMENDED TREES

THIS LIST IS INCORRECT AND HAS SPELLING ERRORS. CITY TO REVIEW LIST AND UPDATE.

The following tree species are recommended for use as street and parking lot trees:

- Trees maturing to small mature stature:

| <u>Common Name</u> | <u>Latin Name</u> |
|--|-------------------------|
| Amur Maple | Acer ginnala |
| Trident Maple | Acer buergeranum |
| Hedge Maple | Acer campestre |
| Globe Norway | Acer calleryana |
| Bradford Pear | Pyrus calleryana |
| (varieties: "aristocrat", "chanticleer", etc.) | |
| Golden Rain Tree | Koelreuteria paniculata |
| Redbud (needs protection from Southwest sun) | Cercis canadensis |
| Kwanzan Cherry | Prunus serrulata |
| Crape Myrtle | Lagerstroemia indica |
| Flowering Plum | Prunus cerasifera |
| (Flireiana, Thundercloud, etc.) | |
| Raywood Ash | Fraxinus oxycarpa |
| Flame Ash | Fraxinus oxycarpa |
| Snowdrift Flowering Crabapple | Malus 'snowdrift' |
| Japanese Crabapple | Malus floribunda |
| Washington Hawthorne | Crataegus phaenopyrum |
| European Hornbeam | Carpinus betulus |
| Profusion Crabapple | Malus 'profusion' |

Continued...

Comment [mo18]: It was requested to review the suggested trees in neighboring communities.

RECOMMENDED TREES (continued)

THIS LIST IS INCORRECT AND HAS SPELLING ERRORS. CITY TO REVIEW LIST AND UPDATE.

The following tree species are recommended for use as street and parking lot trees:

2. Trees maturing to medium or large stature:

| <u>Common Name</u> | <u>Latin Name</u> |
|-----------------------------|-------------------------|
| Sargent Cherry | Prunus sargentii |
| Sweet Gum | Liquidamber styraciflua |
| Marshall's Seedless Ash | Fraxinus pennsylvanica |
| Kimberly Blue Ash | Fraxinus excelsior |
| Rosehill Ash | Fraxinus americana |
| Flowering Ash | Fraxinus ornus |
| Norway Maple Cultivars | Acer platinoides |
| Red Maple Cultivars | Acer rubrum |
| Scarlet Oak | Quercus coccinea |
| Red Oak | Quercus rubra |
| Canyon Live Oak (evergreen) | Quercus chrysolepis |
| Holly Oak (evergreen) | Quercus ilex |
| English Oak | Quercus robur |
| Chinese Pistachio | Pistacia chinensis |
| Variegated Boxelder | Acer negundo |
| Ginkgo | Ginkgo biloba |
| Grecian Laurel | Laurus nobilis |
| Japanese Zelkova | Zelkova serrata |
| Amur Cork Tree | Phellodendron amurense |
| Thornless Honey Locust | Gleditsia triacanthos |

Prohibited Street Trees:

The following trees are not allowed as street trees except under special circumstances and with the approval of the [Planning Official]. As street trees they cause one or more of the following problems: 1) Their roots damage sewer lines or pavement; 2) They are particularly subject to disease or insects; 3) They cause visibility problems along streets or intersections; 4) They create messy sidewalks and pavements, usually due to fruit drop.

| <u>Common Name</u> | <u>Latin Name</u> |
|--|----------------------|
| Evergreen Conifers | Numerous species |
| Poplar & related species | Populus trichocarpa |
| Black Locust | Robinia psuedoacacia |
| Box Elder (except variegated) | Acer negundo |
| Sycamore | Platanus species |
| Siberian Elm | Ulmus pumila |
| American Elm | Ulmus americana |
| Walnut | Juglans species |
| Weeping Willow | Saxix babylonica |
| Commercial Fruit Trees | numerous species |
| Catalpa | Catalpa speciosa |
| Tree of Heaven | Ailanthus altissima |
| Big Leaf Maple | Acer macrophyllum |
| Fruiting Mulberry | Morus alba |
| Osage Orange | Maclura pomifera |
| Weeping varieties of various trees: i.e. cherry, mulberry, crabapple | numerous species |

3.2 – Landscaping, Screening, and Exterior Lighting

D. **Minimum Size to be Installed.** Street trees *and other trees planted in accordance with this Code* shall have a minimum caliper of two (2) inches measured four (4) feet in height at the time of installation.

E. **Spacing.** The spacing of street trees by size of tree shall be as follows:

Make list consistent with recommended trees.

1. Small or narrow stature trees, under twenty-five (25) feet tall and less than sixteen (16) feet wide, shall be spaced not greater than twenty (20) feet apart.
2. Medium sized trees, between twenty-five (25) feet and forty (40) feet tall and more than thirty-five (35) feet wide, shall be spaced no greater than thirty (30) feet apart.
3. Large trees over forty (40) feet tall and more than thirty-five (35) feet wide shall be spaced no greater than forty (40) feet apart.

F. **Placement.** The placement of street trees is subject to review. Tree placement shall not interfere with utility poles, light standards, power lines, utility services, visual clearance, or required sidewalk access.

G. **Adjustments to Street Tree Standards.** *Adjustments to the standards of this Section are reviewed pursuant to Chapter 4.7.* The City may approve exceptions to the street tree standards where one or more of the following conditions are met:

1. The location of a proposed tree would cause potential problems with existing utility lines; or
2. The tree would cause visual clearance problems; or
3. There is not adequate space in which to plant street trees; or
4. Street trees have already been planted on the site.

3.2.080 **Landscape Installation and Maintenance**

Comment [mo19]: Question about whether it would be possible to combine this section with 3.2.050

All landscaping, ~~whether or not required by this Code~~, shall be continually maintained pursuant to this Section. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property, including necessary watering, weeding, pruning, mowing, and replacement, as applicable, in a substantially similar manner as was approved by the City or as otherwise required by applicable City regulations.

Field Code Changed

The following standards apply to all landscaping, ~~whether or not required by this Code~~:

See sample text at the end of this chapter. Let me know if you want to add any of these provisions.

A. **Clear Vision.** No sight-obscuring plantings exceeding three (3) feet ~~24 inches~~ in height shall

3.2 – Landscaping, Screening, and Exterior Lighting

be located within any required clear-vision area as defined in Section 3.1.040.

- B. **Pedestrian Areas.** Landscape plant materials shall be kept clear of walks, pedestrian paths, and seating areas; trees shall be pruned to a minimum height of eight (8) feet over pedestrian areas and to a minimum height of fifteen (15) feet over streets and vehicular traffic areas.
- C. **Utilities.** Landscape plant materials shall be selected and maintained so that they do not generally interfere with utilities above or below ground.
- D. **Nursery Standards.** Required landscape plant material shall be installed to current nursery industry standards. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.
- E. **Plant Selection.** Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas *where permanent irrigation is not to be provided, which will not be irrigated*, should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems and be sound, healthy, and free from defects, diseases, and infections.
- F. **Deciduous Trees.** Deciduous trees, *where required to provide shade (e.g., over parking lots or walkways)*, shall ~~should~~ be fully branched, have a minimum caliper of two (2) inches ~~one and one-quarter (1 1/4) inches~~, and a minimum height of eight (8) feet at the time of planting. *Deciduous trees intended to serve as ornamental (non-shade) trees may be smaller, but shall not be less than 1 1/2 inch caliper, at time of planting.*
- G. **Evergreen Trees.** ~~Required-e~~Evergreen trees shall be a minimum of six (6) feet in height, fully branched, at time of planting.
- H. **Shrubs.** Required shrubs shall be supplied in minimum one (1) gallon containers or eight (8) inch burlap balls with a minimum spread of twelve (12) to fifteen (15) inches.
- H. **Ground Cover.** Where required, ground cover *shall consist of not less than fifty (50) percent live plant material. Such plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area, with rows of plants staggered for a more effective covering. Ground cover plants shall be supplied in a minimum four (4) inch size container or equivalent if planted eighteen (18) inches on center; and non-living material used for ground cover shall be limited to compost, bark chips, and other City-approved pervious materials.*
- J. **Irrigation.** *Except in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks, where the City may waive irrigation requirements*, all developments are required to provide appropriate methods of irrigation for the landscaping. Sites with more than ~~over~~ one thousand (1,000) square feet of total landscaped area shall be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials. Hose bibs and manually operated methods of irrigation may be used for

3.2 – Landscaping, Screening, and Exterior Lighting

landscaped areas totaling less than one thousand (1,000) square feet. ~~Irrigation shall not be required in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks.~~ Sprinkler heads shall *be located and installed to* not cause any hazard to the public.

K. **Protection of Plants.** Landscape plant material shall be protected from damage *due to heavy equipment during construction. After construction, landscape plant material and irrigation shall be protected from damage* due to heavy foot traffic or vehicular traffic by protective tree grates, bollards, raised curbs, wheel stops, pavers or other suitable methods.

L. **Performance Guarantee.** *Except where the City ~~decision-making body~~ requires installation of landscaping prior to issuance of building permits,* all landscaping required by this Code and approved by the City shall be installed prior to issuance of a final occupancy permit unless security equal to 110% of the cost of the landscaping is filed with the city assuring such installation within six (6) months of occupancy. The applicant will obtain cost estimates for landscape materials and installation to the satisfaction of the City prior to approval of the security. "Security" may consist of a faithful performance bond payable to the City, cash, certified check, time certificate of deposit, assignment of a savings account, or other such assurance of completion as approved by the City Attorney.

M. **Maintenance Guarantee.** The developer *or builder, as applicable,* shall guarantee all landscape material for a period of one (1) year from the date of installation. A copy of the guarantee shall be furnished to the City by the developer.

| |
|---|
| Potential policy issue: Review methods of security and update list as needed. |
|---|

N. **Final Inspection.** The City Planning Official, prior to the City returning any security provided under this Chapter, shall make the final landscape inspection. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed. If the installation of the landscaping is not completed properly within six (6) months of such postponement, or within an extension of time authorized by the City, the City may use the security to complete the installation. Any portion of the security that remains after installation of the landscaping shall be returned to the applicant.

SAMPLE LANGUAGE FOR CONSIDERATION

Some of this is redundant

Comment [mo20]: Because the Commission is requesting to completely review all landscaping standards, this was taken out until a later date.

~~X—Plant Selection. New development shall contain a combination of evergreen trees, shrubs and ground cover plants, the selection of which shall be based on all of the following criteria:~~

- ~~1. Only plants that are appropriate to the local climate, exposure, water availability, and drainage conditions shall be used. The City may rely on the Oregon State University Extension Service bulletins and other credible sources in evaluating landscape plans.~~
- ~~2. Trees shall be no less than 2 inch caliper for street trees and 1 1/2 inch caliper for other trees at the time of planting.~~
- ~~3. Shrubs shall be planted from 2 gallon containers, minimum, and shall be spaced in order to provide the intended canopy cover within 2 years of planting; larger containers may be required where the purpose of the shrubs is to provide screening;~~
- ~~4. Where practical, use plants that are indigenous to the local area and that are suited to developed areas; for example, where practical, existing mature Oregon White Oak trees that are in good health should be retained with development;~~
- ~~5. Selected plants shall have root and canopy growth characteristics that avoid conflicts with utilities;~~
- ~~6. Natural vegetation shall be retained where practical, provided it does not conflict with clear vision requirements and utilities;~~
- ~~7. Landscape materials shall be used to screen pedestrian walkways and from vehicle circulation and parking areas; plants shall not obstruct pedestrian ways;~~
- ~~8. Landscape plans shall provide focal points within a development, for example, by preserving large or unique trees or groves or by using flowering plants or trees with fall color;~~
- ~~9. Deciduous trees should be used where summer shade and winter sunlight is desirable;~~
- ~~10. Landscape plans shall use a combination of plants for yearlong color and interest;~~
- ~~11. Where applicable, denser concentrations of landscaping shall be used to screen outdoor storage and mechanical equipment areas, and to stabilize graded areas such as cuts and fills, berms, swales, and storm water retention areas.~~
- ~~12. When new vegetation is planted, soils shall be amended and irrigation provided, as necessary, until the plants are able to grow on their own.~~

3.2.090 Exterior Lighting

- A. **General Requirements.** All new outdoor lighting for single-family residential, multifamily residential, commercial, industrial and public outdoor uses shall conform to the City of Dundee Lighting Standards & Dark Sky/Outdoor Lighting Requirements. Public Works Design Standards, Appendix II, is incorporated into this Code by reference.
- B. **CV Overlay Zone.** Street lamps consistent with the Victorian theme are required to illuminate sidewalks and walkway areas as needed in the CV Overlay Zone. To be consistent with the existing streetlights in this zone, a four-lite Victorian Lamp should be used.

Comment [mo21]: Requested to pull the lighting standards adopted in March 2011 and insert them here. (Section 2.111 from the existing DDO)

Chapter 3.3 - Parking and Loading

Sections:

- 3.3.010 Purpose
- 3.3.020 Applicability
- 3.3.030 General Provisions
- 3.3.040 Automobile Parking Standards
- 3.3.050 Bicycle Parking Standards
- 3.3.060 Disabled Person Parking Space Standards
- 3.3.070 Loading Standards
- 3.3.080 Parking Space and Aisle Dimensions

3.3.010 Purpose

The purpose of this Section is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the City of Dundee.

3.3.020 Applicability

Development of off-street parking and loading areas for commercial, industrial, or multi-family development shall be subject to the Site Development procedures of Chapter 4.2. The provisions of this Section shall apply to the following types of development:

- A. Any new building or structure erected after the effective date of this Code.
- B. The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure.
- C. A change in the use of a building or structure that requires additional parking spaces or off-street loading areas under the provisions of this Chapter.
- D. As a condition of approval in a land use decision.

3.3.030 General Provisions

- A. **Off-Street Parking and Loading Required.** The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. *Except as otherwise provided by this Code*, no building permit shall be issued until the *City Planning Official reviews and approves a plan* showing an area that is and will remain available for

3.3 – Parking and Loading

exclusive use as off-street parking and loading space, *in conformance with this Code.* ~~T~~ the subsequent use of *the subject* property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Code. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are observed.

- B. **Unlisted Uses.** Requirements for types of buildings and uses not specifically listed herein shall be determined by the City Planning Official based upon the requirements of comparable uses listed and expectations of parking and loading need.
- C. **Multiple Uses.** In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to Section 3.3.040(B).
- D. **Parking Space Usage.** Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- E. **Development Standards.** All parking and loading areas, except those for single-family dwellings and areas used exclusively for bicycle parking, shall be developed and maintained as follows:
 - 1. **Surfacing:** All driveways, parking, and loading areas shall have a durable, hard surface. In residential areas, either a minimum of two (2) inches of asphalt over a six- (6-) inch aggregate base or six (6) inches of Portland cement concrete over a two- (2-) inch aggregate base shall be provided. In commercial and industrial areas either a minimum of three (3) inches of asphalt over an eight- (8-) inch aggregate base or six (6) inches of Portland cement concrete over a two (2-) inch aggregate base shall be provided.
 - 2. **Size of parking spaces and driveways:** Parking spaces and driveways shall conform to the dimensional standards of this Chapter and shall be consistent with the requirements of Chapter 3.1 Access and Circulation.
 - 3. **Landscaping, Screening and Buffering, and Lighting:** Parking areas shall conform to standards of Chapter 3.2 Landscaping, Screening and Buffering, and Exterior Lighting.
 - 4. **Areas used for parking and maneuvering of vehicles** shall be drained as to avoid flow of water across sidewalks.
 - 5. Except for parking to serve residential uses, parking and loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbance

3.3 – Parking and Loading

of residents; *for example through effective orientation of drive aisles, setbacks, and screening.*

6. *Except as allowed for on-street parking*, groups of more than four (4) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
7. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site. See also, Chapter 3.1 Access and Circulation.
8. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least four (4) inches high, located a minimum of three (3) feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.

3.3.040 Automobile Parking Standards

A. **Location.** Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that:

1. In any residential zone, automobile parking areas for dwellings and other uses permitted in a residential zone may be located on another lot if such lot is within two hundred (200) feet of the lot containing the main building, structure or use; and
2. In any non-residential zone, the parking area may be located off the site of the main building, structure or use if it is within five hundred (500) feet of such site.

B. **Joint Use.** Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to City approval for commercial and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. The requirements of subsection 3.3.040(C) may be reduced accordingly. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties.

C. **Off-Street Automobile Parking Space Standards.** Except as required by applicable building codes, the minimum number of required off-street vehicle parking spaces shall be determined in accordance with one of the following procedures:

1. *Pursuant to the standards in Table 3.3.040(C); or*
2. *Reduced pursuant to a Parking Demand Analysis prepared by a qualified professional and subject to review and approval by the [City Planning Official/Planning Commission through a Type II/Type III procedure]. Such demand analysis must consider average parking demands for existing and proposed uses on the subject site, opportunities for*

Comment [mo22]: There were some concerns about how to make it more clear that the applicant had the burden of proof. Scot stated that he would come back with more "fleshed out" language.

3.3 – Parking and Loading

shared parking (parking agreement) with other uses in the vicinity, and public parking, including on-street parking, in the vicinity; or

3. *Where a use is not specifically listed in Table 3.3.040(C), parking requirements shall be determined by finding that a use is similar to one of those listed in Table 3.3.040(C) in terms of parking demand, or by estimating parking needs individually using the demand analysis option described in subsection 3.3.040(C)(2).*

Table 3.3.040(C) – Minimum Automobile Parking Spaces Required by Use

Residential

| | |
|---|---------------------------------------|
| A. 1 and 2 family dwellings, including manufactured homes | 2 spaces per dwelling unit |
| B. Multi-family dwellings | 1 1/2 spaces per dwelling unit |
| C. Boarding house, lodging house, or rooming house | 1 space per 2 guest accommodations |
| D. Fraternity, sorority, and group living units | 1 space per 2 sleeping accommodations |
| E. Dormitory | 1 space per sleeping room |

Public Land Use

| | |
|--|---|
| A. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged | 1 space per 2 beds |
| B. Hospital | 3 spaces per 2 beds |
| C. Library, reading room | 1 space per 300 s.f. |
| D. Preschool nursery, kindergarten | 2 spaces per classroom |
| E. Elementary or Junior High School | 2 spaces per classroom |
| F. High School | 5 spaces per classroom |
| G. Other places of public assembly, including churches | 1 space per 4 seats or 8 feet of bench length |

Table 3.3.040(C) – Minimum Automobile Parking Spaces Required by Use (Continued)Commercial Land Use

| | |
|--|---|
| A. Movie Theater, Theater | 1 space per 4 seats or 8 feet of bench length |
| B. Amusement and Recreational Services | 1 space per 250 s. ft. of gross floor area |
| C. Retail store | 1 space per 300 s. ft. of gross floor area |
| D. Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture | 1 space per 900 s.f. of gross floor area |
| E. Banks and other Financial Institutions | 1 space per 300 s.f. of gross floor area |
| F. Offices and services | 1 space per 300 s. f. of gross floor area |
| G. Medical or dental office | 1 space per 300 s.f. of gross floor area |
| H. Mortuary | 6 spaces for each room used as a parlor or chapel |
| I. Motel or hotel | 1 space per guest room |
| J. Restaurant | 1 space per 250 s.f. of gross floor area |

Industrial Land Use

| | |
|---|--|
| A. Manufacturing establishment | 1 space per 0.75 employees plus 1 space per 2,500 s.f. of gross floor area |
| B. Wholesale establishment, warehouse, rail or truck freight terminal | 1 space per 2,000 s.f. of gross floor or storage area |

3.3.050 Bicycle Parking Standards

At a minimum, required bicycle parking shall be consistent with the following standards and guidelines.

- A. **Location.** All bicycle parking shall be within one hundred (100) feet from a building entrance; located within a well-lighted area; and clearly visible from the building entrance.
- B. **Access.** Bicycle parking shall be convenient and easy to find; An access aisle of at least five (5) feet in width shall be provided in each bicycle parking facility. Where necessary, a sign shall be used to direct users to the parking facility.
- C. **Bicycle Parking Spaces.** The bicycle parking standards in Table 3.3.040(C) shall apply and the installation of bicycle parking spaces shall correspond with the required installation of new, or additional, vehicle parking improvements; except that the number of required bicycle parking spaces may be reduced following the same procedure as for automobile parking spaces under subsection 3.3.040(C).

Table 3.3.050(C) – Minimum Bicycle Parking Spaces Required by Use

| Type of Use | Minimum Number of Bicycle Spaces |
|--|--|
| Single Family Residential or Duplex | 0 |
| Multifamily | 1 space per two dwelling units |
| Hotel, motel | 1 space per 20 guest rooms |
| Club, lodge | 1 space per 20 vehicle spaces |
| Hospital, nursing facility | 1 space per 20 vehicle spaces |
| Church, auditorium | 1 space per 20 vehicle spaces |
| Elementary, middle school | 8 spaces per classroom |
| High school | 2 spaces per classroom |
| Retail, office, government offices | 1 space per 20 vehicle spaces |
| Bowling alley, rink, community center | 1 space per 20 vehicle spaces |
| Eating and drinking establishment | 1 space per 20 vehicle spaces |
| Service retail, retail involving bulky merchandise (furniture, lumber) | 1 space per 30 vehicle spaces |
| Industrial, warehousing | 1 space per 30 vehicle spaces |
| Other uses | Requirements for uses not identified shall be determined by the decision authorityCity based upon requirements of comparable uses in this Section. |

3.3 – Parking and Loading

- D. **Dimensions.** Each bicycle parking space shall be at least two (2) feet by six (6) feet with a vertical clearance of six (6) feet.
- E. **Security.** Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object; i.e., a “rack,” upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary).
- F. ~~**Employee Bicycle Parking.** Whenever bicycle parking is provided for employees on a “work shift” it shall be sheltered, i.e., covered, from the weather or employees shall be provided access to a secure room within a building for bicycle parking.~~

Section F is confusing. Employers would have flexibility to provide employee parking as part of the overall bicycle parking requirement. Some parking may be covered. Should the Code require a percentage of required bicycle parking be covered (e.g., inside a structure, under a canopy, or in a locker)?

3.3.060 Disabled Person Parking Space Standards

Except as otherwise required or allowed by applicable building codes, the number of spaces for disabled person parking shall comply with the standards of Table 3.3.060. Striping and signing of the handicap space(s) shall conform to applicable building code requirements.

Table 3.3.060 – Disabled Person Parking Spaces – Minimum Standards

| <u>Total in Parking Lot</u> | <u>Required Minimum Number of Accessible Spaces</u> |
|-----------------------------|---|
| 1 to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1000 | 2% of total |
| 1001 and over | 20 plus 1 for each 100 over 1000 |

3.3.070 Off-Street Loading Requirements

Buildings or structures to be built or substantially altered that receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

A. **Loading Berths Required.** *Except as otherwise allowed by this Section, the following standards shall be used in establishing the minimum number of berths required:*

| <u>Gross Floor Area</u> | <u>Number of Berths</u> |
|-------------------------|-------------------------|
| Up to 10,000 s.f. | 1 |
| 10,000 s.f. and over | 2 |

Note: For buildings or structures up to 6,000 s.f., standard off-street parking areas may be used to meet the off-street loading requirements.

B. **Loading Berth Dimensions.** A loading berth shall contain a space a minimum of twelve (12) feet wide and thirty-five (35) feet long and have a vertical clearance of ~~14~~ *thirteen and one-half (13 ½)* feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required size of these berths shall be increased.

C. **Access and Screening Standards.** *Loading areas shall conform to the access and screening requirements of Chapters 3.1 and 3.2, respectively. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.*

D. **Exceptions.** *The ~~Planning Official/Planning Commission~~ City may approve an exception to the loading area standards and permit loading activities adjacent to or within a street right-of-way only where it finds that loading and unloading operations are short in duration (i.e., less than one hour), infrequent, do not obstruct traffic during peak traffic hours, do not interfere with emergency vehicles or apparatus, and are acceptable to the applicable roadway authority (i.e., if different than the City).*

Comment [mo23]: Questions regarding what “infrequent” encompassed. There was also comments that perhaps the exceptions should be subject to a Type II procedure.

3.3.080 Parking Space and Aisle Dimensions

Table 2.203.07 contains parking space and aisle dimensions, but the table appears incomplete. Our copy of the code does not include a graphic or key for the table, and the table does not provide dimensions for compact parking spaces. Please advise.

Comment [mo24]: Scot noted that the state guide development ment code was being updated and had a graphic that could be inserted here.

Chapter 3.4 - Public Improvements and Utilities

Sections:

- 3.4.010 Purpose
- 3.4.020 Applicability
- 3.4.030 Public Use Areas
- 3.4.040 Street Standards
- 3.4.030 Public Improvement Conditions and General Requirements
- 3.4.040 Sanitary Sewer and Water Service Improvements
- 3.4.050 Storm Drainage Improvements
- 3.4.060 Utilities
- 3.4.070 Easements
- 3.4.080 Construction Plan Approval
- 3.4.090 Installation
- 3.4.100 Performance Guarantee and Maintenance Bond

Comment [mo25]: It was noted that the numbering would need to be reviewed and corrected as needed.

3.4.010 Purpose

Chapter 3.4 provides standards for public infrastructure and utilities installed with new development, consistent with the policies of the City of Dundee Comprehensive Plan and adopted City master plans. The standards are intended to minimize disturbance to natural features, promote energy conservation and efficiency, promote and maintain development impacts on surrounding properties and neighborhoods, and ensure timely completion of adequate public facilities in new development.

3.4.020 Applicability

Standards for the provision and utilization of public facilities or services available within the City of Dundee shall apply to all land developments in accordance with Table 3.4.020. No development permit shall be approved unless the following improvements are provided for prior to occupancy or operation, or unless future provision is assured in accordance with Section 3.4.100.

Table 3.4.020 - Public Improvement Requirements

| Land Use Activity | Fire Hydrant (Fire Code) | Street Improvement (Sec. 3.4.020) | Water Hookup (Ord. #) | Sewer Hookup (Ord. #) | Storm Drain (Ord. #) | Street Lights (Ord. #) | Sidewalks (Sec. 3.4.020) |
|--|--------------------------|-----------------------------------|------------------------|------------------------|-----------------------|-------------------------|--------------------------|
| Single Family Home or Duplex | No* | C-2 | Yes | Yes | Yes | No | C-2 |
| Multi-Family Dwelling | C-1 | Yes | Yes | Yes | Yes | Yes | Yes |
| New Commercial Building | C-1 | Yes | Yes | Yes | Yes | Yes | Yes |
| Commercial Expansion | C-1 | C-3 | Yes | Yes | Yes | Yes | No |
| New Industrial Building | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| Industrial Expansion | C-1 | C-3 | Yes | Yes | Yes | Yes | No |
| Partition, Subdivision, PUD, or Mobile home Park | C-1 | Yes | Yes | Yes | Yes | Yes | Yes |

Comment [mo26]: Noted that "Bike Lanes" was removed from the revision. Scot noted that a separate column may need to be added.

Legend: No = Not required. *Fire Suppression Sprinkler system may be required where hydrant standard not met.) Yes = Required C = Conditional, as specified by subsection 3.4.030.

3.4.030 Public Use Areas

In addition to any conditions of approval attached to a land use decision, the following conditions for public facility improvements, as noted in Table 3.4.020, shall apply. The City decision-making body may modify the conditions upon finding that an alternate condition is more consistent with the purpose and intent of this Chapter.

- A. **Exactions and Impact Proportionality.** Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements directly related to and are roughly proportional to the impact of development.
- B. **General Requirement.** *The City may require public facility improvements and upgrades, including streets, water system, sanitary sewer system, and storm drainage facilities, for new development, consistent with adopted public facility master plan(s), and as may be required under other City, State, or Federal regulations. For example, where ~~an~~ existing facilities are insufficient to comply with standards for traffic operations, emergency apparatus/vehicle access, fire protection (e.g., fire flow or hydrants), water service, storm drainage, or sanitary sewer service, the City may require upgrading of such facilities, consistent with applicable codes and standards. Where adequate facilities are not available to a development site and upgrading of such facilities is impractical due to the small size of the proposed development or site constraints, the City may require phasing of or limit development below levels allowed by zoning and require mitigation, such as fire suppression sprinkler systems, pumps or lift stations, onsite storm water retention facilities, or other mitigation, consistent with the City of Dundee Public Works Design Standards Manual.*

- C. **Public Works and Engineering Design Standards.** The design of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the City, and all improvements for which City approval is required, shall comply with the requirements of the most recently adopted Engineering Design Standards of the City of Dundee. Construction of all public street, sidewalks, and other public utilities shall comply with the minimum requirements of the most recently adopted Public Works Construction Standards of the City of Dundee.
- D. **City Approval of Public Improvements Required.** No building permit may be issued until all required public facility improvements are in place and approved by the Public Works Director, or otherwise bonded, in conformance with the provisions of this Code and the Public Works Design Standards.

3.4.040 Street Standards

A. **Purpose.** The purpose of this Section is to:

1. Provide for safe, efficient, and convenient *multi-modal transportation vehicular movement* in the City of Dundee.
2. Provide adequate access to all proposed and anticipated developments in the City of Dundee. For purposes of this Section “Adequate access” means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.
3. Provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way. For purposes of this Section “Adequate area” means space sufficient to provide all required public services to Standards defined in this Code ~~or~~ and in the City’s Public Works Design Manual, as applicable.

B. **Applicability.** The provisions of this Section apply to:

1. The creation, dedication, or construction of all new public or private streets, bikeways, or access ways in all subdivisions, partitions, or other developments in the City of Dundee.
2. The extension or widening of existing public or private street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the City, or which may be required by the City in association with other development approvals.
3. The construction or modification of any utilities, sidewalks, or bikeways in public rights-of-way or private street easements.
4. *The designation of planter strips*; the planting of street trees or other landscape materials is subject to Chapter 3.2.

5. Developments outside the City that will tie into or take access from City streets.

The Development Code does not apply to properties outside the City; however, City standards apply to projects adjacent to the City that require connection to City streets, sewer, water, etc.

- C. **Street Location.** The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.
- D. **Continuation of Streets.** Development proposals shall provide for the continuation of existing streets in accordance with the City of Dundee Transportation System Plan and applicable local street network plans, if any, and where necessary to promote appropriate traffic circulation in the vicinity of the development.
- E. **Future Extension of Streets.** Where necessary to give access to or permit a satisfactory future development of adjoining land, streets, bikeways and access ways shall be extended to the boundary of a tract being developed and the resulting dead-end streets may be approved without turn-a-rounds. Reserve strips and streets plugs may be required to preserve access.
- F. **Street Alignment.** All streets other than local streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the centerlines thereof. The staggering of street alignments resulting in “T” intersections shall, wherever practical, be avoided. If unavoidable, the “T” intersection shall leave a minimum distance of two hundred (200) feet between the centerlines of streets having approximately the same direction. A “T” intersection having less than a two hundred- (200-) foot separation from the centerline of another street shall be subject to the review and approval of the City Engineer.
- G. **Intersection Angles.** Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle. Intersection angles, street curves and curb return radii shall conform to the City’s Public Works Design Standards Manual, ; but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a minimum curb radius of 25 feet and maintain a uniform width between the roadway and the right-of-way line.
- H. **Existing Streets.**
 - 1. Street Improvements for Single-Family Dwellings: *The City shall not issue building permits for any new single-family dwelling adjacent to a substandard street until said street is improved consistent with the standards of Section 3.4.040; or, where the cost of*

3.4 – Public Improvements and Utilities

improving such right-of-ways is disproportionately high given the number of dwelling units to be constructed, the City may allow an interim improvement consisting of twenty (20) feet of paving. The paving shall be consistent with the City's Public Works Design Standards and begin at the end of the existing street improvement and extend to the farthest point on the property fronting the right-of-way. In addition, where less than a full street improvement is permitted, the applicant shall record a "Waiver of Rights to Remonstrance for Streets and Public Utility Improvements," consistent with subsection 3.4.040(H)(4), and the City may require a financial guarantee as provided under subsection 3.4.040(H)(5).

2. *Street Improvements for projects subject to Site Development Review, Partition, or Subdivision Approval: Projects subject to Site Development Review, Partition, or Subdivision approval shall fully improve all abutting street frontages consistent with City standards when the use meets any of the following criteria, except where the City Engineer permits a three-quarter $\frac{3}{4}$ street improvement, consistent with subsection 3.4.040(H)(3).*
 - a. The expanded use generates an average of one hundred (100) or more trips per day as documented in the Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or
 - b. The expanded use includes at least weekly shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight; or
 - c. The subject use expands by at least twenty-five (25) percent *in floor area, or the estimated value of building and on-site improvements is planned to increase by at least twenty-five (25) percent, as determined by the Building Official.*
3. *Three-Quarter (3/4) Street Improvements. In lieu of a full public street improvement, where an existing street within or necessary to serve a proposed development does not meet City standards, the City Engineer may permit a minimum three-quarter (3/4) street improvement to said street, pursuant to subsections 3.4.040(H)(4)-(5). Storm water drainage shall be provided for on the non-curb side of 3/4 street improvements as required by the City Engineer. In cases where the property within a subdivision or development fronts both sides of an existing street, full street improvements shall be required.*
4. *Where the City Engineer allows less than a full street improvement, the applicant shall record an approved "Waiver of Rights to Remonstrance for Streets and Public Utility Improvements" in lieu of said street improvements. In evaluating requests for less than a full street improvement, the City Engineer shall apply the City's Public Works Design Standards and all of the following criteria:*
 - a. The contiguous length of the existing street to be improved (including the portion of the existing streets that must be improved to serve the development) is less than two

hundred fifty (250) feet;

- b. The existing roadway condition and sections are adequate to handle existing and projected traffic loads; and
 - c. Existing public utilities (water, sanitary sewer and storm sewer) located within the existing roadway are adequate, or can be improved without damaging the existing roadway surface.
5. In lieu of the street improvement requirements outlined under this Section, the City decision-making body, under Type II procedure, may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of monies deposited with the City shall not be greater than one hundred (100) percent of the estimated cost of the 3/4 street improvements (including associated storm drainage improvements). Cost estimates shall be based from a preliminary design of the reconstructed street provided by the applicant's engineer and shall be approved by the City Engineer. If the City Council elects to accept these monies in lieu of the street improvements, the applicant shall also record against all lots or parcels a "construction Deferral Agreement and Waiver of Rights to Remonstrance for Street and Storm Drainage Improvements" approved by the City Attorney. The construction deferral agreement should be worded such that the subject properties will be responsible for paying a minimum of fifty percent (50%) of the costs of the future street and storm drainage improvements to the subject streets minus the value (at the time the street is constructed) of the money deposited with the City by the applicant plus any accumulated interest, e.g., (50%- (deposit +interest)). A Separate "Waiver of Rights to Remonstrance" may be required for the future improvement of other public utilities.

| |
|---|
| City Engineer to provide input on subsection 5. |
|---|

- I. **New Streets.** Where new streets are created by a subdivision or major-partition, full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the City finds it to be practical to require the completion of the other 1/4 street improvement when the adjoining property is developed; in such cases, 3/4 street improvements may be allowed by the City only where all of the following criteria are met:
- 1. The adjoining land abutting the opposite side of the street is undeveloped;
 - 2. The adjoining land abutting the opposite side of the street is within the City Limits and the Urban Growth Boundary; and
 - 3. Storm water drainage is provided on the non-curbed side of 3/4 street improvements in areas judged by the City Engineer to have drainage concerns.

- J. **Cul-de-sacs.** Cul-de-sacs shall have maximum lengths of four hundred (400) feet and serve not more than eighteen (18) dwelling units. All cul-de-sacs shall terminate with circular turn-a-rounds.
- K. **Street Names.** Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the City. Street names shall be required for all new publicly dedicated streets and private streets.
- L. **Grades and Curves.** Street grades and curves *shall conform to the City's Public Works Design Standards.* ~~shall not exceed 8 percent on arterials, 10 percent on collectors, or 12 percent on any other public or private street. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on minor arterials, or 100 feet on other streets, and shall be to an even ten (10) feet. On arterials there shall be a tangent of not less than 100 feet between reversed curves. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the City decision-making body Planning Commission may accept steeper grades and sharper curves.~~
- M. **Marginal Access Streets.** Where a development abuts or contains an existing or proposed arterial street, the City may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be *required pursuant to Section 3.2.060* ~~necessary~~ for adequate protection of residential properties and to afford separation of through and local traffic.
- Make sure "marginal access street, reverse frontage lot and "non-access reservation" are defined. Policy Issue: Add standard for screening; suggest requiring a 5-foot landscape strip where a fence of greater than four feet in height is placed within a street yard setback (e.g., reverse frontage lot), and no screening where no fence or fence <4 feet is provided.
- N. **Clear Vision Areas.** Clear vision areas shall be maintained on corner lots at the intersection of all public streets and at the intersections of a public street with a private street *pursuant to as outlined in Section 3.1.040.*

O. **General Right-of-Way and Street Improvement Widths.** The following standards apply to public streets, bikeways and sidewalks in the City of Dundee. These standards shall be the minimum requirements, except where modifications are permitted under Subsection 3.4.040(P).

Table 3.4.040(O) – General Right-of-Way and Street Improvement Widths

| Street Classification | Minimum R-O-W (a) | Median Type | Street Improvement (ft) | Travel Lanes | Bike Lanes | Sidewalk | On-Street Parking | Planter Strip |
|--------------------------|-------------------|---------------|-------------------------|--------------|------------|----------|-------------------|---------------|
| Statewide Expressway (b) | 120-150 | Separated | | 4 | Yes | No | No | ODOT |
| Arterials | ODOT | CL or Median | ODOT | ODOT | Yes | Yes | ODOT | ODOT |
| Collectors | 60 | Median, no CL | 36 | 2 | Yes | Yes | (c) | (c) |
| Parkway Collector (d) | 70 | No median | 48 | 2 | Yes | Yes | One-side | Yes |
| Local - I (e) | 50 | No median | 28 | 2 | No | Yes | One-side | No |
| Local II - (e) | 50 | No median | 34 | 2 | No | Yes | Yes | No |
| Cul-de-sacs | 50 | No median | 34 | 2 | No | Yes | Yes | No |
| Turnaround Radii | 45 | No median | 38 | NA | No | Yes | Yes | No |
| Alleys | 15 | No median | 12 | NA | No | No | No | No |

(a) Additional right-of-way may be necessary due to topographical constraints or to accommodate additional left- or right-turn lanes at intersections.

(b) This classification reflects the design elements currently under consideration in the NDTIP process.

Improvements must comply with provisions in the Dundee TSP. Where on-street parking is provided, the bicycle lane shall be shared with the traffic lane. Planter strips shall be installed when no on-street parking is provided.

This classification shall reflect the design element contained in the Dundee TSP.

The Local I shall be the standard for the City of Dundee, and shall be subject to the following:

- i. The subject local streets shall connect with other streets and not terminate in a cul-de-sac. The street may “dead-end” provided there is potential to continue the connection through the adjacent property.
- ii. Subdivisions and other developments using these standards shall be limited to

Comment [mo27]: Numbering needs to be added.

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- iii. blocks with a maximum of four hundred (400) feet in length.
- iii. The street grade shall not exceed four (4) percent for the length of the street.
- iv. The Dundee Fire Chief shall provide evidence that the street layout is capable of accommodating the largest emergency vehicle in the Fire Department. This determination shall consider on-street parking plans, curve radii and similar street design issues.
- v. The narrower street shall not be used to extend existing streets that contain wider right-of-ways and/or street improvements.

The developer shall construct the street to a Local II standard if the proposed local street improvement cannot meet all of the requirements noted above.

ODOT = This is an ODOT facility and the final design authority rests with ODOT.

NA = Not applicable.

CL = Center Lane.

P. Modification of Street Right-of-Way and Improvement Width. The City decision-making body, pursuant to the Type II review procedures of Section 4.1.030, may allow modification to the public street standards of Section 3.4.040(O), when the criteria in both subsections 1 and 2, below, are satisfied:

1. The modification is necessary to provide design flexibility in instances where:
 - a. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
 - b. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 2.202.04; or
 - c. A modification is necessary to preserve trees or other natural features determined by the City to be significant to the aesthetic character of the area; or
 - d. A Planned Unit Development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.
2. Modification of the standards of Section 2.202.04 shall only be approved if the City finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

Q. **Private Streets.** Streets and other right-of-ways serving a subdivision or planned unit development that are not dedicated for public use shall comply with the following:

Comment [mo28]: There were questions regarding this section and consistency.

1. Private streets shall only be allowed where the applicable criteria of Section 2.208.03 (C) are satisfied. Private streets shall have a minimum easement width of 25 feet and a minimum paved or curbed width of 20 feet.
2. Unless otherwise specified in the Engineering Design Standards *[or Public Works Design Manual, as applicable]*, all private streets serving more than two (2) dwelling units shall be constructed to the same pavement section specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City Attorney.
3. A turn-around shall be required for any private residential street that has only one outlet and that exceeds one hundred fifty (150) feet in length, or which serves more than two (2) residences. Non-residential private streets serving more than one ownership, if in excess of two hundred (200) feet in length and having only one outlet, shall provide a turn-around. Turn-arounds for private streets shall be circular with a minimum paved radius of thirty-five (35) feet.
4. The City may require provision for the *conversion of a private street to a public street, and/or the dedication and future extension of a public street connecting to a private street, consistent with the City of Dundee Transportation System Plan and any adopted local street network plan.*

3.4.030 Utility Lines and Facilities.

- A. **Purpose.** The purpose of this Section is to provide adequate services and facilities appropriate to the scale and type of development.
- B. **Applicability.** This Section applies to all new development where extension or improvement of water, sanitary sewer, storm drainage, or private utilities is required to serve the development or use of the subject property.

C. General Standards

1. The design of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the City, and all improvements for which City approval is required, shall comply with the requirements of the most recently adopted **Public Improvements Design Standards of the City of Dundee. Construction specifications for all public utilities shall comply with the minimum requirements of the most recently adopted Public Works Construction Standards** of the City of Dundee.

Should this reference the City's Public Works Design Manual?

2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the City to ensure the orderly extension of such utilities within public right-of-way and easements.
- D. **Standards for Water Improvements.** All development that has a need for water service shall install the facilities pursuant to the requirements of the City and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary sanitary sewer and storm drainage facilities, as applicable.
1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping station which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the City pursuant to the requirements of the City.
 2. Specific location, size and capacity of such facilities will be subject to the approval of the Director of Public Works with reference to the applicable Water Master Plan. All water facilities shall conform with existing City pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. ~~The City will not expect~~ *the developer may be required to install pipes and facilities that exceed the size required to serve the proposed development but shall not be required to*

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pay for the extra pipe material cost for waterlines exceeding eight (8) inches in size. Installation costs shall remain entirely the developer's responsibility.

3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties, which, in the judgment of the City, cannot be feasibly served otherwise.
4. Design, construction and material standards shall be as specified by the Director of Public Works for the construction of such public water facilities in the City.

E. **Standards for Sanitary Sewer Improvements.** All development that has a need for public/private sanitary sewers shall install the facilities pursuant to the requirements of the City and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary water services and storm drainage facilities, as applicable.

~~1. All land divisions or other development requiring sub-surface sanitary sewer disposal systems shall be~~ prohibited.

2. All properties shall be provided with gravity service to the City sanitary sewer system, except for parcels that have unique topographic or other natural features that make gravity sewer extension impractical as determined by the City Engineer. *Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the Public Works Director.*
3. All developments shall be required to be linked to existing sanitary sewer collection facilities adequately sized to serve their intended area by the construction of sewer lines which connect to existing adequately sized sewer facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the City pursuant to the requirements of the City.
4. Specific location, size and capacity of such facilities will be subject to the approval of the Director of Public Works with reference to the applicable Sewer Master Plan. All sewer facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. ~~The City will not expect the developer~~ *may be required to install pipes and facilities that exceed the size required to serve the proposed development but shall not be required* to pay for the extra pipe material cost for sanitary sewer lines exceeding twelve (12) inches in size. Installation costs shall remain entirely the developer's responsibility.

~~5. All properties shall be provided with gravity sanitary sewer service to a public sanitary sewer system except for parcels that have unique topographic or other natural features that make gravity sewer extension impractical as determined by the City Engineer. Pumping stations are generally not permitted, and will only be allowed when it has been demonstrated to the satisfaction of the Director of Public Works and the City Engineer that the development cannot be served by gravity.~~

6. Temporary sewer service facilities, including pumping stations, will be permitted only if the Director of Public Works approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.
7. The design of the sewer facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the City, cannot be feasibly served otherwise.

~~8. All development, including land divisions or and other types of development, requiring subsurface sanitary sewer disposal systems is shall be prohibited.~~

9. Design, construction and material standards shall be as specified by the Director of Public Works for the construction of such sewer facilities in the City.
10. Prior to acceptance of the sanitary sewer system by the City, the sewers shall be flushed and inspected by the City as required by the Public Works Design Standards or the Public Works Construction Standards. All costs shall be borne by the developer.

F. **Street Lights.** All developments shall include underground electric service, light standards, wiring and lamps for streetlights according to the specifications and standards of the Director of Public Works. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility for a City-owned and operated street lighting system to be served at the lowest applicable rate available to the City. Upon the City's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become property of the City.

Policy Issue: Does the City want to allow some exceptions for undergrounding of electrical service on a temporary or permanent basis for some smaller projects? See proposed revisions, below.

G. **Private Utilities.** All new *and existing* development which has a need for private utilities, including but not limited to electricity, gas, communication and cable television shall install them pursuant to the requirements of the district or company serving the development, and consistent with all of the following standards:

1. Except as otherwise provided herein, all **new and existing** utility lines, cables or wires, including but not limited to those used for electricity, communication, street lighting, and cable television which are on or adjacent to land partitioned, subdivided or developed within the City of Dundee after the effective date of this Code, shall be required to be placed underground. *Where undergrounding of utilities is required it shall extend to the next available property, which may require crossing an adjacent street or driveway underground.* The intent of *this provision* ~~the City is that~~ **is to require undergrounding of utilities with new development, new no poles, towers, or other structures associated with utility facilities shall be or to reasonably provide for the transition to an underground system in the future.** ~~permitted on any street or lot within or adjacent to such partition, subdivision or development.~~

Comment [mo29]: There were comments that the language was not clear. Scot stated he would come back with suggested revisions.

2. Exceptions. Above-ground facilities shall be permitted for the following in which case the above provisions shall not apply:

- a. Emergency installations or electric transmission lines or through feeders operating at distribution voltages of [x] or above which act as a main source of supply to primary lateral and to direct connected distribution transformers and primary loads. Should it be necessary to increase the capacity of ~~majo~~ *such* power transmission facilities for service to the area, such new or revised installations shall be made only on rights-of-way or easements on which existing overhead facilities exist at the time of such capacity increase.
- b. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, telephone cable closures, connection boxes and the like.
- c. Structures without overhead wires, used exclusively for fire alarm boxes, streetlights, or municipal equipment installed under the supervision and with the approval of the City Engineer.
- d. Power substations, pumping plants, and similar facilities necessary for transmission or distribution of utility services shall be permitted subject to compliance with all zoning regulations and other applicable land use regulations.
- e. Plans providing landscaping and screening, as the City may required for any above-ground facility, shall be approved by the [City Planning Official and] City Engineer, prior to any construction being started.
- f. Television antennae.
- g. *The City may approve overhead power lines for certain industries requiring exceptionally large power supplies.* ~~may request direct overhead power as a condition.~~
- h. If existing overhead utilities within or adjacent to the development total less than *three hundred (300)* ~~one hundred fifty (150)~~ linear feet, the City may allow the applicant to record an approved "Construction Deferral Agreement and Waiver of Rights to Remonstrance for Private utility Improvements" in lieu of relocating existing private utilities underground at the time of development.

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The City has previously allowed a deferral of underground utilities for a project with more than 150 feet of frontage. Three hundred feet is approximately one block length.

3.4 – Public Improvements and Utilities

3. Information on Development Plans. The developer or subdivider shall show on the development plan or in his explanatory information, easements for all underground utility facilities. Plans showing the location of all underground facilities as described herein shall be submitted to the City Engineer for review and approval. Care shall be taken in all cases to ensure that above-ground equipment does not obstruct vision clearance areas for vehicular traffic.
4. Future Installations. The owner(s) or contract purchaser(s) of subdivided real property within a subdivision shall, upon conveyance or transfer of any interest including a leasehold interest in or to any lot or parcel of land, provide in the instrument conveying such interest a covenant running with and appurtenant to the land transferred under which grantee(s) or lessee(s), their heirs, successors, or assigns mutually covenant not to erect or allow to be erected upon the property conveyed any overhead utility facilities, including electric, communication, and cable television lines, poles, guys, or related facilities, except such facilities as are exempt from underground installation under this title or are owned or operated by the City. Such covenant shall require grantees to install, maintain, and use underground electric, telephone, cable television, or other utility services used or to be used to serve the premises. A copy of the covenant shall be submitted with the final plats.

GH. — **Easements.** Easements for public and private utilities shall be provided as deemed necessary by the City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the City and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as provided in Table 3.4.030(G).

Table 3.4.030(G) – Easements

| <u>Easement Type</u> | <u>Minimum Width</u> | <u>Location</u> |
|----------------------|--------------------------------------|-----------------|
| Water | 20 feet | (1)(2) |
| Sewer | 20 feet | (1)(2) |
| Storm (piped) | 20 feet | (1)(2) |
| Storm (other) | (5) | (5) |
| Private Utility | 5 feet (parallel) 10 feet (other) | (3)(4) (1) |

- Notes:
- (1) Centered on utility line
 - (2) Centered on property line, where possible
 - (3) Property lines fronting existing or proposed street rights-of-way
 - (4) Measured from edge of right-of-way
 - (5) Determined on a case-by-case basis

3.4.040 Storm Drainage

- A. **Purpose.** The purpose of this Section is to provide for the drainage of surface water from all residential, commercial and industrial development; to minimize erosion; and to reduce degradation of water quality due to sediments and pollutants in storm water runoff.
- B. **Applicability.** The provisions of this Section apply to all *developments subject to Site Development Review or Land Division review* ~~new residential land partitions, subdivisions, planned unit developments, multi-family developments, commercial developments, and industrial developments;~~ and to the reconstruction or expansion of such developments that increases the flow or change the point of discharge to the City storm drainage system. Additionally, the provisions of this Section shall apply to all drainage facilities that impact any public storm drain system, public right-of-way or public easement, *including but not limited to dedicated to or located within all off-street parking and loading areas.*

| |
|--|
| Please review this section with the City Engineer. |
|--|

- C. **General Requirement.** All storm water runoff shall be conveyed to a public storm sewer or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. ~~In the case of private development,~~ The developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.
- D. **Plan for Storm Drainage and Erosion Control.** No construction of any facilities in a development included in Subsection 3.4.040(B) shall be permitted until an engineer registered in the State of Oregon and approved by the City prepares a storm drainage and erosion control plan for the project. This plan shall contain at a minimum:
1. The methods to be used to minimize the amount of runoff, siltation, and pollution created from the development both during and after construction.
 2. Plans for the construction of storm sewers, open drainage channels, and other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the City to review the adequacy of the storm drainage plans.
 3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included on the site plan drawings and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed using the rational formula and based upon the design criteria outlined in the Public Works Design Standards for the City.

E. **Development Standards.** Development subject to this Section shall be planned, designed, constructed and maintained in compliance with the City of Dundee Public Works Design Standards. ~~all of the following standards:~~

- ~~1. Protect and preserve existing natural drainage channels to the maximum practicable extent;~~
- ~~2. Protect development from flood hazards;~~
- ~~3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;~~
- ~~4. Assure that waters drained from the development are substantially free of pollutants, through such construction and drainage techniques as sedimentation ponds, reseeded, phasing of grading;~~
- ~~5. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;~~
- ~~6. Provide dry wells, french drains, or similar methods, as necessary to supplement storm drainage systems;~~
- ~~7. Avoid placement of surface detention or retention facilities in road rights-of-way.~~
 - ~~B. Where culverts cannot provide sufficient capacity without significant environmental degradation, the City may require the water course to be bridged or spanned.~~
 - ~~C. In the event a development or any part thereof is traversed by any water course, channel, stream or creek, gulch, or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the City. This does not imply maintenance by the City.~~
 - ~~D. Channel obstructions are not allowed except as approved for the creation of detention or retention facilities approved under the provisions of this Ordinance. Fences with swing gates may be utilized.~~
 - ~~E. Prior to acceptance of a storm sewer system by the City, the storm sewers shall be flushed and inspected by the City. All costs shall be borne by the developer.~~

3.4.050 *Construction Plan Approval*

No development, including sanitary sewers, water, streets, parking areas, buildings, storm drainage facilities, or other development, shall be undertaken without plans having been approved by the City of Dundee, permit fees paid, and permits issued. ~~Permit fees are required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. Permit fees are as set by City Council Resolution.~~

~~3.4.060 — Installation~~

- ~~A. Conformance Required. Improvements installed by the developer either as a requirement of these regulations or at the developer's option, shall conform to the requirements of this Chapter, approved construction plans, and pursuant to the City of Dundee Public Works Design Standards and Construction Specifications.~~
- ~~B. Commencement. Installation of improvements shall not begin until all applicable agency permits have been approved and issued.~~
- ~~C. Resumption. If work is discontinued for more than one month, it shall not be resumed until the Public Works Director is notified in writing and grants approval of an extension.~~
- ~~E. City Inspection. Improvements shall be constructed under the inspection of the Public Works Director. The Public Works Director may approve minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest, except that substantive changes to the approved design shall be subject to review under Chapter 4.6, Modifications to Approved Plans and Conditions of Approval. Any survey monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.~~
- ~~F. Engineer's Certification and As-Built Plans. A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City's acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two (2) sets of "as-built" plans for permanent filing with the City. If required by the City, the developer or subdivider shall provide a warranty bond pursuant to Section 3.4.070.~~

3.4.090 — Performance Guarantee and Maintenance Bond

- A. Performance Guarantee Required. The City at its discretion may approve a final plat or building permit when it determines that at least seventy-five (75) percent of the public improvements required for the land division, or phase thereof, is complete and the applicant has an acceptable assurance for the balance of said improvements. The applicant shall provide a bond issued by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City.*
- B. Determination of Sum. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses, plus reasonable inflationary costs (not less than 110% of estimated improvement costs, as prepared by a qualified civil engineer).*
- C. Itemized Improvement Estimate. The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.*
- D. Agreement. A written agreement between the City and developer shall be recorded with the final plat. The agreement shall not be valid until it is signed and dated by both the applicant and City Planning Official. The agreement shall contain, at a minimum, all of the following:*
- 1. The period within which all required improvements and repairs shall be completed;*
 - 2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;*
 - 3. The improvement fees and deposits that are required;*
 - 4. (Optional) A provision for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.*
- E. Failure to Perform. In the event the developer fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit or letter of credit for reimbursement.*
- F. Termination of Performance Guarantee. The developer shall not cause termination of nor allow expiration of the guarantee without first securing written authorization from the City.*
- G. Maintenance Bond. A warranty bond good for two (2) years is required on all public improvements and landscaping when installed in the public right-of-way. The warranty bond shall equal fifteen percent (15%) of the total cost of improvements and begin upon acceptance of said improvements by the City.*

Chapter 3.5 - Signs

Sections:

- 3.5.010 Purpose
- 3.5.020 Measurement Standards
- 3.5.030 Development Standards
- 3.5.040 Nonconforming Signs
- 3.5.050 Sign Review Procedures
- 3.5.060 Supplemental Considerations
- 3.5.070 Definitions

Note: The sign regulations have not been substantially updated. This draft incorporates the 2010 Sign Code update.

3.5.010 Purpose

The purpose of these sign regulations is to help implement the Dundee Comprehensive Plan, to provide equitable and easily administered signage rights, reduce signage conflicts and clutter, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner.

3.5.020 Measurement Standards

A. Determining Sign Area and Dimensions. The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used. The area of a sign on a fence or wall having no such perimeter, border, or base material shall be computed by enclosing the entire area within a quadrilateral, circle or a triangle of the smallest size sufficient to cover the entire message of the sign. The area of multi-faced signs shall be calculated by adding the area of all sign faces visible from any one point.

B. Determining Sign Height.

1. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb face, or the finished grade where there is no nearby pavement.

2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

C. Determining Frontages and Frontage Lengths

1. Building Frontage -The frontage of any building shall include the elevation(s) facing a public street or railroad right-of-way, facing a parking area for the building, or containing the public entrance(s) to the building.
2. Building Frontage Length - The length of any building frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the Zoning Enforcement Officer or Planning Commission as clearly unrelated to the frontage criteria. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.
3. Lot Frontage – as defined in section ~~1.200.025~~.

3.5.030 Development Standards

The development standards contained in this section are categorized by non-residential zones and residential zones. The residential zone category, for the purposes of 2.206, shall include the R-1 Single Family Residential, R-2 Single Family Residential, and the R-3 Medium Density Residential Zones. The non-residential zone category shall include all other zones.

A. Wall Signs

1. Non-Residential Zones

- a. At least (20) square feet of wall signage shall be allowed for each building frontage.
- b. For single story structures the basic allowance for wall signs shall be limited to one (1) square foot of sign area for each linear foot of building frontage length. Additional permitted sign area may be increased by one half (0.5) square feet for each additional building floor above one (1) floor. The total sign area on a building frontage shall not exceed 150 square feet. Each building frontage may have multiple wall signs as long as the total wall sign area does not exceed the allowances established for wall signs.
- bc. The projection of the sign face shall not exceed a distance of twelve (12) inches from the face of the wall which the sign is attached, except as allowed for projecting signs under subsection (g) below.

- ed. The sign shall be placed on the wall that is used to calculate the total area allowance.
- de. Awning signs shall be considered wall signs for the purposes of this code and permitted according to the following:
 - i. Awning signs are permitted only as an integral part of the awning to which they are attached or applied.
 - ii. The awning shall maintain a minimum height of eight feet above grade.
 - iii. An awning shall not extend to within two feet from the curb face.
 - iv. The awning sign shall extend no more than eight feet from the building face.
 - v. An awning shall not project above the roofline.
- ef. Roof signs shall be considered wall signs for the purposes of this code and permitted according to the following:
 - i. The signs shall not exceed the highest point of the roof to which it is attached.
 - ii. The signs shall be located on the roof directly above the building frontage used to calculate the permitted area.
- fg. Projecting wall signs shall be considered wall signs for the purposes of this code and permitted according to the following:
 - i. The bottom of the sign shall be a minimum of eight (8) feet above grade; the sign shall not project more than four (4) feet from the wall of the building on which the sign is placed and may not be closer than two (2) feet from the face of the curb; and the height shall not exceed the highest point of the wall to which it is attached.
- gh. An exterior window sign shall be considered a wall sign for the purposes of this Code.
- hi. Canopy signs are permitted, in addition to the allowance for wall signs. Canopy signs shall have a maximum area of six (6) square feet; the bottom of the sign shall be a minimum of eight (8) feet above the sidewalk; the height shall not exceed the highest point of the roof; the sign shall not project more than twelve (12) inches from the face of the canopy; and adjacent canopy signs shall not be closer than twenty five (25) feet.

2. Residential Zones

- a. The basic area allowance for wall signs is as follows:
 - i. Single-family and two-family (duplex) dwelling – the total sign area shall not exceed six (6) square feet.
 - ii. Multiple family dwelling – the total sign area shall not exceed twenty four (24) square feet.

- iii. Non-residential uses – the total sign area shall not exceed one (1) square foot for each foot of building frontage, not to exceed a maximum total area of one hundred (100) square feet.
- b. Each lot may have multiple signs. The total aggregated sign area shall not exceed the allowances in subsection *a* above.
- c. The sign shall not be a roof sign.
- d. An exterior window sign shall be considered a wall sign for the purposes of this Code.

B. Freestanding Signs

1. Non-Residential Zones

- a. One freestanding sign shall be allowed per lot frontage. One additional freestanding sign shall be permitted for every one hundred fifty (150) feet of lot frontage. Each sign shall be located a minimum distance of fifty (50) feet from another freestanding sign located on the same lot.
- b. The combined area of all freestanding signs along one lot frontage shall be a maximum of four tenths (0.4) square foot for each foot of lineal lot frontage. The maximum area of any single sign shall not exceed fifty (50) square feet. At least twenty (20) square feet is allowed per frontage.
- c. The maximum height shall not exceed twelve (12) feet.
- d. No portion of a freestanding sign shall be in, or project over, a public right-of-way.

2. Residential Zones

- a. The basic area allowance for freestanding signs is as follows:
 - i. Single-family and two-family (duplex) dwelling – the total sign area shall not exceed fifteen (15) square feet.
 - ii. Multiple family dwelling – the total sign area shall not exceed thirty (30) square feet.
 - iii. Non-residential uses – the total sign area shall not exceed fifty (50) square feet.
- b. One (1) sign shall be permitted for each lot frontage.
- c. The height of the sign shall not exceed six (6) feet.

- d. The sign may be located in any yard.
- e. In addition to the allowance for freestanding signs in residential zones, one (1) sign may be permitted at each street entrance of a residential subdivision that comprises twenty (20) or more lots. The height of the additional sign may not exceed a height of six (6) feet. The additional sign may be located in any yard.

C. Design Standards

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| <p>SIGN DESIGN STANDARDS</p> <p>These design standards apply to: All signs larger than 6 square feet in non-residential zones Institutional uses in residential zones if the use abuts Hwy 99W.</p> <p>The sign design standards supersede other development code requirements for signs, including those in the Victorian Overlay and the Service Station ordinance.</p> <p>All signs must incorporate at least two (2) of the design elements below, except signs with internally illuminated faces must include at least three (3) of the design elements.</p> |
| <p>1. The sign primarily includes raised or engraved individual letters or graphics on a background wall or sign face (raised or engraved depth at least one half inch). Letters made from neon tube lighting are one type of raised letters.</p> |
| <p>2. The outline or top of the sign frame (or the letters and graphics if no frame) is predominantly curved or non-rectangular.</p> |
| <p>3. The sign incorporates stone, masonry, sculpted metal, wrought iron, or natural wood as a frame or background (not plywood, particleboard or other wood composite).</p> |
| <p>4. Indirectly illuminated or non-illuminated</p> |
| <p>5. If internally illuminated then no more than 50% of the face is light-colored</p> |
| <p>6. Freestanding sign is no more than 6 feet tall.</p> |
| <p>7. For wall signs, total sign area is at least 20% below maximum allowed on that building frontage. For freestanding signs, sign area is at least 20% below the total area allowed for that sign.</p> |
| <p>8. Installing only one freestanding sign on a lot that qualifies for two or more freestanding signs.</p> |

D. Temporary Signs

- 1. *Generally Permitted.* Each lot may be permitted one (1) temporary sign. The sign shall not exceed six (6) square feet. The sign may be in any yard, but not in the public right of way. The sign is permitted for ninety (90) days out of any consecutive 365 day period.

2. *Additional Temporary Signs.* In addition to the generally permitted temporary signs, a lot may contain any of the following additional temporary signs during the time periods specified below:
- a. *Election Events* – An election event begins 90 days prior to and ends 14 days after any public election. During this event a lot may contain up to twelve (12) square feet of additional temporary signage in a residential zone, and up to fifty (50) square feet of additional temporary signage in non-residential zones. These signs shall not be located in the public right of way.
 - b. *Special Events* – Each lot may be permitted additional signs for other events including, but not limited to: grand openings, clearance sales, garage sales, local festivals, birthdays, religious events, and or federal holidays. Each lot may be permitted to have signage for one (1) special event in one (1) consecutive thirty (30) day period. The signage may be permitted for three (3) consecutive days. Each lot may be permitted an unlimited number of signs not to exceed a total of twelve (12) square feet in a residential zone, and fifty (50) square feet in a non-residential zone. These signs shall not be located in the public right of way.
 - c. *Construction Events* – Signs may be placed during a construction event pursuant to a permit issued by the city on the lot, provided total number does not exceed four (4) and total cumulative size does not exceed sixty four (64) square feet. For the purposes of Section C, a construction event begins on the date of local structural permit approval and ends on the date the permit is finalized or expires. These signs shall not be placed in the public right of way.
 - d. *Sales event* –
 - i. On property which has received subdivision or development approval from the city, from that approval until issuance of a building permit for the last lot to be sold or completion of the development project, one temporary sign not exceeding 32 square feet in area and eight feet in height is allowed on properties less than four acres in size, or two temporary signs not exceeding 32 square feet in area each and eight feet in height are allowed on properties greater than four acres in size.
 - ii. Existing development: A post-style sign not exceeding six square feet in area and five feet in height, or a hanging-style sign not exceeding six square feet in area and six feet in height, during the time of sale, lease or rental of the property; provided, that the sign is removed within 15 days of the sale, lease or rental of the property. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On lots of more than two acres the sign area may be increased to 32 square feet. In no case shall the sign or signs be erected for more than 12 months.

- e. *Portable daily sign* – A portable sign may be permitted to be located in the public right of way or on private property in any non-residential zone provided the following:
- i. No more than one (1) sign per business with the permission of the owner/operator of the adjacent business. An exception is allowed for single businesses with long frontages; an additional sign is allowed for every 100 feet of frontage.
 - ii. The sign area shall not exceed a total of six (6) square feet per side. The area of the sign within the right of way shall not be included in the total allowed area for other temporary signs on the adjacent lot.
 - iii. The sign is self-supporting (e.g., A-frame or sandwich board sign). The sign shall not be attached to any structure or object including, but not limited to utility poles, mail boxes, trees, and governmental signs; ~~except that self-supporting traffic control, street name, and public safety signs required by the roadway authority or emergency service provider are permitted to be attached to such structures.~~
 - iv. A minimum five (5) foot horizontal travel and fire hydrant clearance shall be provided on the sidewalk. The sign shall not be placed on the street or in any on-street parking area, and shall not interfere with the vision clearance requirements of this code.
 - v. The sign shall be removed during non-business hours of the adjacent business.
3. *Signs for Temporary Businesses.* Temporary businesses may display temporary or portable signs, other than trailer mounted reader boards or any sign that includes flashing or rotation lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. All temporary signs must be placed within 10 feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way.

4. *Design*

- a. All temporary signs shall be portable signs.
- b. The maximum height for temporary signs shall not exceed six (6) feet.

E. **Signs Allowed Without Permit.** The following signs are permitted in all zones without a permit but still shall meet all requirements of this Code and the Oregon Structural Specialty Code. All other signs not listed in 3.5.030(D), including but not limited to wall signs and freestanding signs, require permit approval prior to construction. The following signs shall not be included when determining compliance with total allowed area or number of other signs that require a permit.

1. Temporary signs that meet the standards of Section 3.5.030.
2. Signs entirely within a building including interior window signs.

3. Signs not visible from a right of way.
4. Any governmental sign and any other notice or warning required by a valid and applicable federal, state or local law, regulation or resolution.
5. Address identification signs.
6. One flag display is permitted on each street frontage. An unlimited number of displays is permitted on any legal holiday or City Council designated festival.
7. Driveway signs: In addition to the other signs allowed, a lot in any zone may contain signs with the following conditions:
 - a. For lots with one (1) driveway, two (2) signs shall be permitted at the driveway -entrance or exit.
 - b. If a lot has more than one (1) driveway, one (1) sign shall be permitted for each driveway; and,
 - c. One (1) sign shall be permitted at each internal drive aisle intersection.
 - d. The area of each sign shall not exceed four (4) square feet.
 - e. The sign may be located in any yard.
 - f. The height of the sign shall not exceed three (3) feet.

3.5.040 Non-Conforming Signs

A. General Provisions

1. Nonconforming signs shall be maintained in good condition pursuant to Section 3.5.060.
2. A nonconforming sign shall not be altered, modified or reconstructed except:
 - a. When such alteration, modification or reconstruction would bring such sign into conformity with these regulations;
 - b. When the existing use has new ownership or tenant which results in a change in the name or logo of the use or business on the property, and such change complies with subsection (d) below;
 - c. When the space is reoccupied by a similar use and the new occupant requires

no external building or site renovation, and such change complies with subsection (d) below;

- d. Any alteration, modification or reconstruction permitted in this section shall be limited to the replacement of a sign panel, replacing individual letters and logos within the same area or repainting a sign face, and does not permit changes to the structure, framing, height or relocation of the sign unless such changes conform to subsection (a) above.

B. Limitations for Non-Conforming Signs

1. A nonconforming sign shall be removed upon verification that any of the following conditions have been met:
 - a. The use of the property with such non-conforming sign has been abandoned for more than two (2) consecutive years; or
 - b. The regulation or amendment to these regulations which made the sign non-conforming has been in effect for ten (10) years or more.
 - c. The development site is granted land use approval for a Type 1A or 1B, Type II, or Type III request.
 - d. The sign is a temporary sign as defined in Section 3.5.070.
2. Extension of time to comply - The dates established in this Section for a sign to be brought about into compliance with the requirements of these regulations may be extended at the request of the sign owner or leasee. An extension request shall be considered by the Planning Commission and follow the procedural and notice requirements of the Type IB land use action. In evaluating the extension of time for a nonconforming sign, the Planning Commission shall consider the following factors to determine whether the owner of the sign has had reasonable amount of time to recoup the initial investment:
 - a. The value of the sign at the time of construction and the length of time the sign has been in place;
 - b. The life expectancy of the original investment in the sign and its salvage value, if any;
 - c. The amount of depreciation and/or amortization of the sign already claimed for tax or accounting purposes;
 - d. The length of the current tenant lease or expected occupancy compared to the date the sign is to be brought into compliance;

- e. The extent to which the sign is not in compliance with the requirements of these regulations; and
- f. The degree to which the City determines that the sign is consistent with the purposes of these regulations.
- g. Whether the sign has “historical” or “landmark” significance as determined by the Planning Commission and should, therefore, be exempt from the requirements of Section 3.5.040.
- h. Whether the sign is in a good state of repair and maintenance.

3.5.050 Sign Review Procedures

- A. Application Requirements.** An application for sign permit approval shall be made on a form provided by the City Recorder. The application shall include, at a minimum:
- 1. A sketch drawn to scale that includes: the design, location, height, area, and type, shielding, and wattage of illumination.
 - 2. A sketch drawn to scale showing the location and size of all existing signs on site.
 - 3. Name, contact information, and address of the sign designer and or contractor.
 - 4. Signature of the property owner.
 - 5. Application fee.
 - 6. Submittal of a structural permit and application fees.
- B. Appeals and Variances.** All appeals and major variances regarding the sign ordinance shall be heard by the Planning Commission. Minor variances shall not be permitted regarding the sign standards contained in Section 2.206.

3.5.060 Supplemental Considerations

A. Construction Standards

- 1. The construction, erection, safety and maintenance of all signs shall comply with the current edition of the Oregon Structural Specialty Code and all of the following:

3.5 – Signs

- a. Signs shall be structurally sound and located so as to pose no reasonable threat to pedestrian or vehicular traffic.
- b. Banners are allowed only as temporary signs.
- c. All freestanding signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.
- d. Signs shall not be in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.
- e. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.
- f. Signs may be illuminated – by external or internal means --provided that:
 - i. Light sources shall be shielded from all adjacent buildings and streets; and
 - ii. The lighting shall not create excessive glare to pedestrians and/or motorists, and will not obstruct traffic control or any other public informational signs.
 - iii. The illumination meets the dark sky lighting standards, contained in the Appendix H of the Public Works Design Standards.
 - iv. The sign is not an animated sign.
 - v. In addition, signs in residential zones may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., and shall not flash, blink, or fluctuate.

Comment [mo30]: Reference the Lighting section.

B. Maintenance

1. All signs shall be maintained in accordance with the following:
2. The property owner shall maintain the sign; in a condition appropriate to the intended use; to all City standards; and has a continuing obligation to comply with all building code requirements.
3. All signs, excluding the sign structure, for a business shall be removed within thirty days after that business ceases to operate.
4. Illegal and abandoned signs which are not removed or are erected in violation of this ordinance may be removed by the City of Dundee following notice to the property owner.
5. The property owner will be assessed the cost of sign removal if the owner fails to remove the non-conforming, illegal or abandoned sign and the City exercises its authority under this provision.
6. If the sign is deemed by the Zoning Enforcement Officer to be in an unsafe

condition, the owner of the business shall be immediately notified in writing, and shall, within seventy two (72) hours of receipt of such notification, respond to the city with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If after thirty (30) days, the unsafe condition has not been corrected through repair or removal, the Zoning Enforcement Officer may cause the repair or removal of such sign, at the expense of the property owner or lessee. If the total costs are not paid in full within thirty (30) days of the repairs or removal, the amount owed shall be certified as an assessment against the property of the sign owner, and lien upon that property, together with an additional one (1) percent penalty for collection as prescribed for unpaid real estate taxes.

7. In cases of emergency, the Zoning Enforcement Officer may cause the immediate removal of a dangerous or defective sign without notice.
8. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, relettering or repainting, the same may be done without a permit or without any payment of fees provided that all of the following conditions are met:
 - i. There is no alteration or remodeling to the structure or the mounting of the sign itself;
 - ii. There is no enlargement or increase in any of the dimensions of the sign or its structure;
 - iii. The sign is accessory to a legally permitted, conditional or nonconforming use.

- C. **Changeable Copy.** Changeable copy by non-electronic means may be utilized on any permitted sign, and is limited to a maximum of twenty five (25) square feet. Changeable copy by electronic means is limited to a maximum of four (4) square feet.

- D. **Prohibited Signs.** The following signs are prohibited:

1. Abandoned signs as defined in Section 3.5.070
2. Animated, rotating signs and festoons as defined in Section 3.5.070, inflatable signs, tethered balloons, banners, pennants, searchlights, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, and any clearly similar features, except special event signs or banners permitted in 3.5.030(D).
3. Interior window signs that exceed twenty five (25) percent of the total window area.
4. Electronic changeable copy signs that exceed four (4) square feet.
5. Roof signs, as defined in Section 3.5.070, that project above the highest point of the roof.

6. Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals. Signs that obstruct require vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard.
7. Signs located on trees, utility poles, public benches or any other form of public property or within any public right-of way; *except that seasonal and special event banners, when duly licensed by the applicable roadway authority, and traffic control, street name, and public safety signs required by the roadway authority or emergency service provider, are permitted to be attached to such structures. unless explicitly permitted by this Code.*
8. Signs that emit odor, visible matter, or sound.
9. Signs that use or employ guy lines of any type.
10. Signs on unimproved property, unless allowed as a temporary sign by the provisions of this Code.
11. Vehicle signs - signs on vehicles when the vehicle is placed in a location not otherwise permitted for parking such vehicles, any sign attached to an unlicensed or inoperable vehicle in the public right of way or on private property, and signs not permanently attached to any vehicle parked in the public right of way or on private property.
12. Any sign not permitted by this code.

3.5.070 Definitions

- A. The following words and phrases used in this Sign Code shall have the following meanings:
 1. **Abandoned Sign.** A sign that is located on an improved site that has not had legal occupancy for a period exceeding two (2) consecutive years.
 2. **Address Identification Sign.** A wall sign, required to be placed by law, containing only the address of a building, such sign being located on the same site as the structure.
 3. **Alteration.** Any change in copy, color, size or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign, except that a copy change on a sign is not an alteration.
 4. **Animated Sign.** A sign which has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, oscillate or visibly alters in appearance more than one (1) times in a one (1) minute period.

5. **Area of Sign.** Refer to measurement standards in Section 3.5.020.
6. **Awning.** A shelter extending from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.
7. **Awning Sign.** Any sign painted on or attached to or supported by an awning, not including banner signs.
8. **Balloon Sign.** A lighter-than-air gas-filled balloon, tethered in a fixed location, that has a sign with a message on its surface or attached in any manner to the balloon.
9. **Banner Sign.** A sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed of non-durable materials, including, but not limited to, cardboard, canvas, cloth and/or plastic. Banner signs do not include awning signs.
10. **Canopy.** (a) A freestanding permanent roof-like shelter not attached to or requiring support from an adjacent structure (for example, a freestanding canopy at a service station); (b) A permanent projecting structure extending from a building over a walkway.
11. **Canopy Sign.** Any permanent sign attached to or constructed underneath a canopy. These signs are below a projecting structure which extends over the pedestrian walkway which effectively prevents the wall signs from being visible to the pedestrian walking under the canopy. **See Also Projecting Sign.**
12. **Changeable Copy Sign.** A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.
13. **Event, Construction.** A period beginning on the date of local structural permit approval and ending on the date the final certificate of occupancy is issued.
14. **Event, Election.** A period ninety (90) days prior to and fourteen (14) days after any local, state, or national election.
15. **Event, Special.** One (1), three (3) consecutive day period within one (1), thirty (30) consecutive day period.
16. **Flag.** A fabric that is attached to a pole on one end only.
17. **Flag display.** One or more flags attached to a single pole.
18. **Footcandle.** A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.
19. **Freestanding Sign.** Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, including a fence or freestanding wall.
20. **Frontage, Building.** Refer to measurement standards in Section 3.5.020.
21. **Frontage, Lot.** Refer to Section 1.200.02 for lot definitions.
22. **Governmental Sign.** A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.
23. **Grade.** The level of the site at the property line located at the closest distance to the sign.
24. **Height of Sign.** Refer to measurement standards in Section 3.5.020.

25. **Illegal Sign.** Any sign placed without proper approval or permits as required by this Code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit and any nonconforming sign which has not been brought into compliance with any applicable provisions of this Code.
26. **Illuminated Sign.** Any sign for which an artificial source of light is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing or radiating signs.
27. **Logo, Logogram, or Logotype.** An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.
28. **Nonconforming Sign.** A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this Code.
29. **Portable Sign.** Any movable sign not permanently attached to the ground or a building and easily removable using ordinary hand tools.
30. **Projecting, Wall Sign.** A wall sign which projects more than twelve (12) inches from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall. See also Canopy sign.
31. **Revolving or Rotating Sign.** An animated sign.
32. **Roof Sign.** Any sign erected upon a roof, parapet, or roof-mounted equipment structure.
33. **Sign.** Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign does not include any architectural or landscape features that may also attract attention.
34. **Sign Face.** An exterior display surface of a sign including non-structural trim exclusive of the supporting structure.
35. **Site.** All the contiguous ground area legally assembled into one development location which is a zoning lot. A zoning lot is defined as a permanent parcel (lot of record), multiple lots of record, or a portion of a lot of record.
36. **Temporary Sign.** Any sign which is installed for a period not to exceed the time limitations of Section 3.5.030 (D).
37. **Vehicle Sign.** Any sign permanently or temporarily attached to or placed on a vehicle or trailer.
38. **Wall Sign.** Any sign attached to or painted on the wall of a building in a plane parallel or approximately parallel to the plane of said wall.
39. **Window, Area of.** The area of a single window includes all of the window panes in an area that is separated by mullions, muntins, or other dividers which are less than twelve (12) inches wide.
40. **Window Sign, Exterior.** Any sign affixed in any manner to the exterior of a window. An exterior window sign shall be considered a wall sign for the purposes of this Code.

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41. **Window Sign, Interior.** Any sign affixed in any manner to a window or within two (2) feet of a window and viewable from the exterior.
42. **Zoning Enforcement Officer.** For the purposes of this Code the Zoning Enforcement Officer shall be the City Administrator or the acting administrator.