

ARTICLE 5 GENERAL DEVELOPMENT STANDARDS

SECTION 5.010 DEVELOPMENT STANDARDS MATRIX

STANDARDS	PRIMARY LAND USE DISTRICTS				
	R-1 Sec 4.111	R-2 Sec 4.112	R-11 Sec 4.121	C-1 Sec 4.131	M-1 Sec 4.141
Site Standards					
Minimum Lot Size	8,000 sf	6,000 sf	2,500 sf*	By Use - PC	By Use - PC
Minimum Width	50 ft	50 ft	50 ft	By Use - PC	By Use - PC
Maximum Depth	-	-	-	By Use - PC	By Use - PC
Exterior (street) Yard				0 ft	30 ft
Front	15 ft / 20 ft	15 ft / 20 ft	15 ft		
Side	12 ft	12 ft	12 ft		
Rear	15 ft	15 ft	15 ft		
Interior Side Yard	5 ft - 7.5 ft	5 ft - 7.5 ft	5 ft	0 ft	0 ft
Abutting Residential				5 ft	50 ft
Townhouse		0 ft	0 ft		
Interior Rear Yard				0 ft	0 ft
Primary Building	20 ft	20 ft	15 ft		
Accessory Building	3ft*	3ft*	3ft		
Maximum Structure Height	35 ft	35 ft	3 Stories or 45 ft	2.5 Stories or 35 ft	45 ft
Maximum Bldg. Coverage	60%	75%	75%	By Use - PC	By-Use - PC
Min. Lot Size by Type					
Single-Family	8,000 sf	6,000 sf	2,500 sf		
Duplex		10,000 sf	5,000 sf		
Triplex			7,500 sf		
Fourplex			10,000 sf		
Cottage Housing		12,000 sf	10,000 sf		
Townhouse		6,000 sf	2,500 sf		
Multifamily with 5+ units			10,000 sf		
Overlay Districts					
Flood Hazard- FH	Sec 4.210	Sec 4.210	Sec 4.210	Sec 4.210	Sec 4.210
Wetlands - WL	Sec 4.220	Sec 4.220	Sec 4.220	Sec 4.220	Sec 4.220
Hillside Development- HD	Sec 4.230	Sec 4.230	Sec 4.230		
Historic Preservation- HP	Sec 4.250	Sec 4.250	Sec 4.250	Sec 4.250	Sec 4.250
Planned Development- PD	Sec 4.260	Sec 4.260	Sec 4.260	Sec 4.260	Sec 4.260
Development Standards					
Parking	Sec 5.120	Sec 5.120	Sec 5.120	Sec 5.120	Sec 5.120
Access & Vision Clearance	Sec 5.122	Sec 5.122	Sec 5.122	Sec 5.122	Sec 5.122
Landscaping	Sec 5.134	Sec 5.134	Sec 5.134	Sec 5.134	Sec 5.134
Signs	Sec 5.136	Sec 5.136	Sec 5.136	Sec 5.136	Sec 5.136
Use Standards					
Home Occupations	Sec 6.101	Sec 6.101	Sec 6.101		
Residential Care Homes	Sec 6.102	Sec 6.102	Sec 6.102	Sec 6.102	
Residential Care Facility	Sec 6.103	Sec 6.103	Sec 6.103	Sec 6.103	
Multiple-Family			Sec 6.104		
Manufactured Housing	Sec 6.110	Sec 6.110	Sec 6.110	Sec 6.110	Sec 6.110
Residential/Commercial Use				Sec 6.201	
Public Use	Sec 6.301	Sec 6.301	Sec 6.301	Sec 6.301	Sec 6.301
Agricultural Use	Sec 6.401	Sec 6.401	Sec 6.401	Sec 6.401	Sec 6.401
Accessory Dwelling Units	Sec 6.105	Sec 6.105	Sec 6.105		
Cottage Housing	Sec 6.106	Sec 6.106	Sec 6.106		

- Deleted: 11,000
- Deleted: 7,500
- Deleted: 5,0
- Deleted: 7
- Deleted: 6
- Deleted: 20 ft
- Deleted: 20 ft
- Deleted: 20 ft
- Deleted: ft / 20
- Deleted: 15
- Deleted: 5
- Deleted: 5
- Deleted: 5ft
- Deleted: 5ft
- Deleted: 5ft
- Deleted: 50
- Deleted: 5
- Deleted: 0
- Deleted: Density
- Deleted: (DU/acre)
- Deleted: Detached
- Deleted: 5.4
- Deleted: 7.3
- Deleted: 8.7
- Deleted: 10
- Deleted: 10
- Deleted: 11
- Deleted: 7.3
- Deleted: 20
- Deleted: f

Procedures					
Applications	Sec 2.130	Sec 2.130	Sec 2.130	Sec 2.130	Sec 2.130
Land Divisions	Sec 2.300	Sec 2.300	Sec 2.300	Sec 2.300	Sec 2.300
Site Plan Review	Sec 2.400	Sec 2.400	Sec 2.400	Sec 2.400	Sec 2.400
Conditional Use	Sec 2.500	Sec 2.500	Sec 2.500	Sec 2.500	Sec 2.500
Variances	Sec 2.600	Sec 2.600	Sec 2.600	Sec 2.600	Sec 2.600
Amendments	Sec 2.700	Sec 2.700	Sec 2.700	Sec 2.700	Sec 2.700

Definitions	Sec 1.200	Sec 1.200	Sec 1.200	Sec 1.200	Sec 1.200

*Additional development standards apply, see zoning district.

(Amended by Ord. 02-102) (Amended by Ord. 11-102) (Amended by Ord. XX-XXX)

SECTION 5.020 DEVELOPMENT STANDARDS

In addition to the development standards specified for each zoning district, there are many standards that apply in more than one district. The following Sections specify development standards applicable within any zoning district in the City of Turner.

The City may adjust the development standards contained in Article 5 to provide an efficient land division or a more efficient utilization of a property when submitted for approval under the City's review and approval procedures.

SECTION 5.030 PLAN CONFORMANCE

All developments within the City shall conform to any approved development plan adopted by the City. Developments located within an area that has an approved plan shall comply with the design and construction standards of that approved plan in addition to those contained in this Code. In cases of conflict, the approved plan shall control.

SECTION 5.110 HEIGHT STANDARDS

Building height standards are specified in **Item (4) of each Zoning District**.

SECTION 5.111 BUILDING HEIGHT EXCEPTIONS

Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers aerials, flagpoles, and similar objects not used for human occupancy shall not exceed the building height limitations of this Code by more than ten (10) feet.

SECTION 5.112 BUILDING PROJECTION EXCEPTIONS

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than 30 inches into a required yard.

SECTION 5.113 LOT SIZE

Lot size standards are specified in **Item (4) of each Zoning District**.

SECTION 5.114 LOT SIZE EXCEPTIONS

If a lot as recorded in the office of the County Assessor at the time of passage of this Code, has an area or dimension which does not comply with the lot size requirements of the district in which the property is located, the property may be occupied by a use permitted in the district subject to the other requirements of the district. If there is an area deficiency, residential use shall be limited to a single-family dwelling or to the

Deleted: (Amended by Ord. 02-102) (Amended by Ord. 11-102)¶

number of dwelling units consistent with the lot-area-per-dwelling-unit requirement of the district.

SECTION 5.115 YARD SETBACKS

Yard setback standards are specified in **Item (4) of each Zoning District**.

SECTION 5.116 YARD SETBACK EXCEPTIONS

- (1) No building shall be erected on a lot which abuts a street having only a portion of its required right-of-way (ROW) dedicated, unless, the yard setbacks are increased to accommodate the required ROW plus the required yard setback.
- (2) The Planning Commission may require additional setbacks, street right-of-way dedications and street improvements for development projects which are required to be submitted for review and approval.
- (3) The Planning Commission may reduce the required yard setbacks for special and unusual site conditions in conformance with **Section 2.600, Variances** where compliance with the setback provisions of this Code would create an undue or unnecessary hardship.

SECTION 5.117 DRAINAGEWAY SETBACKS

- (1) All fish-bearing streams including Mill Creek and all year-round flowing streams shall be governed by riparian protection standards under Section 4.270 of the Turner Land Use Code.
- (2) All other intermittent drainage ways and watercourses shall have a setback of 15 feet from the center of the drainageway.

(Amended by Ord. 13-105)

SECTION 5.118 COMMERCIAL & INDUSTRIAL SETBACKS

In commercial or industrial districts where an interior yard is not required and a structure is not located at the property line, it shall be set back at least five (5.) feet from the property line to accommodate access to the building.

SECTION 5.119 AUTOMOBILE SERVICE STATION SETBACKS

In a district where automobile service stations are permitted, freestanding gasoline pumps and pump stands may occupy a required exterior yard, provided they are a minimum of 15 feet from the property line.

SECTION 5.120 PARKING

For each new structure or use, each structure or use increased in area and each change in the use of an existing structure there shall be provided and maintained off-street parking areas in conformance with the provisions of this section.

- (1) Design and Improvement Requirements for Parking Lots:

- (a) All parking areas and driveway approaches shall be surfaced with a minimum of two inches asphalt concrete or four inches Portland Cement Concrete over approved base unless other methods are approved by the City. Under specified conditions the City may defer paving and permit gravel parking areas as a temporary use.
 - (b) Service drives and parking spaces on surfaced parking lots shall be clearly and permanently marked. Handicapped Parking must comply with the Oregon Structural Specialty Code.
 - (c) Parking areas for other than single-family and two-family dwellings shall be served by a service driveway and turnaround so that no backing movements or other maneuvering shall occur within a street other than an alley. Design for parking lots shall conform to the **Parking Diagram** contained in **Section 09-200, Diagram DSD-1**. Two-way driveways shall have a minimum width of 20 feet and a maximum width of 30 feet. One-way driveways shall have a minimum width of 12 feet and a maximum width of 16 feet.
 - (d) A Parking space shall conform to the **Parking Diagram** contained in **Section 09-200, Diagram DSD-1**.
 - (e) The outer boundary and all landscaped islands of a parking area shall be contained by a 6" high curb for protection of landscaping, pedestrian walkways and to contain rainwater runoff. No motor vehicle shall project over the property line.
 - (f) All parking areas, except those in conjunction with a single family or two-family dwelling, shall have adequate drainage to dispose of the run-off generated by the impervious surface area of the parking area. On-site collection of drainage water shall not allow sheet flow of water onto sidewalks, public right-of-ways or abutting property and shall detain out-flow velocities to that of undeveloped land. All drainage systems must be approved by the City Administrator.
 - (g) Service driveways 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 maximum safety of pedestrian and vehicular traffic on the site. The number of service driveways shall be limited to the minimum that will allow the property to accommodate and service the traffic anticipated.
 - (h) All off-street parking areas within or abutting residential districts or uses shall be provided with a sight-obscuring fence, wall or hedge as approved by the City to minimize disturbances to adjacent residents.
- (2) Location Standards for Parking Lots:

- (a) Required off-street parking shall be provided on the development site unless a Variance is approved by the City.
 - (b) Off-street parking areas may be located in a required yard setback provided a 5 foot wide landscaped buffer and screening, as required in **Section 5.134 (4)**, is maintained at the property line. Driveways may be used for off-street parking for single-family and two-family dwellings only.
- (3) Required parking spaces shall be available for the parking of operable motor vehicles for residents, customers, patrons and employees only and shall not be used for storage of vehicles, trucks, or materials used in the business, or for repair or servicing.
 - (4) Provisions for and maintenance of off-street parking spaces are continuing obligations of the property owner. No building permit or other approvals shall be issued until plans are presented that show the complete parking layout. The subsequent use of property for which approval is granted shall be conditional upon the unqualified continuance and availability of the amount of parking space required by this Code.
 - (5) Should the owner or occupant of a lot or building change the use of the property to a use which increases the off-street parking requirements, it shall be unlawful and a violation of this Code to begin to maintain such altered use until the required increase in off-street parking is provided.
 - (6) In the event several uses occupy a single structure or property, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
 - (7) Owners of two or more uses, structures or properties may agree to use the same parking spaces jointly provided the off-street parking is the sum of the requirements of the several uses. If the hours of operation do not overlap, the parking requirement shall be for the highest use. An agreement shall be submitted and approved by the Planning Commission for the cooperative use of the parking facilities.
 - (8) A plan, drawn to scale, indicating how the off-street parking requirements are to be fulfilled, shall accompany all requests for City approval or a Building Permit.
 - (9) Parking lots shall be provided with landscaping as provided in **Section 5.134 (4)** and other suitable devices in order to divide the parking lot into sub-units to provide for pedestrian safety, traffic control, and to improve the appearance of the parking lot.
 - (10) Off-street parking spaces shall be required as defined in **Section 5.121**. Fractional space requirements shall be counted as a whole space. When square feet are utilized to determine the required parking spaces, the area measured shall be the gross floor area of the building primary to the use but shall exclude

any area within a building used for off-street parking, loading, or service functions not primary to the use. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season.

SECTION 5.121 OFF-STREET PARKING REQUIREMENTS

<u>USE</u>	<u>SPACE REQUIREMENT</u>								
(1) Residential									
(a) One and two family dwelling	<table border="0"> <tr> <td>Studio</td> <td>space for one car per unit</td> </tr> <tr> <td>1 Bedroom</td> <td>space for one car per unit</td> </tr> <tr> <td>2 Bedroom</td> <td>space for two car per unit</td> </tr> <tr> <td>3+ Bedroom</td> <td>space for two car per unit</td> </tr> </table> <p>(Amended by Ord. 00-101)</p>	Studio	space for one car per unit	1 Bedroom	space for one car per unit	2 Bedroom	space for two car per unit	3+ Bedroom	space for two car per unit
Studio	space for one car per unit								
1 Bedroom	space for one car per unit								
2 Bedroom	space for two car per unit								
3+ Bedroom	space for two car per unit								
(b) Multiple family dwelling	<table border="0"> <tr> <td>Studio</td> <td>1.00 space/unit</td> </tr> <tr> <td>1 Bedroom</td> <td>1.00 space/unit</td> </tr> <tr> <td>2 Bedroom</td> <td>2.00 space/unit</td> </tr> <tr> <td>3+ Bedrooms</td> <td>2.00 space/unit</td> </tr> </table>	Studio	1.00 space/unit	1 Bedroom	1.00 space/unit	2 Bedroom	2.00 space/unit	3+ Bedrooms	2.00 space/unit
Studio	1.00 space/unit								
1 Bedroom	1.00 space/unit								
2 Bedroom	2.00 space/unit								
3+ Bedrooms	2.00 space/unit								
(c) Rooming or boarding house	Spaces equal to 80% of the number of guest accommodations plus one additional space for each owner, manager, or employee.								
(2) Institutional									
(a) Convalescent hospital, nursing home, sanitarium rest home, home for the aged	One space per four beds for patients or residents								
(3) Place of Public Assembly									
(a) Church not containing fixed seats	One space per four seats or eight feet of bench length in the main auditorium, or one space for each 35 sq. ft. of floor area of main auditorium								
(b) Library, reading room	One space per 400 sq. ft. of floor area plus one space per two employees								

Deleted: (11) Added. All new residential dwellings shall have a fully enclosed private garage attached to the dwelling or constructed on the same tax lot in close proximity to the dwelling as defined in Section 5.121 of this code. This requirement applies to dwellings of standard construction, pre-fabricated buildings, manufactured homes (pursuant to ORS 197.307 (5) (f) and pre-constructed buildings moved to the site.¶
(Added by Ord. 00-101)¶

- Deleted:** Garage
- Deleted:** Garage
- Deleted:** Garage
- Deleted:** Garage

- | | |
|--|--|
| (c) Pre-school nursery, kindergarten | Two spaces per teacher |
| (d) Elementary or junior high school | One space per classroom plus one space per administrative employee or one space per four seats or eight ft. of bench length in the auditorium or assembly room, whichever is greater |
| (e) Other public assembly or meeting rooms | One space per six seats or eight feet of bench length, or one space for each 35 s/f of floor area for assembly room not containing fixed seats |

USE**SPACE REQUIREMENT****(4) Commercial**

- | | |
|--|--|
| (a) Retail store except as provided in subsection b of this subsection | One space per 300 s/ft. of floor area designated for retail sales |
| (b) Service or repair shop, retail store exclusively handling bulky merchandise such as automobiles and furniture. | One space per 400 s/ft. of floor area |
| (c) Banks and Offices | One space per 400 s/ft. of floor area |
| (d) Medical and dental clinic | One space per 300 s/ft. of floor area plus one space per two employees |
| (e) Eating or drinking establishment | One space per 100 s/ft. of floor area |

(5) Industrial

- | | |
|---|--|
| (a) Storage warehouse, manufacturing establishment, rail or trucking freight terminal | One space per employee |
| (b) Wholesale establishment | One space per employee plus one space per 700 square feet of patron serving area |

- (6) **Unspecified Uses** Any use not specifically listed in this section shall have a parking requirement determined by the City, based on the parking space requirements for comparable uses listed in this section.

SECTION 5.122 TRANSPORTATION STANDARDS

The City of Turner has adopted the Turner Transportation System Plan (TTSP) in conformance with the State of Oregon Transportation Planning Rule. Development Standards for Streets, Sidewalks, Bikeways, Rail and Pipeline transportation are included in the following Sections of this Article in compliance the Turner Transportation System Plan.

- (1) Purpose
- (a) To provide for safe, efficient, convenient multi-modal movement in the City of Turner.
 - (b) To provide adequate area in public rights-of-way streets, sidewalks, bikeways, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights-of-way.
- (2) Scope
- (a) The creation, dedication or construction of all new public or private streets, pedestrian facilities and bikeways in all subdivision, partitions or other developments in the City of Turner.
 - (b) The construction or modification of any utilities or sidewalks, or bikeways in public rights-of-way or street easements.
- (3) General Provisions
- (a) The following provisions shall apply to the dedication, construction, improvement or other development of public rights-of-way in the City of Turner. All public improvements shall be designed in conformance with the specific requirements of the City's most current Public Works Standards.
 - (b) Development proposals shall provide for the continuation of existing and proposed streets, bikeways and pedestrian facilities located outside the development, to maintain the continuity of traffic circulation for all modes of travel in the City.
- (4) Pedestrian and Bicycle Improvement Requirements

Type of Dwelling	Bikeways & Parking and Pedestrian Accessways
Single Family Dwelling & Duplex	No
Multi-family Dwelling	Yes(4+ units)
New Commercial Building	Yes
Commercial Expansion	No
New Industrial Building	Yes
Industrial Expansion	No
Partitions, Subdivisions, Planned Developments, and Manufactured Home Parks	Yes

(Added to Section 5.122 by Ord. 99-107 Attachment “B”)

- (5) Access: Every property shall abut a street other than an alley, for a minimum width of 25 feet, except where the City has approved an easement for access or where the easement existed prior to the adoption of this Code.
- (6) The following access alternatives to Flag Properties may be approved by the City for partitions or, in some circumstances, small subdivisions:
 - (a) Approval of a single access road easement to serve all of the proposed parcels with a provision for conversion to a dedicated public road right-of-way when requested by the City. The easement shall have the same width as a required right-of-way.
 - (b) Approval of a road right-of-way without providing the road improvements until the lots are developed. This places the burden for road improvements on the City although the City can assess all of the benefiting properties when improvements are provided in the future. As a condition of approval, the City may require an agreement for improvements as a deed condition.
 - (c) Approval of a private road that does not have to meet all of the standards for public streets. This approach should only be used for isolated short streets serving a limited number of sites and where future City street alignments will not be needed.
- (7) **Clear Vision Areas:** In all districts a clear vision area shall be maintained at the corners of all property located at the intersection of two streets, a street-alley or a street-railroad. A clear vision area shall also be maintained at all driveways intersecting a street. **See Section 09-200, Diagram DSD-2.**
 - (a) All properties shall maintain a clear triangular area at street intersections, railroad-street intersections, alley-street intersections and driveway-street intersections for safety vision purposes.

The two sides of the triangular area shall be 15 feet in length along the edge of roadway at all street intersections and 10 feet in length at all alley-street

intersections and driveway-street intersections. Where streets intersect at less than 30 degrees, the triangular sides shall be increased to 25 feet in length. The third side of the triangle shall be a line connecting the two exterior sides.

- (b) A clear vision area shall contain no plantings, fences, walls, structures, or temporary or permanent obstruction exceeding 3 feet in height, measured from the top of the curb, or, where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of 8 feet above grade.

SECTION 5.123 STREETS

Urban public street improvements including curbs, gutters and storm drainage are required for all land divisions and property development in the City of Turner. Urban street improvements may be deferred by the City. Rural public streets with shoulders and side ditches may be approved in lieu of the required urban streets.

- (1) The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. The arrangement of streets shall either:
 - (a) Provide for the continuation or appropriate extension of existing principal streets in the surrounding area; or
 - (b) Conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
- (2) Minimum right-of-way and roadway widths. The width of travel lanes for streets and roadways in feet shall be adequate to fulfill city specifications as provided for in **Article 8** of this Code and should not be less than the minimums shown in the following tables unless otherwise approved on a development plan.

Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower right-of-ways may be accepted, if necessary, and replaced with slope, sidewalk or utility easements dedicated on both sides of the right-of-way.

Where topographical conditions necessitate cuts or fills for proper grading of streets, additional right-of-ways may be required.

Arterial Street Design Table

--	--	--	--	--	--	--	--	--	--

Street Name	Limits	ROW Width	Curb-to-Curb Width	Center Turn Lane Width	Travel Lanes No./Width	Bike Lane Width Each Side	On-Street Parking Width and Location	Planting Strip Width	Sidewalk Width (includes curb)
Denver St.	3 rd St. to School Ave.	70'	52'	NA	2/12'	6'	8' Each Side	NA	8'
3 rd St.	North City Limits to Mill Creek	60'	48'	14'	2/12'	5'	NA	NA	6'
3 rd St.	Mill Creek to Denver St.	60'	48'	NA	2/11.5'	5'	7.5' Each Side	NA	6'
Delaney Rd.	West of 3 rd St.	60'	36'	NA	2/12'	6'	NA	6'	6'
Marion Rd.	Mill Creek Bridge to Witzel Rd.	60'	36'	NA	2/12'	6'	NA	6'	6'

New Collector and Local Street Design Table

Street Type	ROW Width	Curb-to-Curb Width	Center Turn Lane Width	Travel Lanes & Width	Bike Lane Width Each Side	On-Street Parking Width and Location	Landscape Strip Width	Sidewalk Width (includes curb)
Collector w/ Parking	60'	48'	NA	2/11'	6'	7' Each Side	NA	6'
Collector w/ Landscape	60'	34'	NA	2/11'	6'	None	7'	6'
Local w/ Parking on Both Sides	50'	34"	NA	2/10'	NA	7' Each Side	NA	6'
Local (Skinny St.) Parking on One Side	40'	28'	NA	2/10'	NA	7.5' One Side	NA	6'

Notes: 1. A left turn lane may be required at major intersections.

2. Streets without designated bike lanes will provide a “shared roadway” type of bikeway.
3. Private utility easements may be required adjacent to the right-of-way.
4. The Planning Commission will have the prerogative in approving the “Skinny Street” design in developments to reduce maintenance costs and provide more of a pedestrian-friendly environment. *(Factors to consider in using the narrower streets are the number of dwelling units served and the length the proposed street.)*
5. Street tree requirements can be found in the Land Use Development Code.
6. Any right-of-way remaining after constructing the above improvements will be used for a clear area or utilities.
7. The City may require Significant Local Streets to be designed and built to Collector Street standards.
8. Some existing Local Streets have a right-of-way greater than 50 feet. When these streets are improved, the extra right-of-way may be developed as landscape strips.

(Item 2) Section 5.123 Replaced by Ord. 99-107 Attachment “B”)

- (3) **Reserve Strips:** A reserve strip is a 1 foot strip of land at the end of a right-of-way extending the full width of the right-of-way used to control access to the street. Reserve strips will not be approved unless necessary for the protection of the public welfare or of substantial property rights. The control of the land comprising such strips shall be placed within the jurisdiction of the City by deed under conditions approved by the City. In addition, a barricade shall be constructed at the end of the street by the land divider which shall not be removed until authorized by the City. The cost shall be included in the street construction costs by the land divider.
- (4) **Alignment:** As far as is practicable, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in “T” intersections shall, wherever practical, leave a minimum distance of 260 feet between the center lines of streets having approximately the same direction.
- (5) **Future Extensions of Streets:** Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivisions or partition and the resulting dead-end streets may be approved with a turn-around instead of a cul-de-sac. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- (6) **Intersection Angles:** Streets shall be laid out to intersect at angles as near to right angles as practical except where topography require a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design. Intersections which contain an acute angle of less than 60 degrees or which include an arterial street shall have a minimum corner radius of 32 feet and sufficient right-of-way for the roadway radius to maintain a uniform width between the roadway and the right-of-way line.

- (7) Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of approval of the land division or land use approval.
- (8) Half Street: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.
- (9) Cul-de-sacs: A cul-de-sac should have a maximum length of 500 feet but may be longer where unusual circumstances exist. A cul-de-sac shall terminate with a circular turn-around.
- (10) Street Names: Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the City.
- (11) Grades and Curves: Grades shall not exceed 6 per cent on Arterials, 10 per cent on Collector Streets or 12 per cent on other streets. Center line radii of curves shall not be less than 500 feet on Arterials, 300 feet on Collector Streets or 100 feet on other streets, and shall be to an even ten feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the City may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.5 per cent.
- (12) Streets Adjacent to Railroad Right-of-way: Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration for the minimum distance required for approach grades at street crossings, to provide sufficient depth to allow screen planting along the railroad right-of-way and to provide buildable lots or parcels.
- (13) Private Streets: Private streets are permitted within Planned Developments, Manufactured Home Parks and singularly owned developments of sufficient size to warrant interior circulation on private streets. Design standards shall be the same as those required for public streets unless approved by the City. The City shall require verification of legal requirements for the continued maintenance of private streets.

- (14) **Railroad Crossings:** Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements shall be born by the land owner unless an equitable means of cost distribution is approved by the City.
- (15) **Traffic Signals:** Where a proposed intersection will result in the need for street signals, they shall be provided by the developer and the costs shall be born by the land owner unless an equitable means of cost distribution is approved by the City.
- (16) **Street Signs:** Street signs for identification and traffic control shall be provided by the land owner and the costs shall be born by the land owner unless an equitable means of cost distribution is approved by the City.
- (17) **Mail Boxes:** Joint mail boxes shall be provided in all residential developments. Joint mail box structures shall be placed adjacent to roadway curbs as recommended by the Post Office having jurisdiction and shall be noted on the plan. The cost shall be born by the land owner.

SECTION 5.124 SIDEWALKS

Public sidewalk improvements are required for all land divisions and property development in the City of Turner and along Arterial and Collector streets. Sidewalks may be deferred by the City where future road or utility improvements will occur and on property in the rural fringe of the City where urban construction standards have not yet occurred. The property owner is obligated to provide the sidewalk when requested by the City or is obligated to pay their fair share if sidewalks are installed by the City at a later date. A deed CC&R shall be attached to the property to guarantee compliance with this requirement. **(Amended by Ord. 02-105 Attachment "A")**

- (1) Sidewalks shall be constructed within the street right-of-way. Sidewalk easements shall only be accepted where the City determines that full right-of-way acquisition is impractical.
- (2) Sidewalks shall connect to and align with existing sidewalks. Sidewalks may transition to another alignment as part of the approval process.
- (3) The City may approve alternate sidewalk alignments and widths to accommodate obstructions that cannot be altered.
- (4) Sidewalks in residential areas shall be a minimum of five (5) feet in width and shall be installed adjacent to the curb unless a planter strip of at least four (4) feet in width is approved adjacent to the curb where sufficient right-of-way is available.
- (5) Sidewalks adjacent to Collector or Arterial Streets are required and shall be a minimum of five (5) feet in width separated by a planter strip of five (5) feet in width adjacent to the curb. Sidewalks may be approved adjacent to the curb where direct access is required. Sidewalks adjacent to the curb shall be a

minimum of seven (7) feet in width or a minimum of ten (10) feet in width adjacent to Commercial properties. Planter openings adjacent to the curb are encouraged within the ten (10) foot wide walks.

(Amended by Ord. 02-105 Attachment "A")

- (6) Planter strips and the remaining right-of-way shall be landscaped and incorporated as part of the front yard of adjacent property.
- (7) Maintenance of sidewalks and planters shall be the continuing obligation of the adjacent property owner.
- (8) Mid-block Sidewalks. The City may require mid-block sidewalks for long blocks or to provide access to schools, parks shopping centers, public transportation stops or other community services. Mid-block sidewalks shall be raised and shall be 6 feet in width.
- (9) Internal pedestrian circulation shall be provided within new office parks and commercial developments by clustering buildings and construction of access ways.
(Added by Ord. 02-105 Attachment "A")

SECTION 5.125 BIKEWAYS

Bikeways are required along Arterial and Collector streets. Bikeway locations are identified in the Turner Transportation System Plan (TTSP). Bikeways shall comply with the requirements of the standards contained herein, those contained in the adopted TTSP and should attempt to comply with the "Oregon Bicycle and Pedestrian Plan", an element of the Oregon Transportation Plan.

(Amended by Ord. 02-105 Attachment "A")

- (1) Developments adjoining existing or proposed bikeways shall include provisions for connection and extension of such bikeways through dedication of easements or rights-of-way. The City may include bikeway improvements as conditions of approval for developments which will benefit from bikeways. Where possible, bikeways should be separated from other modes of travel, including pedestrian ways.
- (2) Bicycle Parking
Minimum Development Requirements: At a minimum bicycle parking facilities shall be consistent with the following design guidelines.
 - (a) Location: All bicycle facilities shall be
 1. Within 100 feet from a building entrance;
 2. Located within a well lighted area; and
 3. Clearly visible from the building entrance.
 - (b) Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility.
 - (c) Each bicycle parking space shall be at least 2 feet by 6 feet with a vertical clearance of 6 feet.

- (d) An access aisle of at least 5 feet in width shall be provided in each bicycle parking facility.
- (e) 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) Where 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.

Bicycle Parking Spaces Table

	Type of Use	Minimum Number of Spaces	
A	Single-Family Residential and Duplexes	0	A
B	All other developments including expansions of more than 20 percent of the original floor area	Minimum of 2	B
C		Each use shall have the greater of the number of spaces cited in line B or the following:	C
D	Triplexes and Multi-Family Residential	One (1) per every two dwelling units	D
E	Retail, Office, Institutional, and Parks	One (1) per every 20 vehicle parking spaces	E
F	Industrial	One (1) per every 40 vehicle parking spaces	F
G	Schools	Six (6) for every classroom	G

Deleted: Duplexes,
Deleted: , and other

(Section 5.125 Replaced by Ord. 99-107 Attachment "B")

SECTION 5.126 STORM DRAINAGE

The Storm Drainage Master Plan for the City of Turner is hereby incorporated by reference herein. Adopted by Resolution 02-09, April 25, 2002.

(Added by Ord. 02-105 Attachment "A")

Urban level curb inlets, catch basins, and drainage pipe improvements are required for all land divisions and property development in the City of Turner. Urban storm drainage systems may be deferred by the City in lieu of a rural system of culverts and open drainage ways.

- (1) General Provisions. It is the obligation of the property owner to provide proper drainage and protect all runoff and drainage ways from disruption or

contamination. On-site and off-site drainage improvements may be required. Property owners shall provide proper drainage and shall not direct drainage across another property except within a continuous drainageway. Paving, roof drains and catch basin outflows may require detention ponds or cells and discharge permits. Maintaining proper drainage is a continuing obligation of the property owner. The City will approve a development request only where adequate provisions for storm and flood water run-off have been made as determined by the City Administrator. The storm water drainage system must be separate and independent of any sanitary sewerage system. Inlets should be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns and proposed storm drainage must be shown on every development plan submitted for approval. All proposed drainage systems must be approved by the City as part of the review and approval process. **(Amended by Ord. 02-105 Attachment "A")**

- (2) **Natural Drainage ways.** Open natural drainage ways of sufficient width and capacity to provide for flow and maintenance are permitted and encouraged. For the purposes of this Section, an open natural drainageway is defined as a natural path which has the specific function of transmitting natural stream water or storm water run-off from a point of higher elevation to a point of lower elevation.

Natural drainage ways should be protected as a linear open space features wherever possible within the community and shall be protected from pollutants and sediments. Additional setbacks are required for riparian areas, wetlands and floodplains as identified in the Turner Local Wetlands and Riparian Area Inventory and **Sections 4.210 and Section 4.220 of this Code.**

(Added by Ord. 02-105 Attachment "A")

- (3) **Easements.** Where a land division is traversed by a water course, drainageway, channel or stream, there shall be provided a public storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width as the City Administrator determines will be adequate for conveyance and maintenance. Improvements to existing drainage ways may be required of the property owner. The property owner is also responsible for continuing maintenance and protection of natural drainage ways.
- (4) **Accommodation of Upstream Drainage.** A culvert or other drainage facility shall be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development. The City Administrator must review and approve the necessary size of the facility, based on sound engineering principles and assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.
- (5) **Effect on Downstream Drainage.** Where it is anticipated by the City Administrator that the additional run-off resulting from the development will overload an existing drainage facility, the City may withhold approval of the development until mitigation measures have been approved.

- (6) **Drainage Management Practices.** Developments within the City must employ drainage management practices approved by the City Administrator which limit the amount and rate of surface water run-off into receiving streams or drainage facilities. Storm water runoff rates for new developments shall not exceed bare land runoff rates. Drainage management practices must include, but are not limited to one or more of the following practices:
- (a) Temporary ponding or detention of water to control rapid runoff;
 - (b) Permanent storage basins;
 - (c) Minimization of impervious surfaces;
 - (d) Emphasis on natural drainage ways;
 - (e) Prevention of water flowing from the development in an uncontrolled fashion;
 - (f) Stabilization of natural drainage ways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion;
 - (g) Runoff from impervious surfaces must be collected and transported to a natural drainage facility with sufficient capacity to accept the discharge; and
 - (h) Other practices and facilities designed to transport storm water and improve water quality.
- (7) **Design Requirements for New Development.** All new development within the City shall make provisions for the continuation or appropriate projection of existing storm sewer lines or drainage ways serving surrounding areas. Drainage extensions may be required-through the interior of a property to be developed where the City Administrator determines that the extension is needed to facilitate upstream flows.
- (8) **NPDES Permit Required.** A National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Department of Environmental Quality (DEQ) for construction activities (including clearing, grading, and excavation) that disturb 5 or more acres of land.

SECTION 5.127 WATER

- (1) When public water is available. All development, requiring a land use review or a building permit, including a single family residence, must extend and connect to the public water system. when service is available within 200 feet of the property. Fire hydrants, mains, and related appurtenances shall be installed by the developer as required by the Local Fire District. Any building constructed

prior to 2010 that has never had municipal water service maybe allowed to defer Water SDC payments for up to one year .

(Amended by Ord. 02-105 Attachment "A") (Amended by Ord. 10-106)

- (2) **Water Line Extensions.** Water distribution lines must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Administrator as necessary to accommodate likely system expansion. Water line extensions may be required through the interior of properties when necessary to provide for service to other properties or to provide system looping for fire flows. All public water system line extensions shall have a minimum 6 inch diameter unless a smaller size is recommended by the City Engineer and approved by the City.
- (3) **Water Plan Approval.** All proposed water plans and systems must be approved by the City as part of the review and approval process.
- (4) **Design Requirements for New Development.** All new development within the City shall make provisions for the extension of public water lines to serve adjacent areas, or as provided in the Water System Master Plan.
- (5) **Restriction of Development.** The Planning Commission or City Council may limit development approvals where a deficiency exists in the water system or portion thereof which cannot be corrected as a part of the proposed development improvements.

SECTION 5.128 SANITARY SEWERS

(1) When public sewer is available. All development requiring a land use review or building permit must extend and connect to the public sewer system. Any building constructed prior to 2010 that has never had municipal water service maybe allowed to defer Sewer SDC payments for up to one year.

**(Amended by Ord. 02-105 Attachment "A")
(Amended by Ord. 10-106)**

- (2) **Sewer Line Extensions.** Sewer collection lines must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Administrator as necessary to accommodate likely system expansion.
- (3) **Sewer Plan Approval.** All proposed sewer plans and systems must be approved by the City of Turner and the City of Salem as part of the review and approval process.
- (4) **Design Requirements for New Developments.** All new development within the City shall make provision for the extension of existing sewer lines to serve adjacent areas as provided for in the Sewer System Master Plan. Line extensions may be required through the interior of a property to be developed

where the City Administrator determines that the extension is needed to provide service to other properties.

- (5) Restriction of Development. The City may limit development approvals where a deficiency exists in the sewer system or portion thereof which cannot be corrected as a part of the development improvements.

SECTION 5.129 UTILITIES

- (1) It is the intent of the City to place all utilities underground wherever practical except as otherwise provided herein.
- (2) All utilities shall be located underground in subdivisions.
- (3) All utilities shall also be located underground in all partitions to City minimum urban parcel size.
- (4) All subdivided lots and all minimum parcel partitions shall have a covenant requiring underground utility installations in the Covenants, Conditions and Restrictions for each lot or parcel.
- (5) Exceptions. The City may permit overhead utilities as a condition of approval where the Applicant can demonstrate one of the following conditions:
 - (a) Underground utility locations are not feasible.
 - (b) The proposed lots or parcels are larger rural properties or where existing properties in the vicinity have overhead utilities.
 - (c) Temporary or emergency installations.
 - (d) Major transmission facilities located within right-of-ways or easement.
 - (e) Industrial developments with large power requirements.
 - (f) Surface mounted structures, substations or facilities requiring above ground locations by the serving utility.

SECTION 5.130 EASEMENTS

- (1) Easements granting limited use of property for any defined purpose may be approved for any lot or parcel.
- (2) Access easements may be approved by the Planning Commission as provided in **Section 5.122**. Single lane easements shall be a minimum of 12 feet wide. Two lane access easements shall be 25 feet wide.
- (3) Utility easements shall be provided for sewers, water mains and public or private utilities necessary to provide full service to all developments. Land dividers shall show on the Tentative Plan and on the final Plat all easements and shall provide

all dedications, covenants, conditions or restrictions with the Supplemental Data submitted for review. Unless otherwise specified by the City, standard exterior utility easements adjacent to streets shall be 5 feet wide. Minimum interior utility easements shall be 10 feet wide centered on lot or parcel lines where feasible except for utility pole tieback easements which may be 10 feet in width.

- (4) Water Courses. If a tract is traversed by a water course such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way containing the top of bank, vegetative fringe, and such further width as will be adequate for protection and maintenance purposes. Culverts or other drainage facilities shall be sized to accommodate storm and flood run-off from the entire upstream drainage area and shall be verified and approved by the City Administrator.

SECTION 5.131 BLOCKS

- (1) General: The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic including pedestrian and bicyclist, and recognition of limitations and opportunities of topography.
- (2) Size: A block shall have sufficient depth to provide for two tiers of building sites. Unless topography, development obstructions, or the location of adjoining streets justifies an exception, block sizes shall not exceed 400 feet unless alternative pedestrian and bicycle access ways are provided.
(Amended by Ord. 02-105 Attachment "A")
- (3) Large Lot or Parcel Block Configurations: In dividing tracts into large rural lots or parcels which at some future time are likely to be re-divided, the Planning Commission may require that the blocks or sites be of such size and shape to provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller urban size.
- (4) Traffic Circulation: Blocks shall be laid out to provide safe, convenient, and direct vehicle, bicycle and pedestrian access to nearby residential areas, neighborhood activity centers, commercial areas, and industrial areas; and to provide safe convenient and direct traffic circulation.
(Items 1 & 4 Added to Section 5.131 by Ord. 99-107 Attachment "B")

SECTION 5.132 BUILDING SITES

- (1) Size and shape: The size, width, shape and orientation of building sites shall be appropriate for the location and use contemplated, and shall comply with the standards of the Zoning District and the other standards of **Article 5** specified herein.
 - (a) No lot or parcel shall be created or utilized unless there will exist a municipal water and sewage disposal system to support the proposed use.
(Amended by Ord. 02-105 Attachment "A")

- (b) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (c) Existing lots or parcels smaller than City standards may be maintained as a conforming use within the district. Damaged buildings or structures may be restored to their previous use. Destroyed buildings may be replaced in conformance with this Code.
- (d) Large Lots or Parcels: Large lots or parcels which may be further divided into smaller lots in the future shall be of such size and shape that will accommodate the efficient provision of future streets and lots or parcels of smaller sizes. The land division request may be denied if the proposed lots or parcels do not provide for efficient future divisions and streets.

Large lot or parcel plans must show by dash lines future potential divisions to minimum Code standards prior to approval. Building locations must be within the proposed minimum property lines and setback standards specified herein to facilitate an orderly division and use of the property in the future. Large lot or parcel divisions shall also show future urban street alignments and easements in addition to future urban lot lines on the Tentative Plan.

- (e) Flag Lots or Parcels: Flag lots or parcels are discouraged. They will only be allowed when other alternative means of access as described in **Section 5.122, Item (2)** cannot be provided. Minimum width for a flag lot access is 25 feet.
- (f) Through Lots and Parcels: Through lots and parcels shall be avoided except where they are essential to the intended use.
- (g) Lot and Parcel Side Lines: The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.
- (h) Building Lines: If special building setback lines are to be established in a land division, they shall be shown on the subdivision or partition Tentative Plan and Plat or, if temporary in nature, they shall be included in the deed restrictions.

SECTION 5.133 GRADING

General grading shall conform to **Turner Ordinance 01-100, Excavation and Grading Building Code, Turner Revised Code 8.02** and the following standards unless engineered and approved by the City. **(Amended by Ord. 02-105 Attachment "A")**

- (1) Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.
- (2) Fill slopes shall not exceed two feet horizontally to one foot vertically.
- (3) The type and characteristics of imported fill soils shall be the same or compatible with the existing soils on the site.
- (4) Fills for streets and building sites shall be engineered and approved by the City.
- (5) All sites shall be graded to direct storm water to City storm sewers or to natural drainage ways.

SECTION 5.134 LANDSCAPING

All yard setbacks and parking areas shall be landscaped in accordance with the following requirements:

- (1) **General Provisions.**
 - (a) Landscaping shall primarily consist of ground cover, trees, shrubs or other living plants with sufficient irrigation to properly maintain all vegetation. Decorative design elements such as fountains, pools, benches, sculptures, planters, fences and similar elements may be placed within the area.

Exceptions: Undeveloped properties or the undeveloped portion of large properties exceeding 4,000 square feet in area are exempt from the landscape requirements specified herein provided the lot or area is maintained so weeds and wild vegetation does not adversely affect adjacent developed properties. Removal of noxious weeds and vegetation will be enforced through the City's Nuisance Ordinance.
 - (b) Provisions for landscaping, screening and maintenance are a continuing obligation of the property owner. All required landscaped areas shall be cleared of unwanted vegetation and weeds at least once a year prior to July. Dead landscape plantings shall be replaced by April of the following year.
 - (c) Landscape plans for proposed new industrial, commercial or residential developments shall be included with the site plans submitted to the City for approval. Existing trees, plantings and special site features shall be show on all submitted plans and shall clearly indicate items proposed to be removed and those intended to be preserved.
 - (d) Existing trees, plantings and special site features shall be preserved, protected and maintained within the City to the fullest extent possible. Trees exceeding 6 inches in diameter shall not be removed without approval of the City for projects requiring City review and approval. Trees exceeding 6 inches in diameter shall not be removed from undeveloped properties within the City without approval of the City Administrator unless the tree

poses an immediate danger. Building Permit Applications shall include identified tree removals and be approved by the City Administrator.

(2) **Yard Setbacks and Open Space.**

- (a) All required street facing exterior yard setbacks in each land use district and the entire open space of all commercial, and multiple-family dwelling sites exclusive of walks, drives, parking areas and buildings shall be landscaped and permanently maintained.
- (b) Commercial and industrial developments abutting residential properties shall have their yard setbacks landscaped and/or fenced to protect the abutting residential properties.

(3) **Fences:**

- (a) Residential fences, hedges and walls may be located within yard setbacks. Height is limited to 6 feet in required side, rear or interior yards, 3 feet in any required front yard or 4 feet if the top 1 foot of the fence is 75% open, and 3 feet in height in a Vision Clearance Area. Commercial or industrial properties may have 8 foot high fences except in a street facing front yard setback.
- (b) Materials. Residential fences and walls shall not be constructed of or contain any material which would do bodily harm such as electric, barbed or razor wire, broken glass, spikes, or any other hazardous or dangerous materials. Commercial or industrial properties may have barbed wire at the top of fences over 6 feet in height except in the street facing front yard setback.
- (c) Protective fences other than those specified herein shall comply with State Laws and shall be submitted for approval of the City.
- (d) Sight-obscuring fences, walls or landscaping may be required to screen objectionable activities as part of the City's review and approval process. Sight-obscuring means 75% opaque when viewed from any angle at a point 25 feet away. Vegetative materials must be evergreen species that meet this standard year-round within 3 years of planting.
- (e) Maintenance. Fences shall be structurally maintained in a safe condition of repair and shall not lean over an adjoining property or sidewalk, have missing sections or slats, or broken supports.

(4) **Parking Areas:**

- (a) Parking lots shall be screened from abutting residential districts by a combination of fences, walls, and landscaping adequate to screen lights, provide privacy and separation for the abutting residential districts
- (b) Parking lots shall have curbed landscaped islands and trees at the ends of parking rows to facilitate movement of traffic and to break large areas of

parking surface. The minimum dimension of the landscaped area excluding the curbs shall be 3 feet and the landscaping shall be protected from vehicular damage by wheel guards.

- (c) Parking lots containing more than 20 parking spaces shall have a minimum of 5 percent of the area devoted to vehicular circulation and parking areas in landscaping and trees. Landscaping shall be evenly distributed throughout the parking lot and long rows of parking spaces shall be interrupted by landscaped islands. The 5 percent landscaping shall be within or abutting the parking area and shall be in addition to the required landscaped yard setbacks

(5) **Service Facilities:**

Garbage collection areas, and service facilities located outside the building shall be screened from public view and landscaped.

SECTION 5.135 EXTERIOR LIGHTING

Exterior lighting should be provided in parking lots and may be provided elsewhere. Lighting shall be located and designed to not face directly into on-coming traffic or onto an adjacent residential district or use.

SECTION 5.136 SIGNS

Purpose.

A. The purpose of these sign regulations is to provide equitable signage rights, promote traffic and pedestrian safety, and increase the economic viability of the City, by classifying and regulating the location, size, type and number of signs, in a content-neutral manner.

B. Within the commercial areas, the City recognizes the need for businesses and organizations to inform the public about their location and their services. It also recognizes that a sign is a relative low cost form of business advertising.

C. The City recognizes that the citizens of Turner want to retain their unique small-town quality. One method of preserving the look of a small town is by controlling the number, size and type of signs allowed within the commercial district and to provide design guidelines that benefit the citizens and the businesses in improving the visual quality of the community.

Definitions.

"Sign" means any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way. Sign does not include house numbers. For purposes of this chapter, the following definitions apply:

1. "Alteration" means any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign

copy or sign face alone shall not be considered an alteration.

2. "Area" means 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 Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including the total area of all sign faces.
3. "Awning" means a shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.
4. "Building face" means the single wall surface of a building facing a given direction.
5. "Building frontage" means the portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined. A service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.
6. "Canopy sign" means a sign hanging from a canopy or eaves, at any angle relative to the adjacent wall, the lowest portion of which is at least eight feet above the underlying grade.
7. "Flashing sign" means a sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.
8. "Freestanding sign" means a sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.
9. "Incidental signs" means a sign that is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed.
10. "Indirect illumination" means a source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.
11. "Internal illumination" means a source of illumination from within a sign.

12. "Message sign" means a sign that can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature.
13. "Monument sign" means a square or rectangular sign that sits directly on the ground without pole or uprights.
14. "Multi-faced sign" means a sign that has two or more sign faces, contained in a single sign structure.
15. "Mural" means an illustration (with or without words or numbers) that is painted or otherwise applied (without projections) to an outside wall of a structure.
16. "Nonconforming sign" means any sign that lawfully exists prior to the effective date of the ordinance codified in this title but which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations.
17. "Owner" means as used in these regulations, "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed.
18. "Official sign" means a sign erected by a governmental agency or its designee, setting forth information pursuant to law.
19. "Portable sign" means any sign that is not originally designed, regardless of any subsequent modification, to be permanently affixed to a building, structure, or the ground. These signs primarily include, but are not limited to, A-frame or sandwich board signs; signs attached to wood or metal frames and designed to be self-supporting and movable, including trailer mounted reader boards. Portable signs are considered temporary signs as defined and used in this title.
20. "Projecting sign" means a sign the face of which is not parallel to the wall on which it is mounted, projecting more than eight inches from a structure.
21. "Real estate sign" means a sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space.
22. "Roof line" means either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)
23. "Roof sign" means a sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign.
24. "Rotating/revolving sign" means a sign, all or a portion of which, moves in some manner.
25. "Sign face" means surface of a sign containing the message. The sign face shall be

measured as set forth in the definition for "sign area."

26. "Sign height" is measured from the grade of the curb line lowest to the base of the sign to the highest portion of the sign, sign structure or frame; whichever is greater highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the ground level shall be used to measure the height.

27. "Sign structure" means the supports, uprights, braces, framework and other structural components of the sign.

28. "Temporary sign" means a sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a freestanding sign support.

29. "Wall sign" means a sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than eight inches. A sign painted on an awning in which the face of the sign is approximately parallel to the wall shall also be considered a wall sign.

5.136.1 GENERAL PROVISIONS.

A. Conflicting Standards. Signs shall be allowed subject to the provisions of this chapter, except when these provisions conflict with the specific standards for signs in the subject district.

B. Signs Subject to State Approval. Off-premise advertising signs visible to the traveling public from state highways are further subject to the regulations and permit requirements of the State of Oregon, Department of Transportation.

C. Uniform Sign Code. All signs shall comply with the provisions of the Uniform Sign Code of the Uniform Building Code.

D. Sign Clearances. A minimum of eight feet above sidewalks and fifteen (15) feet above driveways shall be provided under all free standing or wall mounted signs.

5.136.2 SIGNS ALLOWED

The following signs and sign work are allowed outright in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area:

A. Re-painting, changes to the sign face or copy and maintenance of signs legally existing on the effective date of the ordinance codified in this chapter.

B. Temporary Signs.

1. Real estate signs not exceeding six square feet that advertise the sale, rental, or lease of premises upon which the sign is located. Real estate signs may be

used up to two years without a permit. Only one real estate sign per lot may be displayed at any time, except on corner lots. Two signs are permitted on corner lots; however only one sign per street frontage is permitted.

2. Political signs shall not exceed six square feet. Political signs may be used up to sixty (60) days prior to an election but shall be removed not later than seven days following the date of the election.

3. Portable signs and other temporary signs that do not exceed six square feet in total area on a single property.

4. Balloons that do not exceed a total cumulative diameter of 24 inches.

5. Signs advertising the sale of land in an approved subdivision. Only one sign per entrance to the subdivision. Sign may not be larger than 32 square feet and 4 feet in height. Sign may be in place until all lots have changed ownership or have been built on, whichever comes first.

6. Signs hung on baseball field fencing at 5th Street Park.

C. Government Signs. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety, entrance or gateway signage, event signage.

D. Directional or informational signs bearing no advertising message and not exceeding four square feet in area erected for the convenience of the public such as signs indicating private street information, identifying restrooms, public telephones, walkways and similar features or facilities.

E. Flags with a cumulative area not to exceed 25 square feet per lot.

F. Signs within a building.

G. In a commercial or industrial zone, signs painted or hung on the inside of windows.

H. Memorial signs or tablets and names of buildings and dates of erection when cut into or attached to the surface or façade of the building.

I. Signs placed by a public utility showing the location of underground facilities.

J. Building or freestanding signs that display or reflect the history or character of Turner, as approved by the City Council, after recommendation by the Planning Commission.

K. Incidental signs in Residential Zones of less than 2 square feet in area.

L. Signs that indicate restrictions on use of the property where the sign is located that are less than 2.5 sq ft.

5.136.3 SIGNS PROHIBITED

The following signs are prohibited in all zones:

A. Portable signs within the public right-of-way, except for sidewalk or sandwich

board signs that comply with **Section 5.136.6(D)**.

- B. Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in banks and "drive thru" restaurants, shall be allowed.
- C. Signs that use or employ side guy lines of any type.
- D. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.
- E. Signs closer than twenty-four (24) inches horizontally or vertically from any overhead power line or public utility guy wire.
- F. No vehicle or trailer shall be parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising.
- G. Rotating/revolving signs, except by conditional use permit.
- H. Flashing signs.
- I. Private signs that project into public right-of-ways, except signs under a canopy that project over a public sidewalk where the sign is not less than eight feet above the sidewalk.
- J. Signs that obstruct required vision clearance area as defined in the Land use Development Code or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard.
- K. Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light.
- L. Signs attached to any pole, post, utility pole, or otherwise placed in the public right-of-way except for wayfaring signs in the Downtown Commercial Zone.
- M. Signs or sign structures placed on or over private property without the written consent of the owner or agent thereof.
- N. Billboard signs.

- O. Roof signs, except by variance.
- P. Signs attached to trees or shrubs.
- Q. Bench signs, except as a conditional use, or those designating donor(s).
- R. Any sign on unimproved property unless allowed as a real estate or temporary sign.
- S. Any illegible sign or sign that has twenty-five (25) percent or more of its surface destroyed, defaced or missing.
- T. Message signs, except by Conditional Use Permit.

5.136.4 SIGNS IN NON-COMMERCIAL ZONES.

The following regulations apply to signs in the R1, R-2, R-11 and Public Institution zones:

- A. Maximum Number. Any combination of signs not exceeding the sign area and height limitations of this section; plus signs allowed in **Section 5.136.2**.
- B. Maximum total sign area for property on which the building or buildings are located:
 - 1. Single-family and two-family (duplex) dwelling: six square feet;
 - 2. Multiple family dwelling: twenty-four (24) square feet;
 - 3. Public and semi-public: thirty-two (32) square feet.
- C. Maximum sign height of freestanding signs: six feet.
- D. Location of freestanding signs: where fences are allowed.
- E. Illumination. Signs may only be indirectly illuminated by a concealed light source, and shall not flash, blink, fluctuate or produce glare.

5.136.5 REVIEW PROCEDURES IN NON-COMMERCIAL ZONES

- A. Permit Required. No property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid sign permit.
- B. Current Signs. Owners of conforming or nonconforming signs existing as of the date of adoption of this title are not required to obtain a permit.
- C. Permit Fees. Permit fees may be established by city council resolution.
- D. Application Requirements.
 - 1. An application for a sign permit shall be made on a form prescribed by the City Manager. The application shall include, at a minimum, a sketch drawn to

scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.

2. The City Manager shall issue a permit for a sign unless the sign does not comply with the provisions of these regulations or other provisions of this title. Sign permits mistakenly issued in violation of these regulations or other provisions of this title are void. The city manager may revoke a sign permit if he or she finds that there was a material and misleading false statement of fact in the application for the permit.

E. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:

1. All signs shall comply with the applicable provisions of Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements;

2. All signs shall be maintained in a good structural condition at all times;

3. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or ordinances regulating signs.

5.136.6 SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES

All signs in the Commercial, Downtown Commercial and Industrial zones shall conform to **Sections 5.136.1** through **5.136.3** and the following standards:

A. Signs or sign structures located in commercial and industrial zones which are within seventy-five (75) feet of a residentially zoned property shall be set back so as to meet the side and front yard setback requirements of the adjoining residential district.

B. Accessory temporary signs are permitted provided such signs are securely affixed to the surface of a building wall or window, and must have the date of initial posting clearly written on the face of the sign. Such signs, including but not limited to sale signs and special product announcements, must be removed not later than ten (30) days after initial posting. Such signs shall not exceed the permitted ratio of sign area, including temporary signs, to building face area.

C. Historical signs that are an integral part of a building design, or signs with a cultural significance to the community, as determined by the planning commission, may be exempted from the standards for signs.

D. Sidewalk signs or sandwich boards are permitted provided:

1. There is only one (1) sidewalk or sandwich board sign per business. Vacant lots may have one sandwich board sign per lot.

2. The sign is professional in appearance with a maximum height of three (3) feet and a maximum width of two (2) feet in width. The height of the sign is measured from the grade of the curb line lowest to the base of the sign, to the highest point of the sign, sign structure or frame; whichever is greater.

3. The total sign area does not exceed six (6) square feet per side. The base material used to support a sign shall be included in the dimensions used to calculate the sign area.

4. The signs is removed at the close of each business day.

5. Sidewalk or sandwich board signs shall only be allowed within an adjacent public right-of-way along the frontage of the business displaying the sign, when they can be placed so that a minimum clear width of three (3) feet within the right-of-way is available for pedestrians immediately adjacent to the sign. Adjacent private property may be used to provide the three (3) foot clear width area when approved by the City Manager.

6. The sign can be located within a sidewalk bulb-out area if it does not interfere with traffic visibility or pedestrian mobility.

E. Sign for temporary businesses. Temporary businesses may display 2 portable signs either of which may be no more than 6 square feet in area, must be placed not more than 10 feet from the structure or vehicle used for the temporary business and may not be placed in the right of way.

F. Signs that are suspended from the underside of a horizontal plane surface and is supported by that surface, shall have a maximum area of three square feet and shall not project more than thirty (30) inches from the face of the building.

5.136.7 SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES--APPEARANCE.

Signs shall be constructed of wood, brick, tile, masonry, synthetic materials, canvas, vinyl, stone, glass, wrought iron, or metal. Signs shall be constructed of materials consistent with the age, appearance and purpose of the buildings adjacent to the sign. The design shall reflect and be consistent with the appearance, design, architecture and historical character of adjacent buildings and uses. Fluorescent or unusually bright colors shall not be permitted.

5.136.8 SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES--SIZE.

A. Businesses with Two or More Street Frontages.

1. Land abutting more than one street shall be allowed its quota of signs on each of the streets, and up to ten (10) percent of the permitted quota on any street may be deducted there from and added to the other street frontage.

2. Where a business located on a corner erects an attached sign designated to be read from both intersecting public streets, the total aggregate area of such sign shall not exceed one-half that which would be allowed for separate signs fronting on the intersecting public streets.

3. Where a business located on a corner is allowed a monument sign, it may have one such sign designed to be read from both intersecting public streets or two such freestanding signs, provided that each sign is designed to be read from only one of the intersecting streets.

B. Area.

1. Wall signs shall not exceed ten (10) percent of the building face facing a street and will not exceed a total of 50 feet, whichever is smaller. For purposes of the area, the height of the lower level or story or twenty (20) feet, whichever is larger, shall be multiplied by the building frontage. Height of lettering cannot exceed twenty-four (24) inches. One sign with maximum area of 10 square feet will be allowed on a second wall which has a business entrance which is not the primary entrance.

2. Awning signs shall not exceed ten (10) percent of the awning area. For purposes of calculating the awning area, the height shall be multiplied by the width of the awning.

3. Projecting signs shall not exceed five percent of the building face facing a street. For purposes of calculating the area, the height of the lower level or story, or twenty (20) feet, whichever is less, shall be multiplied by the building frontage. Height of lettering cannot exceed eight inches.

4. Roof signs are not permitted except by variance.

5. Freestanding signs: one square foot of sign area for each linear foot of property frontage upon a city street up to a total of fifty (50).

6. Monument Signs shall be no more than 4 feet in height and 24 sq ft in size.

C. Height. Not more than four feet above the eave line provided the maximum height above the ground line shall not exceed twenty (20) feet.

D. Location. Attached to the building, except such signs shall not be roof signs.

E. The following restrictions will apply to signage in the Downtown Commercial zone:

1. Freestanding signs are prohibited.

2. Comply with **Section 5.136.9**

5.136.9 SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES--DESIGN REVIEW REQUIREMENTS.

All signs permitted within the commercial or industrial zones of the City shall conform with the following design review criteria, unless otherwise provided for in this title:

A. Signs must be compatible in design and color with the architectural and historical qualities of Turner and with the buildings with which they are associated.

B. Signs illuminated by spotlights or indirect lighting shall be lighted in such a manner that glare from the light source is not visible to pedestrian or vehicle traffic.

C. Directory signs (wall, projecting, and freestanding), and the individual signs comprising a directory sign shall be uniform or consistent in size, shape, and design. Individual signs in a directory sign may be added, moved, or substituted with signs for new businesses or uses without going through the design review process, provided that the design is consistent and the provisions of the original permit are met.

5.136.10 SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES--PERMIT APPLICATION.

A. Permit Required. No property owner, lessee or contractor shall construct, alter or relocate any sign without first obtaining a valid sign permit.

B. Current Signs. Owners of conforming or nonconforming signs existing as of the date of adoption of this title are not required to obtain a permit.

C. Permit Fees. Permit fees may be established from time to time by City Council resolution.

D. Application Requirements. An application for a sign permit shall be made on a form prescribed by the City Manager. The application shall include the following information:

1. The names and addresses of the sign company, person authorizing erection of the sign and the owner of the subject property;
2. The location by street address of the proposed sign;
3. A drawing suitable for folding for file storage, accurately colored and to scale showing the details of the sign, including all mounting structures and devices, materials from which constructed, lighting, and the name of the proposed lettering style, along with detailed illustration of the sign face;
4. An accurate scaled site plan, showing the location of building(s), street(s) and other existing sign(s);
5. In the case of wall and projecting signs, an accurate scaled drawing of all building faces to be signed, including the scaled outlines of all existing a proposed signs.

E. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:

1. All signs shall comply with the applicable provisions of Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements;
2. All signs shall be maintained in a good structural condition at all times;
3. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws regulating signs.

5.136.11 SIGN IN COMMERCIAL AND INDUSTRIAL ZONES—REVIEW PROCEDURE.

A. All signs requiring a permit shall be reviewed by the City staff. Staff shall consider the design, lettering, arrangement, size, texture, materials, colors, lighting, placement, and appropriateness of the proposed sign in relation to other signs and other structures

on the premises and contiguous area in keeping with the intent of this title. City staff shall approve, modify or deny the permit.

B. In the event the permit is modified or denied by the City staff, the applicant may appeal to the Planning Commission by giving written notice of the appeal to the City Clerk/Recorder no later than ten (10) days following the modification or denial of the sign permit application by the City staff. The Planning Commission shall hear the matter at its next regularly scheduled meeting. The City staff shall furnish to the Planning Commission its findings and conclusions with respect to the permit. The Planning Commission may modify or deny the permit.

5.136.12 NONCONFORMING SIGNS

Signs established prior to the adoption of this code on September 22, 2011 and, that no longer meet the sign code standards, are considered nonconforming signs. Nonconforming signs may continue to be in use, subject to the restrictions in this section:

A. General Requirements for Nonconforming Signs.

1. The following non-conforming signs will be considered unlawful upon passage of this ordinance and must come into full compliance within 90 days of ordinance approval or be removed:
 - a. All signs in the public right-of-way
 2. A nonconforming sign shall not be:
 - a. Modified, unless the modification brings the sign into compliance with this chapter. A change of copy is allowed, except that any change in a wall sign which is painted on a structure shall comply with the requirements of this chapter.
 - b. Expanded.
 - c. Relocated.
 3. A nonconforming sign may undergo normal maintenance, except:
 - a. "Normal maintenance" excludes major structure repairs designed to extend the useful life of the nonconforming sign.
 - b. If a nonconforming sign is damaged by wind, fire, neglect or by any other cause, and such damage exceeds 60 percent of its replacement value; the nonconforming sign shall not be repaired and shall be removed.
 4. Upon change of use of a business or premises, a nonconforming sign shall be brought into compliance with this code within 180 days.
- A. Abandoned Signs. All signs and sign structures for a business shall be removed within thirty (30) days after that business ceases to operate on a regular basis. Abandoned signs that are not removed may be removed by

the City following notice to the property owner. The property owner will be assessed the cost of the sign removal if the owner fails to remove the abandoned sign and the City exercises its authority under this provision.

5.136.13 VARIANCES--SIGNS.

Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to this chapter will be processed according to the procedures in **Article 2.600**; however, the criteria in **2.600 (2)** shall not be used, but instead the following criteria shall be used to review and decide sign variance applications:

- A. There are unique circumstances or conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship;
 - B. The requested variance is consistent with the purpose of this chapter as stated in **Section 5.136.0**;
 - C. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter;
 - D. The granting of the variance shall not decrease pedestrian or traffic safety;
- and
- E. The variance request shall not be the result of a self-imposed condition or hardship.

5.136.14 UNLAWFUL SIGN REMOVAL.

A. Any unlawful sign that has not been removed within thirty (30) days after notification of the property owner may be removed by the city and the costs charged to the property owner. If removal costs have not been paid and the sign reclaimed within thirty (30) days of its removal by the city, the city is entitled to file a lien against the property on which the sign was located to secure payment of such costs and expenses of removal by the city. The city may sell or otherwise dispose of the sign so removed and apply the proceeds towards the cost of removal.

B. Signs which are found upon public streets, sidewalks, rights-of-way, or other public property, or which present an immediate and serious danger to the public may be removed without prior notice.

5.136.15 CONDITIONAL USES.

A. Procedures. Applications for conditional use permits for rotating/revolving signs or message signs shall be processed according to the procedure set forth in **Article 2.500** of this title. The criteria to be reviewed and applied in conditional use

permit proceedings are set forth in this section, and the criteria of **Article 2.500 (2)** shall not be applied.

B. Decision Criteria. The following criteria shall be used to review and decide conditional use permit applications for rotating/revolving, and message signs:

1. The proposed sign is located in C-1, C-2 and M-1 zones;
2. The proposed sign, when conditioned, will not significantly increase or lead to street level sign clutter, or to signs adversely dominating the visual image of the area;
3. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree;
4. The proposed sign will not present a traffic or safety hazard;
5. If the application is for a message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effect consisting of external lights, lamps, bulbs or neon tubes are allowed;
6. If the application is for a rotating/revolving sign, such sign cannot flash or be illuminated by intermittent light. Rotating/revolving signs shall revolve at a speed no greater than five revolutions per minute;
7. The total allowed sign area for a business shall be reduced by twenty-five (25) percent if the business has a rotating/revolving or message sign;
8. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.

(Section 5.136.0 amended by Ord. 11-101)