



## PLANNING COMMISSION MEETING

Tuesday, May 28, 2013

6:30 p.m.

Council Chambers

2<sup>nd</sup> Floor City Hall

1300 NE Village Street

### MEETING AGENDA

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1. **CALL TO ORDER:** 6:30 p.m.
2. **CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS**
3. **REVIEW AND ADOPT MINUTES:** May 14, 2013
4. **PUBLIC HEARING**
  - 13-11-ZC: Content Base Sign Code Amendments
5. **STAFF UPDATES**
6. **COMMISSION UPDATES**
7. **TENTATIVE AGENDA: JUNE 11, 2013**
  - McDonald Comprehensive Plan Amendment
8. **ADJOURNMENT**

### NEXT PLANNING COMMISSION MEETING IS *JUNE 11, 2013.*

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Planning Commission hearings are broadcast live on Cable Channel 22. Replays of the hearing are shown on Cable Channel 22, Saturday at 12:00pm and Monday at 2:00pm, and Cable Channel 30 Wednesday at 7:00pm. Further information is available on our web page at [www.fairvieworegon.gov](http://www.fairvieworegon.gov) or by calling Devree Leymaster, City Recorder, 503-674-6224.

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting to: Devree Leymaster, 503-674-6224.

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MINUTES  
PLANNING COMMISSION MEETING  
1300 NE Village Street  
Fairview, OR 97024  
Tuesday, May 14, 2013

PRESENT: Steve Kaufman, Chair  
Jan Shearer, Vice-Chair  
Keith Kudrna  
Jack McGiffin  
Ed Jones

ABSENT: Gary Stonewall  
Julius Arceo

STAFF: Allan Berry, Public Works Director  
Lindsey Nesbitt, Development Analyst  
Devree Leymaster, City Recorder

**1. CALL TO ORDER**

Chair Kaufman called the meeting to order at 6:30pm.

**2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS**

Chair Kaufman inquired if any person would like to speak on a non-agenda item, hearing none moved to review of minutes.

**3. REVIEW AND ADOPT MINUTES**

March 26, 2013 minutes approved as written by consensus.

**4. FINAL PLAT EXTENSION REQUEST**

Development Analyst Nesbitt briefed the Commission regarding the history of final plat extensions. Mr. Murrell, 7630 Ridgewood Dr., Gladstone, Oregon presented his request to extend the final plat filing deadline for his Depot St. project an additional year. Mr. Murrell stated they planned to begin work this summer.

Commissioner Kudrna inquired if the Commission's recommendation to have last year's extension be the final extension was approved by City Council. Staff responded City Council approved the extension without the final extension language. Staff clarified that type of language i.e. final extension is not typical language to be included in the code. Commissioner Jones inquired why the applicant took the lots off the market for an extended period of time. Mr. Murrell responded it was at the advice of his Realtor. Mr. Murrell reiterated they were committed to moving forward with the project and intended to move dirt by the end of summer.

Development Analyst Nesbitt stated Mr. Murrell would present his request to City Council on May 15. If Council supported the extension, staff would begin the process to amend the code to allow for an additional final plat extension. Staff anticipated 2 of the 4 applicants who had extension requests from last year would benefit from the additional extension.

Commissioner Jones recommended not approving the extension request; honoring the recommendation from last year. Commissioner Kudrna stated he was sympathetic to Mr. Murrell's situation, but was concerned about setting a precedent of not honoring previous rulings. Chair Kaufman agreed with Commissioner Kudrna and recommended a compromise of extending an additional 6 months. This would allow Mr. Murrell to begin working this summer.

Staff clarified to record a final plat with the county, any required public improvements had to be built or bonded prior to filing. Mr. Murrell stated he was working with Linda Hulme, Senior Engineering Tech. to bond the public improvements.

Commissioner McGiffin moved to support approval of a six month final plat extension and Vice Chair Shearer seconded. The motion passed by majority. Commissioner Jones voted no.

AYES: 4

NOES: 1

ABSTAINED: 0

## **5. CONTENT BASED SIGN CODE AMENDMENT WORK SESSION**

Development Analyst Nesbitt stated the proposed revisions were at the advice of City Attorney Paul Elsner and focused on removing content based language. The integrity and intent of the code would not be changed. City Attorney Elsner would present the revisions for adoption at the May 28 public hearing. Staff clarified the Commission knowingly adopted some content based language at minimal risk; however, the city attorney conducting the legal review of the sign code prior to adoption did not identify the language issues being recommended for revision.

Commissioner Jones commented he supported the proposed revisions to eliminate content based language and correct grammatical errors, but some of the eliminated language was not content based. Staff responded the criteria to determine if language is content based is not just the language itself, but if you have to read the sign to apply the code. If so, then the code language is content based.

Vice Chair Shearer inquired if the Realtor community had been notified. Staff responded, yes.

## **6. RIVERFRONT ZONE CHANGE**

Development Analyst Nesbitt requested Commission feedback regarding the draft riverfront Mixed Use Code presented in the staff report.

Items discussed and the direction provided included:

- Properties north of Marine Drive extending to the river should be included in the River Oriented Use zone.
- Multi-family housing should be well defined, strategically located, secondary to commercial use, and not impact the ambience and connectedness of the development.
- Limit building height to 100 feet.
- More comfortable with 70% max lot coverage; draft identified 90%. Staff would research and present options at next meeting.
- Increase landscape requirement of not less than 10%; especially if max lot coverage is decreased.
- Draft parking language too lax; increase parking per square foot.

- City does not have riverfront riparian buffer regulations; continue to defer to other state and federal agencies. These environmental protection regulations are stringent and protect the river as a whole. Don't add an additional layer of regulations for a developer to comply with.

Development Analyst Nesbitt inquired what the ultimate product of the project should be and presented four options for consideration.

1. Further develop the Comp Plan. Defines basic development frame work and documents the intent.
2. Develop code language, but do not adopt. Maintains and protects current GI zones; not non-conforming.
3. Develop riverfront holding zone. Current zone would apply, when sell or develop the riverfront zone would apply.
4. Wait for an applicant to submit a development proposal that includes code language.

Commission agreed unanimously option 4 was no. The city and its citizens should develop the vision of what the water front should be. Commissioner Kudrna and Commissioner Jones supported option 1; creating a frame work of what we want that the code would then follow. This would allow the code structure to meet the needs of a developer while maintaining the vision and goals of the City and its citizens. Commission agreed to proceed with option 1.

## **7. FAIRVIEW LAKE RESOURCE PROTECTION DISCUSSION**

Development Analyst Nesbitt stated the recently adopted natural resource code did not include Fairview Lake and presented the history of development history around the lake. Prior to subdivisions being built the area was used for farming and was highly degraded at the time of development. The 35-foot buffer comprises the majority, or all, of a property owner's backyard. To create usable backyard space while protecting the buffer a zone I/zone II option was created. Zone I included 20 feet of buffer from the high water mark and required extensive riparian plantings; zone II permitted the remaining 15 feet to have an eco-lawn with limited mowing options. The zone I/zone II code was never adopted by ordinance, but the city issued 20 permits based on the code. The north side of the lake is regulated by Multnomah County, with most properties developed to the water's edge.

Development Analyst Nesbitt presented the below policy options for Commission consideration and feedback.

1. Remove the buffer.
2. Adopt 35 foot buffer to align with subdivision plats.
3. Adopt Zone 1 and Zone 2.
4. Research other options.

Commissioner McGiffin inquired which option would impact residents the least. Staff responded option 1 and noted depending on the final policy many homes could be in violation. Code enforcement is another aspect to consider.

Commissioner Shearer supported formally adopting zone I/zone II regulations and granting property owners a time period to voluntarily comply. The zone I/zone II policy option created a balance between protecting the buffer and creating usable backyard space; and honored the permits issued already issued. Not fair to change the rules again. Commissioner Kudrna and Chair Kaufman agreed.

Development Analyst Nesbitt noted DEQ is preparing a compliance report for Fairview Lake that the City intends to comply with. She will present the information once it is received. Staff will begin reviewing and researching the zone I/zone II policies and code language.

**8. STAFF UPDATES**

a. Hannah' Tract Development: as follow up to Ms. Dawn Greenwell's concern regarding the developer's requirement to clear the riparian buffer area, staff conducted a post development inspection. The developer was required to clear 50 feet on the creek side of the development. Staff measured and verified 50 feet was cleared. There has been some regrowth i.e. blackberry and ivy. Staff would work with the home owner regarding maintenance. Commission requested staff notify Ms. Greenwell of the inspection results.

b. Other Updates: Fairview Lake Dock standards were adopted by City Council on May 1, 2013. Chair Kaufman requested a "Commissioner Updates" section be added to the agenda. Commissioner Jones stated he may have to step down temporarily. He would keep the group apprised.

**9. TENTATIVE AGENDA**

Public Hearing: Sign code adoption

**10. ADJOURNMENT**

Meeting adjourned by consensus at 7:55PM.

Steve Kaufman, Chair

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Devree A. Leymaster  
City Recorder

\_\_\_\_\_  
Date: \_\_\_\_\_



## PLANNING COMMISSION STAFF REPORT

**TO:** Fairview Planning Commission

**FROM:** Paul Elsner, City Attorney  
Lindsey Nesbitt Development Analyst

**DATE:** May 28, 2013

**PROJECT NUMBER:** 2013-11-ZC; Ordinance 02-2013

**REQUEST:** Amendments to Fairview Municipal Code Section 19.170  
Sign Regulations – Content Based Material

**LOCATION:** City – wide

**APPLICANT:** City of Fairview

### Action Requested

**Adopt a recommendation to the City Council to approve Ordinance 02-2013 amending Fairview Municipal Code Section 19.170 Sign Regulations.**

### Background

Revisions to the Sign Code were adopted in 2010. Since that time, the City Attorney has identified additional “content based” code language that needs to be removed from the Sign Code as it makes the entire sign code subject to a state constitutional challenge. For example, the code cannot establish standards for “political signs” because one must read the content of the sign in order to determine if it is a political sign. The same can be said about the “off-premise” /“on-premise” distinction one sees a lots of sign codes.

### **Decision Making Process**

Changes to the Fairview Municipal Code are reviewed as Type IV applications using a legislative procedure<sup>1</sup>. A minimum of two hearings is required, one before the Planning Commission and one before the Council. All required notices for the proposed ordinances have been sent within the required time frame.

The Planning Commission has the following decision-making options on the proposed amendments:

- Recommend approval of Ordinance 02-2013.
- Recommend approval of Ordinance 02-2013 with modifications.
- Recommend denial of Ordinance 02-2013.
- Refer the matter back to staff.
- Take no action.
- Continue the public hearing.

### **Applicable Criteria**

Amendments to the Fairview Municipal Code and Comprehensive Plan are subject to the following applicable criteria:

- Fairview Municipal Code 19.416.070 – Type IV Process
- Comprehensive Plan Chapter 2 Policy 7B

### **Key Issues**

1. The proposed amendments remove content based material from the existing Sign Code. See Attachment 1 Ordinance 02-2013 for all proposed changes.
2. Impacts of the Amendments
  - The amended sign regulations will apply city wide to all residential, commercial and industrial properties.
  - Staff has worked with City Attorney to ensure the proposed changes do not take away from the intent of the sign code amendments approved in 2010.
3. Public Involvement

All public notices were provided in accordance with applicable sections of the Oregon State Statutes and Fairview Municipal Code. See Attachment 2 for comments received from the public.

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<sup>1</sup> Fairview Municipal Code 19.416

**Summary**

The proposed ordinance was initiated by the City Attorney to eliminate content based language from the sign code. Staff believes the amendments will not deter from the intent of the 2010 sign code amendments.

The proposed amendments are consistent with statewide planning goals as outreach has been completed, all required notices were completed and more permissive sign regulations for businesses in the city supports the City's economic development goals.

Staff recommends the Planning Commission adopt a recommendation to the City Council for their approval of Ordinance 02-2013.

**Findings in Support of Approval**

1. The recommendation of the Planning Commission for the proposed amendments to the Fairview Municipal Code is based on the following factors:

A. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197.

*The proposed regulations are consistent with statewide planning goals 1- Citizen Involvement, 2 – Land Use Planning, and 9 – Economic Development (See Summary Section above)*

B. Comments from any applicable federal or state agencies regarding applicable statutes or regulations.

*Not applicable.*

C. Any applicable intergovernmental agreements.

*Not applicable.*

D. Any applicable comprehensive plan policies and provisions.

*Chapter 2 Policy 7B of the Comprehensive Plan requires that any major revisions require re-evaluation of the public's need.*

*The proposed amendments are items for follow-up after the adoption of Ordinance 2-2010 and does not constitute a major revision.*

*The process for the adoption of Ordinance 2-2013 included widespread public outreach. Outreach was also done for the proposed ordinance; however, staff received comments from one person.*

**Attachments:**

1. Ordinance 02-2013

**ORDINANCE**  
**(2-2013)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRVIEW,  
FAIRVIEW, OREGON, AMENDING FAIRVIEW MUNICIPAL CODE CHAPTER 19.170  
SIGN REGULATIONS ELIMINATING CONTENT BASED CODE LANGUAGE**

**WHEREAS**, public hearings were held by the Fairview Planning Commission on May 28, 2013 and the City Council on June 5, 2013 and June 19, 2013; and

**WHEREAS**, notice of said hearings was provided consistent with Fairview Municipal Code Chapter 19.416 and ORS 227.186; and

**WHEREAS**, amendments are consistent with the Fairview's Municipal Code Chapter 19.416 and Comprehensive Plan Chapter 2; and

**WHEREAS**, the City's Sign Regulations as found in Chapter 19.170 were first adopted in 1990 and last amended in 2010; and

**WHEREAS**, the purpose of these amendments is to remove certain impermissible content-based references in the Code such that it can be easily employed, complied with and enforced by the public at large and staff

**NOW, THEREFORE, BASED ON THE FOREGOING**, The City of Fairview ordains as follows:

- Section 1. FMC Chapter 19.170 is amended as shown in Attachment 1.
- Section 2. This ordinance is effective upon and from 30 days after its enactment by the Council.

Motion adopted by the City Council of the City of Fairview this 19<sup>th</sup> day of June 2013.

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Mayor, City of Fairview  
Mike Weatherby

ATTEST

\_\_\_\_\_  
City Administrator, City of Fairview  
Samantha Nelson

**FILE: 2013-11-ZC**  
**DRAFT CODE AMENDMENTS- Chapter 19.170**  
**SIGN REGULATIONS CHANGES IN STRIKETHROUGH AND UNDERLINE**

Sections:

- 19.170.010 Purpose/application.
- 19.170.020 Definitions.
- 19.170.030 Sign permit required.
- 19.170.040 Design standards.
- 19.170.050 Signing of nonconforming uses.
- 19.170.060 Nonconforming signs.
- 19.170.070 Hardship relief.
- 19.170.080 Exemptions.
- 19.170.090 Temporary signs.
- 19.170.100 Prohibited signs.
- 19.170.110 Permitted signs within residential zones.
- 19.170.120 Permitted signs within community service parks (CSP) zone.
- 19.170.130 Permitted signs within commercial and light industrial zones (CC, TCC, NC, LI, VO, and VC).
- 19.170.140 Permitted signs within village mixed use (VMU) zone.
- 19.170.150 Permitted signs within industrial zones (GI).
- 19.170.160 Sidewalk A-board signs.
- 19.170.170 Abatement of prohibited, substandard and dangerous signs.
- 19.170.180 Maintenance.

**19.170.010 Purpose/application.**

It is the city's policy to protect the public interest by promoting signs through regulations that:

- A. Protect the public health and safety.
- B. Maintain a balance between the need to identify sites and activities, and the negative impact on community image created by visual clutter.
- C. Are content-neutral, acknowledging that signs are a protected form of speech under the First Amendment of the United States Constitution.
- D. Provide residents and business owners with ample opportunities and alternatives to communicate messages through signage.

**19.170.020 Definitions.**

"A-board sign" means a double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom, and not supported by a structure in the ground.

“Abandoned sign” means a sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days.

“Accessory sign” means a sign which is an integral part of outdoor accessory or display structures.

“Athletic field sign” means a sign placed on the interior of an athletic field fence or wall so as to be viewed from within the athletic facility.

“Awning sign” means a sign incorporated into or attached to an awning.

“Balloon sign” means any three-dimensional ambient air-filled object ~~depicting a container, figure or product~~, or to which a temporary sign has been attached, or to which a sign has been incorporated.

“Banner sign” means a temporary sign made of fabric or other nonrigid material with or without an enclosing framework.

“Bench sign” means a sign that is displayed on a structure designed for sitting and displayed out of doors in view of the general public.

“Billboard sign” means a freestanding sign over 200 square feet and with display surface or surfaces primarily designed for the purpose of painting or posting a message thereon at periodic intervals.

“Canopy” means a permanent decorative porch or walkway cover other than an awning which is attached to a building.

“Direct illumination” means exposed lighting or neon tube on the sign face.

“Directional sign” means a permanent sign which is designed and installed solely for the purpose of traffic or pedestrian direction and placed on the property to which the persons are directed.

“Directory sign” means a sign listing the names, and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.

“Door sign” means any sign, picture, symbol, or combination thereof that is placed on, painted, or affixed to a door.

“Electronic message center” means signs whose message or display is presented with patterns of lights that may be changed at intermittent interval by an electronic process.

“Facade” means the building elevation that faces the street upon which the building is addressed, or is otherwise understood to be the front of the building through common usage of the term “front.” Buildings located at the corner of intersecting streets have two facades with one facade on each street frontage.

“Fascia sign” means a single-faced sign attached flush to a building.

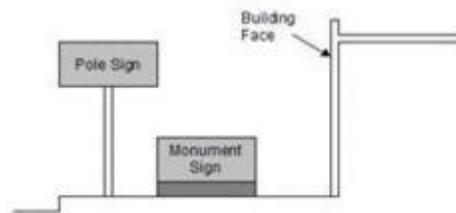
“Fin sign” means a sign which is supported by a pole or poles and partly by a building.

“Flag” means a rectangular piece of fabric or other material of distinctive design, used as a symbol.

“Flashing” means an intermittent or sequential light source used primarily to attract attention.

“Flashing sign” means lights which blink on and off randomly or in sequence.

“Freestanding sign” means a sign on a frame, pole or other support structure which is not attached to any



building. Includes monument, pole, and directory signs.

“Ground story” means the vertical space between the ground elevation around the building and the elevation of the second floor deck.

“Hazardous sign” means a sign that is hazardous either directly through its structural design or indirectly through distracting or confusing features or functions that are visible from a right-of-way, private roadway, or other property.

“Illuminated awning sign” means a sign made of a translucent, flexible covering designed in awning form. Such signs are internally illuminated.

~~“Incidental sign” means an informational or cautionary sign directing types of behavior including but not limited to trespassing, soliciting, parking, skateboarding, building identification, etc.~~

“Indirect illumination” means the light source is separate from the sign face or cabinet and is directed so as to shine on the sign.

“Internal illumination” means the light source is concealed within the sign.

“Lawn sign” means a temporary freestanding sign that is supported by a frame, pole or other structure placed directly in or upon the ground, wall or window. ~~Signs may include but are not limited to political signs, real estate signs, and garage sale signs.~~

~~“Limited duration event A-board sign” means an A-board sign displayed for a temporary time frame to advertise events including but not limited to open houses, farmer’s markets, and school activities.~~

“Mansard wall sign” means any sign placed on a building with an actual or false roof which does not vary more than 30 degrees from the vertical. Such mansard wall shall extend along the full width of the building.

“Moving parts” means features or parts of a sign structure which through mechanical means are intended to move, swing or have some action.

“Municipal sign” means a sign placed by a municipality.

“Nonconforming sign” means a sign or sign structure lawfully installed and properly maintained that would not be allowed under the sign regulations presently applicable to the site.

“Outdoor advertising sign” means a sign supported by a substantial permanent sign structure with a display surface or display surfaces ~~designated primarily for the purpose of painting or posting a message thereon at periodic intervals.~~

“Painted highlights” means painted areas which highlight a building’s architectural or structural features.

“Painted wall decoration” means displays painted directly on a wall and are designed and intended as a decorative or ornamental feature. ~~Painted wall decorations may not contain copy, logos or trademarks which are greater than 20 square feet, or 10 percent of the building wall, whichever is less.~~

“Painted wall sign” means a sign applied to a building wall with paint and which has no sign structure.

“Pennant sign” means a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles.

“Permanent sign” means a sign attached to a building, structure or the ground in some manner requiring a permit and made of materials intended for more than short-term use.

“Portable sign” means a sign designed to be transported which can be freestanding and unattached or temporarily or permanently attached to the ground, structures or other signs.

“Projecting sign” means a sign attached to and projecting out from a building face or wall and generally at right angles to the building. Projecting signs include signs projecting totally in the right-of-way, partially in the right-of-way and fully on private property.

“Readerboard sign” means a sign on which message copy can be changed manually, in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.

“Roof line” means the lower edge of the roof or top of the parapet, whichever forms the top lines of the building wall.

“Roof sign” means a sign installed upon, against or directly above a roof, or roof eave, or on top of or above the parapet, or on a nonfunctional architectural appendage above the roof or roof eave.

“Rotating sign” means sign faces or portions of a sign face which revolve around a central axis.

“Scroll” means the continuous movement of a message on an electronic message center in a horizontal, vertical or diagonal direction.

“Sign” means materials placed or constructed primarily to convey a message or other display to identify sites and activities and which can be viewed from right-of-way, private roadway or another property.

“Sign face” means the display portion of a sign.

“Sign installation” means erecting, constructing, reconstructing, placing, altering, changing the sign face, relocating, suspending, attaching and the installation of electrical parts, wiring or illumination of any sign. However, installation shall not include changes in copy of a readerboard or outdoor advertising sign or of the removable panels of on-site directory signs.

“Sign maintenance” means normal care needed to keep a sign functional such as cleaning, oiling and changing of light bulbs.

“Sign repair” means fixing or replacement of broken or worn parts. Replacement is of comparable materials only. Repairs may be made with the sign in position or with the sign removed.

“Sign structure” means a structure specifically intended for supporting or containing a sign.

“Site” means the area, tract, parcel or lot of land.

“Special event banner sign” means a banner sign that is temporarily displayed over a right-of-way for a limited period of time ~~for a public event. A special event occurs on a specific date or dates, is open to the community, and has been declared a special event by the city council.~~

“Structural alteration” means modification of the size, shape or height of a sign structure. Also includes replacement of sign structure materials with other comparable materials, for example metal parts replacing wood parts.

“Suspended sign” means a sign which is attached to the underside of a canopy or awning and is



supported by the canopy or awning.

“Temporary sign” means any sign, regardless of construction material, that is not permanently attached to a building, structure or the ground ~~and/or is intended to be displayed for a limited period of time.~~

“Unsafe sign” means any sign determined to be a hazard to the public by the building official or authorized representative.

“Upper story” means the vertical space between the floor and ceiling elevation of any story located above the ground story.

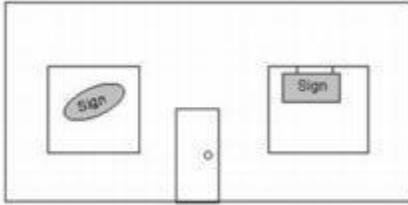
“Wall sign” means any sign painted on or attached to a building wall.



“Wind sign” means any attention-getting device or series of devices such as streamers, banners and pennants designed and fastened in such a manner as to move upon being subject to pressure by the atmosphere.

“Window sign” means any sign, picture, symbol, or combination thereof that is placed, painted, or affixed to a window, upon the interior or exterior face of window panes, or mounted to the interior window frame,

or otherwise located within 24 inches of the window interior.



(Ord. 2-2011 § 1 (Att. 1); Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1. Formerly 19.170.030)

**19.170.030 Sign permit required.**

Sign permits are subject to a Type I review process. Building and electrical permits and corresponding inspections may be required based on size and weight requirements.

**A. Permanent Sign Permit Application.**

1. Sign Permit Form. Application for a sign permit shall be made on the sign permit application form provided by the city.
2. Administrative Approval. Completed sign permit applications must be approved by the community development director or designee. Incomplete sign permit applications are subject to denial.
3. Plans. The applicant shall submit two copies of plans. These plans must be detailed enough to show compliance with all applicable sign regulations. The plan is to include:
  - a. A drawing to scale showing the design of the sign, including dimension, sign size, method of attachment, source of illumination and showing the relationship to any building or structure to which it is, or is proposed to be, installed or affixed, or to which it relates, to include elevations.
  - b. A fully dimensioned plot plan, drawn to scale, indicating the location of the sign relative to property line, rights-of-way, streets, sidewalks, vehicle area and other buildings or structures on the premises.
  - c. The maximum and minimum heights and clearances of the sign.
  - d. Number, size and location of all existing signs on the same building, lot or premises.
  - e. For Signs Requiring a Building/Electrical Permit. Provide structural and mechanical design and engineering data sufficient to ensure compliance with applicable Oregon Specialty Codes.

B. Temporary Sign Permit Application. All temporary signs larger than eight square feet in area require a temporary sign permit.

1. Application. Applicants shall submit an application form, to be provided by the city, for all temporary signs greater than eight square feet. The applicant shall indicate the size and proposed location of the temporary sign.

2. Permit Sticker Required. Upon approval, a city-issued sticker, indicating the date of placement and the date the sign is to be removed, shall be placed on the sign face of the approved temporary sign.

### 19.170.040 Design standards.

A. Measurements.

1. Sign Area.

a. The area of sign faces enclosed in frames or cabinets is determined based on display area of the sign (see Figure 1). Sign area does not include masonry walls, rocks, foundations, supports or other essential structures which are not serving as a backdrop or border to the sign. Only one face of a double-faced sign is counted. If a sign has more than two faces, the total area may not exceed twice the area permitted.

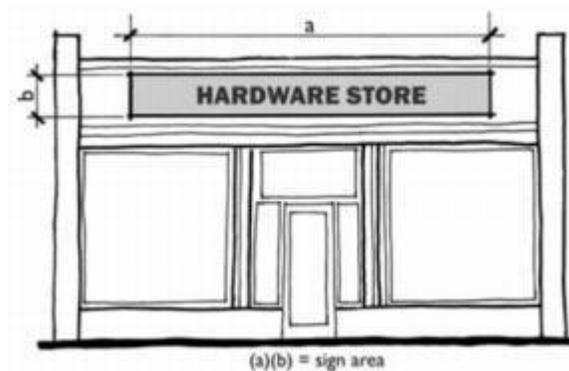
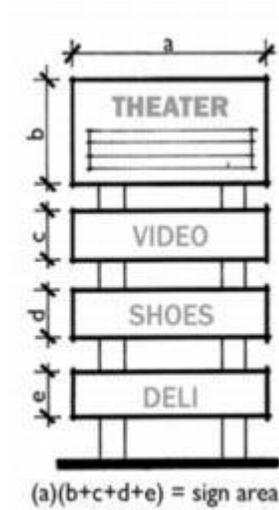


Figure 1

b. When a sign is on a base material and attached without a frame, such as wood board or Plexiglas panel, the dimensions of the base material are to be used unless it is clear that part of the base contains no sign, related display or decoration.

c. When signs are constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn (the greater height multiplied by the greater width) around all the pieces.

d. For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face (see Figure 2).



**Figure 2**

- e. The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.
  - f. When signs are incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign, related display or decoration.
  - g. The area of an illuminated awning sign shall be calculated as a sign incorporated into an awning except that an illuminated face of the awning shall not exceed three times the sign area allowed.
  - h. The area of a window sign is measured along the outer frame of the window where it meets the wall. Window signs are to be measured by the outermost dimensions of text and graphics.
2. Sign Height. The overall height of a sign or sign structure is measured from the average grade directly below the sign to the highest point of the sign or sign structure.
3. Sign Clearance. Clearances are measured from the average grade directly below the sign to the bottom of the sign structure enclosing the sign face.
4. Building Height Method of Measurement. Building height is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

a. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.

b. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection (A)(4)(a) of this section is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

**B. Placement.**

1. Placement. All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into or over the right-of-way pursuant to FMC Chapter 12.45 FMC.

a. Signs Permitted within the Right-of-Way. Signs located within city of Fairview right-of-way require a right-of-way permit unless otherwise stated in this chapter. Signs placed in Multnomah County right-of-way may require a permit from the county.

i. Municipal signs.

ii. A-board signs in accordance with FMC 19.170.090(B)(5) and 19.170.160.

iii. A right-of-way permit may be granted for the placement of a temporary sign in accordance with FMC Chapter 12.45 FMC when there is no required front yard on a property.

iv. Signs associated with a public works project placed by a utility company or a licensed contractor.

2. Frontages. Signs allowed based on the length of one site frontage may not be placed on another site frontage. Signs allowed based on a building frontage may not be placed on another building frontage.

3. Clear Vision Area. No sign shall be located in the clear vision area as defined in FMC 19.162.020(O). No support structure(s) shall be located in the clear vision area unless the combined total width is 12 inches or less and the combined total depth is 12 inches or less.

4. Vehicle Area Clearances. When a sign extends over an area where vehicles travel or are parked, there shall be a minimum 14-foot clearance. Exception: The bottom of an electric sign or an outline lighting enclosure shall have not less than a 16-foot clearance unless such enclosures are protected from physical damage. In no cases shall the vehicle area clearance be less than

14 feet. Vehicle areas include driveways, alleys, parking lots and loading and maneuvering areas.

5. Pedestrian Area Clearances. When a sign extends over private sidewalk, walkways or other spaces accessible to pedestrians, there shall be a minimum of seven feet clearance.

6. Required Yards. Signs may be erected in required yards.

C. Sign Types. All permanent signs require a sign permit in accordance with FMC 19.170.030 and shall be in compliance with FMC 19.170.110 through 19.170.140.

1. Fascia Sign. No point of a fascia sign may extend more than 18 inches from the wall to which it is attached, except for permitted electronic message signs which may be up to 24 inches in thickness. Fascia signs may not extend beyond the corners of buildings.

2. Projecting Sign. The support structure for a projecting sign shall be designed so that there is the minimum visible support structure above the sign face. There shall be no more than one foot of support structure between the building wall and the sign. Projecting signs may extend into the right-of-way two feet except no portion of the sign shall be closer than 30 feet from the centerline of an existing right-of-way.

3. Freestanding Sign.

a. Freestanding signs shall not extend into the right-of-way.

b. Signs shall comply with clear vision requirements per FMC 19.162.020(O).

c. Signs shall meet vehicle area and pedestrian area clearance requirements per subsection B of this section.

4. Suspended Signs and Awnings.

a. Signs may be placed on or incorporated into canopies and awnings; provided they do not extend above the upper surfaces of the structure.

b. Canopies and awnings containing signs may extend into the right-of-way two feet except no portion of the sign shall be closer than 30 feet from the centerline of an existing right-of-way.

5. Illuminated Awning Sign.

a. Illuminated awning signs may extend into the right-of-way the same distance as is allowed for awnings.

- b. The projection of an illuminated awning sign shall not be less than three feet.
- c. An illuminated awning sign may only be placed on a wall facing a street or adjacent to a pedestrian walkway.

**19.170.050 Signing of nonconforming uses.**

The following provisions for signs shall apply when a use has been found to lawfully exist within the provisions of FMC Chapter 19.530 FMC; ~~however, no the provisions of this section are not intended to allow a sign is allowed~~ to exceed the requirements set forth in the zoning district ~~within which~~ where the subject nonconforming use would be a permitted use.

A. Freestanding Sign. Any existing freestanding sign on the premises of a nonconforming use can be maintained, improved or relocated on the premises ~~as long as provided~~ the change does not increase the total sign area or ~~exceed~~ the height of the existing sign.

B. Wall Sign. Any existing wall sign on the premises of a nonconforming use can be maintained, improved or relocated on the premises ~~as long as provided~~ the maximum area of a wall sign does not exceed five percent of the wall area ~~upon which~~ the sign is located on. Only one wall sign shall be permitted.

C. Projecting Sign. Any existing projecting sign on the premises of a nonconforming use can be maintained, improved, or relocated on the premises ~~as long as provided~~ the change does not increase the total sign area or ~~exceed~~ the height of the existing sign.

D. Readerboard. A permanent readerboard may be incorporated into any one, but no ~~more t more than one~~, of the above permitted signs; provided, ~~that~~ the readerboard assembly is an integral to part of the sign ~~and the readerboard portion of the sign~~ does not exceed 40 inches in height. ~~The readerboard may be~~ and constitutes no more than 60 percent of the face of the sign.

E. Replacement. Existing signs for nonconforming uses found in ~~the~~ commercial and industrial zones may be replaced by signs as allowed in that section. Existing signs for nonconforming uses found in the residential zones may be replaced with signs as allowed in that section.

F. Billboard Signs. Billboard signs existing at the effective date of the ordinance adopted July 10, 2010, ~~codified in this title~~ shall be permitted to remain and be maintained in reasonable repair, but may not be replaced, relocated, enlarged, or otherwise structurally modified. Changes in message shall not affect nonconforming status.

**19.170.060 Nonconforming signs.**

A. Nonconforming signs are ~~these~~ signs installed prior to July 7, 2010, ~~these~~ not conform to the requirements of this section.

B. Permanent signs made nonconforming by changes to this ~~e~~Chapter will be permitted to remain subject to sign maintenance standards in FMC 19.170.180.

C. Any nonconforming temporary sign installed prior to July 7, 2010, which does not comply with this ~~title~~ Chapter shall be made to comply, or be removed by January 7, 2011.

D. Changes in copy on readerboards or outdoor advertising signs ~~shall be~~ is permitted without loss of nonconforming status. On-site or off-site repairing or restoring of any part of a sign or sign structure to a safe condition, including normal maintenance, ~~shall be~~ is permitted without loss of nonconforming status.

**19.170.070 Hardship relief.**

A. Hardship relief may be requested from the planning commission for all sign regulations except for ~~p~~Prohibited ~~s~~Signs.

B. Requests for hardship relief shall be reviewed in accordance with variance procedures in FMC Chapter 19.520 ~~FMC~~.

C. ~~Temporary Hardship Relief for Street Closures.~~ Applicants may request a temporary "street closure" sign variance from the ~~p~~Planning ~~c~~Commission ~~in the case that where~~ the visibility of an existing sign is obstructed ~~due to as a result of a street closure in relation to a~~ public works project.

1. A variance from sign regulations for the underlying zone may be requested from the ~~p~~Planning ~~c~~Commission for temporary alternatives to the location, size or form of sign if it meets the following standards-:

- a. The proposed sign may not exceed 50 percent of the maximum allowed size requirements for signs in the underlying zone.
- b. The sign may not be hazardous to surrounding properties, motorists, cyclists, or pedestrians.
- c. The sign may only be displayed for the duration of the hardship or until the public works project is complete.
- d. A right-of-way permit shall be required in accordance with FMC Chapter 12.45 ~~FMC~~ if the proposed sign ~~will~~ is to be located within the City right-of-way.
- e. The sign shall be subject to all other applicable regulations in this chapter unless otherwise specified.

D. Hardship relief for billboards displaced by public improvement projects may be requested from the ~~p~~Planning ~~c~~Commission and shall be processed in accordance with FMC Chapter 19.520 ~~FMC~~. (Ord. 2-2010 § 1 (Att. 1); Ord. 6-2001 § 1)

**19.170.080 Exemptions.**

A. Exempt Signs. Except for signs prohibited by this chapter in FMC 19.170.100, the following signs are exempt from the provisions of the Fairview sign code.

1. Signs ~~directing traffic~~ placed in the right-of-way authorized by the city or other jurisdiction responsible for the right-of-way.
2. Signs provided to give notice in accordance with FMC 8.30.110(B), private property impounds.
3. Signs required by law, administrative order, or judicial order.
4. ~~Incidental signs less than three square feet located on private property. Placement of incidental signs is prohibited in the right-of-way unless otherwise stated in this chapter.~~

B. Signs Exempt from Permitting Requirements in FMC 19.170.030. The following signs ~~shall do not~~ require a permit but ~~shall~~ must conform to all other applicable provisions of this ~~title Chapter~~:

1. Permanent signs not exceeding ~~one~~ three square feet in area in all zones except single family residential.
2. ~~Professional~~ nonilluminated nameplates signs not exceeding two square feet in area ~~associated with an approved home occupation per FMC Chapter 19.490 FMC in single family residential zones.~~
3. Temporary signs not exceeding eight square feet in area.
4. ~~Signs directing traffic into off-street parking areas. An on-site directional sign(s) shall not exceed eight square feet in area. A freestanding sign may not exceed 42 inches in height. A wall sign may not exceed eight feet in height above grade.~~
5. ~~Directional signs for hospital or emergency services, railroad signs and danger signs.~~
6. ~~Memorial Signs or tablets, names of buildings and date of erection when cut into any masonry surface, or constructed of bronze or other noncombustible surface or when constructed of bronze or other noncombustible material not to exceed eight square feet in area.~~
7. Flags displayed from permanently located freestanding or wall-mounted flagpoles ~~which are~~ designed to allow raising and lowering of flags. ~~The number of such flags shall be limited in~~ number to one per 100 feet of linear frontage, with a maximum of six per premises. Such displays shall be kept neat, clean and in good repair.
8. Painted wall decorations and painted wall highlights.

9. One time clock and/or scoreboard sign shall be permitted at each athletic field. Such signs shall have a maximum height of 15 feet above grade.

10. Athletic Field Signs. Banner signs located on athletic field fences may be installed so as to be oriented towards the interior of the athletic field. Each individual sign shall be no more than 32 square feet in area. There shall be no more than 32 square feet of area for any eight linear feet of fence. The maximum height shall not exceed eight feet above grade. The sign shall not project above the fence.

11. Accessory signs within a commercial or industrial zone which are permanent and an internal part of permitted outdoor accessory or display structures ~~such as~~ (i.e. soft drink machines, fuel pumps and newspaper dispensers, etc.).

12. ~~Signs associated with a public works or construction project placed by a utility company or licensed contractor~~ placed by a utility company or licensed contractor or placed on private property.

13. Pennants.

- a. May not obstruct sidewalks or driveways.
- b. May not be placed in the right-of-way.
- c. Pole on which pennant is attached may not exceed 15 feet in height.
- d. Area of pennant may not exceed 24 square feet.
- e. One pennant allowed per 100 feet of site frontage with a maximum of six pennants per frontage.
- f. Pennant and structure to which pennant is attached must be properly secured to prevent property damage or personal injury due to movement by wind or other physical force.
- g. Pennants must be properly maintained; any torn or tattered pennants must be removed or replaced immediately.
- h. Prohibited in single-family residential zones (R, R-7.5, R-10, R/SFLD, VSF, VTH).

#### **19.170.090 Temporary signs.**

~~The purpose of this section is to allow for the display of temporary messages including but not limited to political signs, real estate signs, and special event signs.~~ Temporary signs are ~~prohibited~~ Signs except as provided in this section.

A. General Requirements.

1. Illumination. No temporary sign shall be internally or externally illuminated.
2. Location. No temporary sign shall extend into or over ~~the a~~ public right-of-way or into a the clear vision area except as otherwise ~~stated~~ allowed in this Chapter.
3. Maintenance. Temporary signs shall be kept neat, clean and in good repair. Materials used should not fade, tear, rip or otherwise become unsightly during the period of installation.
4. Placement. ~~Except as provided by this section,~~ temporary signs may not be attached to trees, shrubbery, utility poles, or like items. They shall not obstruct or obscure primary signs on adjacent premises. They shall not create a traffic hazard ~~because of distracting character to motorists of any such device or the cumulative effect of all such devices.~~ Temporary signs are subject to clear vision requirements per FMC 19.162.020(O).
5. Duration. Temporary signs ~~must be removed within six months of placement except as otherwise stated in this chapter. The display period shall be limited to six months in any one-year period may displayed for no more than 180 days within any 365 day period.~~
6. Permit Required. Temporary signs greater than eight square feet in area require a temporary sign permit in accordance with FMC 19.170.030(B).

#### B. Sign Types.

1. Lawn Signs. Lawn signs shall be pole-mounted ~~Temporary lawn signs and sign structures, if any,~~ must be removed within ~~six months~~ 180 days of the date of installation. Pole-mounted and wall-mounted lawn signs shall not exceed 60 inches in height in residential zones and eight feet in height in commercial and industrial zones.
2. Balloon Signs. One balloon sign per site ~~may be~~ is permitted provided the balloon is ~~Balloon signs shall be~~ ground-mounted or roof-mounted and air-filled. ~~The overall height of a ground-mounted balloon sign shall not exceed~~ be no more than 25 feet above grade with. ~~The overall height of a roof-mounted balloon sign shall not exceed~~ being no more than 25 feet above the roof top. The display period is limited to a total of 30 days per year.
3. Banner Signs. One banner sign attached to a building wall per building frontage per street frontage may be permitted. Such banner sign(s) is limited to 32 square feet in area. Banner signs larger than eight square feet in area shall require a temporary sign permit and be removed within six months of placement.
4. Special Event Banner Signs. Permitted in all land use zones ~~when in conformance~~ consistent with the following criteria:

a. ~~Notarized~~, written consent from the any property owner(s) where the banner will be located attached. The consent shall identifying any restrictions that the property owner may requires of the permit holder.

b. Plans showing the location of the banner; ~~banner~~ height above the right-of-way, support devices for the banner; and, proposed dates.

c. ~~The display period shall~~ not exceeding 25 consecutive days in duration and for no more than once in any 12-month period.

d. A copy of any liability and/or property damage insurance required by the property owner where the banner will be located.

5. Limited Duration ~~Event~~ A-Board Signs. Permitted only in residential and village mixed use zones when in conformance with the following criteria:

~~a. Two signs permitted per major intersection within one-half mile of location of the event.~~

~~b. One sign permitted on sidewalk within one block of the event.~~

~~a e. Placement of a sign is limited to 7:00 a.m. through 9:00 p.m. and must be removed promptly after the event has ended.~~

~~b d. Signs are subject to size and clearance standards for sidewalk A-board signs in FMC 19.170.160.~~

c. Limited duration a-board signs may be placed no closer than 40-feet to another limited duration a-board sign.

#### **19.170.100 Prohibited signs.**

It shall be unlawful for any person to install, display or maintain any sign ~~or advertising structure~~ falling within any of the following descriptions:

A. Hazardous Signs. The following signs ~~or advertising structures~~ are identified as hazardous either as a result of, either directly through their structural design or indirectly through distracting or confusing features or functions ~~that are~~ visible from a right-of-way, private roadway, or other property:

1. Moving signs, including rotating signs and wind signs, or any sign which has any visible moving part or visible mechanical movement of any description, including movement created by normal wind currents. Clocks and barber poles are exceptions.

2. Flashing signs, or any signs which achieve apparent movement through electrical pulsations, including strobe lights and bead lighting.

3. Signs ~~that substantially~~ obstructing free and clear vision of the traveling public at the intersection of any street or driveway.
4. Signs that interfere with the traveling public's perception of official traffic controls, ~~including signs that use the words "stop," "look," "danger," or any other word, phrase, character, symbol or graphic that is~~ which otherwise designed or are used in a manner reasonably likely to distract or confuse vehicle operators.
5. Exception Electronic Message Center Signs, any Sign(s) that incorporating reflective-type bulbs, or par spot bulbs, or directly visible bulbs of greater than 25 watts capacity. Electronic message center signs are exceptions.
6. Signs ~~that~~ incorporating white or blue neon tubing that exceeds 300 milliamperes rating, or other neon tubing that exceeds 120 milliamperes rating.
7. Signs ~~that~~ incorporating fluorescent tubing that exceeds an illumination equivalent of 800 milliamperes rating, or a spacing of less than nine inches, center to center.
8. ~~Temporary readerboards, portable readerboards, A board or sandwich signs, or any other portable signs capable of blocking public right-of-way that are not expressly permitted in this title.~~
9. Signs ~~that~~ obstructing in any way a fire escape, stairway or standpipe, or interfere with human exit through a window or any room located above the first floor of any building, or any door required exit from a building, or required light or ventilation source.
10. Signs in the public right-of-way, other than government owned or managed signs, unless otherwise specifically allowed herein.

B. Other Prohibited Signs. The following signs ~~or advertising structures~~ are identified as having unnecessary and adverse visual impact on the community:

1. Roof signs, fin signs, or any sign structure ~~that is attached to a building that does not conforming~~ to the sign standards contained in ~~the remainder~~ of this section.
2. Temporary signs, bench signs, banners, pennants, wind signs, balloon signs, flags ~~or any other temporary sign structure that does not conforming~~ to the sign standards contained in ~~the remainder~~ of this section.
3. Nonconforming signs that have been modified in a manner which is not consistent with this section.
4. Billboard signs except as provided by FMC 19.170.050 and 19.170.070.

**19.170.110 Permitted signs within residential zones.**

All signs shall comply with permitting requirements in FMC 19.170.030 and design standards in FMC 19.170.040.

A. Permitted Signs within Single-Family Residential Zones (R, R-7.5, R-10, R/SFLD, VTH and VSF).

Type	Area	Height	Number	Illumination
Freestanding (sign(s) may only be placed at entrance(s) to subdivision)	32 square feet	4 feet	1 if subdivision < 40 units.	External only. 7:00 a.m. – 12:00 midnight.
			2 if subdivision > 40 units.	
<b>Temporary Signs</b>		See FMC 19.170.110(C)		

B. Permitted Signs within Multifamily Zones (R/MF, R/MH, R/MF/TOZ, and VA).

Type	Area	Height	Number	Illumination
<b>Multi-Dwelling Signs</b>				
Freestanding	32 square feet total permitted area per site frontage.	8 feet	No limit if within the maximum total allowed area.	External or internal if illumination confined to the lettering and logo.
<b>Wall</b> (fascia, awning and painted wall signs are permitted)	Sign area may not exceed 10% of the wall area on which the sign is placed.	May not extend above the roofline.	No limit if within the maximum total allowed area.	None.
<b>Commercial Use Permitted in the R/MF Zone</b>				
<b>Wall</b> (fascia, awning and painted wall signs permitted).  ** A readerboard may be incorporated into the sign and may be 40 inches in height and no more than 60% of the sign face.	10% of wall area.	25 feet	1 per site frontage.	Internal if illumination is confined to the lettering and logo.  Duration of illumination limited to 7:00 a.m. – 12:00 midnight unless commercial use is operated on a 24-hour basis.

<b>Window/Door Sign</b>	Window signs may not exceed 25% of the total window area.	None	No limit on number if within the total permitted area limit.	N/A
<b>Projecting</b>	18 square feet per sign face.	Shall not extend above the roof line.  Max of 25 feet above grade.  Minimum clearance of 7 feet between the bottom of the sign and the ground.  May extend into the right-of-way 2 feet. No portion of the sign shall be closer than 30 feet from the centerline of adjacent right-of-way.	1 per site frontage.	Internal or indirect external illumination.
<b>Suspended</b>	6 square feet	Clearance – 7 feet	1 sign per business	None
<b>Temporary Signs</b>	See FMC 19.170.110(C)			

C. Temporary Signs Permitted in All Residential Zones. Pursuant to FMC 19.170.030(B) and 19.170.090, the following temporary signs shall be permitted:

<b>Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Duration</b>
<b>Lawn Sign</b> (single-family residential)	12 square feet total permitted area. No sign face may be greater than 3 square feet.	60 inches	No number limit if within the maximum area limit.	Signs must be removed within 6 months of placement.*. **
<b>Lawn Sign</b> (multi-family residential, commercial use in R/MF zone)	64 square feet total permitted area. No sign face may be greater than 32 square feet.	8 feet	No number restriction if within the total allowed area limit.	Signs must be removed within 6 months of placement.
<b>Banner Sign</b> (multi-	64 square feet. No	N/A	No number limit if within	Signs must be removed

family zones and commercial use in R/MF only)	sign face may be greater than 32 square feet.		the maximum area limit.	within 6 months of placement.
<b>Limited Duration Event A-Board Sign</b>	24 inches wide.	42 inches standing height	2 per major intersection within one-half mile of event. 1 on sidewalk within one block of event.	7:00 a.m. – 9:00 p.m. on the day of the event. Signs must be removed promptly after the event.
* Temporary signs posted on a property for sale/lease shall be removed within 15 days of the sale/lease of the property.				
** Temporary signs posted on a property where a garage sale is occurring shall be permitted in accordance with FMC 5.60.030.				

**19.170.120 Permitted signs within eCommunity sService pParks (CSP) zone.**

All signs shall comply with permitting requirements in FMC 19.170.030 and design standards in FMC 19.170.040.

Type	Area	Height	Number	Illumination
<b>Freestanding</b>	0.4 square feet of sign face area per linear foot of site frontage.  1 sign: Maximum sign face area of 100 square feet.  More than one sign: Maximum sign face area of 80 square feet.  Sites with less than 100 feet frontage: 40 square feet.	25 feet above grade	No limit on number if within the total maximum area.  Minimum 200-foot separation between signs.	Internal or indirect external illumination.
<b>Freestanding directional sign</b>	8 square feet	4 feet above grade	1 per driveway.	Internal or indirect external illumination.
<b>Wall Sign</b> (fascia and painted wall signs permitted)	Sign area may not exceed 10% of the wall area on which the sign is placed.	May not extend above the roof line.	No number restriction if within the maximum area limit.	External or internal if illumination is confined to the lettering and logo.

<b>Window/Door Sign</b>	Window signs may not exceed 25% of the total window area.	None	No limit on number if within the total permitted area limit.	N/A
<b>Projecting</b>	18 square feet per sign face.	Shall not extend above the roof line. Max. of 25 feet above grade. Minimum clearance of 7 feet between the bottom of the sign and the ground. May extend into the right-of-way 2 feet. No portion of the sign shall be closer than 30 feet from the centerline of adjacent right-of-way.	1 per site frontage.	Internal or indirect external illumination.
<b>Suspended</b>	6 square feet	Clearance – 7 feet	1 sign per business.	None

A. Temporary Signs. Pursuant to FMC 19.170.030(B) and 19.170.090, the following temporary signs shall be permitted:

Type	Area	Height	Number	Duration*
<b>Lawn Sign</b>	64 square feet total permitted area. No sign face may be greater than 32 square feet.	8 feet	No number restriction if within the total allowed area limit.	Signs must be removed within 6 months of placement.
<b>Banner Sign</b>	64 square feet total permitted area. No sign face may exceed 32 square feet.	N/A	No number restriction if within the total allowed area limit.	Signs must be removed within 6 months of placement.
<b>Limited Duration Event A-Board Sign</b>	24 inches wide	42 inches standing height	2 per major intersection within one-half mile of event. 1 on sidewalk within one block of event.	7:00 a.m. – 9:00 p.m. on the day of the event. Signs must be removed promptly after the event.

\* Temporary signs posted on a property for sale/lease shall be removed within 15 days of the sale/lease of the property.

1. Sign Features.

a. Illumination. Signs may be indirectly or internally illuminated.

b. Readerboard. A permanent readerboard may be incorporated either in a freestanding sign or wall sign, but not both. The readerboard shall be an integral part of the sign design and shall not exceed 40 inches in height. Not permitted in the single-family residential zone.

c. Electronic Message Center. An electronic message center may be incorporated into either a freestanding sign or wall sign, but not both. The electronic message center shall be an integral part of the sign design and shall not exceed eight square feet.

The display of messages shall conform to the following standards:

i. Messages may scroll across the electronic message center.

ii. Flashing messages are prohibited.

**19.170.130 Permitted signs within commercial and light industrial zones (CC, TCC, NC, LI, VO, and VC).**

All signs shall comply with permitting requirements in FMC 19.170.030 and design standards in FMC 19.170.040.

**A. Permitted Signs within Commercial and Light Industrial Zones.**

Type	Area	Height/Clearance	Number	Illumination
<b>Freestanding</b> (CC, NC, TCC and LI only)	0.4 square feet of sign face area per linear foot of site frontage up to a maximum sign face area of 100 square feet.  Sites are entitled to a minimum of 40 square feet regardless of site frontage.	25 feet above grade or the height of the building, whichever is greater, up to a maximum of 45 feet.	No limit on number if within the total maximum area.	Internal or indirect external illumination.
<b>Freestanding directional sign</b>	8 square feet	4 feet above grade	1 per driveway.	Internal or indirect external illumination.
<b>Wall</b> (fascia, mansard wall, awning,	Maximum permitted area shall be 10% of	Shall not extend above the roof line.	No limit on number if	Internal or indirect

illuminated awning, marquee and painted wall signs)	the wall area on which the sign is placed.		within the total permitted area limit.	external illumination.
<b>Window/Door Sign</b>	Window signs may not exceed 25% of the total window area.	None	No limit on number if within the total permitted area limit.	Internal illumination only.
<b>Projecting</b>	18 square feet per sign face.	Shall not extend above the roof line. Max. of 25 feet above grade. Minimum clearance of 7 feet between the bottom of the sign and the ground. May extend into the right-of-way 2 feet. No portion of the sign shall be closer than 30 feet from the centerline of adjacent right-of-way.	1 per business frontage.	Internal or indirect external illumination.
<b>Suspended</b>	6 square feet	Clearance – 7 feet	1 per business frontage.	None

B. Temporary Signs. Pursuant to FMC 19.170.030(B) and 19.170.090, the following temporary signs shall be permitted:

Type	Area	Height	Number	Duration*
<b>Lawn Sign</b>	64 square feet total permitted area. No sign face may be greater than 32 square feet.	8 feet	No number restriction if within the total allowed area limit.**	Signs must be removed within 6 months of placement.
<b>Banner Sign</b>	32 square feet total permitted area.	N/A	No number restriction if within the total allowed area limit.	Signs must be removed within 6 months of placement.
<b>Balloon Sign</b>	N/A	25 feet	1	Display limited to 30 days in a year.

\* Temporary signs posted on a property for sale/lease shall be removed within 15 days of the sale/lease of the property.

\*\* Lawn signs on the same frontage shall be spaced at least 50 feet apart.

C. Sign Features.

1. Illumination. Signs may be indirectly or internally illuminated.
2. Readerboard. A permanent readerboard may be incorporated either in a freestanding sign or wall sign, but not both. The readerboard shall be an integral part of the sign design and shall not exceed 40 inches in height.
3. Electronic Message Center. An electronic message center may be incorporated into either a freestanding sign or wall sign, but not both. The electronic message center shall be an integral part of the sign design and shall not exceed eight square feet.

The display of messages shall conform to the following standards:

- a. Messages may scroll across the electronic message center.
- b. Flashing messages are prohibited.

**19.170.140 Permitted signs within village mixed use (VMU) zone.**

All permanent signs are subject to permitting requirements in FMC 19.170.030.

A. Ground story and upper story signs may only be placed on the front elevation except for mixed use townhouses that have ground story doors or windows along driveways, walkways, or parking areas. In such cases window signs up to 25 percent of the total window area are allowed.

**Ground Story**

Type	Area	Height/Clearance	Number	Illumination
<b>Fascia</b>	Total area of all signs may not exceed 10% of the area of the ground story.*	3-foot max. height.	No number restriction if within the maximum area allowed.	Internal only if confined to lettering and/or logo. Duration of illumination limited to 7:00 a.m. – 10:00 p.m. No illumination on signs located on side or rear elevations.
<b>Window</b>		None.		
<b>Door</b>		None.		
<b>Awning</b> (materials limited to metal, glass, and/or fabric)	Window and door signs may not exceed 25% of the total window/door area. Maximum 4 square feet for signs located on side or rear elevations.	Maximum 4-foot projection from the wall to which the awning is attached. Minimum clearance of 7 feet above finished grade.	1 per business frontage.	

<b>Projecting</b>	7.5 square feet.  Front elevation only.	Maximum 4-foot vertical dimension.  Maximum 4-foot projection from the wall to which it is attached.  Minimum clearance of 7 feet above finished grade.	1 per business frontage.	None permitted.
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\* Excludes projecting and A-board signs.

**Upper Story**

Type	Area	Height/Clearance	Number	Illumination
<b>Fascia</b>	The total area of all signs may not exceed 10% of the area of the upper story.  Maximum 4 square feet for signs located on side or rear elevations.	Sign(s) may not extend beyond the corners of the top of the building.	No number restriction if within the maximum area allowed.	None permitted.
<b>Window Sign</b>	Window signs may not exceed 25% of the total window area.  Maximum 4 square feet for signs located on side or rear elevations.	None	No limit on number if within the total permitted area limit.	N/A

B. Temporary Signs. Pursuant to FMC 19.170.030(B) and 19.170.090, the following temporary signs shall be permitted:

Type	Area	Height	Number	Duration*, **
<b>Lawn Sign</b>	12 square feet total permitted area. No sign face may be greater than 3 square feet.	60 inches	No number restriction if within the total allowed area limit.	Signs must be removed within 6 months of placement.
<b>Banner Sign</b>	16 square feet	N/A	1	Signs must be removed within 6 months of placement.
<b>Limited</b>	24 inches wide	42 inches	2 per major intersection	7:00 a.m. – 9:00 p.m. on the

<b>Duration Event A-Board Sign</b>		standing height	within one-half mile of event. 1 on sidewalk within one block of event.	day of the event. Signs must be removed promptly after the event.
* Temporary signs posted on a property for sale/lease shall be removed within 15 days of the sale/lease of the property.				
** Temporary signs posted on a property where a garage sale is occurring shall be permitted in accordance with FMC 5.60.030.				

C. Prohibited Signs.

1. Painted wall signs (without sign structure).
2. Roof signs.
3. Painted wall decorations.
4. Readerboards.
5. Flashing signs.
6. Bench signs.

**A. 19.170.150 Permitted signs within industrial zones (GI).**

All signs shall comply with permitting requirements in FMC 19.170.030 and design standards in FMC 19.170.040.

Type	Area	Height/Clearance	Number	Illumination
<b>Freestanding</b>	0.4 square feet of sign face area per linear foot of site frontage up to a maximum sign face area of 100 square feet.  Sites are entitled to a minimum of 40 square feet regardless of site frontage.	25 feet above grade or the height of the building, or whichever is greater, up to a maximum of 45 feet.	No limit on number if within the total maximum area.	Internal or indirect external illumination.
<b>Freestanding directional sign</b>	8 square feet	4 feet above grade	1 per driveway.	Internal or indirect external illumination.
<b>Wall</b> (fascia and painted wall	Maximum permitted area shall be 10% of the wall	Shall not extend above the roof line.	No limit on number if within	Internal or indirect external

signs)	area on which the sign is placed.		the total permitted area limit.	illumination.
<b>Window/Door Sign</b>	Window signs may not exceed 25% of the total window area.	None	No limit on number if within the total permitted area limit.	N/A
<b>Projecting</b>	18 square feet per sign face.	Shall not extend above the roof line. Max. of 25 feet above grade. Minimum clearance of 7 feet between the bottom of the sign and the ground. May extend into the right-of-way 2 feet. No portion of the sign shall be closer than 30 feet from the centerline of adjacent right-of-way.	1 per business frontage.	Internal or indirect external illumination.
<b>Suspended</b>	6 square feet	Clearance – 7 feet	1 sign per business.	None

A. Temporary Signs Permitted in Industrial Zones. Pursuant to FMC 19.170.030(B) and 19.170.090, the following temporary signs shall be permitted:

Type	Area	Height	Number	Duration*
<b>Lawn Sign</b>	64 square feet total permitted area. No sign face may be greater than 32 square feet.	8 feet	No limit on number if within the permitted area limit.**	Signs must be removed within 6 months of placement.
<b>Banner Sign</b>	32 square feet total permitted area.	N/A	No limit on number if within the total permitted area limit.	Signs must be removed within 6 months of placement.
<b>Balloon Sign</b>	N/A	25 feet	1	Display limited to 30 days in a year.

\* Temporary signs posted on a property for sale/lease shall be removed within 15 days of the sale/lease of the property.

\*\* Lawn signs on the same frontage shall be spaced at least 50 feet apart.

B. Sign Features.

1. Illumination. Signs may be indirectly or internally illuminated.
2. Readerboard. A permanent readerboard may be incorporated either in a freestanding sign or wall sign, but not both. The readerboard shall be an integral part of the sign design and shall not exceed 40 inches in height.
3. Electronic Message Center. An electronic message center may be incorporated into either a freestanding sign or wall sign, but not both. The electronic message center shall be an integral part of the sign design and shall not exceed eight square feet.

The display of messages shall conform to the following standards:

- a. Messages may scroll across the electronic message center.
- b. Flashing messages are prohibited.

**19.170.160 Sidewalk A-board signs.**

A. Intent. The intent of these regulations is to allow A-board signs in mixed use, commercial, and multifamily districts under certain conditions, ~~to assist businesses by providing commercial exposure and identification while protecting against sign clutter, reducing potential sign conflict between businesses,~~ maintaining an attractive commercial streetscape, providing adequate pedestrian access, ensuring that curbside parking is usable, and providing public safety.

B. Permit Required. A permit is required prior to placing an A-board sign on private property or within the public right-of-way. In the event a business closes or is sold, a new operation in the business space or the new business operator must apply for a new A-board sign permit.

C. A-Board Sign Permit Requirements. A-board sign applications will be processed within 10 business days of receipt. An A-board sign may not be placed until all of the following requirements have been met:

1. Submission of a complete application form, supporting materials, and application fee.
2. For signs to be located in the public right-of-way, a signed indemnification form as provided by the city and an approved right-of-way permit.
3. A permit authorizing placement of the sign has been issued by the community development director or designee.

D. Enforcement. Use of an A-board sign without an approved permit or in a manner that is inconsistent with these regulations is a violation of the Fairview Municipal Code. Repeat violations of these regulations may result in a six-month revocation of the permit. No permit shall be revoked without the community development director or designee first providing the permit holder a fair opportunity to correct the violation and providing a written warning that a repeat violation can result in revocation of the permit. This section does not limit enforcement through standard enforcement provisions of the Fairview Municipal Code.

E. Prohibitions.

1. A-board signs may not be used in residential districts excluding limited duration event signs in accordance with FMC 19.170.090(B)(5) and except when in association with legal nonconforming businesses.
2. A-board signs may not be used in association with home occupations.
3. Lights and attraction-getting devices such as balloons, streamers, and flags may not be attached to an A-board sign.
4. A-board signs shall not be placed in a location that interferes with parking or vehicle circulation.

F. A-Board Sign Standards.

1. One A-board sign per storefront is allowed whether located on private property or within the public right-of-way.
2. The size of the A-board sign shall not exceed 24 inches wide by 42 inches standing height when the sign boards are in the open-standing position.
3. A-board signs must be located or otherwise secured to prevent property damage or personal injury due to movement of the sign by wind or other physical force.
4. A-board sign placement must meet clear vision requirements of FMC 19.162.020(O) for clear vision areas.
5. The area of the A-board is exempt from the total allowed sign area for the site.

G. Placement in Public Right-of-Way.

1. One A-board sign may be placed within a public right-of-way adjacent to premises by the person in control of those premises. ~~A-board signs may only be displayed in front of premises at which a business is being conducted.~~ A-board signs may only be placed outdoors ~~during business hours of the business for which the sign was approved~~ between the hours of 6:00 am and 9:00 pm.
2. A minimum five feet of unobstructed sidewalk clearance must be maintained. A-frame signs may not be placed on a sidewalk that is too narrow to maintain the required five-foot minimum clearance. A-board signs may not be placed on the paved portion of a public street. A-board signs shall not be placed in a location that interferes with parking.

H. Placement on Private Property.

1. A-board signs may be placed on private property located in mixed use, commercial, and multifamily zoning districts. A-board signs may be used in residential districts in association with legal nonconforming businesses only.

2. A-board signs may only be displayed in front of premises at which a business is being conducted. A-board signs may be placed outdoors only during business hours of the business for which the sign was approved.

3. A minimum five feet of unobstructed sidewalk clearance must be maintained. A-frame signs may not be placed on a sidewalk that is too narrow to maintain the required five-foot minimum clearance.

**19.170.170 Abatement of prohibited, substandard and dangerous signs.**

Every prohibited sign as set forth under FMC 19.170.100 and those found to be unsafe are subject to immediate abatement by the city. Every sign identified by the city as being an abandoned and/or nonconforming sign is substandard and subject to abatement proceedings as set forth under Chapter 2.27 FMC.

**19.170.180 Maintenance.**

All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and be maintained so as to be in a safe, ~~neat, clean and attractive condition~~, free from rust, corrosion, ~~peeling paint~~ or other surface deterioration or be. ~~Any sign structure or support that is not maintained is substandard and subject to abatement procedures.~~

**Lindsey Nesbitt**

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**Subject:** PMAR Fairview Planning Committee Workshop - Sign Code

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**From:** Daryl Winand [<mailto:DWinand@pmar.org>]

**Sent:** Friday, May 17, 2013 12:15 PM

**To:** Lindsey Nesbitt

**Subject:** RE: PMAR Fairview Planning Committee Workshop - Sign Code

Lindsay Nesbitt  
City of Fairview

Hi Lindsay,

PMAR appreciates this continued opportunity to assist the City of Fairview by providing our comments regarding the proposed draft code amendments to Chapter 19.170 Sign Regulations. My comments for the city attorney and planning commission are as follows:

**19.170.110 Permitted signs within residential zones.**

Question: Does the use of the word "permitted" in this instance mean "allowed" as opposed to requiring an application (and possible fee) for a sign permit?

PMAR Recommends: For ease of understanding by the general public if, in fact, the meaning of this word is the latter, then the word "Allowed" should replace the word "Permitted" to avoid confusion in this section and throughout where appropriate.

**19.170.110(C) Temporary signs permitted (allowed) in All Residential Zones. Subsection: Lawn Sign**

Comment: A multi-family residential unit (duplex, triplex, 4 units or less) could very well take more than 6-months to sell, especially in a downturned market.

PMAR recommends: Owners of multi-family residential properties be allowed to post a Temporary/Lawn sign while their property is available for sale as are the owners of single family residential property, and subject to the same requirement that the sign removed within 15 days of the sale of the property.

Please confirm receipt of this communication and do not hesitate to contact if there are any questions.

Best regards,