

On December 22, 2006, the city recorder noted corrections to Ordinance 1965 adopted by the Milwaukie City Council on December 5, 2006 by an addendum to the original/record copy as signed by Council President Deborah Barnes on December 7, 2006.

The authority to do so is found in MMC 1.01.080 Section 1.01.080 -- Editing the code.

In preparing adopted ordinances for codification and distribution, the city recorder shall not alter the sense, meaning, effect or substance of any ordinance, but, with such limitations, may correct manifest clerical or typographical errors. (Ord. 1902 § 2, 2002)

These corrections are as follows:

Exhibit H to Ordinance 1965:

**Chapter 19.400 Supplementary Regulations**

19.408 Dual use of required open space:

No lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in subsection 19.503.1C.

By: Pat DuVal

Date: 12-22-06

**ORDINANCE NO. 1965**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLES 14 - SIGNS, 12 - STREETS, 17 - LAND DIVISION, AND 19 - ZONING TO REMOVE CONTENT-BASED REGULATIONS AND MAKE THESE ORDINANCES MORE EFFECTIVE (FILE #ZA-06-02) AND DECLARING AN EMERGENCY.**

**WHEREAS**, the proposed amendments to Titles 14 and 12 remove content-based regulations and strengthen the purpose of the Titles to regulate signs based on time, place and manner; and

**WHEREAS**, the proposed amendments to Title 17 and 19 make corrections and clarifications that will more effectively communicate existing policy; and

**WHEREAS**, legal and public notices have been provided as required by law; and

**WHEREAS**, on September 26, 2006, the Milwaukie Planning Commission conducted a public hearing as required by Zoning Ordinance Section 1011.5 and adopted a motion in support of the amendment; and

**WHEREAS**, the Milwaukie City Council finds that the proposed amendment is in the public interest of the City of Milwaukie;

**NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:**

Section 1. Findings. Findings of fact in support of the proposed amendment(s) are attached as Exhibit A.

Section 2. Title 14 Sign Ordinance Text Amendment. The Sign Ordinance text of Ordinance Number 1441 is amended as described in Exhibit B (strikeout version).

Section 3. Title 14 Sign Ordinance Text Amendment. Exhibit C (clean version).

Section 4. Title 12 Streets, Sidewalks and Public Places Ordinance Text Amendment. The Title 12 Streets, Sidewalks and Public Places Ordinance text of Ordinance Number 1175 is amended as described in Exhibit D (strikeout version).

Section 5. Title 12 Streets, Sidewalks and Public Places Ordinance Text Amendment. Exhibit E (clean version).

Section 6. Title 17 Land Division Ordinance Text Amendment. The Land Division Ordinance text of Ordinance Number 1440 is amended as described in Exhibit F (strikeout version).

Section 7. Title 17 Land Division Ordinance Text Amendment. Exhibit G (clean version).

Section 8. Title 19 Zoning Ordinance Text Amendment. The Zoning Ordinance text of Ordinance Number 1712 is amended as described in Exhibit H (strikeout version).

Section 9. Title 19 Zoning Ordinance Text Amendment. Exhibit I (clean version).

Section 10. Emergency Declared. This ordinance is necessary for the immediate preservation of the peace, health and safety of the City and shall take effect immediately upon passage. Signs are visible from City streets and proper regulation is needed to assure public safety.

Read the first time on December 5, 2006, and moved to second reading by 4 - 0 vote of the City Council.


Read the second time and adopted by the City Council on December 5, 2006.

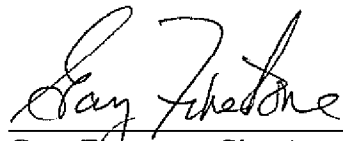
Signed by the Council President on December 7, 2006.

  
Deborah Barnes, Council President

ATTEST:

APPROVED AS TO FORM:  
Ramis, Crew, & Corrigan, LLP

  
Pat DuVal, City Recorder

  
Gary Freestone, City Attorney

**Attachment 1, Exhibit A  
Findings in Support of Approval**

1. The City of Milwaukie fulfilled the requirements for an application for a zoning text amendment, as outlined in MMC sections and 19.901, 19.902 (see Attachment 1, Code Compliance Report).
2. Public notice has been provided and a public hearing has been conducted in accordance with MMC section 1011.5 (see Attachment 1, Code Compliance Report).
3. The proposed amendments fulfill the approval criteria found in MMC 19.904.1 and 19.905.1. They are consistent with the Comprehensive Plan, the Metro Urban Growth Management Functional Plan, and Oregon Statewide Planning Goals (see Attachment 1, Code Compliance Report).
4. The proposed amendments to Titles 12 and 14 remove content-based regulations and strengthen the purpose of the Title 14 to regulate signs based on time, place and manner.
5. The proposed amendments to Title 14 strengthen the purpose of the Sign Code to promote the "neat, clean, orderly and attractive appearance" of the City.
6. The proposed amendments to Titles 17 and 19 correct inconsistencies in the Sign Code to make these sections of the MMC more effective.

## Amendments to Milwaukie Municipal Code

### Title 14—Sign Ordinance

Underlined text is to be inserted

Strikeout ~~text~~ is to be deleted

#### SECTION 14.04 GENERAL PROVISIONS:

##### Section 14.04.020 Purpose:

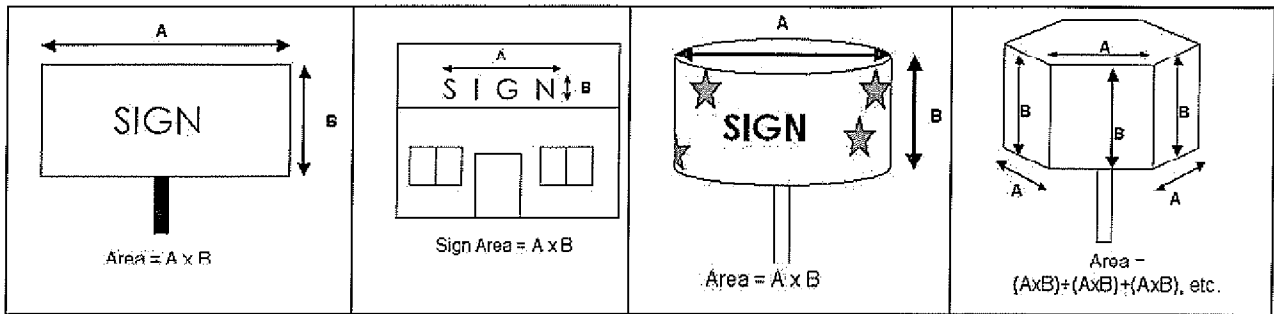
The Council of the city of Milwaukie, Oregon, finds and declares that it is necessary to regulate the design, quality of materials, construction, installation, maintenance, electrification, illumination, type, size, number and location of all signs visible from a right-of-way or lot under other ownership in order to:

- A. Protect the health, safety, property and welfare of the public;
- B. ~~Maintain~~ Promote the neat, clean, orderly and attractive appearance of the community city;
- C. Provide for the safe ~~erection~~ installation and maintenance of signs;
- D. ~~Eliminate signs that demand, rather than invite, public attention;~~ Repealed.
- E. Preserve and enhance the unique scenic beauty of Milwaukie;
- F. Accommodate the need of sign installers while avoiding nuisances to nearby properties;
- G. Ensure safe construction, location, installation and maintenance of signs;
- H. Prevent proliferation of sign clutter;
- I. Minimize distractions for motorists on public highways and streets; and
- J. Regulate solely on the basis of time, place and manner of a sign, not on its content.

##### 14.04.030 Definitions:

The following words and phrases where used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section:

“Area” or “area of a sign” means the area to and within an established sign edge, frame or perimeter which encloses the limits of any writing, representation, emblem, figure or character. The area of a sign having no such perimeter, or the area of a sign having an irregular shape, shall be computed by enclosing the surface area within a circle, square, rectangle and/or triangle. The area of all signs in existence at the time of the enactment of the ordinance codified in this chapter, whether conforming or nonconforming, shall be counted in establishing the permitted sign area of all new signs to be allowed for an individual business on a premises. Where a sign is of a three dimensional or round or irregular solid shape, the largest cross section shall be used, as though it were a flat surface, to determine sign area.

**Figure 14.04.030-1 Calculating Sign Area**

"Awning" means either a permanent or retractable structural extension off a building or structure which has a minimum ground clearance of eight feet ~~an extension of at least three feet~~ and is intended for the purpose of pedestrian cover.

~~"Canopy" means a covered structural extension off a building or structure which has a minimum ground clearance of eight feet, an extension of less than three feet, and is generally not intended for the purpose of pedestrian cover.~~

"City" means the city of Milwaukie, Oregon.

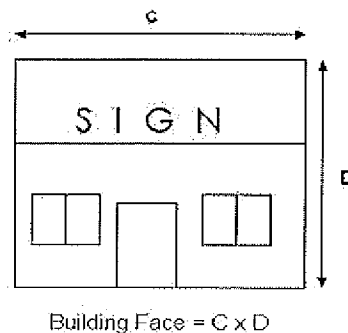
"Clearance" is measured from the highest point of the grade below the sign to the lowermost point of the sign.

"Display surface" means the area made available by the sign structure for the purpose of displaying the message.

"Downtown zones" means the DS, downtown storefront; DC, downtown commercial; DO, downtown office; DR, downtown residential; and DOS, downtown open space zones as defined in the zoning ordinance.

~~"Erect" means to build, construct, attach, place, suspend or affix and shall also include the painting of wall signs.~~

"Face of a building" means all window and wall area of a building in one plane.

**Figure 14.04.030-2 Building Face**

~~"Flag" means any fabric displayed on a flagpole that is the symbol of a national government or political subdivision, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision or other entity.~~

"Frontage" means the length of the property line of any one premises along each public street it borders. Each portion of the premises abutting a separate street shall be considered as a separate frontage.

"Height" is measured from the highest point of the grade below the sign to the topmost point of the sign.

"Home occupation" means an occupation carried on at a dwelling as an accessory use to the dwelling, with the activity conducted in such a manner as to give no appearance of a business, and with no infringement upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

"Install" means to build, construct, attach, place, suspend or affix and shall also include the painting of wall signs.

"Maintain" means to permit a sign, sign structure or part thereof to continue, or to repair or refurbish a sign, sign structure or part thereof.

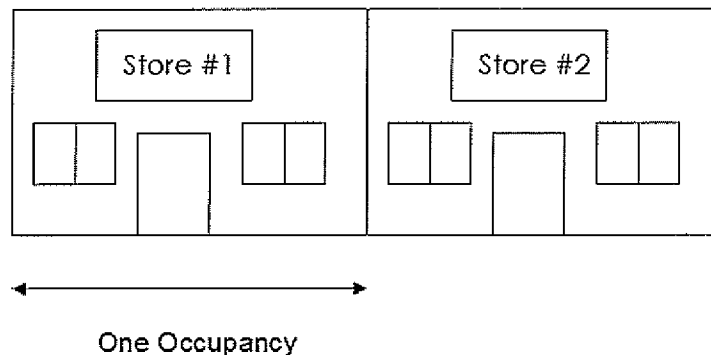
"Manufacturing zones" are the M, manufacturing, and BI, business industrial, zones as defined in the zoning ordinance.

"Marquee" means a permanent roof-like structure attached to and supported by a building and projected therefrom.

"Neighborhood commercial zone" means the C-N, neighborhood commercial, zone as defined in the zoning ordinance.

"Occupancy" means a property or portion of property that is possessed or used separately from other properties or other portions of the same property. Examples of occupancies include a store in a mall or an office in an office building.

**Figure 14.04.030-3 Occupancy**



"Other commercial zones" means the C-L, limited commercial; DS, downtown storefront; DC, downtown commercial; DO, downtown office; C-CS, community shopping commercial; and C-G, general commercial, zones as defined in the zoning ordinance.

"Parapet or parapet wall" means that part of any exterior wall which extends above the roofline.

~~"Permittee" means a person who has applied for a city sign permit to allow placement or erection of a sign covered by this ordinance, or a person who has not as yet applied for a sign permit, but will be required to do so due to an intent to place or erect a covered sign, or by the premature placement or erection of a covered sign.~~

"Person" means any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other

group or combination acting as a syndicate, branch of government, or any other group or combination acting as a unit.

"Premises" means a lot, parcel or tract of land occupied, or to be occupied, by a building or unit or group of buildings and its accessory buildings under control of a person. If more than one business ~~or activity~~ is located on the lot, parcel or tract of land, each separate business shall be considered as a separate premises.

"Projection" means the distance by which a sign extends from its supporting structure.

"Residential zones" means the R-10, R-7, R-5, R-3, R-2.5, R-2 and R-1 residential zones as defined in the zoning ordinance.

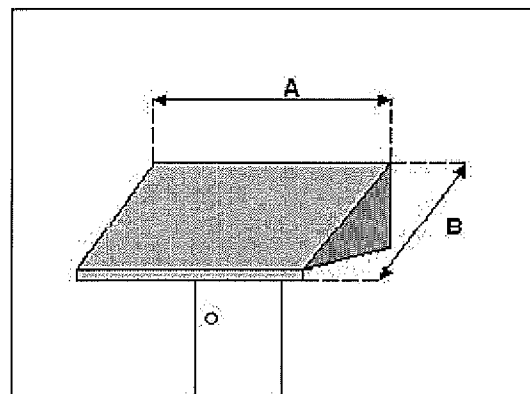
"Residential-office-commercial zone" means the R-O-C, R-1-B and DR zones as defined in the zoning ordinance.

"Sign" means the physical components of materials placed or constructed primarily to convey a message or other display and which can be viewed from a right-of-way or lot under other ownership. ~~a presentation or representation by words, letters, figures, designs, pictures or colors displayed out of doors in view of the general public so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation or a request for aid or other message. This definition includes, but is not limited to, billboards, ground signs, marquees, awnings, canopies and street clocks, and includes the surface upon which the message is displayed.~~

~~Sign, Abandoned. "Abandoned sign" means any sign located on a premises when the business or activity to which it relates is no longer conducted or in existence on the premises.~~

Sign, Awning. "Awning sign" means a sign which is painted onto, attached or affixed to, the surface of an awning, or is suspended underneath an awning. The display surface of an awning is measured as the distance from where the awning meets the vertical wall to the outermost projection of the awning times length.

**Figure 14.04.030-4 Calculating Awning Area**



$$\text{Awning Area} = A \times B$$

Sign, Banner. "Banner sign" means a sign of lightweight fabric or similar material that can be mounted both on a permanent or temporary basis. A banner sign may be used as a wall sign provided appropriate wall sign standards are met. ~~National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.~~



~~Sign, Bench Advertising.~~ "Bench advertising sign" means a sidewalk bench which displays a message and is subject to the provisions of Chapter 12.20 of the Milwaukee Municipal Code.

~~Sign, Billboard or Outdoor Advertising.~~ "Billboard or outdoor advertising sign" means a freestanding sign not pertaining to, or unrelated to, the activity of the premises on which it is located and with display surface or surfaces primarily designed for purposes of painting or posting a message thereon at periodic intervals.

Sign, Cabinet. "Cabinet sign" means a sign in which the display face is mounted on or attached to the front of a self contained "box-like" structure, which usually houses a light source, and is affixed to a building or other structure.

~~Sign, Canopy.~~ "Canopy sign" means a sign painted onto, or attached to, the face of a canopy. For purposes of calculating sign area, the entire exposed face of the canopy shall be designated the sign area. Canopy signs shall be considered to be wall signs for the purposes of determining size allowances.

Sign, Changing (Automatic). "Changing sign (automatic)" means a sign in which the display on the sign face is changed by motors, clockwork, or other mechanical means; or by electric or electronic means, including changes in color or intensity of lights, such as an electronically or electrically controlled public service, time, temperature and date sign, message center, or reader board, where different copy changes are shown on the same lamp bank.

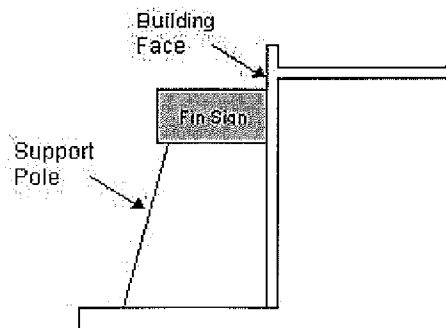
Sign, Daily Display. "Daily display sign" means a nonpermanent on-premises sign normally associated with business activity which is placed out-of-doors during business hours for display and returned indoors during off-hours. Daily display signs may be constructed in a sandwich board (A-frame) style, mounted on a single pedestal, or other similar construction, and are intended to be unlit and easily moved.

Sign, Externally Illuminated. "Externally illuminated sign" means a sign illuminated by an exterior light source or luminous tubing which is primarily designed to illuminate only the sign.

Sign, Fence. "Fence sign" means a sign attached to the side of a fence on a permanent basis.

Sign, Fin. "Fin sign" means a sign which is supported by a pole or poles and partly by a building.

**Figure 14.04.030-5 Fin Sign**

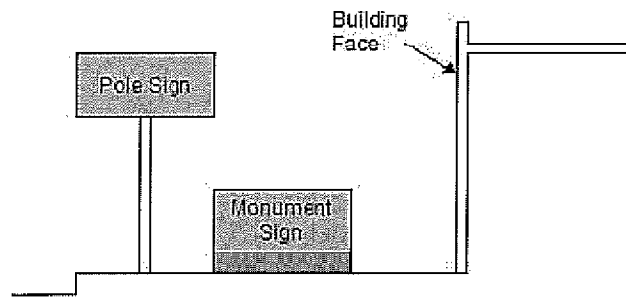


Sign, Flashing. "Flashing sign" means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. ~~Automatic changing signs such as public~~

~~service, time, temperature and date signs or electronically controlled message centers are classed as changing signs, not flashing signs.~~

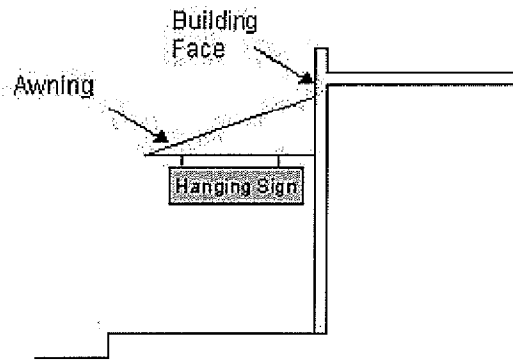
Sign, Freestanding. "Freestanding sign" means a sign wholly supported by a sign structure in the ground. Freestanding signs include pole signs and monument signs.

**Figure 14.04.030-6 Freestanding Signs**



Sign, Hanging. "Hanging sign" is a sign that is suspended below a canopy, an awning, or other portions of a building and typically oriented perpendicular to pedestrian or vehicular travel.

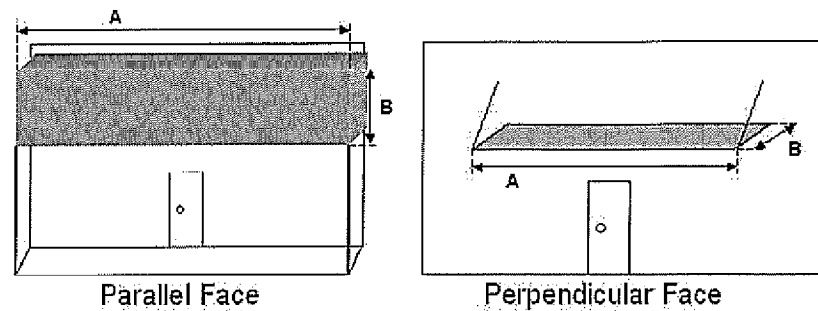
**Figure 14.04.030-7 Hanging Signs**



Sign, Internally Illuminated. "Internally illuminated sign" means a sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.

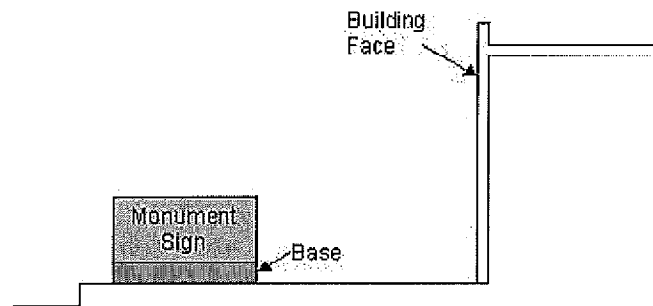
Sign, Kiosk. "Kiosk sign" means any sign with multiple display surfaces for view by pedestrians, that illustrates information about a specific area, such as the layout of a development, and lists tenants, and/or businesses, or landmarks in a specific area.

Sign, Marquee. "Marquee sign" means a sign which is installed or maintained under, over, or on, and supported or partially supported by, a marquee. The area of a marquee sign is calculated as the greater of the two marquee areas; either parallel or perpendicular to the building face.

**Figure 14.04.030-8 Calculating Marquee Area**

$$\text{Marquee Area} = A \times B$$

Sign, Monument. "Monument sign" means any sign affixed to a base which has a width that is equal to or greater than the width of the sign.

**Figure 14.04.030-9 Monument Sign**

Sign, Noncomplying. "Noncomplying sign" means any sign that did not comply with applicable sign code standards when built or modified, ~~which is constructed after the effective date of the ordinance codified in this chapter in violation of any of the provisions of this chapter.~~

Sign, Nonconforming. "Nonconforming sign" means a sign that complied with applicable standards when created or modified but which does not comply with existing standards. Signs that did not require planning commission or design and landmarks committee approval when created shall not be considered nonconforming if approval from these bodies is currently required. ~~in existence or under construction on the effective date of the ordinance codified in this chapter which does not conform to the provisions of this chapter, but which was or is being constructed, erected or maintained in compliance with all previous regulations.~~

Sign, Notice. "Notice sign" means a sign posted by either a public agency or private individuals intended to convey information of a legal nature pertaining to specific properties. Examples of notice signs include building permits, no trespassing notices, public hearing notices and similar signs.

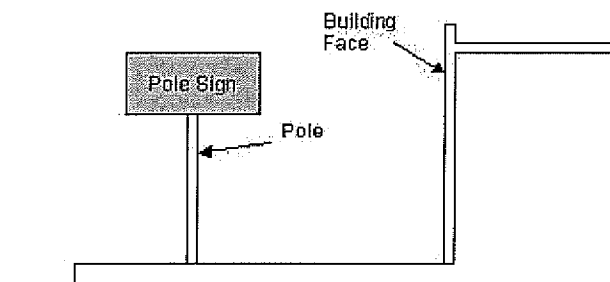
Sign, Off-Premises. "Off-premises sign" means a sign not pertaining to or unrelated to the activity of the premises on which it is located.

Sign, On-Premises. "On-premises sign" means a sign pertaining to or related to the activity of the premises on which it is located.

Sign, Pennant. "Pennant sign" means a shaped, lightweight sign made of plastic, fabric or other material (whether or not containing a message of any kind) suspended from a rope, wire or string, usually in a series and designed to move in the wind.

Sign, Pole. "Pole sign" means a freestanding sign in which the display face of the sign is supported on a base which may be tubular, columnar or rectangular in shape and in which any portion of the base or support structure has a width that is less than the width of the display surface of the sign.

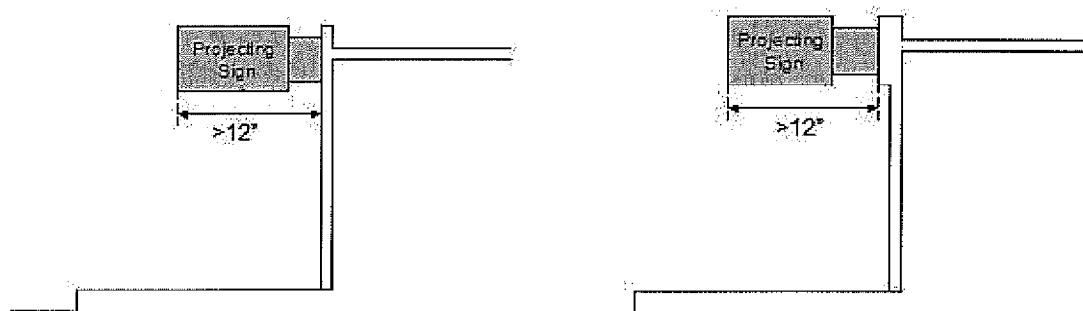
**Figure 14.04.030-10 Pole Sign**



~~Sign, Portable. "Portable sign" means a sign which is not permanently attached to the ground or other permanent structure and is intended to be transported to a site for purposes of display. A portable sign may or may not be mounted on wheels and may or may not include flashing or moving lights and removable lettering or display surface.~~

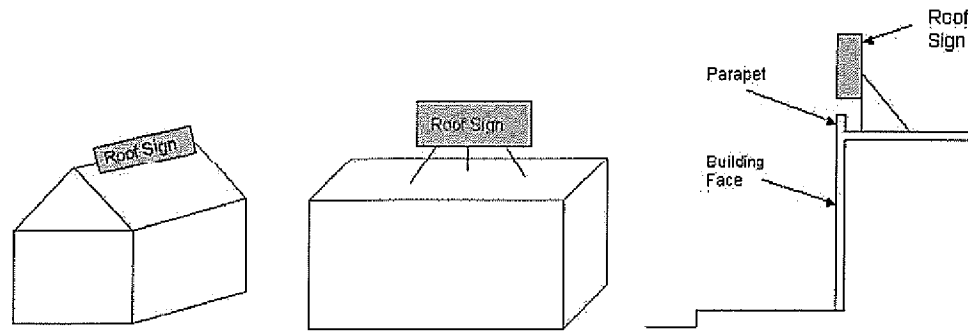
Sign, Projecting. "Projecting sign" means and includes any sign which is attached to a building and extends more than twelve inches beyond the line of the building or more than twelve inches beyond the surface of that portion of the building to which it is attached.

**Figure 14.04.030-11 Projecting Signs**



~~Sign, Public Service Information. "Public service information sign" means any sign intended primarily to promote items of general interest to the community, such as time, temperature, date, atmospheric conditions, news or traffic control, etc.~~

Sign, Roof. "Roof sign" means a sign ~~erect~~installed upon or above a roof or parapet of a building.

**Figure 14.04.030-12 Roof Signs**

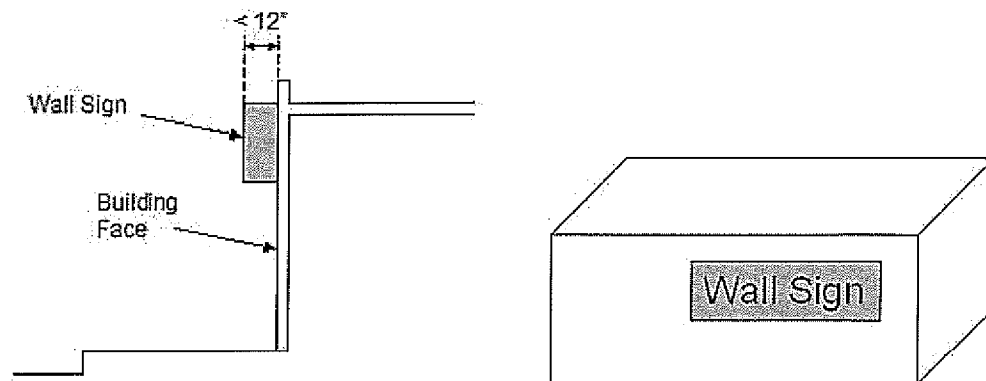
Sign, Temporary. "Temporary sign" means any sign, regardless of construction materials, which is not permanently mounted and is intended to be displayed on an irregular basis for a limited period of time.

~~Sign, Time and Temperature. "Time and temperature sign" means a sign providing only time and/or temperature information.~~

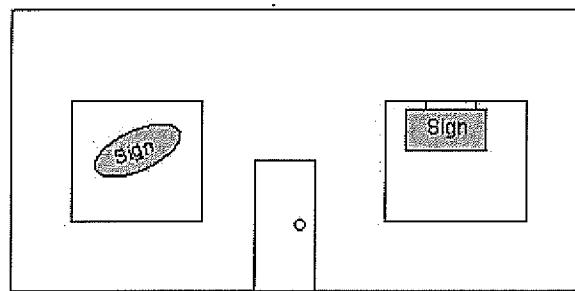
~~Sign, Under-Marquee. "Under-marquee sign" means a sign which is erected or maintained under, and supported or partially supported by, a marquee.~~

Sign, Unsafe. "Unsafe sign" means any sign determined to be a hazard to the public by the city manager or duly authorized representative.

Sign, Wall. "Wall sign" means any sign painted on, attached to, or ~~erected~~ installed against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall, the angle of said wall not to exceed thirty degrees from the vertical. Wall signs may not project more than twelve inches from the wall to which they are attached. Painted wall decorations which include a message are considered to be wall signs.

**Figure 14.04.030-13 Wall Signs**

Sign, Window. "Window sign" means a sign, pictures, symbols, neon tubing or combination thereof, designed to communicate information, that is placed within a window and directed towards the outside of the window. Window signs do not include painted or printed displays of a temporary nature associated with holidays.

**Figure 14.04.030-14 Window Sign**

"Structural alteration" means any change in a sign or sign structure or components. Structural alteration does not include a change in copy or message, other than advertising message or normal maintenance, or repairs that simply restore the sign to original condition.

"Written message" means the lettering, wording, numbers and/or other symbols on a sign intended to convey a message. Written message does not include notation on the sign identifying the sign installer or artist, provided such identification is less than one square foot in area.

Table 14.04.030 summarizes the types of signs. In the sign district sections that follow, regulations are discussed in terms of the categories listed in this table.

**Table 14.04.030 Types of Signs**

<b><u>Sign Category</u></b>	<b><u>Sign Type</u></b>
<u>Wall signs</u>	<ul style="list-style-type: none"> <li>• <u>Signs placed on parapets</u></li> <li>• <u>Banners</u></li> <li>• <u>Cabinet signs</u></li> <li>• <u>Murals</u></li> <li>• <u>Signs on the exterior of a window</u></li> </ul>
<u>Freestanding signs</u>	<ul style="list-style-type: none"> <li>• <u>Pole signs</u></li> <li>• <u>Monument signs</u></li> <li>• <u>Billboards</u></li> <li>• <u>Daily display sandwich board signs</u></li> </ul>
<u>Projecting signs</u>	<ul style="list-style-type: none"> <li>• <u>Below an awning, eve, or marquee</u></li> <li>• <u>Sign projecting from a structure</u></li> </ul>
<u>Window signs</u>	<ul style="list-style-type: none"> <li>• <u>Signs on the interior of a window</u></li> <li>• <u>Painted or printed temporary signs</u></li> </ul>
<u>Roof signs</u>	<ul style="list-style-type: none"> <li>• <u>Signs mounted on a roof</u></li> <li>• <u>Signs mounted on a parapet</u></li> </ul>
<u>Other signs</u>	<ul style="list-style-type: none"> <li>• <u>Bench</u></li> <li>• <u>Flags</u></li> <li>• <u>Marquee</u></li> <li>• <u>Awning</u></li> </ul>

**SECTION 14.08 ADMINISTRATION AND ENFORCEMENT:****14.08.090 Conditional and community service use signs:**

Signs for conditional and community service uses shall be limited to those allowed in the underlying zone. The standards of the underlying zone may be increased to the standards in Table 14.08.090-1, pursuant to a Type I review. The standards of the underlying zone may be increased to the standards in Table 14.08.090-2, pursuant to Minor Quasi-Judicial Review by the Planning Commission, as specified in MMC 19.1011.3.

In reviewing an application for a sign to meet the standards of Table 14.08.090-2, the Planning Commission will consider the proximity of the sign to residences, the functional classification of adjacent streets, and the scale of surrounding development.

**Table 14.08.090-1**  
**Standards for Conditional and Community Service Use Signs**  
**with Type I Review**

<b>Sign Type</b>	<b>Size</b>	<b>Number</b>	<b>Height</b>	<b>Location</b>
Monument or freestanding sign	Max. 16 SF per display surface	One	Max. 6 ft. <u>above ground</u>	<u>Not in the public right-of-way.</u>
Wall sign	Max. 16 SF	<u>One per building face</u>		
Daily display	Max. 12 SF per display surface	<u>One per frontage</u>		<u>Not in the public right-of-way, except as allowed in MMC 14.20.040.</u>

**Table 14.08.090-2**  
**Standards for Conditional and Community Service Use Signs**  
**with Minor Quasi-Judicial Review**

<b>Sign Type</b>	<b>Size</b>	<b>Number</b>	<b>Height</b>	<b>Location</b>
<u>Monument or freestanding sign</u>	<u>Max. 40 SF per display surface.</u> <u>Max. length 20 ft.</u>	<u>One</u>	<u>Max. 12 ft. above ground</u>	<u>Not in the public right-of-way.</u>
<u>Wall sign</u>	<u>10% of the building face, up to 40 SF.</u>	<u>One per building face</u>		
<u>Daily display</u>	<u>Max. 12 SF per display surface.</u>	<u>One per frontage</u>		<u>Not in the public right-of-way, except as allowed in MMC 14.20.040.</u>



~~Signs for uses requiring conditional use or community service use reviews shall be reviewed by the planning commission regarding size, height and location at the time of conditional use or community service use review. Signs for prior conditional or community service uses that did not include a sign review at the time of planning commission approval shall be limited to one monument or freestanding sign with a per display surface area limit of sixteen square feet and a maximum overall height limit of six feet above grade, and one wall sign not exceeding a display surface area limit of sixteen square feet, and one daily display sign per business not exceeding twelve square feet per display surface.~~

## SECTION 14.12 SIGNS PROHIBITED OR EXEMPTED:

### 14.12.010 Exempted signs:

The following signs shall not require a sign permit but shall conform to all other applicable provisions of this chapter and shall be allowed outright ~~permitted~~ in all zones, except as otherwise noted:

A. One sign per occupancy or premises not exceeding four square feet, nonilluminated, and not exceeding three feet in height if ground-mounted. ~~On-premises signs not exceeding four square feet in area, nonilluminated and not exceeding three feet in height if ground-mounted. Such signs may include, but are not limited to, property address or building numbers, names of occupants or premises, professional or home occupation nameplates, on-site directional and similar signs;~~

B. Temporary signs which are nonilluminated, have an overall face area not exceeding sixteen square feet, are not permanently installed, and are intended to be located on property for short durations of time. Such signs may include, but are not limited to, real estate lease and sales, political signs, building permits, public hearing notices, construction signs, garage sale, open house, special event, holiday, and similar signs. ~~Temporary~~ Such signs shall only be removed ~~posted for the duration of the activity within a reasonable period of time.~~ See also Section 14.12.020M;

C. Signs placed in the right-of-way by the City, jurisdiction responsible for the right-of-way, or transportation district operating within the right-of-way for purposes of public direction and safety. ~~Such signs may include, but are not limited to, traffic and municipal signs, directional signs for emergency services (such as hospitals, police and fire stations), legal notices, railroad crossing signs, danger signals and similar signs. Such signs may be placed within the public right-of-way subject to right-of-way permit requirements of Section 12.16.020 of the Milwaukie Municipal Code and Section 14.20.020;~~

D. Bench ~~advertising~~ signs which comply with all regulations in Chapter 12.20 of the Milwaukie Municipal Code;

E. Banners on community service use properties, as defined in Section 19.321.2, not exceeding a total display area of forty square feet per face per site and pennants not to exceed a length of fifty feet per site. Such banners and pennants may remain, used on premises in conjunction with temporary events and not in place for longer than a period of thirty days six months or less in any one calendar year.

F. ~~Painted wall decorations or embellishments, or decorated banners, which are not accompanied by a written message~~ Repealed.

G. ~~Flags;~~

H. Signs carved into a building or which are a part of materials which are an integral part of the building such as cornerstones, ~~building names~~ and similar signs;

I. Signs of public or legal notice; Repealed.

J. Window signs in the downtown zones which occupy a total display area of no more than twenty percent of the window area. In all other commercial and manufacturing zones, window signs which occupy a total display area of no more than fifty percent of the window area. ~~Window signs may not use materials subject to~~ No sign prohibited by Section 14.12.020(A) may be used as part of the window sign authorized by this exemption;

~~K. Painted or printed displays in windows of a temporary nature associated with holidays.~~  
Repealed.

L. Signs oriented toward, or intended to be legible for, users of a site, such as a recreational facility, and not oriented toward or intended to be legible from a right-of-way or other property.

#### 14.12.020 Prohibited signs:

It is unlawful for any person to ~~install~~<sup>erect</sup>, display or maintain, and no permit shall be issued for the ~~erection~~<sup>installation</sup>, display or maintenance of, any sign or advertising structure falling within any of the following descriptions:

A. ~~Moving signs or flashings signs, or any other sign with a visible moving part or visible mechanical movement, including signs which move in the wind or move or change electrically or electronically. These signs are prohibited in order to prevent unduly distracting or hazardous conditions to motorists, cyclists, or pedestrians. Automatic changing signs that change no more than once every 10 seconds, and revolving signs that revolve at six revolutions per minute or less, are exempt from this prohibition. Switching the power for illuminated signs on and off four or fewer times in one day does not constitute a flashing sign. Moving signs or flashing signs, or any sign or advertising structure which has any visible moving part or visible mechanical movement of any description or other apparent visible movement achieved by any means, including intermittent electrical pulsations or by action of normal wind currents; excepting clocks, barber poles, public service information signs, including changing signs (automatic) and revolving signs which revolve at six revolutions per minute or less;~~

B. ~~Signs erected~~<sup>installed</sup> within the right-of-way ~~except as permitted by Sections 14.12.010(C) and 14.20.040(A); of any street, along any driveway, or in any other location which do not meet the requirements of Section 14.12.010C; or by reason of the location, shape, color, animation or message are likely to be confused with any traffic control device; or create a distracting or hazardous condition for motorists;~~

C. ~~Such advertising devices as strings of lights, b~~<sup>Strings of banners, pennants, and balloons, and similar signs,</sup> except as permitted under Sections 14.12.010(E), ~~and F;~~

D. Temporary signs, except as permitted under Sections 14.12.010(B), ~~and~~<sup>14.12.010(E), and 14.12.010K;</sup>

E. Fin signs;

F. ~~No sign shall be erected or maintained which by use of lights, illumination, sequential illumination or other form of total or partial illumination creates an unduly distracting or hazardous condition to a motorist or pedestrian; Repealed.~~

G. ~~Off premises signs, except as defined elsewhere; Repealed.~~

H. No sign or portion thereof shall be ~~erected~~<sup>installed</sup> within future street right-of-way, unless and until an agreement is recorded stipulating that the sign will be removed or relocated upon street ~~development or widening~~ at no expense to the city;

I. No sign or portion thereof shall be placed so that it obstructs any fire escape, stairway or standpipe; interferes with human exit through any window or any room located above the first floor of any building; obstructs any door or required exit from any building; or obstructs any required light or ventilation;

J. ~~Portable signs, except as defined elsewhere; Repealed.~~

K. ~~Fence signs exceeding one square foot of sign face per fifty feet of fence length, excepting temporary signs intended for the sale or lease of the property containing the fence; Repealed.~~

L. Window signs which obscure more than fifty percent of the window area or are not subject to the provisions of Section 14.12.010K;

~~M. Signs affixed to power, utility or traffic control poles other than traffic control devices and one sign not to exceed 50 square inches placed by the owner of the pole city approved traffic control signs and pole identification placards; Repealed.~~

N. Searchlights.

O. Pole signs in the downtown zones.

P. Reflective backgrounds and materials are not allowed.

Q. Signs that imitate traffic control devices and are located in places where they are likely to be confused with a traffic control device, and any sign obscuring the view of a traffic control device.

**SECTION 14.16 SIGN DISTRICTS:****14.16.010 Residential zone:**

No sign shall be ~~erected~~ installed or maintained in an R zone, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.÷

**Table 14.16.010**  
**Standards for Signs in Residential Zones**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
<u>Signs at entrances to subdivisions or manufactured home parks</u>	Max. 2 SF per dwelling unit to max. 32 SF per sign. Max. 16 SF per display surface; total sign area for all display surfaces of no more than 64 SF.	Max. 6 ft. above grade.	1 per entrance	External illumination only
<u>Freestanding signs on apartment and condominium properties</u>	Limited to 2 SF per dwelling unit to a maximum area of 32 SF, 16 SF per display surface.	Max. 6 ft. above grade.	1 per street frontage <sup>2</sup>	External illumination only
<u>Wall signs on apartment and condominium properties</u>	Limited to 2 SF per dwelling unit to a max. of 32 SF.	No wall sign shall extend above the roofline at the wall, or the top of a parapet wall, whichever is higher.	1 per street frontage permitted <sup>2</sup>	External illumination only
<u>Awning signs on apartment and condominium properties</u>	<u>Max display surface is 25% of awning area, up to max. of 32 SF.</u>	<u>May not extend higher than the point where the roofline intersects the exterior wall.</u>	<u>1 per street frontage<sup>3</sup></u>	
<u>Hanging sign suspended beneath awning</u>	<u>Max. area limited to 1 SF per 1 lineal ft. of awning length.</u>	<u>Min. clearance 8 ft. from ground to the lowest portion of awning or sign.</u>	<u>1 per street frontage<sup>3</sup></u>	<u>External illumination only</u>

Notes:

<sup>1</sup> Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. See Section 14.24.020.

<sup>2</sup> Either one freestanding or one wall sign per street frontage is permitted.

<sup>3</sup> Either one sign on an awning or one sign hanging beneath an awning is allowed.

~~A. Permanent Subdivision or Mobile Home Park Signs.~~

~~1. Area. May have a maximum area of two square feet per dwelling unit to a maximum of thirty-two square feet for each sign and sixteen square feet per display surface, and total sign area for all display surfaces shall be no more than sixty-four square feet.~~

~~2. Height and/or Clearance. Freestanding sign limited to maximum height of six feet above grade.~~

~~3. Number. Limited to one sign per entrance.~~

~~B. Permanent Apartment or Condominium Signs. Either one freestanding or one wall sign per street frontage permitted.~~

~~1. Freestanding sign.~~

~~a. Area. Limited to two square feet per dwelling unit to a maximum area of thirty-two square feet, sixteen square feet per display surface.~~

~~b. Height and/or Clearance. Freestanding signs limited to a maximum height of six feet above grade.~~

~~c. Number. One freestanding sign per street frontage permitted.~~

~~2. Wall Sign.~~

~~a. Area. Limited to two square feet per dwelling unit to a maximum of thirty-two square feet.~~

~~b. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.~~

~~c. Number. One wall sign per street frontage permitted.~~

~~C. Illumination. Signs in R zones may have external illumination only. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.~~

**14.16.020 Residential-office-commercial zone:**

No sign shall be ~~erected~~ installed or maintained in an R-O-C or R-1-B zone, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.020****Standards for Signs in Residential-office-commercial Zones R-O-C or R-1-B**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Signs <u>at entrances to subdivisions</u>	Max. 2 SF per dwelling unit to max. 32 SF per sign; 16 SF per display surface. Total sign area for all display surfaces may not exceed 64 SF.	Max. 6 ft. above grade.	1 per entrance	External only
Freestanding signs on apartment and condominium properties	Max. 2 SF per dwelling unit to max. 32 SF per sign; 16 SF per display surface.	Max. 6 ft. above grade.	1 per street frontage	External only
Wall signs on apartment and condominium properties	Limited to 2 SF per dwelling unit to a max. 32 SF.	Cannot extend above roofline at wall or top of parapet wall, whichever is higher.	1 per street frontage	External only
<u>Awning signs on apartment and condominium properties</u>	<u>Max display surface is 25% of awning area, up to a max. of 32 SF.</u>		<u>1 per street frontage</u>	<u>External only</u>
Freestanding signs on commercial property	Max. 32 SF per display surface. Total sign area for all display surfaces may not exceed 64 SF.	Max. 12 ft.	1 permitted <sup>2</sup>	External only
Wall signs on commercial property	Max. 10% of building face <u>related to commercial use.</u>	Cannot extend above roofline at wall or top of parapet wall, whichever is higher.	1 permitted <sup>3</sup>	External only
Awning signs <u>related to a commercial use</u>	Max display surface is 25% of surface of awning <u>not to exceed 10% of the building face related to commercial use.</u>	May not extend higher than the point where the roofline intersects the exterior wall.	1 per frontage	External only
<u>Hanging sign suspended beneath awning</u>	Max. 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground level to lowest portion of awning or suspended sign.	1 per street frontage <sup>4</sup>	External only
Daily display sign <sup>5</sup>	Max. 8 SF per display surface. Total sign area may not exceed 16 SF.	Max. 6 ft. above ground level.	1 per property or occupancy	External only



Notes:

- <sup>1</sup> Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. See Section 14.24.020.
- <sup>2</sup> One freestanding sign is permitted in addition to one wall sign.
- <sup>3</sup> One wall sign is permitted in addition to one freestanding sign or two wall signs permitted.
- <sup>4</sup> For awnings related to residential use, either one sign on an awning or one sign hanging beneath an awning is allowed.
- <sup>5</sup> Location: A daily display sign shall not be located within required landscaped areas, and is only allowed within the public right-of-way subject to the standards of Section 14.20.040.

~~A. Permanent Subdivision Signs.~~

~~1. Area. May have a maximum area of two square feet per dwelling unit to a maximum of thirty-two square feet for each sign and sixteen square feet per display surface, and total sign area for all display surfaces shall be no more than sixty-four square feet.~~

~~2. Height and/or Clearance. Freestanding sign limited to maximum height of six feet above grade.~~

~~3. Number. Limited to one sign per entrance.~~

~~B. Permanent Apartment or Condominium Signs. Either one freestanding or one wall sign per street frontage permitted.~~

~~1. Freestanding Sign.~~

~~a. Area. Limited to two square feet per dwelling unit to a maximum area of thirty-two square feet, sixteen square feet per display surface.~~

~~b. Height and/or Clearance. Freestanding signs limited to maximum height of six feet above grade.~~

~~c. Number. One freestanding sign per street frontage permitted.~~

~~2. Wall Sign.~~

~~a. Area. Limited to two square feet per dwelling unit to a maximum of thirty-two square feet.~~

~~b. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.~~

~~c. Number. One wall sign per street frontage permitted.~~

~~C. Freestanding Business Sign.~~

~~1. Area. The maximum permitted area of a freestanding sign shall be thirty-two square feet per display surface and sixty-four square feet overall.~~

~~2. Height and/or Clearance. The maximum height of a freestanding sign shall be twelve feet.~~

~~3. Number. One freestanding sign is permitted in addition to one wall sign.~~

~~D. Wall Business Sign.~~

~~1. Area. The maximum permitted area of a wall sign shall be ten percent of the building face.~~

~~2. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.~~

~~3. Number. One wall sign is permitted in addition to one freestanding sign or two wall signs permitted.~~

~~E. Awning Sign.~~

~~1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to or affixed to the surface of an awning, is twenty-five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.~~

~~2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.~~

~~3. Number. One awning sign per frontage per occupancy is permitted.~~

~~F. Daily Display Sign.~~

~~1. Area. The maximum permitted area of a daily display sign shall be eight square feet per display surface and sixteen square feet overall, with a maximum height limit of six feet above ground level.~~

~~2. Number. One daily display sign per business is permitted.~~

~~3. Location. A daily display sign must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.~~

~~G. Illumination. Signs in R-O-C or R-1-B zones may have external illumination only. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.~~

**14.16.030 Neighborhood Commercial Zone:**

No sign shall be ~~erected~~ installed or maintained in a C-N zone, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.030**  
**Standards for Signs in Neighborhood Commercial Zones C-N**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Freestanding signs	1.5 SF per lineal ft. of street frontage <del>and 4 additional SF per each lineal foot of frontage over 100 ft,</del> not exceeding 40 SF per display surface and 80 SF overall.	May not project over the top of a building or max. 20 ft., whichever is less.	1 permitted <sup>2</sup>	External only
Wall signs <sup>3</sup>	Max. 20% of building face.	Cannot extend above roofline or top of a parapet wall, whichever is higher.	Dictated by area requirements <sup>4</sup>	External only
Awning signs	Max. 25% of surface of awning, <u>not to exceed 20% of building face.</u>	No higher than the point where the roofline intersects the exterior wall.	1 per frontage per occupancy	External only
<u>Hanging sign suspended beneath awning</u>	Max. 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground level to the lowest portion of awning or suspended sign.	<u>1 hanging sign per awning</u>	External only
Daily display signs <sup>5</sup>	Max. 8 SF per display surface and 16 ft. overall.	Max. 6 ft. above ground level.	<u>1 per property or occupancy</u>	External only

**Notes:**

<sup>1</sup> Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. See Section 14.24.020.

<sup>2</sup> In addition to one wall sign.

<sup>3</sup> Location: Limited to the building surface or surfaces facing the public right-of-way.

<sup>4</sup> Wall signs are permitted in addition to one freestanding sign.

<sup>5</sup> Shall not be located within required landscaped area, and is only allowed within the public right-of-way subject to the standards of Section 14.20.040.

**A. Freestanding Sign.**

~~1. Area. The maximum permitted display surface area of a freestanding sign shall be computed on one and one-half square foot of area per lineal foot of street or highway frontage for the first one hundred feet of such frontage plus one square foot of area for each foot of frontage over one hundred feet, but not exceeding forty square foot per display surface and eighty square feet over all.~~

~~2. Height and/or Clearance. Freestanding signs may not project over the top of a building or twenty feet, whichever is less.~~

~~3. Number. One freestanding sign is permitted in addition to one wall sign.~~

~~B. Wall Sign.~~

~~1. Area. The maximum permitted area of a wall sign shall be 20 percent of the building face.~~

~~2. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.~~

~~3. Number. Dictated by area requirements. Wall signs are permitted in addition to one freestanding sign.~~

~~4. Location. Limited to the building surface or surfaces facing the public right-of-way only.~~

~~C. Awning Sign.~~

~~1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to, or affixed to, the surface of an awning, is twenty-five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.~~

~~2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.~~

~~3. Number. One awning sign per frontage per occupancy is permitted.~~

~~D. Daily Display Sign.~~

~~1. Area. The maximum permitted area of a daily display sign shall be eight square feet per display surface and sixteen square feet overall, with a maximum height limit of six feet above ground level.~~

~~2. Number. One daily display sign per business is permitted.~~

~~3. Location. A daily display sign must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.~~

~~E. Illumination. Signs in C-N zones may have external illumination, in addition to lighting as noted in Section 14.24.020. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.~~

**14.16.040 Commercial zone:**

No sign shall be ~~erected~~ installed or maintained in the C-L, C-G and C-CS zones, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.040**  
**Standards for Signs in Commercial Zones C-L, C-G, and C-CS**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Location</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Freestanding signs	1.5 SF per lineal ft. of street frontage and 1 additional SF per each lineal ft. of frontage over 100 ft. <sup>2</sup>	Max. 25 ft. from ground level, 14 ft. min. clearance below lowest portion of a sign in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way. <sup>3</sup>	1 multifaced sign per street frontage. <sup>4</sup>	Permitted
Wall signs	Max. 20% of building face. <sup>5</sup>	Not above roofline or top of parapet wall, whichever is higher.	N/A	No limit.	Permitted
Projecting signs	Max. 20% of building face. <sup>5</sup>	Not above roofline or top of parapet wall. <sup>6</sup>	Not within 20 ft. of another projecting sign.	1 per occupancy frontage; prohibited if the premises has a freestanding or roof sign.	Permitted
Roof signs	Max. 1 SF per lineal ft. of street frontage.	Max. 8 ft. above highest point of building. No sign support structure can be visible.	Pending approval by Fire Marshal. <sup>7</sup>  May not project over parapet wall.	Permitted instead of, and not in addition to, projecting or freestanding signs.	Permitted
Awning signs	Max. display surface is 25% of surface of awning, <u>not to exceed 20% of building face.</u>	No higher than the point where the roofline intersects the exterior wall. <sup>8</sup>	N/A	1 per frontage per occupancy.	Permitted
<u>Hanging sign suspended beneath awning</u>	Maximum area for hanging signs of 1 SF per 1 lineal ft. of awning length.	Min. 8 ft. clearance for hanging signs from the ground to the lowest part of the sign or awning.		<u>1 hanging sign per awning.</u>	Permitted

<u>Marquee signs</u>	<u>Max. display surface is 25% of surface of marquee, not to exceed 20% of building face.</u>	<u>No higher than the point where the roofline intersects the exterior wall.<sup>8</sup></u>	<u>Not extending more than 1 ft. from the marquee surface or 1 ft. over the top edge of the marquee.</u>	<u>1 per frontage per occupancy.</u>	<u>Permitted</u>
<u>Under-marquee signs</u>	<u>Max. 6 SF per display surface or 12 SF in overall sign area.</u>	<u>Min. 8 ft. clearance between the lowest portion of the sign and the ground.</u>	<u>Shall not project within 2 ft. of curb.</u>	<u>No limit.</u>	<u>Permitted</u>
<u>Daily display signs</u>	<u>Max. 12 SF per display surface and 24 SF overall.</u>	<u>Max. 6 ft. above ground level.</u>	<u>Not within required landscaped areas or public right-of-way.<sup>9</sup></u>	<u>1 per property or occupancy.</u>	<u>Permitted</u>

## Notes:

- <sup>1</sup> When fluorescent tubes are used for interior illumination of a sign within 500 ft. of any residentially zoned property, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 7 inches apart, center to center. No exposed incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. See Section 14.24.020.
- <sup>2</sup> Not to exceed ~~300~~ 250 square feet of sign area per display surface for each sign, or a total of ~~4,200~~ 1,000 square feet for all display surfaces.
- <sup>3</sup> Currently existing freestanding signs may project over such right-of-way for a distance not to exceed two feet.
- <sup>4</sup> Where a frontage exceeds 300 feet in length, one additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a projected or roof sign.
- <sup>5</sup> If a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed 20 percent of the face of the building.
- <sup>6</sup> Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within 2 feet of the curb nor beyond the distances specified in Table 14.16.060(E) for projection of signs into public rights of way.
- <sup>7</sup> Only approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting.
- <sup>8</sup> Regardless of the existence of a parapet wall.
- <sup>9</sup> A daily display sign may be allowed within the public right-of-way, subject to the standards of Section 14.20.040.

## A. Freestanding Sign.

~~1. Area. The maximum permitted display surface area of a freestanding sign shall be computed on one and one-half square feet of area per lineal foot of street or highway frontage for the first one hundred feet of such frontage, plus one square foot of area for each foot of frontage over one hundred feet, but not exceeding three hundred square feet of sign area per display surface for each sign, or a total of one thousand two hundred square feet for all display surfaces as authorized in Section 14.16.040A4.~~

~~2. Height and/or Clearance. The maximum height of any portion of a sign or sign structure shall be twenty-five feet from ground level at its base regardless of location. The minimum clearance below the lowest portion of a freestanding sign and the ground below shall be fourteen feet in any driveway or parking area.~~

~~3. Location. No freestanding sign, or any portion of any freestanding sign, shall be located on or be projected over any portion of a street, sidewalk or other public right-of-way or property, except that those currently existing may project over such right-of-way for a distance not to exceed two feet.~~

~~4. Number. One multifaced freestanding sign shall be permitted on a street or highway frontage. Where a frontage exceeds three hundred feet in length, one additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a projected or roof sign.~~

#### **B. Wall Sign.**

~~1. Area. Wall signs shall not exceed in gross area twenty percent of the face of the building to which the sign is attached or on which the sign is maintained. This includes signs painted directly on the building surface.~~

~~2. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.~~

~~3. Number. No limit, dictated by area requirements.~~

#### **C. Projecting Signs.**

~~1. Area. Projecting signs shall not exceed in gross area twenty percent of the face of the building to which the sign is attached or on which the sign is maintained. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed twenty percent of the face of the building.~~

~~2. Height and/or Clearance. No projecting sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher. Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within two feet of the curb nor beyond the distances specified in the following table:~~

**Table 14.16.040**

#### **Projection of Signs Into Public Rights-of-Way**

<b>Clearance</b>	<b>Maximum Projection Into Public Right-of-Way</b>
Less than eight feet	Not permitted
Eight feet	One foot
Eight to sixteen feet	One foot plus six inches for each foot of clearance in excess of eight feet
Over sixteen feet	Five feet

~~3. Location. No projecting sign shall be located within twenty feet of another projecting sign. Of two signs not conforming to this provision, the first lawfully erected sign may remain.~~

~~4. Number. Only one projecting sign will be permitted on the same occupancy business frontage. No projecting sign shall be permitted on the same premises where there is a freestanding sign or roof sign.~~

~~D. Roof Signs.~~

~~1. Area. Total sign area for roof signs shall not exceed one square foot for each lineal foot of street frontage of the parcel of real property on which the sign is to be located.~~

~~2. Height and/or Clearance. The maximum height of a roof sign shall not exceed eight feet above the highest point of the building. All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron or similar sign support structure.~~

~~3. Location. No roof sign shall be erected unless and until approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting. Roof signs may not project over the parapet wall.~~

~~4. Number. Roof signs are permitted instead of, but not in addition to, projecting signs or freestanding signs.~~

~~E. Awning Sign.~~

~~1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to or affixed to the surface of an awning is twenty-five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.~~

~~2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning, or suspended sign, whichever is lowest.~~

~~3. Number. One awning sign per frontage per occupancy is permitted.~~

~~F. Under-Marquee Signs.~~

~~1. Area. Under-marquee signs shall not exceed six square feet per display surface or twelve square feet in overall sign area.~~

~~2. Height and/or Clearance. Under-marquee signs must have eight feet of clearance below the lowest portion of the sign and the ground below.~~

~~3. Location. Under-marquee signs shall not project within two feet of the curb.~~

~~4. Number. No limit, dictated by area requirements.~~

~~G. Billboard Signs. Billboard signs existing at the effective date of the ordinance codified in this chapter shall be permitted to remain and be maintained in reasonable repair, but may not be replaced or relocated.~~

~~H. Daily Display Sign.~~

~~1. Area. The maximum permitted area of a daily display sign shall be twelve square feet per display surface and twenty-four square feet overall, with a maximum height limit of six feet above ground level.~~



~~2. Number. One daily display sign per business is permitted.~~

~~3. Location. A daily display sign must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.~~

~~1. Illumination. Signs in commercial zones may be illuminated. Within five hundred feet of any residentially zoned property when fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to four hundred twenty-five milliamperes rating tubes behind a plexiglass face with tubes spaced at least seven inches, center to center. No exposed incandescent lamp which exceeds fifteen watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.~~

**14.16.050 Manufacturing zone:**

No sign shall be ~~erected~~ installed or maintained in an M or BI zone, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.050**  
**Standards for Signs in Manufacturing Zones M or BI**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Location</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Freestanding signs	1.5 SF per lineal ft. of street frontage and 1 additional SF for each lineal ft. of frontage over 100 ft. <sup>2</sup>	Max. 25 ft. from ground level. Min. clearance below lowest portion of a sign is 14 ft. in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way.	1 multifaced sign permitted. <sup>3</sup>	Permitted
Wall signs	Max. 10% of building face. <sup>4</sup>	Not above roofline or top of parapet wall, whichever is higher.	N/A	No limit.	Permitted
Roof signs	Max. 1 SF per lineal ft. of street frontage.	Max. 8 ft. above highest point of building. <sup>5</sup>	Pending approval by fire marshal. <sup>6</sup> May not project over parapet wall.	Permitted instead of, not in addition to, projecting or freestanding signs.	Permitted
Awning signs	Max. display surface is 25% of awning surface. <sup>7</sup>	No higher than the point where the roofline intersects the exterior wall. <sup>8</sup>	N/A	1 per frontage per occupancy.	Permitted
<u>Hanging sign suspended beneath awning</u>	Max. 1 SF per 1 lineal ft. of awning length.	Min. 8 ft. clearance from the ground to the lowest part of the sign or awning.		<u>1 hanging sign per awning.</u>	Permitted
Daily display signs	Max. 12 SF per display surface and 24 SF overall.	Max. 6 ft. above ground level.	Not permitted within required landscaped areas or public right-of-way. <sup>9</sup>	1 per <u>occupancy.</u>	Permitted

## Notes:

<sup>1</sup> When fluorescent tubes are used for interior illumination of a sign within 500 feet of any residentially zoned property, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 7 inches apart, center to center. No exposed incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets or other property. See Section 14.24.020.

<sup>2</sup> Not to exceed 250 square feet of sign area per display surface for each sign, or a total of 1,000 square feet for all display surfaces.

- <sup>3</sup> Where a frontage exceeds 300 feet in length, one additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a roof sign.
- <sup>4</sup> Includes signs painted directly on the building surface.
- <sup>5</sup> All roof signs shall be installed ~~erected~~ in such a manner that there shall be no visible angle iron or similar sign support structure.
- <sup>6</sup> Only approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting.
- <sup>7</sup> Measured in vertical distance times length.
- <sup>8</sup> Regardless of the existence of a parapet wall
- <sup>9</sup> A daily display sign may be allowed within the public right-of-way subject to the standards of Section 14.20.040.

#### A. Freestanding Sign.

~~1. Area. The maximum permitted area of a freestanding sign shall be computed on one and one-half square foot of area per lineal foot of street or highway frontage for the first one hundred feet of such frontage plus one square foot of area for each foot of frontage over one hundred feet, but not exceeding two hundred fifty square feet of sign area per display surface for each sign, or a total of one thousand square feet for all display surfaces.~~

~~2. Height and/or Clearance. The maximum height of any portion of a sign or sign structure shall be twenty-five feet from ground level at its base regardless of location. The minimum clearance below the lowest portion of a freestanding sign and the ground below shall be fourteen feet in any driveway or parking area.~~

~~3. Location. No freestanding sign, or any portion of any freestanding sign, shall be located on or be projected over any portion of a street, sidewalk or other public right-of-way or property except that those currently existing may project over such right-of-way for a distance not to exceed two feet.~~

~~4. Number. One multifaced freestanding sign designating the principal goods, products, facilities or services available on the premises shall be permitted on a street or highway frontage. Where a frontage exceeds three hundred feet in length, one additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a roof sign.~~

#### B. Wall Sign.

~~1. Area. Wall signs shall not exceed in gross area ten percent of the face of the building to which the sign is attached or on which the sign is maintained. This includes signs painted directly on the building surface.~~

~~2. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.~~

~~3. Number. No limit, dictated by area requirements.~~

#### C. Roof Signs.

~~1. Area. Total sign area for roof signs shall not exceed one square foot for each lineal foot of street frontage of the parcel of real property on which the sign is to be located.~~

~~2. Height and/or Clearance. The maximum height of a roof sign shall not exceed eight feet above the highest point of the building. All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron or similar sign support structure.~~

~~3. Location. No roof sign shall be erected unless and until approved by the fire marshal after a finding that the site, type and location of the sign will not substantially interfere with fire fighting. Roof signs may not project over the parapet wall.~~

~~4. Number. Roof signs are permitted instead of, but not in addition to, freestanding signs.~~

~~D. Awning Sign.~~

~~1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to or affixed to the surface of an awning is twenty-five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.~~

~~2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.~~

~~3. Number. One awning sign per frontage per occupancy is permitted.~~

~~E. Billboard Signs. Billboard signs existing at the effective date of the ordinance codified in this chapter shall be permitted to remain and be maintained in reasonable repair, but may not be replaced or relocated.~~

~~F. Daily Display Sign.~~

~~1. Area. The maximum permitted area of a daily display sign shall be twelve square feet per display surface and twenty-four square feet overall, with a maximum height limit of six feet above ground level.~~

~~2. Number. One daily display sign per business is permitted.~~

~~3. Location. A daily display sign must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right of way or off the premises, subject to the standards of Section 44.20.040.~~

~~G. Illumination. Signs in manufacturing zones may be illuminated. Within five hundred feet of any residentially zoned property when fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to four hundred twenty-five milliamperes rating tubes behind a plexiglass face with tubes spaced at least seven inches, center to center. No exposed incandescent lamp which exceeds fifteen watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right of way. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets or other property.~~

#### 14.16.060 Downtown zones.

No sign shall be ~~erected~~ installed or maintained in the DC, DS, DO, DR and DOS zones, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

- A. Freestanding Sign. In the downtown zones, freestanding signs shall be monument type only. The sign face shall be no less than sixty percent of the total area of the monument. Pole signs are prohibited.
  1. Area. The maximum permitted display surface area of a freestanding sign shall be computed on one square foot of area per lineal foot of street or highway frontage.
    - a. In the DO zone the maximum area shall not exceed forty square feet per display surface and eighty square feet overall.
    - b. In the DR and DOS zones the maximum area shall not exceed thirty-two square feet per display surface and sixty-four square feet overall.
  2. Height and/or Clearance.
    - a. In the DC, DS and DO zones, freestanding signs are limited to a maximum height of seven feet. Properties with frontage on McLoughlin Boulevard may have freestanding signs with a maximum height of fifteen feet and shall only be located along the McLoughlin Boulevard frontage. Freestanding sign height shall be measured from the top of the sign to the lowest finished grade within a six foot horizontal distance from the sign.
    - b. In the DR and DOS zones freestanding signs are limited to a maximum height of six feet above grade.
  3. Number. One freestanding sign is permitted on a street or highway frontage.
- B. Wall Sign.
  1. Area. The maximum permitted area of a wall sign shall be twenty percent of the building face.
    - a. In the DR and DOS zones the maximum permitted area of a wall sign shall be sixteen square feet.
  2. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.
  3. Number.
    - a. Dictated by area requirements.
    - b. In the DR and DOS zones one wall sign is permitted in addition to one freestanding sign.
  4. Location. Limited to the building surface or surfaces facing the public right-of-way only.
- C. Awning Sign.
  1. Area. The maximum permitted display surface of an awning sign ~~which is painted onto, attached to, or affixed to, the surface of an awning,~~ is twenty-five percent of the surface of the awning ~~measured in vertical distance times length.~~ For a sign

hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.

2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. An awning sign may not be located higher than the first floor of a building or fifteen feet, whichever is less. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.
3. Number. One awning sign per frontage per occupancy, and one sign hanging per awning, is permitted.

D. Daily Display Sign.

1. Area. The maximum permitted area of a daily display sign shall be eight square feet per display surface and sixteen square feet overall, with a maximum height limit of six feet above ground level.
2. Number. One daily display sign per occupancy ~~business~~ is permitted.
3. Location. A daily display sign ~~shall not be located within the required landscaped areas, and is allowed within the right-of-way must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, only~~ subject to the standards of Section 14.20.040.

E. Projecting Signs.

1. Area. Projecting signs shall not exceed in gross area twenty percent of the face of the building to which the sign is attached or on which the sign is maintained. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed twenty percent of the face of the building.
2. Height and/or Clearance. No projecting sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher. No projecting sign shall project more than five feet from a building. Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within two feet of the curb nor beyond the distances specified in the following table:

**Table 14.16.050 060(E)**  
**Projection of Signs Into Public Rights-of-Way**

Overhead Clearance	Maximum Projection Into Public Right-of-Way
Less than eight feet above finished floor/grade	Not permitted
Eight feet above finished floor/grade	One foot
Eight to sixteen feet above finished floor/grade	One foot plus six inches for each foot of clearance in excess of eight feet
Over sixteen feet above finished floor/grade	Five feet

3. Location. No projecting sign shall be located within twenty feet of another projecting sign. Of two signs not conforming to this provision, the first lawfully ~~erected~~ installed sign may remain.
4. Number. Only one projecting sign will be permitted on the same business frontage. No projecting sign shall be permitted on the same premises where there is a freestanding sign.

**F. Marquee Signs.**

1. Area. The maximum display surface for a sign displayed on a marquee is 25% of the marquee surface.
2. Height. A marquee sign shall not extend higher than the point where the roofline intersects the wall, regardless of the existence of a parapet wall.
3. Location. Marquee signs shall not extend more than 1 ft. from the surface of a marquee or more than 1 ft. over the top edge of the marquee.
4. Number. One marquee sign is allowed per frontage per occupancy.

**FG. Under-Marquee Signs.**

1. Area. Under-marquee signs shall not exceed six square feet per display surface or twelve square feet in overall sign area.
2. Height and/or Clearance. Under-marquee signs must have eight feet of clearance below the lowest portion of the sign and the ground below.
3. Location. Under-marquee signs shall not project within two feet of the curb.
4. Number. No limit, dictated by area requirements.

~~GH.~~ Illumination. ~~Internally illuminated cabinet signs are discouraged in the downtown zones. Internally illuminated signs may be permitted subject to design review approval by the design and landmarks commission per the procedures outlined in Section 19.1011.3. In considering internally illuminated signs, the design and landmarks commission shall use the downtown design guidelines as approval criteria, as provided under subsection 19.312.7F. All other I~~ Illuminated signs may be permitted subject to the following:

1. Signs with opaque letters or symbols that are backlit, having a light source behind the opaque area and not directly visible from in front of the sign, are permitted. Backlit or "halo" illuminated signs with individual letters are permitted as illuminated signs.
2. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.
3. Awning signs shall not be internally illuminated, either internally or externally unless illuminated subject to review by the design and landmarks committee and approved by the design and landmarks commission. Planning Commission, according to the following criteria:-
  - a. Sign lighting should be designed as an integral component of the building and sign composition.
  - b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.
  - c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.
4. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.
5. Internally illuminated cabinet signs are discouraged in the downtown zones. Internal illumination of cabinet signs may be permitted subject to design review by the design and landmarks committee and approval by the planning commission, per the procedures outlined in Section 19.1011.3, according to the following criteria:
  - a. The sign should be a unique design that responds to the Milwaukie Downtown Design Guidelines.
  - b. The sign copy should be lighter than the sign background.
  - c. The sign background should use a predominance of dark color or be opaque when the light source is on.



## **SECTION 14.20 SIGNS IN PUBLIC RIGHTS-OF-WAY:**

### **14.20.020 Exempted signs:**

~~As referenced in Section 14.12.010C, signs for purposes of public direction and safety may be allowed within the public right-of-way, subject to right-of-way permit requirements of Section 12.16.020 of the Milwaukie Municipal Code and the following standards:~~

~~A. Sign sizes and configurations shall be subject to the general standards of the Oregon Department of Transportation Sign Policy and Guidelines and the Federal Manual on Uniform Traffic Control Devices. Such standards may be deviated by the city public works director upon determination that such deviation is necessary for purposes of message visibility, clear vision maintenance or other similar factors. Applicants desiring to vary from the public works director's standards determination may apply for a variance following the procedures of Chapter 14.32.~~

~~B. Direction signs shall be generic in nature so as not to unduly distract traffic. Such signs may include, but are not limited to, signs for emergency services (such as hospitals, police and fire stations), traffic control signs, legal notices, railroad crossing signs, signs for nonspecific locations (such as downtown, business area, industrial area, theatre, food services, etc.), danger signals and similar signs.~~

~~C. Maintenance and upkeep of noncity-owned direction and safety signs shall be the responsibility of the sign owner. Failure to maintain such signs may be cause for permit revocation and/or sign removal.~~

Repealed.

### **14.20.030 Bench advertising signs:**

Bench signs are permitted, subject to Chapter 12.20 of the Milwaukie Municipal Code.  
~~These are permitted subject to the standards of Section 12.16.020 of the Milwaukie Municipal Code.~~

### **14.20.040 Daily display signs:**

A. In sign districts where that permit daily display signs (reference Chapter 14.16) are allowed per Chapter 14.16, one a daily display sign may be placed allowed within a the public right-of-way adjacent to any premises by the person in control of those premises, in front of the premises with which it is associated, provided all of the following conditions are met:

1. A city right-of-way permit is obtained per requirements of Section 12.16.020. This permit shall be revocable in case of condition noncompliance.

2. The sign is to be set back behind the curb so as not to interfere with on-street parking, or, a minimum of ten feet from the edge of the nearest street travel lane where curbs are not in place.

3. The sign is to be placed so as to allow at least five feet of unimpeded pedestrian sidewalk maneuvering space.

4. The sign is to meet clear vision requirements of Chapter 12.24 of the Milwaukie Municipal Code.

5. The sign is properly maintained as per requirements of Section 14.24.010

6. The applicant shall assume all liability for incidents involving the sign by signing a document exempting the city from liability.

7. Sign dimension shall not exceed a maximum width of four feet nor a maximum above-ground level height of four and one-half feet.

8. ~~One sign per business is allowed. Repealed.~~

~~B. Daily display signs may be allowed off the premises, or within the public right-of-way in front of a business with which the sign is not associated, subject to the following standards:~~

~~1. All applicable standards of Section 14.20.040A;~~

~~2. Both the sign owner and owner of the business where the sign is placed must sign a city liability exemption document;~~

~~3. The off premises daily display sign will take the place of the daily display sign allowance for both the business site where it is placed and the business placing the sign. Repealed.~~

## **SECTION 14.24 SIGN CONSTRUCTION, MAINTENANCE AND LIGHTING:**

### **14.24.010 Construction and maintenance requirements:**

A. Except as otherwise provided in this chapter, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code, Uniform Fire Code and electrical code.

B. All signs, together with their supports, braces, guys and anchors, shall be constructed of materials that are durable and weather-resistant, and shall be regularly maintained so as to exist at all times in a state of good repair. No person shall maintain, or permit to be maintained on any premises owned or controlled by him or her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated or other dilapidated or unsafe condition.

C. All signs shall be kept clean and the site on upon which they are located shall be kept clean and free from debris. ~~maintained in a neat, clean, and attractive condition.~~ Signs shall be kept free from rust, corrosion, peeling paint, torn or peeling paper, and ~~or~~ other surface deterioration. Broken or missing sign components and lighting panels shall be replaced within thirty days of notification by the city. ~~The display surfaces of all signs shall be kept neatly painted or posted. Reflective backgrounds and materials are not allowed.~~

~~D. Each sign for which a sign permit is required shall specify the name of sign erector, date of erection, electrical power consumption in amperes, and Underwriters Laboratory label, if applicable. Such information shall be in sufficient size and contrast to be readable upon inspection. Repealed.~~

### **14.24.020 Sign lighting:**

A. All lamps or bulbs exposed to direct view shall be limited to twenty-five watts or less capacity. ~~On time and temperature signs, such bulb is limited to thirty three watts capacity.~~

B. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed three hundred milliamperes rating for white tubing nor one hundred milliamperes rating for colored tubing.

C. When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to eight hundred milliamperes rating tubes behind a Plexiglas face with tubes spaced at least nine inches apart, center to center.

D. Lighting from any sign may not directly, or indirectly from reflection, cause illumination on other properties in excess of 0.5 foot candles of light.

ED. In the event of a conflict between the standards in this section and a specific standard in the regulations for a sign district, the sign district regulations shall prevail. These general lighting provisions are applicable for all sign districts, except as noted elsewhere.

## **SECTION 14.28 REMOVAL OF SIGNS IN VIOLATION:**

### **14.28.010 Abandoned sign:**

A. Time Limit. ~~Abandoned sign structures signs and their supporting structures shall be removed within 180 one hundred eighty days of the time that a sign is no longer used on the structure, by the owner or lessee when the business which it advertises is no longer conducted on the premises.~~

B. Notice Given. ~~If the owner or lessee fails to remove the abandoned sign it, the city manager or duly authorized representative shall give the owner fifteen days' written notice to remove it.~~

### **14.28.020 Nonconforming sign:**

A. Time Limit.

1. Except as provided in Subsection 14.28.020(A)2, signs that were in compliance with applicable regulations when installed but that become nonconforming as a result of adoption, modification, or applicability of the City's sign regulations may remain in place for 10 years after the date they became nonconforming but shall be removed or brought into compliance on or before 10 years plus one day of the date they became nonconforming. Nonconforming signs may be continued for a period of ten years from the effective date of the ordinance codified in this chapter.

2. ~~Signs located on premises annexed into the city after the effective date of the ordinance codified in this chapter, and which signs do not comply with the provisions of this chapter, shall be brought into compliance with this chapter within a period of seven years after the effective date of the annexation. Repealed.~~

3. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance conformance with all of the provisions of this chapter. A nonconforming sign in all zones may be maintained or undergo a change of copy or image without complying with the requirements of this chapter.

4. The provisions of this code relating to Signs in existence on the effective date of the ordinance codified in this chapter which do not comply with provisions regulating flashing signs, use of par spot lights, or revolving beacons, revolving signs, or flags, banners, or streamers, or strings of lights, and temporary or incidental signs, are applicable to all signs, notwithstanding Subsection 14.28.020(A)1, shall be made to conform within ninety days from the effective date of the ordinance codified in this chapter.

B. Notice Given. For legally established nonconforming signs that are approaching the end of the 10-year period during which they may be maintained under Subsection 14.28.020(A)1, the City Manager may provide additional notice in anticipation of the date the sign will be required to be removed or made to conform. The city manager or duly authorized representative shall give thirty days' written notice to the owner or lessee of the sign to remove the sign and its supporting structures or to bring it into compliance with this chapter.

**14.28.030 Unsafe sign:**

A. Time Limit. The city manager or duly authorized representative may cause any sign and/or sign support structure which they determine to be a hazard to persons or property, by reason of it or its support structure being or becoming of unsound and unsafe condition, i.e., weakened or broken support, broken parts, including tubing, wiring, plastic, etc., to be removed summarily. The City Manager or duly authorized representative may allow repair as an alternative to removal of an unsafe sign when the sign does not pose an immediate hazard to persons or property.

B. Notice ~~Given~~. Two days' notice, except that no notice is required if a determination is made that the sign and/or sign support structure poses an immediate peril to persons or property.

**14.28.040 ~~Noncomplying sign:~~**

A. Time Limit. ~~Noncomplying signs shall be removed or brought into compliance within thirty days of notification.~~

B. Notice ~~Given~~. ~~The city manager or duly authorized representative shall give thirty days' written notice, except that noncomplying signs which create a traffic or other safety hazard may be removed by the city manager or his or her representative without notice.~~ Repealed.

**14.28.050 Administrative procedures for notification of violation:**

The installation, alteration, or maintenance of a sign in violation of this title is a civil violation with a civil penalty of up to \$100 per day of infraction. If the City believes a sign is in violation of any provision of this title, the City may initiate civil infraction and/or nuisance proceedings, or initiate the notice procedures set forth in this section. In deciding whether to provide notice before initiating civil infraction or nuisance proceedings, the City may consider the nature and extent of the violation, whether the violation is curable, whether the sign creates a traffic or safety hazard, the impact of the sign on the community, and other factors.

A. The City Manager or designee may give 30 days' written notice to the owner or lessee of any permanent sign, or if the owner or lessee is not known, to the owner or lessee of the property where the sign is located, that the City determines to be in violation of the City's regulations to remove the sign and structure or bring it into compliance. The City may demand immediate removal, moving, or alteration of a temporary sign that does not comply with the City's regulations and may remove a sign in the right-of-way without notice or demand. If the city manager or duly authorized representative shall find that any sign or sign structure regulated has been constructed or erected, or is being constructed or maintained, in violation of the provisions of this chapter, he or she shall give written notice to the permittee thereof or, if unknown, to the owner or occupant of the building or premises upon which the sign is located.

B. If notice or a demand is given as provided in Subsection 14.28.020(A) and the violation is not cured within the time specified, the owner or other responsible person may be cited for a civil infraction, or the City may institute procedures to declare the sign a nuisance, or both. The City may pursue any other remedy legally available to it. If the permittee fails to remove or alter the structure so as to comply with the standards set forth within thirty days after such notice such sign or sign structure may be ordered is declared a nuisance and the owner may be issued a citation into municipal court, as per procedures of Chapter 1.08 of the Milwaukie Municipal Code, and subjected to enforcement fines as established by the city council.

C. The City shall store any sign that it removes under the authority of this section for up to 60 days, and shall return the sign to the owner upon payment of the City's costs of removal and storage. The City may dispose of signs if unclaimed after 60 days. Signs in violation of this chapter which create a safety or traffic hazard may be removed by the city without prior notice and removal costs billed to the sign or property owner.

D. Such fines and costs may be a lien against the land or premises on which the sign is located and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the city. Repealed.

## **Chapter 14.32 ADJUSTMENTS VARIANCES.**

### **14.32.010 Authorization to grant or deny adjustments variance.**

A. The planning commission may authorize ~~variances from~~ adjustments to the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard shall not be a basis for granting an adjustment. In granting an adjustment variance, the planning commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the city and otherwise achieve the purposes of this chapter.

B. Requests for adjustments in the downtown zones shall receive their first review from the Design and Landmarks Committee. In the downtown zones The Design and Landmarks Committee shall make recommendations to the Planning Commission, which design and landmarks commission is the review authority and may authorize adjustments to variances from the requirements of this chapter. Adjustments may be granted where it can be shown that, owing to there are special and unusual circumstances related to the a specific piece of property or sign, the adjustment is consistent with the Guiding Principles of the Downtown Design Guidelines, and the adjustment meets either of the following criteria subject to the following:

1. Strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard shall not constitute a hardship; or

2. The adjustment serves to protect or enhance significant features such as but not limited to trees, historic or culturally significant buildings, or landmark signs.

In granting an adjustment variance, the Planning Commission, ~~design and landmarks commission~~ in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the city and otherwise achieve the purposes of this chapter.

### **14.32.050 Appeals:**

Appeals of planning commission ~~or design and landmarks commission~~ decisions shall follow the procedures of Section 19.1000 of the Milwaukie zoning ordinance.

## Amendments to Milwaukie Municipal Code

### Title 14—Sign Ordinance

Underlined text is to be inserted

Strikeout is to be deleted

## **SECTION 14.04 GENERAL PROVISIONS:**

### **Section 14.04.020 Purpose:**

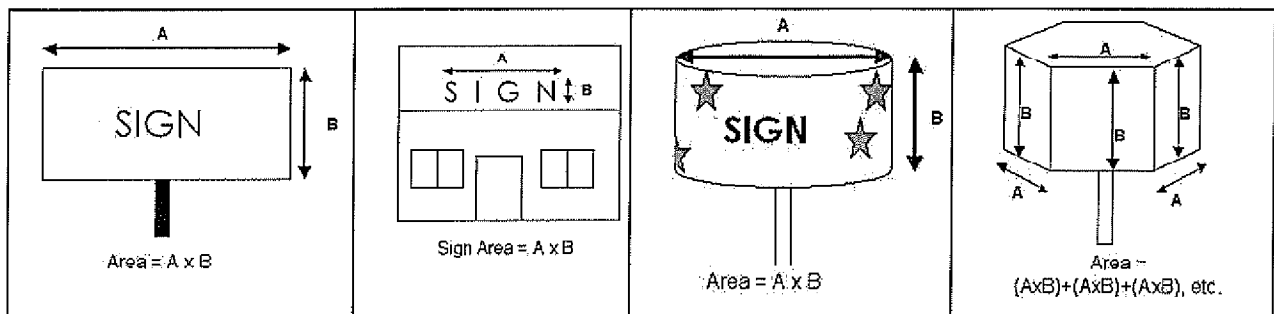
The Council of the city of Milwaukie, Oregon, finds and declares that it is necessary to regulate the design, quality of materials, construction, installation, maintenance, electrification, illumination, type, size, number and location of all signs visible from a right-of-way or lot under other ownership in order to:

- A. Protect the health, safety, property and welfare of the public;
- B. Promote the neat, clean, orderly and attractive appearance of the community;
- C. Provide for the safe installation and maintenance of signs;
- D. Repealed.
- E. Preserve and enhance the unique scenic beauty of Milwaukie;
- F. Accommodate the need of sign installers while avoiding nuisances to nearby properties;
- G. Ensure safe construction, location, installation and maintenance of signs;
- H. Prevent proliferation of sign clutter;
- I. Minimize distractions for motorists on public highways and streets; and
- J. Regulate solely on the basis of time, place and manner of a sign, not on its content.

### **14.04.030 Definitions:**

The following words and phrases where used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section:

“Area” or “area of a sign” means the area to and within an established sign edge, frame or perimeter which encloses the limits of any writing, representation, emblem, figure or character. The area of a sign having no such perimeter, or the area of a sign having an irregular shape, shall be computed by enclosing the surface area within a circle, square, rectangle and/or triangle. The area of all signs in existence at the time of the enactment of the ordinance codified in this chapter, whether conforming or nonconforming, shall be counted in establishing the permitted sign area of all new signs to be allowed for an individual business on a premises. Where a sign is of a three dimensional or round or irregular solid shape, the largest cross section shall be used, as though it were a flat surface, to determine sign area.

**Figure 14.04.030-1 Calculating Sign Area**

"Awning" means either a permanent or retractable structural extension off a building or structure which has a minimum ground clearance of eight feet.

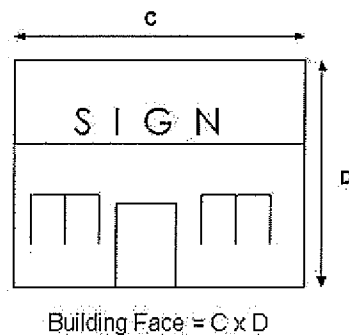
"City" means the city of Milwaukie, Oregon.

"Clearance" is measured from the highest point of the grade below the sign to the lowermost point of the sign.

"Display surface" means the area made available by the sign structure for the purpose of displaying the message.

"Downtown zones" means the DS, downtown storefront; DC, downtown commercial; DO, downtown office; DR, downtown residential; and DOS, downtown open space zones as defined in the zoning ordinance.

"Face of a building" means all window and wall area of a building in one plane.

**Figure 14.04.030-2 Building Face**

"Flag" means any fabric displayed on a flagpole that is the symbol of a national government or political subdivision.

"Frontage" means the length of the property line of any one premises along each public street it borders. Each portion of the premises abutting a separate street shall be considered as a separate frontage.

"Height" is measured from the highest point of the grade below the sign to the topmost point of the sign.

“Home occupation” means an occupation carried on at a dwelling as an accessory use to the dwelling, with the activity conducted in such a manner as to give no appearance of a business, and with no infringement upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

“Install ” means to build, construct, attach, place, suspend or affix and shall also include the painting of wall signs.

“Maintain” means to permit a sign, sign structure or part thereof to continue, or to repair or refurbish a sign, sign structure or part thereof.

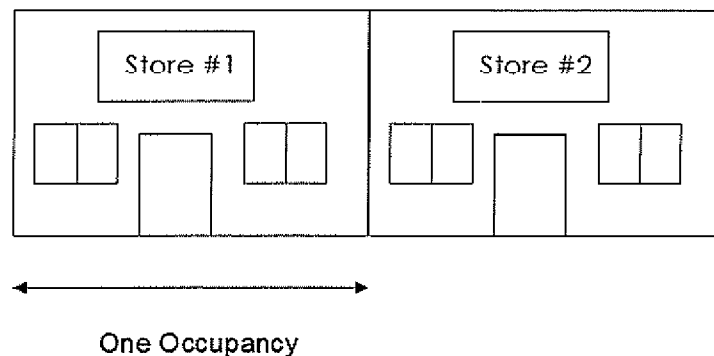
“Manufacturing zones” are the M, manufacturing, and BI, business industrial, zones as defined in the zoning ordinance.

“Marquee” means a permanent roof-like structure attached to and supported by a building and projected therefrom.

“Neighborhood commercial zone” means the C-N, neighborhood commercial, zone as defined in the zoning ordinance.

“Occupancy” means a property or portion of property that is possessed or used separately from other properties or other portions of the same property. Examples of occupancies include a store in a mall or an office in an office building.

**Figure 14.04.030-3 Occupancy**



“Other commercial zones” means the C-L, limited commercial; DS, downtown storefront; DC, downtown commercial; DO, downtown office; C-CS, community shopping commercial; and C-G, general commercial, zones as defined in the zoning ordinance.

“Parapet or parapet wall” means that part of any exterior wall which extends above the roofline.

“Person” means any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a syndicate, branch of government, or any other group or combination acting as a unit.

“Premises” means a lot, parcel or tract of land occupied, or to be occupied, by a building or unit or group of buildings and its accessory buildings under control of a person. If more than one business is located on the lot, parcel or tract of land, each separate business shall be considered as a separate premises.

“Projection” means the distance by which a sign extends from its supporting structure.



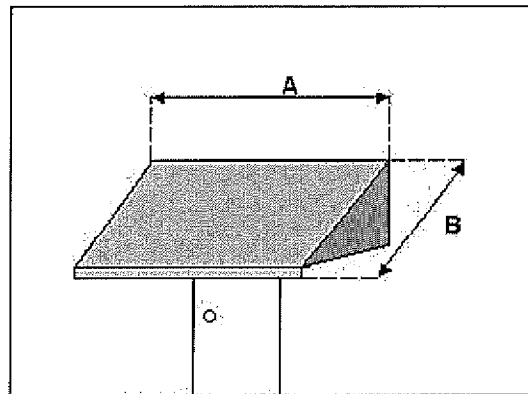
“Residential zones” means the R-10, R-7, R-5, R-3, R-2.5, R-2 and R-1 residential zones as defined in the zoning ordinance.

“Residential-office-commercial zone” means the R-O-C, R-1-B and DR zones as defined in the zoning ordinance.

“Sign” means the physical components of materials placed or constructed primarily to convey a message or other display and which can be viewed from a right-of-way or lot under other ownership.

Sign, Awning. “Awning sign” means a sign which is painted onto, attached or affixed to, the surface of an awning, or is suspended underneath an awning. The display surface of an awning is measured as the distance from where the awning meets the vertical wall to the outermost projection of the awning times length.

**Figure 14.04.030-4 Calculating Awning Area**



$$\text{Awning Area} = A \times B$$

Sign, Banner. “Banner sign” means a sign of lightweight fabric or similar material that can be mounted both on a permanent or temporary basis. A banner sign may be used as a wall sign provided appropriate wall sign standards are met.

Sign, Bench. “Bench sign” means a sidewalk bench which displays a message and is subject to the provisions of Chapter 12.20 of the Milwaukee Municipal Code.

Sign, Cabinet. “Cabinet sign” means a sign in which the display face is mounted on or attached to the front of a self contained box-like structure, which usually houses a light source, and is affixed to a building or other structure.

Sign, Changing (Automatic). “Changing sign (automatic)” means a sign in which the display on the sign face is changed by motors, clockwork, or other mechanical means; or by electric or electronic means, including changes in color or intensity of lights.

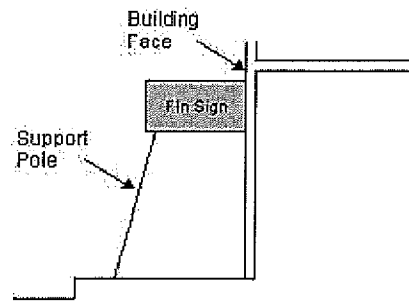
Sign, Daily Display. “Daily display sign” means a nonpermanent sign normally associated with business activity which is placed out-of-doors during business hours for display and returned indoors during off-hours. Daily display signs may be constructed in a sandwich board (A-frame) style, mounted on a single pedestal, or other similar construction, and are intended to be unlit and easily moved.

Sign, Externally Illuminated. “Externally illuminated sign” means a sign illuminated by an exterior light source or luminous tubing which is primarily designed to illuminate only the sign.

Sign, Fence. "Fence sign" means a sign attached to the side of a fence on a permanent basis.

Sign, Fin. "Fin sign" means a sign which is supported by a pole or poles and partly by a building.

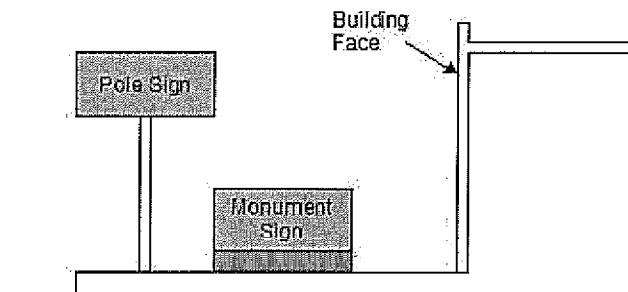
**Figure 14.04.030-5 Fin Sign**



Sign, Flashing. "Flashing sign" means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

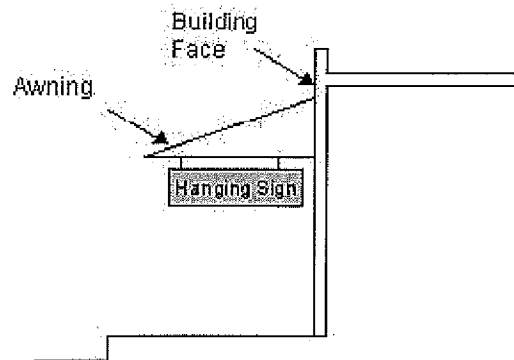
Sign, Freestanding. "Freestanding sign" means a sign wholly supported by a sign structure in the ground. Freestanding signs include pole signs and monument signs.

**Figure 14.04.030-6 Freestanding Signs**



Sign, Hanging. "Hanging sign" is a sign that is suspended below an awning or other portion of a building and typically oriented perpendicular to pedestrian or vehicular travel.

**Figure 14.04.030-7 Hanging Sign**

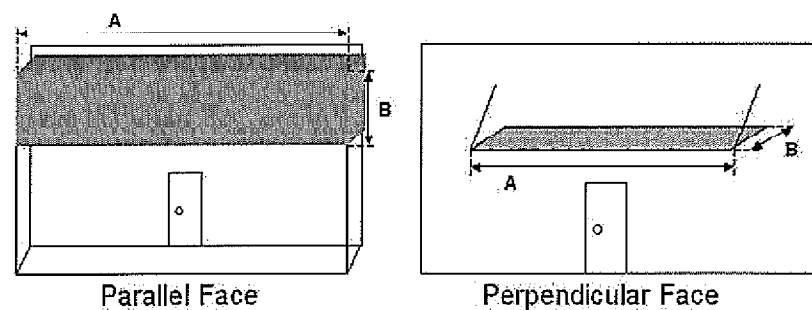


Sign, Internally Illuminated. "Internally illuminated sign" means a sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.

Sign, Kiosk. "Kiosk sign" means any sign with multiple display surfaces for view by pedestrians, that illustrates information about a specific area, such as the layout of a development, tenants, businesses, or landmarks.

Sign, Marquee. "Marquee sign" means a sign which is installed or maintained under, over, or on, and supported or partially supported by, a marquee. The area of a marquee sign is calculated as the greater of the two marquee areas; either parallel or perpendicular to the building face.

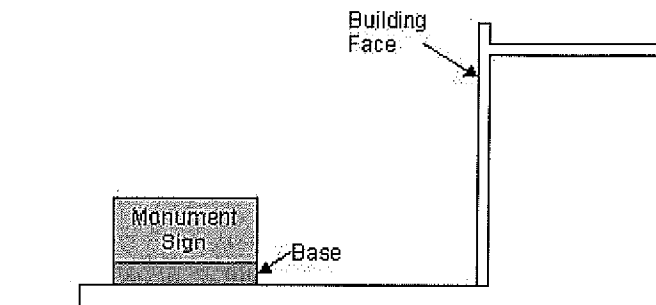
**Figure 14.04.030-6 Calculating Marquee Area**



$$\text{Marquee Area} = A \times B$$

Sign, Monument. "Monument sign" means any sign affixed to a base which has a width that is equal to or greater than the width of the sign.

**Figure 14.04.030-9 Monument Sign**



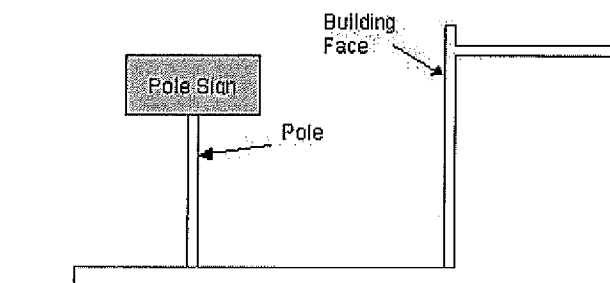
Sign, Noncomplying. "Noncomplying sign" means any sign that did not comply with applicable sign code standards when built or modified.

Sign, Nonconforming. "Nonconforming sign" means a sign that complied with applicable standards when created or modified but which does not comply with existing standards. Signs that did not require planning commission or design and landmarks committee approval when created shall not be considered nonconforming if approval from these bodies is currently required.

Sign, Pennant. "Pennant sign" means a shaped, lightweight sign made of plastic, fabric or other material (whether or not containing a message of any kind) suspended from a rope, wire or string, usually in a series and designed to move in the wind.

Sign, Pole. "Pole sign" means a freestanding sign in which the display face of the sign is supported on a base which may be tubular, columnar or rectangular in shape and in which any portion of the base or support structure has a width that is less than the width of the display surface of the sign.

**Figure 14.04.030-10 Pole Sign**



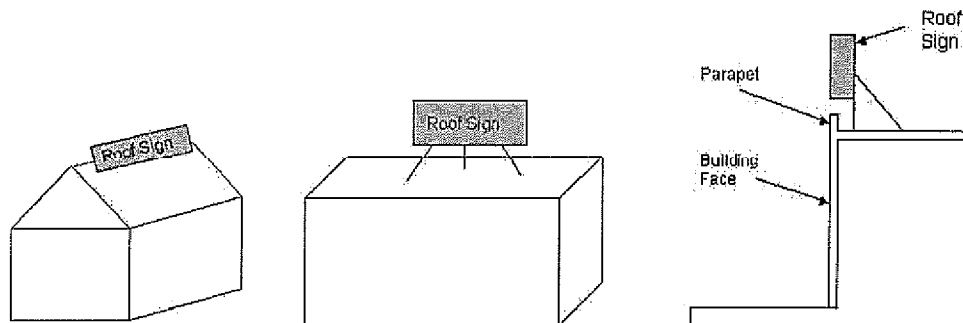
Sign, Projecting. "Projecting sign" means and includes any sign which is attached to a building and extends more than twelve inches beyond the line of the building or more than twelve inches beyond the surface of that portion of the building to which it is attached.

**Figure 14.04.030-11 Projecting Signs**



Sign, Roof. "Roof sign" means a sign installed upon or above a roof or parapet of a building.

**Figure 14.04.030-12 Roof Signs**

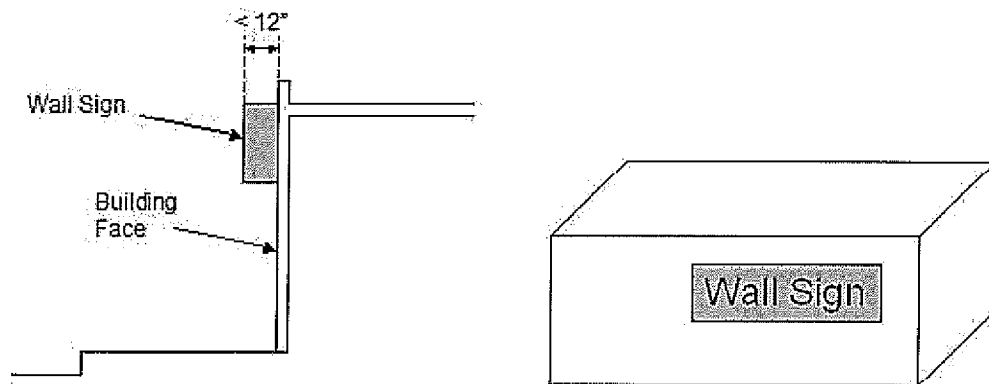


Sign, Temporary. "Temporary sign" means any sign, regardless of construction materials, which is not permanently mounted and is intended to be displayed on an irregular basis for a limited period of time.

Sign, Unsafe. "Unsafe sign" means any sign determined to be a hazard to the public by the city manager or duly authorized representative.

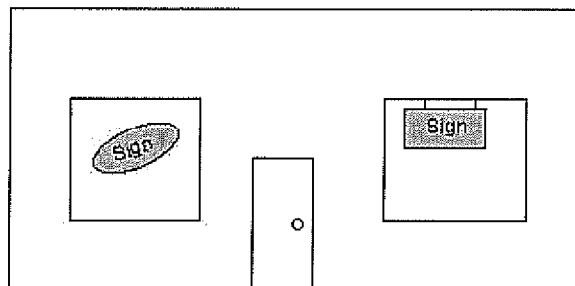
Sign, Wall. "Wall sign" means any sign painted on, attached to, or installed against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall, the angle of said wall not to exceed thirty degrees from the vertical. Wall signs may not project more than twelve inches from the wall to which they are attached. Painted wall decorations which include a message are considered to be wall signs.

**Figure 14.04.030-13 Wall Signs**



Sign, Window. "Window sign" means a sign, pictures, symbols, neon tubing or combination thereof, designed to communicate information, that is placed within a window and directed towards the outside of the window. Window signs do not include painted or printed displays of a temporary nature.

**Figure 14.04.030-14 Window Sign**



"Structural alteration" means any change in a structure or components. Structural alteration does not include a change in copy or message, normal maintenance, or repairs that simply restore the sign to original condition.

Table 14.04.030 summarizes the types of signs. In the sign district sections that follow, regulations are discussed in terms of the categories listed in this table.

**Table 14.04.030 Types of Signs**

<b>Sign Category</b>	<b>Sign Type</b>
Wall signs	<ul style="list-style-type: none"> <li>• Signs placed on parapets</li> <li>• Banners</li> <li>• Cabinet signs</li> <li>• Murals</li> <li>• Signs on the exterior of a window</li> </ul>
Freestanding signs	<ul style="list-style-type: none"> <li>• Pole signs</li> <li>• Monument signs</li> <li>• Billboards</li> <li>• Daily display sandwich board signs</li> </ul>
Projecting signs	<ul style="list-style-type: none"> <li>• Below an awning, eve, or marquee</li> <li>• Sign projecting from a structure</li> </ul>
Window signs	<ul style="list-style-type: none"> <li>• Signs on the interior of a window</li> <li>• Painted or printed temporary signs</li> </ul>
Roof signs	<ul style="list-style-type: none"> <li>• Signs mounted on a roof</li> <li>• Signs mounted on a parapet</li> </ul>
Other signs	<ul style="list-style-type: none"> <li>• Bench</li> <li>• Flags</li> <li>• Marquee</li> <li>• Awning</li> </ul>

**SECTION 14.08 ADMINISTRATION AND ENFORCEMENT:****14.08.090 Conditional and community service use signs:**

Signs for conditional and community service uses shall be limited to those allowed in the underlying zone. The standards of the underlying zone may be increased to the standards in Table 14.08.090-1, pursuant to a Type I review. The standards of the underlying zone may be increased to the standards in Table 14.08.090-2, pursuant to Minor Quasi-Judicial Review by the Planning Commission, as specified in MMC 19.1011.3.

In reviewing an application for a sign to meet the standards of Table 14.08.090-2, the Planning Commission will consider the proximity of the sign to residences, the functional classification of adjacent streets, and the scale of surrounding development.

**Table 14.08.090-1  
Standards for Conditional and Community Service Use Signs  
with Type I Review**

<b>Sign Type</b>	<b>Size</b>	<b>Number</b>	<b>Height</b>	<b>Location</b>
Monument or freestanding sign	Max. 16 SF per display surface	One	Max. 6 ft. above ground	Not in the public right-of-way.
Wall sign	Max. 16 SF	One per building face		
Daily display	Max. 12 SF per display surface	One per frontage		Not in the public right-of-way, except as allowed in MMC 14.20.040.

**Table 14.08.090-2  
Standards for Conditional and Community Service Use Signs  
with Minor Quasi-Judicial Review**

<b>Sign Type</b>	<b>Size</b>	<b>Number</b>	<b>Height</b>	<b>Location</b>
Monument or freestanding sign	Max. 40 SF per display surface.  Max. length 20 ft.	One	Max. 12 ft. above ground	Not in the public right-of-way.
Wall sign	10% of the building face, up to 40 SF.	One per building face		
Daily display	Max. 12 SF per display surface.	One per frontage		Not in the public right-of-way, except as allowed in MMC 14.20.040.



## **SECTION 14.12 SIGNS PROHIBITED OR EXEMPTED:**

### **14.12.010 Exempted signs:**

The following signs shall not require a sign permit but shall conform to all other applicable provisions of this chapter and shall be allowed outright in all zones, except as otherwise noted:

A. One sign per occupancy or premises not exceeding four square feet, nonilluminated, and not exceeding three feet in height if ground-mounted.

B. Temporary signs which are nonilluminated, have an overall face area not exceeding sixteen square feet, are not permanently installed, and are intended to be located on property for short durations of time. Such signs may include, but are not limited to, real estate lease and sales, political signs, building permits, public hearing notices, construction signs, garage sale, open house, special event, holiday, and similar signs. Temporary signs shall be removed within a reasonable period of time.

C. Signs placed in the right-of-way by the City, jurisdiction responsible for the right-of-way, or transportation district operating within the right-of-way.

D. Bench signs which comply with all regulations in Chapter 12.20 of the Milwaukie Municipal Code.

E. Banners on community service use properties, as defined in Section 19.321.2, not exceeding a total display area of forty square feet per face per site and pennants not to exceed a length of fifty feet per site. Such banners and pennants may remain in place for six months or less in any one calendar year.

F. Repealed.

G. Flags.

H. Signs carved into a building or which are a part of materials which are an integral part of the building such as cornerstones and similar signs.

I. Repealed.

J. Window signs in the downtown zones which occupy a total display area of no more than twenty percent of the window area. In all other commercial and manufacturing zones, window signs which occupy a total display area of no more than fifty percent of the window area. No sign prohibited by Section 14.12.020(A) may be used as part of the window sign authorized by this exemption.

K. Repealed.

L. Signs oriented toward, or intended to be legible for, users of a site, such as a recreational facility, and not oriented toward or intended to be legible from a right-of-way or other property.

#### **14.12.020 Prohibited signs:**

It is unlawful for any person to install, display or maintain, and no permit shall be issued for the installation, display or maintenance of, any sign or advertising structure falling within any of the following descriptions:

A. Moving signs or flashings signs, or any other sign with a visible moving part or visible mechanical movement, including signs which move in the wind or move or change electrically or electronically. These signs are prohibited in order to prevent unduly distracting or hazardous conditions to motorists, cyclists, or pedestrians. Automatic changing signs that change no more than once every 10 seconds, and revolving signs that revolve at six revolutions per minute or less, are exempt from this prohibition. Switching the power for illuminated signs on and off four or fewer times in one day does not constitute a flashing sign.

B. Signs installed within the right-of-way except as permitted by Sections 14.12.010(C) and 14.20.040(A).

C. Strings of banners, pennants, balloons, and similar signs, except as permitted under Sections 14.12.010(E).

D. Temporary signs, except as permitted under Sections 14.12.010(B), and 14.12.010(E).

E. Fin signs.

F. Repealed.

G. Repealed.

H. No sign or portion thereof shall be installed within future street right-of-way, unless and until an agreement is recorded stipulating that the sign will be removed or relocated upon street development or widening at no expense to the city.

I. No sign or portion thereof shall be placed so that it obstructs any fire escape, stairway or standpipe; interferes with human exit through any window or any room located above the first floor of any building; obstructs any door or required exit from any building; or obstructs any required light or ventilation.

J. Repealed.

K. Repealed.

L. Window signs which obscure more than fifty percent of the window area or are not subject to the provisions of Section 14.12.010K.

M. Repealed.

N. Searchlights.

O. Pole signs in the downtown zones.

P. Reflective backgrounds and materials are not allowed.

Q. Signs that imitate traffic control devices and are located in places where they are likely to be confused with a traffic control device, and any sign obscuring the view of a traffic control device.

**SECTION 14.16 SIGN DISTRICTS:****14.16.010 Residential zone:**

No sign shall be installed or maintained in an R zone, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.010**  
**Standards for Signs in Residential Zones**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Signs at entrances to subdivisions or manufactured home parks	Max. 2 SF per dwelling unit to max. 32 SF per sign. Max. 16 SF per display surface; total sign area for all display surfaces of no more than 64 SF.	Max. 6 ft. above grade.	1 per entrance	External illumination only
Freestanding signs on apartment and condominium properties	Limited to 2 SF per dwelling unit to a maximum area of 32 SF, 16 SF per display surface.	Max. 6 ft. above grade.	1 per street frontage <sup>2</sup>	External illumination only
Wall signs on apartment and condominium properties	Limited to 2 SF per dwelling unit to a max. of 32 SF.	No wall sign shall extend above the roofline at the wall, or the top of a parapet wall, whichever is higher.	1 per street frontage permitted <sup>2</sup>	External illumination only
Awning signs on apartment and condominium properties	Max display surface is 25% of awning area, up to max. of 32 SF.	May not extend higher than the point where the roofline intersects the exterior wall.	1 per street frontage <sup>3</sup>	
Hanging sign suspended beneath awning	Max. area limited to 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground to the lowest portion of awning or sign.	1 per street frontage <sup>3</sup>	External illumination only

**Notes:**

<sup>1</sup> Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. See Section 14.24.020.

<sup>2</sup> Either one freestanding or one wall sign per street frontage is permitted.

<sup>3</sup> Either one sign on an awning or one sign hanging beneath an awning is allowed.

**14.16.020 Residential-office-commercial zone:**

No sign shall be installed or maintained in an R-O-C or R-1-B zone, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.020**  
**Standards for Signs in Residential-office-commercial Zones R-O-C or R-1-B**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Signs at entrances to subdivisions	Max. 2 SF per dwelling unit to max. 32 SF per sign; 16 SF per display surface. Total sign area for all display surfaces may not exceed 64 SF.	Max. 6 ft. above grade.	1 per entrance	External only
Freestanding signs on apartment and condominium properties	Max. 2 SF per dwelling unit to max. 32 SF per sign; 16 SF per display surface.	Max. 6 ft. above grade.	1 per street frontage	External only
Wall signs on apartment and condominium properties	Limited to 2 SF per dwelling unit to a max. 32 SF.	Cannot extend above roofline at wall or top of parapet wall, whichever is higher.	1 per street frontage	External only
Awning signs on apartment and condominium properties	Max display surface is 25% of awning area, up to a max. of 32 SF.		1 per street frontage	External only
Freestanding signs on commercial property	Max. 32 SF per display surface. Total sign area for all display surfaces may not exceed 64 SF.	Max. 12 ft.	1 permitted <sup>2</sup>	External only
Wall signs on commercial property	Max. 10% of building face related to commercial use.	Cannot extend above roofline at wall or top of parapet wall, whichever is higher.	1 permitted <sup>3</sup>	External only
Awning signs related to a commercial use	Max display surface is 25% of surface of awning not to exceed 10% of the building face related to commercial use.	May not extend higher than the point where the roofline intersects the exterior wall.	1 per frontage	External only
Hanging sign suspended beneath awning	Max. 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground level to lowest portion of awning or suspended sign.	1 per street frontage <sup>4</sup>	External only
Daily display sign <sup>5</sup>	Max. 8 SF per display surface. Total sign area may not exceed 16 SF.	Max. 6 ft. above ground level.	1 per property or occupancy	External only

Notes:

- <sup>1</sup> Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. See Section 14.24.020.
- <sup>2</sup> One freestanding sign is permitted in addition to one wall sign.
- <sup>3</sup> One wall sign is permitted in addition to one freestanding sign or two wall signs permitted.
- <sup>4</sup> For awnings related to residential use, either one sign on an awning or one sign hanging beneath an awning is allowed.
- <sup>5</sup> Location: A daily display sign shall not be located within required landscaped areas, and is only allowed within the public right-of-way subject to the standards of Section 14.20.040.

**14.16.030 Neighborhood Commercial Zone:**

No sign shall be installed or maintained in a C-N zone, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.030  
Standards for Signs in Neighborhood Commercial Zones C-N**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Freestanding signs	1.5 SF per lineal ft. of street frontage, not exceeding 40 SF per display surface and 80 SF overall.	May not project over the top of a building or max. 20 ft., whichever is less.	1 permitted <sup>2</sup>	External only
Wall signs <sup>3</sup>	Max. 20% of building face.	Cannot extend above roofline or top of a parapet wall, whichever is higher.	Dictated by area requirements <sup>4</sup>	External only
Awning signs	Max. 25% of surface of awning, not to exceed 20% of building face.	No higher than the point where the roofline intersects the exterior wall.	1 per frontage per occupancy	External only
Hanging sign suspended beneath awning	Max. 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground level to the lowest portion of awning or suspended sign.	1 hanging sign per awning	External only
Daily display signs <sup>5</sup>	Max. 8 SF per display surface and 16 ft. overall.	Max. 6 ft. above ground level.	1 per property or occupancy	External only

**Notes:**

- <sup>1</sup> Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. See Section 14.24.020.
- <sup>2</sup> In addition to one wall sign.
- <sup>3</sup> Location: Limited to the building surface or surfaces facing the public right-of-way.
- <sup>4</sup> Wall signs are permitted in addition to one freestanding sign.
- <sup>5</sup> Shall not be located within required landscaped area, and is only allowed within the public right-of-way subject to the standards of Section 14.20.040.

**14.16.040 Commercial zone:**

No sign shall be installed or maintained in the C-L, C-G and C-CS zones, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.040  
Standards for Signs in Commercial Zones C-L, C-G, and C-CS**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Location</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Freestanding signs	1.5 SF per lineal ft. of street frontage and 1 additional SF per each lineal ft. of frontage over 100 ft. <sup>2</sup>	Max. 25 ft. from ground level, 14 ft. min. clearance below lowest portion of a sign in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way. <sup>3</sup>	1 multifaced sign per street frontage. <sup>4</sup>	Permitted
Wall signs	Max. 20% of building face. <sup>5</sup>	Not above roofline or top of parapet wall, whichever is higher.	N/A	No limit.	Permitted
Projecting signs	Max. 20% of building face. <sup>5</sup>	Not above roofline or top of parapet wall. <sup>6</sup>	Not within 20 ft. of another projecting sign.	1 per occupancy frontage; prohibited if the premises has a freestanding or roof sign.	Permitted
Roof signs	Max. 1 SF per lineal ft. of street frontage.	Max. 8 ft. above highest point of building. No sign support structure can be visible.	Pending approval by Fire Marshal. <sup>7</sup>  May not project over parapet wall.	Permitted instead of, and not in addition to, projecting or freestanding signs.	Permitted
Awning signs	Max. display surface is 25% of surface of awning, not to exceed 20% of building face.	No higher than the point where the roofline intersects the exterior wall. <sup>8</sup>	N/A	1 per frontage per occupancy.	Permitted
Hanging sign suspended beneath awning	Maximum area for hanging signs of 1 SF per 1 lineal ft. of awning length.	Min. 8 ft. clearance for hanging signs from the ground to the lowest part of the sign or awning.		1 hanging sign per awning.	Permitted

Marquee signs	Max. display surface is 25% of surface of marquee, not to exceed 20% of building face.	No higher than the point where the roofline intersects the exterior wall. <sup>8</sup>	Not extending more than 1 ft. from the marquee surface or 1 ft. over the top edge of the marquee.	1 per frontage per occupancy.	Permitted
Under-marquee signs	Max. 6 SF per display surface or 12 SF in overall sign area.	Min. 8 ft. clearance between the lowest portion of the sign and the ground.	Shall not project within 2 ft. of curb.	No limit.	Permitted
Daily display signs	Max. 12 SF per display surface and 24 SF overall.	Max. 6 ft. above ground level.	Not within required landscaped areas or public right-of-way. <sup>9</sup>	1 per property or occupancy.	Permitted

## Notes:

- <sup>1</sup> When fluorescent tubes are used for interior illumination of a sign within 500 ft. of any residentially zoned property, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 7 inches apart, center to center. No exposed incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. See Section 14.24.020.
- <sup>2</sup> Not to exceed 250 square feet of sign area per display surface for each sign, or a total of 1,000 square feet for all display surfaces.
- <sup>3</sup> Currently existing freestanding signs may project over such right-of-way for a distance not to exceed two feet.
- <sup>4</sup> Where a frontage exceeds 300 feet in length, one additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a projected or roof sign.
- <sup>5</sup> If a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed 20 percent of the face of the building.
- <sup>6</sup> Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within 2 feet of the curb nor beyond the distances specified in Table 14.16.060(E) for projection of signs into public rights of way.
- <sup>7</sup> Only approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting.
- <sup>8</sup> Regardless of the existence of a parapet wall.
- <sup>9</sup> A daily display sign may be allowed within the public right-of-way, subject to the standards of Section 14.20.040.



**14.16.050 Manufacturing zone:**

No sign shall be installed or maintained in an M or BI zone, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

**Table 14.16.050  
Standards for Signs in Manufacturing Zones M or BI**

<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Location</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Freestanding signs	1.5 SF per lineal ft. of street frontage and 1 additional SF for each lineal ft. of frontage over 100 ft. <sup>2</sup>	Max. 25 ft. from ground level. Min. clearance below lowest portion of a sign is 14 ft. in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way.	1 multifaced sign permitted. <sup>3</sup>	Permitted
Wall signs	Max. 10% of building face. <sup>4</sup>	Not above roofline or top of parapet wall, whichever is higher.	N/A	No limit.	Permitted
Roof signs	Max. 1 SF per lineal ft. of street frontage.	Max. 8 ft. above highest point of building. <sup>5</sup>	Pending approval by fire marshal. <sup>6</sup> May not project over parapet wall.	Permitted instead of, not in addition to, projecting or freestanding signs.	Permitted
Awning signs	Max. display surface is 25% of awning surface. <sup>7</sup>	No higher than the point where the roofline intersects the exterior wall. <sup>8</sup>	N/A	1 per frontage per occupancy.	Permitted
Hanging sign suspended beneath awning	Max. 1 SF per 1 lineal ft. of awning length.	Min. 8 ft. clearance from the ground to the lowest part of the sign or awning.		1 hanging sign per awning.	Permitted
Daily display signs	Max. 12 SF per display surface and 24 SF overall.	Max. 6 ft. above ground level.	Not permitted within required landscaped areas or public right-of-way. <sup>9</sup>	1 per occupancy.	Permitted

**Notes:**

<sup>1</sup> When fluorescent tubes are used for interior illumination of a sign within 500 feet of any residentially zoned property, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 7 inches apart, center to center. No exposed incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets or other property. See Section 14.24.020.

<sup>2</sup> Not to exceed 250 square feet of sign area per display surface for each sign, or a total of 1,000 square feet for all display surfaces.

- <sup>3</sup> Where a frontage exceeds 300 feet in length, one additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a roof sign.
- <sup>4</sup> Includes signs painted directly on the building surface.
- <sup>5</sup> All roof signs shall be installed in such a manner that there shall be no visible angle iron or similar sign support structure.
- <sup>6</sup> Only approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting.
- <sup>7</sup> Measured in vertical distance times length.
- <sup>8</sup> Regardless of the existence of a parapet wall
- <sup>9</sup> A daily display sign may be allowed within the public right-of-way subject to the standards of Section 14.20.040.

### **14.16.060 Downtown zones.**

No sign shall be installed or maintained in the DC, DS, DO, DR and DOS zones, except as allowed under Section 14.12.010, Exempted Signs, or as otherwise noted in this section.

- A. Freestanding Sign. In the downtown zones, freestanding signs shall be monument type only. The sign face shall be no less than sixty percent of the total area of the monument. Pole signs are prohibited.
  1. Area. The maximum permitted display surface area of a freestanding sign shall be computed on one square foot of area per lineal foot of street or highway frontage.
    - a. In the DO zone the maximum area shall not exceed forty square feet per display surface and eighty square feet overall.
    - b. In the DR and DOS zones the maximum area shall not exceed thirty-two square feet per display surface and sixty-four square feet overall.
  2. Height and/or Clearance.
    - a. In the DC, DS and DO zones, freestanding signs are limited to a maximum height of seven feet. Properties with frontage on McLoughlin Boulevard may have freestanding signs with a maximum height of fifteen feet and shall only be located along the McLoughlin Boulevard frontage. Freestanding sign height shall be measured from the top of the sign to the lowest finished grade within a six foot horizontal distance from the sign.
    - b. In the DR and DOS zones freestanding signs are limited to a maximum height of six feet above grade.
  3. Number. One freestanding sign is permitted on a street or highway frontage.
- B. Wall Sign.
  1. Area. The maximum permitted area of a wall sign shall be twenty percent of the building face.
    - a. In the DR and DOS zones the maximum permitted area of a wall sign shall be sixteen square feet.
  2. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.
  3. Number.
    - a. Dictated by area requirements.
    - b. In the DR and DOS zones one wall sign is permitted in addition to one freestanding sign.
  4. Location. Limited to the building surface or surfaces facing the public right-of-way only.
- C. Awning Sign.
  1. Area. The maximum permitted display surface of an awning sign is twenty-five percent of the surface of the awning. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.

2. **Height and/or Clearance.** An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. An awning sign may not be located higher than the first floor of a building or fifteen feet, whichever is less. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.
  3. **Number.** One awning sign per frontage per occupancy, and one sign hanging per awning, is permitted.
- D. Daily Display Sign.**
1. **Area.** The maximum permitted area of a daily display sign shall be eight square feet per display surface and sixteen square feet overall, with a maximum height limit of six feet above ground level.
  2. **Number.** One daily display sign per occupancy is permitted.
  3. **Location.** A daily display sign shall not be located within the required landscaped areas, and is allowed within the right-of-way only subject to the standards of Section 14.20.040.
- E. Projecting Signs.**
1. **Area.** Projecting signs shall not exceed in gross area twenty percent of the face of the building to which the sign is attached or on which the sign is maintained. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed twenty percent of the face of the building.
  2. **Height and/or Clearance.** No projecting sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher. No projecting sign shall project more than five feet from a building. Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within two feet of the curb nor beyond the distances specified in the following table:

**Table 14.16. 060(E)**  
**Projection of Signs Into Public Rights-of-Way**

<b>Overhead Clearance</b>	<b>Maximum Projection Into Public Right-of-Way</b>
Less than eight feet above finished floor/grade	Not permitted
Eight feet above finished floor/grade	One foot
Eight to sixteen feet above finished floor/grade	One foot plus six inches for each foot of clearance in excess of eight feet
Over sixteen feet above finished floor/grade	Five feet

3. Location. No projecting sign shall be located within twenty feet of another projecting sign. Of two signs not conforming to this provision, the first lawfully installed sign may remain.
4. Number. Only one projecting sign will be permitted on the same business frontage. No projecting sign shall be permitted on the same premises where there is a freestanding sign.

F. Marquee Signs.

1. Area. The maximum display surface for a sign displayed on a marquee is 25% of the marquee surface.
2. Height. A marquee sign shall not extend higher than the point where the roofline intersects the wall, regardless of the existence of a parapet wall.
3. Location. Marquee signs shall not extend more than 1 ft. from the surface of a marquee or more than 1 ft. over the top edge of the marquee.
4. Number. One marquee sign is allowed per frontage per occupancy.

G. Under-Marquee Signs.

1. Area. Under-marquee signs shall not exceed six square feet per display surface or twelve square feet in overall sign area.
2. Height and/or Clearance. Under-marquee signs must have eight feet of clearance below the lowest portion of the sign and the ground below.
3. Location. Under-marquee signs shall not project within two feet of the curb.
4. Number. No limit, dictated by area requirements.

H. Illumination. Illuminated signs may be permitted subject to the following:

1. Signs with opaque letters or symbols that are backlit, having a light source behind the opaque area and not directly visible from in front of the sign, are permitted.
2. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.
3. Awning signs shall not be internally illuminated. Features on an awning sign may be externally illuminated subject to review by the design and landmarks committee and approval by the Planning Commission, according to the following criteria:
  - a. Sign lighting should be designed as an integral component of the building and sign composition.
  - b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.
  - c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.
4. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.
5. Internally illuminated cabinet signs are discouraged in the downtown zones. Internal illumination of cabinet signs may be permitted subject to design review

by the design and landmarks committee and approval by the planning commission, per the procedures outlined in Section 19.1011.3, according to the following criteria:

- a. The sign should be a unique design that responds to the Milwaukie Downtown Design Guidelines.
- b. The sign copy should be lighter than the sign background.
- c. The sign background should use a predominance of dark color or be opaque when the light source is on.

## **SECTION 14.20 SIGNS IN PUBLIC RIGHTS-OF-WAY:**

### **14.20.020 Repealed.**

### **14.20.030 Bench signs:**

Bench signs are permitted, subject to Chapter 12.20 of the Milwaukie Municipal Code.

### **14.20.040 Daily display signs:**

A. In sign districts where daily display signs are allowed per Chapter 14.16, one daily display sign may be placed within a public right-of-way adjacent to any premises by the person in control of those premises, provided all of the following conditions are met:

1. A city right-of-way permit is obtained per requirements of Section 12.16.020. This permit shall be revocable in case of condition noncompliance.

2. The sign is to be set back behind the curb so as not to interfere with on-street parking, or, a minimum of ten feet from the edge of the nearest street travel lane where curbs are not in place.

3. The sign is to be placed so as to allow at least five feet of unimpeded pedestrian sidewalk maneuvering space.

4. The sign is to meet clear vision requirements of Chapter 12.24 of the Milwaukie Municipal Code.

5. The sign is properly maintained as per requirements of Section 14.24.010

6. The applicant shall assume all liability for incidents involving the sign by signing a document exempting the city from liability.

7. Sign dimension shall not exceed a maximum width of four feet nor a maximum above-ground level height of four and one-half feet.

8. Repealed.

B. Repealed.

## **SECTION 14.24 SIGN CONSTRUCTION, MAINTENANCE AND LIGHTING:**

### **14.24.010 Construction and maintenance requirements:**

A. Except as otherwise provided in this chapter, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code, Uniform Fire Code and electrical code.

B. All signs, together with their supports, braces, guys and anchors, shall be constructed of materials that are durable and weather-resistant, and shall be regularly maintained so as to exist at all times in a state of good repair. No person shall maintain, or permit to be maintained on any premises owned or controlled by him or her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated or other dilapidated or unsafe condition.

C. All signs shall be kept clean and the site on which they are located shall be kept clean and free from debris. Signs shall be kept free from rust, corrosion, peeling paint, torn or peeling paper, and other surface deterioration. Broken or missing sign components and lighting panels shall be replaced within thirty days of notification by the city.

D. Repealed.

**14.24.020 Sign lighting:**

A. All lamps or bulbs exposed to direct view shall be limited to twenty-five watts or less capacity.

B. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed three hundred milliamperes rating for white tubing nor one hundred milliamperes rating for colored tubing.

C. When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to eight hundred milliamperes rating tubes behind a Plexiglas face with tubes spaced at least nine inches apart, center to center.

D. Lighting from any sign may not directly, or indirectly from reflection, cause illumination on other properties in excess of 0.5 foot candles of light.

E. In the event of a conflict between the standards in this section and a specific standard in the regulations for a sign district, the sign district regulations shall prevail.

**SECTION 14.28 REMOVAL OF SIGNS IN VIOLATION:**

**14.28.010 Abandoned sign:**

A. Time Limit. Abandoned sign structures shall be removed within 180 days of the time that a sign is no longer used on the structure.

B. Notice. If the owner or lessee fails to remove the abandoned sign, the city manager or duly authorized representative shall give the owner fifteen days' written notice to remove it.

**14.28.020 Nonconforming sign:**

A. Time Limit.

1. Except as provided in Subsection 14.28.020(A)2, signs that were in compliance with applicable regulations when installed but that become nonconforming as a result of adoption, modification, or applicability of the City's sign regulations may remain in place for 10 years after the date they became nonconforming but shall be removed or brought into compliance on or before 10 years plus one day of the date they became nonconforming.

2. Repealed.

3. Any sign which is structurally altered, relocated or replaced shall immediately be brought into conformance with all of the provisions of this chapter. A nonconforming sign in all zones may be maintained or undergo a change of copy or image without complying with the requirements of this chapter.

4. The provisions of this code relating to flashing signs, par spot lights, revolving beacons, revolving signs, banners, streamers, strings of lights, and temporary signs are applicable to all signs, notwithstanding Subsection 14.28.020(A)1.

B. Notice. For legally established nonconforming signs that are approaching the end of the 10-year period during which they may be maintained under Subsection 14.28.020(A)1, the City Manager may provide additional notice in anticipation of the date the sign will be required to be removed or made to conform.



**14.28.030 Unsafe sign:**

A. Time Limit. The city manager or duly authorized representative may cause any sign and/or sign support structure which they determine to be a hazard to persons or property, by reason of it or its support structure being or becoming of unsound and unsafe condition, i.e., weakened or broken support, broken parts, including tubing, wiring, plastic, etc., to be removed summarily. The City Manager or duly authorized representative may allow repair as an alternative to removal of an unsafe sign when the sign does not pose an immediate hazard to persons or property.

B. Notice. Two days' notice, except that no notice is required if a determination is made that the sign and/or sign support structure poses an immediate peril to persons or property.

**14.28.040 Repealed.**

**14.28.050 Administrative procedures for notification of violation:**

The installation, alteration, or maintenance of a sign in violation of this title is a civil violation with a civil penalty of up to \$100 per day of infraction. If the City believes a sign is in violation of any provision of this title, the City may initiate civil infraction and/or nuisance proceedings, or initiate the notice procedures set forth in this section. In deciding whether to provide notice before initiating civil infraction or nuisance proceedings, the City may consider the nature and extent of the violation, whether the violation is curable, whether the sign creates a traffic or safety hazard, the impact of the sign on the community, and other factors.

A. The City Manager or designee may give 30 days' written notice to the owner or lessee of any permanent sign, or if the owner or lessee is not known, to the owner or lessee of the property where the sign is located, that the City determines to be in violation of the City's regulations to remove the sign and structure or bring it into compliance. The City may demand immediate removal, moving, or alteration of a temporary sign that does not comply with the City's regulations and may remove a sign in the right-of-way without notice or demand.

B. If notice or a demand is given as provided in Subsection 14.28.020(A) and the violation is not cured within the time specified, the owner or other responsible person may be cited for a civil infraction, or the City may institute procedures to declare the sign a nuisance, or both. The City may pursue any other remedy legally available to it.

C. The City shall store any sign that it removes under the authority of this section for up to 60 days, and shall return the sign to the owner upon payment of the City's costs of removal and storage. The City may dispose of signs if unclaimed after 60 days.

D. Repealed.

## **Chapter 14.32 ADJUSTMENTS.**

### **14.32.010 Authorization to grant or deny adjustments.**

A. The planning commission may authorize adjustments to the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard shall not be a basis for granting an adjustment. In granting an adjustment, the planning commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the city and otherwise achieve the purposes of this chapter.

B. Requests for adjustments in the downtown zones shall receive their first review from the Design and Landmarks Committee. The Design and Landmarks Committee shall make recommendations to the Planning Commission, which is the review authority and may authorize adjustments to the requirements of this chapter. Adjustments may be granted where it can be shown that there are special and unusual circumstances related to the specific property or sign, the adjustment is consistent with the Guiding Principles of the Downtown Design Guidelines, and the adjustment meets either of the following criteria:

1. Strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard shall not constitute a hardship; or
2. The adjustment serves to protect or enhance significant features such as but not limited to trees, historic or culturally significant buildings, or landmark signs.

In granting an adjustment, the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the city and otherwise achieve the purposes of this chapter.

### **14.32.050 Appeals:**

Appeals of planning commission decisions shall follow the procedures of Section 19.1000 of the Milwaukie zoning ordinance.

## EXHIBIT D

### Chapter 12.20 SIDEWALK BENCHES

#### 12.20.010 Purpose.

~~Under the conditions set forth in this chapter and upon payment of all fees provided for in this chapter, it shall be lawful for a~~ Any firm, person (as defined in Section 14.04.030), association or corporation ~~to may, after obtaining a permit from the City, place and maintain benches on sidewalks or sidewalk parking strips the nonvehicular portion of rights-of-way adjacent to property owned or controlled by the person. Such benches shall be for the free use and accommodation of persons awaiting transportation, and whereon may be displayed the name, address and character of the business, calling or enterprise of any person, firm, corporation or institution.~~

#### 12.20.020 Permit—Required.

Permits for the purpose set forth in this chapter shall be issued by the city manager of the city ~~and shall be valid for the remainder of the fiscal year of the city, all such permits expiring on July 1st following the date of their issuance.~~

#### 12.20.030 Permit—Issuance—~~Property owner approval.~~

~~Before the issuance of any such permit under this chapter, a the written and signed approval of the owner, lessee and/or tenant of the property abutting the location of each such bench shall be obtained and filed with the city recorder, together with the written application of the applicant shall be submitted, accompanied by a sketch of the proposed bench, showing its size, design and proposed location. The applicant may incorporate a sign onto both sides of the backrest portion of the bench. The sign area shall not exceed 15 square feet per face, or 30 square feet total. The approval of the owner, lessee or tenant shall apply only during the life of the ownership, lease or tenancy. Upon a transfer of ownership, change of lessee or tenant, new written signed approval shall be obtained and filed with the city recorder of the city. The city manager may either deny or allow such permit. In determining whether or not to allow such the permit, the city manager or his designee shall consider the possibility of congestion at the location of such bench, any hazards it may create to pedestrian or vehicular traffic, and the impairment of vision at or near intersections of persons operating motor vehicles upon the streets. In the event The manager denies such permit he shall file a brief written statement stating his reasons for any denial therefor and shall file the same with the city recorder and send a copy thereof to the applicant. Any applicant may, within ten days after the mailing of such notice, appeal to the City Council of the city, and if he fails so to do, the decision of the city manager shall be deemed final.~~

#### 12.20.040 Size and anchoring requirements.

No bench shall be more than forty-two inches high, nor more than two feet six inches in width, nor more than eight feet overall, and in every case each bench shall be firmly bolted, anchored or otherwise secured to the surface of the sidewalk or parking strip in such a manner as not to tip or be readily movable.

**12.20.050 Bond or insurance required.**

Before the installation of any such bench or benches in any right-of-way, the applicant shall obtain and file with the city recorder ~~as to any and all such benches~~ an indemnity bond or policy of insurance issued by a bonding company or insurance company licensed to do business in the state insuring the city ~~and the abutting property owner, and further any tenants or lessees,~~ against any and all claims for damages to persons or property that may result through the placing or maintaining of the any such bench or benches, in the amount of not less than ~~twenty-five~~ one hundred thousand dollars for injury to any one person, nor ~~less~~ more than three hundred fifty thousand dollars per occurrence, ~~for any one accident or injury to person,~~ and not less than fifty five thousand dollars for damage to property.

**12.20.060 Maintenance.**

All such benches shall be kept and maintained by the applicant in good and substantial state of repair, and shall be painted frequently enough to keep them sightly and attractive.

**12.20.070 Permit—Fee.**

Every application for a permit to install any sidewalk bench shall be accompanied by proof of payment of the fee established by city council resolution, ~~which shall cover the entire cost for the remainder of the fiscal year of the city, that terminates on July 1st of each year, which such fee shall be in addition to the annual license fees to do business in the city.~~

## **EXHIBIT E**

### **Chapter 12.20 SIDEWALK BENCHES**

#### **12.20.010 Purpose.**

Any firm, person (as defined in Section 14.04.030), association or corporation may, after obtaining a permit from the City, place and maintain benches on the nonvehicular portion of rights-of-way adjacent to property owned or controlled by the person. Such benches shall be for the free use and accommodation of persons awaiting transportation.

#### **12.20.020 Permit—Required.**

Permits for the purpose set forth in this chapter shall be issued by the city manager of the city.

#### **12.20.030 Permit—Issuance.**

Before the issuance of any permit under this chapter, a written application shall be submitted, accompanied by a sketch of the proposed bench, showing its size, design and proposed location. The applicant may incorporate a sign onto both sides of the backrest portion of the bench. The sign area shall not exceed 15 square feet per face, or 30 square feet total. In determining whether or not to allow the permit, the city manager or his designee shall consider the possibility of congestion at the location of such bench, any hazards it may create to pedestrian or vehicular traffic, and the impairment of vision at or near intersections of persons operating motor vehicles upon the streets. The manager shall file a brief written statement stating reasons for any denial and shall file the same with the city recorder and send a copy thereof to the applicant. Any applicant may, within ten days after the mailing of such notice, appeal to the City Council.

#### **12.20.040 Size and anchoring requirements.**

No bench shall be more than forty-two inches high, nor more than two feet six inches in width, nor more than eight feet overall, and in every case each bench shall be firmly bolted, anchored or otherwise secured in such a manner as not to tip or be readily movable.

#### **12.20.050 Bond or insurance required.**

Before the installation of any bench or benches in any right-of-way, the applicant shall obtain and file with the city recorder an indemnity bond or policy of insurance issued by a bonding company or insurance company licensed to do business in the state insuring the city against any and all claims for damages to persons or property that may result through the placing or maintaining of the bench or benches, in the amount of not less than one hundred thousand dollars for injury to any one person, nor less than three hundred thousand dollars per occurrence, and not less than fifty thousand dollars for damage to property.

#### **12.20.060 Maintenance.**

All such benches shall be kept and maintained by the applicant in good and substantial state of repair, and shall be painted frequently enough to keep them sightly and attractive.

#### **12.20.070 Permit—Fee.**

Every application for a permit to install any sidewalk bench shall be accompanied by payment of the fee established by city council resolution.

## **EXHIBIT F**

### **Title 17 LAND DIVISION**

#### **Chapter 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA**

##### **17.12.040 Approval criteria for preliminary plat:**

###### **17.12.040(A)(3):**

3. The proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of Oregon Revised Statutes 92.090(1).

## **EXHIBIT G**

### **Title 17 LAND DIVISION**

#### **Chapter 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA**

##### **17.12.040 Approval criteria for preliminary plat:**

###### **17.12.040(A)(3):**

3. The proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of Oregon Revised Statutes 92.090(1).

# **EXHIBIT H**

## **Title 19 ZONING**

### **Chapter 19.100 INTRODUCTORY PROVISIONS**

#### **19.103 Definitions:**

"Church" "Religious Institution" means a structure used by a religious organization having a tax-exempt status.

### **Chapter 19.300 USE ZONES**

#### **19.323 Historic Preservation Overlay zone HP:**

##### **19.323.7 Demolition:**

F. Denial/Stay of Demolition:

3. Action by the commission suspending issuance of the permit for demolition may be appealed to the city council by the applicant for the permit, by ~~filling~~ filing a notice of appeal in the same manner as provided in subsection ~~19.323.6(F)~~. 19.323.5(F).

### **Chapter 19.400 SUPPLEMENTARY REGULATIONS**

#### **19.408 Dual use of required open space:**

No lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in subsection ~~19.503.4D~~. 19.5031(C).

#### **19.413 Yard requirements, general exceptions:**

**19.413.1 Exceptions. The following exceptions to the yard requirements are established for a lot in any one zone:**

- A. The required front yard need not exceed the average depth of the two (2) abutting front yards within one hundred (100) feet of the proposed structure.
- B. The required front yard need not exceed the average depth of the abutting front yard within one hundred (100) feet of the proposed structure and the required front yard depth.
- C. (Repealed by Ord. 1893)

#### **19.422 Manufactured home placement:**

##### **19.422.4 Siting Standards:**



- F. ~~The unit shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single family dwellings constructed under the state building code as defined in ORS 455.010. Repealed.~~

## **Chapter 19.500 OFF-STREET PARKING AND LOADING**

### **19.503 Off-street parking standards:**

#### **19.503.3 Minimum Number of Required Parking Spaces and Maximum Allowable Parking:**

- A. Parking shall be provided for all uses in accordance with specifications of Table 19.503.9. Where a use is not named in Table 19.503.9, determination of applicable parking standards shall be made in accordance with subsection ~~19.503.5~~19.503.6.

#### **19.503.17 Pedestrian Access:**

Pedestrian access through parking areas shall be attractive, separated from vehicular circulation and parking, lighted, and provide direct access. Walkways shall be required in parking areas over twenty spaces and shall be buffered by landscaping or a curb, per section 19.1410.3(E).

### **19.505 Bicycle parking:**

#### **19.505.2 Number of Spaces:**

The number of bicycle parking spaces shall be at least ten percent (10%) of the minimum required automobile parking for the use. In no case shall less than two (2) spaces be provided. The number of bicycle parking spaces at transit centers shall be provided at the ratio of one space per one hundred (100) daily boardings.

# **EXHIBIT I**

## **Title 19 ZONING**

### **Chapter 19.100 INTRODUCTORY PROVISIONS**

#### **19.103 Definitions:**

"Religious Institution" means a structure used by a religious organization having a tax-exempt status.

### **Chapter 19.300 USE ZONES**

#### **19.323 Historic Preservation Overlay zone HP:**

##### **19.323.7 Demolition:**

- F. Denial/Stay of Demolition:
  - 3. Action by the commission suspending issuance of the permit for demolition may be appealed to the city council by the applicant for the permit, by filing a notice of appeal in the same manner as provided in subsection 19.323.5(F).

### **Chapter 19.400 SUPPLEMENTARY REGULATIONS**

#### **19.408 Dual use of required open space:**

No lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in subsection 19.5031(C).

#### **19.413 Yard requirements, general exceptions:**

**19.413.1 Exceptions. The following exceptions to the yard requirements are established for a lot in any one zone:**

- A. The required front yard need not exceed the average depth of the two (2) abutting front yards within one hundred (100) feet of the proposed structure.
- B. The required front yard need not exceed the average depth of the abutting front yard within one hundred (100) feet of the proposed structure and the required front yard depth.
- C. (Repealed by Ord. 1893)

#### **19.422 Manufactured home placement:**

##### **19.422.4 Siting Standards:**

- F. Repealed.

## **Chapter 19.500 OFF-STREET PARKING AND LOADING**

### **19.503 Off-street parking standards:**

#### **19.503.3 Minimum Number of Required Parking Spaces and Maximum Allowable Parking:**

- A. Parking shall be provided for all uses in accordance with specifications of Table 19.503.9. Where a use is not named in Table 19.503.9, determination of applicable parking standards shall be made in accordance with subsection 19.503.6.

#### **19.503.17 Pedestrian Access:**

Pedestrian access through parking areas shall be attractive, separated from vehicular circulation and parking, lighted, and provide direct access. Walkways shall be required in parking areas over twenty spaces and shall be buffered by landscaping or a curb, per section 19.1410.3(E).

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