

CITY OF MILWAUKIE
PLANNING COMMISSION MEETING NOTES
TUESDAY, AUGUST 22, 2006

COMMISSIONERS PRESENT

Jeff Klein, Chair
Teresa Bresaw
Dick Newman
Scott Churchill
Lisa Batey

STAFF PRESENT

Katie Mangle,
Planning Director
Ryan Marquardt,
Assistant Planner
Gary Firestone,
Legal Counsel

COMMISSIONERS ABSENT

Catherine Brinkman

Also Absent: Shirley Richardson, Hearings Reporter

1.0 CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA

3.1 Planning Commission Minutes -- July 25, 2006

Unanimously approved the minutes of July 25, 2006 as presented.

3.1 Planning Commission Minutes -- June 27, 2006

Commissioner Batey stated that she had found several errors and omissions and will send staff a marked-up version. She would like staff to take another shot at the minutes.

Unanimously voted to have staff revise the minutes of June 27, 2006.

4.0 INFORMATION ITEMS -- City Council Minutes

City Council minutes can be found on the City web site at www.cityofmilwaukie.org

5.0 PUBLIC COMMENT -- None.

6.0 Public Hearings – None.

7.0 WORKSESSION ITEMS -- Sign Code Revisions.

Ms. Mangle introduced the Sign Code agenda item, stating that this worksession will be used to both resolve some of the outstanding key issues and to review each section that is under revision. She introduced Charmaine Coleman, a member of the Design and Landmarks Committee (DLC). The DLC members have discussed several of the key issues at their meeting, and staff invited DLC members to join the Planning Commission for this discussion of the issues.

Though she wanted to walk the group through all of the proposed changes, since Ms. Coleman was present, **Ms. Mangle** suggested beginning the discussion with the key issues – internally illuminated cabinet signs in Downtown, and banners.

Ms. Mangle explained that the issue with regards to internally illuminated cabinet signs in Downtown is that they are “discouraged,” but there are not standards for approval. The City Attorney recommends that the City either add criteria for approval of these signs, or otherwise prohibit them. Right now they are in a kind of twilight zone. In discussions with the commission and DLC thus far, both groups lean toward prohibition. The language in this draft of the code is revised to prohibit these signs. In addition, at the suggestion of DLC members, the Adjustments section is revised to add criteria an applicant could use to ask for flexibility from the Downtown sign standards. The criteria for an adjustment would include meeting the Guiding Principles of the Downtown Design Guidelines. The section would also clarify that the cost of meeting a standard is not justification for relief from a standard.

The group discussed their objections to internally illuminated cabinet signs, which include increased glare and an auto-oriented feel. It is important to keep a high standard for development downtown. The group also discussed the potential to expand the design standards to other areas of town. Other commercial areas, especially along 32nd, are in residential areas that deserve a high quality design environment.

Ms. Mangle reminded the group that those types of changes would be major policy changes and are not in the scope for this project. Perhaps the group could discuss this along with design standards for commercial buildings outside of downtown.

Ms. Mangle introduced the other key issue that should be discussed while Ms. Coleman is present – banner signs.

The group discussed their frustration that banners seem to go up everywhere and never come down. Many aren't really temporary and just let people get around the sign regulations. The group discussed different ways of limiting their use, and potentially deleting them from the "exempt" list. Ms. Mangle reminded the group that many schools and community groups use banners for recruiting and temporary announcements. Chair Klein suggested exempting schools from the limit. The group discussed options. Mr. Firestone suggested limiting banners for everyone except Community Service Use properties. The group liked the idea, and discussed the need to set regulations that result in the appearance the community wants.

Ms. Mangle directed the commissioners to return to the beginning of the code, and explained that the "commentary" version explains the changes made in the underline-strikeout version. She talked about the revisions page by page. The group discussed and proposed changes to the following items:

Flags (p.2) – Questions about the definition. Will people use this as a new way to hang banners? Mr. Firestone suggests two options to change the definition of "flag" – define a flag by national or political subdivision, or as "any fabric" hanging from a pole. The group decided to define a flag by as being for a national or political subdivision.

Sign, Awning (p.4) – the new graphic isn't clear. Why not include the little flap in the dimension? Delete the phrase "vertical distance" so the definition reads "...length times the distance between the wall and the outermost projection of the awning."

Sign, Fin (p.5) – what is it? Mr. Marquardt explained staff's understanding, admitting that there is general confusion about this term. Ms. Mangle suggested that staff add a graphic to illustrate it.

Conditional and community service use signs (p. 8) – Ms. Mangle reviewed the current proposal, based on the commission's discussion in July. It is a 2-step process, which will allow more signs for these uses to just get staff-level approval, as long as they are within the standards listed in Table 1. If they are larger, the applicant would have to get commission approval. Ms. Batey asked why wall signs need to be regulated "per display surface" – if they are on a wall, there is only one surface. Staff noted the change. The group discussed the height limits, and that since these standards really are for buildings in residential areas they shouldn't be very tall.

Moving signs (prohibited) (p.9) – This section is confusing, and is too discretionary. Mr. Firestone suggested changes to the sentence structure to address the concern.

Prohibited strings of lights (p.10) – Why would we want to prohibit strings of lights? They can be very nice, especially in downtown areas. The group agreed to delete this, and focus the regulation on strings of signs.

Residential-Office-Commercial zone standards (p.14) – Should clarify that the awning signs are related to an office or commercial use.

Manufacturing zone standards (p.24) – Discussed changes to ensure that we aren't going to start seeing enormous billboard signs. Mr. Firestone suggested changing the area limit to be that of a "half-size" billboard. He suggested staff look at the Tigard standards

for this, since their sign code was just upheld in court. The commissioners encouraged staff to limit the total area for these signs.

Noncomplying signs (p. 33) – what about nonconforming temporary signs?

Adjustments (p.34) – clarify 14.32.040.1 to say that “unnecessary hardship” is not related to cost of meeting the standard. Everyone wants to use cost as an excuse

Ms. Mangle stated that staff will make the revisions discussed tonight. Does the commission feel this is ready for a public hearing? If so, staff will share the recommendations with the NDAs and other interested parties.

The group agreed they support the proposed draft and would like to prepare it for a hearing in September.

8.0 DISCUSSION ITEMS -- None.

9.0 OLD BUSINESS -- None.

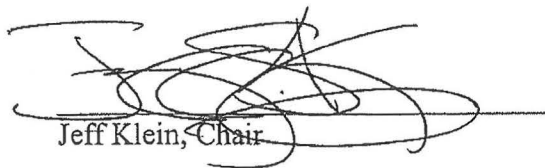
10.0 OTHER BUSINESS / UPDATES

10.1 Matters from the Planning Director

11.0 NEXT MEETING -- September 12, 2006

11.1

The meeting adjourned.


Jeff Klein, Chair


Katie Mangle, Meeting Notes Preparer

MILWAUKIE PLANNING COMMISSION

MILWAUKIE CITY HALL
10722 SE MAIN STREET

AGENDA TUESDAY, AUGUST 22, 2006 6:30 PM

		ACTION REQUIRED
1.0	Call to Order	
2.0	Procedural Matters If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. Thank You.	
3.0 3.1 3.2	Planning Commission Minutes June 27, 2006 July 25, 2006 Approved PC Minutes can be found on the City web site at: www.cityofmilwaukie.org	Motion Needed
4.0	Information Items – City Council Minutes City Council Minutes can be found on the City web site at: www.cityofmilwaukie.org	Information Only
	Public Comment This is an opportunity for the public to comment on any item not on the agenda	
6.0	Public Hearings - None	Discussion and Motion Needed For These Items
7.0 7.1	Worksession Items Sign Code Revision – Review proposed revisions to sign code	Discussion and Recommendation
8.0	Discussion Items This is an opportunity for comment or discussion by the Planning Commission for items not on the agenda.	Review and Decision
9.0	Old Business	
10.0	Other Business/Updates	Information Only Review and Comment
11.0	Next Meeting: 9/12 – Hearing ~ Spring Park / Community Service Use ~ Rowe Middle School / Community Service Use ~ Milwaukie High School / Community Service Use The above items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.	

Cast for Future Meetings:

10/10 – Worksession – Understanding Traffic Studies 101
10/10 – Hearing – Spring Park Master Plan

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this city, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

Public Hearing Procedure

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
 2. **CORRESPONDENCE.** The staff report is followed by any verbal or written correspondence that has been received since the Commission was presented with its packets.
 3. **APPLICANT'S PRESENTATION.** We will then have the applicant make a presentation, followed by:
 4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
 5. **COMMENTS OR QUESTIONS.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
 6. **PUBLIC TESTIMONY IN OPPOSITION.** We will then take testimony from those in opposition to the application.
 7. **QUESTIONS FROM COMMISSIONERS.** When you testify, we will ask you to come to the front podium and give your name and address for the recorded minutes. Please remain at the podium until the Chairperson has asked if there are any questions for you from the Commissioners.
 8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all testimony, we will take rebuttal testimony from the applicant.
- CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. We will then enter into deliberation among the Planning Commissioners. From this point in the hearing we will not receive any additional testimony from the audience, but we may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION/ACTION.** It is our intention to make a decision this evening on each issue before us. Decisions of the Planning Commission may be appealed to the City Council. If you desire to appeal a decision, please contact the Planning Department during normal office hours for information on the procedures and fees involved.
 11. **MEETING CONTINUANCE.** The Planning Commission may, if requested by any party, allow a continuance or leave the record open for the presentation of additional evidence, testimony or argument. Any such continuance or extension requested by the applicant shall result in an extension of the 120-day time period for making a decision.
 12. **TIME LIMIT POLICY.** All meetings will end at 10:00pm. The Planning Commission will pause hearings/agenda items at 9:45pm to discuss options of either continuing the agenda item to a future date or finishing the agenda item.

The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Planning Department office at 786-7600.

Milwaukie Planning Commission:

Jeff Klein, Chair
Dick Newman, Vice Chair
Lisa Batey
Teresa Bresaw
Catherine Brinkman
Scott Churchill

Planning Department Staff:

Katie Mangle, Planning Director
Susan Shanks, Associate Planner
Brett Kelter, Assistant Planner
Ryan Marquardt, Assistant Planner
Jeanne Garst, Office Supervisor
Karin Gardner, Administrative Assistant
Marcia Hamley, Administrative Assistant
Shirley Richardson, Hearings Reporter



To: Planning Commission

From: Katie Mangle, Planning Director

Cc: Kenny Asher, Community Development and Public Works Director
Gary Firestone, City Attorney
Design and Landmarks Committee

Subject: Staff Report for Proposed Amendments to the Milwaukie Municipal Code
(Title 14 - Signs, Title 12.20 – Sidewalk Benches, Title 19 – Zoning, and
Title 17 - Land Division)

Date: August 16, 2006, for August 22, 2006 Work Session

Due to an oversight, the Staff Report for the August 22, 2006 work session was not included with the Planning Commission materials sent on August 15, 2006. Enclosed, please find a revised agenda and the Staff Report for the Proposed Amendments to the Milwaukie Municipal Code (Agenda Item 7.2). The staff report was intended to be included with the four attachments for Agenda Item 7.1.



To: Planning Commission

From: Katie Mangle, Planning Director

Cc: Kenny Asher, Community Development and Public Works Director
Gary Firestone, City Attorney
Design and Landmarks Committee

Subject: Proposed Amendments to the Milwaukie Municipal Code
(Title 14 - Signs, Title 12.20 – Sidewalk Benches, Title 19 – Zoning, and Title 17 -
Land Division)

Date: August 14, 2006, for August 22, 2006 Work Session

Action Requested

Review and comment on attached draft text amendments to Title 14 - Sign Ordinance and other sections of the Milwaukie Municipal Code (MMC). The agenda item will be a work session discussion of the proposed text amendments.

Background

Code Maintenance Project

The Planning Commission's 2006 Work Program includes a "Zoning Code Fix" project, with the intent of improving the clarity and meaning of specific chapters of the Milwaukie Municipal Code (e.g., Community Service Use, Sign Code, Section 1400), one chapter at a time. Amendments to the Code can be placed into three general categories: technical, clarification, and minor policy. The majority of the revisions are intended to correct and clarify the City in order to improve its administration, without changing basic policy or intent. In some cases the revision will result in a minor policy change or are necessary to comply with legal requirements.

The primary focus of this report is the revision of Title 14, the City Sign Code. The proposed revisions include technical, clarification, and minor policy changes. At the same time, staff is recommending several revisions to clarify and correct miscellaneous subsections of the Zoning and Land Use chapters of the Code.

Revisions to Title 14 - Sign Code

The proposed text amendments will eliminate content-based provisions of the City's Sign Code (see Attachment 1). The Oregon Supreme Court has deemed content-based sign regulations, including discrimination between "on-premises" and "off-premises" signs, to be unconstitutional. During the process of editing for content-based provisions, the Planning staff and City Attorney

Planning Commission Staff Report -- Proposed Code Amendments
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have also proposed other changes that would make the Sign Code easier to understand and implement. The proposed amendments include the following key changes:

- Revision of the purpose statement to emphasize regulation based on time, place, and manner.
- Removal of content-based descriptions, such as references to the display of time and temperature.
- Deletion of the definitions of on-premises signs and off-premises signs, and removal of regulations within the sign districts that distinguish between on-premises and off-premises signs.
- Corrections to the review processes that involve the Design and Landmarks Committee (DLC). The updates verify the role of the DLC as an advisory committee to the Planning Commission, and not as a decision-making authority.
- Reformatting of many of the sign regulations to a table format, which simplify the code while improving clarity.
- Adding new graphics to illustrate several of the definitions.

Revisions to Section 12.20 – Sidewalk Benches

The City Attorney is recommending related revisions to the code section that addresses sidewalk benches and bench signs (see Attachment 2). The revisions to Section 12.20 would eliminate references to adjacent properties and focus the City's regulation to benches within the right-of-way.

Revisions to Miscellaneous Code Sections

Staff is recommending several revisions to clarify specific subsections of Title 17 and Title 19 of the Code (see Attachment 3). Staff selected the proposed revisions for inclusion in this report because they:

- Reduce conflict between regulations within the Zoning Code or with other sections of the MMC.
- Clarify language that makes understanding and implementing the regulation difficult.
- Change incorrect references to other sections of the MMC.

To ensure that the revisions and their intent are clear to those reviewing the proposal, staff has developed a Commentary document to accompany to proposed revised Code sections (see Attachment 4). The Commentary explains the proposed revisions, including any resulting minor changes. This document should be reviewed side-by-side with the underline/strikeout documents included as Attachments 1, 2 and 3.

Key Issues

While many code revisions clarify or address constitutional issues, they raise policy questions for the community. This section describes the status of the Key Issues discussed by the Planning Commission and the Design and Landmarks Committee over the past three months.

Temporary Window Signs

- MMC 14.12.010.K. currently exempts "painted or printed displays in windows associated with holidays."
- Staff proposes deleting this entire subsection, and adding the word "holidays" to the list of types of exempt temporary signs in MMC 14.12.010.B.

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Limitations on Murals

- The Planning Commission asked staff to explore the approach currently used by the City of Portland, which exempts murals from the sign code and, requires them to be approved as public art through the Regional Arts and Culture Council. The City of Portland also requires a five-year public art easement for the building wall on which the mural is painted.
- Staff recommends that the City's treatment of murals be separated from the Sign Code revision project, because it will require a higher level of research and coordination than the other Sign Code revision issues. If the Planning Commission wishes to pursue regulations to cover murals, staff will develop a separate recommendation to be approved at a later date.

Illuminated Cabinet Signs

MMC 14.16.060.G covers illuminated signs in the downtown sign district without clear approval standards for consideration by the DLC and Planning Commission.

- The DLC recommended prohibiting internally illuminated signs, but allow an Adjustment to permit internal illumination in some cases.
- The Planning Commission is recommending that internally illuminated cabinet signs be prohibited in the downtown zones, and that the existing signs be turned off five years after the adoption of this revision.

Adjustments (currently known as Variances)

- In response to the DLC's suggestion to provide some flexibility in the downtown zones through the Adjustment process, staff proposes adding criteria for Adjustments allowing for special consideration of signs in downtown Milwaukie (see MMC 14.32.010.B).

Community Service and Conditional Use Signs

- Planning Commission proposed a two-tier process for permitting signs for Community Service and Conditional Uses. The current draft revisions allow small signs to be reviewed as a Type I process, while larger signs would require review of Planning Commission.

Banner Signs

- Planning Commission requested more stringent control of banner signs.
- Staff recommends the proposed revision, which limits the display of banner signs up to 30 days in one calendar year.

Maximum Area for Wall Signs

- Staff originally proposed setting a maximum area for wall signs. Upon further review, staff recommends keeping the existing standards, which limit the area of wall signs to 10-20% of the building face, depending upon the sign district.

Next Steps

Staff would like Planning Commission's direction to prepare the revisions included in this packet for a Public Hearing before the Commission. Staff recommends preparing for a Public Hearing on September 26, 2006, unless the Planning Commission would like time for further review. The proposed changes will be sent to the Neighborhood District Associations for their comments prior to the hearing.

Planning Commission Staff Report -- Proposed Code Amendments
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Attachments

1. Draft underline/strikeout revisions to Title 14 - Sign Ordinance
2. Draft underline/strikeout revisions to Title 12
3. Draft underline/strikeout revisions to Titles 19 and Title 17
4. Commentary on revisions to Title 14 - Sign Ordinance, Title 12, Title 17, and Title 19

Attachment 1

**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, erection, maintenance, electrification, illumination, type, size, number and location of all signs visible from public property or from public rights-of-way in order to:

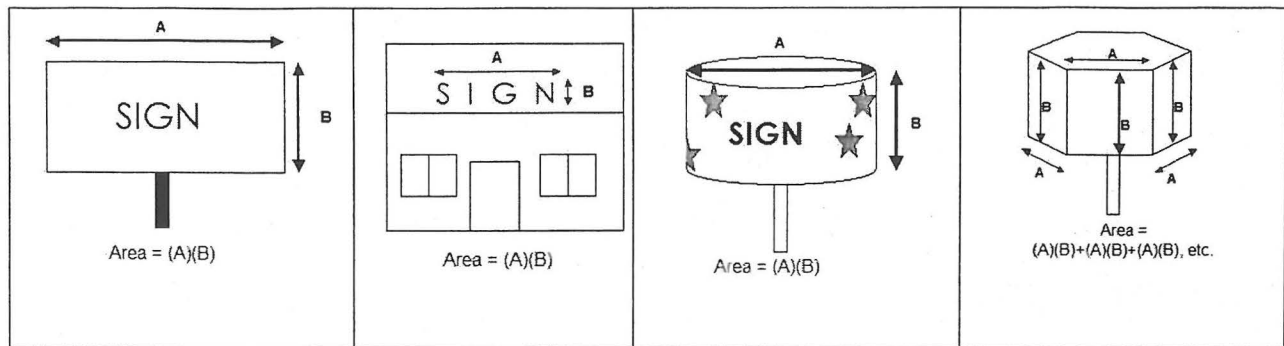
- A. Protect the health, safety, property and welfare of the public;
- B. ~~Maintain~~ Promote the neat, clean, orderly and attractive appearance of the community city;
- C. Provide for the safe erection and maintenance of signs;
- D. ~~Eliminate signs that demand, rather than invite, public attention;~~
- D. Accommodate the need of sign erectors while avoiding nuisances to nearby properties;
- E. Preserve and enhance the unique scenic beauty of Milwaukie.
- F. Ensure safe construction, location, erection and maintenance of signs;
- G. Prevent proliferation of signs and sign clutter;
- H. Minimize distractions for motorists on public highways and streets;
- I. 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.

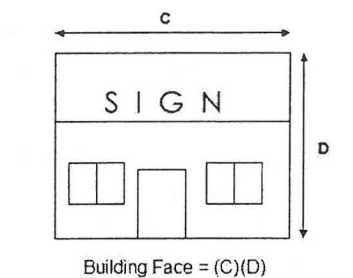
“Display surface” means the area made available by the sign structure for the purpose of displaying the message.

“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 14.04.030-1. Building Face



“Flag” means any fabric or banner displayed on a flagpole, 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.

"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.

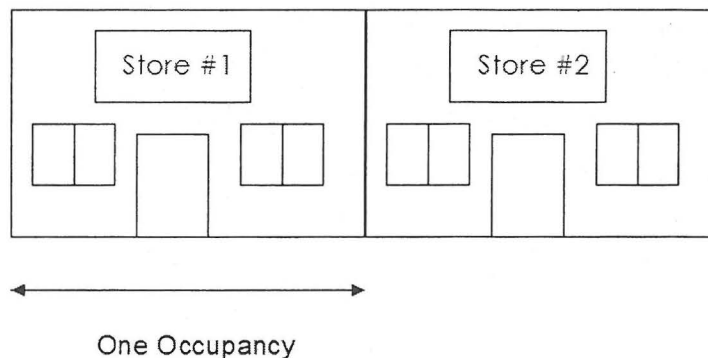
"Manufacturing zones" are the M, manufacturing, and BI, business industrial, zones as defined in the zoning ordinance.

"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 14.04.030-2. 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.

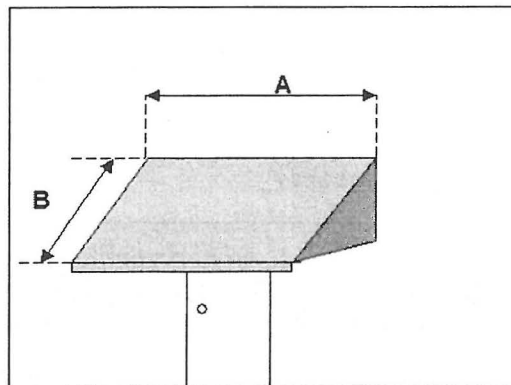
"Residential-office-commercial zone" means the R-O-C, R-1-B and DR zones as defined in the zoning ordinance.

"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 in vertical distance times length.

Figure 14.04.030-3. Calculating Awning Area



$$\text{Awning Area} = (A)(B)$$

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 Milwaukie 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, by 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.

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.

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.

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 erected or maintained under, over, or on, and supported or partially supported by, a marquee.

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.

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. ~~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.

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.

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 erected upon or above a roof or parapet of a building.

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 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.

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.

"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 - 1 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 - 1 – Types of Signs

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

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

Signs for Community Service Use and Conditional uses shall be limited to those allowed in the underlying zone or in Table 14.08.090-1, pursuant to a Type I review.

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

Sign Type	Size	Number	Height	Location
Monument or freestanding sign	Max. 16 s.f per display surface	One	6 feet	<u>Not in the public right-of-way</u>
Wall sign	Max. 16 s.f per display surface	<u>One per building face</u>		
Daily display	Max. 12 s.f 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>

Signs for Community Service Use and Conditional uses that exceed the limits in Table 14.08.090-1, but are within the limits of 14.08.090-2 must be approved by the Planning Commission pursuant to a Minor-Quasi Judicial Review, as specified in MMC 19.1011.3.

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

Sign Type	Size	Number	Height	Location
<u>Monument or freestanding sign</u>	<u>Max. 40 s.f per display surface</u> <u>Max. length 20 feet</u>	<u>One</u>	<u>12 feet</u>	<u>Not in the public right-of-way</u>
<u>Wall sign</u>	<u>10% of the building face, up to 40 s.f per display surface</u>	<u>One per building face</u>		
<u>Daily display</u>	<u>Max. 12 s.f 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>

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

~~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 permitted in all zones, except as otherwise noted:

A. ~~One sign not exceeding four square feet per premises. 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 or other jurisdiction responsible for 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 not exceeding a total display area of forty square feet per face and pennants not to exceed a length of fifty feet per site that remain, used on premises in conjunction with temporary events and not in place for longer than a period of thirty days 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;

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 14.12.020A 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~~

14.12.020 Prohibited signs:

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

A. 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, which creates an unduly distracting or hazardous condition to a motorist or pedestrian; excepting clocks, barber poles, public service information signs, including changing signs (automatic) which change no more than once every 10 seconds, and revolving signs which revolve at six revolutions per minute or less;

B. Signs erected within the right-of-way except as permitted by Sections 14.12.010C and 14.20.040A other than by the City or other jurisdiction responsible for administering the right-of-way; 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. 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;

~~G D.~~ Such advertising devices as sStrings of lights, banners, pennants and balloons, and similar signs, except as permitted under Sections 14.12.010E and F;

~~D E.~~ Temporary signs, except as permitted under Sections 14.12.010B, 14.12.010E and 14.12.010K;

~~E F.~~ 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;

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

~~HG.~~ No sign or portion thereof shall be erected 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;

~~IH.~~ 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 expressly permitted by another provision of this title defined elsewhere;

~~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;~~

~~LI. 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;~~

~~NJ. Searchlights.~~

~~OK. Pole signs in the downtown zones.~~

L. Reflective backgrounds and materials are not allowed.

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

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

Table 14.16.010-1 Standards for Signs in Residential Zones				
Sign Type	Area	Height	Number	Illumination⁽¹⁾
Signs at entrances to subdivisions or manufactured home parks	Max. 2 s.f. per dwelling unit to max. 32 s.f. per sign. Max. 16 s.f. per display surface; total sign area for all display surfaces of no more than 64 s.f.	Max. of 6 ft. above grade	1 per entrance	External illumination only
Freestanding Signs on Apartment and Condominium Properties	Limited to 2 s.f. per dwelling unit to a maximum area of 32 s.f., 16 s.f. per display surface.	Max. of 6 ft. above grade	1 per street frontage ⁽²⁾	External illumination only
Wall Signs on Apartment and Condominium Properties	Limited to 2 s.f. per dwelling unit to a max. of 32 s.f.	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 ⁽²⁾	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 s.f.</u>	<u>May not extend higher than the point where the roofline intersects the exterior wall.</u>	<u>1 per street frontage⁽³⁾</u>	
<u>Hanging Sign Suspended Beneath Awning</u>	<u>Max. area limited to 1 s.f. 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⁽³⁾</u>	<u>External illumination only</u>

Notes:

- 1 - 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.
- 2 - Either one freestanding or one wall sign per street frontage is permitted.
- 3 - Either one sign on an awning or one sign hanging beneath an awning is allowed.

~~A. Signs at the entrances to subdivisions or manufactured home parks. 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. Signs on Apartment and Condominium Properties. 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 or maintained in an R-O-C or R-1-B zone, except as allowed under Section 14.12.010 or as otherwise noted in this section.

Table 14.16.020-1 Standards for Signs in Residential-office-commercial zone R-O-C or R-1-B				
Sign Type	Area	Height	Number	Illumination ⁽¹⁾
Signs at entrances to subdivisions	Max. 2 s.f. per dwelling unit to max. 32 s.f. per sign; 16 s.f. per display surface. Total sign area for all display surfaces may not exceed 64 s.f.	Max. 6 ft. above grade	1 per entrance	External only
Freestanding Signs on Apartment and Condominium Properties	Max. 2 s.f. per dwelling unit to max. 32 s.f. per sign; 16 s.f. per display surface	Max. 6 ft. above grade	1 per street frontage	External only
Wall Signs on Apartment and Condominium Properties	Limited to 2 s.f. per dwelling unit to a max. 32 s.f.	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 s.f.</u>		<u>1 per street frontage</u>	<u>External only</u>
Freestanding Signs on Commercial Property	Max. of 32 s.f. per display surface. Total sign area for all display surfaces may not exceed 64 s.f.	Max. 12 ft.	1 permitted ⁽²⁾	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 ⁽³⁾	External only
Awning Signs	Max display surface is 25 % of surface of awning <u>not to exceed 10% of building face</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. of 1 s.f. 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	External only
Daily Display Sign ⁽⁴⁾	Max. 8 s.f. per display surface. Total sign area may not exceed 16 s.f.	Max. 6 ft. above ground level	1 per <u>property or occupancy</u>	External only

Notes:

- 1 - 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.
- 2 - One freestanding sign is permitted in addition to one wall sign.
- 3 - One wall sign is permitted in addition to one freestanding sign or two wall signs permitted.
- 4 - 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. Signs at entrances to subdivisions. 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. Signs on apartments and condominium properties. 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 Signs on Commercial Property 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 Signs on Commercial Property Business Sign.

1. Area. The maximum permitted area of a wall sign shall be ten percent of the building face related to commercial use.

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 property or per occupancy business is permitted.

3. Location. A daily display sign shall not be located within required landscaped areas, and is only allowed within the public 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, 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 or maintained in a C-N zone, except as allowed under Section 14.12.010 or as otherwise noted in this section.

Table 14.16.030-1 Standards for Signs in Neighborhood Commercial Zones C-N				
Sign Type	Area	Height	Number	Illumination⁽¹⁾
Freestanding Signs	1.5 s.f. per lineal foot of street frontage and 1 additional s.f. per each lineal foot of frontage over 100-ft, not exceeding 40 s.f. per display surface and 80 s.f. overall.	May not project over the top of a building or max. 20 ft., whichever is less.	1 permitted ⁽²⁾	External only
Wall Signs ⁽³⁾	Max. of 20% of building face	Cannot extend above roofline or top of a parapet wall, whichever is higher	Dictated by area requirements ⁽⁴⁾	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</u> <u>Suspended</u> <u>Beneath Awning</u>	Max. of 1 s.f. 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 ⁽⁵⁾	Max. 8 s.f. per display surface and 16 ft. overall	Max. 6 ft. above ground level.	<u>1 per property or occupancy</u>	External only

Notes:

- 1- 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.
- 2- In addition to one wall sign.
- 3- Location: Limited to the building surface or surfaces facing the public right-of-way only.
- 4- Wall signs are permitted in addition to one freestanding sign.
- 5- 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 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 forty square feet 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 property or per occupancy business is permitted.~~

~~3. Location. A daily display sign shall not be located within required landscaped areas, and is only allowed within the public 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, 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 or maintained in the C-L, C-G and C-CS zones, except as allowed under Section 14.12.010 or as otherwise noted in this section.

Table 14.16.040-1 Standards for Signs in Commercial Zones, C-L, C-G and C-CS					
Sign Type	Area	Height	Location	Number	Illumination⁽¹⁾
Freestanding Signs	1.5 s.f. per lineal foot of street frontage and 1 additional s.f. per each lineal foot of frontage over 100 ft. ⁽²⁾	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 ⁽³⁾	1 multifaced sign per street frontage ⁽⁴⁾	Permitted
Wall Signs	Max. 20% of building face ⁽⁵⁾	Not above roofline or top of parapet wall, whichever is higher.	N/A	No limit	Permitted
Projecting Signs	Max. 20% of building face ⁽⁵⁾	Not above roofline or top of parapet wall ⁽⁶⁾	Not within 20' of another projecting sign	1 per occupancy frontage; prohibited if the premises has a freestanding or roof sign	Permitted
Roof Signs	Cannot exceed 1 s.f. per lineal ft. of street frontage	Cannot exceed 8' above highest point of building, no sign support structure can be visible	Pending approval by Fire Marshall ⁽⁷⁾ 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 ⁽⁸⁾	N/A	1 per frontage per occupancy	Permitted
<u>Hanging Sign</u> <u>Suspended</u> <u>Beneath</u> <u>Awning</u>	Maximum area for hanging signs of 1 s.f. per 1 lineal ft. of awning length	Min. 8' clearance for hanging signs from the ground to the lowest part of the sign or awning		<u>1 hanging sign per awning</u>	Permitted
Under-Marquee Signs	Cannot exceed 6 s.f. per display surface or 12 s.f. in overall sign area	Min. 8' clearance between the lowest portion of the sign and the ground	Shall not project within 2' of curb	No limit	Permitted

Daily Display Signs	Max. 12 s.f. per display surface and 24 s.f. overall.	Max. 6' above ground level	Not within required landscaped areas or public right-of-way ⁽⁹⁾	1 per <u>property or occupancy</u>	Permitted
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Notes:

- (1) Within 500' of any residentially zoned property when fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 425 milliamperes rating tubes behind a plexiglass face with tubes spaced at least seven inches, 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.
- (2) Not to exceed 300 square feet of sign area per display surface for each sign, or a total of 1,200 square feet for all display surfaces.
- (3) Currently existing freestanding signs may project over such right-of-way for a distance not to exceed two feet.
- (4) 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.
- (5) 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.
- (6) 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 Table 14.16.050 for projection of signs into public rights of way.
- (7) 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.
- (8) Regardless of the existence of a parapet wall.
- (9) 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

Clearance	Maximum Projection Into Public Right-of-Way
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. Repealed.~~

~~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 occupancy business is permitted.~~

~~3. Location. A daily display sign shall not be located within required landscaped areas, and is only allowed within the public 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, subject to the standards of Section 14.20.040.~~

~~I. 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 or maintained in an M or BI zone, except as allowed under Section 14.12.010 or as otherwise noted in this section.

**Table 14.16.050-1
Standards for Signs in Manufacturing Zones, M or BI**

Sign Type	Area	Height	Location	Number	Illumination⁽¹⁾
Freestanding Signs	1.5 s.f. per lineal foot of street frontage and 1 additional s.f. for each lineal foot of frontage over 100' ⁽²⁾	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 ⁽³⁾	Permitted
Wall Signs	Cannot exceed in gross area 10% of building face ⁽⁴⁾	Not above roofline or top of parapet wall, whichever is higher	N/A	No limit	Permitted
Roof Signs	Cannot exceed 1 s.f. per lineal ft. of street frontage	Cannot exceed 8 ft. above highest point of building ⁽⁵⁾	Pending approval by fire marshall ⁽⁶⁾ 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 surface of awning ⁽⁷⁾	No higher than the point where the roofline intersects the exterior wall ⁽⁸⁾	N/A	1 per frontage per occupancy	Permitted
<u>Hanging Sign</u> <u>Suspended</u> <u>Beneath</u> <u>Awning</u>	Max. 1 s.f. 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 s.f. per display surface and 24 s.f. overall	Max. 6 ft. above ground level	Not permitted within required landscaped areas or public right-of-way ⁽⁹⁾	1 per <u>occupancy</u>	Permitted

Notes:

- 1 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. See Section 14.24.020.
- 2 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.

- 3 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.
- 4 Includes signs painted directly on the building surface.
- 5 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.
- 6 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.
- 7 Measured in vertical distance times length.
- 8 Regardless of the existence of a parapet wall
- 9 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 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 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. Repealed.~~

~~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 occupancy business is permitted.

3. Location. A daily display sign shall not be located within required landscaped areas, and is only allowed within the public 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, subject to the standards of Section 14.20.040.

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 or maintained in the DC, DS, DO, DR and DOS zones, except as allowed under Section 14.12.010 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 required landscaped areas, and is only allowed within the public 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, 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 14.16.060 050

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 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. 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. Illumination. Internally illuminated cabinet signs are ~~discouraged~~ prohibited 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 illuminated signs may be permitted subject to the following:~~

1. Signs with opaque letters or symbols that are back lit, 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~~ Features on an awning sign may be externally unless illuminated subject to approved by the design and landmarks committee 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.

SECTION 14.20 SIGNS IN PUBLIC RIGHTS-OF-WAY:**14.20.020 Exempted signs:**

Signs placed and maintained by the City, or by the entity responsible for the right of way (County or state) are permitted within public rights of way. 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 non-city 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 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 or entity 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. 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.~~

~~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.~~

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.~~

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 plexiglass face with tubes spaced at least nine inches, center to center.

D. 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 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 signit, the eCity mManager 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 A.2, Signs that were in compliance with applicable regulations when erected 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. Internally illuminated cabinet signs in the Downtown zones shall be brought into conformance with this chapter by December 31, 2011.

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 non-conforming 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 A.1. shall be made to conform within ninety days from the effective date of the ordinance codified in this chapter.

B. Notice Given. The City Manager or designee shall give 30 days written notice to the owner or lessee of any permanent sign that the City determines to be in violation of the City's regulations to remove the sign and structure or bring it into compliance. No notice is required for a demand to remove a temporary sign that does not comply with the City's regulation or to remove a sign in the right-of-way. For legally established nonconforming signs that are approaching the end of the 10 year period during which they may be maintained under Subsection 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 eCity mManager~~ 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 permanent 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.

14.28.050 Administrative procedures for notification of violation:

A. If the ~~eCity mManager~~ or duly authorized representative shall find that any permanent 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 the permittee fails to remove or alter the structure so as to comply with the standards set forth within thirty days after such notice, the removal of such sign or sign structure may be ordered, or such sign or structure may be 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 ~~eCity eCouncil~~.

~~C. 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.~~

Chapter 14.32 ADJUSTMENTS VARIANCES:

14.32.010 Authorization to grant or deny adjustments variance:

A. The ~~pPlanning eCommission~~ may authorize adjustments variances from 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 ~~p~~Planning ~~e~~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 zone 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 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 meets either of the following criteria subject to the following:

1. The adjustment is consistent with the Guiding Principles of the Downtown Design Guidelines;

12. Strict application of this chapter would cause an undue or unnecessary hardship;- or

23. 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.

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.

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 a notice of appeal in the same manner as provided in subsection ~~19.323.6(F)~~. 19.323.5F.

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 ~~19.503.1D~~. 19.503.1C.

Chapter 19.400 SUPPLEMENTARY REGULATIONS

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)

Chapter 19.400 SUPPLEMENTARY REGULATIONS

19.422 Manufactured home placement

19.422.4 Siting Standards

~~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.~~

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 19.1410.3E.

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.

Title 17 LAND DIVISION

Chapter 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA

17.12.040 Approval criteria for preliminary plat.

Approval Criteria. The approval authority may approve, approve with conditions, or deny a preliminary plat based on the following approval criteria:

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

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 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 on sidewalks or sidewalk parking strips non-vehicular portions of rights of way adjacent to property owned or controlled by the person, benches 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. (Ord. 1289 § 1, 1974)~~

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 ~~until for the remainder of the fiscal year of the city, all such permits expiring on July 1st following the date of their issuance, and may be renewed annually thereafter. (Ord. 1289 § 2, 1974)~~

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, 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 back-rest portion of the bench. The sign area shall not exceed X feet per face, or 2X 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. (Ord. 1289 § 3, 1974)~~

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. (Ord. 1289 § 4, 1974)

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 any ~~the 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. (Ord. 1289 § 5, 1974)

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. (Ord. 1289 § 6, 1974)

12.20.070 Permit—Fee.

Every application for a permit to install any 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.~~ (Ord. 1654 § 2 (part), 1989; Ord. 1289 § 7, 1974)

Title 14—Sign Ordinance**Commentary on the Proposed Amendments****SECTION 14.04 GENERAL PROVISIONS:****Section 14.04.020 Purpose:**

This amendment removes language that refers to on- or off-premises signs, and clarifies that the city is regulating the design and quality of signs in addition to the place and manner of signage.

D. Sentence is deleted because it sets a subjective standard. The new sentence more clearly states the purpose of the regulations.

F through I. Additional purpose statements clarify the purpose of the Sign Code.

Commentary

14.04.030 Definitions:

Figure 14.04.030-1. Calculating Area

New figure illustrates different ways a sign area can be calculated. The written definition is often confusing for applicants.

"Awning"

Definition of awning is revised to include all structural extensions from a building face, covered with a flexible material, regardless of depth.

"Canopy"

The definition of "canopy" is deleted because it is very similar to the definition of "awning," and therefore causes confusion. Canopy signs have been regulated as wall signs. Revisions to the sign code would regulate canopy signs as awning signs.

Figure 14.04.030-1. Building Face

New figure illustrates how the building face is calculated. The written definition is often confusing for applicants. The allowed size of a wall sign is a percentage of the building face on which the sign is displayed.

"Flag"

Definition is revised to eliminate references to content.

Commentary

14.04.030 Definitions (continued)**"Occupancy"**

Definition is added because this term will replace "premises" in several sections of the code.

Figure 14.04.030-2. Occupancy

New figure added to illustrate the definition of Occupancy.

14.04.030 Definitions (continued)**"Sign"**

Definition is revised to eliminate references to content. The new definition limits the Sign Code to apply to signs that can be viewed from the right-of-way or other public property, or other lot under a separate ownership. Signs that are placed externally on a large development site would not be regulated if they cannot be seen from an adjoining property or the public right-of-way.

"Sign, Abandoned"

Definition is deleted because it depends on the sign being located on the advertiser's premises. Courts have held that cities cannot treat off-premise signs differently than on-premises signs.

"Sign, Awning"

Definition is revised to describe how to calculate the surface area of an awning. This area is the basis for calculating the sign area.

Figure 14.04.030-3. Calculating Awning Area

New figure added to illustrate how the area of an awning is calculated. The written definition is often confusing for applicants.

Sign, Banner

Definition is revised to eliminate references to content.

14.04.030 Definitions (continued)**Sign, Billboard or Outdoor Advertising**

Definition is deleted because it depends on the sign being located off the advertiser's premises. Courts have held that cities cannot treat off-premise signs differently than on-premises signs. Billboard signs will be regulated as Freestanding Signs.

Sign, Canopy

The definition of "canopy sign" is deleted because it is very similar to the definition of "awning sign," and therefore causes confusion. Canopy signs are currently regulated as wall signs. Proposed revisions to the sign code would regulate canopy signs as awning signs.

Sign, Changing (Automatic)

Definition is revised to eliminate references to content and address contemporary technology.

Sign, Flashing

Definition is revised to eliminate references to content.

Sign, Kiosk

Definition is revised to eliminate references to content.

Sign, Marquee.

The term "under-marquee sign" is replaced by "marquee sign" to include signs placed above or below a marquee, or on the marquee itself.

14.04.030 Definitions (continued)

Sign, Noncomplying.

Definition is revised to simplify the sentence and clarify the meaning of the definition.

Sign, Nonconforming.

Definition is revised to simplify the sentence and clarify the meaning of the definition.

Sign, Notice.

Definition is revised to clarify that only signs expressly authorized by statute, regulation or ordinance fit within this category.

Sign, Off-Premises.

Definition is deleted because the City may not discriminate between On-Premises and Off-Premises signs.

Sign, On-Premises.

Definition is deleted because the City may not discriminate between On-Premises and Off-Premises signs.

Sign, Public Service Information.

Definition is deleted because the City may not discriminate based on the content of signs.

Sign, Time and Temperature.

Definition is deleted because the City may not discriminate based on the content of signs.

Sign, Under-Marquee.

The term "under-marquee sign" is replaced by "marquee sign" to include signs placed above or below a marquee, or on the marquee itself.

Commentary

14.04.030 Definitions (continued)**Sign, Window.**

The phrase "associated with holidays" is deleted because the City may not discriminate based on the content of signs.

"Written message"

Definition is deleted because the City can not discriminate based on the content of signs.

Table Figure 14.04.030 - 1 - Types of Signs

This new table summarizes the Types of Signs. In the Sign District sections that follow, regulations are discussed in terms of the categories listed in this table. This reference table will serve as a useful link between the definitions and the regulations.

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

The existing text is deleted and replaced with a new process for regulating signs related to Community Service and Conditional Uses (which include churches, schools, and professional offices in some neighborhoods).

The existing provision implies but does not state that Community Service Uses can have signs other than as otherwise allowed in the underlying zone. As written, it appears to give total discretion to the Planning Commission to determine the number and size of signs associated with a Community Service Use, regardless of the zone. The City Attorney has recommended that the City either limit signs to those allowed in the underlying zone, or provide specific standards.

The proposed revision sets two levels of standards for signs for Community Service and Conditional Uses. Signs that meet the standards of the underlying zone or those in Table 14.08.090-1 would be allowed with a Type I (staff-level) review. If an applicant wished to exceed these standards, they could apply to the Planning Commission for approval of a sign that meets the standards of Table 14.08.090-2. In reviewing the application the Planning Commission would consider the context and potential impacts of the sign.

Note that the tables do not change the content of the City's regulations (pertaining to sign size, location, type, etc.), unless the text is underlined.

14.12.010 Exempted signs:

- A. Sub-section is modified to eliminate references to content or discriminate between On-Premises and Off-Premises signs.
- B. "Holiday" is added to the list of temporary signs.
- E. Sub-section is modified to eliminate references to content or discriminate between On-Premises and Off-Premises signs. The duration of exempted banners is limited to 30 days or less within one year. The current policy could be interpreted to mean a banner could be hung for many successive 30-day periods; so the proposed revision clarifies that only truly temporary banners are allowed outright.
- F. This subsection is deleted because the City may not discriminate based on the content of signs. This change would result in painted murals being regulated as wall signs, and subject to the related size limitations. In the downtown zones, for example a wall sign is limited to 16 square feet
- H. "Building names" is deleted because the City may not discriminate based on the content of signs.
- I. This subsection is deleted because public legal notice signs are covered in subsection B.

14.12.010 Exempted signs (continued)

J. Definition is revised for clarity.

K. This subsection is deleted because the City may not discriminate based on the content of signs. Temporary signs are already regulated by section 14.12.010.B.

14.12.020 Prohibited signs:

A. This subsection is revised because the City may not discriminate based on the content of signs. The revised text would prohibit moving or flashing signs that are hazardous to pedestrians or motorists. This would prohibit large flashing LED signs, and would limit scrolling LED "readerboard" signs to changing every 10 seconds.

B. This subsection is revised to simplify the regulation.

C. The code previously provided that all signs that resemble traffic control devices are prohibited. The amendment is intended to clarify that the City's concern is for traffic safety, and the restriction is therefore limited to signs that are likely to be confused with traffic control devices. A sign that could be confused with a traffic control sign could cause traffic safety problems.

D through N. These sections are re-numbered.

F. Subsection F is deleted because it is very similar to subsection A. By adding a sentence to subsection A, subsection F is no longer needed.

J. This subsection is deleted because they are included in the "temporary sign" category.

14.12.020 Prohibited signs (continued)

K. This subsection on fence signs is deleted because it discriminates based on the content of the sign. Signs mounted to fences are already regulated as either temporary signs, wall signs, or banners.

M. This subsection is deleted to specify that traffic control devices and signs are allowed to be affixed to a pole. The "owner of the pole," not just the City is allowed to mount signs and devices on the sign. This subsection continues to prohibit the mounting of other signs, including signs for garage sales, jobs, events, etc.

L. This sentence is currently in subsection 14.24.010, but is more appropriately located in this section that lists Prohibited signs.

Commentary

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

Table 14.16.010-1 Standards for Signs in Residential Zones

The proposed revision deletes Sections A through C and lists the pertinent standards in a table for better comprehension and clarity. Note that presenting the information in a table does not change the content of the City's regulations (pertaining to sign size, location, type, etc.), unless the text is underlined.

Table 14.16.010-1 Standards for Signs in Residential Zones

Awning Signs on Apartments and Condominium Properties

In the current Sign Code, Canopy Signs are categorized and regulated as a type of wall sign, and therefore are allowed to be displayed on Apartments and Condominium Properties in Residential Zones. The proposed code revision would redefine Canopy Signs as a type of Awning Sign. This row in the table adds regulations addressing awning signs on some properties, but because canopy signs have been allowed in the past, this is not an actual change in regulation.

Hanging Sign Suspended Beneath Awning

This new regulation will allow for small signs to hang below an awning on apartment and condominium properties. On a building with an awning, one sign may be placed either on the surface of or underneath the awning (not both).

Commentary

14.16.010 Residential zone (cont.)

The proposed revision deletes Sections A through C and lists the pertinent standards in Table 14.16.010-1 for better comprehension and clarity.

Commentary

14.16.020 Residential-office-commercial zone:

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

The proposed revision deletes Sections A through G and lists the pertinent standards in a table for better comprehension and clarity. Note that presenting the information in a table does not change the content of the City's regulations (pertaining to sign size, location, type, etc.), unless the text is underlined.

Table 14.16.020-1 Standards for Signs in Residential-office-commercial Zones

Awning Signs on Apartments and Condominium Properties

In the current Sign Code, Canopy Signs are categorized and regulated as a type of wall sign, and therefore are allowed to be displayed on Apartments and Condominium Properties in Residential-Office-Commercial Zones. The proposed code revision would redefine Canopy Signs as a type of Awning Sign. This row in the table adds regulations addressing awning signs on apartment and condominium properties, but because canopy signs have been allowed in the past, this is not an actual change in regulation. The size of awning signs on apartments and condominium properties is limited to 25% of the surface of the awning, or a maximum of 32 square feet.

Freestanding Signs on Commercial Property

This type of sign is currently described as Freestanding Business Sign.

Wall Signs on Commercial Property

This type of sign is currently described as Wall Business Sign.

Area: The revision clarifies how the area of a wall sign is calculated for a mixed-use building. Under the current regulation, the size of the sign is proportional to the size of the building.

Awning Signs

Awning signs are currently allowed in the R-O-C zone. The proposed revision limits the size of an awning sign to 10% of the building face. This ensures that an awning sign can not be larger than the allowed wall sign.

Hanging Sign Suspended Beneath Awning

Signs hung beneath an awning are currently allowed in this zone, but they are currently described in the Sign Code as a subset of an awning sign. In the proposed table, hanging signs are addressed separately.

Daily Display Sign

Number: "Property or occupancy" is substituted for "business" to refer to the location, not the use of the building.

Commentary

14.16.020 Residential-office-commercial zone (cont.)**Note 4**

Location: The description of where daily display signs are located is modified to eliminate references to content or discriminate between On-Premises and Off-Premises signs. Section 14.20.040 requires a right-of-way permit for daily display signs located in the right-of-way. These requirements apply to small "sandwich-board" style signs.

The proposed revision deletes Sections A through G and lists the pertinent standards in Table 14.16.020-1 for better comprehension and clarity.

Commentary

14.16.020 Residential-office-commercial zone (cont.)

14.16.030 Neighborhood Commercial Zone:

The proposed revision deletes Sections A through E and lists the pertinent standards in a table for better comprehension and clarity. Note that presenting the information in a table does not change the content of the City's regulations (pertaining to sign size, location, type, etc.), unless the text is underlined.

Table 14.16.030- 1 Standards for Signs in the Neighborhood Commercial Zones C-N

Freestanding Signs

The standard of one additional square foot for each lineal foot of street frontage over 100 feet is extraneous because the maximum display surface and overall sign area limits are below 150 square feet.

Awning Signs

Awning signs are currently allowed in the Neighborhood Commercial zone. The proposed revision limits the size of an awning sign to 20% of the building face. This ensures that an awning sign can not be larger than the allowed wall sign.

Hanging Sign Suspended Beneath Awning

Signs hung beneath an awning are currently allowed in this zone, but they are currently described in the Sign Code as a subset of an awning sign. In the proposed table, hanging signs are addressed separately, with different standards.

Daily Display Sign

Number: "Property or occupancy" is substituted for "business" to refer to the location, not the use of the building.

Note 4:

Location: The description of where daily display signs are located is modified to eliminate references to content or discriminate between On-Premises and Off-Premises signs. Section 14.20.040 requires a right-of-way permit for daily display signs located in the right-of-way. These requirements apply to small "sandwich-board" style signs.

14.16.030 Neighborhood Commercial Zone (continued)

The proposed revision deletes Sections A through E and lists the pertinent standards in Table 14.16.030-1 for better comprehension and clarity.

14.16.040 Commercial zone:

The proposed revision deletes Sections A through E and lists the pertinent standards in a table for better comprehension and clarity. Note that presenting the information in a table does not change the content of the City's regulations (pertaining to sign size, location, type, etc.), unless the text is underlined.

Table 14.16.030- 1 Standards for Signs in Commercial Zones C-L, C-G and C-S

Awning Signs

Awning signs are currently allowed in the Commercial zone. The proposed revision limits the size of an awning sign to 20% of the building face. This ensures that an awning sign can not be larger than the allowed wall sign.

Hanging Sign Suspended Beneath Awning

Signs hung beneath an awning are currently allowed in this zone, but they are currently described in the Sign Code as a subset of an awning sign. In the proposed table, hanging signs are addressed separately, with different standards.

Commentary

14.16.040 Commercial zone (cont.)

Daily Display Sign

Number: "Property or occupancy" is substituted for "business" to refer to the location, not the use of the building.

Note 1:

Illumination - Regulation will be revised to a metric that will allow the City to measure actual light levels.

Note 9:

Location: The description of where daily display signs are located is modified to eliminate references to content or discriminate between On-Premises and Off-Premises signs. Section 14.20.040 requires a right-of-way permit for daily display signs located in the right-of-way. These requirements apply to small "sandwich-board" style signs.

The proposed revision deletes Sections A through I and lists the pertinent standards in Table 14.16.040-1 for better comprehension and clarity.

14.16.040.G - Billboard Signs

This subsection is deleted from the Code because it depends on the sign being located off the premises of the subject of the message.

Commentary

14.16.040 Commercial Zone (continued)

The proposed revision deletes Sections A through I and lists the pertinent standards in Table 14.16.040-1 for better comprehension and clarity.

Commentary

14.16.040 Commercial Zone (continued)

The proposed revision deletes Sections A through I and lists the pertinent standards in Table 14.16.040-1 for better comprehension and clarity.

Commentary

14.16.040 Commercial Zone (cont.)

Commentary

14.16.050 Manufacturing zone

The proposed revision deletes Sections A through G and lists the pertinent standards in a table for better comprehension and clarity. Note that presenting the information in a table does not change the content of the City's regulations (pertaining to sign size, location, type, etc.), unless the text is underlined.

Table 14.16.050- 1 Standards for Signs in Manufacturing Zones M or BI.

Hanging Sign Suspended Beneath Awning

Signs hung beneath an awning are currently allowed in this zone, but they are currently described in the Sign Code as a subset of an awning sign. In the proposed table, hanging signs are addressed separately, with different standards.

Daily Display Sign

Number: "Property or occupancy" is substituted for "business" to refer to the location, not the use of the building.

14.16.050 Manufacturing zone (cont.)

Note 3:

Illumination - Regulation will be revised to a metric that will allow the City to measure actual light levels.

Note 9:

Location: The description of where daily display signs are located is modified to eliminate references to content or discriminate between On-Premises and Off-Premises signs. Section 14.20.040 requires a right-of-way permit for daily display signs located in the right-of-way. These requirements apply to small "sandwich-board" style signs.

The proposed revision deletes Sections A through G and lists the pertinent standards in Table 14.16.010-1 for better comprehension and clarity.

14.16.050.E. Billboard Signs

This subsection is deleted because it depends on the sign being located off the premises of the subject of the message.

Commentary

14.16.050 Manufacturing zone

The proposed revision deletes Sections A through G and lists the pertinent standards in Table 14.16.050-1 for better comprehension and clarity.

Commentary

14.16.060 Downtown zones**C. Awning Sign****1. Area**

The definition of awning sign and how the surface area is measured is already in the definition of Awning Sign (see section 14.04.030).

Commentary

14.16.060 Downtown zones (cont.)

C. Awning Sign

3. Number

Signs hung beneath an awning are described in the previous paragraph, but the number allowed is not currently limited. This new regulation limits the number of hanging signs to one per awning.

D. Daily Display Sign

2. Number

"Occupancy" is substituted for "business" to be more specific.

3. Location

Sub-section is modified to eliminate references to content or discriminate between On-Premises and Off-Premises signs. Section 14.20.040 requires a right-of-way permit for daily display signs located in the right-of-way. These requirements apply to small "sandwich-board" style signs.

14.16.060 Downtown zones (cont.)**G. Illumination**

Currently, both the Sign Code and the Downtown Design Guidelines regard internally illuminated cabinet signs as "discouraged" in the Downtown Zones. Though the existing code allows applicants to apply to the Design and Landmarks Committee and Planning Commission for approval of an internally illuminated cabinet sign, there is no criteria for approval.

The City Attorney has indicated that this section could use more specific standards for approval of cabinet signs. His suggestion is that the 'discouraged' clause be deleted and location and/or other approval standards and criteria be added.

The Planning Commission recommends revising this section to prohibit internally illuminated cabinet signs in favor of external illumination of signs in downtown.

1. The sentence is revised to better describe the type of sign illumination that is permitted.

3. The City Attorney has indicated that this section could use more specific standards for approval of the illumination of awning signs. Staff is proposing criteria for approving illuminated awning signs. The criteria are drawn from pages 41-45 of the *Downtown Design Guidelines*.

SECTION 14.20 SIGNS IN PUBLIC RIGHTS-OF-WAY:

14.20.020 Exempted signs:

This section is deleted because no signs placed in the right-of-way are exempt from regulation.

14.20.030 Bench advertising signs:

The revision corrects a Section reference. This revision does not change the effect of the regulation. Code Section 12.20 is also proposed to be revised.

14.20.040 Daily display signs:

- A. The regulation that addresses placement of daily display signs is revised to address signs regardless of their association with the adjacent premises.

Commentary

14.20.040 Daily display signs: (cont.)

8. The number of signs allowed is determined by sign district. Deleting this line removes the duplication.

- B. This subsection is deleted because addresses signs not associated with the adjacent business. Such signs would be covered by the revised subsection 14.20.040.A.

SECTION 14.24 SIGN CONSTRUCTION, MAINTENANCE AND LIGHTING:**14.24.010 Construction and maintenance requirements**

- C. Moved the last sentence to the section that addresses Prohibited signs (14.12.020).

- D. Revised to delete this requirement.

14.24.020 Sign lighting:

- A. Sentence is deleted to eliminate references to content. Time and temperature signs are deleted from the definition of changing signs in subsection 14.04.030.

Commentary

14.24.020 Sign lighting: (cont.)

D. The section is revised to specify that the sign district regulations prevail in the event of a conflict within the code.

SECTION 14.28 REMOVAL OF SIGNS IN VIOLATION:**14.28.010 Abandoned sign:**

A. Sub-section is modified to eliminate references to content or discriminate between On-Premises and Off-Premises signs.

B. Sub-section is modified to be more specific.

14.28.020 Nonconforming sign:**A. Time Limit.**

1. Sub-section is modified to be more specific. About the timeframe in which signs must be brought into compliance. A reference to subsection A2 is added.
2. The regulation addressing signs on properties that are annexed into the City is deleted. A new sentence specifies that illuminated cabinet signs in downtown, which would be prohibited by a revised subsection 14.16.060.G, must be brought into compliance by December 31, 2011 (within five years).
3. The term "compliance" is replaced with "conformance," to avoid confusion. A new sentence clarifies what is allowed when a sign changes in ways previously not addressed in this subsection. This has been staff's interpretation of this subsection.
4. This subsection is revised to be more specific and clear, and to use terms in the revised Definitions section (14.04.030).

B. This subsection is revised to address the City's ability to enforce the Sign Code. Specifically, it allows the City to enforce the regulations for temporary signs without giving 30 days' notice.

Commentary

14.28.030 Unsafe sign:

- A. Revision adds the provision that repair may be approved as an alternative to removing an unsafe sign.

14.28.040 Noncomplying sign:

- A. Time limit regulation is revised to allow the City to enforce the regulations for temporary signs without giving 30 days' notice.

14.28.050 Administrative procedures for notification of violation:

- A. Regulation is revised to allow the City to enforce the regulations for temporary signs without giving written notice.
- B. Regulation is revised to allow the City Manager to order the removal of a sign if the permittee fails to meet standards within 30 days.
- C. Subsection is deleted because the City must give notice to the owner of a sign violation.

Chapter 14.32 ADJUSTMENTS ~~VARIANCES~~:

Title revised to "Adjustments" because a request for a Variance requires that the application meet the criteria outlined in Chapter 19.700 - Variance. The process for relief from Sign Code regulations are more like an Adjustment, which may be granted if an applicant meets the more specific criteria.

14.32.010 Authorization to grant or deny adjustments ~~variance~~:

- A. Revised to clarify that the cost of meeting a standard is not a consideration for granting an adjustment.

Commentary

14.32.010 Authorization to grant or deny adjustments ~~variance~~: (cont.)

B. Revised to reflect the current name of the design and landmarks committee and their responsibility to make recommendations to the planning commission. The use of the adjustment process is expanded to allow some flexibility when a proposed sign may not meet the explicit standards of the downtown zone, but can meet the new criteria for an adjustment.

14.32.050 Appeals:

The planning commission is the decision-maker, therefore it must hear appeals.

Title 19 ZONING

Chapter 19.100 INTRODUCTORY PROVISIONS

19.103 Definitions

~~"Church"~~ "Religious Institution"

This revision replaces "church" to "religious institution." A religious institution is a term that can refer to a facility for any religious tradition.

Chapter 19.300 USE ZONES

19.323 Historic Preservation Overlay zone HP.

F. Denial/Stay of Demolition

This revision changes a reference that does not exist and adds in the correct reference number regarding appeals.

Chapter 19.400 SUPPLEMENTARY REGULATIONS

19.408 Dual use of required open space.

This revision fixes an incorrect reference and replaces it with the correct reference number.

Chapter 19.400 SUPPLEMENTARY REGULATIONS

19.413 Yard requirements, general exceptions.

19.413.1 Exceptions.

This revision corrects an incomplete sentence. Adding the word "zone" clarifies the sentence.

Chapter 19.400 SUPPLEMENTARY REGULATIONS**19.422 Manufactured home placement****19.422.4 Siting Standards**

This revision removes a sub-section. This standard is covered by the building code and is duplicative.

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.**

The reference to applicable parking standards is incorrect and this revision replaces it with a correct reference number.

19.503.17 Pedestrian Access.

Currently there is no reference to the City's walkway standards. This revision adds a reference to the design standards for walkways.

19.505 Bicycle parking**19.505.2 Number of Spaces.**

The City has requirements for the maximum and minimum number of parking spaces. This revision is a clarifying statement. Adding "minimum" removes ambiguity.

Title 17 LAND DIVISION**Chapter 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA****17.12.040 Approval criteria for preliminary plat.**

This revision adds a missing word.