

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, SEPTEMBER 26, 2006

COMMISSIONERS PRESENT

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

COMMISSIONERS ABSENT

Lisa Batey

STAFF PRESENT

Katie Mangle,
Planning Director
Brett Kelter
Assistant Planner
Ryan Marquardt,
Assistant Planner
Gary Firestone,
Legal Council
Shirley Richardson,
Hearings Reporter

1.0 CALL TO ORDER

The meeting was called to order at 6:31 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA

3.1 Planning Commission Minutes -- June 27, 2006 and July 11, 2006

Commissioner Bresaw moved to approve the minutes of June 27, 2006 as presented. Commissioner Brinkman seconded the motion.

Ayes: Bresaw, Brinkman, Churchill, Newman, Klein

Nays: None

Abstentions: None

The motion carried 5-0.

Commissioner Brinkman moved to approve the minutes of July 11, 2006 as presented. Commissioner Bresaw seconded the motion.

Ayes: Bresaw, Brinkman, Churchill, Newman, Klein

Nays: None

Abstentions: None

The motion carried 5-0.

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

- 6.1 Applicant: Ali Townsend for Milwaukie High School
Owner: North Clackamas School District
Location: 11300 SE 23rd Avenue
Proposal: To replace an existing manual reader-board sign at Milwaukie High School with a double-sided electronic reader-board sign

File Number: CSU-06-05
NDA: Historic Milwaukie

Chair Klein opened the hearing on consideration of the replacement of an existing manual reader-board sign at Milwaukie High School with a double-sided electronic reader-board sign. The criteria to be addressed can be found in the Milwaukie Zoning Ordinance Section 19.306, Residential R-2 Zone; Subsection 19.321, Community Service Use; Subsection 19.1011.3, Minor Quasi Judicial Review; Milwaukie Sign Ordinance Subsection 14.08.090, Conditional and Community Service Use Signs; Subsection 14.12.020, Prohibited Signs; Subsection 14.16.010, Sign Districts, Residential Zones and Section 14.20, Signs in Public Rights-of-Way.

Chair Klein asked if there were any conflicts of interest or ex-parte contacts to declare. **Commissioner Brinkman** stated that she works for a law firm in town and they have represented the School District in the past, but that is not related to this case; she does not feel this will impact her ability to vote on this issue. **Commissioner Churchill** stated that he was approached by members of the neighborhood asking about the hearing last time; he responded that the hearing was continued and invited them to come to the hearing this week and participate. **Chair Klein** stated that he talked in the hallway this evening to Ali Townsend's mom to see if Ali was able to make it tonight; she indicated that Ali has gotten permission from her coach to not start the game against Putnam High School and that she would be at the hearing.

Chair Klein asked if any member of the Planning Commission visited the site; 5 hands were raised. No one who visited the site spoke to anyone at the site or

noted anything different from what is indicated in the staff report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Brett Kelter reported that this is a continuation of the hearing from two weeks ago. This application is to replace the existing sign at one end of the athletic field next to the scoreboard sign with a double-faced electronic sign. At the last meeting the Commission asked that staff provide:

- Zoning boundaries
- Technical information about the proposed sign (illumination, brightness and adjustability, height)
- Contextual information about the signs at Oregon City High School and Clackamas High School
- View-perspective from residences bordering the athletic fields
- More input from the neighborhood and neighbors
- Alternative locations in the area

Photos were shown of the school's other signs along the Lake Road frontage; there are no reader board signs similar to the one being proposed. An overview of the subject site was shown, including zoning designations in the area. **Commissioner Churchill** asked for clarification of the zoning boundaries.

Mr. Kelter reiterated the recommended conditions of approval:

- Size limit of approximately 40 square feet in area, as proposed
- Limiting the height of the proposed sign to that of the existing sign (approximately 17 feet)
- Limiting hours of operation to 16 hours a day; 6:00 a.m. to 10:00 p.m. daily
- Limit on frequency of change to no more than once every 10 seconds

There was a condition recommended on some control on the brightness of the sign; there may be some testimony on how to regulate the brightness. There was another suggestion that staff review the site to make sure the sign is not in the public right-of-way; the sign should clearly be located on school property.

QUESTIONS FROM THE COMMISSIONERS -- None.

CORRESPONDENCE

Chair Klein asked if there had been any correspondence received since the mailing of the packet. **Mr. Kelter** stated that he received one phone call from Brendan Eiswerth asking for information about the hearing; he was invited to

bring any correspondence that he has collected from neighbors and present them to the Commission.

APPLICANT PRESENTATION

Speaking: Ali Townsend, 6581 SE Eunice Street, Milwaukie

Ms. Townsend stated that she is a senior at Milwaukie High School and started this project because she saw a real need for the school to better communicate to their community, neighbors and student families. For several years she has been involved with ASB and National Honor Society and it was her responsibility to manually change the current sign. She and other students found it impossible to keep the information current and accurate. Because of the age of the sign and weather conditions, letters were continually being blown off or just fell off; this left inaccurate information and did not give the professional image they would like to give. With a new sign they will be able to keep the community up-to-date with their sports activities, events, blood drives, plays, music awards and to keep parents informed about schedule changes. They hope to bring more revenue to the school with increased attendance for some of the events.

Ms. Townsend said she is aware of the concerns expressed about the neighbors and their thoughts about the new sign. Last Saturday she spent time with 17 neighbors on 27th Street, presenting them with a letter of approval of the proposed reader-board sign. Everyone was supportive of the reader-board sign. She also talked with eight parents at St. John's School; they said that they would purchase the old sign, or if given to them would help with fund raising for the new sign. She has two letters of support from businesses on Washington Street. There was one neighbor on Washington Street that was against the proposal. She submitted the letters of approval to the Commission, stating that many of the approvals were from apartment residents facing the stadium.

The Planning Department has recommended that the sign remain the same height of the existing sign; she believes that Ramsey Signs can adjust the height. They are in agreement with having the sign off at 10:00 p.m. each night.

Night and day pictures were shown of the signs at Clackamas High School and Oregon City High School, including their surrounding areas both during the day and at night. Night pictures were shown of the existing Milwaukie High School sign on Washington Street, including a night picture looking down Washington Street as well as pictures from driveways and businesses on Washington Street.

QUESTIONS FROM THE COMMISSIONERS

Chair Klein and the commissioners commended Ms. Townsend on the presentation; it was very well done. They thanked her for her hard work on this project.

Commissioner Newman asked if there was consideration of putting the sign somewhere else on the school property. **Ms. Townsend** said "no"; her consideration was only to replace the existing sign. This updated reader-board sign was the only type of sign she considered. Washington Street seems to be the best location for everyone in the community to see the sign.

Speaking: Kelly Carlisle, 12422 SE One Rosa Drive, Clackamas

Mr. Carlisle stated that he is the principal at Milwaukie High School and he is proud of Ms. Townsend; she has proven to be very talented at different projects at the school. She is a key communicator in the school community; blood drives under her direction have been so full they have had to turn donors away for lack of beds.

As a school in the community it is their privilege and obligation to reach out to their residents, students and parents, and passers-by to see what is happening at their school. Currently, if you walk by the sign you would see that there is a soccer game tonight; what is not displayed is that their school newspaper (*The Milwaukian*) has for the second time received the top award at the national level. These are some of the other things they would like to share with the community -- with a sign that can project more than one message at a time this would be possible. Had there been a reader board sign there might have been better attendance at the school bond meeting last night. The proposed sign will offer other ways of reaching out and letting people know what is going on.

The Clackamas High School monument sign works because of its positioning and the wide open space at that intersection that allows for visibility. A monument sign would not work at any location on their campus because of the space on Washington Street with respect to trees, lamp posts, fences, and a much tighter street space than found at other sites. Lake Road has the same difficulty because drivers are navigating the turn and not looking at the campus and sign. The school's mission to share what is going on in the school would be facilitated by locating a sign on the Washington Street side with some height.

QUESTIONS FROM THE COMMISSIONERS

Commissioner Brinkman asked if Milwaukie High School has a web site. **Mr. Carlisle** stated that they do.

Commissioner Brinkman asked if consideration was given for the safety of the drivers reading the reader-board sign and possibly not seeing pedestrians crossing the street. **Mr. Carlisle** stated that he talked to the principal at Clackamas High School but because they have a monument sign they did not discuss the height issues. He did ask about the impact of having constant messages; their sign shares 12 different messages in short amounts of time, possibly every 5 seconds.

He asked the principal if there were any traffic problems with the changing sign. She responded that she had no instances of traffic problems and that the people have commented it was nice to have the weather and time available to them on the sign.

Speaking: Mike Carulli, Ramsey Signs, 9160 SE 74th Avenue, Portland

Mr. Carulli stated the brightness of the board can be dimmed down 100%; it is very versatile. The existing reader-board sign has problems with letters falling off, maintenance, etc. The proposed sign is designed to address local issues; it is not flashy and message can be left on for long periods of time. The message can be changed and at nighttime if the board is not used it becomes black. In his 37 years of experience, there have been comments about the structure of the poles and stoutness of signs; yet in the windstorms you hardly ever see them go down. The same thing is true with accident reports due to distracting signage. The accident reports are negligible; the issue of safety is nonexistent. The Oregon City sign was originally 25 feet and the City Council ruled to limit it to 17 feet. The proposed sign would be at the same height as the one there now. The message can scroll up or down or it can stay stationary.

QUESTIONS FROM THE COMMISSIONERS

Commissioner Bresaw asked if the only color available for the sign lights is red. **Mr. Carulli** stated that red and amber are the two colors that are most used. The difference between the two for brightness and readability is negligible.

Mr. Churchill asked if Ramsey did the Oregon City High School sign. **Mr. Carulli** stated that he did the Oregon City sign. The reason that the Oregon City sign is low is because it has visibility and there is nothing in front of it; Milwaukie has the situation with a fence and they need the height. It would be an injustice to be so low that the drivers cannot read it. They do all types of signs, pole, monument and others.

Commissioner Churchill asked if the sign is always on full illumination. **Mr. Carulli** stated that most of the time the illumination is set and maintained at a particular level. This is something that would be controlled by the school. The signs at Oregon City High School and Clackamas are at full illumination.

TESTIMONY IN FAVOR -- None

QUESTIONS OR COMMENTS

Speaking: Ed Zumwalt, 10888 SE 29th, Milwaukie

Mr. Zumwalt stated that he was really for this application when he first heard about it; the school needs the sign for a lot of reasons. This morning his phone got very busy about this. Brendan Eiswerth has been out getting signatures on a petition and Ed and his wife signed the petition against this proposal. Safety, brightness, and height were reasons for many of the signatures that were received. He pointed out to Mr. Carulli that the responsibility is on him to make this project work. There had to be a good reason why so any people signed the petition that Brendan Eiswerth took around; all of these people interested have to be listened to.

QUESTIONS FROM THE COMMISSIONERS

Chair Klein asked Ed why he signed the petition against the proposed sign. **Mr. Zumwalt** stated that he feels this should be discussed more. There are a lot of people involved; when a sign issue comes up there is a big response. There are safety issue and livability issues that must be addressed; people are pleased with what they are seeing in the city. **Commissioner Brinkman** stated that as the demographic of Milwaukie continues to change and the City continues to build signs, how they look goes a long way in attracting the kind of businesses you want to have. This is a big issue, because this is what people see, this is what Milwaukie becomes by the signs and architecture.

Mr. Zumwalt stated that what Ms. Townsend says, what Kelly says, what the community says, and what staff and the Commission say is very important; there is value on all sides.

Chair Klein asked if the scrolling is an issue to the Neighborhood Association. **Mr. Zumwalt** stated that the whole thing is a safety factor. There are kids coming out of St. John's school; there are little kids coming from Milwaukie Elementary. He himself does not look at the sign because he is very cautious while driving down this street. He can see where a lot of people can be distracted. He would have thought that there would be concerns from people on 27th, 28th; however, Ms. Townsend has indicated that some residents on those streets say they don't mind the illumination.

OPPOSITION TO APPLICATION

Speaking: Dion Shepard, 2136 SE Lake Road, Milwaukie

Ms. Shepard stated that she is opposed to the application as proposed. Her concerns are safety; she walks her dog along this street and around the school. The cars would not be able to read the sign without slowing down; Washington is a small street and kids are crossing the street all the time; she feels safety is a large concern. When you have a reader-board that is scrolling people tend to want to see the entire message; she feel this will cause a big safety concern for everyone. She likes the idea of an alternate location, perhaps by the parking lot. She would not want a sign that is so visible that it can be seen from Highway 224 or McLoughlin Blvd. She would not like to see a high sign and would appreciate it being dimmed so that the residents wouldn't have to put up with the brightness.

QUESTIONS FROM THE COMMISSIONERS

Commissioner Brinkman asked for comments on the sign being between the historic neighborhood district where it wouldn't be allowed and the downtown business district where it wouldn't be allowed. **Ms. Shepard** stated that she would like to see the sign moved to where the scoreboard is with landscaping to improve the aesthetics. She thinks that the apartment dwellers don't care as much about the community; they don't have the investment in the neighborhood as the residents that own property there. She feels that the value of those who own property there should have more weight than apartment (temporary) dwellers.

Speaking: Brendan Eiswerth, 11009 SE 28th, Milwaukie

Mr. Eiswerth stated that he currently lives at 11009 SE 28th; he is the owner of 2725 SE Washington and has lived at 2755 SE Washington. These three residences have been his residences for the past 11 years.

There are 36 signatures of property owners in the Historic Milwaukie Neighborhood on the petition in opposition to this proposal. In addition to the petition are two letters from neighbors who are concerned. He read the petition in opposition to the sign and asked the Commission to oppose the placement of the sign for the safety of the neighbors and hundreds of children from St. Johns, Milwaukie Elementary, and Milwaukie High School. The petitions were submitted as part of the record.

Mr. Eiswerth stated that Mr. Jeff Rends who signed the petition lives in the house that Ms. Townsend thought was a vacant property. Ann Hutt, wife of a former mayor, has a clear view of the sign in front of her house. She is not an adamant fan of the sign as it is and would not be in favor of the proposed sign.

It is currently very difficult to negotiate getting across Washington Street. He and his wife use the track to walk and it is difficult for them to cross. He read the letter he submitted in opposition to this proposal. Many outside events at the school always impact many of his neighbors. The PA should be directed to the

stands not the neighborhood. He can see the existing sign and the field from his home on 28th, as can his aunt who lives on the corner near him. He feels that notice of events from the school can be obtained from touch-tone phone messages or online.

If this sign is allowed, would it set a precedent for other illuminated signs across the street at St. Johns Church/School, around the corner at the elementary school, a couple blocks away at the Waldorf School or the American Legion. The biggest concern about the proposed sign is the aesthetic impact on the neighborhood and the legal issues that would be raised.

Since the new signal went in on 99E at Washington, there has been more traffic and he can hear every car pass his home. In the commuter's desire to get from point A to B, drivers have to drive between two schools, not to mention the elementary and Waldorf School one and three blocks respectively away from Washington Street. That is hundreds of school kids crossing a very busy street every morning and every afternoon. In the winter time with shorter days that means many kids crossing Washington when it is dark after sports practice or before and after sports events when hundreds of parents and children are crossing from St. John's parking lot and the field in the dark within 50 feet of the location of the proposed flashing sign.

There is currently a crosswalk at 26th and Washington, less than 50 feet east of the proposed sign, and another crosswalk at 23rd and Washington. There is large use of St. John's lot on the north side of Washington by Milwaukie High students. He biked down to Washington at 5:15 this afternoon to check on the location of these crosswalks and witnessed at least a dozen students crossing Washington; not a single one used the crosswalks. When it is dark out later this year those same kids will be darting across Washington attempting to avoid rush-hour traffic. He hopes that rush-hour commuters and student drivers have their eyes on the road and not on a distracting illuminated changing sign board as they negotiate Washington on a rainy winter afternoon.

Mr. Eiswerth stated that every person that he approached signed the petition. Three people would not sign because they don't sign petitions but gave permission to have him say that they are opposed to the proposed sign.

QUESTIONS FROM THE COMMISSIONERS

Commissioner Brinkman stated that the Historic Neighborhood had no comments on this issue at the first hearing before it was continued. **Mr. Eiswerth** stated that he would not have gotten a notice if it weren't forwarded to him. He suggested moving the proposed sign along the gym facing north. The sign would be facing the parking lot and those who need to see those message boards. Others

would know where the sign is and could come to that location to see what is going on.

Chair Klein noted that when Mr. Eiswerth moved to his residence the school and the sign was there and asked him to comment on why the sign would now be offensive to him. **Mr. Eiswerth** stated that he appreciates the school; he uses their track and the community benefits from the football games. It is a positive thing to hear kids playing and the activity in the area. But what precedent does this set if the other schools do the same thing; will this turn into Time Square in Milwaukie?

Chair Klein noted that the Commission takes into consideration every input with the same weight from the community regardless of whether they are renters or owners in the neighborhood. It is the ultimate goal for the entire community to make good decisions.

ADDITIONAL COMMENTS FROM STAFF

Mr. Kelter reported that the recommended conditions of approval address:

- Height (limiting to the height of current sign)
- Ability to control the brightness of the sign
- The frequency of the change to every ten seconds

Hopefully, the testimony tonight addressed some of the concerns expressed by the Commission at the last hearing. **Ms. Mangle** noted that the suggested condition indicates that the sign change no more often than every 10 seconds. Scrolling means moving constantly and the recommended condition would not allow that.

APPLICANT'S CLOSING COMMENTS -- None

Chair Klein closed the public testimony portion of the hearing and opened it to discussion among the Commissioners.

Commissioner Newman stated that the same company that installed the Oregon City sign is the one that is going to install the proposed sign. He was superintendent of Oregon City schools when this company was hired to install the sign at Oregon City High School. He asked staff if this is a conflict of interest. **Mr. Firestone** stated that it is not a conflict; prior dealings that are not ongoing do not create a conflict of interest because there is no current prospect for financial gain for it. If there is no issue of bias there is no reason to not participate. **Commissioner Newman** stated that he was not biased and did not feel it would interfere with his ability to vote on this issue.

Commissioner Bresaw stated that she does not like reader-board signs, but in this situation it will be an improvement to the community. She feels that the proposal meets the benefits test and the school deserves a better sign than it has.

Commissioner Churchill voiced concern that the brightness is going to be a hard thing to manage. To him it is a safety issue; is it worth the risk to go from the status quo sign to something that can be easily changed. He looked at the signs at Clackamas and Oregon City and both roads are much wider. He has a concern about putting more pedestrians at risk.

Commissioner Brinkman stated that it is difficult to tell a student and a school that they can't have a sign. After Ms. Townsend's presentation she was more sympathetic to the cause than she was prior; however, she has to remind herself of her major concerns. She is concerned about safety and the proximity of so many schools in one area; it is a big deal. She visited the Clackamas site and it is not comparable to the Milwaukie neighborhood in terms of density, different uses, and the surrounding codes. She is troubled about the fact that the downtown district would not permit the sign and it certainly is not appropriate in the historic neighborhood. She does not feel there is an increased benefit that would go along with the increased impact on the residents near the school. There could be a website to post upcoming events; there are plenty of ways to get the message out that don't require an electronic reader-board. If this proposal is approved it will present a significant lack of congruity in the Commission decisions. This sets precedent for other community service uses including schools and churches that need a community service use; all it takes is one and then they are all over the area.

Commissioner Newman stated that he is not concerned about people getting in and being able to change the sign. The controls of the sign at Oregon City High School are under lock and key; you don't want just anybody to have access to a sign that could have anything in writing. In addition, the technology is such that you had to take a course to learn how to operate the controls; there were designated people to change the sign. He does not see a concern about the illumination. There have been no accidents relating to the illuminated sign at Oregon City High School. He asked if there is a possibility of some other location on the site for the sign.

He has been around the Oregon City High School so many times and he doesn't see a concern about the illumination brightness. There were all kinds of complaints around the high school; it was not the sign but just lights around the high school that were causing problems. Beaver Creek Road is a problem spot in Clackamas County; however there has not been an accident at the high school.

Mr. Firestone stated that this involves expression and the Commission has to make sure there is an adequate opportunity for the entity to get their message

across. Any alternate location should be based on whether that location provides adequate communication to the general public. The school district has the right to communicate. The applicant has the burden of establishing that they meet the criteria. There is a specific set of rules, however in this instance other rules can be allowed. It is the applicant's burden to establish that the basic CSU criteria have been met.

Chair Klein stated that he will vote against this proposal because he does not feel this is the right sign for this location. He feels that Ms. Townsend has done a fantastic job with this project; he hopes that the school comes back with alternative ideas and goals that will help spread the message for the school.

Commissioner Bresaw moved to approve Application CSU-06-05 to allow the replacement of the existing manual reader-board sign at Milwaukie High School with a double-sided electronic reader-board sign, while placing certain restrictions on the operation.

The motion died for lack of a second.

Commissioner Brinkman moved to deny Application CSU-06-05 to allow the replacement of the existing manual reader-board sign at Milwaukie High School with a double-sided electronic reader-board sign for the following reasons:

- Impacts to the neighborhood outweigh the benefit of the sign (communication to community)
- Safety concerns relating to the heavy pedestrian use and congested thoroughfare between two schools
- The location borders two districts that would not otherwise permit the presence of the sign
- Light impacts
- Safety impacts

Staff was directed to develop findings using the reasons for denial stated.

Commissioner Churchill seconded the motion.

Ayes: Brinkman, Churchill, Newman, Klein

Nays: Bresaw

The motion carried 4-1.

Recess was taken at 8:15 p.m. and the meeting reconvened at 8:27 p.m.

- 6.2 Applicant: City of Milwaukie
 Proposal: Amendments to Titles 14, 12, 17 and 19 of the Milwaukie
 Municipal Code
 File Number: ZA-06-02
 NDA: All Neighborhoods

Chair Klein opened the hearing on Zoning Amendment 06-02, consideration of Legislative amendments to Titles 14, 12, 17 and 19 of the Milwaukie Municipal Code.

Commissioner Newman moved to initiate proposed text amendments to Titles 14, 12, 17 and 19 of the Milwaukie Municipal Code. **Commissioner Bresaw** seconded the motion.

Ayes: Bresaw, Brinkman, Churchill Newman, Klein

Nays: None

The motion carried 5-0.

Chair Klein asked if there were any conflicts of interest or ex-parte contacts to declare. There were none.

STAFF REPORT

Katie Mangle reported that staff requests the Commission forward a recommendation to City Council in support of the proposed amendments to the four sections of the Milwaukie Municipal Code. The final decision will be with City Council. The key issues are:

- Do the proposed amendments meet the approval criteria
- Do the proposed amendments affirm and clarify existing policy regarding Signs, Land Use and Land Division, making the use of the Milwaukie Municipal Code more effective
- Will the proposed minor policy changes implement the purpose of the sign code to promote the "neat, clean, orderly and attractive appearance" of the City

The proposed amendments are focused on the sign code. The process and purpose of the sign code is similar to the land use code; it also has to consider First Amendment rights and protection of freedom of speech. The Milwaukie Sign Code was first drafted in 1979 and has not changed substantially, except for the following amendments:

- 1981 -- prohibited signs in the right-of-way
- 1987 -- added the enforcement section
- 1993 -- removed content based language
- 2000 -- new downtown sign district language
- 2000 -- existing non-conforming sign section changed from 7 years to 10 years

The government may impose content neutral time, place, and manner restrictions on speech as long as the restrictions leave adequate means for expression. The scope for the sign code update is focused on removing content based regulations, protecting the City against challenges, making it clearer and easier to implement and addressing minor policy changes as needed.

The minor policy changes include:

- Murals – no longer exempted from sign permits; they are subject to the requirement of wall signs. Staff will continue to explore options for permitting murals
- Internally illuminated cabinet signs -- currently “discouraged” downtown; require Commission approval. There are no criteria for approval. They will be prohibited in the downtown planning district

Staff is trying to come up with new criteria intended to provide some flexibility in the downtown zones. Another policy change is approval of Community Service and Conditional Use signs. Currently, a limited number of small signs are allowed. Staff will review small signs and larger signs will require Commission review. The proposal sets limit on sign size, makes considerations on proximity to residences, functional classification of road and scale of surrounding area.

Currently the code allows temporary banners below 40 square feet without a permit. The proposal is to separate two classes of banners; community services uses such as schools, private institutions, churches, etc. may hang temporary banner signs up to 40 square feet and non-community service uses such as restaurants, car washes, etc. may hang temporary banners up to 16 square feet or a permit required for larger banners. Banner signs are eligible to become wall signs with a permit.

Language regarding Billboard Signs has been changed to address constitutional issues in the code. Billboards have been prohibited in the City since 1979. They are now considered “freestanding signs.” The proposal is to limit freestanding signs to 250 square feet. This is a limitation on large commercially zoned property with freestanding signs up to 300 square feet. The current standard for freestanding signs on industrial property is 250 square feet.

Copies of the changes have been distributed to NDA chairs and land use chairs, several large commercial and industrial landowners, several interested parties, Metro, DLCD and TriMet, Portland Metropolitan Association of Realtors, City Engineering, community services and police departments, posted on city website and distributed at the Planning Department counter. Responding comments have been made available to the Commission in their packet.

Ms. Mangle shared some of the responses with the Commission. A comment was received regarding nonconforming signs...“How will the City alert sign owners of a pending deadline to bring signs into conformance?” Many businesses budget for sign replacement a year or two before purchases; how will they know that the sign criteria have changed. Staff will make an effort to send out letters and work with the property owners to make sure they understand the regulations and move into compliance. The city will provide 30-days notice to

the property owner; the city will provide additional notice to mitigate non-conforming situations.

A comment was received regarding enforcement and people putting up signs in the right-of-ways. The code allows for immediate removal of hazardous signs and requires the City to wait 30 days after providing notice. Staff proposes the amendment to allow City to immediately remove illegal signs, assess a fee of \$100 per day for illegal signs and make "notice" optional.

The amendments to Title 12 involves removing content-based language regarding sidewalk benches and Titles 17 and 19 are housekeeping amendments to reduce conflicts and correcting preferences.

The options for decision tonight are:

- Forward a recommendation support the proposal and ordinance
- Forward a recommendation supporting the proposal and ordinance with modifications
- Continue the hearing to allow for more discussions
- Do not approve the proposal

QUESTIONS FROM THE COMMISSIONERS -- None

TESTIMONY IN FAVOR

Speaking: Darrell Winand, 5331 SW Macadam Avenue, Portland

Mr. Winand stated that he is governmental affairs specialist for the Portland Metropolitan Association of Realtors and is speaking on behalf of the members of his association. He commended Katie Mangle, the Planning Department and Commission for undertaking something that is both critical and important and trying to draft a mutual workable sign code for the citizens, employees and those who may work here in the future. He has submitted comments for consideration of the sign code and feels Ms. Mangle has addressed them.

He asked that the Commission consider further for modifications to Section 14.04030, Page 3 of draft regarding definition for "permittee." If a corporate assistant comes to get a sign permit, who is the permittee? As it is written the permittee would be the person getting the sign permit; it should be the owner of the sign.

Section 14.16.010, 020, etc. pages 14 and 16 regarding the table matrix; for the ease of the table there needs to be an additional row for what is and is not allowed for zones in the community. There is a concern that there is no current inventory; real estate companies budgets years in advance for the replacement of deteriorating signs under the assumption that the sign they currently have is

within standards. It would not be good to purchase a sign only to find out that it is non-conforming. He suggested that an internship be provided in the summer to have someone take an inventory of the signs that currently exist. Once it is known what the non-conforming signs are, the City can provide the business with sufficient notice to conform.

Regarding the issue of enforcement he asked where a realtor could go to ascertain what the actual setback is for a particular area where signs can be placed.

QUESTIONS OR COMMENTS

Speaking: Tim Salyers, 16480 SE Sterling Circle, Milwaukie

Mr. Salyers stated that he is here tonight speaking as a citizen. His concerns about the sign code deals with his involvement in youth baseball. Currently Milwaukie Junior Baseball Association has kids from Milwaukie area that participate in the baseball program. To help fund their play they have lowered the fees and required coaches to obtain sponsorship banners to reduce cost to the individual players. He feels this makes it a commercial sign. The Milwaukie High School has banners up on the football field all year. The 30-day requirement will become an issue; this is a community service purpose.

One of the downtown businesses is a banner producing company. They provide banners to the community and sell banners as their product. Putting a hindrance on banners can ultimately reduce income for that business. This should be considered in the anti-banner movement. Having the ability to sponsor the high school athletic programs with banner signs eliminates the need to use large wooden signs; this is an improvement to him.

QUESTIONS FROM THE COMMISSIONERS

Commissioner Brinkman asked if the high school would suffer a reduction in funds if the signs were hung during certain periods rather than having them hanging for long periods of time. **Mr. Salyers** stated that selling a sponsorship banner for \$275 to a business and saying you are getting year round advertising is much better than getting three months exposure.

Another area that could be addressed is that the code requires that the banner face outward; however, at the baseball field outward is toward the field and it is not seen from the road.

TESTIMONY IN OPPOSITION -- None

ADDITIONAL COMMENTS FROM STAFF

Ms. Mangle addressed some of the concerns raised in testimony:

- The sign code does not prohibit signs in the setback; it prohibits signs in the right-of-way. Information is available at the City regarding right-of-way and typically right-of-way is the area behind the sidewalk.
- The “permitee” for a sign permit is not used in the code; it is used on the application. The application does indicate the signature of the person in the office filing the permit, but it also requires the signature of the property owner. All the provisions of the code require owner approval.
- The additional line on the matrix was considered but not done because staff felt it would be too confusing. The Planning Commission can decide whether to include the sign type allowed.
- If a community service use puts up a sign, the content of the sign is not regulated. The sign is use based and the advertising on the sign is not regulated on community service use property.
- The purpose of the sign code is to regulate signs, all signs visible from a right-of-way or lot under other ownership. This is stated in the purpose section and definition of sign.
- Community service use banners are addressed under the exempt section; another option to consider would be to address it under the community service use section for a different type of standard for the playing fields situation.

Discussion followed on whether the banners should be up for 6 months at a time or being a permanent fixture. The Commission concluded that 6 months for a banner was a reasonable limitation.

Chair Klein closed the public testimony portion of the hearing and opened it to discussion among the Commissioners.

Mr. Winand voiced concern for situations where the “for sale” sign has to be 60-feet back from the middle of the road. The sign would have to be placed in the back yard. This could be an issue, for realtors to get a zoning map for each property; the property owner would have to get that information before the sign could be put up. The association supports enforcement of the code -- however, he is asking for consideration in some of their situations.

Ms. Mangle stated that there are inconsistent right-of-way lines. The City can allow signs in the right-of-way but they need to give the public clear guidance on what they can do. The current code does not give clear guidance. **Mr. Firestone** stated that there are situations where the right-of-way cannot be determined. Right-of-ways technically are places where the entire public has the right to

travel. If someone puts a sign in the right-of-way, the City has the right to enforce removal of the sign. There were specific regulations for realtor signs however that is no longer legal. The Commission can allow the signs outright. He suggested that the Commission review this issue in the future; perhaps a provision allowing an adjoining property owner to get a right-of-way permit to place a sign in the right-of-way. This will prevent this issue from coming before the Commission for review.

Commissioner Brinkman moved to forward a recommendation to the City Council in support of amending the Milwaukie Municipal Code Title 14, Signs, Title 12.20, Sidewalk Benches, Title 19, Zoning and Title 17, Land Division with the following changes:

- **Allow community service use banners for 6 months**
- **Banners on community service use properties as defined in Section 19.321.2 not exceeding a total display area of 40 square feet per face per site and pennants not exceeding a length of 50 feet per site that remain in place for 6 months or less in any one calendar year.**

Commissioner Bresaw seconded the motion.

Motion carried 5-0.

7.0 WORKSESSION ITEMS -- None.

8.0 DISCUSSION ITEMS -- None.

9.0 OLD BUSINESS -- None.

10.0 OTHER BUSINESS / UPDATES

10.2 Matters from the Planning Director

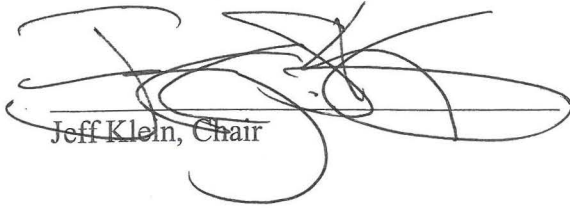
11.0 NEXT MEETING -- October 10, 2006

11.1 CPA-05-02, Spring Park Master Plan

CSO-06-03, Spring Park

Commissioner Bresaw moved to adjourn the meeting of September 26, 2006. Commissioner Brinkman seconded the motion. MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 9:57 p.m.



Jeff Klein, Chair



Shirley Richardson, Hearings Reporter

MILWAUKIE PLANNING COMMISSION

MILWAUKIE CITY HALL
10722 SE MAIN STREET

AGENDA TUESDAY, SEPTEMBER 26, 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 11, 2006 | 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 |
| 5.0 | Public Comment This is an opportunity for the public to comment on any item not on the agenda | |
| 6.0 6.1 | Public Hearings HEARING CONTINUED FROM SEPTEMBER 12, 2006 (please bring previous materials) Type of Hearing: Minor Quasi-Judicial Applicant: Ali Townsend for Milwaukie High School Owner: North Clackamas School District Location: 11300 SE Washington Street Proposal: To replace an existing manual reader-board sign at Milwaukie High School with a double-sided electronic reader-board sign File Number: CSU-06-05 NDA: Historic Milwaukie Staff Person: Brett Kelter | Discussion and Motion Needed For These Items |
| 6.2 | Type of Hearing: Legislative Applicant: City of Milwaukie Proposal: Amendments to Titles 14, 12, 17 and 19 of the Milwaukie Municipal Code File Numbers: ZA-06-02 NDA: All Neighborhoods Staff Person: Katie Mangle | |
| 7.0 | Worksession Items | |
| 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: 10/10/06 – Hearing – CPA-05-02 Spring Park Master Plan Hearing – CSO-06-03 Spring Park The above items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have. | |

Forecast for Future Meetings:
10/24/06

Milwaukie Planning Commission Statement

Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, 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.
9. **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 *KM*
Date: September 19, 2006 for September 26, 2006 Hearing
Subject: Milwaukie Municipal Ordinance Amendment ZA-06-02
 Proposed Amendments to the Milwaukie Municipal Code
 (Title 14 - Signs, Title 12.20 – Sidewalk Benches, Title 19 –
 Zoning, and Title 17 - Land Division)
Applicant: City of Milwaukie
Site Address: N/A
NDA: All

Action Requested

Forward a recommendation to the City Council in support of amending the Milwaukie Municipal Code Title 14 - Signs, Title 12.20 – Sidewalk Benches, Title 19 – Zoning, and Title 17 - Land Division.

Background

The proposed code amendments focus primarily on revisions to Title 14, the City of Milwaukie Sign Code. The majority of the revisions are intended to correct and clarify the code to improve its administration without changing basic policy or intent. In some cases the revision will result in a minor policy changes or are necessary to comply with legal requirements. Staff is also recommending several revisions to clarify and correct miscellaneous subsections of the Zoning and Land Division chapters of the Milwaukie Municipal Code (MMC).

Revisions to Title 14 - Sign Code

The proposed text amendments to Title 14 will primarily eliminate content-based provisions of the City's Sign Code (see Attachment 2). 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 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.
- 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.
- Minor policy changes include the following:
 - **Murals**, would no longer be exempted from sign permit requirements. Because signs cannot be regulated by content, the City cannot distinguish between murals and regular wall signs. Murals are therefore subject to the requirements of wall signs.
 - MMC 14.16.060.G would be revised to prohibit **internally illuminated cabinet signs** in the Downtown sign district and require that existing signs be turned off five years after the adoption of this revision.
 - 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).
 - A new approval process for signs related to **Community Service and Conditional Uses** would allow small signs to be reviewed as a Type I process, while larger signs would require review of Planning Commission.
 - Only community service uses (e.g., schools, government, or private institutions) would be allowed to hang banner signs larger than 16 square feet without receiving a permit. Banners associated with non-community service uses would be allowed as temporary signs or require a permit from the Planning Department.
 - **Billboard signs**, which, under the definition of "off-premises signs," have been prohibited in the City since at least 1979, would be allowed as "freestanding signs". The allowed area of freestanding signs will be limited to 250 square feet, which is less than the standard size of a medium-sized billboard.

Revisions to Section 12.20 – Sidewalk Benches

Revisions to the code section that addresses sidewalk benches and bench signs also seek to remove content-based language from the regulation (see Attachment 3). The revisions to Section 12.20 would eliminate references to adjacent properties and focus the City's regulation on 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 4). 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.

Commentary on Revisions

To ensure that the revisions and their intent are clear to those reviewing the proposal, staff has developed a Commentary document to accompany the proposed revised Code sections (see Attachment 5). The Commentary explains the proposed revisions, including any resulting minor policy changes. This document should be reviewed side-by-side with the underline/strikeout documents included as Attachments 2, 3 and 4.

Key Issues

1. **Do the proposed amendments meet the approval criteria?**
2. **Do the proposed amendments affirm and clarify existing policy regarding Signs, Land Use and Land Division, making the use of the Milwaukie Municipal Code more effective?**
3. **Will the proposed minor policy changes implement the purpose of the Sign Code to promote the "neat, clean, orderly and attractive appearance" of the City?**

Analysis of Key Issues**Key Issue 1. Do the proposed Zoning Code amendments meet the approval criteria?**

Zoning Code amendments are subject to approval criteria found in 19.904.1 – Requirements for Zoning Text Amendments and 19.905 Approval criteria for all amendments. All amendments must be consistent with unamended portions of the Comprehensive Plan and with the statewide planning goals. As shown in Attachment 1, Zoning and Comprehensive Plan Amendment Criteria Checklist, the proposed amendments meet the approval criteria.

Key Issue 2. Do the proposed amendments affirm and clarify existing policy regarding Signs, Land Use and Land Division, making the use of the Milwaukie Municipal Code more effective?

The proposed amendments to Milwaukie Municipal Code Titles 14, 17 and 19 include many revisions to the MMC text. The majority of the revisions are intended to correct and clarify the code to improve its administration without changing basic policy or intent. In some cases the revisions will result in a minor policy change or are necessary to comply with legal requirements.

The proposed revisions will improve the effectiveness of Code in several ways:

1. Removing language that refers to the content of signs (including whether a sign is on- or off-premises) will bring the code into compliance with the Oregon state constitution and allow the City to defensibly implement and enforce the Sign Code.
2. Reformatting of the sign regulations to display Sign District information in tables will simplify the code while improving clarity. Presenting information in

tables should make the sign regulations easier to follow and understand for both staff and applicants.

3. Adding new graphics will illustrate several of the definitions that are complex or not intuitive.
4. Where sign regulations currently have subjective standards for approval, modifying the regulation or adding objective criteria will ensure that the City's regulations are defensible. For example, illuminated cabinet signs are currently "discouraged" in Downtown zones, but there is no criteria for when such a sign could be approved.
5. Correcting mistakes and clarifying existing policy in Title 17 – Land Division and Title 19 – Zoning will make these regulations easier to understand for both staff and applicants.

Key Issue 3: Will the proposed minor policy changes implement the purpose of the Sign Code to promote the "neat, clean, orderly and attractive appearance" of the City?

The City of Milwaukie adopted a Sign Code in 1975, and generally the regulations and standards for signs have not changed since. The only major policy changes have been the prohibition of signs in the public right-of-way in 1981 and new regulations for signs in Downtown zones in 2000. Though the proposed amendments focus on removing inconsistencies and content-based language, a few minor policy changes are included as well.

Internally Illuminated Cabinet Signs in Downtown

As a result of the Downtown Design Guidelines, the City's current policy "discourages" internally illuminated cabinet signs in Downtown zones (see MMC 14.16.060.G). Though the code requires that such signs be approved by the Design and Landmarks Committee and Planning Commission, there are no criteria for approval. This has proved to be confusing for applicants and frustrating for reviewers. The sign lighting guideline in the *Downtown Design Guidelines* states, "sign lighting should be designed as an integral component of the building and sign composition," and favors indirect lighting at a pedestrian scale. In keeping with this statement, the proposed revision to section 14.16.060.G would prohibit internally illuminated cabinet signs in the downtown zones. Cabinet signs that are not illuminated would still be permitted as wall signs. Additionally, an applicant may apply for an Adjustment if the internally illuminated sign meets the criteria proposed in MMC 14.32.010.B. The adjustment criteria are intended to provide some flexibility and allow for special consideration of sign design in the downtown zones.

Banners

Banners that are between 16 and 40 square feet in area are currently allowed for temporary display without a sign permit. The Planning Commission has expressed concern about the proliferation of banners throughout the city, and the perception that many banners stay up for long periods of time. To more strictly control banner signs, the proposed revision limits the display of banner signs up to 30 days in one calendar year. In addition, only community service uses (e.g., schools, government, or private institutions) would be allowed to hang banner signs larger than 16 square feet without receiving a permit. Non-community service uses could hang banners as temporary signs or with a permit from the Planning Department.

Billboards

Since the Sign Code was first approved in 1975, the City has prohibited billboards by defining billboards as "a freestanding sign not pertaining to... the activity of the premises on which it is located..." and listing "off-premises signs" as prohibited in all zones. The City may no longer consider whether signs are on- or off-premises, and therefore billboards are now considered to be a type of "freestanding sign". One of the proposed revisions would limit the allowed area of freestanding signs in Commercial zones to 250 square feet per display surface. This size is below the advertising industry standard for a small billboard.

During the course of staff's work on the proposed amendments, the Planning Commission has identified additional policy changes that may be desired or needed to better promote the "neat, clean, orderly and attractive appearance" of the City. Staff recommends that such policy changes to the Sign Code be addressed in a follow-up project that more specifically addresses the community design aspect of signage.

Code Authority and Decision Making Process

The proposal is subject to the following provisions of the Milwaukie Zoning Ordinance and Sign Ordinance as follows:

Milwaukie Zoning Ordinance

Zoning Ordinance text amendments are legislative actions governed by Milwaukie Municipal Code as follows:

Section 19.901 - Initiation of amendments.

Section 19.902 - Amendment procedure

Section 19.904 - Requirements for zoning text amendments

Section 19.905 - Approval criteria for all amendments

Section 19.1011.5 - Legislative Actions

The Planning Commission makes recommendations on legislative actions to the City Council, which has the final decision. If the Planning Commission finalizes its recommendation in September, the City Council will hear the matter at a public hearing on October 17, 2006.

The Planning Commission has the following decision making options:

1. Forward a recommendation supporting the proposal and ordinance.
2. Forward a recommendation supporting the proposal and ordinance with modifications.
3. Continue the hearing to allow for more discussion.
4. Do not approve the proposal.

Comments

The following points summarize all comments received:

1. Chief of Police Larry Kanzler – When people attach signs to utility poles, there is no citable violation other than littering or criminal mischief for either the initial offense or subsequent offenses. Any amendment to Title 14 should authorize the Police Department and Code Enforcement personnel to cite violators into court for repeat offenses. In addition, it is impractical to wait 30-days after providing notice. The City needs the ability to remedy violations immediately.
2. Greg Chaimov, Island Station resident, expressed concern that the limit on the size of signs to 250 square feet may open the city up to Measure 37 claims. He clarified that he is not objecting to the policy of small signs, just wants to make sure that the city adopts a policy based on the risks involved.
3. Daryl T. Winand, Portland Metropolitan Association of Realtors® (PMAR), submitted several comments asking for clarification of terms and suggesting changes to the amendments to address temporary signs of the type used by realtors.
4. Young Park, representing TriMet, commented that the agency supports the proposed revisions as they relate to TriMet signs in the right-of-way.

Conclusion

Staff believes the proposed amendments are consistent with policy direction provided by the Planning Commission with regards to signage and the use of the Milwaukie Municipal Code. Staff recommends that the Commission recommend that the City Council approve the amendments.

Recommended Findings in Support of Approval

1. The City of Milwaukie fulfilled the requirements for an application for a zoning text amendment, as outlined in MMC sections 19.901, 19.902 (see Attachment 1, Code Compliance Report).
2. Public notice has been provided and a public hearing has been conducted in accordance with MMC section 1011.5 (see Attachment 1, Code Compliance Report).
3. The proposed amendments fulfill the approval criteria found in MMC 19.904.1 and 19.905.1. They are consistent with the Comprehensive Plan, the Metro Urban Growth Management Functional Plan, and Oregon Statewide Planning Goals (see Attachment 1, Code Compliance Report).

4. The proposed amendments to Title 14 remove content-based regulations and strengthen the purpose of the Title to regulate signs based on time, place and manner.
5. The proposed amendments to Title 14 strengthen the purpose of the Sign Code to promote the "neat, clean, orderly and attractive appearance" of the City.

Attachments

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

Attachment 1**Zoning Amendment Criteria Compliance Checklist**

ZA-06-02

This document sets out the applicable criteria for Comprehensive Plan and Zoning Text amendments and addresses how each criterion is met. Any provision not included is found to be not applicable to the proposed amendment.

A. COMPLIANCE WITH MILWAUKIE MUNICIPAL CODE (MMC)

Section 19.901 Initiation of amendments, requires that an amendment to the Milwaukie zoning text be initiated by the city council, planning commission, or by a property owner.

This text amendment is proposed by the City of Milwaukie, initiated by the Planning Commission.

Section 19.902 Amendment procedure, requires that proposed amendment applications be heard at a public hearing and follow the procedures outlined in subsection 19.1011.5, Legislative actions.

The Planning Commission is holding a public hearing at the earliest practicable meeting after the application has been determined to be complete.

19.1011.5 Legislative Actions, outlines the procedures for processing legislative land use policies and plans. Specifically it requires the City to do the following:

A. Public Notification. Publish a notice of a hearing once each week for two (2) consecutive weeks in a newspaper of general circulation in the city. The second publication shall not be less than five (5) days prior to the date of the hearing.

The City has provided the required published notice. The proposed amendments have been discussed at five public meetings of the Planning Commission and Design and Landmarks Committee. The amendments are posted on the City website. Property owner notifications required when zoning amendments change allowed uses in a zone will be mailed to properties in the Commercial and Downtown Zones, in compliance with ORS 215.503 and 227.186.

B. Decision. The planning commission shall conduct a public hearing and shall make a decision based on compliance with the applicable goals and policies of the comprehensive plan. The planning commission shall prepare a recommendation to the city council. If the proposal is approved by the commission, a report and recommendation, including findings and conclusions, shall be forwarded to council. The city council shall conduct a public hearing.

The Planning Commission is conducting a public hearing and is making a recommendation to the Council. The Council will hold a public hearing as required.

Attachment 1 – Criteria Compliance Checklist

B. Notice to Metro. The planning department shall provide notice to Metro of any proposed amendment to the comprehensive plan or zoning ordinance.

The City has provided notice to Metro on August 17, 2005 and to DLCD on August 22, 2006.

19.904.1 Proposals for zoning text amendments must provide written evidence that the following requirements are satisfied:

A. Applicable requirements of Section 19.1003, which specify the form of petitions, applications, and appeals.

The City submitted an application on the prescribed form on September 5, 2006. Because the application is for a zoning code text amendment and no development is proposed, the other portions of MMC Section 19.1003 are not applicable. The application therefore complies with applicable requirements of Section 19.1003, and therefore satisfies Section 19.904.1. This criterion has been met.

B. Reasons for requesting the proposed text amendments.

On March 23, 2006. The Oregon Supreme Court issued its decision that on-premise and off-premise signs must be treated equally and that any disparate treatment between on-premise and off-premise signs is an unconstitutional content-based restriction on speech. In addition, the Court established a rule that is new for Oregon but has long been a mainstay of federal precedent – that governments may impose content-neutral “time, place and manner” restrictions on speech, so long as those restrictions leave adequate means for expression. The express adoption of a “reasonable time, place and manner” standard will provide the City with a means of defending most of its sign code.

The City of Milwaukie still has some content-based provisions in its sign code. The proposed text amendments change the sign code to eliminate content-based provisions. During the process of editing for content-based provisions, the Planning Department has proposed other minor changes that make the sign code clearer and easier to implement.

The City of Milwaukie adopted a Sign Code in 1975, and generally the regulations and standards for signs have not changed since. The only major policy changes have been the prohibition of signs in the public right-of-way in 1981 and new regulations for signs in Downtown zones in 2000. Though the proposed amendments focus on removing inconsistencies and content-based language, the Planning Commission has identified minor policy changes that are needed to better promote the “neat, clean, orderly and attractive appearance” of the City.

This criterion has been met.

C. Explanation of how the proposed text amendment is consistent with other provisions of this title.

The proposed text amendments are consistent with the provisions of Title 19 because they do not change the relationship between the land use zones and the sign districts.

No policy changes are proposed that conflict with the intent or policy of Title 19. Staff is recommending several revisions to clarify specific subsections of Title 17 and Title 19 of the Code that will in fact reduce conflict between regulations within the Zoning Code or other sections of the MMC. This criterion has been met.

D. The approval criteria of Section 19.905.

Applicant has submitted a narrative addressing the approval criteria of Section 19.905. As described in detail below, the approval criteria of Section 19.905 have been met.

19.905.1 For all proposals, the applicant shall have the burden of proof regarding the following criteria:

A. The proposed amendment must conform to applicable comprehensive plan goals, policies and objectives and be consistent with the provisions of city ordinances, Metro urban growth management functional plan and applicable regional policies.

The amendments are consistent with applicable comprehensive plan goals, policies and objectives. Specifically, the following Comprehensive Plan goals apply:

Chapter 1 – Citizen Involvement, Objective 3 - Communication

Promote informed public participation in planning decisions by providing readily available publications and printed materials regarding current issues and proposed policies and providing for two-way communication between policy-makers and citizens.

Policy 1. Make planning documents available through City offices and public libraries. This includes, but is not limited to Plan inventories, planning background information, Staff reports and minutes of Planning Commission and Comprehensive Plan Review Committee meetings.

The staff report and the proposed amendments are available through City offices and public libraries. The proposed amendments and staff reports have been posted on the City website.

Policy 2. Advertise all public hearings regarding land use issues in the newspaper and on the local cable television station.

Public hearings of the proposed amendments have been advertised in the newspaper and on the City website.

Objective 2 – Implementing the Plan *Implement this Plan through appropriate ordinances and action.*

Policy 1. Amend existing ordinances and adopt new ordinances to carry out the policies of this Plan as necessary.

The City is adopting text amendments to ensure that the City's Sign Code is constitutionally defensible and to make other minor changes to the code. Staff is recommending several revisions to clarify specific subsections of Title 17 and

Title 19 of the Code (see Attachment 3). The proposed revisions for inclusion in this amendment:

- 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.

The amendments are consistent with applicable sections of Metro's Urban Growth Management Functional Plan. Cities are required to comply with policies in the Functional Plan, as required by Section 5(e) (2) of the Metro Charter. The City's Zoning Ordinance is currently in compliance with each of the following Titles in the Framework Plan. Specifically, the following Comprehensive Plan goals apply:

Title 1: Requirements for Housing and Employment Accommodation

The proposed amendments will not change the City's housing or employment capacity. The proposed revision to manufactured home siting standards delete a policy that is addressed in the Building Code and is therefore duplicative.

Title 2: Regional Parking Policy

The proposed amendments will not change the City's parking standards. Proposed revisions to three subsections of MMC section 19.500 clarify existing standards or correct references to other standards (see Attachment 2).

Title 6: Central City, Regional Centers, Town Centers, and Station Communities

The proposed amendments will not change the City's regulation of land and development in downtown Milwaukie, which is a Town Center. Proposed revisions to the Sign Code's standards for Downtown Zones are based on recommendations in the existing *Downtown Design Guidelines* (see Attachment 1).

Title 8: Compliance Procedures

The City of Milwaukie's Comprehensive Plan and land use regulations are in compliance with the Functional Plan. The proposed amendments shall be deemed to comply with the Functional Plan if no appeal to the Land Use Board of Appeals is made within the 21-day period set forth in ORS 197.830(9). As required by MMC Section 3.07.820.A, the City of Milwaukie is providing notice of the proposed amendments to Metro's Chief Operating Officer at least 45 days prior to the City Council hearing on the proposed amendments.

The City will coordinate with TriMet with regards to revisions to sections that address signs in the right-of-way and sign benches.

In processing the proposed amendments, the City of Milwaukie is following its own requirements for Citizen Involvement. The proposed amendments have been reviewed at public Planning Commission work sessions, and will be referred to the City's Neighborhood District Associations for review. The City will conduct public hearings on the proposed amendments before the Planning

Commission and City Council, and public notice will be published prior to each hearing.

This criterion has been met.

C. The proposed amendment will meet or can be determined to reasonably meet applicable regional, state or federal regulations.

The City has complied with all applicable procedural and substantive standards imposed by the State and Metro, as discussed in other portions of this document. The primary purpose of the amendments is to bring the Sign Code into compliance with the state constitutional protections of speech.

The Oregon Statewide Planning Goals apply to the proposed amendments as follows:

Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City has an adopted and acknowledged amendment process and is following that process in making these amendments. In processing the proposed amendments, the City of Milwaukie has followed its own requirements for Citizen Involvement. The proposed amendments were reviewed at five public work sessions with both Planning Commission and the Design and Landmarks Committee. Public hearings on the proposed amendments will be held, and public notice was published twice prior to each hearing, as required by the Milwaukie Comprehensive Plan (Chapter 2, policy 1). The Planning Commission members are appointed by an elected City Council, following an open and public selection process.

Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The proposed amendments to MMC Title 14 clarify the criteria to be used for approving certain types of signs (CSU signs, illuminated awning signs...). These changes strengthen the City's existing policies that implement Goal 2.

Guideline E.2: Minor Changes in the Plan and Implementation Measures

Citizens in the area and other affected governmental units, including TriMet, were given the opportunity to review and comment on the proposed changes to the Zoning Ordinance. Public notice was published prior to the hearing. The public need and justification for the change is addressed in the applicant's narrative.

This criterion has been met.

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:**

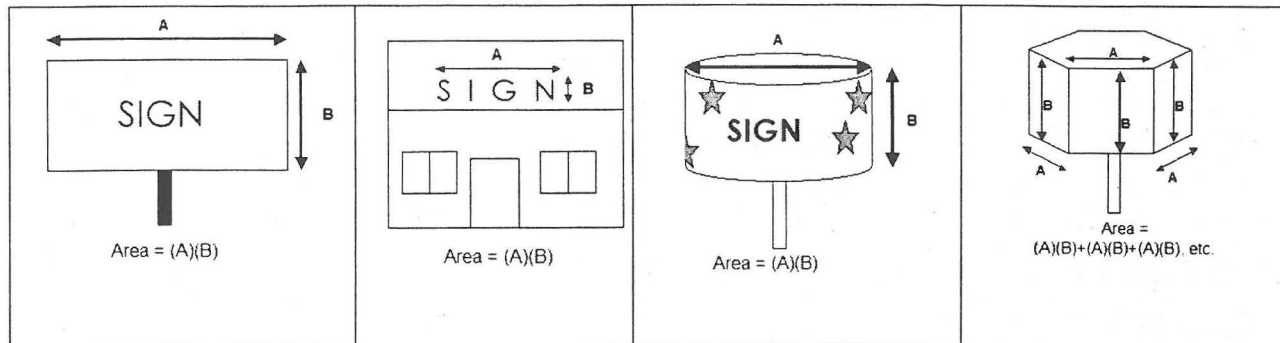
The Council of the city of Milwaukie, Oregon, finds and declares that it is necessary to regulate the design, quality of materials, construction, erection, maintenance, electrification, illumination, type, size, number and location of all signs visible from a right-of-way or lot under other ownership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

- A. Protect the health, safety, property and welfare of the public;
- B. ~~Maintain~~ Promote the neat, clean, orderly and attractive appearance of the community city;
- C. Provide for the safe erection 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 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.

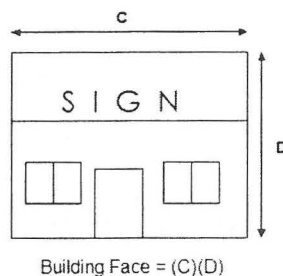
"Clearance" is measured from the highest point of the grade below the sign to the lowermost point of the sign.

"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 14.04.030-2 Building Face

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

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

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

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

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

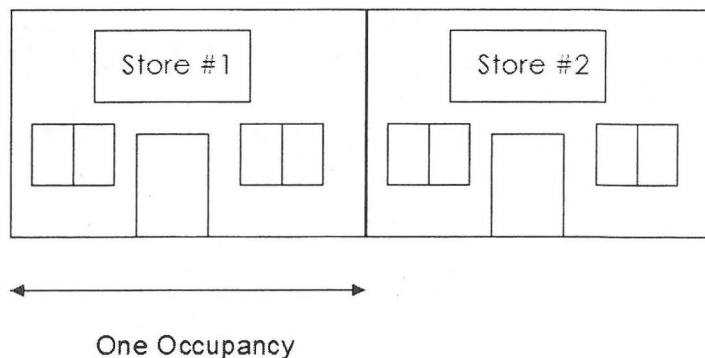
"Manufacturing zones" are the M, manufacturing, and BI, business industrial, zones as defined in the zoning ordinance.

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

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

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

Figure 14.04.030-3 Occupancy



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

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

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

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

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

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

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

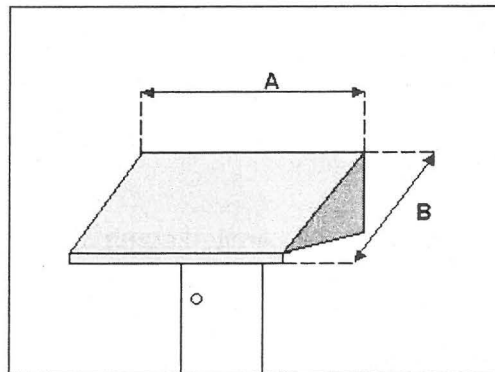
"Residential-office-commercial zone" means the R-O-C, R-1-B and DR zones as defined in the zoning ordinance.

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

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

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

Figure 14.04.030-4 Calculating Awning Area



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

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.

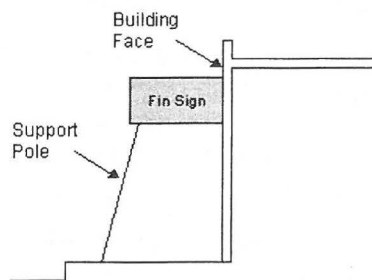
Sign, Daily Display. "Daily display sign" means a nonpermanent on-premises sign normally associated with business activity which is placed out-of-doors during business hours for display and returned indoors during off-hours. Daily display signs may be constructed in a sandwich board (A-frame) style, 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.

Figure 14.04.030-5 Fin Sign



Sign, Flashing. "Flashing sign" means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. ~~Automatic changing signs such as public service, time, temperature and date signs or electronically controlled message centers are classed as changing signs, not flashing signs.~~

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

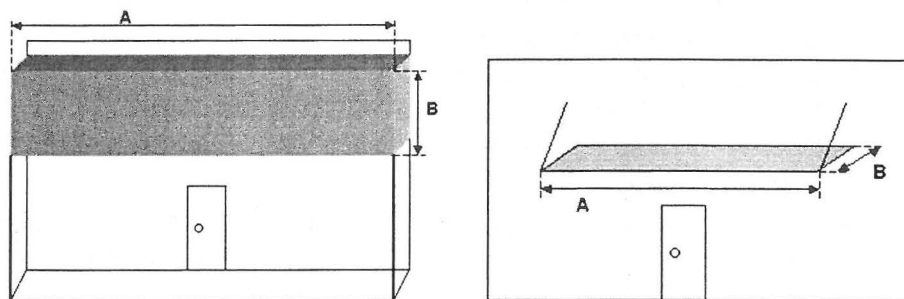
Sign, Hanging. "Hanging sign" is a sign that is suspended below a canopy, an awning, or other portions of a building and typically oriented perpendicular to pedestrian or vehicular travel.

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. The area of a marquee sign is calculated as the larger of the area of the marquee parallel to the building face or the area of the marquee perpendicular to the building face.

Figure 14.04.030-6 Calculating Marquee Area



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

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

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 summarizes the Types of Signs. In the Sign District sections that follow, regulations are discussed in terms of the categories listed in this table.

Table 14.04.030 Types of Signs

| <u>Sign Category</u> | <u>Sign Type</u> |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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. The standards of the underlying zone may be increased to the standards in Table 14.08.090-1, pursuant to a Type I review. The standards of the underlying zone may be increased to the standards in Table 14.08.090-2, pursuant to Minor-Quasi Judicial Review by the Planning Commission, as specified in MMC 19.1011.3.

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

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

| 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. | <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> |

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.</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> |

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

SECTION 14.12 SIGNS PROHIBITED OR EXEMPTED:**14.12.010 Exempted signs:**

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

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

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

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

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

E. Banners for community service uses, as defined in Section 19.321.2, 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. In order to prevent unduly distracting or hazardous conditions to motorists, cyclists, or pedestrians, moving signs or flashings signs, or any other sign with a visible moving part or visible mechanical movement, including signs with move in the wind or move or change electrically or electronically, are prohibited. Automatic changing signs that change no more than once every 10 seconds and revolving signs that revolve at six revolutions per minute or less are exempt from this prohibition. Switching the power for illuminated signs on and off four or fewer times in one day does not constitute a flashing sign.

~~Moving signs or flashing signs, or any sign or advertising structure which has any visible moving part or visible mechanical movement of any description or other apparent visible movement achieved by any means, including intermittent electrical pulsations or by action of normal wind currents; excepting clocks, barber poles, public service information signs, including changing signs (automatic) and revolving signs which revolve at six revolutions per minute or less;~~

B. Signs erected 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;

~~C D. Such advertising devices as strings of lights, b~~ Strings of 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, and 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;~~

~~H G. 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;~~

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

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

~~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, Exempted Signs, or as otherwise noted in this section.

Table 14.16.010
Standards for Signs in Residential Zones

| Sign Type | Area | Height | Number | Illumination ¹ |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|----------------------------------------------|----------------------------|
| <u>Signs at entrances to subdivisions or manufactured home parks</u> | 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 |
| <u>Freestanding Signs on Apartment and Condominium Properties</u> | 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 |
| <u>Wall Signs on Apartment and Condominium Properties</u> | 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> | Max display surface is 25% of awning area, up to max. of 32 s.f. | May not extend higher than the point where the roofline intersects the exterior wall. | 1 per street frontage ³ | |
| <u>Hanging Sign Suspended Beneath Awning</u> | Max. area limited to 1 s.f. per 1 lineal ft. of awning length. | Min. clearance 8 ft. from ground to the lowest portion of awning or sign. | 1 per street frontage ³ | External illumination 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 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. Permanent Subdivision or Mobile Home Park Signs:

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

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

3. Number. Limited to one sign per entrance.

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

1. Freestanding sign.

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

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

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

2. Wall Sign.

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

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

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

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

14.16.020 Residential-office-commercial zone:

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

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

| Sign Type | Area | Height | Number | Illumination¹ |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------|---------------------------------|
| 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 |
| Awning Signs on Apartment and Condominium Properties | Max display surface is 25% of awning area, up to a max. of 32 s.f. | | 1 per street frontage | External only |
| 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 Related to a Commercial Use | Max display surface is 25 % of surface of awning not to exceed 10% of the building face related to commercial use | May not extend higher than the point where the roofline intersects the exterior wall | 1 per frontage | External only |
| Hanging Sign Suspended Beneath Awning | Max. 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 ⁴ | External only |
| Daily Display Sign ⁵ | Max. 8 s.f. per display surface. Total sign area may not exceed 16 s.f. | Max. 6 ft. above ground level | 1 per property or occupancy | 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 For awnings related to residential use, either one sign on an awning or one sign hanging beneath an awning is allowed.
- ⁵ Location: A daily display sign shall not be located within required landscaped areas, and is only allowed within the public right-of-way subject to the standards of Section 14.20.040.

~~A. Permanent Subdivision Signs.~~

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

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

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

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

~~1. Freestanding Sign.~~

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

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

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

~~2. Wall Sign.~~

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

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

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

~~C. Freestanding Business Sign.~~

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

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

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

~~D. Wall Business Sign.~~

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

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

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

~~E. Awning Sign.~~

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

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

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

~~F. Daily Display Sign.~~

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

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

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

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

14.16.030 Neighborhood Commercial Zone:

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

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

| Sign Type | Area | Height | Number | Illumination¹ |
|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------|
| 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. | 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 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 business is permitted.~~

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

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

14.16.040 Commercial zone:

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

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

| 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 ft. 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 ft. 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 ft. clearance for hanging signs from the ground to the lowest part of the sign or awning | | <u>1 hanging sign per awning</u> | Permitted |

| | | | | | |
|----------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------------------|------------------|
| <u>Marquee Signs</u> | <u>Max. display surface is 25 % of surface of marquee, not to exceed 20% of building face</u> | <u>No higher than the point where the roofline intersects the exterior wall⁸</u> | <u>Not extending more than 1ft. from the marquee surface or 1 ft. over the top edge of the marquee</u> | <u>1 per frontage per occupancy</u> | <u>Permitted</u> |
| <u>Under-Marquee Signs</u> | Cannot exceed 6 s.f. per display surface or 12 s.f. in overall sign area | Min. 8 ft. clearance between the lowest portion of the sign and the ground | Shall not project within 2 ft. of curb | No limit | Permitted |
| <u>Daily Display Signs</u> | 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 | <u>1 per property or occupancy</u> | Permitted |

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 300 250 square feet of sign area per display surface for each sign, or a total of 1,200 1,000 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.~~

~~H. Daily Display Sign.~~

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

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

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

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

14.16.050 Manufacturing zone:

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

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

| 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 marshal 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 | <u>1 per 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.~~

~~F. Daily Display Sign.~~

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

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

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

A. Freestanding Sign. In the downtown zones, freestanding signs shall be monument type only. The sign face shall be no less than sixty percent of the total area of the monument. Pole signs are prohibited.

1. Area. The maximum permitted display surface area of a freestanding sign shall be computed on one square foot of area per lineal foot of street or highway frontage.
 - a. In the DO zone the maximum area shall not exceed forty square feet per display surface and eighty square feet overall.
 - b. In the DR and DOS zones the maximum area shall not exceed thirty-two square feet per display surface and sixty-four square feet overall.
2. Height and/or Clearance.
 - a. In the DC, DS and DO zones, freestanding signs are limited to a maximum height of seven feet. Properties with frontage on McLoughlin Boulevard may have freestanding signs with a maximum height of fifteen feet and shall only be located along the McLoughlin Boulevard frontage. Freestanding sign height shall be measured from the top of the sign to the lowest finished grade within a six foot horizontal distance from the sign.
 - b. In the DR and DOS zones freestanding signs are limited to a maximum height of six feet above grade.
3. Number. One freestanding sign is permitted on a street or highway frontage.

B. Wall Sign.

1. Area. The maximum permitted area of a wall sign shall be twenty percent of the building face.
 - a. In the DR and DOS zones the maximum permitted area of a wall sign shall be sixteen square feet.
2. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.
3. Number.
 - a. Dictated by area requirements.
 - b. In the DR and DOS zones one wall sign is permitted in addition to one freestanding sign.

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

C. Awning Sign.

1. Area. The maximum permitted display surface of an awning sign ~~which is painted onto, attached to, or affixed to, the surface of an awning,~~ is twenty-five percent of

the surface of the awning ~~measured in vertical distance times length~~. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.

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

D. Daily Display Sign.

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

E. Projecting Signs.

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

Table 14.16.060 050
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. Marquee Signs.

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

GF. 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.

HG. 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:**

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

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

SECTION 14.28 REMOVAL OF SIGNS IN VIOLATION:

14.28.010 Abandoned sign:

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

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

14.28.020 Nonconforming sign:

A. Time Limit.

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

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

14.28.040 Noncomplying sign:

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

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

14.28.040 050 Administrative procedures for notification of violation:

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

~~If the city manager or duly authorized representative shall find that any sign or sign structure regulated has been constructed or erected, or is being constructed or maintained, in violation of the provisions of this chapter, he or she shall give written notice to the permittee thereof or, if unknown, to the owner or occupant of the building or premises upon which the sign is located.~~

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

~~If the permittee fails to remove or alter the structure so as to comply with the standards set forth within thirty days after such notice such sign or sign structure may be ordered is declared a nuisance and the owner may be issued a citation into municipal court, as per procedures of Chapter 1.08 of the Milwaukie Municipal Code, and subjected to enforcement fines as established by the city council.~~

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

~~Signs in violation of this chapter which create a safety or traffic hazard may be removed by the city without prior notice and removal costs billed to the sign or property owner.~~

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

Chapter 14.32 ADJUSTMENTS VARIANCES:

14.32.010 Authorization to grant or deny adjustments variance:

A. The ~~p~~Planning ~~e~~Commission 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. The cost of meeting the standard shall not constitute a 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.

Attachment 3

Chapter 12.20 SIDEWALK BENCHES**12.20.010 Purpose.**

~~Under the conditions set forth in this chapter and upon payment of all fees provided for in this chapter, it shall be lawful for a~~ Any firm, person (as defined in Section 14.04.030), association or corporation to may, after obtaining a permit from the City, place and maintain on sidewalks or sidewalk parking strips non-vehicular portion 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.~~

12.20.020 Permit—Required.

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

12.20.030 Permit—Issuance—Property owner approval.

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

12.20.040 Size and anchoring requirements.

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

12.20.050 Bond or insurance required.

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

12.20.060 Maintenance.

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

12.20.070 Permit—Fee.

Every application for a permit to install any 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.~~

Title 19 ZONING

Attachment 4

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).

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.

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 define flags as symbols of government entities. Flags, as defined in this section, are exempted signs. The "other entities" phrase has been eliminated because corporations and businesses are considered entities.

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.

"Permittee"

Additional clause added to the permittee to be a representative of a person. Person is defined broadly and includes groups or associations of people.

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.

Commentary

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.

Figure 14.04.030-5 Fin Sign

New figure added to depict a fin sign. The written definition is unclear.

Sign, Flashing

Definition is revised to eliminate references to content.

Commentary

14.04.030 Definitions (continued)

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. The method for calculating the area of a marquee sign has been added.

Figure 14.04.030-6 Calculating Marquee Area

New figure added to illustrate the calculation of marquee area.

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.

Commentary

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

Definition is deleted because the sole reference to portable signs in this Title (14.12.20, Prohibited Signs) has been deleted.

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.

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 cannot 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.

Commentary

14.08.090 Conditional and community service use signs (continued)

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.
- C. The proposed language exempts the City, other agency responsible for the right of way, or transit agency such as TriMet, from having to go through sign permit or right of way permit review for placing a sign within the right-of-way.

E. Sub-section is modified to eliminate references to content or discriminate between On-Premises and Off-Premises signs. It also limits banner signs to sites where community service uses occur, as defined in Chapter 19.321 of the zoning code. This will allow banners for community activities such as schools and churches without a sign permit. Banner signs for non-community service uses are exempt from review if they meet the standards of subsection B.

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.

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 sentence structure has also been changed to improve the readability. 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. Strings of lights have been removed from the prohibited sign section to allow their display for events such as holidays and celebrations. Exposed bulbs will still be subject to the wattage requirements in the illuminated sign regulations.

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.

G. Subsection G is deleted because the City may not discriminate between on- and off-premises signs. In the past this subsection effectively prohibited billboard signs.

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.

SECTION 14.16 SIGN DISTRICTS:**14.16.010 Residential zone:****Table 14.16.010 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 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 cannot 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.

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

To be consistent with awning sign regulations in the Residential Sign District, awnings related to residential use can have either one sign on an awning or one sign hanging beneath and awning, but not both.

Note 5

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 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 5:

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.

Commentary

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 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 cannot 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.

14.16.040 Commercial zone (cont.)**Marquee Signs**

Marquee signs have been added as a sign type in the Commercial zone. Previously, only under-marquee signs were listed in this zone, even though marquee signs are defined in the sign code. The allowed sign area and height are equal to those allowed for an awning sign. Marquee signs on the front surface of a marquee may extend 1 foot from the surface of the marquee, which is the maximum amount a wall sign may project from the wall surface. Signs on top of a marquee may also project one foot over the edge of a marquee.

Daily Display Sign

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

Note 2:

The maximum area of any display surface for a freestanding sign has been reduced to 250 square feet. This size is below the advertising industry standard of a 12' x 24' area of 288 square feet for a small billboard. The total sign area allowed for freestanding sign is reduced to 1,000 square feet, which will allow a two sided sign with 250 square feet of display area per side on two street frontages.

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.

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.

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.

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. Deleting this subsection also removes the permission for existing billboards to remain and be maintained in reasonable repair. Existing billboards that exceed the freestanding sign regulations for height, sign area allowed by the site's street frontage, and location will be considered non-conforming signs per MMC 14.28.020.

Commentary

14.16.040 Commercial Zone (cont.)

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 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 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.

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.

14.16.050.E - 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. Deleting this subsection also removes the permission for existing billboards to remain and be maintained in reasonable repair. Existing billboards that exceed the freestanding sign regulations for height, sign area allowed by the site's street frontage, and location will be considered non-conforming signs per MMC 14.28.020.

Commentary

14.16.060 Downtown zones

The regulations for signs in downtown zones were not placed into a table because each sign type is regulated differently in different 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.)**Marquee Signs**

Marquee signs have been added as a sign type in the Downtown zone. Previously, only under-marquee signs were listed in this zone, even though marquee signs are defined in the sign code. The allowed sign area and height are equal to those allowed for an awning sign. Marquee signs on the front surface of a marquee may extend 1 foot from the surface of the marquee, which is the maximum amount a wall sign may project from the wall surface. Signs on top of a marquee may also project one foot over the edge of a marquee.

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.

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.

14.24.020 Sign lighting: (cont.)

D. The illumination standards of Title 14 are based mostly on power consumption. As lighting technology improves, less power is needed to generate illumination. The addition of a performance-based standard will allow the City to regulate sign illumination that affects other properties, regardless of the power used by the sign.

E. 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 allow the City Manager to provide additional notice for nonconforming signs that are approaching their 10 year limit.

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:

This subsection is deleted, and the enforcement of non-complying signs is dealt with the section that was 14.28.050.

14.28.050 Administrative procedures for notification of violation (re-numbered 040):

A. This subsection now deals with notification for all violations related to noncomplying signs. The regulation is revised to allow the City to enforce the regulations for temporary signs without giving written notice.

B. The regulation is revised to allow enforcement regarding noncomplying signs to occur following the timeline determined by subsection A, rather than 30 days.

C. The old language of subsection is deleted because the City must give notice to the owner of a sign violation. The new language proscribes how the City will deal with removed signs.

D. Revising this subsection removes the ability of the City to impose a lien on properties where a noncomplying sign was located. The actions proposed in subsection C are believed to be sufficient for dealing with noncomplying signs.

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.

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. Language has been added to specify that the cost of meeting a standard does not constitute a hardship.

14.32.050 Appeals:

The design and landmarks committee is an advisory body, and as such, its recommendations cannot be appealed. The planning commission is the decision-maker, and its decisions can be appealed through the procedures specified in Chapter 19.1000.

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.