

# KEIZER PLANNING COMMISSION MEETING AGENDA Wednesday, August 9, 2017 @ 6:00 p.m. Keizer Civic Center Council Chambers

- 1) CALL TO ORDER
- 2) APPROVAL OF MINUTES July 12, 2017
- 3) APPEARANCE OF INTERESTED CITIZENS

  This time is made available for those who wish to speak about an issue that is not on the agenda.
- 4) PUBLIC HEARING: Text Amendment: Section 2.308 Signs
- 5) NEW-OLD BUSINESS/STAFF REPORT
  - a) Building Better Boards Invitation
- 6) COUNCIL LIAISON REPORT
- 7) COUNCIL REPRESENTATIVE: Josh Eggleston August 21
- 8) ADJOURN

Next Meeting ~ September 13, 2017

#### 2017-8 Work Plan

- 1. Future Planning Growth Management
  - a. Urban Transition (UT) Zone
  - b. Downtown Plan
  - c. Section 2.118 (UT)
  - d. Policy choices (UGB amendment)
- 2. Section 2.315 Design Review
- 3. Clarification regarding corporations

- being represented by attorneys
- 4. Transportation Planning
- 5. Section 2.306 Storm Drainage
- 6. Section 2.126 Resource Conservation Overlay Zone
- 7. Section 2.110.05.C Overlay Zone
- 8. Master Plan

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# KEIZER PLANNING COMMISSION MEETING MINUTES Wednesday, July 12, 2017 @ 6:00 pm Keizer Civic Center

#### **CALL TO ORDER**

Garry Whalen

Chair Hersch Sangster called the meeting to order at 6:00 pm.

**ROLL CALL:** 

Present: Absent:

Hersch Sangster, Chair Jerry Crane Kyle Juran, Vice Chair **Council Liaison:** 

Josh Eggleston Kim Freeman for Marlene Parsons

Michael DeBlasi Staff Present:

Jim Jacks Nate Brown, Community Development Director

Shane Witham, Associate Planner

Tracy Davis, City Recorder

APPROVAL OF MINUTES: Commissioner Jacks moved for approval of the June 2017 Regular Session Minutes. Commissioner Juran seconded. Motion passed as follows: Sangster, Juran, Jacks, DeBlasi and Eggleston in favor with Whalen abstaining and Crane absent.

**APPEARANCE OF INTERESTED CITIZENS: None** 

PUBLIC HEARING: Section 2.309 – Site and Landscaping Design

Chair Sangster opened the Public Hearing.

Community Development Director Nate Brown, explained that the changes are subtle but significant and noted that there are also some changes not reflected in the packet materials. He provided detailed information regarding the changes made in the code and suggested changes for commissioners to consider.

Senior Planner Shane Witham pointed out that the addition of the Public Art Fund gives the City ability to continually get some public amenities and create a sense of place for the city such as pocket parks or permanent outdoor furniture.

Relating to the Public Art Fund, Commissioners discussed a bottom threshold, improving transit stops, Keizer building costs, creating a sense of place, the importance of natural settings and trees, the negative impact to prospective businesses, a commitment from the City to make use of the funds within a certain time so that contributors recognize the results, doing excessive landscaping in lieu of paying for public art, maintenance of the public art, and downtown design standards.

Following discussion regarding adding verbiage to allow for the amenity to be placed offsite and the complications regarding maintenance, Mr. Brown indicated that this should not be an option. If there was no room for art on the property, the owner could simply donate the 1% to a fund.

Chair Sangster noted that there was no one in the audience wishing to testify and closed the Public Hearing.

Commissioner Whalen questioned whose responsibility it was to replace public right of way plants that die. Mr. Brown explained that the adjoining property owner is responsible to maintain public right of way.

Commissioners agreed by concurrence to reopen the public hearing so that this discussion would be made part of the record.

Mr. Brown noted that in the past the City has not enforced the requirement for replacement of street trees. This is more of an administration issue. Commissioner Whalen stated that he felt the City should be held to the same requirements as citizens and replace public right of way trees that die. Lengthy discussion followed.

Chair Sangster again noted that there was no one in the audience wishing to testify and closed the Public Hearing.

Discussion followed regarding the implementation of the Public Art Fund and the equity of the concept. Mr. Brown reassured commissioners that expenditure of the funds would be through the budge process.

Commissioner Jacks moved that the Planning Commission recommend the City Council adopt the proposed amendments with the following changes: Page 1:

Delete 'Expansions' paragraph under 2.309.03; Page 3: Section a: Strike 'city limits or in a city park' and replace with 'public right of way or public property or private property if qualifying as a streetscape tree' and striking the 'may' in the sentence starting with 'The City may require...' and add to the end of the paragraph "Such funds shall be used only for replacement tree planting." and "These requirements shall be applied to both public and private development." Page 4: Section E add "on site" after 'public amenities' and "Property owners who choose, because of site constraints or minimal project scope of \$100,000 or less, may pay into the City Public Art Fund the amount so specified." And remove the words 'adverse' and 'pollution' from Section 2.309.05A; and Page 7: Item L: add "This requirement applies to existing as well as new development." Commissioner DeBlasi seconded.

Commissioner Juran offered a friendly amendment to raise the threshold to \$250,000 (page 4, section E). Commissioners Jacks and DeBlasi accepted the amendment.

Mr. Brown noted that because there is such a variety of development possibilities, he would prefer having flexibility.

Commissioner Juran withdrew his friendly amendment and offered another to remove the dollar amount to read: Property owners who choose because of site constraints or minimal project scope, may pay into the City Public Art Fund the amount so specified. Commissioners Jacks and DeBlasi accepted the amendment.

Commissioner Whalen voiced concern that there is nothing which specifies how long the money is held and collected and nothing that provides for accountability.

Motion passed as follows: Sangster, Juran, Jacks, DeBlasi and Eggleston in favor with Whalen opposed and Crane absent.

Commissioner Jacks suggested that in a year staff provide update of money in the fund and how it has been spent. Discussion followed regarding various scenarios of the fund and putting regulations in place that might constrain the program.

**NEW/OLD BUSINESS/STAFF REPORT:** Mr. Brown reported that there are two important public hearings with Council coming up: Area B to allow flexibility on the size of the building and adjust the timing; and the Safeway fueling station. He reminded Commissioners that they had approved the fueling station but not the convenience store, and Safeway has come back with a proposal for Council asking for an even larger convenience store than their original proposal. Staff recommendation is to allow the fueling station under certain conditions but not to allow a convenience store. Commissioner Whalen urged that whoever reports to Council reiterate the Commission's opposition to any convenience store at Safeway.

**COUNCIL LIAISON REPORT:** Councilor Freeman invited everyone to the upcoming Council meeting where there would be public hearings for Area B, Safeway fueling station, Public Safety fee, Parks fee, and a change of ownership liquor license. She urged everyone to be prepared for the eclipse and to volunteer for the event at Keizer Rapids Park.

**COUNCIL REPRESENTATIVE**: Commissioner Sangster will report to Council.

**ADJOURN:** The meeting adjourned at 8:13 pm.

Next Meeting: August 9, 2017

| Minutes approved <u>:</u> |
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TO: PLANNING COMMISSION

THRU: NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR

FROM: SHANE WITHAM, SENIOR PLANNER

**DATE:** August 2, 2017

**SUBJECT:** Proposed text amendment – Section 2.308 (Signs)

#### **Attachments:**

Section 2.308 (Signs) – draft

- Comments from Keizer Chamber of Commerce members
- Email and comments on existing sign code received from James Carpentier (International Sign Association)
- Night-Time Brightness research regarding NITS vs. Footcandles

#### **DISCUSSION:**

The primary reason for the proposed text amendment to Section 2.308 (Signs) were initially intended to eliminate "content-based" category provisions contained within the existing sign code. These changes were identified as necessary in order for the sign code to be consistent with the 2015 United States Supreme Court Decision "Reed vs. Town of Gilbert, Arizona". However, as staff began to analyze the sign code, it became apparent additional changes were necessary to clarify other requirements and better serve the community. What began as a simple, surgical amendment has become a bit more complicated.

Staff has sought input from the Chamber of Commerce, the local Neighborhood Associations, and we have received input from the International Sign Association's Director of State & Local Government Affairs who provided comments on our existing sign code (see attached documents). Additionally, staff has reviewed resources from both the United States Sign Council (USSC) and International Sign Association (ISA) relating to temporary and portable sign regulations, on premise sign code provisions, electronic message center (EMC) illumination standards, and the implications of the Reed v. Gilbert decision.

Staff believes the proposed changes provide for equitable enforcement, as well as respond to the desires we have heard from the business community for additional opportunities for businesses to advertise. The following changes are proposed:

- Elimination of much of the non-conforming language/amortization timeframes.
- Several minor changes for readability and clarification.
- Change to sign area definition. Allowance for up to 2 connected standard geometric shapes.
- Elimination of content based sign types such as real estate signs, election signs, government signs, non-profit signs, etc, etc.
- Changes to Temporary/Portable Sign Standards.
  - o Temp Signs attached to building, 120 day limit. (Banners, etc, etc)

- o Portable Signs now includes feather flags, no time limit, 10 foot separation, one per storefront/residence
- O New section allowing temp/portable displays by permit for "special occasions". This will give businesses opportunities for grand openings or other special sales. Also this section will allow an "oversized" portable sign which would allow the larger real estate signs by permit only.
- Electronic Message Centers
  - Allow as a wall sign (provides option for a business who does not have access to a freestanding sign)
  - o Reduce frequency of change to 60 seconds.
  - Consider whether or not to change illumination standards. (Salem is changing their standard from NITs to foot candles (see attached documents for reference material)
- Allow secondary frontage signs for non-integrated centers to be consistent with the allowance for integrated centers (Keizer Station)

Staff realizes the sign code is a complicated section to modify, and wishes to encourage a thoughtful dialogue with Planning Commissioner's and other community stakeholders. The proposed text amendment attempts to create language that will be enforceable and equitable, but it is definitely still a "draft" document. It is expected that changes will need to be made prior to a recommendation to City Council.

#### **RECOMMENDATION:**

That the Planning Commission consider the proposal and provide direction to staff for additional changes that may be needed, and carry forward the public hearing to September to allow for additional input.

## 2.308 **SIGNS**

## 2.308.01 **Purpose**

The purpose of these sign regulations is to provide equitable signage rights, reduce signage conflicts, promote traffic and pedestrian safety, and, increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner. (5/98)

## 2.308.02 Definitions

For the purposes of this Chapter, the following definitions shall apply: (5/98)

<u>Alteration or Altered</u>: Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration. (5/98)

Area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used.



Sign Area

The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a <u>standard</u> geometric figure or combination of no more than 2 connected standard geometric figures parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the <u>sum of the geometric figures parallelogram or a triangle</u>. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign.

except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces. (5/98)



Awning Sign

Awning: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework. (5/98)

Building Face: The single wall surface of a building facing a given direction. (5/98)

<u>Building Frontage, Primary</u>: The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined, as allowed in this chapter. A gasoline service station may

use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area. (Ord. 2005-533 11/05)

<u>Building Frontage, Secondary</u>: Buildings located on lots abutting more than one Right of Way or a parking lot may designate one building face as a secondary building frontage. (Ord. 2005-533 11/05)



**Building Frontage and Face** 

Canopy Sign: A sign hanging from a canopy or eve, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade. (5/98)

<u>Construct</u>: Build, erect, attach, hang, place, suspend, paint in new or different word, affix, or otherwise bring into being. (5/98)

Election Signs: Those signs which relate to an election, initiative or political viewpoint. Such signs will otherwise meet the specifications of Temporary Signs. (5/04 – Ord 2004-498)

Electronic Message Sign: Signs that incorporate as part of, or wholly, an electronic message or display by means of light emitting diodes, plasma, electronic ink, or other means that allow that display to be changed through electronic controls. Further, an electronic message sign cannot be a wall sign. (10/08 – Ord 2008-581)

<u>Finish Ground Level</u>: The average elevation of the ground (excluding mounds or berms, etc. located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, which ever is the lowest. (5/98)

<u>Flashing Sign</u>: A sign any part of which pulsates, scrolls, flutters, animates, lights intermittently, or blinks on and off. (10/08)



Free-Standing Sign

<u>Free-Standing Sign</u>: A <u>permanent</u> sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the

sign, -the structure of which will not be calculated as part of the overall sign area. (see "Area") (5/98)

Incidental Signs: A sign that is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)

Indirect Illumination: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign. (5/98)

Integrated Business Center: A group of two or more businesses which are planned or designed as a center, and share a common off-street parking area or access, whether or not the businesses, buildings or land are under common ownership. (5/98)

Internal Illumination. A source of illumination from within a sign. (5/98)

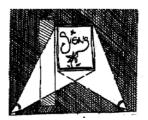
Joint Use Sign: When two of more businesses combine part or all of their total allowed sign area into free-standing sign for each common frontage of such business. (5/98)

Multi-faced Sign: A sign which has two or more identical sign faces, contained in a single sign structure. (5/98)

Multi-family Dwelling: A residential structure or complex of structures that include three or more separate dwelling units, whether rented or owned by the occupants. (5/98)

Mural: An illustration (with or without words or numbers) which is painted or otherwise applied (without projections) to an outside wall of a structure. (5/98)

Nit: Nit is used as a-measurement of luminance, where the Nit is equal to one candela per square meter (1cd/m2). A candela is a unit of measurement of the intensity of light, where one candela is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. By way of example, an ordinary wax candle generates approximately one candela. (10/08)



Indirect Illumination



Small Integrated **Business Center** 



Large Integrated **Business Center** 



Joint-Use Sign



Multi-Faced Sign



Nonconforming Sign: Any sign which lawfully exists prior to the effective date of this chapter but, which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations. (5/98)

Owner: As used in these regulations, "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed. (5/98)



- Portable Signs

Portable Sign: A sign that is, or similar to, an A-frame sign, sandwich board sign, yard sign, wind feather or feather flag, or a sign attached to wood or metal frames and designed to be self\_supporting and movable. Wind feathers or feather flags may be placed on a stand or placed in the ground.

Portable signs are not to be considered temporary signs as defined and used in this chapter. (12/10)

<u>Projecting Signs</u>: A sign the face of which is not parallel to the wall on which it is mounted. (11/05)

Real Estate Sign: A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space. (5/98)

Roof Line: Either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)

Roof Sign: A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign. (5/98)



Projecting Sign



Roof Line and Roof Sign

<u>Rotating/Revolving Sign</u>: A sign, all or a portion of which, moves in some manner. (5/98)

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and



Sign Face

is used to announce, direct attention to, or advertise; and is visible from any public right-of-way. (5/98)

<u>Sign Face</u>: Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "area."

<u>Sign Height</u>: The distance from the finish ground level, to the top of the sign or the highest portion of the sign structure or frame, whichever is greater. (5/98)

<u>Sign Structure</u>: The supports, uprights, braces, framework and other structural components of the sign. (5/98)

<u>Street Frontage</u>: That portion of a property that abuts a paved street right-of-way and measured by the lineal distance of the property adjacent to such right-of-way. (5/98)

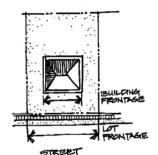
<u>Temporary Business</u>: A business of a temporary nature authorized through a Temporary Business Permit issued by the City of Keizer. (5/98)

<u>Temporary Sign</u>. A sign not permanently affixed to a structure on a property. A sign that is, or is similar to, a banner or wind feather sign which may be made of canvas, cloth, rigid plastic or paper, or vinyl. (12/10)

Temporary Sign: A sign that is, or is similar to, a banner and is attached, but not permanently affixed to a building, and which may be made of canvas, cloth, rigid plastic, paper, vinyl, or other lightweight flexible material.



Sign Height



Street Frontage



Temporary Sign



Wall Sign

<u>Wall Sign</u>: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall. A sign painted on an awning in which the face of the sign is approximately parallel to the wall shall also be considered a wall sign. (5/98)

# 2.308.03 Review Procedures

A. Permit Required. Except as specifically excluded herein, no property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid permit to do so. (5/98)

- B. Current Signs. Owners of conforming or nonconforming signs existing as of December 4, 1989 are not required to obtain a permit until the end of the abatement period described in Section 2.308.04.C. (5/98)
- C. Permit Fees. Permit fees shall be established from time to time by City Council resolution. (5/98)
- D. Application Requirements. An application for a sign permit shall be made on a form prescribed by the Zoning Administrator. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property. (5/98)

The Zoning Administrator shall issue a permit for a sign unless the sign is in violation of the provisions of these regulations or other provisions of the Keizer Zoning Ordinance. Sign permits mistakenly issued in violation of these regulations or other provisions of the Keizer Zoning Ordinance are void. The Zoning Administrator may revoke a sign permit if he finds that there was a material and misleading false statement of fact in the application for the permit. (5/98)

- E. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards: (5/98)
  - 1. Compliance with Building Codes. All signs shall comply with the applicable provisions of <a href="Uniform-the">Uniform-the</a> Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements. (5/98)
  - 2. Materials. Except for banners, flags, <u>portable signs</u>, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure. (5/98)
  - 3. Maintenance. All signs shall be maintained in a good structural condition and readable at all times. (5/98)

#### PC Draft: 8-9-17 Mtg

- 4. Owner Responsibility. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs. (5/98)
- 5. Aesthetics. All signs shall be professional in appearance, constructed in a workmanship like manner to professional standards. (12/10)

## 2.308.04 Nonconforming Signs

- A. Alteration of Nonconforming Sign Faces. Nonconforming signs are subject to the following provisions regarding alteration: (5/98)
  - 1. Change Permitted. Within the abatement period described in Section 2.308.04.C., aNo alteration or replacement of any nonconforming sign shall be allowed. A change in sign face alone is allowed without requiring compliance with these regulations. (5/98)
  - 2. Termination of Nonconforming Sign. Within the abatement period described in Section 2.308.04.C., wWhen a nonconforming sign face is damaged or destroyed by fire, flood, wind, or other calamity or act of God, such sign face may be restored to its original condition provided such work is completed within sixty (60) days of such calamity. However, a sign structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of these regulations. (5/98)
- B. Permits for Properties with Nonconforming Signs. (5/98)
  - Businesses in Integrated Business Centers. For individual businesses in integrated business centers, all signs of the individual business must comply prior to issuance of sign permits for new or altered signs. No free-standing sign permits will be issued for the integrated business center, unless all freestanding signs comply. (5/98)
  - 2. Businesses Not in Integrated Business Centers. No permits shall be issued for new or altered signs unless all signs of the individual business comply with these regulations, except as set forth in Section 2.308.04.B.4. (5/98)
  - 3. Nonconforming Sign Area. Except as set forth above and in Section 2.308.08.B.4., all conforming and/or nonconforming signs in existence as of the date of the permit application shall

- be included in the total allowed area, number or size when reviewing applications for new or altered signs to be allowed on the property. (5/98)
- 4. Exception for Non-Owned Signs. Signs which are not owned or controlled by the property owner or lessee prior to May 7, 1990, and which were constructed or installed prior to May 7, 1990, shall not be included in the total allowed area for sign permits granted prior to May 7, 1997. (5/98)
- C. Abatement of Nonconforming Signs. Permanent signs in existence on May 7, 1990 that are not in conformance with the provisions of this Ordinance shall be regarded as nonconforming signs and must be removed, altered, or replaced so as to conform on or before May 7, 1997. The period from the date of the enactment of these regulations to May 7, 1997, shall be described as the "abatement period." Nonconforming signs remaining after the abatement period ends shall be considered illegal signs. Temporary and portable signs that are not in conformance with the provisions of this Ordinance shall be regarded as nonconforming and shall be removed on or before September 7, 1990. (10/08)
- The Zoning Administrator shall notify non-conforming permanent sign owners by certified mail of the conformance deadline at least two years prior to such deadline as a public service. Failure to be notified of the deadline shall not relieve the owner of responsibility to conform with this Ordinance within the time period herein.

  Properties annexed to the City after the effective date of this Ordinance shall have 7 years following annexation in which to conform to these regulations, with the exception of temporary signs that shall conform to the regulations within 90 days following annexation. (5/98)

Electronic Message Signs which are legally placed and maintained in all respects on or before October 6, 2008 shall be allowed to remain as non-conforming signs and do not have to be brought into compliance. However, once a non-conforming Electronic Message Sign is removed, any replacement sign must comply in all respects with these regulations. (10/08)

- D. Abandoned Signs. All signs for a business shall be removed within 30120 days after that business ceases to operate on a regular basis, and the entire sign structure or structures shall be removed within 12 months of such cessation of operation. (5/98)
- E. Minor Nonconforming Signs. Individual signs that otherwise comply and are existing as of May 7, 1990, that are within 5% of both the allowed area (total and per sign) and the allowed height as set forth in these regulations are allowed to remain as nNonconforming signs and do not have to be brought into compliance. However, once a

nonconforming sign is removed, any replacement sign must comply in all respects with these regulations. (5/98)

## 2.308.05 Signs Generally Permitted

Subject to the limitations in Sections 2.308.04.C., 2.308.07 and 2.308.08, the following signs and sign work are permitted in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area: (5/98)

- A. Sign Copy. Painting, change of sign face or copy and maintenance of signs legally existing on the effective date of this Ordinance. If structural changes are made, the sign shall conform in all respects with these regulations. (5/98)
- B. Temporary Signs. Temporary signs that do not exceed 16 square feet in area\_. No lot-may be displayed for a maximum of temporary signs for more than-120 days in any calendar year. Only one temporary sign per lot-storefront or residence may be displayed, at a time except during the period 45 days preceding and seven days following elections, signs which relate to such elections may be unlimited in number. Paper signs may only be used for single day events. (12/10)
- C. Real Estate Signs. Signs that advertise the sale, rental or lease of premises upon which the sign is located. Commercial Properties may display a real estate sign not exceeding 16 square feet in area. Residential properties may display a real estate sign not exceeding 6 square feet in area. (12/10)
- D. Government Signs. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency, city identification, signs related to public services or safety, and signs approved by City Council resolution for special events or activities. (12/10)
- E. Development Signs. One sign not over 32 square feet for a residential development or subdivision, and located at each street entrance to a residential subdivision or the development. (5/98)
- F. Incidental. Incidental signs that do not exceed 6 square feet. Such signs shall not be mounted on permitted freestanding sign structures. (5/98)
- G. Flags. Flags on permanent flag poles that are designed to allow raising and lowering of the flags. Flagpoles shall either be freestanding or shall be mounted on the building but if mounted on the building may not be taller than the peak of the roof. Flags shall not exceed 25 square feet in area. (5/98)

- H. Interior Signs. Signs within a building. (5/98)
- I. Window Signs. For commercial or industrial buildings, signs painted or hung on the inside of windows, or otherwise affixed (such as window clings) to the surface of a window with its message intended to be visible to the exterior environment, provided such signs shall cover no more than 50% of the surface area of the window in which they are hung. (5/98)
- J. Non-profit Signs. A non-profit organization may display a portable sign subject to the following: (5/98)
  - 1. Three signs per organization at one time. (5/98)
  - 2. Maximum sign area: 16 square feet. (5/98)
  - 3. The sign shall be displayed no more than six times in any 365 day period, and shall not be displayed longer than five days each time. (5/98)
  - 4. The sign shall not be placed on public property or in any right-ofway. (5/98)
  - 5. The non-profit organization shall request and receive consent from the property owner of the property on which the sign is placed. (5/98)
  - 6. If requested, the non-profit organization shall provide appropriate proof that such organization is organized not to make a profit, but for charitable, educational, religious, or philanthropic purposes. (5/98)
- K. Residential Signs. Residential signs, pursuant to requirements in Section 2.308.07. (5/98)
- L. Election Signs. During the period of forty-five (45) days prior and seven (7) days after any governmental election, signs which meet the definition of temporary or portable signs, and which pertain to such election, may be unlimited in number. (12/10)
- M. Portable Signs. Portable signs may be displayed for a maximum of 120 days in any calendar year, and aresigns are limited to 6 square feet in area, with the exception that wind feather/feather flag signs may be up to 16 square feet in area. One portable sign per storefront or residence is allowed. The following additional standards apply to portable signs:

2.308

 $10_{\text{SIGNS}}$ 

- 1. Portable signs located within 10 feet of the main entry of a business may be displayed without limit to time. (12/10)
- 2.1. Portable signs not located adjacent to a business entrance may not be within 50-10 feet of any other portable sign on the same lot or less than 10-5 feet from a property line. (12/10)
- 3.2. Portable signs must be located on private property, and may not be within any public sidewalk easement or right of way. If located along a public street, signs must be located behind the sidewalk regardless of property line location. (12/10)
- 4.3. Portable signs cannot impede sidewalks, exits, or other pedestrian, vehicular, or bicycle way. (12/10)
- 5.4. Portable signs may only be displayed during business hours. (12/10)

# 2.308.06 Prohibited Signs

The following signs are prohibited, and are subject to immediate code enforcement action including but not limited to the issuance of citations and/or confiscation: (5/98)

- A. Tethered Signs. Balloons or similar types of tethered objects, including strings of pennants. (5/98)
- B. Roof Signs. Roof signs or signs which extend higher than the roof line. (5/98)
- C. Odor, Visible Matter. Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in banks and "drive through" restaurants, shall be allowed. (5/98)
- D. Wire Supports. Signs that use or employ side guy lines of any type. (5/98)
- E. Obstructing Signs. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress. (5/98)
- F. Utility Lines. Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire. (5/98)
- G. Vehicle, Trailer Signs. No vehicle, trailer, or trailer mounted reader boards shall be parked on a public right-of-way or public property, or on

SIGNS

private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising. (12/10)

- H. Rotating/revolving Signs. (10/08)
- I. Flashing Signs. (10/08)
- J. Projection Signs. Projecting signs exceeding 24 inches and private signs that project into or over driveways and public right-of-ways, except signs under a canopy that projects over a public sidewalk and the sign is 8 feet or more above the sidewalk. (11/05)
- K. View Obstruction. Signs that obstruct required vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard. (5/98)
- L. Safety Interference. Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light. (5/98)
- M. <u>Signs in the public right of way/</u>Use of Utility Poles. Signs attached to any pole, post, utility pole or placed on its own stake and placed into the ground in the public right-of-way.-(5/98)
- N. Vacant Land. Any sign on unimproved property, unless allowed as a temporary or portable sign. (5/98)
- O. Electronic Message Signs. Electronic message signs except by conditional use permit. Electronic message signs that change more frequently than once per fifteen (15) sixty (60) seconds minutes are prohibited. Further, any change made with the use of scrolling, flashing, fluttering or other animated effects is prohibited. Variances to any of these requirements are not allowed. (10/08)
- P. Temporary or Portable signs exceeding the allowed size or timeframes for display are prohibited, unless authorized by Special Occasion Permit approval as outlined in Section 2.308.08.E.

2.308

## 2.308.07 Non-Commercial SignsUses

The following regulations apply to signs for residences, public or semi-public buildings and similar non-commercial, non-industrial uses: (5/98)

- A. Sign types. The following sign types are allowed: (5/98)
  - 1. Wall, canopy and window signs subject to the limitations in 2.308.07.C. (5/98)
  - 2. Free-standing signs subject to the limitations in 2.308.07.C. (5/98)
  - 3. Temporary displays consisting of any sign type for a period not to exceed 21 days in any 365 day period, however the owners or responsible parties of such displays shall be responsible for any public or private nuisance. (5/98)
- B. Maximum number. Any combination of wall, canopy or free-standing signs not exceeding the sign area and height limitations of this Section; plus signs allowed in Section 2.308.07.A.3. (5/98)
- C. Maximum Sign Area. Maximum total sign area for property on which the building or buildings are located: (5/98)
  - 1. Single-family and two-family (duplex) dwelling: 6 square feet. (5/98)
  - 2. Multiple family dwelling: 32 square feet. (5/98)
  - 3. Public and semi-public: 64 square feet. (5/98)
- D. Maximum sign height:
  - 1. Wall, canopy or window sign: 8 feet. (5/98)
  - 2. Free-standing sign: 6 feet. (5/98)
- E. Location: (5/98)
  - 1. Wall, canopy or window sign shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted use; provided that wall signs may project into the required setback space up to 1.5 feet. (5/98)
  - 2. Free-standing signs are permitted where fences are allowed.

F. Illumination. Except for Electronic Message Signs, non-commercial signs may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., (except by conditional use permit) and shall not flash, blink, fluctuate or produce glare. (10/2008 Ord. 2008-581)

# 2.308.08 Commercial and Industrial SignsUses

The following regulations apply to signs for commercial and industrial uses: (5/98)

- A. Non-integrated Business Centers:
  - 1. Total allowed area. One and one-half square feet of total allowed sign area for each lineal foot of building frontage, up to a maximum total allowed area of 150 square feet. (5/98)
  - On a Secondary Building Frontage, one wall sign shall be allowed, in addition to that listed above, at the rate of 0.75 sq ft per lineal foot of that portion of the building designated a Secondary Building Frontage, up to a maximum of 75 sq ft.
  - 32. Type, maximum number and size of signs. Within the total allowed area, one free standing sign per street frontage and an unlimited number of wall, canopy or projecting signs.

    Regardless of total allowed area, the free-standing signs shall be limited to a maximum of 100 square feet in area, shall not exceed one sign on each frontage, and shall be oriented to face the traffic flow on the street upon which the yn front. (5/98)
  - 43. Maximum sign height: (5/98)
    - a. Wall and canopy signs shall not project above the parapet or roof eaves. (5/98)
    - b. Free-standing signs: 20 feet. (5/98)
  - **54.** Location: (5/98)
    - a. Wall or projecting signs may project up to 2 feet from the building. (5/98)
    - b. Free-standing signs have no limitations except the signs shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (5/98)

## B. Integrated Business Centers:

- Allowed area. For wall, canopy and projecting signs on individual businesses within an integrated business center, one and one-half square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business. The sign area of a projecting sign shall be calculated as a free-standing sign. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center. Free standing signs are permitted only as set forth below and in Section 2.308.08.C. (11/05)
- 2. On a Secondary Building Frontage, one wall sign shall be allowed, in addition to that listed above, at the rate of 0.75 sq ft per lineal foot of that portion of the building designated a Secondary Building Frontage, up to a maximum of 75 sq ft. (11/05)
- 3. Free-standing Sign. For each integrated business center, 1 free-standing sign per street frontage not to exceed 100 square feet in area. Free-standing signs shall not exceed one sign on each frontage and shall be oriented to face the traffic flow on the street upon which they front. (11/05)
- 4. Maximum sign height: (5/98)
  - a. Wall and canopy signs shall not project above the parapet or roof eaves. (5/98)
  - b. Free-standing signs: 20 feet. (5/98)

#### 5. Location:

- a. Wall or projecting signs may be located on any face of the building, except as provided in 2.308.08.B.4.b, and may project up to 2 feet from the building. (11/05)
- b. Wall signage located on a Secondary Building Frontage shall be limited to only one sign, limited in size as provided in 2.308.08.A.2. In no case may any signage derived on the primary building frontage be located on the secondary building frontage. (11/05)
- Free-standing signs have no limitations except the signs shall not project over street right-of-way and shall comply

with requirements for vision clearance areas and special street setbacks. (5/98)

- C. Mixed Use Developments. Signs for developments containing a mixture of commercial and residential uses shall be subject to the following restrictions: (5/98)
  - 1. Non-commercial uses shall be subject to the provisions in Section 2.308.07. (5/98)
  - 2. Commercial-industrial uses shall be subject to the provisions for integrated business centers in Section 2.308.8.B. (5/98)
  - 3. Free-standing signs shall be subject to the provisions in Section 2.308.08.B.2. (5/98)
- D. Additional Signs. Within the limitations of this subsection, the signs below do not require a permit and are not included in calculating allowed area and number of signs. (5/98)
  - 1. Secondary Entrance. When a business has two public entrances, each on a separate building wall, there is permitted one additional wall sign not to exceed 10 square feet in area for the wall where the entrance is not the primary entrance. (5/98)
  - 2. <u>Vehicle</u> Directional Signs. <u>Vehicle</u> Directional signs, such as "Exit" or "Entrance", are allowed either as wall or freestanding signs. Such signs shall be limited to 3 square feet in area and 2 per driveway. Free standing directional signs shall be limited to a height of 6 feet. (5/98)
  - 3. Menu Boards Drive Through Signs. Order Signs describing products and/or order instructions to a customer, such as menu boards on the exterior of located adjacent to a drive-through lane at a restaurant are allowed as follows: one per drive through lane business limited to 40 square feet in area and a maximum height of 8 feet. Any order sign greater than 10 square feet in area and/or 6 feet in height must be screened from adjacent streets by a sight obscuring fence, wall or hedge. (11/05)
- E. Signs for Temporary Businesses/Special Occasions.
  - 1. Signs For Temporary Businesses. Temporary businesses receiving temporary business permit approval, may display temporary or portable signs, other than trailer mounted reader boards or any sign that includes flashing or rotating lights or moving parts. The

2.308

16 SIGNS

- cumulative size of all such signs may not exceed 32 square feet. All temporary <u>business</u> signs must be placed within 10 feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way. (5/98)
- 2. Signs For Special Occasions. The placement of mulitiple and/or oversized temporary or portable signs is only allowed subject to permit approval. A Special Occasion Sign Permit may be granted for the following situations:
  - a. Any combination of temporary or portable sign types, regardless of size and quantity, are allowed for a maximum of 14 consecutive calenday days. A maximum of 2 Special Occasion Sign permits may be issued for any given address in a calendar year, with no less than 30 days between events; or
  - b. One oversized portable sign (not including wind feathers or feather flags) up to 16 square feet in area may be allowed for up to a 120 day period in a calendar year. Permits may be renewed and are limited to one oversized portable sign per property.

## F. Signs for Mobile Food Vendors

- 1. In addition to the signs allowed in Section 2.308.08(F)(2) below, Mobile Food Vendors shall be limited to 6 square feet of signage which can be displayed only during hours of operation and shall comply with the provisions within Section 2.308.05.M. (1) thru (5) but exempt from the time limit provision. (07//17)
- 2. Signs painted upon or affixed directly to the Mobile Food Vendors are exempt from the Sign Code provisions, provided that no sign may protrude from or project above the roofline of the unit. All other signage must comply with the remaining provisions of Section 2.308. (07//17)
- 3. Property on which two or more Mobile Food Vendors are located shall comply with the remaining provisions within the Sign Code. (9/16)

## G. Special Commercial Signs

- 1. Home Occupation. Maximum area shall be 6 square feet and subject to the location provisions in Section 2.3068.07. (5/98)
- 2. Residential Sales Office. Maximum area shall be 16 square feet and subject to the location provisions in Section 2.3068.07. (5/98)

- 3. Bed and Breakfast. Maximum area shall be 16 square feet and subject to the location provisions in Section 2.3068.07. (5/98)
- 4. Signs for stadiums in the IBP Zone. Notwithstanding any other regulations in this Chapter, in the IBP zone for stadiums with seating for not less than 4,000 persons, the following shall apply:
  - a. Total allowed area. 760 square feet. (11/05)
  - b. Type, maximum number and size of signs. Within the total allowed area, one (1) free standing sign, and a total of no more than two (2) wall or canopy signs. Regardless of the total allowed area, the free standing sign shall be limited to a maximum of 680 square feet. (11/05)
  - c. Maximum sign height: (11/05)
    - 1. Wall and canopy signs shall not project above the parapet or roof eaves. (11/05)
    - 2. Free standing sign maximum total height of fifty (50) feet. (11/05)
  - d. Location:
    - 1. Wall signs may project up to 1.5 feet from the building. (11/05)
    - 2. Free standing sign no limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (11/05)

# 2.308.09 Conditional Uses

- A. Procedures. Applications for conditional use permits for illumination of non-commercial signs, or electronic message signs shall be processed according to the procedure set forth in Section 3.103 of this Ordinance. The criteria to be reviewed and applied in conditional use permit proceedings for illumination of non-commercial signs or electronic message signs are set forth in this Section. The criteria of Section 3.103 shall not be applied. (Ord 2008-581 10/2008)
- B. Decision Criteria. The following criteria shall be used to review and decide conditional use permit applications for the illumination of non-commercial and electronic message signs: (10/2008 Ord 2008-581)

2.308

18 SIGNS

#### PC Draft: 8-9-17 Mtg

- 1. The proposed sign is located in an EG, P, IBP, CR, CO, MU, CM or a CG zone. (10/08)
- 2. The proposed sign, when conditioned, will not either: a) significantly increase or lead to street level sign clutter, or b) lead to signs adversely dominate the visual image of the area. (10/08)
- 3. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree. Electronic Message Signs that are proposed to be located in a P zone adjacent to residential areas shall include mitigation measures such as screening and buffering or other measures to mitigate any impacts onto adjacent properties. Electronic Message Signs proposed to be located in the P zone adjacent to residential areas shall only be illuminated between the hours of 6:00 AM and 11:00 PM-and may only be changed once in a 24 hour period. (10/08)
- 4. The proposed sign will not present a traffic or safety hazard. (5/98)
- 5. If the application is for the illumination of non-commercial or electronic message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effect consisting of external lights, lamps, bulbs or neon tubes are allowed. (10/08)

Electronic Message Signs. Electronic Message signs must remain static and unchanging for a period no less than fifteen (15) sixty (60) secondsminutes. Further, the level of illumination must be limited in the following ways:

- a. (A) An electronic message sign that contains a changeable display produced by light emitting diodes, incandescent or lowvoltage lamps or bulbs, or cathode ray tubes shall include automatic brightness compensation features to adjust brightness to compensate for the angle and ambient light conditions.
- b. No electronic message sign may be illuminated to a degree of brightness that is greater than 7,500 nits in the daytime and 1,000 nits between sunrise and sunset; provided that electronic message signs comprised solely of one color may not be illuminated to a degree of brightness exceeding the following illumination levels:
  - 1. For a display comprised of red only, the degree of brightness shall not be greater than 3,150 Nits in the daytime and 450 between sunrise and sunset;

- 2. For a display comprised of green only, the degree of brightness shall not be greater than 6,300 nits in the daytime and 900 nits between sunrise and sunset;
- 3. For a display comprised of amber only, the degree of brightness shall not be greater than 4,690 Nits in the daytime and 670 nits between sunrise and sunset. (10/08)
- 6. The total allowed sign area for a business shall be reduced by 25% if the business has an electronic message sign. (10/08)
- 7. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.

## 2.308.10 Variances

- A. Procedure. Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Minor variances under Section 3.105.04 of this Ordinance shall not be allowed. Variances to this Section will be processed according to the procedures in Section 3.202.02 as a Type I-B procedure. The criteria in Section 3.105 shall not be used, but instead the following criteria shall be used to review and decide variance applications: (11/05)
  - 1. There are unique circumstances of conditions of the lot, building or traffic pattern such that: (5/98)
    - a. The existing sign regulations create an undue hardship; (5/98)
    - b. The requested variance is consistent with the purpose of this chapter as stated in Section 2.308.01; and
    - c. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter. (5/98)
  - 2. The granting of the variance shall not: (5/98)
    - a. Decrease traffic safety nor detrimentally affect any other identified items of public welfare. (5/98)

#### PC Draft: 8-9-17 Mtg

- b. Result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance. (5/98)
- c. Be the result of a self-imposed condition or hardship. (5/98)

## **2.308.11 Exemptions**

The following are exempt from the regulations of this Chapter, but may be subject to other regulations under this Development Code or other City regulations:

A. Public Art as defined by City Ordinance or Resolution. (3/14)



## Re: Keizer Sign Code: Changes Coming: YOUR FEEDBACK NEEDED!

1 message

**Dustin Karstetter** <dustin@keizersoccerclub.org>
To: Danielle Bethell <danielle@keizerchamber.com>

Thu, Jul 27, 2017 at 10:09 PM

Danielle.

In response to the email you sent out, I wanted to respond on behalf of Keizer Soccer, and in a larger capacity, for other non-profit youth sports organizations.

I didn't see anything specific in your email indicating a restriction on temporary signs for non-profit organizations, but after reviewing the current sign code for the City of Keizer, I see that there are several limits placed on such signage, such as only being allowed three signs at one time and that they can only be up for 5 days at a time.

I know that our organization, along with several of the other sports organizations in town have broken these guidelines in the lead up to our seasons, as it is necessary to advertise registration in a public way, and signs are generally the easiest and most effective way to get the word out about registration in the weeks leading up to each season.

I would ask for a revision to the current code which allows for a subset of temporary signs specifically for youth sports organizations, allowing us to have multiple signs around the City of Keizer for up to one month prior to the close of registration, to ensure that each club or organization has ample time to advertise for securing necessary numbers to allow for growth and a quality experience for all participants.

It is my hope that the future sign code can change with the needs of these specific organizations to effectively advertise to us customer base and potential new members.

Thanks,
Dustin Karstetter
KSC Board President

On Thu, Jul 27, 2017 at 10:11 AM, Danielle Bethell <danielle@keizerchamber.com> wrote:

Dear Keizer Chamber Members,

At the request of the City of Keizer, we met with members of the team in Community Development to discuss changes they are proposing to the sign code dealing with temporary and electronic signs. We wanted to update you on these discussions and request your feedback.

First, the proposal eliminates many of the categories of signs and puts them under one umbrella based on size. The city as a government agency cannot regulate content. Under the proposed rules, each business would be allowed one temporary sign (like a sidewalk A-frame sign or flag). This is a change as it would allow each business in a multi-business center to have a temporary sign. The sign would need to be less than eight square feet. There would be no requirement for separation of the signs. That would be up to the property owners.

Sign placement would still need to comply with other regulations like the Americans with Disabilities Act in that they could not block a sidewalk for example.

Temporary signs larger than eight square feet would be broken into two groups based on size and would require a permit from the city. These signs could be up for no more than 120 days.



# RE: Keizer Sign Code: Changes Coming: YOUR FEEDBACK NEEDED!

1 message

**Susan Dunfee** <susan.dunfee@academymortgage.com>
To: Danielle Bethell <danielle@keizerchamber.com>

Thu, Jul 27, 2017 at 3:55 PM

I like the proposal as I read and understood it. J



## Susan Dunfee

Loan Officer | NMLS # 1122681

(503) 391-7194 - Branch

(866) 264-5745 - Fax

(503) 799-7205 - Mobile





susan.dunfee@academymortgage.com

Visit my webpage

1605 Fairgrounds Road NE, | Salem, OR 97301







# RE: Keizer Sign Code: Changes Coming: YOUR FEEDBACK NEEDED!

Jeff Cowan <chief@keizerfire.com>

To: Danielle Bethell <danielle@keizerchamber.com>

Thu, Jul 27, 2017 at 11:17 AM

I don't understand why the deadline is tomorrow? What is driving that?

One Day is not enough time to review sign code on this very complex issue. This document is 19 pages.

I do support the change to allow electronic boards to change more frequently. We consider our Fire District Electronic Reader Board a community information board.

We would put more on it if this was allowed.

Chief Cowan

From: Danielle Bethell [mailto:danielle@keizerchamber.com]

Sent: Thursday, July 27, 2017 10:11 AM

To: Jeff Cowan

Subject: Keizer Sign Code: Changes Coming: YOUR FEEDBACK NEEDED!

Dear Keizer Chamber Members,

At the request of the City of Keizer, we met with members of the team in Community Development to discuss changes they are proposing to the sign code dealing with temporary and electronic signs. We wanted to update you on these discussions and request your feedback.

First, the proposal eliminates many of the categories of signs and puts them under one umbrella based on size. The city as a government agency cannot regulate content. Under the proposed rules, each business would be allowed one temporary sign (like a sidewalk A-frame sign or flag). This is a change as it would allow each business in a multi-business center to have a temporary sign. The sign would need to be less than eight square feet. There would be no requirement for separation of the signs. That would be up to the property owners.

Sign placement would still need to comply with other regulations like the Americans with Disabilities Act in that they could not block a sidewalk for example.

Temporary signs larger than eight square feet would be broken into two groups based on size and would require a permit from the city. These signs could be up for no more than 120 days.

Signs between eight and 16 square feet could not be divided. However, those 16 square feet and larger could be. For example, if based the current ordinance you could have a sign that is a total of 50 square feet, you could break that up



# Re: Keizer Sign Code: Changes Coming: YOUR FEEDBACK NEEDED!

TONY GROVE, TONYS KINGDOM OF COMICS <sirwag@comcast.net>

Thu, Jul 27, 2017 at 11:25 AM

To: Danielle Bethell <danielle@keizerchamber.com>

This all sounds reasonable to me. Hopefully the "sidewalk" signs will also be required to be professional, clean and in good state of repair.....Tony

TONY GROVE TONY'S KINGDOM OF COMICS 3856 RIVER RD N KEIZER OR 97303

503-463-1142

WEBSITE: http://www.tonyskingdom.net/

FACEBOOK SHOP PAGE: https://www.facebook.com/TonysKingdom/?ref=hl

---- Original Message -----

From: Danielle Bethell <danielle@keizerchamber.com>

To: sirwag@comcast.net

Sent: Thu, 27 Jul 2017 17:11:37 -0000 (UTC)

Subject: Keizer Sign Code: Changes Coming: YOUR FEEDBACK NEEDED!

Dear Keizer Chamber Members,

At the request of the City of Keizer, we met with members of the team in Community Development to discuss changes they are proposing to the sign code dealing with temporary and electronic signs. We wanted to update you on these discussions and request your feedback.

First, the proposal eliminates many of the categories of signs and puts them under one umbrella based on size. The city as a government agency cannot regulate content. Under the proposed rules, each business would be allowed one temporary sign (like a sidewalk A-frame sign or flag). This is a change as it would allow each business in a multi-business center to have a temporary sign. The sign would need to be less than eight square feet. There would be no requirement for separation of the signs. That would be up to the property owners.

Sign placement would still need to comply with other regulations like the Americans with Disabilities Act in that they could not block a sidewalk for example.

Temporary signs larger than eight square feet would be broken into two groups based on size and would require a permit from the city. These signs could be up for no more than 120 days.

Signs between eight and 16 square feet could not be divided. However, those 16 square feet and larger could be. For example, if based the current ordinance you could have a sign that is a total of 50 square feet, you could break that up into five signs that are 10 square feet.



# RE: Keizer Sign Code: Changes Coming: YOUR FEEDBACK NEEDED!

Jeff Baker <drbaker@wvi.com>
To: Danielle Bethell <danielle@keizerchamber.com>

Thu, Jul 27, 2017 at 10:28 AM

Danielle Bethell -

This is Dr. Baker of BACK to Health Clinic on River Rd by the Taco Bell. I am in support of the proposed changes suggested for the provisions governing the rate of change for electronic signs. I am support of electronic signs, they are becoming the standard and having a message change at a frequency of 8sec to 30 seconds is acceptable. 15 minutes is not realistic for most businesses like mine who have many messages to convey. This does not pose a hazard to traffic, in my opinion and experience in treating thousands of car crash cases over the years. I have not once had a patient come in from a car accident related to a distraction from reading a changing electronic sign.

Thank you for the opportunity to voice my support for the changes proposed for the Keizer Sign Code.

Jeffery W. Baker DC, PC

Clinic Director - BACK to Health Clinic

503-304-2225 | 503-304-2226 fax | DrBaker@wvi.com

www.SalemBackDoctor.com





# RE: Keizer Sign Code: Changes Coming: YOUR FEEDBACK NEEDED!

Richard Cummings <richard@911supply.com>
To: Danielle Bethell <danielle@keizerchamber.com>

Thu, Jul 27, 2017 at 10:24 AM

Hi Danielle,

Thank you for the detailed updates.

I don't have much of an opinion on the electronic signs but it makes sense to relax the rules a bit similar to Salem's rules.

As far as everything else goes as long as they keep it *simple* and easy for businesses to comply while NOT charging unnecessary fees then I'm all for it.

Did I mention they should keep the rules simple?? J

Thank you!

**Richard Cummings** 

911 Supply Inc.

4484 River Rd N

Keizer, OR 97303

Ph. 503-393-4911

Fax 503-393-2107

www.911supply.com

From: Danielle Bethell [mailto:danielle@keizerchamber.com]

Sent: Thursday, July 27, 2017 10:12 AM

To: Richard Cummings < richard@911supply.com>



# Re: Keizer Sign Code: Changes Coming: YOUR FEEDBACK NEEDED!

Rich Ford <richford@windermere.com>
To: Danielle Bethell <danielle@keizerchamber.com>

Thu, Jul 27, 2017 at 10:22 AM

I don't see the proliferation of sandwich board type signs as a positive development for our community. They give a cluttered look to the environment, and as a consumer, I do not find them useful or helpful. Unless there is some special, temporary event, I would like to see them eliminated altogether.

#### Rich

Rich Ford, Licensed Oregon Real Estate Broker Windermere Pacific West Properties, Inc. 4285 Commercial Street SE, Suite 100 Salem, Oregon 97302

caloni, crogon cross

Cell: (503) 510-9583 Office: (503) 391-1350

Email: RichFord@Windermere.com
Website: www.RichFord.withWRE.com

From: Danielle Bethell <danielle@keizerchamber.com>

Sent: Thursday, July 27, 2017 10:11:19 AM

To: Rich Ford

Subject: Keizer Sign Code: Changes Coming: YOUR FEEDBACK NEEDED!

Dear Keizer Chamber Members,

At the request of the City of Keizer, we met with members of the team in Community Development to discuss changes they are proposing to the sign code dealing with temporary and electronic signs. We wanted to update you on these discussions and request your feedback.

First, the proposal eliminates many of the categories of signs and puts them under one umbrella based on size. The city as a government agency cannot regulate content. Under the proposed rules, each business would be allowed one temporary sign (like a sidewalk A-frame sign or flag). This is a change as it would allow each business in a multi-business center to have a temporary sign. The sign would need to be less than eight square feet. There would be no requirement for separation of the signs. That would be up to the property owners.

Sign placement would still need to comply with other regulations like the Americans with Disabilities Act in that they could not block a sidewalk for example.

Temporary signs larger than eight square feet would be broken into two groups based on size and would require a permit from the city. These signs could be up for no more than 120 days.

-52 7/27/17 10:36 AM



#### **Flags**

1 message

KZR Executive Director < Executive Director KZR@livebsl.com>

Mon, Jul 24, 2017 at 1:24

PM

To: Danielle Bethell <danielle@keizerchamber.com>

Good Morning,

In response to your request for more information regarding our run in with the city in relation to our feather flags.

On or around the 18th<sup>th</sup> of May I had 10 Large Green Feather Flags installed all along Chemawa Road on our property line in our landscaping by my Maintenance Man. They were brand new in great condition.

On the 28<sup>th</sup> of May (a Sunday afternoon) I received an email from Dina Russell with the city regarding a temporary sign and the city codes surround them. I was surprised as I have operated in Salem for years at our South Salem property with not a word about signs or code enforcement. On the 30<sup>th</sup> I requested a meeting for my boss Jeremiah Gray to be a part of in our building. Dina responded and said that she would be having Ben join us as the code enforcement officer.

We had a great meeting I thought, They stated that they get harassed by the repair guy that you mentioned in our meeting that had so much trouble with his signs and the new parking lot (his name escapes my memory) and that they want it to be fair for everyone. We agreed and said you know we are sorry because we had our grand opening coming up and that we would be happy to take them down. We even offered to pay the fee to leave them up the short amount of time that we had planned to do it. They declined and said that we would have to follow the code enforcement process. They also brought up our Balloon and A-Board signs that are out on the corner of our driveway and the corner of our landmark sign.

A week after our grandopening we took down the feather flags but continue to leave out our balloons and A-Board signs during business hours.

In all honesty, it seemed odd that we have had balloons and A-Boards at the street for the last year and a Large red Banner on our building and trailer all during construction. Then when we were finally open that we are not allowed to have any of our signage. We also made sure that they are brand new and in great shape prior to putting them up and out there. It was also extremely odd to me to be getting notified about it on a Sunday not from the code enforcement person.

I also took the liberty of driving to the bank down river road from Lockhaven one day in July and noticed the

Jersey Mikes still has a feather flag out, The Arbor at Avamere court had two feather flags out at the street and an A-Board (we were told that you are only allowed one type of sign at a time), and as you progress down river road towards Salem they are every other block if not more frequent. It felt very odd as a new business, almost as if we were targeted. I don't like saying that and I don't like feeling that well but that is a little of how it felt.

I finally received an additional email on July 3<sup>rd</sup> regarding our A-Board not coming in at night. I cannot find in any of the codes an actual time that they have to be taken in. Since our business doesn't close it is hard to assign a time to it.... We were also told we aren't allowed to have the all weather balloons in the same email. Dina also referenced that even though they are popping up all over town it wasn't allowed and they are doing their best to tell the others as well.

Im happy to help please just let us know how we can help further the conversation.

Thank you,

McKenzie Owens

## Bonaventure At Keizer Station

RetirementPerfected.com

5525 McLeod Lane NE Keizer, OR 97303

W: 503 -689-8084 F: 503-689-8078

Executivedirectorkzr@livebsl.com

"True Leaders understand that leadership is not about them but about those they serve. It is not about exalting themselves but about lifting others." Sheri L. Dew

#### Witham, Shane

From:

James Carpentier < James. Carpentier@signs.org>

Sent:

Monday, July 31, 2017 12:29 PM

To:

Witham, Shane

Cc:

Patti King; David Hickey; Corey Spady

Subject:

RE: sign code update

**Attachments:** 

NWSC ISA comments existing Keizer Sign Code 7-31-17.pdf; Texas A & M Traffic Safety

& EMCs.pdf; ISA 2014 Analysis of FHWA Study of CEVMS2.pdf; cevmsfinal.pdf;

EVOS\_final\_v3\_js.pdf

Hello Mr. Witham,

On behalf of the Northwest Sign Council and International Sign Association, I did take a look at your existing code and have a number of comments and recommendations for your consideration. We have a number of recommendations for your consideration including:

- A number of references to content which may not comply with Reed v. Town of Gilbert.
- The total allowable sign area at 1.5 of building frontage for both wall and ground signs is not reasonable. This type of standard will work well for wall signs only with a separate standard for ground signs. This regulation will lead to some signs that will not be safely viewed by the intended viewer. Narrow vs wide buildings will have a huge disparity in allowable signage. A standard with this approach needs to include the parcel frontage rather than building frontage (this standard 1.5 will work ok in a downtown that has buildings adjacent to the ROW where ground signs are not feasible) and be increased to at least 2 sq. ft per linear ft. with reasonable caps on ground and wall signs.
- A number of issues with the electronic message center standards. The hold time at 15 minutes or 24 hours is not reasonable or based on any recent safety studies (see attached Texas A & M study and FHWA study along with ISA's analysis). The Texas A & M study indicates the following on page viii: "The results of this study provide scientifically based data that indicate that the installation of digital on-premise signs does not lead to a statistically significant increase in crashes on major roads." The illumination standards are not based on the most current recommendations which utilizes the Footcandle approach. This method is much easier to enforce than nits. In addition this approach has been adopted by over 250 jurisdictions and states with no known issues. The footcandle approach is about three times less bright than the existing nits standard of 1,000. Also, the reduction of 25% in sign area if EMCs are utilized is an atypical regulation and is a huge disincentive to utilize this very effective technology. See the attached case study in the Economic Value of Signs by the University of Cincinnati on page 39.

Do not hesitate to contact me with any questions or if you need any information.

#### James B Carpentier AICP

**Director State & Local Government Affairs** 

1001 N. Fairfax Street, Suite 301 Alexandria, VA 22314 (480) 773-3756 Cell www.signs.org | www.signexpo.org james.carpentier@signs.org

#### 2.308 **SIGNS**

#### 2.308.01 Purpose

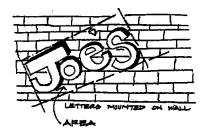
The purpose of these sign regulations is to provide equitable signage rights, reduce signage conflicts, promote traffic and pedestrian safety, and, increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner. (5/98)

#### 2.308.02 Definitions

For the purposes of this Chapter, the following definitions shall apply: (5/98)

<u>Alteration or Altered</u>: Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration. (5/98)

Area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used.



Sign Area

The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multifaced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall

be calculated by including only one-half the total area of all sign faces. (5/98)

<u>Awning</u>: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework. (5/98)

<u>Building Face</u>: The single wall surface of a building facing a given direction. (5/98)



Awning Sign

<u>Building Frontage, Primary</u>: The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined, as allowed in this chapter. A gasoline service

station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area. (Ord. 2005-533 11/05)



**Building Frontage and Face** 

<u>Building Frontage, Secondary</u>: Buildings located on lots abutting more than one Right of Way or a parking lot may designate one building face as a secondary building frontage. (Ord. 2005-533 11/05)

Canopy Sign: A sign hanging from a canopy or eve, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade. (5/98)

<u>Construct</u>: Build, erect, attach, hang, place, suspend, paint in new or different word, affix, or otherwise bring into being. (5/98)

Election Signs: Those signs which relate to an election initiative or political viewpoint. Such signs will otherwise meet the specifications of Temporary Signs. (5/04 – Ord 2004-498)

Electronic Message Sign: Signs that incorporate as part of, or wholly, an electronic message or display by means of light emitting diodes, plasma, electronic ink, or other means that allow that display to be changed through electronic controls. Further, an electronic message sign cannot be awall sign. (10/08 – Ord 2008-581)

<u>Finish Ground Level</u>: The average elevation of the ground (excluding mounds or berms, etc. located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, which ever is the lowest. (5/98)

Flashing Sign: A sign any part of which pulsates, scrolls, flutters, animates, lights intermittently, or blinks on and off



Free-Standing Sign

<u>Free-Standing Sign</u>: A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign. (5/98)

Incidental Signs: A sign that is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)

<u>Indirect Illumination</u>: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign. (5/98)

Integrated Business Center: A group of two or more businesses which are planned or designed as a center, and share a common off-street parking area or access, whether or not the businesses, buildings or land are under common ownership. (5/98)

<u>Internal Illumination</u>. A source of illumination from within a sign. (5/98)

<u>Joint Use Sign</u>: When two of more businesses combine part or all of their total allowed sign area into free-standing sign for each common frontage of such business. (5/98)

<u>Multi-faced Sign</u>: A sign which has two or more identical sign faces, contained in a single sign structure. (5/98)

<u>Multi-family Dwelling</u>: A residential structure or complex of structures that include three or more separate dwelling units, whether rented or owned by the occupants. (5/98)

<u>Mural</u>: An illustration (with or without words or numbers) which is painted or otherwise applied (without projections) to an outside wall of a structure. (5/98)

Nit: Nit is used as a measurement of luminance, where the Nit is equal to one candela per square meter (1cd/m2). A candela is a unit of measurement of the intensity of light, where one candela is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. By way of example, an ordinary wax candle generates approximately one candela. (10/08)

Nonconforming Sign: Any sign which lawfully exists prior to the effective date of this chapter but, which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations. (5/98)



Indirect Illumination



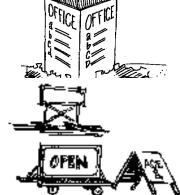
Small Integrated Business Center



Large Integrated Business Center



Joint-Use Sign



Owner: As used in these regulations, "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed. (5/98)

<u>Portable Sign</u>: A sign that is, or similar to, an A-frame sign, sandwich board sign, or a sign attached to wood or metal frames and designed to be self supporting and movable. Portable signs are not to be considered temporary signs as defined and used in this chapter. (12/10)

<u>Projecting Signs</u>: A sign the face of which is not parallel to the wall on which it is mounted. (11/05)

Real Estate Sign: A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space. (5/98)



Sign Height



Projecting Sign

Roof Line: Either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)

Roof Sign: A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign. (5/98)

Rotating/Revolving Sign: A sign, all or a portion of which, moves in some manner. (5/98)

<u>Sign</u>: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way. (5/98)



Sign Face

<u>Sign Face</u>: Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "area."

<u>Sign Height</u>: The distance from the finish ground level, to the top of the sign or the highest portion of the sign structure or frame, whichever is greater. (5/98)

<u>Sign Structure</u>: The supports, uprights, braces, framework and other structural components of the sign. (5/98)

<u>Street Frontage</u>: That portion of a property that abuts a paved street right-of-way and measured by the lineal distance of the property adjacent to such right-of-way. (5/98)

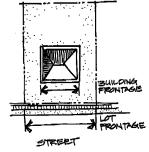
Temporary Business: A business of a temporary nature authorized through a Temporary Business Permit issued by the City of Keizer. (5/98)

<u>Temporary Sign</u>. A sign not permanently affixed to a structure on a property. A sign that is, or is similar to, a banner or wind feather sign which may be made of canvas, cloth, rigid plastic or paper, or vinyl. (12/10)

Wall Sign: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall. A sign painted on an awning in which the face of the sign is approximately parallel to the wall shall also be considered a wall sign. (5/98)



- A. Permit Required. Except as specifically excluded herein, no property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid permit to do so. (5/98)
- B. Current Signs. Owners of conforming or nonconforming signs existing as of December 4, 1989 are not required to obtain a permit until the end of the abatement period described in Section 2.308.04.C. (5/98)
- C. Permit Fees. Permit fees shall be established from time to time by City Council resolution. (5/98)
- D. Application Requirements. An application for a sign permit shall be made on a form prescribed by the Zoning Administrator. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property. (5/98)



Street Frontage



Temporary Sign



signs 319

The Zoning Administrator shall issue a permit for a sign unless the sign is in violation of the provisions of these regulations or other provisions of the Keizer Zoning Ordinance. Sign permits mistakenly issued in violation of these regulations or other provisions of the Keizer Zoning Ordinance are void. The Zoning Administrator may revoke a sign permit if he finds that there was a material and misleading false statement of fact in the application for the permit. (5/98)

- E. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards: (5/98)
  - 1. Compliance with Building Codes. All signs shall comply with the applicable provisions of Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements. (5/98)
  - 2. Materials. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure. (5/98)
  - 3. Maintenance. All signs shall be maintained in a good structural condition and readable at all times. (5/98)
  - 4. Owner Responsibility. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs. (5/98)
  - 5. Aesthetics. All signs shall be professional in appearance, constructed in a workmanship like manner to professional standards. (12/10)

#### 2.308.04 Nonconforming Signs

- A. Alteration of Nonconforming Sign Faces. Nonconforming signs are subject to the following provisions regarding alteration: (5/98)
  - 1. Change Permitted. Within the abatement period described in Section 2.308.04.C., a change in sign face alone is allowed without requiring compliance with these regulations. (5/98)
  - 2. Termination of Nonconforming Sign. Within the abatement period described in Section 2.308.04.C., when a nonconforming sign face is damaged or destroyed by fire, flood, wind, or other calamity or act of God, such sign face may be restored to its original condition provided such work is completed within sixty (60) days of such calamity. However, a sign

structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of these regulations. (5/98)

- B. Permits for Properties with Nonconforming Signs. (5/98)
  - 1. Businesses in Integrated Business Centers. For individual businesses in integrated business centers, all signs of the individual business must comply prior to issuance of sign permits for new or altered signs. No free-standing sign permits will be issued for the integrated business center, unless all free-standing signs comply. (5/98)
  - 2. Businesses Not in Integrated Business Centers. No permits shall be issued for new or altered signs unless all signs of the individual business comply with these regulations, except as set forth in Section 2.308.04.B.4.
  - 3. Nonconforming Sign Area. Except as set forth above and in Section 2.308.08.B.4., all conforming and/or nonconforming signs in existence as of the date of the permit application shall be included in the total allowed area, number or size when reviewing applications for new or altered signs to be allowed on the property. (5/98)
  - 4. Exception for Non-Owned Signs. Signs which are not owned or controlled by the property owner or lessee prior to May 7, 1990, and which were constructed or installed prior to May 7, 1990, shall not be included in the total allowed area for sign permits granted prior to May 7, 1997. (5/98)
- C. Abatement of Nonconforming Signs. Permanent signs in existence on May 7, 1990 that are not in conformance with the provisions of this Ordinance shall be regarded as nonconforming signs and must be removed, altered, or replaced so as to conform on or before May 7, 1997. The period from the date of the enactment of these regulations to May 7, 1997, shall be described as the "abatement period." Nonconforming signs remaining after the abatement period ends shall be considered illegal signs. Temporary and portable signs that are not in conformance with the provisions of this Ordinance shall be regarded as nonconforming and shall be removed on or before September 7, 1990. (10/08)

The Zoning Administrator shall notify non-conforming permanent sign owners by certified mail of the conformance deadline at least two years prior to such deadline as a public service. Failure to be notified of the deadline shall not relieve the owner of responsibility to conform with this Ordinance within the time period herein. Properties annexed to the City after the effective date of this Ordinance shall have 7 years following annexation in which to conform to these regulations, with the exception of temporary signs that shall conform to the regulations within 90 days following annexation. (5/98)

Electronic Message Signs which are legally placed and maintained in all respects on or before October 6, 2008 shall be allowed to remain as non-conforming signs and do not have to be brought into compliance. However, once a non-conforming

- Electronic Message Sign is removed, any replacement sign must comply in all respects with these regulations. (10/08)
- D. Abandoned Signs. All signs for a business shall be removed within 30 days after that business ceases to operate on a regular basis, and the entire sign structure or structures shall be removed within 12 months of such cessation of operation.
- E. Minor Nonconforming Signs. Individual signs that otherwise comply and are existing as of May 7, 1990, that are within 5% of both the allowed area (total and per sign) and the allowed height as set forth in these regulations are allowed to remain as nonconforming signs and do not have to be brought into compliance. However, once a nonconforming sign is removed, any replacement sign must comply in all respects with these regulations. (5/98)

#### 2.308.05 Signs Generally Permitted

Subject to the limitations in Sections 2.308.04.C., 2.308.07 and 2.308.08, the following signs and sign work are permitted in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area: (5/98)

- A. Sign Copy. Painting, change of sign face or copy and maintenance of signs legally existing on the effective date of this Ordinance. If structural changes are made, the sign shall conform in all respects with these regulations. (5/98)
- B. Temporary Signs. Temporary signs that do not exceed 16 square feet in area. No lot may display temporary signs for more than 120 days in any calendar year. Only one temporary sign per lot may be displayed at a time except during the period 45 days preceding and seven days following elections, signs which relate to such elections may be unlimited in number. Paper signs may only be used for single day events. (12/10)
- C. Real Estate Signs jigns that advertise the sale, rental or lease of premises upon which the sign is located. Commercial Properties may display a real estate sign not exceeding 16 square feet in area. Residential properties may display a real estate sign not exceeding 6 square feet in area. (12/10)
- D. Government Signs. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency, city identification, signs related to public services or safety, and signs approved by City Council resolution for special events or activities. (12/10)
- E. Development Signs. One sign not over 32 square feet for a residential development or subdivision, and located at each street entrance to the development. (5/98)
- F. Incidental. Incidental signs that do not exceed 6 square feet. Such signs shall not be mounted on permitted freestanding sign structures. (5/98)

- G. Flags. Flags on permanent flag poles that are designed to allow raising and lowering of the flags. Flagpoles shall either be freestanding or shall be mounted on the building but if mounted on the building may not be taller than the peak of the roof. Flags shall not exceed 25 square feet in area. (5/98)
- H. Interior Signs. Signs within a building. (5/98)
- I. Window Signs. For commercial or industrial buildings, signs painted or hung on the inside of windows. (5/98)
- J. Non-profit Signs. A non-profit organization may display a portable sign subject to the following: (5/98)
  - 1. Three signs per organization at one time. (5/98)
  - 2. Maximum sign area: 16 square feet. (5/98)
  - 3. The sign shall be displayed no more than six times in any 365 day period, and shall not be displayed longer than five days each time. (5/98)
  - 4. The sign shall not be placed on public property or in any right-of-way. (5/98)
  - 5. The non-profit organization shall request and receive consent from the property owner of the property on which the sign is placed. (5/98)
  - 6. If requested, the non-profit organization shall provide appropriate proof that such organization is organized not to make a profit, but for charitable, educational, religious, or philanthropic purposes. (5/98)
- K. Residential Signs. Residential signs, pursuant to requirements in Section 2.308.07. (5/98)
- L. Election Signs. During the period of forty-five (45) days prior and seven (7) days after any governmental election, signs which meet the definition of temporary or portable signs, and which pertain to such election, may be unlimited in number.
- M. Portable Signs. Portable signs may be displayed for a maximum of 120 days in any calendar year, and are limited to 6 square feet in area. The following additional standards apply to portable signs: (12/10)
  - 1. Portable signs located within 10 feet of the main entry of a business may be displayed without limit to time. (12/10)
  - 2. Portable signs not located adjacent to a business entrance may not be within 50 feet of any other portable sign on the same lot or less than 10 feet from a property line. (12/10)

- 3. Portable signs must be located on private property, and may not be within any public sidewalk easement or right of way. If located along a public street, signs must be located behind the sidewalk regardless of property line location. (12/10)
- 4. Portable signs cannot impede sidewalks, exits, or other pedestrian, vehicular, or bicycle way. (12/10)
- 5. Portable signs may only be displayed during business hours. (12/10)

#### 2.308.06 Prohibited Signs

The following signs are prohibited: (5/98)

- A. Tethered Signs. Balloons or similar types of tethered objects, including strings of pennants. (5/98)
- B. Roof Signs. Roof signs or signs which extend higher than the roof line. (5/98)
- C. Odor, Visible Matter. Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in banks and "drive through" restaurants, shall be allowed. (5/98)
- D. Wire Supports. Signs that use or employ side guy lines of any type. (5/98)
- E. Obstructing Signs. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress. (5/98)
- F. Utility Lines. Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire. (5/98)
- G. Vehicle, Trailer Signs. No vehicle, trailer, or trailer mounted reader boards shall be parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising. (12/10)
- H. Rotating/revolving Signs. (10/08)
- I. Flashing Signs. (10/08)
- J. Projection Signs. Projecting signs exceeding 24 inches and private signs that project into or over driveways and public right-of-ways, except signs under a

- canopy that projects over a public sidewalk and the sign is 8 feet or more above the sidewalk. (11/05)
- K. View Obstruction. Signs that obstruct required vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard. (5/98)
- L. Safety Interference. Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light. (5/98)
- M. Use of Utility Poles. Signs attached to any pole, post, utility pole or placed on its own stake and placed into the ground in the public right-of-way. (5/98)
- N. Vacant Land. Any sign on unimproved property, unless allowed as a temporary sign. (5/98)
- O. Electronic Message Signs except by conditional use permit. Electronic message signs that change more frequently than once per fifteen (15) minutes are prohibited. Further, any change made with the use of scrolling, flashing, fluttering or other animated effects is prohibited. Variances to any of these requirements are not allowed. (10/08)

#### 2.308.07 Non-Commercial Signs

The following regulations apply to signs for residences, public or semi-public buildings and similar non-commercial, non-industrial uses: (5/98)

- A. Sign types. The following sign types are allowed: (5/98)
  - 1. Wall, canopy and window signs subject to the limitations in 2.308.07.C. (5/98)
  - 2. Free-standing signs subject to the limitations in 2.308.07.C. (5/98)
  - 3. Temporary displays consisting of any sign type for a period not to exceed 21 days in any 365 day period, however the owners or responsible parties of such displays shall be responsible for any public or private nuisance.

    (5/98)
- B. Maximum number. Any combination of wall, canopy or free-standing signs not exceeding the sign area and height limitations of this Section; plus signs allowed in Section 2.308.07.A.3. (5/98)
- C. Maximum Sign Area. Maximum total sign area for property on which the building or buildings are located: (5/98)

- 1. Single-family and two-family (duplex) dwelling: 6 square feet. (5/98)
- 2. Multiple family dwelling: 32 square feet. (5/98)
- 3. Public and semi-public: 64 square feet. (5/98)
- D. Maximum sign height:
  - 1. Wall, canopy or window sign: 8 feet. (5/98)
  - 2. Free-standing sign: 6 feet. (5/98)
- E. Location: (5/98)
  - 1. Wall, canopy or window sign shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted use; provided that wall signs may project into the required setback space up to 1.5 feet. (5/98)
  - 2. Free-standing signs are permitted where fences are allowed. (5/98)
- F. Illumination. Except for Electronic Message Signs, non-commercial signs may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., (except by conditional use permit) and shall not flash, blink, fluctuate or produce glare. (10/2008 Ord. 2008-581)

#### 2.308.08 Commercial and Industrial Signs

The following regulations apply to signs for commercial and industrial uses: (5/98)

- A. Non-integrated Business Centers:
  - 1. Total allowed area. One and one-half square feet of total allowed sign area for each lineal foot of building frontage, up to a maximum total allowed area of 150 square feet. (5/94)
  - 2. Type, maximum number and size of signs. Within the total allowed area, one free standing sign per street frontage and an unlimited number of wall, canopy or projecting signs. Regardless of total allowed area, the free-standing signs shall be limited to a maximum of 100 square feet in area, shall not exceed one sign on each frontage, and shall be oriented to face the traffic flow on the street upon which then front. (5/98)
  - 3. Maximum sign height: (5/98)
    - a. Wall and canopy signs shall not project above the parapet or roof eaves. (5/98)
    - b. Free-standing signs: 20 feet. (5/98)

#### 4. Location: (5/98)

- a. Wall or projecting signs may project up to 2 feet from the building.
- b. Free-standing signs have no limitations except the signs shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (5/98)

#### B. Integrated Business Centers:

- Allowed area. For wall, canopy and projecting signs on individual businesses within an integrated business center, one and one-half square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business. The sign area of a projecting sign shall be calculated as a free-standing sign. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center. Free standing signs are permitted only as set forth below and in Section 2.308.08.C. (11/05)
- 2. On a Secondary Building Frontage, one wall sign shall be allowed, in addition to that listed above, at the rate of 0.75 sq ft per lineal foot of that portion of the building designated a Secondary Building Frontage, up to a maximum of 75 sq ft. (11/05)
- 3. Free-standing Sign. For each integrated business center, 1 free-standing sign per street frontage not to exceed 100 square feet in area. Free-standing signs shall not exceed one sign on each frontage and shall be oriented to face the traffic flow on the street upon which they front. (11/05)
- 4. Maximum sign height: (5/98)
  - a. Wall and canopy signs shall not project above the parapet or roof eaves. (5/98)
  - b. Free-standing signs: 20 feet. (5/98)

#### 5. Location:

- a. Wall or projecting signs may be located on any face of the building, except as provided in 2.308.08.B.4.b, and may project up to 2 feet from the building. (11/05)
- Wall signage located on a Secondary Building Frontage shall be limited to only one sign, limited in size as provided in 2.308.08.A.2.
   In no case may any signage derived on the primary building frontage be located on the secondary building frontage. (11/05)

- c. Free-standing signs have no limitations except the signs shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (5/98)
- C. Mixed Use Developments. Signs for developments containing a mixture of commercial and residential uses shall be subject to the following restrictions: (5/98)
  - 1. Non-commercial uses shall be subject to the provisions in Section 2.308.07. (5/98)
  - 2. Commercial-industrial uses shall be subject to the provisions for integrated business centers in Section 2.308.8.B. (5/98)
  - 3. Free-standing signs shall be subject to the provisions in Section 2.308.08.B.2. (5/98)
- D. Additional Signs. Within the limitations of this subsection, the signs below do not require a permit and are not included in calculating allowed area and number of signs. (5/98)
  - 1. Secondary Entrance. When a business has two public entrances, each on a separate building wall, there is permitted one additional wall sign not to exceed 10 square feet in area for the wall where the entrance is not the primary entrance. (5/98)
  - 2. Directional Signs pirectional signs, such as "Exit" or "Entrance", are allowed either as well or freestanding signs. Such signs shall be limited to 3 square feet in area and 2 per driveway. Free standing directional signs shall be limited to a height of 6 feet. (5/98)
  - 3. Menu Boards. Order signs describing products and/or order instructions to a customer, such as menu boards on the exterior of a drive-through restaurant are allowed as follows: one per business limited to 40 square feet in area and a maximum height of 8 feet. Any order sign greater than 10 square feet in area and/or 6 feet in height must be screened from adjacent streets by a sight obscuring fence, wall or hedge. (11/05)
- E. Signs for Temporary Businesses. Temporary businesses may display temporary or portable signs, other than trailer mounted reader boards or any sign that includes flashing or rotating lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. All temporary signs must be placed within 10 feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way. (5/98)
- F. Signs for Mobile Food Vendors

- 1. In addition to the signs allowed in Section 2.308.08(F)(2) below, Mobile Food Vendors shall be limited to 6 square feet of signage which can be displayed only during hours of operation and shall comply with the provisions within Section 2.308.05.M (1) thru (5) but exempt from the time limit provision. (07//17)
- 2. Signs painted upon or affixed directly to the Mobile Food Vendors are exempt from the Sign Code provisions, provided that no sign may protrude from or project above the roofline of the unit. All other signage must comply with the remaining provisions of Section 2.308. (07//17)
- 3. Property on which two or more Mobile Food Vendors are located shall comply with the remaining provisions within the Sign Code. (9/16)

### G. Special Commercial Signs

- 1. Home Occupation. Maximum area shall be 6 square feet and subject to the location provisions in Section 2.306.07. (5/98)
- 2. Residential Sales Office. Maximum area shall be 16 square feet and subject to the location provisions in Section 2.306.07. (5/98)
- 3. Bed and Breakfast. Maximum area shall be 16 square feet and subject to the location provisions in Section 2.306.07. (5/98)
- 4. Signs for stadiums in the IBP Zone. Notwithstanding any other regulations in this Chapter, in the IBP zone for stadiums with seating for not less than 4,000 persons, the following shall apply: (11/05)
  - a. Total allowed area. 760 square feet. (11/05)
  - b. Type, maximum number and size of signs. Within the total allowed area, one (1) free standing sign, and a total of no more than two (2) wall or canopy signs. Regardless of the total allowed area, the free standing sign shall be limited to a maximum of 680 square feet.
  - c. Maximum sign height: (11/05)
    - 1. Wall and canopy signs shall not project above the parapet or roof eaves. (11/05)
    - 2. Free standing sign maximum total height of fifty (50) feet.
  - d. Location:
    - 1. Wall signs may project up to 1.5 feet from the building. (11/05)

2. Free standing sign – no limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (11/05)

# 2.308.09 Conditional Uses

- A. Procedures. Applications for conditional use permits for illumination of non-commercial signs, or electronic message signs shall be processed according to the procedure set forth in Section 3.103 of this Ordinance. The criteria to be reviewed and applied in conditional use permit proceedings for illumination of non-commercial signs or electronic message signs are set forth in this Section. The criteria of Section 3.103 shall not be applied. (Ord 2008-581 10/2008)
- B. Decision Criteria. The following criteria shall be used to review and decide conditional use permit applications for the illumination of non-commercial and electronic message signs: (10/2008 Ord 2008-581)
  - 1. The proposed sign is located in an EG, P, IBP, CR, CO, MU, CM or a CG zone. (10/08)
  - 2. The proposed sign, when conditioned, will not either: a) significantly increase or lead to street level sign clutter, or b) lead to signs adversely dominate the visual image of the area. (10/08)
  - 3. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree. Electronic Message Signs that are proposed to be located in a P zone adjacent to residential areas shall include mitigation measures such as screening and buffering or other measures to mitigate any impacts onto adjacent properties. Electronic Message Signs proposed to be located in the P zone adjacent to residential areas shall only be illuminated between the hours of 6:00 AM and 11:00 PM and may only be changed once in a 24 hour period (100)/08)
  - 4. The proposed sign will not present a traffic or safety hazard. (5/98)
  - 5. If the application is for the illumination of non-commercial or electronic message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effect consisting of external lights, lamps, bulbs or neon tubes are allowed. (10/08)
    - Electronic Message Signs. Electronic Message signs must remain static and unchanging for a period no less than fifteen (15) minutes urther, the level of illumination must be limited in the following ways:
    - a. (A) An electronic message sign that contains a changeable display produced by light emitting diodes, incandescent or lowvoltage lamps or bulbs, or cathode ray tubes shall include automatic brightness compensation features to adjust brightness to compensate for the angle and ambient light conditions.

- b. No electronic message sign may be illuminated to a degree of brightness that is greater than 7,500 nits in the daytime and 1,000 nits between sunrise and sunset; provided that electronic message signs comprised solely of one color may not be illuminated to a degree of brightness exceeding the following illumination levels:
  - For a display comprised of red only, the degree of brightness shall not be greater than 3,150 Nits in the daytime and 450 between sunrise and sunset:
  - 2. For a display comprised of green only, the degree of brightness shall not be greater than 6,300 nits in the daytime and 900 nits between sunrise and sunset;
  - 3. For a display comprised of amber only, the degree of brightness shall not be greater than 4,690 Nits in the daytime and 670 nits between sunrise and sunset. (10/08)
- 6. The total allowed sign area for a business shall be reduced by 25% if the business has an electronic message sign. (10/08
- 7. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions. (5/98)

#### 2.308.10 **Variances**

- A. Procedure. Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Minor variances under Section 3.105.04 of this Ordinance shall not be allowed. Variances to this Section will be processed according to the procedures in Section 3.202.02 as a Type I-B procedure. The criteria in Section 3.105 shall not be used, but instead the following criteria shall be used to review and decide variance applications: (11/05)
  - 1. There are unique circumstances of conditions of the lot, building or traffic pattern such that: (5/98)
    - a. The existing sign regulations create an undue hardship; (5/98)
    - b. The requested variance is consistent with the purpose of this chapter as stated in Section 2.308.01; and
    - c. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter. (5/98)

- 2. The granting of the variance shall not: (5/98)
  - a. Decrease traffic safety nor detrimentally affect any other identified items of public welfare. (5/98)
  - b. Result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance. (5/98)
  - c. Be the result of a self-imposed condition or hardship. (5/98)

#### **2.308.11 Exemptions**

The following are exempt from the regulations of this Chapter, but may be subject to other regulations under this Development Code or other City regulations:

A. Public Art as defined by City Ordinance or Resolution.

# SIGN RESEARCH FOUNDATION EXECUTIVE SUMMARY

NIGHT-TIME BRIGHTNESS LEVEL RECOMMENDATIONS

FOR ON-PREMISE ELECTRONIC MESSAGE CENTERS





righter doesn't necessarily mean better. When electronic message centers (EMCs) are unreasonably bright, neither the business nor the community is well served.

"Night-time Brightness Level
Recommendations for On-Premise Electronic
Message Centers," expanded and re-released
in August 2016 by the International Sign
Association, explores scientifically researched,
easily understandable recommendations
for EMC brightness. The report was based
on research performed by noted lighting
expert Dr. Ian Lewin, past president of the
Illuminating Engineering Society (IES).

The most recent version of the report includes the recommended lighting level and model code language, more detailed information on measuring brightness levels with and without operational control, and several case studies.

Proper EMC brightness offers numerous advantages: It conserves energy; it increases the life expectancy of the electronic display components; it prevents glare and it ensures legibility of the display.

It's important to note that EMCs and digital billboards are not synonymous. Each has its own capabilities, purposes, intended audiences and regulations. This document refers only to on-premise EMCs that advertise goods and services available at that particular location. In addition, EMCs use a different lighting technology than most traditionally internally illuminated signs. As such, the recommendations in the report do not apply to other signs such as channel letter and exposed neon.

## **KEY TAKEAWAYS**

This report identifies three key takeaways from "Night-Time Brightness Level Recommendations for On-Premise Electronic Message Centers:"

FOR NIGHT-TIME VIEWING, IT IS RECOMMENDED THAT EMC'S NOT EXCEED 0.3 FOOT-CANDLES OVER AMBIENT LIGHTING CONDITIONS WHEN MEASURED AT THE RECOMMENDED DISTANCE, BASED ON THE EMC SIZE.

- EMCs are designed for legibility during daylight, but brightness settings tend to be inappropriate for night-time viewing.
- EMCs may be dimmed manually, through programmed schedules or through photocell technology for night-time viewing.
- Dr. Lewin recommends the development of brightness criteria based on the Illuminating Engineering Society's standards pertaining to light trespass, which involves determining how much light can trespass into adjacent areas without being offensive.

# NUMEROUS COMMUNITIES HAVE ADOPTED THE NEW RECOMMENDATIONS WITH GREAT SUCCESS.

- Columbus, Ohio, was receiving complaints about digital sign brightness. City planners explored brightness limits for on-premise and off-premise digital signs, as well as testing methods. Research included an ISA demonstration that showed the impact of different testing methods; one required getting up on a lift and shining a nit gun on the sign, while the other allowed testers to remain on the ground. The new code, based on measurement of footcandles, has significantly reduced administrative burden.
- Kitsap County, Washington, a transition county between the more rural part of the state and the city of Seattle, crafted regulations that brought stability and made it easy for businesses to convert existing static monument signs into electronic signs. But, they were not written in a way that would allow billboards to convert. ISA provided industry expertise and resources, including the recommended brightness levels.
- Sparks, Nevada, had outdated, less-than-explicit regulations for EMCs; they were also in lumens, which local officials had trouble measuring. As the community continued its rapid growth, the code went under revision, and measurement by both nits and foot-candles was explored. Choosing foot-candles resulted in the use of a simple light meter to measure brightness rather than guesswork.

# NIGHT-TIME BRIGHTNESS CAN BE MEASURED WITH OR WITHOUT OPERATIONAL CONTROL.

- With operational control, the steps include obtaining an illuminance meter; determining square footage; determining the measurement distance; preparing the display for testing; measuring EMC brightness with the illuminance meter; and ensuring that the display can adjust to different ambient conditions. As the display alternates between a solid white message and an "off" message, the tester should note the range of values on the illuminance meter. A reading of less than 0.3 foot-candles is compliant.
- If EMC brightness must be evaluated without access to the sign controls—or if the measurement must be taken after business hours—the process is different. Here, the tester measures the difference in brightness between the sign in operation and when completely blocked from the illuminance meter. The steps include obtaining an illuminance meter; determining square footage; determining the measurement distance; positioning testers with a piece of painted cardboard cut to proper size; using the illuminance meter; and determining the brightness level. If any reading exceeds the maximum brightness level, the sign is non-compliant.

# **FOOT-CANDLES VS. NITS**

More than 250 localities and many state departments of transportation have adopted the foot-candle measurement for EMCs rather than nits. Here's why:

| FOOTCANDLES                           | NITS   |
|---------------------------------------|--|
| MEASURES ILLUMINANCE                  | MEASURES LUMINANCE                               |
| ACCOUNTS FOR AMBIENT LIGHT CONDITIONS | MEASURES ONLY THE AMOUNT OF BRIGHTNESS EMITTED   |
| LUX METER MEASURING DEVICE: ~\$100    | LUMINANCE SPECTROMETER (NIT GUN): ~\$1,000       |
| "TWILIGHT" MEASUREMENT POSSIBLE       | DOES NOT ALLOW ADJUSTMENT BASED ON AMBIENT LIGHT |
| MEASURES LIGHT IMPACT AND APPEARANCE  | DOES NOT MEASURE APPEARANCE                      |
| WORKS WITH ROADWAY LIGHTING STANDARDS | DIFFICULT TO MEASURE ACCURATELY                  |
| EASIER TO CHECK AND ENFORCE           | DIFFICULT TO ENFORCE                             |

Read the full report Night-time Brightness Level Recommendations for On-Premise Electronic Message Centers (updated 2016) at: www.signs.org/EMCs

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## PHASE 1:

# On-Premise Electronic Message Center (EMC) Nighttime Dimming Research Review and State of the Practice Industry Survey

A Research Project Of The UNITED STATES SIGN COUNCIL FOUNDATION

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#### **Table of Contents**

| <u>Pag</u>  | <u>e</u> |
|---|----------|
| Background and Objectives1  |          |
| Sign Association Knowledge and Research Literature Review2                      |          |
| Overview2   |          |
| Lighting Levels for Highway Signs2  |          |
| Sign Associations: The USSC, ISA, and OAAA2                                     |          |
| Analysis4   |          |
| NEMA Standards for EMC5   |          |
| Measurement Area5   |          |
| Lighting Levels5  |          |
| ILE Guidelines6   |          |
| IESNA Guidelines and Recommended Practices6                                     |          |
| Recent Research Documents7  |          |
| Summary   |          |
| EMC Industry Survey10   |          |
| Conclusions12   |          |
| References  |          |
| Appendix A: State of the Practice Survey Instrument (Phone interview version)15 |          |
| Appendix B: State of the Practice Survey Instrument (Email-version)17           |          |
| Appendix C: Survey Participants19   |          |
| Appendix D: Summary of Survey Responses20                                       |          |
| Appendix E: Electro-matic Detailed Dimming Response27                           |          |

#### **Background and Objectives**

If an on-premise electronic message center (EMC) is not set at the appropriate light level for the given ambient brightness (i.e., the level of light around the sign), it will either be too dim, in which case it will not be optimally detectable or legible, or it will be too bright, reducing sign legibility because of overglow or blooming of the sign copy. The goal of this research was to develop appropriate EMC brightness and nighttime lighting level standards through a literature review of existing research and standards and a survey of the EMC industry.

Virtually all on-premise exterior EMC signs being installed today use light-emitting diodes (LEDs) as the source of illumination. LEDs are the current industry standard for the illumination of EMC signs, and it is likely that this will remain so until another technology is perfected that is tolerant to outdoor environmental conditions, sufficiently bright, and cost effective. The research reported here deals only with LED EMC applications, and only those LED EMCs used for on-premise signing; this publication does not deal with so-called "digital billboards" (i.e., off-premise or outdoor advertising EMCs). On-premise signage is an integral part of the wayfinding system that motorists use to safely navigate roadways (Kuhn et al., 1997), while billboards or off-premise signs are predominantly intended to advertise products or services.

The main objective of this research, hereinafter referred to as Phase 1 research, was to determine appropriate EMC brightness as a function of ambient light level (associated with either daytime and nighttime conditions), with particular emphasis on ensuring that these signs are bright enough in daylight and sufficiently dimmed at night and under dark daytime condition to optimize sign visibility. A related objective was to determine the metrics, methods, and procedures to be used to describe EMC lighting levels. To accomplish this, a review of the knowledge base maintained by the United States Sign Council (USSC) and the International Sign Association (ISA) was conducted, along with a review of recent research literature on modern (i.e., LED) EMC lighting levels, and a state-of-the-practice EMC industry survey.

The intended result of this research was an on-premise EMC brightness and nighttime lighting level standard, based on solid science and human factors engineering that would ultimately be incorporated into every EMC manufactured by reputable U.S. manufacturers, and written into local U.S. sign codes. However, as will become apparent, the research findings were not strong enough to support the development of standards that would optimize EMC lighting levels. The result of this report, therefore, includes a detailed proposal to conduct the additional research necessary to develop these standards.

#### Sign Association Knowledge and Research Literature Review

#### Overview

This section consists of a review of research and information related to on-premise EMC sign lighting level adjustment that has been created or funded by the two major U.S. sign associations, the United States Sign Council and the International Sign Association, along with the results of a literature review of recent research on current, modern EMC lighting. The latter includes any existing recommendations or proposed standards for on-premise EMC brightness. The reviews focused on three main questions:

- 1. How are EMC lighting levels best measured and reported?
- 2. What is the appropriate EMC brightness, given the ambient light level?
- 3. How much does an EMC need to be "dimmed," or the lighting level adjusted at night?

#### Lighting Levels for Highway Signs

Changeable message signs (CMS, the highway traffic control device equivalent of EMCs) are required by the Federal Highway Administration (FHWA)'s *Manual on Uniform Traffic Control Devices* to "automatically adjust their brightness under varying [ambient] light conditions" (USDOT, 2009). Two studies of CMS legibility for the FHWA (Dudek, 1991; Garvey and Mace, 1996) made precise photometric recommendations for dimming these signs based on human factors research. Garvey and Mace established a nighttime sign luminance of 30 cd/m² (also known as "nits") and 1,000 cd/m² for bright daytime viewing, while Dudek's nighttime luminance recommendations ranged from 30 to 230 cd/m². However, while these older studies provide useful brightness benchmarks and research methods for the development of appropriate CMS luminance levels, any modern standards for on-premise EMCs will have to be developed using current commercial sign technologies. Unfortunately, to date there have been very few published studies that have looked at this issue.

#### Sign Associations: The USSC, ISA, and OAAA

The United States Sign Council Foundation (USSCF), the International Sign Association, and the Outdoor Advertising Association of America (OAAA) have independently sponsored research to evaluate the brightness levels of commercial signs. The USSCF has mainly focused on the effects of sign lighting on traditional (i.e., non-EMC) on-premise sign visibility and safety. Most notable was a study to assess the possible impact of on-premise commercial sign lighting on light trespass and glare (Garvey, 2005), and its series of studies conducted by Penn State to compare various lighting technologies (Kuhn et al., 1999), compare the visibility of internally versus externally illuminated signs (Garvey et al., 2004; Garvey et al., 2010), and establish optimal nighttime brightness levels for internally illuminated signs (Garvey et al., 2008). In the 2008 study, the optimum average level of black-on-white sign brightness was 660 cd/m²

and in the 2010 study, an internally illuminated black-on-white sign set at about the same luminance levels (700 cd/m²) outperformed an identical externally illuminated sign.

The USSC's first venture into sponsoring EMC research was a literature review (Garvey and Pietrucha, 2005). While this report addressed numerous EMC issues, including color, size, dynamic display, font, safety, and research needs, it only briefly touched on the issue of EMC brightness and nighttime dimming. The two critical statements these researchers made related to this issue were:

- "Some manufacturers recommend a 50 percent voltage reduction from daytime to nighttime conditions, while others suggest that at night signs should be dimmed to 20 percent of daytime brightness."
- 2. "The European highway community has been attempting to derive standard optical test methods for CMS for decades, but they have been slowed down by, among other factors, rapidly changing technology. Currently, there are no photometric standards to specify what aspect of the sign should be measured."

The ISA recently sponsored a research project aimed at developing EMC brightness and measurement standards for on-premise sign use (Lewin, 2009). The same researchers conducted a related project for the OAAA for outdoor advertising signs (reported in Lewin, 2008). The ISA technical report (Lewin, 2009) is summarized as a document on the ISA website titled: *ISA Electronic Message Display Brightness Guide*. This document makes the following statements:

- "Dr. Lewin recommended the development of brightness criteria based on the Illuminating Engineering Society's (IES) well-established standards pertaining to light trespass."
- 2. "Footcandle [fc] measurements are taken with the sign displaying all white (maximum brightness) and then taken again with the sign switched off."
- 3. "If the difference is less than or equal to the Eye Illuminance Limit for the particular lighting zone where the display is located, then the display conforms to an appropriate brightness level."

An EMC illuminance of 0.3 fc (3.23 lx) was established. By knowing the measurement distance and the sign area, this can then be converted to EMC luminance (i.e., cd/m² or "nits"). Table 1 displays the distances that Lewin recommended for taking the illuminance reading of various size billboards (this is not for on-premise signs), and the resultant luminance standards. On average, the established illuminance level converts to approximately 300 cd/m² for all billboard sign sizes (Lewin, 2008). For on-premise signs, Lewin recommended three luminance levels depending on ambient lighting: 108 cd/m² for IES Lighting Zone 2; 323 cd/m² for Zone 3; and 861 cd/m² for Zone 4 (Lewin, 2009). Lewin, however, goes on to state: "Before adoption of these values, Lighting Sciences Inc. advises that field evaluations of EMC signs should be conducted to verify that such levels produce the desired attention-gathering legibility and public acceptance" [original italics].

Table 1. Recommended illuminance measurement distances and proposed luminance standards for various size billboards.

| Billboard Size | Billboard Dimensions (ft) | Measurement Distance (ft) | Luminance cd/m² |  |
|----------------|---------------------------|---------------------------|-----------------|--|
| Small          | 11 x 22                   | 150                       | 300             |  |
| Medium         | 10.5 x 36                 | 200                       | 342             |  |
| Large          | 14 x 48                   | 250                       | 300             |  |
| Very Large     | 20 x 60                   | 350                       | 330             |  |

#### **Analysis**

While Lewin states that EMC nighttime dimming has to allow for "adequate brightness for clear visibility," the basic premise behind his recommendations to both the OAAA and the ISA is that EMCs should not exceed the illuminance levels set in place by the IES to control for light trespass, even though, as Lewin wrote, "Digital signs are not the form of lighting that [the Illuminating Engineering Society of North America, IESNA's] TM-11-00 was developed to address. In fact, digital signs are specifically intended to be seen over a wide area, much of which may be remote from the sign itself" (Lewin, 2009). Lewin himself conducted no objective visibility studies to ensure that the recommended levels resulted in "adequate brightness for clear visibility," stating only: "By experience and through field evaluation [by Dr. Lewin's and ISA's staff members], luminance levels of this order have been found to produce highly acceptable legibility, conspicuity and visibility, while avoiding over-brightness" (Lewin, 2009) [original italics].

Furthermore, the selection of an illuminance (fc) metric to define appropriate sign lighting level is a questionable decision. While it is true that illuminance meters are a good deal less expensive than luminance meters, the latter have several advantages over the former:

- 1. Luminance is independent of sign size and viewing distance, so, unlike with illuminance, it would not be necessary to know the sign area or establish "somewhat arbitrary" measurement distances (Lewin, 2009) when taking field measurements.
- 2. Luminance, not illuminance, is the photometric equivalent of brightness and therefore is the metric associated with sign visibility.
- 3. Luminance meters are not affected by changing ambient light such as vehicle headlamps, while illuminance meters are.
- 4. Depending on the level of ambient light, illuminance meters may not be sensitive enough to distinguish between measurements taken with the "sign on" and the "sign off."
- 5. Luminance is the standard used by EMC manufacturers in specifying sign lighting levels.
- 6. Both IESNA and the International Commission on Illumination (Commission internationale de l'éclairage, or CIE) specify road sign lighting in terms of luminance values (Wachtel, 2009).
- 7. According to 3M: "luminance is the best measure available to judge relative sign brightness" (from Wachtel, 2009).

#### NEMA Standards for EMC

In 2005, the National Electrical Manufacturers Association (NEMA) Standards Publication TS-2005, "Hardware Standards for Dynamic Message Signs (DMS) with NTCIP Requirements," was published (NEMA, 2005). This document provides consensus standards for the luminance of DMS and their measurement that are consistent with the techniques and findings of earlier FHWA research conducted on CMS (Garvey and Mace, 1996) and are the standards used by the FHWA for highway CMS. While designed for highway signs, they can be applied to on-premise EMCs (not all EMC applications are "commercial"—many are at schools, municipalities, hospitals, etc.).

#### Measurement Area

When taking a luminance reading of a sign, "the whole of the optical test area must be fully populated with elements, must be a minimum size of  $100 \times 100$  mm, and must contain at least 5x5 = 25 elements" (NEMA, 2005). This is illustrated in Figure 1.

#### **Lighting Levels**

The standard states that DMS "shall control pixel illumination with an automatic dimming system. The system shall adjust the light output to predefined brightness levels in accordance with ambient light conditions." Tables 2 and 3 contain NEMA's minimum and maximum sign luminance values for light-emitting signs (e.g., LEDs) as a function of ambient illumination from bright daylight (40,000 lx) to nighttime (less than 4 lx). Table 2 shows this for signs set on all white, and Table 3 shows these values for monochromatic "red" signs.

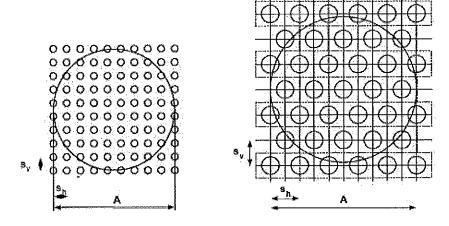


Figure 1. Positioning of the test area for EMC luminance measurement (NEMA, 2005)

Table 2. Recommended sign luminance (cd/m²) as a function of ambient illuminance (lx) for white EMC (NEMA, 2005).

| Sign Illuminance (lx)    | Minimum | Maximum |  |
|--------------------------|---------|---------|--|
| 40,000 (bright daylight) | 12,400  | 62,000  |  |
| 4,000                    | 2,200   | 11,000  |  |
| 400                      | 600     | 3,000   |  |
| 40                       | 250     | 1,250   |  |
| Less than 4 (nighttime)  | 75      | 375     |  |

Table 3. Recommended sign luminance (cd/m²) as a function of ambient illuminance (lx) for monochromatic red EMC (NEMA, 2005).

|                          | Recommended Sign Luminance (cd/m²) |         |  |
|--------------------------|------------------------------------|---------|--|
| Sign Illuminance (lx)    | Minimum                            | Maximum |  |
| 40,000 (bright daylight) | 3,100                              | 15,500  |  |
| 4,000                    | 550                                | 2,750   |  |
| 400                      | 150                                | 750     |  |
| 40                       | 63                                 | 313     |  |
| Less than 4 (nighttime)  | 19                                 | 94      |  |

#### **ILE Guidelines**

While not specifically addressing EMCs, the Institution of Lighting Engineers (ILE) published guidelines for "establishing suitable levels for illuminated advertisements" and field measurement procedures to ensure that the signs comply with the established sign luminance guidelines (ILE, 2001). The measurement procedure specifies using a luminance meter with a 1.0-degree aperture, taking the readings at night, and ideally at right angles to the sign face and "a distance appropriate to the measuring field." The recommended maximum luminance levels were not based on sign visibility, but rather (like Lewin's research) on environmental zones and sign size. The goal was to establish an "acceptable degree of subjective brightness" that "can be achieved without detrimental effects to amenity and public safety." Smaller signs (up to 10 m²) are allowed luminance levels of 100, 600, 800, and 1,000 cd/m² for zones 1-4 respectively and larger signs 300, 600, and 600 cd/m² for zones 2-4 (assuming that no larger signs would be allowed in zone 1).

#### IESNA Guidelines and Recommended Practices

In the 1990s and early 2000s, IESNA published a number of guidelines and recommended practices for sign lighting (IESNA, 2001) and its measurement (IESNA, 1998), including commercial signs (IESNA, 1993). Unfortunately, these documents are not applicable to the establishment of modern EMC daytime lighting levels, nighttime dimming, or photometric measurement.

#### Recent Research Documents

Rensselaer Polytechnic Institute's Lighting Research Center was hired by NYSDOT to measure the luminance of standard static billboards (RPI, 2008). The purpose of this was to establish baseline maximum luminance levels that could then be applied to electronic billboards. The results were daytime and nighttime luminance maximums of 5,000 and 280 cd/m², respectively. In the process, RPI also established measurement techniques that could be used on both static and electronic billboards. These are very similar to those recommended by NEMA (2005) and ILE (2001):

- Take measurements at right angles to the sign.
- Luminance meter should have 1 degree or smaller aperture.
- Measure from approximately 50 ft from the sign (a 1-degree aperture will capture a 10-inchdiameter portion of the sign at this distance).
- Take measurement while the sign display is "white."

In 2009, Australia's Queensland Government published a guidance document for "roadside advertising" (Queensland Government, 2009). Although the document specifically stated: "Guidelines for the management of Category 1 electronic billboard Advertising Devices are currently under development," it did establish maximum nighttime luminance levels for illuminated advertising in general. The authors note: "The maximum luminance levels ... were determined following field investigations." The maximums were again based on environment zones, with maximum sign luminance in zone 1 = 500 cd/m²; zone 2 = 350 cd/m²; and zone 3 = 300 cd/m². (They define "environment zones" in the reverse order of the IES and ILE, with zone 3 being low levels of ambient light and zone 1 being high.) The luminance measuring methodology is close to that recommended by RPI and others; however, because it was developed for static billboards, it is not reproduced in this document.

Jerry Wachtel (2011) published a paper that addressed digital billboards (DBBs) and traffic safety. Wachtel discussed the automatic "moth effect" related to the attraction of the human eye to bright lights, and the placement of billboards where they will attract the greatest driver attention (e.g., intersections, horizontal curves, etc). Wachtel also discussed possible increased distraction related to more advanced DBB technology available now, or on the horizon, including: personalized messages, interactive displays, facial recognition, and automatic license plate recognition. He also provides recommendations on how to design and place DBBs so they will be minimally distracting to drivers. These are:

- 1. Control the Lighting The author recommended "adopting a measurement protocol and setting an upper luminance."
- 2. Lengthen Dwell Time The author recommended ensuring "that no motorist will see more than one message change."
- 3. Keep it Simple The author recommended ensuring "minimum standards of legibility" and reducing complexity of the message.
- 4. Prohibit Message Sequencing on a single sign, or an array of signs.



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