



KEIZER PLANNING COMMISSION MEETING AGENDA

Wednesday, September 13, 2017 @ 6:00 p.m.

Keizer Civic Center Council Chambers

1) CALL TO ORDER

2) APPROVAL OF MINUTES – August 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) CONTINUATION OF PUBLIC HEARING: Text Amendment:
Section 2.308 Signs**

5) NEW-OLD BUSINESS/STAFF REPORT

6) COUNCIL LIAISON REPORT

7) COUNCIL REPRESENTATIVE: Josh Eggleston – September 18 (First draft of Minutes will NOT be available. Notes should be taken at the meeting for the report.)

8) ADJOURN

Next Meeting ~ October 11, 2017

2017-8 Work Plan

- | | |
|---|--|
| 1. Future Planning – Growth Management | being represented by attorneys |
| a. Urban Transition (UT) Zone | 4. Transportation Planning |
| b. Downtown Plan | 5. Section 2.306 – Storm Drainage |
| c. Section 2.118 (UT) | 6. Section 2.126 Resource Conservation |
| d. Policy choices (UGB amendment) | Overlay Zone |
| 2. Section 2.315 - Design Review | 7. Section 2.110.05.C Overlay Zone |
| 3. Clarification regarding corporations | 8. Master Plan |

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**KEIZER PLANNING COMMISSION
MEETING MINUTES
Wednesday, August 9, 2017 @ 6:00 pm
Keizer Civic Center**

CALL TO ORDER

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

ROLL CALL:

Present:

Hersch Sangster, Chair
Kyle Juran, Vice Chair
Josh Eggleston
Michael DeBlasi
Jim Jacks
Garry Whalen

Absent:

Jerry Crane

Council Liaison:

Marlene Parsons

Staff Present:

Nate Brown, Community Development Director
Shane Witham, Associate Planner
Shannon Johnson, City Attorney

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

APPEARANCE OF INTERESTED CITIZENS: None

PUBLIC HEARING: Section 2.308 – Signs

Chair Sangster opened the Public Hearing.

Community Development Director Nate Brown explained that the changes are due in part to the Supreme Court decision in Reed vs. Gilbert which requires all sign codes to be content neutral. Staff has gone through the Code to identify anything in opposition to that instruction. He explained that the Sign Code is complex and ingrained in the business community. Every adjustment has ramifications, but the main objective of any Sign Code is identification of place, balanced visual access to the public, fairness and equity, and uniform enforcement. What is proposed preserves the goals, ideals, aesthetic standards, fairness to businesses and enforceability.

Senior Planner Shane Witham noted that staff feels the Keizer Sign Code is not 'broken' but is aware of the struggles of equitable enforcement. He pointed out the bullet points in his staff report and noted that there are parts of the Sign Code that do not make sense because it was adopted before the Development Code. He cautioned the Commission about loosening something with the idea of coming back to tighten it up later because once regulations are loosened it is difficult to go back again.

Mr. Brown and Mr. Witham then spent considerable time explaining various aspects of the changes including portable signs, feather signs, temporary signs, real estate signs, electronic message signs and methods for tracking how long a sign is on display.

Jonathan Thompson, Keizer, speaking for the Chamber Board, voiced general support for the changes and asked that signs be required to be unbroken and clean, sign requirements be kept simple and fees kept low, and that the length of time for electronic message signs be dropped from 15 minute intervals to the national standard of 8 seconds. This would make it easier for businesses to incorporate public service messages into their business messages.

Justin Briley, owner of Keizer Mart, explained that his business has unique challenges because of trees that block the signage and sharing sign space with other businesses in the complex. Mr. Witham explained the changes that would be beneficial to Mr. Briley's business. Mr. Brown added that the landlord has promised to have a dialog with him to address these difficulties.

Discussion followed regarding geometric figures, electronic message signs, non-conforming signs, amortization, abandoned signs, development signs, window signs, secondary building wall signage, vehicle directional signs vs. incidental signs, elections signs and measurement of lighting. Mr. Brown pointed out that one of the proposed amendments is to shorten the message board change frequency from 15 minutes to 60 seconds. Commissioner Juran noted that Keizer is a small community with a small business district and he was not in favor of mimicking Salem with an 8 second change time on electronic message boards.

Bob Shackelford, incoming president of the Keizer Chamber of Commerce, explained that many signs look like they are filling a window but they are actually mesh sunshades. He expressed a pet peeve about shrubs and trees and suggested that some trimming be done.

Chair Sangster continued the public hearing to the September meeting.

NEW/OLD BUSINESS/STAFF REPORT: Mr. Brown reported that there is a lot of activity in Area A of Keizer Station. Permits have been pulled for Café Yum and Hop Jacks Brew Pub. The hotel is out of the ground and with workers working diligently. Discussions are underway with the property owner adjacent to Keizer Permanente to do another building. Work continues with the proponent of a theater at Area B. He added that the City still does not have a contract for the Transportation and Growth Management Grant consultant which gives him concern on how long it will take to accomplish anything. The plan is to look at the overlay zone and explore its effectiveness as well as to look at the entire corridor and explore how to incorporate more mixed use development and make better use space.

COUNCIL LIAISON REPORT: Councilor Parsons reported that Council had given approval for Safeway to build a 425 square foot building in conjunction with a fueling station, and approved the \$4 parks and public services fees, Keizer Station Area B amendment, the parking amendment in the Development Code and the

change of operation times for marijuana retail facilities. She reminded everyone of the upcoming eclipse event, noted that smoking will be allowed only in paved areas and vehicles in parks, and reviewed the concert schedule at Keizer Rapids Park for that weekend.

COUNCIL REPRESENTATIVE: Commissioner Eggleston was unable to report to Council. Since no action was taken at this meeting Mr. Brown volunteered to report to Council.

ADJOURN: The meeting adjourned at 8:00 pm.

Next Meeting: September 13, 2017

Minutes approved: _____

TO: PLANNING COMMISSION

THRU: NATE BROWN, COMMUNITY DEVELOPMENT DIRECTOR

FROM: SHANE WITHAM, SENIOR PLANNER

DATE: September 6, 2017

SUBJECT: Proposed text amendment – Section 2.308 (Signs)

Attachments:

- **Section 2.308 (Signs) – draft**
- **Table outlining proposed changes/impacts/options**

DISCUSSION:

The public hearing on the proposed changes to KDC Section 2.308 (Signs) was carried forward from the August 9th Planning Commission meeting to allow for additional input and testimony to be provided regarding the matter. No additional testimony has been received, but there is still a considerable amount of legal analysis that must be done prior to adopting any of the proposed changes. These issues primarily revolve around the ramifications of the Reed v. Town of Gilbert Supreme Court case—and its applicability in Oregon, as well as the out of date amortization language proposed to be eliminated. Staff does not feel the specific language of these unresolved issues necessarily need to be finalized to make a recommendation to Council, but rather direct the legal department to modify the sign code language appropriately to reflect the policy directions given.

Staff has prepared a table for the Planning Commission's consideration in order to generate discussion regarding the specific proposed changes to the sign code. Staff would like to obtain direction from the Planning Commission regarding these specific policy considerations, and ultimately, a recommendation from the Planning Commission to forward to City Council.

RECOMMENDATION:

That the Planning Commission: close the public hearing, deliberate, provide policy direction, and direct staff to come back with final language for Planning Commission's consideration.

OLD TEXT	PROPOSED TEXT (change)	IMPACT OF CURRENT PROPOSAL (PROS/CONS)	OPTIONS TO CONSIDER
<p><u>Amortization/Non-conforming Language:</u> Establishes May 1997 as a timeframe for bringing non-conforming signs into compliance</p>	<p>Elimination of most of the “amortization” language as it is out of date. Proposes to treat signs which currently exist and are non-compliant as “non-conforming”.</p>	<p>Allows existing non-compliant signs to remain indefinitely - unless modified (only face changes allowed)</p> <p>Limits City’s enforcement options (makes non-compliant signs legal/non-conforming)</p>	<p>Maintain existing amortization language</p> <p>Update timeframe for compliance/amortization language</p> <p>Staff recommends deferring to the legal department</p>
<p><u>Election Signs:</u> Allows unlimited “election” signs 45 days prior to and 7 days after an election.</p>	<p>Eliminate “election sign” category based on Reed v. Town of Gilbert Supreme Court Decision</p>	<p>Problematic since no distinction can be made.</p> <p>No additional signs allowed during elections.</p> <p>Individuals could choose to place election signs instead of other portable advertising signs</p> <p>Significant enforcement impact</p> <p>Perception of “free speech” rights being violated - unable to support more than one candidates or measure.</p>	<p>Allow unlimited portable signs during election timeframe.</p> <p>Allow a specific # of portable signs during election timeframe</p> <p>Special Event Permit would allow 2 weeks</p> <p>Make no change</p>

<p><u>Real Estate Sign:</u> Allows a real estate sign in addition to other portable/temporary sign provisions. (6 sqft for residential, 16 sqft for commercial properties)</p>	<p>Eliminate “real estate sign” category based on Reed v. Town of Gilbert Supreme Court Decision</p>	<p>Will not allow a real estate sign in addition to other portable signs (no distinction)</p> <p>No portable signs allowed greater than 6 square feet except by permit (Comm'l real estate issue)</p>	<p>Special Event Permit – for Comm'l, but could be used for any type of sign</p> <p>Make no change</p>
<p><u>Window Signs.</u> For commercial or industrial buildings, signs painted or hung on the inside of windows.</p>	<p>Cover no more than 50% of the surface area of the window in which they are hung.</p>	<p>Enforcement Issues-time consuming, upset business owners</p> <p>Many businesses will be in violation of the proposal</p>	<p>Make no change and keep text as it has been</p>
<p><u>Portable / Temporary Signs.</u></p> <p><u>Portable Signs:</u> 50 foot separation, 1 per lot, 120 day time limit, does not include wind feather signs</p> <p><u>Temporary Signs:</u> Includes wind feathers, 1 per lot, 120 day time limit</p>	<p><u>Portable Signs:</u> 10 foot separation, 1 per business/storefront, no time limit, includes wind feathers</p> <p><u>Temporary Signs:</u> Includes only banners or signs attached to a building, 1 per storefront, 120 day time limit</p>	<p>Overall – possibility of more portable signs</p> <p>Easier to enforce(no time limit)</p> <p>Equity for business community (1 per business)</p> <p>More advertising for businesses (no time limit)</p>	<p>Adjust separation requirement to what PC deems as appropriate</p> <p>Increase/decrease size allowance for portable and/or temp signs</p> <p>Maintain existing time limit or modify time limit</p>
<p><u>Electronic Message Signs:</u> must remain static and unchanging for a period no less than 15 minutes for commercial (24 hours for public)</p> <p>Illumination standards are based on NITS</p>	<p>Electronic Message signs must remain static and unchanging for a period no less than 60 seconds.</p> <p>No change is proposed, but Staff would like to modify the standards for illumination to be consistent with Salem (foot candles)</p>	<p>More messages</p> <p>Changing to foot candles may be easier to measure, and will provide consistency within the business community</p>	<p>Longer/Shorter duration for change.</p> <p>Make no changes</p> <p>Keep NITS as illumination measurement regardless</p>

<p><u>Secondary Frontage:</u> Allowance for secondary frontage sign in an integrated business center when a building has more than one street frontage</p>	<p>Allow in non-integrated business centers as well.</p>	<p>Equitable/fair for all business types</p>	<p>Make no changes</p>
<p><u>“Grand openings” or other special occasions.</u> Currently there is no allowance for businesses to display oversized/multiple temporary or portable signs</p>	<p>Special Event Permits - Allowance for 2 different types of permits:</p> <p><u>1st Type of Permit:</u> 2 week time period (2x/year) - allows any combination of oversized banners & multiple portable signs</p> <p><u>2nd Type of Permit:</u> 120 days(renewable) – allows 1 oversized portable sign no larger than 16 square feet.</p>	<p>Responds to chamber and business community request for options for special advertising (ex: Bonaventure)</p> <p>Possibility of lots of portable/temp signs for 2 week timeframes</p> <p>Permit process will require tracking and enforcement = impact to staff resources</p> <p>Provides option for a “grand opening” or other special event</p> <p>Provides option for getting around Reed/Gilbert to allow commercial real estate signs (or any other portable sign) up to 16 square feet in area</p>	<p>Place additional side boards on permit allowance such as:</p> <p><u>Max Temporary Sign size</u></p> <p>- not to exceed allowance of permanent signage, or a specific square footage.</p> <p><u>Max # of Portable signs</u></p> <p>-Either a number (10,20,?) or subject to spacing requirements (10 feet apart)</p> <p>Increase/Decrease proposed timeframes</p> <p>Make no change/do not allow a special occasion permit</p>

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)

Alteration or Altered: 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.

The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a standard 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 sum of the geometric figures 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 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)



Sign Area

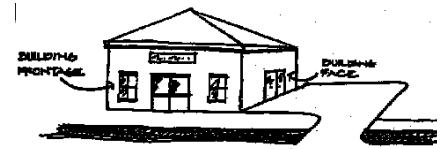


Awning Sign

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)

Building Frontage, Primary: 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

Building Frontage, Secondary: 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)

Construct: 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)~~



Canopy Sign

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)

Finish Ground Level: 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)



Free-Standing Sign

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

Free-Standing Sign: A permanent 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)

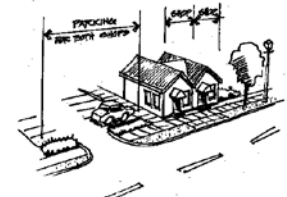
Incidental Signs: A sign that is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)



Indirect Illumination

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)



Small Integrated Business Center

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

~~Joint Use Sign: When two or 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)

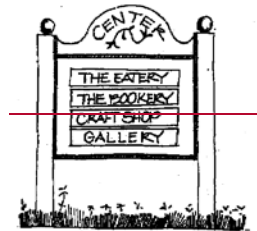
Multi-faced Sign: A sign which has two or more identical sign faces, contained in a single sign structure. (5/98)



Large Integrated Business Center

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)



Joint-Use Sign

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)



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)



– Portable Signs

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 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)

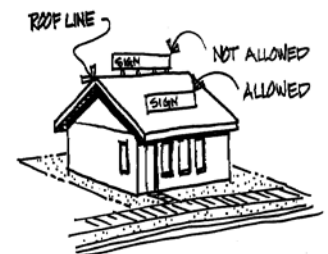


Projecting Sign

Projecting Signs: 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.)

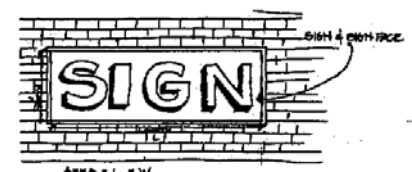


Roof Line and Roof Sign

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)

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)

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

Sign Height: 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)

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

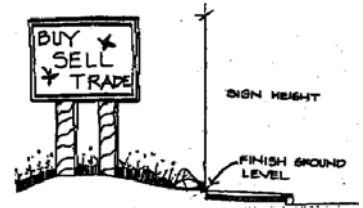
Street Frontage: That portion of a property that abuts a paved street right-of-way and measured by the lineal distance of the property adjacent to such right-of-way. (5/98)

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

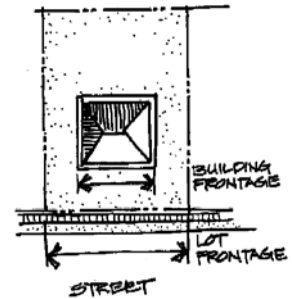
~~Temporary Sign: A sign not permanently affixed to a structure on a property. A sign that is, or is similar to, a banner or wind feather sign which may be made of canvas, cloth, rigid plastic or paper, or vinyl. (12/10)~~

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.

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)



Sign Height



Street Frontage



Temporary Sign



Wall Sign

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 ~~Uniform the~~ 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, portable signs, 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~~No 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., w~~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. (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 ~~30~~120 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 n~~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 be display~~ed 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-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. (12/10)~~
- M. Portable Signs. Portable ~~signs may be displayed for a maximum of 120 days in any calendar year, and a~~signs 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: (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)~~

~~2.1.~~ 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

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. Signs in the public right of way/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.

2.308.07 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. (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 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)

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.

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 they ~~are~~ 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:

1. 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)
 - 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. Vehicle Directional Signs. Vehicle 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 S~~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

cumulative size of all such signs may not exceed 32 square feet. All temporary business 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 multiple 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: (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. (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)

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) seconds~~minutes. 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 low-voltage 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. (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. (3/14)