

ORDINANCE BILL NO. 8 FOR 2010

ORDINANCE NO. 1222

AN ORDINANCE AMENDING SWEET HOME CODE CHAPTER 17.96 - SIGNS, REPEALING ORDINANCES NO. 898 AND NO. 935.

WHEREAS, the current sign regulations have become dated; and,

WHEREAS, legal decisions made since the enactment of the current codes make some parts invalid; and,

WHEREAS, the enforcement sections of the current code are not consistent with current code enforcement processes; and,

WHEREAS, the community has a new emphasis on economic development; and,

WHEREAS, the Planning Commission held a public hearing on September 6, 2010 and reviewed and commented on the proposed amendment; and,

WHEREAS, the City Council has held a public hearing on the proposed codes.

NOW, THEREFORE, THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. Sweet Home Municipal Code Chapter 17.96 - Signs is adopted, as attached to this Ordinance, based on the Findings of Fact as presented in the staff reports and testimony received by the Sweet Home City Council after holding a public hearing on September 23, 2010, October 12, 2010, and October 26, 2010.

Section 2. Ordinance NO. 898 for 1983 and Ordinance NO. 935 for 1985 are hereby repealed.

PASSED by the City Council and approved by the Mayor this 14th day of December, 2010.



Mayor

ATTEST:



City Manager - Ex Officio City Recorder

Chapter 17.96

SIGNS

Sections:

- 17.96.010 Purpose.
- 17.96.020 Definitions.
- 17.96.030 General standards.
- 17.96.040 Design and construction.
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- 17.96.060 Exemptions.
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- 17.96.090 Prohibited signs.
- 17.96.100 Signs in residential zones.
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17.96.010 Purpose.

The purpose of this Chapter is to provide reasonable and necessary regulations for the design, construction, placement and maintenance of signs to protect the public health, safety and general welfare of the community. The regulations allow a variety of sign types and sizes. The sign standards are intended to allow for signs with adequate visibility to adjacent streets, but not necessarily to streets farther away.

The regulations for signs have the following specific objectives:

- A. To ensure that signs are designed, constructed, installed and maintained to ensure public and traffic safety and enhance the appearance of the City.
- B. To reflect and support the desired character and development patterns of the community.
- C. To provide for adequate and effective signs without dominating the visual landscape.
- D. To balance the needs of business with the desire to preserve and enhance the visual character of the City.
- E. To allow clear visibility of traffic signs and signal devices, pedestrians, driveways, intersections and other necessary clear vision areas.

17.96.020 Definitions.

Abandoned sign means a sign structure with a display surface associated with a use of a property that has ceased for a period of at least six months.

Altered means the modification of the size, shape, or height of a sign, including the replacement of the display surface materials with other comparable materials and the sign structure. This does not include normal maintenance and repair of an existing sign.

Awning means a permanent roofed structure which may be free-standing or partially attached to a building for the purpose of providing shelter.

Clearance means the distance measured from the highest point of the grade below the sign to the lowest point of the sign.

Curb Line means the face of the curb that delineates the roadway line from block to block, excluding pedestrian and parking bulb outs.

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

Erect means to build, construct, attach, place, suspend or affix, including the painting of wall signs.

Height means the distance measured from the highest point of the natural grade below the sign to the highest attached component of the sign.

Illuminated means a sign that contains or consists of lights or a light source including the following;

Exposed illumination means a light source that is seen such as neon, fiber optics, LED, bare bulbs, or similar light sources.

External illumination means an external light source directed to illuminate the exterior surface of the sign.

Internal illumination means a source of illumination from within a sign..

Marquee means a permanent roofed structure attached to and supported by the building and projecting over public property.

Mural means artwork on the inventory of and under the ownership of the Sweet Home Active Revitalization Effort (SHARE) - Mural Committee, a part of the Sweet Home Economic Development Group (SHEDG).

Natural Grade means the elevation of the original or undisturbed natural surface of the ground.

Nonconforming Sign means a sign lawfully existing at the time this Chapter becomes effective which does not conform to the requirements of this Chapter.

Permanent means any sign intended to be used for a period greater than 60 days.

Sign means any object or device or part thereof that is used to advertise or identify an object, person, institution, organization, business, product, service, event or location by means including words, pictures, graphics, logos, symbols, colors, motion, illumination or projected images.

Sign Structure means any structure which supports a sign.

Work of Art means a work made and/or valued primarily for an artistic rather than practical function.

17.96.030 General standards.

- A. It is unlawful for any person to erect, repair, alter, relocate or maintain within the City, any sign except as provided in this Chapter.
- B. Signs shall not be attached to an approved sign without permits to ensure compliance with this Chapter.

- C. Signs, along with their supports, braces, guys, anchors and electrical equipment, shall be kept fully operable, in good repair and maintained in a safe condition.
- D. The display surfaces of signs shall be kept clean and legible.
- E. Signs which do not conform to this Chapter but which existed and were maintained as of the effective date of the ordinance codified in this Chapter shall be considered non-conforming signs.
- F. Any nonconforming sign that is altered or relocated shall immediately comply with all provisions of this Chapter.
- G. Sign area includes the area within a perimeter enclosing the limits of words, pictures, graphics, logos, symbols, colors, motion, illumination or projected images used to advertise or identify an object. The area of a sign with no such perimeter or the area of a sign with irregular shape shall be computed by enclosing the surface area within a known geometric size or shape. The measurable area shall not include the essential sign structure, foundations, supports, pole covers, or decorative roofing provided there is no advertising copy, symbols or logos present.

17.96.040 Design and construction. Signs shall be designed and constructed to comply with the provisions of this Chapter and of Building Codes, as adopted in Sweet Home Municipal Code Title 15 for the use of materials, loads and stresses. Illuminated signs may require an electrical permit that must be obtained from the appropriate governmental agency, currently the Linn County Building Department.

- A. All signs are subject to Sweet Home Building Inspection Program permit or a Zoning Permit, unless specifically exempted by this Chapter.
- B. Where a permit is required, construction documents shall include a site plan and show the dimensions, material and required details of construction, including loads, stresses and anchors.
- C. Signs shall be designed and constructed for wind and seismic load and working stresses to meet Building Codes.
- D. LED signs shall have photocell(s) that dim to 50 percent levels during the night hours.
- E. Guy wires are permitted for support of a sign only in instances in which no other means of safe support exists.
- F. Trusses and frames which support signs, excepting sandwich board signs, will be enclosed with the supporting structures constructed as a part of the continuation of the sign.

17.96.050 Types of signs.

- A. **Awning Sign:** Any sign that is displayed on or is a part of a fabric, metal or other structural awning material supported entirely from the exterior wall of a building.
- B. **Directional Sign:** An on-premise sign designed to be read by a person already on the premises and used only to identify and locate an office, entrance, exit, telephone or similar place, service or route.
- C. **Double Faced Sign:** When two display surfaces supported by the same sign structure are placed back-to-back, or the distance between each sign face does not exceed two feet at any point, the display surfaces shall be regarded as a single sign.

- D. Flexible Sign: A windsock, flag, pennant, streamer, banner or similar sign or structure that identifies the building or the business and/or attracts attention to the business and is constructed of cloth, canvas or similar material.
- E. Group Sign: A sign identifying a group of businesses located on the same property, such as a shopping center shall be considered independent of the permitted sign area for the individual businesses.
- F. Household Sign: A sign placed at a single family residence identifying the occupants.
- G. Marquee Sign: A sign placed under a marquee or awning.
- H. Projecting Sign: A sign that projects from and is supported by a wall of a building or structure and perpendicular or nearly perpendicular to the structure or wall.
- I. Reader Board: A sign designed so that the message may be changed by removal or addition of specially designed letters that attach to the display surface of the sign.
- J. Sandwich Board Sign: A temporary sign of A-frame construction, usually two sided, designed for placement on the sidewalk in front of a place of business.
- K. Temporary Sign: Any sign, regardless of construction material, which is not permanently mounted.
- L. Wall Sign: A display surface attached flat onto a building or structure.
- M. Window Sign: A sign placed in or on a window or glass door in a building.

17.96.060 Exemptions.

- A. The following are not included as signs:
 1. Flags of nations, states, and cities.
 2. Window displays that are not signs.
 3. Works of art.
- B. Signs exempt from the Building Inspection Program permits include the following:
 1. Signs painted directly on a structure. The Planning Office will issue a sign permit for these signs.
 2. Signs erected by a transportation authority.
 3. Signs under two and a half (2.5) square feet in area.

17.96.070 Marquee signs. No part of a sign located under a marquee or awning shall project more than twelve (12) inches below the marquee or awning and shall be at least eight (8) feet above grade.

17.96.080 Temporary signs.

- A. Temporary signs in a residential zone must be removed within 60 days of being placed on a property.
- B. Temporary signs may not be located on private property without consent of the property owner or their agent.

17.96.090 Prohibited signs. No sign shall be constructed, erected or maintained that:

- A. Intends to be, is an imitation of, or resembles an official traffic sign or signal.
- B. By reason of its size, location, movement, content, coloring or manner of illumination:
 1. May be interpreted as a traffic control device,

2. Blocks from view any traffic signal or street sign, or
 3. May pose a hazard to pedestrians or vehicular traffic.
- C. Is affixed to a utility pole without special approval from City Council and the appropriate utility.
 - D. Is affixed to a mural.
 - E. Is attached to or painted on vehicles visible from the right-of-way unless the vehicle is used for transport in the normal day-to-day operations of a business.
 - F. Is illuminated by flashing, chasing, intermittent effects or that has any movement or animation that may create a safety hazard.
 - G. Projects any sound that may create a safety hazard.
 - H. Shines directly into any adjacent residential quarters or onto vehicle drivers.
 - I. Obstructs any fire escape, window, door or opening used as a means of egress.
 - J. Prevents free passage from one part of a roof to any other part of the roof or any opening required for ventilation.
 - K. Substantially obstructs the view of a sign on adjoining property when viewed from a distance of 200 feet at any point four (4) feet above the grade of the traffic lane closest to the street property line.

17.96.100 Signs in residential zones. In an R-1 and R-2 zone, the following signs shall be allowed:

- A. A household sign not exceeding six (6) inches by eighteen (18) inches in size, is not illuminated and is located entirely within the property lines of the lot.
- B. The maximum square footage of signs in a residential zone shall not exceed 60 square feet.
- C. Neighborhood organizations may place signs on private property with owner approval, provided that the sign does not exceed eighteen (18) inches by twenty-four (24) inches in size, and is not illuminated.
- D. Commercial and professional uses and residential care facilities allowed in a residential zone may have one of the following principal signs:
 1. One monument or ground-mounted sign with up to thirty-two (32) square feet of sign area and a maximum of five (5) feet in height, or
 2. Signs attached to the structure not to exceed a maximum combined sign area of twelve (12) square feet for each principal use in the building.
- E. Multi-family dwellings and subdivisions may have two monument or ground-mounted signs up to a total of thirty-two (32) square feet of sign area and a maximum of five (5) feet in height located at the principal entrances to the multi-family dwelling or subdivision.
- F. A temporary sign shall not exceed six (6) square feet in area.
- G. A directional sign shall not exceed two (2) square feet in area.

17.96.110 Signs in commercial and industrial zones

Size:

- A. The total square footage of signs for each property may not exceed an area equal to one square foot for each linear foot of public frontage of the property. Regardless of frontage, all properties are allocated at least 50 square feet of signage.

- B. In addition to square footage authorized for each property based on public frontage, an additional square footage for each business, as identified by a current Certificate of Occupancy, located on that property, is authorized as follows:
 - 1. If a business is located less than 50 feet from a public right-of-way, that business is allocated an additional sixteen (16) square feet of sign area, regardless of frontage.
 - 2. If a business is located more than 50 feet but less than 100 feet from a public right-of-way, that business is allocated an additional thirty-two (32) square feet of sign area, regardless of frontage.
 - 3. If a business is located more than 100 feet but less than 200 feet from a public right-of-way, that business is allocated an additional one hundred (100) square feet of sign area, regardless of frontage.
 - 4. If a business is located more than 200 feet from a public right-of-way, that business is allocated an additional two hundred (200) square feet of sign area, regardless of frontage.
- C. A Group Sign, excluded from any square footage authorized, may not exceed an area equal to one square foot for each foot of public frontage of the property or two hundred square feet, whichever is the least.
- D. Temporary and flexible signage is not included in the allocated square footage on a property in these zones.
- E. Signs in these zones may be illuminated.
- F. Signs in the Central Commercial (C-1) zone must conform to the following standards:
 - 1. Every sign must maintain a minimum horizontal distance between the sign and the curb line of not less than two (2) feet.
 - 2. A sign projecting more than two-thirds of the distance from the property line to the curb line shall have a minimum clearance of at least twelve (12) feet.
 - 3. A sign projecting less than two-thirds of the distance from the property line to the curb line shall have a minimum clearance of at least eight (8) feet.
- G. Signs in the Highway Commercial (C-2) and Recreational Commercial (RC) and Industrial(M) zones must conform with the following standards:
 - 1. No sign shall be located so it will extend beyond the property lines.
 - 2. Signs shall meet one of the following standards:
 - a. The display surface of the sign must have a minimum clearance of twelve (12) feet if located within five (5) feet of the property line.
 - b. If a display surface has a clearance of less than twelve (12) feet, all parts of the sign shall be located a minimum of five (5) feet behind the property line.

17.96.120 Signs on public property.

- A. The City or another public agency sign shall be allowed to be erected, installed, replaced, or maintained in or on any public property, including streets.
- B. Temporary signs may not be located in public right-of-ways, except as allowed by this Section:
 - 1. Flexible signs in existing pole hole locations in sidewalks, or as approved in the future by the appropriate jurisdiction, as long as the display surface does not

exceed twelve (12) inches in width, three (3) feet in length, and is not located in an area that will block the view of vehicular or pedestrian traffic.

2. In the Central Commercial zone, sandwich board signs may be placed on the sidewalk as long as they do not exceed six (6) square feet in size, three (3) feet in height, and are not located in an area that will block the view of vehicular or pedestrian traffic. Placement of a sandwich board must maintain a clear pedestrian passage area of at least four (4) feet for Americans with Disabilities Act passage clearance. Placement should take into consideration curb parking and the ability to open car doors.

- C. Banners for special events may be placed over right-of-ways at locations with permanent attachments with approval of the jurisdictions having authority of the right-of-way and the structure where the banner will be attached.

17.96.130 Special signs. Signs that either do not lend themselves to the ordinary processes of measurement because they are integrated into the design of the building structure or signs designed for a special purpose that makes strict application to this Chapter difficult may be permitted as a Conditional Use when the Planning Commission finds such signs conform with the intent of this Chapter and are appropriate to the type of development or structure to which they are related.

17.96.140 Enforcement.

- A. All required permits must be obtained prior to placement of the sign.
- B. Signs that do not comply with this Chapter or that are abandoned are declared a nuisance and the City may cause the removal of the sign.
- C. The City may use Sweet Home Municipal Code Chapter 8.04 Article II for the abatement procedures for this Chapter.
- D. If the owner of the sign, or the owner of the premises upon which the sign was located, does not pay the costs of removal, the City may dispose of the sign.

17.96.150 Interpretation. Where the conditions imposed by any provision of this Chapter are less restrictive than comparable conditions imposed by any other applicable codes, the provisions which are more restrictive shall govern.

17.96.160 Violation--Penalty. Violation of this Chapter constitutes a violation and may be prosecuted under the provisions of Sweet Home Municipal Code Chapter 9.36. Each day the violation continues will be considered a separate offense.