

Chapter 15.28 - SIGNS

Sections:

15.28.010 - Purpose and scope.

This chapter regulates the erection placement and maintenance of signs to protect and enhance public health, safety, welfare and property, more specifically to:

A. Purpose.

1. Allow those signs compatible with the character and uses allowed in the zoning district in which they are located;
2. Maintain the effectiveness of traffic signs;
3. Prohibit certain signs or portions thereof, which conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or which demand attention by their dominating size or appearance of motion;
4. Maintain and enhance the scenic and other aesthetic qualities of the city.

B. Scope. All signs, including sign structures and display areas or building walls with lettering on them shall be erected and maintained only as provided by this chapter, except for the following:

1. Signs not visible from either a public right-of-way or property of different ownership, provided such signs shall be erected and maintained in accordance with applicable law;
2. Signs owned and maintained by governmental agencies;
3. Signs lawfully erected in the public right-of-way in accordance with applicable state and local laws and regulations;
4. Signs inside a building, except for strobe lights or floating lights visible from a public right-of-way, private road or other private property; and
5. Signs carved into or part of materials which are an integral part of a building.

(Ord. 94-1027 §1 (part), 1994)

15.28.020 - Definitions.

For the purposes of this chapter:

"Abandoned sign" means a sign that does not have copy on the display surface for a period of six months or more, including an obsolete sign.

"Billboard" means a sign with a display surface area of three hundred square feet or more.

"Display surface area" means the total area of a sign that is available for displaying advertising or an informational message, subject to the provisions of this chapter.

"Erect" or "erected" means to construct, build, assemble, alter, place, affix, attach, create, recreate, paint, draw or in any way bring into being or establish.

"Free-standing sign" means a sign supported from the ground by its own structure.

"Fence" and "fencing" mean any barrier or section thereof, other than a wall, designed to delimit a boundary or provide a visual screen.

"Frontage" means the continuous distance along one street right-of-way line of one premises, provided such street is improved for public travel.

"Grade" means the level of the nearest sidewalk or road pavement.

"Incidental sign" means a sign identifying or advertising associated goods, products, services or facilities available on the premises, including but not limited to, trading stamps, credit cards accepted, brand names or price signs.

"Maintain," "maintained" or "maintaining" means activities, such as upkeep and repair of signs or sign structures and the replacement of sign messages or advertisement displayed on a sign, and an activity by which a sign or sign structure are permitted to exist.

"Natural materials" means wood, stone, brick and rock or any combination thereof.

"Obsolete sign" means a sign that calls attention to a business or other activity or a profession, commodity, product, service or entertainment no longer carried on, produced, sold or offered.

"Premises" means a lot or number of lots on which are situated a business, or a building or group of buildings designed as a unit.

"Projecting sign" means a sign projecting more than one foot from the wall of a building.

"Roof sign" means a sign erected or maintained wholly upon or over the roof of any building with the principal support on the roof structure.

"Sign" means any sign, display message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public, and the term includes the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or display surface area.

"Sign face" means the total of display surface area visible from one side of a sign.

"Sign official" is the person designated by the city manager to enforce the provisions of this chapter, including the review of permit applications, the interpretation of the provisions of this chapter and the issuance of permits.

"Temporary sign" means a sign that will become obsolete after the occurrence of an event or series of events. Temporary signs include, but are not limited to, for sale and lease signs, garage sale signs and political campaign signs.

"Traffic control sign or device" means an official route marker, guide sign, warning sign or sign directing or regulating traffic or pedestrians which has been erected by or under order of the city of Oregon City, the state or federal governments.

"Wall" means a masonry structure.

"Wall sign" means a sign erected on a wall.

(Ord. 94-1027 §1 (part), 1994)

15.28.030 - Permit required.

- A. Permit Required. No sign shall be erected or maintained except as provided by this chapter and a permit has been issued by the sign official. This permit requirement applies to all signs, except those specifically exempt by a provision of this chapter and signs existing on the date of adoption of the ordinance codified in this chapter which shall be subject to subsection D of this section.
- B. Permit Application. Application for a sign permit shall be made in writing upon forms furnished by the sign official. A permit application fee shall accompany the application for it to be processed by the city. The amount of the fee shall be proportionate to the value of the sign proposed and shall be calculated according to a permit fee schedule adopted by resolution of the city commission.

The application shall include all plans and information necessary to establish that the proposed sign complies with all applicable requirements of this chapter and applicable buildings, structural and life safety codes. The permit shall be valid if the sign is erected and maintained in compliance with city code, and the applicant did not misrepresent or falsify any information supplied in the application. Any permit issued under this chapter shall be void if no substantial physical action be taken, in accordance with any conditions of the permit and the applicable requirements of this chapter, within ninety days following the date of its issuance. Any permit issued under this chapter shall remain in effect as long as the sign is maintained in compliance with any permit conditions and all applicable provisions of this chapter.

- C. Appeals. Any person aggrieved by a decision of the sign official may appeal the decision to the planning commission. Any such appeal shall be in writing and be received by the city recorder no later than ten days after the date the challenged is final. The appropriate appeal fee established by resolution of the city commission shall accompany the appeal. Proceedings before the planning commission shall comply with the provisions of Chapter 17.50 of this code, including the provisions relating to city commission review of planning commission decisions involving conditional use permits.
- D. Permits for Signs Existing on the Effective Date of These Regulations. Signs existing on the effective date of these regulations shall also be required to obtain a permit within one hundred twenty days of the date these regulations become effective. No fee shall be charged for such permit and the sign official shall, within sixty days of the effective date of these regulations, give written notice of the requirement for permits and shall provide permit forms on request. Any such existing sign for which a permit has not been obtained within one hundred twenty days of the effective date of these regulations shall be deemed an unlawful use.

(Ord. 94-1027 §1 (part), 1994)

15.28.040 - Variances.

- A. Grounds for Variance. Upon application by an applicant, the planning commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:
 - 1. Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same area or vicinity. Such conditions may be the result of an unusual location or orientation of the applicant's building, topography, vegetation or other circumstance over which the applicant has no control;
 - 2. The variance is necessary for the preservation of a right of the applicant substantially the same as is possessed by the owners of other property in the area or vicinity;

3. The authorization of the requested variance will not be materially detrimental to, or conflict with, the purposes of this chapter or be injurious to the use and enjoyment of other property in the area or vicinity, or the public way, in which the property is located; and
 4. The variance requested is the minimum variance necessary, to alleviate the identified hardship.
- B. Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the city commission and on file with the city recorder.
- C. Procedure. A variance application shall be treated in the manner provided by Chapter 17.50 of this code with respect to zoning variances.

(Ord. 94-1027 §1 (part), 1994)

15.28.050 - Prohibited signs.

It is unlawful for the following signs to be erected or to be maintained except as otherwise provided in this chapter:

- A. Billboards;
- B. A sign that interferes in any way with a traffic control sign or device or prevents clear and unobstructed view of official traffic control signs or devices or approaching or merging traffic;
- C. A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts. This subsection does not apply to traffic control signs or devices;
- D. A sign with lighting which is not effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled right-of-way of a state highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operations thereof;
- E. A sign located upon a tree, or painted or drawn upon a natural feature;
- F. An obsolete sign;
- G. Portable signs, A-frame signs, sandwich boards, tent signs, streamers, strings of lights, balloons, hulas, banners or pennants, excepting traditional holiday decorations; and except as provided in Section 15.28.010(B);
- H. A sign that obstructs free ingress to or egress from any door, window or fire escape, alley, drive or fire lane, or is attached to a fire escape;
- I. A sign erected or maintained on public property or within the public right-of-way without permission of the public body having jurisdiction;
- J. A sign not able to withstand a wind pressure of twenty pounds per square foot of exposed surface, or is insecurely erected, or is constructed so as to constitute a fire hazard;
- K. A sign not maintained in a safe, neat, clean and attractive condition and in good repair;
- L. Any sign larger than four square feet on an undeveloped lot or parcel of property;
- M. A sign not otherwise in compliance with any provision of this code, Oregon law or the terms and conditions of any valid sign permit issued under this chapter;
- N. Signs on fences or fencing.

(Ord. 94-1027 §1 (part), 1994)

15.28.060 - Signs not requiring a permit.

In any zoning district, the following signs may be erected and maintained without a permit, so long as they comply with all applicable provisions of this chapter and are not illuminated;

- A. One temporary sign per street frontage of property under a single ownership provided such a sign does not cause a public safety hazard or nuisance, has no more than two faces, and that no sign face exceeds four square feet in area;
- B. Signs carved into a building or which are part of materials that are an integral part of the building not exceeding ten square feet in area. This subsection does not include signs painted on the sides of buildings;
- C. A single sign where the display surface area does not exceed two square feet;
- D. Window signs situated on the indoor-side of a window or door;
- E. Flags, limited to two per premises;
- F. Signs attached to, or carried by, a person;
- G. Signs required by law or legal action, including but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs.

(Ord. 94-1027 §1 (part), 1994)

15.28.070 - Signs in residential zones.

- A. Signs Allowed. In the R-10, R-8, R-6, RC-4, R-6/MH and RA-2 zoning districts, the following signs are allowed:
 - 1. All signs allowed without permit as provided by this chapter so long as the requirements of this subsection are met;
 - 2. Permitted signs so long as a permit is first obtained as required by this chapter, and the requirements of this subsection are met.
- B. Display Requirements. All signs in the residential zones listed in this section must comply with the following requirements:
 - 1. Not more than one wall sign or free-standing sign to be visible from each frontage, with no more than three frontages. Wall signs shall be measured by the outer limits of the lettering, illustration or other display;
 - 2. Maximum twenty square feet of area per sign face;
 - 3. Not to exceed ten feet in length;
 - 4. Five feet maximum height above grade;
 - 5. Primarily constructed of natural materials;
 - 6. Sign shall be setback from the street as determined by the sign official, but not more than ten feet from the street right-of-way;
 - 7. If illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure.

(Ord. 94-1027 §1 (part), 1994)

15.28.075 - Signs for listed conditional uses in residential zones.

- A. For conditional uses in residential zones, a sign that meets the following standards shall be allowed provided a permit is first obtained as required by this chapter:
 - 1. One wall sign per frontage is allowed. Additionally, one free-standing sign per conditional use is allowed;

2. Maximum thirty-two square feet of area per sign face;
3. Not to exceed ten feet in length;
4. Eight feet maximum height above grade;
5. Primarily constructed of natural materials or similar products, such as wood, stone, brick or metal;
6. If illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structure.

(Ord. 05-1002, 2005)

15.28.080 - Signs in office, commercial and industrial zones.

- A. Signs Allowed. In the LOC, LO, NC, HC, LC, C, CBD, M-1 and M-2 zoning districts, the following signs are allowed:
1. All signs allowed without permit as provided by this chapter, so long as the requirements of this subsection are met;
 2. Wall signs, so long as a permit is first obtained as required by this chapter and the display surface area is no larger than two square feet for each lineal foot of the wall on which the sign is erected;
 3. Free-standing signs, so long as a permit is first obtained as required by this chapter and the following standards are met:
 - a. Number. One free-standing sign shall be permitted for each street frontage of a premises, provided minimum subdivision lot frontage of thirty feet is met. No free-standing sign shall be permitted on the same frontage where there is a projecting or roof sign. Free-standing signs on the same premises but on different frontages shall be separated by a minimum of fifty feet distance.
 - b. Area. Where the street frontage is less than fifty feet, the maximum display surface area shall not exceed fifty square feet, with twenty-five square feet maximum area per sign face. Where the street frontage is greater than fifty feet but less than two hundred feet, surface display area shall not exceed one hundred square feet, with fifty square feet maximum area per sign face. Where the street frontage is two hundred feet or greater, the surface display area shall not exceed three hundred square feet, with a maximum area of one hundred fifty square feet per sign face. In no case shall any sign have a surface display area in excess of three hundred square feet.
 - c. Projection. Free-standing signs shall not project over a public right-of-way.
 - d. Clearance. A minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access.
 - e. Horizontal Dimension. The greatest horizontal dimension shall not exceed twenty feet for any free-standing sign.
 - f. Height. The height of any free-standing sign shall not exceed twenty-five feet above grade, plus five feet for each two hundred feet, or portion thereof, frontage in excess of two hundred feet frontage. In no event shall any sign exceed thirty feet in height.

The following table summarizes free-standing sign area and height limits:

Street Frontage (in feet)	Maximum Display Surface Area (square feet)	Maximum Area of Any One Sign Face (square feet)	Maximum Height (in feet)
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Up to <u>50</u>	<u>50</u>	25	25
<u>50</u> —200	100	<u>50</u>	25
201+	101—300	<u>51</u> —150	30

4. Roof Signs. Roof signs are allowed so long as a permit is first obtained as required by this chapter and the following standards are met:
 - a. Number. Maximum one roof sign is permitted for each premises, and shall be permitted instead of a projecting sign or free-standing sign.
 - b. Area, projection, clearance, horizontal dimension and height shall be within the limits set for free-standing signs. Stamped approval of a licensed civil or structural engineer may be required due to stresses put on the building. No roof sign shall be erected without approval of the fire marshal after a finding that the size, type and location of the sign will not substantially interfere with fire fighting;
5. Projecting Signs. Projecting signs are allowed so long as a permit is first obtained as required by this chapter and the following standards are met:
 - a. Number. One projecting sign may be permitted for each business frontage. No projecting sign shall be permitted for the same business frontage where there is a free-standing or roof sign.
 - b. Area. Sign area shall not exceed sixteen square feet per sign face, with total area of all faces not to exceed thirty-two square feet.
 - c. Projection. Maximum projection from a building wall shall be four feet. No sign shall project within two feet of the curb line.
 - d. Vertical dimension. The greatest vertical dimension of a projecting sign shall not exceed four feet; provided, however, for any reduction in projection, the sign may be increased in height a like distance. The maximum projection above the wall on which the sign is erected shall be one foot, and the visible supporting structure shall be minimized to the greatest extent possible consistent with safe structural support.
 - e. Clearance. A minimum clearance of ten feet from grade shall be maintained over pedestrian or vehicular areas, fourteen feet over areas of truck access.
 - f. Separation. The minimum distance from another projecting sign shall be twenty feet in the same horizontal plane.
 - g. Projecting signs on other project structures: awnings, marquees, canopies, false fronts and wall extensions, safely constructed and approved by the building code official, may extend beyond the limits for projecting signs. Projecting signs on such structure, shall not exceed the limits as to number, area, projection, vertical dimension, clearance and separation as provided for any projecting sign. The only exception shall be for those instances in which a projecting structure would prohibit a projecting sign within sight of pedestrians; in these instances, the clearance under the marquee or other permanent structure may be reduced to eight feet;

6. Incidental Signs. One additional sign is allowed per premises, so long as a permit is first obtained as required by this chapter, is allowed. An incidental sign may be a free-standing or wall sign, but in either case, shall meet all provisions for such signs, excepting area. The surface display area of an incidental sign shall not exceed thirty-two square feet, and no sign face shall exceed sixteen square feet.

(Ord. 94-1027 §1 (part), 1994)

15.28.090 - Nonconforming signs and their removal.

- A. Signs lawfully erected and maintained as of the date of the adoption of this chapter, but which do not meet the requirements of this chapter, shall be regarded as nonconforming signs which shall be lawful if a permit for the same is obtained under Section 15.28.030 and may be continued for a period not to exceed ten years from the date of adoption of this chapter for the purpose of amortization of investment. Relief from this provision may be sought from the planning commission by following the procedures of Section 15.28.040 for a longer amortization period, upon a showing that the applicant requires a longer period in which to amortize its investment in the sign in question. In the case of an application for a longer amortization period for an alleged nonconforming billboard, the applicant must prove, at a minimum, that the sign structure cannot reasonably be used for a sign with an area smaller than three hundred square feet.
- B. Signs located on premises annexed into the city after the effective date of the ordinance codified in this section and which signs do not comply with the provisions of the ordinance codified in this section, shall be brought into compliance with the ordinance codified in this section within a period of time not to exceed six months after the effective date of annexation; provided, however, that a landowner may, within thirty days of annexation, request a variance as provided in subsection A of this section.
- C. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all applicable provisions of this chapter; provided, however, that a landowner may, within thirty days of annexation, request a variance as provided in Section 15.28.040.
- D. All existing signs or portions thereof prohibited in Section 15.28.050, except subsection A, shall be removed or altered to comply within six months from the date of adoption of this chapter.
- E. Within one year from the date of adoption of this chapter, the sign official or an authorized representative may inspect any sign regulated hereunder. The sign official shall have right of reasonable entry onto private premises to enforce the provisions of this chapter. After inspection, a notice shall be issued to the owner of the sign or property that lists the signs and identifies those signs which, in the opinion of the sign official, need repair or modification to bring them into compliance with this chapter and those which are in violation of the provisions of this chapter and must be removed, including the expiration of the grace period for the particular sign. The sign official may repeat such on-site inspections, with reasonable notice, from time to time as deemed necessary to enforce the provisions of this chapter.
- F. Any sign regulated under this chapter found to be in violation of this chapter shall be deemed a nuisance. Violation of the provisions of this chapter shall constitute a civil infraction, subject to the code enforcement procedures of Chapters 1.16 and 1.20.

(Ord. 94-1027 §1 (part), 1994)

15.28.100 - Conflict and severability.

In the event any provision herein is found to be in conflict with any zoning, building, fire safety, health or other code provisions of the city, the provision which establishes the higher standard for the promotion and protection of the health, safety and welfare of the people shall prevail.

A finding by a court of competent jurisdiction that any portion of this chapter is invalid shall not invalidate the remaining portions. A permit issued pursuant to this chapter does not grant any authority to violate any other law or regulation that may apply.

(Ord. 94-1027 §1 (part), 1994)

15.28.110 - Violation—Penalty.

In addition to any other provisions hereof, it is unlawful for any person to maintain a sign or advertising structure in violation of the provisions of this chapter. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20, 1.24.

(Ord. 99-1004 §27, 1999; Ord. 94-1027 §1 (part), 1994)