

ORDINANCE NO. 985

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE (SMC) TITLE 17,
REGARDING THE REGULATION OF SIGNS

WHEREAS, Oregon Revised Statutes, Chapter 197 requires municipalities to adopt and implement a comprehensive land use planning program in accordance with statewide planning goals established by the Legislature and the Oregon Land Conservation and Development Commission;

WHEREAS, the City of Stayton has adopted Title 17 of the Stayton Municipal Code as the Land Use and Development Code;

WHEREAS, SMC Title 17, Chapter 20, Section 17.20.140 contains standards applicable to signs;

WHEREAS, THE City Council reviewed Section 17.20.140 and has determined that it is appropriate to revise sign regulations;

WHEREAS, the Stayton Planning Commission has initiated the process for amending the Land Use and Development Code and following a public hearing, has recommended that the Stayton City Council enact proposed amendments; and

WHEREAS, the Stayton City Council, following a public hearing, does find that the amendments proposed by the Planning Commission are appropriate.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. SMC Title 17, Chapters 4 and 20 amended. Stayton Municipal Code, Title 17, Chapters 4 and 20 are hereby amended as shown on Exhibit A attached hereto and incorporated herein.


Section 2. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

Section 3. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

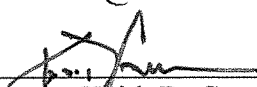
ADOPTED BY THE STAYTON CITY COUNCIL this 17th day of August, 2015.

CITY OF STAYTON

Signed: 8/19/2015, 2015

BY: 
Henry A. Porter, Mayor

Signed: Aug 17, 2015

ATTEST: 
Keith D. Campbell,
City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney

Exhibit A

Amendments to the Sign Regulations in the Stayton Land Use and Development Code

Additions are underlined; deletions are ~~crossed-out~~

17.04.100 DEFINITIONS

MURAL: An illustration (with or without words or numbers) which is painted or otherwise applied (~~without projections~~) directly to an outside wall of a structure or by means of flat panels that do not project from the walls.

17.20.140 SIGNS

1. PURPOSE. The purposes of these sign regulations are to provide equitable signage rights; reduce signage conflicts; promote traffic and pedestrian safety; and increase the aesthetic value and economic viability of the city by classifying and regulating the location, size, type, and number of signs and related matters.
2. PERMIT PROCEDURES.
 - a. Permit Required. No person shall construct or alter any sign without first obtaining a permit from the City Planner.
 - b. Current Signs. Owners of ~~conforming or nonconforming signs~~ legally existing signs as of the January 10, 1999 shall not be required to obtain a sign permit.
 - c. Application Requirements.
 - 1) An application for a sign permit shall be submitted on a form prescribed by the City.
 - 1) Within 7 days of submittal the City Planner shall determine whether the application is complete.
 - 2) Within 14 days of submission of a complete application, the City Planner shall either: approve, approve with conditions, or deny the application.
 - 3) The decision shall be issued in writing.
 - 2) Sign permits mistakenly issued in violation of these regulations or other provisions of the Code are void. The Stayton City Administrator may revoke a sign permit if it is found that material errors or misstatements of fact were made by the applicant on the permit application.
 - 3) The sign permit does not take the place of any ~~required building~~ other (e.g. structural, mechanical, electrical) permits (e.g. structural, mechanical, electrical) which may be required to construct or locate an approved sign.
 - d. Permit Fees. Permit fees shall be established by City Council resolution.
 - e. Construction and Maintenance. All signs shall be designed, constructed, and maintained in accordance with the following standards:

- 1) All signs shall comply with the applicable provisions of the Oregon Structural Specialty Code in effect at the time of the sign permit application and all other applicable structural, electrical, and other regulations. Issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.
 - 2) Except for temporary signs, signs shall be constructed of durable materials and be firmly attached to the ground, to a building, or to another structure by direct attachment to a rigid wall, frame, or structure.
 - 3) All signs shall be maintained in a good structural condition and be readable at all times. Sign supports shall be plumb. Broken faces of signs shall be repaired within 45 days of the date of damage. Failed illumination shall be replaced or repaired within 45 days of the date of failure of the lighting fixture or wiring defect. ~~Sign supports shall be removed within one year of the removal of a sign.~~ The provisions of this section shall apply to all signs within the City, including those not meeting these standards on the effective date of this provision.
3. SIGNS GENERALLY PERMITTED. Subject to the limitations listed in this subsection, the following signs and sign erection or alterations are permitted in all zones. These signs shall not require a permit and shall not be included when determining compliance with total allowed area:
- a. Painting or otherwise changing the sign face or copy, and maintenance of legally existing signs. If structural changes are made, the sign shall conform in all respects to these regulations.
 - b. Signs not exceeding 32 square feet which advertise the sale, rental, or lease of the premises upon which the sign is located.
 - c. Signs posted by or under governmental authority, including legal notices, traffic, danger, no trespassing, emergency, and signs related to public services or safety.
 - d. One sign, not to exceed 32 square feet, at each street entrance of a residential development or subdivision.
 - e. Incidental signs not exceeding 6 square feet.
 - f. Official national, state, and local government flags [and a National League of Families' POW/MIA flag](#) on permanent flag poles designed to allow the raising and lowering of flags:
 - 1) One flag ~~or banner~~[pole](#) per property is exempt from the provisions of these regulations.
 - 2) In a residential zone, a flag structure shall not exceed 35 feet.
 - 3) In a Commercial, Industrial or Downtown zone, a flag structure shall not exceed 35 feet or 110 percent of the maximum height of the primary structure on the property, whichever is greater.
 - 4) All structures over 10 feet in height supporting flags require a Building Permit and an inspection(s) of the footing and structure, as per the building code, prior to installation of the structure.

- g. Signs within a building that are not visible from the street, sidewalk or other public property.
- h. Signs painted or hung on the inside of a window or door ~~that do not exceed 30% of the window or door area. This area limit shall not apply to neon signs.~~
- i. Commercial murals shall count as a sign in determining total sign area for a business. Murals that do not advertise or identify a business, with a cultural or heritage theme, are not considered commercial signs and are exempt from this ~~ordinance~~[Section](#).
- j. Name signs, not exceeding 2 square feet, identifying the occupants of a dwelling.
- k. Restoration, repair, or replacement of signs that have been demonstrated by the owner to have been in existence since January 1, 1949, provided the sign substantially retains its original appearance and location.
- l. Temporary and portable signs, no larger than 16 square feet in area, announcing community events. Banners hung with the guy wires located on ~~1st~~[First](#) Avenue between Cedar and Regis Streets, are permitted for up to four weeks in advance of the event and shall be removed within 5 days of the end of the event. Banners shall be no larger than 80 square feet in area.

[m. Other portable signs in conformance with the requirements of Section 17.20.140.9-B.b](#)

4. PROHIBITED SIGNS. The following signs shall be prohibited:

- a. Balloons or similar tethered objects.
- b. Roof signs.
- c. Signs emitting an odor, visible matter, or sound.
- d. Signs supported by guy wires of any type except for the guy wires located on ~~1st~~[First](#) Avenue between Cedar and Regis Streets.
- e. Signs that obstruct a fire escape, required exit, window, or door opening used as a means of egress.
- f. Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire.
- g. Rotating/revolving signs.
- h. Flashing signs, ~~except as allowed by conditional use permit under the regulations of this sign code.~~
- i. Signs that project into or over driveways or public rights-of-way, except signs ~~under a canopy~~ that projects over a public sidewalk. Such sign shall not be less than eight feet above the ground.
- j. Signs within the sight clearance triangle that obstruct the required vision areas or represent a hazard to pedestrian or vehicle traffic.
- k. Signs that interfere with, imitate, or resemble any official traffic control sign, signal, or device; emergency lights; or which appear to direct traffic (e.g., a beacon light).

- l. Signs attached to any pole, post, utility pole, or placed by its own stake in the ground in a public right-of-way. This restriction shall not apply to bulletin boards for public use as authorized by the City Council.
- m. ~~Message signs, except by conditional use permit.~~
- n. Any new or relocated off-premise sign, unless specifically allowed as a permitted sign in this sign code.
- o. No vehicle or trailer shall be parked for ~~an extended period of time~~ more than 72 hours 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 another premises, unless such sign meets the requirements of this section. This provision applies only to a vehicle the primary purpose of which is advertisement; it is not intended to prohibit any form of sign attached to or on a vehicle the primary use of which is for business purposes other than advertising.
- p. Signs on city property placed by a nongovernmental entity.
- q. Free standing and illuminated signs for all home occupations.

5. ILLUMINATION OF SIGNS

- a. No sign shall be comprised of or illuminated by intermittent light except ~~digital public service~~ messages signs, such as time, date, temperature, etc.
- b. Externally Illuminated Signs
 - 1) The average level of illumination on the vertical surface of the sign shall not exceed 3.0 foot-candles, and the uniformity ratio (the ratio of average to minimum illumination) shall not exceed 2:1.
 - 2) Lighting fixtures illuminating signs shall be carefully located, aimed, and hooded or shielded to prevent direct illumination of public streets or abutting properties.
 - 3) Light fixtures illuminating signs shall be of a type such that the light source (bulb) is not directly visible from adjacent public streets or properties.
 - 4) To the extent practicable, fixtures used to illuminate signs shall be top mounted and directed downward (i.e. below the horizontal).
- c. Internally Illuminated Signs.
 - 1) Internally lit signs are permitted only in the commercial, ~~and industrial,~~ public, and downtown zones.
~~In order to prevent internally illuminated signs from becoming light fixtures, such signs shall consist of light lettering or symbols on a dark background. The lightness or darkness is a function of the luminous transmittance of the translucent surface material, and the light source. The higher the luminous transmittance, the lighter the color.~~
 - 2) ~~The lettering or symbols shall constitute no more than 40% of the surface area of the sign.~~

- ~~3) The luminous transmittance for the lettering or symbols shall not exceed 35%.~~
- ~~4) The luminous transmittance for the background portion of the sign shall not exceed 15%.~~
- ~~5) Light sources shall be fluorescent tubes, spaced at least 12 inches on center, mounted at least 3.5 inches from the translucent surface material.~~
- ~~6) The standards of this subsection shall not apply to gas-filled tubing exposed to view (neon signs).~~

6. NONCONFORMING SIGNS.

- a. Alteration of Nonconforming Sign Faces. Legally existing nonconforming signs are subject to the following provision regarding alteration.
 - 1) A change in sign face alone is allowed without requiring compliance with these regulations.
 - 2) When a nonconforming sign face is damaged or destroyed, such sign face may be restored to its original condition provided such work is completed within sixty days of the damage. However, a sign structure or support mechanism so damaged shall not be replaced except in conformance with the provisions of these regulations.
- b. Permits for Properties with Nonconforming Signs.
 - 1) [repealed Ord. 924]
 - 2) [repealed Ord. 924]
 - 3) Nonconforming Sign Area. All 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.
- c. Abatement of Nonconforming Signs.
 - 1) All permanent, free-standing signs, and wall, canopy, projecting or other similar permanent signs in existence on the effective date of these regulations, which are not in conformance with the provisions of these regulations may be repaired, ~~or~~ maintained (including a change in sign face) until such time the sign structure is altered, at which time the sign must conform to applicable sign regulations.
 - 2) [repealed Ord. 924]
 - 3) [repealed Ord. 924]
 - 4) Existing permanent ~~free-standing~~ signs on properties annexed to the city shall be in conformance with the provisions of these regulations within one year following annexation. Temporary signs shall conform to the regulations within 6 months following annexation.
- d. Abandoned Signs. All signs for a business shall be removed within 30 days after that business ceases to operate on a regular basis, ~~and the entire sign structure shall be removed within one year of such cessation of operation.~~ The sign structure shall be maintained in accordance with Section 17.20.140.2.e.3).

7. SIGNS IN THE PUBLIC/SEMI-PUBLIC ZONE. The following regulations apply to signs in the Public/Semi-public zone:

~~a. Sign Types. Any combination of wall, canopy, projecting, free-standing, and window signs~~
The following sign types are allowed:

- ~~1) Wall, canopy, projecting, free-standing, and window signs.~~
- ~~2) Temporary displays consisting of any sign type for a period not to exceed 21 days in any 365 day period. Owners or parties responsible for such displays shall be considered responsible for any public or private nuisance.~~

~~b.a. Any combination of wall, canopy, or free-standing sign~~ not exceeding the sign area and height limitations set forth below shall be allowed.

~~e.b.~~ Total signage area on a property shall not exceed 64 square feet. However, a use with more than 100,000 square feet of gross floor area may up to 600 square feet of sign area.

~~d.c.~~ Maximum Sign Height.

- 1) Wall or wall mounted signs shall not project above the parapet or roof eaves.
- 2) A monument sign shall not exceed 6 feet in height. Any other free-standing sign shall not exceed a total height of 6 feet within the first 10 feet of a property boundary; otherwise, the maximum height is 16 feet.

~~e.d.~~ Permitted Locations.

~~1) Wall, canopy or projecting signs~~
A wall sign may project into the required setback no more than 1.5 feet from the building.

~~2) _____~~
A canopy or projection sign may project up to 3 feet from the building, and may project into a street right-of-way. However, any portion of a canopy or projecting sign that projects over a street right-of-way shall be at least 8 feet above ground level.

~~2)3) _____~~
A free-standing sign shall be setback at least 5 feet from any property line.

~~f. Home occupations are subject to this rule and the provisions of Stayton Municipal Code governing home occupations.~~

8. SIGNS IN RESIDENTIAL ZONES. Other than signs permitted under Section 17.020.140.3, signs in the Residential zones are limited to signs for home occupations. Home occupation signs are subject to the provisions of Section 17.020.100.10.

9. SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES. The following regulations shall apply to signs commercial and industrial zones:

a. Signs for businesses not in integrated business centers:

- 1) Total Allowed Area. The total allowed sign area of all signs for a business not in an integrated business center is two square feet of for each lineal foot of building frontage up to a maximum of 100 square feet.
- 2) Type, Maximum Number, and Size of Signs. Within the total allowed signage area, one free-standing sign for each street frontage, and one wall, canopy or

projecting signs is permitted. A free-standing sign shall be limited to a maximum of 50% of the total allowed [sign](#) area.

3) Maximum Sign Height.

- 1) Wall or wall mounted signs shall not project above the parapet or roof eaves.
- 2) A monument sign shall not exceed 6 feet in height. Any other free-standing sign shall not exceed a total height of 6 feet within the first 10 feet of a property boundary; otherwise, the maximum height is 16 feet.

4) Location.

- 1) Wall or canopy signs may project up to 1.5 feet from the building.
- 2) Projecting signs may project up to 3 feet from the building, [and may project into a street right-of-way. However, any portion of a canopy or projecting sign that projects over a street right-of-way shall be at least 8 feet above ground level.](#)
- 3) Monument signs shall not project over street rights-of-way and they shall not be located within a sight clearance triangle or special street setback. Other free-standing signs shall be setback a minimum of 5 feet from any property line. Any sign located within a sight clearance triangle shall either be no taller than 3 feet in height or have the lowest portion of the sign at least 8 feet in height.

b. Signs for integrated business centers.

1) Total Allowed Area.

- a) Signs attached to a building for an individual business within an integrated business center shall be no larger than one square foot of sign area for each lineal foot of building frontage for the individual business, up to a maximum of 80 square feet per business. If a building is located more than 50 feet from the front lot line, the maximum sign area may be increased by 50%. If a building is located more than 100 feet from the front lot line, the maximum sign area may be increased by 100%. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center.
- b) Integrated business center. One free-standing sign is permitted for each street on which an integrated business center has frontage. If there is only one street frontage, the sign shall not exceed 150 square feet in area; otherwise, the maximum sign area for each sign shall be 100 square feet.
- c) [Businesses that are located in an individual building within the integrated business center may have one freestanding sign in addition to the freestanding sign for the center. The sign shall be no larger than 40 square feet in sign area, no taller than 8 feet above ground, and shall be located within 30 feet of the building in which the business is located.](#)

2) Maximum Sign Height.

- 1) Wall or wall mounted signs shall not project above the parapet or roof eaves.

- 2) A monument sign shall not exceed 6 feet in height. Any other free-standing sign shall not exceed a total height of 6 feet within the first 10 feet of a property boundary; otherwise, the maximum height is 16 feet.
- 3) Location.
 - 1) Wall or canopy signs may project up to 1.5 feet from the building.
 - 2) ~~Projection~~ Projecting signs may project up to 3 feet from the building, and may project into a street right-of-way. However, any portion of a projecting sign that projects over a street right-of-way shall be at least 8 feet above ground level.
 - 3) Monument signs shall not project over street right-of-way and they shall not be located within a sight clearance triangle or special street setbacks.
 - 4) Other free-standing signs shall be setback a minimum of 5 feet from any property line. Any sign located within a sight clearance triangle shall either be no taller than 3 feet in height or have the lowest portion of the sign at least 8 feet in height.
- c. Additional Signs. Within the limitation of this subsection, the types of signs discussed in this subsection do not require a permit and are not included in calculations for allowed area and number of signs:
 - 1) When a business has two public entrances on separate building walls, 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.
 - 2) Directional signs (e.g., “Exit” or “Entrance”) are allowed either as wall or free-standing signs. Each such sign shall be limited to three square feet in area and there shall be no more than two signs per driveway. Free-standing directional signs shall be limited to a height of 4 feet.
 - 3) Order signs describing products and/or order instructions to a customer (e.g., menu boards at a drive-through restaurant) shall be 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 in accordance with Section 17.20.090.~~
- d. ~~Signs for Temporary Businesses. Temporary businesses may display temporary or portable signs other than trailer-mounted reader boards or any other sign that includes flashing or rotating lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. No individual sign shall be larger than 16 square feet. All temporary signs must be placed within ten feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way.~~
- 9-A. SIGNS IN THE DOWNTOWN ZONES. The following regulations shall apply to signs in the Downtown Zones.
 - a. Sign Types and Maximum Number of Signs. Within the CCMU, DCMU, and DRMU zones, ~~the following sign types are allowed:~~

~~1) In the CCMU Zone, any combination of wall, canopy, projecting, and window signs is permitted not exceeding the sign area limitations. In the DRMU Zone in addition to any combination of wall, canopy, projecting and window signs, one free-standing sign for each street on which the lot fronts may be erected between a building and the front lot line provided the building is at least 20 feet from the front lot line.~~

~~2) Sidewalk signs in conformance with Section 17.20.140.9 A.c. below.~~

b. Number of Signs. Each business may have one wall, canopy or projecting sign attached to a building for each side of the building facing a street or public sidewalk the business occupies, not including awning signs.

c. Total Allowed Area. The total allowed sign area for any wall, canopy or projecting signs for a business ~~in the CCMU, DCMU, or DRMU zones~~ is one square foot of sign area per lineal foot of building frontage for the individual business, ~~up to a maximum of 30 square feet~~. The maximum sign area for any free-standing sign ~~in the DRMU zone~~ is 30 square feet.

d. Maximum Sign Height. Wall or wall-mounted signs shall not be taller than 20 feet and shall not project above the parapet or roof eaves. A free-standing sign shall not exceed 12 feet in height.

e. Location.

1) Wall or canopy signs may project up to 1.5 feet from the building.

2) Projection signs may project up to ~~4~~3 feet from the building. Any portion of a projection sign that projects over a street right-of-way shall not be less than 8 feet above the ground level.

3) Free-standing signs shall be setback a minimum of 5 feet from any property line. Any sign located within a sight clearance triangle shall either be no taller than 3 feet in height or have the lowest portion of the sign at least 8 feet in height.

~~f. Sidewalk Signs. Any business located in the CCMU, DCMU, or DRMU zone may have one sign erected on the public sidewalk in conformance with the following standards:~~

~~i. A sidewalk sign shall be either an A-frame sandwich sign or be a hanging sign supported by a metal frame inserted into a hole the sidewalk provided by the City.~~

~~ii. The sign shall be entirely outside of the area of a right of way corner that is between the curb and the lines created by extending the property line to the curb face. See Figure 17.20.140.9 A.1~~

- ~~iii. A sidewalk sign shall be placed either within six inches of the curb line or within 2 feet of the front lot line, in order to minimize interference with pedestrians. In either location, the sign shall not obstruct a continuous through pedestrian zone of at least six feet in width. See Figure 17.20.140.9-A.2~~

Figure 17.20.140.9-A.1
Placement of Portable Signs in the R-O-W

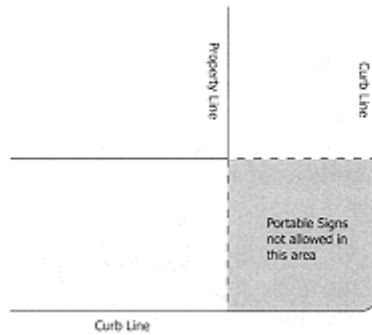
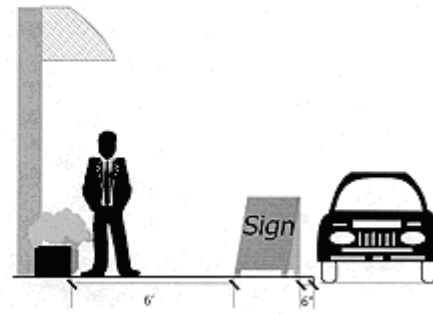


Figure 17.20.140.9-A.2
Placement of Portable Signs in the R-O-W



- ~~iv. The maximum sign area of a sandwich sign shall be 6 square feet, counting only one side of the sandwich sign. The maximum sign area of a hanging sign shall be 4 square feet.~~
- ~~v. A sidewalk sign may be erected only during the hours a business is open.~~
- ~~vi. A sidewalk sign shall not be illuminated.~~

9-B. TEMPORARY AND PORTABLE SIGNS.

a. Temporary Signs. No more than two temporary signs per business shall be permitted at any one time. Temporary signs shall conform to the following:

- 1) A temporary sign shall not exceed 16 square feet in area.
- 2) The placement of temporary signs shall be limited to a period not exceeding 90 days within any calendar year. This restriction applies to the display of all temporary signs throughout a calendar year and not to each individual sign.
- 3) A temporary sign shall not be located within the public right-of-way or violate vision clearance provisions.
- 4) A newly opened business may have a temporary sign for up to 180 days while waiting for a permanent sign to be manufactured and installed.

b. Portable Signs. No more than one portable sign per business shall be permitted at any one time. Portable signs shall conform to the following:

- 1) Except for public safety, all trailer-mounted reader boards shall be prohibited.
- 2) The maximum permitted area shall be 12 square feet per display surface.
- 3) The maximum height shall be four feet above ground level.

- 4) Except in the Downtown Zones, portable signs for businesses not within an integrated business center shall be located on the property on which the business is located. Portable signs within an integrated business center shall be located between the building and parking area and immediately in front of the business.
- 5) In the Downtown Zones a portable sign may be erected on the public sidewalk in conformance with the following standards
 - a) The portable sign shall be either an A-frame sandwich sign or be a hanging sign supported by a metal frame inserted into a hole the sidewalk provided by the City.
 - b) The portable sign shall be entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face. See Figure 17.20.140.9-A.1
 - c) A portable sign shall be placed either within six inches of the curb line or within 2 feet of the front lot line, in order to minimize interference with pedestrians. In either location, the sign shall not obstruct a continuous through pedestrian zone of at least six feet in width. See Figure 17.20.140.9-A.2.

Figure 17.20.140.9-A.1
Placement of Portable Signs in the R-O-W

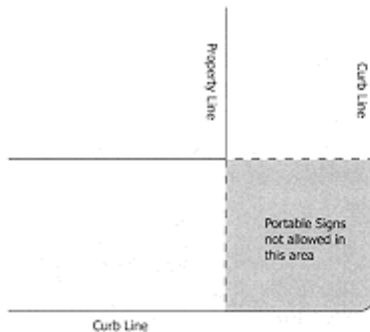
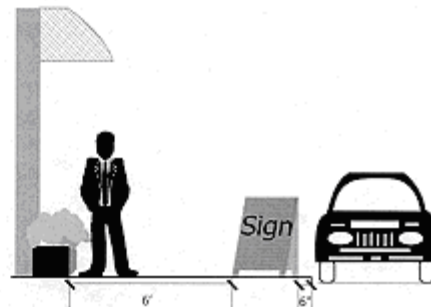


Figure 17.20.140.9-A.2
Placement of Portable Signs in the R-O-W



- d) The maximum sign area of an A-frame sandwich sign shall be 6 square feet, counting only one side of the sign. The maximum sign area of a hanging sign shall be 4 square feet.
 - e) A portable sign may be erected only during the hours a business is open.
 - +)6) A portable sign shall not be illuminated.
- e-c. Signs for Temporary Businesses. Temporary businesses may display temporary or portable signs other than trailer-mounted reader boards or any other sign that includes flashing or rotating lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. No individual sign shall be larger than 16 square feet. All temporary signs must be placed within ten feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way.

10. ~~CONDITIONAL USE PERMITS~~ELECTRONIC MESSAGE SIGNS. Applications for ~~conditional use permits~~ for message signs shall be reviewed ~~processed~~ according to ~~procedures set forth in the Stayton Land Use and Development Code. The criteria to be reviewed and applied in conditional use permit proceedings are set forth~~ in this section:
- a. Proposed sign is located in a Public, Commercial, or Industrial zone.
 - b. ~~Proposed sign, when conditioned, will not significantly increase street level sign clutter or adversely dominate the visual image of the area.~~
 - c. ~~Proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.~~
 - d. ~~Proposed sign will not represent a traffic or safety hazard.~~
 - e. The following standards shall apply.
 - 1) With the exception of a message sign that displays only the time or temperature, the frequency with which a message or display may be changed no more than once every ~~minute~~eight seconds.
 - 2) The message or display must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending.
 - 3) The message or display ~~may shall be consist only of alphabetic or numeric text of~~ a uniform color on a plain background of a uniform color ~~and may not include any graphic, pictorial or photographic images.~~
 - 4) The electronic display may comprise no more than 50% of the surface area of a message sign.
 - 5) No more than one ~~changeable~~message sign with 2 sides is allowed per lot.
 - 6) [Repealed Ord. 978]
 - 7) The luminance of the sign shall be limited to no more than 280 candelas per square meter. The applicant shall submit information from the sign manufacturer indicating the luminance will be met as measured with a luminance meter aperture of 1 degree or less, 50 feet directly in front of the sign with the sign in a fully illuminated mode. If the message sign displays white or multi-colored light, the luminance shall be measured in ~~of~~ white light.
 - 8) The sign shall default to the off position in the case of any failure of mechanisms that control luminance or other display features.
 - f. ~~Except for a message sign dedicated to announcing only community events and public service messages, the total allowed sign area for an establishment shall be reduced by 25% if the establishment has a message sign.~~
 - g. The pProposed sign shall comply with all other regulations including, but not limited to, height and placement restrictionss.
 - h. The provisions of Section 17.20.140.4.n notwithstanding, a message sign dedicated to announcing only community events and public service messages may also display the name or logos of businesses, provided that the ~~portion of the sign identifying the~~

~~businesses is not more than 25% of the total sign area and the~~ business names or logos are not part of the electronic message portion of the sign.

11. VARIANCES. Any deviation from the standards set forth in these regulations shall be by variance. No variance shall be approved without affirmative findings that the request fully satisfies the following criteria:

- a. There are unique circumstances ~~of~~or conditions of the lot, building, or traffic pattern such that the existing sign regulations create an undue hardship.
- b. Granting of the variance compensates for those circumstances in a manner equitable with other property owners and is not a special privilege to any business. Any variance granted shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter.
- c. Granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified public welfare considerations.
- d. Granting a variance shall not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. Desire to match standard sign sizes (e.g., chain store signs) shall not be considered as a reason for a variance.
- e. The need for a variance shall not be the result of condition created by the applicant or a previous owner.
- f. The variance must be consistent with the purposes of this section.

12. [Repealed, Ord. 898]