

ORDINANCE NO. 776

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 17, "LAND USE AND DEVELOPMENT CODE" REVISING THE PROCEDURES FOR SIGN CODE REGULATIONS.

WHEREAS, the City of Stayton has determined that a sign code will permit orderly development; and

WHEREAS, the City of Stayton has determined the need to preserve historical signs; and

WHEREAS, the City of Stayton has determined that commercial signs affect the aesthetic character of the community ; and

WHEREAS, the City of Stayton has held public hearings on the sign issue;

NOW, THEREFORE the Stayton City Council hereby ordains as follows:

Adopted by the Stayton City Council this 5th day of January, 1997.8.

Date: 1-9-98

By: Daphne Girod
DAPHNE GIROD, Mayor

Date: 1-9/98

Attest: Michael D. Healy
~~**THOMAS L. BARTHEL**, City Administrator~~
MICHAEL D. HEALY, Acting City Administrator

APPROVED AS TO FORM:

Date: JAN 14 1998

David A. Rhoten
DAVID A. RHOTEN, City Attorney

CITY OF STAYTON
SIGN REGULATIONS

17.20.960 SIGNS

1. PURPOSE

These sign regulations shall 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 property owner, lessee, contractor, or any other person shall construct or alter any sign without first obtaining a valid permit.
- b. Current Signs: Owners of conforming or nonconforming signs existing as of the adoption of this Ordinance shall not be required to obtain a sign permit except as required under abatement procedure as described in this sign code.
- c. Application Requirements
 - 1) An application for a sign permit shall be made on a form prescribed by the City. City shall issue a permit for the sign unless the sign is in violation of the provisions of these regulations or other provisions of the Stayton Land Use and Development Code.
 - 2) Sign permits mistakenly issued in violation of these regulations or other provisions of the Code are void. 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 (e.g. structural, mechanical, electrical) permits 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 Uniform

Building 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) Permanent signs conforming with the requirements of these regulations shall be constructed of durable materials and be permanently 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.

3. SIGNS GENERALLY PERMITTED

Except as provided in Stayton Municipal Code sections referring to posted notice and advertising regulations, and subject to the limitations listed in this sign code, 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:

- a. Painting, change of sign face or copy, and maintenance of signs legally existing on the effective date of these regulations. If structural changes are made, the sign shall conform in all respects to these regulations.
- b. Real estate signs not exceeding 32 square feet which advertise the sale, rental, or lease of the premises upon which the sign is located.
- c. Temporary and portable signs subject to the regulations in this sign code.
- d. Signs posted by or under governmental authority, including legal notices, traffic, danger, no trespassing, emergency, and signs related to public services or safety.
- e. Two signs, not to exceed 32 square feet, at each street entrance of a residential development or subdivision.
- f. Incidental signs not exceeding 6 square feet.
- g. Flags on permanent flag poles designed to allow the raising and lowering of flags.
 1. One official national, state, and local government flag or banner per property when installed in a manner that meets City ordinances and

when flown and maintained with the respect due to these symbols of honor and authority, as specified by the U.S. Flag Code are exempt from the provisions of these regulations.

2. A flag structure shall not exceed 20 feet or 110 percent of the maximum height of the primary structure on the property, whichever is greater. 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 Stayton Building Code, prior to installation of the structure.
- h. Signs within a building, except signs painted or hung on the inside of windows provided the signs do not exceed 30% of the window 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, which do not advertise, with a cultural or heritage theme, are not considered commercial signs and are exempt from this ordinance.
- j. Signs for residential uses, subject to the regulations in this sign code.
- k. Signs that have been demonstrated by the owner to have been in existence for at least 50 years from the effective date of these regulations, provided the sign substantially retains its original appearance and location.
- l. Temporary and portable signs announcing community events, including signs hung with guy wires, are permitted for up to four weeks.

5. PROHIBITED SIGNS

following permanent 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.
- 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, except as allowed by conditional use permit under the regulations of this sign code.
- h. Flashing signs, except as allowed by conditional use permit under the regulations of this sign code..
- I. Private signs which project into or over driveways or public rights-of-way, except signs under a canopy which projects over a public sidewalk. Such sign shall not be less than eight feet above the ground.
- j. Signs that obstruct required vision clearance or represent a hazard to pedestrian or vehicle traffic.
- k. Signs which 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 authorized bulletin boards or message boards placed within a right-of-way.
- m. Message signs, except by conditional use permit.
- n. Any 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 on a public right-of-way or public 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 another premises. 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 shall be prohibited.
- q. Free standing and illuminated signs shall be prohibited for all home occupations.

6. NONCONFORMING SIGNS

- a. Alteration of Nonconforming Sign Faces: Nonconforming signs are subject to the following provisions 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) 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.
 - 2) Business and Integrated Business Centers: For individual businesses in integrated business centers, no permits shall be issued for new or altered signs unless all signs of the individual businesses comply with these regulations. No free-standing sign permits will be issued for the integrated business center unless all free-standing signs conform with the design format.

- 3) Nonconforming Sign Area: 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.

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, maintained (including a change in sign face) until such time the sign structure is altered or the entire sign is replaced, at which time the sign must conform to applicable sign regulations. All permanent signs not in compliance on the effective date of these regulations, must conform on or before 15 years from the date of adoption.
- 2) Temporary and portable signs which are not in conformance with the provisions of these regulations shall be regarded as nonconforming and shall be removed on or before 6 months from the date of adoption.
- 3) Stayton City Administrator or designate shall, as a public service, notify nonconforming permanent sign owners by certified mail of the conformance deadline at least two years prior to such deadline. Failure of the administrator or designate to notify the owner of the deadline shall not relieve the owner of responsibility to conform with these regulations within the time period therein.
- 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 OR on or before ten years from the date of adoption of these regulations, whichever comes later. Temporary signs shall conform to the regulations within 6 months following annexation.

- d. Abandoned Signs: All signs for a business shall be removed within thirty 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.

7. NON-COMMERCIAL SIGNS

The following regulations apply to signs for single family homes, duplexes, multi-

family dwellings, public or semi-public institutions and other non-commercial or non-industrial uses:

- a. Sign Types. 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. Any combination of wall, canopy, or free-standing signs not exceeding the sign area and height limitations set forth in this chapter shall be allowed.
- c. Total signage area for properties on which one or more buildings are located:
 - 1) Single family/duplex dwellings: Six square feet.
 - 2) Multiple family dwellings: Thirty-two square feet.
 - 3) Public and semi-public area: Sixty-four square feet.
- d. Maximum sign height is 4 feet for a free-standing sign; otherwise there is no limit.
- e. Permitted Locations
 - 1) Wall, canopy or projecting signs may project into the required setback no more than 1.5 feet.
 - 2) Setbacks for free-standing signs shall comply with code restrictions for fences.
- f. Home occupations are subject to this rule and the provisions of Stayton Municipal Code governing home occupations.

8. COMMERCIAL/INDUSTRIAL SIGNS

The following regulations shall apply to commercial and industrial signs:

- a. Signs for businesses not in integrated business centers:
 - 1) Total Allowed Area: Two square feet of total allowed sign area for

each lineal foot of building frontage up to a maximum total allowed area of 200 square feet.

2) Type, Maximum Number, and Size of Signs: Within the total allowed area, one free-standing sign per street frontage, and an unlimited number of wall, canopy or projecting signs. Regardless of total allowed area, a free-standing sign shall be limited to a maximum of 50% of the total allowed area.

3) Maximum Sign Height

I. Wall or wall mounted signs shall not project above the parapet or roof eaves.

ii. Free-standing signs shall not exceed a total height of 6 feet within the first 10 feet of a property boundary; otherwise, the maximum height is 20 feet.

4) Location

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

ii. Projection signs may project up to 3 feet from the building.

iii. Free-standing signs have no limitation except that they shall not project over street rights-of-way and they shall comply with requirements for vision clearance areas and special street setbacks.

b. Signs for integrated business centers:

1) Total Allowed Area

I. Individual businesses within an integrated business center: Two square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 200 square feet per business. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center.

ii. Integrated business center: One free-standing sign is permitted for each street frontage of an integrated business center. 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.

2) Maximum Sign Height:

- I. Wall or wall mounted signs shall not project above the parapet or roof eaves.
- ii. Free-standing signs shall not exceed a total height of 6 feet within the first 10 feet of a property boundary; otherwise, the maximum height is 20 feet.

3) Location

- I. Wall or canopy signs may project up to 1.5 feet from the building.
- ii. Projection signs may project up to 3 feet from the building.
- iii. Free-standing signs have no limitation except that they shall not project over street right-of-way and they shall comply with requirements for vision clearance areas and special street setbacks.

c. Additional Signs: Within the limitations 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. Such signs shall be limited to three square feet in area and shall be limited to two signs per driveway. Free-standing directional signs shall be limited to a height of six 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 eight feet. Any order sign greater than ten square feet in area and/or six feet in height must be screened from adjacent streets by a sight obscuring fence, wall, or hedge.

d. Temporary and Portable Signs

1) Temporary Signs: One temporary sign per business shall be permitted at any one time. Temporary signs shall conform to the following:

- I) A temporary sign shall not exceed 32 square feet in area.
- ii) 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 through out a calendar year and not to each individual sign.

2) Portable Signs: One portable sign per business shall be permitted at any one time and shall be limited to a period not exceeding 90 days within any calendar year. Portable signs shall conform to the following:

- I) A portable sign shall not exceed 16 square feet in area.
- ii) A sign shall not be located within the public right-of-way or violate vision clearance provisions.
- iii) Except for public safety, all trailer reader boards shall be prohibited.

e.. Individual business may place one portable sign within 10 feet of their business location, provided the sign does not exceed 16 square feet in area nor is located within the public right-of-way. Placement of such a sign shall be limited to a period not exceeding 90 days within any calendar year.

f. 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. cumulative size of all such signs may not exceed 32 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. CONDITIONAL USE PERMITS

Applications for conditional use permits for flashing signs, rotating/revolving signs, or message signs shall be 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 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. If the application is for a flashing and/or 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 shall be permitted. Only flashing effects by way of internal illumination are allowed.
- f. If the application is for a rotating/revolving sign, such sign cannot flash or be illuminated by intermittent light. Rotating/revolving signs shall revolve at a speed no greater than five revolutions per minute.
- g. The total allowed sign area for a business shall be reduced by 25 percent if the business has a flashing, rotating/revolving, or message sign.
- h. Proposed sign shall comply with all other regulations including, but not limited to, height and placement restrictions.

10. 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 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 thus not a special privilege to any business. variance requested 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. 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 listed or considered as a reason for a variance.

- e. Variance request shall not be the result of a self-imposed condition or hardship.
- f. Requested variance is consistent with the purposes of this sign code.

11. VIOLATIONS

A violation of the provisions of this chapter is an infraction and is subject to the Stayton Municipal Land Use and Development Code violation provisions.

12. DEFINITIONS

For the purposes of this chapter, terms, phrases, words, abbreviations, and their derivatives shall be construed as specified herein:

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.

AREA: 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. area shall be determined as follows:

1. 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.
2. When a sign is on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used.
3. area of a sign having no perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or triangle.
4. area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces.

AWNING: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.

BALLOON: Balloons include but are not limited to helium balloons, forced air filled balloons, or any other similar device. Child size balloons are balloons with an inflated diameter of 18" or less and are not considered balloons for sign regulation purposes.

BUILDING FRONTAGE: portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot. A gasoline service station may use the longest side overhanging canopy as a substitute for building frontage when computing the allowable sign area.

CANOPY SIGN: A sign hanging from a canopy or eaves at any angle relative to the adjacent wall, the lowest portion of which is at least eight feet above the underlying grade.

COMMERCIAL: As used in this sign ordinance, commercial refers to use and not to zoning designation.

CONSTRUCT: Build, erect, attach, hang, place, suspend, paint in new or different word, affix, or otherwise bring into being.

FINISH GROUND LEVEL: 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, whichever is the lowest.

FLASHING SIGN: A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.

FREE-STANDING SIGN: A sign supported by one or more upright, pole, or brace placed in or upon the ground; or a sign supported by any structure primarily for the display and support of the sign. Monument signs are free-standing signs.

INCIDENTAL SIGNS: A sign which 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.

INDIRECT ILLUMINATION: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.

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.

INTERNAL ILLUMINATION: A source of illumination from within a sign.

MESSAGE SIGN: A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature.

MULTI-FACE SIGN: A sign which has two or more sign faces contained in a single sign structure.

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

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.

OFF-PREMISE SIGN: Any sign which is located on a piece of property which is not also the property of the sign owner.

OWNER: As used in this chapter, "owner" is the owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" shall mean owner or purchaser of the land on which the sign is placed.

PERSON: Includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer, or employee of any of them.

PORTABLE SIGN: Any sign not originally designed to be permanently affixed to a building, structure, or the ground; a sign originally designed, regardless of its current modification, to be moved from place to place. These signs include, but are not limited to, A-frame or sandwich board signs; signs attached to wood or metal frames and designed to be self supporting and movable; and trailer reader boards. Portable signs are not to be considered temporary signs as defined and used in this chapter.

PROJECTING SIGNS: A sign the face of which is not parallel to the wall on which it is mounted and which projects more than 18 inches from the structure, the lowest portion of which is at least eight feet above the underlying grade.

REAL ESTATE SIGN: A sign the purpose of which is to rent, lease, sell, etc., real property, building opportunities, or building space.

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, for the purposes of this chapter, is considered to be a wall.

ROOF SIGN: A sign or any portion of sign displayed above the highest point of the roof, whether or not such sign is a wall sign.

ROTATING/REVOLVING SIGN: A sign all or a portion of which moves in some manner.

SIGN: Any writing, including letter, word, or numeral; pictorial representation, 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 which is attached to, painted on, or in any other manner represented on any building or structure or device; is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.

SIGN FACE: Surface of a sign containing the message. sign face shall be measured as defined as "area" in this chapter.

SIGN HEIGHT: distance from the finished ground level to the top of the sign or the highest portion of the sign structure or frame, whichever is greater.

SIGN, NUMBER: For the purpose of computing the number of signs, all writing included within a sign area shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure.

SIGN STRUCTURE: supports, uprights, braces, framework, and other structural components of the sign.

TEMPORARY SIGN: A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as a free-standing sign support.

WALL SIGN: A sign attached to, erected against, or painted on an exterior wall of a building or structure, with the exposed face of the sign on a plane approximately parallel to the face of the wall and not projecting more than 18 inches from the wall.