

ORDINANCE NO. 416

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS,
OREGON, APPROVING AMENDMENTS OF MUNICIPAL CODE CHAPTER 16.80
SIGN STANDARDS—ZONING AND DEVELOPMENT CODE REGARDING SIGNS:
12-009-01-ZDA**

THE NORTH PLAINS CITY COUNCIL FINDS:

WHEREAS, the City adopted its last revision to Code Chapter 16 by Ordinance No. 392, adopted on February 6, 2012; and

WHEREAS, the City Council of the City of North Plains finds the current Municipal Code Zoning and Development Standard Chapters need to be amended as follows: R-5 Zone to increase the minimum lot size of duplex, triplex, and attached family homes to 4,000 square feet, to modify setback and height standards, modify lot coverage standards, make grammatical revisions, correct errors, clarify language, clarify the sign code chapter, edit definitions, omit staff position titles throughout the code, and to clarify application procedures and requirements; and

WHEREAS, Ordinance No. 413 adopted all changes recommended with 12-0209-01-ZDA except the amendments to the sign ordinance; and

WHEREAS, the City Council finds that notice of the proposed amendments were mailed to the State Department of Land Conservation and Development a minimum of 45 days before the initial hearing; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments during its December 12, 2012 and January 9, 2013, regular meetings and recommended approval of the proposed revisions to the City Council; and

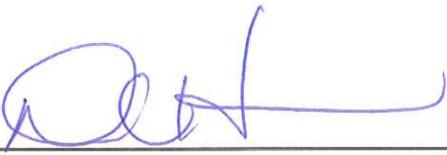
**NOW, THEREFORE, THE CITY OF NORTH PLAINS, OREGON, ORDAINS
AS FOLLOWS:**

Section 1. Adopt revised Municipal Code Chapter 16.80 Zoning and Development Standards pursuant to the findings contained in the Staff Report; a copy of which is marked Exhibit "A."

Section 2. Severability. If any provision of this Ordinance or its application to any person or circumstances is held to be unconstitutional or invalid for any reason, the remainder of this Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

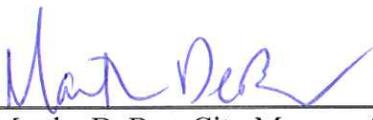
INTRODUCED for first reading on the 6th day of May, 2013, for second reading **AND ADOPTION** on the 20th of May, 2013.

CITY OF NORTH PLAINS, OREGON

By: 

David Hatcher, Mayor

ATTEST:

By: 

Martha DeBry, City Manager/City Recorder

Chapter 16.80
SIGN STANDARDS

16.80.000 Definitions

The following terms are defined for the purpose of this chapter in order to provide clarification of certain words or terms used in the Ordinance.

- A. **Abandoned sign** - A sign or sign structure where:
 - 1. A sign is no longer in use. Discontinuance of sign use may be shown by cessation of use of the premises where the sign is located;
 - 2. A sign has been damaged, in excess of 50% of the value of the sign, and repairs and restoration are not started within ninety days of the date the sign was damaged, or are not diligently pursued, once started.
- B. **Awning** - A shelter projecting from and supported by the exterior wall of a building constructed of rigid or non-rigid materials on a supporting framework.
- C. **Awning Sign** - A sign affixed or applied to the exterior facing surface or surfaces of an awning or a sign hanging from the supports of an awning, provided that the clearance below the sign shall be at least 8 feet.
- D. **Building Frontage, Primary** -The portion of a building face most closely in alignment with an adjacent right-of-way. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.
- E. **Building Wall, Side** - The wall of a building most nearly perpendicular with a street abutting the buildings lot regardless of whether such is functionally the front, rear, end or side of the building.
- F. **Canopy** - A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

- G. **Canopy Sign** - A sign, affixed or applied to, a canopy or eve, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade.
- H. **Changeable Copy Sign** - A sign whose informational content can be changed or altered by manual, electric, electro-mechanical, electronic or optical means.
- I. **Copy** - The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.
- J. **Electronic Message Sign** - A permanent sign providing information in both a horizontal and vertical format(as opposed to linear) sign copy, on which copy is created through use of a pattern of lights in a dot matrix configuration, which may be changed intermittently. Video signs are not included in this definition. Electronic message signs permitted under this chapter shall comply with the following standards:
 - 1. The rate of change for sign copy from one message to another message shall be no more frequent than every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.
 - 2. Displays may travel horizontally or scroll vertically onto electronic message signs, but must hold in a static position after completing the travel or scroll.
 - 3. Electronic message signs requiring more than four seconds to change from one copy to another shall be turned off during the change interval.
 - 4. Sign copy shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of lights, or blinking of chasing lights. Copy shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the sign face.
 - 5. No electronic message sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed eight thousand nits or equivalent candelas

during daylight hours, or one thousand nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted or removed as directed by the city manager.

- J. **Frontage** - The length of the property line of any one premises along a public right-of-way on which it borders. In the case of a corner lot, the frontage shall be the narrowest street frontage.
- K. **Front Wall** - The front wall of a structure shall be the wall of a structure most parallel to the frontage of the property.
- L. **Grade** - Grade is the average level of the ground measured five feet from either end of the base of the sign, parallel to the sign face. For signs mounted on buildings, the grade is the average level of the sidewalk, alley or ground below the mounted sign measured five feet from either end of the sign face.
- M. **Ground Sign** - A permanently affixed sign which is wholly independent of a building for support.
- N. **Height** - The height of a sign is the vertical distance measured from the highest point of the sign to the grade of the adjacent street or the surface grade beneath the sign, whichever is greater.
- O. **Home Occupation Sign**- Such sign shall not exceed four square feet, pursuant to Chapter 16.85.005
- P. **Monument Sign** - A sign that has a solid supporting base equal to or greater than the width of the sign face, generally made of stone, masonry, or concrete, with no separations between the sign and the base.
- Q. **Mural** - Any pictorial or graphic decoration, other than a sign which is applied directly to a structure and is neither used for, or intended to achieve the purposes of, advertising by the use of lettering or script to draw attention to or to direct the observer to a particular business or business location, nor to draw attention to specific products, goods or service by the use of a brand name, trademark, copyright or any other device restricted in use without permission of the owner.
- Q. **Name Plate** - A non-electric on-premise identification sign giving only the name, address, and or occupation of an occupant or group of occupants.
- R. **Non-Conforming Sign** - A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

- S. **Pan Chanel sign** - A sign not contained in a sign box, but rather the lettering and sign logos act as their own sign cabinet.
- T. **Pole sign** - A sign that is a freestanding sign connected to the ground by one or more supports with the lower edge of the sign separated vertically from the ground by a distance of nine feet or greater as measured from grade.
- U. **Projecting sign** - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. Maximum projection shall be three feet and maximum thickness shall be one foot. A projecting sign shall not project above a roof line.
- V. **Roof Line** - Either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)
- W. **Roof Sign** - Any sign erected over or on the roof line of a building.
- X. **Sign** - Any writing, including letter, word, or numeral; pictorial presentation, emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way
- Y. **Sign Area** - The entire area made available by the sign structure for the purpose of displaying the advertising message. For painted signs, only that portion of the door, wall, or structure actually devoted to the message and associated symbols and background, if any, is included in the area. The sign area as defined, shall be used in determining the allowable square footage of signs. For double faced signs, only one side of the sign shall be counted in the total maximum area.
- Z. **Snipe Sign** - A small sign of any material, including but not limited to paper, cardboard, wood or metal, attached to any object and having no application to the premises where located.

- AA. **Temporary Sign** - A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, rigid plastic or paper, vinyl banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support. Paper signs may only be used for single day events.
- BB. **Unlawful Sign** - A sign that was constructed without the necessary permits or approvals of the city.
- CC. **Wall Sign** - A sign attached essentially parallel to and extending not more than eight inches from the wall of a building with no copy on the sides or edges. This definition includes signs painted directly on the wall of a building.
- DD. **Window Sign** - A sign installed on the exterior or on or near the interior of a window for the purpose of viewing from outside the premises.

16.80.005 General Provisions

- A. Except as provided in this chapter, a person shall not erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the sign standards.
- B. Except as provided in this chapter, a person shall not erect, construct or alter a sign, or permit the same to be done, unless a sign permit has been issued by the city. A sign permit for the construction and continued use of a sign is subject to the terms and conditions stated in the permit and to the sign standards.
- C. An application for sign permit approval is subject to the procedures set forth in this chapter.
- D. A sign shall not be constructed on a site that contains an unlawful sign.
- E. The sign standards are not intended to, and do not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. No part of this chapter shall be construed to favor commercial speech over noncommercial speech. To the extent any provision of this chapter is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction of the content of the sign message shall prevail.

16.80.010 Signs in Residential Zones

A. Permitted Signs

1. Signs which meet the following regulation are allowed in the R-2.5 Zone: One (1) sign, not over nine (9) square feet in area, at each entrance to an apartment, townhouse or condominium development.
2. Signs that meet the following regulations are allowed in the R-2.5, R-5 and R-7.5 Zones.
 - a. One (1) name plate, indirectly illuminated or not illuminated, not exceeding one and one-half square feet in area for each building.
 - b. One (1) temporary sign, not illuminated and not exceeding six square feet in during the period the property is for sale, lease or rent. The sign shall be removed within 10 days after the property is sold, leased or rented.
 - c. One (1) temporary sign, not illuminated and not exceeding 32 square feet in area, at each entry to a subdivision during the time the tracts or lots in the subdivision are for sale. The signs shall be removed within 10 days after the tracts or lots are sold.
 - d. Homeowner Association Meeting announcements not exceeding 3 square feet.
 - e. Changeable copy signs for institutional uses, not exceeding 20 square feet
 - f. One (1) monument sign not exceeding 32 square feet for an institutional use. The sign shall be setback at least 10 feet from the front property line. If the use also has a changeable copy sign it shall be incorporated into the monument sign.
 - g. One (1) monument sign at each entry to a subdivision not exceeding 32 square feet for the name of a residential subdivision. The sign shall not violate the vision clearance requirements.

B. Prohibited Signs

The following signs are prohibited in all Residential zones:

1. Ground or pole signs
2. Roof signs
3. Projecting signs
4. Temporary signs, except as permitted in Section 16.8049.0130(A)(2)
5. Snipe Sign
6. Mural

16.80.015 Signs in Commercial Zones

A. Permitted Signs

1. Signs which meet the following regulations are allowed in the C-1 Zone.
 - a. One awning or canopy sign not exceeding five (5) square feet for each building occupancy.
 - b. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to the front wall of a structure with a maximum of one square foot of area for each lineal foot of building occupancy.
 - c. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to a side or rear wall of a building with a maximum of one-half square foot of sign area for each lineal foot of building occupancy.
 - d. In cases where the main entrance to a business is from a side wall of a structure, one (1) wall sign for each business affixed to the side wall of the building with a maximum of one square foot of sign area for each lineal foot of building occupancy.
 - e. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.
 - f. Window sign, provided that not more than 25% of a window is included in a window sign.

- g. A mural meeting the definition under Section 16.80.00 will be allowed with no maximum size.
 - h. Projecting signs meeting the definition under Section 16.80.000 Projecting signs shall be at least 8 feet over the grade adjacent to the building. Projecting signs may project one foot if at least 8 feet above grade and increase one foot of projection for each one feet of elevation over 8 feet to a maximum projection of 3 feet.
 - i. One monument sign meeting the definition under Section 16.80.00, not exceeding 32 square feet for institutional uses.
 - j. One changeable copy sign incorporated into the allowable square footage of signs for the property.
2. Signs which meet the following regulations are allowed in the C-2 Zone.
- a. One awning or canopy sign not exceeding five (5) square feet for each building occupancy.
 - b. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to the front wall of a structure with a maximum of one square foot of area for each lineal foot of building occupancy.
 - c. In cases where the main entrance to a business is from the front wall of a structure, one (1) wall sign for each business affixed to a side or rear wall of a building with a maximum of one-half square foot of sign area for each lineal foot of building occupancy.
 - d. In cases where the main entrance to a business is from a side wall of a structure, one (1) wall sign for each business affixed to the side wall of the building with a maximum of one square foot of sign area for each lineal foot of building occupancy.
 - e. No sign shall be allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.

- f. Window sign, provided that not more than 25% of a window's area is included in a window sign.
- g. One monument sign not exceeding 32 square feet for each driveway, except that monument signs shall not be located adjacent to, or across from residential zones.
- h. For properties with greater than 200 feet of total street frontage, one monument sign for each street frontage with a maximum area of ½ square foot per lineal foot of property frontage with a maximum area of 50 square feet for each sign. Such sign shall not be in addition to the monument sign allowed in subsection g of this section.
- i. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.
- j. One changeable copy sign incorporated into the allowable square footage of signs for the property.

B. Prohibited Signs

- 1. The following signs are prohibited in the C-1 Zone:
 - a. Ground and pole signs
 - b. Roof signs
 - c. Snipe sign
- 2. The following signs are prohibited in the C-2 Zone:
 - a. Ground or pole sign
 - b. Roof signs
 - c. Projecting signs
 - d. Snipe sign

16.80.020 Signs in Neighborhood Community Zone

A. Permitted Signs

Signs located in the NC Zone:

1. Signs located in the residential portions of the NC zone shall comply with signs allowed in Section 16.80.010.
2. Signs located in the commercial portions of the NC zone shall comply with signs allowed in the C-1 zone.
3. Signs in mixed use areas shall comply with signs allowed in C-1 zone.

B. Prohibited Signs

1. Ground and pole signs
2. Roof signs
3. Temporary signs, except as permitted in Section 16.80.010(A)(2)
4. Snipe Sign

16.80.025 Signs in Industrial Zones

A. Permitted Signs

1. Signs that meet the following regulations are allowed in the M-1 Zone.
 - a. One wall sign a maximum of 32 square feet for each business located on a property.
 - b. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.
 - c. One monument sign not exceeding 32 square feet for each driveway, except that monument signs are not allowed adjacent to, or across from a residential zone.
 - d. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.

2. Signs that meet the following regulations are allowed in the M-2 Zone.
 - a. One wall sign a maximum of 32 square feet for each business located on a property.
 - b. A sign is not allowed on the side or rear wall of a building if the wall is adjacent to, or across the street from a residential zone.
 - c. One monument sign not exceeding 32 square feet for each driveway, except that monument signs shall not be located adjacent to, or across from residential zones.
 - d. A mural meeting the definition under Section 16.80.000 is allowed with no maximum size.

B. Prohibited Signs

1. Signs prohibited in the M-1 Zone:
 - a. Ground or pole sign
 - b. Roof signs
 - c. Projecting signs
 - d. Snipe sign
 - e. Changeable copy sign, except gasoline price signs
2. Signs prohibited in the M-2 Zone
 - a. Ground or pole sign
 - b. Roof signs
 - c. Projecting signs
 - d. Snipe sign
 - e. Changeable copy sign, except gasoline price signs

16.80.030 Temporary Signs

The following temporary signs are permitted in all zones

- A. Temporary signs and banners, posted by the city or community organizations for a maximum period of six months from the date a permit is issued.
- B. A temporary sign posted on a property that is for sale, lease or rental does not require a permit from the city. The signs shall not be illuminated, shall not exceed thirty-two (32) square feet in area and shall not be placed within the right-of-way. The sign shall be removed within 10 days after the property is sold, leased or rented.
- D. Portable signs are considered temporary signs for the purposes of this ordinance.
- E. All temporary signs that require a permit shall also pay a deposit to the city. The deposit shall be returned in full once all signs are removed from the city and disposed of or stored within the time limits of the sign permits. If a sign is not removed within the time period of the permit, the city may use the deposit to defray the costs of removing the sign.
- F. Only one temporary sign permit shall be issued per business in any six month period of the calendar year. A temporary sign permit shall be issued for a maximum of 6 signs.

16.80.035 Additional Regulations Applicable to all Zones.

- A. Lighting exterior to the structures shall be shielded in such a manner as to confine emitted light within the boundary of the property from which it originated except lighting installed to illuminate the American Flag or Oregon State Flag may project into the air to properly illuminate the flag, however, such lighting shall not project onto adjacent property or into a public right of way.
- B. When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign and are not being used for the new sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.
- C. Signs and supporting hardware, including temporary signs and time/temperature signs shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

- D. All signs shall be maintained at all times in a state of good repair, and no person shall maintain or permit to be maintained on any premises owned or controlled by him/her, any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or otherwise dilapidated or in an unsafe condition.

16.80.040 Abandoned Signs

Any sign that is unused for more than 90 consecutive days shall be deemed abandoned and shall be removed by the property owner, except that if the sign is in a vacant commercial or industrial space, the sign may remain provided there is an active attempt to obtain tenants for the space and provided all advertising copy is removed and a blank sign face is maintained.

For the purposes of this Section, "unused" shall mean the absence of copy or advertising message or the sign is on a property that is not in use.

16.80.045 Non-Conforming Signs

- A. Non-conforming signs may continue to exist, subject to the following provisions:
1. Any sign that does was approved under previous regulations, or for which a variance was granted, shall either be removed or brought into compliance with this ordinance as a condition of approval of design review on the appurtenant property.
 2. Temporary and portable signs that are not in conformance with the provisions of this Ordinance shall be regarded as non-conforming and shall be removed within 90 days of the effective date of this ordinance.
 3. No additions or enlargements may be made to a non-conforming sign except those additions or enlargements that are required by law.
 4. A sign that is moved, replaced, or structurally altered shall be brought into conformance with this section, except that:
 - a. Non-conforming signs may be repaired and maintained and may have the sign copy changed. A sign may be removed from its sign structure for repair or maintenance if a permit is obtained under this section.

- b. Non-conforming signs may be structurally altered when the alteration is necessary for structural safety.
 - c. Non-conforming signs may be reconstructed if required to be moved for construction or repair of public works or public utilities and the sign reconstruction is completed within ninety days after the completion of the public works or public utility construction or repair.
5. A non-conforming sign that is damaged shall not be repaired if the estimated expense to repair the sign exceeds fifty percent of the replacement cost of the sign as of the day before the sign was damaged. A damaged non-conforming sign that cannot be repaired shall be removed within ninety days of the date the sign was damaged. As used herein, "non-conforming sign" includes the sign structure, foundation and supports.
6. Whenever a non-conforming sign is damaged and the estimated cost to repair the sign is fifty percent or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a non-conforming sign, provided that such repairs and restoration are started within ninety days of the date the sign was damaged and are diligently pursued thereafter.
7. Whenever repair and/or restoration to a damaged non-conforming sign is not started within ninety days of the date the sign is damaged or is diligently pursued once started, the sign shall be deemed abandoned.
8. Abandoned signs shall not be permitted as non-conforming signs.
9. No non-conforming sign shall be permitted to remain unless properly repaired and maintained as provided in this section. A sign maintained in violation of this provision shall be removed as provided in Section A.1. of this Section. Any non-conforming sign that is determined by the building official to be an unsafe sign shall be removed as provided by Section A.5. of this Section. Any non-conforming sign determined by

the city manager to be an abandoned sign shall be removed as provided in subsection A.7. of this section.

- B. Nothing in this section shall be deemed to prevent the maintenance of any sign, or regular manual changes of sign copy on a sign.
- C. This section shall not require the removal or modification of a sign if the sign is in good condition, and located on a historically significant structure or object as recognized in the Comprehensive Plan.
- D. **Highway Signs.** Any non-conforming signs located at tax lots 1N312AB00400, 1N301DC06300 or 1N3120000200, that were approved under previous regulations, or for which a variance was granted, and which was installed prior to April 1, 2013 will be permitted until such time that all or a portion of the sign is removed or in poor repair, for any reason including acts of god. Highway signs cannot be altered in physical dimensions.