

CITY OF DUNDEE
PLANNING COMMISSION AGENDA
City Council Meeting Chambers
620 SW 5th Street
Dundee, OR 97115
P.O. Box 220

MEETING DATE: April 15, 2015
Meeting Time: 7:00pm

- I. Call Meeting to Order.**
- II. Approval of Minutes from Previous Meetings**
 - 1) March 18, 2015
- III. Public Comment**
- IV. Work Session**
 - 1) LURA 15-12, Proposed Sign Code Changes
- V. Planning Issues from Commission Members**
- VI. Adjournment**

The City Council chambers are accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Melody Osborne, Planning Secretary at 503-538-3922.

CITY OF DUNDEE

Meeting: Planning Commission Meeting
Location: City Council Meeting Chambers
620 S.W. 5th Street
Dundee, Oregon 97115
Date: March 18, 2015
Time: 7:00 p.m.

I. Meeting called to order.

The meeting was called to order. Commissioners present, which consisted of quorum, were Chairman Gerald Fiedler, Commissioner Isaiah Cox, Commissioner Francisco Soller, Commissioner Gary Rodney, Commissioner Danny Sikkens, and Commissioner David Hinson. Also in attendance were City Administrator Rob Daykin, City Planner Jessica Pelz, and applicant Allen Methven. Audience member Brent Russell arrived later.

II. Election of 2015 Chairman and Vice Chairman

Chairman Fiedler was nominated and re-elected as Chairman. Vice-Chairman Kropf was nominated and re-elected Vice Chairman. Both votes were unanimous.

III. Approval of Minutes from Previous Meeting(s)

It was moved and seconded to approve the minutes of January 21, 2015. Motion carries, unanimous.

IV. Public Comment

There was no public comment.

V. Public Hearings

A. Methven, SP 15-13: Appeal of Sign Decision

1. Objections to Notice

Chairman Fiedler began by reading the statement of interest into record. He then questioned whether there were objections to notice. No objections were heard.

2. Objections to Jurisdiction

There were no objections to jurisdiction.

3. Declarations of Ex-Parte, Bias, or Conflict of Interest

There were no declarations.

4. Staff Report

Planner Pelz gave the staff report.

5. Proponents

Dr. Methven spoke and gave some history of his property. He stated that he was previously given verbal permission to have an additional sign on his property, however the rules had changed and he was now being told he could not have signage. He explained his current site design application and the need to have a sign on the highway. He compared a few existing less-than-aesthetic buildings on the highway to what would be a fairly nice sign; commenting that there was inconsistency in standards.

It was questioned whether he could have a sign in the back of his property. Planner Pelz explained that there was only an allowance for one free-standing sign. There was a question about the existing sign and whether the intent was to take it down. Dr. Methven explained that the existing sign belonged to his partner and he could not take it down.

The Commission asked whether there might be anything in previous minutes that would have commentary about a sign; Dr. Methven stated that it was not brought up with his previous applications.

Public Testimony Closed.

6. Deliberation

There was a question about whether there could be legal ramifications with a verbal okay. CA Daykin stated that the City was unable to substantiate any of the claims, but also that the sign code had been in effect since at least 1995, prior to being revamped twice, the final time in 2013.

There was a question about whether the existing sign could be expanded, or a way to come to a win/win conclusion. CA Daykin stated that the issue before the Commission was to hear the appeal and that the Commission's job that evening was to either uphold the City Planner's decision or decide that an error was made in the interpretation and overturn it.

Dr. Methven stated that he believed he was at the meeting to ask for a variance, not appeal the decision. He was hoping that the Commission would be able to allow a deviation to the current code. Planner Pelz stated that if he wanted to withdraw his appeal application and reapply for a variance he could do that. She then read the variance criteria into record.

There was discussion about the criteria that needed to be met; it was also noted that the application for a variance was a Type III process, which requires notice and a hearing before the Commission.

There was conversation about when the sign code might come back to the Commission, and whether it would be better for Dr. Methven to wait to until after the Code rewrite or proceed with a variance request now.

A short debate took place over whether a decision should be made on the appeal or whether Dr. Methven should be able to withdraw his appeal application. It was concluded that a decision should be rendered.

It was moved and seconded to accept the staff recommendation to deny the appeal. The motion passed unanimously.

B. City of Dundee LURA 15-07, Amendment to the Dundee Development Code to Add Regulations for Marijuana Dispensaries

1. Declarations of Ex-Parte, Bias, or Conflict of Interest; or, Objections to Jurisdiction

Chairman Fiedler began by reading the statement of interest into record. He then questioned whether there were objections to jurisdiction. No objections were heard.

2. Staff Report

Planner Pelz gave the staff report.

There was a question about whether Council discussed drive-through windows and odors contained on premise. It was noted that other cities had made regulations with regard to these items. Planner Pelz responded that they had no since most issues were addressed by the State.

Planner Pelz concluded with the recommendation

3. Proponents

Brent Russell stated that he was looking at opening a dispensary in Dundee and was present to listen to the Commissioners' thoughts. He also stated that he was working to change the stigma of the business.

Public Testimony closed.

4. Questions of Staff

CA Daykin gave some background on why limiting hours was being proposed. He stated that the proposition was based on the fact that the business is cash based and carried a product with a certain draw. The thought was to limit operation hours to correspond to times with a greater police presence.

There were questions about whether the state regulations needed to be relisted in the development code. Clarification was requested regarding whether the facilities were "cash only". A short discussion regarding the zones that would allow the use took place; as well as a discussion on whether Dundee should also enact additional rules now for the pending legal sale for recreational use; and, a conversation regarding odor emitted.

5. Deliberation

Statement that it would make sense to keep the restricted hours close to or the same as neighboring cities. Discussion about whether there was a necessity to have the additional buffer for parks, given the already existing physical obstacles buffering parks from businesses zoned for the use.

It was moved and seconded to use the State of Oregon regulations. The motion was seconded.

Planner Pelz suggested that the Commission make an amendment to the Order because in this way elements of the proposed language (definition, zoning regulations) would be added to the development code. She also offered some suggestions on crafting a recommendation to Council.

It was moved and seconded to amend the Order to recommend including "Marijuana Dispensary" to Table 17.202.020 minus the special use requirement; and, to add "Marijuana Dispensary" and "Career School" to 17.501.020- Definitions. The motion was called to vote: Aye 4; Nay 1 (Cox); Abstentions 1 (Rodney). A point of order was given and noted that abstentions count with the majority vote.

It was moved to amend the Findings to strike out the second sentence and the last fragment of the last sentence. Motion was seconded and called into vote. Motion passes Aye 4; Nay 2 (Rodney, Cox)

Public Hearing closed.

V. Planning Issues from Commission Members.

CA Daykin questioned the Commission about whether they would like to have an iPad to use for packet delivery and research. There was also discussion about using Dropbox as a means of electronic delivery and storage.

There was conversation about the TSP public hearing and the summer highway (re)construction. Planner Pelz stated that the temporary planner from the COG would be at the April Commission Meeting.

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VI. Adjournment

It was moved and seconded to adjourn the meeting. Motion carries, unanimously.

Gerald Fiedler, Chairman

ATTEST:

Melody Osborne, Planning Secretary

Memorandum

TO: Dundee Planning Commission
FROM: Jessica Pelz, AICP, Planner
CC: Rob Daykin, City Administrator
DATE: April 15, 2015
SUBJECT: Proposed Sign Code Amendments – Section 17.306 of the Development Code

We have recently had several issues and questions come up around various sign code provisions. In addition, City Council recently initiated a Development Code amendment to increase the size of electronic changeable copy signs. Therefore, it is timely for the Planning Commission to review the sign code and see where changes are warranted and necessary. Section 17.306 is attached for your review, and includes areas of highlighted and underlined text – these are areas of special concern, and the underlined text specifies the question or issue at hand. In addition to changes to the existing text, there are several other issues and/or questions to consider, which might prompt additional changes. These issues/questions include:

- The Sign Code version which first included the ten year conformance date, was adopted by Ordinance 498-2010 on 10/19/2010. After allowing for the 30 day effective date, the ten year period would start 11/18/2010. Perhaps we can set a date of January 1, 2021 for compliance? (Note: this would address the language in Section 17.306.040.B. for nonconforming signs).
- Should we clarify that the size limitation of an electronic changeable copy sign is a limit on the display, not the entire sign? For example, the fire department wants to install a monument sign (free standing) of a greater size (for example 24 sq. ft.) than the electronic changeable copy display (6 sq. ft.) as an element of the overall monument sign.
- For island lots (no street frontage, access via easement) or flag lots (lots with limited street frontage), should some allowance be made to allow one additional freestanding sign on an adjacent street fronting lot to benefit the island lot or flag lot?
- Should we allow freestanding signs within the right-of-way in areas otherwise used for landscaping?

Following this workshop, staff will prepare a Planning Commission Order of Recommendation incorporating Planning Commission's recommended changes to City Council. Staff anticipates the Planning Commission holding a hearing on the proposed sign code changes in June 2015.

Chapter 17.306 SIGNS

Sections:

- [17.306.010](#) Purpose.
- [17.306.020](#) Measurement standards.
- [17.306.030](#) Development standards.
- [17.306.040](#) Nonconforming signs.
- [17.306.050](#) Sign review procedures.
- [17.306.060](#) Supplemental considerations.

17.306.010 Purpose.

The purpose of these sign regulations is to help implement the Dundee comprehensive plan, to provide equitable and easily administered signage rights, reduce signage conflicts and clutter, promote traffic and pedestrian safety and increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner. [Ord. 521-2013 § 3 (Exh. A)].

17.306.020 Measurement standards.

A. Determining Sign Area and Dimensions. The 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. 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. 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. The area of a sign on a fence or wall having no such perimeter, border, or base material shall be computed by enclosing the entire area within a quadrilateral, circle or a triangle of the smallest size sufficient to cover the entire message of the sign. The area of multi-faced signs shall be calculated by adding the area of all sign faces visible from any one point.

B. Determining Sign Height.

1. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground to the highest point of the sign. A freestanding sign on a manmade base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb face, or the finished grade where there is no nearby pavement.
2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

C. Determining Frontages and Frontage Lengths.

1. Building Frontage. The frontage of any building shall include the elevation(s) facing a public street or railroad right-of-way, facing a parking area for the building, or containing the public entrance(s) to the building.
2. Building Frontage Length. The length of any building frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the review authority as clearly unrelated to the frontage criteria. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.
3. Lot Frontage. As defined in DMC Division 17.500. [Ord. 521-2013 § 3 (Exh. A)].

17.306.030 Development standards.

The development standards contained in this section are categorized by nonresidential zones and residential zones. The residential zone category, for the purposes of this chapter, shall include the R-1 single-family residential, R-2 single-family residential, and the R-3 medium density residential zones. The nonresidential zone category shall include all other zones.

A. Wall Signs.

1. Nonresidential Zones.

- a. At least 20 square feet of wall signage shall be allowed for each building frontage.
- b. For single story structures the basic allowance for wall signs shall be limited to one square foot of sign area for each linear foot of building frontage length. Additional permitted sign area may be increased by one-half square foot for each additional building floor above one floor. The total sign area on a building frontage shall not exceed 150 square feet. Each building frontage may have multiple wall signs as long as the total wall sign area does not exceed the allowances established for wall signs.
- c. The projection of the sign face shall not exceed a distance of 12 inches from the face of the wall to which the sign is attached, except as allowed for projecting signs under subsection (A)(1)(g) of this section.
- d. The sign shall be placed on the wall that is used to calculate the total area allowance.
- e. Awning signs shall be considered wall signs for the purposes of this code and permitted according to the following:
 - i. Awning signs are permitted only as an integral part of the awning to which they are attached or applied.
 - ii. The awning shall maintain a minimum height of eight feet above grade.
 - iii. An awning shall not extend to within two feet from the curb face.
 - iv. The awning sign shall extend no more than eight feet from the building face.
 - v. An awning shall not project above the roofline.
- f. Roof signs shall be considered wall signs for the purposes of this code and permitted according to the following:
 - i. The signs shall not exceed the highest point of the roof to which they are attached.
 - ii. The signs shall be located on the roof directly above the building frontage used to calculate the permitted area.
- g. Projecting wall signs shall be considered wall signs for the purposes of this code and permitted according to the following:
 - i. The bottom of the sign shall be a minimum of eight feet above grade; the sign shall not project more than four feet from the wall of the building on which the sign is placed and may not be closer than two feet from the face of the curb; and the height shall not exceed the highest point of the wall to which it is attached.
- h. An exterior window sign shall be considered a wall sign for the purposes of this code.

i. Canopy signs are permitted, in addition to the allowance for wall signs. Canopy signs shall have a maximum area of six square feet; the bottom of the sign shall be a minimum of eight feet above the sidewalk; the height shall not exceed the highest point of the roof; the sign shall not project more than 12 inches from the face of the canopy; and adjacent canopy signs shall not be closer than 25 feet.

2. Residential Zones.

a. The basic area allowance for wall signs is as follows:

i. Single-family and two-family (duplex) dwelling: the total sign area shall not exceed six square feet.

ii. Multiple-family dwelling: the total sign area shall not exceed 24 square feet.

iii. Nonresidential uses: the total sign area shall not exceed one square foot for each foot of building frontage, not to exceed a maximum total area of 100 square feet.

b. Each lot may have multiple signs. The total aggregated sign area shall not exceed the allowances in subsection (A)(2)(a) of this section.

c. The sign shall not be a roof sign.

d. An exterior window sign shall be considered a wall sign for the purposes of this code.

B. Freestanding Signs.

1. Nonresidential Zones.

a. One freestanding sign shall be allowed per lot frontage. One additional freestanding sign shall be permitted for every 150 feet of lot frontage. Each sign shall be located a minimum distance of 50 feet from another freestanding sign located on the same lot.

b. The combined area of all freestanding signs along one lot frontage shall be a maximum of four-tenths square foot for each foot of lineal lot frontage. The maximum area of any single sign shall not exceed 50 square feet. At least 20 square feet is allowed per frontage.

c. The maximum height shall not exceed 12 feet.

d. No portion of a freestanding sign shall be in, or project over, a public right-of-way.

2. Residential Zones.

a. The basic area allowance for freestanding signs is as follows:

i. Single-family dwelling, two-family (duplex) dwelling, and vacant lots: the total sign area shall not exceed six square feet.

ii. Multiple-family dwelling: the total sign area shall not exceed 30 square feet.

iii. Nonresidential uses: the total sign area shall not exceed 50 square feet.

iv. Monument sign for subdivisions: the monument sign area shall not exceed 30 square feet. Monument signs are permitted as described in subsection (B)(2)(f) of this section.

b. One sign shall be permitted for each lot frontage.

c. The height of the sign shall not exceed six feet, measured from the ground to the top of the sign face.

- d. The sign may be located in any yard.
- e. No portion of a freestanding sign shall be in, or project over, a public right-of-way.
- f. In addition to the allowance for freestanding signs in residential zones, one monument sign may be permitted at each street entrance of a residential subdivision that comprises 20 or more lots. The height of the additional sign may not exceed a height of six feet. The additional sign may be located in any yard.

C. Design Standards.

SIGN DESIGN STANDARDS
These design standards apply to: All signs larger than six square feet in nonresidential zones. Institutional uses in residential zones if the use abuts Hwy 99W.
The sign design standards supersede other development code requirements for signs, including those in the Victorian overlay and DMC 17.203.040. Remove this sentence – outdated as we do not have the Victorian Overlay any longer.
All signs must incorporate at least two of the design elements below, except signs with internally illuminated faces must include at least three of the design elements.
1. The sign primarily includes raised or engraved individual letters or graphics on a background wall or sign face (raised or engraved depth at least one-half inch). Letters made from neon tube lighting are one type of raised letters.
2. The outline or top of the sign frame (or the letters and graphics if no frame) is predominantly curved or nonrectangular.
3. The sign incorporates stone, masonry, sculpted metal, wrought iron, or natural wood as a frame or background (not plywood, particle board or other wood composite).
4. The sign is indirectly illuminated or non-illuminated.
5. If internally illuminated then no more than 50 percent of the face is light-colored.
6. Freestanding sign is no more than six feet tall.
7. For wall signs, total sign area is at least 20 percent below maximum allowed on that building frontage. For freestanding signs, sign area is at least 20 percent below the total area allowed for that sign.
8. Installing only one freestanding sign on a lot that qualifies for two or more freestanding signs.

D. Temporary Signs.

1. Generally Permitted. Each lot may be permitted one temporary sign. The sign shall not exceed six square feet. The sign may be in any yard, but not in the public right-of-way. The sign is permitted for 90 days out of any consecutive 365-day period.
2. Additional Temporary Signs. In addition to the generally permitted temporary signs, a lot may contain any of the following additional temporary signs during the time periods specified below:
 - a. Election Events. An election event begins 90 days prior to and ends 14 days after any public election. During this event a lot may contain up to 12 square feet of additional temporary signage in a residential

zone, and up to 50 square feet of additional temporary signage in nonresidential zones. These signs shall not be located in the public right-of-way.

b. Special Events. Each lot may be permitted additional signs for other events including, but not limited to: grand openings, clearance sales, garage sales, local festivals, birthdays, religious events, and/or federal holidays. Each lot may be permitted to have signage for one special event in one consecutive 30-day period. The signage may be permitted for three consecutive days. Each lot may be permitted an unlimited number of signs not to exceed a total of 12 square feet in a residential zone, and 50 square feet in a nonresidential zone. These signs shall not be located in the public right-of-way.

c. Construction Events. Signs may be placed during a construction event pursuant to a permit issued by the city on the lot, provided total number does not exceed four and total cumulative size does not exceed 64 square feet. For the purposes of this subsection, a construction event begins on the date of local structural permit approval and ends on the date the permit is final or expires. These signs shall not be placed in the public right-of-way.

d. Sales Event.

i. On property which has received subdivision or development approval from the city, from that approval until issuance of a building permit for the last lot to be sold or completion of the development project, one temporary sign not exceeding 32 square feet in area and eight feet in height is allowed on properties less than four acres in size, or two temporary signs not exceeding 32 square feet in area each and eight feet in height are allowed on properties greater than four acres in size.

ii. Existing Development. A post-style sign not exceeding six square feet in area and five feet in height, or a hanging-style sign not exceeding six square feet in area and six feet in height, during the time of sale, lease or rental of the property; provided, that the sign is removed within 15 days of the sale, lease or rental of the property. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On lots of more than two acres the sign area may be increased to 32 square feet. In no case shall the sign or signs be erected for more than 12 months.

e. Portable Daily Sign. A portable sign may be permitted to be located in the public right-of-way or on private property in any nonresidential zone, provided the following:

i. No more than one sign per business with the permission of the owner/operator of the adjacent business. An exception is allowed for single businesses with long frontages; an additional sign is allowed for every 100 feet of frontage.

ii. The sign area shall not exceed a total of six square feet per side. The area of the sign within the right-of-way shall not be included in the total allowed area for other temporary signs on the adjacent lot.

iii. The sign is self-supporting (e.g., A-frame or sandwich board sign). The sign shall not be attached to any structure or object including, but not limited to, utility poles, mailboxes, trees, and governmental signs.

iv. A minimum five-foot horizontal travel and fire hydrant clearance shall be provided on the sidewalk. The sign shall not be placed on the street or in any on-street parking area, and shall not interfere with the vision clearance requirements of this code.

v. The sign shall be removed during nonbusiness hours of the adjacent business.

3. Signs for Temporary Businesses. Temporary businesses may display temporary or portable signs, other than trailer-mounted reader boards or any sign that includes flashing or rotation lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. All temporary signs must be placed within 10 feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way.

4. Design.

a. All temporary signs shall be portable signs.

b. The maximum height for temporary signs shall not exceed six feet.

E. Signs Allowed Without Permit. The following signs are permitted in all zones without a permit but still shall meet all requirements of this code and the Oregon Structural Specialty Code. All other signs not listed in subsection (D) of this section, including but not limited to wall signs and freestanding signs, require permit approval prior to construction. The following signs shall not be included when determining compliance with total allowed area or number of other signs that require a permit.

1. Temporary signs that meet the standards of subsection (D) of this section.

2. Signs entirely within a building including interior window signs.

3. Signs not visible from a right-of-way.

4. Address identification signs.

5. One flag display is permitted on each street frontage. An unlimited number of displays is permitted on any legal holiday or city council designated festival.

6. Driveway Signs. In addition to the other signs allowed, a lot in any zone may contain signs with the following conditions:

a. For lots with one driveway, two signs shall be permitted at the driveway entrance or exit.

b. If a lot has more than one driveway, one sign shall be permitted for each driveway; and

c. One sign shall be permitted at each internal drive aisle intersection.

d. The area of each sign shall not exceed four square feet.

e. The sign may be located in any yard.

f. The height of the sign shall not exceed three feet. [Ord. 521-2013 § 3 (Exh. A)].

17.306.040 Nonconforming signs.

A. General Provisions.

1. Nonconforming signs shall be maintained in good condition pursuant to DMC [17.306.060](#).

2. A nonconforming sign shall not be altered, modified or reconstructed except:

a. When such alteration, modification or reconstruction would bring such sign into conformity with these regulations;

- b. When the existing use has new ownership or tenant which results in a change in the name or logo of the use or business on the property, and such change complies with subsection (A)(2)(d) of this section;
- c. When the space is reoccupied by a similar use and the new occupant requires no external building or site renovation, and such change complies with subsection (A)(2)(d) of this section;
- d. Any alteration, modification or reconstruction permitted in this section shall be limited to the replacement of a sign panel, replacing individual letters and logos within the same area or repainting a sign face, and does not permit changes to the structure, framing, height or relocation of the sign unless such changes conform to subsection (A)(2)(a) of this section.

B. Limitations for Nonconforming Signs.

1. A nonconforming sign shall be removed upon verification that any of the following conditions have been met:

a. The use of the property with such nonconforming sign has been abandoned for more than two consecutive years;

b. The regulation or amendment to these regulations which made the sign nonconforming has been in effect for 10 years or more;

Change the provision above to a date certain (maybe 10 years from the time this code provision was changed).

c. The development site is granted land use approval for a Type II or Type III request; or

d. The sign is a temporary sign.

2. Extension of Time to Comply. The dates established in this section for a sign to be brought into compliance with the requirements of these regulations may be extended at the request of the sign owner or lessee. An extension request shall be considered by the planning commission and follow the procedural and notice requirements of the Type III land use action. In evaluating the extension of time for a nonconforming sign, the planning commission shall consider the following factors to determine whether the owner of the sign has had reasonable amount of time to recoup the initial investment:

a. The value of the sign at the time of construction and the length of time the sign has been in place;

b. The life expectancy of the original investment in the sign and its salvage value, if any;

c. The amount of depreciation and/or amortization of the sign already claimed for tax or accounting purposes;

d. The length of the current tenant lease or expected occupancy compared to the date the sign is to be brought into compliance;

e. The extent to which the sign is not in compliance with the requirements of these regulations;

f. The degree to which the city determines that the sign is consistent with the purposes of these regulations;

g. Whether the sign has "historical" or "landmark" significance as determined by the planning commission and should, therefore, be exempt from the requirements of this section; and

h. Whether the sign is in a good state of repair and maintenance. [Ord. 521-2013 § 3 (Exh. A)].

17.306.050 Sign review procedures.

A. Application Requirements. An application for sign permit approval shall be made on a form provided by the planning official. The application shall include, at a minimum:

1. A sketch drawn to scale that includes: the design, location, height, area, and type, shielding, and wattage of illumination.
2. A sketch drawn to scale showing the location and size of all existing signs on site.
3. Name, contact information, and address of the sign designer and/or contractor.
4. Signature of the property owner.
5. Application fee.
6. Submittal of a structural permit and application fees.

B. Appeals and Variances. All appeals and major variances regarding this chapter shall be heard by the planning commission. Minor variances shall not be permitted regarding the sign standards contained in this chapter. [Ord. 521-2013 § 3 (Exh. A)]. Remove reference to appeals? Appeals don't seem to work great in this instance because the standards are not discretionary (i.e. would be difficult for staff to misinterpret or incorrectly apply the code provisions)

17.306.060 Supplemental considerations.

A. Construction Standards. The construction, erection, safety and maintenance of all signs shall comply with the current edition of the Oregon Structural Specialty Code and all of the following:

1. Signs shall be structurally sound and located so as to pose no reasonable threat to pedestrian or vehicular traffic.
2. Banners are allowed only as temporary signs.
3. All freestanding signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.
4. Signs shall not be in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.
5. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.
6. Signs may be illuminated by external or internal means; provided, that:
 - a. Light sources shall be shielded from all adjacent buildings and streets.
 - b. The lighting shall not create excessive glare to pedestrians and/or motorists, and will not obstruct traffic control or any other public informational signs.
 - c. The illumination meets the standards of Chapter [17.303](#) DMC, Exterior lighting.
 - d. The sign is not an animated sign.
 - e. In addition, signs in residential zones may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., and shall not flash, blink, or fluctuate.

B. Maintenance. All signs shall be maintained in accordance with the following:

1. The property owner shall maintain the sign: in a condition appropriate to the intended use; to all city standards; and has a continuing obligation to comply with all building code requirements.
2. All signs, excluding the sign structure, for a business shall be removed within 30 days after that business ceases to operate.
3. Illegal and abandoned signs which are not removed or are erected in violation of this chapter may be removed by the city of Dundee following notice to the property owner. The property owner will be assessed the cost of sign removal if the owner fails to remove the nonconforming, illegal or abandoned sign and the city exercises its authority under this provision.
4. If the sign is deemed by the planning official to be in an unsafe condition, the owner of the business shall be immediately notified in writing, and shall, within 72 hours of receipt of such notification, respond to the city with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If, after 30 days, the unsafe condition has not been corrected through repair or removal, the planning official may cause the repair or removal of such sign, at the expense of the property owner or lessee. If the total costs are not paid in full within 30 days of the repairs or removal, the amount owed shall be certified as an assessment against the property of the sign owner, and lien upon that property, together with an additional one percent penalty for collection as prescribed for unpaid real estate taxes.
5. In cases of emergency, the planning official may cause the immediate removal of a dangerous or defective sign without notice.
6. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, relettering or repainting, the same may be done without a permit or without any payment of fees; provided, that all of the following conditions are met:
 - a. There is no alteration or remodeling to the structure or the mounting of the sign itself;
 - b. There is no enlargement or increase in any of the dimensions of the sign or its structure;
 - c. The sign is accessory to a legally permitted, conditional or nonconforming use.

C. Sign Lighting. Except as provided elsewhere in this code, all permanent signs may be internally illuminated, externally illuminated, or illuminated by exposed neon. The illumination of signs shall comply with the following standards:

1. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 300-milliampere rating for white tubing or 100-milliampere rating for any colored tubing. Exposed neon tube illumination is permitted on permanent signs in nonresidential zoning districts only.
2. No exposed reflective type bulb, PAR (parabolic aluminized reflector) spot or incandescent lamp, which incandescent lamp exceeds 250 lumens, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.
3. Exterior lighting shall meet the standards of DMC [17.303.020](#). The illumination level of all exterior sign lighting shall not exceed that necessary to illuminate and make legible a sign from the closest adjacent public right-of-way.
4. When fluorescent tubes are used for interior illumination of a sign such illumination shall not exceed:

- a. Within residential districts, illumination equivalent to 425-milliampere rating tubing behind a sign face with tubes spaced at least seven inches, center to center.
- b. Within nonresidential districts, illumination equivalent to 800-milliampere rating tubing behind a sign face spaced at least nine inches, center to center.

D. Changeable Copy. Changeable copy by non-electronic means may be utilized on any permitted sign, and is limited to a maximum of 25 square feet. **Changeable copy by electronic means is limited to a maximum of four square feet.** Increase size limit?

E. Prohibited Signs. The following signs are prohibited:

1. Abandoned signs.
2. Animated, rotating signs and festoons, inflatable signs, tethered balloons, banners, pennants, search lights, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, and any clearly similar features, except special event signs or banners permitted in DMC [17.306.030\(D\)](#).
3. Interior window signs that exceed 25 percent of the total window area.
4. **Electronic changeable copy signs that exceed four square feet.** Update this to be consistent with above provision (as amended)
5. Roof signs that project above the highest point of the roof.
6. Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals. Signs that obstruct required vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard.
7. Signs located on trees or utility poles.
8. Signs that emit odor, visible matter, or sound.
9. Signs that use or employ guy lines of any type.
10. Signs on unimproved property, unless allowed as a temporary sign by the provisions of this code.
11. Vehicle Signs. Signs on vehicles when the vehicle is placed in a location not otherwise permitted for parking such vehicles, any sign attached to an unlicensed or inoperable vehicle in the public right-of-way or on private property, and signs not permanently attached to any vehicle parked in the public right-of-way or on private property.
12. Any sign not permitted by this code.

F. Exempt Signs. All governmental signs located within the public right-of-way and any other notice or warning required by a valid and applicable federal, state or local law, regulation, or resolution are exempt from meeting the provisions of this chapter. [Ord. 521-2013 § 3 (Exh. A)].

17.501 Definitions

**“Sign” means any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or

anchoring thereof. A sign does not include any architectural or landscape features that may also attract attention. Additional sign definitions applicable to Chapter [17.306](#) DMC include the following:

- A. "Abandoned sign" means a sign that is located on an improved site that has not had legal occupancy for a period exceeding two consecutive years.
- B. "Address identification sign" means a wall sign, required to be placed by law, containing only the address of a building, such sign being located on the same site as the structure.
- C. "Alteration" means any change in color, size or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign, except that a copy change on a sign is not an alteration.

D. "Animated sign" means a sign which has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that moves, changes, flashes, oscillates or visibly alters in appearance more than one time in a one-minute period. Update the time period to a more reasonable period of time (i.e. change once every 5 seconds or so)?

Other Issues:

- The Sign Code version which first included the ten year conformance date, was adopted by Ordinance 498-2010 on 10/19/2010. After allowing for the 30 day effective date, the ten year period would start 11/18/2010. Perhaps we can set a date of January 1, 2021 for compliance? See Section 17.306.040.B. Nonconforming signs.
- Should we clarify that the size limitation of an electronic changeable copy sign is a limit on the display, not the entire sign? For example, the fire department wants to install a monument sign (free standing) of a greater size (for example 24 sq. ft.) that includes the electronic changeable copy display (6 sq. ft.) as an element of the overall monument sign. The Animated sign definition describes both mechanical movement and electronic displays. This was a hybrid of two types of signs that were combined (for efficiency?) in the 2010 update. Perhaps the definition should be restricted to the mechanical movements and update the changeable copy sign definition.
 - "Animated sign" means a sign which has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that moves, changes, flashes, oscillates or visibly alters in appearance.
 - "Changeable copy sign" means a sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (~~for example, time and temperature units~~), or manually through placement of letters or symbols on a panel mounted in or on a track system. Display for an electronic changeable copy sign shall change by dissolve, fade, or by instantaneous change from one static display to another, but the change shall be completed in two seconds or less, and may not change more frequently than one time per 15 second period.
- For flag lots (and lots without actual street frontage), should some allowance be made to allow one additional freestanding sign on an adjacent street fronting lot to benefit the flag lot?
- Should we allow freestanding signs within the right-of-way in areas otherwise used for landscaping?