

For: Monday, August 22, 2011, City Council Meeting

Advance Packet Information

Dated: August 15, 2011

Included in this packet is documentation to support the following Agenda items:

PUBLIC HEARINGS/ORDINANCES

- Public Hearing on File LDC-2-11, revisions to Chapter 17.92 Parking, commercial driveway corner vision, City initiated. The criteria used to decide this matter is found in Chapter 17.140 Amendments, of the BMC. [pg. 2]
 - a. Draft revisions [pg. 3]
- Ordinance amending Brookings Municipal Code Subsection E, Vision Clearance, of Section 17.92.100, Development and maintenance standards for off-street parking areas, of the Land Development Code. [pg. 4]
 - a. Ordinance 11-O-683 [pg. 5]
- Public Hearing on File LDC-3-11, revisions to Chapter 17.88, Signs, political and temporary, City initiated. The criteria used to decide this matter is found in Chapter 17.140 Amendments, of the BMC. [pg. 7]
 - a. Draft revisions [pg. 8]

*Obtain Public Comment Forms and view the agenda and packet information on-line at www.brookings.or.us, or at City Hall. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with advance notification. Please contact 541-469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: August 22, 2011

Originating Dept: Planning

Donna Colby-Hanks
Signature (submitted by)
[Signature]
City Manager Approval

Subject: A hearing on File LDC-2-11 for consideration and possible adoption of revisions to the corner vision requirements for commercial driveways in Chapter 17.92 Off-Street Parking and Loading Regulations, Brookings Municipal Code (BMC).

Recommended Motion: A motion approving revisions to the corner vision requirements for commercial driveways in Chapter 17.92 Off-Street Parking and Loading Regulations, BMC. Staff has prepared a draft adopting ordinance for your review.

Financial Impact: None.

Background/Discussion: Staff received several phone calls with safety concerns about limited visibility of vehicles exiting the new medical center due to the facility's new sign. A site visit confirmed that the sign meets code requirements but limits visibility. To avoid additional instances of reduced visibility on commercial drives but still provide businesses appropriate locations for signage, Section 17.92.100(E) was revised to slightly expand the vision clearance area. Site Plan Committee is supportive of these revisions.

The Planning Commission reviewed the draft revisions at their August 2, 2011 meeting and recommended approval.

Policy Considerations: N/A

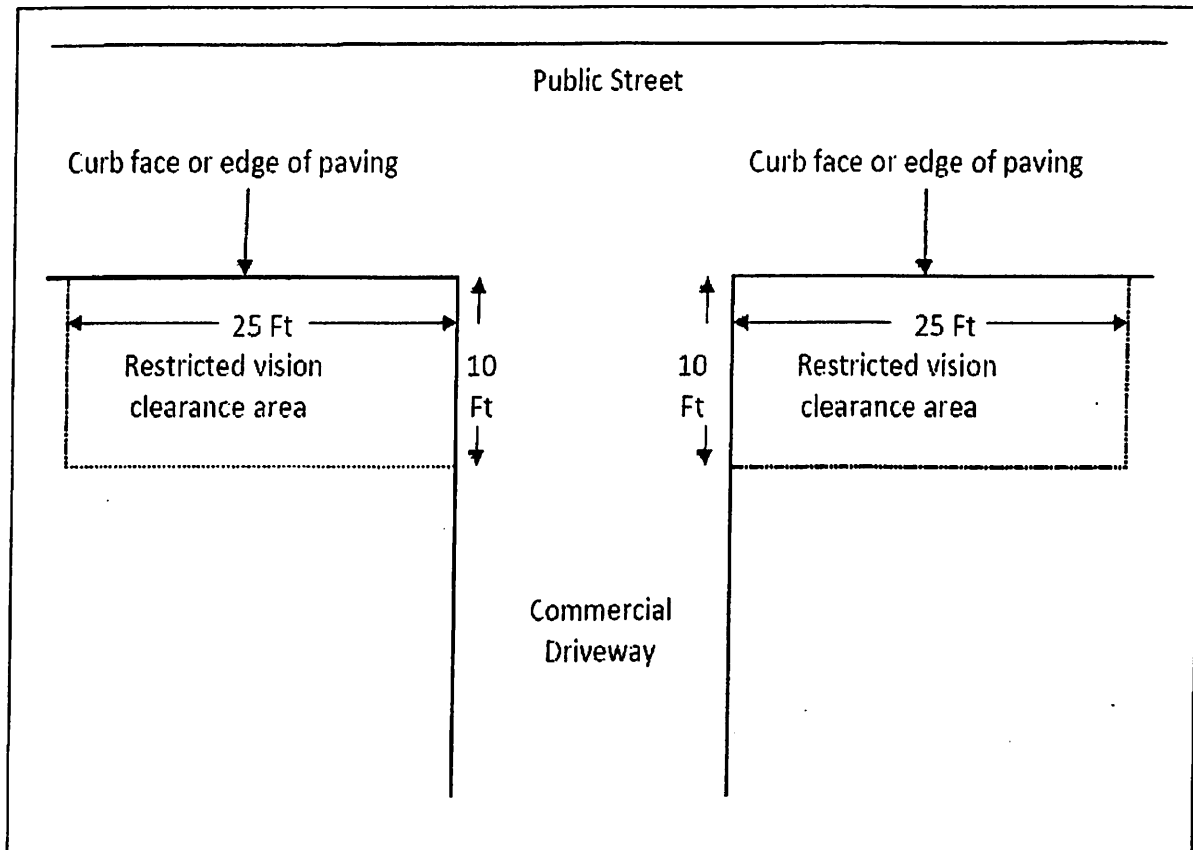
Attachment(s): Attachment A –Draft revisions to the corner vision area for commercial driveways.

Attachment A

Text to be added is in **bold**.
Text to be omitted has ~~strike through~~.

17.92.100 Development and maintenance standards for off-street parking areas.

E. Vision Clearance. Commercial service drives shall have a **rectangular** vision clearance area measured from the intersection of the **face of the curb or pavement edge of the driveway and the face of the curb or pavement edge of centerline, the street.** **This rectangular area shall be calculated by measuring 25 feet along the street frontage and 10 feet along the drive.** ~~right-of-way line, and straight lines connecting a point on the driveway 20 feet from their intersection and 15 feet in both directions along the property line.~~ Corner vision clearance requirements are found in BMC 17.128.040.



CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: August 22, 2011

Originating Dept: Planning

Donna Colby-Hanks
Signature (submitted by)
[Signature]
City Manager Approval

Subject: Ordinance revising Subsection E, Vision Clearance of Section 17.92.100, Development and Maintenance Standards for Off-Street Parking Areas, of Title 17, Land Development Code, of the Brookings Municipal Code.

Recommended Motion: Motion to adopt Ordinance 11-O-683.

Financial Impact: None.

Background/Discussion: Revisions to this section were approved by the City Council at their August 22, 2011 meeting.

Policy Considerations: N/A

Attachment(s): Attachment A –Adopting Ordinance 11-O-683.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

ORDINANCE NO. 11-O-683

IN THE MATTER OF ORDINANCE No. 11-O-683, AN ORDINANCE AMENDING SUBSECTION E, VISION CLEARANCE OF SECTION 17.92.100, DEVELOPMENT AND MAINTENANCE STANDARDS FOR OFF-STREET PARKING AREAS, OF TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

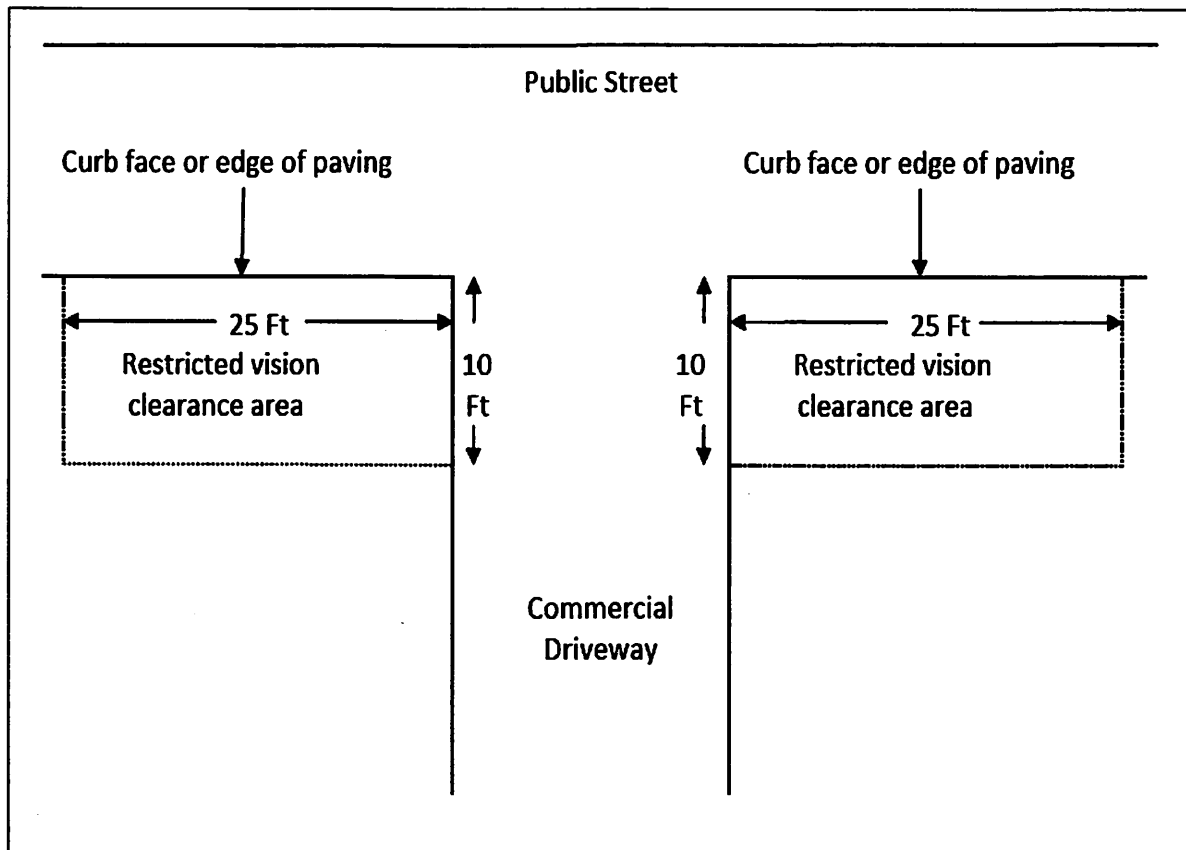
- Section 1. Ordinance identified.
- Section 2. Amends Subsection E, of Section 17.92.100.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Subsection E of Section 17.92.100, of the Brookings Municipal Code (BMC).

Section 2. Amends Subsection E of Section 17.92.100: Subsection E of Section 17.92.100 is amended to read as follows:

E. Vision Clearance. Commercial service drives shall have a rectangular vision clearance area measured from the intersection of the face of the curb or pavement edge of the driveway and the face of the curb or pavement edge of the street. This rectangular area shall be calculated by measuring 25 feet along the street frontage and 10 feet along the drive. Corner vision clearance requirements are found in BMC 17.128.040.



First reading: _____

Second reading: _____

Passage: _____

Effective date _____

Signed by me in authentication of its passage this _____ day of _____, 2011.

Mayor Larry Anderson

ATTEST:

City Recorder Joyce Heffington

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: August 22, 2011

Originating Dept: Planning

Donna Colby-Hanks
Signature (submitted by)
[Signature]
City Manager Approval

Subject: A hearing on File LDC-3-11 for consideration of revisions to Chapter 17.88, Sign Regulations, Brookings Municipal Code (BMC).

Recommended Motion: A motion approving revisions to Chapter 17.88 Sign Regulations, BMC.

Financial Impact: None.

Background/Discussion: Several years ago, the City was contacted by Oregon Department of Transportation (ODOT). They advised that any proposed new signs adjacent to or visible from Chetco Avenue/Hwy 101 would require their approval. Language describing this requirement is not in the Code. Staff has been working with ODOT and applicants to obtain this approval prior to issuing new sign permits. The addition of Section 17.88.030(B)(8) makes it clear to applicants what is required.

Staff received a newsletter written by a litigation attorney that described several common errors with sign ordinances that can lead to litigation. One of these errors was having different regulations for political signs and other non-commercial temporary signs. To resolve the different regulations, Section 17.88.040(B) has been revised to address all non-commercial temporary signs, including political signs. Sections 17.88.040(E) and (H) have been deleted as they are no longer needed. Site Plan Committee supports these revisions.

The Planning Commission reviewed the draft revisions at their August 2, 2011 meeting and recommended approval to the City Council. The Planning Commission requested the Council consider a limitation on the period of time a sign may be displayed prior to the event. Staff researched other jurisdictions handling of these matters. The time allowed for these signs to be displayed prior to the event ranged from unlimited down to 30 days. The Curry County Elections Office explained materials must be submitted not less than 60 days prior to an election to be placed on the ballot.

Policy Considerations: N/A

Attachment(s): Attachment A –Draft revisions to Chapter 17.88 Sign Regulations.

Text to be added is in **bold**.
Text to be omitted has ~~strikethrough~~.

17.88.030 Application.

A. For all areas of the city, a sign permit must be obtained before any sign, except those specifically exempted, is erected, placed, painted, constructed, carved or otherwise given public exposure. Any alteration of an existing sign must also first obtain a permit (see definition of "alter"). The sign permit application may be filed as a part of a larger application or separately. Applications shall be filed with the city manager or their designee, on an appropriate form in a manner prescribed by the city, accompanied by a sign permit application fee in the amount established by general resolution of the city council. A sign permit shall be issued only after a determination by the city manager, or their designee, that the proposed sign is in compliance with all provisions of this chapter.

B. The following shall be submitted with each completed application:

1. Filing fee;
2. Plot plan, drawn to scale, of the lot, with dimensions, on which the sign is to be placed showing the location of the sign, the structure, with dimensions, and dimensions and locations of other existing signs on the property. If the sign is to be freestanding the plot plan must also show the distance from property lines and easements;
3. Engineering wind load data for freestanding, roof-mounted, and perpendicularly mounted signs exceeding five square feet in size;
4. A scale drawing of the sign and its support structure, indicating dimensions;
5. If the proposed sign is lighted or uses electricity for any purpose, evidence that the sign is listed as being approved by a licensed testing facility must be submitted with the application;
6. Proof of a current business license unless exempt;
7. The sign(s) authorized under a sign permit shall be installed within 90 days after the date of permit issuance. A 90-day extension can be requested by submitting a written statement explaining the need for additional time. [Ord. 08-O-608 § 2; Ord. 96-O-446.BB § 5; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

additional time. [Ord. 08-O-608 § 2; Ord. 96-O-446.BB § 5; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

8. Written approval from Oregon Department of Transportation for any proposed signs that are adjacent to or visible from Chetco Avenue/Hwy 101.

17.88.040 Exempt signs.

The following signs and devices shall not be subject to the provisions of this chapter:

A. Memorial tablets, cornerstones or similar plaques not exceeding six square feet;

~~B. Temporary political signs, provided the signs are removed within seven days following the election for which they are intended;~~ **Temporary signs displaying non-commercial messages for events, including but not limited to elections, public meetings or events of a general city-wide civic or public benefit, provided the signs are removed within seven days following the conclusion of the event.**

C. Temporary, nonilluminated real estate or construction signs; provided, that said signs are removed within 15 days from sale, lease or rental of the property, or the completion of the construction project. The following standards shall apply to signs:

1. One unlighted temporary sign not exceeding 16 square feet in area shall be permitted for the lease, rental, or sale of property, or for the construction of a structure thereon in residential districts;
2. One unlighted temporary sign not exceeding 32 square feet in area shall be permitted for the lease, rental, or sale of property, or for the construction of a structure thereon in commercial and industrial districts;
3. One unlighted temporary sign not exceeding 32 square feet in area shall be permitted advertising a new subdivision on the property;
4. One unlighted temporary sign not exceeding 16 square feet in area advertising the finance company for a structure;
5. One unlighted temporary sign not exceeding 16 square feet in area advertising the finance company for a subdivision;

6. Additional signage may be requested by submitting an application pursuant to BMC 17.88.030(B) accompanied by the sign permit fee and a statement explaining the need for the additional signage to the site plan committee. The site plan committee decision may be appealed pursuant to BMC 17.80.060;

D. Temporary signs for new businesses, for a period not to exceed 30 days;

~~E. Paper signs that serve as a notice of a public meeting, that shall be promptly removed after such meeting is held;~~

F. Small directional signs located on the property to guide traffic;

G. Signs placed by state or federal governments for the purpose of identifying public works projects or publicly funded and/or sponsored projects, designed to fulfill the requirements of state or federal funding agencies;

~~H. Temporary signs for events of a general city-wide civic or public benefit;~~

I. Nameplates, provided they do not exceed 72 square inches;

J. Public signs;

K. Businesses which have more than one freestanding sign existing on the effective date of this code. Each sign must meet the size requirements as stated in the code. Signs which advertise a business no longer conducting or a product no longer sold on the premises where such sign is located shall not be exempted under this chapter;

L. Garage sale signs not to exceed four square feet in area and to be displayed only when the sale is open for a period not to exceed three consecutive days in duration with no more than three sales per calendar year;

M. Decorative banners and flags may be displayed and shall not exceed 100 square feet in area. Decorative banners and flags shall not include the use of text;

N. Local, state, or national flags;

O. Window signs;

P. Wall graphics, except that murals shall be reviewed by the public art committee and conform to general guidelines adopted by city council

resolution. In the event the public art committee is unavailable to convene, the site plan committee will perform the needed review;

Q. Any change to the text of an existing sign structure (free standing or applied to the building) does not require a sign permit. This does not apply if the sign structure is altered or the location is changed. [Ord. 08-O-621 § 2; Ord. 08-O-608 § 2; Ord. 01-O-446.KK § 2; Ord. 00-O-446.HH, § 2; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.050 Signs expressly prohibited.

The following signs and devices are expressly prohibited:

A. Signs located on undeveloped property, except as provided in BMC 17.88.040.

B. Vehicle signs, except for standard advertising identification markings which are permanently or magnetically attached to or printed on a business or commercial vehicle.

C. In no case shall any sign:

1. Be erected in a public easement or right-of-way;

2. Be erected so as to prevent free ingress to or egress from any door or window, or any other exit way required by the currently adopted edition of the Oregon State Structural Specialty Code and Fire and Life Safety Regulations;

3. Be attached to any public utility pole, or structure, light pole, lamp, lamp post, tree, fire hydrant, bridge, curb, sidewalk, or other surface located on public property;

4. Be attached to a standpipe, gutter drain, or fire escape, nor shall any sign be erected so as to impair access to the roof;

5. Be erected in any location where, by reason of its location, it will obstruct the view of any authorized traffic sign, signal, or other traffic control device. Nor may any sign, by reason of its shape, position or color, interfere with or be confused with any authorized traffic signal, sign or device. Further, no sign shall be erected in a location where it will obstruct vision of the public right-of-way to the vehicle operator during ingress to, egress from, or while traveling on, said public right-of-way. [Ord. 08-O-608 § 2; Ord. 01-O-446.KK § 2; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]