

ORDINANCE NO. 913

AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, AMENDING TITLE 16 OF THE PLANNING AND DEVELOPMENT CODE, BY AMENDING CHAPTER 16.42, SIGNS, AND DECLARING AN EMERGENCY.

WHEREAS, after major study by a sign committee composed of City, citizen and business representatives, a major sign ordinance amendment was adopted in 1989 as Ordinance 830; and

WHEREAS, during the summer of 1993, the Canby Chamber of Commerce requested of City Council, the opportunity to propose a revised sign ordinance, and the City Council directed staff to work with a Chamber committee regarding such revision; and

WHEREAS, in November 1993, the Canby Chamber of Commerce brought a proposed sign ordinance revision to City Council who referred the proposal to the Planning Commission for consideration.

WHEREAS, the Planning Commission, after providing appropriate public notice, discussed the proposal on January 10, 1994 and held a public hearing regarding the proposal on January 24, 1994 where it considered testimony and directed staff to revise the proposal; and

WHEREAS, the Planning Commission, on February 28, 1994, recommended that the City Council approve the proposed Sign Ordinance amendment, as revised on February 28, 1994; and

WHEREAS, the City Council, on March 16, 1994, reviewed the record of the Planning Commission proceedings and the recommendations of the Planning Commission, and the City Council found that the proposal, with any appropriate modifications, complied with the approved criteria and concluded the amendment is appropriate.

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1.

Amend Chapter 16.42 - Signs - as follows:

Sections:

16.42.010	Purpose
16.42.015	Definitions and Interpretation
16.42.020	Construction, Maintenance and Permit Requirements
16.42.023	Administration and Enforcement
16.42.025	Nonconforming Signs
16.42.028	Signs Exempted or Prohibited
16.42.030	Setbacks
16.42.100	Area of Signs Permitted by Zoning District
16.42.105	Signs in Public Rights-of-Way
16.42.108	Daily Display Signs in the Downtown District (C-1), Highway Commercial Districts (C-2), and Heavy Commercial/Manufacturing District (CM)
16.42.110	Sign Enforcement Procedures
16.42.120	Minor Modification of Sign Standards
16.42.130	Sunset Clause
16.42.140	Severability

Chapter 16.42
SIGNS

16.42.010 Purpose

- A. The purpose of this Chapter is to help maintain the appearance of the City by encouraging well-designed and wisely located signs which are consistent with the intent and objectives of the Comprehensive Plan.
- B. These regulations are intended to control the size, location, number and type of signs in such a manner as to minimize any adverse effects on the public health, safety, general welfare or overall aesthetic appearance of the City.
- C. Nothing in these regulations is intended to control the construction or location of directional or informational signs installed by the City, County, or State, for the purpose of controlling traffic, indicating street names, or other public purposes.
- D. The purpose of this Chapter is also to encourage and facilitate economic development by allowing a wide range of message media to advertise, announce, identify, and communicate and enhance the City's ability to retain and attract sources of economic development and growth.

16.42.015 Definitions and Interpretation

Words and phrases used in this Chapter shall have the meanings set forth in this Section. Words and phrases not defined in this Section, but defined elsewhere in the Land Development and Planning Ordinance of the City shall be given the meanings set forth in such Ordinance. Principles for computing sign area and sign height are contained in Section 16.42.100. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

- A. **BANNER.** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, State or municipal flags, or the official flag of any institution or business shall not be considered banners.
- B. **BEACON.** Any light, excluding street lights and traffic signals, with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

- C. **CANOPY SIGN.** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. Only the area occupied on the canopy by lettering, symbol, or logo is to be counted within the area limits of Section 16.42.100.
- D. **COMMERCIAL MESSAGE.** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- E. **DAILY DISPLAY SIGN.** "Daily display sign" means a temporary on-premises sign normally associated with business activity which is placed out-of-doors during business hours for display and returned indoors during off-hours. Daily Display Signs may be constructed in a sandwich board (A-frame) style, mounted on a single pedestal, or other similar construction, and are intended to be unlit and easily moved. Does not have a changeable reader board.
- F. **FLAG.** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
- G. **MARQUEE.** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- H. **MARQUEE SIGN.** Any sign attached to, in any manner, or made a part of a marquee.
- I. **PENNANT.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- J. **PORTABLE SIGN.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to a- or t-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicles is used in the normal day-to-day operations of the business.

- K. **PERMANENT SIGN.** All signs carrying a message which are not temporary signs.
- L. **SIGN.** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
- M. **TEMPORARY SIGN.** *Any sign that is used only temporarily and is not permanently mounted.*
- N. **WALL SIGN.** Any sign attached parallel to, but within six inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

16.42.020 Construction, Maintenance and Permit Requirements

- A. Each sign shall be constructed to meet the requirements of applicable building, electrical and mechanical codes.
- B. All signs and component parts shall be kept in good repair and maintained in a safe, neat, clean and attractive condition.
- C. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of, or any access to, any fire escape, exit or standpipe. No signs shall be erected or maintained so as to obstruct any window so that light or ventilation is reduced below standards required by any applicable law or building code.
- D. It is unlawful to erect or maintain a sign which, by reason of its size, location or placement, creates an immediate danger to the health, safety and welfare of the citizens of the City by blocking vision for either pedestrians or motorists, at public and /or private roadways, intersections, driveways, or railroad crossings.
- E. Other than temporary signs, as defined in Section 16.42.015(M) and Section 16.42.028, all signs which are not permanently affixed to the ground or to a building shall require the issuance of a sign permit within sixty (60) days of the effective date of the ordinance codified in this Chapter. In order to secure such a permit, such signs must meet all setback and vision clearance requirements and they must meet the requirements of the Uniform Building Code and Uniform Sign Code for construction.

- A. **PERMIT REQUIRED.** All signs erected after the effective date of this Chapter, other than exempt signs as described in Section 16.42.028, shall require a sign permit. All applications for sign permits shall be submitted to, and in such form as may be required by, the City Planner or duly authorized representative.
- B. **PERMIT-FEE.** A fee as established by resolution of the City Council shall be paid to the City of Canby upon the filing of an application. Such fees shall not be refundable.
- C. **INTERPRETATION.** This Chapter regarding "Signs" is part of a 130 page Land Development and Planning Ordinance, including subdivision and zoning regulations. The City Planner will give advice as to which additional chapters may apply to a specific project.
- D. **ENFORCEMENT AUTHORITY.** The City Planner or duly authorized representative shall have the power and duty to interpret and enforce the provisions of this Chapter. An appeal from a ruling by the City Planner or duly authorized representative regarding a requirement of this Chapter may be made only to the Planning Commission, who shall hold a public hearing per the provisions of Code 16.88.140, the Land Development and Planning Ordinance. Upon request of the owner, the City Planner will issue a certificate of inspection listing the signs of the business, and noting those signs which need repair or modification and those signs which do not conform to the provisions of this Chapter.
- E. **APPEAL.** Any action or ruling of the Planning Commission pursuant to this Chapter may be appealed to the City Council per the procedures in Section 16.88.140(E) of the Land Development and Planning Ordinance. An appeal must be made in writing to the City Planner within fifteen (15) days after the Commission has rendered its decision.
- F. **PERMIT-EXPIRATION.** Every permit issued by the Building Official under the provisions of this Chapter shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefor shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year.

- G. **PERMIT-SUSPENSION OR REVOCATION.** THE City Planner or duly authorized representative may, in writing, suspend or revoke a permit issued under provisions of this Chapter whenever the permit is issued on the basis of incorrect information supplied, or in violation of applicable ordinance or regulation or any of the provisions of this Chapter.
- H. **VARIANCES.** The procedures which allow variations from the strict application of the regulations of this Title, by reason of exceptional circumstances and other specified conditions, can be found in Code Section 16.88.150.
- I. **CONDITIONAL USE SIGNS OR SIGNS UNDER SITE AND DESIGN REVIEW.** Signs for uses requiring conditional use or site and design review shall be reviewed by the Planning Commission regarding size, height, and location at the time of conditional use review or site and design review. If sign review was not part of the original conditional use review or original site and design review, the applicant may apply for a sign permit under the normal sign review procedures and policies provided the application is made at least six (6) months after the original review. In conditional use signs or signs reviewed under design review, provisions of this Chapter shall apply.
- J. **Sign Enforcement Procedures**
1. **Nuisance Declared - Removal Required.** The placement or maintenance of a sign which creates an immediate danger to the health, safety and welfare of the citizenry is declared to be a nuisance. It shall be the duty of the property owner(s) and/or the tenant(s) to remove such sign, or to place such sign in such a manner that it will no longer obstruct the vision of motorists or pedestrians.
 2. **Notice to Remove Sign - Time Limit for Compliance.** It shall be the duty of the Chief of Police to give written notice to the legal owner of such property and the present resident of such property upon which a sign is located in violation of the requirements of this Title. The notice shall state that the sign must be removed or relocated by the property owner or resident within seventy-two (72) hours from the date of notice. Such notice may be given by personal service or by registered mail with return receipt requested. A copy of the notice shall also be affixed in a conspicuous manner upon the sign.
 3. **Failure to Comply with Notice.** If notice is given as provided above and the person(s) upon whom such notice is made failed to remove such sign as required by the notice, then such person(s) shall be in violation of this

Chapter and shall be punished by a fine not to exceed five hundred (\$500) dollars. Each day a violation exists is a separate offense and may be punished as such.

4. Removal and Impoundment by City. In addition to the above, the Chief of Police may, after giving notice required above and after waiting seventy-two (72) hours, cause the sign to be removed by City employees, or contractors working for the City, and taken to be stored in a suitable place for storage. Within forty-eight (48) hours after removal and storage of such sign, the Chief of Police shall give notice as provided above to the legal owner and residents of the property that such sign has been removed and impounded for storage for violation of this Chapter and that such sign shall be deemed to have been abandoned and will thereafter be discarded as junk, or may, at the discretion of the Chief of Police, be sold as surplus property if not claimed within thirty (30) days from the date of such forty-eight (48) hour notice. The owner shall be given the right to reclaim such sign by paying all the costs and expenses incurred by the City in the removal and storage of such sign. No sign shall be released, however, until costs and expenses are paid in full to the City.

16.42.025 Nonconforming Signs.

- A. Signs existing on the effective date of Ordinance 830 ¶ 13 (Part) 1989, codified in this chapter which are permanently or can be permanently affixed to a foundation or a building, and which do not meet the requirements of the zoning district in which they are located, shall be deemed to be nonconforming structures or nonconforming uses, as defined in Section 16.04.440 of this Title. Except, however, that signs shall not be considered to be nonconforming where the sign, by reason of its size, location, construction, or lack of maintenance creates a public hazard or nuisance. In the case of such public hazard or nuisance, the City may begin immediate abatement procedures, as provided in this Chapter and other City ordinances.
- B. Signs which are nonconforming structures or nonconforming uses are subject to the same limitations, regulations and requirements as other nonconforming structures or nonconforming uses as delineated in Chapter 16.52 of this Title. Except, however, that signs which are nonconforming structures may be replaced by other signs which are nonconforming structures, subject to the same procedures and requirements for the expansion of nonconforming structures as listed in Section 16.52.040 of this

Title. Except however, that with a change of ownership, nonconforming signs must be brought into conformance within sixty (60) days after the date of the change of ownership.

- C. Signs for nonconforming structures or uses shall be permitted without the necessity of receiving a permit to expand a nonconforming structure, provided that such signs meet all other requirements of local ordinances and provided that such signs are not less in conformance than the existing structure or use. The burden of establishing a vested interest in a nonconforming structure or use shall be upon the property owner.

Section 16.42.028

Signs Exempted or Prohibited

- A. **EXEMPTED SIGNS OR OTHER FEATURES.** The following signs shall require a sign permit (unless specifically exempted below) and shall conform to all other applicable provisions of this Chapter including area of sign limits from Section 16.42.100, (unless specifically exempted) and shall be permitted in all zones, except as otherwise noted.

- 1. Temporary Signs - Political campaign signs, real estate or land development signs and temporary signs advertising such things as social events, garage sales, rental vacancies, or farm products are all permitted, provided that they do not exceed the total square footage of allowed sign area per lot by more than fifty (50%) percent and provided that they meet all other ordinance requirements, including vision clearance. Except, however, that such temporary signs in residentially zoned areas shall not exceed eight (8) square feet per dwelling unit. This section is not intended to authorize the use of temporary signs for commercial retail business advertising, except as allowed by Section 16.42.028. Further, this section does not authorize placement of real estate or land development signs off of the site which they are intended to advertise, except for the placement of temporary "open house" directional signs which may be used between the hours of 8:00 a.m. and 8:00 p.m. daily. Such "open house" signs may be placed within City rights-of-way, but off of the street, on Saturdays and Sundays. However, such "open house" signs may not be placed, even temporarily, within County or State rights-of-way. (No sign permit is required.)

All temporary signs shall be removed within forty-eight (48) hours after the culmination of the event they were intended to advertise.

2. Nameplates - Residential Areas

Nothing in this Chapter is intended to preclude or regulate the placement of nameplates or address signs of less than two (2) square feet; provided that such small signs are unlighted and provided that not more than one such nameplate or address sign shall be used for each dwelling unit or occupant. (No sign permit is required.)

3. For Commercial or Industrial Zoned Areas. On-premise signs not exceeding four (4) square feet in area, non-illuminated, and not exceeding three (3) feet in height if ground-mounted. Such signs may include property address or building numbers, names of occupants or premises, professional or home occupation nameplates, on-site directional, and similar signs. (A sign permit is required.)
4. Bench advertising signs which comply with all regulations of the Canby Municipal Code.
5. Banners or pennants with advertising message and not exceeding a total display area of forty (40) square feet per face and pennants not to exceed the lineal feet of the building exterior per site, used on premises in conjunction with temporary events and not in place longer than a period of thirty (30) days per three (3) month period. Such banners and pennants are exempt from the area limits of Section 16.42.100. (A sign permit is required.)
6. Painted wall decorations or embellishments, or decorated banners, which are not accompanied by a written message. These are exempt from the area limits of Section 16.42.100. (No sign permit is required.)
7. Flags - These are exempt from area limits of Section 16.42.100. (No sign permit is required.)
8. Pennants without written message or logo, not to exceed the lineal feet of the building exterior per site. These are exempt from area limits of Section 16.42.100. (No sign permit is required.)
9. Signs carved into a building or which are a part of materials which are an integral part of the building such as cornerstones, building names, and similar signs. These are exempt from area limits of Section 16.42.100. (A sign permit is required.)

10. Public or Legal Notices - These are exempt from area limits of Section 16.42.100. (No sign permit is required.)
11. Window Signs in Commercial and Manufacturing Zones which occupy a total display area of no more than fifty (50) percent of the window area. Window signs may not use materials subject to provisions of Prohibited Signs "1." from next section of this Chapter. (No sign permit is required.)
12. Painted or Printed Displays in Windows of a Temporary Nature. (No sign permit is required.)
13. Clocks, barber poles, public information signs, without advertising message. (No sign permit is required.)
14. Signs not designed to be viewed from any public right-of-way. (No sign permit is required.)
15. Balloons, provided they are temporary and related to a special event and exceed 10,000 cubic feet in size. These are exempt from area limits of Section 16.42.100. (A sign permit is required.)

B. PROHIBITED SIGNS. It shall be unlawful for any person to erect, display or maintain, and no permit shall be issued for the erection, display, or maintenance of any sign or advertising structure falling within any of the following descriptions:

1. Rotating, moving, sequentially illuminated, flashing, changing, reflecting, or blinking signs are prohibited other than those with white lights indicating the date, time and temperature. No sign or other advertising structure as regulated by this Chapter shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "stop," "look," "detour," "danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse motorists. Sign lighting shall be designed and constructed in such a manner as to not create or produce glare on nearby dwellings.
2. Such advertising devices as strings of lights, banners, pennants, and balloons, except as permitted under Section 16.42.028, Exempted Signs.
3. Temporary signs, except as permitted under Section 16.42.028, Exempted Signs.

4. Off-premises signs, except as permitted under Section 16.42.105 and billboards, as permitted in C-2 and C-M Districts.
5. No sign or portion thereof shall be erected within future street rights-of-way approved by City Council unless and until an agreement is recorded stipulating that the sign will be removed or relocated upon street widening at no expense to the City.
6. Portable signs, except as permitted under Sections 16.42.105 and 16.42.108.
7. Window signs, which are not temporary and which obscure more than fifty (50%) percent of the window area.
8. Signs affixed to power, utility, or traffic control poles other than City-approved traffic control signs and pole identification placards.
9. Searchlights or beacons, except for temporary events such as grand openings, in which case a permit is required.
10. No street banners or other signs projecting over a public right-of-way shall be permitted without the prior consent of the City Council or their designee, except as may be permitted in the Uniform Sign Code.
11. Except for nameplates or logos indicating the owner's name and place of business, no signs, including temporary signs, shall be displayed from trailers or vehicles parked within any public right-of-way or the required setback area adjoining the right-of-way.

Section 16.42.030 Setbacks

- A. Signs are required to meet the setback requirements of the applicable zone district; except, however, that the street yard setback for signs shall be at least fifty (50%) percent of that required for other structures in the zone.
- B. Signs shall not be allowed to obstruct a vision clearance area as defined in this title.

Section 16.42.100 Area of Signs Permitted by Zoning District

Sign area shall be limited to comply with Table 16.42.100.

SIGN AREA. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the Land Development and Planning Ordinance regulations and is clearly incidental to the display itself.

TABLE 16.42.100

-----Area Per Square Footage of Use*-----

Zone	0 to 500	500 to 1000	1000 to 2500	2500 to 4000	4000 to 6000	6000 to 8000	8000 to 10,000	Greater than 10,000
C - 1	40	60	80	100	150	200	250	+25 sq. ft. of sign for each additional 1,000 sq. ft. of area in commercial use, to a maximum of 500 sq. ft.
C - C	20	40	60	60	60	60	60	60
C - R	20	40	60	60	60	60	60	60
R - 1	20	40	60	60	60	60	60	60
R - 1.5	20	40	60	60	60	60	60	60
R - 2	20	40	60	60	60	60	60	60
C - 2 C - M M - 1 M - 2	50	75	100	150	200	250	300	+30 sq. ft. of sign for each additional 1,000 sq. ft. of area in commercial industrial use, to a maximum of 600 sq. ft.

* "Square Footage of Use" is intended to apply only to building area and other portion of the property where business is actually conducted, exclusive of parking areas, open space, or undeveloped portions of the property. Square footage of use is intended to include outdoor storage and other outside areas where work is regularly performed.

** Sign area may be increased by as much as sixty (60%) percent for businesses having frontage on more than one street, other than an alley.

*** Sign area in residential zones is intended to apply to schools, churches, and nonconforming uses. It does not apply to home occupations.

**** Billboards having a surface not greater than fifty (50) square feet per side are permitted in C-2 and C-M zones, regardless of the square footage of use.

Section 16.42.105 Signs in Public Rights-of-Way (including daily display signs)

- A. **SIGNS PROHIBITED.** Signs are prohibited within public rights-of-way, except as allowed by this Section.

Signs Located Within City, County, or State Right-of-Way. Except for directional "open house" real estate signs referred to in 16.42.040 or 16.42.105, any sign located completely or partially within a public right-of-way, or real estate or land development signs located off the site which they are intended to advertise, is in violation of this title, and may be immediately removed and impounded by the City, with or without notice to the owner or resident of the adjacent property. The Chief of Police shall give notice within forty-eight (48) hours after the removal of the sign to the legal owner and residents of the property that such sign has been removed and impounded for storage for violation of this chapter and that such sign shall be deemed to have been abandoned and will thereafter be discarded as junk, or may, at the discretion of the Chief of Police, be sold as surplus property if not claimed within thirty (30) days from the date of such notice. The owner shall be given the right to reclaim such sign by paying all the costs and expenses incurred by the City in the removal and storage of such sign. No sign shall be released, however, until costs and expenses are paid in full.

- B. **EXEMPTED SIGNS.** As referenced in Section 16.42.010(C) signs for purposes of public direction and safety may be allowed within the public right-of-way.
1. Sign sizes and configurations shall be subject to the general standards of the Oregon Department of Transportation sign policy and guidelines and the Federal manual on uniform traffic control devices. Such standards may be deviated from, by the City Public Works Director or his designee, upon determination that such deviation is necessary for the purposes of message visibility, clear vision maintenance, or other similar factors.
 2. Direction signs shall be generic in nature so as not to unduly distract traffic. Such signs may include, but are not limited to signs for emergency services (such as hospitals, police and fire stations), traffic control signs, legal notices, railroad crossing signs, signs for nonspecific locations (such as downtown, business area, industrial area, food services, etc.), danger signals, and similar signs.
 3. Non-City-owned direction and safety signs shall get specific written approval of the Public Works Director. Maintenance and upkeep of such non-City-owned direction and safety signs shall be the responsibility of the sign owner. Failure to maintain such signs may be cause for permit revocation and/or sign removal.

C. *Daily display signs within right-of-way* (Downtown Commercial District, C-1, only):

1. In the Downtown Commercial District (C-1), daily display signs are permitted as specified below. A daily display sign may be allowed within the public right-of-way in front of the premises with which it is associated, provided all of the following conditions are met:
 - a. A City "Right-of-way Permit" is obtained from the City Planner. This permit shall be revocable in case of condition noncompliance. Such permit shall not be approved for County or State rights-of-way.
 - b. The sign is to be set back behind the curb so as not to interfere with on-street parking, or a minimum of ten feet from the edge of the nearest street travel lane where curbs are not in place.
 - c. The sign is to be placed so as to allow at least five feet of unimpeded pedestrian sidewalk maneuvering space.
 - d. The sign is to meet clear vision requirements as defined in Section 16.04.670 and the specific zoning district involved in the subject site.
 - e. The sign is properly maintained.
 - f. The applicant shall assume all liability for incidents involving the sign by signing a document exempting the City from liability and providing liability insurance in the form required by the City Attorney and in an amount not less than the current tort liability limitations.
 - g. Sign dimension shall not exceed a maximum width of three feet, nor a maximum above-ground level height of 4.0 Feet and a maximum of 12 square feet of sign area per side.
 - h. One sign per business is allowed.
 - i. All particular provisions of the zoning district involved are complied with regarding daily display signs, including area limits of Section 16.42.100.
 - j. Wind load requirements of the uniform sign code shall be met.

Section 16.42.108 - Daily Display Signs in the Downtown District (C-1), Highway Commercial Districts (C-2), and Heavy Commercial/Manufacturing District (CM)

- A. A daily display sign is permitted directly on the property with which it is associated, provided that the following conditions are met:
1. The maximum permitted area of any individual daily display sign shall be twelve (12) square feet per display surface and twenty-four (24) square feet overall, with a maximum height limit of four (4) feet above ground level.
 2. One daily display sign is permitted per business.
 3. A daily display sign must not be within the required landscaped areas.
 4. Wind load requirements of the Uniform Sign Ccode shall be met by all daily display signs.
 5. Area limits of Section 16.42.100 shall apply to the total sign area per lot, including daily display signs.

Section 16.42.120 Minor Modification of Sign Standards

- A. *Authorization to Grant or Deny a Minor Modification of Standards.* The City Planner may authorize minor modification of sign standards from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Chapter would cause an undue or unnecessary hardship. In granting a minor modification of standards, the City Planner may attach conditions which he/she finds necessary to protect the welfare of the City and otherwise achieve the purposes of this Chapter.
- B. *Procedure for Minor Modification of Standards.* The following procedures shall be followed in applying for and acting on a request for minor modification of sign standards:

1. A property owner may initiate a request for a minor modification of standard as it may apply to a particular parcel by filing an application with the City Planner or duly authorized agent. The application shall be accompanied by a site plan drawn to approximate scale, showing the standard to be modified and the dimensions and arrangement of the proposed sign, support structure, buildings, and real property. The City Planner may request other drawings or material essential to an understanding of the modification requested.
2. Minor modification requests are defined as less than 10 percent from the numeric standard required and shall be reviewed by the City Planner per provisions regarding administrative type review. Within five days after a decision has been rendered with reference to a request for a modification, the City Planner, or duly authorized representative, shall provide the applicant and lot owners within 100 feet with notice of the decision. A decision of the City Planner under administrative type review may be appealed to the Planning Commission under Section 16.88.240(E).

C. *Circumstances for Granting a Minor Modification of Standard.* The City Planner shall consider and make positive findings with respect to all of the following:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the sign ordinance. Such hardship or difficulty shall not be self-imposed or caused by the applicant's employees or relatives.
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district.
3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
4. That the granting of the minor modification of standard will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
5. That the granting of the minor modification of standards will not be detrimental to the public health, safety, or welfare or be materially injurious to properties or improvements in the vicinity and will be consistent with the purposes of this Chapter.

D. Time Limit

1. Authorization of a minor modification of standards shall be void if the building or work approved by such modification is not commenced within six (6) months of the date of approval.
2. THE City Planner may, upon receiving a written request from the applicant prior to the minor modification of standards expiration date, extend the minor modification of standards time limit for a period not to exceed one year.

Note: Major Modification of Sign Standards must be processed under the variance standards, Chapter 16.88.150.

Section 16.42.130 Sunset Clause

The additions and deletions provided for in this ordinance shall become effective upon adoption and shall continue for one year from such effective date. Should the city council, after public hearing, approve a resolution continuing this ordinance, the amendments shall continue with full force and effect beyond the one (1) year termination date. Provided that no continuing resolution is approved, the provisions of Chapter 16.42, Signs, shall revert back to the language existing prior to the effective date of this Ordinance no. 913. Any daily display sign, banner, pennant, or bench sign, that receives city permit during the effective period of this Ordinance may continue for a maximum of six months after the Ordinance's termination date.

Section 16.42.140 Severability

Invalidity of a section of this Ordinance shall not affect the validity of the remaining sections or parts of sections.

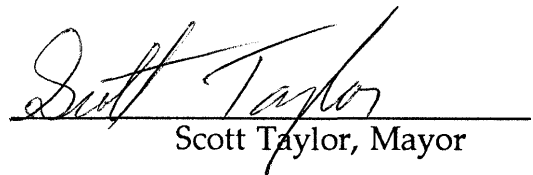
Section 2. An emergency is hereby declared to exist in order to immediately adopt the above amendments, for the health, welfare, and safety of the citizens of Canby and this Ordinance shall therefore take effect immediately upon its enactment after final reading.

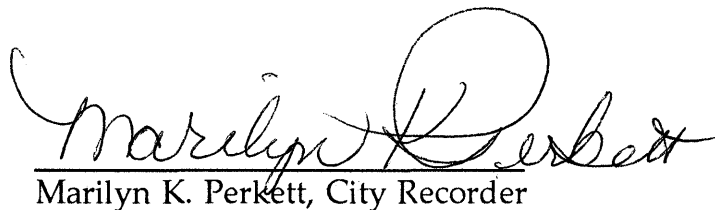
SUBMITTED to the Canby City Council and read the first time at a regular meeting therefor on Wednesday, March 16, 1994; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, April 6, 1994; commencing after the hour of 7:30 P.M., at the Council Chambers at the Canby City Hall, 182 N. Holly, Canby, Oregon.


Marilyn K. Perkett, City Recorder

ENACTED by the Canby City Council at a regular meeting thereof on April 6, 1994, by the following vote:

YEAS 6 NAYS 0


Scott Taylor, Mayor


Marilyn K. Perkett, City Recorder