

A G E N D A
CANBY PLANNING COMMISSION
REGULAR MEETING
City Council Chambers

Monday, January 24, 1994
7:30 p.m.

I. ROLL CALL

II. MINUTES

December 13, 1993
January 10, 1994

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. FINDINGS

DR 94-01 - Township Commons Apartments
MaLP 94-01 - Canby Congregation of Jehovah's Witnesses
CUP 94-01 - Canby Congregation of Jehovah's Witnesses

VI. NEW BUSINESS

VII. PUBLIC HEARINGS

TA 93-04, a Land Development and Planning Ordinance Text Amendment, initiated by the City of Canby Planning Commission, at the request of City Council and the Chamber of Commerce. The purpose of the text amendment is to change the Canby Land Development and Planning Ordinance, Chapter 16.42, Signs, as follows: 1) Sandwich boards are permitted, with limitations, in downtown and along Highway 99-E (called "Daily Display Signs"); 2) Banners and Pennants are permitted, with some limitations on size, type, and duration; 3) Ordinance Administration and Enforcement policies and procedures are clarified; 4) Definitions are provided in key cases; 5) A process to "modify" application of Sign Standards is provided; 6) Current practices are codified in some cases; and 7) A Sunset Clause is provided for a "test period," with resolution to continue the ordinance. The effect, if adopted, would be Citywide.

VIII. DIRECTOR'S REPORT

IX. ADJOURNMENT

Strikeout = deletion

CAPITAL/BOLD = ADDITION

**PROPOSED NEW SIGN ORDINANCE
CHAPTER 16.42
SIGNS**

Sections:

- 16.42.010 Purpose (from current Ordinance)
- 16.42.015(new) Definitions (pick a few from Uniform Sign Code, Model Ordinance, and Milwaukie Ordinance)
- 16.42.020 Construction, Maintenance and Permit Requirements (from current Ordinance)
- 16.42.023(new) Administration and Enforcement (of Sign Provisions)
- 16.42.025 Nonconforming Signs (from Current Sign Ordinance)
- 16.42.028(new) Prohibited or Exempted Signs (from Committee Draft and Current Ordinance) (including Temporary Signs and Prohibited Signs)
- 16.42.030 Setbacks (from Current Ordinance)
- 16.42.050 Street Banners (from Current Ordinance)
- 16.42.060 Signs on Trailer or Vehicles (maybe in Prohibited Signs section) (from Current Ordinance)
- 16.42.100 Area of Signs Permitted by Zoning District (including Table 16.42.100)
- 16.42.105(new) Signs in Public Rights-of-Way (from Committee)
- 16.42.110 Sign Enforcement Procedures
- 16.42.120(new) Modification of Sign Standards
- 16.42.130(new) Sunset Clause
- 16.42.140(new) 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.

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.

***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.**

BEACON. ANY LIGHT 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.

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 MARQUIS 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.

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.

FIN SIGN. A SIGN WHICH IS SUPPORTED WHOLLY BY A ONE-STORY BUILDING OF AN OPEN-AIR BUSINESS OR BY POLES PLACED IN THE GROUND OR PARTLY BY SUCH A POLE OR POLES AND PARTLY BY A BUILDING OR STRUCTURE.

FLAG. ANY FABRIC, BANNER, OR BUNTING CONTAINING DISTINCTIVE COLORS, PATTERNS, OR SYMBOLS, USED AS A SYMBOL OF A GOVERNMENT, POLITICAL SUBDIVISION, OR OTHER ENTITY.

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.

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.

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.

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 LAND DEVELOPMENT AND PLANNING ORDINANCE REGULATIONS AND IS CLEARLY INCIDENTAL TO THE DISPLAY ITSELF.

DAILY DISPLAY SIGN, . "DAILY DISPLAY SIGN" MEANS A NONPERMANENT 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.

TEMPORARY SIGN. ANY SIGN THAT IS USED ONLY TEMPORARILY AND IS NOT PERMANENTLY MOUNTED.

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 16.42.040 AND 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.

Section 16.42.023 ADMINISTRATION AND ENFORCEMENT

PERMIT REQUIRED. ALL SIGNS ERECTED AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, OTHER THAN EXEMPT SIGNS, 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.

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.

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.

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.

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.

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.

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.

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 6 MONTHS AFTER THE ORIGINAL REVIEW.

16.42.025 Nonconforming Signs.

- A. Signs existing on the effective date of the ordinance 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 PROHIBITED OR EXEMPTED

EXEMPTED SIGNS OR OTHER FEATURES. THE FOLLOWING SIGNS SHALL NOT REQUIRE A SIGN PERMIT BUT 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.

Temporary Signs

(Note: The lower case typing in this section is from previous original Section 16.42.040)

- A. 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 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 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.

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

B. Nameplates - Residential Areas

Nothing in this chapter is intended to preclude or regulate the placement of nameplates or address signs of less than two 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.

C. FOR COMMERCIAL OR INDUSTRIAL ZONED AREAS - ON-PREMISE SIGNS NOT EXCEEDING FOUR SQUARE FEET IN AREA, NON-ILLUMINATED, AND NOT EXCEEDING THREE 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.

D. BENCH ADVERTISING SIGNS WHICH COMPLY WITH ALL REGULATIONS OF THE CANBY MUNICIPAL CODE.

E. BANNERS OR PENNANTS WITH ADVERTISING MESSAGE AND NOT EXCEEDING A TOTAL DISPLAY AREA OF 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 30 DAYS PER 3 MONTH PERIOD. SUCH BANNERS AND PENNANTS ARE EXEMPT FROM THE AREA LIMITS OF SECTION 16.42.100.

F. 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.

G. FLAGS - THESE ARE EXEMPT FROM AREA LIMITS OF SECTION 16.42.100.

H. PENNANTS WITHOUT WRITTEN MESSAGE OR LOGO. THESE ARE EXEMPT FROM AREA LIMITS OF SECTION 16.42.100.

I. 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.

- J. PUBLIC OR LEGAL NOTICES - THESE ARE EXEMPT FROM AREA LIMITS OF SECTION 16.42.100.
- K. WINDOW SIGNS IN COMMERCIAL AND MANUFACTURING ZONES WHICH OCCUPY A TOTAL DISPLAY AREA OF NO MORE THAN 50 PERCENT OF THE WINDOW AREA. WINDOW SIGNS MAY NOT USE MATERIALS SUBJECT TO PROVISIONS OF PROHIBITED SIGNS "A" FROM NEXT SECTION of this CHAPTER.
- L. PAINTED OR PRINTED DISPLAYS IN WINDOWS OF A TEMPORARY NATURE.
- M. CLOCKS, BARBER POLES, PUBLIC INFORMATION SIGNS, WITHOUT ADVERTISING MESSAGE.
- N. SIGNS NOT DESIGNED TO BE VIEWED FROM ANY PUBLIC RIGHT-OF-WAY
- O. BALLOONS, PROVIDED THEY ARE TEMPORARY AND RELATED TO A SPECIAL EVENT AND EXCEED 10,000 CUBIC FEET IN SIZE [EXEMPT FROM AREA LIMITS OF SECTION 16.42.100].
- P. NOTHING IN THIS CHAPTER SHALL PREVENT THE ERECTION, LOCATION, OR CONSTRUCTION OF SMALL DIRECTIONAL OR INSTRUCTIONAL SIGNS ON PRIVATE PROPERTY WHEN SUCH SIGNS ARE SOLELY DESIGNED TO DIRECT OR TO GUIDE OR TO INSTRUCT PEDESTRIAN OR VEHICULAR TRAFFIC WHILE ON THE PARCEL OF REAL PROPERTY ON WHICH THE SIGNS ARE LOCATED.
- Q. NOTHING IN THIS CHAPTER SHALL PREVENT THE ERECTION, LOCATION, OR MAINTENANCE OF SIGNS LOCATED ON PRIVATE PROPERTY THAT ARE NOT VISIBLE FROM A PUBLIC RIGHT-OF-WAY OR OTHER NEARBY PRIVATE PROPERTY, UNLESS THE BUILDING OFFICIAL DEEMS THAT THE CONTINUATION OF SUCH A SIGN CONSTITUTES A SERIOUS AND IMMEDIATE DANGER TO PUBLIC SAFETY AND WELFARE.

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:

(Note: The lower case typing is from previous original Section 16.42.100.

- A. Rotating, moving, 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.
- B. **SIGNS ERECTED WITHIN THE RIGHT-OF-WAY OF ANY STREET, ALONG ANY DRIVEWAY, OR IN ANY OTHER LOCATION WHICH DO NOT MEET THE REQUIREMENTS OF SECTION 16.42.105; OR BY REASON OF THE LOCATION, SHAPE, COLOR, ANIMATION, OR MESSAGE ARE LIKELY TO BE CONFUSED WITH ANY TRAFFIC CONTROL DEVICES; OR CREATE A DISTRACTING OR HAZARDOUS CONDITION FOR MOTORISTS.**
- C. **SUCH ADVERTISING DEVICES AS STRINGS OF LIGHTS, BANNERS, PENNANTS, AND BALLOONS, EXCEPT AS PERMITTED UNDER SECTIONS 16.42.028.**
- D. **TEMPORARY SIGNS, EXCEPT AS PERMITTED UNDER SECTIONS 16.42.028.**
- E. **FIN SIGNS.**
- F. **NO SIGN SHALL BE ERECTED OR MAINTAINED WHICH BY USE OF LIGHTS, ILLUMINATION, SEQUENTIAL ILLUMINATION, OR OTHER FORM OF TOTAL OR PARTIAL ILLUMINATION CREATES AN UNDULY DISTRACTING OR HAZARDOUS CONDITION TO A MOTORIST OR PEDESTRIAN.**
- G. **OFF-PREMISES SIGNS, EXCEPT AS PERMITTED UNDER SECTIONS 16.42.105 AND BILLBOARDS IN C-2 and C-M DISTRICTS.**

- H. NO SIGN OR PORTION THEREOF SHALL BE ERECTED WITHIN FUTURE STREET RIGHT-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.
- I. NO SIGN OR PORTION THEREOF SHALL BE PLACED SO THAT IT OBSTRUCTS ANY FIRE ESCAPE, STAIRWAY, OR STANDPIPE; INTERFERES WITH HUMAN EXIT THROUGH ANY WINDOW OR ANY ROOM LOCATED ABOVE THE FIRST FLOOR OF ANY BUILDING; OBSTRUCTS ANY DOOR OR REQUIRED EXIT FROM ANY BUILDING; OR OBSTRUCTS ANY REQUIRED LIGHT OR VENTILATION.
- J. PORTABLE SIGNS, EXCEPT AS PERMITTED UNDER SECTIONS 16.42.105 and 16.42.108.
- K. FENCE SIGNS.
- L. WINDOW SIGNS WHICH OBSCURE MORE THAN 50 PERCENT OF THE WINDOW AREA OR ARE NOT SUBJECT TO THE PROVISIONS OF SECTION 16.42.028(L).
- M. SIGNS AFFIXED TO POWER, UTILITY, OR TRAFFIC CONTROL POLES OTHER THAN CITY-APPROVED TRAFFIC CONTROL SIGNS AND POLE IDENTIFICATION PLACARDS.
- N. SEARCHLIGHTS.

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 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 16.42.050 Street Banners

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.

Section 16.42.060 Signs on Trailers or Vehicles

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 16.42.100 Area of Signs Permitted by Zoning District

Sign area shall be limited to comply with Table 16.42.100.

Section 16.42.105 **SIGNS IN PUBLIC RIGHTS-OF-WAY
(INCLUDING DAILY DISPLAY SIGNS)**

***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.

TABLE 16.42.100

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 - 15	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.

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.

- A. 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 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.
- B. 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.
- C. 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.

BENCH ADVERTISING SIGNS. THESE ARE PERMITTED SUBJECT TO THE STANDARDS OF THE CANBY MUNICIPAL CODE.

DAILY DISPLAY SIGNS WITHIN RIGHT-OF-WAY

- A. 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:

1. **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 RIGHT-OF-WAYS.**
2. **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.**
3. **THE SIGN IS TO BE PLACED SO AS TO ALLOW AT LEAST FIVE FEET OF UNIMPEDED PEDESTRIAN SIDEWALK MANEUVERING SPACE.**
4. **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.**
5. **THE SIGN IS PROPERLY MAINTAINED.**
6. **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 AND AMOUNT AS REQUIRED BY THE CITY ATTORNEY.**
7. **SIGN DIMENSION SHALL NOT EXCEED A MAXIMUM WIDTH OF FOUR FEET, NOR A MAXIMUM ABOVE-GROUND LEVEL HEIGHT OF 4.5 FEET.**
8. **ONE SIGN PER BUSINESS IS ALLOWED.**
9. **ALL PARTICULAR PROVISIONS OF THE ZONING DISTRICT INVOLVED ARE COMPLIED WITH REGARDING DAILY DISPLAY SIGNS, INCLUDING AREA LIMITS OF SECTION 16.42.100.**
10. **WIND LOAD REQUIREMENTS OF THE UNIFORM SIGN CODE SHALL BE MET.**

**Section 16.42.108 - DAILY DISPLAY SIGNS IN THE DOWNTOWN DISTRICT
(C-1)**

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 12 SQUARE FEET PER DISPLAY SURFACE AND 24 SQUARE FEET OVERALL, WITH A MAXIMUM HEIGHT LIMIT OF 6 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 CODE 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 16.42.110 Sign Enforcement Procedures

- A. 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.
- B. 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.

- C. 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 dollars. Each day a violation exists is a separate offense and may be punished as such.

- D. 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.

Section 16.42.120 MODIFICATION OF SIGN STANDARDS

AUTHORIZATION TO GRANT OR DENY A MODIFICATION OF STANDARDS. THE PLANNING COMMISSION (OR CITY PLANNER, IN MINOR CASES) MAY AUTHORIZE MODIFICATION OF 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 MODIFICATION OF STANDARD, THE PLANNING COMMISSION (OR CITY PLANNER, IN MINOR CASES) MAY ATTACH CONDITIONS WHICH IT FINDS NECESSARY TO PROTECT THE WELFARE OF THE CITY AND OTHERWISE ACHIEVE THE PURPOSES OF THIS CHAPTER.

PROCEDURE FOR MODIFICATION OF STANDARD. THE FOLLOWING PROCEDURES SHALL BE FOLLOWED IN APPLYING FOR AND ACTING ON A REQUEST FOR MODIFICATION OF STANDARD:

- A. A PROPERTY OWNER MAY INITIATE A REQUEST FOR A 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 PLANNING COMMISSION MAY REQUEST OTHER DRAWINGS OR MATERIAL ESSENTIAL TO AN UNDERSTANDING OF THE MODIFICATION REQUESTED.

- B. THE PLANNING COMMISSION SHALL HOLD A PUBLIC HEARING PER THE PROVISIONS OF SECTION 16.88.130 FOR ANY MODIFICATION REQUESTED. MODIFICATION REQUESTS OF LESS THAN 10 PERCENT FROM THE NUMERIC STANDARD REQUIRED 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).

CIRCUMSTANCES FOR GRANTING A MODIFICATION OF STANDARD. THE PLANNING COMMISSION (OR CITY PLANNER, IN MINOR CASES), SHALL CONSIDER AND MAKE POSITIVE FINDINGS WITH RESPECT TO ALL OF THE FOLLOWING:

- A. 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.

- B. 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.

- C. 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.
- D. THAT THE GRANTING OF THE MODIFICATION OF STANDARD WILL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGE INCONSISTENT WITH THE LIMITATIONS ON OTHER PROPERTIES CLASSIFIED IN THE SAME ZONING DISTRICT.
- E. THAT THE GRANTING OF THE MODIFICATION OF STANDARD 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.

TIME LIMIT

- A. AUTHORIZATION OF A MODIFICATION OF STANDARD SHALL BE VOID IF THE BUILDING OR WORK APPROVED BY SUCH MODIFICATION IS NOT COMMENCED WITHIN SIX (6) MONTHS OF THE DATE OF APPROVAL.
- B. THE PLANNING COMMISSION (OR CITY PLANNER, IN MINOR CASES), MAY, UPON RECEIVING A WRITTEN REQUEST FROM THE APPLICANT PRIOR TO THE MODIFICATION OF STANDARD EXPIRATION DATE, EXTEND THE MODIFICATION OF STANDARD TIME LIMIT FOR A PERIOD NOT TO EXCEED ONE YEAR.

APPEALS. APPEALS OF THE PLANNING COMMISSION (OR CITY PLANNER) DECISIONS SHALL FOLLOW THE PROCEDURES OF SECTION 16.88.140 OF THE CANBY LAND DEVELOPMENT AND PLANNING ORDINANCE.

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. _____. ANY DAILY DISPLAY 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.