

## ORDINANCE NO. 26-04

### AN ORDINANCE AMENDING THE ASTORIA DEVELOPMENT CODE TO UPDATE SIGN REGULATIONS IN ARTICLE 8 AND MAKE RELATED ADMINISTRATIVE AND CLARIFYING AMENDMENTS TO OTHER CODE SECTIONS

#### THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

##### **SECTION ONE. Purpose and Findings**

The purpose of this ordinance is to adopt amendments to the Astoria Development Code (ADC) that modernize and clarify the City's sign regulations, including the addition of hospital-specific signage standards and administrative revisions to improve consistency and enforceability.

##### **WHEREAS:**

- The City of Astoria has undertaken a legislative code amendment (Case No. A26-01) to update ADC Article 8 (Sign Regulations) and related sections, with a primary focus on accommodating institutional signage needs for Columbia Memorial Hospital and modernizing outdated provisions;
- The Planning Commission held a duly noticed public hearing on February 24, 2026, and voted to recommend that the City Council adopt the proposed amendments as set forth in Exhibits A, B, and C;
- The City provided notice of the proposed amendments to the Oregon Department of Land Conservation and Development (DLCD) at least 35 days prior to the initial public hearing in accordance with OAR 660-018-0020;
- The amendments are consistent with the applicable criteria in ADC Article 10 and the goals and policies of the Astoria Comprehensive Plan;
- The amendments also satisfy applicable requirements of the Oregon Statewide Planning Goals and are supported by findings of fact included in the public record;
- The staff report prepared for the April 6, 2026 public hearing, including findings of fact and supporting analysis, was entered into the public record and is hereby incorporated as part of the basis for this ordinance; and
- The ordinance constitutes the adoption of legislative file A26-01.

**SECTION TWO. Amendments.** The Astoria Development Code is hereby amended as follows:

1. Section 8.155 (Health Care Zone Sign Regulations) is added to Article 8 as set forth in Exhibit A, attached and incorporated herein by reference.
2. Article 8 (Sign Regulations) is amended in full as shown in Exhibit B (redline version with annotations), reflecting changes to temporary signage, wall

graphics, electronic message signs, nonconforming signs, and administrative improvements.

- 3. Additional clerical and administrative amendments to other sections of the Astoria Development Code are adopted as shown in Exhibit C, for purposes of internal consistency and improved implementation.

**SECTION THREE. Incorporation of Exhibits**

The following exhibits are adopted and incorporated into this ordinance by reference:

- Exhibit A – Clean version of revised ADC Section 8.155 establishing Health Care Zone Sign Regulations
- Exhibit B – Redline version of Article 8 showing edits to citywide sign provision with staff annotations explaining the rationale for each change
- Exhibit C – Administrative amendments to other ADC sections for consistency and implementation support

**SECTION FOUR. Severability**

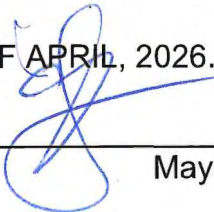
The provisions of this ordinance are severable. The invalidity of any section, clause, or provision of this ordinance shall not affect the validity of any other part, which can be given effect without the invalid part.

**SECTION FIVE. Effective Date**

This ordinance shall take effect 30 days after adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS 20<sup>th</sup> DAY OF APRIL, 2026.

APPROVED BY THE MAYOR THIS 20 DAY OF APRIL, 2026.

  
 \_\_\_\_\_  
 Mayor

ATTEST:

  
 \_\_\_\_\_  
 Scott Spence, City Manager

ROLL CALL ON ADOPTION:		YEA	NAY	ABSENT
Commissioner:	Adams	X		
	Conklin	X		
	Davis	X		
	Mazzarella	X		
	Mayor Fitzpatrick	X		

**EXHIBIT A – Article 8  
Code Amendments – HC (CMH) Sign Regulations**

**The following is a proposed new section of the Astoria Development Code (ADC), intended to be adopted in its entirety.** It establishes signage regulations specific to the Health Care (HC) zoning district and is presented as a clean, adoption-ready version. All changes shown in this section were previously displayed in track-changes format in earlier exhibits for reference and review.

This new section was developed to reflect Columbia Memorial Hospital's role as a regional medical campus and to address the unique wayfinding, visibility, and operational needs of large institutional sites. The content integrates feedback from the Planning Commission and was designed to align with the City's broader goals for clarity, consistency, and compatibility with the character of surrounding neighborhoods.

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**ARTICLE 8 SIGN REGULATIONS**

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**8.155 HC ZONE SIGN REGULATIONS**

Sign regulations within the HC (Health Care) Zone are intended to allow flexibility for hospital and health care campus signage to provide effective wayfinding for staff, patients, and visitors using any mode of transportation. Therefore, the following types, numbers, sizes, and features of signs are allowed. All allowed signs must also conform to the sign regulations of Sections 8.070 through 8.080. If any HC Zone sign regulations in this Section conflict with Sections 8.070–8.080, the provisions of this Section shall apply.

- A. Total Square Footage Permitted. The total square footage of all signage associated with a business site, use, or activity shall be limited based on sign type within the HC Zone.
- B. Freestanding Signs.
  - 1. Number. One (1) sign shall be permitted for each site devoted to a single business, building, use or activity.
  - 2. Area. Total sign area shall not exceed one (1) square foot of sign area for one (1) lineal foot of site frontage that is not already utilized by other signs on the site or attached to buildings. Freestanding signs are allowed up to a maximum of 100 square feet. Allowable area on sites without buildings shall not exceed 32 square feet.
  - 3. Height. The maximum height of a freestanding sign shall be 24 feet.

**EXHIBIT A – Article 8**  
**Code Amendments – HC (CMH) Sign Regulations**

C. Wall, Roof Mounted, or Projecting Signs.

1. Number. No limit on the number of building wall-mounted signs.
2. Illumination. May be internally or externally illuminated, in accordance with 8.070.G.
3. Area. The total allowable area for all permanent signs attached to the building is determined as follows:
  - a. A wall, roof mounted, or projecting sign of one (1) square foot per lineal foot of building frontage is allowed.
  - b. Individual sign face area. The maximum size of an individual sign within the total allowable area limits is 100 square feet.

D. Number of Signs. The number of signs within the total allowable area is limited based on sign type within the HC Zone.

E. Temporary Signs. One (1) temporary sign not exceeding 24 square feet is allowed.

F. Portable Signs. One portable sign per public entry is allowed in accordance with Development Code Sections 8.040 and 8.080.

G. Changeable Text Sign. Changeable text signs shall not be allowed.

H. Monument Sign.

1. Number. One (1) sign shall be permitted for each building/campus access road. One (1) additional monument sign is permitted at the intersection of 18<sup>th</sup> Street and Exchange Street.
2. Area. Monument sign area shall not exceed 100 square feet (per side).
3. Height. The maximum height of a monument sign shall be 10 feet above grade.
4. Business Complex Signs. For multi-tenant buildings or shared-use sites in the HC Zone not governed by a Comprehensive Sign Plan, one (1) monument sign is allowed per site. Total sign area shall not exceed 100 square feet. Each business may occupy up to 24 square feet of the total sign. This provision does not apply to coordinated hospital campuses.

I. Directional and Wayfinding Signs.

1. Types. Freestanding, wall-mounted, or projecting.
2. Number. No limit on the number of directional and wayfinding signs.

**EXHIBIT A – Article 8  
Code Amendments – HC (CMH) Sign Regulations**

3. Area. Freestanding or wall-mounted directional signs shall not exceed 20 square feet (per side).
  4. Height. Freestanding directional signs shall not exceed 8 feet above grade; wall-mounted directional signs shall not be mounted higher than 20 feet above grade; projecting directional signs shall not be mounted higher than 20 feet with a minimum clearance of 14 feet above grade.
  5. Extensions into Right-of-Way. Not permitted. Directional and wayfinding signs must be on private property or hospital-controlled property.
  6. Illumination. May be internally or externally illuminated, in accordance with 8.070.G.
  7. Dynamic Elements. Moving or rotating parts, changeable text, or electronic displays are not permitted. All signs must display static messages only (no flashing, scrolling, or animated text/images).
- J. Comprehensive Sign Plan. For any new hospital or health care campus development in the HC Zone, the applicant may provide to the City for review a comprehensive signage plan depicting the location, size, and type of all proposed permanent signs on site. The purpose of the sign plan is to provide streamlined permitting for a coordinated wayfinding system and compliance with these standards. Upon City approval, the sign plan will govern signage on the campus; any significant deviations may require an amendment to the code, variance or separate sign permit.
1. Significant Deviations. Significant deviations include, but are not limited to:
    - a. The addition of a new sign type or category not originally included in the approved plan;
    - b. Any increase in total sign area or individual sign dimensions (height or width) by more than 10 percent;
    - c. The relocation of any freestanding sign to a different site frontage, or any building-mounted sign to a different facade than shown in the approved plan;
    - d. Any increase in sign height beyond the approved maximum height for that sign;
    - e. The introduction of illumination or digital display features not originally approved; or
    - f. Any change that would disrupt the approved plan's overall design theme, materials, or visual harmony.

//End//

**EXHIBIT B – Article 8**  
**Code Amendments Draft Language - Sign Regulations**

The proposed amendments to Article 8, Astoria Development Code (ADC), are shown below using the following conventions:

- **Strikethrough** text indicates deleted language.
- **Underlined** text indicates new language.
- **Track changes** may appear in multiple colors due to versioning across iterations.
- **(\*\*\*)** indicates that no changes are proposed to the following code section.
- **Numbering, formatting, spacing, and internal cross-reference errors** will be corrected as part of this update to improve readability, accuracy, and internal consistency.

Staff **“annotations”** are included **below the relevant code section or provision** (not in the margin) and are intended to highlight the rationale or policy basis for proposed changes. These serve a function similar to “findings” or legislative justification for each amendment.

The proposed revisions reflect changes related to hospital signage standards, modernization of Article 8 (Sign Code), and administrative corrections to improve clarity and ensure consistency with state law.

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**ARTICLE 8 SIGN REGULATIONS**

8.010 PURPOSE

8.015 HOW TO USE THIS ARTICLE

8.020 ADOPTION OF UNIFORM SIGN CODE RESERVED

8.030 CONFORMANCE

8.040 EXEMPT SIGNS

8.050 PROHIBITED SIGNS

8.060 SIGN PERMITS AND CONSTRUCTION STANDARDS

8.070 GENERAL SIGN REGULATIONS

8.080 SPECIFIC SIGN REGULATIONS (Applicable To All Zones)

8.100 NONCONFORMING SIGNS

8.110 VARIANCES

8.120 DIAGRAMS

8.130 BASE ZONE REGULATIONS

8.140 C-1 ZONE SIGN REGULATIONS

8.150 C-2, C-3, GI, S-1, S-2, A-1, A-2, A-2A, LS, HR, CA, **HC**, AH-HC, FA ZONE SIGN REGULATIONS

8.155 HC ZONE SIGN REGULATIONS

8.160 R-1, R-2, R-3, CR, AH-MP, AND PD ZONES SIGN REGULATIONS

8.170 A-3, A-4, S-5, IN AND LR ZONES SIGN REGULATIONS

8.180 C-4, S-2A, MH, AND AH-MP ZONE SIGN REGULATIONS

**8.010 PURPOSE**

**EXHIBIT B – Article 8**  
**Code Amendments Draft Language - Sign Regulations**

The purpose of this Section is to regulate the number, size, placement and physical characteristics of signs in order to achieve the following objectives:

- ~~A. The maintenance of public safety and traffic safety by ensuring that signs are appropriately designed, constructed, installed and maintained.~~
- ~~B. The enhancement of the operation of businesses in the City by promoting the reasonable, orderly and effective display of signs.~~
- ~~C. The enhancement of the City's physical appearance by promoting signs which are visually compatible with their surroundings and preserve the visual integrity of the area. (Section 8.010.3 amended by Ordinance 04-04, 5-3-04)~~

The purpose of this Section is to regulate the number, size, placement, illumination, and physical characteristics of signs to:

- A. Protect public and traffic safety by preventing hazards and visual obstructions.
- B. Support business identification and wayfinding through reasonable and orderly sign display.
- C. Enhance community character and appearance by promoting visual compatibility with surrounding development.

**Content-Neutral Regulation.** This Article regulates signs by their physical characteristics, location, and manner of display, and does not regulate the content or viewpoint of any sign message.

*“Annotated: This amendment streamlines the Purpose section to clearly state the City’s core objectives—public safety, business identification, and community character—using concise, plain-language standards. It also adds an explicit content-neutral clarification that the City regulates signs based on physical characteristics, location, and manner of display rather than message or viewpoint. The changes do not alter any sign allowances or restrictions; they improve readability for applicants and staff and strengthen the defensibility and consistent application of the sign regulations.”*

**8.015 HOW TO USE THIS ARTICLE**

**Applicability and Order of Review.** Article 8 includes general standards, sign-type standards, and zone-specific limits. To determine whether a sign is allowed and what standards apply, applicants and staff shall apply this Article in the following order:

- A. Exempt Signs (8.040).** Determine whether the sign is exempt from the sign permit requirements and other provisions of this Article.
- B. Prohibited Signs (8.050).** If not exempt, determine whether the sign or sign feature is prohibited.
- C. Sign Permits (8.060).** If the sign is not exempt and not prohibited, a sign permit and submittal materials are necessary.

**EXHIBIT B – Article 8**  
**Code Amendments Draft Language - Sign Regulations**

**D. General Standards (8.070).** Apply measurement, height, clearance, placement, lighting/glare, and maintenance standards that apply to all signs.

**E. Sign-Type Standards (8.080).** Apply standards that apply to specific sign types (e.g., wall, projecting, freestanding, temporary, portable).

**F. Zone Standards (8.140–8.180).** Apply the zone-specific sign allowances and caps (sign types allowed, number, total sign area, and maximum individual sign area).

**G. Existing Signs (8.100 and 8.110).** If an existing sign does not conform, determine whether it is a nonconforming sign subject to Section 8.100 and/or whether a variance may be requested under Section 8.110.

**Where standards conflict:** If a zone-specific standard differs from a general or sign-type standard, the zone-specific standard controls unless this Article expressly states otherwise.

*“Annotated: This amendment adds a brief “How to Use This Article” roadmap to clarify the order in which sign regulations are applied. It does not change any sign allowances or standards. Instead, it establishes a clear review sequence—exempt, prohibited, permit, general standards, sign-type standards, and zone-specific limits, followed by nonconforming and variance provisions—to improve consistency, reduce processing time, and minimize interpretive disputes while preserving the City’s existing policy objectives.”*

**HISTORY**

*Amended by Ord. 22-01 on 11/7/2022*

**8.020 ADOPTION OF UNIFORM SIGN CODE - RESERVED**

~~The City of Astoria enforces the State building code per ORS Chapter 455 and the rules adopted there under by reference, except as modified in this Code.~~

~~(Section 8.020 amended by Ordinance 04-04, 5-3-04)~~

**HISTORY**

*Amended by Ord. 22-01 on 11/7/2022*

**8.030 CONFORMANCE**

~~No sign may be erected or allowed to remain unless it conforms with the regulations of Sections 8.010 through 8.180. Sign permits, as required by 8.060, must be approved prior to the placement of a sign. All signs in historic districts, or in conjunction with historic buildings or sites subject to the Historic Landmarks Code must be approved through the review process outlined in Sections 6.050 and 6.090.~~

~~(Section 8.030 amended by Ordinance 04-04, 5-3-04)~~

**EXHIBIT B – Article 8**  
**Code Amendments Draft Language - Sign Regulations**

- A. General Compliance.** No sign may be erected, installed, altered, or maintained unless it complies with the provisions of Sections 8.010 through 8.180.
- B. Sign Permit.** A sign permit shall be required under Section 8.060 for all signs unless expressly exempted by Section 8.040 and shall be approved prior to installation.
- C. Historic Review.** In addition to any required sign permit, signs located on a designated historic building or site, within a Historic District, or on a site adjacent to a designated historic building, site, or Historic District shall be subject to review under Article 6 (Historic Landmarks) and the applicable procedure in Article 9 (Development Review Procedures). The review type (Type I, II, or III) shall be as specified in Article 9 for historic review actions.

*“Annotated: This amendment reorganizes the section into three clearly labeled subsections to distinguish general compliance, permit requirements, and historic review. It clarifies that sign permits are required unless expressly exempt and that historic review may be required in addition to a sign permit, rather than in place of it. The update replaces outdated cross-references with current Article 6 and Article 9 procedures, improving staff consistency, reducing midstream process corrections, and making review pathways clearer for applicants.”*

**HISTORY**

Amended by Ord. 22-01 on 11/7/2022

**8.040 EXEMPT SIGNS**

- ~~A. The following signs are permitted and are exempt from the requirements of this Code:
  - 1. Building plaque, cornerstone, or similar building identification which is an integral and normal part of a building.
  - 2. House and building numbers, not to exceed four (4) square feet, with numbers not exceeding 12 inches in height.
  - 3. Decorative banners in residential zones not exceeding six (6) square feet.
  - 4. Official informational signs, traffic signs, kiosks, signals, notices, and decorative and event banners.
  - 5. Historical markers erected or maintained by public authority or by a recognized historical organization.
  - 6. Historical signs, and reproductions of historic signs. (Section 8.040.A.14 amended by Ordinance 04-04, 5-3-04)(Section 8.040.A.13 amended by Ordinance 04-04, 5-3-04)(Section 8.040.A.11 amended by Ordinance 04-04, 5-3-04)(Section 8.040.A.6 amended by Ordinance 04-04, 5-3-04)
  - 7. A wall sign for an approved home occupation not exceeding one (1) square foot.
  - 8. Directional signs, each not exceeding four (4) square feet.
  - 9. Flags of local, state, or national origin.~~

**EXHIBIT B – Article 8**  
**Code Amendments Draft Language - Sign Regulations**

- ~~10. Signs located within a building, except window signs.~~
- ~~11. Informational signs, such as hours of operation, accepted cards, and similar signs not exceeding one (1) square foot for groups of related signage. Open and closed signs not exceeding 1.5 square feet.~~
- ~~12. Signs, not exceeding 24 square feet, in residential zones which are used for the identification of public and semi-public uses.~~
- ~~13. One short term real estate sign for each street frontage located on the premises for sale, lease or rent, not exceeding six (6) square feet, provided they are removed within 14 days after the transaction has been completed.~~
- ~~14. Political signs, located on private property. Political signs related to an election shall be removed 14 days after the election. Political signs not meeting this exemption shall comply with the sign code regulations and permit process.~~
- ~~15. Signs located on buildings in aquatic zones not visible from a public street or right-of-way, not exceeding 32 square feet.~~
- ~~16. Signs affixed to the face of individual gas pumps located at gasoline service station.~~
- ~~17. Portable signs which are located within a street right-of-way in accordance with City Code Section 5.060.~~
- ~~18. Short term signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local, or religious holiday.~~

**A. General. The following signs are permitted and are exempt from the sign permit requirements of this Article, provided they comply with applicable safety, placement, and right-of-way standards:**

- 1. Building Identification.** Building plaques, cornerstones, and similar identification that are an integral part of a building.
- 2. Address Numbers.** House and building numbers not exceeding four (4) square feet in total area, with numbers not exceeding twelve (12) inches in height.
- 3. Decorative Banners (Residential Zones).** One decorative banner per residence not exceeding six (6) square feet.
- 4. Official and Public Information Signs.** Official traffic control devices, public notices, kiosks, and informational or event signage erected or maintained by a public authority.
- 5. Historic Markers and Historic Sign Reproductions.**
  - A) Historic markers erected or maintained by a public authority or recognized historical organization.**
  - B) Reproductions of a documented historic sign that was originally located on the same building or site, provided the reproduction is non-illuminated and, where applicable, reviewed in accordance with Article 6 (Historic Landmarks).**
- 6. Home Occupation Sign.** One wall sign for an approved home occupation not exceeding two (2) square feet.

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7. **Directional Signs.** Directional signs not exceeding four (4) square feet each. (Larger or illuminated directional signs are regulated under Section 8.080(H).)
8. **Flags.** Flags of local, state, or national origin.
9. **Interior Signs.** Signs located entirely within a building, except window signs.
10. **Informational Signs.** Informational signs such as hours of operation, accepted cards, or similar information, not exceeding one (1) square foot per group of related signs. Open/closed signs shall not exceed one and one-half (1.5) square feet and are limited to one (1) exempt open/closed sign per frontage. This includes instructional signage affixed to the face of an Automated Teller Machine (ATM), subject to the same size and illumination limits. Exempted open/closed signs shall not include other or text of graphics.
11. **Public and Semi-Public Use Identification (Residential Zones).** Signs identifying public or semi-public uses in residential zones, not exceeding twenty-four (24) square feet.
12. **Real Estate Signs.** One short-term real estate sign per street frontage on a property offered for sale, lease, or rent, not exceeding six (6) square feet, and removed within fourteen (14) days after completion of the transaction.
13. **Temporary Noncommercial Signs (Private Property).** Temporary noncommercial signs located on private property, not exceeding six (6) square feet, and removed within fourteen (14) days after the applicable event or notice period or not exceed 30 (thirty) days if not associated with an event.
14. **Aquatic Zone Building Signs (Not Visible).** Signs on buildings in aquatic zones that are not visible from a public street or right-of-way, not exceeding thirty-two (32) square feet.
15. **Fuel / Charging Stations Signs.** Signs affixed to the face of individual fuel / charging units.
16. **Right-of-Way Portable Signs.** Portable signs located within a public right-of-way in compliance with City Code Section 5.060.
17. **Holiday Decorations.** Short-term decorative signs or displays customarily associated with national, local, or religious holidays, installed within a reasonable period prior to the holiday and removed within thirty (30) days after the holiday.
18. **Door Signs.** One door sign is allowed per primary entrance, not exceeding 1.5 square feet in area. It must be directly affixed to the door and used only for essential information related to the occupant or business. No illumination is permitted.

*“Annotated: This amendment streamlines and consolidates the exempt sign categories to reduce overlap and ambiguity while preserving existing allowances and size limits. It replaces the content-based “political sign” exemption with a content-neutral category for temporary noncommercial signs, applies uniform time and area limits, and clarifies*

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*objective criteria for historic sign reproductions tied to Article 6 review. These changes improve consistency in application, reduce interpretive disputes, and strengthen the defensibility and enforceability of the exempt sign provisions without expanding or restricting where signs are allowed.”*

**8.050 PROHIBITED SIGNS**

~~1. The following signs are prohibited:~~

- ~~1. Strobe lights and signs containing strobe lights.~~
- ~~2. Spot lights and beacons, except for special community wide events by permit.~~
- ~~3. Signs which flash, revolve, rotate, swing, undulate or otherwise attract attention through the movement or flashing of parts of the sign, including inflatable signs, large balloons, flags, pennants, animation sign on vehicles, billboard vehicles, or similar devices.~~

~~This prohibition does not include the following signs:~~

- ~~1. barber poles of maximum of 4' in total fixture height may rotate;~~
- ~~2. changeable text signs;~~
- ~~3. time and temperature signs;~~
- ~~4. signs, other than animation signs, on vehicles such as buses, delivery vehicles, etc. that are used other than solely for display of signage. (Section 8.050.A.7 amended by Ordinance 04-04, 5-3-04)(Section 8.050.A.3.d added by Ord 19-05, 6-17-2019) (Section 8.050.A.3 amended by Ord 19-05, 6-17-2019; 8.050.A.3 amended by Ordinance 04-04, 5-3-04; amended by Ordinance 12-03, 1-3-12)~~
- ~~4. (Section 8.050.A.9 added by Ordinance 04-04, 5-3-04)(Section 8.050.A.4 deleted by Ordinance 04-04, 5-3-04)~~
- ~~5. Abandoned or deteriorated signs.~~
- ~~6. Public address systems or sound devices for advertising purposes.~~
- ~~7. Backlit awning signage is prohibited in the area bounded by Exchange Street on the south, the pierhead line on the north, 8th Street on the west, and 16th Street on the east; or within the Gateway Master Plan Area.~~
- ~~8. No unofficial sign which purports to be, is an imitation of, or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic, or which hides from view any official traffic sign or signal.~~
- ~~9. Animation Signs.~~
- ~~10. Changeable text signs on a vacant lot.~~
- ~~11. Off-premise changeable text signs.~~
- ~~12. Signs shall not be installed on portions of structures exempt from building height such as elevator shafts and/or rooftop equipment enclosures.~~

**HISTORY**

*Amended by Ord. 22-01 on 11/7/2022*

**A. Prohibited Features - The following sign features are prohibited:**

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1. **Strobe, flashing, or animation.** Signs or sign components that strobe, flash, scroll, rotate, revolve, swing, undulate, or otherwise move or change to attract attention, including inflatable or mechanically animated elements. This includes banners, pennants, streamers, flags used for advertising, and any signage designed to move or flutter in the wind.
  2. **Sound.** Public address systems or sound devices used for advertising or attention-getting.
  3. **Glare or beam effects.** Spotlights, beacons, laser devices, or light beams directed onto buildings, streets, sidewalks, or the sky, except as authorized by the Community Development Director.
- B. Prohibited Sign Types** - The following sign types are prohibited unless approved through a Type I permit by the Community Development Director:
1. **Off-Premise Electronic or Changeable Message Signs.** Signs with changeable content located off the site of the business or use they promote.
  2. **Unpermitted Electronic Message Centers (EMCs).** Electronic message signs, including LED, LCD, or digital displays, are prohibited unless expressly allowed under this Article.
  3. **Simulated Electronic Signs.** Window signs that use neon, LED, dot matrix, or similar illumination to mimic the appearance of an EMC through flashing, scrolling, pulsing, or high-intensity display. These signs are prohibited if they do not comply with applicable EMC standards.
  4. **Vehicle-mounted advertising** where a vehicle, trailer, or similar device is used primarily or solely for the display of signage.
  5. **Inflatable or balloon-mounted signs,** including tethered advertising devices.
  6. **Projected image signs,** including images or messages projected onto buildings, structures, sidewalks, streets, or other surfaces. Except historic ghost signs as approved by the Historic Landmarks Commission.
  7. **Drone-** or aerial-mounted advertising devices.
  8. **Roofline electronic** signs or message boards.
  9. **Signs on exempt building elements,** including elevator shafts or rooftop equipment enclosures.
  10. **Abandoned or deteriorated signs.**
  11. **Traffic-confusing signs.** Any sign that purports to be, imitates, or resembles an official traffic sign or signal, directs the movement of traffic, or obscures an official traffic control device.
  12. **Flexible, Banner, and Movement-Based Signs.** Signs made of flexible materials—including vinyl, fabric, plastic, or similar—are not permitted as permanent signage. This includes banners, pennants, air dancers, inflatable tubes, streamers, flags used for advertising, and any signage designed to move or flutter in the wind. Temporary

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banners allowed under Section 8.080(K) are exempt from this provision.

- C. Limited Exceptions** - The following are not prohibited by this Section, provided they comply with all other applicable provisions of this Article:
- 1. Barber poles** with a maximum total fixture height of four (4) feet, which may rotate.
  - 2. Time and temperature displays** that do not include advertising or other message content.
  - 3. Signs on operational vehicles** (e.g., buses, delivery vehicles, food carts) that are used primarily for transportation or service and not solely for advertising. Food truck signs other than permanent street legal vehicle signage shall be subject to the sign code.

*“Annotated: This amendment reorganizes the prohibited sign provisions into three clear categories—prohibited features, prohibited sign types, and limited exceptions—to improve readability and consistent enforcement. It modernizes the section by explicitly addressing emerging formats such as projected image signs, laser/light-beam advertising, drone- or aerial-mounted devices, and roofline electronic message boards, while aligning electronic/changeable text sign standards with the City’s digital phase-out policy. These changes do not alter the underlying safety and aesthetic intent of the code; they clarify scope, close interpretive gaps, and reduce ambiguity for applicants and staff.”*

**8.060 SIGN PERMITS AND CONSTRUCTION STANDARDS**

- ~~A. Sign Permit Required. A sign permit is required for the erection of any new sign or the structural alteration of an existing sign, except those signs that are exempt in Section 8.040. A sign permit is required for modification or alteration of the sign face, or any portion of the sign or supporting structure. (Section 8.060.B.5 added by Ordinance 04-04, 5-3-04)(Section 8.060.B.4 amended by Ordinance 04-04, 5-3-04) (Section 8.060.A amended by Ordinance 04-04, 5-3-04)~~
- ~~B. Required Information for a Sign Permit. For purposes of review by the Community Development Director, a scale drawing of the proposed sign shall be submitted. The drawing shall include:~~
- ~~1. The dimensions of the sign;~~
  - ~~2. Location of the sign;~~
  - ~~3. Any structural elements of the proposed sign; and~~
  - ~~4. The size, location, and dimensions of any other sign(s) located on the applicant's building or property.~~
  - ~~5. A site plan indicating the dimension of the building frontage and/or site frontage.~~
  - ~~6. In addition to any other application requirements listed above, all changeable text sign applications shall include the following:~~

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- ~~a. Manufacturer's information on the operation, illumination, and ability of the sign to comply with the regulations and standards in this Code.~~
- ~~b. Diagram with at least two sample messages for the proposed activity utilizing the lighting capabilities of the proposed sign.~~
- ~~C. Sign Permit Fee. The fee for a sign permit shall be established by Resolution.~~

**A. Sign Permit Required** - A sign permit is required for the installation of any new sign or the structural alteration of an existing sign, except for signs exempt under Section 8.040. A permit is also required for changes to the illumination type, mounting method, face change or supporting structure.

**B. Construction and Electrical Code Compliance**

All signs and sign illumination shall comply with the Oregon Structural Specialty Code, Oregon Electrical Specialty Code, ORS Chapter 455, and rules adopted thereunder. Approval of a sign permit does not eliminate the need for any required building, electrical, or right-of-way permits.

**C. Required Submittals** - Applicants shall submit a scale drawing showing:

1. Dimensions and location of all sign features;
2. Structural elements and mounting;
3. Dimensions and location of existing signs on the site or building;  
and
4. Building and site frontage used to calculate allowable sign area.
5. Electronic or Changeable Message Signs (if allowed): Manufacturer specifications and two sample display messages shall be provided.

**D. Sign Permit Fee** - The sign permit fee shall be established by Resolution.

*“Annotated: This amendment revises Section 8.060 to consolidate sign permitting and construction/electrical code compliance into a single, clear section. The update incorporates the substance of former Section 8.020 by expressly requiring all signs and sign illumination to comply with applicable state building and electrical codes and ORS Chapter 455, while clarifying that separate building, electrical, or right-of-way permits may still be required. These changes do not expand or restrict sign allowances; they eliminate duplication, align the section title with its content, and improve clarity for applicants and staff.”*

#### HISTORY

Amended by Ord. 22-01 on 11/7/2022

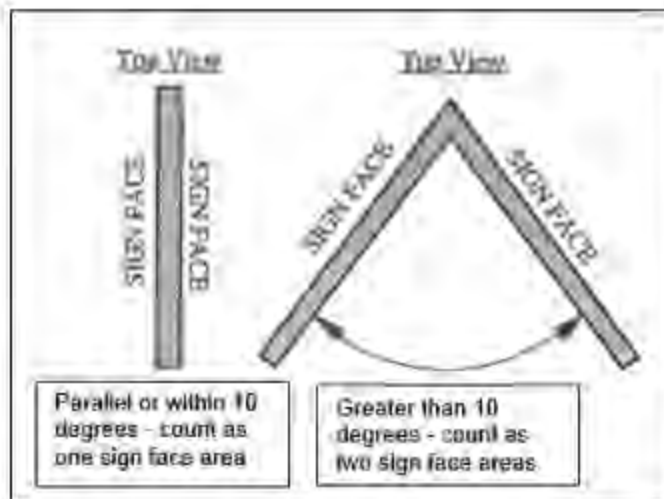
### **8.070 GENERAL SIGN REGULATIONS**

The following general provisions shall govern all signs, in addition to all other applicable provisions pertaining to signs:

A. Sign Face Area.

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1. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face [See 8.120(A.1), Figure 1]. Sign area does not include foundations, supports, and other essential structures which do not serve as a backdrop or border to the sign. Only one (1) side of a double-faced sign is counted in measuring the sign face area, ~~except for a double faced changeable text sign.~~ If the sign faces are not parallel or within 10 degrees of parallel, each is considered one sign face and both faces are counted. (Section 8.070.A.1 amended by Ord 19-05, 6-17-2019; 8.070.A.1 amended by Ordinance 04-04, 5-3-04)



2. When signs are constructed of individual elements attached to a building wall, the sign area is determined by calculating the area of an imaginary rectangle drawn around the sign elements [See 8.120(A.2), Figure 2].
- ~~3. Several businesses may use one sign as long as the area they each use does not exceed their own allowable square footage, and the total area of the sign does not exceed that allowed in the zone.~~
3. **Shared Sign Area.** Multiple businesses or uses located on the same site or within the same multi-tenant building may share a single sign, provided the total sign area does not exceed the maximum allowed for the property or building. The property owner or manager shall acknowledge on the sign permit application if one business or use is allocated a disproportionate share of the total allowable sign area, which may limit the remaining sign area available to other existing or future tenants.

*“Annotated: This amendment clarifies allocation of total allowable sign area on multi-tenant properties, allowing shared signage while requiring owner acknowledgment when one tenant uses a disproportionate share. It improves transparency and reduces disputes without regulating sign content.”*

4. The area of sign faces for round or three-dimensional signs is determined by the maximum sign face area visible at one time.

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5. When a sign is incorporated into an awning or marquee, only the sign area as determined by a perimeter drawn around the individual elements is counted as the sign face.
  6. For sign structures containing multiple sign modules oriented in the same direction, the sign area is determined by calculating the area of an imaginary rectangle drawn around the sign elements [See 8.120(A.3), Figure 3].
  7. Sign area square footage is based on frontage [See 8.120.D, Figures 6, 7, 8]. Freestanding and monument signs are based on the site frontage, all other signs are based on the building frontage. (Section 8.070.A.7 added by Ordinance 12-03, 1-3-12)
- B. Height of Signs. The overall height of a sign or sign structure is measured from the existing grade directly below the sign to the highest point of the sign or sign structure (See 8.120.B.1, Figure 4).
- C. Clearances. Clearances are measured from the existing grade directly below the sign to the bottom of the sign structure enclosing the sign face (See 8.120.C.1, Figure 5).
- D. Corner Signs and Frontage Assignment. ~~Corner signs facing more than one (1) street shall be assigned to a frontage by the applicant. The sign must meet all provisions for the frontage it is assigned to.~~ On a corner lot or a site with frontage on more than one street, each sign shall be assigned to a single frontage and shall comply with all standards applicable to that frontage. The applicant shall identify the assigned frontage as part of the sign permit application, subject to review and confirmation by the Community Development Department to ensure consistency with applicable code standards.
- E. Sign Placement.
1. Placement. All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into the right-of-way.
  2. ~~Frontages~~. ~~Signs allowed based on the length of one (1) site frontage may not be placed on another site frontage.~~
    - a. ~~Exception~~. ~~If a portion of a building facade or site line is more suited for signage than the allowable frontage, an applicant may choose to use that building facade or site line in lieu of the allowable frontage. The square footage of the sign shall be calculated on the length of the newly selected building facade or site line or on the allowable frontage, whichever is smaller. In choosing this exception, the applicant shall relinquish the right to install signage on the other allowable frontage unless a variance is granted. (Section 8.070.E.2 amended by Ordinance 04-04, 5-3-04)~~
  2. Frontages. Signs whose allowable area or number is based on a specific site or building frontage shall be placed on that frontage only.
    - a. Exception (Alternate Façade). An applicant may place a sign on a building façade or site line other than the allowable frontage when that façade is better suited for signage, subject to the following:

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- 1. Area Calculation.** The allowable sign area shall be calculated on the length of the selected façade or the allowable frontage, whichever is smaller.
- 2. Allocation Tradeoff.** The sign placed on the alternate façade shall count against the total number and area of signs otherwise allowed on the frontage, and does not increase the number or area of signage allowed on the frontage, unless a variance is granted.

*“Annotation: This amendment clarifies how sign area and number are allocated when an alternate façade is used, making the tradeoff explicit. It preserves flexibility for better sign placement while ensuring the total sign entitlement for the site or building is not increased, improving predictability and consistent administration.”*

3. Vision Clearance Areas. No sign may be located within a vision clearance area as defined in City Code Section 6.100 (via Development Code Section 3.045) as defined in Section 3.045, except that support elements with a combined width and depth of twelve (12) inches or less are permitted. No support structure(s) for a sign may be located in a vision clearance area unless the combined total width is 12 inches or less and the combined total depth is 12 inches or less.
4. Vehicle Area Clearances. ~~When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.~~ Where a sign extends over an area used by vehicles, the bottom of the sign shall be at least fourteen (14) feet above grade.
5. Pedestrian Area Clearances. When a sign extends over sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least eight (8) feet above the grade except for pedestrian signs located below marquees, canopies, or awnings which shall be at least seven and one half (7.5) feet above the grade. (Section 8.070.E.5 amended by Ordinance 04-04, 5-3-04)
6. Required Yards and Setbacks. Signs may be erected in required yards and setbacks.
- F. Traffic Safety Signs Not to Constitute a Traffic Hazard. ~~Signs or sign supporting structures shall not be located so as to detract from a motorist's view of vehicular or pedestrian traffic or a traffic sign.~~ Signs and sign structures shall not obstruct or detract from the visibility of vehicular or pedestrian traffic or official traffic control devices.
- G. Glare. ~~All signs shall be so designed and located so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property.~~ Excessive brightness or uncontrolled illumination from a sign that causes visual discomfort, reduces visibility, or negatively impacts adjacent properties, pedestrians, drivers, or public rights-of-

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way. Signs must be designed, shielded, and directed to minimize glare and prevent light trespass beyond the site.

- H. ~~Removal of Abandoned Signs. It is the responsibility of the property owner to remove any abandoned sign within 90 days of cessation of use.~~ The property owner shall remove any abandoned sign including supporting structures, as defined in Article 1, within ninety (90) days of the cessation of the associated use or activity. For the purposes of this section, an abandoned sign is a sign pertaining to a business, use, or message that has ceased for a continuous period of ninety (90) days.
- I. Materials and Construction. A sign subject to a permit shall meet the material and construction methods requirements of the Building Code Uniform Sign Code. Signs subject to a permit shall comply with applicable construction and material standards as required by Section 8.060 and applicable state codes.
- J. Maintenance. All signs, together with their supporting structures, shall be kept in good repair and maintenance. Signs shall be kept free from excessive rust, corrosion, peeling paint, or other surface deterioration. The display surfaces and vegetation surrounding all signs shall be kept in a neat appearance. All signs and supporting structures shall be maintained in good repair and free from excessive rust, corrosion, peeling paint, or other deterioration. Surrounding vegetation shall be maintained to preserve sign visibility and site appearance.
- K. ~~Through-the-Block Signage (Administrative Allowance). Buildings which contain frontage on two parallel arterial streets, or on an arterial street and a waterway, shall be entitled to twice the allowable total square footage for the zone in which it is placed. [See 8.070(E.2)]. This double allowance affects only the overall total square footage for the site. The maximum square footage of each individual sign, the square footage for the frontage, the number of signs, location, and other attributes of the sign are not affected by this allowance. (Section 8.070.K amended by Ordinance 04-04, 5-3-04)~~

- 1. Eligibility. A building qualifies for a through-the-block allowance when it has primary frontage on two parallel arterial streets as identified in the City Transportation System Plan as amended, or on one arterial street and a navigable waterway, as designated on the City’s adopted functional street classification map.
- 2. Allowance. Eligible buildings may receive up to two (2) times the total allowable sign area otherwise permitted for the zone.
- 3. Limitations. This allowance applies only to the total sign area cap. It does not increase the maximum area of any individual sign, the number of signs, or applicable height, placement, or design standards.
- 4. Documentation. Eligibility shall be demonstrated on the site plan submitted with the sign permit application.

*“Annotated: These amendments consolidate and clarify the core measurement and placement standards that apply to all signs while preserving existing size, number, and location limits. It refines the sign area provisions with consistent frontage-based calculations, clarifies frontage assignment for corner lots and multi-frontage sites, and*

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*corrects the vision clearance reference to City Code Section 6.100 via Development Code Section 3.045. Redundant and duplicative language on traffic safety, glare, doned signs, materials, and maintenance is streamlined for consistency. The “through-the-block” allowance is retained but converted into a defined administrative standard with clear eligibility, limitations, and a site plan documentation requirement, improving predictability and staff review without expanding entitlements.”*

**HISTORY**

Amended by Ord. 22-01 on 11/7/2022

**8.080 SPECIFIC SIGN REGULATIONS (Applicable To All Zones)**

- A. Wall or Roof Signs. Subject to zone-specific limitations in Sections 8.140 through 8.180
1. Projection. Signs may project a maximum of 12 inches from the face of the building to which they are attached, provided the lowest portion of the sign is at least eight (8) feet above grade. Any portion lower than eight (8) feet may only project four (4) inches.
  2. Extension above roof line. Unless otherwise specified, signs may not project more than four (4) feet above the eaves of the primary roof structure of a pitched roofed building, or more than two (2) feet above the eave or parapet of the primary roof structure of a flat roofed building.
  3. Number. ~~Permanent wall signage of a maximum of twelve (12) square feet per frontage shall be calculated as one sign. (Section 8.080.A.3 added by Ord 19-05, 6-17-2019)~~ For the purpose of counting the number of signs on a site, a cumulative total of up to 12 square feet of wall-mounted signage per building frontage shall be counted as a single sign.
- B. Marquee, Canopy or Awning Signs.
1. Projection. Signs attached to the face of a marquee, canopy, or awning shall not project more than three (3) inches from the surface.
  2. Projection of pedestrian signs. Pedestrian signs (e.g., projecting blade sign oriented to sidewalk traffic) may not project beyond or above the face of the marquee, canopy, or awning.
  3. Height. Pedestrian signs shall have a maximum face height of nine (9) inches.
  4. Clearance above grade. Subject to Section 8.070(E)(5). ~~The lowest portion of a sign attached to a marquee, canopy, or awning shall not be less than seven and one-half (7.5) feet above grade.~~
- C. Projecting Signs.
1. Projection. Signs may project from the face of the building to which they are attached as follows:
    - a. A maximum of one (1) foot if located eight (8) feet above grade;
    - b. Two (2) feet if located nine (9) feet above grade; or
    - c. Four and one-half (4.5) feet if located ten (10) feet or more above grade.
    - d. Six (6) feet if located 12 feet or more above grade.

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They must be mounted at a right angle to the plane of the building facade except signs located on the corner of a building. (Section 8.080.C.1 amended by Ordinance 04-04, 5-3-04)

2. Height and extension above roof line. Signs shall not extend above the eaves of the primary roof structure of any pitched roof building to which they are attached, or be lower than eight (8) feet above grade. Signs may extend a maximum of two (2) feet above the facade or parapet of the primary roof structure of any flat roofed building.
3. Clearance above grade. Projecting signs not occurring under marquees, canopies, or awnings shall maintain a clearance of not less than eight (8) feet from the underlying sidewalk.
4. Angle of sign. The angle between the two sides of a projecting sign may not be greater than 10° (ten degrees), and the two sides may not be visible at the same time from adjacent properties or streets. Signs that are greater than 10° (ten degrees) shall be counted as two signs in number and square footage. (Section 8.080.C.4 amended by Ord 19-05, 6-17-2019; 8.080.C.4 added by Ordinance 04-04, 5-3-04)

**D. Freestanding Signs.**

1. ~~Signs may extend into the right of way a maximum of four and one half (4.5) feet and shall not be less than ten (10) feet from the underlying sidewalk. (Section 8.080.D.1 amended by Ordinance 04-04, 5-3-04)~~  
Freestanding signs may project up to 4.5 feet into the public right-of-way but must maintain a minimum vertical clearance of 10 feet above the sidewalk directly beneath.
2. Diagonal corner signs may extend into the right-of-way to a point that is determined by extending a line from the maximum points allowed for a standard projecting sign on the same site frontage.
3. Supporting structures shall be located within the property line.

**E. Wall Graphics / Murals.**

1. ~~Except as noted in Section E.3 below, designs shall be evaluated by the Planning Commission on a case by case basis in order to determine appropriateness to the area. The Planning Commission may approve, deny, or modify requests, in accordance with Sections 9.010 through 9.100, based on their evaluation of:~~
  - a. ~~The appropriateness of the work in terms of color, scale, location, and design; and~~
  - b. ~~The impact on surrounding buildings, views and vistas. (Section 8.080.E.1 amended by Ordinance 04-04, 5-3-04)~~
2. ~~The square footage of a wall graphics is not calculated as part of the allowable area of signage or number of signs associated with a business site, use, or activity.~~
3. ~~A wall graphic proposed to be located on a historic structure or site, adjacent to or across the right of way from a historic structure or site, within a National Register Historic District, or adjacent to or across the right-of-way from a National Register Historic District shall be evaluated by~~

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~~the Historic Landmarks Commission on a case by case basis in order to determine appropriateness to the area. The Historic Landmarks Commission may approve, deny, or modify requests, in accordance with Sections 9.010 through 9.100, based on their evaluation of:~~

- ~~a. The appropriateness of the work in terms of color, scale, location, and design; and~~
- ~~b. The impact on surrounding historic structures or sites; and~~
- ~~c. The impact on surrounding buildings, views, and vistas. (Section 8.080.E.3 added by Ordinance 04-04, 5-3-04)~~

**1. Definition.** Wall graphic or mural means artwork, illustration, or noncommercial imagery applied directly to an exterior wall, building surface, or other vertical structure that is not determined by the City to function primarily as a sign identifying a business, product, or service.

The City may determine that a proposed wall graphic functions as a sign if it contains commercial messaging, logos, or branding, and shall regulate it under applicable sign provisions.

**2. Applicability.** This section applies to wall graphics or murals visible from a public right-of-way. These provisions are intended to regulate private and non-City initiated projects. City-owned or City-initiated murals associated with public facilities or governmental functions may be exempt and subject to alternative internal or advisory review, as appropriate.

**3. Permit Type and Review Authority.**

**1. Applicability** - These standards apply to any wall graphic or mural visible from a public right-of-way and govern private or non-City-initiated projects. Murals initiated or commissioned by the City may be exempt from these provisions and subject to alternative internal review as determined appropriate by the City.

**2. Review Pathways.** Murals and wall graphics shall be reviewed under one of the following procedures, based on scale, location, and context. The Community Development Director retains discretion to elevate an application to a higher review tier when warranted by public interest, cumulative impacts, prior violations, or site-specific concerns.

**A. Type I – Administrative Review (CDD Director).** Applicable to non-commercial murals or wall graphics that:

- 1) Cover no more than 30% of any single building façade visible from the public right-of-way; or
- 2) Do not exceed 250 square feet in total area.

**B. Type II – Discretionary Review (CDD Director).** Applies when the mural or wall graphic:

- 1) Exceeds 30% of the visible building façade; or
- 2) Exceeds 250 square feet; or

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- 3) Involves sensitive site conditions, prior compliance issues, or warrant further consideration due to design, location, or potential impacts.

**C. Type III – Planning Commission Review.** Applies to murals proposed as part of a larger development application, located in visually prominent or gateway corridors, or elevated by the Community Development Director due to cumulative size, scale, or public visibility.

**D. Type IV – Historic Landmarks Commission Review.** Applies to murals located on a designated historic landmark or within a historic district. Murals must demonstrate compatibility with the historic character of the structure and surrounding context.

**3. Other Provisions -** Murals with logos, commercial content, or branding may be classified as signage and reviewed under Article 8. All murals must comply with applicable building and maintenance standards

**A) Sign Area.** Approved wall graphics or murals under this section do not count toward total allowable sign area or sign count for the site.

**B) Review Criteria.** In addition to the general criteria of Article 9, the review body shall consider:

A. Scale, placement, color, design, and visual appropriateness to the building and its context.

B. Potential impacts on adjacent properties, scenic views, and public vistas.

C. For historic properties, consistency with the Secretary of the Interior’s Standards and avoidance of damage to character-defining features.

D. Height, massing, and visibility of the wall graphic relative to pedestrian and vehicular viewpoints.

**C) Maintenance.** Approved wall graphics or murals shall be maintained in good condition. Deteriorated or damaged graphics may be subject to removal or restoration as directed by the City.

**D) Modifications.** Significant modifications to an approved wall graphic or mural shall require review under this Section. Minor changes may be approved administratively by the Community Development Director.

*“Annotated: This amendment replaces the existing discretionary, case-by-case wall graphics review with a clear, structured permit framework. It establishes defined review pathways (staff vs. HLC), introduces objective size thresholds (250 sq. ft. or 30% of a façade) to scale review to project impact, and clarifies applicability to both building surfaces and other vertical structures (e.g., freestanding or retaining walls). It also refines when Historic Landmarks Commission review is required by clearly applying it to murals on, within, or adjacent to historic resources or districts, improving consistency and predictability.*

*The amendment further distinguishes murals from signage by providing explicit authority to regulate commercial content, while allowing smaller, non-commercial projects to be*

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*processed administratively. Additional provisions addressing maintenance, modifications, and visibility/scale considerations ensure long-term quality and defensibility. Overall, the update modernizes the City's approach by shifting from a reactive, discretionary process to one that is clear, objective, and efficient, while maintaining appropriate oversight—particularly in historic contexts."*

- F. Removal of Signs. When a sign is proposed, or when roadways are widened, or other improvements made in the right-of-way, which create unsafe conditions due to a sign extending into the right-of-way, the City Engineer may protect the public safety by requiring the sign to be modified or removed. The modification or removal shall be at the owner's expense.
- G. Permanent Window Signs. Permanent window signs shall be included and calculated as "wall signs" except as follows:
1. Number. Permanent window signage of a maximum of twelve (12) square feet per frontage shall be calculated as one sign. (Section 8.080.G.1 amended by Ord 19-05, 6-17-2019)
  2. Area. All permanent window signage shall be included in the total allowable wall sign area for the business, building, use or activity. (Section 8.080.G added by Ordinance 04-04, 5-3-04)
  3. Window Sign Illumination Limitation. No permanent window sign may use high-intensity illumination, animated lighting, pulsing brightness, flashing effects, or sequential color changes that simulate the appearance or function of an Electronic Message Center (EMC). Signs using such effects—whether neon, LED, pixelated, or dot matrix—must comply with all EMC brightness and placement standards and may be prohibited in designated historic or pedestrian-oriented zones.
- H. Directional Signs. Directional signs, where allowed, shall meet the provisions listed below. Directional signs shall be designed only for non-changing messages or displays.
1. Maximum Sign Face Area. Six (6) square feet.
  2. Types of Signs Allowed. Freestanding, wall, projecting, monument. (Section 8.080.H.2 amended by Ordinance 04-04, 5-3-04)
  3. Maximum Height. Freestanding or monument not to exceed 42 inches; wall not to exceed eight (8) feet; and projecting not to exceed ten (10) feet. (Section 8.080.H.3 amended by Ordinance 04-04, 5-3-04)
  4. Extensions into Right-of-way. Not Allowed.
  5. Lighting. Indirect or Internal.
  6. Flashing Lights. Not allowed.
  7. ~~Changeable Text Signs or Electronic Message Centers. Not Allowed. (Section 8.080.H.7 amended by Ordinance 04-04, 5-3-04)~~
  8. Moving or Rotating Parts. Not Allowed.
- I. Clear Vision Area. Refer to Section 3.045.
- J. Signs on Historic Properties or in Historic Districts. Refer to Article 6. Also see specific requirements as noted in various sections of Article 8. (Section 8.080.J amended by Ordinance 04-04, 5-3-04)
- K. ~~Temporary Signs~~.

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- ~~1. Time Limit. Temporary signs and support structures, if any, must be removed within 30 days of date of erection. Temporary signs erected for longer than 30 days are considered permanent signs and subject to the regulations for permanent signs.~~
- ~~2. Waiting Period. There shall be a 30-day waiting period before another exterior temporary sign, including banners, shall be displayed.~~
- ~~3. Attachment. Temporary signs may not be permanently attached to the ground, buildings, or other structures. Temporary signs are not required to be located on a frontage.~~
- ~~4. Lawn Signs. Lawn signs may not be greater than nine (9) square feet in area and may not be over 40 inches in height.~~
- ~~5. Banners. One banner is allowed per building frontage and may not exceed 24 square feet.~~
- ~~6. Opening or Coming Soon Signs.
  - ~~a. Temporary signs indicating an upcoming opening may not exceed 24 square feet and shall comply with the other requirements for temporary signage.~~
  - ~~b. Short term signs indicating an upcoming construction of a new building or expansion of an existing building may not exceed 32 square feet. These signs may remain for a maximum of one year and shall be removed within 30 days of the building occupancy. These signs are not required to be located on a frontage. (Section 8.080.K.5 added by Ordinance 04-04, 5-3-04)~~~~
- ~~7. Permits. Temporary banner style signs and lawn signs shall not require a sign permit. All other temporary or short term signs affixed to a building or site require a permit and shall be subject to the requirements of Section 8.060. (Section 8.080.K.6 added by Ordinance 04-04, 5-3-04)~~
- ~~8. Number of Signs. Only one Temporary Sign shall be allowed for each business, use, or activity unless otherwise noted. Sites without buildings shall be allowed no more than one Temporary Sign. The sign shall not be included in the total number of signs allowed. (Section 8.080.K.7 added by Ord 19-05, 6-17-2019)~~

**K. Temporary Signs – Standards and Limitations.**

- 1. Definition.** Temporary sign means a sign intended for short-term display— typically not exceeding 30 consecutive days--and not permanently affixed to the ground, a building, or a structure.
- 2. Examples of Temporary Signs.** The following are examples of temporary signs allowed on properties where permanent signage is permitted by zone. This list is not exhaustive; other similar temporary sign types may be considered if they meet the definition and comply with applicable standards

**A) Building-Mounted Signs:**

- 1. Banner.** A flexible sign attached to a building or other structure.

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2. **Window Temporary Sign.** A sign affixed to or placed on or inside a window.
3. **Wall Signs.** A sign attached to, or erected against, a wall of a building with the face in a parallel plane to the building wall.
- B) Freestanding Signs:**
  1. **Freestanding Sign.** A portable, ground-supported sign not permanently affixed.
  2. **Construction / Opening Sign.** A temporary freestanding or wall-mounted sign advertising construction, remodeling, or a forthcoming opening.
3. **Display Period.**
  - A) **Standard Temporary Signs.** Standard temporary signs—including banners, freestanding signs, and window temporary signs—may be displayed for up to thirty (30) consecutive days per occurrence, with a cumulative maximum of ninety (90) days per calendar year per business, use, or activity.”
  - B) **Construction / Opening Signs.** May be displayed for up to one (1) year or until thirty (30) days after issuance of a Certificate of Occupancy, whichever occurs first.
4. **Number of Signs.** No more than one (1) temporary sign may be displayed per business, use, or activity at a time. Sites without buildings may display no more than one (1) temporary sign total. In multi-tenant buildings, this limitation applies per tenant space.
5. **Size and Height Limits.** Temporary signs shall not exceed the following dimensional standards:
  - A) **Freestanding Sign.** Maximum nine (9) square feet in area and forty (40) inches in height.
  - B) **Banner or Wall.** Maximum twenty-four (24) square feet per building frontage.
  - C) **Construction / Opening Sign.** Maximum thirty-two (32) square feet.
6. **Location and Attachment.** Temporary signs shall not be attached to trees, utility poles, fences, or vehicles and may not obstruct pedestrian access, driveways, required accessways, or parking/loading areas.
7. **Permits.**
  - A) **When a Permit is Required.** Temporary signs affixed to a building or structure—except for banners that meet subsection (B) below—require a sign permit under Section 8.060.
  - B) **When a Permit is not Required.** Banners and freestanding signs that comply with the standards in this Section do not require a sign permit.

*“Annotated: This amendment replaces multiple overlapping timing and placement rules with a single, clear framework organized by sign type, display period, and size limits. It eliminates the hard-to-track waiting period and introduces a simple annual display cap, making compliance easier for applicants and enforcement more consistent for staff.*”

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*Existing size limits and the one-sign-per-tenant standard are retained, preserving the City’s regulatory intent while improving clarity, predictability, and administrative efficiency.”*

**L. Portable / Sandwich Board Signs.**

~~1. Exemption.~~

- ~~a. Portable Signs which are located within a street right of way shall comply with City Code Section 5.060, “Obstructions in Passageways”, and are exempt from the requirements of the Sign Code in Astoria Development Code Article 8.~~
- ~~b. Temporary Portable Signs which are in conjunction with a community-wide event or festival such as, but not limited to, the Scandinavian Festival or Regatta are exempt from the requirements of the Sign Code in Astoria Development Code Article 8.~~

~~2. Standards. All portable signs, except those exempted in subsection (1) above, shall be in accordance with the following:~~

- ~~a. Location. The sign shall not be located within a street right-of-way.~~
- ~~b. Number of Signs. Only one non-exempt Portable Sign shall be allowed for each business, use, or activity. Sites without buildings shall be allowed no more than one non-exempt Portable Sign. The sign shall not be included in the total number of signs allowed.~~
- ~~c. Area.~~
  - ~~1) A sign of eight (8) square feet or less on each side with a maximum height not to exceed four (4) feet and a maximum width not to exceed two (2) feet shall be exempt from the total square footage of sign area allowed.~~
  - ~~2) A sign exceeding eight (8) square feet on each side or a height greater than four (4) feet or a maximum width greater than two (2) feet shall be included in the total square footage of sign area allowed for the site.~~
- ~~d. Frontage. The sign may be located on any elevation of a business, use, activity, or site and is exempt from the requirement that signs be located on a frontage.~~
- ~~e. Lighting. The sign shall not be electric nor internally illuminated.~~
- ~~f. Enforcement. In addition to any other method of enforcement available to the City, this ordinance may be enforced by the removal of the sign by the City. The City will notify the permittee to reclaim the sign. If the sign is not claimed within 30 days after the permittee is notified, the City may dispose of the sign. (Section 8.080.L added by Ordinance 00-11, 12-4-00)~~

**1. Definition. A portable or sandwich board sign is a freestanding, movable sign (such as an A-frame or sidewalk sign) that is not permanently affixed and is designed for easy relocation.**

**2. Location and Applicability**

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- A) **Signs in the Public Right-of-Way.** Signs placed within the public street or sidewalk right-of-way must comply with City Code §5.060 (“Obstructions in Passageways”) and any applicable encroachment or permit requirements.
- B) **Signs on Private Property.** Signs located entirely on private property but visible from the right-of-way are subject to the standards of this section.

**3. Exemptions**

- A) **Community Events.** Signs associated with authorized community-wide events or festivals (e.g., Regatta, Scandinavian Festival, Sunday Market) are exempt from this section for the duration of the event.
- B) **Emergency Use.** Signs placed by a public agency for emergencies or public safety purposes are exempt.

**4. Standards for Signs on Private Property**

- A) **Location.** Signs must not obstruct pedestrian routes, accessways, or parking/loading areas and must remain entirely outside the public right-of-way unless otherwise permitted.
- B) **Number.** One (1) portable sign is allowed per building frontage, regardless of the number of businesses or tenants within the building. For multitenant buildings, the sign must be shared and placed near a common entrance or a location visible to the public if it meets other requirements of this section.
  - 1. Sites without a building are limited to one (1) portable sign total.
  - 2. Portable signs do not count toward the site’s permanent signage allowance.
- C) **Size and Dimensions**
  - 1. Signs up to 8 square feet per side, with a maximum height of 4 feet and width of 2 feet, are exempt from the total allowable sign area.
  - 2. Signs exceeding these limits count toward the site's total sign area.
- D) **Additional Requirements**
  - 1. **Frontage:** Sign does not need to be placed on a frontage.
  - 2. **Lighting:** Sign may not be illuminated (internally or externally) or electric.
  - 3. **Stability:** Sign must be secure and not pose a hazard to pedestrians or vehicles.
  - 4. **Maintenance:** Must be kept in good condition and free of damage or excessive wear.
  - 5. **Attachment:** Signs shall not be attached to utility poles, trees or other permanent objects in the ROW.
  - 6. **Enforcement:** Noncompliant signs, or signs in violation of §5.060, may be removed by the City. The owner or permittee

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will be notified and given 30 days to reclaim the sign before disposal.

*“Annotated: This amendment revises Section 8.080(L) to clarify and streamline the regulations for portable and sandwich board signs. It establishes Article 8 of the Astoria Development Code as the primary source of standards for signs located on private property, while maintaining that signs placed within the public right-of-way are governed by City Code Section 5.060 (Obstructions in Passageways). The update introduces a clear and consolidated definition of “portable/sandwich board sign,” unifies all relevant size, number, lighting, location, and placement standards, and adds basic safety and maintenance provisions to support consistent enforcement. These revisions do not change where such signs are permitted—they reduce redundancy between overlapping codes, clarify regulatory jurisdiction, and improve readability and implementation for staff, businesses, and the general public.”*

M. Changeable Text Signs or Electronic Message Centers (EMCs)

1. Exception. Electronic signs that display time and temperature only are exempt from the requirements of Section 8.080(M).
2. Design Review.
  - a. Astoria Planning Commission. All changeable text signs shall be reviewed as a Miscellaneous Review permit by the Astoria Planning Commission in accordance with Article 9 of the Astoria Development Code.
  - b. Historic Landmarks Commission. All changeable text signs located on a site designated as historic, within a National Register Historic District, on adjacent to or across a right-of-way from a historic site or National Register Historic District shall be reviewed by the Historic Landmarks Commission in accordance with Article 9 of the Astoria Development Code.
  - c. Sign Permit Application. In addition to any other application requirements listed in the Astoria Development Code, all changeable text sign applications shall include manufacturer's information on the operation, illumination, and ability of the sign to comply with the regulations and standards in this Code. The applicant shall also submit a diagram with at least two sample messages for the proposed activity utilizing the lighting capabilities of the proposed sign.
3. Design Review Standards.
  - a. Astoria Planning Commission: The Astoria Planning Commission may approve a changeable text sign if it is compatible with the overall character to be achieved in the area and shall base its compatibility determination on the following criteria:
    - 1) The relationship of the scale and placement of the sign to the building or premises on which it is displayed.
    - 2) The similarity or dissimilarity of the sign's size and shape to the size and shape of other conforming signs in the area.

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- ~~3) The compatibility of the type and intensity of the illumination of the sign with the type and intensity of other conforming illuminations in the area.~~
  - ~~4) The compatibility of the sign to the form and architectural character of the building in which the activity is located and the compatibility of the sign with existing adjacent activities.~~
  - ~~5) The sign illumination shall not unreasonably intrude into residential zones.~~
  - ~~6) The sign shall not unreasonably block nor visually impair scenic or historic views.~~
- ~~b. Historic Landmarks Commission: The Historic Landmarks Commission may approve a changeable text sign if it is compatible with the overall character to be achieved in the area and shall base its compatibility determination on the following criteria:~~
- ~~1) Placement of the sign will have the least possible loss of historic material.~~
  - ~~2) Placement of the sign will not obscure, damage, or destroy character defining features.~~
  - ~~3) The sign structure shall reference design motifs from the historic building or historic signs found on similar architectural style buildings. However, the sign structure shall be clearly differentiated from the historic building features.~~
  - ~~4) The compatibility of the sign to the form and architectural character of the building in which the activity is located and the compatibility of the sign with existing adjacent activities.~~
- ~~4. Standards. All changeable text signs, except those exempted in Section 8.080(M.1) above, shall be in accordance with the following:~~
- ~~a. Type of Sign. The sign shall be limited to monument, wall, or projecting sign.~~
    - ~~1) An approved freestanding changeable text sign existing prior to January 1, 2004 shall be allowed with a maximum height of 10'.~~
  - ~~b. Location.~~
    - ~~1) The sign shall be located only in areas along a street or highway having a speed limit of 35 miles per hour or less.~~
    - ~~2) The sign shall not be located within 3,000 feet of another changeable text sign. The distance shall be determined at a 360o radius from the location of the sign.~~
    - ~~3) The sign shall not be located on a vacant lot.~~
    - ~~4) The sign shall not be located on a vehicle whether moving or parked. (Section 8.080.M.4.b.4 added by Ord 19-05, 6-17-2019)~~
  - ~~c. Number of Signs.~~
    - ~~1) Only one changeable text sign shall be allowed for each business, use, or activity.~~

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- ~~2) A changeable text sign shall not be allowed in conjunction with any other freestanding sign.~~
- ~~3) A monument or projecting changeable text sign shall not be allowed in conjunction with another sign of the same type (i.e. another monument or projecting sign).~~

#### ~~d. Area.~~

- ~~1) The area of a sign with changeable text on more than one independent side of the sign shall be calculated for each side of the changeable text sign. However, both sides will be counted as just one sign for calculating the number of signs.~~
- ~~2) In addition to other area requirements of the specific zones, the maximum total square footage of changeable text signs shall be as follows:
  - ~~A. Monument sign shall be limited to 30 square feet for one side. This limitation is for the changeable text portion of the sign only. A two-sided changeable text sign shall be allowed 30 square feet on each side.~~
  - ~~B. Projecting sign shall be limited to 15 square feet for one side. This limitation is for the changeable text portion of the sign only. A two-sided changeable text sign shall be allowed 15 square feet on each side.~~~~

#### ~~e. Operation of Sign.~~

- ~~1) Each sign or message shall remain fixed for at least ten seconds. No sign shall contain animation.~~
- ~~2) When a message is changed, it shall be accomplished immediately and shall not scroll, move, or otherwise change gradually.~~
- ~~3) The sign shall contain a default design that will freeze the sign in one position if a malfunction occurs. (Section 8.080.M added by Ordinance 04-04, 5-3-04)~~

#### 1. Definition. For the purposes of this Section:

##### A) Electronic Message Sign (Electronic Message Center or EMC)

means a sign that displays text, images, or symbols which can be changed electronically or digitally, including LED, LCD, or similar technologies. This includes full digital displays and electronic signs capable of programmable content changes. This definition does *not* include signs limited solely to the display of time and temperature.

##### B) Changeable Text Sign means a sign with changeable text using physical characters (e.g., letters, numbers, symbols) manually placed or arranged on a track or background surface. These are often used for menus, announcements, or community notices.

#### 2. General Prohibition. Electronic Message Signs (EMCs) are prohibited in all zones unless specifically exempted by this Section.

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**3. Exceptions.**

A) **Time and Temperature Displays.** Electronic signs limited solely to the display of time and temperature are permitted, subject to compliance with all other applicable provisions of this Article.

B) **Lawful Nonconforming Signs.** Electronic message signs lawfully installed prior to the effective date of this Section may continue as nonconforming signs in accordance with Section 8.100.

**4. Alterations and Expansion.** A lawful nonconforming electronic message sign shall not be expanded, relocated, converted to a different sign type, or modified in any way that increases its nonconformity.

**5. Permit Review.** Any proposed replacement, repair, or modification of a lawful nonconforming electronic message sign that affects the sign area, illumination type, mounting, or structural components shall require a sign permit under Section 8.060. Review will be limited to compliance with nonconforming sign standards and applicable building and electrical codes.

*“Annotated: This amendment clarifies and strengthens the City’s position on the use of Electronic Message Centers (EMCs) and similar digital signage within Astoria. It reflects longstanding practice and policy constraints shaped by the City’s historic development pattern, the high concentration of landmarks and historic districts, and community priorities related to visual character, view preservation, and neighborhood compatibility.*”

*In practice, the introduction of electronic signs has often conflicted with design standards, particularly in areas governed by the Gateway Overlay, downtown design guidelines, or historic resource review under Article 6. These conflicts have led to inconsistent outcomes, additional process burdens, and heightened concerns from residents and decision-makers regarding glare, animation, light spill, and character intrusion.*

*Codifying a citywide prohibition on new EMCs—with narrowly tailored exceptions for time-and-temperature displays and vested nonconforming signs—eliminates ambiguity, improves consistency in permit review, and reduces discretionary interpretations. It also reflects the functional reality that electronic signs have not been compatible with most parts of the city and are rarely approved under existing review standards.*

*This amendment preserves the rights of lawfully existing EMCs and outlines clear boundaries for repair, maintenance, and replacement to ensure fairness and avoid regulatory overreach. At the same time, it reinforces Astoria’s commitment to context-sensitive signage, supports the City’s historic preservation values, and promotes predictable, design-conscious development in line with the community’s aesthetic expectations.”*

**N. Signs for Upper or Basement Floors.**

**1. Street Frontage.**

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- a. Number. The total number of signs for a separate business, use or activity in an upper story or basement of a building with street frontage shall be the same as buildings at street level. An upper floor or basement may have one sign at street level identifying the upstairs or basement activity.
- b. ~~Area~~. The total area of signs for an upper story or basement of a building with street frontage shall not exceed 20% of the lineal footage of the building facade occupied by the business, use or activity, or the maximum allowed by the zone, whichever is less. A street level sign shall not exceed four (4) square feet.

**b. Area**. The total sign area for a business, use, or activity located on an upper story or in a basement of a building with street frontage shall not exceed the lesser of:

1. **Façade-Based Allowance**. Thirty percent (30%) of the lineal footage of the building façade occupied by the business, use, or activity, with a minimum allowance of four (4) square feet;  
or
2. **Zone Maximum**. The maximum sign area otherwise permitted for the site or frontage under the applicable base zone.

**Any sign placed at street level to identify the upper-story or basement use shall not exceed four (4) square feet.**

*“Annotation: This amendment establishes a minimum, readable sign size for upper-story and basement uses while retaining proportional limits tied to façade width and overall zone caps. It prevents extremely small, ineffective signage on narrow frontages, improves visibility for wayfinding, and maintains consistency with total sign area limits.”*

#### 2. Without Street Frontage.

- a. Number. The total number of signs for a separate business, use or activity in an upper story or basement of a building without street frontage shall be one sign.
- b. Area. The total area of signs for an upper story or basement of a building without street frontage shall not exceed four (4) square feet.

### **8.100 NONCONFORMING SIGNS**

~~For the purpose of this Section, a non-conforming sign shall be defined as a lawfully erected sign existing at the effective date of this Chapter which could not be erected under the terms of this Chapter. The following requirements shall apply to non-conforming signs:~~

- ~~1. Non-conforming signs in all zones: Non-conforming signs shall be altered to conform to the provisions of this Section by January 1, 1995.~~

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- ~~2. No non-conforming sign may be enlarged or altered in a way which increases its non-conformity.~~
  - ~~3. Should any non-conforming sign be damaged by any means to an extent of more than 50% of its replacement costs at the time of damage, it shall be reconstructed in conformity with the provisions of this Section.~~
  - ~~4. Any variance to sign standards, legally granted after January 1, 1982, shall be valid notwithstanding other provisions of this Code.~~
- A. **Definition.** A nonconforming sign is a sign that was lawfully installed prior to the effective date of this Article or a subsequent amendment, and that does not conform to the current requirements of this Article.
- B. **Continuation.** A lawful nonconforming sign may remain and be maintained, subject to the limitations of this Section.
- C. **Limitations on Alteration.** A nonconforming sign may not be enlarged, relocated, or structurally altered in a way that increases its noncompliance with current code standards—such as height, size, location, lighting, or motion. However, normal maintenance and repairs are allowed, as are updates to the sign’s face (e.g., changing the name, logo, or business message), provided the overall structure, dimensions, and lighting remain the same.
- D. **Repair and Replacement After Damage.**
1. If a nonconforming sign is damaged or destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost, the sign shall be removed or reconstructed in full compliance with the provisions of this Article.
  2. Replacement cost means the cost to construct a comparable sign of the same size, type, and materials, as determined by a licensed sign contractor’s estimate or other documentation acceptable to the Community Development Director.
- E. **Abandonment.** If a nonconforming sign is removed or discontinued for a period of one hundred eighty (180) consecutive days, the sign shall not be reestablished except in compliance with the provisions of this Article.
- F. **Prior Variances.** Any variance to sign standards legally granted prior to the effective date of this Section shall remain valid, subject to the limitations of this Section.

*“Annotated: This amendment replaces an obsolete compliance deadline with a modern, enforceable nonconforming sign framework consistent with standard land use practice. It allows lawful nonconforming signs to continue, prohibits expansion or intensification of nonconformity, and establishes a clear rebuild threshold based on documented replacement cost. The update improves clarity for applicants and staff, aligns with the City’s phase-out of electronic message signs, and strengthens defensibility by defining key terms and administrative standards.”*

**8.110 VARIANCES**

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~~A. Astoria Planning Commission: Variances to the sign regulations of this Section may be approved by the Planning Commission following the procedures of Section 12.060 to 12.120 where the Planning Commission finds that the variance meets the following criteria:~~

- ~~1. One of the following factors exists:
  - a. The variance would permit the placement of a sign with an exceptional design or style.
  - b. The variance would permit the placement of a sign which is more consistent with the architecture, and development of the site.
  - c. The existence of an unusual site characteristic, such as topography, existing development, or adjacent development, which precludes an allowable sign from being effectively visible from the public roadway adjacent to the site.
  - d. The requirement to remove a sign under Section 8.100(A) would constitute a severe or extreme economic hardship to the business or activity involved.~~
- ~~2. The granting of the variance would not be detrimental to abutting properties.~~
- ~~3. The granting of the variance would not create a traffic or safety hazard.~~
- ~~4. Sign variances are exempt from Sections 12.030 through 12.040.~~
- ~~5. In addition to the criteria above, a sign variance for changeable text sign relative to location within 3,000' of another changeable text sign shall meet the following criteria:
  - a. No more than one sign shall be visible at the same time from any location. Visible shall be defined as "discernable by the naked eye as a changeable text sign."
  - b. The total number of changeable text signs in the City shall not exceed eight (8) signs. (Section 8.110.A.5 added by Ordinance 04-04, 5-3-04)~~

~~B. Prohibited Variances:~~

- ~~1. A variance shall not be granted for changeable text signs for any requirement or limitation listed in Section 8.080(M) for the following:
  - ~~a. Location.
    1. Relative to speed limit (see 8.080.M.4.b).
    2. Relative to location on a vacant lot (see 8.080.M.4.b.3).~~
  - ~~b. Number of Signs (see 8.080.M.4.c).  
{This will limit the number of signs and how they relate to other types of signage.}~~
  - ~~c. Operation of Sign (see 8.080.M.4.e). (Section 8.110.B added by Ordinance 04-04, 5-3-04)~~~~

~~C. Administrative: Variances to the sign regulations of this Section may be reviewed administratively by the Community Development Director following the procedures of Section 12.060 to 12.120. The variance shall meet the following criteria for approval:~~

- ~~1. The variance shall be limited to the following:
  - a. Location on a frontage;~~

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- ~~b. Number of signs increased by only one additional sign;~~
- ~~c. Other quantitative standards of 10% or less.~~
- ~~2. One of the following factors exists:~~
  - ~~a. The variance would permit the placement of a sign with an exceptional design or style.~~
  - ~~b. The variance would permit the placement of a sign which is more consistent with the architecture, and development of the site.~~
  - ~~c. The existence of an unusual site characteristic, such as topography, existing development, or adjacent development, which precludes an allowable sign from being effectively visible from the public roadway adjacent to the site.~~
  - ~~d. The requirement to remove a sign under Section 8.100(A) would constitute a severe or extreme economic hardship to the business or activity involved.~~
- ~~3. The granting of the variance would not be detrimental to abutting properties.~~
- ~~4. The granting of the variance would not create a traffic or safety hazard.~~
- ~~5. Sign variances are exempt from Sections 12.030 through 12.040. (Section 8.110.C added by Ordinance 04-04, 5-3-04)~~

**A. Applicability and Procedure.** Variances to the sign regulations of this Article may be approved in accordance with Sections 12.060 through 12.120. The review authority and approval criteria are specified in this Section. Sign variances are exempt from Sections 12.030 through 12.040 unless otherwise required by state law.

**B. Type I – Administrative Variance (Community Development Director)**  
The Community Development Director may approve minor, quantitative sign variances as a Type I decision if they do not change the fundamental type or character of a sign.

**1. Eligibility.** One or more of the following:

- A) Placement on a non-frontage wall or area;
- B) An increase of no more than one additional sign beyond the maximum allowed;
- C) A deviation of 15% or less from a quantitative standard (e.g., area, height, or setback);
- D) An increase in sign area of up to 10 square feet.

**2. Approval Criteria.** At least one of the following must apply:

- A) The sign demonstrates exceptional design or craftsmanship;
- B) The sign is more compatible with the building's architecture or site design;
- C) Site conditions (e.g., grade, visibility, topography) limit effectiveness under the standard code;
- D) Strict application would create demonstrable, disproportionate hardship.

**3. Required Findings.** The Director must find:

- A) Will not be detrimental to adjacent properties; and
- B) Will not create a traffic, visibility, or safety hazard.

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**C. Type II – Administrative Variance (Community Development Director) A**

Type II review is required for moderate deviations that exceed Type I thresholds but do not warrant Planning Commission review.

**1) Eligibility.** One or more of the following:

- A) Up to two additional signs beyond the maximum allowed;
- B) A deviation greater than 15% but not exceeding 25% from a numerical standard;
- C) Site-specific circumstances justify alternative placement, size or visibility needs.

**2) Approval Criteria and Findings.** Same as B(2) and B(3).

**D. Type III – Planning Commission Review.** Any sign variance not eligible for administrative review under subsections B or C shall be reviewed by the Planning Commission as a Type III land use decision. The Planning Commission must apply the approval criteria in subsection B(2) and findings in B(3), in addition to the procedures in Sections 12.060 through 12.120.

**E. Limitations.** Sign variances may not authorize any sign type, feature, or design that is expressly prohibited by this Article. Variances may not expand, intensify, or reestablish a nonconforming sign beyond what is permitted under Section 8.100.

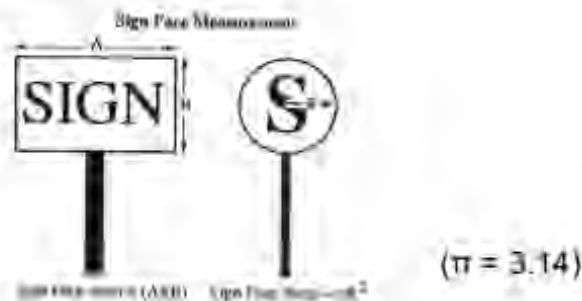
*(Annotated: This amendment modernizes the sign variance framework by clearly separating minor, administrative variances from those requiring Planning Commission review and aligning both with current Article 12 procedures. It removes obsolete references to electronic sign caps and places substantive limitations on variances within the sign standards rather than the variance criteria. The update improves predictability for applicants, provides staff with a clear decision pathway, and strengthens defensibility by limiting variances to quantitative or site-specific relief rather than allowing circumvention of prohibited sign types.)*

**8.120 DIAGRAMS**

The following diagrams shall be used for determining sign and building measurements.

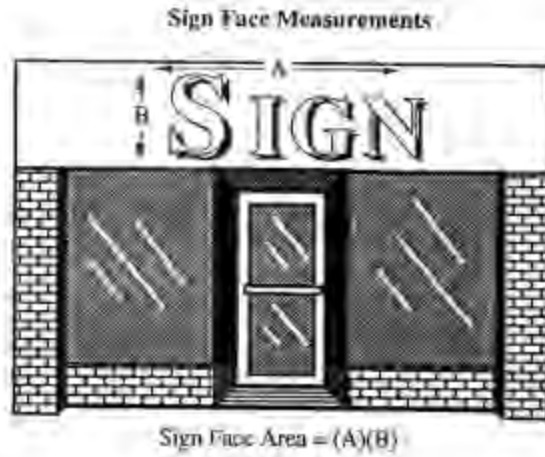
1. Sign Face Measurement.

1. Figure 1.



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2. Figure 2.



3. Figure 3.

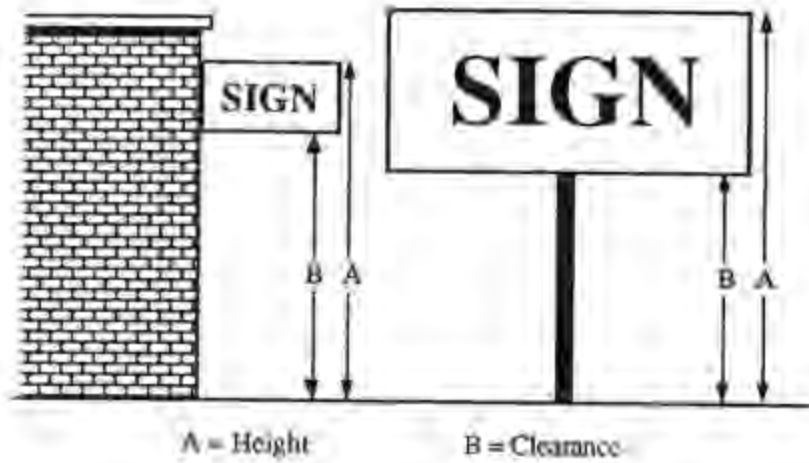


2. Sign Height.

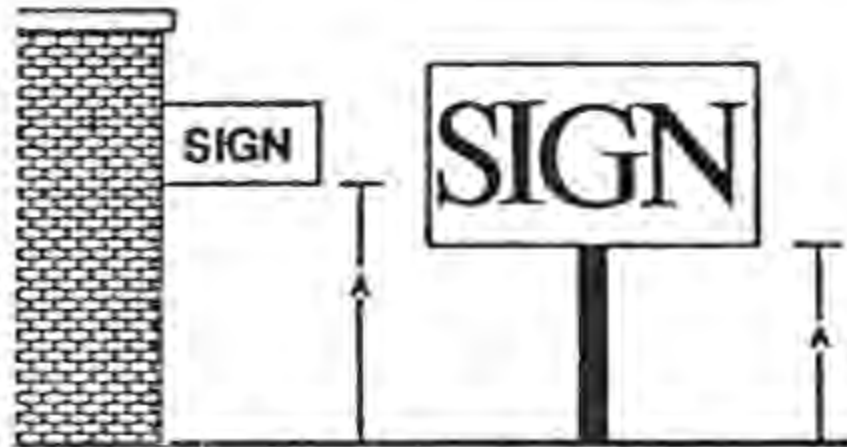
1. Figure 4. A = Height.

**Sign Heights and Clearances**

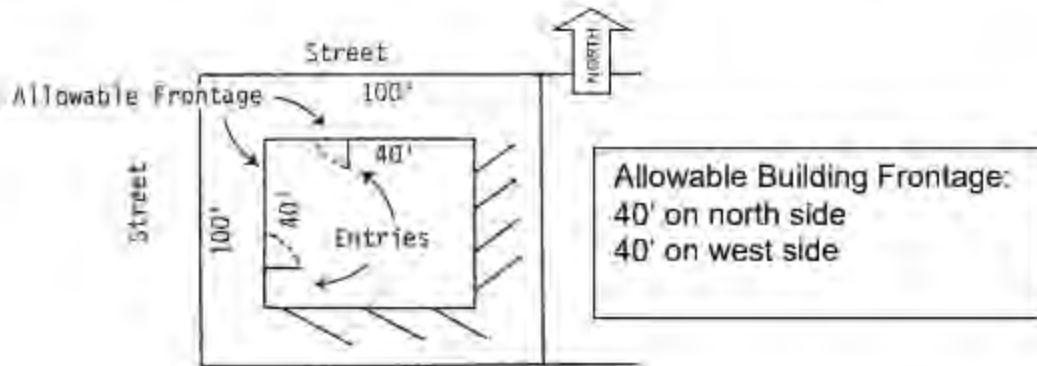
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- 3. Sign Clearance.
  - 1. Figure 5. B = Clearance.

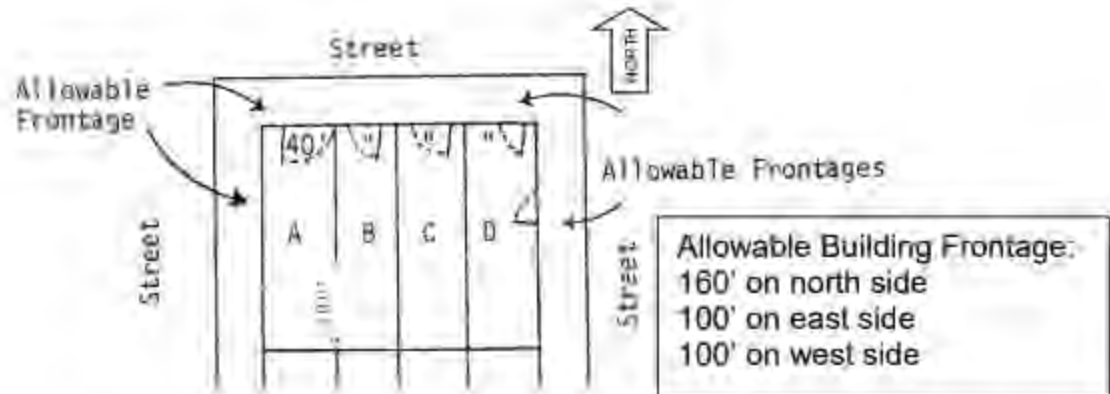


- 4. Building Frontage Measurement.
  - 1. Figure 6.

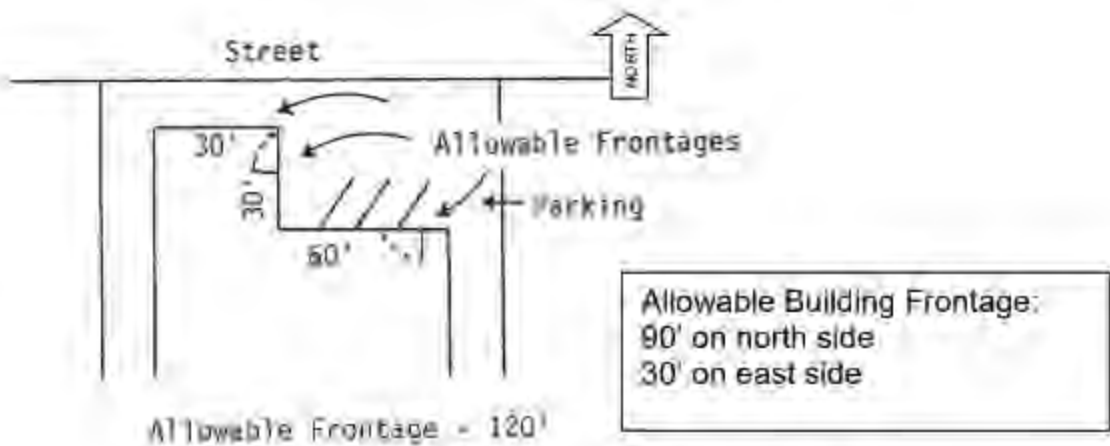


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2. Figure 7.



3. Figure 8.



(Section 8.120.D amended by Ordinance 12-03, 1-3-12)

**8.130 BASE ZONE REGULATIONS.** In addition to conformance with the sign regulations of Sections 8.020 through 8.180, all uses and sites within a specific zone shall conform to the types, numbers, sizes, and features of signs allowed in that specific zone. In addition to conformance with the sign regulations of Sections 8.020 through 8.180, all uses and sites within a specific zone shall conform to the types, numbers, sizes, and features of signs allowed in that specific zone. Where the standards of this Article conflict, the zone-specific sign regulations shall control over the general sign regulations.

*“Annotated: This amendment clarifies the hierarchy between general and zone-specific sign standards by establishing a single, consistent priority rule. It reduces interpretive disputes, improves staff consistency, and provides applicants with clearer expectations when provisions appear to overlap or conflict.”*

**8.140 C-1 ZONE SIGN REGULATIONS**

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For all uses and sites in the C-1 Zone (Neighborhood Commercial), the following types, numbers, sizes, and features of signs are allowed. All allowed signs must also be in conformance with the sign regulations of Sections 8.070 through 8.080.

- A. Total Square Footage Permitted. The total square feet of all signage associated with a business site, use, activity, or site shall not exceed 32 square feet.
- B. Freestanding or Monument Signs.
  - 1. Number. One (1) freestanding or monument sign is allowed per site.
  - 2. Area. Freestanding or monument signs are allowed based on one (1) square foot of sign face area per lineal foot of site frontage, up to a maximum of 32 square feet.
  - 3. Height. The maximum height of a freestanding or monument sign shall be six (6) feet. (Section 8.140.B amended by Ordinance 04-04, 5-3-04)
- C. Signs Attached to Buildings.
  - 1. Number. The number of signs is limited to two (2). Only one (1) projecting sign, or wall sign is allowed per building frontage.
  - 2. Area. The total allowable area for all permanent signs attached to the building shall be one (1) square foot of sign face area per lineal foot of the building frontage, or 32 square feet, whichever is less.
  - 3. Types of signs. Wall, projecting, marquee, awning and window signs are allowed. (Section 8.140.C.3 amended by Ordinance 04-04, 5-3-04)
- D. Number of Signs. The number of signs within the total allowable area is limited to one (1) sign per building frontage.
- E. Temporary Signs. Temporary signs not exceeding a total of six (6) square feet are allowed.
- F. Portable Signs. Portable Signs are allowed in accordance with Development Code Sections 8.040 and 8.080. (Section 8.140.F added by Ordinance 00-11, 12-4-00)

**8.150 C-2, C-3, GI, S-1, S-2, A-1, A-2, A-2A, LS, HR, CA, ~~HC~~, AH-HC, FA ZONE SIGN REGULATIONS**

For all uses and sites in the C-2 (Tourist Commercial), C-3 (General Commercial), S-1 (Marine Industrial Shorelands), S-2 (General Development Shorelands), A-1 (Aquatic One Development), A-2 (Aquatic Two Development), A-2A (Aquatic Two A Development), LS (Local Service), HR (Hospitality/Recreation), CA (Education/Research/Health Care Campus), ~~HC (Health Care)~~, AH-HC (Attached Housing - Health Care), and FA (Family Activity) Zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign regulations of Sections 8.070 through 8.080. (Section 8.150 amended by Ordinance 04-04, 5-3-04)

*“Annotated: This amendment removes the **HC (Health Care) Zone** from Section 8.150 because sign standards for health care uses are addressed in a separate, standalone set of regulations tailored to the operational, safety, and wayfinding needs of medical and institutional facilities. As shown in Exhibit B, this approach avoids applying*

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*commercial or mixed-use sign standards to a specialized zone, reduces internal code conflicts, and improves clarity for applicants and staff by consolidating all Health Care sign requirements in one location.”*

- A. Total Square Footage Permitted. The total square footage of all signage associated with a business site, use, or activity shall not exceed 150 square feet, with no single sign exceeding 100 square feet; except where a through-block site with multiple frontages qualifies for additional signage under Section 8.080(G) or another applicable provisions of this Article.
- B. Freestanding Signs.
1. Number. One (1) sign shall be permitted for each site devoted to a single business, building, use or activity. (Section 8.150.B.1 amended by Ordinance 04-04, 5-3-04)
  2. Area. The maximum area of any freestanding sign shall not exceed one (1) square foot of sign area per one (1) lineal foot of site frontage. This allowable area is limited to frontage that is not already used by other on-site signage (including signs attached to buildings). Freestanding signs may not exceed 100 square feet in total area. For properties without buildings, freestanding sign area shall not exceed 32 square feet.

~~Total sign area shall not exceed one (1) square foot of sign area for one (1) lineal foot of site frontage that is not already utilized by other signs on the site or attached to buildings. Freestanding signs are allowed up to a maximum of 100 square feet. Allowable area on sites without buildings shall not exceed 32 square feet. (Section 8.150.B.2 amended by Ordinance 04-04, 5-3-04; amended by Ordinance 12-03, 1-3-12)~~

3. Height. The maximum height of a freestanding sign shall be 24 feet.
  4. Business Complex Signs. Two or more businesses or activities which are part of a business complex, strip mall or similar shared premises are permitted to erect one (1) freestanding sign within the allowable limit described in 8.150(B.1). Each individual business or activity shall not exceed 24 square feet of signage.
- C. Wall, Roof Mounted, or Projecting Signs.
1. Area. The total allowable area for all permanent signs attached to the building is determined as follows:
    1. A wall, roof mounted, or projecting sign of one (1) square foot per lineal foot of building frontage is allowed.
    2. Individual sign face area. The maximum size of an individual sign within the total allowable area limits is 100 square feet.
- D. Number of Signs. The number of signs within the total allowable area is limited to two (2) signs per building frontage.
- E. Temporary Signs. One (1) temporary sign not exceeding 24 square feet is allowed.
- F. Portable Signs. Portable Signs are allowed in accordance with Development Code Sections 8.040 and 8.080. (Section 8.150.F added by Ordinance 00-11, 12-4-00)

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**G. Changeable Text Signs and Electronic Message Centers (EMCs)**

1. Changeable text signs shall be allowed in the C-3 and S-2 Zones only and in accordance with Section 8.080(M). (Section 8.150.G added by Ordinance 04-04, 5-3-04) Changeable text signs using electronic or digital technology—commonly known as electronic message centers (EMCs)—are prohibited in all zones, except as expressly allowed under Section 8.080(M) for lawful nonconforming signs and for time-and-temperature displays. For the purposes of this Section, changeable text signs refers specifically to electronic or digitally-controlled signage, not manual letter board signs (e.g., reader boards with interchangeable letters), which are regulated separately.

*“Annotated: This amendment removes the outdated zone-specific reference to “changeable text signs” in the C-3 and S-2 zones to resolve a direct inconsistency with revised Section 8.080(M), which establishes a citywide prohibition on electronic message centers (EMCs)—i.e., signs that display content digitally or electronically. The prior reference, which did not clearly distinguish between electronic and manual changeable copy signs, created ambiguity and risked undermining the City’s policy direction to phase out new EMCs across all zones. The updated provision aligns zone-specific standards with the general regulations, reinforces consistent application of the EMC prohibition, and preserves allowances for lawful nonconforming signs and time-and-temperature displays. This change improves clarity for applicants, strengthens enforceability, and supports the City’s broader goals for preserving Astoria’s visual and historic character.”*

**H. Monument Sign.**

1. Number. One (1) sign shall be permitted for each site devoted to a single business, building, use or activity with a street frontage of up to 200 lineal feet. Lots with frontage in excess of 200 lineal feet may have a maximum of two (2) monument signs. Corner lots can count two (2) street frontages.
2. Area. Total sign area shall not exceed one (1) square foot of sign area for one (1) lineal foot of site frontage that is not already utilized by other signs on the site or attached to buildings. Monument signs are allowed up to a maximum of 100 square feet. Allowable area on properties sites without buildings shall not exceed 32 square feet. (Section 8.150.H.2 amended by Ordinance 12-03, 1-3-12)
3. Height. The maximum height of a monument sign shall be 10 feet.
4. Business Complex Signs. Two or more businesses or activities which are part of a business complex, strip mall or similar shared premises are permitted to erect one (1) monument sign within the allowable limit described in 8.150(H). Each individual business or activity shall not exceed 24 square feet of signage. (Section 8.150.H added by Ordinance 04-04, 5-3-04)

**8.160 R-1, R-2, R-3, CR, AH-MP, AND PD ZONES SIGN REGULATIONS**

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For all uses and sites in the R-1 (Low Density Residential), R-2 (Medium Density Residential), R-3 (High Density Residential), Compact Residential (CR), AH-MP (Attached Housing - Mill Pond for residential uses), and PD (Planned Development) Zones, the sign regulations of Sections 8.070 through 8.080 and this Section ~~Table 4~~ apply. All allowed signs must also be in conformance with the sign regulations of Sections 8.070 through 8.080. (Section 8.160 amended by Ordinance 04-04, 5-3-04; Section 8.160 amended by Ord 14-09, 10-6-14)

**A. Permanent Signs.**

1. ~~Sites with 1 or 2 dwelling units in a building, Home Occupations, and Home Stay Lodging. (Section 8.160.A.1 amended by Ord 19-07, 7-1-2019)~~
  - a. ~~Number. One (1) sign is allowed per building or site.~~
  - b. ~~Area. A maximum of two (2) square feet.~~
  - c. ~~Type of Sign. Wall.~~

Sites developed with one or two dwelling units, including home occupations and home stay lodging, may display one wall-mounted sign not to exceed two (2) square feet in area.

2. Sites with 3 or more dwelling units in a building.
  - a. Number. One (1) sign is allowed per building or site.
  - b. Area. A maximum of ten (10) square feet.
  - c. Type of Sign. Wall, awning, window, freestanding, monument.
  - d. Height. The maximum height of a freestanding or monument sign is four (4) feet. (Section 8.160.A.2 amended by Ordinance 04-04, 5-3-04)
3. Conditional Uses, except Home Stay Lodging, Bed and Breakfast, Inn, or Home Occupation. (Section 8.160.A.3 amended by Ord 19-07, 7-1-2019)
  - a. Number. One (1) sign is allowed per frontage.
  - b. Area. A maximum of 24 square feet.
  - c. Type of Sign. Wall, awning, window, freestanding, monument.
  - d. Height. The maximum height of a freestanding or monument sign is six (6) feet. (Section 8.160.A.3 amended by Ordinance 04-04, 5-3-04)
4. Residential Subdivisions, Planned Unit Developments, and Vacant Lots.
  - a. Number. One (1) sign is allowed per site entrance with a maximum of four (4) for the site.
  - b. Area. A maximum of ten (10) square feet for each sign.
  - c. Type of Sign. Wall, awning, window, freestanding, monument.
  - d. Height. The maximum height of a freestanding or monument sign is six (6) feet. (Section 8.160.A.4 amended by Ordinance 04-04, 5-3-04)

**B. Temporary Signs:** ~~Signs shall also meet the following standards:~~

1. ~~No extension in the right-of-way.~~

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2. ~~The total square footage of temporary and short term signs is limited to nine (9) square feet. (Section 8.160.B amended by Ordinance 04-04, 5-3-04)~~

Temporary signs in residential zones must comply with Section 8.080(K). In addition:

1. A maximum of one (1) temporary sign is allowed per dwelling, home occupation, or other permitted use at any one time.
2. The combined area of all temporary signs shall not exceed nine (9) square feet per site.
3. Temporary signs shall not be illuminated or placed within the public right-of-way unless authorized by a city-issued permit or exemption.

*“Annotated: This section regulates signage in residential and mixed-use residential zones to ensure signage remains small-scale and context-sensitive. Updates are recommended to clarify applicability to home occupations and home stays, eliminate a reference to a non-existent “Table 1,” and simplify internal structure. Retaining a small-scale allowance for home-based uses ensures continued regulatory control, even as the code is streamlined.”*

**8.170 A-3, A-4, S-5, IN AND LR ZONES SIGN REGULATIONS**

For all uses and sites in the A-3 (Aquatic Conservation), A-4 (Aquatic Natural), S-5 (Natural Shorelands), IN (Institutional) and LR (Land Reserve) Zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign regulations of Sections 8.070 through 8.080.

- A. Total Square Footage Permitted. ~~The total allowable sign area for all permanent signs shall be 24 square feet.~~ The total allowable sign area for all permanent signs shall not exceed twenty-four (24) square feet per site; except where a through-block site with multiple frontages qualifies for additional signage under Section 8.080(G) or another applicable provisions of this Article.
- B. Height of Signs.
  1. Freestanding sign shall not exceed five (5) feet in height.
  2. Monument sign shall not exceed five (5) feet in height. (Section 8.170.B amended by Ordinance 04-04, 5-3-04)
- C. Number of Signs. The number of signs within the total allowable area is limited to one (1) per tax lot or aggregate thereof.
- D. Type of Sign. The following permanent signs may be allowed:
  1. Wall.
  2. Window.
  3. Freestanding.
  4. Portable Sign in accordance with Development Code Sections 8.040 and 8.080. (Section 8.170(D.4) added by Ordinance 00-11, 12-4-00)
  5. Monument. (Section 8.170.D.5 added by Ordinance 04-04, 5-3-04)

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6. ~~Changeable text signs shall be allowed in the IN Zone only and in accordance with Section 8.080(M). (Section 8.170.D.6 added by Ordinance 04-04, 5-3-04)~~ Changeable text signs using electronic or digital technology—commonly known as electronic message centers (EMCs)—are prohibited in all zones, except as expressly allowed under Section 8.080(M) for lawful nonconforming signs and for time-and-temperature displays. For the purposes of this Section, changeable text signs refers specifically to electronic or digitally-controlled signage, not manual letter board signs (e.g., reader boards with interchangeable letters), which are regulated separately.

**8.180 C-4, S-2A, MH, AND AH-MP ZONE SIGN REGULATIONS**

For all uses and sites in the C-4 (Central Commercial), S-2A (Tourist Oriented Shoreland), MH (Maritime Heritage), and AH-MP (Attached Housing - Mill Pond for commercial uses) Zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign regulations of Sections 8.070 through 8.080. (Section 8.180 amended by Ordinance 04-04, 5-3-04)

- A. Total Square Footage Permitted. ~~The total square footage of all signage associated with a business site, use, activity, or site shall not exceed 64 square feet.~~ The total area of all permanent signage associated with a single business, use, or activity on a site shall not exceed sixty-four (64) square feet, except where a through-block site with multiple frontages qualifies for additional signage under Section 8.080(G) or another applicable provision of this Article.

For S-2A Zone areas outside Downtown between 6th and 16th Street, the total square footage of all signage associated with a business site, use, or activity shall not exceed 150 square feet, with no single sign exceeding 100 square feet. (Section 8.180.A amended by Ordinance 12-03, 1-3-12)

- B. Number of Signs. The maximum number of signs shall not exceed two (2) per frontage. (Section 8.180.B amended by Ordinance 04-04, 5-3-04)
- C. Freestanding Signs.
1. Number. One (1) sign shall be permitted for each site devoted to a single business, building, use or activity with a street frontage of at least 100 lineal feet. (Section 8.180.C.1 amended by Ordinance 04-04, 5-3-04)
  2. Area. Total sign area shall not exceed one (1) square foot of sign area for one (1) lineal foot of site frontage that is not already utilized by other signs on the site or attached to a building. The maximum area of any individual freestanding sign is 32 square feet.

For S-2A Zone areas outside Downtown between 6th and 16th Street, freestanding signs are allowed up to a maximum of 100 square feet. Allowable area on sites on properties without buildings shall not exceed 32

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square feet. (Section 8.180.C.2 amended by Ordinance 04-04, 5-3-04; amended by Ordinance 12-03, 1-3-12)

3. Height. The maximum height of a freestanding sign shall be 18 feet.

D. Wall or Roof Signs.

(\*\*\*)

G. Monument Sign.

1. Number. One (1) sign shall be permitted for each site devoted to a single business, building, use or activity with a street frontage of up to 200 lineal feet. Lots with frontage in excess of 200 lineal feet may have a maximum of two (2) monument signs.
2. Area. Total sign area shall not exceed one (1) square foot of sign area for one (1) lineal foot of site frontage that is not already utilized by other signs on the site or attached to buildings. Monument signs are allowed up to a maximum of 32 square feet. For S-2A Zone areas outside Downtown between 6th and 16th Street, monument signs are allowed up to a maximum of 100 square feet. Allowable area on properties sites without buildings shall not exceed 32 square feet. (Section 8.180.I.2 amended by Ordinance 12-03, 1-3-12)
3. Height. The maximum height of a monument sign shall be 10 feet.
4. Business Complex Signs. Two or more businesses or activities which are part of a business complex, strip mall or similar shared premises are permitted to erect one (1) monument sign within the allowable limit described in 8.180(K). Each individual business or activity shall not exceed 24 square feet of signage. (Section 8.180.I amended by Ordinance 04-04, 5-3-04)
- 5.

H. Changeable Text Sign. ~~Changeable text signs shall be allowed in the C-4 and S-2A Zones only and in accordance with Section 8.080(M). (Section 8.180.J.1 added by Ordinance 04-04, 5-3-04)~~ Changeable text signs using electronic or digital technology—commonly known as electronic message centers (EMCs)—are prohibited in all zones, except as expressly allowed under Section 8.080(M) for lawful nonconforming signs and for time-and-temperature displays. For the purposes of this Section, changeable text signs refers specifically to electronic or digitally-controlled signage, not manual letter board signs (e.g., reader boards with interchangeable letters), which are regulated separately.

//End//

## Exhibit C – Administrative Revisions and Clarifications Astoria Development Code

The proposed amendments in Exhibit C affect sections of the Astoria Development Code (ADC) outside of Article 8. While some changes relate to signage—such as definitions, procedural references or internal citations—most are clerical or administrative in nature. These revisions are intended to improve clarity, accuracy, and usability, and to ensure consistency with the updated sign regulations.

Changes are presented using the following conventions:

- **Strikethrough** text indicates deleted language.
- **Underlined** text indicates new language.
- Track changes may appear in multiple colors due to version history.
- **(\*\*\*)** indicates no changes are proposed to the following section.
- Formatting, numbering, and internal cross-reference errors will be corrected during codification.

Staff **(annotations)** are included below relevant provisions to explain the rationale for each edit. These changes do not introduce new policies, expand or restrict uses, or alter substantive regulatory standards—they are intended solely to align the Code with the updated Article 8 and enhance administrative function.

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### **ARTICLE 1 BASIC PROVISIONS**

(\*\*\*)

#### **1.030 INTERPRETATION**

- A. ~~Applicability. If the conditions imposed by a provision of this Code are less restrictive than comparable conditions imposed by another provision of this Code or of any other Ordinance of the City, the provision which is more restrictive shall govern. Where provisions of this Code conflict, the more restrictive provision shall apply. If a provision of this Code is less restrictive than a comparable standard in another City ordinance, the more restrictive standard shall govern.~~
- B. **Similar Use Determination** ~~Authorization of Similar Uses. The Community Development Director and/or the Planning Commission may rule that a use not specifically permitted in a zone shall be permitted in a zone if it is similar to the permitted uses in the zone, if its effect on adjacent properties is substantially the same as the permitted uses, and if it is not specifically designated as a permitted use in another zone. However, uses and activities that this Code specifically prohibits in the subject zone, and uses and activities that the Community Development Director and/or Planning Commission finds are similar to those that are prohibited, are not allowed. (formerly Section 1.360)~~

The Community Development Director may determine that an unlisted use is similar to a permitted used in a zoning district and may be allowed with the same review procedure, provided that:

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1. The use has operational characteristics (e.g., intensity of use, hours, traffic generation, parking demand) or impacts substantially similar those of a listed permitted use.
2. The use is not expressly prohibited in the district.
3. The use is not uniquely permitted in another zone for reasons that make it clearly incompatible with the purpose of this zone.
4. The use supports or does not undermine the stated purpose of the zone.

A Similar Use Determination shall be processed as a Type I decision under Article 9. The Director may elevate the review to a Type II if broader policy interpretation or public notice is warranted. An applicant may also request elevation to Type II to enable public comments and appeal. All determinations are subject to appeal per Article 9.

~~C. Code Interpretations. This section provides a process for resolving differences in the interpretation of the Code text. The Community Development Director is authorized to interpret the text of this Code as needed to administer its provisions, respond to written inquiries, or resolve ambiguities and inconsistencies. Interpretation may clarify intent, determine applicability, or guide implementation in specific cases.~~

~~D. Code Interpretation Procedure. Requests for code interpretations, including, but not limited to, similar use determinations, shall be made in writing to the Community Development Director and shall be processed as follows:~~

- ~~1. Where an interpretation requires discretion, the applicant shall submit a Miscellaneous Review Permit application for a Code Interpretation with applicable fee for a Type II permit. At a minimum, an application for code interpretation shall include a letter citing the nature and reasons for the request. The Community Development Director shall review relevant background information, including, but not limited to, other relevant Code sections and previous City land use decisions, and follow the Type II decision-making procedures in Article 9.~~
- ~~2. The Community Development Director may refer the application to the Planning Commission and follow Type III decision-making procedures in Article 9.~~
- ~~3. Where a code interpretation may have significant City-wide policy implications, the Community Development Director may bypass the procedures in Sections 1.030.D.1 to 1.030.D.2 and refer the request directly to the City Council for its legislative review in a public hearing. Such public hearings shall be conducted following Type IV procedure of Article 9.~~
- ~~4. All decisions on a code interpretation shall be made in writing to the person requesting it, to any other person who specifically requested a copy of the decision, and to those who provided public testimony on the application in accordance with Article 9.~~

**1. Administrative Interpretation (Type I).** The Director may issue informal or

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written interpretations as part of daily administration. Interpretations that do not establish policy, affect multiple properties, or require substantial discretion may be completed without notice or fee. These may be documented as internal memoranda, correspondence, or permit records.

- 2. Formal Interpretation (Type II).** When discretion is required or when an applicant requests a formal interpretation, the Director shall process it as a Type II decision under Article 9. A written request and applicable fee are required. Public notice and appeal rights shall apply.
- 3. Policy-Level Referral (Type III or IV).** The Director may refer any interpretation to the Planning Commission or City Council when the outcome may establish precedent, affect multiple zones, or involve broader legislative considerations. Referral may be initiated by the City with or without an applicant.
- 4. Documentation and Notice.** All formal interpretations shall be documented in writing and provided to the applicant and any person who submitted comments or requested notice. Administrative interpretations may be recorded at the Director’s discretion.

*(Annotation: This section modernizes and streamlines the City's code interpretation procedures to reflect the realities of administering a legacy code. It clarifies the Community Development Director's authority to issue interpretations—both informally and formally—and establishes clear pathways for applicants, appeals, and policy-level referrals. The revised language reinforces transparency, preserves flexibility for day-to-day implementation, and ensures that Similar Use Determinations remain consistent with the purpose and intent of each zone while allowing for appeal when appropriate.)*

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**Section 1.400 Definitions**

(\*\*\*)

BEDROOM: A room or enclosed space within a residential or transient lodging unit that is designed or used primarily for sleeping. A bedroom may be a dedicated sleeping room or part of an open layout (e.g., in a studio) and is not limited to spaces within dwelling units. For the purposes of this code, bedrooms are used in calculating occupancy limits, parking requirements, and permitting thresholds for uses such as vacation rentals and home stay lodging.

*(Annotated: This definition clarifies that a “bedroom” includes any sleeping area within both residential and transient lodging units, such as vacation rentals and home stay lodging. It eliminates ambiguity around studios and open-layout units, ensuring that all sleeping accommodations are treated consistently for occupancy, permitting, and parking calculations. This change addresses past instances where applicants argued that studio units or rentals without enclosed rooms did not require parking or were exempt from occupancy limits.)*

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(\*\*\*)

~~BUILDING: A structure built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind.~~ Any structure utilized or intended for supporting or sheltering any use of occupancy.

*(Annotated: Aligns with OSSC.)*

(\*\*\*)

BUILDING MODULAR: A structure or portion of a structure constructed off-site in one or more prefabricated sections (modules), designed to be transported and assembled on a permanent foundation at the building site. Modular buildings are subject to the same local building codes as site-built structures and are intended for long-term use.

*(Annotated: This definition distinguishes modular buildings from manufactured dwellings or mobile homes by clarifying that modular units are built to the same building codes as conventional construction and are typically placed on permanent foundations.)*

(\*\*\*)

Child. A child, as it relates to child care facilities, is defined as under 13 years of age or a child under 18 years of age who has special needs or disabilities and requires a level of care that is above normal for the child's age.

Child Care Center (commercial). A certified or registered child care facility that provides care and supervision to children in a non-residential, commercial setting. This includes day care centers and similar programs but excludes residential-based child care homes. See also Child Care Facility and Child Care Home.

Child Care Facility. Any Facility that provides child care to children, including a day nursery, nursery school, child care center, certified or registered family care home or similar unit operating under any name.

Child Care Home (residential). Any registered child care facility or certified group child care home where child care is offered in a residence up to 16 children, including children of the provider, regardless of full-time or part-time status consistent with State Law. (ORS 329A.440).

(\*\*\*)

~~DAY CARE CENTER: A day care facility which provides day care in any setting for any number of persons, excluding family day care centers and residential homes~~ **See Child Care Facility; Child Care Center (commercial); Child Care Home (residential).**

*“Annotated: This revision reorganizes and consolidates child care–related definitions to ensure alignment with current Oregon state law (ORS 329A) and eliminate duplication*

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*or outdated terminology. References to “Day Care,” “Day Nursery,” and “Child Care Facility” are clarified by directing users to the appropriate, legally defined term. Distinctions between “Child Care Home (residential)” and “Child Care Center (commercial)” are aligned with state licensing classifications. These updates are administrative and clarifying in nature, designed to improve interpretation, reduce redundancy, and ensure compliance with state-mandated terminology.”*

(\*\*\*)

~~DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. May be located in a building with non-residential uses, as allowed by the applicable zoning designation.~~ A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

*“Annotated: This definition mirrors the Oregon Structural Specialty Code (OSSC) and is recommended for adoption into the ADC to promote consistency across city departments and regulatory processes.*

*Aligning the ADC definition with OSSC offers several key benefits:*

- **Clarity and Simplicity:** *The definition is concise and easy for the public, applicants, and staff to understand and apply. It avoids overly technical language or qualifiers that may confuse users or require extensive interpretation.*
- **Interdepartmental Consistency:** *Shared terminology between planning, permitting, and building review improves coordination and reduces discrepancies. This is especially valuable in projects where zoning and building standards intersect, such as ADUs or multifamily conversions.*
- **Regulatory Flexibility:** *The definition covers all common housing types—single-family homes, duplexes, ADUs, apartments, and mixed-use units—without prescribing rigid physical features (e.g., second entrances or kitchens). This allows staff to consider context and intent in evaluating proposals or enforcement situations.*
- **Enforceability:** *Staff can rely on internal policy, inspection procedures, or adopted guidance to determine whether a unit meets the test of a “complete independent living facility,” avoiding the need to codify every possible configuration.*

*By using a widely accepted, code-aligned definition, the City strengthens the clarity, predictability, and administrative ease of its development code while ensuring compatibility with state-mandated building regulations.”*

(\*\*\*)

~~FAMILY DAY CARE CENTER: A day care center which provides day care in the provider's home in the family living quarters to no more than 12 persons, regardless of age, or full-time or~~

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~~part-time status, including family members of the provider. This includes family day care providers as specified in ORS Chapter 418.~~

(\*\*\*)

~~INN: A transient lodging facility with up to 11 guest bedrooms, which is owner or manager occupied, and which may provide a morning meal. Inns may conduct associated business activities on an occasional basis, such as wedding receptions, club meetings and luncheons, conferences, and reunions. Rooms used by transient guests shall not include a kitchen.~~ A transient lodging facility with no more than 11 guest rooms, operated and occupied by an on-site owner or manager, and primarily intended for short-term overnight stays. Inns may offer a morning meal to guests and may host occasional events such as weddings, meetings, luncheons, or reunions as an accessory use. Guest rooms shall not contain kitchens or kitchenettes.

*(Annotated: This reflects recent changes to transient lodging facilities to clarify that they should not be separate living units.)*

(\*\*\*)

~~KITCHEN: Room for preparation of food and includes a cooking stove or ability to heat food other than with a microwave oven.~~ A kitchen is a room or area within a building used or intended for the preparation of food, typically equipped with a sink with hot and cold running water, a full-sized refrigerator or designated space for one, and a permanently installed cooking appliance capable of heating food, such as a stove, range, or built-in cooktop. For the purposes of zoning, building code, or land use regulation, the presence of these features—whether installed or clearly intended for future installation—may constitute a kitchen. Appliances such as microwaves, hot plates, toaster ovens, or similar plug-in devices that do not require dedicated electrical or ventilation infrastructure do not qualify a space as a kitchen.

KITCHENETTE: A kitchenette is a compact food preparation area that includes some, but not all, of the elements of a full kitchen. It typically includes a sink with hot and cold running water and one or more basic appliances—such as a microwave, toaster oven, or compact refrigerator—and may include a small plug-in cooktop or under-counter range. A kitchenette does not contain a standard oven or full-size stove and is not intended to support full-scale cooking. Kitchenettes are appropriate for guest suites, accessory dwelling units (ADUs), and transient lodging where limited food preparation is expected.

*“Annotated: The proposed definitions distinguish between kitchens, which support full independent living, and kitchenettes, which are intended for light or incidental use. This distinction is essential for effective code administration and aligns with zoning, enforcement, and permitting practices. Key regulatory benefits include:*

- ***Dwelling Unit Determination:*** *Kitchens are a primary indicator of a separate dwelling unit. The presence of a full kitchen—including a stove or range—can*

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trigger classification as a distinct unit under zoning regulations. Kitchenettes, by contrast, are not considered sufficient for independent living on their own.

- **Enforcement Consistency:** By clearly defining what constitutes a kitchen versus a kitchenette—including distinctions around appliances, scale, and intent—staff can more consistently identify unpermitted dwelling units or conversions and apply code standards fairly.
- **Short-Term Rental and ADU Regulation:** The flexibility built into the kitchenette definition allows for reasonable amenities in vacation rentals, ADUs, and guest accommodations (e.g., microwave, mini-fridge, or plug-in cooktop), without triggering full dwelling unit classification.
- **Alignment with Building and Electrical Codes:** Although the Oregon Structural Specialty Code (OSSC) does not define "kitchen," this definition acknowledges the functional elements that typically require dedicated infrastructure (e.g., 220-volt outlet, ventilation) while avoiding overly technical thresholds that could create enforcement ambiguity.

Together, these definitions improve clarity, enable nuanced decision-making, and provide enforceable standards for differentiating between limited-use food prep areas and full living facilities.”

(\*\*\*)

LOT COVERAGE: ~~The portion of a lot expressed as a percentage of the total lot area that is occupied by the principal and accessory buildings, including all decks, and other projections extending 12 above ground level of the lot upwards at any point on the structure including handrails, except eaves.~~ The percentage of a lot covered by all structures and improvements that extend 12 inches or more above finished grade, including principal and accessory buildings, covered decks, patios, balconies, and similar projections. Eaves and architectural overhangs that do not extend more than 24 inches from the building wall are excluded. Lot coverage is calculated as the horizontal footprint of all applicable structures divided by the total lot area.

*(Annotated: This definition modernizes lot coverage by clarifying that it’s based on horizontal footprint, includes structures and projections over 12 inches, and excludes eaves up to 24 inches. It aligns with local interpretation and provides measurable standards for consistent enforcement.)*

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LOT LINE: ~~The property line bounding a lot.~~ A boundary line of a lot that separates it from adjoining lots, public rights-of-way, or other legal parcels. Lot lines are categorized as front, rear, or side, based on their relationship to streets, accessways, and site orientation. For corner, flag, or irregularly shaped lots, the designation of each lot line shall be determined by the City based on structure orientation, access location, and applicable zoning provisions.

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~~FRONT LOT LINE: The property line separating the lot from the street, other than an alley. On corner lots, the front lot line shall be determined by the main entrance to the existing or proposed structure. The City shall determine the front lot line of a corner lot. On a flag lot, the front line is considered to be the lot line that is most parallel to and closest to the street, excluding the pole portion of the flag.~~ The lot line abutting a street, excluding alleys. On corner lots, the front lot line shall be determined by the location of the primary entrance of the structure or as designated by the City. For flag lots, the front lot line is the line most parallel and closest to the street, excluding the pole portion. On lots with curved or irregular frontages, the front lot line may be interpreted as a straight line connecting the two front corners, provided it does not extend beyond the actual property boundary along a concave curve.

~~LOT LINE, REAR LOT LINE: The property line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line.~~ The lot line opposite and farthest from the front lot line. For triangular or irregularly shaped lots where a direct opposite line does not exist, the rear lot line shall be either:  
(a) a line at least ten feet in length, located entirely within the lot and parallel to the front lot line at its most distant point, or  
(b) the lot line or combination of lines most nearly opposite the front lot line, as determined by the Community Development Director.

~~SIDE LOT LINE: Any property line not a front or rear lot line.~~ Any lot line that is not designated as a front or rear lot line.

*(Annotated: These revised lot line definitions improve clarity and usability by addressing irregular, corner, and flag lots with specific criteria for determining front, rear, and side designations. The updates align with zoning practice by introducing terms like “abutting,” “pole portion,” and “access orientation,” ensuring more consistent application across development reviews. They also provide administrative flexibility by authorizing City interpretation in complex cases, reducing ambiguity and improving enforcement. Overall, the revisions modernize outdated definitions and better support accurate, legally defensible land use decisions.)*

(\*\*\*)

MIDDLE HOUSING: Housing that includes two-family dwelling, three-family dwelling, four-family dwelling, cottage cluster, and townhouse as defined in ORS 197.758.

*(Annotated: In 2022, the City amended the Code for State mandated issues concerning housing. Reference to Middle Housing is used in the code but there was no definition added at that time.)*

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RIGHT-OF-WAY: The area between the boundary lines of a street or other easement. Land dedicated or used for public travel, including streets, sidewalks, alleys, and pedestrian ways, whether publicly or privately owned.

*“Annotated: This amendment adds a clear definition of “right-of-way” to support consistent application of placement, clearance, and encroachment standards across Articles 5 and 8. By clarifying that right-of-way includes streets, sidewalks, alleys, and pedestrian ways, whether publicly or privately owned, the change improves coordination with City Code Section 5.060, reduces ambiguity for applicants, and strengthens enforceability of sign placement and safety requirements.”*

(\*\*\*)

RESIDENTIAL STRUCTURE TYPES

(\*\*\*)

COTTAGE: An individual dwelling unit that is part of a cottage cluster.

COTTAGE CLUSTER: ~~A grouping of dwelling units located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”~~ A grouping of no fewer than four detached dwelling units per acre arranged around a required common courtyard, with each unit having a footprint of less than 900 square feet. Units may be located on a single lot or parcel, or on individual lots or parcels. Cottage clusters may also be referred to as cluster housing, cottage housing, bungalow courts, or pocket neighborhoods. All cottage cluster developments are subject to the standards in Section 3.090 of this Code.

COTTAGE CLUSTER DEVELOPMENT: ~~A development site with one or more cottage clusters. All cottage cluster developments are subject to Section 3.090.~~

*“Annotated: These updates consolidate overlapping and duplicative definitions related to cottage cluster housing. The previous terms—“Cottage,” “Cottage Cluster,” “Cottage Cluster Project,” and “Cottage Cluster Development”—contained circular or inconsistent references and created unnecessary complexity. To improve clarity and usability, these terms are consolidated under a single, standalone definition for “Cottage Cluster.” The revised definition reflects state middle housing requirements, including those under HB 2001 and OAR 660-046, and clearly describes the intended form, scale, and layout. Eliminating superfluous entries reduces confusion, ensures consistent interpretation across code sections, and supports more intuitive navigation. This revision is administrative in nature and does not change the regulatory substance or development standards previously in place.”*

(\*\*\*)

SIGN: Any identification, description, illustration, symbol, or device which is affixed directly or indirectly upon a building, structure, or land and which conveys a message.

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~~ABANDONED SIGN: A sign pertaining to a business or occupant whose products or services or noncommercial messages have ceased to be offered to the public or ceased to be in effect on said premises for a period of more than 90 days.~~ A sign pertaining to a business, use, or message that has ceased for a continuous period of ninety (90) days.

~~ANIMATION SIGN: Any sign or part of a sign that contains text and/or other images that flash or move or otherwise change at intervals of less than once every ten (10) seconds.~~ A sign or sign component that moves, scrolls, flashes, rotates, or changes visual content to attract attention, including mechanical movement or electronically displayed motion or transitions.

~~CHANGEABLE TEXT SIGN: Any sign or part of a sign that changes physical position, light intensity, or text and/or graphic images by use of intermittent on-and-off illumination or any movement or rotation or that gives the visual impression of such movement or rotation at intervals of more than once every 24 hours. Also known as “moveable text sign”, “electronic reader board”, “electronic message center”, or “multiple message sign”.~~ Means a sign with changeable text using physical characters (e.g., letters, numbers, symbols) manually placed or arranged on a track or background surface. These are often used for menus, announcements, or community notices.

CORNER SIGN: A sign projecting from the corner of a building.

~~DETERIORATED SIGN: A sign which the Building Official determines is deteriorated or dilapidated, or which may constitute a threat to public safety.~~ A sign that shows structural instability, broken or missing components, significant fading, peeling, corrosion, or damage such that it no longer meets the maintenance standards of this Article or poses a safety risk, as determined by the Building Official.

~~DIRECTIONAL SIGN: A permanent sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.~~ A permanent or temporary sign designed and erected solely to provide pedestrian or vehicular direction on the site and not to advertise a business, product, or service.

DOOR SIGN: A sign affixed directly to the surface of a primary entrance door, intended to identify essential information related to the occupant or business.

ELECTRONIC MESSAGE SIGN (Electronic Message Center or EMC): A sign that displays text, images, or symbols which can be changed electronically or digitally, including LED, LCD, or similar technologies. This includes full digital displays and electronic signs capable of programmable content changes. This definition does *not* include signs limited solely to the display of time and temperature.

ELECTRONIC SIGN, SIMULATED: A sign that uses neon, LED, pixelated light arrays, dot matrix lighting, or similar technologies to simulate the appearance or function of an Electronic Message Center (EMC) by mimicking motion, flashing, scrolling, pulsing, or high-intensity display. These signs are typically not fully programmable or dynamic like EMCs but may create similar visual effects. Commonly located in windows and visible from public rights-of-way, simulated electronic signs may cause glare or distraction. These signs are subject to the same placement, illumination, and brightness standards as EMCs and may be prohibited in certain zones or contexts.

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FLASHING SIGN: ~~A sign incorporating artificially reflected light which does not maintain a stationary or constant intensity or color at all times when in use.~~ A sign that emits or reflects light that varies in intensity, color, or pattern to attract attention, excluding steady, non-changing illumination.

FREESTANDING OR GROUND SIGN: A sign which is supported by one or more upright poles, or other support structure, and which is not attached to a building, but not including sandwich boards.

HISTORICAL SIGN: A sign designated to be historical in nature by the Historic Landmarks Commission.

MARQUEE SIGN: A sign which is painted on, attached to or supported by a marquee.

MONUMENT SIGN: A sign, other than a freestanding sign, in which the entire bottom is in contact with or is close to the ground and is not attached to any part of a building or other structure. A monument sign shall not exceed 10' in height. Any sign over 10' in height shall be classified as a "freestanding sign".

NONCONFORMING SIGN: ~~A sign or sign structure lawfully erected and properly maintained that would not be allowed under the sign regulations presently applicable to the site.~~ A sign that was lawfully installed prior to the effective date of this Article or a subsequent amendment and that does not conform to the current requirements of this Article.

OFF-PREMISE SIGN: ~~A sign that identifies, advertises, or draws attention to a business, use, activity, goods, products, or services which are not sold, manufactured, or distributed on or from the premises on which the sign is located, or facilities not located on the premises on which the sign is located.~~ A sign that directs attention to a location, business, use, activity, goods, or services not located on the same tax lot as the sign.

OPENING OR COMING SOON SIGN: A sign intended to announce the opening of a business, use, or activity, or the construction of a new building or expansion of an existing building, excluding announcement of sales or activities and events within an existing business, use, or activity.

PEDESTRIAN SIGN: A sign which is placed under an awning or marquee.

PORTABLE OR SANDWICH BOARD SIGN: ~~Any sign designed to be placed on the ground, and attached to a frame which is self-supporting, and which is not affixed to a building, structure, pole, or other item of permanent support.~~ A freestanding, movable sign (such as an A-frame or sidewalk sign) that is not permanently affixed and is designed for easy relocation.

PROJECTING SIGN: A sign, other than wall signs, which is attached to or project from a structure or building face, usually perpendicular to the building face, although it may project from the corner of a building.

ROOF SIGN: ~~Any sign erected upon, against, or directly above a roof, on top of or above the parapet of a building.~~ Any sign erected upon, against, or above a roof surface or parapet, where the top of the sign extends above the roofline or parapet of the building.

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~~SHORT TERM SIGN: A sign that is installed for more than 30 days but not more than 180 days.~~

~~TEMPORARY SIGN: A sign which is not permanently affixed. All devices such as banners, pennants, flags (not including flags of national, state or city governments), searchlights, curb signs, balloons or other air or gas-filled balloons. A sign intended for short-term display and not permanently affixed to the ground, a building, or a structure. Temporary signs are regulated under Section 8.080(K).~~

~~WALL GRAPHICS / MURAL: Wall graphic or mural means artwork, illustration, or noncommercial imagery applied directly to an exterior wall, building surface, or other vertical structure that is not determined by the City to function primarily as a sign identifying a business, product, or service.~~

~~WALL SIGN: A sign attached to or erected against the wall of a building with the face in a parallel plane to the building wall.~~

~~WINDOW SIGN: Any sign located inside, affixed to or within three (3) feet of the window panes of a building, whether removable or permanent that remains in place for more than a period of 14 days. Any sign located inside, affixed to, or within three (3) feet of a window, or positioned so as to be legible from the public right-of-way or other exterior public space, whether removable or permanent, that remains in place for more than fourteen (14) consecutive days.~~

*“Annotated: These amendments modernize and consolidate sign definitions to align with the updated regulatory framework in Article 8 and current industry terminology. The changes replace overlapping and outdated terms with a single, clear definition for electronic message signs, ensuring consistent application of the City’s digital sign phase-out. Time-based and subjective standards are refined into objective, format-based criteria to improve field enforcement and reduce interpretive disputes. Definitions for nonconforming, abandoned, portable, directional, window, roof, and deteriorated signs are clarified to mirror revised maintenance, placement, and nonconforming provisions, supporting transparent administration and defensible decision-making. Collectively, these updates improve internal consistency, reduce redundancy, and enhance predictability for applicants and staff without altering the underlying policy intent or regulating sign content.”*

(\*\*\*)

~~SLEEPING UNIT: A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and include provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.~~

*(Annotated: Aligns with OSSC; reference used in City Code not ADC.)*

(\*\*\*)

~~STRUCTURE: That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some~~

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~~definite manner and which requires location on the ground or which is attached to something having a location on the ground.~~ A structure is any constructed or erected object that is permanently or temporarily placed on the ground or attached to something on the ground, including but not limited to buildings, decks, walls, fences, towers, flag poles, signs, and utility cabinets. A structure is typically composed of assembled parts in a fixed arrangement and may require a foundation, anchoring, or similar support. For the purposes of this Code, "structure" does not include paved surfaces, vegetative landscaping, or unanchored temporary equipment.

This definition applies only to private property and does not authorize or regulate placement of structures within the public right-of-way. Use of the public right-of-way is governed by applicable City Code provisions and may require separate permits or authorization.

*(Annotated: This definition was originally suggested by DLCD but never formally adopted. It improves clarity and breadth by covering both permanent and semi-permanent improvements typically regulated under zoning. The use of "including but not limited to" ensures flexibility across varied site contexts while avoiding rigidity. By explicitly excluding paving and vegetative landscaping, it prevents regulatory overreach into routine site treatments. The language is compatible with both zoning and building code frameworks, while appropriately deferring to building code for structural safety and design criteria.)*

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~~TEMPORARY USE: A use or activity involving minimal capital investment that does not result in the permanent alteration of the site or construction of new buildings, and is removed from the site within one year, unless otherwise extended.~~ A use or activity of limited duration involving minimal capital investment that does not permanently alter the site or result in permanent buildings, and that is authorized by a Temporary Use Permit. The use shall be removed upon permit expiration unless an extension is approved under this Code.

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~~TRANSPORTATION SERVICE ESTABLISHMENT: Business primarily engaged in moving of goods and/or persons such as freight company, bus depot, intermodal center, delivery vehicle and semi-truck storage areas, etc., but excluding bicycle rental facilities.~~ A business or facility primarily engaged in the transport, logistics, or movement of goods and/or people. This includes, but is not limited to, freight and shipping companies, intermodal transfer stations, bus depots, taxi or shuttle hubs, courier services, and associated vehicle storage or dispatch facilities. This use does not include bicycle rental businesses or passenger-oriented transit stops without operational support functions.

*(Annotated: This version broadens and clarifies the scope, aligns with modern terminology (e.g., "logistics," "courier"), and explicitly excludes uses with different impacts, such as bike rentals or passive transit stops.)*

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**ARTICLE 2 USE ZONES**

(\*\*\*)

**R-1: LOW DENSITY RESIDENTIAL ZONE**

(\*\*\*)

**2.035 YARDS**

The minimum yard requirements in an R-1 Zone are ~~will be~~ as follows:

- A. The minimum front yard ~~setback shall~~ shall be 20 feet.
- B. The minimum side yard ~~shall~~ shall be five (5) feet, except ~~that~~ that on corner lots, the side yard ~~setback~~ setback along on the street side ~~shall~~ shall be 15 feet.
- C. The minimum rear yard ~~shall~~ shall be 20 feet, except ~~that~~ that on corner lots, the rear yard ~~setback shall~~ setback shall be five (5) feet.

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**R-2: MEDIUM DENSITY RESIDENTIAL ZONE**

(\*\*\*)

**2.080 YARDS**

The minimum yard requirements in ~~the~~ an R-2 Zone ~~are~~ are as follows:

- A. The minimum front yard ~~shall~~ shall be 20 feet.
- B. The minimum side yard setback ~~shall~~ shall be five (5) feet, except ~~that~~ that on corner lots, the side yard ~~setback along~~ setback along on the street side will be 15 feet.
- C. The minimum rear yard ~~setback shall~~ setback shall be 15 feet, except ~~that~~ that on corner lots, the rear yard ~~setback shall~~ setback shall be five (5) feet.
- D. For minimum yard requirements ~~applicable to~~ applicable to in a manufactured dwelling parks, refer to Section 11.120.

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**R-3: HIGH DENSITY RESIDENTIAL ZONE**

(\*\*\*)

**2.170 YARDS**

- A. The minimum yard requirements in ~~the~~ an R-3 Zone ~~will be~~ are as follows:
  - 1. The minimum front yard ~~setback shall~~ shall be 20 feet.
  - 2. The minimum side yard ~~setback shall~~ setback shall be five (5) feet, except ~~that~~ that on corner lots, ~~the side yard setback along the~~ the side yard setback along the street ~~shall~~ shall be 15 feet.
  - 3. The minimum rear yard ~~setback shall~~ setback shall be 15 feet, except ~~that~~ that on corner lots, the rear yard ~~setback shall~~ setback shall be five (5) feet.

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- B. For minimum yard requirements applicable to in-a manufactured dwelling parks, refer to Section 11.120.

*“Annotation: The proposed edits to the R-1, R-2, and R-3 yard requirement sections are clerical in nature and improve clarity, enforceability, and consistency across residential zones. Revisions include: (1) replacing “will be” with “shall be” to reflect standard legal drafting language; (2) standardizing the use of “setback” terminology; (3) aligning references to Section 11.120 for manufactured dwelling parks; and (4) clarifying that parcels adjacent to undeveloped rights-of-way are not treated as corner lots—now phrased consistently across all zones. These edits do not alter the substance of yard standards but improve readability and administrative application.”*

(\*\*\*)

**2.540 DEVELOPMENT STANDARDS AND PROCEDURAL REQUIREMENTS (A-2 Aquatic Two Development Zone)**

(\*\*\*)

- E. ~~No structure will exceed a height of 28 feet above the grade of adjacent shoreland, except for those areas between the extended 15th 17<sup>th</sup> and 21st Street right-of-ways, and between the extended 6th Street right-of-way and the Astoria-Megler Bridge. In these two areas no structure shall exceed a height of 45 feet above the grade of adjacent shoreland.~~

Except as provided below, no structure shall exceed a height of 28 feet, measured above the grade of the adjacent shoreland.

Within the areas bounded by the extended 17th Street and 21st Street rights-of-way, and within the area bounded by the extended 6th Street right-of-way and the Astoria-Megler Bridge, no structure shall exceed a height of 45 feet, measured above the grade of the adjacent shoreland.

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**ARTICLE 3 ADDITIONAL USE AND DEVELOPMENT STANDARDS**

(\*\*\*)

**3.015.A.7 (TRANSPORTATION STANDARDS)**

~~Variances to standards in Section 3.015.A of 10% or less may be granted by administrative review. Variances of more than 10% of the standards in this Section may be granted by the Community Development Director pursuant to Class 1 variance procedures in Article 12.~~

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~~The Community Development Director or Planning Commission, as applicable, may waive or defer improvements for land divisions and on-site improvements, and the City Engineer may waive or defer improvements for existing plats and off-site improvements. When the Community Development Director, Planning Commission, or City Engineer agrees to defer a street improvement, they shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future.~~

~~Standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and/or landscaping, as applicable, may be waived or deferral may be allowed where one or more of the following conditions are met:~~

- ~~1. The standard improvement conflicts with an adopted capital improvement plan;~~
- ~~2. The standard improvement would create a safety hazard;~~
- ~~3. It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future, and the improvement under consideration does not by itself significantly improve transportation operations or safety;~~
- ~~4. The improvement under consideration is part of an approved partition in a residential zone and the proposed partition does not create any new street.~~

### **A. Variances**

- 1. Type I (Administrative). Variances to the standards in Section 3.015.A of 10% or less may be approved administratively by the Community Development Director as a Type I permit, in accordance with Article 12.**
- 2. Type II. Variances exceeding 10% may be approved by the Community Development Director as a Type II variance, pursuant to Article 12.**

**B. Waiver or Deferral of Improvements.** The Community Development Director or Planning Commission may waive or defer on-site street improvements, and the City Engineer may waive or defer off-site improvements for existing plats. Any deferral shall require the property owner to agree in writing not to remonstrate against a future local improvement district.

**C. Waiver or Deferral Criteria.** Required street improvements may be waived or deferred when one or more of the following apply:

- 1. The improvement conflicts with an adopted Capital Improvement Plan;**
- 2. The improvement would create a safety hazard;**
- 3. The improvement is unlikely to be extended in the foreseeable future and would not materially improve transportation operations or safety; or**
- 4. The improvement is part of an approved residential partition that does not create a new street.**

***“Annotated: This amendment clarifies the City’s variance procedures by expressly identifying Type I review as an administrative approval and aligning variance thresholds***

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*with the Development Code’s procedural framework. The revision improves internal consistency between Articles 3, 9, and 12, reduces ambiguity for applicants and staff, and reflects current practice at the permit counter. No substantive change to variance authority or approval criteria is intended; the update simply modernizes terminology, improves clarity, and ensures that minor transportation standard adjustments are processed efficiently while preserving appropriate review for larger deviations.”*

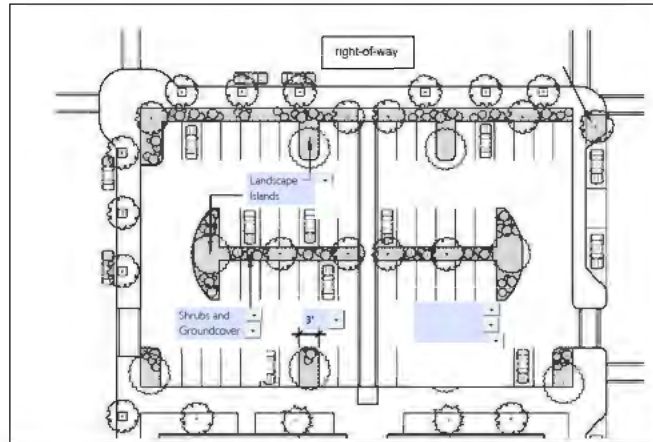
(\*\*\*)

### **3.120 Landscaping Requirements**

~~A. Specific requirements governing the placement and maintenance of landscape materials are as follows:~~

- ~~1. Landscape plant materials shall be installed to insure health and survivability.~~
- ~~2. Landscape plant materials will be properly guyed and staked so as to not interfere with vehicular or pedestrian traffic.~~
- ~~3. Deciduous trees shall have a minimum caliper of one and one half (1.5) inches, and a minimum height of eight (8) feet at the time of planting, unless it is determined by the Community Development Director that a lesser caliper will provide the bulk and scale necessary to substantially cover the landscaped area.~~
- ~~4. Evergreen trees shall be a minimum of six (6) feet in height, fully branched, at the time of planting.~~
- ~~5. Shrubs shall be supplied in one (1) gallon containers minimum, or eight (8) inch burlap balls with a minimum spread of 12 inches.~~
- ~~6. Ground cover plantings shall be planted on a maximum of 18 inches on center and 18 inches between rows. Rows of plantings shall be staggered for a more effective covering. Ground cover shall be supplied in a minimum four (4) inch size container or a two and one quarter (2.25) inch size if planted on 12 inch centers.~~
- ~~7. Planting areas shall be designed to separate parking lots from the sidewalk and street and shall contain a mixture of trees and shrubs, except where the presence of chairwalls or public utilities makes the planting infeasible, as determined by the City Engineer, in which case concrete, stone, or other manufactured containers may be used.~~
- ~~8. Parking areas with 20 spaces or more shall have a minimum of one landscaping divider per ten (10) parking spaces. Each ten (10) parking spaces shall be bordered by a landscaped area. Such area shall consist of a curbed planter of at least three (3) feet by 16 feet, or at least 48 square feet. Each planter shall contain at least one (1) tree, along with hedge or shrub material. An exception to allow a maximum of one row of parking spaces within a parking area to exceed the maximum ten spaces between landscaped planters by one or two spaces may be approved as an administrative Type I permit if the amount of overall required landscaping is not \_\_\_\_\_ reduced.~~

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- ~~9. For new construction, parking areas shall be separated from the exterior wall of a structure, exclusive of paved pedestrian entranceways or loading areas, by a strip of landscaping material. All planting areas shall be protected by the use of concrete bumper blocks affixed to the paving.~~
- ~~10. Existing trees may be used as required landscaping. To the extent possible and practicable, required landscaping shall be within reasonable view from an improved City right-of-way.~~
- ~~11. All landscaping shall be maintained and kept free from trash, noxious growth, and weeds. Unkempt landscaped areas shall be considered a nuisance and shall be enforced under the applicable City code.~~
- ~~12. Seating areas and street furniture shall be considered part of the landscaping requirement, and shall be encouraged by the Community Development Department.~~
- ~~13. Up to 50% of the landscaping requirement may be satisfied by the use of City right-of-ways for landscaping, as approved by the City Engineer. The property owner shall be responsible for the maintenance of such landscaping. (See City Code 2.350 through 2.353.)~~
- ~~14. Public safety should be considered in landscape designs.~~
- ~~15. There shall be a 15' landscaped buffer area maintained between outdoor storage areas, parking areas, and/or driving surfaces and the top of bank along the shoreline. Except as otherwise noted, parked vehicle bumpers may overhang a maximum of 2.5' beyond a bumper guard into the landscaped area.~~

All required landscaping must support long-term plant health, enhance public spaces, and be maintained in a clean, safe condition. The following standards apply:

**A. Plant Materials and Standards**

- 1. Installation:** All plant materials and standards must be properly installed and supported to ensure health, such as irrigation, and prevent interference with pedestrians or vehicles.
- 2. Minimum Sizes at Planting:**

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- a. Deciduous Trees: 1.5-inch caliper measure 4 feet above grade, 8 feet high (unless a smaller caliper is approved);
  - b. Evergreen Trees: 6 feet high, fully branched.
  - c. Shrubs: 1-gallon container or 8-inch burlap ball, 12-inch spread minimum.
  - d. Ground Cover: Ground cover plantings shall be installed in sufficient density to provide full coverage of exposed soil within two growing seasons. Plants shall be spaced no more than 12 inches apart in a staggered pattern, using a minimum 4-inch container size. Mulch may be used between plants during establishment but shall not be used as a substitute for living plant material.
3. **Use of Non-Plant Materials:** Non-plant materials such as river rock, bark mulch, or other inert ground treatments may be used as decorative accents but shall not exceed 25% of the required landscaped area. These materials must be integrated with live vegetation and may not substitute for required trees, shrubs, or ground cover. Artificial turf is prohibited unless approved by the Community Development Director due to site-specific constraints such as rooftop applications or constrained urban plazas. Non-plant materials should generally not be located within three feet of a right-of-way, driveway, or pedestrian walkway unless the Community Development Director determines the design maintains visual interest, permeability, and pedestrian safety.
4. **Minimum Planting Area Width:** Landscaped areas intended for live vegetation shall have a minimum planting width of 3 feet (measured from inside edge to inside edge) to ensure root health and long-term viability. The Community Development Director may approve narrower widths or alternative designs where existing conditions—such as utility corridors, limited setbacks, or access needs—make compliance infeasible. This standard does not require planting in areas where landscaping is not otherwise required.

**B. Parking Lot Landscaping**

- 1. Perimeter: Parking areas must be buffered from sidewalks and ROW with landscaped strips containing trees and shrubs, unless infeasible due to utilities or chairwalls (as determined by the City Engineer).
- 2. Interior:
  - a. Parking areas with 20+ spaces require one landscaped divider per 10 spaces, each with a curbed planter of at least 3 ft by 16 ft (48 sq ft) containing 1 tree and shrubs.

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- b. One row may exceed the 10-space maximum by up to 2 spaces through a Type I permit if total landscaping is preserved.

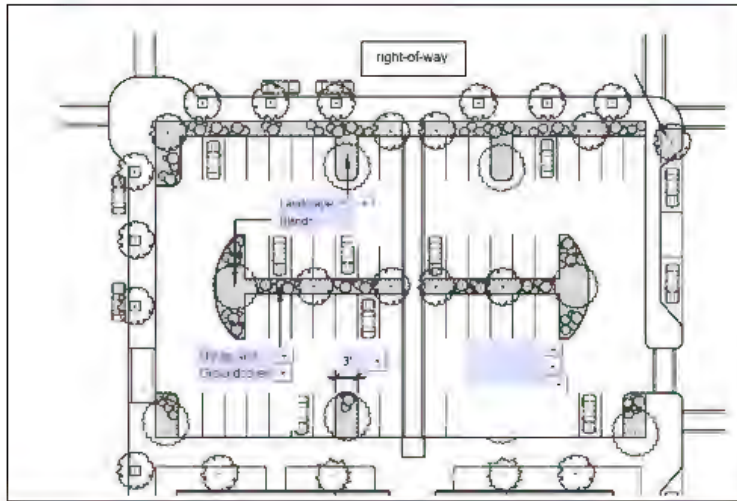


Figure 1. Example Parking Lot Landscape Layout (related to Section 3.120.B)

3. Building Separation: Parking must be separated from exterior building walls (excluding walkways/loading) by landscaped strips protected with concrete bumper blocks.
4. Shoreline Buffer: A 15-foot landscaped buffer is required between parking, storage areas, travel lanes and top-of-bank along shorelines. Vehicle bumpers may overhang this buffer up to 2.5 feet.

**C. Alternative Standards and Maintenance**

1. Existing Trees: May count toward landscaping requirements.
2. Street Furniture: Seating and street furniture may satisfy part of the landscaping requirement and are encouraged.
3. Right-of-Way: Up to 50% of the required landscaping may be located within the City right-of-way with approval from the City Engineer. The adjacent property owner is responsible for maintenance, and a maintenance agreement may be required at the discretion of the City.
4. Visibility and Safety: Landscaping should be visible from the public right-of-way and designed with public safety in mind.
5. Maintenance: Landscaping must be kept free of weeds, trash, and noxious growth. Failure to maintain is a nuisance subject to enforcement.
6. Credit for Non-Vegetative Features:
- a. The Community Development Director may approve non-vegetative features to fulfill up to 10% of the landscaping requirement (Type I permit).
- b. Up to 25% credit may be allowed in public or publicly accessible areas where such features include amenities like bike racks, benches, or interpretative signage (Type I permit).
- c. Credits exceeding 25% require Type II or III land use review per Article 9 and 12.

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- d. Features in public right-of-way require a City-approved maintenance agreement; failure to maintain requires replacement with compliant landscaping.

*(Annotated: The updated landscaping section modernizes and streamlines the code by organizing requirements into clear, topic-based subsections for plant materials, parking lot landscaping, and alternative standards. It replaces dense text with concise, measurable criteria (e.g., container sizes, caliper, buffer widths), improving predictability for applicants and enforcement by staff. The new format clarifies expectations for developers, supports sustainable urban design through defined buffers and integration of trees and ground cover, and reflects best practices in site planning. Including limits on inert materials and encouraging visible, well-maintained landscaping enhances both aesthetics and functionality.)*

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3.240 TEMPORARY USE PROVISIONS

~~Temporary Uses are those which involve minimal capital investment, and which comply with the following standards:~~

A. Duration of Permits.

- ~~1. Time Limit. A temporary use permit shall expire one year from the date of Final Decision unless an extension has been granted.~~
- ~~2. Permit Extensions. Prior to permit expiration, the applicant may request extensions in accordance with Section 9.100(B.2.a & b) and 9.100(B.3 & 4). A permit remains valid, if a timely request for extension has been filed, until an extension is granted or denied. (Section 3.240.A, amended by Ordinance 10-06, 4-19-10)~~

- ~~B. Security. The Planning Commission may require that the applicant furnish the City with a performance bond or other negotiable instrument up to, and not to exceed, the value of the improvements or the cost of removal of the improvements, whichever is greater. This requirement may be made in order to assure that any conditions imposed are completed in accordance with the plans and specifications as approved by the Planning Commission, and the standards established in granting the use. (Section 3.240.C, deleted by Ordinance 10-06, 4-19-10)~~

Temporary Uses are activities or uses that involve minimal capital investment, are limited in duration, and are intended to remain temporary in nature.

**A. Review Authority and Procedure**

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1. **Review Type.** Temporary Use Permits (TUPs) shall be reviewed as a Type I administrative decision pursuant to Article 9 (Administrative Procedures). The Community Development Director may elevate the review to a Type II process if the proposed use involves broader land use considerations, potential impacts on surrounding properties, or warrants public notice and an opportunity for comment.
2. **Notice.** Public notice is not required for a Temporary Use Permit unless the Community Development Director determines that notice is warranted due to the nature, location, duration, or potential impacts of the proposed use.

**B. Duration of Permit**

1. **Initial Term.** A Temporary Use Permit shall expire one (1) year from the date of the final administrative decision, unless a shorter duration is specified as a condition of approval.
2. **Extensions.** Prior to permit expiration, the applicant may request an extension. The Community Development Director may approve one or more extensions, each not to exceed one (1) year, upon finding that:
  - A) The use remains temporary in nature;
  - B) The use has complied with all conditions of approval;
  - C) The use has not resulted in adverse impacts to surrounding properties or the public; and
  - D) The extension will not circumvent the need for permanent land use approval.

A Temporary Use Permit shall remain valid if a timely extension request is filed, until the request is approved or denied.

**C. Conditions and Security**

1. **Conditions of Approval.** The Community Development Director may impose reasonable conditions to ensure compatibility with surrounding uses, protect public health and safety, and ensure timely removal of temporary improvements.
2. **Security.** The Community Development Director may require a financial security—such as a performance bond, irrevocable letter of credit, or other acceptable instrument—to ensure compliance with permit conditions and the timely removal of temporary improvements. The amount shall be based on a reasonable estimate of the cost to complete required improvements and/or site restoration, as determined by the Director. The form and duration of the security shall be acceptable to the City and may be forfeited in the event of noncompliance.

*“Annotated: This amendment modernizes the Temporary Use Permit provisions by clearly establishing TUPs as administrative approvals while retaining flexibility to require notice when warranted. It preserves the existing one-year duration standard, adds a clear and defensible extension framework, and ensures that temporary uses do not evolve into de facto permanent uses without appropriate land use review. These*

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*changes align the code with current practice, reduce unnecessary procedural burden, and provide staff with clear authority to manage temporary activities based on scale, duration, and impact.”*

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**EROSION CONTROL AND STORMWATER MANAGEMENT**

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**3.330 ENFORCEMENT**

- ~~A. **Final Inspection.** The City shall review all regulated activities one year after completion and/or installation of permanent vegetation to assure that any erosion control or regulated activity measures installed continue to meet the standard imposed in this ordinance. The applicant shall be responsible for continued maintenance until the City Engineer and Building Official has approved a final inspection on the project.~~
- ~~B. **Responsible Party and/or Change of Ownership.** The applicant shall be responsible for the work to be performed in accordance with the approved plans and specifications in conformance with the provisions of this code. In the event of a change of ownership prior to the Final Inspection, the applicant shall enter into a Performance Agreement with the City and proposed new property owner. The Performance Agreement shall, at minimum, identify the party responsible for completion of the project until a Final Inspection has been approved by the City.~~
- ~~C. **Continued Maintenance.** If an erosion control or regulated activity measure system fails due to lack of maintenance or breakage, and there are impacts to adjacent property owners, or downstream water quality or quantity as a result of the failure, the City shall perform the maintenance or repair and charge the current property owner for the required repairs.~~
- ~~D. **Penalties.** In addition to any other method of enforcement available to the City, including City Code Section 1.010, the provisions of this ordinance may be enforced by the issuance of citations by duly appointed officers of the City pursuant to Astoria City Code Section 6.135.~~
- ~~E. **Additional Costs.** Where the City Engineer, Community Development Director, or Building Official deem it necessary, in the interest of public health, safety, or welfare, to incur additional costs such as, but not limited to, the hiring of independent geotechnical experts or other technical expertise, or costs to complete or correct work not completed by the applicant during the course of the project, such costs shall be borne by the applicant. Such costs shall not exceed actual costs.~~
- ~~F. **Performance Bond.** The City Engineer or Community Development Director may require that the applicant furnish to the City a performance bond up to, and not to exceed, the value of the cost of the required improvements in order to assure that the conditions imposed are completed in accordance with the plan and specifications as approved by the City Engineer or Community Development Director and that the standards established in granting the permit are observed.~~
- ~~G. **Time Limit on Permit.** Authorization of a permit shall be void after 180 days unless substantial construction or use pursuant thereto has taken place. However, the City Engineer or Building Official may, at their discretion, extend authorization for an additional 180 day period upon written request by the applicant and a determination that the~~

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~~conditions of the project or permit application have not changed sufficient to warrant review of a new permit application.~~

- A. Final Inspection.** The City shall conduct a final inspection of all regulated activities approximately one year after project completion or installation of permanent vegetation. The applicant is responsible for maintaining erosion control and related improvements until the City Engineer and Building Official grant final approval.
- B. Responsibility and Change of Ownership.** The applicant is liable for completing the project per approved plans and this Code. If ownership changes before final inspection, the applicant must enter into a Performance Agreement with the City and the new owner, identifying who will complete outstanding work and maintain the site until approval.
- C. Maintenance Failures.** If erosion control or related systems fail due to poor maintenance or structural issues—causing impacts to neighboring properties or downstream water—the City may make necessary repairs. The property owner will be billed for all associated costs.
- D. Penalties.** Violations of this ordinance are declared a public nuisance and may be abated under City Code §§ 5.700–5.728. Enforcement may also occur via any available legal or administrative remedy, including penalties under § 1.010 or citations issued under § 6.135.
- E. Additional Costs.** If the City determines that independent technical expertise or corrective action is needed to protect public health, safety, or welfare, the applicant shall bear all associated costs. Charges shall not exceed actual incurred expenses.
- F. Performance Bond.** The City Engineer or Community Development Director may require a performance bond or equivalent security, not to exceed the estimated cost of improvements, to ensure completion per approved conditions.
- G. Permit Expiration.** A permit expires 180 days after issuance unless substantial work has begun. One 180-day extension may be granted upon written request, provided there are no significant changes in site conditions or regulations.

*“The revised Section 3.330 improves clarity, consistency, and enforceability across erosion control and stormwater management enforcement. It simplifies language to clearly assign responsibility for final inspections, maintenance, and changes in ownership. The penalties section is streamlined to reference applicable nuisance and enforcement provisions of the City Code, while reinforcing the City’s ability to issue citations and recover costs for unaddressed failures or required technical reviews. Permit expiration and extension provisions are clarified, and the performance bond section is tightened to ensure improvements are completed as approved. Together, these updates make the code easier to apply, more defensible, and better aligned with administrative practice.”*

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**ARTICLE 6 HISTORIC PROPERTIES**

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**6.090 Administrative Procedures**

- A. The Historic Landmarks Commission and/or Community Development Director will follow the procedural requirements set forth in Article 9 with regard to application, public notice, quasi-judicial public hearing procedure, appeals, action on applications, filing fees, and additional costs.
- ~~B. In the consideration of an exterior alteration, demolition or moving request, the Historic Landmarks Commission and/or Community Development Director will approve or deny the request or recommend changes in the proposal which would enable it to be approved. The property owner will be notified of the Historic Landmarks Commission's and/or Community Development Director's decision within 10 working days of the date of action. The applicant may resubmit proposals for which changes have been recommended by the Historic Landmarks Commission.~~
- ~~C. In approving an exterior alteration, demolition or moving request, the Historic Landmarks Commission and/or Community Development Director may attach conditions which are appropriate for the promotion and/or preservation of the historic or architectural integrity of the structure, appurtenance, object, site, or district. All decisions to approve, approve with conditions, or deny shall specify the basis of the decision. A decision of the Community Development Director may be appealed to the Historic Landmarks Commission. A decision of the Historic Landmarks Commission may be appealed to the City Council.~~

*(Annotated: Section B & C are redundant. Section A refers to Article 9 which address all of the requirements for CDD or Commission decisions.)*

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**ARTICLE 9**

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**9.015 COMMUNITY DEVELOPMENT DIRECTOR – ROLES AND AUTHORITIES DUTIES**

- ~~1. The Community Development Director, or designee, shall perform all of the following duties with regard to administration of this Code:
  - ~~1. Prepare application forms based on the provisions of this Code and applicable State law;~~
  - ~~2. Prepare required notices and process applications for review and action;~~
  - ~~3. Assist the Historic Landmarks Commission, Design Review Commission, Planning Commission, and City Council in administering the hearings process; (Section 9.015.3 amended by Ord 19-06, 7-1-2019)~~
  - ~~4. Answer questions from the public regarding the City's land use regulations;~~
  - ~~5. Prepare staff reports summarizing pending applications, including applicable decision criteria;~~
  - ~~6. Prepare findings consistent with City decisions on land use and development applications;~~
  - ~~7. Prepare notices of final decisions, file the notices in the City's records, and mail a copy of the notices to all parties entitled to notice under this Code; and~~~~

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- ~~8. Maintain and preserve the file and public record for each application. (Section 9.015.A.1 to 9.015.A.8 added by Ordinance 17-06, 4-3-2017)~~

The Community Development Director, or designee, is responsible for administering and interpreting the Astoria Development Code and shall perform the following duties:

**A. Administration and Implementation**

1. Prepare and maintain application forms, checklists, and informational materials consistent with the Development Code and applicable state law.
2. Provide information and assistance to the public regarding land use regulations and procedures.
3. Process development applications, including required public notices and coordination with affected agencies.
4. Prepare staff reports and recommendations for review bodies including the Historic Landmarks Commission, Design Review Commission, Planning Commission, and City Council.
5. Issue written decisions, findings, and conditions of approval based on applicable criteria.
6. Maintain official records and files for all land use and development actions.
7. Interpret and apply the Development Code in a consistent and equitable manner.
8. Approve minor modifications to previously approved plans or conditions where consistent with applicable standards.
9. Perform other duties as assigned by the City Council or necessary for the effective administration of this Code.

**B. Official Code Interpretation**

The Community Development Director is authorized to issue written interpretations of the Astoria Development Code to clarify ambiguous language, resolve internal inconsistencies, or apply the Code to specific factual circumstances. Interpretations shall be based on the text of the Code, its purpose statements, legislative intent, and consistent administrative practice.

An interpretation may be issued in response to a written request or initiated by the Director, and shall be documented and maintained in the City's official records. Any person aggrieved by an interpretation may appeal the decision to the Planning Commission as a Type II procedure under Article 9.

This section does not limit the Director's ability to issue informal guidance or administrative clarifications unless such guidance is formally appealed.

***“Annotated: The proposed updates modernize and clarify the Community Development Director’s responsibilities, ensuring that day-to-day administration of the Astoria Development Code is consistent, transparent, and legally defensible. By clearly outlining duties—from application processing to public assistance and recordkeeping—the changes support efficient service delivery and improved coordination with reviewing***

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*bodies. The added authority to issue formal code interpretations provides a clear mechanism for resolving ambiguities without delay, while maintaining public transparency through documentation and appeal rights. Together, these provisions strengthen administrative flexibility, reduce procedural uncertainty, and support more predictable outcomes for applicants, staff, and the community.”*

**9.050 FINAL ACTION ON APPLICATION FOR PERMIT OR ZONE CHANGE REQUEST**

~~The City shall take final action on an application for a permit or zone change within 120 days of the receipt of a complete application including resolution of all appeals. The 120-day period does not apply to an amendment to the Comprehensive Plan or Development Code, or the adoption of a new land use regulation. At the request of the applicant, the 120-day period may be extended for a reasonable period of time.~~ The City shall take final action on an application for a permit or zone change, including resolution of all appeals, within 120 days of receiving a complete application, as required by ORS 227.178. This timeline does not apply to legislative amendments to the Comprehensive Plan, Development Code, or adoption of new land use regulations. At the applicant’s written request, the 120-day deadline may be extended for a reasonable period.

*(Annotation: This update to Section 9.050 modernizes the language for clarity and legal consistency while preserving the original intent. It explicitly references ORS 227.178 to affirm compliance with state law, streamlines the sentence structure for readability, and clearly distinguishes between quasi-judicial decisions (subject to the 120-day rule) and legislative actions (which are exempt). It also formalizes the applicant’s right to request an extension in writing, supporting transparency and administrative consistency.)*

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**9.060 MODIFICATION OF APPROVED PLANS AND CONDITIONS COMPLIANCE WITH CONDITIONS OF APPROVAL**

~~Compliance with conditions established for a request and adherence to the submitted plans, as approved, is required. Any departure from these conditions of approval and approved plans constitutes a violation of this Code. See Section 1.010 of the Astoria City Code concerning penalties.~~

~~Amendments to existing permit conditions and/or approved plans may be allowed as follows:~~

- ~~1. Minor changes that would have no impact or minimal impact to the design, use, or location of the project shall be reviewed administratively as a Type I permit.~~
- ~~2. All other proposed changes shall be reviewed as an administrative Type II permit or as a Type III permit as determined by the Community Development Director.~~

Approved projects must comply with all conditions of approval and submitted plans. Any departure constitutes a violation of this Code and may be subject to enforcement under Section 1.010 of the Astoria City Code.

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**A. Modifications**

1. **Minor Modifications (Type I):** The Community Development Director may approve minor changes through a Type I decision without public notice. Minor modifications are those that, in the Director’s judgment, do not materially increase intensity, alter the nature of the use, or create new or adverse off-site impacts. Examples include:
  - o Relocation of walls or structures within setbacks
  - o Adjustments to landscaping or site features that maintain overall compliance
  - o Reduction in height, scale, or floor area
  - o Substitution of equivalent materials or design elements
2. **Major Modifications (Type II or III):** Any change that materially alters the use, increases density, exceeds applicable standards, or could result in new impacts may be reviewed as a Type II or Type III permit, at the Director’s discretion.
3. **Director Discretion:** The Community Development Director has authority to determine whether a proposed change constitutes a minor or major modification based on the nature, scale, and context of the change. The Director may elevate any request to a higher review tier if necessary to address potential policy, compatibility, or cumulative impacts.

“Annotated: These updates modernize the City’s approach to post-approval modifications, a common administrative challenge in planning departments. The revised language offers clearer thresholds distinguishing minor versus major changes and codifies current best practices in land use administration. Explicitly granting the Community Development Director discretion improves responsiveness, avoids unnecessary delays for low-impact changes, and reduces the need for applicants to seek new approvals for inconsequential adjustments. This also creates a structured path for elevating more complex modifications when appropriate. The changes strike a balance between flexibility and accountability, ensuring efficient project delivery without undermining public transparency or development standards.”

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//End//