

Sign Code Updates for Electronic Display Signs

THIS DRAFT INCLUDES ONLY CHAPTERS AND SECTIONS OF CODE WITH PROPOSED AMENDMENTS AND SOME SURROUNDING SECTIONS FOR CONTEXT. CODE SECTIONS NOT INCLUDED IN THIS DRAFT WOULD NOT BE AMENDED.

14.04.020 PURPOSE

K. Include inter-jurisdictional coordination to the purpose section.

14.04.030 DEFINITIONS

"Dissolve" - new definition, describes one method that is allowed for larger electronic display signs to switch between messages.

"Fade" - new definition, describes a second method that is allowed for larger electronic display signs to switch between messages.

"Prohibited electronic display" - new definition, describes manners of display on an electronic display sign that are prohibited. The manners of display listed in this section are based on definitions within Salem's code.

Sign, Changing (Automatic). - a definition proposed for deletion. This definition included signs that have physical moving parts or signs that had electronic messages. New definitions for 'moving sign' and 'electronic display sign' are proposed with the goal of better describing each type of sign.

Sign, Electronic Display. - new definition, intended to cover broad array of electronic signs, LEDs readerboards etc.

Sign, Moving. - new definition, focused on signs that have physically moving parts; based on a portion of the definition for 'changing sign' proposed for deletion.

Sign, Outdoor Advertising - new definition, clarifies that this term, when used in the Milwaukie Municipal Code, refers to the definition established in the ORS.

"State highway" - new definition added for coordination with the ODOT outdoor advertising sign rule. Definition is lifted from ORS 337.

14.08.100 SIGNS VISIBLE FROM STATE HIGHWAYS

New section of code in the administrative provisions, and applies to all signs - not just LED signs. It allows the Planning Director to have the applicant submit documentation from ODOT for any sign visible from a state highway about whether the sign is an outdoor advertising sign and whether the site is legal for an outdoor advertising sign. It also allows the Planning Director to withhold issuance of a city sign permit unless it is clear that the sign could be approved by ODOT.

14.12.020 PROHIBITED SIGNS

- A. Moving signs ... amendments to existing prohibition, but limits this subsection to signs that physically move. Portions dealing with electronic changing is covered in the new prohibition in "R".
- R. Prohibition that says electronic display signs cannot use any of the prohibits manners of display. This would be a blanket rule for signs downtown and in other parts of the city.

14.16.060 DOWNTOWN ZONES

H. Illumination

- 6. This is a new subsection that sets the location and size regulations for allowing electronic display signs downtown. Electronic display signs would be allowed along McLoughlin Blvd, and would need to be oriented toward that right of way. The electronic display sign would be allowed as part of a larger permitted sign, rather than a standalone sign, and the size limit is the lesser of 20 sq ft or 25% of the overall sign face. These signs would be approvable through staff review of a sign permit, and would not require public notice or discretionary review by the Design and Landmark Committee or Planning Commission.

14.24.020 SIGN LIGHTING

- F. Helps to clarify that other lighting technology not specifically mentioned in the code (i.e., other than incandescent, fluorescent, and neon) can be used for interior or exterior sign lighting, so long as the other regulations of the chapter are met.
- G. Allows electronic display signs are allowed in the Commercial and Manufacturing sign districts, and downtown per Subsection 14.16.060.H.6, so long as they meet the standards in this section.
 - 1. Illumination levels.
 - a. The proposed illumination limits are consistent with literature provided to staff by the International Sign Association. The standards that ODOT recently adopted for their regulation of digital billboards is based on this methodology.
 - b. An automatic adjustment mechanism is required to keep the sign's illumination level consistent with the illumination standards.
 - c. This standard is allows the Planning Director discretion to require a sign's illumination level, even if it complies with subsection 'a', to be lowered if it presents a safety hazard or is unduly distracting.

2. Size - electronic display sign would be allowed as part of a larger permitted sign, rather than a standalone sign, and the proposed size limitations for an electronic display sign are the lesser of 25% of the size of the sign face OR 50 square feet.
 3. Display - electronic display signs that are 20 sq ft in size or less can change copy no more than once every 15 seconds. Electronic display signs that are over 20 sq ft can change copy no more than once every 3 hours. Smaller signs may switch instantaneously between messages or use a fade or dissolve effect to transition between messages. Larger signs are required to use a fade or dissolve effect. Staff from Salem suggested this as a way to make changes in message less distracting.
- H. Shielding - these requirements would require measure to prevent light pollution for larger sign sizes. This applies only to larger signs with exterior illumination and requires that externally illuminated signs must have their lights oriented horizontally or lower.

14.28.020 NONCONFORMING SIGN

3. Revisions to this section of code. Same basic policy as the current code, with the additional exemption that an electronic display sign can be added if it does not cause the sign to go further out of conformance.
4. Added sign illumination standards as standards that all signs need to comply with, regardless of whether they are/were non-conforming.

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TITLE 14 SIGNS

CHAPTER 14.04 GENERAL PROVISIONS

14.04.010 TITLE

This chapter shall be known and may be cited as the “Sign Ordinance of the City of Milwaukie, Oregon.”

14.04.020 PURPOSE

The Council of the City of Milwaukie, Oregon, finds and declares that it is necessary to regulate the design, quality of materials, construction, installation, maintenance, electrification, illumination, type, size, number, and location of all signs visible from a right-of-way or lot under other ownership in order to:

- A. Protect the health, safety, property and welfare of the public;
- B. Promote the neat, clean, orderly and attractive appearance of the community;
- C. Provide for the safe installation and maintenance of signs;
- D. (Repealed by Ord. 1965);
- E. Preserve and enhance the unique scenic beauty of Milwaukie;
- F. Accommodate the need of sign installers while avoiding nuisances to nearby properties;
- G. Ensure safe construction, location, installation, and maintenance of signs;
- H. Prevent proliferation of sign clutter;
- I. Minimize distractions for motorists on public highways and streets; ~~and,~~
- J. Regulate solely on the basis of time, place, and manner of a sign, not on its content; ~~and,~~
- K. Coordinate review of where multiple agencies have review authority for a sign permit.

14.04.030 DEFINITIONS

The following words and phrases where used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section:

“Dissolve” means the changing of an electronic display by means of varying light intensity or pattern, where one display gradually appears to dissipate or lose legibility simultaneously with the gradual appearance and legibility of a subsequent display.

“Fade” means the changing of an electronic display by means of varying light intensity, where one display gradually reduces intensity to the point of being illegible or imperceptible and the subsequent display gradually increases intensity to the point of being legible or capable of being perceived.

“Prohibited electronic display” means any part of the message or display on an electronic display sign that utilizes the following methods of presentation:

"Flash" means sudden or intermittent electrical illumination.

"Scroll" means the changing of an electronic display by the apparent movement of the visual image, such that a new visual image appears to ascend and descend, or appear and disappear from the margins of the sign in a continuous or unfurling movement.

"Travel" means the changing of an electronic display by the apparent horizontal movement of the visual image.

"Video display" means providing an electronic display in horizontal or vertical formats to create continuously moving images.

~~Sign, Changing (Automatic). "Changing sign (automatic)" means a sign in which the display on the sign face is changed by motors, clockwork, or other mechanical means; or by electric or electronic means, including changes in color or intensity of lights.~~

Sign, Electronic Display. "Electronic display sign" means a sign or portion of a sign on which the message or display is created by bulbs, light emitting diodes, liquid crystal displays, plasma display panels, pixel or sub-pixel technology, or other similar technology.

Sign, Moving. "Moving sign" means a signs with a visible moving part or visible mechanical movement, including signs which move in the wind or forced air, or by motors, clockwork, or other mechanical means.

Sign, Outdoor Advertising. "Outdoor advertising sign" means a sign that meets the definition of Oregon Revised Statute 377.710(2).

"State highway" means the entire width between the boundary lines of every state highway as defined in ORS 366.005, including but not limited to the Interstate System and the federal-aid primary system.

CHAPTER 14.08 ADMINISTRATION AND ENFORCEMENT

14.08.100 Signs Visible from State Highways

A proposed sign that would be visible from a state highway may require a permit from the Oregon Department of Transportation. The Planning Director may require an applicant for a sign that would be visible from a state highway to submit documentation from the Oregon Department of Transportation regarding whether the proposed sign is considered an outdoor advertising sign that requires a permit from the Oregon Department of Transportation and whether the site is legal for an outdoor advertising sign. The Planning Director may withhold issuance of the permit if there is not conclusive evidence that the sign could be approved or could be conditioned to be approved by the Oregon Department of Transportation.

CHAPTER 14.12 SIGNS PROHIBITED OR EXEMPTED

14.12.020 PROHIBITED SIGNS

It is unlawful for any person to install, display or maintain, and no permit shall be issued for the installation, display or maintenance of, any sign or advertising structure falling within any of the following descriptions:

- A. Moving signs that change more frequently than once every 10 seconds, revolving signs that rotate at more than 6 revolutions per minute, or signs that move in the wind or by forced air, or flashing signs, or any other sign with a visible moving part or visible mechanical movement, including signs which move in the wind or move or change electrically or

~~electronically. These signs are prohibited in order to prevent unduly distracting or hazardous conditions to motorists, cyclists, or pedestrians. Automatic changing signs that change no more than once every 10 seconds, and revolving signs that revolve at 6 revolutions per minute or less, are exempt from this prohibition. Switching the power for illuminated signs on and off 4 or fewer times in one day does not constitute a flashing sign.~~

- R. Electronic display signs that display message or copy using any prohibited electronic display methods, as defined in Section 14.04.030.

CHAPTER 14.16 SIGN DISTRICTS

14.16.060 DOWNTOWN ZONES

No sign shall be installed or maintained in the DC, DS, DO, DR and DOS Zones, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in this section.

H. Illumination

Illuminated signs may be permitted subject to the following:

1. Signs with opaque letters or symbols that are backlit, having a light source behind the opaque area and not directly visible from in front of the sign, are permitted.
2. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.
3. Awning signs shall not be internally illuminated. Features on an awning sign may be externally illuminated subject to review by the Design and Landmarks Committee, per Section 19.1011 Design Review Meetings, and approval by the Planning Commission, per Section 19.1006 Type III review, according to the following criteria:
 - a. Sign lighting should be designed as an integral component of the building and sign composition.
 - b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.
 - c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.
4. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.
5. Internally illuminated cabinet signs are discouraged in the downtown zones. Internal illumination of cabinet signs may be permitted subject to review by the Design and Landmarks Committee, per Section 19.1011 Design Review Meetings, and approval by the Planning Commission, per Section 19.1006 Type III review, according to the following criteria:
 - a. The sign should be a unique design that responds to the Milwaukie Downtown Design Guidelines.
 - b. The sign copy should be lighter than the sign background.
 - c. The sign background should use a predominance of dark color or be opaque when the light source is on.
6. Electronic display signs are permitted for properties that have frontage on SE McLoughlin Blvd. subject to the following standards:

- a. An electronic display sign may be included only as part of a larger sign and the electronic display portion of the sign and is subject to the more restrictive of the following size limitations:
 - (1) 25% of the size of the sign face that contains the electronic display sign, abuts the electronic display sign, or is on the same sign structure as the electronic display sign.
 - (2) 20 square feet.
- b. An electronic display sign shall be primarily visible from and oriented toward SE McLoughlin Blvd, and not toward any other street on which the property has frontage.
- c. Illumination for an electronic display sign is subject to the standards of Section 14.24.020.G.1.
- d. The manner of display on electronic display signs shall comply with the standards in Section 14.24.020.G.3.
- e. Incorporating an electronic display sign within an existing non-conforming sign is allowed subject to the regulations of Section 14.28.020.A.3.b.

CHAPTER 14.24 SIGN CONSTRUCTION, MAINTENANCE, AND LIGHTING

14.24.020 SIGN LIGHTING

- A. All lamps or bulbs exposed to direct view shall be limited to 25 watts or less capacity.
- B. When neon tubing is employed on the exterior or ~~inferior~~ interior of a sign, the capacity of such tubing shall not exceed 300 milliamperes rating for white tubing nor 100 milliamperes rating for colored tubing.
- C. When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 800 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 9 inches apart, center to center.
- D. Lighting from any sign may not directly, or indirectly from reflection, cause illumination on other properties in excess of 0.5 foot candles of light.
- E. In the event of a conflict between the standards in this section and a specific standard in the regulations for a sign district, the sign district regulations shall prevail.
- F. Other types of illumination not described by Subsections 14.24.020.A-C, such as light emitting diodes and other similar technology, are allowed for interior or exterior illumination of a sign if all other regulations of Title 14 are met.
- G. Electronic display signs are allowed in the Commercial sign district (Section 14.16.040), the Manufacturing sign district (Section 14.16.050), subject to the standards below. Electronic display signs are allowed in the Downtown sign district per Subsection 14.16.060.H.6 and the standards below.

1. Illumination.

- a. An electronic display sign may not have an illumination intensity of more than 0.3 foot candles over ambient light, measured at the distance specified by the following calculation:

$$\text{Measurement distance} = \sqrt{(\text{sign face area} \times 100)}$$

The measurement shall be taken as the difference in illumination between the electronic display sign turned off and the electronic display sign displaying either a solid white screen for multicolor displays or a solid single-color screen for single-color display. To the degree practicable, the measuring device shall be parallel to the plane of the sign face and the measurement shall be made from a location that is perpendicular the plane of the sign face. The specified distance shall be the shortest straight-line distance to the sign face, including horizontal and vertical distance from the sign if the sign is elevated.

- b. The sign shall have a mechanism that automatically adjusts the illumination level to comply with the standards in Subsection 14.24.020.G.1.a.
- c. In addition to the standards of Subsection 14.24.020.G.1.a., no electronic display sign shall be brighter than necessary for clear and adequate visibility, or of such brilliance or intensity as to present a hazard to persons traveling in the right of way. Upon notice by the Planning Director that a sign is out of compliance with these standards, the owner or operator of an electronic display sign shall immediately adjust the illumination of the sign.

2. Size. An electronic display sign in the Commercial sign district or Manufacturing sign district may be included only as part of a larger sign and the electronic display portion of the sign and is subject to the more restrictive of the size limitations below. Size regulations for signs in the downtown sign district are as described in Subsection 14.16.060.H.6.

- a. 25% of the size of the sign face that contains the electronic display sign, abuts the electronic display sign, or is on the same sign structure as the electronic display sign.
- b. 50 square feet.

3. Display.

- a. The message or copy on an electronic display sign with an area of 20 square feet or less is allowed to change no more than once every 15 seconds. The change in message or copy may occur instantaneously or may fade or dissolve with a transition time of no more than 2 seconds between each separate message or display.
- b. The message or copy on an electronic display sign with an area of more than 20 square feet is allowed to change no more than once every 3 hours. The change in message or copy is required fade or dissolve with a transition time of no more than 2 seconds between each separate message or display.

H. Shielding.

The purpose of the regulations below is to prevent light pollution from illuminated signs into the sky. The light source for externally illuminated signs with a sign face of 100 square feet

or more shall have a cutoff angle of 90 degrees or greater to ensure that lighting is not directed upward.

CHAPTER 14.28 REMOVAL OF SIGNS IN VIOLATION

14.28.020 NONCONFORMING SIGN

A. Time Limit

1. Except as provided in Subsection 14.28.020.A.4, signs that were in compliance with applicable regulations when installed; but that become nonconforming as a result of adoption, modification, or applicability of the City's sign regulations; may remain in place for 10 years after the date they became nonconforming but shall be removed or brought into compliance on or before 10 years plus 1 day of the date they became nonconforming.
2. (Repealed by Ord. 1965)
3. Any sign which is structurally altered, relocated, or replaced shall immediately be brought into conformance with all of the provisions of this chapter- , with the following exceptions:
 - a. A nonconforming sign in all zones may be maintained or undergo a change of copy or image without complying with the requirements of this chapter.
 - b. The inclusion of an electronic display sign within the existing display area of a nonconforming sign is allowed if the addition of the electronic message sign does not cause the sign to go further out of conformance
4. ~~The following provisions of this code relating to flashing signs, par spot lights, revolving beacons, revolving signs, banners, streamers, strings of lights, and temporary signs are applicable to all signs, notwithstanding Subsection 14.28.020.A.1: Subsections 14.12.020.A, 14.12.020.C, 14.12.020.D, 14.12.020.R, and 14.24.020.G.1. Compliance with these subsections is required regardless of any prior legal nonconforming status of the sign.~~

B. Notice

For legally established nonconforming signs that are approaching the end of the 10-year period during which they may be maintained under Subsection 14.28.020.A.1, the City Manager may provide additional notice in anticipation of the date the sign will be required to be removed or made to conform.