



Design and Landmarks Committee

Meeting Agenda

**Johnson Creek Facility, Conference Room
6101 SE Johnson Creek Blvd**

Wednesday, June 21, 2006, 6:30 p.m.

- 1. Call to order**
- 2. Review and approve May 3, 2006, Minutes**
- 3. Sign Code revisions**
Special focus on the following:
 - a. Illuminated cabinet signs
 - b. Murals to be evaluated as wall signs
 - c. Time frame for holiday and temporary signs
- 4. Upcoming issues**
 - a. Redevelopment of Ardenwald Elementary School
- 5. Other business**
- 6. Adjourn**

Design and Landmarks Committee
MINUTES
Wednesday, May 3, 2006

Members Present

Patty Wisner, Chair
Randall Welch, Vice Chair
Barbara Cartmill
Scott Churchill
Charmaine Coleman

Staff Present

Katie Mangle, Planning Director
Brett Kelter, Assistant Planner
Gary Firestone, City Attorney

1. Call to order

Chair Wisner called the meeting to order at approximately 6:40 p.m.

2. Minutes

The February 22, 2006, Minutes were approved unanimously, with no comments or amendments.

3. Design Review Hearing for Wunderland arcade

Chair Wisner officially opened the hearing for consideration of a request to illuminate a cabinet sign at 11011 SE Main Street in the Downtown Office (DO) Zone. She read the rules for conduct of the meeting, including a call for declarations of conflict of interest. Committee Member Churchill announced that he had just been appointed to the Planning Commission and therefore needed to resign from the Design and Landmarks Committee. He will hear this application as a Planning Commissioner and so recused himself from the hearing, leaving the meeting altogether. There were no further declarations.

Assistant Planner Kelter made a presentation for staff, setting the context of this particular request. The cabinet sign in question was permitted and installed in late 2005 with the applicant's knowledge that further review and approval would be needed in order to internally illuminate it. The Sign Ordinance does not prohibit internally illuminated cabinet signs but they are discouraged in the Downtown Zones and described as "not recommended" in the Downtown Design Guidelines. There are no fixed criteria for reviewing these signs, so Assistant Planner Kelter presented several proposed criteria drawn from the Sign Lighting and Sign categories of the Downtown Design Guidelines.

He acknowledged that the sign is well positioned to capture motorist attention on McLoughlin Boulevard and that it is designed to be internally illuminated for maximum visibility after dark. However, he cited the various aspects of the sign that are “not recommended” in the Downtown Design Guidelines and noted recent community efforts to make McLoughlin more pedestrian-oriented. Staff recommended denial of the application.

There were two clarification questions from the Committee. Assistant Planner Kelter noted that movies are indeed shown at the Wunderland facility and explained that since internally illuminated signs in Downtown Zones are not prohibited (only discouraged) the 10-year limit on nonconforming signs does not apply.

Tim Pfeifer of Vancouver Sign Company (the applicant) and Scott Brown of McKee Enterprises, Inc. (the company operating Wunderland) presented the case for allowing internal illumination. Mr. Pfeifer stated the position that illumination of the sign is an asset for the business without being a blemish on the community and noted that there are many other internally illuminated cabinet signs downtown. He explained that Vancouver Sign Co. had installed the sign but did not manufacture it. Mr. Brown provided some background on the theater building and responded to several Committee questions about particular aspects of the Wunderland business.

Chair Wisner called for testimony in favor of the application. Ed Zumwalt of the Historic Milwaukie Neighborhood District Association (NDA) came forward. He said that he would be more concerned if the sign faced Main Street but that since it faces McLoughlin Boulevard he does not see it as a problem. He encouraged the Committee to risk erring on the side of the applicant and saw no harm to the City from illuminating the sign. Vice Chair Welch asked Mr. Zumwalt about the NDA’s discussion of this matter and the process for coming to an opinion, wondering whether all sides of the argument were well represented. Mr. Zumwalt responded that the NDA members who discussed the sign did not seem to think it was a problem facing McLoughlin.

There was no further public testimony in favor, opposed, or neutral. Chair Wisner called for additional staff comments. Assistant Planner Kelter noted that this decision is a challenging one because there are no fixed criteria for evaluating when internal illumination should be allowed and when not. Chair Wisner asked for additional comments from the applicants. Mr. Brown noted that the recent rerouting of traffic from McLoughlin onto Washington Street has resulted in reduced visibility for Wunderland and that the illuminated sign would help the business’s advertising.

Chair Wisner called for Committee discussion. Committee Member Coleman said she thinks that a different type of sign would be more effective at pulling Wunderland customers in off of McLoughlin Boulevard. She also responded to the argument that other internally illuminated cabinet signs downtown justify this one, saying that the newer restrictions evolved in response to a sense that the community wanted to move away from that type of signage. She questioned the placement of both the “Cinemas” and “Wunderland” signs together because they are two different styles; she suggested that a

neon-light sign might be a better fit for this location. She clarified that she supports local businesses and knows the importance of advertising but stressed the importance of integrating sign lighting with building design.

Committee Member Cartmill had no comments. Vice Chair Welch noted the effort and money that have been spent to improve the city's appearance along McLoughlin Boulevard so that it is more inviting. He said that at night there is already a lot of light pollution on that particular block and did not understand why the applicant would put up an internally illuminated cabinet sign knowing that it could not be lit. He said he is torn on this decision because of the potential impacts on downtown—he wants to support local businesses but also wants to preserve the downtown character.

Chair Wisner thanked the applicant for educating her about the nature of business at the Wunderland and expressed her best wishes for its future growth. She talked about her view of the sign while driving on McLoughlin Boulevard, noting that it was more visible when headed north because the gas station obscures the view when heading south. She noted the different styles of the "Cinemas" and "Wunderland" signs and suggested a unified sign along the top of the building to make it clear that both the movie theater and the arcade are still in business there. Committee Member Coleman cautioned against making a decision based on whether or not there are alternatives to the sign in question, and Vice Chair Welch added that the decision should focus on whether or not the proposed lighting is appropriate. Assistant Planner Kelder echoed the charge to focus the discussion and decision on the request for internal illumination of the sign.

Chair Wisner asked if the Committee was ready to hear a motion. Committee Member Coleman made a motion to deny the request for internal illumination. There was no immediate second. Vice Chair Welch said that the proposed lighting is not so bad and suggested that if this type of lighting is not desired then the City should prohibit it in the Municipal Code. Chair Wisner suggested that the City consider the problem of signs being brought in from outside the area to be combined with existing signs and repeated that she is torn in this decision. Vice Chair Welch noted that he would feel differently if the sign in question were not already installed.

Committee Member Cartmill asked staff whether the City could enforce against the applicant if the request for illumination were to be denied and they turned the sign lighting on anyway. City Attorney Firestone explained that approval is needed in order to internally illuminate the sign and that the City's decision is binding—enforcement action could be taken if the applicant disregards the decision. He added that conditions with regard to time limits could be imposed with a decision to approve the sign lighting. Committee Member Coleman asked who would enforce such conditions. City Attorney Firestone responded that they would be enforced along with all other similar regulations.

There was a general question to staff from the Committee about why internally illuminated cabinet signs have not been simply prohibited and whether the Sign Ordinance can be changed. Planning Director Mangle responded that various changes to the Municipal Code are underway and that such a change could be discussed as part of

the process. There was discussion of other possible changes to the Sign Code, including the question of bringing in signs from out of the area that do not fit with local architecture.

Mr. Brown asked to make a clarification and Chair Wisner briefly reopened the public hearing. Mr. Brown confirmed that the applicant was fully aware at the time the original sign permit was sought that it might not be able to be internally illuminated. Chair Wisner closed the hearing again and again called for a motion. It was noted that there was an unseconded motion already on the floor. Committee Member Cartmill seconded Committee Member Coleman's motion to deny the illumination request. Chair Wisner called for a vote. Committee Members Coleman and Cartmill voted in favor of the motion; there were no votes in opposition. Chair Wisner and Vice Chair Welch both abstained, which City Attorney Firestone pointed out was the same as a "no" vote.

The motion failed to carry. City Attorney Firestone outlined the Committee's options: 1) try a new motion; or 2) forward a recommendation that the Planning Commission make a decision with the understanding that the Design and Landmarks Committee was split on the question. If the second option is selected, the reasons for the "yes" and "no" decision should be stated for the Planning Commission to consider. Committee Member Coleman made a motion that the Committee forward its split decision to the Planning Commission for a final decision. Vice Chair Welch seconded the motion. Chair Wisner called for a vote. Chair Wisner, Vice Chair Welch, and Committee Member Coleman voted in favor of the motion; Committee Member Cartmill was opposed.

Staff asked the Committee members to state their positions for the Planning Commission's consideration. Chair Wisner began by saying that she does not want to encourage internally illuminated cabinet signs but also does not want to discourage business development near or along McLoughlin Boulevard. She would choose to limit the amount of time the sign in question could be allowed. Vice Chair Welch agreed and said there should be a way to more clearly define which signs are allowed in Milwaukie instead of going through this recommendation process. Committee Member Coleman expressed the position that it is important what kind of signs go up along McLoughlin Boulevard. She suggested that the presence of so many existing cabinet signs downtown is what led to them being discouraged in the code. In weighing what is best for the city versus for this particular business, she saw no compelling reason why another type of sign could not work at this location.

Committee Member Cartmill asked whether the motion could be reconsidered if there might be consensus to recommend approval of the sign with a time limit. City Attorney Firestone said that any of the three Committee members who voted in favor of the motion could move to reconsider it. Committee Member Coleman made a motion to reconsider the approved motion and Chair Wisner seconded. Chair Wisner called for a vote. Chair Wisner and Committee Members Cartmill and Coleman voted in favor; Vice Chair Welch abstained. The motion carried.

Chair Wisner called for a new motion involving a time limit. A three-year limit was suggested. Committee Member Cartmill asked whether a condition could be placed to limit the hours of operation for the sign illumination? City Attorney Firestone acknowledged that such a condition could be placed. Chair Wisner moved that the Committee recommend approval of the internal illumination for a period not to exceed three years from today's date (or by 6:00 p.m. on May 3, 2009) and to limit use of the sign illumination from 6:00 p.m. to midnight on days of business. Committee Member Cartmill seconded. Chair Wisner called for a vote. The Committee voted unanimously to approve the motion, and Chair Wisner concluded the hearing.

4. Design guidelines for multifamily and commercial buildings

At the most recent joint session of the Design and Landmarks Committee and the Planning Commission, it was suggested that the Committee take a first shot at developing design guidelines for multifamily and commercial buildings. Planning Director Mangle talked about a possible scope for this task. Chair Wisner asked what funding or budget is available and what could realistically be done. Planning Director Mangle answered that this work will come out of the Planning budget and said that defining the problem is the first step, so what is the Committee willing to take on?

Vice Chair Welch stated his belief that the community needs to have a vision as more development happens. There was a question about the Gramor development and what could be regulated in that project's design. Assistant Planner Kelter noted that regulations in the case of the Gramor development are limited more or less to the conditions of approval. Committee Member Coleman asked whether sign guidelines could be included in the scope of this design guideline project. The answer was yes. She also asked how various development projects would be affected if they were already underway when new guidelines took effect. The answer was that each project is subject to the guidelines in place at the time it comes in for various permits.

Chair Wisner noted the opportunity to expand design guidelines beyond the downtown core. Planning Director Mangle added that the scope of this project is important because it involves identifying the key areas of concern. City Attorney Firestone suggested that there might be more leeway to impose design guidelines on commercial projects than on residential development. Vice Chair Welch said he thinks it is important not to focus on just one physical area like downtown. Committee Member Cartmill suggested that the Committee "de-bug" the Downtown Design Guidelines, especially with regard to internally illuminated cabinet signs, and that they be reviewed in the real context of projects coming in piecemeal rather than as some whole vision. Planning Director Mangle and City Attorney Firestone both noted that there are ways to restrict or limit signs without prohibiting them, but that more specific standards are needed. Chair Wisner and Committee Member Cartmill agreed that the Committee should go to the Planning Commission with some preferences for commercial design.

5. Other business

Planning Director Mangle mentioned the upcoming redevelopment of the Texaco site across from City Hall and noted several questions that the Committee might want to weigh in on, particularly that of maximum building height. Chair Wisner asked whether Milwaukie's designation by Metro as a Town Center carried any limit on height. City Attorney Firestone responded that the Municipal Code should speak to that. Planning Director Mangle asked whether the Committee wants to take on the assignment of providing input as to how the Texaco site should develop and what the community might like to see there. The group responded that it would. Planning Director Mangle said she would follow up, send more information to the Committee, and attempt to coordinate this conversation with the Planning Commission.

6. Adjourn

There were no further items. Committee Member Cartmill moved to adjourn the meeting, Committee Member Coleman seconded, and all voted in favor. The meeting adjourned at approximately 8:33 p.m.

Patty Wisner, Chair

Brett Kelter, Scribe



To: Design and Landmarks Committee
From: Katie Mangle, Planning Director
Subject: Proposed Sign Code Amendments
Date: June 21, 2006

Action Requested

Review attached draft text amendments to Title 14, Sign Ordinance of the Milwaukie Municipal Code (MMC). The agenda item will be a discussion of the text amendments.

Background

The Oregon Supreme Court issued its long-awaited decision in *Outdoor Media Dimensions, Inc. v. Dept. of Transportation* on March 23, 2006. As expected, the Court held that on-premise and off-premise signs must be treated equally and that any disparate treatment between on-premise and off-premise signs is an unconstitutional content-based restriction on speech. In addition, the Court established a rule that is new for Oregon but has long been a mainstay of federal precedent –that governments may impose content-neutral “time, place and manner” restrictions on speech, so long as those restrictions leave adequate means for expression. The express adoption of a “reasonable time, place and manner” standard will provide the City with a means of defending most of its sign code.

The City of Milwaukie still has some content-based provisions in its sign code. The proposed text amendments change the sign code to eliminate content-based provisions. During the process of editing for content-based provisions, the Planning Department has proposed other minor changes that make the sign code clearer and easier to implement. The proposed amendments include the following key changes:

- Additions to the purpose statement that emphasize regulation based on time, place, and manner.
- Removing content-based descriptions in the definition section, such as references to lettering, and display of time and temperature.
- Deletion of the definitions of on-premise signs and off-premise signs, and removal of regulations within the sign districts that distinguish between on-premise and off-premise signs.
- Corrections to the review process that involve the Design and Landmarks Committee (DLC). The updates verify the role of the DLC as an advisory committee to the Planning Commission, and not as a decision-making authority.
- Giving the City Manager increased discretion with respect to sign code enforcement. New language allows for unsafe signs to be repaired or removed, and non-conforming signs to be removed or cited into court.

Questions for Discussion

While many code revisions clarify or address constitutional issues, they raise policy questions for the community. Staff will discuss those issues with the Design and Landmarks Committee, Planning Commission, and City Council. We will discuss potential solutions to these issues at the meeting.

- The proposed language in MMC 14.12.010.K, page 8, places a strict time limit on when temporary window signs can be displayed. The problem being addressed is that traditional holidays do not include days that are important to diverse creeds and ethnicities. Limiting temporary window displays neutralizes the bias of when temporary window signs can be displayed.

The proposed time limit is strict, and leaves out many non-winter holidays and widely recognized non-holiday celebrations, such as Halloween. The DLC may wish to recommend a standard that allows more flexibility for temporary window signs throughout the year. Some options include:

- Allowing temporary window signs 2 weeks before and 1 week after holidays chosen by the Planning Commission and City Council, with recommendation by the DLC.
 - Limiting the consecutive days of display for any individual temporary window sign and limiting the total number of days each year that temporary window signs can be displayed.
- The proposed changes do not distinguish between wall signs and murals. The result is that any mural is subject to the same standards as a regular wall sign, which is often 10-20% of the wall face for a building or occupancy. In the DR and DOS zones downtown, wall signs are limited to sixteen square feet. The DLC may wish to recommend some allowance for murals within the sign

code, bearing in mind that the City cannot regulate based on content. Some ideas may include:

- Allowing wall signs to have a larger area if they are applied by paintbrush.
 - Allowing wall signs on non-primary building faces to have a larger area.
 - Exempting murals from the sign code, and requiring murals to be approved as public art through the Regional Arts and Culture Council. The City of Portland uses this approach and requires a five-year public art easement for the building wall on which the mural is painted.
- MMC 14.16.060.G, page 20, covers illuminated signs in the downtown sign district. The problems identified in this code section are:
 - There are not clear standards for considering internally illuminated signs. The code states that they are discouraged in downtown zones, but this is not an appropriate standard. The code should be amended to prohibit them or specify where they are allowed or prohibited.
 - MMC 14.16.060.G.3 states that awning signs shall not be illuminated unless approved by the DLC. Specific standards should be added to this section to give a basis for decisions about illuminated awning signs.

Attachments

- Draft redline/strikeout revisions to the Sign Ordinance, Title 14 of the Milwaukie Municipal Code.

**Amendments to Milwaukie Municipal Code
Title 14—Sign Ordinance**

Underlined text is to be inserted

Strikeout ~~text~~ is to be deleted

SECTION 14.04 GENERAL PROVISIONS:

Section 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, ~~erection~~, maintenance, electrification, illumination, type, size, number and location of all signs visible from public property or from public rights-of-way in order to:

- A. Protect the health, safety, property and welfare of the public;
- B. ~~Maintain~~ Promote the neat, clean, orderly and attractive appearance of the community city;
- C. Provide for the safe erection and maintenance of signs;
- D. ~~Eliminate signs that demand, rather than invite, public attention;~~
- D. Accommodate the need of sign users while avoiding nuisances to nearby properties;
- E. Preserve and enhance the unique scenic beauty of Milwaukie.
- F. Insure for safe construction, location, erection and maintenance of signs;
- G. Prevent proliferation of signs and sign clutter;
- H. Minimize distractions for motorists on public highways and streets;
- I. Regulate solely on the basis of time, place and manner of a sign, not on its content.

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:

“Area” or “area of a sign” means the area to and within an established sign edge, frame or perimeter which encloses the limits of any writing, representation, emblem, figure or character. The area of a sign having no such perimeter, or the area of a sign having an irregular shape, shall be computed by enclosing the surface area within a circle, square, rectangle and/or triangle. The area of all signs in existence at the time of the enactment of the ordinance codified in this chapter, whether conforming or nonconforming, shall be counted in establishing the permitted sign area of all new signs to be allowed for an individual business on a premises. Where a sign is of a three

dimensional or round or irregular solid shape, the largest cross section shall be used, as though it were a flat surface, to determine sign area.

“Awning” means either a permanent or retractable structural extension off a building or structure which has a minimum ground clearance of eight feet, an extension of at least three feet, and is intended for the purpose of pedestrian cover.

“Canopy” means a covered structural extension off a building or structure which has a minimum ground clearance of eight feet, an extension of less than three feet, and is generally not intended for the purpose of pedestrian cover.

“City” means the city of Milwaukie, Oregon.

“Clearance” is measured from the highest point of the grade below the sign to the lowermost point of the sign.

“Display surface” means the area made available by the sign structure for the purpose of displaying the message.

“Downtown zones” means the DS, downtown storefront; DC, downtown commercial; DO, downtown office; DR, downtown residential; and DOS, downtown open space zones as defined in the zoning ordinance.

“Erect” means to build, construct, attach, place, suspend or affix and shall also include the painting of wall signs.

“Face of a building” means all window and wall area of a building in one plane.

“Flag” means any fabric or banner displayed on a flagpole. ~~, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision or other entity.~~

“Frontage” means the length of the property line of any one premises along each public street it borders. Each portion of the premises abutting a separate street shall be considered as a separate frontage.

“Height” is measured from the highest point of the grade below the sign to the topmost point of the sign.

“Home occupation” means an occupation carried on at a dwelling as an accessory use to the dwelling, with the activity conducted in such a manner as to give no appearance of a business, and with no infringement upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

“Maintain” means to permit a sign, sign structure or part thereof to continue, or to repair or refurbish a sign, sign structure or part thereof.

“Manufacturing zones” are the M, manufacturing, and BI, business industrial, zones as defined in the zoning ordinance.

“Marquee” means a permanent roof-like structure attached to and supported by a building and projected therefrom.

“Neighborhood commercial zone” means the C-N, neighborhood commercial, zone as defined in the zoning ordinance.

Occupancy. A property or portion of property that is possessed or used separately from other properties or other portions of the same property. Examples of occupancies include a store in a mall or an office in an office building.

“Other commercial zones” means the C-L, limited commercial; DS, downtown storefront; DC, downtown commercial; DO, downtown office; C-CS, community shopping commercial; and C-G, general commercial, zones as defined in the zoning ordinance.

“Parapet or parapet wall” means that part of any exterior wall which extends above the roofline.

“Permittee” means a person who has applied for a city sign permit to allow placement or erection of a sign covered by this ordinance, or a person who has not as yet applied for a sign permit, but will be required to do so due to an intent to place or erect a covered sign, or by the premature placement or erection of a covered sign.

“Person” means any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a syndicate, branch of government, or any other group or combination acting as a unit.

“Premises” means a lot, parcel or tract of land occupied, or to be occupied, by a building or unit or group of buildings and its accessory buildings. If more than one business or activity is located on the lot, parcel or tract of land, each separate business shall be considered as a separate premises.

“Projection” means the distance by which a sign extends from its supporting structure.

“Residential zones” means the R-10, R-7, R-5, R-3, R-2.5, R-2 and R-1 residential zones as defined in the zoning ordinance.

“Residential-office-commercial zone” means the R-O-C, R-1-B and DR zones as defined in the zoning ordinance.

“Sign” means the physical components of materials placed or constructed primarily to convey a message or other display and which can be viewed from a right-of-way or another property. ~~a presentation or representation by words, letters, figures, designs, pictures or colors displayed out-of-doors in view of the general public so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation or a request for aid or other message. This definition includes, but is not limited to, billboards, ground signs, marquees, awnings, canopies and street clocks, and includes the surface upon which the message is displayed.~~

~~Sign, Abandoned. “Abandoned sign” means any sign located on a premises when the business or activity to which it relates is no longer conducted or in existence on the premises.~~

Sign, Awning. “Awning sign” means a sign which is painted onto, attached or affixed to, the surface of an awning, or is suspended underneath an awning.

Sign, Banner. "Banner sign" means a sign of lightweight fabric or similar material that can be mounted both on a permanent or temporary basis. A banner sign may be used as a wall sign provided appropriate wall sign standards are met. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Sign, Bench Advertising. "Bench advertising sign" means a sidewalk bench which displays a message and is subject to the provisions of Chapter 12.20 of the Milwaukie Municipal Code.

~~Sign, Billboard or Outdoor Advertising. "Billboard or outdoor advertising sign" means a freestanding sign not pertaining to, or unrelated to, the activity of the premises on which it is located and with display surface or surfaces primarily designed for purposes of painting or posting a message thereon at periodic intervals.~~

Sign, Cabinet. "Cabinet sign" means a sign in which the display face is mounted on or attached to the front of a self contained "box like" structure, which usually houses a light source, and is affixed to a building or other structure.

Sign, Canopy. "Canopy sign" means a sign painted onto, or attached to, the face of a canopy. For purposes of calculating sign area, the entire exposed face of the canopy shall be designated the sign area. Canopy signs shall be considered to be wall signs for the purposes of determining size allowances.

~~Sign, Changing (Automatic). "Changing sign (automatic)" means a sign in which the display on the sign face is changed by motors, by clockwork, or other mechanical means, or by electric or electronic means, including changes in color or intensity of lights, such as an electronically or electrically controlled public service, time, temperature and date sign, message center, or reader board, where different copy changes are shown on the same lamp bank.~~

Sign, Daily Display. "Daily display sign" means a nonpermanent ~~on-premises~~ sign normally associated with business activity which is placed out-of-doors during business hours for display and returned indoors during off-hours. Daily display signs may be constructed in a sandwich board (A-frame) style, mounted on a single pedestal, or other similar construction, and are intended to be unlit and easily moved.

Sign, Externally Illuminated. "Externally illuminated sign" means a sign illuminated by an exterior light source or luminous tubing which is primarily designed to illuminate only the sign.

Sign, Fence. "Fence sign" means a sign attached to the side of a fence on a permanent basis.

Sign, Fin. "Fin sign" means a sign which is supported by a pole or poles and partly by a building.

Sign, Flashing. "Flashing sign" means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. ~~Automatic changing signs such as public service, time, temperature and date signs or~~

~~electronically controlled message centers are classed as changing signs, not flashing signs.~~

Sign, Freestanding. "Freestanding sign" means a sign wholly supported by a sign structure in the ground. Freestanding signs include pole signs and monument signs.

Sign, Hanging. "Hanging sign" is a sign that is suspended below a canopy, awning, or other portions of a building and typically oriented perpendicular to pedestrian or vehicular travel.

Sign, Internally Illuminated. "Internally illuminated sign" means a sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.

Sign, Kiosk. "Kiosk sign" means any sign with multiple display surfaces for view by pedestrians, that illustrates the layout of a development and lists tenants, and/or businesses, or landmarks in a specific area.

Sign, Monument. "Monument sign" means any sign affixed to a base which has a width that is equal to or greater than the width of the sign.

Sign, Noncomplying. "Noncomplying sign" means any sign that did not comply with applicable sign code standards when built or modified, which is constructed after the effective date of the ordinance codified in this chapter in violation of any of the provisions of this chapter.

Sign, Nonconforming. "Nonconforming sign" means a sign that complied with applicable standards when created or modified but which does not comply with existing standards, in existence or under construction on the effective date of the ordinance codified in this chapter which does not conform to the provisions of this chapter, but which was or is being constructed, erected or maintained in compliance with all previous regulations.

Sign, Notice. "Notice sign" means a sign required to be posted or expressly authorized by applicable statute, regulation, or ordinance posted by either a public agency or private individuals intended to convey information of a legal nature pertaining to specific properties. Examples of notice signs include building permits, ~~no trespassing notices, public hearing notices and similar signs.~~

Sign, Off-Premises. "~~Off-premises sign~~" means a sign not pertaining to or unrelated to the activity of the premises on which it is located.

Sign, On-Premises. "~~On-premises sign~~" means a sign pertaining to or related to the activity of the premises on which it is located.

Sign, Pennant. "Pennant" means a shaped, lightweight sign made of plastic, fabric or other material (whether or not containing a message of any kind) suspended from a rope, wire or string, usually in a series and designed to move in the wind.

Sign, Pole. "Pole sign" means a freestanding sign in which the display face of the sign is supported on a base which may be tubular, columnar or rectangular in shape and in which any portion of the base or support structure has a width that is less than the width of the display surface of the sign.

Sign, Portable. "Portable sign" means a sign which is not permanently attached to the ground or other permanent structure and is intended to be transported to a site for purposes of display. A portable sign may or may not be mounted on wheels and may or may not include flashing or moving lights and removable lettering or display surface.

Sign, Projecting. "Projecting sign" means and includes any sign which is attached to a building and extends more than twelve inches beyond the line of the building or more than twelve inches beyond the surface of that portion of the building to which it is attached.

~~Sign, Public Service Information. "Public service information sign" means any sign intended primarily to promote items of general interest to the community, such as time, temperature, date, atmospheric conditions, news or traffic control, etc.~~

Sign, Roof. "Roof sign" means a sign erected upon or above a roof or parapet of a building.

Sign, Temporary. "Temporary sign" means any sign, regardless of construction materials, which is not permanently mounted and is intended to be displayed on an irregular basis for a limited period of time.

~~Sign, Time and Temperature. "Time and temperature sign" means a sign providing only time and/or temperature information.~~

Sign, Under-Marquee. "Under-marquee sign" means a sign which is erected or maintained under, and supported or partially supported by, a marquee.

Sign, Unsafe. "Unsafe sign" means any sign determined to be a hazard to the public by the city manager or duly authorized representative.

Sign, Wall. "Wall sign" means any sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall, the angle of said wall not to exceed thirty degrees from the vertical. Wall signs may not project more than twelve inches from the wall to which they are attached. Painted wall decorations which include a message are considered to be wall signs.

Sign, Window. "Window sign" means a sign, pictures, symbols, neon tubing or combination thereof, designed to communicate information, that is placed within a window and directed towards the outside of the window. Window signs do not include painted or printed displays of a temporary nature associated with holidays.

"Structural alteration" means any change in a sign or sign structure other than advertising message or normal maintenance.

~~"Written message" means the lettering, wording, numbers and/or other symbols on a sign intended to convey a message. Written message does not include notation on the sign identifying the sign installer or artist, provided such identification is less than one square foot in area.~~

SECTION 14.08 ADMINISTRATION AND ENFORCEMENT:

14.08.090 Conditional and community service use signs:

Signs for CSO and Conditional uses shall be limited to those allowed in the underlying zone. In zones in which the sign regulations are more restrictive, signs for uses requiring conditional use or community service use review shall be limited to one monument or freestanding sign with a per-display surface area limit of sixteen square feet and a maximum overall height limit of six feet above grade, and one wall sign not exceeding a display surface area limit of sixteen square feet, and one daily display sign per premises not exceeding twelve square feet per display surface. ~~Signs for uses requiring conditional use or community service use reviews shall be reviewed by the planning commission regarding size, height and location at the time of conditional use or community service use review. Signs for prior conditional or community service uses that did not include a sign review at the time of planning commission approval shall be limited to one monument or freestanding sign with a per display surface area limit of sixteen square feet and a maximum overall height limit of six feet above grade, and one wall sign not exceeding a display surface area limit of sixteen square feet, and one daily display sign per business not exceeding twelve square feet per display surface.~~

SECTION 14.12 SIGNS PROHIBITED OR EXEMPTED:

14.12.010 Exempted signs:

The following signs shall not require a sign permit but shall conform to all other applicable provisions of this chapter and shall be permitted in all zones, except as otherwise noted:

A. One sign not exceeding three square feet per premises. ~~On-premises signs not exceeding four square feet in area, nonilluminated and not exceeding three feet in height if ground-mounted. Such signs may include, but are not limited to, property address or building numbers, names of occupants or premises, professional or home occupation nameplates, on-site directional and similar signs;~~

B. Temporary signs which are nonilluminated, have an overall face area not exceeding sixteen square feet, are not permanently installed, and are intended to be located on property for short durations of time. Such signs may include, but are not limited to, real estate lease and sales, political signs, construction signs, garage sale, open house, special event and similar signs. Such signs shall only be posted for the duration of the activity. See also Section 14.12.020M;

C. Signs placed in the right-of-way by the City or other jurisdiction responsible for the right-of-way for purposes of public direction and safety. Such signs may include, but are not limited to, traffic and municipal signs, directional signs for emergency services (such as hospitals, police and fire stations), legal notices, railroad crossing signs, danger signals and similar signs. Such signs may be placed within the public right-of-way subject to right-of-way permit requirements of Section 12.16.020 of the Milwaukie Municipal Code and Section 14.20.020;

D. Bench advertising signs which comply with all regulations in Chapter 12.20 of the Milwaukie Municipal Code;

E. Banners not exceeding a total display area of forty square feet per face and pennants not to exceed a length of fifty feet per site ~~that remain, used on premises in conjunction with temporary events and not in place for longer than a period of thirty days or less in any one calendar year;~~

F. ~~Painted wall decorations or embellishments, or decorated banners, which are not accompanied by a written message~~ Repealed

G. Flags;

H. Signs carved into a building or which are a part of materials which are an integral part of the building such as cornerstones, ~~building names~~ and similar signs;

I. Signs required by law of public or legal notice;

J. Window signs in the downtown zones which occupy a total display area of no more than twenty percent of the window area. In all other commercial and manufacturing zones, window signs which occupy a total display area of no more than fifty percent of the window area. ~~Window signs may not use materials subject to No sign prohibited by Section 14.12.020A~~ may be used as part of the window sign authorized by this exemption;

K. ~~Painted or printed displays in windows of a temporary nature during the periods from November 15 to December 31 and January 1 to January 15 of each year. associated with holidays.~~

14.12.020 Prohibited signs:

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

A. Moving signs or flashing signs, or any sign or advertising structure which has any visible moving part or visible mechanical movement of any description or other apparent visible movement achieved by any means, including intermittent electrical pulsations or by action of normal wind currents, which creates an unduly distracting or hazardous condition to a motorist or pedestrian; ~~excepting clocks, barber poles, public service information signs, including changing signs (automatic) and revolving signs which revolve at six revolutions per minute or less;~~

B. Signs erected within the right-of-way other than by the City or other jurisdiction responsible for administering the right-of-way; ~~of any street, along any driveway, or in any other location which do not meet the requirements of Section 14.12.010C; or by reason of the location, shape, color, animation or message are likely to be confused with any traffic control device; or create a distracting or hazardous condition for motorists;~~

C. Signs that imitate traffic control devices and are located in places where they are likely to be confused with a traffic control device, and any sign obscuring the view of a traffic control device;

~~G D.~~ Such advertising devices as strings of lights, banners, pennants and balloons, except as permitted under Sections 14.12-.010E and F;

~~D E.~~ Temporary signs, except as permitted under Sections 14.12.010B, 14.12.010E and 14.12.010K;

~~E F.~~ Fin signs;

~~F.~~ No sign shall be erected or maintained which by use of lights, illumination, sequential illumination or other form of total or partial illumination creates an unduly distracting or hazardous condition to a motorist or pedestrian;

G. Off-premises signs, except as defined elsewhere;

H. No sign or portion thereof shall be erected within future street right-of-way, unless and until an agreement is recorded stipulating that the sign will be removed or relocated upon street widening at no expense to the city;

I. No sign or portion thereof shall be placed so that it obstructs any fire escape, stairway or standpipe; interferes with human exit through any window or any room located above the first floor of any building; obstructs any door or required exit from any building; or obstructs any required light or ventilation;

J. Portable signs, except as expressly permitted by another provision of this title defined elsewhere;

K. Fence signs exceeding one square foot of sign face per fifty feet of fence length, excepting temporary signs intended for the sale or lease of the property containing the fence;

L. Window signs which obscure more than fifty percent of the window area or are not subject to the provisions of Section 14.12.010K;

M. Signs affixed to power, utility or traffic control poles other than traffic control devices and one sign not to exceed 50 square inches placed by the owner of the pole ~~city-approved traffic control signs and pole identification placards~~;

N. Searchlights.

O. Pole signs in the downtown zones.

SECTION 14.16 SIGN DISTRICTS:

14.16.010 Residential zone:

No sign shall be erected or maintained in an R zone, except as allowed under Section 14.12.010 or as otherwise noted in this section:

A. Signs at the entrances to subdivisions or manufactured home parks. ~~Permanent Subdivision or Mobile Home Park Signs.~~

1. Area. May have a maximum area of two square feet per dwelling unit to a maximum of thirty-two square feet for each sign and sixteen square feet per display surface, and total sign area for all display surfaces shall be no more than sixty-four square feet.

2. Height and/or Clearance. Freestanding sign limited to maximum height of six feet above grade.

3. Number. Limited to one sign per entrance.

B. Signs on Apartment and Condominium Properties. ~~Permanent Apartment or Condominium Signs.~~ Either one freestanding or one wall sign per street frontage permitted.

1. Freestanding sign.

a. Area. Limited to two square feet per dwelling unit to a maximum area of thirty-two square feet, sixteen square feet per display surface.

b. Height and/or Clearance. Freestanding signs limited to a maximum height of six feet above grade.

c. Number. One freestanding sign per street frontage permitted.

2. Wall Sign.

a. Area. Limited to two square feet per dwelling unit to a maximum of thirty-two square feet.

b. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

c. Number. One wall sign per street frontage permitted.

C. Illumination. Signs in R zones may have external illumination only. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.

14.16.020 Residential-office-commercial zone:

No sign shall be erected or maintained in an R-O-C or R-1-B zone, except as allowed under Section 14.12.010 or as otherwise noted in this section.

A. Signs at entrances to subdivisions. ~~Permanent Subdivision Signs.~~

1. Area. May have a maximum area of two square feet per dwelling unit to a maximum of thirty-two square feet for each sign and sixteen square feet per display surface, and total sign area for all display surfaces shall be no more than sixty-four square feet.

2. Height and/or Clearance. Freestanding sign limited to maximum height of six feet above grade.

3. Number. Limited to one sign per entrance.

B. Signs on apartments and condominium properties. ~~Permanent Apartment or Condominium Signs.~~ Either one freestanding or one wall sign per street frontage permitted.

1. Freestanding Sign.

a. Area. Limited to two square feet per dwelling unit to a maximum area of thirty-two square feet, sixteen square feet per display surface.

b. Height and/or Clearance. Freestanding signs limited to maximum height of six feet above grade.

c. Number. One freestanding sign per street frontage permitted.

2. Wall Sign.

a. Area. Limited to two square feet per dwelling unit to a maximum of thirty-two square feet.

b. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

c. Number. One wall sign per street frontage permitted.

C. Freestanding Signs on Commercial Property ~~Business Sign.~~

1. Area. The maximum permitted area of a freestanding sign shall be thirty-two square feet per display surface and sixty-four square feet overall.

2. Height and/or Clearance. The maximum height of a freestanding sign shall be twelve feet.

3. Number. One freestanding sign is permitted in addition to one wall sign.

D. Wall Signs on Commercial Property ~~Business Sign.~~

1. Area. The maximum permitted area of a wall sign shall be ten percent of the building face related to commercial use.

2. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

3. Number. One wall sign is permitted in addition to one freestanding sign or two wall signs permitted.

E. Awning Sign.

1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to or affixed to the surface of an awning, is twenty-five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.

2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is

eight feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.

3. Number. One awning sign per frontage per occupancy is permitted.

F. Daily Display Sign.

1. Area. The maximum permitted area of a daily display sign shall be eight square feet per display surface and sixteen square feet overall, with a maximum height limit of six feet above ground level.

2. Number. One daily display sign per property or per occupancy ~~business~~ is permitted.

3. Location. A daily display sign ~~shall not must~~ be located within required landscaped areas or within public rights of way. ~~on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.~~

G. Illumination. Signs in R-O-C or R-1-B zones may have external illumination only. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.

14.16.030 Neighborhood commercial zone:

No sign shall be erected or maintained in a C-N zone, except as allowed under Section 14.12.010 or as otherwise noted in this section.

A. Freestanding Sign.

1. Area. The maximum permitted display surface area of a freestanding sign shall be computed on one and one-half square feet of area per lineal foot of street or highway frontage for the first one hundred feet of such frontage plus one square foot of area for each foot of frontage over one hundred feet, but not exceeding forty square feet per display surface and eighty square feet over all.

2. Height and/or Clearance. Freestanding signs may not project over the top of a building or twenty feet, whichever is less.

3. Number. One freestanding sign is permitted in addition to one wall sign.

B. Wall Sign.

1. Area. The maximum permitted area of a wall sign shall be 20 percent of the building face.

2. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

3. Number. Dictated by area requirements. Wall signs are permitted in addition to one freestanding sign.

4. Location. Limited to the building surface or surfaces facing the public right-of-way only.

C. Awning Sign.

1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to, or affixed to, the surface of an awning, is twenty-five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.

2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.

3. Number. One awning sign per frontage per occupancy is permitted.

D. Daily Display Sign.

1. Area. The maximum permitted area of a daily display sign shall be eight square feet per display surface and sixteen square feet overall, with a maximum height limit of six feet above ground level.

2. Number. One daily display sign per property or per occupancy ~~business~~ is permitted.

3. Location. A daily display sign shall not be located within required landscaped areas or within public rights of way. ~~must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.~~

E. Illumination. Signs in C-N zones may have external illumination, in addition to lighting as noted in Section 14.24.020. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.

14.16.040 Commercial zone:

No sign shall be erected or maintained in the C-L, C-G and C-CS zones, except as allowed under Section 14.12.010 or as otherwise noted in this section.

A. Freestanding Sign.

1. Area. The maximum permitted display surface area of a freestanding sign shall be computed on one and one-half square feet of area per lineal foot of street or highway frontage for the first one hundred feet of such frontage, plus one square foot of area for each foot of frontage over one hundred feet, but not exceeding three hundred square feet of sign area per display surface for each sign, or a total of one thousand two hundred square feet for all display surfaces as authorized in Section 14.16.040A4.

2. Height and/or Clearance. The maximum height of any portion of a sign or sign structure shall be twenty-five feet from ground level at its base regardless of location.

The minimum clearance below the lowest portion of a freestanding sign and the ground below shall be fourteen feet in any driveway or parking area.

3. Location. No freestanding sign, or any portion of any freestanding sign, shall be located on or be projected over any portion of a street, sidewalk or other public right-of-way or property, except that those currently existing may project over such right-of-way for a distance not to exceed two feet.

4. Number. One multifaced freestanding sign shall be permitted on a street or highway frontage. Where a frontage exceeds three hundred feet in length, one additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a projected or roof sign.

B. Wall Sign.

1. Area. Wall signs shall not exceed in gross area twenty percent of the face of the building to which the sign is attached or on which the sign is maintained. This includes signs painted directly on the building surface.

2. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

3. Number. No limit, dictated by area requirements.

C. Projecting Signs.

1. Area. Projecting signs shall not exceed in gross area twenty percent of the face of the building to which the sign is attached or on which the sign is maintained. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed twenty percent of the face of the building.

2. Height and/or Clearance. No projecting sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher. Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within two feet of the curb nor beyond the distances specified in the following table:

Table 14.16.040

Projection of Signs Into Public Rights-of-Way

Clearance	Maximum Projection Into Public Right-of-Way
Less than eight feet	Not permitted
Eight feet	One foot
Eight to sixteen feet	One foot plus six inches for each foot of clearance in excess of eight feet
Over sixteen feet	Five feet

3. Location. No projecting sign shall be located within twenty feet of another projecting sign. Of two signs not conforming to this provision, the first lawfully erected sign may remain.

4. Number. Only one projecting sign will be permitted on the same occupancy business frontage. No projecting sign shall be permitted on the same premises where there is a freestanding sign or roof sign.

D. Roof Signs.

1. Area. Total sign area for roof signs shall not exceed one square foot for each lineal foot of street frontage of the parcel of real property on which the sign is to be located.

2. Height and/or Clearance. The maximum height of a roof sign shall not exceed eight feet above the highest point of the building. All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron or similar sign support structure.

3. Location. No roof sign shall be erected unless and until approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with fire fighting. Roof signs may not project over the parapet wall.

4. Number. Roof signs are permitted instead of, but not in addition to, projecting signs or freestanding signs.

E. Awning Sign.

1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to or affixed to the surface of an awning is twenty-five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.

2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning, or suspended sign, whichever is lowest.

3. Number. One awning sign per frontage per occupancy is permitted.

F. Under-Marquee Signs.

1. Area. Under-marquee signs shall not exceed six square feet per display surface or twelve square feet in overall sign area.

2. Height and/or Clearance. Under-marquee signs must have eight feet of clearance below the lowest portion of the sign and the ground below.

3. Location. Under-marquee signs shall not project within two feet of the curb.

4. Number. No limit, dictated by area requirements.

~~G. Billboard Signs. Billboard signs existing at the effective date of the ordinance codified in this chapter shall be permitted to remain and be maintained in reasonable repair, but may not be replaced or relocated. Repealed.~~

H. Daily Display Sign.

1. Area. The maximum permitted area of a daily display sign shall be twelve square feet per display surface and twenty-four square feet overall, with a maximum height limit of six feet above ground level.

2. Number. One daily display sign per occupancy business is permitted.

3. Location. A daily display sign shall not be located within required landscaped areas or within public rights of way ~~must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.~~

I. Illumination. Signs in commercial zones may be illuminated. Within five hundred feet of any residentially zoned property when fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to four hundred twenty-five milliamperes rating tubes behind a plexiglass face with tubes spaced at least seven inches, center to center. No exposed incandescent lamp which exceeds fifteen watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.

14.16.050 Manufacturing zone:

No sign shall be erected or maintained in an M or BI zone, except as allowed under Section 14.12.010 or as otherwise noted in this section.

A. Freestanding Sign.

1. Area. The maximum permitted area of a freestanding sign shall be computed on one and one-half square feet of area per lineal foot of street or highway frontage for the first one hundred feet of such frontage plus one square foot of area for each foot of frontage over one hundred feet, but not exceeding two hundred fifty square feet of sign area per display surface for each sign, or a total of one thousand square feet for all display surfaces.

2. Height and/or Clearance. The maximum height of any portion of a sign or sign structure shall be twenty-five feet from ground level at its base regardless of location. The minimum clearance below the lowest portion of a freestanding sign and the ground below shall be fourteen feet in any driveway or parking area.

3. Location. No freestanding sign, or any portion of any freestanding sign, shall be located on or be projected over any portion of a street, sidewalk or other public right-of-way or property except that those currently existing may project over such right-of-way for a distance not to exceed two feet.

4. Number. One multifaced freestanding sign designating the principal goods, products, facilities or services available on the premises shall be permitted on a street or highway frontage. Where a frontage exceeds three hundred feet in length, one additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a roof sign.

B. Wall Sign.

1. Area. Wall signs shall not exceed in gross area ten percent of the face of the building to which the sign is attached or on which the sign is maintained. This includes signs painted directly on the building surface.

2. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

3. Number. No limit, dictated by area requirements.

C. Roof Signs.

1. Area. Total sign area for roof signs shall not exceed one square foot for each lineal foot of street frontage of the parcel of real property on which the sign is to be located.

2. Height and/or Clearance. The maximum height of a roof sign shall not exceed eight feet above the highest point of the building. All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron or similar sign support structure.

3. Location. No roof sign shall be erected unless and until approved by the fire marshal after a finding that the site, type and location of the sign will not substantially interfere with fire fighting. Roof signs may not project over the parapet wall.

4. Number. Roof signs are permitted instead of, but not in addition to, freestanding signs.

D. Awning Sign.

1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to or affixed to the surface of an awning is twenty-five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.

2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.

3. Number. One awning sign per frontage per occupancy is permitted.

E. ~~Billboard Signs. Billboard signs existing at the effective date of the ordinance codified in this chapter shall be permitted to remain and be maintained in reasonable repair, but may not be replaced or relocated. Repealed.~~

F. Daily Display Sign.

1. Area. The maximum permitted area of a daily display sign shall be twelve square feet per display surface and twenty-four square feet overall, with a maximum height limit of six feet above ground level.

2. Number. One daily display sign per occupancy business is permitted.

3. Location. A daily display sign shall not be located within required landscaped areas or within public rights of way. ~~must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.~~

G. Illumination. Signs in manufacturing zones may be illuminated. Within five hundred feet of any residentially zoned property when fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to four hundred twenty-five milliamperes rating tubes behind a plexiglass face with tubes spaced at least seven inches, center to center. No exposed incandescent lamp which exceeds fifteen watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets or other property.

14.16.060 Downtown zones:

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

A. Freestanding Sign. In the downtown zones, freestanding signs shall be monument type only. The sign face shall be no less than sixty percent of the total area of the monument. Pole signs are prohibited.

1. Area. The maximum permitted display surface area of a freestanding sign shall be computed on one square foot of area per lineal foot of street or highway frontage.

a. In the DO zone the maximum area shall not exceed forty square feet per display surface and eighty square feet overall.

b. In the DR and DOS zones the maximum area shall not exceed thirty-two square feet per display surface and sixty-four square feet overall.

2. Height and/or Clearance.

a. In the DC, DS and DO zones, freestanding signs are limited to a maximum height of seven feet. Properties with frontage on McLoughlin Boulevard may have freestanding signs with a maximum height of fifteen feet and shall only be located along the McLoughlin Boulevard frontage. Freestanding sign height shall be measured from the top of the sign to the lowest finished grade within a six foot horizontal distance from the sign.

b. In the DR and DOS zones freestanding signs are limited to a maximum height of six feet above grade.

3. Number. One freestanding sign is permitted on a street or highway frontage.

B. Wall Sign.

1. Area. The maximum permitted area of a wall sign shall be twenty percent of the building face.

a. In the DR and DOS zones the maximum permitted area of a wall sign shall be sixteen square feet.

2. Height and/or Clearance. No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

3. Number.

a. Dictated by area requirements.

b. In the DR and DOS zones one wall sign is permitted in addition to one freestanding sign.

4. Location. Limited to the building surface or surfaces facing the public right-of-way only.

C. Awning Sign.

1. Area. The maximum permitted display surface of an awning sign which is painted onto, attached to, or affixed to, the surface of an awning, is twenty-five percent of the surface of the awning measured in vertical distance times length. For a sign hung or suspended underneath an awning, the sign shall not exceed in area one square foot per one lineal foot of awning length.

2. Height and/or Clearance. An awning sign may not extend higher than the point at which the roofline intersects the exterior wall, regardless of the existence of a parapet wall. An awning sign may not be located higher than the first floor of a building or fifteen feet, whichever is less. The minimum clearance below an awning on which signage is hung or displayed is eight feet from the sidewalk or ground level to the lowest portion of the awning or suspended sign, whichever is lowest.

3. Number. One awning sign per frontage per occupancy is permitted.

D. Daily Display Sign.

1. Area. The maximum permitted area of a daily display sign shall be eight square feet per display surface and sixteen square feet overall, with a maximum height limit of six feet above ground level.

2. Number. One daily display sign per occupancy ~~business~~ is permitted.

3. Location. A daily display sign shall not be located within required landscaped areas or within public rights of way. ~~must be located on the premises with which it is associated, but not within required landscaped areas, except that a daily display sign may be allowed within the public right-of-way or off the premises, subject to the standards of Section 14.20.040.~~

E. Projecting Signs.

1. Area. Projecting signs shall not exceed in gross area twenty percent of the face of the building to which the sign is attached or on which the sign is maintained. However, if a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces shall not exceed twenty percent of the face of the building.

2. Height and/or Clearance. No projecting sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher. No projecting sign shall project more than five feet from a building. Overhead clearance and projection into public rights-of-way shall be maintained so that no sign shall project within two feet of the curb nor beyond the distances specified in the following table:

Table 14.16.050

Projection of Signs Into Public Rights-of-Way

Overhead Clearance	Maximum Projection Into Public Right-of-Way
Less than eight feet above finished floor/grade	Not permitted
Eight feet above finished floor/grade	One foot
Eight to sixteen feet above finished floor/grade	One foot plus six inches for each foot of clearance in excess of eight feet
Over sixteen feet above finished floor/grade	Five feet

3. Location. No projecting sign shall be located within twenty feet of another projecting sign. Of two signs not conforming to this provision, the first lawfully erected sign may remain.

4. Number. Only one projecting sign will be permitted on the same business frontage. No projecting sign shall be permitted on the same premises where there is a freestanding sign.

F. Under-Marquee Signs.

1. Area. Under-marquee signs shall not exceed six square feet per display surface or twelve square feet in overall sign area.

2. Height and/or Clearance. Under-marquee signs must have eight feet of clearance below the lowest portion of the sign and the ground below.

3. Location. Under-marquee signs shall not project within two feet of the curb.

4. Number. No limit, dictated by area requirements.

G. Illumination. Internally illuminated cabinet signs are discouraged in the downtown zones. Internally illuminated signs may be permitted subject to design review approval

by the design and landmarks ~~committee~~ ~~commission~~ per the procedures outlined in Section 19.1011.3. In considering internally illuminated signs, the design and landmarks ~~committee~~ ~~commission~~ shall use the downtown design guidelines as approval criteria, as provided under subsection 19.312.7F. All other illuminated signs may be permitted subject to the following:

1. Signs with opaque letters or symbols that are back lit, having a light source behind the opaque area and not directly visible from in front of the sign, are permitted. ~~Backlit or "halo" illuminated signs with individual letters are permitted as illuminated signs.~~

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 illuminated, either internally or externally unless approved by the design and landmarks ~~committee~~ ~~commission~~.

4. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.

SECTION 14.20 SIGNS IN PUBLIC RIGHTS-OF-WAY:

14.20.020 Exempted signs:

Signs placed and maintained by the City, or by the entity responsible for the right of way (County or state) are permitted within public rights of way. ~~As referenced in Section 14.12.010C, signs for purposes of public direction and safety may be allowed within the public right-of-way, subject to right-of-way permit requirements of Section 12.16.020 of the Milwaukie Municipal Code and the following standards:~~

~~A. Sign sizes and configurations shall be subject to the general standards of the Oregon Department of Transportation Sign Policy and Guidelines and the Federal Manual on Uniform Traffic Control Devices. Such standards may be deviated by the city public works director upon determination that such deviation is necessary for purposes of message visibility, clear vision maintenance or other similar factors. Applicants desiring to vary from the public works director's standards determination may apply for a variance following the procedures of Chapter 14.32.~~

~~B. Direction signs shall be generic in nature so as not to unduly distract traffic. Such signs may include, but are not limited to, signs for emergency services (such as hospitals, police and fire stations), traffic control signs, legal notices, railroad crossing signs, signs for nonspecific locations (such as downtown, business area, industrial area, theatre, food services, etc.), danger signals and similar signs.~~

~~C. Maintenance and upkeep of non-city owned direction and safety signs shall be the responsibility of the sign owner. Failure to maintain such signs may be cause for permit revocation and/or sign removal.~~

14.20.030 Bench advertising signs:

Bench signs are permitted, subject to Chapter 14.20 of the Milwaukie Municipal Code. ~~These are permitted subject to the standards of Section 12.16.020 of the Milwaukie Municipal Code.~~

14.20.040 Daily display signs:

A. In sign districts that permit daily display signs (reference Chapter 14.16), one a daily display sign may be placed allowed within a the public right-of-way adjacent to any premises by the person or entity in control of those premises, in front of the premises with which it is associated, provided all of the following conditions are met:

1. A city right-of-way permit is obtained. This permit shall be revocable in case of condition noncompliance.
2. The sign is to be set back behind the curb so as not to interfere with on-street parking, or, a minimum of ten feet from the edge of the nearest street travel lane where curbs are not in place.
3. The sign is to be placed so as to allow at least five feet of unimpeded pedestrian sidewalk maneuvering space.
4. The sign is to meet clear vision requirements of Chapter 12.24 of the Milwaukie Municipal Code.
5. The sign is properly maintained as per requirements of Section 14.24.010
6. The applicant shall assume all liability for incidents involving the sign by signing a document exempting the city from liability.
7. Sign dimension shall not exceed a maximum width of four feet nor a maximum above-ground level height of four an one-half feet.
- ~~8. One sign per business is allowed.~~

~~B. Daily display signs may be allowed off the premises, or within the public right-of-way in front of a business with which the sign is not associated, subject to the following standards:~~

- ~~1. All applicable standards of Section 14.20.040A;~~
- ~~2. Both the sign owner and owner of the business where the sign is placed must sign a city liability exemption document;~~
- ~~3. The off-premises daily display sign will take the place of the daily display sign allowance for both the business site where it is placed and the business placing the sign.~~

SECTION 14.24 SIGN CONSTRUCTION, MAINTENANCE AND LIGHTING:

14.24.010 Construction and maintenance requirements:

A. Except as otherwise provided in this chapter, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code, Uniform Fire Code and electrical code.

B. All signs, together with their supports, braces, guys and anchors, shall be constructed of materials that are durable and weather-resistant, and shall be regularly maintained so as to exist at all times in a state of good repair. No person shall maintain, or permit to be maintained on any premises owned or controlled by him or her, any sign

which is in a sagging, leaning, fallen, decayed, deteriorated or other dilapidated or unsafe condition.

C. All signs shall be kept clean and the site ~~on upon~~ which they are located shall be kept clean and free from debris. ~~maintained in a neat, clean, and attractive condition.~~ Signs shall be kept free from rust, corrosion, peeling paint, orn or peeling paper, and ~~or~~ other surface deterioration. Broken or missing sign components and lighting panels shall be replaced within thirty days of notification by the city. ~~The display surfaces of all signs shall be kept neatly painted or posted.~~ Reflective backgrounds and materials are not allowed.

D. ~~Each sign for which a sign permit is required shall specify the name of sign erector, date of erection, electrical power consumption in amperes, and Underwriters Laboratory label, if applicable. Such information shall be in sufficient size and contrast to be readable upon inspection.~~

14.24.020 Sign lighting:

A. All lamps or bulbs exposed to direct view shall be limited to twenty-five watts or less capacity. ~~On time and temperature signs, such bulb is limited to thirty-three watts capacity.~~

B. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed three hundred milliamperes rating for white tubing nor one hundred 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 eight hundred milliamperes rating tubes behind a plexiglass face with tubes spaced at least nine inches, center to center.

D. 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 prevail. ~~These general lighting provisions are applicable for all sign districts, except as noted elsewhere.~~

SECTION 14.28 REMOVAL OF SIGNS IN VIOLATION:

14.28.010 Abandoned sign:

A. Time Limit. Abandoned sign structures ~~signs and their supporting structures~~ shall be removed within 180 one hundred eighty days of the time that a sign is no longer used on the structure. ~~by the owner or lessee when the business which it advertises is no longer conducted on the premises.~~

B. Notice Given. if the owner or lessee fails to remove it, the city manager or duly authorized representative shall give the owner fifteen days' written notice to remove it.

14.28.020 Nonconforming sign:

A. Time Limit.

1. Except as provided in Subsection A.23, Signs that were in compliance with applicable regulations when erected 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 one day of the date they became nonconforming. Nonconforming signs may be continued for a period of ten years from the effective date of the ordinance codified in this chapter.

2. ~~Signs located on premises annexed into the city after the effective date of the ordinance codified in this chapter, and which signs do not comply with the provisions of this chapter, shall be brought into compliance with this chapter within a period of seven years after the effective date of the annexation. Repealed.~~

3. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all of the provisions of this chapter.

4. ~~The provisions of this code relating to Signs in existence on the effective date of the ordinance codified in this chapter which do not comply with provisions regulating flashing signs, use of par spot lights, or revolving beacons, revolving signs, or flags, banners, or streamers, or strings of lights, and temporary or incidental signs, are applicable to all signs, notwithstanding Subsection A.1. shall be made to conform within ninety days from the effective date of the ordinance codified in this chapter.~~

B. Notice Given. The City Manager or designee shall give 30 days written notice to the owner or lessee of any permanent sign that the City determines to be in violation of the City’s regulations to remove the sign and structure or bring it into compliance. No notice is required for a demand to remove a temporary sign that does not comply with the City’s regulation or to remove a sign in the right-of-way. For legally established nonconforming signs that are approaching the end of the 10 year period during which they may be maintained under Subsection 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. The city manager or duly authorized representative shall give thirty days’ written notice to the owner or lessee of the sign to remove the sign and its supporting structures or to bring it into compliance with this chapter.

14.28.030 Unsafe sign:

A. Time Limit. The city manager or duly authorized representative may cause any sign and/or sign support structure which they determine to be a hazard to persons or property, by reason of it or its support structure being or becoming of unsound and unsafe condition, i.e., weakened or broken support, broken parts, including tubing, wiring, plastic, etc., to be removed summarily. The city manager or duly authorized representative may allow repair as an alternative to removal of an unsafe when the sign does not pose an immediate hazard to persons or property.

B. Notice Given. Two days' notice, except that no notice is required if a determination is made that the sign and/or sign support structure poses an immediate peril to persons or property.

14.28.040 Noncomplying sign:

A. Time Limit. Noncomplying permanent signs shall be removed or brought into compliance within thirty days of notification.

B. Notice Given. The city manager or duly authorized representative shall give thirty days' written notice, except that noncomplying signs which create a traffic or other safety hazard may be removed by the city manager or his or her representative without notice.

14.28.050 Administrative procedures for notification of violation:

A. If the city manager or duly authorized representative shall find that any permanent sign or sign structure regulated has been constructed or erected, or is being constructed or maintained, in violation of the provisions of this chapter, he or she shall give written notice to the permittee thereof or, if unknown, to the owner or occupant of the building or premises upon which the sign is located.

B. If the permittee fails to remove or alter the structure so as to comply with the standards set forth within thirty days after such notice, the removal of such sign or sign structure may be ordered, or such sign or structure may be is declared a nuisance and the owner may be issued a citation into municipal court, as per procedures of Chapter 1.08 of the Milwaukie Municipal Code, and subjected to enforcement fines as established by the city council.

~~C. Signs in violation of this chapter which create a safety or traffic hazard may be removed by the city without prior notice and removal costs billed to the sign or property owner.~~

~~D. Such fines and costs may be a lien against the land or premises on which the sign is located and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the city.~~

Chapter 14.32 ADJUSTMENTS VARIANCES:

14.32.010 Authorization to grant or deny adjustments variance:

A. The planning commission may authorize adjustments variances from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship. In granting an adjustment variance, the planning commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the city and otherwise achieve the purposes of this chapter.

B. Requests for adjustments in the downtown zone shall receive their first review from the design and landmarks committee. In the downtown zones The design and landmarks committee shall make recommendations to the planning commission, which ~~design and landmarks commission~~ is the review authority and may authorize variances from the requirements of this chapter. Adjustments may be granted where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship. In granting a variance, the planning commission ~~design and landmarks commission~~ in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the city and otherwise achieve the purposes of this chapter.

14.32.050 Appeals:

Appeals of planning commission or ~~design and landmarks commission~~ decisions shall follow the procedures of Section 19.1000 of the Milwaukie zoning ordinance.