



CITY OF MILWAUKIE

"Dogwood City of the West"

Ordinance No. 2146

An ordinance of the City Council of the City of Milwaukie, Oregon, amending Title 14 Signs to make changes to language regulating freestanding and roof signs in manufacturing zones for the purpose of clarification, aesthetic enhancement, and improved effectiveness (File #ZA-2016-003).

WHEREAS, the proposed amendments to Title 14 make changes and clarifications that will more effectively communicate and implement existing policy; and

WHEREAS, legal and public notices have been provided as required by law; and

WHEREAS, on February 28, 2017, the Milwaukie Planning Commission conducted a public hearing, as required by MMC 19.1008.5 and adopted a motion in support of the amendment; and

WHEREAS, the Milwaukie City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Milwaukie Municipal Code is amended as described in Exhibit B (Title 14 Signs underline/strikeout version), and Exhibit C (Title 14 Signs clean version).

Section 3. Effective Date. The amendments shall become effective 30 days from the date of adoption.

Read the first time on 4/4/17, and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 4/4/17.

Signed by the Mayor on 4/4/17.



Mark Gamba, Mayor

APPROVED AS TO FORM:
Jordan Ramis PC

ATTEST:



Scott S. Stauffer, City Recorder



City Attorney

**Recommended Findings in Support of Approval
File #ZA-2016-003, Sign Code Amendments**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, the City of Milwaukie, proposes to amend regulations that are contained in Title 14 Sign Ordinance of the Milwaukie Municipal Code (MMC). The land use application file number is ZA-2016-003.
2. The purpose of the proposed code amendments is to clarify language regulating the permitted number of freestanding and roof signs and to regulate the maximum size of a roof sign in the manufacturing sign district.
3. Add the M-TSA Zone to the list of manufacturing-type zones in MMC 14.16 – Signs.
4. The proposal is subject to the following provisions of the Milwaukie Municipal Code:
 - MMC Section 19.902 Amendments to Maps and Ordinances
 - MMC Chapter 19.1000 Review Procedures
5. Sections of the MMC or Milwaukie Comprehensive Plan (MCP) not addressed in these findings are found to be not applicable to the decision on this land use application.
6. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. A public hearing was held on February 28, 2017 and April 4, 2017 as required by law.
7. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.
 - a. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.

The amendments were initiated by the Planning Director on December 14, 2016.
 - b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V Review have been met as follows:
 - (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.

Opportunity for public comment and review has been provided. The Planning Commission had 1 worksession about the proposed amendments on February 14, 2017. The City Council had 1 study session about the proposed amendments on February 23, 2017. The current version of the draft amendments has been posted on the City's web site since March 3, 2017. On January 27, 2017 and March 3, 2017 staff e-mailed NDA leaders with information about the hearing and a link to the draft proposed amendments.
 - (2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

A notice of the Planning Commission's February 28, 2017, hearing was posted as required on January 27, 2017. A notice of the City Council's April 4, 2017 hearing was posted as required on March 3, 2017.

- (3) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

Notice to individual property owners and individual properties in the Manufacturing, Business Industrial and the Tacoma Station Area Manufacturing zones was provided.

- (4) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to DLCD on January 23, 2017.

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 45 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on January 13, 2017.

- (6) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

The proposed amendments further restrict the use of property in the manufacturing sign district. Notice to individual property owners and individual properties in the Manufacturing, Business Industrial and the Tacoma Station Area Manufacturing zones was provided.

- (7) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.

The Planning Commission held a duly advertised public hearing on February 28, 2017, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on April 4, 2017, and approved the amendments.

8. MMC 19.902 Amendments to Maps and Ordinances

- a. MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.

- (1) MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held a duly advertised public hearing on February 28, 2017. A public hearing before City Council was held on April 4, 2017. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

- (a) MMC Subsection 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

The proposed amendments have been coordinated with and are consistent with other provisions of the Milwaukie Municipal Code.

- (b) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.

Only the goals, objectives, and policies of Comprehensive Plan that are listed below are found to be relevant to the proposed text amendment.

The Goal statement of the Economic Base and Industrial/Commercial Land Use Element reads as follows:

To continue to support and encourage the development of a broad industrial base in the City, and to encourage the expansion of service facilities in the community.

Objective #11 – Commercial Land Use: Highway Oriented Center

To recognize commercial areas dependent upon street traffic for business and to provide locational standards for these centers.

Policy #3 states that development and signage orientation, design, and lighting shall not produce adverse impacts upon adjacent residential areas.

This objective only applies to certain areas within the manufacturing sign district. However, by clarifying the regulations regarding the calculation of maximum sign size, and limiting the size of roof signs, the proposed amendments better address the relationship between signage and adjacent residential neighborhoods and reduce the impacts.

Objective #13 – McLoughlin Boulevard

To provide for limited highway service uses along McLoughlin Boulevard while improving the visual and pedestrian-oriented linkages between downtown and the Willamette River, and making McLoughlin Blvd more attractive.

By limiting the size and number of roof signs, the proposed amendments will have the effect of improving the aesthetics of the corridor through the reduction of visual clutter.

- (c) MMC Subsection 19.902.5.B.3 requires that the proposed amendment be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies.

- (d) MMC Subsection 19.902.5.B.4 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. DLCD did not identify any inconsistencies with relevant State statutes or administrative rules.

The proposed amendments are found to be consistent with the Transportation Planning Rule for the following reason. The proposed text amendment does not impact the transportation system given that the amendments revise sign regulations in the manufacturing sign district only and do not create the opportunity for any more vehicle trips than are currently allowed by other similar uses in each respective zone.

- (e) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

Relevant federal regulations are those that address land use, the environment, or development in the context of local government planning. Typically, regulations such as those set forth under the following acts may be relevant to a local government land use process: the Americans with Disabilities Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Fair Housing Act, the National Environmental Policy Act, the Religious Land Use and Institutionalized Persons Act, and the Resource Conservation and Recovery Act. None of these acts include regulations that impact the subject proposal or that cannot be met through normal permitting procedures. Therefore, the proposal is found to be consistent with federal regulations that are relevant to local government planning.

Underline/Strikeout Amendments

Title 14 Signs

CHAPTER 14.16 SIGN DISTRICTS

14.16.050 MANUFACTURING ZONE

No sign shall be installed or maintained in an ~~M₁-or BI Zone~~, or M-TSA Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.050.

Table 14.16.050 Standards for Signs in Manufacturing Zones M₁-or BI , <u>or M-TSA</u>					
Sign Type	Area	Height	Location	Number	Illumination ¹
Freestanding signs	1.5 <u>sq ft</u> SF per lineal ft. of street frontage and 1 additional <u>sq ft</u> SF for each lineal ft. of frontage over 100 ft. ²	Max. 25 ft from ground level; min. clearance below lowest portion of a sign is 14 ft in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way.	1 multifaced sign permitted <u>per street frontage</u> . ³	Permitted
Roof signs	1 <u>sq ft</u> SF per lineal ft. of street frontage. ⁵	Max. 8 ft. above highest point of building. ⁶⁶	Pending approval by fire marshal ⁶⁷ may not project over parapet wall.	<u>1 multifaced sign per property</u> permitted instead of in place of , not in addition to, <u>1 projecting or freestanding signs</u> . ³	Permitted
Awning signs	Max. display surface is 25% of awning surface. ⁷⁸	No higher than the point where the roofline intersects the exterior wall. ⁸⁹	NA.	1 per frontage per occupancy.	Permitted
Daily display signs	Max. 12 <u>sq ft</u> SF per display surface and 24 <u>sq ft</u> SF overall.	Max. 6 ft. above ground level.	Not permitted within required landscaped areas or public right-of-way. ⁹¹⁰	1 per occupancy.	Permitted

² Not to exceed 250 square feet of sign area per display surface for each sign, or a total of 1,000 square feet for all display surfaces.

³ For properties with multiple frontages, one (1) freestanding sign is permitted per frontage. In addition, where a single frontage exceeds 300 feet in length, one additional freestanding sign is permitted for that frontage. Multiple freestanding signs on the same frontage must be spaced a minimum of 150 ft from each other. ~~for such frontage No freestanding sign shall be permitted on the same premises where there is a roof sign. One (1) roof sign shall be permitted on the same property, in place of one (1) of the allowable freestanding signs.~~

Proposed Code Amendment

- ⁴ Includes signs painted directly on the building surface. In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the wall sign shall be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed.
- ⁵ For properties with multiple frontages, the total frontage length of the longest frontage shall be used to calculate the maximum total allowed area for all display surfaces of a roof sign. Roof signs shall not exceed 250 sq ft of sign area per display surface.
- ⁶~~6~~ All roof signs shall be installed in such a manner that there shall be no visible angle iron or similar sign support structure.
- ⁷~~7~~ Only approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with firefighting.
- ⁸~~8~~ Measured in vertical distance times length.
- ⁹~~9~~ Regardless of the existence of a parapet wall
- ⁹⁻¹⁰A daily display sign may be allowed within the public right-of-way subject to the standards of Section 14.20.040.

Clean Amendments

Title 14 Signs

CHAPTER 14.16 SIGN DISTRICTS

14.16.050 MANUFACTURING ZONE

No sign shall be installed or maintained in an M, BI Zone, or M-TSA Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.050.

Table 14.16.050 Standards for Signs in Manufacturing Zones M, BI, or M-TSA					
Sign Type	Area	Height	Location	Number	Illumination ¹
Freestanding signs	1.5 sq ft per lineal ft of street frontage and 1 additional sq ft for each lineal ft of frontage over 100 ft. ²	Max. 25 ft from ground level; min. clearance below lowest portion of a sign is 14 ft in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way.	1 multifaced sign permitted per street frontage. ³	Permitted
Roof signs	1 sq ft per lineal ft of street frontage. ⁵	Max. 8 ft above highest point of building. ⁶	Pending approval by fire marshal ⁷ may not project over parapet wall.	1 multifaced sign per property permitted in place of, not in addition to, 1 freestanding sign. ³	Permitted
Awning signs	Max. display surface is 25% of awning surface. ⁸	No higher than the point where the roofline intersects the exterior wall. ⁹	NA.	1 per frontage per occupancy.	Permitted
Daily display signs	Max. 12 sq ft per display surface and 24 sq ft overall.	Max. 6 ft above ground level.	Not permitted within required landscaped areas or public right-of-way. ¹⁰	1 per occupancy.	Permitted

² Not to exceed 250 sq ft of sign area per display surface for each sign, or a total of 1,000 sq ft for all display surfaces.

³ For properties with multiple frontages, one (1) freestanding sign is permitted per frontage. In addition, where a single frontage exceeds 300 ft in length, one additional freestanding sign is permitted for that frontage. **Multiple freestanding signs on the same frontage must be spaced a minimum of 150 ft from each other.** One (1) roof sign shall be permitted on the same property, in place of one (1) of the allowable freestanding signs.

⁴ Includes signs painted directly on the building surface. In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the

Proposed Code Amendment

wall sign shall be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed.

- ⁵ For properties with multiple frontages, the total frontage length of the longest frontage shall be used to calculate the maximum total allowed area for all display surfaces of a roof sign. Roof signs shall not exceed 250 sq ft of sign area per display surface.
- ⁶ All roof signs shall be installed in such a manner that there shall be no visible angle iron or similar sign support structure.
- ⁷ Only approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with firefighting.
- ⁸ Measured in vertical distance times length.
- ⁹ Regardless of the existence of a parapet wall
- ¹⁰ A daily display sign may be allowed within the public right-of-way subject to the standards of Section 14.20.040.