

AGENDA
DAYTON PLANNING COMMISSION

DATE: THURSDAY, JUNE 24, 2021
PLACE: VIRTUALLY VIA ZOOM
TIME: 6:30 PM

ITEM	DESCRIPTION	PAGE #
A.	CALL TO ORDER	
B.	APPROVAL OF ORDER OF AGENDA	
C.	APPEARANCE OF INTERESTED CITIZENS	

This time is reserved for questions or comments from persons in the audience on any topic.

D.	APPROVAL OF MINUTES	
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E.	PUBLIC HEARING	
	Dayton Sign Code LA2020-01– Staff Report	3 – 9
	Exhibit A – Draft Amendments V3	10 – 25
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F.	OTHER BUSINESS	
G.	ADJOURN	

Posted: 06/09/2021

By: Cyndi Park, Planning Coordinator

If you have a disability and require a reasonable accommodation to fully participate in this meeting, please contact the City of Dayton at least 32 working hours (four days) before the meeting via email at cityofdayton@ci.dayton.or.us or telephone 503-864-2221 to discuss your accessibility needs.

Next Scheduled Meeting Date

Thursday July 8, 2021

City of Dayton, PO Box 339, 416 Ferry St, Dayton OR 97114

Phone: 503-864-2221 Fax: 503-864-2956

Email: cityofdayton@ci.dayton.or.us Website: www.ci.dayton.or.us

**MINUTES
DAYTON PLANNING COMMISSION
MEETING APRIL 20, 2021**

PRESENT: Jim Maguire
Ann-Marie Anderson
Larry Smurthwaite

ABSENT: Tim Parsons

STAFF: Kiel Jenkins, Associate Planner
Rochelle Roaden, City Manager
Cyndi Park, Library Director/Planning Coordinator

CALL TO ORDER

Chairperson Jim Maguire called the meeting to order at 6:32 p.m.

APPROVAL OF ORDER OF AGENDA

No changes were noted.

APPEARANCE OF INTERESTED CITIZENS

No citizens were present for comment.

APPROVAL OF MINUTES

Chairperson Maguire asked for a motion to approve the minutes of the February 11, 2021 meeting as written. Vice Chairperson Anderson moved that the minutes be approved, Commissioner Smurthwaite seconded the motion, motion passed unanimously.

WORK SESSION

Chairperson Maguire turned the meeting over to Mr. Jenkins, City Planner. Mr. Jenkins explained the purpose of the meeting was to review the draft amendments to the sign code, in preparation for the public hearing next month. Mr. Jenkins developed the code with inspiration from Albany, Keizer, and from the suggestions of this body in the prior work session. The next meeting will be a public hearing and notice will be sent to all addresses in town. Commissioners should send comments on the 3rd and Ferry Street corridors to Cyndi and Kiel if desired after the meeting.

Each section was discussed in detail. Section one included general provisions, including an explanation of the purpose of the sign code. Chairperson Maguire asked to have the first section specify that the first amendment referenced in the text be clarified to refer to the first amendment to the US Constitution. This section is standard and much of it existed in the code before, no other changes were requested.

Section four covers prohibited signs. In addition to signs that were already prohibited, obscene and flashing signs were added to the draft. Other types of prohibition can be seen as first amendment issues, and the City's Attorney is being consulted to see what, if any, regulations should be included in the code. Commissioner

Smurthwaite wanted to ensure that the signs in front of the schools would still be allowed if the provision prohibiting flashing or animated signs becomes part of the code. Mr. Jenkins explained that the intent was to prohibit animated or constantly flashing signs, and that the next draft would include more specific language.

Nonconforming signs

This section was discussed next, with particular emphasis on historic areas. The goal is to bring nonconforming signs into compliance, but not to cause undue hardship for property owners. The City can notify new property owners when they sign up for water service if there is a nonconforming sign on their property.

Damaged nonconforming signs

Chairperson Maguire pointed out that F2 has a time limit and F1 does not. Should both have a time limit? Is one year too long in F2? All Commissioners agreed, six months was more reasonable.

Off-Premises Signs

Chairperson Maguire asked to have a definition of off-premises sign added. Vice Chair Anderson asked to have a definition of free-standing sign added. The Vice Chair also added that since the type of sign is not stipulated in the section, it could be interpreted to allow a monument or other type of free-standing sign. City Manager Roaden asked to have a time limit for displaying signs specified. Mr. Jenkins agreed that perhaps some more standards needed to be added to specific sections.

Adjustments and Variances

No changes to current code, commissioners were OK with existing code.

Design Standards

Residential and public zones - after some discussion, Mr. Jenkins would like to separate the two zones.
Commercial zone – The City will measure existing sign heights in the zone and Mr. Jenkins will alter this section accordingly. The Commissioners asked that free-standing signs and light trespass/pollution be added to this section as well.

General housekeeping

Mr. Jenkins will make sure the document is free of typos and formatting errors. Staff report will be available more than a week before the meeting, but final version must be posted for the public one week before.

Homebased businesses

This section will fall under the residential section of the updated code.

OTHER BUSINESS

None.

ADJORN

There being no further business, the meeting adjourned at 8:10 p.m.

Respectfully submitted:

APPROVED BY PLANNING COMMISSION on:

By: Cyndi Park Library Director/Planning Coordinator

As Written As Amended

CITY OF DAYTON

416 Ferry Street – P. O. Box 339
Dayton, OR 97114-0039
503-864-2221 fax 503-864-2956

STAFF REPORT

PLANNING COMMISSION – JUNE 24, 2021

REPORT DATE: May 20, 2021, updated June 8, 2021

FILE NUMBER: LA 2021-01 (Legislative Amendment)

APPLICANT: City of Dayton

REQUEST: Amend the Dayton Development Code to add sign regulations for all properties within the City of Dayton.

PROPERTY:

<u>Tax Lot</u>	<u>Size</u>	<u>Zoning</u>
Citywide	NA	All Zones

ZONING: All Zones

SURROUNDING ZONING: North: NA
South: NA
East: NA
West: NA

CURRENT USE: N/A

CRITERIA: **Dayton Land Use and Development Code (LUDC)**
Section 7.3.112.03: Criteria to Amend Development Code Text

EXHIBITS: A: Text Amendments- Marked up
B: Text Amendments
C: Heights of existing signs
D: Letter from Kellington law group attorney regarding proposed amendments.

I. PURPOSE

The purpose of this staff report is to provide the Planning Commission with information related to proposed additions to the Dayton Development Code regarding the regulation of signs within the City Limits.

II. PROCESS

The proposed amendments are a legislative change to the LUDC and are processed as a legislative Type IV land use action.

The LUDC Type IV process set forth in Section 7.3.203.01, Type IV Initiation, requires a Type IV process to be initiated by a majority of the City Council, a majority of the Planning Commission or by a recommendation by the City Manager subject to majority approval by Planning Commission or the City Council. The Planning Commission has held two work sessions, on February 11, 2021 and April 20, 2021. At the second work session, the Planning Commission directed staff to prepare a set of draft amendments for review.

Measure 56 notice was sent to all property owners within the City Limits on May 5, 2021. Newspaper notice was posted on Friday, May 21, 2021. On the date of the originally scheduled meeting on May 27, the Planning Commission did not have enough present members for a quorum, so the hearing was rescheduled to June 24. All members of the public present at the meeting were asked to provide contact information. Newspaper notice was re-posted on June 8, 2021, and notice will be sent to those in attendance at the May 27 meeting.

Written comment was received by Mr. Fred Wilson with Kellington Law Group on May 27, 2021 and is attached as Exhibit D to the staff report.

III. BACKGROUND

Staff have incorporated comments from the Planning Commission given at the April 20, 2021 work session and received from the City Attorney as follows:

1. Comment: Add "US" to section 7.4.101.A regarding the constitution.
Response: Upon review of the proposed amendments, the City Attorney recommended removal of all reference to the first amendment.
2. Comment: Replace "in order to" with "So as to" as originally written in section 7.4.101.4.B
Response: Changed back as requested.
3. Comment: Change typo saying "per limit" to "per minute" as intended in section 7.4.101.4.H
Response: Changed as requested.
4. Comment: Add change of ownership requirement for removal of non-conforming signs in section 7.4.101.6.D
Response: Added requirement that new owners or tenants must remove non-conforming signs within six months of the change.
5. Comment: Add six-month replacement requirement for non-conforming signs when affected by natural causes in section 7.4.101.F
Response: Added requirement that owners or tenants must bring non-conforming signs into conformance within six months of the damage occurring.

6. Comment: Change timeline for repair of non-conforming signs with less than 50% damage from one year to six months in section 7.4.101.F.ii.
Response: Changed to one year as requested.
7. Comment: Add definitions for free-standing and off-premise signs.
Response: Definitions have been added as requested.
8. Comment: Clarify that the “property owner approval” in reference to off-premise signs refers to the property owner of the property on which the off-premise sign is to be placed upon in section 7.4.101.7.
Response: Clarified as requested.
9. Comment: Add section for signs within the public zone.
Response: Added as requested. New section is 7.4.107.
10. Comment: Look into existing signs within the City of Dayton to determine an appropriate height for signs within the Commercial zone. Reduce height maximum from 30 feet to 20 feet.
Response: Not all, but the majority of signs within the commercial district are below 20 feet as indicated on Exhibit C. The maximum height has been reduced to 20 feet as requested.
11. Comment: Clarify regulations for the CR zone.
Response: Commercial uses within the CR zone are subject to the standards of the Commercial zone. Additionally, signs utilized for commercial uses within the CR zone in the CBO will be subject to the standards of the CBO.
12. Comment: Edit typo adding currently reading “sixty (21) days” in section 7.4.104.2.c.i.
Response: Changed to “twenty-one (21) days” as requested.
13. Comment: Add freestanding signs as a permitted sign type within the CBO.
Response: Added to section 7.4.105.2.B as requested.
14. Comment: Add 15-foot maximum height of freestanding signs within the CBO.
Response: Added as requested.
15. Comment: Look into lighting requirements.
Response: Lighting requirements for development are listed in multiple sections throughout the development code. Typically, lighting requirements indicate the need to direct lighting away from adjacent properties, similar to the requirements for signs within the proposed sign code. The standards as proposed are more restrictive than typical within the LUDC.
16. Comment: Remove “Grand Opening and special event signs” from Section 7.4.2.4.C.i because it relates to the content of the sign.
Response: Removed as requested.

IV. PROPOSED AMENDMENTS – AMENDMENT LISTED

A list of proposed amendments is included as attachment B to the staff report.

V. PROPOSED AMENDMENTS – MARK-UP VERSION

A marked-up version of the proposed amendments is included as attachment A to the staff report.

Vi. APPLICABLE APPROVAL CRITERIA

The Dayton Land Use and Development Code, Section 7.3.112.03, Criteria For Approval of Development Code text amendments.

7.3.112.03 CRITERIA FOR APPROVAL, DEVELOPMENT CODE TEXT AMENDMENTS

7.3.112.03, A:

A. *Impact of the proposed amendment on land use and development patterns within the city, as measured by:*

1. *Traffic generation and circulation patterns;*

FINDINGS: Not applicable because the proposed amendments are related to sign code regulations, which do not affect traffic generation and circulation patterns.

2. *Demand for public facilities and services;*

FINDINGS: Not applicable because the proposed amendment does not affect public facilities and services.

3. *Level of park and recreation facilities;*

FINDINGS: Not applicable because the proposed amendment does not affect park and recreation facilities.

4. *Economic activities;*

FINDINGS: Not applicable because the proposed amendment does not affect economic activities.

5. *Protection and use of natural resources;*

FINDINGS: Not applicable because the proposed amendment does not affect natural resources.

6. *Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.*

FINDINGS: Not applicable because the proposed amendment does not affect adopted special purpose plans or programs such as public facilities improvements.

B. A demonstrated need exists for the product of the proposed amendment.

FINDINGS: There is no existing sign code for any properties located outside of the Central Business Overlay Zone. As such, the City has no ability to regulate location and size of signs within the City Limits. Staff finds the lack of sign code represents a demonstrated need for the product of the amendments.

C. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.

FINDINGS: The Statewide Planning Goals follow.

Goal 1, Citizen Involvement: The Planning Commission held a work session regarding the proposed amendment on February 10, 2021, and second work session on April 20, 2021. Measure 56 notice was sent to all property owners within the City of Dayton on May 5 2021, 22 days prior to the date of the scheduled Planning Commission Hearing on May 27. Newspaper notice was provided on May 21st. At the meeting on May 27, the Planning Commission did not have a quorum and was therefore unable to act on the application. The public hearing was rescheduled for June 24 and re-noticed on June 8. The hearings are consistent with the Development Code's procedures for legislative amendments to the Development Code. Goal 1 is met.

Goal 2, Land Use Planning: Goal 2 supports clear and thorough local procedures. The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Development Code for processing legislative amendments to the Development Code.

Goal 3, Agricultural Lands and Goal 4, Forest lands: Goals 3 and 4 are not applicable. The proposal does not involve or affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 is not applicable. The proposal amends the City's historic resources regulations in accordance with Goal 5 requirements.

Goal 6, Air, Water and Land Resource Quality: Goal 6 is not applicable. The proposal does not address Goal 6 resources.

Goal 7, Natural Hazards: Goal 7 is not applicable. The proposal does not address Goal 7 resources.

Goal 8, Recreation: Goal 8 is not applicable. The proposal does not address recreational needs.

Goal 9, Economic Development: Goal 9 is not applicable. The proposal does not address Goal 9 issues.

Goal 10, Housing: Goal 10 is not applicable. The proposal does not address Goal 10 issues.

Goal 11, Public Facilities and Services: Goal 11 is not applicable. The proposal does not address Goal 11 issues.

Goal 12, Transportation: Goal 12 is not applicable. The proposal does not address Goal 12 issues.

Goal 13, Energy Conservation: Goal 13 is not applicable. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues.

D. The amendment is appropriate as measured by at least one of the following criteria:

1. It corrects identified error(s) in the provisions of the plan.

FINDINGS: There are no identified errors in the provisions of the plan.

2. It represents a logical implementation of the plan.

FINDINGS: There are no specific guidelines for the regulation of signs listed in the comprehensive plan.

3. It is mandated by changes in federal, state, or local law.

FINDINGS: The changes are not mandated by changes in federal, state, or local law.

4. It is otherwise deemed by the council to be desirable, appropriate, and proper.

FINDINGS: The City Council requested staff review the sign code provisions. Therefore, staff finds that the update to the sign code and the associated amendments can be considered deemed by the council to be desirable, appropriate, and proper.

VII. STAFF RECOMMENDATION

Based upon the staff report and the above findings, staff recommends the Planning Commission pass a motion adopting the staff report and the findings as shown above and recommending the City Council approve the proposed amendments.

VIII. PLANNING COMMISSION OPTIONS – Sample Motions

A. Option 1: Adopt and recommend as presented.

Motion: I move the Planning Commission adopt the staff report with the findings and recommend the City Council approve the proposed amendments.

B. Option 2: Adopt and recommend with changes.

Motion: I move the Planning Commission adopt the staff report with the findings and recommend the City Council approve the proposed amendments with the following changes...and state the changes.

C. Option 3: Do not adopt.

Motion: I move the Planning Commission recommend the City Council deny the proposed amendments because...and state the reasons.

D. Option 4: Continue the Hearing.

Motion: I move the Planning Commission continue the public hearing to a date/time/location certain for staff to provide more information on the following issues...and state the issues.

Draft Amendments V3

The entirety of Section 7.2.111.07 shall be deleted and replaced with the following:

7.2.111.07- Signs: Sign standards within the Central Business Overlay Zone may be found in Section 7.4.105

NEW SECTIONS

7.4.101 General Provisions

1. Applicability. All properties within ~~the Central Business Overlay (CBO)~~ Dayton City Limits shall be subject to the provisions of this section. Unless specifically listed as a permitted use or type in this section, other sign types and uses are prohibited.
2. Purpose (~~Existing Section 7.2.111.07.B- Purpose deleted, included in section 7.4.105~~)

~~Purpose. Sign regulations are intended to protect the character while enhancing and contributing to the economic vitality of the commercial core. The City acknowledges the need to effectively communicate and attract the eye to the business for which they are intended to advertise. Signs should be compatible or integrated with the architecture and should not obscure or dominate the building or business. In the review of sign applications within the City, the following criteria and standards shall apply. The Dayton Sign Code shall not be construed to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other city code provision or other applicable law. In any case where a part of the Dayton Sign Code conflicts with a provision of any zoning, development, building, fire, safety or health ordinance or code, the provision which establishes a stricter standard for the protection of the public health and safety shall prevail.~~

- A. While signs communicate all types of helpful information, unregulated signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this section is to regulate the size, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values; the character of the various neighborhoods; the creation of a convenient, attractive, and harmonious community; protection against destruction of or encroachment on historic properties, convenience to citizens and encouraging economic development. This section allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. ~~This section shall be interpreted in a manner consistent with the United States Constitution's First Amendment guarantee of free speech.~~ If any provision of this section is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this section which can be given effect without the invalid provision.

- B. A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein must be deemed to be an integral, but accessory and subordinate, part of the principal use of land or building. Therefore, the intent of this section is to establish limitations on signs to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (A) of this section.
 - C. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible ~~and appropriate to the activity to which they pertain~~, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
 - D. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
 - E. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.
3. Definitions:

Abandoned Sign: A sign that is no longer used by the person who constructed/installed the sign on the property where the sign is located or cessation of use of the property where the sign is located.

A-Board Sign: Includes signs that are ordinarily in the shape of an “A”, or some variation thereof, on the ground, easily movable and which is usually two sided.

Area Sign: The area contained within lines drawn between or around the outermost points of a sign, including cutouts, but does not include essential sign structure, foundations or supports. The area of a sign having two display surfaces facing in opposite traffic directions shall be computed by measuring the largest face. For signs having two or more display surfaces, the area is the maximum area of the surfaces that can be seen from any one point.

Banner Sign: A sign made of fabric or other non-rigid material with no enclosing framework or not affixed to the primary structure and shall include every type of decoration or banner displayed over or upon the city streets of the City of Dayton on a temporary or seasonal basis, whether attached to utility poles or any other structure.

Billboard: A sign height over ten feet from the ground surface, on which same is located, to the top of such billboard, and sign area greater than sixty-four (64) square feet, on

which the copy is designed to be periodically changed and which is not located on the premises to which such advertising copy pertains.

Direct Illumination: A source of illumination directed towards such signs so that the beam of light falls upon the exterior surface of the sign.

Facade: The architectural front of a building; usually the front but sometimes the rear or side, used to meet architectural treatment details and setting the tone for the rest of the building.

Freestanding Sign: A sign, including monument signs, supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

Government Sign: A sign erected, constructed, or placed within the public right-of-way or on public property by or with the approval of the government agency having authority over, control of, or ownership of the right-of-way or public property.

Illuminated Sign: A sign illuminated by an interior or exterior light source, which exterior light source is primarily designed to illuminate such sign.

Integrated Business Center: A group of two or more businesses that are planned or designed as a center, or Center: share a common off-street parking area or access, whether or not the businesses, buildings, or land are under common ownership.

Light-Emitting Diode or LED: A form of illumination using a semiconductor light source that converts applied voltage to light and is used in digital displays.

Mural: A hand-painted, hand-tiled or digitally printed image on the exterior wall of a building.

Neon Light: A form of illumination using inert gases in glass tubes and includes black light and other neon lights.

Nonconforming Sign: A sign that was lawful when it was constructed but does not meet the requirements of this Section.

Off-Premise Sign: A sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered at a different location than the property on which the sign is located.

Portable Sign: A sign that is not attached to any building or facade that is easily portable. It may stand alone or be illuminated, have wheels attached, or be located on a trailer.

Projecting Sign or Blade Sign: A two-sided sign other than a wall sign which projects beyond the building surface to which it is attached.

Reader Board: Any sign not permanently attached to the ground or building and capable of being moved from place to place, including signs attached to vehicles and trailers.

Sign: A display, illustration, structure or device that has a visual display ~~The physical components of materials placed or constructed primarily to convey a message or other display and which can be viewed~~ visible from a right-of-way, private roadway or lot under other ownership.

Temporary Sign: A sign not permanently attached to a building, structure or ground that is intended to be displayed for a limited period of time. Such signs may include banners, pennants, streamers, spinners, or other similar devices.

Vehicle Sign: A sign placed in or attached to the motor vehicle, trailer, railroad car, or light rail car that is used for either personal purpose or is regularly used for purposes other than the display of signs.

Wall Sign: A sign that is painted or attached on a wall of a building, and extending no more than twelve inches from the wall. Window signs that are permanently attached to the outside of a window are wall signs.

Window Sign: Includes text or graphics that are painted on or attached to a window. Window signs do not include business hours of operation or non-illuminated open/closed signs.

Existing LUDC 7.2.111.07.D- Permitted Sign Types Deleted

4. Prohibited Signs. Signs not conforming to Section ~~7.4 7.2.111~~ of the Dayton Municipal Code are unlawful and shall constitute a Class C violation according to the City of Dayton Fee Schedule.
 - A. Installation or posting of any notice or signage on utility poles, street lights, stop signs, other street signs, trees in the public right-of-way, public places or premises shall be prohibited without approval from the Utility or the City of Dayton.
 - B. Access. Signs that block ingress or egress so as to interfere with the flow of pedestrian or vehicle traffic, doors, windows, fire escapes or parking areas shall be prohibited.
 - C. Billboards.
 - D. Any sign on vacant property unless allowed as a temporary sign.
 - E. Condition. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.
 - F. Reader board or portable signs.

- ~~G. Obscene Signs- A sign that creates a public nuisance displaying an obscenity as defined under ORS Chapter 167 Any sign upon which displays any obscenity or obscene material as defined in ORS Chapter 167.~~
 - H. Flashing signs, signs that produce glare, or animated signs that change image more than six times per minute.
5. Exempt Signs. The following signs and devices shall not be subject to the provisions of this Chapter and shall no require approval from the City.
- A. Identification Signs. Memorial and Historic Identification Signs and Donation Plates. Memorial tablets, cornerstones, donation plates or similar plaques, such as National Register listing, not exceeding six square feet.
 - B. Occupant or Owner Sign. A sign identifying the name of the occupant or owner, provided the sign is not larger than one (1) square foot, is not illuminated and is either attached to the structure or located within the front yard setback.
 - C. Window signs shall not be calculated in total sign area calculations but are limited to a maximum of twenty-four (24) square feet or twenty five percent (25%) of the total window area, whichever is less.
 - D. State Highway Requirements. Applicants are advised to contact the State Highway Division of the Oregon Department of Transportation regarding other possible sign regulations adjacent to Ferry Street and Third Street.
 - E. Vehicle Signs. Signs painted on or otherwise attached to vehicles.
6. Non-conforming signs: Non-conforming signs are subject to the following provisions: **(Added new section)**
- a. Legally established nonconforming permanent signs may continue to exist in accordance with this section. Nonconforming Signs that were not legally established have no legal right to continue and must be removed or reconstructed in conformance with this code.
 - b. Maintenance. A non-conforming sign may undergo normal maintenance, which includes normal care or servicing needed to keep a sign functional, such as cleaning, replacing or repairing a part made unusable by ordinary wear, and changing light bulbs. "Normal maintenance" excludes major structural repairs designed to extend the useful life of the non-conforming sign.
 - c. Sign face. The sign face or sign copy may be changed without affecting the nonconforming status of the sign.
 - d. Ownership. Should a property change ownership or a building have a new tenant, all non-conforming signs must be removed within six months of the change.**
 - e. Changes to nonconforming signs.
 - i. A non-conforming sign shall not be enlarged or altered in a way that would increase its nonconformity.
 - ii. Signs and sign structures that are moved or replaced shall be brought into conformance with the sign regulations.
 - iii. Signs that are structurally altered **by** more than fifty (50) percent of the replacement value, shall be brought into conformance with the sign regulations.

- iv. Signs that are structurally altered by fifty (50) percent or less than the replacement value may continue to be used as a nonconforming sign provided the alterations do not increase the nonconformity of the sign.
- f. Damaged nonconforming signs:
 - i. When a nonconforming sign is damaged by wind, fire, neglect or by any other cause, and such damage exceeds fifty (50) percent of its replacement value, non-conforming sign shall be removed or brought into conformance with the sign regulations **within 6 months of the date the damage occurred.**
 - ii. When a nonconforming sign is damaged by wind, fire, or by any other cause and the estimated cost to repair the sign is fifty (50) percent or less of its replacement value, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, provided that such repairs and restoration are started within **six months** ~~one year~~ of the date the sign was damaged and are diligently pursued thereafter.
 - 1. Whenever repairs and restoration of a damaged nonconforming sign are not started within one year of the date the sign was damaged or are diligently pursued once started, the sign shall be deemed abandoned.
 - 2. Abandoned signs shall not be permitted as nonconforming signs. Abandoned signs shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found.
- 7. Off-Premise Signs: Any application for an off-premise sign shall be processed as a conditional use permit in accordance with the provisions of 7.3.107 ~~and shall be subject to the standards of the applicable zone.~~ Approval from the property owner **of the property on which the off-premise sign will be placed** shall be required as part of the sign permit application process. ~~All~~ **A conditional use permit for an off-premise sign shall be subject to the following standards:**
 - A. Sign area may not exceed four square feet in residential zones and 32 square feet in non-residential zones.
 - B. The proposed sign will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.**
 - C. The proposed sign shall comply with all standards of the applicable zone.**
- 8. Adjustments and Variances. **(No changes)**

Sign adjustments/variances shall be reviewed in accordance with a Type I action, as specified in Section 7.3.2 using the criteria listed in 7.2.111.07.G.2.

Criteria for Sign Variance/Adjustments.

- A. Compliance with the applicable standard would create an unnecessary hardship due to physical conditions of the property (topography, lot size or shape, or other circumstances over which the applicant has no control), which are not present on other properties in the CBO, and the adjustment is necessary to permit signage comparable with other properties in the CBO.
- B. The hardship does not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation; and
- C. Approval of the adjustment will not adversely affect the function or appearance of the development and use of the subject property and surrounding properties; and will not impose limitations on other properties and signage in the area including signage that would be allowed on adjacent properties.

7.4.102- Review Procedures (Added Section)

1. All signs not specifically exempt from permitting requirements by Section 7.4.101.5 shall be subject to the permitting procedures of this section. No signs in conflict with any provisions of this ordinance shall be permitted.
2. Permit Fees: Permit fees shall be established by City Council resolution and updated as needed.
3. Application Requirements: An application for a sign permit shall be submitted on a form provided by the City Planner or designee. The application shall include the following items, at minimum:
 - A. A sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises.
 - B. The sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability.
 - C. The names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.
4. Revocation of permits: Sign permits mistakenly issued in violation of these regulations or other provisions of the Dayton Land Use and Development Code are void. The City Planner or designee may revoke a sign permit if they find that there was a material and misleading false statement of fact in the application for the permit.
5. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:
 - a. Compliance with Building Codes. All signs shall comply with the applicable provisions of the Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.
 - b. Materials. Except for banners, flags, portable signs, temporary signs, and window signs conforming in all respects with the requirements of these

regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.

- c. Maintenance. All signs shall be maintained in a good structural condition and readable at all times.
- d. Owner Responsibility. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs.
- e. Aesthetics. All signs shall be professional in appearance, constructed in a workmanship like manner to professional standards.

DESIGN STANDARDS

7.4.103 Residential ~~and Public zones~~

1. Purpose and applicability: To provide a set of regulations for the placement of signs within Residential (R-1, R-2, R-3) zones. ~~and Public zoning districts~~. The provisions within this section shall also apply to residential uses within the Commercial Residential zone.
2. Permitted Signs- All permitted signs are subject to the standards of 7.4.103.3
 - A. Wall, canopy, and window signs.
 - B. Free-standing signs
 - C. Temporary signs. Temporary signs within Residential zones shall be limited to 21 days per calendar year.
3. Maximum sign area
 - A. Single Family and Duplex uses: 6 square feet.
 - B. Multi-family (greater than two units): For subdivisions, multiple-family developments (including planned developments), uses, or identified neighborhood areas, one single- or double-faced, indirectly lit sign not to exceed 24 square feet for one face or 48 square feet in surface area for two or more faces is permitted. The applicant for the sign permit must own or represent a majority of the lots or dwelling units within the subdivision, multiple-family development, identified neighborhood area, or the applicable homeowner's association. If the sign pertains to any development request, then the location and design shall be subject to the appropriate review.
 - C. Temporary Signs: 12 square feet.
4. Maximum sign height: 6 feet
5. Location:
 - A. Wall, canopy or window sign shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted use; provided that wall signs may project into the required setback space up to 1.5 feet.
 - B. Free-standing signs are permitted where fences are allowed for residential uses.

6. Illumination

- A. Single family and duplex uses: Not permitted.
- B. Multi-family: May only be indirectly illuminated by a concealed light source and shall not be illuminated between 10:00 PM and 6:00 AM. No lighting shall blink, flash, fluctuate, or produce glare.
- ~~C. Public/Institutional: May only be indirectly illuminated by a concealed light source and shall not be illuminated between 10:00 PM and 6:00 AM. No lighting shall blink, flash, fluctuate, or produce glare.~~

7.4.104 Commercial Zone

- 1. Purpose and applicability: To provide a set of regulations for the placement of signs within the Commercial (C) zoning district. Signs located on properties within the CBO (Central Business Overlay) shall be subject to the provisions of Section 7.4.105.
- 2. Permitted Signs
 - A. Wall signs
 - B. Free-standing signs
 - C. Temporary signs: The following temporary signs shall be permitted within the Commercial zoning district ~~and shall not be permitted within the public right of way:~~
 - ~~i. Grand opening and special event signs:~~ Permitted Temporary signs are allowed provided they are erected not longer than twenty-one (21) days prior to an event and fifteen (15) days after an event. Temporary fabric or paper signs may be placed upon the window opening of a non-residential building when such signs do not obscure more than twenty (20) percent of the window area, and no more than ten (10) percent of the total primary facade area.
 - ii. All other temporary signs shall be installed for not longer than 30 days in a calendar year.
- 3. Maximum sign area
 - A. Non-Integrated business center
 - i. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 120 square feet.
 - ii. Free-standing signs: 50 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.
 - iii. Temporary signs: 12 square feet
 - B. Integrated business center
 - i. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 120 square feet.
 - 1. ~~Business center identity~~ Wall signs may be placed over all shared main public entries to the business center. Shared public entries must be shared by at least two tenants. Such signs are limited to 130 square feet in size.

2. When an individual business does not have frontage on a street or parking lot, the business is allowed a maximum aggregate wall sign area of 16 square feet.
- ii. Free-standing signs: 50 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.
 1. Shared free-standing signs: Where two or more businesses choose to combine their permitted free-standing signs into one sign, the following standards shall apply:
 - a. One freestanding, shared sign per street frontage that has a customer entrance is allowed. The sign must comply with the provisions of this section. A maximum of 150 square feet of sign area is permitted.
 - iii. Temporary signs: 12 square feet
4. Maximum sign height:
 - A. Wall signs: None, but no sign shall project over a parapet or roof eave.
 - B. Free-standing signs: 20 ~~30~~ feet
5. Location:
 - A. Wall or projecting signs may project up to two feet from a building.
 - B. Free-standing signs within an integrated business center must be located a minimum of 100 feet from one another.
 - C. No limitations, except that signs shall not be located within a right of way and shall comply with requirements for vision clearance areas and special street setbacks.
6. Illumination:
 - A. No lighting shall blink, flash, fluctuate, or produce glare. The applicant must submit a photometric plan showing that there will be no light trespass on neighboring properties.

7.4.105 Central Business Overlay

1. Purpose and applicability: Sign regulations are intended to protect the character while enhancing and contributing to the economic vitality of the commercial core. The City acknowledges the need to effectively communicate and attract the eye to the business for which they are intended to advertise. Signs should be compatible or integrated with the architecture and should not obscure or dominate the building or business. In the review of sign applications within the City, the following criteria and standards shall apply. All properties within the Central Business Overlay (CBO) and all commercial uses within the Commercial Residential (CR) Zone shall be subject to the provisions of this section. Unless specifically listed as a permitted use or type in this section, other sign types and uses are prohibited. The Dayton Sign Code shall not be construed to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other city code provision or other applicable law. In any case where a part of the Dayton Sign Code conflicts with a provision of any zoning, development, building, fire, safety or health

ordinance or code, the provision which establishes a stricter standard for the protection of the public health and safety shall prevail.

2. Permitted Signs- All permitted signs are subject to the standards of 7.4.105
 - A. Wall signs
 - B. Freestanding signs**
 - C. Projecting signs
 - D. A-Board signs (one per tenant space)
 - E. Temporary Signs
 - i. Temporary signs are allowed provided they are erected not longer than sixty (60) days prior to an event and fifteen (15) days after an event. Temporary fabric or paper signs may be placed upon the window opening of a non-residential building when such signs do not obscure more than twenty (20) percent of the window area, and no more than ten (10) percent of the total primary facade area.
 - ii. All other temporary signs shall be installed for not longer than 30 days in a calendar year.**
 - F. Awning signs
 - G. Flags (maximum of two per property)
3. Maximum sign area:
 - A. Wall signs: one (1) square foot of sign area for each one linear foot of building façade not exceeding 100 square feet. This maximum area shall apply to all signs attached to the building such that the total area of all signs combined on the property does not exceed 100 square feet.
 - B. Freestanding Signs: 32 square feet**
 - C. Projecting signs: Blade, projecting or hanging signs shall be limited to one (1) per tenant space. Projecting signs shall have a maximum area of eight (8) square feet.
 - D. One (1) A-Board sign is permitted per business or property and shall measure no more than three (3) feet wide and not more than four (4) feet high. A-Board signs shall not be calculated in total sign area calculations.
 - E. Temporary signs: 12 square feet
 - F. Awning: 12 square feet.
 - G. Flags: 15 square feet per flag.
4. Maximum sign height:
 - A. Wall signs: 6 feet. May not project higher than the height of the roof.
 - B. Freestanding signs: 15 feet**
5. Location:
 - A. Wall signs shall be placed in traditional locations in order to fit within architectural features, such as: above transoms, on cornice fascia boards, or below cornices.
 - B. The edge of a projecting sign furthest from the wall shall not extend more than 42 inches from a wall, the bottom of the sign shall be no lower than eight (8) feet above a right-of-way or private sidewalk area and the top of the sign shall not extend over the roof line of the building.
 - C. A-board signs

- i. A-Board signs may be placed upon private property or within an adjacent public right-of-way along the frontage of the business displaying the sign when a minimum of forty-two (42) inches of clear pedestrian walkway is available immediately adjacent to the sign.
 - ii. Removal. A-Board signs shall be movable at all times and displayed only during the hours the business is open.
 - D. Freestanding
 - E. Temporary signs must be located on the subject property and may not infringe upon the frontage of another business.
 - F. Awnings: Text on awnings shall be limited to that placed upon the awning skirt only and shall be included in the calculation of the maximum allowable sign area.
 - 6. Illumination
 - A. Hanging signs may be externally illuminated although ambient light is usually sufficient to light these small signs. Planning staff must review and approve alternative lighting designs.
 - B. Direct or in-direct illumination shall be permitted, provided all illumination is directed away from adjacent property. **The applicant must submit a photometric plan showing that there will be no light trespass on neighboring properties.** Neon or LED signage shall be limited to one (1) sign per business, not exceeding three (3) square feet in area, and shall be limited to three (3) colors. Strobe, blinking or flashing lights are prohibited.
 - 7. Design guidelines: All signs within the CBO shall be subject to the following design guidelines. While not design standards, staff shall consider the guidelines during review:
 - A. General Design Concerns
 - i. Signage on all buildings, historic and contemporary, should be carefully considered, taking into account the scale, character and design of the subject building and its surrounding context.
 - ii. Signs should not dominate building facades or obscure their architectural features (arches, transom panels, sills, moldings, cornices, windows, etc.)
 - iii. Design, selection of materials, and workmanship should be of high quality in appearance and character, complementary to the materials and character of the building, and convey a sense of permanence and durability.
 - iv. In a downtown setting, the design of signage should be oriented and sized to reflect the nature of movement around the building, with an emphasis primarily on the pedestrian and slow-moving traffic.
 - v. The design of signage should be respectful of the building on which it is located, carefully designed to fit a given façade, and complementing the building's architectural features.
 - vi. Where multiple signs occur on a single building, there should be a common pattern and character between such signs. Signs need not all be identical, but there should be a common pattern or placement, general scale and design, and type of illumination.

- B. The placement of signage should take into account the traditional location of signage on buildings and the specific architectural features of the given façade. Features to consider include existing sign boards, lower cornices, lintels and piers.
- C. The placement of signage should not visually obscure architecturally significant features of the building.
- D. The use of a continuous sign band extending over adjacent shops within the same building is encouraged, as a unifying element.
- E. Where signage is proposed on (or behind) window surfaces, such signage should not substantially obscure visibility through the window and should be incidental to the scale of the window. Larger window signs will be considered in the overall sign allowances for individual tenants.
- F. Generally, the placement of signage should occur below the sill of the second story windows. Placement elsewhere on a building may be considered under the following circumstances:
 - i. Where the design of the base portion of the building establishes some higher point as an appropriate location;
 - ii. where unusual site characteristics exist; or
 - iii. where the proposed signage exhibits exceptional design merit and is integrated into the design vocabulary of the subject building.
 - iv. Where signage is proposed on (or behind) window surfaces, such signage should not substantially obscure visibility through the window and should be incidental to the scale of the window. Larger window signs will be considered in the overall sign allowances for individual tenants.
 - v. For historic structures, upper floor signage (including rooftop signs) is generally not allowed, except for permanent window signs or where unique circumstances warrant an exception (e.g. where a historically or architecturally significant rooftop sign is to be recreated).
 - vi. Freestanding signs are generally not allowed. However, if the distance of the building or tenant's frontage from the street makes a building sign infeasible or ineffective, a freestanding sign may be considered. Integration of such signs into site features, such as planter walls, is encouraged.
 - vii. In addition to placement criteria above, the minimum clearance of projecting signs, awnings, canopies and marquees from the sidewalk must conform to current building codes (generally 8' clearance).
 - viii. The placement of signs must not disrupt or obstruct the vision of drivers or pedestrians so as to create a hazardous situation. No signs should be so located as to significantly obstruct pedestrian circulation.

7.4.106 Industrial

1. Purpose and applicability: Purpose and applicability: To provide a set of regulations for the placement of signs within the Industrial (I) zone.
2. Permitted Signs

- A. Wall signs
 - B. Freestanding signs
 - C. Awning signs
 - D. Temporary Signs
 - i. Temporary signs are allowed provided they are erected not longer than sixty (60) days prior to an event and fifteen (15) days after an event. Temporary fabric or paper signs may be placed upon the window opening of a non-residential building when such signs do not obscure more than twenty (20) percent of the window area, and no more than ten (10) percent of the total primary facade area.
 - ii. All other temporary signs shall be installed for not longer than 30 days in a calendar year.
2. Maximum sign area
 - A. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 120 square feet.
 - i. A tenant occupying a minimum of 40,000 square feet will be allowed a maximum of 200 square feet.
 - B. Free-standing signs: 50 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.
 - C. Temporary signs: 12 square feet
 3. Maximum sign height:
 - A. Wall signs: No maximum, but no sign shall not project onto or over a parapet or roof eave.
 - B. Free-standing signs: 30 feet
 4. Location:
 - A. Wall or projecting signs may project up to two feet from a building.
 - B. Signs shall be placed on the central 50 percent of the street frontage or 50 feet from any adjacent freestanding sign. Signs on corner properties may be placed near the corner if vision clearance provisions are met.
 - C. No limitations, except that signs shall not be located within a right of way and shall comply with requirements for vision clearance areas and special street setbacks.
 5. Illumination:
 - A. No lighting shall blink, flash, fluctuate, or produce glare. The applicant must submit a photometric plan showing that there will be no light trespass on neighboring properties or an adjacent public right of way.

7.4.107- Public

1. Purpose and applicability: To provide a set of regulations for the placement of signs within the Public zoning district.
2. Permitted Signs- All permitted signs are subject to the standards of 7.4.107
 - A. Wall, canopy, and window signs.
 - B. Free-standing signs

- C. Temporary signs. Temporary signs within the Public Zone shall be limited to 21 days per calendar year, with a maximum of 5 signs per calendar year.
- 3. Maximum sign area
 - A. 32 square feet
- 4. Maximum sign height:
 - A. Freestanding Signs: 20 feet
 - B. Wall Signs: 6 feet, but no sign shall project over a parapet or roof eave.
- 5. Location
 - A. Wall or projecting signs may project up to two feet from a building.
 - B. Signs shall be placed on the central 50 percent of the street frontage or 50 feet from any adjacent freestanding sign. Signs on corner properties may be placed near the corner if vision clearance provisions are met.
- 6. Illumination
 - A. May only be indirectly illuminated by a concealed light source and shall not be illuminated between 10:00 PM and 6:00 AM. No lighting shall blink, flash, fluctuate, or produce glare. Animated signs are permitted so long as they do not change image more than 6 times per minute.

Exhibit B- Draft Amendments

7.2.111.07 Signs

Sign standards within the Central Business Overlay Zone may be found in Section 7.4.105

7.4.101 General Provisions

1. Applicability. All properties within Dayton City Limits shall be subject to the provisions of this section. Unless specifically listed as a permitted use or type in this section, other sign types and uses are prohibited.
2. Purpose
 - A. While signs communicate all types of helpful information, unregulated signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this section is to regulate the size, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values; the character of the various neighborhoods; the creation of a convenient, attractive, and harmonious community; protection against destruction of or encroachment on historic properties, convenience to citizens and encouraging economic development. This section allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. If any provision of this section is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this section which can be given effect without the invalid provision.
 - B. A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein must be deemed to be an integral, but accessory and subordinate, part of the principal use of land or building. Therefore, the intent of this section is to establish limitations on signs to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (A) of this section.
 - C. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
 - D. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
 - E. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

3. Definitions:

Abandoned Sign: A sign that is no longer used by the person who constructed/installed the sign on the property where the sign is located or cessation of use of the property where the sign is located.

A-Board Sign: Includes signs that are ordinarily in the shape of an “A”, or some variation thereof, on the ground, easily movable and which is usually two sided.

Area Sign: The area contained within lines drawn between or around the outermost points of a sign, including cutouts, but does not include essential sign structure, foundations or supports. The area of a sign having two display surfaces facing in opposite traffic directions shall be computed by measuring the largest face. For signs having two or more display surfaces, the area is the maximum area of the surfaces that can be seen from any one point.

Banner Sign: A sign made of fabric or other non-rigid material with no enclosing framework or not affixed to the primary structure and shall include every type of decoration or banner displayed over or upon the city streets of the City of Dayton on a temporary or seasonal basis, whether attached to utility poles or any other structure.

Billboard: A sign height over ten feet from the ground surface, on which same is located, to the top of such billboard, and sign area greater than sixty-four (64) square feet, on which the copy is designed to be periodically changed and which is not located on the premises to which such advertising copy pertains.

Direct Illumination: A source of illumination directed towards such signs so that the beam of light falls upon the exterior surface of the sign.

Facade: The architectural front of a building; usually the front but sometimes the rear or side, used to meet architectural treatment details and setting the tone for the rest of the building.

Freestanding Sign: A sign, including monument signs, supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

Government Sign: A sign erected, constructed, or placed within the public right-of-way or on public property by or with the approval of the government agency having authority over, control of, or ownership of the right-of-way or public property.

Illuminated Sign: A sign illuminated by an interior or exterior light source, which exterior light source is primarily designed to illuminate such sign.

Integrated Business Center: A group of two or more businesses that are planned or designed as a center, or Center: share a common off-street parking area or access, whether or not the businesses, buildings, or land are under common ownership.

Light-Emitting Diode or LED: A form of illumination using a semiconductor light source that converts applied voltage to light and is used in digital displays.

Mural: A hand-painted, hand-tiled or digitally printed image on the exterior wall of a building.

Neon Light: A form of illumination using inert gases in glass tubes and includes black light and other neon lights.

Nonconforming Sign: A sign that was lawful when it was constructed but does not meet the requirements of this Section.

Off-Premise Sign: A sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered at a different location than the property on which the sign is located.

Portable Sign: A sign that is not attached to any building or facade that is easily portable. It may stand alone or be illuminated, have wheels attached, or be located on a trailer.

Projecting Sign or Blade Sign: A two-sided sign other than a wall sign which projects beyond the building surface to which it is attached.

Reader Board: Any sign not permanently attached to the ground or building and capable of being moved from place to place, including signs attached to vehicles and trailers.

Sign: A display, illustration, structure or device that has a visual display visible from a right-of-way, private roadway or lot under other ownership.

Temporary Sign: A sign not permanently attached to a building, structure or ground that is intended to be displayed for a limited period of time. Such signs may include banners, pennants, streamers, spinners, or other similar devices.

Vehicle Sign: A sign placed in or attached to the motor vehicle, trailer, railroad car, or light rail car that is used for either personal purpose or is regularly used for purposes other than the display of signs.

Wall Sign: A sign that is painted or attached on a wall of a building, and extending no more than twelve inches from the wall. Window signs that are permanently attached to the outside of a window are wall signs.

Window Sign: Includes text or graphics that are painted on or attached to a window. Window signs do not include business hours of operation or non-illuminated open/closed signs.

4. Prohibited Signs. Signs not conforming to Section 7.4 of the Dayton Municipal Code are unlawful and shall constitute a Class C violation according to the City of Dayton Fee Schedule.
 - A. Installation or posting of any notice or signage on utility poles, street lights, stop signs, other street signs, trees in the public right-of-way, public places or premises shall be prohibited without approval from the Utility or the City of Dayton.
 - B. Access. Signs that block ingress or egress so as to interfere with the flow of pedestrian or vehicle traffic, doors, windows, fire escapes or parking areas shall be prohibited.
 - C. Billboards.
 - D. Any sign on vacant property unless allowed as a temporary sign.
 - E. Condition. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.
 - F. Reader board or portable signs.
 - G. Obscene Signs- A sign that creates a public nuisance displaying an obscenity as defined under ORS Chapter 167.
 - H. Flashing signs, signs that produce glare, or animated signs that change image more than six times per minute.
5. Exempt Signs. The following signs and devices shall not be subject to the provisions of this Chapter and shall no require approval from the City.
 - A. Identification Signs. Memorial and Historic Identification Signs and Donation Plates. Memorial tablets, cornerstones, donation plates or similar plaques, such as National Register listing, not exceeding six square feet.
 - B. Occupant or Owner Sign. A sign identifying the name of the occupant or owner, provided the sign is not larger than one (1) square foot, is not illuminated and is either attached to the structure or located within the front yard setback.
 - C. Window signs shall not be calculated in total sign area calculations but are limited to a maximum of twenty-four (24) square feet or twenty five percent (25%) of the total window area, whichever is less.
 - D. State Highway Requirements. Applicants are advised to contact the State Highway Division of the Oregon Department of Transportation regarding other possible sign regulations adjacent to Ferry Street and Third Street.
 - E. Vehicle Signs. Signs painted on or otherwise attached to vehicles.
6. Non-conforming signs: Non-conforming signs are subject to the following provisions:
 - a. Legally established nonconforming permanent signs may continue to exist in accordance with this section. Nonconforming Signs that were not legally established have no legal right to continue and must be removed or reconstructed in conformance with this code.

- b. Maintenance. A non-conforming sign may undergo normal maintenance, which includes normal care or servicing needed to keep a sign functional, such as cleaning, replacing or repairing a part made unusable by ordinary wear, and changing light bulbs. "Normal maintenance" excludes major structural repairs designed to extend the useful life of the non-conforming sign.
 - c. Sign face. The sign face or sign copy may be changed without affecting the nonconforming status of the sign.
 - d. Ownership. Should a property change ownership or a building have a new tenant, all non-conforming signs must be removed within six months of the change.
 - e. Changes to nonconforming signs.
 - i. A non-conforming sign shall not be enlarged or altered in a way that would increase its nonconformity.
 - ii. Signs and sign structures that are moved or replaced shall be brought into conformance with the sign regulations.
 - iii. Signs that are structurally altered by more than fifty (50) percent of the replacement value, shall be brought into conformance with the sign regulations.
 - iv. Signs that are structurally altered by fifty (50) percent or less than the replacement value may continue to be used as a nonconforming sign provided the alterations do not increase the nonconformity of the sign.
 - f. Damaged nonconforming signs:
 - i. When a nonconforming sign is damaged by wind, fire, neglect or by any other cause, and such damage exceeds fifty (50) percent of its replacement value, non-conforming sign shall be removed or brought into conformance with the sign regulations within 6 months of the date the damage occurred.
 - ii. When a nonconforming sign is damaged by wind, fire, neglect or by any other cause and the estimated cost to repair the sign is fifty (50) percent or less of its replacement value, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, provided that such repairs and restoration are started within six months of the date the sign was damaged and are diligently pursued thereafter.
 - 1. Whenever repairs and restoration of a damaged nonconforming sign are not started within one year of the date the sign was damaged or are diligently pursued once started, the sign shall be deemed abandoned.
 - 2. Abandoned signs shall not be permitted as nonconforming signs. Abandoned signs shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found.
7. Off-Premise Signs: Any application for an off-premise sign shall be processed as a conditional use permit in accordance with the provisions of 7.3.107. Approval from the

property owner of the property on which the off-premise sign will be placed shall be required as part of the sign permit application process. A conditional use permit for an off-premise sign shall be subject to the following standards:

- A. Sign area may not exceed four square feet in residential zones and 32 square feet in non-residential zones.
 - B. The proposed sign will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.
 - C. The proposed sign shall comply with all standards of the applicable zone.
8. Adjustments and Variances.

Sign adjustments/variances shall be reviewed in accordance with a Type I action, as specified in Section 7.3.2 using the criteria listed in 7.2.111.07.G.2.

Criteria for Sign Variance/Adjustments.

- A. Compliance with the applicable standard would create an unnecessary hardship due to physical conditions of the property (topography, lot size or shape, or other circumstances over which the applicant has no control), which are not present on other properties in the CBO, and the adjustment is necessary to permit signage comparable with other properties in the CBO.
- B. The hardship does not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation; and
- C. Approval of the adjustment will not adversely affect the function or appearance of the development and use of the subject property and surrounding properties; and will not impose limitations on other properties and signage in the area including signage that would be allowed on adjacent properties.

7.4.102- Review Procedures

- 1. All signs not specifically exempt from permitting requirements by Section 7.4.101.5 shall be subject to the permitting procedures of this section. No signs in conflict with any provisions of this ordinance shall be permitted.
- 2. Permit Fees: Permit fees shall be established by City Council resolution and updated as needed.
- 3. Application Requirements: An application for a sign permit shall be submitted on a form provided by the City Planner or designee. The application shall include the following items, at minimum:
 - A. A sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises.

- B. The sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability.
 - C. The names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.
4. Revocation of permits: Sign permits mistakenly issued in violation of these regulations or other provisions of the Dayton Land Use and Development Code are void. The City Planner or designee may revoke a sign permit if they find that there was a material and misleading false statement of fact in the application for the permit.
5. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:
- a. Compliance with Building Codes. All signs shall comply with the applicable provisions of the Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.
 - b. Materials. Except for banners, flags, portable signs, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.
 - c. Maintenance. All signs shall be maintained in a good structural condition and readable at all times.
 - d. Owner Responsibility. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs.
 - e. Aesthetics. All signs shall be professional in appearance, constructed in a workmanship like manner to professional standards.

DESIGN STANDARDS

7.4.103 Residential

1. Purpose and applicability: To provide a set of regulations for the placement of signs within Residential (R-1, R-2, R-3) zones. The provisions within this section shall also apply to residential uses within the Commercial Residential zone.
2. Permitted Signs- All permitted signs are subject to the standards of 7.4.103.
 - A. Wall, canopy, and window signs.
 - B. Free-standing signs
 - C. Temporary signs. Temporary signs within Residential zones shall be limited to 21 days per calendar year.
3. Maximum sign area
 - A. Single Family and Duplex uses: 6 square feet.

- B. Multi-family (greater than two units): For subdivisions, multiple-family developments (including planned developments), uses, or identified neighborhood areas, one single- or double-faced, indirectly lit sign not to exceed 24 square feet for one face or 48 square feet in surface area for two or more faces is permitted. The applicant for the sign permit must own or represent a majority of the lots or dwelling units within the subdivision, multiple-family development, identified neighborhood area, or the applicable homeowner's association. If the sign pertains to any development request, then the location and design shall be subject to the appropriate review.
- C. Temporary Signs: 12 square feet.
- 4. Maximum sign height: 6 feet
- 5. Location:
 - A. Wall, canopy or window sign shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted use; provided that wall signs may project into the required setback space up to 1.5 feet.
 - B. Free-standing signs are permitted where fences are allowed for residential uses.
- 6. Illumination
 - A. Single family and duplex uses: Not permitted.
 - B. Multi-family: May only be indirectly illuminated by a concealed light source and shall not be illuminated between 10:00 PM and 6:00 AM. No lighting shall blink, flash, fluctuate, or produce glare.

7.4.104 Commercial Zone

- 1. Purpose and applicability: To provide a set of regulations for the placement of signs within the Commercial (C) zoning district. Signs located on properties within the CBO (Central Business Overlay) shall be subject to the provisions of Section 7.4.104.
- 2. Permitted Signs
 - A. Wall signs
 - B. Free-standing signs
 - C. Temporary signs: The following temporary signs shall be permitted within the Commercial zoning district:
 - i. Permitted Temporary signs are allowed provided they are erected not longer than twenty-one (21) days prior to an event and fifteen (15) days after an event. Temporary fabric or paper signs may be placed upon the window opening of a non-residential building when such signs do not obscure more than twenty (20) percent of the window area, and no more than ten (10) percent of the total primary facade area.
 - ii. All other temporary signs shall be installed for not longer than 30 days in a calendar year.
- 3. Maximum sign area
 - A. Non-Integrated business center

- i. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 120 square feet.
 - ii. Free-standing signs: 50 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.
 - iii. Temporary signs: 12 square feet
 - B. Integrated business center
 - i. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 120 square feet.
 - 1. Wall signs may be placed over all shared main public entries to the business center. Shared public entries must be shared by at least two tenants. Such signs are limited to 130 square feet in size.
 - 2. When an individual business does not have frontage on a street or parking lot, the business is allowed a maximum aggregate wall sign area of 16 square feet.
 - ii. Free-standing signs: 50 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.
 - 1. Shared free-standing signs: Where two or more businesses choose to combine their permitted free-standing signs into one sign, the following standards shall apply:
 - a. One freestanding, shared sign per street frontage that has a customer entrance is allowed. The sign must comply with the provisions of this section. A maximum of 150 square feet of sign area is permitted.
 - iii. Temporary signs: 12 square feet
- 4. Maximum sign height:
 - A. Wall signs: None, but no sign shall project over a parapet or roof eave.
 - B. Free-standing signs: 20 feet
- 5. Location:
 - A. Wall or projecting signs may project up to two feet from a building.
 - B. Free-standing signs within an integrated business center must be located a minimum of 100 feet from one another.
 - C. No limitations, except that signs shall not be located within a right of way and shall comply with requirements for vision clearance areas and special street setbacks.
- 6. Illumination:
 - A. No lighting shall blink, flash, fluctuate, or produce glare. The applicant must submit a photometric plan showing that there will be no light trespass on neighboring properties.

7.4.105 Central Business Overlay

- 1. Purpose and applicability: Sign regulations are intended to protect the character while enhancing and contributing to the economic vitality of the commercial core. The City

acknowledges the need to effectively communicate and attract the eye to the business for which they are intended to advertise. Signs should be compatible or integrated with the architecture and should not obscure or dominate the building or business. In the review of sign applications within the City, the following criteria and standards shall apply. All properties within the Central Business Overlay (CBO) and all commercial uses within the Commercial Residential (CR) Zone shall be subject to the provisions of this section. Unless specifically listed as a permitted use or type in this section, other sign types and uses are prohibited. The Dayton Sign Code shall not be construed to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other city code provision or other applicable law. In any case where a part of the Dayton Sign Code conflicts with a provision of any zoning, development, building, fire, safety or health ordinance or code, the provision which establishes a stricter standard for the protection of the public health and safety shall prevail.

2. Permitted Signs- All permitted signs are subject to the standards of 7.4.105
 - A. Wall signs
 - B. Freestanding signs
 - C. Projecting signs
 - D. A-Board signs (one per tenant space)
 - E. Temporary Signs
 - i. Temporary signs are allowed provided they are erected not longer than sixty (60) days prior to an event and fifteen (15) days after an event. Temporary fabric or paper signs may be placed upon the window opening of a non-residential building when such signs do not obscure more than twenty (20) percent of the window area, and no more than ten (10) percent of the total primary facade area.
 - ii. All other temporary signs shall be installed for not longer than 30 days in a calendar year.
 - F. Awning signs
 - G. Flags (maximum of two per property)
3. Maximum sign area:
 - A. Wall signs: one (1) square foot of sign area for each one linear foot of building façade not exceeding 100 square feet. This maximum area shall apply to all signs attached to the building such that the total area of all signs combined on the property does not exceed 100 square feet.
 - B. Freestanding Signs: 32 square feet
 - C. Projecting signs: Blade, projecting or hanging signs shall be limited to one (1) per tenant space. Projecting signs shall have a maximum area of eight (8) square feet.
 - D. One (1) A-Board sign is permitted per business or property and shall measure no more than three (3) feet wide and not more than four (4) feet high. A-Board signs shall not be calculated in total sign area calculations.
 - E. Temporary signs: 12 square feet
 - F. Awning: 12 square feet.
 - G. Flags: 15 square feet per flag.

4. Maximum sign height:
 - A. Wall signs: 6 feet. May not project higher than the height of the roof.
 - B. Freestanding signs: 15 feet
5. Location:
 - A. Wall signs shall be placed in traditional locations in order to fit within architectural features, such as: above transoms, on cornice fascia boards, or below cornices.
 - B. The edge of a projecting sign furthest from the wall shall not extend more than 42 inches from a wall, the bottom of the sign shall be no lower than eight (8) feet above a right-of-way or private sidewalk area and the top of the sign shall not extend over the roof line of the building.
 - C. A-board signs
 - i. A-Board signs may be placed upon private property or within an adjacent public right-of-way along the frontage of the business displaying the sign when a minimum of forty-two (42) inches of clear pedestrian walkway is available immediately adjacent to the sign.
 - ii. Removal. A-Board signs shall be movable at all times and displayed only during the hours the business is open.
 - D. Freestanding
 - E. Temporary signs must be located on the subject property and may not infringe upon the frontage of another business.
 - F. Awnings: Text on awnings shall be limited to that placed upon the awning skirt only and shall be included in the calculation of the maximum allowable sign area.
6. Illumination
 - A. Hanging signs may be externally illuminated although ambient light is usually sufficient to light these small signs. Planning staff must review and approve alternative lighting designs.
 - B. Direct or in-direct illumination shall be permitted, provided all illumination is directed away from adjacent property. The applicant must submit a photometric plan showing that there will be no light trespass on neighboring properties.
 - C. Neon or LED signage shall be limited to one (1) sign per business, not exceeding three (3) square feet in area, and shall be limited to three (3) colors. Strobe, blinking or flashing lights are prohibited.
7. Design guidelines: All signs within the CBO shall be subject to the following design guidelines. While not design standards, staff shall consider the guidelines during review:
 - A. General Design Concerns
 - i. Signage on all buildings, historic and contemporary, should be carefully considered, taking into account the scale, character and design of the subject building and its surrounding context.
 - ii. Signs should not dominate building facades or obscure their architectural features (arches, transom panels, sills, moldings, cornices, windows, etc.)
 - iii. Design, selection of materials, and workmanship should be of high quality in appearance and character, complementary to the materials and

character of the building, and convey a sense of permanence and durability.

- iv. In a downtown setting, the design of signage should be oriented and sized to reflect the nature of movement around the building, with an emphasis primarily on the pedestrian and slow-moving traffic.
 - v. The design of signage should be respectful of the building on which it is located, carefully designed to fit a given façade, and complementing the building's architectural features.
 - vi. Where multiple signs occur on a single building, there should be a common pattern and character between such signs. Signs need not all be identical, but there should be a common pattern or placement, general scale and design, and type of illumination.
- B. The placement of signage should take into account the traditional location of signage on buildings and the specific architectural features of the given façade. Features to consider include existing sign boards, lower cornices, lintels and piers.
- C. The placement of signage should not visually obscure architecturally significant features of the building.
- D. The use of a continuous sign band extending over adjacent shops within the same building is encouraged, as a unifying element.
- E. Where signage is proposed on (or behind) window surfaces, such signage should not substantially obscure visibility through the window and should be incidental to the scale of the window. Larger window signs will be considered in the overall sign allowances for individual tenants.
- F. Generally, the placement of signage should occur below the sill of the second story windows. Placement elsewhere on a building may be considered under the following circumstances:
- i. Where the design of the base portion of the building establishes some higher point as an appropriate location;
 - ii. where unusual site characteristics exist; or
 - iii. where the proposed signage exhibits exceptional design merit and is integrated into the design vocabulary of the subject building.
 - iv. Where signage is proposed on (or behind) window surfaces, such signage should not substantially obscure visibility through the window and should be incidental to the scale of the window. Larger window signs will be considered in the overall sign allowances for individual tenants.
 - v. For historic structures, upper floor signage (including rooftop signs) is generally not allowed, except for permanent window signs or where unique circumstances warrant an exception (e.g. where a historically or architecturally significant rooftop sign is to be recreated).
 - vi. Freestanding signs are generally not allowed. However, if the distance of the building or tenant's frontage from the street makes a building sign infeasible or ineffective, a freestanding sign may be considered. Integration of such signs into site features, such as planter walls, is encouraged.

- vii. In addition to placement criteria above, the minimum clearance of projecting signs, awnings, canopies and marquees from the sidewalk must conform to current building codes (generally 8' clearance).
- viii. The placement of signs must not disrupt or obstruct the vision of drivers or pedestrians so as to create a hazardous situation. No signs should be so located as to significantly obstruct pedestrian circulation.

7.4.106 Industrial

1. Purpose and applicability: Purpose and applicability: To provide a set of regulations for the placement of signs within the Industrial (I) zone.
2. Permitted Signs. All permitted signs are subject to the regulations of Section 7.4.106.
 - A. Wall signs
 - B. Freestanding signs
 - C. Awning signs
 - D. Temporary signs
 - E. Temporary signs.
 - i. Temporary signs are allowed provided they are erected not longer than sixty (60) days prior to an event and fifteen (15) days after an event. Temporary fabric or paper signs may be placed upon the window opening of a non-residential building when such signs do not obscure more than twenty (20) percent of the window area, and no more than ten (10) percent of the total primary facade area.
 - ii. All other temporary signs shall be installed for not longer than 30 days in a calendar year.
2. Maximum sign area
 - A. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 120 square feet.
 - i. A tenant occupying a minimum of 40,000 square feet will be allowed a maximum of 200 square feet.
 - B. Free-standing signs: 50 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.
 - C. Temporary signs: 12 square feet
3. Maximum sign height:
 - A. Wall signs: No maximum, but no sign shall not project onto or over a parapet or roof eave.
 - B. Free-standing signs: 30 feet
4. Location:
 - A. Wall or projecting signs may project up to two feet from a building.
 - B. Signs shall be placed on the central 50 percent of the street frontage or 50 feet from any adjacent freestanding sign. Signs on corner properties may be placed near the corner if vision clearance provisions are met.
 - C. No limitations, except that signs shall not be located within a right of way and shall comply with requirements for vision clearance areas and special street setbacks.

5. Illumination:
 - A. No lighting shall blink, flash, fluctuate, or produce glare. The applicant must submit a photometric plan showing that there will be no light trespass on neighboring properties or an adjacent public right of way.

7.4.107- Public

1. Purpose and applicability: To provide a set of regulations for the placement of signs within the Public zoning district.
2. Permitted Signs- All permitted signs are subject to the standards of 7.4.107
 - A. Wall, canopy, and window signs.
 - B. Free-standing signs
 - C. Temporary signs: Temporary signs. Temporary signs within the Public Zone shall be limited to 21 days per calendar year, with a maximum of 5 signs per calendar year.
3. Maximum sign area
 - A. 32 square feet
4. Maximum sign height:
 - A. Wall signs: 6 feet but no sign shall project over a parapet or roof eave.
 - B. Free-standing signs: 20 feet
5. Location
 - A. Wall or projecting signs may project up to two feet from a building.
 - B. Signs shall be placed on the central 50 percent of the street frontage or 50 feet from any adjacent freestanding sign. Signs on corner properties may be placed near the corner if vision clearance provisions are met.
6. Illumination
 - A. May only be indirectly illuminated by a concealed light source and shall not be illuminated between 10:00 PM and 6:00 AM. No lighting shall blink, flash, fluctuate, or produce glare. Animated signs are permitted so long as they do not change image more than 6 times per minute.

Heights of existing signs

Block House (Free standing, Wood)

Height 4'3"

3' x 3' = 9 Square feet

Zone: CR

Dayton Christian Church (Free standing, Wood & changeable letter display)

Height 7'4"

4'6" x 4'6" = 20.25 Square feet

Zone: R-2

Grade School (Free standing, Electric reader board)

Height 14'6"

7'6" x 4' = 30 Square feet

Zone: P

Dollar General (Free standing, Electric)

Height 20'8"

15'6" x 6' = 93 Square feet

Zone: C

Fire Department (Free standing, Electric, Changeable letter display)

Height 6'4"

6' x 4'6" = 27 Square feet

Zone: C

Pirates Den (Free standing, Electric)

Height 12'9"

6'6" x 2'6" = 16.25 Square feet

Zone: C

High School (Free standing, Wood)

Height 5'

8' x 4' = 32 Square feet

Zone: P

High School (Mounted to building, Electric)

Height 12'7"

7'6" x 4'6" = 33.75 Square feet

Zone: P

Center Market (Free standing, Electric)

Height 16'9"

6'6" x 6'6" = 42.25 Square feet

Zone: C

Junior High (Mounted to building, Electric)

Height 13'7"

7' x 2'6" = 17.5 Square feet

Zone: P

Fresa Park (Free standing, Wood)

Height 3'

5'6" x 3' = 16.5 Square feet

Zone: R-2

Country View Manor (Free standing, Electric)

Height 12'10"

4'6" x 4' = 18 Square feet

Zone: R-3

Dayton First Baptist Church (Free standing, Electric, Changeable letter display)

Height 5'6"

8' x 3' = 24 Square feet

Zone: R-1

By-Pass (Mounted to building, Electric)

Height 14'6"

5' x 4' = 20 Square feet

Zone: C

US Bank (Mounted to building, Electric)

Height 15'4"

4' x 5'6" = 22 Square feet

Zone: C

The Vintages (Free standing, Electric)

Height 30'6"

10' x 12'6" = 125 Square feet

Zone: C

The Joel Palmer House (Free standing, Wood)

Height 6'4"

3'6" x 5' = 17.5 Square feet

Zone: C

May 27, 2021

Via Electronic Mail
City of Dayton Planning Commission
C/O Cyndi Park
416 Ferry Street
Dayton, OR 97114

RE: Legislative Amendment 2021-01 (LA 2021-01) Dayton Sign Code

City of Dayton Planning Commission:

I. Introduction

This office represents Andrea Angell, who owns property in the City of Dayton located at 16405 SE Kreder Road, Dayton, OR 97114 on Highway 18 just north of The Vintages Trailer Resort and Willamette Wine Country RV Park. Please include this letter in the record for LA 2021-01.

We have reviewed the Draft V3 Amendments proposed for Section 7.4 of the City of Dayton Land Use Development Code (LUDC). We would like to commend the planning staff for their work in developing a City-wide sign code with only the existing Central Business Overlay (CBO) provisions to work with. Drafting ordinances is a difficult task, and planning staff has done an excellent job. We do not ask the Planning Commission to make any substantial changes to the proposed amendments, only to consider adding an additional section to apply to properties like Mrs. Angell's that are outside the downtown area and along Highway 18.

II. V3 Proposed Standards

Mrs. Angell's property is an approximately 33-acre parcel split-zoned Commercial and Industrial. The Commercial portion is on the western side of the

property along Highway 18, while the remaining portion is zoned Industrial. The V3 Draft Amendments would establish a maximum wall sign area of 120 square feet and a maximum freestanding sign area of 50 square feet per face in both the Commercial and Industrial zones. Proposed LUDC 7.4.104.3.A.i&ii and LUDC 7.4.106.2.A&B. Proposed LUDC 7.4.106.2.A.i allows a maximum of 200 square feet for wall signs for Industrial tenants occupying at least 40,000 square feet. The most recent amendments would also reduce the maximum height for signs in the Commercial zone to 20 feet from 30 feet. LUDC 7.4.104.3.4.B.

As the February 4, 2021 Work Session #1 Staff Summary states, the “impetus for an update to the Dayton Sign Code was the installment of a large sign located on Ferry Street.” As a result, the City Manager directed staff to prepare a proposal regarding “[d]esign standards for signs in downtown Dayton, particularly surrounding historic properties.” While the proposed amendments will apply throughout the City, it seems reasonably clear that the aim of the amendments is directed more towards the downtown area rather than freeway properties like Mrs. Angell’s.

The proposed amendments make perfect sense for properties located near downtown and the CBO as businesses are close to the street, traffic speed is slower (25-35 MPH), and there are numerous pedestrians. Under those circumstances, the proposed maximum sign areas should be more than sufficient to serve the purpose of identifying the businesses. Mrs. Angell’s property, on the other hand, is fundamentally different than Commercial or Industrial zoned property closer to the downtown area. Properties located north of the Yamhill River along Highway 18 face traffic that is traveling at highway speeds, and the location of signs would likely be much further from the road than in the downtown area. Travelers moving at high speeds and further away from the signs would have difficulty reading the signs at

the proposed size limitations and could even cause a safety hazard if they slow down or veer while trying to read the signs. Such travelers also might just ignore the signs if they are too difficult to read easily.

III. Proposed Addition

City planning staff wisely reviewed the sign codes of nearby similarly sized cities. In particular, planning staff appears to have looked at the City of Albany sign code for guidance. We agree that the City of Albany sign code provisions provide a good example. In the City of Albany, the maximum square footage for wall signs in commercial and industrial zones is 200 square feet rather than the 120 square feet proposed in the V3 Draft Amendments. Albany Development Code (ADC) Table 13-2. The City of Albany also allows a maximum of 160 square feet per face for freestanding signs in commercial and industrial zones rather than the 50 square feet per face in the V3 Draft Amendments. ADC Table 13-3.

Other city sign codes the planning staff looked at also allow larger signs. Independence Development Code (IDC) 58.190 provides:

“General Requirements for Signs in Commercial and Industrial Zones.

“A. Every business shall be allowed a total sign area, including both permanent and Temporary Signs, but excluding Directional and Safety Signs; of $\frac{3}{4}$ square feet per property frontage foot to a maximum of 150 square feet. If all signs are Wall Signs, a total of 1.5 square feet to a total maximum of 300 square feet are allowed. * * *.”

City of Keizer Development Code (KDC) 2.308.08 provides:

“The following regulations apply to signs for commercial and industrial uses:

“A. Non-integrated Business Centers:

- “1. Total allowed area. One and one-half square feet of total allowed sign area for each lineal foot of building frontage, up to a maximum total allowed area of 150 square feet, except that awnings shall be allowed 50% of awning area be exempt from this limit.
- “2. On a Secondary Building Frontage, one wall sign shall be allowed, in addition to that listed above, at the rate of 0.75 sq ft per lineal foot of that portion of the building designated a Secondary Building Frontage, up to a maximum of 75 sq ft.
- “3. Type, maximum number of signs. Within the total allowed area, one free standing sign per street frontage and an unlimited number of wall, canopy or projecting signs shall be limited to a maximum of 100 square feet in area, shall not exceed one sign on each frontage, and shall be oriented to face the traffic flow on the street upon which they front.”

“* * * * *”

Although the total sign area allowed may not be computed exactly the same way, the other city sign codes the planning staff considered allow for larger total sign areas in commercial and industrial zones. We are not asking that all Commercial and Industrial zoned areas have the same maximum sign size restrictions as the other cities, merely that areas outside of the downtown area like Mrs. Angell’s property have larger limits.

The City of Albany recognizes that areas near a freeway need larger signs. ADC 13.530(7) provides:

“Freeway Area Signs General Provisions.

- “(a) The Freeway Interchange Area is defined and shown in Figure 1 [generally located at I-5 Interchange].
- “(b) A business within the freeway Interchange Area may have one freestanding sign up to 50 feet tall. Maximum sign area is limited to 250 square feet for one face and 500 square feet for two or more faces.
- “(c) If such sign is erected, it shall be in lieu of and not in addition to the signs permitted by Subsection (6) for such business along the street frontage on which it is located.”

Other cities also recognize the need for larger signs along freeways. For instance, the City of Tigard has a special provision for freestanding freeway-oriented signs. Tigard Municipal Code (TMC) 18.435.090.D provides:

“Freestanding Freeway-oriented signs.

- “1. For signs requiring a permit under the Oregon Motorist Information Act, the city will provide the applicant the affidavits required under the provisions of ORS 377.723 only after a local sign permit has been approved.
- “2. Freeway-oriented signs are allowed only in the C-G, TMU, I-P, I-L and I-H zones.
- “3. Freeway-oriented signs must be located within 200 feet of Highway 217 or Interstate 5 rights-of-way.
- “4. A maximum of one freeway-oriented sign is allowed per premises.
- “5. The maximum height of a freeway-oriented sign is 35 feet from the ground level at its base.
- “6. The maximum area of a freeway-oriented sign is 160 square feet per face and a total of 320 square feet for all faces.
- “7. Freeway-oriented signs must be oriented to be viewed from the freeway.

- “8. In addition to a freeway-oriented sign, each lot, development complex, or premises is allowed one freestanding sign provided all other provisions of this chapter can be met and both signs are located on separate frontages with different orientations.
- “9. Freeway-oriented signs are only allowed as freestanding signs and are not allowed as any other sign type.”

Mrs. Angell’s property is located along Highway 18, which is similarly situated to the Freeway Interchange Area in the City of Albany and the area where freeway-oriented signs are allowed near Highway 217 and I-5 in the City of Tigard. As discussed, such areas are fundamentally different from areas located downtown or on local streets. With highway speeds and increased distances to the signs, a larger maximum sign area is necessary for the signs to serve their intended purpose. For instance, the Vintages (which is located adjacent to Mrs. Angell’s property) has a freestanding electric sign that is over 30 feet tall and has an area of 125 square feet. The proposed amendments would restrict Mrs. Angell to significantly smaller signs in the same area. While Mrs. Angell is not necessarily requesting a specific maximum sign size, she would appreciate a larger maximum sign area than the proposed V3 Draft Amendments would allow. We have prepared proposed additions to the V3 Amendments. Again, these are just suggestions, and Mrs. Angell would be happy with other changes that would increase the allowed maximum sign areas for her property. Finally, reducing the maximum freestanding sign height from 30 feet to 20 feet in Commercial zones would also make it difficult to see the signs from Highway 18.

Proposed Additions:

- (1) In the Design Standards under 7.4.104.3 for Commercial Zone Maximum Sign Area – add the following subsection:

C. Freeway-Oriented Signs

- i. Freeway-oriented signs are those signs facing Highway 18 north of the Yamhill River. [This could also be added under the definitions section.]
- ii. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 250 square feet.
- iii. Free-standing signs: 160 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.
- iv. Temporary signs: 12 square feet. [This is not an increase.]
- v. The maximum freestanding sign height for freeway-oriented signs is 30 feet.

(2) In the Design Standards under 7.4.106.2 for Industrial Maximum Sign Area – add the following subsection:

D. Freeway-Oriented Signs

- i. Freeway-oriented signs are those signs facing Highway 18 north of the Yamhill River. [Again, this could also be added under the definitions section.]
- ii. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 250 square feet.
- iii. Free-standing signs: 160 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.
- iv. Temporary signs: 12 square feet. [This is not an increase.]

While Mrs. Angell would be amenable to changing the maximum sign area standards for all Commercial and Industrial zones, she understands that the City has carefully decided to address signs in the downtown and near-downtown area. Therefore, Mrs. Angell respectfully requests that the City allow a slightly larger

maximum sign area and height in the limited area of the City north of the Yamhill River along Highway 18 that is in harmony with similarly situated properties in other cities.

IV. Variances

Although this is not a primary concern of Mrs. Angell, the proposed V3 Draft amendments do not make any changes to LUDC 7.4.101.8 Adjustments and Variances, which provides:

“Sign adjustments/variances shall be reviewed in accordance with a Type I action, as specified in Section 7.3.2 using the criteria listed in **7.2.111.07.G.2.**”

“Criteria for Sign Variance/Adjustments.

- “A. Compliance with the applicable standard would create an unnecessary hardship due to physical conditions of the property (topography, lot size or shape, or other circumstances over which the applicant has no control), which are not present on other properties in the **CBO**, and the adjustment is necessary to permit signage comparable with other properties in the **CBO**.
- “B. The hardship does not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation; and
- “C. Approval of the adjustment will not adversely affect the function or appearance of the development and use of the subject property and surrounding properties; and will not impose limitations on other properties and signage in the area including signage that would be allowed on adjacent properties.” (Emphases added.)

As the emphasized portions above illustrate, the variance and adjustments provision references the criteria from LUDC 7.2.111.07.G.2. It is our understanding that LUDC 7.2.11.07 is being deleted and replaced by the proposed amendments. Also, the sign code will now apply to all zones in the City rather than just the CBO as referenced in 7.4.101.8.B. We would respectfully suggest something like the following:

“Sign adjustments/variances shall be reviewed in accordance with a Type I action, as specified in Section 7.3.2 using the **following** criteria ~~listed in 7.2.111.07.G.2.~~

“Criteria for Sign Variance/Adjustments.

- “A. Compliance with the applicable standard would create an unnecessary hardship due to physical conditions of the property (topography, lot size or shape, or other circumstances over which the applicant has no control), which are not present on other properties in the **same zone CBO**, and the adjustment is necessary to permit signage comparable with other properties in the **same zone CBO**.
- “B. The hardship does not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation; and
- “C. Approval of the adjustment will not adversely affect the function or appearance of the development and use of the subject property and surrounding properties; and will not impose limitations on other properties and signage in the area including signage that would be allowed on adjacent properties.”

V. Conclusion

We appreciate all the hard work staff and the Planning Commission have put into drafting the proposed amendments to the City's sign code. We agree with everything that has been proposed. We only request that the Planning Commission include an additional provision for properties like Mrs. Angell's that have very different circumstances from properties in other areas of the City.

Very truly yours,

A handwritten signature in blue ink that reads "Fred Wilson". The signature is written in a cursive style with a large "F" and "W".

Fred Wilson