

ORDINANCE 620
CITY OF DAYTON, OREGON

An Ordinance Amending Chapter 7 – The City of Dayton Land Use and Development Code, to Make Changes to Section 7.2.111.07 – Central Business Area Overlay Zone (CBO) Signs.

WHEREAS, the City Council desires to adopt the amendments to Chapter 7 included in Exhibit 1; and

WHEREAS, the Planning Commission has considered the amendments to Chapter 7 – The City of Dayton Land Use and Development Code (DLUDC) pursuant to DLUDC Section 7.3.112 to make changes to the CBO Signs; and

WHEREAS, a public hearing was held before the Planning Commission on July 10, 2014; and

WHEREAS, the Planning Commission recommended that said amendments be adopted; and

WHEREAS, the City has timely forwarded a copy of the proposed amendments to the Department of Land Conservation and Development of the State of Oregon and provided proper notice pursuant to DLUDC Section 7.3.204; and

WHEREAS, the City Council of the City of Dayton conducted a public hearing to consider changes to the to the CBO Signs on July 21, 2014 and continued the hearing on August 4, 2014; and

WHEREAS, on July 21 and August 4, 2014, the City Council considered the information provided by staff and deliberated on the proposed action.

The City of Dayton ordains as follows:

Section 1. The City Council hereby adopts Ordinance 620 and the findings in the Staff Report dated July 15, 2014 attached as exhibit 1 and incorporated by reference herein; and

Section 2. The City Council adopts the amendments to Chapter 7 of the DLUDC included in the attached Exhibit 1, and incorporated by reference herein; and

Section 3. This Ordinance shall become effective 30 days after adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Dayton on this 6th day of October 2014.

**ORDINANCE 620
CITY OF DAYTON, OREGON**

Date of first reading: October 6, 2014

Date of second reading: October 6, 2014

No Council member present at the meeting requested that the ordinance be read in full.

A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

In Favor: Bixler, Collins, Marquez, Price, Utt, Wytoski

Opposed: None

Absent: Frank

Abstained: None

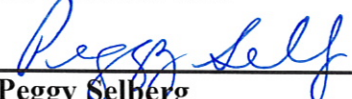


Elizabeth Wytoski, Mayor

10/17/2014

Date of Signing

ATTESTED BY:



Peggy Selberg
City Recorder

10/6/2014

Date of Enactment

Attachment - Exhibit 1

CITY OF DAYTON
416 Ferry Street – P O Box 339
Dayton, OR 97114-0039
503-864-2221 FAX: 503-864-2956

STAFF REPORT
July 15, 2014
(for City Council Hearing: July 21, 2014)

File: Code Amendments 2014-01

Applicant: City of Dayton

Request: A text amendment to the City of Dayton Land Use and Development Code, 7.1.111, Central Business Overlay zone.

Criteria: Dayton Land Use and Development Code, Section 7.3.112.03

Procedure: Type IV (Land Use and Development Code, Section 7.3.112)

Attachments: Attachment A: Draft Code amendments

I. PROCESS

According to the Dayton Land Use and Development Code (DLUDC), subsection 7.3.101.04, a Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. The amendments were initiated by city staff. According to a Type IV process, a public hearing is conducted before the Planning Commission and the Commission makes a recommendation to the City Council. The Planning Commission held their public hearing on July 3, 2014.

City Council conducts a public hearing before making a final decision. Newspaper publications and postings provide notice for the hearings.

II. BACKGROUND

The proposed updates to the sign code portion of the Central Business Overlay (CBO) zone are staff initiated changes as requested by the City Council.

III. CRITERIA

Amendments to the Development Code text shall be reviewed in accordance with the Type IV review procedure. DLUDC section 7.3.112.03 provides the criteria for amendments to the development as follows:

- A. Impact of the proposed amendment on land use and development patterns within the City, as measured by:*
- 1. Traffic generation and circulation patterns;*
 - 2. Demand for public facilities and services;*
 - 3. Level of park and recreation facilities;*

4. *Economic activities;*
5. *Protection and use of natural resources; and*
6. *Compliance of the proposed with existing and adopted special purpose plans or programs, such as public facilities improvements.*

Finding: Changes to the DLUDC related to signage in the CBO is not expected to impact demand for facilities or revise traffic patterns. The permitted uses under the zone are not revised and no negative economic impact is anticipated for property owners as signage is still permitted and expanded in some cases while also serving to provide greater clarity and enforceability and to enhance and contribute to the historic downtown core by creating a cohesive code for all businesses in the core.

The code updates are not determined to negatively impact traffic, increase demand on public facilities and service, change the level of needed park/recreational facilities, or diminish protection and use of natural resources.

Staff and the Planning Commission found this criteria was met.

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

Finding: Amendments to the sign code in the CBO was requested by staff and the City Council to clarify text for staff enforcement and provide greater clarity to applicants.

Staff and the Planning Commission found this criteria was met.

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

Finding: The City of Dayton Comprehensive Plan helps to ensure compliance with Statewide Planning Goals. In reviewing the City's Comprehensive Plan that localizes the State Goals for the City of Dayton, staff and the Planning Commission found the amendments are in compliance with the applicable Goals and Policies.

Goal 1 (Citizen Involvement) is used in the process upon considering the code amendments during the public hearing process. Notice was mailed to the Department of Land Conservation and Development 30 days prior to the first hearing date and notices was published in the paper on June 27, 2014 in compliance with 7.3.204. Staff and the Planning Commission found this goal is met. Goal 2 (Land Use Planning) establishes the planning process and framework for land use decisions. The code update is considered a legislative amendment and subject to the Section 7.3.112 of the DLUDC. Notice was published in the paper and posted outside of city hall per the procedures outlined in section 7.3.112. The staff report was available for review one week prior to the public hearings on the proposed amendments.

Goal 9 (Economic Development) includes Goal 2, "To provide sufficient, orderly and convenient commercial and industrial development that will enhance the livability of the community and

meet the needs of the citizens". The Council directed the Planning Commission to work on providing code clarity on existing portions of the sign code for applicants and for staff.

Staff and the Planning Commission found these criteria were met.

Staff and the Planning Commission founds Goals 3-8 and 10-19 do not apply and are not impacted by the proposed code updates. This criterion is met.

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

- 1. It corrects identified error(s) in the provision of the plan.*
- 2. It represents a logical implementation of the plan.*
- 3. It is mandated by changes in federal, state, or local law.*
- 4. It is otherwise deemed by the council to be desirable, appropriate, and proper.*

Finding: Staff has identified some of the amendments as clarifications required to implement the code and existing requirements. The City Council directed staff and the Planning Commission to work on sign code amendments in the CBO zone in order to create greater clarity and enforceability and to enhance and contribute to the historic downtown core by creating a cohesive code for all businesses in the core.

Staff and the Planning Commission founds condition D.1 -3 were met.

IV. CITY COUNCIL ACTION

Following a public hearing conducted by the City Council and based upon the findings as indicated above and as recommended by the Planning Commission, the City Council may take one of the following actions:

- A. Adopt the findings in the staff report and adopt the code amendments as presented in Attachment A; or
- B. Adopt the code amendments with modifications to Attachment A indicating the changes and stating the findings and conclusions to support the modifications; or
- C. Reconsider the code amendments as presented in Attachment A indicating the basis for not adopting the findings in the staff report and stating the additional information needed to complete the adoption process.
- D. Continue the City Council hearing, to a date and time certain and stating the date and time, in order to collect more information.

7.2.111 CENTRAL BUSINESS AREA OVERLAY ZONE (CBO)

7.2.111.07 Signs.

A. Applicability.

All properties within the Central Business Overlay (CBO) 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.

B. Purpose

Sign regulations are intended to protect the character of the community 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.

C. 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 moveable 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.

Awning: A roof like cover or shelter that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is supported entirely from the exterior wall of a building.

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.

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

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.

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.

Portable Sign: A sign that is not attached to any building or façade 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: The physical components of materials placed or constructed primarily to convey a message or other display and which can be viewed from a right-of-way, 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.

DA. Permitted Sign Types.

The following sign types are allowable in the Central Business Overlay Zone. Unless specifically permitted in this section, other sign types and uses are prohibited.

1B. Maximum Allowable Area. The maximum allowable sign area shall be computed as follows: one (1) square foot of sign area for each one (1) linear foot of building facade, 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.

2C. Number. There shall be no limit to the number of signs, provided the total sign area for all signs does not exceed the maximum allowable area for the building.

3D. Illumination. Direct or in-direct illumination shall be permitted, provided all illumination is directed away from adjacent property. 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.

4. Wall Signs. 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.

5. Projecting Signs. 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. 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. Hanging signs may be externally illuminated although ambient light is usually sufficient to light these small signs.

6. Awnings. Text on awnings shall be limited to text placed upon the awning skirt only and shall count as part of the maximum allowable sign area.

7. Temporary Signs.

a. Signs shall be subject to the maximum allowable area limitations.

b. Signs shall be limited to twelve (12) square feet.

c. 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 façade area.

8. Flags are limited to a maximum of two (2) per property and shall be no larger than fifteen (15) square feet per flag.

9. Government Signs as defined in this section.

10. Security Signs. Signs relating to security monitoring which may include company logo are exempt and limited to twelve (12) square inches in size when located on a window or two square feet when free-standing.

11. A- Board Signs. One (1) A- board sign is permitted per business or property and shall measure no more than three (3) feet wide and no more than four (4) feet high. A- board signs shall not be calculated in total sign area calculations.

_____ a. Placement. 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.

_____ b. Removal. A-board signs shall be movable at all times and displayed only during the open hours of the business.

12. Condition. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.

E. Prohibited Signs.

Signs not conforming to Section 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. ~~subject to~~

1. Signs extending above the roof line, balloon/tethered signs, blinking or flashing lights, electronic message signs, and free standing signs shall be prohibited. 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 utility or city.

2. 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.

3. Billboards.

4. Any sign on vacant property unless allowed as a temporary sign.

5. Abandoned signs.

6. Reader board or portable signs.

F. Exempt Signs. The following signs and devices shall not be subject to the provisions of this chapter and shall not require approval from the city. Window signs shall be exempt from the maximum allowable sign area requirements. Portable signs shall also be exempt provided they do not exceed 16 square feet in area (all sides).

1. 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.

2. Occupant or Owner Sign. A sign identifying the name of the occupant or owner, provided the sign is not larger than one square foot, is not illuminated and is either attached to the structure or located within the front yard setback.

3. 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.

4.G. 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.;

5. Vehicle Signs. Signs painted on or otherwise attached to vehicles.

G. Adjustments and Variances.

1. 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. below.

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.