

AGENDA
DAYTON PLANNING COMMISSION

DATE: TUESDAY, APRIL 20, 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.
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D.	APPROVAL OF MINUTES	
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E.	WORK SESSION	
	Dayton Sign Code Workshop #2 – Staff Summary	4
	Draft Amendments	5 - 16
F.	OTHER BUSINESS	
G.	ADJOURN	

Posted: 04/16/2021
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 May 13, 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 FEBRUARY 11, 2021**

PRESENT: Jim Maguire
Ann-Marie Anderson
Tim Parsons
Larry Smurthwaite

ABSENT:

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 6:33 p.m.

APPROVAL OF ORDER OF AGENDA

Chairperson Maguire noted that the Commission would be approving the minutes of the January 21, 2021 meeting rather than the December 17, 2020 meeting that was indicated in the packet. No other changes were noted.

APPEARANCE OF INTERESTED CITIZENS

Judy Gerrard of 305 Main St was present to present comments from the members of the Historic Preservation Committee (HPC). Ms. Gerrard explained that the recommendations from the HPC were modeled after recommendation from Oregon's Main Street Program. Ms. Gerrard addressed lighted signs first. The recommendations were: no signs that are made to be lit up from the inside of the sign, shine light on exterior signs with focused light fixtures that prevent light or glare to shine or spill above the sign or onto adjacent property. The next recommendation was to limit neon/LED to small interior "Open", avoid neon/LED signs for products, business identification, advertising, etc. In residential zones, no lighting of signs; no neon or LED. For properties in or adjacent to properties in historic overlay zone, including those properties separated by a public right of way from historic overlay, home, or area – no lighting, no neon/ LED. No flashing or blinking signs, anywhere. Limit electronic message boards to City or other public, no electronic billboards.

Awnings -limit signage to the awning skirt and prohibit back-lit, translucent awning signs.

Sandwich boards - limit to one per business, size 2ftx4ft, and out of foot traffic area.

All signs - provide limits for size of signs, or the max square footage for signs on walls or windows of businesses – downtown, and any other areas of the city. Address hanging signs that are perpendicular to a building, size, placement, etc. No highly reflective or fluorescent colors, e.g., Day-Glo paint

Signs on homes - Small - 3-4 square feet. No lighting. Hanging sign ok – 1.5 sq ft or smaller. One sign per home. Home occupations should be unobtrusive and incidental to the use of the dwelling as a home.

Bed & Breakfast - Most are residential homes (if we have any) and need to blend in with other homes. Keep smaller, limit size to 6 - 8 square feet; allow 1 sign; material should be non-plastic, preferably wood. Lighting of sign as per what we said above, and off at 9 pm.

Flags, banners, etc. - wispy, flimsy; generally, are frameless – whether freestanding or appended to utility posts or walls, generally allow by special permit only, for special event or time limited use. Flags – only those for government entities that still exist today, pennants and other attention getting devices – not allow.

Dealing with current signs that will be non-compliant – abate, do not grandfather in. Provide 5 to 6 years to come into compliance.

Consider special sign corridors – Ferry St, and 3rd Street – that are the entrance ways into and through town, the visual corridors that can be enhanced by quality signage that conveys the special, welcoming environment that is our community. Find a way to allow Kayak Rental to put sandwich board ‘wayfinding sign’ at 3rd and Ferry. Allow City to remove abandoned signs; and write in language about maintaining signs.

No other citizens were present for comment.

APPROVAL OF MINUTES

Chairperson Maguire asked for a motion to approve the minutes of the January 14, 2021 meeting as written. Vice Chairperson Anderson moved that the minutes be approved, Commissioner Parsons seconded the motion, motion passed unanimously.

WORK SESSION

Chairperson Maguire turned the meeting over to Associate City Planner Kiel Jenkins. Mr. Jenkins gave a presentation about the background, current standards, why a more robust code is needed, and how should standards vary in town? Currently Dayton is only able to regulate signs in the Commercial Business Overlay Zone. Dayton also lacks a sign permitting process. Mr. Jenkins recommends that Dayton adopt sign code that sets standards for the entire city, rather than zone by zone.

The presentation continued showing how other cities with historic properties/districts addressed signage in their cities. Some cities address signs by use, some by type of sign, some regulate by zone and some combine aspects of all of these in their code. Mr. Jenkins also discussed the development of a sign permitting process. He opened the floor to comments from the Commissioners.

Commissioner Smurthwaite was concerned that some cities included language that might make the city vulnerable to lawsuits over first amendment free speech rights. He also discussed the Dollar General sign and how Dayton’s code could have addressed the issue before the sign was built.

Chairperson Maguire mentioned that many of the examples of sign code did include disclaimers that the code applied to the design of the sign rather than the content of the sign, as to not impugn the free speech of the sign owner. Commissioner Smurthwaite wanted to make sure that Dayton would not be micromanaging the sign code as to make it overly restrictive for businesses or the schools to have signs for their events. Mr. Jenkins clarified that Dayton currently has no sign code, which was the purpose of the work session. The PC was being charged with recommending best practices, so this is their opportunity to discuss those items. He suggested the Commission first decide how they wanted to regulate signs – by zone? throughout the entire city?

The Commissioners agreed that while zones do tend to dictate the activities that occur in the zone, there is much overlap in zones in Dayton. Mr. Jenkins asked the Commissioners to clarify how they would like to make

permitting process, and a recognition in the design that there is much overlap in zones and uses in town. She was also concerned with currently existing signs that would become non-conforming and wanted to make sure that there would be a way to enforce the new regulations. Commissioner Parsons favored a city-wide approach to designing the code, with the identification of zones or uses. He mentioned the prior stalled efforts in addressing these issues. Mr. Jenkins clarified that much of the work could be streamlined by selecting a code that seemed to address most of the issues facing Dayton, and discussion about Albany’s code ensued.

City Manager Rochelle Roaden mentioned that the City Council is very mindful of signs in general, and specifically interested in sandwich boards. She addressed the issues that lead to the current situation with the kayak business signage and explained that the Council does not wish Dayton to have sandwich board signs all over the sidewalks on weekends and during events the way that other cities have allowed.

Mr. Jenkins said that it is standard to regulate off-site signs – such as yard sale signs or signs in front of one location that are advertising for other businesses- and mentioned that the sandwich board signs are typically only allowed in front of businesses with heavy pedestrian traffic to attract attention. Commissioner Smurthwaite wondered under what circumstances could a business owner, such as a kayak rental location, be allowed to place a sign to direct people to his location. Chairperson Maguire was in favor of a type of conditional use permit that would allow owners to apply for such a sign, and Mr. Jenkins mentioned that there is currently a sign variance process in our code.

Chairperson Maguire polled the Commission to see which of the included example city codes the members favored. Much of the discussion was about Albany’s code, and about the need to address zones in town. Mr. Jenkins asked how the Commission felt about having corridors in addition to zones, the Commission agreed that they should be addressed as well.

OTHER BUSINESS

None.

ADJORN

There being no further business, the meeting adjourned at 7:52 p.m.

Respectfully submitted:

APPROVED BY PLANNING COMMISSION on:

By: Cyndi Park Library Director/Planning Coordinator

As Written As Amended

Dayton Sign Code Update- Work Session #2- Staff Summary

To: City of Dayton Planning Commission

CC: Rochelle Roaden, City Manager

RE: Dayton Sign Code

April 13th 2021

BACKGROUND:

The impetus for an update to the Dayton Sign Code was the installment of a large sign located on Ferry Street. Per the current Dayton Land Use and Development Code, signs outside of the Central Business Overlay district are not subject to design standards or a permitting process. As a result, the City Manager directed staff to prepare a proposal for a planning commission work session including the following items:

1. Design standards for signs in downtown Dayton, particularly surrounding historic properties.
2. An accompanying permitting process for staff to follow. While there are standards for the Central Business Overlay district (CBO), there is not a permitting process in place, making it difficult for staff to regulate signs placed around the City.

The work session was held on February 11th, 2021. Staff provided the Planning Commission with example sign codes from the Cities of Albany, Salem, Keizer, Independence, and Portland along with a set of recommendations for code amendments. At the work session, Planning Commission and staff discussed, among others, the following items:

1. Expanding the sign code to include all zones and add a set of design standards by zone.
2. Looking into a conditional use permit process for off-premise signs.
3. Evaluating the feasibility of requiring additional review for signs along the Ferry Street and 3rd Street corridor.
4. Adding a permitting process for signs within the City Limits.

The Planning Commission also requested that staff provide the Planning Commission with a draft ordinance to review at a second work session. In response to the Commission's request, staff has prepared the attached draft ordinance with the requested changes to review and discuss. The draft amendments propose removing the existing sign provisions from the CBO Section of the development code and creating a separate development code section to be used as a sign code. The draft amendments indicate sections of the existing sign code that have been added, edited, kept the same or deleted.

WORKSESSION #2 GOALS:

1. Review draft sign ordinance.
2. Provide recommendations for changes and additions to staff.

Draft Amendments

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 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. **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. **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:** 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.

4. 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.
 - 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~~ **in order to prevent interference** 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- Any sign upon which displays any obscenity or obscene material as defined in ORS Chapter 167.**
 - H. **Flashing or animated signs or signs that glare, change color multiple time per limit, blink, or reflect.**
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. The status of a nonconforming sign is not affected by changes in ownership.
 - E. Changes to nonconforming signs.
 - 1. A non-conforming sign shall not be enlarged or altered in a way that would increase its nonconformity.
 - 2. Signs and sign structures that are moved or replaced shall be brought into conformance with the sign regulations.
 - 3. Signs that are structurally altered **by** more than fifty (50) percent of the replacement value, shall be brought into conformance with the sign regulations.
 - 4. 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:
 - 1. 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.
 - 2. 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 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 shall be required as part of the sign permit application process. All off-premise signs 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.
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) 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. Public/Institutional uses: 32 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. The provisions within this section shall also apply to commercial uses within the Commercial Residential 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 sixty (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.
- 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: 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) 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. Projecting signs
 - c. A-Board signs (one per tenant space)
 - 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.
 - e. Awning signs
 - f. 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. 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.
 - c. 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.
 - d. Temporary signs: 12 square feet

- e. Awning: 12 square feet.
 - f. 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.
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. Temporary signs must be located on the subject property and may not infringe upon the frontage of another business.
 - e. 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. 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:
2. Permitted Signs
 - a. Wall signs
 - b. Freestanding signs
 - c. Awning signs
 - d. Temporary signs
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.