



Planning Commission
City Hall, Council Chambers

October 7, 2015
7:00 p.m – 5:30 p.m.

AGENDA

- I. Call to Order

- II. Sign Ordinance, No. 697 Text Amendment (File No. TA-15-4).
 - A. Staff Report

Nicholas Snead, Community Development Director
Garrett Chrostek, City Attorney
 - B. Public Comments
 - C. Questions from Commissioners

- III. Planning Commission Assignments to the Transportation System Plan, Project Advisory Committee

Nicholas Snead, Community Development Director

- IV. Additional Discussion

- V. Adjourn

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the above referenced meeting; however, the agenda does not limit the ability of the Planning Commission to consider additional subjects. Meetings are subject to cancellation without notice. This meeting is open to the public and interested citizens are invited to attend.

This is an open meeting under Oregon Revised Statutes, not a community forum; audience participation is at the discretion of the City Planning Commission. **Anyone wishing to address the Commission will need to register prior to the meeting.** The meeting will be audio taped; minutes of this and all public meetings are available for review at the Madras City Hall. The meeting place is handicapped accessible; those needing assistance please contact the City of Madras Community Development prior to the meeting.

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Subject	Ord. Section	Page #	Reason for Amendment	Overview of Amendment
Typographical & Spelling	Through out Ord.		Fix typographical & spelling errors.	Fixed typographical & spelling errors.
Change Section reference	Through out Ord.		Correct/Renumber the stated Section in the Ordinance.	Change Section references stated in the Ordinance to the correct or renumbered Section. This is needed as new Sections are proposed to be added or removed to the Ordinance.
Purpose	1.1		To clarify how the ordinance protects public health, safety, and welfare	Clarifies purposes of the Ordinance
Interpretation	1.2		The interpretation section contains definitions that are better placed in the definition section. To enhance the defensibility of the Ordinance, a paragraph is needed that directs the City to construe the Ordinance in a manner compliant with the law whenever there is doubt.	Moves Section 1.2 into the definition section, combines former section 1.3 with a new paragraph directing that the Ordinance be interpreted to comply with constitutional free speech rights
Area of Sign	Former 1.3		The existing definition is more of a regulation and is thus better addressed in later sections. A definition of "sign area" needed to address how sign area is calculated.	Removes definition of "Area of Sign" adds definition of "Sign Area"
"Abandoned sign" definition	1.3 Former 6.3		The existing Section 6.3 includes enforcement provisions, which lacked the due process afforded by the procedures set out in the Nuisance and Abatement Ordinance.	Removes section Section 6.3 and includes it as a definition and in the list of prohibited signs.
"Alter" definition	1.3		This definition doesn't currently exist and is needed for identifying when a permit is required.	Creates definition of "Alter"
"Awning" definition	1.3		Recognizes that awning is not necessarily a structure.	Amends definition of "Awning."
"Billboard" definition	1.3		Definition needs to be updated to be consistent with state administrative rule	Amends definition of "Billboard"

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			provisions and to clarify that not all off-premises signs are billboards.	
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Subject	Ord. Section	Page #	Reason for Amendment	Overview of Amendment
“Building Official” definition	1.3		Definition needed to identify official responsible for certain forms of review.	Adds definition of “Building Official”
“Business” definition	1.3		Definition of business needs to recognize that more than one business may be on the same property and include new definition of public body.	Amended definition of “Business”
“Business Complex” definition			Many business complexes are actually located on separate properties. An amendment is needed to recognize this fact.	Revises definition of “Business Complex”
“City Limits” definition	1.3		Definition of City Limits is needed to identify scope of the City’s jurisdiction.	Added definition of “City Limits”
“Community Development Director” definition	1.3		Definition needed to identify official responsible for certain forms of review.	Adds definition of “Community Development Director”
“Construction sign” definition	1.3		Definition of “construction sign” is an impermissible content based regulation.	Removes definition of “Construction Sign”
“Franchise sign” definition	1.3		Definition of “franchise sign” is an impermissible content based regulation.	Removes definition of “Franchise Sign”
“Gross Surface Area” definition	1.3		This term is not used as frequently as sign area in the body of the ordinance. The definition of “sign area” is added to replace and expand upon this definition.	Removes definition of “Gross Surface Area”
“Kiosk” definition	1.3 Former 2.14		The definition of Kiosk is no longer needed as special regulations for Kiosks are also being removed. This was part of a prior program to identify developing neighborhoods. Such Kiosks are contemplated within other sign types.	Removes definition of “Kiosk”
“Non-conforming sign”	1.3		Definition of non-conforming sign needs	Clarifies definition of “non-

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definition			to be clarified to address the point in time at which the sign became non-conforming	conforming” sign.
“Non-Residential Property or Zone” definition	1.3		Definition of non-residential properties or zones needed to distinguish these areas from other areas.	Adds definition of “Non-Residential Property or Zone”
“Nuisance and Abatement Ordinance” definition	1.3, 6.3		Needed to identify the enforcement mechanism for sign code violations. The City is moving towards using the procedures set out in the abatement ordinance to address all City ordinance violations to create uniformity in enforcing and processing violations and appeals.	Adds definition for “Nuisance and Abatement Ordinance”; Identifies violations of the Sign Ordinance as a nuisance; subjects violations to the enforcement procedures in the Nuisance and Abatement Ordinance
“On-Premises Sign” definition	1.3		This definition is not needed as off-premises sign addresses the issue this term seeks to define.	Removes definition of on-premises sign.
“Off-Premises Sign” definition	1.3		Needed to clarify definition to draw distinction between Billboards and other off-premises signs. There is also a need to permit signs on a separate property provided that property is adjacent to the business or service that the sign is advertising. Many properties utilize a common area to locate their sign, which would technically be off-premises.	Clarifies definition of off-premises signs
“Off-Premises Sign Structure” definition	1.3		This term is not used in the ordinance. However, there needs to be a definition of sign structure, which utilizes this definition, but omits references to off-premises.	
“Portable or temporary sign” definition	1.3		This definition should be expanded in light of U.S. Supreme Court case as discussed below.	Removes definition of “portable or temporary sign” and adds definition of “Temporary Sign”
“Public Body” definition	1.3		Needed to better identify public entities	Adds definition of “Public Body”
“Public Property”	1.3		Added to better identify publically	Adds definition of “Public Property”

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			owned property	
“Residential Property, or Zone” definition	1.3		Needed to clarify the definition of a residential property or zone to cross-reference the City’s Comprehensive Plan and Zoning Map	Adds definition of “Residential Area, Property, or Zone
“Residential Zone” definition	1.3		Added to clarify the definition of residential properties or zones.	Adds definition of “Residential Property or Zone”
“Residential Use” definition	1.3		Needed to clarify the definition of residential use	Adds definition of “Residential Use”
“Sign Face” definition	1.3		Added to assist in determining the area and position of a sign	Adds definition of “Sign Face”
“Sign Height” definition	1.3		Needed to assist in determining the height of a sign	Adds definition of “Sign Height”

Subject	Ord. Section	Page #	Reason for Amendment	Overview of Amendment
“Uniform Building Code” definition	1.3		The referenced are outdated and a mechanism to automatically update the reference is needed.	Amends definition of “Uniform Building Code”
“Urban Growth Boundary” definition	1.3		Definition of “Urban Growth Boundary” is needed for purposes of regulating number of Billboards	Adds definition of “Urban growth boundary”
“Zoning Ordinance” definition	1.3		Definition of Zoning Ordinance is needed to allow for cross-references to Zoning Ordinance requirements.	Adds definition of “Zoning Ordinance”
Sign Conformance/ Billboards	2.2		The existing provision does not identify all the regulations applicable to signs including the provision of the Ordinance. Clarifies that signs cannot be placed on public property without authorization.	Expands authorities with which signs must conform; Removes references to Billboards, which are addressed in a separate section; requires prior permission to erect signs on public property
Advertisement of Service	Former 2.3	-	This is essentially the definition of Off-Premises Sign and is better addressed in the prohibited sign section.	Removes former Section 2.3 “Advertisement of Service”

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Subject	Ord. Section	Page #	Reason for Amendment	Overview of Amendment
Portable Signs	Former 2.4	-	Portable signs are now included within the definition of temporary signs and addressed in regulations governing temporary signs	Removes former Section 2.4 "Portable Signs"
Signs in Residential Zones	2.4		The existing provisions are unclear in regards to type, number, and area. This needs to be flushed out. Moreover, signs for subdivisions and apartments needs to be addressed.	Better states the permitted signage in Residential Zones, particularly for non-residential uses in Residential Zones. Eliminates repetitions in restrictions.
Signs in Non-Residential Zones	2.5		The existing provisions were unclear with respect to non-residential properties with multiple frontages. They also contained impermissible content based loopholes for "franchise signs". If a franchise obligates the franchisee to put up signage that violates the sign ordinance, such signage is better addressed through the variance process. Some scaling is need for business complexes as 10 acre business complexes should not be limited to the same signage limitations as a .1 acre lot. There needs to be a change in the unit of measure from business to building for attached signs as multiple businesses may be in the same building, which makes the existing provision difficult to administer.	Changes authority for review of signs in non-residential zones to the Community Development Director and clarifies signage requirements for properties with multiple frontages.
Real Estate Signs	Former Section		Should be removed because it is a content based restriction. Such signs are	Removes special regulations for real estate signs.

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	2.8		now treated similarly to all other temporary signs.	
Projecting Signs	Section 2.6 Form Section 2.8 and 2.9		Existing provisions are scattered and not as comprehensive.	Reorganizes restrictions on projecting signs and references new definitions.

Subject	Ord. Section	Page #	Reason for Amendment	Overview of Amendment
Directional Signs	2.7		The existing provision is limiting as to the purpose of the directional sign.	Makes editorial amendments to simply the requirements of this provision.
Sign Location	2.8		The existing provision does not address signs that are not located on a building.	Adds height restrictions for signs not attached to buildings
Billboards	2.9		Needed to make Billboard regulations consistent with Zoning Ordinance Requirements. The existing regulations also do not prohibit features that distract drivers.	Identifies zoning restrictions on billboards and prohibits distracting features.
Temporary Signs Political Signs Construction Signs Garage and Yard Sale Signs	Article 3		A recent U.S. Supreme Court Case substantially limited a city's ability to regulate the content of signs, and specifically prohibited "categorical content" based restrictions. (i.e. the treatment of different categories of sign content such as charitable vs. political). This leaves City regulation largely limited to time, place, and manner based restrictions. The	Removes section pertaining to Political Signs, garage and yard sale signs, and construction signs. Sets out new standards for any temporary signs and treats temporary signs equally regardless of their categorical content. Creates separate standards for temporary signs in Residential and Non-Residential Zones.

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			existing ordinance had numerous categorical content based restrictions, particularly for temporary signs. In order to keep regulating temporary signs, the City needs to remove all categorical content based restrictions (i.e. real estate signs) and replace them with non-content based regulations (i.e. location).	
Exempt Signs	Article 4		The existing provisions suggest that certain signs are exempt from any and all requirements in the Sign Ordinance. This needs to be amended to clarify that the exemption is just from permitting requirements.	Clarifies that all signs are subject to the regulations, but certain signs are exempt from permitting requirements. Augments the list of exempt signs
	Ord. Section	Page #	Reason for Amendment	Overview of Amendment
Sign Permits	Article 5		As identified in the comments pertaining to Exempt Signs, there is a need to clarify which signs are subject to permitting requirements. There is also a need to shift basic review to an administrative review through the Community Development Department not the planning commission or the building official, although the building official may participate in review. Additionally, the existing provisions impose a review period that is not reasonable. While six months is long enough for most signs, there are instances where sign construction is delayed because of fabrication issues or other circumstances. The ability to grant a small extension is needed.	Clarifies permitting requirements; makes the Community Development Department responsible for the basic review of sign applications.
Temporary Permits	Section 5.5		The existing provision has categorical	Removes categorical content

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			content restrictions. It also does not specify the Community Development Director's ability to condition the permit.	restriction; adds criteria for issuance of temporary permits; authorizes Community Development Director to condition a permit.
Sign Maintenance and Alteration	6.1, 6.3 Former 6.4		The existing provision is repetitive and sometimes conflates alteration with maintenance. Interchangeable panels are not addressed in the existing ordinance. There is a need to clarify that alterations require a permit where the underlying sign requires a permit.	Reorganizes the sections to differentiate between alterations and maintenance; adds permitting requirements for interchangeable panels.
Enforcement; Penalties	6.5		As discussed above, the existing ordinance sets out its own penalties and enforcement procedures. As several other ordinance set out their own penalties and enforcement procedures, there is risk that staff would conflate the penalties, deadlines, or required processes to successful pursue enforcement. Accordingly, the City is moving towards using the procedures in the Nuisance and Abatement Ordinance as the uniform procedures for all violations because they are the most comprehensive and responsive.	Makes all violations of the sign ordinance subject to the penalties and enforcement procedures set out in the Nuisance and Abatement Ordinance.
Variance	Article 7		Similar to the issue with enforcement, the existing provisions set out procedures and criteria for a variance that differ from the procedures established in the Zoning Ordinance. This creates risk of error as staff may conflate the two procedures for essentially the same application.	Makes variances subject to the criteria and procedures set out in the Zoning Ordinance.
Appeals	Article 8		Similar to the issue with enforcement, the existing provisions set out	Makes appeals subject to the procedures set out in the Zoning

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			procedures for appeals that differ from the procedures set out in the Zoning Ordinance. This creates risk of error as staff may conflate the two procedures for essentially the same application.	Ordinance.
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ORDINANCE NO. ~~697~~_____

AN ORDINANCE REGULATING THE PLACEMENT, SIZE, AND TYPES OF SIGNS DISPLAYED ON BUILDINGS AND PREMISES WITHIN THE CITY OF MADRAS, ~~REPEALING~~SUPERSEDING ORDINANCES NO. 468, 537, AND 693, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Madras ~~is working on making~~desires to make the ~~city~~City more attractive and interesting for ~~the~~ residents and visitors, ~~and~~ to promote business within the City of Madras, ~~and at the same time~~ to maximize the effectiveness of the type of advertising for businesses and facilities, and to promote the general health, safety, property, and welfare of the public; ~~and~~

WHEREAS, it is necessary as a community to control the type, form, construction, and location of ~~outdoor advertising~~signage within the City.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Madras that:

ARTICLE 1: INTRODUCTORY PROVISIONS**SECTION 1.0 TITLE**

This Ordinance shall be known as the City of Madras Sign Ordinance.

SECTION 1.1 PURPOSE

The purpose of this ~~ordinance~~Ordinance is to provide reasonable and necessary regulations for the placement and maintenance of signs within the City in order to:

- ~~a)~~a) Protect the health, safety, property, and welfare of the public by minimizing distractions to motorists and ensuring that signs are appropriately sized and located as to not create a hazard.
- ~~b)~~b) Promote a neat, clean, orderly, and attractive appearance within the city.
- ~~c)~~c) Improve the effectiveness of signs in identifying and advertising businesses and facilities.
- ~~d)~~d) Eliminate signs that demand, rather than invite public attention.
- ~~e)~~e) Provide for reasonable, orderly, and effective display of outdoor advertising compatible with their surroundings.

~~f) f)~~ Preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the city and its citizens.

~~g) g)~~ Provide effective signing to meet the anticipated differing needs of various areas in the city.

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~~SECTION 1.2 — TERMINOLOGY INTERPRETATION~~

~~The word "City" shall mean the City of Madras, Oregon. The words "City Council" shall mean the City Council of Madras, Oregon. The words "Administrator", "Planning Director", and "Building Official" shall mean the Administrator, Planning Director, and Building Official respectively of the City of Madras. The words "Planning Commission" shall mean the City of Madras Planning Commission.~~

~~SECTION 1.3 — GENERAL DEFINITIONS~~

~~For the purposes of this [article Ordinance](#), words used in the present tense include the future, the singular includes the plural, the word "shall" is mandatory and the word "building" includes structures other than sign structures.~~

~~SECTION 1.4 — SPECIFIC DEFINITIONS~~

~~The following words and phrases used in this article have the meanings given to them in this section.~~

~~SECTION 1.5 — DEFINITIONS~~

~~[This Ordinance is not intended to, and does not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this Ordinance that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. No part of this Ordinance shall be construed to favor commercial speech over non-commercial speech. To the extent any provision of this Ordinance is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction on the content of the sign message shall prevail.](#)~~

~~[References to zones or zoning shall correspond to the City's Zoning Ordinance and Zoning Map, as both may be amended from time to time.](#)~~

~~SECTION 1.3 — DEFINITIONS~~

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The following definitions apply in this ~~ordinance~~Ordinance.

~~**Area of Sign:** The maximum area of the sign shall not exceed one hundred fifty (150) square feet per side or a total of three hundred (300) square feet.~~

Abandoned Sign: A sign that advertises or promotes services, activities, or a business that have not been available or have been closed for more than six (6) months or a damaged sign that has not been immediately removed pursuant to Section 6.2.

Alter: To make a change to a sign or sign structure, including but not limited to, changes in area, height, projection, illumination, shape, materials, placement and location on a site. Altering a sign does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, or exchanging the display panels of a sign. The replacement of a sign on an existing pole sign in the Downtown Commercial (C-2) zone with a sign for the same, a similar, or a related business shall not constitute an alteration.

Awning: An awning ~~shall consist~~consists of a covered ~~structure~~shelter constructed of wood, canvas, cloth or other flexible material projecting horizontally from the building and attached to a building. Awnings that meet applicable building codes are not considered a sign by this ~~ordinance~~Ordinance.

~~**Billboards:** A billboard is a freestanding sign which contains a message unrelated to the business or profession conducted upon the premise on which the sign is located.~~**Billboard:** A Billboard is a sign that is not at the location of a business or an activity open to the public or for which compensation or anything of value is given or received for the display of the sign or for the right to place the sign on another's property as more specifically defined in rules promulgated by the Oregon Department of Transportation.

Building Official: The Jefferson County Building Official or his designee.

Business: Business shall mean all of the activities carried on by ~~the same legal entity on the same premises~~one or more entities on a particular property and shall include, but not be limited to: service, commercial, and industrial uses, Public Bodies, and fraternal, benevolent, education, ~~government~~, and social organizations.

Business Complex: Business ~~complex~~Complex shall mean one or more business tenants as occupants of ~~the property~~one or more properties that are operated in a coordinated fashion. In a business complex, business tenants means, but is not limited to, retail shops, executive or administrative services, including medical clinics and accessory pharmacies, professional offices, and personal service establishments ~~which~~that perform personal services on the premises and similar uses.

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~~**Business Sign:** A sign that directs attention to a business, profession, activity, commodity service, product price, or entertainment conducted, sold, or offered upon the premises where such sign is located or within the building to which such sign is affixed.~~ City: The City of Madras, Oregon.

City Limits: The jurisdictional boundaries of the City as they presently exist or as they may be reconfigured in the future.

Clear Vision Area: Signs along roadways, when allowable, shall not exceed three (3) feet in height unless there is a clear visibility area of at least eight (8) feet in height between the bottom of the sign and the ground. Any support standards for the sign shall not interfere with the ~~clear vision area~~ Clear Vision Area.

~~**Construction Sign:** A sign identifying individuals or companies involved in design, construction, wrecking, financing, or development when placed upon the premises where work is under construction but only for the duration of construction or demolition.~~ Community Development Director: The City's Community Development Director or his designee.

[Amended by Ordinance No. 772, Passed July 25, 2006]

~~**Directional Kiosk:** A sign which provides the name and direction to a neighborhood or subdivision.~~

[Added by Ordinance No. 818, Passed October 13, 2009.]

Directory Sign: A sign ~~which~~ that indicates the name and/or address of the occupant, the address of the premises, and/or identification of any legal business or occupation which may exist at the premises.

~~**Gross Surface Area:** The entire area within a single continuous perimeter composed of a single face enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, together with a material of color forming an integral part of the display to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign.~~

Flush Mounted Sign: A sign ~~that is~~ attached or painted directly onto the exterior surface of a building and does not project outward from the wall or surface of the building more than 1 inch (1").

~~**Franchise Sign:** A sign for advertising purposes which reflects affiliation with a chain of commonly named businesses, and which sign is required as a prerequisite for operation of the franchise.~~

Freestanding Sign: A freestanding sign is ~~an on-premise~~ sign supported by one or more uprights or braces in the ground and detached from any building or structure. Freestanding signs include, but are not limited to, monument signs and pole signs.

[Amended by Ordinance No. 772, Passed July 25, 2006]

Frontage: Frontage shall be defined as the length of the property line of any one parcel of property along each accessible street or other public right-of-way it borders.

Height of Sign: Height of sign shall mean the vertical distance from the lowest point of elevation of the finished surface to the highest point of the sign or any vertical projection thereof.

~~Kiosk: A small, free standing structure which may have one or more surfaces used to display advertising or to identify or index a business or businesses.~~

Monument Sign: A low profile freestanding sign ~~which~~that has a solid base at ground level that is equal to or greater than the width of the ~~sign face~~Sign Face, and which has no separation between the base and sign. A monument sign shall not exceed eight feet in height from ground level, including the base.

[Added by Ordinance No. 772, Passed by Council on July 25, 2006]

~~Non-conforming Sign: A non-conforming sign is a sign which does not conform to the provisions of this ordinance.~~Conforming Sign: A sign that was lawful when it was constructed, but does not meet the current requirements of this Ordinance. For purposes of evaluating non-conformity, the applicable date shall be the date a permit is issued, or if no permit is required, then the date a completed sign was erected.

Non-Residential Property or Zone: Properties designated as anything other than R-1, R-2, or R-3 on the City's Comprehensive Plan and Zoning Map as may be amended from time to time. Includes properties in residential uses, but no within a Residential Zone.

Nuisance and Abatement Ordinance: City Ordinance No. 875 and any amendment or replacement thereof.

~~Off-Premise Premises Sign: An off-premise sign is a sign which~~ An Off-Premises Sign is a permanent sign, other than a Billboard, that contains a message unrelated to the business ~~of,~~

profession, services, or activities conducted upon or adjacent to the premises ~~where such signs are on which the sign is~~ located or adjacent premises.

~~**Off-Premise Sign Structure:** Any structure, or any portion of any structure, which is intended, designed or used to display an Off-Premise Sign.~~

~~**On-Premise Sign:** An on-premise sign is a sign which advertises only the business or the goods, products, or facilities located on the premises on which the sign is located, or the sale, rent or lease of the premises.~~

Ordinance: This Ordinance No. _____

Owner: Any person, individual, ~~government~~Public Body, private entity, firm, partnership, LLC, joint venture, association, social club, fraternal organization, fraternity, sorority, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, who owns or leases ~~an Off-Premises Sign Structure or leases from the owner of the underlying real property of an Off-Premises Sign Structure, and is in the business of selling space on such structures to others~~ a sign or, as applicable, the property on which a sign is located.

Planning Commission: The City's Planning Commission.

Pole Sign: A sign that is mounted on a freestanding pole(s) or other support so that the bottom edge of the ~~sign face~~Sign Face is clearly visible above grade.

[Added by Ordinance No. 772, Passed by Council on July 25, 2006]

~~**Portable and/or Temporary Sign:** A portable and/or temporary sign is any sign not designated to be permanently affixed to a building, structure, or the ground; a sign designed to be self-supporting and movable.~~

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Principal Sign: ~~A principal sign is defined as the~~ The primary permanent ~~on-premise~~ sign designed ~~primarily~~ to identify or advertise a ~~business~~businesses, services, or facility located upon the property to motorists or pedestrians approaching the ~~business or facility~~property. A "principal sign" is limited to a combination, freestanding, flush, or projecting sign.

Projecting Sign: A projecting sign is a sign other than a flush sign which projects beyond the building face to which it is attached.

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~~Real Estate Sign: A sign which is used to offer for sale, lease, or rent that premises upon which such sign is placed.~~

Public Body: Any state, federal, county, or city agency, department, division, bureau, board and commission as well as any school district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency.

Public Property: Real property owned or controlled by any Public Body including public rights-of-ways.

Residential Property, or Zone: Properties designated as R-1, R-2, or R-3 on the City's Comprehensive Plan and Zoning Map as may be amended from time to time. Residential Zone does not include properties in residential uses in other zones or other zones in which residential uses are permitted.

Residential Sign: A sign erected in a Residential Zone that is less than four (4) square feet and is not illuminated.

Residential Use: The use of property for dwelling purposes.

Roof Sign: A sign mounted on the roof of a building.

Sign: An outdoor sign, display, message, emblem, device, figure, poster, billboardBillboard, or other thing that is used, designed or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign supporting structure, display surface and all other component parts of the sign. When dimensions of the sign are specified, the term includes the panels and frames, and the term includes both sides of the sign of specified dimension or area, but the term shall not include a sign as reasonably necessary or required by any branch or agency of the governmentPublic Body pursuant to any public law or regulation.

Sign Area: The sign area includes the area within the outermost perimeter enclosing the limits of lettering, writing, representation, emblem, figure, character and lighted surface, but excluding essential sign structure, foundations or supports. Where a sign is of a three-dimensional, round, or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign area. When signs are constructed in multiple separate pieces the sign area is calculated by measuring the Sign Face of all the pieces once assembled. Structural supports bearing no sign copy shall not be included in the sign area. However, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the sign area.

Sign Face: The surface upon, against or through which the sign copy or message is displayed or illustrated.

Sign Height: The height of a sign is measured from the average level of the grade below the sign to the topmost point of the sign including any supporting structure.

Sign Structure: Any structure, or any portion of any structure, which is intended, designed or used to display a sign.

Temporary Sign: A sign that is temporarily attached to a building, structure, or property for a definite period of time to advertise an event or occurrence that will take place during the definite period of time. Temporary Signs include, but are not limited to, sandwich-boards, banners, flags, pennants, balloons, blimps, streamers, lawns signs, and portable signs.

Uniform Building Code: ~~The State of~~ All or any combination of the 2014 Oregon Structural Specialty Code ~~and Fire and Life Safety Code of 1979 Edition (Uniform Building Code), 2014 Oregon Electrical Specialty Code, 2014 Oregon Mechanical Specialty Code, 2014 Oregon Residential Specialty Code, and the 2014 Oregon Fire Code~~ published by the International Conference of Building Officials, as the same may be amended from time to time or any successor code adopted by the ~~City of Madras and which is referred to as "UBC" in this ordinance.~~ Building Official.

Urban Growth Boundary: The urban growth boundary of the City as it presently exists or as it may be re-located in the future.

Zoning Ordinance: City Ordinance No. 864 and any amendment or replacement thereof.

ARTICLE 2: BASIC PROVISIONS

SECTION 2.1 SIGN ERECTION, REPAIR, ETC.

It is unlawful for any person to erect, repair, alter ~~or~~ relocate or maintain within ~~this city~~ the City, any sign or other graphic except as provided in this ~~ordinance~~ Ordinance.

SECTION 2.2 SIGN CONFORMANCE: ~~BILLBOARDS~~

~~No sign shall stand or be based on public property.~~ All signs must be erected, altered, and maintained in conformance with this Ordinance, the Uniform Building Code. Billboards shall conform with State law. Billboards are allowed with certain limitations in commercial and industrial zones of the city and are prohibited in residential zones (Refer to Section 2.13, Billboards, for Additional Information). Uniform Building Code, and all other applicable state and federal law. No sign shall stand on, protrude onto, or be anchored in right-of-ways or other public property without the written authorization of the public entity responsible for such property.

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8-9.2.3

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8-9.2.6

~~SECTION 2.3~~ ~~PROHIBITED SIGNS~~ SECTION 2.3 PROHIBITED SIGNS

~~Flashing, moving, animated, blinking, or rotating signs are prohibited, as well as the use of strobe lights. However, this section shall not prevent the use of time and temperature signs nor prevent the use of reader boards which have moving lights and provide only community activity information.~~

Except for nonconforming signs, the following signs are unlawful and are declared nuisances:

A. Abandoned Signs:

B. Video signs or other signs that display a moving image other than scrolling/flashing/changing text or numbers;

C. Electronic signs that flash, change colors, display a moving/changing (including scrolling/flashing/changing text or numbers), or would otherwise pose a distraction to motorists unless authorized to be located on public property;

D. Any sign constructed, maintained, or altered in a manner without a permit or otherwise in violation of this Ordinance;

E. Any sign constructed or maintained which, by reason of its size, location, movement, coloring or manner of illumination may be confused with or construed as a traffic control device/signage or which hides from view any traffic control device/signage;

F. Any sign constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or an exit corridor, exit hallway or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire;

G. Any sign located in a manner that could impede traffic on any street, alley, sidewalk, bikeway or other pedestrian or vehicular travel way;

H. Any sign equipped with moving, rotating or otherwise animated parts.

I. Any sign that is wholly or partially illuminated by a flashing or intermittent light, lights, lamps, bulbs, or tubes. Rotary beacon lights, zip lights, strobe lights, or similar devices shall not be erected or maintained, or attached to or incorporated in any sign;

J. Any sign located on private property within the Clear Vision Area;

K. Any sign attached to a tree, plant, or utility pole, except as otherwise allowed or required by applicable law;

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L. Any sign within or over any public right-of-way (including banners spanning a public right-of-way), or located on private property less than two feet from any area subject to vehicular travel, except for signs, whether permanent or temporary, specifically allowed within the public right-of-way with the approval of the controlling jurisdiction.

M. Off-Premises Signs and signs not authorized within a right-of way by the controlling jurisdiction.

N. Roof signs.

O. Any other sign that is not allowed under this Ordinance, that presents a threat to public health, safety, or welfare, or is otherwise unlawful.

[Amended by Ordinance No. 783, Passed by Council on December 12, 2006]

SECTION 2.4 — ADVERTISEMENT OF SERVICE SIGNS IN RESIDENTIAL ZONES

~~Signs which advertise a service, product, or use not located at the site of the sign shall be prohibited. Billboards are not prohibited by this provision.~~

SECTION 2.5 — PORTABLE SIGNS

~~There shall be allowed, on premise, one portable sign per business, not to exceed twenty four (24) square feet per sign of space. No portable sign should be placed in any fashion which might obstruct or obscure vehicular or pedestrian traffic or visibility.~~

SECTION 2.6 — RESIDENTIAL SIGNS

~~Signs erected in residential zones shall be no larger than four (4) square feet and shall not be illuminated except as follows:~~

~~A. Signs for land uses within the R-1 and R-3 zones that are identified as conditional uses, as defined by Ordinance No. 528, may be erected if they conform to the following standards:~~

A. Residentially Properties are limited to two (2) Residential Signs per property:

B. Notwithstanding Section 2.4(A), non-residential uses authorized by the Zoning Ordinance and residential structures comprised of five (5) or more independent dwelling units may erect additional signs as follows:

~~1. One or more wall mounted signs not exceeding one hundred (100) square feet, gross surface area or over fifty (50) percent of the building front elevation facade, whichever is less. The sign. Signs authorized under this provision must be erected as a flush mounted wall sign as defined in this ordinance.~~

~~2. One freestanding sign not exceeding one hundred (100) square feet in size.~~

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3. The total area for all signage shall be limited to one hundred and fifty (150) square feet in size.

~~3.4.~~ Signs shall not be back lighted ~~(electric) or electronic.~~ Front flood light illumination is authorized where it does not project onto adjoining properties.

~~4. Signs in existence prior to the approval of this ordinance shall not be required to conform to this ordinance unless the sign is moved or substantially changed.~~

C. Property designated as common property on a plat or other deed restriction is deemed to be an authorized non-residential use for purposes of this Section 2.4.

~~5. Home occupation, as defined, shall be required to comply with the residential sign requirements and shall be limited to four (4) square feet and not be illuminated.~~ D. Notwithstanding Section 2.4(B), only Residential Signs may be used to advertise Home Occupations, as that term is defined in the Zoning Ordinance.

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8-9.2.7

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8-9.2.7

~~SECTION 2.7~~ ~~ON-PREMISE SIGNS~~ SECTION 2.5 SIGNS IN NON-RESIDENTIAL ZONES

~~On-premise signs in the commercial and industrial zones of the City shall be reviewed by the Planning Commission and shall be restricted to the standards in this section.~~

Signs in Non-Residential Zones shall meet the following standards:

- A. The total ~~perimeter~~ area of ~~a combination of~~ all signs on the premises may not exceed three-hundred (300) square feet. Unless otherwise prohibited by this section, the maximum ~~perimeter~~ area shall be one-hundred fifty (150) square feet for any individual sign.
- B. Freestanding signs in ~~commercial and industrial zones~~ all non-Residential Zones are subject to the following restrictions.

FREESTANDING SIGNS				
ZONE	TYPE ALLOWED	NUMBER ALLOWED	MAXIMUM SIZE AREA	MAXIMUM HEIGHT
C-1	Pole or Monument	1 *	150 sq. ft.	20 ft.
C-2	Monument	1 *	32 sq. ft.	8 ft.
C-3	Pole or Monument	1 <u>1</u> *	40 sq. ft.	20 ft.
NC	Pole or Monument	1 *	32 sq. ft.	20 ft.
Industrial	Pole or Monument	1 *	150 sq. ft.	35 ft.

* One freestanding sign shall be allowed per ~~business premise~~ property except as allowed by Section ~~2.7-2.5~~ 2.5(C) and Section ~~2.7-2.5~~ 2.5(D), below.

- C. ~~Business premises with frontages on two one-way streets can have two (2) freestanding signs, one for each direction on opposing one way streets. A business mall shall be considered a single business for purpose of this section.~~ For through-lots (properties that have frontage on opposite sides of the same block), two freestanding signs are permitted. The freestanding signs must be oriented towards opposite frontages.

- D. ~~If a business has more than one (1) frontage along traffic flows of opposite direction, the business may have one freestanding sign, for each direction of traffic flow.~~ A Business Complex under two acres in gross area shall only be permitted the amount of signage permitted for a single property. A Business Complex over two acres in gross area shall be permitted the amount of signage permitted for two properties, which may be distributed throughout the Business Complex regardless of internal property lines. These limitations apply regardless of the number of businesses, buildings, or properties that comprise the Business Complex.
- E. Building Signs - Each ~~business~~ building on a property shall be entitled to ~~have~~ two (2) square feet of flush mounted or wall sign area per ~~linear foot~~ linear foot ~~of the building's~~ width ~~of~~ on the ~~building's~~ dominant ~~facade~~ façade, with a maximum of one-hundred fifty (150) square feet of signs or six percent (6%) of the linear measurement of the building's dominant ~~facade~~ façade, whichever is ~~more~~ greater. This limitation applies regardless of the number of businesses that may occupy the building.

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8-9.2.12

~~F. Franchise Signs—Upon proof by a franchise business operator that display of a franchise sign is a necessary prerequisite to operation of the business of the franchise, and upon review and approval of the City Planning Commission, a franchise business operator may obtain an appropriate exception from application of this ordinance.~~

[Section 2.7 Amended by Ordinance No. 772, Passed by Council on July 25, 2006]

SECTION 2.8 — REAL ESTATE SIGNS **2.6 PROJECTING SIGNS**

~~Signs designating real estate for sale, rental or lease may be displayed on the premises to which they relate if they meet the following requirements:~~

- ~~A. Residential Zone—Signs shall not exceed four (4) square feet in area with the maximum height not in excess of four (4) feet above grade level.~~
- ~~B. Commercial and Industrial Zone—Signs for this purpose shall be allowed but shall not exceed thirty two (32) square feet.~~

SECTION 2.9 — PROJECTING SIGNS

~~A projecting sign shall not encroach onto adjoining premises.~~

SECTION 2.10 — PROJECTING SIGNS: CLEAR VISION AREA

~~No sign shall project or extend into any clear vision area so as to cause or create a hazard or a risk of hazard for pedestrian or vehicular traffic.~~

Unless otherwise permitted by this Ordinance, signs shall not encroach onto:

- A. Adjoining properties;
- B. A public right-of-way; or
- C. Any Clear Vision Area.

SECTION 2.11 — 2.7 DIRECTIONAL SIGNS

~~On premise directional~~Directional signs designed to be read by a person on the premises on which the sign is located and used to identify ~~or locate an entrance, exit, or drive up window~~buildings/businesses/amenities or direct persons on the premises are limited to four (4) square feet in area and ~~be no more than four (4) feet in height.~~(4') high if freestanding. If the sign is on the wall of ~~the~~a building, ~~it~~the directional sign shall be limited to four (4) square feet in area and ~~located no more than~~eight (8) in height~~feet high.~~

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SECTION ~~2.12~~ ~~ROOF SIGNS~~2.8 SIGN LOCATION

~~Roof~~Except for Billboards, signs ~~are prohibited~~. Signs may not extend above the roofline, eave, or parapet wall of the building to which they are attached or of the tallest building on the premises (or closest building if the Property is vacant) if the sign is freestanding.

[Amended by Ordinance No. 772, Passed by Council on July 25, 2006]

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8-9.2.13

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SECTION 2.13—2.9 BILLBOARDS

~~Billboards shall be regulated as follows:~~Billboards are allowed with certain limitations in specified Non-Residential Zones as identified in the Zoning Ordinance, but are prohibited in all Residential Zones. Billboards shall also be subject to the following regulations:

A. Limitation On The Total Number Of ~~Billboard Signs~~Billboards

The total number of ~~billboard signs~~Billboards located within the City ~~limits~~Limits and Urban Growth Boundary shall be limited to eighteen (18). Signs lost or removed for any reason shall not be replaced until the total number of ~~billboard signs~~Billboards in the ~~city limits~~City Limits and Urban Growth Boundary is reduced to fourteen (14), which shall then become the maximum number of ~~billboard signs~~Billboards permitted thereafter.

B. Replacement Of ~~Billboard Signs~~Billboards

When the total number of ~~billboard signs~~Billboards within the ~~city limits~~City Limits and Urban Growth Boundary has been reduced in number to a total of fourteen (14), in accordance with subsection (A) above, ~~billboard signs~~Billboards may be replaced upon application by any person or entity possessing an appropriate State of Oregon permit, subject at all times to the maximum fourteen (14) sign number limitation.

No person or entity shall file an application for a new or replacement ~~billboard sign~~Billboard without proof of possession of a valid State of Oregon permit allowing placement of a ~~billboard sign~~Billboard within the designated ~~city limits~~City Limits and Urban Growth Boundary. New or replacement ~~billboards~~Billboards shall be permitted only as provided in subsection C below.

C. Maximum Size Limit For Replacement Billboard ~~Signs Noted In This Section~~

The maximum size of each replacement ~~billboard~~Billboard sign, noted in Subsection B above, shall be two-hundred fifty (250) square feet per side.

D. Location of Billboards

No ~~billboards~~Billboards shall be permitted on 4th or 5th Streets between S.E. "J" Street and N.E. Cedar Street.

~~There should be allowed only one billboard per premise.~~ Only one Billboard is permitted per property.

No ~~billboard~~Billboard shall be located within 400 feet of another ~~billboard~~Billboard.

E. Height of Billboards

No ~~billboard~~Billboard shall exceed thirty-five feet (35') in height.

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F. Features

Billboards may not feature video screens, reader boards, or other components that flash, change colors, display movement, or would otherwise pose a distraction to motorists

8-9.2.14

9.3.1 Madras Ordinances 8-9.4.1

ARTICLE 3: TEMPORARY SIGNS

SECTION 2.14 — DIRECTIONAL KIOSKS SECTION 3.1 GENERAL REQUIREMENTS

Directional Kiosk shall be regulated as follows:

- ~~1. Purpose: Directional Kiosks are intended to provide signage for new neighborhoods/subdivisions being developed in the City of Madras. Directional Kiosks are not intended to provide signage for:
 - A. Commercial businesses or property located in any Commercial zone on the City of Madras Zoning Map.
 - B. The advertisement of individual dwelling units or parcels (i.e. typical real estate signs).
 - C. The advertisement of any public facility.~~

- ~~2. Exceptions:
 - A. Directional Kiosks may be used for advertisement of community events if there is vacant sign space. For the purposes of this exception only in this ordinance, a community event is defined as an event that is open to the public and significant to the entire community.~~

- ~~3. Management: The City of Madras shall own, operate, and permit all Directional Kiosks and signage on Directional Kiosks.~~

Temporary Signs shall not be restricted by content and shall not affect the amount or type of signage otherwise allowed by this Ordinance. Examples of Temporary Signs include, but are not limited to, non-permanent signs usually and customarily used to advertise real estate sales, political or ideological positions, garage sales, construction, or events. Temporary Signs may be erected and maintained in the City only in compliance with the following specific provisions:

- A. No Temporary Sign shall be internally illuminated or be illuminated by an external light source primarily intended for the illumination of the Temporary Sign without a permit.
- ~~B. 4. Procedure: An application shall be submitted to the Community Development Department with the appropriate fee for review. Fees shall be established periodically by the City Council. The Community Development Director shall process Directional Kiosk applications consistent with Article 5-PROCEDURE of this ordinance.~~ Temporary Signs may not be reflective, electronic, or contain any moving or flashing parts.
- ~~C. A. Sign Lease Terms: The City of Madras will lease signage on Directional Kiosks to neighborhood/subdivision property owners on the following terms:~~ Temporary Sign shall be

attached to the site or constructed in a manner that both prevents the sign from being easily removed by unauthorized persons or blown from its location and allows for the easy removal of the sign by authorized persons.

- ~~i. Property owners are responsible for providing signage that will be placed on the Directional Kiosk. All language and content shall be approved by the City.~~
- ~~ii. Leases shall be limited to six (6) month periods. Property owners may lease signage for consecutive six (6) month periods so long as there are no other property owners requesting signage to be placed on a Directional Kiosk. If there are property owners waiting to access a Directional Kiosk they shall be assigned space on the Kiosk in the order in which the application was received by the Community Development Department. The Community~~

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8-9.2.14

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~~Development Director shall establish procedures to ensure equal access to Directional Kiosks.~~

~~5. Location: Directional Kiosks shall be only located on properties adjacent to streets that are functionally classified as Collector and Arterial streets shown in the City of Madras Transportation System Plan. Prior to installation, the City Council shall review and approve the location and design of all Directional Kiosks.~~

~~6. Size: Directional Kiosks shall be free standing monument signs.~~

~~7. Height: Directional Kiosks shall be eight (8) feet or less in height.~~

[Section 2.14 Added by Ordinance No. 818, Passed October 13, 2009]

ARTICLE 3: TEMPORARY AND SPECIAL SIGNS

SECTION 3.1 — POLITICAL SIGNS

~~Political signs shall be located on private property with the consent of the legal owner of the property, and shall be removed within five (5) days after the election date. The campaign chairperson shall be held responsible for any violations.~~

~~D. Except as provided in this code, Temporary Signs shall not be attached to trees, shrubbery, utility poles or traffic control signs or devices.~~

~~E. No Temporary Sign shall be erected or maintained which, by reason of its size, location or construction constitutes a hazard to the public.~~

~~F. No Temporary Signs shall be allowed in the public right-of-way or on public property, except for those listed in this subsection.~~

~~a. The following Temporary Signs shall be permitted in the right-of-way without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this Ordinance. No Temporary Sign in the right-of-way shall interrupt the normal flow of vehicle, pedestrian or bicycle traffic, shall provide a minimum of five feet (5') of clear passage for pedestrians on a sidewalk where a sidewalk exists, and shall not inhibit the use of parking facilities. No Temporary Sign shall extend into a Clear Vision Area. Temporary Signs allowed in the right-of-way shall include:~~

~~i. Signs owned or erected by a Public Body;~~

~~ii. Signs on public sidewalks and adjacent to commercial uses in the C-1, C-2, and C-3 districts that comply with the following standards:~~

~~1. The Temporary Sign shall be displayed only during the business hours of the responsible business, and~~

~~2. Any Temporary Sign placed elsewhere than directly adjacent to the business shall be placed only with the written consent of the~~

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property owner of the adjacent property. No more than 1 Temporary Sign shall be placed in the public right-of-way adjacent to any property frontage on a single street.

G. The Community Development Director may administratively approve a deviation of up to 100% from any numerical standard applicable to Temporary Signs. Temporary Signs approved for a deviation shall remain exempt from permitting requirements. Deviations exceeding 100% shall be subject to permitting requirements and/or a variance as applicable.

H. Substantially similar Temporary Signs, and those advertising the same event, which are erected sequentially, will be considered the same Temporary Sign for purposes of applicable temporal limitations.

I. The Temporary Sign shall be removed within seven (7) days of the culmination of the event or purpose for which the Temporary Sign was erected regardless of any permitted time then remaining.

SECTION 3.2 ~~————~~ ~~GARAGE AND YARD SALE SIGNS**~~ **TEMPORARY SIGNS IN RESIDENTIAL ZONES****

~~[Section 3.2 removed by Ordinance No. 854, Passed by Council on April 23, 2013.]~~

Temporary Signs in Residential Zones shall be restricted as follows:

1. Temporary Signs not exceeding six (6) square feet in area or four (4) feet in height shall be permitted for a period of ninety (90) days.

2. Temporary Signs exceeding six (6) square feet in area and/or four (4) feet in height, but not exceeding twelve (12) square feet and/or six (6) feet in height shall be permitted for a period of thirty (30) days. No more than one such sign shall be permitted per property.

3. The maximum square footage of Temporary Signs on any particular Residential Property is 25 square feet.

SECTION 3.3 ~~————~~ ~~CONSTRUCTION SIGNS**~~ **TEMPORARY SIGNS IN NON-RESIDENTIAL ZONES****

~~Signs designating architects, engineers, financial investments, and construction organizations on construction projects within the city shall be allowed. Such signs, however, shall not exceed thirty-two (32) square feet in area and shall be used primarily for the purpose of publicizing the construction. Signs placed pursuant to this section shall be removed ten (10) days after completion of the construction project, or upon occupancy of the building, whichever first occurs.~~

Temporary Signs in non-Residential Zones shall be restricted as follows:

1. Temporary Signs not exceeding twenty (20) square feet in area or six (6) feet in height shall be permitted for a period of one hundred and twenty (120) days.

2. Temporary Signs exceeding twenty (20) square feet in area and/or eight (8) feet in height, but not exceeding thirty two (32) square feet and/or ten (10) feet in height shall be permitted for a period of sixty (60) days.

3. The maximum square footage of Temporary Signs on any particular Non-Residential Property is 250 square feet per acre with a minimum of 50 square feet and maximum of 500 square feet.

ARTICLE 4: EXEMPT SIGN EXEMPTIONS

SECTION 4.1 — SIGNS THAT ARE EXEMPT

The following signs or displays are exempt from this ordinance exempt from the permitting requirements of this Ordinance. All signs, even those exempt from permitting, must comply with sign dimensional, location, placement, maintenance, and all other applicable requirements.

~~A. Signs placed by the City, County, State or Federal governments.~~ Traffic or pedestrian control signs.

~~B. Traffic or pedestrian control signs.~~ Signs erected or maintained by Public Bodies.

~~C. Signs indicating scenic or historic buildings or points of interest.~~ Flags. Flags mounted on a pole in the ground or on a building are exempt, but are subject to Zoning Ordinance height regulations and shall be located and constructed so that, if the pole should collapse, its reclining length would be contained on the property on which it is installed.

~~D. Signs required by law.~~

~~D. Signs placed in the public right-of-way by the Public Body responsible for administering the right-of-way or by a Public Body providing transit services within the right-of-way.~~

~~E. Official public notices, official court notices or official sheriffs notices.~~

~~F. Interior building signs. G. Plaques, tablets or inscriptions indicating the name of a building, its date of construction or~~

~~other commemorative information which are attached flat to the building and do not exceed~~

~~on buildings that do not exceed~~ three (3) square feet in area.

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~~H. Seasonal decorations within the appropriate holiday season.~~

~~I. Sculptures, fountains, mosaics or other art which do not incorporate advertising or identification.~~

~~J.—E.~~ Signs constructed to identify ~~public~~emergency services such as fire, police or hospital facilities.

G. Temporary Signs that comply with the provisions of Article 3.

H. Residential Signs.

I. Signs altered or erected pursuant to Section 6.1(C).

ARTICLE 5: ~~PROCEDURE~~SIGN PERMITS

SECTION 5.1 PERMIT APPLICATIONS

Unless exempt under Article 4, a permit issued by the Community Development Director is required to erect or alter any sign within the City Limits. Applications for a sign permit shall be made in writing upon forms furnished by the City ~~of Madras~~and subject to applicable fees. Such applications shall include a scale drawing of the sign including dimensions, height and materials and show its relationship to the ground or to any building or structure to which the sign is proposed to be installed or affixed. When appropriate, a plot plan drawn to scale shall be submitted ~~which~~that indicates the location of proposed ~~signings~~signage relative to street and property lines.

Prior to the issuance of a sign permit, the Building Official may review the construction aspects of the proposed sign and a building permit may be required. The Building Official, ~~City Planning or Community Development~~ Director ~~or designee~~ may require other pertinent information where, in their opinion, such

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information is necessary to determine compliance with the provisions of this ~~ordinance.~~ The applications shall be acted upon within fifteen (15) days. Ordinance.

SECTION 5.2 ISSUANCE OF PERMIT

The ~~Building Official or designee~~ Community Development Director shall approve an application and issue a sign permit ~~for a sign covered by application duly made~~ unless the sign ~~is~~ fails to meet the standards or is otherwise in violation of the provisions of this ~~ordinance~~ Ordinance. Sign permits mistakenly issued in violation of this ~~ordinance~~ Ordinance are void.

SECTION 5.3 PERMIT REVOCATION

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The ~~Building Official or designee~~ Community Development Director may revoke a sign permit if ~~he finds that~~ there was a material ~~and~~ omission or misleading ~~false~~ statement of fact in the application for the permit.

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SECTION 5.4 **PERMIT TIME RESTRICTIONS**

A sign permit shall be null and void if all work ~~for which necessary to erect~~ the ~~permit was issued~~ sign has not been completed within ~~a period of~~ six (6) months of the date of issuance of the permit. The Community Development Director may authorize a single extension for up to an additional three (3) months if the applicant demonstrates significant progress or that the delay was the result of circumstances outside of the applicant's control. Otherwise, the applicant must apply for and obtain a new approval to erect the subject sign.

SECTION 5.5 **TEMPORARY ~~SPECIAL~~ PERMITS**

The ~~City Planning Director or designee may grant temporary special permits for signs pertaining to any civic, patriotic or special event of general public interest, or any other activities within the city limits.~~ Community Development Director may grant temporary permits for non-exempt Temporary Signs for a period of no more than thirty (30) days if the Community Development Director determines the sign will not present a risk to health, safety, or welfare and does not exceed applicable regulations for a comparable permanent sign. The Community Development Director may condition a temporary permit by any means necessary to achieve the objectives of this Ordinance. Applicants shall apply for a temporary permit on the forms prescribed by the Community Development Director.

ARTICLE 6: MAINTENANCE AND ENFORCEMENT

SECTION 6.1 **EXISTING SIGN ALTERATION OR REPLACEMENT**

~~Businesses or premises which currently have signs at the date of adoption of this ordinance which are non-conforming to this ordinance~~ A. Non-Conforming Signs shall not be altered or replaced unless the sign is made to conform ~~with~~ to the provisions of this ~~ordinance~~ Ordinance, or otherwise allowed under Section ~~6.4, 6.3.~~ Sign Maintenance Requirements.

[Section 6.1, paragraph 1, amended by Ordinance No. 815, passed February 24, 2009.]

~~Businesses or premises~~ B. Premises with a ~~pre-existing non-conforming sign~~ Non-Conforming Sign shall not be eligible for any additional signs ~~on the premises~~ until the existing signs are made to conform to the requirements of this ~~ordinance~~ Ordinance.

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8-9.6.4

~~SECTION 6.2~~ ~~DAMAGED SIGNS~~

~~Any sign which is damaged by over fifty one percent (51%) shall not be eligible for repair but shall be replaced with a new, conforming sign.~~

~~SECTION 6.3~~ ~~ABANDONED SIGNS~~

~~No person, firm, or corporation, shall abandon any sign within the city limits. A sign which advertises service or a business which is not available and has not been available for a period of not less than six (6) months, shall be presumed to be abandoned. The City of Madras may remove any abandoned sign and may place a lien against the property where the sign is located. The amount of the lien shall be the cost and expenses reasonably incurred by the City of Madras in removing the abandoned sign.~~

~~The City of Madras may remove any sign which is erected or placed upon premises after the effective date of this ordinance without a permit. The city may place a lien against the property upon which the sign was located for the reasonable costs and expenses incurred by the city in removal of said sign.~~

~~SECTION 6.4~~ ~~SIGN MAINTENANCE REQUIREMENTS~~

~~A. All signs within the city limits shall be maintained in a secure and safe manner. Maintenance includes minor repairs necessary to maintain the sign in its original state.~~

~~B. Maintenance to pole~~ C. Pole signs located in the Downtown Commercial (C-2) zone shall _____ be allowed to:

~~1) be maintained as defined in Section 8-9.6.4(A) of this Ordinance; and 2) are~~ permitted to change the business name and logo on existing pole signs so long as the use of a building does not change (i.e. retail to retail). ~~without application for a new sign permit.~~ A change in use of a building requires all signage to comply with all requirements of this ordinance Ordinance. A change of use shall be determined by the difference in the minimum number of required off-street parking spaces between the previous and proposed use as required in Table 4.5-1 Section 8-12.4.5 of the ~~City of Madras~~ Zoning Ordinance. If there is a difference in the minimum number of required off-street parking spaces, it shall constitute a change of use for only the purposes Sign Maintenance Requirements of this Ordinance.

D. For signs subject to permitting requirements, changes to interchangeable panels or other alterations to the face of a sign shall also be subject to the permitting requirements in Section 5.1 above.

~~[Subsection B Added by Ordinance No. 815, February 24, 2009]~~Section 6.1, paragraph 1, amended by Ordinance No. 815, passed February 24, 2009.

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8-9.6.4

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8-9.7.0

SECTION 6.2 DAMAGED SIGNS

Any sign that is damaged by over fifty-one percent (51%) of the replacement cost of the sign shall not be eligible for repair, but shall be immediately removed. Any replacement signs shall conform to the standards of this Ordinance and be subject to the same permitting requirements as if the sign were new.

SECTION 6.3 SIGN MAINTENANCE REQUIREMENTS

A. All signs within the City Limits shall be maintained in a secure and safe manner. Maintenance includes minor repairs necessary to maintain the sign in its original state.

~~C. Portable~~ B. Temporary and freestanding signs shall be kept clear of rubbish and weeds. All other signs shall be securely mounted to a structure. If any sign is found not to be securely mounted, or if it is a hazard, the ~~owner~~ Owner shall be notified and shall be instructed to secure the sign. ~~If the owner~~ An Owner shall ~~fail or neglect to~~ secure the sign ~~after~~ within ten (10) days ~~previous of~~ notice, ~~the city may remove the sign.~~

~~If the city is required to remove any sign pursuant to this section, the city may place a lien against the property upon which the sign is located for the reasonable costs and expenses incurred by the city in removal of the sign.~~

SECTION 6.56.4 PERMIT FEE SCHEDULE

The ~~Common~~ City Council ~~of the City of Madras~~ shall establish, and from time to time revise, a permit fee schedule for ~~sign~~ all permits issued under this ~~ordinance~~ Ordinance. The fee schedule shall be reasonably

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related to the costs and expenses incurred by the City ~~of Madras~~ for administration of this ~~ordinance~~ Ordinance, and a minimum permit fee shall be established by the City Council.

SECTION 6.66.5 ENFORCEMENT; PENALTIES

~~This ordinance shall~~ Any violation of this Ordinance is hereby deemed a nuisance with each violation and each day that a violation persists constituting a separate offence. All violations shall be subject to the enforcement procedures, fine amounts, and penalties set out in the Nuisance and Abatement Ordinance. Violations may be enforced by Court proceedings ~~and/or~~ by any other

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remedy available to the City ~~of Madras~~, in law or in equity, including but not necessarily limited to the filing of property liens and foreclosure thereof in the appropriate courts. For any violation of this ~~ordinance~~ Ordinance, the ~~owner~~ Owner and/or tenant of the property where the violation occurred may be cited to appear in court to answer a complaint filed on behalf of the City ~~of Madras~~.

~~SECTION 6.7~~ PENALTIES

~~Upon any conviction for a first violation of this ordinance, the court may impose a fine not to exceed \$150. For any subsequent violation and conviction thereof, the violator may be fined up to \$250. Each day that a violation of this ordinance continues may be considered a separate violation and a separate citation may be issued to the responsible party.~~

ARTICLE 7: VARIANCE

SECTION 7.07.1 AUTHORIZATION TO GRANT OR DENY VARIANCES

An applicant for a sign permit or an applicant owning or leasing a sign that is not in compliance with the provisions of this ~~ordinance~~ Ordinance may ~~seek~~ apply for a variance ~~to the provisions of this ordinance. The Planning Commission may authorize a variance from the requirements of this ordinance. To support such a request, the applicant must show that owing to special and unusual circumstances related~~.

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~~to a specific lot, strict application of the ordinance would result in practical difficulties or cause undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or vicinity and which otherwise achieves the purpose of this ordinance.~~

SECTION 7.1 CIRCUMSTANCES FOR GRANTING A VARIANCE

A variance may be granted upon a finding that all of the following circumstances exist:

~~The request will be the minimum variance necessary to alleviate the hardship or practical difficulties faced by the applicant in meeting the requirements of this ordinance.~~

~~B. There are exceptional or extraordinary circumstances that apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of the property have no control.~~

~~The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.~~

~~The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of the Comprehensive Plan or policies.~~

SECTION 7.2 PROCEDURE APPLICATION FOR TAKING ACTION ON A VARIANCE
A VARIANCE APPLICATION

The procedure for taking action on an application

Applications for a variance shall be as follows:

A. ~~A property owner may initiate a request for a variance by filing an application with the City Recorder, using forms prescribed pursuant to Section 5.1.~~

B. ~~Before the Planning Commission may act on a variance application, it shall hold a public hearing.~~

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- ~~C. The decision of the Planning Commission shall be final unless appealed to the City Council.~~
- ~~D. Within five (5) days after a decision has been rendered with reference to a variance application, the City Recorder shall provide the applicant with written notice of the decision of the Planning Commission.~~

SECTION 7.3 TIME LIMIT ON A PERMIT FOR A VARIANCE

~~Authorization of a variance shall be void after one year unless substantial construction has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one year, on request.~~

SECTION 7.4 LIMITATION ON RE-APPLICATIONS

~~No application of a property owner for a variance shall be considered by the Planning Commission within a one-year period immediately following a previous denial of such request.~~[processed in accordance with the procedures and criteria for a variance set out in the Zoning Ordinance.](#)

ARTICLE 8: APPEALS

SECTION 8.1 FILING OF APPEALS

~~An appeal from a ruling of the City Administrative Officer, Planning Director or the Site Plan Review Committee regarding a requirement of this ordinance shall be filed with the Planning Commission.~~

~~SECTION 8.2 APPEAL REQUIREMENTS Any aggrieved party may appeal an action or ruling of the Planning Commission pursuant to this ordinance within fifteen (15) days after the Planning Commission has rendered its written decision. Written notice of the appeal shall be filed with the City Recorder. If the appeal is not filed within the fifteen (15) day period, the decision of the Planning Commission shall be final. If an appeal is filed, the City Council shall receive the decision and findings from the Planning Commission and shall conduct a public hearing on the appeal.~~[interested party may appeal a final decision of the Community Development Director to the Planning Commission and/or a decision of the Planning Commission to the City Council by filing an appeal in the manner prescribed for appeals in the Zoning Ordinance. If the appeal is not appropriately filed, the decision shall be final. If an appeal is filed, the appropriate hearings body shall conduct a public hearing and process the appeal in accordance with the procedures for an appeal set out in the Zoning Ordinance.](#)

SECTION 8.3

ARTICLE 9: MISCELLANEOUS

SECTION 9.1 SEVERABILITY; CORRECTIONS.

If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors.

SECTION 9.2 RESTATEMENT

This Ordinance amends and restates Ordinances Nos. 468, 537, and 693 and supersedes any ordinance, resolution, and/or policies in conflict with the amendments. The provisions of other City ordinances that are not amended or modified by this Ordinance remain unchanged and in full force and effect.

SECTION 9.3 EMERGENCY CLAUSE

It is hereby determined and declared that existing conditions are such that it is necessary for the immediate preservation of the peace, health, general welfare, and safety of the City ~~of Madras~~ that

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{10340365-00500803;6}

~~8-9-8.3~~ an emergency be declared to exist; therefore this ~~ordinance~~Ordinance shall be in full force and effect immediately upon and after its passage by the Council and approval by the Mayor of the City of Madras, Oregon.

PASSED by the Council and approved by the Mayor on ~~May 28, 2002. (Passage ratified on June 11, 2002.)~~ _____, 2015.

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Deletion	
Moved from	
Moved to	
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Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
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Padding cell	

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Deletions	374
Moved from	11
Moved to	11
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Format changed	0
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ORDINANCE NO. ____

AN ORDINANCE REGULATING THE PLACEMENT, SIZE, AND TYPES OF SIGNS DISPLAYED ON BUILDINGS AND PREMISES WITHIN THE CITY OF MADRAS, SUPERSEDING ORDINANCES NO. 468, 537, AND 693, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Madras desires to make the City more attractive and interesting for residents and visitors, to promote business within the City of Madras, to maximize the effectiveness of the type of advertising for businesses and facilities, and to promote the general health, safety, property, and welfare of the public;

WHEREAS, it is necessary as a community to control the type, form, construction, and location of signage within the City.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Madras that:

ARTICLE 1: INTRODUCTORY PROVISIONS

SECTION 1.0 TITLE

This Ordinance shall be known as the City of Madras Sign Ordinance.

SECTION 1.1 PURPOSE

The purpose of this Ordinance is to provide reasonable and necessary regulations for the placement and maintenance of signs within the City in order to:

- a) Protect the health, safety, property, and welfare of the public by minimizing distractions to motorists and ensuring that signs are appropriately sized and located as to not create a hazard.
- b) Promote a neat, clean, orderly, and attractive appearance within the city.
- c) Improve the effectiveness of signs in identifying and advertising businesses and facilities.
- d) Eliminate signs that demand, rather than invite public attention.
- e) Provide for reasonable, orderly, and effective display of outdoor advertising compatible with their surroundings.
- f) Preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the city and its citizens.

g) Provide effective signing to meet the anticipated differing needs of various areas in the city.

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SECTION 1.2 **INTERPRETATION**

For the purposes of this Ordinance, words used in the present tense include the future, the singular includes the plural, the word "shall" is mandatory and the word "building" includes structures other than sign structures.

This Ordinance is not intended to, and does not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this Ordinance that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. No part of this Ordinance shall be construed to favor commercial speech over non-commercial speech. To the extent any provision of this Ordinance is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction on the content of the sign message shall prevail.

References to zones or zoning shall correspond to the City's Zoning Ordinance and Zoning Map, as both may be amended from time to time.

SECTION 1.3 **DEFINITIONS**

The following definitions apply in this Ordinance.

Abandoned Sign: A sign that advertises or promotes services, activities, or a business that have not been available or have been closed for more than six (6) months or a damaged sign that has not been immediately removed pursuant to Section 6.2.

Alter: To make a change to a sign or sign structure, including but not limited to, changes in area, height, projection, illumination, shape, materials, placement and location on a site. Altering a sign does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, or exchanging the display panels of a sign. The replacement of a sign on an existing pole sign in the Downtown Commercial (C-2) zone with a sign for the same, a similar, or a related business shall not constitute an alteration.

Awning: An awning consists of a covered shelter constructed of wood, canvas, cloth or other flexible material projecting horizontally from the building and attached to a building. Awnings that meet applicable building codes are not considered a sign by this Ordinance.

Billboard: A Billboard is a sign that is not at the location of a business or an activity open to the public or for which compensation or anything of value is given or received for the display of the sign or for the right to place the sign on another's property as more specifically defined in rules promulgated by the Oregon Department of Transportation.

Building Official: The Jefferson County Building Official or his designee.

Business: Business shall mean all of the activities carried on by one or more entities on a particular property and shall include, but not be limited to: service, commercial, and industrial uses, Public Bodies, and fraternal, benevolent, education, and social organizations.

Business Complex: Business Complex shall mean one or more business tenants as occupants of one or more properties that are operated in a coordinated fashion. In a business complex, business tenants means, but is not limited to, retail shops, executive or administrative services, including medical clinics and accessory pharmacies, professional offices, and personal service establishments that perform personal services on the premises and similar uses.

8-9.1.5

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8-9.1.5

City: The City of Madras, Oregon.

City Limits: The jurisdictional boundaries of the City as they presently exist or as they may be reconfigured in the future.

Clear Vision Area: Signs along roadways, when allowable, shall not exceed three (3) feet in height unless there is a clear visibility area of at least eight (8) feet in height between the bottom of the sign and the ground. Any support standards for the sign shall not interfere with the Clear Vision Area.

Community Development Director: The City's Community Development Director or his designee.

[Amended by Ordinance No. 772, Passed July 25, 2006]

Directory Sign: A sign that indicates the name and/or address of the occupant, the address of the premises, and/or identification of any legal business or occupation which may exist at the premises.

Flush Mounted Sign: A sign attached or painted directly onto the exterior surface of a building and does not project outward from the wall or surface of the building more than 1 inch (1").

Freestanding Sign: A freestanding sign is a sign supported by one or more uprights or braces in the ground and detached from any building or structure. Freestanding signs include, but are not limited to, monument signs and pole signs.

[Amended by Ordinance No. 772, Passed July 25, 2006]

Frontage: Frontage shall be defined as the length of the property line of any one parcel of property along each accessible street or other public right-of-way it borders.

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Height of Sign: Height of sign shall mean the vertical distance from the lowest point of elevation of the finished surface to the highest point of the sign or any vertical projection thereof.

Monument Sign: A low profile freestanding sign that has a solid base at ground level that is equal to or greater than the width of the Sign Face, and which has no separation between the base and sign. A monument sign shall not exceed eight feet in height from ground level, including the base.

[Added by Ordinance No. 772, Passed by Council on July 25, 2006]

Non-Conforming Sign: A sign that was lawful when it was constructed, but does not meet the current requirements of this Ordinance. For purposes of evaluating non-conformity, the applicable date shall be the date a permit is issued, or if no permit is required, then the date a completed sign was erected.

Non-Residential Property or Zone: Properties designated as anything other than R-1, R-2, or R-3 on the City's Comprehensive Plan and Zoning Map as may be amended from time to time. Includes properties in residential uses, but no within a Residential Zone.

Nuisance and Abatement Ordinance: City Ordinance No. 875 and any amendment or replacement thereof.

Off-Premises Sign: An Off-Premises Sign is a permanent sign, other than a Billboard, that contains a message unrelated to the business, profession, services, or activities conducted upon or adjacent to the premises on which the sign is located or adjacent premises.

Ordinance: This Ordinance No. _____

Owner: Any person, individual, Public Body, private entity, firm, partnership, LLC, joint venture, association, social club, fraternal organization, fraternity, sorority, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, who owns or leases a sign or, as applicable, the property on which a sign is located.

Planning Commission: The City's Planning Commission.

Pole Sign: A sign that is mounted on a freestanding pole(s) or other support so that the bottom edge of the Sign Face is clearly visible above grade.

[Added by Ordinance No. 772, Passed by Council on July 25, 2006]

Principal Sign: The primary permanent sign designed to identify or advertise a businesses, services, or facility located upon the property to motorists or pedestrians approaching the property. A "principal sign" is limited to a combination, freestanding, flush, or projecting sign.

Projecting Sign: A projecting sign is a sign other than a flush sign which projects beyond the building face to which it is attached.

Public Body: Any state, federal, county, or city agency, department, division, bureau, board and commission as well as any school district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency.

Public Property: Real property owned or controlled by any Public Body including public rights-of-ways.

Residential Property, or Zone: Properties designated as R-1, R-2, or R-3 on the City's Comprehensive Plan and Zoning Map as may be amended from time to time. Residential Zone does not include properties in residential uses in other zones or other zones in which residential uses are permitted.

Residential Sign: A sign erected in a Residential Zone that is less than four (4) square feet and is not illuminated.

Residential Use: The use of property for dwelling purposes.

Roof Sign: A sign mounted on the roof of a building.

Sign: An outdoor sign, display, message, emblem, device, figure, poster, Billboard, or other thing that is used, designed or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign supporting structure, display surface and all other component parts of the sign. When dimensions of the sign are specified, the term includes the panels and frames, and the term includes both sides of the sign of specified dimension or area, but the term shall not include a sign as reasonably necessary or required by any Public Body pursuant to any public law or regulation.

Sign Area: The sign area includes the area within the outermost perimeter enclosing the limits of lettering, writing, representation, emblem, figure, character and lighted surface, but excluding essential sign structure, foundations or supports. Where a sign is of a three-dimensional, round, or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign area. When signs are constructed in multiple separate pieces the sign area is calculated by measuring the Sign Face of all the pieces once assembled. Structural supports bearing no sign copy shall not be included in the sign area. However, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the sign area.

Sign Face: The surface upon, against or through which the sign copy or message is displayed or illustrated.

Sign Height: The height of a sign is measured from the average level of the grade below the

sign to the topmost point of the sign including any supporting structure.

Sign Structure: Any structure, or any portion of any structure, which is intended, designed or used to display a sign.

Temporary Sign: A sign that is temporarily attached to a building, structure, or property for a definite period of time to advertise an event or occurrence that will take place during the definite period of time. Temporary Signs include, but are not limited to, sandwich-boards, banners, flags, pennants, balloons, blimps, streamers, lawns signs, and portable signs.

Uniform Building Code: All or any combination of the 2014 Oregon Structural Specialty Code, 2014 Oregon Electrical Specialty Code, 2014 Oregon Mechanical Specialty Code, 2014 Oregon Residential Specialty Code, and the 2014 Oregon Fire Code published by the International Conference of Building Officials, as the same may be amended from time to time or any successor code adopted by the Building Official.

Urban Growth Boundary: The urban growth boundary of the City as it presently exists or as it may be re-located in the future.

Zoning Ordinance: City Ordinance No. 864 and any amendment or replacement thereof.

ARTICLE 2: BASIC PROVISIONS

SECTION 2.1 SIGN ERECTION, REPAIR, ETC.

It is unlawful for any person to erect, repair, alter, relocate or maintain within the City, any sign or other graphic except as provided in this Ordinance.

SECTION 2.2 SIGN CONFORMANCE

All signs must be erected, altered, and maintained in conformance with this Ordinance, the Uniform Building Code, and all other applicable state and federal law. No sign shall stand on, protrude onto, or be anchored in right-of-ways or other public property without the written authorization of the public entity responsible for such property.

8-9.2.3

Madras Ordinances

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SECTION 2.3 PROHIBITED SIGNS

Except for nonconforming signs, the following signs are unlawful and are declared nuisances:

A. Abandoned Signs;

B. Video signs or other signs that display a moving image other than scrolling/flashing/changing text or numbers;

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C. Electronic signs that flash, change colors, display a moving/changing (including scrolling/flashing/changing text or numbers), or would otherwise pose a distraction to motorists unless authorized to be located on public property;

D. Any sign constructed, maintained, or altered in a manner without a permit or otherwise in violation of this Ordinance;

E. Any sign constructed or maintained which, by reason of its size, location, movement, coloring or manner of illumination may be confused with or construed as a traffic control device/signage or which hides from view any traffic control device/signage;

F. Any sign constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or an exit corridor, exit hallway or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire;

G. Any sign located in a manner that could impede traffic on any street, alley, sidewalk, bikeway or other pedestrian or vehicular travel way;

H. Any sign equipped with moving, rotating or otherwise animated parts.

I. Any sign that is wholly or partially illuminated by a flashing or intermittent light, lights, lamps, bulbs, or tubes. Rotary beacon lights, zip lights, strobe lights, or similar devices shall not be erected or maintained, or attached to or incorporated in any sign;

J. Any sign located on private property within the Clear Vision Area;

K. Any sign attached to a tree, plant, or utility pole, except as otherwise allowed or required by applicable law;

L. Any sign within or over any public right-of-way (including banners spanning a public right-of-way), or located on private property less than two feet from any area subject to vehicular travel, except for signs, whether permanent or temporary, specifically allowed within the public right-of-way with the approval of the controlling jurisdiction.

M. Off-Premises Signs and signs not authorized within a right-of way by the controlling jurisdiction.

N. Roof signs.

O. Any other sign that is not allowed under this Ordinance, that presents a threat to public health, safety, or welfare, or is otherwise unlawful.

[Amended by Ordinance No. 783, Passed by Council on December 12, 2006]

SECTION 2.4 SIGNS IN RESIDENTIAL ZONES

A. Residentially Properties are limited to two (2) Residential Signs per property:

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- B. Notwithstanding Section 2.4(A), non-residential uses authorized by the Zoning Ordinance and residential structures comprised of five (5) or more independent dwelling units may erect additional signs as follows:
1. One or more wall mounted signs not exceeding one hundred (100) square feet. Signs authorized under this provision must be erected as a flush mounted wall sign as defined in this Ordinance.
 2. One freestanding sign not exceeding one hundred (100) square feet in size.
 3. The total area for all signage shall be limited to one hundred and fifty (150) square feet.
 4. Signs shall not be back-lighted or electronic. Front flood light illumination is authorized where it does not project onto adjoining properties.
- C. Property designated as common property on a plat or other deed restriction is deemed to be an authorized non-residential use for purposes of this Section 2.4.
- D. Notwithstanding Section 2.4(B), only Residential Signs may be used to advertise Home Occupations, as that term is defined in the Zoning Ordinance.

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8-9.2.7

SECTION 2.5 SIGNS IN NON-RESIDENTIAL ZONES

Signs in Non-Residential Zones shall meet the following standards:

- A. The total area of all signs on the premises may not exceed three-hundred (300) square feet. Unless otherwise prohibited by this section, the maximum area shall be one-hundred fifty (150) square feet for any individual sign.
- B. Freestanding signs in all non-Residential Zones are subject to the following restrictions.

FREESTANDING SIGNS				
ZONE	TYPE ALLOWED	NUMBER ALLOWED	MAXIMUM AREA	MAXIMUM HEIGHT
C-1	Pole or Monument	1 *	150 sq. ft.	20 ft.
C-2	Monument	1 *	32 sq. ft.	8 ft.
C-3	Pole or Monument	1 *	40 sq. ft.	20 ft.

NC	Pole or Monument	1 *	32 sq. ft.	20 ft.
Industrial	Pole or Monument	1 *	150 sq. ft.	35 ft.

* One freestanding sign shall be allowed per property except as allowed by Section 2.5(C) and Section 2.5(D), below.

- C. For through-lots (properties that have frontage on opposite sides of the same block), two freestanding signs are permitted. The freestanding signs must be oriented towards opposite frontages.
- D. A Business Complex under two acres in gross area shall only be permitted the amount of signage permitted for a single property. A Business Complex over two acres in gross area shall be permitted the amount of signage permitted for two properties, which may be distributed throughout the Business Complex regardless of internal property lines. These limitations apply regardless of the number of businesses, buildings, or properties that comprise the Business Complex.
- E. Building Signs - Each building on a property shall be entitled to two (2) square feet of flush mounted or wall sign area per lineal foot of the building's width on the dominant façade, with a maximum of one-hundred fifty (150) square feet of signs or six percent (6%) of the linear measurement of the building's dominant façade, whichever is greater. This limitation applies regardless of the number of businesses that may occupy the building.

8-9.2.7

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8-9.2.12

[Section 2.7 Amended by Ordinance No. 772, Passed by Council on July 25, 2006]

SECTION 2.6 PROJECTING SIGNS

Unless otherwise permitted by this Ordinance, signs shall not encroach onto:

- A. Adjoining properties;
- B. A public right-of-way; or
- C. Any Clear Vision Area.

SECTION 2.7 DIRECTIONAL SIGNS

Directional signs designed to be read by a person on the premises on which the sign is located and used to identify buildings/businesses/amenities or direct persons on the premises are limited to four (4) square feet in area and be no more than four feet (4') high if freestanding. If the sign is on the wall of a building, the directional sign shall be limited to four (4) square feet in area and located no more than eight (8) feet high.

SECTION 2.8 SIGN LOCATION

Except for Billboards, signs may not extend above the roofline, eave, or parapet wall of the building to which they are attached or of the tallest building on the premises (or closest building if the Property is vacant) if the sign is freestanding.

[Amended by Ordinance No. 772, Passed by Council on July 25, 2006]

8-9.2.13

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8-9.2.13

SECTION 2.9 BILLBOARDS

Billboards are allowed with certain limitations in specified Non-Residential Zones as identified in the Zoning Ordinance, but are prohibited in all Residential Zones. Billboards shall also be subject to the following regulations:

A. Limitation On The Total Number Of Billboards

The total number of Billboards located within the City Limits and Urban Growth Boundary shall be limited to eighteen (18). Signs lost or removed for any reason shall not be replaced until the total number of Billboards in the City Limits and Urban Growth Boundary is reduced to fourteen (14), which shall then become the maximum number of Billboards permitted thereafter.

B. Replacement Of Billboards

When the total number of Billboards within the City Limits and Urban Growth Boundary has been reduced in number to a total of fourteen (14), in accordance with subsection (A) above, Billboards may be replaced upon application by any person or entity possessing an appropriate State of Oregon permit, subject at all times to the maximum fourteen (14) sign number limitation.

No person or entity shall file an application for a new or replacement Billboard without proof of possession of a valid State of Oregon permit allowing placement of a Billboard within the designated City Limits and Urban Growth Boundary. New or replacement Billboards shall be permitted only as provided in subsection C below.

C. Maximum Size Limit For Replacement Billboard

The maximum size of each replacement Billboard sign, noted in Subsection B above, shall be two-hundred fifty (250) square feet per side.

D. Location of Billboards

No Billboards shall be permitted on 4th or 5th Streets between S.E. J Street and N.E.

Cedar Street.

Only one Billboard is permitted per property.

No Billboard shall be located within 400 feet of another Billboard.

E. Height of Billboards

No Billboard shall exceed thirty-five feet (35') in height.

F. Features

Billboards may not feature video screens, reader boards, or other components that flash, change colors, display movement, or would otherwise pose a distraction to motorists

8-9.3.1

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8-9.4.1

ARTICLE 3: TEMPORARY SIGNS

SECTION 3.1 GENERAL REQUIREMENTS

Temporary Signs shall not be restricted by content and shall not affect the amount or type of signage otherwise allowed by this Ordinance. Examples of Temporary Signs include, but are not limited to, non-permanent signs usually and customarily used to advertise real estate sales, political or ideological positions, garage sales, construction, or events. Temporary Signs may be erected and maintained in the City only in compliance with the following specific provisions:

- A. No Temporary Sign shall be internally illuminated or be illuminated by an external light source primarily intended for the illumination of the Temporary Sign without a permit.
- B. Temporary Signs may not be reflective, electronic, or contain any moving or flashing parts.
- C. A Temporary Sign shall be attached to the site or constructed in a manner that both prevents the sign from being easily removed by unauthorized persons or blown from its location and allows for the easy removal of the sign by authorized persons.
- D. Except as provided in this code, Temporary Signs shall not be attached to trees, shrubbery, utility poles or traffic control signs or devices.
- E. No Temporary Sign shall be erected or maintained which, by reason of its size, location or construction constitutes a hazard to the public.
- F. No Temporary Signs shall be allowed in the public right-of-way or on public property, except for those listed in this subsection.
 - a. The following Temporary Signs shall be permitted in the right-of-way without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this Ordinance. No Temporary Sign in the right-of-way shall interrupt the normal flow of vehicle, pedestrian or bicycle traffic, shall provide a minimum of five feet (5') of clear passage for pedestrians on a sidewalk where a sidewalk exists, and shall not inhibit the use of parking facilities. No Temporary Sign shall extend into a Clear Vision Area. Temporary Signs allowed in the right-of-way shall include:

- i. Signs owned or erected by a Public Body;
 - ii. Signs on public sidewalks and adjacent to commercial uses in the C-1, C-2, and C-3 districts that comply with the following standards:
 - 1. The Temporary Sign shall be displayed only during the business hours of the responsible business, and
 - 2. Any Temporary Sign placed elsewhere than directly adjacent to the business shall be placed only with the written consent of the property owner of the adjacent property. No more than 1 Temporary Sign shall be placed in the public right-of-way adjacent to any property frontage on a single street.
- G. The Community Development Director may administratively approve a deviation of up to 100% from any numerical standard applicable to Temporary Signs. Temporary Signs approved for a deviation shall remain exempt from permitting requirements. Deviations exceeding 100% shall be subject to permitting requirements and/or a variance as applicable.
- H. Substantially similar Temporary Signs, and those advertising the same event, which are erected sequentially, will be considered the same Temporary Sign for purposes of applicable temporal limitations.
- I. The Temporary Sign shall be removed within seven (7) days of the culmination of the event or purpose for which the Temporary Sign was erected regardless of any permitted time then remaining.

SECTION 3.2 TEMPORARY SIGNS IN RESIDENTIAL ZONES

Temporary Signs in Residential Zones shall be restricted as follows:

- 1. Temporary Signs not exceeding six (6) square feet in area or four (4) feet in height shall be permitted for a period of ninety (90) days.
- 2. Temporary Signs exceeding six (6) square feet in area and/or four (4) feet in height, but not exceeding twelve (12) square feet and/or six (6) feet in height shall be permitted for a period of thirty (30) days. No more than one such sign shall be permitted per property.
- 3. The maximum square footage of Temporary Signs on any particular Residential Property is 25 square feet.

SECTION 3.3 TEMPORARY SIGNS IN NON-RESIDENTIAL ZONES

Temporary Signs in non-Residential Zones shall be restricted as follows:

- 1. Temporary Signs not exceeding twenty (20) square feet in area or six (6) feet in height shall be permitted for a period of one hundred and twenty (120) days.
- 2. Temporary Signs exceeding twenty (20) square feet in area and/or eight (8) feet in height, but not exceeding thirty two (32) square feet and/or ten (10) feet in height shall be permitted for a period of sixty (60) days.
- 3. The maximum square footage of Temporary Signs on any particular Non-Residential Property is 250 square feet per acre with a minimum of 50 square feet and maximum of 500 square feet.

ARTICLE 4: EXEMPTIONS

The following signs are exempt from the permitting requirements of this Ordinance. All signs, even those exempt from permitting, must comply with sign dimensional, location, placement, maintenance, and all other applicable requirements.

- A. Traffic or pedestrian control signs.
- B. Signs erected or maintained by Public Bodies.
- C. Flags. Flags mounted on a pole in the ground or on a building are exempt, but are subject to Zoning Ordinance height regulations and shall be located and constructed so that, if the pole should collapse, its reclining length would be contained on the property on which it is installed.
- D. Signs placed in the public right-of-way by the Public Body responsible for administering the right-of-way or by a Public Body providing transit services within the right-of-way.
- E. Plaques, tablets or inscriptions on buildings that do not exceed three (3) square feet in area.
- F. Signs constructed to identify emergency services such as fire, police or hospital facilities.
- G. Temporary Signs that comply with the provisions of Article 3.
- H. Residential Signs.
- I. Signs altered or erected pursuant to Section 6.1(C).

ARTICLE 5: SIGN PERMITS

SECTION 5.1 PERMIT APPLICATIONS

Unless exempt under Article 4, a permit issued by the Community Development Director is required to erect or alter any sign within the City Limits. Applications for a sign permit shall be made in writing upon forms furnished by the City and subject to applicable fees. Such applications shall include a scale drawing of the sign including dimensions, height and materials and show its relationship to the ground or to any building or structure to which the sign is proposed to be installed or affixed. When appropriate, a plot plan drawn to scale shall be submitted that indicates the location of proposed signage relative to street and property lines.

Prior to the issuance of a sign permit, the Building Official may review the construction aspects of the proposed sign and a building permit may be required. The Building Official or Community Development Director may require other pertinent information where, in their opinion, such information is necessary to determine compliance with the provisions of this Ordinance.

SECTION 5.2 ISSUANCE OF PERMIT

The Community Development Director shall approve an application and issue a sign permit unless the sign fails to meet the standards or is otherwise in violation of the provisions of this Ordinance. Sign permits mistakenly issued in violation of this Ordinance are void.

SECTION 5.3 **PERMIT REVOCATION**

The Community Development Director may revoke a sign permit if there was a material omission or misleading statement of fact in the application for the permit.

8-9.5.4

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8-9.6.3

SECTION 5.4 **PERMIT TIME RESTRICTIONS**

A sign permit shall be null and void if all work necessary to erect the sign has not been completed within six (6) months of the date of issuance of the permit. The Community Development Director may authorize a single extension for up to an additional three (3) months if the applicant demonstrates significant progress or that the delay was the result of circumstances outside of the applicant's control. Otherwise, the applicant must apply for and obtain a new approval to erect the subject sign.

SECTION 5.5 **TEMPORARY PERMITS**

The Community Development Director may grant temporary permits for non-exempt Temporary Signs for a period of no more than thirty (30) days if the Community Development Director determines the sign will not present a risk to health, safety, or welfare and does not exceed applicable regulations for a comparable permanent sign. The Community Development Director may condition a temporary permit by any means necessary to achieve the objectives of this Ordinance. Applicants shall apply for a temporary permit on the forms prescribed by the Community Development Director.

ARTICLE 6: MAINTENANCE AND ENFORCEMENT

SECTION 6.1 **EXISTING SIGN ALTERATION OR REPLACEMENT**

- A. Non-Conforming Signs shall not be altered or replaced unless the sign is made to conform to the provisions of this Ordinance, or otherwise allowed under Section 6.3, Sign Maintenance Requirements.
- B. Premises with a Non-Conforming Sign shall not be eligible for any additional signs until the existing signs are made to conform to the requirements of this Ordinance.
- C. Pole signs located in the Downtown Commercial (C-2) zone are permitted to change the business name and logo on existing pole signs so long as the use of a building does not change (i.e. retail to retail) without application for a new sign permit. A change in use of a building requires all signage to comply with all requirements of

violation persists constituting a separate offence. All violations shall be subject to the enforcement procedures, fine amounts, and penalties set out in the Nuisance and Abatement Ordinance. Violations may be enforced by Court proceedings or by any other remedy available to the City, in law or in equity, including, but not limited, to the filing of property liens and foreclosure thereof in the appropriate courts. For any violation of this Ordinance, the Owner and/or tenant of the property where the violation occurred may be cited to appear in court to answer a complaint filed on behalf of the City.

ARTICLE 7: VARIANCE

SECTION 7.1 AUTHORIZATION TO GRANT OR DENY VARIANCES

An applicant for a sign permit or an applicant owning or leasing a sign that is not in compliance with the provisions of this Ordinance may apply for a variance.

SECTION 7.2 APPLICATION FOR A VARIANCE

Applications for a variance shall be processed in accordance with the procedures and criteria for a variance set out in the Zoning Ordinance.

ARTICLE 8: APPEALS

An interested party may appeal a final decision of the Community Development Director to the Planning Commission and/or a decision of the Planning Commission to the City Council by filing an appeal in the manner prescribed for appeals in the Zoning Ordinance. If the appeal is not appropriately filed, the decision shall be final. If an appeal is filed, the appropriate hearings body shall conduct a public hearing and process the appeal in accordance with the procedures for an appeal set out in the Zoning Ordinance.

ARTICLE 9: MISCELLANEOUS

SECTION 9.1 SEVERABILITY; CORRECTIONS.

If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors.

SECTION 9.2 RESTATEMENT

This Ordinance amends and restates Ordinances Nos. 468, 537, and 693 and supersedes any ordinance, resolution, and/or policies in conflict with the amendments. The provisions of other City ordinances that are not amended or modified by this Ordinance remain unchanged and in full force and effect.

SECTION 9.3 **EMERGENCY CLAUSE**

It is hereby determined and declared that existing conditions are such that it is necessary for the immediate preservation of the peace, health, general welfare, and safety of the City that an emergency be declared to exist; therefore this Ordinance shall be in full force and effect immediately upon and after its passage by the Council and approval by the Mayor of the City of Madras, Oregon.

PASSED by the Council and approved by the Mayor on _____, 2015.