



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

August 22, 2007



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Lafayette Plan Amendment
DLCD File Number 001-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 6, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Walt Wendolowski, City of Lafayette

<paa> ya/

D L C D NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

DEPT OF

(See reverse side for submittal requirements)

AUG 20 2007

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Lafayette Local File No.: 07-02-03 (If no number, use none)

Date of Adoption: 8/9/07 (Must be filled in) Date Mailed: 8/16/07 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: January 8, 2007

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
x Land Use Regulation Amendment
Zoning Map Amendment
New Land Use Regulation
Other: (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Replaces Lafayette Zoning & Development Ordinance; Sect. 2.206, Adopting New Sign Regulations

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from: N/A to N/A

Zone Map Changed from: N/A to N/A

Location: N/A Acres Involved: N/A

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 9, 14

Was an Exception Adopted? Yes: No: x

DLCD File No.: 001-07(15788)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: ODOT

Local Contact: Walt Wendolowski Area Code + Phone Number: 503-864-2451

Address: 486 3rd St. PO Box 55

City: Lafayette Zip Code+4: 97127-0055

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to **8-1/2x11 green paper only** ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE CITY COUNCIL FOR THE CITY OF
LAFAYETTE, OREGON

An Ordinance Amending the Lafayette)
Zoning and Development Ordinance) ORDINANCE NO. 591
Establishing New Sign Regulations)

THE CITY COUNCIL (the "Council") OF THE CITY OF LAFAYETTE, OREGON (the "City") sat for the transaction of City business on Thursday, August 9, 2007 at 6:30 p.m. in the Council chambers at City Hall.

WHEREAS, on June 7, 2007, the Planning Commission conducted a public hearing regarding Planning File No. 07-02-03, an application by the City of Lafayette to amend Section 2.206 of the Lafayette Zoning and Development Ordinance, establishing new sign regulations, at which time the public was given a full opportunity to be present and heard on the matter; and

WHEREAS, on June 7, 2007, the Planning Commission met to consider the proposed action, considered the information provided by City staff and public, and upon deliberation, voted to recommend to the City Council approval of the proposed amendments; and

WHEREAS, on July 12, 2007, the City Council met to consider the proposed action, considered the information provided by City staff and the public and, received and approved the recommendation of the Planning Commission.

NOW THEREFORE, THE CITY OF LAFAYETTE, OREGON, ORDAINS AS FOLLOWS:

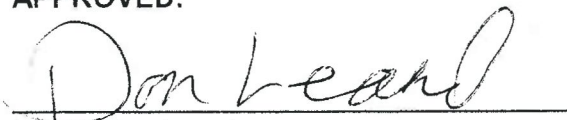
Section 1. The City Council of the City of Lafayette does hereby amend the Lafayette Zoning and Development Ordinance adopting language contained in the attached document identified as Exhibit 'A' and by this reference made a part hereof.

Section 2. The City Council of the City of Lafayette does hereby adopt those certain findings of fact, conclusionary findings and supporting documentation attached hereto as Exhibit "B" and by this reference made a part hereof.

ADOPTED by the Council on the 9th day of August 2007.

VOTE: Ayes: 4 Nays: 0 Abstentions: 0 Absent: 0 Vacancies: 2

APPROVED:



Mayor Don Leard

ATTEST:



Diane Rinks, City Administrator

EXHIBIT 'A'
Lafayette Zoning and Development Ordinance - Sign Regulations

2.206 SIGNS

2.206.01 Purpose

The purpose of this Section is to provide equitable rights, reduce conflicts, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner.

2.206.02 Definitions

For the purposes of this Section, the following definitions shall apply:

Alteration or Altered: Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration.

Awning: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.

Building Frontage: The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined, as allowed in this chapter. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the building or canopy shall be used to compute the allowable sign area.

Canopy Sign: A sign hanging from a canopy or eve, at any angle relative to the adjacent wall.

Flashing Sign: A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.

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

Height: Height is measured from the grade of the curb line lowest to the base of the sign to the highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the ground level shall be used to measure the height.

Incidental Signs: A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed.

Indirect Illumination: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.

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

Internal Illumination. A source of illumination from within a sign.

Message Sign: A sign which can change its message electronically including, but not limited to, signs displaying time and temperature.

Multi-faced Sign: A sign which has two or more identical sign faces, contained in a single sign structure.

Mural: A covering of the surface area of a wall with paint or other artistic medium, that creates a pictorial or abstract design and usually without advertising or commercial symbolism - such as logos or trademarks - or any representation of a product or business, except to identify the artist.

Nonconforming Sign: Any sign which exists prior to the effective date of this Chapter but, which due to the adopted requirements, no longer complies with the height, area and placement regulations or other provisions of these regulations.

Owner: The owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed.

Portable Sign: Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self supporting and movable, and also including trailer reader boards. Portable signs are not to be considered "temporary portable signs" or "temporary signs" as defined and used in this chapter.

Projecting Signs: A sign projecting from a structure, the face of which is not parallel to the wall on which it is mounted.

Roof Line: Either the eaves of the roof, or, the top of the parapet, at the exterior wall. A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.

Roof Sign: A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign.

Rotating/Revolving Sign: A sign, all or a portion of which, moves in some manner.

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including illustration or decoration; emblem, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building, structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.

Sign Area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces.

Sign Face: Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "Sign Area."

Sign Structure: The supports, uprights, braces, framework and other structural components of the sign.

Temporary Business: A business of a temporary nature authorized through a Temporary Business Permit issued by the City of Lafayette.

Temporary Portable Sign. A sign not permanently affixed to a structure on a property and displayed only during regular business hours. These signs primarily include, but are not limited to, small "A" frame signs often placed at the entrance to a business or on a public sidewalk.

Temporary Sign. A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support.

Wall Sign: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 12 inches.

2.206.03 Review Procedures

- A. Permit Required. Signs permits shall be required for all public, semi-public, commercial and industrial uses. No property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid sign permit.
- B. Current Signs. Owners of conforming or nonconforming signs existing as of the date of adoption of these regulations are not required to obtain a permit.
- C. Application Requirements. An application for a sign permit shall be made on forms provided by the City. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location and graphic design. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.

The City shall issue a permit for a sign unless the sign is in violation of the provisions of these or other provisions of the Lafayette Zoning and Development Ordinance. The City may revoke a sign permit if it finds there was a material and misleading false statement of fact in the application for the permit.

2.206.04 General Provisions

- A. Conflicting Standards. Signs shall be allowed subject to the provisions of this Section, except when these provisions conflict with the specific standards for signs in the subject district.
- B. Signs Subject to State Approval. All signs visible to the traveling public from state highways are subject to the regulations and permit requirements of the Highway Division of the State of Oregon Department of Transportation. Where the regulations of the State and City differ, the more restrictive regulations shall govern.
- C. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:

1. All signs shall comply with the applicable provisions of Uniform Building Code and Uniform Sign Code in effect at the time of the sign permit application and all other applicable structural, electrical and other similar regulations. The issuance of a sign permit under the regulations contained in this Section does not relieve the applicant of complying with all other permit requirements.
2. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.
3. All signs shall be maintained in a good, and safe, structural condition and readable at all times.
4. The owner, lessee or other responsible party, shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws regulating signs.

2.206.05 Nonconforming Signs

- A. Alteration of Nonconforming Sign Faces. When a nonconforming sign face is damaged or destroyed by fire, flood, wind, or similar calamity, such sign face may be restored to its original condition within 90-days of such calamity. However, after 90-days, a sign structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of these regulations.
- B. Permits for Properties with Nonconforming Signs. No permits shall be issued for new or altered signs unless all signs of the individual business comply with these regulations.

2.206.06 Signs Generally Permitted

The following signs and sign work are permitted in all zones and uses. No permit shall be required and the sign shall not be included when determining compliance with total allowed area:

- A. Painting, change of sign face or copy and maintenance of signs legally existing on the effective date of these regulations. If structural changes are made, the sign shall conform in all respects with these regulations.
- B. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety.

- C. Incidental signs that do not exceed 6 square feet.
- D. Flags on permanent flag poles which are designed to allow raising and lowering of the flags.
- E. Signs within a building.
- F. Signs painted or hung on the inside of windows.
- G. One residential name plate not exceeding two square feet in area.
- H. Murals for commercial and industrial uses. That portion of the mural considered advertising shall be included in the sign area calculation. The calculation shall be in accordance with provisions in the sign area definition.
- I. Murals for buildings and structures owned by public agencies, without restriction regarding advertising and sign area.
- J. Temporary signs or banners that do not exceed 32 square feet in area. No lot may display temporary signs for more than 90 days in any 365 day period. Only one temporary sign per lot may be displayed at a time.
- K. Holiday signs and displays for no more than 45-days prior to and after the specific holiday date.

2.206.07 Prohibited Signs

The following signs are prohibited in all zones and for all uses:

- A. Tethered objects that float above the roof of a building, and, inflatable objects located on the ground exceeding 4-feet in height. This shall not prohibit the placement or use of hand-held balloons.
- B. Portable signs, except where allowed as a permitted "temporary portable sign" or "temporary sign" or otherwise permitted by Municipal Code.
- C. Roof signs.
- D. Signs that emit odor, visible matter, or sound; however an intercom system for customers remaining in their vehicles, such as used in banks and "drive thru" restaurants, shall be allowed.
- E. Signs that use or employ side guy lines of any type.

- F. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.
- G. Signs closer than 36-inches horizontally or vertically from any overhead power line or public utility guy wire.
- H. The use of a vehicle or trailer parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising.
- I. Rotating/revolving signs, except by conditional use permit per Section 2.206.12.
- J. Flashing signs, except by conditional use permit per Section 2.206.12.
- K. Private signs that project into or over driveways and public right-of-ways, except signs under a canopy that projects over a public sidewalk and the bottom of the sign is at least 8-feet above the sidewalk.
- L. Signs that obstruct required vision clearance area, obstruct a vehicle driver's view of official traffic control signs, or which present a traffic hazard.
- M. Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appear to direct traffic.
- N. Signs attached to any pole, post, utility pole or placed on its own stake and placed into the ground in the public right-of-way.
- O. Message signs, except by conditional use permit per Section 2.206.12.
- P. Any sign on unimproved property, unless as an incidental sign.

2.206.08 Residential Signs - Single Family and Duplex

The following sign regulations shall apply to single family homes and duplexes:

- A. Area and Number. Only one sign shall be permitted per property. The maximum sign area shall be eight square feet.

- B. Location. The sign may be located on a wall or within any yard area. Signs placed within a yard shall be limited to a maximum height of 4 feet as measured from the adjacent ground level to the highest point of the sign.
- C. Lighting. Signs shall be illuminated only by indirect lighting. The use of interior lighted signs and flashing lights shall be prohibited. No light may be directed onto an adjacent residence.

2.206.09 Residential Signs - Multi-Family Developments and Subdivisions

The following sign regulations shall apply to multi-family developments and subdivision projects:

- A. Area and Number. Any combination of signs not exceeding 64 square feet in area, provided the total sign area on a free-standing sign shall be limited to a maximum of 32 square feet.
- B. Sign Height. The maximum sign height for a free-standing sign shall be 6-feet.
- C. Lighting. Signs shall be illuminated only by indirect lighting. The use of interior lighted signs and flashing lights shall be prohibited. No light may be directed onto an adjacent residence.

2.206.10 Public and Semi-Public Signs

The following regulations apply to signs for public and semi-public uses:

- A. Area and Number. Any combination of signs not exceeding 96 square feet in area, provided the total sign area on a free-standing sign shall be limited to a maximum of 32 square feet.
- B. Sign Height. The maximum sign height for a free-standing sign shall be 6-feet.
- C. Lighting. Signs shall be illuminated only by indirect lighting. The use of interior lighted signs and flashing lights shall be prohibited.

2.206.11 Commercial and Industrial Signs

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

- A. Signs for Businesses not in Integrated Business Centers:

1. Total Sign Area. One and one-half square feet of total allowed sign area for each lineal foot of building frontage, up to a maximum total allowed area of 150 square feet.
2. Type, Number and Sign Size. Within the total allowed area, one free standing sign per street frontage, and a total of no more than two wall or canopy signs. Except as noted in item 3.b., below, each free-standing sign shall be limited to a maximum of 32 square feet in area.
3. Sign Height. The maximum sign height shall be as follows:
 - a. Wall and canopy signs: Shall not project above the parapet or roof eaves.
 - b. Free-standing signs: Maximum height of 12 feet; except that signs 6 feet or less in height may contain 48 square feet of sign area. This sign area increase for a free-standing sign shall not apply to the total sign area permitted under this Section.
4. Sign Location. Signs shall be located as follows:
 - a. Wall signs: May project up to 1.5 feet from the building.
 - b. Free-standing sign - no limitation except the sign shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.

B. Signs for Integrated Business Centers:

1. Total Sign Area: For wall and canopy signs on individual businesses within an integrated business center, one and one-half square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business. Individual businesses may not assign their unused allowed sign area to other businesses in the integrated business center.
2. Free-standing Sign. Except as noted in item 3.b., below, for each integrated business center, one free-standing sign per street frontage not exceeding 80 square feet in area shall be permitted in addition to signs allowed for the individual businesses.
3. Sign Height. The maximum sign height shall be as follows:

- a. Wall and canopy signs: Shall not project above the parapet or roof eaves.
 - b. Free-standing signs: Maximum total height of 12 feet; except that signs 6 feet or less in height may contain 96 square feet of sign area. This sign area increase for a free-standing sign shall not apply to the total sign area permitted under this Section.
4. Sign Location. Signs shall be located as follows:
- a. Wall signs: May project up to 1.5 feet from the building.
 - b. Free-standing sign: No limitation except the sign shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.
- C. Additional Signs. Within the limitations of this subsection, the signs below do not require a permit and are not included in calculating allowed area and number of signs:
- 1. Directional signs, such as "Exit" or "Entrance", are allowed either as wall or freestanding signs. Such signs shall be limited to 3 square feet in area and 2 per driveway. Free standing directional signs shall be limited to a height of 4 feet.
 - 2. Order signs describing products and/or order instructions to a customer, such as menu boards on the exterior of a drive-thru restaurant are allowed as follows: Two per business limited to 32 square feet in area and a maximum height of 8 feet. Any order sign greater than 16 square feet in area and/or 6 feet in height must be screened from adjacent streets by a sight obscuring fence, wall or hedge.
3. Temporary Portable Sign. Businesses shall be permitted the placement of a temporary portable sign on private property or on the sidewalk portion of a public right-of-way subject to the following regulations:
- a. Defined - Signs shall be limited to temporary (portable) signs as defined by this Ordinance. This sign shall not count against the total sign area requirement of this Section.
 - b. Location - Signs shall be located adjacent to the building, or between parking spaces as not interfere with the opening of a vehicle's door(s), and shall continually maintain a minimum five (5)

foot wide passage between the edge of the sign nearest the curb, and the adjacent curb line. Otherwise, there is no restriction as to location provided the sign does not interfere with the vision clearance requirements of this Ordinance.

- c. Number - No more than one temporary (portable) sign shall be placed in front of a business. The placement of said sign shall be reserved and limited solely to the owner/operator of the adjacent business.
- d. Dimensions - Free-standing signs shall have a minimum sign height of three feet and a maximum sign height of five feet. In no case shall a sign exceed 18-square feet in area.
- e. Duration - Temporary (portable) signs shall only be displayed during business hours.
- f. Material - Temporary sign structures shall be constructed of wood, metal or other durable material and continually maintained in good condition.
- g. Prohibitions - No sign shall be illuminated either directly or indirectly, or contain flashing lights. Rotating signs and the use of balloons and other tethered objects shall be prohibited.
- h. Permit - A sign permit shall be required. As part of any permit, the applicant assumes all liability for incidents involving the sign and shall execute a statement as part of any permit, releasing and indemnifying the City for all liability arising from claims pertaining to the sign.

2.206.12 Conditional Use Permits - Signs

A conditional use approval shall be required for rotating/revolving signs, flashing signs, or message signs. A conditional use to Section 2.206 shall be processed according to the conditional use procedures in Section 3.103, but shall be subject to the following criteria:

- A. The proposed sign is located in a Commercial or Industrial zone.
- B. The proposed sign, when conditioned, will not significantly increase or lead to street level sign clutter, or to signs adversely dominating the visual image of the area.
- C. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.

- D. The proposed sign will not present a traffic or safety hazard.
- E. If the application is for a flashing and/or message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effects consisting of external lights, lamps, bulbs or neon tubes are allowed. Only flashing effects by way of internal illumination are allowed. Such signs are not permitted within the Commercial Core (C-1) Zone.
- F. If the application is for a rotating/revolving sign, such sign cannot flash or be illuminated by intermittent light. Rotating/revolving signs shall revolve at a speed no greater than 5 revolutions per minute. Such signs are not permitted within the Commercial Core (C-1) Zone.
- G. The total allowed sign area for a business shall be reduced by 25% if the business has a flashing, rotating/revolving, or message sign.
- H. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.

2.206.13 Variances - Signs

Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances shall be processed according to procedures in Section 3.104 but shall be subject to the following criteria:

- A. There are unique circumstances of conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship.
- B. The requested variance is consistent with the purpose of the Chapter as stated in Section 2.206.01.
- C. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this Section.
- D. The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare.
- E. The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance.

- F. The variance request shall not be the result of a self-imposed condition or hardship.

Notice of the hearing was published consistent with the requirements in Section 3.202 of the Lafayette Zoning and Development Ordinance. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the City Council deliberated on the issue and accepted the Planning Commission's recommendation, finding the proposal to be consistent with the applicable decision criteria. The City Council directed staff to prepare the adoption Ordinance.

IV. FINDINGS OF FACT-GENERAL

The Lafayette City Council, after careful consideration of the testimony and evidence in the record, adopts the following General Findings of Fact:

- A. The applicant is the City of Lafayette.
- B. The proposed amendments will replace Section 2.206 of the Lafayette Zoning and Development Ordinance, establishing new sign regulations. Specific language is contained in the attached Exhibit "A" of this Ordinance.
- C. Approval or denial of the request will be based on compliance with the Statewide Land Use Goals and Lafayette Comprehensive Plan.

V. APPLICATION SUMMARY

- A. The current sign regulations in the Lafayette Zoning and Development Ordinance are somewhat confusing and vague and often make it difficult for the City to enforce. The City Administrator and staff agreed it would be appropriate for the Planning Commission to consider new sign code regulations. This material would become part of the City's Zoning and Development Code, replacing the current language found in Section 2.206 of the Zoning Ordinance.
- B. The proposed language is contained in Exhibit "A" of this Ordinance and summarized below:
 - 1. 2.206.01 - This section establishes the purpose behind the sign regulations. The emphasis is on both fairness and improving the visual quality of the City.
 - 2. 2.206.02 - This is a key section as it establishes the definitions. Generally, they are self-explanatory. The key definition is *sign area*. The term *sign* essentially refers to the entire structure while *sign area* is the *writing, representation, emblem, figure, or character* that provides the advertisement. Generally, this is the area within the border or frame of a sign (hence the *sign area* is smaller than the *sign*). Where there is no frame or border in a conventional sense (e.g., an advertisement painted on a

wall) only the actual advertisement is measured. In addition, for multi-sided signs, the total sign area is multiplied by one-half. In effect, only one side of a two-sided sign counts toward the area limitation. A specific definition is established for a "Temporary Portable Sign." This coincides with small "A" frame types of signs that can be placed in the front of a business, often along a public sidewalk.

3. 2.206.03 - This section requires a permit for all new signs. When a new sign permit is issued, all existing signs on the property must be brought into conformance with the sign regulations.
4. 2.206.04 - This section provides general provisions for new signs. This section includes elements of the current Ordinance language: building permits are required and the applicant may be required to coordinate with ODOT for signs on 3rd Street (Highway 99W).
5. 2.206.05 - This section recognizes existing signs may not conform to the new regulations. These signs are grandfathered and may remain. If damaged, it may be repaired or replaced to its previous nonconforming condition. This must be done within 90-days of the damage; otherwise, the sign replacement must conform to the Ordinance requirements.
6. 2.206.06 - This section lists signs (or sign activities) that are permitted and *do not require* a permit from the City. Signs within windows - and within buildings - are not regulated. Murals are specifically allowed. Only the advertising space within the mural is calculated when determining sign area. A temporary banner is permitted provided it does not exceed 32-square feet in area nor be displayed for more than 90-days within a 365 day period. Holiday displays are also permitted provided they are installed and removed within a 45-day period surrounding the specific date.
7. 2.206.07 - This Section identifies prohibited signs. Most of these restrictions address aesthetics or safety issues. This Section prohibits message signs, flashing signs and rotating/revolving signs as an outright permitted sign. However, they may be permitted in Commercial or Industrial zones through the conditional use process.

Vehicles may not be used as a business sign. The restriction does not prohibit advertising on vehicles, but is designed to prevent a business from parking an inoperable vehicle in front of a business to create additional advertising space. Balloon type signs are prohibited if it will float above the roof or inflatable objects higher than 4-feet.

8. 2.206.08 - Signs are based on the type of use and not the zone. This recognizes that some uses may be permitted in more than one zone, and depending on the zone, a property owner may receive an advertising

advantage. This Section also addresses single family homes and duplexes. The proposed language follows current residential sign limitations. The language clearly states all lighting must be indirect.

9. 2.206.09 - This section addresses apartments and subdivisions. Given the type of use (and area) the permitted sign area as well as type and number of signs exceeds that allowed individual homes. Unlike individual homes, free-standing signs are allowed.
10. 2.206.10 - This section reviews signs for public type uses (schools and churches). These are similar to the previous section but allows for an increase in the sign area.
11. 2.206.11 - Signs for commercial and industrial firms are found in this section. The sign requirements apply to both types of uses and are divided into two groups: individual businesses and, those located within integrated business centers (e.g., shopping center or industrial park). For individual businesses, the total sign area is based on the building frontage: for every one-foot of frontage the business is entitled to 1.5 square feet of total sign area. For example, a 50-foot building is permitted 75 square feet of sign area. Free-standing signs are limited to one per street frontage with a maximum area of 32-square feet and maximum height of 12-feet.

These rules also apply to businesses within an integrated business center, except that the free-standing sign may be 100 square feet in area. Further, the *entire* integrated business center is limited to one free-standing sign per street frontage, thus prohibiting separate free-standing signs for individual businesses. This situation is similar to a classic shopping center: a single large sign at the entrance listing all the businesses and individual business signs located on each storefront. In either of the above cases, businesses are permitted additional signage that will not count toward the total permitted sign area. This includes directional signs and drive-in order boards.

Provisions are also established for "sidewalk" type signs. These are usually small "A" frame signs that are placed on the sidewalk. These are limited to the business hours and are restricted as to size and height.

12. 2.206.12 - As noted in Section 2.206.07, certain signs - message, flashing, and revolving - may be permitted with a conditional use. The conditional use permit is subject to the decision criteria found in Section 2.206.12. Briefly, these types of signs cannot visually dominate a street, adversely impact the surrounding area or create a traffic hazard. If a conditional use is approved, the total allowed sign area for a business is automatically reduced by 25%. These signs must still comply with all other regulations such as height.

Flashing or message signs are prohibited from using rotary beacons, zip

lights, strobe lights, or similar devices. A "flashing" sign is only permitted by internal illumination. Rotating/revolving signs cannot flash or be illuminated by intermittent lights and are limited to a revolving speed of 5 RPM.

13. 2.206.13 - While the proposed sign code attempts to be comprehensive, not all possibilities can be considered. Therefore, this section outlines the requirements to vary sign requirements. These are processed as a major variance but the decision criteria are placed in this section. Unusual circumstances must be present to support the variance. However, the modification cannot provide a special advertising advantage. Further, a variance cannot be used to match standard sign sizes (for example, chain store signs).
- C. It is also important to note what the new language would not allow. Billboards are effectively prohibited by the sign area limitation and that fact signs may not be placed on vacant land, a common location. Further, there is no "expiration date" when all signs must conform to the code requirements. Existing signs may continue to be used and maintained until replaced.

VI. FINDINGS – DEVELOPMENT ORDINANCE AMENDMENT

- A. Section 3.101.04 of the Development Ordinance states that an amendment to laws or policies is subject to the procedural process for Type IV actions. This type of action must be initiated by City staff, Planning Commission, or City Council. Section 3.207.02 requires hearings to be held before both the Commission and Council, with the Commission having an advisory role and the final decision rendered by the Council. For the record, this action was initiated by City staff.
- B. The Statewide Land Use Goals establish the basis for all planning within the State. All local plans and implementing ordinances are required to be consistent with the policies and objectives of the Statewide Goals.

FINDING: Compliance with the Statewide Goals is noted as follows:

Goal 1, Citizen Involvement: Public hearings will be held before both the Planning Commission and City Council. This is consistent with City procedures and the intent of the Goal.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Comprehensive Plan and Development Code.

Goal 3, Agricultural Lands: The proposal does not involve or affect farm land. An exception to this goal is not required.

Goal 4, Forest Lands: The proposal does not involve or affect identified forest

lands. An exception to this goal is not required.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: Identified historic, cultural, or natural resources within Lafayette are not affected by the proposed changes to the Development Ordinance.

Goal 6, Air, Water and Land Resource Quality: The regulations address permitting issues regarding signs and therefore do not adversely affect air, water or resource quality issues.

Goal 7, Natural Hazards: Development requirements for natural hazard areas are unaltered.

Goal 8, Recreational Needs: The proposed changes do not involve land or create uses which would adversely impact recreational opportunities.

Goal 9, Economic Development: The City anticipates a uniform and manageable sign code will improve the aesthetic quality of the downtown thereby promoting economic development.

Goal 10, Housing: Proposed amendments do not directly involve the supply or location of needed housing, or the ability to provide housing.

Goal 11, Public Facilities and Services: The proposed amendments do not create uses or activities that will impact existing public facilities.

Goal 12, Transportation: Prohibitions are in place to prevent signage that reduces both traffic safety and pedestrian access. Otherwise, the proposed amendments do not create uses or activities that will impact transportation facilities.

Goal 13, Energy Conservation: The amendments are generally neutral with regard to energy conservation.

Goal 14, Urbanization: The proposal relates to design requirements for permitted uses and does not limit development of urban uses within an urban area.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposals do not involve land within the Willamette Greenway or coastal areas.

In general, the proposed amendments are entirely consistent with the intent of the Statewide Goals, or, the amendments do not directly affect issues addressed by the Goals.

C. In addition to compliance with the Statewide Land Use Goals, proposed amendments must be consistent with the City's applicable Comprehensive Plan

policies. The Comprehensive Plan encourages the development of the City's downtown area. The City anticipates this language will create an aesthetically pleasing environment consistent with this objective. Otherwise, Plan policies are generally not applicable to the request.

VII. CONCLUSION

The City Council concludes the proposed amendments to the Development Ordinance contained in Exhibit "A" of this Ordinance are consistent with the applicable decision criteria.