



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 5, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Brookings Plan Amendment
DLCD File Number 002-08



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: June 18, 2008

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
Dave Perry, DLCD Regional Representative
Dianne Morris, City of Brookings

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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

Jurisdiction: **City of Brookings**

Local file number: **LDC-1-08**

Date of Adoption: **5/28/2008**

Date Mailed: **5/29/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 1/16/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
 Revisions to Chap. 17.88, Sign Regulations, Brookings Municipal Code.

Does the Adoption differ from proposal? Yes, Please explain below:

Language concerning "wall graphics" and standards relating to termination of non-conforming signs were the significant changes.

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **City Limits**

Acres Involved:

Specify Density: Previous: **NA**

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 002-08 (16650)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

NA

Local Contact: **Dianne Morris**

Phone: (541) 469-1138 Extension:

Address: **898 Elk Dr.**

Fax Number: **541-469-3650**

City: **Brookings**

Zip: **97415-**

E-mail Address: **dmorris@brookings.or.us**

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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not 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 now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

17.88.010 Purpose.

The purpose of this chapter is to integrate the advertising needs of the business community by means of outdoor signage, to provide for safe construction location, erection, and maintenance of signs and minimize adverse safety factors and insure visibility for travelers on public streets and on private areas open to public travel

- Sign criteria and standards can enhance the economic vitality and contribute to the visual quality of the city of Brookings and prevent a proliferation of signs and sign clutter.
- Well designed and constructed signs attract the eye, complement each other and draw attention to the building containing the businesses for which they are intended to advertise while considering the aesthetics of the community.
- This Chapter is intended to protect the health, safety, and welfare of the community.

The Brookings Sign Code is not intended to, and does not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this chapter 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 chapter shall be construed to favor commercial speech over noncommercial speech. To the extent any provision of this chapter 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. [Ord. 89-O-446 § 1.]

17.88.020 Definitions.

The following definitions apply to material and subjects addressed specifically within this chapter.

“Alter” means any changes excluding content, and including but not limited to size, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign.

“Awning” means a temporary or movable shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

“Business” means a commercial or industrial enterprise.

“Business frontage” means a lineal front footage of a building or portion thereof devoted to a specific business or enterprise, and having an entrance/exit open to the general public.

“Canopy” means a nonmovable roof-like structure attached to a building.

“Cloth sign” means sign printed on cloth, which may be authorized if it complies with applicable standards in Chapter 17.88 and is fastened securely to the structure.

“Directional signs” are signs located on property to guide traffic.

“Freestanding sign” means a sign erected on a frame, mast or pole and not structurally attached to any building.

“Illegal sign” means a sign which is erected in violation of this chapter.

“Marquee” means a nonmovable roof-like structure which is self-draining.

“Nonconforming sign” means all signs existing on the effective date of this code and not conforming to the provisions of this chapter.

“Public right-of-way” means travel area dedicated, deeded or under control of a public agency, including but not limited, to highways, public streets, bike paths, alleys and sidewalks.

“Public sign” means a sign erected by a public officer or employee in the performance of a public duty which shall include, but not be limited to, motorist, informational signs and warning lights, signs on public buildings and/ or giving direction to public facilities. A sign erected, constructed, or placed within the public right-of-way or on public property by or with the approval of the governmental agency having authority over, control of, or ownership of the right-of-way or public property.

“Sandwich board sign” means a portable triangle or A-frame shaped sign that is typically hinged on the top.

“Sign” means any notice, advertisement, or communication, including the supporting structure, used as an outdoor display for the purpose of advertising the property or establishment, or any type of communication.

“Sign, area” means the total amount of square footage within the outside dimensions of a sign face. Size calculations for double-faced signs consider only the outside dimensions of one side.

“Sign, blinking or moving” means signs with messages, symbols, or characters that change at intervals. The message, symbols or characters may not change more frequently than every 2 seconds.

“Street frontage” means that portion of a street that abuts a front lot line and from which the lot or parcel is accessed and addressed.

“Wall graphics” include but are not limited to any mosaic, mural or painting or graphic art technique or combination or grouping of mosaics, murals, or paintings or graphic art techniques, applied, implanted or placed directly onto a wall or fence.

“Window sign” is a permanent sign painted on or attached to the inside of a window and is designed to be viewed principally from outside the business.

“Wind sign or device” means any sign or device in the nature of banners, flags, balloons, or other object fastened in such a manner as to move upon being subject to pressure by wind or breeze. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.030 Application.

- A. For all areas of the city, a sign permit must be obtained before any sign, except those specifically exempted, is erected, placed, painted, constructed, carved or otherwise given public exposure. Any alteration of an existing sign must also first obtain a permit (see definition of alter). The sign permit application may be filed as a part of a larger application or separately. Applications shall be filed with the city manager or their designee, on an appropriate form in a manner prescribed by the city, accompanied by a sign permit application fee in the amount established by general resolution of the city council. A sign permit shall be issued only after a determination by the city manager, or their designee, that the proposed sign is in compliance with all provisions of this chapter.
- B. The following shall be submitted with each completed application:
 1. Filing fee;
 2. Plot plan, drawn to scale, of the lot, with dimensions, on which the sign is to be placed showing the location of the sign, the structure, with dimensions, and dimensions and locations of other existing signs on the property. If the sign is to be freestanding the plot plan must also show the distance from property lines and easements;
 3. Engineering wind load data for freestanding, roof-mounted, and perpendicularly mounted signs exceeding 5 square feet in size;
 4. A scale drawing of the sign and its support structure, indicating dimensions;
 5. If the proposed sign is lighted or uses electricity for any purpose, evidence that the sign is listed as being approved by a licensed testing facility, must be submitted with the application.
 6. Proof of a current business license unless exempt.
 7. The sign(s) authorized under a sign permit shall be installed within 90 days after the date of permit issuance. A 90-day extension can be requested by submitting a written statement explaining the need for additional time. [Ord. 96-O-446.BB § 5; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.040 Exempt signs.

The following signs and devices shall not be subject to the provisions of this chapter:

- A. Memorial tablets, cornerstones or similar plaques not exceeding six square feet;
- B. Temporary political signs, provided the signs are removed within seven days following the election for which they are intended;
- C. Temporary, non-illuminated real estate or construction signs; provided that said signs are removed within 15 days from sale, lease or rental of the property, or the completion of the construction project. The following standards shall apply to signs:
 1. One unlighted temporary sign not exceeding 16 square feet in area shall be permitted for the lease, rental, or sale of property, or for the construction of a structure thereon in residential districts;

2. One unlighted temporary sign not exceeding 32 square feet in area shall be permitted for the lease, rental, or sale of property, or for the construction of a structure thereon in commercial and industrial districts;
 3. One unlighted temporary sign not exceeding 32 square feet in area shall be permitted advertising a new subdivision on the property;
 4. One unlighted temporary sign not exceeding 16 square feet in area advertising the finance company for a structure.
 5. One unlighted temporary sign not exceeding 16 square feet in area advertising the finance company for a subdivision.
 6. Additional signage may be requested by submitting an application pursuant to BMC 17.88.030(B) accompanied by the sign permit fee and a statement explaining the need for the additional signage to the Site Plan Committee. The Site Plan Committee decision may be appealed pursuant to BMC 17.80.060.
- D. Temporary signs for new businesses, for a period not to exceed 30 days;
 - E. Paper signs that serve as a notice of a public meeting that shall be promptly removed after such meeting is held;
 - F. Small directional signs located on the property to guide traffic;
 - G. Signs placed by state or federal governments for the purpose of identifying public works projects or publicly funded and/or sponsored projects, designed to fulfill the requirements of state or federal funding agencies;
 - H. Temporary signs for events of a general city-wide civic or public benefit;
 - I. Nameplates provided it does not exceed 72 square inches;
 - J. Public signs;
 - K. Businesses which have more than one freestanding sign existing on the effective date of this code. Each sign must meet the size requirements as stated in the code. Signs which advertise a business no longer conducting or a product no longer sold on the premises where such sign is located shall not be exempted under this chapter.
 - L. Garage sale signs not to exceed 4 square feet in area and to be displayed only when the sale is open for a period not to exceed 3 consecutive days in duration with no more than 3 sales per calendar year.
 - M. Decorative banners and flags may be displayed and shall not exceed 100 square feet in area. Decorative banners and flags shall not include the use of text.
 - N. Local, state, or national flags.
 - O. Window signs.
 - P. Wall graphics, except that murals shall be reviewed by the Site Plan Committee and conform to general guidelines adopted by City Council resolution.
 - Q. Any change to the text of an existing sign structure (free standing or applied to the building) does not require a sign permit. This does not apply if the sign structure is altered or the location is changed.

17.88.050 Signs expressly prohibited.

The following signs and devices are expressly prohibited:

- A. Signs located on undeveloped property, except as provided in BMC 17.88.040.

- B. Vehicle signs, except for standard advertising identification markings which are permanently or magnetically attached to, or printed on a business or commercial vehicle.
- C. In no case shall any sign:
 - 1. Be erected in a public easement or right-of-way;
 - 2. Be erected so as to prevent free ingress to or egress from any door or window, or any other exit way required by the currently adopted edition of the Oregon State Structural Specialty Code and Fire and Life Safety Regulations;
 - 3. Be attached to any public utility pole, or structure, light pole, lamp, lamp post, tree, fire hydrant, bridge, curb, sidewalk, or other surface located on public property;
 - 4. Be attached to a standpipe, gutter drain, or fire escape, nor shall any sign be erected so as to impair access to the roof;
 - 5. Be erected in any location where, by reason of its location, it will obstruct the view of any authorized traffic sign, signal, or other traffic control device. Nor may any sign, by reason of its shape, position or color, interfere with or be confused with any authorized traffic signal, sign or device. Further, no sign shall be erected in a location where it will obstruct vision of the public right-of-way to the vehicle operator during ingress to, egress from, or while traveling on, said public right-of-way; [Ord. 01-O-446.KK § 2; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.060 Residential districts. Signs shall be permitted as follows:

- A. Neighborhood Identification. One freestanding sign shall be permitted at each entry point of the development. Each neighborhood identification sign shall not exceed 32 square feet in area and shall be mounted in a planter or landscaped area.
- B. Multiple-Family Residential and Conditional Uses. A maximum of 2 identifying signs each of which shall not exceed more than 32 square feet, either attached to the building or freestanding, shall be permitted for multiple-family dwellings and conditional uses. If freestanding, the sign(s) shall be mounted in a planter or landscaped area.[Ord. 95-O-446.AA § 2; Ord. 89-O-454 § 8; Ord. 89-O-446 § 1.]
- C. See General Standards, Section 17.88.100, BMC.

17.88.070 Professional office (PO-1) district.

Signs shall be permitted as follows:

- A. One identifying sign not exceeding 32 square feet for each street on which the building fronts, affixed to the building or freestanding. If freestanding, the sign shall be mounted in a planter or landscaped area.
- B. One non-illuminated building directory not exceeding 16 square feet in area for each building containing 4 or more businesses. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]
- C. See General Standards, Section 17.88.100, BMC.

17.88.080 Public open space (P/OS) district.

Signs shall be permitted as follows:

- A. Signs on public buildings or property are exempt pursuant to Section 17.88.040(J), BMC.
- B. Signs on other than public buildings must comply with Section 17.88.070, BMC.

18.88.090 Commercial (C-1, C-2, C-3, C-4) and industrial (I-P, M-2) districts.

- A. Shopping center area - an area developed with four or more businesses having common parking area.

- 1. Freestanding or roof-mounted sign. One for each street on which the buildings front identifying the shopping area and businesses shall be allowed. Each sign shall be limited to a total area of 200 square feet.
- 2. Attached individual business signs.
 - a) Shall be placed flat against a building; or
 - b) Attached to the front or bottom surface of a marquee, awning, or canopy; or
 - c) Attached to and extending perpendicular from the building.
 - d) The total aggregate area of attached signs for each building side shall not exceed two (2) square feet for each lineal foot of business frontage.

- B. Non-shopping center areas (as defined above)

- 1. Freestanding or roof-mounted sign. One for each street on which the building fronts, and limited to 75 square feet in total area, plus one square foot of additional sign for each lineal foot of business street frontage exceeding 75 feet, to a maximum sign allowed of 200 square feet.
- 2. Attached sign.
 - a) Placed flat against a building; or
 - b) Attached to the front or bottom surface of a marquee, awning or canopy; or
 - c) Attached to and extending perpendicular from the building.
 - d) The total aggregate area of attached signs for each building side shall not exceed two (2) square feet for each lineal foot of business frontage.

- C. See General Standards, Section 17.88.100, BMC.

17.88.100 General standards for signs in all zones.

- A. Light from all signs shall be directed away from residential areas.
- B. No signs as provided in this section shall project into the public right-of-way to a distance closer than 2 feet from the face of curb or, in the case where no curb exists, no closer than 2 feet from the edge of pavement, and no such projecting signs shall be installed to a height of less than 8 feet clearance from grade or top of sidewalk to the lowest point of said sign.
- C. One permitted sign for each property may contain elements that may change (blinking or moving text, symbols, and/or characters) no more frequently than every 2 seconds. There is no time limit on changes to text for scrolling or crawling signs.
- D. Signs must comply with the height limit for the zone in which they are located.

- E. Each sign shall be maintained in good order and repair at all times so that it does not constitute any danger or hazard to public safety, or a visual blight, and is free of peeling paint, major cracks or loose and dangling materials.
- F. Sandwich board signs. Sandwich board signs may be permitted in Commercial zones if the business entrance does not have street frontage (alleys are not considered street frontage) and provided the following conditions are met:
 1. Only one such sign shall be permitted for each business and shall not exceed 2 feet in width and 4 feet in height.
 2. Each sign must be sufficiently weighted at the bottom to prevent toppling by wind.
 3. Placement of sign must leave at least 36" of continuous unobstructed sidewalk area to provide accessibility for pedestrians.
 4. Signs shall be displayed only at such times as the business they are intended to identify is open for business.

17.88.110 Nonconforming signs.

All signs existing on the effective date of this code and not conforming to the provisions of this chapter are hereby deemed lawful, nonconforming signs.

- A. No nonconforming sign shall be expanded or altered in any manner which would increase the degree of its nonconformity;
- B. All nonconforming signs existing on the effective date of this code may remain in use under the following conditions:
 1. Until the business for which it advertises has been abandoned in accordance with BMC 17.88.120;
 2. The sign remains in good operating condition;
 3. The sign may be repaired and maintained.
 4. The sign is not currently, or likely to become, a hazard to traffic, pedestrians or property.
- C. Termination of Nonconforming Signs.
 1. Immediate Termination. Nonconforming signs which advertise a business no longer conducted where such sign is located shall be terminated within 60 days. Termination of the nonconformity shall consist of removal of the sign or its alteration to eliminate fully all nonconforming features.
 2. Termination by Destruction. Any nonconforming sign destroyed by any means, may only be replaced by a sign conforming to this code. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]
 3. Required termination of all non-conforming signs. Any nonconforming sign not terminated pursuant to any other provision of this code shall be terminated within 5 years following adoption of this code.
 4. Required termination upon change in ownership. When property changes ownership any non-conforming sign must be terminated

17.88.120 Termination of signs by abandonment.

- A. Any sign advertising or relating to a business on the premises on which it is located, which business is discontinued for a period of 90 consecutive days, without any intent to resume, shall be presumed to be abandoned and all such

signage shall be removed within 90 days. Any period of such noncontinuance caused by government actions, strikes, materials shortages, or acts of God, and without any contributing fault by the business or user, shall not be considered in calculating the length of discontinuance for purposes of this subsection.

- B. An extension of time for removal of signage of an abandoned business, not to exceed an additional 90 days, **may** be granted by the site plan committee upon written request filed by the legal owner of the premises or the person in control of the business. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.130 Appeals and variances.

Any applicant who is denied a sign permit because the proposed sign would not be in compliance with all the provisions of this code, or who has an existing sign which would be deemed a nonconforming sign under the provisions of this code, may file for a variance or appeal, pursuant to procedures set forth in Chapters 17.132 and 17.156 BMC. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

First reading: May 27, 2008
Second reading: May 27, 2008
Passage: May 27, 2008
Effective date: May 27, 2008

Signed by me in authentication of its passage this 28th day of May, 2008.



Mayor Larry Anderson

ATTEST:




City Recorder, Joyce Heffington

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: May 12, 2008



Signature (submitted by)

Originating Dept: Planning

City Manager Approval

Subject: Revisions to Chapter 17.88, Signs Regulations, Brookings Municipal Code (BMC).

Recommended Motion: Motion approving revisions to Chapter 17.88, Sign Regulations, BMC, and directing Staff to prepare an adopting ordinance for review and possible adoption at the May , 2008 City Council meeting.

Financial Impact: None.

Background/Discussion: This hearing has been continued from the Council's April 28th meeting. The Council wanted to allow more time for consideration and comment on the proposal to limit the time non-conforming signs can remain in use. The Land Development Code Committee discussed this Chapter again and provided alternate criteria to consider. New language concerning this is found in 17.88.110 (C). The other remaining changes that provide better clarification are found in:

- 17.88.040 (P)
- 17.88.100 (F)

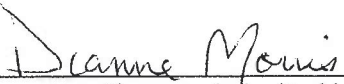
Policy Considerations: None.

Attachment(s): Attachment A - Draft version of Chapter 17.88, Sign Regulations, BMC
Attachment B - Current version of Chapter 17.88, Sign Regulations, BMC

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: April 28, 2008



Signature (submitted by)

Originating Dept: Planning

City Manager Approval

Subject: Revisions to Chapter 17.88, Signs Regulations, Brookings Municipal Code (BMC).

Recommended Motion: Motion approving revisions to Chapter 17.88, Sign Regulations, BMC, and directing Staff to prepare an adopting ordinance for review and possible adoption at the May 12, 2008 City Council meeting.

Financial Impact: None.

Background/Discussion: The City's Land Development Code (LDC) Committee reviewed and made revisions to Chapter 17.88. All sign companies in Brookings, and any in the vicinity that have requested sign permits, were contacted and asked for their thoughts and comments. The one comment received was a request for the City to have a standard detail construction plan to cover the engineered wind load requirement. Staff determined there were too many variables to have a "model" plan used by specific sign permit requests.

A workshop with the Committee for Citizen Involvement (Planning Commission) was conducted to solicit comments from the public in this review process. The main concerns related to "flashing, blinking, or moving" signs. The CCI requested the LDC Committee to do further review. The Committee did a site visit to view a demonstration of a "flashing, blinking, moving" sign set to change at different time intervals. This resulted in altering the original draft language concerning these signs.

On April 1, 2008 the Planning Commission hearing resulted in a few additional changes. Electronic signs, as proposed to be allowed in 17.88.100 (C), were the subject of considerable discussion. Staff had consulted with Oregon Department of Transportation (ODOT) on their standards. For safety reasons, ODOT does not approve of "flashing" signs. In past months ODOT had stated verbally that a sign that changed more frequently than every 3 seconds was considered a flashing sign. In a recent email ODOT stated they do not consider signs that change no more frequently than every 2 seconds to be "flashing". Based on this information the Planning Commission amended the frequency of change time limit from 3 seconds to 2 seconds.

The Planning Commission also debated the idea of including a date at which time all non-conforming signs must be removed. They did not change the language but requested the City Council to consider the following:

- How do non-conforming signs affect the Urban Renewal Area?

- If the non-conforming signs are not required to be removed by a certain date, does that hamper an equal, competitive environment in the community?
- Should an expiration date be included in 17.88.110, Nonconforming Signs?

If an expiration date for non-conforming signs is included, Staff would need to research all signs in the community, measure property frontage, building sizes, existing sign size and all other pertinent factors to determine which signs are non-conforming and create a list. If an expiration date is not included, the proposed language requires non-conforming signs to be removed when a business is abandoned as described in 17.88.110 (C), or the sign is a hazard, or the sign is not kept in good repair.

Here is a brief synopsis of the changes:

- 17.88.020, Definitions – added some such as “sign area” for clarification.
- 17.88.040, Exempt Signs – increased allowed size for real estate, subdivision, and finance advertisement signs; added (F), (K), & (P).
- 17.88.050, Signs, Prohibited – removed “flashing, blinking, moving” signs from the prohibited list. Also altered the prohibition of “billboards or off-premises advertising signs” to only prohibit “Signs located on undeveloped property, except as provided in BMC 17.88.040.” This was in response to a law suit ODOT lost regarding their prohibition of off-premises advertising and a concern for signage opportunities for businesses located off the highway in the Downtown Core Area.
- 17.88.080, Public/ Open Space zone – liberalized standards as many public buildings, parks, schools need numerous signs to direct users.
- 17.88.090, Commercial zone – reorganized and clarified how to calculate allowable signage, liberalized to allow free-standing sign on each street frontage a property has.
- 17.88.100, General Standards – a new section containing standards applicable to all zones. (C) Liberalized to allow “blinking, moving” signs.
- 17.88.110 – Nonconforming Signs – eliminated requirement for all non-conforming signs to be terminated within 10 years.

Policy Considerations: None.

Attachment(s): Attachment A - Draft version of Chapter 17.88, Sign Regulations, BMC
Attachment B - Current version of Chapter 17.88, Sign Regulations, BMC

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-1-08
HEARING DATE: April 1, 2008

REPORT DATE: March 21, 2008
ITEM NO: 7.1

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Revisions to Chapter 17.88, Sign Regulations, Brookings
Municipal Code (BMC).
PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

The City's Land Development Code (LDC) Committee reviewed and made revisions to Chapter 17.88. A workshop with the Committee for Citizen Involvement (Planning Commission) was conducted to solicit comments from the public in this review process. The main concerns related to "flashing, blinking, or moving" signs. The CCI requested the Land Development Code (LDC) Committee to do further review. The LDC did a site visit to view a demonstration of a "flashing, blinking, moving" sign set to change at different time intervals. This resulted in altering the original draft language concerning these signs. A few other small changes were made as well.

PROPOSED AMENDMENT

Here is a brief synopsis of the changes:

- 17.88.020, Definitions – added some such as "sign area" for clarification.
- 17.88.040, Exempt Signs – increased allowed size for real estate, subdivision, and finance advertisement signs; added F, K, & P.
- 17.88.050, Signs, Prohibited – B. removed "flashing, blinking, moving" signs from the prohibited list.
- 17.88.080, Public/ Open Space zone – liberalized standards as many public buildings, parks, schools need numerous signs to direct users.
- 17.88.090, Commercial zone – reorganized and clarified how to calculate allowable signage, liberalized to allow free-standing sign on each street frontage a property has.
- 17.88.100, General Standards – a new section containing standards applicable to all zones. C. Liberalized to allow "flashing, blinking, moving" signs.
- 17.88.110 – Nonconforming Signs – eliminated requirement for all non-conforming signs to be terminated within 10 years.

Following this report is the draft version of Chapter 17.88 (Attachment A). The current version of Chapter 17.88 is also attached (Attachment B).

RECOMMENDATION

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-1-08, Chapter 17.88, Sign Regulations, BMC, to the City Council.

Chapter 17.88
SIGN REGULATIONS

Draft March 5, 2008

Suggested changes following the Planning Commission workshop are in bold and text to be eliminated have ~~strikethrough~~.

Sections:

- 17.88.010 Purpose.
- 17.88.020 Definitions.
- 17.88.030 Application.
- 17.88.040 Exempt signs.
- 17.88.050 Signs expressly prohibited.
- 17.88.060 Residential districts.
- 17.88.070 Professional office (PO-1) district.
- 17.88.080 Public open space (P/OS) district.
- 17.88.090 Commercial (C-1, C-2, C-3, C-4) and industrial (I-P, M-2) districts.
- 17.88.100 General standards for signs in all zones
- 17.88.110 Nonconforming signs.
- 17.88.120 Termination of signs by abandonment.
- 17.88.130 Appeals and variances.

17.88.010 Purpose.

The purpose of this chapter is to integrate the advertising needs of the business community by means of outdoor signage, to provide for safe construction location, erection, and maintenance of signs and minimize adverse safety factors and insure visibility for travelers on public streets and on private areas open to public travel

- Sign criteria and standards can enhance the economic vitality and contribute to the visual quality of the city of Brookings and prevent a proliferation of signs and sign clutter.
- Well designed and constructed signs attract the eye, complement each other and draw attention to the building containing the businesses for which they are intended to advertise while considering the aesthetics of the community.

The Brookings Sign Code is not intended to, and does not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this chapter 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 chapter shall be construed to favor commercial speech over noncommercial speech. To the extent any provision of this chapter 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. [Ord. 89-O-446 § 1.]

17.88.020 Definitions.

The following definitions apply to material and subjects addressed specifically within this chapter.

“Alter” means any changes excluding content, and including but not limited to size, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign.

“Awning” means a temporary or movable shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

“Business” means a commercial or industrial enterprise.

“Business frontage” means a lineal front footage of a building or portion thereof devoted to a specific business or enterprise, and having an entrance/exit open to the general public.

“Canopy” means a nonmovable roof-like structure attached to a building.

“Cloth sign” means sign printed on cloth, which may be authorized if it complies with applicable standards in Chapter 17.88 and is fastened securely to the structure.

“Directional signs” are signs located on property to guide traffic.

“Freestanding sign” means a sign erected on a frame, mast or pole and not structurally attached to any building.

“Illegal sign” means a sign which is erected in violation of this chapter.

~~“Letter board.” See “Reader board.”~~

“Marquee” means a nonmovable roof-like structure which is self-draining.

“Nonconforming sign” means all signs existing on the effective date of this code and not conforming with the provisions of this chapter.

“Public right-of-way” means travel area dedicated, deeded or under control of a public agency, including but not limited, to highways, public streets, bike paths, alleys and sidewalks.

“Public sign” means a sign erected by a public officer or employee in the performance of a public duty which shall include, but not be limited to, motorist, informational signs and warning lights, signs on public buildings and/ or giving direction to public facilities. A sign erected, constructed, or placed within the public right-of-way or on public property

by or with the approval of the governmental agency having authority over, control of , or ownership of the right-of-way or public property.

~~“Reader board” means a sign with a changeable message by either electronic or manual means.~~

“Sandwich board sign” means a portable triangle or A-frame shaped sign that is typically hinged on the top.

“Sign” means any notice, or advertisement, or communication, including the supporting structure, used as an outdoor display for the purpose of advertising the property or establishment, or any type of communication.

“Sign, area” means a calculation of square footage within the outside dimensions of a sign face. Size calculations for double-faced signs consider only the outside dimensions of one side.

“Sign, flashing, blinking or moving” means **signs with** messages, symbols, or characters that change **at intervals. The message, symbols or character may not change more frequently than every 3 seconds.** ~~more often than once every 15 seconds with the exception of time, temperature, and/or upcoming public events which may change every 3 seconds.~~

~~“Street frontage” means the lineal dimension in feet that the property upon which a structure is built abuts a public street or streets.~~ **That portion of a street that abuts a front lot line and from which the lot or parcel is accessed and addressed.**

“Wall graphics” include but are not limited to any mosaic, mural or painting or graphic art technique or combination or grouping of mosaics, murals, or paintings or graphic art techniques, applied, implanted or placed directly onto a wall or fence.

“Window sign” is a permanent sign painted on or attached to the inside of a window and is designed to be viewed principally from outside the business.

“Wind sign or device” means any sign or device in the nature of banners, flags, balloons, or other object fastened in such a manner as to move upon being subject to pressure by wind or breeze. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.030 Application.

- A. For all areas of the city, a sign permit must be obtained before any sign, except those specifically exempted, is erected, placed, painted, constructed, carved or otherwise given public exposure. Any alteration of an existing sign must also first obtain a permit (see definition of alter). The sign permit application may be filed as a part of a larger application or separately. Applications shall be filed with the city manager or their designee, on an appropriate form in a manner prescribed by the city, accompanied by a sign permit application fee in the amount established by general resolution of the city council. A sign permit shall be issued only after a

determination by the city manager, or their designee, that the proposed sign is in compliance with all provisions of this chapter.

- B. The following shall be submitted with each completed application:
1. Filing fee;
 2. Plot plan, drawn to scale, of the lot, with dimensions, on which the sign is to be placed showing the location of the sign, the structure, with dimensions, and dimensions and locations of other existing signs on the property. If the sign is to be freestanding the plot plan must also show the distance from property lines and easements;
 3. Engineering wind load data for freestanding, roof-mounted, and perpendicularly mounted signs exceeding 5 square feet in size;
 4. A scale drawing of the sign and its support structure, indicating dimensions;
 5. If the proposed sign is lighted or uses electricity for any purpose, evidence that the sign is listed as being approved by a licensed testing facility, must be submitted with the application.
 6. Proof of a current business license unless exempt.
 7. The sign(s) authorized under a sign permit shall be installed within 90 days after the date of permit issuance. A 90-day extension can be requested by submitting a written statement explaining the need for additional time. [Ord. 96-O-446.BB § 5; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.040 Exempt signs.

The following signs and devices shall not be subject to the provisions of this chapter:

- A. Memorial tablets, cornerstones or similar plaques not exceeding six square feet;
- B. Temporary political signs, provided the signs are removed within seven days following the election for which they are intended;
- C. Temporary, non-illuminated real estate or construction signs; provided that said signs are removed within 15 days from sale, lease or rental of the property, or the completion of the construction project. The following standards shall apply to signs:
 1. One unlighted temporary sign not exceeding 16 square feet in area shall be permitted for the lease, rental, or sale of property, or for the construction of a structure thereon in residential districts;
 2. One unlighted temporary sign not exceeding 32 square feet in area shall be permitted for the lease, rental, or sale of property, or for the construction of a structure thereon in commercial and industrial districts;
 3. One unlighted temporary sign not exceeding 32 square feet in area shall be permitted advertising a new subdivision on the property;
 4. One unlighted temporary sign not exceeding 16 square feet in area advertising the finance company for a structure.
 5. One unlighted temporary sign not exceeding 16 square feet in area advertising the finance company for a subdivision.
 6. Additional signage may be requested by submitting an application pursuant to BMC 17.88.030(B) accompanied by the sign permit fee and a statement explaining the need for the additional signage to the Site Plan Committee.

The Site Plan Committee decision may be appealed pursuant to BMC 17.80.060.

- D. Temporary signs for new businesses, for a period not to exceed 30 days;
- E. Paper signs that serve as a notice of a public meeting that shall be promptly removed after such meeting is held;
- F. Small directional signs located on the property to guide traffic;
- G. Signs placed by state or federal governments for the purpose of identifying public works projects or publicly funded and/or sponsored projects, designed to fulfill the requirements of state or federal funding agencies;
- H. Temporary signs for events of a general city-wide civic or public benefit;
- I. Nameplates provided it does not exceed 72 square inches;
- J. Public signs;
- K. Garage sale signs not to exceed 4 square feet in area and to be displayed only when the sale is open for a period not to exceed 3 consecutive days in duration with no more than 3 sales per calendar year.
- L. Decorative banners and flags, may be displayed and shall not exceed 100 square feet in area. Decorative banners and flags shall not include the use of text.
- M. Local, state, or national flags.
- N. Window signs.
- O. The use of a fixed balloon for a period not to exceed 30 days. The term "fixed balloon" shall mean any lighter-than-air device attached by a rope or tether to a fixed place.
- P. Wall graphics.

17.88.050 Signs expressly prohibited.

The following signs and devices are expressly prohibited:

- A. Signs located on undeveloped property, except as provided in BMC 17.88.040.
- B. ~~Signs which contain any flashing, blinking or moving letters, characters or other elements, nor rotating or otherwise movable signs (messages, symbols, or characters that change more often than once every 15 seconds, and time, temperature, and/or upcoming public events that change more often than every 3 seconds are considered "flashing, blinking, or moving")~~
- CB. Vehicle signs, except for standard advertising identification markings which are permanently or magnetically attached to, or printed on a business or commercial vehicle.
- DC. In no case shall any sign:
 - 1. ~~Be animated, audible, rotate or have intermittent or flashing illumination, except as provided in BMC 17.88.100(C);~~
 - 21. Be erected in a public easement or right-of-way;
 - 32. Be erected so as to prevent free ingress to or egress from any door or window, or any other exit way required by the currently adopted edition of the Oregon State Structural Specialty Code and Fire and Life Safety Regulations;
 - 43. Be attached to any public utility pole, or structure, light pole, lamp, lamp post, tree, fire hydrant, bridge, curb, sidewalk, or other surface located on public property;

- 54. Be attached to a standpipe, gutter drain, or fire escape, nor shall any sign be erected so as to impair access to the roof;
- 65. Be erected in any location where, by reason of its location, it will obstruct the view of any authorized traffic sign, signal, or other traffic control device. Nor may any sign, by reason of its shape, position or color, interfere with or be confused with any authorized traffic signal, sign or device. Further, no sign shall be erected in a location where it will obstruct vision of the public right-of-way to the vehicle operator during ingress to, egress from, or while traveling on, said public right-of-way; [Ord. 01-O-446.KK § 2; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.060 Residential districts. Signs shall be permitted as follows:

- A. Neighborhood Identification. One freestanding sign shall be permitted at each entry point of the development. Each neighborhood identification sign shall not exceed 32 square feet in area and shall be mounted in a planter or landscaped area.
- B. Multiple-Family Residential and Conditional Uses. A maximum of 2 identifying signs each of which shall not exceed more than 32 square feet, either attached to the building or freestanding, shall be permitted for multiple-family dwellings and conditional uses. If freestanding, the sign(s) shall be mounted in a planter or landscaped area.[Ord. 95-O-446.AA § 2; Ord. 89-O-454 § 8; Ord. 89-O-446 § 1.]
- C. See General Standards, Section 17.88.100, BMC.

17.88.070 Professional office (PO-1) district.

Signs shall be permitted as follows:

- A. One identifying sign not exceeding 32 square feet for each street on which the building fronts, affixed to the building or freestanding. If freestanding, the sign shall be mounted in a planter or landscaped area.
- B. One nonilluminated building directory not exceeding 16 square feet in area for each building containing 4 or more businesses. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]
- C. See General Standards, Section 17.88.100, BMC.

17.88.080 Public open space (P/OS) district.

Signs shall be permitted as follows:

- A. Signs on public buildings or property are exempt pursuant to Section 17.88.040(J), BMC.
- B. Signs on other than public buildings must comply with Section 17.88.070, BMC.

18.88.090 Commercial (C-1, C-2, C-3, C-4) and industrial (I-P, M-2) districts.

- A. Shopping center area - an area developed with four or more businesses having common parking area.
 - 1. Freestanding or roof-mounted sign. One for each street on which the buildings front identifying the shopping area and businesses shall be allowed. Each sign shall be limited to a total area of 200 square feet.

- 2. Attached individual business signs.
 - a) Shall be placed flat against a building; or
 - b) Attached to the front or bottom surface of a marquee, awning, or canopy; or
 - c) Attached to and extending perpendicular from the building.
 - d) The total aggregate area of attached signs for each building side shall not exceed two (2) square feet for each lineal foot of business frontage.

B. Non-shopping center areas (as defined above)

- 1. Freestanding or roof-mounted sign. One for each street on which the building fronts, and limited to 75 square feet in total area, plus one square foot of additional sign for each lineal foot of business street frontage exceeding 75 feet, to a maximum sign allowed of 200 square feet.
- 2. Attached sign.
 - a) Placed flat against a building; or
 - b) Attached to the front or bottom surface of a marquee, awning or canopy; or
 - c) Attached to and extending perpendicular from the building.
 - d) The total aggregate area of attached signs for each building side shall not exceed two (2) square feet for each lineal foot of business frontage.

C. See General Standards, Section 17.88.100, BMC.

17.88.100 General standards for signs in all zones.

- A. Light from all signs shall be directed away from residential areas.
- B. No signs as provided in this section shall project into the public right-of-way to a distance closer than 2 feet from the face of curb or, in the case where no curb exists, no closer than 2 feet from the edge of pavement, and no such projecting signs shall be installed to a height of less than 8 feet clearance from grade or top of sidewalk to the lowest point of said sign.
- C. One permitted sign for each property may contain elements that may change (blinking, flashing, or moving text, symbols, and/or characters) no more frequently than every 153 seconds. ~~Time, temperature, and/or upcoming public events may change no more frequently than every 3 seconds.~~
- D. Signs must comply with the height limit for the zone in which they are located.
- E. Each sign shall be maintained in good order and repair at all times so that it does not constitute any danger or hazard to public safety, or a visual blight, and is free of peeling paint, major cracks or loose and dangling materials.
- F. Sandwich board signs. Sandwich board signs may be permitted in Commercial zones if the business entrance does not have street frontage and provided the following conditions are met:
 - 1. Only one such sign shall be permitted for each business and shall not exceed 2 feet in width and 4 feet in height.

- 2. Each sign must be sufficiently weighted at the bottom to prevent toppling by wind.
- 3. Placement of sign must leave at least 36" of unobstructed sidewalk area to provide accessibility for pedestrians.
- 4. Signs shall be displayed only at such times as the business they are intended to identify is open for business.

17.88.110 Nonconforming signs.

All signs existing on the effective date of this code and not conforming with the provisions of this chapter are hereby deemed lawful, nonconforming signs.

- A. No nonconforming sign, shall be expanded or altered in any manner which would increase the degree of its nonconformity;
- B. All nonconforming signs existing on the effective date of this code may remain in use under the following conditions:
 - 1. Until the business for which it advertises has been abandoned in accordance with BMC 17.88.120;
 - 2. The sign remains in good operating condition;
 - 3. The sign may be repaired and maintained.
 - 4. The sign is not currently, or likely to become, a hazard to traffic, pedestrians or property.
- C. Termination of Nonconforming Signs.
 - 1. Immediate Termination. Nonconforming signs which advertise a business no longer conducted where such sign is located shall be terminated within 60 day. Termination of the nonconformity shall consist of removal of the sign or its alteration to eliminate fully all nonconforming features.
 - 2. Termination by Destruction. Any nonconforming sign destroyed by any means, may only be replaced by a sign conforming to this code. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.120 Termination of signs by abandonment.

- A. Any sign advertising or relating to a business on the premises on which it is located, which business is discontinued for a period of 90 consecutive days, without any intent to resume, shall be presumed to be abandoned and all such signage, whether conforming or nonconforming to the provisions of this code shall be removed within 90 days. Any period of such noncontinuance caused by government actions, strikes, materials shortages, or acts of God, and without any contributing fault by the business or user, shall not be considered in calculating the length of discontinuance for purposes of this subsection.
- B. An extension of time for removal of signage of an abandoned business, not to exceed an additional 90 days, may be granted by the site plan committee upon written request filed by the legal owner of the premises or the person in control of the business. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.130 Appeals and variances.

Any applicant who is denied a sign permit because the proposed sign would not be in compliance with all the provisions of this code, or who has an existing sign which would

be deemed a nonconforming sign under the provisions of this code, may file for a variance or appeal, pursuant to procedures set forth in Chapters 17.132 and 17.156 BMC. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

Chapter 17.88

SIGN REGULATIONS

Sections:

- 17.88.010 Purpose.
- 17.88.020 Definitions.
- 17.88.030 Application.
- 17.88.040 Exempt signs.
- 17.88.050 Signs expressly prohibited.
- 17.88.060 Residential districts.
- 17.88.070 Professional office (PO-1) district.
- 17.88.080 Public open space (P/OS) district.
- 17.88.090 Neighborhood commercial (C-1) district.
- 17.88.100 Commercial (C-2, C-3, C-4) and industrial (I-P, M-2) districts.
- 17.88.110 Nonconforming signs.
- 17.88.120 Termination of signs by abandonment.
- 17.88.130 Appeals and variances.

17.88.010 Purpose.

The purpose of this chapter is to integrate the advertising needs of the business community by means of outdoor signage, with the general safety and aesthetics considerations of the community. Sign criteria and standards can enhance the economic vitality and contribute to the visual quality of the city of Brookings. Well designed and constructed signs attract the eye, complement each other and draw attention to the building containing the businesses for which they are intended to advertise. [Ord. 89-O-446 § 1.]

17.88.020 Definitions.

The following definitions apply to material and subjects addressed specifically within this chapter.

“Alter” means any changes excluding content, and including but not limited to size, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign.

“Awning” means a temporary or movable shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

“Business” means a commercial or industrial enterprise.

“Business frontage” means a lineal front footage of a building or portion thereof devoted to a specific business or enterprise, and having an entrance/exit open to the general public.

“Canopy” means a nonmovable roof-like structure attached to a building.

“Continuous string devices” means a series of flags, banners, pennants, or other devices designed to move in the wind, that are attached along a string, wire or cable.

“Facade.” See “Business frontage.”

“Freestanding sign” means a sign erected on a frame, mast or pole and not attached to any building.

“Illegal sign” means a sign which is erected in violation of this chapter.

“Letter board.” See “Reader board.”

“Marquee” means a nonmovable roof-like structure which is self-draining.

“Nonconforming sign” means all signs existing on the effective date of this code and not conforming with the provisions of this chapter.

“Reader board” means a sign with a changeable message by either electronic or manual means.

“Sign” means any notice or advertisement, pictorial or otherwise, including the supporting structure, used as an outdoor display for the purpose of advertising the property or the establishment or enterprise, goods and services.

“Sign, public” means a sign erected by a public officer or employee in the performance of a public duty which shall include, but not be limited to, motorist, informational signs and warning lights. signs on public buildings and or giving direction to public facilities.

“Street frontage” means the lineal dimension in feet that the property upon which a structure is built abuts a public street or streets.

“Wall graphics” include but are not limited to any mosaic, mural or painting or graphic art technique or combination or grouping of mosaics, murals, or paintings or graphic art techniques, applied, implanted or placed directly onto a wall or fence.

“Wind sign or device” means any sign or device in the nature of banners, flags, balloons, or other object fastened in such a manner as to move upon being subject to pressure by wind or breeze. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.030 Application.

A. For all areas of the city, a sign permit must be obtained before any sign, except those specifically exempted, is erected, placed, painted, constructed, carved or otherwise given public exposure. The sign permit application may be filed as a part of a larger application or separately. Applications shall be filed with the city manager or his designee, on an appropriate form in a manner prescribed by the city, accompanied by a sign permit application fee in the amount established by general resolution of the city council. A sign permit shall be issued only after a determination by the city manager, or his designee, that the proposed sign is in compliance with all provisions of this chapter.

B. The following shall be submitted with each application:

1. Filing fee;
2. Plot drawn to scale, of the lot on which the sign is to be placed showing the location of the sign and the structure or, if freestanding, its distance from property lines, and easements;
3. Engineering wind load data for freestanding signs;
4. A scale drawing of the sign and its support structure, indicating dimensions, size of letters, lighting and color scheme;
5. Name and address of the property on which the sign will be placed and of the company constructing the sign, if any;
6. If the proposed sign is lighted or uses electricity for any purpose, evidence that the sign is listed as being approved by a licensed testing facility, must be submitted with the application. [Ord. 96-O-446.BB § 5; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.040 Exempt signs.

The following signs and devices shall not be subject to the provisions of this chapter:

- A. Memorial tablets, cornerstones or similar plaques not exceeding six square feet;
- B. Temporary political signs, provided the signs are removed within seven days following the election for which they are intended;
- C. Temporary, nonilluminated real estate or construction signs; provided, that said signs are removed within 15 days from sale, lease or rental of the property, or the completion of the construction project. The following standards shall apply to signs:
 1. One unlighted temporary sign not exceeding eight square feet in area shall be permitted for the lease, rental, or sale of property or for the construction of a structure thereon in residential districts;
 2. One unlighted temporary sign not exceeding 32 square feet in area shall be permitted for the lease, rental, or sale of property or for the construction of a structure thereon in commercial and industrial districts;
 3. One unlighted temporary sign not exceeding 20 square feet in area shall be permitted advertising a new subdivision on the property;
- D. Temporary signs for new businesses, for a period not to exceed 30 days;
- E. Paper signs that serve as a notice of a public meeting that shall be promptly removed after such meeting is held;

F. Small informational signs related to the operation of a business, such as "open/close" signs, credit card signs, rating or professional association signs, and signs of a similar nature, provided said signs do not exceed three square feet in area per sign, and no more than four in number for any individual business on any parcel of property;

G. Signs placed by state or federal governments for the purpose of identifying public works projects or publicly funded and/or sponsored projects, designed to fulfill the requirements of state or federal funding agencies;

H. Temporary signs for events of a general city-wide civic or public benefit;

I. Nameplates indicating the name, address or profession of the occupant of a building provided it does not exceed 72 square inches;

J. Public signs, except signs on public buildings which are permitted pursuant to BMC 17.88.070;

K. Businesses which have more than one freestanding sign existing on the effective date of this code. Each sign must meet the size requirements as stated in the code. Signs which advertise a business no longer conducting or a product no longer sold on the premises where such sign is located shall not be exempted under this chapter;

L. "WELCOME" flags, when displayed along Chetco Avenue (Highway 101) at the edge of the sidewalk in the holes provided for this purpose and subject to the following:

1. All such flags will be 48 inches by 30 inches, manufactured of the same material, design and colors;

2. All such flags shall be removed at the close of business of the shop in front of which it is displayed;

3. The design of the flag or any change in the design of the flag shall be approved by the city site plan committee and will apply to all of the flags;

4. The city has the right to have any individual flag removed if it is considered to create a hazard or nuisance. [Ord. 01-O-446.KK § 2; Ord. 00-O-446.HH, § 2; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.050 Signs expressly prohibited.

The following signs and devices are expressly prohibited:

A. Sandwich board or "A" frame, except as provided in BMC 17.88.100(B)(4); banners, flags and pennants, except as provided in BMC 17.88.100 (B)(5); portable signs of any nature, continuous string devices, and paper signs, except as may be provided in BMC 17.88.040.

B. Billboards or off-premises advertising sign, temporary sign, wind sign or device, except as provided in BMC 17.88.030.

C. Signs which contain any flashing, blinking or moving letters, characters or other elements, nor rotating or otherwise movable signs, except for signs that provide public service messages, such as temperature, time of day, and/or upcoming public events.

D. Vehicle signs, except for standard advertising identification markings which are permanently or magnetically attached to, or printed on a business or commercial vehicle.

E. The use of a fixed balloon for a period not to exceed 30 days. The term "fixed balloon" shall mean any lighter-than-air device attached by a rope or tether to a fixed place.

F. In no case shall any sign:

1. Be animated, audible, rotate or have intermittent or flashing illumination;

2. Unless otherwise provided, be located within five feet of an interior property line;

3. Be erected in a public easement or right-of-way, except under the provisions of BMC 17.88.040(L);

4. Be erected so as to prevent free ingress to or egress from any door or window, or any other exitway required by the current edition of the Oregon State Structural Specialty Code and Fire and Life Safety Regulations, 1985 Edition;

5. Be attached to any public utility pole, or structure, light pole, lamp, lamp post, tree, fire hydrant, bridge, curb, sidewalk, or other surface located on public property;

6. Be attached to a standpipe, gutter drain, or fire escape, nor shall any sign be erected so as to impair access to the roof;

7. Be erected in any location where, by reason of its location, it will obstruct the view of any authorized traffic sign, signal, or other traffic control device. Nor may any sign, by reason of its shape, position or color, interfere with or be confused with any authorized traffic signal, sign or device. Further, no sign shall be erected in a location where it will obstruct vision of the public right-of-way to the vehicle operator during ingress to, egress from, or while traveling on, said public right-of-way;

8. Be painted on or attached to any wall or fence which is not structurally a part of the building, except to identify a residence or residence structure by means of posting the name of the occupant or structure, and the street address;

9. Operate or employ any stereopticon or motion picture projection or media in conjunction with any advertisements, or have visible moving parts or any portion of which moves, or gives the illusion of motion except as otherwise provided in this code. [Ord. 01-O-446.KK § 2; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.060 Residential districts.

Signs in residential districts shall be permitted as follows:

A. Neighborhood Identification. One freestanding sign shall be permitted at each entry point to developments with more than 10 lots. Said neighborhood identification sign shall not exceed 40 square feet in area per sign, nor exceed five feet in height, subject to BMC 17.88.050(F)(7).

B. Multiple-Family Residential and Conditional Uses. Where otherwise permitted, one identifying sign of not more than 40 square feet, either attached to the building or freestanding, shall be permitted for multiple-family dwellings containing four or more dwelling units and conditional uses. If freestanding, the sign shall be mounted in a planter or landscaped area and shall not exceed five feet in height, nor shall it be located within 10 feet of any property line, subject to BMC 17.88.050(F)(7). [Ord. 95-O-446.AA § 2; Ord. 89-O-454 § 8; Ord. 89-O-446 § 1.]

17.88.070 Professional office (PO-1) district.

Signs in the professional office district shall be permitted as follows:

A. Professional and Business Offices and Conditional Uses. Where otherwise permitted, one identifying sign of not more than 40 square feet, affixed to the building or freestanding. If freestanding, the sign shall be mounted in a planter or landscaped area and shall not exceed five feet in height, nor shall it be located within 10 feet of any property line. If affixed to the building, the sign may not project into a required yard area more than 18 inches.

B. One nonilluminated building directory not exceeding 10 square feet in area for each building containing medical and dental clinics and laboratories, medical centers, and professional and business offices. Such sign may be freestanding but shall not be located in any required yard area. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.080 Public open space (P/OS) district.

Signs in the public open space district shall be permitted as follows:

A. Permitted and Conditional Uses. Where otherwise permitted, one identifying sign of not more than 40 square feet in area, either affixed to a building or freestanding. If freestanding, the sign shall not be located within 10 feet of any property line and shall not exceed five feet in height, and shall be mounted within a landscaped area or planter. If affixed to a building, the sign may not project into any required yard area more than 18 inches. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.090 Neighborhood commercial (C-1) district.

Signs in the neighborhood commercial district shall be permitted as follows:

A. One sign not exceeding 20 square feet in area identifying a business on the premises for each street on which the building fronts, either affixed to a building or freestanding. If freestanding, the sign

shall be mounted in a planter or landscaped area and shall not exceed five feet in height, nor shall it be located within 10 feet of any property line. If affixed to a building, the sign may not project into a required yard area more than 18 inches, nor extend above the roof line of the building.

B. Signs shall be illuminated only at such times as the business they are intended to identify are open for business. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.100 Commercial (C-2, C-3, C-4) and industrial (I-P, M-2) districts.

A. In the case of shopping areas which are planned and developed with four or more businesses having common parking areas, one freestanding sign identifying the shopping area only shall be allowed. Such sign shall not exceed 35 feet in height and shall be limited to a total area of 200 square feet. Nonfreestanding signs shall be:

1. Placed flat against a building which supports it, and extending not more than 18 inches from said building; or

2. Attached to the front or bottom surface of a marquee, awning or canopy, and extending no more than six inches past the outer edges of the marquee, awning or canopy.

B. Other business signs (nonshopping areas as defined above) shall be one or more of the following types:

1. Placed flat against a building which supports it, and extending not more than 18 inches from said building;

2. Placed freestanding; provided, that only one such sign shall be permitted for each business on the premises, not exceeding 30 feet in height and limited to 75 square feet in total area, plus one square foot of additional sign for each lineal foot of business street frontage exceeding 75 feet, to a maximum sign allowed of 200 square feet;

3. Attached to the front or bottom surface of a marquee, awning or canopy, and extending no more than six inches past the outer edges of the marquee, awning or canopy;

4. In the C-3 and C-4 zones, a sandwich board sign may be allowed pursuant to review and approval of the site plan committee as established by Chapter 17.80 BMC and provided the following conditions are met:

a. The business frontage is set back at least three feet from the front facade of the building so as to be less visible from the sidewalk;

b. The entrance to the business is located on the side or rear of the building and not on a street or through walkway;

c. Other circumstances that are deemed appropriate by the site plan committee;

d. Only one such sign shall be permitted for each building and shall not exceed two feet in width and four feet in height. Each sign must be professional looking and must be kept clean and in good repair. Each sign must be sufficiently weighted at the bottom to prevent toppling by wind. No sign as provided in this chapter shall project more than two feet from the front facade of the business. Signs shall be displayed only at such times as the business they are intended to identify is open for business. Signs are limited to displaying the business name/logo, "open" and description of the business type.

Each business requesting a sign pursuant to this chapter shall submit an application to the city which shall include:

i. A drawing of the proposed sign including dimensions,

ii. A description of the materials and colors used for construction of the sign,

iii. A drawing of the placement of the proposed sign at the business location;

5. Decorative banners and flags, excluding local state or national flags, may be displayed only at such times as the business they are intended to identify is open for business. Banners and flags shall not be displayed if torn, faded, or frayed.

C. The total aggregate area of all signs as provided in subsection (B) of this section shall not exceed the following:

1. On that side of a building facing a street, the total area of signs shall not exceed two square foot for each lineal foot of building frontage;

2. On that side of a building not facing a street, the total area of such sign shall not exceed two square feet for each lineal foot of that building side to which the sign is to be attached.

D. Light from a street sign shall be directed away from a residential area and any abutting street.

E. No signs as provided in this section shall project into the public right-of-way to a distance of less than two feet from the face of curb or, in the case where no curb exists, no less than two feet from the edge of pavement, and no such projecting signs shall be installed to a height of less than seven feet six inches clearance from grade thereunder or top of sidewalk to the lowest point of said sign. [Ord. 96-O-446.BB § 5; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.110 Nonconforming signs.

All signs existing on the effective date of this code and not conforming with the provisions of this chapter are hereby deemed nonconforming signs except as provided in BMC 17.88.040.

A. No nonconforming sign, except as provided in subsection (B) of this section, shall be changed, expanded or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming.

B. All nonconforming off-premises signs existing on the effective date of this code may remain in use under the following conditions:

1. Until the business for which it advertises has been abandoned in accordance with BMC 17.88.120;

2. The sign remains in good operating condition;

3. The sign may be included in a change in the nature of the business within the premises for which it advertises; provided, that if the change in the nature of the business takes more than 90 days, the city is notified and provided with the expected date of occupancy of the new business;

4. The sign may be repaired and altered to reflect changes in the business for which it advertises except that the repairs and/or alterations shall not increase the size or degree of nonconformity;

5. The sign is not currently, or likely to become, a hazard to traffic, pedestrians or property;

6. The sign cannot be moved to another location where it will remain in a nonconforming status.

C. Termination of Nonconforming Signs.

1. Immediate Termination. Nonconforming signs which advertise a business no longer conducted or a product no longer sold on the premises where such sign is located shall be terminated within 60 days after the effective date of this code, except as otherwise expressly permitted by this chapter. Termination of the nonconformity shall consist of removal of the sign or its alteration to eliminate fully all nonconforming features.

2. Termination by Damage or Destruction. Any nonconforming sign damaged or destroyed by any means, to the extent of one-third of its replacement cost new shall be terminated and shall not be restored.

3. Any nonconforming sign not terminated pursuant to any other provision of this code shall be terminated within 10 years following adoption of this code. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.120 Termination of signs by abandonment.

A. Any sign advertising or relating to a business on the premises on which it is located, which business is discontinued for a period of 90 consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and all such signage, whether conforming or nonconforming to the provisions of this code shall be removed within 90 days thereafter. Any period of such noncontinuance caused by government actions, strikes, materials shortages, or acts of God, and without any contributing fault by the business or user, shall not be considered in calculating the length of discontinuance for purposes of this subsection.

B. An extension of time for removal of signage of an abandoned business, not to exceed an additional 90 days, may be granted by the city council upon an appeal filed by the legal owner of the premises or the person in control of the business. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.130 Appeals and variances.

Any applicant or any other interested person who is denied a sign permit because the proposed sign would not be in compliance with all the provisions of this code, or who has an existing sign which would be deemed a nonconforming sign under the provisions of this code, may file for a variance or appeal, pursuant to procedures set forth in Chapters 17.132, 17.152 and 17.156 BMC. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

City of Brookings Press Release



Meeting: February 19, 2008 at 7:00 p.m. Council Chambers, Brookings City Hall

Following the Planning Commission's regular meeting, the Commissioners acting in their role as *Committee for Citizen Involvement (CIC)*, will conduct a workshop to review and take comments on the proposed revision of the Sign Regulations, Chaper 17.88 of the Brookings Municipal Code. The public is invited to attend and participate in this workshop. A hearing on this matter will be conducted at a future date.

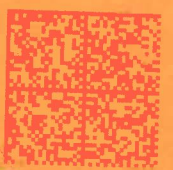
This workshop is not a public hearing and will not be televised.

NEWS MEDIA: FOR IMMEDIATE RELEASE: For further information on this release contact the Planning Department at Brookings City Hall at 469-1135.

FAXED NOTICES SENT TO: Curry Coast Pilot, KURY, KCRE, KPOD, KBSC-TV 49, The World, Azalea News, Chetco Public Library, Port of Brookings-Harbor, Brookings-Harbor Chamber of Commerce, SWOCC, Police Department, City Council staff, and posted at City Hall.

CITY OF BROOKINGS
898 Elk Drive
Brookings, OR 97415
Ph: (541) 469-2163 Fax: (541) 469-3650

TO: ATTN: Raw Amendment Specialist
DUCED
635 CAPITAL ST NE, SUITE 150
SALEM, OR.
97301-2540



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